

Dear Derek,

I am truly sorry to read of the manner in which you have been treated, but not altogether surprised. I am also no stranger to being thrown under a bus by the system.

I have never met you and have no personal knowledge of, or involvement in, the Baha Musa case. I have no specialist expertise in the matter. I left Iraq before the events happened. I have read through the post mortem details available on the internet.

I hope also that the Tribunal has some idea of the conditions under which people worked and lived in during those times.

I am also concerned, and could not deduce from the post mortem report, the date of the PM relative to the time of death. My understanding is that all bodies, at that time, were taken to a refer at Shaibah which functioned as a mortuary. There may have been two of them, I can't remember.

I presume that they had to fly out a Home Office Forensic Pathologist to Sheibah in order to undertake the post mortem, this would have taken, I assume, some days to set up, during which the condition of the body must have deteriorated significantly. Bruising that was not evident at the time of death could have become confused with morbid lividity. I did not see any comment about the degree of preservation of the body, or about what position the body had been stored or ~~transported in at different times.~~ When were the photographs taken?

I never saw inside that container but I walked past it many times and it stank. True, I understand that it contained amputated limbs which were waiting to be given back to Muslim patients, in the accustomed fashion. I understand that on occasion bodies were stored there that were already decomposing. I would, however, seriously question the quality of refrigeration at that time, given the difficulty that was experienced in chilling other stores, earlier in the summer.

I have not seen anyone comment on the quality of refrigeration to which Baha Musa's body was subjected and how much the visible changes could have progressed after the time of death.

This might be something that your barrister might like to follow up. There must be a record of who was running the mortuary in September, possibly even a record of recorded temperatures.

I can not get involved further but hope that this is helpful. I have my own very serious difficulties to deal with but I feel for you and wish you every possible success professionally and personally in the future. I apologise for not being able to give my name.

You may eventually have grounds for an appeal and damages, if you have the stomach for it. Good luck

From an Anonymous well-wisher: some further thoughts.

Dear Derek,

Further to my last letter, which I hope you have received, referring to the likely state of preservation of Mr Baha Musa's body at the time of the post mortem, I am very sorry to see on the news the GMC ruling. I am encouraged to see that you have the opportunity to appeal.

I dare say that this material has been scrutinised in great detail by your defence council, so I apologise for writing what may be two entirely facile letters, but just in the very unlikely event that it has not, I thought that I should write again.

I must emphasize that I was not in Iraq at the time and have no knowledge of the case other than what I have read in the media. I can, however, readily picture the situation and find your account entirely believable. I also recognise that what you were accused of is to so completely outside the ethos of what we are about that it is simply not believable.

So some more thoughts...

The rib fractures: Can a forensic pathologist state with absolute certainty that these fractures were not compatible with CPR. The soldier carrying out CPR said that it was done gently, but was this really so? Was he an expert? How many times had he done it for real? Had he ever done it on anything other than a manikin? As a CMT, very probably not. Everyone knows that ribs go very readily in vigorous CPR. I do not know where the fractures typically occur, but from a mechanical perspective I would have thought that anywhere forward of the mid axillary line, would be potentially at risk. You could not possibly know that these fractures had occurred.

I would presume that rib fractures would continue to bleed, as in life, throughout effective CPR.

Was there a post mortem CT scan? There was no CT scanner at Sheibah until early 2005. My understanding is that post mortem CT scans are universal in such cases (why?), the evidence available, by today's standards must therefore be suboptimal.

I vaguely recollect reading that someone inserted, or attempted to insert, a nasopharyngeal airway. Some experts advocate not using one greater than 6mm in diameter, even in men, because of the risk of nasal trauma. My recollection is that most military resuscitation kits contain huge ones (8 or 9mm) which would almost inevitably cause an epistaxis. I find it entirely believable that this was the only obvious external finding.

Finally, another big question that has been going through my mind is just how badly did Cpl Payne knock the deceased about? Just how bad were these 90 injuries?. Given that you did not hear anything untoward happening I wonder whether Baha Musa died from Positional Asphyxia. I seem to recall reading about him being restrained face down. Positional asphyxia seems to be a poorly understood phenomenon, but there is something peculiar about being

forcibly restrained face down, as it appears to provoke life threatening airway problems. The tragedy is that the more the victim struggles for air the more they are restrained.

The person doing the restraint thinks the victim is still fighting until it is all over. It is easy to see how a lot of minor injuries could be picked up in this desperate struggle. I am not aware of soldiers (or doctors) being taught about this, but to me, Baha Musa's death could well have been a classical and tragic case of Positional Asphyxia. The Police have become more savvy about this in recent years as it has been the cause of deaths in Police custody here and in the US. People who are overweight may be more susceptible. I have not read about this possible diagnosis being considered in this context. If most of the bruises were sustained in the minutes before Baha Musa arrested, as seems possible, then clearly you would not have seen them, but they would be exaggerated by post mortem changes.

I don't doubt that your Council has chewed this over many times but I thought I should write again just in case this has not been explored. To erase someone from the Register, I would hope that the standard of proof is set very high. I trust that the above suggestions alone would be sufficient to sow seeds of doubt into even the most cynical and mean spirited individual.

It seems to me that the MDU need to find you two serious expert opinions:

1. A forensic pathologist to seriously review the PM evidence and its interpretation in your favour.
2. An expert in Positional Asphyxia, to say that this was a realistic possibility.

I know what it feels like to be cast to the lions and I sincerely feel for you. There are times when you just have to roll with the punches but the truth will emerge in the end.

Good luck.