

Appendix 40 - Letter to LA, 16th October 2015

[REDACTED]
16th October 2015

By Email [REDACTED]

PRIVATE & CONFIDENTIAL

Frank Mulholland QC
The Lord Advocate
The Crown Office
25 Chambers Street
Edinburgh
EH1 1LA

Dear Frank

Death of SHEKU AHMED TEJAN BAYOH

We write to express our serious concerns at the approach being adopted by the PIRC investigators in relation to the Swan family.

We are advised by Barry Swan that he would happily provide a statement to the PIRC and has already done so, and we understand that his wife Karen Swan and the grandfather of Alan Paton, i.e. William Paton who is 87 years old may also be willing to do so.

Sadly the family feel upset that they were advised that unless [REDACTED] and [REDACTED] spoke to them, they may be compelled to do so by the Crown.

We find this approach somewhat astounding, seeing as no such approach was adopted in the case of the nine police officers.

You will appreciate it had taken us over two months to convince the family to even speak to us and for obvious reasons, the matters had to be dealt with an extremely sensitive manner. We are now concerned if as a result the whole family refuse to cooperate with PIRC.

You will be aware that the Bayoh family were told there was no power of compulsion for the officers to have to provide statements and a whole manner of reasons were given as to why statement could not be enforced, yet members of the public are now being told to do so. Can you advise why there is such a discrepancy.

We would ask you to note that we have urged the family to cooperate but they will only agree to do so on the following basis:-



In addition the Swan family have raised concerns that they want the grandfather William Paton to be dealt with in a sensitive manner due to his age and for us to be present, when any future statements are taken, along with any statement from Karen Swan.

In addition Barry Swan asked for a copy of his statement, but was told due to 'Data Protection' he could not be provided a copy and that we would need to request one on his behalf. We formally request a copy of the statement and the reasoning behind refusing him his own statement on the basis of Data Protection.

Kind regards

Aamer Anwar
Aamer Anwar & Co

cc. Les Brown, Head of Criminal Allegations Against Police Division, Kate Frame PIRC