

EQUAL OPPORTUNITIES COMMITTEE

Monday 16 December 2002
(Morning)

Session 1

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EQUAL OPPORTUNITIES COMMITTEE

20th Meeting 2002, Session 1

CONVENER

*Kate Maclean (Dundee West) (Lab)

DEPUTY CONVENER

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE MEMBERS

Mrs Lyndsay McIntosh (Central Scotland) (Con)

*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

Mr Gil Paterson (Central Scotland) (SNP)

*Cathy Peattie (Falkirk East) (Lab)

*Tommy Sheridan (Glasgow) (SSP)

*Elaine Smith (Coatbridge and Chryston) (Lab)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

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Mr Jamie McGrigor (Highlands and Islands) (Con)

Michael Matheson (Central Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

WITNESSES

Mrs Elish Angiolini (Solicitor General for Scotland)

Mr Aamer Anwar

Colin Boyd (Lord Advocate)

Mr Darshan Singh Chhokar

Mrs Manjit Sangha

Mr Jim Wallace (Deputy First Minister and Minister for Justice)

CLERK TO THE COMMITTEE

Jim Johnston

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Roy McMahon

LOCATION

The Chamber

Scottish Parliament

Equal Opportunities Committee

Monday 16 December 2002

(Morning)

[THE CONVENER opened the meeting at 09:35]

10:03

Meeting continued in public.

Chhokar Inquiries (Jandoo Report)

The Convener (Kate Maclean): I welcome Mr and Mrs Chhokar, Mrs Manjit Sangha and Mr Aamer Anwar to give evidence on the report by Dr Raj Jandoo. I realise that it must be difficult to come along and give evidence after such a long time, but we hope that today's meeting will be useful. If at any time during the evidence session you feel that you want to stop and take a break, please indicate that to me so that I can suspend the meeting for a short period.

This morning's proceedings are being translated from and into Punjabi. For people in the public gallery and in the chamber, the English translation can be heard by selecting channel 1 on the headphones, while the translation into Punjabi can be heard by selecting channel 2. For the benefit of the interpreters, members are asked not to speak too quickly.

Members will recall that, at our meeting on 19 December 2000, we agreed to recommendation 5 of Michael McMahon's paper, which was that the committee should consider the manner in which the Jandoo inquiry was conducted and question the Lord Advocate and the Minister for Justice on the implementation of the recommendations.

Following publication of the Jandoo report, the committee further discussed the issue on 30 October 2001, when we agreed to consider holding a public meeting at a location more convenient to the Chhokar family in view of Mr Chhokar's health at that time. Following the recent meeting between Michael McMahon and the family, it was agreed that the meeting should be held in Edinburgh. I am glad that Mr Chhokar feels well enough to attend today's meeting.

Before we start taking evidence, I want to mention that the committee was given legal advice not to publish the submission from the Chhokar family justice campaign. Having discussed the

matter, the committee feels strongly that we want to publish it. We have therefore decided to seek further legal advice in order to allow the submission to be published. That is the wish of the committee.

Before we move to questions from members, I invite the witnesses to make a brief opening statement, which I understand will be made by Aamer Anwar. Obviously, if anyone else wants to say anything, they can simply indicate that to me and that will not be a problem.

Mr Aamer Anwar: We welcome the committee's invitation to give evidence today. We hope that the committee will utilise this opportunity to allow us to set the record straight, so that we can tell the real truth instead of what the family and the campaign consider to be the lies that are contained in the Jandoo report. We also thank the members of the Equal Opportunities Committee for their solidarity with and support for the family over the past three years.

We have submitted written evidence in the form of a 36-page document, which is to be read in conjunction with the Jandoo report. We hope that questions are asked about the Jandoo report. More important, we hope that the Crown Office, the Lord Advocate and the Minister for Justice are not asked questions that simply allow them to conduct a public-relations exercise regarding the family's concerns over the past three years. They should not be allowed to respond simply with a shopping list of training initiatives, thematic inspections and legal jargon.

At the end of the day, this was about a family's loss of a son and their fight for justice. The campaign was about what the Chhokar family have done. I pay tribute to Mr and Mrs Chhokar and to Manjit Sangha, who is Surjit's sister, for their courage and perseverance. Like Stephen Lawrence, Surjit was not a famous man. He was just a young man with bright dreams for the future. He did not have any mighty friends or high-powered contacts. However, he had a couple of stubborn parents who refused to be pushed aside. We hope that Surjit Singh Chhokar will not be forgotten.

It is unfortunate that families such as the Chhokars are forced to take the steps that they have had to take. All they ever wanted was for the criminal justice system to do its job. For decades, organisations such as the Crown Office, which are supposed to be there to protect us, have acted on the prejudices that are integrated into their structures.

The conclusions of the Jandoo report have been known to the black community for decades. What is missing from the Jandoo report and from the whole process is accountability. As far as we are

concerned, the family was denied a public inquiry in order to protect individuals such as Lord Hardie—the previous Lord Advocate—the regional procurators fiscal and other individuals at senior levels of the legal establishment who betrayed that principle of justice.

The family's key concern with Sir Anthony Campbell's report was its failure to show how racism was eliminated as a factor in the legal decision-making process. Without a clear demonstration of the method that was used to identify and eliminate racism as a factor, it is difficult to have confidence in that report's conclusions. There is an overwhelming discrepancy between the two reports as regards institutional racism. If institutional racism can be identified as a factor in the treatment of the family, is it not likely that it could also have played a part in the preparation and prosecution of the case?

Jandoo denies a similarity between the Chhokar case and the Lawrence case, but Neville Lawrence was the first person to support the campaign and the family. He stated that the treatment that the Chhokar family received at the hands of the criminal justice system was no different from that which was meted out to the Lawrence family.

It was not easy for the family eventually to boycott the inquiries. As far as the family could see, the greatest abuse of trust was the leaking of huge sections of the inquiry to members of the press. The family realised that, if conclusions had already been reached and were in the public domain, their giving evidence would merely be a PR exercise for the Jandoo inquiry. In pages 11 to 16 of our submission, we detail the leaking process and on page 15 print an extract of a letter from Henry McLeish that was written in response to a letter from the family. In that letter, he stated that he shared the family's concerns over the leaks and had

"asked for a full report".

However, he also assured the family that the leaks had nothing to do with Executive ministers.

That was followed by the Lord Advocate's speech to Parliament on the release of the inquiry reports. On page 15 of our submission, we print his statement that the leaks were

"grossly offensive to both the Chhokar family and this Parliament".—[*Official Report*, 24 October 2001; c 3231.]

He then ordered a full inquiry into who authorised the leaks.

However, where is that inquiry? Why have we been lied to again? Why has there been a cover-up? We suspect that it is now known who leaked the conclusions of the inquiry and that we have not been told because that would justify the basis for

boycotting the inquiries. It would also destroy the so-called independence of the inquiry itself.

It is clear that taking evidence from witnesses out of the glare of public scrutiny allowed them to lie and to embellish their testimonies. In our submission, we also quote law lords' reasons about why inquiries should be held in public. Holding the inquiry in private allowed individuals in the Crown Office and the police to cast blame on the family and their supporters. We ask the committee to consider page 17 of our submission in that respect.

The Jandoo inquiry report is a construction of lies and innuendo that is motivated by the need to put Strathclyde police into the frame while exonerating the Crown Office. Throughout, it is patronising and insulting to the Chhokar family and the memory of their son. It also insults the representatives of the campaign and the campaign itself.

We are angry that lawyers have advised the committee that our submission should not be published or released on the website. This is the first time that we have had the opportunity to tell the truth and respond to Dr Jandoo's lies. For example, throughout the report, Jandoo tries to construct a case that alleges that Mr Chhokar did not know what was going on during the process and that he was misled by me, Aamer Anwar. Such a claim is deeply patronising and insulting. However, now that we are trying to tell the truth, the lawyers have stepped in and said that our submission cannot be published.

Everything that we state in our submission can be found in the appendices of the Jandoo inquiry report. There is no reason for not publishing it; it tells the truth about what happened to the family. If it cannot be published now, would it have been published if the family had approached the inquiry? Is that the end result?

The family of Stephen Lawrence could approach the inquiry into their son's death, look on the report with pride and say that it was a legacy of their campaign. When they turned to the third page of the report, they would see a photograph of their son. I sat with the Chhokar family in the minister's room three hours before we went into the chamber and there were tears in their eyes as they turned to each page. When they opened the report, they saw lies and insults to the family instead of the memory of Surjit Singh Chhokar; instead of a photograph of Surjit Singh Chhokar, they saw Raj Jandoo's signature and the minister's name.

We believe that the Jandoo report is not a legacy, but an exoneration of individuals in the Crown Office, most of whom have been promoted while the family have been left in tears. Its real message to any family member or campaigner is,

"Don't you ever dare take us on, because we will destroy you." The report is fundamentally flawed, because the family did not give evidence to the inquiry. Dr Jandoo has printed as facts the very words of the Crown officials who so abysmally failed the family and who had everything to gain by lying and attacking the family. There was no corroboration of those claims.

Dr Jandoo claimed to follow Lord Denning's principles but, as I have said, various sections of his report contain no corroboration of claims. He attacks family members and the campaign individually. The Parliament might want to move on and deal with the report's recommendations. However, because of the lies and defamation, the Chhokar family feel that they are continually on trial for speaking out.

More recently, Mr Chhokar was placed in the dock for a whole day at last month's trial of David Chisholm, who is the stepfather of one of the people accused of Surjit Singh Chhokar's murder and who was charged for abusing Mr Chhokar at last year's anniversary of the murder. Mr Chhokar was abused by a defence lawyer who used the lies in the Jandoo report to put him on trial, accusing him of being a liar—it was said that Mr Chhokar could speak perfect English—and claiming that he was manipulated by me. That is a disgrace to Surjit's memory. Had there been a public inquiry, that would not have been possible, because the Chhokar family would have had an opportunity to cross-examine witnesses and to view all the evidence.

