

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 P40 [REDACTED], 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.

1 Q. Can you tell my Lord was there a history in the area of some  
2 difficulties in an around the city centre or the town centre  
3 at night?

4 A. There had been at weekends, my Lord, it was the normal  
5 thing to put out a patrol at night for public order duties.

6 Q. What particular location location did you go to, and I'm  
7 talking at about 1.30?

8 A. Just in front of the Alliance and Leicester building  
9 society facing down the town.

10 Q. Now, we have seen a map, there's a lay-by starts just in  
11 that area, can you say whether or not, or what position you  
12 were in in relation to the lay-by?

13 A. I think, my Lord, originally what had been in the lay-by  
14 and then we moved out in front of the Alliance and  
15 Leicester.

16 Q. So originally you'd been in the lay-by and then moved out,  
17 is that right?

18 A. As far as I can recollect, my Lord, yes.

19 Q. Now, can you say whilst, first of all, you were in the  
20 lay-by, were there any persons about in the town centre?

21 A. Normally at that time of night --

22 Q. I'm asking you, if you don't mind, about this night.

23 A. Yeah. There were people, yes.

24 Q. And was there a large number of people about the town at  
25 that time on this night or not?

26 A. There were people in dlibs and drabs, my Lord, coming  
27 home from what we assume would be Portadown Rugby Club and  
28 there's also a bus drops people from the Coach in Banbridge.

29 Q. Now, just to assist the court, persons coming from Portadown  
30 Rugby Club, which way would they be coming that you would

1 see them?

2 A. From the bottom end of the town. We were facing towards  
3 there.

4 Q. And the bus or coach that drops off from Banbridge, where  
5 would it be dropping off?

6 A. It would normally stop outside the barrier, my Lord, at  
7 the bottom of the town. The security barriers at that time  
8 were closed.

9 Q. And dealing with the early time while you were at the  
10 lay-by, was there any problems or difficulties you  
11 encountered?

12 A. There wasn't, my Lord.

13 Q. Now, you've said that then you moved to the front of the  
14 Alliance and Leicester, is that correct?

15 A. That's correct, my Lord. I think I can't exactly recall,  
16 but I think we ended up on the give way lines on the mouth  
17 of Woodhouse Street, just at the corner of the Alliance and  
18 Leicester.

19 Q. Now, it might be of assistance to the court perhaps if we  
20 look at the album of photographs. Look at the first  
21 photograph which shows the junction of the Alliance and  
22 Leicester, Woodhouse Street and looks up in the direction of  
23 the top of the town. Does that show the area you are  
24 referring to where your Land Rover went to?

25 A. That's correct, my Lord. Facing --

26 Q. Just turn it up around towards my Lord and indicate on the  
27 photograph.

28 A. (Indicating). And facing in this direction.

29 Q. Turn it round so Mr Orr can see it, please. Where was your  
30 Land Rover?

1 THE WITNESS: Just here facing this direction. (Indicating).

2 Q. Was it facing straight down the road or at an angle?

3 A. It could have been at a right angle, I just couldn't be

4 100 per cent sure.

5 Q. Now, once you're in that position did anything happen?

6 A. There was a person crossed the front of the Land Rover,

7 my Lord.

8 Q. Take it slowly, please, because if you will watch my Lord's

9 pen he has to write what you're saying. A person crossed the

10 front of the Land Rover. And when you say person do you mean

11 male or female?

12 A. It was a male in his mid-thirties, my Lord.

13 [REDACTED]: A male what?

14 THE WITNESS: I estimated in his mid-thirties.

15 MR KERR: And from where did that person appear to be coming?

16 A. He appeared from the right-hand side and crossed to the

17 left.

18 Q. From your right to the left?

19 A. Yeah.

20 Q. And what streets on your right-hand side?

21 A. There's a staggered junction, Thomas Street would be

22 slightly back towards the top of the town, my Lord.

23 Q. Now, did anything happen as this person went back past the

24 front of the Land Rover?

25 A. There was two male persons then came up the left hand

26 footpath towards him.

27 Q. From where? From behind you or in front of you?

28 A. From in front of our position, my Lord.

29 Q. And what happened?

30 A. They had a slight exchange of words and Reserve

1 Constable Cornett opened the door, the passenger door at her  
2 side and told them to carry on.

3 Q. And did they do so?

4 A. They did.

5 Q. Now, were you aware of whether there was any other social  
6 occasion that might be relevant to your duties on that  
7 night?

8 A. I wasn't, my Lord. Nothing other than the normal pub  
9 life of the town.

10 Q. Do you know Saint Patrick's hall?

11 A. I do, my Lord, yes.

12 Q. And where would it be?

13 A. It's situated further back up Thomas Street around the  
14 bend.

15 Q. And what way would it be common for people leaving Saint  
16 Patrick's hall to get themselves home if they were walking?

17 A. They can travel two directions my Lord. They can come  
18 straight down Thomas Street or down William Steet and across  
19 the car park.

