

THE RESPONSE TO THE DISORDER

- 1 In order to determine what officers could have done to prevent Mr Hamill's death, the Panel may need to determine at what stage relative to them getting out of the Land Rover the fatal attack occurred. To that end, the Panel may wish to consider the following issues:
 - 1.1 The first issue is what was the state of the disorder when Con Neill was pulled from the Land Rover? In particular, this question calls for a resolution of the issue: what motivated the person who apparently pulled at Con Neill to accuse him of sitting there while it happened?
 - 1.2 The second issue is what the officers did once the unknown person pulled at Con Neill.
 - 1.3 The third issue is what steps the Land Rover crew, and the radio controller, took to obtain back-up.
 - 1.4 The fourth issue is what the back-up officers did.

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

See sections 4, 7, 11, 14 and 21 below.

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

Again, one of the allegations made against police from an early stage, and which continued to be made, was that police failed to administer first aid to Robert Hamill or D. This was another allegation which must have caused considerable distress to the Hamill family. It is now clear from the evidence of Reserve Constable Silcock and Con Gordon Cooke, that first aid was administered by Reserve Constable Silcock and one other officer. It is significant that no legal representative, having heard the evidence and seen the witnesses, has attempted to sustain this falsehood. This is another example of a false allegation that has compounded the grief of the Hamill family.

Submissions by Gus Campbell Solicitors (Marc Hobson)

The Land Rover crew's response to the disorder and their accounts of this response is critical in the assessment of their reliability and integrity as witnesses.

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 STATE OF THE DISORDER WHEN CON NEILL WAS PULLED FROM THE LAND ROVER?

2. The materials show that:
 - 2.1 At 01.45.37 Res Con Denise Cornett called for back-up, from the Land Rover (p. 6583).
 - 2.2 At 01.48 she called for ambulances, from her personal radio (p. 10524).
 - 2.3 Dean Forbes was interviewed after arrest. He said he was talking to the police in the Land Rover when a man in a blue shirt and tie grabbed a police officer and said, “are youse going to let them orange bastards get away with that there”. He says he saw a row outside Eastwoods, (pp. 6927 at 6953). He saw the police get out of the Land Rover. A group said to Dean Forbes and others, “we’ll take you on now”, (pp. 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” (pp. 6927 at 6963).
 - 2.4 Res Con Denise Cornett ran back to the Land Rover to call help. At that time a female wearing a white jumper, brown short hair came to her at the Police Land Rover and was shouting abuse at her and screaming. Res Con Denise Cornett saw two people lying on the ground. She saw Con Alan Neill struggling with a young male at the Land Rover and she tried to help him but a man in his 20s, wearing a white top and brown wavy hair was trying to kick the man struggling with Con Alan Neill. A male wearing a blue shirt pulled this male away towards the Alliance and Leicester Building Society. She was approached by a female wearing a blue jacket, dark trousers and shoulder length hair who was very distressed and crying, (p. 6341). (NB In her notebook she did not name anybody, p. 9832).
 - 2.5 Res Con Robert Atkinson made a statement. He said 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. They were moved on but Con Alan Neill's door was pulled open and he was pulled out. Res Con Robert Atkinson said that fights broke out. At Eastwood’s shop, he extricated a man who was being attacked by four or five youths and removed him to Woodhouse Street for his safety. This man was dressed in a light coloured casual top (pp. 6346 and 9840).
 - 2.6 Con Alan Neill made a statement. He named one of the men who spoke to them at the Land Rover as Stacey Bridgett. Con Alan Neill was pulled from the Land Rover by a man wearing blue/green casual shirt with short hair and

stocky build who said “You sat there and watched that happen”. Then he saw a number of fights, one of which was three on one. He says that he separated them and then removed one man to safety to Woodhouse Street. This man was in his 20s, and was wearing a white/ cream type leisure top with a short zip at the throat. He then separated another fight and then saw two men on the ground. One was lying in a pool of liquid, and two women were tending to them, (pp. 9826 and 6332)

- 2.7 Stacey Bridgett was interviewed after arrest. He said it was just him and Dean Forbes walking down the High Street, at p. 7151. He said the Land Rover was at Woodhouse Street, right on High Street. He said nothing was happening when they got to the Land Rover, at p. 7134. He believed that the rear doors to the Land Rover had not opened by the time he was hit, at p. 7184. The man who pulled Con Alan Neill out of the Land Rover had a blue shirt and tie and short dirty fair hair. He says he was wearing a red and yellow checked Ralph Lauren shirt and either navy Sonetti cords or white jeans, (pp. 7128 and 7171).
- 2.8 Father Dooley received an anonymous call which stated that four officers in the Land Rover were sleeping on duty. The caller said that the officers were woken by two girls and that Allister Hanvey and Stacey Bridgett were seen jumping on Robert Hamill's head (p. 2541).
- 2.9 Colin Hull gives a statement. He said he could hear screaming and shouting and walked towards the Eastwoods shop from Woodhouse St. 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 was 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 officers leave their Land Rover nor did reinforcements arrive during the attack. One girl banged on the back of the vehicle and pleaded for help. The RUC officers ignored her and left their jeep when the ambulance arrived, (p. 542).
- 2.10 Vincent McNeice gave his statement to Rosemary Nelson. He stated that on 27 April 1997, he left McKeever's 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 to 30 people, and 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.
- 2.11 On 10/5/97, at 14.15, Dean Forbes was interviewed. He said that when he saw the men on the ground, he was with Anne Bowles, “Lynn” (sic) Bowles and their third sister, (p. 7069). He said that the Land Rover was up at the

High Street in the middle of the road. By the time that he reached it, there were two people on the ground, (p. 704).

- 2.12 Kyle Woods says there was a commotion in the town centre so he, Gareth Cust and Simon McNally walked down towards the Church. They went down West St then up the lane at the back of the Church and turned left and walked down towards the centre of town. They stopped at the front of the Church. He saw a crowd in the centre of town and a police Land Rover. The crowd was coming up from the bottom of town and there were people standing at the Land Rover talking to the police officers, (p. 9133).
- 2.13 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 (p. 9129).
- 2.14 Res Con Denise Cornett served a notice of intention to apply for compensation in which she said that she and three other officers “were called to the assistance of two persons who had been attacked by a mob”. She was “verbally and physically abused by the mob,” (p. 72251).
- 2.15 Con Alan Neill dealt with the sequence of events and was clear that the two men were not on the ground when he was pulled out of the Land Rover by a man saying, ‘you sat there and watched that happen’. When he did see Robert Hamill on the ground, he went over to him and his breath was so rasping, it sounded like a death rattle (p. 9389).
- 2.16 Res Con **P40** recalled hearing some shouting from the Thomas Street side of the main street while he was still inside the vehicle, (pp. 9351 at 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, (pp. 9351 at 9369). Res Con **P40** says that they all got out of the Land Rover then and Res Con **P40** saw a crowd of people and the start of a fight with people tugging at each other. He did not see any actual blows and no one struck anyone. He then heard women screaming, (p. 9370), and a man wearing a navy shirt and dark coloured trousers, of about 5’9” went over to Res Con **P40** and asked him what he was going to do (p. 9371). Res Con **P40** believed that man was expecting him to “wade in” and pull his friends out of it. Despite that, he did not think any fighting was occurring, still just pushing and pulling (p. 9373). Res Con **P40** says that he was busy in the mouth of Woodhouse Street restraining two nationalist men from returning to the crowd. One of the men, wearing a grey sweatshirt, with plenty of light coloured hair, ran past him and he turned round and at that point he saw one man lying on the ground, (p. 9377). He was aware of bottles being thrown. It was a few moments later that he saw a second body, (p. 9383).

- 2.17 Res Con Atkinson said that a stoutish sort of boy said something to Denise (Res Con Cornett) about people coming down there, and almost instantly the door was pulled open, (p. 9476).
- 2.18 Con Alan Neill submitted a notice to apply for compensation in relation to the incident on 27 April 1997 in which he stated and relied upon the victim [i.e. Con Alan Neill] being present and Heed a large mob assault and critically injure a youth, Robert Hamill, (p. 39172).
- 2.19 Res Con 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 (p. 9440 at 9454). Then, Res Con Denise Cornett says that another man came to the Land Rover and tried to pull Con Alan Neill out of the Land Rover and started asking what the police were doing sitting there letting this all happen. Then all the police got out of the Land Rover and saw people fighting and shouting. The police ran over, (p. 9440 at 9456).
- 2.20 Colin Prunty saw **D** being hit with a bottle, which was thrown at him. 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 on 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 at the time (18062)
- 2.21 Con Alan Neill was interviewed and stated that, further to his original statement, he could remember seeing Robert Hamill lying on the roadway across from Eastwoods shop with his head closer to the central reservation. Con Alan Neill was involved in breaking up a fight when he saw a person whom he now knows to be Marc Hobson standing beside Robert Hamill, near his head and shoulders a couple of feet away at the very most. Con Alan Neill had a clear line of vision and after Marc Hobson had spoken a few words to Robert Hamill he kicked him in the shoulder or head area although he is not sure whether Marc Hobson made contact, (p. 10948).
- 2.22 Res Con **P40** submitted an injury claim form in which he said that there were 60 people present at the time of the incident. There were three policemen and one policewoman. He stated that he had done his best. He said at times he has asked himself if he should have done something different but concludes there was nothing he could have done. He said he did not He the killing but saw the body covered in blood. He told his psychiatrist that the worst aspect of the situation was the loss of life, helplessness and not being able to do anything. He said he had been in the back of the Land Rover at the time of incident. He saw two men lying on road, one in a pool of blood with broken bottle to one side. Having decided not to intervene, he had not been in severe danger from the crowd. Res Con **P40** said he realises he had a decision to make, and decided to save his life, (p. 39197).

- 2.23 DC Donald Keys speaks 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, (p. 72615).

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

The sequence and timings of the two radio transmissions at 2.1 and 2.2 may be of assistance to the Panel in deciding the police perception of the disorder, as opposed to the actual state of the disorder. Reserve Constable Cornett's makes a call for back up at 01.45.37 and for an ambulance at 01.48. There is a reasonable inference therefore that her perception, on first alighting and seeing the disorder did not include seeing two persons lying on the ground seriously injured. It is when she returns to the disorder, having made the call for back up, that she is first aware of persons requiring ambulances.

Submissions by Gus Campbell Solicitors (Marc Hobson)

This material paints an inconsistent picture of events. From the Land Rover crew there is no acknowledgement that Robert Hamill was put to the ground before they alighted from the vehicle. The claims for compensation blur this towards the critical event occurring while they were inside the Land Rover, in particular the claims by P40 and Res Con Cornett

The trial judge at Hobson's trial, having heard Constable Neill account for his actions observed that it raised the reasonable doubt as to whether he was being truthful when he described the scene as he looked across the street after dismounting from the land Rover. In considering why he might have lied about such a matter the learned trial judge observed that the untruthful purpose might have been was to protect his own and his fellow officers' in the face of criticisms publicly made against them, p 08747.

Constable Neill maintained consistently that the two men were not on the ground when he was pulled out of the Land Rover by the person wearing the blue/green casual shirt. This clear evidence is at odds with common sense as the legitimate question it asks is; what on earth would a person be doing risking his own arrest in behaving like that if it was not his instinctive reaction to a very violent incident that he believed the police had sat through, watched and yet did nothing. The police may not have seen the disturbance but in reality this persons reactions were not necessarily finely judge. They were reactions to something more than mere cat calling.

Con Neill said there was cat calling, he couldn't see anybody,.. everybody was standing up, (p13)

Whenever he got out there was no fighting going on at that time either, he can't put it any higher than that (p45)

He was accused 3 time of doing nothing on the spot, at the time (p47)

Basically as soon as he got out the fighting started, p48. He was not prepared to accept that he might have been mistaken on the question of whether Hamill was on ground, p81

Con Neill saw Hobson, involved in kicking him in the head and shoulder (see submissions on Making a Case)

Submissions by the Police Service of Northern Ireland

See sections 4-11 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see 4.

3 A number of witnesses provided statements and gave oral evidence:

F

Statement

- 3.1 Para 20: When the individual ran to the Land Rover, they could not see inside the vehicle and does not know if the officers were inside. None of the doors were open.
- 3.2 Para 28: The individual does not remember if they told Diane Hamill about police not getting out of the Land Rover. There are ten members of Hamill family and they may have told one of them.

Oral Evidence

- 3.3 When the individual ran to the Land Rover, they could not see if anyone was in Land Rover. No-one got out (p. 75).

E

Statement

- 3.4 Para 19: Individual did not see the police around when attack started nor did they look over at the jeep at that stage.

Diane Hamill

Oral Evidence

- 3.5 Spoke to Colin Hull within a week of death of Robert Hamill (p. 12). This was the only time she spoke to him (p. 18). She had heard from other people that Colin Hull had pulled Con Neill out of the Land Rover and she asked him directly. He (readily (p. 22)) admitted it (p. 12). Does not know who told her Colin Hull had pulled Con Neill out of the Land Rover, (p. 22).

Brid Rodgers

Oral Evidence

- 3.6 Spoke to police about incident. Spoke to Sgt on duty who said “they weren’t safe to get out of the Land Rover because they were afraid. They hadn’t enough reinforcements.” When she asked why they didn’t ask for reinforcements from station, officer said there was no-one in the station, they were out in the country (p. 158). Does not remember the officer’s name but he was on duty in waiting room during the daylight hours, afternoon of 27/4/97, (p. 159). She is certain he said no-one was in station, (p. 160).

Stacey Bridgett

Oral Evidence

- 3.7 He did not hear anything going on at the time Con Neill was pulled out of the Land Rover, and the police definitely did not, as they were talking to him, (p. 67).
- 3.8 Does not remember how noisy it was. Does not know if he would have heard it the other side of the Land Rover (p. 71). There was nothing to indicate a fight before he went round back of the Land Rover (p. 92).
- 3.9 Officers got out when a man pulled at an officer. He saw the driver and a policewoman get out and heard back doors open, (p. 93).

Submissions by Gus Campbell Solicitors (Marc Hobson)

Con Neill gave evidence on the issue of what he would have been able to observe at a time when he was containing a hostile crowd with a large number of people between him and Robert Hamill. He claimed that he was fortunate enough to have caught a glimpse of Hobson in the middle of this situation, p102

Submissions by the Police Service of Northern Ireland

See sections 4-11 below.

Comment

4. The evidence of a man attempting to pull a policeman from a Land Rover while complaining that he had sat there while something was happening very strongly suggests that Land Rover crew were in the vehicle while some violence took place. Res Con Cornett's statement to the Inquiry gives powerful support, as she identifies that it was a "mob" that was being complained of, and that the two men she was speaking to warned her not to get out. Res Con P40's evidence to the effect that he had already heard shouting gives corroboration to that. It may be difficult to ascertain with more precision what the mob comprised of, and what it had done to cause the complaint to be made.

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

We perceive a fundamental difficulty with the question of at what point the RUC officers descended from the Land Rover, and with using the moment when Constable Neill was allegedly pulled out of the Land Rover as being the moment which marked that descent. Firstly, the person who berated the RUC officers for doing nothing has never been identified. Secondly, the only people who claim to have seen and heard this person are Constable Neill himself [2.6], Reserve Constable Atkinson [2.5], and two of the suspects, Stacey Bridgett [2.7] and Dean Forbes [2.3]. E and F have consistently alleged that none of the RUC officers got out of the vehicle until after the fracas was over, and other witnesses have backed them up (please see 14 below). The testimony of the four people who claim to have seen this unidentified person serves two purposes. First, it establishes that the RUC officers did get out of the Land Rover before the fracas was over, and secondly, it gives Stacey Bridgett and Dean Forbes an alibi, because if they were talking to the officers in the Land Rover they cannot have been assaulting Robert Hamill and D. Diane Hamill is certain that Colin Hull told her that he pulled Constable Neill from the Land Rover [3.5]. However, Colin Hull does not mention this in his evidence to the Inquiry. The Inquiry may wish to consider whether the claim that Constable Neill was pulled from the Land Rover stands up to scrutiny and, if it does not, they may wish to infer that the RUC officers did indeed remain in the Land Rover until it was too late for them to render any assistance to Robert Hamill and D. They may also wish to consider whether all four RUC officers inside the Land Rover may have conspired to give Stacey Bridgett and Dean Forbes an alibi, since all four said they took part in the discussion with them [please see 3.39 in module 5].

Submissions by Gus Campbell Solicitors (Marc Hobson)

It is highly likely that the event that caused a man to approach the Land Rover, complain to the police that they sat there and watched it happen and pull a police officer from the vehicle (effectively assaulting him) was an unusual one. A clash between Protestants and Catholics in Portadown on a Saturday evening was not an unusual event as the area was a notorious flash

point requiring a police presence of the sort deployed that night. What would have been unusual would have been an assault by a mob resulting in the knocking unconscious of two heavily out-numbered Catholics. One can never know with certainty what exactly caused this person to complain to the police in the manner in which he did; what we can say is that it would not have been anything trivial such as cat calling and must have involved something serious enough for a person to risk arrest and prosecution.

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

It is accepted that there was a level of disorder not amounting to violent interactions when Constable Neill was pulled from the Land Rover and in the time immediately after. It is accepted that there was cat-calling and sporadic groups crossing the street, as set out in the evidence of Reserve Constable Atkinson to the Inquiry. The Panel is also referred to the evidence of Reserve Constable Atkinson at 08340, his evidence at the Marc Hobson trial. These two accounts are consistent with each other, nor was his account undermined, even under the rigours of cross-examination at the Marc Hobson trial. The Panel may wish to consider whether, prior to Constable Neill being pulled from the Land rover and Reserve Atkinson immediately exiting the Land Rover at that stage, the evidence illustrates in the area of Thomas Street (around Jameson's bar) out of sight and hearing of the Land Rover, violent exchanges took place. This was not something which Reserve Constable Atkinson could have been on notice of.

Submissions by the Police Service of Northern Ireland

It is accepted that the unusual or extreme behaviour of a man pulling a police officer from a land rover when considered together with his choice of language strongly suggests that something of significance had occurred on the street while the police were in the vehicle.

It is accepted that from the evidence of what the man said it is probable that the occupants of the land rover missed an important event in the build up to the violence which was to lead to Mr. Hamill's serious injuries. It is not accepted that the man's comments to Con. Neill support the view that D and Mr. Hamill had been knocked to the ground at that stage (see below).

It is submitted that by failing to come forward to give evidence on the point, the man who remonstrated with Con. Neill has deprived the Inquiry of the evidence necessary to determine just what it was that triggered his actions.

The Inquiry has heard evidence from Diane Hamill that she was told that Colin Hull was the person who remonstrated with Con. Neill. He has denied this. Quite why there should be a reluctance on the part of anyone to come forward and co-operate with the Inquiry in this regard is unclear.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

As there is no evidence of any other violent incident it seems likely that it was the injury to D and R Hamill which was the subject matter of the man's complaint. Query who he was - could he have been Mr Mallon, as asserted by Reserve Constable Atkinson at the Hobson trial? If so, why did Mr Mallon deny that it was him?

5. The medical and other evidence that suggest the fatal attack on Mr Hamill was over quickly.

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

We agree with this conclusion.

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

We agree with this

Submissions by Gus Campbell Solicitors (Marc Hobson)

The medical evidence and the reaction of the person in pulling Con Neill from the Land Rover strongly suggest that the fatal assault was over by the time the Land Rover crew alighted. To hold a contrary view would require the Panel to accept the evidence of the Land Rover crew that the two men were not yet prone on the ground at the time they alighted from the vehicle. It is submitted that such a view of the evidence would be charitable.

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

The balance of the evidence would tend to suggest that this comment is correct.

Submissions by the Police Service of Northern Ireland

This is agreed (see earlier submissions at Chapter 1).

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed

6. Although both Con Neill and Res Con Atkinson claim that there was no-one on the ground when they got out, the Panel may need to contrast that with the complaint made by the man pulling Con Neill from the Land Rover.

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

Please see comments at 4 above.

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

We agree with this

Submissions by Gus Campbell Solicitors (Marc Hobson)

See submission at 5, above. The evidence of Con Neill and Res Con Atkinson is incapable of belief on this issue. It raises the very real prospect that their accounts were deliberately concocted to deal with the criticisms levelled against them from the time Con Neill was pulled from the Land Rover to the present. The trial judge considered that Con Neill had possibly lied about his evidence to deflect public criticism, p08747.

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

The Inquiry has the evidence of the Reserve Constable Atkinson that he was certain that he saw no one on the ground when he exited the Land Rover. We would refer to 81385, paragraph 21 of Robert Atkinson's Inquiry statement. We would also refer to paragraph 12.2 below where Reserve Constable Cornett states that she only saw the injured men after she had radioed for assistance and dismounted. Should the panel take the contrary view that there were parties on the ground, the circumstances were such that it is clearly open to the Panel to consider that Robert Atkinson did not see them through no one fault of his own. The panel may wish to consider the line of vision in light of the moving groups, the number of distractions and the focus of Reserve Constable Atkinson in removing a nationalist to Woodhouse Street, dealing with the attack wherein his baton was damaged and in assisting the removal of Wayne Lunt to the Land Rover. Such are circumstances which are relevant as to the potential for seeing persons on the ground, should the panel consider that there were in fact persons on the ground at that time.

Submissions by the Police Service of Northern Ireland

It is accepted that it is reasonable to contrast the accounts given by Con. Neill and Res. Con. Atkinson which maintain that neither Mr. Hamill nor D were on the ground when they emerged from the vehicle, with what the unknown man said to Con. Neill.

Whether or not the man approached police to convey the view that Mr. Hamill and D had been injured and were unconscious on the ground is just one possibility. The language which he used was ambiguous. It wasn't augmented by any gesture which pointed to injured persons. It wasn't accompanied with words such as to suggest that ambulances or first aid was necessary. The Inquiry may be inclined to reach the view that if the man had come to the land rover intending to report a serious assault on his friends he would have been more specific.

For the reasons set out at 15 below it is submitted that there are strong grounds for believing that neither D nor Mr. Hamill had sustained their injuries and had been put to the ground by the time the man spoke to Con. Neill.

There were of course other developments which could have caused the man to approach police in the way that he did. Take for example, the version of events reported by Carol Ann Woods/Jones. If Ms. Woods is correct a Protestant man may have struck a Catholic man at the entrance to Thomas Street, leading to a retaliatory blow on another man and a chase (page 72).

It is at least plausible that the man came to Neill's door to complain about this or to present some similar account about an attack on a Catholic and to communicate his concern that police needed to get out in order to deal with a situation which was showing signs of deteriorating, and where the few Catholics on the street were vulnerable to attack by the larger Protestant crowd.

In the absence of evidence from the man himself this analysis is of course somewhat speculative. However, it is submitted that it is no more speculative than the suggestion that the man's words undermine Con. Neill's (and Atkinson's) account about the absence of bodies on the ground. Indeed for the reasons given at 15 (below) it might well represent the best interpretation of these events.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed

7. The radio traffic shows that the call for an ambulance was made less than two and a half minutes after the call for back-up, and in that time Res Con Cornett got out of the Land Rover, made her way through the crowd and saw the men on the ground. That may be inconsistent with the relatively lengthy period which the officers intimate elapsed between their getting out and them recognising that anyone was injured.

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

In our submission, the fact that the call for back-up and the call for the ambulance can be pinpointed and are so close together, shows that the RUC officers did not get out of the Land Rover until the attack was over, or at least until after both Robert Hamill and D were on the ground and unconscious.

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

It is extremely difficult to say with any degree of certainty how much time the officers intimate elapsed between them getting out of the Land Rover and seeing bodies on the ground.

Submissions by Gus Campbell Solicitors (Marc Hobson)

This is further support for the proposition that Con Neill and Res Con Atkinson lied to the Inquiry on a critical issue.

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

We would refer to the distractions mentioned above at part 6 in reference to lines of vision.

Submissions by the Police Service of Northern Ireland

It is unclear what part of the evidence is relied upon to advance the comment that Con. Neill and Res. Con. Atkinson intimated that a "relatively lengthy" period elapsed before they saw Mr. Hamill and D on the ground. The phrase a "relatively lengthy" period of time is not particularly precise. What is clear is that they described a large number of events as occurring in what was a fast moving and volatile scene. In the context of so many events taking place it is possible to form an impression that a significant period of time had passed before bodies were seen on the ground. However, it is entirely credible that these events did take place between the time the officers left their vehicle and a time some two and a half minutes later when Cornett saw the victims on the ground and recognised the need to call for two ambulances. It is submitted that there is no basis to suggest that there is any inconsistency between Res. Con. Cornett's account and the accounts of her two colleagues.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed

8. It would have been difficult to see bodies on the ground in the middle of an affray.

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

That depends on how much of an affray there was. In our submission, there was not initially a pitched battle between two opposing factions, merely a concerted attack on Robert Hamill and D. More general fighting may have broken out afterwards. The RUC officers had been put on notice of the fact that St Patrick's Hall was turning out, Portadown town centre was a well-known flashpoint, otherwise they would not have been on duty there. They should have been alert for possible trouble. Instead, by their own account, they were chatting with two of the suspects, Stacey Bridgett and Dean Forbes (although as explained at 4 above, their account must be viewed with caution). Had the officers been alert, they would have seen the attacks on Robert Hamill and D.

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

We agree with this, bearing in mind the large number of people present and the chaotic confused scene.

Submissions by Gus Campbell Solicitors (Marc Hobson)

See submissions at 3.9 above.

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

We are in agreement with the above comment.

Submissions by the Police Service of Northern Ireland

Naturally, where there are a large number of persons gathered together in a confined space at night time, it is quite possible for someone to fail to see bodies that have fallen to the ground.

Arguably, the conditions faced by police that night were even less advantageous for making observations because an affray was ongoing. It is accepted that it is certainly possible that police could have innocently but mistakenly concluded that there were no bodies on the ground when they left their vehicle.

Clearly, consideration has to be given to this possibility. However, it is submitted that it is more likely for the other reasons discussed in this chapter that in fact the officers have accurately recalled the fact that the bodies were not on the ground when they left their vehicle.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

This highlights what may be an issue: whether the Land Rover crew are simply mistaken when they maintain that there were no bodies on the ground when they got out or whether, as is canvassed at paragraph 9, their account is self-serving.

9. Further, it was obvious to those officers even before they got back to the station, let alone before any of them gave statements, that they would be blamed for a very serious injury. The Panel may need to consider whether their account that there were no bodies on the ground when they got out is consciously self-serving.

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

Their accounts may have been self-serving, but equally they may not immediately have seen the bodies if they only got out of the Land Rover

after the two men went down. By then, there may have been more of a general melee and they may not have been able to assess the situation at once.

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

It is hard to see how it would have been obvious to the police officers whether before they got back to the station or on making their statements, that they would be blamed for a very serious injury. Con Neill stated in evidence p24,

"7 Q. Okay. Did you -- the four of you in the Land Rover, did

8 you talk about this on the way back to the station?

9 A. Possibly did, but I can't recollect anything particular.

10 Q. Were you conscious at that point, as you were going back

11 to the station, that this had been a serious assault?

12 A. Well, it was serious, yes, because the ambulance had

13 taken two away that were unconscious. That's what my

14 opinion was at the time.

15 Q. Were you conscious that you might get the blame?

16 A. No.

17 Q. Even though people had shouted at you to that effect?

18 A. No. "

Further, if it was obvious that they would get the blame for a very serious injury, one might ask why they all left the station that morning without getting together and making witness statements to deflect any such blame?

The suggestion that the officer's consciously gave a self serving account ascribes to them a degree of ingenuity, foresight and dishonesty which the Panel having seen and heard them, may feel is totally inappropriate.

