

Transcript of the Sheku Bayoh Inquiry

Tuesday, 31 January 2023

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(10.05 am)

LORD BRACADALE: Good morning, Mrs Johnson. Ms Grahame is going to take your evidence this morning. Before we do that, may I say that if you want to have a break at any time, just let me know and we can do that.

The next thing is that before you start I shall put you on oath. Would you say the words of the oath after me.

MRS KADIJARTU JOHNSON (sworn)

Questions from MS GRAHAME

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Good morning.

A. Morning.

Q. Would you tell us your full name please?

A. Kadijartu Johnson.

Q. And am I right in saying you're known as Kadi?

A. Yes.

Q. What age are you?

A. I'm 45.

Q. And we know your contact details, so we don't need to ask you that. Now, am I right in saying that if you refer to someone called Ade, that that's your husband?

A. That's right.

Q. And that's Ade Johnson?

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- 1 A. Yes.
- 2 Q. Thank you. And you are employed as a staff nurse?
- 3 A. Yes.
- 4 Q. You don't need to tell us where. Thank you.
- 5 I know that you have watched a lot of evidence in
6 the hearing and you will know that there's a folder in
7 front of you --
- 8 A. Yes.
- 9 Q. -- and that blue folder contains copies of your Inquiry
10 statement and a statement you gave to PIRC.
- 11 A. Yes.
- 12 Q. Now, if it at any time you would like to look at those,
13 feel free to do so. If you would like it to come up on
14 the screen, or a paragraph, just tell us and we can
15 arrange for that to happen.
- 16 A. Okay.
- 17 Q. If you look inside you will see what I'm calling the
18 PIRC statement, the statement you gave to PIRC, which is
19 00252, and just so that everyone else can see, that will
20 come up on the screen and as we move down the page you
21 will see that you gave this on 2 June 2015 at 10 past 2
22 in the afternoon. Do you have a hard copy of that in
23 the folder?
- 24 A. Yes.
- 25 Q. And it was taken by Investigator Alistair Lewis in the

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1 presence of Investigator John Clerkin.

2 A. Yes.

3 Q. And when you gave this statement to PIRC, that was just

4 under a month after your brother Sheku Bayoh had died.

5 A. Yes.

6 Q. And were you trying to tell them, as best you could,

7 your recollection of the events and the truth about what

8 had happened?

9 A. Yes.

10 Q. And then can I ask you to look at SBPI00236 which is

11 your Inquiry statement and that should also be in the

12 folder in front of you and this is a statement that you

13 gave to the Inquiry and it was taken by a member of the

14 Inquiry team.

15 A. Yes.

16 Q. On 4 November last year.

17 A. Yes.

18 Q. And if we look at -- you look at the hard copy in your

19 folder and if we can look at the final page, we can see

20 that it was signed by you on 12 January 2023.

21 A. Yes.

22 Q. Now, we have redacted your signature from the image on

23 the screen, but the actual version with your signature

24 on is in your folder.

25 A. Yes.

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1 Q. And I think, as we will see there, there's 13 pages of
2 your statement and I'm going to ask you some more
3 questions today about the events.

4 Just while we have that on screen, paragraph 36
5 says:

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

10 And you understand that to be the case.

11 A. Yes.

12 Q. And you know that the Chair can read and consider your
13 statement and take that into account as part of the
14 evidence in the Inquiry.

15 A. Yes.

16 Q. As well as the evidence that you give us today --

17 A. That's right, yes.

18 Q. -- under oath. And again, with this statement have you
19 done your best to tell us, as well as you can remember
20 now, an accurate recollection of what happened and
21 a true recollection?

22 A. Yes, I have.

23 Q. Thank you. Can we start with paragraph 2 of your
24 Inquiry statement and you will see here that we begin by
25 asking you about delivery of what's called the "death

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1 message", so when the police arrive to break the news to
2 you, and you say there that it was on 3 May 2015 at
3 about 3 o'clock in the afternoon.

4 A. Yes.

5 Q. And was it two plain clothes police officers came to
6 your house.

7 A. Yes, it was two plain clothes police officers who came
8 to the house.

9 Q. And you mention here that:

10 "Ade [your husband] called me that somebody [wanted]
11 to see me ..."

12 And you went down to the living room, or you went
13 into the living room.

14 A. Mm-hm.

15 Q. And it had been your daughter's birthday the day before.

16 A. Yes.

17 Q. And she was in the house and they were playing with toys
18 and gifts that she had had for her birthday.

19 A. Yes.

20 Q. And you have said that you saw two guys and your husband
21 told your daughter to take their toys up the stairs and
22 you realised they were from Police Scotland.

23 A. Yes.

24 Q. And then tell us what happened.

25 A. So when they came in and when I went into the living

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1 room they introduced themselves and they asked me what's
2 my name and they also asked me if I know Sheku Bayoh and
3 what's the relationship with me and Sheku and I told
4 them that he is my brother and then they said to me
5 "There's no easy way to say it, but Sheku has passed
6 away", and at that stage I just broke down, I was upset,
7 and started crying and then Ade was consoling me and he
8 was asking all the questions.

9 (Pause).

10 Q. And you were upset. Do you remember what your husband
11 was doing at that point?

12 A. Well, my husband was asking them how he died, as anybody
13 would ask when you get a message like that, how did your
14 loved one die and he was asking them all the questions,
15 how he died, and, you know, things like that.

16 Q. Right. What did the police say to your husband?

17 A. Well, like I said, I was not fully myself, but later on
18 Ade asked them how did he die? They were saying that
19 they were looking for two guys and the other thing again
20 they said he was found lying on the ground and they
21 called an ambulance and on the way to the hospital he
22 died, you know. We just had different stories during
23 that time when they told us that he had passed.

24 Q. Are you able to remember now what the officers looked
25 like? You have said there were two.

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1 A. I can't fully describe them now, but -- it's been
2 a while now, I can't remember what they looked like.
3 Maybe if I see them --

4 Q. Do you remember who it was that gave the information to
5 your husband and to you?

6 A. I know one of them had a nursing or medical background
7 and the other one -- the other one was giving us the
8 information. He was the one doing most of the talking.

9 Q. So the one who didn't have the medical background --

10 A. Yes.

11 Q. -- was doing most of the talking?

12 A. Yes.

13 Q. And you have mentioned they were looking for two guys.
14 Did they give you any more information about that?

15 A. No, no they didn't give us any information.

16 Q. Who was it that said that?

17 A. The other guy who didn't have the medical background.

18 Q. The one doing most of the talking?

19 A. Most of the talking, yes.

20 Q. Thank you. When he told you and Ade that they were
21 looking for two guys, did Ade ask any more questions
22 about that?

23 A. Yes, we did ask because when Sheku left my house he left
24 with his friend, so we asked about his friend because we
25 were concerned about him since Sheku has passed,

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1 you know -- I remember Ade saying "Was he involved in an
2 accident? Was it an accident?" and they said "No."
3 "Was he stabbed?" They said "No." "How did he die?"
4 They said "We don't know, but we're still looking for
5 these guys who might be involved in his death."

6 Q. What was the name of Sheku's friend?

7 A. Saeed.

8 Q. And you mentioned that when he had left the house he was
9 with Saeed.

10 A. He was with Saeed, yes.

11 Q. When had he left your house?

12 A. He left our house about -- maybe after 10 at night, yes.

13 Q. Was that the previous day?

14 A. Yes, the Saturday, yes.

15 Q. So that was the Saturday night, the 2 May.

16 A. Yes.

17 Q. And what had been happening in the house the previous
18 night?

19 A. It was my daughter's birthday and we were celebrating
20 her birthday. Earlier during the day she had her
21 friends round and in the evening it was just us,
22 you know, the adults came round with their children and
23 that's what we do mostly when it is parties, it's a way
24 for us to all get together and, you know, have fun.

25 Q. And how had Sheku, your brother, been that previous

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- 1 night?
- 2 A. Absolutely fine, no concerns at all. In fact he was
3 helping me wash the dishes, he was serving the guests,
4 he was extremely helpful. He even did some cleaning and
5 washing up before he left, so ...
- 6 Q. And so did you notice anything about his behaviour that
7 night that was out of the ordinary?
- 8 A. Nothing at all that would give us any alarm. That's why
9 I was so upset and so worried for them to tell me that
10 he had passed. It was just unbelievable.
- 11 Q. And had he had anything to drink on the Saturday night?
- 12 A. There were drinks, but nothing in excess, nothing in
13 excess.
- 14 Q. How long -- when the officers were in the house with
15 you, how long did they spend in the living room?
- 16 A. I can't remember the time frame, but after them giving
17 us the message they left and -- because after them
18 giving them the message I asked them if Colette knows
19 because that was Sheku's partner at the time. I said to
20 them "He has a partner, does she know?" And they said
21 "Yes", so --
- 22 Q. And is that Colette Bell?
- 23 A. Yes, yes.
- 24 Q. And they advised you that Colette Bell did know.
- 25 A. Yes and then I phoned her and then shortly after they

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1 left the house.

2 Q. And if we have a statement from Ade suggesting they
3 stayed around ten minutes, would you disagree with that,
4 or would you agree?

5 A. Yes, I will agree with that, yes.

6 Q. So how were things left when the officers left your
7 house at that point? Had they given you any information
8 about what was going to happen next?

9 A. Nothing much. They just said "If we've got any more
10 information we will let you know" and that's it. They
11 just left us like that, you know, with no proper
12 information on how Sheku had died.

13 Q. Was there any support offered to you, any support
14 coming?

15 A. I'm not sure if it was the first visit or the second
16 visit that they mentioned a family liaison officer. I'm
17 not quite sure, but they did mention something along
18 those lines, that they will be in touch.

19 Q. Let's move on and talk about the second visit. When did
20 they return to your house?

21 A. I can't remember how many minutes, but it wasn't too
22 long, they came back. They came back and then they told
23 us that if we would like their gaffer to come and speak
24 to us and Ade had asked who is their gaffer and we said
25 "Yes, we would like more information on how Sheku died.

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- 1 We want to know how Sheku died."
- 2 Q. Can you help the Chair understand how long it was
3 between them leaving after the first visit and them
4 coming back, even a rough estimate?
- 5 A. Maybe within ten minutes or so because it was -- they
6 were in and out, in and out, you know, in a short space
7 of time.
- 8 Q. Right, and it was the same officers who came back --
- 9 A. Yes, yes.
- 10 Q. -- the second time?
- 11 A. Yes.
- 12 Q. And when they came back the second time, did you return
13 to the living room, or did they --
- 14 A. Yes, they came into the living room, yes.
- 15 Q. And who was there at that point?
- 16 A. At that time Colette had come to the house, Colette had
17 arrived at the house.
- 18 Q. So during the time that the officers had left after the
19 first visit, you had phoned Colette and she had come
20 round?
- 21 A. Yes, I spoke to Colette just before they left the first
22 time and she said she will come over and she came
23 because it's not far from where she stays.
- 24 Q. And at that time, how far was it from your house?
- 25 A. Maybe it would be like ten minutes drive or so from

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- 1 Glenrothes to Kirkcaldy.
- 2 Q. Did Colette come alone?
- 3 A. No, she came with her mum and the baby.
- 4 Q. And is that Lorraine Bell?
- 5 A. Yes.
- 6 Q. When the police officers arrived back the second time,
7 tell us what they said to you on that occasion.
- 8 A. When they came the second time they said if we would
9 like their gaffer to come and tell us how Sheku died and
10 we said "Yes". That's when I remember Ade saying "Who
11 is your gaffer?" And they said "Mr McEwan" and then Ade
12 said "Garry?" Then they were a bit shocked because Ade
13 knew the name Garry and then they said yes, he will come
14 and speak to us, so we said "Okay, that's fine",
15 you know.
- 16 Q. Who did the talking on the second occasion?
- 17 A. The same person, the same --
- 18 Q. The same one. He was the one without the medical
19 background.
- 20 A. Yes.
- 21 Q. And you have mentioned the word "gaffer". Did you
22 understand what that meant at the time?
- 23 A. Yes. Living in Scotland for that length of time I had
24 come across that word before.
- 25 Q. Right. Is that a word you would normally use, or is

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- 1 that the word the officer used?
- 2 A. That's the word the officer used, but I don't use those
- 3 terms.
- 4 Q. Okay. And they were referring to a Garry McEwan --
- 5 A. Yes.
- 6 Q. -- who was their boss or their gaffer.
- 7 A. Their boss, yes.
- 8 Q. And having explained about Mr McEwan coming,
- 9 Garry McEwan coming, what message did the officers give
- 10 you on that occasion, so this is the second visit?
- 11 A. Well, the one who was doing all the talking was going in
- 12 and out. He came back to say "Garry will not come
- 13 because he is in a meeting", but he was reading from
- 14 a notebook saying that Sheku was involved in a forceful
- 15 arrest and during that time he became unconscious and
- 16 died and we just got more upset hearing that word,
- 17 you know, and we were crying again and me and Colette we
- 18 were crying, and just, you know, we were just so upset.
- 19 Q. Do you remember the colour of the notebook?
- 20 A. Black and I -- it has got a red trim on it or something
- 21 like that.
- 22 Q. And who was it that was reading from the notebook, which
- 23 officer?
- 24 A. The same one who was doing all the talking.
- 25 Q. And you have used the expression "forceful arrest".

