

FROM: ANTHONY LANGDON
24 JULY 2000

cc. [redacted] or
[redacted] HOLAB

[redacted]

HAMILL

This note records my meetings with the Chief Constable and the chairman of the ICPC in Belfast last Friday (21 July). I am also taking the opportunity to note more generally how far I have got with this exercise, and how I envisage it shaping up.

Meeting with Chief Constable

2 This was a meeting of around 45 minutes with nobody else present. Much of it was on similar lines to what you recorded in your minute to Mr Lindsay of 12 June, though the big difference since then is, of course, that a criminal investigation is now in train. [The critical date for the new investigation is 20 June, when Andrea McKee made a new statement to the police. Mrs. McKee had originally made a statement saying that she had been staying with her husband in Reserve Constable Atkinson's house on the night of the Hamill murder, and confirming that it was her husband Michael who had from there telephoned the home of the murder suspect Allister Hanvey. In her 20 June statement Mrs McKee - who had by then been separated from her husband for about a year - said that neither she nor her husband had been at Atkinson's house on the night in question, and that the story of Michael McKee making the phone call had been invented following an approach from Atkinson.]

3 I generally found the Chief Constable in a pretty defensive and critical mood. In particular-

he commented that Hamill's death could well have been caused by his own family cradling his head in a way that led to oxygen starvation;

although he accepted that Hamill's death had resulted from the beating, he thought that the connection was indirect, and that it might well not have been possible to sustain a charge of murder if the issue had been tested at trial

he thought it was noteworthy that it was Hamill's sister rather than his partner who was making the running, and that the sister (Diane) had her own agenda to discredit the RUC

he believed that the ICPC were largely motivated by desire to improve their image before they were disbanded.

4 As regards the allegation that the police deliberately stood by while the beating took place, the Chief Constable said that there was 'no shred of evidence' to support that view. He thought that the fault was of the police on the spot simply misinterpreting a row that had broken out in a fast-moving situation. He believed that the view of the judge in the Hobson trial was correct, and that the incident had

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happened very quickly. If there were anything in these suspicions, then he would do whatever was necessary; he did not want people like that within a million miles of his force; but nothing had happened to disturb his view of the incident itself, and he believed that the full seriousness of the incident had not become clear until Hamill died several days later; until then this would have looked very much like any other Saturday night fight of the kind that happened everywhere.

5 The Chief Constable had sent the ICPC recommendation for neglect of duty disciplinary charges against Constable Neill to Counsel, and he would be guided by Counsel's advice, though he himself did not think on present information that the charges would have 'a snowball's chance'. He was advised that Constable Neill was an outstandingly sound officer. But 'if there should be an inquiry, so be it'.

6 I am sure, however, that this attitude of resigned acceptance would not extend to any idea of an inquiry while the current criminal investigation is in train, since the Chief Constable emphasised that his main concern was not to impede this, and that the DPP and ICPC were now fully involved. Thus, when Mrs McKee had made her 20 June statement he had immediately decided that she should be treated as a witness rather than a suspect, and he had not suspended Atkinson (who was on prolonged sick-leave), though he had asked to be told if he tried to resume duty. Though he was determined to press the criminal investigation as far as he could, however, the Chief Constable would not be at all surprised if the latest statement was also withdrawn.

7 I asked what had precipitated the new criminal investigation. The Chief Constable said that when the Coroner had given 'the gem' to Robert Hamill's family solicitors he himself had 'pushed and pushed', and the re-interview of Mrs McKee followed directly from that. ('The gem' is presumably the information that statements identifying the murderers had been withdrawn.)

8 The Chief Constable recognised that at some point he would have to tell the Hamill family solicitors about the Andrea McKee statement, but he was not ready for that yet since it could lead to others (eg Michael McKee) being put on their guard. I mentioned that the Prime Minister had been asked by the Taoiseach to see Diane Hamill, and that he would presumably not want the first public acknowledgement of the new investigation to pop out soon after a meeting at which he had been unable to refer to it. [This could affect the timing of any meeting with Diane Hamill, and I know that Mr [REDACTED] has this under consideration.]

Meeting with chairman of ICPC

9 This was around an hour and a half over a sandwich lunch. The chief executive, Mr [REDACTED] supported Mr Donnelly and Mr [REDACTED] was with me.

10 Mr Donnelly's views were virtually the diametric opposite of the Chief Constable's on every point. Far from expressing any scepticism about Diane Hamill, for example, Mr Donnelly saw her as a deeply impressive person who was owed a public recognition that her family had suffered a dreadful wrong, and that in some broad sense the police were responsible for it.

11 I thought that Mr Donnelly was at all points very eager to expand the discussion into wider – even diffuse – perspectives. He certainly sees the Hamill

incident and its ineffective investigation as symptomatic of institutionalised mind-sets in the RUC, especially in that sub-division. Mr Patten had asked him and Mr [REDACTED] whether the incident could really have happened as the Hamill family alleged, and they had told him that it could. He felt that only a public inquiry could now take us to the broader issues, but immediately went on to qualify that by pondering aloud about the value of such an inquiry against the current political background.

12 Mr Donnelly thought that his colleague who had supervised the original complaint had been too narrowly focused on the few minutes of the attack and had not paid enough attention to the read-across between the alleged police behaviour at the time of the attack and the alleged conspiracy to destroy evidence afterwards. When he himself had seen the papers he had been troubled that the allegation against Atkinson did not seem to have been followed up very enthusiastically, and that the withdrawal of statements had been taken as the end of the matter. Having said that, both he and Mr [REDACTED] recognized the difficulty of pursuing complaints when the complainants lost their nerve and withdrew.

13 I asked when and how the current criminal investigation had got under way, and Mr [REDACTED] gave virtually the same account that I had earlier heard from the Chief Constable, ie that the Chief Constable had himself pressed it when the Coroner had decided to drop the inquest.

14 Mr Donnelly ended by saying that it was clear that Neill and Atkinson must have seen what was going on. He also asked the (rather good) question how it was that the crowd had not been deterred by the presence of a police landrover only 20 yards away.

Next steps

15 From the papers I saw at the ICPC I now know exactly what was in the most important statements made to the police. Mr Donnelly was anxious to put the entire case papers at my disposal, and I will go over to look at them later this week. The Chief Constable also said that I was welcome to talk to the senior investigating officer, DCS MacBurney, and I shall do that as soon as he is available.

16 I think that the next thing I need to do is to ask the lawyers a few questions about the compatibility of different kinds of inquiries. I may also need to ask some questions about the background to Lawrence. Before I can do that, though, I shall need to construct an account of the Hamill case as a basis for consultation, and I shall try to do this within a week or so. I think that by the second week of August I ought to be able to put up some papers that will include an account of the main features of the case and a commentary on options that has the benefit of legal advice. I do not think that this will itself be the 'heavyweight memorandum' that you describe in your minute of 12 June, but it will be a step towards it.

ANTHONY LANGDON