

# ROYAL ULSTER CONSTABULARY

**File Destination**

**R.U.C. References**

(Tick as appropriate - If in doubt consult Appendix 5(D) of R.U.C. Manual)

The Director of Public Prosecutions Royal Courts of Justice, Belfast (via R.U.C. Headquarters)	✓
The Director of Public Prosecutions Royal Courts of Justice, Belfast (via Sub-Divisional Commander)	
The Circuit Assistant Director ..... Circuit (via Sub-Divisional Commander)	

SUB-DIVISION

JE 2001/2005/111

DIVISION

.....

HEADQUARTERS

.....

NB: In "Fast Stream" cases only the Section marked \* should be completed.

**SUBJECT\***

(Nature of offences, venue, persons involved)  
N.B. Certain cases may require long Form reporting - see Appendix 5A to R.U.C. Manual.

Conspiracy to Pervert the Course of Public Justice

**PETTY SESSIONS DISTRICT \*  
WHERE OFFENCE COMMITTED**

Portadown

**DATE OF OFFENCE \***

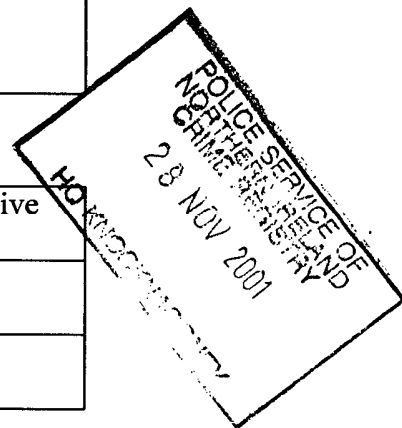
Between 27 04 97 and 25 11 97 inclusive

**DATE INVESTIGATION COMMENCED\***

June 2000

**DATE REPORT SUBMITTED\***

28 NOVEMBER 2001.



**REPORTING \* OFFICER**

(Include the name of an alternative officer who is fully familiar with the circumstances of the case and who may be contacted in the absence of the reporting officer).

**DISCLOSURE OFFICER**

			DISCLOSURE OFFICER
NAME	K	H	W McDowell
RANK & NO	A/D/Supt	D/Sgt	D/Sgt
STATION	RCS, Gough	RCS, Gough	RCS, Gough
SUB-DIVISION	Armagh	Armagh	Armagh
DIVISION	South	South	South
TELEPHONE NO FOR CONTACT	Ext [REDACTED]	Ext [REDACTED]	Ext [REDACTED]

**PERSONS  
REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

SURNAME	ATKINSON		
FORENAMES	Robert		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A		
AT DATE OF THIS REPORT IS	N/A	IN CUSTODY	ON BAIL

**NATURE OF  
PRINCIPAL  
EVIDENCE  
AGAINST PERSON  
REPORTED**

(Delete as appropriate)

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANCES	

**ANTECEDENT  
HISTORY OF  
PERSON  
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

PREVIOUS CONVICTIONS	YES	NO	COPY CRO 22 ATTACHED AT PART IV
			COPY CRO 14 ATTACHED AT PART IV
<p>Mr Robert Atkinson is a serving full time Reserve Constable suspended from duty on 10 April 2001. He lives at home with his wife Eleanor and 2 children - [REDACTED]</p>			

38/34(a)  
7.87

**PERSONS  
REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

**NATURE OF  
PRINCIPAL  
EVIDENCE  
AGAINST PERSON  
REPORTED**

(Delete as appropriate)

**ANTECEDENT  
HISTORY OF  
PERSON  
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

38/34(a)  
7.87

SURNAME	ATKINSON		
FORENAMES	Eleanor		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A		
AT DATE OF THIS REPORT IS	N/A	IN CUSTODY	ON BAIL

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANCES	

PREVIOUS CONVICTIONS	YES	NO	COPY CRO 22 ATTACHED AT PART IV
			COPY CRO 14 ATTACHED AT PART IV
<p>Eleanor Atkinson is the wife of Robert Atkinson. She is employed as a Clerical Officer with Northern Ireland Electricity at [REDACTED]. She has 2 children - [REDACTED] both residing at home.</p>			

**PERSONS REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

**NATURE OF PRINCIPAL EVIDENCE AGAINST PERSON REPORTED**

(Delete as appropriate)

**ANTECEDENT HISTORY OF PERSON REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

38/34(a)  
7.87

SURNAME	HANVEY		
FORENAMES	Kenneth		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A		
AT DATE OF THIS REPORT IS	N/A	IN CUSTODY	ON BAIL

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANCES	

PREVIOUS CONVICTIONS	<del>YES</del>	NO	COPY CRO 22 ATTACHED AT PART IV
Kenneth Hanvey is married to Elizabeth Hanvey and is employed as a Linesman with NIE at [REDACTED]. He is the father of Allister Hanvey.			COPY CRO 14 ATTACHED AT PART IV

**PERSONS REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

**NATURE OF PRINCIPAL EVIDENCE AGAINST PERSON REPORTED**

(Delete as appropriate)

**ANTECEDENT HISTORY OF PERSON REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

38/34(a)  
7.87

SURNAME	HANVEY		
FORENAMES	Elizabeth		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A		
AT DATE OF THIS REPORT IS	N/A	IN CUSTODY	ON BAIL

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANTIAL EVIDENCE	

PREVIOUS CONVICTIONS	YES	NO	COPY CRO 22 ATTACHED AT PART IV
			COPY CRO 14 ATTACHED AT PART IV
Elizabeth Hanvey is married to Kenneth Hanvey and is employed as a member of kitchen staff at [REDACTED]. She is the mother of Allister Hanvey.			

**PERSONS REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

SURNAME	HANVEY		
FORENAMES	Allister		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A		
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**NATURE OF PRINCIPAL EVIDENCE AGAINST PERSON REPORTED**

(Delete as appropriate)

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANTIAL	

**ANTECEDENT HISTORY OF PERSON REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

PREVIOUS CONVICTIONS	YES	<del>NO</del>	COPY CRO 22 ATTACHED AT PART IV
			COPY CRO 14 ATTACHED AT PART IV
<p>Allister Hanvey is currently living at [REDACTED] with his girlfriend Tracey Clarke. He had been employed at [REDACTED]</p>			

**PERSONS  
REPORTED\***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

**NATURE OF  
PRINCIPAL  
EVIDENCE  
AGAINST PERSON  
REPORTED**

(Delete as appropriate)

**ANTECEDENT  
HISTORY OF  
PERSON  
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

**38/34(a)**  
7.87

SURNAME	HANVEY		
FORENAMES	Thomas		
DATE OF BIRTH	[REDACTED]		
ADDRESS	[REDACTED]		
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV
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ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	✓
OTHER (SPECIFY) CIRCUMSTANTIAL	

PREVIOUS CONVICTIONS	YES	<del>NO</del>	COPY CRO 22 ATTACHED AT PART IV
Thomas Hanvey is Kenneth Hanvey's brother therefore the uncle of Allister.			COPY CRO 14 ATTACHED AT PART IV

## OUTLINE OF CASE\*

(Give **salient** facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

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## Introduction

This case relates to an offence of conspiracy to Pervert the Course of Justice in relation to an investigation into the murder of Robert Hamill at Portadown who was assaulted on 27 April 1997 and subsequently died on 8 May 1997. Three reports have already been submitted in this case as follows:

- Murder of Robert Hamill at Portadown on 27 April 1997 Allister Hanvey who is a subject of this report was charged in relation to the murder of Robert Hamill in 1997 and included in the Murder Crime file.

### **Crime Ref Number C40/7/97.**

- Allegations of Misconduct by Officers of Justice at Market Street/High Street, Portadown on 27 April 1997 investigated by Detective Chief Superintendent McBurney. This investigation was supervised by the Independent Commission for Police Complaints. This aspect of the Hamill Murder focussed on the investigation of a complaint by ██████████ concerning the initial actions of the police at the scene of the assault and the failure of these police officers to respond quickly to assist Robert Hamill. Reserve Constable Robert Atkinson, who is a subject of this report, was a member of the police patrol who were present in Portadown town centre that night and who first responded to the incident.

### **C&D Ref Number B147/1345/97.**

### **Sub Div Ref Number JD97/1302.**

- (3) Conspiracy to Pervert the Course of Justice in relation to the matters referred to in this report. They admitted their part in the conspiracy and are being proceeded against on a separate indictment.

R -v- Andrea Louise McKee and Michael McKee

### **Crime Ref Number C356/13/01**

### **Sub Div Ref Number JC2001/2005/111**


At the time of submission of this report, no persons have been convicted of the murder of Robert Hamill. One person, **Mark Hobson**, was convicted in 1999 in relation to an offence of Affray arising out of the original incident. For

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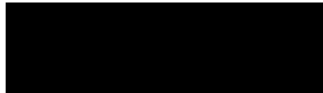
that offence, he received a four-year sentence of imprisonment. The Court transcripts and Trail Judge's summing up in the Hobson case provides a useful context and background reference. These papers are not attached to this report.

This case centres around the following persons, one of whom is a Full-Time Reserve Constable who was stationed at Portadown and was one of four police officers who were the first police to respond to the assault on Robert Hamill and 

- (1) Robert Atkinson  
Full-Time Reserve Constable

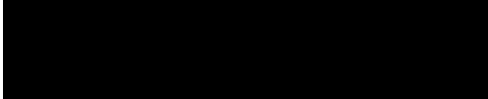


- (2) Eleanor Atkinson  
Wife of Robert Atkinson

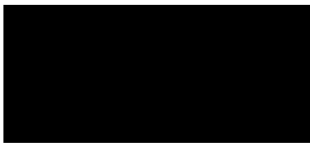


- (3) Michael McKee  
Tae Kwon Do Instructor

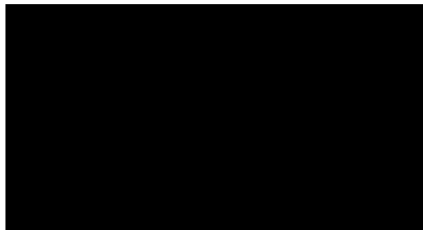


Formerly of : 

- (4) Andrea Louise McKee  
Estranged wife of Michael McKee



- (5) Allister Hanvey



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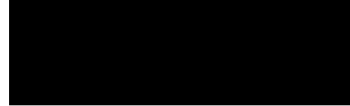
Whilst the aim should be to summarise the facts on one page, a continuation page may be used if it is necessary for the inclusion of all the salient facts.)

(6) Tracy Clarke



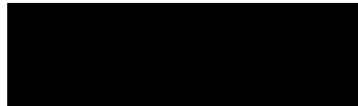
(7) Kenneth Hanvey

Father of Allister Hanvey



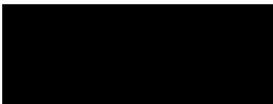
(8) Elizabeth Hanvey

Mother of Allister Hanvey



(9) Thomas Hanvey

Brother of Kenneth Hanvey / Uncle of Allister Hanvey



The 1997 Investigation setting out the background to this case

On 27 April 1997, an incident occurred at Portadown town centre at approximately 0150 hours. Robert Hamill, who had been attacked and seriously assaulted in this incident, subsequently died at the Royal Victoria Hospital, Belfast at 5.03pm on 8 May 1997.

The cause of death reported by Professor Crane, State Pathologist for Northern Ireland was given as, 'Diffuse brain injury associated with fracture of skull due to blows to the head' (Part II, page 67)

A police landrover containing 4 police officers was in the vicinity and responded to this incident. The police officers in the landrover were:

Constable Alan Neill

R/Constable Atkinson

P40

R/Constable Cornett

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Other police officers arrived at the scene and the crowd in the town centre were dispersed. One person was detained during the course of the incident [Wayne Lunt] in relation to assaulting <sup>A</sup> [REDACTED]. He was detained in order to verify his identity. This person was released after a short period and was to be spoken to at a later time. There was no CCTV coverage of Portadown town centre in 1997.

Following the incident an investigation commenced into the assault and subsequent murder.

During this investigation a witness statement was recorded from Allister Hanvey in an interview with D/Sgt Bradley dated **7th May 1997** (Part III, pages 1084-1086). Hanvey was introduced to the enquiry when he was named by other persons who were also at the incident and interviewed as witnesses.

In this statement Allister Hanvey claimed he had been in Portadown on 26<sup>th</sup>/27<sup>th</sup> night. Hanvey claimed he was with his mate Dean Johnston at Deans flat [REDACTED] along with Dean Johnston's girlfriend Leanne Hobson, Mark Hobson and Jonathan Wright.

He claims he stayed there until approximately 1.30am to 2.00am when he left with Mark Hobson and Jonathan Wright. He describes the route he took calling at a Chinese takeaway before going down to the town centre where he saw people running about the town centre. Allister Hanvey goes on to describe the scene in the town centre, distancing himself from any assault. He states he was approached by 'a policeman' to help move some of the crowd back. According to Allister Hanvey this policeman asked him to help move some of the people back up towards the church out of the way and Hanvey describes pulling a few people back.