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- 1 A. Yes.
- 2 Q. How clearly do you remember the officer using that
3 expression?
- 4 A. I remember that very clearly because when they mentioned
5 the word "forceful" I remember speaking to the one who
6 had the nursing background saying "Forceful arrest, that
7 means that, you know, Sheku must have been manhandled
8 and during that time, you know, they might have
9 obstructed his airways", something like that. I was
10 just, you know, thinking about those lines, those
11 things, you know, like that.
- 12 Q. And what was it that made you think about his airway
13 being obstructed?
- 14 A. It's just the word "forceful" and the arrest and I have
15 seen, you know, in telly and things like that how these
16 things are like, so it just took me there about his
17 airways and with my, you know, nursing background as
18 well I just thought those could be his -- those could be
19 obstructed during a forceful encounter with the police.
- 20 Q. So that was your concern, both from your own background
21 as a nurse and awareness of medical issues yourself --
- 22 A. Yes.
- 23 Q. -- but also your awareness of other issues from the
24 telly.
- 25 A. Mm-hm.

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1 Q. Tell us, in 2015, what you were aware of from your
2 general awareness and from the television.

3 A. Well, there was a few deaths in America that had
4 happened during an encounter with black people and
5 the police and they had died as well. So, you know, our
6 attention was, was that the same way Sheku was handled?
7 You know.

8 Q. Was that your concern at that time?

9 A. Yes, yes.

10 Q. Can I ask you to look at a copy of a notebook, PS18502
11 please. This will come up on the screen and I think it
12 is page 40 that we're looking for. Now, you will see
13 that that's in handwriting.

14 Excuse me, I think there may be a slight issue with
15 the screens behind me. Although I can see it on my
16 screen, some of the screens --

17 LORD BRACADALE: (Mic turned off).

18 MS GRAHAME: I can see that it is working on the large
19 screens and perhaps --

20 LORD BRACADALE: (Mic turned off).

21 (Pause).

22 MS GRAHAME: Thank you.

23 Looking back at the screen you will see this is in
24 handwriting. I'm going to read out a typed version
25 because the handwriting can maybe be a little difficult

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1 to read, but if I read it slowly you can follow it as we
2 go through:

3 "Following an incident this morning in the
4 Hayfield Road area of Kirkcaldy, officers from PS ..."

5 Which I understand we will hear means
6 Police Scotland:

7 "... have been attempting to arrest Sheku Bayoh,
8 during which time he has become unconscious - conveyed
9 to hospital by SAS ..."

10 My understanding is that that will mean the Scottish
11 ambulance service:

12 "... and despite best efforts by hospital staff,
13 died shortly after 9 am."

14 Now that I have read that out, do you remember that
15 being read out to you by the officer?

16 A. No.

17 Q. You don't?

18 A. No.

19 Q. So tell us again what it is you remember that you were
20 told by the officers.

21 A. They told us that Sheku was involved in a forceful
22 arrest and during that time he became unconscious and
23 died in hospital. That's what we were told.

24 Q. You will see that in the version I have read out that's
25 on the screen the words "forceful arrest" don't appear

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- 1 there.
- 2 A. Yes.
- 3 Q. But am I correct in saying your recollection is that
- 4 those words were actually used by the officers?
- 5 A. Yes. I'm very clear of that word being used.
- 6 Q. You're very clear?
- 7 A. Very clear, yes.
- 8 Q. And how was the information that you were given at this
- 9 second visit different from the information that you had
- 10 been given at the first visit?
- 11 A. Well, the first visit they only came to tell us that he
- 12 had died, with no further information because they were
- 13 not quite sure how he died, but the second time they
- 14 came that's when they read this out.
- 15 Q. And when the officer was looking or reading from his
- 16 notebook and when the information was given to you about
- 17 the forceful arrest, are you able to describe the
- 18 officer's demeanour, the way he looked, how he was
- 19 acting?
- 20 A. I think if I remember right he was sitting down and
- 21 reading from the notebook. He was calm when he was
- 22 reading it to us, when he was giving us the information.
- 23 Yes, he was calm when he was saying it to us, yes.
- 24 Q. And what was his colleague doing? How did he appear?
- 25 A. He was just there really.

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1 Q. Was he also in the living room --

2 A. Yes.

3 Q. -- sitting down?

4 A. Yes.

5 Q. And that second visit, how long did that last?

6 A. Maybe I would say about ten minutes or so, something

7 around there. I'm not quite sure about the length of

8 time, but maybe about ten minutes.

9 Q. And you said earlier you couldn't remember if it was the

10 first visit or the second visit, but there was some

11 mention of a family liaison officer.

12 A. Yes.

13 Q. Tell us what you were told about family liaison

14 officers.

15 A. They said a family liaison officer will be in touch and

16 if we need anything they will be able to help us with

17 that.

18 Q. Were you given an explanation about what a family

19 liaison officer was or --

20 A. No.

21 Q. -- what they did?

22 A. No.

23 Q. Were you told when they would arrive?

24 A. No, no, nothing, no.

25 Q. Were you told whether they were coming from the police

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- 1 or any other organisation?
- 2 A. Nothing at all. They just told us that and then they
- 3 left again.
- 4 Q. Were you told who they would be?
- 5 A. No. No names or anything. Nothing at all.
- 6 Q. And then you have mentioned Garry McEwan.
- 7 A. Mm-hm.
- 8 Q. And you have certainly mentioned in paragraph 8 of your
- 9 statement -- if we move away from the notebook, please,
- 10 and go back to paragraph 8 and you say:
- 11 "When they had left, at that point other friends and
- 12 relatives ... who were at the party the day before --
- 13 they had come to the house, and that's when Garry came
- 14 with a lady."
- 15 Can I just ask you what was happening in the house
- 16 at this time?
- 17 A. At this time I had contacted our friends who had been in
- 18 the house before to say Sheku had passed so they were
- 19 all in shock and they all came to the house, yes, so
- 20 they all came just to give us support and they were all
- 21 in shock to be honest, yes.
- 22 Q. And when you refer to Garry there are you talking about
- 23 Garry McEwan?
- 24 A. Yes.
- 25 Q. And when did he arrive with the lady?

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1 A. They came when -- some of our friends and family were in
2 the house when he came with a lady.

3 Q. And the lady, was that a fellow police officer?

4 A. Yes, yes.

5 Q. And do you remember what time it was that Garry McEwan
6 arrived?

7 A. Maybe about 4 or 5ish, somewhere there. I mean I had
8 lost track of the time, but maybe about 4 or 5,
9 somewhere there.

10 Q. And you told us earlier that Garry McEwan knew your
11 husband Ade.

12 A. Yes.

13 Q. And you say that:

14 "...He met Ade at the door...he [asked] Ade if he
15 can speak to me and Ade privately, and Ade said 'No,
16 just come to the living room and speak to everybody;
17 we're all family.' So that's when he came to the living
18 room to explain...what had happened."

19 So he came into the living room where everyone was?

20 A. Yes.

21 Q. How many people were there at that time?

22 A. Maybe about ten or so, yes. About ten people.

23 Q. And then you say in your statement:

24 "So that's when he came to the living room to
25 explain...what had happened.

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1 "He said that when the police met Sheku, he didn't
2 obey their commands, and...he said [that] he was
3 carrying a machete, and then [we] all [reacted] 'What?
4 A machete?'. Then he said, 'Oh, maybe it might be
5 a blade, it might be a knife.' So it wasn't really
6 clear what exactly Sheku was holding at that time when
7 he explained it to us. Then he said Sheku had punched
8 a policewoman, the policewoman fell, and he stamped on
9 the policewoman [and] that's when the
10 other...police officers used their batons and spray, and
11 they got him on the floor and...he died in hospital."

12 And what you have explained there in paragraph 8, is
13 that your recollection of the conversation that you had
14 with Garry McEwan?

15 A. Yes, yes.

16 Q. If I can I will go back through some of that with you if
17 you don't mind.

18 A. Mm-hm.

19 Q. And you have said that initially he says that:

20 "When the police met Sheku, he didn't obey their
21 commands..."

22 Did he give you any more information about that at
23 that time?

24 A. He just said he (inaudible) he didn't obey their
25 commands. We didn't know what sort of commands, we

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1 didn't know what was said or what wasn't said. That's
2 just how he put it to us.

3 Q. And he mentioned a machete. The reaction was:

4 "What? A machete?"

5 And then he said:

6 "...Maybe it might be a blade, it might be a knife."

7 You will see that as that's written in the statement
8 there's speech marks or apostrophes:

9 "Oh, maybe it might be a blade, it might be
10 a knife."

11 Is that the words that you remember Garry McEwan
12 using?

13 A. Yes, he said he was holding a machete, then when we
14 reacted to him and said "Machete?" then he said it might
15 be a blade or it might be a knife, he wasn't quite sure
16 what the weapon was.

17 Q. All right, and then he said Sheku had punched
18 a policewoman, the policewoman fell and he stamped on
19 the policewoman.

20 A. Yes.

21 Q. Was this the first time that you had been told that?

22 A. Yes, this was the first time we heard all of that.

23 Q. And that was from Garry McEwan himself?

24 A. Yes.

25 Q. He was the one doing the talking?

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- 1 A. Yes.
- 2 Q. And what was your reaction when you heard that?
- 3 A. Very, very upset. We were all shocked, especially the
4 word "machete". I've never seen a machete in this
5 country before and for my brother to have that, that was
6 very shocking for us to hear and also for Sheku to have
7 punched, stamped on a policewoman, that was shocking to
8 us as well because I couldn't believe why Sheku should
9 act in such a way.
- 10 Q. And why was it shocking when you heard this being said
11 about your brother?
- 12 A. Because that's not the Sheku I know. That's not how he
13 was raised. That's not his character, so for him to do
14 all of this was very surprising to us.
- 15 Q. If Sheku did act like that was that out of character for
16 him?
- 17 A. Yes, that would have been way out of character because
18 that's not like him.
- 19 Q. And then at the end of the paragraph it says:
20 "That's when the other police officers used their
21 batons and spray, and they got him on the floor,
22 and...he died in hospital."
- 23 A. Yes.
- 24 Q. Can I ask you about the order of this. The way this
25 statement is written is that Garry McEwan mentions that

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1 Sheku punched a policewoman, she fell and he stamped on
2 her and that's when the officers used their batons and
3 spray. Was that the order that you were given of the
4 course of events by Garry McEwan?

5 A. Yes, that's how I remembered it.

6 Q. So I want to be clear, you weren't told that they had
7 used their batons and spray prior to being --

8 A. No.

9 Q. -- in terms of the order.

10 A. No, the order I remember it was he didn't respond to
11 their commands, he was holding a machete, a blade,
12 a knife, and then he punched the policewoman, stamped on
13 her and then that's when they used their sprays and
14 batons and got him on the floor.

