

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CHAIRMAN OF THE
OMAGH BOMBING INQUIRY AND THE MINISTER FOR JUSTICE OF THE
GOVERNMENT OF IRELAND ON MATTERS RELATING TO THE DISCLOSURE
OF MATERIALS**

The Omagh Bombing Inquiry and the Minister for Justice, (both jointly referred to as “the Participants”);

Recognising the human cost of the Omagh bombing in which 29 people and two unborn children were killed and the enormous loss suffered by their families, as well as the enduring toll on all those injured.

Recognising the unwavering courage and dignity shown by the Omagh families in their quest for truth, justice and accountability and mindful of the need to adequately address the past in order to achieve reconciliation for the future.

Recognising that the purpose of the Inquiry, as set out in its Terms of Reference, is to investigate whether the Omagh bombing could have been prevented by state authorities of the United Kingdom of Great Britain and Northern Ireland.

Recognising the unique status of Ireland with regards to the Inquiry, which as a sovereign state cannot be subject to the authority of a statutory inquiry established under the law of another sovereign jurisdiction.

Recognising that the Government of Ireland has previously supported the families of the victims, including assisting the Courts of Northern Ireland during the civil proceedings taken by the families.

Recognising that the Government of Ireland has effected the enactment of legislative measures to assist in cross-border co-operation with the authorities in Northern Ireland and the United Kingdom.

Recognising that as an Inquiry established under the law of the United Kingdom, requests for assistance to the Government of Ireland are not based on bilateral international conventions or treaties and assistance with such requests is not mandated or prescribed by international law and accordingly the provision of assistance to the Inquiry is a matter solely within the grant of the Irish State.

Noting that the Government of Ireland on the 9 July 2024, decided to assist the Inquiry to the extent that is permissible under the Constitution and law of the Irish State and the Minister reasserts the public commitment to assist the Inquiry that was given at the first preliminary hearing on 30 July 2024. A copy of the full public statement issued by the Government of Ireland is attached to this MOU at **Appendix A**.

The Participants

1. This Memorandum of Understanding ('MOU') is between the following Participants:
 - a. The Chairman of the Omagh Bombing Inquiry ('the Inquiry') the Rt. Hon. Lord Turnbull ('the Chairman'); and
 - b. The Minister for Justice ('the Minister') on behalf of the Government of Ireland.

MOU Purpose

2. This MOU is intended to assist in giving effect to the commitments given by the Government of Ireland and to record the working arrangements between the Inquiry and the Minister on the following matters:
 - a. the lawful disclosure of potentially relevant materials from the Government of Ireland and its agencies to the Inquiry ('Irish State Materials').
 - b. the onward disclosure of relevant Irish State Materials to Core Participants in the Inquiry; and
 - c. the destruction or retention of Irish State Materials at the conclusion of the Inquiry.
3. The overriding purpose of the MOU is to provide a framework for co-operation between the Participants to enable the Inquiry to receive Irish State Materials to assist it to fulfil its Terms of Reference and, to ensure that the Minister and Irish State Authorities can work in a way that fulfils their obligations under Irish law, the Irish Constitution, European Union law and the ECHR (hereinafter "laws applicable in Ireland"), and that the Inquiry can fulfil its obligations under United Kingdom law, including the ECHR.
4. Further written MOUs may be made between the Inquiry and the Minister on any other matters as necessary, including, but not limited to, the process for receiving witness evidence from officials of the Irish State, whether current or retired.
5. This MOU records the understandings of the Participants; it is not intended to, and does not, create legally binding obligations.
6. In this MOU, the Minister commits, to the extent that is permissible under laws applicable in Ireland, to:
 - a. establishing a mechanism of engagement with the Inquiry.
 - b. fully assisting the Inquiry,
 - c. ensuring that the co-operation given to the Inquiry by the Government of Ireland is lawful; and
 - d. putting in place the most effective possible arrangements to help the Inquiry's work.

