

The Sheku Bayoh Public Inquiry

Witness Statement

Harry Kolberg

**Taken by [REDACTED] at witness' home address
on Tuesday 9 December 2021 and Thursday 3 February 2022**

Witness Details

1. My full name is Harry Bernhardt Kolberg. I get called Bernie, I don't get called Harry. My date of birth is in 1964. My contact details are known to the Inquiry.
2. I used to work at Tesco. I did this for 17 years. I started in 1979. I also worked the security of Tesco for a short period of time.
3. I wore glasses in 2015 for reading or actually working a computer. I don't use them for walking because I can't walk with my glasses. I don't need them for driving or for a distance. I've got perfect eyesight for distance.
4. I don't remember the exact date but I can remember the incident in Kirkcaldy almost like it was yesterday. I've been told I said in my previous statement to police (PS00286) the date of the incident was 3 May 2015 and I spoke with them the same day. That's right. I remember the police officers came to my home address.

Signature of witness.....

[REDACTED]

3 May 2015

5. It was in the morning after the night of the big boxing thing in America. My son, Robson Kolberg, went to be [REDACTED] up at Glamis Road, Kirkcaldy. I got a phone call at 6:00am saying for me to come and pick him up. That's how I ended up there.
6. At the time I drove a wee black Peugeot 107. I think the registration was [REDACTED] but I'm really bad at remembering my registrations. I've seen in my previous statement on page 2 that I said my registration was [REDACTED]. That's right, I remember.
7. I went and picked my son up around 6:30-7:00am. We come back down Glamis Road and we turned onto Templehall Avenue. Towards near enough the end of the road, I seen the man. I now know his name was Sheku but at the time I'd never clapped eyes on him before. On the satellite map of Kirkcaldy (SBPI-00006) the place where I first saw him is marked with a "1".


Sheku Bayoh

8. He was immaculately dressed. He was really smartly dressed. He looked like he was ready for going out on the town. It's not like someone who goes home at that time like that after the night and is looking rather rough and wear. He actually looked quite well groomed for that time in the morning. It doesn't matter to me what ethnicity or colour he was. I was focused on my driving so I couldn't tell if he was happy or sad or whatever.
9. [REDACTED] He was an African man. At the time I didn't know he actually wasn't UK's born. Now I do know he was born in Africa because of all the coverage.

Signature of witness..... [REDACTED]

First interaction

10. He was walking along the path initially. There's a reasonable gap, something like about 12-15 feet of grass verge separating the road from the path. As we got closer there's the speed island things, a traffic calming, and I thought he was going to stop there. He stood and what he did is he just stepped off there onto the road and walked towards the car.
11. I was travelling about 20-25mph. When I saw him walking towards the road I started to slow down a bit. I wondered what he was doing because I wasn't sure if he was drunk or not. Last thing I wanted was to have someone fall in front of the car.
12. From what I saw when I went past him his right hand was in a fist format. Whether there was anything in it or not I couldn't say for certain.
13. At that time as I got close to him I actually whipped around him. By this I mean I drove to the right hand lane of the road to go past him and then back to the left hand lane.
14. As we went around him he hit the car. I heard a thump. I swore at the time when I heard and felt this. In my previous statement on page 2 I said "*Just as we passed the male* **HIT THE CAR BK** *"* I don't know if he punched the car, all I know is I heard a massive thump. I was paying attention to the driving so there's no way of telling.
15. I was watching the road because I was coming up the junction. My son said he was actually running chasing the car and said it looked like he had a knife in his hand. I saw him in my mirror.
16. In my previous statement on page 2 it says "*I would say he appeared to be maybe* **ANGRY BK** *about something, as he banged the car and chased it"* How

Signature of witness..... 

would I know he was arguing? He maybe not looked happy about something but other than that you couldn't really tell why. The statement might be he's "angry" about something. Once he started chasing the car, you could see he was angry about something. When I looked in the mirror to see him chasing I [REDACTED] he was angry at that point.

ASSUMED BIK

First 999 call

17. I wanted to go down and along Hayfield Road because it's near a straightforward road to get back to my house. But I turned to the left instead of right so I could phone the police. We stopped just before we got to the hub garage.

