

1 EW (START) 10.45

2 RESERVE CONSTABLE ROBERT ATKINSON

3 (Cont'd) cross-examination by MR ORR:

4 [REDACTED]: Mr Kerr, I might find, I am having some
5 difficulty at the moment, after all the evidence we heard
6 yesterday in getting timings, reconciling as it were the
7 various timings. Would there be any log available of when
8 calls were made from this..

9 MR KERR: There is in fact.

10 [REDACTED]: ..this vehicle.

11 MR KERR: This morning I was directing steps to be taken so that
12 some evidence will be given in relation to that, my Lord.

13 [REDACTED]: Yes, thank you very much.

14 Yes, Mr Orr?

15 MR ORR: May it please your Lordship, my Lord.

16 (To the witness): Now, Constable Atkinson, I was dealing
17 yesterday with the early stages of the incidents on this
18 particular night and we had got to the stage where first of
19 all you don't know where the man came from but a man walked
20 past the front of the Landrover?

21 A. That's correct, my Lord.

22 Q. From the Thomas Street side?

23 A. That's correct.

24 Q. Of Main Street?

25 A. Yes.

26 Q. And he walked past and then there was some confrontation
27 between himself and two youths in the mouth of Woodhouse
28 Street?

29 A. That's correct, my Lord.

30 Q. And Woman Constable Bridget opened the passenger door of the

1 Landrover?

2 A. Woman constable?

3 [REDACTED]: Cornett.

4 MR ORR: Or Cornett, sorry, she opened the door, shouted and that
5 put an end to the incident?

6 A. That's correct, my Lord.

7 Q. And whilst there was squaring up to one another and clearly
8 they were speaking to one another, no blows were struck or
9 anything of that nature?

10 A. Not that I could see, my Lord.

11 Q. And after that incident had occurred what was the time
12 interval, could you estimate, before the driver's door was
13 opened and Constable Neill was pulled out of the vehicle?

14 A. Somewhere between three to four minutes.

15 Q. Three to four minutes. Now, can I ask during the three to
16 four minute period was there any conversation within the
17 Landrover about a rival group, in other words two rival
18 groups meeting or a fear of that, or a danger of that?

19 A. Not that I can recall, my Lord.

20 Q. Were you aware of any function in St Patrick's hall?

21 A. There was just a normal Saturday night function.

22 Q. Yes. And do I take it a number of people who would go to
23 that function, for their own safety, would take taxis back
24 home?

25 A. Yes, there would be quite a number would take taxis, my
26 Lord.

27 Q. Would there also be people who may be, through financial
28 reasons, would have to walk home?

29 A. That's correct, my Lord.

30 Q. And they would actually be coming down to this area that I

- 1 have referred to yesterday as a flash point?
- 2 A. That's correct, my Lord.
- 3 Q. And they would be crossing towards Woodhouse Street and the
4 tunnel area?
- 5 A. That's correct, my Lord.
- 6 Q. And at the same time a group would be travelling from the
7 barrier, from the, where the, where the buses would leave
8 the Coach, persons, people who were at the Coach in
9 Banbridge and they would be coming up as it were and
10 crossing, they would be crossing paths, is that the
11 situation?
- 12 A. That's correct.
- 13 Q. So you would have been concerned not simply with what was
14 happening on the Main Street, you would have been looking to
15 see if there was any group coming from Thomas Street, I
16 don't mean all the time but from time to time?
- 17 A. From time to time, my Lord, yes.
- 18 Q. So you would have to be keeping your eye out for all
19 possible difficulties or problems?
- 20 A. The normal thing to do, my Lord, is not to sit in the
21 one place, we usually would move about.
- 22 Q. Yes. But, in terms of the three to four minutes before the
23 driver's door was opened and Constable Neill was taken out,
24 would you have had a look back during that three to four
25 minutes out of the rear windows to see if there was any
26 group coming from St Patrick's hall?
- 27 A. I can't recall, my Lord, if I did or not.
- 28 Q. Given your position at that time the front windows and the
29 driver's door window and the passenger door window would
30 have been no use in terms of trying to find out who was in

1 Thomas Street?

2 A. That's correct, my Lord.

3 Q. So the only windows that one could use to find out would
4 have been the two rear door windows of the Landrover?

5 A. As I said, there was small side windows.

6 Q. Small side windows. And do I take it that during that
7 three to four minutes you at some stage would have looked
8 towards Thomas Street to see if there was any potential for
9 trouble?

10 A. I think I recall, my Lord, there was a side slot just up
11 ahead, I looked down Woodhouse Street but I can't recall
12 looking into Thomas Street.

13 Q. Because --

14 [REDACTED]: Well what would have been the main
15 difficult area?

16 THE WITNESS: There is several licensed premises, my Lord, there
17 is one down Woodhouse Street, which has been attacked a few
18 times, and there's one in Mandeville Street which has been
19 attacked a few times and also just the corner of Thomas
20 Street where the people cross the road.

21 MR ORR: Would they been the three town centre flash point areas?

22 A. Yes, basically they would, yes, my Lord.

23 Q. And the first one that you mentioned, that would be a
24 situation where people getting off the buses from the Coach
25 and going for their late night carry-outs of fish and chips
26 or whatever, that they would basically be causing trouble
27 amongst themselves because of the drink they had taken?

