

## STATEMENT OF WITNESS

### STATEMENT OF DIANE HAMILL

DATED THIS 31<sup>st</sup> DAY OF March. 2009

I, DIANE HAMILL, of an address known to the Robert Hamill Inquiry, 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. We are a family of ten children, five boys and five girls. I, Diane Hamill am the eldest girl and was 27 at the time Robert was attacked.
3. Robert was 25 then and was unusually tall for our family. We are all quite small but he was six foot. He was a handsome big bloke. He definitely thought he was the best looking in the family. He lived with his girlfriend and two children. She was expecting a third at the time he was attacked. The baby was born only twelve weeks after he died.
4. Robert was just a lovely happy big lad who lived for his sons. He was also very good to mummy. He would have bought things for the house and not taken any money. When he was younger he was a labourer on the sites and always gave money to mummy then.
5. I was in England for five years before Robert died but remained very close to my family. I was home every few months and would have gone to Robert's house for

evenings. He was a great sports man and loved his food. I remember a story of Robert out one day with his friends when he was so hungry he lay down and couldn't go any further without food. His friends went fogging for apples for him to eat. He was just a darling big bloke who came over to mummy's every Sunday. He lived for his boys. He just loved them.

6. The night he was attacked I was working in a nursing home along the Antrim coast. I was actually living up there at the time and my mother had come to stay with me for the night along with my youngest brother, [REDACTED]. They had never been away for the weekend so I asked them up there, as it is very picturesque. I was on night duty. The doorbell of the nursing home rang about 05.30. It was mummy and my baby brother at the door. It was surreal. I thought, "What's she doing here so early?" I just knew there was something terribly wrong. I opened the door and she just said, "Our Robert, our Robert's hurt. The Protestants hurt him and the police didn't even help him at the time". She just kept saying, "The police were there, the police were there and they didn't even help him." She said there were thirty of forty of them.
7. My mummy was able to tell me that they had taken him to Craigavon hospital. I am a nurse myself and knew one of the nurses there, in casualty. I phoned and spoke to her. She said, "Diane, he's in intensive care. He's in a lot of trouble, he's ventilated". She made another call and came back to tell me that he had been transferred to the Royal Victoria Hospital in Belfast.
8. I phoned another nurse who lived near the nursing home, to take over from me. I flew home, grabbed some clothes and drove mummy and [REDACTED] to Intensive Care in the Royal. They wouldn't let us see him as he had just arrived and they were trying to stabilise him, I think. More family gathered and we waited for about an hour or so. We were told they had to take him for a CAT scan. Then the doors of Intensive Care opened and a trolley came out with a big man on it with tubes and machines and doctors and nurses all around.

9. We knew by the way they were looking at us that it was Robert. He wasn't moving. It was like he was gliding across the floor. He was unconscious and I noticed a tattoo on his arm I had never seen before. He had hidden it from mummy. It was of Jesus Christ or something. I remember thinking "Where did he get that tattoo?"
10. They actually told us that nothing had been found on the CAT scan. They didn't think there was a brain injury. They even talked about reducing his drugs later that afternoon. I joked with the nurse that I was going to get a camera to show him what he had put us through. They did reduce the drugs that day and night but the next day I was in again and he hadn't come round. The nurse asked for how long he had been unconscious and if he had been deprived of oxygen for a while. I then began to think that he might have been brain damaged.
11. I do not know the name of the nurse I spoke to at this time but she had short dark hair and was attached to Intensive Care. It was clear they were beginning to discuss the possibility of brain damage. Robert remained in Intensive Care for three days but as he was able to breathe on his own he was moved up to the neurosurgery ward. He remained there for nine days but never became fully conscious. Although he opened his eyes, he wasn't looking at you. His eyes were just rolling in his head. I knew there was severe brain damage. He seemed in pain all the time, making noises, thrashing around in the bed, pulling things. It was almost as if he knew he was trapped and it was like this big body that wasn't able to do anything and he wanted to get out but he couldn't.
12. The Consultant, Mr Fannin actually told us Robert was out of danger and wasn't going to die. He did tell us that he didn't know how much damage had been done and that it would be a long time before Robert became better. He told us he was not sure to what extent he would get better at all. We just resigned ourselves that it

would be this way for a while, but that he would get better. There was always one of us with him. We had a room we could sleep in just behind his bed.

