

1 THE INQUIRY RESUMED ON MONDAY, 12TH OCTOBER 2026 AS
2 FOLLOWS:

3
4 CHAIRMAN: Good morning, Mr. Greaney.

5 MR. GREANEY: Good morning Sir, in the witness box is
6 Mr. John Ware and I am going to ask that he be sworn
7 please.

8 CHAIRMAN: Good morning, Mr. Ware.

9 THE WITNESS: Good morning.

10
11 MR. JOHN WARE, HAVING BEEN SWORN, WAS QUESTIONED BY
12 MR. GREANEY AS FOLLOWS:

13
14 1 Q. MR. GREANEY: would you begin by telling us your full
15 name please?

16 A. John Ware.

17 2 Q. Mr. Ware, for a period of now 55 years, have you been
18 an investigative reporter, journalist and author?

19 A. Fifty-five, it must be getting on for that, I suppose,
20 yes. Yes.

21 3 Q. And I've worked it out as 55 because I think you
22 started in 1971?

23 A. Yes, that's right, actually. You're quite right, yes,
24 January 1971. Yeah.

25 4 Q. And have you held an interest in Northern Ireland since
26 working as a newspaper journalist here in Belfast in
27 the mid 1970s?

28 A. Yes.

29 5 Q. I think as you're going to come on to tell us when we

1 deal with your background and experience, you worked as
2 a print journalist here between 1974 and 1977?

3 A. Correct.

4 6 Q. What I'm going to do at the outset, before we get into
5 your background, let alone the substance of your 10:01
6 evidence, is just to identify the five particular
7 pieces of work undertaken by you in connection with
8 Northern Ireland that I'm going to draw upon for the
9 purposes of my questioning.

10 10:01

11 So, first of all, did your work involve a Panorama
12 documentary in 2000 called, "Who Bombed Omagh"?

13 A. Yes.

14 7 Q. And in the course of that programme did you identify
15 Colm Murphy, Oliver Treanor, Liam Campbell and 10:01
16 Seamus Daly as having been involved in the Omagh
17 bombing?

18 A. Yes.

19 8 Q. And anyone who's watched the programme will know you
20 are obtained covert footage from a business operated by 10:02
21 Oliver Treanor known as Town Glass?

22 A. That's correct.

23 9 Q. And I won't ask you how that was done but it's there
24 for anyone to see. You obtained footage from a meeting
25 of the 32 County Sovereignty Movement, the first 10:02
26 meeting after the Omagh bombing, is that correct?

27 A. Yes.

28 10 Q. And, again, we won't get into how you achieved that,
29 but did that footage show that Liam Campbell had been

1 present at that meeting?

2 A. It did.

3 11 Q. You went to the business premises of Oliver Treanor in
4 order to invite him to answer questions about his
5 involvement in Omagh, is that correct? 10:02

6 A. Yes.

7 12 Q. And whilst there, it became apparent to you that
8 Liam Campbell was also likely to be present because his
9 vehicle was there?

10 A. Yes, this was after we'd knocked on Mr. Campbell's door 10:03
11 and had got no response.

12 13 Q. But in the result, having gone to those business
13 premises, no one would come to the door let alone speak
14 to you?

15 A. No, I think my recollection is that one of them took a 10:03
16 swipe at me with his boot but there was no verbal
17 interaction, no.

18 14 Q. Indeed, we see that in the footage as the roller door
19 coming down --

20 A. Yes, that's right. 10:03

21 15 Q. -- a foot comes down to kick. And you also went,
22 during the course of filming for the programme, to the
23 home of Seamus Daly but, again, he would not
24 communicate with you?

25 A. That's right. 10:03

26 16 Q. So, that was the first part of your work that I'm going
27 to draw upon.

28

29 Secondly, an article entitled "The Agony of Omagh is

1 why we Must Fight," dated 10th August 2003. And I
2 think it will be fair to say you don't have a
3 particularly clear memory of having written that piece?
4 A. No, I don't. Obviously, I did write it but when you
5 drew it to my attention it wasn't clear to me what had 10:04
6 triggered it, but I think it was -- as you've
7 explained, I think it was probably something to do with
8 McKevitt's conviction.

9 17 Q. So, what we know is that McKevitt had been convicted in
10 the Republic of Ireland of directing terrorism? 10:04

11 A. Yeah.

12 18 Q. Just days earlier on 6th August. There's a reference
13 to that in the piece and so it seems likely that it was
14 triggered by that event?

15 A. Yes. 10:04

16 19 Q. So, that was piece of work No.2.

17

18 Thirdly, an article that you wrote in the Sunday
19 telegraph on 14th September 2008 entitled, "The words
20 That Might Have Saved Omagh." 10:04

21 A. Yes.

22 20 Q. And I know from evidence that you in due course were to
23 give to the Northern Ireland Affairs Committee that
24 whilst you were responsible for the body of that
25 article you were not responsible for the choice of the 10:05
26 headline?

27 A. No, I wasn't, no.

28 21 Q. And, indeed, the thrust of your piece was on whether
29 information ought to have been made available to those

1 investigating the Omagh bombing, obviously after it had
2 happened, although you did regard it, as you said in
3 the piece, as possible that the bombing could have been
4 prevented?

5 A. Yes. I mean the thrust of the 2008 programme was 10:05
6 almost exclusively on what we understood to have been,
7 and were told very clearly by a number of sources, to
8 be, to have been the loss of evidential opportunities.

9 22 Q. As you'll appreciate I do want to understand what is
10 meant by that but you and I know that we need to tread 10:06
11 carefully in relation to that --

12 A. Yes.

13 23 Q. -- because of the fact that there are things that you
14 were able to say in a publicly-broadcast television
15 programme that you will not be able to say here today 10:06
16 which is not my fault or the Chairman's fault but is a
17 consequence of the legal situation.

18 A. I commiserate with you.

19 24 Q. So, you've just mentioned a programme that was the
20 fourth piece of work, namely the Panorama documentary 10:06
21 broadcast on 15th September called, "What the Police
22 Were Never Told."

23 A. Yeah.

24 25 Q. And then, fifth and finally, a piece of which you were
25 the author, we understand, on the BBC website the day 10:06
26 after the broadcast, 16th of, September entitled,
27 "Omagh and the Provos: A Conspiracy of Silence."

28 A. Yeah.

29 26 Q. So, those are the things that we need to delve into and

1 I'm going to do my best to try to organise your
2 evidence - if we don't achieve that it will be my fault
3 - into an order which is largely chronological, or at
4 least divided up into subjects.

10:07

6 To assist us, Mr. Ware, you have provided a detailed
7 witness statement to the Inquiry dated 13th May of this
8 year?

9 A. Yes.

10 27 Q. I will give the INQ reference for that, it is INQ
11 042225. And was that statement served in response to a
12 Rule 9 request that you had received from the Inquiry?

10:07

13 A. To a? Sorry?

14 28 Q. A Rule 9 request, as we call it, so a series of
15 questions that you received from the Inquiry?

10:07

16 A. Yes, yes, yes.

17 29 Q. And I believe that you have with you in the witness box
18 a copy of the statement and also some of your own notes
19 that you have made ahead of giving evidence?

20 A. Yes.

10:07

21 30 Q. And everyone, certainly the Inquiry, is content that
22 you should have those materials and refer to them to
23 the extent that you consider appropriate.

25 Now, in your witness statement, Mr. Ware, you have
26 acknowledged the importance of the work of the Omagh
27 Bombing Inquiry and you have expressed a strong desire
28 to support the work of the Chairman, is that correct?

10:08

29 A. Yes, certainly.

1 31 Q. But there are a number of limits to what you can say,
2 one of which I've hinted at already, and it's important
3 that those watching should understand what those limits
4 are.

10:08

6 First of all, it is plainly a long time since your work
7 in 2000 and 2008, and is it the position, as you set
8 out in your witness statement, that you can no longer
9 recall things to the extent that you could then?

10 A. Well, yes. I kept fairly extensive notes but, I mean,
11 that's true.

10:08

12 32 Q. That's just an inevitable consequence of the passage of
13 time. But it means that there are some instances in
14 which you can no longer recall where you received
15 particular information from?

10:09

16 A. In some cases, yes.

17 33 Q. And please don't understand that as a criticism, it's
18 entirely understandable?

19 A. No, no, I think mostly I do know where the sources but
20 there are -- there's the odd --

10:09

21 34 Q. The odd one?

22 A. The odd one, yeah.

23 35 Q. Generally, you are informed about the sources because
24 of the extent of the notes that you took at the time?

25 A. Yes.

10:09

26 36 Q. Whether you can tell us who those sources are is a
27 different matter, but there are just a small number of
28 instances in which you can't identify where a
29 particular piece of information came from?

1 A. Yes.

2 37 Q. But those are, from what you're telling us, few and far
3 between?

4 A. Yes.

5 38 Q. The passage of time and the impact on memory is the 10:09
6 first limitation that we need to bear in mind.
7

8 Secondly, and in any event, much of the information you
9 refer to in your statement, and indeed in the various
10 pieces of work that we've mentioned, derive from what 10:10
11 you describe as confidential journalistic sources, is
12 that correct?

13 A. Yes.

14 39 Q. And what I'm going to do is just to read out to you what
15 you say at paragraph 43 of your witness statement which 10:10
16 will enable us to understand what is meant by that?

17 A. Mmm.

18 40 Q. And you say:
19

20 "Much of the information I refer to in this statement 10:10
21 has been obtained from confidential journalistic
22 sources. Despite the passage of time, I continue to
23 owe an obligation to these confidential sources not to
24 reveal their identity directly, or through jigsaw
25 identification, to anyone (including the Inquiry) and 10:10
26 this has inevitably had an impact on what I am able to
27 say in response to the Inquiry's questions."
28

29 You then set out the legal basis for that position and

1 add:

2
3 "For the avoidance of doubt, I confirm that:

4
5 1. I have carefully considered in relation to each of 10:11
6 these confidential sources whether an obligation of
7 confidence continues to arise; and

8
9 2. I am as satisfied as I can be that every
10 confidential source that I, and my then colleagues at 10:11
11 BBC Panorama, relied on during the course of our
12 investigation into the Omagh bombing was in a proper
13 position to know the information that they provided."

14
15 A. Yes. 10:11

16 41 Q. So, I'm going to ask you some more questions a little
17 later on about your sources, not so as to identify
18 names but so as to identify categories to the extent
19 that you feel able to deal with that. But could I ask
20 you this, Mr. Ware: As we go through your evidence, if 10:11
21 it seems to you that there is any source that you can
22 name, there may be none, but if there is anyone that
23 you can name through the passage of time would you tell
24 me who that person is?

25 A. Yes. 10:12

26 42 Q. And the third and final limitation, is that, as I
27 indicated earlier, Section 56 of Investigatory Powers
28 Act 2016 places a strict statutory prohibition on the
29 admissibility of a particular type of evidence in

1 inquiry proceedings. And you and I will need to take
2 care to ensure we do not breach Section 56. And to
3 that end, Mr. Ware, I believe that you have had a copy
4 of and have had a chance to read through the Chairman's
5 ruling on Section 56?

10:12

6 A. Yes, I have.

7 43 Q. Finally, and then at the end of my introductory
8 remarks, as part of ensuring, or seeking to ensure that
9 Section 56 is adhered to, all questioning will come
10 through me, but as I've explained to you, at the end of
11 my questioning we will take a break so that Core
12 Participants can suggest to me any other lines of
13 questioning that they feel are appropriate and
14 admissible, so that's where we're going.

10:12

15
16 Let's start with your background and experience and
17 this takes us to paragraph 5 of your statement. And as
18 you've told us already, did you commence your career in
19 journalism in January 1971?

10:13

20 A. Mmm.

10:13

21 44 Q. Working first as a newspaper reporter being based in
22 Belfast for three years, 1974 to 1977 whilst working at
23 The Sun?

24 A. Mmm, yeah.

25 45 Q. In 1977, where did you move to?

10:13

26 A. I moved to the ITV documentary series called World in
27 Action, which has long since closed down but it was
28 sort of ITV's rival to Panorama, I suppose.

29 46 Q. And did you initially work for World in Action as a

1 researcher?

2 A. Yes.

3 47 Q. And then gain promotion to the role of producer?

4 A. Yeah.

5 48 Q. And it looks like you spent the best part of a decade 10:14
6 at world in Action between 1977 and 1986?

7 A. Yes.

8 49 Q. And in 1986 what happened?

9 A. I got an approach from the BBC to say would I like to
10 come work for them. 10:14

11 50 Q. And was the approach a limitation to come and work on
12 BBC Panorama?

13 A. Yes.

14 51 Q. And in 1986 did you take that role, namely the role of
15 on-screen reporter? 10:14

16 A. I did.

17 52 Q. Did you then, over a considerable period, present not
18 just Panorama but other television programmes,
19 including Rough Justice, which investigated
20 miscarriages of justice? 10:15

21 A. Yes.

22 53 Q. And also work presenting documentaries on the radio?

23 A. Yeah.

24 54 Q. What occurred in 2012?

25 A. Oh, I left the BBC in 2012 to become freelance. They 10:15
26 were offering voluntary redundancies and I wanted to go
27 freelance and, therefore, I left as a staff member,
28 although I continued to make a number of programmes for
29 them as a freelancer.

1 55 Q. And as a freelancer you've also made documentaries from
2 time to time for ITV and Channel 4?
3 A. Yes.

4 56 Q. So, the work we are going to be looking at, or at least
5 drawing from, in the course of your evidence that all 10:15
6 emerged from a period when you were a member of staff
7 at the BBC because it was all prior to 2012?
8 A. Yes.

9 57 Q. And in the course of your life's work is it the
10 position that you have covered Northern Ireland and the 10:16
11 conflict here and its aftermath extensively since 1974?
12 A. Yes. Yes, I have.

13 58 Q. And recently you have published a book entitled,
14 "Neither Confirm nor Deny," which examines the moral
15 and legal compromises inherent in agent-running during 10:16
16 the conflict in Northern Ireland?
17 A. Yes.

18 59 Q. Next, Mr. Ware, I'm going to deal with the development
19 of your interest in the Omagh bombing. And I'm now at
20 page 3 paragraph 9 of your statement. No doubt you 10:16
21 will have had an interest in the general topic from the
22 very first moment that the bombing was first reported
23 on 15th August 1998, but did there come a time when
24 your thinking started crystallise into a particular
25 television programme? 10:17
26 A. On Omagh?

27 60 Q. Yes, on Omagh?
28 A. Yes, and that was because the police, the CID inquiry
29 seemed to be, well, going nowhere really. I don't mean

1 that as a criticism, I mean they were just -- it was
2 sort of moribund. Talking to police officers in the
3 then RUC, it was clear there was -- what they needed
4 and what they thought and what they were fairly sure
5 existed were witnesses who had knowledge about the 10:17
6 movements of the bomb car or the individuals involved
7 that for obvious reasons hadn't come forward and so
8 that was a reason for becoming involved and bringing
9 this terrible event back to life, as it were.

10 61 Q. Yes. It seemed to you, as of 2000, the investigation 10:18
11 into this most terrible atrocity had not progressed in
12 the way in which the victims, the bereaved and the
13 general public would have expected?

14 A. Particularly since both prime ministers had pledged
15 that no stone would be left unturned if I remember, 10:18
16 that was a very memorable commitment made certainly by
17 Tony Blair and I think echoed by Bertie Ahern, and yet
18 here we were, two years on, and very little was
19 happening.

20 62 Q. And no person had been convicted of involvement in the 10:19
21 bombing?

22 A. No, no, there had been arrests but no one had been
23 charged I don't think.

24 63 Q. And were you aware, against that background, that
25 perfectly understandably the Royal Ulster Constabulary 10:19
26 had appealed for more witnesses but that had not
27 generated an outcome?

28 A. That's right.

29 64 Q. And, as a result, were you in contact with a number of

1 people at a senior level within the RUC?

2 A. Yes.

3 65 Q. And was that in April 2000?

4 A. Yeah.

5 66 Q. And those senior figures, within the RUC, do they fall 10:19
6 into the category of confidential sources that you
7 described earlier?

8 A. They do, with the possible exception of one who is --
9 who we may be coming on to later.

10 67 Q. And were they communicating to you that something 10:20
11 needed to happen to generate more momentum within the
12 investigation?

13 A. Well, I mean, I wanted to find out why the inquiry was
14 moribund, or appeared to be, and, you know, they
15 responded to that and, you know, part of their response 10:20
16 was well, if a programme on Panorama encourages
17 witnesses who haven't yet come forward to come forward,
18 then we'll support that and to the extent possible
19 we'll assist. I mean, they didn't assist in every
20 single respect, far from it, but they were broadly 10:21
21 supportive. There was support from a high level that
22 the RUC should assist the BBC in a kind of where have
23 we got to in the investigation programme.

24 68 Q. And was it your experience from a lifetime in
25 broadcasting that sometimes witnesses who had not come 10:21
26 forward to the police investigation would come forward
27 after there had been a broadcast?

28 A. For sure. For sure. And that was -- I mean, that
29 often happened or sometimes happened during, in my

1 experience, in miscarriages of justice cases when I was
2 presenting the Rough Justice series. So, you can never
3 say never.

4 69 Q. So, this was the hope. And in due course that became
5 the first programme who Bombed Omagh in 2000? 10:21

6 A. Yeah.

7 70 Q. I'm going to tread carefully here, but it's apparent
8 from that broadcast that you had available to you radio
9 transmissions on the day of the bombing between police
10 officers, that you had access to, for example, 10:22
11 closed-circuit television footage from within the shoe
12 shop, and if not from the 2000 programme it
13 subsequently becomes apparent that you had access to
14 the cell site evidence that had been generated within
15 the RUC investigation? 10:22

16 A. Yeah.

17 71 Q. And I won't ask you from whom you obtained that
18 material, but is that material, all of which you had
19 available to you at the time of the broadcast in 2000?

20 A. Yeah. Well, it was material, I won't say made 10:22
21 available, it was material we acquired.

22 72 Q. Well, I'm not going to press any further into that,
23 it's apparent from the programme or programmes overall
24 that you had that material. After the transmission of
25 that first programme, which was in October 2000, did 10:23
26 you keep abreast of events relating to the Omagh
27 bombing?

28 A. Yeah, very much so.

29 73 Q. And did you note, for example, the collapse of the

1 trial against Sean Hoey in 2007?

2 A. I did, yes.

3 74 Q. And as a result of that and no doubt other events, did
4 Panorama return to the subject of the Omagh bombing in
5 2008? 10:23

6 A. Yes.

7 75 Q. Was the 2008 programme driven to a significant extent
8 by information that you obtained from confidential
9 sources?

10 A. Yes. 10:23

11 76 Q. And we've already used that term a number of times, is
12 a confidential source someone who provides information
13 to you on the basis that you will not reveal who they
14 were?

15 A. Yeah. 10:24

16 77 Q. But that confidence is something that you have
17 respected throughout the course of your career?

18 A. Yeah, with a couple of exceptions. Or one anyway.

19 78 Q. No doubt there are a number of things that you need to
20 be satisfied of before you rely upon what you're told. 10:24
21 First of all, that the person is in a position to have
22 acquired the information that they are giving to you;
23 and, secondly, that they were a reliable historian of
24 those events in the discussion that they have with you.
25 And are those things that you always had in mind when 10:24
26 you were deciding whether to rely upon what you were
27 told?

28 A. Always. The question as to whether someone telling you
29 something is in a position to know what they're telling

1 you is absolutely central. It's not always, not always
2 possible to be certain that the person was in a
3 position to know but simply because of their position
4 and their insistence that they did know, if you follow
5 me -- 10:25

6 79 Q. I do?

7 A. -- that sometimes sufficed as providing reassurance. I
8 can't objectively know for a fact that every
9 confidential source that spoke to me had seen, for
10 example, material A or B, do you follow? 10:26

11 80 Q. I do?

12 A. But simply by virtue of their position and what they
13 had previously said, one had faith that they knew what
14 they were talking about. Now, that's only in relation
15 to one or two sources. Certainly, most of the sources 10:26
16 that we relied on, were people who I know had access to
17 the material that we illuminated.

18 81 Q. So, you would have to make a judgment?

19 A. In some cases, yes, that's right.

20 82 Q. And you've no doubt had regard to a number of factors, 10:26
21 including their position but also whether they had
22 given you information previously and whether, if they
23 had, that had been reliable?

24 A. Sure. I mean these weren't just sort of, you know,
25 part-time police officers having a natter. 10:26

26 83 Q. No.

27 A. No.

28 84 Q. I appreciate that you're not going to give me the names
29 of the people who were your sources and I will respect

1 that, but I'm going to just press you slightly to see
2 whether we can secure from you even the categories that
3 these people fell into. So, you tell me if I'm going
4 too far, I know that you will.
5
6 we know from what you've told us already that you had
7 confidential sources at a senior level within the RUC?
8 A. Well, yeah, I mean not exclusively the RUC but
9 certainly, yeah.
10 85 Q. In 2000 it was the RUC and that would move forward in 10:27
11 2008 to PSNI?
12 A. Yeah.
13 86 Q. What we know, and we're going to look at with you is
14 that within the RUC there are two groupings in general
15 terms, so Special Branch and the CID investigators. 10:27
16 And are you able to tell us whether you had
17 confidential sources within both of those groupings
18 within the police?
19 A. Yeah, that's correct.
20 87 Q. Are you able to say whether you had any confidential 10:28
21 sources on the other side of the Border, so in the
22 Republic of Ireland?
23 A. Certainly.
24 88 Q. And were those sources people who had an official
25 capacity within the Republic of Ireland? 10:28
26 A. Yes, and were in a position to know what they said. I
27 mean, yes.
28 89 Q. And there is one other grouping I'm going to ask you
29 about; are you able to tell us whether you had any

1 confidential source or sources within the UK
2 intelligence community?

3 A. Well, I'm going to fall back on NCND on that, I think.

4 90 Q. I will respect that.

5 A. Somewhat ironic but, anyway, I don't think I have an 10:29
6 option.

7 91 Q. It may be for reasons that you are aware of and I'm not
8 that that is the way in which you protect the principle
9 of journalistic confidence?

10 A. I've written a book about it. 10:29

11 92 Q. Thank you for going as far as you felt able to. The
12 answer to this question is probably perfectly obvious,
13 but where you have relied upon what you were told by a
14 confidential source either in an article or in a
15 programme, were you satisfied that what you were being 10:29
16 told by them was reliable?

17 A. Yes. I mean, there are lots of questions, you know,
18 are you sure, can I just double-check that, endless
19 stuff like, that and my notes reflect that.

20 93 Q. Was the information that you obtained from sources 10:30
21 always single strand, so just from one source, or were
22 there occasions upon which you were obtaining broadly
23 the same information from different sources?

24 A. Do you mean were different sources corroborating each
25 other? 10:30

26 94 Q. Yes, that's what I mean?

27 A. Yes, in some cases very much so. Not always though. I
28 mean, for example, on the speed with which intelligence
29 was relayed on the day of the bombing --

1 95 Q. Yes.

2 A. -- there were critical differences in recollections.

3 96 Q. And we're going to --

4 A. And I couldn't resolve that.

5 97 Q. No. And to this day you can't resolve that? 10:31

6 A. No, no.

7 98 Q. Some people may be wondering what you and I are there

8 talking about. We will get to an explanation. But in

9 relation to information on the day or information

10 subsequently, there were, is this what you're saying, 10:31

11 multiple sources and they were not consistent in

12 relation to the position?

13 A. Very often they were consistent, yes.

14 99 Q. We'll come back to that in due course. But there were

15 other things that you reported that were dependent upon 10:31

16 single source reporting but which you regarded as being

17 reliable?

18 A. There must have been one or two occasions, yes, but

19 mostly, mostly double or triple source I would say.

20 But it's true on one or two occasions. 10:31

21 100 Q. So, generally, there was multiple reporting?

22 A. Yes, I mean in relation to one particular issue I can

23 remember now that was single source and... yeah.

24 101 Q. I'm going to try to see if I know what incident that

25 is; is that 14th August? 10:32

26 A. Yes, actually the two, 14th August and one other issue.

27 102 Q. We're getting ahead, because you and I know what we're

28 talking about, others may not.

