



**The Sheku Bayoh Public Inquiry
Witness Statement**

Adeyemi Johnson

Taken by [REDACTED]

Via MS Teams

On 3 November 2022

1. My name is Adeyemi Johnson. My date of birth is [REDACTED] 1977. My address is [REDACTED]. I am self-employed.

Engagement with Police Scotland and delivery of the death message

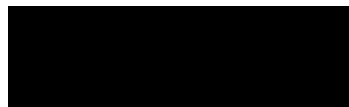
2. On the 3 May 2015 two plain clothed police officers came to my house. I cannot recall the names of the officers. They came to the house, they knocked the door, and I opened the door. They asked for Sheku's sister, Kadi Johnson, and they asked if they could come in. I let them into the living room and sat down while we waited for Kadi to come from upstairs.
3. The first thing they said was that they were sorry to tell us that Mr Bayoh had left us or passed away. I can't remember the exact words. I asked the question what happened, and they replied that a member of the public called an ambulance, he was lying on the side of the road and the ambulance picked him

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up. It was on the way to hospital that he had passed away. They said a Family Liaison Officer would be contacting us.

4. I asked them a lot of questions at that point. If they had any idea how he died? Was it a car accident? Was he involved in a fight? Was he attacked? What happened? They said they don't know; they are looking for two men who they believe were involved in his death. The meeting with the officers was brief. They just came to deliver a message.
5. I am asked whether the officers gave us any indication that other members of Mr Bayoh's family had been informed of his passing. No, they gave us the impression that it kind of just happened and we were the first to be told.
6. After the officers left, we were in shock. Kadi was in tears. We had other family members staying with us at the time who had visited us. It was a stressful time. Everybody was crying and shouting. We picked up the phone to Collette to find out what had happened, if she had any idea. I think this would have been after 3pm. When we spoke to Collette, we just asked her to come to the house.
7. She came over and then she explained that she was called, she came to the house, and Sheku was not there, and the house was not in order. So she contacted the police. The police asked her to go down to the station, and she told them that she was going to get her mum because the baby was with her mum at the time, and she went and got her mum and baby. She came down to the station, and there she was kept in a room for a while and then two plainclothes officers came and told her that a person matching the description she had given was found by the side of the road by a passer-by as well. It was a similar story. The stories seemed to be similar, but the time difference was a problem because she was told that in the morning and we were told in the afternoon. I was concerned about the timing but also the stories did not match perfectly. As we were discussing we noticed the officers outside the house again. We saw them outside the window. I asked Collette if those were the

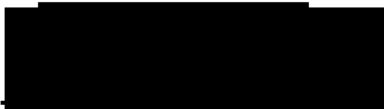
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officers she had met and she said yes, those were the two guys that had spoken to her at the station.

8. When they came to the house, I braced Kadi, because at that point Kadi was not herself; she was angry. Collette was angry. Her mum was angry. My thought at the time was to get as much information. They came in, and they sat down, and I said to them, "I need more information." I said to them, if the ambulance was called, if a passer-by called the ambulance, then we will have information about the area, the street that he was lying in, and they said, "Oh it's not that far from the house. It's just further down, and he was lying on the grassy area." I said, "Well, if somebody called a 999 call, that call will be recorded and we will be able to have an idea of who called, where the person was, and in what state the ambulance service picked him up." At that point they said they are not sure, but they were still looking for two men. At that point I was thinking Sheku left the house with Zahid, and I know they were heading to Martyn. So it was a concern. I wanted to reach out to Zahid to find out what was happening.
9. We kept asking them questions, for them to give us the street. If I recall rightly, one of them got up and left the living room and went outside. He was on his phone, and the other was sitting down holding a black book, which they normally take notes in. Collette was asking questions because she was there and her mum was asking questions, and we were trying to make sense of what's happened. Then he got up to leave, saying they will get back to us with more information, but then the one that went out came back in and said something along the lines of "the gaffer wants to talk to them," or something like that, and I asked him the question, "Who's the gaffer?" And he said Garry McEwan. No, he said Garry. He called him by his first name, Garry and I said Garry McEwan.
10. He was shocked that I called his full name, and I said to him, "Can you tell him on the phone that you are in Ade's, Ade Johnson's, and if he can come." So,

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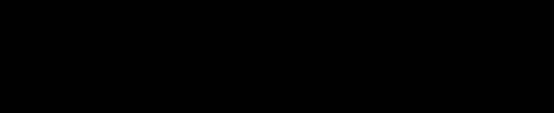
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he went back outside, speaking on the phone, and then he came back and he said, "Yes, he'll be here shortly." It was at that point in time that he came, sat down, looked at the other officer that was sitting down. The other officer had said he had a nursing background or some medical background, because he was talking to Kadi, and Kadi was trying to explain to him what she does, and he was saying that he had a medical background too. I think as a nurse or something. It was at that point they looked in their black book, and they said to us that the police were involved in Sheku's death. He was resisting arrest. They had to make a forceful arrest and it was during that process that he lost consciousness, and he died on the way to the hospital.

