

[REDACTED]



Aamer Anwar
Aamer Anwar & Co

By email only [REDACTED]

19 January 2024

Dear Aamer

Rule 8 Request

I am writing on behalf of the Chair to the Sheku Bayoh Public Inquiry ('the Inquiry').

Under [Section 21\(2\)\(a\) of the Inquiries Act 2005](#) the Chair may, by notice, require a person to provide evidence in the form of a written statement. [Rule 8 of The Inquiries \(Scotland\) Rules 2007](#), provides that the Inquiry may send a written request to any person for a written statement of evidence. I hereby request you provide a written statement to the Inquiry by **5pm on 31 January 2024**. Please provide your written statement by email to [REDACTED]

It is a criminal offence to fail to comply with this request without reasonable excuse. I refer you to [Section 35\(1\) of the Inquiries Act 2005](#).

Annex A to this letter sets out the areas to be covered in your written statement. Annex B contains a copy of the Inquiry's Terms of Reference. There are two documents referred to in the Rule 8. These have already been disclosed to you as a legal representative of a Core Participant. The doc ID of those documents are PIRC 01450 and SBPI 00432.

You may wish to take independent legal advice in relation to the contents of this letter and the questions contained within Annex A prior to providing your written statement. Should you decide to take independent legal advice prior to providing your written statement, and you wish to share the documents provided to you via the Connect workspace with your solicitor in order to do so, please contact the Inquiry's legal team in advance by email at [REDACTED].

[Section 22\(1\)\(a\) of the Inquiries Act 2005](#) states that a person may not be required, under section 21, to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court. If you are of the

[REDACTED]

view that section 22 applies to your evidence, please advise the Inquiry of this and the reasons why you believe section 22 applies.

Your statement may be disclosed to the Core Participants in the Inquiry and may be published on the Inquiry's website. Any personal information that is not relevant to your evidence will be redacted prior to disclosure.

The written statement will form part of the evidence of the Inquiry. For that reason, it is important that it is in your own words. You may be asked to attend a hearing to give oral evidence to the Inquiry. I will contact you in the coming weeks to confirm this.

If you have any questions regarding this letter or the content of your written statement, please contact the legal team by email at [REDACTED]

Yours sincerely

[REDACTED]

ANNEX A

AREAS FOR WITNESS STATEMENT

MR AAMER ANWAR

Please provide your **full name, date of birth, personal or business address**.

Please provide as much detail as you can in relation to each of the following questions.

1. Alistair Lewis, PIRC FLO, recorded in the PIRC FLO log (PIRC 04150) that he had a telephone call with you at 17.48 on 4 May 2015. The log entry states the following:-

“Advised Aamer Anwar of result of PM – unascertained death subject to toxicology and brain tissue exam. Asked who the pathologist had been. Unaware at that time. At the time of the call Aamer had his children with him. Also asked if he could obtain GP details for the PIRC to obtain medical records of Sheku for pathologist.”

Did you receive a call from Mr Lewis at 1748 on 3 May 2015?

2. If yes, where were you at the time you received the call? What were you doing at the time you received the call? What was discussed during the call?
3. Were you asked to obtain Sheku Bayoh’s GP details from the family (so PIRC could obtain medical record for the pathologist)? Given your experience as a criminal solicitor, did this request give any indication to you about the timing of the post-mortem?
4. Do you accept any part(s) of the FLO entry as accurate? Which part(s)?
5. Do you dispute any part(s) of the FLO entry? Which part(s)?
6. If your position is that you did not receive a call from Mr Lewis as recorded in the FLO log can you explain Mr Lewis’s contemporaneous record of the conversation?
7. If you accept that a conversation took place on 4 May 2015 at 1748, in which there was a discussion about the post-mortem examination, please also comment on the following extract from Mr Lewis’s second Inquiry statement (SBPI 00432 para 75)

“Aamer certainly did not express any surprise when I told him the post-mortem had been completed and, subject to toxicology and a brain tissue exam. He asked, “Who was the pathologist?” There was no surprise. I assumed that he was aware of that. There was certainly nothing to say that he was unaware of the post mortem going on.”

ANNEX B

Public Inquiry into the Death of Sheku Bayoh

Terms of reference

The aim of this Inquiry is twofold: firstly, the Inquiry will establish the circumstances surrounding the death of Sheku Bayoh in police custody on 3 May 2015 and make recommendations to prevent deaths in similar circumstances, as would have been required under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Secondly, the Inquiry will assess and establish aspects of the case that could not be captured, or fully captured through the FAI process, namely (a) the post incident management process and subsequent investigation and make any recommendations for the future in relation to these; and (b) the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard.

The remit of the Inquiry is accordingly:

- to establish the circumstances of the death of Sheku Bayoh, including the cause or causes of the death, any precautions which could reasonably have been taken and, had they been taken might realistically have resulted in the death being avoided, any defects in any operating models, procedures and training or other system of working which contributed to the death and any other factors which are relevant to the circumstances of the death;
- to make recommendations, if any, covering the taking of reasonable precautions, improvements to or introduction of any operating models, procedures and training, or other system of working, and the taking of any other steps which might realistically prevent other deaths in similar circumstances;
- to examine the post-incident management process and the investigation up to, but not including, the making by the Lord Advocate of the prosecutorial decision communicated to the family of Sheku Bayoh on 3 October 2018 (and the Victims' Right to Review process that was undertaken by the Crown Counsel in 2019), including: (i) the effectiveness of procedures for gathering and analysing information, (ii) the securing and preserving of evidence, (iii) the roles and responsibilities of those involved, (iv) liaison with the family of the deceased and (v) compliance with any relevant Convention rights; and make recommendations, if any, for the future in respect of these matters;
- to establish the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard; and
- to report to the Scottish Ministers on the above matters and to make recommendations, as soon as reasonably practicable.