

**STATEMENT OF WITNESS**

**STATEMENT OF GREGORY MULLAN**

**DATED THIS            DAY OF            2008**

I, GREGORY MULLAN 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 worked for the Independent Commission for Police Complaints (“ICPC”), formerly known as the Police Complaints Board (“PCB”), from 1981 to 2000. I was employed as a Staff Officer in the PCB from 1981 to 1989 and I was responsible for reviewing concluded Royal Ulster Constabulary (“RUC”) Investigations that had been referred to us by the Police in order for the PCB to determine if any Officers involved in the Investigation should be disciplined. In 1989 the PBC was replaced by the ICPC. The ICPC introduced a new function of supervision of RUC investigations. Prior to 1989 and the change to the legislation, there had been no supervisory role in the PCB. I was appointed to lead this new supervisory function and supervised RUC Investigations from 1989 until 2000, when the Police Ombudsman for Northern Ireland (“PONI”) replaced the ICPC.
  
3. At the time of the incident on the 27<sup>th</sup> April 1997, I was Deputy Principal in the ICPC and I was responsible for supervision of the ICPC’s work. I have no background as an investigator, but my role as a staff officer with the PCB had involved reviewing completed investigations which the RUC sent to us, and making a determination as to whether disciplinary action should be taken against

any of the officers involved. From this, I had some experience of reviewing files and police investigations.

4. The basic procedure was that a complaint was classified by the Police and was sent to the ICPC. It was then up to the ICPC to determine whether or not they should supervise that particular investigation. There were mandatory cases such as investigations involving death or serious injury that the ICPC had to supervise, but with the remainder of complaints it was discretionary as to whether or not we would supervise. These complaints were governed under Article 7 of the Police Board of Northern Ireland Act 1987. There were also cases which were not at the complaint stage and were referred to the ICPC by the Chief Constable and these non-complaint cases were governed under Article 8 of the 1987 Act. Inevitably we would supervise these referrals because they tended to be serious matters, such as a murder or a serious assault, about which a complaint would subsequently be made. The whole process starts with an initial complaint regarding the criminal allegations, and then looks subsequently at disciplinary issues.
5. Once the ICPC decided to supervise an investigation, I would then appoint or approach a member of the ICPC's board to perform the role of Supervising Member. That role would be to direct and control the police investigation. A staff member would be nominated to assist them in that function, with administrative support from the regional interviews. The ICPC's role was also to approve the Investigating Officer. It was the Supervising Member's choice whether to approve or disapprove the appointment of the Investigating Officer. Normally, the ICPC would not have had any input into who the Investigating Officer appointed to assist him in carrying out his inquiries.
6. The Hamill family registered a complaint with the ICPC against the Police. I was responsible for preparing the briefing in that case for the Supervising Member. I have been shown file notes dated 12<sup>th</sup> May 1997 at pages 27271 to 27272 and can confirm that I wrote some of these briefing notes about the complaint. There is other smaller writing that refers to a [REDACTED] and I do not recognise that writing. This writing might have been added as notes when

PONI later reviewed the papers, but I do not know. File note 1 refers to [REDACTED]  
[REDACTED]