Great play was made of the appointment of a supreme court justice to head one inquiry, while a junior counsel was to head the inquiry into the treatment of the Chhokar family. With hindsight, we were correct when we stated, with the greatest respect, that that was like sending a corporal into the officers' barracks to investigate the generals. There is nothing independent about someone who relies on the Crown Office for work or on faculty members for judicial appointments.

10:15

I was attacked throughout the report and at the time I refused to defend myself. Let me say this once and for all: I worked for the Chhokar family; I did not work for the Crown Office. I worked alongside the Chhokar family to expose injustice and I make no apologies for that. I hope that I would do the same again.

What shocked me, however, was that it felt as though the family were the ones who were being investigated and placed on trial. It was not the family or I who failed to bring Surjit's killers to trial; it was an individual who might be here or might be listening to what is being said today—a minister or

his officials—who failed to bring those killers to trial.

I feel that Dr Jandoo placed Mr Chhokar and me on trial because the report deflected the damage away from the Crown Office. If we compare the Jandoo report with Sylvia Denman's report on the Crown Prosecution Service or the Stephen Lawrence inquiry, we see that Scotland is poorly served. We welcomed the Lord Advocate's acknowledgement of the problem of institutional racism, but we do not believe that a flawed process can result in adequate reform.

Can those who think that a public inquiry is not appropriate imagine if the clock was turned back and the Stephen Lawrence family were denied disclosure of evidence and the right to representation and the chairman, Sir William Macpherson, had no experts in race appointed to advise him? Just like the Chhokar inquiries, the Lawrence inquiry would have been a whitewash. The reality is that, despite such inquiries, families such as the Chhokars, black people and the poor are treated with contempt and are denied justice by those who act as though they are our masters rather than public servants.

We believe that there has been change, but the barest minimum was offered. For the legacy of Surjit Singh Chhokar, it will be up to ordinary people such as the Chhokars to continue the struggle for justice.

The Convener: Thank you. Does anyone else want to say anything at this stage or will we go right to questions?

Mr Darshan Singh Chhokar: (*simultaneous interpretation*) Why did you not listen to whatever Aamer has said? If you do not understand, why do you not ask again? I cannot understand why you do not catch those people. You have destroyed my family and you are inquiring about me. You have put me on trial. I cannot understand that.

I have spent my life serving the British Government and singing its praises. Why are the murderers of my son not on trial? I do not understand. Some people say that I am uneducated.

Just do everything that you can. If I do not understand English, you think that I am stupid. Do all Prime Ministers understand English? Why are you putting me on trial? Why do you keep on dragging me in? What are you doing with the people who have killed my son, ruined my family and destroyed me?

I cannot control myself; forgive me. If you have not understood what I have told Aamer, I will say it again. I have nothing left in me. I am finished. I am looking for the day when God takes me away.

The Convener: I am sorry, Mr Chhokar. I apologise for the fact that it is very distressing for you to give evidence to us. The committee does not feel that you are on trial. We are happy to hear evidence from your representative, Aamer Anwar, on your behalf. The committee wants to assist you today to get across your point of view about the reports. I will open up the meeting to questions from the committee members.

Kay Ullrich (West of Scotland) (SNP): Thank you so much for coming before the committee this morning. I was particularly struck by what Mr Chhokar has just said, which underlines what the family justice campaign submission says. I refer in particular to Mrs Manjit Sangha's statement that the report

"set the scene for the insults that treated my father as though he was a gullible fool. Inability to speak English does not make our people idiots and we resent the innuendo and insults targeting my father."

I could not agree more.

The report makes a number of recommendations in respect of keeping families informed and ensuring the provision of translation and interpreting services where necessary. Do you feel that, if those recommendations are carried out, that will be adequate to meet the often complex needs of the families of victims?

Mr Anwar: Manjit Sangha will respond to that. However, before she does so, I want to state that the whole process by which Dr Jandoo arrived at his recommendations was flawed. As Mr Chhokar has said, he was treated in the report as if he was an idiot. Dr Jandoo reported the failure of interpreting facilities, yet he also said that, because Mr Chhokar had a 30 to 40 per cent grasp of English, the process was okay.

The report attacked interpreting capabilities, but the person who headed the inquiry did not come to an understanding of the communication process. As we saw when we sat through the trial last December and the trial of a few weeks ago, it was almost as if the interpreters were in court for the lawyers rather than for the families. We have constantly come up against the issue of interpretation. I was abused in the report as if my job was to interpret for the family. My job was as the campaign spokesman and the family's lawyer and not as an interpreter.

At the Privy Council, we insisted that the Crown Office employ an interpreter. Halfway through the Privy Council hearing, Mr Chhokar said that he no longer wanted the use of the interpreter because the person was not up to the job—he was not legally trained, did not understand the process and patronised the family by saying that they did not understand the proceedings. What the individual did not realise was that the family had sat through

every part of the court process and knew every section of what was going on. They did so because the process was explained to them at length.

Unfortunately, in this country, interpreters regularly patronise and insult families and victims by thinking that they do not need to know what is going on. That is the same process that the institutional racists use—they think that, because people do not understand English, they do not require to know. I find it astonishing that a few weeks ago the procurator fiscal had to stop in the middle of the trial to ask me whether the interpreter was doing a proper job. The interpreter had to be ordered by the judge and the fiscal to do a proper job.

We do not think that interpreters in this country are up to scratch. They continually fail the system. If what I saw in the Chhokar trials and the trial of David Chisholm represents the state of our interpreting services, that is a damning indictment of the facilities that are offered. Victims and the accused are continually being failed in the judicial system and the asylum system.

Mr Chhokar: (*simultaneous interpretation*) If I am a soldier, what can I say against my colonel? I am under his command. You keep saying that the Jandoo recommendations are in force, but people are still swearing at us and saying that we are stupid, which is what they said previously.

Kay Ullrich: I was particularly struck by Mrs Manjit Sangha's statement. She said that Jandoo

"gives accounts of the interpreting problems that demonstrates no comprehension of the need for the lawyers to have interpreters in order to understand the Chhokars—all the time the emphasis is on the need of the Chhokars to understand the lawyers."

Mrs Sangha specifically criticised the inability of the Crown and the police to use interpreters at the trial, or at any meeting, to assist the family in understanding what was happening.

Mr Chhokar, do you feel that the report's recommendation for the police to advise the Procurator Fiscal Service on the need for an interpreter will result in a necessary improvement in a key area? Do you think that that is enough? If not, what would you additionally recommend?

Mr Chhokar: (*simultaneous interpretation*) Whatever is being done, I am not blind or deaf and I have seen and know the world. I know a bit about courts and juries, but perhaps not much. However, that does not mean that Jandoo should tell everybody that I do not understand. He did not ask me. I feel as if perhaps I was the one who killed my son.

Mr Anwar: You must understand that this is distressing for Mr Chhokar.

Kay Ullrich: Indeed.

Mr Anwar: The family and I read through the report's recommendations and we have to say that, yes, we welcome the recommendations about the police, but I do not think that they resolve the problem. I must be honest. It is all very well for the Crown Office to jump through hoops in the second trial and provide interpreters, but that was almost made to sound as if it was done as a favour to the family—it was as if the Crown Office was saying, "Isn't it wonderful?" Even Dr Jandoo said that that was unique. Why was it unique? It took two years of campaigning before the Chhokar family got interpreters in the court. Interpreters had not been provided until that point and they are still not provided in courts generally.

Punjabi-speaking families can go along and listen in court, whether the victim is their child or the accused is a family member, but no interpreters are provided for them. Such families the length and breadth of the country continue to receive written information in English from the Crown Office and the police. It makes no difference to the Chhokar family whether every letter that they receive from the Crown Office is in Punjabi if the Crown Office continues to send letters in English to every other Punjabi family in the country and those families get only English as soon as they step into a courtroom.

Mr Chhokar is angry, as you can see. He is angry because his father and grandfather, as well as Mrs Chhokar's grandfather, were in the British army. The Chhokar family have paid their taxes, lived in this country and shed blood for the so-called British empire, but they are condemned in this country because they do not speak English. That is utterly wrong. We do not think that the recommendations go far enough, because we can see, even now, that nothing is happening. Families are still walking into courtrooms and not getting the professional interpreting facilities that they require.

Mrs Manjit Sangha: Even the letter that my dad got telling him to go to the court in Hamilton last month was written in English. Then a guy was brought into the courtroom as a witness to find out how much English my dad can speak. We keep saying that my dad can speak a little English, but cannot speak English properly. However, the courts do not seem to understand. The guy who dropped the letter off that told my dad that he needed to come to court on such-and-such a date was brought into the courtroom as a witness just to find out whether my dad could speak English.

Kay Ullrich: I find that appalling. You are saying that the Jandoo recommendations are not being acted on.

Mrs Sangha: Yes.

Kay Ullrich: We are back to square one.

Mrs Sangha: Yes.

Kay Ullrich: Okay. Thank you.

10:30

Elaine Smith (Coatbridge and Chryston) (Lab): I thank the family for coming along to speak to the committee. I had questions about the Jandoo report and how it is being taken forward. What has just been said demonstrates the fact that a lot that should be happening is still not happening.

I turn to page 19 of your submission. Paragraph 1.10 states:

"The way in which Dr Jandoo refers to the fact that the Key parties to the Inquiry- the parents and sister of the victim- '*declined my invitation for interview*' and '*elected, under advice from their representative, Mr Aamer Anwar, not to give evidence to the Inquiry*' reveals the depth of the gulf between the person appointed to lead the Inquiry and the Family. It also reveals a stance of assuming that the family did not make their own decisions and judgments but were led by their 'representative'.

