



HER MAJESTY'S CORONER

DISTRICT OF GREATER BELFAST

John L Leckey LL.M.
H.M. Coroner
Coroner's Office
Courthouse
37 Church Road
Newtownabbey
Co. Antrim BT36 7LA
Northern Ireland

[REDACTED] Esq QC
Bar Library
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

9th September 1999

Dear [REDACTED],

ROBERT HAMILL, DECEASED

I have obtained approval from [REDACTED] of the Legal Advisers Section, Northern Ireland Court Service to seek your opinion on a difficult point that has arisen in connection with the holding of the above inquest. I understand she will be writing to you to formally confirm these instructions.

Essentially my difficulty is set out in my letter of 23rd August to [REDACTED] who has been briefed to appear at the inquest. Also, I am enclosing a copy of the two statements referred to.

I understand that the DPP were unable to proceed with the prosecution as the two witnesses refused to testify at the trial. Further, I understand that if either of the witnesses would testify at the inquest, or if the contents of statements they have made enter the public forum, then there would be real fears for their safety.

I feel I cannot proceed to hold an inquest ignoring these important statements. In the ordinary course of events both would be key witnesses. An alternative would be not to hold an inquest. As I am sure you would realise such a decision is likely to result in judicial review proceedings not to mention a furore in the media. My difficulty is compounded by the fact that neither I or [REDACTED] are aware of any authority that would allow me to seek directions from a higher court.

00376)

I should be grateful for your opinion and if you feel you would benefit from a consultation I would be happy to attend same.

In case you require same, all the inquest papers are with [REDACTED].

[REDACTED] has been briefed on behalf of the Crown.

I am enclosing a copy of a recent Home Office Circular on pre-inquest disclosure. Although the title suggests its provisions are restricted to "deaths in police custody"; their construction is clearly intended to have a wider applicability. I understand that the Chief Constable of the RUC proposes to comply with the circular. He has granted pre-inquest disclosure in two other inquests. I would anticipate that he will receive an application in this inquest from the next of kin for pre-inquest disclosure. I would have concerns if he exercised his discretion in their favour as then he would have to supply copies of these two statements. Despite the use of code-letters I understand the identity of the two persons concerned would be easily ascertained.

With kind regards,

[Signature]

**J L LECKEY
HM CORONER FOR GREATER BELFAST**

Encs

cc [REDACTED]
[REDACTED]