

PART 8: WAS THERE A TIP-OFF BY MR ATKINSON?

- 1 There are considerable materials, going both directly to the issue and indirectly to the surrounding evidence:
- 1.1 27/4/97 01.30 A telephone call was made from the McKee house to a taxi firm 14921.
- 1.2 Jonathan Wright identified Allister Hanvey at the scene wearing a grey top with orange stripes on both arms. The police did not learn this until Mr Wright's interview on 11 May 1997: 9137 at 9139.
- 1.3 27/4/97 Res Con Paul Warnock identified Allister Hanvey as being in the crowd wearing jeans, dark coloured baseball type jacket with greyish sleeves 9229.
- 1.4 27/4/97 Con Alan Neill saw Allister Hanvey wearing a tracksuit top 17247.
- 1.5 27/4/97 Sgt P89 was warned by Res Con Robert Atkinson about Allister Hanvey being a martial arts expert 11084.
- 1.6 27/4/97 02.15 Taxi arrived to pick up "Smyth" at the McKee house 21163 at 21168. Rodney Smith lived on Thomas Street 4325.
- 1.7 27/4/97 08.37 A telephone call was made from Res Con Robert Atkinson's home to Allister Hanvey's home 9350.
- 1.8 27/4/97 08.46 Allister Hanvey withdrew £10 from the Ulster Bank ATM on Portadown High Street 23843 and 17323.
- 1.9 27/4/97 09.46 A telephone call was made from the home of Thomas Hanvey to the family home of Jonathan Wright 20408 at 20416.
- 1.10 27/4/97 10.03 A telephone call was made from the family home of Allister Hanvey to Thomas Hanvey's home 24245 at 24247.
- 1.11 27/4/97 10.58 A telephone call was made from the household of Thomas Hanvey to the household of Allister Hanvey 24245 at 24247.
- 1.12 2/5/97 16.24 A telephone call was made from the Atkinson home to the Hanvey home 9350.
- 1.13 6/5/97 Allister Hanvey closed his First Trust Bank account 17323.
- 1.14 7/5/97 A questionnaire was prepared for Allister Hanvey. He said he saw fights break out on the other side of the main street as people broke through the police line and fought with someone on the other side. He said he was then approached by a policeman whom he did not know but who asked him to help move people back to the church. He said he pulled a few people

back. He described the policeman as being in his mid 40s about 5'10", stocky build, ginger/ grey hair and a moustache. He said more police then arrived on the scene and police got control of the situation. He said the ambulances came before the police moved the crowd further up the street. He saw the ambulance crews treat the injured men for some time before taking them away. He walked home after about 15 minutes to his uncle Thomas' house 8131 and 9190.

- 1.15 8/5/97 Andrea McKee spoke to Res Con McCaw in the Tae Kwon Do club. He overheard Tracey Clarke talking about the incident and asked Andrea McKee who she was 22670.
- 1.16 8/5/97 Tracey Clarke was interviewed by DC Dereck Bradley and DC John McAteer. A questionnaire was completed for her. She said she was with Tracey McAlpine, Pauline Newell, Vicky Clayton and Jennifer ?. She put Mr Hanvey at the party 70900.
- 1.17 8/5/97 DI Michael Irwin and DC John McAteer spoke to Andrea McKee who related what Tracy Clarke had told her about the incident 22760 at 22769.
- 1.18 9/5/97 DC McIntosh made a notebook entry concerning his visit to see Kenneth and Elizabeth Hanvey. They gave an account of the morning of 27 April 1997 in which no mention was made of the phone call from Michael McKee. Allister had told Kenneth Hanvey that he had helped a policeman keep the crowd back and the police man may give evidence to this effect. He refused to give details of the policeman 53662.
- 1.19 9/5/97 Res Con Robert Atkinson's telephone billing was requested 24696.
- 1.20 9/5/97 23.50 Policy decision five was made to obtain phone records of Elizabeth Hanvey and Robert Atkinson, to establish the authenticity of intelligence 913 at 918.
- 1.21 9/5/97 Tracey Clarke spoke to DC John McAteer and commenced a statement, which was finished the next day. In her statement she said that Allister Hanvey had told her that Res Con Atkinson had been very good to him and had called him the morning after the incident and told him to get rid of his clothes. Since then Res Con Atkinson had been calling him every day. Tracey Clarke was interviewed in the presence of Andrea McKee 262.
- 1.22 10/5/97 07.21 A search for clothing at Allister Hanvey's home address was conducted. The detective attending was John McAteer. Sgt Michael Bingham, who led the search team on the Hanvey household said he had no recollection of the search being extended to look for a silver jacket or to cover adjoining lands for evidence of recently burnt clothing 73989.
- 1.23 10/5/97 Con Michael Porter made a statement saying he was briefed by DI Michael Irwin on 10 May 1997 and, on information received, a search was carried out at the home of Allister Hanvey. He searched bedroom 1 9292.

- 1.24 10/5/97 Allister Hanvey was interviewed by DC McIntosh and DC Paul McCrumlish. He said he was wearing a black 'CAT' jacket and spent the night after the incident at his uncle, Thomas Hanvey's house and was picked up by his father Kenneth Hanvey next morning at 09.30-09.45. He said he did not know Res Con Robert Atkinson's name and the only policeman he knew there was Res Con Jim Murphy. He said he was with Jonathan Wright and Marc Hobson on the night. Police asked Allister Hanvey whether he had been talking to any police about his actions on the night of 27 April 2007 6599 at 6602.
- 1.25 11/5/97 DC Paul McCrumlish and DC McIntosh were briefed by DCI **P39** to search the home of Thomas Hanvey. They were told that Allister Hanvey had gone to that address after the fight. The purpose of the search was to locate any clothing that might have been worn. The briefing specifically covered a jacket with grey sleeves and evidence of burnt material 4577.
- 1.26 11/5/97 Thomas Hanvey's home was searched and a statement was taken from him in which he stated that Allister Hanvey was wearing a navy or black jacket quilted like a bomber jacket, blue jeans, t-shirt and trainers. He stated that Allister Hanvey arrived at his home at about 03.30 or 04.00 that morning and he was picked up by his father at about 10.00 9306. Although that alibi was inconsistent with the cash withdrawal, police did not check the withdrawal until 2000. The alibi was also inconsistent with what those attending the party at Tracey McAlpine's house had said. Although Tracey Clarke had told police that Allister Hanvey was at the party the partygoers were not given questionnaires until 2000.
- 1.27 11/5/97 Kenneth Hanvey and Elizabeth Hanvey were interviewed by DC Paul McCrumlish and DC McIntosh. They said that Allister Hanvey went into town on 26 April 1997 wearing blue jeans, a t-shirt and a black padded CAT jacket. Kenneth Hanvey visited his brother Thomas Hanvey the next morning and spoke to Allister Hanvey who had stayed the night at Thomas Hanvey's house. Allister Hanvey told him about the fight and that one of the police officers asked him to help keep the crowd back. Allister Hanvey had suggested this police officer would be giving evidence to support him but he refused to name him 17361.
- 1.28 12/5/97 DCI P39 made an application for itemised telephone billing for four numbers 44915.
- 1.29 13/5/97 16.00 A consultation took place with Raymond Kitson and Mr Junkin of the DPP, DCS Maynard McBurney, DCI **P39** and DS [REDACTED]. The case against the defendants rested on the evidence of two witnesses: Tracey Clarke and Timothy Jameson, who were willing and able to give evidence. There was no attempt at intimidation at this stage but police noted there was a strong possibility of intimidation, therefore names were not to be revealed in bail statements. The role of Res Con Atkinson was discussed and it was noted that further investigation was required 19069.

- 1.30 13/5/97 Christopher Henderson was interviewed by DC Eric Williamson. He put Allister Hanvey at Tracy McAlpine's party, but did not remember what he was wearing 2279.
- 1.31 14/5/97 Kelly Lavery made a statement. She saw Dean Forbes and Allister Hanvey in Tracy McAlpine's house but threw them out 9178. She appeared not to have been asked what time she did that.
- 1.32 16/5/97 Telephone records for Res Con Robert Atkinson were printed and sent to DCI P39 44931.
- 1.33 17/5/97 Policy file decision 21 to continue close liaison with witness A (Tracey Clarke) because of her vulnerability 913 at 934.
- 1.34 20/5/97 Policy file decision 23 was made to develop options available for Tracey Clarke to protect her as she was a vulnerable witness 913 at 926.
- 1.35 29/5/97 Steven Bloomer said he went to Tracy McAlpine's (aka Newell) house with Iain Carville and Chris Henderson. They got to the house at about 02.45 and saw Stephen Sinnamon, Stacey Bridgett, Allister Hanvey and Pauline Newell there. He left again with Iain Carville and went home 9151.
- 1.36 21/7/97 DI Michael Irwin reported to DCI P39 at J Division regarding Tracey Clarke and Timothy Jameson. He noted that Tracey Clarke was the ex girlfriend of Allister Hanvey. She lived in a predominantly protestant area which has a Loyalist Volunteer Force (LVF) following and, due to ongoing pressure, she periodically resided with relatives. She alleged that due to this incident she has had to terminate two temporary employment posts, both in the Portadown area. She would have known the persons named, through her association with the 'Banbridge scene', her relationship with Allister Hanvey and through her girlfriends. Due to implications which made reference to a serving police officer, namely Res Con Robert Atkinson, who had many contacts within the Portadown Station, but who now served in Craigavon RUC Station, it was felt appropriate to refrain from identifying the witness at that stage. In addition a separate DPP file was being submitted which would include that allegation 6080.
- 1.37 30/7/97 DCI P39 and Deputy Sub-Divisional Commander [REDACTED] read and endorsed DI Michael Irwin's DPP report of 22 July 1997. DCI P39 noted "The evidence of witnesses A and B is crucial, however, I refer you to the separate confidential report, submitted. I strongly support the recommendation that an early consultation be held with these witnesses" 6135.
- 1.38 9/9/97 Res Con Robert Atkinson admitted that he saw Allister Hanvey to his right on the night of 27 April 1997. He was asked specifically whether he contacted Allister Hanvey and told him to dispose of his clothing and asked whether he had telephoned him on 27 April 1997. He denied all knowledge of a call from his home. The interview was terminated and Res Con Robert

Atkinson was asked to produce his telephone account 9531 (NB This is despite the fact that they received it slightly after 16 May 1997 4493).

- 1.39 11/9/97 Res Con Robert Atkinson received his telephone records for the period 12th April 1997 to 12th June 1997 as requested at interview on 9 September 1997 61308.
- 1.40 29/9/97 Michael McKee made a statement regarding his relationship with Allister Hanvey. He said that he had run the Tae Kwon Do club in the Portadown area for the last eight years and knew Allister Hanvey for the last seven years or so. Allister Hanvey had been a student of his for that time and Michael McKee had given him instruction in the martial art of Tae Kwon Do: Allister Hanvey is currently a second degree black belt. Michael McKee stated that he had not seen Allister Hanvey at the Tao Kwon Do club since Christmas 1996. He stated that at no time was Allister Hanvey expelled from his club for misuse of his martial arts skills 9198.
- 1.41 29/9/97 Michael McKee made a second separate statement in relation to the Atkinsons. He said that he had run the Tae Kwon Do club in the Portadown area for the last eight years. He had one pupil who had been a member of the club for the last five years. Her name was [REDACTED] Atkinson and her father was a police officer, who until recently, was attached to Portadown RUC Station. [REDACTED] father's name is Robert, however Mr McKee stated that Res Con Atkinson was not a member of his club and had no role in the day to day running of the club. Res Con Atkinson had, however, on occasions assisted Michael McKee to organise travel arrangements to competitions both locally or on the mainland 9199.
- 1.42 9/10/97 Res Con Robert Atkinson was reinterviewed by DI Michael Irwin and DCS Maynard McBurney under caution in relation to the complaint of neglect of duty and allegations regarding Allister Hanvey. During interview he was shown the itemised billing referred to the call to the Hanvey home address at 08.37 on 27 April 1997 and on 2 May 1997. Res Con Atkinson explained that Michael McKee had made the call on 27 April 1997 and Eleanor Atkinson the call on 2 May 1997 9541. Immediately after the interview, Eleanor Atkinson and Michael McKee presented themselves at the police station where they were both interviewed by DI Michael Irwin and provided 'alibi' statements 9195 and 34603.
- 1.43 9/10/97 Eleanor Atkinson stated that on 26 April 1997, Michael and Andrea McKee called at the house with the intention of going out. Her husband was working so they just sat at the house and Michael and Andrea McKee stayed the night, going to bed just after midnight. A little after 08.00 Eleanor Atkinson woke up Michael McKee and Andrea McKee. Michael McKee asked if he could make a phone call to find out where his niece Tracey Clarke was, she thought he mentioned the Hanveys. On 2 May 1997, Eleanor Atkinson called the Hanvey phone number to speak to Elizabeth Hanvey. She spoke to Kenneth Hanvey about Tae Kwon Do boots, gloves and a pattern book. Res Con Atkinson would not have been aware of Michael McKee's call or of their presence 9195.

- 1.44 9/10/97 Michael McKee gave a statement to DI Michael Irwin that he made the telephone call to the Hanvey house and spoke to Kenneth Hanvey to ask whether he knew Tracey Clarke's whereabouts. He said he was worried about her after the trouble in the town with the people from the Coach Inn 34603.
- 1.45 17/10/97 15.30 a meeting was held with Roger Davison, DPP, Gordon Kerr QC, DS Robert Cooke, DS Dereck Bradley, DC John McAteer, Tracey Clarke and Tracey Clarke's parents, [REDACTED] and Jim Murray. Roger Davison recorded that Tracey Clarke was able to record the events of the night in accordance with her statement without having had an opportunity to refresh her memory. He considered that she was reasonably articulate and seemed to be telling the truth. If she were to give evidence he considered that she would come across as very truthful. Tracey Clarke expressed that she would rather die than give evidence 17591.
- 1.46 27/10/97 Michael McKee telephoned Sean Hagan in relation to "Bobby Atkinson" 4466.
- 1.47 29/10/97 DI Michael Irwin attended the offices of Sean Hagan, solicitor for Robert Atkinson, where Andrea McKee was reinterviewed. She gave a statement giving an alibi in relation to the phone call which was made from her home to the Hanvey household. She stated that on 27 April 1997 she and Michael McKee stayed overnight at the Atkinsons' home. They did not see Robert Atkinson, who got up early. Andrea McKee said that at breakfast, Eleanor Atkinson mentioned a row in the town centre. Michael asked her for Allister Hanvey's home number which she gave him from memory. She saw Michael McKee on the phone and when he returned he said that Tracey was not there 9200.
- 1.48 25/11/97 DI Michael Irwin contacted Kenneth Hanvey and Elizabeth Hanvey and spoke to them for the first time in relation to the telephone calls to their home on 27 April 1997 and 2 May 1997. No statements were recorded but Kenneth Hanvey acknowledged he had received a call from Michael McKee enquiring about Tracey Clarke 9903 (NB DI Michael Irwin will make a statement verifying this on 16 December 2002).
- 1.49 13/3/98 Jonathan Wright made a third statement in which he said that his first statement was correct and his second statement was not correct 581.
- 1.50 9/5/98 13.35 Further enquiries were made to establish whether 'Cinnamond' was at Tracey McAlpine's party. When he was first interviewed, he did not mention the party. Stephen Sinnamon accepted that at 02.15 to 02.30, he went to a party at Tracey McAlpine's house. He outlined that Tracey Clarke, Tracey McAlpine, Dean Forbes, Andrew Osborne, Judith Holland and Pauline Newell were present. He denied there were other people at party whom he could not name because he was drunk. He stated that at some stage at the party, the fight was discussed, but he would not say by whom. It was discussed that 'one of them boys' hit wee Davy Woods. DC Dickson stated

that during the interview Steven Sinnamon was very nervous; he welled up with tears and blushed frequently 15461.

- 1.51 18/9/98 Michael McKee was reported missing by his wife Andrea McKee 15733.
- 1.52 13/8/99 A note from was sent from Mr [REDACTED], Office of the DPP, to the Deputy Director where he indicated that he had reviewed the decision in relation to prosecution in the Hamill case. He noted that Tracey Clarke was Allister Hanvey's ex-girlfriend and lived on an estate where the LVF had a substantial following. She said that she did not want to give evidence because she still loved Allister Hanvey and because the other suspects were her friends 18321.
- 1.53 9/11/99 Tracey Clarke called the Coroner to advise that she was no longer willing to be a witness 270.
- 1.54 8/2/00 The Coroner wrote to the solicitors for the Hamill family. The Coroner was satisfied that the fears of Tracey Clarke were genuine and that regard for [her] personal safety outweighed the desirability of [her] giving evidence at an inquest 41375.
- 1.55 15/5/00 The Coroner wrote stating that he was inclined not to hold an inquest but offered to reconsider if the evidence of Tracey Clarke and Timothy Jameson could be introduced in such a way as to avoid exposing them to risk 464.
- 1.56 2/6/00 The decision to reinterview Andrea McKee was recorded by DI Michael Irwin in message form 2416.
- 1.57 14/6/00 DI Michael Irwin liaised with DCS Maynard McBurney in relation to enquiries in Wrexham. DI Michael Irwin and DCS Maynard McBurney spoke to Michael McKee who confirmed the evidence contained in his first statement 17427.
- 1.58 20/6/00 Andrea McKee was re-interviewed by DI Michael Irwin and DCS Maynard McBurney in Wrexham. She confirmed that the evidence in her first statement, the alibi, was false. She also said that she believed that Res Con Robert Atkinson paid for her legal representation 2397.
- 1.59 20/6/00 It was noted by the police that Andrea McKee was to be treated as a witness rather than a suspect. The notebook entry of DCS Maynard McBurney dealt with the interview of Andrea McKee when she was not under caution and the obtaining of the witness statement to the effect that her alibi statement was untrue. She was told that she was to be treated as a witness rather than a suspect but that others may direct that she must be interviewed under caution 22150.
- 1.60 20/6/00 Andrea McKee made a statement 14956 that referred to 9200.

- 1.61 26/6/00 A meeting was held at the DPP offices attended by the ICPC and DCS Maynard McBurney at which DCS Maynard McBurney said he had briefed fully on the outcome of the actions he had taken in relation to the McKees. It was decided to commence reinvestigation into Res Con Atkinson by DCI K under DCS Maynard McBurney. This investigation included all issues in relation to the actions of Res Con Atkinson and the false alibi offered in his support.
- 1.62 18/9/00 Andrea McKee wrote to Michael McKee and DI Michael Irwin advising that she had changed her story to the police in relation to the stolen CD players 21441.
- 1.63 25/9/00 Michael McKee contacted DI Michael Irwin 2453.
- 1.64 25/10/00 Andrea McKee stated that Tracey Clarke told Michael McKee about Res Con Robert Atkinson ringing Allister Hanvey and she heard Michael McKee ringing Res Con Robert Atkinson about that. Andrea McKee accompanied Tracey Clarke to the police station and stayed with her throughout the interview. Not long after this, Res Con Robert Atkinson told her that he knew that Tracey Clarke had been to the police station and had made a statement. Tracey Clarke told Andrea McKee that Res Con Robert Atkinson had rung Allister Hanvey's father. Res Con Robert Atkinson and Kenneth Hanvey had been friends for a long time. The conspiracy was Res Con Robert Atkinson's idea and Andrea McKee and Michael McKee went to the Atkinson's house to sort out the cover story. Res Con Robert Atkinson had arranged the visit to Sean Hagan (Res Con Robert Atkinson's Solicitor) and agreed to pay the bill himself. The McKees did not receive a bill. Andrea McKee stated that Res Con Robert Atkinson told Andrea McKee that he had spoken to Kenneth Hanvey and Elizabeth Hanvey when the cover story was planned. Tracey Clarke had never told Andrea McKee that any part of her statement was untrue. Having thought about it, the friends who were at Andrea McKee's house on the night of 26 to 27 April 1997 may have been Rodney Smyth and Joy Kitchen 14908.
- 1.65 1/11/00 Tracey Clarke's mother was interviewed. She said that Tracey Clarke told her and Jim Murray that Res Con Robert Atkinson had told Allister Hanvey to burn his coat. Tracey was upset that he should be told to burn his good silver coat which had cost £175 from Paranoid Clothing. Tracey knew the girl who worked there and she left the jacket over with Tracey paying weekly out of her salary so that Allister could have it for Christmas 1996. On the day that Robert Hamill died, Tracey phoned Elizabeth Hanvey who told her, that throws a different light on things. ██████████ said that Tracey gave a statement after that and on her return she said that she had told the truth 14896.
- 1.66 1/11/00 The statement of ██████████ referred to hearing from [Tracey Clarke's mother], or her husband that Res Con Robert Atkinson had told Allister Hanvey to burn his clothes and that Tracey Clarke was worried about threats that would be made against her 14901.

- 1.67 1/11/00 [REDACTED], uncle of Tracey Clarke, made a statement in which he said that he was told that Tracey had told the police that Allister had assaulted Robert Hamill and had been told by Robbie Atkinson to burn his clothes 14903.
- 1.68 4/11/00 Rodney Smyth made a statement in which he said it was possible that he was at the McKees' house on 27 April 1997. He could not remember but agreed it was possible the taxi call-out to the McKees' house at 02.15 on that night was for Rodney Smyth and his girlfriend Joy Kitchen 17380.
- 1.69 4/11/00 DS H interviewed Rodney Smyth about his duty patterns at work over the weekend of 27/4/97. Rodney Smyth stated that he could not be positive if he went to the McKees' house that weekend, he stated it could be possible and he did use a taxi on occasions when he had been drinking at their house 4325.
- 1.70 5/11/00 DCI K briefed DI Michael Irwin regarding the telephone analysis of 9 May 1997 2577.
- 1.71 7/11/00 Alf Annesley, taxi driver, was interviewed about the job he did at 02.15 to pick up "Smith" at the address of the McKees. He could not recall which job that was. He made a statement where he confirmed that he was a driver of call-a-cab but he cannot remember as far back as 1997 17367.
- 1.72 8/11/00 Sean Hagan, solicitor, was contacted by DS H and DCI K in relation to the payment of Andrea McKee's legal bill. He said that as far as he could recall, there was no bill issued in respect of Andrea McKee's interview but he would need to confirm that. He could not recall how the appointment was arranged and needed to consult his files although he said he may not have records about that. Sean Hagan said that since he acted for Res Con Atkinson, as his legal representative he felt obliged to inform him that he had had an interview with police; secondly that Andrea McKee had been interviewed by police and thirdly that the police has specifically sought information from him about payment McKee's bill 2595 and 17439.
- 1.73 9/11/00 Trevor Leatham made a statement. He said that he was employed at the Maze prison and knew Michael McKee through the Tae Kwon Do club where his son was a member. When Hanvey was arrested for the Hamill murder he spoke to Res Con 'Bobby' Atkinson at the Tae Kwon Do club and he told him that they were in a Land Rover going up the other side of the street when they had seen a fight breaking out at the corner of Woodhouse Street. Res Con Atkinson said that there were a few people involved and they went up the town and came back to fighting. Res Con Atkinson told him that when they got back down he had seen Allister Hanvey standing back and watching the fight and he was either drunk or high on drugs. Atkinson told Hanvey to go home and they argued until he went away 17392.
- 1.74 10/11/00 In a subscriber check on Res Con Atkinson's number, four calls to Rodney Smyth, made on occasions between 10/10/96 and 13/1/98 were discovered 2633.

- 1.75 10/11/00 DC Paul McCrumlish was interviewed in relation to the search of Allister Hanvey's premises. He said he was briefed to search for a jacket with grey sleeves and to search for evidence of material. He said he does not recall who briefed him for the search. He said he searched outside the premises while the search team was inside 4562.
- 1.76 13/11/00 Joy Kitchen made a statement where she confirmed that she started going out with Rodney Smyth on 9 April 1997 and visited the McKees' house two to four weeks later. She could not recall the weekend of the 26/27 April 1997 17382.
- 1.77 15/11/00 Irene McKee (Call-a-Cab) made a statement regarding the taxi fare to pick up someone named Smith at 02.15 from the Atkinson home on 27 April 1997. She confirmed that she made the entry in the call-out sheets but could not remember anything further 17365 and 21163.
- 1.78 16/11/00 Jim Murray made a statement that Tracey Clarke told him she had spoken to Res Con Robert Atkinson at the Land Rover and that she heard him tell Allister Hanvey to burn his clothes. He said that the jacket was in silver anorak material without the lining and had orange stripes on the sleeves; it came to the waist and looked too small for him. He went on to say that the silver jacket with orange sleeves that he saw Allister Hanvey wearing previously did not appear again 17338.
- 1.79 16/11/00 Tracey Clarke's mother made a further statement in which she said that Andrea McKee told her in 1997 that Michael McKee's statement was all lies 17336.
- 1.80 27/11/00 DI Michael Irwin made a statement in which he stated that on 14 June 2000, as a result of an enquiry, he travelled to the home of Michael McKee who indicated that he had nothing further to add and everything he had related in his statement earlier remained unchanged. On 20 June 2000 DI Michael Irwin stated that he travelled with DCS Maynard McBurney to Wrexham police station where he took a statement from Andrea McKee. On 25 October 2000, he travelled to Wrexham again with DCI K and spoke to Andrea McKee and introduced her to DCI K who recorded a statement from her. He recalled Andrea McKee telling him about Res Con Robert Atkinson ringing Allister Hanvey and telling him to burn his clothes 17427.
- 1.81 27/11/00 Police established that the McKees could not have been watching boxing on the night of 26/27 April 1997 4360.
- 1.82 28/11/00 DCI K requested the details of Res Con Robert Atkinson's pay arrangements 2880.
- 1.83 30/11/00 Con Alan Neill was interviewed by DCI K in relation to Res Con Robert Atkinson. Con Alan Neill thought it unlikely that Res Con Robert Atkinson would have had the time or opportunity to speak to anyone during the fracas and he did not see Res Con Robert Atkinson speak to a girl. He said for the first time, that he saw Allister Hanvey on the night and

recognized him. He thought Allister Hanvey was wearing a tracksuit top 11119.

- 1.84 5/12/00 Michael McKee received a threatening letter containing a bullet. He called Res Con Robert Atkinson from a public phone box 21052 at 21063 and 21070.
- 1.85 20/12/00 Julian Lyons, proprietor of Paranoid Clothing, was interviewed by DS H. He indicated that for £175 the only jacket that Paranoid sold was a Daniel Poole puffa jacket 1941.
- 1.86 23/1/01 Jason McClure was re-interviewed and he said that he saw Allister Hanvey, Chris Henderson and Dean Forbes at Tracy McAlpine's party. They stayed at the party and then he walked into town with Allister Hanvey and Chris Henderson at about 05.00 or 06.00. He remembered someone at the party talking about the fight but could not remember who or what was said 17308.
- 1.87 24/1/01 A statement was taken from Steven Hughes. He designed and sold clothing stock to the Paranoid shop in Portadown, the shop where Tracey Clarke said she bought the jacket for Allister Hanvey. Steven Hughes could see from looking at invoices that he had sold and delivered SKANX clothes to the Paranoid shop in October and December 1996 and they produced a silver jacket with orange braiding down each sleeve 17354.
- 1.88 1/2/01 Con Myrtle South made a statement that during summer 1997 there were a number of occasions when she was on duty with Res Con Robert Atkinson and he would call at the home of Michael McKee 17347.
- 1.89 7/2/01 Con Geoffrey Ward made a statement in relation to two searches carried out on 13 May 1997. He was told to look for specific items but he did not note this down and cannot remember what. No clothing was seized as nothing matched the description given. He did not note any evidence of burnt clothing. He remembered that the yard of the second house (possibly Thomas Hanvey's) was searched 17540.
- 1.90 11/2/01 DS H spoke to Jim Murray, Tracey Clarke's stepfather, who said the diagram of a silver SKANX jacket was similar to the one Tracey Clarke had bought for Allister Hanvey, except Allister Hanvey's was shorter 5116 (21145 for diagram).
- 1.91 13/2/01 The interview of Julian Lyons took place where he stated that the jacket bought by Tracey Clarke at Paranoid Clothing was a Daniel Poole jacket (blue) and not a silver jacket 4613. He also stated that he would not admit in a statement that he sold a silver jacket but he might have sold such a jacket to Tracey Clarke 5113. DS H recorded that Julian Lyons said that he would stand up in ten courts and might admit he sold silver jackets with orange stripes down the sleeves. He wanted his statement to reflect negatively the possibility 5124.

