

Wednesday, 5 May 2010

SIR JOHN SCARLETT and MR JULIAN MILLER

THE CHAIRMAN: I'll open this private evidence session with a welcome and thanks to our two witnesses, Sir John Scarlett, who was chairman of the Joint Intelligence Committee from September 2001 until July 2004, and Mr Julian Miller who was chief of the assessment staff from September 2001 to November 2003.

I would like to remind our witnesses, and indeed the Committee, although this is a private evidence session, it is being transcribed. The transcript will be available for checking here in these offices pretty much at the end of the day. We would be grateful if the witnesses could, so far as is reasonably practicable, arrange to review the transcript and make any necessary corrections as soon as reasonably possible. We will also, of course, ask that you certify that the evidence you have given is truthful, fair and accurate.

You, I think, both are witnesses that are aware of the protocols applying to these private sessions. Can I just check that you are content with those as a basis?

SIR JOHN SCARLETT: We are.

THE CHAIRMAN: Thank you. In that event, can I move straight to Sir Lawrence Freedman to open the questions.

SIR LAWRENCE FREEDMAN: Thanks very much.

In Sir John's public session we've been through all the contextual materials. So if you don't mind, I think we would just like to go straight into the more detailed stuff.

Really what I would like to do is just to go through the March 2001 to September 2002 assessments on the WMD programmes of

Iraq, and in each area just ask what sort of intelligence was being used: signals, human, documentary, imagery. Was it UK? If not UK, where was it from, and how reliable was it deemed at the time, and perhaps later?

So if we just perhaps start with the nuclear position in March 2001, but the assessment is dated -- there was heightened concern about possible nuclear related procurement and longer term plans to enrich uranium. Just go with us through these basic areas: category of intelligence; was it the UK; if not the UK, where from; reliability.

JULIAN MILLER: I think perhaps it's worth saying that the assessment in March built very much on the assessment from May the previous year. So in that --

SIR LAWRENCE FREEDMAN: Sorry, I meant May 2001.

JULIAN MILLER: So if I'm looking at May 2001 for the view on the nuclear programme there, there was a limited intelligence base in terms of new intelligence. There was reporting that scientists had been recalled to the Iraqi programme in 1998, and there was evidence -- there were reports on procurement of tubes and magnets.

The reporting on the scientists having been recalled to the programme in 1998 was a [SIS] report. It was a UK human intelligence report, I think, [REDACTED]
[REDACTED]
[REDACTED]

The reports on the procurement which were, I think, most significant at that point were on attempts to procure aluminium tubes [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]. So in terms of the key inputs into

the May paper, those were the ones which I think were particularly influential.

By the time of the March paper, there was some additional evidence on attempts to procure aluminium tubes, which I think was documentary in terms of indications of attempts to order and procure these tubes from different potential suppliers. [REDACTED]

[REDACTED]

[REDACTED]

SIR LAWRENCE FREEDMAN: Perhaps if we could move forward into September.

JULIAN MILLER: Into September -- by September we weren't really looking at the nuclear picture particularly because we were looking at scenarios, the use of WMD, and the judgment of course was that there was no usable nuclear weapon. So the focus in the September programme was on how he might use chemical and biological, and there was a considerable body of new intelligence in forming those judgments.

SIR LAWRENCE FREEDMAN: So there was no new nuclear material there?

JULIAN MILLER: It wasn't played into the assessment. My recollection -- and I'm sorry it's only a recollection -- is that in the interim there was some additional [REDACTED] intelligence on procurement attempts.

SIR LAWRENCE FREEDMAN: On the aluminium tubes issue, this was clearly a very large issue in terms of their meaning. How was the British position on this different from the Americans? Did our debate follow the American debate? How did it interact?

JULIAN MILLER: The initial reporting [REDACTED] was saying that attempts had been made to procure these tubes. They were a controlled material, controlled because of the potential use of

aluminium in centrifuge production, and it looks as though the specification would be suitable for the production of centrifuges. [REDACTED]

[REDACTED].

In subsequent consideration there was recognition, I think by our own people [REDACTED] that the specification of the tubes or the materials suitable for centrifuges, the length and the machining finish wasn't ideal for centrifuges, but it could be used in production of multiple launch rocket systems. So there was a debate, an unresolved debate, as to what these controlled materials were being procured for.

The judgment was very much at a technical level. There was, I think, a view from IAEA, or URENCO on their behalf, which made some observations about the need for further work to be done if this material was to be given a centrifuge function, and that was clearly taken into account.

[REDACTED]

[REDACTED].

By September 2002, my understanding would be that this was seen, certainly by us, and I think by other nations, as being indicative of a possible intent, but not conclusively suitable or procured for the purposes of centrifuge production.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] but by the time we were preparing our views in September 2002, it was very much an in the balance judgment.

SIR LAWRENCE FREEDMAN: You mentioned 2003 before.

JULIAN MILLER: Yes, just for completion, to say that later on --

SIR LAWRENCE FREEDMAN: So even after the war had begun, they

were still holding strongly that this was --

JULIAN MILLER: Am I right? Am I getting my years confused?

SIR JOHN SCARLETT: [REDACTED]

[REDACTED] By the time we went into 2003, the view that this was more likely to be for rocket manufacture, of course, grew stronger, but as of September 2002, and Julian was describing the state of the debate at that point, maybe different experts had different views.

As I said in my testimony back in December, my clear recollection at that time was that the possibility or more than possibility that this was for centrifuge production was a very serious one. It was. Of course, subsequently a different view was reached, but at the time, a very serious view was taken that this was likely to -- this was very possibly to be for centrifuge production because there were reasons why it wasn't the right specification for rocket manufacture as well. It wasn't a clear-cut situation. Is that fair enough?

JULIAN MILLER: Absolutely.

SIR LAWRENCE FREEDMAN: In this particular case we had the evidence. So the question was the assessment of the evidence, rather than the evidence itself.

JULIAN MILLER: Yes. I think there was unequivocal evidence that they had been seeking to procure the aluminium tubes. It was an interpretation of their intent in that procurement which was in doubt.

SIR LAWRENCE FREEDMAN: We need to spend more time on the chemical and biological. Can we just deal with the missiles then, where the intelligence seems generally to have been more reliable. Is that fair?

JULIAN MILLER: I think the intelligence on missiles was fuller and, in retrospect, proved to be more reliable.

Going back to May 2001, there was reporting on missile production at one of the sites, [REDACTED]
[REDACTED]
[REDACTED]

SIR LAWRENCE FREEDMAN: [REDACTED]?

JULIAN MILLER: [REDACTED]¹ There was a separate reporting, which was characterised as regular and reliable, about the Al Hussein force, the view that there were some longer range rockets retained, and there was [REDACTED]
[REDACTED]

THE CHAIRMAN: A couple of questions, if I may, apropos this. One is that it was the MOD who asked for this report in May 2001. I wonder what led them, in your understanding, to ask for it at that time.

JULIAN MILLER: I'm afraid, not having been engaged in that area, I don't know.

THE CHAIRMAN: The other was just a general question, which is some intelligence, and therefore reporting, on missiles is derived from imagery and so on because there is physical evidence. Does that, as it were, give a higher degree of reliability to the generality of intelligence coming in on the missile subject topic area?

JULIAN MILLER: It did in some cases. There was the particular issue of the test stand, where there was clear imagery evidence which indicated an object larger than necessary for the permitted range of missiles was being constructed. In other cases I think it was less influential. So the bulk of the reporting that we

¹ The witness' answer indicated that the reporting was considered to be reliable.

relied on on missiles was human intelligence.

THE CHAIRMAN: Thank you.

SIR LAWRENCE FREEDMAN: There was no particular evidence other than a report that the Al Hussein missiles had been retained?

JULIAN MILLER: There was a report from a year or two previously that they had been retained, and there was, I think, a rather longer standing view that their disposal hadn't been properly accounted for. So there was an underlying concern that missiles might have been retained or sufficient parts had been retained to reconstruct missiles.

SIR LAWRENCE FREEDMAN: Now if we go to chemical and biological areas.

Let's start with the chemical, again looking at questions, first, about the position from May 2001, about the extent to which they were working on chemical weapons still, and then the question of stocks as well.

JULIAN MILLER: Yes. The May 2001 report reached an overall view that there had been retention of chemical capacity. In terms of the underlying reporting, there was a new source at that time -- again, I think, a UK human source -- giving an account of weaponisation of the nerve agent VX in the mid to late 1990s.

There was another new source, with older reporting, about production in the earlier 1990s, but still, I think, after the First Gulf War, and then there was of course an aspect of the reporting which we received through liaison on mobile laboratories, which had been principally about biological, but also mentioned possible chemical production. The view at the time by the technical experts was that if there were mobile facilities of that sort, they were more likely to have a role in filling chemical munitions than the production of chemical

agents.

SIR LAWRENCE FREEDMAN: Can we just look at the VX reports? How were these judged? Were they seen to be from people who might know, who would know?

JULIAN MILLER: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED].² So they seemed to be reports to which we should pay serious attention, given the indications that they were from people who would have been in a position to know. But one of them, at least, was a new source. I think there was inevitably a question over whether that that was established sufficiently for us to be fully reliant on it.

SIR LAWRENCE FREEDMAN: I think UNMOVIC did find some evidence on VX activity. Were these sources related to the evidence that UNMOVIC --

JULIAN MILLER: I'm afraid I don't know.

SIR JOHN SCARLETT: No, they found traces of VX in warheads, as I recall, but I can't, I'm afraid, immediately date that. It would be late 1990s, I think.

SIR LAWRENCE FREEDMAN: So if we just move forward with chemical to March 2002 to September, there's more information coming through during the course of 2002.

JULIAN MILLER: There was a certain amount underlying the March paper, not very much new intelligence underlying the March paper, but one of the reports on ballistic missiles had carried at least the implication that the person reporting believed that there was filling of missile warheads with chemical agents.

² The witness outlined briefly the information that had been available to the Assessments staff about the access of the sources.

[REDACTED]

[REDACTED]

Again, it wasn't particularly influential on the assessments, but it carried an implication that there was knowledge of these programmes proceeding. But for the March report, there wasn't a great deal of new concrete intelligence to build on the picture from the previous year.

SIR LAWRENCE FREEDMAN: How much through all of this are you still essentially relying on the materials that had been gathered by the inspectors up to 1998 and unanswered questions left over from then?

JULIAN MILLER: I think that was still a very significant part of the overall assessment, that the view had been that there were significant unanswered questions about disposal of agents and precursors, which led people to be suspicious and concerned that there had been potential, and then there was the limited intelligence indications that added some weight to those concerns.

SIR JOHN SCARLETT: Could I just come in on that? The May 2001 paper had a slightly firmer judgment on continued retention of agents and weapons indeed, and that was further back. That was clearly -- it certainly was more reliant on previous discoveries and inspections and standing judgments, if you like, based on previous experience of their possession and use and interest in the capability.

But, of course, back in May quite a lot of attention had been paid to reconstruction of chemical production facilities, which had in the past been used for agent production. So that was quite an important feature which underpinned the judgment in May 2001, which was actually slightly stronger than the one that was in March 2002, on the particular issue of chemical

agents.

JULIAN MILLER: As an example, the reconstruction of facilities is an example of where image intelligence did play a significant role because it was possible to see from that that plants which had been destroyed may have now been recreated, and in some cases recreated with apparently surprising levels of security attached to them.

THE CHAIRMAN: Albeit with a view of dual use.

JULIAN MILLER: Absolutely, and that caused a problem, of course.

SIR LAWRENCE FREEDMAN: Just so I understand that, basically you have got the material left over from UNSCOM. You then have new imagery of production facilities, which may or may not be for chemical weapons. This is reflected in May, but as you move on into 2002, you are a bit less sure that this is what they are likely to be for, or may be being used for at that time.

JULIAN MILLER: Certainly the assessment was less firm in March 2002 than it had been in May 2001. The reasons for that are no longer completely clear, but my view is that it reflected the judgment of the particular group of experts who had been convened on each occasion to look at the evidence. They reached slightly different conclusions on the weight to attach to it.

SIR LAWRENCE FREEDMAN: So, in addition to that, there wasn't much else that was new. There were just bits and pieces of reports from individuals.

JULIAN MILLER: By and large, yes.

SIR LAWRENCE FREEDMAN: So it was largely working on inference from what wasn't known after 1998, [inaudible] after 1998, then anything desperately new as being --

JULIAN MILLER: And the one or two reports we have touched on,

which appear to add some substance.

SIR LAWRENCE FREEDMAN: Then on the biological weapons --

JULIAN MILLER: Would it be just worth carrying forward a little on chemical?

SIR LAWRENCE FREEDMAN: Yes, sure.

JULIAN MILLER: Because after March, then there was some additional reporting which was influential.

There was an assessment in August which picked up a report from an established and reliable source which referred to the intention to use weapons. I think it didn't distinguish between chemical and biological. It implied both were intended to be used.

[REDACTED]

SIR LAWRENCE FREEDMAN: I was going to come on to that in a moment, but as we're there --

JULIAN MILLER: Sorry.

SIR LAWRENCE FREEDMAN: That's fine. Let's just talk about that.

JULIAN MILLER: The fuller reporting then came in to influence the September report. That was from one established and reliable source, which was quoting senior Iraqi officers, [REDACTED], about the use of CBW, and there was a report from another source, another one of the very well-established sources, ***** about the determination of the Iraqi regime to have CBW capable missiles, and the reliance on these weapons as being a contributor or an important part of the ability to project power in the region, to

establish Iraq as a regional power.

There was another report about the use of CBW against the Shia population internally. Again it was from a reliable source.

So there was a body of reporting by September that was talking not about technical details of production, but about an understanding that these weapons were available, and that there was a clear place for them in Iraq's thinking about how to conduct itself and how to maintain its regional influence.