20 Q. And if they go via Thomas Street where would they go next  
21 once they get to Thomas Street?

22 A. Just straight across the staggered junction into  
23 Woodhouse Street.

24 Q. Now, anyway, you've told us about Constable Cornett opening  
25 her door to speak to some people. What was the next thing  
26 you remember happening?

27 A. The next thing I remember happening was the Constable  
28 Neill's door being opened and he seemed to be pulled out of  
29 the vehicle.

30 Q. Just remind us whose door was that in the vehicle.?

1 A. The driver's.

2 Q. Prior to that were you aware of anything happening?

3 A. Nothing other than people just travelling home in dribs  
4 and drabs.

5 Q. What happened or what did you do when Constable Neill's door  
6 was opened and he was pulled out?

7 A. I got out of the rear doors of the Land Rover and run to  
8 his assistance, my Lord.

9 Q. And what did you find when you went round to his assistance?

10 A. The same male that had crossed from right to left  
11 previously was having an altercation with Constable Neill.

12 Q. And when you say an altercation what do you mean, just be as  
13 specific as you can for my Lord, please.

14 A. They were exchanging words, my Lord, and the person  
15 seemed to be quite agitated.

16 [REDACTED]: I think what Mr Orr wants to know is  
17 what words were they exchanging.

18 THE WITNESS: I couldn't really say, my Lord.

19 [REDACTED]: You have no idea?

20 THE WITNESS: No, when I got out I just rushed immediately, I  
21 thought someone had pulled him out to give him a thumping or  
22 something like that, when I rushed out he was standing  
23 facing, they were standing up facing each other just.

24 [REDACTED]: Well, were they saying anything or were  
25 they not?

26 THE WITNESS: They were saying something but I didn't pick it  
27 up, my Lord.

28 MR KERR: Now, were you aware of anything else once you'd got out  
29 of the vehicle and gone round to where Constable Neill was?

30 A. When I did dismount, my Lord, I saw groups of youths at

1 the corner of Thomas Street and at various parts of the  
2 upper part of the town.

3 SB to BC 2.45.

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1 B.C.40 2.45 p.m.

2 **RESERVE CONSTABLE R ATKINSON: EXAMINED IN CHIEF BY**

3 **MR KERR (CONTD.)**

4 **MR KERR:** What were they doing when you got out of  
5 the vehicle? A. They were cat-calling at each  
6 other.

7 Q. What were they cat-calling at each other?

8 A. It was apparent from their demeanour towards  
9 each other that they were two opposing factions, one a  
10 Nationalist faction, one the Loyalist faction. They were  
11 calling each other names.

12 Q. Can you give My Lord a flavour of what was being  
13 said? He wants as much detail as possible?

14 A. They were calling "Protestant bastards.", and  
15 "Fenian bastards." at each other.

16 Q. How many people were there involved in that?

17 A. At the time, My Lord, I estimated about fifty on  
18 the Protestant side and about twelve on the Nationalist  
19 side.

20 Q. Were they all the two sets as a group together or  
21 were they in different groups? A. They were  
22 spread out across the street in different groups.

23 Q. Was anything done by the police at that stage?

24 A. There was only myself and Constable Neill and  
25 P40 was in the rear of the vehicle and at this  
26 stage they were still only shouting at each other.

27 Q. Where was the other Constable, Constable

28 Cornett? A. Constable Cornett was still in the  
29 vehicle manning the radio.

30

1 B.C.41

2 Q. What happened next after you observed the  
3 shouting first of all? A. At the corner of  
4 Thomas Street and in front of up past Eastwoodsshop there  
5 was three or four of what I took to be the Protestant crowd  
6 had grabbed one of the Nationalists, and myself and  
7 Constable Neill ran to extricate him from the crowd.

8 Q. Were you able to do so? A. Yes, My  
9 Lord. We got him away from them. We pulled him away  
10 from them and ran him back to the top of Woodhouse  
11 Street to relative safety.

12 Q. Can you recall anything about that person?

13 A. He was dressed in a light coloured casual top.

14 Q. Can you say whether you went to Woodhouse  
15 Street with him along with Constable Neill or not?

16 A. Yes, the both of us went with him.

17 Q. Given the position you have told the court that  
18 your vehicle was parked, did you go via the back of your  
19 vehicle or round the front of it? A. Via the  
20 back, between the vehicle and the Alliance and Leicester.

21 Q. Once you had done that, that is, brought someone  
22 to the top of Woodhouse Street, what happened next?

23 A. I turned round to see what was still taking place.

24 Q. What was happening? A. I saw two  
25 persons lying on the road at this stage.

26 Q. Whereabouts on the road were the two persons  
27 lying? A. There was one lying in front of  
28 number seven home bakery on the opposite carriage from  
29 us and there was another one lying in front of Eastwoods  
30

1 B.C.42

2 shop, which is on the opposite side of the junction at  
3 Thomas Street.

4 Q. You have said that you saw two people lying -  
5 were they lying alone? A. At that stage yes,  
6 they were lying alone.