- 1.92 13/2/01 Julian Lyons made a statement in which he says he remembered a girl called Tracey, who worked in a travel agents in Portadown, who purchased a long blue puffa jacket with a cross on the back made by Daniel Poole. The coat was valued at £150 to £175. She bought the coat on the lay away system which was part payments until it was fully paid 5124.
- 1.93 13/2/01 Julian Lyons believed that Tracey bought it for her boyfriend, Allister Hanvey, for Christmas 1996. Occasionally Tracey Clarke and Allister Hanvey came in the shop as a couple. Shortly after Allister Hanvey got the coat they brought it in with a small burn or tear on the sleeve which they were able to mend. He had no recollection of selling a silver or grey jacket to Allister Hanvey or of selling such a jacket from his shop 17352.
- 1.94 5/3/01 DS H spoke to [REDACTED] who recognised the diagrams of silver Skanx jackets as very similar to the one bought for Allister by Tracey but she could not remember orange stripes 5119.
- 1.95 13/3/01 DI Michael Irwin described the meeting with Andrea McKee at Kernan. He stated that DCS Maynard McBurney directed that there be no notes and no entry onto HOLMES in order to prevent information getting back to Res Con Atkinson. Further, he said that DCS Maynard McBurney advised him not to put the fact that Andrea McKee had been present when Tracey Clarke made her statement to Res Con Atkinson. One reason for not putting it to him was the presence of Res Con Atkinson's solicitor. DI Michael Irwin added that it was DCS Maynard McBurney's decision to treat Andrea McKee as a witness. DI Michael Irwin stated that DCS Maynard McBurney told him to tell him if he became aware of a change in circumstances of the McKees. He did so around September 1999 but DCS Maynard McBurney took no action because the inquest was due. Following the decision not to hold an inquest in May 2000, he decided to go for the McKees 22760 at 22780.
- 1.96 5/4/01 Raymond Kitson of the DPP wrote to DS Wenford McDowell and noted there was no indication that Res Con Robert Atkinson or Michael McKee played any role in Tracey Clarke's decision not to give evidence. He recorded that it was incorrect to say that she retracted her evidence as at no stage did she indicate that her evidence was untrue, rather she said she was not prepared to give it 18964.
- 1.97 10/4/01 Michael McKee was arrested and interviewed under caution. He admitted conspiracy 20998 and 21027.
- 1.98 10/4/01 Eleanor Atkinson was arrested and interviewed. At interview she was adamant that Andrea McKee and Michael McKee stayed at her house that night and denied Andrea McKee's allegations. She suggested that Andrea McKee may have lied because they had fallen out over the Tae Kwon Do world championships when the Hanveys' daughter was judged by Michael McKee to be not good enough 21295.

- 1.99 10/4/01 Res Con Robert Atkinson was arrested and interviewed. At interview he denied ringing Allister Hanvey and stated that the call was not made by him but by someone else. It could have been Michael McKee and Andrea McKee. He stated that he had no dealings with Allister Hanvey on the night but identified him to Sgt **P89**. Trevor Leatham's statement was put to Res Con Robert Atkinson in relation to their alleged conversation in the gym where Res Con Robert Atkinson said that he saw Allister Hanvey drunk or high on drugs at the scene but Res Con Robert Atkinson stated that he did not recall any such conversation, he did not see Allister Hanvey at the scene or tell him to clear off nor did he see Tracey Clarke, although he did remember talking to Victoria Clayton. Res Con Robert Atkinson did not mention Allister Hanvey in his witness statement as he did not see him doing anything. He stated that just because no one at CID could recall him mentioning Hanvey; it did not mean that he did not. Res Con Robert Atkinson accepted that he signed off duty at 08.00, he said he went home and went straight to bed without seeing any visitors. He stated that he did not pay Sean Hagan for his services in respect of the interview with Andrea McKee and did not pay for them to make witness statements to cover the call. He denied that Michael McKee told him what Tracey Clarke had said about Allister Hanvey being involved in the fight and denied that Michael McKee ever rang him and told him he was an idiot. Andrea McKee's statement of October 2000 was put to Res Con Robert Atkinson. He denied its contents 21446, 21480, 21481, 21509, 21521 and 35472.
- 1.100 10/4/01 Surveillance was installed at the homes of Res Con Robert Atkinson, Allister Hanvey and Michael McKee 21586.
- 1.101 10/4/01 Linda Wilson made a statement in which she said that she worked for Paranoid clothing in 1996 and 1997. She did not know Tracey Clarke but she recognized the name Hanvey. She could not remember selling a silver jacket to anyone 17360 (NB See however 4495 where unidentified female who knew Witness A and who worked in Paranoid in 1996/7 says she put aside a silver coat for Witness A).
- 1.102 10/4/01 Andrea McKee received legal advice from Catherine Jagger in Wrexham 73010.
- 1.103 10/4/01 Andrea McKee was interviewed under caution. She admitted conspiracy and admitted that her alleged statement of 29 September 1997 was totally made up by Res Con Robert Atkinson 21224.
- 1.104 10/4/01 Elizabeth Hanvey was arrested and interviewed. She gave no replies 24372.
- 1.105 10/4/01 Thomas Hanvey was arrested and interviewed and gave no comment 24446.
- 1.106 10/4/01 Kenneth Hanvey was arrested and interviewed 24275.

- 1.107 10/4/01 Allister Hanvey was arrested and interviewed and his premises were searched 20374, 20394, 20408 and 24245.
- 1.108 10/4/01 Andrea McKee had telephone conversations with Glynnis Finnegan, which appear to have concerned the Hanveys 1532.
- 1.109 11/4/01 [REDACTED] made a statement where she stated that she had been in a relationship with Michael McKee for the past two years and they have lived together from April 1999. She recalled the police coming to see Michael and he seemed very concerned and told her it was to do with covering a phone call for Res Con Robert Atkinson but would not say any more for her own protection. She stated that she considers that Michael McKee had done the right thing by telling the truth 17375.
- 1.110 18/4/01 DI Michael Irwin made a statement in which he stated that on 29 October 1997, on the direction of DCS Maynard McBurney, he saw Andrea McKee at Sean Hagan's offices. Sean Hagan was present. Andrea McKee gave an account relating to a phone call which her husband Michael McKee had made allegedly from Res Con Robert Atkinson's phone. DI Michael Irwin then asked Andrea McKee to make a witness statement which he then recorded 17425.
- 1.111 2/5/01 A police report is made citing proof of an ATM transaction at the Ulster Bank Portadown on Allister Hanvey's account with the First Trust Bank at 08.47 on 27 April 1997. This disproved an earlier account of his movements 3094.
- 1.112 3/5/01 DC P5 attended court for production of the tally rolls for the Ulster Bank ATM 17319.
- 1.113 8/5/01 DC P5 made a statement about the production of the tally rows for the Ulster Bank ATM 17319.
- 1.114 9/5/01 DCI K made a statement in relation to the interview of Andrea McKee on 10 April 2001 17432.
- 1.115 23/5/01 Following an admission by Andrea McKee, a crime file was submitted to DPP recommending prosecution of Andrea McKee 22034.
- 1.116 30/5/01 Kenneth Hanvey was re-interviewed by DC Dickson and DC Robinson in relation to the allegation of a conspiracy to pervert the course of justice. No comment was made 24335 and 24352.
- 1.117 30/5/01 Elizabeth Hanvey was re-interviewed by DC [REDACTED] and DC [REDACTED] in relation to the allegation of a conspiracy to pervert the course of justice. No comment was made 24414.
- 1.118 30/5/01 Allister Hanvey was reinterviewed. No comment was made 20428 and 20442.

- 1.119 31/5/01 Res Con Atkinson was re-interviewed. Res Con Robert Atkinson maintained his position. He did accept however that he was called by Michael McKee after Andrea McKee had given her statement to DI Michael Irwin and DCI Maynard McBurney. Res Con Robert Atkinson stated that he went to see him because he has a history of drinking problems and may have been a suicide risk. Res Con Robert Atkinson stated that Michael McKee told him that Andrea McKee had written a letter saying in the letter that she was going to change her story 24018 and 21272.
- 1.120 31/5/01 Eleanor Atkinson was re-interviewed and maintained this position. She accepted that she worked closely with Kenneth Hanvey 21354, 21360 and 21385.
- 1.121 12/6/01 Res Con Robert Atkinson was re-interviewed. He made no comment 21277.
- 1.122 19/6/01 Con Alan Neill stated that Allister Hanvey was wearing a track-suit type top but he did not see him near Robert Hamill or talking to Res Con Robert Atkinson 17247.
- 1.123 11/7/01 Res Con Atkinson was interviewed about his amendment to his overtime claim form 4287.
- 1.124 10/8/01 Con Gordon Cooke refused to make a further statement about conversations with Res Con Robert Atkinson 5474.
- 1.125 15/8/01 A direction was signed by the office of the DPP to prosecute Andrea McKee and Michael McKee for doing an act with a tendency to pervert the course of justice. The direction cited the dates of their dishonest witness statements 21849.
- 1.126 17/8/01 RUC, following a direction from DPP, sought proof of subscribers and telephone billing for Kenneth Hanvey's and Res Con Atkinson's numbers 3030.
- 1.127 3/9/01 In a subscriber check on Res Con Atkinson's number, four calls to Rodney Smyth, all made on 31/12/97 are discovered 2636.
- 1.128 7/11/01 Paul Currie completes a QPG [Questionnaire Party Goer]. He was with Allister Hanvey for most of the night 57016.
- 1.129 7/11/01 Christopher Henderson completes a QPG. He said that he, Allister Hanvey and Jason McClure walked from Tracey McAlpine's house to the town centre and shared a taxi. The centre was taped off with yellow and black police tape. He said that someone at the party may have been wearing a silver jacket with orange flashes on the sleeves but he could not remember who 70945.
- 1.130 7/11/01 Stephen Bloomer completed a QPG. He said that he went to a party at Tracey McAlpine's house. He left at around 03.15 with Christopher

Henderson, Iain Carville and possibly Kyle Magee. Allister Hanvey remained there 70957.

- 1.131 5/12/01 Michael McKee was examined for a psychiatric report 72873.
- 1.132 21/12/01 Paul Downey, solicitor, served Andrea McKee's defence statement on the DPP, stating that she acted under duress 34353.
- 1.133 3/1/02 A letter was sent from DCS Colville Stewart to the Presiding Judge in support of Andrea McKee in relation to the assistance which she gave the police by bringing forward an important witness and her willingness to give Queen's evidence in the current prosecution 14463.
- 1.134 4/3/02 Andrea McKee and Michael McKee pleaded guilty and were convicted of conspiring to pervert the course of justice 16206 and 16207.
- 1.135 28/3/02 A pre-sentence report was prepared for Michael McKee in which he reiterated his guilt in the knowledge that he was facing a custodial sentence 1858.
- 1.136 26/4/02 A pre sentence report was prepared for Andrea McKee in which she reiterated her guilt in the knowledge that the court could consider a custodial sentence in relation to the offence 21851.
- 1.137 7/5/02 Andrea McKee recorded a further statement in which she stated that she was convicted that day of perjury. She noted that some time after 27/4/97, Michael McKee told her that Res Con Atkinson had come to him and told him that he was in bother and that he had made a phone call and he needed to cover it. She stated that Michael McKee had told her that Res Con Robert Atkinson had told him that he had made the call on Sunday morning when he got home from work. Andrea McKee stated that some time later she went with Michael McKee to the Atkinsons' house to get a cover story together for the phone call when Res Con Robert Atkinson and his wife were present. Res Con Atkinson suggested that the best way to cover it would be for Michael McKee to say that he had enquired about Tracey Clarke as she was his niece who was having a relationship with Allister Hanvey. Res Con Atkinson had said that he had been pulled in at work and questioned about the call. Andrea McKee stated that on that evening they all agreed to use the cover story which Res Con Atkinson had made up. After Michael McKee had made his statement Res Con Atkinson arranged for her to go to his solicitor Sean Hagan and make a statement. Part of the cover story was that Andrea McKee and Michael McKee had stayed over at the Atkinsons' house that night but Andrea McKee stated that she was at home that night. Andrea McKee indicated that at first she had been unsure as to which friends were with her at her house that night but she can remember clearly now that it was Rodney Smyth and Joy Kitchen. She recalled that she cooked a meal and Rodney Smyth played the guitar. There was something on the TV about boxing. She stated that she can remember phoning a taxi in the early hours of the morning on Sunday 27 April from Call-a-Cab. The taxi collected

Rodney Smyth and Joy Kitchen to take them to Portadown and Andrea McKee stated that she can recall waving them off 19988.

- 1.138 25/6/02 Andrea McKee was interviewed by PONI investigators. She gave a statement in which she stated how she came to take Tracey Clarke to the police station to make a statement, how she gave an alibi statement to DI Michael Irwin and how she admitted that it was false in June 2000. She had no complaint about DI Michael Irwin 27117.
- 1.139 30/8/02 Gerald Simpson QC gave an opinion to the DPP in which he examined the corroborating evidence in the Res Con Robert Atkinson conspiracy case, including the evidence of Andrea and Michael McKee. He noted that Tracey Clarke had never denied the truth of her statement but was in a relationship with Allister Hanvey 20044.
- 1.140 30/10/02 Andrea McKee made a witness statement in which she stated that she separated from Michael McKee on 14 April 1999 and returned to Wales in May 1999. She was divorced from Michael McKee. Andrea McKee described the friendship between Res Con Robert Atkinson and Michael McKee. She recalled that Allister Hanvey was trained in Tae Kwon Do by Michael McKee from the age of 13 and there were occasions when the Atkinsons, McKees and Allister Hanvey were in the same company at events including tournaments. Andrea McKee stated that at some point between 11.00 and 12.00 on Sunday 27 April 1997, Michael McKee and she were in the house when Tracey Clarke came in on her own and told them that there had been fighting in the middle of the town. In the days that followed Tracey Clarke spoke to both Andrea McKee and Michael McKee. Andrea McKee stated that on the first occasion Tracey Clarke told her that Allister Hanvey had been involved in the fighting and mentioned a number of other names. Andrea McKee remembered talking to Res Con Robert Atkinson at some point around that time and him telling her that it was just his luck to be on when something like that happened. Michael McKee was talking very often to Res Con Robert Atkinson at that time. Andrea McKee recalled Michael McKee ringing Res Con Robert Atkinson and telling him that Tracey Clarke had spoken to Michael McKee and told him that Allister Hanvey had told Tracey Clarke that Res Con Robert Atkinson had rung his house on the Sunday morning after the incident once he had got home from work and told him to get rid of his clothes. Andrea McKee remembered Michael McKee saying to Res Con Robert Atkinson that if he had done this then he was an idiot but she could not hear what Res Con Robert Atkinson was saying. Andrea McKee stated that when Michael McKee came off the phone, he just commented that if he had done this he was an idiot. Andrea McKee stated that some days after the incident, possibly the next Thursday, she was in the gym and she heard Tracey Clarke talking to people in the gym about the fight. A policeman called McCaw asked her who Tracey was and whether the police knew what she was saying. Tracey Clarke was talking about the fight and who was involved in it but not what Res Con Robert Atkinson had done. Andrea McKee stated that she talked to McCaw again, after which he rang Portadown police station from the gym. As a result of the call she accompanied McCaw to meet two police officers whom she told what Tracey

Clarke had said about the fight and about Res Con Robert Atkinson. On the next day, Friday, Andrea McKee was speaking to Tracey's mother who told her that Tracey had been asked to go to Portadown police station. Andrea McKee went with Michael McKee to pick up Tracey Clarke from her part-time job and take her to the police station. Andrea McKee remained with her while she was being interviewed. It was quite late when they finished and a female police officer took them both home. At some point not long after this Andrea McKee recalled Res Con Atkinson telling her that Tracey Clarke had been to the station and made a statement. Later in the year Michael McKee told Andrea McKee that Res Con Atkinson had spoken to him about the incident and asked him to cover the phone call to the Hanveys' house. He had said that there was another call but Res Con Atkinson would cover that himself. Res Con Atkinson had said that he called Allister Hanvey to try and help him but he now realised that he should not have done it. Andrea McKee stated that she was told by Michael McKee that Res Con Atkinson had told him that he had made the phone call to tell Allister Hanvey to get rid of his clothes at some point after he had been interviewed about it. Michael had told Andrea that, despite not wanting to, he had agreed to help Res Con Atkinson because he was a close friend. In addition, as he had the family relationship with Tracey Clarke, it was the perfect cover story. After being told this Andrea went with Michael to the Atkinsons' house when Res Con Atkinson and Eleanor Atkinson were present. Res Con Atkinson led the discussion and explained that the cover story was that Michael was ringing the Hanveys' house to enquire about Tracey. Some time later Andrea McKee was aware that Michael McKee and Eleanor Atkinson had gone to the police station to make statements and Robert Atkinson was interviewed again. When they were at the station Andrea McKee stayed with the Atkinsons' daughter at their house. On their return, Andrea McKee was told that she would have to make a statement to the police, which she did through Sean Hagan, Res Con Atkinson's solicitor, on 29th October 1997. On that day she was interviewed by DI Michael Irwin and gave a statement which was false. She spoke to Res Con Atkinson after that and he enquired if everything went okay. Later Michael McKee spoke to Res Con Atkinson about the bill from the solicitor saying that he did not expect to have to pay it and Robert Atkinson said that he would settle it himself. Andrea McKee recorded that she did not hear any more about a bill and they did not receive one from the solicitor 20297.

1.141 6/11/02 Tracey Clarke alleged that Allister Hanvey assaulted her 6072.

Submissions by Arthur J Downey Solicitors (Andrea McKee)

At 1.77 is stated "...someone named Smith at 02.15 from the Atkinson home....". Presumably this should read ".....from the McKee home...."

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

We have considered that the Panel may find it more helpful if our submission deals with all points and evidence pertaining to section 8 by way of a composite submission and thus in relation to the insertion of submissions or

comments, we refer the Panel to the final submission made. Further there is considerable over-lap in matters relevant to this part and Part 13 and as such should be read in that context also.

Submissions by the Police Service of Northern Ireland

See sections 3-5 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

It is strenuously denied that Mr Hanvey ever assaulted Ms Clarke whether as alleged at paragraph 1.141 or at all.

It may be appropriate at this point to set out our comments in relation to the jacket Mr Hanvey might have been wearing:

It is evident that there is no clear account as to the description of the jacket allegedly worn by Hanvey.

It can be said the no two witnesses describe any such jacket in the same way. Moreover, it is of note that Jim Murray and xxxxx Clarke were not approached until 2001 - being 4 years after the evening of the 27th April 1997. Clearly their evidence does not present as a contemporaneous account. One would question whether they really could recall the jacket, or whether they were "prompted" by those who questioned them.

Indeed the Inquiry did not have the benefit of receiving oral evidence from xxxx Clarke. We have heard that she suffered from a number of mental problems at all times material to this Inquiry. It follows that the Inquiry did not have the opportunity to assess her credibility.

Jim Murray candidly conceded that he could not recall anything about the jacket. Murray further conceded that he was drunk and that he never had a clear head at the time when he made the statements.

Tracey Clarke maintained that Andrea McKee was not a truthful person and that she furnished a lot of information to xxxx Clarke and Jim Murray.

xxxxx Clarke described a bright silver coat with black cuffs and a black waistband. She disputed that the jacket had orange sleeves.

In contrast, Jim Murray described a jacket with orange stripes on the sleeves. He did not refer to any black cuffs or waistband.

Moreover, when shown AM5 & AM6 (diagram of Skanx jacket), both Murray and xxxxx Clarke volunteered that whilst similar the jacket worn by Hanvey was different to that shown in the images.

It follows that Murray and xxxxx Clarke were not agreed in relation to the appearance of the jacket and neither believed that AM5 & AM6 depicted the actual jacket.

Moreover, the price of the jacket described by xxxxx Clarke clearly does not accord with the price of the Skanx jackets.

Julian Lyons denied selling AM5 and AM6 type jacket. Lyons maintained that he believed that he sold Tracey Clarke a Danielle Poole padded jacket at a price approximately £150.00. xxxxx Clarke also maintained that Hanvey's jacket cost in excess of £150.00 (she said £175.00 in her statement). AM5 and AM6 depicted a Skanx jacket which was sold at £24.00. Steven Hughes, the Skanx representative, confirmed that the wholesale price was £24.00 and

that the retail price would have been circa £60.00. It follows that the jackets are not comparable vis-à-vis price.

The description of the jacket by R/Con Warnock does not accord with that of the other aforementioned witnesses. He does not allude to the orange stripes mentioned by Wright. He does not describe a "bright silver jacket" as per xxxxx Clarke, rather, he describes a dark jacket. He also describes the jacket as a baseball jacket which differs from the description afforded by others.

Taken at its height, it is evident that there is conflicting evidence in relation to the jacket allegedly worn by Hanvey.

Con Neill did not furnish any description of Hanvey's clothing until December 2000. Indeed, Neill did not make a statement about the clothing until June 2001. Neill stated that he saw Hanvey and that he was wearing "a tracksuit top". Neill apparently remembered this. He did not record the description in any contemporaneous notebook or statement. It appears remarkable that Neill apparently remembered Hanvey's clothing after over 3 ½ years had elapsed when he does not allege that Hanvey engaged in any inappropriate behaviour such as to specifically attract his attention on the evening. In any event, Neill did not afford any description of the colour or any markings on the jacket.

Even if he was wearing a jacket other than the black padded jacket which he describes, which, it is respectfully contended, is not established on the evidence, that is not evidence of Hanvey having been engaged in any improper act or behaviour. It is of note that none of the police officers attribute any improper behaviour to Hanvey.

It is remarkable that Tracey Clarke was unable to describe the jacket worn by Hanvey on the evening in question. If, as alleged, she did not observe him at the scene, she would easily have been able to furnish the police with a description of the jacket when she initially attended and allegedly furnish a voluntary statement, particularly if she had in fact purchased the jacket. D/Con McAteer maintained that he would have recorded if Tracey Clarke had stated that Hanvey was wearing a silver jacket with orange stripes or sleeves.

Further, we repeat our earlier submissions.

Submissions by Richard Monteith Solicitors (Tracey Clarke)

See below for full submission on these issues.

- 2 A number of witnesses gave evidence by way of statement and orally:

Tracey Clarke

Oral Evidence

- 2.1 She realised shortly after 10th May 1997 that people knew she had made a statement to the police (17327). She did not know how others became aware she had made the statement, but they were annoyed (p.3) They were more annoyed than angry. Those annoyed were people around town, some who were friends and some who were not (p.4). She hated herself for lying in the statement so she chose to move to Belfast and she changed jobs (p.5).

- 2.2 At the time of the incident Allister Hanvey was her ex-boyfriend. In the meantime Mr Hanvey and Tracey Clarke married and had two children (p.5).
- 2.3 She was due to give evidence to the Inquiry in January 2009 which put stress on her because she found it hard to deal with the fact that she had told lies. Consequently, she saw a psychiatrist (p.6). In his report (75323) he stated "When she was admitted, she admitted to the admitting SHO that she saw her boyfriend kicking Robert Hamill... She admitted that after the initial police statement, she alleged that the police asked her aunt to bring her to the police station where names were suggested to her with respect to the assailants that accosted Mr Hamill and she simply went along with these." Mrs Hanvey stated that it was inaccurate that she told the SHO she saw her boyfriend kicking Robert Hamill (p.7) That she went along with the names being suggested by police is accurate (p.8).

In her statement (17327):

- 2.4 People were suggesting things to her which were written into the statement. She did not read the statement before she signed it (p.11) She had said the bits of the statement that were true (p.12).
- 2.5 "Around this time we heard shouting coming from the main street. I can't remember what was said, but it was something like 'Fight, fight'. We all ran down to see what was happening. When we got as far as the church, I could see a crowd at the junction of Thomas Street, Market Street." This was true. She did run down to the main street (p.9).
- 2.6 She did not remember "I met up with Stephen Bloomer at Poundstretcher and I just sat down beside him." But there was no reason to make it up (p.10). The police put it to her that Stephen Bloomer had said that and so she agreed (p.73).
- 2.7 "I saw two people lying on the street. One was near the centre of the road and the other was near the footpath close to Eastwoods. The person I saw in the middle of the road I thought was dead, as he was not moving." This was correct (p.10).
- 2.8 She did not recall "It was at this time I saw a number of persons gathered around the person lying in the centre of the road." She remembered seeing the person on the road. There were lots of people around but she could not say where. There was no reason to believe it was false (p.10). She could see a group around but there was no kicking and punching (p.73).
- 2.9 "These persons were kicking the person on the ground around the head and body." This was false. She did not see that (p.11) "They jumped all over him and kicked him. I saw the persons who were doing this and I can identify them as (1) Dean Forbes (2) Allister Hanvey (3) Stacey Bridgett (4) 'Muck', (5) Rory Robinson." This was not true (p.12). The names came from rumours about town and they were also suggested to her by police. She just agreed with the names and said she saw the fight (p.13).

- 2.10 She did not see "The other person lying near Eastwoods was being helped by Michelle Jamieson, but I saw persons run up and kick him around the head and body and Michelle was telling them to stop." (p.14).
- 2.11 She did not know how "At that time, I saw a number of police behind the crowd who were attacking the two persons lying on the ground. As far as I could see the police were not doing much to stop what was happening." came to be in the statement (p.14). She did not know if police suggested it or if she said it (p.15).
- 2.12 "The next thing I remember was more police arrived and pushed the crowd back. The ambulance arrived and took the two persons who had been attacked by the crowd away. The police then made us move up the street to the church. They later moved us up to West Street." This was correct (p.15); she said that to the police (p.16).
- 2.13 "It was at this time I spoke to one of the police whom I know to be Robbie Atkinson. I asked him if the two men who had been kicked were they okay and he shook his head." This could have happened (p.16).
- 2.14 "We then went on to the party at Tracy McAlpine's house ...I'm not sure of the name of the new estate. There was a good crowd at the party and everyone was discussing what had happened in the town centre, and some of the people who had been involved appeared to be happy about what they had done. I remember they mentioned the name of one of them as Hamill, but I can't remember what exactly was said." She did not remember going to the party but it would have been the done thing. This section was more likely to have come from her than from the police. The fight would probably have been talked about. She could not remember if Allister Hanvey was at the party (p.17).
- 2.15 "I went home the next day and told my parents what had happened and about the two men being attacked in the town centre and that my ex-boyfriend, Allister Hanvey, was involved in it." This was true. She told her mum that Allister was involved to hurt him. She did not know how telling her mum would hurt Allister (p.18).
- 2.16 "I spoke to Allister Hanvey on the Tuesday and I told him about what I had seen and that I had told the police about everything and that he was in deep trouble. He said he would meet me after work and I met him outside my house at about 11.05 pm. He wanted to know what I had told the police, and, as I had not been seen by the police, I made up a few things to annoy him." This was right (p.19).
- 2.17 "I remember Robbie Atkinson's name coming up and Allister said that Robbie Atkinson had been very good to him, because on the Sunday morning after the incident in the town centre, he rang him at about 8.00 am and told him to get rid of the clothes he was wearing the previous night." This came from her aunt as she was friendly with Robert Atkinson. Tracey believed it

was true and told the police. The information did not come from Allister (p.20).

- 2.18 "Since then, Allister has contacted me on numerous occasions and he keeps asking me what I have said to the police. He also told me that Robbie Atkinson was ringing him every day to keep him up-to-date with the police investigation." This came from her aunt (p.20). Her aunt was talking to the police in the interview room when Tracey was giving her statement. She disagreed with the two interviewing officers who said that Andrea McKee kept quiet (p.21).
- 2.19 Tracey made up "On Thursday of last week Allister's mother rang my work to speak to me, but I was off that day and I didn't speak to her. I spoke to Allister Hanvey yesterday and I asked him what he did to the persons that they attacked in the centre of Portadown who is now dead. Allister said he jumped on his head and kicked his head. I told him that is how he got the fractured skull, and he said he doesn't have a fractured skull anymore." (p.21) because she wanted to get Allister into trouble. This information did not come from the police or Andrea McKee (p.22).
- 2.20 Tracey never discussed her statement with Allister (p.27). He knew what the situation was at the police station and what Andrea was saying (p.28).

Statement Tracey Hanvey's mother (14896)

- 2.21 "It was around 12 midday when the news was on... and I remember Tracey turning the radio up at the news. She told me that she had seen an awful fight in the town last night." Tracey would have said she had seen the fight, even though she had not, to "bump herself up" (p.23).
- 2.22 "Allister Hanvey a boy from [blank] had been going out with Tracey. However, I know on that Saturday night Tracey didn't go to the Coach with him, but I think they both met up at a party some time later on the Saturday night after this fight in Portadown." Tracey did not remember the party (p.24).
- 2.23 "After the first few days, Tracey started to talk to us, that's me and her stepdad, Jim Murray, about the fight in Portadown and what went on. She told us that Robbie Atkinson, who I know was a policeman in Portadown, had told Allister to burn his coat." That would have been talked about as gossip between Andrea, Tracey and her mum (p.24).
- 2.24 "Tracey was saying, 'Imagine telling him to burn that good silver coat'. It cost Tracey £175 out of Paranoid in High Street mall... Tracey knew a girl who worked in Paranoid and she had left the jacket over and Tracey was paying weekly out of her pay so that Allister could have it by Christmas 1996." Tracey had bought Allister clothes but she did not remember buying a jacket on the lay-away system at Paranoid at Christmas 1996 (p.25).

