



1 **Transcript of the Inquiry**

2 Thursday 9 February 2023

3 (10.00 am)

4 Proceedings delayed)

5 (10.04 am)

6 LORD BRACADALE: Well, good morning.

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

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

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

1 you to say that.

2 A. Okay.

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

4 A. Yeah.

5 Q. Please feel free to open that up. This contains hard
6 copies of all the documents that I might be referring
7 you to.

8 A. Okay.

9 Q. And if you want to look at any of those, or direct me to
10 any passage, please feel free to do so. You can use
11 them, you can open the folder at any time.

12 A. Okay.

13 Q. You may have seen me take some evidence from witnesses
14 in the Inquiry. You'll know that when I put passages
15 from Inquiry statements to witnesses, they'll come up on
16 this TV screen in front of you. But if there was
17 anything else you wanted me to refer to, just say and we
18 can bring up other passages.

19 A. Okay.

20 Q. I'd like to begin by looking at some of the older
21 statements that we have for you, and, as I said, you'll
22 see hard copies in the folder. If we look at PIRC
23 00027, first of all. And just briefly, you will see

1 your own name there, Collette Bell, at the top. And you
2 will see towards the bottom of the screen that this was
3 a statement that was taken on 3 May 2015 at 11.12.

4 A. Yeah.

5 Q. It was taken by DC Parker within Kirkcaldy Police
6 Station. Now, this version on the screen is a typed
7 version but there was also a handwritten version that
8 was converted and it typed --

9 A. Yeah.

10 Q. -- typed up.

11 For your purposes only, really, at the back of your
12 blue folder you will see a version, the handwritten
13 version, and that's as we understand it in the
14 handwriting of one of the police officers, not your own
15 handwriting, but that's the handwritten version there.
16 You've got a copy of that, I'm not putting that on the
17 screen.

18 Then if we can look at PIRC 00028, this is another
19 typed version, and it's dated -- again it's your
20 statement dated 8 May 2015 taken at 15.15 by
21 Investigator John Clerkin, in the presence of PIRC
22 Investigator Alistair Lewis and Ms Lorraine Bell. Now,
23 I understand Lorraine Bell is your mum.

1 A. Yes.

2 Q. Thank you.

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

7 I just wanted to say, so that's three statements
8 that you gave at different -- on different dates in
9 2015, and initially to the police and latterly to people
10 from PIRC.

11 A. Yeah.

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

14 A. Yes.

15 Q. And to be as accurate --

16 A. Yeah.

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

18 A. Yeah.

19 Q. Thank you.

20 Can I now look at your Inquiry statement, please,
21 and you'll see that this is Collette Bell,
22 26 October 2022 and 10 November 2022, and it was taken
23 by a member of the Inquiry's team.

1 A. Yeah.

2 Q. Then if we can look at the -- there's 27 pages -- if we
3 could look at the last page, we should see that you
4 signed this on 24 January of this year. Now, although
5 we can't see your signature on the screen, in the hard
6 copy in your blue folder you should be able to see that
7 you signed every page.

8 A. Yeah. Yeah.

9 Q. Thank you.

10 Then we can see on the final paragraph on the
11 screen, number 78:

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

16 A. Yeah.

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

19 A. Yes, yeah.

20 Q. Thank you.

21 Now, I think on paragraph 77 you've been asked,
22 we've heard evidence from a number of people who have
23 said the statements they gave in 2015 were maybe

1 a better -- reflected their recollection at the time
2 better than maybe they were able to do now.

3 A. Yeah.

4 Q. Is that the same for you?

5 A. Yes.

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

8 A. Yeah.

9 Q. So was your memory better in 2015?

10 A. Yes, yeah.

11 Q. Thank you.

12 Then can we look at -- just go back to the start of
13 your Inquiry statement, please, and before I take you
14 through this in detail, I notice from one of your
15 earlier statements -- and I don't need to put this to
16 you -- that by the time we're at May 2015 you'd lived
17 with Sheku Bayoh for a couple of years.

18 A. Yes. Yeah.

19 Q. And you were partners.

20 A. Mm-hmm.

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

22 A. Yes.

23 Q. And how many months old was your baby at that time in

1 May 2015?

2 A. He was three and a half months.

3 Q. Right. And did you have a good relationship with
4 Sheku Bayoh?

5 A. Yes.

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

7 A. Yes, we did.

8 Q. We've heard that he was a man that liked going to the
9 gym, and we've heard that he had a number of friends.

10 One of them was called Martyn Dick and one of them was
11 called Zahid Saeed.

12 A. Yes.

13 Q. Did you know his friends --

14 A. Yes.

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

16 A. Yeah.

17 Q. Okay.

18 Let's look at paragraph 2. We see the start of that
19 there. I'm just going to start by going back to the
20 morning of 3 May 2015, so we've heard it was a Sunday
21 morning.

22 A. Yeah.

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

1 mum's the night before.

2 A. Yes.

3 Q. And that Sheku was going to be watching the boxing with
4 his friends Martyn and Zahid?

5 A. Mm-hmm.

6 Q. And you've said in paragraph 2 that on the Sunday
7 morning you got a call from Zahid explaining that
8 there'd been an alteration between him and Shek.
9 I think you call him Shek during the Inquiry statement.

10 A. I call him Shek, yeah.

11 Q. And you've said that brought up alarm bells because they
12 were like brothers --

13 A. Yeah.

14 Q. -- and were really close friends.

15 A. Yes.

16 Q. Just -- you say in that paragraph it was about 6 o'clock
17 in the morning, and without taking you to your original
18 statement you'd said in that that it was -- you'd got
19 a text from Zahid Saeed at about 7.30 asking you to
20 phone him.

21 A. Yes.

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

23 A. Yeah, yes.

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

2 A. Straightaway.

3 Q. -- straightaway.

4 A. Yeah.

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

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

17 So he had -- was just trying to say "Look, Shek's
18 not himself, I'd rather you didn't go home just now."
19 So I think that was basically all that was said in that
20 phone call, but straight on the back of that phone call
21 I had gone through, I woke my mum up and said "I need to
22 go down to Kirkcaldy, something's happened, Shek's
23 attacked Zahid and I don't know what's going on, I need

1 to go and check and see that Shek's okay".

2 Q. And is that what you did?

3 A. Yes.

4 Q. And I think later in your statement you say you left

5 your baby --

6 A. Yeah.

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

8 A. Yes.

9 Q. And you went to your house --

10 A. Yes.

11 Q. -- in Kirkcaldy.

12 A. Yeah.

13 Q. Then in paragraph 4, you say that you'd tried to phone

14 Shek and you went downstairs and his phone was

15 ringing --

16 A. Yeah.

17 Q. -- in the corner of the kitchen floor. Tell us what the

18 house was like when you arrived back that morning.

19 A. I remember arriving and I'm sure the front door was

20 open, but not -- it wasn't wide open, but it wasn't

21 locked. So -- and I remember opening the door, and I'm

22 kind of shouting "Shek", and I go into the living room

23 and I'm shouting him, and as I come out of the living

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

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

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

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

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

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

23 A. Shek was a very laid-back type of person, he was upbeat,

1 he was outgoing, he was happy all the time. He wasn't
2 a violent person, he wasn't aggressive. So I was really
3 worried, because this was just really not like Shek, and
4 that's why I was panicking, and I wanted to make sure
5 that he was all right, because if he's had a fight with
6 Zahid I'm thinking "Something's really not right here,
7 I need to see that he's okay."

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

9 A. I don't remember times now.

10 Q. Right.

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

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

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

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

22 A. Yeah.

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

1 A. Not too long, I think I just remember really kind of
2 driving towards the shop and that's where I had seen one
3 of his friends, Jim, and I had asked him if he had seen
4 him, and he hadn't seen him. And then I was thinking,
5 "Well, I'll just keep driving around." But I don't
6 really remember for how long I drove. I think I just
7 looked around the back of our house at the garages,
8 thinking he's maybe gone out that, the back way, so I'd
9 see if I could kind of see him around there, but I think
10 at that point I'd phoned my mum and said "I can't find
11 him, I can't see him, I don't think he's gone to the
12 shop, I can't see him behind the houses" and I think
13 that's when mum had said "I think you need to phone the
14 police", because it was just so out of character for
15 him, to leave the door open, to leave his phone at home,
16 and not be there. I was really worried that I couldn't
17 find him.

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

19 A. Yeah.

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

22 A. Yeah.

23 Q. It will just take a few minutes. Now, while we're

1 listening to it, there's a typed version of what you
2 say, and you'll see that --

3 A. Okay.

4 Q. -- at the back of your blue folder. So the typed
5 version is PIRC 01384, and you'll see that towards the
6 rear of your blue folder. We can put that on the
7 screen, and we'll play the -- or it may be that -- yes,
8 we'll play the audio. And if you want, you can just
9 follow it as we go through. But what will happen is,
10 when we start playing, it will be the call that you
11 hear. You will see on the first page it mentions the
12 transcript of the telephone call from Collette Bell and
13 the time starts at 8.36 in the morning on 3 May 2015.

