

2 **MR COLIN PRUNTY: DULY SWORN: EXAMINED IN CHIEF BY**

3 **MR KERR:**

4 **MR KERR:** Please keep your voice up. On 26<sup>th</sup> April 1997  
5 in the evening did you go to St Patrick's Hall?

6 A. Yes, My Lord.

7 Q. Did you go by yourself, or with anyone?

8 A. My girlfriend.

9 Q. How long did you stay at the hall that night?

10 A. Till it was over.

11 Q. How were you getting home? A. I  
12 was going to get a taxi, but there was none available so I  
13 walked.

14 Q. In which direction did you walk? A. Towards  
15 Thomas Street.

16 Q. Where were you heading to on Thomas Street?

17 A. The Town Hall area.

18 Q. Was there anyone else heading in the same  
19 direction? A. Yes.

20 Q. Who did you see heading in the same direction?

21 A. Robert Hamill, **D** and his wife **E**  
22 and **F**.

23 Q. In what sort of order were they walking compared  
24 to you? Were they in front of you, or behind you?

25 A. Behind me.

26 Q. As you went towards Thomas Street, coming up to  
27 the junction with Market Street, can you say did you notice  
28 any persons about when you got to that area?

29 A. No, I didn't see anybody.  
30

1 B.C.27

2 Q. Did anything happen as you were going up  
3 towards that area in relation to the others?

4 A. Robert was ahead of me.

5 **THE JUDGE:** I thought that you said they were behind  
6 you? A. No, Robert was in front.

7 Q. The others were behind you? A. Yes.

8 **MR KERR:** How far was he in front of you?

9 A. About from here to that window over there.

10 Q. From where you are sitting to the window?

11 A. Yes.

12 Q. What happened? A. Robert walked  
13 down and the next minute a whole squad appeared out of  
14 nowhere and jumped him.

15 Q. Whereabouts was Robert when he was jumped?  
16 Was he in Thomas Street, or Market Street? A. He  
17 was about the bottom of Thomas Street heading towards  
18 Market Street heading towards the end of the road.

19 Q. We know in Thomas Street there is Eastwoods  
20 Clothing and a bakery on the other side. Which side was he  
21 on? A. He was on the bakery side.

22 Q. You say that a number of people jumped him?

23 A. Yes.

24 Q. Was anything said or did you hear anything being  
25 said? A. Just - "Get him. Get him."

26 Q. Apart from those people and the people that you  
27 have already described was there anyone else, or did you  
28 notice anything else in the area? A. I noticed  
29 the police Land Rover.

30

1 B.C18  
2 Q. Whereabouts was the police Land Rover?  
3 A. Just outside the Halifax Building Society.  
4 Q. Can you say what way was it facing?  
5 A. The back of it was facing towards Eastwood shop.  
6 Q. Does that mean that it wasn't straight on the  
7 road? A. It was part on the diagonal.  
8 Q. Can you say where the people who jumped Robert  
9 came from, which side of the road? A. I think  
10 it all happened that quick. I think they came from the left  
11 hand side.  
12 Q. Your left hand side? A. Yes.  
13 Q. What did you see happen to him? A. He  
14 was dragged to the ground and they started kicking him  
15 and beating him.  
16 Q. About how many were doing that?  
17 A. Between twenty and thirty.  
18 Q. Whereabouts could you see was he being kicked?  
19 A. Everywhere.  
20 Q. Was anything being said at the time he was being  
21 kicked everywhere? A. "Kill the fenian  
22 bastard."  
23 Q. Can you say was that something being said by one  
24 person, or more than one person? A. More  
25 than one.  
26 Q. You said that you had earlier seen D  
27 What happened in relation to him? A. He run  
28 down to try and help and he was knocked straight to the  
29 ground.  
30

1 B.C.29

2 Q. What happened him? A. At that time  
3 D went straight to the ground and that is so far as I  
4 know what happened D. D just went straight  
5 to the ground.

6 **THE JUDGE:** You said 'so far as you knew'?

7 A. All I know is that D went to the ground.

8 **MR KERR:** How far, or what position was he on the  
9 ground in relation to Mr Hamill? A. He was just  
10 lying on the ground.