Moreover, Con Neill, in the course of his evidence at p16 and 17 stated in effect that within a very short time of getting out of the Land Rover he heard at least two people shouting to get an ambulance, but couldn't see anyone injured at that stage to require an ambulance. One poses the question-why would he say that when it is against his interests and tends to confirm that person or persons must have been on the ground before he saw them.

It is further clear that they all dismounted from the vehicle immediately on being made aware of the disorder, and did all they could to protect the injured and quell the violence.

Submissions by Gus Campbell Solicitors (Marc Hobson)

For consciously self serving a much more accurate phrase would be "deliberately lying on one of the most crucial issues in the Inquiry".

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

There is no evidence of a self-serving statement on the part of Robert Atkinson. It is quite clear that Reserve Constable Atkinson was very pro-active at the scene. This is confirmed in the report of Colin Murray at page 74400, paragraph 4.26 "Reserve Constable Atkinson was perhaps the most pro-active officer initially at the scene." Further the panel is referred to at day 67, page 52, lines 8-9 "I feel very confident and able to comment in relation to the initial actions of the four officers." When questioned about that comment on day 68, page 18 " Now, is there anything that you have heard during the course of this Inquiry that changed your views on that?" he responded "Nothing whatsoever". Further when asked "So you were satisfied then and you are satisfied now exactly what is stated there?" he answered "Yes, and I fully believe that still. Reserve Constable Atkinson was very active at that scene." Colin Murray is a policing expert who concluded those views on Reserve Constable Atkinson in essentially two exercises; (i) the paper exercise and (ii) having the benefit of the wealth of exploration of issues at this Inquiry and taking into account his evaluation of all allegations to the contrary.

Submissions by the Police Service of Northern Ireland

It is unclear whether the comment that the officers may have given accounts which were "consciously self-serving" is intended to convey an allegation that the officers are guilty of having told deliberate untruths on this issue. It is expected that the meaning of this comment will be clarified.

It is submitted that if this is the allegation then the Inquiry should assess its validity by examining whether there is any evidence which might demonstrate a pattern of exculpatory behaviour on the part of Neill or Atkinson. It is submitted that upon consideration of the evidence it can be seen that in fact the reverse is true.

For Neill's part, in his original police statement (00680) he candidly accounted for two facts which, if he had thought about it, would have led him to the view that they had the potential to cause difficulties for him and his fellow officers.

Firstly, he indicated in his statement that he was aware of Mr. Mallon's warning. In light of what happened to Mr. Hamill and D, Con. Neill could have considered that by revealing this fact difficult questions could be asked about his failure to anticipate an attack. He could have anticipated that such information might be used to blame him and his colleagues for Mr. Hamill's serious injuries. Yet, he still delivered up the information.

Secondly, in his statement he straightforwardly accounted for the remarks of the man who pulled him from the land rover ("You sat there and watched that happen."). These remarks are being interpreted by some as being indicative of serious injuries having been occasioned to Mr. Hamill while police sat in

the land rover. Con. Neill could have foreseen that the man's remarks would be the subject of some such interpretation. Again, he could have anticipated that such information might be used to blame him and his colleagues for Mr. Hamill's serious injuries. Yet this is another example of him being prepared to disclose an inconvenient truth (from his perspective) at the earliest possible opportunity.

Likewise, Res. Con. Atkinson confirmed in his original statement that Neill had been pulled from the vehicle (00693).

It is submitted that such candour on the part of Neill in particular, but also of Atkinson, is hardly consistent with minds which would conspire to cover up or obscure the truth regarding whether the bodies were on the ground when they got out. If they were of a mind to take steps to avoid the blame for Mr. Hamill's injuries they could have prepared statements which didn't make reference to Mr. Mallon or the man who spoke to Con. Neill.

It is submitted that the fact that they didn't seek to obscure the truth on these matters is powerful evidence to support the honesty of their account on the question of whether Mr. Hamill was on the ground when they got out.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see paragraph 8

10. There is a possibility that the Land Rover remained in the wrong place, and the crew remained in it, while the violence took shape and occurred. The officers were warned of the very thing that in fact happened. Con Neill's reaction to the warning was that he needed to get the Land Rover across the top of Thomas Street. However, he allowed the vehicle to stay there for what was probably some minutes, first so as to watch the confrontation between Mr Mallon and Dean Forbes and Stacey Bridgett, and then to chat to Forbes and Bridgett.

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

This seems very likely to have been the case.

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

It was Con Neill's intention, as he stated in evidence at p6 and 7, that he intended, at all times both prior to and on meeting Mr Mallon, to drive down the town, turn and come back up to the junction with Thomas Street again. It will be remembered that Con Neill had looked up Thomas Street and there was nobody there. We do not agree with the suggestion that Con Neill felt that he "needed" to get the Land Rover across the top of Thomas Street. We refer back to the "immediacy" of the threat to Mr Mallon, as compared to the potential threat of disorder emanating from Thomas Street. He did not "allow" the Land Rover to stay during the confrontation with Mallon, but

was duty bound to do so in the interests of Mr Mallon. It does appear that the warning to Bridgett and Forbes about their conduct and their ensuing conversation with them may have distracted them for a very brief period from Con Neill's original intention.

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

The positioning of the Land Rover at LR3 has been dealt with in Submission 5. We would draw to the Panel's submission the earlier submission that no one has suggested that Reserve Constable Atkinson spoke to Dean Forbes or Stacey Bridgett.

Submissions by the Police Service of Northern Ireland

It is accepted that the vehicle was positioned at LR3 and that this was a less than favourable position to make observations of Thomas Street. The issues surrounding the positioning and the factors which caused the vehicle to remain there have been examined at Chapter 5 (above), and in particular in the submissions contained at paragraphs 4, 7 and 10.

Con. Neill has admitted that the police intervention with Mallon, Bridgett and Forbes and the subsequent conversation amounted to a distraction. The appropriate action would have been for police to have moved to the top of Thomas Street or to a better position on the other side of the Woodhouse St. junction (eg. LR1) rather than engaging in conversations with Bridgett and Forbes.

However, the PSNI disagree with the comment that police were warned of the very thing that in fact happened. For this comment to be accurate Mallon's warning would have been that an attack was being planned or was likely. There was no such warning. This comment is akin to Mr. Murray's disputed opinion that the warning from Mr. Mallon ought to have immediately alerted Con. Neill and Res. Con. Cornett to there being an immediate danger of public disorder (at 4.5 of Murray Report).

It is submitted that this is a loose and lazy analysis. The warning issued by Mr. Mallon was simply to the effect that there were others making their way down Thomas Street in the direction of Woodhouse Street. He wanted police to remain at the junction and of course his warning carried with it the implication that police should be on the look out for trouble. However, it is to overstate the position to suggest that police were warned that violence was likely or that an attack was about to occur.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed. This does raise a question whether either Bridgett or Forbes was involved in whatever happened to cause the death of R Hamill. If the Panel concludes the attack took place while they were at or near the Land Rover, this may assist in evaluating the weight to be given to the police statements of Tracey Clarke and Timothy Jameson.

11. The Panel may wish to consider whether, during that period, tensions were rising at the junction and by the time the officers eventually got out of the vehicle it was too late to stop the violence. The Panel may need to decide whether, had Con Neill done what he thought to be necessary in response to the warning, the violence would not have broken out, and Mr Hamill would not have been killed. If it does decide that, then it may wish to consider whether his failure to move to the mouth of Thomas Street was negligent and whether that negligent omission facilitated Mr Hamill's death, whatever happened after the officers got out.

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

In our view, the attacks on Robert Hamill and D had almost certainly already taken place before the officers descended from the Land Rover. We also suspect that Stacey Bridgett and Dean Forbes were involved in those attacks, and that, by claiming to have been chatting with them, all four RUC officers conspired to provide them with a false alibi. We think it is possible that tension rose following the attacks because of a) the attacks themselves and b) the officers' inaction. We believe that had the officers been alert and had they acted swiftly once the two men were attacked, Robert Hamill's life may have been saved. As explained at 4 above, we are not convinced anyone warned Constable Neill that the attacks were taking place.

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

It is not clear what is meant by "had Con Neill done what he thought was necessary in response to the warning, the violence would not have broken out". As he stated, he looked up Thomas Street and there was nobody there. His intention, before and after speaking to Mr Mallon, was to drive down the town and come back up again. The possibilities are endless as to what may or may not have ensued that evening if he had taken Mallon's words as an immediate warning to go to the mouth of Thomas Street or get out of the Land Rover. If P42, William Jones and the independent witnesses are correct about the behaviour and actions of the Catholic group coming down Thomas Street in the presence of a police Land Rover across the very street that they intended to go down home along, would the Land Rover being positioned closer to Thomas Street or police officers out on the ground, have made any real difference? One should not endow this group the attributes of a reasonable, rational, sober and law-biding person. It may be that it would have made a difference, but it is equally likely that having regard to their actions in the face of a Land Rover at the junction, that violence would have taken place.

As regards what should or should not have been done, or what may or may not have happened, Con Neill put it in the following way at p25,

"18 A. No. I do regret, in hindsight, not having done things
19 differently. I mean, it goes through my head two or

20 three times every week -- I have sleepless nights and
21 everything else -- as to what may or may not have
22 happened if we had done something differently, but,
23 I mean, I just simply can't say what may have happened.
24 Q. Tell us more about that. What do you think you might
25 usefully have done?

25

1 A. There is any number of ways the whole thing could have
2 changed. For example, if we had got out originally when
3 Mr Prunty had said to us, it may have turned out
4 completely differently.
5 I can't say what -- I am not fully au fait with all
6 the information that has come out within the Inquiry,
7 but, I mean, things may have -- maybe Mr Hamill wouldn't
8 have died, you know. Also, it could have been worse.
9 There is so many things that could have happened.
10 It is not unusual for -- when you are in a position
11 like that, that people are trying to pull the guns off
12 us. That's another thing we have to consider whenever
13 we are in that -- normally we don't, because we have the
14 guns on us all the time, but it has happened before
15 where guns have been pulled off us. So things could
16 have been a lot worse as well as being -- instead of
17 being here with just Mr Hamill having died from it, it
18 could have been worse.
19 You know, it is something I have to live with every
20 day and I go through it. I can only imagine what the
21 family go through."

We would remind the Panel at this stage that it has had the benefit of seeing and hearing Con Neill give his account of his actions and decisions surrounding this event. We respectfully submit that he was an honest and impressive witness.

We do not accept that Con Neill needed to move the Land Rover to the mouth of Thomas Street with the immediacy that is suggested. This goes back to the issue that to have done so, on speaking to Mr Mallon, would have meant abandoning Mr Mallon to violence from Forbes and Bridgett.

If the Panel disagrees with this, and feels that Con Neill should have moved with immediacy to the mouth of Thomas Street, we suggest that this does not amount to negligence but a requirement of perfection with the benefit of microscopic hindsight.

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

The actions of Reserve Constable Atkinson on leaving the Land rover have been dealt with in submisisions above and will be explored again below.

Submissions by the Police Service of Northern Ireland

This comment contains much in the way of speculation. It is simply unclear whether positioning the vehicle closer to the Thomas Street junction would have had any effect on preventing rising tensions from spilling over into violence. It is just as likely that the presence of a police vehicle at Thomas Street would have had no effect on those intent on violence. Moreover, the spontaneous nature of the violence, and the relative speed of the attack on Mr. Hamill (probably involving no more than a few heavy blows), suggests that unless police had been on foot patrolling the corner, it is unlikely that they could have reacted in time to save his life.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

We respectfully agree with the analysis of this issue.

THE SECOND ISSUE: WHAT DID THE OFFICERS DO?

12. The materials show this:
 - 12.1 Res Con Denise Cornett said all the police got out of the Land Rover and saw people fighting and shouting. The police ran over, (p. 9440 at 9456). People were fighting so Res Con Denise Cornett went to radio for assistance but there were no men lying on the ground at that stage. It was when she was radioing for assistance at the Land Rover that she noticed two men were on the ground, (p. 9440 at 9459). She went to check on both men. The first man had a small cut to his head the second man had shallow breathing. She says that his breathing was “husky” and she thought he had a punctured lung. She checked his pulse (p. 9440 at 9464). They were both unconscious. Res Con Denise Cornett describes both sides of the crowd as being abusive at that stage (p. 9440 at 9465).
 - 12.2 A CID note made of a conversation with Res Con Denise Cornett clarified that she only saw the injured man after she had radioed for assistance and dismounted. She said that the man in his thirties with the blue shirt and dark trousers was not the same man who was mouthing at the police. The females who came over to the Land Rover were shouting “not doing nothing”; they were not the two females who gave assistance to the injured, (p. 9681 and 9440).
 - 12.3 Res Con Denise Cornett served a notice of intention to apply for compensation in which she says that she and three other officers “were called to the assistance of two persons who had been attacked by a mob”. She was “verbally and physically abused by the mob.” She said that a couple of youths came over to her, distracting her, and they were alerted by shouts of ‘you’re sitting there watching this’. She ran over and saw two badly injured men lying on the ground. She then ran back to get radio assistance, and also tried to give the men First Aid. Both were alive and seemed

conscious. A mob was gathering around them. The mob was restrained by Res Con Denise Cornett's colleagues. They were shouting abuse. She stated that she was trying to comfort the two girls that were with the two men lying on the floor (pp. 72251 at 72257).

- 12.4 Res Con **P40** described a man in a navy shirt and dark trousers, who earlier gave the warning, outside Alliance and Leicester shouting "what the fuck are you going to do?" after they dismounted the Land Rover. Res Con **P40** moved this person into Woodhouse Street, (p. 6349).
- 12.5 When Res Con **P40** is asked if he thought he could have prevented the assault he said it would have been physically impossible and his wife could have been walking behind a coffin as well if he had been in the middle of that, (p. 9351).
- 12.6 Res Con **P40** submitted an injury claim form in which he said that there were 60 people present at the time of the incident. There were three policemen and one policewoman. "He states that he has done his best. He says at times he has asked himself if he should've done something different but concludes there was nothing he could've done. Says did not He killing but saw body covered in blood. Told me worst aspect of the situation was the loss of life, helplessness and not being able to do anything. He says he had been in back of the Land Rover at time of incident. He saw two men lying on road. One in a pool of blood with broken bottle to one side. Having decided not to intervene had not been in severe danger from crowd. Res Con **P40** says realises he had a decision to make and decided to save his life, (p. 39197).
- 12.7 A man wearing a navy shirt and dark coloured trousers, of about 5'9" went over to Res Con **P40** and asked him what he was going to do, (p. 9351 at 9371). He believed that the man was expecting him to "wade in" and pull his friends out of it. Despite that, he did not think any fighting was occurring, still just pushing and pulling, (pp. 9351 at 9373).
- 12.8 Res Con Atkinson made a statement, in which he said two youths approached a man and squared up. They were moved on but Con Alan Neill's door was pulled open and he was pulled out. Res Con Robert Atkinson says that fights broke out. At Eastwood's shop, he extricated a man who was being attacked by four or five youths and removed him to Woodhouse Street for his safety, (p. 6346).
- 12.9 Res Con Robert Atkinson said that he spoke to Res Con Godfrey Dean Silcock when he arrived back at the station (p. 9476).
- 12.10 Con Alan Neill made a statement. He named one of the men who spoke to them at the Land Rover as Stacey Bridgett. Con Alan Neill was pulled from the Land Rover by a man wearing blue/green casual shirt with short hair and stocky build, who said "You sat there and watched that happen". Then he saw a number of fights, one of which was three on one. He says that he separated them and then removed one man to safety to Woodhouse Street, (p. 6332).

- 12.11 Con Alan Neill was interviewed by Supt Karen Kennedy. He described the behaviour of the persons in the town as affray, (p. 10423).
- 12.12 John Johnson said that at some point a second police car arrived. A man on the ground was being cradled by a woman. He says that an ambulance arrived, and a person was put on a stretcher and into the ambulance. The man that he had seen lying on the ground was helped and walked to ambulance. He says that when the police were trying to help the man on the ground, some of those around still trying to kick at him but were pushed away, (p.9123)
- 12.13 Carol Ann Woods was re-interviewed and made a further statement that she saw the woman sitting beside the injured person and a policeman and policewoman as well. The woman kneeling on the ground shouted at the police officer who had approached them. She was shouting and appeared angry. She shouted words similar to “get away you black bastards it’s all your fault.” The police officer walked away. At that stage there was no crowd around the woman or the injured person. She saw an ambulance and a police Land Rover. She did not recall seeing any police officers in the area of the Land Rover, (p. 9121).
- 12.14 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, (p. 827).
- 12.15 F gave evidence at the Marc Hobson trial, consistently with her statement of 27 April 1997. After the attack stopped, she ran to the Land Rover for help. At no stage did she see a uniformed police officer get out of the Land Rover, (p 8292).
- 12.16 Colin Prunty gave evidence at the Marc Hobson trial. 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, (pp. 8313 at 8333).
- 12.17 William Jones said there was a crowd of 15 to 20 people running around and two girls appeared to be kneeling over the two men. Police had arrived and appeared to be pushing the crowd back to the Church. This whole incident lasted about two to three minutes, (p. 9111). 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, (p. 9114).
- 12.18 The joint He statement of D, E and F said that the police Land Rover was half way past the entrance to Woodhouse Street, but F did not go to the Land Rover and no police ever came out of it, (p. 41225).
- 12.19 Colin Prunty made a statement. He says 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 many people shouting “get the fenian bastards” and he 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”. By this stage the police had got out of the Land Rover and had run over to try and stop it. He says he had tried to intervene in the attack on Robert Hamill but was pulled back by a policeman. At the same time he saw another policeman grab a man in a Rangers' scarf. He said this man had been kicking Robert Hamill. This man was later released from the Land Rover and Colin Prunty confronted Con A, asking her if she got his name, because he was one of the ones who did it, (p. 9101).

- 12.20 Maureen McCoy said she saw a tall thin man in the back of the Land Rover wearing a Rangers scarf, a light coloured jacket and blue jeans. He was let out of other Land Rover and ran back into the crowd. Maureen McCoy asked the policewoman why she did that, (p. 9106).
- 12.21 In consultation with Gordon Kerr QC, Colin Prunty said the police got 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 on 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 stated 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 at the time, (p. 18062).
- 12.22 Vincent McNeice stated the police only came out of the Land Rover when the ambulance arrived, (p. 544).
- 12.23 Timothy Jameson stated that he was standing in the middle of the fight. He says he saw a Land Rover but no police got out, (p. 266).
- 12.24 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, (p. 72615).
- 12.25 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, (p. 9123).
- 12.26 Wayne Lunt stated that when he was released from the Land Rover the ambulance had not yet arrived, (Con A requested his address at 01.55), (pp. 6803 at 6835).

- 12.27 In Wayne Lunt's second interview after being arrested he said police were out of the Land Rover when he arrived, (p. 6849).
- 12.28 Jonathan Wright said there were about five to six policemen trying to break the fight up. The mood of the crowd was violent towards the police, (p. 9141).
- 12.29 Colin Hull gave a statement to Rosemary Nelson. He said he could hear screaming and shouting and walked towards the Eastwood shop from Woodhouse St. He walked past the Land Rover, which was parked outside the Halifax, none of the police were outside the vehicle. He states that at no stage did the RUC officers 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 officers ignored her and left their jeep when the ambulance arrived (p. 542).
- 12.30 Vincent McNeice gave a statement to Rosemary Nelson. 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. The police only came out of the Land Rover when the ambulance arrived, (p. 544).
- 12.31 Stephen Thornbury made a statement and said that as he was cleaning up in the bar when 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, (p. 9125).
- 12.32 Kyle Woods said he saw the police trying to push the crowd back, (p. 9133).
- 12.33 John Lynn said he has been disgusted at the media coverage; in particular that the RUC had received unfair criticism. He believed the police had done an excellent job. He related that originally on seeing the incident he didn't see any police. He then saw about three police and a crowd of about thirty to forty persons. He says the police had been helpless but when other police arrived they quickly moved the crowd, (p. 9281).
- 12.34 Carol Ann Woods was re-interviewed and made a further statement that she saw the woman sitting beside the injured person and a policeman and policewoman as well. The woman kneeling on the ground shouted at the police officer who had approached them. She was shouting and appeared angry. She shouted words to the effect of, "get away you black bastards it's all your fault." The police officer walked away. At that stage there was no crowd around the woman or the injured person. She saw an ambulance and a police Land Rover. She did not recall seeing any police officers in the area of the Land Rover, (p. 9121)

- 12.35 David Morrow gave evidence at the Marc Hobson trial. He saw a Land Rover and a police car and police officers scattered around (at 01.58), (p. 8423).
- 12.36 Michelle Jameson made a He statement. She saw the fight from a distance and then approached. A man was lying in the road having trouble breathing. Police were standing on the other side of the street, (p. 9146).
- 12.37 Rosemary Nelson makes a note following a call from an anonymous caller: Alistair Hanvey was pulled off by Sgt P89 and Res Con Murphy. Res Con Cornett was a weak link, (p. 41967).

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

The evidence of Colin Prunty that the attack on Robert Hamill took a good ten minutes cannot simply be right, given the nature of the medical evidence alone.

The description by William Jones of the whole episode lasting for a couple of minutes is a much more likely scenario.

The evidence of Hull (p542) and McNiece (p544) that the police only got out of the Land Rover when the ambulance arrived is one of the blatant lies that has been told about the Land Rover Crew, and has been peddled for years in order to blacken these officers.

The Panel, having heard and seen DC Keys give his evidence, may wonder why would he falsely record that Colin Hull told him that he had been in St Patrick's Hall that night, had walked up Thomas Street and then was half way up Woodhouse Street before turning back? It is clear, we submit, that his account of the events that night is also lies, and lies that were simply designed to blacken police officers.

The accusation made in an anonymous phone call to Rosemary Nelson cannot simply be correct, as it is clear that the attack on Robert Hamill was over before P89 and Con Murphy arrived, so they could not possibly have pulled Hanvey off. Such an accusation can only have been malicious and designed to blacken these two officers.

Submissions by Gus Campbell Solicitors (Marc Hobson)

As far Maureen McCoy was able to recall there was no stage when any one individual attacked the person who was otherwise being attacked by a group, P.24, She could see the person lying, nobody was around them, p.28. She sat with Robert, the crowd was behind her towards St Mark's Church, she was asked by E to stay with him until the ambulance arrived, p 30, She remembered Colin taking her away and can only imagine that F took over from there, p32, She would not have left him on his own, p33.

As far as she was concerned she was over within a very short time of the

attack having occurred, p.67, she was attending to Robert and there were police officers immediately adjacent to her, p68. The crowd did not further assault or injure Robert when he was on the ground while she was tending to him, p68, the crowd did not succeed in any further attack on Robert.

Beverly Irwin; there was a girl shouting for help and a policewoman over at the situation, nobody attacked the man on the ground at any stage, p 19.

Prunty; he had gone to break up the fight , they backed off a bit, not because of police, p117, the police prevented any further attack on Mr Hamill, p143, when the police got involved they seem to back off, 09103, when police intervened their effect was to stop any further attack on Robert or the crowd getting towards Robert, p168.

Blevins; remembers Robert Hamill being on the ground and a couple of police, maybe four of them standing outside the Land Rover, 81619. He didn't see anyone try to kick or attack Robert Hamill while he was on the ground. Nobody was trying to get at the man on the ground, p98

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

In relation to 12.9 above, the evidence was that Reserve Constable Atkinson spoke to Reserve Dean Silcock at the scene and not in the station.

Submissions by the Police Service of Northern Ireland

See section 15 below.

- 13 A large number of witnesses were asked to deal with this issue in their statements and orally:

E

- 13.1 Ambulance came and then a policeman went over and said to put him in the recovery position (p. 14). He was the first and only policeman she saw. She "peeped up" from time to time and did not see other police officers, (p. 32). She was not aware of police making a line, or the time between attack starting and ambulance's arrival, or the attack's length, (p. 33).

P42

Oral Evidence

- 13.2 The back doors of Land Rover could be seen straight on from down Thomas St. The other doors could not (p. 13). He saw the police get out of the back doors (p. 13). The police were not out of the Land Rover during shouting but cannot remember exact point police dismounted (p. 14). Police got out when the crowd started to head up towards the town just after initial exchange of

punches (p. 26). Police acted chaotically and went in all directions on leaving the Land Rover, (p. 16).

Diane Hamill

Oral Evidence

- 13.3 The account she heard came from her mother (p. 17). Her mother had come to her house at 05.30. Her mother had been called twice, once by a Hamill sister who had spoken to **E** and **F**; once by **E** and **F**'s mother (p. 18). She spoke to **E** and **F** on the Monday 28/04/97 and they repeated that no-one had helped Robert Hamill (p. 19).
- 13.4 She heard Colin Prunty approached the officer who let a man out of the Land Rover. She spoke to Colin Prunty about the incident. He did not tell her that police got out the Land Rover when Robert was on ground and tried to break it up. The first she heard of this was during Colin Prunty's oral evidence, (p. 26).

Thomas Mallon

Statement

- 13.5 Para 25: Denies Res Con **P40**'s claim that he ran over to him during the fight and shouted "what the fuck are you going to do?"

Colin Hull

Statement

- 13.6 Para 40: When kneeling with Robert Hamill, He could see the back of the Land Rover. Mr Hull did not see the officers outside Land Rover.

Oral Evidence

- 13.7 He disagrees with Mr McNeice that police got out of the Land Rover when ran past it (p. 40).
- 13.8 The line of the crowd moved by itself, past Robert Hamill up West Street. No police were there then (p. 15/6).
- 13.9 He saw four to six police officers, one of whom was a woman, (p. 17) for first time when ambulance arrived. They had come from Land Rover (He did not see the police get out of the Land Rover, p. 17. He saw the police get out of the back door and maybe the driver's door (p. 46)). There were no other police cars. It is possible he did not see police in the crowd (p. 16 and 43). Police moved to the mob, which had moved to the left of Robert Hamill, and

moved them up West St (p. 18). He accepts what Mr Prunty and **E** and **F** say about the police trying to prevent injury (p. 44) but stated he did not see police on ground (p. 45).

Colin Prunty

Oral Evidence

- 13.10 Police came out of the Land Rover after kicking (p. 141). Police pulled man in Ranger's scarf off when kicking Robert Hamill (p.120), but he may have not been kicking but was in immediate area when pulled out (p. 150). Mr Prunty remembers the police forming a line to force crowd back (p. 124). The crowd continued to taunt once pushed back (p. 126).
- 13.11 Mr Prunty believes police should have been out quicker (p. 171), and attack went on for too long before the police got out (p. 125). The police got crowd away after assault and prevented further attack on Robert Hamill, but did not try and break up the fight (p. 143). The police came over during attack and tried to break it up but couldn't due to numbers, (p.147). The police were on scene when he got to the crowd, (p. 148). The police stopped the kicking (p. 172).

Beverley Irwin

Oral Evidence

- 13.12 Saw a policewoman with blonde hair on the right hand side of the man on the ground (p. 110).
- 13.13 Thinks she saw one other police officer in between two sets of people trying to stop fights in middle of the street, (p. 111). She did not see police move people in a line, (p. 111).

Derek Lyttle

Statement

- 13.14 Para 16: When at the front door, Mr Lyttle saw the police in the general area of the junction by the Alliance and Leicester. From the door, he had a restricted view of the area. (This is confirmed by p. 226).
- 13.15 Para 17: From p. 225, He can say he saw police officers in the middle of the road.
- 13.16 Para 18: Is certain the police were there. Did not see a Land Rover.

