

Omagh Bombing Inquiry: Preliminary Hearing Transcript 30 July 2024

1 Tuesday, 30 July 2024

2 (10.00am)

3 Opening statement by LORD TURNBULL

4 LORD TURNBULL: Good morning. I would like to welcome

5 everyone to this, the first hearing of the independent

6 public inquiry into the bombing which took place on

7 Market Street here in this town on 15 August 1998.

8 I will be hearing evidence in the course of this

9 Inquiry as to what occurred on that date. I shall also

10 have the opportunity of hearing directly from some of

11 those who suffered the sudden and shocking loss of their

12 loved ones, their family members and their friends, or

13 those who suffered injury themselves.

14 I would like to express my gratitude to all of

15 those who are prepared to share their experiences of

16 that day and to share an understanding of the grief,

17 loss and harm which they have endured and to provide

18 an insight into the lives of their loved ones.

19 That evidence will comprise an important part of

20 the Inquiry's investigation. Even before I hear that

21 evidence, though, what it is publicly known already

22 allows me to appreciate something of the magnitude of

23 the atrocity. I know that the pain of bereavement and

24 the trauma caused by the bombing was felt far beyond the

25 community of Omagh. Those who were killed were from

1 Northern Ireland, the Republic of Ireland, England and
2 Spain.

3 I know that those killed and injured ranged in age
4 from those yet to be even born through babies, infants,
5 children, and young people with their whole lives ahead
6 of them, men and women in their prime, and those who
7 were looking forward to a time in which they could share
8 in the experiences of their adult children and
9 grandchildren.

10 I also know that the impact of this terrorist
11 attack spread beyond the death and destruction brought
12 to this community. The fact that such an outrageous
13 attack took place only a few short months after the
14 people of both Northern Ireland and the Republic of
15 Ireland had voted so comprehensively in support of the
16 Belfast Good Friday Agreement caused outrage and
17 consternation across national boundaries and across
18 continents.

19 Condemnation was expressed by the Prime Minister
20 of the United Kingdom and the Taoiseach of the Republic
21 of Ireland. Other world leaders, community leaders,
22 religious leaders and political leaders all joined with
23 them in expressing the unforgivable nature of what had
24 occurred.

25 In keeping with the sentiments expressed Taoiseach

1 on that occasion, I am very pleased to note the support
2 of the Government of Ireland for the work of this
3 Inquiry. In that regard, I would like to extend my
4 thanks to the Director General and the Deputy Political
5 Director of the Ireland, United Kingdom~& Americas
6 Division of the Department of Foreign Affairs within the
7 Government of Ireland for kindly offering to attend here
8 today.

9 Of course, almost 26 years have now passed since
10 the events of that day. However, the contact which
11 I and members of the Inquiry team have had with some of
12 those who were directly affected by the bombing has made
13 it plain to us that the trauma caused has been enduring
14 and continues to have a most powerful impact.

15 31 lives were lost, and life-changing and other
16 serious injuries, both physical and mental, were cruelly
17 inflicted on many others.

18 It is right, therefore, that the interests and
19 concerns of all of those who suffered the loss of loved
20 ones and those who suffered injury should be at the
21 heart of the work conducted by this Inquiry.

22 That statement is reflected in the approach which
23 the Inquiry decided to take to the appointment of those
24 bereaved and injured individuals who wished to be
25 designated as Core Participants.

1 As part of our recognition of the importance of
2 the Inquiry to those affected by the bombing, suitably
3 qualified and experienced staff will be available to
4 provide assistance when giving evidence or when
5 attending at the Inquiry hearings. In keeping with
6 this, the Inquiry will adopt a trauma-informed approach
7 in all of its contact with family members and others
8 affected.

9 But even with the legitimate interests of those
10 affected by the bombing held closely in mind, the
11 defining character of the Inquiry must be its
12 independence. It is by guiding its own path and through
13 the application of that quality of independence that the
14 Inquiry will be able to engage in a credible fashion
15 with the essence of its purpose, which is to establish
16 whether there were reasonable steps which could have
17 been taken by UK state authorities to prevent the
18 bombing from occurring.

19 The Inquiry will undertake that task rigorously
20 and fearlessly. It will not allow itself to be
21 deflected from its purpose by the difficulties which may
22 lie in its way on account of the passage of time, or the
23 volume and complexity of materials it may be asked to
24 consider.

25 The public nature of the Inquiry's work will

1 provide me with an opportunity to exhibit that
2 commitment to persevere with determination.

3 Of course, some of the evidence and materials
4 which the Inquiry will assess may be of particular
5 sensitivity and it may be that, for reasons of national
6 security, it becomes necessary to hear some of that
7 evidence in private or in what are known as closed
8 sessions.

9 If that is so, I will undertake to ensure that any
10 evidence led in closed session is subject to the same
11 level of rigorous scrutiny as that led in open
12 proceedings. Insofar as it is possible to do so,
13 I shall also ensure that any evidence heard in closed
14 session is summarised or gisted, so that
15 Core Participants and the public are aware of the
16 central issues which the closed sessions are concerned
17 with.

18 I have touched already on the need for the
19 Inquiry's defining character to be its independence.
20 The value which the Inquiry attaches to its independence
21 means that it will not be amenable to influence from any
22 Government or from any state agency.

23 I undertake to conduct my task of chairing the
24 work of the Inquiry with an open mind. That, of course,
25 means that I will assess the evidence which is heard

1 both fairly and reasonably. I will do so without any
2 preformed view or impression as to whether the atrocity
3 could or could not have been prevented. This is of
4 prime importance given that so much has been written and
5 reported about the bombing over the years which have
6 passed.

7 There have also, of course, been a number of other
8 investigations, inquiries and proceedings of one sort or
9 another. Some of what has been written or reported has
10 led to controversy, and various different and concerning
11 claims have been advanced over the years.

12 This Inquiry will have the benefit of taking
13 account of the work undertaken in some of the previous
14 investigations and proceedings.

15 Nevertheless, it is important to emphasise the
16 unique aspect of this Inquiry's jurisdiction and
17 function. The work of this Inquiry will comprise the
18 first occasion on which the question of whether the
19 bombing could have been prevented will be explored and
20 tested within the confines of an inquisitorial judicial
21 process, which will have the ability to exercise powers
22 of compulsion and recovery.

23 This exercise will be undertaken in an independent
24 and focused manner by Counsel to the Inquiry, and it
25 will, I am sure, benefit from the support and

1 co-operation of the highly experienced representatives
2 of the Core Participants.

3 The combined benefits of the process which is
4 engaged in under the Inquiries Act 2005 and the
5 opportunity for Core Participants to assist the Inquiry
6 in its work will, I believe, ensure that this Inquiry is
7 able to credibly and comprehensively address its
8 Terms of Reference.

9 Having said that, I do not underestimate the scale
10 of the task which lies ahead. That is why I have sought
11 to emphasise the importance of the role which the
12 Core Participants have to play. The co-operation and
13 active assistance of each Core Participant will be
14 a prerequisite for the successful functioning of the
15 Inquiry.

16 I am sure that there will be a combined will to
17 see that the light which the evidence can still shine,
18 all of these years later, remains sufficient to ensure
19 that the truth becomes clear for all to observe.

20 Much of the work of the Inquiry will be undertaken
21 by Mr Paul Greaney KC. He has agreed to accept the
22 onerous and demanding task of Counsel to the Inquiry.
23 His expertise and experience, as demonstrated in many
24 similar proceedings to these, makes him a most valuable
25 resource for me to depend upon.

1 Today he appears with Mr John Rafferty from the
2 Inquiry counsel team.

3 In a moment I shall invite Mr Greaney to give
4 an update on the work of the Inquiry and the plans for
5 the coming months. In recognition of the enduring loss
6 caused by the atrocity which this Inquiry is tasked with
7 examining, I shall invite him to identify by name each
8 of those who lost their lives. Once he has done so,
9 I shall then invite all present to reflect on the
10 individual and combined tragedy of so much loss by
11 joining me in a minute's silence.

12 Once Mr Greaney has completed his submissions,
13 I will invite each of the Core Participant
14 representatives to introduce themselves, to identify the
15 family group or other party for whom they appear, and to
16 present any short submissions or observations which they
17 may wish to offer.

18 Mr Greaney.

19 Opening remarks by MR GREANEY

20 MR GREANEY: Sir, thank you.

21 These are the names of those killed in the
22 bombing.

23 James Barker.

24 Fernando Blasco Baselga.

25 Geraldine Breslin.

- 1 Deborah-Anne Cartwright.
- 2 Gareth Conway.
- 3 Breda Devine.
- 4 Oran Doherty.
- 5 Aidan Gallagher.
- 6 Esther Gibson.
- 7 Mary Grimes.
- 8 Olive Hawkes.
- 9 Julia Hughes.
- 10 Brenda Logue.
- 11 Jolene Marlow.
- 12 Ann McCombe.
- 13 Brian McCrory.
- 14 Samantha McFarland.
- 15 Sean McGrath.
- 16 Sean McLaughlin.
- 17 Avril Monaghan, and her unborn twins.
- 18 Maura Monaghan.
- 19 Alan Radford.
- 20 Rocio Abad Ramos.
- 21 Elizabeth Rush.
- 22 Veda Short.
- 23 Philomena Skelton.
- 24 Brian White.
- 25 Frederick White.

1 Lorraine Wilson.

2 Sir, we will now observe one minute's silence, as
3 you indicated, and we invite those who are able to stand
4 to do so during that period.

5 (Pause for the minute's silence)

6 MR GREANEY: Sir, that concludes the minute's silence.

7 In what I say next, immediately next, I will make
8 reference to the circumstances of the bombing, and so
9 I will pause for a moment to allow anyone who wishes to
10 leave the room or to switch off the live feed to do so.

11 (Pause)

12 Sir, those we have just named and remembered were
13 killed as a result of events here in Omagh on Saturday,
14 15 August 1998. That afternoon, the centre of Omagh was
15 busy with shoppers, with workers and tourists.

16 At 2.00 pm that day, dissident republican
17 terrorists drove a stolen Vauxhall Cavalier into the
18 town. At 2.20 pm they parked the car up on Market
19 Street and they walked away. The vehicle contained
20 a massive bomb.

21 Shortly after 3.00 pm the device was detonated and
22 those we have named, men, women and children, and unborn
23 children, were killed by the explosion. Hundreds were
24 injured and countless lives were changed forever.

25 What was done that day in Omagh caused the biggest

1 single loss of life in the history of the Troubles, and
2 was, sir, as you have rightly described it, an atrocity.
3 As you said, sir, in your introductory remarks, those
4 that we have just remembered and their families must be
5 at the heart of your Inquiry, as must those who survived
6 and the community of Omagh more generally.

7 A process of commemoration and personal statements
8 early next year to mark the commencement of the
9 Inquiry's oral evidence hearings will enable us and in
10 particular you, sir, to learn about those killed and
11 injured, and will place the deceased and their families
12 and others affected by the bombing where they deserve to
13 be, namely at the centre of your investigation.

14 We know that you consider such a process to be
15 vital, as do we, the Inquiry team, and later in our
16 submissions this morning we'll say more about what we
17 expect that process will involve.

18 Sir, you have invited us to provide an update on
19 the work of the Inquiry so far, and in doing so we'll
20 deal with the topics in the following order, so that
21 everyone can follow where we are at any point in time.

22 First, the scope of the Inquiry and the connected
23 topic of the engagement of the Republic of Ireland.

24 Second, as we've just said, the commemorative and
25 personal statements hearings.

1 Third, the designation of CoreParticipants.
2 Fourth, disclosure of the documentation needed by
3 the Inquiry to fulfil its Terms of Reference.
4 Fifth, expert evidence.
5 Sixth, the issue of special advocates that has
6 been raised in written submissions.
7 Seventh, support for those engaging with the
8 Inquiry.
9 And eighth, and finally, the venue for subsequent
10 hearings after today.
11 First, then, scope and the engagement of the
12 Republic of Ireland.
13 This inquiry, as everyone knows, has arisen out of
14 the judgment of Mr Justice Horner, as he was then,
15 Lord Justice Horner as he is now, on the claim for
16 judicial review brought by Michael Gallagher, the father
17 of Aidan whom we mentioned a moment ago.
18 In the penultimate paragraph of his ruling on that
19 claim, the judge said this, and I quote:
20 "I am satisfied that grounds 2, 6, 7 and 9 when
21 considered separately or together give rise to plausible
22 arguments that there was a real prospect of preventing
23 the Omagh bombing. These grounds involve, inter alia,
24 the consideration of terrorist activity on both sides of
25 the border by prominent dissident terrorist republicans

1 leading up to the Omagh bomb. It will necessarily
2 involve the scrutiny of both OPEN and CLOSED material
3 obtained on both sides of the border. It is not [said
4 the judge] within my power to order any type of
5 investigation to take place in the Republic of Ireland
6 but there is a real advantage in an Article 2 compliant
7 investigation proceeding in the Republic of Ireland
8 simultaneously with one in Northern Ireland. Any
9 investigation will have to look specifically at the
10 issue of whether a more proactive campaign of
11 disruption, especially if co-ordinated, north and south
12 of the border, had a real prospect of preventing the
13 Omagh bombing and whether, without the benefit of
14 hindsight, the potential advantages of taking a much
15 more aggressive approach ... [towards] the suspected
16 terrorists outweighed the potential disadvantages
17 inherent in such an approach."

18 Sir, it seems to us that two specific issues arise
19 out of that conclusion of the judge that it's necessary
20 for us to address at this early stage. One, is the
21 scope of this Inquiry's investigation limited to those
22 grounds upon which the claim for judicial review
23 succeeded, namely grounds 2, 6, 7 and 9? And, two, what
24 is the position so far as co-operation by the
25 Republic of Ireland is concerned?

