

The Iraq Fatality Investigations

Inspector: Sir George Newman

Public Statement dated 30th June 2014

1. In a press release dated 27th March 2014, I supplied the background to and information about the general character of the Iraq Fatality Investigations.
2. I wish to emphasise that, for all the reasons given by the Divisional Court, these investigations will be unlike past public inquiries. There have been difficulties in setting out an accessible website but I am pleased to see we now have a website upon which the press release, the terms of reference and other information is now available. The full contact details for the Iraq Fatality Investigations are:

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3. I have now added to the website a detailed set of procedures. They are being published not simply as a framework for the two current investigations, but for each of the future investigations which may be ordered.
4. On Thursday 5th June at 10.30am, I shall hold a public hearing at the Inner London Crown Court, Sessions House, Newington Causeway, London SE1 6AZ, and I shall make a statement reporting on the investigations I have made to date and setting out my proposals for the ongoing investigatory stage. The text of my statement will be made available on the website, where an Arabic translation will also be published.
5. There will be no videolink available on the 5th of June but the statement will be recorded on video in advance of the hearing and it will be made available on the website.
6. I wish to make some important observations in advance of the hearing next week.

7. The public nature of these investigations does not "...mean that every aspect has to be in public" (see judgment of the Divisional Court dated 2nd September 2013 paragraph 21). At every stage I shall have under review the extent and content of the material which should be placed in the public domain and whether any particular aspect of the investigations needs to be the subject of a public hearing. It was anticipated by the Divisional Court (see paragraph 220 of the same judgment) that a videolink could be used to enable "families and friends" in Iraq to watch hearings and could be used as a means of giving evidence from Iraq. In my view, it would be highly desirable for such a thing to be available, but as I am presently advised, there may be difficulties in setting up a link within a reasonable distance of the area where the families live. Efforts will continue to be made to locate an appropriate location. Firms of lawyers, including any firm which may advise the families, may be able to assist.
8. I am bound to recognise and have regard to the "legitimate interests" which any member of the public or section of the public has in the subject matter of these investigations. The categories of those who may have a legitimate interest are not closed but it is obvious that the family of each of the victims has a legitimate interest which must be safeguarded. I consider that the press and media can show a legitimate interest in the investigations, and their interest should be safeguarded.
9. The question which arises is how these legitimate interests can be safeguarded. In the course of proceedings in court or at an inquiry, persons having a legitimate interest normally have a right to representation by lawyers. As I have previously stated, however, these investigations are inquisitorial. As the Divisional Court has emphasised, the legitimate interests of the family are likely to require no more than legal help in understanding the procedure and, should they give evidence, help in that regard as well (paragraph 219 of the Divisional Court judgment dated 24th May 2013). In addition, the family and press and media should be given an opportunity to suggest lines of inquiry. To facilitate that participation, I shall publish on the website sufficient information about the material which has become available to me to enable proper consideration to be given to whether there are any remaining lines of inquiry to be pursued. So far as the families are concerned, at the moment I envisage that their legitimate interests would be best served by receiving advice from lawyers in Iraq.
10. I have received notice from Public Interest Lawyers Limited that it has been instructed by Fahad Abdullah Manea (brother of Nadheem Abdullah) and Ali Abbas Said (brother of Hassan Abbas Said) to represent their and their families' legitimate interests during their investigations. My principal concern at the moment is that I should ensure that the families and relatives in Iraq should be aware of what is

happening here in London and in due course be able to propose lines of inquiry which they consider I should follow. At present it seems to me that it is expedient and in the best interests of controlling expense that these ends should be achieved in Iraq by lawyers in Iraq. The case for fulfilling these objectives in any other manner will have to be made out and explained to me by Public Interest Lawyers Limited.

11. The fairness of each stage of the process of these investigations will at all times be open to review. I shall elaborate on and explain my intention in more detail on the 5th of June.