

IRAQ WMD INQUIRY (13)

Dr DAVID KELLY, MoD

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Observers:

Brian Wells, MoD
John Clarke, MoD

ANN TAYLOR: Right Dr Kelly can I welcome you to the committee and start off by apologising for the fact that we were not able to see you yesterday and I gather that MoD didn't get all the messages in the right places, but we are working under a great deal of pressure and sometimes things take longer than we think and it is quite difficult to assess these, but we are glad that you were able to come today and our apologies for yesterday.

ALAN BEITH: Could we just know who these serious looking gentlemen behind you are?

CLERK: One of them is the Director of Proliferation and Arms Control Secretariat who came and gave evidence to the Committee earlier on this year, on weapons of mass destruction and the person next to him is PAC 1 ie a member of the Proliferation and Arms Control Secretariat.

MICHAEL MATES: Very sinister indeed!

[LAUGHTER]

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ANN TAYLOR: I gather you are going to set out some of your background to start with

DR KELLY: Yes I'll be happy to do that.

ANN TAYLOR: That would be helpful, perhaps we ought also to say that we were sitting yesterday during the time you were giving evidence to the Foreign Affairs Committee therefore we did not see that, we've obviously seen reports of it today, but we haven't had the advantage of seeing that nor have we got the transcript because that's not ready so I'm afraid you can't assume that we know everything that you said to the Foreign Affairs Committee yesterday.

DR KELLY: That's fine. Well you know who I am, I'm David Kelly, and I'm a senior adviser to the Proliferation and Arms Control Secretariat on Iraq itself, on chemical and biological weapons and the United Nations' approach to dealing with the disarmament of Iraq. Formerly, and I'm talking of ten or twelve years ago, I was Head of Microbiology at the chemical defence establishment at Porton Down and I was also involved in the investigation of both Soviet and Iraqi biological warfare when I was head of Microbiology. In terms of Iraq itself I was the special adviser to UNSCOM on biological weapons, I led many of the inspections in Iraq, over eight years, including the first biological inspection and the very last one, I took part in all the disarmament inspections and I established the baseline for monitoring dual capable sites. In the course of my work I obviously have access to intelligence and I have access to *intelligence* which is provided to me, either from the Defence Intelligence Services or from SIS and I have access to information concerned with both *** and Iraqi chemical and biological warfare. I'm here because of my dealings with the media, I have interacted with the media extensively since 1991 when I led the very first inspection, I had, as Chief Inspector, to deal with the press in the Middle East and subsequently in New York and I have dealt with them, on request from the Foreign Office, from the Ministry of Defence and the United Nations itself for the past decade. I assume you

would like me just to comment on my interactions with Andrew Gilligan. According to my recollect I have met him twice, once in February on a date I can't remember, and once on May 22nd I previously met him, and it's the only time I can recall meeting him face-to-face, was at the International Institute for Strategic Studies Global Strategic Review in early September of last year. I may possibly have met him at conferences before that and indeed after that, because I go to Chatham House for the International Institute for Strategic Studies but I've never knowingly had a direct conversation with him, and if that's enough information about me, I'll be happy to take your questions.

ANN TAYLOR: Fine could you take us perhaps through then the February and the May meetings and tell us where these took place and at whose instigation and what was discussed?

DR KELLY: Both meetings took place in the Charing Cross Hotel, both were instigated by Andrew Gilligan. The February meeting was undertaken because he, like a number of journalists going to Iraq wished to have some background on Iraq, particularly in the context of the weapons of mass destruction, the approach that UNMOVIC was currently undertaking in the country, and to have information on some of the key personalities involved in Iraq's weapons of mass destruction programme and some of the sites associated with their programme, because you may recall that journalists were being taken to sites which had been disclosed in the dossier together with other sites, been shown these sites and Iraq was saying 'there is nothing wrong with these facilities' and the journalists with no expertise and no knowledge of questions that could be asked of course, really couldn't come to any judgement, you wouldn't expect them to do so. So that was the function of the first meeting, with him. In the course of that meeting he said that he would be happy to tell me about his experiences in Iraq when he returned, and when he returned he indeed called me and asked me if I would like to receive information on his account and as I'm very interested, deeply interested in Iraq of course I was eager to do that, and we had a meeting where we discussed his personal experiences both before the war, and his relationship with some of the Iraqi minds that he had, some of the people and some of the sites he had visited. His experiences during the war and some of

the experiences he had immediately post-conflict, and that was essentially the main areas that we covered.

MICHAEL MATES: If you have a long history of dealing with the press and are an officer of the Ministry of Defence and understand that you are experienced in doing this and doing it on a regular basis what is then the difference to person like you to having an authorised meeting with him and an unauthorised meeting, surely in the olden days you didn't get authority every time you spoke to a person of the press?

DR KELLY: Yes The situation is that in the very early days I only spoke to the press, either when they approached me in the Middle East when I had, I just had to react to it there and then, or if I was either in the United Kingdom or the United States at the behest of the United Nations, the Ministry of Defence and the Foreign Office As time went by, of course, you have follow-up questions, you'd have clarification, individual reporters, individual companies, media companies would have my contact details and of course I would be contacted directly, and I'd use my discretion as to whether I responded to that or responded to which ever Ministry or Agency demanded and essentially that's what I've done ever since, I have used my discretion. Now as the years have gone by, of course, I've got 'cold calls' sometimes I've been asked about things which I haven't been dealing with before and again I used my judgement

MICHAEL MATES: But specifically it has been, has it got this wrong, the MoD said that your contact with Andrew Gilligan was 'unauthorised'.