- 2.25 "She also said that Robbie had told him, that's Allister, to burn everything; trousers, shirts, the lot. Tracey said that Allister had burned the clothes and that his mother helped him to do this." This information came from Andrea McKee (p.25). The information was all gossip and hearsay. The information went possibly from Andrea to Tracey to her mum (p.26). Tracey was very gullible and whatever Andrea said Tracey believed. Tracey did not talk to Allister about this (p.26).
- 2.26 "She later told me that she phoned Elizabeth Hanvey and told her that Hamill was dead. She said Elizabeth told her, 'That throws a different light on things'." Tracey could not remember if she said that to her mum. She had no other explanation how her mother could have got that information. Tracey had no idea if she talked to Elizabeth Hanvey at that time. Tracey could give no explanation for this other than it is true (p.28).
- 2.27 "Some time around this time a detective called John McAteer called. I can't remember exactly when this was. He talked to Tracey, although I don't think he got much sense out of her. Although I can't be sure of when McAteer called, I know that Allister Hanvey called with Tracey on a Friday and took her out for lunch. Tracey said that she asked Allister what exactly happened that night and Allister told her everything." Tracey did not remember going out for lunch with Allister but agreed that that information must have come from her (p.29).
- 2.28 "It was that same night that Andrea McKee, Michael McKee and Tracey went to Portadown Police Station. They went to make a statement that night and I remember John McAteer phoning that day to ask me to get Tracey up to make a statement, and, as she was working in the Chinese restaurant at, I think, West Street, I phoned the Tae Kwon Do club to get Michael and Andrea to collect her after work, as she finished at 10.30, and take her to the police station." Tracey said that was incorrect and that "the police came out to the house to chat. Then I had to go into the police station and filled in a questionnaire. Then two days later, if I am right, 10th May, my auntie picked me up from work and brought me to the police station" (p.30).
- 2.29 The fight was being discussed by everybody at the club and in town. A policeman asked Andrea questions, when she told them about Atkinson phoning the Hanvey house. Andrea took Tracey to the police because "I was a chatterbox", not because she knew what had happened (p.31).
- 2.30 When she was making a statement she was "in a room and it was light and dark. They said, 'We can prove you seen it'. I said, 'I didn't see it'. They said, 'We can prove it'. They banged the table. They said they would put me in jail. They also said that they would break down my mum's door, and I now know that they were in another room questioning someone else and just gathering loads of information, because they wanted to get people for this murder, because it had changed from a beating up to a murder, and I just went along with it" (p.33). She did not recall who was banging the table but they were standing up. Andrea was sat beside her. She was not sure which of the police officers made the threats (p.34). The police did say what they

would put her in jail for but she does not remember what it was (p.35). She did not remember a policewoman being there. She thought it was only men (p.56). Only the police man banged the table (p.66) and made the verbal threats (p.67).

- 2.31 She was crying and terrified by the police's threats but she was still able to make the accusations about Allister Hanvey (p.71).

Per Tracey's mother's statement

- 2.32 "That night Michael [McKee] came down and sat with me after he had dropped them off at the police station. I think he went to his house first before he came down because they were a long time. I phoned up a couple of times to see how she was doing and I spoke to John McAteer who told me she was doing all right and her aunt Andrea was with her. They were dropped out later, but I don't know who left them home. Tracey was saying she told the truth. She was agitated." Tracey says she did not remember what she told her mother. She did not tell her mother about the bad treatment "because that's the police" (p.36). Tracey's relationship with her mother was bad. She told her mother those things as she thought they were getting on better at the time (p.56).

- 2.33 "I think the following morning [10th May] the Hanveys rang my home telephone number and Tracey spoke to them. I think Tracey said it was Elizabeth. She told Tracey that Allister was arrested this morning. Tracey started crying and I told her to go to work to keep herself occupied." The Hanveys rang and told her that Allister had been arrested but she did not know if they knew she had made a statement (p.38).

- 2.34 "I'm not aware of anyone putting pressure on Tracey, but her friends stopped talking to her and I think she thought we might have to move out of [the area] and she wouldn't want this to happen." That was true (p.39).

- 2.35 Tracey did not remember what contact she had with the police after giving the statement (p.37). She did not recall them coming to the house but did not think they helped her try and get into the navy. They did not help her move house (p.37).

- 2.36 5119 "Showed AM5 and AM6 to [Tracey Clarke's mother] on 5.3.01. She stated that the jacket looked similar to the one Allister Hanvey had. However, she thought the one Allister had was slightly shorter and had black cuffs and a black waistband. She can't recall orange stripes on the sleeves." 70100 did not help her remember about buying Allister that type of jacket (p.40). She could have bought Allister a puffa jacket (p.100).

- 2.37 Tracey knew Linda Wilson who worked in Paranoid (p.101).

- 2.38 Per 17388 "[Tracey] said they all came back from the Coach and there was a fight. She said a lot ran up to the fight and Allister Hanvey was there." Tracey did not recall that (p.41).

- 2.39 "She said that Allister wanted to take her out for lunch. She said Allister wanted to meet her and he had given her dog's abuse on the phone and pestered her until she gave in and he wanted to talk to her to get it sorted out." Tracey was not sure if that is true (p.41).
- 2.40 "I remember after Tracey met Allister for lunch, Tracey said that Allister felt quite proud of what he'd done. This was after Tracey's mother had asked her how she got on with Allister. Tracey also said that Allister said, 'Sure, he was only a Fenian bastard', and that was the type of attitude he had." Tracey did not know how her stepfather got that information. She might have made that up (p.42).
- 2.41 "Again, sometime when I was sitting at the kitchen table with Tracey, Tracey said she had went over to the back of the Land Rover to talk to Robert Atkinson. She said she told him, 'That's the ones on the street', and Allister to go on, and he told Allister to, 'Get them clothes burnt'." Tracey did not comment on that (p.42).
- 2.42 "Tracey said she had been sitting on the kerb and Atkinson was by himself at the back of the Land Rover, so she went over to him and that's when she heard him telling them to go and telling Allister to burn his clothes." Tracey said that her mother, stepfather and Andrea McKee would sit and talk together (p.43).
- 2.43 "I remember on the night Tracey went to the police station to make her statement, I was in bed. We got a phone call to our house. I think [Tracey's mother], told me that Andrea called to say she was with Tracey and would look after her. I think John McAteer took this statement. I remember Andrea later saying that she came from the gym to the Chinese and took Tracey to the station. I remember I got up that night and, when Tracey came home, she was crying and [Tracey's mother] was comforting her. I also remember, although I don't know exactly when, Tracey said Allister had got rid of the clothes and burnt them." Tracey said she did not tell her mother about what happened at the police station (p.44).
- 2.44 "Tracey had bought him a silver jacket from Paranoid for that Christmas, that's 1996 ..." Tracy thought it could have been a silver jacket but she does not know. There was an Adidas jacket with an orange stripe (p.45).
- 2.45 Per 17591 "On 17th October 1997, at 3.30 pm, I attended a consultation between Gordon Kerr, QC, and Witness A, D Supt Cooke, DS Bradley and DC McAteer were also present. Witness A was accompanied by her parents. Witness A is a pleasant-looking, reasonably well-dressed young woman. As she walked into the room, she looked worried, and as soon as Gordon Kerr started to talk to her, she started to cry. She cried quite frequently during the consultation, but was able to relate the events of the night more or less in accordance with her statement. She had not had an opportunity to refresh her memory. She is reasonably articulate and seemed to be telling the truth. If she were to give evidence, I consider that she would come across as very truthful. At the end of the consultation, she was asked about the possibility of

giving evidence. She stated that she would rather die than give evidence. She said that she wouldn't give evidence because she loves Allister Hanvey, to whom she was formerly engaged. She stated that it was hard to give evidence against the others because she knows them all. She and her family are all very worried about the possibility of attack by Loyalist paramilitaries. Her father stated that he would like to see the accused going to court, but he stated that going to court will destroy Tracey." Tracey said there was no conversation between her and her parents about the consultation before she went (p.47). She did not know why she repeated what she had said in her statement during the consultation. She "didn't know [she] could tell them the truth" (p.48). She just went along with what she said before even though she was being asked what she saw, not if her statement was true. She knew that those she accused were in prison at the time (p.50). She did not know she could do anything about it (p.51). She would not give evidence as it would be lies. She told people she would not give evidence because she loved Allister (p.52).

- 2.46 She did not get any advice from paramilitaries. She did not talk to Swinger Fulton (p.52).
- 2.47 She did not know "Muck" at the time (p.50).
- 2.48 Both Kerr and Davison were wrong in their assessment that she was being truthful (p.53).
- 2.49 She did not tell the Coroner that her statement was false, per 270, as she did not know she could: "When she spoke to me, she was very tearful and I was completely satisfied that she was genuine. She said that she had been threatened on a number of occasions by Loyalists and, as a result, she had to leave Portadown... Those who threatened her were known to her. She has no doubts at all that if she were involved in the inquest in any way she would be in real danger from Loyalist paramilitaries." (p.54).
- 2.50 She did not tell anybody about her statement being false as nobody in the community wanted to know her (p.56).
- 2.51 The first person she told about her treatment by the police was her solicitor, Richard Monteith, in 2000 (p.82).
- 2.52 The names being discussed in town as those involved included those Tracey named in her statement (p.58). She does not recall who told her Dean Forbes was involved (p.59). She could not remember if she saw Dean Forbes in town that night (p.77).
- 2.53 She made up Hanvey's name as being involved but [his name] "was about town too, but I - I didn't see him -- I didn't see anybody kick or punch anybody" (p.60). Tracey said she put Allister's name around town. She told her mum and her auntie (p.61). She could not remember if anyone else was mentioning his name in relation to the murder (p.63). She did not see Allister in town that night (p.78).

- 2.54 It was hearsay that Bridgett, “Muck” and Robinson were involved in the murder. She did not know who told her. The police also mentioned those names (p.62). She could not remember if she saw Bridgett or Forbes in town that evening (p.78).
- 2.55 She knew Timothy Jameson was in another interview room on 10th May 1997 and the police were going back and forth between the two (p.92).
- 2.56 Tracey knew Julian Lyons owned Paranoid. She said it could be that in Christmas 1996 she bought a blue Daniel Poole jacket on the lay-away system that Allister had picked out (p.101).
- 2.57 Tracey spent a lot of time with the McKees and had the use of a room in their house which they allowed Tracey and Allister to use (p.104). She viewed Andrea like an older sister (p.109).
- 2.58 All the allegations about Atkinson telling Hanvey about his clothes came from Andrea McKee (p.106).
- 2.59 Tracey said Andrea took her to the station as she was a “Know-it-all”. She liked to be in the middle of the conversations and so she took Tracey to the police station “because she had a story to tell as well” (p.109).
- 2.60 She was drunk and on drugs on the night of the incident (p.106). She could not remember seeing or talking to Res Con Atkinson (p.107).
- 2.61 Andrea was saying "Tell them this. Tell them that. Tell them what you told me earlier" when Tracey was being interviewed (p.110).
- 2.62 Andrea was vindictive and did not like Allister so she put things in Tracey’s statement to hurt Allister Hanvey (p.111). Tracey said Andrea had nothing to gain by putting these words in the statement (p.114).
- 2.63 Andrea McKee never told Tracey that she had spoken to a police officer at the Tae Kwon Do club (p.122) or that she had met the police on the evening of 8th May 1997 (p.123).
- 2.64 Tracey’s Questionnaire (70900) was all true (p.119).
- 2.65 When interviewed Tracey had been working all day and had not eaten (p.124). She remained in the interview room while her statement was being taken. She did not know how long it took but it was dark when she left (p.125).
- 2.66 Tracey told John McAteer in her questionnaire that Allister was at the party (p.129).
- 2.67 Tracey and Allister were able to stay at his parents’ house; the McKees knew this (p.130).

Brid Rodgers

Oral Evidence

- 2.68 There was a rumour going round everywhere that there were policemen who had helped some of the witnesses get rid of their clothes (p.167). She did not know when she heard it (p.168).

DC Edward Honeyford

Oral Evidence

- 2.69 DC Honeyford did not know of anyone else who was going to be interviewed on 9 May 1997 (p.16). He did not think it was possible that DC John McAteer knew the names contained in p.266 before he interviewed Tracey Clarke (p.17). He did not see DC McAteer on the 9th May 1997 (p.18).

DC Paul McCrumlish

Statement

- 2.70 Para. 7 80889: “My own memory of the briefing for the interview of Allister Hanvey on 10th May 1997, and the interview itself is very vague”.
- 2.71 Para. 14-5: On 11th May 1997 he and DC McIntosh interviewed Kenneth and Elizabeth Hanvey who told them Allister helped police on the night and that a policeman would be giving evidence on his behalf. He thought that was very relevant and made notes shortly afterwards.

Oral Evidence

- 2.72 When he spoke to Allister Hanvey’s parents, they did not tell him much. They referred to Allister as having told them that he helped police (p.62). They refused to identify the policeman who he had helped. They said this policeman would be saying that Allister did help him. The Hanveys volunteered this information. Kenneth Hanvey was a bit cocky about this. His attitude was “wait and see. I can prove my son was not involved” (p.63). Allister Hanvey was very cocky when he was interviewed. He “totally didn’t care” (p.64).
- 2.73 His recollection was that there were problems with multiple descriptions of clothing. He did not remember a Daniel Poole jacket being discussed. He remembered a silver jacket with black that had ‘CAT’ on the back (p.74). When he was asked if the description was silver, he said it could have been silver or dark-grey (p.76).

Donald Blevins

Oral Evidence

- 2.74 There was a hatred in the community for Res Con Atkinson (p.113) due to his involvement in the Obin Street tunnel incident and his involvement in Drumcree (p.114). The community were objecting to an officer doing his duty. Res Con Atkinson was known for arresting wrongdoers without hesitation (p.115).

Linda Wilson (81382)

Statement

- 2.75 Para. 4: She did not know Hobson, Lunt, Henderson, Clarke or Forbes. She did not know Allister Hanvey despite saying in 17360 that she recognised the surname 'Hanvey'.
- 2.76 Para. 7: There were 30 or 40 different coats sold in Paranoid and only one or two of each coat were kept in stock.
- 2.77 Para. 8: On Saturdays her boss would be in Paranoid and he would work the till.

Oral Evidence

- 2.78 She worked in Paranoid (p.35). There was only one Paranoid, but there were similar shops around. Only Paranoid stocked jackets (p.41).
- 2.79 The layaway system required a deposit. The customer would then be given a payment card and when payment was received, it was marked off the card and in a book. The number of books being used depended on the number of layaways. The book was a duplicate book. It was thrown away after it was used up (p.36).
- 2.80 The layaway item was hung up in the storeroom (p.37).
- 2.81 She still does not know Tracey Clarke or Allister Hanvey (p.37). She did not know why she recognised the name Hanvey (in 17360) (p.41).
- 2.82 Paranoid did have some silver jackets but she cannot remember any details (p.38).
- 2.83 She did not remember laying away a silver jacket. She did not remember laying away a blue Daniel Poole jacket but she probably did as they were very popular (p.38). There were Daniel Poole jackets in the shop around Christmas 1996. She did not remember if they had Skanx jackets then (p.40).
- 2.84 She did not remember laying a jacket away for a girl who worked in Going Places (p.38).

- 2.85 She did not remember selling a jacket that then came back in requiring a patch (p.38).
- 2.86 Silver jackets ranged in price from £70 to £150, depending on the make (p.38).
- 2.87 She remembered the name Skanx but not the colour of their jackets. The names in p.17360 are only the bigger labels, as not all labels were stocked (p.39).
- 2.88 The “ravey” labels in p.17360 were jackets people wore clubbing; the others would be worn casually. She would describe a silver jacket with orange stripes as “ravey” (p.42).

Julian Lyons

Statement

- 2.89 Para. 2: He knew Tracey Clarke and Allister Hanvey as customers but did not know their surnames.
- 2.90 Para. 3: A Daniel Poole jacket would cost between £160 and £180.
- 2.91 Para. 4: Not long after the jacket was bought, Hanvey brought it in saying that the jacket was damaged.
- 2.92 Para. 5: He sold a Skanx jacket that was black with an orange stripe down the sleeve. There was no silver jacket with a stripe on its sleeve.
- 2.93 Para. 8: He had not been approached and asked to give a different description of the jacket.

Oral Evidence

- 2.94 1941 is accurate (p.66).
- 2.95 Hanvey’s jacket could not have been a black CAT jacket (p.66). He was almost certain it was a blue Daniel Poole with a silver or red cross on the back (p.67).
- 2.96 5124 is accurate. He would not let DS H record “a silver jacket with orange stripes was sold” (“I’ll deny it in 10 courts” p.69) as Mr Lyons did not believe any were (p.68). Mr Lyons only wanted what he knew was true, not what H wanted to show was possible, in the statement (p.70). He felt pressured to add it to his statement (p.83).
- 2.97 He was not looking at invoices when taking 5124 (p.68). The layaway record had gone by the time of interview (p.69). The police asked for the primary docket. That was the layaway docket, which had gone (p.70).

- 2.98 He did not see it as an issue to mention the Skanx records as he had no recollection of buying a silver Skanx jacket (p.71). Three other shops in Northern Ireland sold Skanx (p.73). The Skanx purchasing documents may not have identified the jacket (p.75).
- 2.99 There was no Skanx jacket which cost £175 (p.72). 70098 supports that as the wholesale price was £25 so his retail price would have been about £65 (p.80).
- 2.100 He did not recall if Tracey bought a silver jacket as well as a Daniel Poole (p.72). It was possible his brother-in-law sold her one but he did not recall stocking them (p.73). He knew Tracey and Allister to see and never saw either one with silver Skanx jacket (p.81).
- 2.101 He did not sell CAT jackets (p.73).
- 2.102 He did not remember buying a silver Skanx jacket when confronted with 81408 (p.78) but it is possible he bought one (p.79).

Trevor Leatham

Statement

- 2.103 Para. 9: Set out both conversations in 17392. He did not remember discussing talking to Michael McKee about the contents. Mr McKee phoned Leatham at the prison occasionally but that was to do with Tae Kwon Do club, not Allister Hanvey. He could not remember if he spoke to Michael McKee about the incident itself but he did recall being told that Michael and Andrea had been instructed to burn Allister Hanvey's clothes. He did not recall who told him that but he thought it was during Allister's time in prison.

Jim Murray

Statement

- 2.104 Para. 2: He was not sober at the time of his inquiry interview but he was able to answer questions truthfully and honestly.
- 2.105 Para. 8: Tracey and he never really hit it off. He was not sure if she stayed the night but something told him that Andrea, Michael and Tracey seemed to go together.
- 2.106 Para. 10: He knew Atkinson as he was friends with Michael McKee.

Oral Evidence

- 2.107 He was drunk and never had a clear head at the time of making the statements (p.151).
- 2.108 He did not remember anything about the jacket in 70100 (p.149). He did not remember the events contained in 5116 (p.149) but the statements were true (147/8).
- 2.109 He could not say now where the information in 17338 came from (p.153). The information could have come from Tracey or Andrea McKee (p.154).
- 2.110 He had no recollection of: discussing the incident with Tracey; her buying a jacket for Allister Hanvey; her being upset about the destroyed jacket; whether she should have given evidence against those she named in her statement (p.150).
- 2.111 He did not trust Andrea McKee (p.159). He felt she would have said anything to take someone down (p.161).
- 2.112 Allister, Andrea and Tracey were all great friends in 1997 (p.162).

Rodney Smyth

Statement

- 2.113 Para. 4: He was not working on the weekend of 27/4/97 as he checked his shift pattern at work.

Oral Evidence

- 2.114 He was close friends with the McKees through Tae Kwon Do (p.6).
- 2.115 He and Joy went to the McKees' house two or three times (p.7). He did not know when his girlfriend first met the McKees (p.13).
- 2.116 He did not recall if he went to the McKees' house on the night of 26th April (p.7). If he went and had a few drinks, he would have taken a taxi back to Thomas Street. He would book it for "Smyth" (p.15).
- 2.117 He recalled watching boxing and martial arts with the McKees but he was not sure when (p.8).
- 2.118 He was never in the McKees' house without them being present (p.8). He never arrived unannounced. It was always pre-arranged (p.11), normally at the club (p.12).
- 2.119 He denied that he and Joy Kitchen used to stay on their own in the McKees' house on weekends, per 21322 (p.9).

- 2.120 He had no idea about the calls in 2636 (p.9). He knew Atkinson but they were not friends. Their only contact would be about Tae Kwon Do (p.10).

Joy Kitchen

Oral Evidence

- 2.121 She socialised with the McKees through the Tae Kwon Do club (p.2).
- 2.122 She did not remember staying at the McKees' house on the night of the 26th April 1997 (p.2). She would not have stayed over as she had only been going out with Rodney Smyth for a few weeks. She was definitely not in the McKees' house on her own with her (now) husband that night (p.3). She would not have stayed at someone else's house, only her boyfriend's (p.5).
- 2.123 She did not remember ever watching boxing at the McKees (p.3).
- 2.124 She said that the suggestion that she and Rodney Smyth used to stay on their own in the McKees' house on weekends, per 21322, was complete rubbish (p.4). She did not know if Rodney ever stayed overnight at the McKees' house (p.5).

Jason Woods

Oral Evidence

- 2.125 He knew Iain Carville but he was not at the party and 9185 was wrong (p.45).

Stephen Sinnamon

Oral Evidence

- 2.126 He went to Tracey McAlpine's party after the incident. There were loads of people there. Allister Hanvey was probably there (p.106). He did not know what he was wearing that night when asked if anyone was wearing a silver jacket with orange stripes (p.106).
- 2.127 9129: Put him, Hanvey, Allen, Henderson and Forbes in McAlpine's living room at 5am, 3 hours after fight. He did not know if there was a discussion about the fight (p.116).

Judith Holland

Oral Evidence

- 2.128 After she got a Chinese (per 6295) she did not remember noticing any activity around the area. She went on to Tracy McAlpine's and when she got there Pauline Newell and Shelley Liggett were already there (per 6295). McAlpine's house was five or ten minutes from the Chinese so she got there at about 2.05am or 2.10am (p.8).
- 2.129 Judith Holland did not let Allister Hanvey, Steven Sinnamon, Fonzy or Christopher Henderson in (p.30). Neither Pauline Newell, Tracy McAlpine, Kelly Lavery or Shelley Liggett said that they let people in (p.32). She was not distancing herself from people because the fight was discussed (p.33).

Christopher Henderson

Statement

- 2.130 Para. 13: Per 2274 "about five people were in living room. Some more were asleep upstairs. He did not know who. In the living room were Allister Hanvey, Steven Sinnamon, possibly Dean Forbes and Kelly Lavery".

Oral Evidence

- 2.131 He did not now remember who was at the party except Kelly Lavery as she was the reason they left (p.39). He was not sure when they left but he remembered it being light, and he had arrived at 05.00. He did not know he got to the town centre at about 08.30 (p.40). He did not recall if people stopped for money for a taxi that he, Allister Hanvey and Jason McClure got. He did not recall where the taxi took them all (p.41)
- 2.132 When he walked back up through town, he recalled seeing a police officer but did not remember if the scene had been taped off (p.40).
- 2.133 He had no recollection of Allister Hanvey's silver jacket or a Daniel Poole jacket. He did not remember a black CAT jacket (p.42).

Dennis Hayes

Oral Evidence

- 2.134 He did not remember walking up the road with Allister Hanvey (p.98). If he had been walking up with him, he would probably have told police about it (p.99).

DS Dereck Bradley

Statement

- 2.135 Para. 32: He sat in on consultation with Tracey Clarke on 17/10/97.

Oral Evidence

- 2.136 He sat in as assistant to DC McAteer when conducting Tracey Clarke's interview at the Clarke house. DC McAteer went through the QPF with her. There were no women there except Tracey Clarke and her mother (p.98). Tracey Clarke was not upset when being interviewed for the QPF. He did not remember if the issue was raised that Robert Hamill had died on the day of taking the QPF (p.100). The pro forma would be completed and retained by DC McAteer. He did not remember what he did with it (p.104). He saw Tracey Clarke when she came into the station on 9/5/97 to make a statement. She was walking up the stairs to the CID office then turned right into **P39's** office (p.105).
- 2.137 Per Para. 32 81515 "Was instructed to attend consultations in Belfast with DPP and Gordon Kerr. I sat in on consultation with Tracey Clarke but played no part in it". He also sat in on the consultation with Jonathan Wright. He and DC Honeyford and drove Jonathon Wright to the DPP offices. He thought that DC McAteer brought Tracey Clarke. He recalled that per 17591 "[Tracey Clarke] cried frequently during consultation...seemed to be telling the truth" (p.64). He stated that this was the second time he had met her. He agreed with Roger Davison in that she was telling the truth and would have made a good witness (p.66).

Kenneth Hanvey

Statement

- 2.138 Para. 10: He visited his brother every Sunday. His house was ten minutes away.
- 2.139 Para. 11: Allister Hanvey stayed there from time to time. He did not know if he picked him up that morning.
- 2.140 Para. 14: He knew Res Con Atkinson from playing football when he was 18. He had not contacted him since. He believed that Res Con Atkinson was involved in blocking the "Tunnel" and gave details of people involved.
- 2.141 Para. 16: He could not think of any reason for Res Con Atkinson to have his phone number.

Oral Evidence

- 2.142 He totally denied that on the morning of 27/4/97 he received a call from Res Con Atkinson warning that his son needed to get rid of his clothes (p.8).
- 2.143 He did not remember what happened on the morning of 27/4/97. He did not remember what Allister was wearing. He did not have any discussion with Thomas about covering anything up. He did not generally pick Allister up from Thomas's on Sundays, but he would have picked him up if he was there

- (p.5). He totally denied that he and Thomas came up with a story about what Allister was wearing (p.8).
- 2.144 He did not know what jackets Allister owned and he did not remember telling police he had a black CAT jacket (p.9).
- 2.145 He did not remember 17361. Had not spoken to Allister about a policeman who would give evidence for him. He did not know why that was in the statement. (p.7).
- 2.146 He worked at Northern Ireland Electricity in same building as Eleanor Atkinson and they were in contact two or three times a week (p.13). He did not know she was at school with his wife, or she knew his wife through Tae Kwon Do (p.14). He knew Robert Atkinson from U-18 football and had spoken to him half a dozen times since then (p.15).
- 2.147 He knew there was talk of Res Con Atkinson policing Orange marches in the tunnel but did not know (p.15). He was not happy about stopping of marches through tunnel (p.16). Policeman would have been unpopular if they had blocked the tunnel. Res Con Atkinson's conduct at the tunnel would not affect Hanvey's relationship with Eleanor but he was not in the office at that time (p.20).

Elizabeth Hanvey

Statement

- 2.148 Para. 13: She knew Robert Atkinson as they had grown up in the same area together. He was not a friend. He would not have had their phone number.
- 2.149 Para. 14: She did not know why a call was made from the Atkinson home to their house at 8.37 on 27/4/97 or at 16.24 on 2/5/97.
- 2.150 Para. 15: She did not remember Tracey Clarke buying Allister Hanvey a silver jacket with orange sleeves for Christmas 1996.

Oral Evidence

- 2.151 Kenneth picked Allister up from Thomas's every Sunday because he stayed there when he had been drinking (p.24).
- 2.152 She did not remember what Allister was wearing when he got home (p.24).
- 2.153 She did not remember a telephone call to her house on the morning of 27/4/97 (p.25). She absolutely did not remember burning Allister's clothes (p.26). She did not remember what jackets he owned in 1997 (p.26).
- 2.154 She knew her husband went to Thomas's on Sunday morning (p.28). She had never heard of a policeman prepared to give evidence for Allister (p.32).

- 2.155 Knew Eleanor Atkinson. They were school friends and had a connection at the Tae Kwon Do club. Knew at some point Kenneth worked in same office as Eleanor (p.34).

