

Transcript of the Sheku Bayoh Inquiry

Thursday, 9 February 2023

(10.00 am)

(Proceedings delayed)

(10.04 am)

LORD BRACADALE: Well, good morning.

The Inquiry today will hear the evidence of Collette Bell. At an earlier stage I ordered that her evidence should be taken using a special measure, namely that her evidence should be recorded in a closed hearing and subsequently played in public.

In authorising this special measure, I took account of a number of considerations, including Ms Bell was the partner of Sheku Bayoh at the time of his death, she was the mother of his child, I had regard to a medical report and background information.

The closed hearing took place in the hearing room on Monday, 6 February 2023. The hearing was attended by the Chair, assessors, Counsel to the Inquiry, and such Inquiry staff as were necessary to conduct the recording. Ms Bell's legal representatives were also in attendance.

The recording of her evidence will be played today. As there were breaks in her evidence, we shall take short breaks during the playback. The first part will last just over one hour, we shall then take a 15-minute

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1 break; the second part will take about 50 minutes, we
2 shall then take a ten-minute break; and the final part
3 will last just over one hour.

4 Play the first part, please.

5 RECORDED HEARING

6 LORD BRACADALE: Now, Ms Bell, if you want a break at any
7 time, let me know.

8 THE WITNESS: Okay.

9 MS COLLETTE BELL (affirmed)

10 LORD BRACADALE: Ms Grahame.

11 MS GRAHAME: Thank you.

12 Questions from MS GRAHAME

13 MS GRAHAME: Good morning.

14 A. Good morning.

15 Q. You're Collette Bell?

16 A. Yes.

17 Q. What age are you?

18 A. 34.

19 Q. And we have all of your contact details, so I don't need
20 you to say that.

21 A. Okay.

22 Q. Do you see the blue folder in front of you?

23 A. Yeah.

24 Q. Please feel free to open that up. This contains hard
25 copies of all the documents that I might be referring

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1 you to.

2 A. Okay.

3 Q. And if you want to look at any of those, or direct me to

4 any passage, please feel free to do so. You can use

5 them, you can open the folder at any time.

6 A. Okay.

7 Q. You may have seen me take some evidence from witnesses

8 in the Inquiry. You'll know that when I put passages

9 from Inquiry statements to witnesses, they'll come up on

10 this TV screen in front of you. But if there was

11 anything else you wanted me to refer to, just say and we

12 can bring up other passages.

13 A. Okay.

14 Q. I'd like to begin by looking at some of the older

15 statements that we have for you, and, as I said, you'll

16 see hard copies in the folder. If we look at PIRC

17 00027, first of all. And just briefly, you will see

18 your own name there, Collette Bell, at the top. And you

19 will see towards the bottom of the screen that this was

20 a statement that was taken on 3 May 2015 at 11.12.

21 A. Yeah.

22 Q. It was taken by DC Parker within Kirkcaldy Police

23 Station. Now, this version on the screen is a typed

24 version but there was also a handwritten version that

25 was converted and it typed --

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1 A. Yeah.

2 Q. -- typed up.

3 For your purposes only, really, at the back of your
4 blue folder you will see a version, the handwritten
5 version, and that's as we understand it in the
6 handwriting of one of the police officers, not your own
7 handwriting, but that's the handwritten version there.
8 You've got a copy of that, I'm not putting that on the
9 screen.

10 Then if we can look at PIRC 00028, this is another
11 typed version, and it's dated -- again it's your
12 statement dated 8 May 2015 taken at 15.15 by
13 Investigator John Clerkin, in the presence of PIRC
14 Investigator Alistair Lewis and Ms Lorraine Bell. Now,
15 I understand Lorraine Bell is your mum.

16 A. Yes.

17 Q. Thank you.

18 Then let's briefly look at PIRC 00029, again another
19 statement, this one's dated 6 July 2015 at 10.55 by
20 Investigator Alistair Lewis, and Investigator
21 Victoria Karen. Thank you.

22 I just wanted to say, so that's three statements
23 that you gave at different -- on different dates in
24 2015, and initially to the police and latterly to people
25 from PIRC.

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1 A. Yeah.

2 Q. When you were giving all of those statements, were you
3 doing your best to tell the truth?

4 A. Yes.

5 Q. And to be as accurate --

6 A. Yeah.

7 Q. -- in what you remembered as you could be?

8 A. Yeah.

9 Q. Thank you.

10 Can I now look at your Inquiry statement, please,
11 and you'll see that this is Collette Bell,
12 26 October 2022 and 10 November 2022, and it was taken
13 by a member of the Inquiry's team.

14 A. Yeah.

15 Q. Then if we can look at the -- there's 27 pages -- if we
16 could look at the last page, we should see that you
17 signed this on 24 January of this year. Now, although
18 we can't see your signature on the screen, in the hard
19 copy in your blue folder you should be able to see that
20 you signed every page.

21 A. Yeah. Yeah.

22 Q. Thank you.

23 Then we can see on the final paragraph on the
24 screen, number 78:

25 "I believe the facts stated in this witness

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1 statement are true. I understand that this statement
2 may form part of the evidence before the Inquiry and be
3 published on the Inquiry's website."

4 A. Yeah.

5 Q. And again, that's what you understood when you signed
6 this statement?

7 A. Yes, yeah.

8 Q. Thank you.

9 Now, I think on paragraph 77 you've been asked,
10 we've heard evidence from a number of people who have
11 said the statements they gave in 2015 were maybe
12 a better -- reflected their recollection at the time
13 better than maybe they were able to do now.

14 A. Yeah.

15 Q. Is that the same for you?

16 A. Yes.

17 Q. You've said that some things are really vivid in your
18 memory but other things are just now?

19 A. Yeah.

20 Q. So was your memory better in 2015?

21 A. Yes, yeah.

22 Q. Thank you.

23 Then can we look at -- just go back to the start of
24 your Inquiry statement, please, and before I take you
25 through this in detail, I notice from one of your

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1 earlier statements -- and I don't need to put this to
2 you -- that by the time we're at May 2015 you'd lived
3 with Sheku Bayoh for a couple of years.

4 A. Yes. Yeah.

5 Q. And you were partners.

6 A. Mm-hmm.

7 Q. And, as I understand it, you'd not long had a baby.

8 A. Yes.

9 Q. And how many months old was your baby at that time in
10 May 2015?

11 A. He was three and a half months.

12 Q. Right. And did you have a good relationship with
13 Sheku Bayoh?

14 A. Yes.

15 Q. And did you have plans for your future?

16 A. Yes, we did.

17 Q. We've heard that he was a man that liked going to the
18 gym, and we've heard that he had a number of friends.
19 One of them was called Martyn Dick and one of them was
20 called Zahid Saeed.

21 A. Yes.

22 Q. Did you know his friends --

23 A. Yes.

24 Q. -- and have time with them as well?

25 A. Yeah.

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1 Q. Okay.

2 Let's look at paragraph 2. We see the start of that

3 there. I'm just going to start by going back to the

4 morning of 3 May 2015, so we've heard it was a Sunday

5 morning.

6 A. Yeah.

7 Q. And I think we've also heard that you'd stayed at your

8 mum's the night before.

9 A. Yes.

10 Q. And that Sheku was going to be watching the boxing with

11 his friends Martyn and Zahid?

12 A. Mm-hmm.

13 Q. And you've said in paragraph 2 that on the Sunday

14 morning you got a call from Zahid explaining that

15 there'd been an altercation between him and Shek.

16 I think you call him Shek during the Inquiry statement.

17 A. I call him Shek, yeah.

18 Q. And you've said that brought up alarm bells because they

19 were like brothers --

20 A. Yeah.

21 Q. -- and were really close friends.

22 A. Yes.

23 Q. Just -- you say in that paragraph it was about 6 o'clock

24 in the morning, and without taking you to your original

25 statement you'd said in that that it was -- you'd got

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1 a text from Zahid Saeed at about 7.30 asking you to
2 phone him.

3 A. Yes.

4 Q. Is it possible that it was nearer 7.30 than 6?

5 A. Yeah, yes.

6 Q. And he asked you to phone him and you called him back --

7 A. Straightaway.

8 Q. -- straightaway.

9 A. Yeah.

10 Q. Tell us about that call that you had with Zahid.

11 A. I remember receiving a phone call and him sounding quite
12 panicked on the phone, and he was kind of stuttering,
13 trying to say what he was trying to say, and he had said
14 "Nothing to worry about, everything's okay, I'm okay,
15 but Shek's attacked me", and I had said "What do you
16 mean, why, what's gone on?" And he was like "Don't
17 worry, I'm all right, but I just wanted you to know and
18 I don't want you to go home", and that kind of gave me
19 alarm bells as well because I was thinking, "Why does he
20 not want me to go home? Of course I'm going to go
21 home."

22 So he had -- was just trying to say "Look, Shek's
23 not himself, I'd rather you didn't go home just now."
24 So I think that was basically all that was said in that
25 phone call, but straight on the back of that phone call

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1 I had gone through, I woke my mum up and said "I need to
2 go down to Kirkcaldy, something's happened, Shek's
3 attacked Zahid and I don't know what's going on, I need
4 to go and check and see that Shek's okay".

5 Q. And is that what you did?

6 A. Yes.

7 Q. And I think later in your statement you say you left
8 your baby --

9 A. Yeah.

10 Q. -- in the care of your mum.

11 A. Yes.

12 Q. And you went to your house --

13 A. Yes.

14 Q. -- in Kirkcaldy.

15 A. Yeah.

16 Q. Then in paragraph 4, you say that you'd tried to phone
17 Shek and you went downstairs and his phone was
18 ringing --

19 A. Yeah.

20 Q. -- in the corner of the kitchen floor. Tell us what the
21 house was like when you arrived back that morning.

22 A. I remember arriving and I'm sure the front door was
23 open, but not -- it wasn't wide open, but it wasn't
24 locked. So, I remember opening the door, and I'm kind
25 of shouting "Shek", and I go into the living room and

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1 I'm shouting him, and as I come out of the living room
2 and look straight on -- it looks straight on to the
3 kitchen, and the back door was open, the kitchen door.
4 So I remember just shouting on him, and then I went
5 outside to the garden thinking, if my kitchen door's
6 open maybe he's outside, but he wasn't there, and whilst
7 I was in the kitchen I remember thinking "What's
8 happened here?" There's coats in front of our sink on
9 the floor, and there was fridge magnets all over the
10 floor and out into the garden, which was really strange,
11 and then I remember running upstairs shouting on Shek to
12 find him, and as I've gone into our bedroom, we had
13 a small television in our bedroom, and I remember that
14 being on the floor, and other little bits and pieces on
15 the floor as well, and I just remember thinking "What is
16 going on here, what's happened?" So I'm just still
17 trying to shout on him, and look for him.

18 So I think I've tried to phone him, as I've been
19 coming down the stairs, and I hear his phone ringing in
20 the kitchen and his phone is in the corner of the
21 kitchen on the floor, and I just started to panic
22 straightaway. So I think I'd phoned my mum at this
23 point and said "I can't find him, his phone's here, the
24 door's open" and then I think at that point I phoned
25 Zahid as well, and I remember him saying "I told you not

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1 to go to the house, what are you doing?" and I said
2 "Well, I've come to find Shek, he's not here, when did
3 you last see him, like, how long ago did you see him, do
4 you know where he could be?" But he was just more
5 wanting me to get out of the house. He had said "I want
6 you to get back into your car, get back in the car, lock
7 the door and stay on the phone whilst you do that and
8 let me know when you're back in the car", and I thought
9 "What is wrong with Zahid, what is wrong with him, like,
10 why is he so anxious for me to get in the car and be
11 away?" kind of thing.

12 Q. Did he ever explain why he didn't want you to go back in
13 the house?

14 A. He just said that Shek wasn't himself, and I remember
15 thinking "Of course he's not himself, he's attacked you,
16 that's why I'm wanting to, you know, see that he's
17 all right."

18 Q. Can you explain to the Chair -- you've said Zahid talked
19 about he's not himself and recognising that he's -- that
20 that must be right if he's attacked Zahid. Can you
21 explain to us: what was Shek normally like?

22 A. Shek was a very laid-back type of person, he was upbeat,
23 he was outgoing, he was happy all the time. He wasn't
24 a violent person, he wasn't aggressive. So I was really
25 worried, because this was just really not like Shek, and

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1 that's why I was panicking, and I wanted to make sure
2 that he was all right, because if he's had a fight with
3 Zahid I'm thinking "Something's really not right here,
4 I need to see that he's okay."

5 Q. What time were you in the house, do you remember?

6 A. I don't remember times now.

7 Q. Right.

8 A. It wasn't long after I received the phone call that
9 I was straight down there.

10 Q. So if it's correct that you received a text from Zahid
11 about 7.30, how long would it have taken you to get to
12 the house?

13 A. Probably about 15 minutes, because I remember just
14 handing the baby over, getting dressed and going
15 straight there. I remember driving in a bit of a panic
16 as well because I was worried.

17 Q. And then I think at paragraph 5 you talk about driving
18 around Templehall at the time looking for Shek.

19 A. Yeah.

20 Q. And how long did you spend doing that?

21 A. Not too long, I think I just remember really kind of
22 driving towards the shop and that's where I had seen one
23 of his friends, Jim, and I had asked him if he had seen
24 him, and he hadn't seen him. And then I was thinking,
25 "Well, I'll just keep driving around." But I don't

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1 really remember for how long I drove. I think I just
2 looked around the back of our house at the garages,
3 thinking he's maybe gone out that, the back way, so I'd
4 see if I could kind of see him around there, but I think
5 at that point I'd phoned my mum and said "I can't find
6 him, I can't see him, I don't think he's gone to the
7 shop, I can't see him behind the houses" and I think
8 that's when mum had said "I think you need to phone the
9 police", because it was just so out of character for
10 him, to leave the door open, to leave his phone at home,
11 and not be there. I was really worried that I couldn't
12 find him.

13 Q. And you've said in paragraph 6 you did phone the police.

14 A. Yeah.

15 Q. And what I'd like to do is play an audio tape and then
16 I'll ask you some questions about it.

17 A. Yeah.

18 Q. It will just take a few minutes. Now, while we're
19 listening to it, there's a typed version of what you
20 say, and you'll see that --

21 A. Okay.

22 Q. -- at the back of your blue folder. So the typed
23 version is PIRC 01384, and you'll see that towards the
24 rear of your blue folder. We can put that on the
25 screen, and we'll play the -- or it may be that we --

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1 yes, we'll play the audio. And if you want, you can
2 just follow it as we go through. But what will happen
3 is, when we start playing, it will be the call that you
4 hear. You will see on the first page it mentions the
5 transcript of the telephone call from Collette Bell and
6 the time starts at 8.36 in the morning on 3 May 2015.

