

STATEMENT OF WITNESS

STATEMENT OF WILLIAM ROY JUNKIN

DATED THIS 26th DAY OF August 2009

I, WILLIAM ROY JUNKIN 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. This is my first witness statement for the Inquiry and I shall endeavour to provide some commentary on the documents that have been disclosed to me by the Inquiry.
3. I am a barrister at law of both the Northern Ireland Bar (1971) and the English Bar at Gray's Inn (1985). I joined the department of the Director of Public Prosecutions for Northern Ireland (DPP) in 1974 as a Professional Officer. I was appointed Assistant Director in 1977 and the Senior Assistant Director in 1989. On 12th March 1998, I was appointed by the then Attorney General to the statutory post of Deputy Director of Public Prosecutions for Northern Ireland. I continued in that post upon the formation of the Public Prosecution Service (PPS) in Northern Ireland until my retirement on 1 September 2008.
4. In 1997, I held the post of Senior Assistant Director. In that post, I was the line manager of the Assistant Directors and was responsible for the day to day management of the staff and the professional, administrative and financial

issues arising. I believe there were six Assistant Directors at that time. In 1997, Raymond Kitson was the Assistant Director for the Belfast and Eastern Circuits. Mr Hamill's murder occurred in Portadown and that was within the Eastern Circuit.

5. In England, the Crown Prosecution Service (CPS) decides on the nature of the charge and whether it should be put. The role of the DPP in Northern Ireland, and latterly the PPS, was to ensure that the initial charge was proper and that it was grounded in evidence ie if it was admissible and available. It is not an approbation role or a directive role in the sense of that undertaken by the CPS. Under the Justice (Northern Ireland) Act 2002, the PPS can stop any case and the person does not have to appear in court for the charge to be withdrawn; but the PPS does not control a case in the same way as the CPS.
6. In 1997, in serious cases the police could have informed the DPP in any number of ways at an early stage. In the more serious cases such as murder, I would have expected some kind of report to have gone to an appropriate person in the circuit involved. In this case, I imagine that a report may have been made to Mr Kitson.
7. Where charges were being laid, copies of those charges would have been provided direct to the DPP and to the court. This would have given us immediate notification that six people had been charged with the murder of Robert Hamill on 10th May 1997.
8. A file note of a meeting on 12th May 1997 between Superintendent Hook of Crime Branch, Superintendent McBurney and the Deputy Director (Daniel Magill) has been produced and shown to me (page **31613**). The note is signed by [REDACTED] the then Deputy Director's secretary and copied to me. It was not all that common for the Senior Investigating Officer (SIO) and a member of Crime Branch to meet the Deputy Director so soon; however, it was not that unusual and could not be classed as remarkable, depending on the profile and the seriousness of the issues involved. If there was a very high profile and difficult case, the police might have telephoned the Director, or indeed, the Deputy Director to brief them. I do not recall being at that meeting and I do not believe I attended it. I cannot remember why I was sent a copy of

the file note, but it might have been that there was some difficulty with the evidence and Mr Kitson as the senior man in the circuit was required to take a personal interest in it. That would not have been unusual. For my part I would have needed to have some knowledge in due course of what was going on, but none of the detail.

9. The Deputy Director's file note dated 12th May 1997 states, "*I told McBurney that if necessary I'd arrange a further consultation*" (page 31614). A further consultation then took place at 4pm on 13th May 1997, a file note of which has been produced and shown to me starting at page 31601. Handwritten notes of the meeting on 13th May 1997 have also been produced and shown to me, beginning at page 31603; I recognise the handwriting as belonging to Raymond Kitson. I have no recollection of having seen these documents before: it is entirely possible that these were notes for the files that were written, filed and not shown to me.
10. I do not know why that meeting was asked for or by whom at an early stage; my knowledge is encompassed entirely in what is in the file note and I have no recollection outside of that. I can see that it was addressing the practicalities of what evidence was available; whether we should seek a remand; what would happen at the Bail Court; the pressure on the witnesses, and their identity. It was essentially the practical outworking of the situation at a very early stage; those matters that must be discussed prior to a case coming up for remand. It would have been improper to seek a remand if there was an issue at that stage as to a witness's credibility or availability. There were clearly issues related to the confidentiality of their identity and a need to protect them from intimidation and other witness interference. At the Bail Court, the defence might have put pressure on us to see the statements of the witnesses and to find out who they were and Bail Court counsel would have needed to be briefed to meet that issue on an appropriate basis.
11. Mr Kitson was to be the case officer since he was the person in charge of the circuit; it was a serious case, and he needed to know about it. My presence at the meeting was to ensure that I, being the senior manager, was aware of the case. There would have been other issues that bled across into other areas of

the office, for example, into the staff at the Bail Court, for whom I would also have been responsible. I also had to make sure that resources were available, so it was essentially a managerial issue.