Oral Evidence

- 13.17 At some stage looked out of toilet window and saw two people on the ground, (p. 161). At a later stage, saw policemen coming towards Thomas St junction, (p. 162)
- 13.18 There was at least one policeman in the middle of the road. The policemen did not come up to those on ground straight away. They were distracted. Mr Lyttle thinks that if they were not distracted they would have gone to the men on the ground, (p. 168).
- 13.19 Para 16: (p. 80731) The police presence was one policeman, (p. 172). Does not remember “more than one” in paragraph 17, but says that was his memory at that time, (p. 173).

Maureen McCoy

Statement

- 13.20 Para 19: Ms McCoy was not taking much notice of Land Rover. She does not remember seeing officers when fighting broke out and individual was attacked.

Oral Evidence

- 13.21 Police did not break up the fight (p. 44).

Shelley Liggett

Oral Evidence

- 13.22 Did not remember any police activity “if four policemen were in front of me, I wouldn’t be able to say which one was there,” (p. 99). She did not remember the police getting out of the Land Rover, (p. 100).

Mark Currie

Oral Evidence

- 13.23 Police were out standing between two groups. There were police in middle of road, beside one person on the ground, and there was one officer standing in the middle of road at the top of Woodhouse St and Thomas St (p. 83).

Kyle Magee

Oral Evidence

- 13.24 Per 9143. Does not remember what police said when he shouted but, as he said in statement, they pushed everybody on. Nothing sticks out about how the two policemen approached the fight, (p. 61). Does not remember what police did when approached fight, (p. 68). Does not remember if police stopped fight or it carried on despite them. Cannot recall back-up arriving, sirens or lights, (p. 62).

Neil Ritchie

Oral Evidence

- 13.25 There were no police on the street, (p. 45).

Christopher Henderson

Statement

- 13.26 Para 7: (p. 70945), “police stopped crowds from going up”. Cannot remember where the crowds were, assumes they were trying to come “up town”; how many officers he saw or in what way police were stopping crowds. No longer has a mental picture of what happened.
- 13.27 Para 11: He has a vague recollection of maybe seeing policeman that night but he cannot say for definite. He could no longer recall speaking to a policeman.

Trevor Leatham

Statement

- 13.28 Para 6: Left the Tae Kwon Do club in 1997. He had hurt his arm but also heard rumour some of the members were taking Ecstasy and wanted nothing to do with it. He had heard that Allister Hanvey and some other members of club had been involved in Hamill incident.
- 13.29 Para 8: Discussed incident with Robert Atkinson about one week after it happened. He said allegation against police was rubbish. Four of them were in Land Rover going up the other side of street when they had seen a fight break out at corner of Woodhouse St. He said they went up the town and came back down to where fight was taking place. When they got to scene he saw Allister Hanvey standing back watching the fight. Robert Atkinson told Mr Leatham that Allister Hanvey was high on drink/drugs so Robert Atkinson told him to “fuck off home out of the road”. Allister Hanvey stood and argued for a while.

Oral Evidence

- 13.30 Conversation with Res Con Atkinson took place in Tae Kwon Do club. The He knew Res Con Atkinson from police service and then through Tae Kwon Do club (p. 24).
- 13.31 Confirms contents of conversation stated in p. 80643, paragraph 8 (p. 25). Does not remember anything not in the statement, (p. 26).
- 13.32 Mr Leatham was not surprised when Res Con Atkinson told him Allister Hanvey was drunk or high that evening, (p.28).
- 13.33 “Other members of club” in p 6 80643 he is talking about Allister Hanvey, and Res Con Robert Atkinson, (p. 29).
- 13.34 Does not know exact date of conversation but knows it was within a week or two of incident, (p. 37). Mr Leatham does not know if anyone else was present at the time, (p. 50).

Glen Stewart

Oral Evidence

- 13.35 Mr Stewart is not sure if police were further on keeping crowd back, (p. 10). The only policeman he saw was Res Con Dean (Silcock?) (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 police and the crowd near the Church were shouting at the Hamill crowd, (p. 23).
- 13.36 When Mr Morrow got the stretcher, he remembers police were in vicinity around him. He is not sure whether more arrived or where they had come from but more were there. The Crowd had moved up to around William St, (p. 18). Mr Stewart is not sure if the police were separating crowds but they were trying to keep order, (p. 19). He thought the police were trying to keep factions apart (p. 28).

Anne Bowles

Oral Evidence

- 13.37 Ms Bowles does not know if the police were out of the Land Rover. People were at the junction of Thomas St. People were running everywhere and could not have seen the police even if they were out, (p. 64). Ms Bowles was not suggesting that the police were not out of the Land Rover, (p. 76).

Alison Bowles

Oral Evidence

13.38 Ms Bowles does not remember seeing police out of the Land Rover, or other police vehicles, (p. 84). She agrees that police could have been out of the Land Rover. It was impossible to see, (p. 92).

Jennifer O'Neill

Statement

13.39 Para 14: Ms O'Neill does not remember seeing Land Rover as she walked up town but did see one when they were standing outside the Church. Land Rover was parked on the side of the Halifax bank. The police did not intervene right away but they were there at the end. It seemed longer than five minutes but would not have been as long as half an hour. In p. 9153, the Ms O'Neill mentioned a police car being outside Wellworths on Thomas St side. Ms O'Neill did not remember it now. She cannot remember how, but the police ushered people up past the Church.

Oral Evidence

13.40 Ms O'Neill does not remember seeing officers outside or around the Land Rover when the fight started. Police did not intervene right away. Ms O'Neill does not remember exactly when she saw police intervene but they were there at the end" per p. **81058**. She does not remember if she saw Stacey Bridgett and Dean Forbes by the Land Rover (p. 9). If the police had got out of the Land Rover, their view would have been partially obscured by the crowd (p. 10). Ms O'Neill does not remember seeing them attempting to break up fight or protecting anyone (p. 11).

Paul Warnock

Statement

13.41 Para 11: Land Rover officers were part of a line.

Gordon Cooke

Oral Evidence

13.42 Con Cooke had never seen a group of two or three officers face down a crowd of 40. The officers would be brave individuals if they did (p. 51).

Stephen Thornbury

Statement

- 13.43 Para 10: Mr Thornbury did not see the police when he looked out of the lounge window.
- 13.44 Para 20: Before he left the bar, he went to toilet window again. He saw an ambulance loading a man on the ground and a policeman with him.

Oral Evidence

- 13.45 He looked out of the toilet window. He saw a man lying on the road outside Eastwoods (snapshot 2), with a girl kneeling over him and a policeman, not a policewoman, standing the other side (p. 134/5).
- 13.46 Agrees with 9125, but when he saw a policeman with a baton gun and others, he is not sure if this was during his first visit to toilet window or a subsequent trip (p. 138). He does not remember any other police or a Land Rover but if it is in his statement, it is the truth, (p. 141).
- 13.47 Mr Thornbury did not see more police other than those he mentioned in 9125 (p. 136).
- 13.48 Mr Thornbury only saw the policeman mentioned keep the crowd apart (p. 139). They were seen before he saw policeman with baton gun facing the line of people (p. 142). When the He first saw police, the ambulance was not present (p. 143).

Stephen Sinnamon

Oral Evidence

- 13.49 The police were moving people up towards the Church. Mr Sinnamon does not know how but he noticed a policewoman. Mr Sinnamon did not see police with batons or riot-guns; they were just walking the crowd up the street, (p. 103).

Dennis Hayes

Statement

- 13.50 Para 18: Mr Hayes has no memory of seeing any police officers in the High Street or a police vehicle in that area.

Jason McClure

Oral Evidence

- 13.51 Mr McClure saw police on other side of road from the Land Rover at some point. He is not sure if this was before or after the fight. He is not sure what they were doing, (p. 88). Mr McClure is not sure if “police breaking up fight” in 17308 was before or after the fight, (p. 91).

Donald Blevins

Oral Evidence

- 13.52 The police had separated the crowds when he arrived. People were trying to get past the police. He did not see the police use batons. He saw vehicles other than the Land Rover arrive at the scene eventually (p. 100). He does not remember if the crowd had been separated before the back-up arrived, (p. 101). The police were keeping both crowds apart as both crowds were trying to get at each other, (p.104).

John Johnson

Oral Evidence

- 13.53 Man (on the ground?) was being kicked for quite a bit. Then it stopped but a few boys went back and he was kicked again, (p.128). When a man was negotiating, other men went back to kick again. Police were near the Land Rover at the time. They were nowhere near the injured party, (p. 152).
- 13.54 Men went over to the Land Rover and then the police got out, (p. 132). There was a confrontation around the Land Rover, (p. 133). There were certainly two police out of the Land Rover. Mr Johnson did not see a man go over to the Land Rover, open a door, and pull driver out, (p. 163).
- 13.55 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).
- 13.56 “Spokesman...when he went into Land Rover they did not drag him in. He went into the Land Rover” (p. 145). Per 9124, “Saw police put man in back of Land Rover”. Mr Johnson says the police opened the door the and man went into the Land Rover. He came back out of Land Rover as well, (p. 151). At no point did he see police going around the corner, (p. 159).
- 13.57 Mr Johnson did not see officers drawing weapons or batons, (p.134). The police did not make effort to go round the corner. They stayed by the Land Rover, (p. 135).

13.58 Mr Johnson did not see a line of police, (p. 172).

Andrew Hill

Oral Evidence

13.59 Mr Hill did not see any police on the ground when he was there, (p. 2).

Dean Forbes

Oral Evidence

13.60 Policewoman got out of the Land Rover and told him and Stacey Bridgett to get up town. Does not know what police in back of Land Rover did, (p. 38). At p. 6941, Mr Forbes says all officers got out then and they went round the back of the Land Rover and saw people chucking bottles, (p. 39). Mr Forbes says only the policewoman got out at that stage, (p. 40). Mr Forbes was not lying to police in 6941, (p. 69). He says he must have worded it wrong. He meant to say only the policewoman got out of the Land Rover, (p. 72). Mr Forbes thinks they got out when the first police car arrived, (p. 73).

13.61 He did not see other police activity until he backed off halfway up town, (p. 40). He was not able to say if the officers in the back of the Land Rover were on the street later so the officers he saw could be them or back-up (p. 41). In p. 6954, the police are rushing in to break up the fight. Mr Forbes does not know if they were Land Rover police officers or those from the police car that arrived five to ten minutes later (p. 42). The police were trying to help the injured parties but were overwhelmed (p. 43). Mr Forbes could not see if the police were doing anything about those kicking (p. 48). Mr Forbes did not see the police intervene until reinforcements arrived, (p. 67).

13.62 At the time the man was in the Land Rover, other officers were pushing people back up the town. Police presence grew as Mr Forbes could see cars and Land Rovers coming from Edward St, and police getting out and pushing people back, (p. 58).

Stacey Bridgett

Oral Evidence

13.63 Officers got out when man pulled at officer. Mr Bridgett saw the driver and policewoman get out and heard the back doors open, (p. 93).

13.64 Mr Bridgett does not remember what police did [after Con Neill was pulled out and he was hit], (p. 74). Per 7240, he spoke to Res Con **P40** in the middle of the road, down from Dorothy Perkins. Res Con **P40** was out of the Land Rover then. Mr Bridgett does not remember what was happening then, (p.

75). Does not remember other police being outside of the Land Rover. When he let his nose drip, he could see police in amongst the crowd (p. 76).

- 13.65 When the He was by the Church, there were police behind him walking up the street and people walking in front of them. The atmosphere was calm (p. 87).

William Jones

Statement

- 13.66 Para 12: When the He looked out of the window for the second time, he saw four or five police officers and 15 to 20 civilians running around. He saw police push crowd up towards the Church. He could see the Land Rover at the top of Woodhouse St, and a dark blue Sierra. Certain police were not there when a man hit David Woods.

David Orr

Oral Evidence

- 13.67 At the time, he did not know who was in the Land Rover. Con Orr did know now, but saw them out and about (p. 8).

James Murphy

Statement

- 13.68 Para 7: Each officer on the scene was surrounded by a number of people and a number of persons were fighting with officers.

Dean Silcock

Statement

- 13.69 Para 5: When officer arrived at scene, Con Neill was talking to a man in the crowd and being physical in doing it. Res Con **P40** was shouting at crowd and had baton drawn.

Robert Atkinson

Statement

- 13.70 Para 18: Res Con Atkinson exited the Land Rover when Con Neill was pulled out.

- 13.71 Para 20: Groups were catcalling, which quickly escalated into physical fighting.
- 13.72 Para 21: He saw two persons lying on the roadway after separating Con Neill from assailant and a nationalist individual from four to five loyalists.
- 13.73 Para 23: His immediate concern was to protect both males who were on the grounds and with great difficulty he and Con Neill kept the Protestants back.
- 13.74 Para 30: He believed Res Con **P40** would have to remain close to the Land Rover because he had a rifle, and Res Con Cornett had to stay with vehicle.

Oral Evidence

- 13.75 Res Con Atkinson said that there was a three or four minute gap between Res Con Cornett telling boys to go and Con Neill's door being opened. (Officers were sitting, observing the street for those three or four minutes. He saw normal Saturday night people going home (p.106). Does not remember if Con Neill's door was pulled closed, or slightly open, (p. 59). The Land Rover doors do not automatically lock when shut. Con Atkinson got out immediately and man dealing with Neill was same man who had walked in front of the Land Rover, as the clothing was the same. He had a blue-ish shirt on. The man and Con Neill had squared up to each other, (p. 60). Officer did not arrest him as "would not have room to put them if we arrested everyone who squared up to us" (p. 61).
- 13.76 He became aware of catcalling and sporadic groups across street (p. 61). There were two opposing groups split into twos/threes/fours. They were spread across the street. In a smaller group, there were 10/12; 15 in a larger one. Position at Snapshot 1 (p. 62). The larger crowd may have been further back to Church, (p. 64).
- 13.77 There was catcalling then a few bottles and stones, etc, thrown, and then a fight kicked off (p. 65).
- 13.78 There was no-one on the ground when the He got out of the Land Rover. Men ended up at snapshot 2 and 3 (p. 63). Robert Hamill was at Snapshot 3. Robert Hamill was definitely not on the ground when Res Con Atkinson got out of the Land Rover. Res Con Atkinson and Con Neill saw a man "getting into trouble". There had been a clash of two or three and there were maybe four guys who had grabbed the man. Res Con Atkinson and Con Neill ran over from the Land Rover and grabbed him. They would have had to run over the top of man on ground to do that (p. 64). The man they grabbed had a light coloured top. He was a small-ish man (p. 66).
- 13.79 The man who had an altercation with Con Nell grabbed Res Con Atkinson by the jacket and attempted to take the baton off him. The baton strap broke. The man was "real stocky" (p. 66). Res Con Atkinson saw the men on the ground when he was having the altercation over his baton. Res Con Atkinson

thought he saw the man at snapshot two first. He saw a couple of guys at the body. They were “jumping about him” (p. 67).

- 13.80 After Res Con Atkinson broke away from the man, he and Con Neill ran over to the men on the ground. There was no-one with them. He noticed at snapshot 3 that there was a bottle lying on road beside the man and the ground was wet. The crowd had moved back towards the Church. There were several attempts made to kick the man at Snapshot 3 again (p. 68). Res Con Atkinson struck Rory Robinson with his baton and put him back up the street. The police pushed people up the street later. The two men on the ground were from the Catholic group of ten to 12 people. Res Con Atkinson assumed a similar number were behind him when he was keeping the crowd back (p. 69). The crowd did not get back to the bodies on the ground once the He and Con Neill had got to them. The closest they got was ten feet (p. 70). Res Con Atkinson was not conscious of Colin Prunty pulling people off Robert Hamill and the police helping him (p. 71).
- 13.81 “From when we called it would have been six or seven minutes [until the back-up arrived]. We were defending ourselves for two to three minutes”. Res Con Atkinson was on the corner outside Eastwoods and an armoured car came down the opposite side of the street. The Inspector and Sergeant arrived after the reinforcements came (p. 71). Res Con Atkinson did not need to tell them what was happening, (p. 72).
- 13.82 Res Con Atkinson helped Res Con Cornett put Wayne Lunt inside the Land Rover. He was not there when Mr Lunt was let out (p. 72).
- 13.83 He saw the ambulance arrive after he dealt with Mr Lunt (p. 73). He was aware that Robert Hamill was stretchered into it. When the ambulance pulled up, the police were giving first aid to the two injured parties. The police then helped to push the crowd back up the street, (p. 74).

Alan Neill

Statement

- 13.84 Para 22: Con Neill recognised Stacey Bridgett as he walked to Land Rover after confrontation with Mr Mallon. Mr Mallon walked on up Woodhouse St. Res Con Cornett still had her door open and was talking to Stacey Bridgett. Con Neill believes Res Con **P40** knew him.
- 13.85 Para 24-5: Stacey Bridgett and another male were at the vehicle for one and a half to two minutes. When Con Neill was pulled out of the Land Rover, Mr Bridgett was still by the passenger door.
- 13.86 Para 15: No one slept during the patrol.
- 13.87 Para 26: Con Neill got out of the vehicle when he was pulled at. He saw groups shouting sectarian insults. The crowd had their backs to him and he

could not see anyone on ground. He had a clear view of the junction. He moved to the back of the Land Rover where Res Con **P40** and Res Con Atkinson were standing.

- 13.88 Para 30: There was a woman with him who said “you sat there and watched that happen”.
- 13.89 Para 28: Res Con Cornett was told to call for assistance as soon as she got out of the Land Rover.
- 13.90 Para 39: Con Neill had called for an ambulance through Res Con Cornett when he saw the men on the ground.
- 13.91 Para 30: Con Neill checked on the second man on ground, who was outside the bakery.

Oral Evidence

- 13.92 He did not remember Res Con **P40** giving him any warning of a crowd by Wellworths. Con Neill’s door was shut. He was wearing body armour so it was very difficult to turn. He was pulled out by the shoulder strap and a man said “you sat there and watched that happening.” He did not believe it was Mr Mallon who pulled him out (p. 11). Per 8463, there was a female behind the male who pulled him out (p. 12). She was ten to 20 feet behind the man. There was no-one else in the vicinity. There was no banging on the Land Rover. Banging would have been audible inside the Land Rover (p. 13). He did not have time to ask the man what he meant as within seconds of being pulled out, the fighting started, (p. 48).
- 13.93 When Con Neill got out there was no fighting. There was nobody on ground. People were standing around, shouting at each other, (p. 13). Con Neill is adamant that no-one was on the ground when he got out of the Land Rover, (p. 47). There were between 20 and 40 people in the crowd. There were about eight Catholics, the rest were Protestants. The grouping was in the mouth of Thomas St. Con Neill believed someone had swung something to start with, (p. 14). He thinks 684 was made in following week, (on Thursday or Friday p. 31) by DS Lawther. 686 is his recollection now (p. 16). He moved to the back of the Land Rover after being pulled out and Res Con **P40**, along with Res Con Atkinson, got out. Con Neill went to move forward and Res Con Atkinson said “hold on a wee minute” and held his arm. As he did that fights broke out, (p. 16).
- 13.94 Con Neill went over with Res Con Atkinson to get someone out of a fight outside Eastwoods who was outnumbered. This was when he saw Robert Hamill on the ground; he was at “Eastwoods side,” (p. 17). It appeared they would not need to “run over Robert Hamill” (per Res Con Atkinson), to get to the fight. Con Neill stated in response to be person being unseen on the ground “we did not get involved in the fight. You know, the fights had not been going on at that time. So there was definitely nobody on the ground before those fights actually started in front of us,” (p. 18). Con Neill does not

believe he saw anyone injured when he heard a female voice call for an ambulance. Robert Hamill ended up outside Eastwoods, **D** outside Number 7 Bakery (p. 19). He checked on both of them. Con Neill was not aware **D** got up. The last time he spoke to him, **D** was on the ground with a girl attending him. Robert Hamill's breathing was raspy and laboured. Immediately he thought that Mr Hamill had been stabbed, then Con Neill checked him and found pool of alcohol by his head and a bottle in that area. Con Neill saw two people heading towards each other, one of whom had a bottle or part of a bottle (p. 20). Con Neill thinks he may gone to Robert Hamill after Res Con Silcock put Mr Hamill in the recovery position. Con Neill could not tell if Robert Hamill's injuries were serious, (p. 21).

- 13.95 Per 6334: "Saw a male, early 20s, going to lift piece of glass. This was not the same person lying on ground. He had been coming from the Church side towards a person going to lift a piece of glass and a person, who I believed was the injured male, was running at him". Con Neill does not know at what stage that was but when he was with Robert Hamill, it sparked the memory. He cannot say for sure whether it was Robert Hamill who was running at the man with the glass (p. 57). The man coming from Church down to Thomas St had the glass (p. 59). Per 8550: He states "he had not seen either of the injured parties do anything before he saw them on road," (p. 60). As the questioning continued, Con Neill said "he remembered seeing this when he was standing with Robert Hamill and that he believed the person lying on ground had been the person running towards the man with bottle," (p. 62). Per 81035-6: "I saw the man on ground earlier and another male running towards him with a bottle," (p. 63). Con Neill is not suggesting that Robert Hamill was on the ground but that they were both running towards each other, (p. 64). Per 684: "I saw a fellow going to pick up a large piece of glass which was smashed. Con Neill does not know who the fellow was. He saw the man running towards the first fellow. "I now believe the man running towards the man picking up the glass was Robert Hamill," (p. 66). Con Neill continues to say he saw Res Con Atkinson then he became aware of two men on ground," (p. 67). Con Neill was lead by DS Lawther's questions (p. 69). The way the He remembered things were not in chronological order (p. 70). The alcohol on the ground is what brought the memory back. Con Neill wrote the statement in the order he remembered events, (p. 71). Con Neill would not accept that he was mistaken that Robert Hamill was running at the man with the glass. He accepted that it was possibly Robert Hamill (p. 74). Con Neill believed his first answer about seeing the men was a mistake as he has repeated it in different statements, (p. 75).
- 13.96 Res Con Cornett was asking for assistance off her own bat, but she was being told to at the same time (p. 21). Con Neill did not make any radio calls himself (p. 22). Res Con Cornett was trying to get the back-up, (p. 23).
- 13.97 Before the back-up arrived, they could not make much impression on the crowd. Once it arrived, the police could form a line pushing people up the street, (p. 23). The situation changed gradually. Con Neill only saw people, including Marc Hobson, kick at the men on the ground once. He does not remember seeing the officers pull the kickers off Robert Hamill, (p. 24).

- 13.98 He remembers the Sergeant arriving and was aware of Insp McCrum being at the scene. He told them what had happened to start with but the crowd was not yet under control then. Sgt **P89** brought those from the Security sangar with him. He thinks there were possibly 2 FRGs (p. 27).
- 13.99 He does not believe the Land Rover was moved. MSU possibly had a Land Rover, (p. 28).
- 13.100 When trying to contain the crowd, he was at snapshot 1. The crowd were at snapshot 2, (p. 101). Robert Hamill was the other side of a crowd (snapshot 3), of four or five when he saw Marc Hobson kick at Mr Hamill (p. 103). Con Neill does not know if it made contact or not, (p. 110). Per 9427: He saw Mr Hobson “straight kick” Robert Hamill, (p. 113). “It was not as vicious a kick as someone could have done,” means Robert Hamill’s body did not move and was not lifted up, (p. 114). DS Bradley asked him to make 9672. He was not told of any concern about his previous statements, (p. 115).
- 13.101 He does not believe Nationalists were set upon as soon as they came out of Woodhouse St, (p. 124).
- 13.102 Generally speaking, there would not be vehicles pointing up town on Alliance and Leicester side, as the kerb was high and they could not get across, (p. 144).
- 13.103 Officers would have got out of the Land Rover if they had seen people peeking round the corner then coming back (p 145).

Res Con **P40**

Statement

- 13.104 Para 11: He did not sleep, neither did his colleagues. The Land Rover team did stop for a smoke every so often.
- 13.105 Para 19: Another male came up Woodhouse St. He had light coloured hair and was wearing a grey sweatshirt. Res Con **P40** grabbed him as he tripped as he went past. Res Con **P40** put this man into Woodhouse St.
- 13.106 Para 21: He was with Con Neill and Res Con Atkinson in trying to keep larger group of Loyalists away from the group of Nationalists, and the men on the ground.
- 13.107 Para 23: Whilst pushing the crowd back, he heard a bottle smash behind him.
- 13.108 Para 33: He was never asked to attend an identity parade.

Oral Evidence

- 13.109 When Con Neill was pulled out of the Land Rover, “It could have been at that stage that we left the vehicle,” (p. 97). He could hear a man shouting at Con Neill but could not hear words. He did not hear shouting before the door was opened, (p. 98). He did not remember what he thought when Con Neill was pulled out of the Land Rover, (p. 99).
- 13.110 He heard loud noises and shouting when he was in the Land Rover. He was part of a crew briefed to stop public order or report it if it was going to start, (p. 39). He had seen fighting in the past and had tried to stop it when he was part of an organised squad that had been given instructions (p. 40). He would approach fights in the street to break them up to stop people being hurt (p. 41). In 9356, he says “he has seen about 30 or 50 sectarian conflicts,” but says he did not have a fair amount of experience of public disorder policing. “Public order yes, riots no” (p. 43). In all that time, he has never charged anyone for a public order offence from a public order incident (p. 56).
- 13.111 He did not see the man pulling at Con Neill (p. 48). The Land Rover crew got out shortly after that, (p. 49).
- 13.112 He did not remember opening the rear doors (p.99). He did not remember if he was out of the Land Rover before Res Con Atkinson. No-one took command of the officers in vehicle (p.100). Did not know who would take command if Con Neill was incapacitated (p.101). He did not know what the other Land Rover members did on leaving the Land Rover (p.105).
- 13.113 Described a man in the crowd as “very short black hair, black moustache, goatee-beard, approx 5’9”, stocky build. Wearing black leather jacket and blue jeans. Was very aggressive and taunting Nationalists. Had to be moved back several times.” He was never asked to identify this man in any way. Would have been able to if he had been asked within a couple of weeks (p.6).
- 13.114 Said he must have been just out of Timothy Jameson’s line of sight when he described (in 17653) the fighting. Res Con **P40** maintained when he got out of the Land Rover that he could only see scuffles and there was no fighting (p.37).
- 13.115 He was trying to prevent two Nationalists from leaving Woodhouse Street when everything happened behind him (p.44). He went to Woodhouse Street as the person came over and shouted at him. He dealt with them as he did not want them to get involved with the larger group (p.141).
- 13.116 Did not know how long he was by Woodhouse Street before he joined the police line. There were more than three people in the police line so some back-up officers had arrived (p.107) but there were less than ten officers. Did not know if the MSU had arrived. If the full MSU had arrived, there would have been 24 officers (p.108). He vaguely remembered MSU arriving (p.109). When he passed the Land Rover to join the police line he did not remember anyone inside it (p.113).