Allister Hanvey described this police officer as being in his "mid 40s, 5'10", stocky build, gingerish/greyish hair, moustache" (Part III, pages 1084-1086). This description adequately fits Reserve Constable Robert Atkinson who Allister Hanvey would have known from the Tae Kwon Do club. Allister

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Hanvey claims he waited in the town centre for about 15 minutes after the ambulance left and then walked out alone to his uncle Tommy Hanvey's house at [REDACTED]. He claims his uncle was lying on the couch when he arrived at the house. Allister claims he was wearing a black 'CAT' (make) zipped up jacket, dark blue Levi jeans and a pair of white and black 'ASICS' trainers.

This description of Allister Hanveys clothing, particularly focusing on the jacket, becomes relevant in this investigation and will be referred to later in this report.

Tracy Clarke, who became known as **Witness A** in the original 1997 Murder Investigation file evidence, came to the notice of the police in the following way.

She had been attending a Tae Kwon Do Martial Arts Club run by a Michael McKee who is an instructor in the art of Tae Kwon Do. This club was situated at a gym located at [REDACTED]. On 8<sup>th</sup> May 1997, while in the gym, Tracy Clarke was overheard talking about the incident that had occurred in Portadown town centre by two Full-Time Reserve Constables, namely G [REDACTED] and David McCaw. These officers frequented the gym while on escort duty for Mr Bobby Jameson, a local businessman, who owned the [REDACTED] and who leased the gym to Michael McKee.

On over-hearing Tracy Clarke talking about the incident in the gym with other patrons, McCaw spoke to Andrea McKee (Michael McKee's wife) who was working in the office and enquired as to her identity. During this discussion, Andrea McKee mentioned to Reserve Constable McCaw the information concerning Atkinson contacting Hanvey which Tracy Clarke had told her prior to this (See Journal Entry of K [REDACTED] regarding interview of Reserve Constable McCaw at Part IV, Pages 477-483). Andrea McKee is an aunt of Tracy Clarke.

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On receipt of this information, Reserve Constable McCaw then went to Portadown Police Station and spoke to D/Inspector Irwin who instigated an interview with Tracy Clarke.

Tracy Clarke was first interviewed by police at her home in [REDACTED] in the early evening of **8<sup>th</sup> May 1997** by D/Sergeant Bradley and D/Constable McAteer. (See Questionnaire which was utilised by the interviewing officers at Part IV, Pages 467-469). Tracy Clarke did not disclose any information about the incident during this interview.

As a result of the negative interview of Clarke, Andrea McKee was then spoken to by D/Inspector Irwin and D/Constable McAteer later in the evening of the **8<sup>th</sup> May 1997**. At this interview, Andrea McKee related to detectives the information she had been given by Tracy Clarke concerning the assault and telephone calls.

Tracy Clarke, who at that time lived at [REDACTED] with her mother Irene Clarke and her step father Jim Murray, was present in Portadown Town Centre on the 27<sup>th</sup> April 1997. When Clarke was interviewed on 9/10 May 1997, she made a statement to police and was later referred to as Witness A. In that statement (Part II Pages 114-117) Clarke named a number of persons, including Allister Hanvey, who were involved in the murder of Mr. Hamill. In relation to the matter to which this report specifically refers, Clarke alleged that a police officer known to her and whom she named as Robert Atkinson, a Reserve Constable, had, on the morning of the assault (27 April 1997) telephoned Allister Hanvey and advised him to destroy his clothing. Clarke also alleged that Atkinson had been keeping Allister Hanvey, a murder suspect in the attack on Mr Hamill, updated as to the progress of the police investigation.

At this time Tracy Clarke was having an on-off relationship with Allister Hanvey.

On receipt of this information, on the morning of **9<sup>th</sup> May 1997**, investigating police applied for two telephone billings in respect of the following persons:

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- R/Constable Robert Atkinson's telephone billing for his home address at [REDACTED]
- E. Hanvey's telephone billing for an address at [REDACTED] [Comment: this appears to have been obtained from the 1997 BT Phone Book and refers to a relative of Allister Hanvey who lived next door.  
(Exhibit **JDMcC36** at Part III, page 949-950: Part II, page 338)

In respect of the telephone billings which were applied for, two telephone calls were noted to have been made from the Atkinson home to the Hanvey home during the relevant period following the attack on Mr. Hamill:

- **27 April 1997 at 0837 hours for one minute 35 seconds**
- **2 May 1997 at 1624 hours for one minute 41 seconds**

This information appeared to corroborate that part of Tracy Clarke's statement dealing with Robert Atkinson.

Tracey Clarke was again interviewed by police during the last evening of **9th May 1997** and on this occasion made a witness statement to police outlining her evidence. Andrea McKee was instrumental in bringing Tracy Clarke to the police Station and was present in the station when Tracy Clarke was interviewed by **P39** and D/Constable McAteer and a statement recorded from her.

On **9th May 1997**, a statement was recorded from Timothy Jameson who was later to become known as **Witness B**. Jameson identified Allister Hanvey "kick and punch this fellow who was lying on the ground". (Part II, page 350-353).

Allister Hanvey became a suspect in the enquiry and was arrested with others on **10th May 1997**.

During interviews conducted by D/Constable McCrumlish and McIntosh, after caution he denied involvement in the murder of Robert Hamill. Hanvey

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offered the same account as previously given in his witness statement of 7<sup>th</sup> May 1997, again stating that he had walked out to his Uncle Tommy's house after the incident where he remained until collected by his father Kenneth Hanvey later on that Sunday morning. (Part III, pages 841-942:Part II, 313-334)

Later on 10<sup>th</sup> May 1997, Allister Hanvey and a number of other suspects were charged with the murder of Robert Hamill.

On 11<sup>th</sup> May 1997, a statement was recorded from Jonathan Wright. In this statement he identified Allister Hanvey as wearing, "light blue jeans, tracksuit suit top grey colour with a zip up the front of it. The top had orange stripes on both arms which went down to the elbows". (Part II, pages 76-79)

Wright was to make a second statement to Police on 15<sup>th</sup> May 1997 naming a number of individuals who were involved in the attack on Mr. Hamill (Part II, pages 80-81). This statement did not include any reference to Allister Hanvey and Wright later retracted this statement during a consultation with Counsel for the DPP. Wright did not retract his first statement to Police and it is this first statement which is relevant to this investigation. (See third statement dated 13<sup>th</sup> March 1998 made by Wright confirming this Part II, page 82)

In **October 1997**, as the case was moving towards a DPP direction in relation to the murder charges which had been proffered against a number of suspects by the Police on 10 May 1997 [which included Allister Hanvey], Tracy Clarke, Timothy Jameson and Jonathan Wright withdrew their evidence during a subsequent consultation with the DPP. It is relevant to note that she withdrew her evidence because of her *'feelings'* for Allister Hanvey, **not because of any inaccuracies or dishonesty in her original statement to Police.**

Comment: It will be seen that Tracy Clarke is a central figure around which a lot of this case revolves and this is relevant in making an assessment regarding Tracy Clarke as a hostile witness in any subsequent judicial proceedings in respect of this matter.

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On 31st October 1997, the murder charge against Allister Hanvey was formally withdrawn by the DPP and he, along with a number of others were released.

During the current investigation in 2000/01, it has been established that Tracy Clarke is now residing with Allister Hanvey at [REDACTED]

They are not married and have one child who was born in January 2001.

On confirmation from British Telecom Billing Records of the two phone calls connecting Atkinson with the Hanveys on 9 September 1997, Reserve Constable Atkinson was interviewed by D/Chief Superintendent McBurney and D/Inspector Irwin concerning the complaint of police inaction at the scene and the Hanvey phone calls. A representative of the Independent Commission for Police Complaints was present. In relation to this matter, Atkinson said that he had no knowledge of the phone call made from his home on the morning of 27 April 1997 (Part III, pages 758-822 Part II, pages 205-207). During this interview, Atkinson made no reference to, or introduce, the McKee's.

On 9th October 1997, Reserve Constable Atkinson was again interviewed by D/Chief Superintendent McBurney and D/Inspector Irwin. A representative of the Independent Commission for Police Complaints was present. During this interview, Atkinson claimed that he had been told by his wife Eleanor *{in the interim period between the first and second interview}* that friends, namely Michael and Andrea McKee from [REDACTED] had stayed overnight on 26/27 April 1997 at their home at [REDACTED] Portadown.

Robert Atkinson claimed that, on finishing duty after the incident in Portadown, he went home in the early hours and went to bed. On receiving a phone call from work, he returned to duty at Portadown at around 6am to make a statement about what he had witnessed at the scene of the incident. He claimed that he had spoken briefly about the incident to his wife before returning to work (Part III, page 826). Atkinson went on to state that at around 8am he returned home and went straight to bed on entering his house.

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Atkinson claimed that, *since the previous interview*, he had been told by his wife Eleanor that Michael and Andrea McKee had stayed overnight on the night of 26/27 April 1997 and that his wife had "an explanation for the phone call" (Part III, page 825). Atkinson claimed that he did not speak to Michael and Andrea McKee that night, nor did he speak or see them on returning home after 8 00 am. Atkinson claimed that he did not know that the McKee's had stayed overnight and denied making the relevant calls or having any knowledge of Michael McKee making a phone call from his house to the Hanvey's at 8.37am 27 April 1997.

Eleanor Atkinson claimed that Michael and Andrea McKee had stayed overnight in her house and that she had told Michael and Andrea about the incident in town. Eleanor claims that Michael then phoned the home of Allister Hanvey in order to enquire about the welfare of his niece Tracy Clarke who, at that time, was going out with Allister Hanvey and whom Michael believed was in the town centre that night. Eleanor Atkinson further claimed that she had made the call on 2<sup>nd</sup> May 1997 to Hanvey's house enquiring about Tae Kwon Do boots and books for her daughter [REDACTED] years old at that time and a student of Michael McKee's at the Club. Eleanor Atkinson claimed she was talking to Kenneth Hanvey on 2<sup>nd</sup> May telephone call.

When police interviewed Michael McKee about this phone call, he stated that he did make the telephone call and that he had made it sometime before 9 00 am on 27 April 1997 from Atkinson's home. He claims he made the call to enquire as to the welfare of his niece Tracey Clarke who he knew was going out with Allister Hanvey.

On the 9<sup>th</sup> **October 1997**, D/Inspector Irwin recorded witness statements from Michael McKee and Eleanor Atkinson which supported Reserve Constable Atkinson's explanation about the first phone call (27.4.97). These statements were signed in the presence of D/Inspector Irwin (**Exhibit MI I**, Part III, 135-138 Part II, Pages 208-209 and **Exhibit MI 2** Part III, pages 139-140, Part II, pages 210-211).

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On the **29<sup>th</sup> October 1997**, D/Inspector Irwin recorded a witness statement from Andrea McKee which supported the explanation given by Reserve Constable Atkinson and the statements given by her husband Michael and Eleanor Atkinson. This interview took place in the office of, and in the presence of, Sean Hagan, Solicitor, and this statement was signed in the presence of D/Inspector Irwin and Mr Hagan (**Exhibit MI3** Part III, pages 141-142 Part II, pages 212-213).

On **25<sup>th</sup> November 1997**, Kenneth and Elizabeth Hanvey were interviewed by D/Inspector Irwin regarding the two telephone calls under investigation. They declined to make a written statement of evidence however notes were recorded by D/Inspector Irwin on a Message Sheet (**Exhibit MI 5** at Part III pages 145-147: Part II, page 217)

D/Inspector Irwin's notes can be summarised as follows.

Kenneth Hanvey claimed it was *'he who received the phone call from Michael McKee on 27 April 1997'* and that Michael was looking for Tracy. Kenneth Hanvey remembered receiving this call on the Sunday morning and said that he had to get out of bed to take the call. Hanvey claims that he checked Allister's bedroom and found that neither Allister nor Tracey were present. He assumed that Allister must have been at his brother's house. Hanvey said that he informed Michael McKee of this.

Regarding the second phone call on the 2<sup>nd</sup> May 1997, both Kenneth and Elizabeth Hanvey were unsure as to who received this call although *Elizabeth Hanvey thought that it was herself.*

On the **11<sup>th</sup> May 1997**, Thomas Hanvey of [REDACTED] was interviewed by D/Constable McIntosh and a witness statement recorded. (**Exhibit AMcI I** at Part III, pages 10-12: Part II, page 235)

In this statement, Thomas Hanvey confirmed that he had been lying on a sofa in his house at [REDACTED] when Allister arrived, "sometime

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at about half three or four that morning". He also stated that Allister was collected later that morning by his father, Kenny Hanvey, "at about half nine or quarter to ten". Significantly, Thomas Hanvey states that Allister was wearing "a navy or black jacket, the jacket was quilted like a bomber jacket" (Part III, pages 10-12).

In **December 1997**, a Crime File was submitted by D/Chief Superintendent McBurney to the DPP dealing with, among other matters Misconduct by Officers of Justice, and the specific allegation concerning Reserve Constable Atkinson (C&D reference number B147/1345/97 refers). In the absence of any other evidence to substantiate the allegation made by Tracy Clarke other than the phone billing, this aspect of the Crime file recommended 'No Prosecution'.

