
WITNESS STATEMENT OF SUSAN WATTS
SCIENCE EDITOR, BBC NEWSNIGHT
TO HUTTON INQUIRY REGARDING THE CIRCUMSTANCES SURROUNDING THE DEATH OF
DR DAVID KELLY

Attachment M

*** TX REPORT ***

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Your Ref:		Our Ref:	A279/SZW/. /FSI-1806941-1
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Number of pages: (including coversheet)	3	Date:	22 July 2003

Subject:

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London W1W 5LS

Your Ref

Finers Stephens Innocent

Date . 22 July 2003

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For Addressee Only
FAO Mr Philip Lawrence
BBC Legal Department
British Broadcasting Corporation
Television Centre
Wood Lane
London W12 7RJ

By fax: 020 8752 5080

Dear Mr Lawrence

Susan Watts - Materials relating to Dr Kelly.

We refer to our tele-con on the afternoon of 22nd July 2003 wherein you conveyed the BBC's request of our client Ms Susan Watts that she deliver up copies of her research materials related to the two Newsnight items on 2nd and 4th July respectively.

We had before us the letter apparently delivered to Ms Watts and copied to the writer dated 22nd July 2003 from Mr Richard Sambrook, BBC News Director.

During our telephone discussion, we intimated to you our client's grave concerns regarding this request and her need for re-assurance that her work and research not be used to support other BBC reports with which she was in no way involved. When we wrote to the BBC on 11th July 2003 and via the writer's conversations with BBC personnel, our client expressed her objection to the BBC's strategy of using her non-broadcast information and resources for the purposes of comparing two unrelated news stories, namely that produced by our client and that of Mr Gilligan on the *Today Programme* and otherwise involving her in the BBC/Downing Street dispute. At that time, our client's primary concern was to protect the confidentiality and identity of her source.

As we all know, the issue of Dr Kelly's confidentiality as a journalistic source has been resolved in tragic circumstances.

However, our client's sincere and genuine concerns regarding the legitimacy of BBC news personnel's request for further information and details regarding our client's source materials and the use to which this information might be put has been reaffirmed by events over the weekend. By the BBC permitting repeated analogy with, apparent reliance upon and otherwise misinterpretation of our client's source materials causes her to resist any demand for delivery up of her materials prior to their proper delivery to the Lord Hutton's Inquiry.

Our client has at all times confirmed to the BBC and has asked us to repeat her intentions to fully and frankly disclose to the Inquiry all of her materials, notes and information that might be relevant to the Inquiry's investigations and deliberations. The BBC should have no concern that our client would do anything other than cooperate fully. It is for this purpose that this firm continues to be retained by Ms Watts, who is in the process of preparing a

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comprehensive witness statement regarding all of her contacts and communications with Dr Kelly and giving the context to the entirety of their professional relationship.

Our client recognises that the BBC must be assured that Ms Watts, as the BBC's employee and consistent with her personal wish to ensure that the whole truth is established, is so cooperating. However, our client queries the need for any other person at the BBC to know before the Inquiry what information, materials and other evidence she might give to that Inquiry. There can be no "official BBC line" to the Inquiry - Ms Watts is an independent witness and can only give evidence of the facts and circumstances of which she has actual knowledge and to the extent she was personally involved.

What our client cannot agree to do (and does not consider it appropriate in light of the imminence of the Inquiry) is to convey information to other BBC personnel that they did not heretofore have. For example, at no time was any person made aware of the identity of Dr Kelly and the full extent of our client's communication with him, save and except that Mr George Entwistle, the Editor Newsnight was apprised by Susan of his name, certain qualifications to verify him as a reliable source and the key quotes that were proposed to be used in the two broadcasts. Mr Entwistle (as is consistent with usual editorial policy) was obliged to maintain Dr Kelly's confidentiality to the full and same extent as was our client. It was only following Dr Kelly's death that his identity as Ms Watts' source was disclosed to BBC news directors. No other information has been shared by our client.

There has been no BBC inquiry as to the accuracy or veracity of our client's reports nor legal suit, which would require disclosure of her underlying materials. We do not know what is the relevance of Mr Sambrook's reference to the Producers' Guidelines in the context of this Inquiry. The only reason our client's material has been made relevant to this issue is because of the BBC's own actions in seeking to have the Newsnight reports corroborate a report and other statements by Mr Gilligan. As the BBC well knows, our client is of the strong view that the Newsnight reports and her research cannot and should not be used in this way.

Our client therefore seeks specific assurance from the BBC via your good offices that if she is to deliver up her material and provide a statement containing the information that you now seek, that you or the authorised legal officer, in your capacity as legal advisor to the BBC:-

1. Shall use that material solely for the purposes of satisfying the BBC's obligations to make disclosure to the Inquiry.
2. Shall not disclose the contents of, whether in part or in full, to any other person without the express and written consent of our client.
3. Shall not permit her materials including any fact, matter or thing disclosed by Ms Watts to be used or referred to in any way for news related purposes, background briefing to correspondents or correlating with other potential witnesses' evidence and materials.

We are instructed to remind you that it was a very deliberate and appropriate policy that the BBC invoked to ensure that neither Ms Watts nor Mr Gilligan meet or confer, after the death of Dr Kelly, in circumstances where it is true that neither party had met or conferred, let alone collaborated in relation to their respective stories, before Dr Kelly's death.

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Practically, our client's independence and the confidentiality of her underlying material and resources must be maintained for the protection not only of our client's good reputation but also that of the BBC.

Our client recognises and is comforted by the explanation of the professional role and duties as a legal officer in these circumstances, and providing that the aforementioned assurances can be confirmed, she should be in a position to deliver up her materials and statement by close of business tomorrow.


We have indicated that the tape recording is fragile and its viability must be preserved. Our client has made a full transcript of the contents of the tape and requests that the very greatest care be taken in the copying of the actual tape recording which is of very poor quality.

Our client seeks the return of the original tape and a copy thereof. The BBC may retain a copy of the tape, subject to the undertakings above.

The original materials will be preserved for delivery up to the Inquiry.

We look forward to hearing from you and to receiving the assurances from the BBC that our client properly requests. Please view this correspondence as our client's response to Mr Sambrook's letter of today.

Yours sincerely



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