11. At that time, we all erupted in the house. We were very angry because the question was, why did you lie to us? You knew, and you sat here and lied to us. We tried to ask what the forceful arrest was. Immediately we asked questions that we're asking today. Was anyone's knee on his neck? What was it? Was there pressure on the back? And we were asking all those questions regarding a forceful arrest. I think they panicked because everybody was so angry, and they said they had to leave, and they left.

12. I am asked how I felt the officers had dealt with that situation. They came to the house knowing they were coming to lie. You look at us in our eyes sitting less than six feet away from us, telling us lies. At the time, we were so angry. They knew what had happened and yet they were saying they were looking for two men and it was a member of the public that called the ambulance. We knew at that point something was really, really wrong because they were trying to blame members of the public. I also felt this was a way of their gathering information on Sheku and on our family, to find dirt, all of which would be much easier if we didn't know that Sheku had died at their hands. When they left, that was the time I phoned Zahid.

13. I was angry at the time, so when I spoke to Zahid, it was something like, what the hell has happened? Where were you? That kind of thing. He did not seem

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to have a clue at the time, but he said to me he was in the station and there were officers around him. I could hear them saying to him, "Give me the phone," and he was telling them no. He said, "What happened?" I said, "What? You didn't know what happened to Sheku? Sheku has died." He kind of froze on the other side of the phone. He started arguing with them on the other side. They were trying to get him off the phone. I don't think they knew he had his phone on him at that point. I was not in the station, but I can hear the argument on the other side. I think they were trying to get the phone off him.

14. I am asked how long it was until we next spoke with the police. It was long enough for people to drive from Edinburgh to Kirkcaldy. I knew Garry was going to come so I had phoned friends and family members to come. I can't be specific on time, but I think it might have been around 5ish when Garry McEwan came to the house.

15. When he arrived, he was accompanied by a female senior officer. In my work experience I know the police work in twos for backups and evidence and so on. That was why I phoned as many family members because they had started lying. I wanted to get as many family and friends' members to be around to hear what the next chapter will be.

16. When he entered the house, it's through the corridor. He was not able to see the living room and see how many people were there. He came, he gave his condolences, and he said if we can speak, and then I said yes. I took him to the living room, and, to his horror or shock, he saw the living room packed, and he said, "Oh, can we go somewhere private?" And then I said, no, this is private. This is the family, so you need to explain to everybody. Reluctantly he went in and sat. Him and his accomplice, the lady that came with him. I can't remember her name, but she was a senior officer as well. They both came and they sat down next to the window. Then I introduced him to everyone, and I asked him to explain what he was told. Because of his rank, I said to him clearly


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that he would not have been there, he would only have been told what happened, so he needed to explain what he had been told.

17. He said he had been updated or something like that, and then he said the officers got phone calls from a member of the public that a man with a machete was on the street. When he used the word machete everybody shouted in the room, and then everybody calmed down for him to continue. Then he said that when the officers turned up it was five officers including a female officer. He said when they turned up, they met Sheku with the machete in his hand and they tried to talk him down so that he drops the machete, but he refused. He said that Sheku punched a female officer, and it was at that point, he said, that the female officer fell and he stamped on her head, and he said it was at that point that all the officers used their batons on him and it was when they stopped that they realized that Sheku was not breathing. He was unconscious, and then they called the ambulance, and he was pronounced dead on the way to hospital. So that was his story, his first story.

18. The questions, the barrage of questions that came from everyone, started with the machete. The question was, "what size was the machete?" Another question, "If he had a machete in his hand, why would he punch rather than use the machete when there are five people in front of him?" "If he was met with a machete that means you have the machete?" He said no, he's not sure about that, and then the question was, "well if the officers were present when he had it then the machete was not going to go anywhere?" Then he changed from a machete to a large knife, and then they pressured him on the large knife, questioned him on the large knife. He moved from a large knife to a kitchen knife, and then he moved from that to a blade. His last statement on the knife issue he said it was a blade.

19. I am asked how I felt after hearing what Garry McEwan had to say. As I said, everybody was angry because the story kept changing. The questions were, as I said, if he had a machete in his hand, it would definitely be in his power hand,

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and if he's going to throw a punch, he's going to use his power hand. So, it doesn't seem right for him to hold the machete rather than trying to use it to defend himself but he's throwing a punch rather than using the machete? It did not make sense at the time. Those questions were put to him, and he seemed not to have answers. He kept saying he needed to clarify certain things.

20. While he was talking people were trying to find things out. The young ones were on the internet and then one of the young teenagers at the time said, "Oh it's on the news that 15 officers were on a black man." He said "Oh don't listen to the news. You guys should not listen to the news," He got up, and he was asking us not to listen to the news or not to watch anything on the news. We asked, "Where does this information come from?" He stepped out the door, went to his car and then another story came online saying that the police had contacted the family, and have spoken to the family, and his name was mentioned in that. I went out to his car to confront him about it and said, "You told us not to watch the news because you know you've told them to print something else."