7 Thank you.

8 (Audio tape played)

9 Thank you.

10 Do you recognise your voice?

11 A. Yes.

12 Q. And that's the call you made to the police that morning?

13 A. Yeah.

14 Q. Can we go back to what I have on page 2 of the
15 transcript. It says:

16 "I received a phone call from my boyfriend's best
17 friend saying that he's beaten him up, like really,
18 really bad and that he's scared for his safety."

19 Was Zahid telling you that he was worried about
20 Shek?

21 A. I can't remember if he'd said that he was worried about
22 Shek. I think he was worried about me going home.

23 Q. Right. And it says:

24 "I mean, his best friend's like worried in case he's
25 going to hurt somebody else."

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1 A. Yeah. I think he was meaning me. I'm not sure. When
2 I made that call, I was very, very panicked.

3 Q. And looking at the next page, page 3 of 4, at the top of
4 that page you mention that:

5 "... he has no jacket or anything on and he's
6 obviously left the house wide open."

7 Can I ask why you noticed in particular that he'd no
8 jacket or anything on?

9 A. I think I remember seeing that the jacket was on the
10 kitchen floor.

11 Q. Did that surprise you, that he had no jacket on?

12 A. Yes. Shek was a very neat and tidy person. I couldn't
13 even put my coffee cup down before he was picking it up.
14 So I think that's why I was so worried as well, because
15 the house was such a mess and it just wasn't like him at
16 all and I just couldn't understand why he's put his
17 jacket on the floor.

18 Q. And you said that you were worried about his safety,
19 Shek's safety --

20 A. Yeah.

21 Q. -- but also worried about the safety of others. What
22 concerns did you have at that time?

23 A. I think I was worried about Shek, but then because he
24 had hurt Zahid I was then worried what kind of state his
25 mind is in, because it's just not like him at all. So

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1 I think maybe going from what Zahid had said on the
2 phone to me earlier in the morning, I think that must
3 have been my train of thought as well, but I remember
4 mostly being worried about Shek.

5 Q. And then, remaining on page 3, further down, you say:

6 "He's been up all night drinking so I just don't
7 know about his state of mind at all."

8 You can see it there coming on to the screen now, if
9 we stop there.

10 What made you aware that he'd been up all night
11 drinking?

12 A. I think because he was at his niece's party the last
13 before and I knew that he was going to be having a drink
14 with his friend Zahid, like, after the party, and
15 I think because Zahid had phoned me in the morning
16 I thought they've still been up, or this has just
17 happened, so I just assumed.

18 Q. Okay. Now, we've other evidence available to the Chair
19 that Sheku had consumed drugs that night, and
20 I understand from earlier statements that you'd given at
21 the time that you had concerns about that.

22 A. Mm-hmm.

23 Q. Do you want to tell us about those?

24 A. I didn't know that he was taking drugs, I'm very against
25 drugs and Shek knew that. So I didn't know about that.

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1 I didn't find that out until the post-mortem and the
2 toxicology came back. But I knew that he was having
3 a drink with Zahid.

4 Q. And while we're on the subject, we've also heard that he
5 may have in the past taken steroids, and I think you
6 were against that as well.

7 A. Yes.

8 Q. Do you want to tell us about your concerns?

9 A. Because I'm so anti-drugs, anti-steroids, when I first
10 met Shek I had said all this to him, and he had said
11 that, you know, in his past he had used drugs and he had
12 used -- done steroids, and I made it clear to him that
13 there's -- I'm not going to be with somebody that does
14 something like that, it's against my values, and he knew
15 that.

16 But I remember just after our baby was born he was
17 acting differently, and I remember asking him "What is
18 wrong with you? You're not being yourself. Are you on
19 steroids?" Because I knew that steroids could make you
20 a bit more argumentative and things, and he had --
21 I remember him saying "No, if I was on steroids you
22 would know about it" and I remember thinking, "Well, you
23 are acting a bit differently and that's why I'm asking
24 you", but he had told me "No".

25 Q. What impact did the steroids have on Shek, as far as you

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- 1 know?
- 2 A. I wasn't aware of it. He was the same to me and apart
3 from that one episode after [redacted] was born and
4 I just thought "Well, we're new parents, we're up
5 all night, we're tired, maybe he's just a bit tired",
6 so -- but I wasn't aware that he was taking steroids, so
7 I wasn't aware of any behaviour changes, I wasn't --
8 I didn't even notice his size. Now, looking back on it
9 I think how naive was I, I didn't see that he was
10 gaining muscle and then kind of going back down and
11 then -- so I feel stupid that I didn't see that.
- 12 Q. We have heard, there's some evidence available for the
13 Chair, that the steroids were linked with his gym
14 membership --
- 15 A. Mm-hmm.
- 16 Q. -- and that. Thank you.
- 17 Can I ask you about when the police arrived at the
18 house? So I think you went back to your mum's.
- 19 A. Yeah.
- 20 Q. Got the baby and your mum --
- 21 A. Yeah.
- 22 Q. -- and then went back to your house in Kirkcaldy.
- 23 A. Yeah.
- 24 Q. Were the police already there when you arrived?
- 25 A. Yes.

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1 Q. How many were there?

2 A. There were two cars. My recollection of it was that
3 there was four officers, but I now know there was only
4 three, but I think I just felt like there was more of
5 a presence there, and that's maybe why I've thought
6 there was four.

7 Q. When you say you now know there was only three, how do
8 you know that?

9 A. Just from watching the Inquiry.

10 Q. All right, okay.

11 Now, I think in your Inquiry statement, if we go
12 back to that, you say in paragraph 7 that you.

13 "... took [the officers] into the house and two
14 officers ushered me into the living room, and then one
15 ... went straight through to the kitchen and one ...
16 went upstairs ..."

17 A. Yeah.

18 Q. And I just wanted to ask you whether at any stage you
19 remember maybe being held back or --

20 A. No.

21 Q. -- not held back physically as such, but just waiting
22 outside to see if the house was okay?

23 A. No. I remember when we arrived I had locked the door,
24 so I had to unlock the door to let everybody in and then
25 as soon as we stepped through the door I remember one

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1 going upstairs, one going to the kitchen and then we
2 were taken through to the living room.

3 Q. Right. So you'd called the police and were you happy
4 for the police to check that the house was safe at that
5 point, when you arrived?

6 A. Yeah, I think when they arrived I wasn't really
7 thinking. I think I remember feeling like, oh, like,
8 "Why are you going upstairs and why are you going to the
9 kitchen," but I think I was just in such a flurry that
10 I wasn't really thinking straight.

11 Q. You said a short time ago that you were in a panic.
12 Were you still -- how were you feeling at this stage?

13 A. Still panicky.

14 Q. Do you remember if the officers -- any of the police
15 officers asked for your permission to go into the house?

16 A. No.

17 Q. But had they asked for permission, formally --

18 A. Yeah.

19 Q. -- would you have been happy for them to go in and
20 check?

21 A. Yeah. Yeah.

22 Q. Could we look at paragraph 9, please. It says:
23 "When the police were in the living room, they had
24 to explain to us that I would have to come down to the
25 station. That they weren't really very sure what as

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1 going on, but they wanted to speak to me down at the
2 station."

3 And you'll see that you mention that there in
4 paragraph 9. Explain to us what was discussed with the
5 police in your living room that day.

6 A. I remember them speaking to us and saying that they had
7 just come on shift and they weren't very sure what was
8 going on, but it would be best if we'd go down to the
9 station, and I remember asking "Why would I need to go
10 to the station?" And they had said "Oh, well, we don't
11 really know what's going on and we think it's better if
12 you go down to the station, we'll be able to tell you
13 a bit more when we're down there" and they had said that
14 I would have to pack a bag for me and for the baby and
15 I think they were meaning for us to go to the station
16 straightaway, but I needed to feed the baby again.

17 And I do remember them saying to my mum "How will
18 you get home?" or something like that, and we were like,
19 "My mum's not going anywhere, she's coming with us", and
20 he -- a police officer had said "No, she can't come with
21 you, the police station's no place for a baby" and my
22 mum's kind of saying "Collette's not going anywhere, I'm
23 coming with her" and then they kind of looked at each
24 other and I remember them not being very happy, but then
25 they kind of just agreed that mum could come with me.

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1 Q. Are you able to describe the officer who said "A police
2 station's no place for a baby"?

3 A. Now, looking back, I can't remember his name, with the
4 bald head, I can't remember, sorry. I remember it was
5 him because he was --

6 Q. We might have had quite a few witnesses, but there were
7 two who spoke about being the police officers in your
8 house that day, and one of them was called
9 Andrew Mitchell --

10 A. Yes.

11 Q. -- and he had a shaved head --

12 A. Yes.

13 Q. -- and one of them was called Wayne Parker and he had
14 a Newcastle accent.

15 A. Yeah. I think it was PC Mitchell, maybe, because
16 I remember him talking a lot about [redacted], about him
17 having a sniffly nose, and I remember them saying "The
18 police station's no place for a baby." I could be
19 wrong, I could be recalling that wrongly, but it was
20 definitely said that, you know, mum would have to go
21 home, she would need to find her way home, and that the
22 police station was no place for a baby.

23 Q. But what was it you wanted that day?

24 A. I wanted mum there, and my baby as well, because he was
25 only three and a half months.

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- 1 Q. And why was it important to you to have your mum and
2 your baby there?
- 3 A. I think because I just didn't know what was going on,
4 I didn't know what was happening. I was very, very
5 worried, and I think I was thinking worst case scenario,
6 but I just wanted mum to be there.
- 7 Q. You use in paragraph 9, you use the word it was
8 "confusing" for you, in the middle of the paragraph. Is
9 that how you were feeling?
- 10 A. Yeah. I just remember feeling very panicked, very
11 worried and very confused, because I didn't know what
12 was going on, and they were saying for us to come down
13 to the station and I thought "Why can't you just tell me
14 what's happening, why do I need to go to the train
15 station -- the police station?" sorry, yeah, just very
16 confused and with the officers coming into the house
17 I just remember thinking "What's going on here?"
- 18 Q. At any point did the officers give you more information
19 about what was going on?
- 20 A. No. Whenever I was asking questions they just kept
21 saying "we've just come on shift and we don't know".
- 22 Q. Right. The officers have given evidence, you've
23 obviously watched it, and have said there wasn't really
24 any difficulty with your mum and baby coming to the
25 police station. Would you like to comment on that?

Transcript of the Sheku Bayoh Inquiry

- 1 A. I mean, it was definitely said. There's --
- 2 Q. What was your impression?
- 3 A. My impression was they had said that mum would have to
4 make her way home and that the police station was no
5 place for a baby, and I remember them saying it like it
6 was yesterday. You know, I have no reason to lie,
7 I have no reason to make that up. I don't know why
8 I would want to make that up. I'm baffled as to why
9 they said that they didn't say that when it was said.
10 But I'm in no position to lie, I've got no reason to
11 lie. I'm just recalling what was said.
- 12 Q. Did you feel, at that time, that you had any option or
13 choice to say "No, I don't want to go to the police
14 station"?
- 15 A. No, because I had said "I just want to know what's going
16 on", and why -- I remember saying "Why can't you just
17 tell me what's going on?" and they just kept saying
18 "We've just come on shift, we don't know what's
19 happened, so if we go to the police station we'll maybe
20 be able to find out more".
- 21 Q. So at that time, did you have an understanding as to why
22 you were being asked to go to the station, as opposed to
23 staying in your own house?
- 24 A. No, I think it was -- the reasons for it was that they
25 had just come on shift and they didn't know what was

Transcript of the Sheku Bayoh Inquiry

- 1 happening.
- 2 Q. Did you understand at that time why you'd been asked to
- 3 pack a bag?
- 4 A. I think they had said something like "You'll need to get
- 5 some things together because this could be the beginning
- 6 of a crime scene", and that really took me aback. I was
- 7 shocked, and I think it made me worry even more that
- 8 they were saying that.
- 9 Q. Who was it that said that, do you remember?
- 10 A. I think it was Wayne Parker.
- 11 Q. What did you understand at that time that they meant by
- 12 "the beginning of a crime scene"?
- 13 A. I don't know. I think I was just thinking worst case
- 14 scenario, because I do remember, whilst we were getting
- 15 a bag together, going upstairs into the bedroom and
- 16 I was feeding -- sorry. (Pause). I remember my mum was
- 17 looking out the window --
- 18 Q. Was your mum in the room with you?
- 19 A. Yeah. And she was saying "They're covering the garden
- 20 with polythene" and I just remember saying "Shek's
- 21 dead". And I don't know why I was saying that, I have
- 22 no reason, I think it was just all the commotion in the
- 23 house and the officers and then the polythene in the
- 24 garden, I just thought "Something's really not right
- 25 here, I think Shek's dead", and mum was like "Don't be

Transcript of the Sheku Bayoh Inquiry

1 silly, like, let's just feed [redacted] and then we'll
2 get back to the police station and we'll find out what's
3 going on."

4 Q. When you say you were thinking about the worst case
5 scenario, is that what you were thinking?

6 A. Yeah.

7 Q. Did you understand, when all of this is happening, that
8 the police were going to seize your house?

9 A. No. I think it was just said to us that it was the
10 beginning of a crime scene. Maybe, yeah, because
11 I think they had said "You'll need to pack a bag in case
12 you can't get back in", I think that's what they had
13 said.

14 Q. Did you understand that your house would be searched?

15 A. No.

16 Q. Was it explained to you that your house would be
17 searched?

18 A. I don't think so.

19 Q. Were you asked for permission --

20 A. No.

21 Q. -- or consent to --

22 A. No. It was just "This looks like the beginning of
23 a crime scene and we'll need to take hold of the house
24 so you'll need to pack a bag". That's what they had
25 said. You know, when I was watching the Inquiry before

Transcript of the Sheku Bayoh Inquiry

1 and you were asking about permission, I thought well
2 surely permission is asking "Could we take the house?"
3 or words to the effect of "permission". "Do you mind?"
4 or "We will have to..." or -- it was just "This is what
5 we're doing", there was no question. It was "This looks
6 like the beginning of a crime scene, we'll need to take
7 the house", it was -- there was no possibility or -- of
8 them not taking it; it was -- they were taking it.

9 Q. Was there any mention at all when you were in the house
10 of the house being searched?

11 A. No.

12 Q. Now, you come on in your statement to tell us about
13 going to Kirkcaldy Police Station, and I'd like to ask
14 you some questions about that.

