

OMAGH BOMBING INQUIRY

PSNI OPENING STATEMENT

INTRODUCTION

1. It is important that the Police Service of Northern Ireland (PSNI) begins this opening statement by offering its sincere condolences to those who lost loved ones as a result of the Omagh bomb, and its deepest sympathy to all those who were injured or otherwise affected, many of whom continue to endure physical and psychological consequences to this day.
2. It is also important to explain from the outset the approach that the PSNI is taking to this Inquiry.
3. The Chief Constable has made it clear that the PSNI will provide its full cooperation and support, which includes providing the Inquiry with all relevant materials within its possession, so that the Chairman is in the best possible position at the end of the Inquiry to reach his findings.
4. That is how the PSNI can best serve the Inquiry and those affected by it. And the PSNI will continue to engage constructively with the Inquiry, as it has done since its inception in February last year.
5. During the course of the next 30 minutes, I will address the following issues:
 - i. The make-up of the PSNI's Inquiry Team;
 - ii. The nature of the work we are doing and some of the issues which have had an impacted on that work, including the passage of time since 1998;
 - iii. The decision to temporarily assign additional PSNI resources to the Inquiry;
 - iv. The issue of concessions; and
 - v. We raise some additional issues which are of interest to the PSNI in response to the Inquiry's invitation to the Core Participants to do so.

6. However, I am first going to say something about the Omagh bombing and the Commemorative Hearings.

OMAGH BOMBING

7. The Omagh bombing marked the single most devastating loss of life during the history of terrorist attacks in Northern Ireland. Tragically, 29 innocent adults and children, and two unborn children, were taken from their loved ones in a savage act of violence.
8. For those of us who were not personally affected by the bombing, it is impossible to truly comprehend the suffering which followed. It was therefore of real importance that the Inquiry chose to begin its process by hearing from those who lost loved ones, and from survivors and their families. The Commemorative Hearings in February of this year were deeply important for all of us involved in the Inquiry. And the PSNI listened carefully to the evidence that was given. Everyone was deeply moved by the experience: moved by the courage of those who came forward to share their personal accounts; moved by the descriptions of ordinary and peaceful circumstances that preceded the explosion, contrasted with the devastating descriptions of what followed; and, above all, moved by the love and affection so clearly expressed for those who were lost.
9. Through those powerful and extremely personal accounts, we were all reminded of the human impact of the events on 15 August 1998.
10. The Commemorative Hearing process therefore served to underscore how important this Inquiry is to the families of the deceased, to those who survived, and to all those who have been in some way affected.
11. The PSNI's Omagh Bombing Inquiry team is working with a seriousness of purpose which reflects that importance, and attempts to respect it.
12. We will do so by providing the Inquiry with the information and assistance it needs.

THE PSNI INQUIRY TEAM

13. I will now say something about the PSNI's team for this Inquiry.
14. The PSNI's team has grown in strength and numbers since the start of this process, to meet the challenges of assisting the Inquiry in locating, understanding and sharing vast volumes of information from the 1990s.
15. This expansion reflects not only the seriousness with which the PSNI approaches its responsibilities, but also its determination to ensure that every aspect of this work is handled with care and expertise.
16. The police officers working on the Inquiry are split into two different teams:
 - One team deals with non-sensitive materials; and all of the officers in it have experience in undertaking large scale criminal investigations into serious crimes; and
 - The other team deals with sensitive materials; and all of the officers in it have specialist training and experience in dealing with highly sensitive and classified information.
17. The volume of work required of the PSNI by the Inquiry is considerable.
18. In particular, the work required to locate and provide the material relating to the Inquiry's list of 31 Previous Incidents has been an issue. This led to the PSNI taking the unprecedented step of assigning every suitably qualified staff member capable of researching sensitive materials from the 1990s to work on this Inquiry, for a period of up to 6 months. Their task is to locate and compile the sensitive materials relating to those 31 Previous Incidents.
19. This is something I will return to later.

20. Oversight of PSNI team rests with a Detective Chief Superintendent to ensure the quality, integrity, and progress of the work being undertaken.
21. In addition to the two teams of police officers, the PSNI has also created a legal team of 8 lawyers to assist with the Inquiry.
22. As we hope is evident, the PSNI has responded to the scope of the work required of it by devoting substantial resources to the Inquiry.
23. Collectively, the PSNI team is working hard to complete the work required of it, and always seeks to engage constructively with the Inquiry Team.
24. The following are some observations we make at this stage in respect of that work.