28 A. The first one I mentioned in Woodhouse Street was the
29 Royal Oak.

30 Q. That's in Woodhouse Street?

1 A. You get youths coming across the car park and attacking
2 the people coming out of it.

3 Q. In terms of it would it be less of a flash point than the
4 Thomas Street junction?

5 A. Both really have the same potential, my Lord, there has
6 been trouble outside the Royal Oak in the past as well.

7 Q. Well, I take it that you weren't, on this particular night,
8 particularly concerned about the Royal Oak?

9 A. Just in the general, inside the bar, the bar area, my
10 Lord.

11 Q. But, I mean the positioning of the Landrover in LR 1?

12 A. At that particular time, no.

13 Q. You couldn't even have seen the Royal Oak?

14 A. No.

15 Q. So clearly you weren't interested at that point?

16 A. Prior to that, my Lord, we had done several tours of the
17 town, on the night in question or basically any night that
18 you are doing that patrol you just have to judge it by
19 what's going on outside the various premises and what crowds
20 are moving about through the town.

21 Q. But at the time that you parked the Landrover at LR 1 you
22 didn't perceive the Royal Oak as being a potential trouble
23 spot that night?

24 A. Well it may have been, where we were parked at LR 1, is
25 handy for it as well, you can just immediately turn the
26 corner and you're there.

27 Q. You can't see it?

28 A. You can't see it, no.

29 Q. That's the point I'm making?

30 A. Yes, that's right.

- 1 Q. And where you were positioned at LR 1 you can see one group
2 coming up from the barrier at the top of the town..
- 3 A. That's correct.
- 4 Q. ..at the bottom of the town, and you can see from that
5 position any group that would be coming or any people coming
6 from St Patrick's hall out across the Main Street?
- 7 A. Yes, you have a view up Thomas Street, that's correct.
- 8 Q. So you're in a situation there where the only area that you
9 can't see adequately is in Woodhouse Street?
- 10 A. That's correct.
- 11 Q. And do I take it that whenever the Landrover moved from LR 1
12 to LR 2 that you still were concerned about Woodhouse or
13 about the Main Street and Thomas Street?
- 14 A. From what I recollect, my Lord, when we moved the
15 Landrover at the start to LR 3 there had been a bit more
16 activity at the bottom end of the town, and it had livened
17 up slightly which indicated there was more people starting
18 to move about and make their way home.
- 19 Q. And did you move forward because from your position in the
20 lay-by you can't see as clearly down the bottom of the town?
- 21 A. That's correct.
- 22 Q. So your movement to LR 2 was to see what was coming up from
23 the barriers at Bridge Street?
- 24 A. That's correct.
- 25 Q. Not, you weren't at that stage concerned about the Royal
26 Oak?
- 27 A. Well, it's a position we can really, it's the best of
28 you can make it.
- 29 Q. Yes?
- 30 A. You have a view down the town and you have a view to the

1 Royal Oak and if you can get a glance back you can lean back
2 towards Thomas Street corner.

3 Q. And now, once then the Landrover moved to position LR 3 it
4 was actually angled in at the mouth of Woodhouse Street?

5 A. That's correct.

6 Q. So that looking out the front of the vehicle you'd a clear
7 view down Woodhouse Street towards the Royal Oak?

8 A. That's correct.

9 Q. But in that position you could look out the right hand side
10 and you could see twelve people coming out from the
11 barriers?

12 A. More or less ahead of you, at an angle, yes, that's
13 correct.

14 Q. And you would have to look out the two rear doors or the
15 glass in the rear two -- (speech interrupted).

16 A. Or the side.

17 Q. To see Thomas Street?

18 A. Yes, that's correct.

19 Q. The only area that you could see Thomas Street within the
20 Landrover was out the back doors?

21 A. You could see out through the side slots if you looked.

22 Q. And were you not keeping, I don't mean that you were doing
23 it literally every second, but were you not keeping an eye
24 out because there would be a function from which people
25 would be coming home along Thomas Street and you could see
26 the groups of two and three in dribs and drabs coming up
27 from the barrier?

28 A. Yes, we did, my Lord.

29 [REDACTED]: You did what?

30 THE WITNESS: We did keep an eye out for groups coming up and

1 down.

2 MR ORR: Did you, you yourself got out of the Landrover, see
3 anyone come down Thomas Street onto the Main Street?

4 A. No, I didn't, my Lord, no.

5 Q. And we have heard that whenever you were outside some time
6 there was what you describe as a nationalist group of ten to
7 twelve?

8 A. That's correct, my Lord.

9 Q. Do you know where they came from?

10 A. I knew they hadn't come up past me up Woodhouse Street
11 so I assumed they had come from the direction of
12 St Patrick's hall.

13 Q. You see what I'm concerned about is that there are the four
14 of you in the Landrover, there's a potential flash point
15 area, you're conscious of the fact that people will be
16 coming from St Patrick's hall to cross the street, you're
17 conscious of the fact that there are people in dribs and
18 drabs coming up the street, and what I'm trying to establish
19 is why it was that you weren't alerted to trouble until you
20 got out of the vehicle?

21 A. Well, my Lord, I can only speak for what I could see
22 myself and I had a good view forward and I had a view to the
23 rear and I had a view out through the side slot into
24 Woodhouse Street.

25 Q. Because your getting out of the vehicle wasn't because of
26 any trouble between two rival groups, your getting out of
27 the vehicle was to help Constable Neill who had been dragged
28 out of the vehicle?

