

STATEMENT OF WITNESS

STATEMENT OF PATRICIA MURPHY

DATED THIS DAY 2nd OF April 2009

I, Patricia Murphy, 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 serving officer in the Police Service for Northern Ireland (PSNI) and I am currently working in the Serious Crime Review Team.
3. A typed copy of my notebook entries on 10th April 2001 is at pages **56579** to **56583** and a copy of my notebook entries between 19th December 2003 and 4th March 2004 is at pages **74233 to 74241**. No other extracts of my notebooks are before the Inquiry. My two statements dated 28th August 2001 are at pages **17515** and **17518** and my two statements dated 18th February 2004 are at pages **59788** and **59790**. I cannot now say why I made two statements on 18th February 2004 rather than incorporating the information into one.
4. I joined the Royal Ulster Constabulary in 1988 after initial training I was a uniformed officer until 1993 when I joined the CID. In 2001 I was posted to the Regional Crime Squad (South) based in Armagh. I received training on the National Foundation Course for detectives and the National Interview Technique Course.
5. On 6th April 2001 I attended a briefing with other officers at Grosvenor Road Police Station for an investigation linked to the murder of Robert Hamill. I had

not previously been involved in the Hamill case and had not served in Portadown. Later that day I attended Gough Barracks where I was given a briefing pack and interview material for the investigation. A lot of officers were at the briefing and we spent the day working through the documents in the briefing pack. I was aware at the time that the investigation was being overseen by the Police Ombudsman of Northern Ireland (PONI) but I cannot recall if representatives from PONI were present at the briefing. Before that briefing I had no knowledge of Reserve Constable Atkinson or the allegations against him. I also attended a briefing on the morning 10 April 2001 by Detective Chief Superintendent Colville Stewart which is recorded in my notebook at page **56579**.

6. At 8:40am on 10 April 2001 DC **P30** and I arrested Eleanor Atkinson outside her place of employment, Northern Ireland Electricity Offices (NIE), for an offence of conspiracy to pervert the course of justice. Mrs Atkinson was taken to the custody centre at Gough Barracks, Armagh. My notebook record of these events is at pages **56579 – 56580**.
7. Together with DC **P30** I interviewed Eleanor Atkinson on three occasions on 10th April 2001 in the presence of her solicitor Mr Sean Hagan and a PONI representative. The transcripts of those interviews are at pages **21295 – 21353** and my record of the interview times is in my notebook at page **56581**. I was not involved in any discussion before the interviews about whether it would be detrimental to have Mr Hagan present, given that he had been present when Andrea McKee gave her statement to DI Irwin on 29th October 1997, and I am unaware of any discussion between others. I cannot recall whether I was aware at the time that Mr Hagan had been present when Andrea McKee gave her statement to DI Irwin.
8. During the first interview I questioned Mrs Atkinson regarding a statement she gave to the police on 9th October 1997. I read the statement to her (in the transcript at pages **21296 – 21297**) and she confirmed the statement as being true. In interview Eleanor Atkinson confirmed that she had made a telephone call on 2nd May 1997 to the Hanvey home about Tae Kwon Do equipment and that this equipment was later delivered to her by Andrea McKee (in the transcript at page

21311).

9. I do not know if enquiries were made with Andrea McKee to confirm if she delivered the equipment to Eleanor Atkinson. Similarly I do not know if enquiries were made with NIE to establish if Eleanor Atkinson was working on 2nd May 1997 when the telephone call was made between the Atkinson and Hanvey homes. I may have known at the time that that might have been part of the briefing, but I cannot recall now.

