

Deputy Director\_\_

**ROBERT HAMILL**

1. As requested by the Director, I have reviewed the decisions as to prosecution in this case.

Dean Forbes, Allister Harvey and Rory Robinson

2. No prosecution of each of these persons was directed on 29 October 1997.
3. In respect of Forbes, Harvey and Robinson, the evidence against them, and upon which they were originally charged by police, was contained in witness statements made by two witnesses, witness A and witness B. Their statements and identities are contained in a confidential folder in the Director's office file.
4. In the event, neither witness was available to give evidence. Witness A, who was Harvey's ex-girlfriend and who lived in an estate in which the LVF have a substantial following, stated in consultation that she would not give evidence. Careful consideration was given to whether she should be summonsed to give evidence. However, it was concluded that there was no reasonable prospect of witness A giving evidence, no matter what sanction was applied to her. Her declared reason was that she still loved Harvey and that the others were friends, which precluded an application to read her statement under Article 3 of the 1988 Order. However, there was at least a suspicion, if not an obvious inference, that fear was also a factor.
5. Witness B claimed in consultation that he could not remember anything because he was too drunk. He claimed his statement was gleaned from gossip and talk. While fear may well have been a factor in his charge of evidence, there was no basis for an Article 3 application, and senior counsel advised that he could not be considered as a reliable witness.
6. Once the evidence from witnesses A and B was unavailable, there was no other evidence against