- 13.117 Report at 39201 showed that Res Con **P40** told his doctor “he did not see killing but he did see the body covered in blood.” Res Con **P40** said he did not see a body covered in blood (p.11) and did not tell the doctor that. The doctor also said “Res Con **P40** said the worst aspect of the situation was the loss of life, the helplessness and not being able to do anything”. Res Con **P40** said he did not know what the doctor was talking about (p.12). He added that the statement was made looking back. The doctor continued “[**P40**] said [Hamill incident] was ‘nothing out of ordinary’...asked whether he could have fired shot to disperse the crowd”. Res Con **P40** said that was due to “survivor’s guilt”.
- 13.118 He did not think it would have been useful to fire a shot (p15) “Was in back of the Land Rover at time. Saw 2 men lying on road. One in pool of blood with broken bottle to one side” Said ‘blood’ could have been the bottle contents. 39204: “Having decided not to intervene he’d not been in severe danger.” Did not know if he told psychiatrist that (p.16). He did not know what he told him. “He had a decision to make at the time and decided to save his own life”. Said that was what the psychiatrist derived but he does not believe the psychiatrist was not making accurate notes (p.17).
- 13.119 9385: Said “would’ve been impossible for the four in the Land Rover to stop the crowd. If we’d got – if we’d have – my wife could’ve been walking behind a coffin.” (p.18). When asked in 9385 “how man people did you recognise?” He said “there was only a couple I know by name but I know them all to see” (p.19). He would have been able to make an identification of a man with goatee and possibly others (p.20).
- 13.120 In 81149 said “Male came up Woodhouse Street. Believed it was Nationalist. Grabbed him and he appeared to be drunk. Turned him on his back and tried to get him up, as did so thought saw someone flop to the ground as I looked towards Thomas St.” Res Con P40 said he did not see anyone “flop” but as he was lifting a man up he saw a person lying on the ground (p.70). Inquiry transcript states “you could see somebody had flopped” (p.73).
- 13.121 Did not take a conscious decision not to intervene (p.81). Did not see kicking and jumping and then decide not to intervene (p.82).
- 13.122 First thing he would do if he felt a sectarian conflict coming is to call back-up (p.113). Res Con Cornett was detailed to do that. Did not know if back-up was called but trusted her to do it (p.114).
- 13.123 Never heard banging on the Land Rover or a lady’s voice screaming (p.134).
- 13.124 Had never been taught to put the Land Rover between a crowd and victims. Did not think of doing it (p.105).

Res Con Denise Cornett

Statement

- 13.125 Para. 9: Could not recall what was said between youths and the man but knew she opened her door and that was when they came over to chat. She did not know the boys and could not remember if anyone else recognised them but they were all having a general chat. It was quite a short conversation.
- 13.126 Para. 11: During the conversation she could not see anything apart from the two youths. She could see down the High Street. She did not hear shouting or anything else going on. After only a short time, Con Neill's door was opened by a guy who tried to pull him out of the Land Rover. He was saying "What are you doing? You're sitting watching all this. Watching the mob". He was approximately 30 years old and was wearing a blue shirt with dark trousers.
- 13.127 Para. 12: The two boys told her not to get out and ran off. She could hear a noise and jumped out of the vehicle. There were 60 people all scattered around. There was not one big fight but numerous fights going on. She saw people throwing punches but did not know who they were.
- 13.128 Para. 15: One of the injured men was lying on Market Street and the other was five or six feet below him. They were both on the road.
- 13.129 Para. 16: She ran to the first man. There was what she assumed was blood on the ground near the top of his head. She could see broken glass on the ground near his head. She was not sure who put him in the recovery position. There were two females with the man. One was wearing a black leather jacket, dark trousers and long straight hair. The other female had short brown hair. There was no one else near the body as the crowd were pushed back by police, six or seven feet away. At this stage back-up had not arrived.
- 13.130 Para. 17: She went to check the second man. She gave him First Aid too. A female wearing a green jacket and dark trousers with dark auburn hair came over. She did not know if this female knew the injured men.
- 13.131 Para. 18: Whilst with the injured man and the woman in green jacket Res Con Cornett saw Con Neill struggling with a young man at the Land Rover. She got up and ran to help Con Neill. When she left Con Neill and went back to the injured parties she was approached by another woman wearing blue jacket, dark trousers with shoulder-length hair. She assumed that this woman knew the injured men.

Colin Murray

1st Report

- 13.132 Para. 4.18: Res Con Cornett appeared to take a passive role in the incident and concentrated more on summoning assistance. It may be the case that Res Con Cornett was tasked with remaining with the vehicle. Although a warning was made to her, it neither alerted her to danger of confrontation nor prompted her into any form of action.

- 13.133 Para. 4.27: By removing a person to the police vehicle both injured parties were left totally unprotected.
- 13.134 Para. 25.35: Mr Murray could find no evidence to suggest the officers in the Land Rover saw Robert Hamill being attacked and did nothing.
- 13.135 Para. 25.38: The failure to protect Robert Hamill was not intentional but the officers were negligent in their duty.

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

It is clear from the evidence of Colin Prunty, leaving aside the issue of the length of the attack on Robert Hamill, that he told Gordon Kerr Q.C. on the 30/10/97 that when the police got out of the Land Rover they went into the middle of the fight and tried to break it up, and indeed extracted one male engaged in the attack on Robert Hamill. Colin Prunty in evidence stated at p145,

"Q. So, so we are clear, and let's try to be absolutely
20 clear about this, and forgive me, Chairman. It is quite
21 important, so if I may just clarify with the witness
22 where exactly or what exactly you are saying.
23 You are saying that when the attack started -- do
24 you understand what I mean by started?
25 A. Yes.

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1 Q. When the crowd attacked Robert Hamill first of all --

2 A. Yes.

3 Q. -- the police were still in the Land Rover?

4 A. Yes.

5 Q. Do you agree with me -- I think you have agreed with me,

6 and you have read your notes of consultation -- that the

7 police came over during the attack and tried to break

8 the crowd up?

9 A. Yes.

10 Q. Tried to save the life of Robert Hamill?

11 A. Yes.

12 Q. What else would they be doing?

13 A. Yes.

14 Q. They weren't able to do it because, as you say in your

15 notes of consultation, there wasn't enough of them.

16 Isn't that right?

17 A. Yes.

12 Q. What else would they be doing?

13 A. Yes.

14 Q. They weren't able to do it because, as you say in your

15 notes of consultation, there wasn't enough of them.

16 Isn't that right?

17 A. Yes.

18 Q. If you go to what you are saying, Mr Prunty, it is again
19 confirmed in your statement. If you start at
20 page 09102, please, if you turn it up, and starting at
21 the last -- there is no need to highlight anything.
22 I am just going to read the last sentence, "I wasn't
23 able to do anything", and if you then go to 09103,
24 please, and if you will highlight the top half, please,
25 "for there were just too many of them."

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1 Is that true?

2 A. Yes.

3 Q. That's you in trying to get the people off Robert?

4 A. Drag them off, yes.

5 Q. "By this stage ..."

6 The use of those words "By this stage" means it had
7 happened. Isn't that right?

8 A. Yes.

9 Q. That's what it means, "By this stage". So by the stage
10 you reached the crowd and tried to get the people off
11 the police are also on the scene. Isn't that what plain
12 English means in this statement?

13 A. Yes.

14 Q. "By this stage the Police had got out of the Land Rover
15 and were over at the crowd", which you would expect them
16 to do, Mr Prunty, wouldn't you?

17 A. Yes.

18 Q. If they were doing their duty faithfully and properly?

19 A. Yes.

20 Q. "There was either two Policemen and one woman or three
21 Policemen and a woman."

22 Is that your recollection?

23 A. Yes.

24 Q. "They ran in to try and stop it."

25 Is that true?

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1 A. Yes.

2 Q. The "they" is the police, isn't it?

3 A. Yes.

4 Q. So once again, you confirm in your statement that the
5 police ran in to try to stop the attack on
6 Robert Hamill. Isn't that right?

7 A. Yes."

It is further clear that that at least Reserve Constable Silcock attended on Robert Hamill to administer first aid and it seems probable that Reserve Con Cornett attended to the injured as well.

It is regrettable that on speaking to Dianne Hamill on the 28/4/97 E and F repeated to her that no-one had helped Robert Hamill and, on speaking to Colin Prunty, he did not tell her that police did try to break up the attack on Robert Hamill. It took 11 years for her to hear this and the Hamill family were left with a burning sore for this period.

As regards what Mr Murray says above we refer back to the context of the Mallon warning in Chapter 5.

His comment at Para 4.27 above brings to mind the phrase "damned if you do, damned if you don't". If the police had not removed a troublemaker from the scene, criticism would have ensued.

Mr Murray is correct that there is no evidence to suggest that the police officers in the Land Rover actually saw Robert Hamill being attacked and did nothing. Indeed the position of the Land Rover at LR3 and the limited views from within the Land Rover at that position, show that they most probably could not have seen the attack.

Again as to the issue of negligence in the Land Rover Crew's duty, we refer back to Chapter 5.

Submissions by Gus Campbell Solicitors (Marc Hobson)

Con Neill was asked about the descriptions of other persons engaged in violence that night; he was reminded of his evidence at the Hobson trial at 08592 on this issue, p 94 and the fight he helped Res Con Atkinson break up with the 3 loyalists on 1 nationalist, he could not provide any details of any of those involved. He was reminded of his evidence at the trial, p08593 on the descriptions of the person involved in the fight at Woodhouse Street, p95. Despite being within inches of this person he was not able to provide any description of him beyond his age, early 20s and the colour of his hair, which would fit the age group of the vast majority of persons present. He accepted that this was a very poor description of someone he was within inches of. He was then reminded of his evidence at the trial dealing with the incident in which he helped Res Con Atkinson break up a fight, 08599, he accepted that, despite being very close to a fight involving 4 or five people and a colleague he could provide no descriptions of those involved, p96.

The trial judge, McCollum LJ, considered that the officers came across the road shortly after the attack, ... and that this raised the reasonable doubt as to whether Con Neill was being truthful when he described the scene as he looked across the street after dismounting from the Land Rover, p08747

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

In relation to the evidence of Mr Leatham, submissions can be found at Section 9 of the Closing Submissions to follow. We suggest that his evidence is not credible for reasons outlined in Section 9.

Submissions by the Police Service of Northern Ireland

See section 15 below.

Comment

14. There is an issue whether the police got out of the Land Rover before reinforcements, alternatively the ambulance, arrived. Those who claimed that they did not do so are now in a very small minority, and their evidence may be thought to be inconsistent with the radio traffic, the evidence of the back-up officers and of the ambulance crew as well as that of the Land Rover crew. The preponderance of evidence suggests that at least Con Neill and Res Con Atkinson immediately went to the aid of Catholics who were outnumbered in fights. They certainly assisted in pushing the hostile crowd back towards the Church once back-up had arrived. It seems probable that Res Con Cornett attended the injured as well as making radio calls. She does not claim to have intervened in the disorder, but her role was to handle communications. Res Con **P40** appears to have positioned himself at the end of Woodhouse Street. The Panel may wish to decide whether that was reasonably necessary.

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

We think, on balance, that the RUC officers must have got out of the Land Rover before reinforcements and the ambulance arrived, since they themselves called for both back-up and the ambulance. However, this does not prove that they descended the Land Rover before the principal attacks on Robert Hamill and D were over. On a close analysis of all the evidence summarised by the Inquiry Team, it seems to us that the majority of witnesses either do not know, or were not in a position to know, precisely when the RUC officers left the Land Rover. Into this category fall the following: Diane Hamill (please see 12.19); Brid Rogers (3.6); Carol Ann Woods (12.13, 12.34); Wayne Lunt (12.27); Stephen Thornbury (12.31); Kyle Woods (12.32); John Lynn (12.32); David Morrow (12.35); Michelle Jameson (12.36); Beverley Irwin (13.12 - 13); Derek Lyttle (13. 14 - 19); Maureen McCoy (13.20 - 21); Mark Currie (13.23); Kyle Magee (12.24); Neil Ritchie (13.25); Christopher Henderson (12.26 - 27); Glen Stewart (13.35 - 36); Anne Bowles (13.37); Alison Bowles (13.38); Paul Warnock (13.41); Stephen Sinnamon (13.49); Dennis Hayes (13.50); Jason McClure (13.51); Donald Blevins (13.52); Andrew Hill (13.59); David Orr (13.60); and Dean Silcock (13.69). Thus out of 45 witnesses' evidence summarised, 27 could not shed any light on this issue.

The following nine witnesses say that the officers did not descend the Land Rover until after the attack: F (12.15); E (12.15, 13.1); John Johnson (12.25, 13.53); Colin Prunty (12.16, 12.19, 12.21, 13.9, 13.11); William Jones (12.17); Vincent McNiece (12.22, 12.30); Timothy Jameson (12.23); Colin Hull (12.39, 13.9); and Jennifer O'Neill (13.39 - 40).

The following seven witnesses say that the officers descended the Land Rover in response to the attack: Stacey Bridgett (3.7 - 9); Reserve Constable Cornett (12.1); Constable Atkinson (12.8, 13.76); Constable Neill (12.10); P42 (13.2); Trevor Leatham (13.29); and Dean Forbes (13.60). However, as has been discussed above (please see 11), the three constables, Stacey Bridgett and Dean Forbes all had a vested interest in saying so, while Trevor Leatham's assertion is based on hearsay of Constable Atkinson's account (13.29). Furthermore, Reserve Constable Cornett claims only to have seen Robert Hamill and D after she radioed for backup (12.1 - 2). Constables Atkinson (12.8, 13.72, 13.76) and Neill (12.10, 13.92, 13.90, 13.88, 13.93) both initially said that they saw the two men lying on the ground after getting out of the Land Rover, but both resiled from this in their oral evidence. Reserve Constable P40 said in a compensation claim that he made a conscious decision not to get out of the Land Rover for his own safety (12.6), but also resiled from this in oral evidence (13.118). Brid Rogers testified that she had been told by an RUC sergeant that it was not safe for the officers to get out of the Land Rover (3.6), and Gordon Cooke was of the view that it would be very brave (a Northern Irish way of saying it would be unlikely) for three or four officers to face down a crowd of 30 to 40 people (13.42). P42's evidence, while he said he saw the officers getting out of the back of the Land Rover, said they were chaotic and all went in different directions (13.2).

So it is those who say that the officers descended the Land Rover in a timely fashion who are in the minority, and five of these seven's evidence are unreliable (Cornett, Neill, Atkinson, Bridgett and Forbes) while a sixth witness' evidence (Leatham) was hearsay.

As we have already indicated (please see 15 and 16, module 5), we see no reason to disbelieve the evidence of E and F, and we think it significant that 7 other witnesses, none of whom appears unreliable or to have a vested interest, back them up. Of those who claim to have seen anything significant, the reliable majority say that the RUC officers did not descend the Land Rover until after the attacks on Robert Hamill and D had taken place. We accept that the officers probably did get out of their vehicle before reinforcements and the ambulance arrived, but by then it was too late.

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

We agree with the above and submit that it was perfectly reasonable for P40 to remain at Woodhouse Street to prevent Nationalists from joining in the attack.

Submissions by Gus Campbell Solicitors (Marc Hobson)

See also 7 and 12 section below.

The evidence tends to strongly favour the view that the Land Rover crew were out of their vehicle 2-3 minutes before back up arrived. This would

appear consistent with the radio transmissions and the evidence of the back up officers.

The panel are invited to consider that the evidence of the Land Rover crew lied in their accounts of when they responded to the violence. It can never be established that they deliberately sat and watched the violence but it is perhaps nearly as concerning that they might have ignored a warning they ought to have heeded. The evidence strongly supports the view that the main attack on Robert Hamill had finished by the time they got out of their vehicle. The Land Rover accounts of their actions is self serving and dishonest. The Panel ought to be invited to conclude that each of the Land Rover crew mislead the Inquiry in their evidence on this issue at least. The Panel are further invited to consider whether these lies were the only lies they told about their actions.

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

We take no issue with the above comment.

Submissions by the Police Service of Northern Ireland

Dealing with each of these comments in turn:

a. The PSNI submit that there is overwhelming evidence that the land rover crew responded to events on the ground as soon as they were made aware that there was an incident, and that this intervention preceded the arrival of the first back up officers by something in the order of five minutes, and of the ambulances by something in the order of 15 minutes.

b. The PSNI submit that it is sinister that persons who were at the scene and who were in a position to see police performing their duties would promulgate the view that the land rover crew were guilty of gross delay in responding to events on the street by sitting in their vehicle until reinforcements or the ambulance arrived.

c. In the Catholic community in Portadown where there was already a distrust of the RUC, such allegations were likely to have been incendiary, and they created a wholly false impression of the police action on that night which gained international attention.

d. The damage done to the reputation of individual police officers and the RUC as an organisation by such false allegations may be irreparable. Many in the Northern Ireland community and further afield will have been persuaded to the unshakeable belief that the police did not take any action to intervene to assist Mr. Hamill. The preponderance of the evidence proves that such beliefs are ill founded; the Inquiry is invited to set the record straight.

e. The roles which have been attributed to each of the four members of the land rover crew (described above) is an accurate reflection of the evidence.

It is submitted that each of the individual roles they performed was necessary and important.

f. Plainly, it was vital that some officers (Neill and Atkinson) went to the seat of the violence in order to assist Catholics who were outnumbered in fights. That they did so at great risk to their personal safety is just what the community would expect from its police service but their actions are nevertheless deserving of positive comment given the number of people and the level of aggression they were required to face down. Their actions appear to have had the effect of extricating Catholics from fights, and of preventing any further attacks on Mr. Hamill and D.

g. Res. Con. Cornett provided an essential communications role. It was not practical or prudent for all four of the officers to enter the area where the main violence was occurring. It was her job to assess the scene and ensure the prompt delivery of police back-up. That she made three calls for police back-up ensured that mobile patrols on the outskirts of Portadown were left in no doubt about the requirement to respond urgently. Res. Con. Cornett was required to keep the developing scene under review and to take action accordingly. As soon as she became aware of casualties she requested the attendance of two ambulances. She attended with the injured and she also assisted Con. Neill in his struggle with a man at the land rover.

h. The suggestion has been made that P40's decision to position himself at the end of Woodhouse Street was not one which he should have made. Clearly, there was a need for police resources where the violence was at its greatest, across the street, and it is clear that Neill and Atkinson were stretched. However, it is submitted that there was also a requirement for police attendance at the top of Woodhouse Street, and that the Inquiry should be slow to substitute its own view of what was the appropriate operational response to what was happening on the ground that night.

i. It is submitted that by his actions it is clear that P40 had a genuine concern to prevent people coming out of Woodhouse Street. It is submitted that it was reasonable and legitimate for P40 to be concerned that if Nationalists were permitted to leave Woodhouse Street and to enter into the "danger area" at the Thomas Street/Market Street junction, there was a risk of further violence and injuries.

j. It would appear that P40's concerns were shared by back-up officers when they arrived. The Inquiry has heard how Res. Con. Murphy and Adams patrolled the area at Woodhouse Street.

It is useful here to consider Mr. Murray's assertion that while the failure to protect Mr. Hamill was not intentional the officers were nevertheless negligent in their duty (25.38 Murray Report). These submissions have earlier dealt with the circumstances which led the land rover crew to become distracted by a conversation with Messrs Bridgett and Forbes (see in particular Chapter 5, paragraph 10). However, any criticism of their failure to

maintain an observation of Thomas Street must be viewed against the circumstances which I have described.

It is submitted that Mr. Murray is quite wrong to suggest that there is a connection between what he refers to as the negligence of the land rover crew (ie. the fact that they permitted themselves to become distracted) and the attack on Mr. Hamill.

It is submitted that it can only be said that there was a failure to protect Mr. Hamill if there had in fact been a realistic opportunity to take effective steps to protect him. In this context the really useful questions are whether there is any evidence that the police could have prevented the disturbance which ensued, and whether they could have prevented a serious assault on Mr. Hamill?

It is submitted that there is no evidence to support the proposition that had they concentrated on the Thomas Street junction and made an earlier detection of the altercation it would have led to a significantly different outcome. The best evidence may be that after an exchange at the Thomas Street junction which was initially verbal, punches were thrown leading to a spontaneous eruption of violence involving many people. It was then that Mr. Hamill suffered his fatal injuries during an attack which was savage but of short duration.

It is submitted that in the absence of clear evidence the Inquiry should hesitate before drawing any conclusion which would suggest that there was an opportunity for police to do more to save Mr. Hamill's life.

15. If Mr Prunty's evidence is accepted then it is possible that Con Neill and Res Con Atkinson assisted in getting attackers away from Mr Hamill but do not wish to admit that now as it suggests that he was already on the ground and being attacked when they got out of the Land Rover. That issue may call for resolution.

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

It seems likely that the officers did pull some of the attackers away from Robert Hamill, but that they intervened only at the tail end of the attack, after he was lying on the ground and probably already unconscious.

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

What is clear from the above evidence of Colin Prunty is that the police were actively trying to break up the crowd that was probably around Robert Hamill. We agree that it is possible that Con Neill and Con Atkinson may have succeeded in getting attackers away from the area of Robert Hamill. However Prunty has not said that the police actually pulled people off as they were in the process of attacking Robert Hamill. Therefore it is perfectly reasonable and likely that the police were breaking up a crowd, some of

whom may have been directly involved in the attack on Robert Hamill, and were unaware because of the large numbers of people that Robert Hamill and D were on the ground.

We note that that the only attacker Prunty says the police got away from the scene was the man in the Rangers scarf, and at the time he was taken away he was not actually involved in kicking Robert Hamill. Prunty stated in evidence (p148)

"Q. So once again, you confirm in your statement that the
5 police ran in to try to stop the attack on
6 Robert Hamill. Isn't that right?

7 A. Yes.

8 Q. "One of the Policemen actually pulled me back and as he
9 was doing this I saw another Policeman grab hold of one
10 of the fellas in the group that was kicking
11 Robert Hamill."

12 You go on to describe -- I will not go through this
13 because Mr Underwood has been through it -- the Rangers
14 scarf and so on and give a description of him

15 A. Yes.

16 Q. Now, could it be, Mr Prunty, first of all, that it was
17 a policewoman who took this person, whatever he was
18 doing, away from the scene --

19 A. Yes.

20 Q. -- rather than a policeman?

21 A. Yes.

22 Q. Although you say in your statement "policeman", the
23 evidence seems to suggest, subject to the Inquiry's
24 findings, that it was a lady known as Constable A who
25 was involved with the person with the Rangers scarf. So

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1 you accept it could well have been a policewoman?

2 A. Yes.

3 Q. Now, I want to suggest to you that at the time she took
4 him away, he was not actually involved in kicking, but
5 may well have been in the immediate area. Do you
6 understand?

7 A. Yes.

8 Q. I am not suggesting you didn't see him kicking, but at
9 the time she took him away, he was not actually involved
10 in kicking. Is that a fair --

11 A. Yes.

12 Q. Is that a reasonable possibility?

13 A. Yes.

14 Q. That's the person then that, as you have told us, was
15 taken to the Land Rover --

16 A. Yes.

17 Q. -- and put in the back of the Land Rover?

18 A. Yes."

It is stretching ingenuity to suggest that the police decided to deny pulling attackers away from Robert Hamill but do not wish to admit that now, as it suggests Robert Hamill was already on the ground and being attacked when they got out of the Land Rover. The more likely explanation is that they were not aware of Robert Hamill being on the ground because of the large numbers.

Submissions by Gus Campbell Solicitors (Marc Hobson)

See section 14, above.

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

Reserve Constable Atkinson's evidence has always been consistent - that he endeavoured to keep the Protestant crowd away from Robert Hamill as soon as he saw he was on the ground. It is clear that immediately upon seeing Robert Hamill on the ground he did all to protect him from the crowd pushing towards the injured party. This accords with the evidence of others at the scene; Sergeant P89 and Constable Neill. It was when endeavouring to protect the injured party that he struck Rory Robinson with his baton.

Submissions by the Police Service of Northern Ireland

That Con. Neill and Res. Con Atkinson threw themselves into a volatile and dangerous situation can hardly be doubted. It is entirely plausible that what Mr. Mallon has described and the way he has described it is not a memory which either police officer can subscribe to. That their inability to account for what Mr. Mallon has described should lead to a suspicion that they knew that Mr. Hamill had been grounded by the time they left the land rover is, it is submitted, to stretch a point. Indeed the proposition that Mr. Hamill was on the ground and being attacked when police got out of the land rover is inconsistent with three main pieces of evidence, quite apart from the unequivocal views expressed by Neill and Atkinson:-

- a. The fact that Res. Con. Cornett called for two ambulances for two casualties some two and a half minutes after establishing that the violence was sufficiently severe as to require back-up. It is clear that Res. Con. Cornett would not have delayed calling for ambulances once she saw the prone bodies. The fact that she did not call for ambulances earlier is consistent with the view of Neill and Atkinson that Mr. Hamill was not on the ground when they got out. It is submitted that it is safe to conclude that Mr. Hamill was seriously injured in that period after back-up was requested;
- b. The fact that the evidence of Tracey Clarke supports the view that Mr. Bridgett and Mr. Forbes were involved in the attack on Mr. Hamill when he was on the ground. They could not have been involved in such an attack until after the police had left the land rover. Mr. Bridgett, for example, recalled that police got out of the land rover when Con. Neill was pulled, so himself

and Forbes were still present at that time at the passenger side of the land rover. It is submitted that if Clarke is correct to implicate Bridgett and Forbes then they got involved in an attack on Mr. Hamill after the police got out. The evidence from E and F would suggest that Mr. Hamill was not further attacked after the initial violent assault on him. This would tend to exclude any suggestion that Bridgett and Forbes engaged in a separate second attack at some time after a first attack had ended. If there was one attack on Mr. Hamill which led to him falling to the ground and becoming unconscious, and if it involved a number of people including Bridgett and Forbes, then it must have occurred when police were on the street.

c. The account given by P42 which explained that police got out just after the initial exchange of punches (p.26).

It is submitted that if this analysis is accepted it provides further support for the view that police were simply overwhelmed in their efforts to prevent violence through lack of numbers, and that allegations such as that the police were negligent in their failure to protect Mr. Hamill are careless and disturbingly wide of the mark.

THE THIRD ISSUE: WHAT STEPS WERE TAKEN TO OBTAIN BACK-UP

16. The material is as follows:
 - 16.1 Con Simon Godly made a statement dealing with the timings of the radio transmissions (9218).
 - 16.2 01.45:37 Res Con Denise Cornett called for back-up (channel 19) (6583).
 - 16.3 01.46:03 A second call for back-up was made from the Land Rover (6583).
 - 16.4 01.46:15 Res Con Denise Cornett made a pocket radio request for urgent back-up (6583).
 - 16.5 01.47 The RUC control room logged an alarm call for back-up and an ambulance (8174).
 - 16.6 01.48 Res Con Denise Cornett made a radio call for two ambulances for two victims (6583).
 - 16.7 01.49:18 Con Geoffrey Silcock made a pocket radio call from JD70 and JD81 asking whether the ambulances had been tasked. The Control Room replied that the ambulances were on route (6589 at 6590).
 - 16.8 01.49 Ruth Leonard, Ambulance Controller, received a call from Portadown RUC and dispatched an ambulance immediately (316).

- 16.9 01.51 Ambulance control contacted the Police Station and were told to send an ambulance via Edward Street into town. Ruth Leonard, ambulance controller passes a message to ambulance crew to attend incident (8153).

Submissions by the Police Service of Northern Ireland

See section 18 below.

17. The principal witness to this issue was Simon Godly. Other evidence was led, as follows.

Res Con Paul Warnock

Statement

- 17.1 Para. 5: Received a call at 1.47 screaming “we need another call sign” or words to that effect.

Res Con Denise Cornett

Statement

- 17.2 Para. 13: Ran over to the island in the middle of the street and then realised she did not have her radio. She did not see any injured persons at this stage. She ran back to the Land Rover, got the hand held radio and called the control room in Portadown for assistance but nobody answered. She then used the Land Rover’s radio.
- 17.3 Para. 14: At this stage there was nobody at the Land Rover and as she came around she saw the two men lying on the ground. She radioed for assistance.

Submissions by the Police Service of Northern Ireland

See section 18 below.

Comment

18. From the timing and content of Res Con Cornett’s calls, and more importantly from the tone of her voice, it is evident that she called for back-up while fighting was going on, and that she repeated her calls insistently.