21. I felt that they were trying to get out their own narratives before the family can get their narratives out. At that time the information we were getting from people was that he had stabbed a policewoman. That was the information that was out, and, around that same time, I think we saw the MSPs' comments about a policewoman being stabbed and them being in support of the police actions and so on and so forth.

22. We had friends that were working at the hospital at the time and the hospital was less than a quarter of a mile or less than half a mile down the road from us. Kadi used to work in the hospital as well, and we had friends that were doctors and nurses that work in that hospital. A lot of phone calls went to the hospital to find out what happened, if a policewoman was there with a stab wound, and if Sheku was there and what was going on. We were getting a lot of feedback from that point that nobody was stabbed. The only person that was

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dead was Sheku. The female officer, she had treatment, came in and she was sent out in less than five minutes from A&E.

23. I am asked if I recall when we next had contact with anyone from Police Scotland or another organisation. It was dark. I think it was about 10ish. I can't remember what time it was, but two PIRC representatives came to the house. I am asked whether the names could be Keith Harrower and Alexander Maguire. Yes. One of them was tall. He did not want to be there. He was a bit arrogant with his approach. He came in with the attitude of, "Do as I say." We were not happy, and we told him that we were not happy with his approach. He came in saying they are in charge, and they are responsible for what's happening now. They've taken over everything. The question was about Sheku's house, why was his house cordoned off, why was Collette asked out of the house, and who's in charge of the house? What he did not know was we had been to the house to see that it was still under the police, and the area that the incident happened was still under the police, and so we were asking, "So what's the difference between PIRC and the police?"

24. I am asked about their response to our questions about the house and the difference between the PIRC and Police Scotland. After he gave his arrogant speech, that was when we started to break his speech down to say, "Well, you told us you're in charge. You're not, because the police are in charge of the house, the police have asked this, the police were in charge of the incident here, the police were in charge of the houses," and then he backed down and said they had only had a discussion with the police now. They had only just been briefed at the station. His main objective was for us to give authorization for the post-mortem to go ahead. That was his main objective.

25. We saw them all as liars because he lied that they were in charge of everything, and it would be proven to him that he was lying. So, they were all in the same boat, as far as we were concerned, that they came to lie as well. Once again, they appeared more interested in gathering information from us, whilst not

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providing any real details of what had happened to Sheku. They talked down to us as though we were idiots, black people who didn't have a clue but of course like the police they were left in shock at the questions we asked and our failure to comply with their stereotypes.


26. I am asked whether I had any further visits from Police Scotland or Garry McEwan. Yes. Garry was in contact after that. He called checking whether we were ok, if we needed any help, if we needed any support. He was frequently on the phone. I am asked how his support made me feel. I felt it was personal. It was nothing to do with the police. I felt it was personal, but I also felt it was an artificial way to protect himself and the police, trying to show he was keeping a line open but delivering no answers to the family.

Post-mortem

27. I am asked what the PIRC said about the post-mortem. He said, the tall one, that Sheku was at Victoria Hospital, and they want to do a post-mortem. We said we would not give the consent for that, and we would not go down to see the body, because his mum was in London and the other sister was not in the country, she was on holiday, and she was already getting herself ready to return. The rest of the family are in London, and they will be coming up. We will not be doing that. That information was conveyed to him, and he left agreeing that and that what they need to do is to make sure that we inform them when the family are up so that they can move ahead and do things quicker. It was made clear that we will not be signing off on this before he went to that meeting.

28. I am shown a PIRC statement taken from Keith Harrower¹. The statement says: -

¹ PIRC 00007

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“At the conclusion of the meeting I made several attempts to contact Ade Johnson, who I had been made aware was the family contact and spokesperson. However, initially I was unable to contact him. About quarter to ten that evening I contacted Mr Johnson by telephone and arranged to call and see him and other members of the now deceased's family at home address. About ten past ten that evening, accompanied by investigator Alexander McGuire, I attended at this address.

I was initially introduced to Mr Johnson, and I requested to speak to him in private. However, he showed me into the living room where approximately 16 to 18 persons were assembled. Mr Johnson introduced me to one of these people, his wife, and the sister of the now deceased, Kadi Bayoh or Johnson. After introducing ourselves and clarifying the PIRC and COPFS role, Ade Johnson confirmed that he would be the spokesperson and point of contact for the family.

A number of the people present appeared agitated and angry, and Mr Johnson began to outline his displeasure in the way that Police Scotland personnel had communicated information to him, which differed and conflicted significantly. He intimated that he wished to make a complaint regarding this, and I outlined the appropriate channels if he wished to make a complaint to Police Scotland.”