13. On the day that he died I had resigned myself to the long haul and was going to go back to work. Daddy had been with him in the morning and [REDACTED]; his fiancée had taken over from him. I phoned when daddy was there and had been told he had a temperature but they would not let me speak to daddy. My husband [REDACTED] dropped mummy and I off then he went to park the car. As we came down the corridor we could see a curtain around Robert's bed and an emergency trolley. I actually thought the man in the bed beside him who was a new patient had died. Another patient told us not go there. Then a nurse came and asked us to come and sit down. I knew he was dead. I saw my husband as he came down the corridor.
14. They told us he had arrested, that they had tried to resuscitate him and it hadn't worked. We felt some of the nurses there had attitudes towards people who came in with head injuries. He was someone who had come in because of a fight, a sectarian fight. We just got a bad atmosphere there. We weren't there to harass people, we were there for Robert and he had died.
15. We were not happy about the treatment he got there. The day he died my sister was there. He had a temperature and she asked to see the charts after he had died. His temperature was up around 40 degrees centigrade and I don't think it had been checked for hours and hours. At that time I couldn't cope with blaming anyone else. I am not saying he wasn't going to die but sometimes I wondered about the quality of care he received. It was only on his last day that he had the temperature. They said it was to do with the part of his brain that had been affected.
16. We were taken into a room by one of the doctors, I'm not sure if it was Mr Fannin. We were just told they didn't know why he had died. You couldn't start arguing with doctors at that time. We did say something to one of the nurses about

checking his temperature. I also said to Mr Fannin that he had told us Robert wasn't going to die.

17. I first heard my mummy say this was a sectarian attack. She had been told this by my sister, [REDACTED] who had been speaking to **E** and **F**. They had been to St Patrick's Hall at the top of Thomas Street in Portadown.
18. I was told that they had been walking down Thomas Street with Robert and had hesitated because they had seen some youths at the corner of the street. They decided to proceed as they had seen a police Land Rover on the other side of the street. Obviously they thought no one would bother them with the police there. The two boys were in front with the girls behind. As soon as the boys stepped on to the street the crowd attacked them. They seemed to concentrate on Robert. I think he got most of the assault.
19. From what I can remember that the girls said, he went down pretty quickly. I heard later that he was hit by a bottle, went down and they assaulted him. They kicked him on the ground. **E** and **F** said he didn't put his hands up to protect himself when he was on the ground so he was obviously unconscious already. I think **D** was assaulted as well but I don't know how badly. The girls said at the time that they had lain over the top of the boys to help them. One of the girls, I think **F**, said that she had gone over to the police Landrover and was banging on the door for help.
20. There was an Irish News story the next day giving accounts from people coming out of pubs in Woodhouse Street. This was the street heading down to the Catholic areas so the pubs there would have been Catholic. They heard the screams of the girls and came up. One of the fellows, Colin Hull told me that he opened the door of the Landrover and pulled Constable **P103** out saying, "you sat there and watched it happening." Constable **P103** acknowledges that happened.