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

This would appear to be the case.

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

We agree, but submit that it is also quite apparent from the tone of her voice that this was a terrifying situation.

Submissions by the Police Service of Northern Ireland

It is agreed that the only reasonable interpretation of Res. Con. Cornett's requests for back-up is that fighting was continuing when the calls were made.

A number of other conclusions can be drawn from this aspect of the evidence:

a. That judged by the urgency and sense of anxiety exhibited by Res. Con. Cornett, a high degree of violence and aggression and general disorder was being played out on the street at the time the calls were made which was shortly after the crew left their vehicle;

b. That Res. Con. Cornett was clearly of the view that any efforts on the part of the land rover crew to maintain order and to prevent disturbances would be overwhelmed by a combination of the size of the crowd and the numbers in that crowd who were aggressive and unruly;

c. That by requesting back-up she was demonstrating that she was conscious of the police responsibility to prevent disturbances and to protect life regardless of which side of the community was under threat;

d. That by making three calls for back-up it is clear that Res. Con. Cornett was extremely concerned to get the back-up to the scene as quickly as possible;

e. That those officers on mobile responded urgently to the requests and arrived at the scene in Portadown within minutes. The first two back-up vehicles arrived at the scene at approximately 01.50, less than 5 minutes after Res. Con. Cornett made her first request;

f. That the timing of Res. Con. Cornett's call for two ambulances for two victims at 01.48, some two and a half minutes after her call for police back-up, adds support to the view that Mr. Hamill and D were not on the ground when the land rover crew first got out of the vehicle.

Of course there is the possibility that Res. Con. Cornett simply failed to see the victims lying on the ground when she first got out of the vehicle, but it is submitted that this is unlikely. She had gone as far as the island in the middle of the street (statement Para 13) and did not see any injured persons. It is submitted that Res. Con. Cornett would have called for an ambulance as soon as she saw that people were injured.

THE FOURTH ISSUE: WHAT THE BACK-UP OFFICERS DID

19. The material is to this effect:
 - 19.1 01.47 Con David Orr and Con A responded to the call for assistance and went to the town centre (714).
 - 19.2 Con Gordon Cooke, Res Con Paul Warnock, Res Con James Murphy, Con Adams and Res Con Godfrey Silcock responded to a call for assistance and went to the town centre (9225).
 - 19.3 01.49:18 Con Godfrey Silcock made a pocket radio call from JD70 and JD81 asking whether the ambulances had been tasked over. The Control Room replied that the ambulances were on route (6589 at 6590).
 - 19.4 01.50 Con Simon Godly told Sgt P89 that there was disorder in the town centre. As a result, Sgt **P89** and Insp Alan McCrum left the station to head to the scene (9213).
 - 19.5 01.50 approximately, Res Con Paul Warnock and Res Con Godfrey Silcock arrived at the scene (9220).
 - 19.6 01.54 Radio alert by Con David Orr to all mobile support units (MSU) that there were up to 50 people and it was getting hard to contain them (6583).
 - 19.7 02.00 H&K riot gun and 25 rounds of ammunition are issued to Res Con Paul Warnock and Sgt **P89** (9215 and 72841).
 - 19.8 Arrival of cars: 1) Livery Mondeo: Con Adams and Res Con Silcock 2) Ford Sierra: Con Gordon Cooke, Res Con Paul Warnock and Res Con Murphy 3) Con David Orr and Con A. DS **P10** clarified the sequence of the vehicles at the scene. The first vehicle at the scene was the livery Mondeo followed within seconds by the Ford Sierra. Both these vehicles parked at the junction of Thomas Street and Market Street. The third vehicle, driven by Con David Orr, drove through the crowd, turned right opposite the Church and drove back down the town, parking at the junction of Woodhouse Street and Market Street (3838).
 - 19.9 Con John Adams made a statement. He identified Rory Robinson as coming back into town. He stated he was helped by a man of about 40 with a stout build to control the people in Woodhouse Street trying to get at rival persons in the town centre (9223).
 - 19.10 William Jones said 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 Davy Woods, the brother of his girlfriend Carol Ann Woods. Davy 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. Police had

arrived and appeared to be pushing the crowd back to the Church. This whole incident lasted about two to three minutes (9111).

- 19.11 Con A gave evidence at the Hobson Trial. She said that Res Con Godfrey Dean Silcock was helping one of the males on the road. There was no ambulance (8621).
- 19.12 Res Con Paul Warnock was interviewed. He said that when he arrived, about six police officers were trying to push back the crowd. He stated that he could not remember any glass being smashed. He remembered Con A having a struggle with Wayne Lunt. He took hold of him by one of his arms (10497).
- 19.13 Con Gordon Cooke was interviewed by CI Desmond Jackson and Supt Karen Kennedy. He stated that there was a chaotic scene and a very violent crowd, some of whom were fighting to get to the injured persons. He said he remembered particles of glass and did not remember large pieces of glass. He said he was never closer than ten feet to the injured persons, and that he helped to hold back the crowd until more senior officers arrived. It was not practical to arrest. He said that they did their best to protect the injured until the ambulance arrived (10506 at 10508).
- 19.14 Res Con William Burrows made a statement in relation to his duties on the night of the incident. He had been on security duty at the station but got called to the scene. He took possession of the riot gun and stayed in the vicinity of the police vehicles. He did not see clearly what was happening and did not recognise any of the people involved (9242).
- 19.15 Maureen McCoy said she saw a tall thin man in the back of the Land Rover wearing a Rangers scarf, a light coloured jacket and blue jeans. He was let out of the Land Rover and ran back into the crowd. Maureen McCoy asked the policewoman why she did that (9106).
- 19.16 Kyle Woods said he saw the police trying to push the crowd back (9133).
- 19.17 Carol Ann Woods was re-interviewed and made a further statement that she saw the woman sitting beside the injured person on the ground and a policeman and policewoman as well. The woman kneeling on the ground shouted at the police officer who had approached them. She was shouting and appeared angry. She shouted words to the effect of "get away you black bastards it's all your fault." The police officer walked away. At that stage there was no crowd around the woman or the injured person. She saw an ambulance and a police Land Rover. She did not recall seeing any police officers in the area of the Land Rover (9121).
- 19.18 David Morrow gave evidence at the Hobson trial. He saw a Land Rover, a police car and police officers scattered around (at 01.58) (8423).
- 19.19 John Johnson said that at some point a second police car arrived. A man on the ground was being cradled by a woman. He said that an ambulance

arrived, a person was put on a stretcher and into the ambulance. The man that he had seen lying on the ground was helped and walked to ambulance. He said that when the police were trying to help the man on the ground, some of those around were still trying to kick at him but were pushed away (9123).

- 19.20 Occurrence report refers to use of baton by Con John Adams. Records stated that rival crowds of approximately 40 persons were involved in the disorder. They stated that on arrival at the scene where two persons had been assaulted, the rival crowds continued to act in disorderly manner (9935).
- 19.21 Res Con Silcock made a statement in which he said that he saw that Robert Hamill was unconscious and having difficulty breathing. Robert Hamill was being cradled by his cousin who was on her knees on the ground. His head was in an upright position. Res Con Silcock asked Robert Hamill's cousin, F, who was wearing a white top, to turn him over. She was in a very distressed state. He assisted F in doing this. Res Con Silcock put his hand up Robert Hamill's back and noticed that he was now rasping for breath. Robert Hamill was placed front down and his head was turned to the side. Res Con Silcock kicked some glass away from Robert Hamill's head area. His cousin remained with him. Before, during and after these actions Res Con Silcock was pushing people away from the injured men as they appeared to be trying to kick them but were prevented from doing so. With the injured men was a male youth in a grey Umbro sweatshirt, who appeared intoxicated, aggressive and irate. He was verbally abusive to Res Con Silcock and other police. He was running between the two injured men cursing and interfering verbally with Res Con Silcock (702).
- 19.22 Con A completed an injury on duty report in relation to the incident on 27 April 1997. On 27 April 1997 Con A was tasked to attend a major disturbance in Market Street. She stated that "Upon arrival I observed one male person with a mask on carrying a bottle in his hand, my thought was that this male was about to throw the bottle at a crowd that had gathered. I alighted from the vehicle but the male ran towards Church Street. I returned to my colleagues to assist in moving a large crowd away from an injured person lying on the road. A short time later I observed the male person again without any mask covering his face. This male, again made to run off. I gave chase and caught this male person, at this time he kicked my shin and ankle." (11396)
- 19.23 Con A made a third statement clarifying that Res Con Paul Warnock had been in the Land Rover with her for a short period but left again. During that time the Land Rover rear doors had been opened and closed. She was in contact via radio with Portadown RUC Station in order to confirm Wayne Lunt's identity and as soon as he was released from the Land Rover she was approached by a man whom she was in no doubt was referring to Lunt. At no time, when Wayne Lunt was in the Land Rover was there any other person placed in the Land Rover (9240).
- 19.24 Con A thought that Wayne Lunt was going to throw the bottle of Buckfast. When he returned to the crowd, he had no bottle and his scarf was around his

neck. She was not happy to release him, but they could not afford the man power to detain him (10443).

- 19.25 Insp Alan McCrum's notebook entry stated that he arrived at the scene after two males had been taken away by ambulance (9960).
- 19.26 E spoke to a policeman who had glasses who told her to put D in the recovery position (9096).
- 19.27 Sgt P89 made an occurrence report regarding the baton use by Con David Orr. He stated that the baton was drawn but not used on rival factions in order to protect himself or others due to major street disturbance (9943).
- 19.28 Sgt P89 made an occurrence report regarding the baton use by Con Dean Silcock. He stated that the baton was drawn but not used on rival factions in order to protect himself or others due to major street disturbance (9951).

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

We have already highlighted the fact that Reserve Con Silcock administered first aid and protected the injured men. We submit that he was an impressive witness

The evidence of those Catholic witnesses who suggested and continue to suggest that no first aid was administered by any police officer at all, or until the ambulance arrived, can only be explained by either the emotional state that they were in at the time, or is lies.

Submissions by Gus Campbell Solicitors (Marc Hobson)

At 19.19 John Johnson was referring to the person who got up onto his feet as the person whom some of the crowd were trying to kick. This was not Robert Hamill.

At 9.21 above the scene described by Res Con Silcock is of persons trying to get at Robert Hamill as he lay on the ground being cradled by his cousin. This scene cannot relate in any way to that described by Con Neill as that was described as an individual act with no other persons around him and no police officer to stop him doing what he wanted to do.

Con Neill's statement, mentions that after kicking at Robert Hamill, the man with the goat beard was moved back as best possible, p 06334.

Submissions by the Police Service of Northern Ireland

See section 21 below.

20. The witnesses said this:

Mark Currie

Statement

- 20.1 Para. 6: [Before the crowd were moved back] five or six officers were pushing the crowd.

Oral Evidence

- 20.2 Police were standing between the two groups. There were police in the middle of the road; beside the person on the ground and there was one standing in the middle of the road at the top of Woodhouse Street, Thomas Street. When more police arrived they pushed the crowd up past the Church and past the McGowan Buildings. Their batons were drawn (p.83). The crowd moved slowly, police were not in a hurry to move them. He ended up in the crowd. The crowd was not hostile. There was no animosity towards the police (p.84). Mr Currie did not remember anyone “going for”, or shouting at, the police (p.85). It could have been that people at the front were aggressive and he did not see this as he was in the crowd (p.86).

William Burrows

Oral Evidence

- 20.3 There was nothing at the scene to make him think he would need to use a weapon (p.77).

Stephen Thornbury

Statement

- 20.4 Para. 20: Before he left Jamesons’ bar he went to the toilet window again. He saw an ambulance loading the man on the ground. A police officer was with him.

Oral Evidence

- 20.5 He looked out the toilet window. He saw a man lying on the road outside Eastwoods (snapshot 2) with a girl kneeling over him and a policeman, not woman, standing on the other side of the man on the ground (p.134/5).
- 20.6 Agreed with 9125 except: When he saw the police officer with baton the gun and others, he was not sure if it was on his first visit to the toilet window or another (p.138). He did not remember seeing other police or the Land Rover but if it was in his statement it was the truth (p.141).
- 20.7 Did not see more police than were mentioned in 9125 (p.136).

- 20.8 Only saw the police officers he mentioned keep the crowds apart (p.139). They were seen before he saw the police officer with baton gun facing the line of people (p.142). When he first saw the police the ambulance was not present (p.143).

Maureen McCoy

Statement

- 20.9 Para. 23: Per 9109 as she was kneeling she noticed a policeman standing to her left. She did not remember that in evidence. While there the officer did not try to assist her. She did not remember what the officer was doing. She assumed he was there to keep crowd away.
- 20.10 Para. 26: As a group of males moved towards her from the Church she did not know if the officer was still next to her. She did not know if other officers were around or if F spoke to any. She did not remember seeing other police vehicles as she was not taking much notice. She did not remember if officers were holding the crowd back.
- 20.11 Para. 29: She believed more police showed up at this stage. Was assuming this because had officers not been present there would have been a riot. Then she went over to the Land Rover. There was a policewoman (with blond hair per 9109). She was not on the radio and there were no other officers with her. Ms McCoy remarked that the events were terrible and uncalled for. She was very upset. To Ms McCoy's knowledge, Mr Prunty did not say anything to the policewoman. The Land Rover doors were open so she saw a man with a Rangers scarf inside. She could not recall seeing him involved in the crowd. Ms McCoy was at the Land Rover for a couple of minutes when the man in the Rangers was let out. Ms McCoy said "what did you do that for". Colin probably asked the same thing.

Oral Evidence

- 20.12 She recalled police officers coming over at some stage (pp.30 and 68).

David Morrow

Oral Evidence

- 20.13 He did not remember the police activity, can only go by 9186 (p.19). He did not remember back-up officers arriving as sirens and lights mean nothing to him. They are "an occupational hazard" (p.22).

Christopher Henderson

Statement

20.14 Para. 7: 70945 “police stopped crowds from going up”. He could not remember where the crowds were; he assumed they were trying to come “up town”. He could not remember how many officers he saw or in what way the police were stopping the crowds. He no longer has a mental picture of what happened.

20.15 Para. 11: Mr Henderson had a vague recollection of maybe seeing a police officer that night. He could not say for definite. He could no longer recall speaking to a policeman.

Jonathan Wright

Statement

20.16 Para. 14: When he arrived the police had the crowd under control.

Carol Ann Jones

Statement

20.17 Para. 16: She did not see more police arrive and push people towards West Street. She could not have seen this as it is not possible to see anywhere near West Street from her flat.

Oral Evidence

20.18 Per 9116: A policeman approached man on the ground and a woman screamed abuse at the officer (p.71).

20.19 She recalled one or two police officers were there but there was definitely a police presence. They were trying to help. One officer was trying to help the injured persons (p.75). Ms Jones felt the fight was out of control. She did not know if the police got out of the Land Rover (p.76).

Con A

Statement

20.20 Para. 7: As she came into town did not see people or bodies on ground or hear shouting until she saw Wayne Lunt outside Thornton’s.

20.21 Para. 10: She continued to the Land Rover. She did not know if the Land Rover was towards the centre of the road or closer to pavement facing down the High Street. There were no constables at the Land Rover as they were all on the other side of Market Street, but she saw two bodies on the ground. She and Con Orr got out of the vehicle and went straight to join the officers.

- 20.22 Para. 11: She did not remember when she first saw the bodies on ground but accepted they must have driven past them. She saw a female kneeling at the head of one, cradling his head. She did not remember the woman screaming at officers.
- 20.23 Para. 13: Con A did not remember anyone in the crowd until she turned and saw Mr Lunt. He no longer had his scarf around his face. Con A did not know if he still had the bottle. He turned and ran when saw her. Her concern was that Mr Lunt would throw the bottle if she did not stop him.
- 20.24 Para. 14: She did not know if Mr Lunt had anything to do with the incident but ran after him to find out who he was. He kicked her legs and ankles. She and Con Neill took Wayne Lunt to the Land Rover.
- 20.25 Para. 15: She thought Res Con Warnock helped but he left as Mr Lunt was compliant in the Land Rover.
- 20.26 Para. 16: She was satisfied when the response came back from station. She assumed Mr Lunt had given her his correct details. She thought she would prosecute him for disorderly behaviour and assault on a police officer. Once she had his details, she would call him back to the station for an interview.
- 20.27 Para. 19: No-one was in charge at the scene and she did not remember officers giving each other instructions.
- 20.28 Para. 20: Remembered seeing Sgt **P89** and thought he was behind the line with Res Con Warnock. It was possible that he was in the line and she did not see him. She recalled Res Con Warnock had a riot gun and Sgt **P89** walked up Market Street to Mandeville Street with him.
- 20.29 Para. 29: Did not see Insp McCrum at the scene when she left. She did not remember if Sgt **P89** was there. No senior officer told her she could leave, nor were any instructions given regarding scene preservation.

Oral Evidence

- 20.30 When the 01.47 call was received, her car was quite a distance from the town centre (p.132). She did not know how long it took them to arrive (p.133). “Res Con Cornett was screaming down radio “they’re killing each other”” (81684) was not on any transcript. 3838 showed that their car arrived second, but was within seconds of the first back-up vehicle (p.91). “I do not remember which route we took” but she remembered all the barriers were closed except for the barrier in Edward Street. They drove up Edward Street, up Market Street, turned right to go down Market Street and went around the central reservation” (81684). They must have passed through the crowd to do this but she did not remember it (p.92).
- 20.31 She first noticed the disturbance when she noticed Mr Lunt running with a bottle down by his side (p.94). “There was a crowd of 40 was on top of the bodies. We were trying to get to the bodies. The police had formed a line

between the injured men and the crowd and were trying to push people back” (81686) (p.96). She was in the police line (she joined after releasing Mr Lunt p.137). She did not remember what the crowd were shouting (p.97). She felt it was a riot situation (p.101). Con A did not remember which officers were in the line (p.138).

- 20.32 The Land Rover and the men on ground were at snapshots 1,2 and 3 (p.96). There was one woman with one of the bodies on the ground. Con A remembered Res Con Silcock being with the bodies (p.136). He was giving them First Aid (p.143).
- 20.33 People were still trying to get at the injured persons [when the men came over and shouted at her for letting Mr Lunt out of the Land Rover]. There were nine or ten officers and 40 or 50 rioters (p.103). She saw the ambulance crew aiding the injured persons (p.104). The crowd were forced behind the barrier by police officers and some members of the MSU. “The crowd was manageable to disperse. The police line was in danger of being overwhelmed” before she arrested Mr Lunt (p.105).
- 20.34 81616: “Saw Res Cons **P40**, Cornett, Atkinson, Warnock, Silcock and Con Neill”. She recalled Con Neill, Res Con Silcock and Res Con Warnock, but not Res Con Cornett, Res Con **P40** or Res Con Atkinson (p.128). She recalled Con Neill as he helped her to put Mr Lunt in the back of the Land Rover (p.130). She had no reason to doubt Res Con Atkinson’s claim that he helped with Mr Lunt (p.131). She recalled seeing “any of the Land Rover officers” out, doing their best (p.106). She did not see any officer pull people off Robert Hamill (p.113). She has never experienced an officer not getting out of a vehicle when there was a fight going on (p.114).

Con John Adams

Statement

- 20.35 Para. 4: He heard the initial radio transmission at approx 01.47. The drive to the scene took a couple of minutes.
- 20.36 Para. 6: He thought Res Con **P40** was with the crowd on Woodhouse Street and Con Neill and Res Con Atkinson were with the Protestants. He was not sure what Res Con Cornett was doing, but she may have been attending to the injured persons.
- 20.37 Para. 8: He went to keep people in the mouth of Woodhouse Street.
- 20.38 Para. 10: There were four or five feet between the injured persons. He thought Res Con Silcock went to check on them at some stage.
- 20.39 Para. 11: After some time more back-up officers arrived (Con Orr, Con Cooke, Res Con Warnock and Res Con Murphy). He thought that they went to hold back the Protestants.

20.40 Para. 12: When he first arrived Con Neill was the most senior officer. He did not know when the Sergeant and Inspector arrived but he left at one stage to take Res Con Warnock back to the station to get a Baton Gun. He did not know if he was directly ordered to do by the Inspector or if he was given an order over the radio. They reversed down the High Street into Edward Street, picked up the Gun and returned.

Oral Evidence

20.41 His vehicle's call sign was JB70 (p.156). 3838 shows the order the back-up cars arrived in was "A livery Mondeo, followed seconds later by an armoured Ford Sierra. They parked at the junction". He was in the first car. He did not remember if it was livery (p.157).

20.42 "Heard call for assistance and went to town centre immediately. Entered through Edward Street" (80001) Edward Street was the only entrance through the barriers (p.158).

20.43 "I noticed two people lying in the road at the mouth of Thomas St. They were being attended to by members of the public. There was no ambulance at the scene" (80001) (p.158). There were police on the street. There was no fighting but people were boisterous and shouting. He did not remember those lying on the ground being attacked. His initial reaction was to keep the crowd back from the opposing crowd who were further up the street (p.159). He did not see officers and civilian pull people off Robert Hamill (p.167).

20.44 The area where the two injured persons were lying was at snapshot 1. He did not know exactly where each was (p.162).

20.45 There were two crowds: Protestants up the street and Catholics at the entrance to Woodhouse Street (p.160). He did not know if Catholics were on the Woodhouse or the Thomas Street side of the Land Rover. Protestants were by Clarks (p.161). "There were 20 or 30 in Protestant crowd. They were chanting and trying to push past the police". "There were only the three or four Land Rover officers at that stage" (80002) (p.162). "An older man was chanting and shouting and came over after Con Adams arrived, perhaps from Woodhouse St" (80002) There were some officers trying to contain Catholics and some containing Protestants. He was containing Catholics (p.163).

20.46 Did not see Con A at the scene. 6592: Con A said Con Adams had cleared Wayne Lunt's address with her. Con Adams said it was him but he did not remember the conversation (p.164). He was close to the Land Rover (p.165). He did not know if he spoke to Con A or answered her on the radio. "I did not know Wayne Lunt at time but I knew his brother Phillip" (80004). He thought he was asked to confirm Wayne Lunt's address. He did not know if he knew Wayne was Phillip's brother (p.168).

20.47 "I went back to the station to get a baton gun. When I arrived back, the group in Woodhouse St had dispersed. Protestants had been moved up towards West St. An ambulance was at the scene. I joined the officers moving the crowd"

(80004) (p.165). Protestants were still shouting. He thought he met the ambulance on his way to the station (p.166).

Con David Orr

Statement

- 20.48 Para. 5: Con Orr was fairly sure that he did not stop the car until he reached the scene. When he got out Con A went to assist other officers.
- 20.49 Para. 7: When he arrived two or three police vehicles were at scene and there were eight or nine officers. He could not say what each officer was doing.
- 20.50 Para. 8: He only requested one riot gun as did not want too many people going back to the station.
- 20.51 Para. 10: After some minutes Insp McCrum and Sgt **P89** arrived. Con Orr did not know how long after he arrived that they arrived. Insp McCrum shouted “move them back, move them back” to get the Protestants up West Street.

Oral Evidence

- 20.52 He spent most of his career in and around Portadown (p.15).
- 20.53 3838 shows “Third vehicle driven by Orr drove through crowd, turned right opposite Church and drove back down through town parking at junction Woodhouse/Market Street” (p.3). He did not know if he was in the third vehicle that arrived. He did not remember if that was the route taken (p.4). “Entered town by Edward Street as barriers were closed. Turned left into High Street” (81067) (p.5).
- 20.54 Con Orr recalled Con A leaving the vehicle. He did not know where she went. He did not know if he drove on after she left (p.5). The Land Rover was in the area as it is in the model but he did not know exactly where (p.6). He parked the car by Alliance and Leicester (p.7).
- 20.55 There was an aggressive crowd spread over the area between Thomas and Market Street, with more of them being on the Thomas Street side (p.7). There were 30 to 35 loyalists and 15 nationalists. Police were facing the Loyalists and some were facing the Nationalists. It was on the edge of violence. There was sectarian shouting on both sides (p.8). Nationalists were in the area where the injured parties were and had spread over to Woodhouse Street (p.20).
- 20.56 Res Con Silcock was with the bodies on the ground. The rest of the officers were trying to prevent fights (p.8). He did not know who the officer was helping the injured at the time (p.12).

- 20.57 The bodies were in the area at snapshot 1 (p.9). He did not remember them being attacked (p.11). He did not know if one or two ambulances arrived (p.12). He did not see anyone pull the attackers off Mr Hamill (p.17).
- 20.58 He thought the incident could turn more serious and believed that sight of a riot gun may stop the incident escalating. It was never his responsibility to do that but as he was the senior officer at scene, he took action (p.10). He believed Res Con Warnock went with another Constable to save time (p.11).
- 20.59 He did not remember senior officers being briefed on their arrival. The police “moved people up West Street” (81069) to get them clear of the area (p.12). The officers were using batons. He did not use his but had it drawn. In public order incidents a baton is used if someone is close enough. Con Orr had baton out for his own safety and would have use it if he was attacked (p.13). It was not the worst riot situation he had been in. No-one in the crowd was committing any crime worse than disorderly behaviour (p.14). He saw Res Con Atkinson helping. Con Orr did not see him talk to anyone (p.20) but was not paying attention to him so he may have (p.32).

Res Con James Murphy

Statement

- 20.60 Para. 5: Received call from JD81. The officer was screaming. It was obvious that the crew was in difficulty and there was crowd trouble. When he received the transmission there was no cause for concern, as a call for back-up was not unusual and he had received such calls in past.
- 20.61 Para. 6: When he received the call he was two to two and a half miles north of the town centre. He came up Bridge Street and Edward Street. It took two to three minutes to get to the scene from receiving the transmission.
- 20.62 Para. 8: There were two, possibly three, women with the men on the ground. One or two were going back and forth between the men.
- 20.63 Para. 9: Res Con Murphy he was not sure who was involved, whether it was Loyalist against Nationalist or Loyalist against Loyalist. There were a number of men coming up out of Woodhouse Street.
- 20.64 Para. 10: There had been numerous incidents at that junction, which was why the Land Rover was positioned there. However, previous incidents had never had that many people involved. The numbers were impossible to handle. The crowd had no fear of the police. There were too few officers to deal with the situation.
- 20.65 Para. 12: The ambulance arrived after some time; he did not know how long. When it arrived the crowd were still milling about. It was not completely under control.

- 20.66 Para. 15: He did not see Con A apprehend Mr Lunt, or why she did. He did not notice if Mr Lunt was holding a bottle. He was adjacent to the back of the Land Rover at the time and was pushing people down Woodhouse Street. Con A asked him to stay with Mr Lunt in the Land Rover. Mr Lunt just sat there. He was not aggressive, he did not care.
- 20.67 Para. 16: While Res Con Murphy was with Mr Lunt, Con A went 50 or 60 yards up towards the Church. She spoke with other police. He did not know what about. He did not see her use her radio. He did not see the crowd try and pull Mr Lunt out of the Land Rover.
- 20.68 Para. 17: He did not see anyone punch Mr Lunt when he was in the Land Rover. Res Con Murphy had one eye on Mr Lunt, one eye on the Nationalists in Woodhouse Street, who he continued to push back. Con A released Wayne Lunt after five or ten minutes. He did not know why. Res Con Murphy did not see anyone speak to, or shout at, Con A after Wayne Lunt was released.
- 20.69 Para. 19: He pushed the crowd back beyond the barriers at West Street. He stood the other side of the barriers for about ten minutes before being given a verbal stand down. There was no debriefing when he was stood down.
- 20.70 Para. 20: Neither he nor any of the officers who had been stood down made any effort to preserve the scene. As a Reserve Constable he did not have any training in scene preservation. He certainly was not given any orders to preserve the scene.
- 20.71 Para. 21: He returned to the station after being stood down. He probably returned with the late crew he was supposed to be with in the Land Rover as they were stood down at the same time. He left scene at 03.30 or 03.35 as his leaving time of 03.45 included returning to the station and changing.

