

INQUIRY LEGAL TEAM NOTE

(CHAPTER LIST FOR ORAL HEARINGS)

1. As stated in the Terms of Reference, the purpose of the Inquiry is:

“To investigate whether the car bomb detonated in Omagh, County Tyrone on 15th August 1998 in which 29 people and two unborn children were killed could have been prevented by UK state authorities, with particular attention to the matters considered by Horner J. in the application for judicial review, Re Gallagher [2021] NIQB 85.”
2. To ensure focus and clarity, the Inquiry will structure its oral hearings by Chapters.
3. Those Chapters are as follows:

Chapter 1: Commemorative and Personal Statement hearings

Chapter 2: Core Participant Opening Statements

Chapter 3: The Bombing of Omagh

Chapter 4: Previous incidents: overt material

Chapter 5: The Peace Process and Security Normalisation

Chapter 6: Previous incidents: covert material

Chapter 7: Intelligence relating to the Omagh Bombing

Chapter 8: Core Participant Closing Statements
4. Whether or not there will be an oral hearing/Chapter in relation to recommendations will be kept under review.

5. The Inquiry Legal Team anticipates receiving restriction order applications from State Core Participants which will seek to limit those who can see certain documents and know certain information. These applications will be determined by the Chairman on their merits.
6. Recognising the likely complexity and contentious nature of those restriction order applications, the Inquiry Legal Team has structured the Chapter list in such a way as to mean no relevant information which could be subject to a restriction order will form any part of the oral evidence heard in Chapters 3 and 4.
7. By way of shorthand and as means of communicating simply the categories of material which will form the basis of the evidence for different Chapters, material and techniques are referred to as “*overt*” or “*covert*”:
 - a. Material is “*overt*” if it does not relate to information which, if disseminated widely, may harm an important public interest, such as national security. Examples of such material include evidence commonly used in criminal trials and civil proceedings, such as call data records and scientific evidence.
 - b. By contrast, material is “*covert*” if it is related to information which, if disseminated widely, may harm an important public interest, such as national security. Examples of such material include:
 - i. Intelligence provided to or obtained by the police or UK Intelligence Community;
 - ii. Tactics and techniques used to obtain such intelligence;
 - iii. Policies and procedures relating to those who gather intelligence.

Such material may have been classified as ‘Secret’ or ‘Top Secret’.

8. All relevant evidence which is not made subject to a restriction order will be heard in public. Such hearings will be referred to as being ‘open’. Any oral

evidence which is made subject to a restriction order which excludes the public and any Core Participants will be referred to as being 'closed'.

9. Applications for restriction orders will be determined before the start of Chapter 5 so that the open/closed divide is established for the purposes of the oral evidence hearings. This divide will be reviewed once the evidence has been heard. Directions for the management of restriction order applications will be given separately.
10. The Chairman has a determination that as much evidence as possible will be heard in open. The fact that material falls into the broad category of 'covert' does not necessarily mean it will be considered in a restricted or closed hearing. For example:
 - a. There is a body of already avowed information which falls into the covert category;
 - b. It may be that a Core Participant decides not to make an application for a restriction order as it concludes that the passage of time means that no public interest will be harmed by the disclosure of the information;
 - c. It may be that a Core Participant decides not to make an application for a restriction order as it concludes that sufficient information is already in the public domain in relation to a particular piece of information so as to mean that no material harm will be done to the public interest by confirming that information; and
 - d. In any event, in relation to any material that Core Participants consider should be made subject of a restriction order, the Chairman will determine whether the restrictions sought or any restrictions are justified.
11. Any Core Participant who applies for a restriction order should also prepare an open version of the material which is the subject of that application which includes the greatest amount of information deemed possible.