A New Team

25. With the exception of one police officer who had been assigned to support the PSNI's involvement in the judicial review, every member of the PSNI's Omagh Bombing Inquiry team is new to the case.
26. None of the lawyers have had any involvement in any previous adversarial proceedings relating to the Omagh bombing, including the judicial review proceedings and ongoing civil actions.
27. Similarly, none of the police officers or other staff had any prior involvement with the criminal investigation into the bombing (albeit most of those serving at that time have since retired), or any related court proceedings (with the one exception mentioned a moment ago).
28. The PSNI made the conscious decision to form a new team for this Inquiry. However, the creation of a new team brings with it some practical implications. The volume of information involved is extensive, and the officers and lawyers

involved have had to begin their work from the ground up. This reality must be taken into account - particularly given that the review and supply of material to the Inquiry is still ongoing, and that the scope of the Inquiry is broader than that of the judicial review and any of the previous internal or external reviews connected with the Omagh bombing.

Visibility

29. I will now also say something about the visibility of the work we are doing.
30. The PSNI realises that much of its work, especially in the early stages of the Inquiry, will not be immediately visible to the other CPs. Because of that, it is important to emphasise, and provide some reassurance, that substantial work has already been undertaken, and that will continue until the conclusion of the Inquiry.
31. It is perhaps worth giving some context to this. The kind of work the PSNI has been undertaking includes the following:-
 - i. Reviewing, scheduling and providing the Inquiry with materials collated during the criminal investigation into the Omagh bombing (an investigation which spanned several years).
 - ii. Liaising with the Public Prosecution Service (PPS) to ensure that all the relevant prosecution papers are provided to the Inquiry.
 - iii. Researching and providing a Sequence of Events Statement which explains the evidence available about what happened on the day of the Omagh bombing and the days leading up to it (87 pages).
 - iv. Researching and providing an Addendum Sequence of Events Statement responding to a list of questions raised by the Inquiry about the contents of the original Sequence of Events Statement (31 pages).
 - v. Creating an electronic presentation of the Sequence of Events through new use of digital software, as requested by the Inquiry.
 - vi. Researching for and then providing Corporate Witness Statements responding to a substantial Rule 9 request issued by the Inquiry, which focus

on the structure of the RUC in 1997/1998 and how it operated (116 pages for A to D).

- vii. Researching for and then providing an Addendum Corporate Statement to answer further questions arising out of Parts A to D of the Rule 9 request (22 pages).
- viii. Undertaking Threat Book searches.
- ix. Interviewing witnesses.
- x. Dealing with non-Rule 9 requests and queries made of the PSNI by the Inquiry on an ongoing basis.
- xi. Undertaking sensitivity checks on various documents.
- xii. Preparing Restriction Orders applications.
- xiii. Attending meetings with the Inquiry Legal Team to discuss various issues, identify problems and discuss solutions to ensure progress is maintained.
- xiv. Reviewing the materials posted by the Inquiry on Relativity.
- xv. Searching for and securing sensitive and non-sensitive disclosure for the 31 Previous Incidents and making it available to the Inquiry.
- xvi. Providing lists of suspects.
- xvii. Reviewing the reports of the experts instructed by the Inquiry and providing the PSNI's feedback.
- xviii. Reviewing redactions proposed by the Inquiry Legal Team.
- xix. Providing written submissions on issues raised about redaction.
- xx. Providing written submissions on the potential involvement of Special Advocates.
- xxi. Providing this opening statement.
- xxii. Responding to Pre-Action Protocol correspondence seeking to challenge the PSNI's decision making on the temporary allocation of its sensitive resources to the Omagh Bombing Inquiry.
- xxiii. Dealing with judicial review proceedings challenging the PSNI's decision to temporarily allocate additional sensitive resources to this Omagh Bombing Inquiry.
- xxiv. Dealing with the broad range of administrative, logistical and technical issues and complexities associated with the provision of tens of thousands of disclosure items to the Inquiry, including the issues arising from the provision of sensitive materials.