21. There was a hearing, the trial of Mark Hobson. He was the only one tried for anything. There were some paramedics who came to give evidence. They had difficulty getting to Robert because the crowd was still around him. I spoke to one of the paramedics outside the court. He told me that he had not mentioned in court that they were beating the side of the ambulance as well. The Loyalists were beating the side of the ambulance as they were trying to get to Robert. They had to reverse back down street to come a different route to get to him. I do not know the name of this paramedic but he gave evidence at the trial.
22. As far as I know the beating ended when the crowd just gave up beating Robert. They stopped because they had done the damage. I think the police were only getting out of the Landrover when the ambulance arrived. I don't think they (the police) gave any first aid or put him into the recovery position to let him breathe and avoid brain damage.
23. Any information I have comes directly from those who were there on the night. I have spoken to the two girls, **E** and **F**, Colin Hull and Colin Prunty who observed someone being taken into the Landrover and then let go again.
24. I am not sure when it was that I was told the names of those who carried out the assault on Robert. I think it was after Robert died, when they were arrested. Six months after the arrests we learned that a phone call had been made to Father Sean Dooley, our local priest, giving him the names but he did not tell us that at the time. We did become aware of the name of one of the policemen present within days of Robert dying. Someone just gave my brother a piece of paper with the name of Constable **P61** on it. We did not become aware of the names of the others until the Hobson hearings.
25. The day Robert was in hospital, the day we were told he was going to be alright, press statements started to come out saying there had been a fight between rival

factions. We were not going to have it be said that Robert was fighting on the street. Our parish priest, Fr Dooley had been speaking to the police. He got up on to the altar at Sunday morning mass the day Robert was attacked and spoke about youngsters going out looking for fights and that they should not be doing it. We felt Robert had been blackened from the altar and by the press statements. We needed a solicitor and contacted [REDACTED] as we believed Robert had some insurance dealings with him. We wanted the police statements retracted. He phoned the police in our presence. We went to see him again a few days later but we were not at all happy that he knew what to do in this situation. Somebody suggested [REDACTED] so we went to her for advice.

26. It is difficult to recall now when we first met [REDACTED]. I am told her first letter of complaint made on our behalf is dated May 2<sup>nd</sup> (page 8088) so it must have been when Robert was still alive. Our main concern at that time was the failure of the police to help him. We were also concerned by the misleading press reports, which implied that he had been involved in a fight. [REDACTED] talked of an Inquiry fairly early on, I think.
27. My sister and I had already expressed our concerns directly to the police in Portadown Police Station. We had spoken to Detective Constable P79 and had asked him if the CCTV footage from the various businesses around the junction had been retrieved. I think this conversation was sometime between seeing [REDACTED] and [REDACTED]. We knew he had been leading the investigation as he had come to our house looking for Robert's clothing whilst he was still in hospital and alive. [REDACTED], my sister was there when they arrived and spoke to someone but was given very little information.
28. Fiona, another sister and myself went to the police station the day after the police came to the house and spoke to P79. We discussed the tapes and the Landrover. He seemed to suggest that there was nothing on the tapes and they had gone back to the businesses. Fiona specifically asked had the Landrover shown up on the tapes

and he said that it had. We were of the opinion ourselves that the Landrover being on the tapes was important and that they should have been retained. The police had after all accepted that someone had opened the Landrover door and asked them to help Robert. We thought, "He's just not going to help us here, they're trying to cover this up." We thought there was no further point in talking now. We drew back totally.

29. We were never brought up as a Republican family. We were very middle of the road. I would have said "hello" to a policeman on the street before this. It wasn't until this happened to my brother that I realised what was going on around here. We didn't suffer the wrath of the police until my brother had the cheek to die. Then I realised that if don't abide by their rules you suffer at their hands. We have since suffered for years at the hands of the police. I explain this in more detail at paragraph 41 below.
30. What I mean by that is that we said they were wrong, that they let my brother die, that they didn't get out. We didn't go away and grieve for Robert in a corner and forget about it. We decided we were not going to let it pass, that they were wrong in what they had done and had not done. All they had to do was wind the window down, put their hand out of the Landrover and fire a bullet in the air to disperse the crowd, that is if the crowd didn't already believe they were safe to do that, but I believe they did. I believe the crowd felt safe when they attacked Robert. Two of the police have acknowledged speaking to people before the attack on Robert. One of them, Stacey Bridgett was actually arrested for the attack. All of a sudden all of these people, from 30 to 100 according to Constable P103, felt safe to do that within 20 yards of four armed police officers.
31. This particular crossroads was a known flashpoint. That is why there was a dedicated observer in the Landrover that night. This was 1997 during the run up to the Drumcree marches. For a month before July the place would have been really tense. A Catholic in Portadown would only have gone to pubs in Woodhouse



Street. If you wanted to go to a dance after the pub you would get a taxi. We generally didn't socialise in town at all but St Patrick's Hall was one place you could go. It was like an old fogey type club. It was the only place there would have been music late. Robert didn't frequent it. Just this one night they happened to be at the pub and decided to go up there.

