

A small selection of the many LETTERS and excerpts of letters which have been sent in support of Derek Keilloh

1. Chris Skidmore, Reading

'...Having read a bit more about the case on-line, I also felt called to write the attached e-mail to the MPTS. It seems to me that there is a prima facie case here of miscarriage of justice...'

Addressed to the MPTS: 'I understand that the panel concluded that Dr Keilloh had lied consistently when questioned in and out of court about the injuries found on Baha Mousa's body.

.....

'...I also gather that there was disagreement between the pathologist witnesses you called about the likely state of the body on death.

'I further understand that no evidence was called as to the expected degree of attentiveness of a doctor acting under stressful emergency conditions, despite there being psychological research to show that even severe injuries can be missed by experienced personnel (which Dr Keilloh was not) under such conditions.

'The panel was reluctant to strike Dr Keilloh from the register because of the evidence of his exemplary behaviour as a local GP since 2003 but, I understand, felt that instructions from the GMC obliged them to do so in cases of blatant dishonesty.

'I suggest that the finding of dishonesty is itself unsafe and that it is equally likely that Dr Keilloh has been telling the truth all this time. In the circumstances I suggest a review by the MPTS of its verdict is called for.'

2. Barbara Gardner, retired social worker:

'I have stood with young doctors who have not seen the bruising on children's bodies....they have to be shown by their consultants. Some of it is genuinely not seeing and recognising and sometimes it was the brain cutting out not wanting to see the abuse of children. There is a psychology behind all of this and therefore it is accessible and available to help show that Derek has always telling the truth. After all you have to define the word truth don't you?

'I do think that despite this Derek has been made an example of for future young forces doctors in the interest of international face saving. I am glad that Derek is feeling supported by his profession and community. The NHS can't afford to lose good doctors and there should be a way of getting him reinstated in due course if that is what he wants to do. He has had nine years of punishment in reality hasn't he?'

3. Alison Leonard, Chester

'I am a fiction writer and in the mid 2000s was writing about a situation where soldiers were under pressure. I needed to do my research, and as I had a contact with Dr Derek Keilloh via a friend, I asked him if he would be willing to talk. He was an excellent interviewee in this situation: frank and open, with sympathy both for the British soldiers who were taking on more than they had bargained for and for those in the little-known country where war was raging. He was also able to look at his own character and situation (though not, of course, in detail because of the need for confidentiality) and reflect on how naive he had been, as a young doctor with no experience of warfare, about the difficulties that might face him in "theatre". I found Dr Keilloh to be kind, intelligent, honest, and with a strong sense of responsibility.'

4. Caroline Westgate, Hexham - letter published in The Guardian 27/12/12

'It is good that the Iraqi detainees who were victims of army brutality in Iraq are to receive compensation (Guardian 21.12.12 'Ministry pays out millions to torture victims'), and it is to be hoped that the routine torture of 'suspects' by sections of the British Army will cease forthwith.

'But there is another victim in this unedifying episode. In 2003 Dr Derek Keilloh, then an inexperienced Army medic in Basra, was called in to examine Baha Mousa after the Joint Forward Interrogation team had finished with him. Now working as a GP, he was struck off yesterday by the GMC, having been found guilty of misconduct. I believe this is both a waste and a travesty.

'While serving as a junior doctor in the army, Dr Keilloh was posted to Iraq. He had not completed his GP training but was appointed as Regimental Medical Officer to the Queens Lancashire Regiment, replacing the previous RMO in August 2003. He was given only a limited two day handover. Dr Keilloh was the most recent addition to the regiment. He had no loyalty to them specifically, and certainly no reason or motive to be untruthful.

'This was an immensely unstable period in Basra, frequently involving violence and trauma. Dr Keilloh's main role was to provide medical support to the troops, who were engaged daily in these conditions. Detainees were a small part of his workload, and doubt remains as to whether they were in fact his patients.

'Having assessed the seriousness of Baha Mousa's condition, Dr Keilloh proceeded to do everything possible to save his life. After a very traumatic time under severely difficult conditions he had to admit that he had been unsuccessful in his resuscitation efforts. The body was sent off for forensic investigation as protocol because it had been a sudden death.