15 Q. Thank you. Was there any explanation given to you by
16 Garry McEwan about the difference between a machete and
17 a blade or a knife and why he had used one word as
18 opposed to another?

19 A. No. To us he wasn't quite sure of what he was telling
20 us himself.

21 Q. Right, and in terms of the information that you were
22 given by Garry McEwan, how did that differ from the
23 information you had been given earlier by the other
24 police officers?

25 A. Well, it's completely different because at first they

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1 told us they are looking for two guys, he was found in
2 the road, he died on his way to the hospital and then
3 Garry came with this completely different story, so it's
4 completely two different information we got that day.

5 Q. You have mentioned that you were told he was found on
6 the road. Who was it that told you Sheku was found on
7 the road?

8 A. That's the other guy when he was speaking to Ade.

9 Q. Was that the first visit or the second?

10 A. The first visit.

11 Q. The first visit. By the time you have had this
12 conversation with Garry McEwan and the information you
13 have received has changed, how were you feeling at that
14 point about the information you were getting from
15 the police?

16 A. We were very upset. I was very upset and in shock,
17 you know, to hear all this information, knowing the
18 brother I know. I was quite surprised, upset and in
19 shock.

20 Q. And what impact did it have on the relationship you were
21 having with the police officers and the connection you
22 had with the police officers, to be given different
23 information by different officers?

24 A. I don't know if there was any connection because they
25 just came to give us an information and that's it. They

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1 just came to tell us what they told us and that's all.

2 Q. How did you feel about the fact that the information you
3 were getting was changing?

4 A. We started to feel suspicious. We started to feel that
5 are we really getting the real facts, are these true, is
6 it the true story we are getting, is it made up or what?
7 Because how can you come and tell me I have lost a loved
8 one and you don't know exactly what to say to me, how
9 to -- to tell me how he died?

10 Q. When you talk about suspicion or feeling suspicious, can
11 you tell us a little bit more about those feelings that
12 you were starting to have?

13 A. Like I said, from the very first time they came in, they
14 were not sure how Sheku died and this was about
15 3 o'clock in the afternoon and we got to understand that
16 all of this happened in the morning hours. So for them
17 to come to my house at 3 o'clock in the afternoon, still
18 not knowing how Sheku died was suspicious to me and why
19 would they act in such a way to me and my family?

20 Q. Can I ask you to look at paragraph 16 of your statement
21 please. You say here:

22 "...I don't know if it's because we are black
23 people, they just think that whatever they tell us we'll
24 go with it...whatever they say, we'll just say 'Oh yeah,
25 yeah that's fine.' No, we would not settle for that

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1 because we know...the system. We've been in Scotland
2 for a long time...if things happen, we are expecting you
3 to come and tell us the truth. I think, if they had
4 told us the truth, that very moment, yes, we would have
5 been upset, but I think we would have handled it in
6 a different way than how we are dealing with it
7 now...because they lied from the beginning... and we
8 lost faith."

9 Why do you say, "I don't know if it's because we are
10 black people"?

11 A. Because that's my perception. I just can't believe them
12 coming to our house to tell me that I my brother has
13 died and yet they can't tell me exactly how he died.
14 For me that's wrong. We deserve to know the truth. We
15 deserve to know how my brother died and, like I said,
16 the incident had happened earlier was in the morning and
17 they came to me at about 3 o'clock. That's a long time
18 for information to have gathered for them to come and
19 give it to me, but yet that wasn't relayed to me when
20 they came to my house. Instead we were having all this
21 different information and that really got us upset and
22 we lost faith.

23 Q. And do you feel -- yes. Could we possibly have a short
24 break?

25 LORD BRACADALE: Yes, we will have a short break just now,

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1 Mrs Johnson.

2 (10.45 am)

3 (Short Break)

4 (10.56 am)

5 LORD BRACADALE: Yes, Ms Grahame.

6 MS GRAHAME: We were looking at paragraph 16 --

7 A. Yes.

8 Q. -- of your statement. We will just go back to that for
9 a moment. You talk there of feeling you had been lied
10 to from the beginning and you lost faith.

11 A. Mm-hm.

12 Q. And then just before the break, you spoke to me about
13 having suspicions. What were your suspicions about?

14 A. Because the stories were completely two different
15 things. At the first time, they were looking for people
16 involved in his death, and the second time, they had
17 information that he was carrying a weapon and he
18 assaulted a policewoman. So they were completely two
19 different things. That's why we were suspicious like
20 what exactly happened, what is exactly the truth. Just
21 tell us what happened, why Sheku is the only one who
22 died. What exactly happened.

23 Q. And I asked you before the break about -- you had said
24 in your statement:

25 "... I don't know if it's because we are black

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1 people."

2 When you spoke about your perception of things, do
3 you think you would have been treated differently if you
4 had been a white family in Kirkcaldy?

5 A. Well, that's my belief, because why can they think that
6 they can just come to a black family and tell them
7 anything and expect us to just go along with that
8 without asking questions, or without any -- without us
9 wanting to know the truth? And my belief is if we were
10 white maybe we would have been treated differently.

11 Q. And where you say:

12 "No, we would not settle for that because we know
13 ... the system."

14 What do you mean by that?

15 A. Because I know that if somebody has passed away, it is
16 their right to know how their loved one died. They have
17 the right to know exactly how the person died, not to
18 come and tell them different stories. That's what
19 I meant by "the system".

20 Q. So, in Scotland, people should know how their loved one
21 died?

22 A. Yes.

23 Q. And you talk about being in Scotland for a long time and
24 you then said:

25 "... if things happen, we are expecting you to come

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1 and tell us the truth."

2 And that's what you expected the police to do?

3 A. Yes.

4 Q. Looking back now, can you help the Chair understand what
5 would have helped you as a family during those visits?

6 A. If they had come to us from the start and tell us
7 exactly what had happened, yes, we would have been upset
8 because we have lost a loved one, but I don't want to
9 believe that we might be in this position where we are
10 today, because we know the truth. But because they
11 didn't tell us exactly what happened from the start,
12 that's why we are here and because we want to know
13 exactly how Sheku died, why was he the only one who died
14 on 3 May.

15 Q. So from your own perspective now, looking back, how
16 could things have been improved by Police Scotland when
17 they came to the house?

18 A. From the first instant, they should come and tell us the
19 truth. They should tell us exactly how police met Sheku
20 or how the calls came in, we didn't know anything about
21 the calls at the time, you know, we didn't know anything
22 about that, they didn't tell us that.

23 Q. Is that the 999 calls?

24 A. Yes. We didn't know anything about that, you know, so
25 we want -- if they had come and tell us exactly how they

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1 got the information, up until they met Sheku, up until
2 he died, you know, just give us the -- in a systematic
3 way how he died, then I think we would have handled it
4 in a different way.

5 Q. And if the police didn't have all the information when
6 they came to the house, to what extent would you have
7 still wanted more information from them?

8 A. I want to believe that they had a lot of information
9 from the morning up until 3 o'clock, you know. Like
10 I said, they didn't tell us anything about the phone
11 calls, they didn't tell us anything much about how they
12 met Sheku, all of these things, you know. So if they
13 had given us all what they had at the start, you know,
14 and as time went on, they had told us, you know, how
15 things were going, how -- what information they had,
16 then I think that would have been helpful to us as
17 a family.

18 Q. And I would like to ask you, if I may -- if we could go
19 back to paragraph 11 of your statement. You have been
20 asked about further engagement with Police Scotland that
21 evening, so this is after Garry McEwan has been to
22 visit. And:

23 "... they did say that a family liaison officer will
24 come. So somebody came after that, I believe maybe it's
25 a family liaison officer ... But I remember another

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1 [person] coming to the house, that was quite late. When
2 he came in, he said we should go and identify the body
3 ... I said to him 'No'. I said, 'My mum is in London.
4 I'll arrange for her to come the next day, and when she
5 comes we'll go and identify the body'. That's what
6 I said to him."

7 Could you tell us a little bit more about this
8 paragraph? Let's begin with the family liaison officer.

9 A. Mm-hm.

10 Q. When do you remember first hearing about the possibility
11 of a family liaison officer?

12 A. When they first came to tell us he had passed, they did
13 mention that a family liaison will get in touch with us,
14 so I think they came to the house -- they came a bit
15 late. I can't remember the exact time, but it was late
16 in the evening. And then I believe he had introduced
17 himself as a family liaison officer and then we were
18 asked to go and identify the body and that's when
19 I said, "No", I said, "My mum is in London and we will
20 arrange for her to come up the next day", which would
21 have been on the Monday, "And we will arrange for that,
22 to go and identify the body, once she is here."

23 Q. Let's go through that. Do you remember what the family
24 liaison officer looked like?

25 A. No, it's been a while now, I can't remember.

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1 Q. Did he tell you where he was from, which organisation he
2 was from?

3 A. I think he was from PIRC, if I remember right. Yes.

4 Q. What information did he give you about family liaison
5 and his role?

6 A. I can't remember really if he explained his role and
7 what he is supposed to do and what we're expecting of
8 him. I can't remember him saying that. I can't
9 remember.

10 Q. Were you given any information leaflets or any written
11 documentation about that?

12 A. No, not that I can remember, no.

13 Q. Would that have been of any help to you?

14 A. I think it would have. I think it would have, because
15 to me, family liaison, I'm thinking maybe it is a person
16 that you can rely on, or, you know, somebody who will be
17 there for support, but I don't think we had that
18 connection.

19 Q. What support would you have found useful at that time?

20 A. Maybe just somebody that we can -- to be a link,
21 you know, that we can speak to, or if we have any
22 concerns, you know, to feed back to the police or get
23 more information from the police about how Sheku died,
24 something like that. Or even our own wellbeing,
25 you know, we were -- that's my -- that's what I was

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1 expecting the family liaison officer to do.

2 Q. And when you mention the word "link", that's the link
3 with the police?

4 A. Yes.

5 Q. Did you have any connection at all with the Crown at
6 that time, the Crown Office, or Fiscal?

7 A. That was when we contacted our lawyer and that's when,
8 you know, he made all of that arrangements for us after
9 that.

10 Q. So that was later.

11 A. That was later on, yes.

12 Q. We will come on to that. So you mentioned seeing
13 Police Scotland on the day and you think the family
14 liaison officer was from PIRC?

15 A. Yes.

16 Q. You mentioned something about identifying the body in
17 a conversation you had had?

18 A. Yes.

19 Q. Who was that with?

20 A. I think he was -- because it was the two of them who
21 were there and --

22 Q. When you say "two", which --

23 A. Two men, two men were there and --

24 Q. Was that from PIRC, the family liaison officer, or
25 police officers?

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- 1 A. No, they were not police officers because they were in
2 plain clothes, so I think they were from PIRC. The one
3 who told us to identify the body, he was a bit taller,
4 he was a tall man, he was the one who told us to
5 identify the body.
- 6 Q. What did he tell you?
- 7 A. He just said, "Are you ready to come down to the
8 hospital to identify the body?" That's how he said it.
9 Yes.
- 10 Q. And what was your reply?
- 11 A. And I said, "No". I said, "His mother is in London and
12 I'm arranging for her to come up tomorrow." That was
13 the Monday. I said, "Once she is here, she would want
14 to see her son as well and we will go and identify the
15 body."
- 16 Q. Did you make it clear to that person that you would go
17 the next day once Sheku's mother was in Kirkcaldy?
- 18 A. I told them that our mum was coming on the next day and
19 we can arrange to see the body then, yes.
- 20 Q. Had you already spoken to Sheku's mum at that point?
- 21 A. Well, I spoke to her on -- before they came, but she was
22 upset so we didn't talk about identifying the body at
23 that time. She was just so upset and I was just
24 arranging for her to come up, you know, which is what
25 she wanted to do as well, to just come and -- to just

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1 come by me and see what's happening.

