

STATEMENT OF WITNESS

STATEMENT OF ROBERT ATKINSON

DATED THIS SECOND DAY OF JANUARY 2009

I, Robert Atkinson, 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 for 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 document the relevant reference number.
2. On 26/27 April 1997 I was a Reserve Constable in the RUC performing duty in the town centre of Portadown when a public disturbance occurred. On the date of the incident, I was a Reserve Constable attached to 'C' section stationed at Portadown.
3. I joined the RUC in December 1974, initially as a part-time Reserve Constable and subsequently, in or about April 1975, I entered the full time Reserve on completion of two weeks training.
4. On joining the RUC on a full-time basis, I was initially posted to Tandragee and, for a period, I was attached to Banbridge and later served an attachment with the Divisional Mobile Support Unit ("MSU"). It was while a member of same that I received training in public order duties and gained experience of policing of public order situations. My recollection is that I was attached to the MSU up until 1995 working out of Mahon Road base. I then was further deployed to Portadown Police Station. I also had two periods of attachment as a Close Protection Officer.
5. Prior to joining the RUC in 1974, I was employed as a fitter/toolmaker.
6. During my time in the RUC, both part-time and full-time, quite apart from the constant security threat to myself and police officers generally from the Provisional IRA, I was subjected, especially during the 1990's, to violent attention from loyalist paramilitaries who, I believe, were involved in

placing incendiary devices in my car and caravan, firing shots at my home when my wife and children were inside and also having windows broken on a number of occasions. I recall, at one stage, being informed by my superiors that there was a real risk for the continued safety of myself and my family and it was proposed that we relocate to Coleraine. However, I decided against the proposal as both my mother and my mother-in-law were unwell at the time and neither my wife nor myself were prepared to move out of the town.

7. On 26 April 1997, I recall that I was on a late turn of duty i.e., 4.00 p.m. to midnight, with my section and I was then rostered for a further period of duty from midnight until 3.00 a.m. This was a normal occurrence at the weekends when half the late turn section would remain on duty after their usual eight hour shift.
8. Primarily, we were engaged in public order duties which included monitoring the town centre and surrounding area for possible terrorist activity, checking security barriers positioned around the town centre and general observation with regard to a number of historic flashpoint areas in and about the town which would have included the junction of Market Street/High Street/Thomas Street/Woodhouse Street.
9. I recall that the senior Constable detailed with my crew was Constable Neill. He was also the designated driver of the Land Rover. Reserve Constable Cornett was the observer as front passenger and I, together with Reserve Constable **P40**, occupied the rear seats.
10. It would have been left to the discretion of Constable Neill where the Land Rover was positioned at any given time. I recall that after 1.00 a.m. the vehicle took up a position at LR1 as shown in the map bearing document number 00259. Later, Constable Neill moved the Land Rover to position LR2 before assuming the position of LR3 and the vehicle was stationary in that position at the time of the outbreak of disorder.
11. I broadly agree with the positioning of the Land Rover as depicted in the map in the three locations, though my recollection, in relation to position LR3, is that the front of the vehicle was closer to the pavement at the mouth of Woodhouse Street adjacent to the Halifax Building Society, with possibly the front wheel or wheels in contact with the pavement.

12. When the Land Rover was stationary at any given time, the engine was idling, the air condition system was running and there were intermittent radio transmissions and conversations within the vehicle. A combination of all these background noises would have made external sound less audible.
13. From my position in the vehicle i.e., seated directly behind the observer, my main view would have been through the front window affording me vision down Woodhouse Street and limited vision down High Street. The Land Rover was also equipped with side slots and rear windows. I cannot recall if the side slots were continuously open. If they were, they do not afford a wide view. As Constable **P40** was positioned near to the rear windows than myself, he would have been in a better position to keep observation through them.
14. Up until the time when the disturbance erupted, I recall that there was nothing remarkable about our period of duty. From my local knowledge and experience, I would have been alert as to potential disorder in and around this junction as it had been the scene of sectarian clashes between Protestants and Catholics in the past. It is my recollection that Constable Neill decided to position the vehicle at LR3 in order to afford a good view down Woodhouse Street as historically there had been a number of incidents in this area when Protestants had made incursions down the street, clashing with Catholics, in the vicinity of two licensed premises and the Magowan Buildings car park.
15. As stated, from my position within the vehicle, I was able to have a limited vision of High Street but I recall seeing persons coming from that direction in groups of twos, threes and fours. These persons would have been variously coming from fast foot outlets and licensed premises at the lower end of the town or returning from entertainment at Portadown Rugby Club or the Coach Inn in Banbridge which is a popular night club and frequented by young people in Portadown who travelled to and from same by bus.
16. I recall that before violence erupted, my observations of these people coming up the town gave me no reason to believe that sectarian clashes

would be imminent. I would describe that the persons in my line of sight were relatively well behaved.

