



**The Sheku Bayoh Public Inquiry**  
**Supplementary Witness Statement**

**Lord Mulholland**

**Taken by [REDACTED] on MS Teams**  
**on Friday 5 April 2024**

1. I previously gave a statement to the Inquiry dated 11 March 2024 (SBPI-00476). I have been asked a number of questions and as a result I have provided this supplementary statement to answer these questions.
2. I have been away from the Crown for 8 years. In giving this statement, I have not seen the relevant papers. I am speaking from memory and impression.

**Systemic review**

3. I am asked to provide further information of the systemic review into institutional racism described at paragraph 74 of my previous statement.
4. The Jandoo report following the death of Surjit Singh Chhokar looked at *inter alia* liaison with the family and questions of how the crown dealt with racism and racially motivated crime. I was not involved in the Jandoo or the Campbell reviews at the time, but I was aware of the findings of the reviews. I was also aware that the Crown accepted the findings and recommendations of the reviews. I was not involved in the implementation of the recommendations of the reports.
5. I was an Advocate Depute at the time during the Chhokar trial. Colleagues of mine prosecuted the two initial trials. I was obviously aware of the case and

the difficulties with it caused by the strategic decision making and the public criticism at the failure of the cases.

6. Following the Jandoo report, from memory all policies were reviewed to make sure that they were equitable and fair. For example, prosecution policy was reviewed to ensure that racial motivation was identified and embedded in reporting and decision making.
7. Another report by Sir Anthony Campbell looked at prosecution processes, whether the case was handled appropriately, whether the right decision was taken and made recommendations on improvement. From memory I think there was another report into the liaison with the family, but I haven't been able to find it on the internet.
8. I was not involved at the time but I know that the prosecution policies were proofed to make sure that there was no embedded racism. Other guidance, for example to precognoscers and for liaison with the families of victims, was looked at to make sure that this was highlighted and considered in appropriate cases.
9. I know from personal experience that precognition templates were amended to ensure that precognoscers were alive and required to address any issues or potential issues of racial motivation. A section was added to the precognition template narrative. I was involved in designing the templates.
10. I am asked to explain the position of the systemic review by 2015. The systemic review had already happened by 2015, it was carried out following the collapse of the Chhokar trials. It was carried out on the back of the Jandoo report which was before I became a Law Officer.
11. In relation to race, the turning point had happened post Chhokar. We gave racial motivation a real focus in the investigation and preparation of a cases. Following the reviews and implementations it was important to ensure that this momentum was not lost. With regard to the Chhokar case, I was

responsible for ensuring it went to the cold case unit. I superintended the re investigation and double jeopardy application through to the eventual trial. We reindicted the persons acquitted under double jeopardy legislation. From memory, I think the Crown was successful in the re prosecution of Ronnie Coulter. A Crown Office spokesman following the conviction stated, “the justice system has transformed how it deals with racial crimes as a result of this case.”

12. The point I was making in the first statement is that it was important for the Crown not to lose the momentum built up from the implementation of the Jandoo and Campbell reports, The reports should not be sitting on a shelf gathering dust. This was why the steering group was set up.

### **Steering Group**

13. I am asked to provide further information on the steering group described at paragraph 75 of my previous statement. I don't have the paperwork for this, so I am relying on memory. I chaired the Steering Group throughout my time as Lord Advocate and as Solicitor General [for part of my time).
14. Ruth McQuaid, a Deputy Crown Agent, was the most senior permanent member of staff on the group. She was instrumental in driving the work in this area. She did a lot of outreach and coordinated the work of the areas in this area. The steering group looked at all the protective characteristics such as race, disability, age, sexual orientation, religious and sectarianism.
15. The Crown Office will have the remit of the Steering Group. The steering group was the overarching Crown Office body which I chaired. It superintended the work of all the areas to ensure full implementation across the country. Each area had it own group looking at all these issues. The areas all reported to the Steering Group.
16. As I have pointed out, the kind of work that we did in the Steering Group was not just race. It was right across all diversity strands. It was race, disability,

age, LGBTI+, transgender, religion, sectarianism and we also looked at misogyny although it is not yet a protected characteristic.