Status and Remit of the Inquiry

7. The Omagh Bombing Inquiry is a statutory inquiry established by the Government of the United Kingdom. The purpose of the Inquiry, as set out in its Terms of Reference, is to investigate whether the Omagh bombing could have been prevented by United Kingdom state authorities.
8. The Inquiry must conduct its work pursuant to the Inquiries Act 2005 ('the 2005 Act') and the Inquiry Rules 2006 ('the 2006 Rules'). The territorial extent of the Inquiry and the Chairman's statutory powers is limited to the United Kingdom and does not extend to Ireland.
9. The Inquiry is independent of the Government of the United Kingdom which has confirmed to the Inquiry that it has provided, and continues to, provide, its full co-operation with and assistance to the Inquiry as it fulfils its Terms of Reference.
10. Pursuant to the 2005 Act, the relevant United Kingdom Minister must first consult the Chairman on any proposed amendment to the Inquiry's Terms of Reference. The Chairman will seek views from the Minister on any amendment that is relevant to the engagement by the Government of Ireland and its agencies with the Inquiry, before the Chairman responds to a consultation on the Terms of Reference with the relevant United Kingdom Minister. In the event of an amendment to the Terms of Reference which in the opinion of the Minister impacts on the engagement of the Government of Ireland and its agencies with the Inquiry this MOU will cease to operate. The cessation of this MOU is without prejudice to a further MOU between the Participants taking into account the amended Terms of Reference.
11. A copy of the Inquiry's Terms of Reference is appended to this MOU as **Appendix B**. The Terms of Reference set out the matters to which the Inquiry relates, the matters in respect of which the Chairman can determine the facts and the ability of the Chairman to make such recommendations as he may consider appropriate following the Inquiry's investigation and evidence hearings. The functions of the Inquiry, including the matters detailed in this MOU, are only exercisable in pursuance of the Inquiry's Terms of Reference.
12. Given the status of Ireland as a sovereign jurisdiction, the Government of Ireland's provision of assistance to the Inquiry is solely within the grant of the Government of Ireland and subject to laws applicable in Ireland, including the protection of the rights of citizens and protection of the legitimate interests of the State. The Minister may consider if he deems it necessary and appropriate, making secondary legislation or placing before the Oireachtas primary legislation to facilitate such assistance.
13. At the request of the Government of Ireland, the Inquiry will consider putting in place specific arrangements dealing with procedural matters, where appropriate.

Points of Contact

14. All enquiries and requests for disclosure of material from the Inquiry to the Government of Ireland and its agencies will be sent directly to the Central Point of Contact established in the Department of Justice. A dedicated email address will be provided for this purpose.
15. The Central Point of Contact will facilitate direct engagement with nominated representatives of Irish Departments of State and their agencies, where appropriate, to support the Inquiry in fulfilling its Terms of Reference and the Government of Ireland's provision of assistance to the Inquiry.

Disclosure to and by the Inquiry

16. The management of disclosure in the Inquiry is a matter for the Chairman, pursuant to the requirements of the 2005 Act and the 2006 Rules.

Requests for Disclosure

17. To the extent that the Chairman wishes to seek the disclosure of any Irish State Material from the Minister, including material from any Irish Department of State or any of their agencies, he will do so by way of a written request.
18. The written request for assistance from the Inquiry to the Minister is not a request based on bilateral international conventions or treaties, and the Participants recognise that there is no mutuality between the Inquiry and the Government of Ireland, and accordingly the accession to any request for assistance is a matter solely within the grant of the Government of Ireland and not mandated or prescribed by any international law, treaty or convention.
19. The written request from the Inquiry will provide as much detail as possible to identify the material, documents or information that is being sought; an explanation why the request has been made; how Irish State Materials will be used or held by the Inquiry; and include a deadline for a response to be given to the request. A letter may be shared in draft before it is issued to allow for discussion on the scope of the request to ensure that it is appropriately focused and clear.
20. The Minister, in accordance with the laws applicable in Ireland, including the Constitution of Ireland, will endeavour to provide all reasonable assistance to comply, or facilitate the compliance by other States agencies, with any request for disclosure that is made. The Minister will endeavour to respond by the date specified in the request and, if the date for a response cannot be met, the Participants will engage with a view to identifying a reasonable alternative date.
21. As appropriate, the Minister will endeavour to provide assistance in the disclosing of Irish State Materials to the Inquiry in accordance with the Criminal Justice (International Co-operation) Act 2019, or any other applicable legislation.

