


STATEMENT OF WITNESS

STATEMENT OF D

DATED THIS 12th DAY OF May 2008

I, D 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. In 1997 I had lived in Portadown all of my life. At that time I was 29 or 30 years of age and I was married to E. I had known Robert Hamill for maybe 10 years. He was E's cousin and lived in the same area.
3. On the evening of Saturday, 26 April 1997, I attended a music night at St Patrick's Hall on Thomas Street. It was not somewhere that I went regularly but there was music and dancing that evening. I recall that I had been playing football earlier in the day but I cannot recall if I went to my local bar, Brankis² Bar, before going on to St Patrick's Hall. - D
4. I went with my wife, E and her sister, F. At some point we met her sister, [REDACTED] short for [REDACTED] and her husband [REDACTED] I am unsure if they were with us on the way to the hall or if we met them there.
5. Robert Hamill was already there at St Patrick's and he sat with us. I recall he was wearing a black leather jacket that evening. I cannot recall what any of the others were wearing, but I know that I was wearing a stripy T-shirt.

6. I also recall seeing Maureen McCoy and Colin Prunty at St Patrick's. At the time, I had known Maureen for about a year and Colin for a bit longer. I knew them as they lived in the surrounding area but I did not socialise with them.
7. I think that I had around six to eight pints of beer to drink over the course of the night but I would not describe myself as being drunk. I do not recall what Robert was drinking but it was probably beer. I do not know whether or not Robert was drunk. I do recall that, as always, he was in a good mood.
8. The music stopped after 01:30 and the bar closed. People started leaving in small groups of three or four, either by taxi or, those who had not been drinking, in their own cars. As I recall, all cabs were busy that night so we decided to walk home. I left the hall with E, F and Robert. The route home was to come out of the hall head towards Thomas Street/ Market Street across the middle of town, and down Woodhouse Street.
9. When we left I do not recall noticing who was in front of us or who was behind us. I do not recall seeing Colin Prunty or Maureen McCoy. We were just leaving by ourselves and we were not worried about anyone else. We just wanted to go home. When I left, I was in a good mood having had six or eight pints. I was probably having a conversation with Robert, F or E as the four of us made our way down Thomas Street. We were not shouting.
10. There has been produced and shown to me a photograph containing page number **224** which depicts the view from the main street ^{looking up Thomas street} ~~to the town centre.~~ Eastwood Clothing Store is on one corner and the bakery is on the other. I have also been shown a photograph containing page **225** which depicts the view looking down Thomas Street and on the right hand side is Jameson's Bar and directly in front is the Alliance and Leicester on the main road. 
11. I knew that the junction of Thomas, Woodhouse and Market Street was a place where fights would take place between people of different religions, mostly at the weekends. I had never been involved in any fighting at that location before. I

had walked home from St Patrick's Hall on other nights and never had any cause for concern, and I was not concerned on the night of 26/27 April 1997 as we left.

12. I have been told that Colin Prunty and Maureen McCoy made statements in May 1997 at pages **9101 – 9104** and **9106 – 9110**. Both recalled seeing E, F, Robert and I walking down Thomas Street in front of them after leaving St Patrick's Hall. I do not recall seeing Colin or Maureen after leaving the hall that night.

13. It has been put to me that Maureen McCoy in her statement recalls;

"As we approached the British Legion Club and the Credit Union premises we were called to stop by a female I know as F. She said to me, "Don't be going down there, Maureen, as there is a crowd down there.""

I do not remember F speaking to Maureen McCoy as she approached the British Legion Club. On photograph **224**, the British Legion Club is past Jameson's Bar and is next door to the Credit Union which is the very last white sign with blue writing. The Credit Union is before the bend and before the houses that appear at the top of the street. From the Credit Union and the British Legion you can see straight down into the town centre and the view is as it appears in photograph **225**. From that position you could see Thomas Street straight down to the Alliance and Leicester building at the top of Woodhouse Street. I have a memory of that view and I remember walking down the street.

14. Maureen McCoy goes on to say at page **9107** of her statement that;

"I then looked down Thomas Street at its junction with the High Street and I saw a group of 10 to 15 male persons standing outside a baker's shop on the corner."

I do not recall seeing a group of people, only two or three people standing at the bottom of Thomas Street. I did not see a large crowd.