7. Mr [REDACTED] was a Supervising Member and the Deputy Chair at the ICPC. He was allocated to this complaint. I could not give an exact length of time, but he had been working in that role for a number of years. He had extensive experience of supervising Police complaints and was a very experienced Solicitor.
8. In respect of the position of Investigating Officer to the complaint, there was some confusion over whether Superintendent Anderson, who was the head of Complaints and Discipline section in Belfast, had been appointed, or DCS McBurney. There is no minute about this, but I can only assume that we were advised that this matter was going to be referred to us by way of an Article 8, non-complaint matter. Then, in fact, when we received the papers, [REDACTED] [REDACTED]s letter of complaint must have been attached, and it was to be treated under Article 7. This led to Mr [REDACTED] notifying us on the 17-2 Form that Superintendent Anderson was the Investigating Officer. I do not recall speaking to the police prior to this, but someone must have liaised with them and advised me that DCS McBurney had been appointed.
9. To clarify the situation, there was a meeting at Portadown Police Station with DCS McBurney on 12<sup>th</sup> May 1997. This meeting is recorded in my file note 4A dated 13<sup>th</sup> May 1997 at pages 27269 to 27270. Mr [REDACTED], DCS McBurney, DCI P39, Superintendent Anderson and I were in attendance. It was made clear that DCS McBurney had been formally appointed as the Investigating Officer. As the Investigating Officer, DCS McBurney was to complete the investigation into a complaint about the alleged failure of the four officers to intervene to protect Robert Hamill.
10. I was aware that DCS McBurney had previously dealt with complaints that had come through the ICPC. I understand that DCS McBurney was the Senior Investigating Officer for the murder investigation as well as the Investigating Officer on the complaint. Such dual appointments can arise in very serious

Murder Investigations, but an officer from the Complaints and Discipline section was always involved to assist the Investigating Officer on disciplinary issues. On this complaint Superintendent Anderson remained linked in to the case. He would advise on all disciplinary issues including the service of Forms 17-3 on the respective Officers. However, the ICPC would normally keep itself informed by dealing directly with DCS McBurney, rather than with Superintendent Anderson.

11. I do not know whether or not it would have been better for there to have been separate officers dealing with the complaint investigation and the murder investigation. I had dealt with other murder cases where the SIO dealing with the murder investigation was also the officer dealing with the supervised referral or complaint. This would not have been that unusual.
12. Superintendent Anderson and, later, Chief Inspector Bradley acted as advisers to DCS McBurney. DCI<sup>P39</sup> was appointed as DCS McBurney's deputy and DI Irwin was appointed Officer Manager. Since the ICPC had no input into who was assisting the Investigating Officer, we had no reason at the time to object to Mr Irwin.
13. I recall that it was at this meeting on 12<sup>th</sup> May 1997 with DCS McBurney that I first became aware of the witness Tracey Clarke and the allegations against RC Atkinson. My File Note 4A at page 27270 states, "*It was at this juncture that Detective Chief Superintendent McBurney referred to a matter arising. During interview of Tracey Clarke the latter stated she had been talking to a person named Hanvey prior to his arrest by police. According to Ms Clarke, Mr Hanvey had boasted to her that one of the four officers at the scene (Reserve Constable Atkinson) had told him to get rid of the clothing he was wearing at the time of the assault*".
14. Had we been minded to, I suppose it would have been possible for the ICPC to have contacted the Chief Constable and asked him to refer the RC Atkinson allegations to us. However, I do not know what decision would have been made because it would have been taken higher up. At that time the ICPC had

absolutely no mandatory power to take over an investigation. By contrast to PONI, who now has the power to 'call in' a matter that is creating exceptional public interest, the ICPC had no statutory power to 'call in' of its own volition. For the ICPC to have really undertaken supervision regarding the allegations against RC Atkinson, the least we would have required would have been a complaint about this aspect or a referral from the Chief Constable at that time.