Such a theory based on no evidence dominates his whole inquiry. Dr Jandoo does not even discuss the problems that were raised for his Inquiry by the absence of the Key participants. He does not discuss the reasons why he continued in spite of this."

Will you comment on that paragraph of your paper and tell me whether it provides the key reason for a further, public inquiry?

Mr Chhokar: (*simultaneous interpretation*) As far as a public inquiry is concerned, I keep asking that you give me justice—everybody knows that these people killed my son. I cannot understand why you keep going on in this way. What if they had thrown him in the water or buried him in the ground? The case is so straightforward. It is a murder case. The accused were in the court, eating and laughing with the Queen's counsel. I was very surprised to see that. I have never seen that, even in my dreams.

Mrs Sangha: We wanted to have a public inquiry so that everything could be straightforward and done in front of everybody. The inquiries were carried out behind closed doors. We have noticed that all Dr Jandoo has written in his report is lies: lie after lie. When we read the reports, my family and I were in tears. Instead of paying attention to the murder case and finding out how the murder was done and who made the mistakes, Dr Jandoo said things about my parents. He should not have mentioned those things in the report. They had nothing to do with the case. He went about things the wrong way: finding out about the background of the family instead of finding out what went wrong, who made the mistakes and why the three men did not have a case brought against them at the same time.

That was the first time that we had been involved in such circumstances. I have lived in Glasgow for 18 years, and I never knew where the High Court was. I had never been there before. After trusting people to write the reports, it turned out that they were to be done behind closed doors. The results are in front of us. You have all read them. You know what is right and what is wrong. You know about the things that the reports have said about my family.

Mr Anwar: Elaine Smith read out a paragraph of our submission. I think that the inquiry was fundamentally flawed. Elish Angiolini, who is now the Solicitor General for Scotland, said in her internal report, which the Lord Advocate ordered before the end of the second trial, that her inquiry was not complete without consultation with the family and with me, in my role in providing support to the family.

I find it astonishing that Dr Jandoo missed out the fact that his report was an inquiry into the treatment of the family. Even in its conclusions he does not see that as problematic. He merely states that the family did not attend the inquiry

"under advice from their representative, Mr Aamer Anwar",

which is a lie. The family took their own decision not to attend.

Dr Jandoo does not point out that his own inquiry is also incomplete. It does not contain the truth; it does not contain what actually happened. It is a report of individuals—procurators fiscal, procurators fiscal depute, regional fiscals, the Lord Advocate and the QCs who were appointed—coming along and telling Dr Jandoo behind closed doors what went on, without the family having the opportunity to examine the evidence and without allowing the family's lawyers the opportunity to cross-examine the witnesses to get the real truth to come out. As I said in my opening statement, if the Stephen Lawrence inquiry had been conducted in the same way, we would not have had the Macpherson report.

The second issue is exoneration. Dr Jandoo's piece of work continually exonerates Crown officials and when one balances it up, not only are the family and the campaign attacked, but Strathclyde police are continually attacked. It is easy to pin the blame on the police. Everybody knows that I am probably one of the police's harshest critics in Glasgow or in the country, but on this occasion, the family do not pin the blame on the police; fundamentally, they blame the Crown Office. We believe that the real truth about what went on will come out only through a public inquiry, which would reveal the individuals who remain protected.

The family are greatly angered that every individual who has had their hands on the case

has received appointments, including judicial appointments, and promoted themselves. The previous Lord Advocate resigned and made himself a judge prior to the second trial. Everyone else got promotions and £60 million was injected into the Crown Office—which, incidentally, we welcome—but the family are left with a book in which they cannot take pride. Anybody who reads the report in the next 20, 30 or 40 years will think that the Chhokar family were liars and fools. The family want a public inquiry so that the truth can come out. Only the barest minimum was offered to the family—an inquiry that was ordered to take place behind closed doors and in private. Why was a public inquiry not available? The way to restore public confidence is through a public inquiry, so that we can get to the bottom of the matter. So far, we have had only lies and innuendo.

Tommy Sheridan (Glasgow) (SSP): I thank the family for taking the time and making the difficult effort to come here today. The committee appreciates it and we hope to be a source of support to you. We feel that the public agencies that allegedly existed to support you were a major let-down. I welcome the family's submission to the committee, which was succinct and informative. I am glad that the committee has decided to publish it because everyone deserves to have access to a side of the story to which, until now, access has been denied.

In relation to Elaine Smith's earlier question, it is important for the record and in anticipation of future debate that the family should clarify that a public inquiry is still their desire, despite the horrible trauma that it might cause and the fact that they will have to relive the horror of Surjit's death. Do you still desire a public inquiry?

Mrs Sangha: Yes, we would love that.

Mr Chhokar: (*simultaneous interpretation*) I cannot understand why there have been so many inquiries and why they are all based on me. Nobody has asked the ones who murdered. We can only see you. Whatever inquiry or justice there is will involve only you again. I cannot believe that I will be given justice. They just want to kill me. I am going to die anyway. I just want to die.

Mrs Sangha: We would still like to have a public inquiry. We are not happy with the reports that we have got—we are very disappointed.

Mr Anwar: In his statement to the Parliament when the second trial finished, the Lord Advocate said that he was against a public inquiry because it would prolong the agony for the family. At the time, Roseanna Cunningham told the Parliament that the family had stated specifically that it wanted the truth to come out and did not care how long that took. The family wanted real accountability.

Without a public inquiry, we do not feel that there will ever be genuine accountability. The family and I have met many families and other victims since the Chhokar case who have had to start up campaigns simply to get the same answers and the same justice—the family of Christopher Cawley, for example. That means that nothing has really changed. We can have all the training reviews and all the inspections in the world, but the bottom line is that, when a family loses a loved one, it still has to start up a campaign to get justice from our public servants.

Tommy Sheridan: I was particularly struck by—
[*Interruption.*]

The Convener: There is a problem with the interpretation—it is being broadcast on the wrong channel.

Tommy Sheridan: I will repeat my point. Page 30 of the family's submission refers to section 21.19 of the Jandoo report, which states:

"It is also hard to escape the conclusion ... that Mr Anwar was putting pressure on Mr Chhokar, sometimes against his will".

I found that statement incredible; it was also very damaging. I would like the family to be able to respond to that statement on the record.

Mr Chhokar: (*simultaneous interpretation*) You are the ones who put pressure on me. If Mr Anwar were not here, you would not have spoken to me. In all the courts that I have sat in, I have understood only one word. The second time Mr Anwar helped me a lot. If Mr Anwar had not helped me, someone else would have done. You will hear my voice. The world needs to know what you have done to me and what you are doing. The Government is listening and is getting money.

I have been here for 32 years. I have never taken a single day off. You have been sent here to give us justice. I ask for forgiveness if I have said something wrong. I cannot control myself; I am very sad. You are covering each other. There is no justice for my son or for me.

Mrs Sangha: The Jandoo report says that Mr Anwar put pressure on us. Mr Anwar has never put pressure on us. We have known him for four years. He does only what we say. He is our lawyer. He tells us only what is right and what is wrong. My dad always makes the decision. Mr Anwar has never taken a decision for us. He keeps us right. His duty is to tell us what is right and what is wrong for us. He has been doing that for the past four years.

Mr Anwar: I refused to defend myself when the inquiries were released. What happened was deeply upsetting to me, but I was conscious that the issue is not about Dr Jandoo or me, but about Surjit Singh Chhokar. He was murdered. I was not

present at or responsible for the first trial. I was not responsible for the second trial. My job was to represent the family to the best of my abilities. I state that I worked unpaid for the Chhokar family for three and a half years. That was not on the public record, yet the report contained innuendoes that I was somehow profiting. Dr Jandoo never stated that the Crown Office offered to pay me to interpret during the second trial—that is on public record for the first time. I refused because it was not my place to do that, and I told the Crown Office that it should get professional interpreters. I work for the family, to whom I am accountable, not for the Crown Office or Dr Jandoo.

10:45

The Convener: Thank you.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Good morning. Notwithstanding the fact that the family has rejected the report, it would be useful for the committee's assessment of the report's validity and substance to examine its recommendations and what action has been taken on them since the report was published.

Recommendation 2 called for

"a thematic inspection of the Service's response on race matters, reporting to Ministers through the Race Strategy Group, within the next 2-3 years."

Is it the family's understanding that such an inspection has been carried out and are they aware of any of the outcomes? If not, do they know whether one is planned, when it will be, and what methodology will be used to assess the strategy?

Mr Anwar: I want first to say that the family and I are tired of reading the letters that we receive constantly from the Crown Office, giving us updates on what is happening with the recommendations. If the methodology of the Jandoo inquiry was completely and utterly flawed, that raises questions about the recommendations. The Commission for Racial Equality probably knows more about the problems than anyone else. It is a Government body that investigates race relations and discrimination, and it came out to condemn the methodology of the Jandoo inquiry. We can have as many thematic inspections as we want, but if families continue to be failed on a regular basis, what is the point of them?

With the greatest respect to the race strategy group—which we were invited to sit on—when representatives of the Association of Chief Police Officers in Scotland and the Crown Office and the Solicitor General and the Lord Advocate meet in a small room, they do not know what is happening on the streets. That is the bottom line. The average advocate depute or police officer on the street is not implementing the recommendations.

They are carrying on as normal, and there is utter resentment throughout the legal establishment about the Chhokar inquiry. I work as a lawyer and I see what is happening on a daily basis. We are constantly bombarded by people in the legal establishment saying that the crime had nothing to do with race and that people were forced to say that it did. If that is the feeling of the legal establishment, we cannot expect many changes.