14 Thank you.

15 (Audio tape played)

16 Thank you.

17 Do you recognise your voice?

18 A. Yes.

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

20 A. Yeah.

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

23 "I received a phone call from my boyfriend's best

1 friend saying that he's beaten him up, like really,
2 really bad and that he's scared for his safety."

3 Was Zahid telling you that he was worried about
4 Shek?

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

7 Q. Right. And it says:

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

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

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

14 "... he's ... no jacket or anything on and he's
15 obviously left the house wide open."

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

18 A. I think I remember seeing that the jacket was on the
19 kitchen floor.

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

21 A. Yes. Shek was a very neat and tidy person. I couldn't
22 even put my coffee cup down before he was picking it up.
23 So I think that's why I was so worried as well, because

1 the house was such a mess and it just wasn't like him at
2 all and I just couldn't understand why he's put his
3 jacket on the floor.

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

6 A. Yeah.

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

9 A. I think I was worried about Shek, but then because he
10 had hurt Zahid I was then worried what kind of state his
11 mind is in, because it's just not like him at all. So
12 I think maybe going from what Zahid had said on the
13 phone to me earlier in the morning, I think that must
14 have been my train of thought as well, but I remember
15 mostly being worried about Shek.

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

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

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

21 What made you aware that he'd been up all night
22 drinking?

23 A. I think because he was at his niece's party the last

1 before and I knew that he was going to be having a drink
2 with his friend Zahid, like, after the party, and
3 I think because Zahid had phoned me in the morning
4 I thought they've still been up, or this has just
5 happened, so I just assumed.

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

10 A. Mm-hmm.

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

12 A. I didn't know that he was taking drugs, I'm very against
13 drugs and Shek knew that. So I didn't know about that.
14 I didn't find that out until the post-mortem and the
15 toxicology came back. But I knew that he was having
16 a drink with Zahid.

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

20 A. Yes.

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

22 A. Because I'm so anti-drugs, anti-steroids, when I first
23 met Shek I had said all this to him, and he had said

1 that, you know, in his past he had used drugs and he had
2 used -- done steroids, and I made it clear to him that
3 there's -- I'm not going to be with somebody that does
4 something like that, it's against my values, and he knew
5 that.

6 But I remember just after our baby was born he was
7 acting differently, and I remember asking him "What is
8 wrong with you? You're not being yourself. Are you on
9 steroids?" Because I knew that steroids could make you
10 a bit more argumentative and things, and he had --
11 I remember him saying "No, if I was on steroids you
12 would know about it" and I remember thinking, "Well, you
13 are acting a bit differently and that's why I'm asking
14 you", but he had told me "No".

15 Q. What impact did the steroids have on Shek, as far as you
16 know?

17 A. I wasn't aware of it. He was the same to me and apart
18 from that one episode after [redacted] was born and
19 I just thought "Well, we're new parents, we're up
20 all night, we're tired, maybe he's just a bit tired",
21 so -- but I wasn't aware that he was taking steroids, so
22 I wasn't aware of any behaviour changes, I wasn't --
23 I didn't even notice his size. Now, looking back on it

1 I think how naive was I, I didn't see that he was
2 gaining muscle and then kind of going back down and
3 then -- so I feel stupid that I didn't see that.

4 Q. We have heard, there's some evidence available for the
5 Chair, that the steroids were linked with his gym
6 membership --

7 A. Mm-hmm.

8 Q. -- and that. Thank you.

9 Can I ask you about when the police arrived at the
10 house? So I think you went back to your mum's.

11 A. Yeah.

12 Q. Got the baby and your mum --

13 A. Yeah.

14 Q. -- and then went back to your house in Kirkcaldy.

15 A. Yeah.

16 Q. Were the police already there when you arrived?

17 A. Yes.

18 Q. How many were there?

19 A. There were two cars. My recollection of it was that
20 there was four officers, but I now know there was only
21 three, but I think I just felt like there was more of
22 a presence there, and that's maybe why I've thought
23 there was four.

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

3 A. Just from watching the Inquiry.

4 Q. All right, okay.

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

7 "... took [the officers] into the house and two
8 officers ushered me into the living room, and then one
9 ... went straight through to the kitchen and one ...
10 went upstairs ..."

11 A. Yeah.

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

14 A. No.

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

17 A. No. I remember when we arrived I had locked the door,
18 so I had to unlock the door to let everybody in and then
19 as soon as we stepped through the door I remember one
20 going upstairs, one going to the kitchen and then we
21 were taken through to the living room.

22 Q. Right. So you'd called the police and were you happy
23 for the police to check that the house was safe at that

1 point, when you arrived?

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

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

9 A. Still panicky.

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

12 A. No.

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

14 A. Yeah.

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

17 A. Yeah. Yeah.

18 Q. Could we look at paragraph 9, please. It says:
19 "When the police were in the living room, they had
20 to explain to us that I would have to come down to
21 the -- that they weren't really very sure what was going
22 on, but they wanted to speak to me down at the station."
23 And you'll see that you mention that there in

1 paragraph 9. Explain to us what was discussed with the
2 police in your living room that day.

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

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

23 Q. Are you able to describe the officer who said "A police

1 station's no place for a baby"?

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

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

9 A. Yes.

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

11 A. Yes.

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

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

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

23 A. I wanted mum there, and my baby as well, because he was

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

1 obviously watched it, and have said there wasn't really
2 any difficulty with your mum and baby coming to the
3 police station. Would you like to comment on that?

4 A. I mean, it was definitely said. There's --

5 Q. What was your impression?

6 A. My impression was they had said that mum would have to
7 make her way home and that the police station was no
8 place for a baby, and I remember them saying it like it
9 was yesterday. You know, I have no reason to lie,
10 I have no reason to make that up. I don't know why
11 I would want to make that up. I'm baffled as to why
12 they said that they didn't say that when it was said.
13 But I'm in no position to lie, I've got no reason to
14 lie. I'm just recalling what was said.

15 Q. Did you feel, at that time, that you had any option or
16 choice to say "No, I don't want to go to the police
17 station"?

18 A. No, because I had said "I just want to know what's going
19 on", and why -- I remember saying "Why can't you just
20 tell me what's going on?" and they just kept saying
21 "We've just come on shift, we don't know what's
22 happened, so if we go to the police station we'll maybe
23 be able to find out more".

1 Q. So at that time, did you have an understanding as to why
2 you were being asked to go to the station, as opposed to
3 staying in your own house?

4 A. No, I think it was -- the reasons for it was that they
5 had just come on shift and they didn't know what was
6 happening.

7 Q. Did you understand at that time why you'd been asked to
8 pack a bag?

9 A. I think they had said something like "You'll need to get
10 some things together because this could be the beginning
11 of a crime scene", and that really took me aback. I was
12 shocked, and I think it made me worry even more that
13 they were saying that.

14 Q. Who was it that said that, do you remember?

15 A. I think it was Wayne Parker.

16 Q. What did you understand at that time that they meant by
17 "the beginning of a crime scene"?

18 A. I don't know. I think I was just thinking worst case
19 scenario, because I do remember, whilst we were getting
20 a bag together, going upstairs into the bedroom and
21 I was feeding -- sorry. (Pause). I remember my mum was
22 looking out the window --

23 Q. Was your mum in the room with you?

1 A. Yeah. And she was saying "They're covering the garden
2 with polythene" and I just remember saying "Shek's
3 dead". And I don't know why I was saying that, I have
4 no reason, I think it was just all the commotion in the
5 house and the officers and then the polythene in the
6 garden, I just thought "Something's really not right
7 here, I think Shek's dead", and mum was like "Don't be
8 silly, like, let's just feed [redacted] and then we'll
9 get back to the police station and we'll find out what's
10 going on."

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

13 A. Yeah.

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

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

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

22 A. No.

23 Q. Was it explained to you that your house would be

1 searched?

2 A. I don't think so.

3 Q. Were you asked for permission --

4 A. No.

5 Q. -- or consent to --

6 A. No. It was just "This looks like the beginning of
7 a crime scene and we'll need to take hold of the house
8 so you'll need to pack a bag". That's what they had
9 said. You know, when I was watching the Inquiry before
10 and you were asking about permission, I thought well
11 surely permission is asking "Could we take the house?"
12 or words to the effect of "permission". "Do you mind?"
13 or "We will have to..." or -- it was just "This is what
14 we're doing", there was no question. It was "This looks
15 like the beginning of a crime scene, we'll need to take
16 the house", it was -- there was no possibility or -- of
17 them not taking it; it was -- they were taking it.

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

20 A. No.

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

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

3 "We were taken into a small room. I remember when
4 we went in ... looking to the left and seeing a room
5 full of ... police officers, and they were all looking
6 at us."

7 A. Yeah.

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

12 A. No.

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

16 A. Yeah.

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

19 A. Yeah.

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

21 A. Yeah. That -- I don't recall that. I remember going to
22 the police station, and then you go up the stairs and
23 you go through the doors, and I remember looking to the

1 left and there was a very, very busy room, the door
2 wasn't closed, there wasn't a glass panel, the door was
3 open, it was a very busy room, there was a lot of
4 officers looking at us, and then I turned -- we went to
5 the right and that's when we went into the small room.
6 If you took me to the police station just now, I'd be
7 able to show you where they were. Everything from the
8 police station I remember like it was yesterday. I run
9 through it every year, for nearly eight years now.

