



STATEMENT OF WITNESS

STATEMENT OF GERALD SIMPSON QC

DATED THIS

DAY OF

2009

I, GERALD SIMPSON 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. On 16 May 2002, I was instructed by Michael Matthews, Assistant Director of the Department for Public Prosecutions ("DPP") in the case of R v Atkinson and others. I was instructed to advise on the prospects of conviction and, if appropriate, to direct charges, necessary proofs and disclosure. I was asked specifically to advise on abuse of process, which had been raised by the solicitor acting for the Hanveys. If I advised that there were prospects of a conviction I was instructed to conduct the preliminary enquiry. In Northern Ireland, a preliminary enquiry is conducted as a mixed committal. That letter of instruction contains page number **20043**.
3. On 30 August 2002, I provided a written advice to Michael Matthews, a copy of which contains page numbers **20044 to 20051**. I advised on the charges to be put to Robert Atkinson, Eleanor Atkinson and Kenneth Hanvey. I advised that there was no reasonable prospect of a conviction of Elizabeth Hanvey, at that stage. I set out in some detail the evidence which was available to prove each element of the charges and I directed that statements be taken from those witnesses I considered necessary to the prosecution whose evidence had not already been secured in a