18. I phoned the police as soon as we stopped. I just relayed to the police what my son said to me. On the satellite map of Kirkcaldy the place where I stopped to phone the police is marked with a "2".


19. ^{BEFORE BIK} [REDACTED] the car was stopped I looked in the mirror ^{AND BEFORE BK} [REDACTED] we were phoning the police and [REDACTED] he had actually run out from there across towards the Hayfield industrial estate. I didn't see him after he was past the trees near the road. I don't know if he was following a path there or maybe jumping the fence into the Hayfield industrial estate. He was running faster than a slow jog. I was happy to see the back of him at that point. I thought maybe he was running because he seen that I was phoning the police. On the satellite map of Kirkcaldy the place where I saw him going is marked with a "3".

Hayfield Road

20. After that we went back onto the route we were taking. We went back down Hendry Road and turned left into Hayfield Road. On the satellite map of Kirkcaldy the place where we turned down Hayfield Road is marked with a "4".

Signature of witness..... [REDACTED]

21. Then I saw the man standing there on Hayfield Road, facing off vans, cars, taxis, any vehicle that was on the road. He walked at them. I don't know whether he was wanting to be hit or not.
22. It didn't quite make a whole lot of sense that he was facing off the traffic. Everybody was having to turn around and go back.
23. I stopped at the wee layby bit where there's a bus stop. On the satellite map of Hayfield Road (SBPI-00005) the place where we stopped at the bus stop on Hayfield Road is marked with a "5". We just sat there for about a minute. It might've been because other cars were coming back and I had to wait until there was enough space.
24. He was facing off and travelling west. He was doing something, maybe trying to wave, I can't mind exact. He was just walking at cars, vans, taxis. Every time a car was coming towards him he'd walk in front of it. He was in the middle of the road.
25. I wasn't close enough to him at any point to see if there was something in his hand or not. I didn't see him thumping any other cars.
26. I was dismayed to see he was doing the same thing again. It looked like he was facing off vehicles and wanting to get hit. I didn't see his expression at this point. I don't know why he was doing this.
27. We decided to go so we turned around. We didn't want to go anywhere near him, we just wanted to get away from him. We went back up onto the top road. The man was coming towards us. He was about 50 to 75 yards from the junction of Hendry Road and Hayfield Road. On the satellite map of Kirkcaldy the place where I saw him walking on Hayfield Road when I was stopped at the bus stop is marked with a "6".

Signature of witness.....  ..

28. I just kept telling everybody to turn around away as we were going towards the junction. I waved at cars and said to them words to the effect of "Watch, there's somebody walking at the cars, you'd be better turning around".

29. We turned up the road and came back to the house that way.

30. That was the last thing we heard until things got said in the news.

31. Nothing stands out about giving the statement to the police. It was just a standard police statement. I've giving lots before when I was doing security with Tesco. I recognise my signature at the bottom of the handwritten statement (PIRC-00562) but I don't remember signing it.

Dashcam footage

32. I've watched my dashcam footage (PIRC-01178) which shows in front of my vehicle. The time stamp on the footage is one hour ahead because I hadn't changed the clock. It shows 8 o'clock for it actually being 7 o'clock. I gave this in a SD card to the police but I haven't watched it before. I have a backup SD card but I don't have the player for it. I've misplaced it so I can't watch it. I've watched Robson's one because it's an MP4.

33. At 08:10:45 time stamp on the footage I'm driving on Templehall Avenue. I see the man on the traffic calming bit. I called it a traffic calming but I just realised it's actually a crossing. Me and Robson are about 50 yards away from him. There was no reason for him to actually walk towards us. He could've walked straight across the road before I even got there. He is on the left hand side of the crossing. He's just about underneath the left green light.

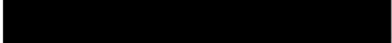
34. At 08:10:48 that's him walking straight towards me. He's come off about two or two and a half feet off the crossing and turned straight towards me.

Signature of witness....


