

WRITTEN EVIDENCE OF BRIAN JONES FOR LORD BUTLER'S REVIEW

INTRODUCTION

1. My personal and relevant employment background are included in a copy of the witness statement I provided for Lord Hutton's Inquiry into the circumstances surrounding the death of Dr David Kelly which is at Annex A.
2. The term Weapons of Mass Destruction (WMD) can be confusing and misleading. At Annex B I provide an essay on this subject that illuminates my approach to the subject.
3. When considering the points I make below, the Review team should bear in mind two important factors. Firstly, my 15 years experience of intelligence focused mainly on WMD and it may be unsound to generalise my statements to all aspects of intelligence. Secondly, I retired in January 2003. There may have been significant changes since then.

WMD INTELLIGENCE IN GENERAL

PROCESS AND ORGANISATION

4. The process for dealing with intelligence on WMD should be no different than for any other subject. The best description of the process that I have seen appears in Michael Herman's book "Intelligence Power in Peace and War" (Cambridge University Press 1996). Although the principles outlined are timeless, he does reflect and illustrate by reference to organisations, issues and examples he was familiar with from direct experience. These relate mainly to his involvement up to about 1987 and, I suggest, paint a rather rosier picture of the UK intelligence community than existed in recent years.
5. The primary elements are the acquisition and of information from specific sources and the issue of intelligence reports by "collectors," and the analysis of intelligence and other information from all sources and the issue of assessments by "analysts." The consideration of the impact of the assessed intelligence on policy and operations by "customers" should be an entirely separate process. Whilst there should be strong interaction between all of these players and some iterative development, there should be no direct interference of any one with any of the others. The systems and organisations devised to deal with the intelligence process should take account of this requirement.
6. **It is my view that the UK has seriously neglected the analytical element of the intelligence process.** Whilst an excellent intelligence analysis "secretariat," I believe the Cabinet Office Assessment Staff is too small and inexperienced to be a major force in intelligence assessment. UK capability in this regard resides almost entirely in the Defence Intelligence Staff.

7. Unfortunately the DIS is semi-detached from the rest of the intelligence community (for example, its activities are not routinely covered by the ISC) and its structure and resources are dictated more by the management priorities of the MOD than by those charged with the coordination of the intelligence community. **In recent years, especially since the Defence Cost Studies of the mid 1990s, this has led to a relative reduction in the capability and influence of the "assessment and analysis" part of the intelligence process.**

THE DIS

8. In this last major reorganisation of the DIS it "de-layered" at two levels. It eliminated the majority of 2-star posts. Whilst this was reasonably consistent with the rest of the MOD it was not reflected in other government departments and had the effect of reducing the influence of the DIS in its wider dealings across Whitehall. The first appointee to the post of Deputy Chief of Defence Intelligence (as head of the analytical part of the DIS - the one remaining 2-star post) was a career intelligence analyst and the head of profession. Subsequent appointments have been made from outside the career discipline of intelligence analysis, reducing the head of profession to a 1-star official. This, together with the fact that Chiefs of Defence Intelligence are often appointed without significant previous intelligence exposure, has resulted in **a leadership lacking in intelligence experience**. As well as putting successive CDIs and DCDIs at a disadvantage with other senior officials in the intelligence community it has also reduced the perceived career potential of intelligence specialists, undermining their morale. In my experience it takes many years to understand intelligence and how it works. It is extremely unlikely that a single three-year "tour" in intelligence would provide adequate background. I tend to be cautious of "authoritative" views about intelligence expressed by anyone with less than 5 years direct involvement and experience.

9. The reorganisation also eliminated posts at B1 (Senior Principal) level that had previously led the management of intelligence analysis and provided a core of experience. Management responsibilities were loaded onto the next lower grade, reducing by one grade the analytical engine of the organisation. This contributed further to the **decline in authority and influence of the analytical element of the intelligence process**.

RESOURCES AND SPECIALISM

10. Since the end of the Cold War WMD was to some extent protected from the resource reductions seen elsewhere in the DIS, not least because of the extent of capabilities revealed in Russia and Iraq in the early 1990s. But what enhancements there were proved much smaller than occurred in UK intelligence collection agencies. It is also the case that the resources devoted to WMD intelligence analysis in communities of the intelligence allies (US, Canada and Australia) were proportionately greater.

11. Nuclear, biological and chemical warfare matters are highly technical in nature. Before they achieved such a high policy profile, the DIS was content to leave the subject

mainly to the Scientific and Technical Directorate. As WMD became more important, there was an increasing involvement of non-specialists in the analysis of intelligence on this subject. My judgement was that, in general, a better WMD intelligence analyst was derived from an experienced scientist from Aldermaston or Porton Down brought into the DIS and taught about intelligence analysis rather than an experienced intelligence analyst already in the DIS being given a crash course in WMD. However, the incentive for scientists to transfer to a job in London was low, candidates were in short supply and there was a degree of competition from the agencies, so there was never a serious conflict of interest within the DIS in this regard. Mixed teams of scientists and non-specialists existed from time to time and often made a good combination.

12. However, through the 1990s until I retired, given the full range of their responsibilities, those UK WMD analysts available were unable to fully assess the large volume of intelligence collected and reported by the agencies (i.e. there was an imbalance between "collection" and "assessment"). This situation called on their judgement, and that of their managers, to prioritise the analysis of reports both by subject and by content. I am not aware of a major error or failure of judgement in this regard arising during my period in the DIS. However, **the lack of resource did reduce the depth of analysis and limit our ability to progress assessments, especially when they met with opposition from around Whitehall.**

THE JOINT INTELLIGENCE COMMITTEE AND RELATED PROCESSES

13. Membership of the JIC is drawn from the leadership of those responsible for the collection of intelligence, those responsible for the assessment of intelligence and those who use the intelligence. This probably represents a good balance to set intelligence requirements and review performance. However, **it seems to me an inappropriate grouping to have responsibility for issuing intelligence assessments.**

14. Intelligence assessment is the responsibility of intelligence analysts. They need the *advice* of collectors and customers but both of these groups have a vested interest - one in what goes into, and the other in what comes out of, the assessment process. The direct participation of policy officials in the approval of JIC assessments might suggest a wish on their part to influence the assessments that go forward to Ministers.

15. In the autumn of 2002, I am not aware that a single member of the JIC had more than a few years experience of intelligence *analysis*. There was no member who was a career intelligence analyst.

16. I cannot recall at any time during my 15 years of involvement that the JIC membership included a senior scientific and technical specialist. It was rare for an individual with a scientific or technical background to be part of the Assessment Staff. I cannot recall a single S&T specialist with significant intelligence analysis experience at the rank of 1-star or above (senior civil service) being closely involved with the JIC process. Most issues surrounding nuclear, chemical and biological warfare (and increasingly other fields of interest) are intensely technical in nature. **I suggest that**

serious consideration should be given to enhancing the scientific and technical presence in the Assessment Staff and at the higher levels of the intelligence community.

COMPETITION IN THE INTELLIGENCE COMMUNITY AND BETWEEN DEPARTMENTS OF STATE

17. The culture that has developed in Whitehall in recent decades has induced competition between departments, organisations and their sub-units for resources. This has required the competing elements to ensure that customers report favourably on their performance.

18. The current structure of the intelligence community places different elements in different Departments. Funding is not obviously linked to customer and function is not clearly defined. The collection agencies have honed their skills at the customer interface across Whitehall. When they fear that their product is not properly reflected in assessments they are able to project their interests directly to customers. Their greatest interests will inevitably lie with the parent department. **I believe the consequence is a waste of scarce resources.**

19. The role of the DIS is much more constrained to the MOD and although it has become much more sensitive to the customer requirement within the Department it has less incentive to canvass more widely. This means that in subject areas such as WMD the analytical contribution is less well appreciated across Whitehall than that of collection, despite the great interest and significant responsibility in Departments other than MOD.

20. **Consideration might be given to establishing a single coherent intelligence organisation that embraces both collection and assessment that is independent of any particular department of state.** The advantage would be the elimination of departmental bias and inter-organisation competition and a potential improvement in efficiency. There may also be advantages in the creation of a larger organisation better able to offer good career potential and options than are currently available in intelligence. The disadvantage would be the reduction in the checks and balances that comes with the independence of elements of the community.

21. Whatever the organisational structure, the delivery of high quality intelligence assessments will rely on the independent character of its leadership. The importance of the independence of the JIC chairman has been recognised in intelligence reviews in the past. The Frank's inquiry made specific recommendations in this regard that resulted for a period in the appointment of senior diplomats as the last posting of their careers. This practice was discontinued on the advice of one such appointee. He recently told me he thought it had been a mistake to make such a recommendation. **I suggest consideration should be given as to how the independence of the leadership of the intelligence community might be promoted, and of how a post or posts with greater experience**

of intelligence *analysis* might be introduced at the higher echelons of the present or of a revamped central organisation.

