

STATEMENT OF WITNESS

STATEMENT OF JOHN (SEAN) HAGAN

DATED THIS

DAY OF

2008

I, JOHN PATRICK (SEAN) HAGAN, 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 am a Solicitor of the Supreme Court and I have firm of solicitors, John P. Hagan Solicitors, in Portadown. I act for Robert Atkinson and Eleanor Atkinson in relation to the Robert Hamill case. I have never represented either Andrea McKee or her husband Michael McKee.
3. On 29th October 1997 Andrea McKee gave an alibi statement to DI Irwin at my offices. This statement corroborated that Robert Atkinson had not made an alleged telephone call from his home on 27th April 1997 to Allister Hanvey. It has since emerged that Andrea McKee made this statement falsely.
4. When I was asked by DI Irwin if the interview could be held in my offices I just agreed. I do not really remember the reason why this venue was chosen. I know that I did not challenge DI Irwin on this at any point. I would say by way of context that Andrea McKee's interview in 1997 occurred during an era when it was difficult to facilitate police interviews. People feared going to police stations for interviews because they were concerned they would be seen as informers or touts and would

DRAFT

be subject to attacks. However, I cannot recall Andrea McKee or any police officer ever raising this as a concern or giving it as a reason for arranging the interview at my offices rather than at the police station.

5. It has been suggested to me that the fact Andrea McKee was not my client makes it particularly surprising that the interview was conducted at my offices. I disagree with this. As I say, the context at the time made it difficult to facilitate interviews with the police at the police station. I have been asked whether there were other occasions when the police conducted interviews on my premises. I can recall several instances where the police have held discussions at our offices over various matters over the years but, beyond that, I cannot be more specific.
6. There is an entry in my diary dated 27th October 1997 when Michael McKee called my office regarding Robert Atkinson. I suspect now that he was ringing to confirm the date of the proposed interview with Andrea McKee.
7. I sat in on the interview because I was aware that Andrea McKee was being interviewed in relation to matters concerning Robert Atkinson and, since I was representing him, I felt it appropriate that I should be present. Robert Atkinson had told me himself that Andrea McKee was there to corroborate his assertion that he did not make the particular telephone call to the Hanvey house on 27th April 1997. I felt that in those circumstances it was appropriate to be present at the interview. The police officer seemed happy to conduct the interview in my presence and Andrea McKee did not make any protest that I heard. Had the police officers shown any sign of resistance, I would have taken a different course, but they did not. Although I sat in, I did not take any notes at all. I have double-checked the files but I cannot find any paperwork at all relating to that interview.
8. I did not bill Andrea McKee for the interview. She was not my client

DRAFT

9. I remember being visited by DCI K and DS H at my offices on 8th November 2000. It was the weekend and I had received a call asking if I would meet them at my offices to talk about something to do with the Robert Hamill case. They wanted to discuss with me the interview of 29th October 1997.
10. I did not make any notes of my meeting with the police officers on 8th November 2000. The journal entry of DCI K dated 8th November 2000 containing pages **53630** to **53566** and the statement of DS H dated 5th January 2001 containing pages **17439** to **17440** do relate to this visit. I have read these and to the best of my knowledge their contents are accurate. As recorded in DS H's statement containing page **17439** and in DCI K's journal containing page **53630**, the police officers wanted to discuss two matters with me relating to Andrea McKee's interview at my office in 1997. The first issue concerned whether a bill had been raised for the interview and the second issue related to the interview arrangements.
11. The account of my response on the issue of arrangements contained in the statement of DS H at **17439** and in DCI K's journal at **53630** is: "He said that in respect of how the arrangement came about, he could not recall how it was arranged and would need to consult his files although he may have no records about this". I cannot remember now how the interview was arranged and I have found no paperwork on this matter. Certainly nothing was put in writing beforehand. I am sure that DI Irwin would have made some contact to say that he was coming, probably by telephone.
12. The account of my response on the bill issue contained in the statement of DS H at **17439** and in DCI K's statement at **53630** is: "He said that as far as he could recall, there was no bill issued in respect of Andrea McKee's interview but that he would need to refer to his files to confirm that". That accords with what I recall was said during the meeting with the police officers. I was asked simply "did I issue her with a bill" and my answer as recorded was that "I did not". I do not recall whether or

80351

DRAFT

not I was asked if Andrea McKee was my client. If I had been asked that question I would have told the police she was not.

13. I said I would go and recheck my records because I did not want to mislead the police in any way. I made it clear that it was quite unlikely that there would be a bill but, if there was one, I would report back to the police. I did not find anything when I did check and so I did not have any further contact with the police on the matter. The files I looked through were those relating to Robert Atkinson. I did not have a client file for Andrea McKee because she was not my client.

SIGNED:

JOHN (SEAN) HAGAN

DATED: