

This interview is being tape recorded. The interview is being conducted at an interview room at the Police Office at Gough. Eh, eh I am Detective Sergeant Wenford McDowell of the Crime Squad, CID South Region. Also present is - Detective Constable [redacted] from the CID, South Region - and yourself

OMBUDSMAN I am [redacted] from the Police Ombudsman Office.

Right.

SOLICITOR Sorry, [redacted].

OMBUDSMAN [redacted], that's [redacted].

Right.

SOLICITOR From which office.

OMBUDSMAN The Police Ombudsman's Office.

SOLICITOR Thank you.

Can you just state your full name, sir.

ATKINSON Robert Cecil Atkinson.

And your date of birth.

ATKINSON [redacted]

Right, and present with you is

SOLICITOR Eh Sean Hagan, Solicitor, Portadown.

Right, the time by my watch is 1253 hours.

SOLICITOR 1250, it couldn't be that.

No, 1240

SOLICITOR No.

We're still fast

SOLICITOR 12

You see I am on the wrong side of the clock here, 1223, 1223 hours. Now Mr Atkinson was arrested this morning by myself at 0925 hours for the offence of Conspiracy to Pervert the Course of Justice; the offence occurring between the 27th of April 97 and the 25th of November 97 inclusive of those dates and you were cautioned at the time and I'll remind you again, Mr Atkinson that you are still under caution according to Article 3 of the Criminal Evidence (Northern Ireland) Order. You do not have

to say anything, but I must caution you that if you do not mention when questioned, something which you later rely on in Court, it may harm your defence. If you do say anything it may be given in evidence. Do you understand the caution.

ATKINSON

I do.

Now

SOLICITOR

Sorry, forgive me, Mr Atkinson has been arrested and he is about to be charged, is that right.

No, no, he's about to be interviewed.

SOLICITOR

He has been arrested.

he has been arrested.

SOLICITOR

Right, yeah, yeah.

And we are interviewing him here, he's been cautioned

SOLICITOR

Uh huh, uh huh.

And eh I am just clarifying that he is aware of what he has been arrested for.

SOLICITOR

Yeah.

Cautioned and at the end of the interview he will receive a copy of a PACE 20, 21 which will explain to him how he can have access to copies of the tapes through his solicitor, copies of the interview tapes that are presently being made. Ehm you understand the reason you are here.

ATKINSON

I do.

You understand the caution that has been given to you.

ATKINSON

I do.

You understand the procedure that we have that at the end of the interview you can have access to the tapes.

ATKINSON

I do.

You have legal advice through your solicitor and you have consulted with him before the interview.

ATKINSON

That's correct.

And you are happy enough to carry on with the interview.

ATKINSON

Yes.

This relates to the

SOLICITOR

Sorry, before the interview begins, Mr Atkinson would wish to make it perfectly clear that he has attended voluntarily for interview before, on a number of previous occasions, he has caused no difficulty in doing so and I think it is quite proper of him to eh protest at the manner in which this has been carried out today. Now his wife has, as you know, been also eh detained eh in similar circumstances.

Yes.

SOLICITOR

And Mr Atkinson would also express considerable concern and that eh his house has been searched, apparently without any member of his family or any other person being available to be present. Mr Atkinson has no difficulty in giving Police access to his house, he finds this conduct extremely oppressive both in relation to the manner of his arrest and in relation to eh to the ehm, eh conduct of the search in the house. He's also concerned eh for some considerable time his phone has been tapped so with those concerns the interview can commence.

Thank you. This relates to the incident of the eh 27th of April 1997 in which Robert Hamill was assaulted in Portadown Centre and subsequently died and became a Murder investigation and at that stage you were eh one of the member of a Landrover crew present in Portadown Town Centre, now our eh investigation relates to a Conspiracy to Pervert the Course of Justice eh revolving round an allegation by a witness and in the early hours of that Sunday morning, the 27th that you had rung one of the persons who were involved in the assault and eh informed them or notified them to burn their clothing. You are previously aware of that, Robert.

ATKINSON

I was made aware of that before, yes.

And you have been interviewed as Mr Hagan has said, you have been interviewed after caution in relation to those matters on a previous occasion.

ATKINSON

I have.

And you have given an account of how that phone call was made from your home.

ATKINSON

Yes, as far as I am aware.

Yes, so we want to eh really make some

enquiries in relation to some of the background to that issue so bear with us if we take you through that. We kick off with first of all by saying that that is your statement I have here, a handwritten statement, that was the statement

ATKINSON

That is correct.

That you made on the 27th of April, the morning of the 27th of April.

ATKINSON

Yes.

Now we have looked at that, it covers mainly what you observed at the scene

ATKINSON

That's correct.

And it doesn't really deal with the other issue because that was done under caution. We want to kick off from that scene and focusing really on that aspect, the witness Tracey Clarke, who was basically the witness who gave the account of you having eh made this alleged call and I shall read you now

SOLICITOR

Excuse me for my benefit, who, who is Tracey Clarke.

This is the witness who made the allegation that Robert had made the phone call in the early hours of the morning notifying Alistair Hanvey to burn his clothes.

SOLICITOR

Is there a statement from her.

Yes, a statement from her and I wish to read the part of the statement where she refers to Robert and the fact that Robert had, she had heard or knew that Robert had rang Alistair Hanvey notifying him to burn his clothes.

SOLICITOR

Right.

That's Tracey Clarke and it's the statement taken on the 10th of May.

SOLICITOR

Ninety-seven

Ninety-seven.

SOLICITOR

Yeah.

Shortly after the incident.

SOLICITOR

Uh huh.

And she begins by saying, she's talking about the incident itself and she names people here around the eh the lads who are being assaulted. They jumped all over him

and kicked him. I saw the persons who were doing this and I can identify them as Dean Forbes, Alistair Hanvey, Stacey Bridgett, Muck Rory Robinson, in that initially she, she identifies in that statement she saw Alistair Hanvey involved in the assault. She goes on to say the Police made us move up the street to the Church. They later moved us onto West Street. It was this time I spoke to one of the Police who I know as Robbie Atkinson. I asked him if the two men who had been kicked were OK and he shook his head. We then went on to a party at Tracey McAlpine's house on the [REDACTED] and again I'll move through the statement, I'm not reading all of the, the bits because a lot of it's irrelevant. I spoke to Alistair Hanvey on Tuesday and I told him what I had seen and I told and that I had told the Police about everything and that he was in deep trouble. He said he would meet me after work and I met him outside my house at 10, 11 05 pm. He wanted to know what I told the Police; as I had not been seen by the Police I made a few things up to annoy him, this is the bit that we feel is relevant, I remember Robbie Atkinson's name coming up and Alistair said that Robbie had been very good to him because on the Sunday morning after the incident in the town centre he rang him about 8 am and told us to get rid of the clothes he was wearing the previous night. Since then Alistair has contacted me on numerous occasions, he keeps asking me what I have said to the Police. He also told me that Robbie Atkinson was ringing everyday to keep him up-to-date with the Police investigations and then it goes on. Now that's really the, the key was there that, that Robbie Atkinson was very good to him because on the Sunday morning after the incident in the town centre he rang him at 8 am, about 8 am and told him to get rid of the clothes he was wearing the previous night. You are aware of that previously, Robbie.

ATKINSON

Yes, that was put to me previously.

Yes and do you recall what you said in relation to that

ATKINSON

I don't recall exactly because it's nearly four years ago but eh my reaction was that I didn't ring him. I don't remember my exact words during the interview but

Yeah, well I know, I don't expect you to

ATKINSON

I know

Exactly talk about the substance of what you had to say about it.

ATKINSON

Well the substance on what I had to say was that I made no phone call to Alistair Hanvey.

Yeah and do you recall at that time that you produced your telephone billing.

ATKINSON

That's correct, I was required to produce it.

Yeah and you produced that and it showed an 8 37 am call from your home to Kenneth Hanvey's home on the 27th of the 4th.

ATKINSON

That's correct.

And how was that accounted for.

ATKINSON

Ehm that someone else in the house had made the call.

Right, and that would be who.

ATKINSON

Eh at the moment I can't recollect who exactly but there was other people staying in the house as far as I'm aware.

Was it true to say that you said Michael and Andrea McKee were staying that night in your house.

ATKINSON

As far as I can recollect, yes.

Right, and you have had no time to reflect and think that that's any chance in your mind since then.

ATKINSON

No.

You are still, contend you did not make that phone call that Michael or Andrea McKee made that phone call.

ATKINSON

Well someone made it but I didn't make it.

Right, we begin a process I suppose of going through that story, I mean we are very keen to say we are concentrating on that phone call aspect

ATKINSON

I understand, yeah.

Than any other aspect of the investigation so it might take a wee bit of time to go through that. We kick off I suppose with the scene itself and whenever I read your statement and your statement is there Rod eh Alistair or Robert - we have a typed copy here, it would be slightly easier to read

of, Paul, hoak those out there for me eh you have been stationed in Portadown for some time.

ATKINSON

Correct.

And you would know a fair number of the folk around the town centre.

ATKINSON

Any I deal with, yes.

Now the morning of the incident whenever you, the incident occurred ehm you make a statement in which you identify a couple of people (inaudible)

ATKINSON

Yes, I identified people who I dealt with at the scene.

Yes, I would actually like to concentrate on the folk that you possibly didn't identify to be quite clear with you; the fact that in your statement you haven't named Alistair Hanvey.

SOLICITOR

The date of that statement eh

That was dated on the 27th of April 1997.

SOLICITOR

Yeah, it was the morning eh

Yes.

SOLICITOR

And that statement was made in the Police Station in Portadown.

That's correct.

SOLICITOR

Yeah, right.

In the morning he was recalled to duty.

ATKINSON

Uh huh.

Now in that statement you refer to eh the fact you saw eh I think here, it's, yes Wayne Lunt

ATKINSON

Yes.

And you also refer to

ATKINSON

I had dealings with Wayne Lunt, Wayne Lunt and I think Rory Robinson.

Rory Robinson were the two folk that you had named.

ATKINSON

Yes

In your statement.

ATKINSON

That's who, that's who I dealt with on the

night.

Wayne Lunt had been arrested.

ATKINSON

Yes and I gave assistance to the Police Officer

He was arrested by another Police Officer.

ATKINSON

Yeah.

A female Police Officer

ATKINSON

That's correct.

And Rory Robinson you identified him as just being in the area.

ATKINSON

No, I said I struck him with my baton.

Right, you struck him with your baton. Now from your statement here, Robert, everyone else that you referred to in this statement of that crowd that was there, are referred to as by description only; there is no names. There was a fair crowd of people making their way up the town that's right enough, these people were in groups of two, three, four and consisted of young men and young girls. Carrying on down, I'm reading a headed piece of your statement and I shant

ATKINSON

That's all right.

Read through your statement in it's entirety which I don't feel maybe is relevant, I want to deal with the assault itself.

ATKINSON

All right.

A male dressed in a greenish blue shirt, aged thirty to thirty-five years with dark trousers and short brown hair passed in front of the Landrover. It goes on to say what he did.

ATKINSON

Yes, I didn't know at the time, I am aware of his identity now but when I made that statement I didn't know who he was.

His identity, then he talked about two youths approached from the Halifax Building Society, one of them squared up to him in the mouth of the Woodhouse Street, words were exchanged. R/Con bumped the door, R/Con Cornett opened the door and told the two youths to clear off.

ATKINSON

Aye and she was aware of their identity, I didn't

You didn't know it.

ATKINSON

I can't, it's that long ago I can't remember who they were but I know she knew them.

