

STATEMENT OF WITNESS

STATEMENT OF COLIN PRUNTY

DATED THIS

DAY OF

2009

I Colin PRUNTY, 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 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 can confirm that I have contributed to several documents in connection with the investigation into the murder of Robert Hamill. On 3 May 1997 I was interviewed by the police who completed a questionnaire, containing pages **8135** to **8136**. My first statement to the police is dated 8 May 1997, and contains page numbers **9101** to **9104**. My second statement to the police is dated 3 November 1997, and contains pages **9105** to **9106**. I also met with the DPP on 30 October 1997, which is recorded in a Note of Consultation at pages **18062** to **18063**. On 22 February 1999 I gave evidence at Belfast Crown Court in the case of *R v Marc Hobson*, a transcript of which appears at pages **8306** to **8333**.
3. I have lived in Portadown my whole life. In April 1997 I had lived in [REDACTED] in Portadown for 5 or 6 years. At that time I had been seeing a woman called Maureen McCoy for a couple of years.
4. I knew Robert Hamill and **D**, **E** and **F** well enough as individuals. I went to school with **D**. He was older than me, so I just knew of him. I would not have been a close friend of his, but I was quite friendly with him, so if I saw him in the street I would have said "hello **D**".

5. On 26 April 1997 Maureen and I went out for the evening. I think that I was wearing black trousers, a blue shirt, a leather jacket and a tie, although I cannot remember what tie it was. I am now informed that one witness from that night described a man wearing a blue shirt and striped tie with smart dark trousers, and I accept that this may have been a description of me. I cannot remember what Maureen was wearing.
6. We went to St. Patrick's Hall in Thomas Street that night. I am informed that Maureen said that prior to going to the Hall we went to the Royal Oak in Woodhouse Street, whereas I said in my statement of 8 May 1997 at page **9101** that we went to Parkside Inn on the Garvaghy Road. We definitely went to the Parkside Inn and we probably called in to the Royal Oak for a pint on the way up to St. Patrick's Hall. From Woodhouse Street, Maureen could have been right to say that we walked to St. Patrick's Hall that night.
7. We arrived at St. Patrick's Hall at about 21:30 or 22:00. We usually attended the Hall every weekend because I was a member. There was a disco on at that the Hall that night, as there would be every 5 or 6 weeks. There were about 200 people at the disco, and they were easily accommodated because the Hall is a big place. I mostly stayed with Maureen that night, but we would have been talking to different people at the bar. I remember speaking to Robert Hamill and **D**, **E** and **F**. I cannot remember what **D** or Robert were wearing. I drank about 7 or 8 ordinary pints of beer throughout the night. I was a regular drinker in those days, so I was not feeling worse for the drink.
8. I would say that we left St. Patrick's Hall at about 00:30 to 01.00, though I am now reminded that my statement at page **9101** says that we left at about 01.30, and I accept this as being accurate. I can remember walking out of the Hall with Maureen and Robert. Not many people were leaving the Hall at that particular time and our intention was just to go home. There were no taxis available, so we just walked home the way we had come.
9. Our route home was down Thomas Street, which is shown in photos at pages **224** and **225**, straight across the junction into Woodhouse Street and then to

Obins Street. I was a little bit worried about walking home by this route, but I went anyway because we could not get a taxi. I had not experienced any problems at the junction of Thomas Street before myself, although there was some trouble there at various times.

10. I think that Maureen and I were walking on the right hand pavement; the side of the road where the British Legion Club and Jameson's bar were located. I think Robert Hamill was walking about 20 – 30 yards in front of us, but we could see him from a distance. As far as I can remember now, the D, E, F clan were walking behind us, with a gap between us. However, I am reminded that my statement at page 9101 says that the D, E, F were also walking in front of Maureen and I, but that my evidence at the trial at pages 8305 to 8306 was that the D, E, F were behind us. With the passage of time I am now uncertain, but D and the others must have been in front of us by the time we reached the junction, because I saw them when they were about to cross the street.
11. I have been told that in Maureen's statement to the police containing page 6173, she recalls being stopped by F as we both approached the British Legion Club and the Credit Union, who said to her, "*Don't go down there, Maureen, as there is a crowd down there*". I have no memory of this taking place. I am also told that Maureen said that she could see a group of 10 – 15 persons standing outside the baker shop on the corner of Thomas Street from this vantage point. I cannot recall seeing the crowd while I was walking down. There is no way I would have continued down towards the junction if I had seen a crowd standing at the end of the street.
12. I could not see any police Land Rover from this position, but I later noticed it when I had gone down the hill and reached the corner. I have been shown a photograph containing page 226, which was taken from the Number 7 Bakery looking directly at the junction by the Alliance and Leicester and the Halifax. The Land Rover was parked on the opposite side of the junction outside of the Halifax, it was facing down the High street with its back doors facing Woodhouse Street. It was about 30 or 40 yards from the junction, and was square on so I could see the back of the vehicle.

