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

Attachment N

LITIGATION DEPARTMENT

Direct Line : 020-8752 4053

FACSIMILE MESSAGE

From : BBC Litigation Department/PL
 Fax No : 020-8752 5080
 Date : 23 July 2003
 To : Fiona Campbell, Finers Stephens Innocent
 Fax No: 020 7 344 5603
 Subject : Susan Watts - Hutton Inquiry
 No of Pages (including this one) 4

MESSAGE

Please see attached.

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SJW/1/0091

British Broadcasting Corporation White City 201 Wood Lane London W12 7TS Telephone 020 8752 5252



LITIGATION DEPARTMENT

Our ref : PL/kls/Legal/rm3536

Your ref : A279/SZW//FSI-1806941-1

Direct Line : 0208-752 4053

Fax Line : 0208 752 5080

23 July 2003

Finers Stephens Innocent
1799 Great Portland Street
Lndon
W1W 5LS

Attn: Fiona Campbell

BY FAX: 0207 344 5603

Dear Ms Campbell

Your Client: Susan Watts - Hutton Inquiry

Thank you for your fax of yesterday.

I enclose a copy of a letter from the Inquiry to your client received yesterday addressed to her at the BBC. I called you last night to discuss the position but could not get an answer and left a message for you to contact me.

There are a number of points in your letter to which we would wish to reply if there was time to do so. Suffice it to say that the material your client holds is clearly relevant to the Inquiry - as is clear from the Inquiry's letter.

As I believe I fully explained to you yesterday afternoon in our telephone conversation the BBC's concern is solely to assist the Inquiry as fully and as accurately as possible. I believe it is your client's duty to assist the BBC to do so also. Members of this department are engaged in preparing the BBC's submission to the Inquiry, just as you are engaged in preparing your client's submission. I do not consider it unreasonable for the BBC's lawyers to have access to the materials held by your client to assist them in doing so. I believe that you accepted this when we spoke - albeit subject to certain assurances you stated your client would require. I said I would give assurances if they were reasonable, fair and appropriate.

Having considered your letter I cannot accept that the assurances that you seek are such. They would effectively prevent any lawyer who had seen the materials taking any further part in the



preparation of the BBC's submission. They go far beyond what would be appropriate for assurances even in relation to disclosure in contentious civil proceedings. In an attempt to accommodate your client we would be prepared to give appropriate assurances and I am instructed to offer the following:

Unless and until put into the public domain by the Inquiry, or by your client's consent, or by permission of the Inquiry, the BBC

1. will use the statement and material solely for the purposes of the Inquiry, to satisfy its obligations to make disclosure to the Inquiry and to assist the Inquiry with regard to the matters within its remit.
2. will not to show the statement or material to Andrew Gilligan.
3. will keep the statement and material securely within this department and not copy either of them to any person outside this department other than to Counsel advising or representing the BBC.
4. will not use the material or witness statement for any news related purposes or briefings for correspondents.


These assurances are subject to the obvious qualification that, were your client to supply or show the material or statement, or any part of it, to a third party (in the BBC or otherwise) the BBC could not be responsible for the consequences.

Greg Dyke has asked me to assure your client that today's Guardian story was in no way planted by the BBC. There was no conversation authorised about your clients tapes by anybody involved in preparing for Lord Hutton's Inquiry - nor was anyone in any way told to do so on behalf of those working on the BBC's submission.

You will understand that our view is that the publication of this information is counterproductive given that we do not know the contents of the tapes. You will note that the BBC's own reporter Torin Douglas did not suggest that the tapes would constitute the centrepiece of the BBC's evidence.

I would be grateful if you could please return to me as quickly as possible. If your client accepts your assurances I would like to gain access to copies of her material straight away - and the statement as soon as it is finished.

Yours sincerely



Philip Lawrence
BBC Litigation Department

THE HUTTON INQUIRY
THE RT HON LORD HUTTON

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TEL: 020 7911 5290
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PERSONAL

Ms Susan Watts
BBC
Television Centre
Wood Lane
London
W12 7RJ

22nd July 2003

Dear Ms Watts

As you will know, Lord Hutton has been invited by the Government 'urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly'

Lord Hutton has asked me to write to you to ask you to provide him with any information or documents available to you which would be relevant to his inquiry.

He has also asked that you to send to him any preliminary statement which you would wish to give setting out your views on the matters to which his inquiry will relate.

Lord Hutton would be grateful if this information and documentation could be forwarded to me at the above address as soon as possible, and preferably by 4pm on Friday 25 July.

I enclose copies of the letters sent to the Director-General of the BBC, Andrew Gilligan of Today and Gavin Hewitt of the 10 o'clock news.

Yours sincerely
Lee Hughes

Lee Hughes
Secretary to the Inquiry

* Until 23 July 020 7210 1586
* Until 23 July 020 7210 1739

STW | 1 | 0094

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4972
CONNECTION TEL 02087525080
CONNECTION ID
ST. TIME 23/07 16:18
USAGE T 01'00
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Fax

179 Great Portland Street
London W1W 5LS

Finers Stephens Innocent

Tel: 020 7323 4000
DX: 42739 (Oxford Circus North)

Your Ref:		Our Ref:	A279/AMM/./FSI-1812327-1
Attention:	Mr Philip Lawrence	From:	Fiona Campbell
Company:	The BBC - Litigation Department	Job Title:	
Fax Number:	020 8752 5080	Direct Fax:	020 7344 5603
		Direct Tel:	020 7344 7663
		Direct Email:	fcampbell@fsilaw.co.uk
Number of pages: (including coversheet)		Date:	23 July 2003
Subject:	Susan Watts - Hutton Inquiry		

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FOR YOUR EYES ONLY

Please see attached.

SJW/1/0095

Our Ref A279/BXG/FSI-1812282-1

179 Great Portland Street
London W1W 5LS

Your Ref : PL/kls/Legal/rm3536

Finers Stephens Innocent

Date : 23 July 2003

Tel 020 7323 4000
DX: 42739 (Oxford Circus North)

PRIVATE & CONFIDENTIAL: FOR YOUR EYES ONLY

Attn: Mr Philip Lawrence
BBC Litigation Department

BY FAX: 020 8752 5080

COPY

Dear Mr Lawrence

Susan Watts - Hutton Inquiry

Thank you for your letter dated 23rd July 2003.

In the interests of timely response, we confirm that we have today spoken with the Secretary to the Hutton Inquiry and gleaned some useful information regarding the proposed conduct of proceedings and expectations of the Inquiry. We are happy to share this information with you at your earliest convenience.

The point of this correspondence, however, is to respond formally to your facsimile transmission of today.

We note Mr Dyke's assurance that *The Guardian* story was in no way authorised by the BBC. There are indeed other stories, including comments in the *Independent* newspaper, today which in a strikingly similar vein comment about our client's tape and speculate as to its likely use and content. Our client can only conclude that there is a leak at the BBC and we are most concerned that this practice should cease. We appreciate that it is not within your remit to undertake an internal "leak" inquiry, however our client is most concerned to preserve the integrity of the process before the Hutton Inquiry and ensure that there be no suggestion that any person at the BBC has engaged in inappropriate comment to the press. We are sure that you share that view.

As to the specific undertakings that you have been instructed to convey on behalf of the BBC.

We note numbered paragraphs 1 to 4 respectively.

In relation to paragraph 2 thereof, our client requires the following amendment to the assurance namely,

2. "Will not show or permit the content or substance of the statement or material to be disclosed to Andrew Gilligan."

You will appreciate that it is our client's particular concern that no other witness, particularly Mr Gilligan, be informed of the substance of her exchanges with Dr Kelly, in circumstances where they may materially impact on the evidence that other persons may give to the

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23 July 2003

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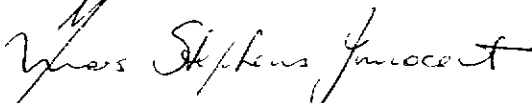
Inquiry. We do not consider that the preparation for "the BBC's submission" (whatever that may be) can be prejudiced by this undertaking.

Subject to the aforementioned amendment, our client is prepared to permit access to her materials and statement as soon as possible. We are this afternoon copying the relevant documents and finalising her statement which gives proper context to the notes and documents. These several documents cannot be understood in isolation.