It goes on then I jumped out of the back of the vehicle to see what was happening and found the male I previously described having an altercation with Constable Neill.

ATKINSON

That's correct.

And then later on it goes I followed Constable Neill to Market Street to the Eastwood Shop where I seen a male person who was being attacked by four or five youths.

ATKINSON

That's correct.

There was also a number of females giving assistance. I can't and I mean I keep saying I am editing pieces out here, I'm just going through the bits

ATKINSON

Right.

I was confronted by a male person in a blue shirt whom we had originally encountered; while I was struggling with this person I could see out of the corner of my eye that three youths were jumping on the head of the male who was lying on the ground outside Eastwood's.

ATKINSON

Uh huh, yes.

That's as near as you come to identifying anyone involved directly with the assault was the three youths out of the corner of your eye jumping on the head of the male.

ATKINSON

At this stage I was fighting with this guy, he was trying to get my baton off me.

Yeah.

ATKINSON

He actually broke my baton strap off my wrist.

But even out of the corner of your eye you don't identify the

ATKINSON

All I could see out of the corner of my eye was shapes to my right hand side.

Yeah, you then eh come, during, later on that morning, we'll deal with this in more depth about you went home and then you were recalled to duty, you came in to make a statement.

ATKINSON

Uh huh.

In which your name, now this is your statement here that we have read from

ATKINSON Right.
Which you identified folk at that assault.

ATKINSON Uh huh.
Ehm the point that I am making here is that during that statement you did not mention Alistair Hanvey.

ATKINSON I wasn't dealing with Alistair Hanvey during that period of time there at all.
Well do you not feel it's important as a Police Officer at the scene of something that you realise is a serious assault to identify folk in the area.

ATKINSON I identified Alistair Hanvey to the other Police Officers.
And who was that.

ATKINSON Sergeant P89 for one.
And that's what I'm going to come on to, if you want to deal with that - Sergeant P89's statement there - we'll deal with that; it's near the top of the pile maybe I have it here - you possibly have it here, no - I do have it, sorry, I do have it here. This is the statement of Sergeant P89 and again I'll read the edited part unless you have any objection.

SOLICITOR No, that's fine.
I think eh

SOLICITOR The date of that statement, Sergeant.
The date of that statement was taken on the 28th day of December.

SOLICITOR The 28th of December 97.
2000

SOLICITOR 2000.
2000.

SOLICITOR 2000.

SOLICITOR Right.
Spoken to Sergeant P89 who was there.

SOLICITOR That's fine.

(inaudible) in relation to those aspects.

SOLICITOR

OK.

That is one of those witness statements I refer to. There was about forty Loyalists at this stage, he's talking about the confrontation with the Police and the group. There was one particular individual who was very hostile, he was very reluctant to move back and had to be physically forced by myself by pushing him back. It was clear to me that this individual was close to assaulting me. I can recall Reserve Constable Atkinson say words to the fact, do you know who he is, watch him, that fella is an expert or Black Belt in Marital Arts. He mentioned the fella's name as Hanvey but I certainly did not know him. I am unable to remember what clothing this man was wearing.

ATKINSON

Right eh Sergeant P89 was over to my right at that stage and I could see he was having a bit of bother and I just told him to watch himself. I wasn't dealing with Hanvey directly, I think at that particular stage I had this guy Roderick Robinson in front of me and I had enough of a handful with him without that.

Yeah, but you, I mean you recall saying to Sergeant P89, watch out this fella is a

ATKINSON

I shouted to Sergeant P89, watch that boy there, Hanvey

Yeah.

ATKINSON

He's in Marital Arts or something like that.

Yeah.

ATKINSON

I don't know the exact words I said.

That's fair enough.

ATKINSON

He asked me who he was I think later in the Station, he said what do you call that boy's name and I told him and as far as I'm aware he wrote it in his notebook.

Right, did you remember speaking to Alistair Hanvey at the scene at all.

ATKINSON

No.

I'm going to read you a statement of William Trevor Leatham, who eh has something to do with TKD Club

ATKINSON

Right.

He attends the TKD Club.

SOLICITOR

And what's the date of that statement.

Again that is on the 9th of November 2000, it's part of the evidence that we have.

SOLICITOR

And he's a member of the

TKD Club, the Tai Kwando Club.

SOLICITOR

The TKD Club right.

It's based at Brownstown Business Centre, isn't that correct.

SOLICITOR

That's right, uh huh.

ATKINSON

It used to be.

It used to be, it's gone now.

SOLICITOR

It's gone now.

It's gone now. He goes on to say when Alistair Hanvey was arrested for his involvement in the Hamill death I was speaking to Bobbie Atkinson in the TKC, that's the Tai Kwando Club in Brownstown Business Centre. It was a normal club training night, it was either Monday, Wednesday or Friday night. I was speaking to Bobbie Atkinson about Alistair being lifted. It was possibly me who started the conversation. Do you remember that, no.

ATKINSON

No.

Bobbie said there was a Landrover going up the other side of the street when they seen a fight breaking out at the corner of Woodhouse Street in Portadown. He said there were a few people involved. He said they went on up the town, came down back to where the fight was taking place, it's not our concern, this is Bobbie and the Police in the Landrover. When he got back down he told me he seen Alistair Hanvey standing back watching the fight. Bobbie told me that Alistair was either drunk or high on drugs. He said Alistair was standing watching. Bobbie told me he told Alistair to fuck off home out of the road. He said Alistair stood and argued for a while, he told me that Alistair did eventually go away.

ATKINSON

That's total nonsense and for a start, for a start the Landrover was parked at the corner, it didn't go up the street and come down the street. When the fight took place the Landrover was stationary.

I appreciate that, yes.

ATKINSON You understand.

But he's, he's recalling that he

ATKINSON Right, he's saying, well he's saying, he saying that I said we drove up the street and we drive down the street.

Yes.

ATKINSON I don't recall that conversation whatsoever.

