

## **THE LAND ROVER OFFICERS AND THOMAS MALLON'S WARNING**

- 1 The circumstances in which Mr Mallon gave his warning to officers in the Land Rover, what then happened on the street and how the officers dealt with it is likely to be of crucial importance in resolving the first part of the terms of reference.
  - 1.1 The first question is what information was received by the crew at the scene to put them on notice of impending trouble? That, of course, turns on whether the account given by Mr Mallon and supported by the Land Rover crew is accepted.
  - 1.2 The second question is what were the positions of the Land Rover at about the time of that warning?
  - 1.3 The third question is what could the officers in the Land Rover see and hear from inside the vehicle?
  - 1.4 The fourth question is what happened between Mr Hamill and his assailants?

### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

See sections 4, 15, 16, 17 and 18 below.

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

A fifth question should be - were Con Neill and Reserve Constable Cornett distracted by the actions of Forbes and Bridgett and did they deal appropriately with the potential threat to Mr Mallon?

### **Submissions by the Police Service of Northern Ireland**

See sections below.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed.

## **THE FIRST ISSUE: WHAT WAS THE WARNING?**

- 2 The materials on this are as follows:
  - 2.1 At approximately 01.15 Thomas Mallon left St Patrick's Hall. He later said that he told the Land Rover crew that his friends were coming from St Patrick's Hall. He said there were people walking along the main street. There was a lot of noise. When he saw that the police were in the vicinity, he decided to walk on. As he reached the end of Thomas Street, the police

Land Rover parked on the main street beside the Alliance and Leicester branch started to move off. Mr Mallon waved at them. A policewoman opened the front door and he told her that it was likely that people would be coming from St Patrick's Hall. He was approached by a youth who was in a group of four or five. The youth was carrying a glass bottle of 'Buckfast' tonic wine and confronted him. Thomas Mallon felt threatened so he left. As he walked away, he was aware that a policeman had got out of the Land Rover, which was parked across Woodhouse Street (9091, 8117 and 2161).

- 2.2 Res Con Robert Atkinson made a statement in which he said that when the Land Rover moved off from the curb, a male dressed in green/blue shirt and dark trousers with short brown hair aged about 30 to 35 years passed in front of the Land Rover and mouthed something. Then two youths approached that man and squared up to him. They were moved on but Con Alan Neill's door was pulled open and Con Neill was pulled out (6346 and 9840). Res Con Atkinson said that a stoutish sort of boy said something to Res Con Denise Cornett about people coming down there, and almost instantly the door was pulled open (9476).
- 2.3 Con Neill had planned to drive round the town and back up to park again at the junction on the other side but pulled over when Thomas Mallon told him people were coming down Thomas Street. He said he looked up Thomas Street but did not see anybody. He said he saw quite a crowd coming up the High Street and into Market Street from where the bus from the Coach Inn stopped. He said that they were nearly all Protestant and there were some people coming down from St Patrick's Hall who would have been Catholic and they would have been crossing over into Woodhouse Street. He also stated that those people hadn't appeared yet (9389 at 9396).
- 2.4 Res Con P40 was sitting in the back of the Land Rover but could hear Thomas Mallon shout in that his friends were coming down Thomas Street (9362). He also recalled hearing some shouting from the Thomas Street side of the main street while he was still inside the vehicle (9366). He told Con Neill about the shouting and it was then that a man came to Con Neill's door and tried to pull him out. The man was shouting at Con Neill but he could not hear what he was shouting (9369 and 6349).
- 2.5 Res Con Cornett recalled that Thomas Mallon walked across the street mouthing something at the police. She told Con Neill to pull over. Thomas Mallon said his friends were coming down Thomas Street. She understood he meant for the police to wait there in case something happened. They did not, however, see anybody coming at that stage (9450). She says that two other young men then shouted at Thomas Mallon and Res Con Cornett opened the door and asked them what was going on. One of the men was carrying a green cider bottle. The men were shouting abuse like "Fenian bastards" at Thomas Mallon (9453). She then talked to the two men at the door of the Land Rover. She says that they were standing chatting her up and a guy came over and opened door (9454).

- 2.6 A man whom Res Con Cornett believed to be Catholic indicated that his friends were coming down Thomas Street in circumstances that might lead to trouble (72257).
- 2.7 Stacey Bridgett was interviewed after his arrest. He said it was just him and Dean Forbes who were walking down the High Street (7151).

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

In paragraphs 1 and 1.1, the use of the word "warning" has to be viewed in context. Put simply, this was not a direct indication of for example, an aggressive group coming from St Patrick's Hall or a drunken mob looking for trouble, which would have been a direct warning of "impending trouble". On one view it was a statement of fact which would have come as no surprise to the officers in the Land Rover, given that this junction was a flashpoint.

In his Questionnaire dated 29<sup>th</sup> April 1997, Mr Mallon stated that he went to the police Land Rover and spoke to a police woman. He told her others were coming out of hall and warned them of possible trouble. (8117)

Mr Mallon in his statement to police, dated the 12th May 1997 stated (00503)

"When I reached the area near the Legion or Credit Union I .could see a police Land Rover parked on the main street beside the Alliance & Leicester, it was parked in the in shot facing towards the bottom of the town . At the same time as .I noticed the police I seen, people walking both up and down the town along main street . There was a lot of noise about , town . When I saw that the police were in the vicinity I decided to walk on . I was intending to cross the main street and go down Woodhouse Street . As I approached the end of Thomas Street the police Land Rover moved off slowly and it stopped right in the middle of the junction of Woodhouse Street and main street. Just as it moved off I waved at them to attract their attention . I crossed to them I don't know whether I went in front of the Land Rover or not, but the police knew that I had waved at them . A policewoman opened the front passenger's door and I told her that there was likely people to be coming from St Patrick's Hall ". 9091

Further, he stated in evidence, at p59

"11 A. I am not sure whether they opened the door or wound down  
12 the window. I spoke directly to them. I can tell  
13 you -- do you want me to tell you what I said to them?  
14 Q. Please.  
15 A. I said, "Are you leaving here? Are you moving away?"  
16 They said, "Why?" I said, "Because I have just come  
17 from up the street and there are likely to be people  
18 coming down behind me."

19 They asked me where I had come from. I said I had  
20 come from St Patrick's hall. They said yes. That was  
21 the end of the conversation with the police. It wasn't  
22 a hostile conversation. There was no discussion  
23 whatsoever.  
24 Q. Why did you do that?  
25 A. Basically because I feared there could be people --

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1 well, I suspected there would be people who would not  
2 wait for an hour for a taxi at St Patrick's Hall and  
3 would walk down to what I believed was a fairly  
4 dangerous and difficult situation.  
5 Portadown town centre being an area which is fairly  
6 well-known for difficult areas and also troubles there,  
7 you know, there have been troubles there in the past,  
8 I just wanted to try to prevent that happening. That's  
9 the only reason I approached the police, for no other  
10 reason."

The evidence of Con Neill was that he looked up Thomas Street at that stage, and could not see anybody (9396)

If the Panel find that the Land Rover crew should have dismounted, moved the Land Rover or paid more attention to Thomas Street after Mr Mallon spoke to them, an examination of this context and the words used by Mr Mallon should assist the Panel in deciding if this failure, with the benefit of hindsight, was reckless, negligent or unfortunate.

### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

Thomas Mallon indicates in his statement to the Inquiry that he left St Patrick's Hall at about 01.00hrs (Para 6) and also in his statement to police (p503-505) and states that he arrived home between 01.15hs and 01.30hrs. His conversation with the police was brief - no more than about 30 seconds (Para 14 of his statement to the Inquiry).

### **Submissions by the Police Service of Northern Ireland**

See section 4 below

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed, subject to the fact that the oral evidence showed that neither Bridgett nor Forbes confronted Mr Mallon aggressively; that no offensive/sectarian words were shouted by them. It seems unlikely that the officers would have engaged in a friendly conversation with two youths who had been behaving as noted at 2.1, 2.2, 2.5 or at 3.38.

3 Witnesses were asked to deal with this in writing and orally:

Thomas Mallon

*Statement*

- 3.1 Para.5: He had drunk five or six pints. He did not remember if he was drunk.
- 3.2 Para.6: There were a lot of people in St Patrick's Hall hallway waiting to call for a taxi. The feeling was that it would be a long wait for taxis.
- 3.3 Para.11: There was not a big group milling about but a lot of little clusters dotted around the town centre. He did not know where they had come from.
- 3.4 Para.13: There was nobody standing at the Land Rover but there were some young people in the general area of the vehicle.
- 3.5 Para.16: As he was in the mouth of Woodhouse Street he was approached by a group of four or five youths. They were walking in the direction of West Street.
- 3.6 Para.18: The youth with the wine bottle was of average height and build and had fairish hair.
- 3.7 Para.20: He was almost certain the officer got out the back of the Land Rover to speak to the lads he came across. The officer was quite tall, average build and had short hair.
- 3.8 Para.22: When he got towards the end of Woodhouse Street he saw two men, one of whom he recognised as Colin Hull. He marked CH on 73910 where he met him. He was stocky with thick, dirty fair hair.
- 3.9 Para.23: Colin Hull asked him what was happening as he must have heard the noise from the town centre. They had a brief chat wherein Mr Mallon told Mr Hull to go home. The police were on the corner and there were a lot of people in town. Mr Mallon did not speak to the other man with Mr Hull. He did not remember what he looked like.

*Oral Evidence*

- 3.10 He was at St Patrick's Hall. He left the Hall about 01.00, but no later than 01.05 (p.52). He says he got home at 01.25 and that it would take him 20 minutes to walk there from St Patrick's Hall. Mr Mallon says his wife agrees he was home at 01.25 (p.75).
- 3.11 There was no-one behind or in front of him on Thomas Street (p.54).
- 3.12 He was not drunk (p.79).

- 3.13 By Jamesons Bar he saw small groups moving across town. At the mouth of Thomas Street he saw clusters totalling 30-50 people (p.55). There was general noise and shouting from the clusters (p.56). There was no aggravation (p.80).
- 3.14 As he went across the road the Land Rover moved forward (p.81). He waved at the Land Rover (p.59). It stopped between LR2 and LR3 (p.83). He went to driver's side (p.83) and asked the police "if they were moving away and that people were coming up behind him". He was not sure if the police wound down the window or opened the door to talk to him (p.60).
- 3.15 The police did what he asked when he was there (p.84).
- 3.16 There were a lot of youths spread around the area where the Land Rover went (p.90).
- 3.17 He believed a woman was driving (pp.60/82/91).
- 3.18 Snapshot shows the route he took across the junction and the route the youths took when approaching him (p.64).
- 3.19 He walked around the back of the Land Rover. He got caught in the middle of two groups of two youths (four youths in total). He was offered wine. There was no aggressiveness or altercation. The youth with the wine was holding the bottle by the body (pp.64/5).
- 3.20 He disputed P40's statement that the Land Rover was stopped at LR3 and the officers were talking to the youths when Mr Mallon approached. He disputes the description of him. He was wearing a dark navy shirt and cream chinos (p.62).
- 3.21 He disputed Res Con Atkinson's statement that he did not stop and talk; that there were two youths; and that the youths and Mr Mallon squared up. He did not remember Res Con Cornett opening her door and telling the youths to "clear off" (p.67).
- 3.22 When he was walking up Woodhouse Street he looked back and a male officer had got out of the Land Rover and was talking to the youths that Mr Mallon had spoken to. This was not at 01.40 (p.68).
- 3.23 He agreed with his statement of 12 May 1997 but recalls very clearly the policeman speaking to the youths at the Land Rover (p.71).
- 3.24 He recalled his conversation with Colin Hull. The town noise had not increased when he warned him to "stay clear" (p.74).

P40

- 3.25 He closed the back doors when they moved off from LR1. All was quiet at that time (p.45). They pulled over within a couple of yards to speak to 'Stacey', as he was known as a trouble-maker. 9361 says "pulled in to see what the craic was with them and we started chatting away" (p.46). That means they would be asking "what are you doing about this time of night" (p.47). He denied he was chatting with the boys (p.48). When talking to the boys, the Land Rover was further down from the Halifax than the LR3 position (p.10).
- 3.26 They did not stop to talk to Mr Bridgett but knew him. Mr Bridgett popped his head in and mentioned P40's name and P40 said hello back to him. Mr Bridgett then pulled his head out (p.32). Mr Bridgett had put his head in through the passenger's door (p.86).
- 3.27 The Land Rover was stopped at the Woodhouse/Market Street junction with the front pointing at the Halifax. Two males stopped to talk, one of whom was Mr Bridgett. Then a man aged 35 to 40, who was wearing a navy shirt and dark-coloured trousers informed them mates of his were coming down from St Patrick's Hall. P40 then saw a crowd of 25 coming up the town and heard shouting. He informed Con Neill, then the driver's door was opened and a man pulled at Con Neill (p.3). In 696 he says "the man who was wearing the navy shirt and dark trousers came over and shouted "what the fuck are you going to do?"". He was not sure if this was the same man who gave the warning. He did not know why he wrote it was the same man in the statement (p.5).
- 3.28 He did not hear Mr Mallon shout in a warning about his friends coming from St Patrick's Hall (p.87). The noise of the Land Rover's engine drowns out normal conversation. He remembers Res Con Cornett talking to Mr Bridgett and Mr Forbes (per 10977) (p.88) but did not know what it was about. Res Con Atkinson did not talk to the boys. He did not hear the boys trying to chat up Res Con Cornett (p.89). It was not possible to hear the conversation in the front of the Land Rover from the back. He did not know if the shouting was close or distant, if it was hostile or what words were used (p.90). He did not know if the conversation between Res Con Cornett and the boys stopped before Con Neill's door was opened. He did not think that they could conduct a conversation through a closed door due to the thickness of the armour (p.91).
- 3.29 He did not know how many people were expected to be in Thomas Street after Thomas Mallon's warning (p.94). In 61114 he stated "I do not recall seeing anybody in Thomas Street". This meant he looked up Thomas Street and his view was restricted (p.95).
- 3.30 He did not see people coming down Thomas Street (p.25). He did not recall if Res Con Cornett had to open her door to stop the confrontation between Mr Mallon, Mr Bridgett and Mr Forbes. He did not sit chatting to the boys when the fight started (p.26). He denies that as soon as he got out he knew there was fighting and that two men were on the ground (p.27). He did not hear Thomas Mallon give the warning (p.142).

## Robert Atkinson

### *Oral Evidence*

- 3.31 He first became aware of Thomas Mallon as he was sitting behind the observer looking forward and someone came across in front of the Land Rover. At the same time two males were coming up the High Street on the left hand side of the Land Rover and they spoke to the man. The observer opened her door and told them to move on. He did not see the man crossing the road. He did not realise he had said anything to the Land Rover crew (p.56). The vehicle was parked at LR3 when the man walked by. LR3 is near enough to where the Land Rover ended up (p.57). Res Con Cornett said “go on home boys” to the men on street (p.58). He did not recall the two youths approaching the Land Rover and talking to the crew (p.59). He did not hear anyone banging on the Land Rover or shouting for help when he was inside (p.161).

## Andrew Allen

### *Oral Evidence*

- 3.32 There was nothing to suggest that someone should be on alert before the altercation (per 7408) (p.151).

## Alan Neill

### *Statement*

- 3.33 Para.17: Looking down the High Street from LR1, he could see about 50 people coming towards them. Some had already gone past.
- 3.34 Para.18: They moved off from LR1 and a man flagged him down. He stopped the vehicle at LR2. He asked Res Con Cornett to ask what the man had said as it was impossible to hear. She opened her door and asked what he had said. Res Con Cornett told Con Neill that there were people coming from St Patrick’s Hall.

### *Oral Evidence*

- 3.35 They were parked at LR1 for a while. He did not believe they had any doors open. LR2 was where Mr Mallon mouthed something. LR3 is where they ended up because they were approached by, among others, Mr Bridgett and Mr Forbes (p.3). Virtual reality views match what he could have seen. LR1 was a useful place as they could see the junction and down through town to the area by the barriers and Boss Hoggs (p.4). He did not recall the back doors being open at LR1 and some crew members were having a smoke (p.5). P40 was a smoker. “I wasn’t out of LR at that time” (p.6).



- 3.36 The crew was going to drive from LR1 through the town and come back up the other side. There were people coming up in dribs and drabs on the right hand side of the street towards them (p.4).
- 3.37 As they pulled away from LR1 Thomas Mallon walked across the junction and mouthed something. He “asked Cornett to – she opened door and spoke to him”. He could not hear what she said as it is not possible to hear inside the Land Rover. It is hard enough to hear the people in the back. Res Con Cornett related what was said (p.6): “Mallon said there were some of his friends coming down Thomas Street”. Con Neill could see up Thomas St and there were no signs of anyone as far as the bend (p.7).
- 3.38 Con Neill intended then to go down to the bottom of town but “Bridgett and that were by Northern Bank and Mallon had just entered Woodhouse Street. They started shouting at him”. Two of the youths followed Mr Mallon down Woodhouse Street (p.7). He turned the Land Rover into LR3 and watched the youths approach Mr Mallon. They could not hear what was said. Res Con Cornett shouted at them. That cut it dead. They kept a watching eye on the boys to see if they went after Mr Mallon, who had walked off (p.8).
- 3.39 Mr Bridgett and Mr Forbes came up from behind the Land Rover and then went to one side (p.8). It was about a minute between them approaching Thomas Mallon and coming to the Land Rover. Res Con Cornett had the door open and the boys were talking to the crew. It was a brief conversation before he was pulled out (p.9). Chatting to Mr Bridgett and Mr Forbes was a distraction (p.39). He did not remember Mr Bridgett and Mr Forbes talking about Mr Bridgett joining the Services or that he was working for Jamesons (per 7062) (p.42). He remembers someone saying that they were a painter and that he was looking to paint the Seagoe Hotel. He did not recall Res Con Cornett talking about his clothes (p.43) or her being engaged or married. He did not believe that they were talking for five minutes (p.44). All crew members in the Land Rover were involved in the conversation (p.45).
- 3.40 People had to have come down Thomas Street between the crew being warned by Mr Mallon and Con Neill being pulled out of the Land Rover (p.35).
- 3.41 In hindsight, it would have been sensible to wait for people to come down Thomas Street but there were often fights at the bottom of town as not only Loyalists used the takeaways. It wasn't just one point in town that could cause trouble (p.36). It was more likely for trouble to start at the junction (p.37).
- 3.42 He said there was no straightforward way of getting across from Woodhouse Street to Thomas Street, they had to go round the bottom of town as the kerb was quite high (p.37).

## Colin Murray

### *First Report*

- 3.43 Para.4.5: The warning should have immediately alerted Constable Neill and Res Con Cornett to there being an immediate danger of public disorder.
- 3.44 Para 4.36: He accepted the position of the vehicle made it difficult to view Thomas Street. The vehicle could have been moved or an officer could have alighted from the vehicle.
- 3.45 Para.4.41: The officers failed to realise the significance of the warning. Being alert may not have prevented an attack but it would have made them concentrate on the area, which may have proved evidentially important.
- 3.46 Para.4.42: The officers should have been more vigilant.
- 3.47 Para.4.50: He believed the officers were negligent in their duty.
- 3.48 Para.25.36: He believed Mr Mallon's warning should have alerted the crew to the danger that disorder could break out.
- 3.49 Para 25.37: He believes the officers should have anticipated that people coming from St Patrick's were members of the Catholic community. They were aware of large numbers of people in the town centre from the Loyalist community.

### **Submissions by Conor Downey Solicitors (Colin Hull)**

In his oral evidence, Colin Hull did not deny seeing, meeting or talking briefly with Thomas Mallon, rather he stated only he could not recall, 12 years on. (p7.21 & p.52-p.54)

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

The Panel should bear in mind the words used by Mr Mallon, which did not indicate "an immediate danger of public disorder", but rather a potential danger, and the incident which was in fact an immediate threat to Mr Mallon. This latter issue is not one Mr Murray appears to have addressed in the overall context in the paragraphs above.

In that statement (9091) Mr Mallon continues,

"A policewoman opened the front passenger's door and I told her that there was likely people to becoming from St Patrick's Hall . As I turned to walk away I was approached by a youth there was a group of maybe 4 or 5 with him .They all looked to be about 18 or 19 years of age . The youth that approached me asked me where I was going . I felt threatened by the whole situation, I was apprehensive . I saw that he was carrying a glass bottle of 'Buckfast' in his right hand. I was concerned that I might be hit with the

bottle although this youth did not make an attempt to hit me, because I was concerned about the bottle I held my hands out in front of me . I told the youth I was going home and that I didn't want any hassle, I just wanted to get away from them. He said to me stand here a while, I immediately went at that stage “.

Rhetorically we pose the question-if the Land Rover Crew, being aware of the immediate threat to Mr Mallon from Bridgett and Forbes (could have been assaulted with a bottle), had either dismounted and gone to the mouth of Thomas Street or moved the Land Rover to access a full view up Thomas Street and during this time Mr Mallon was attacked by Bridgett and Forbes, would the Land Rover crew have been the subject of substantial criticism in abandoning Mr Mallon, whose was clearly a Catholic coming from St Patrick's Hall?

This was an immediate threat; the other was a potential threat.

#### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

The panel is referred to the evidence contained in paragraphs 3.28 to 3.30 in their consideration that Reserve Constable Atkinson was not on notice of any warning.

#### **Submissions by the Police Service of Northern Ireland**

See section 4 below

#### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

See paragraph 2 above.

#### **Comment**

- 4 It seems plain that Mr Mallon did give the warning, to the effect that his mates were coming down from St Patrick's Hall. Members of the Land Rover crew understood from the warning that those Catholics could meet Protestants coming up the town and that violence could break out. The Panel may think it is also clear that the Land Rover crew did not respond immediately. Rather, they initially watched Mr Mallon meet Mr Bridgett and Mr Forbes, and they then stayed to talk with Mr Bridgett and Mr Forbes for some period.

#### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

This seems to be a correct assessment of the evidence. Mr Mallon's warning should have been regarded by the RUC officers as particularly significant, given Constable Neill's evidence in his statement [please see 2.1 in module 2] that the crew had been briefed that there would be problems with people

coming from St Patrick's Hall and going down Woodhouse Street. When Mr Mallon alerted the crew to this very eventuality, they should have been on high alert.

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

See 2.7 and 3.49 above. Undoubtedly the incident involving Mr Mallon was a distraction, but the police were duty bound to ensure the safety of Mr Mallon, and indeed the evidence of Con Neill was to the effect that he watched Mr Mallon go safely on down Woodhouse Street. It will never be known how long precisely the interchange between the Land Rover Crew and Bridgett and Forbes took, but the evidence of Constable Neill was that it was a brief conversation before he was pulled out (p9). Regardless of the duration of this conversation, the presence of the Land Rover, being visible to those coming down Thomas Street and up High Street, should have been deterrence, except to those who were intent on causing trouble. Indeed Mr Mallon, in that statement, made it clear that the presence of the Land Rover was a comfort

"At the same time as .I noticed the police I seen, people walking both up and down the town along main street . There was a lot of noise about town . When I saw that the police were in the vicinity I decided to walk on"

Further the Land Rover Crew did exactly what Mallon asked them to do, ie, stay there.

To describe the officers as negligent in their duty, we suggest is too strong. With the benefit of microscopic hindsight it may be that if the vehicle had been moved to monitor Thomas Street or an officer and officers had alighted from the vehicle, that they would have seen the attack at an earlier stage, but having regard to the evidence of the independent witnesses who saw and heard the Catholic group going down Thomas Street, taken in conjunction with the fact of the Land Rover being clearly visible, it is extremely unlikely they would have been unable to prevent the violence.

The evidence strongly suggests that there was an aggressive attitude on the part of the Catholic group that caused the outbreak of violence.

### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

Mr Mallon's timing of his warning to the police would appear to be in and around 01.10-01.15 hours. If he is to be believed in this regard there is a significant discrepancy in time between his account and the police timing of the incident with Robert Hamill commencing around 01.40 - 0145 hrs. The Land Rover officers in their evidence tend to indicate that the incident occurred a very short time after Mr Mallon had given his warning and left, if not instantaneously. Mr Mallon's timings would tend to suggest the police had more than enough time to get out of the Land Rover and take preventative measures to avoid any public disorder. The Land Rover crew's

timings on the other hand do not. On the basis of Mallon's evidence and the other evidence suggesting the conversation with Bridgett and Forbes post warning, this would tend to suggest that the Land Rover crew at the very least did place insufficient importance on the warning.

Alternatively, it could be suggested that the passage of time between Mallon's warning to police that others were following him down Thomas Street and their actual arrival, unnoticed by the Land Rover crew, possibly lulled the crew into a false sense of security that no such persons were following, which in turn resulted in a lack of continual vigilance that the warning merited, given that the crew was on duty to prevent public disorder in the town centre. No thought appears to have been given to the delegation of continual vigilance of the Thomas Street area, to a least one member of the crew. Neither is the option of moving the Land Rover to a position closer to Thomas Street, the likeliest source of any public disorder at that time. Nor to the possible action of investigating whether or not persons were indeed coming from St Patrick's Hall, and if so preventing any further movement by them through the town centre until such time as the crowds from the Coach had significantly dispersed.

#### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

The evidence does not establish that Reserve Constable Atkinson realised that a warning had been given by Thomas Mallon. He saw Mr Mallon mouth some words - it cannot be construed from that that Mr Atkinson understood that there was a warning from Mr Mallon as suggested. If a warning was given, it was not heard by Reserve Constable Atkinson due to his positioning in the Land Rover and the consequent limits placed on his senses. It is worthy to note that it is not disputed that Reserve Constable Atkinson did not speak to the other individuals, Stacey Bridgett or Dean Forbes, nor was he aware of the contents of the conversation which took place which illustrates the limits placed on his hearing. No one has suggested that Reserve Constable Atkinson was a participant in any of these exchanges. It should also be noted that Constable Neill, who was a front seat passenger needed to have the warning relayed to him by Reserve Constable Cornett which is further evidence of the difficulties and limitations in hearing ranges within the Land Rover. There was nothing in the circumstances which alerted or could have alerted Reserve Constable Atkinson until the driver's door was wrenched open and the driver pulled out which accords with the outline given by Reserve Constable Atkinson during his interview 9476 (at page 9490). 9490 establishes that his observation of the stoutish boy saying something to Denise Cornett was almost instantly followed by the door being pulled open and Constable Neill being pulled out. The first notice Reserve Constable Atkinson had of any possible violence was the pulling of Constable Neill from the Land Rover which he acted immediately upon. The overwhelming evidence is that on Constable Neill was pulled out from the Land Rover, Reserve Constable Atkinson immediately exited the back of the Land Rover. Reference is made to 3.43 above, Colin Murray's first report, paragraph 4.5, which states "that the warning should have immediately alerted Constable Neill and Res Con Cornett to there being an immediate

danger of public disorder." There is no suggestion, quite properly, that at that stage, prior to Constable Neill being pulled from the Land Rover, there was anything which could have alerted Reserve Constable Atkinson who was positioned in the rear of the Land Rover.

### **Submissions by the Police Service of Northern Ireland**

The primary concern of the land rover crew was public order policing associated with late night socialising and alcohol consumption, recognising the potential for sectarian assaults and disturbances, as well as other crime.

The Inquiry is entitled to conclude that the information provided by Mr Mallon was intended and ought to have been interpreted by the land rover crew as a warning that he believed that members of the Catholic community would shortly be entering the town centre en route from St. Patrick's Hall.

The Inquiry is also entitled to conclude that based on their experience of policing in the Portadown area, the land rover crew knew that there was at least the potential for assault and disturbances when persons from opposite sides of a divided community encountered each other in the town centre. Accordingly, it might have been expected that the warning provided by Mr. Mallon would have engendered a heightened state of vigilance amongst the land rover crew. If, as has been suggested, there was any failure on the part of the land rover crew to be vigilant the Inquiry will wish to scrutinise the reasons for that.

It is submitted that Mr. Murray has overstated the position where he has asserted that that the warning from Mr. Mallon ought to have been regarded by Con. Neill and Res. Con. Cornett as an indicator of an immediate danger of public disorder (Para 4.5). The warning provided by Mr. Mallon was simply to the effect that Catholics would be walking from St. Patrick's Hall into the centre of town. He wanted police to remain at the junction. According to his evidence there was nobody behind him or in front of him as he walked down Thomas Street (page 54), and Con. Neill's evidence also supports that view. Moreover, neither police nor Mr. Mallon were aware of aggressive or threatening behaviour, save for the exchange between Mallon, Bridgett and Forbes. The Inquiry is invited to reject Mr. Murray's contention as it is not supported by the evidence.

The next question which arises concerns what should have been done in response to Mr. Mallon's warning? Without specifying what steps should have been taken by the Land Rover crew it is claimed in the above comment that the officers did not respond immediately to the warning provided by Mr. Mallon. However, much depends on what is meant by "respond" and what kind of police response was either necessary or possible at that point in time. It is submitted that any suggestion that there was no response to the warning is simply inaccurate.

In his oral evidence Con Neill explained that after receiving Mr. Mallon's warning (channelled to him by Res. Con. Cornett) he was in a position from

LR2 to see up Thomas Street as far as the bend.. He explained that he made the effort to make an observation from this point. He told the Inquiry that there was no one coming down Thomas Street that he could see and that therefore, it remained his intention to drive to the bottom of the town to police that area and to drive back up to Thomas Street. The Inquiry also has access to a note (00684) which deals with this sequence of events and in which Constable Neill is recorded as saying:

"Constable Cornett spoke to this man. Said there was a crowd coming down Thomas Street from St. Pats. He didn't say how many in the crowd. Neill didn't see a crowd coming down Thomas Street at that stage."

Therefore, so far as Con Neill was concerned, notwithstanding the cautionary message received from Mr. Mallon there was nothing to indicate that police had reason to be worried about the risk of any immediate disturbance or trouble. It was not as if there was any pervading atmosphere of aggression amongst the Protestant youth who were making their way up the town in small groups according to both police evidence and Mr. Mallon's evidence, and there were no pedestrians to be seen coming down Thomas Street at that time.

Accordingly, the answer to the comment set out above is that there was indeed an immediate response to Mr. Mallon's warning by taking steps to make an observation of what was happening on Thomas Street. It is submitted that the absence of pedestrians on Thomas Street at that time rendered any more active response unnecessary at that point. If a criticism is to be advanced that further action was necessary at that juncture then the specific steps which were required should be identified so that the PSNI might comment.

It is further submitted that not only was there no pressing requirement to take any other immediate action in response to Mr. Mallon's warning, but it seems clear that to give any further active consideration to the warning such as by driving to Thomas Street, would have left Mr. Mallon on his own to be harassed by Mr. Bridgett and Mr. Forbes, or worse.

It is tolerably clear from the evidence of some of the officers in the land rover that not only was there a necessity to intervene (verbally) to assist Mr. Mallon, but that intervention set off a chain of events which was to cause the crew to become distracted and to miss out on the opportunity to see whatever it was that led to the fatal attack on Mr. Hamill. Therefore, it is submitted that some importance attaches to consideration of the events which occurred at the Woodhouse Street junction at that time.

The Inquiry has heard that after he had responded to Mr. Mallon's warning by looking up Thomas Street, he moved off from LR2 with the intention of driving to the bottom of the town (page 5, 19 May 2009). It was at that point that he became aware of the presence of Bridgett and Forbes. Con Neill has recalled in his oral evidence that Mr. Mallon was spoken to or shouted to by Bridgett and Forbes. According, to Con. Neill the two youths followed Mr.

Mallon into Woodhouse Street a short distance. In his contemporaneous statement he recorded that Stacey Bridgett was “face to face with this male” and that “this had been unprovoked.” (06332)

At this point according to Con. Neill’s oral testimony he moved the land rover into position LR3 so that the land rover crew could observe the interaction between Mr. Mallon, Bridgett and Forbes (page 5, 19 May 2009). In other words it is submitted that he made the prudent policing decision to locate the vehicle in a position where this developing situation could be kept under review. He would have been vulnerable to criticism had he ignored this situation and proceeded with his original intention which was to drive to the bottom of the town, and if Mr. Mallon had come to harm.

It is submitted that there is no reason to doubt that the police did have a genuine concern that the contact between Mr. Mallon, Bridgett and Forbes could be the occasion for trouble, and that this informed their decision to remain at that location at least initially. The police response, according to their evidence was to observe the situation, and for Res. Con. Cornett to shout at Bridgett and Forbes. In their contemporaneous statements Res. Con. Atkinson recalled that Cornett told the two youths to “clear off home” (09684) while Res. Con. Neill recalled that Res. Con. Cornett “shouted at them” (06332) In his oral testimony Res. Con. Atkinson recalled that Res. Con. Cornett told them “to go on home..., go on their way...something like that” (page 57, 11 May 2009)

Mr. Mallon’s evidence has to be considered in parallel with the police evidence at this stage of the events. There are a small number of obvious differences between his account and that of the police, although some of those differences may be of little significance in the context of the Inquiry’s terms of reference eg. which officer he spoke to when delivering the warning, and the number of youths who “confronted” him. The most significant difference is probably the fact that Mr. Mallon, in his oral evidence, sought to portray himself as not being particularly worried about his encounter with Bridgett and Forbes while the police impression was that there was every reason to be concerned.

It is submitted that there are disturbing inconsistencies between the account which Mr. Mallon gave to the Inquiry about this issue and the account which he gave to police in 1997. In his oral evidence to the Inquiry Mr. Mallon admitted that he was conscious of the fact that one of the youths had a bottle in his hand but he appeared to emphasise that there was no aggression displayed towards him. Indeed he sought to convey the impression that he regarded the youths as being more of a nuisance than anything else who were pestering him to take a drink of wine (page 64, 20 January 2009). He denied having heard Reserve Constable Cornett shouting to the youths (page 66, 20 January 2009).

It is submitted that in light of the other evidence which Mr. Mallon gave about his knowledge of the trouble which could erupt in the town centre and how it was an exception for him to walk home, added to the fact that he was



conscious of being approached by a youth with a bottle, it would have been perfectly natural for him to fear for his safety.

It is notable that Mr. Mallon admitted to such concerns when he gave a statement to the police in May 1997. In particular he explained that he was concerned that he might get hit by the bottle, that this fear caused him to put his hands out in front of him and that he felt “threatened by the whole situation and was apprehensive.” Later in his statement he told police that when he got home he told his wife what had happened and that he felt “lucky” (00504). His oral testimony and his written statement to the Inquiry are strangely silent on those fears.

It is open to the Inquiry to consider whether Mr. Mallon has deliberately downplayed the significance of the encounter with Bridgett and Forbes?

Mr. Mallon’s evidence is curious in another significant respect. In his evidence he emphasised that he was at home talking to his wife by 1.25am. If this is correct he must have encountered the police at or around 1.15am. This timing is simply inconsistent with the time line which the Inquiry will be able to construct around the other evidence. In that we know that the attack on Mr. Hamill took place around 1.45am, Mr. Mallon’s account would suggest that police were stationed at LR3 for some 35 minutes before the attack occurred. This does not appear to be feasible. It may be that for whatever reason Mr. Mallon does not want to place himself close to the scene just when the disturbances started.

Moreover, in his oral evidence Mr. Mallon explained that when he got home he telephoned St. Patrick’s Hall to provide a warning about the situation in the town centre, but he did not get through. He did not refer to this in his original police statement. It is unclear why he would make such a call unless he was aware that some form of disturbances had occurred in the town centre.

In summary, it is submitted that regardless of what Mr. Mallon has now said about the incident the land rover crew were entitled to be concerned for his safety, and that it was this concern for his safety which prevented Con. Neill from moving on down the town and back to Thomas Street. It is further submitted that the police presence and action had the effect of defusing what was a potentially difficult situation and that this was an example of good police work.

Unfortunately and inadvertently, however, the police involvement with Mr. Mallon, Bridgett and Forbes had the following negative consequences:

- The Land Rover was now parked (at LR 3) in a less than optimal position for the purposes of seeing and hearing what was occurring in the environs of Thomas Street; and
- The land rover crew (or certain members of it) became engaged in a conversation with Bridgett and Hobson standing to their left (on the edge of

Woodhouse Street), which had the effect of diverting their attention from what was happening behind them and to their right (at Thomas Street).

**Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed.

**THE SECOND ISSUE: THE POSITIONS OF THE LAND ROVER**

- 5 The materials on this show the following:
  - 5.1 On 10 June 1997 the crew attended a reconstruction of the placing of the vehicle on the night, and have identified three positions on a map, known as LR1, LR2 and LR3 (9279).
  - 5.2 F ran to a police Land Rover parked at the entrance to Woodhouse Street and asked them to get help (9098).
  - 5.3 Dean Forbes said the Land Rover was parked between Woodhouse Street and the Alliance and Leicester, (6927 at 6953).
  - 5.4 Wayne Lunt pointed out the position of the Land Rover when he was put it in (6849 at 6879).
  - 5.5 Stacey Bridgett said that the Land Rover was in the middle of Woodhouse Street, with the front facing Herrons and the back close to Alliance and Leicester (7234, 7128 at 7134).
  - 5.6 Thomas Mallon said that as he walked away up Woodhouse Street, he was aware that a policeman had got out of the Land Rover, which was parked across Woodhouse Street (9091).
  - 5.7 Colin Hull walked past the Land Rover, which was parked outside Halifax 542
  - 5.8 A fax from the Committee on the Administration of Justice to British Irish Rights Watch with a joint witness statement of D, E and F said the police Land Rover was half way past the entrance to Woodhouse Street 41225.
  - 5.9 P40 was interviewed and set out the positioning of the Land Rover and other objects and agreed for the most part with Con Neill 9351.
  - 5.10 Res Con Denise Cornett was interviewed by DI Michael Irwin and DCS Maynard McBurney. She went through the sequence of events including the briefing and the positioning of the Land Rover (9440 at 9450).
  - 5.11 D gave evidence at the Marc Hobson trial. He thought that the Land Rover was possibly to the right of LR3 (8263).

- 5.12 Colin Prunty gave evidence at the Marc Hobson trial. He stated that the Land Rover never moved from its position (8306).

**Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

See comments below

**Submissions by the Police Service of Northern Ireland**

See section 7 below

- 6 Witnesses addressed the question in writing and in their oral evidence:

Thomas Mallon

*Oral Evidence*

- 6.1 See Snapshot 1 for the position where the Land Rover was parked when he first saw it. It was slightly in front of LR1 (p.81).
- 6.2 As he went across the road the Land Rover moved forward (p.81). He waved at them (p.59). The Land Rover stopped between LR2 and 3 (p.83).

Colin Hull

*Statement*

- 6.3 Para.14: He thought the Land Rover was a bit closer to the Halifax than it is in 251.
- 6.4 The Land Rover was in the lane opposite the Halifax. It was stationary and parked straight.

*Oral Evidence*

- 6.5 The Land Rover was positioned as it is in the model (p.6).

**F**

*Statement*

- 6.6 Para.10: She could see the Land Rover in front of the Halifax. It was not blocking the road. She could see the side and a little bit of the back. She did not see anyone standing near it.

*Oral Evidence*

- 6.7 The Land Rover was in the vicinity of LR3 (p.74).

## E

### *Oral Evidence*

- 6.8 The Land Rover was in the vicinity of the position shown in the model (p.16) but E cannot remember when she first saw it but the Land Rover was there (p.17).

## Diane Hamill

### *Oral Evidence*

- 6.9 E and F told her that the Land Rover was at position 3 (p.33).

## Maureen McCoy

### *Statement*

- 6.10 Para.12: When she was at the bend in Thomas Street she could see the side and the back of the Land Rover.

### *Oral Evidence*

- 6.11 The location of the Land Rover in the model is pretty accurate (p.36).

## Vincent McNeice

### *Statement*

- 6.12 The position of the Land Rover is marked at 73913.

### *Oral Evidence*

- 6.13 He saw the Land Rover in the same position as is in the model although the Land Rover was entirely on the road (p.67).

## Colin Prunty

### *Statement*

- 6.14 Para.12: The Land Rover was parked outside Halifax. It was facing down the High St with its back doors facing Woodhouse Street. It was 30/40yds from the junction and it was square on so he could see the back of the vehicle.

### *Oral Evidence*

- 6.15 He saw the Land Rover when he was in the middle of Thomas Street (p.93) before the attack took place (p.94). The Land Rover was not blocking Woodhouse Street (p.94).

Pauline Rogers (née Newell)

*Statement*

- 6.16 Para.14: The Land Rover was ten feet behind the give way sign, facing towards the High Street. She had to walk off the pavement to get around the vehicle.

*Oral Evidence*

- 6.17 She remembered seeing the Land Rover in as it is in the model but the back end was in Woodhouse Street, as if it was about to drive out (p.5).

Kyle Magee

*Oral Evidence*

- 6.18 The Land Rover was where it is in the model (p.57).

Iain Carville

*Statement*

- 6.19 Para.14: He thought he only saw one Land Rover but possibly saw two. There was a Land Rover on the left hand side across Woodhouse Street. He did not recall if he saw any police.

*Oral Evidence*

- 6.20 He was in the town centre when he saw police Land Rovers. He did not recall where they were as it is possible to see a Land Rover from anywhere on the main street (p.51).

Paul Currie

*Oral Evidence*

- 6.21 The Land Rover was in the lay-by outside Instep (LR1). It usually sat there (p.45). It was not at the top of Woodhouse Street (p.46).

Kelly Lavery

*Statement*

- 6.22 The Land Rover was parked in the same position as it is in the model but it was facing out of Woodhouse Street.

Dennis Hayes

*Statement*

- 6.23 Para.18: He could only recall seeing police vehicles on way home.

*Oral Evidence*

- 6.24 He did not recall seeing the Land Rover (p.91).

Lisa Hobson

*Oral Evidence*

- 6.25 She saw the Land Rover (at Snapshot 2) (p.37). She did not recall how many Land Rovers there were, but remembers seeing one at the top of Woodhouse Street. She did not recall which way it was facing (p.58).

Simon McNally

*Statement*

- 6.26 Para.16: There was a police Land Rover outside the Alliance and Leicester, which was facing Herrons. He did not see any police. He did not see any doors open on the Land Rover. He did not see anyone by the Land Rover's doors.

Neil Ritchie

*Oral Evidence*

- 6.27 The Land Rover was not as far down as it is in the model. It was a bit further back (p.45).

Anne Bowles

*Oral Evidence*

6.28 She thought, but was not sure, that the Land Rover was more in front of the Halifax than it is in the model (p.64).

Carol Ann Jones

*Oral Evidence*

6.29 She saw a Land Rover parked in the mouth of Woodhouse Street. She thought she saw it when she went to the door to get her brother (p.76).