29 A. That's correct, I wasn't aware of any trouble when I got
30 out of the vehicle.

1 Q. And whenever you got out did you go round the side or to the
2 passenger's door to assist?

3 A. I went round to the driver's door.

4 Q. Sorry, the driver's door, to assist Constable Neill?

5 A. That's correct.

6 Q. And was it only whenever you got out for that reason that
7 you became aware of two rival groups?

8 A. That's correct.

9 Q. About what, 10 ft from the back of the Landrover?

10 A. No, no, far more than 10 feet.

11 Q. What distance?

12 A. I suppose 15, 15 to 20 yards I'd have thought.

13 Q. The length of a cricket pitch, maybe less. And the
14 situation is that you only are aware of trouble that close
15 to the Landrover when you get out for a different purpose,
16 namely to protect or to help the driver?

17 A. When I got out of the Landrover the crowd that was up
18 the town was very well dispersed in small groups, they
19 hadn't all really congregated and when the cat calling
20 started then they made their way to Thomas Street junction.

21 Q. Well when you say the cat calling, do I understand that
22 you're saying that there were two rival groups shouting
23 abuse at one another before anything physical started?

24 A. That's correct.

25 Q. What do you say, constable, to the suggestion that the
26 people coming from St Patrick's hall were attacked suddenly
27 when they arrived out at the mouth of Thomas Street and Main
28 Street?

29 A. When I got out of the Landrover, my Lord, and ran round
30 to the driver's side, there had been no bodily contact

1 between the parties as far as I could see.

2 Q. And the situation in which minding their own business and
3 simply going through this flash point area they were
4 attacked by a group of people twenty to thirty strong?

5 A. Well I would estimate there was more than thirty.

6 Q. Well then is it possible that there was an earlier incident
7 that you missed completely?

8 A. It may have been possible but I certainly didn't see any
9 earlier incident.

10 Q. And is it your evidence to his Lordship that when you got
11 out to help your driver you, for the first time, were
12 alerted to two rival groups?

13 A. That's correct, my Lord.

14 **EW to CH at 11.00**

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R - v - HOBSON

Q1 MR. ORR: One much bigger than the other?

A One was smaller groups which formed into a larger group then, yes.

Q2 Before any blows were struck or kicks were aimed at anyone are you saying there was verbal catcalling between one group and the other? A That's correct.

Q3 And was that going one way or two ways? A Both ways.

Q4 What was your reaction as to what you should do when you discovered two rival groups 20 yards approximately from the back of your landrover catcalling at each other?

A To try and get them separated.

Q5 And did you then go from the driver's door of the landrover anywhere? A I made my way across up past Eastwoods shop, ran up past Eastwoods shop. One of the nationalist crowd had been grabbed at that stage by some of the loyalist crowd and myself and Constable Neill retrieved him from the situation and brought him back round the back of the landrover and placed him at the top of Woodhouse Street.

Q6 Do I understand that when you went over the first physical contact occurred just as you went over?

A That's correct.

Q7 And that was three people from one section?

A Possibly four.

Q8 Maybe four? A Yes.

CH.2

R - v - HOBSON

Q9 Grabbing hold of one from the smaller group, from the nationalist group? A That's correct.

Q10 Yourself and Constable Neill decided to save that person, is that the situation? A That's correct.

Q11 Did you then get him away from the group of three or four? A We did indeed.

Q12 Did the two of you take him anywhere? A We ran him across to the top of Woodhouse Street and released him there.

Q13 Was that into the mouth where the Alliance and Leicester would be? A Between the landrover and the Alliance and Leicester.

Q14 You let him go there and all he had to do was walk on down Woodhouse Street and away from the trouble?

A That's correct.

Q15 Before you went over, having gone round to help Constable Neill did you see who Constable Neill was dealing with at the driver's door of the landrover? A The same male who had crossed the front of the landrover on the previous occasion.

Q16 In the very first incident? A Yes.

Q17 So the first person who crossed in front of the landrover when it was at LR.2, is that the situation?

A Yes, LR.3 I think.

CH.3

R - v - HOBSON

Q18 LR.3. I thought you said it stopped at LR.2 because of the man walking in front? A No, we were parked at LR.3.

Q19 Once that happened what happened Constable Atkinson once the two of you had put that man into the mouth of the Alliance and Leicester? Where did you go? A I turned round to see what else was taking place and as I glanced round I saw - at this stage there were bottles and stones being thrown as well - two bodies lying on the road then. They hadn't been there when I had made my first run up the street.

Q20 Can I ask you again to estimate as best you can how long it was from you grabbing this man to take him off to safety with Constable Neill, how long it was between that and you looking round and seeing two people lying on the ground?

A A matter of seconds, 10 or 15 seconds.

Q21 If either Mr. Hamill or D had been lying on the ground when you went to rescue this man would you have seen them?

A The angle that I run across, yes. I think I definitely would have seen them.

Q22 If you take the position where Mr. Hamill was lying

A It was in front of Eastwood's shop.

Q23 ... and the position where D was lying you clearly in running to protect this other man could not have missed the two lying on the ground?

A Definitely not.

CH. 4

R - v - HOBSON

Q24 Do I take it that the time interval between the two men standing upright and the two men lying on the ground was a matter of seconds? A Yes, my Lord.

Q25 Did you walk with Constable Neill and this man over to the mouth or did you run him across? A Sort of half a run holding on to him.

Q26 You then turned round and you say at that stage, which was seconds later, you see two men lying on the ground and you have told us about stones and bottles being thrown?

A That's correct.

