

## Bayoh Family meeting with the Chair – 21 November 2022

In attendance:

Chair

Raju Bhatt

Michael Fuller

Angela Grahame KC

Laura Thomson

**Inquiry staff**

Sadif Ashraf

Lee Hegarty

Ade Johnson

Kadi Johnson

Kosna Bayoh

Aamer Anwar

April Meechan

**AA&co staff**

Impact of the racism

AJ Impact on the young people [REDACTED]. Things like “come back where you came from” [REDACTED]. How are they going to build impact – if nothing done about it, start to feel ok, part of life. It is not ok. What happened on 3 May 2015 should never have happened. All asking for is to get the truth. Plunged more into seeing how society is. Colour of skin. Day to day re-living the incident. This on top of it, it is crushing us. It is a heavy load to carry.

[REDACTED]

AA Over the years have had to come used to regular death threats and racist abuse. Debilitating. Attempt as a lawyer – stop you doing what you are doing. I don't think it is acceptable but learned to know/expect it. I can't begin to think what this is like for a family. It is done to stop the family coming. Only so much the family can take. Incredibly important statement made.

RB Sad to hear what I am hearing – won't come as a surprise. What we can do is support you – don't have the magic wand to change the world but what we can is try to help achieve what you want. Hopefully you get the strength to face. Would be lying to you if I was to say the Inquiry can stop this. Lived reality when put head above parapet. Process is stressful. Hearing will have been very draining. In order to get to the bottom – this is the process we have.

AC Is there anything we can do for the young people.

AC Condemning it tomorrow – start. When the reps making statements/comments in the corridors – for us to be triggered and we ignore that – that is something I believe you can take a step.

AC Appalled at the idea legal reps behaving inappropriately. AG speaking to them tomorrow and thereafter if you identify any individuals – get AA or CM to speak to us about it.

AG Know it was raised this morning - could see people's reactions. Not acceptable. You said you raised with one member in particular. Be aware you are being watched – I can raise with the Chair and consider what to do.

AJ Reason why raising again – if people having conversations – walking past and making comment direct to us.

AC Disclosure point – became apparently it would take years before we reached a hearing and had to do it in stages. Overlaps in the stages – revisit things. Do our best to disclose what we can in good time but in order to do a thorough job there are times when the legal team will interview a witness – something emerges and follow up other statements. JC report threw up a number of issues requiring us to take further statements. If something emerges later of significance.

AA One example – received several hundred pages of disclosure for this week. 5pm on a Friday. To have to tell the family as the weekend approaches. Impossible to get instructions.

AC There has been a particular difficulty – JC report – huge task – follow up process for that. We do try to get docs as soon as possible. MG statement – 63 pages – know that is not ideal – we try to get the fullest possible information. AG and LT get it at the same point in time – not deliberate. We are trying to follow every lead that comes up. Investigation thorough – maybe some

KJ we like to walk into the Inquiry knowing what going to hear – so we can take notes and feedback to AA and the team.

AJ We try to feed into the rule 9 side of things. We see that as a window lost. Our process within the family takes a long time.

AG If things do come up and I have not asked them - let us know – even after. You will know we have a witness coming back this week. Always the opportunity – even if after reading you can raise this with us.

AJ Hearing 1 – engagement with SB, impact and their role – there is a lot to explore. There are a lot of good things came out – approach – got the witness to step out side and demo – other side of things liked – presenting evidence that contradicts their statements. Questions family and friends asking – what happens if lie under oath. What happens after that?

AC That would be a matter for the Crown to decide – whether the evidence untrue sufficient to merit some action. Can I move on to specific matters raised re PM report.

AJ Want to know a bit more about how they came about putting that report together - other witness statements - doctor brought in for Nicole Short – Anderson? Rudi

Crawford- mis quoting the medical records. At the moment – sitting with PM report – legal team seems to be ok with it – advised us that that medical report/PM as it is. We were not allowed to see the full body of SB – not allowed to touch SB – a lot of questions. What is below that?