Glynnis Finnegan

Statement

- 2.156 Para. 6: In 1997 she and Andrea McKee had very little contact. Robert Atkinson and Eleanor Atkinson's daughter began to train at the Tae Kwon Do club and they moved in on Michael McKee and Andrea McKee. They had a very close friendship. Michael had a lot of respect for the police and military. Robert Atkinson was very overpowering with Michael McKee, taking the lead in their friendship and ideas for the gym. She did not know if the closeness extended outside the club. This occurred at time Andrea McKee's marriage was breaking down. She got the impression Andrea McKee only tolerated the Atkinsons but Glynnis felt she was pushed out.
- 2.157 Para. 11: Tracey Clarke was Michael McKee's niece and Michael was quite close to her. She would turn up here and there. She was interested in 'girly' things. Andrea was trying to help her.
- 2.158 Para. 14: There was no discussion whatsoever about the Hamill murder at the Tae Kwon Do club.
- 2.159 Para. 15: She could not remember hearing gossip about Robert Atkinson or anyone else. Robert Atkinson did not seem like himself after the incident. He was quiet.
- 2.160 Para. 18: Andrea McKee said she was involved in a court case. She understood the charges were for perverting the course of justice. Andrea McKee mentioned that Robert Atkinson had said she was in the house when she had not been. Andrea McKee said she had told lies but did not want to go into detail. It had something to do with phone calls. Andrea McKee did not mention anyone's name. She was not sure as she was confused about what Andrea McKee said and what was in a documentary on TV.
- 2.161 Para. 28: Regarding the call in 2000 from her landline to Tracey Clarke's address, she did not see or speak to Tracey Clarke once Andrea McKee left Portadown. The call was not to Tracey Clarke to ask her about Andrea McKee. She thought she may have called Tracey Clarke's mother.

Oral Evidence

- 2.162 Phone call nine in 1533 possibly discussed Andrea giving a statement breaking the conspiracy. Andrea did not lie in that statement. She realised she had done wrong the first time (p.39).

- 2.163 She did remember an overpowering relationship between Robert Atkinson and Michael McKee (p.39).
- 2.164 Andrea was not going to fight the conspiracy case as she had done wrong (p.40).

Stacey Bridgett

Oral Evidence

- 2.165 He knew Tracey Clarke and Allister Hanvey. He said 17327, where he and others are identified as kicking Robert Hamill was “untrue” (p.82).
- 2.166 He said that Tracey Clarke’s statement was untrue (p.86).

Pauline Rogers

Statement

- 2.167 Para. 4: Tracy McAlpine lived in Brownstown. It was a ten minute walk to her house from the town centre.

Oral Evidence

- 2.168 She vividly remembered seeing Allister Hanvey at the party (per 9129) but she did not remember others. She did not remember what anyone was wearing (p.16). She did not remember Kelly Lavery saying she had thrown people out, but obviously she did for it to be in statement (p.21).
- 2.169 Para. 21: She did not know if Judith Holland and Andrew Osborne left before she went to bed but got up at 5am. She got some water and found Dean Forbes, Allister Hanvey, Steven Sinnamon, Fonzy, Christopher Henderson, Shelley Liggett and maybe Tracey Clarke there.

Tracy McAlpine

Statement

- 2.170 Para. 11: After they got home she and Kelly went to bed. Kelly was a good friend of hers and would often stay the night.
- 2.171 Para. 12: At 05.00 she went with Kelly to the Esso garage. When she went downstairs she found a number of people in the living room. She was only there for a few minutes before she and Kelly left. She did not remember talking to anyone.

- 2.172 Para. 13: She was surprised to see people as she had not invited anyone. She thought Pauline had let them in. She saw Steven Sinnamon, Christopher Henderson, Iain Carville, Stephen Bloomer and Fonzy.
- 2.173 Para. 14: She did not know if Marc Hobson or Jason Woods were there. Thought Tracey Clarke was there but did not know why she did not include her in her statement 9616. Did not remember anyone talking about fight.
- 2.174 Para. 16: She did not have to go through the living room to go from the bedroom to the front door.
- 2.175 Para. 17: Dean Forbes arrived at her house later on but she could not recall whether he was alone or what time it was. She was very good friends with Dean at the time.
- 2.176 Para. 18: She did not remember if Allister Hanvey was there. She knew him as Tracey Clarke's boyfriend.

Oral Evidence

- 2.177 She knew Allister Hanvey to see (through Tracey Clarke) but did not remember Allister Hanvey being at the party (p.33). She remembered Kelly being angry about someone painting her face (p.41).

Shelley Liggett

Statement

- 2.178 Para. 15: She took 10-15 minutes to get to Tracy McAlpine's house from when she saw the commotion as she was dawdling. 9181 "arrived at house about 0210. Pauline Newell, Tracy McAlpine and Kelly Lavery were already there. A few minutes later Alf Annesley arrived and took me home" was true. A few minutes is "only 10-15 minutes at most" She did not think the party was in full swing when she was there.
- 2.179 Para. 16: Nobody arrived at Tracy McAlpine's house and told them what happened.

Kelly Lavery

Statement

- 2.180 Para. 7: When she arrived at Tracy's house they went straight to bed. She woke up some time later and went to the garage with Tracy. At that time she was not aware of others in the house but she did not have to walk through the living room to get out. When they got back she fell asleep in a chair in the living room. There were a few people there. She did not know who they were and still does not. She did not think she spoke to anyone and she did not

notice if anyone had injuries. She was not previously aware of any sectarian violence taking place in Portadown.

Oral Evidence

- 2.181 80630 was incorrect. Para. 7: She and Pauline went to bed, not Tracy (p.77).
- 2.182 She saw Allister Hanvey at the party (70969) but did not remember what he was wearing (p.76). She remembered telling him to get out (p.80). She did not hear anything about a fight at the party as she had been asleep (p.86).
- 2.183 She was not friends with Tracey Clarke (p.76). She knew Allister Hanvey as Tracey's boyfriend (p.87). No-one had said not to put him at the party (p.84).
- 2.184 She woke up at 5am and went to Esso with Tracy McAlpine. They came back and she fell asleep downstairs. When she woke up people had played with her make-up so she kicked them out (p.80). She only kicked out boys, she did not kick out Tracey Clarke. She did not see Tracey Clarke in the house (p.89). They left together in the morning but she could have been there all night (p.90).
- 2.185 After she kicked people out of Tracy McAlpine's house she left less than 30 minutes later (p.74).
- 2.186 She did not know why she did not mention that she saw Allister Hanvey in her Inquiry interview.
- 2.187 In the morning, she walked straight to Eden Cabs (office by A on Inquiry Map) with Tracey Clarke. They had to go back down across crossroads (p.73). There was no talk about a fight (p.82).
- 2.188 Per Question 2C 70969 spoke to policeman on way to Eden Cabs in the morning (p.73). The scene was cordoned off (NB which happened at 7:27). Policeman said there had been a row in town (p.75).

Victoria Clayton

Oral Evidence

She knew Tracey Clarke as an acquaintance (p.128). She and Jennifer O'Neill went straight back to her house and did not go to a party (p.130). She knew for a fact she did not go to the party as Jennifer stayed at her house every Saturday night (p.131). Tracey Clarke was not a friend, although Tracey Clarke's mother gave DS H a page with her phone number on (27303) (p.132).

Jonathan Wright

Statement

- 2.189 Para. 6: He had not seen Allister Hanvey's silver jacket since night of incident.

Oral Evidence

- 2.190 He did not know Thomas Hanvey and he did not know if his father knew Thomas Hanvey (p.59). He did not speak to anyone at 9.46 27/4/97 when a call was supposedly made to his house from Thomas Hanvey's house (p.60). He said there was no call (p.61).
- 2.191 Per 9139 Allister Hanvey wore light blue jeans, grey tracksuit top with zip up front with orange stripes on both arms. That was the truth (p.86).

Marc Hobson

Oral Evidence

- 2.192 "Was at Dean Johnston's flat with Wright and Hanvey. Arrived at 10pm" (per 562). He did not remember what Hanvey was wearing. He did not remember ever seeing him in silver jacket with orange stripes (p.121).

Iain Carville

Statement

- 2.193 Para. 19: He did not remember if Stephen Bloomer Marc Hobson or Allister Hanvey had injuries. He did not remember ever seeing Allister Hanvey wearing a jacket and he was sure that he would have remembered a silver jacket with orange markings on the sleeve.

Oral Evidence

- 2.194 He did not know why he said he only stayed at the party for half an hour in 70949. In response to seeing what Allister Hanvey was wearing (p.56) he said the difference must be due to a four year time difference (p.57) and drink (p.60).
- 2.195 He and Christopher Henderson walked to West Street Chinese and met Stephen Bloomer, Marc Hobson and Allister Hanvey and went to Tracy McAlpine's (p.52). He did not remember any discussions. He was not close enough to them to hear any conversations. He was asked on 19 May 1997 but he did not know what he remembered (p.53). He did not remember if he was with friends all the time between meeting them and going to the party (p.65).
- 2.196 9185 shows he was at the party, and he arrived after 3am. He saw Pauline Newell, Shelley Liggett, Kelly Lavery, Allister Hanvey, Dean Forbes, Jason Woods, Hobson, Stephen Bloomer, Steven Sinnamon, Christopher Henderson and Andrew Allen (p.54). He did not see what Allister Hanvey

was wearing. He left the party at 5.30- 45 (p.55). He had not lied about any part of the party (p.56).

Tracey Clarke

Statement

- 2.197 Para. 4: The statement to police on 10/5/97 was not true.
- 2.198 Para. 7: She was not going out with Allister on 26/7 April 1997 as they had been broken up for some days, at most 2 weeks.
- 2.199 Para. 12: She never saw people kicking a man on the ground. It was untrue that she could identify suspects.
- 2.200 Para. 13: It was untrue that she saw people kick the other man by Eastwoods.
- 2.201 Para. 14: The statement that the police did nothing was untrue as she did not see police on street.
- 2.202 Para. 16: She did not remember speaking to Res Con Atkinson and that part was probably wrong. It could have happened. She could not think of a reason to make that up.
- 2.203 Para. 18: She did not remember going to Tracy McAlpine's party. She was drunk so did not know why she would say people were discussing the fight. She could not remember if they mentioned that one of them was Robert Hamill.
- 2.204 Para. 19: She did go home and tell her mother about the fight but probably made up that Allister was involved as they had fallen out.
- 2.205 Para. 20: She would make something up to annoy Allister as she was very vindictive and it would be the type of thing she would have done.
- 2.206 Para. 21: She did not know where the comments about Res Con Atkinson telling Allister to get rid of his clothes came from. She thought it came from Andrea McKee. She believed Andrea had that put into the statement. Did not remember Allister contacting her to find out what she told the police because she was not going out with him and she probably made that up or Andrea put it in.
- 2.207 Para. 23: She did not recall buying the jacket for Allister and she did not remember what it looked like.
- 2.208 Para. 24: She made a false statement as the police were not going to let her out of the station unless she told them things and Andrea was telling her what to say.

- 2.209 Para. 26: An officer told her to say the names of those involved. She gave Allister's name as she wanted to hurt him.
- 2.210 Para. 27: She knew Forbes and Bridgett. She did not know a 'Muck' and she had nothing against Rory Robinson.
- 2.211 Para. 28: "Police were shouting at me and saying things to me and banging the table saying I wasn't going to get out."
- 2.212 Para. 29: She did not know why she did not try and withdraw her statement.
- 2.213 Para. 31: She did not say in consultation that things were wrong as she wanted to get out of there as quickly as possible.
- 2.214 Para. 33: With reference to her mother's statement 17331, she could have easily made things up as she made her statement three years after the incident. She guaranteed that "burning the clothes" came from Andrea. She got people in trouble. She was very, very vindictive. Andrea did let Tracey and Allister stay at her house even though she and Allister did not get on.

DC Albert McIntosh

Statement

- 2.215 Para. 23 80924: Allister had told them that a policeman at the scene asked Allister to assist in keeping the crowd back and he did so. Mr Hanvey refused to give details of this policeman. I found this unusual.

Oral Evidence

- 2.216 He would have pressed the issue about the policeman with Hanvey's parents to the point that required him to write "refused" (p.13). The Hanveys did cooperate and answered questions. It was noted where they were not as forthcoming as they could have been. They volunteered information about Hanvey's jacket that was different to the jacket that police were looking for (p.16).

DCI K

Statement

- 2.217 Para. 56: Res Con Atkinson's explanation for altering his overtime form was that he was entitled to more hours having been recalled.
- 2.218 Para. 58: He did not know when Res Con Atkinson became aware that police knew about the phone call to the Hanvey house. He believed Andrea McKee said that Michael McKee rang Res Con Atkinson about what Tracey Clarke had said and Michael said "he's an idiot if he did that".

2.219 Para. 59: He believed Hanvey “did go home” [sic] on the night of 26/7 April 1997 based on witness evidence and the use of ATM machine but he could not establish where Hanvey was that night.

2.220 Para. 60: Police were not able to positively ID the make and type of jacket.

Darren Wright

Statement

2.221 Para. 19-20: He was present at the interview of Michael McKee in which he admitted his part in the conspiracy. That admission was clear, straightforward and was not obtained by inducement.

Oral Evidence

2.222 There was a possibility that as Andrea McKee made a false confession, the evidence against Michael McKee was false and he, being a broken-down drunk, could do nothing except admit it (p.137).

2.223 He remembered Michael McKee asked for an additional consultation just before the interview started. He Recalled Michael McKee chose to admit his role in conspiracy (p.138).

DC John McAteer

Statement

2.224 Para. 22: He completed the QPF for Tracey Clarke at 20.00 8/5/97 and he suspected she was not telling the truth.

2.225 Para. 24: He met Andrea McKee with DI Irwin in a car.

2.226 Para. 31: On 9/5/97 he and DCI P39 interviewed Tracey Clarke.

2.227 Para. 34: Andrea McKee remained in interview room while Tracey Clarke made her statement.

2.228 Para. 35/6: He thought that Tracey Clarke was very genuine and she could not have made this situation up. She was able to give a very detailed description of what occurred which was consistent with Robert Hamill’s injuries.

2.229 Para. 47: He was present in consultation with Tracey Clarke on 17/10/97.

Oral Evidence

2.230 He did not know how it came about but the only alternative then was to interview Tracey Clarke. He had nothing to “turn him the other way” with Andrea McKee being part of the interview (p.98). She sat through the entire interview (p.146). He did not perceive a risk that Andrea McKee would put words in Tracey Clarke’s mouth (p.99). Per 80783 para. 31 and 32: “Before started explained procedure to Tracey Clarke and from outset recorded statement with name ‘Witness A’. He had to drag information out of Tracey Clarke in bits and pieces. Once she got talking she explained the whole thing. She was quite upset and could not believe Allister had done it. Tracey Clarke said that as long as her name did not come out, she was happy to talk about it and would give evidence in court”. DC McAteer said Tracey Clarke’s allegations against putting words in her mouth are nonsense (p.100). He had no doubt Tracey Clarke was telling the truth (p.101) and she was telling the truth about what Hanvey had told her. DC McAteer asked most of the questions, ran the interview and recorded the statement. Tracey Clarke was a voluntary attendee at the station (p.102). Andrea McKee said things to support Tracey Clarke in the interview. She did not speak during the recording of the statement but she spoke a bit when they were running through the facts (p.148). When recording the statement he would have got Tracey Clarke to explain what was in the statement before he commenced recording it. He would record the statement at her dictation. He would only ask questions to verify points (p.149). When that was done he read the statement over to Tracey Clarke and verified she was happy that the content was correct and then asked her to sign it (p.150). He recorded everything Tracey Clarke was able to say about Hanvey (p.151). He hoped Tracey Clarke would give evidence different to that in the pro forma (p.155). He got authority to proceed on the basis of anonymity during the interview. There were no conditions stipulated by Tracey Clarke before giving evidence (p.156). It was not a strategy to offer anonymity and the only objective was to establish what information Tracey Clarke had in her possession (p.157). DC McAteer mentioned to Tracey Clarke that the police did not believe her evidence in pro forma. He did not know at what stage he said that. He was not aware Timothy Jameson was being interviewed in different part of station at the same time (p.158). Per 263 “Saw Forbes, Hanvey, Bridgett, Muck and Robinson kicking and jumping on man in ground”. His interpretation was that those people were jumping and kicking and accordingly there was enough detail about these people’s actions (p.164). It was not a general rumour that someone had been kicked and beaten around the head (p.166). It did not concern him that Tracey Clarke told him she had lied to Hanvey about contacting the police already. She did not give the impression she was a young, immature lady who was inclined to lie (p.171). He did not know that Tracey Clarke was upset that Hanvey’s clothing had been bought by her (p.172). At para. 37 808783 Tracey Clarke said she was aware that she had not been telling the truth but she did not want to get involved. This did not concern him (p.175). There were two interview rooms in Portadown station. They were not next to each other (p.176). DC McAteer did not speak to DC Honeyford when interviewing Tracey Clarke. He did not speak to his superiors above DCI **P39** when interviewing Tracey Clarke. DCI **P39** was with him (p.177).

- 2.231 Per 80783 para. 32: “Tracey gave description of what Hanvey was wearing but [he accepts] this does not appear in statement”. If Tracey Clarke had given a detailed description and identified a specific garment etc he would have recorded that in the statement. He believed that the description given by Tracey Clarke was vague. He would have recorded it if Tracey Clarke had said Hanvey was wearing a silver lightweight jacket with orange stripes down the sleeves (p.103). He could not remember whether he had specifically asked her but would have asked Tracey Clarke for a description. He would not expect a note saying ‘witness was asked for description but could not say’ (p.111); police only write down specific things a witness tells you that is relevant to investigation (p.112).

DCI P39

Statement

- 2.232 Para. 20: DCI **P39** thought Tracey Clarke was telling the truth in her statement.

Oral Evidence

- 2.233 DCI **P39** and DC McAteer saw Tracey Clarke for the purposes of taking her statement (p.32). She stated it was utter nonsense that police banged on the table etc and that Andrea McKee forced Tracey Clarke to make a statement. Tracey Clarke was a very young, vulnerable girl. She understood that the police wanted the truth. She understood that DC McAteer was talking to her first and she went in and sat along with him while taking the statement (p.33). She believed Tracey Clarke was telling the truth and she was not under any sort of pressure from Andrea McKee (p.34). There was absolutely no inducement provided to keep Andrea McKee on board (p.183). Per para 20 81570 “Never thought Tracey would not give evidence and did not remember being aware she was being intimidated” (p.34). After Tracey Clarke had made her statement DCI **P39** and DC McAteer took her home and had a conversation with her parents about how good Tracey Clarke was (p.35). Tracey Clarke’s mother knew she had made a statement. She did not say that Tracey Clarke had not seen anything. Could not remember what was said about Hanvey’s clothing (p.36). Officers dealing with Tracey Clarke had great difficulty getting her into the station due to her nervousness and apprehension about making statement (p.130). Andrea McKee did not speak at all to Tracey Clarke when DCI **P39** was in the room. Tracey Clarke was in much later than Timothy Jameson. Her Inquiry Statement should be corrected as she was working from memory when she was interviewed (p.130). Andrea McKee was very apprehensive and she did not want to be seen by anyone at the station (p.131). She did not consider taking a statement from her at the time as did not know about the telephone connection between McKee and Atkinson until the phone billing came back. Also she could not take a statement from her at that time as she could not expose her in front of Tracey Clarke (p.132). She went to go and see Tracey Clarke’s family on many occasions. If Tracey Clarke’s mother rang, DCI **P39** would go out

immediately to see her. DCI **P39** was the closest police officer to the family (p.153). She went to give reassurance so that Tracey Clarke would not withdraw her evidence (p.154). She knew there was a risk that Tracey Clarke would not give evidence (p.156) but did not think she would withdraw it (p.154). To DCI **P39**'s knowledge Tracey Clarke was never the victim of intimidation nor was DCI **P39** aware that Tracey Clarke was telling people she had made a statement (p.157). She made efforts to move Tracey Clarke from Portadown; tried to get her into the Navy or a job a long way from Portadown in the West of the Province (p.187).

- 2.234 No-one ever contacted DCI **P39** to put Tracey Clarke's allegations to her (p.159).

Andrea McKee

Oral Evidence

- 2.235 She considered herself very close to Tracey Clarke and she supported and helped her when she could. Tracey was 17. Andrea McKee saw herself as a big sister (p.45). She was friends with the Atkinsons (p.45). There were no tensions between the McKees/Clarke/Atkinsons (p.46). She knew Tracey Clarke's parents: knew Jim Murray well, knew of Tracey's mother (p.40). Michael had a brother who they spent time with and he helped at Tae Kwan Do club (p.46). Tracey knew them and was close to them (p.46). She knew Allister Hanvey since he was 13 (p.46). They were friends (he was polite and well mannered. He was never unpleasant with Andrea McKee p.107). There were no tensions between him and any of Clarkes or the McKees. Allister Hanvey and Tracey Clarke had access to a room at the McKees' house where they could stay sometimes (p.47). Allister Hanvey stayed there twice (p.119). They would all socialise together sometimes (p.117). Did not know why Tracey Clarke called her 'vindictive' as she only tried to help her (p.103).
- 2.236 Tracey Clarke and Allister Hanvey had an on-again, off-again relationship (p.178). Tracey Clarke was not spiteful about Allister Hanvey when they were "on a break". She was always hoping they would get back together (p.179).
- 2.237 Allister Hanvey had a reputation for being in scuffles as he was known as a fighter. It would be instinct for him to use Tae Kwon Do skills in fights (p.200).
- 2.238 She became aware of the incident on the morning of 27th April 1997 when Tracey Clarke came round (which is normal p.171) and told her there had been a fight. She said she had seen Robert Atkinson. She was elated and excited (as she had news not because she was pleased p.172). Andrea McKee did not remember now if she said more. 81487 said "as week progressed Tracey Clarke told us [McKees] more about what she'd seen and appeared a few more people got to know about what happened" (p.48). That meant that it became common knowledge what had happened. "She recalled a load of

names of those involved including Allister Hanvey. Did not remember other names. "She was not familiar with Pauline Newell, Tracy McAlpine, Kelly Lavery, Clara Glover, Vicky Clayton or Shelley Liggett (p.49). She did not know Dean Forbes, Stacey Bridgett, 'Muck or Rory Robinson (p.50) She recalled that Tracey Clarke had seen fighting and was sitting on the floor outside Poundstretcher (p.177).

- 2.239 She did not know when Tracey Clarke told her Allister Hanvey was being updated by Robert Atkinson. She knew that Michael McKee was aware and called Robert Atkinson to discuss it (p.50). Michael McKee said to Robert Atkinson "If you did [update Hanvey], you're a fool". Michael McKee and Robert Atkinson were very close (p.51). Andrea McKee was fine with the amount of time they spent together (p.52). Andrea McKee did not talk about the Atkinson/Hanvey updates with Tracey (p.51).
- 2.240 Tracey Clarke was distressed when she found out Robert Hamill had died (p.52). She did not know why Tracey Clarke waited until Robert Hamill had died to give a statement to police. It did not cross Andrea McKee's mind to suggest it (p.108).
- 2.241 When Tracey Clarke was overheard at the gym by Res Con McCaw, Andrea McKee was in the reception area with Res Con McCaw at the counter. Tracey Clarke was talking to people about the incident in room off to side. The door was ajar and she could be heard. Res Con McCaw asked who girl was. He made a phone call from gym. Res Con McCaw asked if Andrea McKee would meet the police as he relayed what Tracey Clarke had said (p.53). It appeared that he was getting information to CID as soon as possible (p.90).
- 2.242 Andrea McKee told officers everything Tracey Clarke had told her. She Gave police the name "Stacey Bridgett" and some others, did not remember who. Did not remember if she told them Robert Atkinson was keeping Allister Hanvey informed (p.54). She met them at Kernan because that's where the police had arranged it for, not due to her concern (p.100). She did not tell Tracey Clarke at any stage of her interview she had seen the police (p.102). There were three officers there: Res Con McCaw, DC McAteer and DI Irwin (p.182). She was not frightened about cooperating with the police. She did not remember if she asked the police to keep the information secret (p.183).
- 2.243 17327 came about as Tracey's mother called Andrea McKee saying police had called and could Andrea McKee and Michael McKee pick up Tracey Clarke from her job at the Chinese and go to police station. Tracey's mother was not worried for Tracey Clarke. There had been no discussions with Tracey's mother at that stage. Tracey's mother would not have been able to take Tracey Clarke to the police due to a disability (p.55). Andrea McKee and Michael McKee went to the Chinese and took Tracey Clarke to the police station. Tracey Clarke was shocked. There was no conversation in the car saying "tell them what you know". Tracey Clarke was not looking for guidance from Andrea McKee. Tracey Clarke asked Andrea McKee to stay

with her when she was in station and the police allowed this. She did not take part in the interview; remind her of names or put names in her head (p.56) or put pressure on her (p.57). The words in the statement were Tracey Clarke's words. There was no truth in the suggestion the table was banged and Tracey Clarke was told she was not getting out of the station (p.94). Tracey Clarke gave more information in interview than she had talking to Andrea McKee. Andrea McKee believed she was telling truth. Tracey Clarke cried on the way home but had DCI **P39**'s number to ring if she had concerns (p.58). No-one entered the room except to say that Tracey Clarke's mum had called. No police suggested there was information from another source (p.94). She did not remember if DCI **P39** went in and out, just that she was there (p.104). She recalled Tracey Clarke saying she had asked Allister Hanvey about the person they attacked (17327) as Tracey was shocked. She could not say that "asked [Allister Hanvey] what he did" is odd when Tracey Clarke put herself as viewing the incident (p.105).

- 2.244 DCI **P39** and DC McAteer were present at Tracey Clarke's interview. DI Irwin was not (p.58). They were supportive of Tracey Clarke and nice to her. She did not think that the police knew the information already. They did not put any words in her mouth (p.59).
- 2.245 Tracey Clarke told police about the silver jacket during the interview (p.59). She said she had bought it but not where she had bought it from. Andrea McKee was sure Tracey Clarke described it to police. She did not remember how but Andrea McKee described it as "orange and black with silver lining and zip front" (81487) (p.60). Andrea McKee remembered the jacket as looking too small for Allister Hanvey, it was short in the body with long sleeves. He wore it a lot. It was orange down the sleeves with big cuffs, high in waist with silver colour to it. Allister Hanvey had no other jackets then (p.61); no blue Daniel Poole or black CAT jackets. The jacket Andrea McKee described was the same one that Tracey Clarke was telling the police about (p.62). People in Portadown were not pleasant to Tracey Clarke after she had made a statement i.e. in *Going Places*. She did not remember the exact detail (p.63).
- 2.246 She said Tracey Clarke's statement in Inquiry Interview that "Robert Atkinson telling Allister Hanvey to burn clothes" came from Andrea was untrue (p.109) as was Andrea McKee that put in, "Allister contacted me on numerous occasions" and "told me that Robert Atkinson was ringing him every day (p.110). Tracey Clarke in response to "Robert Atkinson told Allister Hanvey to burn clothes" said "guarantee that came from Andrea McKee" (p.112).
- 2.247 She did not remember discussing things with Tracey's mother and Jim Murray and passing information supplemental to Tracey Clarke's evidence (p.106).
- 2.248 The incident was the talk of the town (p.106).

- 2.249 Robert Atkinson said to Michael McKee that he needed cover for a call he had made early in the morning as it would get him in serious trouble. Did not know when this was. Michael McKee knew he would be asked to cover the call and was not happy about that but felt obliged (p.64). Robert Atkinson was in a bad state (was stressed, not sleeping well, lost weight) as a result of the call. She only spoke to Robert Atkinson about it when the McKees went round to his house to finalise what would be said at station. Eleanor was annoyed at Robert and at being dragged into it. She did not understand why Robert Atkinson had to try and help them (p.65). Andrea McKee was not involved at first but was involved when the others returned from the station. Robert Atkinson asked her to back them up. As a result she gave a statement at Sean Hagan's office which was taken by DI Irwin (p.66). Sean Hagan was the solicitor Robert Atkinson arranged (p.137). She gave her statement due to a misguided loyalty (p.95).
- 2.250 DI Irwin had been in the car when Andrea McKee spoke to the police but he was not in Tracey Clarke interview. He looked at her with raised eyebrows. She expected him to say he did not believe her (p.67). If he had said anything she would not have given a statement (p.68). She did not know if she said anything to make DI Irwin think that Sean Hagan was not her solicitor (p.185). She was surprised when Sean Hagan left for five minutes then came back (p.186).
- 2.251 In June 2000 she was seen by DI Irwin and DCS McBurney out of the blue. She had split up from her husband and moved to Wales (p.68). She went to Wrexham station with them where they said "it would be in her interest to tell the truth and they had spoken to Michael" (81487) (p.69). She did not remember if they suggested a solicitor (p.89). She was not threatened or pressured (and she has no complaints about their conduct p.89). She told the truth only because she had started new life and thought better (p.96).
- 2.252 14956 stated they were watching boxing that night but this is wrong as there was no fight that night and they did not have access to an event. She said that was an error (p.70). She did not remember at the time that others had been at her house that night. She recalled that Rodney Smyth and Joy Kitchen were there. They did not have their own key and were never in her house without Michael McKee or Andrea McKee present (p.71). It was a mistake putting [REDACTED] there (per 14908). She had thought about who was with her that night from June-October 2000 and made mistake with [REDACTED]s. During the interview she remembered it was Smyth/Kitchen as she remembered she had phoned a taxi. She did not remember if anyone showed her taxi receipts in her interview (p.126). She did not know why she made an extended statement in October 2000. She just made statements when she was asked (p.130).
- 2.253 She was in touch with Glynnis Finnegan in Portadown (p.89).
- 2.254 She would have carried out the blackmail threats (to tell the police of involvement in stolen CD players) in 21441 if Michael McKee not given her a divorce. She had known about the theft and not told the police, although

she had not been asked (p.73). She was not in the habit of blackmailing people or withholding information from the police. Michael McKee called her as a result of 21441. 81487 showed she said he told her that police had seen him and he had told the truth. She did not remember if he said then when confronted with the fact he had stuck by his statement (p.74). She felt that she should have told the police about the stolen CD players (p.124). She never sent 21445 (p.181).