DR KELLY: That's correct.

MICHAEL MATES: But then doesn't the MoD expect you to use your judgement about these things or is there an absolute prohibition?

DR KELLY: I think in practice there's an absolute prohibition, but I also believe that of course there is an element of reality in all of this, and although there's an absolute prohibition, technically, in terms of the guidance that is provided one.

MICHAEL MATES: And on the occasions when you have spoken to the press, and it has been known you've spoken to the press, because for whatever reason have you been reprimanded?

DR KELLY: This is the first time I've ever got into any trouble.

ANN TAYLOR: Is it that the first, because it was the first time you've done something that is so clearly unauthorised, or is it because it's the first time it's been a problem?

DR KELLY: I think it's the first time it's been a problem!

MICHAEL MATES: It's been a problem because it leaked?

DR KELLY: I'm sorry- what leaked?

MICHAEL MATES: Well because Gilligan said that he had spoken in an authorised fashion to a senior intelligence source, at what stage did you realise he was talking about you?

DR KELLY: When the transcripts of the Foreign Affairs Committee came out, I was out of the country when the news broke, so to speak, on the *Today Programme* and I was out of the country for much of June, and so I was not, I have to admit I was not tracking the interaction....

MICHAEL MATES: Were you on holiday or...?

DR KELLY: I was in the Middle East.

MICHAEL MATES: You were in the Middle East, okay, on MoD business so they could have got you if they'd wanted to?

DR KELLY: Yes.

MICHAEL MATES: Right.

DR KELLY: I was aware of the general debate that was going on between those who were supporting the war and those who were against the war and the justification for war and I saw this as being part of that debate. The reference was to a senior intelligence officer who'd been involved, primarily in drafting the dossier, that didn't match me, I'm not an intelligence officer, I was not involved, I mean I was involved in aspects of drafting the dossier but in the non-intelligence dimension but I certainly wasn't responsible for the final content of that dossier, so the alarm bells didn't start ringing. A friend of mine at RUSI suggested, and I don't think she suggested because she identified me, but she said I should read that, and when I read it there was one phrase in there that I read as being a 'Kelly' statement, which was a statement about the probability that Iraq had, the probability was that Iraq had chemical weapons and that probability was about 30%. That is something that I say and so I then re-read it and thought 'well is this what I've been saying all the way through' and I think there is a blend of what I have said and what someone may have said.

MICHAEL MATES: You've said always that the probability is 30% that they had chemical weapons?

DR KELLY: The probability is 100% that they had a programme and I think it's about 30% that they have chemical weapons.

MICHAEL MATES: And you said that too, to Gilligan?

DR KELLY: I said that to many people

MICHAEL MATES: Yes, but when it was said, to the Foreign Affairs Committee you said 'oh this is me'.

DR KELLY: Yes, when I said that was the way that I identified with that....

MICHAEL MATES: So you went to the gentlemen behind you, or whoever and said 'I think I have been fingered'?

DR KELLY: No, [laughs] unless, if in any way the gentlemen behind me wish to comment but I essentially, I became aware of it on, I wrote a letter on the 30th June so I guess four days earlier was when I became aware of the transcript, so I spent a long weekend thinking very hard about the situation, and I decided that the only way, my conscience of resolving the problem, was to write to my line manager and indicate the interaction that I had with Andrew Gilligan, my perception of the interaction that I had with him, and to essentially to state my position, which is what I did.

MICHAEL MATES: And, just the last point, are you surprised at the public MoD reactions or was it that the statement made with your agreement?

DR KELLY: The official MoD press statement was made with my agreement, yes.

MICHAEL MATES: So you weren't surprised, okay.

ANN TAYLOR: Can I just ask before I move on to James, you mentioned the transcript of the FAC and you said that you weren't an intelligence officer and that whilst you were involved in drafting the dossier you weren't involved in the applying or editing or decisions on it, do you think that Andrew Gilligan regarded you as an intelligence officer and did you at any stage tell him that you'd been involved in the drafting or the writing about this document, or information for it?

DR KELLY: I've not acknowledged to anyone that I was involved in the drafting of the dossier, I meant, that essentially my component which was the non-intelligence component which was done at the request of the Foreign Office so not even Brian Wells' predecessor as the Director of PAC was aware that I wrote that part.

ANN TAYLOR: And do you think that Andrew Gilligan would see you as an intelligence officer in that broad sense?

DR KELLY: I think people have difficulty identifying my background I have an odd pedigree so to speak so some people will assume that I'm from intelligence, but I really don't know whether he made that assumption or not

MICHAEL MATES: When they do, do you disabuse them?

DR KELLY: It's very rarely said directly to my face, it's normally said to someone else who is making enquiries about it, but it's normally a problem in the UN, a strange organisation in many respects and so are their allegations about all sorts of people who go to Iraq as to what their background might be.