15. The ICPC was only supervising the specific lines of inquiry outlined in the letter from [REDACTED] on behalf of Diane Hamill. This initial letter of complaint and our correspondence with Diane Hamill made the remit of our investigation very clear. The allegations against RC Atkinson were eventually referred to, and initially supervised by, Mr [REDACTED] of the ICPC. But in May 1997, the primary concern of the supervised investigation by the ICPC was the alleged failure of the RUC Officers to prevent the assault on Robert Hamill, or to act as promptly as they could have done, and not the issues of subsequent telephone calls between the Police and suspects.
16. At the meeting on the 12<sup>th</sup> May 1997 DCS McBurney also set out some background information on the incident of which we were not previously aware, and gave us a substantial file incorporating all the documentary evidence he had gathered to date on the GBH and murder investigations. We took the file away with us after the meeting and it was then my responsibility to review the documentary evidence, analyse and highlight the salient issues and then inform Mr [REDACTED] for follow-up action, if that was appropriate. From the papers that I had received, I prepared a full report on these issues dated 15<sup>th</sup> May 1997 at pages 27253 to 27269, in advance a meeting on 19<sup>th</sup> May 1997.
17. This meeting on 19<sup>th</sup> May 1997 took place at 7pm at Portadown Police Station, and was attended by [REDACTED] DCS McBurney, DCI P39, DI Irwin, Superintendent Anderson and I. The minutes of this meeting are recorded in File Note 10A dated 20<sup>th</sup> May 1997, at page 27252. A strategy was discussed and agreed between Mr [REDACTED] and DCS McBurney about the progress of the complaint in terms of witnesses and interviews. The minutes outline our views on the investigation to date, raise a number of issues and state the way

forward for documentation to be obtained and interviews that were to take place in the future.

18. This meeting and the strategy in respect of the complaint were noted by DCS McBurney in his report dated 22<sup>nd</sup> December 1997 at points (a) – (k) on pages **60505** to **60506**. The points have been summarised during my interview for the Robert Hamill Inquiry as, *“The ICPC to supervise the complaint against the Police re neglect of duty only. The murder investigation will take priority. All potential witnesses interviewed and to be identified through murder should be invited to speak to the complaint investigations. Standard letters to be forwarded to all witnesses and complainant requesting an interview. Interviews primarily in relation to complaint aspect. All possible witnesses, including persons charged, were to be identified for complaint reviews. A reconstruction of the scene to be arranged. Police officers subject of complaint should be present during the reconstruction. Criminal offence of misconduct in public office to be considered. The interviews of all four officers were to follow the murder investigation. HOLMES system to be utilised”*.
19. I am not aware of having minutes in respect of the reconstruction. Our strategy would have been to try to speak to the officers, and I think that this would have been prior to the murder suspects coming to trial. I take it that DCS McBurney would have invited the crew so that at least he would learn their views and whether they could hear much on the night, and so on. I am told that the note regarding interviewing the four officers after the murder is different from what is in the file, but I cannot recollect that being agreed. I am not aware of how the two investigations were run on the HOLMES system, whether there was a separate system for each, or whether the two were actually run together.
20. At the meeting on 19<sup>th</sup> May 1997, there was some discussion that telephone billings were being sought, but in respect of whom I do not know. These issues were mentioned at the time and we kept a watching brief on what was going on, but they were not at the core of our investigation. The issue of the phone call was basically left up to Mr [REDACTED] or to DCS McBurney. I am now informed that the name of [REDACTED] appears in a request for itemised billing

made by P39 [REDACTED] During the course of the investigation, I recall the name of [REDACTED] was mentioned, but I was not made aware of the result of the billing request at any stage.

21. I note on page 27252 that at this meeting DCS McBurney expressed great concern about how long Tracey Clarke and Timothy Jameson would stand by their witness statements. I was not involved with these witnesses, nor was I aware of how the Police were treating them, or if they were being offered protection. Andrea McKee's name is not mentioned in the file notes, and I do not recall her name coming up at this stage.
22. During the meeting on 19<sup>th</sup> May 1997, Mr [REDACTED] was very insistent that, whilst the murder investigation probably took priority over the complaint, they were two distinct investigations and should be treated as such. He was insistent that people who had been interviewed in relation to the murder inquiry would have to be interviewed specifically to address the issues arising from the complaints inquiry. Mr [REDACTED] left those present in no doubt of the measures that he would be pursuing in connection with the complaints investigation. He clearly had a mind to speak up.
23. My file note of this meeting at page 27251 states, "*Mr [REDACTED] expressed concern at Portadown RUC police station being the venue for witness interviews. The issue was discussed at length and it was agreed that letters to witnesses would be tailored in such a way to offer an alternative venue if Portadown police station is not agreeable*". Mr [REDACTED] insisted that alternative venues should be offered. I would imagine that letters were sent out subsequent to this meeting to witnesses asking them to attend interviews. I had thought that alternative venues were offered at that stage, but I am now informed that this happened during a second phase of letters. I can recall correspondence further down the line, which raised the venue as an issue.
24. I think that one or two witnesses turned up for interviews, but the vast majority did not. I cannot remember the names of the individuals who did appear. It certainly would have assisted the investigation had more witnesses come