AC A lot of prep done – hearing in CoD – in May. The timetable we are working towards – end of Jan, running through Feb/March – then we stop for Ramadan and Easter – during May hearing on CoD.

AG AA had asked if we could set out some thoughts on the PM.

LT Team pulled together a reading list – more than 50 pages long. In process of noting – 60-70% of noting. Much of the material will be disclosed. All the relevant reports will be disclosed. As I prepare my notes, summarising key detail and every question/concern I have. It would be incredibly helpful – to pull those concerns together

AA Within 48 hour of SB dying – asked for Pm to be held back – so Mrs Bayoh could see her son. LA agreed to that – PIRC went ahead –

AG Important point AA raised with us previously – not just CoD but also PIRC/COPFS. Number of issues re PM, alleged repatriation and they are definitely issues going to explore. Those issues might not be in the CpD because in the medical side – PIM of PIRC/COPFS.

AJ You can imagine why suspicious – went ahead. Tried to send the body away where ebola and mass burial.

AG Emailed RM – PIM stuff –

AC CCTV – whether ALI could improve it and another company. Peter Watson identified a man called Kennedy – he was on our target list. Agency indicated to CP didn't work in Scotland. Proved not to be the case. Rather than have him under the control of PW – under control of Inquiry. Worth trying anything to see if we can the footage even a bit improved. Ultimately I will have to decide what I can see. He says he can do tracking – think this has the risk of straying into my function. Take step by step – let's get us to tell him if he can improve.

AJ If can be improved good – why now? Why 7 years after? COPFS made a decision on the basis of what had then. Why now?

AC I can only look at it from my point of view – can only get this as clear as I can –

MF Satisfied – whole approach is being thorough. Had delays – evidence late. Important thing for me – thoroughness. Think that is important for everyone. Every confidence in the approach. Support you in getting to the truth. Patience needed but thoroughness needed albeit frustrating.

AC There will be times when I have to make decisions with which you do not agree. Always make decisions based on evidence. Where appropriate take advice of



assessors and give reasoned decisions. Hope you will understand that. I do want you to continue to be at the heart of the Inquiry both in terms of being in the room and your representation. Regular meetings between your legal team and our legal team.

KJ I want you to know that we are the victims. We were a bit stunned – approach taken towards Zahid and Alan Paton. Saw a big difference – we felt there was a lot of attention given to Alan Paton. For him to have been given such privilege – surprised at that and the approach to ZS – felt a bit firm and sitting there – feeling sorry for him. Hits us as well – ZS very close to SB. For him to be in that position – up until now still vulnerable. Using Alan Paton's vulnerability.

AC Could I perhaps deal with Paton – fully understand hugely important witness and you wanted to see him live in the room. Received reports from Dr [REDACTED] [REDACTED]. His very firm indication was Mr Paton would not be able to give evidence and wouldn't have it at all. Difficult decisions based on evidence. Had to make a choice – forcing him against very serious medical evidence or to find a special measure to enable you to hear his evidence on the basis of his recording. I do understand how difficult it was. In the case of Zahid Saeed.

AG We had the Inquiry statement in the March. Hoped ZS. I wanted ZS would admit to having taken the drugs. Took the view reading his statement – good comparison in the situation. Maybe I did push him – encouraged him to help SB. It was for that reason – to try to get really good evidence. He is the only witness I would have had to that. Tried everything I could and maybe

AJ Everything else that you or anything else – not getting through. [REDACTED]. ZS is a person who has seen a lot – [REDACTED], you approach/plan was ok when laid out but not taking into consideration [REDACTED].

AG On the day ZS gave evidence – became clear need support of legal representative. Talked about ZS – suggested.

AJ AP being given the opportunity to say not going to sit across the table from a black family – but happy to jump out of a van.

AA ZS [REDACTED] – losing his best friend. War of words – climate of fear. Smearing of him repeatedly. [REDACTED] It might be the statement read in.

AJ Like the questioning AG put to witnesses – like them to give more examples – worked with or come into contact – white/black and comparison in approaches.