

Mr Kitson

ALLEGATION OF CRIMINAL CONDUCT AGAINST A POLICE OFFICER BY [REDACTED]  
SOLICITOR, ON BEHALF OF DIANE HAMILL, [REDACTED]

1. On 27 April 1997 at approximately 1.45 am Mr Robert Hamill, 25 years, of [REDACTED] was assaulted at the junction of Thomas Street and Market Street, Portadown. In the course of this assault he sustained severe head injuries.
2. He was removed from the scene to Craigavon Area Hospital and later the same morning was transferred to the Royal Victoria Hospital, Belfast, where, as a result of his injuries, he died on 8 May 1997.
3. A police investigation into the murder of Mr Hamill was carried out. The police investigation file was received at this office on 7 August 1997.
4. On 20 January 1998 a direction issued to prosecute Paul Rodney Marc Hobson on indictment for the murder of Mr Hamill.
5. The Attorney General, having declined to issue his Certificate, the matter came on for hearing before [REDACTED] in the Crown Court on 22 February 1999. Prior to the commencement of the trial the Crown, with the leave of the Court, added a count of affray to the indictment against Hobson.
6. Hobson pleaded not guilty and the trial proceeded as a contest and ran until 25 February 1999 when the Learned Trial Judge reserved judgement in the matter.
7. On 25 March 1999 [REDACTED] delivered his judgement in the matter. He acquitted Hobson of murder but convicted him of affray and sentenced him to 4 years' imprisonment. On 6 May 1997

[REDACTED] Solicitor for Miss Diane Hamill, sister of Mr Robert Hamill, wrote to the Complaints and Discipline Branch of the RUC at Gough Barracks, Armagh, as follows:-

Dear Sir

RE MY CLIENT - ROBERT HAMILL BY HIS SISTER DIANE HAMILL OF  
[REDACTED]

I refer to the above and confirm that I act on behalf of Mr Robert Hamill and his sister in relation to an incident which occurred in the early hours of 27 April 1997.

My client instructs me that her brother was seriously injured in an assault which occurred at the junction of Thomas Street/Market Street, Portadown on that date. My client instructs me further she has been informed that certain police officers witnessed this assault and did not intervene as promptly as possible. Our client would therefore wish to make a formal complaint in respect of the actions of the police officers involved.

I look forward to hearing from you.

8. Detective Chief Superintendent McBurney, Head of the Regional Crime Squad, Gough Barracks, Armagh, was appointed investigating officer in respect of this complaint.
9. The Complaint Investigation file was received at this office on 13 February 1998.
10. Following correspondence with [REDACTED] copies of statements from Vincent Dermott McNeice and Colin Martin Hull, who had not made statements to investigating police, were on 20 October 1998 received at this office under cover of a letter from [REDACTED] dated 19 October 1998. Both statements were typed on plain white paper. Both bore a typed signature and were dated but did not incorporate a declaration of any kind.
11. At the conclusion of the trial of Hobson transcripts of the evidence in chief and cross-examination of the witnesses, Reserve Constable Atkinson, Constable Neill, A \_\_\_\_\_, F \_\_\_\_\_, E \_\_\_\_\_, E \_\_\_\_\_, Mr Colin Prunty and Mr Morrow, Ambulance Driver, together with a copy of the judgment of the Learned Trial Judge were obtained for consideration.

EVIDENCE

12. Mr Thomas Gerard Mallon in a witness statement dated 12 May 1997 says that on the evening of Saturday, 26 April 1997 he went to St Patrick's Hall, Thomas Street, Portadown. He spent the evening there, where a band was playing and left at around 1.00 am on the morning of Sunday, 27 April. He walked alone along Thomas Street towards Market Street, which becomes High Street at the junction. The junction is in effect a staggered crossroads with Woodhouse Street being situated on the far side of Market Street/High Street and slightly offset to the right as one emerges from Thomas Street. This area is depicted on the maps GPM1 and GPM2 and in photograph albums ARN1 and ARN3.
13. Mr Mallon says that as he walked along Thomas Street he didn't see anybody but could see a police landrover parked on the Main Street, ie, Market Street, in a layby facing towards "the bottom of the town", ie looking towards High Street. At the same time he saw people walking both up and down the town along Main Street. He comments that there was a lot of noise about town. When he saw that the police were in the vicinity he decided to walk on. It was his intention to cross the Main Street and go down Woodhouse Street. As he approached the end of Thomas Street the landrover moved off slowly and stopped right in the middle of the junction of Woodhouse and Main Street. Just as it moved off he waved at them to attract their attention. He went to the landrover and a policewoman opened the front passenger's door. He told her it was likely that people would be coming from St Patrick's Hall, ie, along Thomas Street. As he turned to walk away he was approached by a number of youths, one of whom spoke to him in a way which made him feel threatened. This youth was carrying a glass bottle of "Buckfast" wine in his right hand. He told the youth that he was going home and didn't want any hassle. He walked away and as he did so become aware that a policeman had got out of the landrover. He doesn't know what the policeman did after that as he walked on down Woodhouse Street. He spoke to a young lad, Colin Hull, who had another man with him whom Mr Mallon knows only to see. He then walked on home.
14. Mr <sup>D</sup> \_\_\_\_\_ in a witness statement made on 29 April 1997 said that on the evening of 26 April 1997 at around 9.30 pm he went to St Patrick's Hall in Thomas Street, Portadown, in a taxi. He was with his <sup>E</sup> \_\_\_\_\_, \_\_\_\_\_ <sup>F</sup> \_\_\_\_\_ and \_\_\_\_\_ and her \_\_\_\_\_ He was wearing a blue and white shirt and navy Levi jeans. While he was in the hall Robert Hamill joined their company. He says that he had about 6 or 8 pints of Harp to drink over the course of the night.

and left the hall on foot intending to walk home with EF \_\_\_\_\_ and Robert. He states that he doesn't know at what time they left the hall but that it was after the Band had stopped playing. He remembers the four of them walking along Thomas Street in the direction of the Main Street intending to cross over and walk down Woodhouse Street. As he walked towards Main Street he remembers seeing a couple of people at the end of Thomas Street whom he can't describe. He states that as he walked onto the Main Street he was suddenly attacked. He remembers nothing about it except having woken up in hospital. He was detained at Craigavon Area Hospital where he was treated for a cut to the right-hand side of his head, concussion and cuts to his face. He also suffered bruising to his body and leg. He was released from hospital on the afternoon of Sunday, 27 April 1997.

15. E \_\_\_\_\_, E \_\_\_\_\_ states in a witness statement made 27 April 1997 that shortly after 1.20 am on the morning of Sunday, 27 April 1997 she left St Patrick's Hall in Thomas Street, Portadown, accompanied by D \_\_\_\_\_, F \_\_\_\_\_ and Robert Hamill, who is F \_\_\_\_\_. Robert was wearing a black ¾ length leather jacket and blue jeans. They walked from the hall along Thomas Street in the direction of the Main Street. As they walked along Thomas Street there were two other people a short distance in front of them. She is almost sure that these people attended the function in the hall they had left. As they approached the Queen's Bar these people were crossing the central reservation on Main Street, going in the direction of Woodhouse Street. She also noticed two fellows standing near the Instep Sports Shop on Main Street and a police "jeep" sitting parked on the opposite side of the Main Street facing towards the bottom of the town. She is not however able to say exactly where it was in relation to the junction of Woodhouse Street and Main Street although she believes it was on the lower side of the junction, ie, the High Street side. She describes what happened then as follows:-

"The next thing I remember was we were attacked by a crowd of people of around 20-30 persons. This crowd attacked Robert and D \_\_\_\_\_, they were kicked unconscious and I lay over the top of D \_\_\_\_\_ and I shouted for an ambulance, during this time I seen Robert getting kicked to the head by a crowd of people. I can't describe any of the people or their clothing, I could see Robert's eyes closed and I thought that he was unconscious, also there was no movement from him, he was lying on the roadway across from Eastwood Clothing. D \_\_\_\_\_ and I weren't far away, we would have been closer to the junction of Thomas Street and Main Street, I just put my head down and screamed

for an ambulance. I saw people standing outside the Queen's Bar and I remember a girl about 20 years old kneeling down beside me and asking if [D] was alright. I spoke to a policeman who had glasses and he told me to put [D] in the recovery position. I think this was around the time the ambulance had arrived. I cannot identify any of the persons who were involved in this incident. I later went in the ambulance to Craigavon Hospital with [D] and Robert. I cannot recall anything that was shouted, I believe that the crowd who were attacked them were Protestants."

16. E was called as a Crown witness to give evidence at the trial of Marc Hobson. Mr Kerr QC, who prosecuted at the trial of J Hobson, in his final opinion in respect of this complaint file says that E [E] gave evidence that when Mr Hamill and [D] were lying on the ground the police had not left the landrover. She said that a police officer spoke to her but that was "after the attack and all was over". She said that the whole attack was over very quickly. She denied that there was any trouble after the attack, or policemen involved with the crowd.

17. In a witness statement dated 27 April 1997 [F] states that on Saturday 26 April 1997 at about 9.30 pm herself her [D] [D], [D] and her [E] arrived at St Patrick's Hall, Thomas Street where a dance was taking place. At about 10 or 15 minutes later Robert Hamill arrived and joined them. They all remained in the hall until about 1.25 am on Sunday 27 April 1997 the four of them walked down Thomas Street towards the Wood Street area. They were walking on the Credit Union side of Thomas Street. When they reached the bottom of the street where it joins High Street she noticed two people standing at the corner. She described what happens next as follows:-

"As we started to cross the road to get to Woodhouse Street a crowd of about 30 people, the vast majority of them males, jumped on us as if out of nowhere. The next thing I saw was a lot of fellows kicking and punching Robert. He fell to the ground. I saw one or two jumping on his head, but I couldn't say how many times. A number of the other people who attacked Robert kicked him in the back."

18. She continues as follows:-

"The assailants then moved back a bit and I looked to my left and saw [E] on her knees. She was beside [D] and squealing "Get ambulance, get ambulance" there was a crowd of 5

or 6 standing a few yards away from them. I then took my cream jacket off and put it underneath Robert's head. He was having difficulty getting his breath at this stage. There was blood around his mouth and at the back of his head. Also I noticed a big graze mark on the right side of his head, just behind his ear. He was lying on his left side with his head resting on his left arm. Robert's body was positioned with his feet pointing towards Thomas Street and his head in the opposite direction, towards Woodhouse Street. [D] was lying flat on his back with his head pointed in the Market Street direction (towards High Street). I ran over to a police landrover parked at the entrance to Woodhouse Street and asked them to get help. The next thing I heard was a wee small policeman shout "there's an ambulance on its way" a few minutes later an ambulance arrived. Both Robert and [D] were placed in it. [E] and myself got into the ambulance as well and we were all taken to Craigavon Area Hospital. ...The only thing I remember about the people who attacked us was a guy wearing a black leather or dark coloured jacket of some sort. I can't remember anything else about this man and I can't describe any of the other attackers as it all happened so fast and I was down on my knees trying to help Robert. I didn't see any weapons of any type. When Robert was lying on the ground unconscious I heard someone shout "die you bastard, die you bastard" I just kept my head down then. ...Nothing was said or done by any of us to provoke this attack by these people."

19. [F] was called as a Crown witness to give evidence at the trial of Mark Hobson. In the course of her examination she confirmed her evidence to the effect that the persons who attacked Robert Hamill came "from nowhere and just started attacking." She said that there were at least 20 or 30 people around him kicking at him. In cross examination her evidence was that while proceeding along Thomas Street towards the junction her group of 4 was together but that Robert Hamill and [E] were 2 or 3 steps in front of her and her husband. She said that there was no possibility of Robert was ahead of the other three. She does not recall seeing anyone else who had been at the function walking home ahead of them. She confirmed that the attack took place as the group of 4 of them proceeded out of the mouth of Thomas Street and onto Main Street. She said that following the attack the group of 20 to 30 people remained at the scene and that she did not see any uniformed police officers while the attack was taking place. At no stage during the attack did she see any police officers trying to break up the trouble or groups. It was maybe 5 or 10 minutes after the attack on Robert had finished before she ran over to complain to the occupants of the landrover. She went and she thinks banged on the side of the landrover but got no response. The attack on

Robert was unprovoked. At no stage did she see groups of people fighting all the way across the main street. She did not see police officers getting out of the landrover to try and stop that fighting. She did not see or hear two groups taunting each other or cat calling or any other fights around the mouth of Thomas Street. After the initial attack on Robert and [D] there was no further attack by any of the crowd. The police, who were in the landrover remained in the vehicle for at least 5 to 10 minutes after the end of the attack.

20. On re examination by Mr Kerr, [F] said that she couldn't be 100% sure of the accuracy of the times which she had given but that she had tried her best.
21. Mr Colin Martin Prunty in a witness statement dated 8 May 1997 says that on Saturday night 26 April 1997 he was at a disco in St Patrick's Hall in Thomas Street Portadown with his girlfriend Maureen McCoy, having previously been at the Parkside Inn on the Garvaghy Road. During the course of the evening he consumed approximately 6 or 7 pints of beer. He describes himself as having been in good form but not drunk. He states that shortly after half past one on the Sunday morning he and Maureen left the hall to walk home. They were walking down Thomas Street on the footpath on the right hand side of the road towards the main street intending to cross over into Woodhouse Street. Ahead of them was a fellow called [D] with [E] and another girl called [F]. Ahead of them was Robert Hamill. He was on his own and about roughly 30 to 40 yards ahead of Mr Prunty. He knows both [D] and Robert very well.
22. They were just walking along and thought everything was safe enough because they could see the back end of a police landrover sitting in the middle of the Main Street. It was like diagonally parked facing towards where the Halifax Building Society would be.
23. Mr Prunty describes subsequent events as follows:-

"The next thing I heard a lot of people shouting, "get the Fenian bastards". I looked up and saw a crowd of about 30-odd people, mostly fellows, coming from the left of the Main Street, they were running and the front ones of the group had caught Robert Hamill and were dragging him down to the ground. He was lying on the road in front of the Thomas Street junction. He was lying there and was obviously out of it, unconscious because he wasn't able to defend himself at all. There was about a group of 15 to 20 kicking him as

he lay on the ground. They were kicking him violently all over him, his head, his body, his arms and his legs. They were shouting in a real angry way "kill him, kill him, kill the Fenian bastard."

[D] run down towards the crowd and I ran as well. I didn't see [D] getting hit but the next thing he was lying on the ground and not moving. He was unconscious as well. He was maybe about 10 yards from Robert Hamill. By the time I got down they were still kicking him all over. I think he was lying on his side and the blood was just pumping out of him mostly from about the back of his head. If anything there were more people kicking at him by the time I got there. They were still shouting "kill him, kill him," so I just ploughed into the middle of them to see what I could do to help him. I wasn't able to do anything for there was just too many of them. By this stage the police had got out of the landrover and were over at the crowd. There was either 2 policemen and one woman or 3 policemen and a woman. They ran in to try and stop it. One of the policemen actually pulled me back and as he was doing this I saw another policeman grab hold of one of the fellows in the group that was kicking Robert Hamill. He was wearing a Rangers scarf and he was taken away and put in the back of the landrover. He, like everybody else in the group, was kicking Robert, he was definitely kicking him but I can't say where. I am positive he was kicking him but amongst all the feet I can't say where he kicked Robert. When the police got involved they seemed to back off a bit. They didn't run away, in fact the most of them were standing laughing. By this stage my girlfriend, Maureen, had got in and was cradling Robert Hamill's head on her lap. When they were standing laughing at Robert there was a couple of bottles thrown. I got a Buckfast bottle thrown at me but it went past my shoulder. They were still shouting, "Fenian bastards," things like that. After 5 or 10 minutes I saw the fellow with the Rangers scarf being led out of the back of the landrover. He went back into the crowd shouting "up the UV" which I knew to be the UVF. I was surprised he had been let go and asked the policewoman if she had got his name. She never answered and I told her the fellow with the scarf was one of the people that had been kicking at Robert Hamill. Soon after the ambulance came and took Robert away. The crowd by this stage had moved up to outside the Queen's Bar. After Robert was taken away, I think [D] went in the same ambulance, I just walked on home. The fellow that I said was wearing the Rangers scarf was probably aged 20 to 25, roughly about 6 ft tall and had short dark hair. I don't know this fellow. What was distinctive about him is the scarf and how he was wearing it. The scarf was mostly blue with red and white bands running across it at

intervals. It was up tight to his neck in like a knot. The only other thing I can say about him is that he was wearing something light coloured, whether it was a shirt or a jacket I don't know. ..."