10 Q. Okay.

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

14 A. I do remember that the room was quite small. I remember
15 going in and there being a table and a chair, and then
16 two chairs in front of the -- in front of the table. So
17 the officers sat on one side of the table, I sat
18 directly across and then my mum to the other side of me
19 with the baby.

20 Q. Right.

21 What explanation was given to you at that time about
22 what was going to happen?

23 A. I think it was a lot of "I need to go here, I need to do

1 this", and then they had come back --

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

3 A. Yeah. So they sat us down and I think they had, one of
4 the officers had gone away, and then the other officer,
5 PC Mitchell, I think it was, had said, was talking about
6 [redacted] having a sniffly nose, and talking to me
7 about "Oh, you should try a Calpol plug-in", and I just
8 remember thinking "What are you talking about, why are
9 you talking to me about my baby, about his sniffly nose?
10 Just tell me what is going on and what's happened to
11 Shek." I remember being quite angry about it, because I
12 remember thinking "Will you just be quiet and tell me
13 what's happened to my partner, please?"

14 Yeah.

15 Q. We heard that the officers' intentions were to try and
16 build some rapport with you --

17 A. Yeah.

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

19 A. No, I wasn't interested. I wasn't interested in small
20 chat, I wasn't interested in what he recommended for my
21 baby. "I'll look after my baby. You just tell me
22 what's happened to my partner." I was very irritated by
23 it.

1 Q. Then at paragraph 16 you talk about when the officers
2 told you the bad news, and you've put in this paragraph
3 in your Inquiry statement, 16, it's in quotation marks:

4 "There's no easy way of saying this. I'm just
5 going to say it. There's been a body found that matches
6 your partner's description and we think it's Shek."

7 Why is that in quotation marks there?

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

10 Q. And the wording there is "There's been a body found".

11 How comfortable are you with that expression?

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

18 Q. And you've explained how upset you were as a result of
19 that. Then at the end of this paragraph you say you
20 were:

21 "... in shock, and then I think, once I ... calmed
22 down a little bit and ... regained myself a little bit,
23 I had said, 'Well, what's happened to him, has he

1 collapsed, has he got any wounds, has he been hurt, has
2 he been stabbed ... what's happened? Where was he
3 found?' They ... just said that a passer-by had found
4 him dead on the street ..."

5 A. Yeah.

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

8 A. Yeah.

9 Q. -- you got?

10 A. Yeah. As sure as sure can be. Like I say, I have got
11 PTSD. Things after the police station are very blurry,
12 I can't recall who said what when, but everything in the
13 police station I remember like it was yesterday.

14 I remember all the questions that they asked, I remember
15 all the questions that I asked, and I remember as soon
16 as I was told that, I wanted to know what had happened
17 to him, and I remember asking "Has he collapsed, has he
18 got any wounds, has he been stabbed, has he been hit by
19 a car, what's happened to him?" I remember asking them
20 because I remember wanting to know what had happened,
21 and I thought "Well, he's not just dropped down dead,
22 like, how is he dead? What's happened?" And I remember
23 them just saying a passer-by had found him dead on the

1 street.

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

3 A. Yeah.

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

7 A. Yeah.

8 Q. -- you had as a quote.

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

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

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

14 A. Yeah.

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

16 A. Yeah. Yeah.

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

18 A. Yeah.

19 Q. Was there any explanation, other than the words that
20 about having to there in paragraph 16, about the
21 circumstances?

22 A. No. They had just said there had been a body found that
23 some, like a passer-by had found him and they didn't

1 know what had happened, and that's when I had said

2 "Well, has he got any wounds?" And I remember them

3 saying "Not that we can see, not that we know of".

4 Q. Any other information that they shared with you at that
5 time?

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

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

15 A. Yeah.

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

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

20 Q. Why is that?

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

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?

1 A. My opinion, yeah.

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

3 A. Yes.

4 Q. -- more information?

5 A. Yeah.

6 Q. Can I ask you about paragraph 18, please. You describe
7 your reaction to the news, and you've said that your mum
8 was comforting you.

9 A. Yes.

10 Q. You'll see that on line 3, and once you had settled down
11 a little bit they said:

12 "I know this is really difficult for you but we're
13 going to have to take a statement from you'."

14 That's in quotation marks.

15 "I said, 'I'm not giving a statement, I just want to
16 go and see Shek. Why would I need to give a statement?
17 I just want to know what's happened.'"

18 A. Yeah.

19 Q. And again, that's all in quotation marks. To what
20 extent are those your recollections of the words that
21 were used?

22 A. Yeah. Like it was yesterday, I remember it.

23 Q. Okay. Do you remember which of the officers said those

1 words that you have about having to take a statement?

2 A. It was Wayne Parker.

3 Q. Wayne Parker. We've heard that the other officer took
4 your baby out of the room --

5 A. Yeah, yeah.

6 Q. -- for, he thought, around ten minutes.

7 A. Yeah, that's right.

8 Q. And that was to let you calm down a little after getting
9 the news.

10 A. Yes.

11 Q. And did your mum remain in the room with you --

12 A. Yeah.

13 Q. -- during that time?

14 A. Yeah.

15 Q. Looking back now, was it helpful for you to have your
16 mum there?

17 A. Yes, yeah.

18 Q. Can we look at paragraph, just at the bottom of
19 paragraph 18, you say:

20 "I remember them saying that they were looking for
21 somebody in connection with it, but I can't really
22 remember the sequence of when they had said that."

23 A. Yeah.

- 1 Q. "I just remember when I was asking what's happened to
2 him, they had said, 'We are looking for somebody'..."
- 3 A. Yeah.
- 4 Q. Again, we see there that you have "we are looking for
5 somebody" in quotation marks.
- 6 A. Yeah.
- 7 Q. Do you remember who said that?
- 8 A. Wayne Parker. I remember it was him that was doing all
9 the talking, from what I remember it was him that was --
10 he told me that, you know, Shek had been found, he was
11 the one who was asking me questions, and it was him that
12 had said that they were looking for somebody in
13 connection with it.
- 14 Q. Was any other information given?
- 15 A. No, they had just said, you know, like that a passer-by
16 had found him and that they were looking for somebody in
17 connection with it.
- 18 Q. What impression did that leave you with?
- 19 A. I thought that he'd obviously been murdered, that they
20 were -- that was my thoughts at the time, if you're
21 looking for somebody, somebody's done this to him,
22 somebody's hurt him.
- 23 Q. So again, at that time, was there any mention at all

1 about the police contact?

2 A. No, no.

3 Q. The officers gave evidence, and as I understand their
4 evidence they say they didn't tell you they were looking
5 for somebody. Do you have any comment about that?

6 A. Again, why would I lie? You know, why would I lie?
7 I have no reason to say that. I don't have any reason
8 to lie. I'm -- I don't just make this information up.
9 I've not just plucked it up out of thin air. It's not
10 just something that I would say, I have no reason to do
11 that. Yeah. They did say that, and it probably goes
12 against what they were supposed to say and that's why
13 they're saying that they didn't say it. But, like
14 I say, everything from that police station I remember it
15 like yesterday.

16 Q. Thank you.

17 Moving on to paragraph 19, line 2:

18 "They had said that if I was to give a statement,
19 then I would be able to go and see him because he would
20 need to be identified. So, they had said, 'If you get
21 the statement done, then we'll see about you going to
22 see him' [and that's in quotation marks] and mum had
23 kind of been saying ... 'Let's just do the statement and

1 then maybe you'll get to see him after.'"

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

4 A. I remember that they had said that they knew it was
5 difficult for me, but I would have to give a statement,
6 and I had said "I don't want to give a statement, I want
7 to see Shek", and they had said, you know, that they
8 understood that it was difficult, but it was really
9 important to try and get the statement so that they
10 could get all the information that they needed, to find
11 out what had happened. And I had said "No, I just want
12 to see Shek, I just want to see Shek", and I remember
13 saying it over and over again, "I don't want to do
14 anything, I just want to see Shek" and they had said "If
15 you get the statement done then we will see about you
16 going to see him".

17 Q. So, having heard that, what was your understanding of
18 the position?

19 A. Well, I thought I'll do the statement and then I'll get
20 to see him. They've said that he would need to be
21 identified anyway, and they had said "You will get to
22 see him, so if you get your statement done you'll get to
23 see him, because he needs to be identified anyway"

1 because they had explained that he would probably need
2 a post-mortem, I think, at that stage. But I remember
3 being reassured that if I was to do my statement then
4 they would see what they could do about getting me to
5 see him.

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

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

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

12 A. Yeah. Yeah.

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

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

15 Q. The officers have given evidence and said they didn't
16 tell you that you could see Shek if you gave
17 a statement, they wouldn't have tried to bargain with
18 you in that way, and they couldn't make that offer to
19 you. Again, would you like to comment on that?