1 As for the scope of your investigation, sir, some
2 of the Core Participants in their written submissions
3 have expressed a wish to be reassured that you do not
4 consider this Inquiry constrained to examine only the
5 grounds regarded as plausible by Mr Justice Horner, and
6 were able to provide that reassurance and to do so
7 unequivocally.

8 The Inquiry's investigation is not limited to
9 those grounds upon which Michael Gallagher's claim for
10 judicial review succeeded.

11 The purpose of your inquiry is set out in
12 paragraph 1 of its Terms of Reference and the purpose is
13 stated to be this:

14 "To investigate whether the car bomb detonated in
15 Omagh, County Tyrone on 15th August 1998 in which
16 29 people and two unborn children were killed could have
17 been prevented by UK state authorities, with particular
18 attention to the matters considered by Horner J in the
19 application for judicial review ..."

20 As that paragraph makes clear, the Inquiry is not
21 constrained by that which the court in the judicial
22 review proceedings regarded as giving rise to plausible
23 arguments about the preventability of the bombing. This
24 Inquiry's investigation will range much wider than that,
25 as the balance of the Terms of Reference make clear.

1 In short, sir, your investigation will consider
2 all of the grounds considered by Mr Justice Horner,
3 whether accepted or not in his ruling, and other matters
4 too.

5 Sir, we regard it as important that we should read
6 out the Terms of Reference so that they are publicly
7 understood and so that the breadth of your investigation
8 is similarly understood.

9 Having set out the purpose of the Inquiry in the
10 terms that we've stated, the Terms of Reference provide
11 as follows, under the heading "Scope":

12 "To the extent necessary to investigate issues
13 relating to whether the Omagh Bombing could have been
14 prevented by UK state authorities, the Inquiry's
15 investigations will include consideration, individually
16 and collectively, of the following matters:

17 "a. As background and context to the
18 Omagh Bombing, the assessment by UK state authorities of
19 the threat posed in Northern Ireland by dissident
20 republican terrorists from 1st December 1997 to the date
21 of the Omagh Bombing. This shall include consideration
22 of any change in the assessment following the
23 Belfast Agreement on 10th April 1998.

24 "b. The adequacy of the measures taken by UK
25 state authorities, including the police, security forces

1 and Intelligence and Security Agencies, to disrupt those
2 dissident republican terrorists who had been involved in
3 terrorist attacks or attempted terrorist attacks in the
4 period from 1st December 1997 to the Omagh Bombing.

5 This shall include consideration of any change in the
6 measures used or approach taken by UK state authorities
7 following the Belfast Agreement on 10 April 1998.

8 "c. The adequacy of the policies and practices of
9 UK state authorities, including the police, security
10 forces and Intelligence and Security Agencies, in
11 sharing intelligence between themselves and with the
12 authorities in the Republic of Ireland on the activities
13 of those dissident republican terrorists who had been
14 involved in terrorist attacks or attempted terrorist
15 attacks in that period from 1st December 1997 to the
16 Omagh Bombing.

17 "d. The allegation made by Norman Baxter (former
18 Senior Investigating Officer in the investigation into
19 the Omagh Bombing) in the course of his evidence to the
20 Northern Ireland Affairs Select Committee on
21 11 November 2009, that police investigators into
22 previous attacks in Moira ... Portadown ... Banbridge
23 ... and Lisburn ... did not have access to intelligence
24 materials which may reasonably have enabled them to
25 disrupt the activities of dissident republican

1 terrorists prior to the Omagh Bombing.

2 "e. Information relating to dissident republican

3 terrorist activity said to have been passed to police

4 between June and August 1998 by an alleged British

5 security forces agent known by the name of Kevin Fulton

6 and whether that might reasonably have enabled UK state

7 authorities, whether on its own or in conjunction with

8 other information, to disrupt dissident republican

9 terrorists engaged in the planning and preparation of

10 the Omagh Bombing;

11 "f. The nature of the intelligence said to have

12 been obtained by the UK Government's Communication

13 Headquarters (GCHQ), including from alleged vehicle and

14 telephone monitoring, of dissident republican terrorists

15 involved in the planning, preparation and conduct of the

16 Omagh Bombing and other earlier attacks.

17 "g. The adequacy of the analysis and handling of

18 and response by UK state authorities to any intelligence

19 obtained by GCHQ, including from vehicle and telephone

20 monitoring, of dissident republican terrorists involved

21 in the planning, preparation and/or conduct of the

22 Omagh Bombing and other earlier attacks.

23 "h. The extent and adequacy of steps taken by UK

24 state authorities to track and analyse the mobile

25 telephone usage by those suspected to be involved in

1 dissident republican terrorist attacks before the
2 Omagh Bombing and whether that might reasonably have
3 enabled UK state authorities to disrupt dissident
4 republican terrorists engaged in the planning,
5 preparation and/or conduct of the Omagh Bombing."

6 Just pausing for one moment, we'll have more to
7 say about that particular paragraph, 2.h, when we
8 address the topic of expert evidence.

9 To finish dealing with the Terms of Reference:

10 "i. Any other matters which are relevant to
11 whether the Omagh Bombing on 15th August 1998 could have
12 been prevented by UK state authorities. To the extent
13 it is relevant to the issue of preventability by UK
14 state authorities, this may include information sharing
15 and investigations ..."

16 That is the breadth, sir, of your investigation.

17 Those Terms of Reference have now been
18 supplemented by a detailed List of Issues. That List of
19 Issues was shared with Core Participants on 16 July of
20 this year, and this morning it has been published on the
21 Inquiry's website. The List of Issues is too lengthy to
22 rehearse now, but we invite anyone interested in the
23 work of the Inquiry to read that list in full. We
24 believe that the List of Issues demonstrates the
25 Inquiry's intention to leave no stone unturned in

1 investigating whether the bombing could have been
2 prevented by UK state authorities, but we emphasise that
3 the List of Issues is provisional, in the sense that it
4 will be kept under review, so that if the investigation
5 of some of additional issue becomes necessary in order
6 to fulfil the Inquiry's Terms of Reference, it will be
7 investigated.

8 Sir, we turn next to the connected topic of the
9 participation of the Republic of Ireland.

10 That topic is connected with the scope of your
11 inquiry, because investigation fully of the question of
12 whether the bombing could have been prevented by UK
13 state authorities undoubtedly requires the assistance of
14 the Government of Ireland. That is because it is highly
15 likely, if not inevitable, that the state authorities
16 within the Republic of Ireland hold evidence and/or
17 information bearing upon the Inquiry's
18 Terms of Reference.

19 Your powers, as the chairman of an inquiry under
20 the Inquiries Act 2005 ("the Act") and the Inquiry Rules
21 2006 ("the Rules"), do not extend beyond the borders of
22 the United Kingdom, and so obtaining the material held
23 by the Government of Ireland and securing access to any
24 citizen of the Republic of Ireland that we wish to give
25 evidence requires the co-operation of the Irish state.

1 In order to secure that co-operation, the Inquiry
2 team has met with senior officials of the Government of
3 Ireland on several occasions. The discussions that have
4 taken place have been positive, and during them the
5 Government of Ireland has expressed a strong desire to
6 co-operate fully with the Inquiry.

7 The Inquiry team is grateful to the Government of
8 Ireland for its positive engagement with the Inquiry
9 team. The challenge is to see the engagement that has
10 occurred to date translate into meaningful engagement
11 with the Inquiry's processes, both leading up to and
12 during the course of the Inquiry's oral evidence
13 hearings.

14 And, sir, in describing that challenge, we
15 emphasise that the Inquiry team does not doubt that the
16 Government of Ireland has a strong commitment to
17 achieving that vital aim.

18 Initial meetings between the Inquiry team and
19 senior officials of the Government of Ireland took place
20 on 13 November of last year, along with
21 18 December 2023. So those are dates even before the
22 Inquiry had been formally established.

23 The purpose of those early meetings was to begin
24 a dialogue, recognising the important role that the
25 Irish state must play in this Inquiry.

1 A third meeting took place on 1 March of this
2 year, just over a week after the date of establishment
3 of the Inquiry. The purpose of that third meeting was
4 to enable the Inquiry team to discuss the Inquiry's
5 Terms of Reference, which had been published on
6 21 February, with the Government of Ireland and to begin
7 to establish ways of working that would enable the
8 Inquiry to secure the evidence and information it needed
9 from the Republic of Ireland.

10 Prior to this meeting, the then Taoiseach,
11 Tánaiste and Justice Minister all indicated a desire to
12 assist the Inquiry to the fullest extent possible, and
13 those expressions of commitment were, of course,
14 welcomed by your team, sir, and by you.

15 At that meeting the Inquiry team relayed to the
16 officials of the Government of Ireland that you, the
17 chairman, regarded active participation in the Inquiry
18 by the Republic of Ireland as being important, and
19 important in the highest degree. The discussion at that
20 meeting was wide-ranging, covering, for example, details
21 about the Terms of Reference, access to materials and
22 the provision of witness evidence.

23 Furthermore, the Inquiry team communicated to the
24 officials an invitation by you, sir, to the Government
25 of Ireland to apply for Core Participant status,

1 a status that we will say more about in due course.

2 On 5 March of this year, following on from that
3 meeting, the Solicitor to the Inquiry, Tim Suter, who
4 sits to my right, wrote to the Government of Ireland.
5 That letter repeated, sir, your invitation to the
6 Government of Ireland to seek designation as
7 a Core Participant in the Inquiry. The letter stated,
8 and again I quote:

9 "The role of the Government of Ireland in the
10 Inquiry is a matter of the highest importance to the
11 Chairman. It is central to the ability of the Inquiry
12 to conduct a thorough investigation into all the issues
13 within its Terms of Reference, in particular
14 intelligence sharing about the threat posed by dissident
15 republicans between the UK and Ireland prior to the
16 tragic events in Omagh.

17 "Moreover [the letter continued], the Chairman
18 considers that the trust and confidence of the bereaved
19 families in the Inquiry and that of the survivors, the
20 broader public on both sides of the Irish border and
21 beyond, requires participation in and full co-operation
22 by the Government of Ireland with the Inquiry." [as
23 read]

24 The Government of Ireland replied to that letter
25 on 25 April. It did so by saying this:

1 "At the outset, let me restate the Government's
2 commitment to ensuring that there is nothing unanswered
3 in this jurisdiction at the end of the UK inquiry." [as
4 read]

5 Said the Government of Ireland's letter:

6 "We will assist the Inquiry to the greatest extent
7 possible within the law." [as read]

8 The letter went on to describe the invitation for
9 another sovereign state to seek Core Participant status
10 as "novel" and stated that that invitation would take
11 time to consider. The letter addressed the role of the
12 Republic of Ireland in providing documents and other
13 evidence in this way:

14 "We have taken [said the letter] a number of
15 exceptional measures in this jurisdiction to enable
16 cross-border co-operation in various legacy processes,
17 including inquests, police investigations and reviews.
18 That is a clear sign of our desire to help victims and
19 families. We will approach the issue of being a
20 material provider in the same positive spirit but, as
21 you note, it will require further discussion between
22 us." [as read]

23 So ended that letter.

24 Sir, we will return to the position of the
25 Government of Ireland in a moment, but first we should

1 mention connectedly that on 5 June of this year the
2 Inquiry team met with Assistant Commissioner
3 Michael McElgunn of the National Crime and Security
4 Intelligence Service, or the AGS. As with the meeting
5 with officials of the Government of Ireland, the
6 discussions were focused on how to maximise the
7 involvement and participation of the AGS in your
8 Inquiry. The investigation to the Irish state to seek
9 Core Participant status was extended to the AGS. And
10 may we say that that meeting with the Assistant
11 Commissioner was a constructive one.

12 On 11 June, Mr Suter wrote to the Assistant
13 Commissioner to thank the AGS for its positive
14 engagement with the Inquiry. An invitation was extended
15 to that organisation, the AGS, to attend the Inquiry's
16 preliminary hearing today. A letter was sent in similar
17 terms to the Government of Ireland on 12 June.
18 Assistant Commissioner McElgunn replied on 24 June
19 dealing with a number of issues and stating that the AGS
20 was "keen to assist the Inquiry in every way possible".

21 The Government of Ireland replied the same day,
22 requesting a further meeting to discuss the invitation
23 to attend the preliminary hearing and to better
24 understand the nature of the assistance that the Inquiry
25 was seeking and the mechanisms to facilitate working

1 together.

2 That meeting took place earlier this month, on
3 3 July, when the Inquiry team met with officials from
4 the Government of Ireland's Departments of Justice and
5 Foreign Affairs. How the Government's engagement with
6 the Inquiry may work in practice was discussed at that
7 meeting in general terms.

8 As has been widely reported, at a meeting on
9 9 July the Tánaiste and the Minister for Justice,
10 Helen McEntee, received formal approval from the
11 Irish Government for the provision of assistance to this
12 Inquiry add following that, on 11 July, so two days
13 later, the Inquiry team met with officials of the
14 Government of Ireland.

15 Sir, as you have identified in your introductory
16 remarks, senior official representatives of the Irish
17 state have attended today's preliminary hearing. They
18 are Ruairi De Burca, as you said, sir, the
19 Director General of the Ireland, UK & Americas Division
20 at the Department of Foreign Affairs, and
21 Robert Jackson, the deputy political director of the
22 same division. Sir, they are seated immediately to your
23 left.

