

ROBERT HAMILL INQUIRY

Days 4-11: 16th to 29th January 2009

On 16th January 2009 (day 4) the Inquiry heard evidence from an independent pathologist, Dr. Lawler, who was instructed by the inquiry to review the medical evidence surrounding Robert Hamill's death.

Dr. Lawler asserted that he believed that Mr Hamill died as a result of a rare syndrome which can develop when doctors administer a particular drug. He stressed that this did not point to negligence on the behalf of the doctors. In his evidence he said that he agreed with Professor Crane (a neuropathologist involved in investigating Robert Hamill's injuries in the weeks after his death) that the type of brain injury Mr Hamill had may have been caused by an accelerated fall as well as kicks and punches to the head.

Dr. Lawler ruled out the possibility that Robert Hamill died of septicaemia. He supported his view that complications occurred after a drug was administered by saying that a particular enzyme in Robert Hamill's blood was significantly higher than the normal adult level. His evidence suggested that this had been found at an abnormally high level, whereas Professor Crane had considered the same level as relatively normal (day 3). Furthermore, he did not rule out the possibility that Robert Hamill had sustained head injuries as a result of being struck by a bottle, whereas Professor Crane was of the opinion that such a blow would not have had enough force to inflict the injuries that Mr Hamill sustained (day 3).

Note: It is recommended that this section of day 4 is read in conjunction with the evidence of Professor Crane which was heard on day 3.

A number of nursing staff who tended to Robert Hamill on the morning of the assault gave evidence to the Inquiry about his condition when he arrived at the Accident and Emergency Department of Craigavon Area Hospital. A staff nurse on duty at Mr Hamill's time of admission rebutted any suggestion that Robert Hamill's medical records had been 'mixed up' with that of another injured man (this was a reference to witness D who was also assaulted at the same time and location as Robert Hamill).

On Tuesday 20th January (day 5), the Inquiry heard evidence from witness P42 who, in 1997, was a resident in the Thomas Street area. Witness P42's statement noted that he had heard shouting in Thomas Street in the early hours of 27 April 1997. When he looked out of his window he saw two men and two ladies who were walking towards the town via Thomas Street. He was unable to describe the clothes worn by anyone. His statement recorded that one of these men shouted 'do you want a fight ... two, maybe three times' to the small crowd standing at the bakery at the corner of Thomas Street. According to the witness, following further provocation, a man from the crowd at the bakery punched the man who was shouting provocatively, and was then chased by the man who he had assaulted in the direction of St. Mark's Church. A mêlée ensued and the witness's statement noted that the police had tried unsuccessfully to calm the situation, but that they had had to call for backup. Describing the scene as 'chaotic', the witness told how he saw two police cars arrive (one marked and one unmarked), and police officers exiting the back of a Land Rover. He could not, however, see the front doors of the Land Rover and his recollection of the Land Rover's precise location was vague. He witnessed one person being placed in the back of the Land Rover until the fight died down, and also observed the arrival of an ambulance which took one person away on a stretcher. The next day, Witness P42 notified police by way of an anonymous letter (on the

advice of his now father-in-law) of what he had seen.

Questioning from Counsel for the Hamill family, Barra McGrory QC, showed that there was no record of the witness having attended a police interview in 2001 despite both he and his wife recollecting the interview taking place. Further questions highlighted that the witness had experienced problems with his memory from some point after 1997 to the point that he now forgets daily things and he has sought medical advice on the matter.

At the end of this witness's evidence, Inquiry Counsel (Mr. Underwood) clarified a number of questions which would be germane to the examination of a number of witnesses:

- 1) What information was received by the crew of the Land Rover to put them on notice of some sort of impending trouble?
- 2) Where was the Land Rover when they were put on notice?
- 3) How did the violence involving Mr Hamill break out?
- 4) At what point in the violence could the Land Rover crew have become aware of that violence or that it was imminent?
- 5) How did the violence develop?
- 6) What did the Land Rover crew do once they realised that something was going on?