Alison Bowles

*Statement*

6.30 Para.5: She thought she saw a Land Rover at the opening of Woodhouse Street outside the Halifax or the Alliance and Leicester

*Oral Evidence*

6.31 She remembered the Land Rover, but not where it was parked (p.83).

Glen Stewart

*Oral Evidence*

6.32 When he arrived he saw the Land Rover on to right hand side (p.9). He thought it was by Northern Bank (p.11).

Andrew Osborne

*Oral Evidence*

6.33 The Land Rover's position is shown in Snapshot 1 (p.39).

Judith Holland

*Oral Evidence*

6.34 The Land Rover's position is shown in Snapshot 1. She says this is where the lay-by was (p.6).

Stacey Bridgett

*Oral Evidence*

6.35 The Land Rover was in the same position as it is in the model (p.59).

Dean Forbes

*Oral Evidence*

6.36 The Land Rover was in the same position as it is in the model (p.29).

Donald Blevins (81616)

*Statement*

6.37 Para.11: There was a Land Rover on the corner by Halifax Bank facing towards Herrons. There were couple of officers, maybe four, standing outside it.

John Adams

*Oral Evidence*

6.38 The Land Rover was in position as it is in the model (p.160).

John Johnson

*Oral Evidence*

6.39 He saw a Land Rover. Its position is shown at Snapshot 2 (p.130). The Land Rover went to Snapshot 2. The kicking started on one person that was sort of surrounded and the Land Rover was there. It stayed there throughout (p.131).

6.40 There were two Land Rovers. They were facing in opposite directions. The first one he saw was facing the Church. The Land Rover could not have come from up the street because the crowd would have been in its way. The Land Rover did not drive through the crowd (p.168). "It could be the second Land Rover, but the other one – that's the only Land Rover first that I saw where the police were that was facing that way when the kicking was going on" (p.171). "First Land Rover I saw was one that came facing the other way [from the Land Rover in the model]." There was a second Land Rover but he did not know how it got there (p.172). He certainly did not see the second Land Rover before the kicking started. He thinks the second Land Rover "would have been after [the] kicking had stopped" (p.173). It is possible the Land Rover in the model could not been seen from his window (p.175)

Dean Silcock



*Oral Evidence*

- 6.41 The Land Rover was on the right hand side of the Halifax when looked at from Thomas Street (p.46).

James Murphy

*Oral Evidence*

- 6.42 The Land Rover was further back from the position in the model. It was closer to the footpath outside Alliance and Leicester (p.78).

Paul Warnock

*Statement*

- 6.43 Para.14: This may have been a second Land Rover. It was positioned between Thomas and Edward Streets on the Thomas Street side of Market Street.

*Oral Evidence*

- 6.44 The position of the Land Rover is shown at Snapshot 1 (p.36).

Gordon Cooke

*Statement*

- 6.45 Para.5: In 72838 L marks where the Land Rover was. The circles mark where the injured men lay.

*Oral Evidence*

- 6.46 The Land Rover was in front of Halifax compared to the model (p.5).

P40

*Oral Evidence*

- 6.47 The Land Rover did stop at LR1. This is where he had a smoke (p.7). They stopped there so that the officers in the front seats could still see the 'flash area' (p.8).

Gareth Cust

*Oral Evidence*

6.48 He remembered the Land Rover being in the lay-by outside Instep. He did not recall seeing the Land Rover move (p.53).

Andrew Hill

*Oral Evidence*

6.49 He saw a police Land Rover outside Halifax at the top of Woodhouse Street (p.2).

Robert Atkinson 81385

*Statement Notes*

6.50 Para.14: Con Neill positioned the vehicle at LR3 to get a good view of the junction.

*Oral Evidence*

6.51 The vehicle was parked at LR3 when the man walked in front of the Land Rover. LR3 is near enough to where the Land Rover ended up (p.57).

Jason McClure

*Oral Evidence*

6.52 He may have seen the Land Rover before the fight started (p.87). He saw it on the other side of the road as well (p.88).

Alan Neill

*Statement*

6.53 Para.16: He parked the Land Rover at LR1 at 01.30 as it had a good view of the entire town centre.

6.54 Para.21: As he went to move off after Thomas Mallon walked past, two youths approached Mr Mallon, who was in Woodhouse Street. Con Neill stopped at LR3 with the nearside front wheel over the give way lines and almost on the pavement so that he could get a view. The youths and Mr Mallon were not fighting.

Denise Cornett

### *Statement*

- 6.55 Para.7: They stopped outside Instep at LR1 (per 73896). After a few minutes they moved down Market Street into High Street where she noticed a man walking across the road. He was wearing a blue shirt and dark trousers and he mouthed something at them. His demeanour was casual. Due to the heavy armour on the Land Rover, they could not hear what he said.
- 6.56 Para.8: Con Neill stopped the vehicle at LR2. She opened her door and the man said “My friends are coming down Thomas Street”. She was not concerned as she could not see many others on the street. The man then walked down Woodhouse Street without any bother. She assumed his friends were coming from St Patrick’s Hall. At this point she noticed two youths in their early twenties coming towards the Land Rover from the High Street. The Land Rover moved forwards a short distance to LR3. The youths arrived at the Land Rover after the man had walked off in Woodhouse Street direction.
- 6.57 Para.9: They were parked at an angle on Market Street with the front pointing to the left towards the footpath.

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

Parts 5 and 6 above relate to the positioning of the Land Rover. This is a matter for the Panel but it would be respectfully suggested that the overwhelming credible evidence is that Constable Neill positioned the vehicle at LR3 as appears in both the oral evidence and statement notes of Reserve Constable Atkinson referred to herein at 6.50 and 6.51.

### **Submissions by the Police Service of Northern Ireland**

See section 7 below.

### **Comment**

- 7 There is some dispute over the evidence given by the Land Rover crew. Some witnesses, including back-up officers, put the vehicle in slightly different positions. The Panel may need to resolve that dispute. It seems probable that, if the evidence of the Land Rover crew is accepted, the positions LR1, LR2 and LR3 were broadly accurate, and that LR3 describes where the vehicle remained between the times that Mr Mallon gave his warning and the point where Con Neill was pulled from it.

### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

It is clear that when Thomas Mallon stopped the Land Rover to deliver his warning, the Land Rover was moving [please see 3.14 above], and that, at

his request the Land Rover moved so that it could cover Thomas Street [3.15]. In his statement [2.5] Constable Neill said that he looked down Thomas Street, but could see no-one at the time. It is not surprising that witnesses asked about the position of the Land Rover years after the event differ in their recollection. However, it must be born in mind that it is in the interests of the RUC officers in the Land Rover to say that they were unable to see the attack on Robert Hamill and his companion. The Inquiry needs to determine whether any of the officers would or should have been able to see the attack from any of the positions given for the Land Rover, in particular LR3. It is notable that no mention is made of CCTV footage of the area. No doubt the Inquiry has enquired into this. If, as we believe, there is no CCTV footage available, then we invite the Inquiry to comment on this matter and the reasons for it.

#### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We agree that it seems probable that the Land Rover was in positions LR1, LR2 and LR3, as described in particular by Con Neill.

#### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

This accords with the Reserve Constable Atkinson's Inquiry statement and his oral evidence. When asked about the position of the Land Rover "are you content that LR3 as marked there is where the Land Rover ended up?" he responded "Within maybe a foot or two -- it could have been a little bit further forward towards the corner, very little, but it is near enough." (Page 57, lines 15 -20 of Reserve Constable Atkinson's transcript)

#### **Submissions by the Police Service of Northern Ireland**

Notwithstanding the traumatic events of the 27 April 1997 and the passage of time there appears to be a reasonable degree of consensus amongst those who have given evidence to the Inquiry regarding the movement and final positioning of the police land rover. The only witness whose evidence diverged in a significant respect from this consensus was that of Mr. John Johnson.

In the nature of things it is difficult for any witness to be absolutely precise about the final position of the vehicle. In the absence of a contemporaneous photograph of the vehicle in situ the Inquiry can only reach a view based on a "best estimate" having regard to those accounts which it has heard which it considers to be reliable.

Taking this approach it is respectfully submitted that the Inquiry will be bound to conclude that the evidence of Mr. Johnson regarding the positioning of the land rover represented a remarkable departure from the other accounts which it has heard and read.

It will be noted that Mr. Johnson has placed the land rover at or about the junction of Thomas Street with Market Street pointing in the direction of St.

Mark's Church (Snapshot 2, page 130). He was the only witness to describe this position. It is unclear how he could believe his evidence to be accurate for it is certainly inaccurate both in this respect and in other respects (to be dealt with in subsequent sections below). If a land rover had been parked at this location witnesses D, E and F (to take three of the most important witnesses) could hardly have missed it, and the occupants of the vehicle would have enjoyed an unobscured view of the violence which ensued.

Perhaps, the best that might be said for Mr. Johnson is that the land rover which was positioned at the corner of Woodhouse Street could have been hidden from the view which he had, standing at the window of his flat above Jameson's Bar. It appears that he conceded this during his oral evidence.

However, this doesn't explain the account that places a land rover at the junction of Thomas Street. In all of the circumstances it is difficult to escape the conclusion that Mr. Johnson has somehow invented this, and it is submitted that his account is completely unworthy of belief.

Mr. Johnson's bizarre account of the Land Rover's position stands in some conspicuous isolation. The PSNI agree with the comment that positions LR1, LR2 and LR3 are broadly accurate and represent what most witnesses would consider to be accurate. Moreover, it is submitted that so long as LR1-LR3 are broadly correct, nothing of any significance turns on the fact that the Inquiry is deprived of evidence which would state the positions of the vehicle with absolute precision.

The PSNI would also agree with the comment that LR3 represents the position "where the vehicle remained between the times that Mr. Mallon gave his warning and the point where Con Neill was pulled from it."

In this regard it is submitted that it is important to recognise and give due weight to the evidence given by Con. Neill in his contemporaneous statement (00680) and in his oral evidence which explains why the vehicle ended up in position LR3.

Con. Neill has recalled that as he was about to move off from LR2 (where Mr. Mallon delivered his warning), Bridgett and Forbes approached Mr. Mallon. Con. Neill's stated intention had been to drive down the town and to return up the town again and to establish a position near Thomas Street. However, having witnessed this approach to Mr. Mallon he decided that it was prudent to manoeuvre the vehicle from LR2 to LR3 in order to observe the interplay between Mallon, Bridgett and Forbes. In other words there was at least initially a sound policing reason to establish a position at LR3.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed. The Land Rover appears to have been at LR3 as DEF et al were coming down Thomas Street. Reserve Constable Atkinson in R -v- Hobson

appears to have altered his mind as to the position when Mr Mallon crossed over from L2 to L3.

### **THE THIRD ISSUE: WHAT COULD THE OFFICERS IN THE LAND ROVER SEE AND HEAR FROM INSIDE THE VEHICLE?**

- 8 The materials are to this effect:
- 8.1 Thomas Mallon made a statement saying that as he reached the end of Thomas Street, the police Land Rover parked on the main street beside the Alliance and Leicester branch started to move off, Mr Mallon waved at them. A policewoman opened the front door and he told her that there was likely to be people coming from St Patrick's Hall (9091).
- 8.2 Con Neill had planned to drive round the town and back up to park again at the junction on the other side but pulled over when Thomas Mallon told them people were coming down Thomas Street. He said he looked up Thomas Street but did not see anybody. He says he saw quite a crowd coming up from High Street and into Market Street from the coach. He says that they were nearly all Protestant and there was some people coming down from St Patrick's Hall who would have been Catholic and they would have been crossing over into Woodhouse Street (9389 at 9396).
- 8.3 Res Con Cornett recalled that Thomas Mallon walked across the street mouthing something at the police. She told Con Neill to pull over. Thomas Mallon said his friends were coming down Thomas Street. She understood he meant for the police to wait there in case something happened. They did not, however, see anybody coming at that stage (9440 at 9450). She says that two other young men shouted at Thomas Mallon and Res Con Cornett opened the door and asked them what was going on. The men were shouting abuse like "Fenian bastard" at Thomas Mallon (9440 at 9453).
- 8.4 Robert Atkinson said that a stoutish sort of boy said something to Denise (Cornett) about people coming down there (9476).
- 8.5 Res Con P40 was sitting in the back of the Land Rover but could hear Thomas Mallon shout in that his friends were coming down Thomas Street (9362). He also recalled hearing some shouting from the Thomas Street side of the main street while he was still inside the vehicle (9366). He told Con Alan Neill about the shouting and it was then that a man came to Con Neill's door and tried to pull him out. The man was shouting at Con Neill but he could not hear what he was shouting (9369).
- 8.6 xxxxxxxx made a statement saying that the street lights worked perfectly before and after 27 April 1997 (9212).
- 8.7 Noise tests were carried out on the Land Rover with the doors open and closed and with fan on and off but did no attempt was made to discern what outside noise could be heard inside (8165 and 73898).

- 8.8 Res Con Robert Atkinson gave evidence at the Marc Hobson trial. He spoke of the restricted view from the Land Rover (8347).

**Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

The panel will no doubt consider the consistency of the evidence of Reserve Constable Atkinson at the trial of Marc Hobson with regards to all evidence he has given on this point.

**Submissions by the Police Service of Northern Ireland**

See section 10 below

- 9 A number of witnesses addressed this in their statements and orally:

**John Johnson**

*Oral Evidence*

- 9.1 The Land Rover was at Snapshot 2 (p.130). It stayed there throughout. Later on he saw another vehicle come down. He could not see in the back of the Land Rover (p.131) but he could see the officers in the front. For the entire time the man was being kicked he could see officers in the front of the Land Rover (p.132). He could see the whole of the Land Rover including the back door and the driver's door. When he first saw the Land Rover, its doors were closed. He did not know about two people going to the passenger side (p.166).

**Thomas Mallon**

*Oral Evidence*

- 9.2 He could not see past the Land Rover when he looked back from halfway up Woodhouse Street (p.85). He could not hear any noise from Thomas Street at that time (p.85).

**Stacey Bridgett**

*Oral Evidence*

- 9.3 He did not hear anything going on at the time [Neill was pulled out] and the officers definitely did not, as they were talking to him (p.67).
- 9.4 He did not recall how noisy it was. He did not know if he would have heard any noise from the other side of the Land Rover (p.71). There was nothing to indicate that there was a fight occurring before he went round the back of the Land Rover (p.92).

Dean Forbes

*Oral Evidence*

- 9.5 When the driver was pulled out he could see through the Land Rover and could see people fighting (p.37).

Joe O'Boyle (81724)

*Statement*

- 9.6 Para.6: He cannot say who wrote the scripts for the tests but the report (8165) looks like his style of work.
- 9.7 Para.7: He arrived at Portadown at about 23.45 on 16 June 1997 and met DI Irwin. DI Irwin did not give him a set of instructions.
- 9.8 Para.12: The microphone was placed at about driver's head height between the two front seats.
- 9.9 Para.13: He did not, and was not asked to, conduct tests with four people in the Land Rover. Neither was he asked to run a test with people wearing body armour. He did not conduct tests with a police radio fitted.
- 9.10 Para.19: The maximum noise recorded was 64.8dB. This is the equivalent of a business office.

*Oral Evidence*

- 9.11 A level of 64.8dBs in the Land Rover would mask out quieter noise but sounds of a different frequency could be heard. He did not know for sure (p.3).
- 9.12 No-one was stationed outside the Land Rover to see if noises heard outside could be heard inside (p.5). He was instructed to find out the noise levels inside the Land Rover. No-one asked him to assess noise coming in from outside (p.6).
- 9.13 His supervisor at Industrial Research and Technology Unit, a government body who offered these types of service to industry and the RUC, was approached by the RUC to ask if certain types of tests could be carried out (p.7). Mr O'Boyle was told that the RUC had asked if it could be determined whether someone could hear a sound inside a vehicle. He said it could not be done as it was dependant on many variables, including hearing ability of listener, weather, engine sounds, open/closed doors etc (p.8). He was asked by his supervisor how you would determine whether someone could hear something or not (p.9).
- 9.14 He had no instructions from DI Irwin about the tests (p.10).



- 9.15 Hearing is like a fingerprint of what can and cannot be heard. There are many reasons why people develop hearing loss e.g. age, infection. Noise-induced loss can occur through explosions, gunfire (p.13). Most responsive hearing ranges are between one and four kilohertz which tends to be range in which voices speak. Noise-induced hearing loss tends to be at four kHz. The full range is about 31.5Hz to 16kHz (p.14).

Ken Armstrong

*Second Report*

- 9.16 Para.1: The parked Land Rover was at LR3.
- 9.17 Para.1.1/2: He could see down High Street from the front seats of the Land Rover.
- 9.18 Para.1.3: He could see the pavement in front of Halifax from Rear Behind Driver (RBD). The view was similar to the front if the head was lowered to look between the front seats.
- 9.19 Para.1.4: He could see five-ten m down pavement on the left hand side of High Street but not road from Rear Behind Passenger (RBP).
- 9.20 Para.2: It was not possible to see bus drop off from the Land Rover.
- 9.21 Para.3: He could not see Herrons from Land Rover.
- 9.22 Para.4.1: He could see the top half of people outside Boss Hoggs from the front seats.
- 9.23 Para.4.2: He could see Boss Hoggs from RBD or baton hatches on Right Hand side of Land Rover.
- 9.24 Para.4.3: He could see Boss Hoggs from RBP if he looked down out of the front windscreen or right hand baton hatches.
- 9.25 Para.5: Note: Ken Armstrong did not have body armour on when deciding how far he could see.
- 9.26 Para.5.1: From the front driver's seat it was possible to see up Thomas Street by turning his head over his right shoulder. It was possible to see the footpath by Jamesons for 15m past the junction. It was possible to see right hand footpath up to bend in Thomas Street. It was not possible to see in the road past the British Legion.
- 9.27 Para 5.2: From front passenger seat he could see up Thomas Street when looking through the baton hatch behind the driver. He could see middle of road and right hand footpath up to the bend.

- 9.28 Para.5.3 He could not see Thomas Street from RBD unless he turned his body through driver's side baton hatches. He could see half of the left hand side of road halfway up the street. He could see all of right hand footpath to the bend.
- 9.29 Para.5.4: From RBP, he could see up Thomas Street through the rear door window or the driver's side baton hatches. He could see up the pavement to the entrance of Jamesons.
- 9.30 Para.6: From the front driver seat, without front passenger, he could see beyond the third streetlamp on the left hand side of footpath. He could see 13-15m past the telegraph pole by gable wall of the shopping centre.
- 9.31 Para 6.1: From RBD and RBP he could not see Woodhouse Street unless he looked outside the passenger side baton hatch.
- 9.32 Page 6: With everything shut and the engine on could not hear people at Eastwoods shouting up Thomas Street. With the engine off and the passenger door open he could hear shouting from outside the British Legion. This was despite the person in the front seat talking periodically.

#### P40

##### *Oral Evidence*

- 9.33 P40 was at the back right side of Land Rover behind the driver, wedged between the back and side (p.84). His back was to Thomas Street. He could not see out over the junction and had a very limited view out of the windscreen (p.85): "Not possible for him to see up Thomas Street without changing sides in Land Rover." He could have seen out of Land Rover if he moved to the right and craned his neck to see (p.92). He could not see out the side window. He could see very little out of back window (p.9).
- 9.34 The noise of Land Rover's engine drowns out normal conversation (p.88). It was not possible to hear the conversation in the front from the back (p.90). He did not think that he could conduct a conversation through the closed door due to the thickness of the armour (p.91).
- 9.35 He told DS Bradley that he heard shouting from Thomas Street (p.67) and something verbal which was hard to make out (p.68).: per 695: "Heard shouting from Thomas Street and told Neill."

#### Robert Atkinson (81385)

##### *Statement Notes*

- 9.36 Para.19: He had no vision of the junction from inside the Land Rover

## Alan Neill

### *Statement*

- 9.37 Para.9: The Land Rover's front windows could not be opened. His vision through the rear windows was limited due to the armour plate. There was no vision through the vehicle for driver. The engine created a considerable amount of heat and it was uncomfortable inside the Land Rover.
- 9.38 Para.20: When the Land Rover was at LR2 and given warning, Con Neill could see up Thomas Street to the bend. No-one was on it.
- 9.39 Para.23: When talking to Mr Bridgett, Con Neill could not hear any noise coming from street as the engine is very loud.
- 9.40 Para.24: When talking to Mr Bridgett, he could not see down Thomas Street as he was twisted to look up Woodhouse Street.

## Denise Cornett

### *Statement*

- 9.41 Para.6: From the front passenger seat she could see clearly through the front windscreen and the window in the passenger door. She could not see clearly out of the driver's door window because Con Neill blocked the view. The door windows on the Land Rover were sealed shut and could not be opened. Also the vehicle was armour plated which restricted the amount of noise you could hear from outside.

## **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

See below with reference to the consistent evidence of Reserve Constable Atkinson.

## **Submissions by the Police Service of Northern Ireland**

See section 10 below

## **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed.

## **Comment**

- 10 It was possible for each of the crew members to obtain some view of the junction and a little way into Thomas Street. However, that would not have been the natural view from where they were sitting. It is not entirely clear whether the officers in the rear of the Land Rover were conscious of the content of Mr Mallon's warning, and the Panel may need to decide whether they were.

## Submissions by British Irish Rights Watch and Committee on the Administration of Justice

Much depends on where exactly the Land Rover was positioned, and where exactly Robert Hamill and his companion were attacked. It would appear that neither position can be pinpointed with certainty, although it may be possible for the Inquiry to make findings on the balance of probability. Possibly the most reliable witness (since he was not drunk and had no vested interest) as to where Robert Hamill was found lying (which may not be the same place as where he was attacked) is ambulance man David Morrow, who places him in photograph D 190209 v 3 (confusingly described as Snapshot I in 13.277 above) as having been lying opposite Clarks shoe shop, on the Thomas Street side of the central reservation in Market Street. The other ambulance man, Glen Stewart, seems to indicate in his v.1 snapshot that Robert Hamill was lying near the Home Bakery corner of Thomas Street, but says he is unsure about this [please see 13.505].

The really significant questions are:

- a) would or should any of the officers have been able to see the attack?
- b) did any of them see the attack?

If the answer to a) is in the affirmative, then

- c) why did none of the officers see the attack?

If the officers are correct about the position of the Land Rover (LR3), then the two officers in the rear of the vehicle should have been able to see the attack out of the rear view window. Conceivably, the driver and front seat passenger might have been able to see what was happening behind the vehicle by looking in the rear view mirror and/or the wing mirrors. If there was the potential for any of the officers to have seen the attack but they all deny having done so, then they failed to spot it despite the briefing Constable Neill said they had received to expect trouble when people left St Patrick's Hall to go down Woodhouse Street, and the warning given by Thomas Mallon. This suggests that they were not alert to their duty, or that they were indifferent to it. It should not be forgotten that it has been alleged that RC Atkinson offered to keep Allister Hanvey apprised of the course of the police investigation and gave him advice on how to dispose of clothing he may have been wearing on the night of the attack. All members of the crew seemed to be involved for a short time in what appears to be a friendly conversation with two other suspects, Stacey Bridgett and Dean Forbes [please see 3.39 above].

Res Con P40, who was sitting in the back of the Land Rover, said in his statement he could hear Thomas Mallon giving his warning to RC Cornett [please see 2.4 above], so he and she at least were aware of it.

## Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)

We agree with this.

### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

It would appear from Constable Neill's positioning of the Land Rover and from his evidence that he appeared more concerned with the view down Woodhouse Street, after Mr Mallon, and his meeting with Bridgett and the other males. A proper action on the warning would have been to re-position the Land Rover to afford the best view possible of the town centre for all those aboard the Land Rover and to direct the occupants as to which view of the town centre they should concentrate on.

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

As above, and with particular reference to P40's evidence above as to what could be heard of normal conversation within the Land Rover, Reserve Constable Atkinson could not hear the contents of what Thomas Mallon mouthed. Evidence suggests that the noise of the Land Rover drowns out any outside noise. We would add further in relation to paragraph 9.36, the evidence of Reserve Constable Atkinson at the trial of Marc Hobson at page 08350 and 08351, of his limited vision from the Land Rover. A similar account regarding the path of vision of Reserve Constable Atkinson is given in his disciplinary interview at page 09491 "When you're in the back of the Land Rover your main view is out the front, you really can't see unless you're sticking your head in around, you'd it stuck out the passenger door like." The panel is also referred to the evidence of Stacey Bridgett above at 9.3 and 9.4 who stated that he was not aware of any fight until he walked around the back of the Land Rover even though he was placed outside the Land Rover and his senses were not restricted by virtue of being inside the Land Rover and subject to the engine noise and other aural distractions such as the radio and heating systems.

### **Submissions by the Police Service of Northern Ireland**

Assuming that the vehicle was positioned at or about LR3 (which the PSNI agrees), it is agreed that the evidence establishes that it was physically possible for each member of the land rover crew to obtain a view of the Thomas Street junction, as well as some further distance into that street. It is also agreed that LR3 was a sub-optimum position for observing activity whether in the mouth of Thomas Street, or further on into Thomas Street, and that there was no natural viewing point for an officer aboard the land rover.

From the evidence which it has heard the Inquiry is entitled to reach the conclusion that for a variety of reasons no member of the land rover crew focussed in the direction of Thomas Street while the vehicle was stationary at LR3. Before addressing those reasons it is first necessary to consider which members of the land rover crew were aware of the warning which Mr. Mallon communicated.

It is of course entirely clear that Res. Con. Cornett was the direct recipient of the warning. It is also clear that she communicated that warning to Con. Neill who responded to it by looking up Thomas Street and by calculating that in

the absence of anyone on the street he would continue with his plan to drive down to the bottom of the town before returning to the crossroads.

The evidence in relation to what the back seat passengers in the land rover (P40 and Atkinson) knew about the warning appears mixed and inconsistent. Both officers have accepted that they were aware of Mr. Mallon's warning. P40 is on record as having said that he heard Mr. Mallon say that his friends were coming down Thomas Street (9362) but he has also said in his oral evidence that he did not hear Mr. Mallon give this warning. Likewise, Res. Con. Atkinson has said that Res. Con. Cornett was told about people coming down from Thomas Street (9476) but he has also denied knowing that the man (Mr. Mallon) had spoken to the land rover crew (page 56).

Moreover, the sequence of events described by both P40 and Res. Con. Atkinson appears to be at odds with their colleagues in the front of the vehicle. For example, P40 appears to believe that the crew were stopped and talking to Bridgett and Forbes before Mallon issued his warning. Res. Con. Atkinson has presented a condensed version of events which suggests that there was a very short delay between the warning from Mallon, and Neill being pulled from the vehicle, and he has failed entirely to recollect the conversation with Bridgett and Hobson.

It is submitted that the fact that such inconsistencies exist in the various accounts is not entirely surprising given the events on that night, the different physical positions within the land rover, and the passage of time. Whatever the reason for these discrepancies it is accepted that on balance the Inquiry is entitled to conclude that both P40 and Res. Con. Atkinson were aware of the warning issued by Mr. Mallon. Even if they weren't so aware they nevertheless knew that vigilance was called for in the performance of their duties, particularly (though not exclusively) at this crossroads. Equally, the Inquiry is entitled to infer that the warning was not the subject of a general discussion amongst the crew, and nor did any member of the crew concentrate their attention in the direction of Thomas Street while the vehicle was stationary at LR3. It is submitted that a combination of reasons may explain this omission.

Firstly, there is the fact that none of the land rover crew had the benefit of a natural viewpoint in the direction of Thomas Street. Mr. Armstrong's second report highlights the factors which would have impeded a direct observation of the environs of Thomas Street from virtually every position in the land rover. The panel will have seen for themselves (during the site visit) how awkward it was to achieve a good view of Thomas Street from LR3. This submission does not seek to deny that such a view was possible, but the point is to highlight that in order to obtain a view there were practical difficulties for uniformed officers, wearing body armour and other kit.

Of course the public would expect their police service to endure some modicum of discomfort in order to save lives and protect the community. However - and this is the second point - this was not a situation in which the

land rover crew had any reasonable grounds for believing that a violent attack was likely. Mr. Mallon's warning was delivered at a time when there was no indication of pedestrians walking down Thomas Street and when there was no atmosphere of aggression or tension in the town centre. It is probable that for both these reasons the land rover crew made a subconscious calculation that there was no risk of immediate disturbances, "switched off" and did not give the Thomas Street junction the attention which hindsight tells us it warranted.

Thirdly, the land rover crew, and in particular the front passenger (Cornett) and driver (Neill) became concerned for the safety of Mr. Mallon, and interested in the behaviour of Bridgett and Forbes. It seems clear that the police intervention in the Mallon, Bridgett and Forbes situation had the consequence of opening up a conversation with members of the land rover crew which in retrospect was ill-advised. It is submitted that it is unlikely that such a conversation would have taken place had Mr. Mallon's warning and the atmosphere on the street indicated an imminent threat of violence to people on Thomas Street. It was with obvious regret that Con. Neill admitted in his oral evidence that the exchange with Bridgett and Forbes was a "distraction."

Fourthly, in circumstances where the land rover remained at a location close to where Mr. Mallon delivered his warning, there may well have been an unspoken assumption amongst the land rover crew that their obvious presence alone would have deterred a violent attack. In case it might be suggested that such an assumption is either naïve or complacent it is worth remembering that a number of witnesses who were with or near Mr. Hamill as they walked down Thomas Street have said that the sight of a police vehicle gave them the confidence to proceed in the direction of the junction.. In retrospect, of course, if there was any such assumption on the part of police, it was to prove to be a miscalculation.

A fifth and final factor which may have contributed to the omission to maintain a visual focus on the Thomas Street junction might well have been an assumption that if a violent confrontation did occur at that location it would inevitably be heard by the crew members. Again, this assumption if it was made by any of the crew members would appear to have been invalid.

Mr. Armstrong (at page 6) has reported on the hearing difficulties which the land rover crew was likely to have experienced. In particular he has explained how shouting from the corner of Thomas Street (at Eastwoods) could not be heard by the occupants of a land rover when the engine was running and the doors shut. While Res. Con. P40 has recalled that he heard shouting whereupon he informed Con. Neill (9366), it is not evident that those in the front of the vehicle (and therefore closer to a running engine) would have enjoyed the same sensitivity to external noise. This conclusion is supported by Mr. Armstrong and also follows as a matter of commonsense.

Certainly, there is no evidential basis for supposing that the land rover crew heard the noise of a violent altercation and choose to ignore it. The fact that

some form of aggressive confrontation had commenced appears to have come as a genuine surprise to all in the land rover, and indeed to Bridgett (page 67) and Forbes who were standing on the street, albeit that they were also very close to the engine. Moreover, Mr. Mallon on his account seems to have been entirely oblivious to any heightened noise levels as he walked home along Woodhouse Street at a time which, despite his assertions to the contrary, must have been contemporaneous with the commencement of hostilities.

It is submitted that these various factors helped shape a context in which the land rover crew was deprived of the most favourable opportunity to concentrate on the subject matter of Mr. Mallon's warning. As has been seen at least part of this context was shaped by the physical environment which was outside the control of the crew such as noise levels and poor visibility. Other factors such as any assumption which might have been made about the deterrent value of a police vehicle only appear unwise after the event.

The fact that members of the land rover crew permitted themselves to get sucked into a conversation with Bridgett and Forbes Hobson rather than going about their policing duties was another factor in this context and one which created a problem of their own making. That the crew permitted itself to become distracted in this way is arguably worthy of criticism, but it is submitted that any criticism which follows must be measured against the circumstances which applied at the time.

In particular it cannot reasonably be said that by engaging in a conversation the officers were consciously turning their back on a real and immediate threat of danger.

Moreover, it is only fair to highlight that the conversation with Bridgett and Forbes emerged out of and was linked to the earlier intervention which was intended to protect Mr. Mallon. While it is clear that the conversation cannot be explained or justified by reference to any pressing operational policing concern, it was a conversation which was not long in duration by the time it ended. It is hardly shocking to suggest that officers may get bored with the monotony of duty in the closed environs of a land rover and a conversation, however frivolous and mundane, may at the time have been a welcome diversion. Another unspoken factor may have been a policing instinct to converse with local youths particularly where police were enduring poor relationships with both sides of the community, and where any contact with local citizens might have been regarded positively.

Notwithstanding these factors the Inquiry is entitled to conclude that by participating in this conversation the land rover crew's concentration became diverted from what they ought to have been concentrating on. However, perhaps the more meaningful questions surround whether this acknowledged loss of concentration had any material effect?



The Inquiry has been invited to examine all aspects of the response of the land rover crew to the attack on Mr. Hamill. Allegations have in the past been advanced which range across a broad spectrum from a delay in getting out on the street because of the distraction caused by the conversation with Bridgett and Forbes, to a deliberate refusal to get out which went beyond mere inadvertence. Lost amongst the polemics is the question of whether there was any significant or meaningful delay at all. This important question is also worthy of attention.

It is submitted that in order for there to have been significant or meaningful delay the Inquiry will have to conclude that there was an earlier opportunity for police to have left the land rover in order to produce a substantially better outcome.

In this context it is useful to ask whether there is any evidence that the police could have prevented the disturbance which ensued? Could they have prevented a serious assault on Mr. Hamill? It is submitted that there is no clear evidence to support the proposition that an earlier detection of the altercation on the street would have led to a significantly different outcome.

#### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed.

- 11 The best evidence as to the audibility of what was going on outside the vehicle may be P40's account that he was able to hear shouting from Thomas Street but that Con Neill plainly did not hear it as P40 had to draw the shouting to Con Neill's attention. The Panel may think that the evidence suggests neither Res Cons Cornett nor Atkinson were able to hear the shouting. Mr Armstrong's evidence suggests that proximity to the (running) engine may have made the difference between being able and not being able to hear a commotion outside the vehicle.

#### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

If P40 could hear what was being said to RC Cornett, the front seat passenger, from the rear of the vehicle [please see 2.4 above], that suggests that the noise of the engine was not an impediment to hearing. Indeed, in operational terms, it seems unlikely that the RUC would deploy a vehicle that made communication between officers impossible. It is conceivable that P40's hearing was more acute than that of the officers in the front of the Land Rover, or that, because of the position of the vehicle, he was marginally closer to Thomas Street than they were, and that this made a difference. It is also possible that P40 could see less and therefore relied more on what he could hear. It is also conceivable that the officers in the front were not paying any attention to what was going on around them

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We agree with this. Further, whilst a substantial part of the evidence of Bridgett and Forbes has to be viewed with considerable scepticism, their evidence was they did not hear anything untoward until Con Neill was pulled out of the Land Rover - see Bridgett pp67 and 92, Forbes p37. There seems no reason why they should lie about this.

### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

Following the warning and the repositioning of the Land Rover to afford the best view of the town centre, the next most appropriate action would have been to turn of the engine to afford the occupants a better opportunity to listen to noises from the street and furthermore to enhance this by the opening of one or all of the doors.

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

The submissions on 10 and 11 are interlinked and should be read in that context.

### **Submissions by the Police Service of Northern Ireland**

See comments in section above

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Agreed.

## **THE FOURTH ISSUE: WHAT HAPPENED BETWEEN MR HAMILL AND HIS ASSAILANTS?**

- 12 The materials show this:
- 12.1 At 01.15 approximately the bus left the Coach Inn, Banbridge. At 01.40 approximately the bus arrives in Portadown (9592 Statement Robert McNally).
- 12.2 At 01.20 approximately D and friends leave St Patrick's Hall (9094 Statement D).
- 12.3 At about 01.45 a group of Catholics come up Thomas Street shouting "fucking Orange bastards" (3786 and 3792).
- 12.4 Robert Hamill is seen in accident and emergency. Notes record him as urgent, that he may have been involved in a fracas in Portadown and he may have been hit on the head by a bottle (38972).

- 12.5 **F** stated that they left St Patrick's Hall at about 01.25. They saw two people at the bottom of Thomas Street. As they started to cross the road, a crowd of about 30 jumped on them as if out of nowhere. A lot of men kicked and punched Robert Hamill and he fell to the ground. One or two jumped on his head and a number kicked him in the back. She ran to a police Land Rover parked at the entrance to Woodhouse Street and asked them to get help (9092).
- 12.6 **E** said there were two other couples crossing in front of them. She saw two men standing near Instep. They were attacked by a crowd of 20-30 persons. She lay on top of **D** shouting for an ambulance and could see Robert Hamill being kicked to the head (9096).
- 12.7 01.4? Allister Hanvey withdrew £10 from the First Trust ATM2 in Portadown (6047).
- 12.8 **D** was interviewed and made a statement that, as he was walking down Thomas Street, he saw three or four people and was suddenly attacked but he cannot remember anything else (9094).
- 12.9 Colin Prunty said he had been to St Patrick's Hall with Maureen McCoy. He left and walked down Thomas Street to go home. He saw Robert Hamill and **D** about 30 to 40 metres ahead. He says he saw the two men getting jumped in the middle of Main Street (8135).
- 12.10 Dean Forbes said he saw a row outside Eastwoods (6927 at 6953). He saw the police get out of the Land Rover. A group said to Forbes and others, we'll take you on now (6927 at 6942). He saw one girl with a white t-shirt or jumper with short streaky hair shouting "that's my brother in law." He indicated that he saw a small blonde haired girl holding the man [on the ground] saying "you hit my brother in law and, I can identify you all" (6927 at 6963).
- 12.11 Dean Forbes says that by the time he got to the Land Rover, there was a row going on (6988 at 7000).
- 12.12 Dr Boon Low made a statement that he attended on **D** who told him he had seven pints of beer and was walking down the road with his wife when he was attacked by about 30 people. He was punched and kicked and the next thing he remembered was being in an ambulance. Dr Boon Low recorded that, according to **D**'s wife, he was knocked unconscious for about ten minutes (9202).
- 12.13 Colin Prunty made a statement. He said he left the disco at St Patrick's Hall with Maureen McCoy shortly after 01.30. They were walking down Thomas Street on the right hand footpath. Ahead of them were **D**, **E** and **F**. Ahead of them on his own was Robert Hamill. Robert Hamill was 30-40 yards ahead of him. He says he heard a lot of people shouting, "get the Fenian bastards", and looked up to see a crowd of about 30 people coming from the left on the main street. They were running and the front ones caught Robert Hamill and

dragged him to the ground. 15–20 people were kicking him violently and shouting “kill the Fenian bastard” (9101).

- 12.14 A consultation was held with Gordon Kerr QC, Ronald McCarey, for the Director of Public Prosecutions, Ms Ita Brady, solicitor, and Colin Prunty. The note indicates that Colin Prunty had had five or six pints all night, on the night of the 26 to 27 April and was not drunk. He was walking from St Patrick’s Hall and saw the police Land Rover but did not see any crowds. They were intending to go into Woodhouse Street. Robert Hamill was in front and when he was about halfway across the carriageway the crowd came towards him shouting “get the Fenian bastards.” Colin Prunty saw Robert Hamill being dragged to the ground, **D** went to help. There were 15 to 20 people around Robert Hamill. Colin Prunty saw **D** being hit with a bottle, which was thrown at him. Some of the crowd then went over to **D** who was within six feet of Robert Hamill. The police then came, getting out of the Land Rover when Robert Hamill was on the ground. Three of them got out, tried to break up the fight but there wasn’t enough of them. Robert Hamill was being kicked to the head. The people doing the kicking were saying “kill him”. There was one particular man that he could picture. He saw that the police pulled him out and put him in the Land Rover. Colin Prunty states that he went to identify the man pulled into the Land Rover so it must have been near the end of the kicking as Maureen McCoy was cradling Robert Hamill at the time (18062).
- 12.15 DC John Dickson spoke to Stephen Sinnamon. During the course of the interview, he appeared very nervous and officers put to him that he had not been absolutely truthful. He did not deny that. He said that during the party the fight was discussed. He would not say by whom. He says that someone said "one of them boys" hit Davy Woods and then the fight started (15461).
- 12.16 Maureen McCoy was interviewed and made a statement. She said she was at St Patrick's Hall with her boyfriend Colin Prunty. They left at about 01.20 and started to walk up Thomas Street. They met Robert Hamill and **E**, **F** and **D** standing outside the British Legion. **F** told Maureen McCoy not to go down there because there was a crowd. She saw ten to 15 men standing outside the bakers and some of them were looking at Thomas Street towards them. They walked to the junction. At this point Robert Hamill was behind them and then for no reason the group began to shout “Fenian bastards” (9106).
- 12.17 John Johnson was interviewed and made a statement that he was woken by commotion outside and saw four to five people kicking at a person on ground who seemed to be unconscious. There were other skirmishes, running about and jostling and a Land Rover on other side of Market Street. The people near it backed off as the police went towards them (9123).
- 12.18 A form of information received from a source noted that a woman who named herself Pauline saw Robert Hamill, a second male and two females walking from Thomas Street. As they crossed Main Street, Robert Hamill went over to a Protestant crowd of about 30 and called Rory Robinson a

“black bastard” and hit him. Rory Robinson retaliated, the others joined in and Robert Hamill and the second male were beaten (50182).

- 12.19 Andrew Allen said he was with Rory Robinson and David Woods on the night. He said he was with Rory Robinson at the fight. He stated that a crowd of boys and girls came down Thomas Street. One of the boys hit David Woods in the face, another started fighting with Rory Robinson. Another boy came at Andrew Allen. He said he ran up Thomas Street and another boy was standing there and swung punches at him. Three or four boys from the bus ran down the street and knocked down the boy that was swinging at Andrew Allen. One of the boys who came off the bus and who knocked his attacker to the ground was Marc Hobson (7390 at 7412 and 7300 at 7344). He described David Woods’ attacker as someone about the same size as Andrew Allen, with black hair (7300 at 7459).
- 12.20 David Woods was arrested and interviewed. He said he was walking near Jamesons bar when he heard people shouting, “you Orange bastards”. He says he was then attacked by one of two men coming up Thomas Street, one of whom had a blue shirt and tie and the other had a black leather coat. The man in the black leather coat ran at him, hit him in the face and ran past him into the middle of the town (7486 at 7495).
- 12.21 David Woods was re-interviewed. He said he was struck on the left cheek by a man wearing a dark leather jacket. He said he knew the man was Catholic because the man called David Woods an “Orange bastard”. The man hit him as he was running past and into the town. He denied seeing Andrew Allen or Rory Robinson behind him on the street and said he was on his own. He was aware of hustle on the main street but did not witness the fight and did not see anyone in the crowd (7534).
- 12.22 John Lynn said that he saw 40 people from his flat window in the street, and described two groups fighting each other. He described the fight as involving two crowds which came together fighting then stepped back momentarily before starting to fight again. He saw a Land Rover but did not recall seeing police on the ground. He only observed what was going on for a few seconds. He did not want to make a statement because he was involved socially with both sides of the community in Portadown. (See also the statement of DI Michael Irwin (9281) in which he recorded, on 10 June 1997, having spoken to Mr Lynn. At this point he said that he saw three officers on the ground.)
- 12.23 Jonathan Wright made a second statement. He said that Mr Hanvey, Mr Hobson and he walked down the town and could see a fight further down in the middle of the street between 20 to 30 people. He saw a man about 25 years old with very short hair standing behind the crowd in the middle of street. The man was wearing a blue shirt, striped tie and dark trousers. He was shouting towards the crowd of Protestants to “come on”. There was fighting going on in the crowd he was shouting at. Marc Hobson then left him and ran down into the crowd. He saw Marc Hobson being pushed about by the crowd and lift his hand to reach out for somebody. Jonathan Wright

stated that there was a lot of people shouting, "Fenian bastards". There were two or three from the Catholic crowd shouting calling the Protestants, "Orange bastards." The fighting lasted about five to ten minutes. He saw Rory Robinson in the middle of the crowd running around like a headless chicken. He saw Stacey Bridgett trading punches with one person. He saw a man lying on the street who was not moving. There were about five or six policemen trying to break the fight up. The mood of the crowd was violent towards the police and he heard bottles being smashed. He says he wanted to correct his first statement because it was preying on his conscience (9141).

