

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

Inspector – Sir George Newman

INTERIM DIRECTION NO. 2

1. In my Direction dated 21 December 2015 I recorded that I was in the course of considering a request for payment to QC Law Firm for a range of legal costs already incurred and a request for authorisation in connection with the costs of preparing final submissions.

2. I have considered a detailed explanation in respect of the claim for fees already incurred and now, briefly, state my reasons.

REASONS

3. Paragraph xiv of the Order of the divisional Court in Ali Zaki Mousa No.2 states that “funding will be required for legal assistance to the victim and families to the extent necessary to safeguard their legitimate interests. However there is no need for an advocate to be instructed on behalf of the family.”

4. The control of the funding for legal assistance to families rests with me, being a power I must exercise to ensure that justice to those legitimate interests is well served and that the public money which will be involved is well spent. The same principles of control apply to lawyers and legal assistance which is provided to soldiers.

5. The Order of the court also requires me to secure “support to enable the families of the deceased in Iraq to participate in such a way as to safeguard their legitimate interests“ (paragraph viii).

6. For reasons which I have given (see case of Abdullah) I am satisfied that the interests of the families in Iraq are best served by having a lawyer in Iraq who is on hand, who speaks English and Arabic and is a very well qualified English solicitor with considerable experience in litigation and who is well equipped to handle and understand the cultural and language barriers which I am required to understand and accommodate. Short of finding a fluent Arab speaking English lawyer, familiar with the culture and traditions of Iraq and prepared to live and work there the quality of the

access to justice and legal assistance which is presently being provided cannot be matched from the many able and well qualified lawyers who practise in England.

7. Whilst the case of Salim is not complex it has become clear to me that the proper handling of obtaining instructions and making investigations has been demanding and time consuming.

8. Cultural traditions have played their part in complicating the processes of preparation and explanation.

9. The extent of the understanding of the family of the deceased and the quality of their participation, assisted by QC Law Firm, can be seen from the transcripts of the video link hearings.

10. The services which have been provided are being provided in a highly professional way in a country where English law processes are not necessarily perceived in a benign manner.

Sir George Newman

15 January 2016