MICHAEL MATES: And there is no-one in Iraq who might forget it!

DR KELLY: I sometimes wish I were there right now!

[LAUGHTER]

JAMES ARBUTHNOT: May I ask, the allegation that Andrew Gilligan made that someone had said that the forty-five minutes, that the issue of forty-five minutes was over-hyped in the document That's not something that you recognised as having come from you?

DR KELLY: No I think I may well have said that the forty-five minute mention was there for impact, yes, because it came out of a conversation, not about the dossier, but about Iraq, 'why weapons had not been used and why they had not been found subsequently' and then the question was 'well if you have something that is available in forty-five minutes surely it would have been used' and then, I can't identify such a system that you could use within forty-five minutes and then the question was 'why would it be included' and I can't give an answer as to why it would be included?

JAMES ARBUTHNOT: So if you might have said that it was there for impact, you can't be firmer than that as to whether you did or did not say that it was there for impact?

DR KELLY: No I'm pretty sure I said it was there for impact, I've acknowledged that.

MICHAEL MATES: As opposed to being factually correct?

DR KELLY: It depends on how you interpret what I've said. I have said that I don't, I can't identify a weapons system that could be used within forty-five minutes of deployment.

MICHAEL MATES: To Gilligan?

DR KELLY: Yes, I've said it to many people, but to Gilligan, yes.

JAMES ARBUTHNOT: So if that was a statement that was there for impact was it a statement that you think should not have been there?

DR KELLY: I think I'd like to quote Hans Blix who at the weekend said that he thought it was unwise to have it there, I think that's probably the correct statement to make I can't, I really can't say that I thought it should not be there because I'm actually not aware of the intelligence behind it.

JAMES ARBUTHNOT: But you did feel that it unwise to it there?

DR KELLY: Now I do, yes. At the time, when it came out, I really didn't make a judgement on it, it was there, it was a statement, I was puzzled but it by I didn't make a judgement on it.

JAMES ARBUTHNOT: Did you think when you were speaking to Andrew Gilligan that you gave him the impression that you felt it was unwise for it to have been there?

DR KELLY: That's a possibility, I can't, really can't, because you are talking about a dynamic and I really can't recall.. I have to admit it's a possibility, yes.

JAMES ARBUTHNOT: Did you or he mention Alistair Campbell in your discussions in May?

DR KELLY: Alistair Campbell came up – because the question was then 'well why was it there?' and he asked that question, now I was not involved in the process of assembling the dossier, my contribution to the dossier was in May/June of last year, after that I had no involvement in the compilation of the dossier, the drafting of it, the synthesis of it, so I was not in a position to comment on that.

JAMES ARBUTHNOT: So when he said 'why was it there?' what did you say, if you can remember?

DR KELLY: I can't recall accurately because, but, I mean essentially it would be words to the effect that I could not comment, I really cannot remember the exact phrase that I used because I was not in a position to comment.

JAMES ARBUTHNOT: Might it have been that you said, you said Alistair Campbell came up in the context of 'why was it there?', How did Alistair Campbell come up in the context of that?

DR KELLY: I'm having great difficulty to clearly remember this, but my feeling is the question was asked by Gilligan.

JAMES ARBUTHNOT: What question?

DR KELLY: When you asked about 'why it was there' and then the successive question was about Campbell.

JAMES ARBUTHNOT: So might Andrew Gilligan have said, did Andrew Gilligan say 'why was it there?' and then did he say 'was it Campbell who put it in'?

DR KELLY: I mean that's the sequence that occurred, I mean the exact phrasing I regret I cannot remember, on this occasion this was not something of deep significance to me, you have to remember and so . . .

JAMES ARBUTHNOT: But if he had said 'was it Campbell who put it in' what do you think you would have said in reply?

DR KELLY: Well I would have no knowledge of that, I just did not have any knowledge about that, so I could not have responded positively or negatively for that matter.

GAVIN STRANG: Could I just ask you now, what is your view of that September dossier?

DR KELLY: My view of the dossier?

GAVIN STRANG: Yes, standing back a bit and giving a view based on your experience and knowledge of that subject.

DR KELLY: I think it is an accurate document, I think it is a fair reflection of the intelligence that was available and it's presented in a very sober and factual way. It's presented in a way that is not an intelligence document or a technical document, I think it is presented in a way that can be consumed by the public, it is well written.

GAVIN STRANG: And you think that precisely what's there will stand the test of time?

DR KELLY: Yes I think so and of course there are certain features that have been confirmed, the extended range missiles, UNMOVIC have found certain weapons albeit not many of them which were capable of dealing either chemical or biological materials so that, to a certain extent has been substantiated, but I'd have to admit that the substantiation is quite small at the moment.

ANN TAYLOR: Just as a follow-up to that, what level of understanding of the document did you think that Andrew Gilligan had when you were discussing these matters with him?

DR KELLY: We didn't really discuss the dossier, the conversation I had was about Iraq and many aspects of that, it came up in the context of weapons, why they had not been used, why they'd not been found; and in the course of that discussion the question came up about why the forty-five minutes was there, when that came into the dossier, and for me, I mean it's very difficult now to know whether it was a fleeting moment, whether it was two minutes, three minutes, I really can't recall, it may be that he was focused on that issue, but I certainly wasn't I was more focused on acquiring information about Iraq immediately post-conflict which would be useful to my work in the future.

