



AAMER ANWAR & CO
SOLICITORS & NOTARIES

For the attention of Lord Bracadale &
Cabinet Secretary for Justice Humza Yousaf MSP

July 1st, 2020

Dear Lord Bracadale and Mr.Yousaf

PUBLIC INQUIRY CONCERNING THE CIRCUMSTANCES OF THE DEATH OF SHEKU BAYOH

Thank you for your letter of the 24th June.

The agreement of Lord Bracadale to appoint assessors was welcomed by the Bayoh family as an important step.

A diverse panel can help to provide legitimacy as well as experience on the issue of deaths in custody as well as ‘institutional racism’ that is lacking in Scotland. It will also go a long way to regaining the trust and confidence of the Bayoh family as well as the wider community.

Grieving and traumatised people should never have been put in a position where they had to fight for their right to truth and justice as the family of Sheku Bayoh have had to.

Any Inquiry into an injustice must ensure diversity of culture and experience of those involved from the outset. The Bayoh family hope the appointment of assessors will mean that the Inquiry has the expertise it needs to get to the truth of what happened to Sheku Bayoh, as well as the aftermath of his death in custody including the role played by various agencies.

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The extent to which inquiries uncover the truth is critical to whether they succeed in restoring public confidence in public institutions and to providing victims and their families some sense of having been heard.

Public inquiries are often treated as the ‘gold standard’ of investigations, reserved for the most serious of issues. This status creates high expectations of inquiries, both for those affected and for the wider public. The first expectation is that an inquiry will establish the facts.

As the public reaction to inquiries such as the Bloody Sunday Inquiry has shown, the extent to which they are perceived to have uncovered the truth is critical to whether they succeed in restoring public confidence in the institutions of government. This process can also help families and victims to feel that their concerns have been heard.

The family have stated that they would hope assessors who are appointed have previously demonstrated robust independence as well as experience of such matters.

For the Bayoh family the Impact does not begin at the end of an inquiry, but at the start.

The concern expressed by the family is that in the past individuals appointed to assist inquiries have been seen as tokenistic, their ‘colour or titles’ were seen as all that was necessary for a seat at the table, rather than a proven track record of being a robust and critical voice to power.

In some cases individuals have been seen as too close or dependent on the Government and simply unwilling to rock the boat, whilst they may consider themselves as critical friends of Government the public perception is the exact reverse.

We understand that a person may be appointed as an assessor only if it appears to the Minister or Chair that he or she has expertise that makes them a suitable person to provide assistance to the inquiry.

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One question not answered is whether the assessors will have a decision-making role, including drafting recommendations, as well as signing off on the final inquiry report.

In the case of the Stephen Lawrence Inquiry, three Advisers were appointed by the Home Secretary to advise and support the Chairman. These Advisers were Mr Tom Cook, retired Deputy Chief Constable for West Yorkshire; The Right Reverend Dr John Sentamu, the Bishop for Stepney; and Dr Richard Stone, Chair of the Jewish Council for Racial Equality.

The Inquiry's Advisers were fully involved in every step and action taken since the inquiry began. They all attended virtually every day of the hearings in Part 1 and Part 2 of the Inquiry, playing a full role in the proceedings and were allowed to ask questions as well as sometimes cross-examine witnesses.

As was noted in the final report-

“Their advice has been invaluable to the Chairman. Their contributions to the Report and to the conclusions and recommendations made have been imaginative, radical and of incalculable worth. Without their advice and support the Inquiry would have been infinitely less effective. This Report sets out the unanimous views of the Chairman and his three Advisers.”

We appreciate that the level of experience and background available in Scotland is extremely limited, but that is also a reason why the core-participants to the Inquiry have looked beyond Scotland for expert witnesses.

We hope that the need for the optics to reflect Scottishness will not lead to unnecessary dilution at the expense of expertise.