24 With your agreement, Ruairi De Burca will make a
25 public statement later in the proceedings, by which

1 I mean the proceedings today. Mr De Burca has helpfully
2 provided a draft of what he proposes to say to you, to
3 the families, to the survivors and to the public more
4 generally.

5 We have read that with care. We welcome the
6 commitments that are to be made by Mr De Burca in that
7 statement by the Irish state, as we know you do also.

8 We invite everyone here today or viewing these
9 proceedings elsewhere to listen carefully to what is to
10 be said today on behalf of the Government of Ireland.

11 We consider that it is encouraging and we hope others
12 will too.

13 The public statement of Ruairi De Burca, which
14 we'll hear later this morning we expect, may, of course,
15 generate questions on the part of Core Participants. If
16 it does, that will be entirely understandable. However,
17 it's important that we should make clear that we know,
18 sir, that you will not expect Mr De Burca to answer
19 questions at today's hearing. Instead, our view, and we
20 know yours, sir, is that any such questions should be
21 notified to the Inquiry in writing within 14 days. The
22 Inquiry team will then endeavour to seek answers to
23 relevant queries as part of its ongoing dialogue with
24 the Government of Ireland.

25 May we make plain that we have no wish to exclude

1 Core Participants from being able to raise questions
2 that go to this important issue of co-operation by the
3 Irish state, but we consider, after careful reflection,
4 that those discussions are best managed at this stage by
5 a dialogue between the Inquiry and the Government of
6 Ireland.

7 Sir, as all will now, we hope, understand, much
8 work has been done by the Inquiry team, in particular
9 the Solicitor to the Inquiry, Tim Suter, and the
10 Secretary to the Inquiry, Sam Hartley, to engage and to
11 engage positively with the state authorities in the
12 Republic of Ireland.

13 The Inquiry is grateful for the co-operative and
14 constructive approach adopted by the Government of
15 Ireland and the AGS to its discussions with them. The
16 intention of the Inquiry, may we make plain, is to
17 ensure, with emphasis on that word, that those
18 discussions now move into a practical phase in which
19 clear, written agreements are put in place to make
20 certain that the Inquiry has full access to any
21 potentially relevant materials held by state authorities
22 in the Republic of Ireland, and that it has the ability
23 to obtain statements and call witnesses to attend the
24 Inquiry to give evidence in person.

25 That is the Inquiry's commitment to what it seeks

1 to ensure.

2 The Core Participants can be assured that the
3 Inquiry team will be monitoring progress closely and
4 will expect meaningful progress within a reasonable time
5 frame. And, sir, we will keep Core Participants updated
6 as practical co-operation develops between the Inquiry
7 and the Government of Ireland.

8 Sir, we'll turn next to the second matter of
9 update, that being the commemorative and personal
10 statement hearings.

11 As we have emphasised already, we know that you
12 regard a process of commemorative and personal statement
13 hearings as vital, as indeed does your team, and that is
14 why those hearings will represent the first stage of the
15 Inquiry's oral evidence hearings.

16 On 27 June, so just over a month ago now, the
17 Inquiry announced that the commemorative and personal
18 hearings will start on Monday, 27 January of next year.
19 They are expected to last for three to four weeks and
20 they will take place here in the Strule Arts Centre.

21 The Inquiry's announcement explained the following, and
22 I quote:

23 "The Commemorative and Personal Statement Hearings
24 will play a key role in the inquiry. They will allow
25 the Chairman to receive written statements and to hear

1 evidence directly from those most affected by the
2 bombing. It is a voluntary process. It will ensure the
3 families of the bereaved, those who were injured and the
4 community of Omagh can share their experiences."

5 The Inquiry team hosted an information day with
6 WAVE Trauma Centre about whom we'll have more to say
7 shortly, here at Omagh on 16 July, so two weeks ago.
8 That event provided an opportunity for those who may not
9 otherwise know about the Inquiry or who had not engaged
10 with it to date to meet members of the Inquiry team. We
11 hope and moreover we believe that those who attended the
12 two sessions that day found the experience a valuable
13 one. The Inquiry team is open to the prospect of
14 a further information day and it encourages anyone who
15 considers that would be of value to contact Mr Suter via
16 the Inquiry website.

17 The web address for the Inquiry's website is
18 <https://omagh.independent-inquiry.uk>, or alternatively
19 our website can be found by typing the phrase
20 "Omagh Bombing Inquiry" into a search engine.

21 Available on the Inquiry's website is an explainer
22 document, along with a protocol that sets out how anyone
23 who wishes to contribute to the commemorative and
24 personal statement hearings can do so. Whilst there is
25 no requirement to contribute, we would encourage anyone

1 who wishes to share their experiences of the bombing to
2 contact the Inquiry expressing their wish to do so. And
3 may we add that we do not underestimate the courage that
4 will require.

5 Whilst no substitute for reading the source
6 material available on the Inquiry's website, there are
7 a number of basic features of the commemorative and
8 personal statement hearings that we will set out now
9 with the aim, we hope, of being helpful.

10 That hearing, starting early next year, will have
11 two purposes.

12 The first purpose is to commemorate publicly each
13 person who was killed in the bombing. This will take
14 the form of pen portraits in order to explain who each
15 person who died was in life and to recognise their
16 individuality. It will allow family members to set out
17 the impact of the death of their loved one.

18 The second purpose is to hear personal statements
19 from those who were injured in or were directly affected
20 by the bombing. This will recognise the wider impact of
21 the atrocity on the community of Omagh and, indeed,
22 beyond.

23 Sir, to deal with the mechanics of this, you have
24 requested that family members or their legal
25 representatives inform Tim Suter, the Solicitor to the

1 Inquiry, by 4.00 pm on 9 September this year of certain
2 particulars in respect of the person that they wish to
3 commemorate. And you have further requested that any
4 pen portrait evidence is submitted by 4.00 pm on
5 1 November.

6 It is important to emphasise, as the Inquiry's
7 announcement did, that this is intended to be
8 an entirely voluntary process. There is no requirement
9 or even expectation that a bereaved family should
10 provide a pen portrait, and may we be clear that no
11 reasons or explanation will be sought if a family
12 chooses not to do so. It is entirely a matter for each
13 family to decide.

14 You, sir, have further requested that any
15 individual wishing to provide a personal statement
16 should inform the Solicitor to the Inquiry of their wish
17 to do so by 4.00 pm on 9 September and provide certain
18 particulars. The Inquiry will then review all material
19 received and, provided the witness has relevant evidence
20 to give, will issue a written request accompanied at
21 that stage by further guidance. You have requested,
22 sir, that any witness who receives a written request of
23 that type should submit their personal statement by
24 4.00 pm on Friday, 1 November.

25 Sir, it is important if we are to maintain the

1 progress we wish to make that that timetable should be
2 adhered to, but the Solicitor to the Inquiry and his
3 team will aim to assist anyone who experiences
4 difficulties or challenges with the process or with the
5 timetable.

6 Next, update topic 3, the designation of
7 Core Participants.

8 Rule 5(1) of the Rules that we have mentioned
9 already provides that:

10 "... [you] chairman may designate a person as
11 a core participant at any time during the course of the
12 inquiry, provided that person consents to being so
13 designated."

14 Rule 5(2) provides that:

15 "In deciding whether to designate a person as
16 a core participant, [you] must in particular consider
17 whether --

18 "(a) the person played, or may have played,
19 a direct and significant role in relation to the matters
20 to the inquiry relates;

21 "(b) the person has a significant interest in
22 an important aspect of the matters to which the inquiry
23 relates; or

24 "(c) the person may be subject to explicit or
25 significant criticism during the inquiry proceedings or

1 in the report, or in any interim report."

2 You must, of course, act fairly at all times, but,
3 sir, the procedure and conduct of the Inquiry is
4 a matter for you to decide. You have a wide discretion
5 to decide who to designate as a Core Participant. And
6 furthermore, and importantly, irrespective of whether
7 someone is a Core Participant, they may still be
8 a witness to the Inquiry and will, if that is the case,
9 be supported by the Inquiry team to enable them to
10 participate fully in that capacity as witness in the
11 evidential hearings.

12 On 26 February of this year, the Inquiry published
13 its protocol on applications for Core Participant
14 status. The protocol involved a process of
15 applications, with the ability of unsuccessful
16 applicants to renew, followed by a final determination
17 by you, sir.

18 The Inquiry received, as was to be expected,
19 a number of applications for Core Participant status.

20 In determining each application you followed the
21 procedure set out in the protocol that had been
22 published and had regard to the factors in Rule 5(2) in
23 exercising your discretion whether to designate that
24 applicant.

25 In the result, some applications were successful

1 and some were unsuccessful. The Inquiry has published
2 lists of those falling into each category on its
3 website.

4 Of those applicants who were unsuccessful, one has
5 applied for leave to apply for judicial review. That is
6 Peter Keeley, also known as Kevin Fulton, to whom we
7 made reference earlier when dealing with the
8 Terms of Reference. You, sir, oppose his application
9 for judicial review.

10 Mr Justice Humphreys has given directions, and
11 those directions include that matter being listed for
12 what is known as a rolled-up hearing on 3 September this
13 year, and, sir, we will say no more about that
14 application at this stage.

15 Finally under this heading that deals with
16 Core Participant designation, you have made several
17 awards, pursuant to section 40 of the Act, for certain
18 Core Participants to have legal representation at the
19 public expense. Those awards are managed in accordance
20 with the Inquiry's cost protocol and that protocol,
21 along with the other protocols that we have mentioned
22 already, is available on the Inquiry's website.

23 Sir, we consider that's all we need to say at this
24 hearing about the designation of Core Participants.

25 We'll turn next to the issue of disclosure, so topic 4.

1 By "disclosure", a term that is familiar to all
2 lawyers but perhaps not to every member of the public,
3 by "disclosure" we mean the process by which the Inquiry
4 ensures that it receives all of the documentation that
5 it needs to fulfil its Terms of Reference, including
6 material which is regarded as sensitive on national
7 security or other public interest grounds, which is
8 sometimes described as "closed material".

9 Rule 9 of the Rules provides that: one, the
10 chairman of an inquiry must send a written request for
11 a written statement to any person from whom he proposes
12 to take evidence; two, the chairman must send a written
13 request to any person that he wishes to produce any
14 document or any other thing; three, the chairman may
15 make a written request for further evidence, being
16 either a written statement or oral evidence; and, four,
17 any request for a written statement must include
18 a description of the matters or issues to be covered in
19 that statement.

20 Sir, it is important to emphasise that you have
21 powers to enforce such requests and we know that you
22 will not hesitate to utilise those powers if that proves
23 to be necessary.

24 To date, sir, you have issued Rule 9 requests for
25 evidence and information to a significant number of

1 organisations. Sir, we'll summarise the effect of those
2 requests in fairly short order in the order in which
3 those requests were made in a moment. Before we do so,
4 it is important to emphasise that they represent
5 initial -- with that word underlined, "initial" --
6 requests.

7 The majority of the requests made to date have
8 been focused on ensuring that potentially relevant
9 materials are identified, catalogued and preserved.
10 More detailed Rule 9 requests posing questions with
11 greater specificity will be issued as the Inquiry's work
12 develops. It is likely that this will include requests
13 for organisations to provide corporate statements on key
14 issues and to exhibit materials. We should emphasise
15 that the challenge of identifying, reviewing and
16 disclosing relevant materials is significant. The
17 Inquiry team expects all organisations and individuals
18 who receive Rule 9 requests to recognise that reality,
19 and we expect all to adopt a co-operative, constructive
20 and focused approach to the provision of materials to
21 the Inquiry, and frankly nothing less, sir, will be
22 acceptable to you or your team.

23 All of those requests to provide information to
24 the Inquiry, in particular UK state organisations and
25 agencies, must ensure that they are properly resourced

1 to carry out searches for materials and that they meet
2 the deadlines set by the Inquiry.

3 Sir, your team will not hesitate to invite you to
4 use your statutory powers to require the production of
5 materials where that is thought to be necessary and
6 explain publicly any issues that arise associated with
7 the Inquiry's efforts to secure any such materials.

8 Sir, we turn, then, to the requests that have been
9 made to date under Rule 9. They include requests of the
10 following organisations: the
11 Police Service of Northern Ireland ("PSNI") -- and as I
12 indicated, I'm going to deal with these requests not in
13 order of importance but in the order in which they were
14 delivered to the relevant organisations.

15 PSNI was issued with a Rule 9 request on 21 March
16 of this year. It was asked to search and catalogue
17 materials that may touch on the scope of the
18 Terms of Reference. Detailed questions were also asked
19 for searches to be undertaken to locate the RUC threat
20 book for Omagh. We have also supports requested access
21 to any materials from the claim for judicial review
22 brought by Michael Gallagher, reports into the
23 Omagh Bombing criminal investigation, and the report and
24 or reports on cell site analysis prepared by
25 Lisa Purnell.

1 Your team, sir, has been assisted by a number of
2 meetings between officers and representatives of PSNI
3 and the Inquiry Secretary, Deputy Secretary and
4 Solicitor. This has included two meetings at PSNI
5 headquarters, those taking place on 25 March and 19 June
6 of this year, which meetings were discussed to discuss
7 ways of working and further meetings to inspect some
8 materials on site.

9 PSNI committed in those meetings to work
10 constructively and positively with the Inquiry and to
11 ensure that adequate resource is committed to respond to
12 the requests that are made.

13 In written submissions that it has prepared and
14 served, sir, on you for the purposes of today's hearing,
15 PSNI has explained the dedicated team of police
16 officers, none of whom we're told was involved in
17 earlier investigations or proceedings, and lawyers that
18 it has put together in order to service the work of the
19 Inquiry. PSNI has explained the phases of its intended
20 work and the challenges it faces or perceives that it
21 faces.