forward. Whether the lack of support from people at the scene could have been overcome by a different approach to the witnesses I do not know. It would be speculation to consider now whether we may or may not have gained more support if we had offered Armagh police station or the offices of the ICPC for interviews instead. I think if the ICPC or the Police had written to someone and they had replied saying, "we do not want to be interviewed at this location", we would have certainly arranged another location for their interviews.

25. The Nationalist group did not really come forward to assist the investigation at all, even though they were the ones making the complaint. An alternative was offered to the Nationalists. From my recollection, DCS McBurney wrote to Diane Hamill and [REDACTED] and, if they were concerned about the interviews, offered the offices of the ICPC as an alternative venue. But to my recollection [REDACTED] who was acting on behalf of the Hamill Inquiry at that stage, did not actually assist the ICPC either. I am sure I saw two very short, brief statements from the Hamill family regarding Mr McNeice and [REDACTED] [REDACTED] but apart from that they did not really assist the investigation.
26. There is a file note at page 27240 which records a telephone conversation that I had with Diane Hamill on 5<sup>th</sup> June 1997. I recall that she telephoned the ICPC to ask if the officers under investigation had been suspended. I replied that I was not aware that this was the case, but that she would need to confirm it with the RUC. I also explained to Diane Hamill that the issue of suspending officers was a matter for the Chief Constable, and not for the ICPC. That was all that was said. At that time I took copious minutes, so had there been something else I would have thought that I would have noted it.
27. If Mr [REDACTED] had taken a view that certain officers should have been suspended, I would imagine that he certainly would have contacted the Chief Constable, probably after discussing it with our Chairman and DCS McBurney. But this situation would have arisen very rarely. At the end of the day, it is the Chief Constable's decision. I cannot recall the assignment of police officers from Portadown to the complaint investigation being an issue for the ICPC. It was really the British Irish Rights Watch, from which we received

correspondence, that had those concerns. In any event, although the ICPC liaised with DCS McBurney, I was unaware of how he split his team members between the murder investigation and the complaint investigation. All I knew was that Mr Irwin was involved in both, because I had seen this when I had a meeting with him as part of the complaints investigation.

28. On the 8<sup>th</sup> and 9<sup>th</sup> September 1997 the four officers from the Land Rover were interviewed with Mr [REDACTED] present, who took a note. During RC Atkinson's interview, he was questioned about his contact with Allister Hanvey. I was not present but I would imagine that the interview would have concentrated principally on the conduct of the Police on the night of the incident. I have been shown Mr [REDACTED]'s note of the interviews, containing page 27210. This shows that RC Atkinson was questioned about contacting Alistair Hanvey, which he denied. Although there is no note to this effect, I understand that Mr Atkinson was alerted to this issue of telephone billing at that particular interview. I believe that RC Atkinson was then interviewed about the specific issue of telephone billing a month later, in the absence of Mr [REDACTED]. I assume that Mr [REDACTED] was not present because the allegations against RC Atkinson were not under the direct supervision of the ICPC; that issue was for Mr McBurney principally to deal with.