2 Q. And she was in London at the time?

3 A. Yes. She was with one of my sisters in London.

4 Q. Which sister was she with?

5 A. Adama, at the time, yes.

6 Q. And how had you discussed plans for her travelling up to

7 Kirkcaldy the next day?

8 A. Well, as soon as it happened, once we've got ourselves

9 together, then I think it was Ade who went online and

10 started looking for tickets for her to come up the next

11 day.

12 Q. Tickets for a plane --

13 A. Yes.

14 Q. -- or a train?

15 A. Yes, for the plane, because that was quicker for her.

16 Q. When did you anticipate she would be in Kirkcaldy?

17 A. The Monday.

18 Q. What time?

19 A. I think we got a flight in the -- I think she got -- she

20 got in at about maybe 2 or 3 in the afternoon, yes.

21 Q. And was that into Edinburgh?

22 A. Edinburgh.

23 Q. And was she collected from the airport?

24 A. Yes, she was collected by one of our family friends as

25 well who took her to the house.

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1 Q. Right. Did your sister also travel with Sheku's mum?

2 A. No, not at that time, but she came with one of her
3 cousin. My mum came with one of her aunties basically.

4 Q. So she had some company on the flight?

5 A. Yes.

6 Q. And when you explained to the person you think is from
7 PIRC, the family liaison officer, that Sheku's mum would
8 be travelling up the next day, did you make it clear
9 that you would be willing to identify the body once she
10 had arrived in Scotland?

11 A. Mm-hm. Yes, it was clear that we will identify the body
12 once my mum is here. That was made clear.

13 Q. And did the person ask any more questions about when
14 your mum would get to Scotland or how she was getting to
15 Scotland?

16 A. Not that I can remember, no.

17 Q. Can I go back to paragraphs 15 and 16 of your statement.
18 Let's look at 15, first of all. You said in line 2
19 there:

20 "I feel it was appalling the way we were treated
21 because how can you come and deliver such information
22 when you know that the very first question is 'How did
23 my loved one die?' and yet you couldn't tell us. Why
24 did they feel that they can come to our house to deliver
25 such information without knowing the proper answer, or

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1 why did they decide to just tell us whatever they want
2 to say to us and they thought that we will go with it or
3 we will just believe it? ... I work in the healthcare
4 profession ... I have seen the way doctors [break] such
5 news to family members ... Even if a death is expected,
6 the way even you [break] such news to family members you
7 do it with compassion ..."

8 You mention the word "compassion" there. How would
9 you compare your experiences on the Sunday with
10 the police to what you describe there?

11 A. Well, for me, there was no compassion. They just came,
12 they told me the news. Yes, they were calm, but
13 I didn't feel no compassion, because if you are
14 delivering such information, you should have the right
15 words to tell me. You should have the true words to
16 tell me, but that wasn't expressed to me. So, for me,
17 there was no compassion, they just came, they did their
18 job and just told me the news.

19 Q. Looking back now, how do you feel that -- or how do you
20 think the police could have demonstrated compassion to
21 you?

22 A. I think they should have -- because when they came to
23 tell me, they just identified themselves, asked me who
24 I am, asked about Sheku and just said it as it is,
25 you know, that Sheku has passed. And that was it,

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1 you know. I didn't see no empathy or so, it was just
2 a news they were breaking to the family.

3 Q. Would it have made a difference if they had spent longer
4 with you than they did?

5 A. Maybe not, because they were not giving us -- they
6 didn't know what to say to us, so there was no point in
7 them staying any longer, you know.

8 Q. Do you feel there was a difference between the way you
9 were treated when the family liaison officer arrived
10 compared to the police officers who arrived initially?

11 A. I think there was not much difference, because when they
12 came in, you know, we were at that time of grieving and
13 they wanted us to move, you know, like go and identify
14 the body. And, you know, that was -- for me, it was
15 a bit too much of a rush, you know, and I didn't feel it
16 was -- I don't know if it's the system, but I don't know
17 if it's the right way to go about things like that when
18 a family is grieving in that state.

19 Q. What information were you given about timescale and when
20 things would be done and the way they would be done?

21 A. Nothing was explained to us about how things were going
22 to be done. Nothing was explained at all.

23 Q. And you feel there was too much of a rush. Did you have
24 expectations about how much time you would have?

25 A. No, I wasn't expecting them to come in to tell me to

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1 identify the body that same evening, because it was
2 quite late. It was quite late in the day for them to
3 tell me to go and identify the body at that time.
4 I wasn't expecting that at all, so ... I mean, I've
5 never been in that situation before, so I wasn't really
6 expecting somebody to come and tell me to go and
7 identify the body at that time.

8 Q. Did you have any expectations about when you would be
9 asked to identify the body?

10 A. No, no, not at all. Because, like I said, I've never
11 been in such situation in my life before, so I don't
12 know.

13 Q. Did you make the police aware of Sheku's religion?

14 A. I don't think we spoke about religion at that time, no.
15 We didn't speak about his religion at that time.

16 Q. Did the police ask about any religion or any particular
17 cultural aspects in relation to Sheku?

18 A. Not on 3 May, no.

19 Q. Not on 3 May?

20 A. Not on 3 May.

21 Q. Did they ask any questions that would have given you the
22 opportunity to explain about your family circumstances
23 or cultural issues of any kind?

24 A. Not on 3 May, no.

25 Q. Would it have helped if they had addressed those

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- 1 questions with you on that day?
- 2 A. Yes, I think it would have helped. Then I think they
3 would have understood why I said, "Let's wait for my mum
4 to come up".
- 5 Q. And why was it so important for you to wait for your
6 mum?
- 7 A. Because that's her son, that's her only son. And, for
8 us, my mum is still alive, you know, so it's her right
9 as well to go and see her son for the last time,
10 you know, and ... to see ...
- 11 Q. Is that something you thought would be very important to
12 your mum?
- 13 A. Yes.
- 14 Q. Was your mum the lady we saw on the video last May --
- 15 A. Yes.
- 16 Q. -- before we started the evidential hearings?
- 17 A. That's right, yes.
- 18 Q. And we have seen her in the public space --
- 19 A. Yes.
- 20 Q. -- watching the evidence?
- 21 A. Yes.
- 22 Q. And as far as you are aware, it was important for her to
23 be in Scotland --
- 24 A. Yes.
- 25 Q. -- and to be able to identify Sheku?

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1 A. Yes.

2 Q. When the family liaison person came, did they discuss
3 any -- or ask you any questions about Sheku's religion
4 or any cultural issues?

5 A. No, not on 3 May. They didn't ask me anything about
6 that.

7 Q. We may have a statement -- we do have a statement from
8 Ade and he has indicated he thought that PIRC came to
9 the house around about 10 o'clock at night.

10 A. Yes.

11 Q. Do you think that would be about right?

12 A. Yes, because it was quite late at night, yes.

13 Q. And I think he mentions Keith Harrower and Alexander
14 Maguire attending from PIRC. Do you remember the names?

15 A. Maybe that's their names, I'm not too sure.

16 Q. Not sure.

17 A. I'm not good with names.

18 Q. How did you find the people from PIRC who came to see
19 you that evening? How did you -- their demeanour, their
20 manner, how were they with you?

21 A. I think they were a bit firm on, you know, what they --
22 they were a bit firm, I would say. You know, they came
23 in, they did introduce themselves and, you know, the way
24 they told us to go and identify the body, they were
25 a bit firm, you know, as if "You have to do it now",

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- 1 you know, so ...
- 2 Q. So you would describe them as formal, a bit formal?
- 3 A. Yes.
- 4 Q. The statement we have from Ade indicates that he found
- 5 them to be arrogant. Now, is that a comment you would
- 6 agree with, or do you think that's too strong, or do you
- 7 disagree?
- 8 A. I wouldn't disagree with that, because of the demeanour
- 9 they came with, you know. It was -- like he said, he
- 10 was firm in his words to say, "You have to identify the
- 11 body".
- 12 Q. Right. In terms of their manner that evening, how did
- 13 that make you feel?
- 14 A. I was a bit upset and angry, because I thought, "You
- 15 have walked into my house, you know, from 3 o'clock.
- 16 I don't know exactly how my brother has died, no one has
- 17 told me yet the full truth and yet you are coming to
- 18 tell me now to go and identify the body, this late at
- 19 night."
- 20 Q. Did they tell you where Sheku's body was at that time?
- 21 A. In the Victoria Hospital.
- 22 Q. That's in Kirkcaldy?
- 23 A. In Kirkcaldy, yes.
- 24 Q. In terms of -- you have talked about your expectations
- 25 about how the family liaison would deal with your

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1 wellbeing, the wellbeing of the family. Do you feel
2 that that was a significant part of their role, or the
3 way they dealt with you?

4 A. I believe that maybe that was part of their role,
5 you know.

6 Q. How do you feel in terms of whether they fulfilled that
7 role?

8 A. They didn't fulfil that role at all to me, because
9 I didn't feel any support from them.

10 Q. What could they have done for you to feel more
11 supported?

12 A. Just to -- you know, maybe just to check up on us, how
13 we are doing, how are we coping. You know, like I said,
14 they should have been like a link. We were looking for
15 somebody at least we could use to speak to the police,
16 or the police might give them information to pass on to
17 us, something like that. That was my feeling and
18 understanding how they were supposed to work.

19 Q. Obviously I'm asking questions about this today. Did
20 anyone from the family liaison ask you how they could
21 support you and how they could help make you feel more
22 supported by them?

23 A. At the very first instant, because we didn't have that
24 connection with them, I don't think we saw them --
25 I don't think we saw them again after that, if

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1 I remember right, yes.

2 Q. Why was that?

3 A. I don't know.

4 Q. Did they get in touch with you again at all?

5 A. No, no. After that we were just communicating with our
6 lawyer after that; yes.

7 Q. And once you instructed your lawyer, Aamer Anwar, was
8 there any instruction given about how the family should
9 be contacted or was there any --

10 A. I think when we contacted our lawyer, we preferred all
11 communication to go through him, yes.

12 Q. And was that the position from the moment you --

13 A. Yes.

14 Q. -- instructed Aamer?

15 A. Yes.

16 Q. And tell us why was it that you instructed a lawyer?

17 A. When we had called all -- you know, like our friends,
18 you know, they all came and they were there when Garry
19 was explaining how Sheku died. Like I said, everybody
20 was suspicious, you know, everybody believed that we
21 have not been told the whole truth, so that's when we
22 were advised to contact a lawyer and that's what we did.

23 Q. At the point you instructed a lawyer, how was your --
24 I use the word "relationship", but how was your
25 connection with the police at that time?

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1 A. There was no connection. There was no connection after
2 that.

3 Q. If you had had a better connection with the police,
4 would you have instructed a lawyer at that stage?

5 A. Maybe not at that stage, because if we had trusted them
6 and we had had that connection with them, maybe -- maybe
7 later on, but not at that very instant, yes.

8 Q. Looking back now, I'm wondering if you could help the
9 Chair in identifying what support you might have found
10 helpful in the early stages?

11 A. At the early stages, because I was still working for the
12 NHS, when I got to tell my manager what was happening,
13 she instantly referred me for counselling, which I found
14 very helpful to me and I was thinking maybe those are
15 things that the family liaison officer would have done
16 for us. I was just thinking maybe that's part of their
17 role, I'm not sure exactly, but that was what I was
18 thinking that they will do for us, looking after our
19 wellbeing as well, but that wasn't done for us. So with
20 me benefiting from that through my work, I found that
21 very helpful and it helped me a lot.

22 Q. Would other members of your family perhaps have found
23 counselling helpful?

24 A. Yes. My first thought was Colette, which was in a bad
25 state, you know. I thought maybe she would have

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1 benefited a lot from counselling at that stage.

2 Q. And so if the family liaison had built up a better
3 rapport or a better relationship, you would have hoped
4 that they could have organised counselling for other
5 members of the family?

6 A. Yes, yes. I mean, even counselling was suggested by my
7 manager. I didn't even think about that, you know,
8 so -- which I found very helpful. So I was thinking
9 that maybe these are things that they should have
10 suggested to us, you know, or to Colette, for us to
11 benefit from that, but that wasn't offered to us.