24. On 30 October 1997 ~~Mr~~ Prunty consulted with Mr Kerr in my presence at the Royal Courts of Justice in relation to the murder investigation in respect of Mr Hamill, which at that stage was still under consideration.
25. In the course of the consultation Mr Prunty said that following the attack on Robert and [     D     ] the police came. They had got out of the landrover when Robert was on the ground he added that police tried to get in to break it up but their actions had no effect since there were not enough of them. He said that his recollection was it was a further 5 to 10 minutes before police reinforcements arrived. He said that the man whom he had described in his statement was pulled into the landrover before the kicking stopped and when Robert was on the ground. This was at least 5 - 10 minutes after he was on the ground. He would say he was getting kicked for a good 5 minutes. He (Mr Prunty) went to identify him in the landrover when he was pulled in by police so it must have been near the end of the episode of kicking - his girlfriend was cradling Robert when he went to the landrover. He didn't see anyone else with a Rangers scarf. The scarf was tied up tight to his neck. Mr Prunty thinks he was wearing a jacket. He was tall, jet black hair, fringe down - gelled - clean shaven. He was in the landrover laughing. Mr Prunty said that he swung at him when he was in the landrover because he was laughing, shouting "Fenian bastard - up the UV." This man had been one of the people who were shouting "kill him" although he can't say on which area of Mr Hamill's body the man was kicking him..
26. Prior to releasing the man who had been detained in the landrover police established that he was Wayne David Lunt.
27. On 3 November 1997 in a further witness statement Mr Prunty said that on 31 October while in the Hamill house at [REDACTED] he spoke to Fiona and Diane Hamill. Three persons who had previously been charged with the murder of Robert Hamill had been released following the withdrawal of charges against them at Court that day. Diane and Fiona showed them a video tape which he believed to have been footage from BBC 6.30 news which showed 3 males walking out through a fenced area. Mr Hamill in his witness statement said that of the 3 males he recognised one as the person he had seen in the back of the landrover who was wearing the Rangers scarf. He pointed this person out to Diane and Fiona and they told him that this person was called Forbes, he looked at the video footage about 3

times and is certain that this was the person he had seen on the night of the murder of Robert Hamill.

28. The person identified by Mr Prunty was in fact Dean Forbes.
29. Mr Prunty gave evidence at the trial of Mark Hobson for the murder of Mr Hamill.
30. In the course of his examination in chief Mr Prunty said that as he walked along Thomas Street towards the junction of Market Street he didn't notice any persons about that area. He said that Robert was ahead of him and the others behind him. Robert walked down and the next minute a whole squad appeared out of nowhere and jumped him. He said that he thought these people came from the left hand side. [D] ran to try and help and was knocked straight to the ground.
31. The following exchange then took place between Mr Kerr QC and Mr Prunty:-
- Q. Can you say whether there were any policemen around?
- A. There was no police around.
- Q. Did they come to the scene?
- A. They came to the scene after Robert had got beaten up.
- Q. How many policemen were there that came to the scene?
- A. Two
- Q. Did either of the policemen do anything when they came to the scene.
- A. They broke the crowd up and they took one fellow away.
- Q. When you say that where did they break the crowd up? Where was the crowd in relation to either Mr Hamill or [D]?
- A. At this time they were still kicking at Robert.
- Q. So just to be clear at that stage the police came.
- A. Yes.
32. The Judge - You did say a moment ago that they came to the scene after Robert had got beaten up
- A. Yes. Once the kicking had stopped the police came on the scene then.
- Q. You then said that they broke the crowd up and took one fellow away. At this time they were still kicking at Robert?
- A. They broke the crowd up when the kicking had stopped.
- Q. Now you say that you saw policemen and you mentioned about some fellow what did you see them do in relation to some fellow?
- A. They grabbed a fellow and brought him down towards the landrover.

- Q. How would you describe that fellow?
- A. He was wearing a rangers scarf.
- Q. Had you seen that fellow earlier on?
- A. No
- Q. Did you see ~~that~~ that fellow do anything do anything?
- A. He was in the crowd that was kicking Robert.
- Q. Where did the police take him?
- A. To the landrover.
- Q. Apart from the crowd you have described and the police did you see anyone come to either Robert or [D \_\_\_\_\_]? Did anyone come to help them?
- A. The police?
- Q. Did anyone come to help Mr Hamill or [D \_\_\_\_\_]?
- A. Who like?
33. The Judge - I think the words come might be confusing did anyone go to the aid of either of the two men to help them?
- A. No.
- Q. Did you see [F \_\_\_\_\_] ?
- A. Yes.
- Q. Did you see [E \_\_\_\_\_] ?
- A. Yes
- Q. What were they doing?
- A. [E \_\_\_\_\_] was over with [D \_\_\_\_\_] and [F \_\_\_\_\_] was screaming for help.
- Q. At what stage was that?
- A. It was after all that happened.
- Q. Which stage was it in relation to the police coming and taking someone from the scene?
- A. The police came and took someone from the scene after the screaming had stopped.
- Q. Did the crowd break up after the police had taken someone from the scene or not?
- A. No.
- Q. What was the crowd doing at that stage?
- A. Just roaring and shouting.
34. Judge - Well were they shouting that after the attack had stopped?
- A. They were shouting it when the attack was happening.
35. Judge - Well you see your seem I mean its between you and Mr Kerr this but you seem to me to be talking about a time after the attack had stopped.

- A. I said that they were saying kill the Fenian bastard when they were hitting him.
36. Judge - I know you ~~were~~ saying that earlier and that is why I asked you but now you are talking as I understand it, am I right, Mr Kerr we are now talking about a time after the attack has stopped. Do you understand that?
- A. I said they were still roaring.
37. Judge - The same thing
- A. Yea.
- Q. Now the person who the police have taken out of the crowd after the police have taken him did you see him again?
- A. I seen him in the back of the landrover yea.
38. Judge - Where did you see him?
- A. In the back of the landrover.
39. Judge - In the back of the landrover you mean inside the landrover?
- A. Yea.
40. In the course of cross examination by Mr Orr QC for Hobson Mr Prunty said that the attack on Robert Hamill lasted for a good 10 minutes and was not over in a flash and that police came out of the landrover when they stopped kicking Robert.
41. He described as nonsense the suggestion that there were 2 groups of people catcalling each other and denied that there were fights breaking out the whole way across Main Street.
42. He was asked did the trouble break out again or was there just the one episode of beating which involved both Robert Hamill and D \_\_\_\_\_ . He replied that there was just the one episode.
43. He was asked by the Judge whether there were people following on from St Patrick's Hall as this was going on, he replied that he didn't know and said that he was not conscious of any groups of Catholics on the street.
44. Maureen McCoy in a witness statement dated 9 May 1997 says that at about 10.45 pm on Saturday 26 April 1997 she went with her boyfriend Colin

Prunty to a dance in St Patrick's Hall having walked there from The Royal Oak public house in Woodhouse Street. During the course of the evening she consumed 3 x ½ pint glasses of cider and 4 small bottles of Strongbow cider. Colin and herself left the hall 1.20 am on the morning of Sunday 27 April 1997. They made outside to get a taxi but were unable to get one and decided to make their way home on foot. They were walking up the middle of Thomas Street towards the junction with High Street. As they approached the British Legion Club in the Credit Union premises they were caused to stop by a female she knows as [F]. [F] said to her "Don't be going down there Maureen as there is a crowd down there". [F] was standing with [E] and [D]. [D] Also standing with them was another male person whose surname she knew as Hamill. She did not know his Christian name. She then looked down Thomas Street and at its junction with High Street saw a group of 10 to 15 male persons standing outside a baker's shop on the corner. Some of this group was looking up the street towards them while the rest were talking among themselves. She could also see a police landrover stationary on the High Street facing towards the bottom of the town. The landrover was also covering the junction of Woodhouse Street and High Street, particularly the lane that gives traffic access into the High Street from Woodhouse Street. She could see no police officers standing outside the landrover. She said to Colin "we will be alright Colin the police are down there", and Colin and she continued their journey on foot towards the group at the corner. As they got to within touching distance of the group she was aware that the Hamill fellow was behind her along with the [D] when for no reason at all, members of the group began to shout "Fenian bastards," several times and then they surged towards them making them all move into the road. She became frightened and scared and she knew that somebody behind her was being attacked by this group at the mouth of Thomas Street and High Street junction so for safety she ran across to the opposite corner of Thomas Street and stood outside the front of Eastwoods Clothing Shop with two other females. She noticed that the group of males that was outside the baker's shop had moved into the centre of Market Street opposite Eastwoods Clothing Shop. The group was very angry and agitated and vocally very loud. They appeared very aggressive and threatening and she knew that an act of violence was taking place on a person or persons by the way the members of the group were punching and kicking. She did not know who the victim or victims were. A short time later she ran across Market Street and stood near to the Alliance and Leicester Building Society looking towards the group and they began to run towards the direction of St Mark's Church.

45. She then saw a male person lying unconscious in the centre of Market Street and she ran over to him, to give him assistance. On reaching him she saw a pool of liquid underneath his body and around his sides. This person whom she did not know was lying on his left side with his face towards the ground. She then looked across to Eastwood's Clothing Shop and on the corner of Thomas Street she saw [E] giving assistance to another male who she assumed to be [D]. On returning her attention to the male person she was with, she was aware of police officers to her left. [F] then shouted across to her, "that's our Robert, watch him," which she continued to do. She was then joined by [F] and it was then she saw that the group of males was coming back towards them, so Colin came over to her and moved her back across to the front of the Alliance & Leicester building. She refused to stay with Colin and went back over to [F] and Robert. She stayed with them until the ambulance arrived and at this she was fully aware that the group of males were close to them and they were shouting various things. At this time she was crying and upset and she heard one of the group shout, "I hope he dies the Fenian bastard." Once the ambulance arrived and took Robert away she walked over to the police landrover and spoke to a blonde haired policewoman. She remarked to her that the events that had taken place were terrible and uncalled for. She made no reply. One of the doors of the landrover was open and upon looking inside she saw a male person sitting inside. Even though he was sitting down, he appeared tall and to have long legs. He was wearing a light coloured jacket and blue jeans. This person was not aggressive. He was also wearing a Rangers Football Club scarf around his neck. The policewoman then closed the landrover door. Approximately 2 or 3 minutes later the same policewoman opened the landrover door and said, "right you, out," and the male person she had seen inside, got out and ran towards the group that had caused the trouble. She said to the policewoman, "what did you do that for." She made no reply. Miss McCoy left the scene with Colin and made her way home.

46. William Terence David Jones lives on a first floor flat in Thomas Street overlooking the junction of Thomas Street and Market Street/High Street. In a witness statement dated 16 May 1997 he states that on Sunday morning 27 April 1997 he was at home along with his girlfriend Carol Ann Woods. At approximately 2 o'clock am he heard loud voices coming from the direction of the British Legion area of Thomas Street. He looked out of his window and saw 3 or 4 men running down Thomas Street towards Market Street, they were in the middle of the road. Also in this group of men there were 3 women. One of the men he describes as being approximately 5'10" medium build, dark short hair and wearing a black leather jacket.

which was waist length and black trousers. He adds that he is not sure if the trousers were of jean material. He describes another of the men as approximately 5'8", light build, dirty fair hair, short, wearing a gray jumper which had a pattern all over it and wearing light coloured blue jeans. He had these persons in his view for approximately 20 seconds and they would have been 15 yards away from him at the furthest point and approximately 5 yards closest. He states that the street lighting in Thomas Street is particularly good and that on the night in question the weather was fine and dry. These were the only persons in the street when he was looking out at this time he had never seen any of these persons before.

47. He then saw the person dressed in the leather jacket running down Thomas Street towards Market Street. As he approached the junction of Thomas Street/Market Street he hit out with his right arm and appeared to connect with a person who was standing at the junction. The assault appeared to be on this person's face. It was at this point that he realised that it was his girlfriend's brother who was the victim of the assault. He and Carol Ann then went downstairs to see if her brother was alright. When they got there he was standing only feet from the front door they brought him in and they all went back upstairs. They inspected his face and it appeared to be fine.
48. Mr Jones then went back over to the window to look out and at this stage saw "these people" lying on the road. He adds "I know that it was the first two persons that I had described". There appeared to be approximately 15 to 20 persons running around at this stage and 2 girls appeared to be kneeling over the 2 persons in Market Street. At this stage the police had arrived and had appeared to be pushing the crowd back up towards the church area. He comments that this whole incident lasted approximately 2 to 3 minutes.
49. In his further statement dated 29 May 1997 Mr Jones adds that when Carol Ann and he went downstairs to bring her brother in he could hear people shouting abusive remarks at each other. These remarks were phrases such as "Orange bastards, Fenian bastards, up the RA and up the UVF". He states that when he returned upstairs he did not look out again until he had checked David for injuries. When he did look out the fight was over and the police had arrived. From taking David into the flat and until he looked out was no more than 2 minutes. The police vehicles he saw when he looked out after checking David for injuries were a landrover and dark Sierra.

50. Mr Jones' girlfriend Carol Ann Woods in a witness statement dated 16 May 1997 said that at approximately 2 am David and she heard shouting and the sound of people running in the street below. They both went to the window. David got there first. She could see a crowd of about 5 people standing in Thomas Street just about Eastwood's shop there were 2 women in this group of 5 people and 3 grown men who she would put in their early thirties. There was another group of about 7 people who were mostly male standing in Market Street just opposite Thomas Street. There was no shouting between these 2 groups and she got the impression that the group in Market Street and the group in Thomas Street were friends. David drew her attention to her brother who was standing a few feet away from her front door David said that someone had hit him she immediately went downstairs and brought her brother in. They then went back upstairs. After a few minutes she went back over to the window and looked out and could see 2 men on the road at Market Street. They were both on the Thomas Street side of the central reservation. One of the men was sitting up, the other man was lying on his back and there was a woman with him who was screaming. She saw a policeman approach the man who was lying on his back with the woman. The woman was screaming abuse at the policeman but she cannot remember exactly what she said. The ambulance arrived and she came away from the window.
51. She can not describe the 5 people who she saw in Thomas Street before her brother got hit except one was wearing a black leather jacket. The man in the black jacket was the same man she saw later lying in Market Street when he appeared unconscious.
52. In a further witness statement dated 19 May 1997 Miss Woods states that when she went down to the communal door of her flat to get her brother David she was aware of some sort of fight going on at the junction of Thomas Street/Market Street but took no notice of it as she was trying to get her brother of the street. It would have been at the most 5 minutes later that she looked out of the window again and saw the man in the black leather jacket lying unconscious in Market Street and the other man sitting in the road. She did not remember the exact words of abuse that were shouted by the woman who was with the man in the leather jacket when he was on the ground but states that it was something like "get away you black bastard, this is all your fault". She states that this woman shouted other remarks, however she cannot remember what they were.
53. In a further witness statement dated 3 July 1997 Miss Woods states that she called at RUC station on that date in relation to an allegation of inactivity by police at Market Street/Thomas Street on 27 April. She

states that she first went to the window because of the noise. She recalls shouting. The only thing that sticks out in her mind is the words "Orange bastards". Having taken her brother indoors she would have been in the kitchen with him for "a few minutes" she then again looked out of the living room window and it was at this stage that she saw the woman sitting beside the injured person on the ground. She saw a policeman and she believes a policewoman as well. There were definitely 2 police there. The woman kneeling on the ground "got tore into" the police person who had approached them. She was shouting and appeared angry. Miss Woods says that she can not recall exactly however it was to the effect of "get away you black bastards it all your fault" she kept shouting in the direction of the police. That particular police person walked away from this woman. At this stage there was no crowd round this woman or the injured person.

54. P45 \_\_\_\_\_ on 9 May 1997 made a witness statement in which he states that on Sunday 27 April 1997 he was in bed asleep when at around 1.45 am or thereabouts he was awakened by some commotion outside. [REDACTED]

Portadown. He thought it was a disturbance in the pub below him. He got out of bed and when to look out of the living room window which affords a view out on to Thomas Street and its junction with Market Street. On looking out initially he saw a number of people (4 or 5) around one person who was lying on the ground. These people appeared to be kicking the person on the ground. He seemed to be unconscious and lying on his back. He was making no effort to defend or protect himself. There was a racket in the street, it was shouting and screaming but he couldn't make out what was being said because of the general din. There appeared to be other skirmishes going on as well as this particular incident. There was running about and jostling by quite a few people. He could see a police landrover parked over on the other side of Market Street near the Alliance and Leicester. There were people near it and as the police went towards them they backed off. There was a general running about and more going on in the direction of St Mark's Church which he couldn't see. A second police vehicle arrived. He is not sure at which point this happened. He was looking out through the open window and 2 or 3 times left the window, certainly once to get a dressing gown to put on. He remembers the man who he had seen lying on the ground being cradled by a woman and when the ambulance arrived the ambulance man went to him first then another person who he couldn't see - this other person was put on to a stretcher and put into the ambulance. The man he had seen was helped to his feet and walked to the ambulance. He also saw the police put a man into the back of the landrover but he couldn't say if that person was the one who was kicking at the man lying on the ground or not. The entire incident lasted about

half an hour. [P45 \_\_\_\_\_] finishes his statement as follows " I do recall something like when the police were trying to help the man on the ground some of those around were still trying to kick at him but were pushed away."

