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**Report of Taoiseach Meeting with the Hamill Family in Government Building on Thursday 8 June, 2000**

Dated
16/6.

**Attendance:**
Taoiseach,
Attorney General,
Mr. Dermot Gallagher, Secretary-General, Department of the Taoiseach,
Mr. Martin Mansergh, Special Advisor, Department of the Taoiseach,
Mr. Walter Kirwan, Assistant Secretary, Department of the Taoiseach,
Mr. Paul McGarry, Department of the Taoiseach,
Mr. Gary Ansbro, Department of Foreign Affairs,
Ms. Caitlín Ní Fhlaitheartaigh, Office of the Attorney General.

SEEN BY TAOISEACH

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*Hamill Family delegation;*
Ms. Diane Hamill,
Ms. Fiona Hamill and her husband,
Mr. Barra McGrory, Solicitor
Mr. Martin O'Brien, CAJ.

In opening meeting the Taoiseach said he was glad to meet with the Hamill Family. The Government had followed the case from a very early stage. Like the CAJ and indeed the broad nationalist community, we had become increasingly concerned at the failure of either the criminal justice system or the existing police complaints mechanism to satisfactorily resolve the questions surrounding this case. Without doubt, the system failed Robert and it had failed the family. The Attorney General together with Dermot Gallagher, Martin Mansergh and Wally Kirwan had spent a lot of time on this case and had briefed him regularly.

Barra McGrory responded that they appreciated the time and effort that the Irish Government had put in. This was a deep personal tragedy for the family and they had been let down by the agencies of the State. The police were at hand and could have intervened at the time. They could have investigated the case properly. However, there was a failed prosecution and the charges were withdrawn. Now, the coroner could not proceed because of the situation regarding the safety of the witnesses. Not alone had the RUC failed to intervene, but one officer had helped the perpetrators avoid detection. This was a shocking situation and had to be dealt with in a proper judicial process. These same witnesses had named people who were responsible for beating Robert but had not been made amenable to the law. The criminal process had failed and now it was unlikely that a successful prosecution could be brought.

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The only hope of a future prosecution would be if the witnesses testified. The coroner could not offer reassurances with regard to their safety. They were asking the Taoiseach to raise Robert's case with the British Prime Minister. If an inquiry had the weight of a Government initiative, witnesses might be prepared to come forward and the State would be able to offer a witness protection programme to them. This case impacted on the wider dimension of policing generally. If this case could not be dealt with, how could the wider issue of policing be dealt with.

Diane Hamill said this had been an horrendous experience for the family. Every obstacle had been put in their way. They didn't expect anything from the system. They were second class citizens in Portadown. Since Robert's murder they had suffered personal abuse from people in the town and from individual RUC officers.

Martin O'Brien formally presented the CAJ report to the Taoiseach. He added that he was aware that we had received information from Barra McGrory on collusion between police officers and people involved in the attack. The report detailed a catalogue of bizarre events. It was no wonder that the prosecution had been unsuccessful. The Stephen Lawrence case had one of the elements of this case. That investigation had been appalling. But, police had not stood by while the attack happened and they had not acted to ensure that people avoided prosecution. The issues in this case were intimately linked to policing. The power of the police board and police ombudsman were very relevant to this case and possible future cases.

The Attorney General said that this case operated at two levels. The personal level and at the level of wider justice issues. In the Stephen Lawrence case there was no suggestion that the police had seen what had happened and colluded in suppressing action. Yet, the Stephen Lawrence case is seen as the yard-stick in England. This case was of a different order. If the Stephen Lawrence case merited a judicial public inquiry, then Robert's case merited it even more. The Attorney continued that when Barra McGrory had approached him first and said he had something serious to talk about and when he presented him with the new information, it was immediately obvious that this was indeed serious. Following the decision of the coroner, all conventional legal remedies had been exhausted. It was necessary to point out, however, that if there was to be a public inquiry, there would be a considerably less likely chance of prosecutions.

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Dermot Gallagher asked if the CAJ report would be published? Martin O'Brien confirmed that it would not. Martin O'Brien added that he was surprised that the coroner had gone so far in his statement.

The Taoiseach said that he had discussed Robert's case with the Prime Minister the previous night. We had refrained from taking a public position on the question of an inquiry while the legal process was ongoing. However, he could not now see how the case could be dealt with except through an independent, judicial, public inquiry. He had said to the Prime Minister that he would be calling for a public inquiry.

Mr. O'Brien said that they had a concern that a public inquiry might be pre-empted and that an individual would be appointed to inquire into the case.

The Attorney said that a public inquiry was necessary and in that process not all of the work of the inquiry needed to be in public.

The Taoiseach said that he had told the Prime Minister that our position was that a public inquiry was required and he had also said that we would be issuing a statement after this meeting calling for such an inquiry. The family asked if the Taoiseach would arrange for the family to meet with Tony Blair and the Taoiseach confirmed that he would do this. They also asked if the Taoiseach would ask President Clinton to raise the case with Tony Blair. The Taoiseach said that we would approach his National Security Advisor, Jim Steinberg, in that regard.

Dermot Gallagher said that against all the odds the Taoiseach had succeeded in securing a public inquiry into Bloody Sunday.

Barra McGrory said that he believed that Tony Blair had a keen sense of justice.

Martin O'Brien said that they had not submitted their report to anyone in the British system before this meeting because they did not want to have an individual appointed to look into the case, as happened in the Pat Finucane case. In that case the Chief Constable had called in John Stevens to conduct a criminal investigation. They believed that was a deliberate act to pre-empt a public inquiry. The British Government had access to all of the information in the Robert Hamill case.

The Attorney General said that we had been particularly concerned about the information made available by the coroner, John Lecky. We understood his

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decision not to proceed with an inquest in the circumstances. The Lecky statement spoke volumes. Barra McGrory said that he had copied the correspondence that he had had with the coroner to Downing Street. Dermot Gallagher said that he knew that Diane Hamill's contacts with Chris Patten had had a profound affect on him and influenced his report.

X In conclusion the Taoiseach said that he would personally ask Tony Blair to meet with the family and we would ask Jim Steinberg to get President Clinton to raise the case with Tony Blair.

Barra McGrory said that he would talk to the Secretary of State.

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