'I understand that the photograph showing injuries on the face of Baha Mousa was taken **six days after his death**. The press has repeatedly shown Dr Keilloh's picture alongside that, as if to imply that is what he failed to see.

'There was a complete lack of system from the British Army in dealing with detainees. It was not until the death of Baha Mousa that Dr Keilloh recognized this was a failing. Following the event, to his credit, without senior support or guidance (which indeed was lacking throughout his time in Iraq) he conceived and implemented a system to provide for the vulnerability of detainees. Regrettably this has been twisted to suggest that he set up this system to prevent inhumane treatment because he was aware of it. This is untrue and unfair.

'After leaving the army, Dr Keilloh became established as a family Doctor and over the last 9 years has built up an exemplary reputation. His many patients, their relatives, and other members of the healthcare professions, describe him as an excellent GP.

'It is shocking that the scandalous and cruel abuses perpetrated by sections of the Army have rebounded on this man. He was not responsible for them but his career is to be ended as a result.'

Phil Shiners reply to this letter was then published.

The following letter (next page) was sent to the Guardian and not published.

Was the Guardian supporting Phil Shiner's opinions?

5. To: <letters@guardian.co.uk>

Sent: Saturday, December 29, 2012 7:27 PM

Subject: Letter to the Editor re Dr. Derek Keilloh

From Graham Watts, Cringley House, Silver Street, Askrigg, North Yorkshire DL8 3HS. Tel.: 01969 650641

'So Phil Shiner reckons the GMC had no alternative to Dr. Derek Keilloh being struck off the medical register (GMC Right to Strike Off Iraq Doctor 29th December). This decision is certainly in line with Shiner's long-running agenda in condemning torture and seeking compensation for his clients. The decision is nevertheless a travesty as your earlier correspondent asserts. The GMC aided by Phil Shiner have contributed to a miscarriage of justice. Where is the evidence that Dr. Keilloh lied on oath? And what are the other findings of fault? If it is true that a photograph taken six days after Baha Mousa's tragic death was used in evidence against Keilloh this is in itself a travesty.

'Phil Shiner over the years has accused the MOD of every conceivable dishonesty and crime yet he is satisfied that a young doctor who had not completed his GP training, who was thrown in at the deep end of a war zone to attend to British casualties is a suitable culprit for the torture carried out by British troops. It is a travesty that Derek Keilloh is a scapegoat. It is also a travesty that those responsible for torture are not brought to justice.

'I wonder how many of those involved in condemning Dr. Keilloh have any idea of what it is like working in a war zone? Keilloh did his best in the most awful circumstances. He is an honourable man and not a liar.

'I urge the GMC to reconsider their decision and reinstate Dr. Keilloh on the medical register as soon as possible.'

Graham Watts.

6. Angela Le Grice, Bath - family friend and Hospital Social Worker 1965 – 1996

'I met Derek shortly before he was posted to Basra with the Army in 2003. Throughout his posting there I was shown the airmail letters he sent to be circulated around his friends and family. What was most noticeable to me throughout these letters was the interest DK took in providing medical services not just to soldiers but to the local population. I understand he helped run clinic facilities for Basra civilians on his own initiative. This was in the early days of the occupation when civil order was breaking down.

.....'

'What happened to cause Baha Musa's death was shameful. However I believe a sense of proportion should prevail over censoring a junior doctor 8 years after events for which he was unprepared and inadequately supported. Having read his spontaneous accounts of what he was required to do in Basra in 2003, my appraisal of him as a trustworthy reliable individual and doctor is I feel correct.'

7. Valerie & Eric Lister , Hartlepool

'We read of your appeal in yesterday's Northern Echo and have been following the news on your son-in-law's heartbreaking situation.

'From what we understand, he was placed in an invidious position. No ordinary person – included those on the MPTS and GMC can have any concept of what it must have been like in Iraq and now in Afghanistan.

'We read the conclusion of the hearing, which implied Dr Keilloh's striking off was to make an example of him, emphasising the behaviour which was expected of a Doctor. From what we gather from his patients his behaviour as a GP has been absolutely impeccable – they have been robbed of a good Doctor.....

'We and other friends have thought of you many times over the last few weeks and hope that common sense will prevail and Dr Keilloh will be re-instated.'