10. During the interviews Mrs Atkinson was asked about her association with Kenneth Hanvey and about telephone calls between her and his home. After the end of the third interview at 9:42pm I was approached by Mr. Sean Hagan and told that Mrs. Atkinson wished to clarify an issue. I recorded what Mrs. Atkinson said to me in my notebook at pages **56582 – 56583** as follows:

“...she stated that when she had been asked during her interviews about her friendship with Kenneth Hanvey she had thought this to mean on a social basis. She not mentioned the fact that she worked with Kenneth Hanvey at NIE where he is a foreman. She wanted to make it clear that she had not tried to distance herself from Hanvey. Note made by myself in Custody Record.”

11. On 31st May 2001 I again interviewed Eleanor Atkinson, this time in the presence of her solicitor Brendan Hagan. I cannot recall there being any query about the change of solicitor. The interview transcripts are at pages **21354 - 21411**. I asked Mrs. Atkinson why she had failed to mention when interviewed on 10th April 2001 that she worked with Kenneth Hanvey at the offices of NIE. This is in the transcript at pages **21385 – 21386**. I do not know why so much time elapsed before interviewing Mrs. Atkinson again on this matter. It was not my decision to reinterview her and I can only assume that I must have told a senior officer about what happened after the interviews on 10th April 2001 and that the decision was later made to reinterview.

12. I was involved in debriefings after the interviews on 10th April and on 31st May 2001. I recall that DCI **K** was present at the debriefings on 10th April. I prepared two statements on 28th August 2001 regarding the arrest and interview of Eleanor Atkinson which are at pages **17515 - 17519**. I returned to other duties and

did not become involved in the case again until 2003.

13. On 27th October 2003 I traveled to Wales with DC [REDACTED] to accompany Andrea McKee to court in Northern Ireland. My job was to bring Andrea to court, look after her and make sure she got home safely. I had looked after witnesses in the past. I do not know what contact telephone numbers Andrea had but she did not have one for me. This was the first time I had met Andrea.
14. During the journey to Craigavon Court Andrea McKee appeared to be a friendly girl who was easy to get on with. She did not appear to be nervous. The case was adjourned without her giving evidence and on the return journey Andrea was no different and did not give any indication that she would not give evidence in the future.
15. The next contact I had with Andrea was on Friday 19th December 2003 when I telephoned her on her mobile phone to make travel arrangements for her attendance at court on Monday 22nd December 2003. I gave an account of the call in my statement dated 18th February 2004 which is at page 59790, and this was based on my notebook entry at 74233. DC [REDACTED] and I were to travel to Wales to accompany her to court again and I gave Andrea the details. She appeared happy with the arrangements and we talked generally for a few minutes. She did not appear to be any different in her manner from when I saw her in October 2003. Andrea McKee did not mention during our conversation either that her son was ill or that she had been to the surgery with him. I knew she had a young son and that she lived with her partner. Also, I knew she was studying to be a nurse.
16. On Sunday 21st December 2003 I received a telephone call from DC J who informed me that Andrea McKee had telephoned Armagh Communications Room and wanted to speak to someone about the case tomorrow because she was unable to attend court as her son was sick. I was requested to contact her by DCI K. At about 1030am that morning I telephoned Andrea. I have recorded the details of our conversation in my statement dated 18th February 2004 at page 59790 which was based on my notebook entries at pages 74234 – 74236.

