



From: Caroline Dolman, Tribunals and Inquiries Unit

MINISTRY OF DEFENCE

Room 7/66, Metropole Building, Northumberland Avenue, London WC2N 5BL

Email: TIL-group@defence.inod.uk

Telephone	(Direct dial)	020 7807 80389
	(Switchboard)	020 7218 9000
	(Fax)	020 7218 4427

FAX COVER SHEET

Total pages: 4

Monday, 11 August 2003

FAO: Martin Smith

Response to documentation request.

PSA the response to your request for documentation, in a letter dated 4 August and addressed to Paula Diggle, relating to the previous MOD investigation.

Regards

A handwritten signature in black ink, appearing to be 'C. Dolman'.

MOD /8/0011

From: Caroline Dolman, Tribunals and Inquiries Unit

MINISTRY OF DEFENCE

Room 7/66, Metropole Building, Northumberland Avenue, London WC2N 5BL



Telephone (Direct dial) 020 7807 8555
(Switchboard) 020 7218 9000
(Fax) 020 7218 4427

M Smith Esq
Hutton Inquiry
81 Chancery Lane
LONDON
WC2A 1DD

Our Ref:
D/TIU/3/6
Date:
08 August 2003

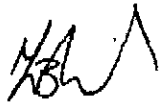
Dear Martin,

I am writing in response to the fourth question in your letter of 4 August 2003 addressed to Paula Diggle, which relates to a previous MOD investigation into whether Dr Kelly was responsible for any disclosure to journalists prior to his contact with Andrew Gilligan on 22 May 2003.

The MoD chronology makes clear that there had been an MOD investigation conducted with the assistance of the Metropolitan Police Special Branch, into the leak of a Top Secret document to Andrew Gilligan. The attached e-mail conversation between Ian Barrow of the Directorate of Safety and Security and John Cochrane of Defence Security provides a record of the investigation to discover whether Dr Kelly might have had any involvement with this leak. It shows that there was no evidence to suggest that Dr Kelly had seen the document concerned, and the investigation was closed on 9 July.

We are not aware of any other investigation involving or connected with Dr Kelly prior to 22 May 2003.

A copy of this letter goes to Paula Diggle in the Cabinet Office.


PP C. DOLMAN

MOD/8/0012

CONFIDENTIAL

From: DDefSy-Director-S
Sent: 18 July 2003 14:59
To: CB(S S)-Sy2b-S
Cc: DGSandS-S; CB(S S)-D-S; CB(S S)-SyAD-S
Subject: FW: SECRET INVESTIGATION. LEAK
Sensitivity: Private

Ian,

We spoke. Just to drive this nail out of sight, I have briefed Richard Hatfield and he confirms that we are to resist any attempt by the police to interview Kelly or anyone who has interviewed him, on the grounds that this would be outwith the scope of MPSB support for the leak enquiry into the STRAP document leak, and because we have no reason to suspect that he has committed an OSA offence. Any such interview would have to be cleared with PUS beforehand. It seems that the police have had second thoughts anyway; however, should they press the point again please refer them to me in the first instance. Plse can you go ahead and arrange a case conference as discussed during the week beginning Mon 28 Jul.

JC

-----Original Message-----

From: DDefSy-Director-S
Sent: 15 July 2003 18:19
To: CB(S S)-Sy2b-S
Cc: CB(S S)-D-S; CB(S S)-SyAD-S; DGSandS-S
Subject: RE: SECRET INVESTIGATION: LEAK
Sensitivity: Private

Ian, I was away from office on 11 and 14 Jul and have only seen your e-mail today. I find some aspects of the police request rather odd; there has been no suggestion that Kelly has committed an OSA offence as far as I am aware and no further info should be released to them until I have spoken to Richard Hatfield who interviewed Kelly. This is not a police investigation; they have been assisting our leak enquiry and their approach seems a little OTT to me.

JC

-----Original Message-----

From: CB(S S)-Sy2b-S
Sent: 10 July 2003 15:50
To: DDefSy-Director-S
Cc: CB(S S)-D-S; CB(S S)-SyAD-S; DGSandS-S
Subject: RE: SECRET INVESTIGATION. LEAK
Importance: Low
Sensitivity: Private

John,

I have just had a meeting with SO12 to review things from their perspective and tie up loose ends. They have concerns, largely in respect of ensuring they have exhausted all reasonable lines of enquiry in the wake of current developments. It may be important in the future (possible Judicial Enquiries, other committee hearings,) to ensure that the investigation process was sufficiently rigorous and comprehensive, and is seen to have been so. Kelly, and recent revelations in the press point to a need for clarification/elimination re both the DITAC leak, and Kelly's potential as a witness.