- 2.255 When she saw Catherine Jagger she was going to tell the truth and not get in any more trouble. She did not want to get Michael McKee into trouble over the alibi for the phone call. They had done it together (p.75). She never intended to plead not guilty. She did not tell her solicitors to defend the case. She was aware that she could have gone to prison. She did not talk to Michael in course of, or after, the prosecution (p.76).
- 2.256 She did not have contact with Robert Atkinson in 2000. She was angry at him (p.76).

Allister Hanvey

Statement

- 2.257 Para. 9: Knew Res Con Atkinson through Tae Kwon Do club.
- 2.258 Para. 16: He did not make or receive calls from home to Thomas Hanvey at 10.03 and 10.58 on 27/4/97.
- 2.259 Para. 23: Andrea McKee despised me.

Oral Evidence

- 2.260 He no longer lives with Tracey Clarke (p.201). He never asked her about her statement as he had moved on when they got back together (p.2). They never talked about the incident even before they made up (p.77). He never held any animosity towards Tracey, only the police (p.81). Tracey was easily led (p.82).
- 2.261 People would meet at the club on a nightly basis but would not have contact by phone (p.27). He kept gloves for himself. He did not have a pattern book but would have had access to them (p.28).
- 2.262 He did not know that Jonathan Wright made three statements (p.205). He did not remember “walking to town centre, saying “follow me down” and Hobson/Wright not” (per 9137) (p.206). 9137 said Allister Hanvey had grey track suit top with zip and orange stripes on both arms down to the elbows (p.206). He did not remember but said if it was not in his statement then it was not true (p.207).

- 2.263 Con Alan Neill said he knew Allister Hanvey from an accident before the incident. He saw him (per 17427) wearing track-suit top but no description (p.208). Allister Hanvey said (9190) he was wearing a black CAT jacket. **P115** saw (9229) him wearing a dark baseball jacket with grey-ish sleeves. Allister Hanvey disagreed with that (p.209). He did not remember owning a grey/silver jacket with grey-ish orange stripes or Tracey Clarke buying him such a jacket for Christmas 1996. Tracey Clarke's mother said (14896) "Tracey bought Hanvey a bright silver coat with bright silver arms for Christmas 96 from Paranoid that cost £175". Allister Hanvey said this was false and she had a history of psychiatric (quite severe p.63), mental issues (p.210). He said he did not remember this and it was completely false (p.211). Allister Hanvey said about Jim Murray "what've I got to say about him?" Jim Murray said (17340) "Tracey bought [Hanvey] silver jacket from Paranoid for Christmas 1996. I never saw it after the Hamill incident. The jacket was silver with orange stripe on sleeve" (p.212). Hanvey did not remember ever owning such a jacket (p.213). 21147 showed a jacket similar to the silver jacket. It did not look familiar (p.16). 6606 showed he had never possessed such a silver jacket and said he was wearing a black CAT jacket that was "puffed up" (p.17). He did not remember going to Paranoid to have a jacket mended. He said it was totally untrue that he had a jacket for Christmas 1996 and burned a hole in it and took it to be repaired (p.18). He denied he destroyed the jacket he was wearing at incident (p.19).
- 2.264 Tracey Clarke (17327) identified Allister Hanvey as kicking Robert Hamill. Hanvey denied that. He believed this was concocted by the police and Andrea McKee. When Tracey made the statement it was okay, when Andrea McKee secretly met the police they added the hearsay (p.218). He had a hunch from the start she was the witness that got him arrested (p.219). He did not know when he found out Tracey was the witness (p.221). Tracey Clarke said she spoke to Res Con Atkinson and she then went on to Tracy McAlpine's party where people were discussing the incident (p.222). He was not aware that Tracey Clarke had said that the police and Andrea McKee put pressure on her to make a statement. It was a coincidence that both he and Tracey Clarke said the same thing given that they had never talked about it (p.50).
- 2.265 He did not think Andrea McKee was part of conspiracy to finger him before he knew she had met police before they had met with Tracey (p.52). He found out through legal paperwork he assumed was related to the murder charge (p.71). He was not surprised that he and Andrea McKee did not get on as they did not see eye to eye. She would gloat on others downfalls (p.53). He believed she had gone beyond this and engineered his downfall. He did not know why him (p.54). He could not think of another reason why; she disliked him. Despised is too strong a word (80932) (p.56). He knew she had given an alibi to Res Con Atkinson's call at 08.46am and knew she had indicated that was a lie. He did not know why she said Res Con Atkinson had told him to burn his clothes (p.58). He did not know why Michael McKee would go to prison over this account. McKee had no reason to get Hanvey in trouble (p.59).

- 2.266 Neither police nor Andrea McKee were present when Tracey Clarke talked to Jim Murray (17340). Hanvey said they were untrue (p.65). Statement said “Allister had given her abuse on phone and wanted to talk to her to get it sorted out”. (p.66). “Tracey met Allister and he was quite proud of what he’d done. He said “he was only a Fenian bastard”” (p.67). Hanvey did not remember that and she must have had it in for him (p.68). “Tracey was sat on the kerb near the back of the Land Rover and heard Atkinson tell Allister to burn his clothes”. He said those were lies (p.68). “Tracey said Allister had burnt his clothes”. Those were lies (p.69).
- 2.267 Andrea McKee visited him in prison. He consented as had no real reason not to as they were both in the Tae Kwon Do group (p.3). He thought she visited once. He did not remember other visits, including one on 26/8/97 with his mother (p.60) (3061). He did not know why he did not stop her coming back to visit (p.62). His aunt, Irene McKee, and his mother would visit him together (p.127).
- 2.268 He never stayed at the McKee house with Tracey Clarke. That Tracey had a room and they had stayed is “total rubbish” (p.62).
- 2.269 He did not remember going to a party. Tracey Clarke said she met with him a few days later. He did not remember seeing her between the events of 27/4/97 and being arrested (p.222). Stephen Bloomer (70957) put him at the party as did Iain Carville (579); Pauline Newell (9128); Tracey Clarke (17649) (p.8-10). He denied he was there (p.10); said that they are all lying (p.114). Andrew Allen (7354) said he heard at the party that Allister Hanvey had hit someone with a bottle. Allister Hanvey denied he hit someone (p.16). Pauline Newell visited him seven or eight times in prison. They were not going out but were friends (p.115).
- 2.270 Jason McClure (17308) and Chris Henderson (21624) put Hanvey at the party and said they walked through town with him in the morning to Z cabs. Allister Hanvey denied this happened (p.12).
- 2.271 DC McCrumlish (17361) said Kenneth Hanvey went to Thomas Hanvey’s house where Allister told him of the fight. Said Allister told him he had helped keep the crowd back and an officer would give evidence on behalf of Hanvey. Hanvey would not identify the officer”. Hanvey did not remember telling his father about the fight (p.277). He did not know why his father would make a statement (p.228). He did not know if the officer was Res Con Atkinson (p.122).
- 2.272 Hanvey said he went to his uncle, Thomas’s house (p.228) and his father collected him at 9am. It was not a false alibi made up by his family to cover up his movements between 2-9am (p.229). It took 10 to 15 minutes to walk from the town centre to his uncle’s house (p.5.) so he would have been there at 2.30am (per 9192). 9193 stated Hanvey arrived at his uncle’s at 3.30/4am. He was drunk. He told his uncle that there had been a fight but he was not involved. His uncle was not put up to that statement (p.6). He went to his uncle’s house now and again; not every night (p.43). It would be untrue if he

said he was at his uncle's house every Saturday night (p.44). 8131 showed he told **P62**, the same officer who took his statement, that he stayed at his uncle's every Saturday night. He said it was a mistake, not a lie (p.47). He did not remember discussion when filling in the questionnaire (p.49).

- 2.273 He was not aware that Res Con Atkinson called his house (p.1). 17329 showed Hanvey told Clarke that Res Con Atkinson had called at about 8am and told him to get rid of his clothes. He also contacted Tracey Clarke on numerous occasions and asked what she said to police. He said that Res Con Atkinson was calling Hanvey every day to keep him informed. Hanvey said all of that was not true. He did not know how Tracey Clarke knew a call was made at 8.30 (p.2) "a bit after" he got out of prison (p.3). He could not give a reason why a call was made to Jonathan Wright's house from his uncle's at 9.46am per 23814 (p.12). When asked if he received a warning from anyone regarding a phone call he said "know nothing of any phone call", "nothing of the phone call". He did not remember a phone call asking for equipment for Atkinson's daughter (p.33).
- 2.274 Per 17323 Hanvey's bank card withdrew £10 from First Trust Bank in Portadown centre at 8.46am 27/4/97. He had no explanation for that and did not remember if he paid for a taxi (p.13). He did not know if he lost or lent his cash card (p.14). He did not remember closing his bank account on 6th May 1997 (p.15). He was not trying to cover his tracks of taking £10 out (p.16).
- 2.275 He had never met Mrs Atkinson (p.36). There was no special relationship between Res Con Atkinson and Hanvey. He never met Res Con Atkinson in the course of his duties (p.37). He did not remember what Res Con Atkinson looked like (p.119).
- 2.276 He did not know of the Ombudsman's investigation (p.104) that initiated the CPCJ trial. He remembered that investigation and the planting of surveillance devices (p.105). He partly lived at that house as he varied his movements due to the high profile nature of the case. He discovered devices in Tracey Clarke's house (p.106). He did not have a tip-off but had a hunch (p.107). He said the police were not called to the house but they came over because obviously they could not hear any conversation in the house (p.108). They came round 20 minutes after he had found the devices and asked for them back (p.109). He refused to give them the devices as he wanted legal advice. Next time the police came he had a solicitor in the house (per 80721) (p.110). DS **H** said (80721) there were UVF in house, which he does not name. Hanvey denied this (p.111).

Eleanor Atkinson

Statement Notes

- 2.277 Para. 11: Phone call 27/4/97 was made by Michael McKee.

2.278 Para. 12: Phone call 2/5/97 was made by her to Kenneth Hanvey about books and kit for Tae Kwon Do.

2.279 Para. 15/6: Referred to what she said under caution on 10/4 and 31/5 2001.

Oral Evidence

2.280 What she told police in 9195 is entirely true (p.2).

2.281 She had been together with Robert Atkinson for 40 years. She would not tell a lie for him and never has (p.46).

2.282 She worked in different offices to Kenneth Hanvey but spoke to him twice a week (p.2). Went to school with Eleanor Hanvey (p.36). Allister taught the Atkinsons' daughter (p.37). She remembered trouble at the tunnel but not sure what duty Robert Atkinson carried out there (p.38). It would have caused a lot of people in the Protestant side not to like them (p.39). She was aware that Kenneth Hanvey had no time for Robert Atkinson due to perceived interference with Loyalist marching (p.40).

2.283 Robert Atkinson came home at 04.00 and 08.00 on 27/4/97. On neither occasion did he say he saw Allister Hanvey at the scene (p.3).

2.284 She knew Allister Hanvey and Tracey Clarke through the Tae Kwon Do club. She did not know that they had use of a room at the McKees' house (p.3). She did not know the set-up of their relationship so did not know if Hanvey/Clarke would spend the night at his parents. The McKees rang the Hanvey house looking for Tracey. They only made one call from the Atkinsons' house. "At the time I think they were engaged. Tracey and Michael were quite close so he mentioned that she might be with him" (p.4). They did not make any more calls as they had to go to the gym (p.5).

2.285 On the night of 26/7 April the McKees arrived unannounced between 20.00 and 21.00. She had drink with them (p.15). Her daughter was still awake then. She sat in living room for a while then went to bed (p.16). The McKees stayed over a lot. They stayed for a month during Drumcree (1996 p.20) as there was trouble at the Atkinsons' house. A window was shot at. They would come round two or three times a week. Michael McKee was usually drunk when he arrived (p.17). She did not accept that Robert Atkinson got the McKees the lease at Brownstown (p.19). The Atkinsons were friendly with the McKees and the McKees were very kind in staying over (p.20). Per **P39** 80032 "McKees stayed at house that night. Was second occasion [they stayed]". She stated the McKees did not go to bed when they stayed during Drumcree, they stayed in the living room (p.21). She did not tell anyone about the McKees staying during Drumcree as she tried to block it (p.22). Per 21300 "[they would stay] "maybe not once a week" (p.23) (What was said in interview was the McKees stayed with her for at least a fortnight when Robert Atkinson had to stay at Mahon Rd p.45). The McKees decided they wanted to stay before her daughter fell asleep (p.24). It was after 11pm -

midnight that the McKees decided to stay. She was not prepared to take them home as she would not leave her daughter (p.25).

- 2.286 When Robert Atkinson came home he did not wake her. The McKees were asleep in her daughter's room (her daughter was in her son's room p.24) which Robert Atkinson was unaware of (p.26). She remembered the phone ringing, Robert Atkinson answered and said he had to go back to work. He said there had been a row in town with the Coach bus. She remembered him coming back at 08.00 as she was up at that point (p.27). The McKees and her daughter were not up then. Robert Atkinson went to bed. She did not mention anything (p.28). Then she woke the McKees up (about 08.25 p.31), they had breakfast and she told them about the trouble in town (p.29). She had no information other than what Robert Atkinson had told her (p.30). No-one asked Robert Atkinson if he had seen Tracey Clarke that night. Michael McKee made a remark about Tracey Clarke being with Hanvey (p.32).
- 2.287 She did not know that Robert Atkinson was in the station at 08.07 as he was on the phone to Con Neill per 4149. It was only five minutes back to their house (p.33). She maintained Robert Atkinson was home at 08.00/08.05 (p.34).
- 2.288 She rang the Hanvey house on 2/5/97 to get a pattern book for her daughter (p.42).
- 2.289 She knew the McKees pleaded guilty. She did not know why they would make those statements if they were not true (p.5). The Atkinsons were close with the McKees. She knew Rodney Smyth and Joy Kitchen through the Tae Kwon Do club (p.6). She did not know why Andrea McKee would give the evidence she did as the McKees stayed at her house; she did not know why she was lying. There was no meeting or conversation about creating an alibi (p.7).
- 2.290 She did not remember when Robert Atkinson went off sick or stopped being a policeman. She did not know if it was because of his heart condition or the allegation that he went off sick (p.8). When Robert Atkinson was questioned by police about the allegation, she remembered the McKees had stayed at her house and had rung asking about Tracey Clarke. She asked her daughter who was at home that night about the call. She was 11 and asleep but knew the McKees had stayed (p.9). Eleanor Atkinson just remembered the call as Robert Atkinson worked late. This was not common. She was asked to make a statement by a detective. There was no discussion about that with the McKees (p.10). Her solicitor rang her to ask her to go to Lurgan station to make a statement. She agreed it was a solicitor, not a policeman, who asked her to make a statement (p.11).
- 2.291 She received a call on 5/12/00 from Michael McKee and he was drunk. There was no mention of a bullet and she told him she did not want to talk to him and put the phone down. At that stage the Atkinsons and the McKees were quite friendly through Tae Kwon Do (p.12). She agreed at that stage the club had broken up and the McKees had separated but Michael McKee stole

money from the students (p.13). She did not know why Michael McKee would call her husband to talk about a bullet being put through the post (p.14).

- 2.292 She did not know why Tracey Clarke or Andrea McKee or Michael McKee would tell lies about them (p.48). She stated that Andrea McKee made five different statements (p.49).

Res Con Robert Atkinson 81385

Statement Notes

- 2.293 Para. 36: Denied tipping off Allister Hanvey.
- 2.294 Para. 39/40: Denied conspiring with the McKees and referred to his interviews under caution on 10/4 and 31/5 2001.
- 2.295 Para. 51/2: His only knowledge of the phone calls was what his wife told him.
- 2.296 Para. 54: Reiterated that he did not call Allister Hanvey.

Oral Evidence

- 2.297 Went home at 04.00 (p.113). He did not look in on his daughter or wake his wife (p.114). He kept his uniform in the barracks but may have had his shirt with him (p.115).
- 2.298 Took “not even 5 minutes” to drive from the station to the house. It was a 1.4 mile trip. He knew that as he used to be able to claim mileage. He went straight to bed. He did not remember his wife telling him the McKees were in the house (p.123). The McKees stayed over about once a month (p.124). Robert Atkinson stated he had nothing to do with getting the Tae Kwon Do club a home as Michael McKee had already brokered a deal with Bobby Jameson (p.125). he thought he fell asleep at 08.15. Michael McKee did not ask him if he saw Tracey Clarke (p.126). He would have seen the McKees if they were in the kitchen but they were not. All the doors upstairs were shut (p.128).
- 2.299 The first time he became aware of the tip-off allegation was when he was interviewed in September 1997. He had gone home at 04.00 and went to bed. The phone rang after 06.00. He told his wife “there was trouble on the Coach bus”. He was not aware of the call at 08.37 as he was in bed sleeping. He went off sick after the interview. He thought he did return (p.87). He did not go off sick due to the allegation but due to two injuries he was carrying. The timing was a coincidence (p.88). Before he got the phone records he asked his wife about the call and she said that Michael McKee had phoned the Hanveys. He did not talk to the McKees about this between his first interview on 9/9/97 and his second on 9/10/97. He thought his solicitor

requested Eleanor and the McKees make statements as his solicitor had been contacted by the police (p.96). His solicitor had been at the original interview. He would not say he was close friends with the McKees but would socialise with them. He saw them once or twice a week between May 1997 and October 1997 (p.97). He stated that the call was mentioned on one of those occasions. He said “call was made, can you explain it.” Their reaction was totally innocent. He denied Andrea McKee’s version that there was a conversation asking Michael McKee to cover up. He stated that Andrea McKee made five contradictory statements (p.98). He stated that Andrea McKee lied as shown by her statement that her child was sick when she did not turn up to the arraignment (p.100). He stated that he did not have the impression that Joy Kitchen and Rodney Smyth gave oral evidence supporting their presence at the McKee house. He read the Inquiry transcripts every day. He stated that it would not necessarily be true evidence if the Panel concluded their evidence was that they were at the McKee house. Robert Atkinson felt it had not been proven that the taxi record showed that the taxi took Smyth into town. He did not know why Michael McKee rang him about the bullet in the post (p.101). He denied he would intimidate anyone (p.102).

- 2.300 He did not know why Tracey Clarke would make allegations against him and Allister in 17329 (p.89). “I have read the papers until I’m near blind and can find any evidence that somebody is ringing me every day”. He was sure that he had used a public phone many times (p.90).
- 2.301 Per 14897 Mrs Clarke talked about Allister Hanvey burning a silver coat on Robert Atkinson’s advice. Robert Atkinson did not know why the allegation was made (p.91).
- 2.302 Per 17339 Jim Murray said Tracey Clarke told him she had gone over to the back of the Land Rover and spoken to Robert Atkinson that night and Robert Atkinson had told Allister Hanvey to burn his clothes. Robert Atkinson stated “I didn’t return to the Land Rover until I was going back to station from when I initially got out of it” (p.92). Robert Atkinson “does not see how she could have spoken to him in back of the Land Rover as I wasn’t back in it”. Robert Atkinson refuted the allegations (p.93). Jim Murray stated he did not see the silver coat again. Robert Atkinson said that could not be firsthand evidence and would need to ask Murray about the jacket (p.94). Did not know why Tracey Clarke’s mother or Jim Murray would say Tracey Clarke was moaning about the destruction of a jacket (p.95).
- 2.303 He joined the police to help out the situation that Northern Ireland was in and to do civic duty. Other “like-minded” people were encouraged to do the same (p.130). He was detailed to perform duty on the Tunnel and was “pitted against those he knew”. He was there to do his job, not to be popular (p.133). His house was attacked as a result of this (p.134). Kenneth Hanvey did not make it known to Robert Atkinson that he was unhappy with him policing the Tunnel (p.135).
- 2.304 He was not near Drumcree (p.141).

2.305 It was nothing to do with him that Hanvey found his covert device the next day. He was not aware that Hanvey was arrested (p.155). He denied that he rehabilitated himself into Protestant community by tipping off Hanvey (p.160).

Submissions by Arthur J Downey Solicitors (Andrea McKee)

See 1.141

Re. Jim Murray (oral evidence) - stated that in regard to his statement to Police (17338) that it was detailed and he had no reason to tell lies or invent anything (pp154-155), and that he was doing his best to assist Police therein and tell the truth based on what Tracey Clarke told him (p155).

He further confirmed that Tracey Clarke had a room at the McKees' home which she used quite often (p156).

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

We have considered that the Panel may find it more helpful if our submission deals with all points and evidence pertaining to section 8 by way of a composite submission and thus in relation to the insertion of submissions or comments, we refer the Panel to the final submission made. Further there is considerable over-lap in matters relevant to this part and Part 13 and as such should be read in that context also

Submissions by the Police Service of Northern Ireland

See sections 3-5 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

We agree with Senior Counsel to the Inquiry's correction of the erroneous recording (see paragraph 2.3) by Dr xxxx of the SHO's notes. We respectfully leave to the Panel its determination in relation to whether there was a tip off, as outlined above.

Submissions by Richard Monteith Solicitors (Tracey Clarke)

CLOSING SUBMISSION ON BEHALF OF TRACEY CLARKE

1. The submissions presented to the Inquiry by Counsel to the Inquiry had indicated that two possible criticisms may be addressed to her. Firstly, it is contended that she gave a false statement to the police which led to the detention of the persons named in it. Secondly it is contended that she gave false evidence to the Inquiry. It is recognised that these are interlinked propositions and that they reflect the fact that there is an apparent conflict of evidence between the statement she provided to the police and the evidence which she gave, on oath, before the Inquiry.

2. The Inquiry has heard oral evidence from Tracey Clarke and she was subjected to a searching examination and cross-examination. The Inquiry has also been referred to a “statement” from Tracey Clarke. That statement was never signed by her and the Inquiry should be cautious about the fact that references are made to it, throughout the closing submissions, document without any caveat that this was a draft statement prepared by members of the Inquiry secretariat which Ms Clarke did not fully endorse either at the time of its creation or at the hearing before the Inquiry when she testified.

3. It is respectfully submitted that in considering the evidence relating to Miss Clarke, and in considering whether any adverse criticism should be directed to her the Inquiry should confine its consideration to the original empirical materials placed before it and the sworn evidence given by Ms Clarke at the hearing on 3rd September 2009.

4. The Inquiry’s task in this regard can be simplified by the fact that Tracey Clarke has accepted and continues to accept that she gave a partially false statement to the police which led to the detention of a number of persons on the night of 9th/10th May 1997. Miss Clarke accepts this is a fact. She has given sworn evidence to the Inquiry in the course of which she repeated that acceptance.

5. However, it does not necessarily follow that her candid acceptance that she gave a partially false statement should lead to any further public censure by the Inquiry. Miss Clarke invites the Inquiry to reflect carefully on the following factors:

a. She was aged 17 and was a minor at the time of her police interview on 9th/10th May 1997;

b. She is described as a “voluntary attender” at the police interview. However, she was brought to the interview by Andrea McKee without any prior notice;

c. Andrea McKee had liaised with the RUC previously without the knowledge of Tracey Clarke and had provided a detailed briefing to the officers at a late night meeting at Kernan;

d. Notwithstanding the fact that the interview was part of a planned strategy by the RUC investigation team, and could therefore have been arranged by appointment, the interview commenced in the late evening of 9th May 2009 and continued into the early hours of the following morning. These timings are necessarily imprecise because no proper record was kept of them;

e. The interview of this minor was conducted outside the normal PACE rules. It appears to be recognised, at least retrospectively, that the minor was vulnerable and in a state of distress throughout the interview.

f. The interview was conducted late in the evening after the Applicant had worked throughout the day in her job in the Going Places travel agency and had then worked in her evening job at the Chinese restaurant. She was brought directly to the police interview from her place of work without any opportunity to rest, eat, take advice from a legal representative or consult those who had parental responsibility. These are signal failings. If these

features pertained in an interview today any inculpatory statement produced therefrom would be subject to serious challenge as to its admissibility.

g. Ms Clarke was identifiably a vulnerable person (borne out by the subsequent years of psychiatric treatment). She was also a 17 year old minor. She ought therefore to have been interviewed in the company of an appropriate adult as required by PACE Code of Practice C paragraph 1.7. Andrea McKee did not meet the PACE definition of an appropriate adult as she did not have parental responsibility and police were aware that there were other persons who did meet the appropriate criteria. This would have been readily apparent from the fact that her mother was in telephone contact with the police station twice and asked to speak with her.

6. It is submitted that, considered in the round, the evidence provided by Tracey Clarke supports the analysis that the statement which she signed on 9th/10th May 1997 was partially false. The Inquiry will benefit from closely considering the QPF20 questionnaire which Tracey Clarke completed with D/C McAteer on 8th May 1997 just two days before she gave the contentious statement in the presence of Andrea McKee. On the 8th May 1997 she gave an account of getting off the bus in the town centre and walking up towards the Mandarin House. She heard shouting coming from the town centre but did not see anyone fighting. She does confirm seeing two persons lying in the road. However, in response to a direct question about whether she saw an assault she replies "No".[70901]

7. When the content of this questionnaire response is compared with the statement which she actually gave on 9th/10th May 1997 it is apparent that the questionnaire response and the statement are consistent with one another. In the statement she describes getting off the bus and walking up High Street towards the Town Centre. She describes walking as far as the Mandarin House. She states that she heard shouting in the area of Main Street and that they ran down to see what was happening. She then states that she saw two people lying on the street. She states that one of the persons was lying on the ground and did not appear to be moving.

8. Up to this point the statement and the questionnaire response match. In oral evidence to the Inquiry Tracey Clarke gave evidence that she accepted that the contents of the questionnaire response was correct and, insofar as the statement, adopted that information it was correct also. In essence she told the Inquiry she saw the bodies in the street but did not see any assault.

9. At this juncture it is respectfully submitted that the Inquiry should subject the content of the statement to forensic scrutiny. The statement relates that she saw persons gathered around the body on the road. She states that she saw persons jumping and kicking the person on the ground. However, this does not, as a matter of pure logic, square with the fact that she and her friend had heard shouting about a fight and run to the scene where they saw motionless persons on the ground. The most reasonable inference to draw from this is that Tracey Clarke witnesses, at most, the aftermath of the fight rather than the fight itself.

10. This is supported, it is submitted, by the peculiar content of the statement thereafter. She does not specifically identify any of the persons who were kicking or jumping all over the body but provides a numerical list of five persons who were involved. The Inquiry will note that on the first page of her statement she also provides a list of persons who were with her on the bus but does not list them in a numerical fashion. Tracey Clarke gave evidence that the police provided her with a list of names. The fact that she cites a numbered list of names in her statement adds weight to the veracity of that statement.

11. The statement then records that Michelle Jamison was helping the other unconscious person at the shop. However, this is wholly inconsistent with Michelle Jamison's statement. She stated that she did kneel down briefly beside an injured person but that the assault had ended at that stage. It is also notable that Tracey Clarke had denied that she knew Michelle Jamison. The statement continues that she then saw "persons" running up and kicking this person on the ground. However, having given a precise list of people involved in the earlier part of the statement she now offers no specificity at all about the identity of the assailants.

12. In the statement Tracey Clarke is alleged to have stated that she went home the morning after the assault and told her parents what had happened about the attack and identified Alistair Hanvey as being involved in it. However, this is not consistent with her mothers statement which relates that in the immediate aftermath of the event she told her parents very little of the events of the Saturday night but did provide more information as the days went on.