15. As we walked along Thomas Street we walked along one side of the road, although I cannot recall which side. The bakery to which Maureen McCoy refers is on the right hand side as you walk down Thomas Street.
16. In his statement dated 8 May 1997 at page **9102** Colin Prunty also recalled seeing approximately 30 people, mostly men, on the same corner at the junction of Thomas Street and Market Street, outside Eastwoods Clothing Store. As I have said, I can only recall seeing 2 or 3 people standing outside the bakery. I cannot say whether they were men or women and I cannot describe any of them.
17. As I walked down Thomas Street I do not now recall being able to see a police Land Rover that night. I am aware that **E** and **F** recalled in their statements of 27 April 1997 that there was a police Land Rover near the Halifax at the junction of High Street and Woodhouse Street. I may not have recalled seeing the vehicle when I gave my statement in 1997 which is produced and shown to me at page **9094**. I had just been assaulted and my best friend was lying in intensive care.
18. When I was walking down Thomas Street I do not recall seeing any police officers. I was not looking for police officers or a Land Rover. I was just concentrating on getting across the road and going home.
19. As we proceeded down Thomas Street, I did not hear any shouting. I did not notice anyone else on the street apart from the 2 or 3 people I saw standing on the corner near the bakery. I am not sure now where Robert or the girls were in relation to me, as we walked down the street.
20. I have been told that a number of witnesses have recalled hearing noises from Thomas Street. There is now produced and shown to me the statement of William Terrace David Jones dated 16 May 1997 [pages **9111 – 9113**] who states;

"I looked out of my window which overlooks the bottom of Thomas Street onto Market Street. I saw three or four men running down Thomas Street towards Market Street. They were in the middle of the road. Also in this group of me there were three women."

21. I do not recall seeing three or four men with another three women running down Thomas Street.

22. Mr Jones goes on to describe the men he saw running;

"The man I have mentioned I can describe as follows. One, approximately five feet ten inches tall, medium build, dark short hair, he was wearing a black leather jacket which was waist length and black trousers. I'm not sure if they were of jean material."

23. I have been asked if that description could fit either me or Robert. It is not a description of me as I was not wearing a black leather jacket and Robert was taller than five feet ten inches. With regards to the rest of the description, *"medium build and dark, short hair,"* the first man described, that does not fit either of us.

24. Mr Jones describes a second man as follows:

"Second man approximately five feet eight inches tall, light build, dirty fair hair short, he was wearing a grey jumper which had a pattern all over it and he was wearing light-coloured blue jeans."

I have not got dirty fair hair and I was not wearing a grey jumper. I do not think Robert was wearing a grey jumper. He was wearing a jacket.

25. Mr Jones goes on to further describe these men;

"the two persons I've described I would say were approximately number one was aged 24 to 26 years old and the second person was aged 26 to 28 years"

old.” He also describes a third gentleman, “*Number three, who was approximately five feet ten inches, stocky/ well-built, blonde/ fair hair shaved into the side and back and brushed back on top. He had a full face. He was wearing a pale blue shirt, dark tie, black trousers. The shirt was tucked into the trousers. He looked neat and tidy in his appearance. He was wearing black jeans. This man was approximately 28 to 32 years old.*”

26. I did not see anyone fitting that description. He also recalls seeing three females, but he is unable to describe any of them. On the second page of his statement at **9112** about ten lines down he said;

“I then saw the person that I have described as number one running down Thomas Street towards Market Street on the Jamesons Bar side. As he approached the junction of Thomas Street and Market Street he hit out with his right arm and appeared to connect with a person who was standing at this junction. The assault appeared to be on this person’s face. It was at this point that I realised it was my girlfriend’s brother who was the victim of this assault.”

27. I did not see anybody being assaulted or attacked that night, at the junction of Thomas Street and Market Street, as I made my way down Thomas Street.

28. Neither Robert nor I were involved in any altercation with anybody as we walked down Thomas Street. It has been pointed out to me that later in Mr Jones’ statement at page **9112**, at the last four lines, he states;

“I then went back over to the window and looked out. All I’d seen at this stage were these people lying in the road and I know that it was the first two persons that I had described.”

I have been asked if this could be a reference to Robert or me, as we were attacked and at one point lying in the road. I do not accept that Mr Jones’ descriptions of any of the three men fit me or Robert.

29. A letter written by P42 has been produced and shown to me at page 1038. In that letter, P42 describes observing a fight in the town centre in the early hours of 27 April 1997;

“On the date of the fight I observed two men and two ladies walking in the direction of the town centre from the fire station. One lady said not to walk any further as a crowd of lads were standing at the corner of the bakery to which the man replied, “This is a free country and I’ll walk where the fuck I like”. At this he shouted to the fellows, “Do you want a fight?” This was shouted about two, maybe three times before the crowd at the bakery responded”.

I do not recall anything like this taking place.

30. Mr P42 continues;

“Then from this both sides started provoking each other. The man that had been doing most of the talking then walked out into the middle of the road placing his bottle to the ground. He raised his hand in the air and waved as he repeatedly said, “Come on then”. Eventually one man stepped out from the crowd at the bakery and shouted, “I’ll take you then”. At this point the ladies that were with the two men shouted for them to stop and walk home. But the provoking became worse until both men were about a foot away and sizing each other up. There was not one ready to throw a punch until another man broke away from the crowd at the bakery, ran between the both and punched the one facing the town, ran off in the direction of St Mark’s Church. The one who received the blow to his face then punched the one who was sizing up to him and ran after the man who had thrown the first punch.”

31. All I recall is being attacked at the bottom of Thomas Street. I did not hear shouting or fighting.
32. I have been told that a person known as David Woods, who was the brother of Carol Ann Woods who was Mr Jones’ girlfriend, was arrested and interviewed

in relation to the incident. The transcript of his interview with police has been produced and shown to me containing pages **7486 – 7533**.

