

1 THE INQUIRY RESUMED ON THURSDAY, 15TH OCTOBER 2026 AS
2 FOLLOWS:

3
4 CHAIRMAN: Good morning, Lady O'Loan.

5 THE WITNESS: Morning.

10:01

6 CHAIRMAN: Mr. Greaney.

7 MR. GREANEY: Good morning, Sir. We're going to
8 continue this morning with the Core Participant
9 questioning of Baroness O'Loan and I'm going to call
10 first on Mr. McGuckin to ask questions on behalf of the
11 Core Participants that he represents.

10:01

12
13 BARONESS NUALA O'LOAN WAS QUESTIONED BY MR. MCGUCKIN AS
14 FOLLOWS:

15
16 1 Q. MR. MCGUCKIN: Baroness O'Loan, I appear for a number
17 of the bereaved families and survivors, and I just want
18 to start before you had actually opened your file, if
19 that's okay, into this investigation. On 29th July
20 2001, The Sunday People published an article by
21 Mr. Harkin and we heard of that yesterday. That same
22 day - I'm not sure you're aware of this - a letter went
23 to the newspaper on behalf of the Chief Constable
24 referring to the contents of the article as an
25 outrageous untruth. And saying that what Fulton had
26 given the RUC was retrospective and had been checked
27 and found to be without any foundation whatsoever.

10:02

10:02

10:02

28
29 Five months later, you found that information was not

1 retrospective and has been found to have substance,
2 isn't that right?

3 A. Yes.

4 2 Q. Can I ask if you were aware of that letter before you
5 spoke to Sir Ronnie Flanagan on 2nd August, to the best 10:02
6 of your memory?

7 A. I can't remember, I'm very sorry.

8 3 Q. That's okay, but it is right to say that you obviously
9 became cognisant of that letter at some point through
10 your investigation? 10:03

11 A. I'm pretty sure I wasn't aware of that letter because I
12 remember reading the paper going into the office,
13 talking to staff, you know, and I think that letter
14 would have formed part of our conversation but I can't
15 remember. 10:03

16 4 Q. But it obviously is the case that you became cognisant
17 of the letter at some point throughout your
18 investigation, isn't that right?

19 A. Yes, I think I refer to it in my statement somewhere
20 about the fact that it wasn't retrospective, et cetera. 10:03

21 5 Q. So, when you were able to read a denial that was that
22 definite, did it give you a sense at that stage of the
23 difficulty you were going to face in securing full
24 police cooperation with your investigation, when there
25 was clearly a prefixed view of this? 10:03

26 A. At that point I didn't know -- well, once I found out
27 about the Chief Constable has said that, once I became
28 aware that it wasn't true he also described, I'm not
29 quite sure at what stage but he described Kevin Fulton

1 as a Walter Mitty, and you take things on face value.
2 But it very quickly became clear to me that this was
3 not the case and that he was a reliable informant. And
4 we actually searched Special Branch files for a long
5 time trying to find out whether, and CID trying to find 10:04
6 out whether they had declared him unreliable. And
7 apart from that little incident in '93/'94 when he said
8 he provided inaccurate information, he was declared
9 credible and his material reliable throughout, until
10 1999, I think. In '99 he became, he was tasked by I 10:04
11 think another agency and then they declared him unsafe
12 in 2000.

13 6 Q. Thank you. So, moving to the McVicker Report,
14 Mr. Skelt took you through the McVicker Review
15 yesterday and I have three questions really in respect 10:05
16 of that. So, just on 3rd August 2001 you asked the
17 RUC, in writing, has there ever been a review conducted
18 into the intelligence available relating to the Omagh
19 bombing and there was a written reply, as I understand,
20 on 21st August that did not mention the McVicker 10:05
21 Review, isn't that right?

22 A. That's correct, yes.

23 7 Q. And the RUC's own response to your report accepts that
24 reply did not purport to answer the question?

25 A. Yes. 10:05

26 8 Q. Now, so as it stood, it's fair to say your question as
27 far as the McVicker Review was concerned was left
28 unanswered, as it were, is that right?

29 A. Yes.

1 9 Q. Until you found out, from a third party about five
2 weeks later, isn't that correct?
3 A. Yes.
4 10 Q. And you were told that the only copy was in a safe, and
5 when Mr. Wood from your office asked for it, he was 10:06
6 given one chapter and told you would have to make a
7 case for the rest, is that right?
8 A. Yes, correct.
9 11 Q. Now, in terms of relevancy to your investigation how
10 would you characterise or describe the McVicker Review? 10:06
11 A. It was vital.
12 12 Q. Vital. So, did it come as a surprise to you that the
13 Police Ombudsman was being asked to make a case for a
14 document that she had asked for in writing on day one
15 and that was so pertinent and relevant to your 10:06
16 investigation?
17 A. Yes, because the legislation said that the Chief
18 Constable shall provide the Ombudsman with such
19 information as the Ombudsman shall require, that was
20 the essence of it. But it didn't come as much of a 10:06
21 surprise because I do remember, I think it was right at
22 the beginning of this, I remember the Chief Constable
23 saying to me, 'you don't understand, you're not
24 supposed to look at Special Branch.' And I remember
25 saying to him, 'Ronnie, legislation does not preclude 10:06
26 my examination of matters relating to Special Branch.'
27 13 Q. Yes. I'm going to come to Special Branch after. Just
28 continuing on with Mr. Skelt's questioning from
29 yesterday, he put to you that Sir Ronnie Flanagan was

1 cooperative with your investigation and requests and
2 that this document, in particular, was public
3 knowledge. Your report found it hard to avoid the
4 conclusion, this is paragraph 230.2 of your report:

5
6 "Hard to avoid the conclusion that this was an attempt
7 to withhold this critical information."
8

9 Do you maintain that stance?

10 A. Absolutely. I mean even the liaison officer didn't
11 know about it when we started making enquiries about
12 it, it was all very cagey and was there a copy, was it
13 in the safe and would we ever get access to it. So,
14 yes.

15 14 Q. Thank you.

16 A. I'm quite sure, although it was public knowledge that
17 there was a review and he had it in page 19 of his
18 report, since the liaison officer didn't know about it
19 and a lot of other people didn't seem to know about it,
20 it didn't seem to be a well-known fact.

21 15 Q. Yes. Can I turn now to what happened once that draft
22 left your office. So, the draft went to two people on
23 28th November, it went to the Chief Constable and to
24 the Secretary of State?

25 A. Yes.

26 16 Q. By 2nd December its consents were in The Sunday Times
27 as I understand it?

28 A. Yeah.

29 17 Q. And you have been very clear and concrete on the fact

1 that it was not leaked by your office, isn't that
2 right?

3 A. Yes.

4 18 Q. So, it narrows it down somewhat where that leak came
5 from, Baroness, isn't that right? 10:08

6 A. I'm sorry, I didn't hear that.

7 19 Q. It narrows it down somewhat?

8 A. Yes.

9 20 Q. Where that leak came from; is that fair to say?

10 A. Yes. 10:08

11 21 Q. There was two other departments that ultimately had
12 that?

13 A. Yes, and I don't know to who else it was disseminated
14 to by those departments, you know, as matter of
15 practice, normal practice. 10:08

16 22 Q. We've heard, you gave evidence yesterday, that
17 Lord Maginnis went on BBC Newsnight and quite crudely
18 and distastefully described you as "a suicide bomber
19 who had outlived her usefulness," isn't that right?

20 A. Yes. 10:09

21 23 Q. We also heard how the Chief Constable threatened
22 resignation, amongst other things, we heard of a
23 considered resistance from the Northern Ireland Office
24 and the Secretary of State insofar as it was suggested
25 that the Secretary of State would not have time to 10:09
26 prepare, politically, if you were to release your
27 report, isn't that right?

28 A. Yes.

29 24 Q. Can I ask: was this perceived by you and your office

1 as a wider campaign of pressure being brought to bear
2 on the publication of this report?

3 A. well, I was very clear they didn't want it published
4 certainly at this time but they didn't seem to want it
5 published. 10:09

6 25 Q. But you were clear, in your view, that it should be
7 published and it was the families' views that it should
8 be published, is that right?

9 A. I felt I had a statutory duty to complete the work I
10 had done. 10:09

11 26 Q. Yes. Now, you made reference yesterday to interaction
12 with the Policing Board around this.

13 A. Yes.

14 27 Q. And your report said on 4th August information that:
15
16 It is not possible to say whether action other than
17 that taken by Special Branch could have prevented the
18 Omagh bomb."
19

20 Two months later, the Policing Board told the public 10:10
21 through a press release that it had been agreed between
22 the Board and Chief Constable and you that the bomb
23 could not have been prevented. You made clear in your
24 evidence yesterday that did you not say that, isn't
25 that Baroness? 10:10

26 A. That's correct, yes.

27 28 Q. Now, do you recall if that was ever corrected or
28 clarified by Policing Board following their public
29 statement, or if an apology ever ensued following your

1 response to that?

2 A. I cannot remember any correspondence back to me from
3 that. I cannot remember any public statement. I
4 cannot say it didn't happen.

5 29 Q. But, is it clear that you did go back to the Policing 10:10
6 Board and make clear your view in respect of your
7 position?

8 A. I wrote to the Chair of the Policing Board, Prof. Rea
9 and said this, yes. And I did so very quickly, I
10 think, maybe on 11th December I wrote to -- no, sorry, 10:11
11 11th February I wrote to the Chairman of the Policing
12 Board and said I did not say this because I wanted the
13 record corrected.

14 30 Q. Thank you. But you're not sure of whether the record
15 was in fact corrected, is that right? 10:11

16 A. I'm not, I'm sorry.

17 31 Q. That's fine. Baroness, you went on to investigate
18 Special Branch a number of times throughout your
19 career?

20 A. Yeah. 10:11

21 32 Q. At a high level in 2001, Omagh, you found intelligence
22 had not been shared with the murder team, isn't that
23 right?

24 A. Yeah.

25 33 Q. In 2004, in Sean Brown, you found that all relevant 10:11
26 intelligence available to Special Branch was not shared
27 with the original investigating team, isn't that right?

28 A. Yes.

29 34 Q. In 2007, in Operation Blast, the Raymond McCord Jr.

1 investigation you found that information was withheld
2 from police investigation teams and that records were
3 destroyed as a deliberate strategy, isn't that correct?
4 A. I think that's correct, yes.
5 35 Q. But at a high level, those were your findings in 10:11
6 respect of those examinations, isn't that right?
7 A. That's correct. And senior investigating officers
8 would have told me that they were sure Special Branch
9 had information which they had not given them.
10 36 Q. So, looking back from 2007 now, when your tenure 10:12
11 finished at Police Ombudsman, do you feel that Omagh
12 was the exception or that there was a recognised
13 pattern when it came to how Special Branch operated?
14 A. There was a recognised pattern, and I think that
15 pattern derived from the fact that there was no 10:12
16 guidance and there were no rules about how to
17 disseminate information and that left the power in the
18 hands of the person holding the information. So, it
19 was a very, very unsatisfactory situation and it
20 required to be remedied urgently. 10:12
21 37 Q. Can I just come back briefly to the Nally Tribunal that
22 you brought up yesterday. You told the Chairman that
23 when you asked the group whether they had access to
24 Garda Special Branch material they said, no, but they
25 didn't need that and that, at that point, you thought 10:12
26 there is not going to be a credible outcome from this
27 Inquiry, that was your evidence yesterday?
28 A. Yes.
29 38 Q. Can I ask: was that a rare occasion in your working

1 life that you had reached such a view prior to a panel
2 actually reporting?

3 A. Yes, and it's possible it was a little hasty but I
4 couldn't understand how the Nally Tribunal could do
5 this job on the basis of the information which 10:13
6 Garda White had provided to us which was about tracking
7 of cars and all sorts of things. I didn't understand
8 how they could do that work without getting access to
9 Garda intelligence.

10 39 Q. Of course. On Monday of this week, just keeping in the 10:13
11 theme of South of Ireland, on Monday of this week the
12 Inquiry heard evidence in relation to Finner Camp, from
13 Mr. John Ware?

14 A. Yeah.

15 40 Q. And Finner Camp is Donegal, and it was alleged a 10:13
16 warning came in and caller said, "get on to the guards,
17 tell them to check the back roads" and it finished with
18 "Omagh, Omagh, Omagh"?

19 A. Yes.

20 41 Q. In 2001, or any time since, had anyone either side of 10:14
21 the Border told you about that call?

22 A. No.

23 42 Q. That call went to the Irish Army, as we understand, and
24 then the Gardaí were told I understand the day after
25 the bombing. There's nothing so far to show that that 10:14
26 information ever reached the RUC.

27

28 In 2018, on Talk Back with William Crawley you said:
29

1 "If it were done in one jurisdiction..."
2
3 Speaking of the Inquiry.
4
5 "...only, it would never be the truth." 10:14
6
7 "If it were done in one jurisdiction only, it would
8 never be the truth."
9
10 Now, a warning naming Omagh held in the Republic the 10:14
11 day before the bomb that no one in the North was told
12 about to the best of our knowledge, is that exactly
13 what you meant in relation to...
14 A. I'm sorry, but I just can't remember whether I was
15 referring to that or not because it did become -- 10:14
16 43 Q. Sorry, excuse me, I don't mean that you were referring
17 to that, but is that the type of information that you
18 were referring to about how it being done in one
19 jurisdiction wouldn't be enough?
20 A. Information about linked bombs was critical, 10:15
21 information from Garda White I felt was important. So
22 yes, that was the nature of the information.
23 44 Q. I've come to the end of my questioning, Baroness
24 O'Loan, but your report was written, as you said, after
25 hours in your office with your team around you and 10:15
26 every assertion, you said yesterday, was checked
27 meticulously against the evidence to ensure that there
28 was no erroneous commenting?
29 A. Yes.

1 45 Q. And despite overwhelming resistance, it was published
2 on the date the families chose?
3 A. Yes.

4 46 Q. And you delivered it to the people of Omagh in person,
5 isn't that right? 10:15
6 A. Yes.

7 47 Q. And we've heard in your evidence in return that you
8 were publicly ridiculed, you were called to resign
9 prior to the publication of your report and your report
10 was challenged in the courts before later being 10:15
11 withdrawn around a year later, isn't that right?
12 A. Yes.

13 48 Q. Since then, as elucidated by Mr. Greaney, we heard how
14 you've chaired the Daniel Morgan Panel, sat on the
15 Steering Group for Kenova, and you're now an assessor, 10:16
16 isn't that right, on the Finucane Inquiry?
17 A. Yes, I am.

18 49 Q. So, effectively, in the last 18 years, since finishing
19 your tenure, you've been appointed to panels
20 investigating police and State behaviours and 10:16
21 scrutinising these matters, isn't that right?
22 A. Yes.

23 50 Q. So, in 2018 on Talk Back radio again, the 20th
24 anniversary of Omagh bombing, you said to
25 William Crawley: 10:16
26
27 "I remember very early on Michael Gallagher and various
28 other ones saying to me we need to make sure this never
29 happens again, we need to have lessons learned, and

1 that did not happen. That did not happen."
2
3 You repeated?
4 A. Yes.
5 51 Q. Five years later an inquiry was announced by the UK 10:16
6 Government, up until that point did you maintain that
7 stance that lessons needed to be learned here?
8 A. I still maintain that stance today and I hope that that
9 will be very much the outcome of the Inquiry's work as
10 well as answering the specific Terms of Reference. 10:17
11 MR. MCGUCKIN: Baroness, I'm very grateful to your
12 evidence. I know that my Core Participants are as
13 well. Thank you very much.
14 THE WITNESS: Thank you.
15 MR. MCGUCKIN: Thank you, Chair. 10:17
16 MR. GREANEY: Thank you, Mr. McGuckin. We'll turn
17 next, Sir, to Mr. Kane please.
18
19 BARONESS NUALA O'LOAN WAS BE QUESTIONED BY MR. KANE AS
20 FOLLOWS: 10:17
21 52 Q.
22 MR. KANE: Good morning, Sir. Good morning, Baroness
23 O'Loan.
24 A. Morning.
25 53 Q. I also represent some of the families who were bereaved 10:17
26 and people who were injured. A lot of the questions
27 which I had planned to ask have already been covered by
28 others, and there are just one or two still
29 outstanding. They may be fairly self-evident, I don't

1 think they'll pose any particular difficult to you.
2 Can I just ask you, you stated in your statement:

3
4 "The information we had received from the RUC turned
5 out to be incomplete, yet we had been assured that all 10:18
6 intelligence relating to the bombing or other terrorist
7 incidents or plans had been supplied."

8
9 Can I ask you: Do you have an opinion on why such
10 information was withheld? I mean, for instance, was it 10:18
11 because there was innate suspicion on the part of the
12 police or was it that the material was considered to be
13 too sensitive, too important or too embarrassing to
14 share?

15 A. There's an extent to which, with respect, those are 10:18
16 questions for the police but I knew that the matters
17 were very sensitive. I knew that there was
18 embarrassment about the extent of the failings of the
19 Omagh investigation, so that certainly was part of my
20 thought. 10:18

21
22 And you know. I do understand that for many police
23 officers, particularly those who were on duty in Omagh
24 that day, it was an appalling experience, absolutely
25 appalling. So, I can understand the need, the want to 10:19
26 care for those officers as well but nevertheless,
27 that's one part of it. The other part is that it has
28 to be dealt with properly.

29 54 Q. Have you seen the material which has been referred to

1 as the Finner Camp material?

2 A. No, I haven't seen it.

3 55 Q. Could I ask that you just be shown, it's INQ 043879, on
4 screen, please. And if I could ask if you could look
5 at that information without repeating the entirety or 10:19
6 any of the material on it but if you can just apprise
7 yourself of that, the first page of that please?

8 A. Yes.

9 MR. GREANEY: Sir, as you know, the process is that
10 evidence outlines are prepared in two phases and the 10:20
11 documents which go on the system and which can
12 therefore, be shown are those which are on the second
13 iteration of the evidence outlined and this document is
14 not one of them. I'm told there was a check made
15 yesterday, thank you very much, Mr. Suter, and that it 10:20
16 should be there, so forgive my interruption.

17 56 Q. MR. KANE: Thank you. So, the document can quite
18 properly be shown to you. It may well be it will have
19 to be split in half and be blown up -- I think it's
20 just the way I am looking down at it. If you just read 10:20
21 it to yourself but if you can refrain from commenting
22 on the contents please?

23 A. [Short pause]. Okay.

24 57 Q. And you have seen the second half, has it been
25 highlighted for you? The word at the bottom of the 10:21
26 page is "confidential?"

27 A. Okay. Just let me read it, sorry. [Short pause].
28 I've read to the bottom, yeah.

29 58 Q. Thank you. If I can ask if the top half can just be

1 highlighted again in the larger format, beginning at 1.
2 Yes, stop there. Again, if I can just draw your
3 attention and ask you not to comment, if I can just ask
4 you to draw your attention to paragraph (a) that you
5 will see there, a date, and you will see a time.

6 A. Mm-hmm.

7 59 Q. And then if I could ask you to just --

8 MR. GREANEY: I'm sorry to interrupt Mr. Kane again,
9 we've got a technical issue with the transcript. We'll
10 just see if we can sort that out with everyone in the
11 hearing room or whether we need to invite you, Sir, to
12 rise. [Short pause]. Sir, we're going to need to take
13 what I hope will be a short break, please. So, would
14 you rise and we'll keep you updated?

15 CHAIRMAN: I'm sorry to interrupt you, Mr. Kane, but
16 it's beyond my control.

17 MR. KANE: Of course, these gremlins do happen. I
18 understand that.

19
20 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

10:28

21
22 CHAIRMAN: Mr. Kane.

23 MR. KANE: Thank you, Sir.

24
25 BARONESS NUALA O'LOAN CONTINUED TO BE QUESTIONED BY
26 MR. KANE AS FOLLOWS:

10:35

27
28 60 Q. MR. KANE: I think, I'd asked you to read the top part
29 of the page, it's now been sitting in front of you for

1 quite a while, I know you had a break. But anyway
2 you've of apprised yourself of what it says. Now, I've
3 been advised there has to be a degree of caution
4 exercised over what's referred to, but you've now had
5 an opportunity to look at it and I think in answer to 10:35
6 Mr. McGuckin, the position is that neither you nor your
7 office, during the course of your investigations into
8 the Omagh intelligence situation, ever became aware of
9 a telephone call about "Omagh, Omagh, Omagh"?

10 A. No, and had we I would have remembered that. 10:35

11 61 Q. would this piece of information, which again if you
12 don't refer to explicitly, but would this piece of
13 information either by itself or as an important part of
14 the information/intelligence jigsaw, have been
15 something of importance to you in considering the 10:36
16 matters which you ultimately reported on, if it had
17 been available at the time?

18 A. Yes, to the extent that, although it came very late at
19 night it was very relevant to what we were
20 investigating, we obviously had no jurisdiction over 10:36
21 anybody in the Republic of Ireland, nor did we have any
22 jurisdiction over the military, but apart from that,
23 yes, of course, it was relevant. And had you been able
24 to put it together with other intelligence it might
25 have been particularly relevant. 10:36

26 62 Q. Thank you. Now, just leading on from your last
27 comment, why did the Terms of Reference of your
28 investigation exclude any examination of the liaison
29 between the RUC and the AGS, particularly when it was

1 obvious that so much of the Omagh bomb's origins lay in
2 the Republic of Ireland?

3 A. Because we could not investigate the AGS. We couldn't
4 ask them for information or anything like that, so my
5 jurisdiction lay within the North and with the police 10:37
6 officers and things like that. So, although we did
7 examine documentation, we would not be able to request
8 explanations or anything of that nature.

9 63 Q. Yes, I understand that looking South, but looking
10 North. whilst you obviously couldn't investigate the 10:37
11 AGS, could you have investigated, for instance, whether
12 or not the relationship between the two police forces
13 was not good or was dysfunctional?

14 A. We did look at that, we did look at that from the
15 perspective of the North, from the perspective of the 10:38
16 extent to which there were meetings after the bomb, not
17 before the bomb. We examined information which came in
18 but after the bomb we looked at well, what was
19 happening, what did they try to find out, et cetera, et
20 cetera. And there was really no record of the meetings 10:38
21 which did occur and of the information which may have
22 been transmitted from the guards to the PSNI after the
23 bombing.

24 64 Q. Now, this question is probably a little bit
25 self-evident and probably a one-word answer may well 10:38
26 do, but I want to ask, you for the sake of the record:
27 Is it correct that your investigators, as you've said
28 in your report, only ever had actual sight of:
29

1 "A wide sample of Special Branch and other RUC
2 intelligence."
3
4 A. Yes.
5 65 Q. And -- 10:39
6 A. If I can interrupt you. We could have continued to
7 examine intelligence held, we could, at that stage. We
8 had prepared what I saw as a compelling picture by that
9 stage and I saw no purpose in us continuing down that
10 line, that was for the people who were investigating 10:39
11 the Omagh bomb.
12 66 Q. And can I just ask you, who decided what was and was
13 not included in the sample to which you refer?
14 A. Well, we did eventually.
15 67 Q. You brief the Secretary of State John Reid that, and 10:39
16 again I quote from your report:
17
18 "Special Branch held on to intelligence way beyond the
19 needs of their department and Special Branch officers
20 had influence and power way beyond their rank." 10:39
21
22 Can I ask you, were you in a position to identify to
23 the Secretary of State what specific intelligence that
24 Special Branch, using your words, "held on to," and
25 whether or not that intelligence could have prevented 10:40
26 the Omagh bomb?
27 A. What's the date of the document to which you're
28 referring, or the date of the conversation to which
29 you're referring?

1 68 Q. It was in September 2001?
2 A. September 6th.
3 69 Q. Yes, and it's paragraph 101, page 0033.
4 A. If this is the conversation on 6th September, I did
5 provide some specific information to the Secretary of 10:41
6 State. There is a note of the briefing which, if it's
7 not available to the Inquiry can be made available to
8 the Inquiry, and that would tell you more detail than I
9 can actually, because it was a very fast-moving
10 situation I can't remember precisely what I told him at 10:41
11 that time.
12 70 Q. So, you were able to identify some specific
13 intelligence which was identified to the Secretary of
14 State?
15 A. As I recollect, yes. But, again, I have to say that my 10:41
16 memory may conflate dates and I may have made a slight
17 error so I would want to check the briefing note which
18 was very carefully prepared and which we delivered as
19 written.
20 71 Q. But there would be a document containing that, it's may 10:41
21 be my fault and I haven't located it, maybe it's not
22 available to us, but there should be a document of that
23 briefing?
24 A. I did brief the Secretary of State, there was a written
25 briefing note for that meeting, yes. 10:41
26 72 Q. Thank you, that's helpful. You state that, and again
27 this is at page 0044, if you wish it to be brought up
28 but I'll ask the question and you'll probably know from
29 your own knowledge, but, the question is that you

1 believe and said that Man A in the Kevin Fulton
2 information was Patrick 'Mooch' Blair. And you went on
3 to say "should have treated as a firm suspect"?
4 A. Yes.
5 73 Q. "By the Omagh investigation team." Although this 10:42
6 person was added to the suspect list in November 2001,
7 were you ever given an explanation satisfactory, or
8 indeed otherwise, as to why he had not been so
9 considered up until that point? I want you to be
10 careful not to reveal anything of a sensitive nature, 10:42
11 I'm only asking were you ever given an explanation?
12 A. My understanding was that my investigator met the
13 investigation team and they examined the assessment
14 criteria sheet for the assessment of possible suspects
15 and they pointed out to them that certain information 10:43
16 should have been handled in a different way for the
17 purposes of completing that sheet. Once that was done,
18 he became a firm suspect. I was not aware of any
19 explanation as to why those things weren't taken into
20 account in the initial analysis. 10:43
21 74 Q. Thank you very much. And, finally, the BBC interview
22 with William Crawley was brought to your attention
23 again yesterday, your concluding remarks to Mr. Crawley
24 in that interview were:
25
26 "And I think the only way we'll do that is a statutory
27 public inquiry with full powers to compel witnesses and
28 to compel evidence, but it won't work if it's a UK
29 public inquiry because the story, the story rests in

1 both territories, Northern Ireland and the Republic."

2
3 Do you remain of that view?"

4 A. I think there would have been very helpful if there'd
5 been a public inquiry down south because it would have 10:44
6 provided accountability and it would have enabled this
7 Inquiry to possibly have access to material which might
8 not otherwise become available to it. But I understand
9 the arrangements which have been made.

10 MR. KANE: Of course, thank you very much indeed. 10:44

11 THE WITNESS: Thank you, Mr. Kane.

12 MR. GREANEY: Sir, next Mr. Southey, please.

13
14 BARONESS NUALA O'LOAN WAS QUESTIONED BY MR. SOUTHEY AS
15 FOLLOWS: 10:44

16
17 75 Q. MR. SOUTHEY: Thank you. Baroness O'Loan, I also have
18 the privilege of representing some of the victims and
19 survivors of the bombing, you'll be pleased to know I
20 have very few questions given the questions you've 10:44
21 already been asked. My questions are going to
22 reference your statement if you need me to take you to
23 the passages please ask, I think you'll be familiar
24 with the passages.

25
26 The first thing I wanted to raise with you was
27 something that you also addressed orally yesterday, if
28 I remember rightly, which is the 22% of material being
29 made available to the investigators and 78% not being. 10:44

1 And I want to link that, if I may, or investigate the
2 link with another finding that you made which was that
3 the intelligence presented a compelling picture as to
4 who was involved. Two questions I've got about that:
5 The findings you made about the compelling picture
6 were, certainly in your statement, sort of separate
7 from the 22%/78% evidence. What I wanted to know was
8 whether you have any views, whether you're able to tell
9 us how much of the 78% was important in informing that
10 compelling picture?

10:45

10:46

11 A. I would have those specific figures because we made a
12 presentation to the families and we made a presentation
13 to the Policing Board and the analyst had separated
14 them out into high importance, medium importance and
15 low importance. But I can't remember the actual
16 figures but I can certainly provide them to the Inquiry
17 if required.

10:46

18 76 Q. I think that would be helpful, subject to the Inquiry's
19 approval, that would be helpful. I mean was it a
20 significant amount, though, of the 78%?

10:46

21 A. I think the high proportion was possibly of the order
22 of about 10% of that, but when you're analysing
23 intelligence, what may appear to be either medium or
24 low when you put it with something else can become much
25 more important, so it's all important.

10:46

26 77 Q. So, the 78% that was withheld was of use in forming a
27 view as to whether or not --

28 A. Absolutely, absolutely.

29 78 Q. The second question is, that 78%, do you know how much

1 of that was available before the date of the bomb?

2 A. No, I can't tell you that at the moment.

3 79 Q. Was some of it available before the date of the bomb?

4 A. I'm fairly sure it was, yes, absolutely.

5 80 Q. Yes, thank you. Can I turn to a different topic. You 10:47

6 describe in your statement how the judicial review shed

7 light on how there were different accounts,

8 essentially, as to the management of the Omagh

9 investigation?

10 A. Yes. 10:47

11 81 Q. Did you reach, having read the judicial review papers,

12 any conclusion as to the management structure? Did you

13 reach a conclusion as to how it was managed?

14 A. Yeah. The normal structure would have been that the

15 senior investigating officer would have reported to the 10:47

16 ACC North. In this case it was made very clear that

17 the senior investigating officer was reporting to the

18 ACC Crime, I think was the term, ACC White and, indeed,

19 when subsequent ACC Norths were appointed, both

20 Mr. McQuillan and Mr. Kincaid, they were both told that 10:48

21 they had no responsibility for the Omagh bomb

22 investigation.

23

24 When it came to the judicial review, Mr. White was very

25 clear that he had no responsibility other than to 10:48

26 commission the review, the McVicker Review, but when I

27 read the statements of Mr. Kincaid, Mr. McQuillan and

28 Mr. White, I found Mr. Kincaid and Mr. McQuillan's

29 statements more compelling.

1 82 Q. what was your view of what role the Chief Constable
2 played in the management of the investigation?
3 A. well, the Chief Constable was the chief officer and the
4 role of chief officers - and Mr. White was reporting to
5 the Chief - so the role of chief officers is to ensure 10:49
6 that the strategy is right, that the strategy moves on,
7 that you don't just make a strategy and stop, that it
8 has the resources that it needs, it was an ongoing
9 revisiting of the resources issue, et cetera, et
10 cetera. So, it's like a strategic management of 10:49
11 investigation, around really that didn't happen.
12 83 Q. Moving to another topic. Yesterday you gave evidence,
13 which is again reflected in your statement, about how
14 it had taken nine months, essentially, for McVicker to
15 be responded to fully, or bits that had been responded 10:49
16 to but nine months for proper response; do you have a
17 view on how that impacted on the effectiveness of the
18 investigation?
19 A. well, I think the words of the investigating officer,
20 the investigation was, effectively, stood down, nothing 10:49
21 was really happening. And if we remember that in 1999
22 the senior investigating officer said that he was
23 minded to close the investigation room, major incident
24 room and just it would remain open unless something
25 else came in. So, it seemed to me that the whole thing 10:50
26 stood still and yet the reviewing officer had
27 identified hundreds, if not thousands, of lines of
28 inquiry which needed to be followed up. Many of those
29 could have been followed up immediately by an

1 investigatory inquiry team but they weren't.

2 84 Q. Thank you. Final topic, you talked about the formal
3 review of intelligence and I'm going to ask you some
4 questions about that. Obviously, I don't want you to
5 answer anything or reveal anything that's sensitive. 10:50
6 Can I ask, firstly, who commissioned that review?

7 A. Sorry, which review?

8 85 Q. The intelligence review?

9 A. There were two intelligence reviews, there was an
10 intelligence review which we received on 21st August 10:50
11 which did not refer to the information I think of 4th
12 August and there was intelligence chapter. The
13 intelligence -- the review by Mr. McVicker was
14 commissioned by ACC White.

15 86 Q. Sorry, I should've been clear, I was talking about 21st 10:51
16 August, the freestanding intelligence review?

17 A. No, I don't know who commissioned that.

18 87 Q. Okay. Do you know what its Terms of Reference were?

19 A. No, I can't remember, I'm sorry.

20 88 Q. Are you able to say anything in open about what it 10:51
21 concluded?

22 A. No, I don't think I would be comfortable doing that.

23 89 Q. Okay, that's fine. Did the fact it missed the 4th
24 August call say anything about its effectiveness?

25 A. Yes, it did. They obviously weren't told about the 4th 10:51
26 August call, it had been dismissed and that continued
27 to be the case.

28 MR. SOUTHEY: Thank you, and thank you on behalf,
29 again, of the people I represent for your evidence.

1 THE WITNESS: Thank you.

2 MR. GREANEY: Sir, one further Core Participant has
3 permission to ask questions and that Core Participant
4 is the Police Service of Northern Ireland so I'll turn
5 now to Mr. Henry.

10:52

6
7
8 BARONESS NUALA O'LOAN WAS QUESTIONED BY MR. HENRY AS
9 FOLLOWS:

10
10:52

11 90 Q. MR. HENRY: Good morning, Baroness O'Loan. Can I check
12 just at the beginning, with me all the way back here,
13 that you can hear me okay?

14 A. I can, Mr. Henry, thank you.

15 91 Q. Thank you very much. So, as you've heard already, I
16 appear on behalf of the PSNI, and from the outset I
17 hope you're aware that the PSNI has good working
18 relations with the Ombudsman's Office and is keen to
19 maintain those good working relations as well. And we
20 also appreciate and acknowledge that there's a strength
21 of feeling in relation to a number of the matters which
22 you've given evidence about both yesterday and today,
23 and I don't wish to delve into those in any detail and
24 potentially inflame the situation or make matters
25 worse. And I've very clear instructions to ask
26 questions in a non-adversarial way and I'm glad you've
27 received that in good faith --

10:52

10:52

10:53

28 A. Thank you.

29 92 Q. -- in the way that you have. The main topic that I'm

1 going to approach with you is preventability, and
2 you've, obviously, given your views within the report,
3 both the public-facing and the confidential report
4 which is now part of this Inquiry. You've given your
5 views on preventability in both of those and you've
6 given your oral evidence in relation to preventability.
7 A significant facet of your, not the only facet but a
8 significant facet of that opinion is the 4th August
9 call?

10:53

10 A. Yeah.

10:53

11 93 Q. So, I'll come to that in just a moment if I may. But
12 before we get started into the body of questioning, do
13 you have a copy of your witness statement prepared for
14 the Inquiry in front of you at the moment?

15 A. Yes, I do.

10:54

16 94 Q. May I invite you to turn up paragraph 4 towards the
17 very beginning please.

18 A. Yes.

19 95 Q. Okay. In the spirit of what I've said to you already,
20 we would like to thank you for what you say towards the
21 end of that paragraph, in particular four lines from
22 the bottom where you say:

10:54

23
24 "I was also aware of the very good work done by so many
25 thousands of police officers during The Troubles."

10:54

26
27 And you said that towards the outset of your statement
28 so we acknowledge that and that was received with
29 thanks.

1 A. Okay.

2 96 Q. If I might turn to the issue of the 4th August
3 telephone call. It is fair to say, and I don't wish to
4 put words in your mouth, but it's fair to say you
5 attached a significant amount of weight to that in 10:54
6 terms of your assessment?

7 A. Yes.

8 97 Q. And that was the case in 2001 and that remains the case
9 as you sit here today in 2026 as well?

10 A. Yes. 10:55

11 98 Q. And if I were to suggest to you, in summary form, and
12 we can come to some of the detail in just a moment, but
13 your criticisms in relation to the 4th August telephone
14 call relate to, in broad category, the investigation of
15 it and, also, the ultimate assessment of the 10:55
16 information contained within that telephone call; would
17 that be a fair summary?

18 A. Well, the investigation of the assessment and failure
19 to disseminate.

20 99 Q. And we could call that the dissemination point then? 10:55

21 A. Yeah.

22 100 Q. In relation to the investigation of that information,
23 I'm going to suggest to you that it happened in stages,
24 beginning with the assessment by Special Branch the day
25 the call was received and was delivered to them by the 10:55
26 officer who received it in Omagh. With that in mind,
27 and remaining with your witness statement I'm going to
28 ask that you turn up paragraph 130. And to give you a
29 page number, that is page 43 and 44.

1 A. Okay.

2 101 Q. And I'll wait till you have that open in front of you,
3 Baroness?

4 A. I have it.

5 102 Q. I appreciate that a lot of this was read out by 10:56
6 Mr. Greaney KC yesterday, but just to remind you of
7 what you're looking at. This is towards the end of a
8 section of your statement where you were dealing with
9 your 2001 report and this is, effectively, a headline
10 summary of your conclusions? 10:56

11 A. Yes.

12 103 Q. At (a) you start with the Kevin Fulton information. At
13 (b) you deal with A or Mr. Blair. Can I take you down
14 then to (d). And I'm going to suggest to you - I don't
15 think this will be controversial - but the 4th August 10:56
16 call headline conclusions fit between (d) and (h) in
17 this section?

18 A. Yeah.

19 104 Q. So, at (d) you say:
20
21 "The anonymous information was received in a telephone
22 call on 4th August 1998, contained detailed specific
23 information."
24
25 At (e) you say that: 10:57
26
27 "The caller stated that an attack would be made on
28 police in Omagh on 15th August 1998."
29

1 At (f) you say:

2
3 "The police officer who received the call drove to
4 Enniskillen to hand it up to Special Branch officers."

5 10:57

6 And just pausing there for a moment. I don't expect
7 you to recall the detail of this, but he received the
8 call in Omagh, he attempted to contact one of his
9 superiors in Omagh, they weren't available, he
10 contacted a non-Special Branch superior in Enniskillen
11 being a neighbouring station, and that's what prompted
12 him to travel to Enniskillen. And then that more
13 senior officer prompted him to go and speak with the
14 two Special Branch officers?

10:57

15 A. Yes.

10:58

16 105 Q. Towards the end of paragraph (f) you say in the second
17 sentence:

18
19 "It was dismissed by Special Branch as a fallout
20 between smugglers."

10:58

21
22 That's your summary of those two Special Branch
23 officers' assessment of that information?

24 A. The words in inverted commas were used in PSNI
25 documentation.

10:58

26 106 Q. And in relation to (g) then you say:

27
28 "There was no investigation of its contents and very
29 limited action was taken in the following days and at

1 some point the intelligence sheet containing the
2 information was marked 'intelligence, does not refer to
3 Omagh' and this significant information was not handled
4 correctly."

5
6 At (h) you go on to talk about the Force Order, and if
7 we've time I'll come back to that in a moment but I'll
8 just focus on those earlier paragraphs, if I may.

9
10 Now, if I could impose on the Inquiry team then to 10:58
11 bring up your substantive 2001 report, so that's
12 INQ 000034 and, in particular, paragraph 16.6. That's
13 on page 33 of that document

14 A. I'm not sure that I have the right document.

15 107 Q. I'm just waiting -- I beg your pardon, Baroness, I'm 10:59
16 just waiting for that to come up on the screen for you,
17 rather than in the bundle. But if you have it in front
18 of you in paper then --

19 A. Are you talking about my report, Mr. Henry?

20 108 Q. Yes, your report. And not the statement, as it were, 10:59
21 the shorter version, but the 88-page 2001 report?

22 A. Okay, I need to find that.

23 MR. GREANEY: I think Mr. Henry and Lady O'Loan may be
24 at cross-purposes which is the fault of neither of
25 them. I wonder if Mr. Henry could identify just again 11:00
26 what particular document he would like the witness to
27 refer to.

28 MR. HENRY: Baroness O'Loan, I don't think it is the
29 document you have in hard copy in front of you at the

1 moment. The INQ reference number, this is for the
2 benefit of the Inquiry Team, is 000035?
3 MR. GREANEY: we'll try to put it on the screen.
4 109 Q. MR. HENRY: Thank you very much. And again, for the
5 benefit of the Inquiry Team, if it's possible to bring 11:00
6 it up, paragraph 16.6. Thank you.
7
8 Just to take you through this, Baroness O'Loan. At the
9 beginning it states, "DC" so Detective Constable "W"
10 that was a cipher he was provided. 11:01
11
12 "DC W states that he sat in Special Branch and
13 completed an A4 document giving all the information and
14 had passed that to Special Branch so that it could be
15 put on the system. The suppression branch officers 11:01
16 listened to DC W and told him that C and D..."
17
18 So, those are two individuals named in the information.
19
20 "...were only smugglers and that there was nothing to 11:01
21 the information. The Special Branch officers had
22 apparently not left the room to make any checks
23 elsewhere to support their assessment".
24
25 And then you go on to comment further in relation to 11:01
26 it.
27
28 Now, I'm just going to focus for a moment on the
29 reference in that final sentence that I read aloud to

1 the officers, the Special Branch officers apparently
2 not leaving the room. And the clear inference it
3 appears that you and your investigators drew from that
4 was that insufficient enquiries were made by those
5 Special Branch officers in relation to that
6 information?

11:02

7 A. Absolutely. My memory is that DC W told us, I think he
8 said as far as he was aware that they didn't leave the
9 room before they said that they were only smugglers.

10 110 Q. Now, if you would permit me, what I'm going to do now --
11 well, just before I do. That, I'm going to suggest to
12 you, chimes with your reference whilst you say it was
13 the police document to the phraseology used of
14 dismissing that 4th August information as being a
15 dispute between smugglers?

11:02

16 A. Mm-hmm.

17 111 Q. I'm going to ask that a further document is brought up
18 on the screen for you please and that is the -- it's
19 INQ 013555. And, Baroness, just while that's being
20 brought up I'll explain to you what it is. This is a
21 statement that the Chief Constable issued to the
22 families and the victims of Omagh in response to your
23 PONI Report in 2001. I'm going to ask that we go to
24 paragraph 5.4 on page 9, please. [Short pause]. Thank
25 you.

11:02

11:03

11:03

26
27 Now, just before we go into this, Baroness, I'm going
28 to tell you what this is, it's a paragraph summarising
29 what the police said, what enquiries were made at that

1 time.

2 A. Yes.

3 112 Q. And beginning at the first bullet point:

4

5 "The officers contacted police colleagues in Omagh and 11:03

6 Clogher to see if further information on those named

7 individuals was available."

8

9 Those are the individuals named in the 4th August

10 telephone call. 11:04

11

12 The second bullet point:

13

14 "Contact was made with An Garda Síochána, with regard

15 to E..." 11:04

16

17 That was another name, albeit a nickname contained

18 within the information.

19

20 And it continues: 11:04

21

22 "...allegedly resident in the Republic. Their

23 immediate reaction [this being the Guards] confirmed

24 two days later was that they had no knowledge of an

25 individual with that nickname from the area mentioned 11:04

26 by the caller."

27

28 The next bullet point refers to Family F. Again, that

29 was a family who was named in the 4th August telephone

1 call.

2
3 "And their addresses were checked for subversive
4 traces."

5
6 And that means that they were checked for potential
7 terrorism links by the Special Branch officers. And
8 the results of that there were no such links as far as
9 they were aware.

10
11 Then the final bullet points states:

12
13 "Arrangements were made as the Ombudsman's statement
14 acknowledges, for a Special Branch officer to be
15 present during the second call, which the caller had 11:04
16 agreed to make the following evening to ascertain
17 further details and, if possible, arrange a meeting.
18 In the event no call was received, then or at any time
19 since. (Had this call been genuine or had it been in
20 connection with the Omagh bomb, a subsequent call would 11:05
21 surely have been made)."

22
23 Now, just pausing there for a moment. The reason I
24 take you to it is to provide you with a summary of what
25 the officers said they did at the time. In relation 11:05
26 to -- it's clear that from the contents of your report
27 where you refer to them not leaving the room and the
28 obvious inference being they didn't do much about it,
29 in light of that information, is there anything you'd

1 like to say on reflection about the enquiries that they
2 made?

3 A. Yes. The first thing is that at no point did we
4 receive any information about any contact or any notes
5 or any sheets recording any contact with police 11:06
6 colleagues in Omagh and Clogher and we certainly
7 weren't told that they had done that. DC W did not
8 indicate that they had done that. So, this came as a
9 surprise to me on 22nd January. The second bullet
10 point about contact with An Garda Síochána, we were not 11:06
11 told about that. I have seen no documentation that
12 confirms that in any way, but certainly we were not
13 told about it and we should have been if it was there.

14 113 Q. I think that reflects your evidence yesterday as well,
15 Baroness, whenever you were speaking about some of 11:06
16 these things with Mr. Greaney KC, you said, the phrase
17 was something along the lines of 'we were not told'?

18 A. Yeah. Family F and their addresses were checked for
19 subversive traces, there were none. I wouldn't want to
20 say that there were subversive traces attaching to 11:07
21 Family F, because I'm just having a bit of difficulty
22 sorting out C, D, E and F in my mind at this point, and
23 the information that I know which attaches to each of
24 them. But there certainly were subversive traces
25 attaching to some of those people, I can say that, 11:07
26 Chair. There were subversive traces attached to some
27 of those people, which we were able to identify.

28
29 And as for the -- you're quite right, the Chief

1 Constable was quite right to say that it was agreed, as
2 I recollect DC W had asked the caller to call back, and
3 he told Special Branch in Enniskillen that. They
4 arranged for an officer to be present during the second
5 call but no call was made. But, the part in brackets: 11:07

6
7 "(Had this call been genuine or had it been in
8 connection with the Omagh bomb, a subsequent call would
9 surely have been made)."

10 11:08
11 I mean, to me that's speculation which really has no
12 justification on an evidential basis because this
13 caller had provided information. And we have to take
14 this in the context of the point at which people were
15 being shot and worse, murdered for providing 11:08
16 information. This person could have been very
17 frightened and one call might have been all they felt
18 able to make. So, I don't think that had this call
19 been in connection with the Omagh bomb, they would
20 definitely have called back. It's speculation on my 11:08
21 part, but they may simply have thought I've told them
22 enough for them to do something.