[REDACTED]

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35. At 08:10:50 we've just about reached him. He's still walking towards the car and this is just before I veer to the right.
36. Between 08:10:50 and 52 I veer to the right to go past him and you can hear the thump. That was when I heard the man thumping the vehicle.
37. At about 08:10:52 to 54 it's hard to hear because of the music but we hear Robson say "It looks he's got a knife in the hand". I can't hear what I said. Maybe queried Robson when he was saying that.
38. The footage then shows us turning left and stopping. Robson is speaking on the 999 call. He says "T-hall" which is what we call Templehall.
39. At 08:12:12 we stop outside the Shell garage. You can hear us making the 999 call. This is first time I have heard my 999 call. It's on loudspeaker on the phone. A woman is speaking on the loudspeaker. I tell her what I saw. There's nothing else I want to comment on about it.
40. At 08:13:32 the footage jumps about 10 seconds. I don't know why. That old dashcam was bad for doing stupid things like that. I hadn't moved or anything like that. It's a bit of an oddity.
41. At 08:13:47 we're on Hendry Road. Ahead of us it turns to the left but that's not a new road, it's still Hendry Road going left. They've stuck a mini-roundabout ahead because that used to be a T-junction. On this frame you can see where the man in my mirror run down from Templehall Avenue, crossed the road and then when he's over the road I couldn't see him anymore. When he gets into the trees on the left side of the road I think there's bushes or something.
42. At 08:14:00 there's a building ahead. It was the "White" something. I don't think it's the White Heather but it could be the White Heather.

Signature of witness.... 

43. At 08:14:09 we turn left onto Hayfield Road. As I've said before this route is just to go home. As I've got pulled out my bed on a Sunday morning to pick up my boy I was wanting back home.
44. At 08:14:26 the bus stop on the left is about 25 or 30 yards, possibly, from the car. I didn't know at this point that the man was up ahead.
45. The footage playing on from 08:14:26 is when I first saw the man again and I said to Robson "Phone the police again". In the footage he's behind the car up ahead of us. You can't see him on the footage. The silver car has turned around and either me or my son said "the car had turned around". The dark coloured dark has stopped and reversed, you can see the red brake light. I could see the man at this point. My eyesight is better than the camera.
46. At 08:14:28 you can see the man on the footage.
47. At 08:14:39 There's a blue car heading towards him. I'd actually stopped by this point. The blue car has overtaken me. It's quite a wide road. On the left hand side of the road the line shows a cycle lane. There's possibly another cycle lane on the other side of the street but cars park on that side.
48. The footage jumps to 08:14:57. At 08:15:12 I can see him in the footage. He's in the middle of the road. There's a white van that's turned around. At that point I was speaking to the police on the phone and said "I see him, I've already phoned". That was the second call with police.
49. Robson then said I need to turn 'round, there's a car behind us. Somebody had stopped right next to us. I said to the driver that had stopped next to us "You better go that way".

Signature of witness..........

50. At 08:15:27 the man is now on the right-hand side of the road. He's part-
obscured by a parked car so you can't tell if he's on the pavement or the road.

51. At 08:15:33 I've been stopped in the same place for about a minute now. The
man is heading back towards Hendry Road. Towards me. I start moving the
car to turn to get away from him. Robson said the man is getting closer so we
needed to go. With him coming this direction all the other vehicles had moved
on a wee bit so I was able to turn around. I pulled into the bus stop to swing
around and give myself enough turning space. I didn't look in the mirror at this
time so can't remember which cars were behind me.


52. At 08:15:44 I'd done a U-turn and now I'm on the left-hand side of the road
going towards Hendry Road and towards what I think might be the White
Heather. I see the van that actually passed us earlier. I had to wait until he'd
actually moved forward a bit so that I was able to turn around. You see a blue
car and a white car. You can hear me telling him to turn around.

53. The weather at this point is a bit dreary. It's dizzy but it's not heavy. The
windscreen wipers are on but not on the fast one.

54. At 08:15:53 straight ahead of us I think the White Heather. It's not a place I've
frequented so I don't remember the name.

