

STATEMENT OF WITNESS

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11 APR 2008

STATEMENT OF CATHERINE JAGGER

DATED THIS 3rd DAY OF APRIL 2008

I, CATHERINE JAGGER, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. I am a solicitor and partner of the legal firm Thomas Andrews and Partners, Wrexham and I qualified as a solicitor in 1993. The firm is listed as a member of the Legal Aid system. In that capacity I advised Andrea McKee in relation to her police interview under caution on 10 April 2001.
3. This is the first statement that I have made in connection with the death of Robert Hamill. I have relied on my file notes in making this statement.
4. I was first contacted by the RUC in relation to Andrea McKee on 29 March 2001. DCS Colville Stewart and DCI K came to my office with a local policeman called DCI [REDACTED] to ask whether I would be willing to act in this case. I had been involved with two National Crime Squad referrals previously with DCI [REDACTED]
5. I was told that the case concerned an offence of perverting the course of justice through assisting a police officer by providing a false alibi following a sectarian killing 4 years previously. I have noted [Page 73011] that it was likely that the client would turn Queen's Evidence as she had already made a statement admitting her involvement with her husband in giving the alibi. I noted [Page

80553

73011] that she was now based in Wrexham and an interview would be arranged for Tuesday 10 April 2001 at 09:00.

6. My role was to be available should the interviewee wish me to represent her. I do not know whether any other solicitors were approached or whether a choice of solicitors was given to Mrs McKee. It may be that the duty solicitor at Wrexham police station was not used as the police wanted a solicitor who had received some prior warning of the date so would be available without delay. Also I believed they wanted someone who had knowledge of defendants turning Queen's Evidence and I have dealt with such types of cases previously.
7. On 10 April 2001 at 09:00 I attended Wrexham police station and met with DCI [REDACTED] and DCI K who gave me a full briefing albeit that I was not shown any statements at that time as I had not received any instructions from the client. It was made very clear to me that the client would be prosecuted and that it was hoped that she would agree to be a witness in the linked cases. As the client worked night shifts it was arranged that they would attend her house between 13:00 and 14:00 to allow her time to rest. If she agreed she would voluntarily attend the interview between 15:00 and 15:30. I left the police station at 10:20 and waited to hear from the police. I made a note of the briefing [**Page 73010**].
8. At that stage I was not aware that the investigation was linked to a complaint against the police although I was aware that the charge of perverting the course of justice related to a police officer. I became aware of the involvement of the Office of the Police Ombudsman of Northern Ireland for the first time when 2 people from that office were introduced at the interview.
9. I met Mrs McKee for the first time on 10 April 2001 at 16:30. I received the disclosure as listed on the disclosure schedule, being some 17 documents. The only document that I am not sure I received was the witness statement of Thomas Hanvey dated 11 May 1997[**Page 576 - 577**]. I have since passed the documents on to [REDACTED] Mrs McKee's solicitor in Northern Ireland.

10. I am satisfied that I was given adequate disclosure and sufficient time to prepare Mrs McKee for the interview. I spent approximately 2 hours discussing the options and procedures in full with her. She seemed a little frightened that she had got herself into trouble and appeared very relieved to be tackling the matter at last. I understood that she wanted to deal with this issue from the past and start a new life. She was pregnant at the time with a new partner and did not want this issue to be hanging over her. She had left Northern Ireland in May 1999 and was contacted the following year by a policeman who wanted to take a statement from her. She was willing to cooperate with the police and did not express any view as to how she had been treated by the RUC in the past.
11. I can confirm that there were no offers of immunity from prosecution or of deferring any sentence if convicted. I recall that the idea was that Mrs McKee would be prosecuted first. There was discussion of protection for her in Northern Ireland whilst she was giving evidence if it was felt necessary as she had some concerns for her safety when the matter went public.
12. I tried to continue to act for Mrs McKee in Northern Ireland with [REDACTED] to act as an Agent. After some attempts to obtain Legal Aid from Craigavon Magistrates Court it became clear that I could not receive Legal Aid as an English solicitor and the matter had to be dealt with by a solicitor from Northern Ireland. I passed the case over to Mr [REDACTED] but I did arrange for a letter, dated 23 October 2001 [Page 73017 – 73018], to be produced to assist her when she did turn Queen's Evidence in the hope that she would be dealt with more leniently.
13. I spoke to DCS Colville Stewart about this letter on 22 October 2001 and drafted the letter dated 23 October 2001 [Page 73017] which I sent to him. The letter contained my ideas of what may assist, rather than any particular representations from Mrs McKee. I was concerned to put matters in writing rather than rely on what anyone might say on her behalf, as I wanted to ensure that she received a reasonable deal, if you like, and that her cooperation would assist her in this matter. The letter [page 34070] I received back from DCS Colville Stewart dated 2 November 2001 was in line with my expectations. I do

not know whether the letter was produced to the Judge but I sent it on to [REDACTED]

[REDACTED] I had no further contact with the RUC.

14. I prepared a draft statement on behalf of Andrea McKee [Page 72990 – 72992] and sent this to her with an accompanying letter [Page 73013] on 21 November 2001. I forwarded copies of these documents to [REDACTED]
15. Although I did not consider this at the time, it does strike me as strange now that the second witness statement [Page 14956 – 14957] was taken from Mrs McKee by the RUC, where she admits that the previous statement [Page 9200 – 9201] was false, without her receiving legal advice or being cautioned. However, we did discuss whether she was willing to continue with these statements she had made in her subsequent interview under caution [Interview Transcript page 21224 - 21241] and she was prepared to do so in the knowledge that she would be prosecuted on the basis of her admissions.
16. I did ask Mrs McKee to let me know what happened after I handed over the file to Mr [REDACTED]. At one stage she called my secretary to say that she had just been to the Court in Ireland but was required to go again for procedural reasons. She appeared to be complaining that she would be required to go so many times in the proceedings – I recall that it was because the Judge was unwell. My only involvement was administrative in relation to travel arrangements and dealing with the tape of the interview. The last note I have reads

“Andrea McKee advised suspended sentence. 7 May 2002 a trial, so sentence. Already been over 4 times, deal for Michael is one year custody”

17. In my view, the RUC did appear to be committed to using Mrs McKee as a witness who was to be given as much credit as possible. Also, Mrs McKee was committed to acting as a witness, in my opinion. It seemed to me that she knew that she had covered something up and felt bad about it and wanted to have it dealt with so she could get on with her life. It was common sense that she should assist with the prosecution of the others if that could lead to a more

lenient sentence albeit that she was aware that there could be dangers involved in that.

SIGNED: *C. Jagger*

CATHERINE JAGGER

DATED: *3rd April 2008*