12. Hearings on legal and procedural issues will be listed as required. As at the date of this Note, directions have already been given in relation to the first of such hearings, namely: applications for the appointment of Special Advocates.
13. In relation to Chapters 3 to 7, Counsel to the Inquiry will make an Opening Statement at the commencement of each. This will be focused on the anticipated scope of evidence and investigation in that Chapter. The Chairman will keep under review the issue of Core Participant Opening Statements specific to any particular Chapter.
14. The Inquiry Legal Team intends to circulate a note in the Autumn of 2025 providing further detail in relation to Chapters 5 to 7.
15. Provisional witness lists will be provided for each Chapter in good time before each starts. Core Participants will be given the opportunity to comment on these.
16. The Inquiry Legal Team is determined that, so far as possible, evidence from the Republic of Ireland will be called in accordance with the Chapter divisions. Once the Memorandum of Understanding with the Republic of Ireland has been finalised, and practical arrangements have been addressed, Core Participants will be updated further.

Chapter 1 (Commemorative and Personal Statement hearing)

17. The Inquiry commenced its oral hearings by placing the bereaved families and survivors at the heart of its work.
18. This Chapter comprised the following:
 - a. The Chairman's introductory remarks, observations on the evidence and closing comments.
 - b. Counsel to the Inquiry's Opening Statement in relation to Chapter 1 and an introduction to the work of the Inquiry;

- c. One minute's silence to remember and honour those who were killed;
 - d. Commemorative evidence from the families of the 29 people and two unborn babies who were killed;
 - e. Personal statement evidence from survivors and first responders.
19. The oral evidence hearing for Chapter 1 took place between 28 January 2025 and 19 February 2025 and was in open.

Chapter 2 (Core Participant Opening Statements)

20. The Chairman will hear from each Core Participant by way of an oral Opening Statement. Prior to the hearing, written Opening Statements will be submitted and circulated.
21. The Chairman requires openness, candour and transparency from State Core Participants in relation to any identified mistakes or failings relevant to the Terms of Reference.
22. The content of Opening Statements is the subject of a separate protocol.
23. The oral evidence hearing for Chapter 2 will take place in the week of 23 June 2025. The protocol makes provision for the management of any closed concessions by State Core Participants.

Chapter 3 (The Bombing of Omagh)

24. The Inquiry will start this phase of its investigation with an examination of what methodology was adopted in carrying out the Omagh Bombing and who perpetrated it, based on overt material.
25. This will involve a detailed exploration of what has been and can be established based on:
- a. The construction of the bomb;
 - b. The movements of the car containing the bomb;

- c. Warning calls;
 - d. Use of telephones;
 - e. Scientific evidence;
 - f. Any other relevant overt evidence.
26. It will also involve examination of:
- a. Any claim of responsibility;
 - b. Arrests;
 - c. Subsequent court proceeding.
27. Expert evidence in relation to the use of telephones based on overt material (such as call patterns and cell-site data) and scientific investigations (such as DNA analysis) will be called during this Chapter. This will be focused on the Omagh Bombing.
28. The Inquiry will be seeking to establish how the Omagh Bombing was carried out and by whom.¹ This will inform the approach in subsequent Chapters, which will examine what was known or could have been known in the context of the circumstances of the Omagh Bombing.
29. The oral evidence hearing for Chapter 3 will commence at the start on 9 March 2026. It will be in open. There will be no restricted or closed evidence during Chapter 3.

Chapter 4 (Previous incidents: overt material)

30. In this Chapter the Inquiry will consider the previous attacks and attempted attacks identified in the Provisional List of Issues (at paragraphs 2(j) and 2(k)) and any other relevant prior attacks and attempted attacks that emerge from now on with a view to establishing what links, if any, there are between

¹ See Preventability section of Provisional List of Issues for the Inquiry's approach to the identity of those involved.

them and between any of them and the Omagh Bombing. Such links may include those responsible and/or methodologies used.