55. Mr Steven Thornbury in a witness statement dated 28 May 1997 states that on Saturday 26 April 1997 that at 6 pm he commenced work as a part-time bar man at Jamesons Bar, Thomas Street, Portadown, the last customers left the premises approximately 1 am on Sunday 27 April left on the premises with him were Beverley Irwin , [REDACTED] and Julie Sherwood. He cleaned up with the other staff and while he was doing this Beverley came into the lounge and said there was a crowd coming down Thomas Street. He assumed that these people were coming from St Patrick's Hall further up Thomas Street. He heard fellows shouting but he couldn't say what they were shouting as they walked past the front of the bar. He didn't have a view of them because of the stained glass and the window shutters which were down. As these people walked past the windows were banged and the shutters were banged also. He carried on with the cleaning up and looked out the side door of the lounge about 5 or 10 minutes later because he could hear a commotion at the end of Thomas Street with High Street. Beverley was with him at this time. He only looked out for a short time and he saw a crowd of people at the bottom of the street. There was a lot of shouting going on there were 2 groups of people squaring up to each other. He didn't know anyone in the groups. He was 100 to 150 yards away and he only popped his head out and back in again. He worked on behind the bar when he came back in. He could hear the commotion getting louder and he went down to the toilet windows and looked out. It was a short time after that he had looked out through the doors although he can't say how long it would have been. When he looked out the toilet window he thinks all the staff were there. When he first looked out he saw two boys lying on the street - one was lying in front of Eastwood's clothes shop, the other was lying at the end of Thomas Street near to the bakery. He saw the police in the middle of the road. There was a landrover on the Woodhouse Street side and there were people behind the rover on the Woodhouse Street side. There were only about 2 policemen there one may have been a woman, they were trying to keep the 2 groups apart. The other group were on the upper side of Thomas Street that is towards St Mark's Church. There was a woman with a fellow who was lying in front of Eastwoods. She was kneeling down beside him. There was lots of shouting going on between the groups. He looked out for about 5 minutes and then went back to the bar. The staff were planning to go home but didn't want to leave until everything had quietened down. He could hear shouting going on and went down again and looked out the toilet window, he saw an

ambulance on the street and the fellow that was nearer to Eastwoods was being put into the back of it, he went back into the bar again about a minute or so later and it was shortly after this he went back again and looked out the toilet window. He saw a policeman with a baton gun and a few others in the middle of the street. They were facing up towards the church, they were moving a crowd back. He felt it was safe enough to leave the bar and they left at approximately 2.30 am.

56. Vincent Dermott McNeice in his witness statement provided via [REDACTED] office and dated 19 May 1997 says that on 27 April 1997 he left McKeever's Bar in Woodhouse Street Portadown with Colin Hull. He was going up Woodhouse Street to see if Boss Hoggs chip shop was open. He heard screaming, and proceeded right to the top of the street. There was a police landrover near the top of Woodhouse Street and he saw [D] [REDACTED] lying on the road at the bottom of Thomas Street and Robert Hamill lying on the road 20 yards away from him. There was a girl at the landrover screaming for help.
57. There was a crowd in the middle of the road of about 30 people. There were no police about except for those in the landrover. Mr McNeice went over to [D] [REDACTED] and put his coat under his head. They waited for the ambulance. The police made no effort to help the injured men at all and it was only when the ambulance came that they got help. Mr McNeice states that he went in the ambulance with [D] [REDACTED] to hospital.
58. Mr McNeice then states that he couldn't identify anyone who was attacking the boys but he can say for definite that the RUC would have seen what was going on and made no effort to give any assistance to the injured men.
59. Colin Martin Hull in his statement provided via Mrs [REDACTED] office states that on 27 April 1997 he was in Charlie McKeever's pub in Woodhouse Street, Portadown. He left at about 1.30 am and headed for the top of Woodhouse Street to see if Boss Hoggs fast food bar was open as he wanted something to eat. As he approached the Royal Oak Bar in Woodhouse Street he could hear screaming and shouting coming from the centre of the town.
60. He then walked to the top of Woodhouse Street and turned right towards the centre of the road and went towards Eastwood's clothes shop. He walked past a RUC landrover which was parked outside the Halifax Building Society. None of the police personnel were outside the landrover.
61. He saw 2 people lying on the ground about 10 yards from the landrover. There was a crowd of about 30 people and they were kicking and beating the

- 2 people on the ground. Two girls threw themselves on top of the people who were being beaten he went over to see if he could help and he was attacked and punched and kicked. He fell to the ground. These people were shouting "Fenian bastard". "This is our town. You shouldn't be here." This happened so quickly that he couldn't describe any of his attackers. He managed to get up and run to the far end of the street.
62. He went back over to [D \_\_\_\_\_]. The crowd had stopped beating him but remained at the scene.
63. He went over to see how Robert Hamill was and he was unconscious. He stayed with him for about 10 minutes as the crowd was only about 10 yards away from him. The crowd kept calling them Fenian bastards. One man made another run at Robert and he grabbed him and threw him away. He returned to the crowd but at no stage did the RUC leave their landrover - nor did reinforcements come while the attack was happening. This episode lasted about 15 minutes. One girl banged the back of the RUC landrover pleading for help. The RUC ignored her.
64. An ambulance eventually arrived and he helped the ambulance crew to lift Robert onto the stretcher. The RUC left their jeep when the ambulance arrived and stood in front of the gang of youths.
65. Mr Hull finishes his statement by saying "in my view the RUC could have left their landrover or called reinforcements as the RUC station is only about 2 minutes walk from the scene of the attack. Instead they did nothing. At no stage did the RUC come under attack."
66. Four police officers, the crew of a landrover, were in the vicinity of the junction of Woodhouse Street/Market Street and Thomas Street at the time of the assaults on Mr Hamill and [D \_\_\_\_\_]. These were Constable Alan Neill, [P40 \_\_\_\_\_], Reserve Constable Robert Atkinson and R/Constable Denise Cornett who has since married and is now Reserve Constable [REDACTED]
67. Each made a witness statement in relation to the matter on 27 April 1997, which was prior to the receipt of [REDACTED] letter of complaint.
68. Following the initiation of the complainants process Constable Neill and [P40 \_\_\_\_\_] assisted the investigating police in repositioning their landrover at 3 specific locations at which it had been stationary on the night of the assault. In this regard I would refer you to map GPM2 on which these locations are marked LR1 LR2 and LR3.

69. I would refer you also to map GPM2 on which a number of relevant buildings are identified at A-G and to the two albums of photographs of Portadown town centre marked ARN1, ARN3 and PRM1.
70. Constable Alan Keith Neill in his witness statement says that he is a constable in the Royal Ulster Constabulary stationed at Portadown RUC station. On 27 April 1997 at 0010 hours he was detailed JD81, landrover crew, along with Reserve Constables Cornett, Atkinson and P40. Their duties were public order in the town centre. Approximately 0140 hours they were parked in Market Street when they observed approximately 50 persons coming up High Street towards Market Street/Woodhouse Street and Thomas Street on the Thomas Street side of High Street. Some of these had already cleared the junction and Constable Neill decided to have a look down towards Boss Hoggs. As he moved from Market Street into High Street a male approximately mid thirties crossed the road in front of them mouthing something. Reserve Constable Cornett opened her door and the male said "there is a crowd coming down Thomas Street from St Pat's". At this time he was aware of 2 youths coming from the Halifax. They approached the male who had spoken to the police officers in the mouth of Woodhouse Street. One he knew as Stacey Bridgett was face to face with the male. This had been unprovoked. Reserve Constable Cornett shouted out at Stacey and the other youth who then walked off. The male then proceeded down Woodhouse Street and the youths came over and spoke to reserve Constable Cornett. Constable Neill noted that Stacey had a bottle of cider in his hand, which he believes was Old English. He is not aware of the other youth's name but knows him to see. He is 5'9", thin with short brown hair. He made the remark that he was a painter and that he had given his name to the owner of the Coach Inn in hope of a job in the Seagoe Hotel. At this time Constable Neill's door was opened and a male, approximately mid thirties, started pulling at him. At this time the landrover was stationary at Woodhouse Street across the give way lines with the nose of it pointing inwards. This male was wearing a blue/green casual shirt, had short hair and was of stocky build. As he was pulling out Constable Neill he said "you sat there and watched that happen". Constable Neill was not aware at this time what he was talking about. At the same time there was a lot of shouting from behind. Constable Neill got out of the landrover and observed what appeared to be more cat calling than anything at the end of Thomas Street. He would say that there was approximately 8 to 10 persons, male and female, who appeared to come from Thomas Street trying to make their way across into Woodhouse Street and approximately 30 or more taunting and getting on. A free for all then started in a matter of seconds in Market Street, there were a number of

fights going on. He observed one outside Eastwood's clothes shop, where there appeared to be 3 on one. He then made for this. He was not aware of who they were. He managed to separate these persons and remove one to safety to Woodhouse Street. This male was in his twenties and was wearing a white/cream type leisure top with short zip at the throat. As he was in Woodhouse Street with this person another male came from behind him and punched this person on the face. He then grabbed this male and took him to the landrover. The male would not give him his name but he was late teens, early twenties, black hair. There was then another fight started near him. Reserve Constable Cornett was at the side of the landrover. Constable Neill separated this fight. They were still awaiting backup to arrive at this time when Constable Neill observed Reserve Constables Atkinson and [P40] in Market Street. It was at or about this time that he became aware of 2 persons lying in Market Street outside Eastwoods and the other more at the mouth of Thomas Street. There were a couple of women tending to them. He went over to them, both appeared unconscious. The male outside Eastwoods was breathing, rasping and was lying in a pool which Constable Neill immediately believed to be blood and checked this person but could not see any cuts. He then remembered having seen a bottle smashed in this area. He then realised that it was alcohol on the ground and that he had seen a male, early twenties, going to lift a piece of glass. This was not the same person who was lying on the ground. He had been coming from the church side towards the glass going to lift a piece and a person who he believes was the injured male, running at him. Constable Neill is not sure where he was or at what stage this was in the whole event. He had spoken to Reserve Constable Cornett and told her to get an ambulance and then tried to assist in getting the crowd back up the street. During this a male, late twenties, round face with a goat beard and very short hair, wearing a leather type soft casual waistcoat, was near him and he saw him kick at the injured man he now knows as Robert Hamill. The male with the goat beard was moved back as best possible. Other police had arrived at this stage and were standing with Rory Robinson, twenties, short black hair, thin with pointed features. Both these people were taunting injured people and those that were looking after them. Robinson was moving back and forward across the line trying to get through. Constable Neill became aware of [A \_\_\_\_\_] having words with a male and went to assist her. This person was wearing a scarf pulled up over his face and a track suit top. Constable Neill now knows this person as Wayne Lunt. He was taken back to the landrover by himself and [A \_\_\_\_\_]. After this he saw Stacey Bridget with blood around his mouth. He again assisted up the line trying to move the crowd up back towards West Street. Robinson was still in the front line and squared up to him on a couple of occasions when asked to move back, drawing his arms

behind him he also saw P51 of [REDACTED] in this crowd wearing a denim type jacket and jeans, he appeared to be injured. The situation calmed down somewhat after this. He remembers during this a particular group of people, he believes Reserve Constable Atkinson was involved, also the male with the ~~goat~~ beard and the leather waistcoat was involved, he was involved in assaulting someone in the group. Constable Neill tried to get this person off and he had to strike him with his baton. He believes he struck him on the leg. This had occurred during the main fracas but he is not sure exactly when. From start to when the ambulance left he would say was half an hour.

71. Constable Neill gave evidence as a Crown witness at the trial of Mark Hobson.

72. In the course of the examination in chief he stated that the position of his landrover was at LR1 as depicted on the map. He said that when he saw people coming from the bottom of the town he decided to go down High Street towards Boss Hoggs take away which was on the other side of the street and that they moved out to go down to have a look down there. As he moved out the man walked across the road in front of him and mouthed something at them. As a result the landrover stopped at position LR2. Following the confrontation between this man and the 2 men who had come along High Street he moved the landrover into position LR3. He explained in evidence that whenever he saw the two men approach the man who had spoken to police he was sort of past the turn into Woodhouse Street so he just turned across so that it was still possible to see what was going on. He stated that the conversation with the two men which took place at the door of the landrover lasted for perhaps a minute or two. And that when he was pulled out of the landrover he noticed that as far as he could remember there was a female somewhere behind the man who had pulled him out shouting at them as well. She was shouting the same sort of thing "everybody sat and watched this happening". He stated that they still didn't know what these people were talking about at this stage. He confirmed that when he exited from the landrover he saw a crowd of approximately 40 people at the junction of Thomas Street. They were spread right across the road from the buildings to the middle of the road. There was a lot of cat calling going on between them. There were 2 groups - the larger group was the Protestants and the Nationalists were the smaller group, say 8 to 10 standing sort of separate from the larger group. The Protestants were shouting "Fenians" "Fenian bastards" and this that and the other and the Catholics were coming back with the same at them. At this stage Reserve Constable Atkinson and P40

P40 had both got out of the vehicle and Reserve Constable Atkinson had

come round towards Constable Neill and he had gone round towards Reserve Constable Atkinson. They were at the driver's side of the land rover towards the back. As they were standing there a fight broke out right across the street.

73. Constable Neill then confirmed that he had intervened in a fight in which one man was being attacked by 3 and pulled the man away across the road and into Woodhouse Street. He could not recall whether he was with any other officer when he did this. When in Woodhouse Street this man was assaulted by another man whom he then removed to the landrover. When he returned to the landrover he saw that there were bottles being thrown and one smashed on the top of the landrover. Reserve Constable Cornett was at the landrover on the radio. There were still fights going on right across the street. As far as he could remember the numbers had gone up at that stage because there had been people coming up from the bottom end of the town. He was looking for Reserve Constable Atkinson and P40 P40 to see were they where because he was concerned for their safety. He saw Reserve Constable Atkinson involved in one of the fights sort of in and around the area of the pelican crossing and the centre reservation area he went to assist Reserve Constable Atkinson. He said that he couldn't put things into chronological order and doesn't know whether it was at that stage that he saw a body lying on the road. There had not been a body lying on the road when he had earlier been over towards Thomas Street to grab someone from the fight. The first time he saw a body on the road was after he had been in Woodhouse Street and as far as he can remember after having brought the man from Woodhouse Street to the landrover. He would say that when he saw the body he was in and around the landrover making his way back over towards Reserve Constable Atkinson. He initially had seen only the one body but became aware of the other one as he made his way across. He went and rendered assistance to Constable Atkinson and after he had done so, as far as he can remember, he made his way to the body that was lying outside Eastwoods that is to say Mr Hamill. Mr Hamill was alone at that stage. Constable Neill checked his condition. There was still fighting going on but there was nobody in that immediate area at that particular time.

74. He remembers also being involved in a fight near to that area-between 10 and 30 feet from there. He was uncertain whether this was before or after he had made his way to Mr Hamill. It was during this that he saw the man with the goat beard standing in the area of Mr Hamill's head and shoulders kicking at him. He later saw this person in another fight in which Reserve Constable Atkinson was involved. Constable Neill went to extricate the Reserve Constable from that fight and recognised the man

with the goat beard as being the same man who had been standing over Mr Hamill. Constable Neill struck him with his baton. He became aware of an ambulance after it had arrived. Things had calmed down by the time it left and when the other ambulance came to assist them they were then able to try and push the Loyalist crowd back up Market Street. Prior to the arrival of the ambulance the crowd had come down from the church and were just right on top of them and right beside Mr Hamill. He, [P40] [P40] and Reserve Constable Atkinson were holding the crowd and pushing them back.

75. In cross examination by Mr Orr, Constable Neill said that he recalled that before seeing Mr Hamill on the ground he saw 2 men running towards one another one was coming from the direction of the church and the other from the direction of Thomas Street. The man coming from the church direction had a bottle or a bit of bottle in his hand. He believed that the person who was lying on the ground ie Mr Hamill, had been the person who was running towards the fellow with the bottle. Although he could not say for sure that it was Mr Hamill. The men had appeared to be going to oppose each other, to get into a fight. He didn't see the actual fight take place but it was after that he saw Mr Hamill on the ground and there was alcohol and glass in that area, just beside him. This was what had brought it into his mind. This would have been after he had pulled the man out of the other fight and taken him into Woodhouse Street.
76. In response to question from the trial judge Constable Neill said that after fighting had broken out at the junction of Thomas Street there would have been 4 or 5 separate fights taking place.
77. In response to further cross-examination from Mr Orr, Constable Neill said that he was aware of the junction of Thomas Street and Market Street was a flashpoint and that, having regard to what had been said to him by the man who had stopped the landrover, he would have been anxious to make sure that the presence of his landrover was going to prevent any disturbance there that night. He said however that he did not give any instructions on foot of what he heard as he moved the landrover from position LR2 to LR3. He said however that he did look up Thomas Street when he was at LR2. He accepted that the only persons in the landrover who could have kept an eye out for any potential trouble at the mouth of Thomas Street were the 2 Constables in the back. He did not give an instruction to either of the officers in the back to keep an eye out of the back windows because Reserve Constable Cornett had told him what the man who had stopped the landrover had said. When asked if once she had said this to him he made sure that one of the occupants of the landrover at least was

looking back for the potential trouble spot he replied that he had already checked Thomas Street but there was nobody coming down it at that time.