Q27 For completeness where was the larger group, the loyalist group you have referred to? Where would they have been? A They were above Eastwood's shop but broke up into factions right across the street.

Q28 Towards the church, the church side? A On the church side but they were broken up from left to right across the town.

Q29 Where was the group of 10 to 12? A We at that stage had got ourselves in between trying to keep the two parties separated.

Q30 Was that after you had run this man across the road? A That's correct.

Q31 Where were they before you intervened and cut the two groups apart? A Before we rescued the man?

Q32 Yes? A The two groups were facing up to each other.

CH.5

R - v - HOBSON

Q33 Was it still on the Eastwood's side of the mouth of Thomas Street or at the mouth of Thomas Street? A Just at the mouth of Thomas Street.

Q34 Did you at any stage see anyone lying on the ground outside the Number Seven Bakery either on the footpath or on the road? A When I came back the two persons were lying on the road and one of them was lying outside Number Seven.

Q35 One of the two persons was lying outside Number Seven? A That's correct.

Q36 In other words if I travel down Thomas Street to the junction he was lying to my right? A Yes.

Q37 Was he on the footpath or the road? A He was on the road as far as I recollect.

Q38 Where was the other person? A He was further out on the road but up at Eastwood's shop. He was further out from the kerb.

Q39 If I stood at the stopline of Thomas Street and Main Street one was to the left on the road and one was to the right on the road? A Yes, that's correct.

Q40 What do you say to the suggestion that Mr. Hamill was on the church side of that junction on the road and that D was also on the church side of the road outside Eastwood's? A No, that's wasn't the case. Mr. Hamill was outside Eastwood's on the road and D was in front of Number Seven and when the ambulance came it

reversed up in front of Number Seven and stopped prior to D

D

Q41 Can I then ask you about what happened in relation to the two men lying on the ground. You from the mouth I take it of the Alliance and Leicester in Woodhouse Street could see these two men lying? A The loyalist crowd were still adamant at coming on down the street and I ran across and tried as best I could to keep them at bay and I think Constable Neill at that stage looked at the two men and I shouted to Reserve Constable Cornett in the landrover: "Call an ambulance".

Q42 Whenever you deposited this man that you saved in the mouth of Woodhouse Street was the policewoman still in the landrover? A As far as I recall, yes.

Q43 What about the other constable, P40

A He was out at that stage.

Q44 Was he working as a team of three with yourself and Constable Neill or was he doing something else? A He was to our right but with us, if you know what I mean. He wasn't that far away that he could have got caught out.

Q45 Where did you go with Constable Neill after depositing this man in the mouth of Woodhouse Street?

A I ran back to keep the crowds apart. Constable Neill at that stage I think looked at the two men on the ground to see what condition they were in.

CH.7

R - v - HOBSON

Q46 When you say "keep the crowds apart" did that mean you kept the loyalist crowd beyond Mr. Hamill as he lay on the ground? A As best I could, yes.

Q47 What were the group at that stage doing?

A Each side were exchanging blows and running in and we were stuck in between trying to keep them apart.

Q48 When you turned back and saw the two men lying on the ground did you see anyone attacking either of the two men on the ground? A I was back again at the landrover and the original person (I think it was him again) grabbed me by the jacket. At this stage I had my baton in my hand and I tried to break his hold by holding my baton and twisting it and it broke the leather strap off my wrist but I was able to hold on to my baton and broke away from him. Whilst I was engaged in this struggle with him I could see over my shoulder the outline of three males jumping about the first body that was on the road at Eastwoods.

Q49 Were those three males all close together?

A Yes, close in.

Q50 Other than those three did you see anyone do anything on Mr. Hamill? A At that time?

Q51 Yes, as he was lying? A Not at that time.

Q52 In relation to D did you see anyone do anything to him? A No. He was much further back and because we had moved up to try and keep the factions apart he was further away from the ongoing trouble.

CH.8

R - v - HOBSON

Q53 Did you notice two girls? A Yes, there were two girls present.

Q54 And each of them had their body over the two men lying injured on the ground? A I saw one nursing one of the men on her lap.

Q55 Did you see either of those two women come over to the landrover? A No.

Q56 Did you hear either of those two women complain about the police, ie. yourselves watching it happen and doing nothing? A I couldn't say it was the two women but there was general chit chat among the nationalists towards police - "Are you not going to stop that? You have done nothing about that".

Q57 On the evidence that you have given us you did do all you could? A I think I did, yes.

Q58 Because although you weren't aware of the start of the trouble once you were aware you saved one person and you did your best to keep two rival groups apart? A That's correct.

Q59 Can I ask did anything else happen as you recall it in terms of yourself? A On that particular night?

Q60 [REDACTED]: A bit of a vague question.

Q61 MR. ORR: I accept that, my Lord. We'll take it through in sequence. Once you ran back to keep the two crowds apart you have told us Constable Neill went to look at the two men? A Yes.

CH.9

R - v - HOBSON

Q62 So I take it that neither of them was being attacked at that stage? A No.

Q63 Where was D ? A I wasn't aware. I don't know where he was at that time. The crowd has, as I said, broken into small pockets across the street and I think he was over towards the right hand side. I couldn't be 100 per cent sure but I know he wasn't right beside me.

Q64 Does that mean whenever Constable Neill was tending to the two injured men that the only person in a position to stop this group of about 50, albeit that they were split up a bit, was yourself? A Myself and D.