12 Q. And apart from counselling -- and I have asked you
13 specifically about leaflets or written information -- is
14 there anything else now that you think you may have
15 found helpful?

16 A. I think just general checking up on us, how we are
17 doing, "What's happening? Do you need anything, any
18 help at all?" I think that would have been helpful to
19 us.

20 Q. And in terms of the regularity -- obviously everyone
21 will be different, but how often they want that contact,
22 what would you have found helpful in terms of how often
23 they would have contacted you?

24 A. Well, after 3 May, Garry visited the house a few times,
25 you know. He came to the house, he was asking how we

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1 are doing, if we need anything, if we need anything at
2 all, you know. He was just checking up on us on
3 a regular basis.

4 Q. Was that helpful?

5 A. Yes, it was -- he made us feel that he was concerned
6 about us, you know.

7 Q. I understand that Ade your husband and Garry McEwan knew
8 each other?

9 A. Yes.

10 Q. Personally?

11 A. Yes.

12 Q. I think through maybe Ade's work?

13 A. Yes, yes. I wasn't sure whether he was doing that
14 because of his role or because of his relationship with
15 Ade. I wasn't -- I'm not sure. I don't know.

16 Q. So you don't know if that was normal for someone of
17 Garry McEwan's rank to meet with --

18 A. Yes, yes.

19 Q. -- the family?

20 A. The family like that.

21 Q. Or not. I think we may hear that that's not always what
22 happens. But if -- leaving aside Garry McEwan -- if,
23 for example, the family liaison people had popped in on
24 a regular basis, would that have been helpful for you?

25 A. Yes, I think if we had had that connection at the start,

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1 you know, they would have been the best people for us to
2 lean on, so -- but we didn't have that.

3 Q. And once your solicitor was instructed, you have said
4 that all contact was through him?

5 A. Yes.

6 Q. Did that prevent ongoing contact with Police Scotland or
7 the family liaison from that moment?

8 A. Yes, from that moment -- we wanted that, we wanted that
9 communication to go through our lawyer, you know, so --
10 because there was nothing there, there was no help
11 there, so we may as well go through our lawyer.

12 Q. But if that support or help had been there from 3 May,
13 would you have continued to rely on that, or lean on
14 that support?

15 A. Yes, if it was there at the start, they would have been
16 our link and our -- we would have leaned on them for
17 a while.

18 Q. Thank you. I would like to move on and ask you some
19 more questions about the identification. You have
20 talked about PIRC coming in on the evening of 3 May and
21 asking you and the conversation you had in relation to
22 your mother travelling up from London. So I think
23 that's paragraph 11, I think. We touched on that
24 earlier when we were exploring family liaison, but we
25 will see in the second half of that paragraph, you talk

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1 about remembering another person coming to the house
2 quite late and:

3 "When he came in, he said we should go and identify
4 the body ... I said to him 'No'. I said, 'My mum is in
5 London. I'll arrange for her to come the next day, and
6 when she comes we'll go and identify the body'."

7 In fact, you have told us already that your mum did
8 travel up the next day.

9 A. Yes.

10 Q. And she was in Edinburgh in the afternoon?

11 A. Mm-hm.

12 Q. Did you make it clear to the person from PIRC that your
13 mum would be coming the next day, the Monday?

14 A. Yes, we made that clear that she will come the next day.
15 We didn't specify on the exact time, because I think I'm
16 not too sure if the ticket was confirmed or not yet, but
17 we did say that the next day she would definitely be
18 here.

19 Q. And that's information you shared with PIRC?

20 A. Yes.

21 Q. And when you had that conversation, do you remember, was
22 anyone around at that time apart from yourself and
23 a person from PIRC?

24 A. Yes, Ade was there, yes. Ade was always there whenever
25 we are communicating, yes.

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- 1 Q. Thank you. So can I be clear, were you willing to
2 identify the body?
- 3 A. Yes, yes, we were willing to identify the body. The
4 only thing we asked for is to wait for my mum. That's
5 all we asked for.
- 6 Q. Right. And did you make that clear to PIRC?
- 7 A. Yes.
- 8 Q. So when that conversation was concluded, what was your
9 understanding of the position about identifying the
10 body?
- 11 A. I thought they accepted our request and they will wait
12 for my mum to come, then we can arrange to go and see
13 the body.
- 14 Q. Do you remember if there was any more information given
15 to you about the requirement for a post mortem?
- 16 A. No, no.
- 17 Q. And to the extent there was a conversation about
18 identification, was that only with the person from PIRC?
- 19 A. Yes.
- 20 Q. Not with Police Scotland?
- 21 A. No, no.
- 22 Q. Were PIRC aware that Sheku was a Muslim?
- 23 A. I don't know if they were aware at that time. I don't
24 know.
- 25 Q. Do you remember if they asked any questions about that?

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- 1 A. No, I can't remember any questions was asked on 3 May or
2 not.
- 3 Q. Can I ask -- and it may be that people have some
4 curiosity about this, because you do hear things on the
5 television and in the media. Is it of some impact or
6 some concern for people who are Muslim that there will
7 be a post-mortem carried out on a family member? Some
8 people will have heard that Muslim people will refuse or
9 object to post-mortems being carried out. Was that any
10 part of your conversation, or your mindset?
- 11 A. Not at all. No, no, not at all.
- 12 Q. Did you understand the need for that?
- 13 A. That didn't even cross our mind that, you know, we will
14 object because he is a Muslim or not. That didn't even
15 cross our mind at all. No. His religion had nothing to
16 do with the post-mortem as far as we are concerned.
- 17 Q. And so had you been asked how you felt about the
18 post-mortem, you wouldn't have objected?
- 19 A. No, I wouldn't have objected at all. Not at all.
- 20 Q. Not on those grounds at all?
- 21 A. No, no.
- 22 Q. Did you feel that PIRC that evening had an understanding
23 of the feelings of the family in relation to identifying
24 the body? Do you think they went away with a clear
25 understanding of where you were coming from?

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1 A. Yes, I believe -- I want to believe that they went away
2 with the understanding that as soon as my mum comes, we
3 can arrange to go and see the body.

4 Q. Did you, at any stage, have the impression that you were
5 being asked for consent to the post-mortem being carried
6 out?

7 A. I think I believed that maybe after identification then
8 post-mortem would carry out -- would be carried out
9 after that.

10 Q. Right. So your understanding at that time was that
11 identification would take place first?

12 A. Before, yes.

13 Q. Did you understand the ways in which the body could be
14 identified?

15 A. No.

16 Q. Did you have any impression that it could only be the
17 family that could identify --

18 A. Yes, that's --

19 Q. -- Sheku?

20 A. That's my understanding, yes.

21 Q. Did anyone explain to you that they could identify him
22 in other ways?

23 A. No.

24 Q. Was that a surprise to you?

25 A. Yes. Like I said, no much information was given to us.

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1 They just asked us to go and identify the body and we
2 said, "No" and that was it.

3 Q. "No" until your Mum came --

4 A. Until my mum comes up, yes, and that was it.

5 Q. Can I ask you to look at another statement because I'm
6 going to ask you to comment on this. It's PIRC00007 and
7 it's a statement of Keith Harrower, who is a deputy
8 senior investigator with PIRC, and it is dated
9 6 August 2015. And I have not noted down the page
10 number, sorry. That's my mistake.

11 I will read out the first paragraph that I want to
12 look at. It is:

13 "During the discussions with the family ..."

14 Apologies for this. Here we are, thank you very
15 much. I'm not sure which page that is actually. It is
16 page 6, thank you. Sorry for that. So I will read this
17 out:

18 "During the discussions with the family ..."

19 So this is a statement from Mr Harrower:

20 "... I informed them that COPFS [the Crown Office]
21 have made arrangements for a post-mortem examination of
22 the now deceased in Edinburgh on the afternoon of
23 Monday, 4 May 2015."

24 Do you remember having a discussion with
25 Mr Harrower, or hearing about a discussion --

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- 1 A. No.
- 2 Q. -- with Mr Harrower about a post-mortem taking place on
3 the Monday?
- 4 A. No.
- 5 Q. "I requested that two appropriate family members could
6 make themselves available to attend the City Mortuary in
7 Edinburgh to make a formal identification of the body."
- 8 Do you remember hearing or receiving a request that
9 two family members attend the City Mortuary in
10 Edinburgh?
- 11 A. No. I can't remember this conversation.
- 12 Q. "Mr Johnson ..."
- 13 We can take that as being your husband, Ade Johnson:
14 "... stated that the family had discussed matters
15 and that no members of the family were willing to do the
16 identification until family members, including the now
17 deceased's mother, came to Kirkcaldy."
- 18 Do you remember that being -- Ade explaining that to
19 Mr Harrower?
- 20 A. No, I can't remember this conversation between -- maybe
21 it's the two of them who had this conversation, but
22 I wasn't aware of this.
- 23 Q. You weren't aware of that. But it is correct that you
24 were waiting for Sheku's mother --
- 25 A. For my mother, yes.

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- 1 Q. -- to come --
- 2 A. That was said to them on 3 May when they wanted that, so
- 3 ...
- 4 Q. And then it says on the next page, 7:
- 5 "She was travelling from England with a group and
- 6 would possibly arrive some time the following day."
- 7 So she was coming from London.
- 8 A. Yes.
- 9 Q. And arriving the next day, the Monday. And it says
- 10 there she was coming with a group but you have told us
- 11 that was a cousin?
- 12 A. It was just one. The rest came by road.
- 13 Q. So other members of the family came on the road?
- 14 A. By road, yes.
- 15 Q. Tell us -- if we look at paragraph 20 of your statement,
- 16 you have been asked about when you found out that the
- 17 post-mortem had been carried out. And paragraph 20, you
- 18 talk about:
- 19 "On the Sunday, we contacted Aamer ..."
- 20 That's Aamer Anwar:
- 21 "... and we left a message on his answering machine
- 22 at the time. Then, on the Monday, he did call back and
- 23 he spoke to Ade, and he said, 'Come to the office on the
- 24 Tuesday'."
- 25 So that would be 5 May?

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1 A. That's right.

2 Q. "So we went to his office on the Tuesday, and then he
3 asked if we are ready to view the body ..."

4 So this is Aamer Anwar asked if you were ready to
5 view the body?

6 A. Mm-hm.

7 Q. And:

8 "We said 'Yes,' ... So then he made a phone call.
9 He made a phone call to make an arrangement for us to
10 view the body, and then that's when we understood that
11 the post-mortem has already been done."

12 Was that the first time that you found out that the
13 post-mortem had already been done?

14 A. Yes.

15 Q. And you say:

16 "... we are all really upset in Aamer's office
17 because why did they go about doing that without us not
18 identifying the body?"