29. The statement goes on: - “During discussions with the family I informed them that the COPFS had made arrangements for a post-mortem examination of the now deceased in Edinburgh on the afternoon of Monday, 4 May. I requested that two appropriate family members could make themselves available to attend the city mortuary in Edinburgh to make a formal identification.” That is a lie. He

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told us Sheku was in Victoria Hospital in Kirkcaldy and that is where they wanted us to go to identify the body and give them the okay to do the post-mortem. At that time, we knew nothing about Edinburgh.

30. I am asked about when was the first time I found out about the post-mortem. It was in Aamer's office. It was on the Tuesday. I was never informed by Keith Harrower on the morning of the 4th May 2015 that the post-mortem would go ahead, Aamer had confirmed with the Lord Advocate Frank Mulholland that the post-mortem was to be on hold to allow the family to attend but also a pathologist that Aamer had instructed too.

31. Aamer was on the phone because he was going to organise for us to go and identify the body and he was then told the post-mortem has already taken place. I was unable to hear because of the anger and noise in his office at that time because it was just a continuation of the catalogue of lies that followed. I think at the time PIRC had told Frank Mulholland that we had given the okay for them to go ahead with the post-mortem. I can recall the family liaison officer or somebody from PIRC saying that we had given him the okay for them to go ahead, and then it turns out that he said, "No, he had made a mistake."

32. Frank Mulholland organised for us to see the body after he found out that the post-mortem had gone ahead, and they did it without our acknowledgment. When we went to see the body, we could only see the top of the shoulder and part of the face. We were not allowed to go beyond the glass to see or inspect the body. What we did see was a massive lump on his head, and the eye had a gash.

33. I also want to raise an issue with the corpse that was given to us, Sheku's corpse. It was given to us in a very bad state. It was decomposing at the time, it smelled, and we could not even open the bag. We believe that they have the facility to preserve the corpse, the body. Why were we given a decomposed

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body that we cannot even open to see whether we were actually burying the right person? We received the corpse to a funeral home in Kirkcaldy a day before the funeral, I think. Why was it not preserved? Was it to prevent us taking samples for our own private pathology post-mortem? The funeral home was given instruction not to open it, so we did not even see who we buried. That was heart-breaking. So the whole process is rotten from right at the start.

Family Liaison Officers

34. I am asked whether I had any engagement with Police or PIRC Family liaison officers. I think there was a Family Liaison Officer from the PIRC because we never saw one from the police. The one from the PIRC, if I am right, stopped after they lied regarding the body. We were angry at the time and there was nothing after that. I am asked whether it is fair to say that we did not want a relationship with Family Liaison Officers at that time. I think, to be honest, it was just that we saw the Family Liaison Officer, I think, twice: once, when they came to ask the night; and the other was when they lied about the post-mortem. I'm not sure whether we had much contact with him, to be honest. They were offering nothing, basically, they were just ticking a box and as soon as we started asking questions and refused to be patronised to, they were not interested. We were rapidly losing trust so wanted everything to go through our lawyer so there was a record, rather than the PIRC officers just lying.

35. I am asked whether I had any further formal interactions with Police Scotland aside from my communication with Garry McEwan. No, it was Garry, basically. In regards to the funeral, it was mainly through Aamer. Once Aamer was involved I gave Garry the phone number for Aamer to speak to him. It was at that point that that communication and things stopped between us and Garry.

36. I am asked whether I or the family ever encountered any obstruction or difficulties around the organisation or vigils or rallies. Of course, yes. The police told us that we don't have the right to have a vigil, to march. All of those things were said to us, but we ignored them. I can't recall the name of the people, but

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I do recall there was a meeting when we discussed them not giving us permission to do a march or a vigil.

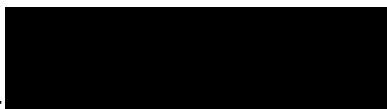
37. I am asked whether I have anything I want to add. Yes, I want to understand why the Police seized Sheku's house on the day and not the PIRC. Why were the police allowed to carry out investigations parallel to that of the PIRC? Why did it have to take Amer raising the matter with the Lord Advocate Frank Mulholland as a concern of the family before PIRC took full control only a few days after Sheku's death. I also want to know why Garry McEwan said, when he came to the house, after 5pm, that they were still looking for the knife when it has been presented to the Inquiry that they found it soon after.

Engagement with the PIRC

38. I am asked about my views on the interactions with the PIRC and how they handled both the relationship with the family and the investigation. PIRC's approach was that they were looking for evidence to show Shek as the perpetrator or as the aggressor or as the villain, and their approach was to ask questions that will exonerate the police officers. The people we dealt with were all former police officers and acted arrogantly and talked down to us. It was clear where their sympathies lied, and it wasn't with Sheku or his family.

39. At that time, we started campaigns, we did a car wash to raise funds, we did a couple of other activities to raise funds, and people from the public were approaching us and telling us about what PIRC had said to them. They were told not to be in contact with the family, not to say anything to the family about what had happened. They were asking questions about whether there had been tension between the family and Collette's family because we are black and Muslim, and Collette is white Scottish. Their questioning was always about Shek's background rather than to look at what happened on the day, what the police did to him and in the aftermath, they were not even doing anything to take control of the first 24 hours of the investigation.