22 Sir, your team will work with PSNI with a view to
23 ensuring that those challenges do not delay the
24 important work of this Inquiry.

25 PSNI has now provided its first index of materials

1 to the Inquiry. This involved reviewing and indexing
2 24 files of non-sensitive materials compiled during the
3 judicial review proceedings to which we've referred on
4 a number of occasions.

5 A 68-page index of materials has been supplied to
6 the Inquiry. That represents phase 1 of four phases of
7 work that PSNI intends to undertake.

8 Phase 2, which involves a review of the material
9 held in relation to the criminal investigation into the
10 bombing, has commenced. Much of the material, sadly, is
11 held in hard copy, and we're told it comprises about
12 230,000 pages. We recognise that phase 2 represents
13 a substantial undertaking by PSNI. However, we believe
14 that PSNI understands and acknowledges that this work on
15 this and other phases must be properly resourced so that
16 the work of the Inquiry is not delayed.

17 The Inquiry's team engagement with PSNI has been
18 positive and we aim to ensure that it continues in that
19 spirit.

20 The office of the Police Ombudsman of
21 Northern Ireland ("PONI") was issued with a Rule 9
22 request on 25 March. The Ombudsman was asked to search
23 and catalogue materials that may touch on the Inquiry's
24 Terms of Reference. PONI notified the Inquiry on 8 May
25 that it had prepared an index of materials it holds. We

1 have, may we say, been greatly assisted in our work by
2 regular liaison with PONI, and the Inquiry thanks PONI
3 for its positive engagement with the Inquiry.

4 The Secretary and Solicitor to the Inquiry met
5 with the Ombudsman on February of this year and the
6 Inquiry has been granted access to review materials held
7 by PONI. The Inquiry has found this, in short, to be
8 a co-operative and constructive way to work.

9 In its submission, its written submission, for the
10 purposes of today's hearing, the Ombudsman has repeated
11 the commitment to support the work of the Inquiry to, as
12 it was put, the fullest extent possible and, sir, we
13 know that you will welcome that commitment.

14 Sir, may I just pause for one moment.

15 (Pause)

16 Sir, I'm going to deal with the next two Rule 9
17 requests that have been made and then, for the benefit
18 of the shorthand writer, I'm going to request a short
19 break.

20 Merseyside Police was issued with a Rule 9 request
21 on 26 March. This was a targeted Rule 9 request
22 designed to request a copy of the report and any
23 underlying materials prepared by Deputy Chief Constable
24 Mike Tonge, or which he had access to.

25 Deputy Chief Constable Tonge was appointed by the

1 Northern Ireland Policing Board in May 2002 to provide
2 a report in relation to the then current state of the
3 police investigation into the Omagh Bombing.

4 Merseyside Police provided a substantive response
5 on 30 April and arrangements have now been made to
6 review the materials held. The Inquiry is grateful to
7 Merseyside Police for its prompt response.

8 The Ministry of Defence was issued with a Rule 9
9 request on 28 March. That department was asked to
10 search and catalogue materials that may touch on the
11 scope of the Inquiry's Terms of Reference. The Inquiry
12 team was assisted in drafting that Rule 9 request by
13 a meeting with the Ministry of Defence in London and the
14 Inquiry's Secretary and Solicitor which took place on
15 10 March.

16 In the Rule 9 request the Ministry of Defence was
17 asked to identify the following: (a) materials relating
18 to any military deployments to dissident republican
19 terrorist attacks between December 1997 and August 1998;
20 (b) the location of fixed military checkpoints, sun
21 cars(?) and other observation posts on the
22 Northern Ireland border in County Tyrone and around
23 Omagh between December 1997 and August 1998; (c) any
24 briefings or reports that were prepared into the
25 Omagh Bombing; and (d) any materials relating to the

1 Omagh threat book said to be used by the RUC.

2 After issuing that Rule 9 request, the Inquiry
3 Secretary and Solicitor also had the opportunity to meet
4 with an official who leads on the archiving and legacy
5 materials held by HQ 38th Brigade in Northern Ireland.

6 The Secretary and Solicitor to the Inquiry had
7 that meeting in Lisburn on 29 April of this year. The
8 meeting took place on the day of the official's
9 retirement from the Ministry of Defence and was designed
10 to share his knowledge of the archives before he left
11 his post, and the Inquiry is grateful for that
12 assistance.

13 The Ministry of Defence provided a substantive
14 response to the Rule 9 request on 28 June and the
15 Inquiry is currently reviewing the indices that were
16 provided. Some of the department's material has been
17 digitised but it is clear the Inquiry will need to
18 undertake further work with the Ministry of Defence to
19 identify reasonable steps to identify key materials that
20 it holds.

21 Sir, as you will appreciate, there is a note being
22 taken by a shorthand writer of what I am saying. That
23 is rather more difficult when it's just one person
24 speaking than when there is interaction between
25 a witness and counsel, and I'm asked if we could have

1 a short break of no more than 15 minutes at this stage,
2 please.

3 LORD TURNBULL: We shall do that.

4 MR GREANEY: Thankyou.

5 (11.14am)

6 (A short break)

7 (11.33am)

8 LORD TURNBULL: Mr Greaney.

9 MR GREANEY: Sir, thank you. I'm going to return in

10 a moment to deal with the balance of the Rule 9 requests

11 that have been issued by the Inquiry, but first

12 I'm going to return to nearly where I started, and

13 that's because Mr Rafferty spotted that when I dealt

14 with the final paragraph of your Terms of Reference

15 I missed out some words, and the words that I missed out

16 are important ones and so I wish to put that right.

17 The final paragraph of the Terms of Reference in

18 full reads as follows:

19 "Any other matters which are relevant to whether

20 the Omagh Bombing on 15th August 1998 could have been

21 prevented by UK state authorities. To the extent it is

22 relevant to the issue of preventability by UK state

23 authorities, this may include information sharing and

24 investigations with and by state authorities ..."

25 Then these are the words I missed out:

1 "... in the Republic of Ireland."

2 So, sir, having put that right, I will continue

3 with the Rule 9 requests that have been issued.

4 LORD TURNBULL: Thank you.

5 MR GREANEY: The Northern Ireland Office ("NIO") was issued

6 with a Rule 9 request on 28 March. As with all key

7 material providers, the Inquiry Secretary and Solicitor

8 met with the NIO on 20 March in order to discuss the

9 likely contents of that request, how the Inquiry would

10 work and what our expectations are.

11 Like many organisations, the NIO was asked to

12 search and catalogue what it holds for materials that

13 may touch on the scope of the Inquiry's

14 Terms of Reference.

15 In addition, the Northern Ireland Office was asked

16 to provide:

17 "(a) all the materials from the successful claim

18 for judicial review of Michael Gallagher, including not

19 only all OPEN but all CLOSED materials." [as read]

20 And by that, as we've indicated already, we mean

21 all materials which are regarded as sensitive on

22 national security or other public interest grounds. So

23 the request is not just for the open material but also

24 for any closed material held by the NIO.

25 "(b) any materials relating to documents,

1 correspondence or other materials raised by bereaved
2 families or survivors about missed opportunities to
3 prevent the bombing;
4 "(c) any materials relating to the security
5 situation and threat levels in Northern Ireland between
6 1 December 1997 up to the Belfast Good Friday Agreement
7 and on to 15 August 1998; and
8 "(d) any material held about the Omagh threat book
9 used by RUC to record threats to public safety." [as
10 read]
11 A further Rule 9 request was issued to the NIO on
12 9 May requesting disclosure of the Bridger dossier, and
13 on 12 June and 4 July the NIO then sent to the Inquiry
14 a number of schedules listing requested materials. The
15 closed materials from the judicial review proceedings to
16 which we've made reference were provided to the Inquiry
17 in mid-June of this year.
18 Counter Terrorism Policing Headquarters ("CTPHQ")
19 was issued with a Rule 9 request on 3 April. That
20 request was drafted for dissemination to the
21 Counter Terrorism Policing network in the UK to ensure
22 that any material held by the network touching on our
23 Terms of Reference was identified, catalogued and
24 preserved for the Inquiry and that checks were made to
25 the Omagh threat book.

1 CTPHQ was also asked to identify any material held
2 by the National Bomb Data Centre for bomb attacks in
3 Northern Ireland from late 1997 until August 1998.
4 CTPHQ has confirmed that it has conducted searches and
5 that neither it nor the wider Counter Terrorism Policing
6 network hold any information about the Omagh threat book
7 or any reports into the Omagh Bombing. An index has
8 been prepared of information held by the National Bomb
9 Data Centre. The Inquiry has met with CTPHQ
10 representatives in order to discuss that work.

11 Next, GCHQ, MI5 and MI6, which we will refer to
12 collectively as "UKIC", the United Kingdom intelligence
13 community.

14 UKIC was issued with a Rule 9 request on 23 April.
15 Members of the Inquiry team have also had the
16 opportunity to meet with representatives of UKIC on
17 a number of occasions. As with other organisations, in
18 its Rule 9 request UKIC was asked to search and
19 catalogue materials that may touch on, sir, your
20 Inquiry's Terms of Reference.

21 We have been assisted by meetings with
22 representatives from UKIC, and members of the Inquiry
23 team have had the opportunity to review some of the
24 closed materials held by those organisations. Plainly,
25 at this stage we are unable to go into any detail about

1 that material but we are grateful for the co-operation
2 and assistance we have received from UKIC. They have
3 acknowledged directly to the Inquiry team the importance
4 of the work of your Inquiry, and that approach has been
5 in evidence in the nature and level of engagement that
6 we have received to date.

7 In its written submissions for today's hearing,
8 His Majesty's Government, which represents the interests
9 of UKIC, the NOI, the MOD and the FCDO, to which we'll
10 turn in a moment, in those written submissions
11 His Majesty's Government has stated that it "looks
12 forward to working with the Inquiry in order to provide
13 the Inquiry with the necessary documents". We, in turn,
14 look forward to ensuring that occurs.

15 The Investigatory Powers Commissioner's Office
16 ("IPCO") was issued with a Rule 9 request on 23 April
17 and an initial meeting was subsequently held with
18 members of the Inquiry legal team to discuss that
19 request.

20 As with other organisations, as everyone will now
21 appreciate, IPCO was asked to search and catalogue
22 materials that may touch on the scope of the Inquiry's
23 Terms of Reference. IPCO's Rule 9 request specifically
24 asked for any materials held in respect of the work of
25 Sir Peter Gibson relating to his 16 January 2009 report

1 entitled Review of Intercepted Intelligence in Relation
2 to the Omagh Bombing of 15 August 1998.

3 An initial index of materials has been received
4 from IPCO and a meeting is being arranged to discuss the
5 response and for members of the Inquiry team to conduct
6 an initial review of the material that has been
7 identified pursuant to the searches that IPCO has
8 carried out.

9 Next, the CAIN Archive. As most if not all will
10 know, the CAIN Archive is a publicly available website
11 with a collection of information and source material on
12 the Troubles and politics within Northern Ireland. CAIN
13 was issued with a request for information on 23 April to
14 ensure that the Inquiry is made aware of any material
15 held by CAIN but which is not available on its website.
16 The director of CAIN replied the next day, as a result
17 of which we understand that any material relating to the
18 Omagh Bombing is available on the CAIN website, and that
19 material is being reviewed for relevance by the Inquiry
20 team.

21 The Intelligence and Security Committee of
22 Parliament ("ISC"), was issued with a Rule 9 request on
23 26 April. As a matter of strict law and procedure, the
24 ISC is not a Parliamentary Select Committee, but is
25 a committee of Parliament created by the Intelligence

1 Services Act 1994. It oversees the policies,
2 expenditure, administration and operations of MI5, MI6,
3 GCHQ and defence intelligence. As with other
4 organisations, the ISC was asked to search and catalogue
5 materials that may touch upon the scope of the Inquiry's
6 Terms of Reference.

7 The ISC's Rule 9 request specifically asked for
8 any materials held by the committee relating to: (a)
9 investigations by the ISC into the methods, techniques
10 and policies used by UKIC to manage, monitor and
11 disseminate intelligence in relation to the security
12 situation and threat levels in Northern Ireland between
13 December 1997 and August 1998; and (b) the terrorist
14 attacks that took place in Northern Ireland from
15 late 1997 to August 1998.

16 Representatives of the ISC replied to that request
17 on 22 May. They did so to indicate that it is highly
18 likely that the committee holds material within the
19 scope of the request but that further checks needed to
20 be made. An indication was given that material held may
21 be closed, so that is to say sensitive. Because the ISC
22 is made up of Members of Parliament, that work has been
23 delayed by the UK general election. A written update
24 was received on 12 July. The ISC has not yet been
25 reconstituted following the general election but it is

1 anticipated that a substantive response will be provided
2 to the Inquiry by the ISC's representatives in August,
3 so that is to say the coming month.

4 The Cabinet Office supports the UK Prime Minister
5 in running Government. The Cabinet Office was issued
6 with a Rule 9 request on 29 April. In advance of that,
7 a meeting was held between the Inquiry Secretary,
8 Inquiry Solicitor and officials of the Cabinet Office.

9 As with other organisations, the Cabinet Office
10 was asked to search and catalogue materials that may
11 touch on the scope of the Terms of Reference of the
12 Inquiry. The Cabinet Office was also asked to identify
13 potentially relevant materials, namely: (a) material
14 from the Joint Intelligence Organisation, including the
15 Joint Intelligence Committee; (b) material relating to
16 the security situation and threat levels in
17 Northern Ireland from December 1997 to August 1998,
18 taking into account the Belfast Good Friday Agreement;
19 and (c) it was made clear that this material was to
20 include briefings to or statements made by the
21 Cabinet Office, cabinet ministers or the Prime Minister
22 on the security situation and threat levels in
23 Northern Ireland during that period.

