

3440A/CR/Ahmad/am

24<sup>th</sup> March 2005

**MRS MEHMUDA MIAN PRITCHARD  
INDEPENDENT POLICE COMPLAINTS COMMISSION  
90 HIGH HOLBORN  
LONDON  
WC1V 6BH**

Dear Mrs Prichard,

**Re: Complaint by Mr. Babar Ahmad**

This letter is in response to your letter of 13<sup>th</sup> January 2005 with the above reference, and your meeting, accompanied by Mr. John Wadham, with Mr. Babar Ahmad, Mrs. [REDACTED] and Miss. Muddassar Arani on 17<sup>th</sup> February 2005 at HMP Woodhill Prison.

Having considered the matter at length, Mr. Ahmad and his wife have decided to formally reject your decision to carry out misconduct proceedings against only one of the officers (PC [REDACTED]) who assaulted Mr. Ahmad on 2<sup>nd</sup> December 2003. Mr. Ahmad and his wife do not wish to attend any such hearing, and nor do they wish to participate in it in any way, whether by testifying or otherwise. The reasons for their decision are outlined below.

- a) The investigation into the complaint was not fair and thorough because:
  - (i) The investigating Officer's final report was submitted to the IPCC on 26<sup>th</sup> May 2004 without Mr. Ahmad's final medical reports (two by Dr. Gavalas and one by Dr. Sturgeon) and despite our repeated insistence that the report is not finalised in the absence of these three reports. Therefore, the IPCC expressed its satisfaction with the report on 5<sup>th</sup> August 2004 (the date of Mr. Ahmad's re-arrest) in the absence of these vital, expert medical reports. Moreover, the Crown Prosecution Service also decided not to prosecute any of the officers involved and announced their decision on the 10<sup>th</sup> September 2004, in the absence of these vital, expert medical reports. Since Dr. Sturgeon's medical report was not completed until 4<sup>th</sup> September

2004, it is inconceivable that the IPCC and CPS could have consulted it before making their final, respective decisions.

- (ii) DI ██████████ of the investigating team informed Mr. Ahmad and his wife during a visit to their house that, in his opinion, the matter would be decided by the various medical experts, etc. sitting down and coming to a mutually satisfactory conclusion. Your letter of 13<sup>th</sup> January 2005 does not indicate whether or not your expert, Dr. Guy Norfolk, received the aforementioned three expert medical reports, let alone sit with Dr. Gavalas to discuss the matter.
- (iii) The yellow 'Witness' board placed outside Mr. Ahmad's house during the course of the investigation contained very general information and not specific information (e.g. on such-and-such date a man was assaulted by Police officers, etc.) as is usually found on such notice boards. The board simply said that an incident took place involving the police. Therefore, it is unlikely that any eyewitnesses would have any clue as to what the board was referring to.
- (iv) You have not indicated in your letter of 13<sup>th</sup> January 2005 and nor in the meeting of 17<sup>th</sup> February 2005 why the IPCC accepted the expert medical opinion of one doctor who did not even examine Mr. Ahmad (Dr. Guy Norfolk) over and above the expert medical opinions of at least four other doctors (Dr. Siddiqui, Dr. Zia, Dr. Gavalas and Dr. Sturgeon), all of whom examined Mr. Ahmad extensively. Had Dr. Norfolk examined Mr. Ahmad, albeit several months after the incident, he might have come to different conclusions. For example, you said that Dr. Norfolk believed that Mr. Ahmad's feet were only grazed but not stamped upon. However, had Dr. Norfolk physically examined Mr. Ahmad, he would have found that even now, some 15 months after the incident, Mr. Ahmad's feet are still scarred as a result of those injuries. Furthermore, had Dr. Norfolk consulted Dr. Sturgeon's psychiatric report, he may have come to different conclusions about what actually took place in the van (i.e. strangling to near suffocation). We remain astonished at your handling of this point.

b) One Officer has been made a 'scapegoat'

Mr. Ahmad and his family believe that the IPCC has been involved in a 'cover-up' in collusion with the Police and they have decided to make one officer a 'scapegoat' in order to protect the higher chain of command from blame. DI ██████████ informed Mr. Ahmad and his wife that "*Police Officers tend to stick together and support each other and that is what they will probably do in this case...*". DS ██████████ said to Mr. Ahmad's wife that, at first the police officers concerned did not want to be interviewed about the allegations, but after a week or so they all changed their minds and became very willing to be interviewed. You have also not indicated in your letter of 13<sup>th</sup> January 2005 that if one officer is being disciplined, what were the others

doing whilst this one officer was using ‘excessive force’ on Mr. Ahmad? This and other related questions remain unanswered.

c) Police changing their story

Mr. Ahmad informed DI [REDACTED] during the course of the investigation that Police officers informed Senior District Judge Timothy Workman at Bow Street Magistrates Court on 3<sup>rd</sup> December 2003 that Mr. Ahmad’s injuries were “*old injuries and that he was making it all up*”. Miss. Muddassar Arani, Ms [REDACTED], Counsel for Mr. Ahmad and other police officers were present whilst this testimony was given. A short while later when challenged by Counsel for Mr. Ahmad, the Police informed the Judge that they believed “*some of the injuries*” were old. DI [REDACTED] was notified of this by Mr. Ahmad early on in the investigation. However, your letter of 13<sup>th</sup> January 2005 states that it is not disputed that Mr. Ahmad’s injuries were fresh, and not old. Furthermore, in a letter from Mr. Dru Sharpling of the CPS to Mr. Stephen Timms MP (East Ham) dated 24<sup>th</sup> November 2004, the CPS states that Mr. Ahmad violently struggled and resisted arrest. Your letter of 13<sup>th</sup> January 2005 now says that the officers used excessive force against Mr. Ahmad. You have not explained these four differing versions of events. If the IPCC is satisfied that the investigation was fair and thorough, then you should already be aware of the Police’s testimony to Bow Street Magistrates Court on 3<sup>rd</sup> December 2003.

d) Unsatisfactory answers, if any, to Mr. Ahmad’s question

There are further issues that you have failed to answer, both in your letter of 13<sup>th</sup> January 2005 and during the meeting with Mr. Ahmad on 17<sup>th</sup> February 2005.