17. I recollect a male coming across my line of sight in front of the Land Rover mouthing something towards the vehicle and, from his demeanour, I believed that he was hostile towards Police. I do not know what he said. Once he passed in front of the vehicle, he appeared to become involved in a verbal altercation with two males who had walked up High Street from the bottom of the town on the pavement adjacent to the Halifax. I did not hear what was said between the parties but I do recall overhearing Reserve Constable Cornett telling these two males to "clear off home". These persons I now to be Stacey Bridgett and Dean Forbes and though I did not know them personally, I assumed they were Protestants. The male who had crossed in front of the Land Rover disappearing from my line of vision in the direction of Woodhouse Street, I assumed to have been a nationalist. While I know a lot of people from the town by sight, I do not necessarily know them by name.
18. I then became aware of a commotion at the vehicle and I witnessed the driver's door being pulled open and Constable Neill being jerked out. Immediately Reserve Constable **P40** and myself exited the vehicle via the back doors to assist our colleague. Once outside, I recognised a male who was grappling with Constable Neill as being the same person who had previously walked in front of the vehicle. He was having a go at Constable Neill and, to the best of my recollection, he was verbally abusing Constable Neill and Police generally about failing to see people coming down Thomas Street from St Patrick's Hall.
19. I, like the rest of my crew, would have been aware that frequently there were social functions St Patrick's Hall on a Saturday night. To the best of my knowledge, the Hall was exclusively patronised by Catholics. It was my experience that very few of the patrons who lived in the nationalist areas of the town i.e., Obins Street/Garvaghy/Ballyoran would return home via the town centre. They would usually take taxis. Before I exited the vehicle, I was not aware of any persons coming down Thomas Street from the direction of the Hall. From my position in the vehicle, I had no vision of the Thomas Street/Market Street/High Street junction.

20. Once outside, I heard a lot of catcalling from a number of groups who appeared to be positioned all across the junction. It was clear to me that they were opposing groups of loyalists and nationalists. The loyalists I would have estimated to be in the region of 30 to 50 and nationalists 10 to 12. The factions appeared to be agitated and confronting each other in an aggressive manner, assailing each other with sectarian insults which quickly escalated into physical confrontations across the width of the road.
21. Once I had successfully extricated Constable Neill from his assailant, I followed my colleague across the road towards Eastwoods shop as we had both witnessed a male, whom we believed was a nationalist, under attack from 4 or 5 loyalists. Constable Neill, with my assistance, was able to separate this male from his attackers and I recall that we ran him across the road into the entrance of Woodhouse Street for his own safety. On turning around back towards the junction, I saw that fighting was still ongoing and we were being attacked with bottles. It was at this point that I saw two male persons lying on the roadway.
22. My recollection is that one of the males, who I later knew was Robert Hamill, was lying across the middle of the road parallel to premises then occupied by Eastwood Clothing which is situated at the corner of Market Street and Thomas Street. The other male who was prostrate, I now know to be Mr D . He was lying towards the middle of the road parallel to premises then known as "Number 7 Home Bakery" also situated at the mouth of this junction.
23. As I observed that both males appeared to be motionless and defenceless, my immediate concern was to protect them from any further assault. I am not in a position to say whether either male had been involved in fighting before they were felled or if they were the victims of unprovoked assaults. I witnessed some of the Protestant/loyalist faction surge towards the two bodies and it was with great difficulty, and with the assistance of Constable Neill, that we kept them back. I remember seeing broken glass close to the body of the late Mr Hamill which gave me reason to believe that he may have been struck with a bottle. I remember moving one person out of the loyalist faction as he was acting extremely aggressively and, with the assistance of Constable Neill, ran him across

the road to the Land Rover. I recall that our actions were resisted by his companions and I remember that we both drew batons.