Q65 Did you see what he was doing? A I couldn't. I was too busy engaged with the crowd at my own point.

Q66 He might not have been trying to keep the two crowds apart? A He may not have been. I can't speak for him.

Q67 Given that you can't speak for him does that mean it was you against dribs and drabs of about 50 people who were close together but spread across the street? A For that particular moment, yes.

Q68 Did any of them try to get towards either of the two injured men at that stage? A It's hard to put a time scale on it but, yes, they did try to break through and

CH.10

R - v - HOBSON

I struck one guy with a baton. It was just up and down as we pushed them back. A police car arrived and gave assistance.

Q69 Before we get to the police car arriving, do I take it that in terms of what Constable P40 did on that night you can't really say anything about any of his actions?

A Other than I know he was out.

Q70 Out of the landrover? A On the ground, yes.

Q71 In terms of R/Constable Cornett, the lady constable, was she at any stage out of the landrover or did she remain at all times in the landrover? A She may have stood at the passenger door, I'm not sure, but she remained with the landrover. I'd say most of the time she was in it. There may have been a weapon in the landrover which had to be minded and the landrover had to be minded as well.

Q72 So that left three of you who would have been responsible for radioing for help or back-up or assistance?

A R/Constable Cornett.

Q73 We have heard from one of the mappers that the police station is about 250 yards from this junction?

A That's correct.

11.15am to EW

Tuesday, 23rd February 1999

1 EW from CH at 11.15

2 RESERVE CONSTABLE ROBERT ATKINSON

3 (Cont'd) cross-examination by MR ORR:

4 Q. And can you recollect how long it was after the troubles
5 started that the second police vehicle arrived?

6 A. It was several minutes, my Lord, and it came from the
7 West Street direction, it had to, if it did come from there,
8 it would have had, we were the only police vehicle inside
9 the town barriers prior to the incident and it would have
10 had to open the barrier and come down through to get to
11 there.

12 Q. And when you say West Street, is that coming from the church
13 direction?

14 A. Yes, on the right hand side of the church, yes.

15 Q. Yes. And would that be coming from Magowan Buildings, down
16 that direction?

17 A. Magowan Buildings, that's correct, my Lord. I think
18 there were three or four officers in that vehicle.

19 Q. And prior to the arrival of the other police vehicle can I
20 ask what the position was in relation to how you were trying
21 to stop this group or these two groups coming together?

22 A. Anyone that was trying to break through was just bodily
23 pushed back and told to go back.

24 Q. And if they didn't go back was there a method that you used
25 to ensure that they didn't go any further?

26 A. I just pushed them back bodily.

27 Q. Yes. What about your baton, you mentioned a baton?

28 A. I had struck one person on the stomach with my baton,
29 yes.

30 Q. And the purpose of that was basically to stop him in his

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1 tracks?

2 A. He wasn't taking no for an answer.

3 Q. And the baton was used, can you say did [REDACTED]
4 did he, or sorry, P40 [REDACTED] rather, did he have his
5 baton out, did you see?

6 A. I'm not aware, but I know, I know, I think every police
7 officer that arrived at the scene, at that time or later,
8 all had the batons out, it was the only way the crowd was
9 being turned back.

10 Q. What about Constable Neill, did you see him?

11 A. I can't recollect, but I would be in no doubt if I had
12 mine out, he had his out, I don't know for sure, I didn't
13 actually see him striking anyone or...

14 Q. You didn't see Constable Neill strike anyone?

15 A. Not that I can recall, my Lord.

16 Q. Now, you say it was several minutes before the second
17 vehicle arrived and when the second vehicle arrived did the
18 police officers in it come to give you some help?

19 A. That's correct, my Lord.

20 Q. And it had to come down from the rear?

21 A. It came down from the rear of the yard.

22 Q. Of what would be the Loyalist crowd?

23 A. That's correct, my Lord.

24 Q. Did they run through the crowd to get to you or what was the
25 the position, or drive through?

26 A. They drove the vehicle down through, the road wasn't
27 completely blocked, if you know, the groups weren't big
28 enough to block the road completely.

29 Q. And after the second group of police arrived how long was it
30 before the matter then settled down completely?

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1 A. That helped settle it a bit but then there was more
2 reinforcements arrived after that and they came from the
3 opposite end of the town so I assume they came down from, in
4 through Edward Street entrance. And that helped matters
5 considerably then.

6 Q. Yes?

7 A. But the crowd were still taunting at each other,
8 although at that stage we were more physically able to keep
9 them apart.

10 Q. And do I understand your evidence when you say that when you
11 were keeping the two groups apart, this is after you saw the
12 two people lying prostrate on the ground, that you had your
13 baton out, that some of the Loyalists were trying to get
14 down towards the Roman Catholic group?

15 A. That's correct, my Lord.

16 Q. Is that the situation?

17 A. That's correct.

18 Q. And insofar as that was concerned, you have said that, I
19 think in answer to one of my questions, that they were
20 darting down and darting back?

21 A. That's correct, in fact both parties were doing the same
22 to each other.

23 Q. And what was the darting, what was the purpose of the
24 darting?

25 A. They were running in and having a kick at each other and
26 running out, they were, we obviously hadn't enough men to
27 close the road off completely, there were large gaps between
28 us and while I maybe would have been involved with one or
29 two holding them back here, to my right one would have maybe
30 got through or one would have come from the back side.

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1 Q. It would have been easy because if you were -- (speech
2 interrupted).