In **April 1999**, Michael and Andrea McKee separated. At around that time, the Tae Kwon Do Club closed, Michael McKee went to live in Cork and Andrea McKee returned to her family home in Wales.

On the **14<sup>th</sup> June 2000** D/C/Superintendent McBurney and D/Inspector Irwin visited Michael McKee who was, at this stage, living in Gilford, Co. Down with [REDACTED]. McKee was questioned regarding his previous statement in respect of the Hamill investigation and he informed these officers that he had nothing further to say. (Part II, pages 215 and 214)

On **20<sup>th</sup> June 2000** D/C/Superintendent McBurney and D/Inspector Irwin visited Andrea McKee who was living in Wrexham, North Wales. (See Journal entry of D/C/Superintendent McBurney at Part IV, pages 475-476 and Police Notebook entries of D/Inspector Irwin at Part IV, pages 470-474 setting out the context in which this interview was conducted)

At this interview, Andrea McKee said that she had told lies about the phone call in her first statement to Police and that she now wanted to tell the truth about the matter. (**Exhibit MI 4**, Part III, pages 143-144; Part II, page 216)

Andrea McKee stated that parts of her statement made on the 29<sup>th</sup> October 1997 were untrue and that this referred to those parts of the statement in

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which she had stated that she had stayed at Atkinson's house and was present when a phone call was made to the home of Allister Hanvey. McKee said that she had spent that night at home with her husband at [REDACTED]

[REDACTED] She went on to say that her husband Michael McKee had been approached by Robert Atkinson and asked to cover for a phone call that was made from the home of Robert Atkinson to the home of Allister Hanvey. She further stated that Michael was not happy doing this but that it was arranged for Michael to go to the police station with his solicitor Sean Hagan. She stated that, as a result of Michael going to the police station, she then had to go to speak to the police at Sean Hagan's office in support of Michael's statement.

Reserve Constable Atkinson's daughter [REDACTED] also trained in Michael McKee's Tae Kwon Do club and it was through her involvement in this discipline over several years that the McKee's and Atkinsons had become friends.

### The new investigation which was commenced after 20 June 2000

The remit of the new investigation set out the following investigative objectives:

- To present evidence which would corroborate the allegation made by Andrea McKee on 20 June 2000 and corroborate other matters arising in the further statement made by Andrea McKee on 25 October 2000;
- To present evidence which would seek to prove that the account given by Robert Atkinson in 1997 regarding the phone calls made from his home to the Hanvey home [which was supported by the McKee's at that time] was false;
- To present evidence which would seek to confirm the statement of Tracy Clarke, dated 10 May 1997, in which she alleged at that time that Allister Hanvey:

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- Had been contacted by Robert Atkinson on the morning of 27 April 1997 and advised to dispose of the clothing that he was wearing at the time of the assault upon Mr. Hamill;
- Had been contacted by Robert Atkinson on a number of occasions between 27 April 1997 and 9 May 1997, "to keep him up to date with the police investigation."

The investigation into the conspiracy, which it is alleged existed between those named in this report, focussed on two distinct, but inextricably linked, acts:

- That Atkinson phoned Hanvey's within a few hours of the incident advising them to destroy the clothing of Allister Hanvey [and by inference, possible forensic evidence which would connect him with the assault on Mr Hamill or **D**];
- The making of a fabricated story to account for Atkinson's phone call to the Hanvey's, which was then presented to the police during the investigation of this allegation in 1997.

The nature of this allegation raised two important issues within the investigation:

- To establish what Atkinson did actually witness that night which motivated him to contact the Hanvey home;
- To establish if there was evidence to disprove the alibi for the phone call, the central issue being that if the alibi was fabricated, there could be no other reasonable explanation for the making and timing of the phone call other than to advise Allister Hanvey as alleged.

At the commencement of the new investigation, the Independent Commission for Police Complaints continued to supervise the investigation. (See Part IV at (a)pages 456-459 and (b)pages 443-446 which sets out the lines of enquiry)

**On 25<sup>th</sup> October 2000**, Andrea McKee was again visited by police. This interview was conducted by **K** and D/Inspector Irwin. (See interview plan for re-interview of A McKee which sets out the

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issues which were addressed by investigators at that stage of the new investigation at Part IV pages 460-466)

Andrea McKee made a further witness statement on this occasion outlining how Michael and her had been approached by the Atkinsons to cover for a phone call from Atkinson's house and that this fabricated story was discussed and agreed in Atkinson's home. The only people present at this meeting were Andrea and Michael McKee and Robert and Eleanor Atkinson. Andrea McKee claims that the details of the false alibi were invented by Reserve Constable Robert Atkinson and it was agreed that Eleanor Atkinson and the McKee's would make statements supporting this story. (**Exhibit JDMcC 16** Part III, pages 111-123:Part II, page 218)

From **November 2000**, [REDACTED], a Senior Investigating Officer from the Office of the Police Ombudsman for Northern Ireland, took over from the Independent Commission for Police Complaints.

An outline of what Investigating police believe actually occurred on 26<sup>th</sup>/27<sup>th</sup> April 1997 in so far as it concerns those named in this file as conspirators and the evidence to support these events is as follows:

### The factors which underpinned the relationship between the Atkinson's, Hanvey's and McKee's at the time of this incident

The following matters can be deduced from the various statements made by the Atkinson's, Hanvey's and McKee's:

- Andrea McKee states in her statement of 25<sup>th</sup> October 2000 that Reserve Constable Atkinson facilitated her husband Michael in originally arranging to lease the Club premises from Bobby Jameson.
- Atkinson's daughter [REDACTED] was a member of the Tae Kwon Do Club for a number of years prior to 1997 and trained under instruction from Michael McKee.

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- Allister Hanvey trained with Michael McKee from around 1990 and left the Club in 1996. Allister Hanvey and [REDACTED] Atkinson were members of the Club through the years between 1990 and 1996.
- Evidence to support Robert Atkinson's close association with the Tae Kwon Do club is provided by **Michael McKee** in statements he made to Police on 29<sup>th</sup> September 1997 (**Exhibit JRH 1 and JRH 2**, Part III, pages 124-125 and 126-127 Part II page 366:page 367) and Eleanor Atkinson (Part III, page 135-138)
- It has also been established through a financial enquiry that Robert Atkinson declared himself as the Secretary of the Tae Kwon Do Recreation Club in a banking document dated 23<sup>rd</sup> October 1996. (**Exhibit JD 5**, Part III, pages 71-76:Part II page 354) This document was also signed by Michael McKee and Trevor Leathem and authorised Atkinson together with one of the two other signatories, to withdraw money from the Recreation Club Bank Account. Evidence is also presented in the form of Bank Lodgement slips indicating that Atkinson regularly lodged money into this account in the period between December 1996 and December 1997. (**Exhibit JD 22**, Part III, pages 942-948:Part II page 355)
- **Andrea McKee** recalls a BBQ at Robert Atkinson's house which was attended by Robert Atkinson, Eleanor Atkinson and Allister Hanvey. Andrea McKee recalls that Tracy Clarke met Allister Hanvey through the Club and developed a relationship with him.
- In 1998, **Andrea McKee** describes a holiday to Lanzarote which the McKee's took along with the Atkinson's, Tracy Clarke and other members of the Club. Allister Hanvey had left the Club in 1996.
- The evidence of [REDACTED] and [REDACTED] of Northern Ireland Electricity establishes a further connection between the Atkinson family and Hanvey family. Eleanor Atkinson presently

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works as a clerical officer with Northern Ireland Electricity at [REDACTED]. Allister Hanvey's father, Kenneth Hanvey, also works for Northern Ireland Electricity at the same location as a linesman. Both held the same posts in these premises in 1997. Due to various renovations that have taken place at these premises since 1997, it has not been possible to establish the proximity of their exact work locations in 1997. (Part II, pages 189-191: pages 192-194)

- **Jim Murray** states that in the late summer of 1997, he saw Robert Atkinson call at [REDACTED] while Atkinson was on duty. He recalled police vehicles parking in the cul-de-sac opposite the home of Michael and Andrea McKee.  
Comment: Atkinson was transferred to Craigavon Police Station in May 1997.
- **Constable Myrtle South** is a serving police officer who was stationed with Atkinson at Craigavon in 1997. She states that she was with Atkinson on duty when, on occasions during the course of routine patrol, they called at [REDACTED]. Constable South states that on each occasion, she remained in the police vehicle and is unaware of the reason for the calls. (Part II, page 134)
- [REDACTED] is a serving police officer who was stationed with Atkinson at Craigavon in 1997. He states that he was with Atkinson on duty when, on occasions during the course of routine patrol, they called at [REDACTED] (Part II, page 135-136)
- [REDACTED] will prove the subscriber details to the relevant telephone numbers attributable to the suspects in this case (**Exhibit SWW 1 and 2**, Part III, pages 951-980 and 981-1083: Part II, pages 356-357) The evidence of **telephone contacts during the**

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**period October 1996 to January 1998** demonstrate the nature of the relevant relationships between these individuals:

### ATKINSON:

(a) Atkinson (Home) to McKee (Home)

**Exhibit DL9A**, Part III, pages 28-29 – regular contacts

(Note: McKee's home telephone was connected on 24<sup>th</sup> April 1997

(b) Atkinson (Home) to Tae Kwon Do Club

**Exhibit DL9B**, Part III, pages 30-33 – regular contacts

(c) Atkinson (Home) to Hanvey (Home)

**Exhibit DL9** (This represents the complete telephone billing information for Robert Atkinson for the 15-month period referred to and is currently retained by H)

**Comment: Only two calls are noted in this 15-month period, the timing of which is highly significant in this case:**

- 27 April 1997 at 0837 hours for one minute 35 seconds.
- 2 May 1997 at 1624 hours for one minute 41 seconds.

### McKEE:

(a) McKee (Home) to Atkinson (Home)

**Exhibit DL10A**, Part III, pages 36-37 - regular contact

(b) McKee (Home) to Hanvey (Home) – no telephone contact

**Comment:** Allister Hanvey was not a member of the Tae Kwon Do Club in 1997. In considering that Michael McKee has now admitted that he was not present at Atkinson's on the 27<sup>th</sup> April 1997 to make the Hanvey phone call, the fact that no phone calls are noted between the McKee's and Hanvey's in either direction during 1997, appears to support McKee's admission that they [the McKee's] had never spoken to the Hanvey's about the conspiracy. Setting this within the context of what Kenneth and Elizabeth Hanvey told D/Inspector Irwin on 25<sup>th</sup> November 1997, circumstantially it can be argued that the Atkinson's must have communicated the conspiracy story which they had hatched with the McKee's to the Hanvey's.

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### TAE KWON DO CLUB:

(a) TKD Club to Atkinson (Home)

**Exhibit DL11A**, Part III, pages 56-59 - regular contact

(b) TKD Club to Hanvey (Home) - no telephone contact

Comment: See above comments

### HANVEY:

(a) Hanvey (Home) to Atkinson (Home) - no telephone contact

(b) Hanvey (Home) to McKee (Home) - no telephone contact

Comment: See above comments

(c) Hanvey (Home) to TKD Club - no telephone contact

Comment: Allister Hanvey was not a member of the Tae Kwon Do Club in 1997.

### Connecting Reserve Constable Atkinson with Allister Hanvey at the scene of the incident

This file will not deal with the actions of these officers at the scene. However what is important in the context of this case is to establish who and what Reserve Constable Atkinson saw in the town centre and who he came into contact with.

- Clearly it is not in dispute that Reserve Constable Robert Atkinson was on duty in Portadown town centre on the 26<sup>th</sup>/27<sup>th</sup> April 1997 and a member of the landrover patrol along with Constable Neill, Reserve P40 and Reserve Constable Cornett that initially responded to the incident (Part II at pages 22-37).
- This incident resulted in Robert Hamill being kicked unconscious and removed to hospital with serious injuries.

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- Robert Hamill died in hospital on the 8<sup>th</sup> May 1997 as a direct consequence of head injuries sustained in this incident **Dr Patel** (Part II at page 63)
- An immediate investigation into the attack on Robert Hamill and **D** was commenced by **P39**.
- Following the death of Robert Hamill, a murder investigation was commenced on 8<sup>th</sup> May 1997. **D/Chief Superintendent McBurney** assumed the role of Senior Investigating Officer from that point with **P39** as Deputy Senior Investigating Officer.
- **Sergeant P89** arrived at the scene of the assault and assisted in moving the crowd back. During this time, Atkinson identified Allister Hanvey to **P89**, Sergeant **P89** states "I can recall Reserve Constable Atkinson say words to the effect, do you know who he is, watch him, that fellow is an expert or black belt in martial arts. He mentioned the fellow's name as Hanvey". (Part II, pages 51-52)  
Comment: This shows evidence of intimate knowledge of Allister Hanvey. The significance of this fact is that at no time during any of his debriefings to CID after the assault did Atkinson put Hanveys name forward to investigating detectives.
- **Constable Alan Neill** identified Hanvey in the crowd at the scene of the incident. Neill describes how he had known Hanvey from previous dealings with him. (Part II, at pages 34-37)
- **Reserve Constable Warnock** identified Allister Hanvey at the scene of the assault. Warnock believes that Reserve Constable Atkinson identified Allister Hanvey to him. (Part II, at pages 42-46)
- **Trevor Leathem** is a Prison Warden and was also a member of the Tae Kwon Do Club run by Michael McKee. The club was also attended at that time by the Atkinson's and Allister Hanvey. In a

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conversation with Leathem at the Club, Leathem recalls Robert Atkinson telling him that he had spoken to Allister Hanvey at the scene of the incident telling Allister to, "*fuck off home out of the road*". Leathem recalls Robert Atkinson telling him that Allister Hanvey had stood and argued for a while and did eventually go away. (Part II, pages 179-181)

- **Tracy Clarke** states that she spoke to Robert Atkinson at the scene and named Allister Hanvey as one of Robert Hamill's assailants. (Part II pages 114-117)

Comment: Atkinson did not identify her to investigating officers as someone who was present at, or in the vicinity of, the incident.