12. The handwritten file note at page **31603** lists four issues: medical evidence; evidence and the extent of it; bail, and Reserve Constable Atkinson. I would imagine that these were normal issues raised by the police, Mr Kitson, or myself; the first three in particular. The reliability of and interference with witnesses and the nature of the medical evidence is mentioned there, which are obvious matters. I note that the reference to Reserve Constable Atkinson is in the written notes, but does not appear in the typed note. I do not know why that was the case. My attention has also been drawn to page **31608**, where there is an underlined heading stating, "Atkinson! *Would have known all the people; said nothing; subject to further investigation*". I would not read this sentence as an allegation against Atkinson. If the kind of allegation that is being suggested had been communicated to us by police I would have expected it to have been recorded. Atkinson was, I believe, a person who lived locally and would have known the protagonists, no doubt on both sides. It might be that Atkinson said nothing in his statement, or it could have been something else; I just do not know and lack the detail to look into it. I have no recollection at all of this meeting, so I cannot assist as to what was said about Atkinson.
13. My attention has been drawn to page **31601** of the typed notes of the meeting on 13th May 1997, which refer to Tracey Clarke as follows: "*Police assessed her as a reasonably good witness whose credibility was intact.*" Timothy Jameson is also assessed as being a "[r]easonable witness". In view of the credibility of these witnesses, I have been asked to comment about whether the issue of how to investigate Reserve Constable Atkinson was discussed. I have no recollection of that. However, if it had been raised as an issue by the police, then it would have been recorded. If there was an issue that parts of Tracey Clarke's evidence were not considered reliable, then clearly this would have been considered and recorded, but I have no such recollection of that being the case. Nor can I assist with the point at which the police told the DPP about the evidence of Tracey Clarke: I have no memory at all of this matter before seeing the recent correspondence and documents I received from the Inquiry; the

handwritten notes are obviously contemporaneous, but I saw them for the first time in preparation for my Inquiry interview. Those notes do not mean anything to me at this remove of time.

14. After the consultations on 12th and 13th May 1997, the DPP would have awaited Mr McBurney's papers. I do not know whether some papers were provided prior to the murder file being sent to the DPP. The investigation was at a very early stage. The difficulties were being pursued rather obviously. As I see it, it is recorded that the case hinged on the two witnesses; the enquiries were continuing in relation to forensic evidence and with Professor Crane. I do not know what the police plan was, but I would strongly suspect from my reading of these notes that it would still have been being formulated and developed at a very early stage.
15. The Deputy Director's file note dated 12th May 1997 on page **31613** also refers to an allegation that "*police did not act quickly enough in relation to the incident*". However, I have no recollection of when I was informed that the ICPC were supervising such a complaint. If the ICPC had been mentioned I would have expected it to have been recorded, so I must assume that it was not mentioned. Mr Kitson and Mr Magill are experienced lawyers and are used to taking notes; if something had been raised, I have no doubt that they would have recorded it. In the absence of such a record I must assume it was not mentioned. The Inquiry has informed me that the ICPC were involved in the supervision of complaints against the four officers in the Land Rover, but I had no knowledge of that.
16. My file note dated 5th November 1997 at page **18033** records my conversation with an NIO official in which I made fairly plain the respective roles of the NIO and the DPP. Other than the contents of that note, I have no recollection of the conversation at all. The NIO made very occasional enquiries of the DPP, it varied from official to official, but it was not that common. As is clear from the particular minute relations between ourselves and the NIO were plain though sometimes a junior official in a private office would come under pressure from the Minister to make enquiries and would simply ring up expecting to get whatever information he wanted. As can be seen, after talking to me he ended

up with a slight buzz in his ear. In my experience, the NIO were very scrupulous in their relations with us and in understanding the clear divide between the criminal prosecution process and the management of aspects of public concern in criminal cases (which fell to them because politicians and others would come to the Secretary of State and its advisors). I would have regarded that conversation as an excess of enthusiasm by a very junior official whom I do not know at all. Normally enquiries, if any, were by letter from the NIO but that would be rare.

17. After November 1997, my guess is that my involvement was confined to normal ongoing management contact. This included checking on how things were going and monitoring the staffing pressures and expenses, such as Counsel's fees. I was responsible for performance management, targets and annual reports, so I had to be 'on the ball' about those matters. However, I have no recollection whatsoever of the minutiae of individual cases, which were legion at that time. I cannot put a number on it, but there were a large number of very serious crimes at various stages of prosecution.
18. The document starting at page **18135** is a briefing note by Raymond Kitson regarding an application for screening by Reserve Constable Atkinson on the basis of Atkinson's great concern, as expressed to his supervisors, over his personal security. I have examined this as closely as I can in its unredacted form and can confirm what I have been able to deduce. My observation on it is that the document is addressed to me by name and I see that I have appended a handwritten addition, which I have dated 9/4/98 and initialled as WRJ. This is what I would normally do and was the practice in the DPP (as it then was) at that time. All applications for screening were treated very seriously and required the specific authorisation of the Senior Assistant Director before any application could be made to a court. This was intended to ensure a rigorous and consistent approach, essentially in the hands of one person, so that unmeritorious applications would not be made. My handwritten additions to page **18136**, in which I have used asterisks to highlight the points being made, records my agreement with Raymond Kitson as to the course to be followed.

