

THE USE OF WITNESS EVIDENCE

- 1 The first question was whether the RUC took adequate steps to obtain information which might lead to identification of suspects from those who were with Robert Hamill at the time of the attack, and, if not, why not? The second question was whether the RUC took adequate steps to obtain information which might lead to identification of suspects from others who were in the centre of Portadown at the time of the attack, and, if not, why not?

Submissions by Gus Campbell Solicitors (Marc Hobson)

See section 7, Identification of Suspects, and our comments on the catholic witnesses therein.

Submissions by the Police Service of Northern Ireland

There was no lack of effort or appetite on the part of P39 or DCS McBurney to identify witnesses who might have provided evidence which could have led to the identification of the suspects.

They set up investigation teams of experienced detectives who were used to interviewing witnesses and recording statements. However, due to the sectarian nature of the attack the RUC were faced with immense difficulties in identifying witnesses willing to give reliable evidence.

Nevertheless, it is submitted that every reasonable step was taken with a view to identifying witnesses. This included press appeals, house to house enquiries, a reconstruction of the scene, the use of questionnaires, examination of CCTV, liaison with local priests and the Hamill family, and correspondence with Rosemary Nelson whose clients were potential witnesses.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed.

THE FIRST ISSUE: IDENTIFICATION BY THOSE WITH ROBERT HAMILL

2. The materials show this:
 - 2.1 After the fracas, Res Con Godfrey Silcock went with Sgt **P89** to the Craigavon Area hospital and a man in a grey Umbro sweater was there. He was aggressive and shouting. **F** grabbed him and told him to clear off. The women who were with Robert Hamill gave Res Con Godfrey Silcock all the information that he requested (702).

- 2.2 1500 27/4/97 DS Dereck Bradley was instructed by the SIO to produce descriptions and details of possible suspects from the descriptions in the statements (12442).
- 2.3 27/4/97 **F** was interviewed. She stated that Robert Hamill was wearing a black leather jacket, blue jeans and a checked shirt. She stated that **D** was wearing a striped short-sleeved top, possibly navy coloured and a pair of jeans. She stated that she was wearing a cream jacket, cream top and fine cream cord Levi trousers. **F** stated that they left St Patrick's Hall at about 01.25. They saw two people at the bottom of Thomas Street. As they started to cross the road, a crowd of about 30 jumped on them as if out of nowhere. Many men kicked and punched Robert and he fell to the ground. One or two jumped on his head and a number kicked him in the back. She ran to a police Land Rover parked at the entrance to Woodhouse Street and asked them to get help (9098).
- 2.4 27/4/97 **E** was interviewed. She stated that Robert Hamill was wearing a black leather $\frac{3}{4}$ length jacket and blue jeans. She stated that **D** was wearing blue jeans and a navy and white fine striped long shirt. **E** stated that she was wearing black silk trousers, a black leather coat and a denim shirt. **E** said there were two other couples crossing in front of them. She saw two men standing near In-Step. They were attacked by a crowd of 20-30 persons. She lay on top of **D** shouting for an ambulance and could see Robert being kicked to the head (9096).
- 2.5 29/4/97 **D** was interviewed. He said that as he was walking down Thomas Street he saw three or four people and was suddenly attacked but he could not remember anything else. He stated he was wearing blue jeans and a navy and white fine striped long sleeved shirt (9094).
- 2.6 29/4/97 **F** was re-interviewed and said she did not tell a uniformed officer that someone jumped on the head of the injured man (7793).
- 2.7 3/5/97 DC Lilly spoke to Colin Prunty. Colin Prunty said he had been to St Patrick's Hall with Maureen McCoy. He left and walked down Thomas Street to go home. He saw Robert Hamill and **D** about 30 to 40 metres ahead. He said he saw the two men being jumped in the middle of Main Street. Colin Prunty was wearing a blue shirt and black trousers. When he saw the men being attacked, he ran to help and had a bottle thrown at him. Maureen McCoy went to Robert Hamill who was lying on the ground. The crowd who attacked the men seemed to appear very suddenly but he saw a man wearing a Rangers type scarf being put into a Land Rover. Prior to that, Colin Prunty had seen the man with the scarf 'put the boot into' Robert Hamill. Colin Prunty could offer no further assistance relating to identification of people at the scene. He declined to make a statement. He was described as 6'0", medium build with ginger hair. A pro forma questionnaire was completed (8135).
- 2.8 7/5/97 Dr Boon Low from Craigavon Area hospital made a statement that he attended on **D** who told him he had seven pints of beer and was walking down the road with his wife when he was attacked by about 30 people. He was

punched and kicked and the next thing he remembered was being in an ambulance. Dr Boon Low recorded that, according to **D**'s wife, he was knocked unconscious for about ten minutes (9202).

- 2.9 8/5/97 Colin Prunty made a statement. He said he left the disco at St Patrick's Hall with Maureen McCoy shortly after 01.30. They were walking down Thomas Street on the right hand footpath. Ahead of them were **D**, **E** and **F**. Ahead of them on his own was Robert Hamill. Robert Hamill was 30 – 40 yards ahead of them. He said he heard many people shouting, "get the fenian bastards" and looked up to see a crowd of about 30 people coming from the left on the main street. They were running and the front ones caught Robert Hamill and dragged him to the ground. 15 to 20 people were kicking him violently and shouting "kill the fenian bastard". By this stage the police had got out of the Land Rover and had run over to try and stop it. He said he had tried to intervene in the attack on Robert Hamill but was pulled back by a policeman. At the same time he saw another policeman grab a man in a Rangers' scarf. He said this man had been kicking Robert Hamill. This man was later released from the Land Rover and Colin Prunty confronted Con **A** asking her if she got his name, because he was one of the ones who did it. He said the man in the Rangers scarf went back to shouting, 'up the UV'. Prunty said that the man was aged 20 – 25, was about 6' tall and had short dark hair. Prunty said that the scarf was worn tight to the man's neck in a knot (9101).
- 2.10 9/5/97 DC Donald Keys spoke to Colin Hull. Mr Hull told DC Keys that he had been at St Patrick's Hall and had walked up Thomas Street behind Robert Hamill and **D**. He stated he had got half way up Woodhouse Street and turned back because of shouting. At the traffic lights he saw people jumping on Robert Hamill's head. He asked police whether they were going to do anything to stop the fighting. He was kicked and punched. He was described as 5'7", short brown hair spiked on top and medium build. He was wearing a dark brown checked shirt, dark blue zipped-up jacket, cream jeans and black boots. He agreed to make a statement the next day, 10 May 1997 (72615).
- 2.11 Maureen McCoy was interviewed and made a statement. She said she was at St Patrick's Hall with her boyfriend Colin Prunty. They left at about 01.20 and started to walk up Thomas Street. They met Robert Hamill and **E**, **F** and **D** standing outside the British Legion. **F** told Maureen McCoy not to go down there because there was a crowd. She saw ten to 15 men standing outside the bakers and some of them were looking down Thomas Street towards them. They walked to the junction. At this point Robert Hamill was behind them and then for no reason the group began to shout "fenian bastards". She knew somebody was being attacked behind her so she ran across to the opposite corner and stood in front of Eastwood's clothing shop. She saw two girls. She could only describe one of them, who was about 23 years old, slim with straight shoulder length blonde hair covering her ears with a centre parting and was facially attractive. She was wearing a light pink top with short sleeves and jeans which may have been stone washed. She saw the group punching and kicking. She said she saw a tall thin man in the back of the Land Rover wearing a Rangers scarf, a light coloured jacket and blue jeans. He was let out

- of the Land Rover and ran back into the crowd. Maureen McCoy asked the policewoman why she did that. (9106).
- 2.12 9/5/97 Rynne Hamill, sister of Robert Hamill, spoke to DC Wells stating that a female friend of hers, whose boyfriend had already made a statement, told her that a male with a ponytail was the ring leader (2185).
- 2.13 12/5/97 A meeting with the ICPC took place, at which [REDACTED], Supt [REDACTED], DCS Maynard McBurney and DCI P39 were present. DCS McBurney briefed the ICPC about the incident and investigation so far. [REDACTED] outlined his role, which was supervising the complaint of inactivity at the scene. It was recorded that DCS Maynard McBurney was to continue with the murder investigation and be in charge of the complaint investigation. The reasons were cited that all strands of the incident were inextricably linked. At this stage of the investigation it was necessary to examine all strands of the incident (913 at 926, 14823 & 14803) (NB The Atkinson allegation was raised here).
- 2.14 12/5/97 **D, E and F** were due to attend for interviewed at the police station. No one attended (3873).
- 2.15 15/5/97 Policy decision 19 was made to contact [REDACTED] with regard to cooperation of witnesses and liaison with the Hamill family (913 at 932).
- 2.16 15/5/97 Colin Hull gave a statement to [REDACTED]. He said he could hear screaming and shouting and walked towards the Eastwood's shop from Woodhouse Street. He walked past the Land Rover, which was parked outside Halifax. None of the police were outside the vehicle. He saw two people lying on the ground about ten yards from the Land Rover with a crowd of about 30 people kicking and beating the two men on the ground. He went to help but got attacked and punched. It happened so quickly he could not describe any of the attackers. Colin Hull stated that he went over to **D** and stayed with him for about 10 minutes. The crowd had stopped beating **D**. Colin Hull then went to Robert Hamill who was unconscious. One man made another run at Robert Hamill. Colin Hull grabbed him and threw him back into the crowd (542).
- 2.17 19/5/97 Vincent McNeice gave his statement to [REDACTED]. He stated that on 27 April 1997, he left McKeevers bar with Colin Hull to see if Boss Hoggs was open. He saw **D** lying in the road at the bottom of Thomas Street. Robert Hamill was lying in the road about 20 yards from **D**. There was a crowd of about 20 – 30 people, the only police around were in the Land Rover. He went over to **D** and put his coat under his head. He stated he went in the ambulance with **D** (544).
- 2.18 20/5/97 DCI P39 wrote to [REDACTED] requesting her clients' cooperation and assistance in identifying witnesses. DCI P39 requested an interview with Colin Hull, Maureen McCoy, Colin Prunty, **D, E and F** (not Dermot McNeice) and indicated that if no reply was received by 31 May 1997, it would be assumed that they did not intend to cooperate (8085).

- 2.19 5/6/97 An action was raised to take statements from two unidentified males, one of whom shouted. By 24 June 1997 there would be a result to this action; one of the men was believed to be Colin Prunty who could only be approached through his solicitor (7789).
- 2.20 Interview list for 9 June 1997 – Colin Prunty, Maureen McCoy, Thomas Mallon and Colin Hull were due to attend for interview at the police station (9872). No-one attended (3869).
- 2.21 ICPC Investigation interview list for 12 June 1997 – **D**, **E** and **F** (9871). No one attended (3873).
- 2.22 Interview list for 15 July 1997 included Dermot McNeice (9867).
- 2.23 6/8/97 A fax was sent from CAJ to BIRW with a joint witness statement of **D**, **E** and **F**. They said that they saw two or three youths at the top of Woodhouse Street. The first thing they knew the two men were on the ground. The beating of the two continued when they were on the ground (41225).
- 2.24 10/10/97 Roger Davison, DPP, spoke to DI Michael Irwin. DI Irwin stated that Colin Prunty could only be contacted through [REDACTED] who was not responding to the police (18096).
- 2.25 28/10/97 Raymond Kitson of the DPP wrote to [REDACTED] requesting a consultation with Colin Prunty (18053).
- 2.26 30/10/97 A consultation was held with Gordon Kerr QC, Ronald McCarey, DPP, Ms Ita Brady, solicitor, and Colin Prunty. The note of evidence indicated that Colin Prunty had had five or six pints on the night of the 26 to 27 April and was not drunk. He was walking from St Patrick's Hall and saw the police Land Rover but did not see any crowds. They were intending to go into Woodhouse Street. Robert Hamill was in front and when he was about halfway across the carriageway the crowd came towards him shouting "get the fenian bastards". Colin Prunty saw Robert Hamill being dragged to the ground, **D** went to help. There were 15 to 20 people around Robert Hamill. Colin Prunty saw **D** being hit with a bottle, which was thrown at him. Some of the crowd then went over to **D** who was within six feet of Robert Hamill. The police then came, getting out of the Land Rover when Robert Hamill was on the ground. Three of them got out and tried to break up the fight but there were not enough of them. Robert Hamill was being kicked on the head. The people doing the kicking were saying 'kill him'. There was one particular man that he could picture. He saw the police pull that man out and put him in the Land Rover. Colin Prunty stated that he went to identify the man in the Land Rover so it must have been near the end of the kicking as Maureen McCoy was cradling Robert at the time. Colin Prunty described the man in the Land Rover as tall with jet black hair, with his fringe gelled down and clean shaven. The man was in the Land Rover laughing. Colin Prunty said that he swung at the person in the Land Rover as he was laughing and shouting 'fenian bastard up the UV'. He was one of the people shouting 'kill him' at

- Robert Hamill but Mr Prunty could not say where he was kicking him (18062).
- 2.27 3/11/97 The Hamill family advised the DPP that Colin Prunty had identified the person he saw attacking Robert Hamill, who was placed in the Land Rover, from a BBC TV programme which showed three men being released from remand custody (18011).
- 2.28 3/11/97 Colin Prunty made a witness statement. He stated that on 31 October 1997, he visited the Hamill house and Diane Hamill showed him a video of the BBC news showing three males walking out through a fenced area. He recognised one of them as the person wearing the Rangers scarf. Diane Hamill and Fiona Hamill told him that that person was called Dean Forbes (9105) (NB See also the letter to the DPP regarding the identification which referred to Con Neill and Con A identifying Wayne Lunt as the man in the Land Rover as Forbes 17601).
- 2.29 4/11/97 A file note was made by Raymond Kitson after new information had come into the DPP's possession regarding Colin Prunty's identification of a defendant. He noted that further consultation was required. This was arranged for Wednesday 12.30 at Portadown RUC Station. No decision could be taken until this consultation had taken place, information arising from that consultation had been considered and counsel's advices were obtained (18032).
- 2.30 13/11/97 Gordon Kerr QC said that Colin Prunty was an impressive factual witness at the first consultation (17633).
- 2.31 4/12/97 UTV Insight programme covering the Robert Hamill incident and investigation aired.
- 2.32 9/12/97 The misidentification of Dean Forbes by Colin Prunty was dealt with. Further enquiries were made in respect of Mr Forbes, given that Colin Prunty was adamant that Dean Forbes was detained in the Land Rover (18335).
- 2.33 16/3/98 Raymond White, ACC wrote to the Chief Superintendent, Command Secretariat noting that Colin Hull had been unwilling to cooperate with the police. The second man had not been identified. Police believed that Hull knew his identity (15331).
- 2.34 19/10/98 ██████████ Solicitors forwarded the statements of Colin Hull and Vincent McNeice to the Ombudsman, the DPP and the RUC (15046).
- 2.35 22/2/99 Colin Prunty gave evidence at the Marc Hobson trial (8306). He said he was not concerned about crossing the road at a flashpoint as there was a police Land Rover there. He referred to a man in a Rangers scarf being released from the Land Rover. He stated that the Land Rover never moved from its position. He said the crowd called "get him, get him". They were kicking and beating Robert Hamill and saying "kill the fenian bastard". There were no police around until after Robert Hamill was beaten up. The attack on

Robert Hamill took a good ten minutes and the police came out when the crowd stopped kicking Robert Hamill. There was no cat calling and no fights breaking out over the street (8313 at 8333).

- 2.36 **D** gave evidence at the Marc Hobson trial. He thought that the Land Rover was possibly to the right of position LR3 on the plan. He said that he saw a couple of people at the end of Thomas Street and could not remember being attacked (8263).
- 2.37 **E** gave evidence at the Marc Hobson trial. She said the attack was over in a matter of seconds (8276).
- 2.38 15/3/00 Complaints and Discipline provided an update to the ICPC concerning the complaint and indicated that [REDACTED] had provided the statements of Colin Hull and Vincent McNeice on 19 October 1998 (60499 at 60558).
- 2.39 26/1/01 DCI **K** and DCS Colville Stewart met with Barra McGrory, solicitor. (2932).
- 2.40 6/2/01 DCI **K** interviewed [REDACTED] in relation to the anonymous calls received by [REDACTED] (2913).

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

It is not strictly accurate to describe all these witnesses as having been “with” Robert Hamill. The only companions he was with were D, E and F. The other witnesses happened to have been at the same dance or to be in closer proximity to Robert Hamill than some of the other witnesses.

The Panel may wish to consider why Constable A did not arrest and caution the man Colin Prunty had identified as kicking Robert Hamill. It appears that there would have been sufficient reason to detain the individual in the Rangers scarf on public disorder charges at the very least and or on suspicion of assault given that Colin Prunty had identified this man as being one of the individuals involved in the attack (2.9). From Mr Prunty’s evidence it appears that no effort was made by Constable A at the scene to record Mr Prunty’s allegations which could have improved the quality of Mr Prunty’s evidence and description of one of the alleged perpetrators. Furthermore, as Mr Prunty identified the man exiting the Land Rover as a perpetrator after Constable A had decided to release him, this should have given Constable A further reason to detain this man at the scene. Adding support to this contention is the fact that Ms. McCoy has alleged the man in the Rangers scarf returned to the crowd (2.11) which was collectively involved in public disorder. The fact that Colin Prunty later said that the man in the Land Rover (Wayne Lunt) was not the person he saw kicking Robert Hamill (who he identified as Dean Forbes), is irrelevant.

Submissions by the Police Service of Northern Ireland

See section 3 below.

3. The witnesses gave evidence as follows:

Thomas Mallon

Oral Evidence

- 3.1 Mr Mallon said he left the area and did not approach the Land Rover again and 9687 was incorrect (p.73).
- 3.2 He went to the police station and made a statement. He did not decline to make one per 2161 (p.77).
- 3.3 He did not recall being at the police station twice. Mr Mallon remembered a phone message and arranging an appointment but not going to the appointment (p.78).

F

Statement

- 3.4 Para. 29: F did not recall if she gave an interview about the attack. She gave evidence at court but she did not recognise anyone there as kicking Robert Hamill. She had not seen anyone in Portadown that she saw kick Mr Hamill. She did not remember if the police ever asked her if she recognised any of the suspects.

E

Statement

- 3.5 Para. 31: She gave a statement on the day of the attack. She did not know if F was with her. She gave a statement to DC Keys on her own. She did not recall if the police asked later if she could recall anything else.

D

Oral Evidence

- 3.6 The police approached him on Sunday in the hospital for a statement (p.27). He knew they wanted him to tell them about the incident (p.28).

Colin Hull

Statement

- 3.7 Para. 43: The person who ran from the crowd was 5'8" and stockily built. He did not remember his hair or clothes.
- 3.8 Para. 61: The answers that he gave in the back of the police car were written down. He did not sign them.

Oral Evidence

- 3.9 He spoke to DC Keys in the back of a police car. He did not remember the proforma (p.19). He denied the contents of 3449 (pp.19-22 and 28-34). He said DC Keys "made it up" (pp.30-4). He told DC Keys he was sworn at. He did not recall saying he shouted at the Land Rover (p.21). He agreed he was attacked; the crowd shouted "this town was ours" and he would make a statement on Saturday (p.22). He disputed the description as he was not medium build. He did not recall the clothing or hair he had (p.23). Officers made three visits to him (p.24). He did not make a statement as he found the officers edgy (p.36). The police did not read the statement back to Mr Hull (p.48).
- 3.10 He did not make a statement to (or go to p.35) the police as he did not trust them (pp.23/4). He gave a statement through his solicitor to trust it and help the investigation (p.25). This was the only time he saw his solicitor (p.27). He did not think of making a statement on 27 April as he was confused (p.36).
- 3.11 He denied he made a statement to help the complaint. Rosemary Nelson did not say she had made a complaint about the police (p.27). He thought his statement would go to the police but did not know for sure (p.38). He did not know the first time his statement was seen was in October 1998 (p.39).

Colin Prunty

Oral Evidence

- 3.12 He was not asked to go on an Identity Parade. The photos he was shown did not include the man who was wearing the scarf (p.127). At the consultation he worked purely from memory (p.128). He was shown the photos by the DPP after he saw the video of the men being released (pp.172/3).
- 3.13 He was not shown the video of the men being released again by the police or the DPP (p.130). Nobody tried to get him to misidentify the man in the scarf at the DPP's office (p.130).