29 A. Yes.

1 103 Q. That's very helpful to understand the development of
2 your interest in Omagh and how persisted over a period
3 of time.
4
5 I'm next going to ask you some questions about what 10:32
6 I'll describe as suspects. And really the question is
7 - and I'm now at paragraph 12 of your statement - who
8 do you consider, on the basis of your work and
9 researches over the years - was responsible or were
10 responsible for the Omagh bombing? And, obviously, I'm 10:33
11 not inviting you to identify every person but there are
12 some big personalities?
13 A. Mmm. well, in the first instance Colm Murphy for
14 providing at least two of the telephones that were used
15 that day. But as to individuals in the two vehicles 10:33
16 that went to Omagh, the bomb car and scout car,
17 certainly Seamus Daly. I mean, we were given various
18 names at different times and, you know, it was never
19 clear to me exactly who, apart from Daly and probably
20 Seamus McKenna, who else travelled in the two vehicles 10:34
21 with them. My recollection is that the candidates for
22 being in the vehicle with Daly and the candidates for
23 being in the vehicle, the bomb car, changed over time
24 and, to this day, I'm not certain who they were.
25 104 Q. Let me just -- 10:34
26 A. I know who the suspects are.
27 105 Q. well, let me just try to unpack that. Obviously, we
28 all know who the suspects are, according to the police
29 investigation?

1 A. Yeah.

2 106 Q. What I'm interested in is who you consider was
3 involved, based upon the material that you've received?

4 A. Well, certainly Oliver Treanor; Liam Campbell, his
5 brother Peter Campbell; Seamus Daly, possibly his 10:34
6 possible, Padraig but I don't know for sure; quite
7 possibly Seamus McKenna; possibly 'Onions' McMahon.

8 107 Q. And Sean Hoey?

9 A. Certainly Sean Hoey, the acquittal was a travesty, I
10 think, based on the evidence I'm aware of, but anyway. 10:35

11 108 Q. And Derek 'Shanty' Brady?

12 A. Yes.

13 109 Q. Let me try to unpack that. So, first of all I believe
14 the point you're making is that in the very nature of a
15 conspiracy between terrorists, it may be very difficult 10:35
16 to identify who performs exactly which role?

17 A. Yeah, of course.

18 110 Q. But what is or may be more important for our purposes
19 is identifying who the group of bombers were, whatever
20 precise role they performed? 10:35

21 A. Yes.

22 111 Q. But just in terms of the particular names that you were
23 told about, Colm Murphy --

24 A. Yeah.

25 112 Q. -- was one of them? 10:36

26 A. Certainly.

27 113 Q. And your understanding was that he had handed over his
28 585 phone and the 980 phone of his foreman
29 Terence Morgan to Seamus Daly on 15th August?

1 A. Yeah.

2 114 Q. And I appreciate that the information may not have been
3 consistent over time but certainly you did receive
4 information that the 980 phone was in the bomb car with
5 Seamus McKenna? 10:36

6 A. Yes.

7 115 Q. And that the 585 number was in the scout car with
8 Seamus Daly?

9 A. Yes. Critically, because in Murphy's bar, if I
10 remember, in Dundalk that night, was it Morgan who was 10:36
11 very helpful to the RUC, according to my sources,
12 because he thought the whole thing was so terrible.
13 Recalled Daly saying to Morgan "you drove the yoke to
14 Omagh."

15 116 Q. Saying to Morgan, who had the 980 phone -- 10:37

16 A. Yeah.

17 117 Q. -- essentially your phone --

18 A. Your phone was in the car that went to Omagh, that's
19 right.

20 118 Q. To McKenna? 10:37

21 A. Yeah. To McKenna, sorry.

22 119 Q. We've got Mr. de la Poer to put us back right.

23 A. It's a long time ago.

24 120 Q. You were also, I think, given information at one stage
25 that the bomb car contained not only Seamus McKenna but 10:37
26 a man called Joe Fee?

27 A. Yeah.

28 121 Q. And Seamus McKenna, did you receive information that he
29 had asked Terence Morgan to sign him in for work on

1 15th August?

2 A. Yes, yes, I do remember that very clearly.

3 122 Q. And by signing him in, signing him in notwithstanding
4 the he was not, in fact, not going to be there?

5 A. Yes, a cover for his absence. 10:38

6 123 Q. And you were familiar with the cell site analysis
7 showing the movement of the 585 and 980 phones,
8 essentially, in convoy?

9 A. Yeah.

10 124 Q. And was that something that you had understood had 10:38
11 happened on other occasions upon which car bombs had
12 been used, namely a scout car going ahead and a bomb
13 car following on behind?

14 A. I think it was now you mention it, I mean it would seem
15 logical but I can't now recall whether the cell site 10:39
16 in, you know, in hindsight showed that. But anyway
17 it's obviously logical. I think it did, in fact, I
18 just can't remember what.

19 125 Q. But that was the picture from the cell sight analysis
20 of these two phones moving in convoy from the Republic 10:39
21 of Ireland and eventually ending up in Omagh?

22 A. In Omagh, yeah.

23 126 Q. And as you've said already, you had information that
24 Seamus Daly was in the scout car with 585, but were you
25 later told that the AGS had intelligence placing 10:39
26 Seamus Daly not in the bombing car but in the scout
27 car?

28 A. Yes, and I couldn't work -- it didn't make any sense to
29 me but I didn't know the basis for the AGS intelligence

1 on that but, you know, I just noted it.

2 127 Q. And you didn't know the basis for it, but were you told
3 that the AGS had information that Seamus Daly was in
4 the bomb car with what man called Noel 'Onions' McMahon
5 to whom you've referred? 10:40

6 A. Yeah, that's right. Noel 'Onions' McMahon.

7 128 Q. Noel 'Onions' McMahon?

8 A. Yeah.

9 129 Q. And so this is really the point that you were making,
10 the evidence, whether from telecommunications or 10:40
11 elsewhere, may identify that particular people were
12 certainly involved in the conspiracy but identifying
13 specific roles on the day may be more difficult because
14 of the very nature of --

15 A. Very much so, and that's why we restricted naming the 10:40
16 individuals to their functions, namely, Treanor with
17 the phones, Daly and so on, in the first programme
18 anyway.

19 130 Q. And so just to identify other names that were told to
20 you as involved in the bombing, you've mentioned 10:41
21 Liam Campbell?

22 A. Yeah.

23 131 Q. And did you understand him, from what you were told, to
24 have held a senior position within a dissident
25 republican terrorist organisation? 10:41

26 A. Yes, yes.

27 132 Q. Did you understand that he was the OC or officer
28 commanding --

29 A. Of the Real IRA, yeah.

1 133 Q. -- of the Real IRA?

2 A. Yeah, that's what I was told and I think I saw material
3 to that effect.

4 134 Q. And others that have been mentioned along the way of
5 your evidence as involved; Oliver Treanor linked to a 10:41
6 430 number?

7 A. Yeah.

8 135 Q. And Derek 'Shanty' Brady linked to a 295 number?

9 A. Yeah. I can't remember the numbers. I mean I don't
10 have the cell site in front of me but if that's what I 10:41
11 put in my statement.

12 136 Q. We know from our work that those attributions are
13 correct?

14 A. Yeah.

15 137 Q. Were you also told that Liam Campbell was believed to 10:42
16 have been involved in supplying the explosives for the
17 Omagh bomb?

18 A. Yes, I was.

19 138 Q. And just two final names. Sean Hoey; were you told
20 that he had a roll role in the Omagh bombing? 10:42

21 A. Yes.

22 139 Q. What role were you told that he had?

23 A. He made the bomb, and was seen weeping or deeply
24 troubled on the steps of the Three Steps Inn near
25 Jonesborough. 10:42

26 140 Q. In the aftermath of the bombing?

27 A. Yeah.

28 141 Q. And I'm just going to ask you whether a final name was
29 ever mentioned to you by any of your confidential

1 sources, the name Patrick 'Mooch' Blair?

2 A. Yeah.

3 142 Q. And was he named as someone involved in the Omagh
4 bombing?

5 A. He was. I'm trying to think what his role was. In the 10:42
6 back of my head it's something to do with explosives
7 but I can't remember. I can't remember.

8 143 Q. Anyway, we've named those?

9 A. There was a connection between him and Fulton, I think,
10 the agent known as Fulton anyway. 10:43

11 144 Q. And the names that we have been through and the
12 information that you received, at the risk of
13 repetition, were you satisfied that that information
14 was being provided to you by people in a position to
15 know? 10:43

16 A. Yes, certainly.

17 145 Q. Now, I identified much earlier that you named
18 Seamus Daly, Liam Campbell, Oliver Treanor and
19 Colm Murphy as being involved in your first television
20 programme, I'm now at paragraph 13? 10:43

21 A. Yeah.

22 146 Q. And we know they didn't could operate with you during
23 the filming of the programme, were they all sent a
24 particular type of letter prior to transmission of the
25 first programme in 2000? 10:44

26 A. Yes, they all received right to reply letters, that's a
27 standard procedure that the BBC and all mainstream
28 broadcasters anyway send to people if they're about to
29 be named in some critical capacity. And these were

1 sent to these individuals and we got no response.

2 147 Q. So --

3 A. They were given an opportunity to respond.

4 148 Q. And to say I wasn't involved and this is where I was?

5 A. Essentially, the letter said, we're minded to say X, Y 10:44

6 and Z and it would have been a summary of what the

7 programme intended to say and they would have been

8 given ten days, two weeks in advance to respond.

9 149 Q. So, it's initial fairness to someone that you're going

10 to be implicate as being involved in terrorism? 10:45

11 A. Yes, of course. And also it provides some degree of

12 defence were they to sue for defamation.

13 150 Q. And did any of those four men sue for defamation?

14 A. Well, they didn't, no. And the advice from the BBC's

15 counsel was that if they had, it would be extremely 10:45

16 expensive. So I gave enormous credit to the BBC

17 Director General, who took that chance.

18 151 Q. And in terms of whether they or the Real IRA, of which

19 you understood they were part, responded in any way,

20 did they respond by way of threats to you? 10:45

21 A. Well, some very strange things happened. Do you want

22 me to go -- I mean, strange things happened is all I

23 can say.

24 152 Q. What I don't want do is to jeopardise your security in

25 any way? 10:46

26 A. I do remember, I got a call, I don't think it's in my

27 statement.

28 153 Q. It doesn't, no, but if you feel comfortable telling us,

29 tell us?

1 A. Well, I remember I got a call from someone saying
2 "you're washing machine has been repaired" and, you
3 know, I hadn't got a broken washing machine. And I
4 think the next day or a day or two later a washing
5 machine appeared outside where I lived. And, you know, 10:46
6 I reported that to the police and the police did an
7 assessment of it and that was it, really, and gave me
8 some, you know, I had some security lights and stuff.
9 But it was very odd thing to have happened and I took
10 it to mean, we know where you live and all that, but, 10:46
11 you know, still alive and well, so... There was, of
12 course, a car bomb outside the BBC.

13 154 Q. Well, I was going to ask you about that.

14 A. I don't know if there was a link but it was a pretty
15 drastic response from the IRA. 10:47

16 155 Q. In terms of whether there was a link, you're talking
17 about the car bomb at the BBC's main news centre in
18 White City on 4th March 2001?

19 A. Yeah.

20 156 Q. Attributed to the Real IRA? 10:47

21 A. Yeah.

22 157 Q. And, indeed, men subsequently convicted of that offence
23 connected with the Real IRA?

24 A. Yeah, it was a very car bomb too.

25 158 Q. And the point you're making, I believe, is that you 10:47
26 can't say for certain it was linked to your programme?

27 A. No, I can't say that, but, I mean, it seems quite
28 possible to me. But I don't know that, I don't know if
29 there was any intelligence to link it or not.

1 159 Q. But, certainly, in the public consciousness and media
2 reporting at the time, do you remember that there were
3 links being made between your broadcast and the
4 bombing?
5 A. Well, I guess there was speculation to that effect but, 10:48
6 as I say, I don't know if there were any links.
7 160 Q. Did, Mr. Ware, information from your sources and the
8 cell site evidence seem to indicate to you that those
9 same individuals that we've just been through and
10 others had been involved in a series of other attacks 10:48
11 or attempted attacks in the lead up to Omagh?
12 A. Yes, some of them clearly had. The cell site shows
13 that a number of them had been, yes.
14 161 Q. And I'm now at paragraph 14?
15 A. Yeah. 10:48
16 162 Q. Where you say:
17
18 "The Omagh bombing was a culmination of a series of
19 bombings along the Dundalk-Newry-Belfast corridor in
20 1998." 10:49
21
22 And you draw attention to particular incidents namely,
23 Lisburn on 30th April; Newry Courthouse on 13th July;
24 Banbridge, of course, on 1st of August; and what you
25 describe as a hoax bombing, the Newry Railway Line hoax 10:49
26 on 1st April 1998?
27 A. Yeah.
28 163 Q. And in terms of the individuals that you had been told
29 were involved in Omagh, I'm just going to run through

1 these and I'm going to be careful how I describe some
2 of these people, so please just bear with me.
3 Colm Murphy, you understood to have been linked to
4 Banbridge, and through a phone association with a close
5 relative to Lisburn? 10:49

6 A. Well, his phone, I think, was linked, so, you know,
7 whether he was moving north or giving his phone to
8 someone else, you know, I don't know, but involved to
9 some degree and. I think these are all -- their
10 involvement, to the extent that they were involved, is 10:50
11 all by reference to their telephones, if I remember.

12 164 Q. But linked to one or more attacks through their
13 telephone?

14 A. Yeah.

15 165 Q. Giving rise for an inference that they themselves had 10:50
16 some involvement?

17 A. Yes.

18 166 Q. Depending upon the view taken by the Chairman. We've
19 got Colm Murphy, Seamus Daly, Seamus McKenna,
20 Liam Campbell, Peter Campbell, Oliver Treanor, 10:50
21 Sean Hoey and Danny Hughes?

22 A. Yeah.

23 167 Q. And no doubt you were also aware of other links between
24 attacks, namely the use of the code word "Martha Pope,"
25 not always heard entirely accurately, in the diffused 10:50
26 car bomb in Lisburn on 30th April; the diffused car
27 bomb at Newry Courthouse on 13th July; and the large
28 bomb which did detonate in Banbridge on 1st August '98?

29 A. Yeah.

1 168 Q. Of course, that code word being a link to the Omagh
2 bombing as well?

3 A. Yes. I think it varied between Marjorie and Martha,
4 didn't it, sometimes.

5 169 Q. We know also on the day of the Omagh bombing someone 10:51
6 heard it as "Malta Pope," but it would seem, do you
7 agree, a fair inference that what was being used on
8 each occasion was "Martha Pope"?

9 A. Yeah.

10 170 Q. Seeking to show disdain for Martha Pope who was part of 10:51
11 Senator Mitchell's work?

12 A. Yeah, that's right.

13 171 Q. And did you understand, as well, I'm now at
14 paragraph 18, that a number of the devices in previous
15 attacks were of, to say the least, a similar design to 10:51
16 the attack in the Omagh bombing?

17 A. Yes, if I remember rightly by reference to the kind of
18 timing device, the TPU, or whatever it was called.
19 There was a sort of common authorship of design and
20 mechanism. 10:52

21 172 Q. So, can I just check where we've got to. Have we
22 reached that through both material that we might now
23 describe as open source, so information about cell site
24 analysis, and also through your confidential sources,
25 you had developed an understanding that the people who 10:52
26 were responsible for the Omagh bombing had been
27 responsible for other earlier attacks and attempted
28 attacks?

29 A. Yes, very much so.

1 173 Q. And, to your mind, did that give rise to the question
2 of whether the Omagh attackers might have been
3 disrupted prior to 15th August 1998?

4 A. Well, it's an obvious -- you know, I appreciate there's
5 always an element of hindsight here, I think as 10:53
6 John Reid said to a Select Committee, hindsight is the
7 only precise science known to man, so there is that
8 danger. But it's a very obvious, it's a very obvious
9 lead, isn't it, that these attacks were quite numerous
10 and there was a pattern to them and if they'd been -- 10:53
11 if they'd been disrupted, and I don't think any of them
12 were, and we might not have had Omagh, I think that's a
13 perfectly reasonable inference to draw.

14 174 Q. That's the question to ask and answer, isn't it?

15 A. Absolutely. And I know it's a view, you know, Norman 10:54
16 Baxter has been very public about this. He's made his
17 position very clear on this, I think he's got a point.

18 175 Q. You're referring to the evidence that he gave to the
19 Northern Ireland Affairs Committee?

20 A. Yes, I am, yes. 10:54

21 176 Q. Raising the question of whether there were
22 opportunities --

23 A. Yes.

24 177 Q. -- to disrupt this gang before they carried out the
25 Omagh bombing? 10:54

26 A. Yeah. And also, you know, because, I was just looking
27 at my notes over the weekend, the Special Branch had
28 been, according to my note, building a picture of these
29 events since Moira, the Moira attack, is that right?

1 178 Q. There was an attack in Moira, yes?
2 A. Anyway they had been building a picture, whatever that
3 means.
4 179 Q. We're going to come on to that, because, I agree,
5 that's an interesting topic, the purpose for which a 10:54
6 picture was being built?
7 A. Yeah.
8 180 Q. Now, I'm next going to move to a topic that you and I
9 will need to deal with carefully, it starts at
10 paragraphs 20 to 22 of your witness statement, and it 10:55
11 relates to the sharing of information by GCHQ.
12 A. Mmm.
13 181 Q. Did you come to understand, from your confidential
14 sources, that GCHQ had information that was capable of
15 being of relevance to the Omagh bombing? 10:55
16 A. Absolutely.
17 182 Q. And so against that background I want to turn to your
18 understanding of the process that operated for the
19 dissemination of information by GCHQ to RUC Special
20 Branch and from them to RUC CID. And I hope you'll 10:55
21 allow me to take you through this. But was it your
22 understanding, based on conversations with several
23 confidential sources, that as the producer of
24 intelligence, GCHQ could dictate the terms of the
25 dissemination of that intelligence? 10:56
26 A. Yes. I mean the way it was explained to me was that,
27 first of all, any dissemination from GCHQ, the wording
28 of that had to be agreed, obviously, by GCHQ. And even
29 to the extent of, you know, being disseminated to other

1 regional -- so in this particular case, Special Branch
2 South was the principal client, if you like, but my
3 recollection is that if anything was going to be shared
4 with, say, Special Branch North that agreement had to
5 be -- separate agreement had to be reached on the 10:57
6 wording of that. But, particularly, if GCHQ product
7 was to be shared in any way, shape or form further
8 along the chain, that is to say from the Special Branch
9 to other police units, including the, that would need
10 GCHQ's authority, but it was just something that was 10:58
11 almost certainly never going to be agreed and might
12 anyway be a breach of the law, whatever the law was at
13 that stage, the Interception of Communications Act, I
14 think, if I recall. So, that was a non-starter.

15
16 The way it was described to me, it was very much a
17 master-servant relationship, if you like, and the
18 people producing the intelligence had the whip hand,
19 they decided what wording should be used and the extent
20 to which it could be shared, and that were the branch 10:58
21 to share it any further they would have to have had the
22 authority of GCHQ, both to share it and the way it was
23 shared, or the wording in which it was shared.

24 183 Q. Let me make certain I've understood this. First of
25 all, the system that you have just described, were you 10:59
26 told that, as your statement indicates, by several
27 confidential sources?

28 A. About the.

29 184 Q. The system for --

1 A. The system for sharing?

2 185 Q. -- for sharing?

3 A. Yes.

4 186 Q. And sources in a position to know?

5 A. Yes, I mean sources who had experience of this. 10:59

6 187 Q. And there were a number of phases, or potential phases,
7 for this. First of all, dissemination of intelligence
8 by GCHQ to Special Branch, Special Branch South, here
9 being most relevant?

10 A. Yeah. 10:59

11 188 Q. And your understanding was that GCHQ would dictate the
12 terms of that dissemination to Special Branch?

13 A. Well, it would have to be agreed by them, let me put it
14 that way. Ultimately, they had the whip hand, if you
15 like. I mean, it was at their discretion. 11:00

16 189 Q. And once the intelligence in that form is with Special
17 Branch, then if it is to find its way forward to people
18 who are investigating an offence, whether the Omagh
19 bombing or anything else, that a specific request for
20 the information to go from Special Branch to CID would 11:00
21 need to be made?

22 A. Mmm.

23 190 Q. But that what you were getting from your confidential
24 sources was that --

25 A. It was inconceivable. It was inconceivable, because -- 11:00
26 let me be clear about this, it wasn't that information
27 couldn't be -- it wasn't that information derived
28 from -- I mean can I use the word "intercept."

29 191 Q. In general terms, I believe.

1 A. In general terms, quite. So, it wasn't that
2 information derived from intercepts couldn't be shared
3 with the CID, it was the form in which it was shared.
4 So, the big no-no was the basis on which the
5 intelligence had been derived, namely through 11:01
6 intercept, could not ever be disclosed. So, you know,
7 the fact that the milkman was seen at nine o'clock
8 every morning at somebody's door could be revealed but
9 not the fact that this was learned through intercept.
10 Probably not as much detail as that anyway, if you see 11:02
11 what I mean.

12 192 Q. I do and I believe we can probably illustrate this to
13 the extent appropriate through some of what you were
14 told by your confidential sources. So, at paragraph 21
15 you tell us that one of your sources thought that GCHQ 11:02
16 were even stricter than MI5 in relation to the
17 dissemination of information?

18 A. Yeah, I remember then saying "tighter than box." Box
19 meaning, the euphemism for the Security Service.

20 193 Q. You then have a passage in quotation marks, and is it 11:02
21 in quotation marks because that is something that you
22 have quoted in your notes or are you trying to capture
23 a recollection of something that you were told at the
24 time?

25 A. No, that is in my notes, that's verbatim from my notes 11:02
26 of a discussion I had on 23rd April 2008.

27 194 Q. And what we're referring to is:
28
29 "A confidential Special Branch source told me 'if you

1 went and asked GCHQ about this afterwards they would
2 pull a blanket over their heads'."

3

4 A. Metaphorically speaking, yeah.

5 195 Q. And that there was a master-servant relationship? 11:03

6 A. Yeah.

7 196 Q. Now, you actually return to this topic later on in your
8 witness statement and so could I ask you to turn
9 forward please to page 27, paragraph 115.

10 A. Sorry, paragraph? 11:03

11 197 Q. 115?

12 A. Hang on, I've got a different --

13 198 Q. Have you got it printed differently?

14 A. It's okay. Anyway, it's paragraph 115.

15 199 Q. It's paragraph 115? 11:04

16 A. I think I've got bigger print here. That's okay.

17 Yeah.

18 200 Q. And you're dealing with this same topic of, you were
19 told master-servant relationship:

20

21 "The confidential sources referred to echoed the view
22 given to me by a senior former member of Special Branch
23 that GCHQ were very protective of their protocols and
24 systems. For example, one confidential source told me
25 that CID were never told the source of GCHQ 11:04
26 intelligence, whether it was intercept intelligence or
27 not."

28

29 So, this is the point you were making?

1 A. Yeah.

2 201 Q. During the course of the second programme you conducted
3 an interview with former Assistant Chief Constable
4 Ray White of the PSNI?

5 A. Yes. 11:04

6 202 Q. And there was this exchange, as you point out, between
7 the two of you.
8

9 "JW [John Ware: Even though Special Branch is the
10 customer, actually GCHQ, the service provider, have a 11:05
11 veto on the wording of how this product should be
12 disseminated?"
13

14 A. It's posed as a question.

15 203 Q. Posed as a question, indeed. And Mr. White replied: 11:05
16

17 "That's it, because they certainly would have agreed
18 with Special Branch the wording to make absolutely sure
19 that the origins of the information was not in any way
20 disclosed so that the essence of the intelligence was 11:05
21 capable of being released. If the end product was
22 simply names, the names is all, in essence, that
23 Special Branch would have been allowed to pass."
24

25 So, that's very much the point you were making earlier? 11:05

26 A. Yeah, absolutely, and that's what happened in this
27 case. Tragically.

28 204 Q. Just to pull all of these strands together, I'm going
29 to go back to paragraph 22, sorry to jump you around.