32. I will use the first of the tasks listed above to give a better undertaking of what is involved in practical terms. In respect of the Omagh Bombing HOLMES account, which is the electronic system used to store the criminal investigation papers, on the date of submitting this statement, over 26,000 documents (of varying length) and 2,000 exhibits had been scheduled for the OBI.
33. That does not include any of the materials associated with the 31 Previous Incidents.
34. In that vein, it is also important to understand the magnitude of the request made of the PSNI by the Inquiry to provide material in connection with the 31 Previous Incidents from other 25 years ago. It is a *huge* undertaking:
- Criminal investigation materials for the incidents in Northern Ireland were collated by the RUC at the time. Some are stored in hard copy, and some digitally on HOLMES accounts. These have to be located, scheduled and provided to the Inquiry in digital form. That is a lot of work, but it is manageable.
 - The much greater challenge however is around obtaining the potentially relevant sensitive materials for those incidents. This work can only be undertaken by specialist researchers, who must examine a number of different resources. It is painstaking work.
35. Whilst the work is undoubtedly challenging and complex, the PSNI remains fully committed to the process.
36. The PSNI also highlights that, in keeping with its overall approach to the Inquiry, it has not taken issue with any of the requests made of it on behalf of the Chairman, no matter how challenging, including those which stretch beyond the parameters of the judgment in the related judicial review, delivered by Mr Justice Horner, as he then was. Rather, when faced with the requests, the PSNI has

engaged in discussion with the Inquiry to find the best way of providing the information sought.

37. In simple terms, the PSNI has consistently demonstrated its commitment to assisting the Inquiry.

PASSAGE OF TIME

38. Another important consideration affecting our work is the passage of time.
39. Over 25 years have now passed since the Omagh bombing, and that passage of time has impacted the PSNI's ability to swiftly access and provide the materials requested.
40. Many of the officers who served at the relevant time have since retired, further complicating the task at hand.
41. It is also important to emphasise one issue. The PSNI does not have a single IT system on which all potentially relevant material from the 1990s is stored. Whilst such a system would be desirable, because it would make the task of searching for the material much simpler, no such system exists.
42. When dealing with the recovery of the relevant materials, it also is important to recognise that the 1990s was a fundamentally different era. The internet was in its infancy, accessible to only a limited number of businesses and households; it was certainly not the powerful, all-encompassing tool we rely on today. Research was conducted the old-fashioned way, in libraries. Communication was predominantly by landline. Mobile phones were only just beginning to gain popularity. Smartphones and the apps that are now commonplace had not yet been invented. Fax machines were considered the pinnacle of office technology.
43. These observations may seem unconnected to the business of the Inquiry, and in one way they are. But they are made to provide some context of the extent to

which the information relevant to the Inquiry requires the PSNI to reach back into the analogue world of the past.

44. The first generation of computer systems were introduced by the RUC in the 1990s. They had no predecessors and have long since been superseded. Each system was specifically designed for one area of work. They were not integrated with any other IT systems, and each was subject to the significant limitations of the technology at the time. By modern standards, they were very basic and lacked the user-friendly functionality that we all now take for granted.
45. As Information Technology was only starting to be introduced, many aspects of police work still relied heavily on paper records. Therefore, the PSNI is required to search various hard copy storage repositories, as well as multiple different outdated IT systems.
46. The point we are trying to illustrate is that there are challenges gathering information from over 25 years ago.
47. It is important to emphasise that the PSNI is not offering this as an excuse. Rather, it is a candid explanation of what is involved, so that expectations are realistic as to how quickly it is possible to *reliably* meet the Inquiry's requirements.
48. The PSNI recognises that any periods of delay can cause frustration. However, the PSNI must also do the work *properly*.
49. And it is being done as quickly as it can, and in good faith.

SENSITIVE MATERIAL RESEARCH

50. I will now say a little more about the nature of the *sensitive research* required of the PSNI.
51. As a result of taking part in the judicial review, the PSNI has already identified what sensitive material it holds in connection with the Omagh bombing.

