

Written Ministerial Statement on the Iraq Fatality Investigations

Thursday 27 March 2014

HC Deb 27 March 2014, vol 578, cols 29WS-30WS

The Secretary of State for Defence (Mr Philip Hammond): I wish to inform the House of the progress that my Department has made in establishing a process by which a small number of fatalities of Iraqi nationals arising from UK operations in Iraq, where the deceased person was in the custody of or under the control of UK forces, can be subjected to an examination akin to a coronial inquest.

This step has been prompted by the High Court's decision in the *Ali Zaki Mousa (No 2)* judgment. In that judgment the court held that the arrangements set up for criminal investigations by the Iraq historic investigations team and the Royal Navy police acting under the Armed Forces Act 2006 are sufficiently independent to meet the requirements of article 2 of the European convention on human rights. But the court also held that, in a number of cases in which a prosecution did not result, a public procedure (similar to a coroner's inquest) would also be needed so as to involve the public and the families of the deceased to the extent necessary to discharge fully the UK's investigative obligations under article 2.

The High Court indicated that this requirement could be met by holding "inquisitorial inquiries modelled on coronial inquests".

I have agreed to do so in up to 11 cases; the precise number will depend on the outcome of the Iraq historic allegations team's investigations into the allegations and any resulting trials.

I am pleased to announce that Sir George Newman, who retired from the High Court bench in 2007, has consented to chair the first two investigations. Sir George's wide experience will be invaluable and I am grateful to him for taking on this important role.

Sir George will investigate the death of Mr Naheem Abdullah as a result of injuries sustained at a road block in Maysan province on 11 May 2003, and the death of Mr Hassan Said as the result of gunshot wounds sustained on 2 August 2003. In both of these cases, the UK service personnel accused were acquitted after early termination of their trials. As a result of the early termination of the trials, resulting in evidence not being publicly presented, an inquisitorial inquiry is needed to meet the requirement for public and family access.

Sir George has been directed not to consider issues of individual or collective culpability, and no prosecutions will result from his examination of these cases. These fatality investigations will serve a similar purpose to a coronial inquest by providing the families of the deceased and the wider public with the fullest possible information as to how the deceased died. Sir George will shortly publish fuller details of his remit and of the procedures that he will adopt.

Sir George will, of course, receive the full support of the Ministry of Defence. He will produce a report setting out his findings and recommendations, and I will arrange for this to be published at the earliest opportunity.