22. The Minister or other Irish State Agency having located potentially relevant material pursuant to a written request from the Inquiry will disclose to the Inquiry such materials ensuring the provision of same is in accordance with laws applicable in Ireland including all requirements and obligations pursuant to Data Protection Legislation.
23. Prior to disclosure to the Inquiry all Irish State Materials will be subjected to review and redaction of the material by the Minister or other Irish State Agency, as necessary, including to meet requirements under Irish law, the Irish Constitution, European Union law and the ECHR.
24. As far as possible, any Irish State Materials to be disclosed to the Inquiry will be disclosed in digital format. If such material is not capable of being disclosed in digital format, the Minister will disclose the material in another format to be agreed between the Participants or make available a facility for the Chairman and agreed named members of the Inquiry to inspect in Ireland the material.
25. With a view to ensuring the Chairman has access to all the information required to discharge his Terms of Reference, the Minister will, subject to any necessary conditions, make available a facility to the Chairman, and agreed named members of the Inquiry Team, to inspect in Ireland unredacted copies of material redacted in accordance with paragraph 23 save in exceptional circumstances of which the Inquiry will be informed.
26. To the extent that the Minister cannot comply with a written request, either in whole or part, he will respond in writing detailing the reasons why he is not able to comply.
27. Where Irish State Materials cannot be located or have been destroyed, the Minister in accordance with laws applicable in Ireland will provide as much information as possible about (i) any such missing material; (ii) any enquiries made to locate it; and (iii) further or ongoing searches for the material. If Irish State Materials are held by other non-governmental organisations or agencies in Ireland, the Minister will endeavour to provide all reasonable assistance in accordance with the Laws applicable in Ireland to the Inquiry to obtain materials from those organisations or agencies.
28. In the event that the Minister cannot comply, either in whole or in part, with any request of the Inquiry for the disclosure of Irish State Materials, the Minister will explore with the Inquiry any possible alternate means of satisfying the Inquiry's request or to address any concerns arising, including the reason(s) for Irish State materials not being disclosed.
29. The Minister will endeavour to ensure that all materials in the custody or control of the Government of Ireland and its agencies that are of potential relevance to matters under investigation by the Inquiry shall be retained for the duration of the Inquiry and all archiving and automatic destruction policies for those materials to be put on hold, save as may be required by law.

Restriction Order

30. Any Irish State Materials provided by the Minister to the Inquiry will be held in strict confidence by the Inquiry and subject to the terms of the Restriction Order on Irish State Materials that is published on the Inquiry's website.
31. The Restriction Order provides that during each specified stage of the disclosure process the Inquiry and, if applicable, Core Participants, will be legally required to hold all Irish State Materials disclosed in confidence until such time, if at all, that the material is adduced in evidence.
32. The Inquiry will not, save for the exceptional process outlined in this MOU, disclose Irish State Materials to a Core Participant, or any other third party, absent an arrangement with the Government of Ireland on the onward provision of that specific material. A hearing may be convened, to consider any issues on the application of the Restriction Order and proposals on the disclosure of Irish State Materials. The Chairman will afford the Minister the opportunity to be represented at any such hearings. Representation of the Government of Ireland, whether by way of written or oral submissions, will be a matter for the Minister.