78. He was asked by Mr Orr if he would not have been making sure that someone was checking to see what was happening at the junction of Thomas Street and Bridge Street. He replied that he would take it that they were looking out the back. It did not occur him, once the small group of 3 people had gone, to get out of the landrover to see if anyone was coming down Thomas Street nor did it occur to him to manoeuvre the landrover into Woodhouse Street so that he would have a clear view through the windscreen of the junction of Thomas Street and Market Street. The conversation with the two men at the landrover took place only for a matter of moments. He could not recollect anybody banging on the landrover asking them why they had allowed it to happen. It was possible that Reserve Constable Atkinson was with him when he pulled the man across Market Street and into Woodhouse Street. Because he had to take the man away at least 3 or 4 times. He has no recollection of he and Constable Atkinson being together when the man was removed for the first time. He can not put everything into chronological order. It was one of the times he came to the back of the landrover when he saw Mr Hamill lying on the ground. During the course of these incidents he also went twice to the rescue of Reserve Constable Atkinson who was involved in fights. He accepted that it was quite possible that there had been an assault before police were aware of it but neither of the injured men were on the ground whenever police got out of the landrover.

79. When asked by the Judge whether he could offer any possible explanation as to what might have happened to precipitate the man coming over opening the doors of the landrover and grabbing him by the arm he replied that he believed there was possibly some assault that happened prior to police knowing about it but that it had split up in that short time and that after they had got out of the landrover a further fight ensued.

80. Reserve Constable Robert Cecil Atkinson in his witness statement says that in the early hours of the morning of 27 April 1997 he was detailed public order duties at Portadown town centre. He was crew in a landrover patrol with Constable Neill, driver, Reserve Constable Cornett, observer and P40 crew. At approximately 1.30 hours they were parked in the small lay-by in front of the Alliance & Leicester Building Society at Market Street/Woodhouse Street junction. There was a fair crowd of people making their way up the town from the direction of Bridge Street. These persons were in groups of 2, 3 and 4 and consisted of young men and several girls. They were patrons either from Portadown Rugby Club.

or the Coach Inn, Banbridge. At this stage all was good humoured and relatively quiet. At approximately 01.40 hours Constable Neill moved off from the kerb and as he did so a male dressed in a greenish blue shirt, aged about 30/35 years, with dark trousers and short brown hair passed in front of the landrover and mouthed something towards the vehicle. Reserve Constable Atkinson formed the opinion that he was continuing on into Woodhouse Street and that he was heading home from St Patrick's Hall, Thomas Street. As he did so 2 youths approached him from the Halifax Building Society and one of them squared up to him in the mouth of Woodhouse Street. Words were exchanged but no contact took place. Reserve Constable Cornet opened her door and told the 2 youths to clear off home. At this time they were parked on the give way lines at the top of the street facing down the town. There was a commotion behind the landrover and suddenly Constable Neill's door was pulled open and the Constable was pulled out. Reserve Constable Atkinson jumped out at the back of the vehicle to see what was happening and found the male he had previously described having an altercation with Constable Neill.

81. There was a lot of shouting up towards the town church and it was obvious that a Nationalist crowd had come down Thomas Street and had met with a Loyalist crowd who had been making their way home. The 2 crowds called at each other and suddenly, all at once, in about 3 or 4 places, scuffles took place, all on the upper side of the junction. Reserve Constable Atkinson would estimate that the crowd consisted of about 50 Loyalists to 10 - 12 Nationalists.
82. On seeing them clash Reserve Constable Cornett called on the radio for assistance. Reserve Constable Atkinson followed Constable Neill to Market Street above Eastwood's shop where he extricated a male person who was being attacked by 4 or 5 youths. He removed this person to Woodhouse Street for his own safety. The Reserve Constable thinks this person was dressed in a light coloured casual top. As Reserve Constable Atkinson turned around to regroup with his colleagues he observed that they were being attacked with bottles etc. He observed 2 bodies lying on the roadway. One in the middle of the road outside Eastwood's shop and one outside the bakery on the corner of Thomas Street. He kept the crowd back with his baton while Constable Neill checked these persons. There were also a number of females giving assistance. He called on Reserve Constable Cornett to get hold of an ambulance. She had already requested one. The Loyalist youths were still trying to attack both police and the Nationalists and Constable Neill pulled one of them from the crowd. Some of the rest tried to intervene and Reserve Constable Atkinson stopped them. Reserve Constable Atkinson accompanied Constable Neill to the

landrover where he was confronted by the male person in the blueish shirt whom they had originally encountered. This person was very agitated and grabbed him by the jacket. He broke free and he tried to wrestle the Reserve Constable's baton from him. In the ensuing struggle the leather strap was broken. Whilst the Reserve Constable was struggling with this person he could see out of the corner of his eye that 3 youths were jumping on the head of the male who was lying on the ground outside Eastwoods. The Reserve Constable broke free and went to the injured person's aid where he remained until assistance from other police arrived. All this time the Loyalist crowd taunted and tried to attack. They had to be held back by police and at one stage the Reserve Constable struck a male dressed in a mustard coloured shirt, whom he believed to be called Rory Robinson, in the stomach to prevent him breaking through police lines. Whilst doing so he had occasion to observe [A ] remove a youth known to him as Wayne Lunt, dressed in a white baseball hat and a red, white and blue scarf. The Reserve Constable would estimate that it took the ambulance approximately 10 to 15 minutes to arrive and it was at the scene a further 15 minutes. The incident lasted approximately one hour before peace was restored.

83. In his evidence in chief at the trial of Mark Hobson, Reserve Constable Atkinson gave a similar account of the incidents which took place on this evening.
84. During cross-examination by Mr Orr, Reserve Constable Akinson agreed that he and his colleagues were present at that location on that evening because it was a potential flash point. He would have been aware that people would be coming from St Patrick's Hall along Thomas Street and that others from the other side of the community would be coming along the Main Street. He confirmed that the 3 positions of the landrover were as set out on the map at LR1, LR2 and LR3. He said that he could not recall the man who passed in front of the landrover saying anything to any of the occupants. Specifically, he did not have any recollection of a person pointing out to police that there would be a group of people who would be coming from St Patrick's Hall into Woodhouse Street. The man may have said something but Reserve Constable Atkinson definitely didn't hear it as the engine of the landrover was running and it wasn't audible to him.
85. He confirmed that his evidence was that when he jumped out of the rear of the landrover the person who was involved in shouting at Constable Neill was the same man who had walked across the road a short time before he said that the crowd of Loyalists were in groups of threes and fours and the Nationalists split up into 2 to 3 groups as well. The Loyalists were scattered in various locations back up the town towards the church and

across the town. The conversation with the 2 men at the driver's door of the police vehicle lasted for 3 to 4 minutes. During that time there was no conversation within the landrover about rival groups in the area. He can not recall whether he looked back during those 3 or 4 minutes to see if there was any group coming from St Patrick's Hall. He said that in the position adopted by the landrover police had a view down the town and of the Royal Oak Pub in Woodhouse Street, and if you can get a glance back you can lean back towards the Thomas Street corner.

86. When the suggestion was put to him that the people coming from St Patrick's Hall were attacked suddenly when they arrived out of the mouth of Thomas Street and Main Street he replied that when he got out of the landrover and ran round to the driver's side there had been no bodily contact between the parties as far as he could see. The first time he was alerted to the fact that there were 2 rival groups was when he got out of the landrover to help Constable Neill. Verbal abuse was exchanged between the rival groups before any blows were struck. The first physical contact occurred when he and Constable Neill went over to the crowd and before he retrieved the man and brought him into Woodhouse Street.

87. He then said that the landrover was parked at position LR3 before the man whom they initially saw walked across front of it. He confirmed that it was immediately after he had run the man to safety into Woodhouse Street that he saw the 2 people lying on the ground. Constable Neill then looked at them to see what condition they were in and he, Reserve Constable Atkinson, kept the crowd at bay. This initial attack took place in the period of time in which it took him to run a man across the Main Street and into the mouth of Woodhouse Street. He then had an altercation with the man who had initially walked in front of the landrover. This man grabbed hold of the Reserve Constable's baton and the strap broke. In the course of this he turned round and saw 3 people jumping on Mr Hamill. Because of his involvement with the other man Reserve Constable Atkinson was not able to go to his assistance. He did not see anyone strike the man with whom he and Constable Neill ran into Woodhouse Street.

88. P40 in his witness statement says that he is a full time constable of the Royal Ulster Constabulary at present attached to Portadown RUC Station, Edward Street, Co Armagh. On Sunday 27 April 1997 he was in uniform and accompanied by Constables Neil, Cornett and Atkinson in a landrover on public order duties in Portadown town centre. At approximately 01.43 hours they were stopped at the junction of Woodhouse Street and Market Street with the front of the landrover pointing in the direction of Halifax Building Society. At this time they

were talking to 2 male youths, one of whom the Reserve Constable knows as "Stacey". A short time later a man who was approximately 35 to 40 years old and wearing a navy shirt and dark coloured trousers informed Reserve Constable Cornett that his mates were coming from St Pat's Hall towards the town centre. At this time he noted a crowd of approximately 25 persons walking from the direction of Wellworths shop in the direction of Church Street. He heard shouting coming from the direction of Thomas Street and informed Constable Neill. A male person then opened Constable Neill's door and started pulling at his arm and shouting at him. They then got out of the landrover and the Reserve Constable noted that there was a crowd of approximately 50 youths and men, there were several fights taking place and several females were screaming and shouting. The male who was wearing the navy shirt and dark trousers came over to the Reserve Constable "what the fuck are you going to do?" [P40] tried to get this male into Woodhouse Street for his own safety and to stop further confrontation with the other males. At this time another male who was wearing a white sweatshirt type top came running from the direction from Woodhouse Street. [P40] physically stopped this male and moved him back towards Woodhouse Street as he knew he came from the Nationalist part of town. [P40] observed 2 males lying in the middle of the road adjacent to Thomas Street. There was a crowd at that side of the street. [P40] [P40] made his way across the street to Thomas Street and assisted other police in moving the crowd back. He observed one of the males in the crowd, this male had very short black hair, black moustache and a goatee type beard, he was approximately 5'9" tall and was of stocky build. He had a black leather jacket and was wearing blue jeans. This male was being very aggressive and was taunting the Nationalists and had to be physically moved back several times. The ambulance arrived and the paramedics attended the 2 injured males. The 2 males were put into ambulance and taken to hospital. Sergeant P89 and Inspector McCrum gave orders for the crowd to be moved into West Street. The crowd was eventually moved out of the town centre into West Street. Police then formed a cordon at the West Street barrier and eventually the crowd dispersed. Their call sign was stood down at approximately 3.30 am.

89. Reserve Constable Denise Cornett in her witness statement states that she is a full time Reserve Constable in the Royal Ulster Constabulary presently stationed at Portadown RUC Station. On Sunday 27 April 1997 she was on duty and in uniform. She was accompanied by Constable Neill, as driver, Reserve Constable Atkinson and [P40] as crew. Their duties were to patrol the town centre, public order duties within the town barriers. They were stationary outside Instep Sports. They

observed a number of youths walking from Wellworths, High Street heading towards Market Street. She proceeded then to travel down High Street when they observed a male in his late thirties, early forties wearing a blue shirt and dark trousers and moving his lips. Reserve Constable Cornett told Constable Neill to stop the landrover. The landrover stopped at the entrance of Woodhouse Street and she opened the door. The male said "My friends are coming down Thomas Street" she replied "okay" the man then proceeded down Woodhouse Street. Two youths both in their late teens or early twenties came over to her at the landrover and started talking. One male was wearing a blue Ralph Lauren shirt, and had brown short hair. He had a green glass bottle of cider in his right hand. The other male was wearing a light cream shirt, dark trousers and brown short hair. The youths had local accents. Constable Neill had his driver's door opened by a man in his late thirties wearing a blue shirt, dark trousers, with brown short hair. This man was shouting at him. All of the police officers alighted from the landrover. Reserve Constable Cornett could see different groups fighting and a woman screaming. She ran back to the landrover to call for assistance and also an ambulance as 2 people had been injured. At this time a female wearing a white jumper and who had brown short hair came to her at the police landrover and was shouting abuse at her and screaming. She then left the landrover and could see 2 people lying on the ground. She ran over to a male who was wearing a blue shirt, dark jeans and short dark hair to see if he was breathing. There were 2 females at his side. She reassured the females that there was an ambulance on its way. One female was wearing a black leather jacket, dark trousers and had long streaked hair. The other female had short brown hair. Reserve Constable Cornett then immediately went over to the other male. He was unconscious. The female came over to her and she was very distressed. She was wearing a blue jacket and dark trousers and had short dark auburn hair. She then went back to the landrover. She observed Constable Neill struggling with a young male at the landrover. She tried to assist Constable Neill but a male in his early twenties who was wearing a white top and had brown wavy hair was trying to kick the young male who was struggling with Constable Neill. She tried to restrain the male wearing the white jumper from kicking. A male wearing a blue shirt pulled this male away towards the Alliance & Leicester Building Society. She left the landrover and was approached by a female wearing a blue jacket, dark trousers and who had shoulder length hair. She was very distressed and crying. Reserve Constable Cornett tried to comfort her. She observed police arriving to assist. The ambulance then arrived at the officers put the 2 males inside the vehicle and took them to Craigavon Area Hospital. Police were requested to move the crowd. They formed a line and moved approximately 50 youths, whom she described as Protestants, up to West

Street barrier. They remained there until the crowd dispersed. At the time of the incident there were approximately 50 Protestants and 10 Catholics.

90. A \_\_\_\_\_, in a witness statement dated 27 April 1997 states that she is presently attached to Portadown RUC Station. On Sunday 27 April 1997 she was detailed observer with Constable Orr, driver. At approximately 01.47 hours she overheard a radio transmission from JD81, Constable Cornet, requesting assistance in Portadown town centre reference a disturbance ongoing. At 01.55 hours whilst driving past Thorntons confectionery shop she observed a male youth to her left. He was of slim build, approximately 5'9" in height, wearing white trainers, white jeans, and a white sweatshirt with grey stripes on the sleeves. He also wore a white peaked cap and had a red, white and blue scarf wrapped round his face. Upon observing this youth the Constable noticed that he was carrying a bottle upside down and running towards the crowd that was at the junction of Thomas Street. Constable Orr stopped the car along side this youth and as A \_\_\_\_\_ alighted from the vehicle the youth pulled the scarf down from his face and ran in the direction of Church Street. She now knows this male to be Wayne Lunt, \_\_\_\_\_ of \_\_\_\_\_ . At this time she observed 2 male persons lying in the vicinity of Market Street at the junction of Thomas Street. She also observed 40 to 50 persons involved in confrontation with each other and other police personnel. She returned to the car to assist with the disturbance. At this time she turned and saw Lunt, once again behind her. He turned to run again so she took hold of his arm. At this time he began kicking out with his feet, striking her once on the left shin and once on the left ankle. At 01.57 she placed Lunt in the rear of a police landrover to ascertain his name and address. This was done as Lunt was continually trying to pull away from her and some members of the crowd were also trying to pull him back into the crowd. Lunt left the landrover at approximately 02.05 hours to be spoken to at a later date. At this time she returned to other police members who were trying to clear the road. She observed a number of people whom she knew in the crowd, which was pushed back behind the West Street barrier where they remained for a length of time. In this statement Constable A \_\_\_\_\_ clarified that Lunt's name and address were obtained and confirmed and that he was allowed to leave the police landrover as it was not practical to arrest him at that time.

91. In a further witness statement dated 24 June 1997 A \_\_\_\_\_ states that she had already made reference to placing Lunt into the rear of the landrover to ascertain his name and address. This was done at

approximately 01.57 hours. Mr Lunt left the police landrover at 02.05 hours. At this time she was approached by a male person approximately 5'9" in height. He was wearing light coloured trousers, blue shirt and tie and had short ginger/fair hair. This person started to shout at her "what the fuck did you let him go for, he was one of the ones that did it." [A] took it that this person was referring to the 2 male persons who were lying motionless in the road. She tried to explain to this person her reasons for releasing Lunt but he was continually aggressive and constantly shouting at her. Another male who was about 5'7" in height, of stocky build and had short dark hair was civil and asked her if he could take her name with reference to the assault and disorder. She agreed and gave him her name. She does not recall speaking to any other person regarding her dealings with Lunt.

92. [A] gave evidence at the trial of Mark Hobson. In the course of her evidence in chief she confirmed that when she first observed the large crowd in Market Street/Thomas Street it would have been composed of approximately 40 to 50 persons. She saw 2 men lying motionless on the road. The crowd appeared to be very close to these 2 men. Police were trying to push the crowd back away from them. She said that as far as she can recall she remembers the crew of the landrover being there and also Reserve Constable Silcock. The ambulance had not arrived at the time she had arrived. Herself, Constable Orr and the crew from the landrover were assisting and trying to push the crowd away from the 2 males lying on the road. Reserve Constable Silcock was giving assistance to one of the males on the road. She was present when the ambulance arrived. After the incident of the landrover with Lunt she went back over to assist the policeman pushing the crowd back up the street.

93. In cross-examination [A] said that she couldn't say whether the 40 or 50 persons in the crowd whom she initially saw belonged to one group or to 2 or more groups. She can not recall whether there was any cat calling between rival groups. Constable Neill assisted her in bringing Lunt to the landrover. In response to a question from the Judge she said it didn't occur to her to record the name and address of the potential witness who had spoken to her about Lunt, indicating that he was "one of the ones who did it". She did not see any fighting at any stage.

