

NOTE FOR FILE

R v LUNT AND OTHERS

1. I refer to my note for file dated 28 October 1997. I had referred the matter of the position regarding Witness A and Witness B to D/Inspector Michael Irwin of RUC Portadown. I had raised with D/Inspector Irwin the possibility of summoning to court Witness A. I asked D/Inspector Irwin to consider overnight and consult, if appropriate, with his superiors on the issue as to whether if summoned there was a reasonable prospect of Witness A giving evidence.
2. At 12.30 pm I telephoned to D/Inspector Irwin. I asked had he considered the matter overnight and if so what were his views. D/Inspector Irwin told me that he had spoken to P39 who in fact had had previous dealings with the family of Witness A and who was probably closest to the family and to Witness A. It was both P39 P39 opinion and the view of D/Inspector Irwin that there was no reasonable prospect, no matter what sanction was applied to Witness A, of Witness A giving evidence in court.
3. I indicated to D/Inspector Irwin that I had already spoken to D/Superintendent Cooke on this issue. D/Inspector Cooke had attended at the consultation with Witness A. It was D/Superintendent Cooke's view also that there was little or any prospect of Witness A giving evidence.
4. I indicated to D/Inspector Irwin that in these circumstances I was not prepared to delay a decision in the case any longer. On the basis that there was no other evidence that was likely to become available (which was confirmed to me by D/Inspector Irwin) the absence of Witness A's evidence meant that there was no case against Dean Forbes, Allister Hanvey and Rory Randolph Arthur Robinson. Accordingly, I intend to do a direction of No Prosecution as soon as possible. I was conscious of the fact that these three persons were in custody and I would have to make arrangements to have the charges withdrawn against them as soon as possible. This would entail making bring forward applications etc.
5. I informed D/Inspector Irwin that I was also conscious of the fact that there was the relatives and family of the victims to be considered. I was concerned that the withdrawal of the charges against the three persons was not made known to them