- Statements were recorded from Tracy Clarke's parents, [REDACTED] and **Jim Murray**. [REDACTED]'s maiden name is [REDACTED] and she is Michael McKee's sister, making Tracy Clarke Michael McKee's niece. Although married to Jim Murray, Irene uses the Clarke surname. Both [REDACTED] and Jim Murray outline conversations they had with Tracy after the incident. They both state that Tracy had told them during Sunday morning (27<sup>th</sup> April 1997) that she had been talking to Reserve Constable Atkinson in Portadown Town centre in and around the time of the assault. (Part II, pages 118-112, 123 and 125- 128)

- **Jonathan Wright** stated in his first statement that Allister Hanvey was present in the vicinity of the incident. In a second statement to Police, Wright named a number of people who he saw attacking Robert Hamill but this did not include Allister Hanvey.

Comment: Wright withdrew the evidence contained in his **second** statement prior to the commencement of criminal proceedings in respect of the murder.

- In **Allister Hanvey's** own witness statement (Part III, pages 1084-1086), he places himself in the town centre at about the time of the disturbance but obviously not involving himself. At page 3, Hanvey

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claims that a policeman asked him for assistance in moving the crowd back. Hanvey provided a description of this policeman, which fits that of Reserve Constable Robert Atkinson. Hanvey did not name Atkinson, stating, "I just knew him from seeing him in the town".

Comment: In the context of what is alleged to have occurred (the 27<sup>th</sup> April phone call from Atkinson's to Hanvey's) and in considering their previous relationship through the Tae Kwon Do Club:

- Hanvey should have been in a position to name Atkinson when he made his statement on 7<sup>th</sup> May 1997. The reluctance on Hanvey's part to name Atkinson at that time may be a deliberate act on his part to distance himself from Atkinson;
  - In response to being questioned about this by D/Chief Superintendent McBurney and D/Inspector Irwin on 9<sup>th</sup> September 1997 (**Exhibit MI 22 at Pages 15-16** - transcript of interview - Part III, pages 792-822), Atkinson's only response in relation to Hanvey's description was to state, "well I'm not 5' 10".
- On 11<sup>th</sup> May 1997, D/Constable **McCrumlish** and D/Constable **McIntosh** conducted an interview with Kenneth and Elizabeth Hanvey which they recorded in their police notebooks. (Part II, pages 148-149 and 150-151; Part IV, pages 502-522) During this interview, Kenneth Hanvey stated that he first heard about the fight in Portadown town centre when he called at his brother Thomas Hanveys house at [REDACTED] to collect his son Allister. It was at this point that Allister told him about the incident. Kenneth Hanvey said that a policeman on duty that night would be able to give evidence on behalf of their son as Allister had helped move the crowd back. Kenneth Hanvey would not disclose the identity of this police officer.  
Comment: See above - Allister Hanvey describes an officer who asked him to assist in moving the crowd back. This description fits Reserve Constable Atkinson. It is therefore reasonable to deduce that the officer to which Kenneth Hanvey was referring to was Atkinson.

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- During an interview of **Reserve Constable Atkinson** after caution, conducted by on **9<sup>th</sup> September 1997**, Atkinson outlined how Allister Hanvey had been put out of the Tae Kwon Do club as he had been 'dabbling in Ecstasy tablets' (**Exhibit MI 22 at page 16** - transcript of interview - PartIII, page 807) During this interview, Atkinson claimed that he told D/Sergeant Bradley on Monday 28<sup>th</sup> April 1997 that he had seen Hanvey in Portadown town centre on the night in question (**Exhibit MI 22 at page 19** - transcript of interview - PartIII, page 810:Part II, page 205 and pages 206-207) D/Sergeant Bradley will state that he does not recall Atkinson naming Allister Hanvey as a person who was at the scene to him (Part II pages 360-363 Part IV, pages 484-489 **K**) There is no record of this to confirm Atkinson's assertion on this point within the 1997 investigation papers. The evidence indicates that Atkinson did not disclose that he had witnessed Hanvey at the scene until this interview on 9<sup>th</sup> September 1997 when it was raised with him by D/Chief Superintendent McBurney.
- During a second interview of **Reserve Constable Atkinson** after caution, conducted by D/Chief Superintendent McBurney and D/Inspector Irwin on **9<sup>th</sup> October 1997**, Atkinson states that he saw Allister Hanvey on the street and, according to Atkinson, Hanvey was not involved in any trouble. (**Exhibit MI 23** - transcript of interview Part III, pages 823-840:Part II pages 205 and 206-207).  
Comment: It is clear from these interviews that Atkinson knew Allister Hanvey on 27<sup>th</sup> April 1997.
- During interviews of **Reserve Constable Atkinson** after caution, conducted by D/Sergeant McDowell and **[REDACTED]** on **10<sup>th</sup> April 2001** (Part III, pages 288 -291) and in response to a line of questioning about why he had not identified Allister Hanvey, Atkinson said, "I identified Allister Hanvey to the other police officers.....Sergeant **P89** for one." Atkinson went on to state, "I

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shouted to Sergeant **P89** , watch that boy there, Hanvey...he's in martial arts or something like that".

### Establishing what information Reserve Constable Atkinson supplied in relation to the incident and to the subsequent investigation of the incident

- Reserve Constable Atkinson records in his police notebook that he went off duty at 04.15 hours on Sunday 27<sup>th</sup> April 1997. (Part IV, pages 91a-91b) His Form F40 Overtime Claim form for April 1997 shows that he went off duty at 0300 hours on Sunday 27<sup>th</sup> April 1997. (**Exhibit JDMcC 1**, Part III, pages 100 -106).
- Atkinson was recalled to duty at 5.51am on Sunday 27<sup>th</sup> April 1997 (**Exhibit DL 19**, Part III, page 45-46) by the Duty Inspector, Inspector **McCrum** for the purpose of making a statement in relation to what had happened and what Atkinson had witnessed at the scene of the incident (See Part IV, pages 500-501 and 496-497 - Journal entries in respect of Inspector McCrum dated 27<sup>th</sup> April 1997 and **K** regarding interview of Inspector McCrum on 16<sup>th</sup> November 2000).
- A copy of Atkinson's notebook will show that he re-commenced duty at 0600 hours and terminated duty at 0800 hours. During this period Atkinson prepared his statement (**Exhibit DB1**, Part III, pages 13-18). In this statement, which is the only statement that Atkinson provided to the investigation, he names Rory Robinson and Wayne Lunt as present at the scene and describes their actions at the scene. He did not describe any circumstances which would implicate Robinson and Lunt in the assaults on Hamill and **D**.

Comment: In this statement he made no mention of Allister Hanvey or Tracy Clarke being present.

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- The following day, Monday 28<sup>th</sup> April 199, Atkinson was spoken to by **D/Sergeant Bradley**. The purpose of this interview focussed on revisiting Atkinson's initial statement and to establish whether Atkinson had any further information about the identity of persons at the scene which would assist the investigation in terms of identifying suspects and witnesses. (Part II, pages 360-363) *In response to* D/Sergeant Bradley's questions, Atkinson provided two further pieces of information which were recorded contemporaneously on two message sheets and timed by D/Sergeant Bradley at 2.30pm and 2.40pm:

(a) Message 1 states he [Atkinson] saw Victoria Clayton wiping blood off Stacey Bridgett. (Part IV, pages 498)

(b) Message 2 states he [Atkinson] saw 'Rat' Gray in the crowd. (Part IV, pages 499).

Comment: It is relevant to note that there is no suggestion or inference by Atkinson that 'Rat' Gray was committing any alleged offences in this message. It is therefore significant that Atkinson, having seen Allister Hanvey and Tracy Clarke in the town centre that night, did not identify them to the investigating officers as persons who were present and potential witnesses to the incident.

### The circumstances leading up to and including the making of the phone call from Atkinson's home to Hanvey's home on the morning of 27<sup>th</sup> April 1997

- **Constable Godly** communications officer at Portadown Police Station contacted **Constable Neill** to come back on duty (Part II page 55-57). The timings of telephone calls from Portadown Police station show that this call was timed at **8.07am on 27<sup>th</sup> April 1997**. (**Exhibit DL 19** Part III, page 46 Part II, page 237) During Constable Godly's conversation with Constable Neill, Reserve Constable Atkinson

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interrupted and spoke to Neill on the telephone. Atkinson told Neill that he had made his statement and was now going home.

- **Constable Neill** confirms this and states that when he received the phone call from Constable Godley, Reserve Constable Atkinson spoke to him stating that he had completed a statement and he was leaving the station at that time. (Part II pages 34-37)
- Reserve Constable Atkinson records in his police notebook that he went off duty at 04.15 hours and was recalled to duty at 0600 hours and then terminated at 0800 hours on Sunday 27<sup>th</sup> April 1997. (Part IV, pages 91a-91b)
- Atkinson was recalled to duty at 5.51am on Sunday 27<sup>th</sup> April 1997 by the Duty Inspector. (**Exhibit DL 19**, Part III, page 46)
- His Form F40 Overtime Claim form for April 1997 shows that he went off duty at 0300 hours on Sunday 27<sup>th</sup> April 1997 and recommenced duty at 0500 hours, terminating again at 0745 hours (**Exhibit JDMcC 1**, Part III, pages 100 -106).
- After a query from the finance office dated 20<sup>th</sup> June 1997, Reserve Constable Atkinson amended his termination time to show **0845** hours on Sunday 27<sup>th</sup> April 1997.  
Comment: Circumstantially, this may be relevant in terms of Atkinson putting himself on duty and beyond the time of 8.37am when the phone call was made from his home to the Harvey's. At that time, Atkinson had not been advised that this particular matter was under investigation.
- **Sergeant [REDACTED]** and **Constable [REDACTED]** are both traffic branch officers. They travelled the distance between the Police Station at Edward Street Portadown and Atkinson's home at [REDACTED]. They travelled two different routes on a typical

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Sunday morning shortly after 0800 hours The timings for these routes are as follows:

- o 3 minutes 49.39 seconds
- o 4 minutes 14.04 seconds

Comment: Linking this evidence with the evidence of Constable Neill, it is clear that Atkinson would have had adequate time to travel home and make the phone call to Allister Hanvey's home at 8.37am.

Evidence of other Police officers who were providing statements in the Station indicate that Reserve Constable Atkinson was the first to leave the station that morning. Atkinson was not present when Constable Neill arrived into the station around 9.00am. If Atkinson left the station, as he had indicated to Constable Neill, after the phone conversation with Constable Neill, it is reasonable to assume that Atkinson arrived home at around 8.20am – 8.25am that morning.

- **Robert Atkinson** states in his interviews after caution (**Exhibit MI 23 at page 5** - transcript of interview: Part III, pages 823-840) that he went home and went to bed on completion of his second spell of duty. Atkinson maintains throughout the 1997 interviews and the recent interviews conducted in 2001 that he did not see or speak to the McKee's when he got home and went to bed that morning.

Comment: In considering the intersecting of the timings involved with Atkinson returning home, and according to their story, Michael and Andrea McKee getting up, one must question whether Atkinson's account is credible or at the very least believable.

- **Eleanor Atkinson** (Part III, pages 135 - 138) stated that Michael and Andrea McKee called with her, "*on the "26<sup>th</sup> April 1997 unannounced with the intention of going out for the night with my husband and myself. Unfortunately my husband was working that night so the three of us sat in my house.*" Eleanor Atkinson claimed, "*I went to bed sometime after midnight and Michael and Andrea also stayed that night.*"

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- **Eleanor Atkinson** stated that her husband Robert returned home from duty, *“at around 8 00 am on 27<sup>th</sup> April.”* Eleanor states, *“he [Robert] told me that there had been a row in town involving the Coach bus. That’s all that was mentioned.”* As a result of this, she states that she then told Michael and Andrea McKee. Eleanor Atkinson states, *“Michael was concerned about his neice Tracy Clarke as she went to the coach, possibly with an Allister Hanvey”*. She claimed that it was Michael McKee who, on being told about the disturbance in Portadown, *“...asked me if he could make a phone call in order to find out where Tracy was.”* She claimed that Michael and Andrea were up early that Sunday morning because they had to open the gym at 9.00am.