94. David Morrow the witness statement dated 1 May 1997 states that he is employed as a leading ambulance man by the Northern Ireland Ambulance Service. On Sunday 27 April 1997 he was on duty accompanied by Glen Stewart. At around 1.52 am on this date they received a report to attend an incident in Portadown town centre. They made their way to the scene

arriving at 1.58 am. At Market Street/Thomas Street he saw a hostile crowd of people and 2 injured persons lying on the road. They quickly checked each of the 2 injured persons and found one of them was unconscious and had an abrasion on the left-hand side of his head. The other person had a ~~minor~~ head injury. He went to the ambulance to get a stretcher and Glen remained with the more seriously injured person. When he returned the other injured person had got up from the road. He now knows this seriously injured person was a Robert Hamill and the other person was called D . A third person, C Hull, who had a minor injury was also placed in the ambulance with the other 2. On route to Craigavon Area Hospital at 2.02 am Robert Hamill was put on oxygen and all 3 were conveyed to the hospital, arriving at 2.09 am.

95. Mr Morrow gave evidence for the prosecution at the trial of Mark Hobson.
96. During examination in chief he said that when he arrived at the scene in his ambulance he saw what he described as a hostile crowd of people. He said that they seemed to taunting each other and there seemed to be a few missiles and that being thrown. There seemed to be 2 rival groups taunting each other. There was a total of anywhere between 30 and 50 people at the scene. The crowd was all scattered around. There was a crowd at Thomas Street, back into Market Street and there was a crowd over by Woodhouse Street, it was just scattered around. He wouldn't say there was one particular crowd in one area, it was scattered around. When he arrived he recalled that he saw a police landrover and a police car and there were police officers about. While he was dealing with the 2 people on the ground more people were coming up the town from the Edward Street end.
97. In cross-examination he said that as Mr Hamill was put into the ambulance and as D walked in there was still taunting going on between the rival groups. He had no observation of what the police were doing but knew that there was a police presence and he took no interest he what they were doing. When asked if there was any liaison between police and himself he replied " I think they had a difficult enough job to do themselves."
98. Witness statements were taken from a number of people who where in Portadown town centre at the relevant time.
99. Pauline Newell had spent the evening at the Coach disco in Banbridge and arrived in Portadown at about a quarter past one on Sunday morning 27 April 1997 she spent a period of time at Boss Hoggs fast food outlet and

then walked up towards the church at the top of the town to meet her friends Tracey and Kelly who had walked on ahead of her. She saw a police landrover at the top of Woodhouse Street and as she crossed the Woodhouse Street junction she glanced down and saw an elderly man walking on his own in the direction of the tunnel. She also saw Dean Forbes and Stacey (Bridgett) at the police landrover. They were standing at the front passenger door of the landrover which was opened apparently talking to the police inside it. She remembers that as she passed the landrover she heard "bickering" from the other side of the street. It was like talking but louder. She doesn't know what was being said. She just walked on and paid no real attention. She then met other friends and with the 2 friends who had walked ahead of her and they all went to the home of her friend Tracey. She states she did not hear any talk about any row or fight in the town that night but learnt about it from the news the next day.

100. [P51] in a witness statement dated 21 May 1997 says that on Saturday night 26 April 1997 he was at Simon McNally's house with some friends. Sometime after twelve midnight they set off for the Chinese restaurant in West Street. On route they met Lisa Robson and Wayne Lunt and they all walked to West Street together. Some of the group went into the Chinese restaurant. He stood outside with 2 others. When the others came out they all started to walk towards the town centre for a walk when they arrived at the Church they sat down on the summer seats at the front of the building. He doesn't know what time they arrived at the Church. He remembers seeing a police landrover parked facing down the street, it was parked at the Halifax Building Society. He didn't see any police standing about the landrover. He thinks there were a few members of the public standing around the landrover. He then heard shouting, he heard, "orange bastards this is our town", and "up the Ra" he looked down the street and could see a scuffle at the junction of Woodhouse Street and Thomas Street. There were about 10 to 12 people in the scuffle but they weren't all fighting. He didn't see any punches being thrown and didn't see anybody lying on the street. He didn't recognise anybody in the scuffle. He got up and started to run back up the street. [P46] Kyle and Simon ran with him. He didn't see Lisa Robson or Wayne Lunt after they started to run up the street. He ran when he saw the scuffle because he knew he shouldn't be there at that time.

101. Kyle Woods in a witness statement, dated 28 May 1997 states that he was in the company of [P51] on this occasion. He said that while they were at the Chinese restaurant there was some commotion in the centre of the town so [P46] Simon and he walked down towards the church. When at the front of the church he saw a crowd of people in the centre of the town

there was a police landrover at the Alliance & Leicester and a crowd coming up towards it from the bottom of the town. There were people standing at the landrover talking to the policemen. There was a boy, he was fat and he was shouting "teac ar la" he states that he doesn't really remember what happened next but he does recall seeing 2 people lying on the ground at about Eastwoods and the crowd punching and kicking at them. He also heard glass breaking but didn't see anyone throwing any bottles. He saw police trying to push the crowd back. The atmosphere was very intense and he didn't want to be there. He and his friends then left the scene.

102. Jonathan Wright in a witness statement dated 11 May 1997 stated that on the morning in question he was in the company of Marc Hobson a man who was subsequently tried for the murder of Mr Hamill, and Allister Hanvey, who was subsequently charged with the murder but released following a no prosecution direction from this office, in the area of Poradown centre he stated that when they got to the big church in the centre of Portadown he stood on a wall in front of the building. He could see a lot of people being pushed towards them by the police
103. There would have been about 20 in the crowd. They were shouting at the police and pointing their fingers at them. He saw police but couldn't say how many police there were and couldn't hear what the crowd were shouting. He stood looking around for Allister but couldn't see him. He didn't see anybody fighting. He saw 2 ambulances and they were carrying somebody on a stretcher into the ambulance. The police were in a row pushing the crowd up the street towards them. Mark and he decided to go home - this would have been about five past two - the police had the crowd under control then. He didn't get involved in any fighting and didn't see anybody fighting, only the crowd being pushed up the street.
104. In a further witness statement dated 15 May 1997 Mr Wright says that he did not give the full facts in his first statement. He goes on to state that when Hobson and he walked down the town and got to the front of the Church where the Christmas tree was they walked a few yards further down the street. He could see a fight further down the town, in the middle of the street between Thomas Street and Woodhouse Street. He was about 30 yards from the fight. There were about 20 to 30 people in the middle of the street. He saw a person standing behind the crowd in the middle of the street, this man was wearing a blue shirt and striped tie, he was wearing dark trousers which appeared smart. This man was shouting towards the crowd of Protestants to come on. There was fighting going on in the crowd that he was shouting at. Mark then left him and ran down into the

crowd. Mr Wright then stood at the edge of the flowerbeds facing the Abbey National Building Society he could see Mark being pushed about by the crowd. He saw him lift his hand and reach out for somebody. He didn't see him hit anybody. There was a lot of shouting - people shouting "Fenian bastards" and "Fenian cunts". There was 2 or 3 from the Catholic crowd shouting too. They were trading insults, calling the Protestants "orange bastards". The fighting lasted about 5 to 10 minutes. He saw Rory Robinson in the middle of the crowd, he was running around like a headless chicken. He saw Stacey Bridgett trading cross punches with one person. They were fighting a wee bit to the left of the main fight - more towards the Alliance & Leicester Building Society. He saw a boy lying on the street at the mouth of Thomas Street, he was lying on his chest and wasn't moving. This fellow was wearing dark clothes. He saw a police landrover parked on the Main Street at the Halifax. There were about 5 to 6 policemen trying to break the fight up. He saw people trying to push police away from the main fracas. The mood of the crowd was violent towards police. He heard bottles being smashed. The police got the crowd under control and the crowd started moving. Mark came back out of the crowd and Mr Wright told him to come on. They walked up the town centre to the Church and Mr Wright then parted from Hobson and walked home. He adds that he made this second statement because not telling the full facts the first time had been preying on his conscience.

105. Kyle Colin Magee in a witness statement made on 30 April 1997 states that on the night of Saturday 26 April 1997 he went to the Coach disco in Banbridge. He arrived back in Portadown with his friend at approximately 1.50 am. He got off the bus at the bottom of the town "Herrons" Country Fried Chicken and went to "Boss Hoggs" fast food outlet with [REDACTED]. On coming back out of "Boss Hoggs" he stood there with a crowd of his friends for about 10 to 15 minutes. A few minutes later he saw a crowd starting to fight in the middle of the street, at the junction of Woodhouse Street and Thomas Street. There would have been about 20 fighting. He started to walk towards the fight and 2 girls walked with him. He got close to the fight. He saw about 20 boys fighting. The police landrover was parked outside the Alliance & Leicester Building Society and he saw a couple of police officers get out of the landrover and walk towards the fight. He started shouting at the police, he can't remember what all he called them. He then walked up towards the Church with the 2 girls. The crowd was still fighting. He then walked back down to the summer seat, just down from the Church towards the town centre. He sat down with the 2 girls for a few minutes and watched the fight. The ambulance arrived. He observed a fellow lying on the ground in the middle of the road on the Thomas Street side of the Main Street. He thinks he

was lying in a pool of blood. The police had got the fight under control by now. The police marched the people up the town passed the Church.

106. Michelle Elizabeth Jamison in the witness statement 9 May 1997 said that on Sunday morning ~~the~~ 27 April 1997 at about 1.30 am or 1.45 am she walked from her home to Mandeville Street in Portadown with her friend. They met her friend's boyfriend in Mandeville Street and had spent about 5 minutes with him when she heard shouting coming from the town centre. She heard people shouting, "come you Fenian bastards," "come on then" she walked down towards the town centre to see what was going on she stopped at the roundabout in the centre of the town and could see people coming up from the bottom of the town, there was about 20 to 30 people about. The bulk of the people were across the street from Woodhouse Street to the street opposite it. She saw police landrovers sitting near to the Alliance & Leicester Bank, she didn't notice any police out in the street. There were loads of people running about and there was shouting and screaming. She heard things like "come on then", "come ahead", being shouted. She realised that there was a fight going on between Protestants and Catholics. She stayed at the roundabout thing for a couple of minutes and during that time could hear bottles smashing. She walked on down towards the crowd, she walked down the centre of the street and then crossed over to the right-hand side as she was doing so she heard a woman screaming; she had her hair in a bob, it was brown, she was wearing a black jacket, she was down on her knees over a man who was lying on the street face downwards. He was lying nearing near to Eastwoods shop. She was screaming for help and an ambulance. She kept looking at the man all the time she walked over to the woman and the man. The woman said "there is no point in it" to her. She knelt down and listened to his breathing, he sounded as if he couldn't get any air. During this time she saw the police standing near the landrover on the opposite side of the street to where she was. She got up and before she left she heard someone say that there was an ambulance on its way.

107. Stephen James Bloomer in a witness statement dated 29 May 1997 says that on the night of Saturday 26 April 1997 he had been at the Coach disco in Banbridge and had got the bus back to Portadown arriving at about twenty-five or twenty to two in the morning. He went to "Boss Hoggs" to get something to eat and then walked up through the centre of town. At about the traffic lights in the centre of the town he saw a fight start. This was in the middle of the road. He thought it just a normal sort of Saturday night fight and didn't want to get involved so walked on past it. There seemed to be about 4 or 5 people involved in the fight. He can't describe any of them. There wasn't anybody lying on the ground just

fellows beating the head off each other. He walked on to about the Progressive Building Society where he stopped to talk to a girl Tracey Clark. He heard shouting, he thinks women shouting "leave him alone". There was a lot of shouting but he can't really say what it was. He also heard sirens coming—both police and ambulance, the ambulance one at a bit of a distance. He then saw 2 people lying on the ground. There was police there starting to move people back. He saw policemen with a plastic baton round gun and he didn't want to be anywhere near the place so he walked away.

108. Jennifer Carol O'Neill in a witness statement dated 13 May 1997 states that on the night of Saturday 26 April 1997 she had been at the Coach Inn, Banbridge and had got the bus home again to Portadown arriving in the town at approximately 1.40 am. The bus stopped at the bottom of the town she walked up with her friends to Boss Hoggs and then left to walk up the town centre. There were a few people in the centre of the town but she didn't know them and didn't pay them any attention. She recalls seeing a police landrover parked somewhere in the Main Street, she can't remember where. Three of them walked on towards St Marks Church at the top of the town and while walking past Connors Chemist she heard shouting coming from the direction of the town centre. The 3 of them stood at the green gate at the side of St Marks Church and looked down the street. They could see approximately 20 people in the middle of the street, about the middle of the town, about 10 of these people were fighting with each other. She observed people throwing punches at each other and others running about. She heard people shouting "Fenian bastards" and there was one fellow shouting "orange bastards". She could see a police car parked outside Wellworths and observed it drive up the street with the 2 tone horns on. It was one of those police cars with the stripes, parked about Wellworths, she didn't see anybody lying on the street. She then walked home.

109. Constable Godly made a witness statement dated 29 April 1997 in which he states that on the morning of Sunday 27 April 1997 he was on duty at Portadown RUC Station as the communications officer. At approximately 01.47 hours he received a radio transmission from Reserve Constable Cornett requesting backup vehicles in the town centre. He directed Reserve Constable Warnock and his mobile patrol to assist. The other patrol cars were also responding to Reserve Constable Cornett's transmission. At 01.48 hours Reserve Constable Cornett requested ambulance to assist to the town centre. Two persons had been injured. He immediately contacted ambulance control to request their assistance.

110. Reserve Constable Dean Silcock in a witness statement dated 27 April 1997 said that on that date he was a driver of a mobile patrol accompanied by Constable Adams at 01.47 hours they received a call about a disturbance in Portadown town centre. They arrived several minutes later. He observed 2 male persons lying in the Church Street bound direction of High Street. He radioed for an ambulance and stayed with these 2 injured men along with several women who said they were accompanying the men and the fracas occurred until the ambulance arrived. A large crowd of youths were in the vicinity of these men. They were aggressive both verbally and physically. On several occasions he pushed the youths away from the injured man as they appeared to try and kick the man.
111. A number of other police officers attended the scene following the assaults upon Mr Hamill and D \_\_\_\_\_. They have made statements which are on the complaint file. Their evidence is that they arrived at the scene of the assaults when the injured men were lying on the ground at the junction of Market Street and Thomas Street and that they assisted police already at the scene to control the situation prior to the arrival of the ambulance.
112. A witness statement was also recorded from Witness A who was present in Portadown in the early hours of the morning of 27 April 1997. She indicated to police that she was not prepared to give oral evidence.
113. Witness A in a statement dated 10 May 1997 says that on Saturday 26 April 1997 she went to the disco at the Coach in Banbridge. She travelled back to Portadown on a bus which left at 1.15 am. She and a number of friends got off the bus at the Classic bar in Bridge Street and walked up High Street towards the town centre. After waiting for a friend who went into Boss Hoggs to get chips they then walked up as far as the Mandarin House in West Street. At about 1.45 am approximately when they were in West Street they heard shouting coming from the Main Street. She can't remember what was said but it was something like "fight, fight", they all ran down to see what was happening when they got as far as the Church they could see a crowd of the junction of Thomas Street/Market Street. She sat down beside a friend at Poundstretcher. She saw 2 people lying on the street, one was near the centre of the road and the other was near the footpath close to Eastwoods. The person she saw in the middle of the road she thought was dead as he was not moving. It was at this time that she saw a number of persons gathered round the person lying in the centre of the road. These persons were kicking the person on the ground around the head and body. She saw them jump on the person on the ground they jumped all over him and kicked him. She then purports to identify the persons

who were doing this. One of these persons she identifies as her former boyfriend Allister Hanvey. She states the other person lying near Eastwoods was being helped by Michelle Jamison but she saw persons run up and kick him around the head and body and Michelle was telling them to stop. At that time she saw a number of police behind the crowd who were attacking the 2 persons lying on the ground. As far as she could see the police were not doing much to stop what was happening. The next thing she remembers was more police arrived and pushed the crowd back. The ambulance arrived and took the 2 persons away who had been attacked by the crowd. The police then made the crowd move up the street to the Church and later up to West Street. Later in her witness statement Witness A says that since this incident Allister Hanvey has contacted her on numerous occasions and keeps asking her what she had said to the police. Hanvey told her that Robbie Atkinson had been very good to him because on the Sunday morning after the incident he rang him at about 8.00 am and told him to get rid of the clothes he was wearing the previous night. She states that Hanvey also told her that Reserve Constable Atkinson was ringing him every day to keep him up to date with the police investigation.