7 Q. Was there anyone with them at all?

8 A. No.

9 Q. What did you do when you saw that?

10 A. I observed that the groups were fighting and  
11 there was bottles being thrown, My Lord, and I ran over to  
12 the two people lying on the ground.

13 Q. When you did that can you say whether anyone  
14 was helping them or doing anything with them?

15 A. So far as I can recollect Constable Neill, he ran  
16 with me, and he looked at them to see what position they  
17 were in, and I kept the Loyalist crowd back from getting in  
18 at them again.

19 Q. Can you say whether anything was done about an  
20 ambulance? A. Yes, My Lord. I shouted to  
21 Reserve Constable Cornett to call an ambulance, and she  
22 informed me that she had already called one.

23 q. You said that you were trying to hold the crowd  
24 back. Which crowd was it that you were trying to hold  
25 back? A. Just across from where the person  
26 was lying on the ground there were several groups of  
27 youths of the Protestant faction trying to break through to  
28 get to these people that were on the ground.

29 **THE JUDGE:** What were they trying to break through?

30

1 B.C.43

2 A. Trying to come past us. There was three to four  
3 of us just across the road. Sorry, there was three - myself,  
4 Constable Neill and P40. We were  
5 trying to contain them in the upper part of the street.

6 **MR KERR:** Was anything done in relation to any of the  
7 crowd which was trying to get through? A. I  
8 did strike a person with my baton, My Lord.

9 Q. Did Constable Neill do anything in relation to any  
10 of the crowd? A. There was one person who kept  
11 coming forward and Constable Neill decided that the best  
12 thing to do .....

13 Q. What did he do? A. He took a hold  
14 of this person and removed him from the scene to the rear  
15 of the Land Rover.

16 Q. What did you do? A. I assisted him.

17 Q. What happened when you got to the Land Rover?

18 A. The original person that had crossed and crossed  
19 in front of the Land Rover and that had also had an  
20 altercation with Constable Neill then grabbed me by the  
21 jacket.

22 Q. Where was this? A. At the right  
23 hand side of the Land Rover.

24 Q. What did you do? A. He also tried to  
25 remove my baton. I had my baton strapped around my  
26 wrist. He tried to get it off me. I broke free and in doing  
27 so I broke the baton strap. It came away from the baton.

28 Q. Whilst that was happening could you see anything  
29 in relation to the two people that you saw lying on the

30 road? A. I just got a quick glance over my

1 B.C. 44  
2 right shoulder while I was still trying to fend this person off  
3 and I could see, I think, three persons in all about the body  
4 that was lying on the road up towards the town.  
5 Q. Which shop? A. Outside Eastwoods.  
6 Q. What were those three youths doing?  
7 A. They were jumping on him, My Lord.  
8 Q. Could you see whereabouts they were jumping on  
9 him? A. In about the area of his head and  
10 shoulders.  
11 Q. What did you do? A. At this stage I  
12 had broken away from this guy who had been struggling  
13 with me, and I ran immediately over to where the person  
14 was lying on the ground and his assailants at that stage had  
15 run off.  
16 Q. How far had they run? A. Back up into  
17 the crowd at the upper side of the town.  
18 Q. How far was that from where the body outside  
19 Eastwoods was? A. 25 - 30 yards. That  
20 particular crowd kept coming forward in a surge and then  
21 moving back and they were on all sides of the street. They  
22 were sometimes on the left, sometimes on the right,  
23 sometimes in the middle in various groups.  
24 Q. Which group did they belong to? A. To  
25 the Protestant group.  
26 Q. You say that they came forward. What else were  
27 they doing? A. They were shouting and  
28 screaming and pushing and shoving at us, trying to basically  
29 get through back to where the bodies were lying on the  
30 road.

1 Q. What were they shouting and screaming?

2 A. Just similar cat-calls to before, "Fenian bastards.",  
3 and things like that.

4 Q. Anything else? A. "Kill the  
5 Fenians.", I think was one of the terms.

6 Q. How large would you say was the crowd that was  
7 surging towards you? A. it was still in or about  
8 fifty, My Lord.

9 Q. At this stage you are talking about how many  
10 police were present? A. Still at this stage  
11 there was just three of us on the ground and one in the  
12 Land Rover.

13 Q. How long did that remain the position?

14 A. For several minutes, My Lord, and then there was  
15 a car came to our assistance from the top end of the town.

16 Q. My Lord, may have been clear, but I wasn't - what  
17 exactly you said about 'minutes'? A. Several  
18 minutes. I couldn't say for sure. It seemed probably to me  
19 longer than it was.

20 Q. Was there any person that you can recall in the  
21 crowd that you had to keep back? A. I had  
22 struck a person known to me as Rory Robinson with a baton.

23 Q. Was anyone removed from the scene?

24 A. Yes. When the first car load of police came to  
25 our assistance they came down from the top end of the  
26 town on the Alliance & Leicester side and A

27 A was having difficulty with a person known to me as  
28 Wayne Lunt, and she removed him to the back of the Land  
29 Rover, and I assisted her.