8. Mary & John Edwards, Northallerton to NHS North Yorkshire & York,

'We wish to associate ourselves with the many people, who as patients of Dr. Keilloh, want to protest against the harsh judgement and sentence handed down upon him by the Medical Practitioners Tribunal Service (MPTS), and are given to understand that it is to your office that such protests should be made available in the first instance.....

'..... Given that the military courts exonerated Dr. Keilloh of charges against him we are concerned that the MPTS may have neglected to consider the stressful conditions of the day in which his work was questioned or the circumstances overbearing upon his reporting of the incidents. Whatever the merits or demerits of the case the decisions to debar Dr. Keilloh from practice as handed down are in our opinion excessive and harsh.

'It is nine years since the alleged incident took place. If the MPTS judgement is that he had betrayed the code of trust or the level of competence essential to the practice of medicine, then the case should have been dealt with at a much earlier date as a matter of emergency and as such, the MPTS have been shown to be culpably negligent. However, for much of that time Dr. Keilloh has been a most respected and trusted doctor to patients, both at the Friarage Hospital here in Northallerton and to his patients at the Mayford House Surgery. We have valued his attention to detail, concern for the individual, essential kindness and interest in their developing conditions and treatments. He has been all that we would have wanted of a doctor. For 5 years the decision implies that we should not have placed our trust in a dishonest practitioner.

The MPTS decision has deprived patients in Northallerton and district of a highly valued, trusted and competent doctor.

We urge that all possible actions be taken to rescind this decision'

9. Robert Hall, Leyburn

'Either he speaks the truth or he doesn't regarding whether or no he saw the evidence of assault. Explanations as to why he might have missed them can only be excuses that he missed them. His sentence hangs upon the GMC's view that he was likely (>50%) to be lying ie that he did see them and concealed it! If they think that he SHOULD have seen them under the circumstances of the time, excuses become relevant - but being struck off for 5 years then becomes an excessive sentence. Whilst God must be his final judge, it doesn't mean to say that his GMC "conviction" has an adequate foundation in law civil standard.....

'I don't think that the matter should rest.

'We find the MPTS judgement astonishing. We understand that the photograph of Mr Mousa's injuries was taken 6 days after his death and we have read that a pathologist stated that most of these would not be visible at the moment of death. We are also surprised that a photograph of Mr Mousa before his death shows a dark skinned man whereas the photograph published in the papers and on the television shows a very pale skinned man.'

10. From Niall & Mary Rose Kearney, DL8 3HS January 8

'Dear Prime Minister,

Dr Derek Keilloh
Justice & Travesty

'On December 21st the MPTS took the incomprehensible decision to strike off the medical register Dr Derek Keilloh. The grounds for this decision were that Dr Keilloh was repeatedly dishonest in claiming that he did not see the injuries to Mr Baha Mousa that later came to light. Dr Keilloh is not convicted of incompetence, or moral turpitude, or gross misconduct, but of lying. His evidence remains the same in the Court Martial, the Public Inquiry, and the MPTS hearing, but we are now informed that he lied, even though presumably none of the members of the MPTS were present at the event in Basra nine years ago.....

'..... We find the MPTS judgement astonishing. We understand that the photograph of Mr Mousa's injuries was taken 6 days after his death and we have read that a pathologist stated that most of these would not be visible at the moment of death. We are also surprised that a photograph of Mr Mousa before his death shows a dark skinned man whereas the photograph published in the papers and on the television shows a very pale skinned man.....

'.....We are saddened to read that Corporal Donald Payne who pleaded guilty to inhumane behaviour received a year's imprisonment and Colonel Jorge Mendoca the commanding officer who should surely be responsible for the conduct of his troops was acquitted of a charge of negligence and later decorated, yet the young doctor who tried to revive Mr Mousa in intolerable conditions has been struck off and has had his livelihood taken away and his integrity questioned. To us this smacks of looking for a scapegoat.

'We used to have faith in the judicial system of the United Kingdom but it seems increasingly that there are parallel systems in operation: the army, the medical profession, the media which undermine the faith of the public in judicial procedures.

