

The Baha Mousa Public Inquiry

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Wednesday 15 October 2008

EMBARGO – 11am on 15th October 2008 **PRELIMINARY HEARING ANNOUNCEMENT FOR THE BAHAMOUSA INQUIRY**

Today, The Right Honourable Sir William Gage made his opening statement as Chairman during the preliminary hearing event for the Baha Mousa Inquiry.

Sir William Gage was asked by The Right Hon Des Browne MP on 21 July 2008 (then Secretary of State for Defence), to Chair the Baha Mousa Public Inquiry, which has been formally set up under the Inquiries Act 2005.

The Inquiry is primarily concerned with the circumstances surrounding the death in 2003 of one man, Baha Mousa, and the treatment of others detained with him in Basra, Iraq, by soldiers of the 1st Battalion The Queen's Lancashire Regiment.

The Inquiry's main Terms of Reference are as follows:

“To investigate and report on the circumstances surrounding the death of Baha Mousa and the treatment of those detained with him, taking account of the investigations which have already taken place, in particular where responsibility lay for approving the practice of conditioning detainees by any members of the 1st Battalion The Queen's Lancashire Regiment in Iraq in 2003, and to make recommendations.”

Commenting on the Inquiry during his opening statement, The Right Honourable Sir William Gage said:

“The gravity and importance of the events that this Inquiry is to investigate require little explanation. The Courts, and the public in general, have long recognised that the death of any person in the custody of the state, other than by natural causes, is always a ground for serious concern.

“Where the death has occurred in the custody of British forces serving abroad and there has at the same time been the infliction of injury to other detainees, in circumstances in which the issue of the use of conditioning techniques is raised, these matters are of clear and obvious public concern and importance.

“Whatever my ultimate findings in this matter, it is right that at the outset we express our sincere regret at the loss of life of a man in army custody. It is also right that we do not forget the loss of life of British servicemen in Iraq in 2003 and thereafter.

“I shall take note of previous investigations and proceedings which relate to these matters, but I stress that I am inquiring afresh with all the powers provided to me by Parliament under the 2005 Act.

“I am under no illusions as to the magnitude of the task ahead; it will require much work in terms of the assembly and analysis of documents as well as the preparation and taking of witness statements. The bulk of this must be done before I can embark upon hearing evidence. I shall endeavour to ensure that this work proceeds with an appropriate degree of urgency.”

NOTE TO EDITORS:

1, The Inquiry Team

To assist the Chairman, Sir William Gage, with the broader running of the Inquiry, he has appointed an Inquiry Team. They are as follows:

The Secretary to the Inquiry is Lee Hughes, a Senior Civil Servant seconded to the Inquiry from the Ministry of Justice, who is primarily responsible for the administration of the business of the Inquiry.

The Solicitor to the Inquiry is Duncan Henderson, a Senior Civil Servant who has been seconded to the Inquiry from the Treasury Solicitor's Department. He will be responsible for gathering the evidence relating to matters under investigation. Mr Henderson has instructed three independent members of the Bar, Gerard Elias QC, Nicholas Moss and Patrick Halliday. Their role is not to promote any particular conclusion or result, still less to favour any particular witness or class of witness.

2. The Oral Hearings

Sir William Gage held the Preliminary Hearing (today) in the International Dispute Resolution Centre, where the Inquiry's offices are located for the time being.

From next week, however, the Inquiry is to be based at Finlaison House in Furnival Street, London, which is where it is intended that all future hearings will take place. Further details about them will be published in due course on the Inquiry's website which can be found at www.bahamousainquiry.org.

In due course the transcript of today's proceedings and any rulings and directions will be posted on the website. The oral hearings themselves will be simultaneously recorded and available in real time for the legal representatives present; verbatim transcripts will be made available to the Core Participants shortly after the close of a day's proceedings and also posted to the website so that the general public can follow the proceedings.

Similarly, it is intended to scan all relevant and publishable documents into a system which will permit them to be called up onto screens in the Inquiry Room and then published on the website after they have been adduced in evidence.

In accordance with the presumption of openness, the hearings will be in public to the greatest degree practicable. Any possible exceptions to this position will be addressed in written procedures. Facilities will be made available at the hearings for members of the public and representatives of the press and media organisations.

Court Reporting rules: Sir William Gage would like to highlight that at the Court Martial of seven servicemen arising out of these events, the presiding Judge Advocate made an order, which remains in force for this Inquiry, requiring the media not to publish certain features and information in relation to the Defendants. If anybody has submissions to make in relation to this order, or any related matter affecting other service personnel, they must contact Sir William Gage in writing by 14 November 2008, and he shall consider them and any further argument at the first Directions Hearing.

For more information please contact Suzanne Halls or Mark Fenwick in the Baha Mousa Inquiry Press Office on 020 7261 8327/ 07971 186710, or visit the website at www.bahamousainquiry.org.