24 Sir, we have received an initial index of
25 materials from the Cabinet Office and a further response

1 is expected. A meeting is being arranged by your team
2 with the Cabinet Office in order to discuss the outcome
3 of the searches that have been undertaken.

4 I referred a short time ago to the FCDO, the
5 Foreign, Commonwealth and Development Office. The FCDO
6 was issued with a Rule 9 request on 30 April. Along
7 with other organisations, many of them, it was asked to
8 search and catalogue materials that may touch on the
9 scope of the Inquiry's Terms of Reference. The FCDO was
10 also asked to identify materials relating to: (a)
11 discussions, correspondence and other engagement between
12 the UK state and the Republic of Ireland about the
13 security situation in Northern Ireland in the six months
14 before the Belfast Good Friday Agreement and up to
15 15 August 1998; (b) discussions, correspondence and
16 other engagement between the UK state and the
17 Republic of Ireland about cross-border policing and
18 intelligence-gathering on dissident republican
19 terrorists; and (c) discussions, correspondence and
20 other engagement between the UK and the
21 Republic of Ireland about the Omagh Bombing.

22 The Inquiry has received an initial index of
23 materials from the FCDO and a meeting has been held to
24 discuss the outcome of the searches and to review the
25 potentially responsive material that has been identified

1 by the FCDO to date.

2 His Majesty's Inspectorate of Constabulary and

3 Fire & Rescue Services ("HMICFRS") was issued with

4 a Rule 9 request on 17 May. It too was asked to search

5 and catalogue materials that may touch on the

6 Terms of Reference. Furthermore, the Rule 9 request

7 provided to HMICFRS specifically asked for the

8 following: (a) any materials held relating to HMICFRS

9 reports about the Omagh Bombing, the police

10 investigation prepared by Sir Dan Crompton in

11 October 2002 and David Blakey in May 2003; (b) any

12 materials about the methods, techniques and policies

13 used by PSNI and/or the RUC to manage, monitor and

14 disseminate intelligence between December 1997 and

15 August 1998; and (c), any materials about intelligence

16 gathered or investigations carried out on the terrorist

17 attacks that took place in Northern Ireland from

18 late 1997 to August 1998.

19 An initial schedule was provided by HMICFRS on

20 20 June. This represented the material that had been

21 identified, reviewed and preserved to that date that may

22 be responsive to the Rule 9 request that had been

23 served. It's understood, following a further update

24 received on 8 July, that since the receipt of that

25 schedule HMICFRS has now identified the reports of

1 Sir Dan Crompton and David Blakey and is continuing to
2 review additional material that may be responsive to the
3 Rule 9 request.

4 There have been a number of discussions, sir,
5 between your team and a representative of HMICFRS, and
6 a substantive response and index of any materials
7 identified is awaited.

8 The Policing Board of Northern Ireland ("PBNI")
9 was issued with a Rule 9 request on 28 May. It was also
10 asked to search and catalogue materials that may touch
11 on the scope of the Terms of Reference. Its letter was
12 in similar terms to the request served to HMICFRS, the
13 broad terms of which I set out a few moments ago.

14 A response was received from PBNI on 19 June,
15 along with a schedule of documents that had been
16 identified by that body as potentially responsive to the
17 Rule 9 request, as well as specific documents that had
18 been requested pursuant to that request.

19 Arrangements have now been made for members of the
20 Inquiry team to review the materials referred to in the
21 schedule during the month of August.

22 Sir, finally in relation to Rule 9 requests,
23 although there is still a little more to say about
24 disclosure.

25 Rule 9 requests were issued to the Imperial War

1 Museums, the National Army Museum and the Lancashire
2 Infantry Museum. Those requests were issued between 4
3 and 6 June. Those museums have been asked to provide
4 any materials held by them touching on the scope of the
5 Inquiry's Terms of Reference.

6 The Lancashire Infantry Museum was approached
7 because it's understood by the Inquiry that 1 Queen's
8 Lancashire Regiment was based at Lisanelly Barracks
9 prior to and on the day of the Omagh Bombing.

10 A response was received from the museum on
11 24 June, addressing the format and scope of the material
12 it holds that may be responsive to the requests that
13 have been served. Sir, that is under consideration and
14 arrangements will be made to review the material held in
15 due course.

16 The Imperial War Museums and the National Army
17 Museum have been approached because both institutions
18 hold materials relating to the Troubles. A response is
19 awaited.

20 So, sir, as I suggested a moment ago, that
21 concludes that which it is appropriate to say at the
22 moment about Rule 9 requests, but there are, though,
23 a small number of other matters that relate to this
24 important topic of disclosure before we move on.

25 Section 21 of the Act empowers you as chairman to

1 compel the production of evidence by the issue of
2 a notice. That is one of the suite of powers available
3 to you that we mentioned earlier.

4 On 23 April this year you issued a section 21
5 notice to the BBC requiring that broadcaster to provide
6 to the Inquiry two Panorama broadcast programmes,
7 Panorama: Who Bombed Omagh?, which aired on
8 9 October 2000, and Panorama: Omagh: What the Police
9 Were Never Told, which we understand aired on
10 15 September 2008. Many here will be very familiar with
11 those broadcasts.

12 Those programmes were provided to the Inquiry in
13 response to the notice on 29 April.

14 Furthermore, on 26 June, you, sir, issued
15 a request to the BBC to provide to the Inquiry the
16 footage for a Spotlight documentary broadcast in
17 March 2023.

18 A man named David Rupert has asserted publicly
19 that he was an agent working for the FBI and MI5. He
20 gave evidence as a prosecution witness in the 2003 trial
21 of Michael McKevitt and his evidence was relied upon
22 heavily, so it seems to us, by the claimants in what
23 we'll describe as the Breslin case.

24 The Spotlight documentary focused on
25 David Rupert's involvement with the Real IRA, and his

1 purported role as an MI5 and FBI agent during the 1990s
2 and more specifically during the period of and following
3 the peace process.

4 A response from the BBC is expected by 19 August.

5 At present the request that has been made, sir, on your
6 behalf has not been issued as a formal section 21
7 notice, but we have no doubt that you will not hesitate
8 to use that power if that is required to secure that
9 material.

10 Finally, on substantive disclosure, as opposed to
11 procedural issues that we'll deal with at the final end
12 of this section, the Inquiry Secretary and Solicitor met
13 with the clerk to the Northern Ireland Affairs Committee
14 ("NIAC") and Speaker's Counsel on 19 April. That's
15 19 April of this year.

16 The purpose of meeting was to discuss what
17 material NIAC holds that is not publicly available
18 relating to its investigations into the Omagh Bombing,
19 particularly the evidence provided by Norman Baxter,
20 former senior investigating officer into the
21 investigation into the bombing, provided to a session of
22 NIAC on, as we understand it, 11 November 2009.

23 There are particular complexities involved in
24 obtaining evidence from a Parliamentary Select Committee
25 such as NIAC. The convention of parliamentary privilege

1 as a matter of law means that evidence cannot be called
2 in an inquiry or, indeed, in any other legal process
3 that questions the evidence given to a Select Committee,
4 because to do so, sir, would be a breach of Article 9 of
5 the Bill of Rights 1688.

6 The starting point is, therefore, with the
7 agreement of Speaker's Counsel, to identify the evidence
8 held by NIAC and ascertain whether that is available or
9 can be obtained from other sources. But as with some
10 evidence, this work has been delayed by the UK general
11 election and further enquiries are now being undertaken.

12 Sir, finally, under this heading, this fourth
13 update topic, and before turning to the issue of expert
14 evidence, we propose to explain just a little about the
15 mechanics by which the Inquiry will manage disclosure,
16 given that we expect to receive a very large volume of
17 material, and also how we propose to manage disclosure
18 from the Inquiry to Core Participants so that they can
19 play the role that they wish to and that we wish them to
20 play.

21 The Inquiry is finalising a procurement exercise
22 for an electronic disclosure database. The database
23 that will be used is called Relativity. It's a database
24 that has been used successfully by other inquiries,
25 indeed many other inquiries. The company that will

1 provide that database will be confirmed as soon as
2 possible, but it's likely that the database will be
3 available to the Inquiry next month, August.

4 Once the database has been set up, the Inquiry
5 will begin to request organisations in receipt of Rule 9
6 requests to provide digital copies of potentially
7 relevant materials to the Inquiry so that they can be
8 uploaded to the database. The Inquiry will expect all
9 materials to be provided unredacted, so without editing.

10 The Inquiry itself will then assess whether the
11 materials are relevant and, if so, will apply
12 provisional redactions to the material. The material
13 will then be shared back with the material provider for
14 a further review before it's disclosed to
15 Core Participants, and all involved in other inquiries
16 will recognise that approach as being entirely
17 conventional.

18 The Inquiry will require all material providers to
19 assist it with ensuring materials are digitised so that
20 they can be provided electronically and uploaded on to
21 the Relativity database. There will be huge problems if
22 we are not provided with material in that way.

23 The Inquiry will then set up a secure file
24 transfer platform that will allow material providers to
25 transfer scanned materials to it securely.

1 The Relativity database that we've just be
2 described, sir, will only be able to hold materials that
3 are open, which includes materials up to and including
4 those holding a UK Government security classification of
5 "OFFICIAL -- SENSITIVE". Due to the nature of the
6 Inquiry's work, it is inevitable that it will have to
7 handle more sensitive material with higher security
8 classifications. As a result, the Inquiry is
9 establishing a system that will allow it to hold this
10 more sensitive material. It isn't possible, sir, to go
11 into more details about that in a public hearing, but
12 what we can say is that the Inquiry team considers it is
13 essential that they have in place robust systems to
14 manage, review and analyse all potentially relevant
15 materials, whatever the security classification of the
16 material.

17 We anticipate that the first disclosures to
18 Core Participants on the Relativity database will take
19 place in the autumn. But that will depend on the
20 process for setting up the database and on receiving and
21 reviewing materials. And we add that before anyone can
22 receive access to the Relativity database, they will
23 have to sign and return a confidentiality undertaking to
24 the Inquiry. But again, we emphasise that that approach
25 of requiring such undertakings to be signed is entirely

1 conventional in proceedings of this type.
2 Sir, before I move on, may I say that I do
3 appreciate that it has taken me some time to deal with
4 the topic of disclosure but we make no apology for that
5 because we consider that it is important for the public
6 and for the Core Participants and in particular the
7 bereaved families and survivors to understand the work
8 that we have been undertaking with you, sir, and on your
9 behalf, to ensure that we get the material that is
10 necessary to be able to answer the questions posed by
11 your Terms of Reference.

12 We turn next to the fifth topic, expert evidence.

13 On 26 June 2024, the Inquiry team provided
14 an update to Core Participants that set out your
15 intention to instruct experts to provide you with
16 assistance in a number of areas.

17 These were the areas: one, the Omagh Bombing in
18 the context of the history of the Troubles and the peace
19 process; two, the development of dissident republican
20 terrorism with a particular focus on the period 1997
21 until 1998; three, the work of the Joint Intelligence
22 Committee; four, lawful powers available to the UK state
23 to disrupt, monitor and arrest individuals suspected of
24 involvement in acts of terrorism; and, five, the use of
25 cell site technology, access to billing data and other

1 methodsto analyse mobile telephone usage.
2 The Inquiry team, and in particular Mr Suter,
3 Mr Hartley and those working to them, has consulted
4 widely in order to identify appropriate experts. As
5 a result of that consultation, the following experts
6 have been identified and, moreover, have now been
7 instructed.

8 Professor Richard English has beeninstructed to
9 provide an overview report on the history of the
10 Troubles and the peace process. Professor English is
11 professor of politics at Queen's University Belfast,
12 where he is also director of the Senator George J
13 Mitchell Institute for Global Peace, Security and
14 Justice.

15 The research of Professor English focuses on the
16 history of political violence, terrorism and
17 nationalism, with a particular focus on Ireland and
18 Britain. Professor English is a fellow of the British
19 Academy, a member of the Royal Irish Academy, a fellow
20 of the Royal Society of Edinburgh, a member of Academia
21 Europaea, a fellow of the Royal Historical Society,
22 an honourable fellow of Keble College Oxford, a faculty
23 affiliate at the University of Chicago, and an honorary
24 professor at the University of St Andrews. So he is the
25 expert in the first of those five areas.

1 Dr Jonathan F Morrison has been instructed to
2 provide a report on the development of dissident
3 republican terrorism, with a particular focus on the
4 period 1997 to 1998, so the second area I've identified.

5 Dr Morrison is the assistant professor in
6 criminology in the School of Law and Criminology at
7 Maynooth University in Ireland. He was the founding
8 director of the Terrorism and Extremism Research Centre
9 at the University of East London. Dr Morrison is also
10 the associate editor of two leading academic journals in
11 terrorism studies, Perspectives on Terrorism and
12 Behavioural Sciences of Terrorism and Political
13 Aggression.

14 Dr Morrison has a particular specialism in the
15 origins, reasons and motivations for Irish dissident
16 republican terrorism and is the author of The Origins
17 and Rise of Dissident Irish Republicanism.

18 In relation to the third of the five areas,
19 Professor Michael Goodman has been instructed to provide
20 a report on the work of the Joint Intelligence
21 Committee. Professor Goodman is a professor of
22 intelligence and international affairs and the director
23 of the King's Centre for the Study of Intelligence.