52. However, the scope of the Inquiry is much broader. For example, it requires detailed research into what relevant sensitive materials exist for each of the 31 Previous Incidents mentioned earlier.
53. Skilled researchers are required to examine multiple locations — various old digital database systems *and* hard copy archives. The work is painstaking and must be done meticulously, which takes time.
54. For example, researchers may identify a particular issue that prompts further lines of inquiry across various historical systems. This goes beyond merely reviewing the sensitive materials already gathered for each incident. The PSNI undertakes a comprehensive review of its legacy databases and archives in an effort to uncover all relevant information, thereby ensuring that it can fully stand behind the outcomes of its investigation. It does not just access a ready-made store of information already compiled for each incident.
55. At risk of repeating myself – this is not simply a matter of typing words into a single search engine and retrieving the results, as one can do on modern IT systems. The reality is quite different.
56. The point we make is that this needs to be factored into expectations of how quickly sensitive material created more than 25 years ago can be located, assessed and then provided.

TEMPORARY RE-ALLOCATION OF NON-INQUIRY RESOURCES

57. I will now return to the temporary reallocation of resources by the PSNI to this Inquiry.
58. As I have already explained, from the very beginning the PSNI has maintained constructive, transparent and continual dialogue with the Inquiry Legal Team.

When the PSNI identifies a problem, or foresees a difficulty in the future, it seeks to bring this to the attention of the Inquiry so that solutions can be found.

59. One such example was the Previous Incidents.
60. The PSNI received the first list of Previous Incidents in November 2024 and allocated its three sensitive researchers to the first three incidents on the list (with each researcher working on one incident). It took over three months for those highly skilled researchers to undertake the necessary work, which involved carefully examining thousands of sensitive items each. (This did not include separate research required in respect of the suspects for each incident.)
61. The PSNI was concerned about how long this work was taking, so it brought its concerns to the attention of the Inquiry at the start of the year. We had a series of meetings to discuss the issue, and to try to find a solution.
62. Both the PSNI and the Inquiry Team were concerned about the impact the delay would have on the Inquiry timeline and the listing of future Chapters.
63. The situation was stark, and there was no easy solution.
64. In addition to this Inquiry, the PSNI is currently dealing with over 1,100 other pieces of legacy related litigation, as well as numerous historic inquests, many of which still require sensitive research work of the kind I described earlier. This is specialised work and researcher requires the completion of months of training and further supervision during probationary periods. Therefore, it is not possible to draft in other officers at short notice to assist.
65. In order to deal with this problem, the PSNI decided to temporarily reassign all of its sensitive researchers, who were previously working on other cases, to undertake the sensitive research required on the 31 Previous Incidents identified by the Inquiry, for a period of up to 6 months.
66. As I have already said, this was an exceptional step.

67. The PSNI was conscious that this decision may, in the short term, have some impact on the speed of progress in some but not all of its other legacy litigation and other cases.
68. However, if it did not adopt this course then there would be a delay of several years in progressing the Inquiry, which was unacceptable to the PSNI, unacceptable to the Inquiry, and would have been unacceptable to the other Core Participants.
69. The PSNI cites this temporary re-allocation of all its resources as a good illustration of its commitment to the Omagh Bombing Inquiry.
70. In the broader context, this Inquiry will benefit if there is collective trust and confidence in its process. The PSNI therefore appreciates the Inquiry publicly acknowledging to all CPs (in the update to the Core Participants issued on 31 March 2025) its *"sincere gratitude to PSNI for their commitment to support the Inquiry in this way."*
71. Public acknowledgements of this kind are all the more important when much of the work currently ongoing is not immediately visible to the non-state Core Participants, at this information gathering stage.
72. By acknowledging the scale of the PSNI's commitment, the Inquiry will hopefully have fostered greater confidence in the process among the families of the deceased, the survivors, and all others affected.

CLOSED MATERIAL

73. I will now say something about the CLOSED nature of some of the material in this Inquiry.
74. The Inquiry has already disclosed large volumes of materials to the Core Participants, and it will continue to do so.