Thematic inspections every two or three years do not get to the bottom of the problem. The heart of the matter is that none of the report's recommendations says simply that there will be an avenue for any family to approach someone high up in the Crown Office or Procurator Fiscal Service to say that something has gone tragically wrong and to ask them what they will do. To us, that means that nothing has changed. A family will once again have to set up a campaign to get justice. I do not think that any of us wants to see another family put through what the Chhokar family has had to go through or having to fight like the Lawrences or the Chhokars for three, four, five, six or seven years simply to get answers. That issue has not been resolved.

Mr McMahon: Do you believe that recommendations that come out of a public inquiry have greater weight or validity because the inquiry is public? Would the recommended actions from such an inquiry have greater force?

Mr Chhokar: (*simultaneous interpretation*) The people would know what the Government has done to me. I want a public inquiry so that nobody is left out and every child knows what has happened. Perhaps somebody has not heard. People should know what the Government is doing. You can question me for a whole week, but I will still tell you what you have done.

I want a public inquiry. I do not know how many inquiries will be carried out or whether I or other people will be asked to them, but you are not asking people questions whom you should be asking questions. They are laughing, playing, walking past our homes, shouting and bragging. I have rung the police, but they are tired. The bishop knows that we are scared. Sometimes we have to go to the bank. I do not understand. Where should I go? I do not know. I thought that this was a good country and that I would live here.

Mr Anwar: A public inquiry would be conducted in public and would carry greater weight. In this country's criminal justice system, trials are not conducted behind closed doors—that is a matter of justice. That allows the public, the Parliament and everybody else to know that everything is above board and that people are held accountable.

A junior counsel was appointed to conduct a private and so-called independent inquiry into the

actions of his superiors. Such an inquiry was never going to be accountable. It was held behind closed doors. For six months, the family tried all sorts of compromises. Not one simple request was granted to the family and that led to its suspicions. The family asked whether there was a cover-up.

If an inquiry were held in public, everybody would be held accountable before it. That was the fundamental basis of the Macpherson inquiry—it aimed at democratic accountability. Every witness was called to give evidence in public before the chairman and his advisers, they were cross-examined by the lawyers for all parties and a report was produced at the end of the inquiry. Can you imagine if the Metropolitan Police had been asked to give evidence behind closed doors and a junior constable had conducted the inquiry? What would the result of the inquiry have been? In the case that we are discussing, a junior counsel from the Faculty of Advocates conducted an inquiry into QCs and judges.

We definitely want a public inquiry—that is the only way in which the truth will come out. It is all very well for the Lord Advocate, the Solicitor General and others to receive promotions, but where is the real accountability? A person has lost his life. Families in this country rely on the criminal justice system to provide justice. Why should they have to campaign simply to get justice? Why should any other family have to do so again? Unless there is a public inquiry, families such as the Cawleys and the Chhokars will have to continue fighting.

Mr Chhokar: (*simultaneous interpretation*) Two weeks before the results of an inquiry that was held behind closed doors, people started to tell us that nothing would be done. People knew that nothing would be done.

Mr Anwar: There is a section in our submission on leaks from the inquiry. Leaks started from the Jandoo inquiry many months before the report was concluded. Journalists regularly contacted us and told us that there were leaks from the Jandoo report. The conclusions had been written. The family asked, "What is the point of attending the inquiry if conclusions have already been reached and if the inquiry aims to focus blame on Strathclyde police and exonerate the Crown Office as simple innocents?" We asked that question at the time and the Lord Advocate, Henry McLeish and Jim Wallace told us that an inquiry would be conducted.

To this day we have still not found out who ordered those leaks. A senior minister at the time told me that the Crown Office did not order them. They must have come from the justice department or from the Jandoo team. I believe that people found out who ordered the leaks. To date, we have not found out and I believe that the reason

why is that, if we found out, it would be discovered that the whole basis of the Jandoo report must be questioned.

The report was not independent and its specific purpose was quite simply to say, "We will put up our hands and say that there is institutional racism in this country, but at the same time we will attack the family, attack Mr Chhokar, attack the campaign and thereby lessen the damage." What the inquiry has done to the family is a disgrace. Can you imagine anybody daring to stand up and attack Neville and Doreen Lawrence for what they have done? How could anybody have the audacity to attack Mr and Mrs Chhokar and their family simply for standing up, speaking out and having the courage to campaign for justice?

Cathy Peattie (Falkirk East) (Lab): Many of the questions that I wanted to ask have been asked, so I will be brief. We have heard that other changes besides a public inquiry would stop other families being treated in the way that the Chhokar family has been treated. What kind of changes are you talking about?

Mr Anwar: I am sorry: could you repeat the question?

Cathy Peattie: You highlighted the fact that other changes are needed to ensure that other families are not treated in the same way as the Chhokar family. Will you give us an indication of the kind of changes that need to happen in the Crown Office?

Mr Chhokar: (*simultaneous interpretation*) You tell me that you are doing this and that. You tell me that training is happening. Every day, you tell us fresh things that the police or other departments are being told. Can I get my son back? I just want justice. Whatever you are doing, you do that every day. Some officers, some police, any department. They are being promoted, they are moving on. It is not just that my son was murdered, and that is something different, so you have started training courses. Were you all asleep before? Is it just because my son was murdered? Do not think that I am an idiot.

I am very sorry. Whatever you can do, do it. Otherwise, I have my god.

Mr Anwar: I will add to what Mr Chhokar said about changes. One central issue is missing from the Jandoo inquiry: the accountability of our public servants. The justice system has operated for 400 years completely and utterly unchanged. There are people in the land, whether judges or Crown prosecutors, who continue unchecked daily. Black people and the poor, whether white or black, go into courtrooms and are treated as though they are second-class citizens. That happens daily.

We want real accountability, not the accountability of senior Crown officials, ministers

and men in grey suits—I apologise to anybody in a grey suit—sitting around and discussing what changes are required. We want input from the ordinary people on the street. The person who goes into court when their son or daughter is murdered or attacked should be able to say with confidence that they will get justice.

We are aware that the nature of the justice system in Scotland means that mistakes will sometimes be made. However, those who make the mistakes should accept that they make mistakes and should be held accountable. It is not acceptable that, when killers are let loose on the streets, those who are responsible for bringing the killers to justice are able to stand up and say that they were completely incompetent and totally underfunded. Somebody has to pay the price. Surjit Singh Chhokar paid the price with his life and the family have paid the price with the fact that they will never get justice. Somebody should be held accountable. There is no accountability for the changes.

On interpreting, facilities are not being put in place. After the Jandoo inquiry, people asked what the funding implications would be. Race does not seem to be of major import in the various services in Scotland. All that happens is that new committees and new groups are set up. They are not listening to what has been said. They are not listening to what Mr Chhokar, Mrs Chhokar and Manjit Sangha have said over the past three years. What exactly is happening inside those bodies? Those involved need to get out of their seats and committees and get into the working-class schemes. They need to get into the areas where Asian people, black people and poor people live to find out what is going on.

We are also tired of people continually speaking to community leaders who have no contact with individuals on the ground or families such as the Chhokar family. Those leaders have nothing to say about what is happening on the street. You need to speak to the young people and the old people. Start doing that.

We have continually asked for the Crown Office to be monitored on the basis of race so that there is a record of what is going on not only with the victim but with the accused. The Crown Prosecution Service in England now does that so that the victim and accused can be tracked on the basis of ethnicity and the CPS can see whether a pattern emerges in convictions or in those found not guilty, for example. That has still not happened in Scotland. We have been asking for that for years and still it does not happen. The statistics are still not available. Why not? There must be a way of judging whether the Crown Office is doing well or doing badly.

We do not accept committees or ministers saying that they have introduced this or that recommendation. How exactly do they account for such statements? They will say that what we see on the street is just people coming up to us and telling us that something is happening, but that is the only way in which we can judge the situation. The Chhokar family approached me and others and said, "This has happened to us. What can we do about it?" That is still going on. Black families are still asking for justice. Their children are still being murdered and attacked. They still have to approach the same individuals, who show no compassion. That is an indictment of the system. You can talk about changes all you want, but if individuals cannot treat families such as the Chhokars with compassion when they talk to them, those changes mean nothing at all.

The Convener: Thank you for coming along to give evidence. I know that it has been difficult. We will now take evidence from the Crown Office. We will discuss at a future meeting what action the committee will take. When the *Official Report* comes out, we would be interested to hear your feedback on the evidence from the next set of witnesses. You will get feedback on your evidence after the committee's next meeting.

I suspend the meeting for 10 minutes to allow the changeover of witnesses and to allow the Chhokar family to go to the public gallery if they wish to hear the rest of the proceedings.

11:01

Meeting suspended.

11:13

On resuming—

The Convener: Before we start again, I remind everyone to speak slowly and clearly, as the proceedings are still being translated for the Chhokar family, who are in the public gallery.

I welcome Colin Boyd, the Lord Advocate, Elish Angiolini, the Solicitor General for Scotland, and Jim Wallace, Minister for Justice.

We have just received a copy of the opening statement. Will Jim Wallace or the Lord Advocate give it?

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): We both have something to say.

The Lord Advocate (Colin Boyd): I have a brief opening statement.

Mr Wallace: Likewise.

The Convener: We will start with the Lord Advocate's statement. Jim Wallace's statement will be followed by questions.

The Lord Advocate: The Solicitor General, the Minister for Justice and I welcome the opportunity to give evidence today. My opening remarks have been prepared in advance and I have arranged for copies to be translated into Punjabi, provided to Mr and Mrs Chhokar and sent to Mrs Sandeheap Chhokar and Mrs Elizabeth Bryce.

Surjit Singh Chhokar was murdered on 4 November 1998. None of us here can fully appreciate the extent of the pain and grief that Mr and Mrs Chhokar have and continue to experience as a consequence of that day. In my statements to Parliament on 24 October and 7 November 2001, I apologised for the clear failure on the part of the Crown Office and Procurator Fiscal Service to meet the needs of Mr and Mrs Chhokar and Surjit Singh Chhokar's other bereaved relatives and partner for effective and sympathetic liaison, especially prior to and during the first trial of Ronnie Coulter.