33. It has been put to me that David Woods told police that he was walking up the town, to go home that night, turned into Thomas Street near Jameson's Bar, when a man in a blue shirt and tie yelled at him "*Orange bastard*". He stated that the sound came from in front of him. He stated that a group of about three fellows and two girls were outside the Legion Bar and he was outside Jamesons. He said that he heard them say, "*Orange Bastards. Up the IRA.*"
34. He continues at page **7499**, the fourth page of the interview, that the group did not know him. He confirms that the males were "*fully grown men, big lumps of fellows.*" He recalls that one man had a blue shirt and tie, was in his late 20's and was nearly six foot tall or 5' 10" or 5' 11." He describes him as big build, which he clarifies as being fat, rather than muscular. He describes the other man with him as wearing a straight, a box leather jacket. He says that this man ran towards him then punched him in the face, before running out in to the middle of the town.
35. I have been asked if Robert Hamill hit anyone as he came down Thomas Street, given that he was wearing a black leather jacket. I cannot recall Robert Hamill, hitting anyone as he came down Thomas Street.
36. I also understand a person known as Andrew Allen was arrested and interviewed by police in relation to the incident. The transcript of his interview has been produced and shown to me containing page number **7302**. In response to the question who he was with, Andrew Allen replied;

"Rory Robinson was there and David Woods. I heard shouting coming down Thomas Street but I just thought it was somebody from the Legion or Jamesons. Then there was a crowd of boys and girls coming down. I thought they were going to walk on past, I paid no attention. One of the boys hit David Woods in the face and another boy started fighting with Rory Robinson. Another boy came at me and I backed off into the middle of the road. He kept on coming at

me trying to swing punches trying to hit me.” At page **7309**, it begins;
“How many people did you see then whenever you eventually see people walking down Thomas Street? What do you actually see?” Allen replied, *“I’ve seen a few girls.”* Which he clarifies as *“I would say that there were three or four, and there were three or four fellows too.”*

37. He states that they were walking in a group along Thomas Street. Then on page **7311**, half way down, *“They were heading across that way... Andrew Allen states, “Well, the boys they just pulled up about level with us. I thought they were walking past and they turned round and they hit David Woods who was standing just in front of me.”* He confirms that nothing was said and it was just one fellow who hit David Woods.
38. At page **7312** Andrew Allen said, in response to the question what did the fellow look like he replied; *“I can’t, I can’t honestly, that’s the truth.”* He could not describe how he was dressed and he said that he had never seen the man before.
39. In view of this account I have been asked again if I recall seeing that attack on David Woods and I can confirm that I did not. Neither did I hear anybody shouting *“Orange bastards”* or, *“Up the IRA.”* I did not see a crowd at the bakery, only a couple.
40. It has also been put to me that Colin Prunty in his statement dated 8 May 1997 at page number **9101** stated that when Robert was attacked, I ran towards the crowd. That is not my recollection. I cannot recall who attacked me or how I was attacked.
41. All I remember was getting to the bottom of Thomas Street, being attacked and then waking up in hospital. I remember being spoken to by two or three police officers early on Sunday morning, 27 April 1997, when I was still in a ward. I was alone when I spoke to them. I recall giving my statement to one of the officers but I cannot recall what they said to me, and I do not recall being asked for my clothing.

42. I do not recall speaking to the Hamill family while I was in hospital and I think it was probably E, my wife, who told me about Robert's condition. They told me that I had been attacked. I don't remember if they told me that there had been a police Land Rover at the scene. I was released from hospital on Sunday, 27 April 1997, with a couple of cuts to the side of my head or eye, bruises and a sore head.
43. I have been shown an undated and unsigned document which is a joint statement of E, F and me commencing at page **41225**. This is the first time I have seen this document. I understand it was prepared by someone from the Committee on the Administration of Justice (CAJ). I recall the CAJ called the Hamill family after the incident and wanted them to make a statement. I remember doing an interview but I did not realise a statement would be produced from that interview. I have never heard from him since or seen him since. I hope I never see him again.
44. I understand that Diane Hamill made a complaint after the attack through her solicitor, [REDACTED] about police inaction on the night. The complaint had nothing to do with me. The Hamill family has done their own thing and I was not consulted. I have been asked why I went to see [REDACTED] after the attack. [REDACTED] was everybody's solicitor back then. I wanted to make a criminal injury claim and also wanted representation in relation to the assault. It took beyond [REDACTED]'s death before the criminal injury compensation claim was resolved. I think it took five years.
45. When police reinvestigated this matter 2000/2001 I recall the police coming for DNA and blood but I refused as instructed by my solicitor.
46. After the attack I had counselling and saw a psychiatrist for about 18 months. I was also prescribed anti-depressants for a couple of years.
47. I have been asked whether I have suffered any threats or intimidation since the attack. The only aggravation I have received has been from the Hamill family.

SIGNED: D

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DATE: 12th May 2008