SPECIAL FACTORS RELATING TO WMD INTELLIGENCE

22. It is of the utmost significance that UK abandoned its *offensive* BW and CW programmes in the 1950s. This is because scientific and technical progress, military and weapons development, and concepts for their use, combine in the context of such programmes with a synergy that cannot be acquired in the abstract. This means that intelligence on foreign offensive programmes is more difficult to analyse and yet makes a proportionately greater contribution to *defensive* development than for military systems where we have our own programmes.

23. The problem is exacerbated in the case of BW because two important developments post-dated our offensive involvement. Firstly, great progress has been made in aerosol technology and aerobiology since the 1950s when we did not understand that some micro-organisms had the potential for wide area coverage over many tens of kilometres from their point of release. Secondly, the revolution in biotechnology which encompassed huge leaps in our understanding of biological structures and genetics did not begin its acceleration until the 1960s.

24. Although, obviously, we remain in the nuclear weapons "game," detailed knowledge is deliberately confined to a small community. Ironically, when it comes to proliferation and new programmes, the complexities of our cold war involvement tend to obscure an appreciation of more primitive thinking about technical and strategic issues.

25. The consequence of these factors is twofold. First, the communication of intelligence assessments is difficult. Second, there is a gap in our ability to anticipate likely developments and hence "tomorrows" intelligence foci and longer term defence requirements. This places a greater burden on WMD intelligence analysts than has been understood.

26. The nature of WMD programmes is such that they can be very difficult intelligence targets. For a variety of reasons the nuclear target is not as difficult as CW, and BW is the most difficult. However, the expectation of intelligence even for nuclear weapons capabilities is unreasonable. But it is difficult for intelligence organisations competing for scarce resources, to acknowledge the limit of their capabilities.

27. I suspect HMG would be reluctant to commit British forces to an operational environment where nuclear weapons were likely to be used, other than for the most serious reasons of national security. **It is my view that, partly based on an exaggerated expectation of intelligence to define the challenge, the capability of UK forces to protect themselves against the use of biological and chemical weapons is over-estimated.** For this reason I believe similar restraint should be exercised on the commitment of our forces to possible BW or CW environments.

TERRORISM

28. Counter-terrorism is, of course, the responsibility of the Home Office and the Security Service. The culture of the Security Service is to acquire, process and use intelligence within an operational context, often constrained by domestic, political and legal considerations. This makes it significantly different from the rest of the intelligence community. *Global* terrorism and WMD increase the overlap with the mainstream intelligence community and presents a challenge in relation to the best deployment of limited resources.

IRAQ WMD

29. A comparison of the intelligence available in the period before the conflict in Kuwait, Saudi Arabia and Southern Iraq in 1991, and that available before the invasion of Iraq in 2003 may be a useful illustration of the relative quality of information available.

AUTUMN 1990

30. At this time my responsibilities were for the all source analysis on foreign CW and BW capabilities only. I did not assume responsibility for nuclear weapons until the mid-90s. My remarks here are, therefore, confined to CW and BW. At that time I had a team of about 4 1/2 intelligence analysts working on CW and BW (in a branch of about 12-14 analysts in all). There was slightly more emphasis on CW at the time and the staff were scientists mainly recruited from CBDE Porton Down but supplemented by a medical expert from Surgeon Generals Department who led on BW. We were supported by an informal arrangement with CBDE Porton Down which was organised mainly by direct interaction between me and the Director General. There was a very small effort on CW and BW elsewhere in the DIS.

31. In the second half of the 1980s we were following Iraq's CW and BW in support of the governments non-proliferation policy. There was no real perception that the intelligence was being collected and assessed to prepare UK forces for military action against Iraq. The Soviet Union was the primary threat and I believe there was an almost incidental assumption that preparations for that major threat would serve UK requirements against any secondary threats that might arise. Unfortunately the nuclear threat dominated thinking, the significance of the Soviet CW and BW threat was not recognised until the end of the 1980s.

32. As a consequence military preparedness against CW and BW was poor as UK (and US) forces planned to eject Saddam from Kuwait. It is important to remember that CW and BW were not the cause this conflict. I am doubtful that the decision for a military response to the invasion of Kuwait was taken with a full appreciation of the complication that would be result from Iraq's possession of offensive CW and BW capabilities. As "can do" organisations the services were reluctant to admit their limitations in coping with such a threat to their political masters at a time of crisis.

33. There was, however, a large amount of intelligence available from the non-proliferation activity and this was rapidly translated into a description of the potential threat to UK forces, mainly as the result of direct interaction between myself and the Director General of CBDE, Porton Down.

34. There was extensive information on CW from HUMINT, SIGINT and Imagery on R&D, agent production, weapon development, field trials of weapons and use in the war against Iran and internally against the Kurds. It was assessed that Iraq had produced about 2000 tonnes of CW agent which comprised mustard gas and the nerve agents (Tabun, Sarin, cyclo-sarin (GF) and possibly VX). There was a comprehensive description of the weapons available that included the probability of warheads for ballistic missiles.

35. The outcome of the war provided a rare opportunity for the calibration of the intelligence assessment. Subsequent UNSCOM inspection and Iraqi declarations confirmed the UK assessment to be mainly accurate and closer than the US assessment. It transpired that simple ballistic missile CW warheads had been developed but the war demonstrated that the al Hussein missiles themselves (fired at Israel and Saudi Arabia) were unreliable.

36. Intelligence on BW was available from all three main types of source, but it was less convincing. We were able to warn the military commanders of the probable threat from anthrax and botulinum toxin and the possible threat from plague (*Yersinia pestis*). We had good intelligence on the availability of bombs and suspicions that ballistic missile warheads were available. We had no evidence of such planning but we were concerned about Saddam's capability to project a BW threat against the UK home base by using special forces or operatives using terrorist-type methods. This, in part, led to the detention of some Iraqis in UK.

37. Whilst Iraq's CW capabilities and nuclear weapons programmes were quickly revealed, it refused to acknowledge its BW capability for several years, and UNSCOM inspectors, supported by the intelligence community were unable to clearly demonstrate that Iraq's denial of a BW capability was wrong. In 1995 meticulous investigation by UNSCOM and Hussein Kamil's defection conspired to force Iraq to admit that it had developed an offensive BW capability. If the Iraqi declarations are to be believed then, although important elements of the UK assessment were accurate, there were significant shortcomings. Iraq continued to deny development of *Yersinia pestis* (plague) as a BW agent, although it acknowledged that it had weaponised anthrax and botulinum toxin in bombs and simple ballistic missile warheads.

38. However, in addition it claimed to have developed an agent called aflatoxin and filled it into bombs and missile warheads. We had no intelligence on this agent and although many dismiss it as having no utility there may be reasons for caution. Iraq also revealed several other agents it had in research and development of which we were unaware. Consideration of the detail of Iraq's BW declarations raised a suspicion that its programme was more sophisticated than was admitted.

AUTUMN 2002

39. The organisation of the DIS had changed significantly since 1990, mainly as a result of the Defence Cost Studies exercise instituted during Mr Major's premiership. I now led a branch that dealt exclusively with nuclear, biological and chemical weapons. As a result of enhancements I had 4 posts devoted to CW and 3 ½ to BW (a total of 7 ½ compared to 4 ½ in 1990). Most were scientists originally from Porton Down but by this time Surgeon General had been forced to withdraw direct medical support as a result of the DCS exercise. The effort on nuclear weapons was unchanged over many years at 6-7, mainly scientific and technical specialists with a background in the nuclear weapons field. There was by now a larger effort than there had been on NBC elsewhere in the DIS where non-technical studies of programmes and arms control issues were undertaken in another Directorate. However, the overall effort had peaked in about 1996-99 and was significantly reduced thereafter.

40. At the time of the production and issue of the Prime Minister's dossier on Iraq's WMD in September 2002 and up to my retirement in January 2003 there was no convincing evidence that Iraq had nuclear weapons or even significantly progressed its programme following its dismantlement in the 1990s.

41. The evidence supporting the existence of an offensive CW and BW capability was of a much lower order than in 1990. Although suspicions remained by virtue of fragmentary intelligence coupled with inconsistent declarations all interpreted in the context of Iraq's continuing tendency to prevaricate, there was no solid evidence of the continued existence of either capability or continuing programmes.

42. This had also been the case in December 1998 when President Clinton and the Prime Minister had launched Operation Desert Fox, and was still the case in early 2002 when the dossier was first mooted.