We shall convey by courier as soon as practicable to your desk the aforesaid materials. We ask you to remember that the audio tape (the existence of which is now curiously in the public domain) should be carefully preserved. We are instructed that a full transcript of the tape will be made available to you in the bundle. The tape can be replayed most effectively on the handheld Dictaphone on which it was recorded. Our client will deliver up this equipment. The BBC must take the greatest care in copying this tape as it is extremely fragile.

We trust that the aforementioned is agreed between us. We confirm that our client will comply with the deadline imposed by the Hutton Inquiry and we would be pleased to discuss with you at your earliest convenience the substance of our conversation with the Inquiry this afternoon.

Yours faithfully



Finers Stephens Innocent

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LITIGATION & BRAND ENFORCEMENT DEPARTMENT

Direct Line : 020-8752 4555

PRIVATE AND CONFIDENTIAL

FACSIMILE MESSAGE

From : BBC Litigation Department

Fax No : 020-8752 5080

Date : 23 July 2003

To : Fiona Campbell, Finers Stephens Innocent

Fax No: 0207 344 5603

Subject : SUSAN WATTS - HUTTON INQUIRY

No of Pages (including this one)..... 2

MESSAGE

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British Broadcasting Corporation White City 201 Wood Lane London W12 7TS Telephone 020 8752 5252



LITIGATION DEPARTMENT

Our ref: PL/jr/Legal/rm3536
Your ref:

Direct Line: 020 8752 4555
Fax Line: 020 8752 5080

23rd July 2003

Finers Stephens Innocent
1799 Great Portland Street
London
W1W 5LS
ATTENTION: FIONA CAMPBELL

BY FAX & POST: 0207 344 5603

Dear Ms Campbell

YOUR CLIENT: SUSAN WATTS - HUTTON INQUIRY

Thank you for your fax dated 23rd July.

I refer to our telephone conversation just now when I confirmed that we would be prepared to give assurances (rather than "undertakings") as mentioned in my fax sent earlier today and that we would be prepared to agree that assurance 2 should be worded in the way in which your client requires.

In the circumstances therefore the assurances which the BBC is giving to your client are as follows:-

"Unless and until put into the public domain by the Inquiry, or by your client's consent, or by permission of the Inquiry, the BBC

1. will use the statement and material solely for the purposes of the Inquiry, to satisfy its obligations to make disclosure to the Inquiry and to assist the Inquiry with regard to the matters within its remit.
2. will not show or permit the content or substance of the statement or material to be disclosed to Andrew Gilligan.
3. will keep the statement and material securely within this department and not copy either of them to any person outside this department other than to Counsel advising or representing the BBC.
4. will not use the material or witness statement for any news related purposes or briefings for correspondents."

When we spoke you hoped this documentation would be ready at 6.45pm tonight.

Please call me on 07802 979838 as soon as it is available and I will have someone attend your offices to pick it up straight away.

We have spoken at length about your conversation with the Secretary to the Inquiry this afternoon and I am grateful to you for letting me know the position he outlined to you.

Yours sincerely

Philip Lawrence

Philip Lawrence
BBC LITIGATION DEPARTMENT

SJW/1/0099



INVESTOR IN PEOPLE

Our Ref . A279/GFG/.FSI-1812429-1

179 Great Portland Street
London W1W 5LS

Your Ref

Finers Stephens Innocent

Date . 23 July 2003

Tel 020 7323 4000
DX 42739 (Oxford Circus North)

BBC
Litigation Department
British Broadcasting Corporation
White City
Wood Lane
London W12 7TS

COPY

For the attention of Mr Philip Lawrence

Dear Sir

Re: Susan Watts - Hutton Inquiry

Further to our various telephone conversations today, we now enclose the Witness Statement of Ms Susan Watts, together with appended documents.

We also deliver up the original tape recording of a critical interview with Dr Kelly on 30 May 2003. Ms Watts advises that you should await the delivery by her tomorrow of the handheld dictation equipment on which the tape was recorded, in order to obtain the best sound and indeed to prevent any accidental erasure.

We repeat that the contents of the tape (as transcribed in Attachment E) must be read in the entire context of Ms Watts' statement.

We note Ms Watts is yet to supply the fully updated version of her Curriculum Vitae - this will be attended to as soon as possible.

We deliver up these materials in accordance with the correspondence that has been exchanged between the parties in recent days.

This is the Statement that Ms Watts will be submitting to the Inquiry tomorrow.

Yours faithfully

Finers Stephens Innocent

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