114. On 10 June 1997 Detective Chief Superintendent McBurney, the officer in charge of this complaint investigation, was present at the junction of Market Street and Woodhouse Street when Constable Neill and Reserve Constable Atkinson assisted in the re-siting of the police landrover at the location where it had been when the assaults on Mr Hamill and Mr Girvan took place. This is the location which is marked LR3 on the map.
115. Mr [REDACTED] Forensic Scientist, attended the re-siting of the police landrover at the junction of Woodhouse Street/Market Street.
116. He concludes that the front seat passenger would not have had a view of the events taking place outside Eastwoods clothing.
117. Both rear seat passengers would have an extremely restricted view of events taking place outside Eastwoods clothing. Unless either rear side passenger was aware of something happening or had made a deliberate effort (by putting their eyes up close to the side slit windows or craning to see out of the rear window) he would fully accept that nothing about outside would be necessary noticed.
118. He comments that the driver of the vehicle asserts that he was in conversation with persons on the passenger side of the vehicle. Mr [REDACTED] comments that if this were true then he would have had to made a

deliberate effort to "crane" his neck through about 180 degrees to see any events outside Eastwoods clothing. A relatively unrestricted view through the side window would be possible should the driver choose to look through it.

119. Each of the 4 constables who had been in the police landrover at the junction of Woodhouse Street and Market Street on 27 April 1997 were interviewed under caution by the Detective Chief Superintendent McBurney and Detective Inspector Irwin.
120. Constable Neill at the time of his interview was in possession of a copy of his original witness statement which he referred to during the interview along with his notebook entry and baton report. In the course of the interview Constable Neill pointed out position LR1 as where the landrover of which he was the driver was initially sitting on this evening he outlined where each of the occupants of the landrover were sitting in the vehicle. He confirmed that he had been detailed to do public order duties so he outlined that the area around the junction and at Mandeville Street and at the other end of the town at Kentucky Fried Chicken or Boss Hoggs were potential flash points. He stated that most of the sectarian incidents that would take place would be at the Woodhouse/Thomas Street junction where people coming from St Patrick's Hall were going down Woodhouse Street. He did not remember whether he was aware that there was a function in St Pats. The decision to park the landrover then LR1 was made in order to provide a good vantage point. They had been sitting at that location for 10 to 15 minutes when they observed a crowd coming up the street from Boss Hoggs, perhaps about 50 people or maybe more. He thought he could see something else going on down the street so he went to have a look down at Boss Hoggs to see what was happening. He would perform this sort of duty perhaps twice a month, having been stationed at Portadown for 4 years.
121. As they got to about LR2 a fellow walked across from Thomas Street in front of them and he was mouthing something to them. Reserve Constable Cornett opened the door and asked him what he was saying. He said something like there is people coming down from St Pats or there's friends coming down from St Pats or something. Before they stopped with this man he had looked up and there was nobody else in Thomas Street that he could see. As this man spoke to Reserve Constable Cornett he sort of looked back up the street. There was still nobody about. Just as he finished speaking to them Constable Neill was going to go down the town and back up again just to Thomas Street and park on the other side of the road from LR2. As he moved off he noticed the confrontation between this man and

the 2 men who had come from the direction of the Northern Bank. Reserve Constable Cornett then shouted at them and the 2 men walked up towards the Alliance & Leicester and the other man walked on down Woodhouse Street. The crowd at this time was walking up the footpath on the other side of the road. Some had actually passed Thomas Street. They were in dribs and drabs. There was no trouble or anything at that stage they were just singing and shouting. He did not anticipate any trouble at that point. The 2 men who had been involved in the confrontation came back towards them and had a brief conversation with Reserve Constable Cornett. He and P40 \_\_\_\_\_ also spoke to these men. At this point the landrover was parked at position LR3. This position did not afford a good view of anyone coming from Thomas Street.

122. The driver's door of the landrover and the back doors were closed.
123. At this point his door was opened and he was grabbed and pulled from the landrover by the arm. The man who had done this said "you sat there and watched that happen." Constable Neill didn't know what the man was talking about at the time it was only once they got out that they realised what he was talking about. There was a woman with this man who he thinks was standing shouting at them as well. The occupants of the landrover were out in no time at all - a matter of seconds. Reserve Constable Atkinson and P40 \_\_\_\_\_ were out at the back of the landrover.
124. Constable Neill saw a crowd of people standing at the junction of Thomas Street. There was a bit of cat calling going on but there was no actual fighting or anything else.
125. He moved to the back of the landrover where Reserve Constable Atkinson and P40 \_\_\_\_\_ were and then suddenly it just erupted and there were fights going on all over the street. Most of the people would have been around the end of Thomas Street - 40 to 50 people.
126. When he initially got out of the landrover he would say there were about 8 to 10 people who had come down from Thomas Street and the rest had been the ones that were going up the Main Street coming back from the Coach Inn in Banbridge. He couldn't say whether the man who had pulled him out of the landrover or anyone else had a conversation with P40 \_\_\_\_\_ P40 \_\_\_\_\_ at the landrover. He saw a fight which appeared to be a 3 on 1 situation ie 3 Protestants attacking 1 Catholic. This was one of a number of fights which was going on at that stage, he went straight for it and pulled the Catholic out of the way. He took him back down Woodhouse Street trying to get him out of the road. In Woodhouse Street someone

came from behind Constable Neill and punched this person in the face. Constable Neill grabbed him and took him back up the street to the landrover. The person whom he had taken into Woodhouse Street continually came back to where the fights were taking place.

127. Reserve Constable Neill could not honestly say where each individual incident happened. He was aware however that this incident was right at the start. He believes he looked down and saw Reserve Constable Atkinson and [P40] still involved in different fracas. Reserve Constable Cornett had been shouting and screaming for assistance on the pocket phone. He believes he heard bottles smashing. He was trying to look after his 3 colleagues. He separated another fight, he noticed that there was a person running down Market Street towards the junction of Thomas Street and there was another fellow who he believes may have been Hamill, although he can't honestly say that it was, who was running up towards this other boy, the other boy either had a bottle in his hand or had picked up a bit of glass or something. At this particular time something else happened and his attention was taken away from it again it was later on whenever Mr Hamill and <sup>D</sup> were on the ground that he remembered having seen the bottle being smashed and the boy running down the street and the other boy running up it.
128. At the time the 2 men were running towards each other the fight had spread right across the street near enough. It was certainly on to the Woodhouse Street side of Market Street. Although he cannot remember the sequence of any of the events after running across the road to break up the first fight with any clarity he believes that the next thing he did having seen the 2 men was possible to go to help Reserve Constable Atkinson who was in the middle of a fight. He is not too sure where [P40] was at that point. At some stage he became aware of Mr Hamill and <sup>D</sup> <sup>D</sup> lying on the road. He believes it was at some stage after the events already described. He is unable to say how long this was after his having being pulled out of the landrover. Throughout the intervening period he was active constantly and never stopped. He was running from one place to another to stop the man who he had taken up Woodhouse Street kept on coming back and was trying to pick fights so he kept on having to drag him out of the way. There were 2 women shouting their heads off in the middle of the town and that was before even either of the persons were lying on the street. There were some people as far as he knows still coming up from the bottom of the town. By that stage there were maybe 70 or 80 people there rather than the 40 or 50 that might have been there at the start. Whenever he became aware of the 2 people lying on the road he went over and made sure they were still breathing to start with and

checked their vital signs. At the same time there was still fighting going on right round them.

129. As far as he can remember there were 2 women running around shouting, just shouting and screaming, mainly at the police that they weren't doing anything. At that time, however, there was nothing they could do.
130. He believes that because the cat-calling had started there had been some fight prior to his being pulled out of the landrover which had stopped. The cat calling then started and then the fight started again. He believes that the 2 persons were not lying in the roadway when police got out of the landrover the first time. He believes that Mr Hamill may have been on the ground as a result of his possible charging up towards the other boy that was coming down with the bottle. He has no specific grounds however for saying that this was in fact Mr Hamill other than the presence of pieces of broken bottle near his body on the ground. Two ladies were assisting the men on the ground and shouting for ambulances. As far as he is aware Reserve Constable Cornett was trying to get ambulances. He believes that Reserve Constable Cornett was still in the vicinity of the landrover. While the women were shouting for ambulances the fighting was still taking place, he was still trying to stop fights and at the same time the Protestants were coming down to the 2 people that were lying in the street. The 2 ladies and the 2 fellows on the ground were getting verbal abuse. He was trying to keep the crowd back. About that stage he saw the person he believes to have been Hobson kicking Mr Hamill in the head. There was no way he could have stopped him or apprehended him with the number of people who were there.
131. Constable Neill was asked if there was anything he wanted to say in relation to the allegation that he and his colleagues did not do all in their power to prevent these assaults.
132. He said that there were only 4 of them and they did everything they possibly could. There was nothing more than they did that they could have done. In this context he referred to the sheer numbers of people and the fact he was worrying about himself, his colleagues and the fact that he had a gun in the middle of such a situation.
133. He was at one stage at the landrover with A who had somebody with a Rangers scarf. He did not grab hold of this person while he was kicking Robert Hamill. He didn't see him near Robert Hamill. He does not believe that the female who was with the man who pulled him out of the landrover said anything about getting help at that stage. The

tenor of the conversation was that police had been sitting there watching this happening and doing nothing.

134. During the conversation at the passenger's door with the 2 men it was possible to hear people shouting and yelling going up the street - as it was a Saturday night they were coming back from the Coach Inn, most of them drunk and there was shouting and "yo hoing" from them on. He was asked would it have been wise to get out and try to quieten these people down or was it better to let them go home. Constable Neill said that most of the time they just go home, you just let some of them come and speak to you but most of them go on up the road. It is not if they are screaming their heads off. He said that they have experience of getting out and stopping people and trying to reason with them about their shouting but his view was that police wouldn't get any respect from them anyway and that a fight might result.
135. He said that he did not see any hesitation or dereliction of duty on the part of the Reserve Constables. He was satisfied with the performances of all of his crew and couldn't have asked more of any of them. Constable Cornett was on the radio trying to get assistance. He was happy with her actions.
136. P40 \_\_\_\_\_ was interviewed on the 8 September 1997 between 9.24 pm and 10.23 pm by Detective Chief Superintendent McBurney and Detective Inspector Irwin. Reserve Constable Sharpe was in possession of a copy of his original witness statement and notebook entry.
137. He agreed that the police landrover at been parked at positions LR1, LR2 and LR3 and indicated his position within the landrover. He said that his brief on the evening in question was to perform public order duties in the town centre. He understood his brief to include dealing with any fighting or competition between 2 sides, he said that he has been stationed in Portadown twice, firstly from June 1986 for a period of approximately a year and a half and secondly on his present posting which he believes to have lasted for 4 or 5 years. He would perform public order duty approximately once a month. Once on duty he would go round the town centre keeping an eye on the chip shops and would go along Thomas Street if St Patrick's Hall is open, he would also check the Queen's public house at the bottom of Thomas Street and also pubs in Mandeville Street. Sometimes there would be confrontations at Dunne's car park.
138. The senior man on the night of 26 and 27 April 1997 was Constable Alan Neill. If police thought that conflict was going to take place they would

call for backup. Because there would be only 4 or 5 people in a landrover. There would usually be a build up to sectarian conflict and the time would be available to call for help there would very seldom conflict involving people coming down Thomas Street because the majority of people coming from St Patrick's Hall would get taxis. One wouldn't necessarily be expecting trouble at that location. In his judgement trouble was more likely from people coming up from the Woodhouse Street side out of the pubs and congregating and looking for trouble. Police would not get out of the vehicle and walk about very often because they are hated by both sides of the community in Portadown and if your are out there stranded a fight can break out very quickly and you can get a dig in the head.

139. When the landrover was parked at LR1 they were stopped to have a chat and a smoke when they finished they moved on towards position LR2 at LR2 they saw a couple of fellows walking up past the Northern Bank one of whom he knew as Stacey. He doesn't recall seeing anybody in Thomas Street at this time although there might have been someone there. They pulled in to see what the crack was with these 2 people because Stacey is a bit of a troublemaker. They started chatting away and at this point a male person opened Alan's door and started pulling at Alan and shouting. He couldn't make out what the man was shouting. Prior to this incident a fellow had come round the front of the landrover to the side that Stacey was at and he said that his friends were coming down from St Pats. Stacey was there at that stage.
140. When it was suggested to him that this person had walked in front of the landrover before Stacey and his friend arrived he said that he could only give his point of view at this point the landrover was parked at position LR3 he looked and saw people walking up on the footpath on the other side of High Street. He was looking out through the side hatch of the landrover people were walking towards St Mark's Church at the top of the town. There might have been a few people around Evelyn's which is next door to Eastwood's clothing but he can't be sure. When asked if he had said anything to Constable Neill prior to Constable Neill being pulled out of the landrover he said that he had heard shouting in Thomas Street but it was drunk men shouting and it wasn't hatred he wouldn't refer to it as sectarian or attacking or abusive. It was friendly banter. He told Constable Neill about this. The man then came over and pulled Alan out of the landrover shouting at him. Reserve Constable P40 couldn't make out what the man was shouting.

141. When they got out of the landrover he looked over and saw a crowd - a lot of tugging going on - it was like the start of a fight. This was between Eastwood's clothing and Evelyn's and between the centre reservation and that side of the street. There was pulling back and forward and then there was women started screaming there were 4 or 5 fights with tugging and pulling. He didn't see any laying on of fists.
142. At this point a male wearing a navy shirt and dark coloured trousers came over to him and asked him what the fuck he was going to do. He politely advised him to stay over out of the way and he kept persisting. He thinks at this point Constable Neill was at the side of the landrover. He may have been talking to a young fellow. This fellow kept wanting to go over across the road and [P40 \_\_\_\_\_] physically restrained him. Then a fellow with a gray sweatshirt came running down Woodhouse Street and [P40 \_\_\_\_\_] physically stopped him and brought him back. There was nobody being struck at that stage that he could see.
143. As he was holding these two people the fellow in the grey made to get past him and when he grabbed him he turned round and saw somebody lying on the other side of the road. At that stage he went over. When the male person had asked what the fuck he was going to do [P40 \_\_\_\_\_] thought that he actually wanted him to weigh in and pull his friends out of danger. When he had spoke of fighting in his original witness statement he meant struggling as opposed to punches being thrown he was unwilling to release the 2 people who was holding back because they could have started a fight. If he had have let them go and stood with his hands in his pockets they would have had a confrontation with the Protestants. He accepted that there had to have been fighting for the 2 men to have been seriously injured but said that he was facing the men who he was holding back all the time and that is to say he was facing the direction of Woodhouse Street and that there could have been fighting behind him but he didn't see it. He was aware of bottles smashing behind him on the road. He just saw one person lying on the roadway he then explained that he was standing with his 2 hands out talking to the men trying to keep them pacified, rather than physically restraining them. One of them tried to run past him and he tripped and the Reserve Constable grabbed hold of him and dragged him back. It was at that point that he looked across the road and saw somebody lying on the road. Whenever he brought the person back he ran across to see what he could do to help the man at that point he could see another body lying in the roadway. The crowd was shouting. When he came across other police had arrived and they pushed the crowd back a bit. There was a lot of hostile shouting there were ladies in the vicinity crying and distressed. They were helping the 2 people on the

- ground. He didn't have a conversation with them and they did not speak to him.
144. The allegation of the deceased's sister that police stood by and did nothing when her brother was kicked to death was put to the Reserve Constable. His reply was that the allegation is unfounded he stated that he did the best he could that night, that hindsight was a great thing and that there might have been a different course of action open to him such as pulling his pistol out, firing a shot in the air or using the landrover to break the crowd up it would have been impossible for 4 police officers to stop the crowd. At the end of the day if he had been in the middle of that his wife could have been walking behind a coffin as well.
145. In this context he was reminded that he hadn't seen any blows being struck. It was suggested that a female had run to the landrover after one of the persons was injured and asked police to get help. He was asked if this person had spoken to him. He said that she had not. He does not recall breaking up any fight involving Reserve Constable Atkinson.
146. Reserve Constable Denise CORNETT formally Reserve Constable Cornett was interviewed after caution on 2 October 1997 at 7.24 pm by Detective Chief Superintendent McBurney and Detective Inspector Irwin. She was in possession of a copy of her original statements and notebook entry.
147. In the course of the interview Reserve Constable [REDACTED] confirmed the positions of the landrover at LR1, LR2 and LR3 and the positions of the occupants of the landrover.
148. She said that she started public order duty at midnight and was due to continue performing that duty until three o'clock in the morning. She understood this duty to mean that if police saw any confrontation in the town centre they should deal with it she said that she had done public order duty in the town centre before. She had been stationed in Portadown for approximately a year and 2 months.
149. In the course of public order duty police would usually go round the town centre and make sure that there was no fighting going on or nobody doing anything in the town centre. The purpose was to keep the town quiet. She would not have seen any confrontations taking place in Portadown before.
150. On this evening she was not aware of persons coming back from the Coach Inn in Banbridge who would have debussed at the bottom of the street.