43. A serious problem originally created for the intelligence community in the aftermath of the 1991 Gulf conflict manifested itself in the events of 2002/03. The UN Security Council resolutions of 1991 requiring the elimination of offensive WMD capabilities and programmes in Iraq, whilst placed in the hands of UNSCOM and the IAEA, in effect required the contribution and endorsement of the US and UK intelligence communities.

44. Whilst it was quite feasible for such elimination to be established with a high degree of confidence for nuclear weapons, it was a much more difficult task for CW where a break-out plan might be too great a challenge for intelligence to identify in a country that had already developed a mature offensive CW capability, and a virtual impossibility for BW. However, the political investment of the US and UK governments in the successful outcome of the 1991 conflict, especially when placed in the broader context of WMD arms control policy, required demonstrable evidence of Iraq's disarmament. UK and US intelligence communities were never in a position to "certify" that Iraq was in the clear, neither did they have or necessarily expect to acquire the "smoking gun" evidence to prove otherwise. But the inspectors had to be kept in country and at work until the 'all-

clear' could be given. This led to pressure on the intelligence communities to provide "leads" to keep the inspectors busy, resulting in many speculative suggestions as to where evidence might be found. The resulting frustration led to inappropriate intelligence related activities becoming associated with UNSCOM inspections, and problems at the UNSCOM/intelligence interface.

45. The intricacies of this situation would quite possibly never have been clearly visible to Secretaries of State, Prime Ministers and Presidents, so their perceptions of the real situation in Iraq may have been distorted to the point where they believed there was *good* evidence that Iraq retained chemical and/or biological weapons. The pressures created by 9/11 may have further confused perceptions.

46. On several occasions the Prime Minister has referred to the worrying nature of the intelligence that was crossing his desk during 2002. I saw no intelligence of special concern on Iraq. Indeed, if anything, the *absence* of significant intelligence on that country was a concern. There was, however, much worrying intelligence relating to Al Qaida (AQ) and WMD, some of which related to activities occurring in Iraq (but beyond the control of Saddam's regime) and it is possible that this caused confusion.

47. My views on the September 2002 dossier on Iraq's WMD which led me to record my concerns at the time are recorded in my witness statement to the Hutton Inquiry (Annex A), the transcript of my testimony and the evidence that appears on the Hutton Inquiry web-site, and an article I wrote and an interview I provided for the Independent newspaper are at Annex C and Annex D.

48. At Annex E I provide a version of those aspects of the Executive Summary of the September dossier that I believe would have better reflected the intelligence available to my experts at the time.

Brian Jones

ANNEX A

STATEMENT OF DR. BRIAN FRANCIS GILL JONES FOR THE HUTTON INQUIRY

1. I retired from the Civil Service in January 2003, having been employed by the MOD since 1973. From 1987 until retirement I was a branch head in the scientific and technical directorate of the Defence Intelligence Analysis Staff (DIAS) which is in turn part of the Defence Intelligence Staff (DIS). My grade was unchanged throughout that time, although it was variously called Senior Principal Scientific Officer (SPSO), Grade 6 and latterly B1. It is the grade immediately below what is now the "Senior Civil Service." From 1987 until 1996 the work of my branch included the analysis of intelligence from all sources on global Chemical Warfare (CW) and Biological Warfare (BW) capabilities. After a major reorganisation of the DIS in 1996 I took charge of a newly constituted branch that brought together all three elements (i.e. CW, BW and nuclear) of what is now often referred to as weapons of mass destruction (WMD). Shortly before I retired, following another reorganisation in October 2002, I was temporarily in charge of a branch covering similar fields but constituted in a different and expanded form.
2. I first met David Kelly in about 1986 at an MOD management training course shortly after he joined the Civil Service, but we did not work together until after I joined the DIS. From about 1988 or 1989 we occasionally worked together on a number of sensitive issues and developed a positive working relationship. For a period in the early 1990s David Kelly worked very closely with my BW staff. He and I were friendly rather than "friends" and had no significant contact outside work. From the late 1980s David Kelly had been cleared by the appropriate vetting process to read BW related intelligence reports, initially at my discretion and as allowed by the rules or where appropriate by special permission of the issuing authority. David Kelly's access to intelligence in this way was typical of the means by which the specialist expertise of MOD scientists outside of the intelligence community was utilised by intelligence analysts. At some stage I became aware that a direct relationship had developed between David Kelly and officers of the SIS, so I ceased to be aware of the full scope of his visibility of intelligence or his involvement with it.

3. From the late 1980s until I retired David Kelly's physical presence in my Branch was not unusual. He had an MOD pass that gave him unaccompanied access to the DIS area of the Old War Office and I encouraged him to drop in whenever the opportunity presented itself for discussions and debates with my staff and me, although in recent years my personal contact with him had reduced. David Kelly was a valuable source for us of general information on BW issues, especially in relation to Iraq, and also as an expert microbiologist whose scientific and technical input was greatly valued. I should mention that he had a separate relationship with at least one other group in the DIAS, concerned more specifically with Iraq and arms control than was my branch.
4. My staff had been involved in the preparation of the Government's dossier on Iraq's WMD during the first half of 2002 but little had happened about that during the summer of 2002. I was on holiday from 30 August until 18 September. On my return my staff informed me that work on the dossier had begun again in my absence and indeed had dominated their workload while I was away. During the three weeks of my absence I was told that there had been several drafts of the dossier to consider each requiring a rapid response. I believe the latest draft was still being worked on by my staff on 18 September. The expert Iraq CW analyst in my branch told me he was concerned that some proposed modifications to the text that he considered important were not being accepted by the Cabinet Office Assessment Staff. He was reiterating the most significant comments on the latest draft, but he was not hopeful that they would be accepted at this stage because they had been rejected before. I advised him that if his concerns remained serious at the end of the process he should note them formally in a minute to me.
5. I should explain that the DIS interface with the Cabinet Office Assessment Staff for this work was the responsibility of a branch in another Directorate which dealt with Proliferation. That branch was coordinating input from several parts of the DIAS including each of the three groups in my branch that covered nuclear, biological and chemical warfare.

6. I had returned to work on Wednesday 18 September and was on leave again on the Friday so I only had two working days before the dossier was due to be finalised for publication. In view of the large number of other matters I had to deal with in this short time, I decided I would not personally review the whole document (which was large and complex) or look back at the various drafts, but would be guided by my staff to areas where they had concerns or, on the basis of their knowledge of my general views, they felt I might have concerns. I established that the nuclear analysts were satisfied that their issues with earlier drafts of the dossier had been resolved but I was concerned by several aspects of the dossier that were drawn to my attention by the CW and BW analysts.
7. During the course of 18 September 2002 I spoke briefly with David Kelly when I encountered him working in the office of my BW staff. I understood him to be reviewing the latest available version of the dossier. The nature of our conversation that day was, as usual, casual and informal. In the course of it I asked him what he thought of the latest version of the dossier and was surprised, in view of the concerns expressed by my staff to which I have referred, when he responded that he thought it was good. I cannot recall the exact extent of any further discussion of the dossier with him at that time, but I am sure we did not have a full exchange, probably because I was still developing my own assessment. In view of my BW/CW experts' judgement, and my own cursory look at the dossier, I was concerned that David Kelly's views may conflict with those of my branch because I had great respect for his judgement, especially in this area, and I believe I mentioned this to some of my staff.
8. I recall that a further version of the dossier arrived on the morning of 19 September 2002. My CW expert told me that several of his issues remained unresolved in this version and that he would minute me in this regard. At some point on that morning a member of my staff told me that both David Kelly and another former MOD UNSCOM inspector who had focussed on Iraq CW were coming into the branch to look at the latest version of the dossier. Knowing of my concern about whether David Kelly had views which might contradict those of my staff, it was suggested there would be an opportunity for a collective discussion. I welcomed the suggestion and arranged for my experts on CW and BW and the two visitors to come to my office for

- a discussion, I think in the late morning. The nuclear analysts were not involved because they had no outstanding issues. My purpose in hosting the discussion was to satisfy myself that my staff's concerns with the dossier were not contradicted by these other experts.
9. The meeting was short, probably no more than 30 minutes, because of the other pressures on everyone that day. A discussion of views took place and reached a satisfactory conclusion from my point of view. I recall summarising the position at the end of the meeting in this way: David Kelly and the CW UNSCOM inspector had focussed their attention on the "historical" and "inspection" related aspects of the dossier and thought they were good. My staff were primarily concerned with the assessment of intelligence, especially the more recent information. My BW staff were not completely happy with the dossier, but felt they could live with it. The chief CW analyst remained very unhappy with the dossier from the CW perspective. I concluded the meeting by saying that I would be raising the concerns of my analysts with our line managers in the DIAS. I felt content that I had been able to reconcile the views I had heard and that they were not contradictory.
 10. I do not believe that David Kelly or the CW UNSCOM inspector expressed any views relating to the recently announced intelligence during the meeting. My staff may have outlined this intelligence but would not have discussed it in detail. I did not seek a view from either visitor on the intelligence assessment.
 11. At some point on 18 or 19 September before the meeting, I was told of the existence of some additional highly sensitive, compartmented intelligence which underpinned the dossier, but which could not be revealed to many, including my staff and myself. It was suggested that my Director had seen such material. I investigated this to the extent I could, but could gain no confidence in the existence of relevant material. This does not mean it did not exist because sometimes even revealing the existence of reports can be sensitive. I discussed the matter with my Director, who had been in post for only a few weeks and had limited previous experience of intelligence. He told me that he had not seen such reports, but that he had been reassured by a senior SIS officer that the relevant human intelligence supplied was sound. I made it clear to him that I felt it would not be

appropriate for me to accept such an assurance without having access to the reports. I also doubted that anyone with sufficient CW and BW intelligence expertise to properly analyse reports on this subject had seen these compartmented reports.