30

1 B.C. 46  
2 Q. What was he wearing? A. I think he  
3 had a red, white and blue scarf on.  
4 Q. By this stage had an ambulance arrived?  
5 **THE JUDGE:** What are you uncertain about – whether  
6 it was a scarf, or whether it was red, white and blue?  
7 A. It was a red, white and blue scarf from what I can  
8 recall.  
9 Q. What are you uncertain about? A. He  
10 definitely had a scarf on him.  
11 Q. Is it the colour? A. No. It was red,  
12 white and blue, I'm sure.  
13 **MR KERR:** Now, at this stage had an ambulance arrived  
14 as yet? A. I think at about that time, yes, the  
15 ambulance did arrive.  
16 Q. How long would it have been before the  
17 ambulance left the scene? A. The ambulance  
18 was at the scene for a fair amount of time, maybe 15 – 20  
19 minutes, My Lord.  
20 Q. In all, how long would it have been from the first  
21 time that you saw two bodies lying on the ground until the  
22 ambulance arrived? A. I'm sure it was 15 – 20  
23 minutes.  
24 Q. How long would it have been before any other  
25 officers were present? A. At a guess I would say  
26 maybe seven to eight minutes.  
27 Q. Thank you.  
28  
29  
30

1 B.C. 47

2 **CROSS-EXAMINATION BY MR ORR:**

3 **MR ORR:** Constable Atkinson, subsequent to this  
4 particular evening, were you interviewed under caution?

5 A. I was.

6 Q. Were you interviewed by Detective Inspector  
7 Irwin, who is involved in this investigation, and Detective  
8 Chief Superintendent McBurney? A. Yes.

9

10

TO S.B. 3.00 P.M.

1 Monday, 22nd February 1999

2 R V Paul Hobson

3  
4 SB from BC 3.00

5 RESERVE CONSTABLE ROBERT ATKINSON

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

7 Q. Had you a solicitor present?

8 A. I had, my Lord.

9 Q. And was there also a representative of the Independent  
10 Commission for Police Complaints?

11 A. There was indeed, my Lord.

12 Q. And were you there as a voluntary attender?

13 A. I was indeed, my Lord.

14 Q. And were you interviewed under caution in relation to  
15 criminal neglect of duty?

16 A. That's correct, my Lord.

17 Q. Assisting offenders?

18 A. That's correct, my Lord.

19 Q. And withholding information about an arrestable offence?

20 A. That's correct, my Lord.

21 Q. Now, subsequent to your being interviewed in the presence of  
22 your solicitor, have you ever been told what the outcome of  
23 that investigation is?

24 A. No, my Lord. I was informed the outcome of the  
25 investigation wouldn't be known until this trial.

26 Q. Until this case is over?

27 A. Until this case is over.

28 Q. So in other words you still don't know if you're going to be  
29 prosecuted for criminal offences.

30 A. That's correct, my Lord.

1 Q. Is that the situation?

2 A. That's the situation.

3 Q. Now, can I ask about the person in the red, white and blue

4 scarf.

5 A. Yes, my Lord.

6 Q. The identity of that person is known to you, it's a man

7 called Wayne Lunt.

8 A. That's correct.

9 Q. And is that the person who was actually detained and put

10 into the back of your Land Rover?

11 A. I think that's correct, my Lord. Once I assisted

12 <sup>A</sup> [REDACTED] to bring him into the back of the Land Rover

13 I then left and went back across the street. As far as I am

14 aware it was, yes.

15 Q. You heard the evidence of Mr Prunty.

16 A. No, I wasn't in court.

17 Q. You weren't in court, I see.

18 [REDACTED]: Could I just ask you, had the other

19 police arrived at that time or not?

20 THE WITNESS: Yes <sup>A</sup> [REDACTED] was first of the

21 reinforcements, my Lord, yes.

22 [REDACTED]: I see.

23 MR ORR: And did you see after that Mr Lunt again that night?

24 A. I think I saw Mr Lunt in West Street later on, my Lord,

25 away on up the scene from this.

26 Q. How long after that would it have been that you saw him?

27 A. It could have been 40 minutes, my Lord.

28 Q. Did it seem to you strange that the man who is taken by your

29 colleagues and put into the back of a Land Rover, 40 minutes

30 later is walking along the street?

1 A. Well, I wasn't sure, my Lord, at that stage what  
2 A [redacted] was actually removing him for. I just saw  
3 her in difficulty and I assisted her.

4 Q. Were you aware of criticisms that some of the civilians in  
5 Main Street on that morning were addressing to the police in  
6 terms of what you did or did not do?

7 A. Yes, my Lord.

8 Q. And were you conscious or were you aware at any stage of a  
9 man complaining about the man in the Rangers scarf, the red,  
10 white and blue scarf, being released out of a Land Rover  
11 shortly after he was put into a Land Rover?

12 A. I wasn't personally aware of that, my Lord, no.

13 Q. You weren't aware of that, I see. If I could deal with then  
14 just, and go back to the start, as it were, of your  
15 involvement. You were one of a four man team in one of these  
16 armour plated Land Rovers, is that the situation?