1 That's our page 7, I'm not sure what page it would be
2 of yours.

3 A. That's okay. Yeah.

4 205 Q. This, perhaps, expresses your own experience of what
5 you have just been describing. 11:06

6 A. Mmm.

7 206 Q. "It seems to me quite astonishing," you say, "that
8 Detective Chief Superintendent Brian McVicker, the
9 senior detective entrusted with conducting a review of
10 the Omagh bombing investigation, and by all accounts a 11:06
11 widely respected officer, was unaware that GCHQ had
12 identified and was tracking some of the bombers'
13 telephones but had not handed over the details to
14 Detective Chief Superintendent Houston until I told him
15 so on 1st May 2008." 11:06

16 A. Yes, absolutely. I nearly fell off my stool when he
17 said, "I don't know anything about that," and he'd done
18 the review. And that's what my -- I mean, maybe he
19 was, I don't think so, though, he struck me as an
20 extremely straight individual and that's what my note 11:07
21 shows, anyway.

22 207 Q. I'm just going to check whether we need to take a
23 break, or whether we can carry on for ten or 15
24 minutes. There's this being a live note made of what
25 you're saying and so it's quite labour intensive, we 11:07
26 just need to make sure that we don't go on too long.

27 A. All right.

28 208 Q. So, the next topic that I'm going to come to, and then
29 we're going to come on to the issue of live monitoring

1 that we touched on earlier, is liaison between the AGS
2 and the RUC in 1997 and 1998?

3 A. Yeah.

4 209 Q. And this starts at paragraph 24.

5 A. Yeah. 11:07

6 210 Q. Did you have conversations with a number of
7 confidential sources about the nature of that
8 relationship over the period we're concerned with?

9 A. Yes, I did.

10 211 Q. And were those sources consistent in what they said to 11:08
11 you about the nature of that relationship?

12 A. Yeah, very much so. I mean I don't want to -- sorry,
13 you were going to ask.

14 212 Q. Please, you carry on.

15 A. I was going to say, it wasn't uniformly bleak, I mean 11:08
16 there were -- let me go back. In essence, it was
17 explained to me that the relationship worked when, not
18 surprisingly, perhaps -- the chemistry, the chemistry
19 between individual officers North and South was the
20 key. And there was good chemistry between, for 11:08
21 example, the Task Force Commander, Chief Superintendent
22 Anderson and the principal AGS detectives in the case
23 Tadgh Foley, Kevin Carty and Dermot Jennings. And Eric
24 knew these guys, so he told me pretty, well and they
25 all got along but relations between, certainly those 11:09
26 three Garda officers and as it was explained to me
27 anyway, the SIO and Houston were not as cordial,
28 apparently, and there was a fair bit of tension. And
29 things came to a head. And I am going to make an

1 exception here, I think, because I don't think Eric -
2 this is the late Eric Anderson - I don't think Eric,
3 knowing him as I did, would object to this in any way.

4 213 Q. So, this is Eric Anderson?

5 A. Eric Anderson. 11:10

6 214 Q. Was he someone that you spoke to directly?

7 A. Yes, he was. Eric described a meeting, this is a
8 meeting in the Silverbirches Hotel, is it, in Omagh?

9 215 Q. Silverbirch Hotel, yes.

10 A. Silverbirch Hotel, in the summer of 1999 where the 11:10
11 principals from both sides were having a get together,
12 I think they had lunch, and there came a point where it
13 was either Hammie Houston or Eric, I can't remember
14 which, I've got a note of it somewhere, but anyway,
15 sought what was described of can we have pen pictures 11:11
16 of key suspects. And that was flatly rejected by
17 Jennings on the basis that they had a good informer,
18 they had a good network. The guards had penetrated the
19 dissidents quite well and they didn't want to
20 compromise that in any way, shape or form and, 11:11
21 therefore, they weren't going to hand over pen
22 portraits, whatever these pen portraits may have been,
23 I assume they were sort of summaries,
24 intelligence-based summaries. And there was a bit of a
25 row about that. And Eric had to calm things down 11:11
26 because there were words exchanged and all that. So,
27 that was one instance. There were various other
28 instances as well. Certain, the contents of certain
29 interviews with key suspects were -- sometimes they

1 were shared but sometimes they weren't shared and there
2 was no explanation for that. And in 2008 I was talking
3 to Eric and he did tell me - I hope he won't mind me
4 saying this, rest his soul - because it would explain
5 quite a lot I think, and he told me that he'd had -- he 11:12
6 was on very close terms with Tadgh Foley, the
7 Superintendent in the guards, and he said Tadgh had
8 called him a couple of times to apologise for having
9 not been as forthcoming to a trusted colleague like him
10 as he would like to have been, but he was under very 11:13
11 strict constraints from his superiors. And so, I mean
12 there were various other instances as well but in a
13 nutshell, the idea that this Inquiry was a joint force
14 inquiry, that didn't happen, it was an inquiry from
15 certainly, based on the accounts I was given anyway, it 11:13
16 seemed to much more conform to an inquiry that was
17 operating in parallel rather than in collaboration,
18 although there were times, apparently, when things
19 rubbed along pretty well.

20
21 But then there was another occasion, I'm judging my
22 memory here, I think it's in my statement, there was
23 another occasion where it had been made very clear,
24 this is fast forwarding to 2003, the PSNI had got
25 intelligence that Daly would occasionally come across 11:14
26 the Border to drink in a bar and the PSNI wanted to
27 arrest him, and the guards were made aware of this.
28 And on or about the day that this was to happen in fact
29 the PSNI then learned the guards had arrested Daly and

1 taken him to Dublin and charged him with membership,
2 without any kind of heads up. And that was, I guess,
3 that was certainly -- that caused a lot of upset at RUC
4 Headquarters, as it was made clear to me.

5 216 Q. Mr. Ware, I'm just going to draw out what you've told 11:15
6 us, the main features as I've understood them and then
7 I'm going to suggest we take a break.
8

9 So, first, at the very beginning of my questioning I
10 invited you to keep under view whether due to the 11:15
11 passage of time or for any other reason you might be
12 able to identify a particular confidential source to
13 whom you spoke.

14 A. Mmm.

15 217 Q. From what you've said, you have felt able to identify 11:15
16 Detective Chief Superintendent Eric Anderson as a
17 confidential source to whom you spoke across a number
18 of years?

19 A. Yeah. I mean, I'm just looking at my note actually
20 here, because you kindly allowed me to -- I mean I can 11:15
21 quote from it if you like, this element.

22 218 Q. Please do.

23 A. There is a conversation I had --

24 219 Q. Is this a conversation with?

25 A. Eric Anderson, this is on 12th June 2008. 11:16
26

27 "RUC-GS summit 11th August 1999.
28 A very important meeting took place on the above date
29 in Omagh at the Silverbirch Hotel, it was an update of

1 the bomb inquiry for both sides. The whole of the
2 Garda team was present. Dermot Jennings, Kevin Carty,
3 Tadgh Foley had lunch and we paid for it. The
4 Divisional Sub-Commander Baxter, (no relation to Norman
5 Baxter), was also present, Hammie Houston, 11:16
6 Brian McArthur and me. At the meeting Houston,
7 McArthur presented a report requesting pen pictures of
8 60 names of dissidents, the branch didn't know who had
9 left PIRA and joined which organisation..." I think he
10 is referring to the PSNI's branch were not clearly 11:17
11 cited on, you know, who'd stuck with the Provos and who
12 defected.

13
14 "For example, they didn't know if Sean Hoey had left or
15 not." Eric said, "Some days before I had been to see 11:17
16 Kevin Carty. I said to Kevin I wasn't satisfied the
17 way the inquiry was going so we were going to have a
18 review. I wanted him to think about whether he would
19 have a review too or maybe whether we could have a
20 joint review." This is obviously a reference to the 11:17
21 McArthur review.

22 220 Q. The McVicker Review?

23 A. I'm so sorry, McVicker Review, a very, very detailed
24 review.

25 221 Q. So suggesting that they might do the -- 11:17

26 A. They might do it together, or if they didn't want to do
27 it together, could the guards do it as well and they
28 could compare notes, and so on. In other words, trying
29 to make this as much of a collaborative joint inquiry

1 an so this parallel track that was evidently happening.

2
3 "Carty rang me later and said the review is a
4 non-starter, so. I told Hammie and Brian to go
5 carefully when they all had lunch. What do they do? 11:18
6 They get up and say would you run off pen pictures for
7 60 names so we can put them in the HOLMES computer?
8 The whole atmosphere changed and it became tense.
9 Dermot Jennings said 'There will be no pen pictures.'
10 Hammie and McArthur pressed them. It was getting quite 11:18
11 nasty. Jennings said, 'A lot of these people are our
12 sources, we don't discuss this. In these files there
13 are things we would not want you to see. We will tell
14 you anything that's relevant on a need-to-know basis.
15 We do not want a review, we do not have disclosure...' 11:18
16 in the Republic that is "...and if we do have a review
17 there could be disclosure.'"
18

19 I don't know what that means.

20
21 "Once there is a review, things are discoverable, 'we
22 could end up with bodies all over the place'."
23

24 I think that's part of Eric's hyperbole which he was
25 sometimes known for, but bless him. 11:19

26 222 Q. Can I just pause you for one moment, before you resume,
27 if there is more, would the "Ham" in your note have
28 been Detective Chief Superintendent Hamilton Houston?

29 A. Yeah. I don't know whether I should read the next bit.

1
2 "Houston and McArthur were getting very angry anyway so
3 I stepped in. I stopped it. I said to them, 'Look,
4 you've heard what they've said, accept it.' I knew
5 there was no point in banging on. Hammie and McArthur 11:19
6 didn't like that at all, they didn't understand that to
7 the Guards what they were doing was a joint
8 investigation but to us it wasn't."
9
10 That's what he says. And on the Tadgh phone call -- 11:20
11 223 Q. Can you time this for us again?
12 A. I'm so sorry?
13 224 Q. Can you time or date this for us?
14 A. Yeah, this is the same date, 12th June 2008 under the
15 heading, "Cross-border cooperation." 11:20
16
17 "Tadgh told me things I wouldn't have otherwise got.
18 He was getting this stuff from Carty. Tadgh has rung
19 me up in the last two years. He came on to me more or
20 less acknowledging that things had happened which 11:20
21 embarrassed him. That there were things I hadn't been
22 told. I hadn't been told everything and that I was
23 told only things that Carty had wanted me to know and
24 he was sorry. I haven't seen Tadgh since I retired.
25 Tadgh felt he wanted to unburden himself." 11:20
26
27 Me: "You were close to Tag?"
28
29 Eric: "Very close. And by the way, this idea that we

1 used to spend time just boozing down there, it's
2 ridiculous, I had to drive home after these meetings.

3
4 Tadgh was saying that Carty held stuff back, it was
5 Carty's relationship with Jennings that held stuff
6 back. Tadgh has called on a couple of occasions since
7 I've retired, he didn't tell me what had been held
8 back. The last call was in March of this year. It was
9 stuff about, you know, love you, could have got you
10 more, as long as you know I gave everything I had."

11:21

11:21

11 And Eric put a report into the PSNI, I don't know when.

12
13
14 "We are progressing with the Guards, they are letting
15 us do more and more."

11:21

16
17 So, there were elements of, you know, things, according
18 to Eric anyway, where things were more amicable than
19 collaborative, I think.

20 225 Q. So, Mr. Ware, what I'm going to do is, we do need to
21 take a break at about this stage, when we resume I will
22 seek to identify just some of the principal features of
23 what you've told us over the course of the last ten
24 minutes about liaison with AGS and police here in
25 Northern Ireland and then we'll move on, after that, to
26 the topic of GCHQ monitoring?

11:22

11:22

27 A. Okay.

28 MR. GREANEY: So, sir, could we take a break until,
29 could we say 11:30 please.

1 CHAIRMAN: when, sorry?

2 MR. GREANEY: I was going to suggest, could we say 20
3 to midday.

4 CHAIRMAN: Yes, thank you.

5
6 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

7
8 CHAIRMAN: Mr. Greaney.

9 MR. GREANEY: Thank you very much.

10
11 MR. JOHN WARE WAS CONTINUED TO BE QUESTIONED BY
12 MR. GREANEY AS FOLLOWS:

13
14 226 Q. MR. GREANEY: Sir, we were dealing with liaison between
15 the AGS and the RUC in 1997, 1998. And I'll just see
16 if I can draw some of the strands together. So, at the
17 very beginning of my questions I invited you to keep
18 under review, as we went through your evidence, whether
19 there was any source who, because of the passage of
20 time or for any other reason, for example, their death,
21 you felt able to identify for us. And it's apparent
22 that you have felt able to identify Detective Chief
23 Superintendent Eric Anderson as a confidential source
24 and also some of the information that he has given to
25 us. But I just want to confirm with you, that subject
26 to any other individual whoever you make as we proceed,
27 you maintain your journalistic privilege in relation to
28 each of the other sources upon whom you have drawn; is
29 that correct?

1 A. Yes, I do. I mean, I haven't spoken to them, I mean
2 were they to be -- you know, were I to have their
3 permission then I would not feel constrained, but I
4 haven't sought their permission because I didn't think
5 it was right to do that in advance of the Inquiry. And 11:43
6 until and unless they give it to me that remains the
7 position, I think.

8 227 Q. Obviously, we have to be guided by your judgment about
9 what is right do in the circumstances.

10 A. Yeah. 11:43

11 228 Q. As I said much earlier, in the aftermath of the
12 conviction of Michael McKeivitt in the Republic of
13 Ireland, you authored an article, I'm just seeing now
14 that it was published in The Sunday Mirror, on 10th
15 August 2003? 11:44

16 A. Yeah.

17 229 Q. And I'm not going to take you all the way through this,
18 certainly at the moment, and subject to the wishes of
19 any Core Participant I will give the INQ reference but
20 it doesn't need to go on the screen. It's INQ 35821 11:44
21 and page 1. And what you said was:

22

23 "On the rare occasions that both forces have sung from
24 the same hymn sheet, it's usually been down to good
25 personal chemistry between individual officers. 11:44
26 Organisationally, and strategically the relationship is
27 still" you were saying in 2003, "dysfunctional."

28 A. Yeah, it's quite a strong word, isn't it? 2003, was
29 that on the back of what I'd learned about the guards'

1 decision to arrest Daly knowing that the PSNI had a
2 plan to arrest him? I think that was probably explains
3 that.

4 230 Q. You do say, "Seamus McKenna" you talk about
5 "Seamus Daly having been charged with membership"? 11:45
6 A. Yeah.

7 231 Q. And Seamus McKenna having recently been arrested, so
8 there were a number of things happening around the same
9 time.
10 A. Yeah. 11:45

11 232 Q. But just so that I can make sure I've understood, what
12 you were describing, based upon confidential sources
13 you'd spoken to, including but not limited to
14 Eric Anderson, was that at a strategic or
15 organisational level, the relationship between the two 11:46
16 forces was not working well, and that liaison was
17 dependent upon good personal relationships between
18 individual officers?

19 A. Well, that was the picture painted to me, I mean, you
20 know, by two or three officers, involved at different 11:46
21 times in the inquiry. I mean, it may not have been --
22 others may disagree but that was the picture that was
23 painted to me, certainly.

24 233 Q. And you've given us some specific examples of how
25 things were not working, relying upon Eric Anderson. 11:46
26 I'm just going to take you back to your witness
27 statement and make sure that we've properly exhausted
28 this topic before we move on.
29 At paragraph 24, our page 7, you'd been asked what the

1 level of liaison between the AGS and RUC had been and
2 you said:

3
4 "My understanding, based upon conversations with
5 several confidential sources was that joint AGS/RUC
6 operations were run from time to time." 11:47

7
8 Just pausing for a moment. Am I right that one of the
9 things that you were keen to say before the break was
10 that you were not saying that it was all bad, that 11:47
11 sometimes liaison did seem to work?

12 A. Yes. So, for example, again, this is from memory. I
13 think -- so information was given, was it not, to
14 McArthur on the 9th, or maybe was the 8th and he wrote
15 it up on 9th September, this is the intelligence, it 11:47
16 was only a page. But, on the back of that there were a
17 whole bunch of arrests, I think, including the Daly
18 family. And I think that was coordinated operation.
19 There was some collaboration there anyway. I think.

20 234 Q. You go on in paragraph 24 to say: 11:48

21
22 "I was told, however, that AGS officers were usually
23 very guarded in what they disclosed to the RUC. One
24 senior former RUC told me that while such operations
25 would involve pleasant social evenings, one never came 11:48
26 back thinking 'we got some real disclosures there.' I
27 was told that AGS were, unsurprisingly, very protective
28 of their intelligence and security branch's informer
29 network and that regardless of what happened, they were

1 not going to share their network with the RUC."
2

3 A. That's a source separate from Eric. That's another
4 source.

5 235 Q. And what you go on a little later in the statement to 11:48
6 say in relation to this topic is that AGS agent
7 penetration of the dissident republican terrorists was
8 much better on the part of the AGS than on the part of
9 the --

10 A. Well, that was the impression I was given and not just 11:49
11 the impression. I remember a senior member of the
12 force said that was the position, that they were much
13 better penetrated -- their penetration of dissidents
14 was much better than the PSNI's. I mean not
15 surprisingly since most of them lived south of the 11:49
16 Border.

17 236 Q. And a source had told you - I'm at paragraph 30 - that
18 the AGS intelligence security branch was generally very
19 strict with intelligence sharing with a culture of
20 control permeating. 11:50

21 A. Yeah.

22 237 Q. At over the course of this part of your statement, you
23 make many of the points you've told us already
24 relating, for example, to the arrest of Daly. And you
25 emphasised, have I correctly understood, that the 11:50
26 general thrust of what you were understanding from
27 those to whom you spoke, was that in the period after
28 the Omagh bombing, rather than there being a joint
29 investigation there were, essentially, two parallel

1 police investigations on each side of the Border?

2 A. Yeah, I mean, you know, a joint collaborative

3 investigation would ideally have involved a joint task

4 force, wouldn't it, I think, and I don't think that

5 such a thing existed. 11:50

6 238 Q. Now, I'm next, at least for the time being, going to

7 turn to the issue of GCHQ monitoring, it starts at

8 paragraph 37, and runs through a substantial part of

9 the statement. And it was GCHQ monitoring that you

10 were told had been undertaken that formed a substantial 11:51

11 basis for both The Sunday Telegraph article, is that

12 correct?

13 A. Yeah.

14 239 Q. And also for the "What the Police Were Never Told"

15 Panorama programme both in September 2008? 11:51

16 A. Mm-hmm.

17 240 Q. What I'm going to do is deal with paragraphs 37 to 56

18 of the statement at a high level, bearing in mind the

19 caution that you and I have agreed needs to be

20 exercised. 11:51

21

22 Did it seem to you that the Banbridge bombing of 1st

23 August 1998 was, at that stage, the latest in a series

24 of increasingly reckless attacks perpetrated by

25 dissident republicans? 11:52

26 A. Yeah. And it was pretty obviously so, yes.

27 241 Q. I mean the Inquiry is looking at 32 previous attacks

28 and attempted attacks, at least at the moment, but you

29 were aware that Banbridge was just one in a linked

1 series, as you told us?

2 A. Yeah. In fact, I'm just looking at my note, another
3 note I've got with me here from a senior individual who
4 said:

5 11:52

6 "After Banbridge, I knew what was going to happen. I
7 had extra resources on standby."

8

9 Yeah. So, yeah.

10 242 Q. We're going to come on to this, but it's the idea that 11:52
11 senior figure within the RUC felt that a further attack
12 was imminent in the aftermath of Banbridge?

13 A. Yeah.

14 243 Q. And that contingencies, as it was explained to you,
15 were in place? 11:53

16 A. Yeah, very much so.

17 244 Q. And did you have information from confidential sources
18 that for months, so months before Banbridge, but
19 including Banbridge, Special Branch had been seeking to
20 develop a picture of who was involved in this series of 11:53
21 attacks?

22 A. Well, again, I'm relying on a note here. I should add,
23 by the way, I wasn't aware that I was going to be
24 allowed to bring in notes, so this is all very last
25 minute and I'm grateful to you for allowing me because, 11:53
26 obviously, I can't keep all this stuff in my head. And
27 there's quite a lot more of this sort of stuff. So,
28 for example, I've got here a note of 23rd May 2008 with
29 a source I can't name, and this individual very much,

1 very much in a position to know. wouldn't be any
2 dispute about that if you had known the person's
3 identity.
4
5 "Since the Moira bomb Special Branch South had been 11:54
6 building a picture bit by bit."
7
8 Then he got the phone numbers.
9
10 "[Me]: So, SBS had a good idea of the key players? 11:54
11 [Response]: That wouldn't have been unreasonable."
12
13 Yeah, so that's my note, they were building, the branch
14 had been building a picture for some months.
15 245 Q. There had been an attack in Moira on 20th February 11:54
16 1998?
17 A. Mm-hmm.
18 246 Q. When a car bomb exploded had at an RUC Station?
19 A. Yeah.
20 247 Q. Many injuries were caused and extensive damage. So, 11:55
21 your understanding, based upon a confidential source,
22 was that since then, Special Branch South had been
23 seeking to build a picture bit by bit?
24 A. Yeah, in fact -- well, that's what my note says and I
25 can only go by the note. But there were attacks prior 11:55
26 to that, were there not?
27 248 Q. There were?
28 A. In my head there's one in County Down, well, a lot of
29 them were in County Down, where was it? I can't

1 remember. I would have thought they were likely to
2 have been building a picture before that but I don't
3 know that.

4 249 Q. This is what I was going to ask you about. We know
5 that there had been attacks believed to have been 11:55
6 linked so there was an attack, first attack in
7 Banbridge on, I think, 6th January 1998 and others
8 going even further back into 1997.

9 A. Yeah.

10 250 Q. So, the point you're making is you might have expected 11:56
11 that even before Moira in, did I say February 1998,
12 they would have been building a picture but you were
13 told that certainly as of that date such a picture was
14 being developed?

15 A. Yes. I mean, it must have been high on their priority 11:56
16 list, if only because of the dilemma, if there was one,
17 and I know some people alluded to this, about how hard
18 to police this given the hoped-for rendezvous with
19 peace at the Good Friday Agreement, it was imminent.

20 By the way, I've got nothing to contribute to that 11:56
21 theory, which may very well be unfair on the police
22 that, you know, there was a light touch because they
23 didn't want to rock the boat because the Peace Process
24 was about to come to a critical -- I've no idea whether
25 that's true or not. I mean, I'm aware of the theory 11:57
26 but I don't know if it's true.

27 251 Q. These attacks that are taking place are not occurring
28 coincidentally of the Peace Process, they are occurring
29 because of the Peace Process with a view to --

1 A. Correct, absolutely.

2 252 Q. And you're raising the possibility - a possibility that
3 we will explore in our Chapter 5 - that managing this
4 situation, addressing a group of terrorists who are
5 planting bombs regularly and doing so in a way that did 11:57
6 not disrupt the Peace Process, that that may have
7 generated a dilemma?

8 A. I mean it may have done. As I say, I've no idea. An
9 element, you know, how do we deal with this?
10 Obviously, we've got to protect property and save lives 11:57
11 but, you know, if we're too heavy-handed will that
12 impact, will that stop the rest of the major
13 Provisional IRA Army from crossing the road with Adams,
14 as it were. You know, those are all factors that may
15 have been in play but, as I say, I never got a sense 11:58
16 from -- I have to say, actually, it's an important
17 point, I never got a sense from any of the people I
18 spoke to that that was a factor to the extent that
19 that's helpful.

20 253 Q. So, whilst you're aware of the theory, if I can put it 11:58
21 that way, from your confidential sources, you never got
22 the impression that they were engaged in light-touch
23 policing?

24 A. No.

25 254 Q. That being so, let me ask you a direct question; did 11:58
26 you understand from what you were being told by your
27 confidential sources that they were seeking to develop
28 a picture of who was carrying out these attacks in
29 order that they could disrupt them and stop them

1 carrying out further attacks?

2 A. Well, that's a good question. I mean, the obvious -- I
3 mean, that's why you would build a picture, isn't it?
4 Except the question is what do they do with that
5 picture? And, again, you'll be talking to 11:59
6 Norman Baxter about that and he said very publicly
7 whatever picture they were building wasn't shared with
8 him. And, you know, it's well known now, I mean there
9 are endless examples of the way the criminal justice
10 system was compromised at different times because of 11:59
11 either source protection, if agents were involved, and
12 I'm not suggesting agents were involved in this, I
13 don't know that they were, but for protection of
14 intelligence, and so on. As you know, that's been
15 increasingly apparent in the various post-conflict 11:59
16 inquiries that have taken place. So what the branch
17 were doing with this stuff, if it wasn't pre-eminently
18 to prevent it, I don't know, but I can't think of any
19 other reason.

