

Mr John L. Leckey, LL.M.
HM Coroner for Greater Belfast,
Coroner's Office,
Courthouse,

BMcG/E/MS.H6

26th April 2000

Dear Coroner,

RE: *Robert Hamill, Deceased.*

I now write in the light of recent exchanges between us seeking to persuade you to give a commitment that you will introduce into evidence at any forthcoming inquest touching upon the death of Robert Hamill, statements given by witnesses A and B, the contents of which are referred to in my letter to you of 29th February 2000. Should I fail to so persuade you then I submit no useful purpose can be served by holding an inquest at all and urge you to exercise your discretion accordingly.

The principal facts which the Coroners Act (Northern Ireland) 1959 requires you to determine are already well established. We not only know the identity of the deceased but we know he died on the 8th May 1997 as a result of injuries sustained when he was the victim of a brutal assault in Portadown on the 27th April 1997. This much at least was well established during the course of the unsuccessful prosecution of Mark Hobson for Robert Hamill's murder.

This prosecution followed an extensive police investigation during which six people were originally charged in connection with this attack, but as you will know, charges against all but Hobson were withdrawn due to lack of evidence. As you also know however, there is in existence some crucial evidence which the DPP felt unable to introduce in the aforementioned prosecution; that is the evidence given in statement form by witnesses A and B which I have referred to above.

This available evidence not only identifies some of those directly involved in the attack but alleges that an RUC officer assisted an offender after the commission of a most serious crime. Difficulties have arisen in respect of the evidential value of this material as neither witness will agree to giving evidence in a criminal trial or at an inquest. Although there are ways of introducing such evidence at a trial without the co-operation of witnesses, the DPP took the view that such a course would still not bring about a reasonable prospect of conviction. Accordingly the material did not surface during the course of the criminal process. Likewise, you also have at your disposal a way of introducing such evidence without the necessity of oral evidence being given. Unlike the DPP however, you are not bound by the need to consider the prospects of securing a conviction but have indicated you are reluctant to introduce the evidence out of concern for the safety of the witnesses.

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While I understand your concerns, I respectfully submit that such considerations should be secondary to the overriding public interest that all relevant information concerning a death in disputed circumstances should be fully and publicly examined. Indeed, as the Broderick Committee pointed out in its report on inquest procedure in 1971, this is particularly so in cases where rumours or suspicion abound following a controversial death.

This of all controversial killings is one which cries out for a fuller public examination than circumstances have allowed thus far. While for most, the issue is the extent to which police officers failed to intervene when Robert Hamill was being attacked, you now have available to you evidence that a police officer may have actively assisted one of Robert Hamill's killers escape detection. To proceed to an inquest without introducing this evidence will serve only to deceive the general public of the true facts surrounding this killing and if I may say so, would be a great disservice to your ancient and noble office.

As the issues about which we are concerned lie at the heart of the principles of law and order which seek to preserve a peaceful and democratic society, I must ask you to very carefully consider this submission before coming to your final decision. I look forward to receiving your considered reply.

Yours faithfully