ALAN HOWARTH: You said to us that you thought that there was an absolute prohibition on a person in your position talking to the media, but you suggested that this more or less happens more as a notion than absolute prohibition. Were you in breach of normal practice in doing what you did?

DR KELLY: My understanding now is that I was in breach of normal practice.

ALAN HOWARTH: But you weren't aware at the time that you were in breach of normal practice?

DR KELLY: No, because essentially on this, I actually very rarely meet journalists although I do talk to them on the telephone and on this occasion, I must admit, I'd regarded it more as being more a private conversation than I had a briefing or in any way a disclosure at all.

ALAN HOWARTH: And you didn't report back to any colleagues on the fact of your conversation and what had been said.

DR KELLY: No.

ALAN HOWARTH: When you went to meet Andrew Gilligan, at the Charing Cross Hotel, did you enter the discussion with an agenda of your own, you've mentioned that you were anxious to learn what you could from him, but did you also go to meet him with a view to conveying any particular points to him.

DR KELLY: No, it was very much with the intention of being in receive mode – to understand his experience he had in Iraq.

ALAN HOWARTH: So did you feel justified in talking to him as you did at the time?

DR KELLY: I felt comfortable, I'm not sure what you mean by justified.

ALAN HOWARTH: Do you still feel comfortable about the fact that you did so?

DR KELLY: Had this not all have arisen then yes I would have, because I actually did derive information from him, which was useful. I of course deeply regret it, with hindsight, but yes, if this had not arisen it would have been a useful meeting for me.

ALAN HOWARTH: And you regard him as a reliable witness, you've derived information from him, are you satisfied as to the quality, reliability of what you learned from him?

DR KELLY: I am, the information that I derived from him which I found interesting was that he was actually accessing individuals who had not surrendered and he visited them at their homes, he did not physically gain access to them, which was surprising to me, first of all, was that he knew where they were and apparently the Security Services didn't, whether they did or not, and were eavesdropping, I just don't know. and that those individuals were being protected by the regime, or the residue of the regime and so I found that quite fascinating as to why particular individuals would be protected in such a way.

ALAN HOWARTH: And do you now know how to take good advantage of such contacts?

DR KELLY: I don't know is the answer to that. They are people that he had apparently had spoken to before the war.

JOYCE QUIN: Can I ask you how you respond to the letter that the Chairman of Foreign Affairs Committee has apparently written to the Foreign Secretary expressing the view that it seems most unlikely that you were Andrew Gilligan's prime source for his allegations about the September dossier on Iraq.

DR KELLY: Well that's what I believe myself, I mean I do not believe that I'm the prime source, regrettably I've discussed with him issues that are – now – controversial, but I did not do that, my instigation that I raised, it was not something that I felt

particularly strongly about, and people who know me know that I feel quite strongly that Iraq had weapons programmes, that they had such weapons and my whole background working for both the Ministry of Defence and the United Nations really supports the position of the dossier, and one of the comments I made yesterday to the Foreign Affairs Committee was that in essence you take a report produced in 1999 by Richard Butler, which was a status of verification achieved by UNSCOM and put that alongside the dossier, they match quite well and the two together essentially comprise quite a reasonable definition of the problem, the threat presented by Iraq, and I also hasten to add that it was not of course the UN's job to do a threat assessment, it was very much a status of verification, but you can read that in another way, assess it as a threat.

JOYCE QUIN: When you volunteered the information to the MoD that you had met Andrew Gilligan did you at that time feel you might be the prime source, or again did you just come forward with that information because you felt it was better given that Andrew Gilligan's story was getting such prominence that you ought to make it clear that you had met him?

DR KELLY: I felt uncomfortable with the situation that I found myself in and so the only way of resolving that problem, because I thought, for three days before deciding to write, and my conscience dictated that I communicated what I had done in the best way that I could, and that's exactly what I did.

LORD ARCHER: Dr Kelly can you help us as to what you meant by the expression 'for impact', did you mean that that might explain why it was there although it wasn't very important or very relevant, or did you mean that might explain why it was there although there were no good reasons for believing it to be true?

DR KELLY: The last statement you made about reasons for not believing it to be true, I just have no idea, I assume that because it was put in by the Joint Intelligence Committee that they really did think that it was true, I can't think that they would ever put forward something they didn't have confidence in. I think my judgement that it was

there for impact was the fact that it was one of items considered sufficiently important to be put into the Prime Minister's foreword to the document and so obviously it was an aspect of the dossier that had some, had to be profiled in some way.

LORD ARCHER: To say that something is 'for impact' rather indicates that an explanation is required as to why it was there, so you are saying that the explanation is because you wouldn't have regarded it as of that importance.

DR KELLY: I can't judge its importance because I don't know what it refers to, to this very day, I really don't know what 'forty-five minutes' refers to.

LORD ARCHER: Well I just wondered why, why you said it was 'for impact' as though some explanation were required!