You don't recall him or telling him that you had seen Alistair at the thing

ATKINSON No.

And telling Alistair to fuck off.

ATKINSON No.

Did you speak to Alistair at the scene that night and told him to clear off out of the road.

ATKINSON No.

Definitely not.

ATKINSON Well not as far as I can recollect, it's four years ago now.

Yeah but you would know reasonably well Alistair.

ATKINSON I would have known him, yes but it didn't, it doesn't stick out in my mind I had said, hi you it's time you were away home or something, it doesn't stick out in my mind.

Did you see Tracey Clarke at the scene.

ATKINSON I can't recall, I just honestly can't recall.

Because I'm going back to the statement again of P89, at the end of it he refers to the fact, I don't know Tracey Clarke, I only know Harvey when he was identified by Reserve Constable Atkinson.

ATKINSON Right.

Tracey Clarke being Alistair Harvey's on off girlfriend.

ATKINSON There were a number of girls there all right but I just can't and as I said it's nearly four years ago and I can't remember.

There were females in this crowd. I have a

vague recollection of him speaking to one of them who was quite aggressive towards me. Do you recall speaking to a female who was quite aggressive towards Sergeant P89

ATKINSON

I spoke to a wee girl, I remember speaking to a wee girl Clayton but I can't remember if she was aggressive or not. I knew she was on the street, up West Street as we were moving up West Street.

But you can't recall whether that girl was the one that Sergeant P89 was referring to.

ATKINSON

No, no.

Again you know Tracey Clarke.

ATKINSON

I do know her, yes.

And you would have remembered her if, at the time that you had seen her.

ATKINSON

It's just on the night there was that many people on the street, things like that didn't stick in your mind.

You mention Clayton there have you message one and message two there. You actually spoke to Derek Bradley, the Sergeant on the following day and give him Victoria Clayton's name, isn't that correct.

ATKINSON

That could be correct, I'm not sure.

It is a message sheet which is a system we have for recording information

ATKINSON

Yeah.

Within the Police eh rather than a formal statement if the likes of

ATKINSON

Ehm

Robert has something to tell that he saw during the day

ATKINSON

Uh huh.

He may come into it if somebody put it on the message sheet which is like a note that goes into our enquiry.

ATKINSON

Uh huh.

And I'll read you the two message sheets that we have it's a verbal report that DS Bradley recorded on the 28th of the 4th, on the following day not the

ATKINSON

Right.

Date of the incident

ATKINSON

Right.

The following day, [REDACTED] Victoria Clayton, [REDACTED] was seen wiping blood off Stacey Bridgett; that came from yourself.

ATKINSON

Yes, I think that's right.

And again this is another verbal report that, that first one was at eh half two it's recorded at and this one is at twenty to three.

ATKINSON

This was away up now, when that happened, that was away up West Street it wasn't actually down at the scene

The scene.

ATKINSON

Of the assault, that was away near the Bodega Corner

Yeah.

ATKINSON

I think if you look, check that.

And again on the same date you have R/Con Atkinson remembers it, seeing a person he knows as Rat Gray of [REDACTED] in the [REDACTED] crowd at Market Street/Thomas Street.

ATKINSON

That's right, this was a guy who appeared from nowhere and helped the Police.

Yes, I remember seeing in your caution interview and you refer to the fact that Gray helped

ATKINSON

Yes, this guy came, I don't know where he came from but he helped the Police and he calmed the crowd down and told them to go home and I didn't know the lad's first name. All, all I knew was his nickname.

What the point we are making there is in all of those, pieces of information that we have gleaned from the system

ATKINSON

Uh huh.

We don't see the name of Alistair Hanvey or to put it any other way any other of the folk that may have been at the scene that you could have identified named by yourself.

ATKINSON

And who would the other people be.

Well you saw Alistair Hanvey

ATKINSON

I named him to Sergeant P89

Yes, but you didn't tell anybody in relation to the incident itself whenever you were making your witness statement.

ATKINSON

Well I didn't see him, I didn't see Alistair Hanvey doing anything. The people that I dealt with were Roderick Robinson who I hit with the baton; there is a baton report in on that. A struggle with his guy in the green shirt who was the initial guy that was having the altercation with Constable Neill, he broke the baton strap off my wrist.

Well what did you see Rat Gray do.

ATKINSON

He just helped to assist the Police go up the street, help the, go on home.

Yeah, but what you are saying is that you didn't name Alistair Hanvey because he wasn't doing anything and yet you name Rat Gray who was actually helping the Police.

ATKINSON

I didn't name him to, to the next day when Sergeant Bradley or someone in CID came to me and said, can you think of anyone else you saw on the street or something like that.

Yes.

ATKINSON

And he, there was some of them asked me a pointed question about who was this guy, who was Gray.

Right.

ATKINSON

There was someone said to me in a pointed question there was somebody assisted the Police to calm the crowd down, do you know who that was and that's why you have me down as naming him.

I mean if we even take your notebook entry here

ATKINSON

Uh huh.

Now you said there it wasn't Rory Robinson you hit or you did hit him.

ATKINSON

I did hit him, right, yes.

Then was it someone else broke your baton strap.

ATKINSON

Yes, it was.

Well I mean there's your, a copy of your, your notebook entry, OK.

ATKINSON

Yeah.

Now on it you have mentioned the rival factions, persons identified

ATKINSON

Well

Rory Robinson, Wayne Lunt.

ATKINSON

Yes.

Again only two persons out of the crowd.

ATKINSON

Right.

Not even the baton strap

ATKINSON

Right.

Produced and broken

ATKINSON

Uh huh.

You haven't mentioned any altercation with the person who allegedly broke that.

ATKINSON

It's in my statement.

Yes, but was your statement not based from your notebook.

ATKINSON

My statement and my notes were, you'll have to remember that statement was made at some time in the morning. I made up my notes and my statement

Would your notebook not have been done first and then your statement.