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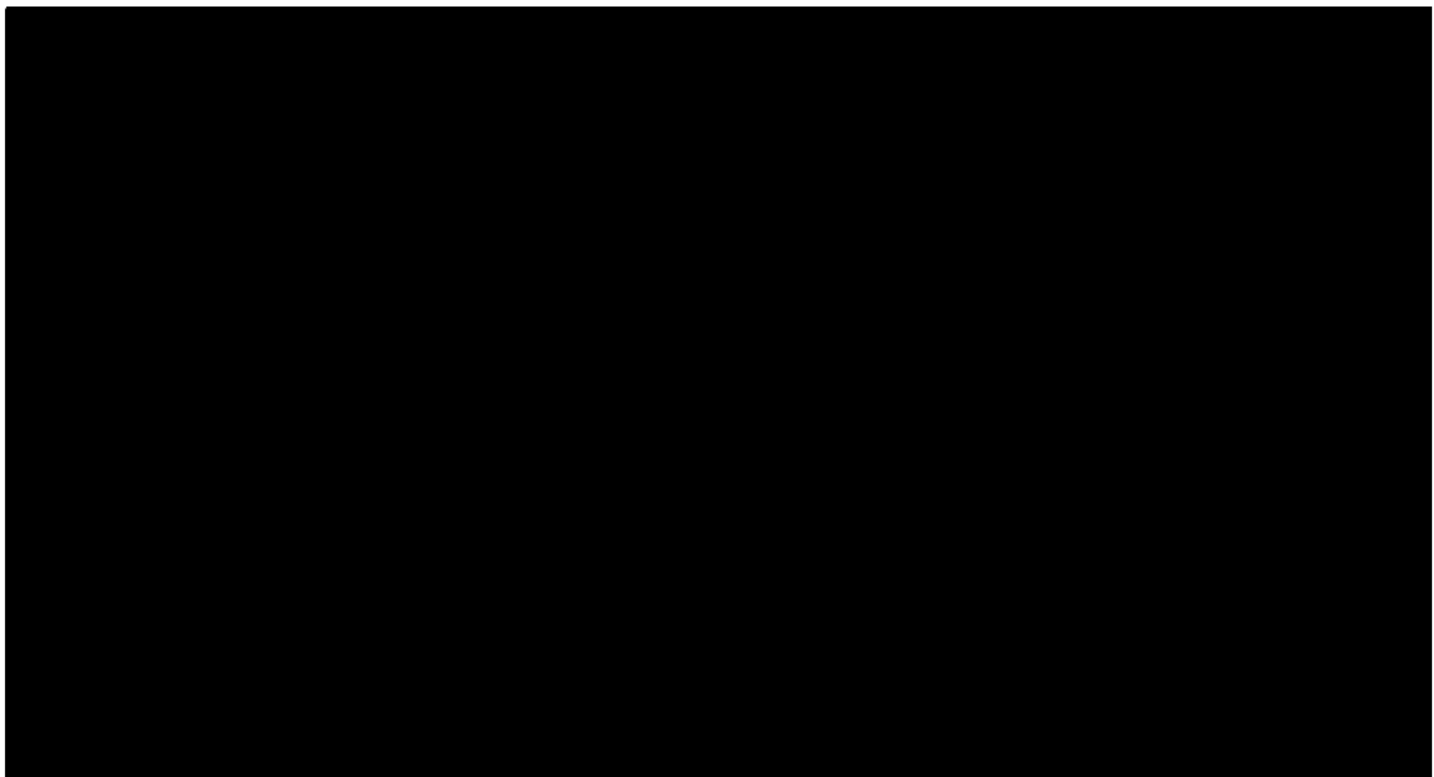
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The Surjit Singh Chhokar Inquiry nearly 20 years ago failed so badly, because the Scottish Executive failed to order a public inquiry, but also to appoint a panel/assessors which ultimately meant the family along with the BAME community had no trust in the process and ‘boycotted’ both Sir Anthony Campbell’s Inquiry as well the Jandoo Inquiry.

However in this case it is important to note the family have publicly welcomed the setting up of a public inquiry as well as the appointment of Lord Bracadale to chair the inquiry.