29. The ICPC were therefore made aware at some stage in the investigation that two telephone calls were made from RC Atkinson's home, but I was honestly unaware of whether the Police had obtained the itemised billing at that time. Later my notes dated 12<sup>th</sup> January 1998 containing page 27201 refer to the suspicions about RC Atkinson and the telephone call to Hanvey, but that there was not likely to be enough evidence in support. I was only aware of the statement made by Tracey Clarke. I think that I read about RC Atkinson's association with Alistair Hanvey and the McKees through a Tae Kwon Do club in RC Atkinson's witness statement. However, I could not rule out that DCS McBurney at some stage told us about it. I honestly cannot remember; my focus in the investigation was the complaint.

30. I have been asked whether a request for telephone billing records should have been made three years earlier, following the evidence of Tracey Clarke in May 1997. I cannot comment on what exactly was done in relation to this issue, because the ICPC was not sent all the papers about that aspect. If there had been other papers, they were not sent to us because it was not under the ICPC's remit at the time.
31. Once the criminal aspects of the investigation had been completed, the Investigating Officer submitted a report to the ICPC. This was certainly signed by DCS McBurney, so I can only assume that it was compiled by DCS McBurney himself. On 3<sup>rd</sup> October 1997, Mr [REDACTED] agreed with the Statement of Satisfaction in respect of the criminal aspects of the complaint investigation. I think Mr [REDACTED] was clearly satisfied that this was the right time to have signed the statement, otherwise he would not have signed it. This is noted in Mr [REDACTED]'s handwritten file note at page 27207. After the ICPC produced this Statement, the file was then forwarded to the DPP to make a decision as to whether any criminal offences had been committed.
32. However, after issuing the criminal Statement of Satisfaction, Mr [REDACTED] died early in 1998. To the best of my recollection, supervisory responsibilities were taken over by [REDACTED] in February 1998, although he would not have had very much to do because we were receiving instructions from the DPP. An issue was then raised regarding correspondence for press releases. I think that Mr [REDACTED] agreed at some stage to look at this particular aspect, because it was a contested file and would be included in the Discipline Statement further on down the road.
33. We were awaiting the DPP direction prior to initiating the discipline investigation, but the DPP held onto the file until after the trial of Mark Hobson, in case any matters arose. To the best of my knowledge, no one from the ICPC attended the trial. It would have been Mr [REDACTED]'s decision whether or not to attend the trial himself, or to ask me to attend. Whatever the Supervising Member wanted, the ICPC would have done. In any event, we obtained a full transcript of the evidence and I think I reported or summarised it.

34. I am not entirely sure of the date, but around September 1999 the DPP wrote formally to advise the ICPC that there would be no prosecutions of any member of the Land Rover crew.
35. The file was then returned to the ICPC, whose responsibility it was to consider and supervise any disciplinary issues, including the press release aspects. Chief Inspector Bradley was appointed to supervise the disciplinary investigation, which involved re-interviewing those involved from the disciplinary point of view.
36. Our experience at the time of the disciplinary re-interviews is summarised in Mr ██████'s file note of 8<sup>th</sup> October 1999 at page 27183, which states, "*Having studied the criminal investigation report and the murder trial transcript I do not see any further questions that need to be put to the four officers in the Landrover during the disciplinary interviews. They should just be asked to respond to the 17/3 that was served, and, presumably, they will refer to their previous statements and interviews, and have nothing further to say.*"
37. It would appear to be the case that the officers were interviewed for the disciplinary investigation by Mr Bradley, before Mr ██████ was actually able to attend. Normally he would have been there, and I am unaware of the reason why he was not. I assume that Mr ██████ would normally have been briefed from my minute. I do not think he was aware what the officers would say prior to the interview, but he may have had some indication from the solicitor representing the officers. Mr ██████'s file note of 4<sup>th</sup> January 2000 at page 27172 records, "*I did not wish to put any further questions to any of the officers involved. In the circumstances I did not intend to be present at the interviews. However, I had not indicated either of these points to CI Bradley, just as well both of them are regulars.*" This shows it was Mr ██████'s decision not to attend the interviews.
38. The ICPC issued a Discipline Statement on 29<sup>th</sup> March 2000. My file note dated 5<sup>th</sup> April 2000 containing page 27160 records my recommendation that PC Neill be disciplined. As the minutes express, I am certainly of the view that it was a

neglect of duty for officers on public order duty, being aware that there were some Nationalists coming down Thomas Street, and being aware that there were Loyalists making their way up towards that junction, to not have responded to that, and to have talked to individuals instead. I certainly recommended to Mr [REDACTED] the ICPC members who looked at the issue of discipline, that PC Neill, as the driver and the senior officer at the scene, should be charged with the disciplinary offence of neglect of duty.