ATKINSON

I can't recall exactly what took place but

But what I'm saying is you have made an entry here saying two persons injured then persons identified. Now

ATKINSON

Yes.

You identified more than two people but yet you have only put two in there

ATKINSON

I didn't identify, that, that entry was made that day, I didn't identify that other guy to the next day.

Uh huh.

ATKINSON

Is that not correct.

No, but you have nothing in here about him.

ATKINSON Aye, but I was only asked about him the next day, someone asked me did you see this guy who helped the Police and who was he.

Uh huh, but what I'm saying

ATKINSON I didn't think it relevant at the time.

Uh huh, you didn't think it relevant here's two boys seriously injured, a crowd of people, did you not feel that you should have put in your notebook everything and every person that you saw; if not then to help the investigation team afterwards.

ATKINSON I wrote my statement out and put in what I saw.

Yes - this should have been based in your notebook.

ATKINSON Well at the end of the day it's in my statement what I did see.

What, what time was this made at, your statement.

ATKINSON In the early hours of the morning.

Between six o'clock and eight o'clock, isn't that correct.

ATKINSON Something about that, yes.

You were recalled to duty at six o'clock

ATKINSON Uh huh.

And you wrote your notes in - so it had to be after your notebook because your notebook, your first entry here it says point four O which I am assuming is 0040, is that right, I mean that's coming from your notebook, I don't

ATKINSON Yeah.

Right.

ATKINSON Uh huh.

Terminating duty at 4 15

ATKINSON Yes.

So when you recommenced duty at six

ATKINSON Uh huh.

And then ended again at eight

ATKINSON Right.

This statement, if you were going by your original notes

ATKINSON

Well

Had to come from this.

ATKINSON

Eh well I haven't even written there

Recommended duty

ATKINSON

I didn't write statement made to CID Officer.

No, you haven't

ATKINSON

No.

That's true.

ATKINSON

You know what I mean.

Could you give me Alistair Hanvey's statement there. The point we're making and we don't

ATKINSON

I know the point

We don't want to labour on this

ATKINSON

I know the point you are labouring on, the point is I named who I dealt with in my statement and anyone else I was asked about I named them.

Since this conspiracy revolves around the allegation that you rang Alistair Hanvey

ATKINSON

Yes.

To destroy his clothes.

ATKINSON

Uh huh.

The belief is that you would have some sort of an interest to keep Alistair Hanvey out of the frame, you were aware of him through the club

ATKINSON

I have no interest in Alistair Hanvey.

And the point we are making here is in all this information that comes into this Murder enquiry, not only the night in your statement

ATKINSON

Uh huh.

But on following that with message sheets that go in, you never ever mentioned Alistair Hanvey. Now I think in the initial interview you made some comment about you had maybe threw the name of Alistair Hanvey

in to some of the CID who wrote it in a book.

ATKINSON

Yes.

Now we have interviewed all of the CID who were debriefing the likes of DS Bradley, DC Keys

ATKINSON

Uh huh.

DC McDowell

ATKINSON

Uh huh.

And even all of the people that were there present during your debriefing in the meantime time that you were there and no-one recalls you saying the name of Alistair Hanvey.

ATKINSON

That doesn't say that I didn't say it, does it if no-one recalls it.

There's no

ATKINSON

It doesn't say that I didn't say it.

There is no recollection or written record anywhere of the name of Alistair Hanvey in the system.

ATKINSON

I think I am aware of another Officer that I told Alistair Hanvey's name to.

Who would that be.

ATKINSON

Well just at the moment I'll enquire myself and find out

Well why would you do that.

ATKINSON

It's four years ago and I'm trying to think back and I think I told another Officer

But

ATKINSON

At the scene or not at the scene, back in the Station the guy's name and I think it was Alistair Hanvey I told that it was his name.

Well from what you're saying there does that mean that if for example you don't name him here and you go out of here and you ask him and he says yes, I remember that, you tell us his name and if he doesn't remember then you don't tell us. It's a fair assumption.

ATKINSON

Well you are accusing me of something that I think I'm not guilty of, you know what I mean so I think I'm entitled to make my own enquiries.

Well the point we're making is Alistair Hanvey was seen by you and you quite rightly admit you saw him there at the scene and you actually say to Sergeant P89, watch that fella, he's dangerous, you know this

ATKINSON

This was after the, when I saw him this was after this altercation was over; this was when the people were being pushed up the street.

I'm going to go on to Alistair Hanvey's statement because the reverse is maybe, the same would, would apply the other way round in many ways; Alistair Hanvey again I don't want to read all of the statement because it refers to him going about and tramping through the town and going here and going there but the piece I want to say is that there were thirty, forty Protestants standing, just watching the Police line at the big Church. I was then approached by a Policeman, I don't know his name. He asked me to help move some of the people back up towards the Church out of the way. I pulled a few people back. This Policeman was mid-forties, five foot ten, stocky build, gingerish/ greyish hair and a moustache and I just know him from seeing in the town.

ATKINSON

Well I'm not five foot ten or anywhere near it, I'm five foot seven.

Well would you say that you are stocky build.

ATKINSON

I probably am but I'm certainly not five foot ten.

Forty-ish - with, with your forage cap on you would be five ten - mid forties

ATKINSON

You're doing a bit of knit picking with that one I think.

What mid-forties - and obviously with caps on people look taller - mid forties

ATKINSON

I'm not even sure that I had my cap on.

Gingerish/greyish hair and a moustache

ATKINSON

That's being honest, there's other Policemen answer that description who were on duty.

Well you actually are more grey than ginger now I suppose but you would have had sort of sandish hair at that stage, would you.

ATKINSON

No, it was grey then.

It was going grey but

ATKINSON

Mr Hagan could verify that

SOLICITOR

Uh huh.

ATKINSON

My father was sort of white.