19 Could you describe your reaction when you found out
20 about the post-mortem?

21 A. Well, when we went to Aamer's office, it was us and the
22 other family members who had come up from London, so
23 there was quite a few of us in his office and when he
24 told us this information, we were all so upset,
25 shouting, you know, and just -- we were just saying,

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- 1 "Why did they go ahead doing that without us not
2 identifying the body?" So we were just upset and some
3 were crying as well, yes.
- 4 Q. Who was present in Aamer's office?
- 5 A. Me, my sisters, some of my aunties and uncles were there
6 as well. There was a few of us there.
- 7 Q. Was Sheku's mother there?
- 8 A. Yes, my mum was there as well, yes.
- 9 Q. You mentioned the other family members. They had all
10 arrived by the Tuesday morning?
- 11 A. Yes, they had arrived, yes.
- 12 Q. Had they arrived on the Monday night --
- 13 A. The Monday night, yes.
- 14 Q. -- as planned?
- 15 A. Mm-hm.
- 16 Q. From your perspective, at that time, what did you
17 understand the purpose of viewing the body to be?
- 18 A. I just thought maybe to identify that that is indeed
19 Sheku before any post-mortem was carried out. That was
20 my understanding.
- 21 Q. And from the family's perspective --
- 22 A. That's how we all understood it, that you confirm first
23 to make sure that that's your person and then the
24 post-mortem goes on.
- 25 Q. And as well as identifying the body prior to the

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- 1 post-mortem, what benefit would the family have
2 personally from having that moment to view the body?
- 3 A. I think maybe we would have had -- just seen him for the
4 last time, because that was the last time, you know. We
5 just wanted to see him. We just wanted to touch him,
6 you know. We just wanted to have that last connection
7 with him before, you know ...
- 8 Q. Looking back now, how would that have helped you and the
9 family to have that time?
- 10 A. It would have given us some peace, you know. It would
11 have given us some -- I think we would have some peace
12 in our minds, you know, just seeing him and touching him
13 for the last time and saying our goodbyes to him, but we
14 didn't have that opportunity to do that.
- 15 Q. And having missed out on that opportunity, what impact
16 has that had on you?
- 17 A. Now we are only left with what if, what did he look
18 like, what happened, was his arm broken, was his leg
19 broken? You know, we're just speculating in our minds
20 how his body was.
- 21 Q. As I understand it, at some point, you were allowed to
22 go to view Sheku?
- 23 A. Mm-hm.
- 24 Q. Tell us when that happened?
- 25 A. After we got the message, Aamer arranged for us and we

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1 went to view the body. I can't remember the specific
2 date anyway, but we went to view the body in Edinburgh.
3 That's where we went to view him.

4 Q. Who was there?

5 A. It was me, Ade, my two sisters and my sister's husband
6 at the time.

7 Q. Anyone else from the family?

8 A. No, that's us. My mum didn't go.

9 Q. And tell me what information were you given about what
10 you were about to do in advance of seeing Sheku? What
11 advice were you given, what information, what support
12 were you given?

13 A. There was no information. It was just, "You're going to
14 see Sheku" and that was it, yes.

15 Q. You mention in your statement that he was behind glass?

16 A. Yes.

17 Q. Was that explained to you --

18 A. No.

19 Q. -- before you went, that he would be behind glass?

20 A. No.

21 Q. And you have mentioned earlier about wanting to touch
22 Sheku.

23 A. Mm-hm.

24 Q. As I understand it, that wasn't permitted?

25 A. Yes.

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- 1 Q. Had that been explained to you --
- 2 A. Mm-hm.
- 3 Q. -- that he would be behind glass and you wouldn't be
4 able to touch him?
- 5 A. I think it would have prepared us mentally to know what
6 to expect when we walked in. But when we walked in, we
7 just saw glass and they opened a curtain like -- they
8 opened a curtain and we just saw his face. We were
9 quite surprised, you know, to see him like that, because
10 we were expecting to see -- to touch him, you know, feel
11 him, but nothing -- we didn't have that opportunity and
12 we were not prepared to go in to see him through a glass
13 and just to see just his face and that's all.
- 14 Q. And in terms of being given more information to allow
15 you to prepare, would you have found that helpful before
16 you arrived at the mortuary, or on arrival? What would
17 have been most helpful to you?
- 18 A. Most helpful if we would have got that information
19 before we got there. But even so, if when we arrived,
20 they would have told us that information, that would
21 help us as well.
- 22 Q. Having not had that information, what impact has that
23 had on you long-term?
- 24 A. Oh, like I said, a big impact, because all we saw is his
25 face through a glass, through a glass window, and that

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- 1 was it. We didn't touch him, we didn't have that
2 connection with him. We didn't speak to him, you know,
3 nothing at all. He was just there and that's all.
- 4 Q. Were the whole family part of that viewing, or did only
5 some members --
- 6 A. It was myself, Adama and my sister's husband at the time
7 who actually went in to see him.
- 8 Q. So was Ade your husband there for the viewing?
- 9 A. He didn't go inside to see him. He was sitting in
10 another room with my older sister, with Kosna.
- 11 Q. So of the family members who went in, there was one man
12 who was your sister's husband at the time?
- 13 A. Yes.
- 14 Q. And it's not something that your mother was able to go
15 to?
- 16 A. No, I think as -- when she came and we explained,
17 you know, what we knew at the time, then she decided
18 that she doesn't want to remember her son like that,
19 so ...
- 20 Q. And after the viewing were you offered any support?
- 21 A. Nothing at all, no. No.
- 22 Q. Is there anything -- looking back now, is there anything
23 that you would have found helpful?
- 24 A. I think it would have been helpful if we were prepared,
25 you know, what we were going in to see. And after that,

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1 went to the offices of Aamer Anwar.

2 A. Yes.

3 Q. And on the Monday, he had said, "Come in on the

4 Tuesday", so it's 5 May --

5 A. Yes.

6 Q. -- the Tuesday morning and you have told us about the

7 family being in his office.

8 A. Mm-hm.

9 Q. And you said:

10 "So we went to his office on the Tuesday, and then

11 he asked if we are ready to view the body. We said,

12 'Yes,' ... So then he made a phone call."

13 What was the purpose of that phone call at that

14 time?

15 A. I believe it was to make arrangements to view the body,

16 yes.

17 Q. And was that the understanding of --

18 A. Yes.

19 Q. -- everyone in the room --

20 A. Yes.

21 Q. -- that the call from Mr Aamer Anwar would be to --

22 A. Is to arrange, to view --

23 Q. -- make arrangements?

24 A. Yes.

25 Q. So, at that time, in terms of what the family and your

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1 solicitors were aware of, you thought you were still to
2 make arrangements to view the body --

3 A. Yes.

4 Q. -- prior to the post-mortem being carried out?

5 A. Yes.

6 Q. Thank you. Can I ask you about the viewing and you have
7 told us that when you were in the mortuary who was there
8 and you have mentioned your brother-in-law, or the
9 person who was your brother-in-law at the time and he
10 was the only male that went in to view behind the
11 screen.

12 A. Yes.

13 Q. Can I ask -- I'm going to read something out to you from
14 a statement and ask you to comment. So if we could look
15 please at SBPI00246 and this is a statement that the
16 Inquiry has received from an Alistair Lewis. You will
17 see that in a moment. This is the Inquiry statement
18 from October and it is from a gentleman called Alistair
19 Lewis, who is a deputy senior investigator with PIRC.
20 All right? I'm going to ask you to look at
21 paragraphs 35 to 37. This is his statement to the
22 Inquiry and it relates to the viewing. He says:

23 "I have been asked what I recall about the family
24 viewing the body and whether any concerns being
25 expressed by the family. The family viewed the body

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1 through a large glass window, and Sheku was lying in the
2 room the other side of the glass. I remember them
3 asking us something about Sheku's eye and there was no
4 injury to his eye, I don't think. I think it was Ade
5 and Kadi and there was another male there who refused to
6 identify himself, basically wouldn't make any contact
7 with us, any eye contact with us at all."

8 Do you remember speaking to Mr Lewis at the
9 mortuary?

10 A. There was a man there, but I can't remember his name.
11 Maybe it might be him, I'm not sure.

12 Q. Had you met that man prior to going to the mortuary?

13 A. I can't remember. Maybe. I can't remember.

14 Q. All right. And he goes on to say:

15 "Ade and Kadi attended at the mortuary; however,
16 they did not view the body of Sheku. It was this male
17 who then wanted to view the body. I don't know where
18 the information had come from, but they asked about an
19 eye injury, and I said, 'No, there's no such injury'."

20 And he has said there that although you and your
21 husband attended at the mortuary, you did not view the
22 body. Is that correct?

23 A. No, that's not true. Like I said, it was myself, Adama
24 and my sister's ex-husband at the time. We went in to
25 see Sheku.

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1 Q. Right. And then paragraph 36, please. This is his
2 statement:

3 "I have been asked if I remember any comments
4 suggesting there would be repercussions for Sheku's
5 death. There was. It says brother-in-law. I don't
6 remember him identifying himself as their
7 brother-in-law, but there was certainly a male - if it
8 was him - who viewed Sheku - did mention something.
9 I can't remember his exact words. I can't be sure but
10 the words 'you will be avenged' springs to mind, but
11 I didn't record that, and I'm not hundred per cent
12 certain of that, but words to that effect."

13 Do you have any recollection of your brother-in-law
14 using the words "you will be avenged"?

15 A. No, that word was never used. It was never used. When
16 we were in that room, we were just so sad seeing Sheku,
17 we were crying. Even when we came out, Kosna and Ade
18 were asking us how he was, we were explaining and then
19 we were crying as well and that was it. Nothing at all
20 was mentioned. He never said a word.

21 Q. And then can we look at paragraph 37, please:

22 "I have been asked from the handwriting if it was me
23 who submitted an incident message dated 6 May, time
24 10.30."

25 That's 10.30 in the morning:

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1 "That's intelligence so it's recorded within major
2 incident. So yes, I submitted that. It states, 'During
3 family viewing of the body at the above time and date,
4 a brother-in-law of the deceased made the following
5 comments: 'There will be justice. There will be
6 violence. We will get those responsible'. This was
7 repeated several times'. The comments were overheard by
8 PIRC investigators during the viewing. Details of this
9 male would not be provided'. When I say details of this
10 male would not be provided - I mean that the individual
11 was unwilling to confirm his name to me."

12 Again, can I ask you, do you remember during your
13 visit to the mortuary those words being said by your
14 brother-in-law, "There will be justice, there will be
15 violence, we will get those responsible"?

16 A. Those words were never said by him, never said by him.
17 I don't know where they got this from.

18 Q. Were you with your brother-in-law -- in the room with
19 your brother-in-law at all times during your visit to
20 the mortuary?

21 A. Yes, yes.

22 Q. Was there any time during that visit that he was out of
23 earshot where he could have been speaking without you
24 hearing?

25 A. Not that I can remember. I think we were together all

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1 the time.

2 Q. Is it possible where you were in the mortuary that he
3 would have spoken very quietly and been overheard by
4 someone else but not by you?

5 A. No. Like I said, in the room where we saw Sheku, it was
6 just us three in there. It was just us three and we
7 were just there so upset, you know, seeing Sheku like
8 that. We were so upset. And then when we came out, Ade
9 and Kosna were asking us how he was and we were just
10 explaining to them how -- what we saw.

11 Q. Can you explain how this could have -- this statement
12 could have been sent in to the Chair with these comments
13 from Mr Lewis?

14 A. I really don't understand or know where these comments
15 came from, because this man was so quiet, he was so
16 upset. He was just -- I believe he was in shock himself
17 seeing Sheku in that state. He didn't -- I can't
18 remember him saying anything at all in this -- along
19 these lines.

20 Q. And on that date, on 6 May, when you were at the
21 mortuary, does this description reflect how the family
22 were feeling?

23 A. No, like I said, we were upset seeing Sheku like that,
24 we were shocked not to touch him, or, you know, to touch
25 him at all, just to see him through the glass window.

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1 We were shocked about that and we were shocked to just
2 see just his face. That's all we were -- we were
3 wondering why did we just see his face only, why did we
4 not see his full body? Why it's just his face they
5 showed us? That's what we were talking about.

6 Q. Can you give us any explanation why this description
7 would have been given by Mr Lewis?

8 A. I honestly can't explain anything about this, because
9 nothing was said, to my understanding, nothing was said.
10 He didn't say a word along these lines.

11 Q. Thank you.

12 A. I just don't know where this came from.

13 Q. Thank you. I would like to move on and ask you about
14 a call from the embassy at Sierra Leone.

15 A. Mm-hm.

16 Q. Could we look at paragraph 21 of your statement, please.
17 Now, this follows on just after the paragraph about your
18 meeting in Aamer Anwar's offices on the Tuesday, the
19 6th, and you say here:

20 "Then on our way coming back home, that's when we
21 got a call from the Sierra Leone embassy down in London
22 to say somebody from Police Scotland, I think, or
23 somebody from Scotland are saying that ... they've got
24 their citizen who has died ..."

25 And asking what the process is for sending the body

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1 back to Sierra Leone.

2 Can I stop there for a moment. Who received the

3 call?