3 A. It was quite easy.

4 Q. If you were the only man stopping?

5 A. That's right.

6 Q. Constable Neill was looking, attending to the two injured
7 parties and you don't know what P40 -- (speech
8 interrupted).

9 A. I don't know how long Constable Neill stayed with the
10 injured but I know the girls, the two ladies you mentioned
11 then, they were with him and they asked me had an ambulance
12 been called and I remember that and I said 'yes, hopefully
13 that shouldn't be too long'.

14 Q. Well now, the other matter I want to try and just get clear,
15 it's difficult in terms of the sequence, you in answer to
16 one of my questions, you started to mention about your baton
17 strap?

18 A. Yes.

19 Q. And the very first man when you were at the Landrover?

20 A. Yes.

21 Q. And your evidence is you looked over your shoulder?

22 A. I just got a glance over my shoulder.

23 Q. You got a glance?

24 A. It was actually -- (speech interrupted).

25 Q. A glance of three men jumping on?

26 A. I was afraid of being overcome by this person and I was
27 actually, I think I looked round for help.

28 Q. Well, what I'm trying now to establish is when did that
29 incident happen, did that happen after you had dragged this
30 man to safety into the mouth of Woodhouse Street?

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1 A. Yes.

2 Q. Before you went back into the crowd or did that happen later
3 or what was the position?

4 A. I think it happened when, after we brought the barrier
5 back, just after that.

6 Q. And at the time that you started to take him back no one was
7 on the ground?

8 A. Oh no, there was no one on the ground, there was no one
9 on the ground when I made my way up initially and there was
10 no one on the ground when I was running back and then I got
11 involved with this, this other person and when I looked
12 round again there were two bodies on the road.

13 Q. Well now, what, whenever you say you got involved with this
14 other person, that's the man who was the first person?

15 A. Yes.

16 Q. To walk in front of the Landrover, was he speaking to you,
17 was he shouting at you?

18 A. He grabbed my jacket, he grabbed me by the jacket.

19 Q. Yes?

20 A. And he did say, he said something but I can't recollect
21 what he said but basically he was just having a real go at
22 me personally.

23 Q. Uh-huh?

24 A. And he was larger than I was and I was trying to break
25 myself away from him and that's when I saw the two persons
26 on the road.

27 Q. When you say he was having a go at you?

28 A. Physically.

29 Q. Was he saying anything, was this just a totally silent
30 having a go at you?

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1 A. No, no.

2 Q. Or was he speaking or saying something or shouting
3 something?

4 A. He was shouting, I'm not sure of the exact words but
5 shouting abuse at me just.

6 Q. And was the abuse because you were a police officer?

7 A. Yes, uh-huh.

8 Q. Or was the abuse because you hadn't in his view got out of
9 the Landrover to stop the trouble?

10 A. Because I was a police officer.

11 Q. So he didn't at any stage mention to you..

12 A. Not to me.

13 Q. ..you sat in that Landrover whilst that went on?

14 A. Not at that stage, no.

15 [REDACTED]: Was this done at some stage?

16 THE WITNESS: I have already said, my Lord, that some, I
17 remember some of them shouting about 'get that broke up' or
18 words to that effect.

19 [REDACTED]: Yes.

20 THE WITNESS: Or do something.

21 MR ORR: Well, just so that I'm clear the person who was having a
22 go at you, it wasn't the person who you had rescued?

23 A. No, it wasn't, no.

24 Q. It was the person who at the very start..

25 A. Yes, my Lord.

26 Q. ..walked in front of the Landrover, it's the person who
27 pulled Constable Neill out of the Landrover?

28 A. That's correct, my Lord.

29 Q. And did you hear what he was saying to Constable Neill at
30 that stage?

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1 A. No, I didn't, I didn't, I couldn't get out quick enough
2 for the noise of the Landrover and the banging of the doors
3 by the time I had got round they were, they had sort of got
4 separated again.

5 Q. Well, when you say separated, do you mean there was nothing
6 to stop them staying together?

7 A. Oh no, no.

8 Q. Was there, I mean there was no crowd round the Landrover?

9 A. No, there wasn't, no.

10 Q. When you got out and turned round and went towards the
11 driver's door there are two adults, Constable Neill and this
12 man?

13 A. That's correct, my Lord.

14 Q. And are you saying that you didn't hear anything that was
15 said by this man?

16 A. I didn't pick it up, they were obviously speaking to
17 each other but I didn't pick it up and then immediately the
18 cat calling had started on the street and it diverted my
19 attention away from them but my primary aim was to see that
20 Constable Neill was all right physically.

21 Q. And then just dealing with your answer to his Lordship about
22 tackling and this man tackling you because you were a police
23 officer, during that you turned, you glanced over your
24 shoulder, is that right?

25 A. I really, I was being overcome when I got the baton
26 strap broke away, I was being overcome and I was afraid of
27 him getting the baton off me, I think out of instinct I
28 looked to see if there was any help, Constable Neill or
29 P40 near at hand, and that's when I saw the
30 people on the ground.

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1 Q. Did you see the people on the ground before you saw the
2 people jumping on them or was it the jumping that brought
3 your attention to people on the ground?