Review of Materials

33. On receipt of Irish State Materials that are provided pursuant to a written request, the Inquiry will review the material and assess it for relevance to its Terms of Reference.
34. If Irish State Materials are considered to be relevant, they will be prepared for the purposes of disclosure to those designated as Core Participants in the Inquiry who have signed a confidentiality undertaking.
35. The undertaking requires that any materials or information disclosed by the Chairman must be kept securely and in confidence until such time, if at all, that that material or information is adduced in evidence in the Inquiry. A copy of the undertaking is appended to this MOU as **Appendix C**.
36. In order to manage the process of gathering, reviewing, and disclosing materials to Core Participants, the Chairman will adopt the following procedural steps in relation to any Irish State Materials received from, or on behalf of the Minister, or other Irish organisations or agencies:
 - a. The material will be held in accordance with the Restriction Order.
 - b. The material will be reviewed for relevance to the Inquiry's Terms of Reference by the Inquiry Team.
 - c. Any relevant material will be provisionally subjected to further redactions by the Inquiry Team, in addition to any redactions previously made by the Minister or Irish State agency, as far as it is necessary to do so. The additional

redactions by the Inquiry may be applied to remove the following categories of information:

- i. Information that is subject to data protection legalisation in the United Kingdom or Ireland such as dates of birth, home addresses, telephone numbers etc. and is not relevant to the Terms of Reference.
 - ii. Matters that are irrelevant and sensitive to the Inquiry's Terms of Reference, such as financial matters, content relating to sensitive and irrelevant personal circumstances.
 - iii. Matters that attract legal professional privilege or any legal duty of confidence.
 - iv. Matters that are operationally sensitive now, such as specific details about police tactics or the tactics of other agencies or organisations.
 - v. Matters that are relevant but are sensitive, for example because they may damage matters of national security in Ireland or the United Kingdom, may damage international relations of Ireland or the United Kingdom or may damage the economic interests of Ireland or the United Kingdom.
 - vi. Matters that, if disclosed, may cause a real and immediate risk of harm to an individual.
- d. The redactions which may be applied for include:
 - a. The obscuring of particular words or phrases.
 - b. The obscuring of passages.
 - c. The obscuring or removal of a page or pages from a document.
 - d. Non-disclosure of the existence of the document.
- e. Materials assessed as relevant to the Inquiry will be provided back to the Minister to enable them to review the additional redactions proposed by the Inquiry Team. The Minister, to the extent that he wishes to do so, will be invited to make any observations on the Inquiry's proposal to disclose the materials to Core Participants and any additional redactions proposed by the Inquiry.
- f. The Inquiry will respond promptly to any queries raised by the Minister in relation to the proposed disclosure of its material and any associated provisional redactions proposed by the Inquiry.
- g. Insofar as there are any issues that cannot be agreed between the Inquiry and the Minister the material under consideration will continue to be held pursuant to the terms of the Restriction Order and will not be disclosed to Core Participants until further discussions, and if necessary, a hearing have taken place to address any concerns regarding disclosure or the redaction of the material.
- h. If there is agreement on the disclosure, the Restriction Order will be amended to allow those specific Irish State Materials to be disclosed to Core

Participants, subject to the confidentiality undertaking and the terms of the Restriction Order. The disclosure to Core Participants will be done by transferring the materials to a secure electronic disclosure database.

- i. In the exceptional situation that there is no agreement on the proposed disclosure, the Chairman will convene a hearing to consider any oral or written submissions from the Government of Ireland on the concerns about the proposed disclosure of the specific Irish State Materials to Core Participants. That hearing may, if necessary, be held in private.
 - j. If the Chairman proposes to amend the Restriction Order and provide disclosure of the specific Irish State Materials to Core Participants, or refuses to do so, that decision will be amenable to judicial review in the courts of England and Wales, or Northern Ireland. No Irish State Materials will be disclosed by the Inquiry to any Core Participant whilst any such proceedings are considered by the courts.
37. Any relevant Irish State Material that is disclosed in confidence to Core Participants will, before it is used in a hearing or otherwise adduced in evidence, be included in a hearing bundle that is provided to the Government of Ireland. Subject to the consideration of any further requests for the redaction of information, that Irish State Material may be displayed publicly in the Inquiry's hearings, provided to witnesses to assist the Inquiry with evidence about the material, and published on the Inquiry's website.