75. However, as acknowledged by the Inquiry from the outset, in its Terms of Reference and Provisional List of Issues, some of the material provided to it by the PSNI and other state authorities will not be capable of being disclosed in OPEN session, either because of obligations under the European Convention on Human Rights, or for national security reasons, or for some other public interest reason.
76. Much of that CLOSED material will be in the form of intelligence, or will otherwise be associated with intelligence.
77. The PSNI recognises, as the Inquiry has already, that the non-disclosure of such material will be frustrating for the Core Participants who are not given access to it. However, this type of approach has already been recognised as a necessity, as a matter of general principle.
78. There will therefore be a need for some applications to withhold some information from the public domain.
79. It will ultimately be for the Chairman to determine those applications.
80. However, the PSNI will only apply for Restriction Orders insofar as is necessary to protect the public interest, national security and to discharge its obligations under the European Convention on Human Rights.
81. If anyone is frustrated by that aspect of this process, they will be able to take comfort from the fact that all the information *will* be provided to the Inquiry Chairman and his team, even if it is not released to all of the Core Participants and into the public domain.
82. The Chairman and the Inquiry Legal Team will be able to probe that information, evaluate it, and see how it informs the issues in this Inquiry.

83. Therefore, the Chairman will not be disadvantaged in any way when it comes to the deciding on the question of preventability.

CONCESSIONS

84. I will now say something about the invitation to consider making concessions.
85. The Inquiry's Opening Statement Protocol invited the State Core Participants to consider making appropriate concessions in their respective Opening Statements.
86. The PSNI understands the reason for making this request. However, for the reasons alluded to earlier, the PSNI is not in a position to consider whether it is appropriate to make any concessions at this point in time.
87. The PSNI is still in the process of reviewing and disclosing to the Inquiry tens of thousands of pages of disclosure.
88. Key witnesses, who previously served as RUC officers or worked as employees, have yet to be interviewed by either the PSNI or the Inquiry Team for the purposes of this Inquiry.
89. There may also be material from other participants which is not currently in the possession of the PSNI, which it is proper to consider.
90. The Inquiry is still in the process of gathering all the relevant evidence. And all the decisions that need to be made in this Inquiry will be based on the evidence.
91. If in due course it becomes appropriate to make concessions based on that material, then the PSNI will do so.
92. However, at this relatively early stage it is simply not possible to decide whether it is appropriate to do so. A more global understanding of the evidence is required.

93. None of this detracts in any way from the PSNI's fundamental approach to this Inquiry, which is to provide its full cooperation, and to supply all relevant material it holds, so that the Chairman is in the best possible position to make his determination.
94. As I said a moment ago, it is the evidence which will ultimately determine the issues in this Inquiry.

ISSUES OF INTEREST TO THE CPs

95. I have one final area to address.
96. The Inquiry's Opening Statement Protocol invited the CPs to identify issues which are of interest to them.
97. In addition to the issues which I have already addressed, some issues of interest to the PSNI at this stage include:

(a) The preventability test to be applied

The core issue for the Inquiry is whether the Omagh bombing could have been prevented by the State authorities. The PSNI considers that, in due course, it will be necessary to bring some definition to the test to be applied when making that determination and, in particular, whether the issue of preventability is to be calibrated with reference to what was reasonably practicable in the circumstances.

(b) Other demands on police at the time

A fair and balanced examination of preventability will inevitably have to involve some consideration of what other issues and threats the RUC was dealing with in the lead up to the Omagh bombing. The PSNI looks forward to engaging in dialogue with the Inquiry about where within the current Chapter structure such consideration could be undertaken.

(c) **Hindsight bias**

The final issue the PSNI raises is hindsight bias. This is something that was recognised by Mr Justice Horner in his judgment in the judicial review as being a proper consideration [§§92-102], and it will be a live issue in this Inquiry.

If a decision maker already knows what the outcome is – and is then asked to review the adequacy of the actions by those who were involved at the time, but who did not have the benefit of that knowledge – there will always exist the risk of what has come to be known as *hindsight bias*. In simple terms, it is much easier to join the dots after the event, when one already knows the outcome. Dealing with events in real time, however, is quite different.

The PSNI is conscious that the Inquiry will be aware of this issue and, in due course, is interested to learn what steps will be taken to guard against risk of hindsight bias in the Inquiry.

CONCLUSION

98. To conclude this opening statement, I hope that it provides the Inquiry and the other Core Participants with a better understanding of the work being undertaken by the PSNI, and that it serves to re-affirm the PSNI's commitment to supporting and assisting the Inquiry. The best way the PSNI can do that is by providing the relevant information in its possession. And that is what it is doing.

THE PSNI LEGAL TEAM