12. I eventually found someone who had seen the compartmented reports. They did not volunteer and I did not ask about the detailed content of these reports. I explained the reservations that my staff and I had about particular aspects of the draft dossier and asked whether the compartmented reports resolved any of these concerns. The answer I received was that they would not. I accordingly decided that it was important that I should record my views. I therefore sent a minute to my Director on 19 September and, in view of the proximity of publication of the dossier, decided to copy this to DCDI (my countersigning, or second reporting, officer) who is a member of the Joint Intelligence Committee. I recall that my CW expert sent a minute recording his own views the following day by which time a further version of the dossier had been produced.
13. Apart from the fact that the production of a dossier of this sort was an exceptional occurrence, it was very unusual, in my experience, to formally express concern about a JIC product in this way. I had done so only once or possibly twice before in the 15 years of my involvement with the JIC production process. I did not expect that this action would lead to changes to the dossier because I assumed it was too late for this, but I thought it important to record a significant difference of view. The minute I sent to my Director, copied to DCDI, was a contemporaneous summary of the concerns we had about the dossier at the time of the discussion meeting described above. At that time, or shortly afterwards I believe David Kelly would have been aware of most, if not all of them.
14. At no time after August 2002 did I have direct discussion with any member of the Cabinet Office Assessment Staff on the dossier. I was not aware that any of my staff had such discussions after the dossier was issued. During the course of its preparation it is quite likely that my staff will have been in direct discussion with the Assessment Staff from time to time, about particular aspects of the drafts. Such exchanges are normal in the production of assessments, and on occasion they can be very frank. But I cannot recall being told of any

exceptional exchanges on this occasion. I am not aware that anyone else from within the DIAS formally expressed any concern about the final version of the dossier.

15. I do not think the idea of producing a dossier was universally welcomed within the UK intelligence community, but I think it was accepted as a requirement of the Prime Minister and I am not aware that anyone challenged this. During the production of the dossier I believe there was a degree of frustration among some in the DIS that the Assessment staff were more reluctant than usual to accept suggested modifications. I do not know how others in the intelligence community felt about the drafting process. I did not seek the views of anyone in the broader UK intelligence community about the final dossier and I am not aware that any of them were concerned about it.
16. Although I met David Kelly a few times after the dossier was published before I retired and he was aware that I had raised my concerns about the dossier up to DCDI, at no time did he indicate to me that he personally shared any reservations about the dossier. The impression I gained is that he thought it was broadly in line with the views he held on Iraq, and that its publication might help to resolve the existing stand-off. I have a recollection that in one conversation after the UNMOVIC inspections of Iraq had commenced he observed that the threat of military action had at least produced this positive result. I last saw David Kelly in mid-January 2003 when I invited him to my retirement "bash" a few days later. Regrettably he was unable to attend because he had business in New York.
17. Attached to this statement is copy of my letter to DCDI of 20 August 2003, written to express concerns I had having seen the evidence emerging in the Hutton Inquiry. Since writing that letter I have been asked to give evidence to the Inquiry and have accordingly had an opportunity to better familiarise myself with the factual background so that I now know some of the detail in my letter is incorrect and this statement sets out the correct position.

ANNEX B

WEAPONS OF MASS DESTRUCTION: WHAT'S IN A NAME

Clare Short said in evidence to the Foreign Affairs Committee in June 2003 " ... but I think it is this phrase "weapons of mass destruction", when that is used, people think of bombs full of chemical and biological weapons that are going to rain down out of the sky and drop on people or whatever. They did not think of scientists in laboratories doing experiments"

So what does the phrase mean? From recent discussions over Iraq it appears to me that confusion is widespread, so in the next few paragraphs I will attempt to explain why there are such misconceptions and try to untangle some of the muddle.

The term "weapons of mass destruction," often shortened to "WMD" is so often used it seems foolish to admit you don't really understand it. It is a convenient catch-all name for a number of different types of weapon which, at the simplest, can have a much greater impact than what are called "conventional weapons".

Conventional weapons include clubs, knives, swords, flaming spears, guns which fire bullets or shells, mines, bombs or missile warheads filled with chemicals designed to explode to produce shrapnel and/ or blast damage or produce fires.

A bigger explosion can be achieved by a nuclear reaction. *Nuclear weapons* are probably the weapons that best fit the image created by the term "weapons of mass destruction". As well as the big bang which destroys things immediately (people, buildings, bridges) the nuclear reaction produces "radioactive" material some forms of which can severely damage living tissue (people, animals, plants). This is what would cause the nuclear-winter which some think would follow a nuclear war.

A device could be built which spreads radioactive material produced in other ways, such as in a nuclear reactor or an X-ray machine. Perhaps it would be spread by using explosive chemicals. There would be little immediate effect except to those caught in the chemical explosion (which would be smaller than you would expect from a conventional bomb of the same size). But people exposed to the radioactivity might become ill in days, weeks or

months and some could die premature deaths. However, so far as I know, no one has yet thought such a weapon would be effective enough to actually go to the trouble of building one. If they did it would be called a “*radiological weapon*” or a “*dirty bomb*” and some would call it a weapon of mass destruction, presumably because it is vaguely “nuclear”. Because of this nuclear connection such weapons frighten people out of proportion to their real effects and their use would probably cause mass panic.

If the shells, bombs or other munitions contain chemicals designed to have specific effects on living things like poisoning them or causing chemical burns, they are called *chemical weapons* and weapons of mass destruction, although they will not destroy things like buildings or bridges and might not even be meant to kill anyone. In fact some particular chemical weapons are only called that if they are used in war-fighting. If they are used by police to deal with civil-unrest, exactly the same things (for example, CS “gas” which is a solid or liquid) are called “riot control agents” – unless, of course, the regime that uses them is judged politically abhorrent. However, you would need a lot of chemical to affect a lot of people, animals or plants. So in comparison to nuclear weapons a very much larger weight and volume of chemicals would be needed and even chemical weapons designed to kill people struggle to live up to the title of “weapon of mass destruction”. But they are closer to it than “radiological weapons”.

Biological weapons some of which kill people by causing infectious diseases have characteristics that mean very small amounts of some agents can kill as many people as a nuclear weapon. But some of them would be designed not to kill so much as incapacitate, and they would not destroy buildings or bridges. Some things that are called biological weapons or toxins might poison people like very powerful chemical weapons, but large quantities of them would still be needed to affect very large numbers of people and it is very difficult to produce some in such quantities at all. So are they weapons of mass destruction?

CONFUSED?

The truth is that that this term “weapons of mass destruction” is pretty hopeless in that it doesn’t mean very much, but WMD rolls easily off the tongue and is now so imbedded in the language that we are stuck with it.

The scientific and technical background to nuclear, biological and chemical weapons and their "fuel" or "agents" can be extremely complicated and this contributes to the confusion about WMD. A grasp of some of the background detail is needed to understand enough to reach important decision about WMD and, indeed, for all who wish to develop an informed approach to the subject. Obviously, it is not possible for all of us who wish to understand WMD to have a deep scientific appreciation of nuclear physics, mathematics, electronics, engineering, microbiology, aerobiology, physical and organic chemistry, physiology, medicine and material science. Indeed very few individuals can. Here I will try to draw out the more important background aspects and explain them well enough to lead to a higher level of understanding and help with the decisions and judgements that have to be made.

Another reason there is so much confusion is that for many years there has been a reluctance by those in authority to talk too frankly about WMD for fear of stimulating interest in them. However, that also means that many in authority remain poorly informed and confused, despite the fact that the biological and chemical warfare "genie" has been out of its bottle for well over a decade and we have lived with nuclear weapons for over half a century.