Retention of Materials

38. The Chairman must have regard to the need to ensure that the record of the Inquiry is comprehensive and well-ordered, as required by the 2006 Rules.
39. Any relevant Irish State Materials disclosed to Core Participants in the Inquiry will form part of the Inquiry record.
40. The Inquiry and the Minister will endeavour to put in place arrangements with a view to Irish State Materials relevant to the Inquiry being held permanently in The National Archives of Ireland or held by an Irish Department of State. Any arrangement will be compliant with the 2005 Act and the 2006 Rules, and also compliant with the relevant Irish State laws existing at the time of the request including the National Archives Acts, as amended, and the Data Protection legislation, as amended.
41. Any Irish State Materials disclosed to the Inquiry which are assessed to be irrelevant will not form part of the Inquiry record and will be returned to the Government of Ireland, and any copies held by the Inquiry will be destroyed.
42. The Irish State Materials disclosed to the Inquiry will be subject to the condition that they will not, without the consent of the Government of Ireland, be used for any purpose other than that specified in the relevant request for disclosure.

43. No Irish State Materials will be further disclosed or disseminated to any other third party without the consent of the Government of Ireland having first been obtained. Where it is necessary to disclose Irish State Materials to individuals providing evidence to the Inquiry, such disclosure will be subject to the Restriction Order.
44. In the event of an unauthorised disclosure or dissemination of material provided by the Government of Ireland and its agencies to the Inquiry to any third party the Chairman will inform the Government of Ireland promptly and take all necessary action to include legal action to retrieve any material from the third party and/or to prevent or limit any publication or otherwise arising from same.
45. Following the conclusion of the Inquiry, and subject to the agreement on retaining relevant materials in The National Archives of Ireland or by an Irish Department of State, Irish State Materials disclosed to the Inquiry, along with any and all copies in whatever format, upon written request by the Minister will be returned to the Government of Ireland or be destroyed.
46. The Participants will keep a schedule of all material disclosed to the Inquiry. The Inquiry will furnish to the Government of Ireland and may retain, a schedule of the irrelevant Irish State Materials returned to the Government of Ireland, the relevant Irish State Materials to be kept in The National Archives of Ireland or held by an Irish Department of State and the Irish State Materials which have been destroyed.

Publication and Amendments to the MOU

47. All Participants to this MOU are committed to ensuring that there is maximum transparency about how the Participants will work together and co-operate to achieve the aims and purposes defined above. To this end, the MOU will be published on the Inquiry's website and, should he wish to do so, any website used by the Minister.
48. This MOU will be kept under review by the Participants and may be amended by mutual consent of the Participants, in written form and with a minimum of 21 days noticed provided with respect to the request for amendment.
49. Any amendments to the MOU will be disclosed to Core Participants and published in accordance with paragraph 47.
50. The Participants will endeavor to resolve any dispute arising from the interpretation or implementation of this MOU through amicable negotiations between them.

Continued engagement

51. The Solicitor to the Inquiry, on behalf of the Chairman, will maintain regular contact with and meet with representatives of the Minister to provide updates about the Inquiry.
52. The Participants will meet on at least a quarterly basis to support the operation of this MOU.

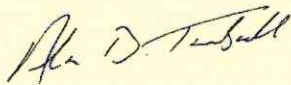
53. The Chairman of the Inquiry and the Minister also commit, pursuant to the provisions of this MOU, to ensure that any issues that may cause delay to or impact on the progress of the Inquiry are identified promptly and are managed appropriately and pragmatically between the Participants.

Duration

54. The MOU will have effect from the date it is signed and will continue to have effect for the duration of the Inquiry.
55. The Inquiry will end when the Chairman submits a notice to the relevant Minister that the Inquiry has fulfilled its Terms of Reference. After this date, the MOU will cease to have effect save insofar as, and to the extent necessary, for the fulfilment of any commitments placed on the Participants by the section of this MOU on the 'Retention of Materials'.