Oral Evidence

- 20.72 He parked the car at point X in snapshot 1. It was parked behind another police vehicle (p.78) which was Con Orr's, call sign JD70. They pulled up to the rear of the vehicle (p.91). He did not think that the car could get up to the Church on that side of street due to the crowd (p.92).
- 20.73 The crowd were spread over the full width of the street at the mouth of Thomas Street and the left of Thomas Street looking towards junction (p.79).
- 20.74 The men on the ground were at snapshots 2 and 3 (p.79). He did not know which one Robert Hamill was (p.80). "There were four women with the men on the ground. The men were helping the women. He did not go to assist the men, nor did see other officers provide assistance". He did not believe the men were under threat from the crowd. The police were in the vicinity (p.82). He had his back to the people on the ground so could not see them very well (p.93).

- 20.75 There were at least four, possibly six, officers at the scene when he arrived: 4 from the Land Rover crew and officers from the other vehicle. “There was a crowd of 40 to 50 people. 95-99% of the crowd were Loyalist. They were high on drink” (81712) (p.81). That was correct and there were small scuffles taking place all over street. It was out of control (p.82). There was pushing and shoving (p.98) amongst the Loyalist crowd.
- 20.76 The amount of officers on the street could not deal with the situation efficiently (p.82). Officers were pushing the crowd up towards West Street to defuse the situation (p.82). There was shouting directed at police and others. He did not see bottles being thrown. He felt threatened as he was isolated and surrounded by a large crowd. He did not see any officer actually assaulted (p.83). “There was no clear strategy but it was obvious what had to be done. The priority was to control the crowd. Everyone mucked in to push the crowd back”. He did not see people kicking at the men on the ground. He did not see anyone being pulled off from attacking one of the men on the ground. He believed there were one or two Riot Guns but he does not believe that they were fired (p.84). He was not sure that would have made a difference” (p.85). The duty Inspector and Duty Sergeant were in charge at the scene (p.90). The arrival of back-up was significant in preventing further injury (p.94).
- 20.77 He was with Wayne Lunt in the Land Rover. He did not know which police were at the place that Con A went 50 to 60 yards to (p.89).
- 20.78 It would have been unsafe to fire guns as the crowd were too close (p.85).
- 20.79 He did not see Res Con Atkinson speak to anyone at the scene. He did not talk to Res Con Atkinson after the incident (p.97). He only glanced at Res Con Atkinson every now and again (p.101).
- 20.80 He did not fail to do something due to sectarian sympathies (p.90).

Res Con William Burrows

Statement

- 20.81 Para. 7: Three officers (Insp McCrum, Sgt **P89** and him) had reached the town hall when a car came up fast. Sgt **P89** spoke to Res Con Warnock. Sgt **P89** then returned to station with Res Con Warnock and Con Adams. Res Con Burrows walked back to the Sangar and met Sgt **P89** as he came out of station, accompanied by Res Con Warnock. Con Adams told him to get in car with Res Con Warnock. Sgt **P89** and Insp McCrum walked to town centre. They stopped the car in vicinity TV rental shop.
- 20.82 Para. 9: As he got out of car he took possession of a sub-machine gun. As he arrived, the ambulance left. Police had got crowd up towards Church.
- 20.83 Para. 10: Before he left at 03.00 other police came and assisted moving the crowd up West St.

Oral Evidence

- 20.84 “two police vehicles approached the security barrier outside the station at high speed at about 01.45”. He thought that they arrived at almost the same time. He did not remember the occupants (p.73).
- 20.85 Sometime later the ambulance arrived with its siren sounding (p.73).
- 20.86 “At 02.00 I met Sgt **P89** and Insp McCrum” The officers asked him to accompany them into town. He knew it was 02.00 as he was changing over from the sangar to the barrier (p.74). He did not remember the officers telling him what was happening. He did not remember Sgt P89 having a riot gun. It would have been a memorable thing if he had (p.75).
- 20.87 “I got out car and took possession of a submachine gun and took up cover in the vicinity of Ronnie’s Pub”. A gun cannot be left unattended. His options were to stay in the car with gun or get out and take the gun with him. He got out so that he could give cover (p.75). He gave cover from people joining the crowd, not the riot. As a result he did not see anything as had his back to the incident. He advised some people to go the other way around town to get home (p.76). He did not force anyone to stop or allow anyone through. He was there for 45 minutes to one hour (p.77).

Sgt **P89**

Statement

- 20.88 Para. 7: Per 9123 he was informed at 01.50 by the Communications officer, Con Godly, that there was disorder in Market Street. He did not remember if he called Insp McCrum or vice versa, but they left the station together. He did not know the severity of the incident at that point.
- 20.89 Para. 10: He tried to get the MSU to come to Portadown when he arrived at the scene. The MSU were in Banbridge. There was some communication between Insp McCrum and Sgt **P89** but he did not remember who made the request.
- 20.90 Para. 13: When he arrived there were no more than eight officers present, including the Land Rover crew, Insp McCrum and him.
- 20.91 Para. 16: Sgt **P89** recalled saying to Insp McCrum that they needed to move the crowd away from the town centre to prevent a full-scale riot. He thought Insp McCrum and he directed officers to move the crowd away.
- 20.92 Para. 20: He did not remember seeing Res Con Cornett or Con **A** at the scene. He thought Res Con **P40** was there. He did not remember speaking to Con Neill. He recalled seeing Res Con Silcock as he was close by.

- 20.93 Para. 21: He recalled the MSU arriving and thought it was after the police had moved the crowd into West Street.
- 20.94 Para. 22: The youths in Woodhouse Street stayed there as the police pushed the crowd up West St.
- 20.95 Para. 23: He did not see anyone with bleeding nose. He did not remember seeing anyone with a Rangers scarf, but it was possible that people had Rangers colours on as they were common in Portadown.
- 20.96 Para. 28: Between four and seven people, both men and women, confronted them at the hospital. Two were particularly aggressive, one a woman referred to as 'brother in-law'.

Oral Evidence

- 20.97 Per 81699 "I left the station on foot with the Inspector. We walked up Edward Street where we met Res Con Warnock and Res Con Adams in a car. They stopped and informed him of a serious public order and requested the issue of a riot gun. Sgt **P89** said a number of civilians had been attacked by large mob that then turned on police. He issued a gun and took one himself (p.6).
- 20.98 When he arrived at the junction there was crowd of 50 milling around. They were hostile to the police. It was very noisy with lots of shouting. He did not remember if it was sectarian shouting. He did not recognise anyone at the scene (p.7). Sgt **P89** did not think that the crowd was Catholic as Catholics do not congregate in such numbers (p.9). There was a small group of four or five Catholics shouting from Woodhouse Street. There was verbal abuse from all sides (p.10). "We would have difficulty controlling the situation and it was important to move people away as if Nationalists were coming to the town centre, as it would be very dangerous (p.11). Con Cooke (80200) said he briefed Sgt **P89** and Insp McCrum when they arrived at the scene. Sgt **P89** did not remember being told about the seriousness of the incident (p.31). Con Cooke said the injured persons were on the ground when Sgt **P89** and Insp McCrum arrived. Sgt **P89** had no recollection of that. His concern was clearing the street, not checking on injured persons (p.32).
- 20.99 When he arrived, the vehicles present were the Land Rover and the police vehicle that Res Con Warnock and Con Adams had used. He did not remember if there were other vehicles, but there must have been due to the number of officers on the ground (p.7). He did not remember seeing officers when he arrived but he was with Res Con Atkinson for a while. Sgt **P89** joined Res Con Atkinson within anywhere from moments to a few minutes of his arrival (p.8). If an officer pulled a kicker off the injured persons, it happened before he arrived. If there had been kicking when he was there, he would have seen it (p.11). The MSU arrived at some point. It was a serious disturbance (p.14).

- 20.100 He did not see casualties at that stage. He thought the ambulance was about to leave when he arrived (p.8).
- 20.101 Sgt **P89** got police into a line (p.9). He kept his gun slung over his chest when he was dealing with the crowd (p.10).
- 20.102 He was at the scene for 45 minutes (p.98). After the incident he attended a Road Traffic Accident. He went to the hospital to check on the condition of the injured parties (p.15). He did not think Insp McCrum asked him to do that but told the Inspector that he was doing it (p.88). He and Res Con Silcock discussed the incident during the trip to the hospital (per 81704). Res Con Silcock did not tell him that there was a serious injury. Sgt **P89** did not find out Mr Hamill's condition at the hospital as the nurse could not give out any information. Sgt **P89** did not know he was unconscious (Per Res Con Silcock: [the man] appeared to be unconscious) (p.18). He would go to the hospital if possible after a public order incident to see the injured person. He was checking to see if the incident was ABH or GBH or worse. The trip to the hospital took five or six minutes (p.30). He made a serious effort to find out the injured parties' status but the information was not available as speaking to nurse is not insufficient (p.34). It is nearly impossible to talk to a doctor as a policeman (p.70). The family were not prepared to discuss their condition (p.34). He was only at the hospital for couple of minutes. He assumed Mr Hamill was in casualty because that is where he spoke to the nurse. He did not know he was in intensive care. He would have reported this if he had known (p.36). Sgt **P89** did not remember if reported this by radio after leaving the hospital or when he arrived back at the station at 03.05 or 03.10. He was sure he reported it (p.90). The Inspector was not in the station at 03.05 (p.92). Sgt **P89** did not know the Inspector called the hospital between 04.00 and 04.15. Sgt **P89** accepted that it was only at that stage that the Inspector became aware of the seriousness of the injuries (p.93). He was in a different part of the station from the Inspector at that time. The drunk driver was released at 04.15 but the driver did not leave the station for a short while (p.94).
- 20.103 At hospital he was confronted by relatives. "One said "you let them beat my brother" or "brother-in-law" (80849). This was not in his notebook or 9213 (p.25) or 9215 or 11084 or in the Kennedy Investigation, which he declined to assist (p.26). He could be mistaken about the brother or brother in-law comment as he mentions it for the first time nine years later and was not relying on a written record (p.27). Res Con Silcock thinks the man was Robert Hamill's cousin and he spoke to a female cousin (81164). Sgt **P89** accepted that it could have been a cousin (p.27). He was not mistaken that it happened, he may only be mistaken in identifying which relation it was (p.29).

Res Con Paul Warnock

Statement

- 20.104 Para. 6: It took the car a couple of minutes to reach the town centre. They went up Edward Street and parked at the X in 73917.
- 20.105 Para. 8: The officers in the police line had their batons drawn and were shouting.
- 20.106 Para. 9: He noticed two injured persons, one on the left and one on the right. The crowd was 20 to 25 feet from the injured persons. The Land Rover was 25 to 30 feet from number one and 15 to 20 feet from number two.
- 20.107 Para. 10: He did not see the officers attend to two as joined line. The Sergeant and Inspector were not on the scene. He did not see women or men with the injured persons or an ambulance.
- 20.108 Para. 16: Once he had left Wayne Lunt at the Land Rover he was directed by Con Orr to go to the station and get a baton gun. Con Orr was the senior officer at the scene at that time.
- 20.109 Para. 17: He was driven back to the station. He did not see other officers on the way. Once he arrived, he signed out a gun. He was not accompanied by another officer.
- 20.110 Para. 18: Res Con Warnock was holding the gun across his body. He did not see Sgt **P89** or Insp McCrum at the scene when he returned. Some people in the crowd had an expression that said "He'll not bother" when they saw the gun. He did not know what they looked like.
- 20.111 Para. 19: Res Con Warnock thinks the Land Rover officers plus Con Cooke, Res Con Murphy, Res Con Silcock, Con Adams, Con Orr and Con A were there. He did not remember seeing the MSU. He recalled an ambulance but did not know if he saw it before or after getting the riot gun.
- 20.112 Para. 28: The police moved the crowd back. He remembers Sgt **P89** being at the scene at that time. He did not remember Insp McCrum. Some of the crowd drifted away. The crowd dispersed at 03.00.
- 20.113 Para. 30: He returned to the station. He saw Insp McCrum at some stage. He did not remember seeing the Land Rover crew or Con Cooke or Con Orr when he was on his break.
- 20.114 Para. 31: He would have gone back out on mobile patrol after his break with Con Cooke.

Oral Evidence

- 20.115 Res Con Warnock thinks that he was in the second car to arrive (p.36).
- 20.116 The crowd was milling about at snapshot 2, on both sides of the reservation (p.37). The two men were at snapshot 3 and 4 (p.38).

- 20.117 When he got out of the car he saw four or five officers on the ground. This included all the Land Rover officers. The officers were in a line across Market Street. The crowd were 20 to 25 feet back from the line (p.38). The injured persons were five feet behind the police line (p.65). The crowd was shouting and it was noisy. There were a smaller number of people in Woodhouse Street. Officers were between the crowd and the injured persons (p.39). Did not see officers pull attackers off (p.41). No one attacked or attempted to attack injured persons (p.65). Did not remember any fighting amongst crowd. Was not a violent crowd as they were not throwing anything they could get (p.66). Was not concerned by anyone coming from bus (p.67).
- 20.118 “Saw other officers arrive. One ran over to number one and put him in the recovery position” (81240) (p.39).
- 20.119 Did not remember anyone in Rangers scarf. He did not remember what Wayne Lunt wore (p.40). He saw Con A have hold of, and struggle with, Wayne Lunt. She may have been struggling for some time before helped her (p.60). He did not know if Res Con Atkinson helped Con A (p.61). Wayne Lunt had stopped struggling when Res Con Warnock moved on (p.64).
- 20.120 The riot gun that he was asked to get was a precautionary measure against a crowd that outnumbered the police six to one (p.41). He went with another officer as he was not qualified to drive a car and driver was not qualified with a baton gun (p.44).
- 20.121 Closest scenario in 45192 where the gun could be used was “on the directions of person in charge of the demonstrations where disorder is anticipated”. “When circumstances permit, a warning is required before firing a shot. The warning should be similar to “Attention, Attention...stop rioting or baton rounds will be fired...no further warning will be given” (p.45). He did not know if a shouted warning would be enough to be heard or if he would need a PA system. Con Orr gave him no order about whether to shoot or not. He was only aware that Res Con Warnock had returned with the gun. “There was only one officer with a gun. He shouted “Cease, move away, break up or baton rounds may be used. The gun had the desired effect as some crowd moved away” (81244) (p.48). If the gun is fired, the aim is to hit the upper thighs, which causes a lot of pain and the target to fall to the ground (p.54).
- 20.122 There were waves of people coming up in small groups through town. Some went past and some joined crowd (p.51).

Con Gordon Cooke

Statement

- 20.123 Para. 10: There was one officer giving first aid to each injured person. He did not remember seeing blood around their faces. He accepted that must have if it was in his statement.

- 20.124 Para. 13: Did not call for ambulance as Res Con Silcock told the women one was on its way.
- 20.125 Para. 29: Spoke to Insp McCrum in communications room. He told the Inspector he recognised people at the scene. He was told to wait for CID. The inspector was making sure everything that could be done was being done.
- 20.126 Para. 30: It was obvious that Res Con Warnock recognised someone. He did not remember who, but he remembered him saying he had recognised someone.
- 20.127 Para. 32: He prepared his statement and gave it to DC Keys. He read the statement and there was some discussion about it. He confirmed the identifications of those mentioned.

Oral Evidence

- 20.128 He was the driver of a mobile patrol accompanied by Res Cons Warnock and Murphy. Their call sign was JD80. He thought he was in the second vehicle that arrived per 3838, unmarked armoured Sierra (p.2). They parked at snapshot 2. Another car was just in front (p.6). They entered the town centre via Edward Street (p.53).
- 20.129 Res Con Silcock and another officer gave First Aid (p.64).
- 20.130 “It was hard to describe the crowd as it was bedlam. They were shouting, waving, walking towards the police and trying to get at the injured persons” (81676) There was no throwing so it was not a riot (p.7). He did not remember anyone attacking the injured persons. He did not see any officer pull an attacker off the injured persons. He would have seen it if happened when he was there (p.8). The front of the crowd was not being pushed from behind (p.17). There were seven or eight officers at the scene when he arrived: four from the Land Rover and ones from the other vehicle (p.26). The police were in a line trying to stop people rushing through. The opportunity for detailed observation was limited (p.27). He thought Res Con Atkinson struggling with the crowd over his baton happened before he arrived (p.51). No officer was assaulted (p.52). Con Cooke drew his baton when he was facing the crowd (p.53). He did not strike anyone (p.54). Some people in the crowd were pushed back physically more than once (p.58). If the crowd had been determined to get through, they would have got through (p.60). He remembered a dozen MSU officers arriving, which firmed the line up (p.61). All in the crowd were moved up town. None broke through the line (p.62). There was nothing more the police could have done to control the crowd with the numbers they had (p.63).
- 20.131 “Insp McCrum and Sgt **P89** arrived on foot from Edward Street after the ambulance arrived. I spoke to them and briefed them on the basic facts” (81680) p.18). He believed he told Insp McCrum about the apparent condition of the injured persons. He does not think that the ambulance had moved them when Insp McCrum arrived (p.19).

20.132 He recalled there was broken glass around the scene, with some being in the area near the injured persons. He did not remember if he drew it to Insp McCrum's attention as it was not an abnormal amount, but he did put it in his statement (6363).

E

Oral Evidence

20.133 No police came to give First Aid (p.73).

20.134 A short policeman with glasses near E shouted "ambulance on way" (p.76).

E

Statement

20.135 Para. 34: The only time she recalled an officer going over to help was when the ambulance arrived.

Oral Evidence

20.136 The ambulance came and then a policeman went over and said to put him in the recovery position (p.14). He was the first and only policeman she saw. She "peeped up" from time to time and did not see other police officers (p.32). She was not aware of the police making a line; the time between the attack starting and the ambulance's arrival; or the attack's length (p.33).

Wayne Lunt

Oral Evidence

20.137 When he was released from the Land Rover, the police were pushing the crowd up towards the Church, which was what they had been doing prior to his arrest (p.59).

Vincent McNeice

Statement

20.138 Para. 15: He did not remember if back-up officers arrived or if there were other vehicles at the scene. The crowd were just standing there when the ambulance arrived. He did not remember if the police were doing anything to control the crowd.

Oral Evidence

20.139 From Woodhouse Street he did not see police, only the Land Rover. He did not see anybody inside the Land Rover (as you cannot see into them p.76). As he approached the Land Rover, two police officers (80% sure one was a policewoman) got out (he is 80% sure the back) of the Land Rover. The police tried to stop them from leaving Woodhouse Street (p.70). He did not remember the details of the policeman (p.84/5).

20.140 He did not see any police except the two above. Others could have been on the ground (p.81). It was not possible that the Land Rover was empty (p.87).

20.141 He did not see any police interact with the crowd at any stage (p.72).

20.142 He did not see other police cars but they could have been there (p.72).

Noelle Moore

Oral Evidence

20.143 As she was coming up the town police were pushing people up to the Church. She did not remember seeing any police vehicles. The police were up by the Church. The crowd was about 20 to 30 people strong. People were shouting and swearing at the police but were not trying to get past them (p.71). She did not remember what the police line was like (p.72).

Andrew Allen

Oral Evidence

20.144 Mr Allen said (7324) “the police arrived in a purple sierra and the police got out by the island in middle of the road. One policeman got down on his knees”. He had no reason to doubt that was true (p.138).

Res Con Robert Atkinson

Oral Evidence

20.145 When pushing people back up town, the Sgt P89 was definitely there, but he was not sure if Insp. McCrum was. The Sergeant was six, seven or eight yards to his right when they were pushing the crowd back (p.74).

Glen Stewart

Oral Evidence

- 20.146 He saw a policeman (Officer Dean p.8) standing not too far away (five or six feet p.9) from Robert Hamill (p.7). "Dean" was trying to assist Robert Hamill (p.25) by providing first aid but girls would not let him near Robert Hamill. They were verbally abusive towards him (p.26).
- 20.147 He was not sure if the police were further on, keeping the crowd back (p.10). The only policeman he saw was Dean (p.12). There were three groups when he arrived: the crowd near the Church, the crowd around Mr Hamill and the police. People were shouting at the police and the crowd near the Church were shouting at Hamill crowd (p.23).
- 20.148 When Mr Morrow got the stretcher, he remembers the police were in the vicinity around him. He was not sure whether more arrived or where they had come from but there were more officers there. The crowd had moved up to around William Street (p.18). He was not sure if the police were separating the crowds but they were trying to keep order (p.19). He thought that they were trying to keep the factions apart (p.28).

Res Con Dean Silcock

Statement

- 20.149 Para. 3: Was detailed in a vehicle with Con Adams. They were at Gilford Road when they heard the transmissions. It took two or three minutes to get to the town centre. Stopped vehicle at X70 on 73916.
- 20.150 Para. 4: When they got to scene he radioed the station for an ambulance.
- 20.151 Para. 7: There was no ambulance at the scene at the time.
- 20.152 Para. 8: **D** had two women with him. They were kneeling with him. They were distressed and quite verbal but Res Con Silcock did not remember what they were saying. **D** was face down on road. There was blood or some liquid around his head.
- 20.153 Para. 9: He then went over to check Robert Hamill. He was on his back or his side. There was glass around Robert Hamill's head, Res Con Silcock thought it was broken bottles. He kicked the glass away to avoid Robert Hamill cutting himself. He did not see blood or injury on Mr Hamill. Res Con Silcock stayed with Mr Hamill.
- 20.154 Para. 10: One person with Mr Hamill said she was his cousin. He told her to keep Robert Hamill in the recovery position.
- 20.155 Para. 11: He saw a man in grey Umbro sweatshirt running between two men on ground. He was intoxicated and aggressive to officers. He was cursing and verbally obstructing Res Con Silcock while he was trying to help injured persons. He did not remember if he was abusive to the crowd. Res Con

Silcock did not remember if the man spoke to any women with injured persons.

- 20.156 Para. 12: The ambulance arrived after a couple of minutes. He spoke to paramedics but did not remember what was said. He may have mentioned the broken glass. Paramedics put men in ambulance and he thinks only two women with injured persons got in ambulance.
- 20.157 Para. 13: Remembered Sgt **P89** arriving after the ambulance left. He did not remember if Insp McCrum was with him. Then went to assist managing crowd. There were riot guns at scene but did not know how many. There were also four firearms. Think Res Con Warnock had a riot gun.
- 20.158 Para. 15: He was at the scene for about an hour. Once the crowd moved up West Street, the only officers were in the town centre. He did not remember if there were other officers in the centre apart from Sgt **P89**.
- 20.159 Para. 16: Thought he left scene with Con Adams. He did not know when he left town centre. He went to Craigavon Area Hospital with Sgt **P89**. He did not know what time they left but they went to find out the condition of the injured persons. When he arrived he identified the man in the grey Umbro sweatshirt. He was identified as Mr Hamill's cousin. He was still very aggressive and verbally abusive.
- 20.160 Para. 17: He spoke to a woman who was with that man, who was another of Robert Hamill's cousins. She was not aggressive. He did not speak to doctors or nurses and did not think that Sgt **P89** did either. He was at hospital for no more than few minutes. He did not record the details in his notebook. He did not remember what was passed on when he returned to the station but thinks Sgt **P89** informed the team of the situation.
- 20.161 Para. 18: Did not remember what time he got back to station. Did not see officers from the Land Rover but saw Con Adams and had a general chat.

Oral Evidence

- 20.162 His call sign was JD70. They were in a saloon car. He did not remember what type it was or if it was liveried (p.39). They drove into town via Bridge Street and Market Street. The barriers at Bridge Street were opened (p.40).
- 20.163 "When they arrived at the scene there were 60 civilians and four officers. He saw two men on the ground. Women were with them" (p.40). There were four women in the group with Robert Hamill (p.72). The position of Robert Hamill was at snapshot 2, the position of **D** was at snapshot 1 (p.42). **D** appeared to be unconscious. He tried to get Mr Hamill into the recovery position as best he could. He put his hand up Mr Hamill's back and felt he had vibration that showed he had strained breathing. There was no glass round his head. He checked his mouth to check for any blockages (p.48). **F** said that no officer came to help them. He said that he did. Glen Stewart said (81204) Robert Hamill was on his back. Res Con Silcock left him in the

recovery position (p.57). Res Con Silcock did not know what **D** was wearing. 11051 shows he was “dressed in shirt and trousers” (p.68). He did not remember any women being verbally aggressive to him. One was really protective (p.69). He administered what First Aid he could (p.70). He recalled Con Adams was behind him when he was dealing with Robert Hamill (p.71).

20.164 Police were spread out. Crowd were all around where two people were lying. People were all over the place (p.42). Crowd were vocal towards but not assaulting people on ground. Officers were trying to control crowd (p.43). When he arrived he thought crowd was Protestant and ones on ground were Catholic. He made assumption based on lots of fights at junction (p.44).

20.165 Con Adams was the officer he, Res Con Silcock, was with. Con Adams said (11051) “police were trying to keep factions apart”. Res Con Silcock agreed (p.45). Officers were running around keeping crowd from men on ground. Some had batons drawn (p.45). Res Con Atkinson was out with a baton and quite proactive towards Loyalist crowd (p.66).

20.166 Crowd got close to people on ground and demeanour showed they were very aggressive. He took baton out and did not strike but physically pushed crowd. Per 81159 he could hear some in the crowd shout “hope they die” but did not see anyone trying to attack **D**. Did not remember if other officers were helping (p.46).

Dean Forbes

Oral Evidence

20.167 Did not see other police activity until he backed off halfway up town (p.40). Not able to say if the officers in the back were on the street later so the officers he saw could be them or replacements (p.41). 6954 had police rushing in to break up fight. Forbes did not know if they were Land Rover police or those from the police car that arrived five or ten minutes after (p.42). Police were trying to help but were overwhelmed (p.43). Could not see if police were doing anything about those kicking one (p.48). Did not see police intervene until reinforcements arrived (p.67).

20.168 At time the man was in the Land Rover other officers were pushing people back up town. Police presence grew as he could see cars/Land Rovers coming from Edward Street, getting out and pushing people back (p.58).

Res Con Denise Cornett

Statement

20.169 Para. 19: There were other officers in support at this stage after she had helped Con Neill. Colleagues were trying to restrain the crowd whilst she

stayed with the injured. Did not recognise anyone in the crowd or see anyone going towards the bodies on the ground.

20.170 Para. 20: When ambulance arrived police formed a line and pushed them up Market Street.

Con Alan Neill

Statement

20.171 Para. 35: Saw Res Con Silcock give First Aid to both injured persons.

Insp Alan McCrum

Statement

20.172 Para. 4: Referring to notebook (9960) at approx 01.51 he was informed by Con Godly that there was a disorder taking place in the Market Street area of Portadown. Con Godly told him that there were opposing factions fighting in Market Street and that officers were in need of immediate assistance. No mention of casualties at that stage. He directed immediately that all available back-up be sent. Sgt P89 was in station so he found him and left immediately.

20.173 Para. 5: Sgt P89 and he walked quickly to the scene 300m away. Was aware there were limited resources and there was an issue of officer safety so needed to see situation himself. When leaving Res Cons Silcock and Warnock came back to station. Experience told them to issue a FRG as a precaution.

20.174 Para. 7: On arrival was briefed by Con Cooke who said there had been a disorder between two rival factions. Was a scene of some disorder with 30/40 youths. Some of the crowd were acting raucously jumping about.

