

The Iraq Fatality Investigations

In the matter of an investigation into the death of Mr Muhammad Salim

Inspector – Sir George Newman

INTERIM DIRECTION

1. I have received a request to authorise funding for 20 to 30 hours' preparation of written submissions on behalf of the family of Mr Salim (see email from QC Law dated 18 December 2015). I have also received an invoice from QC Law disclosing that many more than 30 hours have already been spent taking instructions from Mr Zuboon and the family in connection with the facts of this investigation.
2. Two days of oral hearings took place and I had an interview on a separate occasion by Skype with Mr Zuboon which lasted about two hours. The facts of the case are not complex nor do they relate to a lengthy event. I have received written questions prepared for each of the military witnesses. All of the questions have been considered and so far as they ask for lines of inquiry to be put and I considered it right to put them I have put them. Insofar as they were not questions but couched as submissions, I have them in mind.
3. I agreed to a request for written submissions to be made available to me at the close of the oral hearings. I did so because I considered it appropriate for submissions on the core facts as to whether Mr Salim was holding an AK-47, whether a warning could have been given and whether there was compliance with the rules of engagement. A brief submission stating whether there were any lessons to be learned from the agreed circumstances which gave rise to the raid would be appropriate, if that was desired. I have concluded from the inordinate estimate of 20 – 30 hours that more considered and focussed attention needs to be paid to the facts and issues upon which it is necessary to receive or make submissions.

4. As I have already observed, the facts giving rise to the raid are largely agreed. The core fact which is in dispute and upon which submissions can be made relates to whether Mr Salim was holding an AK-47 as he came down the stairs and was met by soldiers led by SO11. I have already received a submission that the refusal or complete lack of recollection of two soldiers should give rise to an inference that the army evidence is unreliable. If there are particular findings of fact other than those to which I have referred which the family need to consider making then they should be identified as the findings of fact which are sought, without argument as to why those facts should be found.

5. When I have received a response to this interim direction I shall consider the position again and in the circumstances I am prepared to authorise five hours for the answer to this direction. The response should be given at the convenience of QC Law but no later than 14 January 2016.

Sir George Newman

21 December 2015