Comment: Reference should be made to the Interview schedules, which were prepared in relation to the interviews of the suspects on 30<sup>th</sup> and 31<sup>st</sup> May 2001 and which set out the line of questioning which was developed around the core issues in this case. (Part IV, at pages: 31A-31B Robert Atkinson; 98-105 Eleanor Atkinson; 177-182 A Hanvey; 254-259 E Hanvey; 299-304 K Hanvey; 363-365 T Hanvey)

- At around this time, Tracy was having an on-off relationship with Allister Hanvey.
- Michael McKee now admits that he did not make the call and told lies to cover for Atkinson. Considering the timing of the call, what other reason is there for the call other than that it had something to do with Allister Hanvey’s involvement in the incident and that Kenneth Hanvey was the person who received the call from the Atkinson’s (Interview by D/Inspector Irwin on 25<sup>th</sup> November 1997 – Kenneth Hanvey admits to receiving this call and states that he received it from Michael McKee)
- It is relevant to note that there is no trace on telephone analysis of another phone call that morning or over that time from either McKee’s home or the Tae Kwon Do club to the Hanvey home, so there can be no confusion on the 8.37am phone call.
- It is relevant to note that there is no evidence on telephone analysis indicating that McKee made any follow-up phone calls to enquire

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about Tracy Clarke's welfare or whereabouts following the 8.37am phone call.

- It is highly relevant in this case that Tracy Clarke was able to tell the police about the phone call from the Atkinson's to Hanvey's at 'around 8am' that Sunday morning before the police had knowledge of it and later confirmed it. If the story was true about Michael McKee ringing the Hanvey's to enquire about Tracy Clarke, it would have been logical for Allister Hanvey to have told her that. Instead, Allister told her the story that Robert Atkinson had rang his house advising him to get rid of his clothes. This is a significant point in that if it had been Michael McKee ringing the Hanvey home at 8.37am, Tracy Clarke would have had no reason to bring the existence of the phone call to the attention of the Police. The evidential relevance of this focuses on the issue of how did Tracy Clarke know to introduce Robert Atkinson into the scenario unless the information given to her by Allister concerning the phone call was true. There is no reason for Tracy Clarke to make this up about Atkinson because she was not in a position to know the existence of the 8.37am phone call unless Allister Hanvey had told her.
- In the context of this evidential analysis, if Allister Hanvey was not at home at 8.37am when the call was made, (Note: A withdrawal of money from Allister Hanvey's First Trust Bank Account was made from an Ulster Bank ATM situated at High Street, Portadown, at 8.46am that morning – this will be referred to later in the report) this suggests that somebody else took the phone call at the Hanvey home. Kenneth Hanvey has told D/Inspector Irwin that he took the call. It is therefore reasonable to deduce that Kenneth Hanvey played an active role in relaying the message about getting rid of the clothes to his son.
- **Mr Bobby Jameson** the proprietor of the premises from whom the gym is leased will state that it was always closed on Sunday mornings. (Part II, pages 182-183)

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- **Trevor Leathem** and [REDACTED] who were both members of the Tae Kwon Do Club in 1997 state the gym was generally closed on Sunday mornings. (Part II, pages 179-181; 184)
  - **On 27 April 1997**, there were 5 telephone calls recorded out from the Tae Kwon Do Gym, the first one being made at **12.13pm** on this date. The evidence of **Bobby Jameson** indicates that he was in the premises that morning and used the phone at **12.13pm** to contact his police escort. Bobby Jameson stated to police that he had a key to the gym and occasionally, on Sunday mornings, would use the sauna at the club when the gym was closed and no one was about. The morning of Sunday 27<sup>th</sup> April 1997 appears to have been one such morning. **Andrea McKee** recalls that they didn't visit the gym until the afternoon of that Sunday
  - During interview on **10<sup>th</sup> April 2001**, **Michael and Andrea McKee** made admissions after caution in respect of the following central matters concerning their complicity:
    - Neither Michael McKee or his wife Andrea McKee were present at the Atkinson home overnight on 26/27<sup>th</sup> April 1997;
    - They were not at the Atkinson home when the phone call (8.37am, Sunday 27 April 1997) was made and that Michael McKee did not make that phone call;
    - During the course of the police investigation into the murder of Robert Hamill and Tracy Clarke's allegation concerning the telephone contacts between Robert Atkinson and the Hanvey's, they conspired with the Atkinson's to provide false statements to police stating (a) that Michael had made the phone call and (b) presenting a reason for the making of that phone call, in an attempt to legitimate the purpose of that phone call and provide an alibi for Robert Atkinson.
- Comment: The McKee's have been returned for trial on 8<sup>th</sup> November 2001. (See Crime file HQ reference number C356/13/01)

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- In **Andrea McKee's** witness statement dated 20 June 2000 recorded by D/Inspector Irwin, Andrea stated they had been watching Sky TV, in particular a boxing match involving Prince Naseem, at their home in [REDACTED] on the Saturday night.

Comment: [REDACTED] (Part II pages 175-176), an employee with **Sky Television**, states that Sky TV did not show a Prince Naseem fight on 26th/27th April 1997. She also states that Michael McKee was a subscriber to Sky TV from 29th August 1992 to 11th February 1997 and that Andrea McKee subscribed to Sky from 2nd October 1997 to 12th April 1999.

- On 25th October 2000 in a statement recorded by [REDACTED] K [REDACTED], Andrea McKee states she had been at home at [REDACTED] on the night of the 26th/27th April 1997 with her husband Michael. She recalled having visitors at their house that evening and stated that it was either [REDACTED] and [REDACTED] or **Rodney Smyth** and his girlfriend **Joy Kitchen**, who were present.

Comment: [REDACTED] provided statements to this investigation. They confirm that, as a couple, they occasionally visited the McKee's home in [REDACTED] on a social basis during the second half of 1997. They first met at a Tae Kwon Do competition in Scotland in July 1997. At that time [REDACTED] lived in Scotland and came to Northern Ireland to live and later marry [REDACTED]. They were eliminated from that aspect of the investigation focusing on the night of 26<sup>th</sup>/27<sup>th</sup> April 1997.

- Telephone analysis of Michael and Andrea McKee's home telephone billing at [REDACTED] telephone number [REDACTED] showed an outgoing call from their home telephone to Call-a-Cab Taxis, West Street, Portadown, telephone number [REDACTED], at **0130 hours on 27 April 1997** for 39seconds. (**Exhibit JL 25** at Part III page 1090:Part II page 365)

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- **Irene McKee** (Part II, page 152-153), a dispatcher with Call-a-Cab taxis completed an entry in the Taxi log for this company which shows '2.15 am, [REDACTED], Smyth to town centre, driver number 9'. Irene McKee is not related to Michael and Andrea McKee. (**Exhibit DL4, Taxi Log** at Part III, page 19-27: Part II, page 156)
- **Rodney Smyth and Joy Kitchen** (Part II pages 167-170) state that they socialised with the McKee's at their home at [REDACTED] [REDACTED] during 1997. On occasions when they had been drinking at the McKee's, they would get a taxi home to Portadown. At that time, Rodney Smyth lived alone at [REDACTED] which is in Portadown Town centre. Both Rodney Smyth and Joy Kitchen were members of the Tae Kwon Do Club run by Michael McKee. Comment: During interview on 10<sup>th</sup> April 2001, Eleanor Atkinson claimed that this point in itself did not amount to proof that Michael and Andrea McKee were not at their home on the night in question. Eleanor Atkinson went on to state that it was her understanding that Rodney Smyth and Joy Kitchen were using the McKee's home for 'liaisons'. In contradicting this suggestion, the McKee's have both stated that nobody would have had access to their house in these circumstances. Smyth and Kitchen first met at the beginning of April 1997 and Smyth did have his own flat at [REDACTED] which was situated within walking distance of Kitchen's home on the [REDACTED]
- **Mr Alf Annesley** confirms he was driver 9 at that time however due to the passage of time he is unable to recollect this fare. (Part II page 154)
- **Evidence of Phone Billing DL9** shows 2 phone calls from Robert Atkinson's home at [REDACTED] telephone number [REDACTED] to Harvey's home at [REDACTED] Portadown telephone number [REDACTED] as follows:

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- o [REDACTED] on 27 April 1997 at 8.37am for one minute 35 seconds to 01762 334307
- o [REDACTED] on 2 May 1997 at 4.24pm for one minute 41seconds to 01762 334307

- **On 11<sup>th</sup> May 1997**, D/Constable **McCrumlish** and D/Constable **McIntosh** interviewed Kenneth and Elizabeth Hanvey at their home at [REDACTED]. Kenneth stated the first time he heard about the fight in Portadown town centre was when he went to his brother Thomas Hanveys house at [REDACTED] to collect his son Allister. It was there that he claims, Allister told him about the incident. Kenneth and Elizabeth Hanvey stated that they got up at about 9.00am on Sunday 27<sup>th</sup> April 1997. Kenneth Hanvey said that he went to feed the cattle before going to collect his son. Both declined to make written statements.

Comment: The importance of this conversation between these officers and the Hanveys lies in the fact that neither Kenneth nor Elizabeth Hanvey mentioned that they had received a telephone call from Michael McKee at 8.37am. From the evidence now collected in this case, it would appear that the alibi was not devised at this time, in other words, Atkinson wasn't aware on 11<sup>th</sup> May 1997 that police were investigating his telephone billing and as far as Atkinson and the Hanveys were concerned, Police did not know about the call the Hanveys had received. The fact that Hanvey did not mention a call from Michael McKee was due to the fact that firstly, he didn't get the call from Michael McKee and, secondly, that he could not, for obvious reasons, disclose the phone call he got from Atkinson. Kenneth Hanvey was, much later in the year after the alibi had been presented to investigating police, to tell D/Inspector Irwin that he had received the call from Michael McKee.

**The circumstances surrounding the disclosure of Tracy Clarke's allegation and the involvement of the McKee's in this disclosure**

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- The circumstances surrounding how the information about the Atkinson phone call was brought to the attention of Police is significant and circumstantially relevant to this case:
  - Andrea McKee first spoke to a police officer, **Reserve Constable McCaw**, at the gym on the **8<sup>th</sup> May 1997** (the day of Mr. Hamill's death) regarding what she had been previously told by Tracy Clarke regarding the phone call;
  - As a result of this information, Tracy Clarke was spoken to by **D/Sergeant Bradley** and **D/Constable McAteer** during the evening of **8<sup>th</sup> May 1997** but gave the police no information about the phone call or the Hamill incident (Part IV, pages 467-469)
  - During the late evening of **8<sup>th</sup> May 1997**, D/Inspector Irwin and D/Constable McAteer spoke to Andrea McKee to establish what information Tracy Clarke had which could assist their investigation
  - At 9.10am on **9<sup>th</sup> May 1997**, a formal request in the form of a Police report was submitted to Police Headquarters to obtain itemised telephone billing in respect of Reserve Constable Atkinson's home telephone number and a person by the name of E. Hanvey, [REDACTED] for Sunday 27<sup>th</sup> April 1997. This in fact relates to a relation living next door to Kenneth and Allister Hanvey. (**Exhibit JDMcC 36** at Part III, page 949-950: See also interviews of P39 [REDACTED] and D/Constable McAteer by K [REDACTED] at Part IV, pages 491A –491J)

### Comment:

At the time of making this application, Tracy Clarke had not given the police any information about the incident or the phone call. At that point, the information about the phone call was provided solely by Andrea McKee.

The circumstantial relevance of this evidence focuses on the interaction between Andrea McKee and Tracy Clarke. In

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supporting the admissions now made by the McKee's, inferences can be drawn from the facts that:

- (a) Andrea McKee would not have told the police what Clarke had told her about the Sunday morning phone call had they [the McKee's] been at the Atkinson's and Michael McKee had made the call (It should be noted that Eleanor Atkinson stated during interview that Andrea McKee was in the hall beside the phone when Atkinson alleges that Michael McKee made the call). It appears from the evidence that the circumstances of the phone call had no relevance to Andrea McKee at that time, this point supported by the fact that Andrea McKee did not become aware of the conspiracy to fabricate an alibi until much later in the year around the time of when Reserve Constable Atkinson was first interviewed.

- **On the evening of 9<sup>th</sup> May 1997**, Michael and Andrea McKee conveyed Tracy Clarke to Portadown Police Station. Andrea McKee remained present throughout this interview during which Tracy Clarke made and signed a witness statement. Part of this statement included the allegation about Atkinson contacting Allister Harvey and advising him to get rid of his clothes.

Comment: At no point during this interview does it appear that Andrea McKee intervened in an attempt to:

- (a) correct Tracy Clarke about the phone call;
- (b) to indicate that they [the McKee's] were at the Atkinson house "at around 8am on that Sunday morning" [Clarke];
- (c) to introduce Michael McKee as the person who rang the Harvey's "at around 8am on that Sunday morning"

The interview of Tracy Clarke occurred 12 days after the incident in which it can be assumed that Clarke's and McKee's recollections of that Sunday morning would have been very clear, given the circumstances of this incident and, as the Atkinson's

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alleged, the McKee's had stayed overnight and made the phone call the following morning. Telephone analysis of Atkinson's home phone shows that there was only one call made to the Hanvey's that morning.