11:15

As we know, in November 2000, Dr Raj Jandoo was tasked with reviewing and reporting on liaison arrangements between the police, the Procurator Fiscal Service and the bereaved relatives and partner of Surjit Singh Chhokar. There were clear and unacceptable failings on our part, which required to be addressed. In my statement to the Parliament in November 2001, I said that I wanted the people of Scotland to have confidence in the prosecution system and that I wanted the Crown Office and Procurator Fiscal Service to provide the highest quality of service.

When the inquiry reports were laid before Parliament on 24 October 2001, I had no hesitation in accepting the recommendations directed at the COPFS, either directly or jointly with the police. Our response to the numerous recommendations was swift and is now a matter of public record. The committee has been provided with an update on where we are on the various action points.

We recognise that nothing that we can do now can allay the upset and grief endured by Surjit Singh Chhokar's bereaved relatives and partner. However, we can direct our efforts at ensuring that we learn from our mistakes so that no other bereaved relatives have to go through the same experience. We have taken great strides to ensure that our failings have been addressed so that we can secure public confidence in the prosecution system.

As regards the Jandoo recommendations, our main requirement was to ensure that we had systems in place to meet the liaison needs of bereaved relatives, including any needs arising from an individual's racial, religious or cultural

background. Prior to the publication of the Jandoo report, we had already taken steps to improve, which Dr Jandoo recognised. Since the publication of the report, we have continued our efforts and have developed a comprehensive race equality strategy, building on and taking forward the close working relationships that we have developed with minority ethnic communities across Scotland.

We have set ourselves a radical programme of change. The service has required to modernise, to respond more readily to the needs of communities and to recognise and respond to the needs of bereaved relatives, victims and witnesses. Cultural change and management change go hand in hand. The service is alive to the need to mainstream diversity awareness within our employment practices and service delivery.

I have accepted without reservation that we did not have sufficient systems in place in 1998 to deal effectively and appropriately with the changing and evolving shape of Scotland's communities. However, I believe that very few public bodies could have claimed that they did. The service is now in a far better position and is much more alive to the needs of Scotland's communities. Within the Crown Office and Procurator Fiscal Service, there is a determination to continue to improve the quality of the service that we provide.

I appreciate the fact that my words will provide limited comfort to Mr and Mrs Chhokar. I also accept that we are all in their debt for the perseverance that they have shown in seeking justice for their son. The significant changes that have been made in the COPFS and the criminal justice system as a whole in relation to race equality are, to a large extent, attributable to them. We have made significant changes and we are determined to do more to ensure that the needs of all bereaved relatives are met at all relevant stages of the criminal justice process.

Mr Wallace: I begin by expressing regret. Although I was assured that copies of my opening statement would be available in Punjabi, they have not been produced in time for the meeting. I will ensure that copies are made available to Mr and Mrs Chhokar and other members of the family, and I will try to speak in such a way as to facilitate simultaneous interpretation. I associate myself with the remarks that were made by the Lord Advocate in acknowledging and sympathising with the grief that the death of Surjit Singh Chhokar has occasioned to Mr and Mrs Chhokar and other members of his family.

The committee will be aware that the majority of the recommendations that were made by Dr Raj Jandoo in his report were levelled at the Scottish police service and the Crown Office and Procurator Fiscal Service. One recommendation—

recommendation 39—was directed at the Scottish Executive. In this statement, I shall inform the committee and the Chhokar family of the developments that have been made by the Association of Chief Police Officers in Scotland in acting on those recommendations.

ACPOS felt that all the recommendations in Dr Jandoo's report were constructive and provided a sound basis on which to move forward. Indeed, some of the recommendations cover subjects on which much progress has already been made. For example, recommendation 4 talks about the need for police to continue to develop partnership links with communities, and significant progress has been made through the formation of lay advisory groups. Lay involvement is a relatively new concept for policing in Scotland and is seen as a key method for providing open consultation with and information to minority ethnic communities as well as engendering confidence, trust and understanding in police forces.

Lay involvement allows members of communities to bring their experiences, interests and expertise to inform police leadership and policy development and implementation. ACPOS has deliberately not been prescriptive about the structure of lay involvement, but has instead allowed it to be shaped by local needs and priorities. Nonetheless, it is recommended that forces work to an agreed protocol, with clearly understood roles and responsibilities.

All police forces in Scotland are committed to the principles of lay involvement, and lay advisory groups are at varying stages of evolution. In one force, a lay advisory group has been in place for more than a year and has produced several practical examples of effective working between communities and the police. Those relate both to operational policing incidents and to longer-term strategic and policy issues.

Dr Jandoo's report contains several recurring themes. It frequently refers to issues of communication from and between the agencies in the criminal justice system. Clearly, those issues can be properly addressed only through effective joint working between those agencies. That aspect of addressing Dr Jandoo's recommendations is held by the police to be of paramount importance. ACPOS has been involved in joint working with the Crown Office and Procurator Fiscal Service throughout 2001-02, and the Lord Advocate has produced guidelines that go a long way towards fulfilling many of the recommendations, especially in areas of cultural awareness and in the provision of interpreting and translation services.

The Scottish police service's racial diversity strategy was launched following the publication of the Stephen Lawrence inquiry report in 1999. That strategy provided a framework for the overhaul of

policy in key areas, including reporting and investigating racist crime; policing communities; recruitment and training; and maintaining professional standards. However, the critical aspect to any policy is its successful conversion into practice. The importance of ensuring that that happens is acknowledged by ACPOS and is regarded as a priority for work in this area.

In 2000, a thematic inspection of police race relations by Her Majesty's chief inspector of constabulary, which followed soon after the launch of the ACPOS strategy, identified a gap between policy and practice. The importance of addressing that gap was further endorsed by Dr Jandoo in his key recommendations for the police. A review inspection on police race relations is being undertaken by the chief inspector of constabulary. This is the time for the Scottish police service to demonstrate that the policy has been translated into practice, and I have every confidence that that will be the case. The Scottish police service welcomes the opportunity to continue to be at the forefront of developing better race relations in Scotland.

The Convener: Thank you. I invite questions from committee members.

Kay Ullrich: From what is stated on the front sheet of your action plan, you obviously recognise that there are real problems—

The Convener: Sorry. I remind members that they should speak slowly to allow for the interpretation.

Kay Ullrich: Okay. I will try to speak slowly.

From what is stated in your action plan, it is obvious that you recognised that there were major problems in the translation of correspondence and the provision of professional interpreters. Are those services now being provided? What steps have been taken by the Crown Office and Procurator Fiscal Service to ensure that all correspondence comes in the native language of people who require correspondence to be translated and that anyone who appears in court will have professional interpreting services if they are required? You were probably here when we heard evidence from the Chhokar family, during which it was suggested that those services are still not being provided. What is your comment on that?

The Lord Advocate: I shall give an overall view and then ask the Solicitor General to explain further.

A raft of issues required to be addressed following the Jandoo report and our own assessment of our relationships with ethnic minorities. We were determined to get things right. I established what became known as the race

strategy group under the previous Solicitor General, which met officials regularly. On Mrs Angiolini's appointment as Solicitor General, I asked her to continue that work. It is fair to say that she has been assiduous not only in pushing forward that programme, but in meeting racial equality councils and so on. I ask Mrs Angiolini to give you some detail on the work that has been done on the issue of interpreters.

The Solicitor General for Scotland (Mrs Elish Angiolini): The Lord Advocate was right to say that, in 1998, there was no system. It was not natural for the prosecutor to think of interpreting services; such services might have been used as an afterthought. We were, rightly, criticised severely for that. Since then, significant changes have been made. As in any system, there is always the prospect of human error. No one can ever say that a perfect canvas will be available on which we can say that no mistakes have been made; neither can we say that mistakes will not be made in future. However, we have now put in place systems that were absent in 1998 to ensure, as far as possible, that people are trained and aware of what is to be done and that there is monitoring and evaluation of what takes place.

You asked about correspondence. In May 2001, the Lord Advocate issued guidelines to chief constables requiring that all reports from the police should indicate the first or preferred language of an individual who is included in the report—be it an accused person, a witness or a next of kin. That requirement is being monitored both at the area level of the Procurator Fiscal Service's new regional set-up and, annually, in the Crown Office. The monitoring will continue to be undertaken by our race team in the Crown Office. As for translating correspondence, every piece of correspondence with someone who might have a preferred language that is not English contains a docket that gives that person the opportunity to have translated at that time or later anything that they have received.

Language Line is available to every office in the Procurator Fiscal Service to provide instant translation and interpreting for anyone, even if they appear at the public desk. Anyone who telephones one of our offices is also offered similar services. You asked whether providing such services was possible. The answer is, "Of course," but more than in any other area of their work, procurators fiscal and their staff are aware of the need to ensure that such facilities are provided.

11:30

Kay Ullrich: Do you have any figures on the uptake of such services? Do you monitor that? Do you have figures on the times when such services

were not available? I am mindful of my work as a social worker in the sheriff court and of my difficulty in obtaining an interpreter for the deaf. The systems did not exist. I am concerned about whether such services will be and are being provided.

The Solicitor General for Scotland: Area procurators fiscal are responsible for ensuring that services are provided and we have put in place systems to monitor that. Every report that is identified as a racist case or as one in which next of kin would be involved in circumstances similar to the case that we are discussing is reviewed annually by the race team. That process is being followed as we speak, and the report will be published in March next year.

The Convener: Could you speak a bit more slowly for the interpreters?

The Solicitor General for Scotland: I am sorry. The habit is difficult to get rid of.

Kay Ullrich: Do you have a pool of professional interpreters? From where do you access them?