DR KELLY: Well because I think it did catch the eye, it's one of the things that was discussed immediately after the dossier, what its significance was and it's been interpreted in many different ways, whether they've been interpreted correctly or incorrectly I can't judge

MICHAEL MATES: You said in answer to Joyce's question that you don't think you were the only source, when you were having your conversation with Gilligan did he at any time intimate he had any information, did he offer you any information? It clearly hadn't come from you but would it have come from one of the other sources?

DR KELLY: No he didn't but I'm sure you are aware, just as well as I am, that journalists quite often allude to the fact that they are presenting information as though it's authoritative when actually it's not, but I don't actually think that happened on this occasion, I can't recall it.

MICHAEL MATES: So you didn't get the feeling he was quoting any other sources that he was trying to corroborate with you?

DR KELLY: I may have been naïve but I didn't feel as though I was contributing anything that was corroborating someone else's statement, I mean it may very well have been the case, but I didn't get that feeling at the time. .

MICHAEL MATES: You didn't get ...

DR KELLY: ...but then I was not particularly thinking about the dossier, I have to admit.

MICHAEL MATES: Nor were you thinking about the *Today Programme*?

DR KELLY: Certainly not.

MICHAEL MATES: Yes, sure Was it in September or February that you talked to him about the 30% possibility?

DR KELLY: No it was in May..

MICHAEL MATES: May, sorry!

DR KELLY: I may have discussed it in February, I really cannot recall.

MICHAEL MATES: Did you discuss it, the first meeting was last September, you said

DR KELLY: The first time I met him was not a one-to-one, I met him at the International Institute of Strategic Studies Global Review, where there about three or four hundred people, maybe more, and I spoke to him in one of the coffee breaks Now you may remember that there is another dossier, the International Institute of Strategic Studies dossier on Iraq's WMD that had just been published and that would have been the topic

of our conversation, but I really cannot recall what we discussed in the context of that dossier with him, I mean it was a coffee break!

ANN TAYLOR: Do you think that the dossier was a sound document?

DR KELLY: Yes.

MICHAEL MATES: You said the 30 per cent you said that was in May that you mentioned it?

DR KELLY: Yes but it was a statement that I would have made probably for the last six months.

MICHAEL MATES: Publicly?

DR KELLY: Not publicly, but I would have said it, and I've discussed things, not just with journalists, I hasten to add, but people from 'think tanks' like IISS, to academics to a variety....

MICHAEL MATES: So it is Chatham House Rules on a widely known activity.

ALAN BEITH: In the course of the discussion it was assumed you would have people of your level of technical knowledge of these things, were you conscious that there were other people who shared your very, very specific reservations, that is for example that you couldn't conceive a weapon system which could have fitted this description or who voiced other reservations about either the dossiers or the general drift of government statements about Iraq?

DR KELLY: Three very different questions. My discussions are primarily technical, I think in terms of the latter part, no, I didn't discuss that with anyone, it wouldn't be my remit or interest to do so. In terms of the forty-five minutes, yes that was very seriously

discussed, particularly with people in the United Nations, in UNMOVIC who were desperately trying to think about what system is it they should be looking for when they went back into Iraq, because it doesn't fit any of the known Iraqi systems, so yes, that was talked about and discussed very seriously.

ALAN BEITH: And with that kind of discussion very understandably, particularly UNMOVIC or ex-inspector colleagues, was that, did that in any way fit the description of 'turbulence in the system' which for example Pauline Neville-Jones used although she was presumably talking primarily about intelligence work, that is, which I interpret to be a lot of people having a lot of discussions are saying 'oh, we've got serious doubts about this or that'.

DR KELLY: I wouldn't describe it as 'turbulence in the system' when the people that I talked to when one was seriously trying to think about what it can refer to, and of course it stimulated talk about the systems that we know about as well, it was a serious discussion, I wouldn't describe it as 'turbulence', it's the sort of vigour of discussion you'd have as a consequence of a statement that's not well understood.

ALAN BEITH: Seen as an 'unconcluded' discussion?

DR KELLY: So far, yes.

MICHAEL MATES: Just on this, when you said that it would have been of great interest to UNMOVIC, this forty-five minutes, because they'd need to look at the system, they would have known about the chemical shells for example, and the artillery system, because that's what was used before and what I believe they found some of, either them or UNSCOM on an earlier incarnation, so it wasn't incredulity that there was a system that could be used at that speed, was it?

DR KELLY: If you are talking about Iraq, Iraq had a policy essentially of producing materials to fill weapons to use, it was unable to stockpile large quantities of chemical

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weapons because the agents degraded, so in order to ply them, first of all you have to make the agents, you have to have munitions available, which is not a problem, they were a problem, you then have to transport them to your storage site, you then have to take them to whatever military site you wish to use them, and then you actually have to set up your firing table, you have to arrange all of that, and then you actually use them, that is quite a long process.

MICHAEL MATES: But the forty-five minutes would refer to the last section of that, Saddam pressing a button, once all those preliminary things had been done.

DR KELLY: Well it's not clear that that's the statement and if in fact Saddam was actually to say 'fire an artillery shell' you'd actually have to have the artillery system in place to do the military attack.