20 255 Q. Against that background, did you understand, from your 12:00
21 sources, that Special Branch had discovered a number
22 being used ultimately by the Omagh bombers in the
23 period before Banbridge was bombed, so the discovery
24 had been made before that date?

25 A. Yes. It was made clear -- for some time it wasn't 12:00
26 clear to me whether it was discovered before or after,
27 but at some stage it was made clear to me that it was
28 discovered before.

29 256 Q. And, again, asking these questions --

1 A. I can't find my original note on it.

2 257 Q. I'm sorry, I didn't mean to interrupt, if you think
3 there's more to add, please do?

4 A. No, as I say, I was looking for a note on this because
5 I do have a note somewhere on this and I just can't 12:01
6 find it. This is to do with only just realising I
7 could bring this stuff in.

8 258 Q. I think I may be able to help you just by asking some
9 carefully and tightly formulated questions.

10 A. Sure. 12:01

11 259 Q. So, you did understand that Special Branch had
12 discovered a number that ultimately was to be used in
13 the Omagh bombing, a telephone number?

14 A. Yes, at least one and probably more. I was going to
15 say I observed that in, am I right about this, I think 12:01
16 I am, in paragraph 3.22, it was a report I made
17 recently to refresh my memory, from Michael Maguire, in
18 his report says telephone numbers plural were
19 available.

20 260 Q. As you understood it, of the number or numbers, there 12:02
21 was one that you came to describe in the programme and
22 in the article in The Telegraph as "the nugget"?

23 A. Yes.

24 261 Q. Did you receive information - choosing my words
25 carefully - that GCHQ had monitored that number? 12:02
26 A. Yeah.

27 262 Q. And that GCHQ had done so at the behest --

28 A. I mean, they did. They clearly -- oh, sorry. I did
29 receive information that they had monitored that number

1 and I received credible evidence that that had
2 happened. Evidence that I had regarded as credible,
3 that that had happened, yeah.

4 263 Q. And did you receive information that you regarded as
5 credible that that monitoring had been done at the 12:03
6 behest of Special Branch South?

7 A. Yeah, yeah. When I say monitoring by the way, I mean
8 in its broadest sense.

9 264 Q. I was just going to ask you -- I think you're probably
10 trying to make the point that I'm making that you are 12:03
11 using the word "monitoring" in its broadest sense?

12 A. Yes.

13 265 Q. That's how you and I should both use that term?

14 A. Yes, yes.

15 266 Q. I think you answered yes, that you had understood that 12:03
16 had been done at the behest of Special Branch South?

17 A. Yeah.

18 267 Q. And that a person we are referring to as Officer 1, the
19 head of Special Branch South, was it your understanding
20 that he was directly involved in the request that that 12:04
21 monitoring should be undertaken?

22 A. Well, I can answer that but I'm not sure -- I know who
23 Officers 1, 2, 3, 4 and 5 are.

24 268 Q. Yes.

25 A. How can I -- if I respond to that I start to get into 12:04
26 sourcing, don't I? I think I'm just going to stay
27 with... sorry this is --

28 269 Q. Let's see how we get on.

29 A. Yeah, okay, right.

1 270 Q. Again, can I repeat that I'm not going to invite you to
2 go into any issue that you do not feel --
3 A. It was definitely from a person in a position to know,
4 I mean, a pre-eminent position to know I think is as
5 far as I can go? 12:05
6 271 Q. Can you bear with me for just one moment? [Short
7 pause].
8
9 Now, against the background of what you had understood,
10 I'm going to turn to the issue of live monitoring of 12:05
11 the nugget?
12 A. Yeah.
13 272 Q. And so I'm now at paragraph 57 of your statement and I
14 know that this is a particular part of your statement
15 that Mr. Mansfield has a keen interest in. 12:05
16 A. Sorry, 57?
17 273 Q. Yes.
18 A. Yeah.
19 274 Q. And at the top of page 57 there may be something that
20 helps us in relation to the question I was just asking? 12:06
21 A. Yeah.
22 275 Q. This is a quotation from The Telegraph report?
23 A. Mm-hmm.
24 276 Q. And I'm just going to check that question is unredacted
25 in the version that you have. 12:06
26 A. Right.
27 277 Q. And the quote is:
28 "Because the head of Special Branch South feared
29 another car bomb attack after Banbridge was imminent,

1 he is adamant that he asked GCHQ to continue live
2 tactical monitoring of that phone. He hoped that as a
3 result GCHQ could locate the target mobile the next
4 time it crossed the Border, which would be an
5 indication that it was being used to organise another 12:06
6 bomb"

7 A. Yeah.

8 278 Q. Does that make you any more comfortable identifying?
9 A. I mean, that's as far as I can go, but you can draw
10 whatever inference you want. 12:07

11 279 Q. Now, you then go on in your statement to talk about
12 information that you were provided with by both
13 Source A and Source B?

14 A. Mm-hmm.

15 280 Q. Are you able to help us with the relationship between 12:07
16 Source A and Source B?

17 A. Well, they were colleagues, they served in the -- I
18 mean, they were both very senior and they were
19 colleagues. I think that's probably as far as I can
20 go. And they both had a background in Special Branch. 12:08

21 281 Q. Thank you.

22 A. I think that really is as far as I can go.

23 282 Q. Fine, then I won't press you any further.
24

25 Were you introduced to Source A by Source B, as you 12:08
26 have called them?

27 A. Yeah.

28 283 Q. And did you interview Source A?

29 A. I did, with a colleague, Brendan McCourt.

1 284 Q. And helping us from paragraph 58, what did Source A
2 inform you of?

3 A. Well, if I can just go back to my précis. I mean,
4 quite a number of things really. Quite evasive, a lot
5 of it -- "evasive," that's the wrong word. Quite 12:09
6 elliptical in some respects, I don't know whether -- I
7 mean we touched on a lot of stuff from, you know, from
8 August 14th to the impact of Banbridge to Lisburn, to,
9 you know, I mean it's a long list of stuff really. Do
10 I go through it all? 12:09

11 285 Q. Can I seek to draw it together by reference to
12 paragraph 58 and if there is, by reference to the
13 contemporaneous note, anything you want to add please
14 tell me, but what you say in paragraph 58 is:
15 12:09

16 "Source A acknowledged that Special Branch had not
17 penetrated the Real IRA and indicated that if they had,
18 Omagh wouldn't have happened. Source A also told me
19 that the Lisburn bombing was a break through."
20 12:10

21 A. It's a good summary.

22 286 Q. "And a break through in terms of identifying some of
23 those who were carrying out the attacks. Source A
24 explained that after Banbridge they feared that the
25 worst would happen, in other words that there would be 12:10
26 a mass casualty bombing."

27 A. Yeah.

28 287 Q. And that your understanding was that additional
29 surveillance resources had been requested?

1 A. Yeah.

2 288 Q. Does that capture really what the thinking was?

3 A. Correct. We had plan whereby we could seal the Border,

4 if we thought there was something going to happen, we

5 needed a trigger. 12:10

6 289 Q. I do in a moment want to go to the --

7 A. "Could we have stopped Omagh? Honestly don't think we

8 could have done. Definitely were expecting another

9 one. Assessed it would come through the Newry

10 corridor. After Banbridge I knew what was going to 12:11

11 happen, I had extra resources on standby, surveillance,

12 HMSU.

13

14 We got a break through in Lisburn. Omagh nearly

15 happened in Banbridge. We predicted it. They came so 12:11

16 close to killing people in Banbridge.

17

18 We knew who the suspects were: Campbell, Liam

19 Campbell, Michael, Peter, knew the Campbells were the

20 driving force. Knew about Hoey." 12:11

21

22 There's a reference to phones here but I don't think I

23 should get into that, given the constraints. Yeah, I

24 don't think I can get into any of this.

25 290 Q. Mr. Ware, do you think you've covered what -- 12:12

26 A. Yeah, that paragraph 58, is it?

27 291 Q. 58, yes.

28 A. That covers the guts, I mean the headline points, yeah.

29 292 Q. From paragraph 9 we learn that you also spoke to

1 Source B who had put you in touch with Source A?

2 A. Yeah.

3 293 Q. Who had said that because Special Branch had not
4 penetrated the Real IRA, they needed a trigger to know
5 when they were coming? 12:12

6 A. Yeah.

7 294 Q. So, that is to say when they were moving from the
8 Republic of Ireland into Northern Ireland?

9 A. Yeah, and they were reliant on the guards for that.

10 295 Q. And had Source A told you, as I think you've told us 12:13
11 just a moment ago, that there was a plan in place to
12 sale the Border and that that plan had an operational
13 name, albeit Source A couldn't remember what it was?

14 A. I don't know how you seal the Border mind you, but
15 anyway, it's such a winding border. 12:13

16 296 Q. That's an understandable reference.

17

18 Now, in terms of what was happening then, the Special
19 Branch were fearful that another attack was imminent
20 and they needed to understand, if they could, when a 12:13
21 car bomb was coming across the Border?

22 A. Yeah. I mean, the tenor of this conversation with
23 these two individuals is the whole thing was -- there
24 was an inevitability about Omagh, that was the tenor of
25 it. 12:13

26 297 Q. And that if they got a trigger, if they got information
27 that alerted them to what was taking place, either
28 because the AGS had told them or because of the live
29 monitoring that we will come on to, that there was a

1 plan in place to seek to address that dangerous state
2 of affairs?

3 A. well, that's what my note says.

4 298 Q. And during the course of the second programme in 2008,
5 as we've discussed already you interviewed former ACC 12:14
6 Ray white?

7 A. Mmm.

8 299 Q. And this was something that he spoke to you about as
9 well and we see this at paragraph 72?

10 A. Mm-hmm. 12:14

11 300 Q. I'll read out the relevant section.

12 A. Yeah.

13 301 Q. "John Ware: It must have been clear from Banbridge
14 that the bombings were becoming more reckless. They
15 were going to have a go at another town?" You asked. 12:15
16 A?

17 A. Question, yeah.

18 302 Q. Question. And Mr. white replied:
19

20 "Yes, I think that was the analysis that certainly 12:15
21 Special Branch had told me that they arrived at at the
22 time. They had two plans of action, one was, in a
23 sense, a preventative plan where if some general
24 intelligence came their way that indicated something
25 was going to happen then their uniformed colleagues 12:15
26 both in police and Army would have been used to disrupt
27 that."
28

29 So, a plan for general intelligence.

1
2 "The second plan of action was more specific, they had
3 a dedicated surveillance capacity stood up, that if
4 they got the intelligence that they were looking for in
5 the timeliness and in the degree of detail they were 12:15
6 looking for, then, obviously, that allows a much more
7 precise surveillance operation to take place and
8 there's a greater likelihood that people can be
9 intercepted and arrested in respect of the planned
10 terrorist activity." 12:15
11
12 A. Mmm.
13 303 Q. And you asked:
14
15 "Do you know, specifically, if that interdiction option 12:16
16 was in this case dependent on a heads-up from GCHQ?"
17
18 And Mr. white replied, and I'll read out the first
19 sentence:
20
21 "Well, that was always the perception." 12:16
22
23 A. Mm-hmm.
24 304 Q. So, that then, Mr. Ware, brings the issue of live
25 monitoring into a very sharp focus? 12:16
26 A. Yeah.
27 305 Q. And takes us to paragraph 60 of your statement, and
28 back to the conversation you had with Source A?
29 A. Mmm.

1 306 Q. You tell us:

2

3

4

5

6

7

8

9

A. Mmm.

10 307 Q. Was that explained to you?

12:16

11

A. Yeah, in fact just hearing you read that, I've got a picture, honestly I've got a picture -- I can almost -- I have a picture of the facial expression, it was kind of, you know, was it live monitoring? And the response was, 'well, if it wasn't, it should have been,' it was very forcefully explained. And I was puzzled by that because I thought, you know, the branch are the client, can't you dictate the terms? And it appears you couldn't because there was -- look, I don't know, I'm not indoctrinated into these things. I only know what I'm told. But when I ran this past others the explanation was well, you know, monitoring is obviously a very resource-intensive occupation, and live monitoring as opposed near real-time monitoring I think is the phrase, or some similar phrase, it's much easier to do. You know, this has to take its place. I think the way I understood it and I have no idea if this is correct, but the way that I understood it was that you can ask for live but you might not get it because there

12:17

12:17

12:18

1 might be ten other operations which are regarded as
2 rather more serious than the one you're asking to be
3 live and resources are finite. That was the way I
4 understood it. But, you know, I mean, I'm not in
5 intelligence, I don't know. But I do remember he 12:19
6 saying, 'well, if it wasn't, it should have been.' And
7 I am thinking, but you're the client.

8 308 Q. So, were you left, at the end of your conversation,
9 with Source A in a degree of uncertainty as to whether
10 live monitoring -- 12:19

11 A. Yeah.

12 309 Q. -- by GCHQ had been specifically asked for or whether
13 that was just the unspoken expectation?

14 A. I just wasn't clear. Well, judging by what this
15 individual said, I just didn't know. I must have 12:19
16 asked, 'but did you ask for it' and I'd have to look
17 for my note to see if I did ask that. But, I'm not
18 sure I did. I'd have to look at my note. But, in any
19 case, it was still not clear and at no stage was it
20 ever clear that monitoring had been live. And the 12:19
21 nearest we got to it was that conversation where there
22 was an expectation that it should have been. And that
23 was as far as we took it and hence all our references
24 to, certainly in the programme and whatever articles I
25 wrote, on the preventable question, were always 12:20
26 conditional on whether there had been live monitoring
27 because I didn't know that. My understanding is that
28 such monitoring, as took place, was something that was
29 discovered after the system was interrogated, if you

1 like, which is an obvious thing to do, I mean you'd
2 expect them to do that after such an incident like
3 Omagh and that whatever emerged from that.

4 310 Q. Let's just park the question of what reached the
5 investigations from any live monitoring for the time 12:21
6 being, we will get to that. But in terms of whether
7 this was just an expectation or had been requested,
8 what we learn from your paragraph 61 is:
9

10 "I asked Source B to clarify this point with Source A." 12:21
11

12 A. Ah, right.

13 311 Q. Namely whether it had been specifically requested or
14 simply expected?

15 A. Okay, forgive me, I wasn't clear about that earlier. I 12:21
16 haven't read this, I'm afraid --

17 312 Q. Not to worry.

18 A. -- since I wrote it in May.

19 313 Q. Part of my role is to seek to refresh your memory --

20 A. Yeah, sure. 12:21

21 314 Q. -- because a lot of this happened a long time ago?

22 A. Yeah.

23 315 Q. And you tell us that Source B had spoken to Source A
24 about that topic?

25 A. Oh, yes. 12:21

26 316 Q. And that:
27

28 "Source A was clear that the whole purpose of
29 monitoring that number was that if its approximate

1 location could be found, then it could provide an easy
2 trigger to disrupt the intended attack."
3
4 A. Yeah.
5 317 Q. And you "asked Source B why, if Special Branch had 12:22
6 requested live monitoring by GCHQ, would Source A not
7 have known for sure whether it had or had not been
8 live. And Source B explained that while it was a thing
9 you could ask for and expect, you might ultimately not
10 get it." 12:22
11
12 So, this is the point you were telling us about?
13 A. Yes.
14 318 Q. "Source B further explained that while Special Branch 12:22
15 could make a strong case and emphasise its importance,
16 the final decision depended upon available resources
17 and, therefore, rested with GCHQ."
18
19 So, have I correctly understood that at the end of
20 probing your well-informed confidential sources, you 12:22
21 remained unclear about whether live monitoring had
22 actually been taking place?
23 A. Yeah, completely unclear. Yes.
24 319 Q. And that's why the article and the programme were 12:23
25 expressed on a conditional basis, namely if?
26 A. Yes, contrary to the impression that Sir Peter Gibson
27 gave in his report which no doubt we'll come to, but
28 yeah, absolutely.
29 320 Q. As I've said, we will get to the issue of whether the

1 GCHQ material reached the investigators or rather the
2 point in time at which it did.

3 A. Mmm.

4 321 Q. But, first of all, you've mentioned a number of times
5 14th August 1998, so the day before the bombing. And 12:23
6 I'm now at question 17, which is just above
7 paragraph 63 of your witness statement.

8 A. Mmm.

9 322 Q. Again, this is a quotation I believe from The Telegraph
10 article: 12:24
11

12 "On 14th August, the day before Omagh, the Royal Ulster
13 Constabulary received an alert from the AGS that some
14 sort of terrorist device was to be moved across the
15 Border imminently. Special Branch assessed this as 12:24
16 another car bomb."
17

18 A. Mm-hmm.

19 323 Q. Were you provided with that information by a
20 confidential source? 12:24
21

21 A. Yeah, on several occasions.

22 324 Q. And what did the source inform you had happened on 14th
23 August?

24 A. Again, this is ringing a bell which I haven't put in
25 here. I think something do with a disciplinary case, 12:24
26 it cropped up -- forget that. This individual told me
27 that he and others were briefed by another individual,
28 senior officer that they'd had this intelligence
29 warning, and yeah, that's about it really. I mean,

1 there wasn't a lot of detail. I couldn't find anybody
2 else who recalled such an event.

3 325 Q. Let me just try to --

4 A. But this individual was so clear about it and, I can't
5 give you his identity, but if you knew it you'd 12:26
6 understand why well, I would think it's worthy of
7 reporting.

8 326 Q. Let me just try to absorb as much information about
9 this as we can get because am I right to assume that
10 you would have made a note of what you were told by the 12:26
11 confidential source?

12 A. Yeah.

13 327 Q. And that that would have formed the basis for what
14 you've put into your witness statement?

15 A. Yeah, very much so. Yeah, I mean there's several 12:26
16 references to it.

17 328 Q. What we learn from paragraph 64 of your witness
18 statement is:
19

20 "This source told me, on several occasions, that the 12:26
21 warning was issued by AGS on 14th August 1998."
22

23 A. Yeah.

24 329 Q. "The source said that they had recalled the incident
25 because they were sitting in the company of an officer 12:26
26 to whom the warning was passed."

27 A. Yeah.

28 330 Q. "They further explained that the warning was of an
29 operation involving a vehicle and that the assessment

1 was that it would target the same Newry corridor as
2 previous attacks, Lisburn, Newry and Banbridge. They
3 thought as a result, there was heightened security
4 along the Border the following day in the South
5 Armagh/North Louth area but not as far west as
6 Aughnacloy where the Omagh bomb convoy made the
7 crossing into Northern Ireland."
8

12:27

9 So, just to be clear, your confidential source was
10 telling you, 'I was in the room with another officer
11 when the warning was handed to that other officer'?

12:27

12 A. Yes. Well, hang on, are you saying in the room when
13 that other officer got the warning?

14 331 Q. That's what I'm trying to understand. So, the source
15 said they recalled the incident because they were
16 sitting in the company of an officer to whom the
17 warning was passed?

12:27

18 A. Yes, I don't think he was -- I don't think he ever said
19 he was there as the other guy got the warning. I think
20 the other guy got the warning and then -- I'd have to
21 look at my full note on that. I mean, I don't think
22 it's a question of having a conversation and he
23 suddenly gets a call from I don't know, the guards
24 saying, 'you need to know about this.' I don't think
25 that's how it happened at all. I think this other
26 officer had, he says, had received this warning and
27 passed it on to him.

12:28

28 332 Q. Okay. Let me just make sure my understanding is
29 correct because I may have introduced a degree of

12:28

1 confusion and it may help if over lunch, because you
2 certainly won't be entirely finished bearing in mind
3 the need to speak to Core Participants, you won't be
4 finished before lunch, so if you could check your
5 notes. But I believe what you're saying to us is, 12:28
6 subject to what your notes reveal, that a warning was
7 passed to an officer and that that warning was then
8 repeated to your confidential source?

9 A. Correct, that's my understanding of it. I'd have to --
10 I don't know whether I've got the original note here. 12:29

11 333 Q. Mr. Ware, I'm not going to put you on the spot when
12 there will be time available for you to carry out the
13 check.

14 A. Yeah.

15 334 Q. Were you also told - this is paragraph 66 - that 12:29
16 Officer 1, so the head of Special Branch South, had
17 given a briefing about the warning?

18 A. Yeah.

19 335 Q. And what else were you told Officer 1 had said?

20 A. There was a prearranged plan for checkpoints and 12:29
21 sealing off the Border.

22 336 Q. And you explain at paragraph 67 that when you were
23 interviewed by Sir Peter Gibson following your
24 television programme, he told you that he had
25 interviewed Officer 1? 12:30

26 A. Mm-hmm.

27 337 Q. And you observed that may be the basis for Sir Peter
28 Gibson's assertion of his own report that:
29 "There is no evidence whatever before me to make good

1 the assertion in The Sunday Telegraph and Panorama
2 programme that on 14th August the Garda had warned the
3 police of a likely attack."

4 A. Yeah.

5 338 Q. And so if that is the case, does it seem to you to be 12:30
6 the position that there is a conflict between what you
7 were told Officer 1 had told his colleagues and what he
8 told Sir Peter Gibson?

9 A. Well, there obviously is a conflict, and it's always
10 puzzled me that, because, I mean, the person who told 12:30
11 me this, I can't imagine him making it up so something
12 happened, okay. So, you know, we're talking 10 years
13 on and memories get muddled, I mean it's always puzzled
14 me what credible explanation there might be for that.
15 And so, am I allowed to say this? When he disclosed to 12:31
16 me the warning that had been received by the Irish Army
17 barracks, can I refer to that?

18 339 Q. I'm not absolutely certain what you're referring to?

19 A. Well, it's a document which your team disclosed to me,
20 which I'd obviously never seen before and I haven't got 12:31
21 it here with me, but this is a warning on 14th August
22 and this is from my memory so you can double-check it,
23 but the essence of it is that:

24

25 "The caller wasn't drunk. Sounded sensible. Said 'get 12:31
26 on to the guards, tell them to check the back routes or
27 back roads.' And then repeats three times, 'Omagh!
28 Omagh! Omagh!'"

29 So, it would appear that a warning, something that

1 something was going to happen imminently to the town of
2 Omagh, was received on 14th August by the Garda
3 Síochána. Now, what the guards did with that, I don't
4 know, but I do observe, I think correctly, is this
5 right, that there's a note saying something was 12:32
6 received on the 17th.

7 340 Q. I'll just need to refresh my memory over the break?

8 A. But here's my point, if I can just finish.

9 341 Q. Yes, of course.

10 A. I just posit, this possibly as an explanation for the 12:32
11 conflict, that whilst there was a warning on the 14th
12 it wasn't reported to the RUC until the 17th and in the
13 mind of my source he's just thinking 14, 14, so, as it
14 were, an innocent error. But for Sir Peter Gibson --
15 I'm simply saying that what might have been helpful, 12:33
16 because Sir Peter says he saw all the documents, it
17 might be helpful if Sir Peter, instead of just giving a
18 blanket 'it's not true, there's no truth in any of
19 this, forget it,' I think it might have been helpful to
20 say, 'well, actually there was a warning to the guards 12:33
21 on the 14th, now it doesn't seem to be passed to the
22 police in the North until the 17th but there was a
23 warning repeating "Omagh! Omagh! Omagh!" three times
24 on the 14th.' But, of course, we don't get any of that
25 from Sir Peter Gibson's wholly -- not wholly, 12:34
26 disingenuous report - my opinion.

27 342 Q. So, your confidential source was reporting something
28 that they believed had happened on 14th August?

29 A. Yeah.

1 343 Q. Namely that information had come from the AGS in the
2 South --
3 A. Yeah.

4 344 Q. -- that something that was judged to be a car bomb was
5 coming north? 12:34
6 A. Something. There was going to be an attack on Omagh.
7 I mean I'd have to look -- it's quite a long note,
8 actually, it's a handwritten note, you'll have it in
9 your documents somewhere. Perhaps it wasn't supposed
10 to be sent to me, but anyway. 12:34

11 345 Q. It was supposed to be sent to you.
12 A. It was?

13 346 Q. And I will take the time to refresh my memory from it.
14 But just that I can understand, before we turn to this
15 topic after lunch, you'll -- bear with me one moment... 12:35
16 we'll come to this?
17 A. It was Finner Barracks, which is an old British Army
18 base.