23 114 Q. Okay. If it assists you, I appreciate you're dealing
24 with some of the detail at quite some remove, I'm going
25 to take you to a bit of that detail in just a moment, 11:08
26 if that puts your mind at ease and you have an
27 opportunity to make further comment if you wish.

28
29 I'm just going to make one addition to that summary, if

1 I may. I think this is something that you were aware
2 of at that time, an additional investigative step was
3 an attempt to set up a covert surveillance operation as
4 well. I'm not going to go into the detail of that at
5 this stage, but you were aware of that and you were
6 aware that that was an investigative step that was
7 taken?

11:09

8 A. Yeah, it was taken overnight, 6th and 7th August and
9 from ten o'clock at night till seven o'clock in the
10 morning and they couldn't establish an opportunity.

11:09

11 115 Q. Again, not wishing to dwell on it for too long a period
12 of time, we have the Special Branch officers making
13 enquiries with other police officers in different
14 locations and they're linked to the individuals, we
15 have them making contact with the guards, we have them
16 tracing the family -- undertaking subversive traces in
17 relation to the family which was named, and we have
18 them setting up or attempting to set up a covert
19 surveillance operation. And my gentle suggestion to
20 you - and I know you have something to say about that,
21 and I see you shaking your head, you're going to have
22 to forgive me for this, but I'm going to gently suggest
23 when that when you say in your Inquiry statement at
24 paragraph 1.30(g) that there was no investigation, on
25 reflection that's not strictly correct, the material
26 was looked into and assessed by Special Branch using
27 their expertise?

11:09

11:10

11:10

28 A. No, I don't accept that. I really don't accept that,
29 because we saw no evidence that they had done what we

1 subsequently did, which was look for traces between
2 these individuals and the Real IRA and CIRA. We
3 certainly received nothing to substantiate the claim
4 that they contacted colleagues in other places. We
5 certainly received nothing to substantiate this 11:10
6 allegation that they had contacted An Garda Síochána.
7 And I don't regard the setting up of [inaudible] as an
8 investigative process on the information received.
9 What they were doing then was trying to take responsive
10 action, and I think that was excellent that they went 11:11
11 to an address because the suggestion was that the arms,
12 et cetera, which had been brought in, were to be
13 removed from address A to address B and I think the
14 idea was that they would try and find them leaving
15 address A which they knew they didn't know what 11:11
16 address B was going to be.

17 116 Q. As I say, Baroness, we'll come to the detail of the
18 information in just a second.

19
20 At the risk of repeating myself, again, I don't want to 11:11
21 dwell on the next point for too long but it was touched
22 upon helpfully by Mr. Greaney yesterday, but the reason
23 you didn't have this information in relation to
24 speaking with the guards and so forth, the various
25 components of the enquiries that were made that you 11:11
26 weren't previously aware of, would it be fair to say
27 that you weren't aware because you didn't speak with
28 the two Special Branch officers who undertook those
29 enquiries?

1 A. No.

2 117 Q. Okay. And if I were to state to you that one of those
3 Special Branch officers had an interview with your
4 investigators arranged for 5th December and your
5 investigators cancelled that interview; would you agree 11:12
6 with me or disagree with me?

7 A. You are correct that an interview was arranged and an
8 interview was cancelled.

9 118 Q. And the second Special Branch --

10 A. But can I just add to that, if I may. 11:12

11 119 Q. I beg your pardon.

12 A. We sought, as I recollect, to interview those officers
13 from mid-September and they did not make themselves
14 available. At some point they retired, I'm not sure
15 whether before or after. There was something else I 11:12
16 wanted to say. What did you say to me? Sorry.

17 120 Q. You're quite all right. And take your time. And I
18 don't want to talk over and interrupt your train of
19 thought, but I am going to make an observation to you
20 in relation to those officers along the lines of what 11:12
21 you've just mentioned a moment ago.

22

23 You are correct that both of them were retired and
24 quite some time before your investigation started, and
25 you would agree with me that they weren't, strictly 11:13
26 specking, therefore, obliged to come and take part in
27 whatever investigation your officers were undertaking,
28 but they did make themselves available. You say they
29 made themselves available late in the day but they made

1 themselves available for interview, isn't that correct?

2 A. The situation was, we tried to get them for interview
3 between late September, October and November, they were
4 unavailable for interview. And you're quite right,
5 they didn't have to come for interview at all, they 11:13
6 were retired, they were civilians.

7 121 Q. But both of them did make themselves available --

8 A. But if I may.

9 122 Q. No, if you would just bear with me for one second, and
10 I apologise for talking across you, Baroness. One of 11:13
11 them actually had an interview arranged and the other
12 had made themselves available for interview and
13 contacted your office and was informed that no
14 interview was required?

15 A. Yeah, that was after we had delivered the draft report 11:13
16 to the Chief Constable on 28th November. The other
17 thing was, of course, that they had been interviewed by
18 Mr. McVicker, as I recollect, and that we had their
19 account from the McVicker papers so we knew what they
20 said they had done at that stage. 11:14

21 123 Q. So, if they had been interviewed by McVicker, you were
22 reliant entirely on that information and you didn't
23 feel -- through your investigators you didn't feel it
24 necessary to speak with them and obtain their account,
25 as it were? 11:14

26 A. Well, we decided that we would go ahead with all the
27 material which we had held indicated that what we were
28 saying about this was correct.

29 124 Q. And you said --

1 A. And had they done these things which I've suggested in
2 paragraph 5.4 of the document which is on the screen,
3 then some information in relation to points A and B
4 should certainly been made available. Any information
5 in relation to those should have been made available to 11:14
6 us months beforehand.

7 125 Q. The officers' account in response to the PONI Report
8 was that they became aware in and around September,
9 October of the desire to interview them. They
10 requested information about that interview, what it 11:15
11 would consist of and also the underlying materials
12 because they hadn't been police officers for quite some
13 time and whenever your office's response came to them
14 they then arranged those interviews?

15 A. Yes, but with gaps in between. 11:15

16 126 Q. And your report was already written in draft by the
17 time that the interview was scheduled for and,
18 therefore, the interview was cancelled?

19 A. The interview was cancelled because we didn't feel that
20 it would add anything to the investigation at that 11:15
21 stage.

22 127 Q. Now, again, I do wish to move on to the detail or some
23 of the detail of the 4th August information but just
24 before I do, again, this being something Mr. Greaney
25 touched upon yesterday, one of those officers made a 11:15
26 complaint in relation to the cancellation of the
27 interview and then him being ostensibly criticised in
28 the report and criticised, having not had an
29 opportunity to express to your investigators what had

1 happened. And we heard yesterday that that complaint
2 was upheld, isn't that correct?

3 A. That's correct because I think -- I haven't got the
4 report in front of me but I think what we said was
5 because they were retired it, therefore, followed that 11:16
6 there could be no misconduct proceedings, we couldn't
7 investigate them. But I understand that that was read
8 as suggesting that they may be culpable, and I have
9 already apologised that that interpretation could have
10 been taken out of what we wrote. 11:16

11 128 Q. And that apology received yesterday through questioning
12 from Mr. Greaney, I'm quite sure was very welcome,
13 Baroness.

14

15 Now, the complaint was made to an individual you 11:16
16 mentioned in your evidence yesterday, the Chief
17 Executive Officer of PONI during your tenancy and also
18 he remained in post for a period of time after?

19 A. Mm-hmm.

20 129 Q. And that was Mr. Samuel Pollock OBE who you described 11:17
21 as having a long and distinguished career in the
22 criminal justice system?

23 A. Mm-hmm.

24 130 Q. Whenever the complaint was made, he contacted you and
25 asked you did you have a reply that you wished to make 11:17
26 in relation to the complaint.

27 A. [Witness nods].

28 131 Q. You're nodding, so he did contact you, and certainly he
29 says that he contacted you in his report and offered

1 you the opportunity to reply?

2 A. I'm sure did he, I don't have sight of the documents
3 and haven't had sight of the documents so I can't say
4 any more than I'm sure he would have contacted me and
5 I'm sure he did contact me. And I was aware of the 11:17
6 complaints, all three, yes.

7 132 Q. You'll be forgiven for not remembering, Baroness, but
8 do you remember if you took the opportunity reply?

9 A. I would have hoped so.

10 133 Q. Quite understandable. But the complaint in some 11:17
11 respects including not, well, being criticised in a
12 report without having been interviewed in relation to
13 it, that aspect of the complaint was upheld and that
14 Mr. Pollock included that finding in his report. And
15 also a covering letter which I'm sure you saw, which 11:18
16 included an unequivocal apology to the officer for the
17 way in which he had been treated by your office?

18 A. Yeah, I mean, again I can't remember and I haven't got
19 in front of me the words that we used in the report,
20 but I think that the officers could not make themselves 11:18
21 available, for whatever reason, or did not make
22 themselves available. And I think we probably said
23 that in the report and they may have perceived that as
24 a criticism. They may say, for example, they were
25 seeking further information, perfectly reasonable. And 11:18
26 I do accept that they could read into the words that we
27 used I think in the report, that it was possible that
28 they might have been subject to misconduct proceedings,
29 et cetera, and that certainly was not the intention.

1 It was merely a statement that they were retired but an
2 apology was definitely due.

3 134 Q. Did you apologise at the time or --

4 A. Again, Mr. Henry, I would have expected so but I
5 haven't seen the correspondence so I don't know. 11:19

6 135 Q. I appreciate the complaint was finalised in 2008, in or
7 around March time, and that's a considerable number of
8 years ago?

9 A. Yeah.

10 MR. GREANEY: I'm sorry to interrupt, Mr. Henry has 11:19
11 gone substantially over the time that was allocated to
12 him now. Perhaps on other occasions I wouldn't have
13 interrupted, but we are under a very tight schedule
14 today because the final witness, Mr. Tonge, has to
15 leave, I'm told by about 3:30 in order to catch his 11:19
16 flight. Could I invite Mr. Henry to have regard to
17 that, please.

18 136 Q. MR. HENRY: Absolutely, and that's a helpful
19 indication, I apologise for running over time, my Lord.
20 11:20

21 Now, I wonder if I could approach, to borrow
22 Mr. Skelt's phrase from yesterday, a high level
23 approach to your assessment of the information
24 contained within the 4th August telephone call. You
25 said that it contained a lot of detail? 11:20

26 A. Mm-hmm.

27 137 Q. And that it named Omagh as the target and that it also
28 provided the date being 15th August 1998 as the
29 intended date of an attack on police on Omagh?

1 A. Yeah.

2 138 Q. And those are factors which led you to think that there
3 was something to the information. I think probably
4 coupled with the fact that there was the atrocity, the
5 car bomb on 15th August in Omagh Town? 11:20

6 A. Not necessarily to think that there was something to
7 the information, but to think that the information was
8 so specific that it required a greater response, a
9 response indeed, which it didn't get.

10 139 Q. Okay. And just to be clear, perhaps we had 11:21
11 misunderstood your evidence from yesterday but it
12 appeared from one portion of your evidence yesterday
13 that you believed that the individual who made the call
14 potentially had something to do with the planned Omagh
15 attack? 11:21

16 A. What I said -- well, I don't remember what I said but
17 what I should have said if I didn't say it was that, it
18 seemed as if this was someone who knew that there was
19 going to be an attack. I don't think I ever said that
20 this was someone who was involved in the attack. I 11:21
21 just don't know.

22 140 Q. Okay. Now, in relation to the information that was
23 provided and, again, trying to do this in prompt a way
24 as I can, bearing in mind the time constraints, it
25 referred to a rocket launcher and AK47 attack? 11:21

26 A. Mm-hmm.

27 141 Q. There was no such attack, we know?

28 A. Yes.

29 142 Q. It referred to an attack on police?

1 A. Yes.

2 143 Q. There was no such attack, we know, isn't that correct?

3 A. Well, police officers I think were injured in the

4 course of this bomb explosion. It wasn't an attack on

5 a police station if that's what you mean. 11:22

6 144 Q. And that's what was envisaged, was an attack on police

7 officers or a police station?

8 A. Well, it could have been an attack on a Land Rover, it

9 could have been attack on a station, it could have been

10 an attack on ambulant patrol, it could have been 11:22

11 anything.

12 145 Q. And it provided -- this is something that you mentioned

13 a short time ago, it provided two full names, one

14 nickname and one family name?

15 A. Yes. 11:22

16 146 Q. And I'm going to suggest to you that none of those,

17 none of the names that were provided were ever

18 considered firm suspects within the Omagh Bomb Inquiry

19 by either the first, the second or the third SIO?

20 A. I can't answer that because I don't think I've looked 11:22

21 at the papers since the third SIO. I'm trying to

22 remember, I think the second SIO was McArthur and I

23 think the third one was Norman Baxter. I haven't

24 looked at the papers so I don't know. I do know that

25 subversive traces were found attaching to some of those 11:23

26 individuals.

27 147 Q. And you mentioned that a couple of times and I'm going

28 to respectfully disagree with you but I do sympathise

29 with you, Baroness, that you're working from memory,

1 and I don't want do this in a confrontational way. But
2 I think the height of the evidence was that one of the
3 individuals had a sighting in a bar on one occasion in
4 the company of someone who may or may not have been in
5 the Provisional IRA?

11:23

6 A. There was a sighting in a bar, you're quite correct,
7 but I don't think that was the totality of the
8 intelligence which we uncovered. Again, Chair, if you
9 wish me do so, we could go away and look at it but I
10 can't answer specifically at the moment.

11:23

11 148 Q. Again, having promised I would take you to the
12 information, with the time constraints I don't think
13 I'm going to be able to, but do you recall Detective
14 Constable W's handwritten debrief which is something
15 would you have had sight of at the time, so the debrief
16 in relation to his discussion with the Special Branch
17 officers on 4th August. Do you remember it
18 specifically noting by him that the caller said,
19 several times, that the two named individuals, if they
20 were followed or if they were watched by police that
21 firearms would be recovered. And what was taken from
22 that was an obvious desire on the part of the caller to
23 have those two individuals surveilled, as it were?

11:24

11:24

24 A. Or to have the arms recovered, yes.

25 149 Q. Yes. I'm going to suggest to you, Baroness, that -- I
26 apologise that we haven't had the chance to go through
27 the detail of the information, but the assessment of
28 that information at the time by Special Branch as not
29 being or not presenting a viable threat was a

11:24

1 reasonable assessment, you're perfectly entitled to
2 disagree. And I apologise for cutting across you, it's
3 just in the interest of time?

4 A. I do not agree with that assessment at all. I think if
5 you look at some of the other atrocities that occurred 11:25
6 during The Troubles, there were situations in which
7 bombs and mortars and guns were used and it was
8 eminently possible this might be the case here.

9 150 Q. Well, you mentioned one example yesterday, that was
10 Loughgall and that was an 1987 attack where the 11:25
11 Provisional IRA drove a digger into a police station
12 with an explosive device in the front and then launched
13 a firearms attack after. That was relatively unusual
14 in terms of the type of offending within Northern
15 Ireland, I'm going to respectfully suggest to you. It 11:25
16 didn't fit the typical mould of a car bomb attack?

17 A. That's correct, but I'm not sure your description of
18 what happened at Loughgall is quite correct. But, yes,
19 I will accept that normally what was done was a bomb
20 was driven in, it was abandoned and then it blew up. 11:26

21 151 Q. And again in the interest of expedience, in dealing
22 with this as quickly as I can, the original SIO
23 assessed that he was made aware of the 4th August
24 telephone call on the day of the bombing, so he was
25 aware on 15th August, he considered it in concert with 11:26
26 Special Branch officers and later again in 1999 when he
27 was looking at suspects and assessed it as not being
28 connected to the bombing. Detective Superintendent
29 McArthur subsequently looked at the information, he

1 assessed it as well. He said, at first blush it was
2 quite striking but he was firmly of the belief that it
3 wasn't connected and he noted that one of the two
4 individuals who was named in the information, his wife
5 and his sister were actually injured in the bomb attack 11:26
6 and, therefore, it was extremely unlikely that he was
7 involved?

8 A. I think that's incorrect. I think that fact that the
9 wife was injured is incorrect.

10 152 Q. We'll leave that for the Chairman to determine in due 11:27
11 course.

12
13 Mr. Norman Baxter now, then Detective Superintendent
14 Baxter, he assessed the information and following the
15 McVicker Review he investigated it in quite some detail 11:27
16 and he assessed that it wasn't connected with the Omagh
17 bombing. And then Mr. Justice Horner over the course
18 of a number of years conducted High Court judicial
19 review litigation in relation to it and, again, he
20 reached the conclusion, borrowing his words from 11:27
21 paragraph 220, "...inexorably not connected to the
22 bombing."

23
24 So, in light of all of those assessments, not just by
25 Special Branch at the beginning but by the three CID 11:27
26 officers and then the High Court judge that followed,
27 are you still of the belief there may have been a
28 connection between the two?

29 A. I'm not saying there was definitely a connection

1 between the two but I am saying that a warning was
2 received and I am saying that the nature of that
3 warning contained a degree of specificity about date
4 and time, date and place, such that under the Police
5 Force Order 99/91, it says Sub-Divisional Commander 11:28
6 should be informed if a general threat is received. I
7 cannot see how this wasn't a general threat because it
8 wasn't targeted at an individual. And I cannot see why
9 he wasn't told, and I do know that he was very
10 distressed that he wasn't told, and I do know that it 11:28
11 is my firm view that he should have been told and that
12 he should have had the opportunity to consider what
13 action he may wish to take when he was in possession of
14 that information. So, I can't accept what you're
15 putting to me. And I think that whilst what happened 11:28
16 on the that day in Omagh didn't reflect the content of
17 the August 4th address, that does not necessarily mean
18 that there isn't a connection between an attempt to
19 warn about an attack in Omagh on 15th August and the
20 bomb which subsequently exploded. 11:29

21 153 Q. Okay. Thank you very much, Baroness O'Loan. In
22 relation to the Force Order, I'm just going to simply
23 suggest to you that your interpretation of it is
24 incorrect but we'll hear more evidence about that in
25 due course and the Chairman will ultimately make a 11:29
26 determination in relation to that. And also, the
27 policing response, had the assessment by Special Branch
28 been different and assessed as a real or a viable
29 threat, that a number of things would have happened but

1 one of them would have been to reduce the number of
2 police officers on the ground in Omagh Town and to
3 increase security in the police station, effectively
4 drawing police officers away as being potential targets
5 at fixed points where a rocket attack or an AK47 11:29
6 firearm attack could be launched upon them. So, it
7 would have resulted in fewer officers on the ground?

8 A. Not necessarily because I think we took evidence from a
9 Detective Chief Superintendent who I think is referred
10 to as "EG," and I think he was the operational training 11:30
11 commander, or something like that, and he told us that
12 one of the options would have been to double up
13 military and police patrolling to deal with this
14 situation. There were other options, helicopters and
15 things like that. So, I don't accept that, sorry. 11:30

16 154 Q. Finally, then, Baroness O'Loan, I'm going to suggest to
17 you, first of all, that information is new, I don't
18 believe it's been in any of your reports or your
19 materials so far and also --

20 A. I think it's in my statement, Mr. Henry. 11:30

21 155 Q. I beg your pardon. But that individual would be a lone
22 individual because the PSNI did speak with all of the
23 sub-divisional commanders to see what their response
24 would be and it was the same each time. And that
25 remains the PSNI's corporate view that if such an 11:31
26 attack had been assessed as viable or realistic, it
27 would have been a reduction in the number of police
28 officers on the ground rather than setting up vehicle
29 checkpoints and increase of police officers on the

1 ground?

2 A. If I could just say, a response was provided by the
3 Police Ombudsman to the assertions made by the Chief
4 Constable on 22nd January. That response is contained
5 in the document of 22nd April and the Inquiry may wish 11:31
6 to consult that. Definitely, the person training in
7 respect of responses to bomb warnings and threat
8 warnings did so, but alternative measures which could
9 have been taken and I don't think that they would have
10 just placed Omagh out of bounds for police and said 11:31
11 'you can't go in and protect the people.'

12 MR. HENRY: well, Baroness, you've been patient with me
13 as has the Chairman so thank you very much.

14 THE WITNESS: Thank you.

15
16 BARONESS NUALA O'LOAN WAS QUESTIONED BY THE CHAIRMAN,
17 AS FOLLOWS:
18

19 156 Q. CHAIRMAN: Just before you leave Mr. Henry's questions,
20 Lady O'Loan, I just want to be clear about what you 11:32
21 meant in relation to one thing you said to Mr. Henry,
22 and it's to do with the passage which is still on the
23 screen, paragraph 5.4. And there is set out an account
24 of what it is said was done?

25 A. Yes. 11:32

26 157 Q. Now, when Mr. Henry drew that to your attention he
27 asked for your comment on it and your response was that
28 you didn't accept that and you explained that you
29 hadn't received any information which would go to

1 support it. Now, I just wondered what you actually
2 meant; do you mean that you saw nothing in the material
3 you were provided with to support the proposition that
4 these steps were taken or do you mean that you don't
5 believe these steps were taken?

11:33

6 A. If I may, Chair, on the first two bullet points in that
7 document, we would have expected, when we searched and
8 we directed the RUC officers to search the Special
9 Branch, that they would have a record attaching to the
10 4th August information contacted so and so, and things
11 like that. So, we weren't told that they contacted
12 police colleagues and we saw no evidence that they did,
13 and I knew nothing about this until, nor did my team
14 until 22nd January. And the second one is the same.

11:33

15 We found nothing. Had we found something, we would
16 have known that a response had occurred of some kind.

11:33

17 158 Q. I do understand you found nothing but I just want to
18 know what you mean when you said to Mr. Henry you
19 didn't accept that. Do you mean you don't believe
20 these steps were taken?

11:33

21 A. I don't accept -- well, Sir, with respect, when I make
22 a decision that I accept something it's on the basis of
23 the evidence in front of me.

24 159 Q. I understand that.

25 A. And an assertion of this nature is not sufficient to
26 persuade me that something occurred. And there should
27 have been documentation which underpinned this which
28 would have convinced me that this had been done and I
29 saw -- it would be variety of documentation and I have

11:33

1 seen no such evidence which leads me to the view that I
2 find it difficult to accept that it did happen.

3 CHAIRMAN: I follow, thank you.

4 THE WITNESS: Thank you.

5 MR. GREANEY: Sir, that concludes the Core Participant 11:34
6 questioning. Can I add that Mr. Mansfield has told me
7 that the Rush family, who he represents, do have some
8 questions of Baroness O'Loan but they judge that those
9 questions are better posed when the witness returns, as
10 she's currently expected to do at a later stage in our 11:34
11 process.

