

## The Unsolved Murder of Dr David Kelly by William Shepherd

first published as Letter from Lincoln's Inn on 26<sup>th</sup> June 2010 at <http://delicious.com/williamshepherd/dispatches/>

The official story of Dr David Kelly is that he took his own life in an Oxfordshire wood by overdosing on painkillers and cutting his left wrist with a pruning knife.<sup>1</sup> He was said to be devastated after being unmasked as the source of the BBC's claim that the Government had 'sexed up' the case for war in Iraq.

A subsequent official inquiry led by Lord Hutton into the circumstances leading to the death came to the unequivocal conclusion that Kelly committed suicide. Yet suspicions of foul play still hang heavy over the death of the weapons expert whose body was found seven years ago next month in one of the most notorious episodes of Tony Blair's premiership.



Many believe the truth about the manner of Dr Kelly's death has never been established properly. Some even fear that the 59-year-old, the world's leading expert in biological and chemical weapons, was murdered.

Of course, it would be easy to dismiss these sceptics as wild conspiracy theorists - but for the fact they include eminent doctors and MPs. The blanket of secrecy thrown over the case by the last Labour Government has only fuelled the sense of mystery.

In January this year, it emerged that unpublished medical and scientific records relating to Dr Kelly's death - including the post-mortem report and photographs of his body - had been secretly classified so as not to be made public for 70 years. Lord Hutton,

who had been appointed by Blair, was responsible for this extraordinary gagging order, yet its legal basis has baffled experts accustomed to such matters.

Against this shadowy background, we have conducted a rigorous and thorough investigation into the mystery that surrounds the death of David Kelly. And our investigation has turned up evidence which raises still more disturbing questions. Our new revelations include the ambiguous nature of the wording on Dr Kelly's death certificate; the existence of an anonymous letter which says his colleagues were warned to stay away from his funeral; and an extraordinary claim that the wallpaper at Dr Kelly's home was stripped by police in the hours after he was reported missing - but before his body was found.

Until now, details of Dr Kelly's death certificate have never been made public. But the certificate was obtained by a group of leading doctors who have spent almost seven years investigating the case; doctors who believe it is medically implausible that he died in the manner Hutton concluded and are alarmed at the unorthodox way the death certificate was completed.

Near the top of all British death certificates is a box headed 'Date and place of death', in which a doctor or coroner should declare the exact location of a death, if it has been established. Dr Kelly's certificate gives his date of death as July 18, 2003. It then states in reference to place of death: 'Found dead at Harrowdown Hill, Longworth, Oxon'. Why was the word 'found' used? Why was the crucial question of 'place of death' not answered? The death certificate should be precise about the time, cause and location of death. The doctors who have investigated the case believe the failure to answer this question leaves open the possibility that Dr Kelly died somewhere other than Harrowdown Hill, the wood where his body was discovered. If this was the case, they are concerned the law may have been subverted over Dr Kelly's death.

Any such irregularity would inevitably add to the pressure to reopen the case. Indeed, earlier this month it was revealed that *Justice Secretary* Ken Clarke and *Attorney General* Dominic Grieve, who have the power to undo Hutton's 70-year gagging order and demand a coroner's inquest into Dr Kelly's death, are poised to re-open the case. To this day, the location where Dr Kelly died remains a mystery - yet it is surely the most basic requirement of an investigation into any violent or unexpected death. Nor was the question of the location of death raised at the Hutton Inquiry.

Amazingly, *Chief Inspector* (now Superintendent) Alan Young of *Thames Valley Police*, who headed the investigation into Dr Kelly's death, did not even give evidence to the *Hutton Inquiry*. Significantly, it emerged via a

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<sup>1</sup> The main article, reprinted here with only very minor changes, first appeared in the *Daily Mail* on Saturday 26th June 2010 as *Kelly: The Damning New Evidence that points to a cover-up by the Blair Government* written by *Daily Mail* journalist Miles Goslett together with Stephen Frost, one of a group of medical practitioners seeking a coroner's inquest on Dr David Kelly's death which was avoided by invoking section 17a of the 1988 Coroner's Act previously used only three times (the *Ladbroke Grove Train Crash*, the *Harold Shipman murders* (311) and the sinking of the *Hull trawler Gaul* in the Barents Sea.