THE ORIGIN OF THE TERM

In 1948 the United Nations Commission on Conventional Armaments advised the Security Council that weapons of mass destruction should be defined to include *"atomic explosive weapons, radiological material weapons, lethal chemical and biological weapons, and any weapon developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above."*

This definition, such as it is, probably emerged from months of discussion. The need for it was stimulated by the series of initial nuclear explosions barely three years earlier. The first was a test in the New Mexico desert in the USA in 1945. The second and third nuclear explosions were a few weeks later - the atom bombs dropped on Hiroshima and Nagasaki in Japan that brought an end to the Second World War. I do not attach much significance to this definition. Since it is rarely referred to, I doubt that many others do either. However, it is as good a starting point as any.

As far as I am aware there is *no* generally accepted definition of WMD. I am not sure that having a tight definition is either possible or very important. What is important is for the term to be clearly explained in the appropriate context whenever it is used. Unfortunately we all tend to be careless about doing this.

WHAT'S INCLUDED?

The 1948 definition seems to suggest “mass destruction” is something to do with killing people, but even today there is no clear definition of exactly what “lethal” chemical and biological weapons are. The “riot control agent” CS that is frequently used by police forces across the globe can cause deaths, and has done so. The agent used by the Russians in the Moscow theatre siege of 2002 was presumably used as an incapacitant and not intended to cause the large number of deaths that resulted. Some biological warfare agents which normally would cause only temporary illness, might kill an old or weak victim or someone whose immune system is compromised, say by AIDS or cancer therapy. Even an agent designed to cause disease in crops could result in many human deaths in a subsequent famine.

Perhaps there is a hint here then that what matters is timescale – deaths must be within a few days or weeks, and the direct effect of the weapon – indirect consequences such as the break down of public health care due to damage to the infrastructure being excluded. But this is not clarified.

What is clear is that the 1948 Commission thought atomic, radiological, chemical and biological weapons were somehow within the “definition” but they muddied the water by worrying about the inclusion of “any weapons developed in the future which have characteristics comparable ...” I do not know to what extent the Commission discussed other events generated by man deliberately to cause death and destruction. For example, the infamous fire-bombing raids on Dresden in Germany and Tokyo in Japan in the period shortly before the atom bomb attacks produced deaths and physical damage on a similar scale to Hiroshima and Nagasaki in a single night’s action. But these “conventional” bombing raids involved hundreds of aircraft and thousands of bombs making enormous demands on the availability of men and aircraft and the supply of munitions. They could not have been repeated quickly or often. This introduces for us the concept of physical size or weight and the implication this has for the numbers of weapons, delivery systems and personnel in the WMD equation.

An interesting phrase that is used by Presidents and Prime Ministers is “*nuclear, chemical and biological weapons of mass destruction.*” I have never seen an explanation for this particular combination of words. It may acknowledge that there are nuclear, chemical and biological weapons which are not weapons of mass destruction. It may be intended to mean that there are other classes of weapons of mass destruction and deliberately exclude, for example, radiological weapons – although “dirty bombs” do seem to be similarly characterised as WMD by senior politicians, especially since the advent of the “global” terrorist threat.

Another term that has crept into the “language” of WMD, especially in the context of terrorism is “CBRN” (chemical, biological, radiological and nuclear). Some appear to prefer to use “CBRN” to “NBC” not so much because it introduces the concept of radiological weapons, which I think is of doubtful relevance anyway, but because they feel “NBC” is a “tired” term associated with the cold war that needs to be refreshed for the post cold war era and its new security challenges.

Some include ballistic missiles in the WMD list. This is because the evolution of the cold war led to the close association of nuclear weapons with medium and long range, or inter-continental, ballistic missiles. This trend was exacerbated by the inclusion of ballistic missiles together with nuclear, biological and chemical weapons in the systems and programmes which the UN Security Council required Iraq to give up following the 1990/91 Gulf war. It was further encouraged by the emphasis which the US placed on the development of a defensive shield against intercontinental ballistic missile even after the end of the cold war. But ballistic missiles armed with conventional (explosive) warheads would not produce destruction on a massive scale (unless they were aimed at and succeeded in hitting one of a few particular targets such as a large densely populated high rise building like the World Trade Center or Canary Wharf, or a nuclear fuel storage and reprocessing plant). Whilst the means of delivery of a warhead is another important part of the equation, the terror attacks on the US in 2001 have broadened perceptions and it is now more widely appreciated that other means of delivery are of vital importance, and that they are not, of themselves, WMD.

So WMD is really about those specific nuclear, biological and chemical (NBC) weapons that have the potential of to cause “mass destruction.” I am

inclined to define "mass destruction" as the death of a thousand or more people within a few days caused by a single weapon or device with a mass of about 1 tonne or less.

THREE SIMPLE DESCRIPTIONS

The following simple descriptions and background information explain what WMD are.

Nuclear weapons generally produce an explosion so big that it affects a large area. The explosion has an instantaneous effect that causes massive physical destruction and kills people in the first instance in ways that we can readily understand, by blast and/or heat.

A nuclear weapon manufactured by a mature state programme will produce an immediate event that has predictable explosive yield with a very high degree of reliability. The production of such a weapon by a terrorist would be extremely difficult without assistance from a state.

The uncertainty about the detailed consequences of the nuclear explosion will be similar to those for a conventional event but close to it, physical defence is virtually impossible. The delayed effects due to radioactive contamination are much less predictable and some precautions and treatments may reduce the impact if a state of preparedness exists.

Ballistic missiles evolved as the most effective and reliable means of nuclear delivery in the cold war, but cruise missile and air bombs are amongst a range of alternative delivery means.

Most *chemical weapons* create their effect by producing a concentration of (invisible) toxic material in the proximity of a victim sufficient to cause poisoning when inhaled, swallowed or touched. For example, some cause blisters, others cause choking, more modern, although hardly new ones do complicated harmful things to the human nervous system. Many chemical agents are not difficult to make in the small quantities suited to terrorists for covert delivery, but large quantities are needed for military use which would involve munitions or warheads especially adapted to deliver CW agent. Because, often, the agent that causes sickness and/ or death cannot be seen the process is less obviously understandable and seems more sinister.

The reliability of chemical weapons which depend on atmospheric conditions to spread them widely will be subject to uncertainty due to unexpected changes in the weather, topography (hills, trees, buildings) and the limitations of calculations used to predict the movement of agent. But they can be designed to produce more predictable concentrations over smaller areas. Their effect will also depend on the defensive capabilities and the state of preparedness of the target population at the time of the attack.

In many ways *biological weapons* are like chemical weapons in that they create their effect by the production of toxic material close enough to a victim to have an effect. Some BW agents are less difficult to make and use than the easiest of CW agents. However, true biological warfare (or BW) agents can rarely act as quickly as chemical warfare (CW) agents because they work in a very different way. BW agents include micro-organisms that have the capacity to cause disease in a victim by entering the body in small numbers and then “incubating” or multiplying within it to a point where they are sufficient in number to overwhelm the immune protection system. The incubation period implies a delay between use and effect and that reduces the usefulness of biological weapons in many military scenarios. But this does increase the potential for covert, deniable use against troops or civilian populations either by the military or by terrorists.

Because they have the potential for much wider area coverage than chemical weapons attempts to exploit this capability will be correspondingly less predictable. More limited “coverage” can be achieved with improved reliability. Diseases caused by BW agents that can then be transmitted from an infected person to another will produce further victims that will be difficult to anticipate. Physical protection of the population, vaccination against an anticipated agent or prompt use of medical countermeasures can reduce effectiveness.

Simple unitary missile warheads are not an ideal way to deliver BW agents. More sophisticated air burst warheads delivering sub-munitions over a wide area would improve coverage. Delivery by spraying from a cruise missile, or any other moving land, marine or air vehicle can be used to achieve wide area coverage in a covert special operation or in a terrorist attack. The small amounts of agent needed to have large impact (e.g. a few kilograms) means that it can be more readily concealed and transported to its point of use than either nuclear or chemical weapons.