Maureen McCoy

Statement

- 3.14 Para. 16: The description of the girls she saw by Eastwoods was at 9107.
- 3.15 Para. 32: She only recalled six Catholics being at the scene (her, Mr Prunty, Mr Hamill, **D**, **E** and **F**). That was not to say that there were not others.
- 3.16 Para. 36: She did not recall Colin Prunty saying anything apart from that he recognised a few faces. Ms McCoy did not know who they were. She did not know how the fight started. She had not heard from anyone how the fight started.
- 3.17 Para. 38: She did not know if she contacted the police to make a statement or if they contacted her. The statement was taken at her home and it was the "first and last I ever heard from them". At some stage she gave the police the navy jacket she had been wearing. She was never asked to attend formal Identity Parades.
- 3.18 Para. 39: She also made statement to Rosemary Nelson. She did not know whether someone requested she did or if she instructed the solicitor herself.

Oral Evidence

- 3.19 She denied the contents of 1038 (pp.40-2), 9111 (p.48), the statements of the Jameson's staff (p.48) and 7496 (p.54). She denied her group provoked the incident (p.61).
- 3.20 She believed description one in 9111 matches Robert Hamill; two was **D** and three was Prunty (pp.46/7).
- 3.21 Para. 3 80862 summed up her thoughts about the police's actions (p.57).
- 3.22 She was not asked to attend an Identity Parade or speak to an officer after her statement was completed. Her statement was taken during a "proper interview" and nothing was left out of the statement (pp.57/8). She could not identify anyone at the scene (p.57) but she might have been able to give descriptions (p.60). She was not asked to be a witness at Marc Hobson's trial (p.81).

Vincent McNeice

Statement

- 3.23 Para. 14: One or two people came down Thomas Street. He did not know their names but there was one "big fella and one was the same size as me". One was older, at least 40.

Oral Evidence

- 3.24 The police approached him for a statement five or six times but he did not open the door as he did not trust the police (p.74). He did not want to have anything to do with the police (p.82).
- 3.25 He did not recognise anyone in the crowd (p.74).
- 3.26 Mr McNeice made 544. Rosemary Nelson said the complaint probably would be lodged on the day he made the statement (p.75). He went to Rosemary Nelson as she would not be afraid to make a complaint and the police would then get his statement via that route (p.83). He did not know that his statement was not received until 10/98 (p.83).
- 3.27 He let Rosemary Nelson make a decision about the disclosure of his statement but he wanted a court to get his evidence (pp.89/90).
- 3.28 Mr McNeice had a conviction for disorderly behaviour and had tried to assault some police officers (p.92).

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

We urge the Panel to consider closely issues highlighted in Mr Prunty's evidence at 3.12 and 3.13 and whether any such events were due to a lack of due diligence. When assessing questions of due diligence it is important to determine whether events such as those highlighted in 3.12 and 3.13 are symptomatic of underlying problems such as a lack of training or if they evidence a deliberate unwillingness to adequately pursue all lines of investigation.

Submissions by the Police Service of Northern Ireland

See section 4 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Unless it is considered helpful, we do not at this stage comment on this material, but are ready to supply our analysis.

Comment

- 4 The RUC quickly interviewed those who were with Robert Hamill. It was not at all clear that others who intervened to counsel those witnesses did so in order to ensure that they gave full assistance to the RUC. However, the Panel may feel there was no reason to believe that the RUC could or should have done any more.

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

We believe that the RUC could and should have done a great deal more. As we have commented elsewhere, their policy was to put a Land Rover at a flashpoint as a preventative measure, and then to call for back-up if things got out of hand. On this occasion, things were well and truly out of hand before the officers in the Land Rover took any action at all. However, once they did get out of the Land Rover they rapidly became aware that two men were lying on the ground unconscious and Robert Hamill was still being attacked. At that point, they should have realised that this was not the normal Saturday night public disorder but that a serious incident had occurred. Instead of merely calling an ambulance and for back-up, they should have arrested those involved in violence, particularly those whom they say they pulled off Robert Hamill. They should also have secured the scene, instead of letting it be trampled over for the next five and a half hours.

On the question of “those who intervened to counsel witnesses”, we think it is important that the Panel understands the depth of well-founded distrust of the RUC among the Catholic/nationalist community in Portadown. They had no faith that the RUC would investigate Robert Hamill’s case properly – and events proved their fears to be only too justified – but still wanted those who had attacked Robert Hamill and D brought to justice. They also feared, as has been known to happen, that if they went straight to the police they would find themselves charged with rioting. The misleading press releases put out by the RUC suggesting that there had been a faction fight would have amplified that concern. They therefore, instead of going to the police, volunteered statements to solicitors like Rosemary Nelson, whom they did trust. This happened relatively often when Catholics had witnessed crimes, and many solicitors have been asked to forward statements to the police.

Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)

We agree with this. The repeated attempts made by CID to get Catholic witnesses to come forward speaks for itself. (letters to a solicitor either went unanswered or were replied to the effect that the witnesses would not be attending for interview)

Submissions by the Police Service of Northern Ireland

P39 expected support from the Catholic community in the form of delivering up evidence which could be used to arrest the perpetrators. However very little evidence by way of descriptions or identification was forthcoming, with the notable exception of Mr. Prunty. The non co-operation of witnesses from the Catholic community has also been examined at Chapter 10 (section 34).

It is somewhat surprising that those who were closest to Mr. Hamill when the violence erupted were unable to be of greater assistance. Various factors may have affected their ability to make relevant observations including alcohol consumption, or a simple inability to recover facts or descriptions because of

the speed and randomness of the attack and the numbers involved. Others may have been reluctant to help the police for cultural or political reasons, out of fear or because of mistrust, or because animosity was building towards the police because of perceptions or rumours about how they handled the incident.

It is important to catalogue just what those Catholic witnesses who were closest to the violent events (in physical terms) were able to tell the police:

D in his original statement outlined how he was walking along Thomas Street. He saw a couple of people, he could not say if they were men or women. He was attacked and can remember nothing about it. He woke up in hospital. (00506)

E in her original statement stated “I cannot identify any of the persons who were involved in this incident”. (00509)

F in her original statement stated “The only thing I remember about the people who attacked us was a guy wearing a black leather or dark coloured jacket of some sort. I can’t remember anything else about this man and can’t describe any of the other attackers”. (00511)

Mr. Prunty was responsible for the mistaken identity between Wayne Lunt and Dean Forbes which led to charges being withdrawn against Lunt. While he described in his original statement a person believed to be Lunt he went on to say “I do not know and cannot describe any of the others who were kicking Robert Hamill”. (00516)

Maureen McCoy in her original statement described two females who had been standing at Eastwoods, and the male (Lunt) in the rear of the landrover, but she described none of the attackers. (00517).

Two examples of non-cooperation stand out. Colin Hull and Vincent McNeice provided statements to Rosemary Nelson on the 15th and 19th May 1997. These were not forwarded to police until 19 October 1998. It is unclear how those statements could assist a police investigation while they were locked away in a solicitors file, but perhaps there was no intention to assist. It is noteworthy that Mr. McNeice was aware that police sought to contact him on five or six occasions but he would not open the door (page 74).

Once again, the statements of Hull and McNeice did not describe any of the attackers:

Vincent McNiece stated “I couldn’t identify anyone who was attacking the boys”. (00544)

Colin Hull stated “I couldn’t describe any of the attackers”. (00542)

As appears from all of the above accounts, with the exception of Mr. Prunty whose description led to the Lunt/Forbes controversy, none of the other

witnesses provided physical descriptions of those who were in the vicinity, apart from clothing.

It is submitted that the RUC could have done nothing more to improve the quality of evidence coming from those who were with Mr. Hamill.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed.

THE SECOND ISSUE: IDENTIFICATION BY OTHER WITNESSES

- 5 The materials were to this effect:
 - 5.1 02.30 approximately. The second bus arrives from Banbridge (9592).
 - 5.2 15.00 27/4/97 DS Dereck Bradley was instructed by the SIO to produce descriptions and details of possible suspects from the descriptions in the statements (12442).
 - 5.3 A gathering took place at Tracy McAlpine's house. Dean Forbes and Andrew Allen were there. Witnesses put Allister Hanvey there but this was contentious (9028 at 9080).
 - 5.4 05.50 Con Gordon Cooke spoke to Lisa Hobson, Kenneth Milligan and Noelle Moore on Jervis Street (6363).
 - 5.5 29/4/97 Police took a questionnaire from Rory Robinson. Mr Robinson said that he was wearing white and brown pinstriped jeans, an orange shirt with a check pattern and a blue bomber jacket with a chevron on it. He was described as 5'10" to 6', of light to medium build, clean shaven, straight dark hair, middle parting, with pale complexion (8125 at 8126).
 - 5.6 29/4/97 Lisa Hobson was interviewed by questionnaire. She said she was with Andrew Hill and saw scuffling with crowds and police. She said she saw Michelle Jamieson with one of the injured men. There was a girl wearing black trousers and a black jacket with the person lying outside Eastwoods. She said Andrew Hill was wearing a denim jacket and blue jeans (8107).
 - 5.7 29/4/97 Timothy Jameson was interviewed by questionnaire. He said he saw a large crowd and the police Land Rover. He was with Kyle Magee. He denied seeing the assault. He said he was wearing black jeans, white T-shirt letters on the front in red, black trainers with white stripes (70865).
 - 5.8 29/4/97 Victoria Clayton was interviewed by questionnaire. She was wearing a brown waist length waxed jacket, blue jeans and a black top. She was described as 5', light build with dirty fair shoulder length hair. She saw people shouting and running about but did not see an assault. She was with Jennifer O'Neill (8115).

- 5.9 29/4/97 Kenneth Milligan was interviewed by questionnaire. He said he was not in the town centre that night but was with Lee Stockdale (in Mr Stockdale's house) and [REDACTED]. He was wearing fawn jeans and a grey Umbro sweat shirt. He was described as 5'5", thin with centre parted hair, longish on both sides (8109).
- 5.10 29/4/97 Lee Stockdale was interviewed. He said he was with Kenneth Milligan and [REDACTED] but that they were in the town and tried to get into the town centre before being turned back by police at 01.00 so they went to the Alexander gardens area (8103).
- 5.11 29/4/97 [REDACTED] was interviewed. He said he was with Lee Stockdale and Kenneth Milligan but left at midnight and walked with two boys up Brownstown Road and the old Armagh Road. They stood at Esso petrol station with [REDACTED] and [REDACTED] then at Craigavon Avenue until 06.00. He said he was wearing a black bomber jacket with Adidas and three stripes down the arm, blue jeans, black trainers and a white round-necked jumper. He was described as 6'0", of medium build, with side burns, straight short brown hair combed forward (8101).
- 5.12 29/4/97 Noelle Moore was interviewed by questionnaire. She said she was with Matthew Bloomer and [REDACTED]. She met Lisa Hobson in town and stayed with her the rest of the night. She later met Kenneth Milligan, [REDACTED] and Lee Stockdale in Jervis Street. Noelle Moore was wearing brown jeans, a blue Umbro sweat shirt, a black bomber jacket and black CAT boots. She was described as 5'5", stocky with short ginger/ auburn hair in a page boy style (8105).
- 5.13 29/4/97 **P53** was interviewed by questionnaire. He said he went to Moira at 22.00 with others and was dropped off at West Street with others at 02.00 by Z-Cabs at Call-a-Cab. He said he could not get through the town and he did not see an assault. He was wearing cream corded jeans and a tartan shirt. He was described as 5'10", slim with short dark hair (8137).
- 5.14 29/4/97 Michelle Jameson was interviewed. She said she walked up with Heidi Reaney who met her boyfriend (Glen Mercer) in Mandeville Street. She said she saw people running around everywhere and heard people shouting "come on you fenian bastards." She went over to the injured men. She could not recognize anyone in the crowd. She said she was wearing a blue Levi jacket, blue jeans, navy blue t-shirt and black shoes. She was described as 5'3", of medium build with blonde shoulder length hair (8111).
- 5.15 30/4/97 Donald Blevins spoke to police and said he was with Judith Lyttle and saw Tracy McAlpine in the street. He saw Wayne Lunt with a cider bottle and saw him being arrested then released from the Land Rover. He said that he saw Rory Robinson in the crowd. He heard that the people who carried out the assault had been talking to the police a short time before the assault (13319).

- 5.16 30/4/97 Kyle Magee was interviewed by questionnaire. He was with Stacey Bridgett, Christopher Henderson, Conor Black, Stephen Bloomer, Jason Woods and Jonathan Nelson. He said he saw the fight and got close to it. He said a police Land Rover was parked outside the Alliance & Leicester. He saw a couple of police officers getting out and walking towards the fight. He started shouting at the police. He started walking towards the Church with Victoria Clayton and Jennifer O'Neill. The crowd was still fighting. He remembered shouting something about 'fenians' when he walked past the fight. He was wearing a light blue polo shirt, dark blue jeans and black 'Kickers' shoes (8119).
- 5.17 30/4/97 Kyle Magee made a witness statement. He said he was with Victoria Clayton, Jennifer O'Neill, Timothy Jameson, Stephen Bloomer and he saw the fight (9143).
- 5.18 30/4/97 Victoria Clayton was interviewed and accepted she had been wiping blood from Stacey Bridgett's nose (2150).
- 5.19 30/4/97 Andrew Hill was interviewed by questionnaire. He said he was sitting on the seats at the Church and saw scuffles and shouting at the junction. He was with Wayne Lunt, Lisa Hobson, Gareth Cust and Simon McNally. Andrew Hill said he was wearing a Wrangler denim jacket, navy sweatshirt and blue jeans (8113).
- 5.20 2/5/97 Stephen Bloomer filled in a questionnaire. He said he saw a bad fight start but he got off side by going up to the Church and then got a taxi. He said he was with Kyle Magee (whom he was talking to just before the assault), Conor Black and Johnny Nelson. He was wearing navy jeans and a bright yellow shirt. He was described as 5'11" with dark hair brushed back (8121).
- 5.21 2/5/97 Matthew Bloomer filled in a questionnaire and said he was with [REDACTED] and identified Noelle Moore as being in the vicinity. He denied seeing any fighting but saw people being put in an ambulance. He was wearing white jeans and a navy blue jumper. He was described as 5'9" and thin, with hair parted at the front (8123).
- 5.22 6/5/97 Stacey Bridgett was interviewed after arrest. He said it was just him and Dean Forbes walking down the High Street (7151). He said the Land Rover was at Woodhouse Street, right on High Street. He said nothing was happening when they got to the Land Rover, at 7134 (NB this contrasts with Dean Forbes' account of the fight. He believed that the rear doors to the Land Rover had not opened by the time he was hit, at 7184). The man who pulled Con Alan Neill out of the Land Rover had a blue shirt and tie and short dirty fair hair. He said he was wearing a red and yellow checked Ralph Lauren shirt and either Navy Sonetti cords or white jeans (7128 & 7171).
- 5.23 6/5/97 Dean Forbes was interviewed after arrest. He said he was talking to the police in the Land Rover when a man in a blue shirt and tie grabbed a police officer and said, "were youse going to let them orange bastards get away with that there". He said he saw a row outside Eastwoods. He said the Land Rover

parked between Woodhouse Street and the Alliance and Leicester, (6953). He saw the police get out of the Land Rover. A group said to Mr Forbes and others, "we'll took you on now" (6942). He saw one girl with a white t-shirt or jumper with short streaky hair shouting "that's my brother in law". He indicated that he saw a small blonde haired girl holding the man [on the ground] saying, "you hit my brother in law, I could identify you all" (6963). Dean Forbes said he was wearing a beige Ralph Lauren shirt and dark Sonetti trousers. He said Bridgett was wearing a blue checked shirt (7011). He said that by the time he got to the Land Rover, there was a row going on (7000). He described men kicking at the body. One was 5'9" or 5'10", with broad shoulders, black bomber jacket, black jeans and shoulder length black hair. The other was 6'0", dark green shirt, brown short hair, possibly black trousers (6988).

- 5.24 6/5/97 [REDACTED] was ruled out as having been mistakenly identified by Con Gordon Cooke. The person in question was identified as Marc Hobson (12443 & 9228).
- 5.25 7/5/97 A questionnaire was prepared for Allister Hanvey by DS Dereck Bradley and an interview was conducted with Allister Hanvey as a witness. He said he met Marc Hobson and Jonathan Wright in the town then walked to Dean Johnston's house. Leanne Hobson was with Dean Johnston. He later walked into the town with Marc Hobson and Johnny Wright. When they got to the big Church he saw people running about the town centre and heard a lot of shouting in the vicinity of Woodhouse Street and Thomas Street. He said people were shouting abuse at each other and he heard, "orange bastards, black bastards" and general taunting. Allister Hanvey said he wore a black CAT jacket, dark blue Levis and black and white ASICS trainers. He was described as 6'1", 11 ½ stone, ginger hair parted in the middle, blue eyes, 2 rings in left ear. Allister Hanvey said he saw policemen among the crowd. He saw about ten to 15 people plus the police in the general area of Thomas Street, Woodhouse Street and Market Street. There were only about five to seven police on the ground at that stage. He said he walked on down the left hand side of the street to Thorntons' shop. He did not see Marc Hobson or Jonathan Wright again. There was a group of 15 to 20 people near the big Church. He saw two men lying on the road and three to four women standing over them. He said the closest he got to either injured man was about ten yards. He said he saw fights break out on the other side of the main street as people broke through the police line and fought with someone on the other side. He said he was then approached by a policeman whom he did not know but who asked him to help move people back to the Church. He said he pulled a few people back. He described the policeman as in his mid 40s about 5'10", stocky build, ginger/ grey hair and a moustache. He said more police then arrived on the scene and took control of the situation. He said the ambulances came before the police moved the crowd further up the street. He saw the ambulance crews treat the injured men for some time before taking them away. He walked home after about 15 minutes to his Uncle Thomas' house (8131 & 9190).

- 5.26 7/5/97 Sarah McCartney was interviewed. She said she was at the Coach Inn. At the end of the night, she was left at the ESSO garage and did not go into town. She heard from Angela Buckley that Andrew Hill had jumped on the head of one of the injured men (8145).
- 5.27 7/5/97 [REDACTED] was interviewed by questionnaire. He said he was with Matthew Bloomer and Robert McLoughlin. He denied seeing an assault but did see the police catching a man, with a Rangers scarf over his face, who had run from Woodhouse Street towards the Church. This man had black hair combed back, was thin built and 5'8" tall. He did not see what the police did because he left at that stage. [REDACTED] did not make a statement. He was described as 5'8", thin, with combed back hair (8139).
- 5.28 8/5/97 Tracey Clarke was interviewed by DC Dereck Bradley and DC John McAteer. A questionnaire was completed. She was described as 5'6", slim with short brown hair. She said she wore blue trousers, yellow top, blue anorak and black shoes. She said she was with Tracy McAlpine, Pauline Newell, Vicky Clayton and Jennifer ?. She did not refer to an assault at this stage (70900).
- 5.29 9/5/97 Timothy Jameson made a statement. He said he was with Stephen Bloomer and Kyle Magee. He saw a man called McClure and his girlfriend. He identified various people who assaulted a man, whom he now identified as Robert Hamill, including Allister Hanvey whom he saw kick and punch him on the ground. He saw Dean Forbes punch a man in the face who was wearing a grey Umbro sweatshirt. He saw Rory Robinson, who was wearing cream coloured jeans, fighting. He saw 'Fonzy' kick the man lying on the ground. He saw Stacey Bridgett who had a bust nose. Timothy Jameson stated that he was standing in the middle of the fight and heard a bottle smashing. He said he saw a Land Rover but no police got out. Timothy Jameson said he was wearing black jeans, a white t-shirt with CK on it, blue trainers with white stripes (266).
- 5.30 The name "Fonzy" was typed as "Gonzy" (28505).
- 5.31 9/5/97 13.35 DC John Dickson spoke to Stephen Sinnamon. During the course of the interview, Stephen Sinnamon appeared very nervous and officers put to him that he had not been absolutely truthful. He did not deny that. He said that during the party the fight was discussed. He would not say who by. He said that someone said "one of them boys" hit Davy Woods and then the fight started (15461).
- 5.32 9/5/97 A statement was taken from Marc Hobson. He said he was with Allister Hanvey and Jonathan Wright in Dean Johnston's flat. Leanne Hobson, the girlfriend of Dean [Johnston], was there. Allister Hanvey, Marc Hobson and Jonathan Wright walked into town at 01.30 to 02.00. They walked to the Chinese takeaway in West Street. They then walked down into the town. As they got to the Call-a-Cab office they were stopped by a drunk man who asked for a cigarette. Marc Hobson and Jonathan Wright stopped and Allister Hanvey walked on. Marc Hobson said he then walked on with Jonathan

Wright as they were going to meet the people from the Banbridge bus. By the time they reached the Church, the police were moving people up the street towards the Church. Marc Hobson and Jonathan Wright sat on the wall in front of the Church. He saw a body lying in the street. He saw no one near the body and said there was no fighting or shouting. There was an ambulance in the middle of the street. He then left and went back to Dean Johnston's flat on his own. Jonathan Wright walked up Hanover Street. He said that he got back to Dean [Johnston's] flat by 02.30. Dean Johnston and Leanne Hobson were there. Marc Hobson sat and talked to them then fell asleep. He left the next morning at about 07.00. He said he was wearing a black leather jacket, blue jeans, grey sweatshirt and white Nike training shoes (9594).