They have asked for the following:

- A copy of the letter written by Kelly. (I have already received this from DCDI)
- Details of who interviewed Kelly
- A copy of any details recorded in respect of the interview

CONFIDENTIAL

MOD/8/0013

CONFIDENTIAL

- A damage assessment/impact statement if Kelly was to be arrested
- Agreement to interview Kelly and his upwards line management.

All sounds a bit draconian, but they were at pains to stress their cognizance of the sensitivities involved and their intention to tread lightly.

It was tentatively agreed between Kelly's immediate boss, ourselves and SO12 that any further action would wait pending the outcome of a line management interview with Kelly. DSO has also laid down that the interview should be recorded. Events rather overtook this plan, but SO12 remain duty-bound, nevertheless, to satisfy themselves regarding Kelly's potential involvement in the leak, and/or his position as a potential witness.

Now that Kelly's name has been released to the press - "Daily Telegraph" this morning - further developments can be anticipated. It will be interesting to see if Gilligan refutes the implication that Kelly was his source on the 45 min issue.

I have said that I will do what I can re the above,

pse advise.

Regards

Ian

-----Original Message-----

From: DDefSy-Director-S
Sent: 09 July 2003 14:24
To: CB(S S)-Sy2b-S
Cc: DGSandS-S
Subject: RE: SECRET INVESTIGATION. LEAK
Sensitivity: Private

Ian, Noted and agreed. I was simply pointing out that Kelly does not match the profile of the source as described by Gilligan. I have spoken to Dominic and he confirms that we should take no further action, other than what you have already done. Close down on pursuing the STRAP leak and take no further action on Kelly. If SO come back with anything new we will need to take stock

JC

-----Original Message-----

From: CB(S S)-Sy2b-S
Sent: 08 July 2003 12:37
To: DDefSy-Director-S
Cc: DGSandS-S; CB(S S)-D-S; CB(S S)-SyAD-S
Subject: RE: SECRET INVESTIGATION: LEAK
Importance: Low
Sensitivity: Private

John,

I think we need to be careful not to broaden our enquiry too much unless directed to do so by PUS through the DSO. The 45 minute issue, (presumably our interest would be to identify the "official" who briefed Gilligan) is, in my view, a separate enquiry, albeit involving the same journalist. My current writ is to investigate the leak of the TS STRAP 2 DIS material with a view to identifying the source of that leak. Gilligan has stated to the FAC

CONFIDENTIAL

MOD 18/0014

CONFIDENTIAL

that he has four sources, and as far as I can see, the 45 minute issue and the TS leak involved two different sources. I take your point about identifying the authors of the dossier, but would prefer "new instructions" before proceeding

As far as Kelly is concerned, DCDI, having seen Kelly's letter, has escalated the issue which is now with PUS and the Cabinet Office. I understand that Kelly has been interviewed at very senior level, but that details of any actions/outcomes as a result of this will not be released downwards for me to pick over at this stage

Notwithstanding this, I have already stated that Kelly is unlikely to have had sight of/access to the leaked document I am investigating, or indeed to have commented on that particular subject matter. It is not his area. I am still looking into the possibility of Kelly's access to the leaked DITAC document, but there is no evidence so far to suggest he had sight/access to it. If this remains the case, our interest in him will be primarily to seek collateral information which may be relevant to our enquiry.

In view of the above, and indeed the wider political considerations, I would welcome some re-clarification of the aims of any further enquiries to be carried out.

Ian

---Original Message---

From: DDefSy-Director-S
Sent: 07 July 2003 12:11
To: CB(S S)-Sy2b-S
Cc: DGSandS-S
Subject: SECRET INVESTIGATION. LEAK
Sensitivity: Private

Ian,

Since we last spoke I have read the transcript of Gilligan's appearance in front of the FA Committee.

For what it is worth, I draw attention to the reference on page 9 of the transcript, where Gilligan says that his source for the 45 -minute story as 'one of the senior officials in charge of drawing up the dossier.' I have two comments:

- it should not surely be too difficult to identify, at least within MOD/DIS if not across Govt/the Agencies (and I appreciate that the leak may have come from outside MOD) the senior officials involved in the detailed production of the dossier.

- taking Gilligan's description at face value (and I accept that he may have been putting up smoke) I question whether the individual we discussed would have had direct responsibility for production of the dossier, as opposed to possibly being consulted for specialist advice on one aspect.

JC
J C COCHRANE
Director of Defence Security
Room 328 St Giles Court

Tel: 020 7218 3760
Fax: 020 7218 1165

CONFIDENTIAL

MOD 18/0015