Signed on 15 April, 2025, in two original copies, all texts being equally valid.

For the Inquiry



Rt. Hon. Lord Turnbull
Chairman of the Inquiry

For the Government of Ireland



Jim O'Callaghan, T.D.
Minister for Justice

Appendix A

UK Omagh Bombing Inquiry

Statement on behalf of the Government of Ireland on assistance to the Inquiry

30 July 2024

Chair,

I am here today on behalf of the Government of Ireland to signal in the clearest terms our commitment to facilitating and supporting the work of this Inquiry.

We welcome the opportunity to make a statement at this opening session. Having engaged closely with your team, Chair, in the months leading up to today, it is important that the Government of Ireland is represented here today.

The Government of Ireland at the most senior level recognises the importance of this Inquiry for victims and survivors of the heinous attack that took place in Omagh on the 15th of August 1998.

Thank you, on the Government's behalf, for the invitation.

Hearing out loud the names of those whose lives were taken here in Omagh that terrible August day reminds us all of the human cost of that brutal terrorist attack. The Government of Ireland recognises the enormous loss suffered by their families, and the enduring toll on all those injured. They – you – are at the centre of our endeavours, as the Inquiry takes forward its work.

The 15th of August 1998 is engraved on the collective consciousness of the people of these islands. At a time of collective hope, it was a senseless and callous act of terror that sought to undermine the peace that had been secured a few months earlier. We remember the toll of lives lost and lives changed forever. We recall the dignity and bravery of the families who have worked tirelessly as advocates ever since.

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

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

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

The unwavering courage and dignity that the Omagh families have shown throughout their long quest for truth, justice and accountability is commendable. I want to make particular mention of Mr. Michael Gallagher, as the judgment in the case he brought gave rise to this Inquiry.

Engaging with the Inquiry is an opportunity for the Government of Ireland to demonstrate our commitment to meeting the needs of victims and survivors, as part of the necessary work of reconciling the painful legacy of the past. The Government's position has always been that we

must adequately address the past if we want to achieve genuine reconciliation for the future. Today, we want to assure the families and survivors of the Omagh bombing – unequivocally – of that commitment to fully assist the Inquiry.

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

The purpose of my statement today is to assure families that Government officials, including officials of the Department of Foreign Affairs and Department of Justice, as well as An Garda Síochána, have been engaging regularly with the Inquiry team since its appointment last November. That good faith engagement will help determine how the Irish State can assist the Inquiry.

Notwithstanding the particular complexities in assisting any Inquiry established under the law of another sovereign jurisdiction, including the appropriateness of a sovereign State joining as a Core Participant, the Government of Ireland is determined, together with the Inquiry team, to establish a bespoke mechanism to guide our engagement and assist the Inquiry.

Our commitment is to ensure that there is nothing left unanswered in our jurisdiction at the end of the Inquiry. It will be important to ensure the arrangements underpinning our engagement are legally robust and the Government of Ireland is committed to putting in place the most effective possible arrangements to help the Inquiry's work. These will be consistent with the Inquiry's own terms of reference and with Irish law, in particular with regard to the Constitutional and ECHR rights of persons.

This follows on from actions taken by this Government and its predecessors over the years to support the families of the victims. These include assisting the Northern Ireland Courts during the civil proceedings taken by the families, and the enactment of primary and secondary legislation through the Houses of the Oireachtas to support cross-border cooperation with UK authorities.

We will do everything in our power to ensure that this spirit of cooperation endures. This will be grounded in law to support concrete action. The Government is committed to put in place additional new legislation, if that is what is required, to support our assistance to the Inquiry. These important details are being worked through with the Inquiry team, to ensure that our engagement proceeds on the strongest possible footing.

Twenty-six years on from that day in August, the malice of those who perpetrated that terrible attack is a reminder that many have tried and failed to deny peace and democracy on this island. Instead, efforts were galvanised to move the dial of progress in the direction of peace and reconciliation. Such efforts continue to this day.