13. It was only when I reached Jameson's in Thomas Street that I saw a crowd. Robert was at the junction when a crowd just appeared from the right hand side of the No.7 Bakery, which is on the corner of Thomas and High Street opposite Eastwood's Clothing Store. I am reminded that in my first statement to the police at page **9102**, I said that the crowd emerged from the left of the main street. However, as far as I am concerned, the crowd came from the bakery side of the street. **D**, **E** and **F** were just about to cross over the junction.

14. I am informed that a witness called William Jones, at page **9111** of his statement, recalls seeing 3 or 4 men running down Thomas Street towards Market Street. One man is described as being approximately 5 feet 10 inches tall; the other is described as 5 foot 10 inches, with a medium build, short dark hair, wearing a waist-length black leather jacket and black trousers. I have been asked whether the man with the short dark hair could have been Robert, but all I can say is that Robert had light brownish hair.

15. Robert was attacked by the crowd, which I could tell was from the other side of the community. I was probably just at Jameson's Bar when that happened, perhaps 20 – 30 yards from the junction. It all happened so quickly. He was just walking down and the next minute the whole crowd just started to fight in the middle of the road. I cannot remember seeing him being hit, but Robert was knocked to the ground and I saw the crowd of about 10 – 12 around him. Some of those people were kicking him while he was lying on the ground. There were girls there too, but I do not think any of the girls were involved in the kicking. I remember what the people who were kicking Robert looked like, but I did not know them because they were from the other end of town.

16. **D** ran down towards Robert, obviously to help him, but was hit by a bottle in the process. He went straight down to the ground. There was a crowd around him too, but I did not see him getting kicked. **D** did not attack anyone before he was attacked. I am certain that I remember **D** being hit by a bottle, and have a good memory of this occurring. I did not put this in my statement to the police on 8 May 1997, but I did mention it in a meeting with the DPP on 30 October 1997, recorded at page **18062**.

17. I ran down the middle of the road with Maureen. The crowd were shouting “Fenian Bastards”. I think F and E were screaming at them to stop, just standing screaming, “help, help!” I was shouting at a group of Protestants to get off Robert, to choose some other road. I am informed that a witness known as Jonathan Wright, at page **9141** of his statement, speaks of a man shouting towards a crowd of Protestants, wearing a blue shirt, striped tie, smart dark trousers and very short hair, about a number 2 cut. I can confirm that this was about the length of my hair in those days.

18. I went into the crowd to help Robert, who was still being kicked. I swung a few punches to try to get the crowd away from him, but I do not think I connected with anyone. I was not going in to fight; I was just trying to break the fight up. I am told that, in his statement to the police at page **267**, Witness B records that he saw a man with a blue shirt and tie in his mid-thirties, with short, ginger hair trying to stop the fighting, and being thrown out of the way by Marc Hobson. I do not recollect seeing Marc Hobson. I was hit myself a few times, but there were no marks on me; I am told that someone else’s blood was later found on Robert, but it could not have been mine because I did not bleed at any stage.

19. Maureen attended to Robert and she was kneeling down cradling his head into her lap. D was being attended to by F and E so I did not go to see how he was. I thought Robert was bleeding from around the back of his head, but I did not look to see exactly what was wrong because he was being looked after by the girls. I did not see any bottles around Robert, and I do not know whether he was hit by a bottle causing other liquid to collect on the ground. I continued to try to keep the crowd away from Robert as they were still kicking out at him. There were no attacks made on the women, but Maureen was in a position where she was at risk of being assaulted.

20. When I was cross-examined in court, I described the attack as lasting about 10 minutes. This is recorded in the court transcript at page **8325**. It may be that it did not last as long as that, but it just felt like that.

21. Including the hardcore group of 10 or 12 that had been kicking Robert, the total crowd was about 50 or 60 in number. Of these only about 15 were Nationalists and the rest were Protestants. I have been asked whether I saw any Nationalists that I recognised. Colin Hull was there that night, but I cannot remember seeing him at the fight. I think I remember seeing Dermot McNiece. I also saw Thomas Mallon earlier in the night, but think he had left by the time the attack took place. I cannot really remember any others.

22. I did not see any police emerge from the Land Rover when I went to assist Robert. Maureen must have sat cradling Robert's head for 5 minutes, and no police went near him. Eventually the police appeared and started to try to push the crowd back from around where he was lying. I am uncertain as to how many officers I saw initially, but I remember that there was definitely a woman; my statement reminds me at page **9103** that there were about two or three policemen and one police woman.