11 Q. Was he close to him, away from him, or what?

12 A. Pretty close to him.

13 Q. What did you do? A. I run down to try  
14 and help.

15 Q. Were you able to? A. No.

16 Q. What did you do to try and help? A. I  
17 run into the middle of the crowd.

18 Q. Can you say whether there were any policemen  
19 around? A. There was no police around.

20 Q. Did they come to the scene? A. They  
21 came to the scene after Robert had got beaten up.

22 Q. How many policemen were there came to the  
23 scene? A. Two.

24 Q. Did either of the policemen do anything when  
25 they came to the scene? A. They broke the  
26 crowd up and they took one fella away.

27 Q. When you say that, where did they break the  
28 crowd up? Where was the crowd in relation to either Mr  
29 Hamill or D? A. At this time they  
30 were still kicking at Robert.

1 B.C. 30

2 Q. So, just to be clear, at that stage the police came?

3 A. Yes.

4 **THE JUDGE:** You did say a moment ago that they

5 came to the scene after Robert had got beaten up?

6 A. Yes. Once the kicking had stopped the police

7 came on the scene then.

8 Q./ You then said that they broke the crowd up and

9 took one fellow away. At this time they were still kicking at

10 Robert? A. They broke the crowd up when the

11 kicking had stopped.

12 **MR KERR:** Now, you say that you saw policemen and you

13 mentioned about some fellow. What did you see them do

14 in relation to some fellow? A. They grabbed a

15 fella and brought him down towards the Land Rover.

16 Q. How would you describe that fellow?

17 A. He was wearing a Rangers scarf.

18 Q. Had you seen that fellow earlier on? A. No.

19 Q. Did you see that fellow do anything? A. He

20 was in the crowd that was kicking Robert.

21 Q. Where did the police take him? A. To

22 the Land Rover.

23 Q. Apart from the crowd you have described and the

24 police, did you see anyone come to either Robert or **D**

25 **D**? Did anyone come to help them?

26 A. The police?

27 Q. Did anyone come to help Mr Hamill or **D**?

28 A. Who like?

29

30

1 **B.C. 31**

2 **THE JUDGE:** I think the word 'come' might be  
3 confusing. Did anyone go to the aid of either of the two  
4 men to help them? A. No.

5 **MR KERR:** Did you see **F**? A. Yes.

6 Q. Did you see **E**? A. Yes.

7 Q. What were they doing? A. **E** was  
8 over with **D** and **F** was screaming for help.

9 Q. At which stage was that? A. It was  
10 after all that happened.

11

12 TO S.B. 2.00 p.m.

1 Monday, 22nd February 1999

2 R V Paul Hobson

3  
4 SB from BC 2.00

5 MR COLIN PRUNTY

6 (Cont'd) Examination in chief by MR KERR:

7 Q. Which stage was it in relation to the police coming and  
8 taking someone from the scene?

9 A. The police came took someone from the scene after the  
10 screaming had stopped.

11 Q. Did the crowd break up after the police had taken someone  
12 from the scene or not?

13 A. No.

14 Q. What was the crowd doing at that stage?

15 A. Just roaring and shouting.

16 Q. What were they roaring or shouting?

17 A. Kill the Fenian bastard.

18 Q. Anything else?

19 A. Just roaring and shouting.

20 [REDACTED]: Well, were they shouting that after the  
21 attack had stopped?

22 THE WITNESS: They were shouting it when the attack was  
23 happening.

24 [REDACTED]: Well, you see, you seem, I mean, it's  
25 between you and Mr Kerr this, but you seem to me to be  
26 talking about a time after the attack had stopped.

27 THE WITNESS: I said that they were saying kill the Fenian  
28 bastard when they were hitting him.

29 [REDACTED]: I know you were saying that earlier and  
30 that's why I asked you, but we're now talking, as I

1 understand it, am I right, Mr Kerr, we're now talking about  
2 a time after the attack has stopped. Do you understand that?

3 THE WITNESS: I said they were still roaring.

4 [REDACTED]: The same thing?

5 THE WITNESS: Yeah.

6 MR KERR: Now, the person who the police had taken out of the  
7 crowd after the police had taken him did you see him again?