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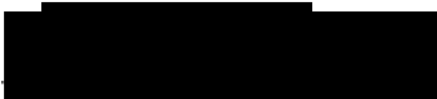
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40. The PIRC contacted friends of Shek's and people in the community and neighbours as well. We also heard from someone who was a witness at the time. We had people saying "Well, I saw things. I contacted the PIRC and they have not come back to get my statement." There were some cases we had to ask the person to contact Aamer and he would then tell the PIRC about information received, but still they would do nothing as was the case over PC Alan Paton for a few months until it went public. Either the PIRC were not doing a sufficient investigation or what they did see what not in line with the narrative of the story they were trying to put together.

Engagement with the Lord Advocate and Crown Office

41. I am asked about whether I recall meetings with the Lord Advocate and Crown Office. With Frank Mulholland, to be honest, we can't fault him at all at the time. He treated us with respect and empathy and then it was a completely different attitude from James Wolfe and the same staff down the line. They were patronising and arrogant, they took us for fools and totally destroyed the relationship and trust. We had a lot of meetings with Frank Mulholland, and he appeared to listen to our concerns. Concerns that we had put through Aamer to his staff, the people below him, that they had not responded to. We would take those concerns to meetings, and then he would instruct them to give a response to those concerns. We found that we would be going back to more meetings with some of the same concerns that we did not get responses to. Then he would instruct them again.

42. With hindsight we now realise that this was a game being played with us. They delayed for months and years answering questions, they lied to us, they distorted information, and they told us to be patient and to trust in them but each and every level they failed Shek and our family. Each time something went wrong we were told not to worry and that the matter would be investigated, but then months and years would pass, and we would realise that nothing was

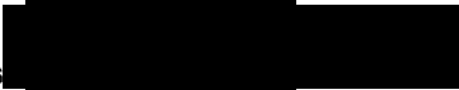
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actually done. For example, when the Commissioner Kate Frame was found to have distorted information to instruct an expert Steven Karch, who was later exposed for giving an interview to the Sun.

43. It is unbelievable that the issue of race was not even a consideration for the PIRC until Aamer contacted Frank Mulholland. He asked for it to form part of the remit of the investigation, but this was at least several months after Shek's death. Aamer had at the end of July 2015 asked them to consider various issues of race and the allegations we had received about Alan Paton also, yet they did nothing. Why did it take until September 2015 for race to form part of the PIRC remit, it's not like they went back to recheck everything they did.

44. When we complained to Frank Mulholland about the family's treatment at the hands of Peter Watson and the Federation he then publicly called for calm and for commentary to stop, but we felt as though we were being put in the same bracket and that no matter what the Federation did, nothing was done to hold them to account. We were constantly given instructions not to do things like speak to witnesses; whilst the Federation had the likes of Peter Watson and his team at peoples' doors and sending threatening letters to people trying to get them to shut up. They made so many promises and I just think that they thought we would give up and walk away. They had no clue about racism or how to investigate it and with the benefit of hindsight the problem began with Frank Mulholland, it really doesn't matter if they gave us sympathy and tea and biscuits at the beginning because in the end it was a betrayal.

45. There were certain areas that were clear for him: health and safety was one; he looked at the issue of assault, he was looking keenly at assault; he gave us false hope that he was looking at the issue of corporate manslaughter or something like that. He said he was looking at certain areas very keenly that he said the evidence was pointing at. I used to believe, that if Frank Mulholland was still in his position, we would have had our case in court way before the seven years, but now realise he was part of an institutional problem that blocks

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the truth and shut down the family demands for accountability. They had no control over an incompetent, lazy and institutionally racist PIRC, they were responsible for marking their homework but simply covered up for their failures.

46. We raised concerns about PIRC's approach to witnesses and he was the one that said he was going to take precognitions. He was going to do his own investigation. He was not going to rely on the PIRC anymore because there were so many flaws brought to his attention. Lindsay Miller and one other guy, Les Brown I think, were the main people under Frank Mulholland. He would give them instructions and he said at the meetings he was not going to depend on the PIRC report. That was way before they even produced their report, because he had seen a lot of flaws that we were bringing to his attention. But ultimately, we were lied to.

47. There was an issue with an American expert Steven Karch who published things in the newspaper, and we brought that to his attention, and he said that his report should not be taken into account. He was not happy about that. The Crown Office was going to do a secondary investigation into it that he said will speed up, and he was going to call the witnesses that PIRC had interviewed back for the Crown Office to interview. They never did anything of the sort, they lied that his report would be dismissed because it lacked credibility, but they used it. We were not told what they were relying on as they refused to give us the PIRC reports.