- 5.33 9/5/97 The police questionnaire of Marc Hobson described him as 5'8" with short brown hair with side boards and a moustache and goatee beard, 14 stone, well-built, gold earring in left ear, freckles and a high forehead. He said he was wearing a black leather waist-length jacket, blue jeans and a grey round neck sweat shirt with Mizuno or Nike on it. He said he was with Allister Hanvey and Jonathan Wright (8144).
- 5.34 9/5/97 Kelly Lavery completed a questionnaire and said she was with Pauline Newell and Tracy McAlpine. She was described as 5'6", slim build with shoulder length black hair.
- 5.35 9/5/97 **P46** was questioned. He was aware of an incident in the town centre but not of anyone being assaulted. He was with Gregory Blevins, Andrew Allen, Tracey Clarke, Tracey Newell, Pauline Newell, Kelly Lavery, Dean Forbes and Andrew Osbourne. He was wearing blue jeans, brown checked shirt and CAT boots. He was described as 5'10", of slim build with short dark hair (8141).
- 5.36 9/5/97 John Johnson was interviewed and made a statement that he was woken by commotion outside and saw four to five people kicking at a person on the ground who seemed to be unconscious. There were other skirmishes, running about and jostling and a Land Rover on other side of Market Street. The people near it backed off as the police went towards them. John Johnson said that at some point a second police car arrived. A man on the ground was being cradled by a woman. He said that an ambulance arrived, a person was put on a stretcher and into the ambulance. The man that he had seen lying on the ground was helped and walked to ambulance. He said that when the police were trying to help the man on the ground, some of those around were still trying to kick at him but were pushed away (9123).
- 5.37 9/5/97 Tracey Clarke spoke to DC John McAteer and commenced a statement, which would be finished the next day. Tracey Clarke was interviewed in the presence of Andrea McKee (15749).
- 5.38 9/5/97 Information was received by Special Branch stating that Allister Hanvey was responsible for the beating of Robert Hamill. DI Irwin logged this and noted on 2/6/97 that he had been charged on 10/5/97 (10647).

- 5.39 9/5/97 Message was taken by Crimestoppers. It stated that a caller phoned in relation to the death of Robert Hamill. Caller stated that the people involved were: Clayton, Moore and "Hodgley" and that there was a drugs connection with the incident (2262).
- 5.40 10/5/97 Joanne Bradley was interviewed by questionnaire. She said she was in town but was at Michelle Jamieson's house earlier and was at Brownstown Park later with Heidi Reaney (8127).
- 5.41 10/5/97 13.08 Wayne Lunt was interviewed. It was put to him that he was seen kicking Robert Hamill. He denied this. He stated that when he was released from the Land Rover the ambulance had not yet arrived, (Con A requested his address at 01.55), (at 6835). He said that he was wearing a blue and white Toronto top, a white USA baseball cap, Rangers' scarf, white jeans and a pair of Ascot Gutties (trainers) (6803).
- 5.42 10/5/97 14.15 Dean Forbes' first interview of the day took place. He said that when he saw the men on the ground, he was with Ann Bowles, Lynn Bowles and their third sister, at 7069. He said Wayne Lunt was wearing a white top, bar scarf and a baseball cap. He said that the Land Rover was up at the High Street in the middle of the road. By the time that he reached it, there were two people on the ground, at 7047.
- 5.43 10/5/97 Allister Hanvey was interviewed by DC Albert McIntosh and DC Paul McCrumlish. He said he was wearing a black 'CAT' jacket and spent the night after the incident at his uncle Thomas Hanvey's house and was picked up by his father Kenneth Hanvey next morning at 09.30-09.45. He said he did not know Res Con Robert Atkinson's name and the only policeman he knew there was Res Con Jim Murphy. He said he was with Jonathan Wright and Marc Hobson on the night. The police asked Allister Hanvey whether he had been talking to any police officers about his actions on the morning of 27 April 1997 (6599).
- 5.44 A form of information received from a source noted that a woman who named herself Pauline saw Robert Hamill, a second male and two females walking from Thomas Street. As they crossed Main Street, Robert Hamill went over to a Protestant crowd of about 30 and called Rory Robinson a 'black bastard' and hit him. Rory Robinson retaliated, the others joined in and Robert Hamill and the second male were beaten (50182).
- 5.45 16.12 Wayne Lunt's second interview of the day took place. He said that Lisa Hobson was wearing black hipsters and a dark coat. He said that Heidi Reaney was wearing a checked shirt and tights and no coat, at 6857. He said that Joanne Bradley was wearing jeans and a dark coat, at 6858. He pointed out the position of the Land Rover when he was put it in, at 6879. He said police were out of the Land Rover when he arrived. He described a tall, very short haired person, in their late 20s with a very light brown/ cream coat on who was by the Land Rover and who shouted at him when he got out, at 6900.

- 5.46 16:15 Marc Hobson's second interview of the day took place. He said that he was not with Allister Hanvey outside the Church, he and Jonathan Wright lost him at Call-a-Cab, at 6774. They did not put to him that they had evidence of a tip off (6635 & 6666). He confirmed seeing Tracey Clarke at the scene (6628 & 6631).
- 5.47 Ann Bowles spoke to DC [REDACTED]. She said she was sat on the steps of the Ulster Bank eating her food purchased from Boss Hoggs with her sister and Elayna May. She saw Dean Forbes standing on the controlled traffic reservation. She asked him what was going on and he said that there was a fight going on (7776).
- 5.48 19.42 Wayne Lunt's third interview took place. He said that Simon McNally was with him when he was arrested (6914).
- 5.49 22:12 Rory Robinson was interviewed for the first time. He denied that he was struck by a policeman and that he was part of a crowd being aggressive (7559 at 7622).
- 5.50 10/5/97 Crimestoppers named Philip Lunt, Wayne Lunt, Marc Hobson, Andrew Osbourne and another male who was living in England (2262).
- 5.51 11/5/97 10.27 Rory Robinson was interviewed for a second time. He denied that he was in the front line, taunting the police or taunting any injured person and he denied squaring up to a policeman (7648).
- 5.52 13.09 Rory Robinson was interviewed for a third time. He denied that he was one of the group kicking a person on the ground (7706 at 7711) and he denied the allegation of a witness who noticed him fighting (7706 at 7717).
- 5.53 11/5/97 Jonathan Wright was interviewed and he identified Allister Hanvey as wearing a grey top with orange stripes on both arms. He said Marc Hobson was wearing blue jeans, white trainers and a blue sweater at 9139. He said he was with Marc Hobson and Allister Hanvey. Jonathan Wright was described as 5'11", clean cut, clean shaven, tanned with short dark hair (8147).
- 5.54 11/5/97 Dean Johnston made a statement. He said that Allister Hanvey, Marc Hobson and Jonathan Wright were together at his home until about 01.35 or 01.40. Marc Hobson returned alone between 02.30 and 03.00. He said he was wearing light blue jeans, BR walking boots, a khaki bomber jacket and a blue t-shirt (9605).
- 5.55 11/5/97 Heidi Reaney made a statement in which she said that she was wearing a black bomber jacket and denim jeans (9597).
- 5.56 Thomas Mallon completed a further questionnaire and made a statement. He said there were people walking along the main street. There was a lot of noise. When he saw that the police were in the vicinity, he decided to walk on. As he reached the end of Thomas Street, the police Land Rover parked on the main street beside the Alliance and Leicester branch started to move off,

Thomas Mallon waved at them. A policewoman opened the front door and he told her that there was likely to be people coming from St Patrick's Hall. He was approached by a youth who was in a group of four or five. The youth was carrying a glass bottle of 'Buckfast' and confronted him, Thomas Mallon felt threatened so he left. As he walked away, he was aware that a policeman had got out of the Land Rover, which was parked across Woodhouse Street. Thomas Mallon said that he met Colin Hull and another man on the corner near to Patsy McKeever's pub. He stated that he got home between 1.15 and 1.30. He said he was wearing a dark navy blue open neck shirt, grey trousers and black shoes. He was described as 5'10, well-built with a round face and short dark brown wavy hair which was combed back (9603).

- 5.57 12/5/97 Leanne Hobson made a statement and said that Marc Hobson, Allister Hanvey, Jonathan Wright, Gregory Blevins had been to the flat of her boyfriend (Dean Johnston) before the incident. She was not sure what time they left. Marc Hobson returned to the flat at about 02.30. He was on his own (9603).
- 5.58 Michelle Jamieson made a statement. She said Wayne Lunt was with her and Heidi Reaney but he left their company in the area of the old railway bridge in West Street. She did not see him again (9149).
- 5.59 Christopher Henderson was interviewed by DC Eric Williamson and made a statement. He said that he got a lift back to Portadown from the coach with his girlfriend Cara Girvan as well as Christine Bigg, P43 and [REDACTED]. He was dropped off at Herron's Chicken Bar and met Conor Black and Johnny Nelson. He saw an ambulance going up the town but he did not go up and was only told that there was a fight (9602).
- 5.60 DC Eric Williamson said that at the interview, Christopher Henderson said that he and Allister Hanvey left Tracy McAlpine's house at some point after 05.00 and went back to the town and caught a taxi (NB This was the first time that anyone, except Tracey Clarke put Allister Hanvey at Tracy McAlpine's party) (21624).
- 5.61 Jonathan Nelson made a statement and said he was with Conor Black, Kyle Magee and Stephen Bloomer at Herron's and heard the ambulance going up the road. He said Christopher Henderson had got a taxi home from the Coach Inn, Banbridge (640).
- 5.62 Conor Black made a statement in which he said that he and Johnny Nelson were at Herron's when they met Kyle Magee who said there had been a fight (9167).
- 5.63 Police spoke to Lisa Hobson in the presence of her mother [REDACTED]. She claimed she had not been involved in the fight. She stated her father was the subject of a beating (15472).
- 5.64 12/5/97 Andrew Osborne made a statement. He said that he walked through the town with Judith Holland; he remembered seeing the Land Rover. The

town was very quiet. They went to Tracy McAlpine's where they stayed about half an hour. He could not say who was there (9171).

- 5.65 13/5/97 Greg Mullan, ICPC, stated that police were aware of most of the Protestants involved. He stated that there were 17 individuals who had been positively identified with a view to possible charging, this may increase (14822).
- 5.66 13/5/97 Jennifer O'Neill was interviewed by questionnaire. She was with Victoria Clayton and Kyle Magee. She saw Noelle Moore at the Church. She said she was wearing cream colour jeans, short black boots, a woollen polo neck and a blue denim jacket. She was described as 5'6", plumpish, round face, earring in nose, with fair streaked hair cut into a bob (8151). Jennifer O'Neill made a witness statement in which she added to her questionnaire. She said she stood at the green gate at the side of the Church with Victoria Clayton and Kyle Magee. She saw about 20 people in the middle of the street of whom about 10 were fighting with each other. She heard fenian bastards and orange bastards being shouted. There was a police car with stripes that drove up and parked at about Woolworths. She said her sweater was navy with a white blue band across the centre (9154).
- 5.67 13/5/97 Neil Ritchie made a statement in which he said that he saw a group of about 15 – 20 men and women fighting amongst themselves and after a few seconds caught up with Ann Bowles, Alison Bowles and Elayna May (9158).
- 5.68 13/5/97 Jill Ritchie made a statement and said that on 8 May 1997, she was approached by Linda Boyle who was Dean Forbes girlfriend. Linda Boyle told Jill Ritchie that Dean Forbes was "in a lot of trouble over the thing that happened". Linda Boyle asked if Jill Ritchie had seen him in the town centre. Linda Boyle prompted her without being asked that Dean Forbes was wearing a cream Ralph Lauren shirt and black jeans. Jill Ritchie said she had not seen him on the night (9614).
- 5.69 Christopher Henderson was interviewed by DC Eric Williamson. He put Allister Hanvey at Tracy McAlpine's party, and did not remember what he was wearing. He said that Kelly Lavery was sleeping and someone painted her face with make-up. When she woke up, she was annoyed and chucked everyone out. Henderson walked into town with Hanvey and got a cab from Z-Cabs home (2279).
- 5.70 13/5/97 "Fonzy" was identified as Andrew Allen.
- 5.71 14/5/97 John Mark Currie made a statement and said he was in the town centre and saw an injured man and people standing about. He said he recognized some people but did not know their names (9163).
- 5.72 14/5/97 Kelly Lavery made a statement. She saw Tracey Clarke, Victoria Clayton, Shelley Liggett, Dean Forbes and Stacey Bridgett on the bus back to Portadown. She went with Tracy McAlpine and Pauline Newell to Tracy McAlpine's house. She did not see an incident in the town centre. She went to

bed then woke in the early hours of the morning, and walked with Tracy McAlpine to buy a snack at the garage. On their return, she slept and then when she woke she saw Dean Forbes and Allister Hanvey in Tracy McAlpine's house but threw them out. After throwing them out she walked to the taxi place to go home. Tracey Clarke walked with her. She got home about 09.00 (9178).

- 5.73 Tracy McAlpine made a statement in which she said that she was with Pauline Newell and Kelly Lavery walking back from the bus. Pauline Went into Boss Hoggs for something to eat and caught up with them somewhere near the Church. At her house later she saw **P46**, Chris Henderson, Iain Carville, Stephen Bloomer, Andrew Allen (known as "Fonzy") and Dean Forbes. She was asked what her guests were wearing but could not remember (NB Tracy McAlpine's statement did not mention Allister Hanvey) (9616).
- 5.74 15/5/97 Andrew Allen was arrested and interviewed. He accepted his nickname was "Fonz" (7300 at 7484). Andrew Allen said he was with Rory Robinson and Davy Woods on the night. He said he was with Rory Robinson at the fight. He stated that a crowd of boys and girls came down Thomas Street. One of the boys hit David Woods in the face, another started fighting with Rory Robinson. Another boy came at Andrew Allen. He said he ran up Thomas Street and another boy was standing there and swung punches at him. Three or four boys from the bus ran down the street and knocked down the boy that was swinging at Andrew Allen. One of the boys who came off the bus and who knocked his attacker to the ground was Marc Hobson. Andrew Allen indicated that Marc Hobson was fighting in a violent crowd and so was Rory Robinson. He said Stacey Bridgett was at the fight. He said he saw Dean Forbes at Tracy McAlpine's party. He said he heard at Tracy McAlpine's party that Allister Hanvey had hit someone with a bottle; that Allister Hanvey was at the front of the group coming down the road from the bus returning from the Coach. (7390 at 7412 & 7300 at 7344).
- 5.75 18.13 Andrew Allen was interviewed a second time. He described David Woods' attacker as someone about the same size as Andrew Allen, with black hair (7300 at 7459).
- 5.76 15/5/97 David Woods was arrested and interviewed and blood samples were taken. He said he was walking near Jameson's bar when he heard people shouting, you orange bastards (p7486 at 7495). He said he was then attacked by one of two men coming up Thomas Street, one of whom had a blue shirt and tie and the other had a black leather coat. The man in the black leather coat ran at him, hit him in the face and ran past him into the middle of the town (7390 at 7486).
- 5.77 15/5/97 DC **P6** and DC Eric Williamson spoke to [REDACTED]. They appeared to have followed up telephone information received that [REDACTED] and John Johnson, both occupiers of different flats overlooking Thomas Street, had witnessed a serious assault (9899).

- 5.78 [REDACTED] said that he saw 40 people from his flat window in the street and described two groups fighting each other. He described the fight as involving two crowds which came together fighting then stepped back momentarily before starting to fight again. He saw a Land Rover but did not recall seeing police on the ground. He only observed what was going on for a few seconds. He did not want to make a statement because he was involved socially with both sides of the community in Portadown (NB See also statement of DI Michael Irwin (9281) which he recorded on 10 June 1997 as having spoken to [REDACTED], at this point, he said that he saw three officers on the ground) (7774).
- 5.79 Jonathan Wright made a second statement. He said the content of his first statement (9137) was correct up to where he got to the Church. This affirmed what he said about what Allister Hanvey wore. He changed it to state that they walked down the town and could see a fight further down in the middle of the street between 20 to 30 people. He saw a man about 25 years old with very short hair standing behind the crowd in the middle of street. The man was wearing a blue shirt, striped tie and dark trousers. He was shouting towards the crowd of Protestants to come on. There was fighting going on in the crowd he was shouting at. Marc Hobson then left him and ran down into the crowd. He saw Marc Hobson being pushed about by the crowd and lift his hand to reach out for somebody. Jonathan Wright stated that there was a lot of people shouting, "fenian bastards." There were two or three from the Catholic crowd shouting calling the Protestants, "orange bastards." The fighting lasted about five to ten minutes. He saw Rory Robinson in the middle of the crowd running around like a headless chicken. He saw Stacey Bridgett trading punches with one person. He saw a man lying on the street who was not moving. There were about five to six policemen trying to break the fight up. The mood of the crowd was violent towards the police and he heard bottles being smashed. He said he wanted to correct his first statement because it was preying on his conscience (9141).
- 5.80 Victoria Clayton confirmed she wiped blood from a man's nose at the scene but said she could not be sure it was Stacey Bridgett (7780).
- 5.81 15/5/97 Heidi Reaney made a witness statement in which she said she had been with Lisa Hobson, Joanne Bradley, Wayne Lunt and Michelle Jamieson (9598).
- 5.82 16/5/97 William Jones was interviewed and made a statement. He was in his flat (with his girlfriend Carol Ann Woods) overlooking Thomas Street and looked out to see three or four men and three women running down Thomas Street towards Market Street. One man was about 24 to 26, 5'10" medium build with dark short hair; he was wearing a black waist-length leather jacket and black trousers which may have been denim. A second man was about 26 to 28, 5'8", light build with dirty fair short hair, wearing a patterned grey jumper and light jeans. The third man was 28 to 32 years old, 5'10" in height, stocky, blond fair hair shaved into side and back and brushed back on top with a full face; he was wearing a pale blue shirt, dark tie, black trousers and black shoes. William Jones said he saw the first man run to Market Street and hit out

with his right arm. He appeared to hit the face of a person standing at the junction. He realised that the man who had been hit was his was Davy Woods, the brother of his girlfriend Carol Ann Woods. Davy Woods was brought into the flat and William Jones saw the first man and the second man, described above, lying on the road. There was a crowd of 15 to 20 people running around and two girls appeared to be kneeling over the two men. Police had arrived and appeared to be pushing the crowd back to the Church. This whole incident lasted about two to three minutes (9111).

- 5.83 Carol Ann Woods was interviewed and made a statement. The only description she could give was that the man she later saw lying in the street was wearing a leather jacket and one of the women had dark curly hair (9116).
- 5.84 16/5/97 David Woods was re-interviewed. He said he was struck on the left cheek by a man wearing a dark leather jacket. He said he knew the man was Catholic because the man called David Woods an “orange bastard”. The man hit him as he was running past and into the town. He denied seeing Andrew Allen or Rory Robinson behind him on the street and said he was on his own. He was aware of hustle on the main street but did not witness the fight and did not see anyone in the crowd (7534).
- 5.85 Jason Woods made a statement that he got the bus back from the Coach Inn with Paul Currie. They got back to Portadown at about 01.40 to 01.45. They got off the bus at Z-Cabs, and he and Paul Currie walked up the town. He saw the Land Rover at the Alliance and Leicester. He said the town was very quiet, and there “wasn’t a sinner on it”. Just ahead of them were Tracey Clarke, Pauline Newell and Kelly Lavery whom they caught up with and walked home with (9183).
- 5.86 16/5/97 House to House Inquiry was launched (3529).
- 5.87 18/5/97 Noelle Moore was interviewed and made a statement. She said that on the night of 26 to 27 April 1997, she was with Lyndsay Culbert, [REDACTED] and Matthew Bloomer. They reached the town centre by 01.45 when police had a crowd of people held back up towards the Church. At that stage she said that there was “nothing about the town except the police”. She walked up towards West Street and met Lisa Hobson. They walked towards Jervis Street and met [REDACTED], Kenny Milligan, and Lee Stockdale. They stood talking for a while and then they all went home (9156).
- 5.88 Gareth Cust made a statement. He said he was at Simon McNally’s house listening to music in the garden shed. Kyle Woods and Andrew Hill were also there. At about 01.00, they went to the Chinese restaurant on Jervis Street. While there they heard sirens and walked down near to Magowan Buildings to see what was happening. They saw the Land Rover and the ambulance. Gareth Cust said that he and Simon McNally were not with Lisa Hobson or Wayne Lunt but saw them in the Chinese restaurant on Jervis Street (9162).
- 5.89 19/5/97 Iain Carville was interviewed and made a statement. He said he was with Christopher Henderson at about 02.30 in the town and they saw an

ambulance pulling away from Thomas Street. The crowd was heading out of town. He met Marc Hobson and possibly Allister Hanvey and went to Tracy McAlpine's. He said that he saw Allister Hanvey, Dean Forbes and Andrew Allen at Tracy McAlpine's house after 03.00. He walked up the town with Chris Henderson. He met Stephen Bloomer and Marc Hobson by Cam Hing Chinese. He did not know where Chris Henderson went as he went to the party. Chris Henderson arrived later. He saw Pauline Newell, Shelley Liggett, Kelly Lavery, Jason Woods, Stephen Bloomer, Stephen Sinnamon and Christopher Henderson (9184).