15 Could we maybe turn to paragraph 15., and I just
16 want to touch on something here where you say:

17 "We were taken into a small room. I remember when
18 we went in ... looking to the left and seeing a room
19 full of ... police officers, and they were all looking
20 at us."

21 A. Yeah.

22 Q. Can you -- we've heard, you'll have heard yourself, from
23 Constable Parker, Wayne Parker, that he'd made
24 arrangements to keep the corridors clear when you
25 arrived in Kirkcaldy. Did you know anything about that?

Transcript of the Sheku Bayoh Inquiry

1 A. No.

2 Q. And when you've said you "saw a room full of police
3 officers looking at us", you'll remember
4 Constable Parker, Sergeant Parker --

5 A. Yeah.

6 Q. -- had said that there was a custody room, I think,
7 where people might have been looking through --

8 A. Yeah.

9 Q. -- I think he said there was glass in the window.

10 A. Yeah. That -- I don't recall that. I remember going to
11 the police station, and then you go up the stairs and
12 you go through the doors, and I remember looking to the
13 left and there was a very, very busy room, the door
14 wasn't closed, there wasn't a glass panel, the door was
15 open, it was a very busy room, there was a lot of
16 officers looking at us, and then I turned -- we went to
17 the right and that's when we went into the small room.
18 If you took me to the police station just now, I'd be
19 able to show you where they were. Everything from the
20 police station I remember like it was yesterday. I run
21 through it every year, for nearly eight years now.

22 Q. Okay.

23 You've told us about -- you've mentioned a small
24 room a few times, we've heard it was an interview room.
25 Describe the room for us.

Transcript of the Sheku Bayoh Inquiry

1 A. I do remember that the room was quite small. I remember
2 going in and there being a table and a chair, and then
3 two chairs in front of the -- in front of the table. So
4 the officers sat on one side of the table, I sat
5 directly across and then my mum to the other side of me
6 with the baby.

7 Q. Right.

8 What explanation was given to you at that time about
9 what was going to happen?

10 A. I think it was a lot of "I need to go here, I need to do
11 this", and then they had come back --

12 Q. Was that the officers who were needing to do things?

13 A. Yeah. So they sat us down and I think they had, one of
14 the officers had gone away, and then the other officer,
15 PC Mitchell, I think it was, had said, was talking about
16 [redacted] having a sniffly nose, and talking to me
17 about "Oh, you should try a Calpol plug-in", and I just
18 remember thinking "What are you talking about, why are
19 you talking to me about my baby, about his sniffly nose?
20 Just tell me what is going on and what's happened to
21 Shek." I remember being quite angry about it, because I
22 remember thinking "Will you just be quiet and tell me
23 what's happened to my partner, please?"

24 Yeah.

25 Q. We heard that the officers' intentions were to try and

Transcript of the Sheku Bayoh Inquiry

1 build some rapport with you --

2 A. Yeah.

3 Q. -- and from what you're describing --

4 A. No, I wasn't interested. I wasn't interested in small
5 chat, I wasn't interested in what he recommended for my
6 baby. "I'll look after my baby. You just tell me
7 what's happened to my partner." I was very irritated by
8 it.

9 Q. Then at paragraph 16 you talk about when the officers
10 told you the bad news, and you've put in this paragraph
11 in your Inquiry statement, 16, it's in quotation marks:
12 "There's no easy way of saying this. I'm just
13 going to say it. There's been a body found that matches
14 your partner's description and we think it's Shek.'"
15 Why is that in quotation marks there?

16 A. Because that's what I was -- that's what I've said,
17 that's exactly how I remember it, that's what was said.

18 Q. And the wording there is "There's been a body found".
19 How comfortable are you with that expression?

20 A. I would swear on my children's life. No ups, downs,
21 maybes. I didn't misunderstand anything. I remember
22 those words being told to me like it was yesterday, and
23 there's no hesitation in my mind that they said "There's
24 been a body found that matches your partner's
25 description".

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1 Q. And you've explained how upset you were as a result of
2 that. Then at the end of this paragraph you say you
3 were:

4 "... in shock, and then I think, once I ... calmed
5 down a little bit and ... regained myself a little bit,
6 I had said, 'Well, what's happened to him, has he
7 collapsed, has he got any wounds, has he been hurt, has
8 he been stabbed ... what's happened? Where was he
9 found?' They ... just said that a passer-by had found
10 him dead on the street ..."

11 A. Yeah.

12 Q. And tell us, how confident are you in your memory of
13 asking those questions and the response --

14 A. Yeah.

15 Q. -- you got?

16 A. Yeah. As sure as sure can be. Like I say, I have got
17 PTSD. Things after the police station are very blurry,
18 I can't recall who said what when, but everything in the
19 police station I remember like it was yesterday.
20 I remember all the questions that they asked, I remember
21 all the questions that I asked, and I remember as soon
22 as I was told that, I wanted to know what had happened
23 to him, and I remember asking "Has he collapsed, has he
24 got any wounds, has he been stabbed, has he been hit by
25 a car, what's happened to him?" I remember asking them

Transcript of the Sheku Bayoh Inquiry

1 because I remember wanting to know what had happened,
2 and I thought "Well, he's not just dropped down dead,
3 like, how is he dead? What's happened?" And I remember
4 them just saying a passer-by had found him dead on the
5 street.

6 Q. The final sentence that mentions the passer-by --

7 A. Yeah.

8 Q. -- is not in quotation marks, and can you help the Chair
9 understand to what extent that reflects what you were
10 told? Because the earlier passage --

11 A. Yeah.

12 Q. -- you had as a quote.

13 A. Yeah. No, it should be a quote. That was everything
14 that was -- that was said.

15 Q. And so the words that were said, you say:

16 "They just said that a passer-by had found him dead
17 on the street."

18 A. Yeah.

19 Q. Is that the passage that should be in quotation marks?

20 A. Yeah. Yeah.

21 Q. Was that the first mention of a passer-by?

22 A. Yeah.

23 Q. Was there any explanation, other than the words that
24 about having to there in paragraph 16, about the
25 circumstances?

Transcript of the Sheku Bayoh Inquiry

1 A. No. They had just said there had been a body found that
2 some, like a passer-by had found him and they didn't
3 know what had happened, and that's when I had said
4 "Well, has he got any wounds?" And I remember them
5 saying "Not that we can see, not that we know of".

6 Q. Any other information that they shared with you at that
7 time?

8 A. No. They had just said that a passer-by had found him
9 and then it was "We need to take a statement from you".

10 Q. Right. The officers obviously gave evidence to the
11 Chair and, as I understand that, they've said that they
12 knew at this time that Shek had died after coming into
13 contact with the police, but one of the officers said
14 he'd been told by a more senior officer not to share
15 that information with you. If that had been shared with
16 you on that day, at that time --

17 A. Yeah.

18 Q. -- what difference would that have made for you?

19 A. I don't think I would have sat in the police station for
20 hours giving a statement on the back of Shek dying
21 having come into contact with the police.

22 Q. Why is that?

23 A. If the police were the last ones to see Shek alive, he
24 was fine until they got there, why am I then going to
25 sit in a police station and give them information when

Transcript of the Sheku Bayoh Inquiry

1 they've hurt Shek?

2 Q. How does it make you feel to know that that information
3 was withheld from you?

4 A. Disgusted.

5 Q. Why do you say that?

6 A. You know what's happened, I've asked you what has
7 happened, I've asked you "Has he been stabbed, has he
8 collapsed, has he been hit by a car, what's happened to
9 him?" and you say "No obvious wounds, we don't know."
10 You do know. You know that the police have been in
11 contact with Shek, and you know that he's died right on
12 the back of being in contact with the police. You do
13 know what's happened to him. You know that he's not
14 been stabbed, you know that he's not been hit by a car,
15 you know that he's died after being restrained, and
16 you're lying.

17 I don't feel it's withholding information, that is
18 a straight-up lie. I'm asking you a question and you're
19 saying "No, I don't know." That, to me, is a lie. It
20 might make you feel better that you say you're
21 withholding information, but to me that's not
22 withholding information, that's intentionally lying.

23 Q. And that's your view?

24 A. My opinion, yeah.

25 Q. Is that how you felt once you found out --

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. -- more information?
- 3 A. Yeah.
- 4 Q. Can I ask you about paragraph 18, please. You describe
5 your reaction to the news, and you've said that your mum
6 was comforting you.
- 7 A. Yes.
- 8 Q. You'll see that on line 3, and once you had settled down
9 a little bit they said:
- 10 "I know this is really difficult for you but we're
11 going to have to take a statement from you'."
- 12 That's in quotation marks.
- 13 "I said, 'I'm not giving a statement, I just want to
14 go and see Shek. Why would I need to give a statement?
15 I just want to know what's happened.'"
- 16 A. Yeah.
- 17 Q. And again, that's all in quotation marks. To what
18 extent are those your recollections of the words that
19 were used?
- 20 A. Yeah. Like it was yesterday, I remember it.
- 21 Q. Okay. Do you remember which of the officers said those
22 words that you have about having to take a statement?
- 23 A. It was Wayne Parker.
- 24 Q. Wayne Parker. We've heard that the other officer took
25 your baby out of the room --

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yeah, yeah.
- 2 Q. -- for, he thought, around ten minutes.
- 3 A. Yeah, that's right.
- 4 Q. And that was to let you calm down a little after getting
5 the news.
- 6 A. Yes.
- 7 Q. And did your mum remain in the room with you --
- 8 A. Yeah.
- 9 Q. -- during that time?
- 10 A. Yeah.
- 11 Q. Looking back now, was it helpful for you to have your
12 mum there?
- 13 A. Yes, yeah.
- 14 Q. Can we look at paragraph, just at the bottom of
15 paragraph 18, you say:
- 16 "I remember them saying that they were looking for
17 somebody in connection with it, but I can't really
18 remember the sequence of when they had said that."
- 19 A. Yeah.
- 20 Q. "I just remember when I was asking what's happened to
21 him, they had said, 'We are looking for somebody'..."
- 22 A. Yeah.
- 23 Q. Again, we see there that you have "we are looking for
24 somebody" in quotation marks.
- 25 A. Yeah.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Do you remember who said that?
- 2 A. Wayne Parker. I remember it was him that was doing all
3 the talking, from what I remember it was him that was --
4 he told me that, you know, Shek had been found, he was
5 the one who was asking me questions, and it was him that
6 had said that they were looking for somebody in
7 connection with it.
- 8 Q. Was any other information given?
- 9 A. No, they had just said, you know, like that a passer-by
10 had found him and that they were looking for somebody in
11 connection with it.
- 12 Q. What impression did that leave you with?
- 13 A. I thought that he'd obviously been murdered, that they
14 were -- that was my thoughts at the time, if you're
15 looking for somebody, somebody's done this to him,
16 somebody's hurt him.
- 17 Q. So again, at that time, was there any mention at all
18 about the police contact?
- 19 A. No, no.
- 20 Q. The officers gave evidence, and as I understand their
21 evidence they say they didn't tell you they were looking
22 for somebody. Do you have any comment about that?
- 23 A. Again, why would I lie? You know, why would I lie?
24 I have no reason to say that. I don't have any reason
25 to lie. I'm -- I don't just make this information up.

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1 I've not just plucked it up out of thin air. It's not
2 just something that I would say, I have no reason to do
3 that. Yeah. They did say that, and it probably goes
4 against what they were supposed to say and that's why
5 they're saying that they didn't say it. But, like
6 I say, everything from that police station I remember it
7 like yesterday.

8 Q. Thank you.

9 Moving on to paragraph 19, line 2:

10 "They had said that if I was to give a statement,
11 then I would be able to go and see him because he would
12 need to be identified. So, they had said, 'If you get
13 the statement done, then we'll see about you going to
14 see him' [and that's in quotation marks] and mum had
15 kind of been saying ... 'Let's just do the statement and
16 then maybe you'll get to see him after.'"

17 Again, that's in quotation marks. Tell us about
18 this part of the conversation.

19 A. I remember that they had said that they knew it was
20 difficult for me, but I would have to give a statement,
21 and I had said "I don't want to give a statement, I want
22 to see Shek", and they had said, you know, that they
23 understood that it was difficult, but it was really
24 important to try and get the statement so that they
25 could get all the information that they needed, to find

Transcript of the Sheku Bayoh Inquiry

1 out what had happened. And I had said "No, I just want
2 to see Shek, I just want to see Shek", and I remember
3 saying it over and over again, "I don't want to do
4 anything, I just want to see Shek" and they had said "If
5 you get the statement done then we will see about you
6 going to see him".

7 Q. So, having heard that, what was your understanding of
8 the position?

9 A. Well, I thought I'll do the statement and then I'll get
10 to see him. They've said that he would need to be
11 identified anyway, and they had said "You will get to
12 see him, so if you get your statement done you'll get to
13 see him, because he needs to be identified anyway"
14 because they had explained that he would probably need
15 a post-mortem, I think, at that stage. But I remember
16 being reassured that if I was to do my statement then
17 they would see what they could do about getting me to
18 see him.

19 Q. And as far as you were concerned, once you finished your
20 statement, what was going to happen?

21 A. I thought I was going to get to see him.

22 Q. When you gave your statement, did you remain of the view
23 that Shek had been murdered and they were looking for
24 somebody?

25 A. Yeah. Yeah.

Transcript of the Sheku Bayoh Inquiry

1 Q. And when you gave your statement, who was in the room?

2 A. It was me, my mum, the baby, and the two officers.

3 Q. The officers have given evidence and said they didn't

4 tell you that you could see Shek if you gave

5 a statement, they wouldn't have tried to bargain with

6 you in that way, and they couldn't make that offer to

7 you. Again, would you like to comment on that?

8 A. I -- I was very angry when I watched that. Absolutely

9 disgusted, actually. It made me very upset. I wish

10 that I would have the opportunity to be across from

11 Wayne Parker and get him to look me in the eyes and tell

12 me that he did not say that, because he did, and I'm so

13 angry that he said that he didn't say that, because

14 I can assure you that if they had explained to me that

15 I wouldn't get to see Shek and it could possibly be

16 a few days, I would have been running out that police

17 station to go and see him. I would have tried to go to

18 the hospital. Sorry.