The second witness to give evidence on day 5 was Thomas Mallon, who had been drinking in St. Patrick's Hall on the evening of 26th/27th April 1997 (where Robert Hamill was also drinking). He left to walk home at around 1.05 am. Mr Mallon said that several clusters of people (ranging in total from around 30 to 50 people) were walking around the town centre and he felt that there was potential for trouble as patrons of St. Patrick's Hall might make their way home via the town centre (there was a shortage of taxis). Mr Mallon said that he warned police officers in the Land Rover that others could be coming from St. Patrick's Hall when he saw the vehicle prepare (in his opinion) to move away from the area. He said that he spoke to a female officer who was driving. However, accounts from officers in the vehicle contrast with his version of events. One officer's statement alleges that the witness was hostile towards the police in the way he waved the vehicle down and that he pulled an officer out of the vehicle. Mr Mallon was adamant that he did not assault an officer and that the officer must be mistaken.

Mr Mallon recollected talking to a female officer and then feeling uncomfortable and threatened when he encountered a group of youths who were making their way through the town centre. He said that after he passed them without incident, he saw another witness, Colin Hull, in Woodhouse Street and he warned him not to go near the town centre as there was a crowd gathering. The witness said that he arrived home around 25 minutes after he left St. Patrick's Hall. Mr Mallon said that when he got home, he called St. Patrick's Hall to warn others that a crowd was in the town centre and that it should be avoided. He told the Inquiry how Portadown was a sectarian area and there was often the potential for confrontations. He emphasised that he was concerned about the timing of events mentioned in other witnesses' statements in light of the fact that he had warned police of the potential for trouble.

On Wednesday 21st January (day 6), the Inquiry heard evidence from Maureen McCoy. Ms McCoy was with a man called Colin Prunty and both individuals had left St. Patrick's Hall in Thomas Street and were making their way towards Portadown town centre at the same time as Robert Hamill. Ms McCoy said that they were stopped by witness F (who was with Robert Hamill) and warned not to go down towards the town centre as a crowd had gathered on the corner. She told the inquiry

that they continued on as they could see a police Land Rover in the town centre parked near Woodhouse Street (which is located almost opposite Thomas Street). The witness rejected suggestions that Catholics who were coming from the direction of St. Patrick's Hall, were shouting and banging shutters of a predominately Protestant bar and that the same group had attacked a Protestant man before the assault on Robert Hamill took place. Ms McCoy said that she had sat tending Robert at one point during the trouble. After the ambulance left, she recalled a man being released from the back of the police Land Rover.

The second witness on day 6, Colin Prunty, was accompanying Ms McCoy home at the time of the assault on Robert Hamill. Aspects of Mr Prunty's evidence conflicted with that which Ms McCoy gave to the Inquiry. For instance, Mr Prunty recalled walking behind Robert Hamill and those who accompanied him when he and Ms McCoy left St. Patrick's Hall; however Ms McCoy's recollection was that they walked in front of Mr Hamill's group. Mr Adair, Counsel for individual police officers, suggested that Mr Prunty had not been truthful to the Inquiry and that other witnesses have indicated that Robert Hamill assaulted a man in Thomas Street before he was himself assaulted. The witness said that Mr Hamill did not hit anyone. In his statement he said that police officers got out of the police Land Rover when Robert Hamill was lying on the ground to 'break it up'. However when Mr Adair asked if the police officers had helped Mr Hamill the witness said they had not. He was also of the opinion that the hostilities had been going on for too long before the police officers broke the group up.

On Thursday 22nd January (day 7), the Inquiry heard evidence from anonymous witness E who had been in Robert Hamill's company and was with him when he was assaulted.

Note: When an anonymous witness gives evidence at the Inquiry, that session is not open to the public but legal representatives and the panel alone can continue proceedings. Inquiry staff have said that in such circumstances, transcripts will still be published on the Inquiry's website except where proceedings surround an anonymity application.