12.24 Colin Hull gave a statement. He said he could hear screaming and shouting and walked towards the Eastwood shop from Woodhouse Street. He walked past the Land Rover, which was parked outside Halifax, none of the police were outside the vehicle. He saw two people lying on the ground about ten yards from the Land Rover with a crowd of about 30 people kicking and beating the two men on the ground. He went to help but got attacked and punched. It happened so quickly he could not describe any of the attackers. Colin Hull states that he went over to D and stayed with him for about ten minutes. The crowd had stopped beating D. Colin Hull then went to Robert Hamill who was unconscious. One man made another run at Robert Hamill. Colin Hull grabbed him and threw him back into the crowd. He states that at no stage did the RUC leave their Land Rover nor did reinforcements come during the attack. One girl banged on back of the vehicle and pleaded for help. The RUC ignored her and left their vehicle only when the ambulance arrived (542).

12.25 William Jones and Carol Ann Woods were interviewed and made statements. Mr Jones was in his flat (with his girlfriend Carol Ann Woods) overlooking Thomas Street and looked out to see three or four men and three women running down Thomas Street towards Market Street. One man was about 24 to 26, 5'10", medium build with dark short hair. He was wearing a black waist-length leather jacket and black trousers which may have been denim. A second man was about 26 to 28, 5'8", light build with dirty fair short hair, wearing a patterned grey jumper and light jeans. The third man was 28 to 32 years old, 5'10" in height, stocky, blond fair hair shaved at the side and back and brushed back on top with a full face. He was wearing a pale blue shirt, dark tie, black trousers and black shoes. William Jones says he saw the first man run to Market Street and hit out with his right arm. He appeared to hit the face of a person standing at the junction. He realised that the man who had been hit was his was David Woods, the brother of his girlfriend Carol Ann Woods. David Woods was brought into the flat and William Jones saw the first man and the second man, described above, lying on the road. There was a crowd of 15 to 20 people running around and two girls appeared to be kneeling over the two men. The police had arrived and appeared to be pushing the crowd back to the church. This whole incident lasted about two to three minutes (9111).

12.26 Photographs taken of Carol Ann Woods' former premises overlooking Thomas Street are at 736.

- 12.27 William Jones made a further statement that when he went downstairs to bring David Woods into the house. he could hear people shouting abusive remarks at each other such as "Orange bastards", "Fenian bastards", "up the IRA", and "up the UVF". When William Jones had got David Woods upstairs and had checked him for injuries, the fight was over and the police had arrived. The whole episode lasted for a couple of minutes (9114).
- 12.28 Vincent McNeice gave a statement. He said that on 27 April 2007 he left McKeevers bar with Colin Hull to see if Boss Hoggs was open. He saw D lying in the road at the bottom of Thomas Street. Robert Hamill was lying in the road about 20 yards from D. There was a crowd of about 20–30 people, the only police were in the Land Rover. He went over to D and put his coat under his head. The police only came out of the Land Rover when the ambulance arrived. He states he went in the ambulance with D (544).
- 12.29 Pauline Newell made a statement. She saw Rory Robinson, David Woods and 'Fonzy' Allen walking up the street through the town centre towards Thomas Street. After a few minutes she walked up the main street and saw Stacey Bridgett and Dean Forbes standing at the Land Rover talking to the police. As she passed the Land Rover she heard bickering from the other side of the street but paid no attention. She met P51 who had stopped in the middle of the road and saw Vicky Clayton and Jennifer O'Neill at the Church (9129).
- 12.30 Stephen Thornbury made a statement and said that as he was cleaning up in the bar he heard men walking past the bar, which is on Thomas Street. The men were shouting and they banged the windows of the bar. Five or ten minutes later he looked out and saw a crowd of people at the end of the street who were shouting. It appeared to be two groups squaring up to each other. He later saw two men lying on the road and two police officers trying to keep the groups apart (9125).
- 12.31 Kyle Woods said that he saw one boy, described as fat, shouting, "Tiocfaidh ár lá" [our day will come]. He did not remember what happened next but then saw two people lying on the ground near Eastwoods and he saw the crowd punching and kicking at them. He heard glass breaking but did not see anyone throwing any bottles. He saw the police trying to push the crowd back. The atmosphere was very intense. They started to walk out of the town and met Simon McNally's mother in West Street. Andrew Hill had rejoined them and walked with them. He said he did not recognise anybody in the town that was involved in the fight as it was too far away (9133).
- 12.32 DC Donald Keys spoke to Julie Sherwood. She said she was working in Jamesons bar and went with Beverley Irwin to shut the outside roller shutter at the emergency doors. She heard people coming down the street. They were shouting something but she did not know what was being shouted. She believed she had been seen at the door so went back into the hallway then into the lounge. She was aware a fight had taken place (3792).

- 12.33 Derek Lyttle was interviewed. He said that some time before 02.00 he heard the shutters at front of premises banged once and heard shouting from more than one person in Thomas Street. He saw at least one girl and three or four men run down Thomas Street. He went to the toilet window, other staff were already there, and he looked down Thomas Street. He saw two men on the ground. One man was wearing a black jacket and was level with Thomas Street. Derek Lyttle stood at the door and saw a man with a blue shirt, short ginger hair and a heavy build being pushed away from the scene several times by another youth. He saw two girls shouting for an ambulance (7792).
- 12.34 Steven Bloomer made a statement. He said he went to Boss Hoggs with Kyle Magee and Timothy Jameson. He walked up the town afterwards slightly ahead of Timothy Jameson and Kyle Magee. At about the traffic lights he saw a fight start in the middle of the road. He thought it was a normal Saturday night fight and walked past. There were four to five people involved in the fight but he couldn't describe any of them. He said there were no men on the ground at that stage. Steven Bloomer says that he walked on to the progressive Building Society where he met Tracey Clarke and heard shouting, then police and ambulance sirens. Then he saw two men on the ground. He saw Timothy Jameson and Kyle Magee near the church so walked over to them and then walked away home. On his way, he met Ian Carville and Chris Henderson. They went to Tracey McAlpine's (also known as Newell) house (9151).
- 12.35 DC Keys interviewed Beverley Irwin, who worked at Jamesons bar. She said that the last customer left by 01.30. She said that she went to shut the roller shutter door outside the emergency fire doors at 01.45 when she heard people walking down Thomas Street shout "fucking Orange bastards" three or four times. She stepped back from the doors thinking those people were coming in. She told Julie Sherwood to tell Stephen Thornbury who went up to Beverley Irwin and they both looked out briefly and saw the fight in progress. They then went back into the bar, cashed up and partially set the alarm. She went into the lounge and went out through the lounge doors. She said other staff looked through the toilet window. Beverley Irwin saw a man in dark clothes lying on the road in the recovery position. There was a girl with him and she was crying. She saw an older man in his forties with receding hair cut short, wearing a round necked jumper and possibly a brown jacket who was trying to get another man in his twenties to leave the area. This person was being abusive towards the Protestant crowd. Beverley Irwin saw the ambulance arrive. She stayed on the street for five minutes then went back into bar and left at 02.45 (3786).
- 12.36 A fax was sent from the Committee on the Administration of Justice to British Irish Rights Watch with a joint witness statement of **D**, **E** and **F**. They say that they saw two or three youths at the top of Woodhouse Street. The first thing they knew was that the two men were on the ground. The beating of the two continued when they were on the ground (41225).
- 12.37 A file note was made by Roger Davison, for the Director of Public Prosecutions, that he had discussed the evidence of Stacey Bridgett's blood



on Robert Hamill's clothes (on the right leg of his jeans) with Lawrence Marshall, Forensic Science Agency of Northern Ireland. One small spot of blood the size of a penny coin was found. The blood on the left trouser leg was smeared and did not come from Stacey Bridgett. Lawrence Marshall said the fact that the spot was not an elongated shape meant that there was nothing to indicate what direction the blood came from and he was reluctant to offer any interpretation as to how the blood got there but said it was consistent with Robert Hamill lying on the ground and a drop of Stacey Bridgett's blood falling as he stood over him (18040).

- 12.38 Colin Prunty gave evidence at the Marc Hobson trial. He said the crowd called, "get him, get him". They were kicking and beating Robert Hamill and saying, "kill the Fenian bastard". There were no police around until after Robert Hamill got beaten up. The attack on Robert Hamill took a good ten minutes and the police came out when they stopped kicking Robert Hamill. There was no 'cat-calling' and no fights breaking out over the street (8313 at 8333).
- 12.39 E gave evidence at the Marc Hobson trial. She says the attack was over in a matter of seconds. The police were not out of the Land Rover (8276).
- 12.40 F gave evidence at the Marc Hobson trial, which is consistent with her statement of 27 April 1997. She says that two or three were kicking Robert Hamill, at his head, shouting "die you bastard" (8292).
- 12.41 Colin Prunty saw the men being attacked. He ran to help and had a bottle thrown at him. Maureen McCoy went to Robert Hamill who was lying on the ground. The crowd who attacked seemed to appear very suddenly but he saw a man wearing a Glasgow Rangers Football Club type scarf being put into a Land Rover. Prior to that, Colin Prunty had seen the man with the scarf "put the boot into" Robert Hamill. Colin Prunty can offer no further assistance relating to identification of people at scene. He declines to make a statement. A pro forma questionnaire was completed (8135).
- 12.42 Lisa Hobson was interviewed by questionnaire. She said she was with Andrew Hill and saw scuffling with crowds and police. She said she saw Michelle Jameson with one of the injured men. There was a girl wearing black trousers and a black jacket with the person lying outside Eastwoods. She said Andrew Hill was wearing a denim jacket and blue jeans Timothy Jameson made a statement. He said he was with Stephen Bloomer and Kyle Magee. He saw a man called McClure and his girlfriend. He identified various people who assaulted a man, whom he identified as Robert Hamill, including Allister Hanvey whom he saw kick and punch him on the ground. He saw Dean Forbes punch a man in the face who was wearing a grey Umbro sweatshirt. He saw Rory Robinson, who was wearing cream coloured jeans, fighting. He saw 'Fonzy' kick the man lying on the ground. He saw Stacey Bridgett who had a 'bust' nose. Timothy Jameson stated that he was standing in the middle of the fight and heard a bottle smashing. He said he saw a Land Rover but no police got out (266).

- 12.43 DC Donald Keys spoke to Colin Hull. He told DC Donald Keys that he had been at St Patrick's Hall and had walked up Thomas Street behind Robert Hamill and D. He states he had got half way up Woodhouse Street and turned back because of shouting. At the traffic lights he saw people jumping on Robert Hamill's head. He asked police whether they were going to do anything to stop the fighting. He was kicked and punched (72615).
- 12.44 David Morrow gave evidence at the Marc Hobson trial. He said that there was a really hostile crowd of people. They seemed to be taunting each other and there seemed to be a few missiles being thrown. Somebody was thumping the ambulance. There seemed to be two rival groups. There was taunting and kicking. The crowd may have been between 20 to 50 people (8423).
- 12.45 Res Con James Murphy was interviewed by CI Desmond Jackson. He stated that he remembered lots of small pieces of glass, like a bottle, had been broken (10488).

#### **Submissions by Gus Campbell Solicitors (Jonathan Wright)**

In relation to paragraph 12.23 it should be noted that Jonathan Wright in his initial statement to police indicates that he did not see any fighting in the town centre and that Mark Hobson was not involved in any fighting (564-567). Jonathan Wright later retracted his second statement of 15/05/1997 and advised police that the contents of his initial statement of 11/05/1997 were the truth (17295). Nothing to respond

#### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

In respect of paragraph 12.19 and Andrew Allen's identification of Mark Hobson as one of the persons who attacked one of Allen's assailants, later in his interviews with police, Allen indicates that Mark Hobson had not been part of the large crowd following behind (07410) and when asked again as to the identities of the person who came to his assistance, he indicated that he did not know their identities.

In relation to paragraph 12.23 it should be noted that Jonathan Wright in his initial statement to police indicates that he did not see any fighting in the town centre and that Mark Hobson was not involved in any fighting (564-567). Jonathan Wright later retracted his second statement of 15/05/1997 and advised police that the contents of his initial statement of 11/05/1997 were the truth (17295).

#### **Submissions by O'Connor Moriarty Solicitors (D,E,F and Colin Prunty)**

Additional materials on behalf of D, E, F and Colin Prunty

12.46 Maureen McCoy said that for no reason at all members of the group began to shout "Fenian bastards" several times. The group surged forward

towards them making them all move onto the road. She became frightened and scared and she knew someone behind her was being attacked by the group at the mouth of Thomas Street and High Street junction. The group was very angry, agitated and vocally very loud. They were very aggressive and threatening and she knew that an act of violence was taking place on a person or persons by the way the members of the group were punching and kicking. She heard one of the group shout "I hope he dies, the Fenian bastard". (09107)

12.47 Witness B made a statement. He said that Marc Hobson started fighting with a man wearing a blue shirt and tie, mid 30s with short ginger hair. This man was trying to stop the fighting and Marc grabbed this man and threw him out of his way (00266 at 00267).

12.48 E told the police in her statement that her group was attacked by a crowd of 20-30 persons (09096 at 09097).

12.49 F said that when they reached the bottom of the street where it joined High Street she noticed two people standing at the corner. As they started to cross the road approximately 30 people jumped on them "as if out of nowhere". The next thing she saw was a large number of males kicking and punching Robert (09098).

12.50 The only thing that F could remember about the people who attacked them is that there was a male wearing a black or dark coloured leather jacket of some sort (09098 at 09099).

12.51 F said that nothing was done by anyone in her group to provoke the attack (09100).

12.52 P42 stated in his Inquiry interview that he saw the two police cars drive up the wrong side of the street (p.18-19). He was unable to remember if he saw a land rover parked at the junction (p.19). He was unable to remember when the letter was written (p.22). He stated that his anonymous letter was "a statement there with a sort of agenda" (p.34). He stated that he probably would not have written the letter, even though a man had died, had he not spoken to P41 and her father (p.39).

12.53 Maurice Hewitt told DC McCrumlish that he had spoken to a witness whom had witnessed the fight in Thomas Street / Market Street. He stated that the witness would not want to be interviewed. Hewitt undertook to have the witness outline his version of the assault on paper and would hand it to the Police when ready (03600).

12.54 Maurice Hewitt in his Inquiry Interview stated that he was medically discharged from the RUC in July 1995. He had served in Portadown for 17 years (p.5). He thought that he handed the letter into the Police the day after he received it (p.16).

12.55 A HOLMES action record print dated the 12th June 1997 records the order in which police cars arrived at the scene and where they were parked;

“The first vehicle at the scene was a livery Mondeo followed within seconds by the a/Ford Sierra. Both these vehicles parked at the junction of Thomas Street/Market Street. The third vehicle driven by Constable Orr states he drove through the crowd turned right opposite the church and drove back down the town parking his vehicle at the junction of Woodhouse Street/Market Street”. (03838)

12.56 R/C Silcock stated he observed two male persons lying on the Church Street bound direction of High Street. Number one male was dressed in a shirt and trousers. He now knows this person to be D (00702).

12.57 Photographs portraying view from P42’s flat (74567 & 74568).

12.58 William Jones during his Inquiry interview stated that he had served with the armed forces in Portadown (p.14). Subsequently he mentioned again that he used to serve in the army in Portadown alongside the Police (p.50). He did not remember whether he approached the Police to make a statement or vice versa (p.65).

12.59 William Jones in his first police statement stated that he heard loud noises coming from the British Legion area of Thomas Street (09111).

12.60 David Woods was arrested and interviewed. He was at the side of the Regal Snooker Club drinking cider on his own (07486 at 07489). He caught the bus to the Coach with the usual crowd. He knew them to see but did not know their names. He knew some of the names but could not remember (07486 at 07490). He got off the bus on his own (07486 at 07493). He sat on the bus on his own on the way home because he was drunk (07486 at 07492). He could not remember the mix of men and women on the bus because he was drunk. He did not join anybody’s company to go up the town (07486 at 07495).

12.61 When David Woods was re-interviewed he denied any visible bruising or marking as a result of being assaulted (07534 at 07538).

12.62 Carol Ann Woods in her first police statement said that she heard shouting and the sound of people running in the street below. When she went to the window she saw two groups of people. There was no shouting between these groups and she got the impression that these people were friends. She said that when she brought David into her flat he appeared drunk and she could see marking on his face but she could not remember which side (00526).

12.63 In her third police statement she recalled hearing shouting and, in particular, the phrase “Orange bastards” (00531).

## Submissions by the Police Service of Northern Ireland

See sections 15-18 below.

## Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see below at paragraph 14.

13 Witnesses:

### Ken Armstrong

#### *Second Report*

- 13.1 P.7: From the British Legion he could only see LR3 from the left of the centre of left hand side of the roadway.
- 13.2 P.9: He could not recognise people at junction from the Summer Seats, even though knew the person and was expecting to see them.

### Thomas Mallon

#### *Oral Evidence*

- 13.3 He denied pulling Con Neill out and being involved in any assault on the policeman (p.96).

### Colin Hull

#### *Statement*

- 13.4 Para.2: He went to McKeever's Bar at 20.30. It is on Woodhouse Street approx 100-120 yards from the junction.
- 13.5 Para.3: He has never owned a grey Umbro top.
- 13.6 Para.5: He met other people in McKeever's. The first person he met was Vincent McNeice. Robert Hamill came into bar, possibly around 22.00: "He was with a few friends and some family members who I think were cousins. Recognised them and knew their names as E, F, D." He did not recall what they were wearing.
- 13.7 Para.7: He did not speak to Robert Hamill or anyone with him whilst they were in McKeever's. He did not recall seeing them leave.
- 13.8 Para.10: Mr Hull and Mr McNeice were planning on going to Boss Hoggs after leaving McKeever's.

- 13.9 Para.12: He saw nobody in Woodhouse Street. There was nobody coming out of the Royal Oak and he did not hear any noise from the pub.
- 13.10 Para.15: When he reached the Royal Oak, he could hear screaming and shouting from the town centre.
- 13.11 Para.17: Mr Prunty was shouting “get out and help us”. His tone was fearful.
- 13.12 Para 18: He heard two girls screaming for help.
- 13.13 Para.19: He could see a mob of 30 running around the Land Rover. He could not see anything else until he got to mouth of Woodhouse Street.
- 13.14 Para.21: As he got closer, he saw Colin Prunty banging the back of the doors of the Land Rover. Mr Prunty is 5’10” with stocky build. Mr Ptunty had short ginger or light brown hair and did not wear glasses. Mr Hull did not recall what Mr Prunty was wearing that evening.
- 13.15 Para.22: As he got to top of Woodhouse Street saw two people on the ground. There was a body on top of each of them, trying to protect them. The people in mob were kicking repeatedly.
- 13.16 Para.23: When he went past the Land Rover there were five or six people around it. He could not see Colin Prunty. He did not see bottles.
- 13.17 Para.24: Only Nationalists were with him, Mr McNeice, Mr Prunty, **E, F, D** and Robert Hamill.
- 13.18 Para.27: As he was being hit, he continued over to where the injured persons were.
- 13.19 Para28: He briefly checked **D**. He knelt to check his breathing and feel his pulse as knew basic first aid. He did not recall seeing cuts or bruises or glass around the body. Mr McNeice was with him.
- 13.20 Para.29: One of girls originally with **D** had left and was banging on the back of the Land Rover. He did not know if she was Robert Hamill’s girlfriend, sister or cousin. She was screaming for police to get out. She was 5’6/7” and had short dark hair. He did not recall what she was wearing.
- 13.21 Para.30: Another girl was with **D**. She was possibly his girlfriend but Mr Hull did not know her name. She was a slim young girl with short dark hair. He did not recall what she was wearing.
- 13.22 Para.31: When he was near **D**, he was attacked again. Six or seven people jumped on him and knocked him to the ground. He rolled himself into ball. He is not able to describe his attackers and did not recognise them. He could not see the Land Rover when he was attacked as was not facing it.

- 13.23 Para.35: When he was in Woodhouse Street, the fighting stopped and a line across road was formed. Then made his way over to Robert Hamill.
- 13.24 Para.36: He did not recall anyone else being attacked. He thinks Mr McNeice was pulled out of the crowd once the line had formed. He was not pulled out by the police.
- 13.25 Para.38: When he went to Robert Hamill he was by himself. He was 18 inches away from and he was kneeling. He did not recall if the floor was wet or damp or if there was glass around Robert Hamill. He did not recall seeing blood or bruising.
- 13.26 Para.39: The crowd was seven or eight yards away and he was facing the crowd looking over Robert Hamill's body.
- 13.27 Para.41: He did not move Robert Hamill's head or body nor check his pulse. He did not recall if there was a jacket covering him or if there was anything under his head.
- 13.28 Para.42: While he was with Robert Hamill, Mr McNeice came over. Also "two girls who I'd seen in the pub with him earlier might have come over".
- 13.29 Para.44: A man said "you're a fucking Fenian bastard. This is our town. You shouldn't be here". Mr Hull grabbed hold of man with both arms, moved him and then pushed him back into crowd.
- 13.30 Para.63: He was not at St Patrick's Hall that night. He did not see Robert Hamill, D or the two women walking along Thomas Street.
- 13.31 Para.76: He recalled someone at back of the Land Rover but cannot describe that person as he was at the back of the door.

#### *Oral Evidence*

- 13.32 He left McKeever's pub at 01.30 (p.2) with Vincent McNeice (p.3). He was wearing cream jeans, black boots and maybe a grey jacket (p.3). He had had eight or nine pints but was "fine" (pp.3/4).
- 13.33 He did not recall meeting Mr Mallon (p.5) but said that it is possible it happened (p.50). He would not have gone to the junction if he had been told there was trouble (p.5).
- 13.34 He saw the Land Rover when on Woodhouse Street (p.5).
- 13.35 As he came down Woodhouse Street, he recognised Mr Prunty's voice (p.5) when he was 100-150 yards from junction (p.61). He saw him shouting for help at the back of the Land Rover (p.6) and saw girls banging on back of Land Rover. The doors of Land Rover were closed (p.6). He and Mr McNeice ran (p.40) to help; he saw a mob of 25 to 30 people all over the place (p.5).

- 13.36 He saw two people on the ground before he got past the Land Rover (p.7). Snapshot Robert Hamill = 2, **D** = 1. When he first saw Robert Hamill he was being kicked around his head by seven or eight people. There were two people lying over him. There was a girl with **D** who was unconscious but no crowd (p.8). He did not see anyone in the Land Rover. He did not see police on the ground. He did not see Catholics among the Protestant crowd (p.9).
- 13.37 As he came around the Land Rover, he was hit on side of head but did not fall down. He went over to protect Robert Hamill from the mob. He witnessed last five or six seconds of the attack (p.10). The attack stopped suddenly for no reason (pp.10/1). The crowd remained and kept shouting (p.11).
- 13.38 He was attacked when went over to see **D** (p.12), being kicked (and possibly punched p.54) to his body by four or five people (p.51). He was not knocked to ground but crouched (p.53). After the attack ended, he went to the top of Woodhouse Street to calm down and then went back to Robert Hamill and stayed with him until the ambulance came (p.55). After he returned to Robert Hamill (p.55), one man made an attempt to kick Robert Hamill after the attack had stopped (p.10) . Mr Hull pushed him away (p.12). He described this man at para.43 of his witness statement but did not tell Det Con Keys or Rosemary Nelson about it (p.56). He did not recognise his face (p.59).
- 13.39 When Mr Hull was attacked, no-one attacked Robert Hamill (p.12). Robert Hamill was unconscious but not bleeding. He did not recall any liquid or broken bottles. Robert Hamill was making slight snoring type sound (p.17).
- 13.40 The crowd formed a line after the attack (Snapshot 3). The line moved by itself past Robert Hamill up West Street. No police were there at that time (pp.15/6).
- 13.41 He saw someone being put in the back of the Land Rover when the police were moving the crowd and then being put back out moments later. He did not see anyone approach the Land Rover or any officer at the Land Rover (p.18).
- 13.42 He did not go to the Land Rover at anytime but he did shout at it (pp.14/5).
- 13.43 At no point did he see anybody, police or civilian, pull off anyone attacking Robert Hamill (p.12). The kicking happened when the females were with Robert Hamill. When Mr Hull was with Robert Hamill, Mr Prunty was at the Land Rover (p.13). With reference to **E** and **F** saying that the attack ended when they got to Robert Hamill, Mr Hull said he arrived at end of beating (p.43). With reference to para.42 of his witness statement, Mr McNeice, **E** and **F** may have come over when he was with Robert Hamill (p.62).
- 13.44 He, Mr McNeice, **E**, **F**, **D** and Robert Hamill went in the ambulance (p.19). He believes that there were two ambulances. He cannot recall who was in the ambulance with him (p.52).



## Diane Hamill

### *Statement*

- 13.45 Para.18: She was told that **E** and **F** had been walking down Thomas Street but stopped as they had seen youths at the corner. They went on as saw the Land Rover. The boys were in front of the girls. As soon as they got onto Market Street they were attacked with Robert Hamill receiving the most serious assault.
- 13.46 Para.19: The girls said that he went down pretty quickly. She heard later that he was hit by a bottle, went down and was further assaulted. **E** and **F** said he did not put his hands up defensively. **F** said that she had gone to bang on the Land Rover door.
- 13.47 Para.21: She spoke to the paramedic outside the Hobson trial. He said he had not mentioned that Protestants had banged on the side of the ambulance. The ambulance had to reverse back down street to get to Robert Hamill. She did not know the name of the paramedic.
- 13.48 Para.22: The beating stopped when crowd gave up. The police got out when ambulance arrived. She did not think that they gave first aid or put him in the recovery position.
- 13.49 Para.23: Ms Hamill's information comes from **E** , **F**, Colin Hull and Colin Prunty.

## F

### *Statement*

- 13.50 Para.5: She did not recall what the others were wearing that evening and relies on 9098. The descriptions are the same except **D** was described as wearing a striped, short-sleeved top.
- 13.51 Para. 6: She does not drink alcohol so was not drunk.
- 13.52 Para.7: She stayed at St Patrick Hall's until the band finished playing, then left with Robert Hamill, **E** and **D**.
- 13.53 Para.9: When walking down Thomas Street, she saw two people standing at the junction on left hand side by Eastwoods. She cannot describe them.
- 13.54 Para.11: She did not think the two people outside Eastwoods spoke to her company.
- 13.55 Para.12: She could not recall seeing Ms McCoy that night.

- 13.56 Para.13: She did not recall seeing a group of ten to 15 people standing outside the bakery. She did not recall hearing shouting or other noises when coming down Thomas Street.
- 13.57 Para.15: She did not see anyone assaulted as they walked down Thomas Street.
- 13.58 Para.17: She did not recall seeing a “stand-off”. She did not recall Robert Hamill or **D** having a bottle with them.
- 13.59 Para.18: A crowd of 30 came from nowhere down Thomas Street. She saw three people kick Robert Hamill.
- 13.60 Para.19: When she came out of Thomas Street the kicking had stopped and the crowd had moved back. No-one stopped her approaching Robert Hamill. She did not recall seeing bottles or liquid near Robert Hamill.
- 13.61 Para.20: When she ran back to Robert Hamill (after going to the Land Rover) there was no other fighting going on.
- 13.62 Para.24: As the ambulance left, she saw a crowd standing watching the ambulance. She did not hear or see any shouting, fighting or glass being broken.

*Oral Evidence*

- 13.63 She did not recall seeing Ms McCoy and Mr Prunty in St Patrick’s Hall (p.58) or on the street (p.60). She was wearing cream corduroy trousers, a cream top and a cream jacket. **E** was wearing satin black trousers and a denim jacket. **D** was wearing a checked shirt and jeans. He was not wearing a black leather jacket. Robert Hamill was wearing jeans, a shirt and a black leather jacket. She did not drink that night (p.59). With reference to the differences in statements regarding clothing, her only evidence was to repeat her original statement (p.94). She could remember correctly when she made original statement (p.96).
- 13.64 She was not covering up for people (p.62).
- 13.65 She did not see anyone else walk the same route (p.60). Robert Hamill, **D**, **E**, **F** stayed on the right hand side during the walk. Nothing happened at the British Legion and she did not recall Ms McCoy’s version of events (p61). The group was two boys four or five steps in front with the girls behind (p.62). They were jolly (p.63). They were not banging shutters: “any Catholic would know not to bang on anything coming past Jamesons Bar” (p.64).
- 13.66 She is not sure when she first saw the Land Rover but she did see it (p.64). She did not believe that police would be antagonistic towards them (p.65).

- 13.67 A crowd of 30-40 people appeared and then Robert Hamill was on the ground being kicked in his head. She did not know how he ended up on ground (p.65) or what happened to **D** (p.66). The attack started bottom of Thomas Street (p.89). She did not know if the attack started in Thomas Street and moved or started where Robert Hamill ended up (p.90).
- 13.68 When the attack started she ran directly over to Robert Hamill. The crowd was still kicking him, saying “Die, you Fenian bastard”. When she got there some had stopped, others had not (p.68). She did not see any police on the ground at this time (pp.68 and 91).
- 13.69 She put her jacket under Robert Hamill’s head. The attack had ended. He had a big graze on back of head but he was not bleeding. The jacket did not get blood on it (p.69). When she put jacket under Robert Hamill’s head, she ran to the Land Rover and banged on the driver’s side (p.74) to get help (p.73) No-one was attacking at that time (p.73). When she ran back the crowd was still around Robert Hamill (p.75).
- 13.70 She did not see Mr Prunty or any police officer try and pull people off Robert Hamill (p.70).
- 13.71 She did not recall seeing Ms McCoy with Robert Hamill (p.75).
- 13.72 At some point she saw **D** on the ground, between the junction and where Robert Hamill was (p.71). She was not sure if **D** was on ground when she ran from the junction to Robert Hamill (p.73).
- 13.73 She remembers the ambulance arriving (p.73). The crowd was still around when it arrived. Robert Hamill, **D**, **E** and **F** went in the ambulance (p.76). She does not remember anyone telling the paramedics about the events (p.77).
- 13.74 She denied 9111. Descriptions one and two are slightly at variance (p.78). She saw no-one in a grey jumper in Thomas Street and says Mr Prunty (description 3) was not with her (p.79).
- 13.75 The four definitely did not say or do anything to provoke a fight (p.80). She denied 7497 (pp.80-4). She denied 1038 and Ms McCoy’s evidence regarding a conversation (pp.85/8). She denied the statements of Jamesons’ staff (p.88).

## E

### *Statement*

- 13.76 Para.3: Her coat was a black three quarter length leather jacket.
- 13.77 Para.5: She stayed until the band finished playing. 9096 states that she left at 01.20, but she did not think that the Hall was still open at that time. She rang

for a taxi but would have had to wait. No-one else left St Patrick Hall's when Robert Hamill, **D** and **F** left with her.

- 13.78 Para.6: 9096 stated she saw two couples on Woodhouse Street. She did not recall that now but accepts it. She did not know the couples now and cannot describe them.
- 13.79 Para.8: She did not recall if there was anyone standing outside the Land Rover, if the doors were open or if any officers were outside.
- 13.80 Para.11: She did not see large group of people or hear shouting or any noise when coming down Thomas Street. She could not explain why Ms McCoy and Mr Prunty did.
- 13.81 Para.14: She had no memory of what Mr Prunty looked like, so could not say if he matched description 3.
- 13.82 Para.22: She made no comment on William Jones saying could see men on ground and they were descriptions 1 and 2. She wondered how well he could see.
- 13.83 Para 23: She lay over the top of **D**. She did not see any bottles around his head. 9096 says she saw people kicking Robert Hamill's head. She thought she saw Robert Hamill surrounded by the crowd and feet moving in his direction. She could not describe the crowd. She thought **F** was with Robert Hamill at the time

#### *Oral Evidence*

- 13.84 She left St Patrick's Hall at 01.20 with Robert Hamill, **D** and **F**. They were fine, and were not drunk (p.3).
- 13.85 She was wearing black silk trousers, a blue denim shirt and a black coat. **F** was wearing cream Levis, a cream top and a cream jacket. **D** was wearing a navy and white striped top (p.15). **D** was not wearing a leather jacket (p.16). When a 2006 Inquiry interview put it to her, she was not sure if **D** had a leather jacket on (p.50). Robert Hamill was wearing a black three quarter length jacket (p.16). No-one in the group wore a blue shirt and tie (p.26).
- 13.86 There was a couple in front of them on the street (p.5). She could not remember what happened to that couple (p.7). She did not see Mr Prunty and Ms McCoy that night (p.44). Her group did not stop at the British Legion nor see people looking round the corner (pp.6/7). Her group did not bang on the shutters (p.27).
- 13.87 Only the four were walking along, with the boys a few steps in front of the girls (p.8). She thought that she was walking on the right hand side of Thomas Street (p.10). Nothing happening to alarm them when walking (p.37). Then the boys were attacked (p.8). She does not know where attack

came from (p.10). It happened in a split second and nothing untoward happened prior to it (p.38).

- 13.88 She did not know what happened to **D** (p.10) or Robert Hamill (p.12). She did not see people jump on Robert Hamill's head. She is not sure if she saw anyone kick him (p.13) but refers others to her statement (p.42).
- 13.89 **D** was lying outside Eastwoods (p.9) on the High Street (p.12). Robert Hamill was across the road from **D** (p.13). She did not know how they ended up there (p.31).
- 13.90 The crowd was behind them at the Market Street end (p.12).
- 13.91 She cannot say who was at the scene, either in the crowd or from the police, as she was focusing on **D** (p.39). She went over to **D** and lay over him with her head down (pp.13/4).
- 13.92 She denied the events in 9111 (p.18). Having regard to descriptions, she disputed descriptions 1 and 2 in 9111 and stated that no-one of description 3 was with them (pp17-9). She denied the events in 7496 (pp.22-6). She denied Jamesons' staff versions of events (p.27). She denied the events in 1038 (pp.28-31).
- 13.93 She said that no-one in her group touched anyone. She denied covering up events to protect Robert Hamill's memory (p.21). She said no-one in her group shouted anything (p.23) and no-one attacked anyone (p.26).

## **P42**

### *Statement*

- 13.94 Para.4: He could hear noise from the street as he habitually left his window open. He was awoken by a noise and looked outside. He could see the junction clearly from his window.

### *Oral Evidence*

- 13.95 See snapshot 1: location of flat. He lived on the top floor with a view over Thomas Street (p.3). His view was similar to that of Photo.4 except the edge was Jamesons Bar (p.45).
- 13.96 A crowd was coming from "all over the place" (p.7).
- 13.97 Most of the contents of the letter happened at marks in v.3 (pp.8, 10/1).
- 13.98 The events developed into a fight (p.9).

- 13.99 “This is a free county” was a comment made at the point in snapshot 2 (p.9) and “Do you want a fight” was shouted repeatedly from the point in snapshot1 (p.23).
- 13.100 He had never seen such disorderly conduct, with police present at same time, at that junction in Portadown (p.15).
- 13.101 He remembered police Land Rovers patrolling the area but did not remember one ever parked in position he described (pp.15, 44).
- 13.102 The initial stand off took place within Thomas Street at the junction (p.39).

## D

### *Statement*

- 13.103 Para.3: He had consumed six to eight pints but was not drunk. Robert Hamill was in a good mood, as he always was.
- 13.104 Para.8: The music stopped after 01.30 and he decided to walk home as there were no taxis available.
- 13.105 Para.9: He and Robert Hamill were talking. They were not shouting.
- 13.106 Para.12: He did not recall seeing Ms McCoy or Mr Prunty after leaving the Hall.
- 13.107 Para.13: He did not recall F saying “don’t be going down there” to Ms McCoy.
- 13.108 Para.14: He saw two or three people standing on the corner of Thomas Street, not between ten and 15 like Mr McCoy.
- 13.109 Para.18: He did not see any police officers as he walked down street.
- 13.110 Para.19: He does not know where the girls or Robert Hamill were in relation to him as they walked.
- 13.111 Para.22: The first description in 9111, “5’10”, medium build, dark short hair” could not have been not Robert Hamill as he was taller than 5’10”. Neither of he nor Robert Hamill were of “medium build [with] dark short hair”.
- 13.112 Para.25: He did not see anyone matching description 3.
- 13.113 Para.28: He did not accept that any of William Jones’ descriptions match him or Robert Hamill.
- 13.114 Para.35: He did not recall Robert Hamill hitting anyone as he came down street.

13.115 Para.39: He did not see any attack on David Woods or hear the words “Orange bastards” or “up the IRA”.

*Oral Evidence*

13.116 He was wearing a pair jeans and a striped T-shirt. He was not wearing a jacket. Robert Hamill had on a black leather jacket. He did not remember the clothing of the others (p.10).

13.117 He walked with Robert Hamill, **E** and **F**. He did not know if Mr Prunty and Ms McCoy came (p.5). He did not remember which side of street they were on (p.6). He remembered walking to the bend (p.25) but did not remember after the bend nor being at the bend (p.26). He could not remember seeing or talking to Mr Prunty or Ms McCoy that night (pp.26/7).

13.118 He did not recall standing at the British Legion as per MsMcCoy (p7). He did not remember seeing a Land Rover (p.8). He did not remember the contents 74384 (p.9). He did not remember the attack or the ambulance (pp.9/10). He only remembered walking home (p.14).

13.119 His group was not noisy or aggressive (p.10).

13.120 He denied the contents of 9111. Description 1 is not of Robert Hamill as he had light hair. Description 2 is not **D** as he has dark hair. He did not know if description 3 fitted Mr Prunty (pp.12/3). He denied 1038. He did not assault anyone (p.35).

13.121 He was not covering anything up (p.16).

Fiona Hamill

*Statement*

13.122 Para.3: She was told [at hospital] that the crowd had come from Robert Hamill’s right, from Thomas Street and he was attacked as he was on middle of road.

13.123 Para.5: **F** told her that she ran over to the Land Rover and banged on the side and asked the police to get out but no-one answered or responded from inside

Vincent McNeice

*Oral Evidence*

13.124 He was with Mr Hull in McKeever’s. He walked down Woodhouse Street with him about 01.30-01.45 (p.66). He was drunk. He did not recall meeting Mr Mallon (p.67).

- 13.125 “I’m not allowed to...” (p67) When he was outside Royal Oak pub, he heard a lady banging on the back of the Land Rover and screaming (D’s sister in law (p76), E (p.80)). He heard no other noise (p.68). When at the Land Rover, he noticed Robert Hamill at Snapshot 1 and **D** at snapshot 2 (pp68/9). There was a crowd of 30 to 40 people in a line (p.81) at snapshot 3 (p.69). He saw one girl at the Land Rover and **D**’s wife, **F** (p.80) was with the boys (p.70).
- 13.126 He and Mr Hull ran to the junction and arrived at same time (p.76).
- 13.127 He did not see any civilian put in or taken back out of the Land Rover (p.72).
- 13.128 He and Mr Hull pushed past the police. He went to **D** and put coat under **D**’s head (p.72). He was not sure if Mr Hull got past (p.78).
- 13.129 When he arrived the assault was over (p.75). There was no other assault (p.78).
- 13.130 The ambulance stopped at Snapshot 4 (p.73). He went in ambulance although he was not hurt (p.73).

*Statement*

- 13.131 Para.5: He was in McKeever’s with Mr Hull and ten other people. Had drunk eight or nine pints and was worse for drink.
- 13.132 Para.6: He left McKeever’s with Mr Hull to get something to eat at Boss Hoggs after midnight, as he noticed the doors of the Royal Oak were closed. All his other friends with them remained in McKeever’s. He spoke to a number of people outside McKeever’s but could not recall their names, nor could he say whether Mr Hull stopped and spoke to anyone in the street.
- 13.133 Para.7: When he passed the Royal Oak, he saw a girl he recognised “getting into a land Rover”.
- 13.134 Para.8: The first thing he heard was screaming and banging as the girl was knocking on the back of the Land Rover. He thought that the girl was related to Robert Hamill: “his cousin or something”. She had short curly brown hair.
- 13.135 Para.9: When he went to the junction there was a girl with Robert Hamill and **D**. When he came to the top of Woodhouse Street, he saw a crowd on the Church side of Market Street but he did not hear any noise from them before he saw them.
- 13.136 Para.12: A second girl, **D**’s wife, was kneeling next to one of the injured persons but he did not recall which one.



Derek Lyttle

*Statement*

- 13.137 Para.4: He had been working in Jamesons all night and the usual time for the premises to be cleared was 01.00. Once the bar was cleared, staff remained to clean which could take between one and one and a half hours, so was normal for staff to be in that bar until after 02.00.
- 13.138 Para.5: All four staff (himself, Stephen Thornbury, Beverley Irwin and Julie Sherwood) were in the bar after clearing it at 01.15-01.30. He did not see anyone bang the shutters.
- 13.139 Para.7: When he heard shouting, he went to the CCTV monitor. It showed very little as it only covers the front door. It did not show the street.
- 13.140 Para.8: He was shown 7792 which stated that he “went to monitor in corner of lounge, shows up Thomas Street, observed at least one girl and three to four fellows run down Thomas Street. Watched monitor for further while. Nothing else seen.”
- 13.141 Para.9: He did not recall saying what is in para.8.
- 13.142 Para.10: He probably followed the other staff to the toilet window to look out. It gave a restricted view. 224 shows the toilet window as furthest to the left and closest to the uncton. He knew that there had been an altercation but it was over and done with. Those at the window did not say what they had seen before he arrived.
- 13.143 Para.12: Ms Irwin and Mr Thornbury may well have been outside but he did not recall at what stage.
- 13.144 Para.14: He was not sure whether he saw two men on the ground for the first time through window or when he was outside the door (7792 said observed two fellows when went to the toilet window at para.13).
- 13.145 Para.20: A man in a blue shirt with ginger hair shouted abuse at the police and also shouted up to Jamesons. He was saying “I hope youse are happy now”.
- 13.146 Para.21: When the ambulance arrived it was round the corner but he did see paramedics attend to the injured persons. The injured had been taken away and the street had been cleared when they went back inside.
- 13.147 Para.23: He discussed the incident with the other bar staff. He did not get any further details from those conversations.