17. An example of the work that was done should demonstrate the breadth of the work done is that at one time there were a number of prosecutions for HIV transmission and some concern in the medical profession that this was driving HIV transmission underground which was counterproductive. We listened, looked into the issue and I set up a group to research, liaise and draw up a prosecution policy to look at prosecution of HIV transmission. They consulted, listened and researched with the gay community and medical profession and drew up a bespoke prosecution policy which was well received and fair and contributed to the work done to combat HIV transmission. Another example is the revisal of prosecution policy in bogus workmen cases which are predominantly targeted against the elderly.
18. We also looked at transgender issues. I spoke to the transgender conference in Aberdeen and I was told I was the first leader of a prosecution service in Europe to do that. Our work in this area included looking at how we named in the indictment. We built links with the transgender community.
19. Another protected characteristic the Steering Group was concerned with was religion and sectarianism. This is something I had experience of. I was involved in prosecuting Jason Campbell for the appalling murder of Mark Scott in 1995 for doing nothing more than wearing a green and white scarf whilst walking through Bridgeton. The Steering Group looked at this issue and drew up and revised prosecution policies in relation to religion and sectarianism.
20. In relation to the Steering Group's work on race, a lot of outreach work was done. One of the recommendations in the Jandoo report was a lack of translators for Surjit Singh Chhokar's family. Speaking from memory, the Crown joined a translation system where conversations could be translated

into I think almost 100 different dialects. I trained translators in one of the colleges in Edinburgh on court procedures.

21. The Steering Group also built links with Mosques across Scotland. I spoke to and visited Edinburgh Central Mosque and the Glasgow Central Mosque.
22. There was another case involving the murder of a young man, Kriss Donald, by four Asian males who fled to Pakistan. There was no extradition treaty between the UK and Pakistan. As a result of the links that were built up with the Muslim communities, in particular with the Edinburgh Central Mosque, they were returned to the UK and stood trial and convicted.
23. This conviction couldn't have happened without the strong links built up with the Muslim Communities.
24. Another example is the murder of Simon San, a Chinese delivery driver. The accused John Reid punched Mr San who fell and struck his head on the roadway and died from a cerebral bleed. Thirty to forty minutes after the punch. Reid had flown the locus and went to a flat and confessed to another person and used racist language. The question was whether the crime was racially motivated. The answer, on the evidence, was that it was not racial aggravated. We made sure that the information was placed before the court. We also ensured this was fully explained to the family of Mr San.
25. Imran Khan was another case I did. This was a stabbing in Pollokshields Glasgow of an Scottish Asian youth by two white youths. I prosecuted it successfully. During the trial I liaised with the victim's family throughout.
26. In my time chairing the Steering Group, the demographics of Scotland were changing. Refugee bodies made contact with us to build links. I went out to speak to the Council of Refugees. This was all under a broad umbrella of avoiding racial discrimination and prejudice. I even presented the prizes to a five a side football tournament for Afghan and Syrian refugees.

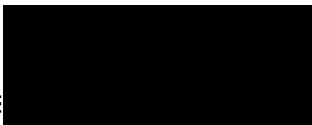
27. Another example of the work of the Steering Group is a prosecution of a homophobic accused (I am sorry that I can't remember his name) who had assaulted gay people outside a gay venue in Edinburgh. He used homophobic language during the assault which was put to him in cross examination. These questions were reported in the Edinburgh Evening News. I, as the Procurator Fiscal Edinburgh, received calls complaining about the language used by the prosecutor in cross examination. Because of the links we had built with the LGBTI+ community, I could explain why this language was used to show his homophobic motivation. This allayed their concerns.

### **Training on race**

28. I am asked to provide further information of the policy and strategy in relation to training on race in 2015, described at paragraph 75 of my previous statement.
29. Training on race continued in 2015. A large organisation such as COPFS has many staff coming and going. All existing and new members of staff were trained in this area. Further, any Advocate Depute had mandatory training on race, and diversity (an umbrella term used to capture all the areas of work listed above) within 6 months of taking up a post.
30. I can recall being personally trained in race, equality and diversity matters. I recall the whole of COPFS was trained in this following the Jandoo report. I would imagine that would be plain from the findings and recommendations of the Jandoo report that this was required. From memory, I think Aamer Anwar contributed to this training.
31. Part of the training was to ensure that unconscious bias racial language was not used. An example might be a stabbing outside a Chinese takeaway, and it being referred to as the Chinky's. Unless it was a direct quote from a witness or accused, this type of racial language was not to be used.

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

Signature of witness



April 15, 2024 | 8:15 PM BST

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