

Office of the Attorney General
Mr Kevin McGinty
20, Victoria Street
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16 February 2011

From:- David Halpin FRCS, Kiln Shotts, Haytor, Newton Abbot, TQ13 9XR

Insufficiency of inquiry

Dear Kevin,

I present in the following pages further evidence of insufficiency of inquiry. I have sent two previous letters as you know that are dated 28 November 2010 and 6 December 2010. I have also emphasised the importance in the evidence of our 'Opinion as to the likelihood that the death of David Kelly CMG DSc was the direct result of haemorrhage due to transection of his left ulnar artery'.

If it is more convenient for the Attorney General I will send this letter and the previous two as pdfs. I also add that the copied evidence and other material does not make for easy reading. I cannot apologise for that.

Dr David Kelly's clothing: Sighting: Search for him

I do not believe there was any questioning at the Hutton inquiry as to how Dr Kelly was clothed. His corpse was 'wearing' a Barbour jacket but it was only two weeks after midsummer. The Radcliffe Meteorological Centre, about 7 miles from Southmoor, records -

July was warmer than expected, with relatively average amounts of rainfall and sunshine. The absolute maximum temperature of 32.5°C was 4.6°C above the long-period mean, and was the 6th highest on record for July and also the 15th highest temperature ever recorded at the station. The absolute minimum air temperature of 10.2°C was the highest ever recorded during July, and follows a general trend towards higher minima seen over the last decade.

However, the weather on the 17 and 18 July was as follows. The most salient measurements have been extracted. Those recordings dated 18/07/03 are the relevant ones being from 10.00hrs 17/07/03 to 10.00hrs 18/07/03. I am grateful to the **Radcliffe Meteorological Centre** for providing them to me. I calculate the Centre is about 7 miles from Southmoor.

Date	Wind Speed	Humidity %	Dry Air Temp:	Max: Temp:	Min: Temp:	Grass Temp:	Soil Temp: 30 cms	Soil Temp: 100 cms	Rain mm	Sun Hours
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17/07/03	18 kts	100	15.9	18.8	15.4	14.2	20.5	18	4.4	0
18/07/03	8 kts	99	17.9	27.1	13.8	13.8	19.6	18.1	0.2	5.5

Temperature – Celsius. Measurements taken daily at 10.00 hrs GMT

The weather records of the **Physics Department of the University of Oxford** have also been got for me. The measurements are made every 3 seconds! I have extracted the salient measurements from these. Those made from 15.00hrs 17/07/03 (about when Dr Kelly went out) have been extracted hourly until 20.00hrs 18/07/03 (an hour after his body was taken from Harrowdown Hill to the Radcliffe Infirmary) I will retain these records on file here.

The essential features for this 29 hour period are:-

WIND SPEED – Average c. 4 knots

TEMPERATURE –

16°C 15.00 17/07/03 (minimum) as Dr Kelly left for his walk

14°C 03.00 to 05.00 hours 18/07/03

20°C 19.00 hrs (maximum for these 29 hours) and approximately the time the rectal temperature was taken and the body shortly removed

SUN – zero for those daylight hours

RAIN – zero

Comment

The choice of an outer garment for his walk would be understood, given the temperature at these two sites near to Southmoor. That a waterproof jacket was chosen rather than a sweater is less easily understood unless he planned to go to the wood and to stay there until he took his own life. The Barbour jacket would have provided pockets for the mobile phone, knife, water bottle, blister packs and spectacles. Those pockets would have allowed good concealment.

What did witnesses say about his clothing?

Mrs Janice Kelly

48 10 I will be fine. **And then he went to change into his**
11 jeans. He would be around the house in a tracksuit or
12 tracksuit bottoms during the day. So he went to change
13 and put on his shoes. Then I assumed he had left the
14 house.

15 Q. Because he was going for a walk?

16 A. That is right. He had intended to go for this regular
17 walk of his. He had a bad back so that was the strategy
18 for that.

19 Q. And did he, in fact, go straight off for his walk?
20 A. Well, the phone rang a little bit later on and I assumed
21 he had left so I suddenly realised I had not got
22 a cordless phone and I thought it might be an important
23 call for him, perhaps from the MoD. So I went
24 downstairs to find the telephone in the dining room. By
25 this time the ringing had stopped and I was aware of

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1 David talking quietly on a phone. I said something
2 like: I thought you had gone out for a walk. He did not
3 respond of course because he was talking on the phone.

