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2.5.8 Overall the impact of Drumcree I believe entrenched divided community views and polarised them even further. The sectarian nature of Robert Hamill's attack may well have been an overriding factor as to whether or not local people, who could have helped, would have the necessary trust, confidence or moral duty to impart information or assist the police in their investigation. Although difficult to measure, I believe it's not beyond reason to assume that the heightened influences and feelings in Portadown in 1997 could well have had a detrimental effect.

Contention (iii) - in discussing Mr McBurney's approach to securing the attendance of Witness A and Witness B as witnesses for the prosecution, Mr Murray seems to be unaware of the experience of the Northern Ireland legal system arising from "supergrass" or "converted terrorists" prosecutions post 1982. These are dealt with in S Greer "Supergrass: a study in anti-terrorist law enforcement in Northern Ireland".

3.1.1 As well as the information contained in the referred Supergrass book, there are a number of other areas I feel that need to be borne in mind namely:-

1. Relevant information recorded on HOLMES under the nominal record for both witness A and B, In particular during 1997.
2. The remarks made by Mr McBurney during his interview by officers from the Police Ombudsman's Northern Ireland (PONI) Office in March 2001.
3. The RUC witness protection procedures available at the time.
4. My own experiences in the handling of other similar witnesses.

a. Background to key witnesses in the investigation

3.2.1 Investigations into the murder of Robert Hamill resulted in two key witnesses, referred to as witness A and B from whom written statements (Appendices 54, 55 and 87 refers) were recorded over the 9th and 10th May 1997. The evidence from these two witnesses resulted in a number of follow up arrests being made and six persons being charged with murder. A police report, submitted to DCI P39 on 21/07/1997 recommending the prosecution of six persons for murder, was forwarded to the Director of Public Prosecutions (DPP). This report signed by D/I Irwin also refers to an accompanying confidential report and remarks that witnesses A and B may well be the subject of intimidation in the pursuing months.

3.2.2 However less than three months later in October 1997 at separate meetings with a prosecuting Queens Counsel (QC) and DPP staff, both witnesses indicated they no longer would be giving evidence. The reasons behind this appear to include witness A no longer wishing to go through with giving evidence and witness B claiming at the time of the attack having been drunk and unable to remember the events of the night in question. Witness B later added that his statement was based on comments made by others. The DPP concluded that witness B could not be