19 347 Q. I just want to be clear about what you were told and
20 what you're now trying to work out so that there's a 12:35
21 foundation stone for further questions after lunch.
22 But, your confidential source was someone that you
23 regarded as well placed to report this issue?
24 A. Yeah. I mean, as I say, by reference to his
25 experience, his rank, yeah. 12:35

26 348 Q. And someone that you regarded --
27 A. He wasn't in a profession that, you know, engaged,
28 yeah, well -- something happened. Something about 14th
29 August had clearly entered his conscience in an honest

1 way. He just may have -- I'm speculating, because when
2 I saw -- as I say to you, I'm always puzzled about
3 this. Sir Peter is just said emphatic: "There is no
4 evidence whatever," that's a word he keeps using, by
5 the way, you'll have detected I don't have a lot of 12:36
6 time for element of his report. "No evidence
7 whatever." well, there's no evidence whatever that a
8 warning on the 14th was passed to the police but that
9 is different from saying there's no evidence whatever
10 of a warning on the 14th. So, you take my point. 12:36

11 349 Q. I do. And I want to make sure that it's expressed as
12 succinctly and clearly as possible so that it can be
13 explored. I'm going to tell you what I think you're
14 communicating, and if I've got it wrong you'll tell me?

15 A. Sure. 12:37

16 350 Q. But I believe what you're communicating is that your
17 confidential source was reporting that on the 14th
18 there had been a warning that had come from the South
19 to the RUC in the North of Ireland?

20 A. That's right. 12:37

21 351 Q. Which was interpreted as being, or assessed as being a
22 car bomb?

23 A. Yeah.

24 352 Q. That's stage 1. Stage 2 is that you are pointing out
25 what seems to you to be a stark inconsistency between 12:37
26 what your source, who you regarded as reliable had said
27 to you, and the finding of Sir Peter Gibson that there
28 was no evidence whatsoever to make good the assertion?

29 A. Yeah.

1 353 Q. So, thirdly, you are, as anyone is entitled to, seeking
2 to work out how that stark conflict might be resolved,
3 whether there is some innocent explanation?
4 A. Yes, because the person who told me is not, to my
5 knowledge, an inherently dishonest individual who, you 12:37
6 know, lives in a fantasy world, I mean, far from it.
7 354 Q. So, the explanations would seem to be that your
8 confidential source was unreliable or not credible on
9 the issue; that the person to whom Sir Peter Gibson
10 spoke was not reliable or not credible; or that there 12:38
11 is some innocent explanation for the inconsistency?
12 A. Yes, I mean I suspect there's something awry here and
13 I'm just speculating - and no more than that - but
14 that's one thing to look at, it may be the explanation
15 for this conflict for which there is no otherwise 12:38
16 obvious explanation.
17 355 Q. I'm just going to park that.
18 A. It's because Sir Peter is so emphatic and my source is
19 so emphatic. Somewhere there'll be a logical
20 explanation for that. I think it's possible that this 12:38
21 Irish Army warning --
22 356 Q. Is an explanation?
23 A. -- is the explanation.
24 357 Q. But you are not proposing that as definitely the
25 explanation? 12:39
26 A. No, no, of course not. I can't possibly, I don't know.
27 I was intrigued to read it on Friday when I got the
28 document.
29 358 Q. It's very helpful to have your insight into what may

1 have happened, given your background in this and
2 experience. But I'm just going to park 14th August
3 here, at least for the time being, although, as I said,
4 we may return to it after lunch.

5
6 I'm going to turn to one final topic relating to events
7 before the bombing, and this takes us to the piece that
8 was published on the BBC website on 15th September
9 2008, I think I may have said the 16th earlier. The
10 INQ reference is INQ 035824. And we get the relevant 12:39
11 quotation at in fact just above paragraph 142 of your
12 statement. So, I'll give you a moment just to find
13 paragraph 142, if you wouldn't mind?

14 A. Right, yeah.

15 359 Q. And quoted from that piece written by you, is: 12:40

16
17 "According to intelligence reports, Provos..." so the
18 Provisional IRA, "...then on ceasefire saw the maroon
19 Vauxhall bomb car being guarded by two dissidents hours
20 after it had been stolen. 12:40

21
22 They were challenged because they were suspected of
23 having stolen the car for a bombing.

24
25 This sighting was in the hamlet of Cullaville..." 12:41
26 Apologies for the pronunciation, "on the South
27 Armagh/County Monaghan border.

28
29 The two individuals were identified by name and were

1 seen moving the car to a destination, apparently
2 unknown."
3
4 So, this is an apparent sighting of the bomb car?
5 A. Mm-hmm. 12:41
6 360 Q. Presumably at some stage on 13th August in a location
7 which is a short distance to the northeast of Dundalk?
8 A. Yeah.
9 361 Q. First of all, were you provided with that information
10 by a confidential source? 12:41
11 A. Two confidential sources actually.
12 362 Q. So, this is multiple strand reporting to you to the
13 same effect?
14 A. Mm-hmm.
15 363 Q. And were you told by either source who the two 12:42
16 dissidents were?
17 A. Well, the two sources, it was at the same meeting, but
18 they both corroborated the other.
19 364 Q. So, two people together with you?
20 A. Yeah. 12:42
21 365 Q. Both and agreeing --
22 A. Yeah.
23 366 Q. -- that this was the position. Were they, together,
24 able to give you the names of those who had been with
25 the bomb car? 12:42
26 A. Yeah, I'm pretty sure they did.
27 367 Q. It's at paragraph 143 of your witness statement, if
28 that helps?
29 A. Yeah, they did. Yeah. I mean, bear in mind this

1 witness statement was written on the basis of my
2 original notes.

3 368 Q. Absolutely, yes.

4 A. So, if I say, well I think so, it means I've forgotten,
5 but I would have double-checked when I wrote this. 12:43

6 369 Q. I completely understand, and as I've hopefully made
7 plain, this isn't a memory test.

8 A. Sure, sure. Yeah.

9 370 Q. What two names were given?

10 A. I'm so sorry, Michael Broderick and Padraig Daly who 12:43
11 was Seamus's brother, one of his brother.

12 371 Q. Turning to paragraph 144, what were you told of the
13 circumstances that you then reported in a conspiracy of
14 silence? What had happened, according to your
15 information? 12:43

16 A. That a group of men came out of the GAA clubhouse,
17 these were Sinn Féin members, supporters, essentially
18 republicans, who sensed what was going to happen here,
19 why would these individuals have got a stolen car here,
20 what were they using a stolen car here for, were they 12:44
21 planning another bombing?

22 372 Q. So, you were told this is what the others who were
23 there were concerned about?

24 A. Yeah, the Sinn Féin people were obviously -- who were
25 behind the Adams Peace Process didn't want anything to 12:44
26 disrupt that process, and were, essentially saying, 'we
27 know what you're at, you know. We don't support this,
28 get the car away, we don't want anything do with it.'
29 That was the sense in which it was described to me.

1 373 Q. And were you told that it even went to the extent of
2 there being a scuffle between the two groups?
3 A. Yeah.

4 374 Q. Did your confidential sources tell you that
5 Padraig Daly and Michael Broderick then did move the 12:45
6 car to another location?
7 A. Yes, because in the sense that they were clearly
8 outnumbered, the crowd was against them, as it were, so
9 they thought they had better move on. That was the
10 sense in which it was described to me. 12:45

11 375 Q. And were you told that the car was then moved to a
12 secure location where it was loaded with the bomb that
13 was to be detonated in Omagh?
14 A. Yes.

15 376 Q. Sean Hoey suspected of having been the bomb maker, as 12:45
16 you have told us already?
17 A. Yes, possibly with one other individual by the way, was
18 it McComish, I think? Declan? I can't remember now.
19 But in fact I remember, yes, I've written this here. I
20 think Broderick -- I think Broderick was quite open 12:46
21 about all this, is that not in the McVicker Report, I
22 can't remember?

23 377 Q. So, you report your recollection that you were told
24 Broderick had discussed the altercation at the GAA
25 clubhouse at Cullaville with CID following his arrest 12:46
26 in September '98?
27 A. Yeah.

28 MR. GREANEY: Mr. Ware, I'm going to be moving next to
29 the some of the events that you've described which are

1 after the Omagh bombing had occurred. That will take
2 longer than would take us until 1:00 p.m. And, Sir,
3 I'm wondering whether this would be an appropriate
4 point to stop for me to take stock with the Core
5 Participants in relation to any issues before the 12:47
6 bombing they would wish me to raise with Mr. Ware.

7 CHAIRMAN: And you have some more questioning yourself.

8 MR. GREANEY: I do have some more questions, but I
9 wouldn't have thought any more than 15 or 20 minutes.

10 I was going to invite you, Sir, to take the ordinary 12:47
11 one-hour for lunch, subject to anything that intervenes
12 and that we should therefore return at 1:50.

13 CHAIRMAN: well, if you're planning to have a
14 discussion with the legal representatives for the Core
15 Participants, maybe we should just give a little bit 12:47
16 extra time.

17 MR. GREANEY: That's very thoughtful.

18 CHAIRMAN: Say two o'clock.

19 MR. GREANEY: Thank you very much indeed.

20 MR. MANSFIELD: I'm so sorry to interrupt, may I just 12:47
21 add one, I hope helpful logistical matter. The witness
22 has mentioned his notes today and has obviously been
23 trying to verify various matters by looking at the
24 notes, I can give an example where he believes he asked
25 a question but he couldn't find where it is in the 12:48
26 notes, I wonder if this opportunity could be taken for
27 the witness to refresh his memory from his notes, in
28 case there's anything else that's in there that isn't
29 in the statement. That's all.

1 MR. GREANEY: That's a very helpful observation, thank
2 you, Mr. Mansfield.

3 CHAIRMAN: So, we'll sit again at two o'clock.

4 MR. GREANEY: Yes, please. Thank you very much.

12:48

5
6 THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS:

7
8 CHAIRMAN: Mr. Greaney.

9 MR. GREANEY: Sir, good afternoon, can I begin by
10 thanking all Core Participants for the constructive way 14:11
11 in which they engaged with the process that has been
12 under way over lunch. What I am going to do is, before
13 I turn to deal with post-explosion events, I will deal
14 with the questions that Core Participants would wish to
15 be addressed. 14:11

16
17 MR. JOHN WARE CONTINUED TO BE QUESTIONED BY MR. GREANEY
18 AS FOLLOWS:

19
20 378 Q. MR. GREANEY: Mr. Ware, first of all, not really so 14:11
21 much of a question save right at the end, but I'm asked
22 by HMG, so His Majesty's Government, just to confirm
23 the circumstances of your notes with you. And as we've
24 all understood so far, is it the position that they
25 contain material that identifies your sources? 14:12

26 A. Can I answer that by -- I suppose I can't, can I, but
27 I'll ask it, why do they need to know that?

28 379 Q. A perfectly reasonable question, but as you'll
29 appreciate, not one that I can answer. Let me put the

1 question a different way: Do you consider that your
2 notes engage your journalistic privilege?

3 A. Certainly.

4 380 Q. And is it the position that as a result, the Inquiry
5 has not sought your notes and has not seen them? 14:12

6 A. No, the Inquiry has been a model in that respect.

7 381 Q. And there's been no discussion between the Inquiry
8 Legal Team and you or your lawyers about redacting
9 those notes?

10 A. No. 14:12

11 382 Q. And so that there is no doubt about it at all, save to
12 the limited extent that you have described, do you
13 maintain your journalistic privilege over all of your
14 notes?

15 A. Yes, I do. 14:12

16 383 Q. So, I'm next going to turn to the questions that the
17 Bereaved Family and Survivor Core Participants would
18 wish to be asked. And there is some crossover, Sir,
19 between some of these questions but I'm going do my
20 best to identify on whose behalf I am posing questions 14:13
21 as we go along. And there are not very many of them.
22

23 Now, first of all, this question, and you have answered
24 neither confirm nor deny to the question whether any of
25 your confidential sources was within the United Kingdom 14:13
26 intelligence community and we have all understood that.
27 But, may I ask you this question: Did you have
28 contact, in the sense of contact with a source, with
29 members of the intelligence community other than any

1 member of the United Kingdom intelligence community
2 that you may have had contact with, or any member of
3 the relevant branch of the AGS that you may have had
4 contact with? So, the question is a rather clumsy one,
5 that would be my fault not Mr. Mansfield's on whose 14:14
6 behalf it was posed?

7 A. In other words, did I have just to be clear about this,
8 did I have any contact with any member of the AG's
9 Security and Intelligence Branch?

10 384 Q. No. A poorly expressed question. Put out of the 14:14
11 equation any contact that you may have had with any
12 member of UK?

13 A. Yeah.

14 385 Q. So, forget about that --

15 A. Yeah. 14:14

16 386 Q. -- even if you did have any. Forget about any contact
17 that you had with any member of the AGS intelligence
18 community --

19 A. Right.

20 387 Q. -- if you you had any such contact. Obviously, other 14:14
21 places in the world have their own intelligence
22 communities; did you have contact with any member of
23 the intelligence community of any such other country?

24 A. No, no, no.

25 388 Q. You've answered the question, there is a follow-up 14:15
26 which is, did any confidential source that you did have
27 ever flag to you that you should speak to any member of
28 the intelligence community in one of those other
29 places?

1 A. You mean outside the UK or Republic of Ireland?

2 389 Q. Yes, that's essentially what I mean.

3 A. No, I can't imagine why they would want to either. But

4 anyway.

5 390 Q. The answer to the question is no. 14:15

6 A. No.

7 391 Q. Next I'm going to take you to some passages in the open

8 Gibson Report. And there's is no reason why we

9 shouldn't put this on the screen is there, Mr. de la

10 Poer? Can someone help me with the INQ reference to 14:15

11 the open report, please? It will be in the advocates'

12 briefing, or in the evidence outline. Thank you very

13 much, Mr. Suter.

14 A. Just before we come on to that, one of your, I think

15 Mr. Mansfield suggested I go through what notes I have 14:16

16 here to see if there's any other relevant material; do

17 you want me to deal with that at the end or?

18 392 Q. Can you indicate to me is there something else that you

19 wish to tell us?

20 A. There's not much, frankly. There are references to -- 14:16

21 I mean I was -- I wasn't clear to begin with whether

22 the 585 -- we can talk about the 585.

23 393 Q. I'm going to come on to the 585 number?

24 A. I'm sorry.

25 394 Q. You don't need to be sorry. But I'm going to ask you 14:16

26 some questions about 585?

27 A. Okay.

28 395 Q. In fact at Mr. Southey's behest. I'm going to come on

29 to the issue that you drew my attention to just as I

1 came into the hearing room.

2 A. Yes.

3 396 Q. What I'm going to invite you not to do is to name, when
4 we deal with that thing, the person is the person other
5 than Eric Anderson, does that make sense? 14:17

6 A. Yes, I understand.

7 397 Q. In all events, can we have now on the screen please,
8 the open Gibson Report, paragraph 22 please. And I'm
9 sorry not to have alerted you to the need do that. So,
10 this reads -- so I'm going to take you to some passages 14:18
11 and then I'm going to seek your assistance.

12

13 "GCHQ has carried out various operations providing
14 Signals Intelligence in support of the agencies dealing
15 with issues relating to Northern Ireland and to counter
16 Irish republican terrorist activities in Great Britain.
17 The action taken by GCHQ on interception was governed
18 by procedures agreed between GCHQ and RUC Special
19 Branch and documented in written guidance for the
20 relevant GCHQ team." 14:19

21

22 Then if we can go to the final line:

23

24 "Intercepts relating to the telephone numbers
25 designated by Special Branch as having highest priority 14:19
26 were monitored live."

27

28 So you see that "monitored live?"

29 A. Yeah. Mmm.

1 398 Q. The next paragraph, 27:

2

3 "Throughout 1998, before, on and after 15 August, GCHQ
4 ensured that intelligence from any interception that
5 might have been relevant to RUC Special Branch for its
6 operational purposes was promptly being made available
7 to them; this included near real time provision of
8 information by telephone (that is almost immediately
9 after a call had been listened to itself in near real
10 time) in accordance with pre-agreed criteria. In
11 addition, written intelligence reports were issued
12 within hours of interception again in broad accordance
13 with procedures agreed between GCHQ and Special Branch
14 South. I am satisfied that in the days surrounding 15
15 August, and on the day itself, to the extent that any
16 relevant intelligence was derived from interception, it
17 was shared with RUC HQ and Special Branch South
18 promptly and fully, and done so with the latter in
19 accordance with procedures agreed with Special Branch
20 South."

14:20

21

22 A. Yeah.

23 399 Q. So, you will have noted there the reference to "almost
24 immediately after a call had been listened to in itself
25 in near real time." And I'm going to get to a question
26 arising out of that in a moment. But can you see that
27 there is a reference there to Sir Peter Gibson being
28 satisfied that in the days surrounding 15th August and
29 on 15th August itself, to the extent that any relevant

14:21

1 intelligence was derived from interception, it was
2 shared with RUC HQ, which would have been in Knock, and
3 Special Branch South promptly and fully?

4 A. Yeah.

5 400 Q. Can I just understand; you've already explained to us 14:21
6 the nature of the relationship as it was informed to
7 you between Special Branch South and GCHQ, were you
8 ever informed by any of your confidential sources that
9 in addition to any relevant intelligence being shared
10 with Special Branch South, it was also shared with RUC 14:21
11 Headquarters?

12 A. It depends, what does "RUC Headquarters" mean? I
13 remember reading that phrase and, I mean, you know, it
14 wouldn't have been s sort of a kind of round-robin.

15 401 Q. No. 14:22

16 A. It would have been to specific individuals at Knock, I
17 don't know who, but I assume, for example, the head of
18 Special Branch, but extremely restricted. I'm pretty
19 sure that was mentioned actually. I was going to say
20 that there's nothing inconsistent, I mean, just 14:22
21 re-reading that paragraph now, it's entirely consistent
22 with, obviously I can't name the source but I can tell
23 the source is extremely well-placed and I'm looking at
24 three -- because I kept going back to this interview,
25 also, because I was getting, 'oh, we never got this 14:23
26 stuff till Tuesday or Thursday or whatever,' I kept
27 going back to the source and saying: "Are you sure?"
28 And on 28th April '08, this source, who I can't name,
29 says:

1 "My understanding is that the agency had given it to
2 the SB within hours."
3
4 Again on 9th May:
5 14:23
6 "They gave this stuff SB six hours later."
7
8 Are you sure within six hours?
9
10 I'm sure. They gave the names, the phone numbers and 14:23
11 told them, 'these are the active bodies.' All the SB
12 gave the CID was eight names three weeks later."
13
14 Again, because I'm getting this 'no, no, no, never
15 heard a word till Tuesday.' 16th May -- you can see 14:23
16 I'm going back and just trying to copper bottom this.
17 On 16th May '08:
18
19 "Your firm recollection is Saturday rather than
20 Tuesday? 14:24
21
22 Yeah.
23
24 And we're talking names and numbers there?
25 14:24
26 Yeah."
27
28 And so on.
29 CHAIRMAN: Mr. Ware, are you explaining at the moment,

1 I've just got a little bit lost, are you explaining at
2 the moment about information that was conveyed to you
3 concerning --
4 THE WITNESS: Yes.
5 CHAIRMAN: -- when intelligence was passed on from 14:24
6 Special Branch to CID?
7 THE WITNESS: Yes.
8 CHAIRMAN: Not from GCHQ to Special Branch?
9 THE WITNESS: No, no, I'm so sorry, I should have been
10 clear. I'm talking about consistent with what Sir 14:24
11 Peter Gibson is saying here about GCHQ to Special
12 Branch. I'm so sorry if I wasn't clear. All I'm
13 saying, Sir -- what I'm saying is, my notes are
14 consistent with this element of Sir Peter Gibson's
15 report. And then I go back to some of the people 14:25
16 saying, 'no, no, we got it' and, you know:
17
18 "Hang on, six hours, no way. There's no way it
19 couldn't come to us for six hours."
20 14:25
21 I can't tell you who says that. You can see that's why
22 it wasn't clear to me.
23 402 Q. I'm going to come on, when we get to post-explosion
24 events, just to try to achieve as much clarity as I can
25 in relation to the disputed accounts you were given, or 14:25
26 the inconsistent accounts you were given about when it
27 was that information came to the attention of the
28 investigators. Here I just want to be clear about your
29 answer to this. Sir Peter Gibson is saying that the

1 information was shared with RUC HQ and Special Branch?
2 A. Yeah.
3 403 Q. So, on the face of it two places. You had an
4 understanding of the sharing arrangement with Special
5 Branch South. All I'd like to know just at the moment 14:26
6 is whether your confidential sources ever informed you
7 that information also came from GCHQ to RUC
8 Headquarters?
9 A. In the back of my head I think that's right. I mean
10 I'd have to look, you know, I don't have that 14:26
11 immediately on these précis notes, because I've got so
12 many notes. But it does ring a bell that, to be fair.
13 But, as I say, I mean, I'd always understood that to
14 mean, you know, one or two individuals --
15 404 Q. Yes. 14:26
16 A. -- cleared to receive this kind of material and that it
17 would have been very few.
18 405 Q. As opposed to being more generally circulated within
19 Headquarters?
20 A. I can't imagine that would have happened. 14:27
21 406 Q. And the point you're making is, you can't imagine that
22 would have happened given the tight grip that it
23 appeared, based on what you were told GCHQ held over
24 its materials?
25 A. Yes. 14:27
26 407 Q. Just to complete the picture in relation to the open
27 Gibson Report in case there is anything you want to say
28 before I ask some connected questions, could we go,
29 please, to paragraph 31. And I should say I'm still

1 exploring the questions that Mr. Mansfield wished to be
2 posed? So, paragraph 31, please.

3 A. 31 of Gibson?

4 408 Q. Yes, 31 of Gibson.

5
6 "The portrayal in the Panorama programme of the
7 tracking on a screen of the movement of two cars, a
8 scout car and a car carrying a bomb, by reference to
9 two 'blobs' moving on a road map has no correspondence
10 whatever with what intercepting agencies were able to
11 do or did on 15 August 1998."

12
13 I'm sure this is a passage you very well remember.

14 A. Yeah.

15 409 Q. "On the basis of evidence from an independent expert
16 witness from a mobile communications service provider I
17 am satisfied that, in 1998 it was neither possible to
18 track mobile phones in real time nor to visualise the
19 location and movement of mobile phones in the way that
20 was shown in the Panorama programme. Information on
21 the location of a mobile telephone only existed within
22 the mobile phone network in respect of 'communications
23 events' – when a phone was switched on or off, or
24 during a call, for instance – and even then would have
25 been limited to information about the cell (the area
26 covered by a particular mast) in which the phone was
27 active. It is clear therefore that no intelligence or
28 security agency or law enforcement agency did see or
29 could have seen what was suggested by the Panorama

1 programme in its representation. On the basis of this,
2 and other material received by me, assertions in the
3 programme that, if live monitoring was taking place,
4 from 1250 hours the picture of a bomb run in progress
5 should have begun to materialise, that those monitoring
6 were seeing two cars, just like a bomb run heading
7 towards Omagh, and that by 1420 hours on 15 August
8 those monitoring should have been in little doubt about
9 what was going to happen, are incorrect and unsupported
10 by any evidence."

14:29

11
12 And I ought to give you an opportunity to comment on
13 that in the context of 15th August and what was
14 happening on that day, insofar as you wish to say
15 anything?

14:29

16 A. Well, I mean, you know, look, I mean, I didn't have
17 access to the material that Sir Peter Gibson had access
18 to so I have no doubt what he says is true. But what I
19 can say is that he -- I remember when he was
20 interviewing me about this, about the programme, which
21 was sort of closer to an interrogation actually than an
22 interview, but anyway that's beside the point, I
23 suppose, is that he said apart from anything else there
24 were only three masts on the road from Aughnacloy to
25 Omagh. In fact there were eight, I think you'll find.
26 And the relevance of that is, and there is a reference
27 to that somewhere here, isn't there, I've lost the
28 whole thing now, if you go back to the original
29 paragraph.