20 A. I -- I was very angry when I watched that. Absolutely
21 disgusted, actually. It made me very upset. I wish
22 that I would have the opportunity to be across from
23 Wayne Parker and get him to look me in the eyes and tell

1 me that he did not say that, because he did, and I'm so
2 angry that he said that he didn't say that, because
3 I can assure you that if they had explained to me that
4 I wouldn't get to see Shek and it could possibly be
5 a few days, I would have been running out that police
6 station to go and see him. I would have tried to go to
7 the hospital. Sorry.

8 MS GRAHAME: No, not at all.

9 THE WITNESS: Can I have a break?

10 MS GRAHAME: Of course.

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

12 (11.07 am)

13 (A short break)

14 (11.30 am)

15 LORD BRACADALE: Please play the next part now.

16 Ms Grahame.

17 MS GRAHAME: Thank you.

18 Can I ask you just some questions about when your
19 statement was taken? Was it explained to you that it's
20 not being recorded or taped or any of that?

21 A. I'm not sure. I don't think so. I think it was just --
22 he was just writing it down, but I don't think he stated
23 that it wasn't being taped or recorded in any way.

1 Q. And was it explained to you that you were there on
2 an entirely voluntary basis?

3 A. No, because he had said, "We need to take a statement
4 from you". It wasn't, "Do you mind if we take
5 a statement from you?" Or, "Can you give us
6 a statement?" It was, "We need to take a statement from
7 you".

8 Q. What impression did that give you?

9 A. That I had to do it.

10 Q. You said he was writing down --

11 A. Yeah.

12 Q. Was every word that you said written down?

13 A. I'm not sure, because he was just asking me the
14 questions and then I was just answering them and
15 I wasn't sure what was being written down or not.

16 Q. Can we look at your Inquiry statement again, please,
17 paragraph 21.

18 You say here:

19 "When I was giving my statement, they were asking
20 all about our relationship ... where I had been the
21 night before, what we had done the day before, why was I
22 staying at Mum's; they thought that was really strange.
23 I remember them saying 'Had you had an argument? Why

1 were you staying at your mum's?' I had to explain that
2 that's just what we done. I was really close to Mum, so
3 if Shek was ever going out and I wasn't going, I would
4 just do and stay at Mum's and then me and my Mum would
5 have a girly time together, and then she also got to
6 spend some time with [your baby]. But they just kept
7 pushing that we had fallen out, that we'd had
8 an argument and that's why I was staying. They were
9 asking if me and Shek's relationship was a good
10 relationship, if it was stable."

11 Can I ask you some questions about that paragraph?

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

15 A. No, I think they had said that they needed to ask
16 questions to build up a picture of Shek. That was kind
17 of all they really said. And I didn't think it was
18 strange, I just went along with all their questions.
19 I've never been questioned by the police before, so
20 I was kind of just automatically answering everything
21 that they were saying to me, I didn't question it,
22 I just thought it was quite normal.

23 Q. When you've said:

1 "... they just kept pushing that we had fallen
2 out~..."

3 A. Yeah.

4 Q. Explain what you mean.

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

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

20 A. I don't remember it making me feel any kind of way.
21 I think, as I said, they were asking the questions and
22 I was just answering them. I do remember thinking, "No,
23 we haven't had an argument, I'm not going to change my

1 mind, we didn't have an argument". I do remember
2 thinking, "Why do you keep asking me?" Like, I remember
3 thinking they think that it was strange that I was
4 staying at mum's but it just really wasn't, like it was
5 just what we done. But I do remember feeling like that
6 they thought that that was odd that I was staying at
7 Mum's.

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

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

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

21 A. Yeah.

22 Q. "... if he was religious; if he was a Muslim, how
23 religious was he? Did he pray? How often did he pray?

1 Did he drink? Did he eat bacon?"

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

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

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

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

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

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

7 Q. You then go on to say:

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

11 A. Yeah.

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

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

23 I'm 100% certain that they had said that. I have no

1 hesitation that they asked me those questions.

2 Q. The officers who took the statement who were there with
3 you have indicated that, for example, you've mentioned
4 Andrew Mitchell, and he said he -- they didn't ask
5 questions about his religion, whether he prayed or how
6 often he prayed or whether he ate bacon. Do you have
7 any comment about that evidence?

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

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

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

1 usually", and then it was -- I got the impression it was
2 to gauge how much of a Muslim was he, as strange as that
3 is.

4 Q. Thank you.

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

6 "They asked if I would be able to contact his
7 sister. They had asked if he had had family here and
8 then they has asked if I would be able to tell his
9 family. I said, 'No'. I said, 'How am I supposed to go
10 to his sister's and explain that her brother's dead?
11 I don't know even know what's happened'."

12 Tell us about that part of the conversation.

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

1 do that?" I found that odd. And --

2 Q. You mentioned KK.

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

4 Q. Is that Kadi Johnson?

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

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

7 "I had also said that they would have to contact

8 Connie ... because he was due to see ... that day."

9 A. Yeah.

10 Q. Now, as I understand it, Connie was Sheku Bayoh's former

11 partner?

12 A. Yes.

13 Q. And they had a child?

14 A. Yeah.

15 Q. And he retained contact with his child?

16 A. Yeah, yeah.

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

18 "I think I maybe passed on her contact number

19 because I think I had her number, but I can't really

20 remember."

21 A. I don't know if I gave her -- gave the number, because

22 I don't remember having Connie's number at that time.

23 Because I think I remember saying, "You'll have to get

1 in contact with Connie because he's supposed to see his
2 child today", and I think they'd asked me for numbers
3 and I had said, "I don't have that", and I think they
4 had said, "Don't worry, we can find it".

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

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

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

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

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

17 Q. As far as you're aware, and you may not be, as far as
18 you're aware, was contact made by the police with
19 Connie?

20 A. No.

21 Q. At any time?

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

23 Q. Can I ask you about the timing of the police taking the

1 statement. Looking back now, you've described today how
2 you were told the news and then the police asked to take
3 a statement.

4 A. Yeah.

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

7 A. Yeah.

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

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

11 A. I think it was really difficult, because I had just had
12 the bad news, and obviously my whole world had crumbled
13 around me, and then I was asked to give a statement, and
14 honestly all I really wanted to do was go and see Shek.

15 Q. Can I ask you to look at paragraph 26, please. You were
16 asked by the Inquiry team when they were taking your
17 statement about whether you had had the chance to read
18 over the statement before you left the police station,
19 and you say:

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

23 That's the police comment:

1 "That did not happen. I am asked whether I was
2 given the opportunity to read over and sign my
3 statement. No, I don't think I did. I definitely
4 didn't read it. I remember I got to read it when PIRC
5 gave it to me."

6 A. Yeah.

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

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

14 A. Yeah.

15 Q. Do you recognise that?

16 A. Yeah, that's my signature, yeah.

17 Q. Right. So when the Chair looks at paragraph 26, should
18 he understand that in fact you do appear to have signed
19 the pages?

20 A. Yeah. I've obviously signed it, but I know that
21 I didn't read it. I think it was -- they had done the
22 statement and they had said, "Oh, if you just sign at
23 the bottom of each page here", but I definitely never

1 read it.

2 Q. Was the statement read over to you --

3 A. No.

4 Q. -- by one of the officers?

5 A. No.

6 Q. How clear are you in your memory of that?

7 A. Very, because it was just a case of doing the statement,
8 signing it, and then that was it. I definitely didn't
9 read it over, and it wasn't relayed back to me at all.

10 Q. When you think back to your experience in Kirkcaldy
11 police office, could you help the Chair, looking back,
12 are there ways that that experience could have been made
13 better for you?

14 A. Honestly, I don't know. It was never going to be easy
15 to find out that Shek had died, but I feel that they
16 were very misleading, and they used me. I feel like
17 they tried to gather as much information as they
18 possibly could on Shek that would maybe benefit them.
19 I don't feel like they were looking out for me. I feel
20 like they were looking out for themselves. And I think
21 they knew that I was a vulnerable person, and that I was
22 in a vulnerable position, and I think they knew that any
23 questions that they were going to ask I was going to

1 answer them, because to me I thought that I was going to
2 be helping them find out what had happened to him.

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

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

13 A. Yeah.

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

18 A. I feel there wasn't really any reason to not break that
19 news to me at home whilst I'm in the comfort of my own
20 home, that he had passed away, and maybe not expecting
21 me to do a statement right on the back of having that
22 news. Yeah.

23 Q. Is there anything else the police could have provided

1 you with, other than you've described?

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

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

9 A. Yeah.

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

12 A. Yeah.

13 Q. To allow you to continue breastfeeding --

14 A. Yeah.

15 Q. -- your baby.

16 You've said in this paragraph that:

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

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

3 A. Yeah.

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

5 A. Yeah.

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

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

19 Q. And that remained your impression after you'd given your
20 statement?

21 A. Yeah.

22 Q. Was any information given to you about what crime had
23 been committed?

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.