24. Once we arrived at the vehicle with this person, I was immediately subjected to an assault by the male who had tried to pull Constable Neill out of the vehicle. He was extremely aggressive and tried to wrestle my baton from me and, during the course of the struggle, the strap on the baton was severed. He then ran off.
25. I remember at one point in the course of the struggle being swung round and, from the corner of my eye, I observed three males who appeared to be jumping in and around the head of the male who was lying on the roadway outside Eastwood shop, namely the late Mr Hamill. Once freed from my assailant, who I believe was a Mr Mallon, I ran back to give further protection to the body of Mr Hamill and his companion and I remained in that position until initially Police support arrived by way of motor vehicle and by then by way of Land Rover. During this period, I could not administer first aid as I was wholly preoccupied with protecting the prone males from any further assault. I do recall witnessing Constable Neill placing Mr Hamill in the recovery position and I also recall seeing two females tending to both persons, one of whom cradled Mr Hamill's head in her arms.
26. The first reinforcements arrived by motor vehicle. One of those Officers, namely Constable A, with my assistance, removed a youth from the loyalist faction known to me as Wayne Lunt. The DMSU then arrived a short time later and with their assistance, we were able to force the Protestant/loyalist crowd up the town centre towards West Street where they eventually dispersed. It was during the course of their retreat that I recall striking one of the Protestant/loyalist crowd with a baton on the stomach and I believe this to have been Rory Robinson. Further, I recall seeing a person who I recognised among this crowd as Allister Harvey and I recall identifying him to Sergeant **P89**. I also recall seeing Victoria Clayton at the scene and a person known to me as "Rat" Gray. I did not witness Gray being involved in any hostilities and in fact I recall seeing him attempting to assist Police in diffusing the disorder. I never

- witnessed Clayton involved in any disorder, but I do recollect seeing her wiping blood from the face of Stacey Bridgett.
27. I could not identify the males whom I had witnessed involved in the stamping actions around the head of the late Mr Hamill. As I have stated, my initial sighting was by way of a glance and once I detached myself from my attacker and started to run across the road, three offenders disappeared into the crowd. There were a number of males and females at the scene who were not actively involved in disorder but were either spectating or offering support by way of shouting and encouragement. At any given time, there were a number of fights ongoing across the junction.
 28. I would estimate from the time that the disorder commenced until the loyalist faction was dispersed was approximately one hour.
 29. I believe, in the circumstances, that I did everything that could reasonably be expected of me as a Police office in assisting to quell the general disorder. My colleagues and myself were heavily outnumbered and it was impossible to contain the situation. Trouble broke out unexpectedly, indeed almost spontaneously as the rival factions confronted each other. As stated, Protestants heavily outnumbered Catholics.
 30. I cannot be specific what action Constable **P40** took in attempting to quell the disorder as I was mostly involved with Constable Neill. Constable **P40** was the only member of the crew with a long armed firearm, namely a rifle, and I assume that he was somewhat restricted in what he could do as I would have expected him to remain close to the Land Rover to give cover for Constable Cornett. This Officer had to stay with the vehicle and it was she who radioed for the emergency services and Police reinforcements. I recall, at one point, shouting over to her to urgently request same but I think, at this time, she shouted that she had already done so.
 31. Once the disorder had been quelled, I was detailed to return to Portadown Police Station. I do not recall being debriefed before I left the Station to go home in and around 4.00 a.m.
 32. Later, under instruction, by way of telephone call, I returned to Portadown Police Station and it was at that time I was asked to provide a statement outlining what I had witnessed earlier in the town centre. I believe that this

request was made either by Detective Constable Keys or Detective Sergeant Bradley. I recall writing out my statement contained in document 9683 and leaving it in the CID pigeon hole before leaving shortly after 8.00 a.m.

33. I recollect that before leaving, I had telephone contact with Constable Neill telling him that I had made a written statement and I had left it in the designated pigeon hold. I do not recall discussing with Constable Neill the contents of my statement.
34. I remember speaking to Detective Sergeant Bradley in the CID office on 28 April 1997. I was there, together with a number of Officers who had been on duty on the night of the disturbance. Detective Sergeant Bradley asked us, as a group, whether we could give any further information with a view to identifying persons involved in the disorder. In my written statement I had named Rory Robinson and Wayne Lunt and, by way of further information, I believe that I provided the names of Victoria Clayton, "Rat" Gray and Stacey Bridgett. In so far as Allister Hanvey is concerned, I did not witness him involved in any assault. He was certainly in the loyalist crowd which we forced up the town centre following the arrival of reinforcements. In any event, I pointed him out to Sergeant **P89** and told him to be wary of Hanvey because of his expertise in martial arts.
35. On 9 September 1997, I voluntarily attended Lurgan Police Station for interview by Chief Inspector McBurney and also present was the late Mr [REDACTED] representing the ICPC. I was interviewed under caution in respect of allegations of Criminal Neglect of Duty, Assisting Offenders and Withholding Information.
36. Prior to the interview, I was aware that a complaint had been made against me and my colleagues that we failed to discharge our duty as Police Officers in not taking sufficient action to protect the late Mr Hamill and his friends from attack by loyalists, I had no prior knowledge that further serious allegations, specifically in relation to me, had been alleged, namely I had made a telephone call to Allister Hanvey after the incident advising him to dispose of his clothing. I denied all allegations put to me and I continue to deny same. When I was asked to produce my telephone billing, to include the period April and May 1997, I readily agreed to do so.