19. The document dated 17th April 1998 at page **18315** records my refusal to authorise the screening application in respect of Atkinson. The document records that the alleged threat to Atkinson was not developed sufficiently to meet the relevant criteria. I was by then the Deputy Director, but I believe that I was deemed to be in charge of the matter because the Senior Assistant Director post was vacant and had yet to be filled; matters would therefore escalate upwards, rather than downwards. I have no recollection of the detail of the consultation that is referred to. It may have been that Mr Kitson and D/Superintendent Harvey of C2 Branch in Police Headquarters were the relevant persons. C2 Branch was the Crime Branch, which liaised with our office at a senior level and made recommendations on behalf of the Chief Constable.
20. The Inquiry has informed me that DCS McBurney had submitted a criminal complaint file in December 1997, which referred to the Atkinson allegation. I have no recollection of whether I had seen the file at that stage, or whether I knew anything of an investigation into the Atkinson allegation. In this regard, I have been referred back to Mr Kitson's file note of April 1998 at page **18136**, which states:

There is the vague suggestion of adverse publicity associated with a particular investigation and extenuating circumstances, unspecified, relating to Reserve Constable Atkinson.

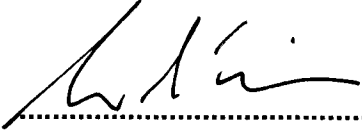
I take this reference to Atkinson to be only a reference to the screening submission which came in from the police. It is a factual description and Raymond Kitson's comment on the case being advanced for the screening. Although I do not have, and cannot recall, the application from the police, presumably under the hand of Mr Harvey, I would read that sentence as a comment on the content of Mr Harvey's application and not anything beyond that.

21. If Atkinson were being called as a witness at a time when the criminal proceedings had already been considered and directed he would have been regarded as credible in those proceedings. My role was to deal with the screening application on the basis of the alleged threats to Atkinson. I do not

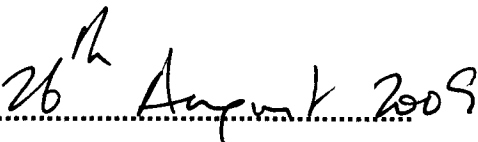
read the above sentence as being a direct comment on Atkinson. We never got to the stage of calling evidence to support a screening application for Atkinson because I made the decision that the application was not tenable for reasons that I recorded at the time.

22. I have been asked to comment about the DPP liaison with the Forensic Science Agency of Northern Ireland (FSANI). When I was Senior Assistant Director, I used to meet on a regular basis with the head of FSANI to discuss general structural issues, which were causing problems, as opposed to individual cases. I used to receive quarterly or half-yearly reports on trends and issues and we discussed these at a managerial level. The Detective Inspector who was attached to the DPP, and subsequently to the PPS, was a liaison officer whose role was to deal with delays and chase-up individual cases before the Remand Court. His job was essentially to ensure that the prosecutor who was applying for ongoing remand was able to assist the court with information about the progress of FSANI reports.
23. I cannot recall exactly now, but there were target dates by which FSANI was to report back. As in this case, where the Detective Inspector submitted a file but mentions that he was awaiting forensic science reports, I imagine that as a matter of course this would have been chased up. It would not have been unusual to present a murder file without full forensic evidence being available upon submission. Chasing up was not what we ideally wanted, but was necessary from time to time. One should not underestimate the pressure that was being exerted by the court, albeit properly, on both the police and our staff who were seeking remands. FSANI was also dealing with a very large number of cases with increasingly complex issues – fibres, blood and so on – and it was a pretty hectic period for them too.
24. My note to Raymond Kitson dated 21st August 1998 is at page **18290**. I have no idea about the meaning of this document and I can only assume that a person known as 'Dr [REDACTED]' had written to the DPP in England and Wales, then Dame [REDACTED] about the Hamill case, in the mistaken assumption that it was within her bailiwick. If so, I suppose that the letter would have been routinely redirected to us by her private office and, as such, it would have been

drawn to my attention by one of the correspondence clerks in the registry in the Director's absence. However, I have no recollection of the content of the correspondence and I have no knowledge of how it was dealt with. In any event, I do not regard that note of any consequence.

SIGNED: .....

WILLIAM ROY JUNKIN

DATED: .....