55. After that the footage skips again about 10 seconds to 08:16:06. We've left
the junction of Hendry Road to Hayfield Road and now I've just actually went
'round the roundabout and we're about to go up to the mini-roundabout which
is near the end of Templehall Avenue. The petrol station's on the right hand
side. The Shell one. I can see one of the blue vehicles ahead on the footage.
It looks like both cars we saw earlier in the footage are going this way.

56. At 08:16:13 there's a taxi straight ahead at the roundabout. We stop again
near the Shell petrol station. This is on Hendry Road.

Signature of witness..... 

57. Around 08:16:34 I made a second 999 call. I thought I made the second call down at Hayfield Road. I didn't realise until seeing the footage that it was up near the Shell petrol station after we come away from that escapade. Earlier on Hayfield Road I must've been saying to the other driver that we see him and we've already phoned the police.

58. When I made the second 999 call my tone of voice was a bit pissed off to be totally honest. At such a time in the morning you're just wanting to get home, get a cuppa and get in. I didn't need to sort it out I just wanted to get home at that point. He was being a nuisance doing what he was doing and making everyone have to turn. I wouldn't say I was tired at that time of the morning because I wake up quite early.

59. The footage jumps again to 08:17:18, about 10 seconds. You can hear me on the phone describing the man. My terminology is "a bit of a pain in the arse". That means a nuisance, basically. As I say, he hit the car, and then I go on my usual route and there he is again. Everyone was having to turn around.


60. At about 08:17:49 the video jumps again to 08:18:24. I've moved off and I'm driving home now.

61. The whole time I was in my car I never seen a police car or an ambulance or anything.

Robson Kolberg's iPhone footage

62. This footage will be a wee bit more clearer because it's through Robson's phone. I've seen the bairn's video from the phone before now.

63. When it starts you can hear me speaking to the other driver and my son telling me to turn around. The van was actually at the side of me so I couldn't turn

Signature of witness..... 

around. Once the van moved up a wee bit forward I was able to swing around. My son was saying "move now" and I couldn't.

64. 14 seconds into the footage we've got two cars on the right, a van on the left and the van looks like it's put its brake lights on. The man is in front of the van. I'd say he's about a foot past the white cycle lane line and standing in the road.

65. 17 seconds into the footage the van's pulling a U-turn. You can see the man a bit more clearly. When the footage plays you can see him looking left. He's walking towards me, he's on the left-hand side of the road and he looked left. His head moved to look left and it looked like his shoulders moved as well.

66. That's him crossing back over the road because he started on the right-hand side. He's moved in front of the vehicles to get to them and in front of the other vehicles, and then he's actually coming back that way. You can see him coming back across the road.

67. At 42 seconds he's crossed and it looks like he's actually gone on the pavement. He's walking, he's not running or anything. For his demeanour, he looks like he's strutting his stuff, but that's about it. It's like the big and butch walk bit. That's when you've got a lot of muscle tone and all the muscles tense up. I used to go to the gym and you tend to move more like he is, swinging your shoulders and just walking straight.

68. I knew he used to go to the gym. After his unfortunate demise I was told by somebody I knew who knew him from the gym. He said he done boxing or maybe it was just the gym. He definitely works out.

69. At 50 seconds my son has spun around and pointing the phone behind the car.

Signature of witness...

[REDACTED]

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70. At 57 seconds we're looking out the rear of the car. I can't see the man.

71. At 1 minute the white car's doing a U-turn. It's the only car behind me but I didn't see it behind me earlier at the time. It had to be that car because Robson told me there was a car behind me.

72. At 1 minute 4 seconds you can see he's on the right-hand side of the cars. He's actually on the pavement if that's him. He's been facing off other cars so they just came away from him.

73. At 1 minute 8 seconds you can see somebody has probably ran over the white sign in the middle of the road. It's a plastic sign.