32. Our family would never have been involved in trouble but we heard about incidents. Even my husband who is English had an experience when he went to the bank machine one night after Robert was hurt. They stood down the street wailing, "You Fenian bastard" at him. They knew from the direction he had come that he was coming from the Catholic part of town. It was the same with Robert. They didn't know him but they would have known he was a Catholic because he was crossing that street towards Woodhouse Street. That's all they knew.
33. There was a man, Tom Mallon who had left the hall ten minutes earlier and had seen the crowd there. He had been able to cross the road and approached the Landrover. He told them there were people coming out of St Patrick's Hall and that there would likely be a problem. They didn't do anything. I think we first heard this through local talk but it also came out at the Hobson trial.
34. We were not at all happy with the police or their handling of the investigation into the attack on Robert. We were very disturbed by the reports of the apparent failure of the police to act to save Robert from attack on the night. We were also very shocked that the CCTV tapes had not been retained and by the attitude of Inspector P79 when we raised this with him. We went to see [REDACTED] who entered into correspondence on our behalf. I believe she advised that we should take a civil action against the RUC for negligence. She also lodged a formal complaint about the behaviour of the police generally. I have been shown a letter inviting me to attend Portadown RUC station in furtherance of this complaint on 5<sup>th</sup> June 1997(page 9854) I declined to attend following advice received from [REDACTED]. She sent them a letter telling them that I would not be attending (page .9858). I was

conscious that the police were just investigating themselves. We didn't think it was going to achieve anything by going to see them.

35. I remember feeling that attitudes changed dramatically after Robert died. It was as if the beating of a Catholic unconscious was acceptable but when he died they thought they had better do something. The nature of the press statements also changed just before Robert died. Beforehand it was implied that there had been a fight but afterwards it was recognised that he had been the victim of an unprovoked attack.
36. I have been shown another letter addressed to [REDACTED] dated 20 May from Detective Chief Inspector P39 (page 8085) listing a number of people the police wanted to speak to. I knew that the D/E/F at least had spoken to them because they told us that they had and that they had raised the issue of the police failure to leave the Landrover. We asked the police about this but they claimed they had not said anything about this in their statement. This only increased our suspicion that the police were lying to us.
37. We were not kept informed about the progress of the investigation until after Robert died. They came to the house during the wake and informed us that a number of arrests had been made but we were not given names at that stage. They may have told us that they were going to charge them with murder but we did not find out the names until we read the newspaper, after they appeared in court. We learned of the names, Wayne Lunt, Alastair Hanvey, Stacey Bridgett, Rory Robinson and Dean Forbes.
38. I felt then we were going to get some kind of justice; that they would pay for what they did to Robert. We went to one of the court hearings, in the Maze prison. There were five armed policemen standing in front of us with their backs to us, as if we were going to attack them. I was there with my mother and sisters, we were only women.