14:30

14:30

1 410 Q. Do you mean paragraph 31?
2 A. The one you've just --
3 411 Q. The start of it?
4 A. If you whizz back. Yeah, he says -- what does he say?
5 14:30
6 "...even then it would have been limited to information
7 about the cell (the area covered by a particular
8 mast)..."
9
10 Right. So, in other words, we may not be getting down 14:31
11 to coordinate level or anything like it but we are
12 getting down -- he seems to be acknowledging we could
13 technically get down to areas.
14 412 Q. To the area covered by the cell?
15 A. Covered by the cell -- by the mast I should say. And 14:31
16 so, what we were trying to show there and, I mean look,
17 you know, I wish we hadn't put that graphic on, I
18 wasn't completely responsible for that, but I wish it
19 hadn't been put on because I think it was too,
20 probably, in light of this, too explicit but the 14:31
21 notion, which is really at the heart of this, it's kind
22 of academic anyway because we don't think there was now
23 live monitoring, but, in any event, if there was, had
24 there been, the notion that the movement of telephones
25 could not have been tracked in a general direction I'm 14:32
26 not sure is undermined by what he says here. As I say
27 he says, "even then would have been limited to
28 information about the cell." And, furthermore, I put
29 this to another source who -- you know, a very senior

1 police officer who'd been in the anti-terrorist branch
2 who had -- there was a system whereby, I can't remember
3 the precise details, there was a system whereby you
4 could track a phone with the phone company's
5 cooperation. 14:33

6 413 Q. Let me make sure, I'm sorry to interrupt, I just want
7 to make sure I've understood where you've got to.

8 A. Look, I'm not denying that he's right about this, you
9 know.

10 414 Q. But there are a number of things; first of all, there's 14:33
11 the question of whether what was shown on the screen
12 during the 2008 programme of a blue and red dot moving
13 in sequence, whether that reflected something that was
14 available to the authorities at the time?

15 A. Yes. 14:33

16 415 Q. And I think what you're saying is that you accept, if
17 Sir Peter Gibson says it wasn't, that is the position.
18 But, secondly, you're saying there is a separate
19 question of whether live monitoring of the cells that
20 were being used by a telephone, if there were 14:33
21 communications events, whether that was possible at the
22 time and I believe you've told us that you spoke to a
23 senior source who explained that that person thought
24 that this was possible. This maybe takes you to
25 paragraph 133 of your witness statement, 133 and to a 14:34
26 question that Mr. Southey was keen that you should
27 answer and then we'll need to reverse back into a
28 question that --

29 A. 133, yeah.

1 416 Q. 133. And you say: "The point of difference," so the
2 point of difference between you and Sir Peter Gibson,
3 "seems to be whether the movement was capable of being
4 depicted on a screen at that time," so in 1998?
5 A. Yes. 14:34
6 417 Q. "...as distinct from GCHQ's ability to get the
7 approximate position of a moving cell with the
8 assistance of a phone company, which I was assured was
9 possible and the way other police forces tracked the
10 movement of mobile phones at the time." 14:34
11 A. Yes. Well, that's pretty much what I've just said.
12 Yes, indeed, I'd forgotten I'd written that, but that's
13 right.
14 418 Q. So, it's in there. And that's the distinction between
15 what was on the screen and what you had been told was 14:35
16 possible?
17 A. Yes.
18 419 Q. You've referred to being assured that that was
19 possible, so, live cell site monitoring, and you were
20 told -- 14:35
21 A. By, incidentally, someone who -- I won't -- no, I won't
22 go into it. Forget it.
23 420 Q. But someone authoritative, I think, is the point you're
24 making?
25 A. Yes, and who had some knowledge of this case too. 14:35
26 421 Q. You were told that that was the way other police forces
27 tracked the movement of mobile phones at the time,
28 namely in August 1998. Do you recall whether your
29 source told you which other forces were utilising that

1 capability in August 1998?

2 A. well, this individual was from the Met.

3 422 Q. Now, thank you very much for that. Still in this
4 context of capabilities, I'm going to ask you to go
5 to -- well it's just above your paragraph 57, it's 14:36
6 question 16, it's our page 15?

7 A. Sorry, say again.

8 423 Q. Question 16 which appears just above paragraph 57?

9 A. Yes.

10 424 Q. I'm just asked to clarify, by Mr. Mansfield, a couple 14:36
11 of aspects of this. This is a quotation from The
12 Telegraph article:
13

14 "Because the head of Special Branch South feared
15 another car bomb attack after Banbridge was imminent, 14:36
16 he is adamant that he asked GCHQ to continue live
17 tactical monitoring of that phone."
18

19 A. Yeah.

20 425 Q. In that sentence, is the "he" on each occasion that 14:37
21 word is used, the head of Special Branch South, or is
22 it a reference to your source, or both?

23 A. I mean I know the answer but I don't think I can -- I'd
24 rather not say. You can probably work it out.

25 426 Q. You'd rather not say but you can probably work it out 14:37
26 is the answer that was given. I'm just going to ask
27 the question one more time and your answer may be the
28 same. Was it your understanding, from your source,
29 that the person who had asked GCHQ to continue live

1 tactical monitoring was the head of Special Branch
2 South?

3 A. Sorry, say that again. Was it what?

4 427 Q. From what you were told by your source was the person
5 who had asked GCHQ to continue live tactical monitoring 14:38
6 the head of Special Branch South?

7 A. Yes, but, I mean, it's getting awfully confused, I wish
8 I could be liberated from this. Let me see. Let me
9 think how I can deal with this. I'm just pausing on
10 the impact that this -- you want to know whether I know 14:38
11 for a -- you want to know whether I heard from the
12 horse's mouth, as it were, that the person who said
13 live monitoring was asked for was the head of Special
14 Branch.

15 428 Q. Ideally, that's what I'd like to know, and in default 14:39
16 of that I'd like to know whether that's what your
17 source told you, but you must answer the question in
18 your own way?

19 A. I think you should take the wording of this -- I'm
20 surprised-- you may be surprised, in view of my 14:39
21 hesitancy now, but the wording is, I think, pretty
22 clear who I'm talking about. And I'm just looking at
23 it there, I'm not sure I've put enough caveats in there
24 to protect this individual but there's not much I can
25 do about that. 14:40

26 429 Q. Is that as far as I can press you in relation to the
27 issue?

28 A. I think so, consistent with what I said at the outline
29 of this session which is that there was only one

1 individual who I was prepared to identify. And I
2 emphasise, not because I have his permission but
3 because he has passed away, but because knowing
4 Eric Anderson as I did, quite well, and knowing how
5 passionately he felt about the Omagh bombing and the 14:40
6 importance he played in that, I think he would, I hope
7 I'm not wrong, I think he would have approved what I
8 said to the Inquiry, I think he would have said the
9 same thing to the Inquiry. So, my conscience is clear
10 on that but I have not sought the authority of anybody 14:41
11 who you think this may refer to to go further than
12 that. So, I'm going to have to leave it. I.
13 M sorry to be so --

14 430 Q. We understand the reasons.
15 A. And I'm doing an even better job than the sort of 14:41
16 master lead professors in Whitehall, aren't I, but
17 that's as good as I can give, I'm afraid.

18 431 Q. Let me move on, albeit to a connected topic. I'm just
19 going to check something. [Short pause].
20 A. I think you can take it that I'm 110% certain that I 14:42
21 was told by someone who absolutely knew - whether it's
22 true or not is another matter - but was in a position
23 to know whether live had been asked for, you can take
24 that as -- yeah.

25 432 Q. On the face of it, whilst you subsequently sought to 14:42
26 achieve even greater clarity, that would seem to
27 suggest that there was a request made for live tactical
28 monitoring to continue?
29 A. Well, that's the thing, isn't it, judging by -- if I

1 recall this correctly, Gibson said you could have asked
2 for that and it would normally be accommodated. Was
3 that the gist of what he was saying? But it obviously
4 doesn't seem to have been in this case. So, you know,
5 who knows if it was asked. All I can report faithfully 14:42
6 to this Inquiry that I was told by someone in prime
7 position to know, whether it was or wasn't asked, that
8 it was asked for.

9
10 But, you know, this is the trouble with my job I'm a 14:43
11 reporter. I don't mean that, you know I report what
12 people tell me and I can't always go behind, although
13 one endeavours always to build as much corroboration as
14 possible.

15 433 Q. If we assume the request was made? 14:43

16 A. Yes.

17 434 Q. I'm still with Mr. Mansfield's question --

18 A. I think we should assume -- sorry, go on.

19 435 Q. I think you were saying I should assume, but on that
20 basis, did any source of yours tell you whether any 14:43
21 record was made of what Special Branch had requested of
22 GCHQ?

23 A. No, not that I recall.

24 436 Q. I'm going to turn more directly to Mr. Southey's
25 questions next. 14:44

26
27 First of all, it's really a point of information to
28 help you. In relation to the 14th August information
29 coming from the South to Northern Ireland, you've

1 explained to us what you were told by your source and
2 you've explained your own attempts in your own head to
3 square the circle of what Sir Peter Gibson reported.

4 A. Yeah.

5 437 Q. I'm just going to draw one further piece of evidence to 14:44
6 your attention which there's no particular reason why
7 you shouldn't have this in mind. I'm going to check if
8 Mr. de la Poer wants to say something. No. So, this
9 was evidence that was given by Norman Baxter who was
10 the senior investigating officer, as you know, for the 14:44
11 Omagh investigation from 27th May 2002. And a member
12 of the Northern Ireland Affairs Committee, to which he
13 was giving evidence, asked him:

14
15 "Do you disagree with any of the conclusions that Sir 14:45
16 Peter reached in the published summary of his report to
17 the Prime Minister."

18
19 And I'll give the INQ reference. It's INQ 000278,
20 page 81. So, he was being asked, do you agree with Sir 14:45
21 Peter Gibson's conclusions. And Mr. Baxter replied:

22
23 "I do not disagree with his report. I would take a
24 different view of some of the evidence he gave to the
25 committee in terms of the use of information which may 14:45
26 have been available and which it could have been put to
27 at the time of the explosion. I think Sir Peter takes
28 the view that there was nothing there that could have
29 helped the Omagh Bomb Inquiry team, I suspect he said

1 that is not correct."

2

3 within the transcript there is a footnote, Footnote 2,

4 at page 82, which records a note from a witness, in

5 context, that witness is Norman Baxter. Are you 14:46

6 following this so far, Mr. Ware?

7 A. No, I'm not, actually. Where are we?

8 438 Q. Do you have the transcript of Norman Baxter's evidence

9 to the Northern Ireland Affairs Committee?

10 A. No. I mean I've seen it, but I don't have it on me. I 14:46

11 don't have it here. It wasn't drawn to my attention.

12 439 Q. Don't worry. This is, as I say, just a point of

13 information. And the note from, in context Mr. Baxter

14 reads:

15 14:46

16 "This answer is correct but I would add for

17 clarification that I am aware of a briefing to the

18 Senior Operational Commander, South Region on 14th

19 August 1998 indicating that information had been

20 received from the AGS in connection with a potential

21 vehicle-borne IED on 15th August."

22

23 A. Right, I'd forgotten that. Interesting.

24 440 Q. So, there is that additional piece of information?

25 A. It's interesting, I'd completely forgotten that. 14:47

26 441 Q. From, may I say, publicly-available transcript of

27 evidence that Mr. Baxter gave.

28 A. Yeah. Just looking at -- Mr. Mansfield asked if I

29 would just refresh my memory on some of the notes,

1 quite rightly. There is a reference to another
2 individual, who I can't name, who Baxter says was
3 present and who said he had a vague recollection of it.
4 442 Q. I'm not going to seek to press this issue any further
5 with you. 14:48
6 A. Okay.
7 443 Q. And I'm going to move on, again still to ask some
8 questions that Mr. Southey has invited me to ask.
9
10 So, would you go please to paragraph 58 of your 14:48
11 statement?
12 A. Yeah.
13 444 Q. "Source A acknowledged that Special Branch had not
14 penetrated the Real IRA and indicated that if they had,
15 Omagh, wouldn't have happened." 14:48
16 A. Mmm.
17 445 Q. We read this earlier but I need to read it in the
18 context of Mr. Southey's question.
19
20 "Source A also told me that the Lisburn bombing was a 14:48
21 breakthrough in terms of identifying some of the
22 perpetrators. Source A explained that after Banbridge
23 they feared the worst would happen, i.e. that before
24 long there would be a mass casualty bombing via the
25 Newry corridor. My understanding is that additional 14:48
26 surveillance resources were requested."
27
28 A. Yeah.
29 446 Q. It's final that sentence that I'm asked to ask you

1 about. Was it your understanding, from what you were
2 told, that the request for additional surveillance
3 resources was a request made by Special Branch?
4 A. Yeah.
5 447 Q. And was it your understanding that what was being 14:49
6 requested was additional physical surveillance
7 resources?
8 A. I don't know, honestly. At this distance, I can't -- I
9 just don't know.
10 448 Q. Do you know -- 14:49
11 A. There was a -- you've got to tell me if I'm straying
12 across a red line. I'm talking about the capacity of
13 the system to monitor. When that was kind of full up,
14 then I'm told that there would be -- you know, they
15 would turn to GCHQ, I think something like that 14:50
16 happened. Sorry, I was told that's what had happened,
17 whether that's a reference to this, I don't know.
18 449 Q. Were you told by your source whether or not that
19 request was met?
20 A. No, I can't -- I don't recall any conclusion to that 14:50
21 but that's all I can say.
22 450 Q. If you bear with me for one moment please. [Short
23 pause]. I've just had a communication on behalf of
24 HMG, Sir, that there was dissatisfaction with the way
25 in which I sought to encapsulate what they were 14:50
26 interested in at the beginning of these questions. So,
27 if that is what they want, I will simply read out the
28 question that they pose, rather than getting involved
29 in a dispute. This is His Majesty's Government, the

1 question that I posed about your notes is one they
2 would like me to develop entirely in accordance with
3 what they sent through. So, there we are, that's what
4 we'll do right at the end of my questions of you.

5 A. Okay. 14:51

6 451 Q. So, still dealing with Mr. Southey's questions, and the
7 final topic, and the context is that the Special Branch
8 had a nugget, or potentially a number of numbers. Let
9 me ask you, against that background, a series of direct
10 questions. So far as you understood, from your 14:51
11 sources, did Special Branch have an awareness of the
12 585 number?

13 A. My understanding is that they did and I might have an
14 additional point or two on that, if you just bear with
15 me, from my review of these notes. Just give me a 14:52
16 second. [Short pause]. So, this is what I found in
17 the lunch interval. Obviously, I can't tell you who I
18 put this question to. It was -- can I? I can by using
19 the cipher. We had Source A and Source B, didn't we?

20 452 Q. You had Source A and Source B? 14:52

21 A. Yeah, so this would be, without naming, this would be a
22 question to Source B, we sure -- this was a follow-up
23 meeting because I was still unclear after the meeting
24 with Source A as to whether the 585 had been given in
25 advance of Banbridge or not. And Source B went back to 14:53
26 clarify that. So, he told me. And his response was:
27
28 "No, he's sure that the number was given sometime in
29 advance of Banbridge."

1 453 Q. So, before Banbridge?

2 A. That's what my note says.

3 454 Q. Okay. Well, that addresses the first part of the
4 question posed by Mr. Southey.

5

14:53

6 Did your sources explain to you that in the period
7 before Omagh, the Special Branch knew that 585 was a
8 number that subscribed to Colm Murphy?

9 A. Well, I can't remember now and I'd have to look but I
10 can't imagine how they wouldn't. Let me explain why.

14:54

11 455 Q. Certainly.

12 A. Well, the first question you've to ask yourself is, is
13 it likely that the Garda Síochána Intelligence and
14 Security Branch didn't have his number? I think that's
15 as unlikely as, you know, me winning the Nobel prize
16 for physics. Murphy was, you know, he goes right back
17 to the Kingsmill Massacre, you know. He would have
18 been top, amongst the top of the guards' dissidents who
19 I'm quite sure were looking, monitoring him. So, they
20 would have had the number. That doesn't mean to say
21 that the RUC would have the number but, you know, it
22 strikes me as highly unlikely. My impression, from all
23 the conversations I had, was that that number was
24 known, had been known for a while. How long, I can't
25 say.

14:54

14:55

14:55

26

27 There's also, by the way, something I hadn't noticed
28 before from these notes which is that there's
29 suggestion in some of them that the branch themselves

1 had been doing some cell site analysis. I don't know
2 if that's true or not but there's a reference here from
3 a detective who I knew, who thought that had been going
4 on. And if that had been the case then the branch
5 would have had to have had at least one number to work 14:56
6 back from. I thought that was quite intriguing, it
7 might be something -- maybe you know the answer, I mean
8 I certainly don't, but that's in my notes.

9 456 Q. I'm not going to press you any further in relation to
10 585. You were told that they had that number, Special 14:56
11 Branch, before Banbridge?

12 A. In response to a specific question from me to clarify
13 with Source A, who would have been in a position to
14 know the answer to that.

15 457 Q. Thank you. I'm now going to move on to questions that 14:56
16 Mr. Kane, who also represents Bereaved Family Core
17 Participants has asked to be posed. First of all, I
18 need to take you to paragraph 89, please, of your
19 statement, and paragraph 90.

20 A. Yeah. 14:57

21 458 Q. And the question asks you whether a reference you had
22 made to a mortar attack in Newry was a reference to the
23 mortar bomb attack on Corry Square RUC Station in Newry
24 on 21st July 1998 and your answer was:
25
26 "Yes, I was told by a confidential source that
27 Liam Campbell had been involved in that incident."
28

29 A. Yeah, I've got the date of the source. I've noted that

1 for myself, yeah.

2 459 Q. I'll ask you the two questions that are posed about
3 that attack. First of all, are you able to say when
4 you were first told by your confidential source that
5 Liam Campbell had been involved in that attack on 21st 14:57
6 July 1998?

7 A. When I was first told?

8 460 Q. When you were first told that he was involved?

9 A. I can't tell you. All I can tell you is the -- well,
10 this source might have mentioned this to me several 14:58
11 times but the date I have here is 09/06/08, so 9th of
12 2008, but whether that was the first time he mentioned
13 it or not, I don't know.

14 461 Q. So, it might have been the first time but he might have
15 mentioned it earlier? 14:58

16 A. It probably was the first time but I can't say for
17 certain.

18 462 Q. And were you told anything, I'm asked to ask, by a
19 confidential source about any involvement by Patrick
20 'Mooch' Blair in connection with any previous attack or 14:58
21 attacks and, in particular, were you told anything
22 about his involvement in the Newry or Banbridge?

23 A. Yeah, rings a bell is all I can say, it certainly rings
24 a bell. I just can't -- honestly I can't remember at
25 this distance what Blair was connected with other than, 14:59
26 as I say, I have a vague recollection of supplying
27 explosives or fertiliser or something, but honestly, I
28 can't, I can't remember.

29 463 Q. Then the final issue that Mr. Kane and his team wished

1 to be asked takes us to paragraph 121 of your witness
2 statement?

3 A. Yes.

4 464 Q. You say:

5

6 "I was told by a confidential source that by the time
7 of the Omagh bombing, Special Branch had assessed that
8 there were two dissident republican groups, the 'Mooch'
9 Blair faction and the Liam Campbell faction, albeit
10 they overlapped to an extent, and that Colm Murphy, the 15:00
11 Daly family, Campbell brothers and Sean Hoey were in
12 the frame."

13

14 And I'll read out the question that has been
15 formulated, if I need to read it out twice please tell 15:00
16 me. Did the source who informed you of the pre-Omagh
17 existence of two dissident republican groups, one under
18 'Mooch' Blair and the other under Liam Campbell
19 indicate, why 'Mooch' Blair was never arrested or
20 interviewed in connection with the Omagh bomb, 15:00
21 particularly in light of the phone call made by a 456
22 number associated with Blair to a 430 number associated
23 with Campbell at 1419 hrs on 15th August, the so-called
24 59-second call? Have you followed the question, it was
25 rather long and if I need to read it out, as I've said, 15:01
26 tell me again?

27 A. Go on, read it out again.

28 465 Q. So, what it's really probing, if I might be permitted
29 to paraphrase it, is Patrick 'Mooch' Blair was never

1 arrested are interviewed in connection with the Omagh
2 bomb; did any source, including the source who informed
3 you about the existence of these groups, ever throw any
4 light on --

5 A. why he wasn't arrested. 15:01

6 466 Q. Exactly.

7 A. well, I can't be specific, I mean not because I don't
8 want to be, I just can't as to whether -- there's
9 actually two sources in relation to this particular
10 paragraph. There was -- again, this is almost 15:01
11 worthless this, there was suspicion, talk in the way
12 that there often is in Northern Ireland around who and
13 who wasn't, you know, who were and weren't informers
14 and, you know, I haven't a clue whether -- there was
15 something around 'Mooch' Blair in that respect but I 15:02
16 don't remember what it was now and I've got nothing
17 really usefully to contribute to that.

18 467 Q. Thank you very much, indeed. I'm going to turn,
19 finally, to certain post-explosion events and this
20 ought not to take too long. 15:02

21

22 Now, first of all, in the period after the bombing did
23 you receive information - I'm at paragraph 97 - that in
24 the aftermath of the bombing, Seamus Daly was
25 conducting an urgent post-mortem into the bombing what 15:03
26 had gone wrong with the warnings?

27 A. Yeah.

28 468 Q. And was that information you were provided with by a
29 confidential source?

1 A. I think that was an assessment. I'm pretty sure,
2 because I mean they didn't actually have the verbal, I
3 don't think. I mean if you look at the cell site,
4 there's quite a lot of activity, isn't there? He
5 phones -- again, this is from memory. He's on his way 15:03
6 back, he phones his accountant for some reason, and
7 then the bomb goes off at what? Sort of five past
8 three, something like that, it's hitting the bulletins
9 easily by 4:00, you know. And he phones his brother,
10 doesn't he, I think he phones the family home anyway. 15:04
11 So, I mean that was an assessment of what was going on,
12 I think. I don't think there was any more to it than
13 that.

14 469 Q. Now next --

15 A. Yeah, I see, assessment, it was an RUC assessment, 15:04
16 which seems logical.

17 470 Q. Next, did you have a conversation with Eric Anderson at
18 any stage, Detective Chief Superintendent Anderson,
19 about the first time that he was given any name, and
20 bear in mind that the identity of the person who gave 15:04
21 him a name, if that happened is not something we will
22 deal with in open?

23 A. Yeah, this stands out a bit because, I mean, unless my
24 note-taking has taken a dive, this is what my note
25 says, for what it's worth. "16th June" again something 15:05
26 I found in the lunch interval.

27

28 "16th June 2008 EA said, 'I met FH...'"

29

1 That's Freddie Hall who then would have been head of
2 Special Branch.
3
4 "...in the evening [that's the Sunday evening], I'd
5 just returned from settling a row between the coroner 15:05
6 and the pathologist."
7
8 This is presumably over the Omagh dead.
9
10 "Freddie asked to see me. What he told me was my 15:05
11 starter for 10. I took it to the guards the next day
12 and they knew I was on to something. After that, they
13 agreed to share stuff with me. Freddie said, 'I don't
14 have anything much for you, I have just one name and
15 the name.' And the name he had was Daly." 15:06
16
17 He didn't even give me a first name. That's on 16th
18 June 2008.
19 471 Q. And that was referring back to a conversation on the
20 night of Sunday, 16th August 1998? 15:06
21 A. That's referring back to a conversation that Eric said
22 he had with Freddie Hall on Sunday, the 16th. And then
23 another note about that on the -- saying -- sorry, I'm
24 just looking for this.
25 472 Q. Of course, you take your time. 15:07
26 A. I think I've got it round the wrong way. Let's have a
27 look. Yeah. So, let's start again. The first note is
28 on 30th May 2008.
29

1 "He says he got the name Daly on the Sunday night and
2 he went to the guards with it, 'and the guards filled
3 me in.'"
4
5 And told them about the Daly family who I don't think 15:08
6 the RUC knew much about them, that's the impression I
7 had, they weren't on their radar.
8 473 Q. Thank you very much. Now, next, the question that I
9 said we would come to of when any GCHQ material found
10 its way to Special Branch? 15:08
11 A. Yeah.
12 474 Q. This starts at paragraph 101 of your statement. And we
13 can probably take this quite shortly, particularly
14 given the evidence you've given already?
15 A. Sorry, did you say -- 15:08
16 475 Q. 101?
17 A. Yeah.
18 476 Q. And on the one hand, one confidential source told you
19 that Special Branch had received relevant material from
20 GCHQ within a short period of time, is that correct? 15:08
21 A. Mm-hmm, yeah.
22 477 Q. But a different Special Branch source said that so far
23 as they were concerned, GCHQ source intelligence was
24 not received by Special Branch South until a number of
25 days later, on Tuesday 18th August? 15:09
26 A. That's right.
27 478 Q. And is it the position that you, from your position,
28 were unable to resolve that dispute between the two?
29 A. Yes, that's right. But, as I said earlier, I'm sorry,

1 I've jumped ahead because I wasn't clear you were
2 coming to this point later, but as I said earlier,
3 there is that reference to the source, the source I
4 reference by the way in paragraph 101. And I have a
5 lot of trust in this source, and that source is 15:09
6 entirely consistent, that it was hours that they got --
7 that the branch had received stuff from GCHQ within
8 hours, which was consistent with what Gibson -- well,
9 he doesn't use "hours" he refers to "promptly," but
10 anyway five or six hours is prompt. But that was -- 15:10
11 there then was a dispute about what constitutes the
12 material, was it, as it was put to me, the hot verbal,
13 as the phrase was used, meaning, I think, someone from
14 GCHQ picking up the phone to Special Branch South and
15 saying, 'well, we've just listened to this and you 15:10
16 should know this, that and the other, we'll send you
17 something in writing shortly.' You know, what the
18 status of it was, I can't say. But, essentially, you
19 have three versions: The material was given within
20 five to six hours; you've got, according to 15:11
21 Eric Anderson, Freddie Hall giving him the name of Daly
22 by Sunday night; but you've also got an insistence from
23 at least two members of the senior echelons of Special
24 Branch saying, 'no, no, no, we didn't get anything till
25 Tuesday, Wednesday, something of that sort.' So, that 15:11
26 was the conflict which, obviously, I couldn't resolve.
27 479 Q. And the information getting from GCHQ to Special Branch
28 is one thing, but there is now an investigation being
29 carried out by CID?