151. They parked at LR1 because they had been driving around the town and the town was quiet. There was nobody about at that stage so they pulled in. They were just sitting looking about at that point she was observer and it was her duty to deal with all RT transmissions. The call sign for her vehicle was Juliet-Delta 81. Delta was their control at Portadown RUC Station.
152. They moved off from point LR1 and when they got to point LR2 she saw a man walking across from the landrover and she could see his lips moving. She told Constable Neill to stop to see what was wrong. She opened the door and the man shouted that his friends were coming down Thomas Street and she said okay. She assumed that the man had told her this in case something might happen. The Reserve Constable was unaware of their being a function in St Patrick's Hall that night. The man was walking toward Woodhouse Street and when he mentioned Thomas Street she took it that the people would be coming from St Patrick's Hall. She looked out into Thomas Street but didn't see anyone coming at that stage. She then referred to the confrontation between this man and the 2 young fellows who were walking towards the landrover. She can't remember whether this was before or after her conversation with him. The man walked on and then the landrover moved into position LR3. When she heard the youths shouting at this man she opened the door and told them to leave the man alone because he was doing no harm. The man then proceeded down Woodhouse Street and the 2 men came over to the landrover. This happened when the landrover was at position LR2 and the landrover moved then into position LR3. One of the youths was carrying a green cider bottle she took it that the youths must have been Protestants because they had shouted bad language at the man whom she assumed was a Catholic.
153. When these 2 youths came over to the landrover they were standing talking to her, more or less chatting her up and then a guy came over and opened the landrover door and tried to pull Constable Neill out of the landrover. She would have been talking to the 2 boys for a few minutes before this took place. It didn't seem that long. It might have been about 3 minutes she remained sitting in the landrover and spoke to the youths through the open door. She was aware of people walking up the other side of Main Street but Thomas Street was still clear. There was no rowdyism from these people. They were talking among themselves - there was no shouting or anything bad going on. Constable Neill and P40 joined in the conversation with these men.
154. The guy who opened the driver's door of the landrover started to pull Constable Neill and started to shout something like "you, what are you

doing sitting there letting this all happen?" Police then all got out of the landrover and saw a clutter of people just sort of fighting and shouting. They ran over and left the landrover. The fighting was at the mouth of Thomas Street. She ran across there and Alan and the others tried to break everybody up at this point she realised that she had no radio with her and ran back to the landrover and radioed for assistance because a fight was taking place. A short haired girl ran over to her and started really shouting abuse at her and she was shouting to get assistance she then ran back round the landrover and at that point 2 people were down on the roadway. These people had not been on the roadway when police ran across to the crowd at the outset. When she got to the back of the landrover and saw the 2 persons on the ground she again used her radio to call for an ambulance and also used the main pocket phone and it was at this point that the girl came and shouted abuse at her.

155. Detective Chief Superintendent McBurney referred the Reserve Constable to the transcript of the pocket phone conversations on that evening. She acknowledged that the initial transmission was at 1.45 am and 51 seconds. It appeared to have been inaudible and was confirmed by a second transmission at 1.46 am and 15 seconds requesting urgent backup. The initial request for an ambulance was made at 1.48 again her colleagues at this time were trying to fight the people off. She couldn't say specifically where they were but she could see them in the distance trying to stop the fighting. There were so many people there and only 4 of them. Her knees were shaking and she was really scared because she didn't know what was going to happen next. The boys mostly tried their best to get people pushed away she was trying to make radio transmissions and this girl was shouting abuse at her as if she wasn't doing anything. She personally did not see either of the 2 persons sustaining their injuries. She went over and gave first aid to both men. There was no one round them then as more police had come and got the crowd mostly away. There was a lot of abuse coming towards police because fellows were doing their best to hold the crowd back this abuse was coming from both sides somebody would shout something and then somebody would answer back. Police also received verbal abuse. When she went back to make a second transmission for the ambulance she noticed that Constable Neill was trying to pull one out of the crowd. Another guy was standing roughly round Woodhouse Street jumped on Constable Neill. Police were in the middle, between the Protestant crowd and the Catholic crowd. Protestants were on the top side of the town towards the church and the Catholics on the lower side. There were bottles being thrown when they first got out of the landrover. She saw police using the batons during the course of this incident but could

not say who the officers were. It seemed like hours before the other police arrived. When they came they were helping to push the crowd back.

156. Detective Chief Superintendent McBurney put to her the allegation that police were negligent in that they failed to intervene as promptly as possible in this assault on Mr Hamill. She replied that they had done everything as best as they could. It was difficult to push so many people up the street with only 4 police personnel in addition she gave first aid to the 2 blokes on the road. She added that they got out of the landrover as soon as the man came over she did not hear any shouting or any noise before they debussed from the landrover. This was probably because she might have been engrossed in her conversation. There was no discussion about the role individual police officers would take they just all got out and got involved. She believed that Constable Neill was the man who led from the front and the other 2 went before she did. She felt that they were trying to protect her because she had nothing to protect herself with. She considered that the men were trying to separate the Protestants and the Catholics.
157. Reserve Constable Atkinson was interviewed after caution by Detective Chief Superintendent McBurney and Detective Inspector Irwin on 9 September 1997. He was in possession of a copy of his original statement, notebook entry and baton report.
158. He confirmed where each police officer was sitting within the landrover and that the vehicle had been stationary at points LR1, LR2 and LR3.
159. He was on public order duty on 27.4.97, which he understood to involve trying to keep rival factions apart and sorting out the drunks - essentially to keep the peace in the town centre. He confirmed that he was referring to Protestant and Catholic factions.
160. He indicated that such factions would come into contact with each other at Woodhouse Street, maybe not so much at the top of Woodhouse Street more down Woodhouse Street towards the Royal Oak.
161. Prior to 27 April 1997 he had been on ordinary uniformed duty in Portadown for about 18 months. He would have performed public order duty in the town centre about but once a month.
162. On 27 April 1997 he was a member of the vehicle crew. They would patrol everything inside the security barriers in the town centre.

163. Although he considered it preferable to put men out on foot it was in his opinion necessary to have a vehicle for protection.
164. He said that on average there would be one or two minor skirmishes a month when he was on public order duty. These would perhaps entail a couple of boys having a quick thump at each other and a stone or a bottle thrown. The most normal thing would really be a bottle or 2 thrown and some shouting.
165. He said that they were positioned in LR1 because they wished to keep an eye generally on things. It had a view of the chip shop below Wellworths where people congregated. It had a view of Wellworths itself as well of Thomas Street, Woodhouse Street and Edward Street. There would be an interest in Thomas Street because Catholics who are going to Obins Street or Ballyoran or the Nationalist end of town emerge from Thomas Street, St Patrick's Hall. They make their way across, so police are there normally to give them a bit of protection as well. Occasionally you get 2 or 3 crossing - not in great numbers because most of them seem to travel by taxi. It's safer as there has been trouble in the past.
166. There would be a function in St Patrick's Hall every Saturday night. He wouldn't have been expecting any big volume of people coming from there. You might get one straggler or 2 and that is about the height of it.
167. He was asked if before the landrover moved from that location he saw anyone in Thomas Street or in the vicinity. He said that there were just a few people knocking about - nothing really untoward or anybody boisterous.
168. He is not sure why Constable Neill moved from position LR1 to LR2 he thinks they had seen groups of 4 and 5 and 6 coming up the town and they moved to there so they could keep an eye down Woodhouse Street in case there was anybody coming up. It would be normal for people to be coming up the town from the Rugby Club and from the Coach Inn, Banbridge and they would be fairly boisterous coming up the street. Normally the large majority of them would come up the opposite side of the street from that at which the landrover was sitting because Boss Hoggs is on that side of the street.
169. He believes possible that Constable Neill moved to LR2 so as he could have a better view of these people coming up from the bottom of the town and also to keep an eye down Woodhouse Street. He doesn't recall seeing anyone coming up Woodhouse Street.

170. When asked why Constable Neill then decided to move to position LR3 he said that at position LR2 they saw 2 boys coming along Main Street on their side of the road past the Northern Bank they were known to police so as a pre-emptive move they pulled in so that they could speak to them and say "carry on your way boys."
171. When the landrover had pulled into position LR3 the 2 men spoke in quite a friendly fashion to police. Denise Cornett opened the door and talked to them. P40 \_\_\_\_\_ also talked to one of them from the back of the landrover. He didn't speak to either of the boys.
172. At this point he was not aware of anything else happening in this vicinity.
173. He thinks these boys had just moved off and as far as he is aware the next thing that happened was that Constable Neill's door was pulled open. Prior to this a stoutish sort of a boy whose identity he doesn't know went across to the front of the landrover and said something to Denise, something like "there's people coming down there". This would have been when the 2 men were at the side of the landrover having just moved from the door.
174. Almost instantly the door was pulled open and Alan was pulled out.
175. From what had been said to Reserve Constable Cornett, Reserve Constable Atkinson assumed that the man who had spoken to her was indicating that there were people coming down Thomas Street from St Pat's.
176. When Constable Neill was pulled out of the landrover Reserve Constable Atkinson jumped out and ran round to see what was going on and saw a boy having a bit of altercation with Constable Neill. They seemed to be wrestling a bit with each other. At this point he could there were various groups on the street there would have been maybe 2 opposing groups. There would have been, he supposes, 35 of the Protestant persuasion and about 10 of the Nationalist persuasion. There was a bit of cat calling and the next thing just like that, bang, they all got stuck into each other. When he had got out of the landrover there were girls there saying "you sat there and watched that happen" this was after the whole row had started. It was a few minutes after they were out of the landrover.

177. It was obvious that there was 2 or 3 had got out of their depth among the Protestant crowd and police ran as best as they could and got them gathered up.
178. He was asked to describe the groups which he saw and he said you might have had 4 or 5 and then the next group could have been 10 and then it could have been 3. They were spread right across the street. They were facing up to each other, just like that, out of the blue. He said it was hard to put into time and words but the incident just erupted. He just got out, all of a sudden there was a few catcalls and the next thing these boys just got stuck in to each other.
179. He thinks P40 got out along with him but doesn't know where he went. The woman Constable stayed on the radio in the landrover.
180. He could see that there were 2 or 3 boys getting into difficulties so they ran up and Constable Neill grabbed one of the boys who was obviously a Nationalist who had been grabbed by Prods and they got him out of it and ran him into Woodhouse Street to get him out of the road. As soon as they let go of him he just ran straight back and got tore into these boys again. Reserve Constable Atkinson still assumed he was a Nationalist because he was kicking at these boys who were on the Protestant side. At this stage he thinks P40 and Neill and himself were together he thinks he said to his colleagues words to the effect that they ought to stay together because they would be as risk if the crowd got one of them on their own. He believes that at that stage there were stones and bottles coming. The Prods held their ground there would have been about 10 Catholics among whom there could have been 2 or 3 girls and the rest were males.
181. They ran in again to try and separate the crowds and Reserve Constable Cornett was on the radio looking for help as far as he is aware. The second time they ran back into the crowd there were 2 males lying on the ground. They definitely hadn't been there at the time of their first sortie into the crowd.
182. He explained at this time there would have been about 35 Prods and 10 Catholics with a couple of girls that is say 40 odd people fighting in wee groups among themselves. Police got to the upper side of the men lying on the ground and tried to keep the other people off but there were only 3 police officers.

183. He explained that the incident had spread from one side of the street to the other and that what happened was that one faction was running at the other faction, sticking the boot in and running away again. There was not a solid line of people, people would have broken through past them and kicked at someone behind them. Police would have tried to push them back - at that stage they had their batons out. There were a couple of women in the vicinity he thinks there was one with each person on the ground. He remembers a woman saying to him "would you get an ambulance" he shouted to Denise "have you called an ambulance" she said she had. As the fracas went on the lines became more permanent and police were stuck in the middle. The Prods were in front of them and the Nationalists behind them. But every now and then they sort of intermingled through each other and there weren't enough police officers to keep them apart. There were only 3 police officers and the crowds were spread over the street.
184. One of the ladies to whom he referred was kneeling at one of the boys on the ground. She had his hand on her lap and she said to him "have you called an ambulance". He asked Reserve Constable Cornett if she had called an ambulance and she confirmed that she had. As the fracas continued she kept asking whether the ambulance was coming and he tried to reassure her as best as he could. He believes the ambulance took about 10 or 12 minutes to arrive. He believes that during the course of the fracas Constable Neill put this man into the recovery position.
185. A livery car arrived. In the car was Constable Silcock who had some first aid experience and Reserve Constable Atkinson asked if he could see to the man already referred to this man, he thinks, was wearing a leather jacket and was lying in front of Eastwoods.
186. Another police car arrived. [A \_\_\_\_\_] was in this car. A boy with a baseball hat and red, white and blue scarf round his face got stuck into her on the other side of the street. She got a group of them and he ran across to try and get a hold of him as well. She ran him back to the landrover. At the landrover this guy attacked him. He tried to get a Reserve Constable's baton and he hit him 2 or 3 times and broke the strap of his baton.
187. He was asked whether he had heard anyone say "what the fuck are you going to do about this?" He said that he remembered hearing those words but that he couldn't put them down to an individual. The guy he was having a bit of a confrontation with was very agitated and roaring and shouting but he couldn't exactly say that he said that. There were words like that coming from him and a couple of other guys standing about. When asked

what he thought they meant by what they were saying he said that the man was obviously agitated because these 2 guys were down on the road and had been injured.

188. While he was having the confrontation with the guy who broke the strap of his baton he managed to push the man away. He was looking round for assistance for himself because he thought he was going to be overwhelmed and he could see across the street that there was 2 or 3 guys at the person who was on the road. He just got a quick glance, he was able to break away from the man and run across and take up a position in front of the person on the road again. He was unable to identify the people he saw with the man on the ground. He thinks other police intervened prior to his running back over to the man. These were police who had arrived during the course of the incident. Just as he got back to the man the ambulance arrived and he made the crew aware of the 2 men lying on the ground. After the ambulance had left there was still several of the Nationalists about and the Protestant crowd he believed had got bigger. There was still a bit of taunting going on so he thinks at that stage the Inspector and Sergeant had arrived and instructed police to push the crowd up the street with they weren't too happy about. Police then pushed the crowd up the street. He estimates that there were about 17 police at that stage. They took the crowd up past the Church to the Bodega barrier where they dispersed.
189. He was informed that an allegation of inactivity had been made against police and was asked for his view. He said that he got out and he did his best in the situation. He certainly didn't sit as has been alleged in the media. He said that it had been alleged that the police never got out of the landrover. He said that he would say that that was absolute nonsense. The 2 persons were definitely not lying in the street when police first got out of the landrover. Police actually had to run past the position where the bodies would have been on their way to the confrontation and that is why he is sure that they were not there at the beginning.
190. He mentioned the opinion that the bodies appeared so quickly that he assumed that they had been struck on the head with a bottle or something. One minute it wasn't as if there was a fistfight going on and the next minute you turned round and the body was lying there.
191. It was put to him that a policeman answering his description was alleged by Harvey to have asked him to help move the crowd back up towards Church Street. The Reserve Constable said that he did not recall saying anything to him. He said that there was such a malee going on he may have said to

him something like move along or move back but he doesn't recall saying anything such as was alleged.

192. He was asked if he knew Allister Hanvey and he said he knew him to see. He said that he would have no direct dealings with him. He was asked if he had any direct dealings with Hanvey's relations. He was asked if he was involved in any club and said that he knew what the Investigating Officer was getting at and said that he was involved in a Tae Kwan Do Club. He said that Hanvey is not a member of the club, having been put out of it a long time before this incident because he was dabbling in drugs and the guy who runs the club didn't want him about the place. The Reserve Constable said that he himself was not a member of the club, but his little girl is in the junior section. He would go to their competitions and things like that and look after the money for travelling expenses. He just goes as a parent. He would say that Hanvey had not been a member of the club for perhaps a year and a half to 2 years. He never really had many dealings with him because he was with the seniors and [REDACTED] with the juniors and they train at different times. He said that he knows Hanvey's father to see because he played football against him years ago. He thinks his name is Kenny. They live in [REDACTED]. He would have no reason to contact them although [REDACTED] might have reason to do so in relation to the Tae Kwan Do.

193. It was put to him that an allegation had been made that he had had contact with Allister Hanvey since these incidents.

194. He said that he had certainly not done so and had no reason to do so. On the next day Hanvey was named along with all the rest and he was there when this was done.

195. He was asked if he would have any contact between the day of the incident and the time of his interview with Allister Hanvey or Kenneth Hanvey. He said that he had contact with Kenneth Hanvey who works for the Electricity Service when he came out to inspect his mother-in-law's house in relation to renovations which are being done. He wouldn't have been talking to him for 2 or 3 minutes. He had come to say that there would be somebody there the morning to connect the electricity. This would have taken place in late July.

196. It was put to him that there is an allegation that he made contact with Hanvey. He denied this. He pointed out that his house has been attacked on numerous occasions by these so called loyalists. He said that he has armoured glass fitted. He said that also that he had 2 incendiary bombs

at the house and had his life threatened and his wife and children's lives threatened, he said that he had certainly no leanings towards these boys in any way and described the people who had assaulted these men as the scum of the earth.

