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It's crucial that DPP role in Hamill case be scrutinised

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By Susan McKay

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As the families of those murdered on Bloody Sunday deal with the news that they must wait another full year to

learn the outcome of the Saville Inquiry, the family of Robert Hamill must be bracing themselves for the start

of the long-delayed inquiry into events surrounding his murder.

In rejecting the family's demand that the terms of the inquiry be widened to include the role and decisions of the Director of Public Prosecutions, the secretary of state has breezily declared that the family and the inquiry team have simply misunderstood, and that the role of the DPP can, in fact, be scrutinised.

With "constructive engagement" all round, says Shaun Woodward, there should be no further delays.

Let's hope. It is, after all, almost 11 years since the 25-year-old father was kicked to death by loyalists on a Portadown street during the hateful frenzy of early summer in the Drumcree years.

Lest there be any doubt about the motive for the attack, there were shouts of "Kill the Fenian bastard".

Police officers, whose brief was to defuse confrontations on this known sectarian flashpoint, allegedly sat in their Land Rover.

It is seven years since two people were convicted of conspiring to pervert the course of justice. It is alleged that they lied to provide an alibi for a policeman accused of helping one of the murder suspects by advising him to dispose of the clothes he had worn during the attack. This reserve officer was in the Land Rover at the scene and took part in the police operation. He knew the suspect.

Charges of perverting the course of justice were brought against this officer but later dropped.

It is seven years since the parties to the Weston Park talks agreed that Judge Peter Cory should look into allegations of collusion in relation to a number of controversial killings. It is four years since Judge Cory recommended that there was enough evidence to proceed with such an inquiry in the Hamill case and others.

Judge Cory urged a "speedy resolution" of the case so that "public confidence in the police and the administration of justice" be restored.

It is three years since the British introduced a bill to limit the scope of the Cory and other inquiries. The inquiry was due to start two years ago but was delayed initially by a demand for anonymity by police officers. This went from the courts to the House of Lords and back before being rejected. The most recent delay came about because the inquiry team and Barra McGrory, the lawyer acting for the Hamill family, wanted the secretary of state to extend the terms of reference.

No-one has been convicted of Robert Hamill's murder.

A case was brought but it collapsed.

A crowd of 40 or more people were involved in the attack – in the end, just one man was convicted of affray.

Key witnesses to events on the night of the attack were not required to give evidence.

The Police Ombudsman pointed out that a proper examination of the reserve officer's role could have changed the course of the murder investigation.

The circumstances surrounding the dropping of the case against him are controversial and are at the heart of the demand that the role of the DPP be scrutinised at the inquiry.

This was a decision taken at the highest level – the former attorney general, Lord Goldsmith, was consulted about it.

Judge Cory speaks of the role of the reserve police officer in question as being “worrisome”.

Just as worrisome is the fact that the RUC has stated that it made key decisions throughout the case on the basis of consultations with the DPP.

The DPP has been involved in a great number of controversial decisions in cases related to the Northern Ireland conflict – as well as in others. British and Irish Rights Watch identified more than a dozen questions about its role in the handling of the case of the murder of Pat Finucane alone.

The relationship between the DPP and the RUC was unusually close – far more so than would be the case in the rest of the UK. The attorney general has moaned that taking part in the Hamill inquiry to protect the DPP's reputation would potentially divert staff from their work – but finding out why there was no justice for Robert Hamill is far more important than that.

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