1 A. Yeah.

2 480 Q. And the information getting from Special Branch to the
3 investigators is the next stage of the process?

4 A. Yeah.

5 481 Q. Which needs to happen if the investigators are to get 15:12
6 the benefit of that information?

7 A. No stone unturned. No stone unturned. That's what
8 we've been told. I mean, the biggest stone that was
9 not turned was the revelation to the detectives that
10 the intelligence that they did pass on was based on 15:12
11 monitoring. And had they known that, they would have
12 clearly had some pretty solid clues to pursue because,
13 you know, telephones have registered owners. I mean,
14 you don't need to be Sherlock Holmes to work out how it
15 might have panned out. 15:12

16 482 Q. And the very focus --

17 A. I was going to say, I'm so sorry, particularly if, and
18 I emphasise, if it is the case that the Belfast branch
19 had the name Daly by Sunday night, had Hammie Houston
20 and his crowd had the fact that that had been acquired 15:13
21 through a telephone, I mean, I don't know how the
22 things worked in those days but you'd hope you could
23 pick up a phone to the guards and say, 'just hit Daly's
24 house can you, grab a phone and let's see what we can
25 get of it.' I mean, that all makes perfect sense to me 15:13
26 and I'm not a detective. But, for some reason, Sir
27 Peter Gibson said, 'no, no, no, it wouldn't have been
28 any help whatsoever,' which strikes me as daft.

29 483 Q. The focus, certainly the principal focus of your 2008

1 Panorama programme was that?

2 A. Was that, absolutely. But he chose to turn it into an
3 accusation, which it was. He turned it into an
4 accusation, which, by the way, I mean it didn't
5 particularly bother me it a created merry hell. The 15:14
6 night before his report, Downing Street rang the DG and
7 said something like, 'don't worry, this is not going to
8 be as bad as the Andrew Gilligan stuff," which was, if
9 you remember, probably people don't remember, this was
10 the Iraq War Campbell-BBC row. 15:14

11 484 Q. Yes, I do remember?

12 A. Where there was hell to pay. 'But it's pretty
13 serious,' to which the DG than rang me and said,
14 'what's all this about, John?' I said, 'I don't know.'
15 Anyway, I explained to Mark Thompson what had happened, 15:14
16 he was extremely supportive. They took it -- but it
17 was cranked into -- it felt to me like a distraction
18 really.

19 485 Q. Can I just ask you just so this can be followed on the
20 transcript? 15:15

21 A. Just reliving the exasperation that gets to me, but go
22 ahead.

23 486 Q. So, when you talk of the DG, are you talking of the
24 Director General of the BBC?

25 A. Yeah, yeah, not MI5. 15:15

26 487 Q. Well, that's what I thought. You have a significant
27 degree of dissatisfaction with the open report of Sir
28 Peter Gibson and also, I think, with the way in which
29 you felt you were treated by him when you were

1 interviewed?

2 A. I just thought it was, I'm not going to say dishonest,
3 but I thought it was a disingenuous report. I'm not
4 arguing with all of the facts and his factual findings,
5 but I do quarrel with some of his interpretation. And 15:15
6 the idea that, as he said, he was asked, I think, and
7 he said this in questioning at NIAC, the Northern
8 Ireland Affairs Committee, would the material have been
9 of any value? And he said something like -- he was
10 quite unequivocal. There was no ambiguity, it was, 'I 15:16
11 can state...' you know, it would have been no help
12 whatsoever. I may have got the words wrong, but,
13 honestly, if you look at the record, it's absolutely
14 unequivocal, it would have been no help at all. Well,
15 I don't understand that. Nuala O'Loan didn't agree 15:16
16 with that, Norman Baxter didn't agree with that.
17 Michael Maguire, the subsequent Police Ombudsman,
18 didn't agree with that. Norman observed, rather
19 pithily, well, Sir Peter wasn't a member of the
20 Criminal Bar. 15:17

21 488 Q. I'm just, not to cut you off at all --

22 A. But I was going to say, sorry, the thing that cranked
23 me and certainly the BBC very deeply was the focus on,
24 it was, you know, you -- it was a kind of 'how very
25 dare you, this is not a field you journalists should be 15:17
26 playing around in,' that was the tenor of it. Did I
27 mention this earlier, I can't remember, but Ray White
28 who appeared in the programme rang me after he had been
29 interviewed by Sir Peter Gibson and said I've just been

1 made to feel like an errant school boy. I don't know
2 what Ray was then 50, 60-something ex-head of Special
3 Branch.

4 489 Q. It's obviously important that you should have an
5 opportunity to express your view about the Gibson
6 process, don't apologise because you obviously feel
7 strongly about it.

15:18

8
9 I'm going to move on just to deal with one final
10 evidential topic, before which I pose the question that 15:18
11 HMG wish you to be asked. This is paragraph 112 of
12 your witness statement. It's a very short point, and
13 it's really just to ask you to confirm it. It's your
14 answer to what was question 30. Question 30 was in
15 these terms. Sir Ronnie Flanagan, you said, told the 15:18
16 BBC, and this is in a Q&A that was on the BBC website,
17 INQ 035825. Sir Ronnie Flanagan RUC Chief Constable at
18 the time of the Omagh bombing told the BBC he knew
19 nothing about the GCHQ intercepts. Now, Her Majesty
20 (as she was then), Chief Inspector of Constabulary, he 15:19
21 says he has always been a supporter of lifting the ban.
22 You were asked when Sir Ronnie had stated this and is
23 it the position that he had said this to you at lunch
24 on 19th May 2008?

25 A. Yes.

15:19

26 490 Q. And that he indicated that he had never heard,
27 presumably at and nearer the time, that GCHQ had been
28 monitoring the mobiles on the 15th?

29 A. That's what Ronnie said to me, yeah. That's what my

1 note reflects anyway.

2 491 Q. Let me get, finally, then to the question that HMG
3 wanted you to be asked. As I said, I was trying to
4 capture the thrust of it in a non-adversarial way. The
5 question as posed is in these terms: 15:20
6

7 "It is clear from your evidence today that you took
8 detailed and extensive notes at the time of these
9 events which are likely to contain relevant
10 information. You have read some extracts from those 15:20
11 notes from the witness box today, have you shown all
12 your notes to the Inquiry whether in full or in an
13 anonymised redacted form?"

14 A. Well, I don't know why they're asking me that, they can
15 ask you that. I'm sorry. 15:20

16 CHAIRMAN: That's quite a simple answer, isn't it,
17 Mr. Ware? Quite a simple answer to the question.

18 THE WITNESS: Yes, okay. Well, the answer is I have
19 not shown the notes to you, no.

20 492 Q. MR. GREANEY: And have we asked to read them. 15:20
21 A. No.

22 MR. GREANEY: Thank you very much indeed. There is,
23 Sir, a form of words that HMG wish to read out similar
24 to a form of words that was read out the other day.
25 And we will invite that form of words to be read out 15:21
26 now and you're entitled to hear these as well,
27 Mr. Ware. Would you just remain where you are, just
28 for the time being, and then we'll take a break.
29

1 MS. FEE: Thank you Mr. Chairman.

2
3 SUBMISSION BY MS. FEE:
4

5 MS. FEE: HMG fully supports the Inquiry's pursuit of a 15:21
6 full and fearless investigation into the Omagh bombing
7 and appreciates that in the circumstances it is right
8 for the Inquiry to hear from Mr. Ware during Chapter 3.
9 Core Participants should note, however, that in
10 relation to the evidence from Mr. Ware that will be 15:21
11 heard in Chapter 3, as with all other evidence heard in
12 open, HMG is bound by national security sensitivities
13 and legislative constraints under Section 56 of the
14 Investigatory Powers Act 2016 which impose a statutory
15 prohibition on the disclosure in open in public 15:22
16 inquiries of information where its origin may be
17 inferred to be from the content of intercepted material
18 or where it tends to suggest that any
19 interception-related activity has occurred or may be
20 going to occur. As such, HMG will be unable to comment 15:22
21 in open on any of the specific factual points that may
22 be raised by Mr. Ware which fall within that statutory
23 restriction.

24
25 HMG will, however, pay close attention to Mr. Ware's 15:22
26 evidence and the questions posed by the Inquiry.
27 Should any matter arise that requires a detailed
28 response, HMG stands ready to engage fully with the
29 Inquiry Legal Team and provide such a response in the

1 appropriate closed hearing, thereby ensuring that the
2 Chairman is fully apprised of all material of
3 relevance.

4
5 Core Participants should note that the absence of 15:23
6 questioning or comment in the open session must not be
7 construed as an acceptance, endorsement or acquiescence
8 by HMG of the content of Mr. Ware's evidence.

9
10 In terms of Mr. Ware's evidence, HMG would simply offer 15:23
11 the view that technical intelligence, in particular the
12 signals intelligence process, is and was at the time a
13 deeply complex process. Any attempt to offer a
14 simplified explanation of what was or was not done or
15 what was or was not possible at the time is likely to 15:23
16 reach oversimplified conclusions.

17
18 For informed conclusions to be drawn, such processes
19 require detailed scrutiny of the end-to-end process.
20 Such scrutiny will happen in closed proceedings, if 15:23
21 necessary, and with the full support of GCHQ and HMG.

22
23 In summary, while HMG recognises the significance OF
24 Mr. Ware's contribution to the Inquiry, statutory and
25 security constraints preclude any substantive comments 15:24
26 on specific points raised in his evidence at this
27 stage. HMG will, nevertheless, engage comprehensively
28 in the subsequent closed sessions to ensure that the
29 Chairman receives a complete and accurate picture of

1 all matters under investigation. Thank you
2 Mr. Chairman
3 CHAIRMAN: Thank you, Ms. Fee.
4 MR. GREANEY: Sir, I ought to have checked if you had
5 any questions for Mr. Ware. 15:24
6 CHAIRMAN: No, I'm very grateful for your assistance in
7 taking us through the evidence so comprehensively.
8 MR. GREANEY: Sir, the next witness will be retired
9 Detective Chief Superintendent Brian McVicker. There
10 is a Restriction Order in place in relation to his 15:24
11 evidence. It means the following; first of all we will
12 need to take a slightly longer break than usual, namely
13 20 minutes. Secondly, we will need to clear the
14 hearing room. Thirdly, only those listed in the
15 Restriction Order will be allowed to be present during 15:25
16 Mr. McVicker's evidence. And, Sir, we would invite
17 everyone to return promptly at shortly after 3:45 and
18 everyone will be checked in, I'm told on their return
19 to the hearing room.
20 CHAIRMAN: well, Mr. Ware, thank you very much for your 15:25
21 evidence. I'm sure we'll find it most helpful.
22 THE WITNESS: Good. Can I just ask, I think the BBC,
23 not that I work for them anymore, I'm sure they'd like
24 to have a copy of that statement from the Government,
25 certainly I would. It feels a little ominous, unless 15:25
26 I'm misreading it.
27 MR. GREANEY: As indicated earlier, there is a live
28 transcript being made of your evidence and that will be
29 available, I'm not quite sure when, but quickly, this

1 evening, and there will be, on the website, a
2 transcript of that available.

3 THE WITNESS: Good, good, thank you.

4 MR. GREANEY: Thank you very much, Mr. Ware.

5 CHAIRMAN: What time would you suggest that we
6 reconvene.

7 MR. GREANEY: If we could return shortly after a
8 quarter to.

9
10 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

11
12
13 CHAIRMAN: Mr. de la Poer.

14 MR. DE LA POER: Sir, thank you, before we begin can I
15 just indicate we have with us former Detective Chief
16 Superintendent Brian McVicker. We have kept
17 Mr. McVicker waiting today, contrary to the slot that
18 we'd hoped he would begin at, he has very kindly
19 indicated his willingness return tomorrow afternoon.
20 And so his evidence will be in two parts, running about
21 till 4:30 now and then resuming at two o'clock
22 tomorrow, or as close to, as we can achieve. But I did
23 want to just say that we're extremely grateful to
24 Mr. McVicker for his patience with us and his
25 flexibility.

26 CHAIRMAN: Yes, thank you, Mr. McVicker. We're sorry
27 to have inconvenienced you in the way that we have, the
28 timetable has rather run away from us a little bit
29 today and I'm grateful to you for your cooperation.

1 THE WITNESS: Thank you.

2 MR. DE LA POER: Having made those remarks can I please

3 invite Mr. McVicker to be sworn.

4

5 MR. BRIAN McVICKER, HAVING BEEN SWORN, WAS QUESTIONED 15:50

6 BY MR. DE LA POER AS FOLLOWS:

7

8 493 Q. MR. DE LA POER: Can we begin please with your full

9 name?

10 A. John Brian McVicker. 15:50

11 494 Q. And, Mr. McVicker, so that everybody knows where we are

12 going with your evidence, you are the author of a

13 document commonly referred to as the McVicker Review

14 or the McVicker Report which was an investigation or

15 review into what further steps might be taken within 15:50

16 the Omagh bombing investigation, is that right?

17 A. That's correct.

18 495 Q. And that was a piece of work that you undertook over a

19 period of some months starting in around late March

20 2000 and finishing towards the back end of that same 15:50

21 year?

22 A. That's correct, it ended in November of that year.

23 496 Q. So, before we come to that, let's just start with how

24 it was that you came to be invited to conduct that

25 review. I'm looking here at page 3 of your statement 15:51

26 and AT paragraph 8, and we're just going to pick out

27 some your career highlights. If I can just ask you

28 just to turn that up.

29 A. Yes.

1 497 Q. So, did you join the RUC in October of 1970?
2 A. That's correct, yes.

3 498 Q. And within four years, so in 1974, did you join the
4 Criminal Investigation Department known as CID?
5 A. That's correct, yes. 15:51

6 499 Q. A year later, 1975, were you promoted to Detective
7 Sergeant?
8 A. Yes. I was, yes.

9 500 Q. Did you then serve a period of approximately seven
10 years in B Division? 15:51
11 A. I did, yes.

12 501 Q. And come 1980, were you being promoted to Detective
13 Inspector?
14 A. I was, yes.

15 502 Q. Within B Division, you tell us that that being West 15:52
16 Belfast there was an extremely high percentage of
17 terrorist activity, and that during your seven years
18 there you lost several colleagues from terrorist
19 attacks and had numerous threats on your life?
20 A. That is correct, yes. 15:52

21 503 Q. And you go on to say, at your paragraph 10, that you
22 estimate that you were involved in over 400
23 terrorist-related murders at that time, or that those
24 were taking place whilst you were in B Division?
25 A. That's correct, yes. 15:52

26 504 Q. In July 1982, did you transfer within CID to the
27 Londonderry N Division?
28 A. I did, yes.

29 505 Q. And at that stage were you taking charge of a number of

1 May juror crime investigations?

2 A. I did, yes.

3 506 Q. Three years later, were you promoted to Detective Chief
4 Inspector?

5 A. I was, yes. 15:53

6 507 Q. And did that lead to a period of time as a staff
7 officer to the regional head of CID?

8 A. In Belfast, that's correct, yes.

9 508 Q. Back to B Division, six months later, resuming your
10 heading up of investigations of serious offences? 15:53

11 A. That's correct, yes.

12 509 Q. Then, if we just move forward, promoted in 1990 to
13 Detective Superintendent, head of CID in N Division and
14 L Division?

15 A. That's correct, yeah. 15:53

16 510 Q. August '97 were you promoted to Detective Chief
17 Superintendent and transferred to Belfast HQ?

18 A. I was, yes.

19 511 Q. And did you, ultimately, retire from the PSNI (as it
20 was then) in April 2002? 15:54

21 A. Yeah. Prior to that I had transferred back to North
22 Region around about June, July 2001 and after that
23 there I retired from the North Region.

24 512 Q. Did that take you back into Investigations?

25 A. Yes. 15:54

26 513 Q. And what you describe here is that you had at the time
27 of your retirement 28 years of unbroken service in CID?

28 A. That's correct, yes.

29 514 Q. So, just deal now, please, with the setting up of the

1 review. And you tell us that the person who approached
2 you was Detective Chief Superintendent Eric Anderson?

3 A. That's correct, yeah.

4 515 Q. Now, presumably, he was somebody who you knew at that
5 time? 15:54

6 A. Yeah, I knew Eric well, he had been my boss for a
7 number of years previously.

8 516 Q. And were you aware that at that time he held the role
9 of Task Force Commander in relation to the Omagh
10 bombing investigation? 15:55

11 A. Yes, I was, yes.

12 517 Q. And before he approached you, was that a role that you
13 had discussed with him in any detail or was it just
14 something that you knew was part of his duties?

15 A. Well, I was aware that there was talk of a review being 15:55
16 done of the bombing and that would have been in late
17 '99, but I don't recall being approached until about
18 the beginning of 2000.

19 518 Q. And, initially, was that something that you were eager
20 to become involved in or did you think it was something 15:55
21 that, perhaps, should go to another officer?

22 A. I was apprehensive because I had never done a review at
23 all. But Eric, he assured me that I would get the
24 necessary resources to do it.

25 519 Q. And on the subject of resources you identify, at 15:55
26 paragraph 20, those who were sporting you in your
27 review, were those people all that you had selected
28 yourself?

29 A. Not them all, but most of them, the majority of them,

1 yes.

2 520 Q. So, we can see very a senior officer, Detective
3 Superintendent Russell was one of those?

4 A. Yeah, he would have been appointed by ACC Crime,
5 Raymond White. 15:56

6 521 Q. Do we see that there were also a number of others
7 including a Detective Chief Inspector, several
8 Detective Sergeants, Detective Constables and members
9 of uniform policing?

10 A. Yeah. The majority of those I was involved in the 15:56
11 selection of them, except for the last one, Constable
12 Terry Wigman, of Newry South Region. I didn't know
13 Terry at all but he was appointed by Mr. Anderson.

14 522 Q. As you selected these officers and as they joined your
15 team, did you have in mind the importance that they 15:56
16 needed to have a broad range of skills between them to
17 support you in your work?

18 A. Yes, yes. I was mindful that we needed people who had
19 experience and expertise in the HOLMES database.

20 523 Q. In terms of your approach, clearly it was envisaged 15:57
21 that at the end of the process you would prepare a
22 report, is that right?

23 A. That's correct, yes.

24 524 Q. But did you also say that if you came across issues
25 requiring urgent attention, you would raise them with 15:57
26 Assistant Chief Constable Ray White?

27 A. That's correct, yes.

28 525 Q. And was that with a view to addressing issues that
29 needed urgent attention as you went?

1 A. Yes, that's correct.

2 526 Q. We don't need to go into the details of this but did
3 you find yourself doing that on a number of occasions?

4 A. I did, on quite a few occasions, yes.

5 527 Q. Now, in terms of your first steps, I'm here looking at 15:57
6 paragraph 24, did you decide that you were going to
7 read all statements, messages and actions?

8 A. That's correct, yes.

9 528 Q. And we just need to understand a little bit more about
10 what those are. Those are terms with specific meanings 15:58
11 within the way that HOLMES operates, is that right?

12 A. Yes, that's correct.

13 529 Q. So, a statement is perhaps self-evident?

14 A. Statements are all witnesses. So, the messages that
15 messages that comes in, in various ways. And the 15:58
16 actions were raised from statements and messages.

17 530 Q. And having decided that that's how you were going to
18 approach it, did you find that you were able to read
19 all of the statements, messages and actions?

20 A. I did, yes. 15:58

21 531 Q. Now, were Terms of Reference set for your review? Here
22 I'm considering paragraphs 29 and following?

23 A. Yes, they were.

24 532 Q. So, let's just consider the Terms of Reference; was
25 there an initial set which was subsequently added to? 15:59
26 A. Yes, there was.

27 533 Q. So, I'll just read out the initial set first, if I may,
28 please, Mr. McVicker.
29

1 "1. To identify further investigative leads and/or
2 intelligence development opportunities in supporting
3 the Inquiry."
4
5 Is that correct? 15:59
6 A. Yes, that's correct.
7 534 Q. "2. To ensure the investigation is being undertaken in
8 compliance with RUC instructions and has been conducted
9 with integrity and objectivity."
10 15:59
11 Is that correct?
12 A. That's correct, yes.
13 535 Q. "3. To identify good practices"?
14 A. That's correct.
15 536 Q. "4. To identify issues requiring remedial actions 15:59
16 regional/force level."
17 A. That's correct, yes.
18 537 Q. Now, what you tell us is that on 24th March 2000, a
19 presentation by the SIO occurred?
20 A. That's correct, yes. 16:00
21 538 Q. Now, at that stage is that one of the last acts of
22 Detective Chief Superintendent Hamilton Houston, so was
23 he the SIO at that time?
24 A. Yes, he was the SIO at the beginning of the review. He
25 retired, I think it was June. 16:00
26 539 Q. I think the date you gave in your statement is July but
27 its sometime around the summer.
28 A. June, July, yes.
29 540 Q. Just whilst we're on that, was his retirement

1 something, as you understood it, that had been
2 preplanned as part of the end of his service, or was it
3 related to the fact that a review was taking place, or
4 for some other reason?

5 A. No, I think he was at the end -- he was at the age 16:00
6 limit of service. I could be wrong on that, but that's
7 my memory of it.

8 541 Q. So, at all events, before that retirement occurs, 24th
9 March 2000, you tell us a presentation was taking place
10 and was that presentation for your benefit? 16:00

11 A. Yes, it was, yes. It was -- I had a number -- I think
12 I had quite a few of the Review Team with me at that
13 presentation.

14 542 Q. But, was it the senior investigating officer telling
15 the reviewers what he thought they needed to know from 16:01
16 the outset to help guide their review?

17 A. Yeah, and me telling him what I required to do my
18 review, you know.

19 543 Q. So, a two-way street?

20 A. Yeah. 16:01

21 544 Q. Now, you say in your statement that in the course of
22 this presentation, two additional areas were
23 identified --

24 A. That's correct.

25 545 Q. -- included in the Terms of Reference. Just help us to 16:01
26 understand how that came about; was this something
27 coming from you and your team?

28 A. No, it came from the SIO and the Deputy SIO, they had
29 concerns about the role of the Task Force Commander in

1 that it overlapped with the role of the SIO and they
2 were concerned about the effectiveness of the liaison
3 with the AGS.

4 546 Q. Let's just take those in turn. You're here at a
5 meeting with the SIO and the Deputy SIO, Superintendent 16:02
6 Brian McArthur?

7 A. Yes.

8 547 Q. And in the course of that meeting, which you've
9 described as a two-way street, they raise that they
10 want additional things for you to investigate? 16:02

11 A. Yes, that's correct.

12 548 Q. Now, was Detective Chief Superintendent Anderson
13 present at this meeting?

14 A. No, I don't think he was. I can't really remember but
15 I'm certain that he wasn't. 16:02

16 549 Q. But, nevertheless, the two officers who were present
17 said they thought you ought to be considering how that
18 role of Task Force Commander interacted with the role
19 of the SIO?

