

28. As a result of these consultations the decision was made not to call Tracey Clarke, Timothy Jameson and Jonathan Wright to give evidence at the trial of Marc Hobson. The direction to prosecute would have been my decision and I would also make the decision as to those witnesses to be called and to be disclosed to the defence. When it comes to the trial it may be that counsel would then direct additional proofs of evidence to be taken. I do not now recall if I discussed the matter with Mr Kitson following the consultations.
29. I have been shown a file note signed by Mr Raymond Kitson, dated 28 October 1997 which contains the page numbers **18342 to 18344**. That note raises an issue about compelling Tracey Clarke to give evidence. A compellable witness is one that we can summons to court and if they fail to attend, the court can punish them. I do not remember any discussion about that in this specific case but in general terms the factors we would have looked at when deciding whether a witness should be compelled included degree of fear, risk of danger, and whether she would be hostile if summoned. The final decision as to compelling a witness was for the DPP, not the police.
30. As I recall, there was an option for us to put the statement of a witness on paper and then make an application to have her statement read on the basis that she would not give evidence otherwise through fear. I think it was referred to as an Article 3 statement under the 1988 Order. I know that there have been cases where the police have established that not only is the witness in fear but they have also been satisfied that the witness's life is in danger or would be in danger even with an Article 3 statement because their identity would become known. In those sorts of situations risk assessments would be needed. We would have to take a view on as to whether the witness was genuinely in fear or whether they were not willing to give evidence for some other reason. I know of cases where the police have been satisfied that not only is the witness in fear but also that the witness's life is in danger if we went