### The movements of Allister Hanvey following the incident and up until the point of being spoken to by his father Kenneth Hanvey.

The purpose of this line of enquiry sought to establish where Allister Hanvey was at 8.37am when the phone call was made to his home.

The evidence of the position of the other suspects in this case at the time of the phone call indicates:

- Robert and Eleanor Atkinson were at their family home. They have not, at any stage throughout this investigation, suggested that somebody other than Michael McKee made the phone call.
- Michael and Andrea McKee were at their family home in [REDACTED]
- Kenneth and Elizabeth Hanvey were at their family home. Kenneth Hanvey stated to D/Inspector Irwin that he had received the phone call from Michael McKee.
- Thomas Hanvey was at his home in [REDACTED] He stated that Allister Hanvey was there at that time, having arrived at his house at around 3.30-4.00am that morning.

The evidence collected during the investigation into Allister Hanvey's movements *fundamentally* contradicts the evidence provided by Allister Hanvey in his original statement which was supported by his uncle, Thomas Hanvey (Part III, pages 10-12).

Contradictions were also discovered in respect of Allister Hanvey's clothing which he claimed to be wearing on the night in question. This will be referred to in a later section of the evidence.

- **Allister Hanvey** claimed that he had been in Portadown on 26<sup>th</sup>/27<sup>th</sup> night. Hanvey claimed he was with his mate **Dean Johnston** at Deans

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flat [REDACTED] along with Dean Johnston's girlfriend **Leanne Hobson, Mark Hobson and Jonathan Wright**. He claims he stayed there until approximately 1.30am to 2.00am when he left with **Mark Hobson and Jonathan Wright**. He describes the route he took, calling at a Chinese takeaway in West Street before going down to the town centre where he saw people running about the town centre. Allister Hanvey goes on to describe the scene in the town centre, distancing himself from any assault.

Comment: Mark Hobson was later convicted of Affray in relation to the incident.

- **Allister Hanvey** claimed that he waited in the town centre for about 15 minutes after the ambulance left the scene and then walked out alone to his uncle Tommy Hanvey's house at [REDACTED] in the [REDACTED] (Part III, pages 1084-1086)
- **Thomas Hanvey**, in his statement dated 11<sup>th</sup> May 1997, (**Exhibit AMc1** at Part III, pages 10-12; Part II, page 235) stated that he was lying on his sofa at home when, at about 3.30am – 4.00am on Sunday 27<sup>th</sup> April 1997, Allister Hanvey arrived at his house. He said that at about 9.30am – 9.45am, his brother Kenneth Hanvey arrived to collect Allister and take him home.
- Following the incident, a number of persons, including Allister Hanvey, arrived at Tracey McAlpine's house situated at [REDACTED] [REDACTED] is situated in the [REDACTED] [REDACTED] the opposite end of town to Tommy Hanvey's home at [REDACTED]. The following persons refer to Allister Hanvey's presence at the party:
  - Pauline Newell** (Part II, pages 90-92)
  - Kelly Lavery** (Part II, pages 85-86)
  - Iain Samuel Carville** (Part II, pages 83-84)
  - Gregory William Blevins** (Part II, pages 89)

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**Jason McClure** (Part II, pages 93-94: 95-96)

**Jonathan Samuel James Wright** (Part II, pages 76-79: 80-81: 82)

**Stephen Bloomer** (Part II, pages 74-75)

Comment: This evidence places Allister Hanvey at the party at Tracy McAlpine's house up until at least 5.00 am.

- **Christopher Henderson** (Part II, page 368: further interview recorded at Part IV, pages - Henderson declined to make a further statement but gave a verbal account to Investigating Police) stated that he arrived at the party after 5.00 am and saw Allister Hanvey in the livingroom with a number of others. **Christopher Henderson** and **Jason McClure** stated that they left the party with Allister Hanvey and walked through the town centre to a taxi firm at Bridge Street. They cannot be certain as to what time they left the party but they recalled that it was daylight and Henderson recalled seeing a police officer and an area in the town centre which was 'taped off'. A crime scene was established and the area cordoned off with tape by police at 7.27am. (Part II, pages 369 - 372)
- A financial enquiry carried out by police revealed that **Allister Hanvey** used his First Trust ATM card to withdraw £10.00 out of the Ulster Bank in High Street, Portadown at 8.46 am on that Sunday morning (**Exhibit JD23**, Part III, pages 77-79: Part II, page 106).

The statements of the following Bank Officials refer:

██████████, Ulster Bank, Portadown. (Part II, page 109)

██████████, First Trust Bank, Portadown. (Part II, page 110-111)

██████████, Ulster Bank, Belfast. (Part II, page 112)

Comment:

- There is no record of Allister Hanvey's ATM Card being lost or stolen. During interview, Allister Hanvey has never claimed that his card was lost, stolen, or used by someone else at that time.
- The Ulster Bank ATM is situated approximately 25 yards from the taxi firm of 'Z' Cabs, which Henderson and McClure both claim that they called at with Allister Hanvey to get a taxi home. They

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cannot recall what happened from this point due to the passage of time.

- In considering the timing of this bank transaction and the evidence of Henderson and McClure, it is reasonable to deduce from this that Allister Hanvey was in the area of Portadown town centre in and around the time of the 8.37am when the phone call was made and Thomas Hanvey claims that Allister was at his house.

**The proposition that Allister Hanvey was wearing clothing on the night of the incident which is at variance with earlier evidence provided by himself and the Hanvey family and the further proposition that the evidence of a silver jacket represents the clothing that Hanvey disposed of after the incident.**

The purpose of this line of enquiry sought to confirm the existence of another coat or jacket which Allister Hanvey was wearing on the night in question and which he later disposed of as a direct consequence of Atkinson's phone call.

- **Jonathan Wright** (Part II, pages 79-82) states on the night of the assault on Robert Hamill, Allister Hanvey was wearing a grey tracksuit top with orange stripes up both arms.
- **Reserve Constable Warnock** (Part II, pages 42-46) Reserve Constable Warnock was one of a number of police officers who arrived at the scene on 27<sup>th</sup> April. He states that Allister Hanvey was wearing a dark coloured baseball jacket with grey sleeves.
- [REDACTED] (Part II, pages 118-123) states that Tracy Clarke bought Allister Hanvey a silver coat for Christmas of 1996. [REDACTED] states that this jacket was bought from a shop called **Paranoid** in Portadown. [REDACTED] also states that Tracy told her, that Robert Atkinson told

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Allister Hanvey to '**burn his coat**'. [REDACTED] recalls Tracy Clarke telling her this in their house a number of days after the incident.

- **Jim Murray** (Part II, pages 125-128) states that Allister Hanvey had a silver jacket, which was bought for him by Tracy Clarke around Christmas of 1996. He states that this silver jacket had orange stripes down both arms. He also states that Tracy told him that Robert Atkinson told Allister Hanvey to "**get them clothes burnt**". Jim Murray recalls Tracy Clarke telling him this in their house a number of days after the incident.
- **P50** (Part II, pages 139-140) the proprietor of **Paranoid** has been interviewed and cannot assist the enquiry concerning the purchase of this jacket by Tracy Clarke. **P50** cannot recall selling a silver jacket with orange stripes as described by [REDACTED] and Jim Murray but did do business at that time with a designer Stephen Hughes from London.
- **Linda Wilson** (Part II, page 147) was an employee of **P50** who worked at Paranoid from 1996 to August 1997. It would appear that Wilson may be the same person who was referred to by [REDACTED]. Wilson stated that she did not know Tracy Clarke but knew the name Hanvey. She did not recall selling a silver jacket to Tracy Clarke or Allister Hanvey.
- **Stephen Hughes** (Part II, pages 141-142) designed and manufactured silver jackets under the fashion label of '**SKANX**' (**Exhibits AM5 and AM6a** at Part III, pages, 1-3 and 7-9; Part II, pages 143-145). This catalogue confirms that a silver jacket with orange stripes down the sleeves was manufactured and sold by Hughes and were available in Northern Ireland. Hughes confirmed that he did business with [REDACTED] **P50** in 1996/1997 but due to the passage of time he has no business documentation concerning the business transactions with **P50** at that time.

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- **Allister Hanvey**, in his interview after caution dated 10<sup>th</sup> May 1997 in relation to the murder of Robert Hamill, stated that the only jacket he owned at that time and which he was wearing on the night was a, '**jet black puffa type 'CAT' [Brand Name] jacket**'. The Hanvey's also described it as this. Allister Hanvey denied ever owning a silver/grey jacket.
- **Reserve Constable Ritchie** (Part II, pages 326-327) states that he was briefed to search for a grey/silver jacket at the home addresses of Allister Hanvey and Thomas Hanvey. No jacket fitting this description was found at either search. (See also Journal Entries of [REDACTED] K [REDACTED] concerning interview of D/Constable McCrumlish who was briefed and conducted searches of these addresses at that time – ( Part IV, pages 1004 -1008)  
Comment: There is a direct contradiction in the evidence of Allister Hanvey, his parents and Thomas Hanvey who state that on the night of the assault on Robert Hamill, Allister Hanvey was wearing a black 'CAT' jacket.

### The telephone call from Atkinson's home to Hanvey's home on the 2<sup>nd</sup> May 1997.

Telephone billing in respect of Robert Atkinson's home indicated that a second phone call had been on the 2<sup>nd</sup> May 1997 at 4.24pm to Allister Hanvey's home. This call had a duration time of one minute 41 seconds.

- Eleanor Atkinson claimed that she made this phone call intending to speak to Elizabeth Hanvey about Tae Kwon Do boots and books but spoke to Kenneth Hanvey. (**Exhibit MI 1** at Part III, pages 135-138)
- In an interview with D/Inspector Irwin on 25<sup>th</sup> November 1997 Elizabeth Hanvey told him that she thought she had taken this call. (**Exhibit MI 5** Part III, pages 145-147)

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- The telephone calls on the 27<sup>th</sup> April 1997 and 2<sup>nd</sup> May 1997 are the only two calls from Atkinson's home to Hanveys home during the period October 1996 to January 1998 (**Exhibit DL 9 - Retained**)
- The 2<sup>nd</sup> May 1997 was a Rest Day for Reserve Constable Atkinson and he was off duty. (**Exhibit EC3 - Retained**)
- [REDACTED], Allister Hanvey's employer states that Allister Hanvey was on night duty on 2<sup>nd</sup> May 1997.  
Comment: Potentially, Allister Hanvey would have been available to take this call. (Part II, pages 196-196)
- [REDACTED] of Northern Ireland Electricity (Part II, pages 189-181) states that all employment records relating to hours worked and annual leave concerning Eleanor Atkinson and Kenneth Hanvey were destroyed in 1998. It has been established that Eleanor Atkinson was not on sick leave on 2nd May 1997.

### The conspiracy in the Atkinson house.

- In **Andrea McKee's** witness statement dated 25<sup>th</sup> October 2000 (**Exhibit JDMcC 16** at Part III, pages 111-123; Part II, page 218), she outlined how Michael and her had been approached by the Atkinson's to cover for a phone call from Atkinson's house. She stated that this happened around the time of Robert Atkinson being interviewed. The only people present at this meeting were Andrea and Michael McKee and Robert and Eleanor Atkinson. Andrea McKee claims that the details of the false alibi were invented by Reserve Constable Robert Atkinson and it was agreed that Eleanor Atkinson and the McKee's would make statements supporting this story. Andrea McKee stated "I have never discussed this with the Hanvey's but

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Robert [Atkinson] told me that he had spoken to the Hanvey's about it when the cover story was being planned".

- **Andrea McKee** has also admitted these facts during an interview after caution on 10<sup>th</sup> April 1997 in the presence of her solicitor. (**Exhibits JD 28 and JD 28A** at Part III, pages 80- 97)

- **Michael McKee**, during an interview after caution on 10<sup>th</sup> April 1997 in the presence of his solicitor, admitted making a false statement to cover for Robert Atkinson's phone call. He did not contradict Andrea McKee's statement dated 25<sup>th</sup> October 2000. Michael McKee stated during interview that he had never discussed any of this with the Hanvey's.

Comment: The McKee's now both state independently that they had no dealings with the Hanvey's about the false alibi to cover Atkinson's phone call. In considering the evidence of the McKee's on this particular point and by applying a process of elimination, it is reasonable to deduce that the Atkinson's must have been in contact with the Hanvey's because they were the only other people at the meeting in Atkinson's house and in a position to know about the story which would be given to the police to cover the phone call. This may explain how the Hanvey's were able to give that account introducing Michael McKee, to D/Inspector Irwin on 25<sup>th</sup> November 1997.

- On 9<sup>th</sup> October 1997, Robert Atkinson, was interviewed for the second time by D/Chief Superintendent McBurney and D/Inspector Irwin. D/Inspector Irwin, who recorded witness statements from Eleanor Atkinson and Michael McKee on the same date, recalls Michael McKee accompanying the Atkinsons to the station when Robert Atkinson attended for interview.