39. I have been asked whether the incident could have been prevented if the officers had been out on the street patrolling earlier. They were on duty to prevent public disorder. And whether they were to be out on foot or to remain in the Landrover, it was their role. My argument probably would have been more that they should have moved the Landrover to the junction where the Nationalists were coming down. The Landrover was not situated sufficiently close to where a possible disorder could have broken out; it was at the other side of the road, facing the opposite direction. Once they had been alerted to the fact that Nationalists were coming down Thomas Street and Loyalists were coming up, they should have been aware that this was an interface because Nationalists had to cross the road to get to their homes. I think their first reaction, rather than talk to individuals, should have been “okay, there is a prospect of a disturbance, we will move the Landrover to the bottom of Thomas Street to ensure the safe passage of those coming down”. With hindsight, that was certainly my view at the time. I think that my view on the incident is probably covered in my minutes; it was really up to the two members who were looking at the file to either agree or disagree with me.
40. I have been asked whether, at the time, there were any written standing orders for public disorder duties, specific to certain areas. I am unsure whether there was anything written or not. Perhaps there might have been something in the generic sense, but not for specific areas. Local police would have been aware of where the hot spots were and if they were going to be put on public order duty. If they were aware, then they would have anticipated that they should have been present at that particular hot spot. I would imagine that the officers were briefed before they went on duty. However, there is nothing in my notes to this effect.

I do not know what conversations Mr [REDACTED] and DCS McBurney may have had previously. They met on a number of occasions when I was not there, so that issue could have arisen. If Mr [REDACTED] did not minute it, then I would be unaware of it.

41. There followed a lengthy period of dispute between the RUC and ICPC regarding the disciplining of Constable Neill. The DPP had said that there was no criminal case to answer, and the standard of proof for both the disciplinary and the criminal case was beyond reasonable doubt. The DPP had taken separate legal advice from the Police and said that there was no evidence. The RUC and, later, PONI took legal advice and this dispute dragged on until PONI took over. The result of it was that Constable Neill was not disciplined at all.
42. It must be borne in mind that one of the ICPC members who reviewed the case from the disciplinary point of view was [REDACTED] who was a practising barrister. She took a different view from legal advice given elsewhere, and agreed with my view that the Constable Neill had a prima facie case of neglect of duty to answer.
43. Although the RUC said that they did not wish to discipline, it is absolutely right to say that the ICPC had the power to direct the Chief Constable to do so. I cannot recall particular cases, but I am sure the ICPC must have directed in the past. There were not many disciplinary charges recommended in any one year. You would have to look back on our reports to see how many, but out of 3000 cases, we would have recommended discipline against police officers in only small percentage of cases. If we felt there was sufficient evidence we would make our recommendation, and if the Police came back to us for whatever reason, if it was a good enough reason, then we would have withdrawn the charges. But certainly if we had felt strongly enough we would direct. I cannot predict what would have happened here, but certainly my recommendation, as someone who gave administrative support to the file, would have been to direct the charge.