The family hope that this inquiry will be a ‘watershed’ moment for the criminal justice system in Scotland just as Stephen Lawrence Inquiry was for England 21 years ago.

Accordingly we submit the following suggestions for assessors for the Public Inquiry with as much detail of their background that we have been able to research:-



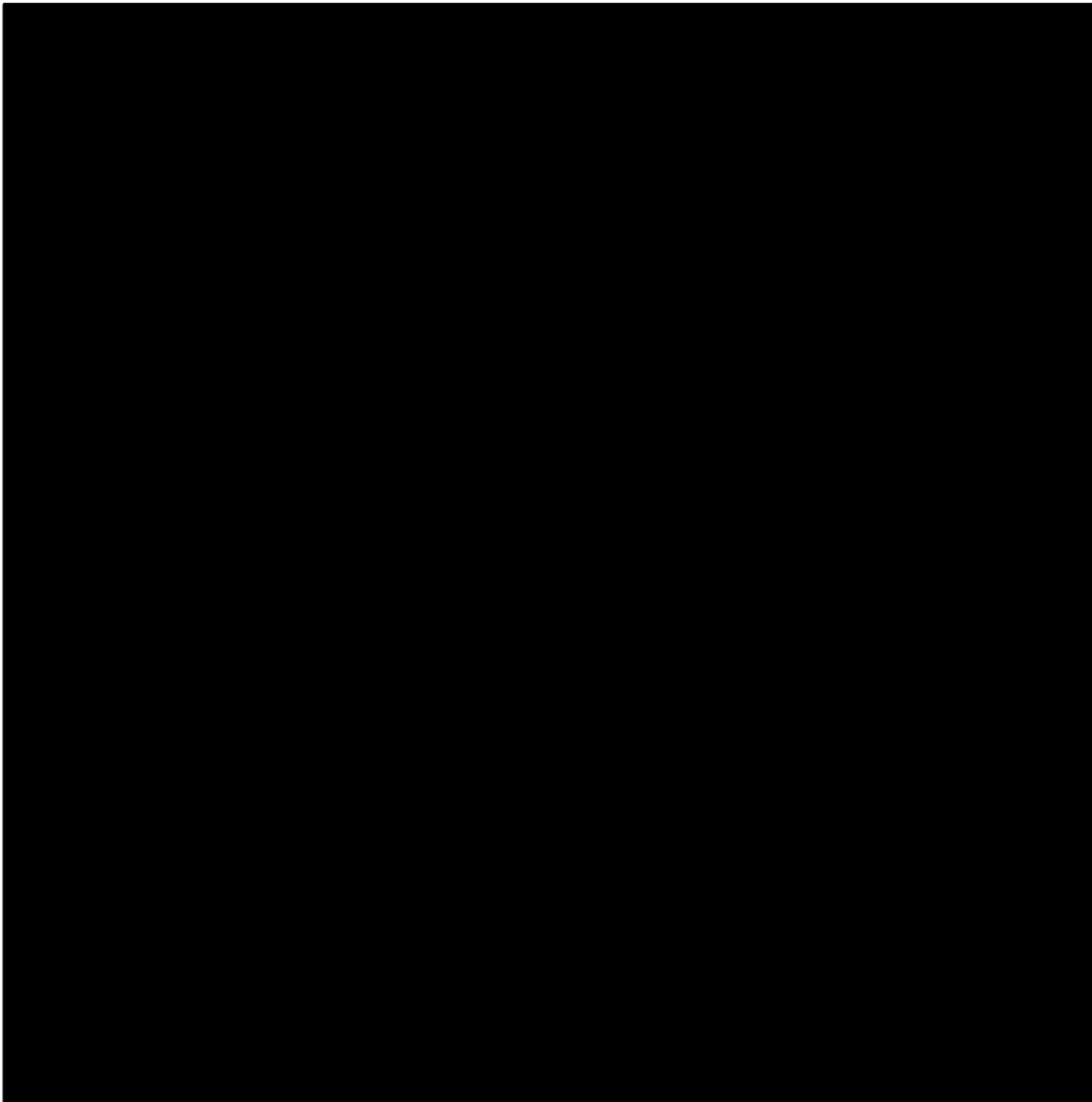
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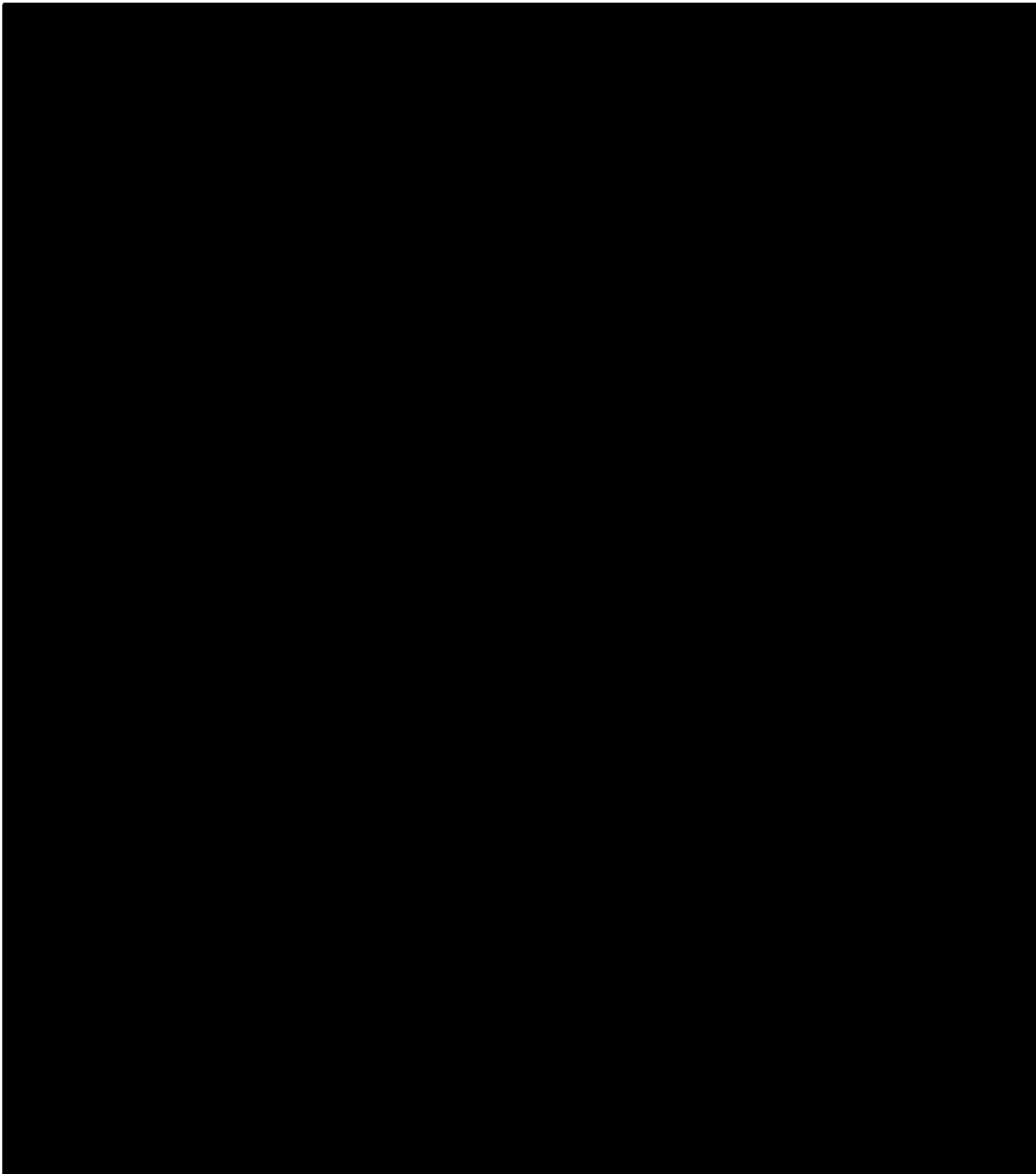
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