Comment: Robert Atkinson knew from the first interview on 9<sup>th</sup> September 1997 that he was going to be interviewed about the phone calls. Atkinson arrived at the police station on the 9<sup>th</sup> October 1997 with his telephone billing for the April/May period, which he had

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obtained himself from British Telecom (**Exhibit MI 14** – presently lodged with the Court Service regarding the committal in respect of Michael McKee and Andrea McKee). Atkinson produced this during the interview (See interview transcripts). In the context of the McKees' admissions, the fact that Michael McKee arrived with Robert and Eleanor Atkinson supports Andrea McKee's account about the conspiracy which was invented, discussed and agreed in Atkinson's house. For Michael McKee to accompany Robert Atkinson, there had to be a *'meeting of minds'* prior to the 9<sup>th</sup> October 1997.

- A copy of **Sean Hagan's office diary (Exhibit JDMcC 15** at Part III, pages 107-110) indicates that Michael McKee contacted his office on 27<sup>th</sup> October 1997. This is supported by telephone billings information obtained for this particular period (Retained). On 29<sup>th</sup> October 1997, Andrea McKee made her statement to D/Inspector Irwin in Sean Hagan's office and in the presence of Sean Hagan.

Comment: In the context of Michael McKee's admissions, it is circumstantially relevant that Michael McKee contacted Sean Hagan, Solicitor acting for Robert Atkinson, to arrange the taking of a statement by Andrea McKee. This fact alone indicates that Andrea McKee may have acted at that time out of a sense of duty to her husband.

- [REDACTED] (Part II, page 123) stated that at some point in 1997, she recalled, "**Andrea McKee telling me that Michael had to make a statement to cover for 'Robbie' Atkinson ringing Hanvey's house**". Clarke also recalled Andrea McKee telling her, "**that Michael's statement was all lies**".

The anonymous telephone calls received by Father Dooley and the late [REDACTED] in 1997

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- In 1997, **Father Dooley** was a local Parish Priest in [REDACTED]
- On 11<sup>th</sup> May 1997, Father Dooley was at the Parochial House at [REDACTED] when at 9.16pm he received an anonymous telephone call from a male caller. He recorded rough notes on paper at the time of this call and later re-wrote them in a more legible fashion. (Part IV, pages 1014 - 1017)
- Father Dooley's legible notes read as follows:  
*'four officers in the landrover - sleeping, had been on duty since 4pm and were on overtime and didn't want to be there. One of the officers owns/run a club [REDACTED] - Jameson enterprises - Atkinson by name. One of the arrested - Handy is involved in this karate club and it was he who felled Robert.'*  
Father Dooley's note shows that he then changed the name Handy to Hanvey.  
*'The police officers were wakened by the 2 girls with Robert. They saw people jumping on Robert's head. Name Stacy Bridget - charged. There were 3 men and one woman in the landrover. The woman was unable/useless to help/act. There are two weak links in this team - woman and a man officer (not Atkinson) They were detailed to be there to protect the people coming from St Patricks. Neglect of duty. Back up - out in the country. It should have been in the town but was not'.*
- On Father Dooleys original note he had written, [REDACTED] *'Sunday World'* and [REDACTED] Father Dooley states that the reason he recorded these names was:
  - the caller mentioned [REDACTED] and the Sunday World to him;
  - [REDACTED] is the person Father Dooley contacted on receipt of this information.

Comment: The content of the telephone call to Father Dooley indicates that the caller, although anonymous, had a knowledge of the

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facts surrounding the assault and the links between Reserve Constable Atkinson and Allister Hanvey and the Tae Kwon Do club.

- The late [REDACTED] Solicitor, was also in receipt of anonymous telephone calls in respect of this incident. In 1997, [REDACTED] acted for the Hamill family. [REDACTED] discussed the circumstances and details of these calls with [REDACTED] of the British-Irish Human Rights Watch Organisation who made her own notes of these conversations with [REDACTED] (**Exhibit JDMcC 13 - 14** – see also Part IV, pages 621 - 623). These phone calls contained similar information to that received earlier in the year by Father Dooley. In progressing this line of enquiry, [REDACTED], who declined to make a statement concerning this aspect of the investigation, was interviewed by **K** [REDACTED].

To date, Police have been unable to locate or identify the source of these anonymous telephone calls.

### **The further contacts between the Michael McKee and Robert Atkinson following the letter from Andrea McKee to Michael McKee in September 2000**

- On 14<sup>th</sup> June 2000, Michael McKee was spoken to and stated that there was no change in his original statement to Police in 1997.
- On 20<sup>th</sup> June 2000, Andrea McKee changed her story.
- In 26<sup>th</sup> September 2000, Michael McKee contacted D/Inspector Irwin and handed to him, a letter he had received through the post from Andrea McKee. At this time, Michael McKee was living with [REDACTED] at [REDACTED]. This letter, handwritten by Andrea McKee, stated that she had changed her story and had now told the truth to the police. The letter also contained the copy of a further handwritten letter dated 18<sup>th</sup> September 2000, which, Andrea

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claimed that she had sent the original to D/Inspector Irwin. (**Exhibit MI 1 Part III**, pages 148-152) D/Inspector Irwin stated that he never received this original letter from Andrea McKee.

- [REDACTED] states that she is aware of Michael McKee making two phone calls from public telephone boxes to the home of Robert Atkinson. She states one of the calls was made around the time that Michael received the letters from Andrea McKee stating that Andrea had changed her story and had now told the truth. As a result of McKee making this call, [REDACTED] recalled Robert and Eleanor Atkinson coming to their house in [REDACTED]. She recalled Robert speaking to Michael in a room in the house and Eleanor sat outside in the car. [REDACTED] was not present during the conversation between McKee and Atkinson. (Part IV, pages 1012 - 1013)

Comment: During interviews in 2001, Robert and Eleanor Atkinson both admitted to calling at Michael McKee's home at [REDACTED] as a result of receiving a phone call from Michael McKee. Robert Atkinson claimed that Michael McKee appeared to be having a nervous breakdown. Michael McKee stated during his interview that Robert Atkinson was concerned about *'what he [Atkinson] was going to do'*.

- On **5<sup>th</sup> December 2000**, Michael McKee contacted D/Inspector Irwin, stating that that morning, he had received a threatening letter along with a bullet in the post (**Exhibits DL5, 6 and 7**). At this time Michael McKee was living at his current address at [REDACTED] with [REDACTED]. The letter warned him to keep his mouth shut. Michael McKee (Part II, pages 159-160) gave no reason as to why he received this threat through the post at this time.

Comment: The source of this threatening letter has never been traced. While it is not possible to connect this directly with this investigation, in the context of what was happening around this investigation, the timing of this may be circumstantially relevant. In the context of

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Andrea McKee's admissions at that point, it was important for the conspirators to ensure that Michael McKee did not admit.

- During Michael McKee's interviews after caution on the 10<sup>th</sup> April 2001, he stated that he phoned Robert Atkinson's home on 5<sup>th</sup> **December 2000** after receiving this threatening letter to find out why he had received this. He stated that he did this from a public phone box situated in Gilford or Scarva. [REDACTED] has not made a statement but remembers McKee ringing Atkinson on that day. (Part IV, pages 1012 - 1013)
- On 5<sup>th</sup> **December 2000**, telephone analysis indicates that a telephone call was made from the Gilford Public telephone box, telephone number 0283831378, to the home of Robert Atkinson, telephone number [REDACTED]
  - **6.32pm for 2minutes 27 seconds**

### Arrest and Interview of suspects in April, May and June, 2001

On 10<sup>th</sup> **April 2001**, the suspects in this case were arrested and interviewed at Gough Barracks which, for the purposes of these interviews, was designated as a PACE Station.

**Robert Atkinson**, [REDACTED] was interviewed in the presence of his solicitor and his interviews were conducted as follows:

### Interview of Robert Atkinson - 10<sup>th</sup> April 2001

1223 – 1307 D/Sergeant McDowell and [REDACTED], WMcD1  
Transcript, **FPC1** Tape.

1307 – 1307 D/Sergeant McDowell and [REDACTED], WMcD2  
Transcript, **FPC2** Tape.

1311 – 1349 D/Sergeant McDowell and [REDACTED], WMcD3  
Transcript, **FPC3** Tape.

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2016 – 2042 [REDACTED] and D/Constable [REDACTED], **WMcD4**

Transcript, **FDS3** Tape.

2149 – 2232 D/Sergeant McDowell and [REDACTED], **WMcD5**

Transcript, **FPC4** Tape.

2233 – 2251 D/Sergeant McDowell and [REDACTED], **WMcD6**

Transcript, **FPC5** Tape.

Robert Atkinson's story remained unchanged and he was released on bail to appear at Lurgan Police station on **31<sup>st</sup> May 2001**. He was interviewed as follows:

### Interview of Robert Atkinson – 31st May 2001

1554 – 1637 D/Sergeant McDowell and [REDACTED], **WMcD11**

Transcript, **FPC11** Tape.

1641 – 1647 D/Sergeant McDowell and [REDACTED], **WMcD12**

Transcript, **FPC12** Tape.

On conclusion of these interviews with Atkinson his story remained unchanged was released on bail to appear back at Lurgan police station on **12<sup>th</sup> June 2001** for further questioning. He was interviewed as follows:

### Interview of Robert Atkinson – 12<sup>th</sup> June 2001

1554 – 1635 D/Sergeant McDowell and [REDACTED], **WMcD13**

Transcript, **FPC13** Tape.

An intrusive surveillance listening device to obtain evidence in relation to the conspiracy had been placed in Atkinsons home on 10<sup>th</sup> April 2001. During this final interview, he was questioned regarding comments recorded by this device (Exhibit **WMcD 13** Part III, pages 322 – 334). These have been transferred on to an audio tape. (Exhibit, **WMcD9**).

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While these recordings do not amount to direct admissions of guilt by Atkinson, they do imply that he had committed a criminal offence. In view of the fact that the conversations refer directly to this case, it could be argued that his comments are directly related to his guilt in making the phone calls.

Examples quoted are:

- "I haven't shot any body or went out and murdered anybody"
- "They are putting a fucking, they are fucking putting a few spanners in the works, boy, hopefully we can houl out now"
- "5 years in jail but anything better is a bonus."

Atkinson made no admissions and his story remained unchanged. He was released for report.

Eleanor Atkinson [REDACTED] was interviewed in the presence of her solicitor and her interviews were conducted as follows:

### Interview of Eleanor Atkinson 10<sup>th</sup> April 2001

1503 – 1545 [REDACTED], D/Constable Murphy, CP14 Transcript, CP1 Tape.

1546 – 1622 [REDACTED], D/Constable Murphy, CP15 Transcript, CP2 Tape.

2110 – 2129 [REDACTED], D/Constable Murphy, CP16 Transcript, FDS4 Tape.

Eleanor Atkinson's story remained unchanged and she was released on bail to appear at Lurgan police station for further interview on 31<sup>st</sup> May 2001. She was interviewed as follows:

### Interview of Eleanor Atkinson 31<sup>st</sup> May 2001

1236 – 1245 [REDACTED], D/Constable Murphy, CP20 Transcript, CP17 Tape.

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1300 – 1355 D/Constable [REDACTED] D/Constable Murphy, **CP21** Transcript, **CP18** Tape.

1501 - 1542 D/Constable [REDACTED] D/Constable Murphy, **CP22** Transcript, **CP19** Tape.

Her story remained unchanged and she was released for report.

**Kenneth Hanvey** [REDACTED] was interviewed in the presence of his solicitor and his interviews were conducted as follows:

### Interview of Kenneth Hanvey 10<sup>th</sup> April 2001

1231 – 1311 D/Constable Dickson, D/Constable [REDACTED] **JGD 6** Transcript, **JGD1** Tape.

1316 – 1400 D/Constable Dickson, D/Constable [REDACTED] **JGD 7** Transcript, **JGD2** Tape.

1518 – 1600 D/Constable Dickson, D/Constable [REDACTED] **JGD 8** Transcript, **JGD3** Tape.

1606 – 1641 D/Constable Dickson, D/Constable [REDACTED] **JGD 9** Transcript, **JGD4** Tape.

1916 – 1924 D/Constable Dickson, D/Constable [REDACTED] **JGD 10** Transcript, **JGD5** Tape.

Kenneth Hanvey's position remained unchanged and he refused to answer questions. He was released on bail to appear at Lurgan Police station for further questioning on **30<sup>th</sup> May 2001**. The interviews were conducted as follows:

### Interview of Kenneth Hanvey 30<sup>th</sup> May 2001

1152 – 1235 D/Constable Dickson, D/Constable [REDACTED] **JGD 14** Transcript, **JGD11** Tape.

1239 – 1324 D/Constable Dickson, D/Constable [REDACTED] **JGD 15** Transcript, **JGD12** Tape.

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1328 – 1333 D/Constable Dickson, D/Constable [REDACTED] **JGD 16**

Transcript, **JGD13** Tape.

Kenneth Hanvey's position remained unchanged and he refused to answer questions. He was released for report.