*Freedom of Information* request in 2008 that a police helicopter with heat-seeking equipment which searched for Dr Kelly on the night he disappeared did not detect his body. At 2.50am on July 18, 2003, the helicopter flew over the exact spot where Dr Kelly's body was found by a search party less than six hours later, at 8.30am.

Yet the pathologist who took Dr Kelly's body temperature at 7pm on the day his body was found determined that Dr Kelly could still have been alive at 1.15am on July 18 - just 95 minutes before the helicopter flew over the patch of woodland. If that was the case, the body would have been warm enough to be picked up by the helicopter's heat sensors. Why didn't the helicopter pick it up? Was it because Dr Kelly did not die where his body was found?

A full coroner's inquest, which, by law, must be held following any sudden, unexpected or violent death, would have addressed these discrepancies. But no full inquest was ever held. *Oxfordshire Coroner* Nicholas Gardiner opened an inquest on July 21. But on August 13 the then *Lord Chancellor* Lord Falconer, Tony Blair's former flatmate, ordered it to be adjourned indefinitely. Falconer used an obscure law to suspend proceedings, and for the first time in English legal history he replaced an inquest with a non-statutory public inquiry to examine a single death, seemingly without any public explanation.

When we tracked Mr Gardiner down, he refused to say whether he was 'either happy or unhappy' about this decision, but he did admit: 'Public inquiries of this sort are very rare creatures. I think this was only about the third there had ever been.' In fact, it was the fourth. Using a public inquiry to replace a coroner's inquest - under *Section 17a* of the *Coroner's Act* - in order to examine a death has only ever happened in three other cases. And in each case, it was where multiple deaths have occurred. These were the incidents in which 31 people were killed in the Ladbroke Grove rail crash in 2000; the 311 deaths connected with Dr Harold Shipman; and the 36 deaths associated with the Hull trawler Gaul which sank in the Barents Sea in 1974 and whose case was re-opened in 2004.

The public was led to believe that the death of Dr Kelly would be investigated more rigorously by the *Hutton Inquiry* than by a coroner. Conclusion: Lord Hutton's inquiry ended while the judge was still taking evidence from witnesses. Coroner Nicholas Gardiner, right, refused to say whether he was 'either happy or unhappy' that an inquest he opened was indefinitely adjourned. But it is now clear that the opposite was in fact true - for Hutton lacked the powers of a coroner. He could not hear evidence under oath; he could not subpoena witnesses; he could not call a jury; and he could not aggressively cross-examine witnesses.

Astonishingly, on August 18, less than three weeks into the *Hutton Inquiry*, which opened on August 1, Dr Kelly's death certificate was mysteriously completed and the cause of his death officially registered as haemorrhage. Put another way, five weeks before the *Hutton Inquiry* ended on September 24, 2003, and while the judge was still taking evidence about Dr Kelly's death from witnesses, the official record of the cause of death was written and the case effectively closed. Misleadingly, the death certificate states an inquest did take place on August 14 - even though we now know no inquest actually happened. And extraordinarily, though it bears the signature of the registrar, it is not signed by either a doctor or a coroner as every death certificate should be.



Dr Michael Powers QC, a former coroner and an expert in coroner's law who is working to secure a full and proper inquest, said: 'This death certificate is evidence of a failure properly to examine the cause of Dr Kelly's death. It is evidence of a pre-judgment of the issue. In a coroner's inquest the cause of death would not be registered until the whole inquiry had been completed. As we see here, the cause of death was registered before the *Hutton Inquiry* had finished. 'This is remarkable. To my mind it is evidence that the inquiry into Dr Kelly's death was window-dressing because the conclusion had already been determined.'

