

AW



PERMANENT SECRETARY

D/PUS/12/3 (293)

10 July 2003

Secretary of State

Copy to:
Personnel Director
DCDI
DCPAC
D News

DR KELLY

There have been requests to you for Dr Kelly to appear before both the FAC and the ISC (on the same day, 15 July)

2. We had already offered him to the ISC and I recommend that you agree to that request, although to avoid setting a precedent, you should stress that you only are content for such a relatively junior official to appear given the exceptional nature of the evidence that Dr Kelly could offer. As regards the FAC, however, I recommend that you resist, on grounds that the FAC inquiry is completed (their report was finalised on 3 July, before we had been able to talk to Kelly ourselves) and that a separate session to question Kelly would attach disproportionate importance to him in relation to the subject of their inquiry as a whole. The ISC, on the other hand, are only just beginning their work and are better placed to ensure that Kelly's views are placed in the proper context (he is, after all, not the Government's principal adviser on the subject, nor even a senior one). A further benefit of an ISC hearing is that they can more easily handle national security dimensions, should they wish to cover intelligence material with Kelly, although they might be prepared, given the public interest, to hold most of their hearing in open session, although this could be unprecedented.

3. A further reason for avoiding two hearings, back to back, is to show some regard for the man himself. He has come forward voluntarily, is not used to being thrust into the public eye, and is not on trial. It does not seem unreasonable to ask the FAC to show restraint and accept the FAC hearing as being sufficient for their purposes (eg testing the validity of Gilligan's evidence).

ISC

4. It will, of course, be important to ensure that views that Kelly may express are not necessarily taken to represent HMG's policy, or even the collective view of either our intelligence or military expert communities. The ISC will be suitably placed to deal with this through the further witnesses they already plan to call, eg John Scarlett. The FAC, with their hearing ended and report produced, would not be in that position.

M00/1/0075

5. This line may not be sustainable in strict institutional terms: the FAC reports to Parliament, whereas the ISC, although drawn from Parliament, report formally to the Prime Minister. And I do not believe that the ISC have taken testimony in public before.

6 But I think it worth a try at least. The individual himself is, I understand, prepared to appear before both bodies.



KEVIN TEBBIT

M00/1/0076