197. It was put to him that he may also have told Hanvey to dispose of his clothing. He replied that he had definitely not done this, he said that he had not called with the Hanveys nor had Hanvey called with him. He said that he definitely did not contact him by telephone, the only contact being with Hanvey Senior in July.
198. He was asked to produce his telephone account for the relevant period and agreed to do so.
199. Reserve Constable Atkinson produced his telephone bill for the relevant period on 9 October 1997 and was again interviewed under caution.
200. It was put to him that his itemised billing indicated that 2 calls had been made from his telephone, the first on 27 April 1997 at 8.37 am and the second on the 2 May 1997 at 4.24 pm to Allister Hanvey's home.
201. He was invited to comment in relation to why that number was telephoned from his home. He replied that someone in his house had obviously rung that number but it wasn't he. He had discussed the matter with his wife who had given him an explanation. He had said that he wasn't there when the phone call was made. He was in bed.
202. It was pointed out to him that this was the morning after the incident in Portadown.
203. He said that when he would have arrived home following the incident in Portadown centre it would have been 3 or 4 in the morning and his wife was asleep. He just got into bed and went to sleep and then the phone rang about ten to six. He answered it and it was the station and he got up and went to work. On his return from work his wife asked what had been happening and he thinks he said something to her like there was a row down in the town, the ones coming from the Coach, and we had to go back in and make statements. He then went back to bed again. On the night of the 26/27 April 1997 Michael McKee and his wife Andrea had stayed in his house. Michael McKee is the man who runs the Tae Kwan Do Club. Sometimes they would come, staying maybe once or twice a month. They live in [REDACTED] and they don't drive home if they have had a few drinks. They just stay over. Apparently they were staying that night. He wasn't aware

when he came from work that they were staying, he just got into bed. They would usually sleep in the back bedroom. His wife said something like Michael and Andrea is here before he went to bed. It was put to him that police has spoken to Mr McKee who said that he hadn't seen Allister Hanvey at the club since Christmas 1996 but that he hadn't excluded him from the club.

204. Reserve Constable Atkinson was then asked about the call which had been made from his telephone on the 2 May 1997.
205. He said that he had spoken to his wife about this and that she had told him that she had made that call. He understood that it was something to do with Tae Kwan Do. He said that his wife would keep an eye on the youngsters at Tae Kwan Do because she is up there all the time with her daughter.
206. He confirmed that he was not saying that his wife had made the first telephone call to Hanvey's house. From what he had been told it was Mr McKee who made the call.
207. He was asked whether his wife would not have mentioned the telephone call to him and whether he didn't take any interest at all in the daughter. He said that he did indeed take an interest but that his daughter could be out 4 or 5 days a week to Tae Kwan Do. He was asked to consider the allegation that he had rung Hanvey and told him that police were carrying out an investigation into the assault in the centre of Portadown on the night of the 26/27 and that if he had any sense he would get rid of his clothing. He was invited to comment on such a suggestion. He said that he did not make any phone call to Hanvey's house.
208. He said that he was unaware of who had made the allegation or where it had come from. He said that he had no reason to ring Hanvey because at the end of the day those guys who were involved in that incident had no love for him.
209. He said again that he had his home wrecked and that he had incendiary bombs outside his home. His wife had been in the living room and had been shot at.
210. He was asked why somebody would say that he had rung a man and told him to get rid of his clothing.

211. He said that he didn't know. He, and police, generally get all sorts of allegations made against them, he said that he wouldn't be the most popular person ever up there now because he is in the police and because he has stuck his heels in and stayed there, he said that he had had numerous stone attacks, 2 incendiary bombs, a gun attack and a petrol bomb. He had had his windows replaced front and back twice. These attacks had been carried out by Loyalists.
212. Reserve Constable Atkinson repeated that he had not rung Hanvey and didn't tell anybody else to ring him.
213. He pointed out that he had named Hanvey during debriefing after the incident and that he had been involved in talking about him openly. He did not however see him doing anything other than being with the rowdy people on the street like everybody else.
214. As a result of this interview Mrs Atkinson, Michael McKee and Andrea McKee were spoken to by police and made witness statements.
215. Mrs Atkinson in her witness statement dated 9 October 1997 states that the phone call on the 27 April 1997 was made by Michael McKee. Michael and his wife Andrea had called at her house on the 26 April with the intention of going out with her husband and herself. Unfortunately her husband was working that night so the 3 of them sat in her house. This hadn't been arranged - Michael and Andrea would call unannounced. She went to bed sometime after midnight and Michael and Andrea also stayed that night. She heard the phone ringing sometime during the night and her husband answered it. He made a brief comment about having to go back to work. At around 8 am on the 27 April Robert returned to the house. She asked him what was wrong and he told her that there had been a row in town involving the Coach bus. That was all that was mentioned. She got up and wakened Michael and Andrea a short time later as she knew that Michael had to be at his gym on the Brownstown Road at around 9 am. At the breakfast table she passed a comment of a row being in the town centre. Michael was concerned about his niece Tracey Clark as she went to the Coach possible with an Allister Hanvey. He asked if he could make a phone call in order to find out where Tracey was. He made a call and a short time later he returned and mentioned something about Tracey. Mrs Atkinson thinks he mentioned Hanveys but she is not sure. A short time later Michael and Andrea left the house.
216. In relation to the phone call on 2 May, Mrs Atkinson states that she made the call with the intention of speaking to Elizabeth Hanvey. She in fact

spoke to Kenneth Hanvey and asked him if he would have Tae Kwan Do boots, gloves and a pattern book which she could have. She states that her daughter is a member of the club and she, Mrs Atkinson, was aware that a number of the Hanvey children were members of the club. She knew they hadn't used them recently and that they would have had the equipment, especially the books which she could have put to good use. [REDACTED]

[REDACTED] daughter, had lost her books and her equipment was worn. The equipment and the books were later left at the club. It was through her involvement with the Tae Kwan Do Club that she got to know the Hanveys.

217. She states that in relation to the phone call on the 27 April, Robert had gone straight to bed since he doesn't take breakfast and he wouldn't have been aware of Michael's call. In fact he didn't even see Michael and Andrea and she doesn't believe that at that early stage that he knew that they had stayed that night.
218. Mr James Michael McKee in a witness statement dated 29 September 1997 states that he has run a Tae Kwan Do Club in Portadown area for the last 8 years. Allister Hanvey has been a student of his for the last 7 years or so. He hadn't seen Allister at the club since Christmas 1996 but he had not been expelled from the club.
219. In a second witness statement on the same date he confirms that [REDACTED] Atkinson is a member of his Tae Kwan Do Club and that her father Robert is not a member of the club and has no role in the day to day running of the club but has however on occasions assisted in the organisation of travel arrangements to competitions both in Northern Ireland and on the mainland.
220. In a third witness statement dated 9 October 1997 he states that it was through his association with the Tae Kwan Do Club that he got to know Robert and Eleanor Atkinson whose daughter regularly attends the club. As a result of their friendship his wife Andrea and he call regularly at the Atkinson's home. On a number of occasions they would just call in unexpectedly. He can recall his wife Andrea and himself calling with the Atkinsons on what would have been a Saturday night. They had the intention of having a social drink, however, on arrival they became aware that Robert was working in Portadown RUC Station. His wife and he sat in Eleanor's house chatting. As on regular occasions they stayed the night. He gets up early every morning including Sundays as he opens his gym at approximately 9 am. On getting up on this Sunday morning with Andrea during breakfast they were chatting with Eleanor and she mentioned that there had been a row involving the people coming from the Coach Inn. He states that he has a niece Tracey Clark and was aware that she regularly

went to the Coach and he was concerned regarding her safety. Tracey is his sister's daughter. Tracey had met an Allister Hanvey at his club and they had got engaged. As a result of his concern he rang Allister Hanvey's home, he got the number from his wife. He spoke to Kenny Hanvey who he had also met through his club, he asked if Tracey was at his house. Hanvey told him she wasn't and he said that was fine. He didn't ask about Allister nor did he mention that there was trouble at the town centre. He didn't ring his sister Irene's house because as that stage they weren't on talking terms. After the phone call he left the Atkinson's house with Andrea and they both went to the club. He believes that Andrea would have heard him talking on the phone. He referred to the itemised bill and to its reference to a phone call on 27 April 1997 at 8.37 am, he says that he can not state if the number [REDACTED] is that of the Hanveys however the call was made sometime before 9 am. At no stage in the morning of 27 April or at anytime in fact during that visit did he see or speak to Robert Atkinson.

221. Mrs Andrea McKee in a witness statement dated 29 October 1997 says that through the Tae Kwan Do Club run by her husband she got to know Robert and Eleanor Atkinson and would visit their home and on regular occasions. If they had been drinking would stay there overnight. She recalls visiting the Robinson home on one particular Saturday night with her husband Michael. Robert Atkinson was working so they sat and socialised with Eleanor in her house. They stayed overnight in the house and as usual would have got up early to allow Michael to open up the club. When getting up she didn't see Robert Atkinson. They were having breakfast and Eleanor mentioned to Michael that there had been a row in the town centre. She didn't pay that much attention. Michael asked her for Allister Hanvey's home telephone number. Allister Hanvey had been a member of the Tae Kwan Do Club and he had a relationship with Tracey Clark who was Michael's niece. Mrs McKee was able to give her husband the phone number from memory. She would know a lot of the members phone numbers as she would assist in making arrangements by phone regarding any events or club business. She saw Michael on the phone but couldn't recall what was being said. When he returned to the kitchen from the hall where the phone is situated he said that Tracey wasn't there. There was no other discussion of where she might be. After a short period they left and went to the club.

#### GENERAL

222. [REDACTED] letter of 6 May 1997 contains an allegation that certain police officers witnessed the assault on Mr Hamill and did not intervene as promptly as possible.

223. Wilful failure to act by a police officer can in certain circumstances amount to the common law offence of misconduct of an officer of justice.
224. In R -v- Dytham 69 r App R. 387 the appellant, police constable in uniform witnessed S-being ejected by a bouncer from a club early one morning. A fight ensued in which S was involved with 3 others and he was kicked to death. The appellant in no way intervened but went off. He was charged with misconduct of an officer of justice in that being present and a witness to a criminal offence, namely, a violent assault upon S by three others, he deliberately failed to carry out his duty as a police constable by wilfully omitting to take any steps to preserve the Queen's peace or to protect S or to arrest or otherwise bring to justice his assailants.
225. In affirming the conviction by the lower Court the Court of Appeal held that not every failure to discharge a duty which devolved on a person as the holder of a public office gave rise to the Common Law offence of misconduct in that office.
226. The Lord Chief Justice in his judgment quoted a passage from Stevens Digest of the Criminal Law (9<sup>th</sup> edition), Art. 145:-
- "Every public officer commits a misdemeanour who wilfully neglects to perform any duty which he is bound either by common law or by statute to perform provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter."
227. The Court said that the neglect must be wilful and not merely inadvertent; and it must be culpable in the sense that it is without reasonable excuse or justification.
228. The offence involves an element of culpability which is not restricted to corruption or dishonesty but which must be of such a degree that the misconduct impugned is calculated to injure the public interest so as to call for condemnation and punishment.
229. As you will have observed from the part of this note which summarises the evidence of the relevant witnesses at various stages there is a conflict

as between those who had walked up Thomas Street and the police as to the circumstances in which Mr Hamill and Mr [D] sustained their injuries.

230. Within this broad conflict there are further inconsistencies as between the various members of the Thomas Street group and the police officers.
231. [D] and [E] refer to their group of 4 walking together towards the mouth of Thomas Street and recall seeing a couple of people at the end of Thomas Street. They describe a sudden attack, about which [D] remembers nothing further. [E] describes the crowd who attacked [D] and Mr Hamill as consisting of around 20 to 30 persons. [F] evidence is that she noticed 2 people standing at the corner as they walked up Thomas Street. As they started to cross the road to get to Woodhouse Street a crowd of about 30 people jumped on them as if out of nowhere. After the attack she ran over to a police landrover parked at the entrance to Woodhouse Street and asked them to get help. She heard a policeman shout "There is an ambulance on its way."
232. In her evidence at the trial of Hobson, [F] confirmed that her group of 4 people was together with Robert and [E] about 2 or 3 steps in front of her and her husband. There was no possibility that Robert was ahead of the other 3. She doesn't recall seeing anyone else who had been at the function walking home ahead of them, at no stage during the attack did she see any police officers trying to break up the trouble. It was maybe 5 or 10 minutes after the attack on Robert had finished before she ran over to complain to the occupants of the landrover. She got no response. The attack on Robert was unprovoked. At no stage did she see groups of people fighting all the way across the Main Street. She didn't see police officers getting out of the landrover to try and stop that fighting. She didn't see or hear 2 groups taunting each other or cat calling or any other fights around the mouth of Thomas Street. After the initial attack there was no further attack by any of the crowd. Police remained in the vehicle for at least 5 to 10 minutes after the end of the attack.
233. Mr Prunty in his witness statement, on the other hand, described having left St Patrick's Hall with his girlfriend Maureen McCoy. They were walking down Thomas Street on the footpath. Ahead of them was [D] [D] and [E] and another girl called [F] [F]. Ahead of them on his own and about 30 to 40 yards ahead of Mr Prunty was Robert Hamill. The next thing he heard a lot of people shouting "Get the Fenian bastards" and saw a crowd of about 30-odd people, mostly fellows, coming from the left of the Main Street running and the

front ones of the group had caught Robert Hamill and were dragging him to the ground. He was then kicked by 15 or 20 people as he lay on the ground. D ran down towards the crowd and Mr Prunty ran as well the crowd were shouting "Kill him, kill him," and Mr Prunty ran into the middle of them to see what he could do to help them. He wasn't able to do anything for there were just too many of them. By this stage the police had got out of the landrover and were over at the crowd. There was either 2 policemen and one woman or 3 policemen and a woman. They ran in to try and stop it. One of the policemen pulled him back and as he was doing this he saw another policeman grab hold of one of the fellows in the group who was kicking Robert Hamill. This youth who was wearing a Ranger's scarf was taken away and put in the back of the landrover.

234. Mr Prunty's evidence at the trial of Mark Hamill was somewhat confused. He began by stating that police came to the scene after Robert had got beaten up. He then said that police broke the crowd up and took one fellow away when they were still kicking at Robert. He then subsequently said that once the kicking had stopped the police came on the scene. The crowd did not break up after the police had taken someone from the scene they were roaring and shouting. The attack on Robert Hamill lasted for a good 10 minutes and was not over in a flash. The police came out of the landrover when they stopped kicking Robert. There were not 2 groups of people cat calling at each other nor were there fights breaking out the whole way across Main Street. There was only one episode of beating.
235. Maureen McCoy's evidence is that as they approached the British Legion Club they were stopped by F who said to her "don't be going down there Maureen as there is a crowd down there." Robert Hamill was standing with F and E. She saw a group of 10 to 15 male persons standing outside a baker's shop on the corner of High Street/Market Street. She and Colin continued across the junction because the police landrover was there. As they got to the group at the corner she was aware that the Hamill fellow was behind her along with the D family. The crowd began to shout Fenian bastards and surged towards them. She knew someone behind her was being attacked at this stage. She ran across Market Street and stood near to the Alliance & Leicester Building Society. She subsequently saw a male person lying unconscious in the centre of Market Street and ran over to help him. She saw E giving assistance to another male person. Returning her attention to the first male person she was aware of police officers to her left. She saw a male person sitting inside the landrover.

236. Constable Neill describes Mr Mallon having drawn himself to the attention of the occupants of the landrover at position LR2 and the subsequent brief conversation with Reserve Constable Cornett. He then describes the confrontation between this man and the 2 youths who had come from the direction of the Halifax Building Society and Reserve Constable Cornett's conversation with these persons immediately prior to his being pulled out of the vehicle. He did not hear or see anything prior to being pulled out of the vehicle and when at that stage he looked across the street he saw the group of 8 to 10 persons and the opposing group of 30 or more who were cat calling at each other. A number of fights then spontaneously broke out. He describes his efforts to break up these fights and says initially that the first time he saw anyone on the ground was after he had pulled a youth away from one of these fights and into the mouth of Woodhouse Street and then returned to his landrover. He later qualifies this by saying that he had on a number of occasions to remove this youth from the fighting and can not be sure after which of these occasions he saw the persons on the ground. After these persons had been seen police rendered assistance and kept the factions apart.
237. Although he was aware that the junction of Thomas Street and Market Street was a flash point and would have been anxious to make sure that the presence of his landrover was going to prevent any disturbance he did not give any specific instructions on foot of what Mr Mallin had said to Reserve Constable Cornett, he did look up Thomas Street when the vehicle was at LR2 and saw no-one but didn't instruct either of the officers in the back to keep an eye out of the back window. He had already checked Thomas Street, he would have taken it that they were looking out the back. It didn't occur to him to manoeuvre his landrover into Woodhouse Street so as to provide a clear view through the front windscreen of the junction of Thomas Street and Market Street.
238. It was quite possible that there had been an assault before police were aware of it but neither of the injured men was on the ground whenever police got out of the landrover. Possibly some assault had happened prior to police knowing about it but it had split up and after police had got out of the landrover further fighting ensued.
239. Reserve Constable Atkinson's evidence is that the landrover was parked at position LR3 before Mr Mallon walked across to the front of it. Mr Mallon mouthed something but he did not hear what was said because of engine noise. It was Mr Mallon who pulled Constable Neill out of the vehicle, although Mr Mallon's evidence is that he proceeded directly home after the confrontation with the 2 youths. He jumped out at the back of the vehicle