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Attorney General's Office

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Prof RJ Flanagan
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17th February 2011

Dear Professor Flanagan,

THE DEATH OF DR DAVID KELLY

Thank you for agreeing to be instructed in this matter.

We seek your expert view on whether you would agree with the conclusions reached by Dr Alex Allan, the original toxicologist engaged by Thames Valley Police. The Attorney General has received a number of letters from interested parties critical of the work done by Dr Allan and the conclusions he reached. You are also asked to advise of any significant failings (if there are, in fact, any) and provide, if you can, an assessment of any impact such a failure may have on the conclusions reached.

Amongst the papers included with this letter, are detailed criticisms of the techniques used by Dr Allan. Whilst you are not asked to provide a detailed commentary on the allegations made, it would be of assistance if you advised us of any that you considered to be valid and what, if any, impact that might have had on his conclusions and whether it has influenced the conclusions you have reached.

I have contacted Dr Allan. He has agreed to cooperate with you in this review. I believe his original material is held by the company he used to work with. I am unfamiliar with how access to this material is obtained. If it would assist by my contacting the firm or the Thames Valley Police I am very happy to do so. Please let me know how best to assist.

You are also aware that Dr Richard Shepherd is advising the Attorney General on the work to the original pathologist, Dr Hunt. He will contact you to discuss issues he has identified that should form part of your review.

I enclose by way of general background the memorial given to the Attorney General by the doctors seeking a new inquest in this matter.

I enclose the following statements provided for the purposes of the Hutton Inquiry: three statements from Dr Allan, one statement from Nicholas Hunt, one statement from Renee Gilliland, one statement from Anne Franc, one statement from Roy Green, one statement by Eileen Hickey, one statement by David McGee, one statement by John Sharpley, one statement by Andrew Hodgson and one statement from Mark Schollar.

I enclose a letter dated 28th November 2010 from Dr David Halpin, a letter dated 30th April 2010 from Dr Andrew Shuttleworth, and letters or emails dated 25th October, 29th October, 10th November, 17th November and two dated 22nd November 2010 from Dr Andrew Watt.

In preparing your report you should bear in mind that it will be used in any application the Attorney General makes to the High Court for a new inquest into this death. Alternatively, if the Attorney General decides not to apply, he will explain his reasons to Parliament and seek to place the various reports he has received, and on which his decision is based, in the Libraries of the House (which effectively means they are in the public domain).

It would be most helpful if you were able to report by the end of February but I recognise that it is not clear how much work is involved and your own current commitments. However, the Attorney General is strongly of the view that his decision must be announced during March and if there is any significant concern over timing I would be grateful if you would contact me.

If there is any further information you require or if I can assist in any way, you should not hesitate to contact me.

I have copied this letter to Dr Shepherd.

Yours sincerely


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