

Was the case FLAWED?

1. The contemporaneous medical records of the two Iraqi nationals examined by Dr Keilloh and the medical record of the resuscitation of Baha Mousa, all made on the night of the 15th of September 2003, were given to the Special Investigation Branch (SIB) on the 17th of September 2003 when Dr Keilloh gave his witness statement. Dr Keilloh has been unable to refer to the contemporaneous notes he made for any additional information in every forum where he has appeared as a witness. The implication has been that he had not made proper records of the event, and of the two other detainees he had been asked to examine that night. However the SIB investigator who took Dr Keilloh's statement on the 17th of September 2003 appeared at the FTP hearing and admitted having received them by telling the panel that the SIB had 'lost' the contemporaneous notes.

2. Dr Keilloh has been consistent and continued to tell the truth in his evidence and statements. This consistency appears to have only rendered him open to further criticism. He had no motive to put forward anything other than the truth on all the matters involved. The FTP panel did not suggest any motive for Dr Keilloh to have concealed the truth (Ref 1 – Pages 28, 35, 57 and 75), nevertheless they proceeded to question his probity and erase him from the medical register.

3. Dr Keilloh's FTP hearing commenced on the first week that the Medical Practitioners Tribunal Service (MPTS) began as a stand-alone agency separate from the GMC. It is understood that the outcomes of other MPTS FTP hearings are being currently criticised.

4. The panel for the MPTS FTP hearing:

- The panel consisted of a retired Gynaecologist (Chairman), a practising GP and a lawyer.
- How is the panel selected?
- What requirements or qualifications are required by panel members?
- The panel was only made up of three individuals, we had expected five. This appears to vary from case to case for no readily apparent reason
- Is being a panellist a career? Do members receive their primary income from this work?
- None of these panellists had any military experience or experience of working in hostile environments.

5. The standard of hearing procedures falls below that undertaken within a criminal court room, witness statements are often accepted as facts without rigorous questioning. The sanction ruins a whole life career, damages a reputation, immediately removes an income and amounts to a criminal punishment

6. D004 Iraqi witness was in a position to present evidence to the hearing, however he chose not to attend despite all costs being made available. His written statement was presented as fact, as there was no opportunity to cross-examine and test. The minutes of the FTP hearing cover this in detail.

[http://webcache.gmc-uk.org/minutesfiles/Minutes%20PUBLISHABLE%20\(4509417\)%20December%202012%20\(JR\).doc](http://webcache.gmc-uk.org/minutesfiles/Minutes%20PUBLISHABLE%20(4509417)%20December%202012%20(JR).doc)