24 He is currently visiting professor at the
25 Norwegian Intelligence School and Sciences Po in Paris.

1 He has published widely in the field of intelligence
2 history, including The Official History of the Joint
3 Intelligence Committee: Volume 1: From the Approach of
4 the Second World War to the Suez Crisis, and he is the
5 official historian of the Joint Intelligence Committee,
6 the JIC.

7 In respect of that fourth area in which expert
8 assistance is needed, John Wadham has been instructed.
9 He has been instructed to provide a report on the legal
10 powers available to the UK to disrupt, monitor and
11 arrest individuals suspected of involvement in acts of
12 terrorism.

13 John Wadham is currently the human rights adviser
14 to the Northern Ireland Policing Board, the Chair of the
15 UK's National Preventive Mechanism (overseeing the
16 systems for preventing ill-treatment in detention) and
17 a member of the Ministerial Independent Advisory Panel
18 on Deaths in Custody.

19 John Wadham is a qualified solicitor and was
20 previously director of Liberty, executive director of
21 INTERIGHTS, the Centre for Legal Protection of Human
22 Rights, general counsel for the Equality and Human
23 Rights Commission, and the deputy chair of the
24 Independent Police Complaints Commission.

25 May we add that in his role for a consultant for

1 the Northern Ireland Policing Board, John Wadham has no
2 involvement in legacy issues and has had no involvement
3 in any previous legal proceedings related to the
4 Omagh Bombing.

5 Those four experts are, as we've made plain, now
6 instructed, and I believe that the letters of
7 instruction have been circulated to Core Participants,
8 and Mr Suter confirms that.

9 The Inquiry has, as will be clear to all
10 listening, identified another area in which expert
11 evidence will, we judge, be needed.

12 The ability of UK state authorities to utilise the
13 technique of cell site analysis and to interpret call
14 data records, often called CDRs, in order to establish
15 patterns of telephonic significance in that period
16 from 1997 to 1998 is undoubtedly an issue of importance.
17 Indeed, it's the focus of paragraph 2.h of the
18 Terms of Reference, as we set out and emphasised as we
19 went through the Terms of Reference, and it's the focus
20 of a series of questions in the List of Issues.

21 Much work, sir, has been done by your team in
22 an attempt to identify an expert or experts able to
23 assist you in relation to this topic. That work has not
24 reached its conclusion but, sir, you can be assured, as
25 can others listening, that once it has the

1 Core Participants will be updated.

2 We make plain finally on the topic of expert
3 evidence that we do not regard the categories of expert
4 evidence as closed. It is entirely possible, as the
5 work of the Inquiry develops, that you will consider
6 that additional experts in additional areas need to be
7 instructed. In that regard, we have noted that, in
8 their written submissions on behalf of the bereaved
9 family and survivor Core Participants that they
10 represent, Mr Southey KC and Mr Foster suggest the
11 instruction of, and we quote from them:
12 "... experts who have specialist knowledge and
13 expertise in matters such as the security services and
14 the handling and dissemination of intelligence
15 information." [as read]

16 We have not discounted that suggestion and we
17 would welcome any assistance from them or anyone that
18 they are able to give. But it is too early in our work
19 to decide whether such an instruction is appropriate.

20 It is, however, worth noting that the
21 identification of experts in this area of intelligence
22 is not straightforward, and that is because the
23 experience of other public inquiries and inquests has
24 been that only former members of UKIC have the knowledge
25 necessary to express authoritative views of such issues.

1 However, that, it seems to us, is a bridge to be crossed
2 once reached, if it is.

3 We turn from experts to another issue that
4 Mr Southey and Mr Foster have raised in their helpful
5 written submissions, namely the potential instruction of
6 a special advocate or special advocates to represent the
7 interests of the bereaved family and survivor
8 Core Participants in your Inquiry.

9 Sir, it seems to us that not everyone listening to
10 understand will understand what a special advocate is,
11 so we will explain.

12 Special advocates, in simple and short terms, are
13 normally appointed by the law officers to represent the
14 interests of a party in proceedings from which that
15 party and their legal representatives are excluded.
16 Their functions are to represent the interests of
17 a party by making written and oral submissions and
18 examining witnesses at hearings.

19 A special advocate is able to take instructions
20 from the party they are appointed to represent before
21 they review sensitive materials, but they are precluded
22 from having any contact with those they represent after
23 they have carried out their review. So essentially, as
24 we understand it, contact ends once they engage with the
25 sensitive materials.

1 The responsibility that a special advocate might
2 be instructed in public inquiry proceedings is without
3 legal controversy. In the Litvinenko Inquiry and in the
4 Manchester Arena Inquiry, each chairman concluded that
5 it might be possible as matter of law for a special
6 advocate to be appointed but each then declined to make
7 such an appointment, each taking the view that the role
8 of Counsel to the Inquiry in the inquisitorial process
9 meant that the appointment of special advocates was
10 neither necessary nor appropriate.

11 Recently, in the Independent Inquiry relating to
12 Afghanistan, the chairman concluded that it was not
13 necessary for him to resolve the question of principle
14 because he regarded it as neither necessary nor
15 appropriate for special advocates to be appointed, in
16 part because, as he put it, the appointment of special
17 advocates would duplicate the existing role and
18 functions of Counsel to the Inquiry and, moreover, would
19 involve unnecessary complication and cost.

20 Sir, it's worth noting the Inquiry team does not
21 believe, on the basis of its experience and researches,
22 that a special advocate has ever been instructed in
23 a public inquiry, but we are welcome to being put right
24 about that.

25 Mr Southey and Mr Foster realistically acknowledge

1 that, as they've put it, it may be too early at this
2 stage to determine the special advocate issue when the
3 Inquiry is still getting to grips with the sensitive
4 material, and we agree with them.

5 Certainly it's far too early for you to hear
6 argument on that topic today, let alone to make
7 a ruling.

8 Sir, it's probably necessary for us, having said
9 what we've said, to say no more now than that we
10 understand that some Core Participants wish a special
11 advocate or special advocates to be instructed, to say
12 that we understand in general terms why that position is
13 adopted and to acknowledge that at some stage before any
14 closed hearing takes place the issue will need to be
15 resolved if the application is pursued. So, sir, in
16 short, we felt it was important to make some of
17 observations about the submissions helpfully made by
18 Mr Southey and Mr Foster, but, when it comes to it, for
19 today this is an issue to keep under review.

20 We turn next to the issue of support, topic 7.

21 The WAVE Trauma Centre in Omagh, as many here will
22 know and many watching and listening will know, provides
23 support and services to individuals bereaved, injured
24 and traumatised as a result of the Troubles. It
25 provides its services on a cross-community, fully

1 inclusive basis, providing what it describes as
2 an holistic model of care.

3 The Inquiry has engaged with the WAVE Trauma
4 Centre to provide those engaging with the Inquiry with
5 support and counselling services for the lead-up to this
6 hearing, and for the hearing today itself. Furthermore,
7 WAVE's premises in Omagh hosted the information day to
8 which we've referred, and its staff and counsellors were
9 on hand to support people throughout that day.

10 Their centre is open today showing a live stream
11 of our proceedings, to allow those who wish to be
12 supported whilst watching the proceedings, but do not
13 wish to be physically present within the Arts Centre
14 whilst the hearing is being conducted, to participate.

15 Here, at the Arts Centre, WAVE staff and
16 counsellors are on hand with access to private
17 consultation rooms for anyone attending the hearing who
18 needs support at any time.

19 Sir, we know -- and, indeed, you have said as much
20 this morning -- of your commitment to supporting those
21 engaging with the Inquiry in a trauma-informed way, and
22 we know that commitment will continue throughout the
23 lifetime of the Inquiry.

24 In common with other services, the Inquiry team is
25 currently considering the best way to provide these

1 services after today's hearing and through the process,
2 and conduct of the commemorative and personal statement
3 hearings and beyond.

4 Sir, I'm told that the feed has gone down. May
5 I just consult with Mr Suter for a moment about the best
6 approach.

7 (Pause)

8 Sir, I'm going to ask that you just to remain for
9 one moment, if you wouldn't mind, whilst we receive
10 an update from Mr Hartley, who I can see is probably
11 sending us a message about whether a break to reinstate
12 the feed is or is not necessary.

13 (Pause)

14 Sir, I'm anxious that you're not just seated there
15 whilst nothing is happening. I think, on balance, the
16 better course is that we do take a break, which I hope
17 will be a short one, whilst the feed is reinstated.

18 Could I invite everyone not to go too far, because
19 usually these kind of issues are quickly resolved.

20 LORD TURNBULL: All right, Mr Greaney.

21 MR GREANEY: Thank you, sir.

22 (12.18pm)

23 (A short break)

24 (12.34pm)

25 MR GREANEY: Can I explain where we are with the live feed.

1 The position, as I understand it, is this: the
2 transcript can be maintained, and that is because the
3 transcriber has been provided with a link to the
4 webinar, so a public record of the proceedings presents
5 no problem.

6 Secondly, all Core Participants who have sought
7 a link to the webinar have been provided with that link
8 and they will be able to continue to view the
9 proceedings. Self-evidently anyone who is in the room
10 can follow the proceedings. The issue is that the
11 YouTube feed cannot currently be maintained. However,
12 what will happen is that if we continue in due course
13 the proceedings will be uploaded to YouTube so there
14 will be a complete record of what has happened today,
15 and in those circumstances it seems to us that the
16 requirements of open justice and the requirements of
17 public access in section 18 of the Act will be satisfied
18 if we continue now.

19 LORD TURNBULL: Yes, I'm content with that Mr Greaney, thank
20 you.

21 MR GREANEY: Thank you, sir.

22 So I turn to the final topic on my list of
23 eight, venue or venues for the hearings. But before we
24 make some short submissions about that topic, it's worth
25 noting that unlike most forms of legal proceedings,

1 there are multiple ways in which the public are able to
2 engage with the Omagh Bombing Inquiry, and indeed just
3 a moment ago I mentioned some of those.

4 Of course people may attend the hearing in person,
5 as many have felt able to do so today. But they may
6 also attend and watch in an overflow court or in
7 a remote location where there is support, such as the
8 WAVE Trauma Centre, and some people may choose to watch
9 the live stream of the proceedings on YouTube at home or
10 in some other comfortable location. So this is not the
11 type of proceeding where you have to come to the hearing
12 room and, if you don't, you cannot have access to what
13 is happening.

14 As for a physical venue, today of course we're
15 here in Omagh. It was appropriate that the first
16 hearing of this Inquiry should take place here, just as
17 it's appropriate that the commemorative and personal
18 statement hearings in the new year should take place in
19 Omagh.

20 We also consider that the closing statements of
21 the Inquiry should be heard by you here, sir. Beyond
22 that, no arrangement has yet been finalised for the
23 physical location or locations of the Inquiry. We
24 recognise as, sir, we know you do too, the strong
25 interest of the bereaved families and survivors in the

1 location or locations being identified and being known.
2 The Inquiry team will keep all Core Participants updated
3 as its work on every new progresses, but it must be
4 understood that identifying a location or locations for
5 the various chapters of investigation by this Inquiry
6 will require the balancing of several factors.

7 So, sir, that is all we wish to say by way of
8 updates at this stage in this hearing, save to make
9 clear that we, the Inquiry team, will be remaining in
10 this building once the hearing finishes today at
11 whatever time it finishes and if any family member or
12 survivor would like to speak to us, or any one of us, we
13 would welcome that, and that is because we are keen, as
14 members of your team, that we are not seen to be distant
15 figures by that most closely concerned with it.

16 So that's all we wish to say at this stage.

17 LORD TURNBULL: Thank you very much indeed, Mr Greaney.

18 I am most grateful to you for those helpful remarks.

19 I now propose to call upon the Core Participant
20 representatives. For today's purposes, I plan to divide
21 the Core Participants into two groups. The first group
22 will comprise the representatives of the
23 Core Participants who are bereaved family members or
24 survivors. The second group will comprise the other
25 organisations and the individual who are designated as

1 Core Participants.

2 In each group I propose to invite addresses in
3 order of the seniority of the representatives appearing,
4 and I shall therefore commence by inviting Mr Mansfield
5 KC to make an address.

6 Opening remarks by MR MANSFIELD

7 MR MANSFIELD: Is that audible? I hope it.

8 LORD TURNBULL: It certainly is, Mr Mansfield.

9 MR MANSFIELD: May I thank you first of all for the
10 accommodation you've afforded to us by allowing us this
11 position. I'm Michael Mansfield, as has already been
12 mentioned, and I appear for the family of
13 Elizabeth Rush, whose name was read out a little
14 earlier, together with Nicola Rowntree, who sits to my
15 right, and, on the left, Des Doherty of Elev8law.

16 Before I deal with the members of the family who
17 are also here, may I just say this, that as far as the
18 representation is concerned, that is both myself and
19 Desmond Doherty, we have been involved with this tragedy
20 and atrocity since very close to the time, 1999 onwards,
21 and in that context may I say and give an assurance to
22 you that, as a result of that longevity, if I can put it
23 that way, there has been an accumulation of documents,
24 which, as you may understand, cover a lot of the topics
25 that have been covered this morning, and Mr Doherty

1 wishes it to be known that he's more than prepared to
2 collaborate and provide as much as is wanted by this
3 Inquiry.

4 The members of the family who are here today are
5 sitting to my right, and they are Anthony, the son, and
6 also the daughter, Siobhan. There is a third, Andrew,
7 and he is not here but he is following on a link.