17 A. That's correct, my Lord.

18 Q. And am I right in saying that Constable Neill was the  
19 driver?

20 A. That's correct.

21 Q. There was a Policewoman Constable Cornett was the observer?

22 A. Yes, again that's correct.

23 Q. And yourself and P40 [redacted] in the back.

24 A. That's indeed correct.

25 Q. If you're inside the back of the Land Rover in question do  
26 you have to get out through the two back doors?

27 A. That's correct, my Lord, yes.

28 Q. You can't get out through the two doors at the front of the  
29 vehicle. And are there any windows at the rear of the Land  
30 Rover in the two doors?

1 A. Yes, two small, about I suppose ten inches square.

2 Q. Are those windows reinforced for security purposes?

3 A. They are reinforced glass with a Macralon cover to save  
4 them from being broken.

5 Q. Are they windows that when you are inside you can actually  
6 see out?

7 A. You can see out with a limited view.

8 [REDACTED]: With a limited view did you say?

9 MR ORR: Yes.

10 (To the witness): Do I take it the seat that you were  
11 in was behind the passenger, behind the observer?

12 A. Yes, there's a panel across the middle of the Land Rover  
13 behind the observer and there's usually a spare wheel  
14 attached to it. And you would normally sit up and lean agin'  
15 that so you can have a look out forward.

16 Q. So if you're sitting close to the two front seats, you can  
17 either be looking out the front windscreen or the driver or  
18 passenger door windscreen.

19 A. That's correct.

20 Q. And if you are on one side you'd be more likely to look out  
21 the driver's side. Someone opposite you would be more likely  
22 to look out the passenger side.

23 A. That's correct, my Lord.

24 Q. Would it also be right that if you were actually there for a  
25 particular purpose to observe what was happening to insure  
26 that order is being kept, you would not necessarily be up at  
27 the front because the two occupants at the front, they are  
28 keeping an eye out at the front.

29 A. That's correct, my Lord.

30 Q. So would you be one of the two who would be more likely to

1 be near the back doors so that the two of you are looking  
2 out to the front and the sides and the other two of you are  
3 looking out the back?

4 A. Because the seating is narrow, my Lord, in the back you  
5 have to sit with your legs staggered as such. If you realise  
6 what I'm saying.

7 Q. I appreciate that.

8 A. I'm sitting nearer the front and P40  
9 P40 was sitting nearer to the rear.

10 Q. I'm just simply, from the point of view, if you're driving  
11 around it's not the same but if you're actually stationary  
12 and you're stationary for public order work.

13 A. Yes, I understand.

14 Q. The four occupants are trying to make sure what's happening  
15 on the street outside?

16 A. That's correct, my Lord, yes.

17 Q. Clearly the driver can only either look out his front  
18 windscreen or his own door window.

19 A. That's correct.

20 Q. The observer can look out the front or the passenger door  
21 window.

22 A. That's correct.

23 Q. The two people in the back, if they're keeping a look out  
24 the only place they can properly keep a look out is towards  
25 the rear.

26 A. Yes, when I was, when the two people came up the street  
27 from the front of the Land Rover I was sitting, Reserve  
28 Constable Cornett was here and she opened the door to speak  
29 to them and I had lent forward to see what was going on.

30 Q. Well, what I'm seeking to establish, just so we can be clear

1 about it, the purpose of you being in Main Street in  
2 Portadown was because there was potential, this was a  
3 potential flash point area.

4 A. That's correct, my Lord.

5 Q. And you would have people who would be socialising in Saint  
6 Patrick's hall who would have to, as it were, cut across the  
7 centre of the town to get in the direction of the tunnel.

8 A. That's correct, my Lord.

9 Q. And you would also have people from the other side of the  
10 community who would be coming back from places like  
11 Banbridge and they would be walking up along the Main  
12 Street.

13 A. That's correct, my Lord.

14 Q. So you have the potential for two rival groups, one going  
15 that way and the other cutting across.

16 A. That's correct, my Lord.

17 Q. So clearly if you're stationary you're keeping an eye out to  
18 try and insure that there's no trouble.

19 A. That's correct, my Lord.

20 Q. Or if there is trouble that you can then take action.

21 A. That's correct.

22 Q. I mean, is there any doubt that's what you were doing?

23 A. No.

24 Q. So would you not have been looking as you were stationary,  
25 and I'll come to where the vehicle was in a moment, but  
26 would you not have been more likely to have been looking out  
27 the back?

28 A. That's correct, my Lord.

29 Q. Because if you're not looking out the back of the Land Rover  
30 you're all looking in the one direction and anything could

1 be going on behind your backs.

2 A. That's correct, my Lord.

3 Q. So your concern would have had to be to some extent, you

4 would be looking back to see if there was any trouble behind

5 you.

6 A. That's correct, my Lord.

7 Q. I mean, isn't that the situation?

8 A. That's the situation.

9 Q. And if you were looking back you would have been conscious

10 of any large gathering of people.