13. The statement also lacks internal logic. Tracey Clarke is alleged to have seen the persons who conducted the attack at close quarters. She allegedly identified Alistair Hanvey as one of those involved. However, in the third page of the statement she is recorded as having asked Alistair Hanvey what he did to the persons attacked in the centre of Portadown. If she had seen the assault, as the statement suggests, what possible reason would she have to interrogate Alistair Hanvey about what he did during the fight. If she saw the events this would be an entirely superfluous question.

14. The Inquiry should also have close regard to the circumstances in which this statement was procured. Tracey Clarke spent time in the Tae Kwon Do club with Andrea McKee. She gave evidence that in the days after the assault the club was a centre of gossip and speculation as to what had happened on the night of 27th April. Tracey Clarke gave evidence that she heard much of that gossip and repeated some of it to Andrea McKee. She also contended that Andrea McKee was actively collecting gossip about the events of the Saturday night.

15. It has been alleged that Tracey Clarke was overheard giving an account of what she saw by an off duty police officer in the Tae Kwon Do club. However, Tracey Clarke had no recollection of the police officer (McCaw) who was alleged to have overheard her account. Indeed, the Inquiry Panel is

invited to closely consider the interview which was conducted with David McCaw on 27th November 2000. [22670] He was expressly asked if he recalled hearing anything being discussed around the gym about the Hamill incident. The notebook record of the interview records McCaw saying that "he didn't recall hearing anything apart from what Andrea told him." He was asked to think carefully about what initiated the conversation between himself and Andrea but could not remember. He did recall Andrea McKee giving him information about the alleged tip off from Robert Atkinson.

16. Strikingly, he was asked if he remembered anything about Tracey Clarke. He stated that he could not remember that name and could not remember mentioning about this girl being a witness to the case. He was also specifically asked if he could recall Andrea McKee telling him and D/C McAteer about what Tracey Clarke had told Andrea about what she had witnessed at the scene. McCaw stated that he could not recall this.

17. The contents of this interview cast serious doubt on the contention that Tracey Clarke was brought in for interview because she was overheard relating details by Constable McCaw at the Tae Kwon Do club. It is submitted that the balance of the evidence clearly suggests that this event did not take place. Tracey Clarke gave evidence that she did not know McCaw and did not recall discussing witnessing the fight at the gym. Moreover, McCaw denies knowing Tracey Clarke and has no recollection of overhearing such an account. The notebook interview records specific detail of other aspects of the interview at Kernan with Andrea McKee. It is submitted that it is most unlikely that a police officer would remember peripheral details relating to an inquiry but would forget that he heard a first hand description of the scene of the assault.

18. The notes from the McCaw interview do confirm, however, that there was a detailed liaison with Andrea McKee on the evening of 8th May 1997 and that it was following this meeting that the plan was hatched to bring Tracey Clarke in for interview the following day. During the course of that interview Andrea McKee was present throughout, and on Tracey Clarke's evidence, contributed to the interview and prompted Tracey Clarke to recall issues for the police officers.

Comment

- 3 The terms of reference do not directly require a determination of the question whether Mr Hanvey attacked Mr Hamill. However, they do appear to call for the determination of the issue whether Mr Atkinson tipped-off Mr Hanvey with the intention and the effect of obstructing the murder investigation.

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

We agree that if Mr Atkinson tipped off Mr Hanvey, it was done with the intention and probable effect of obstructing the murder investigation.

Submissions by Gus Campbell Solicitors (Marc Hobson)

As the inquiry is required to determine whether the police tipped of a potential suspect, any resolution of this question in the positive sharply brings into question the veracity of the police Land Rover crew and their willingness to fabricate evidence or indeed obstruct an investigation for their own ends to substantiate their assertion that they were out of the Land Rover. Con Atkinson put his statement in the pigeon hole of Con. Neill and despite Con. Atkinson stating that they did not talk about any allegations made against them at the scene Con. Neill states they probably did talk and that he was aware of the allegations made against them at the time at the scene (Pg24 Day 51 19th May 2009).

What is of interest is the evidence of P89 who states that he was warned as to the danger of A. Hanvey by Con. Atkinson (at Inquiry Day 32 24th March at Pg 12) whilst in the police line as he was being very hostile and Con Neill did observe Hanvey but forgot to mention him (Day 51 19th May 2009), yet both Neill and Atkinson failed to mention having seen Hanvey in their statements.

Con Atkinson was later accused of tipping off Hanvey .Con Atkinson leaving out any mention of such a hostile man at the scene is inexplicable unless he were trying to protect him and the fact that Neill forgets to mention him is convenient for this protection assertion, especially when Atkinsons statement was available to Neill who had the opportunity to read Atkinsons statement in this regard and then at the trial of Hobson it is Atkinson who is the only police officer to back up Neill and give credence to his evidence and identification against Hobson

The obstruction of the murder investigation is facilitated in the lack of evidence forwarded to the ODPP regarding the sightings of Hanvey by both Neill and Hanvey and their relevance to the tip off investigation which allowed for the ODPP to maintain that both Hanvey and Neill remained credible witnesses.

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

The terms of reference do not require a determination of the question of a conspiracy to obstruct a murder investigation unless the Panel determine there was a conspiracy about an innocent phonecall (there being no objective evidence as to the content of the phone call) which was entered into with the intention of obstructing a murder investigation.

Submissions by the Police Service of Northern Ireland

It is agreed that the terms of reference do direct the Inquiry to consider and determine the question of whether Mr. Atkinson tipped off Mr. Hanvey. See section below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see above, we are unable to comment on the content of any phone call.

- 4 There are a number of indicators that he did so. Firstly, Andrea McKee and her husband pleaded guilty to entering into an agreement with him to cover up the telephone call made on 27 April 1997. Unless the Panel concludes that they did so falsely then it may decide that Mr Atkinson made the call and wished to hide the fact. Secondly, Tracey Clarke was able to tell police about the call on 9 May 1997. If Andrea McKee was not party to it then the only realistic explanation for her knowledge of it was the one she gave the police, namely that Mr Hanvey had told her of it. Thirdly, the Hanveys gave a false alibi, to the effect that Mr Hanvey was with his uncle Tommy until he was picked up by his father. Fourthly, Mr Hanvey lied to police about only having the black CAT jacket he claimed to have been wearing on the night. Whatever jacket he was bought by Tracey Clarke from Paranoid, it was not that one. Fifthly, Mr Atkinson did not report to the detectives his sighting of Mr Hanvey on the night, even though he had been concerned enough about his behaviour that he warned Sgt P89 of him. Finally, Tracey Clarke was able to repeat the account given in her statement to Mr Kerr QC, which was regarded as truthful, and did not disavow her police statement until interviewed for this Inquiry. There are other pieces of evidence, such as that of Mr Leatham, which support those factors.

Submissions by Arthur J Downey Solicitors (Andrea McKee)

(1) There was no incentive for Andrea McKee to tell lies after June 2000 about the false alibi statement she made on 29 October 1997 (the real risk of going to prison after June 2000 when she came clean about the false alibi of 29 October 1997 was hardly an incentive). The reality is that she decided to co-operate after June 2000 and tell the truth.

(2) Neither was there any incentive for Michael McKee to do so - he did in fact get a prison sentence.

(3) The evidence of the taxi firm and of Mr. Smith and Ms. Kitchen, clearly shows that they were at the McKees' house with the McKees on the night/early hours of the alibi, and the McKees did not stay at Atkinson's house. Therefore they could not cover the phone call.

(4) The Coroner regarded Tracey Clarke's account as truthful;

(5) DCI K clearly assessed Andrea McKee's evidence on the alibi as credible, as indeed did those people within the DPP;

(6) Alastair Hanvey has admitted that he told lies to police about staying at his uncle's home every Saturday night;

(7) The evidence of xxxxx Clarke and Jim Murray about what Tracey Clarke told them is also important, in that it underlines contact between Hanvey and Atkinson. Furthermore, it demonstrates Tracey Clarke giving an account implicating Hanvey and Atkinson when neither the Police nor Andrea McKee were there. There was no reason for her to keep up the 'pretence' to xxxxx Clarke and Jim Murray of what she now claims to be the lies in her statement of 10th May 1997 - unless of course (as Andrea McKee contends) it is the truth.

(8) Alistair Hanvey was remanded in custody largely on the strength of Tracey Clarke's evidence. She knew this, and despite this she did not at any stage come forward to say that her statement of 9/10 May 1997 was false - the only credible explanation for this is that her statement was true.

(9) Hanvey and Andrea McKee had a reasonable relationship (she visited him in prison and he didn't refuse visits). Hanvey stayed at the McKee house with Tracey Clarke. Accordingly, there was no reason for Andrea McKee to get Alistair Hanvey into trouble.

(10) Equally, there was no reason for Andrea McKee to want to get the Atkinsons into trouble. Neither was there any reason for Michael McKee to want to get the Atkinsons or Hanveys into trouble or to try and frame them. For example, the only matter which seems to be put forward by the Atkinsons for a breakdown in the relationship with the McKees is that their daughter was assessed by Michael McKee as not being good enough to take part in a martial arts tournament.

It is submitted that this hardly provides motivation for the McKees to, firstly, get themselves in serious trouble and in the case of Michael McKee go to prison, and secondly, to get the Atkinsons and Hanveys into trouble (over the false alibi).

(11) There is no evidence whatsoever of bad blood, the desire for revenge, or any sort of breakdown in relationships between the McKees and the Atkinsons and Hanveys, which would motivate the McKees to deny the false alibi. The only cogent explanation for denying the false alibi is that Andrea McKee and then Michael McKee wanted to tell the truth. The truth that they told is of course in line with all other factual indicators in the case (from the observations at the scene right through to the telephone call at 08:37 hrs and the statement of Tracey Clarke on 10th May 1997 etc.)

(12) Police of course must have been part of the conspiracy against the Atkinsons and Hanvey from the very start, as according to Tracey Clarke they effectively bullied her and cajoled her along with Andrea McKee to make a false statement. It is submitted that any scrutiny of the evidence of Constable McAteer,

P39 and Andrea McKee shows that this is entirely erroneous - they all behaved appropriately when Tracey Clarke gave her account and the desire was to put her at her ease so that she would tell the truth - which she did do in her statement of 10th May 1997. Her more recent actions in seeking to distance herself from that statement are, frankly, incredible and defy belief.

(13) Tracey Clarke's initial account to police in the questionnaire document 22660 and 22661 did not implicate Hanvey. If her motivation at the start was either to get him in trouble or to go along with things suggested by Andrea McKee why did she not do this in the initial document.

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

In our view, the evidence is compelling that RC Atkinson did make a telephone call to Allister Hanvey telling him to burn the clothes he had been wearing on the night of the attacks.

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

Furthermore, if the Panel accepts the evidence of DC McAteer and P39 in relation to the statement of Tracey Clarke and the evidence of DCS McBurney and DI Irwin who were indirectly involved in the lead up to the taking of that statement with Andrea McKee, this would strongly suggest that Tracey Clarke made a voluntary and therefore probably truthful statement

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

We have considered that the Panel may find it more helpful if our submission deals with all points and evidence pertaining to section 8 by way of a composite submission and thus in relation to the insertion of submissions or comments, we refer the Panel to the final submission made. Further there is considerable over-lap in matters relevant to this part and Part 13 and as such should be read in that context also

Submissions by the Police Service of Northern Ireland

The unequivocal position of the PSNI is that that there is overwhelming evidence to support the suspicion that Res. Con. Atkinson made telephone communication with Alistair Hanvey to advise him to get rid / destroy his clothes, and that he thereafter engaged in a conspiracy to cover the tracks of this criminal act. It was for that reason that police prepared a file for the prosecution service and expected that Atkinson would be prosecuted.

The compelling nature of the evidence to support the suspicion that there was a tip off can be shortly recited:

- Tracey Clarke had no basis for knowing that a telephone call had been made between the Atkinson and Hanvey households on the 27 April 1997 unless someone with direct knowledge of that call informed her about it.

- The fact that a call was made was later corroborated by reference to the telephone records.

- The possibility that the McKees placed the call in order to check on the welfare of Tracey Clarke has to be considered. However, Andrea McKee and Michael McKee could not have made the call unless the Inquiry accepts that they were prepared to volunteer for criminal convictions and prison sentences (suspended in the case of Andrea McKee) for offences that they were not guilty of, and for offences which could never have been proved against them but for their admissions. It is submitted that the absurdity of this position is all too obvious.

- Moreover, the better evidence is that the McKees were not even present in the Atkinson household on the morning of the 27 April 1997 to be in a position to make any such phone call.

- The lie that was hatched to protect Res. Con. Atkinson was decidedly far-fetched. The Inquiry has been asked to accept that having heard about a fight in Portadown town centre the McKees became so worried about their niece that they decided to phone the Hanvey household. It is unclear why they should have been so worried about her. It is unclear why they should have thought that by telephoning the household of her then ex-boyfriend, their concerns for her would be addressed.

In that Res. Constable Atkinson tipped off Alistair Hanvey and drew together the elements necessary to cover that telephone call he was guilty of the most serious criminal acts which were designed to impede a murder investigation.

That such behaviour ought to be anathema to a police officer is glaringly obvious. On the 13 December 1974 Robert Cecil Atkinson swore the following Oath before Mr. Edward McCann JP:

"I, Robert Cecil Atkinson swear by Almighty God that I will well and truly serve our Sovereign Lady the Queen in the office of Reserve Constable without favour or affection, malice or ill will; that I will to the best of my power cause the Peace to be kept and preserved, and that I will present to the best of my power all offences against the same, and that, while I shall continue hold the said office, I will faithfully, according to law, to the best of my skill and knowledge, discharge all the duties of the said office, and all such duties as may be attached to such office by law....."

Res. Con. Atkinson has betrayed his Oath of office, his colleagues and the organisation in which he served. His acts have caused community confidence in the system of law and order to be undermined. In more practical terms he has placed barriers in the path of a police investigation which was determined to apprehend those who were responsible for Mr. Hamill's

murder. In doing so he has prevented investigators from obtaining all relevant information about the murder, and stymied forever their attempts to get to the truth.

The PSNI repudiates such conduct in the strongest possible terms and apologises to the family of Mr. Hamill that a police officer could have behaved in such a fashion. It is utterly regrettable that he escaped prosecution for his conduct.

The fact that Res. Con. Atkinson saw fit to tip off Hanvey establishes that Atkinson saw Hanvey on the street close to the scene of a serious crime and that he was sufficiently suspicious about Hanvey's behaviour that he believed that he may have participated in the murderous attack. Why else would he have felt the need to make the telephone call and issue the advice which he gave?

Of course there is no direct evidence to establish just what Atkinson saw Hanvey do, apart from Atkinson's denial that he saw him do anything of note. It doesn't inevitably follow from the fact of the tip off that Atkinson actually saw Hanvey do anything; although to go to the efforts of making such a call provides compelling grounds for the inference that he was bound to have been highly suspicious about Hanvey's involvement. Moreover, genuine and reasonable suspicions are bound to be raised when Res. Con. Atkinson completely failed to mention Hanvey in his statement to police when in fact he saw him at the scene and issued a warning to his Sergeant about Hanvey's prowess at martial arts. His explanations for failing to identify Hanvey in his statement are unacceptable in policing terms and unworthy of belief.

It is submitted that the question of whether Hanvey did attack Mr. Hamill is answered persuasively by reference to the statements provided to police by Tracey Clarke and Timothy Jameson.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Please see 3 above.

Submissions by Richard Monteith Solicitors (Tracey Clarke)

There is no definitive evidence that Tracey Clarke repeated the statement about the telephone call to Mr Kerr QC nor that it was regarded as "truthful".

- 5 Against that, Tracey Clarke, the Hanveys and the Atkinsons have given evidence on oath which amount to innocent explanations. The Panel will need to weigh their evidence against the factors set out in the preceding paragraph.

Submissions by Arthur J Downey Solicitors (Andrea McKee)

See Paragraph 4 above.

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

This evidence, despite the fact that it was given on oath, was given many years after the event. In Tracey Clarke's case the evidence she gave to the Inquiry is at odds with consistent statements she made to the RUC and to the DPP despite a gap between the first and the second statements of two and a half years. Those who killed Robert Hamill are still at large. Those who are suspected of his murder had paramilitary connections at the time of their arrests and may still have those connections. If Tracey Clarke, the Hanveys and the Atkinsons lied under oath to the Inquiry, they had two incentives for doing so; first, a wish not to incriminate themselves and secondly, fear of reprisals.

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

The Tip –Off

The issue of whether or not there was a tip-off depends entirely upon the assessment of the panel in relation to the evidence of Tracey Clarke and the evidence of Andrea McKee.

The Panel has had the benefit of direct evidence from both Tracey Clarke and Andrea McKee as well as individuals who had dealings with Andrea McKee and knew her well. Further, the evidence of a number of lawyers, highly skilled in assessing potential witnesses regarding credibility, truth and untruth.

Profiles to aid the Panel in assessing the strength of the witnesses' evidence.

Profile Andrea McKee

We would ask the panel to revisit in its entirety the evidence of Andrea McKee, Tracey Clarke, Jim Murray, Christine Smith BL and Gerald Simpson QC.

It is clear from Tracey Clarke's evidence that Andrea McKee "liked to put her oar in and talk about everything, and you know, she was a chatterbox", "she liked to know what was going on and she was like the centre but she got information from lots of different people so that she was in the middle of it all." "Andrea McKee brought me to the police station because she was like a miss-know-it-all. She liked to be in the middle of the conversations and she liked to be in the middle of what I was saying to her, what I had heard and what she heard at the gym so she brought me because she had a story to tell as well." "I know what happened that night and I know what Andrea was like. She was the gossip. She was excited about information. She was the one who brought me to the police station. She was the one who met the police in a cemetery at a dark time. I was there was went along with things." (Day 54) She describes Andrea McKee as vindictive.

Jim Murray whose evidence is to be found on Day 11, was a candid witness. He too gives insight into the nature of Andrea McKee. “Andrea McKee I wouldn’t put any trust in her.” He was not a witness who endeavoured to present himself in any good light. He made it quite clear that Andrea McKee’s attitude to him was that “I was just like nobody” and “she’s a person who would turn”. The Panel are urged to revisit the evidence on Day 11 of Jim Murray in its entirety and cross-refer to the sections below referring to Andrea McKee’s relationship with Jim Murray.

Summary of Andrea McKee’s relationships with:

(a) Tracey Clarke

See outline of profile of Andrea McKee above and Tracey Clarke below. In summary, old influential, sister-type relationship of a vulnerable mixed up 17 year old girl from a dysfunctional family who was in close geographical proximity and under the influence of Andrea McKee. She was also the niece of Michael McKee who had an affection for her. Contact was, if not daily, very, very frequent. Tracey Clarke was greatly under the influence of Andrea McKee.

(b) Tracey Clarke’s mother

Close geographical proximity, very regular contact, evidence of extensive gossiping. Tracey Clarke’s mother was ill and vulnerable. Evidence of very frequent contact involving idle gossip which turned into malicious and excessive gossiping regarding the evening of 26th/27th April and thereafter.

(c) Jim Murray

See reference to Jim Murray in Andrea McKee’s profile above. He did not trust Andrea McKee. He saw Tracey greatly under her influence. He thought Andrea McKee did not like him and she made a point of not keeping him in the “link”. His alcohol problem was so severe, and the nature and personalities involved, lends great credence to the view that the contents of Tracey’s mother’s and Jim Murray’s statements emanated largely from Andrea McKee. We would urge the Inquiry to revisit Day 11, the evidence of Jim Murray, to be considered in its entirety.

(d) Michael McKee

She was married to Michael McKee. The marriage was volatile and unhappy, Michael McKee had a drink problem, which everyone except Andrea McKee accepts. She is the only person who denies his drinking was a problem. Indeed he was very frank about his grave alcohol problems which was illustrated in his interview notes. He left Andrea McKee on a number of occasions and finally did not return. The evidence is that she was bitter and wished destroy his name in Portadown. See also the letter from Andrea McKee to Michael McKee at 23893 where she writes “I have let you off scott free with all the shit you put me through, well that stops right here.... If you think I am bullshitting take your chances!!”

(e) Tae Kwon Doe Club

Andrea was a central figure, the wife of the man who was running it. Constantly present and engaging in tittle-tattle gossip at the club.

(f) The Atkinsons

They had much contact and dealings, largely emanating from the Tae Kwon Doe Club. The Atkinson's daughter was a skilled member from the age of 4 to 14 years. The Atkinson's were totally supportive of her and the club which she participated in. They became friends and Andrea and Michael McKee were very frequent visitors to the Atkinson's home, regularly giving the Atkinson's daughter a lift home from the club. Whilst Mr Atkinson was residing in Mahon Road army barracks and the Atkinson family were intimidated and their daughter afraid, it is common case that Michael and Andrea McKee would very regularly, during that period, have stayed all night in the home, sitting up all night with Eleanor McKee and her daughter. There is evidence that on occasion they had stayed over, sleeping in the daughter's bedroom after heavy drinking. Further the home of the Atkinsons was in close proximity to the gym.

(g) Glynnis Finnegan

She had been a friend of Andrea McKee's. She kept in contact with Andrea McKee by telephone about once a week. Paragraph 17 of Glynnis Finnegan's Inquiry Statement (81600) illustrates what Andrea's thinking was to her friend and only confidante left in Portadown, that "After Andrea left our telephone conversations mainly involved complaining about Michael and Frankie. Andrea was very interested to know if I had seen Michael. I know it is very important but the issue with Robert Hamill and the Atkinsons was not a big topic of conversation."

Factual Issues arising out of Andrea McKee's statements

Andrea Mc Kee gives an outline as to why the Panel should accept she was at home on the night of 26/27th April. The fabrication in relation to the persons staying at Andrea McKee's is a matter dealt with below but herein it is submitted that the real evidence does not go to illustrate that there is any foundation nor any corroboration whatsoever regarding that there were persons staying at Andrea McKee's home on the night of 26/27th April.

(1) Who stayed, if anyone, in Andrea McKee's house on the night 26th/27th April 1997?

The Panel must consider whether any credibility whatsoever can be attributed to the contention that Rodeny Smyth and Joy Kitchen had stayed at the home that night. We submit that there is no credibility that can be afforded to this contention on the part of Andrea McKee. When one looks at her initial outline of who was staying, namely xxxx and Ms xxxx, she gave great detail as to what occurred that evening. She stated that she watched a Prince Naseem fight, broadcast on Sky, in their company. It has been established that she was not a Sky subscriber at that time, she did not have a

Sky subscription card as she had alleged and that the Prince Naseem fight was not televised that evening. She gives detail that xxxxx and Ms xxxxxx got a taxi home – this is not confirmed notwithstanding extensive investigations, nor is her contention that she recalls xxxx and Ms xxxx arriving by taxi. Nor is her alleged recall of making a telephone call to a taxi firm on their behalf been confirmed. Neither xxxx nor Ms xxxx confirm being at her home on the night in question. The evidence before the Inquiry is that xxxx and Ms xxxx had not met each other at the relevant date and thus could not have been in each other's company as a couple at the home of the McKees. The evidence is they did not meet each other until July 1997.

The Panel will be aware that it was only on being shown a taxi-record referring to "Smith" does Mrs McKee then abandon the construct relating to xxxx and Ms xxxxxx and gives evidence that Rodney Smyth and Joy Kitchen were present in her home. Again she alleges they came and went by taxi; the taxi records do not substantiate this. Such taxi record as is before the Inquiry on this point does not, we suggest, confirm or corroborate that taxi taking passengers from the McKee's home, namely Rodney Smyth and Joy Kitchen. It is contended that the police produced a telephone bill, which showed a telephone call from the McKee's house to the call-a-cab office at 01.30 27th April 1997. Requests have been made on behalf of Robert and Eleanor Atkinson to verify its existence and its provenance. We have been informed that this document has never been supplied to the tribunal and the Inquiry has not seen it, nor has its whereabouts been accounted for despite, no doubt best efforts.

The taxi-record, of which a clear copy has been seen, shows merely a "Smith" being taken to town from a location of "xxxxx", not as has been contended a "Smyth" to Thomas Street. The driver Annesley says "I have no recollection of picking up from that address..." (80025). The unredacted record does not indicate that on the night of the 26/27th anyone was actually picked up and taken to Thomas Street from the McKee's home.

The Panel is referred to the transcripts of Rodney Smyth and Joy Kitchen which make it clear that they have no memory of the events suggested by Andrea McKee. Neither xxxxx nor xxxxxx confirms being at the McKee's house on that evening.

(2) Paying legal expenses

There is no evidence whatsoever that any monies were paid by way of legal expenses by Robert Atkinson to Sean Hagan or any lawyer, on behalf of Andrea McKee. There is evidence before the Inquiry that due to the difficult times in Portadown it was not an unusual practice for statements to be taken in premises other than police stations.

Andrea McKee's dealing with the criminal justice system

They commence with the discussion with Constable McCaw in the Tae Kwon Doe club. The route it took thereafter arose out of the gossip-generated conversation. The overwhelming evidence, notwithstanding her

denial of same, is that she was reluctant to go to the police station with Constable McCaw and accordingly she went to meet police officers at a secret location late at night, with Constable McCaw who was not there in his capacity as a police man. This is the hallmark of the drama queen who wants to be at the centre of the action.

The following day she picks up Tracey Clarke at night and sits through Tracey Clarke's interview, late into the night in the police station. It is a matter for the panel as to whether or not they accept Tracey Clarke's evidence that Andrea McKee participated in the interview; in view of Andrea McKee's approach to matters it is highly unlikely that she sat in silence.

The next step that she takes is giving an interview on 29th October 1997 at the office of Sean Hagan solicitors. There is evidence for the Inquiry that the interview took place there due to a reluctance of persons to attend the police station for interviews. She gave that interview in the presence of Detective Inspector Irwin, notwithstanding that he had been present in the motor vehicle at Seagoe and that he would also have been aware of the contents of Tracey Clarke's statement. That the interview was further attention seeking behaviour on her part, telling the gossip and representing it as truth if it made her "a player", was not ruled out as an acceptable option for her.

Andrea McKee felt it necessary to make 6 different statements to police, which we refer to the Inquiry. (09200,14956, 20297, 14909, 81486, 19988) The contents of those parts of those statements which she alleged to the Inquiry were true were shown to be lies throughout the course of the Inquiry. Her capacity to brazenly lie as she illustrated to the prosecuting counsel, Mr Simpson QC and Ms Smith BL, she also so illustrated to the Inquiry.

It should be noted that Andrea McKee had no dealings with the police from 29th October 1997 until 20 June 2000 when police attended her home in Wrexham. She did not go to them. Whatever her past was, it was not troubling her to the extent that she felt it appropriate to seek to put it right. The timing of their arrival coincided with a period of very great animosity which Andrea McKee was feeling towards Michael McKee. There is clearly evidence, with the blackmail letter that she wrote him (23893), that she would fight him, that she would do anything. The police arriving, treating her as a witness originally, gave rise to a golden opportunity for her again to be a real "player" in relation to a project she was engaged upon, namely the downfall of Michael McKee who had the subject of phone calls between Andrea McKee and her confidante Glynnis Finnegan.

Police arranged for a solicitor with expertise in Queen's evidence to act on behalf of Andrea McKee. That solicitor arranged for the police to forward a letter (73017) to facilitate the sentencing on a plea of guilty. The Panel are referred to the evidence of Catherine Jagger, Day 14, Page 28, line 7 - "It was arranged through the police and she was asked if she then wanted me to represent her" "So the police asked her if she wanted to be represented by you." "Yes" "she didn't come to you?" "No". "Does that happen often?" "Not realistically" Line 21 - "So you would have been aware would you that

when she was being directed to you by the police this was not a run of the mill this was exceptional?” Line 25 “In what way do you mean exceptional?” “ Yes it was not the normal route. There was an exception to the normal route.”

This clearly illustrates that the police having gone to her, then set up the circumstances that gave rise to the guilty plea in an exceptional and unusual way. Page 29, Line 14 “You were brought into discussion with the police before your client had even known of you or had requested you?” Line 17 – “briefly, yes.” The learned Chair puts (see page 31 line 16) “was there any discussion between you and the police about how they might put her case of what they might say in favour to mitigate her offence?” Line 19 “those discussions related along the lines of the letter that I wrote to them and then the letter that would be then put before the Judge.”

Further at Page 31 – line 22 – “So what you were trying to do was to get the police to speak well of your client with a view to a suspended sentence?” Line 25 – “with a view to a more lenient sentence?” “Yes.” The Panel is referred to the letter at 73017.

