Suggested questions/talking points for cross-examination of Dr Amir Khan

1. Could you please state your job title and what your clinical specialty is and how long you have been practicing in this area?
2. Am I right in inferring from your statement that you have a particular interest in preparing individuals for transplantation, as this is something that you research? Ulterior motivations?
3. Can you please state to the Court your view of the new legislation and what this means for transplantation.
4. Specifically, what age does this legislation relate to?
5. And can you confirm how old Amara was when the accident took place?
6. So technically, Amara does not satisfy the elements of the legislation, i.e., that the child has reached 16 years old in order to utilize the presumed consent procedure.
7. What is the hospital policy in terms of harvesting organs? It is for 16- and 17-year-olds.
8. I put it to you that by using your argument that she is ‘nearly’ 16, we are allowing for a slippery slope, where children are being subjected to organ donation well below the legal age under the new legislation.
9. You mention at point 5 of your statement that it is the view of the trust that principle 4 extends to children aged under 16. Please could you explain how you came to this view, and who exactly you conferred with to come to the decision?
10. And on what evidence did you base your decision that it was Amara’s intention to donate? Did you see any written evidence, did you know Amara personally?
11. You mention that Amara was Gillick competent. Please explain how you came to this determination. Which factors did you use to make your decision?
12. Please provide examples of the evidence you refer to at point 6 of your statement, in respect of evidence that there has been implied consent. Does this align with what you found in Amara’s case?
13. Turning to Mrs. Begum, in your expert opinion, would you say that her injuries were mild, moderate or severe?
14. How did you decide that it was ‘likely’ that Amara had suffered brain death? Did you consult with other practitioners to make this diagnosis?
15. Was the brain stem dead?
16. If not, how can you declare brain death?
17. You mention that you failed to discuss organ donation with Mrs Begum for some time – approximately 48 hours. Can you tell us exactly when you raised this topic with her?
18. If her condition was mild/moderate as you told me before, why did you wait so long to discuss such a vital topic with her?
19. You mention in your evidence that you discussed Rebecca’s case with Mrs Begum. Do you agree that this may have guilted Mrs Begum into changing her views on organ donation?
20. Are you aware of Amara’s faith?
21. To the best of your understanding, how do members of the Islamic faith determine when organ donation can take place?
22. It is in fact brain stem death that is when the ‘spirit’ leaves the body.
23. I put it to you that as you could not determine brain stem death, you are in fact making a decision which is in breach of Islamic law. Given Amara’s dedication to her faith, it is unlikely that she would have decided to donate until brain stem death was determined.