**Elizabeth Hanvey** [REDACTED] was interviewed in the presence of her solicitor and her interviews were conducted as follows:

**Interview of Elizabeth Hanvey 10<sup>th</sup> April 2001**

1500 – 1542 [REDACTED], [REDACTED], **MGR4** Transcript, **MGR1** Tape.

1544 – 1628 [REDACTED], [REDACTED], **MGR5** Transcript, **MGR2** Tape.

1945 – 2000 [REDACTED], [REDACTED], **MGR6** Transcript, **MGR3** Tape.

Elizabeth Hanvey's position remained unchanged and she refused to answer questions. She was released on bail to appear at Lurgan Police station for further questioning on **30<sup>th</sup> May 2001**. The interviews were conducted as follows:

**Interview of Elizabeth Hanvey 30<sup>th</sup> May 2001**

1018 – 1055 D/Constable [REDACTED] D/Constable [REDACTED] **JF3** Transcript, **MGR7** Tape.

1055 – 1136 D/Constable [REDACTED] D/Constable [REDACTED] **JF4** Transcript, **MGR8** Tape.

Elizabeth Hanvey's position remained unchanged and she refused to answer any questions. She was released for report.

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Allister Hanvey [REDACTED] was interviewed in the presence of his solicitor and his interviews were conducted as follows:

### Interview of Allister Hanvey 10<sup>th</sup> April 2001

1159 – 1243 [REDACTED], [REDACTED], AW5 Transcript, AW1 Tape.

1712 – 1755 [REDACTED], [REDACTED], AW6 Transcript, AW2 Tape.

1803 – 1843 [REDACTED], [REDACTED], AW7 Transcript, AW3 Tape.

2021 – 2037 [REDACTED], [REDACTED], AW8 Transcript, AW4 Tape.

Allister Hanvey's position remained unchanged and he refused to answer any questions put to him. He was released on bail to appear at Lurgan Police station for further questioning on 30<sup>th</sup> May 2001. The interviews were conducted as follows:

### Interview of Allister Hanvey 30<sup>th</sup> May 2001

1535 – 1618 J [REDACTED], [REDACTED], SMcC12 Transcript, CB7 Tape.

1728 – 1756 J [REDACTED], [REDACTED], SMcC13 Transcript, CB8 Tape.

Allister Hanvey's position remained unchanged and he refused to answer any question put to him. He was released for report.

During a search at [REDACTED] on 10<sup>th</sup> April 2001, a small quantity of cannabis was found. Tracy Clarke was arrested and interviewed at Lurgan Police regarding this. Neither Allister Hanvey or Tracy Clarke made any admissions in respect of this drug find. A separate report is being submitted to the DPP in respect of unlawful possession of a controlled drug.

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**Thomas Mervyn Hanvey** [REDACTED] was interviewed in the presence of his solicitor and his interviews were conducted as follows:

### Interview of Thomas Mervyn Hanvey 10<sup>th</sup> April 2001

1500 – 1543 [REDACTED], [REDACTED], MS1 Transcript, WY1 Tape.

1643 – 1725 [REDACTED], [REDACTED], MS2 Transcript, WY2 Tape.

Thomas Hanvey's position remained unchanged and he refused to answer any questions put to him. He was released on bail to appear at Lurgan Police station for further questioning on 30<sup>th</sup> May 2001. The interviews were conducted as follows:

### Interview of Thomas Mervyn Hanvey 30<sup>th</sup> May 2001

1523 – 1606 [REDACTED], [REDACTED], MS5 Transcript, MS3 Tape.

1608 – 1627 [REDACTED], [REDACTED], MS6 Transcript, MS4 Tape.

Thomas Hanvey's position remained unchanged and he refused to answer any questions put to him. He was released for report.

### Intrusive Surveillance

On the 10<sup>th</sup> April 2001, an intrusive surveillance strategy to gather evidence of the conspiracy by means of covertly placing a listening device at the home addresses of Robert Atkinson, Allister Hanvey and Michael McKee was implemented.

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This investigative action was authorised by a Surveillance Commissioner.

Due to the devices being compromised within the home addresses of Robert Atkinson and Allister Hanvey, the police operation was aborted on the 20<sup>th</sup> and 21<sup>st</sup> April 2001. During the course of the police operation, recordings were made on audiotapes, which are currently held by the Investigation Team.

There are no direct admissions to the conspiracy by any of the suspects on these audiotapes. The only material of relevance is contained on **Exhibit WMcD 9** (See interview transcript of Robert Atkinson dated 12<sup>th</sup> June 2001)

### Committal Proceedings McKee and McKee

At the time of submission of this report, Michael McKee and Andrea McKee have been returned for arraignment at Craigavon Crown Court on the 7<sup>th</sup> January 2002.

### Summary

The evidence in this case indicates that Atkinson clearly recognised Allister Hanvey at the scene of the incident, and at some point during the course of the incident, was in close proximity to Hanvey. It is also reasonable to deduce from the evidence that Atkinson also recognised Tracy Clarke at the incident.

Despite the fact that crucial witnesses withdrew their evidence in 1997, the fact remains that this evidence connected Hanvey with the assault and murder of Robert Hamill.

Atkinson did not disclose that he had witnessed Hanvey at the scene until it was raised with him by D/Chief Superintendent McBurney in 1997. It is clear that Atkinson was very close to the area of the attack and close to the area where Robert Hamill was lying on the road. The question of whether

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38/34(b)  
7.87

Atkinson saw Allister Hanvey assault Robert Hamill or D remains unanswered, and truly can only be answered by him.

It is reasonable to deduce from the evidence of the disorder (See Crime file relating specifically to the Murder) and Hanvey's involvement in this disorder, that Atkinson was in a position, had he chosen to, to provide vital evidence which could have also led to Allister Hanvey being investigated and proceeded against for his part in the affray.

In acknowledging the fact that Sgt **P89**, who did have Allister Hanvey identified to him by Atkinson, did not himself name Allister Hanvey in his first statement to investigating police, the fact that Reserve Constable Atkinson did not, becomes highly significant in the context of the Clarke allegation that he later 'tipped off' Hanvey "to get rid of his clothes".

Tracy Clarke is a central character in the core evidential issues, which lie at the heart of this case. In acknowledging the circumstances of why Clarke withdrew her evidence in 1997, and in anticipating her hostility towards giving evidence at any subsequent proceedings, the Director of Public Prosecutions should consider examining her compellability in the light of the evidence presented in this report.

There is a preponderance of evidence indicating that Allister Hanvey did possess a silver/grey coloured jacket, which he was wearing on the night in question. This evidence contradicts Hanvey's original assertion that he was wearing a black coloured 'CAT' jacket that night and which was supported by his parents and Thomas Hanvey.

Allister Hanvey has refused to make any comment during interview about the existence of this silver/grey-coloured jacket. To date, this jacket has not been found or recovered by investigating police and the preponderance of evidence supports the allegation that this jacket represented the jacket, which Hanvey disposed of. Jonathan Wright has not retracted his first statement. In acknowledging that the circumstances of his retraction of his second statement in 1997 may attract comment in relation to his own credibility, and in

## OUTLINE OF CASE\*

(Give **salient** facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.)

Whilst the aim should be to summarise the facts on one page, a continuation page may be used if it is necessary for the inclusion of all the salient facts.)

anticipating his hostility towards giving evidence at any subsequent proceedings, the Director of Public Prosecutions should consider his compellability similarly.

Michael McKee and Andrea McKee now state that they were not at the Atkinson home when the phone call was made at 8.37am on Sunday 27<sup>th</sup> April 1997. Robert and Eleanor Atkinson have not indicated or suggested that any other person was responsible for making that phone call or that there was any other reason for the call other than that which they presented in 1997.

Kenneth Hanvey told D/Inspector Irwin on 25<sup>th</sup> November 1997 that he received the phone call from Michael McKee on Sunday 27<sup>th</sup> April 1997. Elizabeth Hanvey was present during this interview. Elizabeth Hanvey believed that she received the phone call on 2<sup>nd</sup> May 1997 from Eleanor Atkinson and puts forward the same reason for the call as that which was put forward previously in October 1997 by Eleanor Atkinson.

Evidence presented in this report contradicts Allister Hanvey's account of his movements and what he was wearing on the night in question. Allister Hanvey's account on these particular issues were supported by his parents and Thomas Hanvey.

There are a number of important elements to the course of conduct acted out in this conspiracy:

1. The making of two phone calls from Atkinson's to the Hanvey's;
2. The disposal/disappearance of a Silver/Grey-coloured jacket;
3. The conspiracy between the Atkinson's and McKee's to provide false statements to investigating police to legitimate the phone call;
4. The conspiracy between the Atkinson's and Hanvey's to provide false information to investigating police to legitimate the phone calls;
5. The conspiracy between the Hanveys to provide a false statement in relation to Allister Hanvey's movements and clothing on the night in question.

OUTLINE OF CASE\*

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The evidential strength of this case lies in the inextricable link between the elements of the conspiracy set out above. The evidence in this report indicates that collectively, the actions of the suspects set out to prevent Allister Hanvey from detection and to later cover Atkinson's phone call when Tracy Clarke disclosed the existence of it and the motivation behind it.

Viewed in this way, the elements of the conspiracy cannot be seen in separation or isolation from each other. If these phone calls had been of an innocent nature, there would have been no reason for the involvement of a third party (the McKee's) and the invention and representation of a fabricated story surrounding the phone calls. The fact that a fabricated story was presented to the police and that Michael and Andrea McKee have now admitted their criminal complicity in this element of the wider conspiracy, the strong inference exists that there was no other reason for the phone calls other than that alleged by Tracy Clarke.

Disclosure

This report contains a preliminary disclosure schedule and further disclosure of material in all categories will be forwarded together with the Disclosure Officer's report when compiled.

I certify that all witness statements taken by police in connection with this investigation are included in this file

**EVIDENCE STILL TO BE OBTAINED\***

(Tick as appropriate. NB. Submission of reports should not be delayed by the absence of such evidence if a prima facie case can be established without it.)

POST MORTEM REPORT	
MEDICAL REPORT	
PHOTOGRAPHS	
MAPS	
OTHER (SPECIFY)	

<b>FORENSIC REPORT</b>	
<b>NIFSL CASE NO.</b>	
Alcohol	
Biology (fibres)	
Biology (body fluids)	
Biology (general)	
Documents	
Drugs	
Electrical	
Explosives (micro chemistry)	
Explosives (substances and hardware)	
Explosives (general)	
Firearms (chemistry)	
Firearms (hardware)	
Firearms (general)	
General Chemistry/Fires	
Marks	
Metallurgy	
Physical Methods	
Specialist Fingerprint Unit	
Toxicology	

Any comments considered appropriate in respect of the evidence still to be obtained should be included eg. where a Forensic Scientist has given a verbal indication regarding N.I.F.S.L. findings or where it is necessary to give an explanation of the potential significance of any evidence which is likely to be forthcoming.

**COMPLAINTS  
AGAINST POLICE\***

*(Delete as appropriate.  
Insert C&D reference if  
known)*

**ASSESSMENT OF  
WITNESS**

To be completed **only**  
when information of  
particular relevance is  
available.

eg. character credibility,  
attitude to person(s)  
reported, reliability, any  
disability affecting  
capability as witness, age,  
capacity to give evidence.  
State the quality of  
witness to a disputed  
identification.

State the involvement of  
witness in reported crime.

In the case of a child  
witness it should be stated  
whether, in the opinion of  
the investigating officer,  
that child will be deemed  
by the court to understand  
the nature of the oath.

**DETAILS OF  
WITNESSES WITH  
RELEVANT  
CONVICTIONS**

A COMPLAINT HAS BEEN MADE	YES	NO	C&D REF. NUMBER

Witness	Record Applied For	Attached Part IV
	YES/NO	YES/NO
Part IV, pages 418 - 430		

OTHER  
OBSERVATIONS

(Include any additional matter relevant for DPP consideration, eg. sectarian background of case, whether any other incidents linked to the present case are being separately investigated)

[Empty box for Other Observations]

RECOMMENDATIONS  
\* AS TO CHARGES  
AND PROCEEDINGS

(Stated shortly by reference to offences, I. P., date and venue)

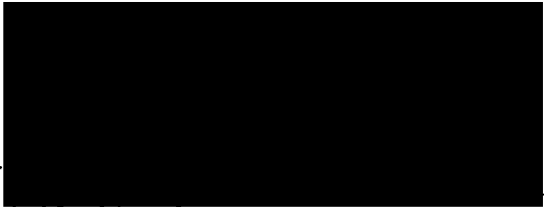
It is clear from the evidence and the inferences that can be drawn from this evidence that the suspects in this case collectively embarked on a course of conduct which had a tendency to pervert the course of public justice.

An independent investigation into matters arising out of the conduct of the original 1997 investigation is being conducted by the Police Ombudsman for Northern Ireland.

There may be matters arising from that investigation which have disclosure implications for this case.

Forwarded for the consideration and direction of the Director of Public Prosecutions.

Signature of Reporting Officer

Date:  26. 11. 01.