In the absence of any explanation given to the contrary it is a reasonable presumption to make that Mrs McKee, initially instructed her legal team that she would be denying the charge of perverting the course of justice. In this regard we refer to the defence statement. She was not willing to plead guilty at the first available opportunity but tried to avoid a conviction, something which again illustrates that she was participating in a scenario which had been presented to her, as opposed to having a genuine desire to reveal what she considered to be the truth of the matter. This would accord with the view formed by Prosecuting counsel, Ms Smith BL that Andrea McKee looked at things through a “what’s in it for Andrea McKee” attitude.

Regarding any suggestion that there was the real risk of a custodial sentence, this must be considered against the fact the police were “speaking up for her” (73017). She was the mother of a young child, embarking on a new career, settled in another jurisdiction, away from any circumstances in time, geography or personalities that gave rise to the alleged misdemeanour. The Panel may take the view that a custodial sentence was never a realistic possibility.

On the other hand Ms McKee achieved her end of vengeance on Michael McKee, who had abandoned her, was living with another woman and also revenge on those who had lost respect for her when she left the Tae Kwon Doe club with student’s monies, e.g. the Atkinsons.

Andrea McKee’s dealings with the personnel involved in the Prosecution of Robbie and Eleanor Atkinson.

We refer to the cross-examination of Andrea McKee in relation to her attendance for a PI on the 22nd of December. In particular we refer to the cross-examination carried out by Mr Emerson QC regarding her

attendance at the GP and Pendine out of hours surgery. Mrs McKee had indicated to Constable Murphy the gravity of the illness with which her child was suffering. Prosecuting counsel Ms Smith BL is informed by Constable Murphy and Ms Smith BL informed the Resident Magistrate that the witness was unable to attend because the child had had mumps, swelling of the scrotum, high temperature and a fear of fitting. The matter was adjourned for medical verification of this evidence. The very extensive enquiries which the Panel are fully appraised of and which were pursued at great length at hearing, illustrate that Andrea McKee told lies, regarding her unavailability to attend on the 22nd December.

We refer to evidence of Christine Smith BL, an experienced prosecutor, that she was under a duty to tell the defence about the view that she had that Andrea McKee was lying. Ms Smith's evidence is very telling, particularly when she was pressed by the Chairman at page 100 of her transcript - "what other terms were there?", she responded "its one of those wee pieces of evidence that somebody says or something that somebody says that makes you stop in your tracks and think." and "So it wasn't just the question of her being safe, but what could Andrea get out of it for Andrea was the impression I was being given." Ms Smith BL was totally satisfied that she was not a credible witness.

Likewise Mr Simpson QC considered her to be a brazen liar - "she was brazen about it. She was cute... It was quite an important lie and she stuck to it brazenly." (Page 40) The thrust of this witness's evidence was that "she was an easy liar, I thought, someone who just resorted to a lie very quickly." The Chairman's remarks at page (Page 50) are very telling and are illustrative of the sojourn of Andrea McKee throughout this process - "The trouble is one lie begets another?" Mr Simpson's answer is also telling "What a tangled web we weave, when first we practice to deceive." Mr Simpson QC strongly confirmed that he thought she was lying in his consultation. The Panel can be assured that in reaching his conclusion, Mr Simpson QC had addressed his mind to what weight he attached to Andrea McKee's plea of guilty when reaching his decision. The learned Chairman raised this and it is clear that in reaching his ultimate decision regarding Andrea McKee he factored that plea of guilty into the balance and his conclusion did not change.

The Panel will be mindful that the issue of the credibility that should be afforded by Andrea McKee was pursued right through to the Attorney General considering the issue. The Inquiry is referred to the advices of David Perry QC (Exhibited to Mr Kitson's evidence) on three occasions (Pages 160-203, 205-279 and 231-241). David Perry QC was asked to revisit his first advices at the request of the Inquiry Counsel Mr Underwood QC. The searching questions were focused and put by counsel for the Inquiry and fully and expertly handled by David Perry QC. We refer to David Perry QC's advices at page 221 of the exhibit):

"The Atkinson Conspiracy.

4.16 “The fifth point made by counsel to the Inquiry is that the decision not to proceed against Atkinson and others was questionable and calls for explanation...”

4.18 “In conclusion I do not agree that the matter raised by counsel for the Inquiry gives rise to any concern.”

It is clear from his advices that David Perry QC assessed the strength, quality and credibility of the available evidence when reaching that view. There is evidence before the Panel that Mr Perry has extensive experience of prosecutorial practice and has advised the Government on many high profile cases in the past. The Inquiry is referred to page 361 of exhibit “RAK11” – the memo from Mr McGinty to the Attorney General. It is clear that the Attorney General met with David Perry QC and it was clear that the Attorney required assurance that the prosecutorial system had been robust and fair and that appropriate decisions had been taken and he also queried “whether there was room for doubt about withdrawing the RUC officer’s prosecution.” (Paragraph 10) “Perry didn’t think so. Senior Counsel, having seen the witness had formed the professional judgement that she was unreliable.”

Profile of Tracey Clarke

The evidence is clear and not disputed that Tracey Clarke was a 17 year old vulnerable girl. She was in a volatile difficult relationship with Alistair Hanvey. She came from a dysfunctional family with an ill mother who she describes as being abusive and vindictive towards her. She had an alcoholic stepfather. Her emotional mindset was chaotic in relation to the volatility of the relationship which she had with Allister Hanvey. She had a close relationship like younger sister, older sister with Andrea McKee. It is clear that she was dependent on Andrea McKee for a number of things such as the open house which she enjoyed at Andrea & Michael McKee’s home and the close proximity thereto. They facilitated her boyfriend staying over at that house. There was a lot of dealings between Tracey Clarke and Andrea McKee and indeed Andrea McKee and Tracey Clarke’s mother. Andrea McKee tells the Inquiry a little of what life was like for Tracey. “You know she had a difficult life with her Mum. I used to do washing and stuff and give her money from time to time to help her out”. Tracey Clarke describes herself being a mess. She used the terminology such as “I was just being a little bitch wanting to get him into trouble” (referring to Allister Hanvey). She says of herself regarding telling her mother about the fight “I was on the town that night and I had probably said I had seen it but hadn’t. Just wanted to you know bump myself up. I don’t know why I just did”. She says of herself “because I was very vindictive and a bitch”. She says “At that time of my life I was under a lot of stress with my Mum taking ill. I used drugs as well which is never – I have never told anybody. I was at a bad stage in my life and I just did it. I have no reason for it. I have to live with that everyday in what I have said”. The evidence is that she suffered mental illness.

We would urge the Panel to revisit the presentation of this witness, in regards to her oral evidence, her body language and her demeanour.

In total, thus, it is respectfully that the vulnerability of this damaged young individual knew no bounds and that when one considers the person of Mrs McKee, the only possible conclusion is a young girl under the total influence of Andrea McKee. A young girl caught up in circumstances where the person who was using her gave her a “role that there was something to be excited about”. And indeed what is very telling is that Tracey Clarke indicates that the relationship with her mother was a bit better when they were all sitting round gossiping about the night of the 26th and 27th.

Further the evidence of Tracey Clarke illustrates that she was a young girl looking for a mental escape. That she wanted to bury the wrong doing of her lies which she did.

I refer the Inquiry to the question “did a bit of you try to get on with your life and bury your wrong doing about making up this statement?” The answer to that was “Yes.”

It is submitted that the above profiles assist the Panel in their deliberations regarding:

1. The influence of Andrea McKee on Tracey Clarke
2. The use made by Andrea McKee of Tracey Clarke
3. A reasons for Andrea McKee using Tracey Clarke
4. The vulnerability of Tracey Clarke to Andrea McKee
5. Tracey Clarke’s reasons for her conduct in not stating that the contents of her statement were untrue at an earlier stage.

The Panel’s attention is also drawn to

(a) That when not under the influence of Andrea McKee on the 8th May 1997 she answered questions cooperatively and fully in relation to the questionnaire. She did not make any allegations that were made the following day in detail, in Andrea McKee’s presence

(b) The issue which arose during the Inquiry regarding an extract from medical evidence wherein it was stated “when she was admitted tot the admitting SHO that she saw he boyfriend kicking Robert Hamill. (Document 75323). The Panel is referred to her transcript on day 54 where she readily agreed to consent to the release of her notes to allow this matter to be further explored. Mr. Underwood QC later outlined to the Inquiry that the steps which had been taken established that Tracey Clarke was correct in the evidence she had given the Inquiry that the note of 75323 was indeed wrong.

Profile of Robert Atkinson

During the course of his entire long service as a policeman, at no time was it suggested that he was anything other than a diligent, courageous police officer who did his job conscientiously without fear or favour with no sectarian orientation whatsoever. The Inquiry heard much evidence that he and his wife suffered greatly by reason of sectarian attacks, including attacks on his home over years. The animosity from which he suffered was from both Loyalist and Nationalist factions. Further the evidence was that he was helpful in the community and did much for the young people in his assisting with the recreation club of the Tae Kwon Do club. The profile of his personal

life is that of a man with a stable marriage with two children, him and his wife having known each other for some 40 years. The evidence is that he did not compromise the sacrifices that were expected of him in the course of his duties which is well illustrated by his residing in Mahon Road army barracks for a considerable period around the time of the Drumcree difficulties. There is no evidence that he was unpopular with colleagues until this unfounded allegation was made. Insight as to how Reserve Constable Atkinson was not a man to shirk from his policing duties is given in the evidence of Donald Blevins on day 27:

“Dinsmore: And when one looks at pages 61 and 62 of the interview -- and I too don't intend to pursue the language, but am I correct in understanding that the reason this police officer was so disliked was because he was particularly diligent in going about his duties and that he was well-known for arresting wrongdoers without fear or favour or hesitation, like when you said he would arrest his ma? Isn't that indicative of a policeman who was determined to do his duty right and properly without fear, if it was appropriate to do so?

A. Yes.”

The wealth of evidence shows clearly that Reserve Constable Atkinson did his duty of law enforcement devoid of any sectarian influence.

The Inquiry also have the benefit of Reserve Constable Atkinson's full cooperation at all times, as did the police service, the DPP, the ICPC and judicial proceedings wherein he gave evidence at the trial of Marc Hobson.

The Inquiry have had the benefit of seeing and hearing this man.

To determine that a man of this standing and this dedication, in his community, had done what was alleged, is a matter of the most utmost gravity, personally and professionally devastating. It is incumbent on the Inquiry when seeking an evaluation of the truth on this issue, that they must be satisfied of a very high level of cogent evidence.

Profile of Eleanor Atkinson

The Inquiry have evidence that Eleanor Atkinson was a family woman, worked conscientiously, contributed to the community and was totally supportive of the personal sacrifices that she had to make and the suffering she went through by reason of her husband's occupation. She was resilient in the face of sectarian violence and wished to remain part of the community within which she had forged relationships. At all times she has cooperated with the Inquiry and the investigating police. The Inquiry has had the opportunity to hear and see her.

Profile of Michael McKee

The Inquiry did not hear from Michael McKee. The Inquiry does not have a statement from Michael McKee. The evidence, which has not been disputed, is that he is a man who has serious personal and professional problems, a

serious alcohol addiction and personality problems. He was considered unreliable and untrustworthy in relation to financial matters and was fickle apropos personal relationships. He moved from jurisdiction to jurisdiction. The profile of this man is of a person who was not functioning adequately or dealing with the normal rigours of life. His pleading to a conspiracy charge must be considered in the context of the influence of Andrea McKee, his dysfunctional lifestyle and a tendency to take a line of least resistance. This was a man who had no fight left in him. There is evidence from Robert Atkinson regarding the reason he met with Michael McKee. He states he had concerns of a suicide risk and Michael's heavy drinking. Further, in relation to a call made to the Atkinson's home from a public phone box by Michael McKee, Eleanor Atkinson readily accepts that she received that call but Michael McKee was drunk and she refused to talk to him.

Other Issues

There are five other issues to consider when deciding on the alleged tip-off:

Where there any telephone calls?

Who made those telephone calls?

What was the content of those calls?

Was there a conspiracy entered into about the making of those telephone calls?

The Jacket, the subject matter of the alleged tip-off.

The phone calls

(1) It is accepted that a phone call was made at 08.37 on the morning of 27th April from the home of Robert and Eleanor Atkinson to the home of Kenneth and Elizabeth Hanvey.

(2) Kenneth Hanvey statement (22104) is in evidence before the Inquiry and it states he received the call.

(3) Whilst there is a debate as to the whereabouts of Allister Hanvey on the morning of the 27th April 1997, his evidence is that he got no message from Robert Atkinson.

(4) The only evidence about the words spoken in the call is that of Kenneth Hanvey and Eleanor Atkinson's evidence that Michael McKee asked if he could call to ask about Tracey Clarke.

(5) Andrea McKee has no direct evidence of what the contents of the phone call were.

(6) Andrea McKee has no evidence of being present when Robert Atkinson made any admission to the effect of the call as alleged.

(7) Andrea McKee has no evidence, hearsay or otherwise, that Robert Atkinson made any admission to making the phone call to anyone, including Michael McKee.

(8) There is no evidence from Michael McKee that ever any admission was made by Robert Atkinson to him.

(9) The only evidence before the Inquiry from Michael McKee is his interview. In that interview there is no evidence that Robert Atkinson had ever stated he had made the alleged call.

(10) There is no evidence, notwithstanding that the allegation was “the talk of the town” that Robert Atkinson was making daily calls to Allister Hanvey as alleged.

(11) It is accepted that a second phone call was made on 2nd May between the Atkinson and Hanvey households. That call was made by Eleanor Atkinson and is referred to below.

Accordingly the only relevant evidence before the panel is hearsay evidence from Andrea McKee, attributing Tracey Clarke as her source. A full evaluation of the evidence of the personalities involved and what occurred can only lead to the conclusion that the evidence before the Inquiry of Tracey Clarke is the truthful outline.

The evidence from a number of witnesses before the Inquiry is that there is a reasonable explanation for the phone calls between the Atkinson and Hanvey households, which, in the absence of any other proof to the contrary, should be accepted. Those reasonable explanations are that Michael and Andrea McKee stayed at the Atkinson home that night, something which was not unprecedented. Michael McKee had an affection for his niece and on hearing of the trouble in town from Eleanor on the night involving the Coach Bus was concerned for Tracey Clarke to such an extent that he rang the Hanvey household to enquire after her safety, knowing her to be in a relationship with Hanvey at times. It is not disputed that Robert Atkinson returned to work in the early hours of 27th April 1997 and having spent much of the night on duty, went straight to bed when he returned home. The only evidence is that he spoke to his wife in their bedroom and made a fleeting remark of about trouble in town.

The undisputed evidence regarding the participation of the Atkinson’s daughter in the Tae Kwon Doe club gives foundation to the call in May in which Eleanor Atkinson sought kit for her daughter from the Hanveys.

The Jacket

The police believe that Allister Hanvey was wearing a silver grey jacket possibly with orange flashes on the sleeves. See the questionnaire’s questions 17 & 18 copies enclosed. Only Martin Hull who was involved in the fracas was wearing a grey jacket in so far as can be ascertained from the papers. See paragraph 4 of his inquiry statement.

Sergeant P89 saw Allister Hanvey but cannot remember his clothing and does not confirm or give evidence in respect of it. Jonathan Wright gives the first description of what Hanvey is wearing. At the scene Mark Hobson was also wearing a grey sweatshirt.

What Allister Hanvey was wearing especially the “top worn” at the time of incident is important for a number of reasons. The first police officer who saw Allister Hanvey and knew him says he wore a dark coloured baseball type jacket with greyish coloured sleeves see page 00713 (copy enclosed).

Jonathan Wright described Allister Hanvey as wearing a tracksuit top, grey colour, with a zip up the front. It had orange stripes on both arms which went down to the elbow. No one at the party either knows him to have a silver jacket or sees Allister Hanvey wearing one. This is featured in the questionnaire's question 16 & 17. Again copies enclosed.

Allister Hanvey himself says he was wearing a black padded jacket. It follows that there is confusion as to the nature, design, colour or colours and description of the top worn by Allister Hanvey at the scene. Eyewitness evidence is conflicting.

It is difficult to see that any of the descriptions covers a silver jacket with "Skanx" written on it and with orange braiding two inches wide down the full length of the sleeves. No eyewitness describes a silver jacket with orange braiding running down the full length of the sleeves. The matter is complicated and further muddled by the statements of Tracey Clarke's mother and Jim Murray (copies enclosed). Tracey Clarke's mother says "Tracey was saying imagine telling him to burn that good silver coat. It cost Tracey £175 out of Paranoid in the High Street Mall".

An inconvenient truth is the coat that was bought by Tracey Clark from Paranoid in December 1996 was a blue $\frac{3}{4}$ length padded Daniel Poole coat with a silver cross on it. This incontrovertible fact arises from the evidence of Julian Lyons who not only describes selling the coat but he actually recalls selling the coat to Tracey and that it was a blue Daniel Poole Puffa Jacket with a silver cross it was not grey or silver save for the cross and had no orange stripes on it. Inconveniently not only does he remember selling it he remembers repairing it and inconveniently again he refused to bow to police pressure to say that he sold her a silver jacket. If only one coat was bought at that time by Tracey and she had little extra money that coat was a blue Daniel Poole Puffa.

There is no evidence that Tracey bought a second coat. She was paying for the first coat by instalments and she had no extra for another expensive coat from Paranoid. They have no records of selling her another coat or of accepting part payment for that other coat over the relevant payment.

It cannot therefore be true that she would say as her mother has said "imagine telling him to burn that good silver coat." At most she could have said imagine telling him to burn that good blue coat.

It follows that she did not say these things. It also follows that this information did not come from her. It also follows that this information was placed into the minds of Mrs Clarke and Mr Murray by someone other than Tracey because that someone did not know the truth.

The evidence from Julian Lyons and his staff is of Tracey Clarke laying the Daniel Poole coat aside and paying for it weekly up to the Christmas period. Anyone who reiterates the story of the silver jacket is perpetrating an untruth and shows that their evidence is tainted by inaccuracy or untruths. Jim Murray (Tracey Clarke's step-dad) states as follows:

“Tracey had bought him a silver jacket from Paranoid for the Christmas that’s 1996 and I never saw it after that Hamill incident. The jacket was silver like anorak material without the lining in it. I remember the jacket had an orange stripe on the sleeves. The jacket only came to his waist and it looked too small for him. I don’t remember if Tracey said the jacket was burned but I do remember her saying that the clothes were burnt. I remember Tracey buying Allister a dear jacket because she said she was paying it off every week in Paranoid. I don’t remember Tracey buying any other items of clothing out of any other shops for Allister”.
The error here is obvious it was never a silver jacket and any description of a silver jacket being bought from Paranoid is clearly untrue.

Interestingly he says I remember Andrea McKee that Tracey told police that she had told Hanvey to burn his clothes. One wonders if Andrea didn’t plant the whole thing into their heads.

We refer to the following.

1. Statement of Paul Warnock (police officer) page 713.
2. Jonathan Wright page 00566.
3. Questionnaire page 70950 and 70951.
4. Statement of Ian Carville page 5 paragraph 19.
5. Statement of Michael John Porter page 09292 are. Search finds black padded jacket.
6. Statement of Stephen Christopher Hughes page 17354 producer of Skanx jacket.
7. Statement of Allister Hanvey 00561.
8. Statement of Julian Lyons pages 1, 2 paragraphs 3,4,5,7 and 8.
9. Holmes action print page 05113.
10. Statement of Charles Donald Andrews page 2 paragraph 8.
11. Questionnaire page 57019 questions 18 & 19.
12. Statement of xxxx Clark page 14897.
13. Holmes document 05116.
14. Holmes document 15717.
15. Statement of James Murray pages 17339, 17340 & 17341.

In conclusion the only coat that Tracey Clark bought Allister Hanvey at Christmas 1996 and paid for by instalment was a blue Daniel Poole Puffa Jacket. She never bought him a silver Skanx jacket. Anyone who says that she did is stating an untruth and her parents by adopting the silver jacket in their evidence have shown that their evidence is tainted and unreliable with regards to the clothing issue. The same can be said of anyone else who latches on to that statement of Tracey Clark’s that she was annoyed with him burning a silver jacket because of what it had cost her. She never bought a silver jacket all evidence in respect of silver jackets attributed to her is untrue.

The plea of guilty on the part of Andrea and Michael McKee

The Panel are referred to the profiles herein and the dynamics of the relationships set out above. The circumstances when Michael McKee pleaded guilty are that of a pathetic broken individual, going along with whatever is presented to him. The plea of guilty on the part of Andrea McKee served a purpose for her, at no real cost. She was an opportunist and when faced with a hungry police investigation, police who were anxious to secure an outcome in the face of extensive criticism, she accepted the orchestrated process via Catherine Jagger and the court process and welcomed the support she received for doing so. She also explored potential advantages that she could obtain such as a house move. In any event her plea was not one of her own volition but was a golden opportunity presented to her to ruin Michael McKee in Portadown and get vengeance upon him.

Tracey Clarke's evidence to the Inquiry can and should be believed. The Inquiry got the insight as to why this girl did what she did, and further, have the explanation as to why, when she had opportunities to say she had lied, that she did not do so because she wanted to block it out, to bury the whole thing and get on with her life. Her presentation, we respectfully suggest, was unambiguously authentic in this regard.

It falls to the panel whether they accept what Andrea McKee says or whether they accept Tracey Clarke. It is submitted on behalf of Mr and Mrs Atkinson that the gravity of what is being alleged, in all of the circumstances that have been set out above, is such that there is not cogent evidence which could possibly lead to a conclusion that the truth of the matter is that either Robert Atkinson or Eleanor Atkinson made any tip-off calls.

Should the panel, we submit quite properly, conclude that they cannot be so satisfied that Eleanor or Robert Atkinson made a tip-off call, the Panel may consider it incumbent upon them to consider whether, if a call which had no "tip-off" component, i.e. an entirely "innocent" call was made by either party. The Panel may want to consider whether that would amount, in itself to conduct which would obstruct the police investigation and fall within the terms of reference of the Inquiry.

It is submitted that it does not do so as it would be inappropriate to take the view that an innocent phone call per se amounts to an act or omission which obstructs with an investigation intentionally or negligently. Such a finding would be based only on the unsubstantiated gossip which flowed freely within a community. It is that unsubstantiated gossip which was given inappropriate weight that led to any obstruction of the investigation. We respectfully submit that the terms of reference do not include an unsubstantiated "tip-off" phone call. Further a conspiracy to regarding an innocent phone call and the content of same, which is denied could be not tantamount to a wrongful act.

Recommendations

Regarding the remit of the making of recommendations, it is respectfully submitted that there is no basis for all or any of the suggested criticisms or adverse inference against Robert and Eleanor Atkinson collectively or individually.

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

Reserve Constable Robert Atkinson and the “Tipping Off” Allegation

1. Robert Atkinson together with his wife Eleanor and Kenneth Hanvey were charged with conspiracy to pervert the course of justice. The charges were withdrawn as the DPP concluded that the witness, Andrea McKee’s general credibility was undermined due to the nature of her explanation for her failure to attend court on 22nd December 2003. (1) Atkinson and the others have maintained from the outset that they are not guilty of wrongdoing. We submit that the evidence to the contrary is overwhelming.

2. Tracey Clarke made a statement on 10th May 1997 (2) in which she implicated Allister Hanvey and others in the murder of Robert Hamill. She also stated “I remember Robbie Atkinson’s name coming up and Allister said that Robbie Atkinson had been very good to him because on the Sunday morning after the incident in the town centre he rang him at about 8.00 am and told him to get rid of the clothes he was wearing the previous night. Since then Allister has contacted me on numerous occasions and he keeps asking me what I have said to the Police. He also told me that Robbie Atkinson was ringing him everyday to keep him up to date with the Police investigation.” (3)

3. Tracey Clarke attended a DPP consultation on 17th October 1997 (4) and said that she wouldn’t give evidence in Court. She subsequently denied the truth of the statement. It is our submission that the Inquiry should attach full weight to the statement for the reasons outlined by us in the case of Allister Hanvey.

4. Evidence in the form of telephone billing from BT showed that there was indeed a phone call from Atkinson’s home to the home of Allister Hanvey on 27th April 1997 at 08:37 which lasted for one minute and thirty five seconds and a further call at 16:24 on 2nd May 1997 which lasted for one minute and forty one seconds. (5) On 9th September 1997, Atkinson was interviewed by police. It was put to him that there was an allegation that he made contact with Hanvey. He denied this. He was told that over and above that he may also have told Hanvey to dispose of clothing ‘or whatever’. His response to that was “Definitely not, I didn’t, no, that’s that last thing I would”. Atkinson was asked “What about the telephone:” He said “No. Well I didn’t definitely contact him by telephone...” He was then asked if he would mind if the police looked at his telephone account and he was asked to produce it for them. This is despite the fact that they already had evidence of the billing since May 1997. (6) Mr Underwood, QC questioned Robert Atkinson. He said “And you didn’t make the call to warn Allister Hanvey?”

Atkinson replied "I was in my bed sleeping." Mr Underwood, QC continued "And when you then had this put to you in September 1997, you went off sick the next day, didn't you? He said "Yes". He denied that it was the allegation that made him go off sick. Mr Underwood, QC asked "Complete coincidence that it is the day after this allegation first emerges? Atkinson replied "Yes". (7) We submit that this was no coincidence and that Atkinson used the time between his interview in September and the next one in October 1997 in order to come up with a trumped up explanation for the call that he knew would appear on the billing.

5. Allister Hanvey made a statement on 7th May 1997 in which he said "I was then approached by a Policeman, I don't know his name. He asked me to help move some of the people back up towards the Church out of the way. I pulled a few people back. This Policeman was mid 40s, 5'10", stocky build, gingerish/greyish hair, moustache, I just knew from seeing him in the town. (8) On 10th May 1997 at his police interview, Allister Hanvey was asked about the policeman who he said asked for help. He was asked "Does he know you?" He said he didn't know, and, "I know him to see, but I don't know him by name. I have described him in my statement." (9)

6. Mr McGrory, QC questioned Allister Hanvey. He suggested to him that he knew Atkinson pretty well. Hanvey said "No". It was put to him that he had said he knew him to see at least and Hanvey said "Of course I knew him to see". Mr McGrory, QC referred Hanvey to his statement of 7th May 1997 where he described being approached by a policeman and he said that he didn't know his name. Mr McGrory, QC said "I'm asking you did that describe the man you knew to see as P61 [Atkinson]?" Hanvey said "no.....I can't remember what P61 looked like 12 years ago" When Mr McGrory, QC said "You see, that was reserve constable P61, I'm suggesting to you?.....Because he described meeting you in the town?" Hanvey said "I have no idea". Mr McGrory, QC asked "What you were doing in that passage in your statement was setting up an alibi. Do you understand me? Hanvey said "Oh, I understand what you are saying, but it is wrong." Mr McGrory, QC continued "You were setting it up, Mr Hanvey, that if P61 was asked did he see you in the town, he would say something good about you? Hanvey said "But earlier on you said to me I was high on drink and drugs and couldn't remember anything, so now you have me setting up an alibi whilst high on drink or drugs? Mr McGrory, QC said "You see, that's what he told Mr Leatham?" Hanvey said "I have no idea". He denied that he had been in pretty close contact with Atkinson at the time he made his statement on 7th May. Mr McGrory, QC said "He had already phoned you to tell you to burn your clothes.....which I suggest you had done by then.....And that you thought you would just squeeze a bit more out of it, Mr Hanvey?" Hanvey said "Totally untrue, false allegation." Mr McGrory put to him "And that if he was going to go so far as to tell you how to burn your clothes, you'd a pretty safe bet in putting him in the frame as someone who would verify that you were there?" Hanvey's response was "It is totally untrue". Mr McGrory, QC said "And you did it again on 10 May, three days later, when you were arrested, didn't you? You repeated it on 10 May?" Hanvey said "If it is in the statement, that's --everything you are

accusing me of is totally untrue.” (10) It is submitted that Hanvey definitely knew Atkinson by name and deliberately refrained from giving it at this point in order to make I appear that he had helped a policeman he didn't not know. It was also designed to make sure that the police would ask Atkinson who Hanvey expected would agree on the basis that he was already helping him out.