19 MS GRAHAME: No, not at all.

20 THE WITNESS: Can I have a break?

21 MS GRAHAME: Of course.

22 LORD BRACADALE: We will have a 15-minute break now.

23 (11.07 am)

24 (A short break)

25 (11.30 am)

Transcript of the Sheku Bayoh Inquiry

- 1 LORD BRACADALE: Please play the next part now.
- 2 Ms Grahame.
- 3 MS GRAHAME: Thank you.
- 4 Can I ask you just some questions about when your
5 statement was taken? Was it explained to you that it's
6 not being recorded or taped or any of that?
- 7 A. I'm not sure. I don't think so. I think it was just --
8 he was just writing it down, but I don't think he stated
9 that it wasn't being taped or recorded in any way.
- 10 Q. And was it explained to you that you were there on
11 an entirely voluntary basis?
- 12 A. No, because he had said, "We need to take a statement
13 from you". It wasn't, "Do you mind if we take
14 a statement from you?" Or, "Can you give us
15 a statement?" It was, "We need to take a statement from
16 you".
- 17 Q. What impression did that give you?
- 18 A. That I had to do it.
- 19 Q. You said he was writing down --
- 20 A. Yeah.
- 21 Q. Was every word that you said written down?
- 22 A. I'm not sure, because he was just asking me the
23 questions and then I was just answering them and
24 I wasn't sure what was being written down or not.
- 25 Q. Can we look at your Inquiry statement again, please,

Transcript of the Sheku Bayoh Inquiry

1 paragraph 21.

2 You say here:

3 "When I was giving my statement, they were asking
4 all about our relationship ... where I had been the
5 night before, what we had done the day before, why was I
6 staying at Mum's; they thought that was really strange.
7 I remember them saying 'Had you had an argument? Why
8 were you staying at your mum's?' I had to explain that
9 that's just what we done. I was really close to Mum, so
10 if Shek was ever going out and I wasn't going, I would
11 just do and stay at Mum's and then me and my Mum would
12 have a girly time together, and then she also got to
13 spend some time with [your baby]. But they just kept
14 pushing that we had fallen out, that we'd had
15 an argument and that's why I was staying. They were
16 asking if me and Shek's relationship was a good
17 relationship, if it was stable."

18 Can I ask you some questions about that paragraph?

19 Can we maybe go back to the top. Was any
20 explanation given to you by the officers as to why they
21 were asking about your relationship?

22 A. No, I think they had said that they needed to ask
23 questions to build up a picture of Shek. That was kind
24 of all they really said. And I didn't think it was
25 strange, I just went along with all their questions.

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1 I've never been questioned by the police before, so
2 I was kind of just automatically answering everything
3 that they were saying to me, I didn't question it,
4 I just thought it was quite normal.

5 Q. When you've said:

6 "... they just kept pushing that we had fallen
7 out~..."

8 A. Yeah.

9 Q. Explain what you mean.

10 A. Once they knew that I'd stayed at mum's they just kept
11 saying, "But why were you staying at your mum's? Was
12 that something that you do often? Had you had
13 an argument? Had you fallen out?" And they would kind
14 of ask it and then ask a different question that wasn't
15 to do with it and then come back and then ask about
16 staying at mum's again, almost to try and catch me out
17 or see if my answer was different. But it was just what
18 we had done. But they just kept saying, "And you, had
19 you had an argument?" And, "Did Shek mind if you stayed
20 at your mum's?" Just really concentrating on me being
21 at mum's, and was that normal for us, and did we argue
22 a lot, did we have a good relationship. Yeah, just
23 questions like that.

24 Q. How did that make you feel at that time?

25 A. I don't remember it making me feel any kind of way.

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1 I think, as I said, they were asking the questions and
2 I was just answering them. I do remember thinking, "No,
3 we haven't had an argument, I'm not going to change my
4 mind, we didn't have an argument". I do remember
5 thinking, "Why do you keep asking me?" Like, I remember
6 thinking they think that it was strange that I was
7 staying at mum's but it just really wasn't, like it was
8 just what we done. But I do remember feeling like that
9 they thought that that was odd that I was staying at
10 Mum's.

11 Q. How often were you asked about the reasons for staying
12 at your mum's?

13 A. Quite a lot because, like I say, like they kept kind of
14 going back to it, like asking something else and then
15 going back and saying, "And so you stayed at your mum's,
16 did you stay at your mum's often?" Like they just kept
17 going back to it, and I thought, "Why do you keep asking
18 about that? I've told you it's quite normal for us to
19 do that". Me and Shek were in a really good place, not
20 arguing.

21 Q. Can I ask you about the next paragraph, 22. This is the
22 paragraph that mentions questions about being asked
23 about Shek himself.

24 A. Yeah.

25 Q. "... if he was religious; if he was a Muslim, how

Transcript of the Sheku Bayoh Inquiry

1 religious was he? Did he pray? How often did he pray?
2 Did he drink? Did he eat bacon?"

3 And you've explained how you were answering these
4 questions.

5 Can I ask about those questions first of all: at
6 what point were those questions asked in the interview
7 room?

8 A. I think they were just asking about Shek, they were
9 asking what he'd done for a job, what he enjoyed doing,
10 it was just really all those questions, and then it just
11 all came, like, "What kind of person was he? What did
12 he do for a job? What did he do for fun?" Blah blah
13 blah, "Was he religious? Was he a Muslim?" Like it
14 didn't seem to be in any kind of order, it was just what
15 they had asked.

16 Q. What was your understanding of the relevance of
17 questions about him praying or his religion and eating
18 bacon?

19 A. I didn't really think about it. I think I was very
20 naive, and like I say, I just answered all the questions
21 that they were asking me, because I didn't have any
22 reason to doubt the questions or anything. I do
23 remember when they had said, "Does he eat pork? Does he
24 eat bacon?" And I remember thinking, "What?" Like,
25 what kind of question is that? And I just said, "Yeah",

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1 like ... I found it odd that they had asked that. But
2 like I say, I've never been questioned by the police
3 before, I don't know what kind of questions that they're
4 supposed to ask, so they asked me a question, I answered
5 it and I didn't think anything of it.

6 Q. You then go on to say:

7 "I was asked if his family had a problem with me
8 being white. Did they have a problem with me not being
9 a Muslim? Did Shek want me to become a Muslim."

10 A. Yeah.

11 Q. How confident are you that those questions were asked?

12 A. Very confident. I remember it. Like I say, I remember
13 everything in the police station. Like I say, I've got
14 no reason to make this up. I don't know why I would.
15 I don't know what is routine questions, so I don't know
16 what is a normal question to be asked. I have no reason
17 to kind of make questions up as I go along. I vividly
18 remember them asking me that. I remember them sitting
19 across from me asking those questions and me just
20 answering them. But again, I just thought it was
21 routine questions.

22 I'm 100% certain that they had said that. I have no
23 hesitation that they asked me those questions.

24 Q. The officers who took the statement who were there with
25 you have indicated that, for example, you've mentioned

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1 Andrew Mitchell, and he said he -- they didn't ask
2 questions about his religion, whether he prayed or how
3 often he prayed or whether he ate bacon. Do you have
4 any comment about that evidence?

5 A. Again, I can only tell you my truth and what I remember,
6 and like I keep saying, I remember everything from the
7 police station and I remember all the questions that
8 were asked of me. I really have no reason to make
9 questions up. I remember that being said, and I know
10 they've said that they didn't ask that. I don't know
11 what more else I could say. They did ask me that, and
12 if they said that they didn't ask that, why are they
13 saying they didn't ask that, because they definitely
14 did? Are they saying they didn't ask that because they
15 shouldn't have asked that? Because I've got no reason
16 to say that they asked me those questions. They
17 definitely asked them.

18 Q. You said a moment ago that -- you described yourself as
19 naive. Looking back now, what impression do you have
20 about these questions?

21 A. I think they're really odd, but like I say, like, they
22 gave the impression that they were just having to find
23 out about Shek, about his character. I kind of just
24 thought it was normal. I really didn't think anything
25 of it. But I remember them being quite pushy with the

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1 Muslim questions, and about his family and did they want
2 me to become a Muslim, did we face problems being in
3 a mixed racial relationship? But again, they just were
4 asking these questions and I just answered them.
5 I mean, when they did ask if he ate pork or bacon,
6 I remember thinking "huh?" But I kind of just like
7 thought what an odd question, maybe they're just trying
8 to find out how much -- how kind of serious of a Muslim
9 is he, because they had asked -- because I remember them
10 saying, "Muslims don't tend to eat bacon, so would you
11 say that he was a serious ..." Like, this was the kind
12 of thing that they were saying, "Muslims don't tend to
13 eat bacon so would you say that Shek was a strong
14 Muslim? Would you say that he was very religious?" And
15 then I think that he had said about did he drink because
16 Muslims don't usually drink, or do drugs, and I had
17 said, "Well, he does enjoy a drink but he doesn't do
18 drugs", and I remember them saying, "Muslims don't
19 usually", and then it was -- I got the impression it was
20 to gauge how much of a Muslim was he, as strange as that
21 is.

22 Q. Thank you.

23 Can we look at paragraph 23, please. You say there:

24 "They asked if I would be able to contact his
25 sister. They had asked if he had had family here and

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1 then they has asked if I would be able to tell his
2 family. I said, 'No'. I said, 'How am I supposed to go
3 to his sister's and explain that her brother's dead?
4 I don't know even know what's happened'."

5 Tell us about that part of the conversation.

6 A. I remember when they asked me, I remember being taken
7 really aback and kind of being flabbergasted that they
8 had even asked me that, because I thought, "Why would
9 I tell them that? I don't know what's happened, you're
10 the police". I didn't feel it was my position to go and
11 tell her. Like I say, I didn't know how I was supposed
12 to -- how was I supposed to go to KK's door and say
13 "Shek's dead"? I didn't feel capable of doing it,
14 because obviously I was so upset myself. And I didn't
15 feel like that was something that I should have to do.
16 I think I thought, "Why would the police be asking me to
17 do that?" I found that odd. And --

18 Q. You mentioned KK.

19 A. Yeah, that's Kadi, sorry.

20 Q. Is that Kadi Johnson?

21 A. Yeah. Shek called her KK and so did I.

22 Q. Right. At paragraph 24, you mention:

23 "I had also said that they would have to contact
24 Connie ... because he was due to see ... that day."

25 A. Yeah.

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1 Q. Now, as I understand it, Connie was Sheku Bayoh's former
2 partner?

3 A. Yes.

4 Q. And they had a child?

5 A. Yeah.

6 Q. And he retained contact with his child?

7 A. Yeah, yeah.

8 Q. And I think you say at the end of that paragraph:

9 "I think I maybe passed on her contact number
10 because I think I had her number, but I can't really
11 remember."

12 A. I don't know if I gave her -- gave the number, because
13 I don't remember having Connie's number at that time.
14 Because I think I remember saying, "You'll have to get
15 in contact with Connie because he's supposed to see his
16 child today", and I think they'd asked me for numbers
17 and I had said, "I don't have that", and I think they
18 had said, "Don't worry, we can find it".

19 So I'm not sure, maybe -- if that's what I'd said
20 before, maybe that is true.

21 Q. So is the reason that you mentioned Connie was because
22 Sheku had an arrangement with her for that day?

23 A. Yeah, he was supposed to see his son that day, yeah.

24 Q. Were you given any more information by the police about
25 whether they would speak to Connie themselves or ...?

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1 A. No, they had just said, "Don't worry", that they would
2 find a contact number for her and they would let her
3 know. Because I was quite worried, because they used to
4 meet halfway and I did not want her bringing the little
5 boy out and waiting around from ...

6 Q. As far as you're aware, and you may not be, as far as
7 you're aware, was contact made by the police with
8 Connie?

9 A. No.

10 Q. At any time?

11 A. No. I think Connie found out on Facebook.

12 Q. Can I ask you about the timing of the police taking the
13 statement. Looking back now, you've described today how
14 you were told the news and then the police asked to take
15 a statement.

16 A. Yeah.

17 Q. One of the officers, Sergeant Mitchell, had taken your
18 baby out of the room --

19 A. Yeah.

20 Q. -- for a short time and then a statement was taken.

21 Looking back now, what impact did that have on you
22 and taking the statement within that timeframe?

23 A. I think it was really difficult, because I had just had
24 the bad news, and obviously my whole world had crumbled
25 around me, and then I was asked to give a statement, and

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1 honestly all I really wanted to do was go and see Shek.

2 Q. Can I ask you to look at paragraph 26, please. You were
3 asked by the Inquiry team when they were taking your
4 statement about whether you had had the chance to read
5 over the statement before you left the police station,
6 and you say:

7 "'We just need to get that statement out of the way
8 so that then he can be identified, and you'll get to see
9 him'."

10 That's the police comment:

11 "That did not happen. I am asked whether I was
12 given the opportunity to read over and sign my
13 statement. No, I don't think I did. I definitely
14 didn't read it. I remember I got to read it when PIRC
15 gave it to me."

16 A. Yeah.

17 Q. Now, just for your purposes, you have a copy of the
18 handwritten statement in the blue folder and I wonder if
19 you might want to correct something in paragraph 26.

20 Do you see at the bottom of the pages on the
21 handwritten statement, so it's towards the rear, I think
22 it's got a red post-it, do you see at the bottom of the
23 pages that there appears to be your name?

24 A. Yeah.

25 Q. Do you recognise that?

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- 1 A. Yeah, that's my signature, yeah.
- 2 Q. Right. So when the Chair looks at paragraph 26, should
3 he understand that in fact you do appear to have signed
4 the pages?
- 5 A. Yeah. I've obviously signed it, but I know that
6 I didn't read it. I think it was -- they had done the
7 statement and they had said, "Oh, if you just sign at
8 the bottom of each page here", but I definitely never
9 read it.
- 10 Q. Was the statement read over to you --
- 11 A. No.
- 12 Q. -- by one of the officers?
- 13 A. No.
- 14 Q. How clear are you in your memory of that?
- 15 A. Very, because it was just a case of doing the statement,
16 signing it, and then that was it. I definitely didn't
17 read it over, and it wasn't relayed back to me at all.
- 18 Q. When you think back to your experience in Kirkcaldy
19 police office, could you help the Chair, looking back,
20 are there ways that that experience could have been made
21 better for you?
- 22 A. Honestly, I don't know. It was never going to be easy
23 to find out that Shek had died, but I feel that they
24 were very misleading, and they used me. I feel like
25 they tried to gather as much information as they

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1 possibly could on Shek that would maybe benefit them.
2 I don't feel like they were looking out for me. I feel
3 like they were looking out for themselves. And I think
4 they knew that I was a vulnerable person, and that I was
5 in a vulnerable position, and I think they knew that any
6 questions that they were going to ask I was going to
7 answer them, because to me I thought that I was going to
8 be helping them find out what had happened to him.