SIR LAWRENCE FREEDMAN: Can you tell us a bit more about the source and how reliable the source was supposed to be? Was this somebody who had given intelligence in the past and was reliable in that sense? Did that include would definitely know about these issues, or were they providing with hearsay that was taken seriously because of the person that was providing it?

JULIAN MILLER: There were different sources. In the assessment staff we didn't seek to have expertise in the sourcing of the intelligence. So we relied on rather summary accounts of the sourcing given in the reports, which tended to characterise it as new or established, reliable or not yet proven, and we give some indication of whether the reporting was direct or indirect.

The reporting that we saw from ***** we did understand was reliable and established, and reflecting direct knowledge of what senior people in the regime were saying.

The other streams were reporting, I think, slightly further removed. The stream which reported *****³ (John, correct me) was coming through an intermediary.

SIR LAWRENCE FREEDMAN: Was this the intelligence upon which the Prime Minister's claim in the foreword that the threat was growing and current, is that the basis for that assertion?

³ Reporting from this source was withdrawn by SIS in autumn 2004

SIR JOHN SCARLETT: If I can just, before I answer that directly, as Julian said, at the time the separation of the different streams of reporting wasn't always clear to assessment staff. But all the reports that he was referring to were established and reliable.

SIR LAWRENCE FREEDMAN: [REDACTED]?

SIR JOHN SCARLETT: [REDACTED]. I think, with slight benefit of hindsight, I can now say that essentially we are talking about three different streams of reporting at that time which were coming through in a two-week period at the time the 9 September assessment was being prepared and discussed.

In the case of [REDACTED]⁴ and of course that was the one which was the 45-minute report as well, and was an established and reliable reporting, but reporting from a line of subsources, but of course they were named subsources. That was that point.

On the question of the reporting that Julian referred to as coming from the codename source [REDACTED] this was established and reliable with direct access.

It said in the report that he was quoting what he knew from his colleagues, but this was a very well placed source and he was speaking with confidence, when one reads the report. So that was taken as an influential and authoritative view of what was being thought and said inside the regime, and indeed, looking back on it afterwards, and bearing in mind what the ISG found and all that stuff, it probably was what he was hearing, and this is not a source who has subsequently come into question in terms of his reliability.

So what we are getting, of course, is one of the best examples of the problem of picking up what was thought or misthought inside the senior levels of the regime. Then there

⁴ Reporting from this source was withdrawn by SIS in autumn 2004

was the third source we were talking about.

But of course, in addition, there was additional, the compartmented report which came on 11 September, which was not reflected in the 9 September assessment because the dates were slightly wrong. That was a new source with direct access.

THE CHAIRMAN: Sorry to interrupt, Sir John. It was not the date was wrong; it simply arrived after the closing date --

SIR JOHN SCARLETT: Yes. What I mean is that the dates didn't fit. It couldn't have been because we didn't know about it until 11 September. But of course I'm mentioning it because Sir Lawrence talked about what the Prime Minister said, and that report -- and then there was a subsequent report a little later in the month, but after he'd spoken in the House of Commons. But that report, he was aware of it. I think he said in his own testimony that he was aware of it, and he had received a briefing on it and, as he said, I think in his own testimony, Mr Blair, that was influential with him. I can't remember the exact words that he used in his testimony.

So in terms of what was in his mind when it comes to the word "growing", I think it's important to state that that was the reporting that he was seeing, and he was receiving a judgment from the JIC which said that production of agent is continuing and it's happening now.

So it is possible -- I'm just saying it's possible to conclude that if you are being told that the production is continuing, it's possible to conclude that therefore the issue is growing, if I can put it like that.

SIR LAWRENCE FREEDMAN: It was accumulating?

SIR JOHN SCARLETT: Yes.

SIR LAWRENCE FREEDMAN: So this last source was again a British

source, a UK source?

SIR JOHN SCARLETT: Yes.

SIR LAWRENCE FREEDMAN: And how did that look in retrospect, that particular source?

SIR JOHN SCARLETT: Well, that source was not substantiated and it was the first of the reporting to be withdrawn. It was withdrawn in late July 2003.

SIR LAWRENCE FREEDMAN: Where did that source come from?

SIR JOHN SCARLETT: Well, it was a source -- well, I think you have to ask SIS that question. It was presented to us in the terms that I have just described.

SIR LAWRENCE FREEDMAN: Thank you very much for that. So the reports about taxi drivers and so on picking this stuff up has no credibility?

SIR JOHN SCARLETT: Well, we can only speak for what we knew at the time. What we knew at the time was that that, for example, 45-minute point was ascribed to a named official [REDACTED]. So it was a named -- it was a subsource, but it was a named individual, and we had every reason to believe that he knew what he was talking about.

JULIAN MILLER: In terms of the assessment we wrote in September, there were six of these new reports from apparently solid sources which contributed to the judgment set out in that assessment.

SIR LAWRENCE FREEDMAN: How many of those were subsequently withdrawn?

THE CHAIRMAN: We are going to come on to that, I think.

SIR LAWRENCE FREEDMAN: Just finally on this, on the biological weapons.

JULIAN MILLER: Yes.

SIR LAWRENCE FREEDMAN: The mobile production laboratories. They were first introduced, I think, in May 2001. Again, can you tell us a bit more about the sourcing of this information and how it was viewed?

JULIAN MILLER: The initial view in May was that, as I understood it, not having arrived myself until afterwards, was that the material had probably come to us through liaison channels, I think slightly indirectly. This was clearly reporting from liaison channels. It wasn't reporting which we had direct control, but it appeared to tie in with some understandings that the British experts had of previous interest in use of mobile facilities. So it wasn't seen as being inherently implausible.

By March there was some further view taken on this by the experts who were looking at the indications of the reporting, but I don't think that by March there was any very substantial change in the view that this was an interesting and plausible indication.

But there was also other reporting from a new source on a possible laboratory, and there had been previous reporting in May, also from a [SIS] source, of anthrax production in the early 1990s. So there was a slight accumulation of evidence, and that, taken together with the more thorough review of the reporting on the mobile laboratories, which I believe had continued to come in from the liaison source over that period, led to a slight strengthening in March of the judgment that BW production was likely to be continuing.

SIR LAWRENCE FREEDMAN: [REDACTED]?

SIR JOHN SCARLETT: [REDACTED].

SIR LAWRENCE FREEDMAN: [REDACTED].

JULIAN MILLER: By August, as I have said, there was other reporting, if you like contextual reporting, on the intention to use and the importance attached to possession of biological as well as chemical. That also played a role in the assessments of August and September. But the view on the mobile reporting continued to be that this was quite a detailed stream of reporting by this stage, from a liaison source, judged to be plausible by the UK experts, and so indicative but not conclusive.

SIR LAWRENCE FREEDMAN: Was there a debate amongst the experts, or was it generally accepted?

JULIAN MILLER: There was discussion amongst the experts, I think, as to what the technical details of the reporting showed and whether there was any other interpretation to be put on it, but at this stage it was judged to be plausible and likely to be used for production of biological agent.

SIR JOHN SCARLETT: If I can just come in on that, as I understand it, although this goes back before our time, the first reporting on the mobile laboratories had come through from liaison in early 2000. So the first assessment which reflected it, if only briefly, was, I think, April 2000. Then, if you like, its sort of influence on assessments built up, and between May 2001 and March 2002 there was a change, as Julian said. There was more reporting coming in from this debriefing.

SIR LAWRENCE FREEDMAN: Was this the same source all the way through?

SIR JOHN SCARLETT: The same source, but more reporting coming in, more detail, more debriefing and so on, and then also having expert review and consideration. What was said, I think, in the assessment itself in March 2002, but I haven't got it in front of

me, was that although there was no corroboration at that stage for the reporting, it was judged by the experts to be technically credible and indicated significant production in 1998 and 1999, and of course that was also at the same time set against separate reporting, not from the same source, on procurement of large amounts of growth media, which at that stage was influential in the assessment.

JULIAN MILLER: Yes, I think that's right, [REDACTED]
[REDACTED].

SIR JOHN SCARLETT: And that growth really was far in excess, according to expert judgment, of what was needed for any other legitimate purpose. There was another indication of activity.

As a result of that, in March 2002 there was a change in the judgment of the production capacity of Iraq for biological agent, which up until that stage had been stated as they could begin production, more production, within weeks, and then that changed to within days, and the reason for that was what I have just said.

In early September 2002 there was a separate report from an established and reliable source which referred to a system that was called a fermentation system, which wasn't stated in the report as being the same as the mobiles, and there was no reason why it should have been, but was judged to be very likely to be a reference to the same general capability and the same focus on mobile production capabilities, and that was referred to in assessments after that as corroboration for the mobile reporting.

So a lot of weight was placed upon the reporting [REDACTED]
[REDACTED]
[REDACTED]

from that source.

SIR LAWRENCE FREEDMAN: So just to conclude before I hand over to Sir John, you had a view about the way that the Iraqis would go

about their biological weapons production, and that was reinforced by this other evidence coming through, first about the purchase of materials, both materials, and then this particular source that kept on producing more information.

SIR JOHN SCARLETT: Well, that was definitely their main basis for the judgment. I know we will get on to withdrawal later, but once that was withdrawn, as the Butler Report said, really the judgment about mobiles had no basis, and one has to say, was substantially not correct.

SIR LAWRENCE FREEDMAN: Okay.

THE CHAIRMAN: Thank you. Just before we get on to withdrawal and all of that, Roderic, do you want to ask a question?

SIR RODERIC LYNE: No, I'll wait.

THE CHAIRMAN: We are going to come on to the dossier and how all this impacted on it.

So may we turn to the post-conflict re-assessment and the withdrawal of intelligence which had been embodied in JIC's assessment up until March 2003. Can we just run through it fairly categorically?

First of all, intelligence withdrawn after the conflict was intelligence to support current possession, it was thought. This was the accelerated production. Did that continue to stand after March 2003?

SIR JOHN SCARLETT: March 2003? Well, the judgment on current possession was based on a number of things. Of course there was a standing judgment which was that very probably they possessed stocks and, depending on whether we are talking about May 2001 or March 2002, weapons. But it was not a firm judgment, and that was the change between March and September, because what September did was make a firm judgment about possession.

THE CHAIRMAN: Yes.

SIR JOHN SCARLETT: And that change was based on the reporting from the established and reliable source from the subsources, including the intention of the use, and that was also where the 45-minute one was. It was based on -- and it was based on the established and reliable source who was quoting his knowledge, but was speaking in very definite terms about their continued possession.

THE CHAIRMAN: So it's the interpretation or assessment that changes, rather than the underlying reliability of the source and the reporting from that source. Does that make sense?

SIR JOHN SCARLETT: No, not really.

THE CHAIRMAN: That source was not, as it were, discredited after the event in terms of the reporting that came in before?

SIR JOHN SCARLETT: Well, I should add, of course, because the timing is slightly complicated here, they are referring to the 9 September assessment. But of course the compartmented intelligence, which was influential, which came in on 11 September, did famously influence what was said in the dossier. Then a further report came in in late September, and then actually a composite version of that reporting was issued in early April 2003. So that was still considered to be sound reporting as of that date.

THE CHAIRMAN: Right.

SIR JOHN SCARLETT: That was withdrawn, the compartmented reporting, in July.

THE CHAIRMAN: July 2003?

SIR JOHN SCARLETT: 2003. Yes, 29 July. That was the first line of reporting to be withdrawn.

The one quoting the subsources on the intention to use was not actually withdrawn until 28 September 2004, but it had been known several months beforehand that that had a big question mark over it, and was referred to in those terms in the Butler Report.

I think the first I heard about that question mark was in about May 2004. Am I missing something out there?

THE CHAIRMAN: Let's go on --

SIR JOHN SCARLETT: Sorry. The mobiles also was relevant to a judgment about possession, and that was withdrawn on 29 September 2004.

THE CHAIRMAN: Yes. Can you say something about the underlying reasoning which led to withdrawal? Was it discrediting of an agent? Was it simply the unreliability of the reporting in itself? Was it knowledge deriving from ISG findings or failure to find?

SIR JOHN SCARLETT: Well, it is, of course, directly a question for SIS, which I can't speak to from my subsequent capacity. But based on, for example, what was said in the Butler Review already, as was stated there, post-conflict debriefing of the ***** source on mobiles had revealed that there had been some misreporting, and if it had been clear that he was talking about the production of slurry and not the production of a dried agent, then there were obvious implications as regards storage and long-term use from that, and that's spelled out in the Butler Report. So already by that stage, on the public record, the line of reporting had been very seriously weakened, as Lord Butler said.

THE CHAIRMAN: There was also, although this is perhaps not for either of you, [REDACTED]

[REDACTED] so that he couldn't be tested.

SIR JOHN SCARLETT: Yes. We were not aware of that.

THE CHAIRMAN: No.

SIR JOHN SCARLETT: Of course here we are dealing with a period of time a year after the conflict. A lot of effort had been put into finding these sources and finding their subsources. If that exercise didn't produce a result, then obviously it called into question the sourcing. There had been an invasion. The ground was occupied. It was an unusual situation when it came to source verification.

THE CHAIRMAN: Just a couple of other specific issues before we come on to the processes involved. The 45 minutes that we all know about.

SIR JOHN SCARLETT: Yes.

THE CHAIRMAN: From the standpoint of JIC and the assessment staff, you were getting reports in plain speaking language, rather than technically assessed reporting; is that fair? The meaning of 45 minutes; was it a matter for strategic, was it 45 minutes from established forward position depots made available to front line troops or what?

JULIAN MILLER: The reporting on that wasn't expressed, as I recall, in particularly technical language. It talked about an average of 20 minutes, and a range to 45 minutes for weapons to be deployed.