8 A. I seen him in the back of the Land Rover, yeah.

9 [REDACTED]: Where did you see him?

10 THE WITNESS: In the back of the Land Rover.

11 [REDACTED]: In the back of the Land Rover, you mean  
12 inside the Land Rover?

13 THE WITNESS: Yeah.

14 MR KERR: Thank you.

15 Cross-examination by MR ORR:

16 Q. Mr Prunty, dealing with this man in the Rangers scarf that  
17 you have mentioned, is it your evidence that he was one of  
18 the group of 20 to 30 kicking at Robert Hamill?

19 A. Yeah.

20 Q. And is it your evidence that he was then taken after the  
21 fighting had stopped, he was taken by the police and put  
22 into the back of a Land Rover?

23 A. Yeah.

24 Q. And subsequent to that what happened to him?

25 A. He got out of the Land Rover again.

26 Q. Now, when he got out of the Land Rover did it seem to you  
27 unusual or strange that this man who had been taken out of  
28 the group and put into the back of the Land Rover was now  
29 back onto the street?

30 A. Yeah.

1 Q. And because you thought it was strange did you speak to  
2 anyone?  
3 A. Yeah.  
4 Q. Who did you speak to?  
5 A. Police.  
6 Q. And can you assist us, did you speak to one or more?  
7 A. One.  
8 Q. And was it a policeman or policewoman?  
9 A. Policewoman.  
10 Q. And were you complaining to her about the fact that one of  
11 the attackers, who had actually been taken into police  
12 custody, was now out roaming around the Main Street in  
13 Portadown?  
14 A. Yes.  
15 Q. Were you anxious to know whether or not his identity was  
16 known to the police?  
17 A. Yes.  
18 Q. In fact, isn't that what you were asking the policewoman,  
19 you were saying, I hope you've got his name?  
20 A. Yeah.  
21 Q. Now, if I could ask you, Mr Prunty, to go back to the start  
22 of the incidents. You went with your girlfriend, I think  
23 she's Maureen McCoy, is that right?  
24 A. Yes.  
25 Q. And you went to this function in Saint Patrick's hall.  
26 A. Yes.  
27 Q. And had you been having a drink or two beforehand?  
28 A. Yes.  
29 Q. And then do I take it you would have had some drink during  
30 the course of the dance?

1 A. Yes.

2 Q. And in terms of the drink that you had taken can you give us  
3 any sort of an indication of what you would have taken  
4 during the course of the evening?

5 A. About seven, seven or eight pints.

6 Q. And is that the sort of amount that you would regularly  
7 drink?

8 A. Yeah.

9 Q. You wouldn't be fit to drive a car but you'd still have your  
10 wits about you?

11 A. Oh, yes, yeah.

12 Q. Would that be the situation. And in terms of your going  
13 back, am I right in saying that you arrived at the disco  
14 having been at a bar beforehand, did you go by taxi or did  
15 you walk to it?

16 A. Got a taxi.

17 Q. And whenever you came out at the end of the evening were  
18 there people waiting for taxis outside the hall?

19 A. Yes.

20 Q. And the situation is that you were with one person, your  
21 girlfriend.

22 A. Yes.

23 Q. But you would have known a number of the people who were  
24 there, including Robert Hamill.

25 A. Yes.

26 Q. Can I ask you, whenever you left Saint Patrick's hall, you  
27 walked along Thomas Street in the direction of Main Street.

28 A. Yes.

29 Q. And were you in the company of, in the close company of your  
30 girlfriend?

1 A. Yes.

2 Q. Now, we have heard mention made by E & F of  
3 four people, that's the two of them, D  
4 D, and the fourth person Robert Hamill.

5 A. Yes.

6 Q. And what is your recollection, Mr Prunty, were the four of  
7 them together as a group or were they spread out in the  
8 street or what was the position?

9 A. Together in a group.

10 Q. And how far would you and your girlfriend have been away  
11 from this group of four?

12 A. Roughly from about here to the window again.

13 Q. I suppose what, 15 to 20 yards, something like that?

14 A. Yeah.

15 Q. Now, in relation to your movements, did you move along the  
16 centre of Thomas Street, or can you remember whether you  
17 were on one footpath or the other?