Since January 2004 a group of doctors has worked unstintingly for a fresh inquest to be held into David Kelly's death because of the blatant shortcomings of the *Hutton Inquiry*. They are radiologist Stephen Frost, trauma surgeon David Halpin, vascular surgeon Martin Birnstingl, epidemiologist Andrew Rouse and internal medicine specialist Christopher Burns-Cox. Their investigations have raised many doubts about the widespread assumption that Dr Kelly killed himself. A letter they wrote to the press in January 2004 marked the first time anyone had raised the possibility in the mainstream media of Dr Kelly's death not being a suicide.

In 2009 they spent almost a year researching and writing a medical report which disputes Hutton's assertion that Dr Kelly died from haemorrhage after severing the ulnar artery in his left wrist. The doctors argued that the wounds to Dr Kelly's left wrist would not have caused him to bleed to death. In January this year they discovered that Lord Hutton made the extraordinary 70-year gagging order. Since then they have asked via their lawyers *Leigh Day & Co*

to see the classified records, but under the last *Labour Government*, the *Ministry of Justice* - the department which holds them - repeatedly denied them access in the run-up to the last General Election. No reason was given.

*Liberal Democrat MP* Norman Baker, who in 2007 wrote a book suggesting that Dr Kelly was murdered, used the *Freedom of Information Act* in January to apply to the *Ministry of Justice* to see the records. His request was also denied. Using *Section 41* of the act - known as an 'absolute exemption' - the ministry said it was not obliged to reveal the information. Mr Baker, now a transport minister in the coalition government, has appealed against this decision. But he and the group of doctors are not the only ones who harbour suspicions about a cover-up of Dr Kelly's death.

Only last month one of the doctors, David Halpin, received an anonymous and carefully worded letter from someone claiming to be a relative of a former colleague of David Kelly's at the *Ministry of Defence*. The correspondent said Kelly's colleagues were 'warned off' attending his funeral - presumably by *MoD* officials, although this is not made explicit.

Similarly, in his recently published book *The End Of The Party*, the political commentator Andrew Rawnsley (who has close links with the *Labour* high command) claims that Geoff Hoon, *Defence Secretary* at the time of Kelly's death, was so furious about being removed by Tony Blair as *Leader of the House of Commons* in May 2006 that he wrote out a resignation statement. According to Rawnsley, 'he planned to make a speech about the [David] Kelly affair that he told friends could trigger the instant downfall of the Prime Minister'. Frustratingly, there are no more details in Rawnsley's book about what Hoon was referring to - but Hoon visited Dr Kelly's widow shortly after his death and has never publicly denied this explosive charge.

Equally inexplicable is the attitude of Dr Nicholas Hunt, the forensic pathologist who attended the scene when Dr Kelly's body was found on Harrowdown Hill. Dr Hunt's duty as forensic pathologist is to help uphold the rule of law. In March 2004, after the *Hutton Report* was published, Dr Hunt contacted *Channel 4 News* and said he thought a full coroner's inquest should be held. Yet mysteriously, he says now that - despite contacting the TV station - he has 'maintained a silence on this [matter] on behalf of the [Kelly] family for a very long time'.



Dr David Kelly's grave is in the churchyard of *St Mary's Church* in Longworth, Oxfordshire. Several doctors argued that the wounds to his left wrist would not have caused him to bleed to death

Adding further to the case for a proper inquest is a new fascinating claim by a woman who has also worked closely with the doctors and helped Norman Baker with his book.

Rowena Thursby, a former publishing executive who became fascinated with the case and started looking into it, told us that Dr Kelly's widow, Janice, admitted to her that on the night Dr Kelly was reported missing in July 2003 - but hours before his body was found - *Thames Valley Police* asked her and her daughters to leave their house and wait in the garden. It later emerged that while the Kelly's were outside, officers stripped wallpaper from their sitting room. Why would they have done that? Could they have been 'sweeping' his property for listening devices?

It is certainly a possibility. Despite the fact that the *Labour Government* patronisingly dismissed him as a 'Walter Mitty character' and nothing more than a middle ranking official in the *Ministry of Defence*, Dr Kelly was arguably the world's pre-eminent expert on biological and chemical weapons of mass destruction. We have established that he had access to the highest levels of the security services and was cleared to see the most highly classified intelligence. The claim that police removed wallpaper from his house has never been confirmed or denied by *Thames Valley Police* - they refuse to make any comments about the Kelly case.