8 We don't intend today to make any submissions on
9 any of the other formal topics that have been raised, in
10 the sense we adopt what has already been said by
11 Mr Greaney. It's premature for developed argument and
12 we're not going to take up time. But we have drafted
13 a very small statement, if I can put it in those words,
14 on behalf of the family, because of the unique situation
15 that they have.

16 The opening of this Inquiry today makes
17 a particularly special occasion for the families and
18 friends of the deceased, as well as the many who were
19 injured. The search for truth and accountability has
20 been unrelenting and this initiative is warmly welcomed.
21 For the Rush family, however, it has a special
22 resonance. Elizabeth, otherwise known as Libby, whilst
23 attending to her daily business in her main street shop
24 in Market Street, bore the full thrust of the blast.
25 The die was cast. For her husband, Laurence, and her

1 family there would be no stone unturned and no authority
2 unchallenged until both the perpetrators and other
3 participants in there is atrocity were unmasked, and
4 their iniquitous actions laid bare.

5 There were extremely uncomfortable but obvious
6 questions to be asked -- some of those have already been
7 traversed this morning -- about how such a devastating
8 attack had come about. What was the state of
9 information and intelligence? Who compiled it, both
10 inside and outside this jurisdiction? How was it
11 shared? What preparations had been made? Essentially,
12 could it have been prevented? All core issues which are
13 now at the heart of this Inquiry.

14 At the time -- in other words, I've already
15 indicated, very near the time of the atrocity itself --
16 however, this quest for truth and accountability -- in
17 this quest Laurence Rush stood alone, steadfast,
18 undaunted and undeterred, even though by obvious
19 questions, by the barbs of criticism and outright
20 hostility he faced in private, in public and in the
21 courtroom. That's a reference to the inquest.

22 It was not until the publication of the O'Loan --
23 ombudsman, that is -- report in December 2001,
24 three years after the bombing, that the singular
25 position of the Rush family was finally accorded the

1 recognition it deserved.

2 Thereafter, on 17 July 2002, Laurence Rush
3 commenced legal proceedings against the police and the
4 Secretary of State for Northern Ireland, which are an
5 integral part of this process which has culminated in
6 this Inquiry.

7 Unfortunately, Laurence passed away on
8 4 March 2012, but his legacy is the Inquiry's very
9 existence, and it is both a vindication of his
10 unswerving belief in truth and, equally, a tribute to
11 his unremitting personal courage.

12 Thank you.

13 LORD TURNBULL: Thank you, Mr Mansfield.

14 I will now call upon Mr Kane KC.

15 Opening remarks by MR KANE

16 MR KANE: Thank you very much, sir, for this opportunity to
17 make some brief opening remarks.

18 I appear with Ms Beth McMullan, sitting here to my
19 right, instructed by John McBurney Solicitors seated to
20 my left, on behalf of the following Core Participants
21 whose loved ones were murdered by the Real IRA: Edwin
22 (known as Eddie) Cartwright and Stephen Cartwright, in
23 respect of Deborah-Anne Cartwright; Mandy Walker in
24 respect of Olive Hawkes; Helen Hughes and Richard Hughes
25 in respect of Julia Hughes; Kevin Skelton,

1 Tracey Skelton, Paula Huntley, Shauna Murphy and
2 Roy Skelton in respect of Philomena Skelton;
3 Gerald McFarland and Gerald McFarland in respect of
4 Samantha McFarland; Marion Radford, Claire Radford,
5 Paul Radford, Elaine O'Reilly, Carol Radford,
6 Lynne Mullen and Heather Lagan Radford in respect of
7 Alan Radford; and Ann Wilson, Denise Kerrigan,
8 Gary Wilson and Colin Wilson in respect of
9 Lorraine Wilson.

10 I also appear on behalf of the following
11 Core Participants who survived but were injured by the
12 Real IRA on that occasion: Lorraine Anderson;
13 Wray Campion, Wendy Graham, Rosemary Ingram,
14 Stephen McKervey, Alan Palmer, Jim Sharkey and
15 Robert Watson.

16 My clients welcome this Inquiry. They assure it,
17 sir, of their co-operation and assistance, and look
18 forward to the challenging and lengthy work ahead on the
19 issue of preventability.

20 They wish you, sir, and your Inquiry team well in
21 your endeavours.

22 However, in short form they wish to place on
23 record their succinct views that, firstly, it was the
24 Real IRA who were responsible for their loss and ongoing
25 hurt when they planted the Omagh bomb and who have never

1 been made amenable.

2 Secondly, they do not wish to include in the issue
3 of preventability those members of the RUC who on the
4 day at the scene followed orders and used their
5 initiative to try to make safe the area of the bomb in
6 the context of false information and who thereafter
7 valiantly fought to save lives at the scene.

8 Thirdly, they are of the clear belief that,
9 whatever aspects of preventability may lie at the door
10 of UK authorities which are subject to the scope and
11 powers of this Inquiry, blame to a greater or lesser
12 extent may well rest with the authorities of the
13 Republic of Ireland. They wish to state that if by
14 reason of non-cooperation and reliance on constitutional
15 or jurisdictional obstructions preventability cannot be
16 attributed to authorities south of the border, then
17 their hope is that at least the work of this Inquiry, in
18 the absence of formal blame, will cause eternal shame to
19 be established.

20 Fourthly, they are greatly disappointed at the
21 lack of any meaningful commitment on the part of the
22 Republic of Ireland to establish a parallel inquiry and
23 thus far to tangibly assist this Inquiry. There is
24 little human value in advocating for the rights of
25 peoples around the world while ignoring the Inquiry set

1 up into the deaths of many who would be entitled to
2 Irish citizenship under their laws.

3 Finally, they trust that the light of justice will
4 eventually shine into the darkness of the evil
5 perpetrated so many years ago on that dark day.

6 Thank you, sir.

7 LORD TURNBULL: Thank you, Mr Kane. Today is not the day
8 for detailed discussion of any of the matters which
9 you've addressed in your helpful remarks, but perhaps it
10 would be sufficient if I invite you and the Core
11 Participants whom you represent to bear in mind
12 Mr Greaney's suggestion that we all listen with great
13 care to the remarks which the Director General may offer
14 us in due course.

15 I shall now call upon Mr Southey KC.

16 Opening remarks by MRSOUTHEY

17 MR SOUTHEY: Thank you, sir, for hearing from me today.

18 I am Hugh Southey KC for those who don't know me.

19 I appear in this matter with my learned junior, Mr Eamon

20 Foster, and I'm instructed by John Fox of Fox Law. We

21 between us represent a wide range of victims, survivors

22 and families affected by the atrocity in Omagh that

23 occurred on 15 August 1998. I am in a moment going to

24 introduce the victims we represent. In doing that, it

25 will perhaps become clear to some extent the scale of

1 the loss that has been experienced by the victims,
2 survivors and families I represent.

3 That is not in any way to seek to duplicate,
4 obviously, the work that will occur when the memorial
5 hearing takes place next year, which will set out in
6 much greater detail the impact.

7 Michael Gallagher attends this preliminary hearing
8 with his wife Patsy, his daughter Cat, Cat's husband
9 David, and his grandchildren, Fynn and Fara.

10 Aidan Gallagher, Michael and Patsy's son and Cat's
11 brother, was 21 when he was killed during the bombing.

12 Edith White attends today. Edith's husband, Fred,
13 and Edith's son Brian were killed by the bomb. Edith is
14 here today with her daughter Linda, Linda's husband,
15 Stephen, and Edith's grandchildren, Rachel and Bethany.

16 Stanley McCombe attends today with his son Clive.
17 Another son, Colan, will be watching online. They lost
18 a wife and mother, Ann, who was killed by the bomb.

19 On the day of the bombing Oran Doherty, who was
20 eight years old, and Sean McLaughlin, who was 12, were
21 in Omagh together and were killed. They came from
22 Buncrana in County Donegal. Oran's parents, Michael and
23 Bernadette, and Oran's sister Lisa attend today.

24 Patricia McLaughlin is attending online on behalf of the
25 McLaughlin family.

1 The two boys were in Omagh along with their friend
2 James Barker, aged 12, an English schoolboy. He was
3 also killed. James' father, Victor Barker, will be
4 following the proceedings online today.

5 Ronan McGrory, who was also from Buncrana, was in
6 Omagh town on the day of the bombing, along with the
7 three boys that were killed. Ronan survived the bomb
8 and intends to watch online.

9 Michael Monaghan attends today, along with his son
10 Patrick. Avril Monaghan, Michael's wife and Patrick's
11 mother, was killed by the bomb. Avril was in town with
12 her daughter, Maura, who was 18 months old and was
13 killed alongside her mother. Avril was pregnant with
14 twins.

15 Avril and Maura were in town with Avril's mother,
16 Mary Grimes. Mary was also killed that day. It was
17 Mary's 66th birthday. Mary's son Patrick attends today.

18 Rocio Abad Ramos was 23 years old. She was killed
19 while leading a group of exchange students during their
20 time in Ireland. Rocio was from Madrid, Spain. Rocio's
21 parents and her sisters, Paloma and Ana, will be
22 following proceedings online today.

23 Jolene Marlow, Brian McCrory, Sean McGrath,
24 Geraldine Breslin and Esther Gibson were also killed.
25 Their families will all be following the outcome of

1 today's preliminary hearing and the progress of the
2 Inquiry.

3 Chris Kelly and her daughter Susanne Travis attend
4 online. They were in Omagh on the day of the bomb and
5 suffered life-changing injuries.

6 Giles McCourt, who also views online, was also in
7 town that day and suffered life-changing injuries, as
8 did Donna Marie McGillion and her husband,
9 Garry McGillion.

10 James McGlinn, Michelle McCullagh,
11 Sandy Marcus-Smith and Nikki Lucas, sister of
12 Jolene Marlow who was killed that day, they will all be
13 following the outcome of today's preliminary hearing and
14 the progress of the inquiry.

15 This provides a brief introduction to the
16 families, victims and survivors who Fox Law represents.

17 Our clients include a number of people who have
18 tirelessly supported and campaigned for this public
19 inquiry. They include Michael Gallagher, the applicant
20 who brought the judicial review that led to this
21 inquiry. The legal team is the same as for the judicial
22 review. As a consequence, it will not surprise anyone
23 that we will welcome the Inquiry and will seek to ensure
24 that it is as effective as possible and gets to the
25 truth.

1 Our clients, all being Core Participants, can
2 ensure the Inquiry that they will do whatever they can
3 to assist the Inquiry to be as effective as possible.

4 We recognise that today is not the day for
5 submissions. The Inquiry has already received written
6 submissions from the Core Participants I represent.
7 However, given who we represent and the role that
8 Mr Gallagher in particular played in the judicial
9 review, it will perhaps be obvious that there are two
10 particular procedural issues that we will seek to raise
11 going forward.

12 The first is the need for an effective review of
13 closed material, with the interests of victims being
14 properly represented during that review.

15 The second issue is the importance of state bodies
16 in both the United Kingdom and Ireland participating
17 fully.

18 We do appreciate the commitment of the
19 Irish Government and will listen with interest to what
20 it has to say today, but we do have a concern that
21 questions will remain unanswered without a parallel
22 inquiry.

23 The victims, survivors and families I represent
24 are encouraged by the progress that has been made to
25 date but, as we approach the 26th anniversary, our

1 clients are committed to ensuring that the Inquiry acts
2 promptly and diligently in determining if the Omagh bomb
3 could have been prevented.

4 To echo the words of you, sir, in your video
5 address following the publication of the
6 Terms of Reference, the bereaved families, survivors and
7 community of the town of Omagh deserve no less.

8 Thank you.

9 LORD TURNBULL: Thank you, Mr Southey.

10 I shall bear in mind the observations which you
11 helpfully set out in your written submissions, and
12 I shall keep them in mind as the Inquiry moves forward.

13 Perhaps it might be worth me just responding very
14 briefly to two of the issues which you've touched upon.

15 As you recognise in your written submissions, the
16 question of whether special advocates can or should be
17 appointed is a question which will crystallise at
18 a later date and it's therefore probably of little value
19 in saying much more about that at this point.

20 I also note in your written submissions a similar
21 suggestion to that mentioned by Mr Kane, that there
22 should be some form of parallel inquiry in the
23 Republic of Ireland, and your submission is that I might
24 consider making a request of the Government of Ireland
25 to establish such an inquiry.

1 The suggestion, of course, originates in the
2 decision issued by now Lord Justice Horner in
3 Mr Gallagher's judicial review. Of course, I'm familiar
4 with the terms of that decision and with the careful and
5 considered manner in Lord Justice Horner set out both
6 his conclusions and his reasoning; However, it cannot be
7 the case that I am bound by his view as to the
8 desirability or the practicality of parallel inquiries
9 taking place in different jurisdictions.

10 The suggestion of parallel inquiries raises
11 a number of very obvious concerns. For example, which
12 process would have the authority to hear which evidence?
13 It could hardly be suggested that an inquiry operating
14 in each jurisdiction would have the authority to
15 adjudicate upon the same evidence.

16 Equally, if witnesses were to give evidence in
17 each inquiry in relation to different matters, that
18 would raise the spectre of the same witness being found
19 to be unreliable or untruthful by one Chair and entirely
20 truthful and reliable by another.

21 Finally, in this short summary, one would have to
22 ask what the priority of findings would be. Would I, in
23 this Inquiry into the question of whether there were
24 reasonable steps which could have been taken by the UK
25 state authorities to prevent the bombing, be bound to

1 implement findings made in another jurisdiction in the
2 course of an inquiry in which I played no part?

