

An Chartlann Náisiúnta
National Archives

Reference Code:	2022/84/11
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

3

Secure Fax: 1915

RECEIVED
S.F.

cc G1 / Sec

26 MAR 1999

25 March 1999

Read 26.3

No of pages including this one: 2

To: HQ
For: Mr Colm O Floinn

From: Belfast
From: Mr Val O'Donnell

Mr M'Carry passed on to the Taoiseach

Subj: Verdict in the Robert Hamill murder case

1. I attended the High Court this morning for the delivery of the judgement in the "Diplock" Court of the case against Mark Hobson, in connection with the murder of Robert Hamill in Portadown on 27 April 1997.

29.3.99

2. There were two charges against Hobson.

(1) The murder of Robert Hamill on 27 April 1997.
(2) Causing an affray on 27 April 1997.

3. The Judge (Mr Justice McCollim) found that.

On the murder charge

The charge had not been proved beyond reasonable doubt and he acquitted the accused.

The affray Charge

He convicted the accused and sentenced him to four years because it was a very serious incident. Defence Council had pleaded for a lesser sentence, based on "precedents"

[Note:

Presumably Hobson will qualify for early release in July 2000, under the early release arrangements, in view of the fact that the conviction was in the Diplock Court.]

©TSCH/2022/84/11

Police conduct and conduct of the investigation

4. While the Judge made some remarks that could be seen as critical of police conduct, he made positive references to other aspects. For example, he found that the police, when they arrived at the scene had acted resolutely in keeping the loyalist crowd away from the nationalist group who were greatly outnumbered. It would also appear that the conviction of Hobson on the affray charge was largely founded on the evidence of one of the policemen.

On the other hand, the Judge was critical of the fact that the Land-rover containing the police, when they arrived at the scene, was placed in what he described as the "least advantageous view point" of the trouble area. He also found it remarkable that evidence given by another eye witness, Mr Prunty, had not been fully investigated.

But it could not be said that the Judge found, that the police conduct on the night, or the police investigation itself, was seriously inadequate. Indeed this was not an issue for trial. He referred to a degree of confusion in the evidence and was unable to reconcile two different views that had been expressed.

(1) By non-police eyewitnesses to the effect that the attack by the loyalists on the nationalist group was completely unprovoked.

(2) By police witnesses that some confrontation had taken place before the physical attack that resulted in the injuries that killed Robert Hamill.

5. The Hamill family were in Court (including Diane and her mother) and were accompanied by a Dara O'Hagan, Sinn Féin. Brid Rodgers was also in court and spoke to me afterwards. She seemed somewhat miffed at the alignment of the Hamill family with Sinn Féin on the day. (She said that members of the Hamill family had been closely associated with the SDLP in Portadown in the past).

©TSCH/2022/84/11