

THE BAHAMOUS PUBLIC INQUIRY

VICTIMS' RESPONSE: CROWCROFT SUBMISSIONS

1. This document sets out the response of the victims to the closing submissions of Crowcroft. The victims cross-refer to their own opening and closing submissions as "VOS" and "VCS" respectively, followed by the relevant Part and paragraph number(s).
2. The victims' main submissions in relation to this witness can be found at the following places in their own written documents: VCS Pt II [112-150].
3. Further to the suggestion that the victims have exaggerated their treatment in relation to the first day,¹ the victims refer generally to their submissions at VCS Pt II [5-13] and [115-117] and at VOS [267-269].
4. With regard to the express references to "inconsistencies" cited at SUB000247 paragraph 151, the victims make the following observations:
 - a. The fact that Ahmad Matairi was told by a doctor that he had broken ribs but this was not picked up by the earlier doctors is not conclusive that Mr Matairi was lying. Broken ribs are not always diagnosable without x-rays. There were apparently no x-ray facilities at Um Qasr. Mr Matairi had more pressing concerns in relation to his hernia and deep vein thrombosis (see VCS Pt II [411]).
 - b. The main submissions regarding D006's treatment and injuries can be found at VCS Pt II [259] and [415].
 - c. It is not accepted that D003 was not beaten by 7 guards on arrival. Certainly, for reasons developed at Pt II [112-114], there may have been a crowd in the TDF on arrival. The medical and photographic evidence suggests that D003 had particularly serious injuries.²

¹ SUB000246 [149-151].

² MOD021815-836.

- d. D002 (not D004) maintains that he did lose teeth from being hit.³ It is clear from his injuries as photographed at Camp Bucca that he was beaten very badly.⁴ The photograph of his face shows swelling to his lip.⁵ Payne appears to be focusing particularly upon him in the TDF video. The victims have made submissions in relation to the toilet incident at VCS Pt II [70-80] and in their response to the submissions of the Hill Dickinson clients at [6].
5. Further to the reliance upon the evidence that there was a medical check at around 15:00 during the first day,⁶ the victims refer to their general submissions regarding the medical attention given to the detainees at VCS Pt II [353-381], and in particular (as regards the reliance on Winstanley) VCS Pt II [361-364].
6. As to the Fallon and Crowcroft account that the one of the detainees pushed Fallon,⁷ the victims refer to their concerns about the veracity of this account and the subsequent escape narrative that developed in relation to Baha Mousa's alleged conduct on the second day: VCS Pt II [148], [281] and [308].

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³ BMI01970 [77].

⁴ MOD021853-866.

⁵ MOD016230.

⁶ SUB000242 [136].

⁷ SUB000243 [137].