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NOTE OF INTERVIEW WITH DR DAVID KELLY

I interviewed Dr Kelly about his letter dated 30 June to his line manager, Dr Bryan Wells, at 11.30 on Friday 4 July. Dr Wells was present. The interview ended at approximately 1315.

I began by explaining to Dr Kelly that his letter had serious implications. First, on the basis of his own account, it appeared that he breached the normal standards of Civil Service behaviour and departmental regulations by having had a number of unauthorised and unreported contacts with journalists. Regardless of the detail of what had passed, this opened up the possibility of disciplinary action. Second, his unauthorised discussion with Andrew Gilligan on 22 May appeared to be directly relevant to the controversy surrounding allegations made by Gilligan about the government's WMD dossier even if, as he had said in this letter, this had not been the discussion described by Gilligan at the FAC hearing.

I had two objects in the interview. First, I was looking to form a view of whether there was evidence to suggest that a sufficiently serious offence might have been committed to warrant formal disciplinary action. If I so concluded, the next step would be to initiate a formal fact-finding hearing in accordance with departmental procedures at which he could be accompanied by a colleague or TU representative if he so wished. Alternatively, I might conclude that a lesser offence had been committed which could be dealt with informally or that no offence had been committed. Second, I wished to try to establish if his meeting with Andrew Gilligan was likely to form the basis of evidence given by Gilligan to the FAC about the WMD dossier.

Dr Kelly said that he understood this.

I then asked him briefly to clarify one or two points in his letter which were not entirely clear before asking him to explain more fully the account on the second page of his dealings with journalists.

Dr Kelly said that he was widely known as an expert on Iraqi WMD, not least because of his extensive experience as a UN inspector. During his period with the UN he had often been asked to act as an expert spokesman. Subsequently, he continued to participate in many seminars and similar events concerning this and related subjects. He was often approached by academics, journalists and others operating in the field for background information and technical advice at such events and, sometimes, outside them. When a journalist approached him, he usually consulted the FCO press office, but on occasions he used his own judgement as explained in his letter.

I asked why he consulted the FCO press office rather than the MOD. Dr Kelly said that his salary was paid by the FCO. I said that was irrelevant - he was seconded to MOD. I asked who had given him authority to exercise his own judgement about contacts with journalists on defence related business, since this was contrary to standing departmental instructions. Dr Kelly said that he had never read those instructions, nor sought to discover what guidance existed about contact with journalists. He said that he had not really regarded his discussions with journalists, academics etc as being about defence business but as a continuation of his role as UN expert. I said that that was, at

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best, extraordinarily naive – journalists were not seeking information out of academic interest but to construct stories. It was important to know the context of their enquiries and any particular sensitivities before speaking to them. I asked Dr Kelly whether, for example, he knew that one of the other journalists to whom he had spoken, was married to a member of the FAC. He said he did not. This was an illustration of why people were required to seek advice and permission from the press office before speaking to journalists. It was also very important to report back after contacts.

I then asked Dr Kelly to summarise his contacts with Gilligan. He said that he had first met and spoken to Gilligan at the IISS seminar on WMD in September 2002 which took place just before publication of the government dossier. He was unaware of having spoken to Gilligan previously, although it was possible that they might both have been at other similar events without being aware of each other. Gilligan had telephoned in February 2003 to say that he was going to Iraq and would like to meet for some background briefing. I asked Dr Kelly why, given that there was an interval of 24 hours before the meeting, he had not contacted even the FCO press office. He said that he had regarded it as non-sensitive because it was the sort of background that he would have given to any academic or journalist.

Dr Kelly said his next contact with Gilligan was in May. Gilligan rang him to offer feedback from his experiences in Iraq. He had accepted, for the reasons set out in his letter. They met on 22 May in the Charing Cross Hotel [Dr Kelly later said that the meeting took place at about 1745 and lasted until approx 1830]. Gilligan took notes but did not appear to have a tape recorder (although Kelly did not ask and there was no discussion of the basis of the meeting). The vast bulk of the conversation was about Iraqi individuals associated with WMD programmes, the course of the war, and why WMD had not been used. In the course of the latter, as recorded in his letter, Gilligan had raised the reference in the September dossier to the possibility of weapons being deployed in 45 minutes. Kelly had commented that this did not correspond with any weapon system that he knew. Gilligan had asked why he thought the claim had been included in the dossier. Kelly had said that he had assumed that it was for impact. Although he had not known what the claim was based on, it emphasised the immediacy of the threat. [I have prepared a detailed comparison of Kelly's account of his conversation with Gilligan's FAC evidence based on the second part of the interview.] I asked why he had not even reported the conversation afterwards, given the public debate about the two government dossiers. Kelly repeated that the discussion had not really been about the dossier and he had not said anything controversial. Indeed, even after Gilligan made his allegations, he had not made any association with their May 22 meeting. It was only when a colleague remarked to him that some of the comments attributed to Gilligan's source sounded similar to his own views that he realised that others might make similar connections, which was why he had written to his line manager. As he had said in his letter, however, he did not believe that he could be Gilligan's primary source because he had not made any allegations against the government and his views also differed from those attributed to the source in other ways.