12
13 Can I just check, my expectation is that we will not
14 need a break at this stage because we had a break
15 earlier in the day because of the technical issue. I 11:34
16 do have a small number of additional questions that
17 might take ten minutes. It may be, Sir, that you have
18 some questions as well. May I just take with the
19 stenographer that she is content to go on for 20
20 minutes. 11:35

21 CHAIRMAN: Yes.

22 MR. GREANEY: Can I check with the witness, are you
23 content to carry on for about perhaps 20 minutes?

24 THE WITNESS: Yes.

1 BARONESS NUALA O'LOAN WAS FURTHER QUESTIONED BY
2 MR. GREANEY AS FOLLOWS:

3
4 160 Q. MR. GREANEY: Lady O'Loan, what I need do is just to
5 return to the meeting that you had with the Chief 11:35
6 Constable at Hillsborough Castle on 10th December 2001.
7 And I need do that because of further material that has
8 become available overnight.

9
10 Let me begin by making certain that I've correctly 11:35
11 understood what happened that evening. You had a
12 meeting with the Chief Constable. Bear with me for a
13 moment as people are leaving. You had a meeting with
14 the Chief Constable and it was just the two of you?

15 A. Yes. 11:36

16 161 Q. The April PONI document indicates that that lasted for
17 over one hour, does that accord with your recollection?

18 A. Yes, it does.

19 162 Q. Mr. Skelt, on behalf of Sir Ronnie Flanagan, said to
20 you in his questions yesterday, that the tone of that 11:36
21 meeting was much more conciliatory than perhaps you
22 described earlier on today and you replied, "no." He
23 then suggested that Sir Ronnie had been outlining to
24 you that there had been disagreements between you but
25 that he, the Chief Constable, was wanting to put an end 11:36
26 to those and move forward in a more positive light.
27 And you went on to describe that meeting as being not
28 conciliatory but very, very unpleasant. I'm going to
29 return to that in a moment.

1 After the meeting had concluded, did you then go to
2 your car and write a note of what he had said to you in
3 handwriting?

4 A. I did, because I wanted to remember all the issues
5 which he'd raised. I was very shocked by what had 11:37
6 happened and I had a piece of paper and a pen and I
7 just wrote down just headings, do you know.

8 163 Q. Did you then, subsequently, dictate what was within
9 your note so as to create a typed note of the sort that
10 we saw yesterday? 11:37

11 A. Yes, that would be my recollection.

12 164 Q. Now, just to bring you up to date, shortly after
13 11:00 a.m. today we received from PONI a copy of the
14 typed note to which you've referred and we're grateful
15 to them, of course, for that. But that note, given 11:37
16 when we received it, has not been through the process
17 of sensitivity checking that it needs to go through.
18 But, first, I can confirm that your recollection is
19 correct and that the typed note does exist. And,
20 secondly, that we can't put that note on the screen may 11:37
21 not matter because is it the position that overnight
22 you have been able to locate the notes that you wrote
23 by hand in the car?

24 A. Yes.

25 165 Q. And I'm going to ask that the camera come away from you 11:38
26 so that the unredacted version of the notes isn't at
27 any risk of being placed on the screen but I do want to
28 ask you some questions.
29

1 to put the redacted version of the note on the screen,
2 INQ 049787. Thank you very much, indeed.
3
4 So, yesterday, you told us by reference to the 2002
5 PONI response that the Chief Constable had said that 11:39
6 the Omagh SIO had had access to all Special Branch
7 material last week, there was no intelligence of
8 relevance to the Omagh bomb investigation in Special
9 Branch?
10 A. Yes. 11:40
11 173 Q. And can you see halfway down that page there is a note
12 "no relevant intelligence"?
13 A. Yes, above that it says "McA" and that's the SIO I
14 think McArthur:
15 11:40
16 "Access to Special Branch all week, no relevant
17 intelligence there."
18
19 174 Q. And does that confirm you in your recollection and in
20 your evidence yesterday that such a thing was said to 11:40
21 you by the Chief Constable?
22 A. Absolutely.
23 175 Q. Secondly, you told us that the Chief Constable had said
24 to you that you could have obtained his judicial review
25 to prevent publication as his legal advice was that the 11:40
26 Police Ombudsman's stance was unreasonable?
27 A. Yes.
28 176 Q. And can you see that immediately beneath the
29 handwritten note that we just looked at, you have

1 recorded I think:
2
3 "Could have got my JR. Legal advice was you were
4 unreas."
5 11:41
6 So unreasonable, presumably?
7 A. Yes.
8 177 Q. Again, does that near contemporaneous record confirm
9 you in your recollection and in your evidence?
10 A. Yes. 11:41
11 178 Q. You told us also that the Chief Constable had said that
12 "A," Patrick 'Mooch' Blair, was not a suspect nor
13 should he be, and do we see again just beneath "MB,"
14 would that be reference to 'Mooch' Blair?
15 A. Yes. 11:41
16 179 Q. "Not a suspect"?
17 A. Yes.
18 180 Q. And so, again does that confirm you in your
19 recollection and in your evidence?
20 A. Yes. 11:41
21 181 Q. Fourthly, you told us by reference to the PONI response
22 or rejoinder, the Chief Constable said he was on the
23 edge of a breakthrough in the Omagh bomb investigation.
24 And as we read on in the handwritten notes, did you
25 note, at the time "on edge of a breakthrough"? 11:42
26 A. Yes.
27 182 Q. And, again, does that confirm you in your recollection
28 and in your evidence yesterday?
29 A. Yes, yes.

1 183 Q. And then, finally, you told us that the Chief Constable
2 had said that the Police Ombudsman would never be able
3 to rebuild trust with police and that you had destroyed
4 your relationship with them. And reading on, does it
5 read, your handwritten note: 11:42
6
7 "Never be able to mend the bridge with police."
8
9 A. Yeah. These were just to note the issues. So, it's
10 less explicit but yes, that was it. 11:42
11 184 Q. Can I ask you just before I pose just one final
12 question I hope to you, does seeing that you noted at
13 the time:
14
15 "Never be able to mend the bridge with the police." 11:43
16
17 Confirm you in your recollection and in the evidence
18 that you gave evidence yesterday?
19 A. Yes.
20 185 Q. And did you regard the Chief Constable telling you that 11:43
21 you would never rebuild trust with the police and that
22 you destroyed your relationship with them?
23 A. Yes.
24 186 Q. Did you regard that as demonstrating a desire to move
25 forward in a more positive light, as was suggested 11:43
26 yesterday?
27 A. No.
28 MR. GREANEY: That brings my questions to an end, Sir.
29 Do you have any questions for the witness?

1 BARONESS NUALA O'LOAN WAS FURTHER QUESTIONED BY THE
2 CHAIRMAN, AS FOLLOWS:

3
4 187 Q. CHAIRMAN: There's one matter I'd like to return to if
5 I may, and it concerns the discussion we've had both 11:43
6 yesterday and today in relation to the Nally Report.
7 Now, you'll be aware, of course, Lady O'Loan, that the
8 Terms of Reference for this Inquiry do not extend to a
9 consideration of any of the actions by the Irish
10 Government or any organ of the Irish State, but we do 11:44
11 have a level of cooperation from the Irish State, which
12 I think is important to recognise. And to the extent
13 that there has been, perhaps, a degree of implied
14 criticism of the Nally Report and the work which that
15 group carried out, I think it's fair to them that I 11:44
16 just publicly acknowledge what they say they did.
17 would you mind, therefore, looking with me, just very
18 briefly, at the document we looked at yesterday, which
19 is INQ 014752. And it is at paragraph 1.8 please. I'm
20 not engaging here in any assessment of the efficiency 11:45
21 or appropriateness of this investigation, I just want
22 to note what they set out as having conducted.

23
24 And if we look at paragraph 1.8 we can see that it
25 tells us: 11:45
26

27 "The group held its first meeting on 29th April 2002
28 and, subsequently, they met on 62 other occasions. It
29 met with the Ombudsman and her officials in July 2002.

1 It also interviewed 25 persons involved with the
2 matters raised in the Police Ombudsman's reports,
3 including officers of the Garda Síochána, the PSNI and
4 the Office of Director of Public Prosecutions. Senator
5 Martin Mansergh, former special adviser to the 11:45
6 Taoiseach and Dáil Deputy A. It interviewed some of
7 them more than once and Detective Sergeant White on
8 four occasions over a 12-month period."

9
10 It's obvious, of course, from what we've been reading 11:46
11 that they produced and published a report, but you'll
12 probably be aware that that's only a summary of the
13 report which they prepared. Have you seen the full
14 report?

15 A. I've seen a long report which they produced, I don't 11:46
16 know if that's the full report, Sir.

17 188 Q. The point I was just going to make was that the full
18 report, which the group produced has been disclosed in
19 an unredacted fashion to the Inquiry Legal Team who've
20 had the opportunity of reading it. 11:46

21 A. In that case, I think it's been disclosed to me.

22 MR. GREANEY: So, Sir, it has not been disclosed in
23 unredacted form to Core Participants. It has been
24 disclosed in a redacted form to Core Participants but
25 members of the Inquiry Legal Team, including myself, 11:46
26 Sir, have read the whole of the report entirely
27 unredacted.

28 CHAIRMAN: Thank you. Well, those are all the
29 questions that I had, Lady O'Loan, and it simply

1 remains for me to thank you very much indeed for your
2 contribution to the work of this Inquiry.
3 THE WITNESS: Thank you, Sir.
4 MR. GREANEY: Sir, the next witness will be former
5 Lance Corporal Errol Thompson who has waited very 11:47
6 patiently, may I say, to give his evidence. He will
7 take us back to the Daily Occurrence Book and will be
8 called by my learned Friend, Ms. Briggs.
9
10 Could we have a short break, Sir, before that witness 11:47
11 is called and I suggest until five past midday, please.
12
13 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:
14
15 CHAIRMAN: Ms. Briggs. 12:01
16 MS. BRIGGS: Thank you, Sir. Sir, in the witness box
17 is former Lance Corporal Thompson. Sir, his evidence
18 wasn't reached on Thursday, 8th October and we're very
19 grateful to him for his patience and his understanding
20 in returning today to give his evidence, Sir. 12:04
21 CHAIRMAN: Good afternoon, Mr. Thompson.
22 THE WITNESS: Good afternoon, Sir.
23 MS. BRIGGS: If we could have him sworn please, he'll
24 take an oath on the Bible.
25 12:04
26
27
28
29

1 MR. ERROL THOMPSON, HAVING BEEN SWORN, WAS QUESTIONED
2 BY MS. BRIGGS AS FOLLOWS:

3
4 189 Q. MS. BRIGGS: If you could start please by giving us
5 your name?

12:05

6 A. My name is Errol Thompson.

7 190 Q. Thank you very much. And you've provided two witness
8 statements to the Inquiry, isn't that right?

9 A. That's correct.

10 191 Q. For the purpose of the transcript and the record, those
11 are at INQ 049587 and INQ 049727. Former Lance
12 Corporal, those are dated 22nd September and 8th
13 October 2026, isn't that right?

12:05

14 A. That is correct.

15 192 Q. I know that before we get into your evidence you have a
16 few words you would like to say, so if you're content I
17 will give you the opportunity do that now.

12:05

18 A. Thank you, Ms. Briggs. Thank you, Sir. I just want to
19 make a few points. I was born and raised in the Town
20 of Omagh. I lived in Omagh throughout the period known
21 as "The Troubles." A child of the '60s, obviously
22 through the '70s and '80s when many bombs were planted
23 and exploded. Shops and other businesses were set on
24 fire and were burnt out by incendiary devices. During
25 this period, terrorists murdered and attempted to
26 murder some of my friends and colleagues.

12:05

12:06

27
28 I knew many of the victims of the Omagh bombing and
29 their families. I know some of the people in this room

1 personally. The reason I am here today is to be of
2 assistance as I have Omagh and its people in my heart.
3 Thank you. Thank you, Sir.
4 CHAIRMAN: Thank you for those words.

5 193 Q. MS. BRIGGS: Thank you very much former Lance Corporal. 12:06
6 We'll start with your service with the British Army,
7 and this is all in your first statement for anyone
8 following along with that.
9

10 Is it correct to say that you were a part-time member 12:06
11 of the Ulster Defence Regiment from February 1983?
12 A. That is correct.

13 194 Q. And you took up a full-time position in May 1984?
14 A. That is correct.

15 195 Q. And you served initially in the 6th County Tyrone 12:06
16 Battalion?
17 A. That's correct.

18 196 Q. And the headquarters of that battalion was in St. Lucia
19 Barracks in Omagh?
20 A. That is correct. 12:07

21 197 Q. On 1st July 1992, you tell us in your statement that
22 the Royal Irish Rangers and the Ulster Defence Regiment
23 merged to become the Royal Irish Regiment?
24 A. That is correct.

25 198 Q. And in 1996 you were redeployed at that time with the 12:07
26 Royal Irish Regiment from St. Lucia Barracks to
27 Lisanelly Barracks in Omagh?
28 A. That is correct.

29 199 Q. And so, on 15th August 1998 you were serving with the

1 Royal Irish Regiment and you were based at Lisanelly
2 Barracks?

3 A. That is correct.

4 200 Q. And you were, at that time, a Lance Corporal?

5 A. That is correct. 12:07

6 201 Q. And the Royal Irish Regiment had a General Service
7 Battalion and a Home Service Battalion, and those were
8 serving in Northern Ireland, is that right?

9 A. You'd a General Service Battalion which was basically
10 serving was worldwide, and the Home Service Battalion, 12:08
11 several of them were in Northern Ireland, but they were
12 called "Home Service."

13 202 Q. And there would be a change of the General Service
14 Battalion every two years, is that right?

15 A. The battalions that would have been stationed in 12:08
16 Lisanelly Barracks, for example, those units would have
17 changed usually every two years. They were called the
18 resident battalions, so they would come from GB or
19 could come from elsewhere in the world, working
20 elsewhere in the world where they would have been 12:08
21 carrying out operations or training.

22 203 Q. And in terms of the role of your battalion then, you
23 tell us in your statement that its role was to assist
24 and support the police and to assist Army battalions
25 from Great Britain that were stationed in Northern 12:08
26 Ireland?

27 A. That would be correct.

28 204 Q. To finish off your background and experience, is it
29 right to say that you were redeployed to Grosvenor

1 Barracks in Enniskillen in 2003?

2 A. Yeah, subsequently -- from 1998 I would have been
3 promoted on two occasions to the rank of sergeant in
4 Grosvenor Barracks in Enniskillen, that's where I
5 finished off my military colour service after 22 years, 12:09
6 retired in 2006.

7 205 Q. April of 2006, isn't that right?

8 A. 20 years.

9 206 Q. Thank you very much. Nowadays, since 2010, you have
10 been a full-time councilor? 12:09

11 A. That's correct.

12 207 Q. And your council today is Fermanagh and Omagh District
13 Council?

14 A. Fermanagh and Omagh District Council, that's correct.

15 208 Q. Thank you very much. I'm now going to turn to ask you 12:09
16 some questions about the Intelligence Cell in Lisanelly
17 Barracks and the work that you did there in 1998
18 generally.

19

20 Your role was a collator, you tell us in your 12:09
21 statement?

22 A. I was a collator but sometimes that would involve also
23 briefing. And on the day in question I was just
24 looking at the Occurrence Book and that would have been
25 referring to 24-hour collator/briefer. 12:10

26 209 Q. And can you tell us a little bit about what a collator
27 dose and what a briefer does?

28 A. Yeah. A collator would have been collecting
29 information that would come from, maybe patrols on the

1 ground. Obviously the Occurrence Book refers to some
2 of them, patrols on the ground information that they
3 would have collected. It would have come from the RUC,
4 it would have come from various different sources,
5 mainly, a lot of it by phone as well as over the radio. 12:10

6 210 Q. And briefing then?

7 A. Briefing, that would involve patrols going out on the
8 ground would have been briefed as to what the threat
9 was, what the situation was on the ground at that
10 particular time. So, you would have covered a lot of 12:10
11 aspects of life over that time and what was actually
12 happening in around you.

13 211 Q. And --

14 A. And then the debriefing piece would have been when they
15 would come in off patrol again we would have debriefed 12:11
16 them and took a patrol report off them. Any issues
17 that they would have had out there on the field, so to
18 speak, we would have dealt with that there and then.
19 So, that's what we were about.

20 12:11
21 Also added to that task as briefing would have been,
22 you'll see some of the subsequent serials there would
23 have been briefing people coming in off leave. Maybe
24 Northern Ireland people, they might have been over in
25 GB and they'd come home on leave and things like that. 12:11
26 So, they would have been briefed by us as to out of
27 bounds areas, for example, in or around our district of
28 Omagh and also just the general threat that was out
29 there at that time.

1 212 Q. In terms of others that were working in the
2 Intelligence Cell with you, would there have been other
3 collators and other briefers?

4 A. Yeah, there would have been. The thing about the rest
5 of the battalion was, I was over there, I lived outside 12:12
6 the gate so I was living in my own home outside Omagh
7 and they were stationed in Lisanelly Barracks, so they
8 might have been single soldiers there, single
9 accommodation. There'd be people married, they'd be in
10 married quarters within Lisanelly Barracks. So they 12:12
11 all lived there. So, they were there for a two-year
12 posting, most of the time, so they would have been
13 coming and going into the office and out of the office
14 on regular basis when they were there.

15 213 Q. And what type of roles were they conducting in the 12:12
16 Intelligence Cell, could you say?

17 A. They would have been similar to myself, they just
18 mightn't have had the similar local knowledge that I
19 would have had, obviously, being a local. But part of
20 my role was there as well, was to try and train them up 12:12
21 to be able to do their job effectively.

22 214 Q. You tell us in your statement that a collator, and I'm
23 using your words, is a relatively low-level role?

24 A. A low-level role, I suppose, in the bigger sense of the
25 military, a Lance Corporal was quite low down the food 12:13
26 chain. You'd a Private and then Lance Corporal, so
27 that has the way it was.

28 215 Q. And the Inquiry has heard a significant amount of
29 evidence already about the Intelligence Room and the

Operations Room. Can you tell us from your point of view where they were situated in relation to each other?

A. Well, if you'd have come in from the Gortin Road into Lisanelly Barracks it's probably one of the first buildings you'd have met on the right-hand side which was actually Battalion Headquarters of that particular unit, whatever unit would have been there at that particular time for the two-year post. We would have been on the right-hand side of the building which would have been on the ground floor. And the Ops Room would have been on the left-hand side of the building. So, there was some distance of maybe 30, 40 metres between the two offices.

Upstairs in that building you had the Commanding Officer and the Adjutant and all his senior team would have been up in there as well as the Admin.

216 Q. The two rooms, is it correct to say, they operated
separately from each other?

A. They would have worked totally separate. The Int Cell, you could have had many tasks, as I already alluded to, Sir. You know, you had many, many tasks do there, you were collating, you were briefing, you were briefing people coming home on leave, you'd have been taking calls from maybe the police about different issues, you'd have been taking calls from different people in the military and it was a busy station.

217 Q. The Inquiry heard evidence from former Captain Hodgson

1 who was the Intelligence Officer from 1 QLR and he told
2 the Inquiry that urgent information received would be
3 passed on to the Operations Room first at times with,
4 perhaps, an entry entered into the Occurrence Book in
5 the Intelligence Cell after; does that accord with what 12:15
6 you remember?

7 A. From my memory, that would have been the case because
8 you'd have got the information coming in by whatever
9 means. And if you thought it was necessary at the time
10 you would have went either by phone, but usually you'd 12:15
11 have went up the corridor to the Operations Room and
12 informed the person called the watchkeeper of what was
13 going on. So, that was your role.

14 218 Q. And it might have been that if an entry was being made
15 in the Occurrence Book it might have been made after 12:15
16 that?

17 A. It would have been made after that, because your
18 initial thoughts were, 'this is information, let's get
19 it up to the Ops Room because they may have to act on
20 that.' The battalion may have to be stood to, to be 12:15
21 able to direct to, if the police called them.

22 219 Q. Before we turn to 15th August 1998, the last thing I'll
23 ask you about is the RUC radio that you and others
24 listened to in the Intelligence Cell. And I'm not, at
25 this stage, going to ask you about any particular 12:16
26 broadcast, but I'd like to understand where the radio
27 was situated, first of all, in the room?

28 A. The RUC Net, from my memory, it would have been, it
29 would have been on probably a small shelf. It would

1 have been sort of like a pocket sized radio. It would
2 have been turned down. It wasn't your primary concern,
3 wouldn't be, that radio. That's the difference between
4 the Ops Room and the Int Cell. The Ops Room were
5 listening to radios constantly, where we weren't. That 12:16
6 was -- it was just a sort of an information tool
7 really.

8 220 Q. You said it would have been turned down; by that do you
9 mean to a low level?

10 A. It was down to a low level. It wasn't, you know, it 12:16
11 wasn't coming across when you were interrupting other
12 conversations and things like that, that maybe you were
13 dealing with on a phone or someone coming into the Int
14 Cell to be briefed or you briefing senior officers, for
15 example. So, that wouldn't have been your primary 12:17
16 concern.

17 221 Q. If we can now take a look at the Daily Occurrence Book,
18 please, and we're going to focus your evidence on a
19 particular entry. It's INQ 034854. Page 4 first of
20 all, please. And this will come up on the screen in 12:17
21 front of you, former Lance Corporal Thompson, but if
22 you do need a moment you can also use the papers that
23 you have.

24 A. Okay.

25 222 Q. So, this is a page from the Daily Occurrence Book; do 12:17
26 you recognise that page?

27 A. I do.

28 223 Q. And it has entries on it from 14th and 15th August
29 1998; can you see that?

1 A. Yes, that's correct.

2 224 Q. And I'm only going to take you to the red text that
3 appears between serials 381 and 382?

4 A. Yes.

5 225 Q. That's towards the bottom of the page. And if you can 12:18
6 see that and we can make that larger perhaps, it starts
7 "Saturday 15th August 1998."

8 A. Yeah.

9 226 Q. Thank you very much, Ms. Montgomery. We can see:
10
11 "Saturday 15th August 1998 at 0900 hrs,
12 24-hour collator/briefer."
13
14 And yourself, your name is beside it?

15 A. Yeah, that's my handwriting. 12:18

16 227 Q. So, that entry marked the beginning of your work on
17 15th August 1998?

18 A. Yes.

19 228 Q. And would you have written that down?

20 A. That would be my handwriting. 12:18

21 229 Q. Can we go straight on to page 6, please. We'll look at
22 entry 386, please, Ms. Montgomery. And you've told us,
23 former Lance Corporal, in your second statement that
24 this entry is written by you?

25 A. It is my handwriting. 12:19

26 230 Q. And if we can include at the far right-hand side the
27 word "signature" is applied?

28 A. Yes.

29 231 Q. You have seen behind that redaction and you've told us

1 in your statement that that is your signature?

2 A. That is definitely my signature.

3 232 Q. So, what we can see is the entry at 386 was made on
4 15th August 1998 at 1440 hrs. It says in the third
5 column, "RUC Net" and that's under the heading 12:19
6 "reported by," isn't that right?