44. If the ICPC had insisted that Constable Neill be charged, then PONI would have directed and organised the prosecution when it took over the ICPC's responsibilities. When the ICPC directed a charge, the tribunal would be constituted differently. To the best of my recollection, the Police would still present the case, but two ICPC members who had no dealings with the case would sit either side of the Chief Constable or his deputy.
45. Mr ██████'s file note at page 27145 refers to a meeting between the Chief Constable and Mr ██████, the ICPC Chief Executive on 21<sup>st</sup> June 2000. I was not aware of this meeting and did not attend it, but it would appear to have been about some other aspect or issue arising. Mr ██████ noted that the Chief Constable had "*explained circumstances of new evidence which had just come to light which necessitated some further investigations of the criminal aspects of the complaint. He explained that he would welcome the Commission's supervision of further Investigation. I [that is Mr ██████] agreed that I would undertake supervisory responsibility*". As a result of the new evidence from Andrea McKee, it would appear that Mr ██████ agreed that the ICPC would supervise the investigation into the complaint against RC Atkinson.
46. As a result I arranged a meeting on 22<sup>nd</sup> June at Gough Police Station between Mr Reid, DCS McBurney, DI Irwin and I. This is recorded in my file note dated the 23rd June 2000 at page 27143. This was certainly the first time I acquired any knowledge of Andrea McKee. I think I was aware of the McKees' names, as one is aware of other names, but, to the best of my knowledge, this came totally out of the blue. I am not aware of the exact date the McKees split-up, but I was aware that they had done so. A copy of Andrea McKee's statement dated 20<sup>th</sup> June 2000 at page 14956 is in the file, and probably would have come from the file papers following the meeting of 22<sup>nd</sup> June 2000. I imagine that the statement provoked the meeting on 21<sup>st</sup> June 2000, because it was the day after the statement was taken.
47. I am now told that the McKees split up in September 1999, but that DCS McBurney did not want to do anything to pursue Andrea McKee until after the coroner's case had finished. I am also told that the coroner was going to hold a

hearing, but that this was put off several times and was not held at all during 1999. There is no reference to the coroner in my file papers. I was not aware of any of these matters at the time.

48. I did not know that Andrea McKee had accompanied Tracey Clarke to the Police station on the 8<sup>th</sup> May 1997 when Tracey Clarke had made her statement. Neither was I aware that Andrea McKee had made a statement to the Police on the 29<sup>th</sup> October 1997 supporting the alibi of RC Atkinson. I cannot see a reference to this event in my minutes. Looking at my files, I can see no summary of this statement, and I would have produced a summary had I received a copy. If it is not in my minutes, then I was not aware of it, so I do not think that this statement was sent to the ICPC.
49. I have been asked whether I would have been influenced by the statement of Andrea McKee dated 29<sup>th</sup> October 1997, had it been drawn to my attention at the time that I was reviewing the Police Complaint File in January 1998. The statement was in relation to a different issue. It also supported what RC Atkinson said, so I do not imagine that it would have influenced my thinking.
50. I have been asked to describe the ICPC's role regarding the DPP and the progress of allegations against RC Atkinson in 2000. A meeting took place on 27<sup>th</sup> June 2000 between Mr [REDACTED] DCS McBurney, DI Irwin, Raymond Kitson and I at the offices of the DPP. This is recorded in file note 214, containing page 27142. Since Mr [REDACTED] had agreed to supervise the investigation into the complaint against RC Atkinson, the ICPC attended in a supervisory capacity.
51. DCS McBurney was seeking direction from the DPP. At the early stages, it was DCS McBurney who was investigating the complaint against RC Atkinson. One would assume that the statement Andrea McKee gave on 26<sup>th</sup> June 2000 leant a different perspective on the issue. She came to see the ICPC, and we supervised, met DCS McBurney and then had a consultation with the DPP. From my minute, it would appear that DCS McBurney raised two main issues: first, whether the Police were correct in recording a witness statement from Mrs McKee; secondly, whether the Police should consider interviewing James

McKee as a witness, placing before him the fresh evidence secured from his ex-wife.

