



RULE 8 RESPONSE

**Mr Mohammed Aamer Anwar, Date of Birth - [REDACTED] /67
Aamer Anwar & Company, 21 Blythswood Square, Glasgow G2 4BL,**

Please provide as much detail as you can in relation to each of the following questions.

1. Alistair Lewis, PIRC FLO, recorded in the PIRC FLO log (PIRC 04150) that he had a telephone call with you at 17.48 on 4 May 2015. The log entry states the following:-

“Advised Aamer Anwar of result of PM – unascertained death subject to toxicology and brain tissue exam. Asked who the pathologist had been. Unaware at that time. At the time of the call Aamer had his children with him. Also asked if he could obtain GP details for the PIRC to obtain medical records of Sheku for pathologist.”

Did you receive a call from Mr Lewis at 1748 on 3 May 2015?

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| <ol style="list-style-type: none">I) I had already been told on the 4th May by the family that they wished the Post -mortem to be put on hold and Adie had told the PIRC that they wished it delayed until Mrs Aminata Bayoh had arrived and she had seen Sheku.II) In conversation with Alastair Lewis this was reiterated by myself on the 4th May 2015, that the PM would be on hold -for him to claim that he told me the post -mortem had gone ahead makes no sense. |
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2. If yes, where were you at the time you received the call? What were you doing at the time you received the call? What was discussed during the call?

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[REDACTED]
Signature of Witness [REDACTED]

As above but it would have been normal for me to request name of any pathologist so I could advise our pathologist, in order that he could make arrangements to attend the PM.

3. Were you asked to obtain Sheku Bayoh's GP details from the family (so PIRC could obtain medical record for the pathologist)? Given your experience as a criminal solicitor, did this request give any indication to you about the timing of the post-mortem?

From recollection we would have wanted the GP's details, but that would not ever give me an indication of time, especially as we were trying to arrange a time the following day – so family could attend first, and of course Monday 4th was a bank holiday- In my experience it is not necessarily the case that a PM will always take place within the first 24 hours of death.

4. Do you accept any part(s) of the FLO entry as accurate? Which part(s)?

Asked if he could obtain GP details for the PIRC to obtain medical records of Sheku – I would agree to this

5. Do you dispute any part(s) of the FLO entry? Which part(s)?

The remainder and I am unsure if the matter with regards to my children is true or relevant.

6. If your position is that you did not receive a call from Mr Lewis as recorded in the FLO log can you explain Mr Lewis's contemporaneous record of the conversation?

It is either false or it the following day when he calls and the family then have to be told that pm has gone ahead.

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7. If you accept that a conversation took place on 4 May 2015 at 1748, in which there was a discussion about the post-mortem examination, please also comment on the following extract from Mr Lewis's second Inquiry statement (SBPI 00432 para 75)

"Aamer certainly did not express any surprise when I told him the post-mortem had been completed and, subject to toxicology and a brain tissue exam. He asked, "Who was the pathologist?" There was no surprise. I assumed that he was aware of that. There was certainly nothing to say that he was unaware of the post mortem going on."

Not true

- i) I had already been told on the 4th May by the family that they wished the Post -mortem to be put on hold and Adie had told the PIRC that they wished it delayed until Mrs Aminata Bayoh had arrived and she had seen Sheku.
- ii) In conversation with Alastair Lewis this was reiterated by myself on the 4th May 2015, for him to claim that he told me the post -mortem had gone ahead makes no sense.
- iii) Had he told me I would not have sent a text at 9.48am on the 5th May 2015 to then Lord Advocate Frank Mulholland KC in the following terms- ***"Hi Frank, I'm acting for the family of Sheku Bayoh, who died on 3rd May Kirkcaldy, I have spoken to PIRC, real concerns about investigation and what happened, I'm conscious this could go tits up but I am meeting with the family later today and It would be good to touch base with sum1 friendly at Crown Office dealing with it, I understand Dave Green Mayb in charge but probably can't stand the sight of me since the old days of Chhokar, plus family want an independent post mortem or rather our pathologist to be present before it goes ahead"***
- iv) A text message was sent to the PIRC to ask them to phone me as I wanted to speak to them about my dialogue with the LA but also about having a second pathologist to be present for the PM, for the family.

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Signature of Witness 

- v) This was followed that morning with a phone call discussion with Lord Mulholland in which I verbally requested, if we could have our pathologist attend the post-mortem and to await until Mrs Bayoh could attend. Lord Mulholland confirmed that there was not a problem with my request.
- vi) It makes no sense at all, as is wrongly claimed that I had been told by the PIRC the evening before a PM had taken place, why then would I be texting the LA in the morning and following it up with a telephone discussion with the LA.
- vii) The family were in my office that afternoon when and I spoke to Alastair Lewis advising him of my discussion with the LA. It was only at that stage that I was told the PM had gone ahead, some members of the family became visibly upset and angry. Alastair Lewis was unable to provide a satisfactory explanation as to why they had not awaited the family, he never once said that he had advised me of the PM the previous day.
- viii) This was then followed by a phone call to the LA who apologized that it had gone ahead and said he was unaware. This was just one of many issues with PIRC that shattered trust in the PIRC and inability to keep the family informed.
- ix) Furthermore, the above is supported by notes typed up from the first few days following Sheku Bayoh's death that states the following:

"AA asked for the Post - Mortem to be put on hold so that our independent Pathologist could examine the body – Professor Busuttil (difficult for 2nd examination.) Needed the family consent - Arranged meeting with Alistair".
- x) A subsequent meeting with Alastair Lewis took place at the office on the 6th May 2015 at which full details of the initial PM were provided and I was told the Cause of death: was Unascertained – I asked who instructed the PM and was told was the Crown Samples had been retained.

February 2, 2024 | 4:29 PM GMT
Date.....

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Signature of Witness.....