The point, the point I'm making is that Alistair Hanvey, I mean do you remember any other Police Officer at the scene that resembled that description apart from yourself.

ATKINSON

I can't recall who was there to be honest at the minute. I, I know several of the Officers that were there but I can't recall the whole party, there was MSU there, there was local Police, there was reinforcements come from I don't know where.

To me it's a very reasonable description of yourself

ATKINSON

Eh

To me that is a very reasonable description of you and what the point I'm making is Alistair Hanvey does not name you either. He knows you, he knew you at that time.

ATKINSON

Well I'm certain sure that I know mate, if

So Alistair Hanvey did not say at that time eh R/Con Atkinson told me, Robbie Atkinson told me to move the crowd back out of the road. He distanced himself from you.

ATKINSON

I can't answer, answer for Alistair Hanvey.

So both of you see each other at the scene of this incident but actually none of youse name anybody to anybody else.

ATKINSON

I did name him, sure didn't I name him to Sergeant P89

Yes, well in the heat, the heat of the thing there whenever you come back into the cool of the Station and start to write statements or even the following day when you leave message sheets you never put his name into the system. In the flurry of

ATKINSON

I told my, my Supervising Officer on the night was Sergeant P89 and I could do no better than tell my Supervising Officer, is that right or wrong.

But there is an onus on you, Robert whenever you come back to the Station you may have said all sorts of things in the heat of, of eh a fracas in the town centre. When you go

back in and your sitting cooling down to write a statement or you're putting a message sheet in to say who else you saw in that area and we're talking not only the next night but the next few days after the incident whenever we began to realise that things were more serious than initially had believed. If ever that we need to speak to you in relation to this murder scene; at no point you put a message sheet in to say Alistair Hanvey was up that town or anyone else apart from these ones that you have named here, we have the likes of

ATKINSON

I named the people I dealt with. I was involved in an incident in, in eh Bellaghy one time and the whole case was thrown out of court because Policemen named people who they hadn't actually dealt with that saw an Officer next door dealing with them and they thought that they were adding them into their statement and the whole case was threw out of court and after that I made a point of naming people I directly dealt with.

Like Rat Gray.

ATKINSON

I told, I told Sergeant Bradley about Rat Gray.

Exactly he wasn't doing anything. He remember seeing a person he knows as Rat Gray

ATKINSON

No, I was asked

In the crowd.

ATKINSON

I was asked, I'm not sure if it was Sergeant Bradley or not. I was asked by a CID Officer did I know the name of the guy that helped the Police out and that was my answer.

Is Michael Irwin's eh message sheet there. It's a, it's a message sheet we referred to earlier on, it's in relation to one of the questions Michael Irwin was asked direct was to try and establish who that person who helped the crowd, helped the Police out - no, I can't find it, no that's - that's it there, yes - oh is it. It's an action sheet with an enquiry is something that the Police Officers are given to find out (inaudible)

ATKINSON

Yes, I understand.

And his, the action sheet was take a statement of the Police Officer who asked Hanvey to assist with the crowd. Alistair Hanvey, during his interview was, was an allegation or state that the Police Officer had helped him to move the crowd

back, that he wasn't actually part of the assault at all, he was actually trying to help the Police. This person is believed to be R/Con Atkinson. R/Con Atkinson relates he may have spoken to Hanvey and asked him to move back, he denies exactly asking Hanvey to assist him in moving the crowd back but he cannot be any more specific that this. So what DI Irwin is saying is

ATKINSON

That's street, that street was black at the time with people and we had been getting bottled and stoned and we were just trying to get them up the street as quick as we could, back out of the middle of the town.

Have you [redacted] statement there. You don't remember seeing Tracey at the scene.

ATKINSON

I can't recall, no.

Because Tracey's mother is [redacted]. This is a statement that was taken on the 1st of November this year, part of our enquiry.

SOLICITOR

The 1st of November.

November 2000.

SOLICITOR

2000.

Yeah, well it's eh

SOLICITOR

Uh huh.

It wouldn't be the 1st of November this year yet.

SOLICITOR

Ehm.

This is after the scene, she says after the first few days Tracey started to talk to us and this is me and her step-dad, Jim Murray about the fight in Portadown, what went on. She told us that Robbie Atkinson, whom I know is a Policeman in Portadown had told Alistair to burn his coat. Alistair was saying imagine telling him to burn that good silver coat, it cost Tracey so much. She also said and she goes on, she also said that Robbie had told Alistair to burn everything, trousers, shirts, the lot. Tracey said that Alistair burned the clothes and that his mother helped him to do this. Tracey said she had been speaking to Robbie Atkinson, who was on duty in Portadown that night, was actually speaking to him the time of the fight. She was standing with him at the back of the Landrover. Tracey knew Robbie Atkinson from the TKD Club where Robbie's daughter attended. I'm not sure

when Robbie Atkinson told Alistair Hanvey to burn the clothes but I got the impression from Tracey that Robbie told him the night after the fight. After the fight Tracey went to a party. She told us Alistair went to the same party and Tracey got a taxi home.

ATKINSON

I wasn't standing at the back of the Landrover with anybody. I got out of the Landrover and full fisticuffs straight away as soon as I got out. We went up and we tried to pull that guy out, we brought him back down, he run back into the crowd, we run back after him, I didn't get time to stand at the back of any Landrover.

You say, I want to move on from that, the point we're making is (inaudible)

ATKINSON

I realise the point you're making

The point, the point we are making

ATKINSON

Yes.

Alistair Hanvey, we believe at the scene, you identify him there and yet it doesn't come into the system at all, you

ATKINSON

I didn't identify him at the scene.

We are going to move on really from that

ATKINSON

I identified him up the street. I want to make the point that I didn't identify him at the scene. I identified him up the street.

That's in West Street.

ATKINSON

In West Street.

Uh huh.

ATKINSON

Or at the entrance to West Street

To

ATKINSON

As you go up from the town centre.