MICHAEL MATES: Sure, I'm not trying to quibble about this, but if the system that was deliverable was an artillery system, which we know he had and the capability, and he had said when the war started 'I want us to be ready to do this, therefore do the moving and do the loading and the out-laying' then forty-five minutes becomes credible doesn't it?

DR KELLY: Possibly.

MICHAEL MATES: I mean that's simply a question of targeting?

DR KELLY: It rather depends where he's going to move his arsenal to, he has to conceal and deceive because he knows full well that he's being watched very, from the skies, it's not an easy task for him.

MICHAEL MATES: So even so you think it unlikely?

DR KELLY: Yes.

MICHAEL MATES: Okay

ANN TAYLOR: Just before we go and veer off that a little bit, if the words 'battlefield weapon', if those words had been used rather than 'weapons' would your view have changed?

DR KELLY: Well I think, my assumption is that it is actually 'battlefield weapons' because Iraq was unable to use it's air force so it was unable to use any aerial weapons and it had been unable to do so for seven or eight years, so many of the weapons that Iraq actually had in 1991, aerial bombs, some of the missile systems would not have been available to it in 2003 or 2002, sorry.

ANN TAYLOR: So the absence of that word didn't make any difference to you from your point of view, it's when you start counting the forty-five minutes, at what stage in the process?

DR KELLY: Yes, one didn't exclude the air systems of course, but I mean primarily one would be thinking in terms of, because I assume that the dossier was referring to something that was happening in 2002 that it would actually be in the context and the reality of 2002

MICHAEL MATES: Absolutely right. Your 30% probability -- is that referring to a specific battlefield weapon, like an artillery shell, or is it referring to other, maybe more sophisticated maybe known longer range?

DR KELLY: It's any form of weapon that Iraq may have. There are two schools of thought on whether Iraq had chemical weapons, people assume that Iraq had chemical weapons but one has to ask the question 'where those weapons derived from materials which had been produced in the late '80s and early '90s or were they currently being produced', now the dossier says that in fact agents were being currently produced, I think

that's correct but of course there's no large scale facility that exists in Iraq, so you are talking about producing a comparatively smaller quantity of material compared to what was available at the classic Al Tuweitha establishment in the early 1980s, certainly that doesn't exist at the moment. So if it's production in 2002-2003 you are talking about a comparatively small amount of material. If you are talking about material, that's left over from a decade ago, again I think you are talking about not a very great amount of material.

MICHAEL MATES: But – I may have this wrong – so your 30% didn't refer to how many, it was whether they had it at all?

DR KELLY: No, it's the probability that they had it in weapons

MICHAEL MATES: In any kind of weapons?

DR KELLY: Yes.

MICHAEL MATES: That was 30% and that's what you told Gilligan in May?

DR KELLY: Yes, I'm sure I said it to him, it's the sort of statement I make to many people.

ANN TAYLOR: Sorry Alan - it's Kevin.

KEVIN BARRON: The 30% that was pointed to you by somebody that it was in Gilligan's evidence was it the actual figure or was it the contents that's quoted in Gilligan's evidence?

DR KELLY: That is the sort of thing which, maybe I now regret having to say, but I will say, that there is a 30% probability of Iraq .

ALAN BEITH: Probability yes, ..

KEVIN BARRON: It's put in the context, 'I believe it is 30% likely that there was a chemical weapons programme in the six months before the war, more likely that there was a biological weapons programme, it is small because you could not conceal a larger programme, the sanctions were actually quite effective but they did limit the programme'. Is that something that you recognise as something that you'd said to Gilligan?

DR KELLY: That would be an approximation of something I might have said to him, yes

KEVIN BARRON: Because that's in quotes, in Gilligan's evidence to the committee. I mean it's quite a lot to put in a quote if it was an off-the-cuff remark within a conversation as opposed to something that may be recorded. Did Gilligan have a pencil and paper with him, when you were chatting?

DR KELLY: He had a notebook with him, yes.

KEVIN BARRON: Could I then take you on ..

ANN TAYLOR: I thought you said 100% on programmes and 30% on . ?

DR KELLY: Exactly, that's my position.

KEVIN BARRON: Well that quote is the only quote in that particular section and I'd have to go through it all to see if the 100% is there, but could I just take you on from that, because in the answer to the next question, it's to do with Mr Gilligan again, but I understand you saying earlier that you thought he, you know, he was somebody whom you respected in terms of his judgement and that's presumably why you went to see him. You said that his source was unhappy with the general tone and tenure of the dossier, but then he goes on to say, quotes again, those people in intelligence were not happy with it,

and he says that in the dossier, because it did not reflect the considered views – these are quotes again – because it did not reflect the considered view that they were putting forward, did you say that to Gilligan at this meeting in May?

DR KELLY: I very much doubt it.

KEVIN BARRON: It just seems that the rolling off his tongue in quotes in here, but you don't remember saying that, did you discuss....

DR KELLY: Well it's not, I mean, it wouldn't be my opinion, it wouldn't be the sort of thing that I would say.

KEVIN BARRON: All right. Did you discuss anything other than the forty-five minutes at this meeting with Gilligan, I mean obviously you discussed what he'd found out in Iraq, but in terms of the dossier...