31. The Inquiry's focus will be on overt policing investigative techniques and material, including the use of telephones based on overt material (such as call patterns and cell-site data) and forensic science. It will be driven by the understanding derived during Chapter 3.
32. The Inquiry will not, in this Chapter, be looking at covert investigative techniques or any covert material which may exist. That will be considered in Chapter 6.
33. The Inquiry will be investigating what was established by overt policing investigation prior to the Omagh Bombing. The Inquiry will also be investigating what could have been established by overt policing investigative techniques based on the material and techniques available at the time. This will involve consideration of the adequacy of the police investigations.
34. This Chapter will include establishing the overt policing investigative structures and processes in 1997-8 as they applied to dissident republican terrorism.
35. Expert evidence in relation to policing powers will be heard at the start of this Chapter.
36. Expert evidence in relation to cell-site and scientific investigations, such as DNA, will also be called during this Chapter. This will be focused on the previous incidents.
37. The Inquiry will be investigating whether sufficient information obtained by overt investigations was or could have been available to police investigators to identify and disrupt those responsible for the Omagh Bombing before 15th August 1998.
38. The oral evidence hearing for Chapter 4 will be in open. There will be no restricted or closed evidence during Chapter 4.

Chapter 5 (The Peace Process and Security Normalisation)

- 39. In this Chapter the Inquiry will investigate the historical and political context of the Omagh Bombing.
- 40. Expert evidence in relation to the history of the Troubles, dissident republicanism terrorism, particularly in 1997-8, and the Belfast / Good Friday Agreement will be called.
- 41. The Inquiry will be investigating whether the policy, development, implementation and operational effect of Security Normalisation had an impact on whether the Omagh Bombing could have been prevented.
- 42. The timing and management of the evidence relating to Chapter 5 will be the subject of an update in due course.

Chapter 6 (The previous incidents: covert material)

- 43. In this Chapter the Inquiry will investigate the covert material related to the previous incidents.
- 44. The Inquiry will be investigating what covertly obtained information was available, if any, about the previous incidents. The Inquiry will also be investigating what could have been established by covert investigation based on the material and techniques available at the time. This will involve consideration of the adequacy of the approach by the police, military and UK Intelligence Community towards the management and development of covert material.
- 45. This will be placed in the context of what is established during previous Chapters.
- 46. This Chapter will include establishing the covert investigative structures and processes in 1997-8 as they applied to the threat of dissident republican terrorism, including how intelligence was shared. Expert evidence will be called in relation to the history of the Joint Intelligence Committee.

47. The Inquiry will be investigating whether sufficient intelligence arising from the previous incidents was or could have been available to the police, military and UK Intelligence Community to identify and disrupt those responsible for the Omagh Bombing, prior to it taking place.
48. The timing and management of the evidence relating to Chapter 6 will be the subject of an update in due course.

Chapter 7 (Intelligence relating to the Omagh Bombing)

49. In this Chapter the Inquiry will investigate what covert material existed or which could have been generated in relation to the Omagh Bombing.
50. The Inquiry will be investigating what covertly obtained information was available prior to the Omagh Bombing about any impending attack. The Inquiry will also be investigating what could have been established by covert investigations based on the material and techniques available at the time. This will involve consideration of the adequacy of the approach of the police, military and UK Intelligence Community towards the management and development of intelligence which may be specific to the Omagh Bombing.
51. This will be placed in the context of what is established in previous Chapters.
52. The Inquiry will also consider any intelligence gathered after the Omagh Bombing about those responsible with a view to building on the work undertaken in Chapter 3.
53. The Inquiry will be investigating whether there was or could have been sufficient intelligence related to any impending attack available to the police, military and the UK Intelligence Community to identify and disrupt those responsible for the Omagh Bombing prior to it taking place.
54. The Inquiry Legal Team recognises that there may be considerable overlap between Chapter 6 and Chapter 7. As such, a decision will be made in due course as to whether the oral hearings for these Chapters will be concurrent.

55. The timing and management of the evidence relating to Chapter 7 will be the subject of an update in due course.

Chapter 8 (Core Participant Closing Statements)

56. Once the evidential phase of the Inquiry is completed, Core Participants will be given an opportunity to make Closing Statements.
57. The timing and management of Closing Statements will be the subject of an update in due course.

INQUIRY LEGAL TEAM

31 March 2025