- 5.90 Judith Holland made a statement. She went to Tracy McAlpine's house on the night of the incident with Andrew Osborne. Pauline Newell and Shelley Liggett were there. Judith Holland said that she and Andrew Osborne were there until between about 02.00 and 02.30 (9172).
- 5.91 Gregory Blevins made a statement. He said he walked to Dean Johnston's flat with Marc Hobson, Jonathan Wright and Allister Hanvey. Leanne Hobson was there. Hobson, Wright, Hanvey and Blevins left between 01.15 and 01.45. Blevins walked with them as far as the roundabout and went home but the others walked on towards the town (9618).
- 5.92 20/5/97 Pauline Newell made a statement. She saw Rory Robinson, David Woods and "Fonzy" Allen walking up the street through the town centre towards Thomas Street. After a few minutes she walked up the main street and saw Stacey Bridgett and Dean Forbes standing at the Land Rover talking to the police. As she passed the Land Rover she heard bickering from the other side of the street but paid no attention. She met Andrew Hill who was stopped in the middle of the road and saw Vicky Clayton and Jennifer O'Neill at the Church. Pauline Newell said that she walked to Tracy McAlpine's house and when she got there it was only her, Kelly Lavery and Tracey. After a short time, Andrew Osborne and Judith Holland arrived at about 02.15. Pauline Newell went to bed but went downstairs again at 05.00 and saw a group of people including Allister Hanvey, Stephen Sinnamon, "Fonzy", Chris Henderson and Dean Forbes (9129).
- 5.93 21/5/97 Stephen Sinnamon was re-interviewed by DC Eric Williamson who did not believe his first account. Stephen Sinnamon said he did recall whom he walked from Boss Hogg's to St Mark's Church with. He had said initially that he walked with Pauline Newell and Tracy McAlpine but it was pointed out to him that neither had mentioned him. He then stated that he walked on his own. He remembered seeing Marc Hobson and Allister Hanvey but did not walk with them. He also saw Stacey Bridgett and Dean Forbes but did not walk with them. He denied seeing the fight but saw people running about. DC Williamson did not believe that account and thought he was evasive in his answers, he commented that Mr Sinnamon knew or witnessed more but would not divulge it. No statement was recorded (3692).
- 5.94 Andrew Hill made a statement. He said he spent time with Simon McNally, Gareth Cust and Kyle Magee in Simon McNally's garden shed. At about 00.00, they left and met Lisa Hobson and Wayne Lunt just outside Simon

McNally's house. They all walked to the Chinese restaurant in West Street and then walked down through the Magowan Buildings to the Church. They all sat on the summer seats at the front of the Church. He noticed a few people standing around the Land Rover, then heard "orange bastards this was our town" and "up the RA". He saw a scuffle at the junction and 10 to 12 people in the scuffle but not all the people in the scuffle were fighting. He did not see any punches being thrown or anybody lying on the street. He ran away with Gareth Cust, Kyle Magee and Simon McNally. He did not see Lisa Hobson or Wayne Lunt after he started to run. He was wearing Nike air shoes, a denim jacket, blue jeans and an Adidas navy sweatshirt (9131).

- 5.95 Simon McNally made a statement. He said he was with Gareth Cust, Kyle Woods and Andrew Hill in the shed at the back of the McNally house. At about 01.00 they left to go to West Street Chinese restaurant but instead walked past and into town. Andrew Hill separated from them at the foot bridge in West Street as he stopped to talk to somebody there. Gareth Cust, Kyle Magee and Simon McNally walked along West Street, turned into Mandeville Street and then walked to the Church. He saw a crowd of people in the town walking up towards the Church. They were somewhere near the Alliance and Leicester where a Land Rover was parked. He saw people near the Land Rover and the Land Rover doors were open. He said he knew he should not have been there so walked into West Street heading back home. At 'Intersport', Simon McNally met his mother who had come into town to look for him. He looked back and saw **P51** coming up towards them from the Church. Andrew Hill had been near the summer seats. He joined them and they all walked home (9160).
- 5.96 23/5/97 Dennis Hayes was interviewed and made a statement. He said he was coming up through the town and when he reached the Intersport shop he turned around and saw a crowd at the summer seats near the Church. He recalled meeting his cousin, Lisa Hobson, in the town. He did not see any disturbance but saw police in the town as he made his way home (9170).
- 5.97 26/5/97 Shelley Liggett made a statement. She went to the Coach and saw Pauline Newell, Tracy Newell (aka McAlpine), Kelly Lavery, Andrew from Killycomain, "Ian Carvell", Chris Henderson, Jason Woods, Paul Currie, Dennis, Jonathan Hampton, Joe Black and Mark Black. She got the 01.15 bus back to Portadown and remembered that Kelly Lavery, Pauline and Tracey Newell, Tracey Clarke, Jonathan Hampton, Joe Black, Mark Black, Vicky Clayton and Jennifer O'Neill were on the bus. She went into Boss Hogg's and saw Pauline Newell in there. She saw Paul Currie outside Boss Hogg's. She walked with him to Tracy Newell's house. Shelley Liggett and Paul Currie walked past Thomas Street where they saw the Land Rover but as they reached West Street, she heard shouting and a police siren. She looked back and saw a crowd of about ten people. She said she did not see anyone being assaulted and could not identify anyone in the crowd. She walked with Paul Currie to the Newell house and arrived about 02.10. Tracey Newell, Pauline Newell and Kelly Lavery were at the house. A taxi picked up Shelley Liggett from the house straight away, and she went home (9180).

- 5.98 Interview list for 27 May 1997 – [REDACTED], Lee Stockdale, Noelle Moore, Kenneth Milligan, Kyle Magee (9868). They all failed to appear (14799).
- 5.99 28/5/97 Stephen Thornbury (barman at Jameson's bar) made a statement and said that as he was cleaning up in the bar he heard men walking past the bar, which was on Thomas Street. The men were shouting and they banged the windows of the bar. Five or ten minutes later he looked out and saw a crowd of people at the end of the street who were shouting. It appeared to be two groups squaring up to each other. He later saw two men lying on the road and two police officers trying to keep the groups apart (9125).
- 5.100 28/5/97 Kyle Woods made a statement. He said he was at Simon McNally's house with Andrew Hill and Gareth Cust in a shed at the back of the house. They left at about 01.20 to go to the Chinese takeaway on Jervis Street, but they did not go in. Andrew Hill stopped to talk to a boy and a girl at the footbridge. There was a commotion in the town centre so Kyle Woods, Gareth Cust and Simon McNally walked down towards the Church. They went down West Street then up the lane at the back of the Church and turned left and walked down towards the centre of town. They stopped at the front of the Church. He saw a crowd in the centre of town and a police Land Rover. The crowd was coming up from the bottom of town and there were people standing at the Land Rover talking to the police officers. Kyle Woods said that he saw one boy described as fat shouting "Chucky Ar La". He did not remember what happened next but then saw two people lying on the ground near Eastwood's and he saw the crowd punching and kicking at them. He heard glass breaking but did not see anyone throwing any bottles. He saw the police trying to push the crowd back. The atmosphere was very intense. They started to walk out of the town and met Simon McNally's mother in West Street. Andrew Hill had rejoined them and walked with them. He said he did not recognise anybody in the town that was involved in the fight as it was too far away (9133).
- 5.101 DC Donald Keys spoke to Julie Sherwood. She said she was working in Jameson's bar and went with Beverley Irwin to shut the outside roller shutter at the emergency doors. She heard people coming down the street. They were shouting something but she did not know what was being shouted. She believed she had been seen at the door so went back into the hallway then into the lounge. She was aware a fight had taken place (3792).
- 5.102 29/5/97 William Jones was interviewed and made a further statement that when he went downstairs to bring David Woods into the house he could hear people shouting abusive remarks at each other such as 'orange bastards', 'fenian bastards', 'up the RA', and 'up the UVF'. When William Jones had taken David Woods upstairs and checked him for injuries, the fight was over and the police had arrived. The whole episode lasted for a couple of minutes (9114).
- 5.103 Derek Lyttle was interviewed. He said that some time before 02.00 he heard the shutters at the front of the premises banged once and heard shouting from

more than one person in Thomas Street. He saw at least one girl and three or four men run down Thomas Street. He went to the toilet window, other staff were already there, and looked down Thomas Street. He saw two men on the ground. One man was wearing a black jacket and was level with Thomas Street. Derek Lyttle stood at the door and saw a man with a blue shirt, short ginger hair and a heavy build being pushed away from the scene several times by another youth. He saw two girls shouting for an ambulance (7792).

- 5.104 Stephen Bloomer made a statement. He said he went to Boss Hoggs with Kyle Magee and Timothy Jameson. He walked up the town afterwards slightly ahead of Timothy Jameson and Kyle Magee. At about the traffic lights he saw a fight start in the middle of the road. He thought it was a normal Saturday night fight and walked past. There were four to five people involved in the fight but he could not describe any of them. He said there were no men on the ground at that stage. Stephen Bloomer said that he walked on to the Progressive Building Society where he met Tracey Clarke and heard shouting, then police and ambulance sirens. Then he saw two men on the ground. He saw Timothy Jameson and Kyle Magee near the Church so walked over to them and then walked away home. On his way, he met Iain Carville and Chris Henderson. They went to Tracy McAlpine's (aka Newell) house. They got to the house at about 02.45 and saw Stephen Sinnamon, Stacey Bridgett, Allister Hanvey, Pauline Newell, Chris Henderson and Iain Carville there. He left again with Iain Carville and went home (9151).
- 5.105 30/5/97 David 'Rat' Gray made a statement and said as he was walking up to the town a young man said "they were killing other down the town". As he got to the centre he saw an ambulance parked on the street and a man lying in the street close to the ambulance. At the back of the ambulance he saw Dermot McNeice. He spoke briefly to Dermot Vincent McNeice and while he was doing so the ambulance left. He also spoke briefly to Res Con Robert Atkinson, which was a "short general chat" (9135).
- 5.106 30/5/97 Elayna May made a statement. She had walked through the town and heard some noise and assumed some people were fighting. She went to Geoff Smyth's flat and saw Neil Ritchie, Ann Bowles, Alison Bowles, Geoff Smyth and [REDACTED] there (9626).
- 5.107 1/6/97 Philip Curran made a statement. He said he was with David Gray on the night. They went to West Street for a Chinese takeaway meal. At the restaurant they met Paul Currie who said there was a lot of trouble in the town. They walked down into town to see what was happening. When they got there he saw a man lying on the ground who was then put into an ambulance and taken away. He did not recognize anyone and said he did not speak to anyone (9630).
- 5.108 Interview list for 2 June 1997 - Tracy McAlpine, Kelly Lavery, Simon McNally, Donald Blevins, Jennifer O'Neill, Heidi Reaney (9869). No-one attended (3866).

- 5.109 Interview list for 3 June 1997 – Michelle Jamieson, Victoria Clayton, Andrew Hill, Gareth Cust, Pauline Newell, Christopher Henderson, Conor Black, Jonathan Nelson. No one attended (9873).
- 5.110 4/6/97 DC Keys interviewed Beverley Irwin, who worked at Jameson's bar. She said that the last customer left by 01.30. She said that she went to shut the roller shutter door outside the emergency fire doors at 01.45 when she heard people walking down Thomas Street shout “fucking orange bastards” three or four times. She stepped back from the doors thinking those people were coming in. She told Julie Sherwood to tell Stephen Thornbury who went up to Beverley Irwin and they both looked out briefly and saw the fight in progress. They then went back into the bar, cashed up and partially set the alarm. She went into the lounge and went out through the lounge doors. She said other staff looked through the toilet window. Beverley Irwin saw a man in dark clothes lying on the road in a recovery position. There was a girl with him and she was crying. She saw an older man in his forties with receding hair cut short, wearing a round necked jumper and possibly a brown jacket who was trying to get another man in his twenties to leave the area. This person was being abusive towards the Protestant crowd. Beverley Irwin saw the ambulance arrive. She stayed on the street for five minutes then went back into bar and left at 02.45 (3786).
- 5.111 5/6/97 DC Paul McCrumlish spoke to Maurice Hewitt in relation to information he offered anonymously on behalf of **P42** and tried to get him to persuade **P42** to come forward (3600). DS **H** would speak to **P42** and **P41** on 27 November 2002. The letter gave an account of the fight (6578).
- 5.112 Wendy McBurney made a statement, which corroborated Simon McNally, Andrew Hill, Gareth Cust and Kyle Woods’ version of events (9637) (NB See, however, Simon McNally who did not mention his mother).
- 5.113 5/6/97 Nelson, Jamieson, Conor Black, Christopher Henderson, Newell, Gareth Cust and Andrew Hill were due to attend for interviews at the police station. No one attended (3866).
- 5.114 6/6/97 Lillie McNally made a statement. She said she was in the house with her neighbour Wendy McBurney. Her son Simon McNally was in the garden shed with Gareth Cust, Kyle Woods and Andrew Hill. They stayed in the shed throughout the evening. At approximately 00.30 she gave the boys permission to go to the Chinese restaurant. Just after 01.00 she went to look for Simon and his friends. She walked with Wendy McBurney down to West Street but did not see them. They went on to Intersport and saw all four boys standing outside. She and Wendy McBurney then walked back up with the boys. She said she saw no fighting in the town (618).
- 5.115 7/6/97 DC John McAteer spoke to Ann Bowles at her home. Ann Bowles said that while she was standing at the Northern Bank she saw a crowd of about 50 people in the middle of the road and there was a lot of shouting. She walked past the Land Rover to the Abbey National and it was then she saw Dean Forbes standing in the traffic reservation. She did not know if the police were

on the street but stated that they could have been, it was very difficult to see as people were running about (7777). Alison Bowles was interviewed at home. She gave the same details as her sister Ann Bowles. She stated that there were no men standing at the police Land Rover (7778).

- 5.116 10/6/97 DI Michael Irwin made a statement referring to what [REDACTED] had told him earlier on 10 June 1997. [REDACTED] approached DI Irwin and said that between 00.20 and 02.45 that morning he was at the re-siting of the Land Rover when [REDACTED] introduced himself. He wanted to talk to DI Irwin and told him he had witnessed the incident. He showed DI Irwin two points on Thomas Street where he had seen two people being assaulted. [REDACTED] said he had been disgusted at the media coverage; in particular that the RUC had received unfair criticism. He believed the police had done an excellent job. He related that originally on seeing the incident he did not see any police. He then saw about three police and a crowd of about thirty to forty persons. He said the police had been helpless but when other police arrived they quickly moved the crowd (9281) (NB See also 7774 re DC P6 and DC Williamson on 15 May 1997 when they spoke to [REDACTED]).
- 5.117 12/6/97 Andrew Allen was interviewed by DC Keys and DC McDowell. It was put to him that at an earlier interview there was a typographical error in the alleged nickname which should have read as 'Fonz' or 'Fonzie'. He refuses to answer (7484).
- 5.118 13/6/97 Mark Burcombe made a statement. He said that on 27 April 1997, he was in Portadown with Phillip Lunt. They were in Buffs bar between 22.00 and 01.30. They walked from Buffs bar to Westland Mews to see [REDACTED] but [REDACTED] was not at home. They walked from there to West Street and telephoned for two taxis. Mark Burcombe got a 'Call-a-Cab' taxi which took him to Tandragee. Phillip Lunt's taxi did not arrive when Mark Burcombe was with him so the last time that Mark Burcombe saw Phillip Lunt that evening he was standing in West Street at around 02.30. Mark Burcombe said that he did not see any disturbance in the town that night. (NB See also - Phillip Lunt was named in a call to Crimestoppers as a perpetrator but he was not interviewed. He was invited to attend an interview as a witness but declined) (9648).
- 5.119 13/6/97 DC Eric Williamson noted on Message 27 that he had made enquiries in relation to the nickname "Fonzy". He noted that Andrew Allen used to go to college and would be about a year older than [Christopher] Henderson (2302).
- 5.120 On 3 September 2001, DC Eric Williamson made a statement saying that on 13 May 1997, he spoke to Christopher Henderson at his home. Christopher Henderson said that on 27 April 1997, he went to Tracy McAlpine's house and saw Alister Hanvey, Stephen Sinnamon, possibly Dean Forbes and Kelly Lavery. He said there was no talk about the fight, but that it may have been mentioned casually with no reference to who did what. He noted that most weekends were similar. He could not said what Allister Hanvey was wearing (59201).

- 5.121 26/6/97 Jason McClure was interviewed and made a statement. He had been at the Coach Inn and got the bus back to Portadown, where he was left off at Herron's Country Fried Chicken restaurant at about 01.45. He went to Boss Hogg's to get some chips then stood outside Wellworths eating them at about 01.55. He chatted up a 35 year old woman in the doorway. While there, he heard shouting at the junction of Thomas Street and Woodhouse Street. He saw about 20 people at the junction and could see a fight going on with punches being thrown. He was about 100 yards away from the fight and saw a police Land Rover then he saw more police cars turn up. Jason McClure stayed at Wellworths for ten to 15 minutes then walked up to the junction. When he walked through the crowd, he walked past the injured men. There was one woman tending to them. He heard one of the men breathing very heavily and making a lot of noise. He said he did not recognise anyone in the crowd and was very drunk at the time (9165).
- 5.122 Interview list for 30 June 1997 – David Gray, Mark Currie, Jason Woods, Timothy Wilson, Christopher Smith, Aaron Reaney, Elaine Thompson, Joanne Bradley, Ann Bowles, Alison Bowles, Lisa Hobson (9863). No one appeared for interview (4024).
- 5.123 Interview list for 1 July 1997 – Witness A, Stephen Sinnamon, Sarah McCartney, Ian Mahood, James Gibson, Neil Ritchie, Jonathan Wright, Andrew Osbourne, Philip Lunt, Shelley Liggett (9864). No one appeared for interview (4022)
- 5.124 3/7/97 Carol Ann Woods was re-interviewed and made a further statement that she saw the woman sitting beside the injured person and a policeman and policewoman as well. The woman kneeling on the ground shouted at the police officer who had approached them. She was shouting and appeared angry. She shouted words to the effect of “get away you black bastards it's all your fault.” The police officer walked away. At that stage there was no crowd around the woman or the injured person. She saw an ambulance and a police Land Rover. She did not recall seeing any police officers in the area of the Land Rover (9121).
- 5.125 Interview list for 3 July 1997 – Witness B, John Johnson, ██████████, William Jones, Carol Woods, Beverley Irwin, Julie Sherwood, Steven Thornbury, Derek Lyttle, Stephen Bloomer and Matthew Bloomer (9865).
- 5.126 7/7/97 Christopher Henderson was questioned. He said he did not go to the town centre until about 03.00 because he realised there was a fight going on. Between 01.45 and 03.00 he stayed at the end of the town near the barrier with his girlfriend Cara Girvan. He saw Conor Black at Herron's Chicken Bar but Conor Black also stayed down the town. He was described as 5'11”, medium build with light brown hair parted in the middle. Christopher Henderson did not make a statement (8129).
- 5.127 Interview list for 15 July 1997 – ██████████, Dermot McNeice, Jason McClure, ██████████, Judith Holland, Jill Ritchie, Lois Wright, Dennis Hayes, Ian Carville (9867).