7 A. That's correct.

8 233 Q. And we then have the details of the occurrence and we
9 don't need to read that in at this stage but you can
10 see that. And the action column says a number of 12:20
11 actions that were taken. And the Inquiry's looked at
12 this extensively already. But we can see: "1:22 INT
13 informed." Can you see that?

14 A. Yes, that's correct.

15 234 Q. And you've written there "Watchkeeper informed." And 12:20
16 you've been told by the Inquiry that that was
17 Captain Peebles?

18 A. That is correct.

19 235 Q. And when we can see "Warrant Officer Brisco informed"?

20 A. Correct. 12:20

21 236 Q. And we can see "Intelligence Officer informed." And
22 the Inquiry has said that that is Captain Hodgson?

23 A. Yes.

24 237 Q. And "Corporal Mitchell aware"?

25 A. Correct. 12:20

26 238 Q. It says, "RUC now checking and securing area"?

27 A. That is correct.

28 239 Q. Then below that we can see what looks to be "ETB" and
29 then "Armagh and C'town"?

1 A. That is not my handwriting, but to me that would be the
2 East Tyrone Battalion and Armagh, Cookstown security
3 bases as well.

4 240 Q. Does that mean that others could add to an entry that
5 you had made? 12:21

6 A. Others could add as and when it was necessary, as they
7 thought necessary, and as the day probably went on,
8 those people would have been added into it as well.

9 241 Q. Now, in your statements you tell us what you can about
10 this entry, and I'm just going to draw out some of the 12:21
11 things that you've told us in your statement. You've
12 told us in in your statements that you don't recall
13 making the entry or receiving the information, is that
14 right?

15 A. I don't recall making the entry. I remember the day 12:21
16 because of everything that was going on and
17 subsequently when the bomb exploded and everything
18 else, you know, there was so many subsequent entries in
19 that Occurrence Book after that. But I genuinely don't
20 remember the actual call because, as I said, the RUC 12:22
21 Net there, obviously it was picked up in some fashion.
22 Now, the wording may be not -- is not tying in with the
23 what the RUC have said, but there is some of the
24 wording which is correct there as well.

25 242 Q. We'll come to look at that in a moment and we'll 12:22
26 compare it with a transcript of radio communications.
27 What you've told us in your statement then is that you
28 were recording information that you had received but
29 you didn't know whether it was word-for-word a specific

1 message --

2 A. Yeah.

3 243 Q. -- or whether you were making a summary of radio
4 traffic you heard?

5 A. You'd have been picking out what you thought or your 12:22
6 interpretation of it was and what you thought was
7 important.

8 244 Q. And you also tell us in your first statement that there
9 was a flurry of dissident republican activity before
10 the Omagh bomb? 12:23

11 A. There was a lot of activities over several years before
12 that. I can remember vaguely the Enniskillen bomb, the
13 Enniskillen bomb at the Killyhevlin Hotel, and there
14 would have been another bomb near a bowling alley in
15 Enniskillen. Those type of things there would have 12:23
16 sprung to mind but that was some particular time before
17 the Omagh bomb. There'd have been other activities
18 going to what I would describe as the flanks out to our
19 east and maybe to our south, which dissident activity
20 was going on, but nothing to me just with particular 12:23
21 regard to Omagh, until that happened.

22 245 Q. You say in your statement that you weren't aware if the
23 entry were referring to information about events on
24 15th August or, perhaps, earlier bomb threats, you say,
25 from dissident republicans? 12:24

26 A. Yeah. My memory's just not serving me what it should
27 be maybe at 28 years later, but I would have picked out
28 what I thought was relevant on the day and reported to
29 the Ops Room, that's what I would have done.

1 246 Q. Thank you very much, formal Lance Corporal. Since you
2 made your first statement, you've had the opportunity
3 to listen back to the RUC Net that was used by the
4 Omagh sub-division of the RUC and that was on the VHF
5 channel. We can bring a transcript of the 12:24
6 communication on to the screen and that's INQ 001327,
7 and it's page 6. And if we can just enlarge the first
8 third of that page, please. Thank you very much. I'm
9 going to in a moment read that into the record. Can
10 you tell us, first of all, what you can see on the 12:25
11 screen that that transcript entry from Constable Millar
12 at 14:35:55 reflects what you've heard played?
13 A. It would reflect some of what I interpreted to be, some
14 of it may be not be there. There's similarities of
15 what I took from the radio on the day. 12:26
16 247 Q. I beg your pardon, former Lance Corporal, I wasn't
17 clear whenever I asked that question. When you were
18 subsequently played, last week, audio, does this
19 transcript reflect what you were played last week?
20 A. As I say, the radio was probably down low, what I heard 12:26
21 last week the radio was quite low and it was a bit
22 crackly, the crackly of it, it was what I interpreted
23 probably on the day what I took out of that. The
24 wording is similar but not all of it.
25 248 Q. what you were played last week is what I will read into 12:26
26 the record now and then we'll look back at 15th August.
27 So we can see Constable Millar saying:
28
29 "Lima Oscar 70, from Oscar, send. Over."

1 And then we can see Constable Millar says:

2
3 "Roger, will you get 7-1 and go short of the courthouse
4 I would say. I would suggest well short of the
5 courthouse. There's a bomb warning in for about three 12:27
6 different locations. If you want even park in Bridge
7 Street and take a wander up checking for cars that seem
8 to be heavily laden down. It's supposed to be 500lb
9 and that a code word that was used the last time in
10 Banbridge was the one that was given this time. Do you 12:27
11 understand? Over."

12
13 And you've touched on it already, but when you were
14 played the audio by the Inquiry Legal Team you
15 mentioned about the sound quality can you tell us what 12:27
16 you heard?

17 A. The sound wasn't very good and it was quite crackly.
18 This is something like 28 years later. But that's the
19 way it would probably come across. But, as I say, the
20 radio was turned down low, so it wasn't our primary 12:27
21 concern. So, when we got -- what I interpreted, I got
22 the message, I would have immediately informed the Ops
23 Room and then put my entry in the book when I had
24 returned to the Intelligence Cell.

25 249 Q. And there are, and you've touched on this already as 12:28
26 well, similarities between what Constable Millar has
27 said and between what you have written in the
28 Occurrence Book?

29 A. Yeah, there are similarities, yeah.

1 250 Q. And one of those similarities would be that there's
2 reference to the area of the courthouse?
3 A. Yeah.

4 251 Q. And Constable Millar says, and we can see that the code
5 word was used in a previous incident in Banbridge? 12:28
6 A. That's correct.

7 252 Q. And you say in the Daily Occurrence Book you've
8 recorded that it was a Banbridge-type coded warning?
9 A. That's correct.

10 253 Q. And Constable Millar says that "it is 500lb" and in the 12:28
11 Occurrence Book you have written that the bomb is "in
12 the region of 500lb"?
13 A. That's correct.

14 254 Q. And where they differ, of course, is that Constable
15 Millar says that "there's a bomb warning in for about 12:29
16 three different location," and what has been recorded
17 in the Daily Occurrence Book by you is that there were
18 warning over bombs in several towns province wide.
19 A. Yeah, that's what I have written down. My memory
20 doesn't serve me any better than I can now at this 12:29
21 minute in time.

22 255 Q. That's entirely understood. And in your statement
23 you've told us that you took down the information as
24 best you could and you've said that today as well?
25 A. Yeah. 12:29

26 256 Q. And you said in your statement, and it could be, you
27 say, that it was one of two things that you had heard,
28 a reference to bomb warnings in several towns other
29 than Omagh, or, a reference to warnings that were about

1 Omagh, but the warnings themselves were received from
2 other towns?

3 A. Yeah. As I say, my memory just doesn't cover that. I
4 can't recall exactly, but once would I have heard
5 "Omagh," I would have sprung into action, so to speak, 12:30
6 and I would have been -- that would have made me take
7 action straight away to deal with the situation.

8 257 Q. Thank you, former Lance Corporal. Can I finally look
9 to serial 385, and I want to be clear that I'm only
10 going to ask you some very short questions about that 12:30
11 entry and it's INQ 034854 and it's page 6. And it's
12 the entry at 385 please, Ms. Montgomery. We can see
13 the first two columns are in blue ink and the remainder
14 of the columns that are unredacted are in black ink?

15 A. That is correct. 12:31

16 258 Q. And you've told us, very helpfully, in your second
17 statement that the handwriting in blue ink in the first
18 two columns is your own?

19 A. That is correct.

20 259 Q. And you've told us that you believe you've written the 12:31
21 time of that entry to be at 1321 hrs?

22 A. Yeah, I believe it's 13:21 because it's chronological
23 order.

24 260 Q. The book is?

25 A. The book, mainly, unless it says "belated" or something 12:31
26 like that on it with regard to the entry, you'll maybe
27 see something above, it would refer to something else.
28 But that there to me is "15th August '98, 13:21."

29 261 Q. And you told us that the remainder of that entry and

1 you've seen the signature as well that's redacted, but
2 none of the remainder of that entry or the signature
3 are your own?

4 A. They aren't mine, no, and I don't know who that is, to
5 be honest. 12:32

6 MS. BRIGGS: Thank you very much for answering my
7 questions, former Lance Corporal.

8

9 Sir, Core Participants have permission to ask questions
10 under Rule 10. Mr. McGowan has kindly indicated to me 12:32
11 today that he has no questions for the former Lance
12 Corporal. Can I look then to Mr. Kane KC.

13 CHAIRMAN: Mr. Kane.

14 MR. KANE: Thank you, Sir.

15 12:32

16 MR. ERROL THOMPSON WAS QUESTIONED BY MR. KANE AS
17 FOLLOWS:

18

19 262 Q. MR. KANE: Good afternoon to you. Mr. Thompson?

20 A. Good afternoon, Mr. Kane. 12:32

21 263 Q. Can I ask you, first of all, were you ever asked to
22 clarify at any time what you had written down in this
23 particular serial, 386, prior to this Inquiry getting
24 in touch with you?

25 A. No, I have not. 12:33

26 264 Q. And it probably follows on from that, but I just want
27 to clarify it, can we therefore take it that the RUC,
28 as it was before it became the PSNI, that neither of
29 those police authorities, or anyone else carrying out a

1 review of the Omagh bombing, ever contacted you about
2 serial 386?

3 A. No, I have not been contacted until the Inquiry team
4 all over these years, nobody has got in touch with me
5 with regard to it. 12:33

6 265 Q. And you have told us that what you would write down
7 would be things which you thought were to use your
8 words, "important," would that be correct?

9 A. Yes.

10 266 Q. And you would take it down as best you could, again 12:33
11 which is something you said today?

12 A. Yes.

13 267 Q. And what has been noted there, is now under a degree of
14 challenge in that it may be inaccurate or mistaken. In
15 the immediate aftermath of the Omagh bomb and all that 12:34
16 that entailed, if you had gone home or in the course of
17 the next week or two weeks had realised that you had
18 entered something into this book which was wholly
19 inaccurate or mistaken, would you have taken steps to
20 ensure that that was corrected? 12:34

21 A. I would. As far as I was concerned it was my
22 interpretation of what I heard. I wouldn't be in the
23 habit of telling lies at all, so if I thought there was
24 something wrong with my entry, I would have certainly
25 highlighted it. 12:35

26 268 Q. Or you'd have sought to clarify it with your superiors?

27 A. Yes, that's correct.

28 269 Q. Now, you've said that once you heard the word "Omagh"
29 you'd have swung into action?

1 A. Most certainly, born and raised in the town, lived in
2 the town, still live there, I would be certain I would
3 have sprung into action straight away.

4 270 Q. Now, of course, whenever this was written, on the face
5 of the record, you didn't know, no one knew what was 12:35
6 going to happen --

7 A. No.

8 271 Q. -- 20 minutes later or the enormity of that atrocity at
9 that stage.

10 A. No. 12:35

11 272 Q. But nevertheless, once you would have heard the
12 suggestion of a bomb in Omagh, you would have
13 immediately gone to your superior officer, is that
14 correct?

15 A. I would have went to the Ops Room. 12:36

16 273 Q. Yes.

17 A. My initial thought, I would have went to the Ops Room
18 but, as I said earlier, Sir, it would have been 30 to
19 40 metres up the corridor. I would have told the
20 watchkeeper of what I'd heard and, basically, for them 12:36
21 hopefully to spring into action if they needed to do
22 it. To me, if you were getting that bomb warning
23 coming in, it was the time for action.

24 274 Q. And do you recall whether or not it was Captain Michael
25 Peebles who was the officer in the Ops Room? 12:36

26 A. I don't recall who it was, Sir, but I mean, as already
27 alluded, to these battalions changed every two years.

28 275 Q. Anyway, he has given evidence to the Inquiry and his
29 recollection is as follows:

1 "My recollection is asking the question: Have you
2 heard what is being said on the RUC Net? I was
3 oblivious to it at the time so I said, 'no.' And that
4 he had said there is a bomb warning, but very little
5 more than that."

12:37

6
7 That is his recounting of what took place between you
8 and him. And that really all you told him, it would
9 appear, was that there had been a bomb warning?

10 A. No, I would certainly have elaborated. I wasn't
11 someone who would just give a brief statement like
12 that. I'd have elaborated on what I thought I heard
13 and interpreted and that's the way I would put it over
14 to him.

12:37

15 276 Q. I'm not suggesting that you didn't, but I just want to
16 break down serial 386 for you now. Because you there
17 -- there are two distinct parts to it, can I suggest.
18 Firstly:

12:37

19
20 "Overheard on RUC Net, RUC HQ Belfast have received
21 warnings over bombs in several towns."

12:37

22
23 Nothing so far to indicate Omagh.

24
25 "Province wide, including Omagh."

12:38

26
27 Now, once you got that information, could that have
28 prompted you to have gone, on hearing that, without
29 making any entry, to have gone down to the Ops Room?

1 A. I went straight to the Ops Room with that information,
2 that is correct, Sir.

3 277 Q. And that subsequently you would have recorded what I
4 have just read to you and subsequently then further
5 information was coming in, which coincides, in part, in 12:38
6 fact in many parts, with what was on the radio:
7
8 "The Omagh bomb is believed to be in the area of the
9 courthouse."
10
11 which has been outlined as being in the radio
12 transmission.
13
14 "It is believed to be in the region of 500lb. It was a
15 Banbridge-type code word warning." 12:39
16
17 Those were three pieces of information which
18 corresponded entirely with what was on the transcript
19 of Constable Millar?

20 A. That is correct, yeah. 12:39

21 278 Q. However, you wrote down other significant information
22 which was not in that. And you have said that in the
23 course of your statement, you are satisfied that
24 serial 386 is an accurate entry. And do you stand by
25 the accuracy of that entry? 12:39

26 A. It's as accurate -- I wouldn't have written it in if I
27 thought it wasn't correct. That's my interpretation of
28 it.

29 279 Q. would you accept that, first of all, you have written

1 in "RUC, HQ Belfast," you've written in "warnings"
2 plural, you've written in "bombs" plural, you've
3 written in "several towns" plural and you've indicated
4 a description of it being "province wide," those are
5 all separate and distinct pieces of information, 12:40
6 distinctly separate from what Constable Millar passed
7 over on the radio, isn't that correct?

8 A. Yes. After listening to the audio I can concur with
9 that.

10 280 Q. It would be a very large mistake to have made, wouldn't 12:40
11 it, to have just plucked out of the air all of that
12 detail?

13 A. As far as I was concerned, when I heard "Omagh."

14 281 Q. Yes.

15 A. "Omagh" was my primacy, my primary concern, so that's 12:40
16 what I -- I reacted to "Omagh."

17 282 Q. But can I suggest to you that the degree of detail and
18 probability tends to suggest that you did hear that and
19 you are accurately recorded what you heard?

20 A. Well, my memory doesn't serve me any better now, 28 12:41
21 years later, but that would be my interpretation of
22 what I heard.

23 283 Q. And your memory and your ability to record would be
24 much better and more accurate at the time than anything
25 you're trying to recall now, isn't that correct? 12:41

26 A. It would have been, yeah. I have to say, bearing in
27 mind the radio would have been turned down low, it was
28 crackly and all that, there could be room for a
29 mistake, I don't know. As I say, Mr. Kane, my primary

1 concern was Omagh.

2 284 Q. Of course.

3 A. I'd direct that, I'd go to the Ops Room and make them

4 aware. And then the subsequent people who were

5 informed after that. 12:42

6 MR. KANE: Thank you very much, indeed.

7 THE WITNESS: Thank you, Mr. Kane.

8 MS. BRIGGS: Sir, Ms. Black has indicated to me that

9 she has no questions for the former Lance Corporal.

10 And, indeed, HMG have no questions either, Sir. So, 12:42

11 finally, Sir, do you have any questions for the former

12 Lance Corporal?

13 CHAIRMAN: No, I don't but thank you very much indeed

14 Mr. Thompson, that's been very helpful.

15 THE WITNESS: Thank you very much, Sir. 12:42

16 MS. BRIGGS: Sir, it's now almost quarter to one.

17 Perhaps, Sir, we could take lunch at this time but

18 return at quarter to two, Sir, in order that we can

19 start promptly for DCC Tonge.

20 CHAIRMAN: Yes, we can do that. Thank you. 12:42

21 MS. BRIGGS: Thank you, Sir.

22

23 THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS:

24

25 CHAIRMAN: Mr. de la Poer. 13:45

26 MR. DE LA POER: Sir, good afternoon. We're joined for

27 our final live witness this afternoon and for this

28 four-week block, former Detective Chief Constable

29 Tonge, and I wonder if he may be sworn, please.

1 MR. MICHAEL TONGE, HAVING BEEN SWORN, WAS QUESTIONED BY
2 MR. DE LA POER AS FOLLOWS:

3
4 CHAIRMAN: Thank you, Mr. Tonge, and good afternoon.

5 THE WITNESS: Good afternoon.

13:45

6 285 Q. MR. DE LA POER: Can we begin, please, with your full
7 name?

8 A. Michael Tonge.

9 286 Q. Mr. Tonge, is it correct that you joined the police in
10 1978?

13:45

11 A. I did.

12 287 Q. And in the course of your policing did you have a
13 background in serious and organised crime?

14 A. I did, yes.

15 288 Q. Did you undertake numerous courses appropriate to your
16 role as a senior detective on the Lancashire
17 Constabulary?

13:46

18 A. I did.

19 289 Q. Did those courses include major incidents, SIO, that is
20 to say Senior Investigating Officer, and HOLMES
21 training?

13:46

22 A. They did.

23 290 Q. Were you, to take just one example from your highly
24 distinguished career, the beneficiary of a Chief
25 Constable commendation for successfully leading the
26 largest ever HOLMES-based inquiry in Lancashire
27 Constabulary's history?

13:46

28 A. I did, yes.

29 291 Q. That was the Wymott Prison riots in 1993?

1 A. Correct.

2 292 Q. Did you, within the course of your service within
3 Lancashire, achieve the rank of Assistant Chief
4 Constable?

5 A. I did, yes. 13:47

6 293 Q. And did you have oversight of Criminal Investigations,
7 Forensic Science and Special Branch?

8 A. I did, and I did the same role in Merseyside
9 afterwards.

10 294 Q. That was my next point. You moved then to Merseyside 13:47
11 where you continued to have those oversight roles
12 before your promotion to Deputy Chief Constable?

13 A. That's correct.

14 295 Q. So, was it your view that although you had not served
15 in Northern Ireland, the knowledge that you had built 13:47
16 up meant that you were equipped to lead the review that
17 was to be something you were invited to do in 2001?

18 A. I was, yes.

19 296 Q. So, let's come to that now, please. We know that on
20 12th December 2001 the Police Ombudsman, who we heard 13:47
21 from this morning, Baroness O'Loan (as she is now)
22 reported, within a very short period of time of that
23 report were you the subject of an approach by your
24 Chief Constable, Sir Norman Bettison?

25 A. Yes, and regional HMIs. 13:48

26 297 Q. And, as you say, the regional, His Majesty's
27 Inspectorate of Constabulary, that gentlemen being
28 Sir Dan Crompton (as he is now)?

29 A. It was, yes.

1 298 Q. And did the three of you discuss potential involvement,
2 on your part, following up the fallout of that report?

3 A. Yes, we did.

4 299 Q. Did that lead to a meeting with Sir Ronnie Flanagan on
5 20th December 2001? 13:48

6 A. Yes, I flew over to Belfast to meet with Sir Ronnie,
7 yes.

8 300 Q. And also present he had two ACCs, ACC Kincaid and
9 ACC White with him?

10 A. He did. 13:48

11 301 Q. And did you have accompanying you two officers who
12 we're going to hear some more about, namely Detective
13 Chief Superintendent Phil Jones and Detective Chief
14 Inspector Cliff Evans?

15 A. That's right. 13:49

16 302 Q. Had you and Sir Norman Bettison selected those two
17 officers as being the appropriate officers to accompany
18 you?

19 A. Yes, we did, they both had a strong background in major
20 crime investigation and seemed suitable for this role. 13:49

21 303 Q. The person who was in fact operationally leading the
22 review was Detective Chief Superintendent Phil Jones,
23 is that right?

24 A. That's correct.

25 304 Q. And he was, effectively, operating under your
26 oversight, as we'll see, when we come to the Terms of
27 Reference? 13:49

28 A. Yes, he was both he and Cliff Evans spent full-time
29 roles over in Northern Ireland to do this task.

1 305 Q. And was it your view and that of your Chief Constable,
2 Sir Norman Bettison, that they were equipped to do the
3 task that they were to be asked to do?

4 A. Yes. To give some background, certainly, Phil Jones
5 was a very accomplished detective, worked on serious 13:50
6 and organised crime and criminal groups in Merseyside
7 with far-reaching consequences with their activity. He
8 was a very ebullient, effervescent, positive
9 individual. Cliff Evans was a real good accomplice
10 with him. Cliff was a very dogged, determined, 13:50
11 attention-to-detail driven sort of detective and
12 together they formed a formidable team.

13 306 Q. And following the meeting that you had with Sir Ronnie
14 and his two ACCs, was it decided that Detective Chief
15 Superintendent Jones and DCI Evans were to scope out 13:50
16 the nature and scale of the task in the January of the
17 following year?

18 A. It was. It was a fast-moving position at that time,
19 we'd just had the Ombudsman's report, I met with the
20 Policing Board and there was a lot of issues going on 13:50
21 at the time. So, the scoping exercise allowed us to
22 look at the roles they would perform, the nature of the
23 structure of that review and allow those Terms of
24 Reference be drawn up with the knowledge of how big
25 this task would be. 13:51

26 307 Q. And in terms of how you found yourself in the position
27 of meeting Sir Ronnie Flanagan, was it your
28 understanding that the Northern Ireland Policing Board
29 were behind the response that you became involved in?

1 A. Not initially, no. I think the request had come from
2 Sir Ronnie through the HMI, and the HMI source at
3 Merseyside with his background and expertise in major
4 crime, was a possible view for taking this forward.
5 The Policing Board came slightly later on, that was my 13:51
6 impression.

7 308 Q. But there did come a time when, effectively, you were
8 operating under a strategy overseen by the Policing
9 Board?

