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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

Mr Griffin
wk 1.11.99

28 OCT 1999

Taoiseach
wk
27.10.99

Secure Fax: 2701

SEEN BY TAOISEACH

Date: 22 October 1999

No of pages including this one: 3

To: HQ **From: Belfast**

For: Gary Ansbro/Alma Ni Choigligh **From: Niall Holohan**

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Subj: Robert Hamill Murder

Please find attached a note we have received today from the other side in response to our approach to them regarding their investigations into the Robert Hamill murder case.

There is little that is new in the British response. They have not ruled out the possibility of a public inquiry into the case but they make it clear that this will not happen while proceedings are still under consideration. [Chief Constable Ronnie Flanagan confirmed at a meeting in the Secretariat this morning that an internal RUC disciplinary investigation is in fact taking place and that it should be concluded within about a month - certainly before the end of this year.]

END

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NOTE TO THE IRISH SIDE - THE ROBERT HAMILL CASE

The Irish Government's interest in this case is fully understood as well as the personal interest of the Taoiseach. This note seeks to respond to the points raised in your note to the British Side of 1 October.

Reasons for the Director of Public Prosecution's decision

2. The Director is independent of Government. His role is to initiate or continue prosecutions where he is satisfied that the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction, and prosecution is required in the public interest. The facts and circumstances reported in the police investigation file into this case, which was supervised by the ICPC, were considered along with further information which arose in the course of the trial of Mark Hobson before the Crown Court and the judgement of the trial judge in that case. These were considered together with the written advice of Senior Counsel. The DPP concluded that the evidence was not sufficient to afford a reasonable prospect of obtaining a conviction of any police officer reported for an offence.

Judicial Review

3. The note from the Irish Side also asks whether the Government has a view on the possibility of a judicial review of the DPP's decision. Such a review has not, to our knowledge, been lodged, and it is not felt that this is a matter which it would be proper for the UK Government to discuss or express any view on.

Next Steps

4. The investigation file which was sent to the DPP (and on which the ICPC issued a statement of satisfaction) has been returned to the Chief Constable. He will, as his office has said publicly, look at whether or not

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disciplinary action should be taken. He will make a recommendation to the ICPC who will also consider the issue.

Public Inquiry

5. There have been many calls for an inquiry since Robert Hamill's tragic death. As the Irish Side were informed at a meeting earlier this week, the Government has not ruled out an inquiry into this case. As with other high profile cases where there are calls for an inquiry, the Government has taken the view that this is not a possibility where proceedings are still under consideration.

22 October 1999

LJ/7127

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