- 5.128 Interview list for 21 July 1997 – [REDACTED], Kyle Woods, Paul Currie, Elayna May, Geoffrey Smith, Philip Curran, [REDACTED] (9866).
- 5.129 20/9/97 DI Michael Irwin spoke to Lisa Hobson in reference to her movements in the town centre [on 27 April 1997]. She gave varying accounts, declined to speak further with police and referred to [REDACTED] solicitors (3549).
- 5.130 17/10/97 15.00 A meeting was held with Roger Davison, DPP, Gordon Kerr QC, Jonathan Wright, DS Robert Cooke and DS Dereck Bradley. In his note of the consultation, Roger Davison recorded that Jonathan Wright would be a credible witness who did not indicate any unwillingness to give evidence (17591).
- 5.131 15.30 A meeting was held with Roger Davison, DPP, Gordon Kerr QC, DS Robert Cooke, DS Dereck Bradley, DC John McAteer, Tracey Clarke and Tracey Clarke's parents, [REDACTED] and Jim Murray. Roger Davison recorded that Tracey Clarke was able to recall the events of the night in accordance with her statement without having had an opportunity to refresh her memory. He considered that she was reasonably articulate and seemed to be telling the truth. If she were to give evidence he considered that she would come across as very truthful. Tracey Clarke expressed that she would rather die than give evidence (17591).
- 5.132 Interview list for 10 November 1997- Dean Forbes, Allister Hanvey, Rory Robinson 9870.
- 5.133 13/3/98 Jonathan Wright made a third statement in which he said that his first statement was correct and his second statement was not correct (581).
- 5.134 9/5/98 13.35 Further enquiries were made to establish whether 'Cinnamond' was at Tracy McAlpine's party. When he was first interviewed, he did not mention the party. Stephen Sinnamon accepted that at 02.15 to 02.30, he went to a party at McAlpine's house. He outlined that Tracey Clarke, McAlpine, Forbes, Osborne, Holland and Pauline Newell were present. He denied there were other people at the party whom he could not name because he was drunk. He stated that at some stage at the party, the fight was discussed but he would not say by whom. It was discussed that 'one of them boys' hit wee Davy Woods. DC P6 stated that during the interview Sinnamon was very nervous, he welled up with tears & blushed frequently (15461).
- 5.135 DI Michael Irwin wrote to the Coroner listing a number of witnesses who had been interviewed after caution who declined to make witness statements or attend the inquest (373).
- 5.136 2/1/01 DCI K and DC J checked the account given by Stephen Bloomer of catching a taxi at around 03.45 and found no record (1639).
- 5.137 15/2/01 DC P5 telephoned Gregory Blevins to request a further interview. Gregory Blevins refused but did confirm that he was known as Groggs (4920).

- 5.138 7/11/01 Paul Currie completed a QPG [Questionnaire Party Goer]. He said he walked through the town with Shelley Liggett, Jason Woods and Pauline Newell. He was at Winemark when he heard sirens and saw blue flashing lights. He only found out about the incident the next day. He was with Allister Hanvey for most of the night (57016).
- 5.139 Christopher Henderson completed a QPG. He said that he, Allister Hanvey and Jason McClure walked from Tracy McAlpine's house to the centre and shared a taxi. The centre was taped off with yellow and black police tape. He said that someone at the party may have been wearing a silver jacket with orange flashes on the sleeves but he could not remember who (70945).
- 5.140 Iain Carville completed a QPG. He said that he could not remember whom he arrived at the party with and he did not see Allister Hanvey that night (70949).
- 5.141 The other QPGs were: Judith Holland. She said that she saw no police man and no fighting. When they left Tracy McAlpine's the only people remaining were Shelley Liggett, Pauline Newell and Tracy McAlpine 70953.
- 5.142 Stephen Bloomer. He said that he went to a party at Tracy McAlpine's house. Stephen Bloomer left at around 03.15 with Christopher Henderson, Iain Carville and possibly Kyle Magee and Allister Hanvey remained there 70957.
- 5.143 Andrew Osborne. He stated that he got to Tracy McAlpine's with Judith Holland at about 02.00 (709650).
- 5.144 Kelly Lavery. She said that she arrived at Tracy McAlpine's with Pauline Newell and Tracy McAlpine around 02.30 (70969).
- 5.145 Shelley Liggett. She said she was with Tracy McAlpine and Kelly Lavery. She heard shouting but did not see a fight. She thought that Allister Hanvey was at Tracy McAlpines' house (Made 24 January 2001) 70980.
- 5.146 Jason McClure. He said he could not remember what Allister Hanvey was wearing 70990.
- 5.147 8/10/02 DS **H** and DC **P5** spoke to **P42** at home to request an interview in relation to the anonymous letter. **P42** said that he had been injured at work and would be unable to assist for at least six weeks.
- 5.148 27/11/02 The notebook entry of DS **H** referred to an interview of **P42** who handed in the anonymous letter through Maurice Hewitt, the father of his wife (72308).

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

The Panel may wish to consider whether any effort was made to ascertain if Victoria Clayton, who admits to wiping blood from Stacy Bridgett's nose, knew any information on how his injury came about, and whether she still had

the object that she had used to wipe away the blood, in case it had Robert Hamill's DNA (transferred from Bridgett Stacey) on it..

The Panel may also wish to question the police investigation surrounding those who were placed at a party at Tracey McAlpine's house. If a number of key witnesses were placed at one location shortly after a serious crime would it not be beneficial for the investigation to move in and start asking neighbours etc if they noticed anything suspicious. Did Tracey McAlpine have regular parties or was this different from any other night? Forensics may also have been able to gather significant information from within the house or the grounds surrounding it.

The Panel may also want to bear in mind that a lot of the statements given by those present, particularly those who are suspects, but also those who were involved in the general public disorder, may not have given truthful accounts as their makers may have feared incriminating themselves. Others may have been covering up for friends.

Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)

The Inquiry is referred to submissions contained in Sections 7 and 8 herein relating to the identification of witnesses and evidential issues pertaining to the question of clothing allegedly worn at the scene by Allister Hanvey.

Submissions by the Police Service of Northern Ireland

See section 7 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed.

- 6 A number of witnesses gave evidence about what they had seen and what steps the RUC took to obtain information from them:

Maurice Hewitt

Statement

- 6.1 Para. 2: A day or so after the incident **P42** told him that he had witnessed part of the incident. He was asleep in bed and heard a noise. Mr Hewitt said to **P42** he should tell the police or let Mr Hewitt tell them. **P42** said he was fearful for his safety and was frightened of retribution from paramilitaries. Mr Hewitt was also fearful for him. Mr Hewitt spoke to a collator in Portadown for him. He passed on the information verbally. Mr Hewitt told the police that **P42** would only make an anonymous statement. DC McCrumlish came to the house and asked if **P42** would make a statement. Mr Hewitt told them he would not as he was frightened. **P42** then made an anonymous statement which **P41** typed up for him.

- 6.2 Para. 5: He remembered two detectives coming to the house to ask again whether **P42** would give a formal statement. One of the detectives was DS **H**. They knew it was **P42** who had sent the anonymous statement by that stage. He was aware that **P42** later went into the police station to speak to the police but Mr Hewitt did not know anything more about that.

P42

Oral Evidence

- 6.3 The anonymous letter (1038) was written the day after the fight (p.6).
- 6.4 **P42** was advised by Maurice Hewitt to write an anonymous letter. **P41** typed it and then handed it in an sealed envelope to Mr Hewitt (p.30).
- 6.5 There were no descriptions in the statement as he could not (and would not (p.8)) describe anyone he saw (p.31).
- 6.6 His memory of the weekend of 26 and 27 April 1997 was good when he wrote the letter (p.41).

Shelley Liggett

Statement

- 6.7 Para. 10: 9180 said she walked up town with Paul Currie but Mr Currie did not recall that.
- 6.8 Para. 13: 9181 stated that she heard a siren. She did not see the source of the siren. She was roughly next to the junction of Mandeville Street and West Street when she heard the siren. It was not true (per 262) that she was with Tracey Clarke and ran back down West Street to see what was happening.

Oral Evidence

- 6.9 She knew the other girls mentioned in 262 (Ms Newell, Ms McAlpine and Ms Lavery). She did not recall anybody running or shouting “fight, fight” (p.98). Re Para. 13 80679 (Tracey Clarke was a liar) she said “it was a strong word to use but I did not recall saying it” and she did not know Tracey that well (p.108). She thought she was mistaken (p.109).
- 6.10 She did not remember anyone she mentioned in 9181 being in the crowd (p.99). She did not know about the timing Iain Carville suggested (“saw Liggett at McAlpine’s house after 0300” per 9185). She was not checking the time as she had a taxi ordered (p.100).
- 6.11 She saw a group of ten fighting (per 9180) but she could not say if the police were amongst the crowd (p.105).

Paul Currie

Oral Evidence

- 6.12 His evidence in 3675 (walked up town with Mr Woods Ms Liggett and Ms Newell) was the same as he provided now. He was not asked about the people he was with and what people were wearing (p.56). Even if he was asked he did not remember what people were wearing at that time (p.57).
- 6.13 57019: He was in Allister Hanvey's company at the Coach Inn throughout the evening (p.60). When he was told Mr Hanvey did not go to the Coach, he did not remember when or where he saw Mr Hanvey (p.64).

Victoria Clayton

Oral Evidence

- 6.14 Per 8115: within two days the police had discovered she was at the scene (p.101).
- 6.15 The police re-interviewed her the next day (p.120). She did not know why she was being re-interviewed (p.124).

Dean Forbes

Oral Evidence

- 6.16 Per 7004 "Ducko was by Dorothy Perkins" (p.61). "Ducko" was Donald Blevins (p.62). Mr Forbes saw him when he was at the summer seats (p.111). Mr Blevins was not involved in the fighting (p.112).

Marc Hobson

Statement

- 6.17 Para. 9: He was told 9 years ago [1997] Mr Wright had been pressured into making his statement.
- 6.18 Para. 14: After his arrest, he was advised not to stand on an Identity Parade but he was identified at Lurgan station by Con Neill on 10/5/97.

Oral Evidence

- 6.19 (All per 562) "I went and got a Chinese from West Street. I walked to the front of the Church. I sat on the wall in front with Jonathan [Wright]. I could see a body on the ground in the middle of the town (p.122). I did not see

anyone fighting or shouting. There was an ambulance in the middle of the street". The body was at Snapshot 1 (p.123).

- 6.20 Per 568 "Marc ran down into the crowd fighting. I stood at the edge of the flower beds facing Abbey National. I could see him reach out for somebody. I did not see him hit anyone" (p.124). Mr Hobson said "that was lies" (p.124). He did not go into the crowd and he did not leave Mr Wright (p.125).
- 6.21 Mr Wright visited Mr Hobson in prison on a number of occasions when he was on remand. Mr Hobson did not know he had given a statement (p.125). Mr Hobson found out Mr Wright gave a statement when he got the Preliminary Enquiry papers. Mr Hobson did not see Mr Wright after that. He would not give his permission for Mr Wright to visit him in prison. He cut off contact with Mr Wright (p.126). Mr Hobson did not ask Mr Wright to give evidence to support him as once Mr Wright had lied Mr Hobson did not want anything to do with him (p.127). Mr Hobson was told that the police had forced Mr Wright to make a statement. He did not remember who told him, but it was not Mr Wright (p.128). He did not recall when he found that out (p.129). He did not remember any phone contact but they may have spoken by phone (p.162). 21212 shows 24 calls (p.163). Mr Hobson said there would be no phone calls after he got the Preliminary Enquiry papers (p.164) but the calls on 21212 may have been made by him (p.165). He did not know if he discussed the case with Mr Wright (p.166), but it was most likely he did. Mr Wright might have informed Mr Hobson he had made a statement (p.167). Mr Hobson was surprised at Mr Wright's second statement as it was lies. Mr Hobson was not expecting a second statement (p.168). He did not remember if Mr Wright told him he had been summonsed as a witness (p.169). He did not know if he made calls to Mr Wright on 13-18/10/97 (p.171). He could not explain why the calls were so close together. They may not have been made by him (p.175). He did not know of Mr Wright's consultation with the DPP on 17/10/97 (p.172). He did not discuss how to get out of the situation and denied Mr Wright said he would say the police put pressure on him (p.180). He did not remember the discussion about cross-examining Mr Wright when he got his PE papers (p.187). He must have spoken to Mr Monteith before 18 March 1998 as a letter was written requesting witnesses on that date (p.187). He did not contact Mr Wright or get anyone else to contact him (p.192).
- 6.22 Mr Hobson knew Timothy Jameson, but he did not know him well. He knew some of Mr Jameson's family well. (p.129). Mr Jameson said (266) "I saw 'Muck'. He was overweight, with very short brown hair and a goatee. He had black leather jacket on. I was four or five feet from him and he was punching a man wearing an Umbro sweater in the face. Marc knocked this guy down. He stayed there for one minute then got up. Marc did not hit him while he was on the ground. Marc started fighting with another fellow with blue shirt, tie, in his mid thirties with short ginger hair. The man was trying to stop the fighting." Mr Hobson said each element of the description fits him but he was not punching or fighting. He did not see a man wearing a blue shirt and tie (p.131). Mr Hobson said the Inquiry would need to ask other people to explain why Mr Jameson and Mr Wright were forced to give evidence against him

(p.132). He found out that Mr Jameson named him three years ago. He did not make enquiries as to why (p.147).

- 6.23 Mr Hobson did not remember much about the relationship between Tracey Clarke and Allister Hanvey. He did not know Mr Hanvey well (p.132). He thought Tracey Clarke wanted to get back at Mr Hanvey and so used his friends to hurt him. However, Mr Hobson was not a close enough friend to Mr Hanvey to be used in that way (p.133). Tracey Clarke identified him, and others, as kicking a man on the ground (17328). Mr Hobson knew Mr Bridgett. He knew Mr Forbes and Mr Robinson, but not as well as he knew Mr Hanvey and Mr Bridgett (p.134).
- 6.24 Ms Clarke, Mr Jameson and Mr Wright's evidence against him was false and he did not know why they retracted their evidence (p.139). He had no part in the withdrawal of their evidence (p.161).
- 6.25 Per 9184: Mr Hobson was put at Ms McAlpine's party. He denied he was there (p.144).

Rory Robinson

Oral Evidence

- 6.26 Mr Robinson knew, from his statement, that he was on the bus coming back from the Coach Inn (p.2) and he walked from the barriers up towards West Street (p.3). He told the police that he walked up town and when he got to the Church he heard "Orange bastards" shouted. He turned round and saw a big scuffle (7561). Per 7605 he hung around to watch fight and saw hands swinging (p.10).
- 6.27 He did not remember the event itself as it was 12 years ago. He did not remember what happened as his memory was a complete blank. He was able to bring back his memory from his statement (p.4). He had no recollection of being in Portadown town centre (p.32). He had no memory from the night itself (p.33).
- 6.28 **P42** (1038) described Catholics coming down Thomas Street and a group of Protestants being outside the No. 7 bakery. The two groups came together. There was a stand-off, then a Protestant struck the first blow and the fight started. From Rory Robinson's statements, Rory Robinson was not one of men in the group by the bakery (p.7). He had no recollection of this now. He was not in the habit of being involved in fighting in Portadown, or kicking people (p.8). Mr Robinson would remember if he saw someone beaten up (p.35).
- 6.29 Mr Robinson did not know Andrew Allen. Mr Allen said (7397) that he was walking up the road with Rory Robinson and David Woods and they stopped at the bakery. Rory Robinson did not remember that. Mr Allen stated that when they were standing at the Thomas Street junction there was a coming together with a group of Catholics who had come from Thomas Street. All

three exchanged blows (p.11). Rory Robinson said that there was no reason for Mr Allen to say that they were involved in fighting and that they were attacked (p.12).

- 6.30 Mr Robinson did not know David Woods. Mr Woods said (7493) that he was on his own by the bakery. Mr Robinson could not explain why Mr Woods would say he was on his own when Mr Allen said there were three of them (p.13).
- 6.31 Mr Robinson did not know Pauline Newell. Ms Newell said (9128) that she saw Mr Robinson, Mr Allen and Mr Woods walking up town together. Mr Robinson said she could be telling the truth as all he had to go on was his police statements (p.14).
- 6.32 People, including police officers, have him as being in a crowd that was very aggressive and very violent. He did not remember that and it did not happen as the statements show it did not (p.15).
- 6.33 Mr Wright (9141) described Mr Robinson as “running around like a headless chicken” in the middle of the crowd. Mr Robinson said he did not know Mr Wright (p.16).
- 6.34 Con Neill (9669) identified Mr Robinson as taunting the injured parties. “Mr Robinson was moving along the police line, trying to get through. Mr Robinson squared up to me”. Mr Robinson said that this was not true and that he was not there (p.18).
- 6.35 Res Con Silcock (9221) said Mr Robinson was verbally abusive. He was wearing a bright yellowy, orange shirt with a black check. Mr Robinson said he was not there and he did not recall wearing a shirt like that (p.20).
- 6.36 Con Adams (9224) said he got Rory Robinson out of the crowd and escorted him back down through the town as he knew that Mr Robinson lived in that direction. Mr Robinson said that from his statement it was true that he lived there, but he was not in the crowd (p.21).
- 6.37 Con Cooke (9225) identified Rory Robinson as being in the crowd. He was wearing a yellow shirt with a fine check and beige trousers. Mr Robinson said that Con Cooke was not correct about his clothing. He did not remember what he was wearing. He was not there in the crowd (p.23).
- 6.38 Res Con Atkinson (6347) said he struck a man in a mustard shirt in the stomach to prevent him coming through the police line. Res Con Atkinson believed this man was Rory Robinson (p.24). Mr Robinson denied that it happened (p.25).
- 6.39 Mr Robinson did not know Timothy Jameson. Mr Jameson said (15884) that he saw Rory Robinson fighting and described him as was wearing cream jeans (p.26). The police seized a pair of cream jeans (CW2) from Mr Robinson that

they said match that description (7719). Mr Robinson did not remember that (p.27).

- 6.40 Mr Robinson did not know Tracey Clarke (p.27). From his statement he might have known her from the Coach Inn. Ms Clarke (17328) identified Rory Robinson as kicking Mr Hamill. Rory Robinson said that this was not true (p.28). He could give no reason why she would make it up (p.29).
- 6.41 Per 50182 Mr Robinson was called a “black bastard”. He was then hit and Mr Robinson retaliated. Mr Robinson said that this was not true. Per 17805 Mr Robinson had a jacket seized, which having his blood on the inside. Mr Robinson said that this was the first he had heard of it (p.30).

Ann Bowles

Oral Evidence

- 6.42 The police came to her house to take 7776. She did not know why she only identified Mr Forbes in 7776. She refused to make a statement as the incident was nothing to do with her and she wanted nothing to do with it (p.73). The police came to her house again for 7777 (p.74).

Timothy Jameson

Statement

- 6.43 Para. 6: Officers said his statement would take 15 minutes to make when they collected him.
- 6.44 Para. 7: He only remembered talking to one detective during the interview, but there may have been two. “I kept telling him I could not remember what happened”.
- 6.45 Para. 9: Mr Jameson was wearing black jeans and a white T-shirt with ‘CK’ on it.
- 6.46 Para. 20: He would not stand four or five feet from a fight.
- 6.47 Para. 27: The phrase “punch this fellow” was not language that he would use.
- 6.48 Para. 36: The detective told him that you could not put in a statement that you were drunk. Mr Jameson had had seven or eight pints, not four or five.
- 6.49 Para. 39: Mr Jameson made no comment on witness A being at the police station at the same time as he was.
- 6.50 Para. 40: That witness A was Tracey Clarke was common knowledge.

- 6.51 Para. 47: He was arrested, cautioned and interviewed on 19/11/02. That was the first time that he discovered that the police took his statement because of Res Con McCaw and Res Con G's statement. He did not know what happened after the interview and whether he received correspondence informing him that he would not be prosecuted

Oral Evidence

- 6.52 Mr Jameson drank at the Coach Inn in order to get drunk (p.132).
- 6.53 Per 70865: "I got off the bus at about 01.40. I went to Boss Hoggs, came out, stood at Wellworths, looked up street, saw the Land Rover beside the Halifax and I saw a large crowd". He did not recall what time it was but the bus generally got in at 01.40 and left at 01.15. The trip took about 20 minutes (p.48). He did not remember the interview, during which he made 70865 (p.50). He said "I walked up through the middle of town, stood at the Church and observed people moving around down in the town centre" (p.51) "I was with Kyle Magee". Mr Jameson did not mention Mr Bloomer as maybe he could not remember him being there, although this was two days after incident (p.72).
- 6.54 Mr Jameson did not remember if he was one of the first people to walk up the street. He did not know if he was walking with Kyle Magee, Stephen Bloomer and Jennifer O'Neill but Mr Bloomer was normally with him. He mentioned Mr Magee in 70865. He did not know Ms O'Neill. He did not know what the atmosphere was like or what they were doing as they walked (p.49).
- 6.55 Stephen Bloomer (9151) said he was with Mr Jameson and Mr Magee (p.106) and he saw four of five people involved in the fight.
- 6.56 Mr Jameson said the detail in 266 came from DC Honeyford (p.71). Per 266: "I stood by the bus for five minutes to see if there were any parties going on". He did not recall if that happened (Mr Jameson agreed that DC Honeyford could not have known those details p.74); "I went on my own to get a chip and coke from Boss Hoggs". Mr Jameson said he could have got those (p.53) (He was told by Kyle or Stephen that he had got those. They discussed the events of the night before he gave his statement (p.75)); "I saw Mr McClure, who plays football for Hanover, with his girlfriend". Mr Jameson did not recall knowing anyone called McClure (9165 shows that McClure was at the scene); "I stood with two mates waiting for Tom Quinn, who was on the second bus". Mr Jameson did not know if there was a second bus and he did not know if Tom Quinn got the second bus; "I decided not to wait for the bus (Mr Jameson said he told DC Honeyford that p.77). I walked up through town with Mr Bloomer in front of me and Mr Magee behind me"; He did not remember if that was true (p.54). "I dropped my chips and saw a dark police car coming fast up the street and stopping opposite Thomas Street". Mr Jameson did not recall seeing the police at all (p.56). "We walked to Church, the police moved the crowd up street and a second car arrived and parked behind first one. Some police officers got out. I noticed Res Con Atkinson carrying a rubber bullet gun". Mr Jameson knew Res Con Atkinson as he escorted Mr

Jameson's father. Mr Jameson said that he did not tell DC Honeyford that he saw Res Con Atkinson. He did not know how DC Honeyford knew that Timothy Jameson knew Res Con Atkinson (p.57). He did not know why an officer would put in "I did not see the police get out of the Land Rover" in a false statement (p.61). The name Stephen Bloomer was given, not suggested, to him by DC Honeyford (p.74).