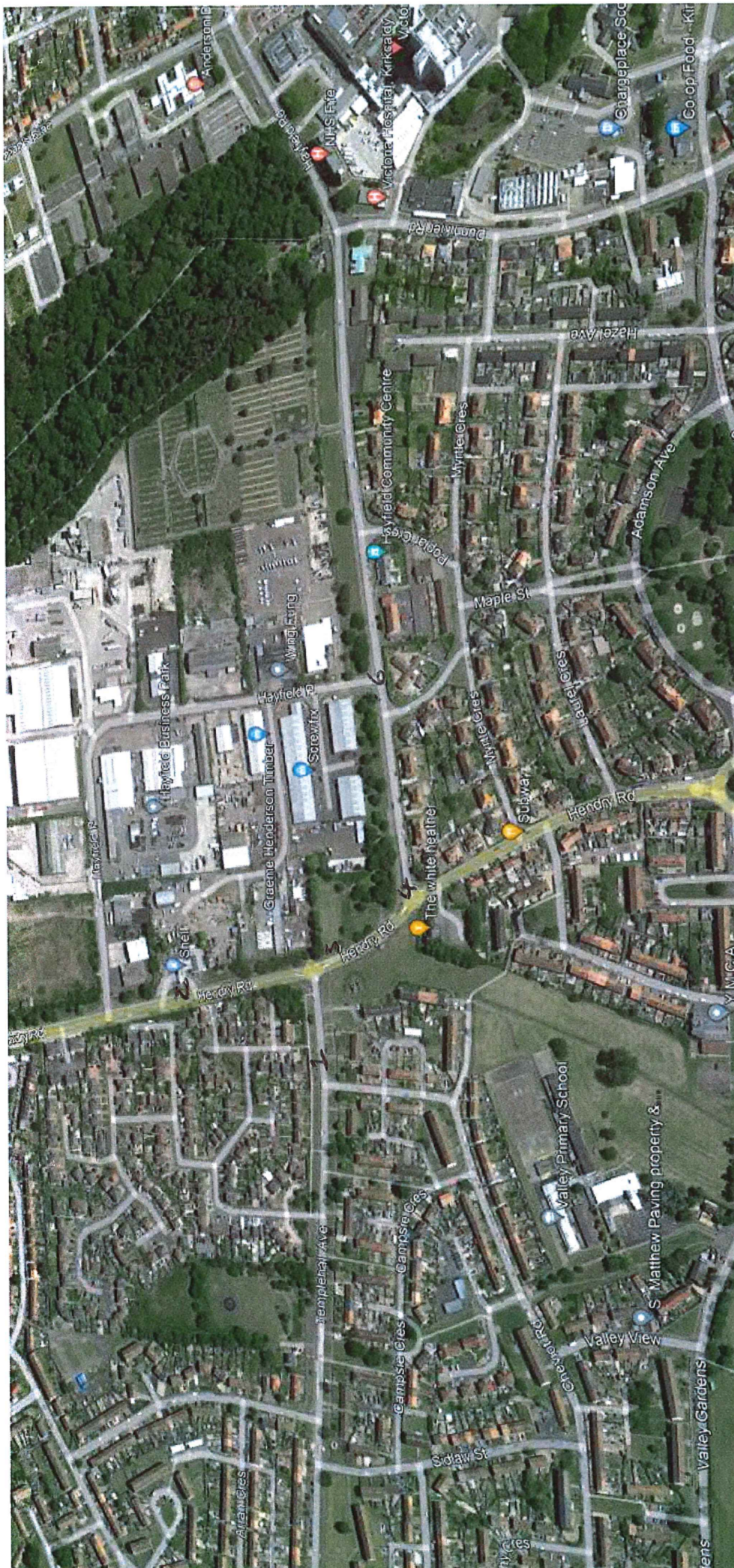
74. At 1 minute 9 seconds I was waving my hand and saying to the other drivers to "turn 'round and go that way".

75. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

Signature of witness.....

A black rectangular box redacting the signature of the witness.

..... Date 26/04/22



SHEKU BAYOH INQUIRY

Name of witness.....B. KOLLEK...

Signature of witness.....

Date...26/04/22



Name of witness.....IS COLIBERG.....

Signature of witness.....[REDACTED].....

Date.....26/04/22.....

**SHEKU
BAYOH
INQUIRY**