10 A. That's correct. 13:51

11 309 Q. So, in terms of what you knew at that stage, the Police
12 Ombudsman had provided what is known as a Regulation 20
13 report, which is provided to a limited number of
14 people, Secretary of State, Policing Board and the
15 Chief Constable of the RUC (as they were then), was 13:52
16 that a document that you were given access to?

17 A. Not at that stage, no.

18 310 Q. Was it a document that at a later stage you had the
19 opportunity to review?

20 A. Yes. 13:52

21 311 Q. And, similarly, did, at the very least, those two other
22 senior officers who were conducting the review have
23 access to it?

24 A. They did.

25 312 Q. In the course of the documentation that we are going to 13:52
26 see referred to, there is the Omagh bombing review
27 referred to, we're calling that the McVicker Review and
28 subsequent report. Was that a document that you and
29 your team had access to at any point?

1 A. Yes, it was a key document and one that we looked at
2 very carefully, early on in the Inquiry in terms of
3 scoping out its requirements.

4 313 Q. And was that a document that you based a lot of the
5 early decisions on, given its detail and breadth? 13:53

6 A. Yes, it seemed a very good document, very professional
7 and it certainly pointed at very strong directions in
8 terms of where the best evidential opportunities lay.

9 314 Q. Now, what you say at paragraph 10 of your witness
10 statement in the final sentence is: 13:53

11

12 "My officers were given full access to the
13 investigation and all information relating to the Omagh
14 bombing held by the PSNI."

15 13:53

16 I just want to understand a little bit more about that.
17 We've touched on Regulation 20 Report, we've touched on
18 McVicker Review Report, as we're calling it, did their
19 access extend to material held by Special Branch?

20 A. Yes. 13:53

21 315 Q. Did their access extend to include source reporting
22 such as from Kevin Fulton?

23 A. It did.

24 316 Q. And David Rupert?

25 A. Yes. 13:54

26 317 Q. Now, I'm going to frame this question in a limited way
27 so that you can answer yes or no, but did it include
28 any and all material which may have emanated from the
29 United Kingdom intelligence community as held by PSNI?

1 A. Yes.

2 318 Q. Now, we know that Sir Peter Gibson had reported - and
3 this is publicly available - on the fact that
4 interception of telephones took place before, on and
5 after 15th August 1998 in relation to a group that he 13:54
6 describes as dissident republicans. Were your team
7 given access to any intercepted material held by PSNI?

8 A. Yes, they were.

9 319 Q. Finally, were your team given access to material held
10 by PSNI that had emanated from An Garda Síochána, in 13:54
11 other words from the Republic of Ireland?

12 A. They were, yes.

13 320 Q. Were your team ever given access to material by the
14 AGS, or was it only material that the PSNI had
15 received? 13:55

16 A. I think we were given some access to some of the AG's
17 material. I know we requested certain information and
18 that was forthcoming.

19 321 Q. Well, we'll come on a little bit more to what your team
20 discovered about AGS material but let's just stick with 13:55
21 the inputs to your investigators, was there liaison
22 with HMIC?

23 A. Yes, the HMIC were looking at the way that the major
24 crime teams operated in Northern Ireland, also the
25 operations of Special Branch. We liaised with both 13:55
26 HMIs in relation to that because we did find things
27 that were very relevant to them. And also in relation
28 to gaining information from the AGS.

29 322 Q. So, just unpack that a little bit. So, we know that

1 the Policing Board oversaw a number of reports that
2 were commissioned at the time that you were conducting
3 your work and one of those was by Dan Crompton and
4 David Blakey who were both HMIC inspectors. Their work
5 was broader than your work in that it wasn't focused on 13:56
6 the Omagh bombing itself, is that right?

7 A. That's correct.

8 323 Q. It was looking at structures and information sharing
9 within PSNI, is that right?

10 A. That's correct. 13:56

11 324 Q. I think you've told us that there was overlap that you
12 and your team discovered between what they were doing
13 and what you were doing, is that right?

14 A. Yes. We had a close liaison with them because,
15 obviously, we were uncovering things as we were going 13:56
16 through this review that were pertinent to their work.

17 325 Q. And so, you were sharing with them when you came across
18 material?

19 A. Yes.

20 326 Q. Was there a reciprocal relationship in the sense that 13:56
21 if they came across things that they would pass that on
22 to you, or was their work divorced from what you were
23 doing?

24 A. I think the flow was more from us to them. We did
25 liaise with them directly and anything they thought was 13:57
26 important to us they did let us know. Similarly, with
27 the Ombudsman's Office, we did liaise very closely with
28 them, with Martin Bridger particularly, in terms of
29 understanding what they had found and making sure we

1 took account of that.

2 327 Q. So, you've mentioned Martin Bridger; as we all know, he
3 was one of the team who operated under the Ombudsman
4 and was involved in the preparation of the Ombudsman's
5 2001 report. Did your team have a good relationship 13:57
6 with him?

7 A. Yes.

8 328 Q. And insofar as he and the people he was working with
9 within the Ombudsman's Office may have had concerns,
10 did you have access to those concerns so that you could 13:57
11 take them into account?

12 A. Yes, we had regular dialogue with them and I think they
13 felt the conduit of information between us and them was
14 very good. We acknowledged there had been difficulties
15 in relationships between the Ombudsman's Office and the 13:58
16 PSNI, and I think we were a good bridge across that
17 particular divide.

18 329 Q. So, we've covered the various inputs which no doubt
19 arose over the course of the work. I'd like to just
20 take us back to those early stages just to get the 13:58
21 structure clear, please. We'll begin, please, with
22 INQ 000030. This is a note by your Chief Constable,
23 Sir Norman Bettison, I just want to ask you a little
24 about this. If we can just crop into the first
25 paragraph at the top: 13:58
26

27 "Terms of Reference haven't yet been set. Things are
28 still at an early stage."
29 You'd only met Sir Ronnie and his team a month earlier

1 but, this is what Sir Norman Bettison wrote:

2
3 "I've had a conversation today with Sir Ronnie
4 Flanagan."

5
6 It should appear up on your screen there.

7
8 "I was looking for clarity on his use of the phrase in
9 response to the Omagh families 'I shall be asking a
10 Merseyside officer to advise the SIO'."

11
12 So, that's the matter that this note proceeds to have a
13 look at. If we can just go to the final paragraph,
14 please, to see what your Chief Constable's take was.

15
16 "Let me be absolutely clear, it is my belief that the
17 investigation is likely to be open to the greatest
18 scrutiny if the independent investigator is given the
19 headroom to get on and investigate on lines approved by
20 the Chief Constable of the PSNI. It will have much
21 less clarity if the existing investigating officer is
22 perceived to be the decision-maker. This needs to be
23 worked through in order to take on the task."

24
25 I've just highlighted those two paragraphs. The course
26 of your review is not yet set, these are the early
27 discussions. Can you just tell us what's happening at
28 this moment in time please?

29 A. Yes. We picked up -- I can remember this discussion

1 quite clearly. We picked up in the media -- every
2 morning we had a briefing in Merseyside, we always
3 looked at the media situation and we picked up this
4 quote from the Chief Constable of the Police Service of
5 Northern Ireland speaking to the Omagh families and the 14:00
6 phrases used did cause us a little bit of concern in
7 terms of what that relationship would be between
8 Merseyside having any involvement in the Omagh Bomb
9 Inquiry. And it was very clear from that particular
10 quote that we needed to pin down in the Terms of 14:00
11 Reference exactly what role we were performing and
12 exactly what that relationship would be with the Chief
13 Constable of the Police Service of Northern Ireland and
14 our team. And I think that quote did give us a bit of
15 cause for concern at that time. 14:00

16 330 Q. But, your chief had spoken, he's very clearly excited
17 on what the relationship should be and in the end was
18 the situation that he was envisaging there the one that
19 came to pass?

20 A. Yes. I think it's very clear in the Terms of Reference 14:01
21 that were eventually signed off in May by the Policing
22 Board of Northern Ireland, the HMIs and the respective
23 Chief Constables, that relationship was made explicitly
24 clear in terms of lines of reporting and
25 responsibility. 14:01

26 331 Q. Well, let's have a look at those now. We'll go to
27 INQ 000043. Although this document here is your April
28 2000 report, you appended to the back the Terms of
29 Reference. And if we can please go to page 10, we'll

1 see those Terms of Reference, at least insofar as they
2 apply to your officers' work and your role. Firstly,
3 we see at 6:
4
5 "The ESO will have responsibility for..." 14:01
6
7 The ESO, please?
8 A. The external senior officer, in other words, Phil
9 Jones's role, the independent investigator.
10 332 Q. That's Detective Superintendent Jones. So, he's the 14:02
11 SO. I'll just read these into the record, perhaps,
12 Ms. Montgomery, if we can just crop into them to help
13 everybody's eyesight. Thank you.
14
15 "Scrutinising the current Inquiry and the Omagh bomb 14:02
16 Review Report..."
17
18 Pausing there, is that the McVicker Report as we would
19 know it?
20 A. It is, yes. 14:02
21 333 Q. "...to ensure that all opportunities to gather evidence
22 and maximise that all recommendations relating to the
23 Omagh investigation are fully addressed.
24
25 Exploring any outstanding lines of inquiry into 14:02
26 potentially linked incidents identified in the Omagh
27 Bomb Review Report.
28
29 Advising on the relevance of the investigative

1 opportunities presented in connection with similar
2 offences perpetrated in Northern Ireland in 1998.

3
4 Advising as to whether or not any such offences should
5 be investigated separately or absorbed into the ongoing 14:02
6 investigation.

7
8 Advising on whether or not the appointment of another
9 officer to investigate these incidents is appropriate.
10 14:02

11 Identify any obstacles to progress.

12
13 The ESO should have access to all investigation
14 relevant intelligence."

15 14:03
16 And then this:

17
18 "The ESO will be given direct access to the Chief
19 Constable in respect of any matter of concern and will
20 have a direct reporting line to ACC North, but also the 14:03
21 Chief Constable, as identified above."

22
23 So, some may think very clear and robustly-worded Terms
24 of Reference so far as Phil Jones's role; do you agree?

25 A. I agree. 14:03

26 334 Q. Then we can just see how you fit into the picture, if
27 you look at paragraph 7, please. "The DCC" that's you,
28 Mr. Tonge, is that right?

29 A. That's correct.

1 335 Q. "...appointed by the Policing Board will, without
2 operational control, have an overview of all matters.
3 His role will be as follows:
4
5 To critically examine the resource and skill levels 14:03
6 needed to satisfactorily conclude the investigation.
7
8 To undertake a quality assurance role with particular
9 reference to the content of the Omagh Bomb Review
10 Report. 14:03
11
12 To monitor progress in the investigation, including the
13 implementation of the Omagh Bomb Review Report.
14
15 To identify any obstacles standing in the way of the 14:04
16 strategic guidance to the Board in relation to its
17 responsibilities.
18
19 To report to the Board at agreed intervals on the
20 progress of PSNI's Inquiry. 14:04
21
22 As outlined within the proposed schedule, matters of
23 particular significance would be communicated early, as
24 necessary."
25 14:04
26 And, again, your oversight role there spelt out, would
27 you agree?
28 A. Yes.
29 336 Q. It would appear from items 2 and 3 in that list, that a

1 particular focus for you was the Omagh Bomb Review
2 Report, in other words the McVicker Report, is that
3 right?

4 A. That's right. We drew these Terms of Reference up
5 having done that scoping exercise and it seemed to me 14:04
6 that the McVicker Report was a very professional
7 report, and given my knowledge and background of over
8 seeing HOLMES inquiries, it really gave a strong
9 signpost to the best evidential opportunities that
10 needed to be picked up very, very quickly and moved 14:04
11 forward. So, it did form a key cornerstone of the work
12 that we did.

13 337 Q. Your impression, at the outset, was that it was a very
14 good and professional document. After you'd time with
15 it and seen what your officers could do and how they 14:05
16 drove things forward, did it continue to be your
17 opinion that it was a very good and professional
18 document, or did you reach a different view?

19 A. No, I think it reinforced the view that it was a very
20 professional job that was done at the time. Those 14:05
21 matters needed to be actioned as soon as possible and
22 it gave our team a good footprint on which to start to
23 try and build a case against those responsible for
24 committing this atrocity.

25 338 Q. And if we just give a date to this document before it's 14:05
26 taken down, 16th May 2002, is that right?

27 A. That's correct.

28 339 Q. We'll move now, please, to just exploring various
29 aspects of the review that was conducted under those

1 Terms of Reference. Was the starting point to conduct
2 an initial assessment of the current evidential
3 position by understanding the material that was already
4 on HOLMES?

5 A. Yes.

14:06

6 340 Q. And what was the immediate reaction from Phil Jones and
7 others supporting him having conducted that initial
8 assessment?

9 A. I think, first of all, if you look at their background
10 and experience and mine in relation to using HOLMES as
11 an investigative tool, we were quite, I'm trying to
12 pick the right word, not alarmed but concerned to see
13 the state of the HOLMES Inquiry given it consumed a
14 hell of a lot of information, but the way it had been
15 run meant a lot of that information was very difficult
16 to access, linkages were very difficult. The staffing
17 of the initial HOLMES control room had untrained staff
18 fulfilling roles. The people who were at the wrong
19 rank or at the wrong sort of background to do
20 particular roles. And the simple things of standing by
21 the Major Incident Room Standard Administrative
22 Procedures or MIRSAP as it's known had not been
23 conducted as it should be. So, the state of the
24 Inquiry was a bit of shock, really, in terms of seeing
25 where it was.

14:06

14:06

14:06

14:07

26
27 Having said that, within that, was a lot of positive
28 stuff on which you could build a case. The McVicker
29 Report did point out a way we could do that and we very

1 quickly got down that route. And from there we opened
2 up lots of opportunities to look at linked offences.
3 The McVicker Report had mentioned that.
4

5 The SIO had reviewed it and saw that there had been 14:07
6 29 offences, I think in 1998, committed by dissident
7 groups, and of those, 11 very quickly stood out as
8 perhaps being linked with a core group of terrorists,
9 perhaps, responsible for quite a few of those offences.
10 So, very, very quickly we were able to build linkages 14:07
11 and start to draw things together.

12 341 Q. Is this right; your review was forward- not
13 backward-looking?

14 A. Yeah. I made the decision very early on that when we
15 got there it was very, very clear that a lot of people 14:08
16 within that inquiry felt beleaguered, felt they'd been
17 criticised. We took the view that if we were going to
18 get people to assist us and try and find a way forward,
19 that we weren't there to find fault. We were there to
20 accept this is where we are, how can we build on this, 14:08
21 and pursue lines of inquiry that allowed us gain
22 evidence to secure convictions and look at a positive
23 way forward. I think by doing that we got on board a
24 lot more of the staff. The staff were enthusiastic.
25 They were keen when they started to see the direction 14:08
26 in which we were taking the inquiry. Then I was left
27 feeling quite positive that we got that commitment to
28 try and go forward from being down in the depths of not
29 knowing where to look, confused about where the inquiry

1 was standing. And I think very, very quickly that was
2 able to be turned around.

3 342 Q. Now, at paragraph 15 of your statement, you say:

4
5 "After the scoping exercise, the next step was to 14:08
6 ensure that the recommendations from the Omagh Bomb
7 Review Report were fully implemented."

8
9 Now, we know that Detective Chief Superintendent
10 McVicker (as he was then) had reported to the Chief 14:09
11 Constable in November of 2000 and your review formally
12 commenced in May of 2002 with the approval of the Terms
13 of Reference. At that moment in time when you began, I
14 think there were 172 recommendations by Detective Chief
15 Superintendent McVicker; had they all been implemented? 14:09

16 A. Was it not 274 recommendations?

17 343 Q. I'm happy to be corrected on that.

18 A. There were a lot. A lot of those recommendations
19 related to organisational issues for the PSNI in terms
20 of training, in terms of decisions being made at 14:09
21 strategic level. The ones we quickly implemented were
22 the ones that pointed in the way of evidential
23 opportunities. They were the ones that we focused in
24 on initially. Even, at the end of my review when we
25 reported to the Board, there were still outstanding 14:10
26 issues from the McVicker Inquiry which related to
27 organisational issues and future of PSNI, and they were
28 to be monitored by the Board. If you look at the
29 structure that was set up around the Terms of Reference

1 with the management Board for the Omagh Inquiry,
2 ACC Kincaid had lead responsibility for that. And he
3 was to report to Policing Board of Northern Ireland on
4 their progress on some of the organisational issues.

5 344 Q. At the outset, what was your perception of the attitude 14:10
6 within the investigation to the recommendations that
7 Detective Chief Superintendent McVicker had made?

8 A. I must say in the time that we were there we got
9 nothing but positive support. I got the impression,
10 when we were scoping the exercise out, that there 14:10
11 wasn't a huge enthusiasm for some of the
12 recommendations and some of the organisational ones I
13 think had been around for a time and hadn't seemed to
14 be progressed in the way that you would have expected,
15 following this report. 14:11

16 345 Q. Are you, at this remove in time, able to identify any
17 of those that your perception was that there was
18 reluctance to take forward?

19 A. When I say "reluctance to take forward," it's quite
20 clear that some of those had not been taken forward. 14:11
21 The McVicker Report had been done quite some time
22 before we arrived on the scene. And some of those
23 organisational ones you would have expected to have
24 been progressed a little bit, but I haven't seen any
25 evidence of that. 14:11

26 346 Q. So, I'd like just to focus on two aspects of your
27 review, the first is in relation to material emanating
28 from the Republic of Ireland, so, AGS material.
29 What Detective Chief Superintendent McVicker told us

1 when he came to give us and what is clear from his
2 report is that he had identified a number of challenges
3 within the relationship between the RUC and the AGS,
4 including a lack of proper record keeping in relation
5 to meetings and actions, refusals to provide 14:12
6 information by AGS when asked, and what he
7 characterised as a parallel and independent
8 investigation taking place in the Republic of Ireland,
9 so not a single investigation driving towards a shared
10 strategy. When you came in and your team was looking 14:12
11 at the material initially was that a footprint that you
12 could see within the materials, in other words, did you
13 find that what Detective Chief Superintendent McVicker
14 had found was evidence from the material on HOLMES and
15 elsewhere in PSNI? 14:12

16 A. I concur with what McVicker had said, yes.

17 347 Q. That was the state when you started. Was the
18 relationship with AGS an area that your team looked at
19 and sought to improve?

20 A. Yeah, we certainly made various requests to the AGS and 14:13
21 all of those were positively received and we got back
22 information that we required. We did refer this again
23 to the HMI who was looking at that as part of his
24 review as well because it seemed to me there were some
25 opportunities to improve things even further going 14:13
26 forward, but that, of course, relied on the
27 jurisdiction of the AGS.

28 348 Q. One of the recommendations of Detective Chief
29 Superintendent McVicker was that there should be some

1 form of agreement or Memorandum of Understanding within
2 the context of the Omagh bombing investigation; was
3 that something that had been established by the time
4 you and your team got involved?

5 A. Yeah, a lot of work had been done on that and, again, 14:13
6 from my experience and that of my inquiry team, the
7 relationship seemed to be working effectively but
8 whether that memorandum was actually signed off
9 officially I couldn't say.

10 349 Q. I think it's important for us to put on record that you 14:14
11 met senior officers from AGS as well as all of those
12 within PSNI that you and your team worked with, and
13 what you say in your statement - and I invite you to
14 adopt here in evidence - was that you received the full
15 support from everyone that was encountered, is that a 14:14
16 statement you stand by?

17 A. That's the position we felt, yes.

18 350 Q. Before we leave the topic of AGS, were you made aware
19 of information provided by Detective Sergeant
20 John White from AGS? 14:14

21 A. Yes, I think that came through the Ombudsman's Office,
22 in early may.

23 351 Q. So, we know that she wrote a report which was sent to
24 the Government of Ireland and which led, ultimately, to
25 an investigation concluding in a report, often known as 14:14
26 the Nally Report. But was that something, as a topic,
27 that your team was sighted on in terms of looking for
28 investigative opportunities?

29 A. It was, yes.

1 352 Q. Now, that's the first area of focus that I wanted to
2 ask about.

3

4 The second was linked incidents. What was the reaction
5 of your team once they conducted the initial review of 14:15
6 HOLMES in terms of the position in relation to linked
7 incidents?

8 A. The position was, again going back to the McVicker
9 Report, I think he highlighted this as well, there was
10 a pattern of activity throughout 1998 leading up to 14:15
11 Omagh where there were a number of offences that bore a
12 lot of similarities, probably included the same core
13 group of individuals. We were quite surprised that
14 these hadn't been linked at this stage. If I think of
15 my experience in Merseyside where we had a series of 14:16
16 serious crimes, as soon as we spotted opportunities to
17 link crimes or there were similarities, we would do
18 that very, very quickly and bring those under the
19 control of an SIO to make sure that you were looking at
20 a broad spectrum of that picture. That hadn't been 14:16
21 done, so far as we could see, in this and it was a
22 failing that we thought should have been addressed much
23 earlier.

24 353 Q. Although you weren't looking back, you've made the
25 statement it was a failure that you think should have 14:16
26 been addressed much earlier, earlier than when you were
27 involved or earlier than 15th August 1998?

28 A. Earlier than 15th August 1998 because it was quite
29 clear, I think out of 29 offences, 11 of them bore

1 pretty similar things that you would say straight away,
2 'well, hang on a minute, there's so many similarities
3 here why aren't these being looked at collectively
4 rather than individually?' So, I think that should
5 have happened well before 15th August.

14:17

6 354 Q. Again, your team was forward looking, in that
7 forward-looking position in 2002, tipping into 2003,
8 did your team identify investigative opportunities in
9 relation to the linked incidents?

10 A. Yes.

14:17

11 355 Q. Now, as a senior and experienced police officer we're
12 here dealing with your team looking at matters up to
13 five years after the events had passed. How important
14 is it that those sort of thoughts occur proximate to
15 the offending?

14:17

16 A. Yeah, very much so. Similarly with the review of the
17 Omagh bomb, I mean in the forces I've worked in in
18 Lancashire and Merseyside, if we had an undetected
19 crime, certainly after two weeks you'd be looking to do
20 an early review of that to make sure you're not
21 overlooking lines of inquiry, you've got the necessary
22 resources and skills to conduct that investigation.
23 You look for best practice and look to move it on.
24 That's the recommendations of the ACPO major incidents
25 requirements. So, I was surprised that the McVicker
26 Review had taken so long. Had that occurred as
27 recommended, i.e. within 28 days or early in an
28 inquiry, a lot of the problems we encountered in the
29 HOLMES, particularly here with Omagh, had the

14:17

14:18

1 opportunities been corrected very early on, the Inquiry
2 would have progressed in a much more efficient,
3 effective and focused manner.

4 356 Q. It's important that we acknowledge here you've made a
5 reference to the ACPO Guidance, is that what is 14:18
6 commonly known as the Murder Manual?