- 6.57 Mr Jameson knew all of the names in his statement: "Marc, also know as Muck, Rory Robinson, Hanvey, Fonzy, Forbes, Bridgett, Clayton" (p.59) He did not see any of them fighting. Mr Jameson said DC Honeyford knew the rumours going around Portadown as he was able to tell Mr Jameson the same stories. Mr Jameson said he did not see the incident first hand (p.60). The "Fonzy" Mr Jameson knew was **P55**. He knew Andrew Allen was known as "Fonzy" but he did not know his real name (p.65). The rumours around town did contain as much detail as the statement had e.g. who was punching and kicking and where the police cars stopped (p.66). DC Honeyford was suggesting names to him (p.78). Mr Jameson did not know if "Muck fighting with a man in a blue shirt and tie, in his thirties with short ginger hair" (266) was from a rumour or DC Honeyford (p.109) or the origin of 'Rory Robinson was wearing cream jeans' (p.110). DC Honeyford suggested what Mr Hanvey did (p.112). DC Honeyford added that Mr Bridgett had a bloody nose (p.115).
- 6.58 Mr Jameson did not recall if he was asked to attend an Identity Parade or to look at mug shots (p.66). He knew his identity would be protected as DC Honeyford told him it would be (p.89). He did not remember if he was relieved to know this (p.90). DC Honeyford left the interview room a few times during the interview (p.89). DC Honeyford sat with a pen and paper and Mr Jameson answered his questions to the best of his ability. DC Honeyford said that if Mr Jameson did not remember what happened, there was a good chance he would become a suspect (p.135). Once the statement had been written, DC Honeyford read it back to Mr Jameson (p.136).
- 6.59 Mr Jameson was not trying to tell the police what he knew and what he had seen in 266. He did not agree with the statement (p.55).
- 6.60 Mr Jameson said the interview was not as straightforward as was being made out by DC Honeyford. He signed the statement, as he did not know that he did not have to (p.64). He felt like a suspect when he gave the statement (p.65). When he got home he did not tell his mother about what had happened in the police station as he did not talk to his mother about things like that (p.79). Mr Jameson did not try and contact anyone who had been named in his statement to say that he had been forced to sign a false statement (p.82). He did not consider making a complaint against DC Honeyford (p.62).
- 6.61 Mr Jameson told his father about the false statement a couple of weeks after it was taken (p.63). He did not know why he took so long (p.82). He did not recall his father's reaction or the steps he took (p.87). Mr Jameson did not go to the police station (p.88). Mr Jameson knew the statement was false as he could not repeat the events in the same sequence as Timothy had in his statement (p.63). Timothy Jameson thought he told his father when he heard

that people had been arrested and were on remand (p.84). He did not use the words 'duress' or 'intimidated' when he told his father. He used 'duress' later (p.86). He did not recall who he said it to (p.87). They got in touch with a solicitor (p.63) in Banbridge. He did not know if this was his father's usual solicitor as he would not have asked. He did not remember the meeting. The purpose of the meeting was to get statement retracted (p.91). Bobby Jameson made an appointment (per 72848 "meeting with BJ & son"). 72988 was another note about the meeting on 21/5/97 with the solicitor. The note did not mention 'duress' or 'intimidation' or that words were put in Timothy Jameson's mouth. Only that the statement was "based on rumour and that he was drunk on night" (p.93). This note surprised Mr Jameson (p.96). He was advised to contact the police or the DPP. He did not know if he did. He did not know if he made a statement of retraction (p.94). Mr Jameson did not do anything for five and a half months (p.95). He did not know why (p.96). He did not wish to withdraw his evidence on account of concern that it would be bad for his father's business (p.128).

- 6.62 17591 showed that the statement contained rumours and Mr Jameson agreed with what the police said to him (p.121).
- 6.63 The police called him at his mother's house in the afternoon. When he got home from school the police called again and took him to the station (p.69). DC Honeyford told him that taking his statement would take half an hour (p.133). He thought he knew that Robert Hamill was dead when he gave the statement. He thought that the police were taking a statement from every witness (p.70).

Noelle Moore

Oral Evidence

- 6.64 Jennifer O'Neill said (8151) that she saw Ms Moore at the Church at the same time that Ms O'Neill saw 10 people fighting (p.75). Ms Moore said that Ms O'Neill did not see her as Ms Moore did not see Ms O'Neill. She said that she did not see any fighting and she was not part of the crowd (p.76). Ms O'Neill also said that she spoke to Ms Moore as she walked away from where she had been watching the fighting (9153). Ms Moore denied that (p.77). Ms Moore could offer no reason why Ms O'Neill would falsely place her near the scene (p.78).
- 6.65 Con Cooke saw Ms Moore in the crowd (9225) when the police were pushing people back up the street towards the Church. The crowd was hostile to the police and the injured parties. Con Cooke identified Mr Bridgett and Mr Robinson as well. Ms Moore said that Con Cooke was lying and that she did not see anything (p.81).
- 6.66 Ms Moore vaguely remembered a policeman talking to her in Jervis Street at 05.50. She had not seen that policeman before that night. She had not seen

him at the scene. She must have given him her name and date of birth as it was correct in 9225. Ms Moore still denied being present at the incident (p.81).

- 6.67 The clothes she was wearing on the night of the incident did not match those in 9225 (p.82).
- 6.68 [Name redacted] in 8139 saw the police catch someone wearing a Ranger's scarf (p.88). Ms Moore accepted that that witness must not have left her and walked out of town (p.89). Matthew Bloomer (8124) said he saw an ambulance. Ms Moore said that she thought that they went home away from the town centre (p.90).
- 6.69 Ms Moore heard about the "Coach boys" being involved from rumours around Portadown. She thought that she had not heard the rumour at school (p.73). Ms Moore said in 9156 that when they were walking towards Portadown from Edenderry, someone had told them there was a fight. There was nothing in the town centre except police. Ms Moore said that if she said in 9156, then it must be true (p.74). She was on the streets all evening and did not hear anything about a fight (p.82).

Wayne Lunt

Statement

- 6.70 In 6856 Mr Lunt gave descriptions of the clothes the girls he was with were wearing: Ms Reaney was wearing a checked skirt and tights. He did not remember what jacket she was wearing. Ms Jamieson was wearing jeans. He did not recall what top she was wearing. Lisa Hobson was wearing black hipsters and Mr Lunt did not remember her top. Ms Bradley was wearing jeans. All the girls had coats but he did not remember what type they were. Nearly all the coats were black but he did not think Ms Reaney had a coat on (p.4).

Oral Evidence

- 6.71 Mr Lunt sat at the summer seats for five or ten minutes and then crowd started to return (6870). Mr Lunt did not remember the fight breaking out and people running down to watch it (p.7). Michelle Jamieson said she saw the fight and heard bottles smashing. She walked down to the fight and saw a woman screaming (9146). Mr Lunt did not remember any of that (p.8).
- 6.72 In 6826 he told the police that he walked down into town. He could see police officers standing in a line (pushing people up towards the Church p.13) and some Land Rovers (p.8). He remembered hearing shouting and then walked down to the town centre. He remembered seeing police officers (p.9). He did not remember hearing bottles smashing (p.13). "Shouting and stuff" attracted him to walk down to fight (p.36).

- 6.73 Mr Lunt did not recall if he stayed in the vicinity until 03.00. At 6831 Mr Lunt said that as he went to get a taxi, he saw the police woman who had arrested him taking care of a road accident. He did not recall why he was in Portadown for so long but he had to walk the long way around town and did not go through the centre (p.22).
- 6.74 Mr Lunt said at 6819 that he saw a man lying on the ground when he got out of the Land Rover. Mr Lunt remembered seeing this man lying on the ground just after he was let out of the Land Rover (p.23).
- 6.75 Per 6843: Mr Lunt said he left the Land Rover, crossed the road to the Thomas Street side of Market Street and a man by the Land Rover shouted at him. The police then pushed him into a shutter. Mr Lunt did not recall that (p.26).
- 6.76 Per 9103 Mr Prunty described Mr Lunt as shouting “up the UV”. Mr Lunt did not remember shouting that. He was not a UVF supporter. He did not remember other people shouting that (p.27).

Kyle Magee

Oral Evidence

- 6.77 Mr Magee was not sure why Stacey Bridgett’s name was not mentioned at question three of 8119 (p.65).

Tracy McAlpine

Oral Evidence

- 6.78 Ms McAlpine remembered making 70984. She refused to answer the questions as she would not say something she if did not know if it happened. The police were trying to put words in her mouth (p.35). The police were suggesting that Ms McAlpine saw events and individuals. They were asking “did you see X” not “you saw X, did not you” (p.37). That was what she meant by “suggesting” (p.40).
- 6.79 The police went to visit her to take 9616. She was happy to talk to them (p.31). She remembered seeing Vicky Clayton somewhere near the Church, but she was not sure exactly where (p.32). She did not know Fonzy’s proper name (p.33).

Simon McNally

Statement

- 6.80 Para. 20: Mr McNally did not know why in 9160 he said that Andrew Hill asked him not to say that. Mr McNally had no reason to lie for Mr Hill. When

he saw Mr Hill he did not have any injuries and he did not mention a commotion.

Kenneth Milligan

Statement

6.81 Para. 12: Mr Milligan had not been asked to explain discrepancies between his two accounts.

Jennifer O'Neill

Oral Evidence

6.82 Her 1997 statement to the police would show her full knowledge of the incident (p.7). "Fenian Bastards shouted", per 9154, was referring to a man shouting, "I'm a fenian". Ms O'Neill believed that if the police had asked her, they would have got more detail about the situation (p.8). She did not specifically recall what was shouted but it contained "Fenian" (p.26). If this was not included on 9153, it was probably because the police did not ask a question about it (p.27). However, she was asked "could you remember if you heard anyone said anything?" to which her answer was "I heard people shouting Fenian bastards" (p.29).

6.83 She made 9153 at her parents' home. There was only officer, her and one of her parents present. They went through what happened during the night (p.12). The officer wrote the statement. He asked questions as he was taking the statement (p.13). She did not recall what questions he asked. The statement took 45 minutes to write (p.14). Precise questions, such as "where were you on the bus?" were asked (p.15).

Jonathan Wright

Statement

6.84 Para. 24: When DC Honeyford realised he had broken Mr Wright, he got someone else to come in and take the statement.

6.85 Para. 29: Mr Wright contacted DC Honeyford sometime after Christmas 1997 and arranged to retract his statement.

6.86 Para. 40: The police interviewed Mr Wright's father about the telephone call and he confirmed that he did not receive the call. He would have been up at his Church.

Oral Evidence

- 6.87 Mr Wright did not put “I was going down to meet bus to look for a party” in his statement he made on 11 May as he was not asked that question (p.112).
- 6.88 Mr Wright remembered very little about the consultation on 17 October 1997. The consultation note (16591) said “Mr Wright relates the incidents in accordance with his statement but in his statement he referred to Mr Hobson being involved in the fighting; during the consultation he described Mr Hobson as pulling people out of the fight. Mr Wright was not unwilling to give evidence” (p.95). Mr Wright did not tell the people in the consultation about being pressured to make his statement as was afraid he would get into trouble for lying to the police (p.96). Mr Wright was in a position where he did not want to get into trouble and did not want to put Marc in trouble, as Marc was not there (p.97). Mr Wright did not tell anyone he was going to see the DPP (p.12) He did not recall saying Mr Hobson was pulling people out of the fight (p.14).
- 6.89 At the time of the consultation, he had no idea what would happen with his evidence. There was no discussion about whether he would give evidence (p.98).
- 6.90 There were four calls made from the Maze prison to his house on 17 October (21212) (p.16). Mr Wright did not know if Mr Hobson was trying to call him about the consultation (p.17). Mr Hobson and Mr Bridgett would call him, with Mr Hobson calling most frequently (p.19). He did not remember the call on 18 October that lasted 11 minutes (p.20).
- 6.91 Mr Wright asked no-one for advice about retracting his statement (p.102). He retracted his second statement at Craigavon Courthouse and he met Mr Kerr QC and Mr Davison. Mr Wright said he had made his statement under duress and it did not contain the full facts (17295) (p.148). Mr Wright remembered DS Bradley being there (p.11). He did not know if it was a coincidence that he retracted his statement in the month before Mr Hobson’s committal hearing (p.154). He was 18 at the time of retracting his statement (p.156). He was not summonsed as a witness (p.11). 17295 said “I made it up as I was afraid and I now know it was known by others in Portadown” and therefore he would not give evidence. Mr Wright said he did not know other people knew about his statement and that was told on day of the retraction (p.47) and that the police officer included that in the statement despite Mr Wright having told him that he was not afraid (p.48). Mr Wright retracted his statement as it was false (p.53).
- 6.92 The officer who took his first statement also took his second (p.88) and put him under pressure when taking the second (9141). The second statement came about because the police called him and asked him to go back to the police station (p.88). The officer told him that he was not telling truth and he had withheld information. The officer made suggestions such as “Allister and Marc were at the scene” (p.89). They talked about this before the statement was written. Mr Wright did not accept these suggestions but DC Honeyford

would not accept that. DC Honeyford wrote the statement by hand. Mr Wright signed it because he wanted to get out of the police station and felt he had to tell DC Honeyford something (p.90) so he “made stuff up” (p.91). Mr Wright asked for legal representation when he was being accused of telling lies (p.102) and he was told that there was no solicitor available and the nearest was in Lurgan police station. Mr Wright did not recall if he said he would rather wait for a solicitor (p.103). The officer told him that he could not go on holiday and his father and girlfriend would be humiliated. The officer also insinuated he would charge Mr Wright (p.122).

- 6.93 His second statement was not the truth (p.103). The officer called his house and then came round. Mr Wright was out and his father told him about the officer visiting when he returned. Mr Wright was in the station for a lot longer than when he made his first statement (p.121).
- 6.94 The parts of the second statement (9141) that were incorrect were: “Mr Hobson and he walked into the centre of the street and could see a fight taking place at the junction” (p.89); “that he was 30 yards from the fight and there were 20 or 30 people in the middle of the street” (p.91); “the man in the blue shirt and tie was shouting “come on” to Protestants” came about as the officer asked if Mr Wright had seen him. “Marc ran down into crowd fighting” was included because the officer said he knew Mr Hobson was there (p.92) and that he was not with Mr Wright. “Hobson lifted his hand and reached out”: Mr Wright did not see Mr Hobson fight so he had to give the officer something. “I saw Rory Robinson running around like a headless chicken. I saw Stacey Bridgett trading punches” (p.93). The officer said that he must have seen Mr Bridgett and Mr Robinson. “Running like a headless chicken” were Mr Wright’s words. This was made up (p.94). Mr Wright was not sure which words in the second statement that were not in the first statement were ones that the officer put in (p.128). The officer was suggesting “did you see this or that?” (p.129). Mr Wright felt the officer was trying to stitch people up. The officer was happy with “did not hit anyone”. He did not press Mr Wright to say “I saw Marc Hobson punch someone” (p.130). The officer did not press him to say “I saw Stacey Bridgett kicking”, he was happy with “punching” (p.132). “Boy lying on street at mouth Thomas Street” were Mr Wright’s words. He said this because the officer said that he knew that Mr Wright had been further down towards the junction (p.134). He did not see Mr Hobson going into the crowd; Mr Robinson running around or Mr Bridgett fighting (p.136). “I made the second statement because not telling the truth preyed on conscience” were DC Honeyford’s words (p.137).
- 6.95 He did not tell his father about the officer’s behaviour as he was ashamed and embarrassed as he had failed his friends (p.139). Mr Wright did not see or speak to anyone as hoped everything would blow over (p.140). He spoke to his brother about the officer but he had already withdrawn his statement by then (p.143). Mr Wright never spoke to his father about the incident (p.34). 9140 showed he told his father about the incident when he got home on 27 April 1997. Mr Wright told him generally that something had happened. He did not tell his father the details (p.36).

- 6.96 In no way did he retract his statement because he was afraid. It took time to retract his statement as he wanted to talk to the officer who took his statement to avoid getting into trouble (p.99). He made efforts to contact DC Honeyford (p.144). Neither Mr Hobson nor members of his family told Mr Wright that the statement would put Mr Hobson in difficulty (p.8).
- 6.97 Mr Wright saw Mr Hobson about seven, eight or nine times in prison. He saw him on a regular basis. They never spoke about the events of night. He did not recall if he specifically visited Mr Bridgett but he would have spoken to him while he was on a visit (p.145). He spoke to Mr Hanvey as well but not to Mr Robinson. They never discussed anything. Mr Hobson saying “you know I did not do it because you were with me” (p.146). Mr Hobson would call him to know how many visitors to book in for (p.155). Mr Wright had not spoken to Mr Hobson since he found out about the second statement (p.39). Mr Hobson said he knew that Mr Wright had been told he could not go on holiday. Mr Wright said there was no contact between him and Mr Hobson and he did not know how Mr Hobson knew about that (p.41). Mr Wright told his solicitor (who was Mr Hobson’s (p.34)) about being bullied and being told he would not be able to go on holiday (p.65).
- 6.98 Mr Hobson was his friend (p.96). Mr Hobson had a goatee on the night of the incident (p.107). Mr Wright did not think that his second statement would put Mr Hobson in trouble (p.6).

DC Edward Honeyford

Statement

- 6.99 Para. 10: There was no tape recording of Mr Jameson’s interview as it was the practice to only tape recorded interviewed of suspects.
- 6.100 Para. 11: Mr Honeyford was quite sure that there was no other witness being interviewed while he was with Mr Jameson. The station was extremely small and it would have been obvious to him if another interview was being conducted.
- 6.101 Para. 12: When Mr Jameson raised concerns about his identity, DC Honeyford went immediately to DCS McBurney. DCS McBurney agreed to Mr Jameson’s name being redacted.
- 6.102 Para. 14: It was about 22.00 when Mr Jameson left the station. DC Honeyford went up to see DI Irwin and DCS McBurney and gave them Mr Jameson’s statement. DC Honeyford then left to go home. It was obvious to him there would be arrests, but it was up to DCS McBurney and DI Irwin to decide the strategy.
- 6.103 Para. 17: “I believe Mr Jameson was put under pressure from the other Protestant boys he was running with at the scene to retract his evidence”.

- 6.104 Para. 18: After the consultation, the suggestion that DC Honeyford had put “words in his mouth” was not raised again. If a complaint had been made, he would have been questioned by C&D.
- 6.105 Para. 26: When he was interviewing Mr Wright for the second time, he would have pressed Mr Wright hard and pressed him on his evidence to establish which version of events was true. After the interview he would note the result on an action sheet and would then have taken it to be processed in HOLMES. He would also have spoken to DCS McBurney. DCS McBurney was very “hands-on”.