4 A. I think I saw them on the ground before the people
5 jumped, I just can't -- (speech interrupted).

6 Q. So in other words something had happened to two men?

7 A. Something had happened -- (speech interrupted).

8 Q. To cause them being on the ground?

9 A. Yes.

10 Q. And am I right in saying?

11 A. I think it happened after, after, after Constable Neill,
12 it's very hard to get it into a chronological order, you
13 know, but after Constable Neill had give their (sic)
14 assistance, give assistance to them, I think that's when I
15 was involved with the man and then at that stage I saw the
16 three persons with the first man. The first man also had
17 what appeared to be like a bottle and the ground was wet,
18 lying beside him, you know.

19 Q. You thought originally it was blood, is that the situation?

20 A. I thought originally it was blood and then -- (speech
21 interrupted).

22 Q. It was the contents of the bottle?

23 A. I assumed it was the contents of the bottle.

24 Q. But what I'm simply trying to establish then insofar as the
25 two men are concerned, you run the man to safety to
26 Woodhouse Street?

27 A. Yes.

28 Q. You turn round and do you immediately see two people on the
29 ground?

30 A. Yes.

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- 1 Q. Or are you tackled by this man before that?
- 2 A. No, immediately then there was two people on the ground.
- 3 Q. There's two people on the ground?
- 4 A. Constable Neill looked at them to see what condition
- 5 they were in and I kept the crowd at bay.
- 6 Q. Was there anyone at either of the two people on the ground
- 7 when you immediately turned round and saw them?
- 8 A. Not immediately, no.
- 9 Q. So there were two people, no one near them?
- 10 A. Uh-huh.
- 11 Q. Is that right?
- 12 A. That's correct.
- 13 Q. You had then this altercation with the man who had walked in
- 14 front of the Landrover?
- 15 A. Yes.
- 16 Q. He grabbed hold of your baton, the strap broke?
- 17 A. Yes.
- 18 Q. And in the course of that you turned round and you saw three
- 19 people jumping on what was clearly Mr Hamill?
- 20 A. Yes, because he was involved with me I wasn't able to go
- 21 to his assistance.
- 22 Q. I appreciate that. But do I take it you didn't remain a
- 23 long time with this man?
- 24 A. As soon as I broke away from him I made my way to the
- 25 front of Mr Hamill and tried as best I could to keep the
- 26 crowd back.
- 27 Q. And once you broke away do I understand that at no stage
- 28 thereafter did you see anyone kick or punch or attack either
- 29 of the two men on the ground?
- 30 A. No, that's correct.

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1 Q. So that the attack on Mr Hamill took place in the length of
2 time it took you to run a man across the Main Street and
3 into the mouth of Woodhouse Street?

4 A. The initial attack when they were knocked down, yes,
5 that's correct.

6 Q. That brought them to the ground?

7 A. Yes.

8 Q. And the only attack thereafter that you saw was three people
9 who were jumping on him?

10 A. Yes, who had actually got to him.

11 Q. Yes?

12 A. Yes, and then after that I was trying to keep the crowd
13 back and they were trying to get through but I was involved
14 with them and when I was involved with them I'm not aware of
15 what was going on behind me, I couldn't answer your
16 question, if you realise what I mean?

17 Q. Well, I mean you were helped though, weren't you, by
18 Constable Neill?

19 A. Yes, initially.

20 Q. Originally you were on your own?

21 A. When he looked after the person.

22 Q. When Constable Neill is looking or attending to the two
23 injured men?

24 A. Yes.

25 Q. I presume at that stage he would have been aware what was
26 happening?

27 A. That's right.

28 Q. Does he then leave then and come and join you to keep back..

29 A. That's right.

30 Q. ..this Loyalist mob?

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1 A. That's correct, yes.

2 Q. I mean isn't that really what happened?

3 A. That's correct.

4 Q. And you don't know what P40 was doing, he was
5 over to the right?

6 A. He was over to the right, I'm not aware of what he was
7 involved with.

8 EW to CH at 11.30

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CH.11 11.30am (From EW)

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Q74 MR. ORR: Did anyone strike you at all? A I may have been struck in the melee but I couldn't turn round and say someone by name hit me. It was just hand to hand engagement with these people keeping them back.

Q75 Did anything happen to the man whom you rescued as you ran him across and into the mouth of Woodhouse Street?

A When he was released I think he ran back towards the loyalist crowd again.

Q76 Did you take him with Constable Neill? A Yes.

Q77 As yourself and Constable Neill were running this man into the mouth of Woodhouse Street did anything happen to him that you could see? A Not that I was aware of. There were crowds trying to attack us and attack him.

Q78 Did you see anyone striking him at all? A I didn't see anyone striking him but I was aware of a crowd there who were violent towards us.

Q79 Given that you were anxious to protect this man if he had been struck would you have seen it? A It's hard to know because we were just trying to get him out of there as quick as we could and ourselves.

Q80 I take it he's in the middle of the two of you?

A He's in the middle of us. We were running as hard as we could to get away.

Q81 If anyone had come up behind the three of you and struck him how could you have missed that? A If

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they had come behind I may not have seen them because I was running forward and I had him by the arm.

Q82 Did you see Constable Neill strike anyone with a baton that morning? A No, my Lord.

Q83 I have no further questions, my Lord.

RE-EXAMINED BY MR. KERR

Q84 MR. KERR: Perhaps you could take the map Exhibit 3(1). It's the location plan. You have mentioned a few locations in your evidence which haven't been proved by the mapper. Firstly you mentioned the Royal Oak in Woodhouse Street? A Yes.

Q85 Would you look at point D as marked on that map? Is that the place you are referring to? A That's correct.