3 No doubt, these were all questions which were
4 taken into account by Lord Justice Horner, although it's
5 fair to note that he offers no suggestion as to how any
6 of them might be avoided or managed. But it seems to me
7 that that just goes to demonstrate that I must be
8 entitled to form my own view as to what procedures will
9 best allow an informed understanding of the matters
10 which bear upon the question of whether the bombing
11 could have been prevented.

12 In that regard, I will have the benefit of the
13 stated commitment from the Government of Ireland to
14 provide assistance to this Inquiry. That is a highly
15 relevant consideration, which was simply unknown to
16 Lord Justice Horner at the time of his decision. Even,
17 of course, if I were to think that a parallel inquiry
18 was an attractive proposition, I would not, of course,
19 have the power to require it.

20 Your suggestion, of course, is different and it is
21 that I should merely make a request of this sort to the
22 Government of Ireland. But even acceding to that
23 suggestion would raise many complex issues of the sort
24 to which I've alluded, all which would require to be
25 thought through in advance.

1 So today is not the day, nor does it provide us
2 with the opportunity to consider in detail those
3 matters, and it's certainly not the time to make any
4 substantive decision of that sort. However, I will bear
5 in mind Mr Kane's observations and the suggestion which
6 you've made in your written submissions and, should
7 matters develop differently from the ways in which
8 I expect them to, I will be prepared to return to your
9 suggestion and to explore it in a more focused
10 discussion at a future date.

11 I shall now ask Mr Skelt KC to present any
12 submissions that he may wish to.

13 MR GREANEY: Sir, I think before we hear from Mr Skelt you
14 intended to give Mr McGuckin an opportunity to address
15 you on behalf of those that he represents --

16 LORD TURNBULL: I'm so sorry.

17 MR GREANEY: -- the first category of Core Participants.

18 LORD TURNBULL: You're quite right. I'm sorry, Mr McGuckin.

19 Opening remarks by MR MCGUCKIN

20 MR MCGUCKIN: Not at all.

21 Firstly, my name is Karl McGuckin and I appear
22 instructed by three separate firms today, Logan & Corry
23 Solicitors, Campbell & Haughey Solicitors, and Roche
24 McBride Solicitors, on behalf of both bereaved families
25 and seriously injured survivors.

1 I appear led by Mr Stephen Toal KC, who
2 unavoidably could not attend and passes his apologies to
3 the Inquiry through me today.

4 LORD TURNBULL: Thank you.

5 MR MCGUCKIN: On behalf of Logan & Corry Solicitors, sir,
6 I appear on behalf of the bereaved family of
7 Gareth Conway, who was only 17 years when his life was
8 taken.

9 I also appear on behalf of the bereaved family of
10 Veda Short, who was 56 at the time of her death.

11 By that solicitor firm I also appear on behalf of
12 Niamh McKinney and her mother, Caroline McKinney, who
13 were both seriously injured in the bomb.

14 On behalf of Campbell & Haughey Solicitors,
15 I appear instructed on behalf of the bereaved family of
16 Fernando Baselga, who was only 12 years at the time of
17 his death, and the bereaved family of Brenda Logue, who
18 was only 17.

19 I also appear on behalf of the seriously injured
20 survivors Laura Hamilton and Nicola Jane Hamilton, and
21 Pauline Harte, who was also seriously injured and
22 attends today.

23 On behalf of Roche McBride Solicitors, I appear
24 instructed on behalf of the bereaved parents of the
25 infant Breda Devine, who was only 20 months at the time

1 of her death.

2 We wish to say collectively, sir, that firstly we
3 are very grateful to you and your Inquiry team for the
4 substantial work that has already been undertaken. We
5 have no formal submissions to make at this stage, save
6 to say that on behalf of all the Core Participants that
7 we represent that we and they look forward to positively
8 engaging with you and your team with a view to ensuring
9 the communal overarching outcome, that being the
10 unvarnished truth of this atrocity.

11 Thank you.

12 LORD TURNBULL: Thank you for those remarks, Mr McGuckin.

13 Mr Skelt.

14 Opening remarks by MRSKELT

15 MR SKELT: Thank you. I, together with
16 Mr Andrew McGuinness, who sits to my immediate right,
17 instructed by Mr Stephen Clarke of MTB Solicitors, who
18 sits to my far left, appear in this Inquiry to represent
19 Sir Ronnie Flanagan, who, as you, sir, know, is the
20 former Chief Constable on the RUC and then PSNI.

21 As has already been said by many, today is not the
22 day for formal submissions, so at this stage all we
23 would wish to do is to thank you and your team for the
24 very helpful detailed introduction and various documents
25 and notifications that have been supplied thus far, but

1 we have at this stage nothing further that we can
2 usefully say other than to echo what's been already said
3 in our Core Participant application: that Sir Ronnie
4 intends an entirely positive engagement with this
5 Inquiry throughout its entire length.

6 Thank you.

7 LORD TURNBULL: Thank you, Mr Skelt.

8 I shall now call upon Mr Henry KC.

9 Opening remarks by MR HENRY

10 MR HENRY: Thank you, sir. I'll just make some very brief
11 introductory remarks.

12 My name is Philip Henry, and in this Inquiry I act
13 on behalf of the Police Service of Northern Ireland.
14 I'm assisted by Ms Marie Claire McDermott to my
15 left-hand side and also by Mr Thompson to my right-hand
16 side, junior counsel.

17 We are instructed by the PSNI's recognised legal
18 representative, Ms Severina Kelly, who is also within
19 the body of the proceedings as well.

20 The first thing that I'd like to do on behalf of
21 the PSNI this afternoon, and also on behalf of those who
22 represent the PSNI, is to offer our sincere condolences
23 to all of those who lost loved ones as a result of the
24 Omagh bomb.

25 Sir, it is very difficult to find the appropriate

1 words to use when attempting or when tasked to speak
2 about an atrocity of the scale of that which happened in
3 Omagh on 15 August 1998. Those words or any words used
4 seem inadequate when describing something which involved
5 such loss of life, so many people being injured, and
6 affecting so many people's lives in so many ways, but
7 it's against that background, sir, that I make the
8 following brief observations in relation to or on behalf
9 of the PSNI.

10 Firstly, it recognises the importance -- indeed
11 the great importance -- of the Inquiry and the difficult
12 job that it has ahead of it and, secondly, again on
13 behalf of the PSNI, it would like to state its intention
14 to co-operate and assist as best it can with that
15 difficult role. We hope, sir, that the constructive way
16 that we have engaged with your team to date and will
17 continue to do so is evidence of that intention.

18 So thank you very much, sir.

19 LORD TURNBULL: Thank you, Mr Henry.

20 I shall now call upon Ms Fee KC.

21 Opening remarks by MS FEE

22 MS FEE: Thank you, sir.

23 My name is Fiona Fee and I act in this Inquiry on
24 behalf of His Majesty's Government, one of the
25 Core Participants in the Inquiry. I'm assisted by

1 junior counsel, David Reid, who sits to my right,
2 Leona Gillen and Andrew McKibben who are also present
3 today.

4 His Majesty's Government in this context includes
5 the UK intelligence community, the Ministry of Defence,
6 the Northern Ireland Office, the Cabinet Office and the
7 Foreign, Commonwealth & Development Office. Each of
8 those organisations has engaged with the Inquiry and we
9 welcome the opportunity to continue those interactions
10 to assist the Inquiry with its important work.

11 This preliminary hearing represents a significant
12 milestone in the progress of the Inquiry, and I want to
13 convey the Government's sincere condolences to all
14 those, including all those in the room today, who have
15 suffered as a result of this horrific terrorist
16 atrocity.

17 Thank you.

18 LORD TURNBULL: Thank you, Ms Fee.

19 I now call upon Mr McKay.

20 Opening remarks by MR McKAY

21 MR McKAY: Good afternoon, (unclear), and beyond saying that
22 we remain committed to assisting the Inquiry in any way
23 we can, I have no further submissions to make.

24 LORD TURNBULL: Thank you.

25 Having heard from each of the Core Participants,

1 I shall now invite Director General De Burca to offer
2 a statement on behalf of the Government of Ireland.

3 Opening remarks by MR DE BURCA

4 MR DE BURCA: Thank you, Chair.

5 I'm here today on behalf of the Government of
6 Ireland to signal in the clearest terms our commitment
7 to facilitating and supporting the work of this Inquiry.
8 We welcome the opportunity to make a statement at this
9 opening session.

10 Having engaged closely with your team, Chair, in
11 the months leading up to today, it is important that the
12 Government of Ireland is represented here.

13 The Government of Ireland, at the most senior
14 level, recognises the importance of this inquiry for
15 victims and survivors of the heinous attack that took
16 place in Omagh on 15 August 1998. Thank you, on the
17 Government's behalf, for the invitation.

18 Hearing out loud the names of those who lives were
19 taken here in Omagh that terrible August day, reminds us
20 all of the human cost of that brutal terrorist attack.

21 The Government of Ireland recognises the enormous loss
22 suffered by their families and the enduring toll on all
23 those injured. They -- you -- are at the centre of
24 those endeavours as the Inquiry takes forward its work.

25 15 August 1998 is engraved on the collective

1 consciousness of the people of these islands. At a time
2 of collective hope, it was a senseless and callous act
3 of terror that sought to undermine the peace that had
4 been secured only a few months earlier. We remember the
5 toll of lives lost and lives changed forever. We recall
6 the dignity and bravery of the families who have worked
7 tirelessly as advocates ever since.

8 As this Inquiry begins its work, it is important
9 to place on record, on this its first day, the
10 Government of Ireland's condemnation and abhorrence of
11 the criminal actions of those who planned this attack
12 and planted and detonated the bomb.

13 In June last year, the Tánaiste and Minister for
14 Foreign Affairs, Micheál Martin TD, and the Minister for
15 Justice, Helen McEntee TD, met with a number of the
16 family members and heard first-hand how the events of
17 15 August 1998 has affected their lives. They listened
18 as family shared how the Government of Ireland could
19 assist them in getting answers.

20 This Inquiry is an opportunity to explore one of
21 the fundamental questions that families have asked,
22 namely around the preventability of that attack.

23 The unwavering courage and dignity that the
24 families have shown throughout their long quest for
25 truth, justice and accountability is commendable.

1 I want to make particular mention of
2 Mr Michael Gallagher, as the judgment in the case he
3 brought today gave rise to this Inquiry that we are at
4 today.

5 Engaging with the Inquiry is an opportunity for
6 the Government of Ireland to demonstrate our commitment
7 to meeting the needs of victims and survivors as part of
8 the necessary work of reconciling the painful legacy of
9 the past. The Government's position has always been
10 that we must adequately address the past if we want to
11 achieve genuine reconciliation for the future. Today,
12 we want to assure the families and survivors of the
13 Omagh Bombing unequivocally of that commitment to fully
14 assist the Inquiry.

15 Earlier this month, the Government of Ireland made
16 the formal decision to assist the Omagh Bombing Inquiry
17 and accepted the invitation of the Chairman to attend
18 this preliminary hearing in Omagh today.

19 The purpose of my statement today is to assure
20 families that Government officials, including officials
21 of the Department of Foreign Affairs and the Department
22 of Justice, as well as Garda Síochána, have been
23 engaging, as we have heard, with the Inquiry team since
24 his appointment last November. That good-faith
25 engagement will help determine how the Irish state can

1 assist the Inquiry.

2 Notwithstanding the particular complexities in
3 assisting any inquiry established under the law of
4 another sovereign jurisdiction, including the
5 appropriateness of a sovereign state joining as
6 a Core Participant, the Government of Ireland is
7 determined, together with the Inquiry team, to establish
8 a bespoke mechanism to guide our engagement and to
9 assist the Inquiry. Our commitment is to ensure that
10 there is nothing left unanswered in our jurisdiction at
11 the end of this Inquiry.

12 It will be important to ensure the arrangements
13 underpinning our engagement are legally robust, and the
14 Government of Ireland is committed to putting in place
15 their most effective possible arrangements to help the
16 Inquiry's work. These will be consistent with the
17 Inquiry's own Terms of Reference and with Irish law, in
18 particular with regard to the constitutional and ECHR
19 rights of persons.

20 This follows on from actions taken by the Irish
21 Government and its predecessors over the years to
22 support the families of the victims. These include
23 assisting the Northern Ireland courts during the civil
24 proceedings taken by the Omagh families, and the
25 enactment of primary and secondary legislation through

1 the Houses of the Oireachtas to support cross-border
2 co-operation with UK authorities.

3 We will do everything in our power to ensure the
4 spirit of co-operation endures. This will be grounded
5 in law to support concrete action. The Government is
6 committed to put in place additional new legislation, if
7 that is what is required, to support our assistance to
8 the Inquiry. These important details are being worked
9 through with the Inquiry team, to ensure our engagement
10 proceed on the strongest possible footing.

11 26 years on from that day in August, the malice of
12 those who perpetrated that terrible attack is a reminder
13 that many have tried and failed to deny peace and
14 democracy on this island. Instead, efforts were
15 galvanised to move the dial of progress in the direction
16 of peace and reconciliation. Such efforts continue to
17 this day.

18 Chair, we all know the families have waited a long
19 time and have worked for a long time for this Inquiry.
20 The needs of the victims' families, the survivors and
21 the wider community in Omagh will guide our approach.
22 We will work to ensure that our deeds match our words in
23 respect of this Inquiry.

24 Thank you.

25 LORD TURNBULL: Thank you, Director General. I'm most

1 grateful to you for those comments and to the Government
2 of Ireland for its offer of support.

3 That concludes other proceedings for this, the
4 first hearing of the Independent Public Inquiry
5 into the Omagh Bombing.

6 (1.23 pm)

7 (The Inquiry adjourned to a date to be fixed)

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