Oral Evidence

- 6.106 For the interview on 9 May, before an action sheet was issued (which said that Mr Jameson was believed to have been in the town centre p.44), he was privately briefed by DCS McBurney and DCI **P39**, who was the second in command. DCS McBurney took the lead and he told DC Honeyford that information had come in about Mr Jameson and he had to be interviewed that night (pp.5/6). DC Honeyford was told to assess Mr Jameson (There was no suggestion that Mr Jameson had acted criminally p.53). Part of the assessment was the possibility that Mr Jameson could have committed a crime. If DC Honeyford had suspected wrongdoing, then Mr Jameson would have been arrested, cautioned and a custody record would have been opened. When interviewing, if DC Honeyford suspected the interviewee had engaged in criminal activity, then they had to be cautioned (p.7).
- 6.107 Portadown was not a PACE station. Interviews under caution were normally done at Lurgan (p.68).
- 6.108 It was common for officers to interview witnesses on their own (p.57). There was no reason for more than one person to interview Mr Jameson (p.59). DC Honeyford was not sure whether having more than one officer present at an interview would prevent allegations that the officers had put “words in people’s mouths” (p.61).
- 6.109 DC Honeyford did not have any information about who was involved in the assault and the roles they played (p.10).
- 6.110 DC Honeyford did not know anyone else who was to be interviewed at that time (p.16). He did not think that it was possible that DC McAteer knew the names contained in 266 before he interviewed Tracey Clarke (p.17). DC Honeyford did not see DC McAteer on the night of 9 May 97 (p.18).
- 6.111 27084 showed that DC Honeyford was told by DCS McBurney and DCI **P39** that Mr Jameson had confided in people. He did not remember that but he accepted that that note was more accurate than his memory (p.51). There was no possibility that he was told who the confidant was (p.55). It was later talked about a little amongst police officers that Mr Jameson confided in his father’s police minders (p.56). If DC Honeyford had known that his superiors knew that Mr Jameson had “put the boot in” DC Honeyford would have felt he was

being used to protect him (p.57). DC Honeyford did not feel that Mr Jameson was protected due to his father (p.56). DC Honeyford had not heard that Res Con G (in 80671) said that Mr Jameson should have been interviewed as a suspect (p.76).

- 6.112 DC Honeyford did not know of the “putting the boot in” allegations at the time. He would not have treated him as a witness and then adjusted the position to make him a suspect as this was contrary to PACE and it would have caused problems at trial (p.8).
- 6.113 DC Honeyford was aware of the complaint that had been made by Rosemary Nelson but he was not under any particular pressure to achieve results (p.65).
- 6.114 Mr Jameson was concerned about anonymity as he made the statement so DC Honeyford saw DCS McBurney, who was with DI Irwin at the time. He updated them on the progress of the interview. By that stage Mr Jameson had named names (pp.13/4).
- 6.115 DC Honeyford felt Mr Jameson was being truthful (pp.14-19) but he was still suspicious of him due to the change in his story between 29 April and 9 May (p.67).
- 6.116 DC Honeyford said “I was surprised his name did not come up” in his Inquiry Interview as he was “one of a few fellas who ran as a pack who were at the scene” (p.128). DC Honeyford said a few names in 266 were a surprise as he did not know them as players (p.15).
- 6.117 The contents of the statement all came from Mr Jameson (pp.11/2/5-7). DC Honeyford put in as much detail as he could (p.18).
- 6.118 Timothy Jameson said Res Con Atkinson was holding a riot gun (p.21).
- 6.119 DC Honeyford asked Mr Jameson how much he had drunk to make sure that he would not be useless as a witness (p.22). If drink had been an issue then he would have checked with his superiors before taking the statement (p.23).
- 6.120 People did not enter the interview room that night, although it was a very common occurrence (p.79). He did not go near the other interview room (p.79). The interview lasted two and a half hours, not five (p.81). DC Honeyford did not retain the four, five or six notes he took during the interview, as it was not policy at the time (p.84).
- 6.121 There was no police policy on tape recording statement interviews (p.40).
- 6.122 DC Honeyford did not apply pressure to Mr Wright (p.85).
- 6.123 The Police Ombudsman cleared him of any misconduct regarding his handling of the witnesses (p.19).

6.124 DC Honeyford did not recall Mr Wright (pp.33/5). He did not threaten to charge him or not let him go on holiday or anything else (pp.38/9 & 115). He was not intimidating as he tried to protect the interviewee (pp.39/40). DC Honeyford did not know if Mr Wright came in or was asked to come in for his second statement (p.115). He spoke to Mr Wright before he took his second statement, in line with procedure (p.116).

DI Michael Irwin

Oral Evidence

6.125 Per 2203, it was DI Irwin's action but DS Bradley's comment as receiver. No further action was written as DS Bradley knew that Messrs Bridgett, Forbes and Robinson had been charged. The information could not have been brought any further as it was hearsay. The person would, or could not, tell him where the information came from. DI Irwin said that if he was **P38** then he would deny the conversation happened as well (p.39).

6.126 Mr Irwin might have been conscious of a source naming Hanvey on 9 May as being involved (16048). If such information came in DCS McBurney, DCI **P39** or DI Irwin would be informed of it. Then it would somehow be put on HOLMES, as shown by the "D40" mark (p.60). He did not know why the source was not asked about the information as that would have been done at a higher level (p.61).

DC Eric Williamson

Oral Evidence

6.127 Per 9123 "Mr Johnson recalled something like when the police were helping the man on ground, some people who were trying to kick him were being pushed away". The lines about the police pushing away those who were trying to kick the men on the ground was an afterthought. The windows of Mr Johnson's flat had a reasonable view of the junction (p.57). It took a little coaxing to get Mr Johnson to make a statement, as he did not want to be seen to be taking one community's side. There was a discussion about identifying people he saw but due to the distance he was at and the time of night, Mr Johnson could not help identify what people were wearing (p.58).

6.128 DC Williamson did not know which window Mr Johnson looked out of (p.64). He had the impression that Mr Johnson and another witness they looked at lived on the same level (p.65). He believed Mr Johnson got up, looked out of the window, went away and lay down but as there was still noise he looked again to see the events that were still unfolding (p.66).

6.129 DC Williamson did not ask Mr Johnson how many police he could see. There were no other vehicles Mr Johnson could see, but there could have been vehicles on Market Street that Mr Johnson could not see (p.70).

DS Dereck Bradley

Oral Evidence

- 6.130 A QPF was required from everyone they spoke to. DS Bradley thought that Allister Hanvey was asked for one due to Res Con Warnock's statement. He presumed that there was a MIRIAM action (p.50). On 6 May 1997 they went to the Hanvey house. Mr Hanvey was not in. The police received abuse from the father (p.51).
- 6.131 8132 and 9190 were taken at the same time (p.52). If the QPF showed that the witness had nothing to say, then the police would not have taken a statement (p.53). DS Bradley had not discussed who the suspects were with DI Irwin when he interviewed Mr Hanvey, as he recalled that the only suspects they had were arrested on 5 May and 6 May (p.108). DS Bradley did not put Kenneth Hanvey being abusive in 81508 as he was not asked to (p.109). He recorded "I was on my way to my uncle Tom Hanvey's house...where I stay every Saturday night" as that was what he was told. DS Bradley did not know Mr Hanvey had an "uncle Tom" (p.116).
- 6.132 He sat in as an assistant to DC McAteer when they were conducting the Tracey Clarke interview at the Clarke house. DC McAteer went through her QPF with her. There were no other women there except Tracey Clarke and her mother (p.98). Tracey Clarke was not upset when she was being interviewed for the QPF. DS Bradley did not remember if the issue was raised that Mr Hamill had died on the day they took the QPF (p.100). The pro forma would be completed and retained by DC McAteer. He did not recall what DC McAteer did with it (p.104). DS Bradley saw Tracey Clarke when she came into the police station on 9 May to make her statement. She was walking up the stairs to the CID office. She then turned right into DCI P39's office (p.105).

Brid Rodgers

Oral Evidence

- 6.133 Everywhere there was a rumour going round that there were policemen who had helped some of the witnesses get rid of their clothes (p.167). She did not know when she heard it (p.168).

Gordon Kerr

Statement.

- 6.134 Para. 22: At the second consultation with Colin Prunty he asked the police to produce photos of Dean Forbes and Wayne Lunt, amongst others, and Mr Prunty picked out Dean Forbes as the man he had been referring to in his first statement.

- 6.135 Para. 23: Mr Prunty was called as a witness at the trial on the basis that Mr Kerr still considered his account of the incident a sound one, but clearly he was in a position where no matter who was prosecuted (Mr Lunt or Mr Forbes) he would effectively give evidence that would damage the case against the other. I have no doubt that the evidence he gave at the trial did not correspond to his earlier witness statement.
- 6.136 Para. 35: It was his impression that the police were very anxious to get the evidence to court.

Oral Evidence

- 6.137 Per 17635 Mr Kerr found Mr Prunty to be an impressive witness. During consultations Mr Kerr would not take any notes and he would use the directing officer's notes 42986 (p.81). He did not touch on as many issues as Mr Kerr could remember of the consultation (p.82). 18062 was similar to his recollection. It appeared that Mr Prunty thought that the police did everything quickly and efficiently. When the incident became serious, as the deceased went to the ground, the police intervened (p.84).

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

Given the persistent belligerence of Mr. Robinson's behaviour, who was allegedly involved in three separate skirmishes with officers, the panel may wish to consider the efficacy of the police response to public disorder. Would it not have been appropriate to arrest someone who had shown a clear propensity to commit acts of violence, including against police officers, given that a serious assault had been committed.

The Panel may also wish to address whether police powers were used to their utmost in protecting and monitoring witnesses. In the case of Mr. Wright would it not have been appropriate to monitor and survey his actions and dealings with other potential suspects. With regards to phone calls to Mr. Hobson did the police consider surveillance of his telephone calls as they may have contained information of interest to the murder investigation.

The Panel may wish to consider the allegation that some of Constable Hunniford's superiors had known that Timothy Jameson had 'put the boot in'. Constable Hunniford has stated that if he had known about this statement then he would have questioned Mr Jameson under caution. The Panel may wish to consider whether the professional relationship that Mr Jameson's father had with the police had any bearing on the conduct of the investigation with regards to Mr Jameson.

Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)

A number of witnesses have attested to the determination of the RUC to bring the killers of Robert Hamill to justice. This was also the impression of Mr

Gordon Kerr Q.C., an independent counsel who was au fait with the entirety of the case. Moreover we note in the transcript of 16/9/09, the following..

"Q. If we could turn up page 81412, please, and highlight 23 the top paragraph, please, which is the second part of 24 paragraph 8, this is your Inquiry statement --

25 A. Yes.

90

1 Q. -- where you say:

2 "Frequently in a case of in this nature the head of
3 the local crime squad would be in attendance at
4 a consultation. I recall that the police were very
5 anxious to get evidence to the court in this case and
6 the presence of Mr Cooke was partly an indication of how
7 seriously they were treating the matter."

8 So can you confirm that your impression was that the
9 investigating police in this case gave you the clear
10 view and impression that they wanted to get these people
11 into court?

12 A. That's correct.

13 Q. Was there anything in the investigation file or anything
14 that you read that suggested otherwise to you?

15 A. Most definitely not".

Submissions by Gus Campbell Solicitors (Jonathan Wright)

Responses:

1) Jonathan Wright was requested by police to come back to the station in order to make the second statement. Statement dated 15/5/97, (p5687) It is questionable how this sits with the suggestion that he was the one wanting to make the statement because he had not told the whole truth in his first statement, dated 11/5/97, (p564), and it was 'preying' on his conscience. It seems that the police officer, Detective Constable Honeyford was not happy with the content of the first statement and wanted to explore issues a little further. DC Honeyford could not remember if Jonathan Wright was asked to come in (p115). In his statement DC Honeyford at para 26 accepted that he would have pressed Jonathan Wright hard and pressed him on his evidence at the time of the second statement.

2) If Jonathan Wright attended the station to make the second statement because his first statement had been 'preying' on his conscience, then one would have to consider why such a length of time was spent alone in a room with D Con Honeyford prior to that statement having been made. Surely he would simply have come to the station and made the second statement, there would have been no need for Detective Constable Honeyford to spend time alone with him prior to the making of the statement. The question remains, outside of whether the contents of that statement were the truth or not, as to the pressures applied and the procedure followed leading up to that statement.

In that assessment, one must surely consider the lead up to the second statement and time taken in obtention of the statement. One must then consider the fact that Detective Constable Honeyford was alone and Jonathan Wright had no legal representation. DC Honeyford accepted that he would have spoken with Jonathan Wright prior to the statement but was unclear as to the time spent or what was said. This should be looked at in parallel with the procedure followed when interviewing Timothy Jameson. DC Honeyford in evidence accepted that there was a 2 .5 hour interview prior to the statement (p81) and accepted that although he conducted this alone, he had kept no notes (p84). Timothy Jameson had made a similar complaint to Jonathan Wright. There was no evidence that they knew each other.

3) When Jonathan Wright makes his third statement, dated 13/3/98,(p581), he makes the case that his second statement, the one made because matters had been 'preying' on his conscience, was false. When he makes this third statement he makes the point that he made the second statement because he 'was afraid'. The issue that arises here is who was he afraid of because there are no details in the statement itself. If it was 'fear' of persons from within his community, how would it make any sense that he made that second statement, naming a number of those persons because he had been in fear of them? His fear was from the police because of threats made in relation to charging him, disgracing his father and keeping him from his more immediate holidays with his partner. The wording is clear, 'at the time I made it up because I was afraid'. Although he then goes on, in the statement to say that he now knows that others in the area are aware of his second statement and what he said, he does not indicate that the fear relates to them but simply that he is aware of the untruths he has told against him.

4) The timing of the 3rd statement is also important. On 13/3/98, when this statement is made, Charges have been withdrawn against many of the defendants. Although Marc Hobson was still charged, the role attributed to him by Jonathan Wright was a fairly limited role. In his statement he states, 'I saw him lift his hand and reach out for somebody, I didn't see him hit anybody'. Charges had been directed not to proceed as early as 29/10/07. See DPP letter regarding direction at (pages 8994-8996).

5) If Jonathan Wright was in fear of Marc Hobson and others in the community, why would he have kept such regular contact with him whilst Marc Hobson was in custody? It is evident that he was visiting the prison and that there were phonecalls between the two men.

Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)

The evidence referred to at paragraph 6.118 is refuted by Reserve Constable Atkinson. At no time did Reserve Constable Atkinson hold a riot gun and no evidence excepting that said by Timothy Jameson referred to at 6.118 suggested the same to be the case.

Submissions by the Police Service of Northern Ireland

See section 7 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Compare Counsel's assessment of Mr Prunty with his advice after trial..

Comment

- 7 Protestant witnesses were unlikely to come forward to assist the RUC in 1997. The inquiry had had vivid illustrations from the witness box of the refusal of members of that community even now to say anything which might have got another member of the community into trouble. Whether that was due to fear, ingrained prejudice or coaching may not be material. What was plain was that the RUC made efforts to obtain information from witnesses but that those efforts were beset with grave difficulties. It is difficult to suggest what more could have been done.

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

Usually, Protestant witnesses were much more likely to assist the police than Catholic witnesses. Their unwillingness to come forward in this case stemmed for the fact that the victims were Catholics, with whom they did not identify or empathise, and from community loyalty.

It was always going to be difficult to obtain witness evidence in this case, but we invite the panel to consider whether the prevailing attitude among the RUC helped or hindered: “Per 80893 ‘I recall that the general feeling of the whole investigation team was that Robert Hamill had been the author of his own misfortune’ (p64) (Module 10, paragraph 20.23).”

There was more that could have been done. Had DCS McBurney been so minded, he could have broken Thomas Hanvey’s false alibi for Allister Hanvey by interviewing the party-goers. He could have confronted RC Atkinson with the telephone records, which may have resulted in RC Atkinson co-operating with the investigation and helping to incriminate Allister Hanvey. Hanvey may then have been unwilling to take the rap alone and have incriminated others. None of these outcomes may have taken place, but at least it would have been a diligent police investigation. However, as we have set out in module 16, DCS McBurney did not so choose; instead, he chose to protect RC Atkinson and throw the wool over the eyes of his superiors and the ICPC.

Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)

We note that initially, through perseverance and good police work, that the police got potentially critical witness statements from some Protestants which led to the charging of six suspects within the murder of Robert Hamill. For whatever reason, none of these witnesses ultimately agreed to give evidence. Clearly, none of the blame for this can be laid at the door of the RUC.

We agree it is difficult to suggest what more could have been done

Submissions by P J McGrory Solicitors (Family of Robert Hamill)

The Cause of the Incident

1. Those witnesses in a position to say just how the events leading to the death of Robert Hamill began can be divided into three broad groups;
Group 1 Non-participants; P42, William David Jones, Carol Ann Woods, Beverly Irwin, Stephen Thornbury, Julie Sherwood and Derek Little.
Group 2 Catholics; D, E, F, Maureen Mc Coy and Colin Prunty
Group 3 Protestants; Andrew Allen, David Woods and Rory Robinson.
The evidence of P 42

2. P42, who gave evidence on January 20th, lived in a flat on Thomas Street with a view down towards the corner of Thomas Street where it intersected with Market Street. The following day he wrote out an anonymous statement giving his account of his observations that was handed into the police by his then girlfriend's father who was a policeman. He was not identified as the author of the document until several years later, (1) by which time, according to him, his mental and physical health had deteriorated to such an extent that he no longer had any memory of the incident at all.

3. The document is to be found at page 01038. The gist of it is that P 42 observed two men and two women walking along Thomas Street when one of the women, who had observed a crowd standing at the bakery at the corner, advised the men that they should not perhaps proceed. According to the document, one of the men responded robustly stating that it was his country and he would go wherever he liked. There then began some taunting with the man putting a bottle he was carrying on the ground at the corner and urging those in the crowd at the corner to take him on. He and one of those at the corner were standing facing each other when another one from the corner stepped out and punched the man who had been doing the taunting, before running off in the direction of St Mark's Church. The man who had been punched then did the same to the man squaring up to him and ran in the direction of the first man but then, one by one, others came to join the fight.

4. This statement was put by Mr Underwood QC to all of those witnesses who might have been among those described by P 42. He did so on the basis that those witnessed by P 42 may have included D, E, F, Robert Hamill, Colin

Prunty and Maureen McCoy. This is so because it describes the start of a fight at the intersection of Thomas Street and Market Street which is precisely the place that Robert Hamill and D were attacked. It also describes a warning being given by one of the women that appears to be consistent with the evidence of Maureen Mc Coy that she did stop in the area of the British Legion and heard F give such a warning to those she was with. Taken at its height, the statement from P 42 suggests that the incident was caused by some unidentified Catholic confronting a crowd of Protestants, against the advice of one of his female companions. There are a number of problems with this statement however, not the least of which is the fact that virtually all of the contents of it are denied by the Catholics who appear to have made up the first group of patrons of St Patrick's to make their way down Thomas Street that night. We propose now to analyse the evidence of all of those concerned before returning to the question of the reliability or otherwise of the statement from P 42 that is document 01038.

Colin Prunty and Maureen McCoy

5. These two were a couple in April 1997 and were out for the evening together. They gave evidence on January 21st. Maureen McCoy has said that she and Colin Prunty were walking down Thomas Street when she saw that D,E,F and Robert Hamill had stopped in the area of the British Legion at which point F said not to go any further as there was a crowd down there. Ms McCoy has said that she was reassured by the presence of the police Land Rover, which she was able to see from at least the point of Jamesons. Her evidence is that she and Prunty began to cross the junction ahead of the others. A crowd of about a dozen appeared on their right aggressively shouting sectarian slogans. That is when the fighting started behind them.

6. Colin Prunty on the other hand does not say that they caught up with D, E, F and Robert Hamill at the British Legion and gives no account of F warning them. Rather, he says they caught up with them as they approached the bakery where he believes they hesitated because of the crowd gathering at the corner there. Just at that moment the attack occurred, while D, E, F and Robert Hamill were still in front of him and Mc Coy. It was an unprovoked attack by around 20 people, mostly on Robert Hamill who was still a little in front.

E, F and D

7. E and F are sisters and E is married to D who was a cousin and friend of Robert Hamill. D gave evidence on January 23rd. E and F gave evidence on the previous day.

8. D was perhaps not the most effusive of witnesses but this may be due to the fact that he was knocked unconscious almost as soon as he began to cross the junction of Thomas and Market Streets. He has very little memory of events and had no recollection of meeting Maureen McCoy and Colin Prunty or of any misgivings voiced by F. He says he was just on his way home and was the victim of an unprovoked attack that left him unconscious for the rest of the events.

9. E gave evidence that she; her sister F, her husband D and Robert Hamill were alone and is very clear that no one else had joined their company. When reminded by Mr Underwood that she had told police in 1997 that there was a couple up ahead she accepted that but was unable to say just how far up ahead or who they were. She knows both Colin Prunty and Maureen McCoy and denies that she saw them there or that there was any exchange between F and them. She was clear that if such a thing had happened she would have remembered it.(2) She is very clear in her evidence that the attack on her husband and D was utterly unprovoked and roundly rejected any suggestion that she was covering up to protect Robert's memory.(3)

10. F, her sister, gave evidence the same day. She was entirely sober that night as she takes no alcohol at all. She was very clear in her evidence that she did not see Maureen McCoy and Colin Prunty that night and has no recollection of the exchange that Maureen McCoy describes occurring between them. She also says that she would have remembered such an exchange occurring and is clear that they did not stop at the British Legion.(4) She says the boys were a few steps in front of them and the attack happened very suddenly. She utterly refutes the version of events put forward William Jones(5) and David Woods(6) , which are summarised below. She also clearly rejected the statement from P 42 when the contents of it were put to her by Mr Underwood QC(7) .

