



STATEMENT OF WITNESS

STATEMENT OF MICHAEL KENNETH MATTHEWS

DATED THIS 29<sup>m</sup> DAY OF June 2006

1. I, MICHAEL KENNETH MATTHEWS, formerly of the Public Prosecution Service, 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.
2. From 1988, I was an Assistant Director in the DPP in Belfast and in 1993 I was dealing with the Northern Circuit. In October 2001, I moved to the Special Cases section, which dealt with cases of such complexity, difficulty, sensitivity or were so high profile that they couldn't be dealt with in the geographically based prosecution section i.e. they would be sent out of their usual area to a central unit. These included some criminal cases involving police officers but were not limited to them.
3. My involvement in the Robert Hamill murder case was very peripheral but references to it were a part and parcel of the evidence against Michael and Andrea McKee in the sense that they colluded in a cover story, allegedly at the behest of Robert Atkinson, about a phone call which was made from his house to one of the suspects. My involvement was limited to the cases against Eleanor and Robert Atkinson, Elizabeth, Thomas, Kenneth and Allister Hanvey, and peripherally the case against Andrea and Michael McKee. These were special section cases due to their connection with the Robert Hamill murder and the high profile nature of that.
4. In April 2001, all alleged conspirators were arrested and interviewed. The crime file initially received in June 2001 related to the McKees alone and came from K The McKees were finally dealt with in May 2002, having both pleaded guilty. I gave an interim direction on R v Atkinson and Others on 16 January 2002 following a consultation on 11 January 2002 on R v Atkinson & others. A copy of that direction is now produced and shown to me marked "MKM1". The

consultation was with K [redacted] and H [redacted] the investigating officers. It was agreed that final directions on Atkinson should await the conclusion of the related McKee criminal proceedings and a review of the evidence available. There were other consultations more specifically dealing with the case against the McKees but most of those were dealt with by Raymond Kitson. He directed the prosecution against the McKees before I took over while I was more specifically dealing with the Atkinson case.

5. On 19 December 2001, a separate file was passed to the DPP which related to the prosecution of the Atkinsons and Hanveys and I took conduct of it. This was a full file and I don't recall there being anything missing which I would have expected to see. From then, I was essentially concerned with the Atkinson case until about September or October 2002 when I handed over the file to Ivor Morrison. There is a document dated 25 October 2002 (p20021) which refers to a draft direction that was produced by me. A copy is now produced and shown to me marked "MKM2". The case then passed to Ivor Morrison who issued the final direction (based upon my draft) and dealt with the remainder of the case. That was after the conviction of the McKees.
6. As to whether those 2 cases should have been put together on the one indictment was a matter for Mr Kitson at that time but I can see the sense of clearing the case against the McKees, as Andrea was going to plead guilty, and then proceeding to deal with the others. The issue of deferring the sentencing of Andrea McKee for her to give evidence was raised. I can state clearly that there was no such practice in Northern Ireland and certainly not in my experience. I'm aware that PONI advocated that but it was not considered appropriate. Carl Simpson QC advised to that effect.
7. Gerald Simpson QC advised on the prosecution of Atkinsons and Hanveys. He was of the view that without better evidence of Allister Hanvey's coat, which was allegedly burned, there could be no reasonable prospect of a conviction of Thomas and Allister Hanvey. The police had pursued that line of enquiry as far as they could but Tracey Clarke was unwilling to give evidence and without her it would fail. Following that I prepared a draft direction to prosecute Robert and Eleanor Atkinson and Kenneth Hanvey.

8. I believe the police did the best they could in the circumstances. They were dealing with a very close-knit group of the McKees, Atkinsons & Hanveys and they simply didn't get the break they needed on the evidence about the coat.
  
9. The draft Direction and file were passed on to Mr Morrison around September 2002 and he dealt with the case from then on.

SIGNED: *Mr Matthews*

DATED: *29<sup>th</sup> June 2006*