1 Sorry, 29:

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

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

21 A. Yeah.

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

1 A. Yes.

2 Q. So when you're in the house, you've mentioned -- and I'm
3 sorry, this spans two pages, and I wonder if we could
4 maybe just get them, so at the end of page 10 you
5 remember her saying that he died in an ambulance?

6 A. Yeah.

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

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

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

1 I go there and then she's been told that he died in the
2 ambulance, I was really, really confused when she said
3 that he had been found -- died in the ambulance, sorry.

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

6 A. I think I just thought maybe when the police spoke to me
7 they got it wrong and maybe there was an ambulance. At
8 this point I'm still not really questioning anything.

9 I think I was in shock a lot, so I wasn't really
10 thinking. But I do remember there being confusion over,
11 why would -- why would I be told that he was dead on the
12 street and KK's told that he died in the ambulance? But
13 I remember thinking well, maybe KK knows more because
14 she's his sister.

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

17 A. Yeah.

18 Q. -- were clear, but you said, I think, after that,
19 things --

20 A. Yeah, I remember things quite clearly.

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

23 A. Yeah, really, really clear. I can still remember us

1 sitting on the sofa, me sitting across from her crying,
2 I still remember she was in her dressing gown and stuff,
3 like it was yesterday I remember it, and I remember her
4 saying that he'd died in the ambulance and I remember
5 going, "What?" And that's like that was yesterday as
6 well. Some things are really, really clear, some things
7 not so clear, but that is really clear. I think it's
8 because it's to do with Shek and him being -- how he
9 died. I think that's why it's so significant in my
10 memory. So I do remember her saying about the ambulance
11 like it was yesterday.

12 Q. Thank you.

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

17 A. Yeah.

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

19 "The police came back that day when I was at the
20 house. I can't remember the timings because things were
21 just a blur. I was just on autopilot. I think they had
22 said there had been a warrant out for Shek's arrest and
23 I think it was then that they had said they had received

1 phone calls about him, so they were going to arrest him.
2 I am asked how we responded to that. Just very
3 confused. We were just thinking, 'Maybe they've got the
4 wrong person'."

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

8 A. Honestly I remember feeling a little bit of relief
9 because I thought this isn't Shek. I just remember
10 thinking, "There's no way that that's Shek", so I kind
11 of felt, "Ah, they've got the wrong person". Honestly,
12 I just thought they've got the wrong person and they're
13 not talking about Shek so maybe we still need to find
14 him, honestly.

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

18 A. Yeah, quite clear. Timings I'm not sure about, but I do
19 remember them saying that there was a warrant out for
20 his arrest, that they had received phone calls about him
21 having a knife, and then ... I can't remember exactly
22 what was said after that, but I remember the, "There's
23 been a warrant out for his arrest", that they'd received

1 phone calls about him having a knife, and then I think
2 after that I was just thinking, "Oh, I think they've got
3 the wrong person here".

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

5 A. No. This is what's blurry. I remember certain things
6 being said, but who said what and what times and things
7 I can't remember. But I do clearly remember that they
8 had said that there had been a warrant out for his
9 arrest.

10 Q. Did you recognise the officers who came to the
11 Johnsons' --

12 A. Yes, I just can't really remember who had said what,
13 because like I said I was just on autopilot and I was
14 very numb. I can't really remember who was ...

15 Q. When you say you recognised them, do you remember who
16 they were?

17 A. Yes.

18 Q. Who were they?

19 A. Wayne Parker and DC Mitchell.

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

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

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

1 A. Yeah.

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

4 A. Yeah.

5 Q. And then you say:

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

7 Do you see that line?

8 A. Yeah.

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

14 A. Yeah.

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

18 Tell us about this part of the conversation.

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

20 I remember them saying that he was brandishing a machete
21 and I thought, "No, he wasn't". Like, I just remember
22 thinking, "You've definitely got the wrong person here,
23 you're not talking about Shek", and I remember thinking,

1 "I think I would know if I had a machete in my house".

2 So again thinking, "They've got the wrong person,
3 they've got this all wrong, they're definitely not
4 talking about Shek".

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

6 A. Yeah.

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

8 A. No, yeah. Definitely not.

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

12 A. I don't know, I just kind of thought, "Well, where would
13 he get a machete from?" And I was pretty confident that
14 it hadn't come from our house. I wasn't really thinking
15 about where else he would maybe get a machete from.
16 I just knew that I was certain in my mind that we did
17 not own a machete.

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

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

22 "I think Ade had said at that point to get the chief
23 of police because I think he worked with him, so he knew

1 him. So he was asking to see him."

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

3 A. Yeah.

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

6 A. Yes, yeah.

7 Q. And you've said here:

8 "I think when he came to the house it was him who
9 had said that it had been a forceful arrest, that CS
10 spray and pepper spray had been used, that batons had
11 been raised and used. I remember him saying that when
12 they got there Shek had gone towards them with the
13 knife. I remember them saying that he had hit a female
14 police officer, and I remember thinking, 'There is
15 absolutely no way that they are talking about Shek'.
16 I was like, 'There's no way Shek would hurt a woman.
17 There's no way that he would hit a woman'. The thing
18 about a knife, I was just thinking, 'This is not Shek.
19 This isn't the same person~...'"

20 So was it Garry McEwan who gave you this more
21 detailed information?

22 A. Yeah. Yes.

23 Q. Tell us about what he said.

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

16 But I do remember that after him telling us about
17 the forceful arrest, to my memory I had said, "So you
18 battered him to death?" And I still remember it now, he
19 went like this (indicated), just raised his hands,
20 shrugged his shoulders as if to say, "Don't know", and
21 that will never leave me.

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

1 A. Yeah.

2 Q. They're not in quotation marks.

3 A. Yeah.

4 Q. Can you help the Chair understand what words
5 Garry McEwan actually used?

6 A. He definitely used -- that should be in quotation marks,
7 he definitely had said that there had been a forceful
8 arrest.

9 Q. Was this the first time that you had heard this
10 information?

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

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

19 A. Yeah.

20 Q. -- that shared that information?

21 A. Yeah.

22 Q. How confident are you that it was Garry McEwan?

23 A. Yeah, I'm fairly confident, I still remember him coming

1 in, I still remember him sitting on the chair in the
2 living room, with everybody kind of around him, he was
3 sitting in the middle of the room and he had said that
4 there had been a forceful arrest, he said about the CS
5 spray, the pepper spray and the batons, and I remember
6 him clear as day shrugging his shoulders when he was
7 asked that they'd battered him to death.

8 Q. So if others have said it may have been other officers,
9 are they wrong and you're right?

10 A. I don't want to put words into -- I don't want to really
11 put words into different, like, different people's
12 mouths, but from what I remember I'm really fairly
13 confident that it was Garry McEwan that had said that.

14 Q. Thank you.

15 A. I think I'm fairly confident that he said that because
16 I remember it was on the back of that that we learned
17 about the pepper spray and the batons and him shrugging
18 his shoulders, I think that's why it's so evident in my
19 mind that it was Garry McEwan that had said that,
20 because I remember his reaction. That will never leave
21 me, I remember it.

22 Q. You're describing him shrugging his shoulders and your
23 reaction?

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.

1 Q. You said, if we could look at paragraph 33, you talk
2 about him delivering the information to you and the
3 family and you say:

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

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

13 A. Yeah.

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

17 A. Yeah.

18 Q. You say:

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

1 A. Yeah.

2 Q. "In the moment of everything happening, I just remember
3 bits of what was said, because I just remember feeling
4 like I was on a spinning wheel, and I couldn't really
5 retain a lot of the information. I was just thinking,
6 'This isn't happening this isn't happening.'"

7 A. Yeah.

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

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

18 I remember there being a lot of upset and a lot of
19 shouting at this point, and I think after Garry McEwan
20 had shrugged his shoulders in that way, I think I was
21 just very, very angry and then I think from then
22 I was -- I shut down a little bit, and I just -- I do
23 remember just standing up and shouting, "You're not

1 going to get away with this", and then I took the baby
2 out of the room into another room.

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

6 "... I remember shouting, 'So you battered him to
7 death'.

8 But then later you say you have spoken to your mum
9 and you say:

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

11 A. Yeah.

12 Q. I just want to be clear --

13 A. Yeah.

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

16 A. Yeah. I think in my memory, I don't know if it's
17 because it was something I was thinking, "You battered
18 him to death", but it was always clear in my memory that
19 I had said that and then I had said, "You're not going
20 to get away with this". That bit was always in my
21 memory but it wasn't until after I spoke to my mum that
22 she had said, "You didn't say that, I had said, 'You
23 killed him', and then you responded with, 'You're not

1 going to get away with this'." I'm not sure if it's just
2 what your brain does when you're in that kind of state.

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

5 A. Yeah, to my memory I had said, "So you battered him to
6 death", and that was maybe because that's what I was
7 feeling inside, that's what I was thinking. But yeah,
8 to my memory that's what I had said.

9 Q. But the comment about, "You're not going to get away
10 with this" --

11 A. Yeah.

12 Q. -- which is also in quotation marks, who said that?

13 A. That was me, I remember being given that information,
14 Garry McEwan shrugging his shoulders, and then saying,
15 "You're not going to get away with this".