'The MPTS say that their decision is in the public interest as Dr Keilloh has damaged public trust in the profession. This is a nonsense; it is in the public interest that Dr Keilloh be re-instated. He is a much-trusted GP whom his patients want back; he is respected by his colleagues and is known in this area as a doctor of quality and a man of integrity. We cannot afford to lose such a doctor and this is especially true of the area of North Yorkshire in which he practices. His training and expertise is vital to the services of this rural area.

'At present he has little energy to pursue his case as he is devastated by the hearing.....

'What a waste of a dedicated and excellent doctor trained at some expense to provide a service to the public.

'We trust that in your capacity as Prime Minister you will do what is necessary to overturn this incomprehensible decision.

'Yours faithfully

'Cc His Royal Highness	Prince Charles the Prince of Wales
Nick Clegg	Deputy Prime Minister
William Hague	Foreign Secretary and MP for Richmondshire
Anne Mcintosh	MP for Thirsk & Malton
Jeremy Hunt	Minister for Health
Andy Burnham	Shadow Secretary of State for Health'

11. From Janet Quilley, Richmond. Letter to the Darlington & Stockton Times

'To the Editor

Dr Derek Keilloh

I am not a patient of Dr. Keilloh, but I am very disturbed by some aspects of his case, as they have been reported. It is essential to maintain the highest standards among our doctors, but our confidence in the medical professional establishment is undermined if justice is not seen to be done in upholding those standards.

'I have no doubt that the appalling treatment of Baha Mousa required the severest punishment for the perpetrators. Dr. Keilloh's valiant attempts to resuscitate the victim have always been acknowledged and commended; the eventual decision of the Medical Practitioners Tribunal Service to strike him off the medical register, after nine years of stressful uncertainty and being involved in the Enquiry and court case, therefore seems to me to have very little to do with justice for Baha Mousa. How can the Panel's findings say that he is a 'highly respected doctor with excellent clinical skills and 'an honest, decent man of integrity' and yet decide to strike him off the register? Why have we not heard more about the conflicting professional opinions concerning the bruising on the face and body of the victim? How can a man be deemed to have lied if there is such disagreement about what is the truth?

'It is important that the adversarial standards of the law courts, where truth is seen in either/or terms, are not applied in situations where there may be more than one professional opinion and different interpretations of the evidence. I believe this has happened in Dr. Keilloh's case and I hope the MPTS will reconsider its decision.'

Janet Quilley also wrote to the MPTS

12. MPTS reply to Janet Quilley – this became a standard reply:

'Thank you for your email about the MPTS panel's decision to erase Dr Keilloh from the medical register. I understand that many people have strong feelings about this case and I accept that not everyone will agree with the outcome.

MPTS panels make independent decisions, based upon the evidence put before them by the GMC and the doctor's legal team. Their role is to protect patients, including protecting public confidence in the medical profession.

'A panel is required to determine the facts of the case, then decide whether or not the doctor's fitness to practise is impaired. Having found Dr Keilloh impaired, the panel determined the most serious sanction was necessary, erasure from the medical register. The panel took full account of Dr Keilloh's work as a local GP, stating that his clinical practice since the events in Iraq in 2003 was not in question.

The full minutes of the hearing, including all the reasons for each decision can be read online:

<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)

'Doctors can appeal against a MPTS panel decision by challenging it in the High Court within 28 days. Dr Keilloh has chosen not to do this and has been erased from the medical register.

Doctors can apply to rejoin the register after five years, though must satisfy a MPTS panel that their medical knowledge is up to date.'

Howard Matthews Tribunal Clerk Medical Practitioners Tribunal Service

13 Janet Quilley reply to MPTS

'Thank you for your 'blanket' reply. I do not feel that receiving the repeat explanation of your decision actually answers my concerns at all. The decision you have made has already been published and does not address the issues I raised. I am concerned about the Panel's adversarial black and white judgement, which seems to have been applied in a case where professional opinions about the bruising were apparently at variance. At the very least this raises questions about the most severe sanction being appropriate. And surely nine years of uncertainty and an intolerable final year of court cases should be counted as part of the 'severe sanction' deemed necessary. I respect the independence of the panel but I remain unhappy about the justification so far given for the decision.'

14 An email was sent to DoH 15/1/13

Copies of it were sent back on 17/1/13 and 15/5/13 May (acknowledgments?)