DR KELLY: In terms of the dossier the only other issue that came up was the issue of uranium, which I couldn't comment on other than that at that stage Mr Baradei who is the Executive of IAEA had put out his statement on the documents

KEVIN BARRON: And have you any knowledge about the statement he made in relation to the DTAG report, the Defence Intelligence report from the Defence Staff Terrorism Analysis Group, dated about the 13th January?

DR KELLY: I have no knowledge of that, whatsoever

KEVIN BARRON: No knowledge of that, whatsoever. Okay, thank you.

JAMES ARBUTHNOT: Forty-five minutes then you felt – it was unwise to put it in, is that right?

DR KELLY: I mean looking backwards, yes, I wasn't involved in the actual inclusion of it or the information that was there.

JAMES ARBUTHNOT: Had you seen any *intelligence* material to back it up?

DR KELLY: I'd seen no *intelligence* material relevant to that topic whatsoever.

JAMES ARBUTHNOT: Have you since then seen any *intelligence* material about that?

DR KELLY: No.

JAMES ARBUTHNOT: Do you think that there might have been *intelligence* material to back it up?

DR KELLY: My assumption is that there is intelligence to back it up, yes, but it's only an assumption, because I'm not privy to it

JAMES ARBUTHNOT: Was the wisdom for UNMOVIC of putting it in dependent on such *intelligence* material do you think?

DR KELLY: Well I assume that the wisdom of putting it in is of course based on that. It's when I say it's unwise, the difficulty is being, the public debate about it thereafter, it's the way it's been interpreted thereafter.

JAMES ARBUTHNOT: But if the *intelligence* material had been absolutely 'copper-bottomed' then it would have been, not only a fair thing to put in but surely in order to influence the debate it was necessary to put it in at the time?

DR KELLY: Yes, but I've, it may have been better to put it in, in some form of context.

JAMES ARBUTHNOT: But your view whether it was wise or unwise is uncoloured by having seen any *intelligence* material because you haven't? So how can you make a judgement like that?

DR KELLY: Because of the, I can make a judgement on it based on my experience and my ability to identify a system with that, and from the subsequent debate about it, I think if it had been put in, in a better context then it would have been better understood then it would have been - I can't think of a word to use - a lot fairer a lot easier to understand. It's not the wisdom of putting it in and out, it's the wisdom of how it's expressed.

JAMES ARBUTHNOT: But is there anything absolutely, I mean if Saddam's son had actually said 'yes, well actually we've got these people who can launch these things in forty-five minutes' . .

DR KELLY: ... and you've got to make an impact.

JAMES ARBUTHNOT: So was your view that it was probably unwise to put it in coloured not only by the fact that you had not seen any *intelligence* material yourself but also by other discussions within the intelligence community that felt 'well that was a bit of a bummer - we shouldn't have put that in?

DR KELLY: No I think it's coloured by my discussions, primarily, with UNMOVIC and fellow UNSCOM specialists, rather than the intelligence community, the dossier essentially came and went, I mean as far as I was concerned ten days later it wasn't a topic for debate, it came, it created the impression that it did, and it really wasn't discussed a lot in technical circles, thereafter, and I certainly didn't discuss it with intelligence, there were other things to be done, there was Resolution 1441 coming up and UNMOVIC were re-engaging with discussions with Iraq, I was very much focused on that rather than the dossier, the dossier of course was familiar to me, the contents, the

general concepts of the dossier, it was not something that I was pondering and reflecting on, I accepted it and I was getting on with my own work.

JAMES ARBUTHNOT: So in a sense it was based on the international intelligence community's view?

DR KELLY: No, not the international intelligence community, what I'm talking about are technical experts who are associated with the United Nations, that is not the international intelligence community.

JAMES ARBUTHNOT: Okay, thank you.

ANN TAYLOR: Is it possible that Gilligan, did you talk to Gilligan about that context?

DR KELLY: No 'forty-five minutes' I really didn't discuss with him at any great length at all, I mean I was not actually talking about the dossier I was talking about why weapons could not be found, and why they'd not been used.

JOYCE QUIN: And in the transcript of Gilligan's – in the final segment he said the words of his source were that it was transformed in a week before it was published to make it 'sexier', that didn't come from you then?

DR KELLY: The word 'transformed' is not something that would have occurred to me in terms of the document, first of all I had not seen the earlier drafts of it, so I wouldn't know whether it had been transformed or not, the document itself is a very sober, well written, there is no emotive language in it, it's factual, I don't see it as being 'transformed'.

MICHAEL MATES: But you wouldn't describe it as 'sexy'?

DR KELLY: I think the 'forty-five minutes' for impact is the only, that's the only bit that that would be the case.

JAMES ARBUTHNOT: But 'sexier' is that a word you would use?

DR KELLY: It is a word I would use, I use it on occasions.

JAMES ARBUTHNOT: Is it a word you did use?

DR KELLY: I cannot recall on that occasion.

JAMES ARBUTHNOT: But you might have done?

DR KELLY: It's possible, yes.

ALAN BEITH: What were the words that made you recognise the quotation as being yours?

DR KELLY: Which quotation are we talking about?

ALAN BEITH: You said when you read the transcript again you said you recognised it.

DR KELLY: It was the 30%.