THE CHAIRMAN: Yes.

JULIAN MILLER: I'm sorry I don't have the precise wording in front of me, but it's familiar. So it was then considered by the technical experts in London, and of course was judged to be credible and consistent with the sort of approach that would be taken to the bringing forward of weapons for that use.

THE CHAIRMAN: Yes. I suppose a reasonable question with a lot of hindsight is that the Saddam regime had used in battlefield conditions CW weapons, and so there was probably quite a lot of knowledge about how long it took to get from A to B to C, the original place of manufacture to the holding place or a depot, into somewhere closer to a front line, and then to the actual delivery. Did any of this come out of the 45-minute reporting?

JULIAN MILLER: My recollection is that the DIS looked at the reporting and judged that it was the sort of timeframe that they would expect to see being planned by the Iraqi military for bringing weapons from a forward storage area to the point of use.

THE CHAIRMAN: Yes.

JULIAN MILLER: But, of course, that wasn't spelled out in the reporting.

THE CHAIRMAN: Precisely so.

SIR JOHN SCARLETT: But that was recorded as the expert judgment at the time.

THE CHAIRMAN: Yes.

SIR JOHN SCARLETT: And of course, as has been discussed subsequently, it wasn't included either in the assessment or in the dossier because it hadn't actually been in the report.

JULIAN MILLER: And there was an exchange with the DIS which led to that conclusion.

THE CHAIRMAN: Yes. One is not talking, is one, about withdrawal in the 45-minute report? As it stood in its narrow context, it stood.

SIR JOHN SCARLETT: Except the --

THE CHAIRMAN: The difficulty all arises out of the reporting of

it and the description.

SIR JOHN SCARLETT: No, the reporting was withdrawn.

THE CHAIRMAN: It was?

SIR JOHN SCARLETT: Because they weren't able to substantiate the subsourcing.

THE CHAIRMAN: Right. Not because it was discredited, but it simply couldn't be substantiated?

SIR JOHN SCARLETT: Yes. Well, yes, because if they had had this weaponry, and of course they had extensively had it and used it in the past, which underpinned the standing judgment, expert judgment about CW capability from the Iraqis, then the report was entirely consistent with that judgment, which was why it was accepted, why it was given weight, and of course famously why it was included in a judgment in the dossier. It wasn't just the single report. It was the standing assessment of the Iraqi capability.

So in that sense the judgment was valid. It was just that (a) the reporting was withdrawn because the sourcing couldn't be substantiated, and of course if we had known that, then obviously it wouldn't have been referred to either in the assessment or the dossier; and secondly, we haven't found any. So --

THE CHAIRMAN: We may come yet again to the use of the dossier description, but let's stay with withdrawal for the moment.

The last one I want to raise as a specific case is the Niger uranium reporting. We have got two separate streams of reporting

██████████ on Niger, ██████████

██████████. But there is then a separate stream coming into us; am I right? One is accepted as discredited.

JULIAN MILLER: In terms of --

THE CHAIRMAN: Ours is distinguished. I'm thinking back to the Butler Report.

SIR JOHN SCARLETT: Well, this is -- a slight caveat on this. I might be getting some of the details wrong here, but the lines of reporting were [REDACTED].

THE CHAIRMAN: [REDACTED]?

SIR JOHN SCARLETT: [REDACTED]
[REDACTED]?

THE CHAIRMAN: [REDACTED]
[REDACTED]
[REDACTED]

SIR JOHN SCARLETT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].⁵

THE CHAIRMAN: Yes.

SIR JOHN SCARLETT: And there was a substantial amount of documentation which subsequently became subject to much discussion, and very complicated discussion, as to what was established to be forgeries and what was not established to be forgeries, which has not been progressed beyond more or less what I have just said. Some is and some wasn't.
[REDACTED]
[REDACTED]

⁵ In the section that has been redacted, the witness set out his understanding of the different sources: Signals intelligence concerning a visit made by an Iraqi official to Niger, and further intelligence in 2002 that came from two independent sources that suggested Iraq had expressed an interest in buying uranium from Niger. One of the sources was based on documentary evidence about contract negotiations. The witness explained that some of this material, including the signals intelligence, stood. The witness then went on to refer to the separate documentary material that others states had received from a journalistic source which had been discussed in the Butler report.

[REDACTED]
[REDACTED]
[REDACTED]
THE CHAIRMAN: [REDACTED]
[REDACTED]
[REDACTED]

SIR JOHN SCARLETT: [REDACTED] -

THE CHAIRMAN: [REDACTED] -

JULIAN MILLER: [REDACTED]

SIR JOHN SCARLETT: [REDACTED]

THE CHAIRMAN: That's fine. Thank you. I can't resist a reference to the fact that somebody described Niger as having only two exports.

SIR JOHN SCARLETT: Well, I think 75 per cent of their exports were, at that point, uranium.

THE CHAIRMAN: And the rest were chickens.

SIR JOHN SCARLETT: It's not got many exports. [REDACTED]

THE CHAIRMAN: Let's come on to the validation process. Again, this has been in the purview of the Butler Committee, but it's worth just revisiting, I think.

First of all, the body of intelligence about Iraq's WMDs before the invasion. Were there well-founded doubts expressed about this body of intelligence pre-conflict by anyone?

JULIAN MILLER: No, I don't recall any doubts being expressed about the body of the intelligence reporting. Clearly some streams were very well-established and reliable. Others were less established. But the overall body of material was accepted, certainly in the JIC community, as being a sound basis for the

conclusions that we reached.

THE CHAIRMAN: Yes. To put it plainly, there was no reason to report concerns to the Prime Minister about this whole body of intelligence pre-conflict because concerns were not, as it were, coming forward. He was entitled to accept what he was being given, what he was reading, what assessments --

SIR JOHN SCARLETT: Nobody was telling him, to my knowledge, that there was a contrary flow of reporting, there were contrary indications, there was contrary advice coming through. There was no contrary advice coming through, and there was no challenge of that kind taking place.

When I say "challenge", I mean authoritative people from within the system coming forward and saying no, this is fundamentally wrong. That was not happening within the intelligence community, to our knowledge.

SIR MARTIN GILBERT: Was that something that could happen on quite other issues, that there would be this questioning of intelligence?

SIR JOHN SCARLETT: Well, it certainly -- I mean, as far as I was aware, there was a culture of free speech. I don't remember trying to suppress anything on any issue during my time there. So if people had -- if anybody in a position to make a judgment or give a view had wanted to challenge this, or indeed anything else that was happening at that time, then I'm sure they would have done so.

JULIAN MILLER: Perhaps I could give an example, just from the assessment staff perspective. I can think of, I think, two cases where there were significant streams of reporting, not to do with Iraq in either case, but where the team on the assessment staff felt that the intelligence picture coming from these reports

raised questions of consistency with other information, or even internal consistency, and where that reporting was challenged as a result of this, and in one case at least was withdrawn.

So there was certainly -- as John says, there was an atmosphere of free speech, but also, I hope, an atmosphere of intelligent reading of the material, and we didn't see it as our job to sort of second-guess the agencies on the reliability of their sources, but we did see it as our job to act intelligently, if the material coming through to us raised other questions.

SIR MARTIN GILBERT: So it's significant that there was no challenge?

SIR JOHN SCARLETT: I think, given what happened, yes, it is significant. Of course, I know that clearly a great deal of subsequent debate about expert opinion on particular points, for example -- well, most particularly within DIS. They were on important but all the same points of detail. In terms of the overall thrust of the judgment about possession there was no challenge at the JIC level at that time at all, and indeed, nor subsequently in the months following, nor subsequently in the immediate few weeks after the conflict began.

SIR LAWRENCE FREEDMAN: Just following this through though, because one of the issues that has been raised is the regular references to patchy intelligence and so on. Part of it is an awareness that though the community may have come to a shared view, possibly strongly held, it was still based on quite limited amounts of actual material, much of it still left over from the 1990s from the UNSCOM period.

JULIAN MILLER: As the assessment said, the intelligence was patchy. It was sporadic. It didn't flow through in great volumes routinely, particularly prior to the summer of 2002. But I think the sense of the community was that yes, we are not

getting a full picture, but we are getting here a pretty consistent picture, even if it is a rather patchy one, sufficient to inform these judgments, but certainly as additional intelligence came through in the course of 2002, the sense was that that did then begin to provide a weightier basis for reaching the conclusions which were set out in September.

THE CHAIRMAN: I would like to try some counter factials in a bit, in the light of hindsight from 2004 and 2003.

Just before we get to that though, looking at withdrawal of intelligence reporting, how is that done as a process, as a system? Is it the collection agency that is responsible?

SIR JOHN SCARLETT: Yes. Yes, it was wholly the collection agency. They would take their decision. I'm trying to recall how it happened. Of course, it did happen formally rather late in the day here, and it had been flagged up publicly in Lord Butler's review that it was likely to happen. So there was an awareness within the assessment and customer community that it was likely to happen, and obviously by that stage, mid-2004, in all the circumstances, there was a great deal of questioning of the reliability of the reporting. But the responsibility for the withdrawal was absolutely, and it could only be, with the collection agency.

THE CHAIRMAN: Yes. I think it's important to establish the doctrine that prevails here, and has prevailed, which is that it's not for the assessment staff or the JIC to try to reassess or rather revalidate intelligence that's being supplied. Is that --

SIR JOHN SCARLETT: Except, of course, clearly, if we had good reason to conclude there was something wrong with it, or it wasn't fitting in with other intelligence coming through, or indeed it wasn't being substantiated on the ground, then clearly

an awful lot of other people would be asking questions, and that did eventually happen, although I don't think assessment staff especially led on the questioning.

JULIAN MILLER: The way you described the doctrine certainly accords with my understanding that we were recipients of the intelligence on the basis described and we gave weight to those descriptions, but we didn't try to get underneath the surface of what had led to a conclusion particularly about the reliability of any particular stream.

THE CHAIRMAN: Yes.

SIR RODERIC LYNE: Just while we are on this point, to be absolutely clear, how much in the JIC, therefore, did you know about the sources of the intelligence that were coming to you?

JULIAN MILLER: Generally, not a great deal. From time to time, when there were particular sources that the agencies attached great weight to, there was some briefing given on why they were attaching particular weight to a source. But it was all at a fairly high level of generality, and there was, for the bulk of the reporting, nothing more than the descriptors on the individual reports.

SIR RODERIC LYNE: So the three or four sentences that one gets on a [SIS] report describing the source, saying whether it's deemed not reliable or established, is essentially what you knew?

JULIAN MILLER: And sometimes whether it is direct or indirect.

SIR JOHN SCARLETT: Obviously I have thought about this a lot subsequently, and in any case the key Butler recommendation which subsequently has had a lot of work done on it, but there was no -- at that time none of us in assessment staff, including me, knew the details of this sourcing. Nor were we clear how many lines of reporting there were, and I know that because just

before the conflict I was asking those questions: how many lines of reporting are we actually talking about? So I know that --

SIR RODERIC LYNE: You referred earlier to three streams of reporting.

SIR JOHN SCARLETT: Well, three streams of reporting which were influential on the question of possession in early September 2002. But taken overall, I think as of mid-March 2003, looking at the sort of overall contribution from Humint reporting which was coming from SIS, I think we said five lines by that stage. But, I mean, that was a general statement which we were given by the agency. It wasn't something that reflected research and real knowledge on our part.

Now, in terms of the compartmented intelligence which came through in mid-September, 11 September and subsequently, 2002, we were told that this was important, potentially important reporting, but a new source, with a little bit more about the nature of the access and the access of the subsource, but a very limited amount, not really possible to make -- much of it.

Now, of course, one of the conclusions, correct conclusions of the Butler Review was that this was not an adequate system, and the assessors and the analysts needed to be in a better position to understand the nature of reporting flows, and therefore to question them when really important issues and assessment judgments were coming up. There has been a major change in that area subsequently.

SIR RODERIC LYNE: But at that time, as consumers of Humint from SIS, you basically had to rely on the assumption that the traditional rigorous process of internal validation of a report within SIS, before it is even put out as a [SIS report], was still robust and operative, and any further questions about that are ones we should direct to the person who would see it at the

time, rather than to you. But from where you sat, you were confident that anything coming to you from SIS had already been through a robust process of internal validation.

SIR JOHN SCARLETT: Yes, exactly. At the end of the day, it had to be, and has to be now.

SIR RODERIC LYNE: It wasn't for you to question that.

SIR JOHN SCARLETT: Well, we didn't question it, and as far as we were concerned, just to be blunt about it, we were seeing a lot of established and reliable intelligence reporting coming through on this subject in this period of time.

SIR RODERIC LYNE: And was any of this coming from emigre sources?

SIR JOHN SCARLETT: Not to my knowledge.

JULIAN MILLER: No, I don't think so. [REDACTED]
[REDACTED]

THE CHAIRMAN: C gave evidence to the Butler Committee that they were extremely sceptical of --

SIR JOHN SCARLETT: Yes, that's right, and we were aware of that risk. Anything we had which came near it, we definitely didn't take any notice of. So that idea that we were reliant on emigre reporting is not true. Not that I think that anybody authoritatively ever said it, but it's out there.

SIR RODERIC LYNE: It's out there, so it's important to establish this clearly. Even if not reliant upon it, could these streams of emigre reporting [REDACTED] have had some influence on us, or do you think they were pretty well shut out by --

SIR JOHN SCARLETT: [REDACTED]
[REDACTED]

SIR RODERIC LYNE: But they weren't creeping into the margins of your assessments?

SIR JOHN SCARLETT: No. I don't know, you may have a good -- I'd like to go back on it, but this question of sporadic and patchy was raised. Do you want me to come back to it?