20.175 Para. 8: Saw Land Rover crew and Cons Cooke, Orr and A at scene. Marked where Land Rover was on 73902.

20.176 Para. 9: Officers were trying to quell situation. Noticed three or four people were in Woodhouse Street. One was bare-chested. Thought that must be other faction.

20.177 Para. 10: Concern was to restore order. Some of group were on footpath while others were singing/dancing in middle of street.

20.178 Para. 12: Got officers in line to force crowd up West Street. A number of the crowd behaved aggressively to police and tried to goad officers into conflict.

20.179 Para. 13: Recalled seeing Res Con Atkinson. Approached him and Res Con Atkinson mentioned his baton strap was broken.

- 20.180 Para. 15: When finished briefing MSU Insp McCrum directed Sgt P89 to go to Craigavon Area Hospital. Needed to know how serious the incident was to determine what actions were required.
- 20.181 Para. 16: Could not be sure how long it took police to move them up but thinks it was 15 minutes. Recalls Con A was engaged in serious dialogue with a young man. Was told, he thinks by Con A, that man had been arrested but it was not practical to detain him.

Colin Murray

1st Report

- 20.182 Para. 5.6: Per Para 1.6 of the General Order, at the scene of a disturbance it is the responsibility of the senior police officer present...to restoration order
- 20.183 Para. 5.7: Insp McCrum did quickly bring the situation under control by the rapid deployment of staff.
- 20.184 Para. 5.12: Mr Murray did not believe police officers were in a position to fire a warning shot.
- 20.185 Para. 5.28: The disorder and the attack were spontaneous and the RUC responded with sufficient staff under the direction of Insp McCrum to disperse the crowd and prevent a continuance of the disorder.
- 20.186 Para. 5.29: The officers engaged in dispersing crowd acted resolutely and professionally.
- 20.187 Para. 6.10: The appropriate officer to co-ordinate and debrief the officers in order to identify suspects in first instance was Insp McCrum. It was his responsibility to bring all the strands together and hand them over to the investigation team.
- 20.188 Para. 6.11: If Insp McCrum was correct in ordering Con Cooke to draw up a list of people at scene and collect clothing from the victims, then there was no evidence to show that he ensured his instructions were carried out. One questions why an officer, if so directed, would fail to obey a lawful order, thus leaving him open to discipline proceedings.

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

The evidence of Glen Stewart confirms Reserve Con Silcock providing first aid (p25)

Paragraphs 20.138-20.142 above demonstrates the blatant lies that McNeice told and continues to tell in an attempt to blacken the police.

We agree with what Mr Murray says at paragraphs 20.182 to 20.188 , but if such orders were given to Con Cooke, it is inexplicable that an officer would fail to carry out such orders, that no check would be made to see if he had carried out the orders, and that no disciplinary action (either formal or informal) was initiated for failing to obey such orders, bearing in mind that these orders related to the gathering of important evidence in what was a serious assault.

Submissions by Gus Campbell Solicitors (Marc Hobson)

Constable Neill referring to 06334, stated that he did not know who had moved the man with the goat beard back. He denied that it was him, p 90.

Maureen McCoy was able to recall there was no stage when any one individual attacked the person who was otherwise being attacked by a group, P.24, she could see the person lying, nobody was around them, p.28, she sat with Robert, the crowd was behind her towards St Mark's Church, she was asked by E to stay with him until the ambulance arrived, p30, She remembered Colin Prunty taking her away and can only imagine that F took over from there P32, she would not have left him on his own, p33.

As far as she was concerned she was over within a very short time of the attack having occurred, p.67, she was attending to Robert and there were police officers immediately adjacent to her, p68, the Crowd did not further assault or injure Robert when he was on the ground while she was tending to him, p68, the crowd did not succeed in any further attack on Robert

Beverly Irwin, There was a girl shouting for help and a policewoman over at the situation, nobody attacked the man on the ground at any stage, page 19 evidence.

Prunty, he had gone to break up the fight , they backed off a bit, not because of police, p117, the police prevented any further attack on Mr Hamill, p143, when the police got involved they seem to back off, 09103, when police intervened their effect was to stop any further attack on Robert or the crowd getting towards him, p168

Blevins; remembered Robert Hamill being on the ground and a couple of police, maybe four of them standing outside the Land Rover , 81619. He didn't see anyone try to kick or attack Hamill while he was on the ground. Nobody was trying to get at the man on the ground, p98

Mark Currie; There was one of them people on the floor and people standing over them, they were standing in the middle of the road and the rest of the people were 15,20 yards up towards the town church, they were a separate group from the ones over the man on the ground, p84

Glen Stewart was asked whether there any other hostile people attempting to get at or attacking Mr Hamill and he said "No, not at this time". Page 7,

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

The above evidence shows that Robert Atkinson was active at the scene and assisted other officers such as Constable Neill, Constable A and Sergeant P89 who all provide corroboration with specific detail; Constable A, assisting with Wayne Lunt, Sergeant P89, assisting with controlling the crowd and identifying Allister Hanvey and Constable Neill, assisting him both at the Landrover and in removing a nationalist to Woodhouse Street. Civilian witnesses (Beverley Irwin and Mark Currie) saw police officers standing between two groups of people. Paul Warnock and Donald Blevins said police formed a line to separate the crowds.

Submissions by the Police Service of Northern Ireland

See section 21 below.

Comment

21. The primary function of the back-up officers was to contain violence and restore order. The Panel may think that they did that, and it does not appear to be in dispute. Questions arise about whether Insp McCrum and Sgt P89 discharged their responsibility for the transition from a riot to a crime scene which was capable of being investigated properly, and for ascertaining the seriousness of the assault. Those questions will be addressed in the context of other evidence.

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

The evidence suggests that the back-up officers did indeed contain the violence and restore order. The question remains whether, had the four officers in the Land Rover called for assistance sooner, the attacks on Robert Hamill and D could have been prevented.

Please note: we believe that the potential criticisms and adverse inferences need to be augmented to include the possibility that the four RUC officers in the Land Rover gave Stacey Bridgett and Dean Forbes a false alibi, and that Stacey Bridgett and Dean Forbes gave false evidence.

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

We agree with this.

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

No Comment

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

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)

Sergeant P89 & Inspector McCrum

1. At 00.10 on 27th April P89 paraded and briefed the night division of C Section for public order duty. This included the Land Rover crew (JD81) who were to give particular attention to the area of Magowan Buildings and Woodhouse Street. R/Con James Murphy was detailed as an extra observer in the district mobile patrol support vehicle call sign Juliet Delta 80.

2. At 01.50 Constable Simon Godly told Sergeant P89 that there was disorder in the town centre and the Sergeant and Inspector McCrum left the station for the scene .(1)

“At 1 50 am I was made aware by the Communications Officer, Constable Godly, that disorder was taking place in the Market Street area of the town and that Police in attendance were in immediate need of assistance.”

While P89 says that he was told by Con Godley that there was disorder in the town centre this is not supported by Con Godley’s statements at the time or to the Inquiry. In his initial police statement he says that he told Inspector McCrum. (2)

3. According to his police statements P89 left the station with Insp McCrum. Upon leaving they were met by Cons Warnock & Adams who came driving up at speed and requested the issue of a riot gun. They both informed him that a number of civilians had been attacked and assaulted by a large mob that had turned on police. He says he issued a gun to Warnock and took a second for issue to another officer should the need arise. He says this gun was not issued to any other officer and remained with him. He saw 30 – 40 youths congregating in the town centre area. They were being spoken to by police officers. He further saw a group of 3 - 4 youths in the vicinity of Woodhouse Street/Market Street junction. Sergeant P89 assisted police at the scene to move the larger group into West Street. Resources were then deployed in West Street and the junction of Market Street/Woodhouse Street to keep the two opposing groups apart .(3)

4. P89’s notebook records that: at approximately 0200 as a result of public disorder in the town centre he, accompanied by Inspector McCrum went to the town centre where they assisted other police in dispersing a hostile crowd of approximately 50 into West Street. The crowd separated and the town centre was relatively quiet by 0300 hours – later mobile patrol – supervision with Reserve Constable Silcock .(4)

5. Some 3 years later the Sgt made a further statement in which he revealed for the first time details of an encounter with Allister Hanvey on the

night. The Sergeant recalled that when he was assisting police to remove the large group of people into West Street on 27th April 1997, Reserve Constable Atkinson was on his left side within speaking distance. There were about 40 loyalists at that stage. There was one particular individual who was very hostile. He was very reluctant to move back and had to be physically forced by the Sergeant pushing him back. It was clear to the Sergeant that this individual was close to assaulting him. The Sergeant recalled Atkinson saying words to the effect “Do you know who he is? Watch him that fellow is an expert or black belt in martial arts”. Atkinson mentioned the fellow’s name as Hanvey but Sergeant P89 didn’t know him. He was unable to remember what clothing the man was wearing. The Sergeant couldn’t recall any other conversations with Atkinson about the incident or anybody involved in it. He said that he didn’t know Tracey Clarke and only knew Hanvey when he was identified to him by Atkinson. He didn’t see Atkinson having any in depth conversations with anybody other than speaking to people in the crowd when they were moving them back. There were females in this crowd. The Sergeant had a vague recollection of Atkinson speaking to one of them who was quite aggressive towards the Sergeant. She was a young woman in her late teens or early twenties. He was unable to describe her .(5)

6. His Inquiry Statement (80843) says that he served with PSNI for 27 years and retired on medical grounds in 2001. Had been stationed at Portadown for around a year in April 1997. Had been based in Portadown for six years previously before being transferred to Lurgan so it was his second tour of duty in Portadown. On the night of 26th/27th April 1997 P89 was on duty to supervise his section –“C Section”. Inspector McCrum was the duty Inspector and his superior. It was P89’s responsibility to give the briefing to C section (Land Rover crew) that night and he did that at 23.45. P89 also briefed the mobile support unit at 00.10. The Land Rover crew were due to finish duty at 00.00 but were retained that night to provide a patrol of the town centre .(6)

7. Prior to the briefings, P89 reviewed the occurrence book for any occurrences for the evening. His briefing also included any intelligence that the mobile patrol unit needed to be aware of.

8. P89 also briefed Reserve Constable Murphy that night. He was detailed to be an extra observer in the district Mobile Support vehicle “Juliet Delta 80”. That crew were to provide extra support in the event of any incidents. There would normally be a crew of two, usually three officers in this vehicle.

9. He then recounts his movements as per his earlier police statements. In addition to the large crowd of Protestants they had people coming up from Woodhouse Street and their concern was to move the crowd away from the town centre and from the people in Woodhouse Street. This group consisted of about 3 – 4 youths.

10. P89 had a vague recollection that when they arrived at the scene they tried to get a section of the MSU to Portadown as it was clear that they

needed more support. He believed that the MSU were at Banbridge at the time. There was some form of communication between Inspector McCrum and P89 but P89 couldn't remember who made the request for the MSU.

11. To the best of P89's recollection, there was one Land Rover at the scene but he couldn't recall where it was parked. He assumed it was in the vicinity of Thomas and Woodhouse Streets. He thought there was also a police car there which Reserve Constable Warnock and Constable Adams had been driving when they met them earlier on Edward Street.

12. P89 didn't see any casualties at the scene. There was an ambulance there that may have just taken casualties on board and was about to move off. He believed that it was stationary when he arrived and there were officers and a crowd of people nearby. He didn't see any of the crowd obstructing the ambulance but they were definitely hostile.

13. P89 couldn't remember how many officers were at the scene when he arrived but he thought there were no more than 8 including the Land Rover crew, Insp McCrum and himself. He was fairly certain there was no-one there from the MSU at that stage because the first thing that entered his head when he arrived on the scene was that they needed help there. He knew from experience that they would have great difficulty controlling the situation and knew it was important that they move the crowd away from the town centre as he could see more people coming up Woodhouse Street and it was the time of night when the pubs would be turning people out. There were more Nationalist people coming up towards the town centre and it would have been a very dangerous situation.

14. P89 recalled seeing Reserve Constable Atkinson at the scene and had a clear recollection of talking to him as he was on his left-hand side as they pushed the crowd up the street. There was an individual who was very hostile towards P89 and he wouldn't move back. P89 had to physically push him in the chest area and it got to a stage where P89 thought this person would assault him because of his attitude. He was shouting in P89's face and Atkinson told P89 to be careful and saying words to the effect "Do you know who he is watch him that fellows an expert or black belt in martial arts". P89 stated that Atkinson was advising him strongly that if he was to push this guy too much, he would level him and put him on his back. P89's only recollection of this person's appearance was that he was in his early 20's with a slim build and about 5'10". Reserve Constable Atkinson referred to him by the name "Hanvey" which meant nothing to P89 at the time.

15. P89 recalled that Hanvey was accompanied by a young woman who was also very aggressive towards him in particular – perhaps because he had the baton gun. He couldn't describe her other than that she was in her late teens and quite small. At the time he assumed she was with Hanvey, possibly a girlfriend of his. There was a lot of conversation between them which led him to believe they were boyfriend and girlfriend. P89 couldn't hear what was being said apart from the abuse that he was getting from them and from her in particular.

16. P89 thought that Atkinson talked to the young woman about her behaviour trying to quieten her down as they were moving the crowd up the street. He didn't recall Hanvey or the young woman being hostile towards Atkinson. P89 didn't recognise anyone else in the crowd.

17. He couldn't recall seeing Cornett or Con A at the scene but thought that P40 was there though nowhere near him. He couldn't recall speaking to Neill at the scene. He probably did but couldn't recall doing so. He recalled seeing Reserve Constable Silcock as he was quite close to him and Atkinson when they were driving people out of the town centre towards West Street.

18. P89 had a vague recollection of the MSU arriving in the town centre some time later – he thought after they had already moved the crowd into West Street.

19. It took about 50 minutes to an hour for the situation to calm down from when P89 arrived at the scene. He left the scene at about 2.45/2.50 am. There were several officers still present including McCrum. P89 couldn't recall giving any specific instructions before leaving to attend to another matter. He was aware that Insp McCrum was the most senior person at the scene. He didn't recall having a conversation with him about visiting the hospital and establishing the condition of the injured persons. He couldn't recall whether they discussed scene preservation but knew the scene hadn't been cordoned off before he left.

20. Scene preservation usually only takes place in circumstances involving a serious assault, murder or attempted murder and once there is knowledge of the individual's injuries. None of the officers at the scene informed P89 that anyone had been seriously beaten and he hadn't seen anyone on the ground.

21. When P89 left the scene he knew that there was at least one casualty but nothing more. He left with Silcock and they drove to Craigavon Area Hospital which was only 5 – 6 minutes away. On their way there they discussed the incident. P89 was feeling quite proud of the men for being able to resolve the situation. He didn't think any names were mentioned.

22. They arrived at the hospital at approximately 2.50 – 2.55 am and went straight to Casualty. They were confronted by relatives or friends of Mr Hamill who were verbally abusive towards them. One of them kept saying "you let them beat my brother" or "my brother-in-law". There was some suggestion that the police had stood by and obviously, because P89 was in police uniform, they felt he was part and parcel of the whole thing. He didn't feel they were angry at him as an individual and they obviously knew things that he didn't know in relation to what had happened. There was somewhere between 4 – 7 people who confronted them – men and women. There were two who were particularly aggressive, one a woman referred to her "brother" or "brother-in-law".

23. P89 remembered speaking to a nurse briefly and she told him that the injured party was receiving treatment for his injuries and she couldn't tell

him at that stage how serious they were. He didn't recall asking her if he was conscious or unconscious and couldn't remember if the nurse mentioned another casualty or the name "D". He only recalled inquiring about one person.

24. P89 didn't speak to any doctors as he was told they were attending to patients at the time. He didn't make a note of what he was told in his notebook. He wouldn't normally make a note where he could report back the information verbally. He had no reason to make a note of the actual words said. The situation was quite difficult anyway. He was only there for a few minutes. At the time there was no standard procedure in respect of recording information from the hospital about injured parties. Having left the hospital he still didn't know it was as serious an incident as it turned out to be. He couldn't remember if there was some form of communication between himself and Portadown police station about attending the hospital.

25. P89 recalled then attending a road accident in Bridge Street at 03.00am. He wasn't at that scene very long. Constable A requested that convey the driver who had been arrested back to the station. It appeared that this was at about 03.05 am. He couldn't recall whether he advised the officers in the Control Room of the outcome of his earlier hospital visit. The individual was released from police custody at 04.15 am. He was from up north so P89 may have helped him find accommodation or arrange a lift home which could have taken another hour to organise. P89 couldn't recall exactly what he did after dealing with the road traffic matter but didn't think he went back to the scene of the public disorder that morning. He recalled seeing the Land Rover crew in the Communications Room with McCrum and Detective Constable Keys. He didn't talk to them. He didn't recall that he had any further involvement in the matter.

26. In his oral evidence P89 stated that most of the reservists would have known what public order duties entailed. Patrol car and support car would have covered an area of 7-8 miles around Portadown. When reached centre of town that night didn't recall any particular sectarian chanting or recognise anyone in the crowd. Could only recall one police car there but there must have been more due to number of police personnel present. Atkinson was with him a few moments after he arrived. Said crowd were hostile to police, shouting, some were drunk. He organised police into a line. Ten times more Protestants than Catholics. 4-5 Catholics in Woodhouse street giving verbal abuse to protestant crowd. Said there were regular fights between Protestants and Catholics in town centre but he had no experience of police simply watching. Did not see anyone kick anyone on the ground. Confirms what is in Inquiry statement re Hanvey and Atkinson and that he got the impression that Atkinson knew the young woman with Hanvey. Saw Atkinson speak to Hanvey to calm him down and got the impression Hanvey was intoxicated.

27. Says it didn't occur to him at the time to have officers compile lists of suspects as he was busy immediately afterwards. Said he didn't get around to making a statement until 7th May and that he described the situation as he did because he was used to riot situations. Said he didn't realise how serious

it was. Said Silcock did not mention the seriousness of the assault on the way to the hospital. The reason he did not ascertain Robert Hamill's condition was not because of hostility of relatives but because Nurse couldn't give him any information. He did not know Robert Hamill had been taken from the scene unconscious.

28. Whilst notebooks should be written up contemporaneously that didn't always happen. When there were more serious incidents officers might be formally debriefed. Recalls that there was some sort of debrief going on the communications room after he had dealt with the DIC but he wasn't debriefed. Wasn't his practice to inspect or sign off section notebooks at the termination of duty.

29. Agrees that at a trouble spot Police on duty needed to be constantly vigilant to prevent trouble starting.

30. Accepts that it may not have been a brother-in-law of Robert Hamill who was aggressive at the hospital but rather someone he perceived as a relative. Agrees that not all at the hospital were aggressive only one or two.

31. Denies he was briefed at the scene or told in car by Silcock that the casualties were unconscious. Claims he did make a serious effort to find out the extent of the injuries when at hospital.

32. He would have expected that the scene be cordoned off once serious nature of injuries became apparent and that those at scene would have been debriefed re identification of suspects. This would have been the Inspectors responsibility.

33. Lack of detail and confused chronology of notebook accepted.

34. Says he can't now remember Atkinson referring to Hanvey by name. Claims that in 2000 he could have been prompted by the detective recording his statement to say that. Says he was unaware of later developments in case as he had been posted elsewhere and was off sick for some time. Agrees that if he had been debriefed at the time he might have given more detail than appears in his statement.

Criticisms

1. Inadequate briefing and poor allocation of resources

35. The officers in the Land Rover were briefed along with those in the support cars. At 00.10 on 27th April P89 paraded and briefed the night division of C Section for public order duty. The Land Rover crew was detailed to remain in the town centre and to give particular attention to the area of Magowan Buildings and Woodhouse Street. In his oral evidence P89 said that most of the reservists would have known what public order duties entailed. Patrol car and support car would have covered an area of 7-8 miles around Portadown.

36. He was therefore responsible for deciding the allocation of the available manpower in the sub-division. A number of witnesses to the Inquiry have given evidence that the area of Woodhouse Street/ Market Street was a notorious flashpoint. The evidence for this is referred to in part 2 of the Inquiry's written submissions. It is clear that the preponderance of the evidence is that the area was a flashpoint.

37. It is clear also that there were functions in St Patrick's Hall on a regular basis and that these would have been attended by the Catholic community. P40 has told the Inquiry that Catholics attending St Patrick's Hall would have usually taken taxis home .(7) This was so even though it is a relatively short distance from St Patrick's across Market St to Woodhouse Street and from there into the Obins Street area where a large number of Catholic residents of Portadown lived. P40 in his Inquiry transcript at p15 confirms there was nothing in the briefing regarding St Patrick's Hall. This is so even though Gerry Hamill, who was a doorman at the Hall in 1997 said at page 5 of his Inquiry transcript that there would be functions there most weekends. An internal DPP report in 2000 on the incident had this to say (8):

The police patrol led by Constable Neill was tasked to keep public order in the centre of Portadown, with particular reference to an area around Magowan Buildings and Woodhouse Street, which is a short distance from the murder site at the junction of Thomas Street and Market Street. The latter was a well-known flashpoint for sectarian trouble at the weekends because the Catholics returning from St Patrick's Hall in Thomas Street crossed the path of Protestant coach parties returning down Market Street from their own drinking expeditions”

38. It can be inferred that if the DPP were made aware of the potential difficulties arising out of a function in St Patrick's Hall that police at the time were similarly aware. R/Con Cornett in her interview for the neglect investigation told Irwin and McBurney she did not know there was a function in St Patrick's Hall that night.

39. It is further notable that the MSU was positioned initially in Banbridge. Insp McCrum said in evidence to the Inquiry at p. 2:

11 Q. An odd question perhaps, but let me try this one on you.

12 We have some reason to believe that the MSU that

13 eventually was called into the centre of Portadown that

14 night was stationed outside the Coach Inn on a Saturday

15 night. How does that chime with you?

16 A. Yes, that would have been the case. It would have been

17 fairly normal then, in the late 1990s, for an MSU to
18 have responsibility for the Coach Inn nightclub and the
19 hundreds of people that would have been coming onto the
20 streets at the end of the nightclub.

21 Q. So the concern, if concern is the fair word then, is
22 that there might actually have been some disorder
23 outside the Coach. Would that be fair?

24 A. Yes, that's reasonable, yes.

40. If this is true, and there has been no evidence to the contrary, then police must have been aware at a fairly senior level that the crowd from the Coach Inn had the potential to cause trouble elsewhere if they were to travel together in large enough numbers. This, presumably, was one of the reasons that the Land Rover crew were briefed to watch the area from Boss Hogs up through the centre of the town etc as this is where passengers on the bus returning from Banbridge would alight. Many of them clearly would have been under the influence of alcohol. Police also would have been aware of the approximate time that the bus would arrive in Portadown town centre.

41. Knowing this and the potential for trouble at the junction it is the families submission that P89 being the officer briefing those responsible for public order duty should have established there was a function in St Patrick's Hall that night and specifically briefed his section that there was the potential for those returning from Banbridge and those leaving St Patrick's Hall to meet. If P89 had established the position he also could and should have briefed the patrol car and support vehicle to be in the vicinity of the town centre at the time the bus was due to arrive. This would have enabled them to be on the scene immediately to provide assistance in the event of public disorder.

2. Failure to establish at the scene the condition of the two casualties.

42. There are a number of police personnel at the scene who were able to give evidence of the serious nature of the injuries to Robert Hamill. Some of this evidence has been outlined in the context of the issue of cause of death specifically the possibility of hypoxia and relates to Robert Hamill's laboured breathing. The following officers recognised the casualties at the scene to be unconscious: Gordon Cooke, statement (09225) and notebook entry (09970), Cornett statement (09680), Neill statement (09673), Silcock (09222). Further as P89 accepted in oral evidence to the Inquiry at p 31:

6 A. I cannot -- I can vaguely remember arriving on the scene
7 and an ambulance parked up and vaguely recall the

8 ambulance driver or the paramedic assisting someone on
9 the ground. It is a very vague recollection, but that's
10 very vague.

11 Q. You see, we know from other evidence that at least one
12 of these men was stone cold unconscious at the time and
13 would have to have been lifted on a stretcher into the
14 ambulance. So what you are saying to us is that that
15 must have happened in your presence?

16 A. I didn't see that taking place. I have no recollection
17 of seeing Mr Hamill or the other individual being put
18 into the ambulance.

19 Q. Would you not have approached the ambulance people, the
20 paramedics to see what they thought of the condition of
21 the person? Would that not have been --

22 A. Well, I didn't do that on the night. My concern was
23 the -- getting the street clear. That was my concern.
24 The injured were being attended to by the ambulance
25 crew. My priority was to get that street cleared before

32

1 there was -- before it escalated.

43. It is for the panel to decide whether, in relation to the police officers at the scene, there is a criticism to be made of their failure to brief P89 and Insp McCrum of the condition of the casualties, if the evidence of these supervising officers is accepted on this point. In any event, if the subordinate officers did not volunteer this information it is surely negligent of a supervising officer not to enquire as to the condition of the injured.

44. The evidence is that much would have turned on the knowledge of the seriousness of the casualties. P89 for his part said in evidence at p. 35:

24 Q. We have your evidence of that assumption, so we will

25 move on. But in your experience as a sergeant at the

36

1 time, once you become aware in this situation that an
2 assault is a serious assault, with someone who is
3 seriously injured, which I accept you were not aware of
4 in your evidence at this time, can you tell us what sort
5 of things would have been put in motion had that
6 information been relayed to a superior? What would you
7 have expected to have happened back at the scene?

8 A. Back at the scene?

9 Q. Yes. For a start.

10 A. The scene cordoned.

11 Q. That would have been practice at the time?

12 A. If someone was in intensive care as a result of an
13 assault, yes, that probably would have been the case,
14 yes.

15 Q. In terms of identifying those who were involved in the
16 incident, can you help us with what steps you would have
17 expected to have been taken?

18 A. Well, I would have thought that a debrief towards the
19 end of the evening -- that the information would have
20 come to light.

21 Q. Would that debrief have included questions being asked
22 of those who were present amongst the police as to what
23 they had seen?

24 A. Yes.

25 Q. And perhaps whether or not they could have identified

37

1 anybody?

2 A. Absolutely, yes.

3 Q. And would you agree that the identification process

4 might have taken a number of forms, beginning first of

5 all with whether or not any of them recognised anybody?

6 A. Yes.

7 Q. And then secondly, whether or not any of them could give

8 detailed descriptions of those they had observed?

9 A. Yes.

10 Q. Including descriptions of their clothing?

11 A. Yes.

12 Q. And whose responsibility would it have been in the

13 circumstances of this incident to have commenced all of

14 those things? Would the inspector you were with at the

15 scene have been someone who would have done something

16 like that?

17 A. It would probably either have been him or the CID

18 detective investigating the matter.

19 Q. Yes. But, of course, CID don't get involved unless they

20 are notified; isn't that correct?

21 A. That's right.

22 Q. Do you agree that uniformed police of some rank, like

23 yourself or the inspector, would still have been

24 expected to have commenced those procedures?

25 A. Yes.

45. He further admits in evidence at p. 32 that the reason he went to the hospital to establish the extent of the casualties' injuries was because he had not established this at the scene:

2 Q. Is that not in fact why you went to the hospital with Reserve

3 Constable Silcock, because you hadn't made a full enquiry

4 as to how badly these people were injured at the time?

5 A. Yes, I would accept that, yes.

46. Since this was the case it is the family's submission that his initial failing is compounded by his failure to establish the condition of the casualties when he went to the hospital. He says he spoke to a nurse but that she was unable to give him any information at p. 17:

8 Q. And although you went to the hospital to ascertain the

9 state of the injured, you came away without

10 ascertaining. Is that right?