16 Q. And there's no suggestion from your mum that you didn't
17 say that?

18 A. No, she said, "You did say that and then you went to the
19 kitchen and you didn't come back".

20 Q. All right, so there's no dispute about that comment.

21 A. Yeah.

22 Q. And we've heard that Shek's family also reacted very
23 strongly at that time?

1 A. Yeah.

2 Q. And again, just before I finish this passage, looking
3 back now, having gone through that experience, could you
4 think of anything that might have made things a little
5 bit better for you at that time? Could the police have
6 done anything to help?

7 A. I think the fact that he shrugged his shoulders, I still
8 don't understand why he done that, I feel like it's
9 quite rude of him to do that. You're telling me that my
10 partner's died, that the police have done all this to
11 him, and you're just shrugging your shoulders about it
12 like you don't care, like you don't care.

13 Q. Would you still like an explanation?

14 A. Yeah. Yeah. Because it's something that's never going
15 to leave me, I still relive it, and I'm still very, very
16 shocked that somebody of his stature would shrug his
17 shoulders in a way like that. It's not the behaviour
18 that I would expect from somebody in his position, to
19 just shrug his shoulders like that. (Pause). Yeah.

20 MS GRAHAME: Thank you.

21 LIVE HEARING

22 LORD BRACADALE: We'll stop the tape there, then, and we'll
23 take a ten-minute break now.

1 (12.20 pm)

2 (A short break)

3 (12.35pm)

4 LORD BRACADALE: Ms Wilde(?), this next part is going to
5 take about an hour, so round about 1 o'clock I'll try
6 and identify a suitable point to stop for lunch. So if
7 you would now play the next part.

8 RECORDED HEARING

9 LORD BRACADALE: I think you've been made aware that because
10 of a technical issue we won't have realtime
11 transcription this afternoon, but that can be rectified
12 later. I think we should make progress.

13 MS GRAHAME: Thank you.

14 LORD BRACADALE: Ms Grahame.

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

19 Now, my recollection is that you said you had never
20 spoken to police on previous occasions before 3 May, or
21 been interviewed by the police. Am I wrong in that
22 or~..?

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

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

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

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

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

8 MS GRAHAME: Thank you.

9 Thank you. Can I ask you about the involvement of
10 family liaison. If we look at your Inquiry statement,
11 you tell us quite a bit about this, and I'm particularly
12 interested in the comments that you've made in
13 paragraph 40. You say that you remember them being,
14 "Very rude and quite aggressive". I don't see that
15 there now. Yes, I do, it's about seven lines, six or
16 seven lines down, just at the end. Thank you.

17 So:

18 "I just remember them being very rude and quite
19 aggressive. I just remember thinking, 'I just wish you
20 would go away~...'"

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

22 A. Yeah. I think at this point because we had learnt more
23 about what had happened, I didn't have any trust for the

1 police or anything like that, and yeah, I don't really
2 remember much about it, but I just remember feeling that
3 I didn't want them there and we got the sense of feeling
4 that they didn't want to be with us either.

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

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

14 A. Yeah.

15 Q. Can you help us, were they from PIRC or were they from
16 the police?

17 A. I think they maybe were from PIRC, and I remember that
18 they had asked if there was anything that I wanted from
19 the house, and that I was to make a list of everything
20 that I would need, and I remember asking for Shek's
21 pillow, and a hoodie of his, I think it was, but
22 I remember them saying that I would have to do a list of
23 everything that I needed, and I remember -- I think it

1 was male officers because I remember thinking, "Well,
2 I don't have things like underwear", and thinking, "I'm
3 not getting them to go through my drawers". So I just
4 remember thinking, "Oh, no, just get me his pillow, and
5 get me a hoodie", and I think that was PIRC, yeah.

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

7 A. Yes.

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

10 A. Not really, I think it's just a horrible experience
11 anyway.

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

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

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

16 A. After the incident?

17 Q. After 3 May.

18 A. I don't think so. I don't think we've seen much of the
19 liaison officers, because I think at this point Amer
20 was involved and I think we had expressed to him that we
21 weren't comfortable with them and I think he had said
22 that there was no really any need to have them.

23 Q. All right, thank you.

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

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

5 And we've heard evidence about the family going to
6 Aamer Anwar's offices on the Tuesday, that would be
7 5 May?

8 A. Yeah.

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

10 A. Yes.

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

14 A. Yeah.

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

17 A. Yeah, because I remember when I was in the police
18 station they had said they would need to be identified
19 so nothing could go ahead without him being identified
20 anyway. And I just remember thinking, "But he hasn't
21 been identified, so how have they managed to do the
22 post-mortem?" And then, yeah, it was of my
23 understanding that they would need permission to do

1 that. But that's just my personal ...

2 Q. What information had been shared with you about the
3 necessary identification or the procedure in relation to
4 the post-mortem?

5 A. Nothing, really, we were just told that we would get to
6 see him, because he needed to be identified. That's all
7 I was told.

8 Q. What information, if any, were you given in advance of
9 the post-mortem, that that was going to be carried out?

10 A. None.

11 Q. So by the time you were offered to -- given the
12 opportunity to see Sheku, had the post-mortem already
13 been carried out?

14 A. Yes.

15 Q. Had you been given any opportunity to see him prior to
16 that?

17 A. No. I remember on 3 May I stayed up really, really
18 late, obviously upset, but I kept thinking, "Why have
19 they not contacted me to go and see him yet?" And
20 I remember saying to my mum, "I thought they were going
21 to phone me to go and see Shek", and then I was like,
22 "But I don't have a number to get in contact with them,
23 surely they'll just get in contact with us", because

1 I had made it very, very clear to them that I wanted to
2 see him.

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

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

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

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

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

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

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

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

19 Q. Thank you.

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

22 A. Yeah.

23 Q. You mention this at paragraph 46. Where were you when

1 this call, a call about the embassy was received?

2 A. From my understanding we were in Aamer's office when we
3 received that call, because it was -- we found out about
4 the post-mortem having been done and then later on, not
5 even long after then, it was somebody in the room had
6 had a phone call about it.

7 Q. Who was it received the call?

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

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

13 A. Yeah.

14 Q. What, if anything, did you know about a conversation
15 about repatriation?

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

22 But I almost feel like, like I was in disbelief,
23 because I was thinking, "They've just done the

1 post-mortem and now they're trying to ship his body back
2 to Sierra Leone, why are they doing that?" And I just
3 remember thinking, "They're trying to take him away from
4 us, why are they trying to take his body away from us?"
5 And that's what I remember. I just remember after the
6 phone call coming in, a lot of kind of hysteria in the
7 room, a lot of upset and anger. Yeah.

8 Q. Had Sheku applied for British citizenship?

9 A. Yeah.

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

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

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

21 A. Yeah, because it sticks with me that if Shek had been
22 taken back to Sierra Leone, I would have nowhere to
23 visit. I take my son to his grave quite a lot, and it's

1 quite -- it's nice for [redacted] to be able to go to
2 the grave as well as myself, I spent a lot of time down
3 there after he had passed away, and if they had taken
4 his body away then I wouldn't have that same opportunity
5 to have that connection.

6 Q. Thank you.

7 Can I move on and ask you about your involvement
8 with PIRC. You've talked at paragraph 48 about being
9 aware that PIRC were made up of ex-police officers and
10 you remember not really liking them, but you say, "I was
11 very defensive after what has happened". Can you
12 explain to us a little bit about your concerns in
13 connection with PIRC?

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

22 So I think I remember just feeling very defensive of
23 them, because I thought, "This just isn't very fair,

1 you're supposed to be transparent", and like I say,
2 I don't think you could be completely transparent if
3 you've got a police background, and I didn't feel
4 comfortable that it was the police investigating the
5 police.

6 Q. Thank you.

7 You mention a meeting that you had with Kate Frame,
8 who was the Commissioner at the time. Could we look at
9 paragraph 51, please. Do you remember when you had your
10 first meeting with Kate Frame?

11 A. Mm-hmm.

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

13 A. I can't remember the timeframe of it at all. But
14 I remember the meeting quite well.

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

16 A. One.

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

18 A. Yeah.

19 Q. And you've said, you mention the phrase there,
20 "Inherited bad apples". Tell us about this meeting.

21 A. So I remember going to the meeting and at this point we
22 had known about Shek's injuries, and I think we had had
23 a poster of all of Shek's injuries, and I remember going

1 to this meeting and Kate Frame kind of just telling us
2 about Police Scotland and how they worked and I remember
3 being really quite angry at this meeting because she had
4 said that they didn't think that there was any reason to
5 think that any criminality had been -- had taken place,
6 and I remember we had just seen all these injuries and
7 I remember holding up the poster and saying, you know,
8 "If this was a member of the public who had caused
9 somebody all of these injuries there would be ... there
10 would be justice here", and I remember her being very,
11 very snide and almost laughing at me. I think at one
12 point she actually did snigger, almost that my anger and
13 my upset was funny to her.