THE CHAIRMAN: I think I would rather leave that to the dossier in a few minutes. What I'm going to try and do is finish this round of questioning in five or so minutes, and then have a bit of a break and then come back to it.

What I would like to do is to try a couple of counter factuals. We are in a position now where the intelligence withdrawn after the conflict has been withdrawn. Then go back to September 2002. What would it have been possible to say by way of judgments about Saddam having active programmes, based on such intelligence as has not been subsequently withdrawn? I know it's counter factual, but it's --

JULIAN MILLER: It's a point which, of course, we have thought a little about. The position in May 2001 didn't, I think, draw on the withdrawn intelligence. So the view then, based on the historical context and some limited additional intelligence, would, I think, have rolled forward into 2002. There would have been some supplementary intelligence which had not been withdrawn, including from *****, which would have added to a view on continuing production and a view on existence of these weapons and intent to use them and reliance.

So by September I think we would have been in a position which was less firm than in the published assessment, the existing assessment, but which was somewhat firmer on possession and production than the position we had reached in 2001.

THE CHAIRMAN: Right. So it's a reasonable inference to say that

there is relevant and still valid post UNSCOM, post 1998 reporting, which contributed to assessments in 2001?

JULIAN MILLER: Well, there's intelligence which hasn't been withdrawn, which if we --

THE CHAIRMAN: And which had come in after UNSCOM leaves in 1998?

SIR JOHN SCARLETT: Here I think we are talking about 2002.

THE CHAIRMAN: Yes.

JULIAN MILLER: Yes.

SIR JOHN SCARLETT: I'm not completely sure Julian will agree with me on this, but disagree of course because it's free speech.

If all that reporting hadn't been in play, if there had been no mobile reporting taken seriously, if there had been nothing from, if I can call it that, the 45-minute source on intent to use, and of course that reporting continued to come through during the autumn -- there was further reporting in November, for example -- and if there hadn't been the compartmented source, there might have been a slight firming up of the March 2002 judgment on possession. But already the March 2002 judgment on certainly Iraq's pursuit of its nuclear programme -- of its WMD programme was already pretty strong actually. That would have only slightly firmed up, but it would definitely not have been as firm on either possession, and we wouldn't have talked about production in the way that we did.

JULIAN MILLER: Yes. I pretty much agree with that. I think that some of the *****⁶ reporting would have been influential still on both points, but --

SIR JOHN SCARLETT: [REDACTED]
[REDACTED]

⁶ A well established source.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].⁷

SIR RODERIC LYNE: So it's a question of access, not of the honesty of the source?

SIR JOHN SCARLETT: It's more than access, because it's the nature of the regime and the kinds of things that people thought at the very top of the regime. In a normal regime it would have been regarded as well placed and authoritative.

THE CHAIRMAN: The real question for those doing the validation is: is this more than a report of a prevailing perception? Is it actually a report of a factual situation? It was actually the former.

SIR JOHN SCARLETT: Yes, [REDACTED]
[REDACTED]. So weight was placed on his reporting.

SIR MARTIN GILBERT: If you withdraw the withdrawn material, you could still create a dossier.

SIR JOHN SCARLETT: Yes. Well, we would have done, because the decision on the dossier wasn't related to that report.

SIR MARTIN GILBERT: It would still have been a dossier of substance.

SIR JOHN SCARLETT: Yes, but it would not have said some important things which it did say.

THE CHAIRMAN: I have just got one last thing on this, which is

⁷ In the redacted section, the witness explained why the material in question had not been withdrawn and went on to explain that it was reflecting something that he viewed as actually quite important: what was believed in the source's circle of high level contacts.

really a cross-check. This is very much for you, Sir John, as JIC chairman at the time.

Sir David Omand told us in evidence that intelligence was extremely hard to find in 2001, 2002, 2003:

"SIS overpromised and underdelivered because when it became clear that intelligence was hard to find, they really had to bust a gut to generate it."

That's what David said --

SIR JOHN SCARLETT: Well --

THE CHAIRMAN: -- from the standpoint of JIC.

SIR JOHN SCARLETT: Yes. Well, I have been clear about the weight that we placed on the lines of reporting that were coming through and how they appeared to us at the time.

I think what David was referring to there was the situation in January and February 2003, when UNMOVIC were not finding things, and so the reaction might have been: well, why is that? But the reaction was: well it's there. This just goes to show that UNMOVIC aren't much use and we will find it. I think that's what he was referring to.

THE CHAIRMAN: Yes.

SIR JOHN SCARLETT: And I understand why he says that.

THE CHAIRMAN: I would just like to ask one small set of questions about the declarations of the weapons programme, the inspection process between the return of the inspectors, and then we will break for tea.

So in the light of what by July 2004 we know, is it possible to reassess Saddam's December 2002 declaration? It was assessed at the time -- this might be 9,000 pages long, 11,000. This is really quite important because it's about the degree of completeness, accuracy, therefore compliance with the provisions

of SCR1441. The assessment at the time is one thing, but if we had reassessed the intelligence, say a year or a year and a half later, would we have made a different assessment of that declaration?

JULIAN MILLER: It's not an issue that I have thought about or looked into. I think my immediate reaction is that we would have to have reached a somewhat different conclusion because some of our concerns about Saddam's declaration were rooted in the intelligence view about the extent of his possession and continuing programme.

THE CHAIRMAN: Yes, because the material balance, or rather imbalance, was not being explained in the declaration.

JULIAN MILLER: Yes, and the declaration, I think, was deficient in other respects, in that it didn't address some of the particular concerns that had been raised about past declarations by the Iraqi authorities. So -- I'm sorry, this is a rather unstructured response, but I think there would still have been some serious reservations about it, but that they would have been less pronounced than they were at the time.

SIR JOHN SCARLETT: I think this needs careful answering, this question, because of the nature of the requirements which were placed on the Iraqi side in this particular declaration. Even allowing for what we now know, or don't know, there was a lot -- a detailed study of the declaration, which I'm afraid I'm not offering, I suspect would show that there were a whole series of deficiencies and ways in which one -- for example, it was subsequently established by the ISG that they had unilaterally destroyed their agent stockpile in 1991, they hadn't told anybody, and of course they didn't say anything about that in the declaration. Ditto they didn't say anything about the destruction of Al Hussein in 1992, which of course they should

have done in the declaration.

There was a lot of concealment which was going on. They said nothing about the further design work on missiles and so on. So there would have been a whole series of points where the declaration would still have been found to be, as it were, not conforming with 1441. Now, of course how much weight would have then been placed on those conclusions would have been a political judgment, but in technical terms, I think you would find a lot of those boxes would have been ticked now, I suspect.

THE CHAIRMAN: We have got the inspectors in between November 2002 until they were withdrawn in mid-March, and they are both getting -- their work is the subject of intelligence reporting over that period.

Are there any doubts, deficiencies, or indeed achievements and successes, that one ought to draw attention to in that period? There have been, on the one hand, from UNMOVIC complaints from Blix that they were not getting enough intelligence reporting to help with the finds, et cetera, et cetera. On the other hand there doesn't seem to be an outstanding gap or failing.

I just wonder whether you would like to comment from the standpoint of JIC and the assessment staff. This was a major objective, wasn't it?

SIR JOHN SCARLETT: At the time -- of course there's been a lot of discussion now, and not least with the Committee, as to, as it were, what impact was being made on policy makers, and also on intelligence assessment, by the failure to find things.

I can only say that at that time -- this is a very short period of time. Progress and events are measured in days and in a small number of weeks. Events move very fast. At the time the stated view was that they had found things, and that there were

items in the intelligence --

THE CHAIRMAN: Agent cases.

SIR JOHN SCARLETT: -- and documents(?) and so on, which were bearing out the intelligence, and I definitely said that at the time and believed it. So my own mindset, I quite clearly recall, up until early March at least, was that intelligence to a significant extent was being borne out by what was being found by UNMOVIC. My state of mind wasn't: oh gosh, UNMOVIC aren't finding things, therefore there's something big which is wrong.

Now, if we had continued and had had more time, and this hadn't all just come to an end in the middle of March, of course that would have changed. But it's important to remember that the discoveries were in late January and the conflict started in the middle of March.

THE CHAIRMAN: Yes. I was going to ask Mr Miller to comment.

JULIAN MILLER: Only to add -- and I think this has also been covered previously -- that there was a flow of intelligence to the inspectors which in some cases, as John has said, led to discoveries, and in cases where it didn't, it simply wasn't possible for us to reach a firm view on whether the deficiency was in the intelligence or in the ability to move fast enough in Iraq to uncover what was said to have been concealed.

THE CHAIRMAN: So it's not in any sense on all fours with withdrawing or discrediting lines of intelligence reporting over a period. You may or may not get a result in this very short-term high urgency reporting about there may be something worth finding at this particular grid reference. That's not the same kind of thing. So you wouldn't be talking about discrediting.

SIR JOHN SCARLETT: At this stage, no. That was not the

conclusion that we drew. I can't say that. Nothing happened at that time to make us say there was something wrong with this reporting. Some things happened which made us say there's something right with it.

Of course we should also mention the fact that the whole set of reports, and there's a lot of reporting about concealment activity at this time, and also detailed attempts to bamboozle the inspectors, some of which was detailed and convincing, and was believed, not just by the JIC and the assessment staff, but throughout the policy making community.

THE CHAIRMAN: Yes.

SIR RODERIC LYNE: From what you have just said, did you advise Ministers that because of the difficulty of actually reaching a really confident view through the inspection process, the intelligence-fed inspection process, that it would be advisable to have more time before really coming to judgments about the inspection?

SIR JOHN SCARLETT: I did not advise that. As far as I know, Julian didn't either. I think I probably would have known if he had. But we were very conscious -- certainly speaking for myself, I was very conscious of the military timetable factor here. I know that David Omand, for example, referred to that, and that's completely correct. I knew that we were being bulldozed, if you like, by the military timetable which pointed very strongly to early or mid-March.

SIR RODERIC LYNE: Were you being asked to give judgments or assessments -- and I don't know if this really fell within the scope of the JIC or not -- on the effectiveness of the inspection process and whether we should have confidence in it? You just commented on it, in a sense. But was that part of your duty, or did it fall to somebody else to advise on this?

JULIAN MILLER: I don't recall advising on that. I recall us having some interest in, if you like, the makeup of the inspectors and how their business was done. But I don't recall us having a role in advising on the overall outcome of the process or the timeframe that should be allowed.

SIR JOHN SCARLETT: I don't think there's any record of us having done it.

SIR RODERIC LYNE: An awful lot hung on our judgment and that of other governments about whether or not the inspectors were being completely hoodwinked or getting somewhere, or giving them more time would allow them to get somewhere. I'm just trying to work out who in the British Government -- it's not necessarily the JIC -- should be the people to form a view on that.

SIR JOHN SCARLETT: Well, I have to say, I see that definitely as a policy issue, and I can't -- although, of course, in the circumstances maybe I might subsequently regret that I didn't say something, I can't honestly say I thought that at the time --

SIR RODERIC LYNE: No, I'm asking an open question.

THE CHAIRMAN: I think we can leave it there. It's not a JIC matter. Okay.

I think we ought to break for tea for ten minutes. If you would like to ... then we will come back to the dossier.

(A short break)

THE CHAIRMAN: Let's resume. I'll ask Sir Lawrence Freedman to open you some further questions.

SIR LAWRENCE FREEDMAN: I now want to look at the dossier.

Sir John, earlier you just mentioned -- when we had been talking about patchy and sporadic, the Chairman suggested that we talk about it at this point. So over to you.

SIR JOHN SCARLETT: Well, of course there has been a lot of focus on those references in the assessments that were done up until, say, August, I think, 2002 and, to a limited extent, the 9 September assessment. That was the language used, and in my own testimony back in December, there were specific statements from me as to how, at each stage of the assessment process, the intelligence was described.

I would just like to make one or two additional points. The first is that it's not at all unusual for an intelligence base behind judgments to be limited or described as sporadic and patchy. Obviously there's a risk here that that acquires a sort of prominence as a point which belies another aspect, which is the fact that by the time we got to September in particular, and I, we had talked about the importance of the change in judgments that took place then and the nature of the intelligence that was coming through, and of course that intelligence was judged against a set of standing judgments from the past which I'd been at pains to point out were already quite strong, and this is alongside the references to sporadic and patchy. But if you look at what was said in the underlying conclusions, for example, in March 2002, there was a clear statement about -- I have got it in front of me somewhere - "It is clear that Iraq is pursuing its programmes" and pushing wherever it can.

So already there was quite a firm judgment that in a sense we had inherited, and then we continued to have, and then that became a firm view of the JIC in September 2002, explicitly so, and that was what was presented to Ministers, as we have already described. There wasn't a disagreement with it. It was something which reflected undoubtedly the view of the British intelligence community. That was what was presented to Ministers and the Prime Minister, and in the assessments and updates and other documents which were issued after September, I don't think

there's any reference to caveating, if you like, or references to the intelligence as limited, the intelligence is sporadic and patchy, and that's because we didn't think it was. We thought there was a sound intelligence base, and we had a firm judgment. That's the point I want to make.

SIR LAWRENCE FREEDMAN: Do you want to add anything to that?

JULIAN MILLER: Perhaps just to reinforce it. In my role in the assessment staff we put papers to the JIC. We would then get direction, sometimes to adjust them. The paper we put to the JIC at the beginning of September was one which reflected the view up until that point. We didn't pick up all the new intelligence that was just coming in. The discussion on 4 September at the JIC really was one that gelled with the very firm view amongst the community about both the possession and the readiness to use, on Saddam's part, these weapons.