48. With Frank Mulholland, things were moving fast. When he moved away, James Wolffe came into place. Then we saw the other side of the Crown: the nastiness of the crown. I think we had at least two meetings with him, at the first one in which he talked about himself and his history and what he's done. Then we asked him some straightforward questions like, had he watched the CCTV? He said, "No." What does he know about the case? He said he "had not read much about it." He said he was depending on Lindsay and the other guy to give

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him feedback and, once he's up to speed, then he will get back to us, and that never happened.

49. Then we realised that the delays in not responding to the things that Frank Mulholland was saying that we should get responses to were caused by Lindsay Miller and the other guy Les Brown because, once Frank Mulholland was not there, we spent years and no response at all to our key questions.

50. Frank Mulholland engaged with the family. He listened. We saw progress with him, unlike with Kate Frame at PIRC. Every time they got caught out, she said she would take the blame. How can she take the blame when she is not the one doing the action? That was the difference, with Frank Mulholland, he was listening. We would go through things point by point, and he would give a decision about what to do with those points. When Frank Mulholland left, we then had no communication or rather answers to our questions from Lindsay and the other guy. The engagement stopped and disclosure stopped.

51. I am asked how I found out about the decision not to prosecute. It was a journalist, I think. They came to our house. Aamer then confronted the Lord Advocate about how we found out when the decision was to be told face to face in a meeting several days later, through the media rather than the Lord Advocate and we had a meeting with the Lord Advocate. He said they would carry out an investigation, because it was clear to us that it was their small team were the only ones that supposedly knew that there would be no prosecution. I think it was the Daily Mail that ran a very detailed and accurate account of what were told several days later.

52. At the meeting it was like it started all over again. It was like the day they told us he was dead. The Lord Advocate gave no reasons for his decision. We have not had any engagement with him, or very, very limited. I think twice. We were left with what Frank Mulholland had told us and we were saying, "Well, Frank had left at this position where: health and safety was confirmed an issue; corporate homicide, I think it was called something like that, he was looking into

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that; assault. It was a list of things that Frank Mulholland had categorised, what happened with all of these?" The Lord Advocate points a finger to a lady that he said was his, I think it was his crown counsel and said that she made the decision, they came to the conclusion, and he is just delivering the information. Every point that we raised with him he had no answer for. We were told when he was appointed that he was a very clever man, but he just bumbled his way through that meeting and smiling at us inappropriately. The meeting was awful, even where they conducted it was downstairs in a big board room rather than the more personal Lord Advocate's room upstairs where we previously met. He sat on the other side of a big table opposite to us.

53. I am asked whether the Lord Advocate apologised for the way we found out or offered an explanation. No. I can't recall ever getting any explanation, whether in writing or by seeing the minutes of any meetings. We haven't been able to see minutes of any meetings with the PIRC or the Lord Advocate.

54. I am asked about our engagement with the Lord Advocate after the decision was made not to prosecute. I believe James Wolffe himself will tell you how angry the family was. We walked out of the meeting for about 15 mins because his decision was based on lies. When we asked him to look at the facts, he was unable to give any answer because he had not looked at any of the evidence himself. He was saying that it was the Crown Counsel who made the decision. I don't know whether she said anything or provided an explanation because I was so angry, I left the meeting. I went out because everything they were saying did not make sense. They told us we could lodge a Victim's Right to Review but I remember Aamer asking who would decide, how could the process be independent and wouldn't it just be a box ticking exercise. The Lord Advocate promised us it was independent and robust, but in the end Aamer and Dorothy Bain QC gave the crown a 400-page VRR, and the Lord Advocate and Crown Office never bothered to consider it. There were so many possibilities of different types of prosecutions and not one was considered. The process was a farce.

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Instruction of experts

55. I am asked whether I had any concerns about the way experts were instructed and the experts instructed. Yes, both. We have been told a lie so we believe the biased narrative that will be given to this expert will be based on police lies. It will not be a factual report, an open report, not giving any directions, leaving the experts to use their expert knowledge to come out with their findings. We believe that they were directed by PIRC to give the narrative that they were looking for, and I think that was proven with one of the experts that was brought to the knowledge of Frank Mulholland where the PIRC officer went and told the experts something. That was brought to the knowledge of Frank Mulholland. I think Kate Frame took the blame for that as well, as usual. She was not the one there, but she keeps saying that she'll take the blame for things that go wrong.

CCTV

56. I want to raise with the Inquiry the issue about the CCTV from Gallagher's pub. It was the landlord of the pub that told us that the police had picked up the CCTV, I think it was two or three days after the incident. They did not just take the hard drive or the recording, but they took everything, including the cameras outside the building itself. He found it a bit strange because normally the police would just take the hard drive or the recording, but they took everything off the premises. At the time they did it, Amer was trying to find out whether there was CCTV. I think it was the Crown Office who went to one of the meetings and it was not known to them that there was CCTV available at that time. After we discovered that they had picked it up, Amer enquired about it. He was told, "Yes, there was one, and they had to enhance the video," or something like that. They had already worked on the video. We were asking for the original video that had not been enhanced, that nothing had been done to it.