At this point I asked Dr Kelly whether he was confident that he had accurately reflected the meeting with Gilligan and whether there was anything he had omitted about this other meetings. I stressed that whatever the actual significance of anything

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he had said to Gilligan, their meeting could turn out to be very important in relation to the public dispute between the government and the BBC about Gilligan's claims. It might become necessary to consider a public statement based on his account. Gilligan's reputation was at stake and he would be bound to challenge any inaccuracies – and I reminded Dr Kelly of the possibility that he might have been tape-recorded. Dr Kelly said that he understood this but stood by his account.

I said that I was prepared to accept his account in good faith. On the basis of what his letter and what he had said, it was clear that he had breached departmental instructions on numerous occasions by having conversations with journalists which had been neither unauthorised by or reported to the MOD press office, although on most occasions he had consulted the FCO press office. His contact with Gilligan was particularly ill-judged. Even if he was not Gilligan's primary source, it had had very awkward consequences both for him and the department, much of which could have been avoided even if he had reported the contact immediately afterwards. Someone who had dealt regularly with the press in a previous capacity should have known better. This was a potentially very serious matter. Nevertheless, I accepted his assurance that there had been no malicious intent and there appeared no reason to believe that classified material had been revealed. On that basis, I judged that it would not be appropriate to initiate formal disciplinary proceedings. I would, however, write to him shortly to record my displeasure at his conduct. I went on to instruct him to familiarise himself with departmental guidance about dealings with the media, to report all contacts to his line manager and never to agree to an interview without explicit authority. Finally, I warned Dr Kelly that any further breaches would be almost certain to lead to disciplinary action and the possibility of disciplinary action could of course be re-opened if further facts came to light that called his account and assurances into question.

The second part of the interview was devoted to a more detailed comparison of Dr Kelly's interview with Gilligan's FAC appearance. I will summarise my conclusions - my detailed analysis is appended [Dr Wells also took notes]

It is very difficult to reconcile Dr Kelly's account of his May 22 discussion with the evidence given to the FAC by Gilligan, if this is indeed all attributable to a single source. Kelly's account is consistent with some aspects of the FAC evidence and some of the discrepancies might be attributable to exaggeration, misrepresentation or misunderstanding by Gilligan and/or Kelly. Although Kelly admits to two comments that might lend credence to a claim that the dossier had been "sexed-up", he denies making such a claim and the related allegations which Gilligan attributed to his 'single source' and Kelly was not involved in the preparation of the intelligence part of the dossier. The focus of the two discussions also appears different – the dossier is only a small part of the Kelly discussion and Kelly specifically denies telling Gilligan (or anyone else outside government) that he had had any involvement with the dossier. Moreover, some of the views attributed to the source appear directly contrary to those expressed by Kelly.

There is also some evidence that does point to the existence of a different source for these allegations. Some aspects of Gilligan's description of his source do not properly match Kelly (although exaggeration and misrepresentation to try to protect the

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identity of the source are both possible) And, if Gilligan's answer to Q550 from the chairman is accurate, the source is a member of the intelligence services, which cannot be a description of Kelly. Another serious discrepancy is that both Gilligan's FAC evidence and the original article suggest that he had a discussion with his source in May 2002, several months before he met Kelly

Gilligan refers to four sources in the FAC session. There does not have to be a fifth person. It is possible that there is no single source and that the allegations are a collage, to which Kelly's interview contributed but the specific allegations about interference with the dossier come from somewhere else. Another possibility is that there are really only three sources. The "single source" might actually be one of the other three sources referred to by Gilligan as providing different information.

If both Gilligan's and Kelly's accounts are essentially truthful, perhaps the most likely supposition is that Kelly appeared to provide broad collateral for Gilligan's "single source" claims about the dossier, although not for the specific allegations about political interference. During his FAC hearing Gilligan talks about the "single source" as the centre of his 45-minute story but comments that this is supported by other evidence.

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RICHARD HATFIELD