The Solicitor General for Scotland: We have to use facilities that are available in Scotland, as well as Language Line. Until 1998, we made do with whoever was available. To be frank, the system at that time was unacceptable. Persons who were known to the courts were selected by the procurator fiscal to provide interpreting services. That has been systematically changed. We have extensive guidelines for procurators fiscal and the police on the use of interpreters.

As well as ensuring that certain standards are met, such as requiring a diploma, we know that the available standards might not meet our needs. We are considering how to establish best practice and ensure quality in the services that are provided. We are working with the courts, the Institute of Linguists and the Crown Prosecution Service and the Home Office down south to ensure that the best quality of interpreting services and translation is provided.

Every interpreter who provides services to the prosecution has the opportunity to undergo training with the prosecution. Last year, we provided a training seminar for all interpreters, which was well attended. Each interpreter who is required to come to court to provide services for a witness is also given a glossary of legal terms and a letter that explains the basic allegations and the circumstances of the case. Significant changes are being made as we speak. I emphasise that we feel that we are at the beginning of a process of ensuring improved standards in the quality of interpreting facilities in court.

Tommy Sheridan: We heard powerful evidence this morning on the Chhokar family's serious

misgivings about the Jandoo report and the weaknesses that they feel are in it. At the start of the internal Crown Office report on the treatment of the Chhokar family, Elish Angiolini said that that internal report could be completed only with full consultation with Surjit's family and Aamer Anwar

"since that consultation may have a significant bearing on any conclusions or recommendations".

Do the witnesses feel that the Jandoo inquiry is fatally flawed, as it did not involve consultation or deliberations with the family or the family's solicitor?

The Lord Advocate: No. The Jandoo report is comprehensive and takes account of all the evidence that was submitted to it. The family and Mr Anwar had ample opportunity to make their representations to Dr Jandoo. I accept that they took an opportunity to do that, but they did not do so fully. It is clear from the Jandoo report that where there was a gap, Dr Jandoo sought to take account of the campaign's vocal representations and public statements. In his report, he balanced those statements effectively against the other evidence that he received.

Tommy Sheridan: Is it balanced for the report to suggest that Mr Aamer Anwar advised the Chhokar family against their will?

The Lord Advocate: I appreciate that Mr Anwar is criticised in the report. The report speaks for itself. As I said, Mr Anwar had ample opportunity to make his position clear to Dr Jandoo but he did not, I regret, take that opportunity.

Tommy Sheridan: With the greatest respect, Lord Advocate, you have not answered my question. Is it accurate for the report to suggest that Mr Aamer Anwar abused his position as a family lawyer and that he advised Mr Chhokar "against his will"? That is the phrase that is used in the report.

The Lord Advocate: I do not recall the word "abused" or the phrase "against his will" being used in the report. If you show me the part of the report where those words are used, I will look at it; however, I do not recall those words being used and I do not intend to accept—if you do not mind me saying so, with respect, Mr Sheridan—a characterisation that might not come from the report. I will stand by the words of the report.

Tommy Sheridan: I will be absolutely clear: the word "abused" was mine, but the phrase "against his will" is the report's. The report is there for you to refer to. Perhaps you will take the time to read that part of it and reply in writing if you are not prepared to reply now.

The Lord Advocate: I say categorically that I stand by the terms of the report and that I have no criticism to make of it.

Tommy Sheridan: Right. Who leaked the report?

The Lord Advocate: I have no idea who leaked any part of it.

Tommy Sheridan: I ask the minister then, who leaked it?

Mr Wallace: As I said to Parliament at the time, I have instructed that inquiries be made and I have followed them through. I had a recent meeting on the issue with the permanent secretary and I understand that the result of the inquiry into the leak should be available any day now. I do not know who leaked the report. Mr Anwar suggested that a leak was instructed, but I assure the committee unequivocally that no minister instructed a leak. I certainly did not instruct one, nor did the Lord Advocate or the Solicitor General for Scotland of the day. I am not aware of any instruction being given to leak. The inquiry that is being undertaken should report shortly.

At this stage, I cannot comment on whether the inquiry will identify the origin of the leak; leak inquiries are notorious for never pinpointing the origin of leaks. When the report was published, the Lord Advocate and I expressed our profound concern—indeed, our anger—that parts of the report had been leaked. That certainly did not happen as a result of action on our part. I had no wish for the report to be leaked and I deeply regret any further hurt that the leak might have caused to the Chhokar family.

The Convener: I point out for information that Mr Sheridan referred to paragraph 21.19 on page 173 of the Jandoo report, which states:

"It is also hard to escape the conclusion, from the accounts quoted above, that Mr Anwar was putting pressure on Mr Chhokar, sometimes against his will."

I assume that that is the part of the report to which Mr Sheridan referred.

Tommy Sheridan: Absolutely. The Lord Advocate says that he stands by that statement. Is that correct, Lord Advocate?

The Lord Advocate: No—I did not have Dr Jandoo's advantage of listening to the evidence from Alan MacDonald, from the deputy Crown agent or from Scott Pattison. I am not going to second-guess that. It seems that Dr Jandoo has set out the reasons that prompted the comments in paragraph 21.19.

In general terms, I was aware at the time and have been aware since of the disquiet about some of the things that were happening in relation to Mr Anwar, and it did not wholly surprise me that some comment on that was made in the report. I am not going to second-guess Dr Jandoo's conclusions and go through his report line by line with you.

Tommy Sheridan: I am not asking you to second-guess anybody's conclusions. I asked you earlier whether you stood by the report and you replied that you did. You are now aware of that quote, but you still stand by the report. Is that your evidence?

The Lord Advocate: Yes.

Tommy Sheridan: In relation to the leak, I remind you of your comments of 24 October last year. You said in your statement:

"The leaks that have taken place are grossly offensive to the Chhokar family and to the Parliament."—[*Official Report*, 24 October 2001; c 3231.]

One year later, however, we still do not have an inquiry.

The Lord Advocate: I think that Jim Wallace has answered that point. I am frustrated that there has been no conclusion. I know from my general knowledge that the question of leaked inquiries is notoriously difficult and that if somebody is determined to leak something, they are likely to try to cover their tracks while doing so.

Tommy Sheridan: I repeat the point to Mr Wallace: we are now one year on.

Mr Wallace: I share Tommy Sheridan's frustration. That is why I have on a number of occasions sought progress reports on the inquiry. As I said, I am assured that the investigator is due to submit his report this month.

Tommy Sheridan: Do you mean December?

Mr Wallace: Yes—December is what I have been told.

Tommy Sheridan: Will that report be made public?

Mr Wallace: It is not normal practice to publish such reports. I will not anticipate its content; therefore I will not anticipate whether it will be made public. On that point, it is sometimes notoriously difficult to get people to be frank in an inquiry and frankness can sometimes be impeded if there is a presumption that the resultant report will be made public. I will consider the merits of making the report public, or at least of putting its main findings into the public domain, when I receive it.

The Convener: The committee will, at our next meeting, discuss this evidence session and the action that we propose to take. Would it be possible for committee members to receive a copy of the report when it comes out?

Mr Wallace: I do not want to commit to that, because I do not know what will be in the report. I will, however, give serious consideration to the convener's request.

Tommy Sheridan: The Lord Advocate referred to the leaks as being “grossly offensive”, both to a family who have lost their son and for whom there has been no justice and “to the Parliament”, yet we still do not have an inquiry about it one year on. Earlier, you said that you do not think that the inquiry will result in anything. Now, you suggest that, when the report comes out, we might not see it anyway. Would not that be consistent with this whole affair?

11:45

Mr Wallace: No, I think that it would be consistent with the usual way in which leaked inquiry reports are handled. I understand and share your frustration; I was angered when the inquiry reports were leaked and that is why an investigation was instructed. Once an investigation is instructed, it is out of my hands, which is quite proper. An independent investigator has been asked to examine and investigate and I have, on a number of occasions, sought progress reports to see whether it was possible to chivvy the investigation along. I expect a report any day, as I said.

Tommy Sheridan: The Chhokar family today gave evidence in public for the first time. The Lord Advocate began his evidence by saying that he welcomed the opportunity to give evidence in public. The family clearly wants a public inquiry into the treatment of their son’s case, so why do you not support a public inquiry?

The Lord Advocate: When the Campbell and Jandoo inquiries were established, I believed that our task was to get on with the job. We appreciated that mistakes had been made and I was determined that we should learn from those errors as quickly as we could.

I am rather cynical about public inquiries. The people who benefit most from them are often the lawyers, which might sound funny coming from a lawyer, but it is my view. Public inquiries tend to take a long time and we would have been set back on the road of tackling the issues had we decided that there should be a public inquiry. For all I know, such an inquiry might still be sitting at the moment.

Another reason why we did not hold an inquiry is that people can often speak with greater candour if an inquiry is not public and there is less temptation for others to grandstand. Both reports show that the people who spoke to Sir Anthony Campbell and Dr Jandoo did so with candour. The quality of both reports indicates that a public inquiry was not necessary.

Mr Wallace: Another difficulty that would have emerged in a public inquiry reflects what the Lord Advocate said about lawyers being the only

beneficiaries. The main figures could legitimately have had counsel to represent them and they might well have been advised not to answer particular questions. I note that Sir Anthony Campbell and Dr Raj Jandoo acknowledged that they received full co-operation from witnesses. The way in which the inquiries were held probably encouraged candour and frankness.

Any fair reading of both inquiry reports shows that they are thorough, authoritative and independent. Certainly the recommendations in the reports are wide-ranging and fundamental. There might well have not yet been an outcome if there had been a public inquiry, which would only have held us back from addressing serious flaws in the criminal justice system that have been acknowledged and that we are now intent on remedying.

