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**THE BAHA MOUSA PUBLIC INQUIRY**

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**ADDITIONAL CLOSING SUBMISSIONS ON BEHALF OF CORPORAL  
WAYNE CROWCROFT**

Lt. Crosbie

1. Lt. Michael Crosbie provided a rule 9 statement to the Inquiry on 4<sup>th</sup> September 2009 ( BM103959 – 71) and provided evidence to the Inquiry on 8<sup>th</sup> October 2009.
2. Crosbie recalled attending the TDF on 14<sup>th</sup> September 2003 when he left prisoners D005 and D006 in the custody of Cpl. Payne. Crosbie went on to describe a second visit to the TDF. The witness was uncertain of the date of that visit but was sure that it was either, later on 14<sup>th</sup> September 2003 or “in the evening of the next day 15<sup>th</sup> September 2003” (BM103967).
3. Crosbie remembered seeing D005 and D006 lying asleep in the left-hand room but did not remember a third person being present and he thought it was still daytime (BMI 19/206/5).
4. In the right-hand room Crosbie saw a number of unhooded Detainees kneeling in a horseshoe formation (BMI 19/207/4-11). They looked wet and grubby (BMI 19/207/21). He went on to describe a soldier saying, “We have the choir” (BMI 19/208/25) and then proceeded to demonstrate what it was. The soldier tapped or kicked the Detainees on their backs with his foot. Crosbie said the taps were not more forceful than a knock on the door. However, they were sufficient to cause the Detainees to make a noise, a noise which Crosbie supposed was a groan of discomfort but not a groan of pain (BMI 19/209/13-210/7). He thought this was done to two of the Detainees before he decided to leave (BMI 19/210/10).
5. Crosbie was unable to identify the guard.

6. Crosbie was unable to recollect a third person present in the left hand room, it would it may be suggested that his second visit took place on 14<sup>th</sup> September 2003, before the detainee Maitham arrived at the TDF and was placed in the left-hand room. Evidence suggests that Maitham arrived after the currency of Crowcroft and Fallon's stag.

#### Response to Criticism

7. Lt. Crosbie gave his first account of his recollections in a statement dated 4<sup>th</sup> September 2009. Crosbie was the Intelligence and Media Ops officer of Anzio company in September 2003, It is submitted that in this role he could not have been ignorant of the SIB investigation into this very serious incident. He did not provide, or volunteer to provide evidence to SIB investigators during the initial inquiry. He did not voluntarily offer any of his, very relevant, knowledge relating to this incident for six years. This failure is made even harder to understand in the light of Lt. Crosbie's role as a witness in a subsequent and separate SIB investigation in 2004.
8. We suggest that the accuracy of the account has been diminished by the time that has elapsed between the incident and the committal of his recollections to paper. Crosbie has conceded that his recollection of events is vague in some areas, most specifically the date and time of his visit.
9. Cpl. Crowcroft continues to deny participating in or witnessing any conduct with could be described as "The Choir".
10. Cpl. Crowcroft does not accept that Lt Crosbie attended the TDF during the period of his guard duty on 14<sup>th</sup> September 2003.
11. Cpl. Crowcroft does not accept that he or Private Fallon, during the stag on 14<sup>th</sup> September 2003, were unaccompanied, at the TDF at any time.

12. Cpl. Crowcroft does not accept that during his stag, detainees were unhooded, sleeping, lying on the ground or kneeling.

WEC England  
Carmelite Chambers  
Graeme Irvine  
ITN Solicitors  
Stratford