

Deputy Director\_\_

**ROBERT HAMILL**

1. As requested by the Director, I have reviewed the decisions as to prosecution in this case.

Dean Forbes, Allister Harvey and Rory Robinson

2. No prosecution of each of these persons was directed on 29 October 1997.
3. In respect of Forbes, Harvey and Robinson, the evidence against them, and upon which they were originally charged by police, was contained in witness statements made by two witnesses, witness A and witness B. Their statements and identities are contained in a confidential folder in the Director's office file.
4. In the event, neither witness was available to give evidence. Witness A, who was Harvey's ex-girlfriend and who lived in an estate in which the LVF have a substantial following, stated in consultation that she would not give evidence. Careful consideration was given to whether she should be summonsed to give evidence. However, it was concluded that there was no reasonable prospect of witness A giving evidence, no matter what sanction was applied to her. Her declared reason was that she still loved Harvey and that the others were friends, which precluded an application to read her statement under Article 3 of the 1988 Order. However, there was at least a suspicion, if not an obvious inference, that fear was also a factor.
5. Witness B claimed in consultation that he could not remember anything because he was too drunk. He claimed his statement was gleaned from gossip and talk. While fear may well have been a factor in his charge of evidence, there was no basis for an Article 3 application, and senior counsel advised that he could not be considered as a reliable witness.
6. Once the evidence from witnesses A and B was unavailable, there was no other evidence against

Forbes, Harvey or Robinson and the direction of 29 October 1997 was correct.

7. Upon their release from custody, a witness, Mr Colin Prunty made a witness statement dated 3 November 1997, in which he purported to identify Forbes from a television news report as a person who had kicked Mr Hamill. This allegation is closely related to the case against Lunt, with which I will now deal.

Wayne Lunt

8. No prosecution of Lunt was directed on 19 November 1997.
9. The evidence against Lunt, upon which he was originally charged by police, came from Mr Colin Prunty and A [REDACTED].
10. A [REDACTED] detained Lunt at the scene of the murder and placed him with the assistance of Constable Neill in the rear of a police landrover to ascertain his name and address. Neither A [REDACTED] nor Constable Neill witnessed him assaulting Robert Hamill. A [REDACTED] described Lunt's appearance, which included, in particular, a red, white and blue scarf wrapped round his face. Once she obtained his name and address she released him. She was then approached by a male person, who shouted at her for letting Lunt go, and alleged that 'he was one of the ones that did it'.
11. Mr Prunty said that he saw a policeman grab hold of one of the men in the group kicking Robert Hamill. He was wearing a Rangers scarf and he was put in the back of the police landrover. About 5 or 10 minutes later, he was let out of the back of the landrover. He asked a policewoman if she had got his name, and told her that he had been one of the people kicking at Robert Hamill.
12. The evidence remained as stated until the release of Forbes, Harvey and Robinson, who were shown on TV being released. At that stage, Mr Prunty made a further witness statement in which he purported to identify Forbes as the person he had seen in the back of the landrover, wearing the Rangers scarf.
13. Following receipt of this statement, a consultation was held with Mr Prunty. In consultation, he confirmed that Forbes was the person he had seen, and

- that Lunt was not the person he was describing in his statement.
14. In those circumstances, there was clearly insufficient evidence to prosecute Lunt for the murder of Robert Hamill. Senior Counsel so advised. The direction of 29 October 1997 was correct.
  15. There was some evidence of disorderly conduct by Lunt, which led to his detention by A. However this conduct was minor, and could not be shown to be related to the murder of Mr Hamill. Senior Counsel advised that a conviction for affray 'might be difficult'. No prosecution was directed of Lunt for any offence. The conduct was so minor that I agree with that decision.
  16. When directing no prosecution of Lunt, further information was sought from police to ascertain if there was any evidence to support Mr Prunty's identification of Forbes. No such evidence was forthcoming, and, having regard to the other evidence, there was clearly insufficient evidence to prosecute Forbes on the basis of that identification.

Stacey Bridgett

17. No prosecution of Bridgett was directed on 19 November 1997.
18. The evidence against Bridgett came from a number of sources.
19. Firstly, he was referred to by witness A. That evidence later became unavailable.
20. Secondly, he was seen by a civilian witness, Jonathan Wright, trading punches with another unidentified person, a bit to the left of the main fight.
21. Thirdly he was seen by a number of police officers. Constable Neill saw him face to face with a male near the landrover, with a bottle of cider in his hand. He later saw Bridgett with blood around his mouth. Constable Cooke saw him at the front of a crowd which was shouting and jeering towards police and the injured persons, who included Mr Hamill. A saw him with blood coming from his nose.
22. Fourthly, there was forensic evidence to prove that a spot of his blood was found on Mr Hamill's jeans.

23. In interview, he said he was in the vicinity of the landrover, when he was struck on the nose by an unknown male. He then went home. He denied being in "the crowd" and denied committing any assaults.
24. Senior counsel advised that the evidence was not sufficient to prosecute Bridgett. All that could be proved was that, at some stage, he was sufficiently close to Hamill that his blood had dropped directly onto Hamill. There was no evidence to show what he had been doing at that time.
25. Senior counsel was 'doubtful' whether there was sufficient evidence to convict of affray for the same reason.
26. I am in clear agreement with the decision as regards the murder of Mr Hamill. The evidence fell well short of that required to obtain a conviction. The evidence in respect of affray was more evenly balanced. However, it was disjointed. Overall, I agree with the conclusion that there was no reasonable prospect of a conviction for affray, although I would acknowledge that the decision was a fine one.
27. I have drafted a rely to the letter from [REDACTED] [REDACTED] which I attach.

[REDACTED]

13 August 1999