At times the witness was visibly distressed but expressed that she wished to continue and finish her evidence. She recounted that she, Robert Hamill and witnesses D and F left St. Patrick's Hall around 1.20 am when they were unable to get a taxi home. Witness E said that Robert Hamill and witness D (her husband) were suddenly attacked without provocation as they attempted to cross High Street at the end of Thomas Street. She described how D was immediately knocked unconscious and that she ran to D and lay over him. Inquiry Counsel, Mr Underwood, suggested to the witness that others, including those within Jameson's bar, are expected to tell the Inquiry that they heard Catholics shouting Catholic slogans in Thomas Street. The witness rejected this suggestion and emphasised that it was always advisable to walk past Jameson's bar as quickly as possible as it was a well known Loyalist bar. She said that her attention was concentrated on her husband (witness D) and that the only police officer she saw was one who told her to put her husband (who was still unconscious) into the recovery position. This happened towards the end of the incident. She could not recall seeing Ms McCoy and Mr Prunty but said that she knew both individuals 'to see'. She could not recall what her husband was wearing although she did not think that he was wearing a black leather jacket and thought that it was just Robert Hamill who had been wearing such a jacket.

The Inquiry then heard evidence from witness F who confirmed that she was with

Robert Hamill, witness E (her sister) and witness D (her brother- in- law). The witness emphasised that her memory of that night was clear as she did not drink alcohol. She recalled seeing the police Land Rover across the road near Woodhouse Street and the next thing she remembered was that Robert Hamill was lying on the ground and being kicked. She said that whilst he was being kicked, one (or more) attacker(s) shouted: 'Die you fenian bastard'. The witness could not recall any police officers other than those who were in the police Land Rover. She said that the attackers stopped when she lay over Robert Hamill. There is a contradiction between the evidence provided by witness F (who said that she supported Mr Hamill's head), and the evidence provided by Mr Prunty (who said that he had waded through the crowd to do this).

Witness F claimed that she went to the Land Rover and banged on the driver's side of the vehicle for help since Robert Hamill was not moving and the attackers had stopped. The witness was clear that no one in her group had done anything wrong and she rejected suggestions that some in her group had instigated the fighting. She also said that Colin Prunty had not been with them. Barra McGrory QC, for the Hamill family, indicated to the witness that there has been some confusion over what witness D was wearing on the night of the assault and whilst she could not recall his clothing she said that he was not wearing a black jacket.

Note: suggestions have been made during proceedings that two men whose descriptions are similar to that of Colin Prunty and Robert Hamill are alleged to have attacked a Protestant man first. One of these alleged attackers has been described as wearing a black leather jacket.

On Friday 23rd January (day 8), witness D gave evidence to the Inquiry.

Questioning from Inquiry Counsel, Mr Underwood, showed that the witness had not been out with Robert Hamill when he was socialising in St. Patrick's Hall, but that Robert Hamill did leave to walk home in the same group as the witness. He also said that he had seen Ms McCoy and Mr Prunty at the venue but was not aware if they left the Hall at the same time. The witness said that he could not recall seeing a police Land Rover near the entrance to Woodhouse Street, and Mr Underwood indicated that this conflicted with an interview which the witness had given to Ulster Television (UTV) where he said that he had seen the Land Rover as well as a crowd gathering. When asked by counsel about clothing which those in his group were wearing, the witness said that Robert Hamill had been wearing a black jacket. The witness said that he was knocked unconscious when he reached the junction of Woodhouse Street and Portadown town centre.

A statement from Mr Jones (who lived above Jameson's bar) was highlighted. It stated that a man in a black leather jacket started the fighting by shouting sectarian abuse at a Protestant man (Mr. David Woods) in Thomas Street. Also, a letter from a man living near the British Legion (on Thomas Street) was displayed. The author said that a group of men and two ladies provoked the crowd which had gathered at the bakery on the corner of Thomas Street. Witness D could not recall anything like the assertions contained in either piece of written evidence. He was clear that he would not be covering- up for Robert Hamill and indicated that he does not get on well with Mr Hamill's family now. He insisted that he did not assault anyone. Further questioning by Mr Underwood showed that the witness approached a solicitor regarding a criminal injury compensation claim for the injuries he sustained, however he subsequently found that the same solicitor was representing some of the individuals who were arrested for Robert Hamill's murder. As a result of this conflict of interest he changed his solicitor and went to Rosemary Nelson (*a solicitor from Lurgan who was murdered by Loyalist paramilitaries in 1999 and whose death is the*

subject of an ongoing Public Inquiry).