4 A. When we were coming back, it was my sister Kosna who

5 received the call because --

6 Q. Your sister?

7 A. Yes.

8 Q. Which sister?

9 A. Kosna.

10 Q. Kosna.

11 A. Yes. She received the call from one -- I think it was

12 one of our aunties, because they tried to trace, trace

13 and trace and they finally got the call and then she

14 called Kosna to say this. So we were all in the car and

15 then she passed the phone to Ade and that's when we were

16 told this.

17 Q. So your sister received the call and who was it that was

18 calling her?

19 A. It was another relative who called her to say somebody

20 from the Sierra Leone embassy has called in regards to

21 Sheku Bayoh. They want to send his body back to

22 Sierra Leone, so that's when Kosna passed the phone to

23 Ade and then he followed up with the embassy.

24 Q. Who was this other relative that you're mentioning?

25 A. She was down in London. It was one of our aunties.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So an auntie in London, based in London?
- 2 A. Yes.
- 3 Q. And from your understanding of the situation who had
4 contacted the auntie in London?
- 5 A. It was somebody from the embassy.
- 6 Q. Someone from the embassy in London --
- 7 A. In London, yes.
- 8 Q. -- had phoned a relative of yours in London?
- 9 A. Yes.
- 10 Q. Tell me the name of your auntie who received the call
11 from the embassy?
- 12 A. She was Rama Toure(?), if I remember right.
- 13 Q. Sorry, I didn't catch?
- 14 A. Rama Toure.
- 15 Q. Thank you. How long after you left Mr Aamer Anwar's
16 offices did you get this call?
- 17 A. Maybe like 10, 15 minutes or so when we left his office.
- 18 Q. Did you overhear the conversation Ade had on the
19 telephone?
- 20 A. No, I think Ade just phoned the embassy and tried to ask
21 what's happening and I think he got -- he got in contact
22 with one of the -- with somebody who was working there
23 at the time and they had explained to him.
- 24 Q. What's your understanding of the reason why the embassy
25 was involved?

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1 A. My understanding is because they said that they've got
2 their citizen so they want to send him back. He has
3 died and what's the process to send him back to
4 Sierra Leone.

5 Q. And then to return to your -- this paragraph in your
6 statement, what you have said is:

7 "Sheku has got my father's name ..."

8 Does that mean that was also his father's name?

9 A. Yes.

10 Q. "... and my father ... worked for so many governments in
11 Sierra Leone [and] is well-known in Sierra Leone."

12 A. Yes.

13 Q. "He passed away about 17 years ago ..."

14 What was his job, your father's job?

15 A. The last position he held was he was the secretary to
16 the president at the time.

17 Q. In Sierra Leone?

18 A. In Sierra Leone.

19 Q. And he would be well-known in that area?

20 A. Yes, he was well-known.

21 Q. "So when they called [about] the name Sheku Bayoh,
22 people were [thinking], 'What? Sheku Bayoh? Who is
23 this Sheku Bayoh?'"

24 A. Mm-hm.

25 Q. "So they phoned other family members ... related to my

Transcript of the Sheku Bayoh Inquiry

- 1 mum's side ... I think they phoned my sister ... and
2 that's when we knew that something like this has
3 happened. Then Ade followed up with the Sierra Leone
4 embassy after that."
- 5 A. Yes.
- 6 Q. So it was Ade himself that made the call to the embassy?
- 7 A. Yes.
- 8 Q. In light of information that was coming to you from the
9 family?
- 10 A. Yes.
- 11 Q. Right. And you have talked about them asking, "We have
12 a citizen, we have had contact", from your
13 understanding, who had contacted the authorities in
14 Sierra Leone?
- 15 A. It was -- I'm not sure whether it was Police Scotland,
16 but it was somebody from Scotland who contacted the
17 embassy in London.
- 18 Q. And what were they contacting the embassy for?
- 19 A. How to repatriate the body back to Sierra Leone.
- 20 Q. Had you had any contact with Police Scotland or with
21 PIRC or the Crown about repatriation of Sheku's body
22 back to Sierra Leone?
- 23 A. Not at all. That was a big shock to us as well because
24 they had known that we are here. I'm his sister, his
25 mother is all here, where did this come from? Why did

Transcript of the Sheku Bayoh Inquiry

1 they want to send him back?

2 Q. How long had Sheku lived in Scotland?

3 A. Sheku came when he was about 12 years old -- no, sorry,

4 to Scotland, you mean?

5 Q. Yes.

6 A. Scotland about -- when he was about, I think, 17 or so.

7 Q. If I remember the video clip he first came to London and

8 then he moved up?

9 A. Yes, to London.

10 Q. Because you had --

11 A. I was here, yes.

12 Q. -- encouraged him to come to Scotland?

13 A. Yes.

14 Q. And you said it was a shock. Tell us how you were

15 feeling about it?

16 A. Again I felt betrayed, because, you know, I'm his

17 sister, I'm his next of kin, why was I not informed

18 about this? Why was not -- why wasn't I involved in

19 this? And yet the embassy was the first, you know, to

20 know about Sheku passing and how to send his body back.

21 Q. And knowing that this contact had been made with the

22 embassy, what impact did that have on you and the level

23 of trust you had in the authorities here?

24 A. Well, the trust level just went way down again, because

25 at the time, that's when Sierra Leone was going through

Transcript of the Sheku Bayoh Inquiry

1 the Ebola crisis and we had seen on the telly how it was
2 really affecting the country and how people were buried
3 in the country as well. So if Sheku was repatriated, we
4 wouldn't even know where his body would have been
5 buried.

6 Q. And when you talk about people in Sierra Leone being
7 buried in a certain way, can you give the Chair a little
8 more information?

9 A. It's just with the outbreak of Ebola, they had mass
10 graves in different parts of the country where they were
11 burying people who died from the disease.

12 Q. And in terms of Sheku's next of kin, that was you?

13 A. Yes.

14 Q. And his mother?

15 A. Yes.

16 Q. And at that time, both of you were in the
17 United Kingdom?

18 A. Yes.

19 Q. And am I right in recalling that in the video you
20 mention something about Sheku applying for British
21 citizenship at the time?

22 A. Yes, yes.

23 Q. Tell us a little about that.

24 A. I can't comment much about that, because I wasn't too
25 sure how the process was, you know. I wasn't sure how

Transcript of the Sheku Bayoh Inquiry

1 far it was, because we didn't discuss about that again
2 for a very long time.

3 Q. But that was a process that was ongoing?

4 A. Yes, I believe so.

5 Q. Can I ask you about your experience with PIRC. You have
6 told us that they arrived, or people from PIRC arrived
7 at around 10 o'clock on the Sunday night. That was the
8 first involvement you had with them. And could I ask
9 you to look at paragraph 18 of your statement, please,
10 and you have been asked about interactions with PIRC and
11 meetings and you talk about having had a meeting with
12 PIRC and Kate Frame. Kate Frame was the Commissioner at
13 the time, as I understand it.

14 A. Mm-hm.

15 Q. "The meeting was not fruitful for me ... when we went to
16 the meeting it was all that superiority ... That's what
17 we got from her. We didn't get any clear information.
18 We didn't get any clear support ... yet she just
19 explained how things go, how was their role, and things
20 like that ... For me it was like all about her and her
21 organisation rather than [any] remorse, where is the
22 sympathy ... what are you going to do to support this
23 family ... there was nothing there."

24 They lacked compassion towards the family.

25 I would like you to tell us a little bit more about

Transcript of the Sheku Bayoh Inquiry

- 1 how you felt after your meetings with the
2 Commissioner and with PIRC.
- 3 A. Like I explained it there, that's exactly what we got
4 when we went to that meeting. I was expecting him to
5 explain more about how things were going to go,
6 you know, what they were supposed to do, or even
7 acknowledge if they have treated us in the right way or
8 something like that. But nothing at all, you know.
9 Just like I explained it here, it was all about the
10 organisation, what they did, and that's about it really.
- 11 Q. How long after 3 May do you remember it was before you
12 had a meeting with Kate Frame?
- 13 A. I can't remember the exact date, but it was maybe within
14 a month or two. It wasn't quite long.
- 15 Q. And how long did that meeting take?
- 16 A. Maybe 30 minutes or less.
- 17 Q. Who was present?
- 18 A. It was myself, a lawyer, Colette, Ade, we were present
19 in the meeting -- and I think Colette's mum, yes.
- 20 Q. Looking back now, how could that meeting have been
21 bettered, how could it have been improved? What would
22 you have found helpful?
- 23 A. I think if she had shown some empathy, if she had shown
24 some compassion. If she had -- if she had, you know,
25 guided us in the right way, then that would have made

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- 1 a difference to us.
- 2 Q. What guidance would you have found helpful from PIRC?
- 3 A. Maybe just because my understanding was they were going
4 to take over the investigation of how Sheku died and
5 things like that, but as time went on, we were not
6 getting that from them. So our trust was down again
7 from the PIRC.
- 8 Q. How was that contact with PIRC -- you have told us about
9 the family liaison coming to an end.
- 10 A. Yes.
- 11 Q. You have told us about instructing a solicitor. How was
12 the contact you had had from PIRC and any sort of
13 relationship built with PIRC?
- 14 A. There was not much relationship at all, because from the
15 lack of trust from the family liaison officer, then we
16 just thought, "Where are we going from here?" And
17 that's how we just instructed everything now to go
18 through our lawyer and we're just communicating through
19 our lawyer.
- 20 Q. So the initial interactions, did that spoil your ongoing
21 relationship with --
- 22 A. Yes.
- 23 Q. -- all the authorities?
- 24 A. Yes, like I said, if the family liaison, if we had that
25 connection, he would have been the link through all of

Transcript of the Sheku Bayoh Inquiry

1 this, guiding us through all of this, because it's all
2 new to us, we didn't know what's happening. Our brother
3 has died, we have not much information on how he died,
4 so I was thinking he would have been our stronghold.

5 Q. Thank you. Looking back now, what contact with PIRC
6 would you have found helpful prior to your meeting with
7 Kate Frame?

8 A. I'm not sure, because I don't know what to expect from
9 them. Because there was nothing there, so I'm not sure
10 what to expect.

11 Q. All right. So even today you don't have any
12 expectations about --

13 A. No, because there was no opportunity for us to even
14 know, you know, what support or whatever they -- or what
15 they were supposed to do to support us or really what
16 they are there for, so there was nothing there.

17 Q. All right, thank you.

18 Can I ask you about things with the Crown Office,
19 the Lord Advocate. You talk about this at paragraphs 24
20 to 29 of your statement. And you were asked about
21 engagement with the Lord Advocate and the Crown Office
22 and if I can summarise, I think you talk about having
23 a relatively good experience with one Lord Advocate, who
24 was Frank Mulholland, and less so with a subsequent
25 Lord Advocate, who was James Wolffe.

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- 1 A. Mm-hm.
- 2 Q. Can you help us understand what made your experience
3 with the first Lord Advocate better and quite a good
4 relationship, and how that changed subsequently?
- 5 A. From the first time we met Frank, he was quite open to
6 us. He engaged us in all -- he listened to us and he
7 engaged us in all the process of how he is going to do
8 things. He engaged us in all of them and he kept us
9 informed, and that made us feel that he was interested
10 and he was ready to get down to the bottom of this and
11 to tell us the truth of how our brother died. But when
12 we met the other Lord Advocate, we felt like he was not
13 interested at all. He didn't give us much information.
14 We had to hear things from the media, you know, so it
15 wasn't -- we didn't feel any engagement with him.
- 16 Q. And if you had been given more information when the
17 Lord Advocate changed, would that have helped your
18 relationship with the Crown?
- 19 A. Yes, I think if we had carried on in the same manner as
20 we were carrying on with Frank, we would have had
21 a different perspective of him.
- 22 Q. So the difference was very much the amount of
23 information you were receiving?
- 24 A. And the lack of engagement he had with us as well.
- 25 Q. And when you say "the lack of engagement", is that fewer

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1 meetings or fewer points of contact?