11 A. That's correct, my Lord.

12 Q. Or people congregated and just waiting.

13 A. There was no people waiting about, my Lord, it was just

14 a normal run of the mill dribs and drabs of people passing

15 through.

16 Q. Well, when you say dribs and drabs what are you referring

17 to?

18 A. Groups of both boys and girls or men and women walking

19 home in twos and threes.

20 Q. And would they be coming from the bottom of the town, the

21 Bridge Street end, up?

22 A. Yeah, the largest majority would. You would get very

23 few --

24 Q. Would some of them be going the other way, from the church

25 down?

26 A. Yes.

27 Q. And some of them would be coming from Thomas Street and

28 Saint Patrick's hall across?

29 A. That's correct, my Lord.

30 Q. Now, as you observed the initial position of the Land Rover

1 was what?

2 A. In the lay-by further back up the street.

3 Q. Is that the lay-by which in fact is outside, I think it's

4 Clarke's shoe shop, and In Step sports?

5 A. That's correct, my Lord.

6 Q. And when you were in that lay-by do I take it that you were

7 sitting with the front of the Land Rover pointing towards

8 the river?

9 A. Yes.

10 Q. Towards Bridge Street.

11 A. Yes, just parallel with the footpath, my Lord, yes.

12 Q. And were you looking down towards Bridge Street or were you

13 looking, as it was sitting there, back towards the church?

14 A. Just a mixture of both, my Lord.

15 Q. And you had to do that because people were coming in both

16 directions.

17 A. That's correct, my Lord.

18 Q. But is there a particular area that you would get a heavy

19 congregation of people at that hour on a Sunday morning

20 coming from outside the town?

21 A. Well, where the bus drops the coach party.

22 Q. And is that people who go to a public house or a nightclub

23 or whatever it's called called the Coach?

24 A. The Coach Inn in Banbridge.

25 Q. In Banbridge.

26 A. Yes, my Lord.

27 Q. And would there be bus loads would go from Portadown to

28 Banbridge for that?

29 A. I think there's free buses run by the --

30 Q. And whenever the buses bring people from Portadown back into

1 the town, where would they normally drop them?

2 A. If the barriers are closed, which at that time was the  
3 case, they dropped them at the bottom barrier at Castle  
4 Street.

5 Q. And just so that we're clear, that doesn't appear in any of  
6 the maps.

7 A. No, it's further on down High Street, my Lord.

8 [REDACTED]: Barriers, I think 3(1).

9 MR ORR: Yes, I think it does appear, my Lord.

10 (To the witness): Now, take a moment or two to get your  
11 bearings. What we have been referring to is Main Street  
12 running from the top right angle down. Are the barriers  
13 you're referring to the barriers near to the letters B  
14 and C?

15 A. That's correct, my Lord.

16 Q. And so if the barriers were open the buses would bring the  
17 crowd on up into the centre of the town?

18 A. That's correct, my Lord, but the normal thing is the  
19 barriers are closed.

20 Q. So it means that people are getting out somewhere in and  
21 around those barriers?

22 A. That's correct, my Lord.

23 Q. And do I take it that after a night some of them would be  
24 going into the fish and chip shops or the carry out places  
25 and some of them would be heading straight on home, some of  
26 them maybe going the other direction?

27 A. That's correct, my Lord.

28 Q. And you're just keeping an eye on the whole picture?

29 A. Generally inside the closed barrier area.

30 Q. And if the barriers are all closed then there would be

1 nothing to prevent someone walking down the centre of Thomas  
2 Street because there would be no vehicles on it.

3 A. The only vehicular traffic would be residents or police,  
4 ambulance, fire brigade type thing.

5 Q. And from the position where you were sitting in the lay-by  
6 that you've described, did the police Land Rover move from  
7 that position?

8 A. That's correct, my Lord.

9 Q. And where did it go to?

10 A. Into the front of the Alliance and Leicester.

11 Q. Was it still pointing in the same direction?

12 A. Yes, it was pointing forward.

13 Q. And did it move from that position to a third position?

14 A. Yes, I think it moved onto the give way line at the  
15 mouth of Woodhouse Street then.

16 Q. And again just if you would have a look at exhibit 4(2).  
17 There are three boxes with LR/1, LR/2 and LR/3.

18 A. Yes.

19 Q. And is that your recollection of the positioning of the Land  
20 Rover?

21 A. That is, my Lord, yes.

22 Q. From one to two to three.

23 A. Yes.

24 Q. Looking at that do you see the Halifax Building Society?  
25 A. I do indeed, my Lord.

26 Q. On the Bridge Street side of Woodhouse Street. What do you  
27 say to the suggestion of the vehicle being down there angled  
28 back towards the mouth of Thomas Street?

29 A. No, my Lord, it was facing down the street at a slight  
30 angle, just more or less exactly what's on the map, my Lord.