7 A. Yes.

8 357 Q. And that is a document, as we understand it, that
9 formally came into effect in 1998, so the same year as
10 the Omagh attack? 14:18

11 A. Yes.

12 358 Q. But, just so that I can understand it, as we have the
13 benefit of you being here today, in your experience in
14 Lancashire and Merseyside, the sort of reviews that
15 you're talking about, did they only start to occur once 14:19
16 that guidance came in or were they embedded practice
17 before that?

18 A. I won't say embedded practice but they were done. Very
19 often you had -- when I was an SIO you'd have buddy SIO
20 who would come in, not to find fault but to quality 14:19
21 assure the work that was going on, to pick up any
22 elements of best practice the force might benefit from.
23 I think it's issues like that that caused ACPO to
24 review this in terms of taking the nature of inquiries
25 forward and spreading that best practice nationally. 14:19
26 And the manual was updated, it's been updated several
27 times since as well, to take account of that.

28 359 Q. So, what was the perception of you and your team about
29 what approach had been taken to each of these crimes

1 that led up to Omagh?

2 A. That perhaps more thought should have been given in
3 terms of linkages with other events. We got the
4 impression -- I mean I was - probably shocked is not
5 too strong a word, that you would expect Northern 14:20
6 Ireland, given its history and given the amount of
7 troubles, that you would look at linkages between these
8 type of offences. And that didn't appear to have taken
9 place. And that was a concern.

10 360 Q. So, those are the two broad topics within the review. 14:20
11 We'll come to HOLMES as our third. But by way of an
12 interlude, I know because you sat in for some of the
13 evidence of Lance Corporal Thompson as he was, that you
14 are aware and sighted on an issue that this Inquiry is
15 investigating, namely an entry in an Army Daily 14:20
16 Occurrence Book. And if I can just summarise the issue
17 to you, there is an entry timed at 14:40, which was
18 made, as we heard this morning, by Lance Corporal
19 Thompson (as he was), which when read on its face
20 suggests that there was a warning received which was a 14:20
21 threat to locations more than Omagh in terms of a bomb
22 or bombs in fact is the plural. So multiple bombs
23 across Northern Ireland, including Omagh.

24

25 Now, let's just take this in stages. Were you and your 14:21
26 team aware of the three bomb warning calls, two to UTV
27 and one to the Samaritans, that took place between
28 14:29 and 14:31?

29 A. No.

1 361 Q. Sorry, let me just rephrase that, I'm not asking about
2 the entry at this stage, we're just building to that.
3 There were three bomb warning calls, two to UTV about
4 Main Street, you'll recall those, and one to the
5 Samaritans; were those three calls something that you 14:21
6 and your team were aware of?
7 A. Yes.
8 362 Q. Were they aware of any other bomb warning call before
9 the detonation?
10 A. I'm not aware of that. 14:21
11 363 Q. In terms of whether such a call might present
12 opportunities to an investigator, what can you tell us
13 about that?
14 A. Of course it would, yes.
15 364 Q. Just spell it out for us; why would an investigator be 14:22
16 interested to know about a fourth call, if there was
17 one?
18 A. Well, quite clearly there is an evidential trail there
19 that needs to be explored and examined in great depth,
20 which has relevance to this and other inquiries. 14:22
21 365 Q. And does it follow from the fact that no
22 recommendations or analysis appears anywhere in the
23 reports of your team, that your team cannot have come
24 across any evidence within the material that they
25 reviewed of the existence of that fourth call? 14:22
26 A. That's correct.
27 366 Q. So, let's turn now please to HOLMES. Now, this was
28 very substantial piece of work, wasn't it?
29 A. It was.

1 367 Q. Two officers, a Detective Sergeant Bennett and a
2 Detective Constable Collins were given the lead for
3 this, is that right?
4 A. That's correct.

5 368 Q. And just help us to understand whether they were or 14:23
6 were not the right people for that enormous piece of
7 work?
8 A. Yes. These two individuals were key in Merseyside's
9 fight against organised crime. They're specialists in
10 this field and they're looked upon as troubleshooters 14:23
11 and people who really know their way around the system
12 of HOLMES. We use them extensively throughout
13 Merseyside. Again, Phil Jones and Cliff Evans, we have
14 a very, very good working relationship with them and
15 knew them to be the best two people we could get to 14:23
16 come and have a look at this system.

17 369 Q. What was the overall conclusion about how well, or
18 otherwise, the Omagh bombing investigation had used
19 HOLMES?
20 A. Yes, it was a mess. I mean, there was no compliance 14:23
21 with the Major Incident Room Standard Administrative
22 Procedures across the board. The people who were
23 conducting key roles within the HOLMES investigation
24 team had not been trained effectively, had dual roles.
25 There was role corruption. The inquiry itself was not 14:24
26 always seen as part of the investigation, it was seen
27 like a repository of information rather than being
28 used. I mean if I can use an example, a HOLMES
29 inquiry, all the people involved in a HOLMES inquiry,

1 the people who type in the statements, the people who
2 index everything, you need them involved in the
3 heartbeat of your inquiry.

4
5 I learned a lesson very early on as a young detective 14:24
6 conducting a series of enquiries in some rapes in the
7 Lancashire area and one of the typists had picked up a
8 thing of a person with a speech impediment. Only
9 because she was involved in the briefing did we pick up
10 this was factor in the inquiry and very quickly we were 14:25
11 able to narrow things down.

12
13 with Omagh, the indexers, the inputters, the statement
14 readers, people like that, were not always involved in
15 briefings, they were seen as something separate. So, 14:25
16 the whole way in which HOLMES worked within PSNI from
17 what we could see with Omagh, was contrary to our
18 experience where it was used as the heartbeat, a real
19 operational tool for taking the investigation forward.
20 Here, because of lack of compliance, it was very 14:25
21 difficult to see how you could get to the threads of
22 evidence. If you imagine the HOLMES database on the
23 Omagh inquiry, it's a bit like a haystack. If you're
24 looking for those needles in a haystack, HOLMES allows
25 you to draw the threads between all those needles. The 14:25
26 way it was constructed was the information was put in
27 there, the way it was indexed didn't allow you to try
28 and make some of the linkages you would normally found.
29 So, we found that a major issue. Non-compliance with

1 administrative procedures; untrained staff; role
2 corruption, it really made it very difficult to use
3 that in the way it was designed to be used.

4 370 Q. I'm just going to take you to two pages of the HOLMES
5 review that was submitted by those two officers, 14:26
6 Detective Sergeant Bennett and Detective Constable
7 Collins. If we could, please, have up on screen
8 042077, and we can go straight to page 147. [Short
9 pause]. Here, we're going to pick up on MIRSAP, as
10 you've told us. 14:26

11 A. Yes.

12 371 Q. So, if we could just crop into the second paragraph
13 with the bullet points please.

14

15 "ACPO Crime Committee set up a working party to address 14:26
16 the problems of standardisation of incident room
17 procedures. The objectives of an incident room were:
18

19 To provide an accurate record of information;
20 14:26

21 Show the state of the inquiry;
22

23 Provide knowledge of the inquiry suspect subjects;
24

25 Highlight information and pinpoint suspects; 14:27
26

27 Act as a means of historical reference;
28

29 Facilitate production of reports;

1
2 Assist in establishing priorities."

3
4 So, all objectives, I'm sure, that you will tell us are
5 extremely important within an investigation; is that 14:27
6 right?

7 A. That's correct, yes.

8 372 Q. So, if we could then take that down, please, and look
9 at the fourth paragraph. Thank you very much, indeed,
10 Ms. Montgomery, that's the one I meant. 14:27

11
12 "An incident room is the hub of any major inquiry where
13 all the information is gathered, recorded, analysed and
14 indexed to enable the SIO to direct and control the
15 manner in which the investigation is conducted. 14:27

16
17 From the search we have undertaken, it appears that
18 none of the abovementioned objectives are achieved in
19 the Omagh Major Incident Room. The information has
20 become impossible to manage and does not assist the 14:27
21 investigation in the way that it should."

22
23 So, that's one part of their conclusion.

24
25 We can go to page 48, over the page, please. [Short 14:27
26 pause]. If we go to the third paragraph, so under the
27 heading "orthodox major investigative practices:"

28
29 "Whilst it is acknowledged that the PSNI have great

1 expertise in terrorist matters, it must be remembered
2 that these incidents are also murder investigations and
3 they should be run in the accordance with MIRSAP and
4 the Murder Investigation Manual. The work undertaken
5 appears to suggest that the orthodox murder 14:28
6 investigation may have run behind the intelligence
7 responding to go it as opposed to running in tandem
8 with it, whether or not the end results are the same.
9

10 The HOLMES systems seems to be almost irrelevant to the 14:28
11 management of the investigation and is used as a filing
12 cabinet rather than an investigative tool."
13

14 I've just picked out two paragraphs of the objectives,
15 but does that capture what your team found? 14:28

16 A. Yes, I think it does capture it very accurately, thank
17 you.

18 373 Q. Now, we know that in 2002 the senior investigating
19 officer Brian McArthur ceased to be the senior
20 investigating officer and was replaced by Detective 14:29
21 Superintendent Norman Baxter. I'm going to come to a
22 note by Norman Baxter in a moment. But did your team
23 have any substantial dealings with Detective
24 Superintendent McArthur?

25 A. Yes, I think when Phil Jones started his scoping 14:29
26 exercise it was important he got to grips with the
27 overview of where we were and I think he met with him,
28 spent some time with him gaining his view on the
29 situation. By the time the Terms of Reference were

1 drawn up and we took matters forward and I became more
2 involved, Norman Baxter at that stage had taken over,
3 so my dealings personally with Norman Baxter, but I
4 know Phil Jones spent some time with the previous SIO.

5 374 Q. We're going to look at a note in 2003, it's the day 14:30
6 before you formally presented your findings, it's
7 INQ 002957, please. If we can highlight the bottom
8 paragraph please. This is note, as I say, dated 2nd
9 April 2003 by Norman Baxter. We can see that just
10 above the expanded box. And he's here talking about 14:30
11 the report that we've just looked at.

12
13 "This document does not make happy reading and provides
14 an historic review of the methodology of the HOLMES
15 system adapted by the Task Force Commander in 1998, and 14:30
16 the initial Senior Investigating Officer. It is quite
17 evident, at this point, from the issues highlighted in
18 this review that the HOLMES account is beyond
19 restorative action, i.e., it cannot be put right."

20 14:30
21 Now, that is the reaction of the new SIO a few months
22 into his role, receiving a very long and detailed
23 review which has pointed out many, many flaws in the
24 HOLMES account. What I wanted to know from you,
25 please, Mr. Tonge, is albeit that that was his reaction 14:31
26 at the time, was it your view that the HOLMES account
27 was beyond restorative action?

28 A. Honestly, I saw this for the first time on Friday
29 evening when the team forwarded this information to me,

1 I'd not seen this report before. And considering the
2 date of this, which is the day before we ceased to have
3 any involvement in this, I was quite surprised at his
4 tone, because I found all the way through, Norman
5 Baxter had been on this inquiry for the duration I was 14:31
6 there, so he had been at this for 12 months. There was
7 definite distinction in terms of the way we'd operated,
8 we'd been very positive looking at opportunities going
9 forward rather than being critical of what had gone on
10 behind. The HOLMES report itself would be seen to be 14:32
11 very critical as some of the previous correspondence
12 had been. So, whether that was his reaction to that I
13 don't know, but my view, at this stage, was that
14 Mr. Baxter, Mr. Kincaid were well aware there were lots
15 of flaws with the HOLMES database. But that was the 14:32
16 foundation that the PSNI had in relation to Omagh. And
17 from that foundation, during the period we were there,
18 we'd been able to build very, very positive lines of
19 inquiry that would, in my view, lead to charges
20 probably to individuals on this Inquiry. So, to read 14:32
21 that as a reference on Friday when I read it I was
22 quite surprised because it was quite downbeat when
23 really, at this stage, Norman Baxter should be pretty
24 upbeat. whilst there were lots of problems that would
25 have gone on before him, there were some very real 14:32
26 opportunities from this HOLMES system for taking this
27 matter forward and pursuing positive lines of inquiry
28 in order to secure convictions. So, I was surprised
29 when I read that.

1 375 Q. Just one thing to pick out from what you said there.
2 You said:
3
4 "Very positive lines of inquiry that would, in my view,
5 lead to charges probably to individuals on this 14:33
6 Inquiry."
7
8 A. Yes.
9 376 Q. So, by the time that you handed over, having made your
10 final presentation that we'll come to in a moment, was 14:33
11 it your hope and dare I say expectation that
12 prosecutions would be capable of following?
13 A. Certainly, charges would follow. I can remember going
14 back to speak to the HMI and my Chief Constable saying
15 I was very positive with where we'd left this inquiry 14:33
16 and there was a very good chance that people would be
17 placed before the court to account for their conduct in
18 this matter.
19 377 Q. And was that because you had formed the impression that
20 identifiable individuals had emerged within the work 14:33
21 that had gone before and the work of your team, against
22 whom further investigations could be targeted?
23 A. Yeah, I think in the 12 months -- longer than 12 months
24 that Phil Jones and Cliff Evans had been involved in
25 this, they had certainly reported to me, on a regular 14:34
26 basis, the way this inquiry was going, the threads of
27 intelligence that were there, the linkages that were
28 there, the forensic opportunities that were there, it
29 was on a positive track and should get to the stage

1 where people would be charged.

2 378 Q. Now, the Ombudsman - and you deal with this in
3 paragraph 23 - had identified ineffective sharing of
4 intelligence within the RUC at the time of the Omagh
5 investigation. Was that something that your team
6 discovered had been the case when they came in?

14:34

7 A. I think the team had seen that that's probably been the
8 case in the past, the McVicker Report highlighted it as
9 well. But I think in the time that we were there they
10 felt very positive that those things had been opened up
11 and information was being shared, and there was
12 commitment from the PSNI that in future going forward
13 they would remedy the problems that had been there in
14 the past and come up with a system where this wouldn't
15 happen again.

14:35

14:35

16 379 Q. I'm just going to take you, finally, to the
17 presentation that you made and your officers made on
18 3rd April, this is INQ 000047. This, I think,
19 accompanied your reports, so it will come up on screen?

20 A. Okay.

14:35

1 380 Q. It appears to be a slideshow PowerPoint-type
2 investigation. So, this is the report presented to the
3 Policing Board that is an oral presentation that sits
4 alongside your written document. We can see it's dated
5 3rd April. If we go over the page, we can see that
6 you'd given two previous reports, that's inherent in
7 the first statement, and that you conclude this slide
8 by thanking the PSNI for the assistance and continued
9 commitment. And that very much chimes with what you've

14:35

1 told us about the level of cooperation that you
2 received?

3 A. Yes, and the attitude, I have to say, of the SIO and
4 the ACC who is responsible for chairing the Management
5 Board. 14:36

6 381 Q. If we move forward, please, to page 4. We can see here
7 the extensive process carried out by PSNI Inquiry Team
8 towards evidential opportunities; is that the hope and
9 expectation that we've spoken about that the Inquiry is
10 now moving forward? Do we also see that the MIRSAP 14:36
11 problems that we've touched upon in my questioning of
12 you and, indeed, the problems with HOLMES and the fact
13 that facing forwards further opportunities had been
14 identified?

15 A. Absolutely. I mean that broader investigative focus, 14:37
16 the linkages with other offences and the opportunities
17 that remain there looked very, very positive indeed.

18 382 Q. Page 5, please. We can see there the comprehensive
19 intelligence review has provided they sought broader
20 investigative foundations and focus to the inquiry. 14:37
21 So, a step change in terms of the information sharing
22 so far as the intelligence side of things were
23 concerned, is that right?

24 A. That's correct, yes.

25 383 Q. "And continued reliance on the good evidence gathered 14:37
26 to date alongside applications of suspects, specific
27 criteria which will progress the investigation."
28

29 Penultimate page, please, page 6. Again, we've touched

1 on this already:

2
3 "The intelligence review in stages has illustrated a
4 number of offences as relevant to Omagh and verified
5 the core participating terrorists. 14:38

6
7 Parallel activity adopted by the Senior Investigating
8 Officer has identified evidential opportunities in
9 these offences."

10
11 So, a target group that has emerged from the material
12 that can now be the focus of the investigation as it
13 moves forward. 14:38

14
15 Finally, please, page 9. [Short pause]. Again, this
16 is really just to make it absolutely clear your
17 experience of interaction with PSNI: 14:38

18
19 "As outlined, cooperation has been positive. I am
20 satisfied within the jurisdiction all relevant
21 intelligence has been or is being considered." 14:38

22
23 So, whatever was causing that information gap has now
24 been bridged; is that right?

25 A. That's correct, yes. 14:38

26 MR. DE LE POER: Mr. Tonge, thank you very much indeed.
27 Can I just indicate that four Core Participants have
28 been given permission but it is, Sir, if I may say so,
29 of the highest degree of importance that everybody

1 stays within the time that they're given, for reasons
2 that have already been mentioned. So, if I can turn,
3 please, to Mr. Moore initially on behalf of the John
4 McBurney Group.

14:39

5
6 MR. MICHAEL TONGE WAS QUESTIONED BY MR. MOORE AS
7 FOLLOWS:
8

9 384 Q. MR. MOORE: Thank you, sir. Mr. Tonge, you'll be glad
10 to hear I only have one question, so it should be
11 fairly brief and fairly prompt. I'll just reiterate
12 that if you don't know the answer, feel free to say it.
13 The question is this, what effect, if any, would the
14 RUC's full compliance with ACPO or Home Office Guidance
15 on MIRSAP and the HOLMES training which concerned
16 mainly how a murder investigation is run, what effect
17 would that have had on the preventability of the Omagh
18 bomb?

14:39

19 A. I'm going to speculate. So, as we've heard already,
20 had MIRSAP and the way that the RUC investigated murder
21 incidents and bombings and linked incidents, there's a
22 fair chance that the core group of individuals
23 responsible for Omagh could have been interviewed, at
24 the very least, or even charged with involvement in
25 some of the previous offences in my view.

14:39

14:40

14:40

26 MR. MOORE: Thank you.

27 MR. DE LA POER: Thank you very much indeed, Mr. Moore.
28 Can I turn next, please, to the PA Duffy group. No,
29 thank you very much indeed. Next to the Fox Law Group.

1 Mr. Foster.

2
3 MR. MICHAEL TONGE WAS QUESTIONED BY MR. FOSTER AS
4 FOLLOWS:

5
6 385 Q. MR. FOSTER: Mr. Tonge, just one question: Given the
7 issues that you identified in the HOLMES and I think
8 you used the phrase quite stark, it was a mess, how did
9 that impact upon the effectiveness of the subsequent
10 investigation of the Omagh bomb investigation?

11 A. There was absolutely no doubt it had a major impact on
12 how the investigation progressed and the involvement of
13 the right skills and techniques that you would normally
14 expect within a HOLMES major incident room.

15 MR. FOSTER: Nothing further, Chair.

16 MR. DE LA POER: Thank you Mr. Foster. Finally, can I
17 turn to Mr. Henry please. Mr. Henry represents PSNI.

18
19 MR. MICHAEL TONGE WAS QUESTIONED BY MR. HENRY AS
20 FOLLOWS;

21
22 386 Q. MR. HENRY: Mr. Tonge, just one area I'd like to cover
23 with you, please, and it's in relation your knowledge
24 of what were being referred to by Mr. McVicker and your
25 team as "linked incidents" and which are being referred
26 to in this Inquiry as "previous incidents," so the same
27 label for what are, essentially, similar lists of
28 previous attacks.
29 From your review of those materials, did you identify

1 in individual investigations attempts by the SIOs to
2 link their investigation - and when I say "link,"
3 probably a better way to describe it is to explore
4 commonality and similarities between the attack they
5 were investigating and a separate attack that a
6 different SIO was investigating?

14:42

7 A. I didn't see any evidence of that.

8 387 Q. Okay. And did you see any evidence of routine attempts
9 by the, they were called FSANI then, Forensic Services
10 Agency for Northern Ireland, called FSNI now, Forensic
11 Services Northern Ireland. Did you see any routine
12 attempts by them to identify links between those
13 attacks?

14:42

14 A. That wasn't brought to my attention so I couldn't
15 really say.

14:42

16 388 Q. I just want to apologise because I realise I'm asking
17 you about detail about things that you looked at a
18 considerable period of time ago, so we are taking that
19 into account. I didn't want to cut across your answer
20 there, so if you would continue.

14:43

21 A. No, that wasn't brought to my attention so I couldn't
22 really say whether it had been done or not. I saw no
23 evidence of those linkages being made or being brought
24 to the attention of Norman Baxter in the time I was
25 there.

14:43

26 389 Q. Okay. And in the nicest possible way, I'm going to
27 suggest to you that whilst the incidents were not
28 formally linked so that their HOLMES account were
29 linked, the SIOs and the forensic teams that were

1 working on them were, in the individual investigations,
2 looking for commonalties between the different
3 investigations. For example, commonality in the TPU,
4 or the code word, looking for the recordings of warning
5 calls with claims of responsibility between different 14:43
6 investigations and so forth. But until I mentioned
7 that to you, you hadn't any specific sighting on that?
8 A. No, I was aware that there were certain commonalties
9 between them that had been recognised, but in terms of
10 linking them through HOLMES, I saw no evidence of that 14:44
11 whatsoever.
12 390 Q. Yes. And my question is slightly different; you didn't
13 see any evidence from the investigation papers we set
14 aside linking HOLMES accounts formally?
15 A. No. 14:44
16 391 Q. You didn't see any evidence on the individual
17 investigation papers of attempts by the SIOs or the
18 forensic teams to find commonalties?
19 A. I'm sure, and I was made aware of links between various
20 offences that had been spotted, in other words, timer 14:44
21 units and things that were common in that way, use of
22 stolen vehicles, those sorts of things. But in terms
23 of official linkages on HOLMES, I didn't see that.
24 MR. HENRY: Okay. Thank you very much.
25
26
27
28
29

1 MR. MICHAEL TONGE WAS FURTHER QUESTIONED BY
2 MR. DE LE POER AS FOLLOWS:

3
4 392 Q. MR. DE LA POER: You've mentioned seeing official
5 linkages on HOLMES, is it important, or not, to your 14:44
6 way of thinking, that official linkages occur through
7 the HOLMES system or is a system which takes place
8 outside of HOLMES acceptable to your way of thinking?

9 A. That was the way it used to be done, traditionally,
10 would you have SIOs speaking to each other. With the 14:45
11 development of HOLMES it's important that you are able
12 to link certain parts of those enquiries in terms of
13 making enquiries on forensics, on intelligence, on
14 telephony, all those sorts of things, and you can link
15 incidents together so they come under the command of a 14:45
16 group, as we found here with the group chaired by
17 ACC Kincaid that a management board overseeing those
18 linked enquiries, and that's common practice now.

19 393 Q. And in terms of your experience, was it common practice
20 in 1997 and 1998? 14:45

21 A. I wouldn't say it was common across the whole of the 43
22 police forces of England and Wales, but in the forces
23 like Merseyside, and Met, West Midlands, West
24 Yorkshire, those sorts of things were being done.