18 A. I was on the footpath.

19 Q. And was that the right or left hand?

20 A. Right-hand side.

21 Q. The right-hand side.

22 A. Yeah.

23 Q. And am I right in saying that as you travel along Thomas  
24 Street it bends round?

25 A. Yeah.

26 Q. And once you round the bend you then are in a position to  
27 see the mouth of Thomas Street and this staggered cross  
28 roads.

29 A. Yes.

30 Q. And when you reached that stage was that when you saw the

1 police Land Rover or when you got up closer to the mouth?  
2 A. When I got up closer.  
3 Q. Once you had turned the bend in Thomas Street, can I ask  
4 what the position was in relation to any people ahead at the  
5 junction. Did you see anyone?  
6 A. I just seen the police Land Rover.  
7 Q. Yes, but any civilians, sorry.  
8 A. Robert was in front of me.  
9 Q. Yes, but apart from the group of four and the two of you,  
10 were there any civilians up at the mouth of Thomas Street?  
11 A. I never seen anybody.  
12 Q. You saw nobody. And as you approached towards the junction  
13 you could see the rear of the Land Rover.  
14 A. Yes.  
15 Q. And in terms of the Land Rover, can I ask you just, if I  
16 could, could you look at photograph number 4 in the album,  
17 exhibit 1, please. Now, that is the view of the junction  
18 from Thomas Street. Once one travels from Saint Patrick's  
19 hall on up there's the British Legion premises, there's the  
20 Credit Union and you're round the corner and that's towards  
21 it, you know the location I'm talking about.  
22 A. Yes.  
23 Q. Looking at photograph number 4, would the position of the  
24 Land Rover that you saw that night, would it be visible on  
25 that or would you have to go to photograph number 5, which  
26 is a closure up shot at the mouth of Thomas Street?  
27 A. Well, you could have seen it once you got to the bottom.  
28 Q. But you couldn't have seen it in the position the  
29 photographer would be in.  
30 A. No.

1 Q. But once you would walk up towards, it looks as if there is  
2 he a telegraph pole just at the very junction there.  
3 A. Yeah.  
4 Q. Once you would have got up near to that you would see it.  
5 A. Yes.  
6 Q. And was the Land Rover off to the right, hidden by those  
7 buildings, or off to the left hidden by those buildings that  
8 one sees?  
9 A. Off to the right.  
10 Q. And am I right in saying that when you saw the Land Rover it  
11 was angled with the back of the Land Rover pointing back  
12 towards the mouth of Thomas Street?  
13 A. Yes.  
14 Q. If I could just pause there and ask you; at any stage before  
15 the ambulance arrived, did you stay until the ambulance  
16 arrived?  
17 A. Yes.  
18 Q. At any stage did the Land Rover move position from the  
19 position you first saw?  
20 A. No.  
21 MR. ORR: Now, I wonder if the witness then could have a look at  
22 exhibit number 4(2).  
23 (To the witness): Perhaps you have it there. I think  
24 it's the white one, please, Mr Prunty. Now, Thomas Street is  
25 coming up from the right hand corner, angled across is the  
26 Main Street and you would have been heading towards the  
27 tunnel along Woodhouse Street.  
28 A. Yeah.  
29 Q. Have you got your bearings there?  
30 A. Yes.

1 Q. Now, do you see outside Clarke's shoe shop a box with the  
2 letters LR/1. Clarke's shoe shop is on Market Street.

3 A. Yes.

4 Q. Did you ever see a police Land Rover in that position?

5 [REDACTED]: That night.

6 THE WITNESS: No.

7 MR ORR: At any time that night.

8 A. No.

9 Q. Do you see then there's a box near to the mouth of Woodhouse  
10 Street, a box LR/2, the vehicle sitting in the normal  
11 driving position heading down towards the bottom of the town  
12 or Bridge Street. Do you see LR/2?

13 A. Yeah.

14 Q. And at any stage that night did you see a Land Rover in that  
15 position?

16 A. No.

17 Q. Then do you see LR/3, a vehicle slightly pointed in to the  
18 mouth of Woodhouse Street, do you see that?

19 A. Yes.

20 Q. Did you see a police Land Rover at any stage that night in  
21 that position?

22 A. Yes.

23 Q. And is that the position you're referring to when you say  
24 you saw the police Land Rover?

25 A. Yes.

26 Q. Now, the rear of it doesn't appear to be pointing towards  
27 the mouth of Thomas Street, but pointing at an angle on down  
28 Market Street or on up Market Street.