To a Police Officer who you will not name.

ATKINSON

That's correct.

And why would you

ATKINSON

No, I named, I named him to Sergeant, I named him to Sergeant P89

P89 but the point I'm making

ATKINSON

I think in the back of my mind I named him to somebody else but I'm not sure. I'm not

going to state something here for you to come back at me later on as the Gospel truth when I'm not sure about it.

Well then just, you have already said you are not sure. I mean we're not going to come back at you saying that you said it was (inaudible)

ATKINSON

Well I'm not sure, I'm not sure, so I'm not going to name some Officer

Right

ATKINSON

To get him into the sim, a similar handling than I'm in because he then didn't maybe come forward and name him because youse think he should have.

Well it's a simple case of you're not sure whether you told him or not, he'll say either I remember it or I don't remember it.

ATKINSON

Well I'll reserve that one.

Right - right, in any case you, basically the Landrover crew and, and the people are stood down and they go home.

ATKINSON

That's correct.

And then the next you get is a phone call.

ATKINSON

Yeap.

To recall you to duty.

ATKINSON

Uh huh.

And you go back into duty.

ATKINSON

That's right.

And you make your statement there.

ATKINSON

Uh huh.

All except for Constable Neill who doesn't turn in.

ATKINSON

Well I'm not aware, I didn't, I didn't see who was in or who was out.

SOLICITOR

This is about six o'clock in the morning.

ATKINSON

Yeah.

He recalls to duty, in fact I'll go now to, if I can find it here, DL19, I have a copy of it here, this is a copy of the telephone billing from Portadown Police Station, the sheet that shows the telephone calls out to the Officers

ATKINSON

Uh huh.

It's a copy from DL, do you see that copy called DL19. It actually shows that eh there on the 27th of April. [REDACTED]

[REDACTED] that would be your number.

ATKINSON

That's correct.

That would be them recalling you to duty at five fifty-one hours. They ring you at home and tell you to come back into work.

ATKINSON

Yeah.

Fair enough.

ATKINSON

Uh huh.

You come back in and you make a statement

ATKINSON

That's right.

And leave it in a pigeon hole. Now Constable Neill was also rung but

ATKINSON

I don't know if I left it in the pigeon hole.

Well I think it was left for, for the CID.

ATKINSON

I can't remember exactly what it was, it was made anyway.

Yeah, that's - you made it and left, we're, there is no contention, we have the statement here, it was left anyway, made that night. Constable Neill unfortunately, for whatever reason, Constable Neill doesn't turn into duty and they rang him again, that's his number there, 8 07 am, they ring him to home.

ATKINSON

Right.

The very last line there on DL19, the 27th of April, 8 07, they ring him again to home. Constable Neill is speaking to the Control Room Oper, Constable Godley, Simon Godley and at that point he actually said that you were there as well and you spoke to him on the phone. Do you remember that.

ATKINSON

No.

I mean you wouldn't disagree that what Constable Neill will say is you come onto the phone and you said to him, I have made a statement, I didn't or I couldn't name everybody on it and I have left it; have you got it there - well what he says is ehm

ATKINSON

What time did I sign off in my notebook.

Eh you have six eh eight o'clock

ATKINSON

Well that's eight O seven.

Eight O eight - uh huh, but then your F40 was readjusted

ATKINSON

I don't know.

I think

ATKINSON

I don't know, no I'm not trying to be smart, I don't, I just, I don't recall talking to him.

If you, if you listen to what Constable Neill has to say then maybe it will maybe reflect some recollection

ATKINSON

Well

SOLICITOR

So you signed off duty at eight what

Eight o'clock in the morning

ATKINSON

Eight, they're saying 8 am (inaudible)

In the notebook - I think it's in there being changed - we'll come on to that later on - yeah - we'll come on to that, yeah - ehm Constable Neill, he was very definite about speaking to Constable Godley on the second occasion which was around 8 am and at that time R/Con Atkinson did come on to the phone and speak to him. Constable Neill states that R/Con Atkinson said that he had finished his statement and was going on home and that his statement was in his pigeon hole which I could have a look at, that being Constable Neill. Constable Neill remembered R/Con Atkinson also saying to him that he had seen people round one of the injured parties but that he couldn't or didn't identify anybody near the injured people. Eh he says that he wasn't fully awake when he took the call and cannot be sure whether R/Con Atkinson said couldn't or didn't in relation to that comment about identifying people. Constable Neill then states he remembers R/Con Atkinson saying that he was heading off home and wouldn't be there when I got into the Station.

ATKINSON

Right.

I mean the point we are making there is first of all is that you were actually in the Station at 8 07. Constable Neill's call is timed there on that, that DL19 at 8 07.

ATKINSON Right.
That's the call to him.

ATKINSON Right.
And he recalls you going home, saying I'm away on home, the statement is in my pigeon hole if you want to look at it.

ATKINSON Right, uh huh.
I mean there is no reason to dis, disbelieve the fella would make

ATKINSON No, there was nothing, no there was nothing
No issue on that.

ATKINSON Contentious about that.
The phone call from your house when you get it in your head is 8 37 am that morning

ATKINSON Right.
As you are heading home

SOLICITOR Sorry 8 37.
8 37 am is the phone call from Mr Atkinson's house to Kenneth Hanvey's house in [REDACTED] that's the phone call that we allege is notifying Alistair to, to tell Alistair

SOLICITOR Yeah, OK.
Or someone else or somebody to have him burn his clothes. I want to take a look at what maybe happened in there, you say you went home and you went straight to bed.

ATKINSON As far as I recollect, yeah.
You had visitors in the house that night.

ATKINSON Well I didn't actually see them.
Well this is the point I'm, I want to raise but you didn't actually see those visitors.

ATKINSON No.
But you believe and still would contend that was Michael and Andrea McKee stayed that night.

ATKINSON Yes.
Would that have been a regular occurrence for them staying with you.