23. A policewoman lifted a male, whom I had seen in the crowd around Robert, and put him into the Land Rover. I think the male had short hair and was wearing a Rangers scarf tied in a knot. I did not actually see the man with the Rangers scarf kick Robert, but he was amongst the crowd who did so. I went over and spoke to the policewoman and said something like, "make sure you get his name". My intention in going to the Land Rover was to make certain the police knew he was one of the people involved. He was inside the Land Rover being aggressive, making fun of what had happened and saying, "Fenian bastards". I did tell the police and the DPP that the man in the Land Rover was saying this, but it is not in my police statement. I was in a bad temper so I swung at him while he was inside the vehicle. This does not appear in my police statement either, but I did tell the police that I had hit the man. I cannot now remember seeing this male released from the vehicle.

24. I have been told that a witness saw a man described as aged 30 to 40 with a blue suit, shirt and tie going to the Land Rover and shouting, "Are you going to let the Orange bastards get away with that?" This was not me. I did not go over to

the police Land Rover to seek assistance, but only once I saw the man placed in the back of it.

25. The police tried to break up the crowd, and it took about 15 – 20 minutes for them to do so. It is definitely the case that the police did not act quickly enough. An ambulance arrived around the time the fight was starting to die down. **D** was placed in the back of the ambulance, and I think **E** went with him. Robert was lifted and put into the ambulance. There was still a crowd roaring at Robert and shouting at Maureen when he was lifted. I think that more police also arrived. I cannot recall whether the other police appeared before or after the ambulance arrived.
26. I am told that David Morrow, the ambulance man, gave evidence at the trial that there were 2 rival groups taunting each other when he arrived at the scene. I do not know where he got that idea from. There were no rival groups because there were only up to 15 people in the hardcore crowd kicking Robert; there was nobody taunting anyone there. After Robert had been hit, there were obviously a few verbal insults that might have been said, but that was all.
27. The police asked me for a description of who had been kicking Robert. My first statement to the police at page **9104** says that I saw a man who had been kicking Robert being let out of the back of the Land Rover. I described this man as being about 20 to 25 years old, roughly 6 feet tall, with short, dark hair and wearing a Rangers scarf. I was not asked to attend an identity parade at the police station; I think they just showed me some photographs of suspects. I can confirm that at no stage did the police ask me for a blood sample.
28. On 30 October 1997, I went to the DPP's office in Belfast with my solicitor, Rosemary Nelson. I was seen by Mr McCarey of the DPP and Gordon Kerr QC, and asked questions about the incident. I gave a description of the person in the Rangers scarf who had been in the Land Rover, as being a tall, clean-shaven man who had jet-black hair, with the fringe gelled down. This is recorded at page **18063** of the Note of Consultation.

29. Then on 31 October 1997 I remember going to the Hamill family home and being shown a video. I am reminded that in my second statement to the police at page **9105** I said that the video contained footage of 3 men walking through a fenced area. At that time, I thought I was certain that one of those 3 men on the video was the same as the person I had seen wearing the Rangers scarf who had been in the back of the police Land Rover.
30. As a result of this identification, on 3 November 1997 I went again to the DPP's office in Belfast and was shown 2 photographs of suspects at Portadown Police Station. I picked out 1 person whom I recognised, and who was the person I had seen on the video. I could not be totally certain that this was the person I had seen in the back of the Land Rover on the night of the incident, but I thought that it was him. It was at this point that I made my second statement to the police, containing page **9105**.
31. I have now been informed that the description I gave of the man on 8 May and 30 October 1997 fits the description of Wayne Lunt, who was long-legged, slim and 5 foot 9 inches tall, but the man I picked out in the video was Dean Forbes, who is described as a stout boy with short brown hair. I have been asked why this happened, when there is a fair difference between the appearance of the two men, and there were only a couple of days between my seeing the video and being shown the photographs. I cannot reconcile what I said to the police on 8 May and what I said later. All I can say is that I cannot be certain about the identifications I made at the time. I must have got mixed up. I can remember the police saying to me that the two men were totally different people, so I must have got it wrong.
32. I can definitely confirm that nobody from the Hamill family placed any pressure on me whatsoever, or influenced me to make an identification from the video that they showed me. Similarly there was no pressure put on me when I was shown the 2 photographs at Portadown police station.
33. At no stage did I receive a letter from the Police Complaints Commissioner, asking me to see them. I was aware that the Hamills had made a complaint

about the police, and I went to see [REDACTED] because I was advised to do so in support of their complaint. I can confirm that I made a statement to [REDACTED] I am not sure, but this statement must have been made at around the same time as my first statement to the police. I supported the Hamill family in their complaint because I believed they deserved to know what had happened to Robert.

SIGNED *Col Prunty*
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COLIN PRUNTY

DATED: *24/1/09*
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