

The Iraq Fatality Investigations

Inspector: Sir George Newman

Press release dated 27 March 2014

Sir George Newman is pleased to confirm his appointment as an Inspector to conduct the first two Iraq Fatality Investigations.

Why are these investigations taking place?

The procedural character of these investigations into the circumstances in which deaths have occurred is unprecedented. The investigations have been ordered by the Divisional Court in *Ali Zaki Mousa (No 2)* and must follow the guidance given by the court and be effective to meet the unprecedented task facing the Secretary of State in discharging the investigative duties of the State in accordance with Article 2 of the European Convention on Human Rights.

The two cases to be investigated involve the deaths of Iraqi civilians. These deaths occurred in the course of operations by British soldiers to maintain law and order in Iraq shortly after the war and pursuant to the State's presence under the terms of the Coalition Provisional Authority.

The Inspector will investigate the actions of the British soldiers in order to establish the circumstances in which the deaths occurred and the accountability, if any, of the State for the actions of the soldiers.

What will be the procedural character of the Iraq Fatality Investigations?

These investigations will be unlike past public inquiries, where the extensive use of teams of lawyers has added significantly to the cost and length of proceedings. An inquisitorial procedure will be adopted, to include where necessary the examination of witnesses. In accordance with the recommendations of the Divisional Court, any examination of witnesses will be conducted entirely by the appointed Inspector. There will be no examination or cross examination by interested parties or by separate counsel to the investigations.

In order to meet the requirements of accessibility to the families of the deceased and to the public, there will be public hearings, not limited to the occasions for the examination of witnesses but where there are matters, including documents and statements, which the Inspector has decided should be brought to public attention. These public hearings will be available via videolink to the relatives of the deceased. A full and detailed set of procedures will be published on the Iraq Judicial Investigations website in due course.

Which cases will Sir George be investigating?

Sir George will be investigating the deaths of Mr Nadheem Abdullah and Mr Hassan Abbad Said.

On 11 May 2003, Mr Abdullah was travelling in a vehicle in Maysan Province, which was subject of a stop and search exercise carried out by British soldiers. Mr Abdullah died as a result of injuries which he allegedly sustained at the hands of the British soldiers.

On 2 August 2003, Mr Said was among a group stopped by British forces because they were accompanying a cart carrying what appeared to be mines. Mr Said ran off and was pursued by two British soldiers. Mr Said was shot dead by one of the soldiers.

Next steps

Sir George is currently considering approximately 10,000 documents comprising the record in the cases of Mr Abdullah and Mr Said. Sir George is assisted by Tom Poole and Sarah Ramsey who are both barristers at 3 Hare Court, Temple. Following consideration of the documents, it is anticipated that it will be necessary to hear witnesses and for further statements to be obtained. Sir George anticipates that he will receive full cooperation but for the record, it should be known that where cooperation is not forthcoming, he will make an application to the Court to compel cooperation. There is power in the Court for a summons to be granted.

The website for the Iraq Judicial Investigations is currently under construction and will be live very shortly. Further details of the investigations, including the Terms of Reference and a detailed set of procedures, will be published on the website.

Notes for Editors

1. Sir George Newman was called to the Bar by Middle Temple in 1965 and took Silk in 1981. During his career at the Bar, as well as being involved in international commercial cases, he was one of the leading practitioners in the Privy Council and was instructed on a number of occasions in matters of constitutional settlement and reform arising out of armed conflict, including events in Fiji and Trinidad and Tobago. Sir George served as a Justice of the High Court, assigned to the Queen's Bench Division, from 1995 to 2007. As a judge, he gained considerable experience in a wide range of judicial review cases and human rights matters. In 2009 he was appointed the Chairman of the Security Vetting Appeals Panel (a Cabinet Office body). The Prime Minister appointed Sir George a Surveillance Commissioner on 1 January 2010 and re-appointed him for a further three year term in January 2013.
2. *Ali Zaki Mousa & ors v Secretary of State for Defence (No 2)* [2013] EWHC 1412 (Admin)