25 394 Q. So, large Metropolitan forces? 14:45

26 A. Yeah, where you had major crime patterns.

27 MR. DE LE POER: Thank you very much indeed, Mr. Tonge.
28 Sir, do you have any questions for Mr. Tonge?

29 CHAIRMAN: I don't, thank you.

1 MR. DE LA POER: well, thank you very much, indeed. I
2 wonder if Mr. Tonge can leave with our thanks. We are
3 going to move to the final phase of our evidence today
4 which I'll speak about, once Mr. Tonge has withdrawn
5 either to our public gallery or from the hearing room. 14:46
6 CHAIRMAN: Thank you very much indeed, Mr. Tonge.
7 THE WITNESS: Thank you.
8

9 INTRODUCTORY REMARKS BY MR. DE LE POER:
10

11 MR. DE LA POER: Sir, the final piece of evidence for
12 today is a compilation prepared by the Inquiry Legal
13 Team in relation to media reporting on and around the
14 time of the Omagh bombing.
15

16 It is a recording that has been disclosed to all Core
17 Participants. When it was disclosed it came with a
18 warning and I repeat that warning: We are going to see
19 scenes of the day, in other words, the aftermath of the
20 bomb. They were judged as appropriate to be broadcast 14:46
21 on national media at the time and so they met that
22 minimum threshold, but we have no doubt that many
23 watching it will find it extremely evocative in terms
24 of memories and those memories will all be terribly
25 distressing. So, we would invite anybody who doesn't 14:47
26 want to watch this recording, whether they're in the
27 hearing room, to withdraw, or who are watching online
28 to break their feed. The recording is just less than
29 22 minutes long.

1 Finally, as people are making their decision about
2 that, can I say that the purpose of this recording was
3 identified by Mr. Greaney King's Counsel in his open
4 statement to you, Sir, namely, that it assists us all
5 in understanding what the initial reaction was to the 14:47
6 attack. But it also has a wider forensic value because
7 it will demonstrate, we anticipate, what members of the
8 media knew and how soon they knew it in terms of those
9 who were responsible. And that, in itself, goes to the
10 question of what others may have known before then. 14:48

11 So, Sir, that's the purpose of the footage.

12 CHAIRMAN: Just before we start the footage, is it
13 anticipated that the stenographer will transcribe the
14 presentation?

15 MR. DE LA POER: If she is content to do so. We can 14:48
16 certainly --

17 CHAIRMAN: We should, perhaps, take a short break
18 before commencing that exercise.

19 MR. DE LA POER: I'm sure you're right and I should
20 have thought to say so. Thank you very much indeed, 14:48
21 Sir. I wonder could we resume at three o'clock.

22 CHAIRMAN: Yes.

23
24 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

25
26 CHAIRMAN: Mr. de la Poer.

27 MR. DE LA POER: Sir, just in case anyone has joined us
28 who wasn't here ten minutes ago, or anyone has dialled
29 in, can I just repeat the warning that we are going to

1 see footage from media broadcasts on and immediately
2 after 15th August 1998. It will contain footage
3 capable of distressing very many people and we
4 encourage anybody who doesn't feel able to watch that
5 to withdraw now. And I'll just give a moment for that 15:00
6 to occur before I ask Ms. Montgomery to play our
7 footage. It will last as, I've said before, just over
8 20 minutes.

9
10 MONTAGE OF MEDIA REPORTS 15:00

11
12 [video played]

13
14 HEADLINE NEWS ON THE DAY OF THE BOMBING:

15 15:00
16 "A massive car bomb in Northern Ireland has killed more
17 than 20 people, including children. It exploded in a
18 busy shopping street in Omagh, County Tyrone. About
19 100 people have been injured. It's the worst bomb
20 attack in 30 years of terrorism in the province. 15:01

21
22 Police had been evacuating roads around the courthouse
23 after a telephone warning, but the bomb went off
24 several hundred yards away in an area people were being
25 sent towards. 15:01

26
27 Medical staff at Tyrone County Hospital went on full
28 disaster alert.
29

1 We have a number of casualties, dozens and dozens and
2 dozens of casualties in fact. Some are very seriously
3 and very critically injured and I think we're talking
4 up in 100 between the -- ranging from very, very
5 critically to minor.

15:01

6
7 With the police, Army and emergency services stretched
8 to the limit, ambulances and air ambulances have been
9 carrying casualties to other hospitals. An appeal has
10 been put out for blood donors. Linda Duffin, BBC News.

15:01

11
12 The RUC has set up an emergency helpline for the family
13 and friends of people who may have been in Omagh.

14
15 Twenty-six people have been murdered by a terrorist car
16 bomb in Omagh, County Tyrone. It is the worst single
17 atrocity in 30 years of violence in Northern Ireland.

15:02

18
19 Twenty-six people have died, adults and children,
20 Protestants and Catholics. Scores more have been
21 injured, some are in a critical condition fighting for
22 their lives.

15:02

23
24 They were all in Omagh in County Tyrone this afternoon.
25 It was carnival day, more relaxed than usual because
26 Northern Ireland had hoped that terrorist violence was
27 a thing of the past.

15:02

28
29 At 2:30, police in Omagh received a warning that a bomb

1 had been planted outside the town's courthouse. The
2 courthouse is at the top of the High Street. Police
3 moved hundreds of people away to the other end of the
4 Town Centre.

5
6 At ten past three, the bomb went off where the majority
7 of them were standing.

8
9 No group has yet said it's planted the bomb but it is
10 believed to have been the work of a dissident
11 republican work opposed to the Peace Process.

12
13 Our correspondent, Chris West, is in Omagh.

14
15 Good evening, the RUC has said 26 people have now died
16 in this afternoon's bomb in Omagh. Five of the victims
17 died in hospital. The dead include woman and an
18 18-month-old child. Dozens of injured people were
19 taken to the Tyrone County Hospital in Omagh.

20
21 The blast occurred at about ten past three. The RUC
22 Chief Constable, Ronnie Flanagan, said he couldn't come
23 to any conclusion other than the warning was
24 deliberately misleading. The area was crowded with
25 shop% at the time.

26
27 This attack is the worst atrocity of The Troubles in
28 the North. It's believed that the dissident republican
29 calling itself the Real IRA planted the bomb.

1
2 The group, which supports the 32 County Sovereignty
3 Committee is believed to have less than 100 members.
4

5 The mastiff car bomb in Omagh exploded at ten past 15:04
6 three in the heart of the town's busy shopping area at
7 the junction of Drumragh Avenue and Market Street.
8

9 A telephone warning earlier saying the bomb was at the
10 courthouse 400 yards away meant that many people were 15:04
11 evacuated from the courthouse end of the town and
12 inadvertently walked straight into the path of the
13 bomb.
14

15 People who were on the scene almost immediately 15:04
16 described what they saw as a battlefield, with bodies
17 lying on the road and in around the shattered
18 buildings.
19

20 Rescuers tore hoardings of windows to use as makeshift 15:04
21 stretchers. So great was the number of the casualties,
22 two buses were used to ferry those who could walk to
23 the Tyrone County Hospital.
24

25 This was the deadliest terrorist attack ever in 15:04
26 Northern Ireland. The sheer loss of life, men, women
27 and children has been bewildering for a people of a
28 small province who have endured much, but never before
29 anything on this scale.

1
2 Such was the carnage that now, seven hours after the
3 explosion, the authorities are still not sure exactly
4 how many people are dead and how many lie injured in
5 various hospitals across Northern Ireland.

15:05

6
7 What they do know is that shortly after three o'clock a
8 car bomb exploded in the Main Street of a busy market
9 town.

15:05

10
11 POLITICAL AND POLICING RESPONSE, 15TH TO 16TH AUGUST
12 1998:

13
14 The Chief Constable of the RUC, Ronnie Flanagan,
15 visited the scene of the explosion of this evening and
16 described it as bloody murder. He said the people
17 responsible were driven by blood lust.

15:05

18
19 These are people who have murdered here today because
20 they want to murder. An attack upon innocent, decent
21 people on a Saturday afternoon. Men, women and
22 children, Catholic, Protestant, totally indiscriminate
23 bloody murder.

15:06

24
25 Do you believe this was definitely a terrorist attack?

15:06

26
27 I've no doubt whatever that that was their intention.
28 To give us a grossly inaccurate warning while our
29 officers were striving to clear the area to which the

1 warning related, the courthouse. A bomb detonated
2 400 yards away from the courthouse. I'm in no doubt
3 these are people who murder because they want to
4 murder. These aren't people who are reluctantly
5 engaged in a campaign of violence, these are murderers 15:06
6 who grew up with nothing else to offer.

7
8 I've seen things like this before. Nobody should ever
9 have to witness things like this, but this is the worst
10 that I've seen of all similar atrocities. 15:06

11
12 Political leaders here, in the Republic of Ireland and
13 in Washington have condemned the attack in the
14 strongest possible terms.

15 15:07
16 Following the Good Friday Agreement in Northern
17 Ireland, hopes had risen that despite recent problems
18 like the marching season the province was looking
19 forwards. Today's devastating events have been greeted
20 with widespread condemnation. 15:07

21
22 Politicians across the political divide have expressed
23 their outrage. The Prime Minister, holidaying in
24 France, called it an appalling act of savagery and
25 evil. 15:07

26
27 I can barely express the sense of grief I feel for the
28 victims of this appalling, evil act of savagery. These
29 lives that are lost, so senselessly, so much innocent

1 blood shed.

2
3 Our only emotion has got to be not simply one of
4 outrage at the evil of it and total determination to
5 bring the perpetrators of it to justice. 15:08

6
7 My heart goes out to every one of those that are killed
8 and those who are injured and to their families. This
9 is a tragic day and a very serious bombing offence in
10 terms of anything that's happened over recent years. 15:08
11 And the fact that for whatever reason the bomb went off
12 in an area where people thought they were safe in,
13 makes it even more devastating.

14
15 The Queen issued a statement tonight asking for her 15:08
16 heartfelt sympathy to be passed to those who'd suffered
17 in their distress. Carolyn Quinn, BBC News.

18
19 As the people of Northern Ireland try to take in the
20 enormity of the horror of Omagh, the province's 15:08
21 politicians have been united in their condemnation.
22 Nationalists and republicans believing their
23 communities will reject the killers.

24
25 I think there's a three-pronged response; first is 15:09
26 political, that the politicians should stand together
27 and consolidate the Peace Process. Secondly, there is
28 a community response, where people have to show that
29 they resist this sort of activity and also stand

1 together. And thirdly, there is a security response,
2 because those who conducted yesterday's atrocity
3 require to be dealt with.
4

5 Pro and anti-agreement unionists concur, they too want 15:09
6 to see a vigorous response from the Government and the
7 security forces.
8

9 The real failure and where we have got to look very
10 carefully is how the two Governments faced up to the 15:09
11 reality that there was a breakaway movement, a new
12 alliance of militant Republicanism based in the Irish
13 Republic. I believe that over the past six months both
14 Governments have been far too passive and off-handed
15 about that particular threat. 15:09
16
17
18

19 EARLY BROADCASTING REGARDING THE SUSPECTED
20 PERPETRATORS: 15:10
21

22 Have you any indication who was behind the explosion?
23

24 Not as yet, no group has admitted responsibility but I
25 think the finger of suspicion does point clearly at one 15:10
26 of the dissident republican groups, probably the one
27 that calls itself the 'Real IRA'. That is led by a
28 former leading member of the Provisional IRA or as we
29 would know it as the main Republican grouping, the main

1 IRA, he left last November, he left the organisation.
2 He was unhappy about the ceasefires, the strategy of
3 Sinn Féin in the Peace Process and talks process and he
4 has now led this organisation and heads it up.
5 Certainly security forces were saying to me just a few 15:10
6 days ago that they were small number but they were
7 becoming more and more concerned that people were
8 moving across to this organisation, experienced people
9 from the Provisional IRA. And obviously they have that
10 experience, they have carried out a number of 15:11
11 successful, in their terms, bomb attacks recently and
12 then we saw this outrage today.

13
14 Thank you so much.

15 15:11
16 RTÉ main evening news, 15/09/1998:
17

18 This attack is the worst atrocity of The Troubles in
19 the North. It is believed the dissident republican
20 group calling itself the Real IRA planted the bomb. 15:11
21 The group which supports the 32 Counties Sovereignty
22 Committee is believed to have less than 100 members.

23
24 Well, it seems clear tonight that responsibility for
25 the atrocity lies with the dissident republican group 15:11
26 the Real IRA."

27
28 Yes, it does certainly. Down here we haven't heard any
29 claims that there have been any made but the modus

1 operandi led one to believe it was one of the dissident
2 groups that carried this out. We had just a fortnight
3 ago there was similar car bomb in Banbridge in Co. Down
4 believed to be the work of the Republican dissidents,
5 no serious injury there of course. But in the past 15:12
6 month there has been this pattern, there was
7 Markethill, Newtownhamilton rather, where we have had
8 the same type of bomb and there is a big suspicion
9 shared, I have to say, by the RUC Chief Constable
10 Ronnie Flanagan. 15:12

11
12 Even more devastating and from our point of view we
13 continue to work in dealing with this particular group
14 with the RUC and the Gardaí. They have been monitoring
15 them as closely as they possibly can and we'll use 15:12
16 whatever resources we have to, to crush these people.

17
18 The Fine Gael leader, John Bruton said the people
19 behind the attack were addicted to violence and had no
20 place in a civilised society. 15:12

21
22 Garda and RUC surveillance of suspected members of the
23 self-styled Real IRA is to be stepped up in the wake of
24 the Omagh bombing. Gardaí who have had number of
25 successes against the organisation are also to increase 15:13
26 security at the border and at the ports.

27
28 As Sinn Féin edge towards the Good Friday peace
29 agreement and the Provisional IRA maintained ceasefire,

1 members of the IRA who disagreed with the Sinn Féin
2 strategy were gathering around a former Provo
3 Quartermaster General and edging toward the formation
4 of break away organisation. It soon emerged that the
5 dissidents had recruited some key people from the 15:13
6 provisionals not only in Louth, where the former
7 Quartermaster General is based, but from areas on both
8 side of the border, including South Armagh, Limerick,
9 Cork and Dublin. And exceptionally good Garda
10 intelligence which resulted in the interception of half 15:13
11 a dozen or more car bombs on the way to the north show
12 while the dissidents number only about 100 or so they
13 had expertise to make their own very sophisticated
14 bombs. It also emerged they were planning to bomb not
15 only targets in the North but in Britain. Again good 15:13
16 Gardaí intelligence resulted in the interception of
17 large bombs at Dún Laoghaire on the evening of the
18 Aintree Grand National and earlier at Howth in county
19 Dublin. Thanks to a tip-off from the Gardaí, police
20 were also able to foil a plan to firebomb London. 15:14
21 Inevitably however, some bombs reached their targets in
22 the North planted either by dissidents in the Republic
23 or in the North and it was learned that the so-called
24 new IRA were also attempting to forge links with tow
25 other dissident groups; the INLA and the self-styled 15:14
26 Continuity IRA. But while several towns in the North
27 suffered severe damage there were no fatalities
28 until today.
29

1 While the Gardaí were congratulated on their successes
2 it was realised that one day one of the dissidents
3 bombs might cause casualties and only recently it was
4 reported that the Government was considering how it
5 could clamp down even harder on the dissidents with new 15:14
6 legislation if that was considered necessary.

7
8 In the wake of the Omagh bombing I'm told Gardaí will
9 now be putting the dissidents under even more intense
10 surveillance. Security will also be stepped up at the 15:14
11 border and at the ports in case the dissidents may now
12 try once again to extend their bombing campaign to
13 Britain.

14
15 A short while ago the Taoiseach came into the studio to 15:15
16 give his response to the bombing: I have been
17 horrified at what's happened today in Omagh. It was a
18 massive bomb. The whole warning system led people into
19 the full blast of the bomb. We know there is 21 people
20 dead including a very young baby and many more very 15:15
21 seriously injured and dozens injured. It is, of
22 course, an attempt to ruin the Peace Process and an
23 attempt by those people who were break-away militant
24 group who have been trying to have bombs in both the
25 United Kingdom and in the North and in the border 15:15
26 region. The Gardaí have been successful in thwarting
27 them many times this year but unfortunately this time
28 they got through. Our hearts tonight in the first
29 instance goes out to all of those who have died and

1 those who have been injured. It is a ghastly act and
2 cruel act.

3
4 But what we are seeing here is what we knew all last
5 winter that there were fairly sizable but not that
6 sizable group who were determined to make sure there
7 was no agreement in the first place, after Good Friday
8 they continued to involve themselves but because of the
9 huge intelligence operation that we have put in we have
10 been able to thwart them several times.

15:16

15:16

11
12 Very own eyes this afternoon. Seamus Mallon said he
13 had no doubt this was the work of a dissident
14 republican group who would be the prime suspects' mark?

15:16

15
16 I think the prime suspect would be a group which terms
17 itself the Real IRA, this is a group which is loyal to
18 the former Quartermaster General of the Provisional
19 IRA, they have got up to 90 members and they have been
20 responsible for a series of bombings in market towns in
21 Northern Ireland over the last few months. There are a
22 couple of other factions on the republican side who are
23 still engaged in violence, the Continuity IRA and INLA,
24 it could be those group but the Real IRA will
25 undoubtedly top the list of suspects, their previous
26 bombings have caused widespread damage but nothing like
27 this.

15:16

15:17

28
29 So, who are the killers? Who did this? The Irish

1 Government has pledged to crush the Republican
2 dissident groups which it believes are responsible for
3 planting the Omagh bomb. The Real IRA as they call
4 themselves, are the most active of the splinter groups
5 opposed to the Good Friday Agreement. They've already
6 planted car bombs in shopping streets. Now tonight the
7 32 Counties Sovereignty group which is associated with
8 the Real IRA issued this statement. 'We are a
9 political movement and not a military one. We reject
10 categorically any suggestion that has been publicly
11 made that our movement was responsible in any way.'
12 Somebody was responsible.

15:17

15:17

14 Dissident IRA attacks was established by last September
15 when a vehicle bomb blast happened in the Town Centre
16 of Markethill after a telephone warning. A mortar
17 attack followed this, the Real IRA group saying it had
18 split from the provisionals because the Provisional IRA
19 who called a ceasefire without a British declaration to
20 withdraw from Northern Ireland. Earlier this month
21 another attack, a car bomb, 500lb, the same size as
22 Omagh, again a purely civilian target, another High
23 Street, this time Banbridge, 35 people were injured
24 despite a phone warning.

15:18

15:18

25
26 The Real IRA clearly have the bomb engineering
27 expertise of defecting provisionals. But gun attacks
28 by the group are rare suggesting a lack of small arms
29 and personnel. Security sources estimate their

15:18

1 strength at around 150 active members disillusioned by
2 the Provisionals.

3
4 The group's political wing is the 32 County Sovereignty
5 committee. Members like Bernadette Sands-McKevitt, 15:18
6 sister of the Provisional hunger striker Bobby Sands.
7 They say they have no links with violence but disagree
8 with Sinn Féin's peace strategy.

9
10 Newtownhamilton, Portadown and Moira like Omagh have 15:19
11 all seen car bomb explosions this year, the INLA and
12 the Continuity Army Council are also involved in
13 violence. INLA are believed to be considering a
14 ceasefire and the CAC will like be absorbed in the Real
15 IRA group" 15:19

16
17 These blasts underline the difficulties in
18 decommissioning weapons since the bulk of them were
19 caused by home made fertiliser based explosive."

20 15:19
21 "The dissidents had made their choice long before the
22 Good Friday Agreement was forged by targeting market
23 towns at critical junctures in the Peace Process.
24 First there was Markethill just before Sinn Féin
25 entered the talks last September. Then it was the turn 15:19
26 of Moira and Portadown in the respective constituencies
27 of Jeffrey Donaldson and David Trimble, the standard
28 bearers of the two divergent blocks within Ulster
29 Unionism. In March as Gerry Adams was welcomed back to

1 the White House, two bombs were intercepted by Gardaí
2 in County Louth. On the eve of the Referendum a bomb
3 destroyed the heart of Newtownhamilton. And during the
4 height of the Drumcree crisis a 1400lbs bomb destined
5 for Portadown or Armagh was abandoned near the Moy. 15:20
6 Banbridge was next on the list, a return visit to test
7 the nerve of the first unionist leader since Brian
8 Faulkner to reach an accommodation with nationalism.

9
10 While the eyes of the world were focused on the 15:20
11 breakneck pace of political developments such as the
12 first meeting of the Assembly, less attention was being
13 paid to Republicans outside the process. Sinn Féin
14 contemptuously referred to them as 'yesterday's men',
15 but each new day revealed just how determined the 15:20
16 dissidents were to destabilise the new structures.

17
18 But just who are the dissidents and how credible is the
19 threat of further outrages? The political group
20 closest to the Real IRA is called the 32 Counties 15:21
21 Sovereignty Movement. Its emergence coincided with an
22 IRA convention in Gweedore called by the former
23 Quartermaster General of the IRA to reassert the
24 primacy of the bomb and the Armalite over politics.
25 The body of the IRA backed Sinn Féin and the dissidents 15:21
26 split. It was fears of a sell out that exacerbated
27 divisions.

28
29 Bernadette Sands-McKevitt's partner, Mickey McKevitt,

1 seen here with the baseball cap is a less prominent
2 public figure but no less dedicated to the aims of the
3 Sovereignty group. A Dundalk Republican who had until
4 recently close connections to the highest levels of the
5 mainstream Republican movement, he retains deep
6 reservations about the wisdom of the Adams/McGuinness
7 strategy. The Sovereignty movement refused to be
8 interviewed but say they'll continue to argue against
9 the Sinn Féin strategy. This ideological split in
10 Republicanism is accompanied by deep personal rivalry.
11 In spite of the Real IRA ceasefire, some believe the
12 potential for a further split and more violence
13 remains."

15:21

15:22

14
15 MR. DE LA POER: Sir, that concludes the evidence for
16 today and for this four-week block of hearings for
17 Chapter 3. A fifth week of Chapter 3 evidence is
18 scheduled for the week of 9th November and may I invite
19 you, Sir, to adjourn us until ten o'clock on that day.

15:22

20 CHAIRMAN: I will, do Mr. de la Poer, thank you. But I
21 think I would like to observe that that was a very
22 moving session which brings home and reminds us of the
23 reality of the atrocity which this Inquiry is concerned
24 with. And that same evidence serves to reinforce that
25 even though these proceedings can at times be
26 legalistic and focused on detail, unforgivable and
27 wholly unnecessary suffering lies behind all of our
28 deliberations. So I am grateful to you for reminding
29 us for all of that.

15:22

15:23

1 MR. DE LA POER: And I associate myself with your
2 remarks.

3 CHAIRMAN: Thank you.
4

5 THE INQUIRY ADJOURNED UNTIL MONDAY 9TH NOVEMBER 2026 AT 15:24
6 10:00 A.M.
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