57. We have serious concerns about that. The reason why is that out of all the stories we've heard about how Shek passed away, some of them will contain

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some aspect of what really happened. It is about taking the real aspects from the different stories and putting them together. In Garry's story he said that the police officers used the batons, it was after they stopped using the baton that they realised he was not breathing. That coincides with batons on the floor around Shek. We need to look at how did those batons get to the positions that they were at? We think the CCTV will assist with that because the first time we saw the CCTV in Frank Mulholland's office, we saw the officers' hands going up and down. We saw that and we questioned that. The PIRC officer said that the officers were trying to do CPR. Some of us have medical background training. We know you cannot be doing CPR with your hands going above your shoulder

58. At the time it was shown at Frank Mulholland's office, we asked the questions about that. We pointed out that they were beating the hell out of him. Then the PIRC representative, I think was a PIRC representative, that was in the room with us was controlling the equipment that the video was played through, and said, "Oh, the officers were doing CPR." Then we all got angry said, "You cannot be doing CPR with your hand above your shoulder." There was more than one person over him at the time so cannot say everybody is doing CPR.

59. We want to know what really happened in the Crown Office after Frank Mulholland left. There were two people who had continuity in terms of their job and their post and involvement in this. We want to know exactly what their role and communications were during the time of Frank Mulholland and after Frank Mulholland with PIRC. We want to know their communications.

Parallel investigations

60. I am asked whether the family ever approached people to get information from them. Yes, we did. We wanted to see if there was CCTV or mobile footage so that we can watch to find out what really happened, because everything they had told us was a lie. We did contact people because we were promoting the

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campaign to say to people, "We need you to come out and speak if you've seen something." We were handing out leaflets about our campaigns, about our fundraising activities for the campaigns, so that we can print T-shirts, we can do wristbands, and things like that. People were coming with ideas to get the message out. We were out with friends, families, friends of Shek as well, to distribute leaflets to the houses that were on Hayfield Road itself, Arran Crescent, and all around Whytemans Brae. We were distributing leaflets everywhere and, while we were doing that, people were talking to us. We would then pass that information to Aamer and direct them to the PIRC or Crown Office.

61. I am asked whether we ever received a negative reaction when trying to get information. The only negative reaction we got was from the house that I think was at the bus stop where Shek died. The lady [REDACTED] was scared and she said, "I was told not to say anything." She was told not to say anything and then she was told that, if anybody comes to the house with anything regarding Shek, she should call. She lives in a building where there is a flat up and there is a flat down, but one of those houses that you're not sure which is the door for the downstairs, and which is the door for the upstairs. We put leaflets through the doors. One time we spoke and that was when she said she was "told not to say anything," she was "told not to speak to us," and if anybody come to her door, she needs to make a phone call. We don't know who to, but then we later found out because the second time a leaflet was put through her door, somebody phoned Aamer and told Aamer that we are harassing a witness or something like that. Aamer phoned us to say that we were not to get in contact with that lady. The other neighbours they chatted.

62. I am asked whether I am aware of anyone else trying to make contact with people about what happened. Yes, Peter Watson. A couple of neighbours talked about a Fatal Accident Inquiry and that lawyers were in contact with them. I was not contacted personally though.

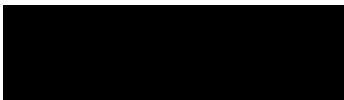
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Media engagement

63. I am asked about my perception of the media coverage of the incident in the days and weeks that followed. The Sun was negative. They were looking for negatives, they along with other papers were either printing lies or material that could only come from Federation or the Crown. They were looking to crucify Shek in any way shape or form they can, and some other newspapers as well. Even the Fife Free Press, at the beginning they were doing similar things, until I spoke with them to say, show us the proof of what you are saying. You were told that an officer was stabbed. You didn't have proof of that, but you printed that and then you didn't go back and say, "No, an officer was not stabbed." There were a couple of things like that. They said he had a machete and things like that, and then they didn't go back and retract it. The imagery of Shek was derogatory and racist and used to justify his death, no one ever spoke of the height and weight of the many officers attacking Shek.

64. The constant barrage about Shek's personal life was an issue because Shek did not kill himself. Why was Shek's home quarantined? Why were his friends' homes quarantined when he did not die there? He was not met at his home. He was not met at his friend's home. They met him on the street. He was alive. He was walking. That's where it happened. That's where the focus should be.