52. Apart from Andrea McKee's evidence, I was not aware of any other reason why the investigation against RC Atkinson was resurrected in June 2000. I was not aware of any outside pressure on the Police at this time. I am now told that there may well have been calls for a public inquiry then, but for me this Inquiry seemed to come out of the blue. I know that we did receive a lot of correspondence from various groups at that time, ranging from those affiliated to Amnesty International and to Irish Watch. I think there was American interest at the time, and I think I have a file note somewhere to that effect. I do not really have recollection of any pressure from the Taoiseach or from Ireland. There could have been correspondence with the Northern Ireland Office or the Foreign Office, and that is all I can talk about. I suppose that there was pressure, but I was not really aware of it any detail.
53. I do not really know how I can say whether there was reluctance on DCS McBurney's part to take action against RC Atkinson. DCS McBurney had previously recommended in his report that no action be taken against any of the four officers, but it was up to him to recommend that. I just tried to do my job as best as I could, and have no knowledge of what was in DCS McBurney's mind.
54. To the best of my knowledge DCS McBurney did not show me any Police files or strategy documents in respect of RC Atkinson. In my experience of supervising investigations, the ICPC never needed to have sight of such policies. Although the ICPC and the RUC agreed a strategy at the outset, which is minuted in my file notes in a different format, it was perhaps an opening strategy; as investigations ebb and flow different lines of inquiry open up and different strategies appear. In any event, it was not my experience the norm for a strategy to be written down and signed by the Supervising Member and Investigating Officer. I do not recall DCS McBurney explaining his strategy in respect of RC Atkinson. Reference was made to RC Atkinson at the meetings, but any strategy was not discussed in detail.

55. I have been asked whether I believe that DCS McBurney kept me fully informed about the investigation. All I can answer to that is that I do not think DI Irwin would have signed the Criminal Statement and Mr [REDACTED] would have signed the Discipline Statement unless the ICPC was satisfied that the matters we were addressing had been covered.
56. On 31<sup>st</sup> July 2000 Mr [REDACTED] was tasked by the Permanent Secretary to the Northern Ireland Office to review the Hamill file. This is noted at page 27139 of my file note. I remember Mr [REDACTED] coming round to the office. In the absence of an earlier minute, it is not clear to me how Mr [REDACTED] first came into the picture. It could have been as a result of the NIO liaising with our Chief Executive who would then have come down to tell me that the NIO had appointed a Mr [REDACTED] to review the file, and I would have facilitated that. I would say it would have occurred following a liaison between the ICPC and the Secretary of State or the NIO. Apart from that I could not tell you why the decision was taken to review the Hamill file, because it was out of the norm for the NIO to send someone down to the ICPC. I am not aware of the outcome of that review; my minutes just refer to me updating Mr [REDACTED] as he was reviewing the file. Then Mr [REDACTED] went away and he must have been updating the NIO or the Secretary of State.
57. By that stage DCI [REDACTED] had taken over the Police investigation into RC Atkinson. I attended a meeting with DCI McClatchey and DCS McBurney on the 9<sup>th</sup> August 2000 which is minuted at page 27136. This was certainly my first meeting with DCI [REDACTED]. I cannot really say how the subsequent investigation progressed under DCI [REDACTED] we had very little time because the ICPC was replaced by PONI on the 6<sup>th</sup> November 2000. I know that further inquiries were directed at that time, but there was only a short period before Chris Mahaffey then took over and I had nothing further to do with the case. There was no real handover where I took the papers to discuss with Mr Mahaffey. I was just asked to hand over the files, and the ICPC just handed over all our supervised files to PONI. We handed over about a couple of hundred supervised files, of which this was one. Then they were distributed

among the PONI investigators to pursue and finish off. There were my detailed notes on the file, and it was up to whoever took the file over to contact me if they had any queries about them at the time.

- 58. I did not attend any further meetings with DCS McBurney after he had been taken off the investigation in December 2000. I did not have any further contact with him because I had no dealings with the file after it was handed over to PONI.

**SIGNED:** .....

**GREGORY MULLAN**

**DATED:** .....