On Tuesday 27th January (day 9), the Inquiry heard evidence from two men who had been drinking in McKeever's bar in Woodhouse Street at the time of the assault on Robert Hamill. When leaving McKeever's around 1.30 am they heard a disturbance in the town centre and ran up to the police Land Rover parked across the entrance to Woodhouse Street to see what was happening. The Inquiry heard that two police officers attempted to stop the men entering the town centre but they ignored these requests and pushed past them. One was struck as they passed the Land Rover and continued on as he thought they could help after seeing a woman or women trying to protect a man being kicked in the head by a group of people. The second witness recalled seeing a woman screaming and banging on the police Land Rover for help but could not see if anyone was inside the Land Rover, nor did he see any officers getting out of the vehicle. Mr Wolfe, who represents the PSNI, placed emphasis on the men ignoring the officers trying to stop them from entering the town centre and his questioning highlighted that the second witness had a previous conviction for assaulting a police officer.

On Wednesday 28th January (day 10) a witness failed to appear. The witness was Tracey Clarke who gave information to police officers in 1998 after which a number of individuals were arrested for the murder of Robert Hamill. Tracy Clarke approached the police after her aunt had become aware that she had information relating to the murder. This related to the fact that her boyfriend at the time, Alastair Hanvey (who was also a suspect), was receiving updates on the murder investigation from a police officer. She had told the Director Public Prosecution (DPP) at the time that she would not give evidence in a criminal trial against any of the accused.

On Thursday 29th January (day 11) the Inquiry heard evidence from Mr James Murray who was Tracy Clarke's guardian and who had accompanied her along with her mother to an interview held with a barrister and an officer from the DPP. Counsel highlighted that the witness had a long term alcohol problem and that he could not remember anything in his statement, which was taken three years after Robert Hamill's murder. He had said in his statement to the police that Tracy Clarke had discussed what she saw of the attack on Robert Hamill in 1997 and that she had bought Alistair Hanvey a jacket that Christmas and that she was upset that the jacket had been destroyed. The witness could not remember any of this due to his alcohol abuse. *Note: The reason why this is relevant is that Alistair Hanvey is alleged to have been wearing this jacket on the night of the murder and also alleged to have been instructed by a police officer whom he knew (and who attended the scene of the assault on Robert Hamill) on how to destroy it.*

A police officer, Edward Honeyford (represented by Mr Adair) also gave evidence to the Inquiry. Mr Honeyford had interviewed a number of witnesses of the assault on Robert Hamill as well as a number of suspects in the case. He said that he had not been made aware whilst interviewing witnesses that some of them were actually suspects in the murder investigation. A number of witnesses later retracted their statements claiming that Mr Honeyford had coerced them into giving their statements – an allegation which he denies.

One person interviewed by Mr Honeyford at the time was a Mr Timothy Jameson. Questioning from Mr Underwood showed that a Mr Jameson (whose father performed security work for the RUC and who had a full- time police escort) had been untruthful in his first statement to Mr Honeyford. Mr Honeyford interviewed Mr Jameson again when the police received information that he was allegedly involved in the assault on Robert Hamill. In the second interview, Mr Jameson said that he

would want anonymity if he were to give evidence. Mr Jameson said in his interview that a man known as 'Marc' or 'Muck' (who he thought was wearing a black leather jacket) was with him, and that the fight broke out around him. Mr Jameson also named Rory Robinson as an individual who was fighting with an unknown man; said that Alistair Hanvey was kicking and punching a man lying on the ground; and stated that another man called 'Fonzy' kicked the man lying on the ground (who was wearing a black jacket) in the face. In Mr Jameson's statement, it was said that a police car arrived and stopped opposite Thomas Street and police officers got out.

Note: It is not clear if by 'opposite Thomas Street' Mr Jameson meant that the police car stopped beside the police Land Rover sitting at Woodhouse Street . Other witnesses have not referred to this car in their evidence and the location may be important as it could give the impression that the officers exiting the car were exiting the Land Rover if some individuals did not see the police car arrive. Also, in his opening statement to the Inquiry on 13th January 2009 (day 1), Counsel to the Inquiry (Mr Underwood) indicated that the person known as 'Fonzy' was identified as Andrew Allen.