29 A. Yes.

30 Q. Is that the sort of position or was it angled more with its

1 rear doors towards Thomas Street mouth?

2 A. It was angled more towards Thomas Street mouth.

3 Q. Now, if I could ask you then to go to photograph number 1 in  
4 the album. Again can you say, looking at that photograph,  
5 just to get your bearings, Thomas Street's off to your left,  
6 Woodhouse Street's off to your right, that's up towards the  
7 church. Can you say where the Land Rover or the angle of the  
8 Land Rover would have been in terms of that photograph?

9 A. Yeah.

10 Q. Just show his Lordship.

11 A. It was pointing that way there. (Indicating).

12 Q. Does that mean that it was -- is that the rear of it was  
13 pointing that way?

14 A. Yeah.

15 Q. Does that mean the rear was pointing more towards the church  
16 than towards the mouth of Thomas Street?

17 A. Sort of pointing towards Thomas Street.

18 Q. More towards Thomas Street?

19 A. Yeah.

20 Q. Do you see there appears to be some tape has been put across  
21 the road and it looks as if it's fallen down, do you see  
22 that tape?

23 A. Yes.

24 Q. The tape, I mean, it's difficult because of the angle, is  
25 the position of the Land Rover similar to the angle of the  
26 tape as one looks at photograph 1?

27 A. Yes.

28 Q. Because the tape appears to be angled back towards the mouth  
29 of Thomas Street.

30 A. Yes.

1 Q. Is that the situation?

2 A. Yes.

3 Q. As you travelled along was there any concern, either by  
4 yourself or your girlfriend, or any of the others, about  
5 crossing what would have been a flash point junction to get  
6 across to Woodhouse Street and on home?

7 A. No.

8 Q. What was the reason that you weren't concerned? Was there  
9 any reason that you weren't concerned?

10 A. I seen the police Land Rover.

11 Q. Because of the police Land Rover?

12 A. Yeah.

13 Q. In terms of the group, group's not the right phrase, but in  
14 terms of six people, we've heard that there was **D**  
15 **D** and **E**, there was **F**.  
16 There was Robert Hamill, there was yourself and there was  
17 Maureen McCoy. Could I ask you in terms of those six people,  
18 who was the first of the six to arrive at the mouth of  
19 Thomas Street and Main Street?

20 A. Robert.

21 Q. And was he on his own at that stage?

22 A. Yes.

23 Q. Who would have been behind him?

24 A. Maureen and myself.

25 Q. And then where would the other three have been?

26 A. They were just behind me.

27 Q. So whenever you left Saint Patrick's club were you out after  
28 them and did you over take the three, but hadn't caught up  
29 with the fourth, namely Robert Hamill?

30 A. I had over taken them, yes.

- 1 SB to BC 2.15
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2 **MR COLIN PRUNTY: CROSS-EXAMINATION BY MR ORR**

3 **(CONTD.)**

4 **MR ORR:** In other words, people are going at different  
5 paces because you were having a night's entertainment?

6 A. Yes.

7 Q. Whenever you approached the junction yourself  
8 your recollection is that there was a group of people, you  
9 think, coming from the church side, in other words, from  
10 the Market Street side, suddenly came and attacked Robert

11 Hamill? A. Yes.

12 Q. In terms of that attack, where did that attack

13 occur? A. Just down from Eastwoods Clothing.

14 Q. In relation to Exhibit 4, do you see there the  
15 junction and do you see Eastwoods Clothing, which is the  
16 shop unit at the corner? A. Yes.

17 Q. Then Evans is the shop beside it?

18 A. Yes.

19 Q. Over at the other side there is a number seven,  
20 home bakery? A. Yes.

21 Q. In relation to that map, where was the attack on  
22 Robert Hamill? A. Just down a wee bit from  
23 Eastwoods Clothing.