Cathy Peattie: I want to pursue that issue. Do you agree that the Jandoo inquiry was open to leaks and to some of the problems of private inquiries that you might have envisaged? The family was still asking for a public inquiry this morning. Do you agree that the benefit of a public inquiry would have been that the public—particularly the black and ethnic minority communities—would have had more confidence in the inquiries? Is not it beneficial that the Lawrence inquiry was a public inquiry and that we know that a number of measures have been taken as a result of that inquiry? Would not such an inquiry have been more helpful than one that has basically been discredited by some of the major figures who should have participated in it?

The Lord Advocate: I take issue with the suggestion that the inquiry has been discredited. I appreciate that the family did not engage with the inquiry and, as I have said, I regret that. However, I certainly do not believe that the inquiry has been discredited. It has suggested a raft of positive recommendations that form the basis of action by the Crown Office and Procurator Fiscal Service and by the police.

To be frank, I cannot see what having a public inquiry now would achieve. Moreover, confidence in the criminal justice system and in the COPFS will not be won by either having or not having a public inquiry. Instead, it will be won if the service is seen to address the problems that arose in this case and other problems in the Scottish criminal justice system that go beyond the issues of race and ethnic minorities. If we are seen to tackle such problems—I believe very much that we are doing so—we will win and retain the confidence of the people of Scotland, whatever race or religion they might be and from whatever walk of life they come.

Mr Wallace: In the 14 months or so since the inquiries reported, I have not been made aware

that any major facet of the inquiries or any admission of failure of police or COPFS activity has not been brought to light or been the subject of a recommendation. Most people accepted that the recommendations were sweeping and comprehensive; indeed, taken in conjunction with the recommendations of the Macpherson report that followed the Stephen Lawrence inquiry, they have had a profound effect on policing in Scotland. The committee might have identified some aspect that has not been covered but, as I said, I am not aware of any glaring omission in the reports of Dr Jandoo or Sir Anthony Campbell in respect of police operations or the COPFS. Having a public inquiry now, when the objective must be action and implementation, could hold back the work that is necessary to ensure that the recommendations are properly implemented.

Cathy Peattie: We have heard a lot about the recommendations this morning. What monitoring arrangements have been introduced to ensure that the recommendations exist not just on paper, that they work and that they mean something to the people who will benefit from changes or suffer from the lack of them?

The Solicitor General for Scotland: We have introduced wholesale changes. The Campbell and Jandoo reports were very critical of the way in which our department dealt with such matters—we were declared to be institutionally racist. Moreover, my internal report into the matter was described as “damning”.

I do not think that we could objectively be seen to have moved from a position where we had a great deal to do. We started the work early because we were aware of the deficiencies. As a result, the Procurator Fiscal Service now has a completely new area infrastructure with much closer management. Area procurators fiscal are now much closer to the coalface than the regional procurators fiscal ever were. They are capable of monitoring and have a specific duty to do so.

The Crown Office also now has in place a race team that includes senior prosecutors and staff whose function is to monitor and develop the strategy of the group that I chair. There are also regional resource teams that I meet quarterly so that they can report to me on exactly what has been taking place and on progress in relation to cases, liaison and recruitment.

As far as the monitoring of arrangements is concerned, we will, at the end of 2003, establish an independent inspectorate that will, as its first thematic review, carry out a wide-scale review of what we have produced, which will be available for the public and the Parliament to examine. That work is additional to the internal monitoring systems that we have put in place to ensure that cases are being prosecuted adequately—we now

have computerised statistical analysis of the prosecutions that we are taking in that area. Last week, when I was giving evidence to the Justice 2 Committee, I mentioned the benefits of having in place a system that allows us to count and examine the number of cases that are reported and prosecuted.

Cathy Peattie: That all sounds very good, but I am interested in what that will mean at grass-roots level. If people do not feel that they will be treated fairly, they are less likely to come forward. I am interested in how the inspectorate will measure what folk are saying. How do you ensure that the stakeholders are able to say, “The system works,” rather than, “No—it is still not working”?

The Solicitor General for Scotland: I should have mentioned the fact that we have also established a victim information and advice service that will carry out a survey of those who have been victims and witnesses in such cases. In cases in which there is an element of racial aggravation, next of kin will have access to the services of the victim information and advice service. In each case, there will be an evaluation of the quality of service that has been provided and we are rolling that out throughout the country—evaluation by victims is important.

As far as communities are concerned, Cathy Peattie is absolutely right to say that it is difficult to get to the most vulnerable members of our communities. People who are victims of such horrendous criminality have often been through a great deal of pain before they come to the authorities. We are attempting to engage communities as far as possible by going out to them and meeting community representatives—I include myself in that action. We must also get more behind the community leaders, who are by nature more confident than the victims of many of the crimes. We must get right down to the grass roots and get out to the families. We are attempting to find ways of doing that and we are carrying out research to see how we can best find out how the communities that are the victims of such offences feel we are doing in that area.

Mr Wallace: In my opening statement, I said that the chief inspector of constabulary carried out a thematic inspection of Scotland's police forces on racial issues and identified what was described as a policy-practice gap, which relates to the question that Cathy Peattie asked. Many of the policies are there, but it is delivery on the ground that is important.

Members will recall that recommendation 4 of Dr Jandoo's report addressed the importance of translating policy into action. He attached importance to developing partnership links among statutory bodies, voluntary bodies and communities and that work is being developed by

Scotland's eight police forces. In addition, the new chief inspector of constabulary is currently undertaking a further thematic inspection to identify and monitor how a number of initiatives relating to police involvement with Scotland's ethnic minority communities are working out in practice. That thematic report should be available next year, but the issue is also part of the normal routine inspections of individual police forces by the chief inspector of constabulary and his team.

Mr McMahon: I thank the witnesses for coming in today. I must return to the issue of a public inquiry. In your opening remarks, you acknowledged that nothing that you do now can allay the upset and grief that have been endured by Surjit Singh Chhokar's bereaved relatives and partner. That is one of the reasons why the family and the campaign have asked for a public inquiry. They believe that one outcome of a public inquiry would be to allay their upset and grief. Do you accept that a public inquiry can have a purpose other than to create confidence in the system—that it can address the concerns of those who have been affected by problems in the system?

12:00

The Lord Advocate: One should look to the system to respond to the criticisms that have been made. In my view, we have clear evidence of the system responding and learning the lessons about where things went wrong. The first thing to do is to find out what went wrong. Secondly, we must determine what can be done to address those issues and, thirdly, we must determine how to put in place the systems that will address those issues in the future.

We had two inquiries—one by Sir Anthony Campbell and one by Dr Jandoo. Those inquiries certainly found out what went wrong. Both reports made recommendations and, like Jim Wallace, I am not aware of either report having been criticised for missing out some point or for being greatly deficient in some way.

The third point that I mentioned is where we will go from here. We have given the committee a copy of the race action plan and we have obligations under the Race Relations (Amendment) Act 2000. We have been asked about monitoring and the Solicitor General answered those questions. We will ensure that the systems work; that is what the family is concerned about. They want to ensure that what they went through does not happen again, which is the right approach. We must ensure that such things do not happen again.

I saw no advantage in having a public inquiry at the time. The passage of time and the fact that the Campbell inquiry and the Jandoo inquiry have

done so well greatly diminish any reason for having a public inquiry.

Mr McMahon: Mr Wallace commented on concerns about how a public inquiry would arrive at its conclusions. He was concerned about grandstanding.

Mr Wallace: I do not think that I used that word.

The Lord Advocate: I think that it was my word.

Mr McMahon: Public inquiries have been held at which evidence has been given in a variety of forms to address the concerns of those giving evidence and those receiving it. Would not that be possible in a public inquiry into the matters surrounding the case of Surjit Singh Chhokar?

I could hold an inquiry into the circumstances of the case, but I would not do so with a great deal of knowledge or expertise. If I held my inquiry in secret, I could make recommendations following my investigation but if I held my inquiry in public, people would have the opportunity to question whether I was going in the right direction before I arrived at my recommendations. Would not that be the case with a public inquiry on the Chhokar case?

The Lord Advocate: With respect, the first thing to do is to ensure that the terms of the remit are clear. I have never heard any criticism of the terms of the remit of either inquiry. You said that the inquiry is being conducted in secret, but I do not accept that it is some kind of secret inquiry. Dr Jandoo published a very extensive account of the evidence that was given to him and of his findings. We just have to go through the report to see the quality of it and the detail that it goes into. The central issue for me is identifying what went wrong, making recommendations that can be implemented and ensuring that they are implemented.

Mr McMahon: You mentioned the time delay. A public inquiry is taking place in Derry into the events surrounding bloody Sunday 30 years ago. That inquiry is being undertaken to alleviate the upset and grief of the victims of that event. Is it ever too late to get it right?

The Lord Advocate: That inquiry has been sitting for two or three years and it has a long way to go. With respect, the situation in Derry is very different from the situation here. I do not think that the inquiry into events in Derry 30 years ago, which is directed at righting what many people consider at least a possible wrong and trying to heal a community that is in the throes of a peace process, can be equated with the situation here.

Mr McMahon: Not even in terms of addressing the concerns of the victims.

The Lord Advocate: I said that ensuring that the problems are identified and put right is addressing the concerns of the victims.

Elaine Smith: I will continue on that point. I marked the Lord Advocate's comments that Michael McMahon read out, but I will not read them out again. We have in front of us a private paper by the Chhokar family for committee members only, to which Tommy Sheridan referred. We have the paper, but no one else has it, so I will read bits from it. The Lord Advocate said something about being rather cynical about public inquiries. The problem is that the family is rather cynical about non-public inquiries.

In the paper, the Chhokar family says:

"The family feel vindicated by their position to boycott the inquiries as it is obvious to anyone who reads the Jandoo report that it is written with malice and bias."