39. There was no family liaison officer that I knew of. I never heard of such a thing. We rang periodically to find out what was happening. I cannot recall who told me that a number of them were being released. I was at work when I found out. I was distraught. I remember being pulled over for speeding on the way home. We were just told that there was insufficient evidence and that three were being released.
40. My sister heard about a phone call between [REDACTED], a solicitor for some of them, and a policeman during which the solicitor was told that the arrests were only for show and that others would be released soon. We had some conversation with Inspector P79 when he came to the house but do not recall being formally told what was happening.
41. Between then and the trial of Hobson there were a couple of incidents with the police and the family. We had been attracting a lot of publicity and were recognisable in public. I recall an incident in August 1997 when I was on my way up to Carnlough where we had a place. I had stopped at a chip shop and a policeman came in behind me. When I went out I noticed that the police had parked their car nose to nose against mine. Two policemen got out of the car and the driver just stared at me and made a pointing gesture towards me as they drove off. I remember being in a hairdressers and a policeman came in. He was in full uniform and sat looking at me in the mirror. I thought this was very strange. I remember another incident at traffic lights in Portadown one night at around 23:00. My mother and I had gone into town to get a Chinese carry out and police drew up beside us at the lights. My mother always insisted that I wear a hat to avoid being recognised. She pointed out to me that the police in the car had recognised me. When the lights turned green the police car swerved towards us making us swerve in turn. We were in no doubt that this was deliberate.
42. Even on my wedding day I was harassed by the police. I went into Portadown that morning with my bridesmaids to get our hair done. We parked in the main car park, which was fairly full. Maybe up to a thousand cars. When we came out there

was a police car parked across my car blocking it from getting out. We got into the car and had to wait for the police driver to finish reading his newspaper before moving on. It wasn't very long but I have no doubt the point was being made that they knew who I was and where I was at any time.

43. Incidents like this make me scared. My mother insisted that I wear a hat when I went out. Even recently, with the publicity over the Inquiry I was concerned about being recognised and wore sunglasses when in public. We did not report all of these incidents because we did not have confidence in the complaints system at all.
44. My mother's house is located near the dividing line between Catholic and Protestant areas and Loyalists would frequently shout abuse at us. This was always a problem even before Robert died as the Loyalists would have their bonfires nearby. Shots were even fired over the line on one occasion. We just stayed out of the way, particularly in July. After Robert was killed people would shout things like, "Do you know what it's like to jump up and down on someone's head and hear their brains squelch, squelch?" They would taunt us about flowers we left at the spot where Robert was attacked. Anytime we did this they disappeared overnight with only torn petals left behind.
45. Several incidents happened to myself and other family members whereby people from the loyalist community in Portadown made various abusive actions towards us. One of those actions was to jump up and down, this was often accompanied by the shout "where's Robbie now?" or "do you know what it's like to hear someone's brain squelch?" We understood this to be mimicking the attack on Robert.
46. While I was driving along Park Road in Portadown a male youth jumped up and down several times while laughing at me. I knew the male's face but did not know his name. On another day I pointed out the male to my sister who named him as Andrew Hill. Mr Hill repeated this action towards me again at a later stage, on this occasion I was aware of his name.

47. I cannot be specific about the dates of these incidents except to say it was between May 1997 and July 1998.
48. Attempts to complain about this fell on deaf ears. I have been shown a letter to a Superintendent about a specific incident of this kind (page 9001). This relates to a very bad incident when the abuse was so bad one Sunday that I got into my car to get help because the police hadn't responded to a complaint made by phone. I saw a police Land Rover and flashed my lights and tooted my horn. The back door of the vehicle was open and I could see a policeman smoking, but it just drove on. I saw the same Land Rover, parked my car, got out and stood in the street to make it stop. I asked them to please go and stop the man who was shouting abuse over at my mum's house. They said they would but then drove off in the other direction. That is what I complained about. I attended the police station but it came to nothing.
49. Turning now to the prosecution of those charged with Robert's murder. Inspector **P79** told us that the charges were to be dropped against all but one of those originally charged. We were informed the prosecution was not going ahead because two witnesses would not give evidence. We did receive a letter from the DPP as well following representations made by [REDACTED]'s office on our behalf.
50. I should say that we instructed [REDACTED] Solicitors following the murder of [REDACTED]. Further details of this situation did not emerge until the coroner contacted our solicitor and informed him that the same witnesses were also refusing to give evidence at the pending inquest. We were not happy for the inquest to proceed without the evidence of these witnesses in some form or other and asked that representations be made to this effect. In the end the Coroner decided not to hold an inquest at all.