*Oral Evidence*

- 13.148 He first became aware when the shutters on main doors (p.159) were rattled (p.158). He was in the bar area behind the big windows (p.159). He did not know what time it was but all the customers had left (p.158). It was in the middle of the period between 12.30 and 02.30 as clearing up was half done (p.159).
- 13.149 He heard swearing and sectarian shouting as an unknown number of people ran down the street. He heard more than one voice (p.160).
- 13.150 At some stage he looked out of the toilet window and saw two people on the ground (p.161). At a later stage he saw policemen coming towards the Thomas St junction (p.162), so he went out of the 'front door' (Snapshot 1) and looked out (p.161). At some stage the four of them were at that door standing inside or just outside (p.162). He did not see any fighting (p.162), only pushing and shoving (p.165).
- 13.151 He saw between six and ten (ten to twelve 7792 p.170) civilians on the street (p.163) They were milling around. There was a tense atmosphere (p.170). One girl was cradling one of the injured men (Snapshot 2) (p.163). The other man on the ground was near the footpath, near where photo taken from. He was alone (p.164). Two or three people were standing beside the girl and three or four were in middle of the road. One man seemed aggressive (p.163). He was described in 7792 as wearing a blue shirt and having short ginger hair and a heavy build. He did not know if the man wore a tie (p.167). He was pushed away by an older man (p.167). Abuse was shouted by an aggressive man and was directed at staff outside Jamesons (p.174).
- 13.152 Everyone he saw except the paramedics and policemen seemed to be Catholics (p.171).
- 13.153 He could not remember which man on the ground had the description in 7792 of a "fellow wearing a black jacket, lying level with Thomas Street, three to four feet into middle of the road" (p.166).
- 13.154 He did not see any violence to the men or know how they ended up on the ground (p.168).
- 13.155 This happened before the paramedics arrived (p.169).
- 13.156 Only one person could look out of the toilet window at a time, so people gave way to each other (p.174).

### Julie Sherwood

#### *Statement*

- 13.157 Para.8: She did not recall "fucking Orange bastard" being shouted when she was outside with Beverley Irwin (per 7771).

- 13.158 Para.11: She did not see anyone on Thomas Street when she went to close the shutter doors. She did not see anyone walking and did not see any fighting.
- 13.159 Para.12: She did not recall what “she believed she was seen” meant in 7773. She thought that the bar staff thought that people outside were shouting at them.
- 13.160 Para.13: After closing the shutter door, she went into the storeroom which was very close to the shutter doors. She did not recall if Ms Irwin went back inside to tell Mr Thornbury about the fighting.
- 13.161 Para.14: Per 7773, she said that she went through into the lounge. She did not recall doing this but would have gone that way when she was ready to leave the premises.
- 13.162 Para.15: She did not go into the lounge to see what was happening.
- 13.163 Para.20: She did not recall Ms Irwin saying anything about a man on the ground and she did not recall seeing anything like that.
- 13.164 Para.22: She did not recall what time they left.
- 13.165 Para.23: Were no police officers around when they left.

*Oral Evidence*

- 13.166 She was at the position shown in Snapshot 1 and heard shouting (pp.146/7). She was with Ms Irwin. She did not know the time. Shouting was coming from outside but she did not know from which direction (p.148). People were shouting as if they were coming down the street (p.150). She could not tell how many people were shouting (p.152). She thought it was a man (p.153).
- 13.167 She was standing back from the door. She did not recall Ms Irwin opening the door (p.148). She waited until the noise ended and then put the shutter down and carried on (p.149). People walked past before the shutter was closed (p.150). She did not go out when Ms Irwin was closing the shutter. She thought there was a fight taking place from the shouting (p.156).
- 13.168 She did not recall any banging on the windows or shutters (p.152). She would not have been able to hear it from everywhere in bar (p.152).
- 13.169 She did not hear any other disturbance that night (p.149).
- 13.170 She agrees with 7773 but she did not recall a fight taking place (p.151).
- 13.171 She left with the other bar staff (pp.151/2).

Colin Prunty

*Statement*

- 13.172 Para.8: Few people were leaving St Patrick's Hall at that time. His intention was just to go home. There were no taxis available, so he just walked home.
- 13.173 Para.9: He was a little worried about walking home but decided to do so because could not get a taxi. He had not experienced problems at Thomas Street junction although there had been trouble there at various times.
- 13.174 Para.10: Robert Hamill was 20-30 yards in front of him and Ms McCoy. **D**, **E** and **F** were walking behind he and Ms McCoy. 9101 shows **D**, **E** and **F** were in front of them. 8305 shows **D**, **E** and **F** were behind them. He is now uncertain but **D** and the others must have been in front by time they reached junction because he saw them as they were about to cross the street.
- 13.175 Para.11: He has no memory of **F** saying to Ms McCoy "Don't go down there, Maureen, as there is a crowd down there". He did not recall seeing a group of ten to 15 people outside the bakery, as per Ms McCoy, when by the British Legion.
- 13.176 Para.13: He only saw the crowd when he reached Jamesons in Thomas Street. Per 9102, the crowd came from the left of street (the Church side). However, the crowd came from bakery side.
- 13.177 Para.15: Robert Hamill was attacked when Mr Prunty was at Jamesons 20-30 yards from junction. A crowd of between ten and 12 people were attacking Robert Hamill. There were girls there too but he did not think that they were involved in the kicking. He remembered what the kickers looked like but he did not know them as they were Loyalists.
- 13.178 Para.16: **D** ran to Robert Hamill but was hit by a bottle. He did not see **D** get kicked. He was "Certain I remember **D** being hit by a bottle, and have a good memory of this occurring".
- 13.179 Para.17: He ran down middle of road with Ms McCoy. He was shouting at the crowd to stop. He confirmed that he matches the description given by Jonathan Wright in 9141.
- 13.180 Para.18: He was told by Timothy Jameson (267) that a man in a blue shirt and tie, in his mid-thirties, with short ginger hair, was trying to stop the fighting and was being thrown out of the way by Marc Hobson. He did not recall seeing Mr Hobson. It could not be his blood on Robert Hamill as he did not bleed at any stage.
- 13.181 Para.19: **D** was being attended to by E and F.
- 13.182 Para.21: Mr Hull was there that night but he did not recall seeing him.

- 13.183 Para.22: The police pushed the crowd back from where Robert Hamill was lying. He did not recall how many officers there were but there was definitely a woman. 9103 reminded him there were two or three men and one woman.
- 13.184 Para.23: The policewoman pulled a male whom he had seen in the crowd around Robert Hamill and put him in the Land Rover. He did not see a man in a Glasgow Rangers Football Club scarf kick Robert Hamill but he was in crowd that did. He went to the Land Rover and said “make sure you get his name”. He wanted to let the police know that he was one of people involved. The man was inside the Land Rover being aggressive, making fun of what had happened and saying “Fenian bastards”. He told the police and the Director of Public Prosecutions this but it is not in 9101. He swung at man when he was inside the Land Rover. He told the police that he had hit the man but it is not in 9101. He could not remember seeing the man released from Land Rover.
- 13.185 Para.24: A witness described a man aged 30 to 40 with a blue suit, shirt and tie going to the Land Rover shouting “are you going to let the Orange bastards get away with that?” He denied that this was him. He did not go to the Land Rover seeking assistance.
- 13.186 Para 25: It took the police 15 to 20 minutes to break up the crowd. The ambulance arrived around the time the fight was starting to die down. **D** was placed in the back of the ambulance and he thinks **E** went with him. The crowd were roaring and shouting when Robert Hamill was lifted into the ambulance. He thought more police arrived but he did not recall if this was before or after the ambulance arrived.
- 13.187 Para.26: It was not two rival groups taunting each other. He did not know where that idea came from. After Robert Hamill was hit, there were a few verbal insults but that was all.
- 13.188 Para.27: 9104 says he saw a man who had been kicking let out of back of the Land Rover. He was 20 to 25, roughly 6’ tall with short, dark hair, wearing Glasgow Rangers Football Club scarf.
- 13.189 Para.28: At a consultation, he gave a description of the man in the Rangers scarf as a “tall, clean-shaven man with jet-black hair, with the fringe gelled down.” (see 18063).
- 13.190 Para.30: As a result of identifying the man on video, he picked out the same man from two photographs. He could not be totally certain that this was the person but he thought it was. He made that point in 9105.
- 13.191 Para.32: No-one from the Hamill family placed any pressure on him or influenced him to make an identification from the video.
- 13.192 Para.33: At no stage did he receive a letter from the ICPC. He was aware that the Hamill family had made a complaint and went to see Rosemary Nelson

as they had been advised to do so in support of their complaint. He was not sure, but his statement to Rosemary Nelson must have been made around same time as 9101. He supported the Hamill family in their complaint because believed they deserved to know what happened to Robert Hamill.

*Oral Evidence*

- 13.193 He was wearing black trousers, a shirt, tie and black leather jacket (in the style of a suit jacket (p.172)) (p.87). It was more likely that he was not wearing the jacket (p.140). He said that he did not invent wearing jacket after hearing accusations that a man in leather jacket started fight (p.162).
- 13.194 He left St Patrick's Hall between 01.00 and 01:30. There were a few people leaving who were going up Thomas Street (p.88).
- 13.195 He was walking on right hand side of the road to the British Legion with Ms McCoy (p.88). He saw Robert Hamill, **D**, **E** and **F** ahead of him. They stopped when they got to the bakery (they were in front of him (p.91)). Then a crowd of 20 to 30 people (p.91) came from the right hand side (p.90). He had caught up with his companions by then (p.91). He and Ms McCoy did not speak to D, E or F (p.163).
- 13.196 Robert Hamill (or **D** p.111) was attacked at the point in snapshot.1 (p.93). The attack happened quickly (p.92). The crowd (15 to 30 people p.110) was fighting and Robert Hamill was dragged to ground and kicked and punched (p.109). He tried to break the fight up but the people he pulled off went back in. The crowd did not have a particular target (p.110). He was hit a few times (p.111). The crowd kicked for five to ten minutes then just "eased off" (p.117).
- 13.197 The scene was very loud and robust (p.112). The Protestants were shouting sectarian comments (p.113). At no point was there any taunting from the Nationalists (p.170).
- 13.198 He heard afterwards that **D** was hit with a bottle (p.112). He did not see **D** fighting (p.112) but cf. 18062 (he saw **D** get hit by a bottle which had been thrown at him) which he said is true (p.144).
- 13.199 He did not know where Ms McCoy went during the fight (p.112). He later saw Ms McCoy cradling Robert Hamill's head (p.115). He saw blood coming from the back of his head at that time but he did not see any bottles (p.116). When Ms McCoy was with Robert Hamill, the kicking had stopped but people were still standing round (p.116).
- 13.200 He thinks that other Catholics were trying to help but he was the only one helping Robert Hamill (p.113). He saw Mr Hull and Mr McNeice at the scene, when Ms McCoy was with Robert Hamill, standing about, then they left (p.118). Thomas Mallon was there earlier (p.169) but was not seen when they were walking down street or when they saw the group of people (p.173).

- 13.201 Only a female police officer let the man in the football scarf out of the Land Rover and it was the same man who was pulled off Mr Hamill (p.121). He said to the policewoman “why are you letting him go?” and maybe “He’s one of the one’s that did it” (p.122). No-one else was with him apart from Ms McCoy (p.123).
- 13.202 He denied the events in 9111 (pp.95/8). He said description 1 did not fit anyone (but could fit Robert Hamill p.136); description 2 was **D**; description 3 was him (pp.96/7 and 141). He denied banging on the shutters as per the evidence of Jamesons’ staff (p.98). He denied the events in 7496 (pp.99-105). He denied the events in 7302 (pp.105/6). He denied the events in 1038 (pp.107-9). He denied that he was taunting the Protestants (p.138).
- 13.203 He denied that he pulled out the driver (p.124) and saw no-one else do it (p.124).

### Beverley Irwin

#### *Statement*

- 13.204 Para.4: She did not recall if the shutters were banged that night by people coming down Thomas Street.
- 13.205 Para.5: She realised people were shouting at somebody at the bottom of the street, not her.
- 13.206 Para.7: When looking out of the front door she saw a crowd of 50 people scuffling. She thinks Ms Sherwood shouted at her from the toilet window, advising her to get back inside.
- 13.207 Para.11: She saw an older man, in his forties with receding hair, wearing a round-necked jumper and possibly a brown jacket. The older man was blaming a younger man for starting the whole thing by calling out “Orange bastards”, not realising there was a big crowd of Protestants.
- 13.208 Para.14: She was sure that she would have talked to bar staff about what they saw from the toilet window but she did not recall what was said.

#### *Oral Evidence*

- 13.209 She marked 263: Snapshot 1 door to flats (A and B) above bar (p.97); Snapshot 2 double door and shutter into bar; snapshot 3 bar side door; snapshot 4: flats C and D door (p.98); snapshot 5 back door for deliveries.
- 13.210 Door 2 had the shutters down and she was about to pull down the shutters on door 5 (p.99). They are the only doors with shutters. She needed to go onto the street to shut door 2 and but she shut door 5 from just inside the door (p.100).

- 13.211 She was first aware of the incident when she went to shut door 5 with Ms Sherwood. She had opened the door a few inches and heard one person shout (p.105) “Fucking Orange Bastards” just outside door (p.101). She asked Ms Sherwood to get Mr Thornbury. It was very near 01.30. She counted four or five people, a couple of woman and two or three men, passing (p.102). They were walking, not running, in middle of road. They were definitely not on the footpath. Mr Thornbury came up after they had passed (p.103). She inferred that the shout happened prior to the attack as heard the shout and when she went back she saw the aftermath of the attack (p.123). She could not say if the people shouting were the same as those in the confrontation (p.128).
- 13.212 She did not hear anyone shout back but heard someone in a group at some stage say “don’t shout” (p.104).
- 13.213 After the shout she went back into storeroom for 20 minutes. She came back into the empty bar (behind the big windows) and then opened door 3 and went onto the street (pp.106/7).
- 13.214 She saw lots of running about and shouting and a girl crying and shouting for help (p.107) .She thought the crowd consisted of maybe 20 people (p.108). There was a scuffle where the traffic lights were (p.115).
- 13.215 She saw a man lying at Snapshot 6 (p.109). She could not describe the man (p.110). No-one was attacking man and she did not see any attack on him (p.111). She did not see how he ended up on ground (p.112). She did not see him get up at all (p.123).
- 13.216 There was a woman pacing about, shouting for help on his other side [of man on ground from where policewoman was], at the same time (p.110).
- 13.217 She remembered an older man, described at para.11 of her witness statement (p.112). She thought he was shouting at a younger man, telling him to leave (p.113) and not square up to people. She could not describe the younger man (p.122).
- 13.218 She went back into the bar after a few minutes (p.114).
- 13.219 She agreed with 9125 (pp.120-2) but she did not hear anyone bang the shutters. This may have happened when she was in the store room (p.120). Her only time with Mr Thornbury was at door 5 (p.121).
- 13.220 At 7771, she thought there may have been gap of 15 minutes before closing the door. She believed 7771 is more accurate than the Hearing evidence. She agreed with the contents of 7771 (pp.116-9) but did not recall a fight going on when she opened door 5 (p.117). She did not join the other staff at the toilet window but saw them looking out of the window when she went out of door 3 (p.118).



13.221 She found it difficult to distinguish between memory and planted memories (p.114).

Stephen Thornbury

*Statement*

13.222 Para.4: At 01.00 there was no suggestion tension or trouble.

13.223 Para.5: It was 01.30 when he became aware that there was trouble outside. Another staff member said there was commotion at the bottom of the street. He did not know which member but at 9125 he says it was Beverley Irwin.

13.224 Para.6: He did not go outside but heard windows being banged by a crowd coming down Thomas Street. This happened nearly every week.

13.225 Para.7: He assumed they were from St Patrick's Hall. Catholics would gather and walk down Thomas Street past the bar after their own events. They used to shout things like "you Orange bastard". Occasionally there would be trouble and a fight outside.

13.226 Para.8: When he heard trouble, he assumed he went to the lounge door first to look out, then to the toilet window. He did not see fighting. There was commotion and shouting.

13.227 Para.15: From the toilet window saw two men lying in road. One was on Market Street next to Eastwood's, a girl was with him; the other was lying at the end Thomas Street closer to bakery.

13.228 Para.21: He left bar about 02.00. This was not long after he saw the ambulance.

13.229 Para.22: He did not ever go outside during the fight.

*Oral Evidence*

13.230 He was first made aware at 01.00 or possibly 01.30 to 01.45. He was asked by Ms Irwin to look at something (five to ten minutes after hearing the banging (9125)). He saw people at the bottom of the street. There were no large groups (p.130). He was standing at Ms Irwin's door 5 (p.131).

13.231 He went back in and (five to ten minutes p.136) later looked out of the toilet window. The view was very limited. He could see the bottom of Thomas Street and slightly across the way. Ms Sherwood may have been there (p.134). He saw a man lying on the road outside Eastwood's (Snapshot 2) with a girl kneeling over him and a policeman, not woman, standing the other side (pp.134/5). He could hear lots of shouting and commotion (p.135).

- 13.232 He had a reasonable memory when he made 9125 (p.131). He agrees with 9125 but was not sure if the shutters were banged (p.132). He did not recall two groups squaring up to each other (p.134). When he saw a policeman with a baton gun and others, he was not sure if it was on his first visit to the toilet window or a subsequent visit (p.138). He did not recall other police or the Land Rover but from his statement (p.141) he remembered the ambulance (from his second visit to window p.142) but not where it was or people being put into it but he believes 9125 is correct (p.137).
- 13.233 He did not see more police than were mentioned in 9125 (p.136).
- 13.234 He could not say who was doing the shouting and banging (p.138). He did not see anyone running down the street shouting (p.139).
- 13.235 He only saw the policeman mentioned keep crowd apart (p.139). They were seen before he saw the policeman with the baton gun facing the line of people (p.142). When he first saw the police, the ambulance was not present (p.143).
- 13.236 Windows being banged happened every week (p.143). Usually the people who banged windows came from St Patrick's Hall. He did not see people banging windows that night (p.144).

Maureen McCoy

*Statement*

- 13.237 Para.3: She went to St Patrick's Hall with Mr Prunty. He was wearing a navy jacket, jeans and a top.
- 13.238 Para.6: She drank about ten half-pints of cider. She was not drunk but was not sober. Mr Prunty would not been falling down drunk and she would not say that he was behaving boisterously that night.
- 13.239 Para.7: She did not recall seeing **D, E, F** or Robert Hamill leaving St Patrick's Hall. She remembered waiting for a taxi and none being available (nor available soon) so she decided to walk.
- 13.240 Para.8: Robert Hamill, **D, E** and **F** were walking down that same side as Ms McCoy and Mr Prunty, the right hand side of the road. She marked 73912 where she met Robert Hamill, **D, E** and **F**. She realised that they were just standing in the street.
- 13.241 Para.11: There was a group of ten to 15 males standing outside the bakery. She was about 80 yards from them. They were peeking round the corner, then leaning back again.
- 13.242 Para.12: When she saw the men had stopped, she then saw the Land Rover. They were still at the bend in Thomas Street at this point. She could see the side and back of the Land Rover.

- 13.243 Para.13: When she was walking down Thomas Street with Robert Hamill, **D**, **E** and **F** behind her, she did not know how far back they were and she did not recall hearing them talking.
- 13.244 Para.14: She recalled that she and Mr Prunty walked to within touching distance of the men by the bakery with Robert Hamill, **D**, **E** and **F** still behind them. As they got to the corner the men started shouting.
- 13.245 Para.15: The crowd then surged towards her and Mr Prunty and “obviously **D**, **E**, **F** and Robert Hamill in the vicinity behind us”. She did not run to the Alliance and Leicester as the crowd were fighting in the interface between the streets.
- 13.246 Para.18: She did not know where Mr Prunty was. She did not know that the person being attacked was Robert Hamill as there were so many men around him she could not see.
- 13.247 Para.20: One of the girls in the doorway “took up” a Buckfast bottle and ran into crowd. She did not recall her saying anything. Ms McCoy then ran across to the Alliance and Leicester.
- 13.248 Para.21: When at the Alliance and Leicester, she stood for a few minutes. The crowd had run off towards the Church. The fight had lasted five to ten minutes but probably seemed longer than it was. There was liquid under the man on ground’s body and around his sides. She could not see clearly if it was blood but thought that it was blood due to the pattern. The liquid was probably coming from a head wound she did not recall if it was just around his head or his torso as well. She did not see bottles around his head or body or see marks on his head.
- 13.249 Para.24: 9109 shows that she saw **F** on the corner Thomas Street assisting a man she assumed was **D**. The position is marked on 73912 where **D** was positioned. She thought that **E** was with **F**.
- 13.250 Para.25: **F** then came over to her and she saw men coming down from the Church. They were the same men who had been fighting. They were shouting “hope he dies, the Fenian Bastard”. She did not recall anyone attacking Robert Hamill when he was on ground.
- 13.251 Para.27: At this stage Mr Prunty came over to her. She went back to Robert Hamill after being at the Alliance and Leicester as she wanted to comfort him.
- 13.252 Para.28: Shortly after the group of men approached, the ambulance arrived. The crowd was close by but she did not know how close. She did not recall if they were near ambulance. She did not recall how many paramedics there were nor whether they came over to give first aid to Robert Hamill nor whether she was still with Robert Hamill at the time. She assumes **F** was still with Robert Hamill when the paramedics came over. She did not know how many people went in the ambulance. She did not see what happened to **D**.

13.253 Para.31: At this stage the hostile atmosphere had abated. She could not say if she saw police officers moving people towards the Church but she thought that there were more police about at this stage. She thought that she left scene at 02.30.

*Oral Evidence*

13.254 She left St Patrick's Hall about 01.15 to 01.30 (p.9).

13.255 She met Robert Hamill, **D**, **E** and **F** outside the British Legion (p.13).. The four were standing talking, looking down Thomas Street. They were indecisive about walking down it (p.12). **F** said "Don't go down there" (p.13). Ms McCoy and Mr Prunty crossed road to see the Land Rover (p.16). She could see the back and the right hand side (p.17). She could see the Land Rover before reaching **D**, **E** and **F** (p.18).

13.256 She felt safe seeing the Land Rover as she thought that the police would help her in the event of trouble (p.18).

13.257 She could see about six people (p.15) on the corner by the bakery (p.14) who were looking round the corner up Thomas Street (p.15) The crowd was not aggressive or provocative (p.72).

13.258 She and Mr Prunty walked past **D**, **E** and **F** (p.18). When she walked (not ran (p.45)) down Thomas Street, she was on right hand side of road (p.17). She walked down the street ahead of Robert Hamill, **D**, **E** and **F** (p.63). She could not reconcile her account with Mr Prunty's statement 9101 "30 yards ahead" etc. (p.65). Her group was definitely not banging on the shutters (p.98).

13.259 At the junction, a crowd of about 12 came out, being loud and aggressive, shouting sectarian comments (p.19). She felt like the crowd were out for a fight and that it was not personal (p.21).

13.260 The fight started as they came out of the junction. The crowd attacked Robert Hamill, **D**, **E** and **F** behind her and Mr Prunty (p.20). She ran over to the doorway of Eastwood's (p.21).

13.261 In the doorway there were two other women. The crowd attacked a person on ground with feet and fists. The crowd was like "swarm of bees" (p.22). The attack lasted two or three minutes (p.23). It was not seconds (p.68). There was always a group attacking Robert Hamill (p.24). A girl who ran out was not trying to help the person being attacked (p.25). There was no other fighting, attacks or other form of aggression (p.33).

13.262 After she ran across to the Alliance and Leicester, she saw a man on the ground as the crowd had dispersed (p.26). The person was lying in the spot at which she had seen him attacked . He was on his side facing downtown (p.27). She does not know where Robert Hamill was initially attacked (p.66).

- 13.263 She saw liquid (blood) when she approached him. She was told that the man was Robert Hamill by **E** who'd come over from **D**, whose attack she had not seen. She sat with Robert Hamill, behind him (p.28) with her back to Church (p.29). **E** asked if she would stay with him until the ambulance arrived (p.29). She cradled his head but kept her jacket on (p.83).
- 13.264 The crowd was moving towards the Church and was noisy. She does not know how they got there (p.29). The police may have been keeping them back (p.80).
- 13.265 She did not see **F**. At some stage Mr Prunty came over (p.30). He urged her to leave (p.31). She cannot remember who took over from her (p.32). She and Mr Prunty went over to the Market Street side of the Alliance and Leicester for a short time (p.33). Whilst she was there a person was let out of the back of the Land Rover (p.36). Only Mr Prunty approached female police officer after that person's release (pp.36/7). She saw another police officer outside the Land Rover but no-one inside (p.39).

Timothy Jameson

*Statement*

- 13.266 Para.16: "When at Ronnie's pub [he]could see 15 to 20 people fighting". Ronnie's pub is less than 100 feet from the junction. He remembered how many people were there but did not see the fighting.
- 13.267 Para.23: He did not recall a "man with a blue shirt and tie" but recalled people talking the next weekend about a man with ginger hair.
- 13.268 Para.26: He was not standing "in middle of fight".
- 13.269 Para.33: He did not know what a "rubber bullet gun" looks like. He did not see Res Con Atkinson on street that evening

*Oral Evidence*

- 13.270 He did not recall the Land Rover (p.49).
- 13.271 He did not recall the size crowd (p.50) although it was a "large crowd" comprising of probably everyone off the bus so 50 to 60 people. He did not recall what the crowd was doing. He did not recall if saw or heard anything or saw fighting (p.51).
- 13.272 He did not see any police officers (p.52).
- 13.273 He said that the fight, police officers getting out of the Land Rover, the back-up and ambulance arriving, did not happen when he was there (p.52). It was not possible that he saw it and he did not recall it though Mr Bloomer and Mr Magee saw some of it (p52)

## David Morrow

### *Statement*

- 13.274 Para.10: The crowd were thumping on the side of the ambulance and maybe kicking it as they approached.
- 13.275 Para.12: He stopped the ambulance ten to 15 feet from the injured persons with the ambulance facing the Church.

### *Oral Evidence*

- 13.276 Snapshot 1 shows the route taken. It was selected to avoid barriers (p.3). 1 and 2 mark the locations of men on ground (p.4).
- 13.277 There were between 20 and 30 people in two rival factions taunting each other in the street. He did not know how many people were in each group (p.5). Various groups were having stand-off with a few mixing. There were people at the mouth of Thomas Street, not just up the High Street (Snapshots 3/4) (p.6). The main crowd was in mouth of Thomas Street (snapshot 5). The action was spread out on the left hand side of the junction looking out of Thomas Street (p.7). Snapshot 1 is Robert Hamill, snapshot 2 is D. The crowd were squaring up close to the men (p.8). He did not know if there were men between the crowds or the ambulance and people on ground (p.9). D was definitely not lying in middle of road parallel to bakery per Res Con Atkinson (p.29).
- 13.278 The ambulance was hit a few times (bottles broke on ambulance p.13). The town was busy with people coming up from Boss Hoggs' end. He did not feel under threat (p.9) although he felt that the thumping was hostile and felt that safety of him and the injured party was at risk (p.26). He felt that the fighting could have flared up again (p.27).
- 13.279 No-one was attacking Robert Hamill or D when he approached them (p.21). The crowd was not fighting when they arrived. Something was keeping them apart (p.25).
- 13.280 The lighting was not good on the street (p.24).

## Paul Currie

### *Statement*

- 13.281 Para.4: He did not know whom he was with on the bus. When he arrived at Portadown, he went straight through the town to his house.
- 13.282 Para.5: He walked up town with Shelley Liggett and Jason Woods. There was a crowd walking up from bus.

### *Oral Evidence*

- 13.283 He walked from the barriers on Eastwood's side of Market Street, crossing diagonally between Thomas and Woodhouse Streets, to West Street (pp.43-5).
- 13.284 Nothing stood out about the night for him (p.46). He was with Shelley Liggett, Pauline Newell, Jason Woods and some other person he could not remember (p.47).
- 13.285 He did not recall any trouble that night (p.47). He denied that he saw fighting (p.61).
- 13.286 He remembered talking to Philip Curran (9630) but he did not know what he said. When he got up he could hear sirens, so assumed there was trouble. He had his back to the junction when in West Street but could hear sirens and see blue flashing lights when he looked back (p.48). He was around Mandeville Street by Magowan Buildings when heard the sirens. He was further up near a Chinese take-away when he spoke to Mr Curran (p.49). He only knew there was trouble when heard the sirens. He assumed it was fight due to the location (p.59).
- 13.287 He knew 'Rat' Gray to see. The person in 9135 who told Mr Gray "they're killing each other" could have been him but he would have said "they were fighting" not "killing" each other, but he didn't see anything (p.50). He went home and did not stay with Mr. Gray (p.51).

### Trevor Leatham

#### *Oral Evidence*

- 13.288 He spoke to Mr Hanvey when the latter was in prison (p.21) and said "why did you do it, you fucking idiot". Mr Hanvey said "I don't know. I can't remember". That was the last time they spoke as Mr Leatham wanted to be moved from the wing, as he did not want to be involved with someone he knew (p.22). He remembered the conversation clearly (p.58).
- 13.289 He had heard rumours that Mr Hanvey was high on ecstasy that night (p.23).

### Iain Carville

#### *Statement*

- 13.290 Para.9: He took a taxi from the Coach Inn as he had missed the first bus.
- 13.291 Para.10: He was dropped in Killicomaine, one and a half miles from Portadown. He began to walk to the town centre as he did not want to go home. He was picked up by Mr Henderson and given a lift to Portadown.

## *Oral Evidence*

- 13.292 He was drunk on 27 April (p.67).
- 13.293 He was dropped off at Herron's with Chris Henderson around 02.00 (from the car). The second bus had come into Portadown and left again. It must have been well after 02.30. He started walking up town and saw the ambulance pull away (9184). It was around 02.30 due to the time it takes to walk from Killycomain into town (p.50). He cannot now say that he saw the ambulance (p.51) as he did not see flashing lights or hear sirens from it (p.62).
- 13.294 He saw a crowd heading out to Brownstown. He thinks that they were heading out on their own. He did not see any police (p.51). He must have been around at the stage when ambulance just left (p.62). He did not see any police pushing (p.63).
- 13.295 He and Mr Henderson walked to the West Street Chinese take-away and met Mr Bloomer, Mr Hobson and Mr Hanvey and went to Ms McAlpine's. He did not know where Mr Henderson went (p.52). He did not recall any discussions. He was not close enough to them to hear conversations (p.53). Mr Bloomer describes seeing the fight but he did not recall him talking about events (p.64). He was not sure if Mr Hobson was at the party. He did not recall seeing him there (p.66).
- 13.296 9185 shows that he was at the party, having arrived after 03.00. He saw Ms Newell, Ms Liggett, Ms Lavery, Mr Hanvey, Mr Forbes, Mr Woods, Mr Hobson, Mr Bloomer, Mr Sinnamon, Mr Henderson and Mr Allen. Most were sleeping and he did not hear talk of the fight. In response to a question that others state there was talk of the fight at the party he said that maybe the subject had changed as he arrived after 03.00 (p.54). It was an usual party atmosphere. He did not see what Mr Hanvey was wearing. He left the party between 05.30 and 05.45 (p.55). He has not lied about any part of the party (p.56).

## Christopher Henderson

### *Statement*

- 13.297 Para.3: He did not recall questionnaires 70945 and 8129. He does not dispute their contents.
- 13.298 Para.4: He was dropped off by Christine Bigg outside Herron's after getting lift back from the Coach Inn (9602).
- 13.299 Para.5: In 70945 he said that he was dropped off outside Z Cabs, which is just around the corner from Herron's.



- 13.300 Para.6: 9602, 9169 and 9167 show either that he saw or heard ambulances in the town centre. He did not recall where the ambulances were as it was a long time ago and he was quite intoxicated. He did not recall seeing any casualties.
- 13.301 Para.8: 8129 stated that he stood at the barrier when he realised there was a fight going on. He did not recall how long he stood there or what he could see.
- 13.302 Para.9: There was no reason why 9602 did not mention the barriers and seeing the police: "Perhaps I did not think it was relevant at the time". He did not discuss the information he had given to the police with anyone, although he was sure people were discussing the incident generally.
- 13.303 Para.10: 17308 stated that Jason McClure thought he was with Mr Henderson when seeing the police breaking up a fight. Mr Henderson did not recall being with Mr McClure

*Oral Evidence*

- 13.304 He got a lift from the Coach Inn back to Portadown with a friend. He was dropped around A and B. He was looking for food and a party to attend. He probably went to Herron's. He was fairly (cf. very p.49) drunk. He did not walk up town immediately but waited around (p.34). He did not recall if Stephen Sinnamon was with him in the car (p.49).
- 13.305 He did not go up town because there was a commotion, so he stayed where he was for a while longer, then walked up town, ending at Tracey McAlpine's house (p.35). The walk to Ms McAlpine's house was half an hour to an hour (p.54).
- 13.306 He did not recall making 9602 but accepts that it is likely to be true (p.37).
- 13.307 He did not recall having a conversation about the fight at the party or what people were talking about (p.42). He did not recall what he talked to Mr Hanvey about when in town centre (p.43). He had little contact with Mr Hanvey after the incident (p.43).
- 13.308 He did not recall making 70945 but accepts that it is likely to be accurate (p.46). The 02.00 to 03.00 arrival in 70945 is wrong. It was later, 05.00. His time of departure may be wrong, but it was getting light (p.47).

Matthew Bloomer

*Oral Evidence*

- 13.309 He came from the Regal snooker club between 01.30 and 01.45. He was heading home. He was with [name redacted] (p.100). Noelle Moore was in

the vicinity. He did not see assault but saw the ambulance and a person being put in it (p.101).

### Stephen Bloomer

#### *Oral Evidence*

- 13.310 He did not recall 8121 in which he stated that he was with Kyle Magee, Jonny Nelson and maybe Connor Black. He talked to Kyle Magee just prior to the assault. He got 'offside' quickly. He saw a bad fight starting (p.3).
- 13.311 He did not recall 9151 in which he stated that he was with Kyle Magee and Tim Jameson. At the traffic lights in the centre he saw a fight start. He walked past it. Four or five people were involved. No-one was lying in ground just fellows beating heads. He stopped outside the Progressive Building Society to talk to Tracey Clarke. He heard shouting "leave him alone". He heard police and ambulance sirens. He saw two men on the ground. The police moved people back. He saw a policeman with plastic baton gun and he waked away. He stopped at McConville's and was told that could not go through town. He went to the party, arriving at 02.45. He saw Messrs Sinnamon, Bridgett, Hanvey and Ms Newell. Mr Carville arrived after him. Stayed 15 to 30 minutes and then got Call-a-Cab at about 03.15. He did not hear talk of the fight at the party (p.4).
- 13.312 He did not recall 70957 in which he stated that he saw the fight. He was 100 yards away at the Progressive Building Society. He spoke to Tracey Clarke and saw the police in middle of the fight. He met up with Mr Magee and Mr Jameson and walked to the party. He arrived at 02.30. He recalled Mr Hanvey at the party. He did not recall seeing the clothes that Mr Hanvey wore or seeing Mr Hanvey in a silver jacket with orange sleeves. Mr Hanvey was still there when he left (p.12).
- 13.313 If he had been seen by the police he would have told the truth so he accepts the contents of these statements (pp.3/6, 9/11 and 20/2).
- 13.314 He had had a lot to drink on night. He does not recall anything (due to the influence of alcohol p.26) (p.4).
- 13.315 The fight started ten to 15 yards to his right and Mr Jameson and Mr Magee were 15 to 20 yards behind him (p.20).
- 13.316 He denied that he sat with Tracey Clarke at Poundstretcher (per 263) as 9151 showed that he was walking away from site of incident (p.7).
- 13.317 He disputed 9144 for same reason as 263 (pp.13/4).

### Tracey McAlpine

#### *Statement*

- 13.318 Para.6: It is likely that there would have been people walking down Thomas Street at that time, on their way home from a night out. She would not have assumed they were Catholic as there were other bars in that street.
- 13.319 Para.7: When she and Ms Lavery got to the Church they stopped to wait for Ms Newell who was not too far behind. She did not recognise anyone as she walked up the High Street.
- 13.320 Para.8: She did not see the Land Rover or Messrs Forbes and Bridgett at it and did not hear bickering as per Ms Newell's statement (9130).
- 13.321 Para.9: She did not know where Tracey Clarke was when she was walking up the street but she was not with Ms Clarke.
- 13.322 Para.10: She was not part of a group that ran back to the town centre. She did not notice fighting or arguing.

#### *Oral Evidence*

- 13.323 Her memory was not good. She was very drunk on the night (p.26).
- 13.324 She did not recall if she walked through town with Tracey Clarke. She was more Ms Newell's (her sister) friend but Ms McAlpine spent time with Ms Clarke. She was not sure if Ms Newell and Ms Clarke had had fall out (p.26).
- 13.325 She and Ms Lavey walked from the barriers to past the Church on the left hand side of road, past Thomas Street. They were near the Church when Ms Newell joined them (p.28). She would have crossed the road at the traffic lights by the Church (p.29).
- 13.326 She did not recall the Land Rover (p.29).
- 13.327 There were the normal crowds in town on a Saturday night (p.30).
- 13.328 She would have ignored shouting and swearing as she would not want to get involved (p.30).
- 13.329 She did not know if there was fighting or, if there was, if she would have seen it (p.34). She did not see a fight or hear shouting (p.39).

#### Kelly Lavery

##### *Statement*

- 13.330 Para.6: When she walked up street she did not notice anybody around on the streets. She walked to Tracey McAlpine's house and did not stop to talk to anyone. She was quite drunk. She did not know Ms McAlpine well and she did not know that there would be a party.

### *Oral Evidence*

- 13.331 She was on the bus from the Coach Inn. She was dropped at the barriers and then walked up the High Street, on Boss Hoggs' side, with Tracy McAlpine (p.67). She does not know when they crossed over (p.68). There were some people behind them but they were the first group (p.69).
- 13.332 When she passed the Land Rover she does not know if she was on the Woodhouse or Thomas Street side of Market Street (p.69).
- 13.333 She did not see any police officers about (p.70).
- 13.334 She could hear people talking behind them, normal Saturday night noise (p.70).
- 13.335 She remembered Pauline Newell catching up but is not sure where (9178) (p.71).

### Pauline Rogers

#### *Statement*

- 13.336 Para.12: She went into Boss Hoggs on own. There were lots of people behind her in the queue
- 13.337 Para.13: When she came out, she saw Tracey McAlpine and Kelly Lavery walking up the street. They were just before the Woodhouse Street junction.
- 13.338 Para.14: As she walked around the Land Rover she saw Messrs Forbes and Bridgett by the open passenger door. She heard them talking to officers.
- 13.339 Para.15: There was an older man walking down Woodhouse Street away from the High Street. She has the memory of a stick.
- 13.340 Para.16: 9128 referred to seeing Mr Robinson. She did not know him personally but recognised him. She also recognised Mr Woods and 'Fonzy'. 'Fonzy' "could be" the nickname of Andrew Allen. She remembered seeing them walk up the High Street. Mr Woods was on his own. They were on the opposite side of road from her.
- 13.341 Para.17: The noise was normal for a Saturday night. She does not recall hearing banging on the Land Rover or glass breaking. She was near Clarks when she heard bickering.
- 13.342 Para.18: She saw Lisa Hobson with Andrew Hill at Summer Steps. She does not recall seeing Mr Lunt, Michelle Jamieson, Ms Reaney or Mr Bradley when she stopped to talk to Ms Hobson.

- 13.343 Para.19: She could still hear bickering when in West Street. She did not see Ms Clarke whilst walking up town. She did not go back to the centre. She does not recall if anyone else walked back into town. As she got closer to the Brownstown estate she heard sirens.
- 13.344 Para.23: The Hamill name is well known. Everyone knew the Hamill's were a big Catholic family.
- 13.345 Para.25: Ms Rogers, who worked in fruit shop in Magowan Buildings said that she had seen fight start by someone hitting Robinson. She does not recall this but if so, she heard about it as did not see a fight.
- 13.346 Para 29: 9129 referred to her hearing that David Woods had been hit and the fight escalated from there. She thought that was a rumour. She did not see anyone hit Mr Woods.

*Oral Evidence*

- 13.347 She remembered very, very little of the night of the incident. Her only memory came from her statement, but not all of it was familiar (p.2).
- 13.348 She came back from the Coach Inn. She walked from Point A on the Inquiry Map to Point C, then crossed the road to right hand side (looking at the Church) then she walked up towards West Street. She was not sure exactly where she crossed but remembered walking past Woodhouse Street (p.4).
- 13.349 She adopted 9128 (the same as the Inquiry statement but as she passed the Land Rover she heard bickering from the other side of the street. She met Mr Hobson and Mr Hill by 'Manella'. She also saw Ms Clayton and Ms O'Neill in front of the Church. She saw Messrs Hanvey, Sinnamon, 'Fonzy', Henderson and Forbes at the party. Mr Forbes had only just arrived.). However, she remembered a small group of people at the corner by the bakery but this did definitely not include Messrs Robinson, Woods and 'Fonzy'. She probably saw only three people walking up (p.7). She was not sure if 'Fonzy' was Andrew Allen (p.8). An "elderly man" was hunched over and had a stick but she does not recall his clothes. In Woodhouse Street, she passed in front of the Land Rover (p.9). She did not recall what the noise was like. Shouting and bickering is the same, and it was not cheerful, but it did not worry her. She did not remember where 'Manella' was (p.11). She thought she only heard bickering once. She did not recall hearing it on way home (p.14).
- 13.350 She did not agree with 262 ("Was with Tracey Clarke in West Street and she ran back down into town on hearing shouting") as she was not with Ms Clarke as they had fallen out before the incident. It was possible that she was there but she did not recall seeing her with them (p.14).
- 13.351 The atmosphere was very subdued. There was not a 'vibe' for a fight (p.15).
- 13.352 She stated that 50182 was not a "recital" of something she's said (p.18).

Shelley Liggett

*Statement*

- 13.353 Para.9: She called for a taxi at Jameson's clothes shop, which was near Z-Cabs, after getting off the bus. She arranged for Alf Annesley to pick her up from Tracey McAlpine's house.
- 13.354 Para.11: She did not know where Tracey Clarke was when walking to but Pauline Newell was not there. Ms McAlpine and Ms Lavery must have been ahead as they were at the house when she arrived. She saw the Land Rover "outside Halifax just a bit further down from mouth of Woodhouse Street". The Land Rover must have been pointing away from the Alliance and Leicester.
- 13.355 Para.12: As she crossed the traffic lights at the junction, she could see up to "where I know the fight happened later".