We went away, in the light of that discussion, and wrote the paper which is the final assessment and expressed those views really quite specifically and as very firm judgments which did, I think, pin down the view of the JIC community at that point. It was the moment which sticks with me as being quite an important one in terms of the arrival of new intelligence, and the precipitation of a discussion in the JIC which led to a very firm expression of the judgments it had reached on both possession and intent.

SIR LAWRENCE FREEDMAN: We are now into the sort of dossier period. We have obviously discussed it with you before, Sir John, and now, since then, had evidence from, amongst others, Alistair Campbell and Sir David Omand, who added to our knowledge on the issue.

A broad question first on the impact of the political context. You knew what was going on. Leaving aside the very

particular questions of the direction of the dossier, how do you find it in terms of separating yourself from what has now been said by prime ministers and presidents about the material with which you are dealing daily? Is it difficult to keep the separation of intelligence and policy as a general matter in these times?

SIR JOHN SCARLETT: Was it difficult?

SIR LAWRENCE FREEDMAN: Yes.

SIR JOHN SCARLETT: I cannot recall worrying about this at the time in a deep way. Obviously I, we worried about it because we understood that it was necessary to ensure that the public assessment was consistent with what was being said in the classified assessments, and so that discipline was very strong within us, and in ways that have been discussed many times, we sought to protect ourselves against --

THE CHAIRMAN: Could I just interject? Because of our very strict protocols, this is not an issue that needs to be confined to a public hearing. So we may need to publish a transcript of this particular exchange if it continues.

SIR LAWRENCE FREEDMAN: It was leading to the next -- carry on.

SIR JOHN SCARLETT: So I do not recall worrying about it in a deep way or in the sense that it was something which I or we couldn't control. It was something to which we had to pay very close attention, both through the procedures and processes we followed, and by the way we reached our judgments. But I never felt that I was not in control of the process, and I have said that on quite a number of occasions.

SIR LAWRENCE FREEDMAN: I raised it because Sir David Omand had raised with us this question of a nervousness within the intelligence community about the use of their intelligence in

a dossier of this sort. So was that your sense, that the intelligence professionals that you were dealing with were nervous about their material being used in this way?

SIR JOHN SCARLETT: Well, I saw myself as an intelligence professional as well, and so --

SIR LAWRENCE FREEDMAN: I'm talking about SIS and so on.

SIR JOHN SCARLETT: Well, the issue that I think David Omand was referring to was the worry that individual items of intelligence and sensitive reporting would get into the public domain. He was worried about that, and therefore there was an instinctive reaction on the part of intelligence professionals in particular that that risk might exist in a public process, and it was something which, for obvious reasons, I shared completely, and therefore we had processes in place to make sure that it didn't happen. That's how I interpreted his comments.

JULIAN MILLER: Could I reinforce that? It was certainly my interpretation of his comments, and it was the experience at the time that the agencies were understandably concerned that it would be easy for material to be put into the public domain by people not conversant with the details of their processes which might actually inadvertently damage their position. It had come up as an issue a little earlier than this, when we were putting into the public domain in 2001 the reasons for reaching a conclusion on UBL's involvement in the 9/11 attacks. I recall at that point having discussions with colleagues in the intelligence agencies about much the same issue, and the concern that we needed to be very, very scrupulous about not saying anything which would call into -- or put any risk any of their source of intelligence. That flavour came through again when we came to talk about the dossier.

But overall, certainly from my contacts at that time with

the agencies, I would say that there was a support for the process and a strong acceptance, a wide acceptance, that there was a good case for making public the basis of some of these important judgments that were informing Ministers.

SIR JOHN SCARLETT: It was not -- I do not recall the drafting process as a contested process.

SIR LAWRENCE FREEDMAN: So when you have uranium from Niger, mobile biological weapons and 45 minutes, all of these things came up through the agencies and there was no controversy about, as intelligence, whether they should be included in the dossier?

SIR JOHN SCARLETT: In terms of whether it was safe for source protection reasons?

SIR LAWRENCE FREEDMAN: Yes.

JULIAN MILLER: No, there was no controversy over including them in the dossier for that or, as far as I recall, any other reason. But it was absolutely essential to retaining the confidence of the agencies that their people were intimately involved in the process of drafting and had every opportunity to review the language and make sure that we weren't, through ignorance or carelessness, letting anything slip which they would find damaging.

SIR LAWRENCE FREEDMAN: What about material that had come from foreign liaison? Were there any issues there?

JULIAN MILLER: My recollection is that we relied on the agencies who had been the source of the liaison, to check back with their liaison partners where necessary, as to whether we could use it, and if so, in what terms.

SIR LAWRENCE FREEDMAN: What about concerns about particular assessments? You have already mentioned the DIS concerns about

some of the language used in the final draft. How well aware were you of these concerns and how did you respond?

SIR JOHN SCARLETT: In my case I wasn't aware of them at all, with one exception. I was aware that there had been questioning from within the DIS about the fact that they hadn't seen the compartmented report. So that was discussed between Julian and myself in whenever it was, about 17 September, and we agreed that it would be necessary, of course, for them to be shown the compartmented report, and as far as I was concerned, that happened. There was no further awareness on my part.

JULIAN MILLER: The only other area where I recall any sort of discussion with the DIS over this sort of point was where there were views expressed in the dossier as judgments. I think on one occasion someone in the DIS suggested that the language was stronger in the judgment than in the account of the intelligence, and our view was that it was a judgment. It was expressed as a judgment, reflected a broader appraisal of the position, and it was consistent with the JIC's views to express it in those terms. So there was some discussion, but I don't recall that as being a major issue.

SIR LAWRENCE FREEDMAN: Can I just ask you about a couple of issues that were raised with Alastair Campbell? One of these is the email note that came to you that said:

"Number 10 through the Chairman wants the document to be as strong as possible within the bounds of available intelligence".

So what you understood that to mean and how did you respond to it?

SIR JOHN SCARLETT: I think that's a reference to an email which went from assessment staff to the DIS.

SIR LAWRENCE FREEDMAN: Yes. Well, it's --

SIR JOHN SCARLETT: Or maybe to other departments.

SIR LAWRENCE FREEDMAN: I think it was all the people involved.

SIR JOHN SCARLETT: I didn't know that it had gone. So it wasn't one that I saw at the time. It was within the machine that that went out, and there has been subsequent discussion about it.

If I had seen it at the time, I would have taken it to be what I would have meant it to be, which was there was a question as to how much detail could go into the dossier, taking account of the worries about source protection and so on, and I was concerned to ensure that there was as much detail in there as could safely be in there, taking account of source protection. That was absolutely what I would have taken that to mean, and what I think it did mean.

SIR LAWRENCE FREEDMAN: Can I just ask you about a particular question, which is the nuclear timeline?

SIR JOHN SCARLETT: Yes.

SIR LAWRENCE FREEDMAN: Now, there's this question about what would happen if the Iraqis got hold of fissile material.

The first thing that I'm interested in is whether anybody thought there was a realistic chance of the Iraqis getting hold of fissile material, and if so, how.

JULIAN MILLER: This was a thought which had been in assessments for a while. There had been a distinction drawn between the position if sanctions remained in place, or if sanctions were lifted, or if Iraq somehow got other assistance, fissile material or external expertise or help.

The source of fissile material was never spelled out, but my recollection of the thinking at the time was that there was considerable concern about the availability of fissile material in the former Soviet Union, and concern that such material was

not universally well protected there and was subject to the risk of diversion, either by criminal or other state means. So I think there was a -- there was no specific reason to think that Iraq was in the process of obtaining fissile material from the former Soviet Union, but there was a concern that such material was available and not fully safeguarded.

SIR LAWRENCE FREEDMAN: But there was no specific intelligence to suggest that Iraq was trying to get fissile material from this or other sources?

JULIAN MILLER: There was no such intelligence.

SIR JOHN SCARLETT: Can I just add there that the concern about the availability, especially from the former Soviet Union, of fissile material was a serious concern at that particular time, and again, of course, this is looking back many years.

As an example of an expression of that concern, in the autumn of 2001, which was a year or nine months before, in the early aftermath after 9/11, and this of course was in the context of worries about the issue generally and leaks to terrorists,

[REDACTED]

SIR LAWRENCE FREEDMAN: So there was intelligence about potential supply?

SIR JOHN SCARLETT: Yes.

SIR LAWRENCE FREEDMAN: But not necessarily to Iraq?

SIR JOHN SCARLETT: Not specifically to Iraq.

SIR LAWRENCE FREEDMAN: So your assessment with sanctions is

that, short of getting fissile material, they couldn't get a nuclear weapon. Without sanctions, it would take five years. That is what was said.

Now, the argument was made by President Bush, during the course of all these discussions going on, in his speech to the United Nations, that they would be able to build a nuclear weapon within a year if they got fissile material, and that then -- something similar got put into the dossier, and that then became highlighted.

So I'm just intrigued as to the process by which that happened because, as you are aware, this is an issue upon which Alastair Campbell appeared to take quite a bit of interest. He talks about nuclear timelines in his diary and so on. So I would just be interested if you could take me through the process by which that particular assessment got included, and whether or not it did reflect concern about fitting in with what the President had said.

JULIAN MILLER: I think it got included because it was part of the general backdrop of the assessments which underpinned the dossier. It had been an issue in the assessment for some time, and the judgment had been that if Saddam got fissile material, then it would be possible for him to produce a weapon in a significantly shorter time.

The underlying analysis was that work had been done in Iraq on design of weapons much earlier. The five years was a judgment, I think, principally around the time that would be needed to produce a centrifuge or other enrichment programme to generate fissile material to put into a weapon. So that if that process was short-circuited and the fissile material were obtained, the question then was how much extra time and work was needed to turn that into a weapon, and the judgment was therefore

informed by a view on how far advanced the earlier work had been, how capable they were in design terms, and how much more basic work was needed to produce the weapon. That was very much a technical judgment, and it was one on which there were inevitable uncertainties about how much progress had been made prior to 1991 and how much, if any, progress had been made subsequently.

There were discussions, I believe, between the technical experts in the DIS and their American counterparts, and the views were similar but not identical. The UK view was that the production of a weapon with the fissile material made available was likely to take perhaps between one and two years, and the Americans, I think, put it at a rather shorter time than that.

SIR JOHN SCARLETT: And IISS, of course, famously put it at nine months, which of course was in the public domain by this stage.

SIR LAWRENCE FREEDMAN: Yes. But your previous assessment had just said it would shorten. So it became much more specific at this stage.

JULIAN MILLER: It did, and we were very much in dialogue with the technical experts about what the best judgment was. I don't recall it being driven by a need to fit in with the American judgment, and indeed it didn't fit in with it. So it was a more refined assessment, but not one which was fundamentally different.

SIR LAWRENCE FREEDMAN: But it does seem to be one that was strengthened during the course of the different drafts of the dossier.

SIR JOHN SCARLETT: It was in the dossier on the 16 September draft. So the one to two years was already in the 16 September draft, and then it was put in again in the 19 September draft and

then the final one. So most of the drafts it was already in, and of course what was said in the March, I think it is, 2002 assessment was: this timescale would shorten. So five years. This timescale would shorten if fissile material was acquired from abroad.

I'm not quite sure what the theme of the assessment was, but a month before, in February 2002, the wording was "would be significantly shortened". So I have to say that I don't see it as significantly out of step with the wording which had already been used in the classified assessments, and there was no sense at the time, in my judgment, and this is what I said in September, that we were responding to an American push.

So if you say, Sir Lawrence, that something similar was said to what was said by President Bush, that was absolutely not what we were feeling at the time.

SIR LAWRENCE FREEDMAN: So just in your recollection, what was the main issue that Alastair Campbell was pressing you on in this period?

JULIAN MILLER: Well, my recollection is that it was a drafting point, and not one that I recall fully understanding at the time, but it was to do, I think, with the potential confusion in the way we had expressed the timelines initially, about the time needed when sanctions were in place as against time needed if sanctions were lifted, and then the confusing third element of access to external material or assistance.

I think it may be that it was possible to read an early draft as implying the timelines would be shorter with sanctions in place because there was a cross-reference to the external assistance. So my recollection is simply one of tidying up the language, but not one of changing the substance.

SIR JOHN SCARLETT: I have still not entirely understood what

this issue was about, to be honest.

SIR LAWRENCE FREEDMAN: That's really helpful. Just quickly, a couple more questions to wrap up on the dossier.

Again quoting David Omand, he suggested it was a big mistake to combine analysis with the making of a case by the Government. I'm interested in your views about how you would respond to that in terms of the lessons for the future as to how one should do this sort of thing.

JULIAN MILLER: Well, we saw the dossier as not the making of a case, as you know, but of putting into the public domain the judgments which had been reached on the available intelligence evidence and assessment.

The making of the case, I suppose, perhaps comes in the foreword and the juxtaposition of the foreword and the document. Clearly, with hindsight, one can see that there's a case for keeping the presentation of the evidence more distinctly separate from the exposition of the evidence.

At the time I don't recall being particularly struck by this, but at the time, of course, we were very firmly of the view that the evidence was strong and pretty conclusive on the key points which were being set out by the policy makers, as well as in the explanatory dossier.

SIR JOHN SCARLETT: In general terms you asked me this question in December, and I think I said at the time that I couldn't honestly say that I was conscious or worried about this at the time, and that has to remain the position. Like Julian, I don't think anybody was -- this issue wasn't raised by David Omand, it wasn't raised by anybody, and nobody has claimed that they were raising it at the time.

Clearly, with hindsight, and in view of everything that has happened, it's a very good point.

[REDACTED] ?

JULIAN MILLER: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SIR LAWRENCE FREEDMAN: [REDACTED]

[REDACTED] ?

SIR JOHN SCARLETT: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SIR LAWRENCE FREEDMAN: [REDACTED]

[REDACTED] ?