24 Q. Can you assist us, was it on the footpath or on the  
25 road that it happened? A. On the road.

26 Q. Did you go to try and help Mr Hamill?

27 A. Yes.

28 Q. Did <sup>D</sup> do the same? A. Yes.

29 Q. You have told us that <sup>D</sup> was also  
30 attacked? A. Yes.

1 B.C.33

2 Q. Where was he attacked? A. He was  
3 attacked just at Eastwoods there on the footpath.

4 Q. In terms of the evidence given during the  
5 morning's evidence do you see on that map the roadway  
6 outside Eastwoods Clothing on Market Street?

7 A. Yes.

8 Q. Do you see there is a traffic island running the  
9 length of it but there are two lanes of traffic heading  
10 towards the church? A. Yes.

11 Q. In which of the two lanes would you have said  
12 that Robert Hamill was when he was attacked?

13 A. The first lane.

14 Q. The nearest to the footpath or to the island in the  
15 centre? A. The lane just outside Eastwoods  
16 Clothing.

17 Q. The nearside lane? A. Yes.

18 Q. Whereabouts was **D** when he was  
19 attacked? A. He was attacked at the end of  
20 the footpath.

21 Q. Could they both have been attacked and fell to  
22 the ground on the roadway? A. Robert was  
23 dragged to the ground on the roadway.

24 Q. Whenever they ended up lying on the ground  
25 were they both on the road, or one on the footpath, or  
26 what was the position? A. I wasn't sure where  
27 **D** was lying but Robert was lying on the roadway.

28 Q. You have said that **D** wasn't that far away  
29 from him? A. No.

30

1 B.C.34

2 Q. Looking at the plan in front of you, do you see the  
3 bakery, number seven, the home bakery? A. Yes.

4 Q. On the other side of the mouth of Thomas Street?

5 A. Yes.

6 Q. Were either of the two men attacked outside that  
7 bakery? A. No.

8 Q. Or did you see either of the two men lying either  
9 on the footpath or the edge of the roadway outside  
10 number seven, home bakery? A. No.

11 Q. So, the two attacked, D and Robert, were  
12 both attacked to the church side of the cross roads?

13 A. Yes.

14 Q. Is there any doubt in your mind about that?

15 A. No.

16 Q. In relation to the attack on the first person, that  
17 is Mr Hamill, can I ask how long that attack happened for, or  
18 can you say? A. A good ten minutes.

19 Q. So that you don't accept that it was over in a  
20 flash? A. No.

21 Q. Now, in relation to the ten minutes of that attack,  
22 can I ask you what the position was in relation to the police  
23 Land Rover? Did any uniformed police come out during  
24 that ten minutes? A. They came out when they  
25 stopped kicking Robert.

26 **THE JUDGE:** Can you answer the question the way it  
27 is asked?

28 **MR ORR:** Did any police personnel in uniform appear  
29 on the two lanes where the attack was taking place before  
30 the attack stopped? A. No.

1 **B.C.35**

2 **THE JUDGE:** Can I take you back to the earlier  
3 question which you were asked, did any policeman come  
4 out of the Land Rover during the ten minutes? Can you  
5 answer that question? A. No.

6 Q. But you can that none appeared over at the side  
7 of the road where this was happening? A. Yes.

8 **MR ORR:** if one takes your estimate of the spot where  
9 Robert Hamill was beaten, what was the distance that you  
10 estimate from it to the Land Rover?

11 **THE JUDGE:** If you could take some point in the court  
12 room? A. From where Robert was lying .....

13 **MR ORR:** To the rear of the Land Rover?

14 A. Roughly, Robert would have been lying about  
15 there and the policemen would have been over where the  
16 television screens are.

17 Q. Near enough the width of the court?

18 A. Yes.

19 Q. You were conscious of the Land Rover before you  
20 reached the mouth of Thomas Street? A. Yes.

21 Q. The presence of the Land Rover enabled you to  
22 feel that you were safe carrying on out? A. Yes.

23 Q. Were you concentrating when you saw this attack  
24 on one of your friends and you run forward with <sup>D</sup> to  
25 help him and <sup>D</sup> then gets beaten, were you then  
26 concerned about the occupants of the Land Rover or what  
27 was happening? A. No, I was more concerned  
28 with what was happening with Robert and <sup>D</sup>.

