

10/02/2009

accounts, were not progressed further. The absence of witness A and B's evidence clearly had a significant impact on the prosecution case, highlighted further by the prosecuting QC's comment that he had found witness A to be a truthful and articulate witness.

3.6.5 It is difficult to conclude that Mr [REDACTED]'s comment that Mr Murray seems to be unaware of the experience of the Northern Ireland legal system arising from Supergrass or converted terrorists prosecutions post 1982 has any bearing on the status of witnesses A or B. As I have previously outlined in this report there is no apparent documentation to suggest that either of these witnesses can be placed in the category of supergrass or informer. Although these types of witnesses were used extensively during the early to mid 1980's, in relation to several terrorist trials, the circumstances relating to witnesses A and B are deemed to be significantly different. Neither witness has admitted involvement with this attack, nor did evidence come to light to warrant any charge, nor is it apparent that either witness sought any form of inducement or amnesty from the prosecution.

3.6.6 The assault on Robert Hamill was of a sectarian nature. The fears and concerns of witnesses to this attack might well be comparable to the experiences and difficulties experienced by those involved in the supergrass system. Had the two witnesses proceeded with providing evidence, during this highly charged period in Portadown, it might well have led to both of them being seen as 'informers' in the eyes of the paramilitaries and their own community. However, unlike the supergrass situation these witnesses and their families were not under police care.

3.6.7 Setting aside the term 'supergrasses' I have regularly experienced during my career in the police in Northern Ireland how difficult it is to have witnesses come forward for crimes connected with terrorism or sectarianism, both inextricably linked. Portadown is a small community and witnesses to such attacks particularly those who have lived or spent all their lives in council housing estates characterised by high levels of economic and social deprivation, sometimes known as 'sink estates', often find it hard to trust or take on the change which is usually called for when they perceive themselves to be standing against their own community.

3.6.8 It remains unknown what the impact on either witness was when it became apparent that the suspects charged with this murder elected to go on remand in the LVF wing of the Maze prison. This, together with the influence of the LVF in Portadown at this time, particularly their leader Billy Wright, might well have had a bearing on why both witnesses did not go through with their evidence. Other outside factors or pressures might well have played a big part in their decision. It is apparent that following the recording of their statements resentment of police over Drumcree continued as did sectarian and terrorist incidents around the province. All this, I would suggest, would have done little to help reassure both witnesses.

3.6.9 The whole circumstances leading to the recording of both witnesses' evidence and the subsequent follow up action or arrests by police on the 10/5/1997 is one that I can relate to from my own experiences of such circumstances. The police in this