9 So I don't think there's anything that would have
10 made it any better. However, I do think that we should
11 have been told the full truth. I still to this day
12 don't understand why I was told that there had been
13 a body found. It was very misleading, it was very
14 confusing for us. It was upsetting, and very confusing
15 for us being told that there was a body found and then
16 going to his sister's and her saying that he had died in
17 the ambulance. I remember being really confused.

18 Q. We'll come on to that in a moment.

19 A. Yeah.

20 Q. So, thinking about the events in Kirkcaldy police
21 station, is there anything you think could have been
22 done by the police to maybe have more regard to your
23 well-being and the impact of this experience on you?

24 A. I feel there wasn't really any reason to not break that
25 news to me at home whilst I'm in the comfort of my own

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1 home, that he had passed away, and maybe not expecting
2 me to do a statement right on the back of having that
3 news. Yeah.

4 Q. Is there anything else the police could have provided
5 you with, other than you've described?

6 A. Just the truth. But then if they had told me the truth,
7 then I wouldn't have given that statement, and I think
8 they knew that as well.

9 Q. Let's move on to the time after you left Kirkcaldy
10 police office. I think in paragraph 27 at that time,
11 you've told us about your baby and having breastfed your
12 baby in the house before you went there?

13 A. Yeah.

14 Q. I think in this paragraph you mention that your mum went
15 to go and get some milk for you?

16 A. Yeah.

17 Q. To allow you to continue breastfeeding --

18 A. Yeah.

19 Q. -- your baby.

20 You've said in this paragraph that:

21 "... my mum was going to get the milk for me, but
22 she got as far as the gate and then she was told that we
23 weren't allowed in the house, it was a crime scene, and
24 that anything that we needed from the house they would
25 have to get for us. So, an officer did go into my

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1 freezer and got my breast milk and brought it back to
2 the car."

3 So in relation to your home, the officer wouldn't
4 allow your mum access --

5 A. Yeah.

6 Q. -- but, as I understand it, did get what you needed?

7 A. Yeah.

8 Q. How did you feel when you were told your house was
9 a crime scene?

10 A. I don't really remember feeling anything. I think
11 I thought kind of, "Well, that's good because I know
12 that they're looking for somebody in connection with it
13 and if they have the house then they'll be able to get
14 everything that they need, maybe". I didn't really
15 think about it, because at this point, from my
16 understanding it possibly was the beginning of a crime
17 scene. So I didn't think anything of it, because I'm
18 still of the understanding that he's been found on the
19 street and that there's -- they're looking for somebody
20 in connection with it.

21 Q. And that remained your impression after you'd given your
22 statement?

23 A. Yeah.

24 Q. Was any information given to you about what crime had
25 been committed?

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- 1 A. No.
- 2 Q. Were you -- whether you understood that your house was
3 to be searched, then, was that explained to you, having
4 been told it was a crime scene?
- 5 A. No, it wasn't. I didn't really question it. I think
6 I just -- honestly I was just kind of going along with
7 everything. If they said they needed the house, they
8 needed the house; if they said I needed to do
9 a statement, I needed to do a statement. Any questions
10 they asked me, I answered them. I was just compliant to
11 everything and I never questioned anything because
12 before all of this I didn't have any reason to question
13 the police or anything that they done.
- 14 Q. Can I ask you about when you went to the house of Kadi
15 and Ade Johnson. We've heard evidence from
16 Kadi Johnson, who was Sheku's sister. Do you remember
17 when you went there?
- 18 A. So, after we left the police station we went back to my
19 mum's. I can't really recall how long we were there
20 for, but I remember KK phoning me and we were just
21 crying, and she asked me to come down, so we basically
22 went straight down after that phone call.
- 23 Q. Can I ask you to look at paragraph 27 now, please.
24 Sorry, 29:
25 "After that we went back to my mum's house. Then at

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1 some point when we were back at my mum's house, I think
2 his sister, Kadi, had phoned me. I think we just then
3 went down to KK's house. Shek called Kadi KK and so
4 did I. I am asked whether Kadi knew Shek had died when
5 we spoke on the phone. Yes, she did. I think they had
6 said that an officer had gone to their house, but on the
7 phone, there was just a lot of tears, a lot of crying,
8 a lot of, 'I can't believe it's him. I can't believe
9 it.' We went down and when we got to KK's house
10 I remember her saying that he died in the ambulance.
11 I said to KK, 'What ambulance? They told me he was dead
12 in the street. Why was he in an ambulance?' Then KK
13 said, 'What?' We were just confused. KK said that it
14 was police officers that came to her house to tell her,
15 had said that he died in the ambulance on the way to the
16 hospital."

17 So just in terms of working out when this happened,
18 you've spoken to Kadi Johnson on the phone?

19 A. Yeah.

20 Q. When you arrived at her house, had the police officers
21 already left?

22 A. Yes.

23 Q. So when you're in the house, you've mentioned -- and I'm
24 sorry, this spans two pages, and I wonder if we could
25 maybe just get them, so at the end of page 10 you

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1 remember her saying that he died in an ambulance?

2 A. Yeah.

3 Q. Was that the first time you'd heard mention of there
4 being an ambulance involved?

5 A. Yeah. I remember as soon as we went to KK's we were
6 sitting on the sofa and we were kind of crying and just
7 saying, "We can't believe it, it can't be him", and then
8 I remember them saying he died on the way to the
9 hospital in the ambulance and I remember thinking,
10 "What? What ambulance?" And I remember saying, "What
11 ambulance? I was told that he was found dead on the
12 street". And I remember just us being like confused and
13 like, "What? Like, "What's going on?"

14 But at that time I didn't -- I just thought that's
15 really strange, I didn't know that there had been
16 an ambulance, but then I thought, "Well, that's his
17 sister, so maybe they've told her more information or
18 something", but I was like I don't know why I've been
19 told that he's been found dead on the street and then
20 I go there and then she's been told that he died in the
21 ambulance, I was really, really confused when she said
22 that he had been found - he had died in the ambulance,
23 sorry.

24 Q. How did you feel about the apparent difference between
25 what Kadi had been told and what you had been told?

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1 A. I think I just thought maybe when the police spoke to me
2 they got it wrong and maybe there was an ambulance. At
3 this point I'm still not really questioning anything.
4 I think I was in shock a lot, so I wasn't really
5 thinking. But I do remember there being confusion over,
6 why would -- why would I be told that he was dead on the
7 street and KK's told that he died in the ambulance? But
8 I remember thinking well, maybe KK knows more because
9 she's his sister.

10 Q. You've told us earlier this morning that your memories
11 of events in the police station --

12 A. Yeah.

13 Q. -- were clear, but you said, I think, after that,
14 things --

15 A. Yeah, I remember things quite clearly.

16 Q. Can I ask -- sorry -- how clear was your memory on this
17 matter?

18 A. Yeah, really, really clear. I can still remember us
19 sitting on the sofa, me sitting across from her crying,
20 I still remember she was in her dressing gown and stuff,
21 like it was yesterday I remember it, and I remember her
22 saying that he'd died in the ambulance and I remember
23 going, "What?" And that's like that was yesterday as
24 well. Some things are really, really clear, some things
25 not so clear, but that is really clear. I think it's

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1 because it's to do with Shek and him being -- how he
2 died. I think that's why it's so significant in my
3 memory. So I do remember her saying about the ambulance
4 like it was yesterday.

5 Q. Thank you.

6 In paragraph 31 of your statement, you then talk
7 about when the police came back to the house. So you're
8 in the house when the police arrive on that occasion.
9 We've heard that they came back for a second visit.

10 A. Yeah.

11 Q. In this paragraph, if we just read the beginning of it:

12 "The police came back that day when I was at the
13 house. I can't remember the timings because things were
14 just a blur. I was just on autopilot. I think they had
15 said there had been a warrant out for Shek's arrest and
16 I think it was then that they had said they had received
17 phone calls about him, so they were going to arrest him.
18 I am asked how we responded to that. Just very
19 confused. We were just thinking, 'Maybe they've got the
20 wrong person'."

21 So can we just -- I'll just stop there for the
22 moment. Describe to us your reaction to being told that
23 there was a warrant out for Shek's arrest?

24 A. Honestly I remember feeling a little bit of relief
25 because I thought this isn't Shek. I just remember

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1 thinking, "There's no way that that's Shek", so I kind
2 of felt, "Ah, they've got the wrong person". Honestly,
3 I just thought they've got the wrong person and they're
4 not talking about Shek so maybe we still need to find
5 him, honestly.

6 Q. We know that there wasn't a warrant out for his arrest
7 that day. How clear is your memory of that part of the
8 day?

9 A. Yeah, quite clear. Timings I'm not sure about, but I do
10 remember them saying that there was a warrant out for
11 his arrest, that they had received phone calls about him
12 having a knife, and then ... I can't remember exactly
13 what was said after that, but I remember the, "There's
14 been a warrant out for his arrest", that they'd received
15 phone calls about him having a knife, and then I think
16 after that I was just thinking, "Oh, I think they've got
17 the wrong person here".

18 Q. Who was it that mentioned the warrant; do you remember?

19 A. No. This is what's blurry. I remember certain things
20 being said, but who said what and what times and things
21 I can't remember. But I do clearly remember that they
22 had said that there had been a warrant out for his
23 arrest.

24 Q. Did you recognise the officers who came to the
25 Johnsons' --

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1 A. Yes, I just can't really remember who had said what,
2 because like I said I was just on autopilot and I was
3 very numb. I can't really remember who was ...

4 Q. When you say you recognised them, do you remember who
5 they were?

6 A. Yes.

7 Q. Who were they?

8 A. Wayne Parker and DC Mitchell.

9 Q. The officers who had spoken to you --

10 A. I'm terrible with names, yeah.

11 Q. I am as well. So they were the officers that had spoken
12 to you at Kirkcaldy police office earlier?

13 A. Yeah.

14 Q. Then, moving on further down paragraph 31, you comment
15 on thinking they've got the wrong person?

16 A. Yeah.

17 Q. And then you say:

18 "I remember them saying about a knife~..."

19 Do you see that line?

20 A. Yeah.

21 Q. "... and I remember them saying that he was brandishing
22 the knife. I think they were saying it was a machete, at
23 first. I said, 'Shek doesn't have a machete'. Then
24 I said, 'I think I would know if there was a machete in
25 my house'. I think that's how we first got told."

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1 A. Yeah.

2 Q. "I think we were told that he was brandishing a machete
3 around and that there was a warrant out for his arrest
4 for that. Then we were just in disbelief."

5 Tell us about this part of the conversation.

6 A. Yeah, I remember that really clearly as well.

7 I remember them saying that he was brandishing a machete
8 and I thought, "No, he wasn't". Like, I just remember
9 thinking, "You've definitely got the wrong person here,
10 you're not talking about Shek", and I remember thinking,
11 "I think I would know if I had a machete in my house".
12 So again thinking, "They've got the wrong person,
13 they've got this all wrong, they're definitely not
14 talking about Shek".

15 Q. You've said, "I think I would know if" --

16 A. Yeah.

17 Q. You didn't have a machete in your house --

18 A. No, yeah. Definitely not.

19 Q. -- at least at that time. What made you make that
20 connection between your house and what they were saying
21 about a knife or a machete?

22 A. I don't know, I just kind of thought, "Well, where would
23 he get a machete from?" And I was pretty confident that
24 it hadn't come from our house. I wasn't really thinking
25 about where else he would maybe get a machete from.

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1 I just knew that I was certain in my mind that we did
2 not own a machete.

3 But still at this point I'm really thinking they've
4 got the wrong person, they're not talking about Shek.

5 Q. Can I ask you to look at paragraph 32, please, and this
6 is a paragraph where you say:

7 "I think Ade had said at that point to get the chief
8 of police because I think he worked with him, so he knew
9 him. So he was asking to see him."

10 We've heard that a senior officer, Garry McEwan --

11 A. Yeah.

12 Q. -- was at the house later on the day. Is that who you
13 mean when you say "chief of police"?

14 A. Yes, yeah.

15 Q. And you've said here:

16 "I think when he came to the house it was him who
17 had said that it had been a forceful arrest, that CS
18 spray and pepper spray had been used, that batons had
19 been raised and used. I remember him saying that when
20 they got there Shek had gone towards them with the
21 knife. I remember them saying that he had hit a female
22 police officer, and I remember thinking, 'There is
23 absolutely no way that they are talking about Shek'.
24 I was like, 'There's no way Shek would hurt a woman.
25 There's no way that he would hit a woman'. The thing

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1 about a knife, I was just thinking, 'This is not Shek.
2 This isn't the same person~..."

3 So was it Garry McEwan who gave you this more
4 detailed information?

5 A. Yeah. Yes.

6 Q. Tell us about what he said.

7 A. I just remember him coming to the house, and saying that
8 there had been a forceful arrest and that they had used
9 CS spray, pepper spray and batons, and I remember him
10 saying that Shek had gone towards them with a knife, and
11 I remember him going like this (indicated), like Shek's
12 gone towards the officers with a knife like that
13 (indicated), and about how he had hit a police --
14 a female police officer, and I just thought, "Why are
15 they talking to us? They've got the wrong person,
16 they're definitely not talking about Shek here". And
17 I remember saying, "This isn't Shek, this isn't the same
18 person that we're talking about", I just thought, "This
19 is madness", like, this is not the person that I know
20 and there's no way that they're talking about the same
21 person.

22 But I do remember that after him telling us about
23 the forceful arrest, to my memory I had said, "So you
24 battered him to death?" And I still remember it now, he
25 went like this (indicated), just raised his hands,

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1 shrugged his shoulders as if to say, "Don't know", and
2 that will never leave me.

3 Q. In paragraph 32 you used the words there, "Forceful
4 arrest", and you've mentioned that today.

5 A. Yeah.

6 Q. They're not in quotation marks.

7 A. Yeah.

8 Q. Can you help the Chair understand what words
9 Garry McEwan actually used?

10 A. He definitely used -- that should be in quotation marks,
11 he definitely had said that there had been a forceful
12 arrest.

13 Q. Was this the first time that you had heard this
14 information?

15 A. Yeah. So we had heard previously that there had been
16 a warrant out for his arrest, but then when Garry McEwan
17 came back it was that it had been a forceful arrest and
18 that it had been the CS spray, the pepper spray and the
19 batons that had been used. Yeah. I remember he had
20 said that it had been a forceful arrest.