Q86 In your evidence you have said one of your duties may have been to protect from attacks coming from the car park. Can you indicate on the map which car park you're talking about and where the attacks might come from?

A Just where the word "Portadown" is, my Lord.

Q87 There was reference that the police vehicle that came to assist came from West Street and there was mention of Magowan Buildings. Can you indicate Magowan Buildings?

A Again just below the word "Portadown", my Lord.

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Q88 [REDACTED]: I think you mentioned Mandeville Street too? A There's a public house there. It's marked PH on the map.

Q89 MR. KERR: Could you just indicate it.

Q90 [REDACTED]: I have difficulty picking up Mandeville Street? A Below West Street to the left hand side and PH is marked there, my Lord.

Q91 MR. KERR : Is that the one you're referring to? A That's correct.

Q92 You told My Lord that if you were performing this duty you moved about. Could you explain in more detail what you mean by moving about? A Inside the barriers. We were on mobile patrol and it's a fair distance from the bottom barrier to the top barrier plus you have the side streets to do as well. We just generally every now and again gave the whole area a mobile patrol just to see that all was quite.

Q93 [REDACTED]: Could you tell me the circumstances in which you changed from LR.1 to LR.3?

A We were just parked at LR.1 which was in the layby parallel. Constable Neill pulled out in front of the Alliance and Leicester which is LR.2, then he moved forward just into the mouth of Woodhouse Street which was LR.3.

Q94 MR. KERR: Do you know why that movement was done?

A Generally to get a better view.

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Q95 A better view of what? A Of the rise of the hill so that you could see towards the bottom barrier a bit better.

Q96 Where were people in the town that you could see at that time? Where were people in the town? A They were gathering at the chip shops at the bottom barriers.

There are two chip shops there, A and C, marked on the map.

Q97 Could you see them from LR.1? A Not as clearly as you could from LR.3.

Q98 Can I ask you a number of things? From getting out of the vehicle, that's your vehicle, when Constable Neill was pulled out until assistance arrived, could you do your best to assist My Lord as to how long that was, what period of time there was between those two events? A Several minutes. I'd say 7 to 8 minutes.

Q99 [REDACTED]: Seven to 8 minutes represents what? A I couldn't say for sure.

Q100 I appreciate that.

Q101 MR. KERR: The question was from leaving the landrover when Constable Neill's door was opened until the arrival of assistance? A It would be very hard to judge the time under the circumstances.

Q102 [REDACTED]: I can understand that.

Q103 MR. KERR: In terms of the first assistance you received from other police officers can you say was the

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ambulance there at that time or did it come after police assistance? A I think it arrived after and it reversed back up the street. I can remember that.

Q104 Reversed from where? A It obviously had come in through the town barriers at Edward Street at the police station and come down the street and reversed back up then.

Q105 Do you recall what position it reversed to? Whereabouts did it go? A Just at the front of Number Seven, just short of the first body on the road.

Q106 In the course of cross-examination when you were being asked about the time that you saw three particular people jumping around Mr. Hamill while he was lying on the ground, you were asked if you had seen anything else happening to him and your answer was: "Not at that time". Could you assist in summarising what in fact you saw during the course of events in relation to Mr. Hamill? What in fact did you see happen? A The first thing was I saw Mr. Hamill and

D on the ground. Then the second was I saw these three persons round Mr. Hamill and then after that it was a question of trying to hold the crowd back and people trying to get through. I had seen the two girls giving assistance and I saw another police officer who had arrived with the reinforcements give assistance and the ambulance crew.

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Q107 When you were trying (you have used the phrase) to hold people back were you facing towards or away from Mr. Hamill? A Oh away.

Q108 What numbers in total would you say were trying to get through past you that you were trying to restrain?

A In various groups I would have maybe had at one stage six in front of me and to my right there could have been a group of eight but in total in various groups I'd estimate in or about 50.

Q109 Can I ask you to be clear for My Lord. You have given the total group as 50. Were all of the 50 trying to break through or was there a smaller number out of those at the front who were making determined efforts to break through?

A That would be correct. There were some parties who were more determined than others.

Q110 About how many would you number them that you were trying to restrain? A Maybe 25. I'd say half the group were making a determined effort. When they weren't successful at maybe breaking through at my point they would run across to the right hand side of the street and try over there.

Q111 At how many positions in relation to you were there people trying to get through? Were they in front of you with your back to Mr. Hamill or in what position were they? Where were they coming from? A They were all coming to face me but they were to my right, to my left and straight in

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front of me and I was moving back and forwards. As they pulled forward I was trying to stop their advance.

Q112 Are you in a position to say whether or not people did get through? Can you say? A People got past me alright, yes.

Q113 Thank you.

Q114 [REDACTED]: Thank you very much.

Q115 MR. KERR: Rather out of order but with your Lordship's permission could we facilitate two medical witnesses who have been arranged for today?

Q116 [REDACTED]: That doesn't cause any problem to you, Mr. Orr?

Q117 MR. ORR: No difficulty, my Lord.

MR. B.K. LOW DULY SWORN

EXAMINATION-IN-CHIEF BY MR. KERR

Q118 MR. KERR: Would you be good enough to tell the Court your qualifications please? A I left Queen's University, Belfast, in 1991 with an MB, BCh and obtained my Fellowship in Surgery from the Royal College of Surgeons in Edinburgh in 1997.

Q119 Were you the casualty officer on duty in the Accident and Emergency Department of Craigavon Area Hospital in the early hours of 27 April 1997? A I was.