14 And I just remember we had known that there had been
15 complaints against some of the officers that were
16 involved, and I remember saying, "But why are they still
17 in a job; if they've had so many complaints about them,
18 why are they still in a job?" And I remember her saying
19 that when Police Scotland amalgamated, that they had
20 inherited bad apples, and I just remember thinking, but
21 a job is a job, surely every ... every job has like
22 disciplinary procedures, so if somebody has all these
23 complaints about them, how, how do they still have

1 a job? If you know that they're a bad apple, why are
2 they still there?

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

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

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

11 A. I would rather -- I would hope and wish that the police
12 would be put in jail for this, because, like I say, if
13 Shek hadn't come in contact with the police that day, he
14 would still be here, that's my belief. And I believe
15 that if anybody else in, like, the public, if somebody
16 had done that to somebody else, caused those injuries
17 for him to become unconscious and then die, they would
18 get done for manslaughter or murder, or~... and then
19 I just feel like ...

20 Q. If you think about Kate Frame --

21 A. Yeah.

22 Q. -- and the meeting you were having at PIRC that day, is
23 there a way you think that meeting could have been

1 handled better by PIRC?

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

3 Q. Could Kate Frame have done anything or said anything
4 that may have made things --

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

8 Q. I'll move on.

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

12 "I think I'm doing well until I think back to
13 something that I don't usually thinking about, and it
14 just makes me angry at how they tried to villainise Shek
15 so much and blame him for what happened. I'm asked
16 whether that is something I think the PIRC were doing.
17 Yes."

18 Then in paragraph 50 you say:

19 "I remember even when we were first told about what
20 had happened that we were told not to talk to the press,
21 and then I remember a story coming out about it, but we
22 had been told not to talk about it, and then it was in
23 the press. I just remember how they were portraying

1 Shek and it not being very fair. How they were
2 portraying him was totally not the man that he was, and
3 I [and if we could move that up, please] remember
4 thinking it was so unfair that we weren't allowed to
5 talk to the press, but the police were giving out all
6 this information to paint him out and what had happened,
7 and we were still kind of finding out what was
8 happening. So we were still having trust in them that
9 they were looking into everything that had happened, but
10 then they had given out all these details that we didn't
11 know."

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

16 A. Yeah, I just remember in the press it was said how he
17 was -- he was massive, he was built like a house, he was
18 6-foot odd, and weighed so much, how he was on drugs and
19 how he had the knife, just painting him out to be --
20 you know, when they were describing his size I just
21 remember thinking, "Yeah, but he really isn't that big".
22 But I think it's hard to see anything bad said about
23 somebody you love anyway.

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

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

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

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

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

13 A. Yeah.

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

15 A. Yeah.

16 Q. Thank you.

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

18 LIVE HEARING

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

20 2 o'clock.

21 (1.00 pm)

22 (The short adjournment)

23 (2.00 pm)

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

3 RECORDED HEARING

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

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

16 Could you explain what you meant by that?

17 A. In regards to Shek, I just remember that they were
18 describing him out to be -- having things like excited
19 delirium, being like a zombie, being really, really big.
20 I remember how they had -- the first thing that had come
21 out was that Shek had had a knife, and I remember when
22 we were first told it was that he had a knife and he had
23 tried to go towards them with a knife, and it wasn't

1 until later on that we found out that when the police
2 approached him he actually didn't have the knife, he'd
3 had his hands up. But that was kind of already put out
4 to the public that he'd had a knife when the police came
5 into contact with him.

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

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

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

14 Are you saying that in relation to all three of the
15 organisations?

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

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

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

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

1 terminology in describing Shek because it is far from
2 the truth. In my opinion, that image was portrayed to
3 the public to excuse what the police had done~..."

4 And you put this in quotation marks:

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

8 Why is that in quotation marks?

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

11 Q. Is it a direct quote from somebody?

12 A. Yeah.

13 Q. Or is it --

14 A. I would have said that.

15 Q. You said it --

16 A. Yeah.

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

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

20 Q. Right, thank you.

21 You've said there:

22 "I'm asked whether I think there was racism in the
23 portrayal of Sheku. I think so. They did describe him

1 as black and he is black but it is almost the
2 stereotypes that they were using, that he was incredibly
3 large when he wasn't incredibly large. To me, I just
4 feel like they are met with so many different types of
5 people every single day. They deal with people who are
6 under the influence of drugs and alcohol and they're
7 able to arrest them fine. Why was it such a challenge
8 for Shek?"

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

10 A. Yeah.

11 Q. -- did seem different for Shek?

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

22 Q. From your own personal perspective, if your partner had
23 been a white man, is it your view that the comments

1 would have been different in the press?

2 A. Yeah. But I think that they would have treated Shek
3 completely differently. Shek used to always say to me
4 that -- about racism and the police, and before this
5 happened I was very naive to everything and he had said,
6 "Do you know, as a black man when you are up against the
7 police, it doesn't matter if you have done right or if
8 you have done wrong, the only way you're getting out
9 from a confrontation with the police is if you run.
10 There is no way out, as a black man, when you are coming
11 up against the police". And I remember having the
12 conversation with him and saying, you know, "This just
13 isn't -- this isn't true, you know, we're not in
14 America", and kind of having that prejudice against kind
15 of thinking, you know, it's not fair for me to say that,
16 like, that's how he felt as a black man.

17 And I just don't understand -- I don't understand
18 why they think he's so big. And, you know, we've heard
19 how they do come across people who are on drugs, they do
20 come across people who have knives, they manage to
21 arrest them all right, you know, they managed to get the
22 restraints on him, there's vans there, why are you not
23 just restraining him and putting him in the van? Why

1 are you on top of him to the point when you see he is
2 unconscious? I don't understand, this is just --

3 Q. Do you still have a lot of unanswered questions in your
4 mind?

5 A. Yeah, I just don't understand, you've managed to
6 restrain him, put him in the van, if he's lashing about
7 in the van, then he's only hurting himself. I don't
8 understand why somebody's lying on his chest, his
9 shoulders, jumping on his legs; why is that happening?
10 To me this is what I don't understand, what makes me
11 angry, why there's no criminal charges, because
12 I haven't trained in the police, but I wouldn't imagine
13 that that was proportionate or the right way of
14 arresting somebody.

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

17 A. Yeah, sorry.

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

19 A. Yeah.

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

23 A. Yeah.

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

3 A. Yeah.

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

7 A. I really didn't think about it straightaway. I think
8 that's maybe naive on my behalf again, because I'd like
9 to think that we lived in a world where racism wasn't
10 a thing and I didn't want to think of the idea that
11 racism was maybe involved in this. But I think more the
12 way they were describing him and, you know, like, saying
13 how big he was, what a build he had, to me it just
14 portrayed him in a really bad way and not true.

15 Q. Can I move on and ask you some questions about your
16 involvement with the Crown Office, with the
17 Lord Advocate.

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

22 A. Yeah.

23 Q. Frank Mulholland and James Wolffe. And you comment in

1 paragraph 53 about having a meeting or meetings with the
2 Lord Advocate, and you say that:

3 "... I was very angry because they would always talk
4 about the restraint being proportionate, or the right
5 amount of violence and the right amount of restraint was
6 used. I remember being so angry, thinking, 'But it's not
7 normal. What happened wasn't normal protocol."

8 Which Lord Advocate are you talking about when you
9 describe this meeting here?

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

12 Q. Right. And also in paragraph 53 you talk about, there's
13 a section of this paragraph which says:

14 "I'm asked if a comment was made by the
15 Lord Advocate himself. It was made by the
16 Lord Advocate, and I think it was something like 'He
17 brought it on himself' or 'He has done this to
18 himself'."

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

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

1 himself'."

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

5 A. I couldn't remember when -- when I was doing my
6 statement, who that was. But on reflection I think that
7 was James Wolffe, if that's his name. And I think it
8 was him because I then never went to any meeting
9 afterwards, after that.

10 Q. Why was that?

11 A. Because I got so angry, like, all these meetings with
12 the Lord Advocate, I would be very angry, I'd be very
13 emotional, and when I came away from them my mental
14 health wasn't good. But I remember in particular that
15 meeting, and I think it was the newer Lord Advocate, and
16 he had said something like, "He's done it to himself, if
17 he was responding to the arrest he wouldn't have
18 sustained his injuries", or I'm sure he used words like,
19 "If he wasn't flailing around or fighting against it,
20 then this wouldn't have happened". And I remember
21 thinking, "Are you kidding me on? There's like nine
22 officers or six officers on top of him, how do you want
23 him to react?" And I just remember thinking: you're not

1 having any more of my time if that's your opinion, and
2 I certainly don't think that you're going to be doing
3 anything in our best interests to help us.

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

8 A. Probably not. You know, I think the only thing, out of
9 everything that happened, the only thing that would make
10 me feel any kind of -- sort of a little bit better would
11 be if I felt like justice had been done, and that there
12 was criminal charges. But I think I was never very
13 optimistic about it, and then when they would go on and
14 say, "It's complex", and I just remember thinking:
15 I don't know why I'm putting myself through this,
16 because to me there's nothing complex about it, and
17 I would just be very angry and very frustrated about it.
18 So I took myself away from that situation.