All these new revelations add weight to the list of unanswered questions surrounding Dr Kelly's death, such as why were no fingerprints found on the knife with which he allegedly killed himself - even though he wore no gloves. As with the extraordinary details of the helicopter search, this vital information was only obtained using the *Freedom of Information Act* almost five years after the *Hutton Inquiry* ended. It was not heard at the inquiry.

The doctors insist that concern about Dr Kelly's death will continue to deepen until a full coroner's inquest is heard. If one is finally granted, many will expect Tony Blair and Lord Falconer to be called to explain under oath why they went to such lengths to avoid the normal, rigorous and respected course of this country's law. Until this happens their reputations will continue to suffer, as will the reputation of the British legal system. The unavoidable conclusion must be that a full coroner's inquest is the only way the whole truth about the Kelly affair, however uncomfortable, will emerge.



**Comment by William Shepherd** *Daily Mail Online 26<sup>th</sup> June 2010*

*-- comment not accepted for online publication no explanation given--*

I sent a letter to the *Hutton Inquiry* that failed to find its way into any reports. Here is an abbreviated extract from the letter:

'In his work and his private life, Dr Kelly worked with many scientists and officials inside and outside of governments, quasi-governmental organisations and private institutions. His private networks of individuals in journalism, academia and the many faiths of the Middle East were also extensive. It is also clear that since his time as *Head of Microbiology* from 1984 to 1992 at the *Chemical and Biological Defence Establishment* at Porton Down, Dr Kelly has been concerned about the appalling dangers inherent in the next generation of *WMDs* with their DNA-sequenced '*Passover Weapons*' and the implied selective vaccination of a government's own favoured ethnic or cultural groups...a horror beyond the wildest imaginings of Hitler's maddest scientists.' Full text of the letter is at:

<http://www.williamfranklin.com/4thworld/notices/nb17.html>

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### Letter to the Hutton Inquiry from William Shepherd

first published online on August 28th 2003

<http://www.williamfranklin.com/4thworld/notices/nb17.html>

**Subject:** Hutton Inquiry - Restriction of Evidence  
**To:** hutton.inquiry@dca.gsi.gov.uk  
**From:** williamnshepherd@hotmail.com  
**Date:** Thursday 28th August 2003

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There is a considerable weight of well-informed evidence on the internet relevant to Lord Hutton's inquiry into Dr Kelly's death. Yet your inquiry seems to disregard these sources thereby effectively censoring (howbeit inadvertently) the evidence being placed in the public domain.

Below are examples of three web pages, which contain information that might be relevant to Dr Kelly's death and should therefore be of interest to the Hutton inquiry.

[www.fglaysher.com/bahaicensorship/Kelly.htm](http://www.fglaysher.com/bahaicensorship/Kelly.htm)

[www.rense.com/general39/kelly.htm](http://www.rense.com/general39/kelly.htm)

[www.rense.com/general20/mic.htm](http://www.rense.com/general20/mic.htm)

Perhaps you should include in the Frequently Asked Questions (FAQs) on the inquiry website at [www.the-hutton-inquiry.org.uk](http://www.the-hutton-inquiry.org.uk) the reason why internet-based evidence is not being included. You might also provide links to the relevant memos, e-mails, minutes etc. leading up to such internet document exclusion decisions.

It is now emerging that in his work and his private life, Dr Kelly worked with many scientists and officials inside and outside of governments, quasi-governmental organisations and private institutions. His private networks of individuals in journalism, academia and the many faiths of the Middle East were also extensive.

It is also clear that since his time as *Head of Microbiology* from 1984 to 1992 at the [Chemical and Biological Defence Establishment](#) at Porton Down in Wiltshire, Dr Kelly has been concerned about the appalling dangers inherent in the next generation of *WMDs* (Weapons of Mass Destruction) with their DNA-sequenced '*Passover Weapons*' and the implied selective vaccination of a government's own favoured ethnic or cultural groups...a horror beyond the wildest imaginings of Hitler's maddest scientists. Dr Kelly was an expert on much more than the [Iraqi weapons](#) programme.