- (i) You were asked to re-investigate the complaint by IPCC investigators under new post 1<sup>st</sup> April 2004 guidelines. You refused.
- (ii) You were asked to recommend to the Home Office that there should be an independent Public Inquiry into this matter, covering the assault, religious (Islamophobic) abuse, the Police changing their story and other events leading to the relevant decisions by the respective bodies concerned. You refused.
- (iii) You were asked why you accepted the medical opinions of Dr. Guy Norfolk despite the fact that he failed to even examine Mr. Ahmad, let alone meet Mr. Ahmad’s expert witnesses, Dr. Manolis Gavalas. You said that it made no difference whether or not Dr. Norfolk examined Mr. Ahmad.
- (iv) You were asked why the DPS finalised their report on 26<sup>th</sup> May 2004, despite our insistence not to finalise the report in the absence of the three previously mentioned vital, expert medical reports. As a consequence of this, the CPS did not receive from the IPCC all the evidence relating to the

case before deciding not to prosecute any of the officers concerned, on 10<sup>th</sup> September 2004. You yourselves said that you believed that the decision of the CPS was a bad decision, but you also withheld vital evidence from the CPS which might have affected their decision to the contrary. You failed to answer this question other than say that you consulted Dr. Gavalas's report before deciding upon disciplinary action. This does not answer how the CPS made a final decision, announced on 10th September 2004 without having this crucial evidence available to them.

We would, therefore, like you to respond to the following points, in writing:

1. If you believe that there is sufficient evidence to discipline one of the officers for 'excessive force' against Mr. Ahmad, please explain what the several other officers present were doing whilst this one officer was using 'excessive force' against Mr. Ahmad.
2. If Mr. Ahmad violently struggled, resisted arrest and attacked the officers concerned, why did the officers not formally report it? Why was Mr. Ahmad not charged with assaulting the Police Officers? Please provide copies and photographs of the medical reports of injuries sustained by the Police Officers, or if there are not any such reports, please explain why.
3. Please provide us with a copy of Dr. Guy Norfolk's expert report, together with his address and GMC (General Medical Council) registration number.
4. Please confirm whether or not Dr. Norfolk consulted the medical reports of Dr. Gavalas and Dr. Sturgeon and whether or not he spoke to either of these doctors.
5. Please explain why Dr. Norfolk provided an expert report, which was overwhelmingly accepted by yourselves above the opinions of at least four other doctors, WITHOUT even examining Mr. Ahmad and seeing for himself the sequelae of the injuries sustained.
6. Why did you accept the expert opinion of Dr. Norfolk, who did not even examine Mr. Ahmad, over and above the opinions of at least four other doctors (including two consultants) who did examine Mr. Ahmad at length whilst his injuries were still fresh?
7. Why are you unwilling to re-investigate this complaint using IPCC investigators, under post 1<sup>st</sup> April 2004 IPCC guidelines?
8. Why are you, as the IPCC, unwilling to make recommendations to the Home Office that there should be a Public Inquiry into this matter, for the benefit of community relations between the Government and the Muslim Community?

9. On whose authority did you state that Mr. Ahmad's injuries were 'albeit relatively minor', when there is extensive independent medical evidence that two of the injuries (displayed by bleeding in ears and urine) were potentially life-threatening?
10. Please provide the full names and station numbers of all of the officers involved in the incident, together with the full names, addresses and registration numbers of the doctors and nurses who examined Mr. Ahmad at Charing Cross Police Station.
11. Please explain why, if you believe that excessive force was used but it is not possible to ascertain which officers did what, all of the officers concerned have not been prosecuted for 'conspiracy to attempt murder' or at least the senior officer responsible for the operation?

In conclusion, Mr. Ahmad and his family would like to restate their demands for the successful closure of this matter, at first stated to yourselves during the meeting of 17<sup>th</sup> February 2005:

- (a) A complete re-investigation of the matter by IPCC investigators under post 1<sup>st</sup> April 2004 IPCC guidelines, with the results re-submitted to the Crown Prosecution Service, with a view to prosecuting ALL, not just one, of the officers who assaulted Mr. Ahmad.
- (b) A Public Inquiry into this matter covering the assault, torture, Islamophobic abuse, investigation of the complaint and the Police's four different versions of events.
- (c) A Public apology from the Metropolitan Police Service to Mr. Ahmad, his family and the entire British Muslim community, for insulting and mocking the religion of one fifth of the world's population.
- (d) Suitable monetary compensation for the physical and psychological injuries sustained by Mr. Ahmad at the hands of the Police.

Please acknowledge this letter and the fact that Mr. Ahmad and his wife reject the tribunal offer for one officer and they will not attend or participate in any such show proceedings. Mr. Ahmad and his wife would like to make it clear that their refusal to participate is not due to fear of testifying, but due to the reasons outlined earlier. Mr. Ahmad and his wife are quite willing to testify and be cross-examined in front of a public, open, fair civil court with an independent Judge and jury.

We look forward to hearing from you at your earliest convenience. Thank you.

Yours sincerely,

**Arani & Co.**