29 Q. Is it possible that the occupants of the Land Rover  
30 had got out before the kicking of Robert stopped?

1 B.C.36

2 A. So far as I know I didn't see any police getting out  
3 of the Land Rover.

4 Q. If there were police when the fighting was still  
5 going on, or kicking still going on, it would not have taken  
6 them too long to go from there to where Robert was lying?

7 A. No.

8 Q. Insofar as the group that were involved in the  
9 attack, do I take it that the people involved in the attack on  
10 Robert Hamill were not known to you? A. No.

11 Q. You couldn't say that it was Jimmy, or Peter or  
12 Fred. You wouldn't know them by name? A. No.

13 Q. But the one person you did notice was the one  
14 wearing the Rangers scarf? A. Yes.

15 Q. Did you notice that person who was wearing the  
16 Rangers scarf merely because of his presence or because of  
17 what he was doing? A. Because of his  
18 presence.

19 Q. Did he appear to be doing anything in relation to  
20 Robert Hamill? A. He was in the crowd that  
21 was kicking him.

22 Q. Were you in a position to say whereabouts he was  
23 kicking that person, for example, was kicking Robert Hamill?

24 A. No.

25 Q. Was that because of the crowd that were around?

26 A. Yes.

27 Q. But you immediately saw someone who was in an  
28 unprovoked attack, was attacking a defenceless man on the  
29 ground, and he was identifiable by a Rangers scarf?

30 A. Yes.

1 B.C.37

2 Q. A short time after the kicking had stopped is it  
3 your evidence that the police then got out of the Land  
4 Rover and came over? A. Yes.

5 Q. Is it your evidence that they selected this man  
6 wearing the Rangers scarf and took him off and put him  
7 into the rear of the Land Rover? A. Yes.

8 Q. And you remained because the ambulance still had  
9 not arrived? A. Yes.

10 Q. Do I take it that you then saw this man in the back  
11 of the Land Rover? A. Yes.

12 Q. But you then saw him a short time later not in the  
13 Land Rover? A. Yes.

14 Q. That is what angered you and made you speak to  
15 the policewoman? A. Yes.

16 Q. Now, can I ask you in relation to the events as  
17 they came, there was no action by either Robert Hamill or  
18 any of your group to provoke any attack on anybody?

19 A. None.

20 Q. You were simply returning home after a night's  
21 entertainment? A. Yes.

22 Q. What do you say to the suggestion of two groups  
23 who were cat-calling each other? What do you say to that  
24 suggestion? A. Nonsense.

25 Q. What do you say to the suggestion that there  
26 were fights breaking out the whole way across Main Street?

27 A. No.

28 Q. And whilst that was happening the police in the  
29 Land Rover were out of the Land Rover or at least some of  
30

1 B.C.38  
2 them and were standing at the rear of the Land Rover?  
3 A. No.  
4 Q. And that the police officers then tried to stop the  
5 trouble and they saw Robert Hamill lying outside Eastwoods  
6 in Market Street? A. No.  
7 **THE JUDGE:** Sorry - you are going too fast.  
8 **MR ORR:** Lying outside Eastwoods in Market Street.  
9 **THE JUDGE:** I suppose it is difficult for him to  
10 comment on what they saw or did not see, but maybe he  
11 would like to do his best to answer that question. You had  
12 better put it again.  
13 **MR ORR:** Did you see Robert Hamill lying outside  
14 Eastwoods after the attack on him? A. Yes.  
15 Q. On the footpath, or on the road? A. On  
16 the road.  
17 Q. Did you see the other person who was attacked,  
18 namely, D, lying outside the bakery, number  
19 seven, on the other side of the mouth of Thomas Street?  
20 A. Yes.  
21 Q. Is that where you saw him? A. Yes.  
22 Q. Can you help us? Did he get up after he had been  
23 beaten, and move, because I think you told me that the two  
24 of them were on the roadway, one outside Eastwoods and  
25 the other outside Evans? A. When I seen him,  
26 when the ambulance put him into the back ... he was put  
27 into the ambulance at the home bakery.  
28 Q. I am not concerned with that, but where he was  
29 lying. We have heard that his wife was leaning over him.  
30 Did you see that? A. Yes.