COMPARISON OF THE APPROXIMATE EFFECTS OF CHEMICAL, BIOLOGICAL AND NUCLEAR WEAPONS (delivered against Washington DC by single ballistic missile or by spraying from aircraft or cruise missile)¹

[Source: US Office of Technology Assessment, 1993]

WARHEAD TYPE	DELIVERY MODE	WEATHER	AREA (sq km)	FATAL CASUALTIES
CHEMICAL Sarin nerve gas (300 kg)	SCUD-LIKE MISSILE Max payload 1 tonne	"Average" (overcast, night or day, moderate wind)	0.22	60-200
BIOLOGICAL Anthrax spores (30 kg)	SCUD-LIKE MISSILE Max payload 1 tonne	"Average" (overcast, night or day, moderate wind)	10	30K-100K
NUCLEAR Atomic 12.5 kiloton Hydrogen 1.0 megaton	SCUD -LIKE MISSILE Max payload 1 tonne	Not applicable	7.8 190	23K-80K 570K-1.9M
CHEMICAL <i>Sarin nerve gas (1000kg)</i>	<i>AIRCRAFT OR CRUISE MISSILE as LINE SOURCE 1000kg payload</i>	<i>Range of conditions</i>	<i>0.74 - 7.8</i>	<i>300-8K</i>
BIOLOGICAL <i>Anthrax spores (100kg)</i>	<i>AIRCRAFT OR CRUISE MISSILE as LINE SOURCE 1000kg payload</i>	<i>Range of conditions</i>	<i>46-300</i>	<i>130K--3M</i>

¹ The estimates presume high sophistication on the part of the attacker.

Nuclear weapons: assumed optimal air burst with lethal area defined as that receiving an overpressure of 5lb/sq in, no account for fallout (assumed to be minimal).

Chemical and Biological: Quantities of agent "used" when less than payload are those required for a maximum effect. Lethal area is defined by an outer contour within which a concentration of agent is achieved that would kill between 50% and 100% of the unprotected population. The BW effects are the least accurately predictable.

ANNEX C

INDEPENDENT

04 February 2004

In his statement to the Commons on the Hutton report last week, Tony Blair declared that "we can have a debate about the war, about WMD and about intelligence". Yesterday, he made clear an independent investigation would finally go ahead.

In the Commons and in his evidence to MPs yesterday, the Prime Minister referred to my own concerns about the Government's assessment of the Iraqi threat. Now that the Hutton report has been published, I feel able to speak on what is in the public domain and on the issues that I believe should be examined by any investigation into "intelligence failure".

It is clear from the evidence to the Hutton inquiry that the experts of the Defence Intelligence Staff (DIS) who dealt with chemical and biological warfare, including those working directly with me, had problems with some aspects of what was being said in various drafts of the dossier that was published on 24 September 2002.

The problem was that the best available *current* evidence that Saddam actually had chemical and biological weapons (CW and BW) was the inference that this must be so from the claim of an apparently unproven original source that such weapons could be "deployed" within 45 minutes. Although the information was relayed through a reliable second source, there was no indication the original or primary source had established a track record of reliability. Furthermore, the information reported by the source was vague in all aspects except, possibly, for the range of times quoted.

I believe the DIS experts who worked for and with me were the foremost group of analysts in the West on nuclear, biological and chemical warfare intelligence. It is their job to consider all other related evidence. What was missing was, for example, strong evidence of the continuing existence of weapons and agents and substantive evidence on production or storage.

There was no indication that the Iraqi military had practiced the use of CW or BW weapons for more than a decade. But it was known that Iraq had previously possessed CW and BW capabilities and used chemical weapons. Further, Saddam had failed to satisfy the UN that the capability had been eliminated.

On balance the DIS experts felt it should be recorded that a CW or BW capability at some level was a probability, but argued against its statement in stronger terms. Despite pointing this out in comments on several drafts, the stronger statements did eventually appear in the executive summary, the part of the dossier "owned" by the

chairman of the Joint Intelligence Committee.

Without such a strong summary, the translation of a probability into a certainty that occurred in the foreword drafted by Alastair Campbell, the Prime Minister's former director of communications, would have been more noticeable.

My recollection is that the disagreement of the experts in the DIS was not so much resolved as finessed. My belief is that right up to the publication of the dossier there was a unified view amongst not only my own staff but all the DIS experts that on the basis of the intelligence available to them the assessment that Iraq possessed a CW or BW capability should be carefully caveated.

But we were told there was other intelligence that we, the experts, could not see, and that it removed the reservations we were expressing. It was so sensitive it could not be shown to us. It was held within a tight virtual "compartment", available only to a few selected people.

The two DIS representatives on the dossier-drafting group were told at the last drafting meeting on 17 September that the compartmented intelligence would be shown by the SIS (MI6) to only the two most senior members of the DIS, the Chief of Defence Intelligence (CDI) and his deputy (DCDI).

At a subsequent DIS meeting on that day, the DCDI ruled that he was satisfied by the SIS reassurance and that no further objections on the contentious issues should be raised with the Cabinet Office Assessment Staff. It transpired from evidence to the Hutton inquiry that the clinching intelligence was never seen by the DCDI.

By the time I returned from leave on 18 September to a very disgruntled team the deadline for production of the dossier was fast approaching. I examined the relevant reports and discussed them with my experts and decided they were right to be concerned.

My experience of the intelligence process made me suspicious of what was happening. I was not reassured when my boss said he had been assured by a representative of the SIS that the new sensitive material was reliable and negated our concerns. My boss was brand new to the intelligence business, unfamiliar with the assessment process and not in the compartment.

I considered who might have seen this ultra-sensitive intelligence and reached the conclusion that it was extremely doubtful that anyone with a high degree of CW and BW intelligence expertise was among the exclusive group.

It was becoming clear that it was very unlikely we could achieve the balance we desired in the dossier and it was important to register our misgivings formally.

Earlier in my intelligence career, I and others in my branch had not taken similar

precautions and suffered for it. We believed that no large stockpiles of chemical weapons, such as those present in 1990/91, existed because if they did they would probably have been detected by intelligence. The smaller quantities of chemical weapons that might exist would be hard to find, as would small but significant amounts of BW agents and delivery systems.

I foresaw that after the likely invasion and defeat of Iraq, it was quite possible that no WMD would be found. If this happened scapegoats would be sought, so I decided that we should record our concerns about the dossier in order to protect our reputation. But this is a big step to take and I wanted to be as sure of my ground as possible.

The UK intelligence community is not large and you can usually find your way to someone "in the know." They need not stray beyond the limits of what they are allowed to reveal, but they can still be of assistance. I eventually found someone who was in the relevant compartment. Information was not volunteered and I did not ask about the detailed content of these reports. I explained the reservations that we had about the draft dossier and asked whether the compartmented intelligence resolved any of these concerns. I was advised they did not.

A draft of the dossier arrived on the 19 September. We were told this was the "final" version for proof-reading and no substantive comment would be considered. In any case the DCDI had ruled that no further objections should be made.

I arranged the short meeting with David Kelly and others that I have described in testimony to Lord Hutton to satisfy myself that the basis of Dr Kelly's view that the dossier was "good" did not contradict our own position. By the end of the day I was confident of my ground and I sent a memorandum to my director and copied it to the DCDI, who, as a member of the JIC, could still intervene if he chose to do so.

Once my initial memo was in, my deputy, who was also the CW expert in my branch, was able to contribute a more detailed and direct explanation of our concerns in the light of yet another "final" draft that had appeared.

Neither memo produced a direct response. We could only suppose that the compartmented intelligence seen by the CDI was clear and unambiguous for him to disregard, without discussion, the recorded views of two senior analysts who, although only of middle rank were, like the late Dr Kelly, the UK's foremost experts in their field.

During the course of their own inquiry, the Intelligence and Security Committee was given sight of the relevant intelligence and, despite the fact that they are not expert intelligence analysts, they reported rather enigmatically that they could "understand the basis on which the CDI and the JIC took the view they did".

But with all that has and has not happened since, I believe the advice I received in

September 2002 about the compartmented intelligence was valid. Now that it is being so widely suggested that Britain went to war on the back of an "intelligence failure", it is important that the nature of that failure is understood. An intelligence failure can be the result of many things. The absence of significant "raw" intelligence would be a collection failure. There was a self-inflicted dearth of information on Iraq following the withdrawal of Unscm inspectors before Operation Desert Fox in 1998 and an additional degree of uncertainty once their constraining influence was lost.

A failure can result if the significance of a piece of "raw" intelligence is not recognised, or its analysis is flawed, or its context misunderstood. This would be an assessment failure. The failure of policy-makers to accept or act on information can also be called an intelligence failure because of the inadequacy of its presentation by the intelligence community.

Whether or not there was a failure of intelligence assessment should be judged, not on the dossier, but on relevant JIC papers. Similarly, whether or not there was a failure in intelligence collection should be judged on the reports the collectors issued. Arguably, the dossier revealed more about the top end of the process and the fashioning of a product that has hitherto been alien to the UK intelligence community.

In my view the expert intelligence analysts of the DIS were overruled in the preparation of the dossier in September 2002 resulting in a presentation that was misleading about Iraq's capabilities.

It would be a travesty if the reputation of the DIS and its dedicated people was besmirched and the organisation as a whole undermined. The DIS includes the only significant body of dedicated professional intelligence analysts in the UK intelligence community and they are a much under-valued and under-resourced national asset. It is the intelligence community leadership at the level of the membership of the JIC and the upper echelons of the DIS - those who had access to and may have misinterpreted the compartmented intelligence - that had the final say on the assessment presented in the dossier.