21 Q. There may be a number of different versions. Yours says
22 it was Garry McEwan --

23 A. Yeah.

24 Q. -- that shared that information?

25 A. Yeah.

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- 1 Q. How confident are you that it was Garry McEwan?
- 2 A. Yeah, I'm fairly confident, I still remember him coming
3 in, I still remember him sitting on the chair in the
4 living room, with everybody kind of around him, he was
5 sitting in the middle of the room and he had said that
6 there had been a forceful arrest, he said about the CS
7 spray, the pepper spray and the batons, and I remember
8 him clear as day shrugging his shoulders when he was
9 asked that they'd battered him to death.
- 10 Q. So if others have said it may have been other officers,
11 are they wrong and you're right?
- 12 A. I don't want to put words into -- I don't want to really
13 put words into different, like, different people's
14 mouths, but from what I remember I'm really fairly
15 confident that it was Garry McEwan that had said that.
- 16 Q. Thank you.
- 17 A. I think I'm fairly confident that he said that because
18 I remember it was on the back of that that we learned
19 about the pepper spray and the batons and him shrugging
20 his shoulders, I think that's why it's so evident in my
21 mind that it was Garry McEwan that had said that,
22 because I remember his reaction. That will never leave
23 me, I remember it.
- 24 Q. You're describing him shrugging his shoulders and your
25 reaction?

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1 A. Yeah.

2 Q. What's been the long-term impact of that on you?

3 A. Really difficult. I remember thinking, "Are you
4 serious? You're shrugging your shoulders, like, is it
5 you don't know or is it you don't care?" I remember him
6 shrugging his shoulders and being so angry, thinking
7 "Are you serious? Like, you're shrugging your
8 shoulders".

9 But also when Garry McEwan was kind of giving us
10 this information, he was kind of saying it in a way that
11 he couldn't really believe what he was saying as well.
12 I remember him being a bit like, hasty with what he was
13 saying and then when he shrugged his shoulders it was
14 a genuine like, "I don't know, possibly".

15 So I do remember a -- it was kind of, he was just
16 saying the facts of it, but it was almost like he wasn't
17 quite believing what he was saying as well. I just
18 remember him being quite hasty with information and
19 maybe it was hasty or unsure. Yeah.

20 Q. He was unsure?

21 A. Unsure. I think he was not very, like, confident with
22 the information that he was giving us, or uncomfortable
23 with the information that he was giving us.

24 Q. You said, if we could look at paragraph 33, you talk
25 about him delivering the information to you and the

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1 family and you say:

2 "I feel like he was a bit unsure of the
3 information ... I can't remember. When we're getting
4 that information, I wasn't looking at how he was because
5 I was just getting all this information. From my
6 recollection, I remember shouting, 'So you battered him
7 to death'. This chief of police, I'll always remember,
8 he just shrugged his shoulders."

9 And you describe how you were, "Very, very angry",
10 as you've put it?

11 A. Yeah.

12 Q. If we move further down the page, just that's fine
13 there, thank you, and you say you were crying, very
14 angry, so you went through to another room?

15 A. Yeah.

16 Q. You say:

17 "Since then I have spoken to my Mum about what
18 happened and now know that it wasn't me that had said
19 that. It was my Mum who had said, 'You killed him', and
20 then it was me that had said, 'You're not going to get
21 away with this'."

22 A. Yeah.

23 Q. "In the moment of everything happening, I just remember
24 bits of what was said, because I just remember feeling
25 like I was on a spinning wheel, and I couldn't really

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1 retain a lot of the information. I was just thinking,
2 'This isn't happening this isn't happening.'

3 A. Yeah.

4 Q. Can you describe to us a little about how you're feeling
5 at this moment?

6 A. Like I say, I think I just wasn't thinking that this was
7 true, but the more information that they were giving,
8 I do remember I was spinning, like the room was spinning
9 around me and I couldn't really hear what was going on,
10 it was like I was -- there was like echoes around me and
11 I just feel like I was stood still and the whole world
12 was spinning around me. That's just how I remember
13 feeling.

14 I remember there being a lot of upset and a lot of
15 shouting at this point, and I think after Garry McEwan
16 had shrugged his shoulders in that way, I think I was
17 just very, very angry and then I think from then
18 I was -- I shut down a little bit, and I just -- I do
19 remember just standing up and shouting, "You're not
20 going to get away with this", and then I took the baby
21 out of the room into another room.

22 Q. So can I just be clear, you've mentioned at the top of
23 paragraph 33 that, you'll see in quotation marks in
24 line, I think it's 6 down from the top:

25 "... I remember shouting, 'So you battered him to

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1 death'.

2 But then later you say you have spoken to your mum
3 and you say:

4 "It was my mum who had said, 'You killed him'~..."

5 A. Yeah.

6 Q. I just want to be clear --

7 A. Yeah.

8 Q. -- what you remember saying and what you remember, what
9 you have been told your mum said?

10 A. Yeah. I think in my memory, I don't know if it's
11 because it was something I was thinking, "You battered
12 him to death", but it was always clear in my memory that
13 I had said that and then I had said, "You're not going
14 to get away with this". That bit was always in my
15 memory but it wasn't until after I spoke to my mum that
16 she had said, "You didn't say that, I had said, 'You
17 killed him', and then you responded with, 'You're not
18 going to get away with this'." I'm not sure if it's just
19 what your brain does when you're in that kind of state.

20 Q. But if we think just about your memory and not your
21 mum's --

22 A. Yeah, to my memory I had said, "So you battered him to
23 death", and that was maybe because that's what I was
24 feeling inside, that's what I was thinking. But yeah,
25 to my memory that's what I had said.

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- 1 Q. But the comment about, "You're not going to get away
2 with this" --
- 3 A. Yeah.
- 4 Q. -- which is also in quotation marks, who said that?
- 5 A. That was me, I remember being given that information,
6 Garry McEwan shrugging his shoulders, and then saying,
7 "You're not going to get away with this".
- 8 Q. And there's no suggestion from your mum that you didn't
9 say that?
- 10 A. No, she said, "You did say that and then you went to the
11 kitchen and you didn't come back".
- 12 Q. All right, so there's no dispute about that comment.
- 13 A. Yeah.
- 14 Q. And we've heard that Shek's family also reacted very
15 strongly at that time?
- 16 A. Yeah.
- 17 Q. And again, just before I finish this passage, looking
18 back now, having gone through that experience, could you
19 think of anything that might have made things a little
20 bit better for you at that time? Could the police have
21 done anything to help?
- 22 A. I think the fact that he shrugged his shoulders, I still
23 don't understand why he done that, I feel like it's
24 quite rude of him to do that. You're telling me that my
25 partner's died, that the police have done all this to

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1 MS GRAHAME: Thank you.

2 LORD BRACADALE: Ms Grahame.

3 MS GRAHAME: Can I ask you one thing about -- not about the
4 transcript, but what's been transcribed [in draft] from
5 your evidence earlier today is that you had spoken to
6 the police on previous occasions.

7 Now, my recollection is that you said you had never
8 spoken to police on previous occasions before 3 May, or
9 been interviewed by the police. Am I wrong in that
10 or~..?

11 A. I don't know, not that I remember.

12 Q. Can I ask you, on 3 May 2015 was that the first time
13 you'd been interviewed by the police?

14 A. Yeah, from what I remember --yeah.

15 Q. I think it's a mistake in the [draft] transcript and
16 I just wanted to be clear in case that isn't corrected.

17 LORD BRACADALE: While we're talking about the transcript,
18 it is actually back on again now, so ...

19 MS GRAHAME: Thank you.

20 Thank you. Can I ask you about the involvement of
21 family liaison. If we look at your Inquiry statement,
22 you tell us quite a bit about this, and I'm particularly
23 interested in the comments that you've made in
24 paragraph 40. You say that you remember them being,
25 "Very rude and quite aggressive". I don't see that

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1 there now. Yes, I do, it's about seven lines, six or
2 seven lines down, just at the end. Thank you.

3 So:

4 "I just remember them being very rude and quite
5 aggressive. I just remember thinking, 'I just wish you
6 would go away~...'"

7 Can you explain to the Chair why you say that?

8 A. Yeah. I think at this point because we had learnt more
9 about what had happened, I didn't have any trust for the
10 police or anything like that, and yeah, I don't really
11 remember much about it, but I just remember feeling that
12 I didn't want them there and we got the sense of feeling
13 that they didn't want to be with us either.

14 But as for specifics, I can't really remember what
15 they had said or anything that they had done, it was
16 just a general feeling of -- I think because I was
17 grieving as well, like, I just wanted to be on my own,
18 I didn't want to be seeing everybody.

19 Q. We've heard that they arrived, family liaison arrived at
20 around about 10 o'clock on 3 May, and we've heard that
21 they may have been from the PIRC, rather than from the
22 police.

23 A. Yeah.

24 Q. Can you help us, were they from PIRC or were they from
25 the police?

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1 A. I think they maybe were from PIRC, and I remember that
2 they had asked if there was anything that I wanted from
3 the house, and that I was to make a list of everything
4 that I would need, and I remember asking for Shek's
5 pillow, and a hoodie of his, I think it was, but
6 I remember them saying that I would have to do a list of
7 everything that I needed, and I remember -- I think it
8 was male officers because I remember thinking, "Well,
9 I don't have things like underwear", and thinking, "I'm
10 not getting them to go through my drawers". So I just
11 remember thinking, "Oh, no, just get me his pillow, and
12 get me a hoodie", and I think that was PIRC, yeah.

13 Q. Did they get you the things you asked for?

14 A. Yes.

15 Q. And looking back now, do you think anything could have
16 been done to make that a better experience for you?

17 A. Not really, I think it's just a horrible experience
18 anyway.

19 Q. If they'd have been women, would that have made --

20 A. Maybe, yeah, maybe, for personal things, yeah.

21 Q. Apart from your experience on 3 May, did you have any
22 other experiences with family liaison beyond that date?

23 A. After the incident?

24 Q. After 3 May.

25 A. I don't think so. I don't think we've seen much of the

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1 liaison officers, because I think at this point Aamer
2 was involved and I think we had expressed to him that we
3 weren't comfortable with them and I think he had said
4 that there was no really any need to have them.

5 Q. All right, thank you.

6 Can I ask you to look at paragraph 44, please, and
7 you say here that you:

8 "... found out that the post-mortem had already
9 taken place when we were in Aamer's office."

10 And we've heard evidence about the family going to
11 Aamer Anwar's offices on the Tuesday, that would be
12 5 May?

13 A. Yeah.

14 Q. Is that the date you're talking about?

15 A. Yes.

16 Q. And I think you explain what your reaction to learning
17 about the post-mortem having been done was. You said,
18 "They've not had permission to do that"?

19 A. Yeah.

20 Q. Was it your understanding at that time that they needed
21 permission to do the post-mortem?

22 A. Yeah, because I remember when I was in the police
23 station they had said they would need to be identified
24 so nothing could go ahead without him being identified
25 anyway. And I just remember thinking, "But he hasn't

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- 1 been identified, so how have they managed to do the
2 post-mortem?" And then, yeah, it was of my
3 understanding that they would need permission to do
4 that. But that's just my personal ...
- 5 Q. What information had been shared with you about the
6 necessary identification or the procedure in relation to
7 the post-mortem?
- 8 A. Nothing, really, we were just told that we would get to
9 see him, because he needed to be identified. That's all
10 I was told.
- 11 Q. What information, if any, were you given in advance of
12 the post-mortem, that that was going to be carried out?
- 13 A. None.
- 14 Q. So by the time you were offered to -- given the
15 opportunity to see Sheku, had the post-mortem already
16 been carried out?
- 17 A. Yes.
- 18 Q. Had you been given any opportunity to see him prior to
19 that?
- 20 A. No. I remember on 3 May I stayed up really, really
21 late, obviously upset, but I kept thinking, "Why have
22 they not contacted me to go and see him yet?" And
23 I remember saying to my mum, "I thought they were going
24 to phone me to go and see Shek", and then I was like,
25 "But I don't have a number to get in contact with them,

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1 surely they'll just get in contact with us", because
2 I had made it very, very clear to them that I wanted to
3 see him.

4 Q. So, in terms of maybe improving things in the future for
5 others, what would have helped in terms of liaison with
6 the police about that?

7 A. Well, I didn't realise that there was different ways
8 that a body could be identified, because I think from my
9 understanding he was identified through a Facebook post,
10 a picture online, and I didn't know that that's
11 possible.

12 I also didn't realise that it wouldn't be the same
13 day that I would get to see Shek. I wasn't of the
14 understanding that it would be not that day and possibly
15 not even the days after it. Because I was very much of
16 the understanding that if I done my statement, then
17 I would almost, right on the back of it, be able to go
18 and see him.

19 Q. Looking back now, what impact has not being able to see
20 him before the post-mortem had on you?

21 A. Really bad. I think because I didn't get to say
22 goodbye, I didn't get to see him, even now I think maybe
23 they still got it wrong, like I know they didn't get it
24 wrong, I know it was Shek, but I often find myself
25 thinking, "Maybe they did get it wrong, maybe it wasn't

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1 actually him". I often have nightmares and things about
2 it, that I'll be walking down a beach on holiday and
3 Shek'll be coming towards me, and I think it's just
4 I didn't have that closure and I didn't have that time
5 to say goodbye, because he -- it was so sudden, and then
6 not being able to see him, it's had a massive impact on
7 me.

8 Q. You've mentioned later at paragraph 47 in your statement
9 that when you were given an opportunity at a later time,
10 after the post-mortem, you wanted to see him for how he
11 was, not after he'd had the post-mortem?

12 A. Yeah. I wasn't familiar with how a body might look
13 after a post-mortem, and I didn't want to be seeing Shek
14 with stitches or ... I just was thinking worst case
15 scenario and I didn't want to remember him like that.
16 I would have rather seen him how he was before the
17 post-mortem.

18 Q. Thank you.

19 Can I ask you about a call we've heard evidence
20 about from the Sierra Leone Embassy?

21 A. Yeah.

22 Q. You mention this at paragraph 46. Where were you when
23 this call, a call about the embassy was received?

24 A. From my understanding we were in Aamer's office when we
25 received that call, because it was -- we found out about

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1 the post-mortem having been done and then later on, not
2 even long after then, it was somebody in the room had
3 had a phone call about it.

4 Q. Who was it received the call?

5 A. I can't remember, it was a family member.

6 Q. And we've heard some evidence that there was mention
7 that the embassy had been in touch with an aunt,
8 I think, in London, and there was a conversation about
9 repatriation of the body?

10 A. Yeah.

11 Q. What, if anything, did you know about a conversation
12 about repatriation?

13 A. I remember the call coming in and it was spoken about
14 that the embassy in Sierra Leone had been contacted
15 because Shek had died, and that they were asking about
16 shipping the body back to Sierra Leone, and I think
17 I remember on the back of that it was asked how he'd
18 died and then I think it went silent.