19 Q. Thank you.

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

21 LORD BRACADALE: Just before, sorry, before you leave the
22 question of the Lord Advocate, could you look at
23 paragraph 54, if you could just scroll down a little

1 bit, you say there in the second sentence:

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

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

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

13 LORD BRACADALE: Thank you.

14 MS GRAHAME: Thank you.

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

19 A. I remember PIRC coming to my mum's with all of my --
20 well, with knives in tubing and asking me to identify
21 them as being our, like, our knives. And I remember not
22 being very sure about that at all, and I remember
23 thinking, "No, I don't recognise that, I don't know",

1 and they were very, very pushy, "Just keep looking at
2 it, it's very difficult to tell in the tubing", and
3 I remember thinking, "I don't recognise them, what more
4 do you want me to say?" But they were very, very pushy,
5 "These did come from your house", and I just remember
6 thinking, "But I do not recognise them, I don't --
7 I can't say for sure that they are mine", and they said,
8 "But they have come from your house, but it's very
9 difficult to recognise them through the tubing".

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

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

18 A. Yes.

19 Q. Not the police?

20 A. No, it was PIRC.

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

23 A. No, I remember when I was giving my statement to the

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

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

19 Q. Did you change that statement?

20 A. Yes, yeah.

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

23 A. No.

1 MS GRAHAME: Can you just give me a moment, please?

2 (Pause)

3 Thank you, I've got no further questions.

4 Thank you.

5 LORD BRACADALE: Ms Mitchell, do you have any application
6 under Rule 9.2?

7 MS MITCHELL: Could I have a minute, my Lord?

8 LORD BRACADALE: Certainly.

9 (Pause)

10 MS MITCHELL: I do have one matter, my Lord, it's in
11 relation to paragraphs 66 to 68 of the statement.

12 LORD BRACADALE: Sorry.

13 MS MITCHELL: Do you want me to do this in front of the
14 witness, or ...?

15 LORD BRACADALE: No, I think we'll need to let the witness
16 go back to the room now. Should I adjourn very briefly
17 to let that happen? I'll do that and then I'll sit to
18 hear your application.

19 (Pause)

20 Rule 9.2 application by MS MITCHELL

21 (In the absence of the witness)

22 LORD BRACADALE: Yes, can you come to the table,
23 Ms Mitchell. Yes.

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

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

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

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

20 MS MITCHELL: Thank you.

21 (Pause)

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

1 MS MITCHELL: I'm obliged.

2 LORD BRACADALE: Again, I have to probably adjourn briefly.

3 No, you can bring her in, that's fine.

4 (In the presence of the witness)

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

6 Ms Mitchell.

7 Questions from MS MITCHELL

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

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

15 A. Okay.

16 Q. -- questions.

17 If I could perhaps have up the Inquiry statement of
18 the witness, and if we could go first of all to
19 paragraph 66, please.

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

1 A. Yeah.

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

4 "Yes, I wanted to add that Calum Steele had
5 retweeted a GIF about Shek mocking him and then he
6 shared the link to The Sun about me and Zahid having an
7 affair. So this GIF on Twitter, it was something like,
8 [and this appears to be a quote], 'This is more what
9 happened on the morning and nothing else and it was
10 a picture like a short video of a man slapping another
11 man and then it had said, 'Don't remember, don't forget
12 about this' or something like that'."

13 Now, those things have been put in quotations. Are
14 those exact quotations or are those just what you
15 remember it was?

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

20 Q. "Don't remember", comma, "Don't forget about it".

21 I see.

22 So you say -- in fairness to you, you then say, "Or
23 something like that", so these aren't exact phrases you

1 are quoting?

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

3 Q. Something along those lines and you say:

4 "It was trying to say that what happened between
5 Shek and the police that morning was a slap in the face,
6 and 'Don't forget about this little snippet of
7 absolutely false information about the affair, and that
8 the injuries were probably more sustained from the fight
9 that he had with Zahid'. I was so disgusted that this
10 had come from Calum Steele. It made me so mad. The
11 audacity of it to come from him, to try and mock what
12 had happened to Shek, like it was a joke. This is our
13 family member, this isn't a GIF, it isn't funny. We
14 don't deem what happened that morning as a slap in the
15 face. He is dead. How dare you write that, how dare
16 you share that."

17 Now, you've said some powerful --

18 A. Yeah.

19 Q. -- words there. Do you remember actually reading that?

20 Do you remember actually reading the GIF when you got
21 it?

22 A. I can't remember how it was brought to my attention that
23 this tweet had gone out, but I remember seeing it and

1 just being absolutely disgusted, and so angry. I just
2 couldn't believe that he was saying something like that.
3 I was genuinely horrified.

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

5 A. Yeah.

6 Q. And how do you feel now?

7 A. The same.

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

10 "Shek was dehumanised."

11 What do you mean by that?

12 A. When they were describing him in ways such as a zombie,
13 that's dehumanising somebody, I don't understand why you
14 can't just say he wasn't being responsive, why do you
15 have to put -- portray an image of him being a zombie?
16 I just don't understand why you would do that. I think
17 it's really wrong, and it's obviously really hurtful.
18 I don't think you should be allowed to call anybody
19 a zombie. Yeah.

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

23 A. Yeah.

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

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

6 Is that something that you understand was an actual
7 quote then?

8 A. Yeah.

9 Q. Okay:

10 "As far as I'm aware, ignoring orders is not
11 violent."

12 What do you mean by that?

13 A. Peter Watson had said he presented a violent interface
14 with the police, but to me just not talking back to
15 somebody and ignoring orders, I wouldn't say that that
16 was violent. I don't -- I don't know how he presented
17 in a violent interface without acting in a way that
18 I would perceive as being a violent -- I wouldn't think
19 that ignoring somebody would be violent.

20 Q. And you've said then:

21 "He was met with violence, but to put this into the
22 paper, it makes the public believe he was really violent
23 and this is what happened, because he was violent, but

1 he wasn't violent."

2 A. Yeah.

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

5 A. It makes you feel angry, because they were just doing
6 everything they can to kind of justify what they had
7 done, you know, "If we say that he was really violent,
8 then that justifies the actions that we done. If we say
9 he was really violent, say he was really massive", that
10 kind of justifies what they had done.

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

14 Q. And then you've said, it then goes on to say.

15 "'Clearly the fact he now appears to have consumed
16 drugs that affected his behaviour, that makes a great
17 deal of sense in understanding this tragic incident'."

18 And that's in quotations as well.

19 You then say:

20 "From the very beginning, he was totally blaming the
21 drugs that he had taken and totally deflecting from the
22 restraint."

23 A. Yeah.

1 Q. Can you explain that in more detail?

2 A. Whenever Peter Watson was giving information to the
3 press, it was always about everything that Shek had done
4 or not done, and then putting all the focus onto the
5 drugs, it kind of took away from what the police had
6 done, like, the actions of the police, and just blaming
7 every -- it was as if to be blaming his death totally on
8 the drugs, and to me the police are met with people who
9 are under the influence of drink and drugs all the time,
10 so I don't understand how they didn't have the ability
11 to arrest Shek without him having to die.

12 Q. And how did it make you feel when you saw that in the
13 press?

14 A. Angry, but throughout all of this everything that's come
15 from the police has left me feeling angry and disgusted
16 and let down.

17 Q. And does your position still remain the same today?

18 A. Yeah. Yeah. There has been instances where I should
19 have phoned the police and I haven't. I don't trust the
20 police. And I wouldn't think of them as a go-to if
21 I needed, because there has been times where I haven't
22 phoned them.

23 LORD BRACADALE: Thank you.

1 MS MITCHELL: If you would allow me one moment.

2 (Pause)

3 Just touching on that last matter, there is an issue
4 that relates to the post-incident management of this
5 hearing but hasn't been gone into. I don't know if the
6 court would -- the Inquiry would wish me to ask the
7 Inquiry if I can ask that further question before asking
8 the witness about it. It might be helpful for the
9 Inquiry to hear what it is.

10 LORD BRACADALE: I think the way for me to deal with this,
11 Ms Mitchell, is not to permit questioning at this stage.
12 If in due course a matter arises, then a further
13 statement can be taken or something of that sort.

14 MS MITCHELL: Well, perhaps it might be advisable in
15 relation to the incident which I think the witness may
16 be alluding to.

17 LORD BRACADALE: Very well.

18 Well, Ms Bell, thank you very much indeed for coming
19 to give evidence.

20 THE WITNESS: Thank you.

21 LORD BRACADALE: I'm going to rise now and you'll be free to
22 go.

23 (The witness withdrew)

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LIVE HEARING

LORD BRACADALE: Are there any Rule 9 applications in relation to this witness? No.

Now, Ms Grahame, I think the next evidential day will be on 28 February; is that right?

MS GRAHAME: Yes.

LORD BRACADALE: There are two weeks in which the Inquiry will not be sitting and then there is evidence the following week. I think that's correct. Yes. Well, I'll adjourn now.

(2.40 pm)

(The hearing adjourned until 10 am on Tuesday, 28 February 2023)

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