As is evident from the continuing [inquiries](#) into the death of the Swedish Prime Minister [Olof Palme](#), restricting evidence at the outset of an inquiry can turn out to be counter-productive.

As your inquiry has made such an effort to provide public access via the internet to the inquiry's proceedings, it would be ironic if future historians were to identify restrictions in the use of internet evidence as the flaw in Lord Hutton's inquiry into the circumstances surrounding Dr Kelly's death.

*William Shepherd*  
*Dannemoragatan 12, Stockholm, Sweden*

PS. Should not e-mails such as this be posted onto a Public Noticeboard (with search facilities) on the Hutton inquiry website?

## Lord Hutton

Source: Wikipedia

Peter Osborne wrote in *The Spectator* in January 2004: 'Legal opinion in Northern Ireland, where Lord Hutton practised for most of his career, emphasises the caution of his judgments. He is said to have been habitually chary of making precedents. But few people seriously doubt Hutton's fairness or independence. Though [he is] a dour Presbyterian, there were spectacular acquittals of some very grisly IRA terrorist suspects when he was a judge in the Diplock era.'

*Sinn Fein* and former IRA member (volunteer) Danny Morrison wrote in *The Guardian*: 'Although in the Belfast high court Hutton occasionally acquitted republicans and dismissed the appeals of soldiers, nationalists generally considered him a hanging judge and the guardian angel of soldiers and police officers.'

## Record of Judgements

### 1972

Hutton represented the *Ministry of Defence* at the *Bloody Sunday* inquest into the killing of civil rights marchers in Belfast. Later, he publicly reprimanded Major Hubert O'Neil, the coroner presiding over the inquest, when the coroner accused the *British Army* of murder.

In June 2010 a 12-year, £200million, judicial inquiry by Lord Saville into the events of *Bloody Sunday* confirmed that British paratroopers shot dead 13 unarmed civil rights protesters (another died later). In parliament the prime minister, David Cameron said that not one of those shot down did anything to justify the army's attack and that some members of our armed forces acted wrongly. In his statement to the House he said: "What happened should never, ever have happened...On behalf of our government and our country I am deeply sorry"

No tribunal is planned into those guilty of perjury, fraud, conspiracy and cover-up in securing the earlier judgments.

### 1978

In 1978 Hutton defended Britain in the *European Court of Human Rights* when it was found guilty of torturing internees without trial. He sentenced 10 men to 1,001 years in prison on the word of 'supergrass' informer Robert Quigley who was granted immunity in 1984.

### 1994

On March 30, 1994 as *Lord Chief Justice of Northern Ireland*, Lord Hutton dismissed Private Lee Clegg's appeal against his controversial murder conviction.

### 1999

Lord Hutton came to public attention in 1999 during the extradition proceedings of former Chilean dictator Gen. Augusto Pinochet. Pinochet had been arrested in London on torture allegations by request of a Spanish judge. Five Law Lords, the UK's highest court, decided by a 3-2 majority that Pinochet was to be extradited to Spain.

The verdict was then overturned by a panel of seven Law Lords, including Lord Hutton on the grounds that Lord Hoffmann, one of the five Law Lords, had links to human rights group *Amnesty International* which had campaigned for Pinochet's extradition.

### 2002

Lord Hutton was one of four Law Lords to reject David Shayler's application to use a 'public interest' defence as defined in section 1 of the *Official Secrets Act* at his trial.

### 2003

Lord Hutton was appointed by the *Blair Government* to chair the inquiry on the circumstances surrounding the death of the British scientist Dr David Kelly at the heart of the *Dodgy Dossier* controversy. The inquiry commenced on August 11, 2003. Many observers were surprised when he delivered his report on January 28, 2004.

Lord Hutton cleared the *British Government* in large part. His criticism of the *BBC* was regarded by some as unduly harsh; one critic commented that he had given the 'benefit of judgement to virtually everyone in the government and no-one in the BBC'.

### 2004

Lord Hutton retired as a Law Lord on January 11, 2004.

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