7. Tracey Clarke had stated that she spoke to Allister on the Tuesday and told him about what she had seen and that she had told the Police about everything and he was in deep trouble. She said that when she met him later that evening he wanted to know what she had told the Police and, as she hadn't been seen by the Police, she made a few things up to annoy him. (11) The Tuesday would have been 29th April 1997. If Allister believed that Tracey Clarke had told the police about him, he knew that he would have to have a version of events ready to tell them if they came to speak to him. He would have been confident that Atkinson, having taken a risk by assisting an offender in making the warning telephone call, would not jeopardise his own position by giving incriminating information about him. Therefore when he made his statement on 7th May 1997 he fabricated the story about a policeman asking him to help and by giving a detailed description of Atkinson whilst not naming him, perhaps to ward off any suspicion of over-familiarity between the two of them. He knew that Atkinson would not contradict him. This would also explain why, when Kenneth and Elizabeth Hanvey were interviewed by police on 12th May 1997 some five days after Allister made his statement, it was recorded “Kenneth also told us that Allister had told him about a policeman asking him (Allister) to assist in keeping the crowd back. Mr Hanvey stated that this policeman may give evidence to this effect. Mr Hanvey refused to identify this policeman”. (12) It follows that if Mr Hanvey refused to identify the policeman then he must have known his identity.

8. It was put to Robert Atkinson by police on 9th September 1997 that Allister Hanvey alleged that he was asked by a policeman to help move the crowd back. They told Atkinson about the description that Hanvey gave and said “That would fit your description”. Atkinson said he wasn't five foot ten and he wouldn't have a clue if there was any other policeman there that would fit that description. He said that he didn't recall speaking to Hanvey directly - he may have said move along or move back but he didn't recall asking him to get people gathered up and take them home. (13) It is submitted that Allister and his father had made sure they were singing from the same hymn sheet. They were not banking at that stage on the possibility that police would find out about the phone call and, of course, when police eventually confronted Atkinson, he had to distance himself from Allister Hanvey in order to try and protect himself.

9. Sergeant P89 said that “There was one particular individual who was very hostile. He was very reluctant to move back and had to be physically forced by myself by pushing him back. It was clear to me that this individual was close to assaulting me. I can recall Reserve Constable Atkinson say words to the effect do you know who he is watch him that fellow is an expert

or black belt in martial arts. He mentioned the fellows name as Hanvey.....” (14) P89 gave evidence on 24th March 2009. He said that he saw Robert Atkinson talking to Hanvey and saw him try to calm Hanvey down or get him to leave. P89 got the impression that Hanvey was intoxicated. (15)

10. Trevor Leatham gave evidence to the Inquiry on 30th January 2009. He confirmed that he had had a discussion with Robert Atkinson within about one week of the incident happening. (16) In his Inquiry statement (17) Trevor Leatham said at paragraph 8 that Atkinson told him “When they got to the scene of the fighting he saw Allister Hanvey standing back watching the fight. Robert told me that Allister was either drunk or high on drugs so he told him to “fuck off home out of the road”. Allister apparently stood and argued with Robert for a while”. Robert Atkinson said in evidence that he had read Mr Leatham’s statement and he didn’t recall the conversation. He said that Trevor had a drink problem. (18) We submit that Mr Leatham had no reason to invent this conversation and that Atkinson’s denial of it is further evidence of his need to distance himself from Hanvey. It is likely, we submit that Atkinson did tell Hanvey to get off home in such terms. He had seen what Hanvey had done and was advising him to get off side. He was not however telling Mr Leatham the full story.

11. Atkinson told police that he knew Allister Hanvey to see and that he would have no direct dealings with him as such. Atkinson asked if he was involved in any club and said “Yes I, I know what you’re getting at, I’m involved in Tai Kwando Club yes.....Alistair Hanvey is not a member of the Tai Kwando Club, was put out of it a long time before this.....I think he was dabbling a bit in E tabs and things like that and the guy that run it didn’t want him about the place.” (19) Atkinson proceeded to say that he wasn’t a member of the club but his little girl was in the junior section. He said he would just go to their competitions and things and they ran a fund for travelling expenses and things like that and he would look after the money but he wasn’t actually an organiser or a member of the club. He said he never really had much dealing with Hanvey. (20)

12. A statement by xxxxxxxx, First Trust Bank confirmed that an account was opened for the Tae Kwon Do Club on 3rd October 1996. The office bearers detailed on the account opening mandate were Michael McKee, Chairman, Robert Atkinson, Secretary and Trevor Leatham Treasurer. The correspondence address was nominated as Robert Atkinson c/o the Club. (21) Andrea McKee said in her statement of 25th October 2000 “I remember that Michael actually got the Unit in Brownstown Business Centre through Robert Atkinson who was driving for Bobby Jameson who owned the complex” (22) Atkinson said that he knew Hanvey’s father to see because he played football against him years ago. (23) This is further evidence that Atkinson has lied about the close connection he had with the Tae Kwon Do Club and its members.

13. Robert Atkinson was interviewed by police again on 9th October 1997 and when he was asked for his comment in relation to the phone call from his home to the Hanvey house at 08:37 on 27th April 1997 he said “Well obviously someone in the house rang that number but it wasn’t me.” He

proceeded to say that he had discussed it with his wife and she had given him an explanation. He said that he wasn't there when the phone call was made - he thought he was in bed at the time. He said he had been re-called to duty at 6 o'clock that morning and went home at 8 o'clock. When he previously arrived home from work at 3 or 4 in the morning his wife had been sleeping. He just got into bed and went to sleep then the phone rang around 5.50 am. He answered it and it was he station. He got up and went to work. He said that he came back and his wife asked what that was all about and he said something like "there was a row down in the town, the ones coming from the Coach and we had to go back in and make statements". Then he went to bed again. He confirmed that he, his wife and two children lived in the house. He was asked if it was normal for his wife to be up on a Sunday morning and he said "There was people staying with us so I think she was up to make breakfast". He said that Michael McKee and his wife Andrea were staying. He stated that he wasn't aware when he came in from work that they were there. He just got into bed. When the McKees stayed they would sleep in the back bedroom. (24) He was asked if the McKees would drive to his house and said "Sometimes they get a taxi". He was then asked if he knew how they went that night and he said "Haven't a clue I don't recollect seeing the car so I'm not sure, I don't know". He was asked "Right. And did your wife say then when she got up?" and he replied "She just said Michael and Andreas here or something like that I think. I went to bed." In his police interview on 10th April 2001 he was asked if he recalled seeing Michael or Andrea there when he came in from work or if he spoke to them. He said he couldn't recall. He was asked if his wife made him aware that they were there and said he wasn't sure when she told him or whether he knew from the night before they were there. It was then put to him "But you were aware they were in the house" and he said "Aye". (25) The interviewer said "And yet in that space of time of you coming in and telling your wife...of what happened up the town and then getting breakfast, she gets breakfast and explains to Michael McKee what has happened up the town and he then is on the phone at 8.37 to ask about Tracey.....It's a very compacted space of time for all these events to have happened and yet it would take somebody with fairly good eh management skills to get youse through each other, through the house, passed each other without seeing each other". Atkinson said "If I didn't see him, I didn't see him that's all I can tell you." (26) Atkinson told police "From what my wife tells me it was Michael McKee made the phone call.....on, the first phone call. And she says she made the second one." (27)

14. Even without the subsequent withdrawal of her alibi statement this account has all the hallmarks of a hastily put together and manifestly false alibi. It is wondered what sort of alibi Atkinson would have invented, if any, if he had been confronted with the telephone billing on 9th September 1997 and had been asked on the spot for an explanation about the call. Unfortunately he was given a month in which to invent a story. It turned out to be even more unfortunate for the friends who, through misplaced loyalty or whatever reason, became players in the conspiracy and who ultimately paid the price for their bother.

15. Michael and Andrea McKee made statements on 9th and 29th October 1997 (28) respectively to the effect that they had stayed overnight at the Atkinson's residence on 26th/27th April 1997 and, in fact Michael McKee, upon learning of the disturbance in the town centre had telephoned the Hanvey residence to enquire after the wellbeing of his niece Tracey Clarke. When Mr McGrory, QC questioned Eleanor Atkinson on 11th May 2009, he asked if the simplest thing would not have been to ask Robbie what happened. She said "Well, it was at that point Michael mentioned Tracey had gone to the Coach and maybe she has -- I don't know if she was engaged to Allister at that particular time, but he passed some remark and -- about Tracey being with him and he asked could he make the phone call to see if Tracey was at the Hanveys." Mr McGrory, QC then pointed out "You see, Tracey wasn't with Allister that night?" Mrs Atkinson said "I don't know". Mr McGrory, QC continued, "They were on a break, you see. They weren't going out at that time." The response was "I wouldn't have been sure. It was an on/off relationship". Mr McGrory then pointed out "You, see, Michael would have known that, Mrs Atkinson, that they weren't going out at that time." She said "I don't know. That's the remark he made. I didn't know if they were together or not". (29)

16. On 20th June 2000 DCS McBurney interviewed Andrea McKee, who by that time had separated from her husband. She then admitted that she hadn't stayed at the Atkinson's home on the night in question and that the Reserve Constable had spoken to her husband and had asked him say that he had made the phone call to the Hanvey's home early on 27th April 1997 and that she was asked to support that story. (30) On 25th October 2000 Andrea McKee made a statement elaborating on what she had previously said. (31) In a formal interview on 10th April 2001 (32) Mrs McKee agreed under caution that her statement of 29th October 1997 was false. When visited by the police in June 2000, Michael McKee told them that what he said previously was fact and he had nothing further to add. (33)

17. Michael McKee however was interviewed on 10th April 2001 in relation to providing false information and then admitted that he had made a false statement. (34) He had said that he had been asked by Atkinson to say that he had stayed over and that he had made the call and, because he was a friend, he said "Yes". As a result of the foregoing admissions the McKee's were prosecuted for conspiracy to pervert the course of justice and on 7th May 2002 Michael McKee was sentenced to six months' imprisonment (35) and Andrea McKee was sentenced to six months' imprisonment suspended for two years. (36) Andrea McKee agreed to give evidence at any subsequent criminal proceedings. (37) We submit that the fact of these convictions and sentences is very powerful evidence of the false nature of the alibi in respect of the phone calls. Why on earth would the McKees, now separated, both falsely admit this serious criminal offence and suffer the consequences?

18. Andrea McKee gave evidence to the Inquiry on 11th February 2009. Mr Underwood, QC referred her to June 2000 when she was seen by Detective Inspector Irwin and Detective Chief Superintendent McBurney. She was also referred to her Inquiry statement where she said "I went with

them to Wrexham Police Station where they told me it would be in my interest to tell the truth and that they had already spoken to Michael.” (38) Mr Underwood, QC asked her if she realised she was in trouble. She said “What I recall is that I was aware that this was an opportunity for me to tell the truth, and I wasn’t going to get myself into any more trouble. I wondered, you know, what information did they have to come all the way to Wales to find me, and that -- on that occasion I just wasn’t going to tell any more lies.” (39)

19. Eleanor Atkinson said in her Inquiry statement “I don’t recall my husband returning home at about 4.00 am but I do recall the phone ringing during the night which my husband answered. He told me that it was the station ringing and that he had to report back for work and, when he returned again, it was around 8.00 am. I recall him telling me, at that time, that there had been a disturbance in the town involving people who had come off the “Coach bus”. I recall that it was a very short conversation and he then went to sleep.” She continued “I then got up and I recollect waking both Michael and Andrea as they had to be at the club for 9.00 am. I recollect making them tea and toast before they left.” Then “When taking breakfast, I recall mentioning what my husband had told me about the row in the town centre involving people returning from the Coach Inn and Michael appeared to be concerned as he told me that his niece, Tracey Clarke, had gone to the Coach, probably with her boyfriend, Allister Hanvey, and that he was concerned about her welfare and he asked me if he could use the phone to check-up on her”. (40) In her Inquiry interview, Mrs Atkinson was asked where her husband was when the conversation where she mentioned the row in town took place. She said “In bed, probably snoring”. (41)

20. Mr McGrory, QC asked Eleanor Atkinson how far the police station was from her home. She said it was about 1.4 miles. She confirmed that he took his car and it would take about five minutes for him to get back to the house from the station. (42) She was asked what time she was up with the McKees and she said it might have been 8.25 because they left about 8.55. She agreed that they needed some time to get their tea or toast and have a chat and that it was 8.37 when she said they made the phone call to the Hanvey’s house. (43) Mr McGrory, QC referred her to Constable Neill’s statement. (44) Neill had been phoned from the station at 8.07 am according to telephone records. During that call he had a very clear recollection of speaking to Atkinson who was still in the station at that time. Mr McGrory, QC put to Mrs Atkinson “Say he had got out of there as quick after seven minutes past eight as physically possible, he has got to get into his car, he has got to drive home and he has got to come in. I’m suggesting to you he wouldn’t have been in the door until at least quarter past, 20 past probably?” Mrs Atkinson said “Well, I don’t know about that now but at eight, five past, he was at home”. It was suggested to her that she was telling ‘a complete cock and bull story’ but she maintained that she was telling the truth. Mr McGrory, QC said “You see, you have to have him asleep by eight o’clock, don’t you?.....Yes you do, because if he is not asleep by eight o’clock, then the easiest thing for Michael McKee or you to have done would have been to turn round and ask him when he came into the door, ‘What’s all this about?’

Mrs McKee maintained that he was home sleeping and Mr McKee made the phone call. Mr McGrory, QC said “Because unless these records are wrong, he would have been coming in the door about quarter past to 20 past eight, just in time, I suggest to you, Mrs Atkinson, to put on the kettle and ring Hanvey’s house?” She said “No. Mr McKee rang Hanvey’s house”. (45) When it was put to her by Mr McGrory, QC that Mr McKee had admitted that he didn’t and that he spent six months in prison for his trouble and she was asked if she could think of any reason why he would go to jail for six months, Mrs Atkinson gave the ridiculous answer “I don’t know. I don’t know what goes on in his head.” (46)

21. Robert Atkinson was interviewed by police on 10th April 2001 in relation to Conspiracy to Pervert the Course of Justice. The interviewer referred him to Allister Hanvey’s statement which described the policeman who allegedly asked him for help and said “To me that is a very reasonable description of you and what the point I’m making is Alistair Hanvey does not name you either. He knows you, he knew you at that time.....So Alistair Hanvey did not say at that time eh R/Con Atkinson told me.....to move the crowd back out of the road. He distanced himself from you.” Atkinson said that he couldn’t answer for Allister Hanvey. (47) Andrea McKee’s statement of 25th October 2000 was put to Atkinson. She said “I remember many occasions when Robert Atkinson, Alistair Hanvey, Eleanor Atkinson, Michael and myself were together in the same company. This occurred at various tournaments and competitions when we went to. I remember us altogether at a barbecue at Robert Atkinson’s house..” (48) It was put to Atkinson that Andrea McKee said “I do know that Robert Atkinson and Kenneth Hanvey have been friends for a long time and that Kenneth Hanvey works with the Northern Ireland Electricity Service which is where Eleanor Atkinson also works and that they would be friend[s]”. He said they would have been friends years ago. (49) In Eleanor Atkinson’s Inquiry statement she said that she was acquainted with members of the Hanvey family. She knew Allister Hanvey from his time in the Taw Kwon Do club, both as an exponent of the art and as an instructor. Over the years her daughter would have received some instruction from Allister Hanvey. (50) She said that she also knew Hanvey’s father Kenneth as a work colleague of many years and she knew his wife. (51) It is clear that Atkinson knew Allister Hanvey very well.

22. On 10th April 2001 in his interview Atkinson was taken by police to Andrea McKee’s statement of 20th June 2000 where she said she wasn’t at his home on the night in question but was at home. He was told that police had checked the McKee’s phone billing for the night of 27th April 1997 and this showed a call from their address to Call-a-Cab at 1.30 am. (52) The taxi log showed that someone by the name of Smith was collected and taken to town. Rodney Smith’s statement was put to him. Mr Smith had confirmed that he couldn’t specifically remember what he was doing that weekend, he was off work and on the occasions he was at Michael and Andrea’s, if he had been drinking he would get taxi. (53) When it was put to Atkinson “We have a phone call at 1.30 am to a taxi company from Michael and Andrea McKee’s house. The statements have all your folk in your house are saying

they called for the evening sometime around Midnight they go to bed”. Atkinson said he couldn’t comment on that - “I can only tell you what I did”. (54) Mr Underwood, QC when questioning Eleanor Atkinson told her there was reason to believe that on the night of 26/27th April, Rodney Smyth and Joy Kitchen were at the McKees’ house and that they told the Inquiry that they never went round to the McKees’ house unless the McKees were there. Mrs Atkinson said “I don’t know when they went to the McKees’ house.....I can only tell you that Andrea and Michael stayed at my house and I don’t know why she would tell lies. I think she is the liar.” (55)

23. Eleanor Atkinson said in her Inquiry statement “In relation to the telephone call made from my home to the Hanvey home on 2nd May 1997, I confirm that I made the call enquiring about the availability of equipment and literature for my daughter.....was about to take an important exam and it was essential that she had access to a pattern book which I believed may have been in the Hanvey house as he Hanvey children had been active in the club, though Allister, I think at that time, had ceased his involvement.” (56) .Mr McGrory, QC said to her “It is awful bad luck, isn’t it, that there should be two completely unrelated and innocent phone calls to the Hanvey household just at this time when there is an allegation that your husband is tipping off Allister Hanvey?” Mrs Atkinson asked “Well, is there any phone records to suggest that?” She was told “We have got two, don’t we?” She then said “Well, the second call was my daughter asked me to get a pattern book. She was doing her exam. I don’t know if it was the exam or the world championships, and you know what teenagers are like. She asked me and I asked -- I rang, asked for whatever the pattern book and gloves or whatever they had, and that we left in the Tae Kwon Do club for my daughter.” It was put to her “And you are utterly unaware at this time that the police have information that your husband is tipping off Allister Hanvey?” She answered “I’m unaware”. (57)

24. Mr Underwood, QC brought the statement of xxxxx Clarke, Tracey’s mother to Robert Atkinson’s attention. He said “So what we have got here is in 2000, Tracey Clarke’s mother telling the police that in 1997 Tracey was going on about this coat and being upset that the result of the alleged tip-off by you was that he had burned the coat that she had bought him for Christmas.” Mr Underwood, QC asked Atkinson if he could help with why Tracey Clarke’s mother would be bringing that up. Atkinson said “No, I have no reason to help you at all in that regard because I don’t know why that allegation has been made. (58) Jim Murray’s statement was put to him. Amongst other things he had said “I also remember, although I don’t know exactly when, Tracey said Allister had go rid of the clothes and burnt them. Tracey had bought him a silver jacket from Paranoid for that Christmas, that’s 1996, and I never saw if after that Hamill incident. The jacket was silver, like anorak material without the lining in it. I remember the jacket had an orange stripe on the sleeves. The jacket only came to his waist and looked too small for him.” Mr Atkinson said “You would need to ask Mr Murray about the silver jacket, I know nothing about a silver jacket at all.” (59) We discussed the matter of the silver jacket in relation to Allister Hanvey and would refer the Panel to our comments in that regard. We submitted that

Allister Hanvey who said that he was wearing his 'black CAT zipped up jacket' had lied about what he was wearing and that Thomas and Kenneth Hanvey also told lies in order to cover for him. We submitted that this would strengthen the evidence that Hanvey was guilty of wrongdoing. We submit in relation to Robert Atkinson that Hanvey's lies about his clothing also strengthens the evidence that Atkinson had actually warned him to dispose of the clothing he wore on the night of the incident.

25. Mr McGrory, QC in questioning Robert Atkinson asked him about the consequences of the Anglo-Irish Agreement, one of them being a change in attitude about parades in Portadown. Atkinson agreed that the police had to stop certain Loyalist parades from going through the Tunnel in Portadown and that he was one of those officers who was detailed there. Mr McGrory, QC asked "But can I suggest that maybe for the first time now you are being pitted against those whom you might have known?" Atkinson replied "It would be fair to say, yes". He was further asked "Indeed, they would have been people from within your community, neighbours, people with whom you associated socially and so forth, who were amongst those who were wanting to march through the tunnel?" Atkinson said that was correct and he agreed that he arrested some of those people. He said this didn't cause him any personal grief - he just did his job. Asked "But did the fact that you did your job not make you particularly unpopular within your community?" Atkinson said "I wasn't there to be popular, I was just there to do my job". (60) Mr McGrory, QC pointed out "And nowhere, Mr Atkinson, nowhere in any statement you have made or in any interview you have had do you say that you saw Allister Hanvey involved in this?" Atkinson said "I did not see him involved in it." Mr McGrory suggested to him that it was inconceivable that he didn't see him. Atkinson responded "You can suggest what you like, I didn't see him. I didn't see the other ones that are named there as well, except when I dealt with them when they were straight in front of me". Mr McGrory, QC said "You see, he is well known to you?" Atkinson said that was correct. Mr McGrory, QC suggested to Atkinson that he certainly would have instantly recognised Hanvey. Atkinson said that was correct and stated "If I had have saw him I would have named him as a perpetrator. I didn't see him". He said that was the truth. Mr McGrory, QC asked "Would that not have brought a whole heap of trouble on your head?" Atkinson replied "I really wasn't concerned about trouble on my head. That doesn't concern me in the least. I was in to do my job." Mr McGrory, QC pointed out "You see, you have gotten over the Tunnel and now you have Drumcree?" He replied "That really didn't matter to me". Atkinson confirmed that his house had been attacked in 1997 and Mr McGrory, QC put it to him that the last thing he wanted to be doing was naming, identifying people, becoming a witness against people for attacking a Catholic. Atkinson's response was that he did name people and did become a witness. Mr McGrory, QC said "I suggest to you not in respect of what you really saw and really knew?" Mr Atkinson replied "Your suggestion is completely wrong sir." (61)

26. Mr McGrory, QC asked Atkinson about the Hanvey family. He said he knew Allister from the Tae Kwon Do and he had played football years before with his father. Mr McGrory, QC said that Kenneth Hanvey had told the

Inquiry that he had played football with him and he didn't have much to do with him after that. Atkinson said that was correct. It was put to him "But he has also told us that he was one of those people who was unhappy about you policing the Tunnel, the marches through the Tunnel in the 1980s.....And of course you would have been aware that your wife and he worked together for Northern Ireland Electricity in Portadown.....And she has told us she had contact with him several times a week"? He was further asked "Is that not one of those situations, Mr Atkinson, where someone within your community, who is connected to you in some way or another, was unhappy about your activities as a policeman?" Atkinson said "Well, he was entitled to his own opinion". (62) Mr McGrory, QC suggested to Atkinson "Not only did you not give evidence against Mr Hanvey, but you actually went one step further.....and you rehabilitated yourself, or sought to do so in your community.....by tipping Allister Hanvey off to get rid of his clothing." Atkinson denied this. (63) We ask the Panel to take note of the historical context of these events, which are aptly described in the report of Professor McEvoy. (64) We submit that there was considerable pressure on local reservists at this time and that Atkinson has sought to rehabilitate himself by assisting young Hanvey.

It is for the Panel to decide whether or not Robert Atkinson was telling the truth when he denied the tipping off allegation. It is however our respectful submission that the evidence against him is such that it is inconceivable that he was doing anything apart from lying. It seems incredible that Robert Atkinson and his wife could take the oath in the witness box and listen to the large body of evidence against them and yet with blinkered determination maintained their fabricated story. The irony is that the very people who were asked by Atkinson to lie on his behalf are the only ones who have acquired criminal records for their part and, Atkinson who brought about the situation for them could sit, unabashed in the witness box and continue lying. It is difficult to imagine a more serious wrong that a police officer could commit than to assist a suspect in any sort of crime let alone the crime that was committed against Robert Hamill. It is our submission that the facts speak for themselves.

Robert Atkinson (references)

- 1 Pages 33891 - 33892
- 2 Page 262
- 3 Page 264
- 4 Page 17591
- 5 Page 9350
- 6 Pages 44916 & 44931 - 44946
- 7 May 11th page 87 line 18 - page 88 line 13
- 8 Page 561
- 9 Page 10112
- 10 March 13th page 120 line 4 - page 123 line 20
- 11 Page 264
- 12 Page 7782
- 13 Pages 61270 - 61271

14 Page 11084
15 March 24th page 13 lines 19 - 22
16 January 30th page 23 lines 10 - 12
17 Page 80643
18 May 11th page 77 lines 23 - 25
19 Page 9525
20 Page 9526
21 Page 20344
22 Page 14909
23 Page 9527
24 Pages 61289 - 61291
25 Page 21483
26 Pages 21484 & 21485
27 Page 61296
28 Pages 34603 - 34604 & Pages 9200 - 9201
29 May 11th Page 32 lines 2 - 22
30 Statement of Andrea McKee dated 20.6.2000 pages 14956 - 14957
31 Statement of Andrea McKee dated 15.10.2000 pages 19974 - 19987
32 Page 21227
33 Page 22142
34 Page 21002
35 Page 16206
36 Page 16207
37 Page 19989
38 Paragraph 30 page 81491
39 February 11th page 68 line 16 - page 70 line 2
40 Paragraphs 7, 8 & 9 page 81496
41 Page 42 Inquiry Interview
42 May 11th page 30 line 18 - page 31 line 8
43 May 11th page 31 lines 9 - 18
44 Page 4149
45 May 11th page 33 line 23 - page 34 line 24
46 May 11th page 34 line 25 0 page 35 line 9
47 Page 21647
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49 Pages 21547 & 21548
50 Paragraph 11 page 81496
51 Paragraph 12 page 81497
52 Pages 21498 & 21499
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56 Paragraph 13 page 81497
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Submissions by the Police Service of Northern Ireland

For the reasons stated in the foregoing the PSNI submit that it is inconceivable that the explanations put forward by the Hanveys and the Atkinsons can be true. Tracey Clarke has her own reasons for denying the truth of what she originally told the police about the tip off and this submission has been dealt with in section 5 (above)

Submissions by Richard Monteith Solicitors (Tracey Clarke)

The explanation given by Tracey Clarke is internally consistent as a matter of logic. She has provided a rationale for the making of a partially false statement. The burden of the objective evidence available is that she was in the town centre on the night in question and saw the injured parties in the aftermath of a fight but did not witness the assault itself. The first occasion on which she stated formally that she saw the assault itself was on the night of her police interview. In discussions with family members in the immediate aftermath of the incident on 27th April 1997 she did not claim to witness it and, up until the day before her interview, was still telling D/C McAteer in the QPF interview that she did not see the assault.

The Inquiry will also recall that a reference was introduced from a medical report by Dr xxxxx on the date on which Tracey Clarke gave evidence which suggested that she told the SHO on admission to Craigavon Hospital that she had admitted seeing a fight. This was presented as further evidence of her credibility problems. At the Inquiry, and without seeing the original clinical notes, Tracey Clarke stated that the SHO must have misheard or inaccurately recorded what she had said. She gave consent to the Inquiry for the notes to be obtained and shared. The notes revealed that her explanation for the SHO remark was entirely correct. She was proven to be witness of truth on that point. More importantly, the factual detail under discussion was whether she had seen the assault itself. The exploration of these medical records exposed the fact that she was candidly telling a psychiatric doctor in February 2009, with no expectation that this information would be produced to the Inquiry, that she had not seen the assault on Mr Hamill. To the extent that she made a statement saying that she had seen such an assault she accepts that she made a partially false statement. She deserves credit for her candour in exposing that fact publicly to the Inquiry notwithstanding suffering objectively recognised psychiatric illness, rather than censure for her failings during a wholly unorthodox investigative interview when she was a 17 year old child.

Potential criticisms and adverse inferences

Eleanor Atkinson

- Gave a false account to the RUC about a telephone call made to the home of Allister Hanvey on 27 April 1997

Robert Atkinson

- 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

Tracey Clarke

- Gave a false statement to the police which led to the detention of the persons named in it
- Gave false evidence to the Inquiry

Allister Hanvey

- Participated in the attack on Robert Hamill
- Provided the RUC with a false account of his movements and his clothes
- Destroyed the clothing that he was wearing at the time of the attack

Elizabeth Hanvey

- Gave a false account of Allister Hanvey's attire, movements and actions on 27 April 1997

Kenneth Hanvey

- Gave a false account of Allister Hanvey's attire, movements and actions on 27 April 1997

Thomas Hanvey

- Gave a false account of Allister Hanvey's attire, movements and actions on 27 April 1997

Michael Irwin

- Shared responsibility with Maynard McBurney and **P39** for the conduct of the investigation
- Failed to ensure that a full and thorough briefing was delivered prior to the search of the Hanvey house on 10 May 1997
- Took a witness statement from Andrea McKee, which he knew to be untrue, and allowed it to be advanced as true

Andrea McKee

- Provided false information at the meeting in Seagoe
- Coerced Tracey Clarke into giving a false statement to the RUC about the murder of Robert Hamill and the tip-off allegation against Robert Atkinson
- Falsely accused Robert Atkinson of conspiring to pervert the course of justice

- Gave false evidence about the above to the Inquiry