19 But I almost feel like, like I was in disbelief,
20 because I was thinking, "They've just done the
21 post-mortem and now they're trying to ship his body back
22 to Sierra Leone, why are they doing that?" And I just
23 remember thinking, "They're trying to take him away from
24 us, why are they trying to take his body away from us?"
25 And that's what I remember. I just remember after the

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1 phone call coming in, a lot of kind of hysteria in the
2 room, a lot of upset and anger. Yeah.

3 Q. Had Sheku applied for British citizenship?

4 A. Yeah.

5 Q. And tell us, was that process ongoing at the time he
6 died?

7 A. I think it was still ongoing, I remember that he had
8 just applied -- he had just taken the exam, an English
9 exam, but I can't remember if he'd actually gotten his
10 citizenship, because I remember we were applying to go
11 on holiday, and I think he needed it for a passport and
12 things, but I can't really remember what stage it was
13 at.

14 Q. Thinking back now to hearing about this issue regarding
15 repatriation, has that had a long-term impact on you?

16 A. Yeah, because it sticks with me that if Shek had been
17 taken back to Sierra Leone, I would have nowhere to
18 visit. I take my son to his grave quite a lot, and it's
19 quite -- it's nice for [redacted] to be able to go to
20 the grave as well as myself, I spent a lot of time down
21 there after he had passed away, and if they had taken
22 his body away then I wouldn't have that same opportunity
23 to have that connection.

24 Q. Thank you.

25 Can I move on and ask you about your involvement

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1 with PIRC. You've talked at paragraph 48 about being
2 aware that PIRC were made up of ex-police officers and
3 you remember not really liking them, but you say, "I was
4 very defensive after what has happened". Can you
5 explain to us a little bit about your concerns in
6 connection with PIRC?

7 A. I think I had lost all trust in the police at this
8 point, and I didn't really want anything to do with the
9 police or PIRC, because I thought they're all made up of
10 ex-police officers and they're supposed to be
11 independent, but how independent can you be if it's all
12 ex-officers that are, that make up PIRC? It's not
13 really transparent, if it's the police investigating the
14 police.

15 So I think I remember just feeling very defensive of
16 them, because I thought, "This just isn't very fair,
17 you're supposed to be transparent", and like I say,
18 I don't think you could be completely transparent if
19 you've got a police background, and I didn't feel
20 comfortable that it was the police investigating the
21 police.

22 Q. Thank you.

23 You mention a meeting that you had with Kate Frame,
24 who was the Commissioner at the time. Could we look at
25 paragraph 51, please. Do you remember when you had your

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1 first meeting with Kate Frame?

2 A. Mm-hmm.

3 Q. When was that? How long after 3 May?

4 A. I can't remember the timeframe of it at all. But

5 I remember the meeting quite well.

6 Q. How many meetings did you have with her?

7 A. One.

8 Q. So this was the one meeting you had?

9 A. Yeah.

10 Q. And you've said, you mention the phrase there,

11 "Inherited bad apples". Tell us about this meeting.

12 A. So I remember going to the meeting and at this point we

13 had known about Shek's injuries, and I think we had had

14 a poster of all of Shek's injuries, and I remember going

15 to this meeting and Kate Frame kind of just telling us

16 about Police Scotland and how they worked and I remember

17 being really quite angry at this meeting because she had

18 said that they didn't think that there was any reason to

19 think that any criminality had been -- had taken place,

20 and I remember we had just seen all these injuries and

21 I remember holding up the poster and saying, you know,

22 "If this was a member of the public who had caused

23 somebody all of these injuries there would be ... there

24 would be justice here", and I remember her being very,

25 very snide and almost laughing at me. I think at one

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1 point she actually did snigger, almost that my anger and
2 my upset was funny to her.

3 And I just remember we had known that there had been
4 complaints against some of the officers that were
5 involved, and I remember saying, "But why are they still
6 in a job; if they've had so many complaints about them,
7 why are they still in a job?" And I remember her saying
8 that when Police Scotland amalgamated, that they had
9 inherited bad apples, and I just remember thinking, but
10 a job is a job, surely every ... every job has like
11 disciplinary procedures, so if somebody has all these
12 complaints about them, how, how do they still have
13 a job? If you know that they're a bad apple, why are
14 they still there?

15 Q. Did you feel that Kate Frame was able to answer the
16 questions that you had at that meeting?

17 A. No, honestly I just think she thought that I was stupid.
18 She was really quite snide and arrogant.

19 Q. You've said that you asked about where was the justice
20 for what had happened. Looking back now, what
21 sort of -- what do you mean by "justice"? What would
22 you have wanted to happen at that meeting?

23 A. I would rather -- I would hope and wish that the police
24 would be put in jail for this, because, like I say, if
25 Shek hadn't come in contact with the police that day, he

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1 would still be here, that's my belief. And I believe
2 that if anybody else in, like, the public, if somebody
3 had done that to somebody else, caused those injuries
4 for him to become unconscious and then die, they would
5 get done for manslaughter or murder, or~... and then
6 I just feel like ...

7 Q. If you think about Kate Frame --

8 A. Yeah.

9 Q. -- and the meeting you were having at PIRC that day, is
10 there a way you think that meeting could have been
11 handled better by PIRC?

12 A. I'm not sure. (Pause). I didn't ...

13 Q. Could Kate Frame have done anything or said anything
14 that may have made things --

15 A. Probably be a little bit more understanding. I just
16 feel like she had a very bad attitude towards us, very
17 much she's right, we're wrong.

18 Q. I'll move on.

19 You've talked at a number of paragraphs, let's begin
20 with paragraph 49, you talk about being angry and how,
21 you will see at 49:

22 "I think I'm doing well until I think back to
23 something that I don't usually thinking about, and it
24 just makes me angry at how they tried to villainise Shek
25 so much and blame him for what happened. I'm asked

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1 whether that is something I think the PIRC were doing.

2 Yes."

3 Then in paragraph 50 you say:

4 "I remember even when we were first told about what
5 had happened that we were told not to talk to the press,
6 and then I remember a story coming out about it, but we
7 had been told not to talk about it, and then it was in
8 the press. I just remember how they were portraying
9 Shek and it not being very fair. How they were
10 portraying him was totally not the man that he was, and
11 I [and if we could move that up, please] remember
12 thinking it was so unfair that we weren't allowed to
13 talk to the press, but the police were giving out all
14 this information to paint him out and what had happened,
15 and we were still kind of finding out what was
16 happening. So we were still having trust in them that
17 they were looking into everything that had happened, but
18 then they had given out all these details that we didn't
19 know."

20 I wonder if you can explain how you saw things at
21 that time. You've used the phrase about them
22 villainising Shek and blaming him. Can you tell us
23 about your perspective at that time?

24 A. Yeah, I just remember in the press it was said how he
25 was -- he was massive, he was built like a house, he was

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1 6-foot odd, and weighed so much, how he was on drugs and
2 how he had the knife, just painting him out to be --
3 you know, when they were describing his size I just
4 remember thinking, "Yeah, but he really isn't that big".
5 But I think it's hard to see anything bad said about
6 somebody you love anyway.

7 Q. You've mentioned in paragraph 49 whether that was
8 something you thought that PIRC were doing, and you've
9 said yes there. Can you explain why you think PIRC were
10 trying to villainise Shek?

11 A. I'm not sure, I can't ... because I remember that it was
12 Peter Watson that was giving a lot of the stories to the
13 press, so I'm not sure why I said the PIRC. Maybe ...

14 Q. Do you want to maybe change that comment there?

15 A. Yeah. Yeah. Because I don't remember that it was PIRC,
16 because I don't think that PIRC were giving any stories
17 or anything to the press, I think it was Peter Watson.

18 Q. So that paragraph 49 maybe doesn't fairly reflect --

19 A. Yeah.

20 Q. -- what you're saying today?

21 A. Yeah.

22 Q. Thank you.

23 Then can I look at paragraph 58, please --

24 LIVE HEARING

25 LORD BRACADALE: (speaking off microphone) -- until

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1 2 o'clock.

2 (1.00 pm)

3 (The short adjournment)

4 (2.00 pm)

5 LORD BRACADALE: Yes, Ms Wilde(?), if you could please
6 continue.

7 RECORDED HEARING

8 MS GRAHAME: Then could I look at paragraph 58, please:

9 "I am asked how I felt in general about how Police
10 Scotland, the PIRC and COPFS dealt with the
11 investigation and how they treated me. I just remember
12 that they were really deliberate on trying to give
13 a really bad picture of who Shek was, what had happened,
14 and there were so many lies told that had come from the
15 police really kind of going to town on Shek's character
16 and even myself. There were stories in the media about
17 me that weren't true. I feel like they kind of went
18 after us to try and paint a picture that would help
19 them."

20 Could you explain what you meant by that?

21 A. In regards to Shek, I just remember that they were
22 describing him out to be -- having things like excited
23 delirium, being like a zombie, being really, really big.
24 I remember how they had -- the first thing that had come
25 out was that Shek had had a knife, and I remember when

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1 we were first told it was that he had a knife and he had
2 tried to go towards them with a knife, and it wasn't
3 until later on that we found out that when the police
4 approached him he actually didn't have the knife, he'd
5 had his hands up. But that was kind of already put out
6 to the public that he'd had a knife when the police came
7 into contact with him.

8 So I just remember a lot of the stories really
9 concentrating on the drugs and the excited delirium and
10 having superhuman strength and being a zombie and being
11 the size of a house, and I just felt like it was unfair.

12 Q. You've talked about all three organisations, the police,
13 PIRC and the Crown Office, and you've said at the end:

14 "I felt like they kind of went after us to try and
15 paint a picture that would help them."

16 Are you saying that in relation to all three of the
17 organisations?

18 A. I think I kind of just put them under one big umbrella.
19 I don't trust any of them. So I think I just put them
20 all in one.

21 Q. From your perspective, having lived through this
22 experience, why do you say that these organisations
23 tried to blame Sheku and vilify him?

24 A. I feel like they made it out that what happened to Shek
25 was his own fault. I feel like they haven't taken any

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1 blame as to what happened. We've never been apologised
2 to. They've never admitted any mistakes or wrongdoings.
3 Sorry, I've lost my train of thought.

4 Q. No, it's perfectly all right.

5 Let's look at another paragraph, number 59, please,
6 and you say here you were asked:

7 "... how I thought the stories were in the media.
8 It was the police. Things came out that now we know is
9 not true: about him having a knife; that he'd gone
10 towards the police with the knife, and now we know that
11 that wasn't true; that he had chased, kicked, and
12 stamped on Nicole Short, there's just no space for that
13 to happen; that he was a big, massive, six-foot-odd man
14 built like a house when he wasn't. He was five foot ten
15 and weighed 12 and a half stone."

16 Is that what effectively you're trying to say?

17 A. Yeah.

18 Q. Thank you.

19 Let's look at paragraph 61, please. You've said
20 here:

21 "I feel like they were trying to be stereotypical of
22 a big scary black man. I can't understand why they
23 think he's so large. I don't understand their
24 terminology in describing Shek because it is far from
25 the truth. In my opinion, that image was portrayed to

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1 the public to excuse what the police had done~..."

2 And you put this in quotation marks:

3 "'... 'Because he was so huge, they couldn't control
4 him, he was massive, and that's why it took six officers
5 to restrain him.'"

6 Why is that in quotation marks?

7 A. Erm ... (Pause). I'm not sure, it must be something
8 that I'd said when I was giving my statement.

9 Q. Is it a direct quote from somebody?

10 A. Yeah.

11 Q. Or is it --

12 A. I would have said that.

13 Q. You said it --

14 A. Yeah.

15 Q. -- rather than a direct quote from someone else?

16 A. No, this is what I had said to answer a question, that
17 was my opinion of --

18 Q. Right, thank you.

19 You've said there:

20 "I'm asked whether I think there was racism in the
21 portrayal of Sheku. I think so. They did describe him
22 as black and he is black but it is almost the
23 stereotypes that they were using, that he was incredibly
24 large when he wasn't incredibly large. To me, I just
25 feel like they are met with so many different types of

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1 people every single day. They deal with people who are
2 under the influence of drugs and alcohol and they're
3 able to arrest them fine. Why was it such a challenge
4 for Shek?"

5 So I think your perception is that the portrayal --

6 A. Yeah.

7 Q. -- did seem different for Shek?

8 A. Yeah. I just don't understand why they think that he is
9 so huge. I mean, he had a muscular build, but he wasn't
10 massive. You know, he was only a little bit taller than
11 me. So I wouldn't -- when I looked at him, I thought,
12 "Oh, you're muscly, you've got a good body", but
13 I didn't think, "You're massive". So to me -- it's just
14 confusing to me, why do they think that he's so massive?
15 And of course because some of the officers that were
16 there were much larger than Shek, so I don't -- I really
17 just don't understand why they think that he is so huge.

18 Q. From your own personal perspective, if your partner had
19 been a white man, is it your view that the comments
20 would have been different in the press?

21 A. Yeah. But I think that they would have treated Shek
22 completely differently. Shek used to always say to me
23 that -- about racism and the police, and before this
24 happened I was very naive to everything and he had said,
25 "Do you know, as a black man when you are up against the

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1 police, it doesn't matter if you have done right or if
2 you have done wrong, the only way you're getting out
3 from a confrontation with the police is if you run.
4 There is no way out, as a black man, when you are coming
5 up against the police". And I remember having the
6 conversation with him and saying, you know, "This just
7 isn't -- this isn't true, you know, we're not in
8 America", and kind of having that prejudice against kind
9 of thinking, you know, it's not fair for me to say that,
10 like, that's how he felt as a black man.

11 And I just don't understand -- I don't understand
12 why they think he's so big. And, you know, we've heard
13 how they do come across people who are on drugs, they do
14 come across people who have knives, they manage to
15 arrest them all right, you know, they managed to get the
16 restraints on him, there's vans there, why are you not
17 just restraining him and putting him in the van? Why
18 are you on top of him to the point when you see he is
19 unconscious? I don't understand, this is just --

20 Q. Do you still have a lot of unanswered questions in your
21 mind?

22 A. Yeah, I just don't understand, you've managed to
23 restrain him, put him in the van, if he's lashing about
24 in the van, then he's only hurting himself. I don't
25 understand why somebody's lying on his chest, his

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1 shoulders, jumping on his legs; why is that happening?

2 To me this is what I don't understand, what makes me
3 angry, why there's no criminal charges, because
4 I haven't trained in the police, but I wouldn't imagine
5 that that was proportionate or the right way of
6 arresting somebody.

