



STATEMENT OF WITNESS

STATEMENT OF ROBERT DAVID COOKE

DATED THIS DAY OF 2008

I, ROBERT DAVID COOKE, 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 was a Detective Superintendent at Crime Branch and based in Knocknagoney. I was in 'C2' Department, which was responsible for prosecution policy. My other responsibilities included the review of evidence on prosecution files submitted via the Chief Constable to the Department of Public Prosecutions ("DPP"). Within the Department I was responsible for Belfast Region. Detective Superintendent Harvey was responsible for Urban Region. Portadown was within Urban Region and I would not normally have been involved in matters arising in Portadown.
3. If Detective Superintendent Harvey was absent I would take over responsibility for Urban Region. In mid-October 1997, Detective Superintendent Harvey was off work so I stepped in to cover the consultations fixed for 17 and 21 October 1997. I attended the consultations to represent the Chief Constable. There is now produced and shown to me the note of the consultation prepared by Roger Davison containing pages 17591 to 17592. Detective Superintendent [REDACTED] and I were sometimes asked to attend consultations to act as a buffer and represent the Chief

Constable's views on any issues that arose between the investigating police and the DPP. Furthermore, we reported back to the Chief Constable on issues which we thought needed to be brought to his attention. Thereafter, the Chief Constable would sometimes consult directly with the Director of Public Prosecutions, if he saw fit. Occasionally, the DPP would have a different view to the investigating police on the prospect of a conviction. In a case like that, I might have to come down on one side or the other. Ultimately, however, the DPP had the final say.

4. The first consultation I attended was with Jonathan Wright, at 15.00 on 17 October 1997, and was held in the Deputy Director's office. Roger Davison, Detective Sergeant Bradley and Gordon Kerr QC were there. I do not remember it. I was surprised to be told that I attended but I accept the note of consultation; Roger Davison always kept very good notes. From looking at that note, I see that Gordon Kerr QC took him through his evidence and tested his veracity. There does not seem to have been an issue with Wright as he indicated a willingness to give evidence.
5. Later that day at 15.30 I attended a consultation with Tracey Clarke. That consultation was in the same office with the same people in attendance save that Detective Constable McAteer and Tracey's parents had joined us. I do vaguely remember that consultation and am reminded by Roger Davison's notes. I remember that she was concerned and tearful but I believed she was telling the truth. She clearly did not want to give evidence in court and said she was too frightened to do so. I believed she had a real fear of retribution by Loyalist paramilitaries. If she had been compelled to go to court I did not believe she would give evidence. I had no further dealings with Tracey Clarke after the consultation.
6. I see that, on 21 October 1997, I attended a consultation with Timothy Jameson. I recall that I attended another consultation but I do not recall with whom or what it was about. I see from the note of consultation that Gordon Kerr QC, Roger Davison, Detective Inspector Irwin and Detective Constable Honeyford were there

as was Timothy's father, Bobby Jameson. It is clear from that note that Timothy Jameson was making excuses to get out of giving evidence. He said he did not see anything of the incident and content of his statement was provided by a police officer. It was not unusual for witnesses to say something like that. That note suggests to me that Timothy Jameson backed out when he found out the other two witnesses had withdrawn.

7. I am asked whether I considered what Timothy said to be an allegation of police impropriety. I am sure I did not pick that up at the time because if I had considered it an allegation against police I would have spoken to Gordon Kerr QC or Roger Davison after the consultation and asked them to refer the matter to the Chief Constable. I suspect I thought Timothy Jameson was lying and simply trying to get out of giving evidence. That was an allegation I had heard many times before by witnesses trying to get out of giving evidence. I certainly did not, it would seem, take it seriously at the time. At the end of the consultation Roger Davison noted "This witness will not give any evidence of any value whatsoever". Having read the full note of consultation, I agree with his analysis. It seems to me it would have been pointless.

8. In the Robert Hamill case there was obviously an issue as to whether there was sufficient evidence to proceed. It is clear from the note of consultation that the main witnesses were Tracey Clarke and Timothy Jameson. I do not know whether the prosecution was based solely on their evidence because I did not know what other evidence there was by way of forensics etc. It certainly seemed that they were the primary eye witnesses and without them the case would collapse. I was not, however, asked to make any recommendation on the case. I think the investigating police were experienced enough to have understood the effect of those consultations; they would not have needed a recommendation from me. I think it was obvious to everyone who attended those consultations that the case was going to fail. Despite the protestations of prosecuting police who would have liked to continue with the prosecution everyone accepted the reality of the situation.

9. I had no further dealings with the Robert Hamill case or with any of the witnesses after the consultations in October 1997. I retired from the police on 2 February 2001.

SIGNED:

Robert David Cooke

ROBERT DAVID COOKE

DATED:

20/5/08

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