11 A. That's correct, yes.

12 Q. Is that because of the hostility of the one person in

13 particular, a family member, or was there some other

14 reason?

15 A. No, it was down to whenever I made enquiries about him,

16 the nurse couldn't give me any information. That was

17 the main reason why I had no knowledge of the extent of

18 the injuries.

47. It is unclear how long P89 and Con Silcock spent at the hospital. Further at Para 17 of his Inquiry statement (9) Con Silcock indicates that they left without either of them speaking to any nurses or doctors. Whilst Con Silcock believes that P89 told the investigating team of the result of the Inquiry the evidence from Insp McCrum at Para 20 of his Inquiry statement

is that he was told at 0400 by P89 of the result of the enquiry at the hospital .
(10)

48. There is no evidence that P89 made any arrangement for the hospital to update police regarding Robert Hamill's condition if in fact no-one was able to give him the necessary information at the time.

49. A further issue for the Inquiry apart from the failure of P89 to obtain the information is whether there is any systemic problem regarding the providing of information by hospital staff to police regarding the victims of assaults. There is evidence from the nursing staff that they could not provide information (11) and from P89 in oral evidence at p. 69 that doctors could not easily be spoken to:

11 Q. From your experience as a police officer, when attending

12 accidents and emergency how have you found the ready

13 availability of doctors to talk to policemen?

14 A. Nearly impossible.

15 Q. And is the conduit the nurse?

16 A. Yes, absolutely.

17 Q. And that you as a police officer are dependent on the

18 nurse?

19 A. Absolutely.

50. It is the family's submission that the failing, whether by P89, or his immediate superior Insp McCrum had a profound bearing on the early stages of the subsequent GBH/Attempted murder investigation.

3. Failure to debrief

51. There does not appear to have been any attempt by P89 to debrief his section after the initial disturbance had been dealt with. There was therefore no immediate list of suspects drawn up by the police who had been at the scene and this, the family say, had the effect of preventing any possibility of an immediate arrest strategy. If a list of suspects could have been drawn up immediately after the trouble in the town centre had been dealt with there was the opportunity and the resources to attempt to find some suspects and seize clothing and in particular footwear which may well have been of significant evidential value. The potential that there may have been suspects still on the streets of other parts of Portadown immediately after the town centre had been cleared was overlooked and may have resulted in the loss of evidence. The desirability of early arrests is pointed out by Colin Murray at Para 15.26

“The early arrest of suspects was essential particularly considering the inherent difficulty in securing witness evidence. The earlier the arrest takes place the greater the chance of recovery of forensic evidence.”

52. P89 does say that he would have expected there to have been a debrief along these lines but that at the time the seriousness of the situation had not been ascertained. (see p. 35 of his oral evidence above)

53. It is the family’s submission that the identification by recognition of any suspects by police at the scene could have been done as soon as order had been restored and without necessarily returning to the station for a more formal debrief. It is accepted that P89 was engaged in other duties later that night but it remains the case that this exercise could have been carried out or at least initiated by him at the scene. Of course the necessity for him to leave the scene could have been obviated by establishing the extent of injury on arrival further, this duty could have been delegated to a junior officer if he went of his own initiative as he claims at p. 87 of his evidence:

9 Q. Could I just clarify, it was Inspector McCrum that asked

10 you to do that or do you remember who asked you to do that?

11 A. No, when you say --

12 Q. -- have you a memory?

13 A. I believe it was done on my own initiative. I don't

14 think that the inspector suggested that I go. In fact,

15 I would probably have suggested to him that I'm off to

16 the hospital to see how this guy is.

4. Poor recording

54. P89 provided 3 Police statements, 07-05-97, 15-05-97, 28-12-00(12) , and a notebook entry. P89’s first statement is bland, lacking in detail and does nothing to convey the circumstances which other witnesses have described. It was not made until over a week after the incident. The second statement in effect deals with his duties on the night in a perfunctory and procedural manner dealing with the briefing (absent any detail of its substance) and the regulatory requirements of the issue of the riot gun. Sgt P89 must have known that CID had become involved and that this was an incident that had attracted considerable attention, not least in the media. It is inconceivable that he did not appreciate, as a police officer, that any detail however insignificant it may have appeared to him, may have been of some benefit to those who were trying to piece together the sequence of events and identify suspects. The fact that he did not record anywhere the detail of his

encounter with Allister Hanvey and R/Con Atkinson until 2000 is highly disturbing for the family given what later transpired regarding that officer. What he said in oral evidence about the omission of this detail from any earlier statement is found at p. 59:

13 Q. Leave aside the name for a moment, Sergeant P89.

14 But you harboured at the very minimum information that

15 you had been warned by Reserve Constable Atkinson about

16 an individual who was a martial arts expert on the night?

17 A. Yes.

18 Q. Is that not information that would have been relevant to

19 put in your notebook?

20 A. No, not at the time, not during the course of a riot,

21 not during the course of hostilities.

22 Q. Do you not think it would have been of assistance to

23 those who were investigating the riot?

24 A. Not really because I didn't know he was a suspect.

25 Q. Well, if you were warned about him by Reserve Constable

60

1 Atkinson and he had to be pushed back up the road

2 -- isn't that correct, this individual?

3 A. This individual had to be forcibly pushed up the road,

4 yes, along with others, of course.

5 Q. Yes. But that was relevant. It was information that

6 might have helped those investigating the murder.

7 A. Well, at the time it was no more relevant than the other

8 40 or 50 people that was present during the course of

9 that disturbance, to me.

10 Q. Well, at least by 15 May, by which time a number of

11 people, including Mr Hanvey, had been charged with the

12 murder, it was relevant then, was it not?

13 A. I never thought of it -- I never thought of it.

55. Again, as a trained police officer who had passed his Sergeant's exams, the family submit that it is inconceivable that he simply never thought of divulging this information until directly asked. The panel are entitled to take the view that he deliberately withheld this detail as he was aware of some connection between Atkinson and Hanvey and did not wish to compromise Atkinson. The alternative is an astounding lack of understanding of basic policing.

56. The lack of detail in P89's early statements is mirrored by his notebook entry in relation to the incident in the town centre particularly when juxtaposed with his meticulous recording of the DIC procedure. This is so even allowing for the mandatory nature of the regulations in relation to drink driving procedures. His excuse is that he didn't know that Hanvey was a suspect and therefore did not record this detail in his notebook. The logic of this is questionable as it implies that an individual must be a suspect before his actions become noteworthy, rather than noting his actions to assist in establishing whether he is a suspect or not.

McCrum

Relevant portions of journal

57. Reported for duty. At 1.51 am was informed by Constable Godly that opposing factions were fighting in Market Street and police in attendance were in immediate need of assistance. Ensured all sub divisional resources were deployed to Market Street area. Went directly to scene with Sergeant P89. On arrival at scene was briefed by Constable Cooke. It would appear that two males had been assaulted by a group of Protestant youths and had as a result been taken by ambulance to Craigavon Area Hospital. Approximately 30/40 Protestant youths in town centre. Spoke to same and moved the crowd into West Street. Briefed Sergeant Shaw and Sergeant Luton J2 MSU reference town centre disorder and directed that their resources be divided between West Street and the town centre to ensure no repetition of street disorder. Supervision patrol with Constable Adams including inspection of Banbridge and Lurgan sub divisions. On return to Portadown made enquiries with CAH reference the extent of injuries to the 2 males who had previously been assaulted. Informed by Doctor in the ICU that one of the two, Hamill, had sustained serious head injury which may be life threatening and he was to be transferred to the Neurological Department at the RVH. Contacted call out CID officer Detective Constable Keys.

Instructed Constable Cooke in consultation with other section officers who had been at the scene to draw up a list of those persons who had been positively identified at the scene. Directed Constable Cooke and Constable Orr's mobiles to go to CAH and obtain the clothing of the two injured parties. Requested that all the late duty personnel who had been at the scene of the incident (JD81) should return back to Portadown station for the purpose of making immediate statement for CID. Briefed Chief Inspector McMullan, Chief Superintendent McCreesh and Superintendent Bailie. Terminated duty at 0815 hrs.

Statement 07-05-97 (13)

58. On 27th April 1997 he was in uniform and on supervision duty at Portadown. At 1.50 am he was made aware by the Communications Officer, Constable Godly, that disorder was taking place in the Market Street area of the town and that police in attendance were in immediate need of assistance. As a result, accompanied by Sergeant P89, made his way to Market Street. Upon arrival into Market Street, he spoke with Constable Cooke who related to him his understanding of the circumstances relating to the assaults and disorder that had taken place. McCrum observed 30- 40 youths congregating in the town centre area. They were being spoken to by police officers. He further observed a crowd of 3 or 4 youths in the vicinity of the Woodhouse Street/Market Street junction. On his direction police at the scene moved the larger group into West Street. Resources were then deployed in West Street and the junction of Market Street/Woodhouse Street to keep the two opposing groups apart. The town centre remained quiet for the remainder of the night.

26-10-99 (14)

59. On the night of 27th April 1997 he was performing duty as Duty Inspector in Portadown sub division with divisional responsibility. Stated that he had already made a written statement in relation to his involvement in a serious sectarian incident in Portadown on that evening following which Mr Hamill died of injuries received. Stated that he had been shown the text of a MHS message which was prepared as the initial report to RUC Headquarters for the information of the Duty Officer and the Press Office. This message had been prepared by Constable Godly who was the Communications Officer in Portadown and who had spoken to the officers directly involved. McCrum said that he was then shown this message text by Constable Godly before it was sent to approve the contents which he did. He hadn't had an opportunity to debrief the officer spoken to by Constable Godly but based on his own experiences on the ground that evening he was satisfied that it was as accurate as possible. Although the two previous assaults including that of Mr Hamill had taken place prior to his arrival on the scene, public disorder still continued. Confrontation between a small number of nationalists and a much larger crowd of loyalists was taking place necessitating McCrum's requesting reinforcements from outside his area. This was two-fold; to deal with the situation at the time and to ensure that there was no repetition. While this was going on McCrum observed a number of police officers being assaulted. They managed to push the loyalist crowd up towards West Street and the nationalists into Woodhouse Street.

These two crowds hung around for some time before dispersing. The time of 3 am given in the MHS was the time when the crowds had all dispersed and the town centre was empty. McCrum stated that he would clarify that the much smaller groups of nationalists who were removed on to Woodhouse Street dispersed much more quickly than the loyalists who stood around for some time before dispersing.

13-11-00 (15)

60. Mr McCrum was the Night Duty Inspector on 27th April 1997. After he arrived at the scene of the incident at Market Street and after having taken steps to initially deal with the incident, he had occasion to speak with Reserve Constable Atkinson in Market Street convenient to the police Land Rover that Atkinson had been in. An officer proffered to McCrum his police issue baton which upon examination McCrum observed that the strap had broken. Due to the passage of time Mr McCrum couldn't recall previously what explanation he gave him around why the baton strap had been broken.

DCI K re Interview of McCrum 16-11-00 (16)

61 As further information unfolded from Craigavon Hospital, Inspector McCrum rang the call-out CID officer DC Keys and requested him to come in to duty to initiate further investigations as it was clear that this was a serious assault. McCrum stated that he then made the decision to recall the Landrover crew which included Atkinson for the purposes of them making statements about the incident and who they had observed at the incident and identifying persons actually involved in the assaults. McCrum stated that he recalled ringing a couple of officers and Constable Godly may have rung a couple of them. He couldn't recall which officers he rang and couldn't recall ringing Atkinson. He stated that he recalled these officers being called in shortly before 6 am. He recalled the officers coming in at different times so it wasn't possible to hold a collective de-brief with them. He recalled that Constable Alan Neill didn't come in at that time and he discussed that with DCI P39. He recalled a second call being made to Constable Neill to request him to come in to make a statement before he went off duty. McCrum left Portadown Station off duty at 8.15 am. He did speak to the other officers as they came in and he did have a general discussion about the seriousness of the incident and the requirement for each of them to make statements about what they each had witnessed at that scene. He stated that there was no detailed discussion with any of the officers, including Atkinson, about who they had witnessed or identified at the scene or involved in it. None of the officers who attended the scene supplied any names to him. He stated that around the time when he called out DC Keys, he instructed Constable Cooke to draw up a list of names of persons who had been positively identified at the scene. McCrum referred to his [journal] entry about this point. Stated that he didn't receive this list but his instructions were that it should be drawn up for DC Keys. McCrum stated that Atkinson never approached him at any time following the incident to supply him with any names of persons identified at the scene of the serious assault

Form 17/3 (17).

62. In this document it was alleged that on 27th April 1997 at Market Street, Portadown, following a serious assault on Robert Hamill, which resulted in his death, Mr McCrum neglected his duty as a police officer by failing to properly secure the scene at an early stage and preserve it for expert examination. It was further alleged that he failed to effect the early arrest of an identified suspect or suspects with regard to this incident or consider the seizure of clothing belonging to the suspect or suspects for the purpose of forensic examination. This may have resulted in the loss of valuable forensic and identification evidence. It was also alleged that he failed to conduct a proper de-brief of officers following the incident.

63. The Complaint and Discipline report by Supt. Kennedy (18) found that a criticism could be directed at Inspector McCrum that instead of leaving the scene area, he should have concentrated on actively debriefing his party, appointing an officer to deal with the assault and considered making arrests. On hindsight, this should have been the action taken, however Inspector McCrum had stated that he had insufficient resources to make arrests. Kennedy said that McCrum was open to criticism for not taking a more active leadership role by supervising and assisting those uniform members under his command. The report said "As outlined in these papers, Inspector McCrum and Constable A have been identified as being somewhat remiss in their professionalism". Kennedy recommended informal discipline in relation to both officers. Inspector McCrum initially refused to accept any form of admonishment in connection with the Kennedy recommendations.

64. Both Supt Kennedy's and Colin Murray's reports have identified failures on McCrum's part and the family endorse these views. The matters which the family say bear consideration in detail are as follows:

Failure to ascertain condition of casualties

65. Similar observations can be made of McCrum as have been made for P89 around this issue regarding the observations of the injured parties by the officers at the scene, in particular Con Cooke. In his 7th May statement McCrum says that he was briefed on arrival at the scene by Cooke who in his 7th May statement noted:

"The two males lying on the road seemed to be unconscious and both had blood around their faces." (19)

66. While he makes no mention in this, or subsequent police statements, of speaking to McCrum on his arrival at the scene he does say in his Inquiry statement at para. 23 that when P89 and McCrum arrived he briefed them on the basic facts. (20) He also says that the ambulances were at the scene when McCrum arrived. In his Inquiry interview he was pressed on what he had told P89 and McCrum and had the following to say:

"JOY HOPKINSON: What did you say to them? Can you recall what you said to them?"

GORDON COOKE: I wasn't able to describe what happened initially because we had arrived after the initial incident had finished. But I think I described what I found on arrival, two injured people being attended, a crowd and obviously doing our best to keep the crowd back until the ambulance arrived."

67. Cooke recalls speaking to them both at the same time and, if believed on this issue, then McCrum was at least aware of there being two casualties and that two ambulances had been called to the scene. At p. 22 of his oral evidence he confirms this but denies that Con Cooke told him that one of the casualties at least was unconscious:

8 A. At no stage did any officer raise with me that anyone

9 was seriously injured. It simply wasn't brought to my

10 attention, either proactively by the officers or as

11 a consequence of me seeking to try to understand exactly

12 what had happened.

68. McCrum claims he asked P89 to go to the hospital to check the condition of the casualties whereas the latter's position is that he did it of his own initiative. If McCrum did instruct P89 to do this one might ask why he did not make any attempt to contact P89 to establish the position prior to his return to Portadown. By his own admission much of what has been identified by e.g Kennedy & Jackson and Colin Murray, as actions that should have been taken, would have followed as a consequence of knowledge of the seriousness of Robert Hamill's injuries.

The consequences of this failure can be summarized as follows:

1. Failure to secure scene.

69. Because McCrum had failed to establish the nature of the incident he was dealing with there was no attempt made to secure the scene. This was not done until the arrival on duty of P39. Supt. Kennedy and Colin Murray's report deal with this in some detail and the family endorse their conclusions. According to Keys when he arrived at the scene to discover it had not been taped he did not tape it off then as he could not be sure that it had not already been contaminated in the preceding 4 hours (21). Whilst Con Cooke was there to brief him he could not say where the incident started, only where he had seen the casualties when he arrived. Keys point was that only the officers in the Land Rover were able to provide this information. As they had been let go off duty without a proper debriefing (see further below) the information Keys required was unavailable. Keys reinforced this point at Para. 13 of his Inquiry statement recounting that he had to ask the Insp to recall the Land Rover crew as there were no statements from them and no

detail which he would have expected to enable him to commence the investigation. McCrum claimed, in his interview with Jackson that he made the decision to recall them from duty. The family say, as a result of this failing it is probable that some forensic evidence was lost as a result.

2. No debriefing of officers at scene.

70. According to inspector McCrum, he gave an instruction to have a list of identified suspects drawn up but this is not accepted by any of the police officers (22). What has been established is that suspects were identified in individual statements of evidence. As a result of this there was no immediate arrest strategy or consideration given to the seizure of suspects clothing for the purposes of forensic examination.

Kennedy's report points out (10120) that the Police manual in force at the time says:

"As soon as circumstances permit all members involved in the operation should return to the base station to undergo a thorough debrief.

"Plans should be formulated to identify, arrest and prosecute those persons who were involved in any criminal activities."

The initial officers at the scene who were retained on duty for Public Order duties were stood down and allowed to go. This was another consequence of the failure to establish the condition of the injured parties. This is recognised by McCrum himself who in oral evidence at p. 45 said:

"...the officers obviously were

15 let go at 3 o'clock, because I didn't know at that stage

16 what I knew at 4 o'clock, which was actually this was

17 quite a serious matter -- in fact, a very serious

18 matter. So on that basis, they were let go."

71. On discovering the seriousness of Robert Hamill's condition, they were recalled to make statements of evidence. Regardless of the assault, as this was a public order incident, the officers should not have been stood down without being debriefed by a supervisor and should have been detailed to prepare statements prior to terminating duty. The Inspector on duty would then have been fully apprised of the situation and been in a position to brief CID and his authorities when required. It would appear that Inspector McCrum played no active role in debriefing members under his control at the scene after the incident, he indicated that he felt this was the responsibility of CID, however, as the Duty Inspector it could reasonably be suggested that he should have exercised more direction and control over those officers under his command.

72. McCrum, as the senior officer, should have ensured there was sufficient detail available for D/C Keys in order that he could begin his

investigation. This involved, amongst other things, the direction of SOCO. If he had been provided with a list of potential suspects he could have given thought to immediate searches and arrests for the purpose of obtaining footwear and clothing. As it was CID had to wait for the officers to return to duty and write their statements. These statements were then left for CID, not all were received together and there was no collation of the material in them. McCrum as the senior officer on duty should have ensured this was done but rather undertook no investigative steps himself and left all of this to Keys on his arrival.

73. McCrum asserted during his discipline interview that the fact that certain individuals had been identified as having been present during the disorder was not communicated to him at that time. This is despite the fact that he claims he directed that a list of identifiable suspects be drawn up. One would have thought that had he given this direction the officers would have told him whether or not they could provide any names. It is questionable whether his claim that he gave such an order is consistent with his not having been told there were indeed suspects who could be named. He maintained that such information would have been forthcoming during the CID debrief and that CID were taking over the investigation.

74. Had this list of names been drawn up consideration could then have been given to an immediate arrest strategy. In his disciplinary interview, McCrum stated that immediate arrests were not practicable due to the limitation of resources and that his main concern at the time was public order. In fact he did have further resources available to him as the MSU was by then in the centre of Poratadown. According to Sgt Shaw of the MSU no disorder was taking place in the town centre when he arrived (23). These officers would therefore have been available to at least do a sweep of the town with police who had been at the scene to see whether any suspects were still on the streets and effect their arrest.

75. A further criticism around the lack of debriefings is that in his interview by Jackson, McCrum says he spent most of his time collecting information on the incident for release to the press office and left the debrief and collation of the available information to D/Constable Keys. Where then did he obtain the information for the press release? He admitted in oral evidence to the Inquiry at p. 55:

- 1 Q. I want to suggest to you, Mr McCrum, that that press
- 2 release is potentially misleading?
- 3 A. With the benefit of hindsight and with the knowledge
- 4 that I now have, it is misleading.
- 5 Having said that, at the time, that was the message
- 6 that was being conveyed to me.

76. In fact in his statement of 26-10-99 he says that the press release was prepared by the communications officer Godley who he said had spoken to the police who were at the scene and he had therefore no reason to doubt its accuracy (24). Godley, for his part, in his Inquiry statement makes no mention of talking to the officers for the purposes of a press statement nor being asked to prepare one by McCrum. The point to be made is that had McCrum been involved in a proper debrief of his officers the initial press release might have had at least the prospect of being accurate.

77. The family submit that Insp. McCrum believed that once CID had arrived his role in relation to the incident was effectively over and completely abdicated his responsibilities. Throughout his oral evidence he was content to lay responsibility for any errors or oversight at the door of his subordinates. Wherever possible he has claimed that actions which were taken, albeit belatedly, were as the result of decisions by him when the evidence of other officers is that they were taken by them on their own initiative. Where there has been a failure to obtain information, or errors were made, he is quick to blame those over whom he had control and direction.

78. It is a reflection of his character, the family say, that he refused to accept the admonishment recommended by Supt Kennedy until he had been promoted. He knew that once he accepted it, its appearance on his service record could only have had a negative impact on his career prospects.

79. It is a source of much concern to the family and, they believe, will be to the public, that the senior officer on duty that night, who's failings did much to impede the early stages of the investigation of the assault on Robert Hamill, was able to rise through the ranks of the RUC & PSNI to the rank of Chief Superintendent and Commander of H region as he is today.
lease insert any submissions or comments if you so wish

Sergeant P89 and Inspector McCrum references

1.07-05-97 09213

2.29-04-97 09218

3. 07&15-05-97 09213&09215

4. 09962

5. 28-12-00 11084

6. 80843

7. p40 interview 09351

8. 38485

9. 81159
10. 80878
11. Maureen Millar per para 17 Inquiry statement 80966
12. 09213, 09215,11084
13. 00728
14. 60827
15. 11301
16. 53563
17. 10704
18. pp 10120 – 10169
19. 00708
20. 80194
21. Jackson 10209
22. Kennedy 10120
23. Kennedy report 10120
24. 60827

Submissions by the Police Service of Northern Ireland

One of the main features of the controversy which has attached to this incident has been the contention that the land rover crew did not get out of their vehicle until the ambulance arrived, and that no other officers arrived to assist.

The pedalling of this glaring inaccuracy has continued inside the Inquiry chamber, even in the face of reliable evidence to the contrary. In his oral evidence, for example, Colin Hull remarked that he saw four to six police officers for the first time when the ambulance arrived: (p. 17). This echoes the assertion of Vincent McNeice in the materials, who said that police only came out of the land rover when the ambulance arrived (p. 544). If these contentions could be stood up it would no doubt be argued that it supports the view that police sat on their hands because they were disinclined to help the Catholic victims of the violence.

It is respectfully submitted that the evidence does not in any sense support the view that police sat back and watched. The question of when police came on to the street by reference to the commencement of the violence has been addressed above. It is clear that the evidence supports the view that at the stage when the land rover crew were alerted to the incident and when the back-up officers arrived, they dedicated themselves professionally and courageously to the task of containing the violence and to restoring order, and they did this successfully despite their limited numbers and in the face of threat and aggression.

The Inquiry is respectfully invited to examine the circumstances in which the police deployed and to comment on all of the work that was carried out by the police on the ground. It is submitted that the public is entitled to know specifically and in detail just what the police did after the outbreak of violence and as it was ongoing.

It is submitted that the activities of the police on the ground can be summarised as follows:

a. The prevention of further attacks on the injured: a number of officers have explained how it was an important part of their duty to prevent further attacks on the injured by pushing people away who seemed intent on further violence, or by standing guard.

b. The prevention of disturbances between the two communities: this was achieved in two related ways. Firstly, with the arrival of back-up officers a line was formed and officers tried to push the Protestant crowd back. This was given greater focus when Inspector McCrum arrived on the street and directed that officers move the crowd in the direction of West Street, and eventually behind the barrier. Secondly and allied to this tactic, officers patrolled the top of Woodhouse Street. Res. Con. P40 initially took up position there, and later Con. Adams and Res. Con. Murphy. Their objective was to prevent Catholics from entering into Market Street where there was clearly the potential for further violence.

c. Taking specific preventative action: there are a number of examples of this. Con. Neill removed somebody from the crowd and brought him towards the land rover. Res. Con. P40 stopped a man from trying to leave Woodhouse Street. Con. A pursued Lunt on two occasions and arrested him because she had a specific concern that he was going to use a bottle as a weapon. She was assisted in this task at various stages by a number of officers including Neill, Warnock, Murphy and Atkinson. Res. Con. Atkinson used his baton to strike Robinson.

d. Preparations for a deterioration in the disturbances: at a certain stage police must have been worried that the incident could further deteriorate. Con. Orr referred to this in his oral evidence (p. 10). A number of actions were taken. Res. Con. Warnock and Con. Adams were directed to obtain a federal riot gun. A riot gun was also issued to P89. P89 gave evidence that he

made efforts to get the mobile support unit to come to Portadown (para 13 of statement).

e. Ensuring that police back-up arrived and ensuring that ambulances arrived: Res. Con. Cornett quickly established the requirement for additional police resources. She placed calls on three occasions in order to emphasise the urgency of the need. Furthermore, as soon as she established that there were casualties she made a request for two ambulances.

f. Helping the injured and first aid: Res. Con. Cornett made contact with those who were with the injured and sought to reassure them. Res. Con. Godfrey Dean Silcock played an important role in delivering first aid to Mr. Hamill by checking his condition, by directing F to place him in the recovery position, and by assisting her with this.

Submissions by Russell, Jones & Walker Solicitors (Alan McCrum)

Inspector McCrum was the Duty Inspector on the early morning of the 27 April 1997 not only for the Portadown region but also for the Lurgan and Banbridge Districts.

Colin Murray was of the opinion in his first report that:

1. Inspector McCrum did quickly bring the situation under control by the rapid deployment of staff and;
2. The disorder and the attack were spontaneous and RUC responded with sufficient staff under the direction of Inspector McCrum to disperse the crowd and to prevent a continuance of the disorder.

Potential criticisms and adverse inferences

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

Gordon Cooke

- Failed to follow orders given by Inspector McCrum to draw up a list of those identified at the scene of the attack and to attend the hospital to collect clothing

Denise Cornett

- Deliberately or negligently failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill

A

- Did not respond to the complaint made when she released Wayne Lunt
- Failed to include the details of persons who complained when she released Wayne Lunt
- Failed expeditiously to report her dealings with Wayne Lunt and those complainants

P89

- Negligently failed to ensure that there was adequate preservation of the crime scene
- Omitted to ensure that RUC officers present at the scene were adequately debriefed
- Failed to alert detectives to the confrontation between him and Allister Hanvey

Alan McCrum

- Negligently failed to ensure that there was adequate preservation of the crime scene
- Failed to ensure that RUC officers present at the scene were adequately debriefed
- Failed to follow up orders given in relation to debriefing and evidence collection

Alan Neill

- Failed to heed 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
- Failed, whether in a statement or otherwise, to tell detectives that he had seen Allister Hanvey at the scene

P40

- Deliberately or negligently failed to get out of the Land Rover in time to prevent fatal injuries being inflicted on Robert Hamill