The paper, referring to the Jandoo report, continues:

"He neither acknowledges the fatal flaws in his work because of the refusal of the family to take part, nor compensates for these flaws by the generous understanding of the staggering pressures they and Aamer Anwar had been working under for over three years."

Page 35 of the paper says of the Jandoo report:

"This report has been carefully constructed to minimise the failings of the lawyers, to highlight the failings of others, to create doubt over Darshan Singh Chhokar and to attempt to damage Aamer Anwar as much as possible. Was this supposed to be an inquiry into how the Chhokar family were treated or was in fact intended to persecute them and their supporters, because sadly that was the end effect."

Those are the family's words; they feel that that was the end effect of the inquiry and the report. I must ask Jim Wallace again about a public inquiry. Part of the reason for that is so that the family's voice is heard publicly. I do not understand why work to tackle some of the issues that the inquiry raised would have to stop if a public inquiry were undertaken.

Mr Wallace: I will repeat what has been said on several occasions. I profoundly regret that the family felt unable to co-operate with the Jandoo inquiry. I reject the idea that the inquiry was somehow motivated by malice. I respect the family's view that that was the case; I just do not believe that it was the case. Having read the report, I do not believe that it was motivated by malice; rather, the motivation was to right some wrongs in the system.

I also repeat that no one has yet identified a failure in the system that has not been picked up either by Raj Jandoo or by Sir Anthony Campbell. That is not intended to be complacent, because the Lord Advocate and I are as anxious as anyone to identify and address any failures.

Elaine Smith asked why work would have to stop pending a public inquiry. It would not necessarily have to stop. However, the reason for undertaking a public inquiry to re-examine issues would be that people did not have confidence that the problems had been identified and that the relevant recommendations were being made. One would certainly hesitate about continuing to implement recommendations over which there must be some considerable doubt, because clearly if there were no doubt, why have a public inquiry?

If people are satisfied that the shortcomings have been identified, that relevant recommendations have been made and that, quite properly, work is now being done to carry them out, what new recommendations would be expected of a public inquiry? The implication can only be that neither inquiry has got it right. Therefore, one would not want to rush to continue implementing policies and plans over which such profound doubt would, by definition, have been expressed.

Elaine Smith: With respect, perhaps more might come out at a public inquiry. What about the question of the family having their voice heard and their concerns listened to and acted on?

Mr Wallace: As the Lord Advocate has explained, ample opportunity was given to the family to have their voice heard. Indeed, where there were gaps, both inquiries had access to written communications from the Chhokar family justice campaign. The inquiries were certainly aware of the express position of the campaign in relation to the Crown's handling of the case and, indeed, of the credibility of the inquiries themselves. It was not as if the inquiries were deaf or blind to the criticisms that had been made or the positions that had been adopted by the Chhokar family justice campaign. It is fair to say that, especially in the Jandoo report, some account was taken of them where it was not possible to get first-hand testimony from the families.

Elaine Smith: Page 21 of the family's submission states:

"At the public session to Dr Jandoo's Inquiry, a full statement was made by Mr Chhokar in Punjabi. The session was recorded and Mr Chhokar explained at length why he had no trust in the system and the Inquiry conducted by Dr Jandoo. Yet Dr Jandoo chose not to include this in his appendices."

There are clearly differing opinions and reasons why the family chose not to take part in the inquiry. Perhaps a public inquiry would be the way to go forward.

Mr Wallace: I am not sure that I can elaborate much more. I would be interested to know whether any evidence that the committee has taken has

identified any omissions, by the police, by the Crown Office and Procurator Fiscal Service or by any other agencies, in procedures or any practices that failed the family that have not been identified in either report. I want to learn about them and if they have been identified to the committee, I am sure that it would want to make recommendations about them.

The Lord Advocate: It is difficult to say that the family's voice has not been heard. It seems to me that it has been heard eloquently on several occasions and successfully in the Chhokar family justice campaign through the press, media and MSPs. The family has also had an opportunity today to make its voice heard. With respect, I do not believe that it is a question of the family not having its voice heard. It withdrew from the inquiry process to a certain extent but, as I explained earlier, particularly in the Jandoo report, any omission was supplemented by press reports and written material from the justice campaign. For example, Dr Jandoo refers to the more than 600 newspaper articles surrounding the campaign to which he had access.

12:15

Elaine Smith: Do you know whether the 600 newspaper articles included direct quotations from the family or interpretations by newspapers and journalists?

The Lord Advocate: I recall some of the newspaper articles, although not all of them. Many had a mixture of lengthy quotations from Mr Chhokar and Mr Anwar. Interspersed with them was opinion, so I do not think that the articles were all direct quotations, news stories or opinion. They were a mixture.

Elaine Smith: It is obviously regrettable that the family's paper could not be circulated, but clearly the committee is examining that.

Tommy Sheridan: Minister, you seem to be suggesting that you cannot find a reason for a public inquiry. Would you be concerned to prevent offence against the Chhokar family?

Mr Wallace: I certainly do not want deliberately to occasion offence to the Chhokar family. Indeed, the Lord Advocate has already apologised for failings in the system, and I associate myself with that apology. Parts of the system had problems, which needed to be addressed and rectified. Two thorough inquiries have done much to achieve that, as has the work of the Chhokar family justice campaign, as the Lord Advocate said. It has made its points well known and has undoubtedly influenced thinking and policy development. I do not believe that a further inquiry would add materially to the important recommendations to improve our criminal justice system. The challenge

is one of implementation. The Lord Advocate, the Solicitor General and I do not underestimate the scale of that challenge, and it is important that we get on with it.

Tommy Sheridan: I refer you to the family's submission, which refers to the case

"R v Secretary of State for Health ex Parte Wagstaff [2001]".

It discusses Lord Justice Kennedy's judgment on the advantages of public inquiries as opposed to private inquiries. Part of the finding was:

"The media welcome the opportunity to report public inquiries and in the whole, act responsibly ... by contrast, the media resents being shut out of a public inquiry conducted behind closed doors. They will endeavour to obtain information from those who have been present at the hearing. At the Kimberly Carlisle Inquiry, wholly inaccurate reports appeared as leaks in the press. This militates against an orderly inquiry."

We have heard a quotation from the Lord Advocate in which he admitted that the leaks from the Jandoo inquiry were "grossly offensive". Do you not agree that a public inquiry would have prevented that offence? We would not have had damaging leaks from a private inquiry, but an orderly reporting of a proper public inquiry.

Mr Wallace: It is up to the Lord Advocate to recall what he said would be grossly offensive. I think that the fact that there were leaks was offensive and unacceptable and I hope that I have made that clear yet again. We already have reports. It is not correct that hurtful things would not have been said at a public inquiry. That is pure speculation.

Tommy Sheridan: Yes, but we would have known who said them. That is the difference.

Mr Wallace: It is pure speculation to ask whether a public inquiry would have proceeded smoothly. The important point about an inquiry is whether it identifies what went wrong, when there is general acceptance that things went wrong. The inquiry should then produce proposals or recommendations to address the wrongs. That is the purpose of inquiries. The purpose of the system is to implement recommendations and to ensure that the wrongs are not repeated.

I think that the Solicitor General said that it is inevitable that mistakes will be made in a fallible human system, but we ought to put systems in place that will minimise the opportunities for and the likelihood of mistakes, which is what we have attempted to do. I am not readily persuaded that a public inquiry would, by this stage, have produced a more comprehensive set of recommendations—indeed, we might still be waiting for them. Neither am I convinced that a public inquiry would be particularly helpful now because we have had two thorough inquiries. The set of recommendations

that is before the committee, the action plan and other information will allow us to try to tackle the undoubted shortcomings that exist in the system.

The Lord Advocate: Tommy Sheridan referred to my remarks, but they were made in the context of the leak of part of the final report. If members recall, the Stephen Lawrence inquiry report was also leaked immediately before its publication. On that occasion, a Home Office minister had to explain to Parliament what he understood had occurred. It is regrettable, but leaks of both public and private inquiries occur. I hesitate to say that leaks are a fact of life because that sounds like an acceptance, which it is not. However, leaks occur in both public and private inquiries.

Tommy Sheridan: There is a big difference. One inquiry had the confidence of the family who were involved; the other did not.

Mr Wallace: But both were leaked.

Tommy Sheridan: I do not deny that. My point is about the gross offence that was caused. One inquiry was public and had the full support of the family who had been wronged, but the Jandoo report did not have such support.

Mr Wallace: In asking your question, you suggested that if there had been a public inquiry, the leaks could have been avoided. The Lord Advocate made the point that the Stephen Lawrence inquiry was public and yet it was leaked.

Tommy Sheridan: You are in danger of rewriting history. The Jandoo report was leaked months before the final report was due to be published. There were leaks throughout the process, not just one leak when the report was finished.

Mr Wallace: The Lord Advocate will clarify further for himself, but the comments that he and I made in Parliament on 24 October 2001 related to leaks that had appeared in the press the weekend before that, which were almost verbatim lifts from the inquiry report. I have instructed an inquiry into those leaks. The Lord Advocate said that they gave great offence and they made me very angry.

Tommy Sheridan: I will look forward to reading the results.

The Convener: As there are no other questions, I thank the minister for attending the meeting. The committee will discuss the evidence that we have taken today at our next meeting.

As I said, the committee strongly feels that it wants to publish the Chhokar family justice campaign submission and we are seeking further legal advice to allow it to be published. The submission has been sent to every MSP, so the minister can access an e-mail copy of it. He may wish to pass it on to the Lord Advocate and the Solicitor General.

Mr Wallace: Provided that I would not be in legal danger by doing so.

The Convener: You will certainly be able to read it, as it has been sent to you. We will seek publication of the report and will discuss the matter at our next meeting.

Mr Wallace: I confirm that I will seriously consider your request about the leaked report.

The Convener: That concludes the committee's business.

Meeting closed at 12:25.

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