51. I attended the trial of Mark Hobson in February 1999. I was struck by the inability of the police to explain the chronological order of events. They didn't seem to be able to say how different events unfolded. Their evidence conflicted with each other. Of those who were in the Landrover, only Constables P103 and P61 gave evidence. P70 and P40 did not. I think we were told they had nothing relevant to put forward. We had some information that the policewoman, P70 was the weak link. This may have come from the phone call to Father Dooley. We took that to mean that she would break down and not cover up for the others.
52. Also arising from the phone call to Father Dooley was the suggestion that the police in the Landrover, who were on public order duty, were actually asleep. Father Dooley was also given Hanvey's name. He was also given another name. The same person phoned [REDACTED] a few months later. It certainly came as a surprise to us to learn that some were asleep. We know that the two in the front were talking to people so it must have been those in the back.
53. Sometime after the charges were dropped against most of those accused of Robert's murder we received a letter, to [REDACTED]'s office, from the DPP explaining the reasons for the decision. I have now been shown the letter dated 25 August 1999 (page.17601), which I recall. I also recall the meeting the DPP referred to in the letter. You have to remember that this was a very tense time for us. We had watched the TV coverage of all those accused of Robert's murder being released. We actually video taped it and asked Colin Prunty to look at it as he had approached the police on the night about releasing a man who had been hitting Robert. He did this and picked out Dean Forbes. I am aware there was a misunderstanding originally and that Colin picked out the wrong man. But I still don't understand why they didn't take a statement from him at the time. Had they done so, a firm identification might have been made on the night.

54. We were also made aware that certain witnesses refused to give evidence. One of them was Alastair Hanvey's girlfriend. I was shocked that something couldn't have been done to preserve their evidence or make sure it was used in some way. The DPP seemed very willing to just let it drop.
55. I was told about the statements of Witnesses A and B by my legal representative after his meeting with the coroner, the two who were afraid of giving evidence. This was the first time I was aware of the contents of these statements. I found out much later from the Ombudsman who one of these witnesses was. I don't know who the other person is.
56. I was kept informed by the office of the Police Ombudsman of developments in the inquiry into the behaviour of Reserve Constable P61 . We were very frustrated by the many delays. I was and remain at a loss to understand why this prosecution was also abandoned. I understand the prosecution felt Andrea McKee to be an unreliable witness because she exaggerated a child's illness as an excuse for not turning up to court. This does not stand up to me however as a good enough reason.
57. We have been intimidated by the people who were arrested for Robert's death. After one of Mark Hobson's hearings, one of the preliminary hearings, we were followed home by three of the people who had been let out of jail. I think Hanvey was one of them and Bridgett was one of them. We were driving out of the courthouse and they drove right behind us and followed us the whole way. Once we turned off down the catholic area they went away. I didn't report that to anyone because I didn't see the point of it.
58. Other issues that occur that I may not have touched upon are the difficulties experienced in getting the paramedics through and the failure to retrieve and preserve the CCTV footage. I was not an eyewitness but those who did see what happened talk of the delay in getting medical help to Robert. We had been told that

CCTV footage had been removed from the Halifax Building Society and The Bank of Ireland premises as well as Jameson's. No one ever offered us the chance to look at these. I have never been given any explanation of the whereabouts of these tapes. This is also a major issue for us in this Inquiry. There was a woman working for the Campaign for Robert Hamill, based in London called [REDACTED] [REDACTED] who did some research on this issue. [REDACTED] who ran the Campaign would know how to get in touch with her. There was some talk of tapes from the Royal Oak Bar in the possession of a man named [REDACTED] but I do not think anything came of that. She also carried out other undercover research at the Tai Kwan Do club. She would need to be contacted.

59. There are many issues the Inquiry needs to thoroughly investigate. I have tried my best to refer to as many as I can and to recount my experiences since Robert was attacked. Other matters may arise during the hearings. If so, I will raise them through my legal representative.

SIGNED: .....*Diane Hamill*.....  
DIANE HAMILL

DATED: .....*31/3/09*.....