Carol Ann Woods and William Jones

11. Carol Ann Woods and David William Jones lived in a flat above Jameson's Bar. Ms Woods is the sister of David Woods, about whom we shall hear more. She gave evidence to the Inquiry on March 12th. She is of interest to the Inquiry because she made a series of statements to the police between May and July 1997, beginning with one made on 16th May, the day after her brother was arrested on suspicion of being involved in the murder of Robert Hamill.(8) In that statement she said she was in the flat with her boyfriend around 2 a.m. when they heard shouting and the sound of people running outside as a result of which they went over to the window. Her boyfriend was first there and she came behind him. She had a view of the Eastwoods corner of Thomas Street and of that part of Market Street that faced Thomas Street. She describes two women and three men in their thirties in the corner and around seven people in a second group, mostly men, around that part of Market Street that she could see. She formed the view that the two groups were on friendly terms as there was no shouting between them. Mr Jones then remarked that someone he thought was her brother had just been hit. After looking down and seeing that it was her brother, she ran downstairs and brought him up and gave him a glass of water. She noted marks on his face and that he appeared quite drunk. After a few minutes she went back over to the window and observed two men on the ground with someone screaming near them, one was lying down and the other sitting up.

12. In her evidence she said that she had little recollection of events now and that she could not remember if she knew when she gave the statement that her brother had been arrested the previous day. It is highly unlikely that she did not know this, as by now Robert Hamill had died and the incident was

receiving a great deal of publicity. It is hardly conceivable that she did not know that her brother had been arrested in connection with it. In any event, we must submit that the incident involving her brother, however it came about occurred well into the sequence of events that night and at least after Robert Hamill and D had been subjected to attack while lying on the ground. Ms Woods made two subsequent statements to police on the 19th May and 3rd July in which she gives some further detail.(9) In each of these statements she is quite clear that the time between bringing her brother up the stairs and going back to the window was fairly short, at most 5 minutes. By this time, there is no crowd around the man lying on the ground and a woman is shouting at police. The other man is sitting up. In her statement of 3rd July she says that she observed a policeman and a police woman but there was no crowd around those on the ground. She also observed an ambulance on looking out the second time.

13. The evidence is that D was knocked unconscious almost immediately after being attacked and that he lay on the ground for quite some time. He did not regain consciousness until shortly before being put into the Land Rover up to fifteen minutes later.(10) If this was the stage at which Carol Ann Woods looked out the window for the second time, then the people observed by Mr Jones could not have been the group made up of Robert Hamill, D, E, F, Prunty and McCoy unless a very long time had elapsed before she returned to the window after settling her brother, which is not supported by her contemporaneous statements. She was adamant when giving her evidence that she was standing right behind Mr Jones when he claimed to have seen the man hitting her brother.

14. If this contention is accepted then it would follow that the group observed by her boyfriend running down Thomas Street and one of whom he alleged struck David Woods could not have included Robert Hamill or D.

15. The suggestion that those he saw might have included D and Robert Hamill comes from his statement to police of May 16th (11) in which he recounts his observations of three men and three women coming down Thomas Street in a group. He says the men are running and gives descriptions of them as follows; (1) approximately 5'10'' medium build dark short hair, he was wearing a black leather jacket, which was waist length and dark trousers; (2)approximately 5' 8'' in height, slight build, dirty fair hair short, he was wearing a grey jumper with a pattern all over it (3) approx 5'10", stocky/well built, blond/fair hair shaved into side and back and brushed back on top. He had a full face. He was wearing a pale blue shirt, dark tie, black trousers, the shirt was tucked into the trousers he looked neat and tidy in his appearance. He was wearing black shoes. This man was approximately 28 to 32 years old"

16. Mr Jones made a further statement to police on May 29th (12) in which he says that it took only seconds to go down and get Davy Woods up. He checked David for injuries and then looked out the window again, no more than two minutes later by which time he says the fight is over and police have arrived. This, if accurate, is strongly supportive of the contention that the

assault he witnessed on David Woods could simply not have been carried out by Robert Hamill.

17. It has to be accepted the description of number (3) fits that of Colin Prunty. This he accepts himself. It may not be so easy however to say the other two are Robert Hamill and D. The man described as (1) can only be said to be similar to Robert Hamill because he is wearing a leather jacket and is of medium build and of similar height. There is evidence that Robert's hair colouring was lighter than that described by Mr Jones. Similarly, D undoubtedly has dark hair yet the witness describes number (2) as having fair hair. He also says he was wearing a grey patterned jumper whereas the evidence is that he was wearing a striped T shirt. Colin Prunty, when probed about this only recalled a jumper but was not able to advance any further description of what D was wearing. Although there was some mention in an Inquiry interview with F that D might also have been wearing a leather jacket, we submit that the evidence of D, E and F, along with the actual clothing recovered from D, strongly suggests that he was only wearing a T shirt. Either way, he could not have been said to have been wearing a grey patterned jumper.

18. How then do we reconcile a contention that (1) and (2) are not Hamill and D with the description by William Jones of someone like Prunty in this group of people? Either he saw someone remarkably like Prunty or Prunty and Mc Coy were not as close to D, E F and Robert Hamill as they are saying but were in fact further back and part of a different group.

19. We do not suggest that Prunty and McCoy are lying in their evidence but the reliability of it may be questionable in some respects. Both, by their own admission, had a lot to drink, Prunty, in the region of 10 pints and Mc Coy, a similar number of bottles of cider. A fair sup, by any stretch of the imagination. They give starkly different accounts of their proximity to D, E, F and Robert Hamill. Prunty says that Hamill was ahead about 30 to 40 yards on his own and that he and Mc Coy were behind D, E and F until they reached the bakery. McCoy on the other hand claims that they all caught up around the British Legion and that she and Prunty then walked ahead of the others. D, E and F are all adamant that they were not with anyone other than Robert Hamill and they all deny that they were running or had any reason to run at that stage. We submit that it is very possible that McCoy and Prunty could have been viewed as being loosely connected to a further group of patrons of St Patrick's Hall coming down Thomas Street, one of whom may have assaulted Davy Woods. Indeed, if the assault on D and Robert Hamill was already underway, those coming behind might have had good reason to be running. There are reasonable grounds for submitting that there is no evidential basis for concluding that Robert Hamill and D were the (1) and (2) described by Mr Jones.

Andrew Allen, David Woods and Rory Robinson

20. These young men were part of the Protestant crowd in the centre of Portadown on the night of the 27th April. Andrew Allen and Rory Robinson were among those arrested following the making of the statements by Tracey

Clarke and Timothy Jameson on May 10th. We will return to the roles we believe each of them played in the assault on Robert Hamill. They are grouped together in this section of our submission however as there is some evidence that they were together at the bottom of Thomas Street when the trouble started and Allen and Woods claimed they were assaulted by Catholics coming down Thomas Street.

21. David Woods gave evidence on February 27th. He had been arrested on 16th May having been identified by Andrew Allen as being in his company that evening and as being someone who was involved in events that night. He told the Inquiry in evidence that he had alighted the bus entirely alone and that he headed immediately towards Thomas Street, which was his route home. As he headed up Thomas Street he encountered a group of people, maybe five in number coming down Thomas Street making a racket. As he drew level with Jamesons one of them approached him and hit him. He makes no mention of Allen or Robinson and insisted he was entirely alone. He denied the version of events outlined in the statement from P 42 when asked by Inquiry Counsel.

22. Andrew Allen gave evidence on March 10th. He claimed to the Inquiry that he could remember nothing of the events in 1997 but the answers he gave to police when interviewed then were put to him from document 07305. He informed the police then that he got off the bus along with Rory Robinson and David Woods and that the others must have stopped at Boss Hoggs for food. He said they walked on to the junction of Thomas Street and Market Street together, although he was maybe a few steps behind them. They stopped together at the corner and waited for the crowd to catch up as they wanted to know if there was a party going on anywhere.(13) There was a crowd of three or four girls and three or four fellows coming down the street making noise. He thought they were from Jamesons of the Legion of somewhere. The girls walked on past but one of the fellows just punched Davy Woods. Another one of them walked across the road and hit Rory Robinson and they started fighting and a third one came at him and they moved out to the middle of the road.(14)

23. Rory Robinson gave evidence on March 11th. The Panel is unlikely to forget his evidence as he denied any memory of anything. He also denied any knowledge of or interest in the political conflict in Northern Ireland and initially denied the fact that he had an overtly political tattoo on his arm the existence of which was later accepted on his behalf by his counsel. He however gave a different version of these events to the police in 1997(15) than those accounts given by Woods and Allen. He denied that he was involved in fighting at all and makes no mention to police of being with Woods or Allen. Mr Underwood, QC put to him that he was seen with Woods and Allen by Pauline Newell(16) yet he continued to deny even knowing them.

24. Clearly, Andrew Allen and David Woods could not both have been telling the truth about the circumstances of the start of this incident. Both of course had a very powerful incentive to lie to the police about this as Allen at least had been arrested on suspicion of murder. Woods was under arrest although only, it would seem, because Allen had brought him into the frame

by saying he was with him and that he had been assaulted. It is entirely possible, if not probable that both were involved in the initial attack on the Catholics during which Woods was injured. Woods we submit, like Robinson, was very anxious to distance himself from anyone else who may have been involved in these events. Unfortunately, Mr Jones did not appear as a witness so the veracity of his account of seeing the alleged assault on David Woods could not be tested.

The Jamesons Bar staff

25. Beverly Irwin gave evidence on January 27th. She said that when she was closing the shutters around 1.30 am there were people coming down Thomas Street shouting "Fucking Orange bastards". She at first thought they were shouting at her and called over to another member of staff, Stephen Thornbury. She replied to Mr Underwood QC in direct examination that she could not honestly say what time exactly this was but she thought it was very close to 1.30 am.(17) She later however acknowledged to Mr McGrory QC that she informed Detective Constable Keys in 1997 that this was at 1.45 am(18) and that her recollection then would have been a lot better.(19) Ms Irwin also accepted to Mr McGrory that she was unable to say whether or not these people were the same ones involved in the confrontation as she had not witnessed it and could give no descriptions of those she had seen.(20)

26. Stephen Thornbury gave evidence on January 27th. He recalled being called over by Beverly Irwin when shouting was heard and accepted to Mr Underwood that it could have been as late as 1.30 or 1.45 am. He had previously heard the windows being banged and some time had elapsed before he went over to Beverly Irwin, although he could not say how much time. This witness had little memory of these events and was taken through his police statement made a month later.(21) In that he said that he had popped his head out and looked down to the junction and observed people squaring up to each other. He went back to the bar to work but the commotion became louder and he then went and looked out a window. His evidence is that at this point he saw a man lying on the ground with a woman and a policeman standing over him and observed an ambulance. When pressed by Mr Underwood QC as to the time gap between his first observation from the shutter door and his later sightings from the window, he accepted that it may have been five or ten minutes but he said he could not be sure after all this time.(22) It is our submission therefore that the attack on Robert Hamill and D could well have already occurred before Ms Irwin and Mr Thornbury looked out from the side door as described.

27. Julie Sherwood also gave evidence on January 27th. She was with Beverly Irwin at the side door with a bottle trolley and heard shouting, which gave her the impression that a fight had taken place. This is what she informed D/C Keys in 1997.(23)

28. Derek Lyttle also gave his evidence on January 27th. He recalled the shutter doors being rattled so presumably this was after Beverly Irwin had closed them. He thought people were running. He looked out the toilet window at some stage and saw two people on the ground.

29. Taken together, these witnesses, in our submission, are not really able to assist the Panel in determining just how the incident began and who were the aggressors. Those who might seek to submit that their evidence supports the case that the Catholics were involved in taunting Protestants at the corner would be mistaken, in our view, as the shouting they heard could well have been coming from those Catholics coming down Thomas Street after the initial assaults had taken place. It is likely that there were a number of other Catholics following those caught up in this incident down Thomas Street who may well have been shouting and rattling shutters. There is simply nothing in the evidence of the Jamesons Bar staff to say otherwise.

30. We return now to the evidence of P 42, or rather we should say the statement of P 42 that he was handed into the police in 1997 for it is the evidential value of this statement that we question.

31. P 42 was eventually identified and interviewed by the police, briefly at his home and again, it would seem, in Portadown police station. His then girlfriend, who is now his wife and who dropped him to the police station in 2001(24) claims that he returned in a traumatised state and felt that he had been treated as a suspect rather than someone who was trying to be of assistance. Unfortunately there is no police record of that interview at all. The witness himself was of little assistance to the Inquiry as he first said that he had no memory at all but agreed that he could now recall the contents of his statement but could not elaborate on it. He did say that he wrote out the statement the morning after but could not explain why it began with the words, "On the date of the fight..." and not, "Last night..." The Panel may take the view that the statement could have been written some time later and is not as contemporaneous as the witness now suggests.(25) It is deeply unsatisfactory that there is no police record of the interview between this witness and police in Portadown Police station in 2001, but we do know that he claimed to have no memory when spoken to at his home by DS H on 27th November 2002.(26) The Panel will also recall the manner in which this witness gave his evidence during his application for anonymity and screening during which he was virtually incoherent. He was a good deal more coherent when giving his evidence a very short time later, if not of much help except to say that he recalled what was in his statement but nothing else. The Panel may well take the view that this witness was feigning ill health to secure a ruling that he could give evidence while screened. Just why he might do this is a mystery but we submit that the true extent of his memory loss may be a lot less severe than he says it is. While we can offer no motive as to why this witness would have invented the observations reported in his statement, his conduct since then in respect of his dealings with the police and the Inquiry must limit the extent to which the Inquiry can rely on it as an accurate account of the early stages of these tragic events.

32. The statement gives no time of the observations and offers no descriptions of those alleged to be involved in terms of the people or the clothing they were wearing. As P 42 could not be identified, there is no contemporaneous testing of the observations. Since the point of his

identification P 42 had been of no assistance whatsoever to the police or to this Inquiry. Whether this is through ill health or some other reason is neither here nor there but it renders the evidential value of this statement, in our respectful submission as virtually useless.

33. If the Inquiry is to rely on this statement then it might be tempted to infer that Maureen McCoy was the person giving the warning to her friends and that the man engaged in the taunting was one of Robert Hamill, D or Colin Prunty. We submit it would be improper and unfair to draw such inferences in the face of clear and unequivocal denials of any such conduct in evidence from all of these people, including Maureen McCoy.

34. It is also highly relevant that the accounts of P 42 and Mr Jones are wholly inconsistent with each other. They cannot both be describing the origins of the incident. The P 42 statement describes provocative taunting by a man carrying a bottle, a detail about which there is no other evidence. Mr Jones however described an assault on his girlfriend's brother in quite different circumstances. Neither, we respectfully submit, should be relied upon in any way as evidence that Robert Hamill or any other Catholic was guilty of any misconduct.

The Cause of the Incident (References)

- (1) He was spoken to by police on 8th October 2002 - page 01085 and re-interviewed about it on 27th November 2002 - see statement of H at paragraphs 28 & 29 page 80723; P41 said police contacted her father during or after 1999 saying they needed to know who wrote the letter - paragraph 16 page 80910
- (2) January 22nd page 6 line 24
- (3) January 22nd page 21 lines 18 & 19
- (4) January 22nd pages 61 & 86
- (5) January 22nd page 79
- (6) January 22nd page 84
- (7) January 22nd page 86
- (8) 09116
- (9) 09119 & 09121 respectively
- (10) The first call was for back-up at 1.45.37 hours - page 06583. Both ambulance men said that the two injured men were lying on the road when they arrived at 1.58 - pages 09186 & 09188
- (11) 09111
- (12) 09114
- (13) 07308
- (14) 07314
- (15) 07617
- (16) 09128
- (17) January 27th page 102 line 12
- (18) 07771
- (19) January 27th pages 125 & 126
- (20) January 27th page 128

- (21) 09125
- (22) January 27th page 136
- (23) 07773
- (24) Para 17 page 80910
- (25) Police appeared to have received the statement on 29th May 1997 - see exhibit sticker page 01037
- (26) Notebook entry of DS H page 72308

Submissions by the Police Service of Northern Ireland

The PSNI agree with this comment.

Nothing more could reasonably have been done to identify witnesses and to obtain information. Mr Murray in his report (14.16) agreed with this position "I believe there is little more the RUC could have done to identify potential witnesses".

The efforts made by the investigation team are amply demonstrated by the large volume of witnesses identified and interviewed. Investigators were faced with the difficult task of trying to persuade Protestant witnesses to come forward to provide evidence against the Protestant assailants of Catholic victims in circumstances where the assailants were either their friends, associates or acquaintances. Despite these very real difficulties the detectives applied themselves energetically to the task and every conceivable effort was made to open up a flow of information.

The strategy almost paid dividends. Vital evidence was obtained from Tracey Clarke, Timothy Jameson and Jonathan Wright. Arrests were made on the basis of this information and people charged and reported to the ODPP. Through no fault of the investigators the three witnesses subsequently withdrew their statements and the suspects were inevitably released.

The RUC made every effort to protect the suspects but the steps that could be taken were limited and piecemeal. In a sensitive report submitted to the ODPP in conjunction with the murder crime file DI Irwin made the following remark about the witnesses who had come forward: "His identity was withheld as with Clarke, to protect them both from intimidation which no doubt they will be subjected to in the pursuing months". (15953) It is probably not very surprising that this protection proved to be insufficient.

It is also worthy of comment that the difficult investigative climate which the RUC worked in has been reflected in the excuse of convenience adopted by all three of the witnesses who initially came forward to assist, and then backed away.

Initially Jameson and Wright, and then much later Clarke (in her evidence to the Inquiry), referred in various ways to the pressure which detectives put them under to give statements. It is submitted that such allegations of police impropriety are wholly unconvincing. No credible evidence was advanced to

support them. It is submitted that these allegations of abusive police tactics are merely a device manufactured by each of the witnesses in order to avoid the responsibility of having to tell the truth in the witness box..

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

As P39 stated in evidence, it was very difficult to get any help in gathering information.

- 8 Further consideration is given to the use of witnesses to make a case under section 12.

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

Please see our comments in module 12.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see Part 12

Potential criticisms and adverse inferences

Andrew Allen

- Participated in the attack on Robert Hamill.

Stacey Bridgett

- Participated in the attack on Robert Hamill.

Tracey Clarke

- Gave a false statement to the police which led to the detention of the persons named in it.
- Gave false evidence to the Inquiry.

Dean Forbes

- Participated in the attack on Robert Hamill.

A

- Did not respond to the complaint made when she released Wayne Lunt.
- Failed to include the details of persons who complained when she released Wayne Lunt.
- Failed expeditiously to report her dealings with Wayne Lunt and those complainants.

Allister Hanvey

- Participated in the attack on Robert Hamill.

- Provided the RUC with a false account of his movements and his clothes.
- Destroyed the clothing that he was wearing at the time of the attack.

Marc Hobson

- Participated in the attack on Robert Hamill.

Edward Honeyford

- Obtained false statements from Jonathan Wright and Timothy Jameson by exerting undue pressure.

Michael Irwin

- Shared responsibility with Maynard McBurney and **P39** for the conduct of the investigation.
- Failed to consider treating Timothy Jameson as a suspect.
- Took a witness statement from Andrea McKee, which he knew to be untrue, and allowed it to be advanced as true.

Timothy Jameson

- Participated in the attack on Robert Hamill.
- Falsely alleged DC Honeyford took a false statement from him.

P39

- Failed to carry out early arrests and searches of suspects.
- Failed to start a policy book for the GBH investigation.
- Omitted to determine a forensic strategy and suspect strategy.

Maynard McBurney

- Failed to ensure that the investigation into the murder of Robert Hamill was conducted with due diligence and/or conducted the investigation so as to protect Allister Hanvey and Robert Atkinson.

Andrea McKee

- Provided false information at the meeting in Seagoe.
- Coerced Tracey Clarke into giving a false statement to the RUC about the murder of Robert Hamill and the tip-off allegation against Robert Atkinson.
- Falsely accused Robert Atkinson of conspiring to pervert the course of justice.
- Gave false evidence about the above to the Inquiry.

Rory Robinson

- Participated in the attack on Robert Hamill.

Jonathan Wright

- Falsely alleged DC Honeyford took a false statement from him.