4 Q. Where was he at this time?

5 A. In his study.

6 Q. Do you know what time this was?

7 A. Not exactly, no. Getting on for 3, I would think.

8 Q. Do you know who the caller was?

9 A. I assumed it was the MoD, I am not sure.

10 Q. And did Dr Kelly go out for his walk?

11 A. Well, the phone rang again at about 3.20, after which --

12 it was a call for me -- a return call for me, and

13 I could not settle in bed so I got up at that stage and

14 I was aware that definitely David had left by this time.

15 Q. So he had gone?

16 A. He had gone by 3.20.

17 Q. So between 3 and 3.20 he had gone for a walk?

18 A. That is right, yes.

We leave aside the very important unanswered question as to who called Dr Kelly.

Newspaper reports

a.

<http://www.guardian.co.uk/politics/2003/jul/19/uk.iraq4> Guardian 19 July 2003

Paul Weaver, a farmer, may have been the last person to see him, as the scientist walked through farmland to the north of the A420, a few minutes from his home. Dr Kelly seemed happy enough and smiled at the farmer.

Dr Kelly's family was surprised when he did not return within a few hours. Though he often walked for two or three hours, he was not wont to go for long hikes alone. **He had left home in just a cotton shirt and jeans.** It was not cold but it was dull and rainy.

(**Comment – who saw and said he left home in 'just a cotton shirt and jeans'?** The farmer, Paul Weaver (Weaving in fact) saw Dr Kelly according to these two reporters.)

b.

<http://news.scotsman.com/huttoninquiry/Kelly-told-wife-this-wasnt.2445113.jp> Scotsman 19 July 2003

Paul Weaver, a farmer, was possibly the last person to see the scientist alive, as he made his way alone along a country footpath at the edge of his farm. It was shortly after 3pm when the sighting was made.

His wife, who is understood to be suffering from arthritis, waited a few more anxious hours before she called the police at about 11:45pm, and **a search involving dozens of police officers and neighbours was launched.**

Susan Melling, a neighbour, said the farmer, Mr Weaver, knocked on their door and her husband joined him in the search party.

"Mr Weaver called around and told us what had happened," she said. "He said that he had seen Dr Kelly on his walk on Thursday afternoon because he was near his farmland at the time.

"He was seen on the other side of the A420 road which runs just north of the village. My husband told me they would be searching all the way to the village of Longworth, which was the nearest village to where he was heading."

c.

This report in the Guardian is dated 18 July 2003 and is headed Timeline: Dr David Kelly.

Article history Timeline: Dr David Kelly This article was published on guardian.co.uk at 11.22 BST on Friday 18 July 2003. It was last modified at 11.22 BST on Tuesday 22 July 2003. It was first published at 11.22 BST on Tuesday 22 July 2003.

<http://www.guardian.co.uk/media/2003/jul/18/politicsandiraq.iraq>

“July 17

At 3pm Dr Kelly leaves his home at Southmoor, near Abingdon in Oxfordshire, telling his wife he is going for a walk. Although he is accustomed to walking for several hours at a time in the footpaths near his home, **he is dressed inappropriately for the wet weather, wearing only a shirt and not taking a coat with him.** When he fails to return home by 11.45pm, his family contacts the police.”

d. **Minute to Paul Wearing 19/07/03 - not for release - Police operational information
TVP/3/0098 – 0099 (from Evidence Hutton Inquiry)**

e. No record of any witness statement from Susan Melling.

f. No record of any witness statement from Paul Weaving.

A few of the many questions leading to a conclusion there was an 'insufficiency of inquiry' in regard to the above facts

1. Why was Paul Weaving not called to the Hutton Inquiry? Or was it considered by TVP that the reports of his sighting Dr Kelly were insubstantial. It is possible that he was one of the last persons to see Dr Kelly alive.
2. Did the entry in the 'record of evidence' at Hutton – 'minute to Paul Wearing 19/7/03' relate to Paul Weaving? And what does 'minute to ..' from the TVP indicate?
3. Why was Susan Melling not called to give evidence at Hutton? It is likely she would have corroborated evidence given by Paul Weaving and possibly added to it.
4. Was any evidence seen by Lord Hutton in regard to the search party Susan Melling refers to. This surely might have provided most important evidence about the movements and last hours of Dr Kelly. It might have provided other potential witnesses.
5. Contemporary reports in the newspapers cited contradict the evidence given at Hutton that Dr Kelly was wearing a Barbour jacket. This contrary evidence should have been tested.

I shall follow this segment with two more shortly.

Yours sincerely

David Halpin

By e-mail and later by recorded delivery post