*Oral Evidence*

- 13.356 She was on the first (p.106) bus coming back from the Coach Inn (p.92). She was dropped at the barriers and headed to Tracey McAlpine's house as she had ordered a taxi (p.93).
- 13.357 She was walking to West Street on Boss Hoggs' side of the road (pp.93/4) and she crossed street after the crossroads and traffic lights (p.103).
- 13.358 She thought that she was walking up with Paul Currie after Boss Hoggs. The fight was not taking place at that stage (p.94). She did not recall if other people were about at that time (p.95).
- 13.359 She and Mr Currie "walked on by" when asked if "she would walk on by trouble". They were walking up the street and once by the Church she heard a commotion. She did not think anything would happen as the Land Rover was there (p.96). She heard a siren and a commotion but not what anybody was saying (p.96).
- 13.360 She passed a drunk man on West Street going towards the centre. No crowds ran down West Street to join the fight (p.96). The drunk man was approximately the same age as her (18). She did not recall what he was wearing (p.101).
- 13.361 She did not recall seeing police in the Land Rover (p.103). Nothing out of the ordinary was happening (p.102). There was a commotion but they were 100 or 200 metres away (p.104). She heard a siren a minute or two after passing the junction. It could have been the Land Rover (p.107).
- 13.362 She did not know Phillip Curran or David "Rat" Gray. She could not remember bumping into them, as per their statements with regard to meeting

Paul Currie (p.97). She thought that she and Mr Currie stopped in West Street (p.104).

- 13.363 She said “I didn’t see anybody in particular hit anybody” (p.109) and “I was just wanting to get away from it all” (p.110). She repeated that when she got to West Street there was a commotion (p.111). She denied that she saw fighting (p.109).

### Dennis Hayes

#### *Statement*

- 13.364 Para.4: He walked along Woodhouse Street side of the road.
- 13.365 Para.14: He does not recall seeing Messrs Bridgett or Forbes at the scene.
- 13.366 Para 15: He did not see Messrs Allen or Woods that night.

#### *Oral Evidence*

- 13.367 He was dropped by the bus and went straight through the town. He walked down the Thomas Street side of the road and crossed at the Church. He was fairly drunk (p.91).
- 13.368 He thinks he walked on his own as he had work at 09.00. He saw his cousin, Lisa Hobson, at snapshot 1. He said “hello”. He thinks that he was on his own. She was with a group of five or six people. He did not recall who they were (p.93). He went straight home (p.94).
- 13.369 He did not see or hear any commotion (p.93).
- 13.370 When he was walking down West Street he saw a police vehicle coming towards him. He was not sure if it was a Land Rover or a car (p.95).
- 13.371 He did not recall 4823 (p.96).

### Kyle Magee

#### *Oral Evidence*

- 13.372 He went from Herron’s to Boss Hoggs and then up town and home. He got a taxi from the top of West Street. He does not recall where he crossed the street (pp.56/7).
- 13.373 He could not remember anything about being in town (p.66) because it was 12 years ago (p.67). He never thought about the events until the Inquiry got in touch with him (p.70).

- 13.374 He did not recall the events of 9143 but it would have been an accurate record (p.59). From Boss Hoggs' there was a good view of the junction (p.60). He could not say how violent the fighting was (p.60).
- 13.375 He did not agree that he shouted because the police were protecting what he called "Fenians" (p.73).
- 13.376 He only saw one man on the ground (p.64).
- 13.377 When he approached the fight he probably knew that it was Catholics and Protestants fighting (p.67). He did not recognise any of the Protestants fighting: he knew Messrs Hanvey, Hobson and Bridgett (p.68).
- 13.378 In 9143 when he was with Tim Jameson and Stephen Bloomer and they walked towards the fight, he agreed that he was close to the fight but denied that he could see what was going on (p.76). He stated that the fact that he could see a man on ground but not those fighting is not a lie (p.77).
- 13.379 He did not remember being with Mr Jameson (per 266). 266: "Ronnie's Pub...could see...fighting" is about the same view Mr Magee had but he did not see a man in an Umbro jumper fighting. He knew Marc Hobson as 'Muck'. He did not see him fighting (p.80). He did not see Mr Hanvey fighting, like 266 (p.81). He knew that he did not see Mr Hanvey fighting as it was not in his statement but he responded 'no' when asked if he knew this because he did not say it in his statement (p.82).
- 13.380 He said that he was with Jennifer O'Neill that night but said that he was going by his statement when 9153 (talked to Magee at Boss Hoggs) was put to him (p.82). He denied that he remembered it (p.83).

### Joe Black

#### *Statement*

- 13.381 Para.4: When by the Church, he heard shouting from an area near where the bus drops people. He did not know who was fighting whom. He thought that it was Catholics or Protestants or people from bus fighting amongst themselves.
- 13.382 Para.5: He noticed people coming up West Street from where the fighting was. He did not see the fighting.
- 13.383 Para.10: He was approached by the police on 19 June 2000. He did not go to the police immediately after the event as he did not believe that he had seen anything relevant. He co-operated once approached.

#### *Oral Evidence*



- 13.384 He was with his brother and walked up towards West Street. He thinks he crossed the road at the top by the Church (p.3). There was nothing out of the ordinary until he was approximately 30 or 40 yards down West Street (outside the Job Centre) past the Church (p.11). He was affected by alcoholic drink (p.18).
- 13.385 He remembered being interviewed for 15544 (“When at the Job Centre in West Street heard shouting in town centre, walked back to church and was told there was fighting going on down town. Did not see or recognise anyone fighting”). He thinks he made a mistake and it was Jason who got something to eat, not him (p.5). He heard a commotion “shouting and stuff”, but did not see much. He thought it was people from bus (p.6). He thought that they continued up the road but if he said that they had come back then that will be true. He did not stay for long. There was definitely no fighting when he was walking up through the town (p.7). When they walked back to the Church and were told there was a fight they turned and went home (p.12).
- 13.386 He did not know if police were around (p.7).
- 13.387 He did not recall sitting by Church, only hearing a commotion when he was by the Church (p.8).
- 13.388 He walked all the way back to his brother’s flat with his brother (p.8). He thought that Jason Woods was there as well (p.9). He thought that Mr Woods was still there when they were told about the fighting (p.13). He did not think that Paul Currie was there at that time nor Shelley Liggett. No-one he was with him when he ran back down to the fight (p.14).
- 13.389 At p.17 of his Inquiry interview he stated that “realised it was that Catholic” means a Catholic in general. He did not know that someone was being beaten as opposed to a normal fight (p.16).

Lisa Hobson

*Statement*

- 13.390 Para.2: She was 15 in April 1997.
- 13.391 Para.6: Her father had been assaulted and had been on a life-support machine. He warned her to stay out of [the investigation regarding the town centre] because of what had happened to him.
- 13.392 Para.12: As per 3499 she was “outside Thornton’s when the row started”.
- 13.393 Para.13: She saw one body on the ground during the fight.
- 13.394 Para.16: She saw a man whom she did not know throwing bottles against the Land Rover. She did not recall seeing the police push the crowd back.

- 13.395 Para.19: She did not recall how long she had been standing in the street when she saw Mr Lunt get out of the Land Rover. All of her group would have had a bottle if they had not already finished them off.
- 13.396 Para.24: She may have been out all night. She did not know Con Cooke but he described her as having long, black, curly hair which was how her hair was at that time.

*Oral Evidence*

- 13.397 She went to the town centre from West Street (p.33). She was 15, nearly 16, in April 1997 (p.34). She told police in 8107 that she was coming from the Coach Inn as she did not want her father to know that she had been in town (p.35). She also lied about Pauline Newell being with her as she knew her stepsister was regular at the Coach Inn (p.51). She had had quite a lot to drink (p.39).
- 13.398 She stated at 8107 that she saw scuffling, the police and a person on the ground (at Snapshot 1). There was a girl with him (p.36).
- 13.399 She was with Joanne Bradley, Heidi Reaney, Michelle Jamieson, Wayne Lunt and Andrew Hill. She met Ms Bradley at the start of night and met the others at Ms Jamieson's house. She did not recall exactly when she met Mr Hill (p.37). She was standing in middle of the road at the top of Thomas Street (p.38). 3499 shows Ms Bradley went in with her. She did not recall but thought that this was not the case (p.40). Miss Bradley had to be home by 01.00 (p.64). Then she went into town to meet the bus from the Coach Inn but she was not meant to be in town at that time (p.66).
- 13.400 When she arrived in town there was a crowd of more than 30 people shouting and throwing bottles at the Land Rover. The crowd was directing its anger against the police. She did not see any police out of the Land Rover, any fighting, the ambulance or other police cars (p.38). She did not recall seeing anybody she knew. She did not know how long she was there watching the incident. She was not sure if she was frightened as it was crowd versus the police (p.39). She did not know it was between Catholics and Protestants (p.57). She can normally tell from the shouting which group is which (p.63).
- 13.401 She did not see Mr Lunt being put in the Land Rover, contrary to 3499. She saw him being let out. In 8107 she said that she did not see the police, but said there must have been somebody to let Mr Lunt out of the Land Rover (p.41). Mr Lunt must have told her that he was arrested for hurling abuse as per para.18 (81553). She did not recall Mr Lunt's description when it was put to her (716) (p.67). The group were carrying bottles if there was liquid left in them (p.68). She did not see Mr Lunt throw bottles at police (p.69).
- 13.402 The person kneeling over injured parties fitted a description of Michelle Jamieson, so she assumed that it was her (3499). She was trying to help (p.42). She did not recall seeing the police on the street until the police stopped her and Noelle Moore. She did not recall her feelings towards the

police in 1997. When her father got hurt it was in a similar situation and she felt that the police did not do everything possible to help (p.49).

- 13.403 Having regard to the girl who describes hearing a girl say “you done my Da”; she stated that “she described a woman with blonde hair... I had long black curly hair”. She did not know if it was Ms Jamieson. She did not recall being in the Eastwoods area, only at top and middle of Woodhouse Street (p.43).
- 13.404 She wandered around town afterwards (p.44). She remembered being with Noelle Moore (8105) (p.48). She was not at the party, contrary to 70902, as did not get on with Ms McAlpine (p.71).

### Simon McNally

#### *Statement*

- 13.405 Para.9: He did not walk around estate at 8. He did not see Heidi Reaney at all.
- 13.406 Para.10: Andrew Hill was separated from them at the West Street footbridge when he stopped to talk to someone.
- 13.407 Para 11: He did not know if Mr Hill talked to Mr Lunt and Lisa Hobson. He was certain that he did not meet Mr Lunt and Ms Hobson in front of the house when he first left.
- 13.408 Para.12: Messrs Cust and Woods and he walked to the Church.
- 13.409 Para.13: There were a lot of people (15 to 20) at Summer Seats as he walked to the Church.
- 13.410 Para.14: Approximately 15 were coming up town. He did not recall any of them even though he was close enough to see their faces.
- 13.411 Para.15: He arrived at the Church between 01.30 and 02.00. He stayed for five minutes or so. No-one else was at the Church when they were there. There was shouting and singing but no fighting.
- 13.412 Para.17: He did not see anyone lying in the road nor see or hear an ambulance.
- 13.413 Para.18: He walked home. He met his mother at Intersport on West Street and walked home with her. He believed that she had seen them at the Church.
- 13.414 Para.19: On the way home Mr Hill met them near the Chinese take-away on West Street. He came from the direction of the Church. He did not recall seeing Mr Hill at Summer Seats. He did not recall seeing him in crowd.

13.415 Para.21: He got home at about 01.55. Mr Cust came home with them. He did not know if Mr Hill came all way back.

*Oral Evidence*

13.416 He was 14 in 1997 (p.1). All he remembered was a crowd of people (p.10). Nothing was wrong with his sight or hearing on night of incident (p.15).

13.417 9160 is correct (pp.2-3).

13.418 9133 was put to him. All he saw was crowd of 15 to 20 people standing about and a police Land Rover at left hand side (p.4). He did not hear glass breaking. He did not see police pushing people back, saw no-one being kicked or punched. He did not discuss it with Mr Woods (p.5). He was a friend of Mr Woods and trusted him but he did not know how Mr Woods saw it whilst he did not (p.6).

13.419 9162 was put to him. He did not hear sirens. He only saw crowd of people (p.7).

13.420 80953 para.24: He did not see Messrs Lunt, Forbes, Bridgett, Hanvey, Hobson or Jameson in town. He was not hiding that he saw them hit someone (p.7) and he did not see Messrs Forbes and Bridgett by the open Land Rover doors (p.9). He denied that he was there throughout the incident (p.13). He denied that he saw boys there and saw them fight (p.14).

13.421 He said that he asked to go for a Chinese meal at 01.00 (9160). His mother (9639) said it was 12.30. He went into town, stood at the Church, saw a crowd of people and his mother said she looked for him just after 01.00 and saw him outside Intersport and they went home (p.11). Kyle Woods (9133) says that he went for a Chinese meal at 01.20, which meant arriving in the town centre at 01.30 to 01.45. Messrs Cust and Woods were with him the entire time (p.11). They did not go to the Chinese take-away, but went straight to the town centre. He did not recall if it was well after 01.00 when they went into Portadown (p.12). He was with his mother when made his statement. She said that he was at home shortly after 01.00 and could not have been in town centre (p.13). 80711 has his mother in the town centre when Mr Lunt was released from the Land Rover. He says his mother was “definitely not” in the town centre after Mr Lunt was released (p.13).

Neil Ritchie

*Oral Evidence*

13.422 As per 9157 he “left Tim Jameson (in Boss Hoggs p.57) and walked up town. He crossed the road near the bottom of Thomas Street. He saw the Land Rover outside the Alliance and Leicester with its front facing towards the bottom of town. He was 15 to 20 metres behind the Bowles sisters and another person. When he got to Boots he heard a female screaming behind

him. Turning round he saw 15 to 20 males and females fighting amongst themselves. He did not recognise anyone (p.43). Boots was just by the Church (p.46). He does not know how many people were at the crossroads when he went by before the fight (p.57).

- 13.423 The Bowles sisters (7777) saw a crowd of 50 people. There was lots of shouting and he cannot say if the police were out Land Rover. He spoke to Dean Forbes (p.46). Mr Forbes says (7064) that he was by Clarks and saw one of the men on the ground being attacked. Girls were cradling him. People were attacking each other and the police (p.50). Mr Ritchie did not know if he saw this, despite being closer to incident (p.51).
- 13.424 He did not recall much. It looked like a commotion. He did not recall hearing any noise but is sure there was. It looked like a big row but he would not have wanted to be anywhere near it (p.47).
- 13.425 He had seen fights and rows before in Portadown (p.52). He would not want to be anywhere near a fight (p.52).
- 13.426 He did not know about Tim Jameson's statement and did not see the observations he made about Messrs Hobson and Hanvey (p.71).
- 13.427 He denied that he saw more than he is saying (p.74).
- 13.428 He was drunk (p.74).
- 13.429 He did not recall seeing an ambulance. He only looked at the scene for a very short time (p.75).

### Jason Woods

#### *Oral Evidence*

- 13.430 He came from Coach Inn by bus. He walked from the barriers up the Thomas Street side of the High Street to West Street. He crossed the road in front of the Church (p.20). There was no-one in town as he was walking up (p.21). It was quiet (p.23).
- 13.431 He walked with Paul Currie (all the way home p.24). He remembered walking behind Tracey Clarke, Pauline Newell and Kelley Lavery (9183). There was no-one in front of them. Those behind them were spread out around Herrons (p.22). He did not pass them at any point (p.37).
- 13.432 He knew 'Rat' Gray (9135). He did not know why Paul Currie said "they're killing each other" (9135).
- 13.433 He knew Shelley Liggett but he did not recall her walking through town with them (p.25).

- 13.434 He was not hanging around the Church (9144). He does not recall seeing fighting when by the Church (p.28).
- 13.435 He could not remember if he was with the Black brothers (15544) but there is a good chance that he was (p.35) He was absolutely certain that he could not hear any commotion when on West Street (p.36).
- 13.436 He was aware that Tracy Clarke made 17327 (p.38). He is not the Jason she names (p.38). He said that he could not hear any commotion despite Ms Clarke saying that she could hear it from Mandarin House, which is further up West Street than the Blacks said they could hear the commotion from, and Ms Clarke was still ahead of him (p.40). He did not see Ms Clarke pass him as they ran back to the Church (p.41). He did not hear any commotion, nor did he run back. He did not see or hear anything (p.42).

### Anne Bowles

#### *Statement*

- 13.437 Para.3: She left her flat at 00.30 with her sister Alison to go to town centre. It takes 20 minutes to walk to Boss Hoggs. She did not recall seeing the Land Rover on her way to Boss Hoggs.
- 13.438 Para.4: She did not recall what they did after bought food. 7776 shows that they sat outside the Ulster Bank and ate chips. She has no reason to doubt that. She stayed for 20 to 30 minutes.
- 13.439 Para.5: She walked back to her flat via the same route.
- 13.440 Para.6: A crowd of between 40 and 50 people was at the bottom of Thomas Street. She could not see anyone's face as had their backs were to the Bowles.

#### *Oral Evidence*

- 13.441 She was walking up the High Street on the Woodhouse Street side to the Church (p.65).
- 13.442 She spoke to Dean Forbes by the sign in front of Clarks (p.65). She did not speak to Forbes for long. She just wanted to get past as quickly as possible (p.69). He said that a fight had broken out at bottom Thomas Street (p.71).
- 13.443 She did not see any punches. She just saw a massive mob (7064) (p.69). She did not hear shouting, bottles thrown nor sirens (p.75).
- 13.444 There were people were at the junction of Thomas Street. People were running everywhere and she could not have seen the police even if they were out (p.64).

- 13.445 She did not see anybody on the ground (p.70).
- 13.446 She knew Mr Bridgett to say hello to. She did not see Mr Bridgett When she spoke to Mr Forbes he was on his own (p.70). She did not see anyone with a bloody nose. She did not know Andrew Allen or 'Fonzy' but might recognise 'Fonzy' by sight (p.71).

Alison Bowles

*Statement*

- 13.447 Para.3: She and her sister Anne went to the town centre at 00.30 to 00.45 via West Street and the Church, down to Boss Hoggs.
- 13.448 Para.4: She sat by the Ulster Bank and ate the food and then walked up the High Street.

*Oral Evidence*

- 13.449 She was with her sister, Anne. She walked up towards the Church from Boss Hoggs. She saw Dean Forbes at the traffic controls just before the Church (p.81). She walked up the Woodhouse Street side (p.83).
- 13.450 She thought that she and Anne were interviewed together for 7777 (p.82). She agreed with what her sister said: that there was a crowd of about 50 people. The crowd was at the mouth of Thomas Street (p.85). She walked past the crowd (p.86).
- 13.451 There was noise but she did not recall if anything was shouted (p.85).
- 13.452 She did not speak to Dean Forbes. He spoke to her sister. She did not recall how far away from him she was. They did not stop for long, just long enough to find out what was going on. They had no involvement and did not want to become involved (p.86). She does not recall what Mr Forbes' reply was but her notes say that 'there was a fight going on' (p.96).
- 13.453 She would have remembered seeing people kicking, but she did not see that (p.90). She did not see anything that was going on at the junction (p.95).
- 13.454 She did not see anyone being attacked nor a fight between two groups break out (p.95).

Stephen Sinnamon

*Oral Evidence*

- 13.455 His memory was not great (p.98).

- 13.456 He remembered being at the Coach Inn (p.100). He came back to Portadown with Chris Henderson, driven by Mr Henderson's girlfriend (8141) (p.107). He was with Gregory Blevins, Andrew Allen, Tracey Clarke, Tracey Newell (he does not know her as McAlpine), Kelly Lavery, Judith Holland, Pauline Newell, Andrew Osborne and Dean Forbes (p.100).
- 13.457 He became aware of the incident when by McConvilles (on the corner of West Street and Mandeville Street). He could not really see to the junction from there but he heard scuffling. He went back down West Street (p.102) on his own (p.101) but the fight was pretty much over (p.100). He went right up to the incident and stood in middle of road. An ambulance was parked there and the police were moving people. He did not see anyone on the ground (p.102) nor anyone on a stretcher (p.103).
- 13.458 When the police were walking people up towards the Church the atmosphere was tense. He was not sure if there was noise (p.103) but "I knew there was fighting. I was there" (p.108).
- 13.459 Did not see Messrs Robinson (and does not know him), Allen, David Woods. He did not know if he saw Messrs Forbes, Bridgett, Hanvey or Marc Hobson (pp.104-5). 3692 shows he saw Messrs Hobson, Hanvey, Bridgett and Forbes, but he did not walk with them. He said that he did not see the fighting. He was at Church when he saw this (p.109).
- 13.460 He knew the Land Rover was there but could not say where as people did not pay attention as it was there every week (p.105). He does not know if he saw other police cars (p.106).
- 13.461 At 3692 he "Denies seeing fight...just people running about". He did not recall but "running about" was probably the police moving people back (p.110).
- 13.462 8141 shows that he "heard bottle breaking when in the area of Church". He said that this was part of the commotion. He did not know why he didn't say the first time that he went back into town (p.111). He did not know if he was at the Church or McConville's when heard the commotion (p.124).
- 13.463 He did not ask anyone at the party about events as he did not want to know. There were discussions but he did not recall what they were about (p.112). 3149 shows that "one of them boys hit Davy Woods and that's what started it". He said that this must have been something he picked up (p.114).
- 13.464 He did not know how Tracey Clarke saw a different version of events (262) to him when they came from the same place (p.118).
- 13.465 He knew who was involved and that some were at the party. He knew this as he saw the boys being pushed back (p.126). He did not recall which boys (p.127).



## Wayne Lunt

### *Statement*

- 13.466 Para.9: Ms Reaney met her boyfriend outside Stewart's Wine Barrel, a shop on West Street five minutes from the Church. Mr Mercer saw him being sick (9612).
- 13.467 Para.11: Ms Reaney (9598) and Ms Jamieson said (9149) that the last they saw of Mr Lunt was at the Wine Barrel. He denied this and said that he sat with them at Summer Steps. He also saw Simon McNally and Andrew Hill there.
- 13.468 Para.13: As he walked to the centre, he thought there were two Land Rovers and one police car.
- 13.469 Para.18: He was not told about his fingerprints being on a bottle during the investigation.
- 13.470 Para.19: Having run away from a police officer, he stayed by the Church for a few minutes and then went back. The police were still pushing people back.
- 13.471 Para.20: He was grabbed by Con A when he was by Instep.
- 13.472 Para.21: He was not 100% sure both officers stayed with him all the time in the Land Rover.
- 13.473 Para.22: The doors were closed when he was in the Land Rover.
- 13.474 Para.23: He thought that he had seen a man on the ground when he went into the Land Rover.
- 13.475 Para.24: He remembered a man shouting at him when he got out of Land Rover.
- 13.476 Para.26: Police officers pushed him into the shutters at Dorothy Perkins.
- 13.477 Para.27: He met Mrs McNally by the Church after walking away from the Land Rover. He thought the police were by the Church at this time.
- 13.478 Para.28: He spoke to Mrs McNally. He did not recall if she was with anyone but has a vague memory that Mr Hill and Mr McNally were with her at that point.

### *Oral Evidence*

- 13.479 Before he went into town he was at Michelle Jamieson's house. He was quite drunk before went into town (p.2).

- 13.480 He came from the west of the town centre to Summer Seats and could see a lot of people (about 20 to 30 p.14) down in the town. He did not recall many people by the Church. He does not recall if the girls were still with him (p.6).
- 13.481 He was in the Land Rover when the ambulance was at the scene. He did not recall seeing the lights or hearing the siren (p.25).
- 13.482 He remembered a police car that came from behind to beside him as he was halfway between the Church and the junction (p.9). Within this police car was a woman who grabbed him. He was just walking (not running p.13) and had a bottle in his hand. The bottle was not empty as otherwise he would not have been carrying it (p.10). He was carrying the bottle overhand by its neck (p.11). He ran away as the female officer tried to stop him because he did not want to be arrested. He did not know why he would have been arrested, but there was lots of police activity (p.38). He did not kick the officer (p.39).
- 13.483 Mr Prunty (hearing evidence) said that a man in a Glasgow Rangers Football Club scarf, who had been kicking Robert Hamill, was pulled out of the crowd and put in LR. Lunt says he was not involved in group kicking and was not pulled out by police from group (p16) When man let out of LR he had a go at woman police officer (p19) Lunt did not see anyone else with a Rangers' scarf on (p18) He was put in the Land Rover, and that there was no-one else in the Land Rover. There were two officers in back of the Land Rover, one was the woman who arrested him (the other was man p.59). When he got out he did not recall any person having a go at the policewoman. He was not smirking as had been arrested and was not being aggressive (p.20). He was not using sectarian words and no-one had a swing at him (p.21). The police were trying to disperse the crowd when he got out (p.27).
- 13.484 He did not have a problem with Catholics (p.49).

### Victoria Clayton

#### *Oral Evidence*

- 13.485 She was 17 in April 1997. She went to the Coach Inn and came back by bus. She stopped to get chips then walked home up West Street (p.98). She walked across the mouth of Thomas Street and crossed near the Church (p.99).
- 13.486 Per 8115 she only remembered people shouting and running about. She now remembered standing around Church with Jennifer O'Neill. There were a lot of people in town, which was not unusual. She only noticed people running and shouting (p.101). She probably did not stay to watch for very long (p.102). She did not recall the crowd being moved to the Church (p.144). Nothing about the crowd or anything concerned her that evening (p.146). However, the crowd running did alarm her (p.147).

- 13.487 She did not recall being with Kyle Magee but if Ms O'Neill says she was, she must have been. She does not recall crossing the road at the junction (p.103). She did not recall if she saw the Land Rover (p.104). She did not recall stopping at the Church nor seeing fighting, hearing sectarian shouts, nor seeing a police car arrive with a two-tone horn. She did not recall getting to the barrier at McGowan Buildings and seeing the crowd being moved by the police (p.105) (all per 9153). She probably does not recall because she was drunk (p.106).
- 13.488 Kyle Woods, from the Church, saw the crowd coming up; people by the Land Rover and fighting (9133) but not necessarily at same time. Ms Clayton thinks if she had seen something she would have remembered it. It must have moved on or it was not happening when they were there (p.107).
- 13.489 She knew Tim Jameson (17656): "saw Vicky Clayton being pushed up street". She strongly disagreed with that (p.126).
- 13.490 Kyle Magee has him, Ms Clayton and Ms O'Neill standing outside Boss Hoggs when the fight started (9143) This is incorrect. She would have remembered that. Also, he stated that when he walked past, he shouted at the police, he could see what was going on and when at the Church with her, he could see someone on the ground. She strongly disagreed with that (p.114-6). She may have been with him at some stage. When asked if this is an alibi for him, she said that she did not recall Mr Magee being with them that night and does not recall anything happening (p.116).

### Donald Blevins

#### *Statement*

- 13.491 Para.7: He drove from Herron's around town to the car park in West Street by the Call-a-Cab offices. The drive took two minutes. The route goes around the top of the town. At the car park he saw a few girls he knew. He did not recall who they were except that one was Tracey McAlpine. They said there was a fight going on down the street.
- 13.492 Para.10: He saw Wayne Lunt near the Benetton shop on West Street. Mr Lunt had difficulty breathing. He saw him again a few minutes later at the Allied Irish Bank. Mr Lunt was staggering but when a police car arrived he ran away towards the town centre.
- 13.493 Para.14: He was seen by Res Con James Murphy telling people to go home and trying to calm the situation. He did not recall this and it was not really something that he would do. With sectarian fights you do not tell anyone to go home. He saw Mark Currie trying to get people to go home. The police tried to move people on but they would not leave. When more police arrived, people went home.

13.494 Para.16: He knew Messrs Forbes, Bridgett, Hobson, Hanvey, Wright, David Woods, Tim Jameson, Paul Currie and Gregory Blevins. He did not recall seeing any of them in the crowd or at scene that night. He did not know Res Con Atkinson but had heard of him. He was known as a 'cunt'. People used to say "he'd arrest his own mother".

#### *Oral Evidence*

13.495 On the night in question he saw people at Summer Seats. He also saw people watching those who were closer. He saw Wayne Lunt who was by himself and was having difficulty breathing as he was drunk (p.96).

13.496 From the front of the Church he saw Robert Hamill lying on the High Street by the traffic lights outside Eastwoods with a couple of girls around him. In his police interview he said that two men were on ground but now he only remembered one (p.96). There were two crowds: a crowd of five Catholics on the Woodhouse Street side of the High Street near the Alliance and Leicester and a crowd of five or more Protestants on the Thomas Street side, near Eastwoods, not far from Robert Hamill (p.97). The crowds were facing each other across the road (p.99) shouting sectarian insults at one another. No-one was trying to get to the man on ground. He joined the crowd and saw Messrs Robinson and Mark Currie nearby. There were some scuffles between the crowds and the Protestant crowd grew. He thought Mr Robinson ran through the police lines and swung at someone on the Catholic side but did not really recall who that was (p.97). He remembered the incident, not the person (p.98). A person ran as he was walking down the street (p.107). He did not know why Robinson was shouting (p.98). He was a yard or two from the crowd. He knew Mr Hanvey but did not see him that night (p.103). He thought that Mr Forbes was in the crowd (p.115). He was not in any way trying to get involved in the fighting (p.118). He did not recall seeing Marc Hobson (p.105). They were standing at the opposite side of Woodhouse Street. They were arguing and shouting at each other (p.106). They were in the crowd trying to get through to the police (p.107). The crowd was not a compact group of people but comprised of people spread out doing different things (p.117).

#### Judith Lyttle

##### *Statement*

13.497 Para.2: Her Inquiry statement is the first statement that she has made about the Robert Hamill incident. She has very little memory of it.

13.498 Para.6: She was shown 13319. She did not recall the events but accepts its contents (back from band parade at 00.50. Went to Herron's in car).

13.499 Para.8: She remembered vaguely walking to Magowan Buildings. She did not go any further than the Church. She was quite sure that she did not go into town as would remember it if she had.

13.500 Para.9: She was aware that there was a fight. She had a vague recollection that Donald Blevins went into the town to break it up. She did not know if she was aware of it that night or found out afterwards. That was type of thing Mr Blevins did because he tried to sort things out if there was trouble.

*Oral Evidence*

13.501 She remembered very little of the night. She remembered being at Locksmiths, way up past the Church (p.98). She doubted that she could have seen anything in town. She did not recall hearing noise (p.100).

13.502 She did not know if Mr Blevins was a peacemaker or was that type of person at the time (p.99).

Glen Stewart

*Statement*

13.503 Para.6: People in the crowd were fighting amongst themselves.

13.504 Para.13: A third casualty appeared at the ambulance with a girl. He had a bloody nose.

*Oral Evidence*

13.505 He saw people on the ground (Snapshots 2 and 3) (p.4) **D** = 2, Robert Hamill = 3 (p.7) He was unsure of which positions are more accurate, the Snapshots or 74383. He did know Robert Hamill was 20 feet further up towards the Church than **D** (p.30).

13.506 When the ambulance arrived, they pulled over to the side of the road. It was a very hostile situation. There was a crowd of 20 to 30 people. There was some confrontation between the police and individuals. He did not know who was whom in the crowd, "what factions were factions". There was shouting. They stopped once, in the ambulance, for their own safety (p.5) and someone banged on the ambulance but no-one was aggressive to the paramedics (p.8).

13.507 He looked up towards the Church and saw a large crowd and heard "a lot of shouting" (pp.6-7). The Crowd was by William Street next to the Church (p.12.).

13.508 He saw a policeman (Con Dean p.8) standing not too far away (five or six feet p.9) from Robert Hamill and heard some girls shouting at the police (p.7). At this time no-one was attacking **D** or Robert Hamill or attempting to (p.8). Per 703 he did not see a man in a grey Umbro top running between the injured persons (p.40). There were other men around Robert Hamill (p.19). Con Dean was trying to assist Robert Hamill (p.25) by administering first aid but the girls would not let him near Robert Hamill. They were verbally abusive towards him (p.26). There was a suggestion that he had no basis for

saying this is (700 and 702) and that he, Con Dean, stayed with Robert Hamill and assisted his cousin in turning Robert Hamill over (p.34). Mr Stewart said that this must have happened before he got there as he saw them shouting at Con Dean (p.35).

- 13.509 He saw crowd of between 15 and 20 people further up from Robert Hamill towards the Church. They were shouting. They were not within close proximity. Someone threw a bottle which smashed close by (p.9). He was not sure if the police were further on, keeping crowd back (p.10). The only policeman he saw was Con Dean (p.12). There were three groups when he arrived: the crowd near the Church; the crowd around Robert Hamill; and the police. People were shouting at the police and the crowd near the Church were shouting at the crowd around Robert Hamill (p.23).
- 13.510 There were three casualties and two girls in back of the ambulance (p.14).
- 13.511 He asked the girls what had happened and was told that Robert Hamill had been kicked. No-one mentioned a bottle although there was a bottle nearby (p.16). The girls who told him this, travelled in the ambulance and had been with Robert Hamill when he had arrived (p.17). He asked the girls about alcohol, as alcohol affects brain injuries. He could not say how much a “brave amount” was (p.22).
- 13.512 He wanted to get the casualty away from situation. This is what he meant when he said that the ambulance “moved away from the hostile crowd as soon as possible” (p.20).

### Mark Currie

#### *Statement*

- 13.513 Para.8: Some people were shouting abuse at the police. The reply to those on ground was “fuck off you Fenian bastards”.
- 13.514 Para.9: When the police started to get heavy handed, the crowd moved away (9163). The ambulance arrived after ten minutes and the police started to move people back.

#### *Oral Evidence*

- 13.515 He was at the Rugby Club and then walked back home at 01.00 (9163). He recalled an “ordinary white police car”, with no stripes, go past him on Bridge Street with its sirens and lights on (p.78). This car turned into Meadow Lane. He walked down and saw a taxi outside Z Cabs, which is near the Post Office. When he saw the taxi outside Z Cabs, he tried to get a lift. He got to Wellworths, which is 100 metres towards Boss Hoggs from Thomas Street on the Thomas Street side of the road. He saw people standing around, a police car on the Thomas Street side of the High Street and the

Land Rover at the junction of Woodhouse Street (p.80). As he walked up he crossed mouth of Thomas Street (p.91).

- 13.516 He could see two men lying on the ground, a couple women with them and another man and a further ten people standing around. One of the men on the ground is shown at Snapshot 1 (p.81). He did not recall where the other man was but there was a gap between the two (p.93). He thought that the other man was on the other side of the central reservation (p.95) towards Woodhouse Street but slightly closer to the Church (p.97). There was definitely no-one past Thomas Street (p.95). He first saw the crowds when halfway between Edward and Thomas Streets (Snapshot 2) (p.90). He could see the men on the ground the entire time he was walking (p.91).
- 13.517 The rest of the people were standing 15 to 20 yards closer to the Church (p.82). The crowds did not grow (p.83).
- 13.518 When he got to scene, there was not any trouble. Someone in the group standing over them shouted at those on ground. They replied “what do you hate us Roman Catholics for?”. Then someone shouted something back at them (p.82). These remarks were made before the police started pushing the crowd (p.85).
- 13.519 The group towards the Church was antagonistic towards the group standing with the Catholics. There were words spoken (p.83).
- 13.520 He knew Messrs Hobson and Bridgett; he vaguely knew Messrs Hanvey and Forbes (pp.85/6). He did not see any of these in the area that night. These people were not in crowd being pushed back. The group comprised of youngsters. He did not recall any girls (p.87). He recognised some faces from bars. That was how he knew it was sectarian. He assumed that the people on the ground were Catholic. He knew it from their shouts anyway (p.88).

### Andrew Osborne

#### *Statement*

- 13.521 Para.4: He went straight up to the Chinese take-away on West Street. He was only with Judith Holland.

#### *Oral Evidence*

- 13.522 He was with Ms Holland and was coming back from the Coach Inn. The bus would have left at 01.15. He did not know what time it arrived but it is a 30 to 35 minute drive (p.38).
- 13.523 He walked up the High Street on the Thomas Street side (p.38).
- 13.524 He did not know what was happening in town (p.40). He would have noticed anything hostile in town (p.41). It was quiet when they were there (p.45).

- 13.525 He confirmed Ms Holland's version, in agreement with 9171 (p.41).
- 13.526 He did not recall how long they waited at the Chinese take-away (p.42).
- 13.527 He did not hear any sirens (p.46). He did not hear shouting or screaming (p.46).

### Judith Holland

#### *Statement*

- 13.528 Para.3: Ms McAlpine told her to come by her house and may have told other people too.
- 13.529 Para.9: She walked five minutes to the Chinese take-away. She left the take-away at approximately 01.55 to 02.00 and then walked up the High Street to Ms McAlpine's house (the transcript shows that she was at the Chinese take-away in West Street, and so walked along West Street, not the High Street. The timings are accurate).

#### *Oral Evidence*

- 13.530 She was 18 at the time (p.12). She knew that the bus arrived back at 01.40 (6295) because it always left at 01.15 precisely. The arrival time was therefore also regular (p.3).
- 13.531 She and Andrew Osborne would have been two of first people on the bus. They went straight to the Chinese take-away (to the west of the railway line on West Street p.18) (p.4) They arrived about 02.00 (p.8) and walked up the Thomas Street side of the High Street (p.5). It took less than five minutes to get to the junction from the bus stop (p1.0). She was thus around Thomas Street at 01.45 (p.8).
- 13.532 There was nothing going on in town (p.6). She looked up and down Thomas Street and Woodhouse Street as it was a flashpoint and she would be cautious, looking up and down for groups because she knew there were pubs at either end. She would have noticed if there was any trouble. She noticed a man coming from the other way who was drunk (p.7). She did not know if he was wearing white (p.8).
- 13.533 She agreed with Ms McAlpine who says (553) that Messrs/Mses Osborne, Holland, Clarke, Sinnamon, Newell and Lavery were on the bus together (p.15). Ms Lavery says (551) cites Messrs/Mses Clayton, Liggett, O'Neill, Clarke, Forbes and Bridgett. Ms Holland did not recognise Messrs Forbes and Bridgett on bus but accepts she was with Mses Lavery and McAlpine (p.16). Res Con Cornett called on the radio at 01.45 (80320) and so Ms Holland must be a few minutes out as she did not see or hear anything (p.20). She did not see the ambulance (p.21). Mses Newell, Lavery and McAlpine all say no-one was in the house when they arrived home (pp.22-3). Ms



Clarke (262) puts Mses McAlpine, Lavery and Newell as watching fight the with her, so for her to arrive after the three girls at Ms McAlpine's house then she must have seen fight (p.26) but she maintains that she saw and heard nothing (p.27).

Noelle Moore

*Oral Evidence*

- 13.534 She was 17 at time and was drunk (p.99). She walked up town at 01.45 with Matthew Bloomer and [name redacted]. She stopped at Wellworths, just up from Boss Hoggs on the same side. She saw the police at end of Thomas Street (8105) (p.69). She left Mr Bloomer and [name redacted] at Wellworths and he went away from the town centre (p.87). She walked up to the Church and met Lisa Hobson. She stayed with her for the rest of night. She later met Kenneth Milligan in Jervis Street (p.70). 9156 stated that as she was walking up West Street, Lisa Hobson came over to her and asked where she was going. They then walked to Jervis Street and met Mr Milligan and Lee Stockdale. They talked for a while and then went home (p.74).
- 13.535 She was wearing brown jeans, a blue Umbro sweatshirt with a silver/grey Umbro logo, a black bomber jacket and black CAT boots. She heard the assault was carried out by the people who had returned from the Coach Inn (p.70).
- 13.536 She walked past the police and up past the Church. People were able to walk through from town centre but not get past to junction (p.72). She did not see any violence (p.73). She did not see the ambulance or the police doing anything except pushing people up to the Church (p.85).

Stacey Bridgett

*Statement*

- 13.537 Para.12: He did not recall carrying a bottle when he was standing at the Land Rover.
- 13.538 Para.13: The man who pulled Con Neill out of the Land Rover was between 30 and 40 and wore a blue suit, shirt and tie.
- 13.539 Para.15: A different man punched him at the back of the Land Rover.
- 13.540 Para.16: The man was small and stoutly built, he did not take much to go to ground. He does not know what happened to him; he just hobbled up the street.
- 13.541 Para.19: When asked if boys from the Coach Inn had been involved he replied "yes, a couple" but he did not know who they could be.

13.542 Para.23: He was at the back of the crowd as people were moved back.

*Oral Evidence*

13.543 He was on his way back from the Coach Inn. He was 'happy drunk' (p.55).

13.544 He was with Dean Forbes (p.56). He did not recall anyone ahead of them (p.57). He maybe went to Herron's but definitely went to Boss Hoggs (p.58).

13.545 7155 showed that as he was about to leave he saw people coming down Thomas Street. He did not recall now when he saw people coming from St Patrick's Hall (p.59).

13.546 He was on the Woodhouse Street side as he walked to the Land Rover. He came across a man walking from Thomas to Woodhouse Streets. The man said he did not want any trouble and Mr Bridgett echoed this sentiment. The other man went away up Woodhouse Street. Mr Bridgett then chatted with the police in the Land Rover (p.60).

13.547 Mr Mallon's version of events was put to him (9091). There were only the two: Messrs Forbes and Bridgett, not five; he did not recall if there was a bottle. Mr Bridgett would say that he did not have one. He did not drink Buckfast. He did not know why Mr Mallon thought that the boys were a threat. Maybe it was because it was at a flashpoint. Mr Mallon was wrong about the police officer being out of Land Rover when he was walking away (p.62). Con Neill has just two boys but says that boys were threatening to Mr Mallon.: "They were face-to-face" (p.63). He also says that Res Con Cornett shouted and the boys walked off but then came back (p.64). Mr Bridgett was not threatening. They were face-to-face because they had conversation, not because he was provoking them. Res Con Cornett did not shout (p.64).

13.548 They voluntarily approached the Land Rover (after talking to Mr Mallon p.65). He knew Res Con Cornett and P40 (p.64). They were at the passenger door and she talked about clothes. He had on a Ralph Lauren shirt and Replay jeans. It was an amicable conversation. She was in passenger side with her door open. He knew that the driver's door was shut but he not sure about the back door (p.65). He was only talking to Res Con Cornett and P40 (p.102).

13.549 As they were talking, a man came over and opened the Land Rover door, or it was ajar and he pulled it open. He grabbed a policeman and said "Yous sat and watched. Yous didn't do nothing" (p.66). Mr Bridgett did not know how long this was after they had gone to the Land Rover. It was maybe a couple of minutes (p.68). The man obviously came from the Thomas Street side because otherwise Mr Bridgett would have seen him arrive. He could not see the other side. The man was between 30 and 40 in a blue suit, shirt and tie and Mr Bridgett thought that he was Catholic. He did not know why he thought this (p.66). The man was approximately 5'9" or 10" (p.72).

