

STATEMENT OF WITNESS

STATEMENT OF GORDON KERR Q.C.

DATED THIS DAY OF 2009

I, GORDON KERR QC, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement, I have given the number of the relevant page.
2. I was instructed by the Director of Public Prosecutions [DPP] in relation to the death of Robert Hamill. Responsibility for directing the prosecution of cases lay with the DPP. Between 1997 and 2002, if the DPP instructed counsel, the complete police file was usually forwarded to counsel. This should have contained a report from the police to give an outline of the incident together with comments on the witnesses and various addresses for people who could be contacted, whether the case included forensic evidence plus any unused material. No papers were sent directly to counsel by the police.
3. I was sent papers at an early stage of the Robert Hamill case and asked to give an opinion on the case after consideration and consulting with witnesses as necessary. I cannot now recall from whom at the DPP's office the initial instructions came but it was either Mr Kitson, Mr McCarey or Mr Davison. A case of this nature would have probably been assigned by an area director.