Lord Hutton describes the JIC as, "the most senior body in the Intelligence Services charged with the assessment of intelligence". But this is misleading.

The members of the JIC are mostly extremely busy officials. Some are effectively the chief executives of large organisations with large budgets and all that goes with that responsibility. Others have a wide range of other responsibilities. All will have a limited time to study personally intelligence reports and the related archives in detail. Most will have had quite limited experience of analysing intelligence.

From my perspective the JIC's function is to oversee the assessment of intelligence and question and challenge the experienced and dedicated analysts and intelligence

collectors on issues where they, the JIC, might understand the broader relevance and significance of a particular assessment. When they take it upon themselves to overrule experienced experts they should be very sure of their ground, and if a decision to do so is based on additional sensitive intelligence unknown to the experts, it must be incontrovertible.

Events have shown that we in the DIS were right to urge caution. I suggest that now might be a good time to open the box and release from its compartment the intelligence that played such a significant part in formulating a key part of the dossier.

I recognise this could possibly be one of a few exceptional circumstances that means the content of the compartmented intelligence remains sensitive even after the fall of Saddam. If this is the case it should be clearly stated. Otherwise the simple act of opening this box and explaining who had the right to look into it before the war could increase the transparency and hasten the progress of the new inquiry.

Dr Brian Jones was formerly head of the branch within the Scientific and Technical Directorate of Defence Intelligence Staff that was responsible for the analysis of intelligence from all sources on nuclear, biological and chemical warfare. He retired in January 2003

ANNEX D

INDEPENDENT

By Paul Waugh, Deputy Political Editor

10 February 2004

When Lord Hutton's inquiry into the death of David Kelly opened in August last year, Brian Jones was putting his feet up in his garden, enjoying the balmy days of the first summer of his retirement.

The former head of the Ministry of Defence's intelligence branch covering nuclear, biological and chemical weapons had been shocked to hear of Dr Kelly's apparent suicide a few weeks earlier.

The two men had known each other through work, but as the world's media gathered at the Royal Courts of Justice, Dr Jones had no reason to suspect that the public spotlight would ever fall on him.

That night's television news headlines were to prove him wrong. As he and his wife, Linda, settled down to watch the BBC's *6 O'Clock News*, the lead story was that the inquiry had been stunned by a letter written by a mysterious figure describing himself as "probably the most senior and experienced intelligence community official working on WMD".

The letter revealed that the man had been "so concerned" about the presentation of some intelligence in the Government's September 2002 dossier on Iraq that he was moved to write formally "recording and explaining my reservations".

It was the first document to be made public suggesting that some intelligence chiefs had been unhappy with the dossier. Given that Andrew Gilligan had been torn apart for reporting something similar, it was nothing short of political dynamite.

But in the Jones household, the news was alarming. The MoD had not warned Dr Jones that the letter, drafted by him in confidence to an intelligence chief a few weeks earlier, would actually appear in evidence. "When the news came on that night I guess that was the biggest shock for us," Dr Jones said. "Despite the deletion of my name, it was immediately obvious to an awful lot of people that it was me. In actual fact, it's the only time in the whole process that I'd been momentarily worried about my health. I have a heart problem and it missed a beat or two."

For Dr Jones, it was the beginning of the end not just of his jealously guarded anonymity but his peaceful retirement. The media couldn't believe their luck that here was a real, live "whistleblower" on the first day of the Hutton inquiry. Within weeks he went one

step further and gave evidence in person, his evidence exposing the flaws in the Government's dossier.

Last week, Dr Jones hit the headlines again with an article for this newspaper, drawing on his private witness statement and widening his public criticism of the dossier and the lack of evidence for claims that Iraq possessed weapons of mass destruction.

This self-contained man has been quoted in Parliament by Tony Blair and Michael Howard, his words used as evidence both for and against the case for war, for and against the resignation of the Prime Minister.

Dr Jones, 59, explained to *The Independent* for the first time the full story of how he swapped obscurity for national near-celebrity status.

A working-class boy from Bristol, with Welsh roots, he was, like many of his generation, the first in his family to go to university. After graduating, he specialised in metallurgy and, after a variety of research jobs, found himself heading the MoD's Naval Aircraft Materials Laboratory. His expertise had not gone unnoticed in London and, one day in 1986, a senior official approached him.

"He said there's a job going in London doing intelligence analysis," Dr Jones recalled. "We think you should do it. Go up and talk to the people and see if you'd like to do it. So I did. I was told, 'There's quite an interesting job here. You might like to come and do it. But we can't actually tell you what it is'."

The job was with the intelligence arm of the MoD, the Defence Intelligence Staff or DIS as it is known to its friends. While MI6 (the Special Intelligence Service), MI5 (the Security Service) or GCHQ all have a pretty high public profile, the DIS is, in many ways, the Cinderella of the intelligence community. Yet its role in analysing raw materials sent by the other services is absolutely crucial, as Dr Jones never tires of explaining and Tony Blair has latterly discovered.

In the mid-1980s, the issue of chemical and biological weapons was the preserve of a tiny number of specialists. Dr Jones's job in the scientific and technical section of the DIS eventually became the branch responsible for nuclear, chemical and biological weapons.

He adapted quite smoothly to the secrecy that envelops the life of intelligence officials. His neighbours, even his sisters, had no idea about his job, other than the vague perception that he was something "in the MoD". His mother, who died in 2000, never knew what he did.

"I was the only scientist in my family, so I didn't talk much about work at home from the start. Questions weren't frequent, there was always this distance about work if you like because of that," he said.

"One of my sisters said recently, since she has learnt exactly what I did, 'We never asked because we didn't want to embarrass you into having to be evasive.' "

If it hadn't been for the Hutton inquiry, they would still not know. "I didn't talk about my job," he said. "If I was in the pub or somewhere social I would never ask someone what they did for a living because it invites the reciprocal question."

The job of an intelligence analyst is understood by few in Whitehall, let alone the public at large. While MI6 agents gather the raw intelligence and that is in turn written up in so-called CX reports, it is the analysts who check its veracity. They use a range of sources to help them, other secret intelligence, but they also use media reports from around the globe, textbooks and sheer experience.

"Our major job as analysts was to review what's come in. It's a bit like triage in the medical sense really; things come in, you have to scan them and then you have to put them in order of priority to deal with. This patient is about to die we'd better get him on the table and these can wait, that sort of thing. That is a considerable art. You very often felt as if you were flying by the seat of your pants because there's so much information coming in, so much to deal with, judgements about how to prioritise it, each analyst is doing it in his own little team every day.

"It's not a sexy part of the process, is it? It's not James Bond, it's the backroom boys, it's the boys down in the engine room with the oily rag if you like."

But in September 2002, it was the boys with the oily rags who nearly threw a spanner in the works of the dossier's now notorious claim that Iraq's military was able to deploy chemical and biological weapons within 45 minutes of an order.

While Dr Jones was on holiday, Tony Blair had announced that he would publish a dossier giving unprecedented details of British intelligence on the threat posed by Saddam Hussein's supposedly deadly arsenal.

When he returned from leave, Dr Jones was already thinking about taking early retirement. But such thoughts were quickly put aside when he discovered that his staff had made repeated but unsuccessful attempts to modify sections of the dossier. As he toured his section, staff came up to him. "They said: 'We've been doing nothing much other than this dossier and there are real problems!'" He looked at the claims himself and agreed.

He wrote a memo raising concerns about the dossier and mentioning two key claims: the 45-minute claim and another that Iraq was continuing to produce chemical weapons.

Acutely aware that parts of the DIS had been criticised in the Scott inquiry into arms to Iraq, he was determined to ensure that it would not suffer the same fate over the dossier. But his comments failed to influence his boss and the dossier went out. As a result, it lacked the approval of the Government's most senior expert on WMD intelligence.

Rumour in the DIS had been bubbling under about the pressure and influence of Downing Street in the dossier drafting.

Dr Jones treated talk about the involvement of No 10 as "not much more than gossip". He insists he had no evidence to disagree with Lord Hutton's finding that Mr Campbell had done nothing improper in his handling of the dossier.

But as the newspapers screamed in their headlines "45 minutes from attack" (*Evening Standard*) or "45 minutes from doom" (*The Sun*), he shared with his colleagues a wry amusement about the prominence given to the claim that he had explicitly warned his bosses about. "That Alastair Campbell's bloody good at his job, isn't he?" he said to colleagues.

