

Zahid's Inquiry – a Personal View

by Dexter Dias
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For me, it is unquestionably the highest honour and privilege of my legal career to have been asked to represent the parents of Zahid Mubarek at the public inquiry that proudly bears his name. But in this short piece – and I hope Zahid's family will understand – I don't wish to talk about Zahid, but about his murderer, Robert Stewart.

I say this knowing that in the current climate it is somewhat unfashionable to spend time thinking about criminals as people. But one of the things that Zahid's family told me, quietly but insistently throughout the Inquiry, was that they had fought for six years to ensure that no other family should suffer as they so needlessly had. And if we are to promote that laudable ambition, we cannot escape thinking about the deeply disturbed young man who shared Cell 38 with Zahid.

If you check meteorological records, you will see that the weather to the west of London on the night of 20 March 2000 was mixed. There was cloud, and it was chilly. There probably would have been glimpses of the moon. Since I became involved in the Inquiry in October 04, in my mind I've often seen a young Asian lad glancing through the window bars of Cell 38, and I've wondered if he saw the moon, any stars – or simply the quickly-moving lights of the planes coming into land at nearby Heathrow. Zahid thought that the night of the 20th would be his last in prison. And tragically it was. But for reasons he could never have imagined.

He thought he was going home the next day. But he wasn't. He would never go home again. Throughout the Inquiry, as I sat listening to the evidence unfold, I kept thinking that Zahid must have dreamed that night of going home to his parents, his uncle Imtiaz, whom he regarded as a brother, and about his freedom, which he was about to rediscover – fresh, newly minted, and precious as only those who have lost it can appreciate. So a boy in Swallow Unit, YOI Feltham, dreaming of home. But he was not alone.

Zahid shared a cell with a white boy who was born in the same year – 1980 – as him. And Robert Stewart was undoubtedly dreaming, too – if you could call his violent personal nightmares dreams. In the weeks and months leading up to March 20, Stewart had been bragging, boasting and daydreaming of this: nail-bombing the Asian communities of Southall and Bradford; doing the same to Brixton and Brick Lane; killing 'Gooks'; bashing 'Pakis'; and bringing death and destruction to anyone who wasn't like him. Zahid wasn't like him.

As Zahid slept, Robert Stewart rose monstrosly in the darkness. He stood above the sleeping Asian boy, a broken table leg in his hand, and brought it crashing down again and again on Zahid's head. And then, when he was done, he drew a swastika on the wall of another cell with his shoe. I wish I could tell you the number of times this tableau has

played out in my mind. And like Zahid's family - perhaps like you - I've thought: Why didn't he wake up? Why didn't he have just one chance to press the alarm?

In truth, however, there had been many chances to press the alarm. Only none of those chances were given to Zahid. Instead, they were bestowed upon the very people who were paid to look after him and protect him from people like Robert Stewart. But my focus today is not to berate the people involved, even though some of them have been heavily criticised by Mr Justice Keith in the official Inquiry Report. Instead, I'd like to think about one thing – just one – that we can learn from this avoidable tragedy.

I've never met Robert Stewart. But I've seen his effect on the lives of others. Like the wind through the trees, Stewart moved invisibly through the Public Inquiry, and shook everything in it. The force of his blast would vary a lot. I remember a particular time when I felt him raging. More by luck than judgement I'd found an extra page of a letter that Stewart had written, and which had not been produced yet to the Inquiry. For an instant I felt the thrill of discovering a new piece of overlooked evidence, but that sensation rapidly vanished as I felt almost physically, in a way I've not experienced before, the hatred radiating from his words on the page as I read on. But then again, I also clearly recall reading the very earliest medical and psychiatric reports of this boy from a troubled home. His life chances were never great. And in truth, Robert Stewart was not treated very well.

But it would be insulting to Zahid's parents to suggest that Stewart was a victim like Zahid so unfortunately became. I don't mourn Robert Stewart's squandered life as I mourn Zahid's. But I do worry about it. I worry about the dozens – hundreds? – of Robert Stewarts we're creating all around this country. Perhaps some of them are in your care right now.

How will you know them? What does it take to see their hate and deal with it differently? There is no magic bullet, and we should be wary of people who say that there is. But nor are we helpless. There are things we can do. And may I suggest just one?

We should give full respect and prominence to the Prison Service's anti-racism policies. Mr Justice Keith found a culture of indifference and tolerance to racism in the lead up to Zahid's death. It doesn't take much in practice to turn this around. Then again, it is one of the most difficult things in the world. Why? Because ultimately people will only do – and do well – that which they want to.

Is it impossible to imbue our criminal justice system with the unswerving desire to challenge racist words and actions wherever and whenever they occur? Not to turn a blind eye and deaf ear as those who dealt with Robert Stewart did. Of course, not all racist behaviour leads to Cell 38. But some of it does. The storm of racial hatred that broke over Zahid had been brewing with Robert Stewart for some years. It could and should have been recognised for what it was. We cannot allow such systematic institutional indifference to happen again.

I also learned during the course of the Inquiry how difficult a job those working in prisons have. I have met many decent people who want to improve things. But there is one thing that will make a huge difference. It's so obvious it is almost insulting for me to say it. It is money. Not vast amounts of money, but money nevertheless. And money to improve the regime, the quality of treatment of inmates, not simply money to build more pens to corral more of our young people in the same shockingly impoverished conditions.

But the Government doesn't seem to want to hear this. Let them go to Cell 38. Let them think about that swastika on the wall. And let them think about the shattered dreams of a 19 year-old boy about to go home to his family. Robert Stewart was a deeply disturbed young man. He had that as an excuse for his actions. If the Government does not learn the lessons of Zahid's Inquiry, then what excuse will it have?

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