JOYCE QUIN: But in the transcript Gilligan also said that the words of his source says that it was 'transformed' in your answer you seem to have indicated very clearly that that did not come from you.

DR KELLY: I don't believe it came from me.

JOYCE QUIN: Right, and there are other things in both the evidence that Gilligan gave to the Foreign Affairs Committee and whatever it is reporting that you've been able to follow subsequently, that indicates to you that he must have had some other senior source, other than yourself?

DR KELLY: I can put it the other way round, it's I don't believe it all came from me, I really can't say the other way round that there is information in there that must have come, well presumably it must have come from another source, but I can't identify that source.

JOYCE QUIN: But there must have been other sources, but in other words you stand by what you've said before in that you were not the prime source.

DR KELLY: That's my belief; that I'm not the prime source.

GAVIN STRANG: Something that just occurred to me. were you involved with Iraq during the Iran/Iraq war because I understand that you have quite a pedigree in all this?

DR KELLY: I went to Porton Down in 1984 so I was very much aware of the latter stages of the Iran/Iraq war, the handling of casualties that came out of Iran and Iraq, the batch that came to the United Kingdom and I was aware of investigations of casualties at Halabja, yes.

GAVIN STRANG: Was the British government helping Iraq?

DR KELLY: In terms of the casualties that came out afterwards from Halabja, yes.

GAVIN STRANG: But were they giving help also in the military sense?

DR KELLY: I think I would have to be clear on that question. You have to be clearer in the question I think.

GAVIN STRANG: Well the question is whether and I am not sure this is relevant to this inquiry, but I am curious as to whether in fact you were aware of covert assistance being given to Iraq during the war – because we were supposed to be neutral.

DR KELLY: I'm not aware of that at all, my expertise is in the chemical and biological area and not anywhere else

GAVIN STRANG: Thank you for that.

ALAN HOWARTH: How did you arrive at your figure of 30% probability it appears to have a kind of exactitude, or is it meant to be merely illustrative?

DR KELLY: It's illustrative, as an estimate

ALAN HOWARTH: Illustrating a lot, a little?

DR KELLY: It's verging to a little rather than to a lot.

MICHAEL MATES: Two to one against!

[LAUGHTER]

ANN TAYLOR: Can I ask, at the beginning you mentioned that you do see certain intelligence reports but you haven't been very specific about that, can you give us some idea of what you see by way of JIC papers, what you see from DIS, you mentioned that you did see some *intelligence* reporting could you give us a fuller picture please, of what they might be?

DR KELLY: Certainly. I see all the *intelligence* reporting concerned with both Iraq and ***, with regard to chemical and biological weapons, that arrives in the Proliferation

and Arms Control Secretariat and I have full access to that. Within the Defence Intelligence Services I liaise with the Rockingham cell which used to service UNMOVIC and UNSCOM and now will service the Iraq Survey Group and I don't go through all the information that they have but, almost on a weekly basis I'll sit down with the principal officer there and he will alert me to anything that he thinks is of relevance to my work. I also liaise with SIS, they call me in if they want to discuss any raw intelligence with me or if they want any assistance in interpreting intelligence. I see them every two months or so

ANN TAYLOR: Fine, are there any more questions?

JOYCE QUIN: Just one general one, when you said earlier on you said that you do talk to journalists on the 'phone, in what capacity do you talk to them on the 'phone, you seemed to indicate that that was quite a regular occurrence?

DR KELLY: Unfortunately a lot of the press and television companies have my telephone number so I will get 'cold called', so I will get called to comment on something or to explain something, most of the calls that I have tend to be rather technically boring, they come from journalists who don't know what a formenter is or don't the difference between a virus and a bacterium, they come from enquiries about Iraq and some of the principal facilities that were associated with them so they understand them, some of the personalities associated with the programme, and I'll comment on their role, but not their personality as such. But I also of course, most of my work is at the behest, primarily of the Foreign Office, occasionally the MoD but also the United Nations, and for example when the anthrax envelopes incidents occurred shortly after September 11th then the UN used me quite a lot because there was considered to be a connection with Iraq, which I don't believe to be the case but that was certainly part of the speculation, so the UN press office asked me to brief on their behalf.

MICHAEL MATES: In either of your conversations with Gilligan did you discuss missiles, did he discuss missiles with you?

DR KELLY: I don't believe so, what I know I did, I wouldn't say 'discuss' because quite often when people ask what the forty-five minutes means, I somewhat glibly say 'well I know that it takes forty-five minutes to load up and fuse a forty barrel, multi barrelled rocket launcher' but that's not a missile, but I mean that's a flip remark that I make.

MICHAEL MATES: But you didn't have a discussion about his missile capabilities?

DR KELLY: About Iraq's missile capabilities, no. I mean I'm aware of it, but I don't think that happened on that occasion.

ANN TAYLOR: Thank you. Is there anything else that you would like to tell us or think should tell us that we haven't covered that might be pertinent to the Inquiry that we are conducting?

DR KELLY: I think you've covered everything pretty well, I can't think of anything else that needs to be said.

ANN TAYLOR: Okay thank you very much for your time and again apologies for yesterday.

DR KELLY: Okay, thank you.

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