SIR JOHN SCARLETT: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SIR LAWRENCE FREEDMAN: [REDACTED]

[REDACTED]
[REDACTED]?

SIR JOHN SCARLETT: [REDACTED]

[REDACTED]

SIR LAWRENCE FREEDMAN: Let me then move on to the post-conflict search for WMD. Just one question left over from the inspections period. I don't know if you were aware of the statement made by Hans Blix to the Prime Minister when they discussed the position before, I think, the 14 February presentation, when he gave a reasonably clear indication that he was questioning or starting to question how much was actually there.

Were you aware of that view that was starting to be held by Blix?

JULIAN MILLER: I'm afraid I'm not sure at this remove whether I was aware of that exchange or not. I think that I was aware that the inspectors were uncertain as to what there was for them

to find.

SIR JOHN SCARLETT: If I can just add two points there, my recollection of that time is that what I was more aware of from Hans Blix was that he wanted more time, and that that was the biggest theme that came through to me; and secondly, of course there was a lot of focus on that time on the issue of interviews with scientists. That was seen as a test point.

SIR LAWRENCE FREEDMAN: Yes.

SIR JOHN SCARLETT: We flagged that up to whoever we were speaking to, that Blix was reluctant to insist on interviews, I mean, for a whole range of perfectly understandable reasons. But it did mean that there appeared to be a sort of lack of rigour in his follow-through, and that was an issue of concern.

SIR LAWRENCE FREEDMAN: Did that affect your sympathy with his request for more time?

SIR JOHN SCARLETT: I'm not sure. I remember at the time understanding why he was saying what he was saying, but then thinking the trouble is that this⁸ is obviously a key point, and I don't think I can take my thoughts further than that.

SIR LAWRENCE FREEDMAN: Let's then move on to the inspections with the ISG. Just how much contact did you have with the process with the British and American representatives of the ISG? Is this something that you were involved in?

SIR JOHN SCARLETT: Well, a lot, is the answer. The actual day-to-day conduct of business with the ISG was conducted by something called the Executive Group, which was overseen by the Deputy Chief of Defence Intelligence. So it was, if you like, more on the DIS/MOD side, and that was where the direction of the

⁸ I.E. interviews with scientists.

British contribution to the ISG and personnel was directed from.

But the JIC sort of overall, I as Chairman as the JIC, and I, in particular, as chairman of the JIC sub-group on Iraq WMD which was set up at the beginning of June 2003, had that as part of our specific remit, that we needed to oversee the relationship with the ISG. So I was either in direct contact myself with David Kay, for the rest of 2003, and then Charles Duelfer into 2004, when they came to London, or through VTCs in Baghdad, or I went to visit the ISG in December 2003, when I was in Baghdad, or I was obviously hearing about them because I was receiving reports from DCDI, who either himself went to Baghdad or was conducting the contacts. So there was very regular contact.

SIR LAWRENCE FREEDMAN: And what was the expectation during the early months about what they were likely to find and when they would find it?

SIR JOHN SCARLETT: Well, by this stage, I think, speaking for myself, and probably most of my colleagues, one was not in the expectation business. There was a process in place. There was a very heavily resourced process in place, which had taken a bit of time to get going. The ISG didn't really get going until mid to late June, maybe a bit later. Then there was a question of them getting on with it in conditions which were clearly becoming more difficult, and waiting to see what would come through. So the important point, when one looks back at the documentation, one can see this ongoing process being monitored.

As a starting point, there was an assessment on 27 June 2003, which was called the "Emerging picture Iraq WMD". That sort of logged the picture at that moment, which was more or less when the ISG was seriously getting going.

There was one in the middle of July, 16 July, on prohibited missile designs, which looked at more detail of that particular

issue. Then there wasn't a further formal JIC assessment until the end of the following year, 23 December 2004, when there was a formal review of JIC judgments in 2002, which took account of the ISG final report which had been issued in October 2004.

But in case anybody thinks that therefore the JIC wasn't looking at it at that time, it certainly was, but it was doing it through the process of reporting from, contact with, monitoring of, participation in, through British representatives, the work of the ISG on the ground. There were regular reports coming in and then being disseminated to Number 10 and to JIC members, and that is how the work of the ISG was tracked.

So the starting point was 27 June, and I can go through the key points, if you want, as to what that said.

SIR LAWRENCE FREEDMAN: I think it might be useful if we could see it. Whether we've got it --

SIR JOHN SCARLETT: Yes, I think you have.

SIR LAWRENCE FREEDMAN: I'm sure we have. So that we can do.

I'm just interested in the way that the discussions went, as presumably it became evident that things were not being found that might have been expected to be found.

SIR JOHN SCARLETT: Yes.

SIR LAWRENCE FREEDMAN: Perhaps you could concentrate on that aspect of it.

SIR JOHN SCARLETT: Well, that was there and it was clearly stated. So in the end of June assessment it was just stated that no munitions of stocks or agent had been found for CW, [REDACTED]

[REDACTED] That was set against the fact that even during the conflict there had been continuing intelligence about tactical deployment of CW. This was early on, after the end of

the conflict, and it was still seen as very early days.

For BW it was slightly different at that point because it's important to say that in late April, early May, trailers were found in Iraq. For the first two or three months after that discovery, those trailers were taken seriously. I certainly took them seriously, and I think the community and the expert community took them seriously. And they were seriously considered to be relevant or possibly relevant to production of micro-organisms which would have been used with biological agent, although it was understood straight away that they weren't perfect for that. But initially no other explanation was found. It was only in mid-June that the alternative explanation of hydrogen production was brought up. They weren't regarded as optimal for that.

So in the BW context, it wasn't a case that nothing had been found, because it was thought that possibly something pretty serious had been found, and of course it played into a major line of reporting which was still being taken seriously at that time. I could go on.

So initially, when I look back at what was stated, it was said in bold terms, straight away, up front to customers what was not being found and what might be being found, and at that stage, emphasis was placed on it was too early to review judgments or change judgments because it was very early days in the search.

SIR LAWRENCE FREEDMAN: When did that change? When did you start to think: actually we are probably not going to find, and we had better start thinking about how we are going to talk about that?

SIR JOHN SCARLETT: Well, I can see from the documentation that in September we were still saying that nothing has been found, but it is too early to say that means that nothing will be found.

It's quite difficult to tell from the reporting notes going

backwards and forwards at what point, if you like, the psychological mood changed, because clearly almost from the beginning when nothing was found, the possibility that nothing would be found was there. It was obviously within -- it would have been impossible not to have felt that.

SIR LAWRENCE FREEDMAN: General Fry told us their shock and surprise, as it were, that they had sent off their troops to go to places where they expected to find stocks and there was nothing there.

SIR JOHN SCARLETT: Yes. Well, of course everybody felt that. So that surprise was so great in the initial stages that of course it made an impact. I think I would only say that I recall being very conscious of the point that just keeping one's eye on the detail, not making prejudgments one way or the other, just concentrating on trying to find out what actually had happened and the explanation for this surprise.

That sort of steady state, middle-of-the-road attempt to be as, if you like, balanced as possible, is evident from the notes and the other messages which were put forward at that time.

If I can just finish there, going quite a long way into the future, I think I'm right in saying, again from the documentation, that well into the future, in the spring of 2004, by that stage the work of the ISG had progressed a long way down the road, and by that stage it was becoming clearer that material wouldn't be found. But you may recall that even in the Butler Report there was a caveat put on that in the report, that we couldn't be absolutely certain that it wouldn't turn up.

Another reason maybe for some delay here was that the work of the ISG was not smooth. There was a lot of turbulence around the leadership of the ISG which confused the issue quite a lot, and we weren't sure until Charles Duelfer arrived how much

reliance to place on the objectivity of what they were doing.

SIR LAWRENCE FREEDMAN: Because of David Kay's rather strong statements?

SIR JOHN SCARLETT: Well, you know, he was a rollercoaster ride.

SIR LAWRENCE FREEDMAN: This is my final question. How did you deal with this issue with the Prime Minister himself? You have mentioned that Number 10 would have been sent all these reports. But the question of the lack of evidence of WMDs was becoming an issue during the second half of 2003 into 2004. He was still making quite strong statements -- I'm not going to quote him, but I'm sure you are aware of him -- in December 2003/January 2004. How you would address this issue with him --

SIR JOHN SCARLETT: Of course it was a huge issue almost straight away, before the second half of 2003. The advice from the Cabinet Office and from the assessment staff and the JIC was straight down the middle. He was told what was being found and what was not being found, and he was given the best advice about the significance of what was being found and not being found. He was told what I have just said about reluctance to draw negative conclusions too early, but there was nothing in the advice that went from me or from the JIC, when I look back on it now, [to indicate] that anyone was raising expectations that weren't justified.

THE CHAIRMAN: Would that advice have included the fact that certain key intelligence was being withdrawn over that period, up until the end of 2004?

SIR JOHN SCARLETT: Well, there was the one line of reporting, the compartmented line in July 2003. But after that, it wasn't, and it didn't begin to be questioned in that sense until the summer of 2004.

THE CHAIRMAN: Thank you.

SIR LAWRENCE FREEDMAN: I think that's it.

THE CHAIRMAN: Thank you, Lawrence. Usha?

BARONESS USHA PRASHAR: Thank you very much. I want to move on to the question of information on Iraq, and my first set of questions are for you, Julian, and then a couple of questions for you, Sir John.

I think a lot of time has been devoted to evaluating Saddam's options and possible reactions and to the possibility that he might be deposed. But that's not really what I want to cover. What I really want to ask is: were there other aspects of Iraq that you believe this intelligence could have illuminated? For example, things like the civilian infrastructure, the state of institutions?

JULIAN MILLER: I think at the time the intelligence that was coming to us gave some peripheral indications on other areas, but it wasn't really focused on those other areas, and I think that in retrospect, if we had wished to find out more through intelligence channels about those aspects, it might have been possible for us to ask the agencies to make an effort in that direction. I don't recall us doing so.

THE CHAIRMAN: You weren't, for example, being asked by the FCO?

BARONESS USHA PRASHAR: That was my next question.

JULIAN MILLER: No. We were -- by and large, we were responding to questions from the policy departments, both Defence and the FCO, and the interest about Iraq was particularly, of course, about its weapons of mass destruction, but also there was interest in its other military capabilities. There was a concern at the time about the no fly zones and the ability of the Air Force to maintain those to operate safely, et cetera. So

that was more the area of interest for the departments at the time.

There was -- and we reflected this in assessments -- some consideration of the internal politics of Iraq. We were aware that there was interest in the relationship between the Shia and the Kurds and the views that they might take, but particularly, I think, that was looking forward to the possibility that after Saddam there would be tensions between the communities. But there was very limited intelligence, as I recall, on those aspects.

There was reference in a certain amount of the reporting to views taken by members of the regime and the fact that there were indications that they were under pressure, and that there was concern for safety of families. Dissent was not welcomed in the Saddam regime.

BARONESS USHA PRASHAR: So you were focusing on that side because that's where the information was being asked for, but you were not being asked for information about institutions and the state of the civilian infrastructure?

JULIAN MILLER: I don't recall a particular focus on that.

SIR JOHN SCARLETT: If I could just add there, looking back at the assessments against that question, of course the emphasis was on Saddam's power structures, and it was on the Ba'ath Party, if you like. So the civilian institution which was flagged up in those assessments was the Ba'ath Party and the role that it played.

Of course, the implication of that, and actually a more explicit implication when it came to looking at the conditions in the south, was that in a regime like Saddam's, civilian institutions were suppressed, and the Ba'ath Party was overwhelmingly dominant, and it therefore had that effect, as

normally happens in very autocratic regimes.

The second -- we were not asked to look at the particular question, and if we had been, I think almost certainly my response would be: that's not for us. Why should that be an intelligence issue? I wouldn't quite be able to understand how intelligence would help. I would see it as fundamentally something which in the first instance advice would need to come from the Foreign Office.

BARONESS USHA PRASHAR: So that's what you told us when you told us, when you appeared before us, that that was not a natural intelligence target?

SIR JOHN SCARLETT: Yes, that's exactly what I meant, and I still think it. Of course, if we had been asked, we would have said can you identify or can we between us work out what would be particularly susceptible to an intelligence view or consideration? And I think it would have been quite narrow. I don't quite see how secret intelligence would have particularly helped.

BARONESS USHA PRASHAR: But in a regime that you say was rather oppressive, and there was a question of the aftermath, obviously you are getting to see what the political structure is going to be like, but wasn't there any interest in what the state of the institutions was, what that would mean for the aftermath?

SIR JOHN SCARLETT: Well, perhaps there should have been, but I'm very hesitant to accept that that is a role for the JIC. There were plenty of other countries which were living or working in Iraq. There were the Russians, there were the French, there were all sorts of Europeans. The institutions of the British Government could have in many ways gone round and sought advice from allies and partners and other people. That would have been outside the intelligence-gathering process, which is an expensive

and difficult process, and you tend to concentrate on things which are susceptible to intelligence work, and if you cannot do it some other way.

BARONESS USHA PRASHAR: But you did two assessments which addressed the reaction in southern Iraq and the one in northern Iraq. What lay behind those assessments?

JULIAN MILLER: They were trying, I think, to gauge the position at a time when conflict in Iraq was starting to look as though it was a serious possibility, to understand what preparations were being made, and to get a sense of what the position would be in the regions if there was conflict.

So they were focusing on the position of the communities. They were concerned about military consequential, I think, more than anything else. So again, it wasn't, to revert to your earlier question, really looking at the civilian infrastructure or the nature of Iraqi civil life in those areas. It was looking more at what would happen if there was conflict and what the military dispositions might be. But intelligence was -- there was some intelligence in those areas.

BARONESS USHA PRASHAR: Why wasn't central Iraq covered? You covered north and south, but why not central Iraq?

