

FROM:

[REDACTED]
Police Division
21 November 1997

- PS/PUS (B&L) - O
- PS/Mr [REDACTED] (B&L) - O
- Mr Steele - O
- Mr [REDACTED]
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- Mrs [REDACTED]
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PS/Secretary of State (B&L) - O

MEETING WITH THE HAMILL FAMILY - MONDAY 24 NOVEMBER

Diane Hamill wrote to the Secretary of State on 12 August about the death of her brother Robert Hamill and requesting a further meeting. The Secretary of State responded offering a meeting and Diane Hamill telephoned on 4 November to take up this offer. The meeting has been arranged at 2.00 pm on 24 November and Diane Hamill will be accompanied by some family members (but not by Rosemary Nelson the family solicitor). There is a pre-brief for the meeting with officials at 1.45 pm. Mr Steele and I will provide official support.

- 2. This note provides briefing for what is likely to be a difficult meeting.

Background to the case

- 3. On 27 April Robert Hamill, a Roman Catholic father of three (his third child was born after his death) was walking through the centre of Portadown with his cousin, D and two female friends. The two men were attacked by a crowd of 20-30 Protestant youths. Robert Hamill died in hospital 10 days later.

4. The police investigation into the murder led to them making holding charges against 6 men. The DPP, however, on 31 October withdrew charges against 3 because of a lack of evidence. The decision to withdraw charges led the Hamill family and their solicitor [REDACTED] to hold a press conference on 4 November at which they stated that they would be considering taking private prosecutions against the men (once they knew the outcome of the charges against the other 3) and against the Chief Constable. They said they would be seeking the Secretary of State's support for the prosecutions. Diane Hamill telephoned the Secretary of State's office on 4 November to arrange the meeting. (A typed version of a cutting on the press conference is attached.)

5. Charges against 2 of the remaining 3 in custody were withdrawn by the DPP on Wednesday 19 November. Police informed the family that this was going to happen the previous evening. This has been another blow for the family who are quoted in the press as saying "The whole family is hysterical. It seems that no one in authority wants to help us".

6. At the time of Robert Hamill's death it was claimed that although the RUC were sitting in a landrover close to the assault they did not intervene "as promptly as possible". This matter is subject to an RUC investigation, under the supervision of the Independent Commission for Police Complaints. The ICPC's Deputy Chairman, [REDACTED], was appointed to carry out the supervision. The investigation has been frustrated by the failure of witnesses to come forward (although the police and ICPC have access to the statements made as part of the criminal investigation, it is normal practice for them to seek additional statements for the separate complaints investigation so that people can be questioned about specific points relating to it). The 6 men charged refused to be interviewed (although the ICPC is currently trying to get the 2, who have just been released, to come forward). Neither have Robert Hamill's cousin and the 2 women co-operated, with the investigation. Diane Hamill who made a complaint to the police about their alleged inaction has not co-operated either (even though the Secretary of State wrote to her encouraging her to do so). The investigation is now at an advanced stage and the report will be sent to the Director of Public Prosecutions for decisions on prosecutions once it has been completed. There is nothing unusual in this, virtually all files where there is a possible criminal offence by officers are sent to the DPP.

7. Unfortunately Diane Hamill and the family have been further upset over the case because members of the family have been taunted by locals about the murder when they have gone into the town centre. Indeed, newspaper reports on 6 October stated that Robert's eldest brother had gone to England because of this intimidation. In addition, flowers placed at the spot where Robert was beaten up have been "systematically destroyed" and the family have, therefore, stopped putting them up. Only this week [REDACTED] raised with Mr [REDACTED] the allegation that members of the Hamill family are being 'harassed' by the police.

Contact with the Secretary of State

8. The Secretary of State met Diane Hamill and the family on 17 June. The family subsequently wrote and said they wanted to present a petition signed by some 20,000 people calling for an independent investigation and the removal of the officers who have been involved in the incident. Separately they (and, for example, the Committee on the Administration of Justice) said that they could not understand why the Chief Constable did not suspend the officers in the landrover.

Handling

9. The family were understandably devastated by the murder and have had a very hard time since then. It is clear they see the Secretary of State as someone who has listened to them and as someone who may be able to assist in some way. They have already referred to the meeting in their press briefings and are coming hoping for an independent enquiry and for support for the proposed private prosecution.

10. The Secretary of State will want to be as sympathetic to the family as possible and to express understanding for their continuing heartache. She will also want to say that she is keen to hear the family's concerns first hand. However, as she said to them in her letter, she has no powers in respect of the investigations; it would not be appropriate for the Secretary of State to become involved in a debate about the investigation or prosecution. These are the responsibility of others. I suggest that she should say that she wants to hear their concerns, and to understand them, so that she can pass them on to the police and DPP. Given their lack of

co-operation with the investigations, she may wish to encourage them to change their attitude on this.

11. Depending on how the meeting goes, the Secretary of State may need to defend the system for investigation. It would be unwise, again, to get into the detail. Nevertheless, she could say that the police appointed a very senior officer (a Detective Chief Superintendent), the ICPC are supervising and they appointed [REDACTED] who is a member of very long standing, of quality and of integrity and he has given a great deal of attention to the case. He has, however, been frustrated by a lack of co-operation of witnesses (including the family). The Secretary of State can say that she understands the investigation report is at an advanced stage and that it will go to the Director of Public Prosecutions shortly, for consideration of the criminal aspects of the officer's behaviour (which is normal in complaints cases).

12. If the issue of suspension is raised, the Secretary of State will want to say this is a matter for the Chief Constable, but that he will have considered this. If the question of independent investigation comes up the Secretary of State can say that she does not believe it to be warranted given the mechanisms that are in place for examining the case.

13. On private prosecution, as the attached note prepared by [REDACTED], Senior Legal Adviser, indicates, the Secretary of State has no role. Indeed she is advised not to be seen to be encouraging them to bring such prosecutions (which might suggest criticism of the DPP) but rather to say that constitutionally she cannot become involved. This is a matter for them if they feel they have sufficient evidence, although if there is evidence which has not been made available to the police or DPP, then she might encourage them to try that channel first.

14. This all adds up to the need to handle this difficult meeting gently but firmly. The RUC, DPP and ICPC must rely on evidence. If evidence does not exist or is withheld, the due process of law cannot easily work - through no fault of its own. If there are specific suggestions for actions which should have been taken by the various agencies, but have not, then these suggestions can be passed on to those agencies.

Press Handling

15. It is worth noting that the Hamill family have used the media extensively, with [REDACTED] at their side. Although they clearly see the Secretary of State as someone who they can talk to, there is every possibility that they will then go to the press about the meeting as part of the building litany of unsuccessful appeals to British Ministers. I am providing [REDACTED] in Press Office with defensive lines against this possibility.

Signed

[REDACTED]

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