A transcript of these interviews is contained within documents 9476 to 9540.

37. On 9 October 1997, I returned to Lurgan Police Station for further interview by Chief Inspector McBurney, again accompanied by the late Mr [REDACTED]. A transcript of these interviews are contained within documents 9541 to 9558. Throughout these interviews, I continued to deny any wrongdoing.
38. I gave evidence at the trial of Mark Hobson and a transcript of my evidence is contained within documents 8333 to 8404.
39. On 10 April 2001, I was arrested while driving my motor vehicle to Lisburn and taken to Gough Barracks for interview by CID Officers. My wife was also arrested on this date shortly after she reported for work. I was informed that I was arrested in connection with an allegation of perverting the course of justice, namely that I had conceived and planned a conspiracy involving my wife, Mr Michael McKee and Mrs Andrea McKee in concealing the nature and content of a telephone call made from my home to that of the Harvey home on the morning of 27 April 1997. This allegation was made as a consequence of a further statement made by Andrea McKee contradicting a previous statement she had made on 29 October 1997 when she confirmed that it was her husband who had made the call to the Harvey home. Michael McKee had also confirmed in a statement to Police at that time that he did indeed make the call. I am not in a position to speculate as to why either Mr and Mrs McKee retracted their initial statements. I understand that Mrs McKee made a number of statements to Police. A transcript of these interviews are contained within documents 21446 to 21522. Throughout these interviews, I continued to deny any criminal conduct.
40. I was then released on bail, as was my wife, and subsequently attended for further interview at Lurgan Police Station on 31 May 2001 and, once again, an allegation of perverting the course of justice was put to me surrounding the same telephone call. Again, I denied the said allegation. A transcript of this interview is contained within document 21272.
41. Subsequently, I re-attended Lurgan Police Station on 12 June 2001 for further interview and, during the course of same, on legal advice, refused

to comment on questions put to me. A transcript of this interview is contained in document 21277.

42. This was the first occasion when I declined to answer questions put to me arising from events surrounding the death of the late Mr Hamill. Previously, I had answered every question put to me under caution. The reason that I refused to provide substantive answers is that my interviewers wished to question me about matters arising from evidence purportedly gathered from a covert listening device which I believe had been placed in my home on 10 April 2001. Despite repeated requests from my Solicitor, Police refused to provide the necessary documentary authority for the placement of the said device which I had discovered on 19 April 2001 secreted in the living room of my home.
43. I firmly believe that the authorities planned my arrest and that of my wife to be undertaken away from our home, so as to afford them the opportunity to install the listening device while we were both in custody and to ensure that, as far as possible, that they were undisturbed in planting it. Both of our children were not informed of our arrest until a number of hours later, despite my request to the contrary.
44. I readily accept, as confirmed by me in various interviews, that I knew Allister Hanvey prior to 26/27 April 1997. I became acquainted with him through my daughter's involvement in the Ulster Tae Kwon Do Association, a business operated by Mr Michael McKee and his wife, Andrea. My daughter [REDACTED] started taking instruction in the discipline in or about 1990 when she was then aged 4. Michael McKee was the principal instructor. He taught Taw Kwon Do in a number of locations throughout the province, to include Portadown. He operated from a number of premises in the town before securing a lease of premises within the Brownstown Business Centre. This would have been about 1995. Michael negotiated the lease directly with the owner, Mr Jameson.
45. From my involvement in supporting my daughter, I knew Allister Hanvey was an active member and that he had become extremely proficient in the art and had achieved a black belt. He also undertook instructions to younger members. I was also acquainted with Allister's father, Kenneth, as we had played football together many years ago. My wife also knew