JULIAN MILLER: We did look at Baghdad, I think.

SIR JOHN SCARLETT: We looked at Baghdad in terms of the protective and defensive measures which would be taken there. The reason why we looked at the south, of course, was because by that stage, in the middle of February -- I think that was 19 February, that assessment -- that was where we expected British forces to be in the lead, and I think it was in that assessment or one of those assessments that we actually say that we knew very little about the bureaucratic structures of the

Iraqi regime, and indeed we knew very little about the political structures and leaderships and so on in the south, beyond making the judgment, which was a correct one, that these had been so suppressed over so many years that they were not really functioning properly, and that that would be a problem for incoming coalition forces, as indeed it was.

JULIAN MILLER: There was also an interest in trying to assess what might cause problems to the coalition forces, what the coalition forces might do wrong which would alienate the population. So there were assessments about the importance of observing religious sites and not being seen to trample over tribal structures.

BARONESS USHA PRASHAR: So are you suggesting that the knowledge base was not as adequate as you would have liked?

JULIAN MILLER: I'm suggesting that there was limited intelligence or some intelligence, but these assessments were drawing on diplomatic knowledge as well as on intelligence.

THE CHAIRMAN: Sir John, you used the phrase "secret intelligence". We are talking here about something that may be all source, may it not, in which there may or may not be a substantial component of secret intelligence. Is that part of the problem?

SIR JOHN SCARLETT: I don't think so. I understand the point you are making, Chairman. But then on a subject like this, I would see the lead, if you like, information collection and analysis as lying outside the realms of the intelligence community.

If I may remind everybody, we had very limited resources. There were 28 people in the assessment staff covering the whole world and a lot of other issues, because other things hadn't stopped at the same time, and with the number of people we had

deployed on all these very immediate issues, why we, rather than another large department, should have taken this on, I don't quite see.

BARONESS USHA PRASHAR: So did that inhibit you from exploring other potential sources of knowledge or opinion, lack of resources?

SIR JOHN SCARLETT: Well -- yes, of course I made the point about lack of resources -- it's a small resource -- which I have made before, when I gave testimony before. I reminded people of the limited resource that the assessment staff had, and actually continues to have. So it's important to keep its role in perspective.

But my deeper point is that this is not something in the first instance that I would see as a natural lead for the intelligence community per se. But clearly there was a lack of knowledge about conditions inside Iraq. That has been well-established by much of the testimony that you have been given in other sessions.

BARONESS USHA PRASHAR: I'm now moving on. I was really asking not just about the infrastructure, but about the political situation. Should you have explored other sources of knowledge or opinion? Did you exploit all the sources that you had?

JULIAN MILLER: Well, the process we operated in the assessment staff was one which worked with the current intelligence groups, bringing together people from across the Whitehall community. So they brought in the owners of the secret intelligence, but they also brought in diplomatic and policy experts with other knowledge, who would themselves have been able to draw on other sources of information and analysis: the Foreign Office with its research analysts, for example, other policy makers who have contacts with the external academic community, and people with

that broader background would have an opportunity, through the CIG process, to engage in producing the sort of all source appreciation that has been mentioned.

BARONESS USHA PRASHAR: My other question, Sir John, is that after the invasion, [REDACTED]

[REDACTED] Were you satisfied with the way intelligence efforts in Iraq were being co-ordinated after the invasion?

SIR JOHN SCARLETT: Well, this, of course, was a very complex and again fast-moving situation once the invasion had taken place, and forces and intelligence capabilities and so on suddenly appeared on the ground. So it was a dramatic change, and there was a dramatic change in the nature of the information coming through, and of course the situation itself was continually evolving, more or less before our eyes.

So I think the question of whether we were satisfied or not satisfied is perhaps not quite right, because we took it for granted that it was very difficult, and it was very difficult to keep up and try and get ahead of the game.

But my recollection, borne out as far as I can now bear it out by studying the documents, is that information began coming in very quickly from the obvious sources once we were on the ground. That was particularly true, of course, for the south, where the British were in the lead. And that our view of the co-ordination that was taking place between British forces and elements on the ground in Basra, and indeed in Baghdad, and then back in London, departments and agencies in London, was that that was working quite well.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

BARONESS USHA PRASHAR: Was it a reason for your visit? Did you go to look at this?

SIR JOHN SCARLETT: I wanted to go anyway, and there were lots of things to do, but it was a main focus of the visit, the intelligence architecture in Baghdad in particular.

BARONESS USHA PRASHAR: What steps were taken to improve the situation?

SIR JOHN SCARLETT: Well, as I recall it at the time, the focus was on the creation of a much more co-ordinated joint fusion cell for analysis. That was recognised as being a necessary requirement, [REDACTED]

[REDACTED] It was happening against a backdrop of very rapid events on the ground. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I think what I said at the time was that I wasn't promising a dramatic change or improvement, but the problem was being recognised and efforts were being made to address it, and that was a continuing story, really, in Iraq over many months, and indeed years to come.

BARONESS USHA PRASHAR: Did you draw any lessons from that, in terms of something that could have been done better?

SIR JOHN SCARLETT: No, I just thought it was a very difficult situation, and we just had to do our very best to get on top of it.

THE CHAIRMAN: I would like to turn to Sir Martin Gilbert now. I know he wants to ask some questions about the insurgencies, but, Martin, you had a question, I think, in your mind about the dossier. You might like to take that up first.

SIR MARTIN GILBERT: Yes, perhaps I could.

In your Joint Intelligence Committee meeting on 4 September you discussed the JIC assessment of 9 September. In the course of that the point is made, which you as chairman accept and say it should be an integral part of the 9 September paper:

"We need to make clearer where the major gaps in the UK's knowledge and understanding of Iraq's capabilities remained."

I wondered if this was then something that you felt could be an integral part of the published dossier?

SIR JOHN SCARLETT: Well, certainly that was one of the points that was discussed on 4 September, and of course that happened in the assessment on the 9th. The reference was made at the

beginning to the limited nature of intelligence, although it then went on to make a series of firm judgments, which goes back to the point I was making earlier on.

We both might want to comment on this because, of course, there's been a lot of debate around it.

I would make two points, and then I'm sure Julian would want to come in. One is that the reason why -- well, first of all, there was no sort of discussion or conscious decision made to leave out references to limited intelligence. There was no deliberate intention to do that.

The reason it happened may be because of the way the dossier was structured, and the fact that it began with an executive summary, which was explicitly a collection of judgments, as opposed to a sort of listing of intelligence.

The place where it could have happened would have been in the introduction, where we were talking about the nature of intelligence, and various witnesses and other people involved have said that in retrospect they wish it had been stated there.

SIR MARTIN GILBERT: The phrase "major gaps" is rather strong.

SIR JOHN SCARLETT: Well, we always made it clear that we didn't know what the scale of the stocks were, and where exactly they were, which is what we were referring to when we talked about gaps.

But I do repeat, Sir Martin, that the view -- and it's clear from the minutes as well -- the view was that the judgments and confidence in the judgments was high, in spite of the areas where we didn't have knowledge. So it was gaps in detailed knowledge, rather than in confidence about basic judgments.

JULIAN MILLER: Yes. I think I haven't really very much to add. The intelligence was not all encompassing by any means. What we tried to do in the assessment and in the dossier was to describe

the intelligence as directly as we could, and then set out clearly and distinctly the judgments which had been reached.

The discussion on 4 September did lead the JIC to a very firm set of judgments, firmer than expressed previously, and that was reflected in the 9 September version of the assessment, and it was also reflected in the published material. We felt it was right that the firmness of the judgments that had been expressed in the classified assessment should be echoed in the published --

SIR MARTIN GILBERT: So the gaps in no way impacted on the judgment?

JULIAN MILLER: No, exactly.

SIR MARTIN GILBERT: Could I turn now to the security situation in Iraq after the invasion? I see that from 2 July 2003, on your assessment then, that this becomes a major concern of the JIC.

I've got two questions really, one on the Sunni aspect and one on the Shia.

In the assessment on 3 September it states quite emphatically:

"Sunni Islamic extremist terrorists see Iraq as the new focus for jihad."

[REDACTED]

So my question is: was there a tipping point at which we had to conclude that we faced a Sunni insurgency as such? When did that come, and what were the critical events that led to that?

SIR JOHN SCARLETT: Well, there are two themes there in what you are picking up. One is the former regime, the FRES, and

therefore there's a pure Sunni insurgency, and then the Islamic extremists coming from outside, but not all of it, and the extent to which of course they interplay with each other. But I think it's fair to say that they were seen, correctly probably, all the same as two sort of separate streams that had to be considered with different motivations.

From the beginning, 2 July, you're completely correct to say that this, certainly more or less from that moment on, became the major preoccupation of the JIC and of the assessments and the updates and so on that went in.

From the beginning, although we did not anticipate the eventual scale of the violence and the insurgency, we did anticipate what would fuel it and the Sunni officer corps' wider disaffection and fear of Shia dominance and so on. So that theme was registered straight away, and then we tracked it as it grew.

Looking at the assessments now, I think what stands out for me is probably the mid-October assessment, because it was at that point that it was clear to anybody reading these assessments that we were facing a sort of never-ending or apparently never-ending rise in violence, which we could understand, but which we only knew a limited amount about in terms of who individually was responsible for which attacks.

So there were lots of statements, I think probably correct statements, about where the attacks were coming from and the kinds of elements that were involved, but of course we didn't always know precisely which group or which individuals were fomenting them. But if we note that whereas in May there were five attacks a day against coalition forces, and by October that rose to 30 a day, and that was registered at the time, we were clearly saying this is a really big problem. It was affecting not just the coalition forces, but it was also affecting the NGOs, which I think was brought out in the 15 October assessment.

NGOs, the media, the UN and so on. So of course it was undermining deliberately the wider political objectives of the coalition.

So that was seen as the tipping point. In retrospect, I think you can probably say that was the tipping point, and then the trend was it got worse. In December it lowered, and then it got worse again after February on the FRE side.

On the extremist side, what strikes me now is that although we registered very early on that angle of things, and of course we had flagged it up before the conflict as a worry, and more presciently than we had realised at the time, we flagged up Al-Zarqawi's dispositions inside Iraq in the middle of 2002 and in 2003.

In the autumn, we were rather focused on AI, Ansar Al Islam, operating out of the Kurdish autonomous zone, and moving into the centre, and we weren't so focused on Zarqawi and Al Qaeda, if you like, inspired by UBL and so on from outside. It was mentioned, but in a fairly low-key way. There was more emphasis on the FREs and I'm not sure that we were, in retrospect, judging AI's role quite correctly.

It was in that context, I would say, the 7 January assessment was very important because that's the first time when we registered in a headline way that Zarqawi was becoming more central, and then of course that became a big theme of the assessment through the first part and beyond of 2004, and indeed there was an explicit assessment on the jihad on 10 March.

SIR MARTIN GILBERT: [REDACTED]

[REDACTED]
[REDACTED]?

SIR JOHN SCARLETT: [REDACTED]

[REDACTED]

elements. The almost daily attacks have reduced recently, but the situation remains fragile. Hardline Shia are likely to continue to conduct attacks in future."

So what does that mean in terms of do we have a problem emerging here and what scale might it be?

SIR JOHN SCARLETT: I think it's not bad, given the complexities of the situation at the time. Of course, already by that stage there had been the major uprising of the Mahdi Army in southern or central south in April, which hadn't really spilled over into MND south east but clearly had potential to do so, and so it was known that the Sadrists very obviously were a big issue, although judging Sadr's particular behaviour and particular power authority was quite a difficult thing to do, and was always a difficult thing to do, and remained a difficult thing to do.

What you haven't mentioned, Sir Martin, and I'm not quite sure whether it was clearly flagged up on 30 June, but it was certainly there in some of the earlier ones, that there are continual references to the dangers presented by the militias. So the militias, of course, on the one hand represented a sort of collaborator for British forces and could help you if they were fully on side, and some advice we were receiving from the authorities on the ground was that they were rather useful on side. But the risk clearly was that they would become a major problem if it looked as if the coalition forces weren't effective, and I think that was actually stated in one of the assessments, that that risk was there. So that was also flagged up at that time.

The point about polling shows that support is eroding. I remember at the time people said: what do we expect? In March and April 2003, at the time it was said probably we had consent for six to nine months. This was a year later, and we sort of

still had it. But everybody had known that it would run out eventually.

SIR MARTIN GILBERT: Thank you.

THE CHAIRMAN: I was in these closing minutes going to ask some questions about Iran, but I think we can leave that to a future evidence session from C in the 2004/2005/2006 period. So I'll turn straight to Sir Roderic Lyne for a final round of questions.

SIR RODERIC LYNE: I want to talk about the way that Ministers were briefed, but with apologies, I too have a couple of quick questions about the dossier, because things have been raised in evidence before today, as well as today, that we need to be very clear about.

You said earlier on today that you were asked about the Prime Minister's use, not in the dossier but in the House of Commons, of the phrase or the word "growing" to describe the WMD. I think he said the programme was "active, detailed and growing", and you said -- I haven't got your exact words -- that he was being told that there was, for example, continuing production of chemical weapons in the September report.

Clearly what the Prime Minister had to do in his foreword to the dossier was to try to put in clear layman's language for a public document, key messages, the gist of what was in the document, and you have told us in your earlier evidence that it was drafted in Number 10, it wasn't your document, it was his foreword.

Just trying to take hindsight out of the equation, I would just like to ask you whether, if you had been writing the foreword, to what extent you would have used the language that he used, based on the intelligence that you were putting forward from the JIC.

For example, where he said that the picture presented by the

JIC in recent months has become more, not less, worrying, and that he was increasingly alarmed by the evidence. He said that the assessed intelligence had established beyond doubt -- this is a phrase that has come up in earlier evidence sessions -- that Saddam had continued to produce chemical and biological weapons, and that he continued in his efforts to develop nuclear weapons. Then it goes on to refer to ballistic programmes.