1 B.C.39

2 Q. Whereabouts do you recollect seeing E  
3 lying over the prostrate body of her husband?

4 A. Just outside Eastwoods?

5 Q. Not outside the bakery? A. No.

6 Q. Do you remember seeing F lying  
7 over Robert Hamill? A. Yes.

8 Q. Taking her jacket off to put it under his head?

9 A. Yes.

10

11

TO S.B. 2.30 p.m.

1 Monday, 22nd February 1999

2 R V Paul Hobson

3  
4 SB from BC 2.30

5 MR COLIN PRUNTY

6 (Cont'd) Cross-examination by MR ORR:

7 Q. In relation to that where was Mr Hamill, where was he lying  
8 prostrate at that time?

9 A. He was lying on the same street, Eastwoods there, where  
10 I seen him.

11 Q. Eastwoods, Evans, that side?

12 A. Yeah.

13 Q. Did you see anyone lying on the other side, that is outside  
14 the bakery?

15 A. No.

16 Q. Did you see **F** move from Robert Hamill and run  
17 over and bang on the Land Rover?

18 A. I didn't see it, no, but she was screaming for help.

19 Q. And do I take it that the sectarian comments that were being  
20 made were being made during the attack and also after the  
21 attack had finished?

22 A. Yes.

23 Q. And they remained at the scene and you and some of your  
24 friends remained at the scene.

25 A. Yes.

26 Q. And did the trouble break out again or was there just the  
27 one episode of beating which involved both Robert Hamill and  
28 **D**?

29 A. Just the one episode.

30 Q. And after that episode had finished you remained and the

1 crowd remained.

2 A. Yes.

3 Q. And the police remained.

4 A. Yes.

5 Q. And so that I'm clear about it, did the police get out of  
6 the Land Rover whilst the kicking of Robert Hamill was still  
7 going on?

8 A. No.

9 Q. Are you in any doubt about that?

10 A. No doubt.

11 MR ORR: I have no further questions.

12 MR KERR: No re-examination.

13 [REDACTED] You say D got into the ambulance  
14 really at the home bakery side. Do you know how he got from  
15 where you had seen him initially?

16 THE WITNESS: I just glanced up and I seen the ambulance and I  
17 seen him getting into the ambulance.

18 [REDACTED]: And was he on his feet at that stage?

19 THE WITNESS: No.

20 [REDACTED]: He was being lifted?

21 THE WITNESS: Yes.

22 [REDACTED]: But it was certainly on the home bakery  
23 side that that was happening?

24 THE WITNESS: Yeah.

25 [REDACTED]: Were there people following on from  
26 Saint Patrick's hall as this was going on, or can you say?

27 A. I don't know.

28 Q. I mean, were you conscious of any groups of, as it were,  
29 Catholics as opposed to the people who were causing -- on  
30 the street?

1 A. No.

2 [REDACTED]: Were you aware of any other disturbance  
3 other than the attack which you saw?

4 THE WITNESS: No.

5 [REDACTED]: Thank you very much.

6 (The witness withdrew)

7 MR KERR: Constable Atkinson, please, page 79, my Lord.

8 RESERVE CONSTABLE ROBERT ATKINSON. Sworn

9 Examination in chief by MR KERR:

10 Q. Mr Atkinson, in April of 1997 were you a full time Reserve  
11 Constable?

12 A. That's correct, my Lord.

13 Q. And where were you stationed?

14 A. In Portadown, my Lord.

15 Q. Were you on duty in the early hours of the morning of 27th  
16 of April 1997?

17 A. That's correct, my Lord.

18 Q. Whereabouts were you on duty?

19 A. At the junction of Woodhouse Street and High Street,  
20 Market Street.

21 Q. Were you in a vehicle?

22 A. I was in a police Land Rover.

23 Q. And who else was in your patrol?

24 A. Constable Neill was driving, Reserve Constable Cornett  
25 and Reserve Constable P40 my Lord.

26 Q. And whereabouts were you in the vehicle?

27 A. In the rear near-side, my Lord.

28 Q. What was the reason for your presence there, what type of  
29 duty were you performing in the area?

30 A. We had been detailed public order duties, my Lord.