The dossier soon receded from public attention and Dr Jones took early retirement in January. He began to move away from the daily pressure and strain of protecting the secrets that he carried in his head. Yet the process of disengaging his mind from the world of Whitehall and its secrets was to get much harder as the year progressed. In June, the failure to find WMD in Iraq stimulated parliamentary inquiries and the whole David Kelly affair.

Dr Jones did not hear Andrew Gilligan's 29 May broadcast but found out about it in other news reports that day. The Gilligan claims made him sit up and take notice. Nevertheless he had no idea that it had anything to do with him or anyone he knew.

But the fact was that, while Dr Kelly was reporting second-hand the concerns of the DIS, Dr Jones was the man formally expressing them. "That we had concerns within the DIS wasn't a secret," he said.

His letter's dramatic impact on the first day of the Hutton inquiry was the point when Dr Jones first realised that he might have to give evidence.

When Lord Hutton did call him, he made clear he was happy to accept witnesses giving evidence unidentified. But after years working in conditions of utmost secrecy, Dr Jones now considered the prospect of appearing in public.

He was "very conscious" of Dr Kelly's difficult appearance before the Foreign Affairs Committee and the fact that journalists had camped outside the scientist's home.

But when he and his wife sat down to discuss it, they concluded that the best way to avoid being hunted by the media was to appear in public. "Our primary reasoning was that part of the story was 'Here is this mystery man'. And I said no, I will go out and appear as me," Dr Jones said. "I'm now retired. I've not done sensitive things like the guys from MI6 have. The other factor was I thought that decision was coincident with what was trying to be achieved in terms of transparency."

Yet he was aware of the strain the whole thing would put on his health. He had had a heart bypass in 1998.

"One of the first things I did was go to my GP and said, 'Look, is this something I should be doing?' and he said my condition is stable and under control. He said, 'If you, at any point, feel under stress, walk away from it and give them this letter.' I carried that throughout."

Dr Jones is keen to counter the common perception that he was a confident and determined whistleblower. Instead, he was reticent and nervous. After all, he was, as he put it, "being drawn out from behind the curtain of secrecy where I had spent most of my professional life".

And when he gave evidence from the Hutton witness box, he weighed each word just as he had done every time he analysed a piece of intelligence. His sentences were full of caveats, qualifications, sub-clauses. The difference between saying intelligence "indicates" or "shows" can be the difference between life and death.

Nevertheless, he was upset when loyalist Labour MPs appeared determined to belittle his evidence by claiming that he was some kind of pedant, a mere "technical" type. Eric Joyce, the MP for Falkirk West, appeared on *Newsnight* to say just that. Dr Jones said: "You get angry. My wife would have throttled him."

Mrs Jones agreed. "They say he's the oily garage mechanic. But it's like going to a garage and the mechanic saying, 'Sorry, your brakes are faulty', only to find the office accounts manager coming in to say, 'Don't worry, your car's fine, you can drive it away.' Who would you rather believe?"

It is important to stress that Dr Jones is full of praise for the way Tony Blair has seized on the issue of nuclear, chemical and biological proliferation. "I think he is one of the very few world leaders who has really grasped this issue," Dr Jones said. "He uses a broad brush in using the term WMD but I really do think it is probably, as he says, the security concern of at least this part of the 21st century."

He is also wary of the dangers posed by inquiries such as that led by Lord Butler. "There is an enormous potential for this inquiry over the period for which it is operating to absolutely cripple the ability to analyse intelligence on WMD during what seems like a very critical period," he said. "These guys are going to be pressed enormously to come up with the information that the inquiry needs. The only guys who can do it are the guys at the sharp end, pursuing these very important issues on Libya, on Iran and North Korea."

But while he was full of praise for colleagues in the DIS, MI6 and GCHQ, he was keen to emphasise that there are limits to what intelligence can provide and those limits must be understood by the decision-makers.

"The other issue is of WMD itself it still sticks in my craw, that phrase, I want to spit it out. It's a lousy term. It causes all sorts of problems."

Moreover, almost everything to do with WMD is highly technical and scientists are crucial to the intelligence effort. The danger is that failure by successive governments to fund the scientific analysts is putting that work in jeopardy.

Dr Jones, who will be called by the Butler inquiry, said he wanted to make it "absolutely clear" that he made no comment about whether it was right to go to war. But the case based on WMD was flawed and misleading. "There were problems with the case that was made in terms of WMD, but I don't think it is reasonable to say simply that that made it wrong. Like everyone else, I have broader opinions on politics and things that I don't know about. But I do know about WMD."

ANNEX E

Iraq's Weapons of Mass Destruction The Assessment of the British Government: A preferred version of key parts of the Executive Summary

The nature of my concerns about the September 2002 dossier, which I recorded in general terms with my line managers at the time, can be more fully illustrated by revisiting those parts of the "Executive Summary" of the document that was published. I have tried to rewrite them into a form I would have found acceptable *without* being wise after the event. The words shown in italics are additions or changes to the words actually approved by the JIC in the original dossier which was published on 24 September 2002.

Paragraph 1

Under Saddam Hussein Iraq developed chemical and biological weapons and acquired missiles. It used chemical weapons against elements of its own population in Iraq, and against Iranian forces in its war against that country. Arguably, Iraq never used chemical weapons on territory that it did not claim was its own, and is not known to have actually used biological warfare agents. Iraq responded to attacks against its cities with Iranian Scud missiles armed with conventional explosives, by delivering similar warheads using Scud-type missiles the range of which had been extended to reach significant Iranian cities. Iraq had a programme to develop nuclear weapons that was within about two or three years of success at the time of the 1990/91 conflict. Following the Gulf War, Iraq had to admit to all this. And in the ceasefire of 1991 Saddam agreed unconditionally to give up his weapons of mass destruction.

Paragraph 2

Much information about Iraq's weapons of mass destruction is already in the public domain from UN reports and from Iraqi defectors. This points clearly to Iraq's continuing possession, after 1991, of chemical and biological agents and weapons produced before the Gulf War. *But the current status of Iraq's offensive capability is not clear. There has been some refurbishment of sites formerly associated with the production of chemical and biological agents and whilst this may improve the capability to resume such production there is no conclusive evidence that such production has taken place, or that the refurbishment does not have a legitimate objective. There can be little doubt that Iraq retains significant potential to manufacture agents, fill them into weapons and use them to the level of capability it had developed prior to 1991. This included a demonstrated capability to deliver chemical weapons with bombs, shells and artillery rockets, but it is not clear that Iraq had a fully proven capability to deliver chemical or biological warheads by ballistic missile. It is doubtful that it had the opportunity to further develop and fully prove that capability since 1991.*

Paragraph 4

As well as the public evidence, however, significant additional information is available to the Government from secret intelligence sources, described in more detail in this paper. This intelligence cannot tell us about everything. However, it provides *more evidence about* Iraqi plans and capabilities. It *suggests* that Saddam Hussein attaches great importance to possessing, *or maintaining the impression that he possesses chemical and biological weapons*. He *probably* regards *this* as the basis for *enhancing* Iraq's regional power *in the future*. It *suggests* that he does not regard them only as weapons of last resort. He *seems* to *countenance* using them, including against his *enemies in his own* population, and *appears* determined to retain them, in breach of United Nations Security Council Resolutions (UNSCR).

Paragraph 5

Intelligence also *indicates* that Iraq is preparing plans to conceal evidence of these weapons, including incriminating documents, from renewed inspections. And it *suggests* that despite sanctions and the policy of containment, Saddam has continued *to keep his ballistic missile programme alive and that some activity has been beyond that which is legal*. He *has at least preserved the basis for reactivating his offensive nuclear, biological and chemical warfare programmes*. *The extent of positive activity within the latter programmes is not clear*. *It cannot be discounted that weapons may have been produced but there is no firm evidence that this is the case*.

Paragraph 6

We assess Iraq :

- *has probably* continued to produce chemical and biological agents, *but is unlikely to have produced militarily significant quantities of CW agent or weapons*;
- *possibly has specific current* military plans for the use of chemical and biological weapons, including against its own Shia population. *A source has claimed some weapons may be deployable within 45 minutes of an order to use them, but the exact nature of the weapons, the agents involved and the context of their use is not clear*;
- *may have* command and control arrangements in place to use chemical and biological weapons. Authority *will* ultimately reside with Saddam Hussein. (There is intelligence that he may have delegated this authority to his son Qusai);
- has developed mobile laboratories for the production of biological warfare agents *but we do not know the current status of these facilities*.

As the US Director of Central Intelligence, George Tenet has recently said intelligence estimates are rarely all right, or all wrong. I make no claim that

modifications to the dossier along these lines would have provided a totally accurate picture of Saddam's capabilities. We would certainly have wished to do better. However, even a cursory comparison of the above with the dossier itself will indicate that the difference is unmistakably significant.