- 13.550 Per 7180: He heard a thump and thought the man had hit someone. The man came around the front of Land Rover to him. Mr Bridgett implied he was a Catholic and he thought he would be hit. The man then went around the back of the Land Rover (back to the Thomas Street area p.70) and then Mr Bridgett went back to go up the street (p.69).
- 13.551 When he went around the back of the Land Rover he saw the “whole scuffle” with the crowd at snapshot 1 (the main part of the crowd was by 1) (p.71). It was a free-for-all with ten to 30 people involved (p.71).
- 13.552 He was punched on the bridge of the nose, at back of the Land Rover, by a small stocky man (p.72) He was not sure where the man came from. He does not know where the man went after but Mr Bridgett ran to Snapshot 2 (p.73).
- 13.553 As per 7240 he spoke to P40 in the middle of road down from Dorothy Perkins. After he had talked to P40, he walked up to the Church. At no point was he outside Eastwoods (p.77).
- 13.554 He did not recall seeing anyone lying on ground when he saw the fighting (p.77). He accepts that people were on ground but he did not see anyone on the ground at time (p.85). He was not involved in any fight and did not kick or punch (p.77). He did not recall hearing bottles smash. He did not recall anyone fighting (p.81). When asked why he did not recognise anyone, he said that it was because his head was down, letting nose bleed (p.83). In 7167 he said that he recognised a few boys he knew fighting (p.84).
- 13.555 He agreed with 9141 that there was a lot of shouting of sectarian insults (p.79). 9141 stated that Mr Bridgett was trading punches. Mr Bridgett says he was not trading punches and maybe was seen being hit and putting hands up in defence (p.80).

Andrew Allen 80009

*Statement*

- 13.556 Para.14: He knew Messrs Hanvey, Bridgett and Forbes. He had no memory of them fighting.
- 13.557 Para.16: He also names Mr Sinnamon and Ms Clarke as being at the party. He had no recollection of hearing Mr Hanvey hit someone with bottle.
- 13.558 Para.18: While he was at the party he heard that Mr Hanvey had hit someone with a bottle. He did not see it happen, he just heard it reported.
- 13.559 David Woods (7495) stated that people came down Thomas Street. Mr Allen did not recall this (p.120).
- 13.560 He said (7305) that he was standing by bakery with David Woods and Rory Robinson, waiting for people to catch up and there were Catholics walking

down Thomas Street in a group to attack them. He did not recall this (p.126). He accepted that Tracey Newell saw Messrs Allen, Woods and Robinson together on the street (p.140).

13.561 He did not know why he put them all at Thomas Street whilst Messrs Woods and Robinson deny it. He did not attack any Catholics as he knew there were groups coming up from Boss Hoggs (p.128).

*Oral Evidence*

13.562 He did not recall a fight or police pushing people back (p.116)

13.563 He did not recall anything described in 1038. (i.e. people making a noise coming down Thomas Street) (p.119).

Rory Robinson

*Statement*

13.564 Para.14: He went to the Church without stopping.

13.565 Para.19: He stood at the Church throughout.

13.566 Para.11: He walked up through the town alone. He was not sure if there was anyone behind him. He intended to get a Chinese take-away but cannot remember why he did not get one.

13.567 Para.28: During police interviews and in his Inquiry interview he admitted being present at the scene but was alone at the Church when the fighting took place.

Dean Forbes

*Statement*

13.568 Para.7: He went into Boss Hoggs with Messrs Bridgett and Neil Ritchie. He met the Bowles sisters. He did not know where Mr Ritchie went. Other groups were walking up town.

13.569 Para.9: 6942 said Mr Bridgett had a plastic bottle.

13.570 Para.17: He saw a woman holding man whom he had seen being kicked.

13.571 Para.24: The second time the he went to Ms McAlpine's house she told him no-one was there.

### *Oral Evidence*

- 13.572 He got off the bus at Herron's and walked to Boss Hoggs. He then walked up town and crossed road halfway between Edward and Thomas Streets (p.29).
- 13.573 6939 showed that there were five or six people shouting sectarian insults (from both sides p.64) at each other (in the mouth of the junction p.32) as he crossed the road. He and Mr Bridgett crossed as they did not want to get involved in shouting and so crossed to the Land Rover as they thought it would be safer (p.31). There was no fighting at the time (6939) (p.32). As he crossed, he saw a group some 15 to 20 yards ahead of him on the Woodhouse Street side (p.32).
- 13.574 He thought that they were walking past the Land Rover until they heard a call from it (p.33). 6969 said that they did not approach anyone at the top Woodhouse Street, there was no-one to be seen except the Land Rover (p.33). He did not recall now meeting Mr Mallon. There were not four of them, just Messrs Forbes and Bridgett. He did not know if Mr Bridgett was holding a bottle (p.34). There was no fighting at that time (p.65). He remembered seeing a man walk down the High Street. He did not recall a conversation. He said a meeting could have happened but he just did not recall one (p.75).
- 13.575 He and Mr Bridgett stood on the inner side of passenger side door talking to two police officers in front. There was a woman in the passenger seat (p.34), an officer driver and two in the back. He did not know any of them by name. He thought they knew Mr Bridgett because they had called out "Stacey" to him (p.35). It was a male voice that called him over (p.36). That was why they went over to the Land Rover. At this stage he was conscious of a row on the other side of the Land Rover but could not see anything (p.35). At no point did the police say that they "can't talk we're on duty" or something similar (p.114).
- 13.576 They stood for five minutes then the driver's door swung open and a man shouted "are you going to let those 'uns get away with this?". The man was wearing a blue shirt and tie (p.36) and was about 5'10". He was angry (p.37). 6941 said that the driver had his door open (p.38). He said that officers usually sat with the door slightly ajar or with their foot against it. He knew this from seeing it often as he walked up town (p.39). He remembered it from that night as the man did not swing open the door from the handle (p.39). He was not sure if the man had to turn handle to open door (p.66).
- 13.577 The noise he could hear at that time was normal noise for a Saturday night in town (p.36). The first indicator of an incident was when the driver's door opened (p.66).
- 13.578 When the driver was pulled out he could see through the Land Rover and could see people fighting (p.37). He did not know how many people were fighting (p.38).

- 13.579 When he went around the back of the Land Rover he saw 20 or more people fighting, still in the mouth Thomas Street. He did not know how Mr Bridgett got a bloody nose (p.40). He walked to the Abbey Bank. He did not know what happened to Mr Bridgett. He was not under any threat (p.43). He ended up in the middle of the road adjacent to a tree (p.44) and flower beds (p.108). 7064 has “two or three men saying “come on” as he moved away from the Land Rover. As they went around the Land Rover he saw two men on the ground, level with Eastwoods’ shutter, in middle of road” (p.44) at Snapshots 1/2 (p.45). He did not know where the men came from (p.70). He was asked at 7065 about number 1. He wore a dark top, and saw him being kicked in the ribs when he was on the ground. Nothing happened to number 2: he had a girl holding him (p.47). He only saw one man with a woman (p.50). 6974 stated that a man with really dark hair and a black bomber jacket had run in and kicked his back (p.49). Mr Forbes had not seen that man before (p.49). He saw a boy in a green top with short hair kick as well (6982). He only saw the back of the green top (p.49). Number 2 was being kicked (p.53).
- 13.580 When the police had pushed people back to Mandeville Street he stayed for a minute and met with Mr Bridgett. Mr Bridgett’s nose had stopped bleeding. They did not discuss the incident (p.62) 7007 stated that Mr Forbes said Mr Bridgett asked if he saw him get hit and a girl said that he had been hit. It was not unusual as Mr Bridgett’s nose bled easily (p.63). He knew Victoria Clayton but e did not recall if she was the girl (p.64) pp.33/4 of his Inquiry interview showed that Mr Forbes asked Mr Bridgett if he was alright but not how he got the nosebleed (p.83). He did not know that Mr Bridgett said he had not seen Mr Forbes that night after being with him at the Land Rover (p.84).
- 13.581 He went towards Ms McAlpine’s house but did not go in (p.64). He went to that house early and no-one was there. He went again at 05.00 but did not go in (p.96). He knew Ms Lavery. He did not know Jason McClure. Ms McAlpine would put him there as he spoke to her at the door. He did not recall Mr Sinnamon (p.97). He went there every other Saturday night so he suggested that those who put him there must have been mistaken over the dates (p.64). He did not talk to anyone outside the house about the fight (p.99). He knew of Andrew Allen. He would see him at the house on random Saturday nights. Not all of them knew each other (p.100). Mr Allen puts him at the house and the fight being discussed (7353). Mr Forbes denies that he was there (p101).

### Jonathan Wright

#### *Statement*

- 13.582 Para.8: He was happy, medium drunk, neither sober nor legless. The Chinese take-away is marked C on 72904.

- 13.583 Para.12: He left the Chinese take-away at 01.40 and walked to town. Mr Hanvey walked ahead and told them to follow him towards the Church. They got separated and did not see him again that evening.
- 13.584 Para.13: It took him and Mr Hobson between ten and 20 minutes to get to the Church from the Chinese take-away and so they arrived at 02.00. When they got to Summer Seats, there was just the two of them present. No-one else was at the Seats

*Oral Evidence*

- 13.585 He was 18 in 1997 (p.105).
- 13.586 He was coming from Dean Johnston's flat with Messrs Hobson and Hanvey and went to meet people off bus from the Coach Inn (p.110). Some people were on the bus who were friends e.g. Mr Bridgett. Those on bus were not expecting them. They went as they thought that there may be party (p.111).
- 13.587 9139 stated that he was by the Church. Mr Hobson was beside him. He could see a crowd of 20 people being pushed by a line of police. They were shouting at the police and pointing. He could not see how many police there were. He looked for Mr Hanvey but could not see him. He did not see anyone fighting. He saw two ambulances and a person being stretchered into an ambulance. He saw Mr Bridgett by the First Trust Bank walking up that side of the street. Mr Bridgett was with someone whom he did not know (p.85). He and Mr Hobson decided to go home, at about 02.05. He walked to the left hand side of the Church, Mr Hobson to the right hand side. He was wearing light blue jeans, brown boots, a green bomber jacket and a light blue T-shirt with 'Kangol' on the front. Mr Hobson wore blue jeans, white training shoes and a blue sweater. He did not recall if Mr Hobson had a jacket. Mr Hanvey wore light blue jeans, a grey tracksuit top with a zip-up front with orange stripes on both arms. 9139 is the truth. He remembered very little of it now (p.86). He did not go over to Mr Bridgett as he was with other people. Mr Wright was with Mr Hobson (p.116). He did not see Mr Bridgett's nose bleeding. He would have told police if he had. He must have walked past it as he was not in crowd (p.117). He and Mr Hobson were seated in front of the Church (p.118). Nobody joined them and Mr Hobson did not leave (p.119).
- 13.588 He did not see the trouble start. He did not see the fighting but heard shouting (p.87).
- 13.589 He did not see the police doing anything except push people, in a line (p.87). He did not recognise anyone in the middle of the crowd (p.109).

Carol Ann Woods/Jones

*Statement*

- 13.590 Para.6: She thinks she heard running along Thomas Street.
- 13.591 Para.10: A group of seven, mostly men, were standing by the flowerbeds at the centre of the junction.
- 13.592 Para.11: She saw her brother a few feet from her front door.
- 13.593 Para.17: She thought that she stood at window until 03.00.

*Oral Evidence*

- 13.594 Her windows were at snapshot 1 (p.66). 1044 was the room from which she looked out onto the street. 1047 was the view from her flat and the crowd were standing at the corner (p.85).
- 13.595 **P131** said that the view of 262 was that from leaning out of window. She said that she was leaning out (p.67). It was more than likely that her view was from behind her boyfriend but she did not recall how she or he were standing at window. Her boyfriend must have been leaning out to see her brother get hit (p.87). However, her view was that which she put in her statements (p.88). Everything she says is what she saw. Nothing in statements was what someone else told her (p.89).
- 13.596 She did not recall the events of the night but relied on her statements (p.68). Her statements are true (p.82). 9116 stated that at approximately 02.00 she heard shouting and she and her boyfriend ran to the window. She saw five people, two women and three men in their thirties, standing in Thomas Street by Eastwoods. A group of seven, mostly males, were standing in Market Street opposite Thomas Street. There was no shouting and she had the impression that they were friends (p.68). Her boyfriend (Mr Jones) pointed out her brother (David Woods) standing by her door. He boyfriend said that someone had hit David. After a few minutes she went to the window. Saw two men in the road on the Thomas Street side of the central reservation. One of the men was sitting up. The other man was on his back and a woman with him was screaming. An ambulance arrived and then she went away from window (p.71). 1 The first time that she saw her brother was when he was immediately below her, by her door (9119) (p.74).
- 13.597 1038 was put to her - that two men and two women walked down Thomas Street. One man shouted two or three times "Do you want a fight" before the crowd at bakery replied (p.71). Ms Jones says that the noise took her to the window. Per 1038 stated that both sides provoked each other. The main one talking walked out and said "come on then" . Another person stepped out and said "I'll take you" They sized each other up then another man broke from the bakery crowd and hit man who had shouted and ran off in the Church direction. The man who was punched hit the other man and ran after the man who punched him (p.72). Ms Jones stated that she did not see fight (p.73).
- 13.598 Her boyfriend did not know anyone in Portadown. He was quiet natured (p.81).



Eric Williamson

*Statement*

13.599 Para.12: He interviewed John Johnson. He was satisfied that what Mr Johnson told him he could have seen from his window was true.

David Woods

*Oral Evidence*

13.600 He was 17 at the time (p.29). He was drunk (p.45). He was coming from Boss Hoggs, going to his house, up Thomas Street. He was walking on the bakery side of Market Street (p.2). He walked home on his own and did not see anyone in front. He did not stop for food or to talk. He assumed that people were behind him (p.3).

13.601 When he approached the junction there were (two women and three boys p.33) coming down Thomas Street making a racket. He stopped as they were getting rowdy and he hoped they would go past. He did not recall where the group were when he first saw them (p.4) or how far away they were but he was between Jamesons and the bakery on Thomas Street. The group were shouting and kicking a door. He did not know which one (p.5). One of the group ran down and punched him. He did not see the man coming. He moved back a step or two in case he was going to be attacked again. He was only punched once then the man went past and someone took him into his sister's flat (p.6). He did not see anything else that night (p.7). His sister lived above Jamesons where the first Jamesons sign is (p.7).

13.602 He could not describe anything about the man who hit him (p.7). He did not recall if the group was running (p.27).

13.603 He did not see anything that matched events of 1038. He did not see anything but heard a racket and was punched. He did not see any other fight. He did not know how 1038 could be wrong if he is right. He was not squaring up to anyone (p.10). No-one near him hit anyone. He did not see if there was anyone behind him. As he did not see the person who hit him, it could have been that someone behind Mr Woods hit him (p.11). To the suggestion that he was squaring up and someone from behind him hit the man, he stated that "I wasn't squaring up to anyone" (p.12).

13.604 Per Mr Prunty's version (9101) (a group of Catholics were walking, minding their own business when people set on Robert Hamill) he said "I was indoors" and stated that he was not part of it (p.13). F supports Mr Prunty's view (9098) but Mr Woods saw none of that; per 506 saying that the group coming up town set upon the Catholics, Mr Woods stated that he was not part of the group (p.14).

- 13.605 He knew Andrew Allen by sight. He knew his nickname was 'Fonzy' (p.14). He did not recall if he saw him that night. He did not know if he lived in Thomas Street. He did not know if he saw Rory Robinson that night. He did not recall if he spoke to Andrew Allen after the incident. He did not know why Mr Allen said he was with Messrs Woods and Robinson. His only comment on the similarity between Mr Allen's description of the group with 1038, at the junction is "if there was a group behind me, there was a group behind me" (p.15). He did not see or notice Messrs Allen or Robinson at all (p.46). 9128 showed that Messrs Robinson, Woods and Fonzy were walking together up the road (p.48) If Messrs Robinson and Allen were involved in the attack that was nothing to do with him (p.51).
- 13.606 He did not recall hearing "you Orange bastard" per his interview at 7497. He did not recall hearing shouting (p.17).
- 13.607 The situation was a crowd of five Catholics shouting "Orange bastard" and the only person that they could be shouting at was him (p.18). He did not know what was going to happen but hoped they would walk past. He denied that he stood as he was with two friends who would fight (p.19). He did not know why he stood there. He just stopped (p.20). He did not know why they were shouting at him as there was no reason to suspect he was a Protestant (p.22).
- 13.608 His description of the men at 7499-7507 was accurate as was his version of events. He was telling truth to the police (pp.22-5). He did not recall the description that he gave that is similar to 1038 at 7507 but it was true (p.26). The "big fellow was the one shouting "Orange bastards". He was the one wearing a blue shirt and another one, "with short dark hair, wearing a black leather jacket" was the one who punched him (p.37). But he did not recall now who hit him (p.41).
- 13.609 81287 is true (p.33). He saw one of the men kick the door of Jamesons. He was in Thomas Street but he did not know how far up he was at that time (p.35) but he was 15 to 20 feet away (p.36).
- 13.610 As per 9642, his eyes became puffed up as a result of the punch. He told his mother that he had been hit and that a row had then row had started (p.38).

### John Johnson

#### *Oral Evidence*

- 13.611 He lived in a flat over Jamesons Bar (p.121). He was on the top floor as per 268. His flat had one big window and a small one in the bedroom (p.122). He marked his windows on Snapshot (p.123). He was not drunk (p.163).
- 13.612 He had a wider view than 262. He could also see further back (p.124). The scene "was not that lit up down there" (p.151).

- 13.613 He was asleep and was awoken by a lot of commotion downstairs. He did not know if it was coming from the bar downstairs. The commotion was shouting (p.124). There were a lot of people over the whole street. There were scuffles in different parts. It was spread out. He could not see properly round the left hand corner (p.125). There seemed to be sort of charges going on. There were maybe 50 people involved (p.126).
- 13.614 There was one person on the ground at snapshot 1. He saw that person get up eventually (p.126). There were five or six people kicking him. He watched the kicking when he first looked out of the window, before he went back into body of the flat (p.127). The man was being kicked for quite a while. Then it stopped but a few boys went back and he was kicked again (p.128). While another man was negotiating, the men went back to kick again. The police were near the Land Rover at the time. They were nowhere near the injured person (p.152).
- 13.615 He was looking out of window for 45 minutes (at least 30 minutes p.130) before he stopped. He went back to bed after number 1 got up of the ground. It seemed like it was all over (p.129). Previously he went away from the window to get his get dressing gown and then went back to window (p.161).
- 13.616 There was some activity but then it moved around the corner. There was a lot of shouting. Everybody had more or less disappeared and gone from the first person to the second person around the corner. That was the point at which they stopped kicking number 1 (p.128).
- 13.617 He was watching when an ambulance crew came and took away two people (p.128). The paramedics had gone around the corner and brought someone out on a stretcher. The other person managed to get up. He did not see the ambulance but presumed it was there as he saw paramedics (p.129). He is clear that number 1 got to his feet unaided (p.148): per 9124 “the man I saw was helped to his feet and walked to the ambulance.” He said that a paramedic went to the man, saw that he was OK and then went round corner. Paramedics were with the injured person when he got up but they did not aid him up (p.149).
- 13.618 A woman went to the man on ground. She was lifting the man’s head (p.132).
- 13.619 When the police got out, it looked like they were negotiating with people. This was before the ambulance arrived. The police on the street were from the Land Rover (p.133). There was a gang with what looked like a spokesman and one of gang went into back of the Land Rover. He did not recall how that man was dressed. He did not recognise anybody (p.134). The spokesman went freely into the Land Rover and was not dragged in (p.145). Per 9124 he saw the police put the man in the back of the Land Rover. He said that the police opened the door and the man went into the Land Rover. He came back out of Land Rover as well (p.151). At no point did he see the police going around the corner (p.159).

- 13.620 The police contacted him to make 9123. He could see the Land Rover parked over on other side Market Street near the Alliance and Leicester. There were people near it. As the police went towards them they backed off. The police also backed off but one stayed. He was one who was negotiating. He recalled something when the police were trying to help man on ground whilst some of those trying to kick at him were pushed away (p.136). He did not recall the police being around the person on the ground or them trying to help man on ground (p.137).
- 13.621 His memory was vivid as it had stuck in his mind that the police did not help injured person (p.161).

### Peter Maile

#### *Statement*

- 13.622 Para.3/4: He was the photographer who took the photos from Carol Anne Jones's flat.
- 13.623 Para.23/4: He also took photographs from **P42**'s flat.

#### *Oral Evidence*

- 13.624 1043 shows the windows from which people had looked out. His purpose was to show where they were, where they stood and the view to the junction (p.17). The occupants were photographed by the window but they subsequently asked for these photos not to be used. There was one of them standing at each window (p.18). They asked to remove these photos as they were afraid of being identified. He was told this by the police officer ordering photos for the inquest file. The negatives will still be in the police archives (p.29).
- 13.625 The window in 1046 opens so that it is parallel to the edge of window frame, flat back to the wall (pp.18/9). The window opens inwards (p.30).
- 13.626 1047 he had difficulty in how to photograph the view as the camera lens does not move like an eye. One shot was taken through glass. A man had stated that he had put his head out of the window. He took the photo from a position that averaged the position of two occupants (p.19). He was told the area of interest was between the double white lines and the centre of the carriageway (p.20). The view of an individual could be different, better or worse, than that of the camera (p.20). If you look out window, you can look straight down. You could not see better round to the right due to the Harp and Jamesons signs. You would have to lean dangerously far out to see (p.20). "Only a person who had his head out of left hand window could see along the wall". A person at the right hand window could not see directly that way (p.21). The photo was taken so that the diagonal of the photo was as close as a camera can get to person's vision (p.21).

- 13.627 1048 (snapshot 1) 1 marks the windows that the photos were taken from (p.23).
- 13.628 74591 shows that he was asked to take photos from flat of P42. The photos are at 74567 (p.23).
- 13.629 The photos were taken on Thomas Street looking towards the High Street. The silver car in 74567 was outside Jamesons. The difficulty in taking the photo was that he had to do it through the window and the panes were small (p.24). 74568 was taken from the other window. 74572 shows the building. He could not remember which window, or floor, it was taken from. The windows could not be opened like those of the other building (p.25).

Allister Hanvey

*Oral Evidence*

- 13.630 His memory of the incident was not good. He said 9190 was true as he went to the police and made a statement voluntarily (p.203). He had no trouble with his memory of Tae Kwon Do. He did not have a problem with his memory generally (p.38).
- 13.631 Per 9190: He had a Chinese take-away in West Street and went to the town centre with Messrs Hobson and Wright (p.202). When he got to the Church, he saw people running and heard a lot of shouting. He heard sectarian shouts. He saw policemen. He said between ten and 15 people and five to seven police officers were at the junction (p.203). He did not recall what the crowd were doing, or what the police were doing (p.204).
- 13.632 He did not know Mr Leatham. Mr Leatham said (80644) that he spoke to Mr Hanvey at HM Prison Maze where Mr Hanvey said that he did not know if he did it as he did not recall anything about what he did that night (p.213). Mr Hanvey said this is total lies. Prison officers never ask you question about such things. (p.214). He did not know if an officer who knew a person in the Maze would ask this question (p.215). Mr Leatham also says he had a conversation with Res Con Atkinson and he said the allegation that police officers were inactive was rubbish. He had said that they had been in the Land Rover going up other side of the street when they had seen the fight break out at the corner Woodhouse Street. They went on up town and came back down to the fight. When they got to the fight Res Con Atkinson saw Mr Hanvey, who was either high or drunk, and told him to “fuck off home out of road”. Mr Hanvey argued for a while” (p.215). Mr Hanvey does not recall that interaction with Res Con Atkinson (p.216). Mr Hanvey did not know Mr Leatham was treasurer at Tae Kwon Do club and went there often. Mr Hanvey said that Mr Leatham did not know him (p.97). Mr Hanvey denied that he was drunk or had taken drugs that night (p.101). Had had had a few beers but no “dope” (p.126).

- 13.633 He knew David Woods by sight. He did not recall Messrs Robinson (p.216), Allen, Forbes, Bridgett, Lunt or Hobson. He was with Mr Hobson on the night (p.217) He knew Jonathan Wright. He made a mistake in his Inquiry interview when he said that he did not. He did not see him at a funeral after 1997 (p.39). He was not in the same pubs as him around 1997 (p.40). He was with Messrs Wright and Hobson as knew them and was on his own. He was not friends with them (p.41).
- 13.634 Res Con Atkinson said (80036) that he knew Mr Hanvey through Tae Kwan Do and saw him in the crowd at the incident and that Sgt **P89** asked him about Mr Hanvey. Mr Hanvey did not know if Res Con Atkinson saw him in the crowd (p.224). He did not know how he could be seen in crowd if he was not in it. He did not recall from his statement if he was in the crowd (p.225). He did nor recall seeing Res Con Atkinson at the scene (p.30).
- 13.635 Sgt **P89** (11084) said that he saw hostile individual in the crowd whom he physically pushed back. He thought that they would assault him. Res Con Atkinson said Mr Hanvey was a martial arts expert. He mentioned Mr Hanvey by name. Mr Hanvey did not recall that (p.226). He said that it could not have happened (p.227). He does not recall seeing **P89** there (p.30). He denied that there was an “aura of menace” about him at the scene, that P89 and Atkinson picked up on (p.32).

#### Marc Hobson

##### *Oral Evidence*

- 13.636 All Mr Hobson remembered is between 30 and 40 people being pushed up the street as he came down. He did not recall if the crowd was violent (p.122).
- 13.637 He was drunk but had his wits about him (p.122).

#### Kenneth Milligan

##### *Oral Evidence*

- 13.638 He was at Lee Stockdale’s house between 21.00 and 06.00 per 8109 (p.131).
- 13.639 He did not see fighting. He was not in the crowd. He did not see police officers controlling a riot (p.134).

#### Gareth Cust

##### *Oral Evidence*

- 13.640 He was 12 on 27 April 1997 (p.51).

- 13.641 He was with Kyle Woods, Simon McNally and Andrew Hill (p.51)
- 13.642 He came from West Street down to the Church. He got to just in front of the Church (p.52).
- 13.643 He saw few people, there was a little bit of shouting (p.53).
- 13.644 When asked if he saw the fighting, he said “Not---not fighting, not---standing kicking someone on the street”. He was asked to make Snapshot recording where he saw people kicking and said “more or less where the pen is there”. Then he said that he did not see anyone on the ground but they could have been further down the town (p.54). He then said that he did not see anyone being kicked. He saw what one would normally see in Portadown i.e. general rowdiness (p.55). He avoided the question about not seeing the kicking (p.60).
- 13.645 Did not see the police on the street (p.55).
- 13.646 Andrew Hill said (9131) that he was at Mr McNally’s house with Kyle Woods and Mr Cust. They went to the Chinese take-away. He stood outside with Messrs Cust and Woods. They walked down into town to the Church. They sat on Summer Seats. He did not know when they arrived. He saw the Land Rover outside the Halifax. He did not see the police standing at the Land Rover. There were people at the Land Rover. He heard sectarian shouting. He saw a scuffle between ten or 12 people at the junction. He did not see punches thrown. He was at Summer Seats five minutes before the scuffle started. He ran back up the street with Messrs Cust, Woods and McNally (pp.56/7). Mr Cust did not know if Mr Hill met people outside the Chinese take-away (p.62). He did not know if Mr Hill was still with them at Summer Seats (p.63).
- 13.647 Kyle Woods said (9133) that they did not go further than the Church. He saw a crowd of people at the centre of town. at the Land Rover was outside the Alliance and Leicester and the crowd were coming up from the bottom of town. He saw people at Land Rover talking to policemen. There was a fat boy shouting “Tiocfaidh ár lá”. He saw two people on the ground near Eastwoods and the crowd were punching and kicking them. He heard glass breaking but did not see bottles thrown. He saw the police trying to push the crowd back. Mr Cust said that have might have missed this as he must have been walking behind Mr Woods (p.58).
- 13.648 Mr Cust’s statement said (9162) that they were at the Chinese take-away. They heard sirens from the own centre. They walked past Magowan Buildings. They saw a Land Rover or police car with the lights on and an ambulance. They stood for a while and then went to Mr McNally’s house. He did not recall the ambulance now (p.59). There was an ambulance there when they left (p.61). He said that his statement is “more or less true” and bits are “possibly true” (p.60).

13.649 He did not see the crowd trying to get past the police or the police in a line (p.61).

Andrew Hill

*Oral Evidence*

13.650 He was 15 at the time of incident (p.3).

13.651 He walked into the town centre (p.1) from his friend's house. He was with Simon McNally, Kyle Woods, Gareth Cust and Lisa Hobson. He left after 00.00. There was scuffling (pushing and shouting p.18). At the top of Woodhouse Street people were arguing and shouting. He was standing at the front of the Church, 100 metres from the scuffling. He was still with the people he came into town with (p.2). There was sectarian shouting. He did not recognise anybody (p.3). Scuffling was going on when he left. He did not get involved (p.4).

13.652 He did not see anybody kicking. He did not see other police vehicles or the ambulance arrive (p.3). He did not hear any sirens. He said that he had left before any other vehicles arrived (p.14).

13.653 He only stayed a few minutes before he left as he should not have been in the town centre at that time of night (p.3).

13.654 Per 6367: "On arrival at 01.50 I observed the police and the crowd having a confrontation.. returned to the town centre where the crowd was still disorderly. The police started to push the crowd back to the Church. I noticed the following people [Mr Hanvey], Andrew Hill who was wearing jeans, blue in colour and a navy bomber jacket." Mr Hill stated that he was wearing blue jeans and (light blue p20) denim jacket. He was not there when people were being pushed up the street (p.5).

13.655 Per 6332 Con Neill stated that he "assisted at the line trying to move the crowd back up West Street. [Saw Mr Robinson]. I also saw Hill in this crowd wearing a soft denim-type jacket and jeans. He appeared to be injured. The situation calmed down somewhat after this." Mr Hill denies this. He said that Con Neill must be mistaken and he definitely had not received injuries that night (p.6).

13.656 Per 6363: "Persons in the crowd were shouting and jeering towards the police and injured persons... also recognised the following persons among crowd: Timothy Jameson and Andrew Hill. Hill was wearing a navy jacket and blue denims." Mr Hill denied that. He said that he was not that far down (p.7).

13.657 Per 9131: "Gareth, Simon, Kyle and I left house to walk to the Chinese take-away. We met Lisa Hobson and Wayne Lunt...walked to McGowan



Buildings to the big Church. We all sat down on Summer Steps at the front of the Church.” Hill said that this is correct (p.8).

- 13.658 Per 8145: “Q8. Heard on Sunday from [somebody] there had been a fight. Heard from Angela Buckley that Andrew Hill had jumped on the head of one of the fellas.” Mr Hill stated that he did not give anyone reason to say that (p.8).
- 13.659 Per 9160: “McNally, Cust, Woods and Hill were listening to music in the shed at back of house. We did not go into the Chinese take-away but walked on towards the town. I think Hill got separated from us at footbridge in West Street. He stopped to talk to someone there. Cust, Woods and I walked along West Street, turned into Mandeville Street, then got on to Church Street. Then we walked down to the Church. I could see crowd of people in the town walking up to the Church. They were somewhere near the Alliance and Leicester branch where a police Land Rover was. We could see people near the Land Rover (p.9) and the Land Rover doors were open. We knew we should not be there so we walked into West Street heading back home. At Intersport we met Mum who had come to look for us. We looked back and saw Hill coming up towards us from the Church direction.”
- 13.660 Per 9133: “I was staying at McNally’s house. Hill and Cust were there as well. About 01.20 we left Simon’s house to go to the Chinese take-away at the top of Jervis Street. We didn’t get something at that time. Hill went over to talk to a boy and girl at the footbridge.” Mr Hill did not recall whom they were. He had met Messrs Lunt and Hobson earlier (p.10). It continues: “there was some commotion in the town centre so Cust, McNally and I walked down to the Church. We walked down West Street, then by the back of the Church, turned left and walked down to the centre of town but stopped when we reached the front of the Church... Hill met us as we walked out of town.” Mr Hill stated that all of these people are mistaken and he did not go further than the Church (p.11). He does not recall leaving the company of his friends (p.21).

### Jennifer O’Neill

#### *Statement*

- 13.661 Para.8: She stated that after getting off the bus people separate and go up different sides of the street to the top of town. She was walking up the left side of street with Ms Clayton as they were going to Boss Hoggs. She does not recall now Kyle Magee being with them per 9153.
- 13.662 Para.9: She did not recall if she saw people walking down Thomas Street.
- 13.663 Para.10: She and Ms Clayton stood in front of the gate of the Church for a while. She heard shouting from the town centre and turned to see its cause. She saw fighting start near the junction. They were too far away to see

anything specific. A small crowd of 10 gathered at the Church to watch the fight. She does not recall who was in crowd.

- 13.664 Para.12: A man she believed was Robert Hamill shouted “I’m a Fenian, this is my town”. It seemed like the crowd came from nowhere as they had been walking up town. She was unable to say if the crowd was made up of those from the Coach Inn.
- 13.665 Para.13: She believed she saw someone on the ground, but this is not in 9153. Maybe she was blurring what she saw and what she heard later.
- 13.666 Para.15: She stayed at the Church watching the fight for few minutes, maybe five. Her reaction was that she and Ms Clayton wanted to leave. When she saw the police ushering the crowd, they turned and walked away. She definitely did not walk towards the fight (per Kyle Magee).

#### *Oral Evidence*

- 13.667 She was 16 at time of the incident. She had drunk a little (p.11).
- 13.668 Per 81058: She did not recall what time the fight started and could not distinguish between what she saw and heard at scene and details she later picked up. She stated that a man she now knew to be Robert Hamill was standing in middle of the High Street and shouted something like “I’m a Fenian. This is my town” (p.3). She now still remembered a man shouting something along these lines but could not remember if Robert Hamill said them or whether it was said by other people there at the time (p.4). She concluded that the person may have been Robert Hamill as she assumed that he was a Catholic because she did not recognise him and he had not got off the bus (p.5). She assumed it was him as she gathered the fight started from that point and people congregated around him. She did not recall others she thought were Catholic involved in the fighting (p.6). She agreed that to say it was Robert Hamill because he was the only one she did not recognise is not a satisfactory basis for saying that it was Robert Hamill (p.31).
- 13.669 She did not know if she saw someone lying on ground (p.7).
- 13.670 She was with Kyle Magee from the bus. She only now remembered the fighting she saw when she was outside the Church (p.16). She was told Mr Magee saw fighting as they walked to the Church and said he saw fighting break out as they were near the top of town. She only remembered stopping to watch outside the Church. She did not recall meeting Noelle Moore as she walked home (p.18) although it is in 9153 (p.19).
- 13.671 She was with Ms Clayton almost all night (cf. Was not stood next to her all night p.22). She dis not recall seeing Ms Clayton wipe blood from Mr Bridgett’s nose (p.20). If she had seen that she would have remembered it. If the police had asked she would have told them about it (p.21).

Alan Neill

*Statement*

- 13.672 Para.27: After getting out of the Land Rover there were suddenly fights going on. Res Con Atkinson and he ran over to assist a Catholic man. A young man had punched a Catholic and Con Neill tried to take him to the Land Rover and asked his name.
- 13.673 Para.28: He heard a smack against the Land Rover and glass came over his head. He let go of a youth.
- 13.674 Para.29: He then became aware of someone on the ground. He went over and checked him (NB 23) He remembered seeing two males running at him. They were not fighting.
- 13.675 Para.31: He saw Mr Hobson kick at the back of Robert Hamill's head. He did not see the kick connect or Robert Hamill's body move. He had a largely uninterrupted view.

**P40**

*Oral Evidence*

- 13.676 When he got out of the Land Rover he saw scuffling. There was no punching (p.4). He did not see bodies on the ground (p.11). He only saw bodies when dealing with people at mouth of Woodhouse Street (p.12). He did not recall if the situation was alarming when he left the Land Rover (p.23). Disorder was spread across the road. There was no one place to go to quell disturbance (p.101).
- 13.677 He did not know if the injured persons were Protestant or Catholic (p.116).
- 13.678 He did not know what caused the situation (p.116).
- 13.679 Per 695: He heard shouting from Thomas Street and told Con Neill. A male opened Con Neill's and door pulled and shouted at him. He got out of the Land Rover and saw a of crowd 50 people. There were several fights taking place and several females screaming and shouting (p.63). A man came over and said "what the fuck are you going to do?". He physically stopped a male and moved him to Woodhouse Street. He then observed two males lying in middle of road adjacent to Thomas Street. He had not observed the two men until after a Nationalist altercation (DS Bradley). At some stage DS Bradley asked him if he wanted to change his statement (p.66).
- 13.680 He told DS Bradley that he heard shouting from Thomas Street (p.67) and something verbal that it was hard to make out. Per 9688 he stated that he had got out of Land Rover at this stage. Immediately after he saw two males lying on road. He agreed that it looks like he saw two males on leaving the

Land Rover but denied that was what happened (p.68). He had not seen the two men on the road before leaving the Land Rover (p.69).

Gordon Cooke

*Oral Evidence*

13.681 The crowd was spread across road near Instep when he arrived. Two injured persons were at Snapshot 1 (p.5). Per 6363 the injured persons had blood around their faces. He did not recall that now (p.55).

Brid Rodgers

*Oral Evidence*

13.682 Her understanding was that when the fight started there were two boys and two girls walking down Thomas Street (p.157).

William Jones

*Statement*

13.683 Para.3: He lived overlooking the junction of Thomas and Market Streets with Carol-Ann Jones (née Woods).

13.684 Para.4: Early in the morning of 27 April 1997 he was sitting watching television. The window was open as he was smoking. At approximately 02.00 he heard sectarian shouts from both sides of the divide. He saw three or four boys running down Thomas Street from the British Legion direction towards a group of people standing at the bottom Thomas Street.

13.685 Para.5: He could not remember what the men looked like and referred to 9111. He could not remember the fourth man.

13.686 Para.6: The three men were accompanied by three women but he could not give a description. The men were running down middle of street. He thought that the women were also running. They ran towards a group standing in the middle of the junction who were squaring up and shouting abuse at each other. He did not know where the group had come from and did not recognise any of them.

13.687 Para.7: The group running down Thomas Street looked like they wanted a fight. Man 1 in 9111 punched a man standing near the Eastwoods junction. He asked Ms Jones if the man who had been hit was her brother. He shouted at him to get by the front door. He saw another man standing in Thomas Street at the bottom of the junction but he did not know what happened to

him. He did not know if this person was hit or hitting. He could not describe the person.

- 13.688 Para.10: Once he had got David Woods inside and saw that he was OK, he went back to the window. He did not know what had happened when he was not at the window. From his first hearing shouting to getting David back into flat was no more than two or three minutes.
- 13.689 Para.11: On looking out of window he saw two men on the ground. He recognised them as descriptions 1 and 2 in 9111. There were two girls with them and they were kneeling over the men. The girls were shouting at the police and the crowd. He did not see the police with the injured person.
- 13.690 Para.13: The police had the situation under control in five minutes.
- 13.691 Para.14: He recognised from subsequent television coverage that Robert Hamill was one of the men running down Thomas Street.

#### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

Paragraph 13.180 is improperly worded in that it suggests that Colin Prunty was told directly by Timothy Jameson that a man in a blue shirt and tie, in his mid-thirties, with short ginger hair was trying to stop the fight. This should read that Prunty was informed by Inquiry interviewers that Jameson had said this. Additionally, the passage further suggests that the aforementioned male was being thrown out of the way by Marc Hobson. At no stage in his statement to police does Jameson identify Marc Hobson by his full name - Jameson simply refers to the person as being known to him as Marc or Muck (267). Moreover in his oral evidence Timothy Jameson indicated that the fight did not happen when he was present (p52).

Paragraph 13.349 is also inaccurate in that it suggests that she met Mr Hobson and Mr Hill by the Manella restaurant. In her oral evidence and her statement to police she clearly states that it was Lisa Hobson she encountered (p11.24 and 09129).

#### **Submissions by O'Connor Moriarty Solicitors (D,E,F and Colin Prunty)**

Additional materials on behalf of D, E, F and Colin Prunty

Constable Neill

Statement

13.692 Para. 26: The man who pulled him out of the land rover was wearing a blue shirt, had short hair and was of stubby build.

Oral Evidence

13.693 Constable Neill considered the possibility that Stacey Bridgett and Dean Forbes approached the land rover to deliberately distract them (p. 39).

R/C Silcock

Statement

13.694 Para. 3: He stated that they were on the Gilford Road. They responded immediately. It took two or three minutes to get to the town centre. He drove into town via Bridge Street and then into Market Street. He marked "X70" on the map (73916) of the town centre to portray position of vehicle

Constable Cooke

Statement

13.695 Para. 4: He headed off to the town centre and drove up Edward Street past the police station and turned left onto Market Street. He does not remember where he parked his vehicle but thought it was on the near side of High Street between the junctions with Thomas Street and Edward Street. He marked a spot "X" on map (72838) and call sign "JD81" to indicate the position.

13.696 Para. 6: He stated that at least one other police car had arrived before them. He marked a spot on the attached map "BU" to indicate where the back up vehicle was positioned.

Oral Evidence

13.697 He thought he was in the second vehicle, the armoured Ford Sierra. It was an unmarked vehicle (p.2).

13.698 See snapshot 2; location of parked car. He parked behind another police vehicle already at the scene (p.6).

Constable Orr

Statement

13.699 Para. 6: He parked car in the area of the central reservation at the junction of Woodhouse Street, Market Street, Thomas Street and High Street. He marked a map (73897) of the town centre with arrows to show the route he took into the town centre and "D70" to mark the point where he stopped the vehicle. This was an approximation as he cannot remember very clearly.

Oral Evidence

13.700 Parked car towards Alliance & Leicester (p.7)

Alan McCrum

Oral Evidence

13.701 Stated that Catholics would have recognised that there was a level of risk in making the walk from St. Patrick's hall across Market Street and down into Woodhouse Street. By making the walk they were not being intentionally provocative. In so far as there were fights or attacks this would have been by Protestants on those Catholics who were taking the risk by making this walk (p.7)

William McCreesh

Statement

13.702 Para. 8: In his experience the centre of Portadown would have been regarded by Loyalists as their territory and no place for Catholics/Nationalists to be.

William McBurney

Statement

13.703 Para. 17: He was unhappy about keeping a policy book because the nature of the intelligence coming in meant he was worried about leaks.

Dean Forbes

Oral Evidence

13.704 He described the man who pulled out the driver of the land rover as wearing a blue shirt and tie and 5' 10" in height (p. 36).