1 Q. As best you can recollect it, the Land Rover was on the  
2 three position shown on that sketch?

3 A. That's correct, my Lord, yes.

4 Q. Now, in terms of the start of the trouble, am I right in  
5 saying that the first thing that happened that night was one  
6 man actually speaking to you in the Land Rover, and then he  
7 being confronted by two men at the mouth of Woodhouse  
8 Street.

9 A. This man crossed from right to left, crossed the front  
10 of the Land Rover, then two men came up the footpath and  
11 spoke to him.

12 Q. Well now before he got as far as the two men, did he say  
13 anything to either yourself or to any of the occupants of  
14 the Land Rover?

15 A. No, not that I can recall.

16 SB to BC 3.15

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2 **RESERVE CONSTABLE R ATKINSON: CROSS-EXAMINATION BY**  
3 **MR ORR (CONTD.):**

4 **MR OIRR:** Do you have any recollection of a person  
5 pointing out to you, or advising you, that there would be a  
6 group of people who would be coming from St Patrick's Hall  
7 across into Woodhouse Street? A. I don't  
8 recall that, My Lord.

9 Q. If someone did say that to you, that would be  
10 something that you would be more anxious now to keep an  
11 eye if you have two potential rival crowds crossing?

12 A. Correct.

13 Q. But you don't recollect anyone saying to you  
14 "Look, there's going to be a crowd coming from St Patrick's  
15 Hall."? A. No.

16 Q. That person did speak to the occupants of the  
17 Land Rover? A. I did not hear what he said, the  
18 engine was running. He may have said something, but I  
19 definitely didn't hear it. It wasn't audible to me.

20 Q. Did you see him at any stage speak to anyone in  
21 the vehicle, or even address words towards anyone in the  
22 vehicle, or did he simply walk past the front of it and into  
23 Woodhouse Street? A. This was the same  
24 person who removed Constable Neill from the driving seat.

25 Q. Your evidence ... that is later on, but initially?

26 A. Not at the initial time I didn't see it.

27 Q. So far as you are concerned he was coming from  
28 the direction of Thomas Street? A. I couldn't  
29 say that he came from Thomas Street, but he crossed the  
30

1 B.C.49  
2 road. I hadn't got a view to Thomas Street, but he crossed  
3 the road in front of the vehicle.  
4 Q. Did he move into the mouth of Woodhouse  
5 Street? A. Yes, just around the front of the  
6 vehicle into the mouth of Woodhouse Street and these two  
7 guys approached him. They had been walking up the street  
8 from the bottom of the town.  
9 Q. They were coming along Main Street?  
10 A. Yes, in front of the Northern Bank, and the  
11 Halifax.  
12 Q. There was then some sort of altercation between  
13 the one person who crossed and the two people who were  
14 coming up? A. Correct.  
15 Q. So far as that was concerned what happened as  
16 regards the three of them as you recollect?  
17 A. Reserve Constable Cornett opened the door and  
18 she told those two boys to carry on.  
19 Q. Was there any blows struck? A. I  
20 couldn't say. Not that I could see.  
21 Q. Was there anything verbal? A. All I  
22 recall is Reserve Cornett saying "Move on, boys.", or  
23 something like that.  
24 Q. If this was a flashpoint and if one assumed that  
25 one person didn't come from the same section of the  
26 community as the two people, would it be normal that you  
27 would simply say "Go on away on home, boys.", would that  
28 be enough? A. It depends on the mood.  
29 Q. What was your impression of the mood of the  
30

1 B.C.50  
2 people that you could see in and around the centre of  
3 Portadown that morning? A. There was  
4 nothing untowards about it, My Lord. They seemed to be  
5 happy heading home.  
6 Q. Did you ever describe them as being good-  
7 humoured and relatively quiet? A. I may have  
8 done, My Lord, yes. It was just a normal crowd going home  
9 from bars and clubs.  
10 Q. Where was the Land Rover whenever this male  
11 went in front of it? Was it in LR2 or LR3?  
12 A. From my recollection LR3.  
13 Q. So, the position at LR3 was where the Land Rover  
14 was at all material times to this case? A. Yes. I  
15 think that would be right.  
16 Q. Did it move? A. Not from LR3.  
17 Q. So far as the people coming up from the barriers,  
18 they were coming up in dribs and drabs?  
19 A. Correct.  
20 Q. Did you see anyone coming out of the mouth of  
21 Thomas Street to cross over towards Woodhouse Street  
22 other than this one man? A. I didn't see him  
23 coming from Thomas Street. I hadn't got a view of it, but I  
24 didn't see anyone else coming out of it.  
25 Q. Whatever altercation happened between him and  
26 the two men who were coming up the town, nothing  
27 physical occurred? A. Not so far as I am aware.  
28 Q. They were simply told to get away on home, and  
29 that was it? A. Correct.  
30

1 B.C.57

2 Q. Where did the two who were coming up the street  
3 go? A. They headed on up the same side.

4 Q. Heading up towards the church?

5 A. Correct.

6 Q. Where did the man in his thirties who had come  
7 across the main street, where did he go? A. I  
8 hadn't really a view of him once he got out of my sight, but  
9 I assumed that he had come on down Woodhouse Street.