20 A. That's correct, yes. 16:02

21 550 Q. And was the implication that that might have caused
22 problems within the investigation?

23 A. I think it was, yeah, at that stage, yes.

24 551 Q. And at that stage did they leave it at that in terms of
25 please look at the role of Task Force Commander or did 16:03
26 they give you an indication of what concerns they might
27 be suggesting you should be investigating?

28 A. No, I think the SIO may have talked about blurring of
29 the edges of the Task Force Commander and the SIO.

1 They did express concern about their liaison with the
2 Garda.

3 552 Q. That was the next one and, perhaps, for our the more
4 significant?

5 A. Yeah. 16:03

6 553 Q. So, you're being told by the SIO and the Deputy SIO
7 that they want you to look at how well the Omagh
8 bombing investigation by RUC has been liaising with the
9 AGS, and vice versa?

10 A. Yes, that's correct. 16:03

11 554 Q. And, again, just to help us understand, was it being
12 suggested to you that that relationship was not a good
13 one?

14 A. I wouldn't use those words but I think they told me
15 that there was tension, you know, between themselves 16:04
16 and the command in AGS.

17 555 Q. At all events, did you agree that those were two
18 matters that you would add to your Terms of Reference,
19 or did that require sign-off at a senior level?

20 A. I think I spoke to the Assistant Chief Constable and he 16:04
21 agreed, and that was it, you know.

22 556 Q. I'm sorry, to the Assistant Chief Constable, is that
23 Ray white?

24 A. Yeah.

25 557 Q. And he approved the addition of those two? 16:04

26 A. He did, yes.

27 558 Q. That's all on 24th March 2000 and you tell us at your
28 paragraph 29, just above that, that the review
29 commenced on 27th March 2000?

1 A. That's correct, yes.

2 559 Q. And you make it clear it was not a reinvestigation into
3 the bombing?

4 A. No, that's correct.

5 560 Q. But it was focused upon improving the outcome of the 16:05
6 investigation with a view to bringing the perpetrators
7 to justice?

8 A. That's correct, yeah.

9 561 Q. So, what I'd like do now is to bring up on the screen a
10 document which is a log, it will be one that you're 16:05
11 very familiar with, Mr. McVicker, I've no doubt. It's
12 INQ 048954 and we can start at page 1, please. That'll
13 just come up on the screen in front of you there. If
14 we can please just crop into "Decision/Direction 1."
15 we'll make that larger for you. So the document 16:05
16 Mr. McVicker is labelled "Decision/Direction," is it
17 very much what it says on the tin, so to speak, that
18 what we have here is a sequential record of the
19 decisions or directions that you gave in the course of
20 your review? 16:06

21 A. Yeah, but not all decisions but the important
22 decisions, yes.

23 562 Q. Well, that was what I was going to ask about; who
24 decided whether something went into this log or not?

25 A. I did. 16:06

26 563 Q. And was it your personal working log or did you share
27 it with your team for them to see it?

28 A. My office manager who was Detective Constable Nicholl,
29 she compiled -- I gave her the instructions and she

1 compiled the document.

2 564 Q. As you've just told us, the review commences on 27th
3 March. Your first decision just a few days later, 4th
4 April, and I'll just read it out:

5 16:06

6 "Responding to an earlier invitation, officers from the
7 Central Area Review Team, London Metropolitan Police
8 attended with the Review Team for three days (3rd April
9 - 4th May) during their time here the officers..." and
10 the number are named, "offered advice on the Review 16:07
11 Team on methodology of reviews (separate notes
12 recorded). They also gave a presentation to the
13 members of C Department within the force and that was
14 held at Newforge on Monday, 3rd April 2000."

15 16:07

16 A. Yeah, that's correct. I think the days there is wrong,
17 it was 03/04 to 04/05, that's over a month. I think
18 that's totally incorrect.

19 565 Q. Might it be the 03/04 and 04/04?

20 A. Yeah. 16:07

21 566 Q. But in all events, what we can see is that at a very
22 early stage of your review you received a presentation
23 from officers from the Met; whose idea was that?

24 A. Well, I had visited the London Met, I think it was
25 probably January, or it might even have been late 16:07
26 December, and shadowed Detective Chief Superintendent
27 Webb while he was doing the review of Jill Dando, she
28 had been shot dead, I think, in April of that previous
29 year. And I spent three days with him. And it was

1 during that time that I'd asked him to come over and
2 talk to the rest of the team.
3
4 As I said to you before, the RUC had never done a
5 review before and very few of us had any idea what to 16:08
6 do.
7 567 Q. Now, your visit earlier that year to London, had that
8 been because you were asked do the review or was that
9 entirely separate?
10 A. No, it was because I had been told I was going do a 16:08
11 review. I had little experience of it and enquiries
12 were made and I spoke to Mr. Webb and he agreed for me
13 to go over with him to work with him.
14 568 Q. So, you go to see him and then once your view gets up
15 and running, they come to give a presentation to you 16:08
16 and your officers?
17 A. That's correct, yes.
18 569 Q. We don't need to go into the detail, but did you find
19 the input from the Met officers helpful to you in terms
20 of how you should go about your important work? 16:09
21 A. Oh, extremely helpful, yes.
22 570 Q. What we are going to do now is just pick out some of
23 the decisions you made, Mr. McVicker. We will not be
24 exhaustive about this and if others want to ask you
25 about other decisions then we'll have an opportunity to 16:09
26 do so but let's just work through. If we go to page 3,
27 please, and just take these in the order that they
28 appear and then we'll come back to the detail of some
29 in due course.

1 So, if we bring you up please 7 and 8 towards the top.

2 A. Yes, that's correct.

3 571 Q. So, we're three days on from the presentation from the

4 Met.

5 A. Mm-hmm. 16:09

6 572 Q. And:

7

8 "The SIO informed that 600 receivers documents were

9 missing unaccounted for along with 'marked up'

10 documents from the original investigation." 16:09

11

12 And then I'll just read the next one which is dated

13 three days later:

14

15 "Decision to inform Assistant Chief Constable Crime 16:10

16 that marked up documents in the Omagh investigation

17 been destroyed seeking force instruction was directing

18 that these documents should not be destroyed without

19 prior direction. This report also highlighted that 600

20 receiver documents were also missing/unaccounted for 16:10

21 from the original investigation. This was forwarded in

22 a report dated 10/04/2000."

23

24 So, what I'd like your help with at the moment, we are

25 going to come back to missing documents, but just help 16:10

26 us what receivers documents are and that I think

27 there's a reference to a role within HOLMES, is that

28 right?

29 A. Yeah, that's correct. Yes. Detective Sergeant Grant

1 from the HOLMES Belfast region, he was on my team and
2 he discovered approximately 600 of the marked up
3 statements, that's statements that has been read and
4 actions have been identified, and that's why they're
5 called marked up statements, action 1, 2, 3, 4, 5, et 16:11
6 cetera, you know. He said there was missing from the
7 database marked up documents were all -- the typed
8 copies of the original documents were identified and
9 all actions that were required to be raised and what
10 the index should include in the HOLMES database. These 16:11
11 documents are disclosable in any subsequent criminal
12 charge against any accused.

13 573 Q. So, was your conclusion that they had been destroyed,
14 as appears to be suggested, or is that something
15 different that you are talking about in that entry 8? 16:11

16 A. No, sorry I'm at paragraph 33.

17 574 Q. I understand. If I could just invite your attention to
18 what I read out?

19 A. No, that's the same paragraph, 33, that's the same.

20 575 Q. And so, these are important documents in an 16:11
21 investigation from a disclosure to an accused point of
22 view?

23 A. Very important.

24 576 Q. Are they important from the point of view of driving
25 the investigation forward? 16:12

26 A. Yes, yes. They're very important, probably the most
27 important documents in the entire database.

28 577 Q. Did you get to the bottom of how it was that they went
29 missing and/or were destroyed?

1 A. I don't think I did. I can't recall, but I discovered
2 that North Region, they did different things from South
3 Region, so they did, or from Belfast and those two
4 regions didn't destroy the documents, you know. They
5 felt, in the North Region, that they had a right, you 16:12
6 know, they felt there was no harm. I think they were
7 wrong on that, but that was it.

8 578 Q. So, the destroyed documents were within the North
9 Region?

10 A. All in the North Region. 16:12

11 579 Q. All in the North Region?

12 A. Yeah.

13 580 Q. So, let's move forward. As I say, we'll come back to
14 some of the detail in due course. But if we go to page
15 4 and Decision 15, please. 16:13

16 A. Yes, that's correct, yes.

17 581 Q. We can see here - and we'll remember that there is, and
18 I'm sure I don't need to remind you of this but there
19 is a cipher applied to the Detective Inspector there,
20 we're calling that person Officer 15 - that person, 16:13
21 Officer 15, informed, presumably you, that all faxed
22 copies of correspondence to An Garda Síochána during
23 the Inquiry had been misplaced or destroyed. Because
24 of this, it is impossible to pursue traffic between the
25 two forces on this issue? 16:13

26 A. That's correct, yes.

27 582 Q. Again, we'll come back liaison with AGS in due course,
28 but the fact that these faxed copies had been
29 destroyed, did that mean that there was no record or

1 that there was some record but just the copies were no
2 longer available?

3 A. I can't remember. No, I think the faxes were all
4 destroyed and that was it, there was no record of them.

5 583 Q. Did you come across any system for preserving or
6 cataloguing or indexing those requests? 16:14

7 A. I can't recall that.

8 584 Q. well, as I say, we'll come back to your report and what
9 you say about AGS in due course. Let's move on to
10 page 7 please and Decision 31. So, we're now at 15th 16:14
11 of May, so your review has been going a little over six
12 weeks.

13

14 "In the course of meeting with ACC Crime..."

15

16:14

16 Is that Ray white?

17 A. Yes, that's correct.

18 585 Q. You and Detective Superintendent Russell "briefed the
19 ACC on certain weaknesses found in the investigation
20 and HOLMES account."

16:15

21

22 Is this an example of you raising something as matter
23 of urgency rather than leaving it to the end for your
24 report?

25 A. That's correct, yeah.

16:15

26 586 Q. "ACC Crime directed nothing to go to the investigation
27 team for action until the end of the review other than
28 matters relating to police, Army and/or forensic
29 personnel; to agree a structured approach to

1 reinvigorator of the investigation; Detective
2 Inspector O'Sullivan to appoint four trained HOLMES
3 officer research location to work from, their objective
4 is to deal with the findings of the Review Team to date
5 reference HOLMES issues; Detective Sergeant Grant to 16:15
6 submit findings to Detective Inspector O'Sullivan;
7 Chief Constable updated on weaknesses found within the
8 investigation agreed."

9
10 A. That's correct. 16:15

11 587 Q. Let's just unpick this just a little bit. We're going
12 to come to HOLMES tomorrow. But did you discover a
13 very significant issue with the way that HOLMES was
14 being operated in the Omagh bombing investigation?

15 A. Yeah, well the North Region HOLMES Unit, there was a 16:16
16 lot of under-indexing, they didn't index things that
17 they should have indexed. There was a lot of that, so
18 there was. And it was Grant, again, that brought it to
19 my attention.

20 588 Q. Now, just in terms of what's happening here, do we 16:16
21 understand from the second paragraph that you were told
22 that although you'd raised it as matter of urgency, the
23 remedial action to fix it would wait until your review
24 was complete and a new team would come in to help with
25 that? 16:16

26 A. That's correct, yeah.

27 589 Q. So, if we please move forward to Decision 34, which is
28 on page 9. So, here, I think, this is another entry
29 relating to concerns that you had identified about

1 HOLMES:
2
3 "Review Team brought to attention of DCS McVicker that
4 an internal review by Detective Inspector Greene of
5 11th November 1999 reported to the SIO that 1,250 16:17
6 documents in the HOLMES database had no accompanying
7 receivers documents. DCS McVicker to speak to DS King
8 and DC Officer 9 regarding this matter."
9
10 A. Yes, King and [REDACTED] were members of the HOLMES unit. 16:17
11 590 Q. Would you just bear with me for a moment. [Short
12 pause]. Don't worry, there's nothing for you to worry
13 about, but there are certain ciphers that we're
14 applying here. Just looking at the screen, I'm going
15 to direct your attention, please, to the first 16:17
16 paragraph. Are we to understand that an earlier report
17 in relation to the use of HOLMES, one in 11th November
18 1999, had identified a problem with the way that HOLMES
19 was being used?
20 A. Yes. 16:18
21 591 Q. Had that report been drawn to your attention before you
22 had begun or was it something that you discovered along
23 the way of your review?
24 A. Oh, it was discovered along the way of my review.
25 592 Q. Had you identified whether any action had been taken as 16:18
26 a result of that review before you came across it in
27 your work?
28 A. No, I hadn't, no.
29 593 Q. Page 9 still, please, we're going to look at the next

1 entry. So, this is 25th May 2000:
2
3 "In the course of reviewing intelligence, 10 arrested
4 persons are to be thoroughly researched within the
5 arrest procedure." 16:18
6
7 We can see a number of names there. In particular, if
8 I direct your attention towards the bottom, we see a
9 name that was mentioned by a witness this morning,
10 "Noel 'Onions' McMahon"? 16:19
11 A. Yes.
12 594 Q. Now, again just to understand this, we've headings
13 "RUC" and "AGS." Are the people whose names who appear
14 below RUC suspects who are being managed within
15 Northern Ireland, and those beneath AGS those who are 16:19
16 being managed in the Republic of Ireland?
17 A. That's correct, yes.
18 595 Q. So, we can see there, what is said that:
19
20 "10 arrested persons are to be thoroughly researched 16:19
21 within the arrest procedure."
22
23 Again, just to help us understand that, are you there
24 requiring your team to carry out a detailed piece of
25 work in relation to 10 individuals? 16:19
26 A. Yes, research their history.
27 596 Q. And how had you come up with that list of 10 names, can
28 you now recall?
29 A. I can't, but it most likely was when I was going

1 through the intelligence system.

2 597 Q. And they were names that stood out to you as requiring
3 detailed pieces of work?

4 A. Yes, yes, that's correct.

5 598 Q. If we then go to page 38 -- sorry, my mistake, page 9, 16:20
6 Decision 38.

7 A. Yeah.

8 599 Q. We can see here that you and Detective Superintendent
9 Russell in Omagh reviewing original documents
10 discovered that the new SIO, so here we are seeing that 16:20
11 it's Detective Superintendent McArthur, you were
12 correct and I was wrong but June was the date. Let's
13 go over the page, please.

14

15 "...was setting up a new team to carry out enquiries in 16:20
16 relation to the findings of the review. This is
17 contrary to the direction of the Chief Constable and
18 ACC Crime."

19

20 And he was informed of that. 16:20

21 A. That's correct.

22 600 Q. So, having taken over the SIO role, was it your
23 understanding that a number of officers were being
24 tasked with being ready for your review so as to action
25 it? 16:21

26 A. Sorry, give me that again?

27 601 Q. Was it your understanding that officers were being
28 tasked by the new SIO to be ready to respond to your
29 review?

1 A. Yes.

2 602 Q. He was setting up a new team to carry out enquiries?

3 A. Yes, that's correct.

4 603 Q. It wasn't appropriate, it would seem, at that stage for
5 that to happen? 16:21

6 A. No, ACC White had issued a direction that he didn't
7 want to start anything until the review was completed.

8 604 Q. If we just go to the next entry, which is 39.

9

10 "Informed Chief Constable of SIO's intention to 16:21
11 commence general enquiries in Omagh. He, Chief
12 Constable, stated that his original direction would be
13 obeyed. The Chief Constable further stated that no
14 member of the Review Team would be leaving until the
15 review was completed." 16:22

16

17 The second part, perhaps --

18 A. Well, those are two separate issues there.

19 605 Q. Absolutely. The second part speaks for itself.

20 A. Yea. 16:22

21 606 Q. But it's the first part that I want to ask you about.
22 Just help us to understand what was going on there.

23

24 "The Chief Constable of SIO's intention to commence
25 general enquiries in Omagh." 16:22

26

27 A. Well, like ACC White he didn't want anything done until
28 the review was completed.

29 607 Q. And was that a decision that you agreed with?

1 A. Yes.

2 608 Q. Let's move forward to page 10, please, and Decision 41.
3 So, we're now 6th June:
4

5 "Review Team brought to the attention of DCS McVicker 16:22
6 that a considerable number of conference notes seem to
7 be missing. Enquiries with Detective Sergeant King and
8 Detective Inspector Officer 15 revealed that no notes
9 were taken, no conferences were held during
10 October/November 1998." 16:22
11

12 A. That's correct, yeah.

13 609 Q. Again, just to help us understand this at a high level
14 at this stage, how important is it that notes are made
15 during conferences during a police investigation? 16:23
16 A. well, it takes -- it makes a record of all persons who
17 are present and all subjects that have been discussed,
18 all actions that have been discussed, further lines of
19 enquiries. Quite a lot, you know.

20 610 Q. And was it of concern to you, at this stage, that what 16:23
21 your team were telling you seemed to be that there were
22 no notes in a number of areas and, in particular, in
23 relation to the period of October/November 1998?

24 A. No conferences were held during that period, so there
25 weren't. 16:23

26 611 Q. And was that a concern to you?

27 A. Yes.

28 612 Q. And why would it be a concern to you?

29 A. well, conferences are the lifeblood of any major

1 investigation. As I said before, you know, they update
2 everybody, irrespective of rank, in what is going on in
3 an investigation, so they do. And the SIO, he can
4 direct where he's going with the investigation. So,
5 it's very important.

16:24

6
7 Now, there was no record of conferences during
8 October/November. Now, that's only a couple of months
9 after the bomb explosion. So, I thought it was highly
10 unusual that there was none. However, the SIO,
11 Mr. Houston, and Mr. Anderson says they did attend
12 conferences during that time but they were never
13 recorded by anybody, if they did.

16:24

14 613 Q. So, was the resting position that two senior officers
15 were saying conferences did take place during that
16 time?

16:24

17 A. Yes, but there's no record of them.

18 614 Q. But you found no record of them?

19 A. Absolutely none.

20 615 Q. And you would expect a record to be made?

16:24

21 A. There should have been.

22 616 Q. And such a record is an important way in which an
23 investigation proceeds, you've described it as the
24 lifeblood?

25 A. Yes.

16:25

26 617 Q. So, let's move forward please to page 12, please,
27 Decision 49. We're here in July:

28
29 "Reviewing officer to ACC C update on progress of

1 review. Brief ref meeting with Deputy SIO. Discussed
2 composition of final report and Deputy SIO's concerns."

3
4 There's a dash and handwritten "HOLMES."

5
6 "The reviewing officer informed the ACC that the report
7 would be based on the facts found during the review,
8 nothing more and nothing less."

9
10 I'm just wondering if you're able to help, and we'll be 16:25
11 careful here about naming that person, but the Deputy
12 SIO at that time, who I understand was Officer 15, what
13 concerns were being raised with you there and does the
14 handwritten note "HOLMES" help with that?

15 A. Well, I informed -- the ACC was -- that was a meeting 16:26
16 with ACC White, and he said to me during the meeting -
17 and I recall it very well - 'don't be too hard on
18 HOLMES.' And, you know, I said to him; 'well, the
19 facts will speak for themselves.' And that was it, you
20 know. 16:26

21 618 Q. Let's just understand what you thought was being meant
22 by "don't be too hard on HOLMES"?

23 A. Well, he was aware that the HOLMES database was
24 seriously flawed and I don't think he wanted me to go
25 too easy on it, but he wanted me to be objective in my 16:26
26 review of it.

27 619 Q. Don't go over the top, is that what you understood him
28 to be saying to you?

29 A. Yeah, something like that.

1 620 Q. But your response was, 'I'm going to be factual about
2 this'?

3 A. Yeah.

4 621 Q. Is that what you think you achieved?

5 A. Yes, I believe so. 16:27

6 622 Q. There are just four more for me to address with you
7 now, I think there will be time to do just one of
8 these, so I wonder if we could go to decision 50
9 because we'll need to take a moment just to understand
10 what is going on here. And we'll come back to it 16:27
11 tomorrow. Decision 50 is 14th July 2000, I'll read it
12 out:
13

14 "Review Team brought to the attention of DCS McVicker
15 anonymous information received at Omagh CID office on 16:27
16 4th August '98 to the effect that a possible terrorist
17 attack will take place in Omagh on 15th August '98.
18 Review Team to fully research before senior officers
19 are informed."
20 16:27

21 what we need to make clear here, Mr. McVicker, is, that
22 at this stage of the Inquiry we are not doing a root
23 and branch investigation into the information on 4th
24 August what I am going to ask you about is just how it
25 came to your attention and we'll come back tomorrow to 16:28
26 a little bit more detail. So my first question here
27 is, is it right that at the stage that you wrote this
28 note you had been going for a period of over three
29 months I think?

1 A. That's correct, yes.

2 623 Q. The start of your involvement had involved a briefing
3 of SIO and Deputy SIO, you have told us about that as
4 well as discussion of Terms of Reference?

5 A. Yes. 16:28

6 624 Q. In the briefing and discussion about Terms of Reference
7 had the 4th August telephone call been drawn to your
8 attention?

9 A. No, it hadn't, no. There was no record of it, I
10 believe, in HOLMES at all. 16:28

11 625 Q. No record on HOLMES, well that was my next question.
12 Having your team begun to work and go through HOLMES --

13 A. Yeah.

14 626 Q. -- had they not before this date come across any
15 reference to 4th August telephone call? 16:28

16 A. I don't think so, I think they found it in a hard copy
17 documents amongst other documents, that's how it arose.

18 627 Q. So we're here talking about a member of your Review
19 Team going through printouts or as you say hard copy
20 documents, and there was a reference to 4th August 16:29
21 phone call?

22 A. Yeah, yes.

23 628 Q. Which they then brought to your attention, is that
24 right?

25 A. That's correct, yes. 16:29

26 629 Q. Now, just to try and understand as best you can how
27 this state of affairs could have come to be. Why it
28 took over three months for you to become aware of it,
29 and I just want to explore that with you now. So you

1 have said there didn't appear to be a reference on
2 HOLMES so that wasn't there to be found?

3 A. No.

4 630 Q. And you weren't told about it by the SIO or Deputy SIO?

5 A. No, I wasn't. 16:29

6 631 Q. So, what do you understand to be the reason why you
7 didn't find out about it until sometime around the 14th
8 July?

9 A. I can't remember. I think, as I say, the first it was
10 found amongst other documents and I don't think the SIO 16:30
11 or the Deputy SIO was aware of -- I could be wrong on
12 this -- but I don't think they were aware of it either.
13 But if they were they didn't attach much importance to
14 it.

15 632 Q. And at the time that you came across it did you attach 16:30
16 any importance to it?

17 A. Well, it looked very serious, so, you know, we did,
18 yes.

19 633 Q. Now, here you are not considering the question of
20 whether the bombing could have been prevented, your 16:30
21 principal view is bringing people to justice, is that
22 right?

23 A. Yes.

24 634 Q. And so, let's just be clear why you thought it might be
25 important, did you view it of being potential 16:30
26 importance for the purpose of the investigation and
27 arresting and prosecuting people?

28 A. Yes. Initially, you know, we had to look at it and see
29 why it wasn't highlighted with the SIO and the like of

1 that there. And, as I say, we carried out a few
2 inquiries and investigations into it and we were not an
3 investigative team so when we had it altogether I took
4 it and briefed the ACC Crime on it, Mr. White.

5 635 Q. We can see there, and this is perhaps where we might 16:31
6 finish today, "Review Team to fully research before
7 senior officers informed." So did you ask your team to
8 do a piece of work to find out as much as they could to
9 inform you so that you could take it to the top?

10 A. That's correct, yes. 16:31

11 MR. GREANEY: We will come to what happened as part of
12 that research and how you developed your understanding
13 tomorrow but, Sir, I wonder if that would be a
14 convenient moment for today.

15 CHAIRMAN: Yes, thank you. 16:31

16 MR. DE LA POER: Sir, if I may, Sir, we will commence
17 tomorrow with Detective Chief Inspector McGuinness who
18 will be helping us with some of his conclusions about
19 the HOLMES system within the investigation, but as
20 we've said to Mr. McVicker we will do our very best to 16:32
21 get to him sometime around two o'clock.

22 CHAIRMAN: Right, thank you.

23
24 THE INQUIRY ADJOURNED UNTIL TUESDAY, 13TH OCTOBER AT
25 10:00 A.M. 16:32

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