Are those words that you would have used?

SIR JOHN SCARLETT: Well, this was a different sort of document from anything that I would have written or would have been asked to write. So the situation wouldn't have arisen. I can't quite imagine a document which the Chairman of the JIC, or indeed the chief of SIS, would have been asked to write which would have required, if you like, language like this or to express an opinion in these terms.

So I can't quite answer the question directly. I would only say that there is nothing that I either wrote or oversaw the drafting of that did say any of those things in those terms. This was, as I said before, a document drafted in Number 10, which I did not look at line by line in the way I did the document for which I was responsible.

I said in my evidence that it was overtly a political document. That has been generally translated as it was an overtly political document, and there of course is a difference between the two things. I've doublechecked this a couple of times, and I certainly said it was overtly a political document. I'm happy with that. I'm not happy with the other way of expressing it, because it sounds like a loaded comment and it wasn't meant to be a loaded comment.

So my answer is that that kind of language, you wouldn't expect -- there just wouldn't be a document being compiled by the

head of intelligence assessment, or indeed the head of the intelligence agency, which would express things in those terms because you wouldn't be required to, or asked to, or expected to express things in those terms.

SIR RODERIC LYNE: But it was the foreword to your dossier and you saw it in draft. Did you ask for any amendments to the Prime Minister's text when you saw it in draft, such as taking out "beyond doubt"?

SIR JOHN SCARLETT: No, I didn't, and I didn't react to that phrase at all, and of course, as has been said by others, nor did anybody else.

SIR RODERIC LYNE: Thanks. I just wanted to be clear about that.

On the briefing of Ministers, we have heard from several Ministers that they received private intelligence briefings.

Sorry, I should in parenthesis say that the last exchange we have just had about the dossier may well fall into the category of public rather than private, because we weren't discussing use of intelligence. We will have to look at that, I think.

THE CHAIRMAN: Yes, we will.

SIR RODERIC LYNE: Now, this is clearly an intelligence area, my final set of questions. A number of Ministers from mid-2002 up to the start of hostilities were offered private intelligence briefings. Can you remember which Ministers were offered intelligence briefings by you or the JIC, and whether any Ministers declined to receive such briefings?

SIR JOHN SCARLETT: Well, I can remember -- it's clearly recorded who was briefed and when from February 2002. There's a list. I think actually the list is mainly published in the ISC report. I think there was a list of Ministers.

SIR RODERIC LYNE: Was it a long list or a short list? For the

record, do you want to just run through it?

SIR JOHN SCARLETT: I'll run through it quickly here. 2003 -- well, Ministers. 10 February, John Reid. 11 February, the Attorney General, which Julian did, and I think he, the Attorney General, referred to it in his testimony. 12 February, there was a group, Charles Clarke, Tessa Jowell, Lord Grocott. Lord Irvine, who accepted the invitation, didn't appear. Clare Short, Lord Williams. That was Ministers.

On the 13th, Margaret Beckett, Peter Hain, Patricia Hewitt, Helen Liddell, Paul Murphy, Andrew Smith. They all came together.

Then on the 14th, Hilary Armstrong, Paul Boateng, who accepted but wasn't there. Then on the 19 February, David Blunkett as Home Secretary had an individual briefing. On the 20th, Robin Cook as leader of the House had an individual briefing. On the 24th, Baroness Symons. Yes, that was it.

There were also briefings to opposition leaders, Iain Duncan Smith and Charles Kennedy, and to the chairmen of the defence and foreign affairs committees.

SIR RODERIC LYNE: I'm probably listening too quickly. Was Clare Short on the list?

SIR JOHN SCARLETT: Yes, she was. She was in a group on 12 February.

SIR RODERIC LYNE: Did anybody ever seek briefing from you and you were told not to give them an intelligence briefing?

SIR JOHN SCARLETT: No. I'm just -- not that I can recall.

SIR RODERIC LYNE: Can you recall broadly what area the briefing covered?

SIR JOHN SCARLETT: Yes, I can. Well, I was working off a set of briefing notes, but what I covered was the current assessment of

CBW capabilities and delivery systems; the reaction on the regime's part to the prospect of military action, and their behaviour and reaction to the presence of inspectors; the response to 1441 and the assessment we made of the declaration in December; the activity on the concealment side; the problem with interviews of scientists and so on; Saddam's military options, including for use of CBW; the aspects relating to international terrorism; the impact on the terrorist threat internationally, but also there was mention of what the assessments were saying about the presence of extremists inside Iraq at that time.

Yes, there may be one or two other points, but generally speaking, that's what it was designed to cover.

SIR RODERIC LYNE: So the sort of situation facing up in the run-up to and at the beginning of the conflict?

SIR JOHN SCARLETT: Yes.

SIR RODERIC LYNE: But it didn't really go into your assessment of the likely aftermath, the situation that would arise in Iraq after the conflict?

SIR JOHN SCARLETT: Not that I recall, and not on the basis of the briefing notes that I have seen.

SIR RODERIC LYNE: Okay. From what you have said, did any of the briefings cover material that wasn't included in current JIC assessments? Or were you very much --

SIR JOHN SCARLETT: No, I was sticking to the regular briefing that was being given.

SIR RODERIC LYNE: Not all of these Ministers in the normal course of their jobs were necessarily in the intelligence flow, and for some of them it even may have been the first time they had such a briefing.

SIR JOHN SCARLETT: Yes.

SIR RODERIC LYNE: Did you feel that they fully understood the limitations of the intelligence and of analysis derived from the intelligence?

SIR JOHN SCARLETT: I had no uneasy feeling about that at the time or subsequently. I don't recall, and I haven't got a note of a specific discussion where it's recorded that I took them through that point.

SIR RODERIC LYNE: We probably need to ask them, because the first time one receives an intelligence briefing, there's a terrific aura to secret intelligence in terms of the JIC, and there would be a natural inclination to take this as sort of a holy writ, whereas you are always in your reports very careful with your caveats, and I wonder if there's a risk that the caveat gets lost in the translation.

SIR JOHN SCARLETT: I have no recollection of feeling that that was a risk. There were quite a number of Ministers that I have listed there who were experienced intelligence readers. By this time, after all, this was an experienced Government.

SIR RODERIC LYNE: Now, one of those experienced Ministers was Robin Cook, and he publicly disputed the view that the Government had formed, based on the intelligence. He did that in the House of Commons.

Did he do that when being briefed by you? Did he challenge this?

SIR JOHN SCARLETT: Well, he questioned me very closely on the assessment and asked for detail. He asked for more detail than other Ministers did. Of course I was doing it individually. Most were in groups. But of course he was an especially experienced minister when it came to the use of intelligence. He

didn't dispute what I was saying, as it were. Nor did he dispute it subsequently afterwards in public. Where he of course took a different view was on how he interpreted it.

SIR RODERIC LYNE: Yes. So he was sceptical about the interpretation, about the weight that the policy makers placed on the intelligence evidence that you were putting forward?

SIR JOHN SCARLETT: As I recall, he was sceptical about the conclusion they drew.

SIR RODERIC LYNE: Yes.

SIR JOHN SCARLETT: About what the problem was, and how best to tackle it, which was, I think, a slightly different way of putting it.

SIR RODERIC LYNE: The seriousness and imminence of the threat, effectively.

Do you recall any others questioning you in a similarly close way or from whom you got a sense that they might share his scepticism?

SIR JOHN SCARLETT: No.

SIR RODERIC LYNE: If I go to the reports that went to the Ministers who received JIC reports, in the summaries on your reports -- and busy Ministers often focus very hard on a summary and don't always go into the detail -- there is a tendency for the caveats to disappear.

If I just take as examples the reports of 15 March 2002 and 9 September 2002, both of which we have discussed today, the summaries are written in very categorical terms. 15 March:

"Iraq retains up to 20 Al Hussein ballistic missiles. Iraq has begun development of medium range ballistic missiles. Iraq is pursuing a nuclear weapons progress". Full stop.

"Iraq currently has available a number of biological agents.

Iraq can deliver CBW weapons."

That's all just from one summary. That's pretty striking stuff if you are reading it quickly and you are a lay person, and similarly, 9 September, first sentence:

"Iraq has a chemical and biological weapons capability and Saddam is prepared to use it."

And so on. You can look at points 4 and 6. I won't read them all out.

When you actually turn to the detail of the report, the very first paragraph of the one I have just quoted from, the September one, it says:

"Recent intelligence casts light on Iraq's holdings ..."

But it then goes on to say, very correctly:

"Intelligence remains limited. Saddam's own unpredictability complicates judgments. Much of this paper is necessarily based on judgment and assessment."

But that caveat, that warning, is not remotely reflected in the summary. I don't know if this has been picked up by other inquiries, Butler or the ISC or others. Is there a problem here?

SIR JOHN SCARLETT: Well, I'm sure Julian will want to come in on this, but actually I have already alluded to this when I was responding to a question from Sir Martin.

These of course are not summaries. They are key judgments, and therefore they are written as judgments. They are not written as summarising what is in the paper.

That's why they are stated as they are, and indeed we have always been at pains to try and make it clear that that is the case. That's why I have said that in March there's reference to sporadic and patchy intelligence, but there were actually quite firm judgments that the JIC was making at that stage, and then those judgments got firmer, as you have just reminded us,

in September. Of course that is what Ministers were reading, and that's what they were meant to read. That's why the structure had been like that for really quite some time.

SIR RODERIC LYNE: I apologise for calling them summaries. You are quite right saying they are labelled "key judgments", but it actually makes it worse because if that's the bit that Ministers retain in their head, it is absolutely categorical statements that they are being given, and wouldn't it be wiser, actually, in key judgments, against the risk that a busy minister looks at that, retains that, as I would, flipping through a mass of papers in a red box, and have the caveats up on that page?

SIR JOHN SCARLETT: Can I say two points? First of all, this of course is the issue that effectively arose around the drafting of the dossier and the explanation that I offered as to why the caveats weren't there. It wasn't because they had been deliberately left out. It was because of the use of the executive summary as the equivalent of the key judgments, and exactly the same thing happens in the papers themselves.

Secondly, dare I say that this has actually been brought about because after this period, and I think probably after -- certainly after the summer of 2004, all front pages of the assessments have contained a box on the intelligence base. The intelligence base spells out the strengths and the weaknesses of the intelligence, which allows the key judgment to be made, but also flags up the point you are concerned about.

JULIAN MILLER: Just on the September case, my recollection of the discussion of 4 September is that the base document that was in front of the JIC was a draft. It wasn't a full JIC assessment, and it was full of the sort of caveated language because that was the sort of document it was.

In the discussion, the point was made by one of the JIC

members that at this stage we should, as a committee, be very clear on what we were telling Ministers, and there was a view expressed in terms that, despite the caveats in the document prepared by the assessment staff, the view was that Saddam did possess the weapons and would be ready to use them, and that was the view that was shared around the JIC table, and which the JIC specifically wanted set out in those unambiguous terms as the advice that Ministers should read from their intelligence committee.

So you are absolutely right to distinguish between the body of the paper and the judgments, but it is a distinction which was made consciously and with deliberation.

SIR RODERIC LYNE: Okay. The key point that John has made is that there is now more caveating on the front page to reduce the risk that judgments get too hard in people's minds.

SIR JOHN SCARLETT: But that flows from the Butler recommendation.

SIR RODERIC LYNE: Yes. That was my question. I thought it might very well have done and I didn't know the answer, and you have given it to me. So thank you very much.

Just a couple more questions, if I may, because we are up against the clock.

Were you aware as JIC chairman that Ministers were receiving intelligence briefings from people other than yourself within the British Government?

SIR JOHN SCARLETT: Well, I was aware that there were briefings being given to the Chancellor, but I didn't know the detail, how many, when or where⁹. I became aware subsequently that there were -- well, there was one meeting at least where there was

⁹ In checking the transcript, the witness added as amplification: or what they were about, Iraq or other subjects.

an intelligence discussion in Number 10 which I hadn't been present at, and I hadn't known about in advance, or actually on that particular day I was in the United States.

SIR RODERIC LYNE: An intelligence discussion in Number 10; you mean with the Prime Minister?

SIR JOHN SCARLETT: With the Prime Minister.

SIR RODERIC LYNE: And a wider group? You would normally have been at any such discussion, but you were away on this occasion?

SIR JOHN SCARLETT: Well, I'm not sure about that actually, but I didn't know that it would actually happen.

SIR RODERIC LYNE: Were you aware that Clare Short, as she subsequently said in her book indeed, was receiving briefings from time to time from your predecessor as C at SIS?

SIR JOHN SCARLETT: I don't think I was aware of that.

SIR RODERIC LYNE: Well, she has told the world that, so we all know.

Okay. I'll leave out the last two --

SIR JOHN SCARLETT: If I can just qualify that slightly, so I'm sure I've got the detail correct, I do recall Clare Short referring to the fact that she knew about the intelligence and was familiar with this subject, but I don't remember being very clear as to why that was.

SIR RODERIC LYNE: Okay. Let's call it a day.

THE CHAIRMAN: I'm afraid we have overrun a bit, but thank you.

On Iran, we would like to come back to that in a future session to the C at the time, but we might want to look backwards into the JIC chair on that topic.

Can I thank you both very much, and remind that the transcript will be available here in 35 Great Smith Street as

soon as reasonably practicable, not to take an overnight stay to do that. With that --

SIR JOHN SCARLETT: Can I just ask on that, we have to come in and look at it here, do we?

THE CHAIRMAN: It has to be done here, I'm afraid, when practicable.

Thank you very much indeed.

(The hearing adjourned)