7 Q. You'll realise the Chair's got all of these questions to
8 answer.

9 A. Yeah, sorry.

10 Q. He's got a big job ahead.

11 A. Yeah.

12 Q. Can I ask you, when was the first moment that you
13 realised that race might be an issue in the -- you'll
14 have heard some of the evidence that --

15 A. Yeah.

16 Q. -- people said race was never an issue, and then you'll
17 have heard other evidence where people --

18 A. Yeah.

19 Q. -- say they think it was something they were thinking
20 about. When did you become aware that race might be
21 an issue?

22 A. I really didn't think about it straightaway. I think
23 that's maybe naive on my behalf again, because I'd like
24 to think that we lived in a world where racism wasn't
25 a thing and I didn't want to think of the idea that

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1 racism was maybe involved in this. But I think more the
2 way they were describing him and, you know, like, saying
3 how big he was, what a build he had, to me it just
4 portrayed him in a really bad way and not true.

5 Q. Can I move on and ask you some questions about your
6 involvement with the Crown Office, with the
7 Lord Advocate.

8 Could we look at paragraph 53, first of all. Now,
9 we've heard evidence that in the time since Sheku died
10 there has been two Lord Advocates that have been
11 engaging with the family.

12 A. Yeah.

13 Q. Frank Mulholland and James Wolffe. And you comment in
14 paragraph 53 about having a meeting or meetings with the
15 Lord Advocate, and you say that:

16 "... I was very angry because they would always talk
17 about the restraint being proportionate, or the right
18 amount of violence and the right amount of restraint was
19 used. I remember being so angry, thinking, 'But it's not
20 normal. What happened wasn't normal protocol.'

21 Which Lord Advocate are you talking about when you
22 describe this meeting here?

23 A. This one I think it was -- I'm trying to remember his
24 name. Frank Mulholland.

25 Q. Right. And also in paragraph 53 you talk about, there's

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1 a section of this paragraph which says:

2 "I'm asked if a comment was made by the
3 Lord Advocate himself. It was made by the
4 Lord Advocate, and I think it was something like 'He
5 brought it on himself' or 'He has done this to
6 himself'."

7 And you will see that on the next page of the
8 statement. So we're on page 19 at the moment. If we
9 move on to page 20, you will see this there in quotation
10 marks:

11 "... 'He had done it himself', or 'He brought it on
12 himself'."

13 And it was a comment made by the Lord Advocate. You
14 will see that again repeated. And that was -- was that
15 Frank Mulholland or was it James Wolffe?

16 A. I couldn't remember when -- when I was doing my
17 statement, who that was. But on reflection I think that
18 was James Wolffe, if that's his name. And I think it
19 was him because I then never went to any meeting
20 afterwards, after that.

21 Q. Why was that?

22 A. Because I got so angry, like, all these meetings with
23 the Lord Advocate, I would be very angry, I'd be very
24 emotional, and when I came away from them my mental
25 health wasn't good. But I remember in particular that

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1 meeting, and I think it was the newer Lord Advocate, and
2 he had said something like, "He's done it to himself, if
3 he was responding to the arrest he wouldn't have
4 sustained his injuries", or I'm sure he used words like,
5 "If he wasn't flailing around or fighting against it,
6 then this wouldn't have happened". And I remember
7 thinking, "Are you kidding me on? There's like nine
8 officers or six officers on top of him, how do you want
9 him to react?" And I just remember thinking: you're not
10 having any more of my time if that's your opinion, and
11 I certainly don't think that you're going to be doing
12 anything in our best interests to help us.

13 Q. Looking back now at the engagement you had with the two
14 Lord Advocates, can you think of anything that could
15 have been done to help improve those meetings or to make
16 them better from your perspective?

17 A. Probably not. You know, I think the only thing, out of
18 everything that happened, the only thing that would make
19 me feel any kind of -- sort of a little bit better would
20 be if I felt like justice had been done, and that there
21 was criminal charges. But I think I was never very
22 optimistic about it, and then when they would go on and
23 say, "It's complex", and I just remember thinking:
24 I don't know why I'm putting myself through this,
25 because to me there's nothing complex about it, and

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1 I would just be very angry and very frustrated about it.

2 So I took myself away from that situation.

3 Q. Thank you.

4 Finally, I'd like to ask you --

5 LORD BRACADALE: Just before, sorry, before you leave the
6 question of the Lord Advocate, could you look at
7 paragraph 54, if you could just scroll down a little
8 bit, you say there in the second sentence:

9 "I only attended meetings with Frank Mulholland,
10 I did not have any interactions with James Wolffe."

11 I think just to clarify the position, I think you
12 did have a -- you have been describing meetings with, or
13 a meeting at least with James Wolffe?

14 A. Yeah, I remember when I was doing my original statement
15 I thought that it was just Frank Mulholland, but then on
16 reflection I've thought, I think I did meet the --
17 James Wolffe and it was him who had said that he'd kind
18 of basically brought it on himself, and then after that
19 I didn't attend any more.

20 LORD BRACADALE: Thank you.

21 MS GRAHAME: Thank you.

22 You've mentioned earlier today about your kitchen
23 and knives in the kitchen, and I wondered if the police
24 had ever asked you at any stage if a knife was missing
25 from a set in your kitchen?

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1 A. I remember PIRC coming to my mum's with all of my --
2 well, with knives in tubing and asking me to identify
3 them as being our, like, our knives. And I remember not
4 being very sure about that at all, and I remember
5 thinking, "No, I don't recognise that, I don't know",
6 and they were very, very pushy, "Just keep looking at
7 it, it's very difficult to tell in the tubing", and
8 I remember thinking, "I don't recognise them, what more
9 do you want me to say?" But they were very, very pushy,
10 "These did come from your house", and I just remember
11 thinking, "But I do not recognise them, I don't --
12 I can't say for sure that they are mine", and they said,
13 "But they have come from your house, but it's very
14 difficult to recognise them through the tubing".

15 I just remember thinking: I'm just telling you
16 I don't recognise them. If you're telling me that
17 they've come from my house, then maybe they have, but at
18 this point I didn't have any trust for the police at
19 this point, so they probably could have walked me
20 through the house with the knives and I still wouldn't
21 believe that they'd come from mine.

22 Q. Was it PIRC who asked you about the knives?

23 A. Yes.

24 Q. Not the police?

25 A. No, it was PIRC.

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1 Q. It was PIRC. Did you ever think, "Oh, there is a knife
2 missing from the knives in the kitchen"?

3 A. No, I remember when I was giving my statement to the
4 police I was describing how I had found the kitchen and
5 when I had gone into the kitchen our top drawer was
6 open, but it was just cutlery and I remember them
7 saying, "So this would be where you kept your knives?"
8 And I said, "No, that is not where I keep my knives, we
9 kept our knives in the second drawer down". It was the
10 top drawer that was open, it was the cutlery drawer and
11 then I said, "That's not where we kept our knives, we
12 kept our knives in the second draw", and I kept
13 repeating it.

14 And at this point I didn't know anything so I don't
15 know why I was so adamant on saying that's not where
16 I kept my knives. And then I remember when I got my
17 statement back and I got to read it over, the police had
18 actually wrote that the drawer that was open was my
19 knife drawer and then I remember being so confused and
20 so angry because I was so adamant on saying that that
21 wasn't the drawer that was open.

22 Q. Did you change that statement?

23 A. Yes, yeah.

24 Q. And were you ever at any time asked to identify a knife
25 that was said to have been found at the scene?

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1 relation to paragraphs 66 to 68 of the statement, and in
2 particular to ask the witness how she felt in relation
3 to, first of all, media -- being portrayed on
4 social media, that being Twitter, and what the effect of
5 it was to have these things played out in social media.

6 And, secondly, when a statement was given, it would
7 appear by the Police Federation in relation to the
8 press, how in particular she felt about that matter.

9 So that's specifically paragraphs 66 and 68. She's
10 given, as a generality, answers to questions about how
11 she felt about Shek being portrayed in the media, but
12 paragraph 66 is in relation in particular to
13 a Calum Steele tweeting and retweeting something, and
14 then a short video of a man slapping another man, and
15 she explains about that. And paragraph 68 is, it would
16 appear, a Federation statement.

17 LORD BRACADALE: Just let me read through these paragraphs,
18 please.

19 MS MITCHELL: Thank you.

20 (Pause)

21 LORD BRACADALE: Yes, very well, I shall allow you to ask
22 questions on these paragraphs.

23 MS MITCHELL: I'm obliged.

24 LORD BRACADALE: Again, I have to probably adjourn briefly.
25 No, you can bring her in, that's fine.

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1 (In the presence of the witness)

2 LORD BRACADALE: Ms Mitchell has some questions for you.

3 Ms Mitchell.

4 Questions from MS MITCHELL

5 MS MITCHELL: Just briefly, one or two questions.

6 You've explained to us along the way how you felt
7 when different things happened, and really I just want
8 to ask you about two separate instances that you've
9 talked about, and ask you to explain to the Inquiry how
10 you felt when they happened, what you were feeling. So
11 that's the sum total of my --

12 A. Okay.

13 Q. -- questions.

14 If I could perhaps have up the Inquiry statement of
15 the witness, and if we could go first of all to
16 paragraph 66, please.

17 Now, you were asked, when your statement was taken,
18 if you had anything else to add with regards to media,
19 and you said yes, there's something that you wanted to
20 add and you spoke about social media.

21 A. Yeah.

22 Q. Now, I'll just read out a part and I'll ask you to
23 comment on it. You say:

24 "Yes, I wanted to add that Calum Steele had
25 retweeted a GIF about Shek mocking him and then he

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1 shared the link to The Sun about me and Zahid having an
2 affair. So this GIF on Twitter, it was something like,
3 [and this appears to be a quote], 'This is more what
4 happened on the morning and nothing else and it was
5 a picture like a short video of a man slapping another
6 man and then it had said, 'Don't remember, don't forget
7 about this' or something like that'."

8 Now, those things have been put in quotations. Are
9 those exact quotations or are those just what you
10 remember it was?

11 A. Yeah, no, that's what I remember it was, then when I've
12 said, "Don't remember, don't forget about this", I think
13 I was getting in a bit of a stumble and I think it was
14 more just, "Don't forget about this", I didn't mean --

15 Q. "Don't remember", comma, "Don't forget about it".
16 I see.

17 So you say -- in fairness to you, you then say, "Or
18 something like that", so these aren't exact phrases you
19 are quoting?

20 A. Yeah, it was something along those lines.

21 Q. Something along those lines and you say:

22 "It was trying to say that what happened between
23 Shek and the police that morning was a slap in the face,
24 and 'Don't forget about this little snippet of
25 absolutely false information about the affair, and that

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1 the injuries were probably more sustained from the fight
2 that he had with Zahid'. I was so disgusted that this
3 had come from Calum Steele. It made me so mad. The
4 audacity of it to come from him, to try and mock what
5 had happened to Shek, like it was a joke. This is our
6 family member, this isn't a GIF, it isn't funny. We
7 don't deem what happened that morning as a slap in the
8 face. He is dead. How dare you write that, how dare
9 you share that."

10 Now, you've said some powerful --

11 A. Yeah.

12 Q. -- words there. Do you remember actually reading that?
13 Do you remember actually reading the GIF when you got
14 it?

15 A. I can't remember how it was brought to my attention that
16 this tweet had gone out, but I remember seeing it and
17 just being absolutely disgusted, and so angry. I just
18 couldn't believe that he was saying something like that.
19 I was genuinely horrified.

20 Q. So you were angry, horrified, disgusted?

21 A. Yeah.

22 Q. And how do you feel now?

23 A. The same.

24 Q. You go on in the next paragraph to use a phrase, you
25 say:

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1 "Shek was dehumanised."

2 What do you mean by that?

3 A. When they were describing him in ways such as a zombie,
4 that's dehumanising somebody, I don't understand why you
5 can't just say he wasn't being responsive, why do you
6 have to put -- portray an image of him being a zombie?
7 I just don't understand why you would do that. I think
8 it's really wrong, and it's obviously really hurtful.
9 I don't think you should be allowed to call anybody
10 a zombie. Yeah.

11 Q. Can I move then on to the next paragraph, and that's in
12 relation to a further instance of something that you
13 have said appeared in the media.

14 A. Yeah.

15 Q. And if I might just read out the paragraph and then ask
16 you to comment:

17 "Peter Watson gave a statement saying: 'He presented
18 a violent interface with the police'. That's a quote
19 from him that was given to a paper."

20 Is that something that you understand was an actual
21 quote then?

22 A. Yeah.

23 Q. Okay:

24 "As far as I'm aware, ignoring orders is not
25 violent."

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1 What do you mean by that?

2 A. Peter Watson had said he presented a violent interface
3 with the police, but to me just not talking back to
4 somebody and ignoring orders, I wouldn't say that that
5 was violent. I don't -- I don't know how he presented
6 in a violent interface without acting in a way that
7 I would perceive as being a violent -- I wouldn't think
8 that ignoring somebody would be violent.

9 Q. And you've said then:

10 "He was met with violence, but to put this into the
11 paper, it makes the public believe he was really violent
12 and this is what happened, because he was violent, but
13 he wasn't violent."

14 A. Yeah.

15 Q. Can you tell us how that made you feel when you saw him
16 being described in this way?

17 A. It makes you feel angry, because they were just doing
18 everything they can to kind of justify what they had
19 done, you know, "If we say that he was really violent,
20 then that justifies the actions that we done. If we say
21 he was really violent, say he was really massive", that
22 kind of justifies what they had done.

23 And I just feel like they wanted the public to
24 believe that he was massive and that he was violent, and
25 that's why he was treated the way that he was.

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- 1 Q. And then you've said, it then goes on to say.
- 2 "Clearly the fact he now appears to have consumed
3 drugs that affected his behaviour, that makes a great
4 deal of sense in understanding this tragic incident'."
- 5 And that's in quotations as well.
- 6 You then say:
- 7 "From the very beginning, he was totally blaming the
8 drugs that he had taken and totally deflecting from the
9 restraint."
- 10 A. Yeah.
- 11 Q. Can you explain that in more detail?
- 12 A. Whenever Peter Watson was giving information to the
13 press, it was always about everything that Shek had done
14 or not done, and then putting all the focus onto the
15 drugs, it kind of took away from what the police had
16 done, like, the actions of the police, and just blaming
17 every -- it was as if to be blaming his death totally on
18 the drugs, and to me the police are met with people who
19 are under the influence of drink and drugs all the time,
20 so I don't understand how they didn't have the ability
21 to arrest Shek without him having to die.
- 22 Q. And how did it make you feel when you saw that in the
23 press?
- 24 A. Angry, but throughout all of this everything that's come
25 from the police has left me feeling angry and disgusted

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