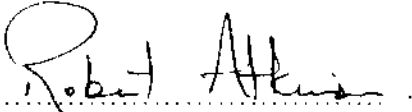
- Kenneth Harvey as he was a work colleague and she also became acquainted with Mrs Harvey through club activities.
46. Also, prior to that date, I knew Tracey Clarke. Tracey was also a member of the club and I knew her to be in a relationship with Allister Harvey. Tracey was the niece of Michael McKee.
47. While my wife and myself were not club members, as stated we were heavily involved in supporting our daughter as she progressed, eventually becoming British and European champion in her age group. I agreed to take up position as Secretary of the Recreation Club which was established for the sole purpose of organising events to raise money to subsidise travel and accommodation to various tournaments and training camps. Additionally, I gave, as did other parents, assistance to Michael in maintaining the club premises. I recall undertaking plumbing and general repairs. This work was undertaken, as was my role in the Recreation Club, on a voluntary basis. All club subscriptions and money generated generally went to Michael and his wife as proprietors. It was a profit making business.
48. Over the years, my wife and myself became friendly with Mr and Mrs McKee and they would visit my home on a regular basis and occasionally would stay overnight. I recall that during the Drumcree dispute in 1996, when I was temporarily housed at Mahon Road Army Barracks for some 28 days, Michael and his wife were very supportive of my wife and children. They brought them to see me frequently during that period and also stayed overnight in my home, possibly on three or four occasions. While I found Michael very personable, his conduct was sometimes unpredictable. He was a heavy drinker and occasionally absented himself from the club and from the marital home. I suspected that there were difficulties within his marriage.
49. As previously stated, I initially returned from work on the morning of 27 April 1997 at about 4.00 a.m. I would have entered my house via the back door, through the kitchen and up to the bedroom. I cannot readily recall if I wakened my wife at that time and spoke to her. I received a telephone call at around 6.00 a.m. and I believe that I told my wife that I had been ordered back to the Police Station. During my time as a Police Officer, it

was not unusual to have my sleep interrupted and report back for duty. When I returned shortly after 8.00 a.m., I again entered my house via the back door, went through the kitchen and upstairs to the bedroom. I do recall telling my wife that there had been trouble in the town centre in the early morning involving people from the Coach bus. I recall that it was a very short conversation before I fell asleep.

50. I recall that it was not until the late afternoon of the same day when I awoke and my wife then informed me that Michael and Andrea had stayed in the house overnight. This was the first I knew they had done so. I recall that my wife told me that Michael had organised to take private lessons at the club at 9.00 a.m. that morning. I was aware over the years that quite apart from giving instructions to members of the association, he gave private tuition. I recall that he gave lessons to a father and two sons on a regular basis out of hours, to include Sunday, and it was also known that on Sunday the club would be used occasionally by body builders.
51. In relation to the telephone call made from my home to that of the Harveys at 8.37 a.m. on 27 April 1997, my only knowledge of this call is what my wife relayed to me, namely that it was made by Michael McKee who was enquiring about the welfare of his niece, Tracey Clarke. Apparently, Michael was aware that his niece had been to the Coach the previous night and she had mentioned this to Michael before he left the house to go and open the club.
52. In relation to the phone call made from my home to the Harvey home on 2 May 1997, my wife told me that she made the call to enquire about obtaining some martial arts equipment for our daughter, [REDACTED] to include a pattern book which was essential for [REDACTED] in preparation for a forthcoming exam. My wife believed that such equipment and literature was in the Harvey home.
53. I refute any allegation that I paid legal expenses for either Mr or Mrs McKee in relation to any advice or assistance given to them with regard to statements which they made to Police in 1997. Our friendship with the McKees continued until about 1999/2000. I recall that we attended a training camp in Lanzarote in 1998. Tension in our relationship began to develop following a disagreement I had with Michael concerning his

proposal to change the method of subscription payment which I believed would have resulted in possible disadvantage to club members. My opposition was in the context of my suspicion that Michael may have been misappropriating money. Our relationship further cooled when Michael, quite unfairly, declined to endorse my daughter, [REDACTED] as a competitor in the world championships in Birmingham. Eventually, the club closed after Michael ran away to the Republic of Ireland with the mother of a pupil and then Andrea then closed the club and relocated to Wales.

54. I never rang Allister Harvey and advised him to dispose of his clothing he had been wearing in Portadown town centre on the material date. I had never any sinister contact with Mr Harvey, either by phone or otherwise, concerning events which lead to the untimely death of Mr Hamill

Signed .
Robert Atkinson

Witnessed 