17. Andrea told me that her son had mumps and ophthalmitis. She explained that her son's testicles were swollen and there was concern that her son might die because of his high temperature. Andrea explained that her child's illness had started two weeks earlier with an ear infection and she had taken him to see the doctor on two occasions and the doctor had visited her home on one occasion. She was going to take her son to the doctor on Monday morning. She told me that Dr. [REDACTED] had prescribed Amoxicillin and Calpol for her son. Andrea seemed to be fully aware of what her son's illness was and the medication he had to take.
18. I enquired whether we could do anything to assist her and she told me not at the moment. She was very apologetic but not prepared to travel to court when her son was ill. She was adamant that as the child's mother she was not going to leave him. I enquired whether she would be available on Tuesday 23rd December or the following week. She said definitely not Tuesday and she declined to attend the following week because she did not know how well her son would be by then. We discussed which dates would be suitable and she told me that she was returning to college at the beginning of January and she would like to get things over and done with before the workload at college became too much. She offered the half term break in February 2004 as being the ideal time. She again stressed how sorry she was and I told her that I would be in contact regarding new arrangements. I then telephoned DCI K to explain my conversation. My overall impression of Andrea after this conversation was not that she did not want to give evidence but that she did not feel able to attend the hearing because her son was sick.
19. I attended Craigavon Court at 9:00am on Monday 22nd December 2003 where I spoke with a representative of the DPP. I recorded the events of that day in my notebook at page 74236. I telephoned Strathmore Surgery at about 9:45am and spoke to a receptionist. She told me that Dr. [REDACTED] was not available until Wednesday 24th December but she would ask the other two doctors at the surgery to see if they would prepare a report to fax to the court. I have recorded in my notebook that the other two doctors were Dr [REDACTED] and Dr [REDACTED]. I telephoned the surgery again at 10:45am and again spoke to the receptionist. She told me, as I have recorded in my notebook at 74237, that "*neither Dr [REDACTED] or Dr [REDACTED] would get involved by committing themselves to paper*".

20. I then spoke with Christine Smith, Counsel for the DPP, and made her aware of my conversations with the surgery. It was agreed that a medical certificate was to be produced to the defence by 2nd January 2004, as recorded in my notebook at **74237**.
21. At 2.15pm the same day I telephoned Andrea McKee to inquire about her son. I recorded the detail of the conversation in my notebook at pages **74237 – 74238**. She told me that she had taken her son to see the doctor that morning and he was diagnosed as having a respiratory infection. I told her that a possible new date for the hearing was 8th March 2004. Andrea told me that she would be well into her case work by then but would come if need be and that if the case went on for more than a day she would have to consider bringing her son with her. I later informed DS **H** about these events. My recollection is that Andrea did not say that she would not come to the March hearing, only that she may have to bring her son.
22. I was not involved in inquiries with surgeries in Wales regarding Andrea's attendance about her son. I did not have contact with her again until March 2004 and I did not have any contact with her partner.
23. On 2nd March 2004 I traveled to Wales with DC [REDACTED] and collected Andrea McKee for a consultation with Counsel Mr Simpson QC and Ivor Morrison of the DPP. I recorded the details in my notebook at page **74240**. When we arrived in Belfast with Andrea we took her to Musgrave Street and took post-conviction fingerprints from her. As I have written in my notebook, we were directed to do this by DCI **K**
24. We then went to the consultation at the DPP offices. During the consultation I made notes. These were not written in my notebook but on a separate sheet of paper. I later typed up these notes and they are at pages **33965 - 33967**. DC [REDACTED] also took notes which are at page **33961**. These show the date as 3rd March 2004 but I am clear that the date was the 2nd March as I have notebook entries for that date and 3rd March when I typed up the original notes. I wrote the times of the consultation in my notebook at page **74240**. It started at 5:45pm and ended at

6:15pm.

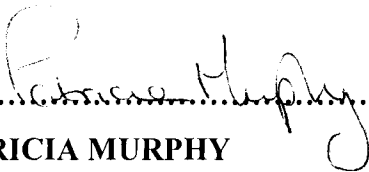
25. During the consultation Andrea was asked firmly why she had not told me that her child was ill when we spoke on Friday 19th December 2003. She could not recall not mentioning it. Throughout the meeting she was adamant that she had taken her son to the out of hours surgery and maintained the same information that she had told me on Sunday 21st December.

26. Throughout the consultation Andrea did not appear to be intimidated and never indicated that she would not give evidence.

27. After the consultation we took Andrea McKee back to the airport and she traveled back to Wales alone. I recall that she seemed fine on the way to the airport.

28. I had no further contact with Andrea McKee after we left her at the airport.

SIGNED:

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PATRICIA MURPHY

DATED:

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