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

Thank you.

Appendix B

OMAGH BOMB INQUIRY TERMS OF REFERENCE

Purpose

1. 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.

Scope

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

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

b. The adequacy of the measures taken by UK state authorities, including the police, security forces and Intelligence and Security Agencies, to disrupt those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing. This shall include consideration of any change in the measures used or approach taken by UK state authorities following the Belfast Agreement on 10 April 1998.

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

d. The allegation made by Norman Baxter (former Senior Investigating Officer in the investigation into the Omagh Bombing) in the course of his evidence to the Northern Ireland Affairs Select Committee on 11 November 2009, that police investigators into previous attacks in Moira (20 February 1998), Portadown (9 May 1998), Banbridge (1 August 1998) and Lisburn (30 April 1998) did not have access to intelligence materials which may reasonably have enabled them to disrupt the activities of dissident republican terrorists prior to the Omagh Bombing.

e. Information relating to dissident republican terrorist activity said to have been passed to police between June and August 1998 by an alleged British security forces agent known by the name of Kevin Fulton and whether that might reasonably have enabled UK state authorities, whether on its own or in conjunction with other information, to disrupt dissident republican terrorists engaged in the planning and preparation of the Omagh Bombing.

f. The nature of the intelligence said to have been obtained by the UK

Government's Communication Headquarters (GCHQ), including from alleged vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and conduct of the Omagh Bombing and other earlier attacks.

g. The adequacy of the analysis and handling of and response by UK state authorities to any intelligence obtained by GCHQ, including from vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and/or conduct of the Omagh Bombing and other earlier attacks.

h. The extent and adequacy of steps taken by UK state authorities to track and analyse the mobile telephone usage by those suspected to be involved in dissident republican terrorist attacks before the Omagh Bombing and whether that might reasonably have enabled UK state authorities to disrupt dissident republican terrorists engaged in the planning, preparation and/or conduct of the Omagh Bombing.

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

Method

The Inquiry will examine and review all documents as the Inquiry Chairman shall judge appropriate.

The Inquiry will receive such oral and written evidence, in OPEN and CLOSED, as the Inquiry Chairman shall judge appropriate and follow such procedures as are appropriate to ensure that the Inquiry is effective, taking account of the need to protect national security interests.

Report

The Inquiry will report to the Secretary of State for Northern Ireland as soon as practicable. The Inquiry Report will make such recommendations as may seem appropriate. Given the sensitive nature of the material, the Inquiry Chairman may choose to produce both an OPEN and a CLOSED report.

Appendix C

OMAGH BOMBING INQUIRY

UNDERTAKING TO THE CHAIRMAN

I [] hereby provide the following undertaking to Lord Alan Turnbull, the Chairman of the public inquiry into the Omagh bombing on 15 August 1998 ("the Inquiry").

In respect of all documentation provided to me (whether in hard copy or electronic format) by the Chairman, his legal team and those assisting with his investigation, except that which is already in the public domain, I undertake to:

1. **keep** all such documentation **safe** and not to leave it unattended other than at a secure location;
2. **keep** all such documentation **confidential**;
3. **only use** such documentation **for the purposes of the inquiry into the Omagh bombing** and any directly related legal proceedings;

Unless and until it is called in to evidence in open proceedings during the Inquiry at which point **that part of the document in question** which has been put in to evidence shall be treated as having been made public.

In giving this undertaking I understand that I may only disclose any such documentation and the information it contains to, and discuss it with, the Chairman's legal and administrative team and/or other people who have given identical undertakings to the Chairman. These people may include my own legal representatives. I acknowledge that it is my responsibility to ensure that any such person has given such an undertaking before discussing and/or disclosing such a document or information to them.

I understand that this undertaking applies to all materials provided to me by or on behalf of the Chairman and his team in respect of the Inquiry proceedings.

I understand that, if I wish to be released from this undertaking, I may apply in writing to the Chairman, setting out the reasons for my request.

Signed Dated

Name/Organisation