ATKINSON Yeah, quite often.

 Would you, would you go on to bed without having spoke to them.

ATKINSON Well sometimes they didn't get up to eleven o'clock or so

 Right.

ATKINSON I didn't, I had been out all night, I had worked all the previous day and I had been out all night more or less.

 Well you were back and forward, you had been in and out of bed a couple of hours.

ATKINSON Aye.

 A couple of hours sleep on the previous night.

ATKINSON I didn't get a couple of hours sleep. I didn't get a couple of hours sleep and I just went home and went to my bed.

 How many, how many live in your house, there is yourself, your wife and your daughter and your son

ATKINSON That's right, youse, youse boys should know because youse are

 Uh huh.

ATKINSON Chased about after me enough.

 How many bedrooms have you, huh.

ATKINSON One lying in the living room floor, I have three bedrooms and one upstairs in the box room.

 So that's actually four bedrooms.

ATKINSON Uh huh.

 A box room which is a bedroom.

ATKINSON Well it's the conversion of the roof space.

 Is that where Michael and Andrea McKee would stay.

ATKINSON I can't remember where they were.

 Well when they stay regularly you say, where do they normally stay when they do stay.

ATKINSON Well at that stage we had, we had two double beds, we had a single bed and we had a double make-up of a bed up in the box room. It all depended whether, whether my son or

daughter were in the house or where they slept, sometimes they would have slept upstairs.

So they would actually move round the bedrooms, would they.

ATKINSON

Sometimes they would have stayed upstairs, there is a computer and all up there and they could have played the computer late at night and then just went to bed if there was people staying over. [REDACTED] had a big double bed in her room, people sometimes stayed in it rather than climb up the, there's, there's just an aluminium ladder up into the roof, the box room.

Have you got Eleanor's statement there - this is (inaudible), Mrs Atkinson, that's your wife's statement, I just want to refer to it as well.

ATKINSON

I'm not sure what room they stayed in. I know I just went to bed.

But you say you definitely did not see them.

ATKINSON

As far as I recollect, it's four years ago, I don't, I don't know at all, I think I just come straight home and went to bed.

Now 8 37 am you're saying that Michael McKee made a phone call basically asking after Tracey Clarke, his niece, is that correct.

ATKINSON

Well that's, as far as I'm aware that's what happened.

And that's what you

ATKINSON

I can't say he made it.

And you said you weren't present but eh I mean there is nothing to change that. You come home after work and in your first interview you say basically whenever you come in at four o'clock you basically get into bed and go to sleep.

ATKINSON

Uh huh.

You don't speak to Eleanor much at all, in fact you don't speak at all to her.

ATKINSON

I cannot remember what I said to her.

You are recalled in the morning at 6 am and whenever you come home at, the next morning then it's whenever you speak to her and let her know what happened. You don't remember speaking to her in the middle of the night.

ATKINSON

I can't, I can't recall what took place.

I think you're first caution interview basically she says you got up and mumbled

ATKINSON

Right.

And on you went to work and you come back then at eight o'clock. When we put in the Station at 8 07 am, that's whenever you are talking the phone call from the Control Room

ATKINSON

Right.

And you then walk out to your car which is where, where do you normally park.

ATKINSON

Outside the Station.

Just on the street there or do you park in the car park.

ATKINSON

No, no outside the Station.

Straight on the street.

ATKINSON

Uh huh.

And you drive around home. We checked that and I mean you don't live that far from [REDACTED]

ATKINSON

Well

ATKINSON

It's a mile from the town, it's a mile from the Town Church.

We have got Traffic Branch, it's a (inaudible), we got Traffic Branch to check the, the time it would take them on a Sunday morning at that time, it's a different thing at two o'clock on a Saturday afternoon

ATKINSON

Yeah.

It would be a slow journey but on a Sunday morning to make fair, we're talking around three and a half minutes or thereabouts

ATKINSON

It would

There is a couple of variations

ATKINSON

Suggested, aye.

Uh huh.

ATKINSON

Three minutes or well one route is three, three minutes forty-nine and the other route is four minutes fourteen

So at the very best three to four minutes.

SOLICITOR Three to four minutes.

Yeah, would you normally get papers or anything on the way home or

ATKINSON No.

Straight home.

ATKINSON Straight into bed, even when I'm on night duty.

What you are asking us to believe, if that being the case because Michael McKee is saying that he rang over concern for Tracey because Michael McKee must have known all about the row in the town centre.

ATKINSON I'm not asking you to believe anything. I can only tell you what I done.

Well what we're saying is Michael McKee in order to phone, the report of the row in the town centre would not have been widely known at that point in time. They got up out of their bed wherever they were sleeping

ATKINSON I'm not sure.

And were down having breakfast.

ATKINSON I'm not sure if I said to Eleanor, I'm away out to work again. I don't know, I can't remember what I said to Eleanor. It's four years ago like, can you remember what you said to your wife

Yeah, but, but - no - but the difference is here, Robert

ATKINSON What happened four years ago.

Wait a minute, the difference is here that morning, that morning has suddenly become the most important morning of your life

ATKINSON It may be, it may be.

You have made, you have made a witness statement

ATKINSON I can't

About it, you have, let me finish, you've, you've been interviewed under caution, you've been arrested this morning and the last four years surely you are bound to have went over that morning again and again and again

ATKINSON Well the last four years I'm sick of the whole thing (buzzer). It means we have to

interrupt this tape to re-change the tapes.
OK, if you want to give us a time then from
your eh - the time from my watch is six
minutes past one eh now stopping this
interview for the purpose of re-changing
tapes.

CHECKED & CERTIFIED AN ACCURATE TRANSCRIPT OF PACE
TAPE NO T255551 INTERVIEW OF ROBERT CECIL ATKINSON
ON 10 APRIL 2001 BETWEEN 1223 HOURS AND 1307 HOURS.

Robert Cecil Atkinson
