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## **UNITED KINGDOM: NORTHERN IRELAND The Sectarian Killing of Robert Hamill**

In the early morning of Sunday 27 April 1997, Robert Hamill, aged 25 and the father of three children, was returning from a Catholic dance hall through the centre of Portadown with a friend, Gregory Girvan, and two female cousins, Joanne Girvan (Gregory's wife) and Siobhan Girvan. The four were walking towards the main crossroads in the town centre, an area which had been the scene of sectarian attacks in the past, when they saw a crowd of people hanging about at the junction. Having noticed that a Royal Ulster Constabulary (RUC) jeep was parked near the crossroads, thereby offering a semblance of protection, the four carried on. In fact, the RUC officers in the jeep knew that the four were on their way as a man leaving the dance hall a few minutes earlier had been frightened by the group of Loyalists and had asked the officers to keep an eye out for other Catholics coming from the hall. Nonetheless, when Robert and his companions reached the crossroads, they were attacked by a crowd of around 30 Loyalist men and women. The two men were beaten and kicked savagely, and Robert was knocked unconscious almost immediately. The crowd continued to kick him as he lay on the ground while shouting sectarian abuse such as 'Die you Fenian (republican) bastard'.

According to Robert's companions, the two women cried out for the police to help. However, the four officers sitting in the RUC jeep about 20 feet away did not intervene to stop the attack or come to their assistance. An ambulance reportedly called by the RUC arrived several minutes later. Allegedly, the RUC officers did not get out of their jeep until just before the ambulance arrived. One of them told Siobhan, who had thrown herself over Robert in an attempt to protect him, to turn him over on his side into the recovery position, but no other help was offered by the RUC. Having been taken to hospital, Robert was diagnosed as suffering from a severe head injury. Robert never regained consciousness and died of his injuries on 8 May 1997.

Initial reports issued by the RUC following the attack were totally misleading, claiming that there had been a battle between Loyalist and Republican factions in which it would not have been safe for the police to intervene, and that the police had come under attack. No evidence was collected at the scene of the incident and no one was arrested that

evening or during the immediate period following the violent attack. The murder was investigated by RUC officers led by Detective Investigator Irwen, who was based at the Portadown RUC station, the same station as the RUC officers who failed to intervene in the attack.

Following the death of Robert Hamill, six people were arrested and charged with his murder. All six suspects asked to be placed in the Loyalist Volunteer Force wing at the Maze prison, where they were held in custody. However, by November 1997 all but one of the six suspects had been released, charges against the five having been dropped as the evidence available was deemed to be insufficient to provide a reasonable prospect of obtaining a conviction for murder. The magistrate who released the five suspects expressed sympathy with the defendants for the ordeal they had undergone. No one was ever charged with the assault on Gregory Girvan, who suffered facial cuts and severe bruising.

The only person to be brought to trial was Paul Rodney Marc Hobson, who was acquitted of Robert Hamill's murder in March 1999 for lack of evidence. The judge at the trial argued that it was impossible for him to be satisfied of Paul Hobson's guilt in relation to the murder charge 'although it is probable that he intended and did strike'. Paul Hobson was jailed for four years for committing an affray. In his judgment, the 'Diplock Court' judge said that he was 'unable to resolve the question whether police officers remained in the land rover during the attack', although he added that on the evidence of civilian witnesses 'this would not be entirely surprising and would not necessarily reflect on the officers' commitment to duty' since everything was peaceful immediately before the attack. However, the judge reproached the RUC officers for having failed to anticipate the attack, criticizing their behaviour on three counts: firstly, for disregarding the message of the man who first approached the jeep despite the fact that he obviously felt he had a warning of significance to impart; secondly, for placing the jeep in a position where they did not have a clear view of the junction despite having received this warning; and thirdly, for failing to act on information given to them about a man arrested at the scene, against whom a prima-facie case may have been made.

Since Robert Hamill's death, members of his family have been the victims of further sectarian harassment. Flowers placed by Robert's family at the spot where Robert was attacked have been torn down repeatedly, and at one point an unknown person placed flowers and a card on the spot saying 'For the six heroes', i.e. those who had been arrested in connection with the murder. The Hamill family has also complained that the RUC has been hostile towards the family since it made a complaint against the officers present at the murder scene, harassing the family and failing to act on continuing Loyalist harassment of the family. Moreover, in March 1999 Rosemary Nelson, the Hamill family's solicitor, who was preparing to bring private proceedings against the six murder suspects and the RUC, was killed by a car bomb in a Loyalist attack.

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After the Hamill family lodged a complaint against the RUC for their failure to act at the time of Robert's killing on 9 May 1997, an investigation into the conduct of the four police officers at the scene was initiated under the supervision of the Independent Commission for Police Complaints (ICPC). The ICPC has no independent investigation officers of its own, but relies on the RUC to carry out inquiries on its behalf and under its supervision. In Robert Hamill's case, inquiries into the four RUC officers' conduct at the time of the attack were reportedly conducted by police officers from Portadown RUC station, the same station where the police officers under investigation were based. None of the officers who were in the jeep were suspended pending the investigation; the Hamill family had launched a petition calling for their suspension, which was signed by 20,000 people and presented to Dr Mo Mowlam, the Secretary of State for Northern Ireland. Also, in its 1997 Annual Report, the ICPC claimed that although several opportunities existed for potential witnesses to give evidence at interview, only one person attended. However, Amnesty International believes that the reason why potential witnesses were reluctant to be interviewed may be that the RUC was undertaking the investigation.

Having received the investigating officer's report in December 1997, on 19 January 1998 the ICPC issued a statement expressing its satisfaction with the conduct of the criminal aspects of the investigation. The ICPC subsequently forwarded the investigation report to the Director of Public Prosecutions (DPP). Following the closure of the criminal case against Paul Hobson with his acquittal of Robert Hamill's murder in March 1999, on 29 September 1999 the DPP finally decided not to bring criminal charges against the officers for their failure to act to protect Robert Hamill and his companions. Reportedly, the DPP took the decision because there was no reasonable prospect of convicting any of the officers. Following this decision, the Hamill family are considering taking civil action against the RUC.

The DPP having decided not to prosecute, the incident file now goes back to the Independent Commission for Police Complaints (ICPC) and the RUC, who will then decide whether to take any disciplinary actions against the officers in question.

Amnesty International is concerned about the alleged failure of RUC officers to intervene and protect Robert Hamill and his companions when they were attacked by a large group of Loyalists; about the failure of the RUC officers to provide first aid to Robert Hamill; about the failure of the RUC to impartially and promptly investigate the attack, including the failure to preserve the scene of crime, to secure forensic evidence and to make arrests; and about misleading press statements issued by the RUC after the incident. Amnesty International is therefore calling for a fully independent and impartial inquiry to be carried out into the circumstances surrounding the killing of Robert Hamill and the role played by the RUC at the time of the incident and in the investigation.

**KEYWORDS:** UNLAWFUL KILLING / RELIGIOUS INTOLERANCE / RELIGIOUS

GROUPS - CATHOLIC / POLICE / INVESTIGATION OF ABUSES /