2 A. Well, apart from the meetings with Frank, whatever he
3 was going to do or wherever he was going to do his
4 investigation, he was keeping us informed and, you know,
5 we will have a discussion about it and he will listen to
6 our concerns and follow that up. But we didn't have
7 that with the other Lord Advocate.

8 Q. Was there a point of contact, a person, who would be in
9 touch with your solicitor or the family when Lord
10 Advocate Frank Mulholland was in post and did that
11 change later?

12 A. Well, all of our contact was through our lawyer, so all
13 our meetings was organised by our lawyer.

14 Q. All right. Thank you.

15 Then I would like to ask you about paragraphs 27 and
16 28 of your statement and you were asked here about -- to
17 explain how you found out about the decision not to
18 prosecute and we have heard that there was a decision
19 taken in Crown Office not to prosecute the officers for
20 the events in Hayfield Road on 3 May. And you talk here
21 about someone from the media coming to your house to
22 tell you that.

23 Can you tell the Chair what the impact was for you
24 and your family when you heard that through the media?

25 A. There was a knock on the door again and Ade had answered

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1 the door, and this guy just approached him saying, "How
2 do you feel about the police officers not being
3 prosecuted?" And we were quite shocked, to like "What
4 are you talking about? Where did you get this
5 information?" But Ade didn't engage with him much and
6 he walked away.

7 Then Ade came to me and saying, "This is what this
8 person is saying, that they're not going to be
9 prosecuted." And then we got in touch with Aamer again
10 and we explained it to him. And obviously we were
11 upset, because the Lord Advocate had promised to engage
12 us, but again, that wasn't the case, so we felt betrayed
13 there as well.

14 Q. Do you remember who the Lord Advocate was at this
15 moment?

16 A. Mr Wolffe.

17 Q. And did you subsequently have a meeting --

18 A. Yes, we had a meeting with him --

19 Q. -- with him and the Solicitor General?

20 A. Yes, we had a meeting with him and we raised that
21 concern with him and he said he will look into it to
22 find out how that happened, because he had promised that
23 he would let us know first before anything else. But
24 I don't know if that was followed up.

25 Q. What explanation were you ever given as to why the media

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- 1 had that information before the family?
- 2 A. He said he doesn't know how, but he will investigate it,
3 but I don't know what the outcome is with that. He will
4 investigate how the media got to us before him,
5 you know.
- 6 Q. And what did you hear about the outcome of that
7 investigation?
- 8 A. I haven't heard anything about that.
- 9 Q. Have you ever been given an explanation?
- 10 A. No.
- 11 Q. We may hear from Ade at some point in the future and he
12 points out that you have never been given a written or
13 an oral apology from the Crown about the fact that
14 information went to the media before it went to you.
- 15 A. That's right, yes.
- 16 Q. And is that your position also?
- 17 A. Yes, yes.
- 18 Q. You said in paragraph 29 -- you talk about the impact of
19 this on you and you say:
20 "... the way the Crown Office had cheated us and
21 I think the PIRC, the early stages, that's when we had
22 just lost faith in them ..."
- 23 So you told us about losing faith in
24 Police Scotland. When did you lose faith in PIRC?
- 25 A. From the early days, with PIRC, from the early days,

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1 you know, like I said, there was no -- nothing there, no
2 information from them, no support, nothing from them.
3 So, you know, we had lost faith there and we didn't feel
4 that we were getting more information from them or they
5 were telling us what's going on, so we had lost faith
6 there.

7 Q. And what point did you lose faith in the Crown?

8 A. We were -- we had always kept an open mind, but with
9 hearing this prosecution from the media, without the
10 Lord Advocate speaking to us, which he had promised,
11 then we thought, you know, "Where do we stand now?"

12 Q. Looking back now, how -- regardless of the decision not
13 to prosecute, how would you have wanted to hear that
14 information?

15 A. It would have been nice for this information to come
16 from the Lord Advocate, to explain to us his reasons for
17 not prosecuting and things like that, and then we would
18 have had a discussion with him and carried on.

19 Q. And what's the long-term impact on you and your family
20 been hearing about this decision through the media
21 rather than through the Crown Office?

22 A. It was very hurtful to hear from the media, so we are
23 thinking, you know, everybody else is hearing
24 information other than us who are really affected.

25 Q. You have been asked -- you will see at paragraph 31 --

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1 about media engagement, so about things that were also
2 in the media in addition to the no pro decision. Can
3 I take you back -- because earlier in your statement,
4 you talk about younger members of the family being on
5 their phones and being aware of mention of some sort of
6 terrorist attack. Can you tell us about that?

7 A. Yes. When Garry had come to explain what -- how he
8 thought Sheku had died, then as soon as he left, one of
9 the young girls at the time just went through her phone
10 and then she saw a media coverage saying that there was
11 a terrorist attack in Kirkcaldy and the police got the
12 person under control and the other members of Parliament
13 were, you know, applauding the police for their good
14 work that they have done in the town.

15 Q. And what information was available at that time about
16 this terrorist attack?

17 A. It was just on the media that a terrorist, you know --
18 they thought it was a terrorist attack and they got him
19 under control.

20 Q. Okay. Can I ask you about paragraph 31. You have
21 talked about:

22 "Every day Sheku's name and face was on the papers
23 and the stories were ... he took drugs, he had a knife,
24 he stabbed a policewoman ... There were some papers who
25 will report things that actually happened, and there are

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1 some that will report things that's in a different
2 direction to paint Sheku in a bad way to demonise his
3 character ...

4 We had all of that and that alone was a lot of
5 pressure and stress on us as a family ..."

6 I'm interested in your perspective about the media
7 painting Sheku in a bad way. Can you tell us a little
8 more about how you felt about things?

9 A. Well, I felt that some of the -- some of the information
10 were suggesting that Sheku was responsible for his own
11 death and he deserves to die basically.

12 Q. And what impact did that have on you and the family?

13 A. It was very hard, because we knew our little brother, we
14 knew who Sheku was. We knew what he is capable of doing
15 and what he is not capable of doing. So to hear all of
16 these things, you know, linked to Sheku, was very
17 painful for us as a family to hear.

18 Q. Then, at paragraph 32, you mention a man from the Police
19 Federation who also made negative remarks. Could you
20 tell the Chair a little about that?

21 A. I think there was remarks around him taking drugs and --
22 I can't remember the exact wording anyway, but I think
23 it was along the lines like "he took drugs and he is
24 responsible for his own death", you know, and things
25 like that, or "the police did what they had to do".

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1 You know, just along those lines, I think. I can't
2 remember his exact words.

3 Q. We will no doubt hear more information about this -- the
4 stories in the media at a later date. I think -- am
5 I to understand that the family were concerned about
6 some tweets from the chairman of the Scottish Police
7 Federation?

8 A. Mm-hm.

9 Q. Sorry, the secretary, I'm being corrected. I made
10 a mistake. The general secretary of the Scottish Police
11 Federation.

12 A. Mm-hm.

13 Q. In relation to your brother.

14 A. Mm-hm.

15 Q. Can I ask you, from the family's perspective -- and it
16 may be that there's a distinction made about personal
17 tweets, or tweets on behalf of the Scottish Police
18 Federation. We may hear about this in the future. From
19 the family's perspective, did it make any difference to
20 you if the person was tweeting in a personal capacity or
21 on behalf of the Scottish Police Federation?

22 A. We know that people will have different things to say,
23 or different opinions to say about this case, so we were
24 just trying to keep focused, we were just trying to stay
25 strong and trying to, you know, know the truth of how

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1 Sheku died. So, yes, some of, you know, these things
2 were painful to hear, but we just kept going because we
3 know who Sheku was and what Sheku is capable of doing.

4 Q. I would like to move on slightly and talk about your
5 experience in relation to one of the experts who was
6 instructed, Steven Karch. Again, we will probably hear
7 more evidence about this in the future, but my
8 understanding for today's purposes is that he had spoken
9 to the press about your brother's death and can you
10 remember the impact that had on the family and you in
11 particular?

12 A. I can't remember his comments because there were so many
13 comments made, so if you are specific then maybe I will
14 remember.

15 Q. Don't worry about his specific comments. Do you
16 remember finding out that an expert who had been
17 instructed had spoken to the press?

18 A. I can't remember now, no.

19 Q. All right. Don't worry, we will hear other evidence
20 about that.

21 I think you say in your statement that your
22 experiences in 2015 caused you to move away from
23 Kirkcaldy.

24 A. Mm-hm.

25 Q. And I remember at the opening statement session

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1 last May, you talked about how you feel about the police
2 and your experience of living in Scotland. How would
3 you assess the significance of your race on your daily
4 life in Scotland?

5 A. For me, now I'm just living on a daily basis, because
6 you don't know. I don't know who is -- who has anything
7 to say about me. I don't know who is planning anything
8 for me. I have -- I don't know. So I'm just living
9 from day to day and just see how life goes, because with
10 me speaking out, with me expressing my feelings, other
11 people have taken it in a different way, other people
12 are saying it in a different way. So, I don't know, I'm
13 just living by the day to be fair.

14 Q. Other than in the obvious way, have things changed for
15 you since the death of your brother in 2015?

16 A. Things have changed a lot in my life and I don't think
17 my life will be the same again. It has changed for the
18 worse. I've got to do things that I would never ever
19 dream of doing in my entire life.

20 Now I need to sit here, I need to, you know, fight
21 for justice for my brother. I need to do what I have to
22 do for justice to prevail, for the public to know
23 exactly how Sheku died.

24 So, for me, my life has really changed, my life and
25 my family's life have changed a great deal.

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1 Q. To what extent do you have concerns now about your
2 involvement with Police Scotland?

3 A. I'm concerned -- I'm concerned about safety, that's one
4 thing, because I have been having hate mail sent to my
5 emails, I have had threats through social media. So
6 I am concerned about my safety and my family's safety as
7 well, because my children are young, my children were
8 born in Scotland, they grew up here. This is where they
9 know. So I'm concerned about their welfare as well.

10 Q. And if we look at paragraph 29 again, you say in the
11 last three lines of that paragraph:

12 "Things are going to be the same just as every
13 person who has died in police custody that said nothing
14 has been done. The police will always get away with it
15 and that's the norm,' so we just live with it."

16 Is that your feelings about the situation now?

17 A. Well, when we were having all these -- these downfalls,
18 you know, we had put our trust in the PIRC, we had put
19 our trust in the police and then time and time again we
20 had lost faith, we had lost trust. Then we just came to
21 a decision that, yes, our brother has died, so let's
22 just live with it.

23 Q. We have heard a lot of evidence in this Inquiry from
24 people who have been involved in different ways and many
25 of them have said race had nothing to do with it. Some

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1 of them have said, "I wouldn't do anything differently",
2 "It made no difference to me that Sheku was black".

3 What comments would you make having heard that evidence
4 and how you feel about the fact that Sheku was black?

5 A. I feel if Sheku was white, he would have been treated in
6 a different way. And I'm saying this now with a lot of
7 fear, because I know I will get people coming for me for
8 saying this, but that's just how I feel. I feel if
9 Sheku was white, the police had met him, they would have
10 approached him in a different way. I feel they would
11 have approached us as a family as well in a different
12 way. So, for me, because he was black, that's why he
13 was treated the way he was treated from the very first
14 instant the police met him.

15 MS GRAHAME: Thank you. Thank you very much. I have no
16 further questions at this time.

17 LORD BRACADALE: Thank you. I will come to Ms Mitchell in
18 a moment, but are there any other Rule 9 applications at
19 this stage?

20 Ms Mitchell, do you have anything you wish to --
21 fine.

22 Well, Mrs Johnson, thank you very much for giving
23 evidence to the Inquiry. We're going to rise now until
24 tomorrow morning.

25 A. Thank you.

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1 LORD BRACADALE: You are free to go your way. Tomorrow
2 morning at 10 o'clock.

3 (1.02 pm)

4 (The Inquiry adjourned until 10.00 am on Wednesday,
5 1 February 2023)

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