65. Why would they write that he was a refugee, he came from a war-torn country? In fact, they lied about that because they didn't get his right age and when he came, that was wrong as well. They were castigating him, going after him as the villain, as the person that they should focus on and give a negative report on when he did not kill himself. Nobody talked about what conversation the police officers were having a week before, in terms of text messages, WhatsApp messages, and Facebook, and things like that. Some of this, for example, related to stories that were being spread that were false smears such as saying that Zahid and Shek were fighting over Collette. Why if they wanted

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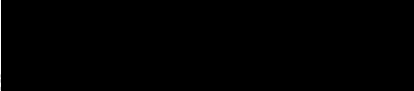
to check Zahid's phones or others for what happened before Shek died why were they not then checking the phones of police officers to see what they were up to. Nobody talked about Nicole Short, how she was in breach of confidentiality and that she was in court for that, and how that case mysteriously disappeared now that Shek had died. Nobody talked about the then head of the police visiting Nicole Short and what was said. For her to cooperate will be the reward. Nobody in the Crown or the PIRC questioned about her going to the hospital, coming out, and them faking it so many times.

66. We come home; we have to mentally process that as a family. We have to process every single word that is said. Taking into account that we have been lied to from the outset, everything they are saying now we cannot believe or trust it because it's all about making it fit the story. The media is ongoing. It's an ongoing battle. We are not looking for a fight with the media because we can't fight them.

67. I want to know about the MSP David Torrance. David Torrance, the MSP David Torrance, what his role is and all his communication with the Police Scotland, PIRC, and the Crown Office. The concern we have is he was one of the MSPs that made the statement soon after the incident, before the family was even told about the incident. He continued to publicly to say that he is all for the police and what had happened. He comes to the family to speak privately and even though he was told by the family to put out an apology he refused to do so. Claire Baker the other MSP she did publicly apologise and said that she gave her statement on the basis of what she was told. My point is that he was given this information by the police and then gave a false narrative to the media which continues to date.

Impact on the family

68. Every day is a battle, a mental battle. We have to try to stay strong, mentally. It is affecting us as adults, affecting our children, affecting their schooling,

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affecting everything that we do. It was hard and sad for us to sit here and listen to Lord Bracadale outlining how fragile PC Paton is or was or is now to the public because when he speaks, he speaks to the public. We are here listening to that, knowing how vulnerable we are, and nobody has asked us the questions, and we know the story that his own family members have told us about him. It's very, very sad for us.

69. Our question is, which has been from day one, with the police, PIRC and the Crown, is for us not to forget who the real victims are. We are the family that has lost someone. We are the real victims: the family. We did not go out looking for this or coming to these organisations to say, "Tell us lies. Have a racist system that is not trustworthy because of so many failures that are clearly identified and still not rectified." It is a system that was put in place to address failures and identify failures, but yet we are seeing these institutions, the police, PIRC, the Crown Office, go against those principles that they were set up on. It is hard for us.

70. We are asking the question again, "Who are the real victims here?" If we lose sight of that, then it becomes a problem. That's the same for the media. That's the same for all the experts that are getting involved. At the centre of this a man has lost his life. The question is how did he lose his life? Was it preventable? We believe it was because, if it wasn't, they wouldn't be lying to us from day one. They would have said, "Well, we met Shek. He resisted arrest. We tried to pin him down to handcuff him, and then he went into cardiac arrest, and then the respiratory arrest, and then he passed away." They would have told us right from the start. They would have told us simple, straightforward as that, but because they know that there are problems and things were not done the right way, then lies start to brew to fit a narrative: he attacked a weak woman; he stabbed a female police officer. That turns out to be a lie. He was walking with a machete. That turns out to be a lie. He was confronted with a machete in his hand. That turns out to be a lie. He was the biggest black male they had ever seen, really? They thought he was a terrorist.

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Why? Because he was black? Now the narrative that we need to fit is: "Was he really beaten to death with those batons? Was it really after they stopped hitting him with those batons that they realised that he was not breathing?" Was that the case? Because the batons were on the floor. We know they were there. We've seen CCTV of hands moving up and down.

71. We had to move from where we used to stay because, every single day of our life, people were looking at us. Our children are asked questions at school constantly. We have to answer to members of family: "What's happening? What's going on? Why is it taking so long?" We have lost financially. We lost everything, moved to a new area. Our life has changed. So who are the real victims? These officers have been going around for seven years, nobody knows them. They have been paid whether they work or not.

72. I want the Inquiry to take into account the impact all of this has on the nieces, the nephews and of course on Shek's two sons. At the time the nephews and nieces were in their young teens of 12, 10, and 7. It's only now that they are actually speaking out about how they felt and how it's impacted their life up to this day and how they are scared when they see police officers because they are scared of that happening to them. That is something that needs to be taken into account because it has affected the lives of these young people. It has affected some of their education. We have got feedback from schools and universities talking about performance, poor performance because they are reliving the days of what happened and the following days. It has affected them even this past academic year. It is something that needs to be taken into account in any report that is going to be produced. Again, I come back to who

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the real victims are. These young people are still in their teens, late teens some of them, Shek's sons are still young boys and yet it's affecting them in 2022 badly. They are going to carry this throughout the rest of their lives.

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

January 25, 2023 | 4:01 PM GMT

Date of Signature..... Witness Signature