Maurice Hewitt

Statement

13.705 Para. 2: Hewitt said that P42 told him "a day or so after the incident" that he had witnessed part of the incident.

13.706 Para. 3: P42 told Hewitt that he was very fearful for his safety and that he would suffer retribution from paramilitary organisations.

13.707 Para. 3: Hewitt said he was also fearful for him (ie. P42) and said that he would speak to someone who he believes was the collator in Portadown.

13.708 Para. 4: Hewitt passed on the information verbally and said that he (ie. P42) would only make an anonymous statement. Later Hewitt was visited by DC McCrumlish. Hewitt said that that he (ie. P42) would not be willing to make a statement. Hewitt said that P42 “then made an anonymous statement” which his daughter typed up for him. This was put in an envelope and given to Hewitt.

P41

Statement

13.709 Para. 2: P41 said her relationship with P42 started on the 14th April 1997, less than two weeks before the attack on Robert Hamill.

13.710 Para. 6: P41 stated that P42 did not go out to pubs or bars in Portadown or Banbridge because he did not drink or go out socially. She did not know what he did on a Saturday night before they started going out but when they got together they spent the evenings either at her house or his.

13.711 Para. 8: P41 was told by P42 that he had witnessed a fight when he came round for lunch with her mother and father on Sunday 27th April 1997. She thinks he mentioned it around the dinner table. Her father had seen the story of the attack on Robert Hamill on the news and made the connection with what P42 had witnessed.

13.712 Para. 9: P41 said her father said it would be a good idea to tell the Police about it. She said P42 stated he would do so as long as he could remain anonymous. She said her father suggested he could make an anonymous statement and he would contact someone in the RUC to see if this was possible. P41 also said that her father may have spoken to P42 when she was not present.

13.713 Para. 11: P41 stated that P42 wished to remain anonymous as he did not want any harm to come to himself, P41 or her family if it became known that he had given information to the police.

13.714 Para. 12: P41 stated P42 dictated the anonymous letter to her in her bedroom. She typed what he said on a typewriter. No one else was present. She cannot remember whether P42 dictated the letter before or after her father confirmed with the Police that P42 could remain anonymous. After she typed it P42 checked it and was happy that everything had been covered. He put it in an envelope and he gave it to her father. Her father had no input into the contents of the letter and she did not see him looking at the letter at any time.

13.715 Para. 13: P41 does not know where the letter was in the interim ie. between when it was given to her father and being logged as received by the police on 29th May 1997.



13.716 Para. 17: P41 indicated that sometime prior to their marriage P41 was interviewed at Portadown Police station. The interview lasted about 2 hours. When she picked him up afterwards he was very shaken up. His hands were shaking and his face was red.

13.717 Para. 19: P41 stated the Police contacted P42 on the 8th October 2002 but he did not speak to them until the 27th November 2002 because he had been electrocuted at work.

P42

#### Statement

13.718 Para. 2: P42 has no memory whatsoever of the events surrounding the Robert Hamill case as he suffers from a poor memory following an injury sustained whilst at work. He is reliant now on his wife and father-in-law for their assistance as to what happened.

13.719 Para. 3: P42 put everything that he saw into his letter. It was written anonymously as he was fearful for his safety if it became known that he was giving evidence to the police.

13.720 Para. 5: When P42 saw additional police cars arrive at the scene he began to think that the incident was more serious than the usual Saturday night trouble.

#### Oral Evidence

13.721 P42 said that his memory of events in 1997 was very bad (p.3).

13.722 P42 said that his now father-in-law told him it would be better to let the Police know anonymously what had taken place. His letter was written the next day (p.6).

13.723 When asked if there was any reason why he went out of his way to say the Police had not sided with either side he answered "Either side of, you know, the crowd, everybody was coming from all over the place. It was just basically they were, I could think, scattered round it, break up all over". He did not have any reason to think that the Police might be criticised (p.7).

13.724 P42 was unable to give a description of what anyone was wearing (p.8).

13.725 P42 indicated where the two Police cars were on photograph v3 (p.11).

13.726 P42 did not see anybody on the ground (p.12).

13.727 P42 was not able to say how long he was watching this incident (p.13)

E

#### Oral Evidence

13.728 E's group did not get to cross the road. D and Robert were suddenly attacked and the next thing that E can remember is seeing both of them on the ground (p.7).

13.729 No one in E's group, comprising of Robert, D, E and F, touched anyone that night (p.20).

13.730 E is not covering up to protect Robert's memory. She is telling the truth that no one in her group assaulted anyone and that her group consisted of Robert, D, E and F (p.20).

13.731 No one in E's group shouted anything. If you were walking past Jameson's bar then you would do so as quickly and quietly as possible as it is a well known Loyalist bar (p.22).

F

#### Statement

13.732 Para. 16: F did not see the assault that David Woods described. D and Robert Hamill were not involved in any confrontation in Thomas Street.

13.733 Para. 18: F recalls that the crowd came from nowhere down Thomas Street. The crowd was shouting and they attacked Robert, knocking him to the ground. The crowd were kicking at his back and shouting "Die, you fenian bastard".

#### Oral Evidence

13.734 F said they decided to walk because E had to get home to allow her babysitter to leave (p.59).

13.735 They had had a good night and were happy. She and E were discussing what they were going to make for Robert to eat when they got home (p.63).

13.736 A crowd comprising of between 30 and 40 people came from nowhere (p.65).

Maureen McCoy

#### Statement

13.737 Para 16: She could see that someone was being attacked but it was like a “swarm of bees” so that she could not see the victim.

13.738 Para 21: She said it had been a frenzied attack.

13.739 Para 34: She did not see Robert or D involved in any fighting that night nor did she recall anyone else from St. Patrick’s hall involved in any fighting.

13.740 Para 35: She does not recall Colin shouting at anyone that night and once the fight started she assumed that Colin was helping Robert Hamill and D.

#### Oral Evidence

13.741 She saw a crowd on the corner of the bakery (p.14). They were looking around the corner up Thomas Street. She felt wary that they were hiding around this corner (p.15).

13.742 She saw someone being beaten on the road very badly. He was being hit with feet and fists (p.22). The attack probably lasted 2-3 minutes (p.23).

13.743 She was very upset. It was frightening and distressing to witness the incident (p. 35).

13.744 She did not recall anyone shouting “Do you want a fight?” and did not believe that they would have walked much further had that been said (p. 40). Fights were to be avoided “at all costs”. She had no recollection of any provocation from either side (p. 41). Neither she nor Colin Prunty had a bottle and she had no recollection of D, E or F having one (p. 42).

13.745 She had no recollection of any of her group making any noise by the British Legion area and denied that anyone was running. She remembered walking with Colin down towards the end of Thomas Street (p. 45). She further denied any of her group banging the shutters at Jameson’s or shouting sectarian chants (p. 48).

13.746 She stated that the account given by David Woods did not fit at all with her recollection. She reported that Colin Prunty and she were walking ahead of the crowd when the fighting broke out and she did not recall anyone coming up Thomas Street (p. 54).

13.747 She would not cover up for Mr. Hamill had he run down the road, punched Mr. Woods in the face, and started a fight (p. 55). She denied that Mr. Hamill or one of his group could have assaulted someone and she not be aware of it (p. 63). So far as she could recall, she did not hear anyone saying “It is a free country and I will walk where the fuck I like” (p. 72).

#### Colin Prunty

## Statement

13.748 Para 5: He was wearing black trousers, a blue shirt, a leather jacket and tie.

13.749 Para 11: He has no memory of F telling Maureen “Don’t go down there Maureen as there is a crowd down there”.

13.750 Para 18: He went into the crowd to help Robert who was still being kicked. He was not going in to fight but to try to break up the fight.

## Oral Evidence

13.751 He said that Jameson’s bar is situated in a Protestant area and Catholics would not shout slogans in that area (p.158).

13.752 The attack had been going on for too long before the Police got out to help (p.125).

13.753 A crowd of about 20-30 people came from the right hand side whilst the Robert Hamill group were by the bakery (p.91)

## David Woods

### Statement

13.754 Para. 3: He drank by himself outside the snooker club.

13.755 Para. 5: He cannot remember who was at the Coach Inn. He was not with any group nor did he socialise with any of the other boys. By the time he got the bus back to Portadown he was very drunk.

13.756 Para. 6: He did not see the police Land Rover. He was very drunk and could barely see two feet in front of him.

13.757 Para. 7: He cannot remember what the female members of the Thomas Street group looked like but they were also drunk.

### Oral Evidence

13.758 He cannot remember who hit him on Thomas Street, what his assailant was wearing nor what size he was (p. 7).

13.759 He remembers getting a smack on the mouth (p. 7).

13.760 He cannot remember if he saw Rory Robinson (p. 16).

13.761 He cannot remember hearing any specific shouting, only a general racket (p.17).

13.762 He does not know why he stopped and waited for the group coming down Thomas Street to pass him (p. 19).

13.763 He cannot remember socialising with Andrew Allen, Marc Hobson, Rory Robinson, Allister Hanvey or Dean Forbes (p. 31).

13.764 One of his eyes was puffed up as a result of the blow (p. 38).

William Jones

Statement

13.765 Para. 8: He stated that David Woods was very drunk. He did not see any bruising or blood on him.

Carol Ann Woods

Statement

13.766 Para. 12: She saw a mark on David's face but she cannot recall the type of mark nor where it was.

13.767 Para. 18: She did not discuss with her brother what had happened the next time she saw him. She did not see him all the time and she did not want to row with him. She could not recall discussing the matter with her parents either.

13.768 Para. 19: The incident was a big topic at the time in Portadown because Robert Hamill died on the 8th May 1997. She probably talked to her friends about the incident. She did not know whether they were aware that she had been a witness and her brother had been hit

13.769 Para. 20: She vaguely recalled the incident being on the news. She probably realised at the time that the man she saw lying was Robert Hamill.

13.770 Para. 21: She stated that she didn't really know whether she would have approached the police after seeing coverage on the television about the incident in which her brother had been attacked. She thought probably not. She did not like to involve herself with things that did not concern her.

### **Submissions by the Police Service of Northern Ireland**

See section 15 below.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Please see below at paragraph 14.

## **Comment**

- 14 This is one of the more controversial aspects of the Inquiry, and can be considered at a number of levels. At the lowest level it may be important at least to consider whether the attack which inflicted the fatal injuries on Robert Hamill was over quickly. It may also be necessary to decide whether the lead-up to the violence was prolonged and noisy. It is probably necessary to decide whether Mr Hanvey attacked Robert Hamill and whether Res Con Atkinson saw him doing that. For the purposes of the parts of the terms of reference that deal with the investigation it may be important to consider who saw the persons who were responsible for the fatal injuries attacking Robert Hamill. Many of those issues are inextricably linked with the questions, does the Panel believe that Tracey Clarke's witness statement was true, and does it believe Robert Atkinson's account of what he saw and did on the fatal night? The following tentative submissions may assist on the instant question of what happened between Robert Hamill and those who attacked him:

### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

See sections 15, 17 and 18 below.

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We say that the combination of the medical evidence, Maureen McCoy and in particular E's evidence at the Hobson trial (p827) shows that the attack on Robert Hamill was over very quickly, probably in seconds.

The evidence tends to suggest that whatever the precise nature of any interchange between the two groups, that it lasted seconds rather than minutes, and could not be described as "prolonged"-see evidence of William Jones and P42 outlined above.

In respect of the noise generated, it seems clear that there must have been shouting from both sides, but due to the nature of the confinement in the Land Rover, the only occupant to have heard shouting (whatever the nature of it was) was P40. The evidence of Bridgett and Forbes is also relevant to this issue.

Its seems very likely that Hanvey was involved in the attack on Robert Hamill, and that Atkinson saw this.

### **Submissions by Gus Campbell Solicitors (Marc Hobson)**

There are apparently out of the many witnesses in Portadown town centre that night and called by the Inquiry only three who both see the attack on Robert Hamill and are able to identify those persons involved in the attack - namely - Tracey Clarke, Timothy Jameson and Constable Neill. Tracey Clarke's evidence is nowhere referred to in this section. Timothy Jameson in his oral evidence states that he was not present when any fighting took place.

Constable Neill's evidence is seriously undermined by the massive doubt as to whether he, like the rest of the Land Rover crew, was even out of the Land Rover, in time to see any attack on Hamill, if such an attack was over quickly and had occurred as the evidence tends to suggest before any police officer was even on the ground.

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

We would respectfully submit the preponderance of the evidence suggests that the attack on Robert Hamill was over quickly and that he was not the subject of a prolonged battering. We refer to the medical evidence, which commented upon in Section 1 It is a matter for the Inquiry time as to their consideration of the various accounts as to the duration of the attack.

The lead up the violence from Robert Atkinson's point of view has been dealt with above.

Allegations, which are denied, that Res Con Atkison observed Allister Hanvey attack Robert Hamill are dealt with in Sections 8 and 9. It should also be noted that a number of police officers are known to have seen Allister Hanvey at the scene and none of them have made any suggestion that he was involved in any attack on Robert Hamill.

With regards to identifying those responsible for the attack our submissions can be found in sections 8 and 9.

Insofar as this comment is concerned with Tracey Clarke's witness statement and the truth of same, the panel is referred to submisisions in section 8 and 9. Relevant considerations for deliberations on the credibility of Robert Atkinson's account are dealt with in section 9.

### **Submissions by the Police Service of Northern Ireland**

See sections 15-18 below.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

We respectfully adopt this approach and agree with the comments at 15 to 17 inclusive subject to the caveat that the panel may not find there to be strong evidence to support the contention that any substantial time was spent between the groups upon a noisy exchange before physical violence took place. As against the matters in paragraph 15, we set the evidence that the onslaught was sudden ("a swarm of bees"). We submit that the truth may lie between: that there was considerable rowdiness by those coming down Thomas Street, that there was no crowd of Loyalists at the corner, albeit many people were coming up to the area at the time from the bottom of the town and there may well have been a number to the left (Eastwood's) side scattered across Market Street. There may have been some exchanges but it seems unlikely that the "Hamill group", however they were spaced out, would have continued on their way. There must surely have been very many

patrons of St Patrick's still in the general area, although it is clear that no Catholic witnesses from the function have given information to the police other than those called at the Inquiry - see evidence of Andrew Byrne and P132, P133. Query how many were present or involved? Mr Vincent McNeice in cross examination at the Inquiry was sure that there were around 15. Some may have come from Woodhouse Street (McKeever's Bar). The Land Rover crew say that there were several fights breaking out and Mr Morrow (ambulance), by the time that he arrived, was aware of rival groups shouting sectarian abuse at each other. Bearing in mind the format of these submissions, we note that there are numerous discrepancies among the witnesses. We have prepared a detailed break down of the same and are happy to furnish same separately (please do not hesitate to request same). We comment that there were no injuries to Messrs Prunty, Hull or McNeice and it would seem consistent with the view that the attack was over quickly and that, although both "religions" abused each other as a regular event, something specific and personal to Mr Hamill and D occurred which caused the sudden and tragic consequences. We submit further that the analysis of the R v. Hobson trial by Gordon Kerr QC at 37754 is accurate and of much help.

- 15 The account of P42 receives support from a number of sources, and it therefore gives support to the contention that the group which included Robert Hamill spent some time having a noisy exchange in Thomas Street with Protestant youths at the junction. The phrase "They were peeking round the corner then leaning back again" in Maureen McCoy's account is consistent with the build-up that P42 described.

#### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

We respectfully disagree with this interpretation of the evidence. Maureen McCoy did indeed describe a group of 10 to 15 males standing outside the bakery "peeking round the corner, then leaning back again". This was clearly a group of Protestant men, and she was close to Robert Hamill, and at this time 80 yards distant from the Protestant group, so not within "bantering" distance [please see 13.241 above]. In our submission, there is no evidence that Robert Hamill "spent some time having a noisy exchange in Thomas Street with Protestant youths at the junction".

P42 was awoken by shouting below his flat [13.94], which was the top floor flat over Jameson's Bar in Thomas Street, and testified that the initial stand-off took place in Thomas Street at the junction [13.102]. John Johnson also had a top floor flat above Jameson's Bar [13.611], and was also woken by shouting in Thomas Street [13.613]. He saw a general melee [13.613], and he saw D being kicked on the ground and watched the scene long enough to see D recover consciousness and get to his feet [13.614]. Neither witness saw anyone answering to Robert Hamill's description, and neither man saw the events described by John Johnson or David Woods referred to below. It is not clear to us why the Inquiry team is placing so much reliance on P42's evidence.



Apart from Robert Hamill and D, at least three other men were injured on the night of the attack. Colin Hull was punched by an unknown person [12.24, 13.18, 13.36] and attacked a second time near D's location [13.22, 13.38]. He went to the hospital in the same ambulance as Robert Hamill [13.44].

Stacey Bridgett had a bloody nose. He said he was punch by a small, stocky man at the back of the landrover [13.522]. However, his blood was found on Robert Hamill [12.37]. Stacey Bridgett is one of those suspected of participation in the attack on Robert Hamill.

David Woods had a swollen eye [13.610]. In his oral evidence he said that one of a group of five Catholics had shouted "Orange bastard" at him [13.607] and then one of the Catholics ran back and punched him in the eye [13.601]. He described the one who abused him as a big fellow wearing a blue shirt, and the one who hit him as having short dark hair and wearing a leather jacket [13.608]. David Woods was twice questioned by the police. On the first occason he was arrested and interviewed. He said that he was attacked by one of two men, one of whom had a blue shirt and tie and the other had a black leather coat [12.20]. When he was re-interviewed by the police, he said he was struck on the left cheek by a man wearing a dark leather jacket [12.21]. Although the two accounts he gave to the police are reasonably consistent, his account of the incident had inflated by the time he he gave oral evidence. Furthermore, it changed to match more closely the statement given by his sister's boyfreind. David Woods was in fact arrested by the RUC on 15<sup>th</sup> May 1997 [module 12, paragraph 47.5], so there must have been some doubt about his account, but he was released without charge.

That boyfriend was William Jones. In the words of the Inquiry Team "William Jones and Carol Ann Woods were interviewed and made statements. Mr Jones was in his flat (with his girlfriend Carol Ann Woods) overlooking Thomas Street and looked out to see three or four men and three women running down Thomas Street towards Market Street. One man was about 24 to 26, 5'10", medium build with dark short hair. He was wearing a black waist-length leather jacket and black trousers which may have been denim. A second man was about 26 to 28, 5'8", light build with dirty fair short hair, wearing a patterned grey jumper and light jeans. The third man was 28 to 32 years old, 5'10" in height, stocky, blond fair hair shaved at the side and back and brushed back on top with a full face. He was wearing a pale blue shirt, dark tie, black trousers and black shoes. William Jones says he saw the first man run to Market Street and hit out with his right arm. He appeared to hit the face of a person standing at the junction. He realised that the man who had been hit was David Woods, the brother of his girlfriend Carol Ann Woods." [12.25].

Staff who worked at Jamesons Bar in Thomas Street, near which David Woods says he was attacked, offered partial corroboration of David Woods' account. Julie Sherwood said she heard some shouting [13.166] and assumed that a fight was taking place [13.167], but did not actually see a fight [13.170]. Derek Lytle said that someone rattled the shutters at Jamesons Bar while they were closing up [13.149] and that he heard

sectarian shouting and swearing [13.149]. In his statement he said that he had looked at Thomas Street on the security monitor and saw a woman and three or four men running down Thomas Street [13.140]. He did not report seeing a fight at that stage. Beverley Irwin heard one person shout "Fuckiing Orange bastards" just outside the Bar door. She counted four or five people, a couple of woman and two or three men, passing. They were walking, not running, in middle of road. They were definitely not on the footpath. She was aware of the violence going on at the junction. She could not say if the people shouting were the same as those involved in the confrontation [13.211]. In his statement, Stephen Thornbury said he heard the shutters being banged [13.224] and said that this happened virtually weekly and was usually accompanied by abuse along the lines of "you Orange bastard" [13.225]. He did not see fighting in Thomas Street [13.226] but he saw something of the main fracas at the junction.

Thus, apart from the evidence of David Wood and William Jones, and Fonzy Allen [please see below], there is no evidence that a fight in Thomas Street led to the main incident, nor any evidence that Robert Hamill was involved in an altercation.

Further doubt is shed on David Woods' and William Jones's evidence by D, E and F, who were with Robert Hamill as he walked down Thomas Street. D said that the person described by William Jones as being "5'10", medium build, dark short hair" could not have been not Robert Hamill as he was taller than 5'10". Neither of he nor Robert Hamill were of "medium build [with] dark short hair" [13.1]. D also said that Robert Hamill had light hair [13.120]. E described Robert Hamill D as wearing a checked shirt and jeans. He was not wearing a black leather jacket. Robert Hamill was wearing jeans, a shirt and a black leather jacket [13.63]. F said that D was wearing a navy and white striped top. D was not wearing a leather jacket. When a 2006 Inquiry interview put it to her, she was not sure if D had a leather jacket on. Robert Hamill was wearing a black three quarter length jacket . No-one in the group wore a blue shirt and tie [13.85].

Colin Prunty corroborates the evidence of D, E and F. He had been at St Patrick's Hall with Maureen McCoy. He saw Robert Hamill and D abot 30 to 40 metres ahead of him on Thomas Street and said he saw the two men "getting jumped in the middle of Main Street [sic: the main street?]." [12.9]. He says he heard a lot of people shouting, "get the Fenian bastards", and looked up to see a crowd of about 30 people coming from the left on the main street. They were running and the front ones caught Robert Hamill and dragged him to the ground. 15–20 people were kicking him violently and shouting "kill the Fenian bastard". [12.13] Maureen McCoy said that a group of 10 to 15 man standing outside the Home Bakery began to shout "Fenian bastards" for no reason [12.16].

It seems to us that David Woods' evidence is inherently unreliable, not least of all because he embellished it by the time he gave oral evidence. We think it very likely that patrons leaving St Patrick's Hall may have been in the habit of rattling the shutters at Jamesons Bar and shouting abuse, once the Bar was

safely closed, but to hurl such abuse directly at an unknown man in Thomas Street so close to the centre of Portadown, which was known to be a loyalist stronghold, and where many loyalists would be gathered at chucking-out time, would have been close to suicidal. Even if this incident did take place, there is no evidence that Robert Hamill was involved.

We note that Carol Ann Woods/Jones evidence, as summarised by the Inquiry Team, does not back up William Jones's evidence: "She did not recall the events of the night but relied on her statements (p.68). Her statements are true (p.82). 9116 stated that at approximately 02.00 she heard shouting and she and her boyfriend ran to the window. She saw five people, two women and three men in their thirties, standing in Thomas Street by Eastwoods. A group of seven, mostly males, were standing in Market Street opposite Thomas Street. There was no shouting and she had the impression that they were friends (p.68). Her boyfriend (Mr Jones) pointed out her brother (David Woods) standing by her door. He[r] boyfriend said that someone had hit David." [13.596]

The only evidence supporting David Woods' claim to have been hit is mainly second-hand and unsubstantiated. There was a party later that evening, and some of the party-goers reported talk about the attack. Stephen Sinnamon says that someone said that "one of the boys" hit Davy Woods and then the fight started [12.15, 13.463]. Pauline Rogers said that she had heard that David Woods had been hit and fight escalated from there, but she thought this was a rumour [13.346].

Andrew Allen said that he was with Rory Robinson and David Woods. He said that a crowd of boys and girls came down Thomas Street. One of the boys hit David Woods in the face, another started fighting with Rory Robinson. Another boy came at Andrew Allen. He said he ran up Thomas Street and another boy was standing there and swung punches at him. Three or four boys from the bus ran down the street and knocked down the boy that was swinging at Andrew Allen. [12.19] David Woods, however, denied seeing Andrew Allen or Rory Robinson and said that he was on his own [12.21]. Andrew Allen did not describe the person he says hit David Woods. Timothy Jameson named Andrew "Fonzy" Allen as one of the people who assaulted Robert Hamill.

The evidence that Robert Hamill acted provocatively or started the fight is similarly weak. Jennifer Neill said that a man she now knew to be Robert Hamill was standing in the middle of the High Street and shouted something like "I'm a Fenian. This is my town." [13.668] This sounds inherently unlikely. Catholics do not usually refer to themselves as "Fenians", which is a derogatory term usually adopted by loyalists to abuse Catholics. Also, in 1997 in the run-up to Drumcree, a Catholic would have been highly unlikely to assert that Portadown, a loyalist stronghold, was a Catholic town.

There is also what appears to be some sort of intelligence, summarised by the Inquiry Team as follows: "A form of information received from a source noted that a woman who named herself Pauline saw Robert Hamill, a second

male and two females walking from Thomas Street. As they crossed Main Street, Robert Hamill went over to a Protestant crowd of about 30 and called Rory Robinson a "black bastard" and hit him. Rory Robinson retaliated, the others joined in and Robert Hamill and the second male were beaten (50182)." [12.18]

The Inquiry may think that it is possible that David Woods came by his injury in some other way, and that there was a degree of collaboration between himself and William Jones, but we note that the Inquiry Team do not intend to put either witness on notice of any criticism or adverse inference. Be that as it may, we do not believe that the evidential basis exists for the Inquiry to conclude that "the group which included Robert Hamill spent some time having a noisy exchange in Thomas Street with Protestant youths at the junction"

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

Again, it would appear that whatever was the lead up to the violence, it was of short duration.

One of the main reasons for the setting up of this Inquiry was the initial reaction of the Press, public and Hamill family to the allegation that Robert Hamill was the innocent victim of an unprovoked sectarian attack by Protestants simply because he was a Catholic, and more importantly that the Land Rover Crew sat and watched this happen without intervening. The reaction in particular of the Hamill family was a mixture of grief, anger and a desire to get the truth.

It is clear that those allegations were a product of lies peddled in particular by Hull and McNeice. It is clear from the accounts given by P42, William Jones and other independent witnesses that the version given by the Catholics coming down Thomas Street concerning the lead up to the actual violence inflicted on Robert Hamill, is and was untrue.

It is not without significance that there has been a family fallout between some members of the Hamill family and D's family who were present on Thomas Street that night. The evidence of P132 at p108 was,

"9 Q. Well, tell us this: why do you not get on with the  
10 Hamills?

11 A. Pardon?

12 Q. Why do you not get on with Martin Hamill?

13 A. Because he tortured my sisters.

14 Q. What do you mean he tortured your sisters?

15 A. Well, he accused them of not doing enough.

16 Q. Not doing enough in what respect?

17 A. The night of -- they should have been killed, more or

18 less, than Robert.

19 Q. They should have been?

20 A. Saying Robert was killed, that they didn't do enough to

21 protect him.

22 Q. Did you say, "They should have been killed more than  
23 Robert"?

24 A. No, it was a slip of the tongue."

Whilst it is correct to say that simply because a person lies about one issue, it does mean to say that they are necessarily lying about another issue, their lies go to the core of the nights events and therefore any of their evidence which suggests police inactivity, cannot be relied on.

It is not without significance that, quite properly, having heard the evidence and observed the witnesses, no legal representative for any party in this Inquiry, has suggested to any of the police officers that they sat and watched Robert Hamill being attacked, without acting.

It is extremely regrettable that the Hamill family's grief was compounded by these false allegations.

In respect of the phrase "they were peeking round the corner then leaning back again", this does seem a reasonable possibility. The question arises- could this have been in response to shouting and or banging at Jameson's Bar?

#### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

This is a matter for the Panel. It is clear, from the submissions above that Reserve Constable Atkinson was not aware of the build up mentioned in this section.

#### **Submissions by O'Connor Moriarty Solicitors (D,E,F and Colin Prunty)**

We do not accept that P42's account enjoys even limited support from any other source. There are a number of accounts, including P42's, which in general allege that Robert Hamill, or those in his company, initiated the fight which lead to his death. These accounts are diametrically opposed to those given from within, what we loosely refer to as, the "Robert Hamill group". Within the various accounts which allege that the fight was started by the Robert Hamill group there are marked differences which we respectfully suggest are irreconcilable. We now propose to consider the various accounts.

P42's account that there was a slow build up to the attack on Robert Hamill is unique. The account given by E and F is that, as they reached the junction of Thomas Street and High Street, there was a sudden attack on their group. E stated that the attack happened in a spilt second and nothing untoward preceded it. This version is also corroborated by Maureen McCoy who described people surging forward forcing them to move onto the road. The suddenness and ferocity of the attack is consistent with an ambush which surely was the intention of the persons Maureen McCoy noted outside the bakery peeking around the corner and then leaning back again.

There are several other discrepancies in P42's letter compared to other versions which have been received. P42 alleges that a male in the group walking towards the town centre shouted an offer of a fight to the bakery crowd a number of times. Whereas the "Jones/Woods" account alleges there were verbal provocations of a sectarian nature. In particular Woods does not allege that there was an invitation to fight. Maureen McCoy had no recollection of this being shouted and indicated that she did not believe that they would have walked any further had that been said.

P42 alleges the male who was shouting the provocation walked out into the middle of the road, placed a bottle on the ground, raised his hands into the air, waved them and repeatedly said "Come on then". He also noted that the ladies who were with the two men pleaded that they stop and walk home. Again this is totally different to the "Jones/Woods" account which alleges that a male ran down the street and struck Woods with a single blow. Woods alleges that the assailant was a different male to the one who had shouted the sectarian abuse. Neither Jones nor Woods make any reference to the attempts by the ladies to diffuse the situation. Further F had no recollection of either D or Robert Hamill having a bottle. Maureen McCoy stated that neither she nor Colin Prunty had a bottle and she had no recollection of D, E or F having one.

Whilst P42's account of the first blow being thrown by the bakery crowd is consistent with the version put forward by the Robert Hamill group, in that the bakery crowd were the initial aggressors, his subsequent description does not match the frenzied attack by the "swarm of bees" described by Maureen McCoy.

P42's allegation that the recipient of this blow then punched the man facing him and gave chase to the initial assailant is again unique. The accounts given by E, F, Maureen McCoy and Colin Prunty were that Robert Hamill was felled almost immediately after the attack began.

P42's description of the crowd being small does not tally with other accounts. Colin Prunty mentioned 20-30 people, F 30-40 people and E said the attack was carried out by a crowd of 20-30 persons.

P42's account refers to two police cars pulling into the town, one marked, the other an unmarked sierra. In his Inquiry statement he indicated that when he saw additional police cars turn up he believed the incident to be more serious than usual. We know from the HOLMES action record print dated the 12th June 1997 the order the police cars arrived at the scene and where they were parked. The first vehicle was a livery Mondeo which P42 in his statement referred to as "the marked car". The second vehicle to arrive was an armoured Ford Sierra referred to by P42 as an "unmarked Sierra". It is believed that R/C Silcock was the driver of the Mondeo. He marked on a map (73916) where he parked his vehicle which was on High Street between the junctions of Thomas Street and Edward Street.

The armoured Ford Sierra was driven by Constable Cooke. Again he marked on a map (72838) where he parked his vehicle. This was also on High Street between the junctions of Thomas Street and Edward Street. He believed that at least one other police car had arrived before him and he parked behind the police car already at the scene. If the positions on the respective maps are accurate then neither vehicle would have been visible to P42 from his flat in Thomas Street (see photographs 74567 and 74568 which portray the view from his flat).

In fairness to Constable Cooke, when he was making his Inquiry Statement he expressed some reservation about his recollection of where he parked his car. However when giving his oral evidence he marked, on snapshot 2, the position of his parked car. This was to the right of the traffic lights pole at the corner of High Street/Thomas Street which is not visible in the photographs portraying P42's view from his flat. Contrast this with where P42 marked the positions of the police vehicles on snapshot 3 during his oral evidence. Firstly they were further forward into the mouth of the junction with Thomas Street and secondly they were along side each other. Even allowing a wide margin of error on the part of Silcock and Cooke regarding the parked positions of their respective vehicles, if they are parked one behind the other, at best P42 might have a view of one vehicle or a portion of one vehicle from his flat.

Also is it not significant that P42 makes no reference to the third police car which arrived at the scene? This vehicle was driven by Constable Orr along Edward Street into High Street, past the junction with Thomas Street, turned right as it approached the church, drove back down the town and parked at the junction of Woodhouse Street/Market Street in the vicinity of the Alliance & Leicester. If P42 was a witness to this incident, as he alleges, this is the one police vehicle he certainly would have had a view of but he makes no reference to this vehicle or the route it took in his anonymous letter.

Further, during his Inquiry interview, P42 indicated that he observed two police vehicles travelling along High Street towards the Church on the Woodhouse Street side ie. travelling on the wrong side on the road. Whilst this would be at variance with his oral evidence regarding the positions of the police vehicles, it is also totally inconsistent with the evidence of the police officers.

Although his anonymous letter is correct regarding a marked car and an unmarked Sierra responding to the request for assistance, it does not seem possible that P42 witnessed this from his flat. In these circumstances the only reasonable inference to be drawn is that he received this information from another source.

The letter does not bear a date which, in itself, is unusual. During P42's Inquiry Interview he was asked when the letter was written. P41, who was present with him, stated that it was on "the same day" and P42 stated that he "can't even remember". Yet his evidence to the Inquiry was that "it was written the next day". In her own Inquiry Statement, P41, was unable to

remember whether P42 dictated the letter before or after her father confirmed with the police that P42 could remain anonymous. DC McCrumlish's note of his visit to Mr. Hewitt of the 5th June 1997 (at 03600) records that "Mr. Hewitt undertook to have witness outline his version of the assault on paper and would hand it to the police when ready". This implies that the account was yet to be written. Would this not explain why P42's anonymous letter commences with the words "on the date of the fight" rather than "last night" and indeed his anonymous account ends with the sentence

"To my knowledge this is as much as I can remember about the night on which the fight took place".

By early May it would have been public knowledge that a formal complaint had been made regarding the alleged inactivity of the land rover crew. Surely the public criticism which was being voiced following the formal complaint would have caused significant resentment amongst both serving and former police officers particularly if the pervasive mood within the RUC in Portadown at that time was that Robert Hamill had been the author of his own misfortune.

We know that Maurice Hewitt was medically discharged from the RUC in July 1995 and during his career he had served in Portadown for 17 years. In the aftermath of this incident he was obviously anxious to assist his former colleagues because P41 stated that her father suggested he, (P42), could make an anonymous statement. In fact P42 stated that he probably would not have written the letter had he not spoken to P41 and her father.

We know that Hewitt had retained at least one contact in Portadown police station and significantly he was visited by D/C McCrumlish at his home on the 5th June 1997 regarding his witness to the incident. Is it not possible that Hewitt, and subsequently P42, may have become aware of the alleged warning referred to by Maureen McCoy in her written police statement, which had already been made on the 9th May 1997 and that P42 reflected same in his letter?

The tone of the letter written by P42 is pro-police and is it not possible that he was anxious to impress his new girlfriend and her father, his future father-in-law, by endeavouring to be supportive of the police officer's actions that night.

It may very well have been that P42 had genuine and justified grounds for wishing to remain anonymous. However the danger of any anonymous account is that it may, at best, be exaggerated and, at worst, be wholly untruthful, particularly if the author has no reason to believe that his identity will become known in the future.

It is therefore extremely important, in our respectful submission, to consider the attitude and behaviour of P42 once his identity became known. The fact that he now alleges that he has no knowledge of events by reason of alleged memory loss must give cause for concern. It effectively prevents any effort



to test, probe or evaluate the events he described. Additionally, police officers who were tasked with investigating the contents of his account in 2002 noted his demeanour to be “evasive”. Accordingly this evidence must be treated with the greatest circumspection.

An alternative version of events has been advanced by William Jones and David Woods. William Jones in his first police statement gave a very detailed description of the three males he alleges ran down Thomas Street. By contrast he does not give any description of the females he refers to in that group despite F’s distinctive cream coloured clothing. Similarly, he gives no description whatsoever of any of the persons in the second group he alleges were standing in the middle of the road junction, and who were squaring up and shouting abuse. Indeed this second group was not mentioned by Jones until he made his second police statement. It is curious that despite the manner Jones alleges the two groups were behaving towards each other that Carol Ann Woods should form the impression that the two groups were friends.

In his initial police statement Jones alleges that the group coming down Thomas Street were making loud noises but it is not until he made a second police statement that this has evolved to sectarian abuse. A similar pattern emerges with Carol Ann Woods. In her first statement she mentions shouting only but by the date of her third statement she has a clear recollection of verbal abuse of a sectarian nature. David Woods, despite his lack of sobriety, recalled not only shouting but a door being kicked. This was not mentioned by Jones nor indeed P42.

There is also a lack of consistency as to where the alleged assault on Woods took place. Jones stated that it occurred at Eastwoods junction whereas David Woods stated that he was between Jameson’s and the Bakery when he was hit. Although Carol Ann Woods did not see her brother being struck she stated that when she looked down she saw her brother a few feet from her front door.

The position is also conflicting in respect of whether any injury was sustained. Jones in his statement said that Woods was not injured and he did not see any bruising or blood on him. Carol Ann Woods believed that her brother had marking on his face. David Woods whilst being re-interviewed by the police denied that he had any marks or bruises following the attack but, during his oral evidence, stated that his eyes became puffed up as a result of the assault.

William Jones and Carol Ann Woods’ statements were made after David Woods had been arrested and whilst he was being held in custody. Obviously the police were anxious for information regarding David Woods’ movements and who he was with on the night of the attack. His account was both remarkable and highly implausible. He steadfastly refused to identify any person he was with and in particular distanced himself from Andrew Allen and Rory Robinson. His account of what occurred at Thomas Street, we would respectfully submit, was completely self-serving. Up to this point his

account of the events that night lacked any specific detail. By his own admission he was so drunk he could “barely see two feet in front of him”. Yet in the circumstances leading up to his alleged assault he was able to give descriptions of the male shouting the sectarian abuse and his male assailant to a certain degree of detail. This contrasts sharply with his inability to provide any specific detail regarding events earlier on in the evening. He attempted to disassociate himself from the attack on Robert Hamill and D by allegedly being quickly rescued from the street by his sister and her partner. It seems that William Jones and Carol Ann Woods’ statements sufficiently corroborated David Woods’ allegations to permit him being released without charge.

Following the incident, the Police issued a number of press releases seeking witnesses. William Jones admitted in his statement to the Inquiry that he realised from the subsequent television coverage that one of the men running down Thomas Street was Robert Hamill. Surely, as a former member of the security forces in Northern Ireland, he would have realised the importance of what he had allegedly observed and how useful that information would have been to the Police. Would it not be reasonable to expect both William Jones and Carol Ann Woods to have come forward voluntarily to the Police and have given their accounts? We know that they didn’t and that must create grounds for suspicion regarding the veracity of those accounts. William Jones even somewhat brazenly suggested during his Inquiry interview that he did not remember whether he approached the Police to make a statement or vice versa.

Carol Ann Woods also said in her statement that she probably would not have approached the Police as she did not like to involve herself with matters which did not concern her. It is difficult to imagine, we respectfully submit, how she could seriously believe that this matter did not involve her when her brother was caught up in an incident, innocently or otherwise, which culminated in two men being taken away in an ambulance, one of whom was subsequently to die from his injuries. Yet she acknowledges that she probably discussed this matter with her friends.

On the 15th May 1997 Andrew Allen was also interviewed under arrest. He stated that he was with Rory Robinson and David Woods. He too alleged that he was attacked by males coming down Thomas Street. He referred to a fourth male assailant who had not been mentioned before by anyone else. This was the first account he had given of the events that occurred that night. We rely upon the timing of his account to diminish the weight to be attached to same.

A number of witnesses who were working in Jameson’s bar on the night of the incident allege that the shutters and windows of the bar were rattled or banged by a group that walked past, whom they assumed came from the direction of St. Patrick’s Hall. None of these witnesses were able to see who was responsible for the banging as they were inside the premises. Their timings of when the banging took place are also vague and it does not necessarily follow that the Robert Hamill group were responsible. Further

allegations of sectarian abuse were also made but again this cannot be specifically attributable to the Robert Hamill group. This behaviour was emphatically denied by F who stated that,

“Any Catholic would know not to bang on anything going past Jameson’s bar”.

E also stated that her group did not bang on the shutters as did Maureen McCoy.

The accounts given by those returning from St. Patrick’s Hall are in marked contrast to those analysed above. In determining which is the truthful account, we would suggest to the Panel that the following matters are relevant.

The persons from St. Patrick’s Hall who were caught up in this assault were essentially three couples making their way home. Four of that group were part of an extended family unit. They were walking down Thomas Street out of necessity rather than by choice as they had attempted, without success, to obtain a taxi home. This caused some concern, not only to the females in the group, but to Mr. Prunty as well. The group were reassured when they observed the police land rover at the junction of Market Street and Woodhouse Street and felt that they would be safe. It is therefore most unlikely that these persons would engage in provocative behaviour at a notorious flash point. Further, the said land rover would have had an additional deterrent effect on the likelihood of any such behaviour.

The common denominator in the evidence of those walking down Thomas Street from St. Patrick’s Hall is that the attack at the bakery corner was by a large group and that it was sudden, ferocious and unprovoked. E recalled that the attack happened in a split second and nothing untoward preceded it. F recalled that, as they started to cross the road, a crowd of 30 males jumped them “as if out of nowhere”. Colin Prunty stated that the attack happened quickly with Robert Hamill being dragged to the ground and then kicked and punched. When the attack occurred, Colin Prunty was with Maureen McCoy although they disagree amongst themselves whether they were in front or behind Robert Hamill and his friends. However it is clear that the brunt of the attack was focused on Robert Hamill. Colin Prunty’s evidence was that he went to assist Robert Hamill by trying to break the fight up. This is corroborated by witness B who saw a man matching the description of Colin Prunty trying to stop the fighting. He denied being the person described by Jonathan Wright as taunting the Protestants. He also denied being the person responsible for pulling Constable Neill out of the land rover.

Obviously, the Protestant youths at the corner would have been aware of the presence of the police land rover as well but this did not appear to have deterred them from launching this “frenzied” attack. Might this be because Stacey Bridgett and Dean Forbes were deliberately present at the side of the land rover closest to Woodhouse Street in order to distract the police officers

from the events on the other side of the street? Certainly this was considered an option by Constable Neill in his evidence to the Inquiry.

The junction where this incident took place was a well known flash point and the town centre in general was a very unsafe place for Catholics to be at night. Deputy Assistant Chief Constable McCreesh alluded to this in his evidence when he said that in his experience the centre of Portadown would have been regarded by Loyalists as their territory and no place for Catholics/Nationalists to be. Inspector McCrum was of the view that Catholics would have recognised that they were taking a risk by walking from St. Patrick's Hall across Market Street and into Woodhouse Street. He also said that Protestants would attack Catholics who were taking that risk. Their presence alone at this location was sufficient to put them in danger and sadly, we respectfully submit, this is exactly what occurred on this occasion.