14/5/13 - 4 months later we received an acknowledgement stating: 'Where a reply is appropriate, we aim to send one within 18 working days, or 20 working days if your query is a Freedom of Information request or complaint.'

31/5/13 at last - a reply:

'Our ref: DE00000781209

'Thank you for copying to Jeremy Hunt your recent letter to William Hague about Dr Derek Keilloh. I have been asked to reply.

'Whilst I note your concerns on this matter, the General Medical Council (GMC) is the independent regulator for doctors in the UK and takes action when a doctor fails to meet the standards needed, either through imposing sanctions on the doctor's registration, or by removing their right to practise, and I am afraid that it would not be appropriate for the Department of Health to comment. If you would like to make representations to the GMC directly, you can do so in the following ways: GMC Regent's Place, 350 Euston Road, London NW1 3JN. Email: gmc@gmc-uk.org. Telephone: 0161 923 6602

'I am sorry that I cannot be of further assistance, but I hope this reply clarifies the Department's position.

Yours sincerely, Eamonn Maloney, Ministerial Correspondence and Public Enquiries, Department of Health'

15. To and from the MPTS

Sent: 20 February 13/2/13

'In the public interest, are you able to tell us who reported Dr Derek Keilloh to the GMC as being unfit to practice?

'Is it true that it was the Public Interest Lawyer Phil Shiner? (acting for the Iraqi families) Was it in 2007?

'On what grounds at that time was he reported?

'We understand that the GMC first response was to wait until after the Baha Mousa Inquiry, who subsequently decided that he 'should have' seen the bruises on the detainees, not that he'did'.

'How is it that the MPTS panel (of three?) have been able to decide that 'on the balance of probabilities' he did see the bruises, when the massive Baha Mousa Public Inquiry could only state that 'he should' have seen and known about evidence of beatings, not that he did?'

Answer received 12/03/13

'Our ref: F13/5276/EH

'Thank you for your email below. We have considered your queries with regards to who reported Dr Kellioh to the GMC, and the year and grounds upon which he was reported, in accordance with the Freedom of Information Act 2000 (FOIA).

'I can confirm that the case against Dr Keilloh was opened in 2007.

'However, with regards to the identity of the complainant and details of the original complaint, we are unable to disclose this information to you. This is because we believe the information is subject to the following exemptions listed in the FOIA:

- Section 40(2), by virtue of section 40(3)(a)(i), of the FOIA - Personal data of a third party. This exemption relates to information held which consists of the personal data of a third party. In this case the information is the personal data of both the doctor and the complainant. This exemption applies where disclosure would be in breach of the Principles of the Data Protection Act 1998 (DPA). In this instance we consider that the disclosure of this type of information

would breach the First Principle, which requires that the processing of data is fair and lawful. We consider that the conditions in Schedule 2 of the DPA, relating to the processing of personal data, are not met and therefore the release of the information you have requested would be unlawful.

Section 31(1)(g), by virtue of Section 31(2)(d), of the FOIA - Law Enforcement. This exemption relates to situations where the disclosure of information would, or would be likely to, prejudice our regulatory function. We believe that the disclosure of this information would be likely to have an adverse impact on our fitness to practise function by discouraging individuals from raising concerns or cooperating with an investigation, if in the knowledge that their identity and the information they provide may be made publicly available. This exemption is subject to a public interest test. We believe that it is important to ensure that any person feels able to raise concerns with us, in confidence, and fully participate in the investigation process in order to maintain its effectiveness. We therefore believe that the public interest in maintaining the exemption, and withholding the information requested, outweighs the public interest in disclosure.

'I am sorry I could not provide all the information requested. You have the right of appeal against my refusal to supply the information you requested. If you wish to appeal you should set out your grounds in writing and address these to Julian Graves, Information Access Manager, at jgraves@gmc-uk.org. You also have the right of appeal to the Information Commissioner, the independent regulator of the FOIA. If appropriate, Mr Graves will provide you with the relevant contact details.

Yours sincerely
Elizabeth Hiley
Information Access Officer
Tel no: 0161 923 6314
Email: ehiley@gmc-uk.org

Everyone knew it was Phil Shiner - what did the MPTS have to hide?