10 Q. What was the next thing you recollect happening?  
11 That was a potential incident which had been nipped in the  
12 bud by a few words? A. Yes.

13 Q. What was the next thing that happened?

14 A. The next thing was the driver's door sprung open  
15 and I could see Constable Neill being bodily bundled out of  
16 the seat and I jumped out of the rear and went to his  
17 assistance.

18 Q. You got out of the back and ran round to the  
19 driver's door? A. Correct.

20 Q. This was the same man in his thirties?

21 A. Correct.

22 Q. Was there anything physical or was he just  
23 shouting at Constable Neill? A. There obviously  
24 had been something physical the way the Constable came  
25 out of the seat, but by the time I got round the two were  
26 standing facing each other. It seemed to be a verbal thing.

27 Q. Do I understand that you don't know what the  
28 conversation was about? A. I wasn't round  
29 quick enough to catch it by the time I got the door open  
30 and got round.

1 B.C.52

2 Q. At that stage Constable Neill, albeit, he didn't  
3 want to get out of the vehicle? A. Correct.

4 Q. You are out of the vehicle? A. Yes.

5 Q. What about P40? A. I  
6 think he followed me out. I couldn't say 100%, but I was  
7 aware of someone behind me and I know it wasn't Reserve  
8 Constable Cornett.

9 Q. That second incident fizzled out, whatever the  
10 words were ....

11 **THE JUDGE:** P40 would have been closer  
12 to the rear door? A. Correct.

13 Q. It's a narrow .... so you had to push your way past  
14 him? A. The normal thing is that one will  
15 pull the handle up and the other one will push the door  
16 out. They are very heavy. I think he pulled the handle and  
17 I pushed the door, and in that movement forward I would  
18 have been out before him.

19 **MR ORR:** Apart from your rushing out to help  
20 Constable Neill and that incident fizzling out, whenever you  
21 were out were you conscious of anything else?

22 A. When I did get out and went round to assist  
23 Constable Neill then I was aware of various rival factions  
24 cat-calling at each other.

25 Q. When you say that, do you mean two rival  
26 factions? A. Nationalists and Loyalists.

27 Q. Two distinct groups, or, when you say 'various'  
28 were they spread out in different places? A. They  
29 were in groups. They were not all bunched ... there were  
30 not 15 loyalists in one bunch. They were in groups of

1 B.C.53

2 threes and fours and the Nationalists split up into two to  
3 three groups as well.

4 Q. You have said that in the Nationalist group there  
5 were ten to twelve? A. Yes.

6 Q. Where was that group, whether ten to twelve - in  
7 one group, or smaller groups? A. It was  
8 smaller groups, but in all about the junction of Eastwoods  
9 clothing and out on the road just in front of it.

10 Q. Where did the groups .....

11 **THE JUDGE:** How far away would the furthest of  
12 them from Eastwoods have been? A. The  
13 Nationalists?

14 Q. Yes? A. Some of them would have been  
15 very close, My Lord, right on the footpath outside it, and  
16 some of them were then run across the road towards the  
17 middle of the traffic island.

18 **MR ORR:** So, some of the group were on their way  
19 towards Woodhouse Street, and some of them were still just  
20 reaching the edge of the footpath to follow?

21 A. I couldn't say they were all of the one group  
22 travelling together.

23 Q. In terms of the groups, the smaller groups that  
24 make up the roughly fifty on the Loyalist side, where would  
25 they have been? A. They were scattered in  
26 various locations, back up the town towards the church and  
27 across the town, as such.

28 **THE JUDGE:** Can you give me an idea of the time  
29 scale, the time that elapsed between dribs and drabs of  
30 people making their way quietly along the street, a good-

1 B.C.54

2 humoured and relatively quiet number of people on the  
3 street, and this confrontation? What was the last point at  
4 which there was still a good-humoured and relatively quiet  
5 crowd going along in dribs and drabs, and when - before  
6 this confrontation took place? A. We had  
7 observed maybe for over half an hour people coming up  
8 from various chip shops and things. The confrontation .....

9 Q. During how much of that half hour was everything  
10 quiet? A. At least to the last couple of  
11 minutes of it. I am just not sure what time we went out on  
12 patrol, but up to that time. I think this took place at 1.40,  
13 if I can recollect.

14 Q. So, this small group of people in dribs and drabs  
15 walking up and down the street within two minutes became  
16 a confrontation between fifty people and a dozen?

17 A. Literally once they started to shout at each other  
18 it seemed to escalate immediately from there.

19 **MR ORR:** My Lord, I am conscious of the time.

20 **THE JUDGE:** I think that this is a convenient moment.  
21 I will have to break it up. Sorry about that, but I have had  
22 an appointment for some time and a number of people are  
23 going to a lot of trouble to be there, so I think I had better  
24 be there too. Adjourned until 10.30 tomorrow morning.

25

26

**COURT ROSE.**