### **Submissions by the Police Service of Northern Ireland**

It is submitted that there is reliable evidence to support the contention that there was an exchange between at least some members of the group which included Robert Hamill in the mouth of Thomas Street, and a number of young Protestant men, and that this exchange was as a prelude to the attack on Mr. Hamill which happened a short time later, a short distance away.

From a policing perspective, and considering the Inquiry's terms of reference, there is no particular interest in apportioning blame for the commencement of hostilities on Thomas Street on the 27 April 1997.

In Northern Ireland experience has taught us that sectarian altercations can occur in many circumstances. They do not necessarily require the spark of provocation, although it is arguably less likely that those of a violent inclination will walk away from a fight in the face of some slight or challenge whether real or imagined.

From a policing perspective all sectarian violence is reprehensible, and the killing of Mr. Hamill was particularly disgraceful and unjustified.

That there is evidence to suggest that person(s) in the Hamill party shouted sectarian slogans (per David Woods, and Jamesons bar Staff), or shouted "This is a free country. Do you want to fight?" (per P42), or repeatedly shouted "Do you want a fight?" (per Carol Ann Woods) does not in any sense excuse the violence which ensued.

Within this factual matrix one of the central questions is whether the land rover crew ought to have been able to respond to what was likely to have been a heated and noisy exchange at the corner of Thomas Street. It seems likely that the crew missed at least some of this exchange because they had been distracted by the dealings between Mallon, Bridgett and Forbes and the subsequent conversation, were not looking in the direction of Thomas Street, were parked in a disadvantageous position, and did not hear what was going on.

However, it seems tolerably clear that events were sudden and fast moving. In due course this submission will refer to the evidence which establishes that while the police may have failed to observe (for the reasons already discussed) the trigger to and the early part of the altercation they were on the ground by the time the violence became more serious. That they could not act to prevent the fatal assault on Mr. Hamill is likely to be related to a number of factors including the nature of the injuries sustained and the fact that they were overwhelmed by sheer weight of numbers.

- 16 There is no account which suggests that Robert Hamill spent any significant time fighting with anyone. Rather, the medical evidence is consistent with him being felled quickly, and it is likely that he received a vicious kicking over a short period.

### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

There is no account which suggests that Robert Hamill spent ANY time fighting with anyone.

The accounts of D, E and F, who were with Robert Hamill when he and D were attacked, all say that the attack came out of the blue. These accounts have remained consistent since they told Diane Hamill what happened, and since they gave they joint statement to Paul Mageean of CAJ. We do not understand the evidential basis on which the Inquiry Team intends to put them on notice that they

"□ Belonged to a group which initiated the fight leading to Robert Hamill's death.

□ Falsely informed the police that he and members of his family, including Robert Hamill, were set upon without warning."

As we have explained at 15 above, there is absolutely no evidence that any of them initiated the fight that led to Robert Hamill's death. There were many people in Thomas Street at the time, and there is no evidence which matches their descriptions to link them to the sole incident which might conceivably have initiated the main fight, that is the alleged attack on David Woods. In particular, there is no description given at all by those who say they had any knowledge of a fight in Thomas Street of the women they saw or what they were wearing. Equally, none of the men described matches D.

D, E and F, along with Robert Hamill and Colin Hull, were the victims of this incident. The Inquiry would need to be very certain indeed before coming to the conclusion that D, E and F were responsible for Robert Hamill's death, and we do not believe that there is a shred of certainty available to ground any such finding.

### **Submissions by Conor Downey Solicitors (Colin Hull)**

Colin Hull's (statement 80805 & oral evidence 13.13) claims that one individual from the Protestant crowd attempted to run and attack Robert Hamill again, after the initial attack. Colin Hull had to intercept this man as he shaped to jump on Robert Hamill and physically pushed him back into the crowd.

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We agree with this submission

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

This is a matter for the Panel with consideration of the entirety of the medical evidence, coupled with the observations of ambulance staff, Craigavon hospital staff, medical experts, police officers and civilians at the scene of the injuries to the head and body of Robert Hamill.

### **Submissions by the Police Service of Northern Ireland**

The PSNI broadly agree with this comment.

There is in fact no account which suggests that Robert Hamill spent any significant time fighting with anyone. The evidence does, however, suggest that Mr. Hamill was involved with the altercation at the various stages of its development which was spread out along a time line of possibly some minutes.

Firstly, Mr. Hamill was part of the group which P42 identified close to his flat, standing in the street, making enough noise to attract his attention. Ms. McCoy was also part of that group and she was aware of some Protestants behaving suspiciously at the top of the street.

Secondly, Mr. Hamill was, according to P42, Carol Ann Woods and William Jones, part of the group that went to the top of the street to confront the Protestants identified by Ms. McCoy. Plainly, the Protestants didn't retreat from this confrontation and according to all three witnesses a fight broke out, Ms. Woods explained that one of the Protestants who threw a punch ran away and was pursued to the left of Thomas Street in the direction of the Church by one of the Catholics.

It was in that general location that Mr. Hamill's prone body was found. It is a matter for the Inquiry to determine whether the evidence points in the direction of having been punched or been punched as part of an initial skirmish, but it is certainly a possibility that he moved out of Thomas Street to the left.

It is likely that a third and final phase of the altercation occurred to the left of Thomas Street and that this is where Mr. Hamill sustained the serious and ultimately fatal injuries.

The PSNI agree with the view that the medical evidence points overwhelmingly in the direction of Mr. Hamill having suffered a devastating injury which was more consistent with a relatively small number of vicious kicks, rather than a prolonged and continuous assault involving many kicks.

It is submitted that the wider evidence (added to the medical evidence) suggests that this small number of vicious kicks was inflicted over a short period of time. It seems clear from the evidence of E and F that they quickly reached D and Mr. Hamill in order to protect them and that there were no further attacks on them which resulted in the landing of blows. The duration of the attack on Mr. Hamill has varied across the witnesses. It is submitted that the most reliable account of the duration is likely to come from those closest to the injured. For example witness E at the trial of Mr. Hobson stated that the fight was over in a matter of seconds. Mr. Jones, giving evidence about the duration of both the initial exchange at the top of Thomas Street and the later fight declared that the whole episode lasted 2-3 minutes (9111).

#### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Please see paragraph 14 above.

- 17 There is evidence that Protestants remained aggressive and directed their attention to Robert Hamill after the initial attack, but that evidence does not show that any further violence was inflicted on him after the initial outburst.

#### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

Timothy Jameson says he saw 'Fonzy' Allen kick Robert Hamill while he was lying on the ground [12.42]. It is not clear whether this was during the initial attack or afterwards. Colin Hull says he saw one man attempting to kick Robert Hamill after the initial attack [13.38].

#### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We agree with this submission

#### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

This accords in its entirety with Reserve Constable Atkinson's evidence and the wealth of evidence of police and civilians at the scene. It is clear the police moved an aggressive Protestant crowd through the town away from the injured party. It is not disputed that Reserve Constable Atkinson's baton was broken in a scuffle and that he struck another person at the scene with his baton.

### **Submissions by the Police Service of Northern Ireland**

The PSNI agree with this comment. There is evidence that once E and F went to D and Mr. Hamill there was no further violence inflicted upon the victims.

That said, many members of the Protestant crowd behaved in an antagonistic manner towards the victims, those who were comforting them and police. The crowd remained aggressive, both verbally and physically, and made attempts to get at the prone bodies. Those attempts were successfully rebuffed by the police which speedily assembled in greater numbers and formed themselves into a line to thwart any further attack.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

Please see paragraph 14 above.

- 18 The issues over who murdered Robert Hamill and what Res Con Atkinson saw Mr Hanvey doing are the subject of significant further evidence, e.g. about Tracey Clarke's credibility, and could usefully be considered in the light of findings about that.

### **Submissions by British Irish Rights Watch and Committee on the Administration of Justice**

We have had an opportunity to study the transcript of Tracey Clarke's evidence and it is clear that she would not normally appear to be a credible witness. She was only 17 at the time when she incriminated others, and it appears that she was a vulnerable young adult. She had a difficult relationship with her mother and step-father. She also had two jobs, working by day in a travel agents and by evening as a waitress. She was taken without warning to an RUC station at 10:30 pm on a Friday night. She was not legally represented and was not consulted about the identity of the responsible adult who accompanied her, who was her aunt, whom Tracey Clarke alleges intervened in the police interview. She had completed a police questionnaire on 8<sup>th</sup> May 1997 in which she said she had seen nothing. In the late-night interview on 10<sup>th</sup> May she completely changed her story, incriminating six men in the murder of Robert Hamill, including her ex-fiance, Allister Hanvey, along with Dean Forbes, Rory Robinson, Stacey Bridgett and Marc Hobson. She was later reconciled with Allister Hanvey, married him and had two daughters with him, but she is now separated from him. Her statement also made serious allegations of collusion between RC Atkinson and Allister Hanvey.

She repeated her account almost exactly when interviewed by Gordon Kerr QC on behalf of the DPP on 19<sup>th</sup> October 1999, who found her to be a credible witness, although very afraid of loyalist reatiation. Because of her unwillingness to testify at the six men's trial, the murder charges were dropped and only Marc Hobson stood trial on the lesser charge of affray. However, after seeking advice from solicitor Richard Monteith in 2000, and



when faced with the prospect of having to give evidence at the inquest, Tracey Clarke retracted her statement.

The Inquiry had great difficulty in compelling her to give evidence and when she finally appeared before them on 1<sup>st</sup> September 2009 by video link she comprehensively repudiated her original statement.

Nevertheless, the Inquiry needs to consider whether, despite her unreliability, her original statement may not have contained some or all of the truth. The reason for this is that there is some independent corroboration of her statement. For example, Stacey Bridgett's blood was found on Robert Hamill.

Timothy Jameson also made a statement to the RUC on 9<sup>th</sup> May 1997, in which he implicated Marc Hobson, Rory Robinson, Allister Hanvey, Dean Forbes and Andrew "Fonzy" Allen in the attacks on Robert Hamill and D. He also saw Stacey Bridgett with an injured nose. [12.42] On 12<sup>th</sup> February 2009, Timothy Jameson also gave evidence to the Inquiry. He too repudiated his original statement. Throughout Mr Jameson's evidence to the Inquiry he claimed that Detective P78 pressurised him and put words in his mouth when he interviewed him on 9<sup>th</sup> May 1997 and as a result he said he had made the statement under duress. Mr Jameson said that he felt stupid signing a statement that was not in his own words and that he did not tell anyone about alleged falsities in the statement until approximately two weeks later when he told his father, Bobby Jameson. The main points which he said he did not say or could not recall surrounded sections of the statement when crowd fighting was discussed and suspects were named. Timothy Jameson told the Inquiry that detective P78 had made suggestions naming individuals and that P78 may have known the names from talk about the town. However the witness did not make a complaint against P78 or approach the police to have his statement corrected. Questioning then focused on the issue of when precisely the witness had retracted his statement and, in particular, when he first made the allegations against detective P78. A faxed submission to the Inquiry from a Banbridge solicitor (whose name is redacted), dated 20 December 2006, recalled a meeting with Timothy and Bobby Jameson on 21 May 1997. Whilst stating that Timothy Jameson claimed that 'substantive averments made to RUC officers were based on rumour and supposition as opposed to personal knowledge' and 'that on the night in question he was inebriated and could not actually recall details of the incident', no reference was made to duress or any alleged impropriety on the detective's behalf. Nor did any such reference appear in the DPP's record of a subsequent consultation that took place with Timothy Jameson and his father on 21<sup>st</sup> October 1997 when the witness first told the prosecution that it was a false statement. Timothy Jameson must also therefore be regarded as an unreliable witness, and we note that the Inquiry Team have included him in the list of those who face criticism or adverse inferences, for participation in the attack on Robert Hamill and for falsely claiming that DC Honeyford took a false statement from him. It seems to us that Tracey Clark ought also to be warned for falsely alleging that the RUC took a false statement from her.

However, despite their unreliability, the Inquiry will no doubt be struck by the similarities between the original statements given by Tracey Clarke and Timothy Jameson. The Inquiry will also be mindful of the unreliability of Andrea McKee, whom Tracey Clarke has impugned in relation to Andrea McKee's role in the taking of Tracey Clarke's original statement.

Please note: we believe that the potential criticisms and adverse inferences need to be augmented to include the possibility that David Woods did not come by his injury in the way he described and that William Jones gave false evidence.

### **Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)**

We agree

### **Submissions by John P Hagan Solicitors (Robert and Eleanor Atkinson)**

Submissions regarding Tracey Clarke's credibility are to be found in Section 8 and submissions regarding what Reserve Constable Atkinson saw and recalled of the scene are dealt with in section 9.

Regarding the adverse inferences that are suggested below in relation to Reserve Constable Atkinson:

- (a) The alleged failure to get out of the Land Rover on time is dealt with in Section 6
- (b) Alleged failure to make an adequate statement is dealt with in Section 9

The remaining potential criticisms or adverse inferences are dealt with in sections 8 and 9

### **Submissions by P J McGrory Solicitors (Family of Robert Hamill)**

The Land Rover Crew

1. At approximately 01.15 Thomas Mallon left St Patrick's Hall. He later said that he told the Land Rover crew that his friends were coming from St Patrick's Hall. He said there were people walking along the main street. There was a lot of noise. When he saw police and decided to walk on. As he reached the end of Thomas Street, the police Land Rover parked on the main street beside the Alliance and Leicester started to move off. Mr Mallon waved at them. A policewoman opened the front door and he told her that that people would be coming from St Patrick's Hall. He was approached by a youth who was in a group of four or five. The youth was carrying a glass bottle of Buckfast and confronted him. Mallon felt threatened so he left. As he walked away, he was aware that a policeman had got out of the Land Rover, which was parked across Woodhouse Street(1) .

2. R/Con Atkinson said in his statement that when the Land Rover moved off, a male aged about 30 to 35 years passed in front of them and mouthed

something. Then two youths approached that man and squared up to him. They were moved on but Con Alan Neill's door was pulled open and Con Neill was pulled out(2) . He said that a stoutish sort of boy said something to Res Con Denise Cornett about people coming down and almost instantly the door was pulled open(3) .

3. Neill said they were moving off when he noticed a man mouthing something at them. He stopped and R/Con Cornett spoke to him. The man told her there were people coming down from St Pats. Neill couldn't see them at that stage but had already noticed a large crowd coming up from the bus stop(4) .

4. P40 was sitting in the back of the Land Rover but could hear a man shout in that his friends were coming down Thomas Street during the neglect investigation(5) . He told Irwin and McBurney Bridgett was at the Land Rover at that stage.

5. Res Con Cornett recalled that a man walked across the street mouthing something at the police. She told Con Neill to pull over. This man said his friends were coming down Thomas Street. She understood he meant for the police to wait there in case something happened. They did not, however, see anybody coming at that stage(6) . She says that two other young men then shouted at Thomas Mallon and Res Con Cornett opened the door and asked them what was going on. One of the men was carrying a green cider bottle. The men were shouting abuse like "Fenian bastards" at Thomas Mallon(7) . She then talked to the two men at the door of the Land Rover. She says that they were standing chatting her up and a guy came over and opened door(8) .

6. In oral evidence to the Inquiry, Mallon said that as he went across the road the Land Rover moved forward(9) . He waved at the Land Rover(10) . It stopped between LR2 and LR3, he went to driver's side and asked the police "if they were moving away and that people were coming up behind him" (11) . He walked around the back of the Land Rover. He then got caught in the middle of two groups of two youths (four youths in total). He was offered wine. There was no aggressiveness or altercation. The youth with the wine was holding the bottle by the body(12) . He disputed that Bridgett and Forbes were at the Land Rover when he spoke to police. When he was walking up Woodhouse Street he looked back and a male officer had got out of the Land Rover and was talking to the youths that Mr Mallon had spoken to.

7. In his Inquiry statement Mallon said that when he got towards the end of Woodhouse Street he saw two men, one of whom he recognised as Colin Hull. He marked CH on 73910 where he met him.

8. Colin Hull asked him what was happening as he must have heard the noise from the town centre. They had a brief chat wherein Mr Mallon told Mr Hull to go home. The police were on the corner and there were a lot of people in town. Mr Mallon did not speak to the other man with Mr Hull. He did not remember what he looked like.

9. His account, which is independent, puts the conversation between Police and Forbes and Bridgett after Mallon spoke to police. This means that after police were warned about the people coming down from St Patrick's they commenced their chat with Forbes and Bridgett. It is noteworthy that by Mallon's warning the police in the Landover were alerted to the fact that there was a function on in St Patrick's Hall. Before this, it appears, the police who had been specifically briefed in relation to public order duties were not aware of this. This was confirmed by R/Con Cornett in her interview during the neglect investigation(13) . Police knew this area to be a flashpoint in particular when patrons of St Patrick's Hall and loyalists met at closing time (see further family's criticisms of P89).

10. In this context the warning given by Mallon was all the more exigent and should have had alarm bells ringing in the minds of the officers. This is particularly so if, as Neill says at of his Inquiry statement, they were aware of 50 or so people coming up High Street toward them(14) .

11. Con Neill, who was the driver and senior officer in the Land rover, gives an account in his oral evidence of what happened after the warning from Mallon. As they pulled away from the LR1 Thomas Mallon walked across the junction and mouthed something. Cornett opened the door and spoke to him". He could not hear what she said as it is not possible to hear inside the Land Rover. It is hard enough to hear the people in the back. R/Con Cornett related what was said: "Mallon said there were some of his friends coming down Thomas Street" (15) . Con Neill could see up Thomas St and there were no signs of anyone as far as the bend(16) . Colin Murray found that the position of the vehicle made it difficult to view Thomas Street. (17)

12. Con Neill intended then to go down to the bottom of town but "Bridgett and that were by Northern Bank and Mallon had just entered Woodhouse Street. They started shouting at him". Two of the youths followed Mr Mallon down Woodhouse Street(18) . He turned the Land Rover into LR3 and watched the youths approach Mr Mallon. They could not hear what was said. R/Con Cornett shouted at them. That cut it dead. They kept a watching eye on the boys to see if they went after Mr Mallon, who had walked off(19) .

13. Mallon makes no mention of the two boys following him into Woodhouse Street or there being any aggression from them. He looked back and saw them chatting to police.

15. Neill said that after Mallon walked off Mr Bridgett and Mr Forbes came up from behind the Land Rover (where Mallon says he encountered them) and then went to one side(20) . It was about a minute between them approaching Thomas Mallon and coming to the Land Rover. R/Con Cornett had the door open and the boys were talking to the crew. It was a brief conversation before he was pulled out(21) . Chatting to Mr Bridgett and Mr Forbes was a distraction he said in oral evidence(22) . He did not remember Mr Bridgett and Mr Forbes talking about Mr Bridgett joining the Services, or

that he was working for Jameson's as Forbes claimed(23) . He remembers someone saying that they were a painter and that he was looking to paint the Seagoe Hotel. He did not recall R/Con Cornett talking about his clothes or her being engaged or married(24) . He did not believe that they were talking for five minutes. All crew members in the Land Rover were involved in the conversation(25) .

16. He suggested people had to have come down Thomas Street between the crew being warned by Mr Mallon and his being pulled out of the Land Rover(26) . He claimed that with hindsight, it would have been sensible to wait for people to come down Thomas Street but there were often fights at the bottom of town as not only Loyalists used the takeaways. It wasn't just one point in town that could cause trouble. It was more likely for trouble to start at the junction. He said there was no straightforward way of getting across from Woodhouse Street to Thomas Street, they had to go round the bottom of town as the kerb was quite high(27) .

17. It is clear from Mallon's police statement that whilst he felt apprehensive about the situation the two youths he encountered were not aggressive(28) . He re-iterated this in his Inquiry statement(29) . Of course, the family submit, it serves the purposes of the Land Rover crew to assert that there was some overt threat to Mallon and to suggest that they were keeping an eye on the two youths until he was safely out of harms way. This serves to justify their failure to respond immediately to the warning given by Mallon.

18. As regards Neill's oral evidence, if as he suggests the conversation only lasted a minute, the panel should ask whether this would have been sufficient time for people to have emerged from around the bend in Thomas Street, which he said was clear when Mallon spoke to them, and walk the length of the street into the junction and be attacked. Colin Murray believes, at this point, the vehicle should have been moved, or an officer alight, to get a clear view of Thomas Street(30) . Whilst Neill acknowledges that "with hindsight" it would have been better to wait for people coming down Thomas Street, he qualifies this with the proposition that there could have been fights down toward the bottom of the town. It is surely, from a public order perspective, much more likely that trouble will occur at closing time in Portadown Town Centre, in the run up to Drumcree, where Protestants and Catholics meet, than between a group of Protestants getting off a bus from a nightclub.

19. The suggestion that the Land rover would have been unable to mount the kerb of the traffic island running down the centre of Market Street is, the family say, a forlorn excuse for not heeding the warning immediately. The Panel have had the opportunity of visiting the scene and, as the photographs(31) demonstrate, the kerb is not unusually high. The Land rover is an off-road vehicle and, the family submit, would have easily been capable of crossing over the central island.

20. The family believe that the officers in the Land Rover chose to ignore the warning from Mallon. It appears that they preferred instead to sit where they were and indulge in idle banter with a couple of the local lads who were known to at least two of the Land Rover crew.

21. The length of this particular conversation has been a source of some controversy, not least amongst the officers themselves. In his police interview P40 says(32) :

P40 As we pulled in to see what the crack was with them because, not putting a blunt edge on it but Stacey is a bit of a troublemaker. Ehm and so we pulled in to see what the crack was and started chatting away so, we did, he knows me by name so he does.

Ehm.

P40 He popped his head in, said there's P40, how are you doing and just – started chatting away to him.

22. In his oral evidence however, P40 resiled from this position and sought to minimise the extent of the exchange between the police in the Land Rover and Bridgett and Forbes(33)

23. He is in fact contradicted by the evidence of Dean Forbes who related to the panel that he and Mr Bridgett stood on the inner side of passenger side door talking to two police officers in front. There was a woman in the passenger seat(34) , an officer driver and two in the back. He did not know any of them by name. He thought they knew Mr Bridgett because they had called out “Stacey” to him. It was a male voice that called him over. That was why they went over to the Land Rover. At this stage he was conscious of a row on the other side of the Land Rover but could not see anything(35) . At no point did the police say that they “can’t talk we’re on duty” or something similar(36) . They stood for five minutes then the driver’s door swung open and a man shouted “are you going to let those ‘uns get away with this?”. This man was wearing a blue shirt and tie and was about 5’10”. He was angry. He said that the driver had his door open. He said that officers usually sat with the door slightly ajar or with their foot against it. He knew this from seeing it often as he walked up town. He remembered it from that night as the man did not swing open the door from the handle(37) . He was not sure if the man had to turn handle to open door(38) .

24. In his Police interviews after his arrest he had this to say:

FORBES ...the doors opened and the police officer in the back noticed us and he called us over and he was saying to Stacey and all, I take it you didn't go and join the Army and all, he says no just left school and went to work for xxxx Jamesons he said

Right do you know that police officer?

FORBES I, I can't remember if it was Roy or Rodney

or something like that there.

Right . So the both of you were. ,

FORBES Talk, just talking away(39) .

and,

Were you talking to the police?

FORBES Yes.

What were you talking about?

FORBES Well he, he was asking Stacey would he not join the Army or something like that there the RAF and Stacey just turned round and said that he had decided to leave school and he was working for xxxxx Jamesons. And then he just says, he says are you working and I says yeah painter. He says I might get you out sometime he said to do a job for him.

This is the policeman said that?

FORBES Yes.

Do you know who the policeman was?

FORBES Yes (p40) 'it was or something like that there, (p40).

So what happens then when you were at the Land Rover?

FORBES We were standing talking away and then the woman police officer started talking to us and she was saying you know like, she said to Stacey about his shirt or something, you know, Ralph Lauren, that was a bit dear or something and we were just carrying on with her and then I saw her ring . Here's me, are you mad in the she just laughed.

You see that lady police officer in fact told you to move on, she did have a conversation with you but told you to move on.

FORBES Yes that was whenever the police officer that was driving the Land Rover was either struck or pushed (inaudible) (40) .

25. R/Con Cornett describes her encounter with Bridgett and Forbes in her police interview describing on of them shouting sectarian abuse at the man who had just warned police about patrons coming down from St Patrick's Hall. She goes on to tell police they started chatting her up. It is during this chat that someone starts to pull Neill out of the Land Rover(41) . In her Inquiry statement while she describes this as a short conversation(42) she does not recount the substance of it.

26. Atkinson, in his police interview confirms speaking to the two youths. They were quite friendly Cornett opened the door and they had a bit of a chat. He thought one of them was Stacey Bridgett. He told the interviewers that P40 leaned into the front and spoke to him about joining the army(43) .

27. Both Bridgett and Forbes seem clear that it was a male officer who called them over (P40) because he knew Stacey. P40 confirms that he does know him. Mallon, although he did say he felt threatened (see para. 1 above) does not allege any aggressive behaviour on the part of the two youths. In fact, he says, one of them offered him a drink(44) , he certainly makes no mention of any sectarian abuse as alleged by Cornett. Whilst Forbes in particular gives some detail of the conversation that passed between them and the police, the officers seem to be at pains to stress that the conversation was brief and the reason for any exchange was because the officers were looking out for the safety of Mr Mallon. In her initial police statement Cornett has the two approaching her and makes no mention of intervening in a potentially threatening situation(45) . P40 makes no mention of Forbes and Bridgett at all in his initial statement. Neill does make mention of Cornett shouting out to the two after they “square up” to Mallon(46) and gives a little detail of the conversation. He also in oral evidence suggested the two youths said or shouted something to Mallon(47)

28. The family’s submission on this point is that the evidence of Mallon is to be preferred to that of the police officers. Mallon makes no mention of overt verbal abuse by the two youths whereas the police do. Mallon is an independent witness whose evidence on the issue of the warning is unchallenged. It is notable that both Atkinson and P40 both initially identified the male who warned them as being involved in an altercation after police have exited the Land Rover(48) but neither alleges that it is the same male in their Inquiry statements. That there was aggression or the beginnings of a potentially violent incident between Mallon and the two youths of course justifies the police stopping and talking to Forbes and Bridgett. This scenario is preferred by them as it gives the impression of officers properly carrying out their duties rather than engaging in social banter with local youths who later are charged in connection with the murder.

29. It is the family’s submission that the period spent talking to Forbes and Bridgett requires justification by police as it is during this time that Robert Hamill is attacked and is knocked unconscious. Neill himself, the senior officer in the Land rover, described this period as a distraction(49) .

30. It is common case that the police are then jolted out of their chinwag by a male coming to the drivers door and pulling Con Neill from the drivers seat. This of itself is a highly unusual, if not bizarre act, by the member of the public to carry out toward any police officer. Seen in the context of Portadown in the late 1990’s, involving a member of the RUC which was armed force on a state of high alert for possible terrorist attack, it beggars belief. The panel must consider what could possibly have motivated this individual to do such a thing.



31. The answer to this, the family submit, is in the words accompanying this individual's actions. Neill attributes the phrase: "you sat there and watched that happen" (50) . In her police interview Cornett recollects this man shouting: "what are you doing sitting there letting this all happen?" (51) This male remains unidentified so the Inquiry has no direct evidence from him as to what he was referring to. The family submit that, in all the circumstances, the only inference that can be drawn on the evidence is that it was the attack and knocking unconscious of D and Robert Hamill by a large group of Protestants. It is further apparent that this male who does not understand how police could have permitted this to happen a matter of yards from the vehicle they occupied. There can be no other explanation for this behaviour the family say, and indeed none has been put forward to this Inquiry.

32. Any assertion by the police in the Land rover that there were no casualties on the ground when they exited the Land rover is, the family submit, not credible and contrary to the available evidence.

33. The family also submits that the attack on Robert Hamill was continuing at this time and did continue until police eventually reacted and pushed the crowd back from the casualties. It was a sustained attack. Support for this is to be found in R/Con Atkinson's statement who observes three youths jumping on the head of the male who was lying outside Eastwoods (Robert Hamill). This element of the assault takes place after R/Con Cornett has radioed for ambulances.

34. The actions of each individual officer on exiting the Land rover and dealing with the disorder also require examination. The family believe that their attempt to deal with the disorder was, on their own account, wholly uncoordinated and unfocused.

35. Robert Atkinson describes a commotion at the rear of the vehicle and then sees Neill pulled from the Land rover. He says that on exiting the rear he sees the male who gave the warning involved in an altercation with Neill(52) . Neill for his part says he watches Mallon walk down Woodhouse Street, describes talking to Forbes and Bridgett and then a male pulls at him. He does not say that this is Mallon(53) .

36. Atkinson then hears a lot of shouting up toward the town church, sees about 50 loyalists and 10-12 Catholics cat-calling and suddenly scuffles break out. Neill describes something similar, he interestingly also using the term "cat-calling". He then breaks up a fight outside Eastwoods and removes a person to Woodhouse Street, this person was wearing a white top. He says this person was assaulted by another youth at Woodhouse Street whilst he was with him. He grabbed the assailant and took him to the Land rover where he tried to get his details. Another fight started near him and he broke that up. Atkinson says he followed Neill initially and saw him break up the fight at Eastwoods and take a person to Woodhouse Street. He says

that as he turned to regroup with his colleagues he saw the two casualties on the ground.

37. On breaking up the second fight, Neill sees P40 and Atkinson in Market Street then notices the casualties who had women tending them. Atkinson describes Neill going over to the casualties to check them while he kept the crowd back with his baton. He says that the loyalists trying to attack both them and the Nationalists and Neill pulled one from the crowd and they both returned to the Land Rover. He describes a confrontation at the Land rover whilst Neill and he are there and at this stage observes three youths jumping on Robert Hamill's head. He left the Land rover and went back and remained with the casualty until assistance arrived. Neill does not describe removing a person in the crowd to the Land rover but rather an encounter with a person with a goatee beard(54).

38. From Atkinson and Neill's initial police statements, considered in terms of what they did as regards the casualties, neither saw any casualties on the ground when the fighting started. While Atkinson's account does not exclude the possibility that there were casualties at that time, Neill says that he observed Robert Hamill before he was rendered unconscious. Both however, give accounts which place them initially dealing with incidents in and around the Police Land rover. This, on their account allows for the situation to develop around the other side of the junction and provides an opportunity in terms of time for D and Robert Hamill to be knocked unconscious after police have emerged from the vehicle. It is disturbing that on Atkinson's account both he and Neill at one point return to the Land rover with a male that Neill has pulled from the crowd leaving the two unconscious men vulnerable to the loyalist crowd, members of which, as pointed out above, Atkinson then observes jumping on Robert Hamill's head. Atkinson, in his evidence at the trial of Marc Hobson attributes this decision to Con Neill(55). It is notable that at this juncture in the narrative Neill's account goes off on a tangent to deal with a "flashback" to an earlier incident when he observes a male attempting to lift broken glass.

40. Cornett's police statement(56), the family submit, is somewhat different in the description of what occurs when police alight from their vehicle. Cornett's statement has all of the officers getting out of the vehicle when Neill is pulled at. None of the others contradict this. She says she is warned not to get out by Bridgett and Forbes who then run off(57). She gets out, sees fighting and hears screaming and goes to the Land rover to call for back-up and then an ambulance 2 min 23sec later(58) as two people had been injured. She then exits the Land rover again and sees the two on the ground. This is confirmed by the note taken from her by the notes taken from her by D/Sgt Bradley(59). After checking these casualties she then sees Neill at the Land rover struggling with a male in his early twenties and another male in a white top trying to assault the first male. She then comforts a female who approaches her and other police arrive to assist.

41. P40's evidence is unhelpful as to the sequence of events apart from him confirming that all exit the vehicle at the time Neill is pulled from it(60)

. He then concerns himself then with individuals attempting to come from Woodhouse Street to join the fighting. As indicated above whilst he identified Mallon as one of those attempting to exit Woodhouse Street in his initial statement he does not make this assertion in his Inquiry statement. During his oral evidence to the Inquiry he said he did not see anyone on the ground when he got out(61) . His account therefore, like Cornett's and Atkinson, does not exclude the possibility that there were casualties on the ground when police exited the Land rover. Out of the four officers Neill is the only one who makes this positive assertion.

42. From Cornett's statement it appears that she must have been told by someone else when she exits the vehicle that there are two casualties. She calls for assistance first and then an ambulance. It is after this that she observes the two on the ground. It is only after checking, these casualties that she sees the incident between Neill and the two youths one of whom is wearing a white top, albeit she has the latter as an aggressor whereas Neill does not. Despite this, the family submit that the Panel can be satisfied that it is the same incident as the descriptions of the youth in the white top are very similar. Further it can be distinguished from the incident Atkinson describes when he and Neill take a person from the crowd to the Land rover and this incident involves only one male not two. Further Cornett does not identify Atkinson as being involved in the incident she saw.

43. That the attack was sustained and continued after Robert Hamill was knocked unconscious is also supported by the medical evidence. Professor Jack Crane in his oral evidence explained that the forces necessary to cause the brain injury (DAI) that Robert Hamill sustained were of a severity normally associated with a road traffic accident. The injury was sustained as a result of shearing forces within the brain caused by violent movement of the brain inside the skull. One reason, he said, that people assaulted on the ground sustained this type of injury was because they could be unconscious and unable to defend themselves. He agreed that jumping on a person's head in this situation would produce such injury. This could be contrasted with a boxer who, whilst subjected to severe force, was able to move with the blow and so the same movement of the brain inside the skull did not take place(62) . The description of Robert Hamill as unconscious and having a crowd kick at him and jump on his head is entirely consistent with the mechanism producing DAI describe by Prof Crane. In Professor Crane's view there were no defence injuries in Robert Hamill's case(63) . Dr Lawler's report confirmed that DAI is well recognised to occur in assaults, particularly when the head is subjected to repeated kicking, punching or stamping. Dr Herron in oral evidence agreed that, as a matter of simple physics, the accelerative force generated would be greater where the injured party was unconscious. It is the family's submission that the injuries sustained by Robert Hamill are not only consistent with, but point toward, his having been knocked to the ground unconscious and then a sustained attack being directed particularly toward his head. Not only is this scenario consistent with the injury sustained it is corroborated by the evidence of those who witnessed the assault.

44. It is only after the incident involving the two males that Neill says another fight started near him and it was then he became aware of the two males on the ground. There is a direct conflict between Neill's statement and that of Cornett's on this point as he says he saw Robert Hamill at some point during the mêlée. The family submit that Cornett's evidence is to be preferred on this point when the versions of events given by police are considered in the light of the remarks made by the individual who pulls Neill out of the Land rover. This comment is reinforced by the similar comment made to Neill by a female who is with D outside the Bakery(64) . Moreover it is only Neill's account which positively suggests that Robert Hamill was not unconscious on the ground when police exited the vehicle.

45. The actions of the police on exiting the Land rover were the family submit, largely ineffective. Although it is our contention that Robert Hamill had already been rendered unconscious by the time of the exit from the vehicle, given the medical evidence it is possible that a more emphatic intervention may have shortened the period of the assault, and in turn reduced the severity of the brain injury. This might have involved, for instance, the harmless discharge of a weapon, or the use of the Land rover with lights and siren to intimidate the crowd.

46. It is however somewhat academic, the family submit, to consider what other action might have been taken after police got out. This only serves to distract attention from the fact that had the police in the Land rover heeded the warning of Thomas Mallon and taken action to prevent the attack this Inquiry and indeed any police investigation may well have been unnecessary.

#### Land Rover References

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6. 09450
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8. 04453
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18. 19-05-09 p 7
19. *ibid* p. 8
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30. Murray Report 1 4.36
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39. 06-05-97 06953
40. 10-05-97 07062
41. 02-10-97 09452
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45. 10965 27-04-09
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47. 19-05-09 p 6
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54. 27-04-09 00681-2;00693-4
55. 23-02-99 08343
56. 27-04-09
57. 80210 Para 12
58. 1:45:37-1:48 06583 & 06590
59. 27-04-97 09681
60. 27-04-97 00695 & 08-09-97 09365
61. 26-03-97 Para 11
62. 00690
63. 15-01-09 p. 5-10
64. 80221 Para 25
65. 81036 Para 30

### **Submissions by the Police Service of Northern Ireland**

It is the position of the PSNI that there is no reason to doubt the credibility of the account she gave to the RUC in a statement dated 9 May 1997. It is

submitted that the account that Tracey Clarke has now given to the Inquiry can be rejected as untrue.

Ms. Clarke has suggested that when she was brought to Portadown Police Station in May 1997 her will was overborne so that she felt compelled to sign up to a version of events about which she had no direct knowledge. She claimed that this compulsion was brought about by a combination of police pressure and by the influence of her aunt (Andrea McKee), the outcome of which was that she was prepared to assent to implicating five names as being directly involved with the murderous attack on Mr. Hamill. Strangely, it was Ms. Clarke herself who was prepared to volunteer the involvement of Allister Hanvey in the attack. The bizarre aspect of this account is that it suggests that rather than being overwhelmed by the police and Ms. McKee, she took an active part in placing Mr. Hanvey (whom she loved) in the frame when (if she is to be believed) she had no direct information to give about how Mr. Hamill came by his injuries.

It is submitted that this volte face is entirely explicable by the pressure which Ms. Clarke now feels to suppress the truth of what she knows. This is a pressure which appears to have afflicted almost all of the witnesses from the Protestant community who have given evidence to the Inquiry and generally reflected in a professed collective amnesia. Ms. Clarke doesn't rely on any lack of memory but it seems obvious that the same pressure to deny the truth of what she knows applies to her. The pressure in her case is arguably magnified by the fact that one of those most closely involved with the killing of Mr. Hamill was (it seems likely) Mr. Hanvey, her husband and the father of her children.

It is clear that this pressure has had a direct impact upon Ms. Clarke and has compromised her health. In many respects Ms. Clarke deserves praise for coming forward to police in 1997 to tell them what she knew. Her preparedness to break the wall of silence that was hampering the police investigation was a mould-breaking act of courage. However, that which was true about her knowledge in 1997 doesn't cease to be true in 2009 just because Ms. Clarke has elected to retract her account by reference to a contrivance involving police and Andrea McKee. It is regrettable that she has chosen to frustrate the Inquiry by behaving in a way which was as evasive as she was once straightforward

It has been the possibility of having to speak to what she knows to be true which has been a significant influence on Ms. Clarke's position over the years. When she gave her account to police in 1997 she probably hadn't given any thought to whether she might be expected to stand in a court of law to describe under oath what she was prepared to say in writing under the cloak of anonymity. When confronted with this reality in or about October 1997 she told Mr. Kerr QC and representatives of the DPP that she could not give evidence because she loved Mr. Hanvey and knew the others whom she had implicated. Three years later when she spoke to the Coroner and referred to her fear about giving evidence.

On none of those occasions was Ms. Clarke under any legal compulsion to give evidence, and therefore her expressions of reluctance did not need to retreat to a disavowal of the truth of her original statement. That of course changed when faced with the obligation to give evidence pursuant to the Inquiries Act 2005. At that point it is submitted that she could not tolerate that prospect unless she could avoid telling the truth.

### **Submissions by Richard Monteith Solicitors (Civilian Witnesses)**

We agree with this analysis. At this point, we think it may be helpful to comment on Tracey Clarke's statement and the weight to be given to it:

- (a) We refer to our comment at Section 6, paragraph 10, below.
- (b) In her police statement she refers to seeing Michelle Jameson kneel beside D (or possibly RH) while people were kicking. This is not borne out by Ms Jameson's version: she knelt briefly, but the kicking had ceased. Importantly, Tracey Clarke denies even knowing Michelle.
- (c) She names people kicking: it is just a list of names.
- (d) She fails to mention a man with a ponytail, referred to by Ryanne Hamill as a ringleader (2185).
- (e) She says that Allister Hanvey told her that Reserve Constable Atkinson was keeping him up to date with the progress of the investigation - one must ask how a Reserve Constable could be in such a position: or was one or other bluffing, should such be what was said.
- (f) She says that she asked Allister Hanvey what had he done to the person that they attacked in the centre of Portadown who is now dead. Why, if she had seen what she has earlier stated in her statement, should she use those words. And how does that question recur in Irene Clarke's statement to H: "She asked Allister what exactly happened that night and he told her everything." (14868).
- (g) She did not mention the jacket or clothing worn by Allister Hanvey. It is remarkable that Tracey Clarke was unable to describe the jacket worn by Hanvey on the evening in question. If, as is alleged, she did observe him at the scene, she would easily have been able to furnish the Police with a description of the jacket when she initially attended and allegedly furnished a voluntary statement, particularly if she had in fact purchased the jacket. D/Con McAteer maintained that he would have recorded if Tracey Clarke had stated that Hanvey was wearing a silver jacket with orange stripes or sleeves.

We submit that it is highly unlikely that, if Tracey Clarke had seen the appalling physical violence referred to in her statement she would (a) have been excited/elated (as per Andrea McKee) or (b) described it as "great crack" (as per Mr Murray, her stepfather). We comment further that Andrea McKee's statement to RHI and her evidence at the Inquiry show that Tracey Clarke gave more detail as the week wore on and that there was much talk in the town.

### **Potential criticisms or adverse inferences**

Andrew Allen

- Participated in the attack on Robert Hamill

Robert Atkinson

- Deliberately or negligently, failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill
- Failed to make an adequate statement or otherwise give information for the purpose of the investigation
- Warned Allister Hanvey to destroy the clothing that he wore on 27 April 1997.
- Gave two false accounts to the RUC about the telephone calls to the Hanvey household
- Entered into a conspiracy with his wife and the McKees to cover the telephone call of 27 April 1997

Stacey Bridgett

- Participated in the attack on Robert Hamill

Denise Cornett

- Deliberately or negligently, failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill

Dean Forbes

- Participated in the attack on Robert Hamill

**D**

- Belonged to a group which initiated the fight leading to Robert Hamill's death
- Falsely informed the police that he and members of his family, including Robert Hamill, were set upon without warning.

**E**

- Belonged to a group which initiated the fight leading to Robert Hamill's death
- Falsely informed the police that he and members of his family, including Robert Hamill, were set upon without warning.

**F**

- Belonged to a group which initiated the fight leading to Robert Hamill's death
- Falsely informed the police that he and members of his family, including Robert Hamill, were set upon without warning.

Allister Hanvey

- Participated in the attack on Robert Hamill
- Provided the RUC with a false account of his movements and his clothes
- Destroyed the clothing that he was wearing at the time of the attack

Marc Hobson

- Participated in the attack on Robert Hamill

Timothy Jameson

- Participated in the attack on Robert Hamill
- Falsely alleged DC Honeyford took a false statement from him



Alan Neill

- Failed to heed Mr Mallon's warning and move the Land Rover to the top of Thomas St to prevent trouble
- Deliberately or negligently failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill

Colin Prunty

- Involved in starting the fight which led to the death of Robert Hamill

Rory Robinson

- Participated in the attack on Robert Hamill

**P40**

- Deliberately or negligently failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill