

1 THE INQUIRY RESUMED ON THURSDAY, 8TH OCTOBER 2026 AS
2 FOLLOWS:

3
4 CHAIRMAN: Good morning Mr. Billingsley. Mr. de la
5 Poer.

10:00

6 MR. DE LA POER: Sir, thank you. The questioning of
7 Detective Chief Inspector Billingsley is to resume with
8 questions first from Mr. Kane, King's Counsel, on
9 behalf of the John McBurney team of solicitors.

10 MR. KANE: Good morning, Sir.

10:00

11 CHAIRMAN: Good morning, Mr. Kane.

12
13 DCI PETER BILLINGSLEY WAS QUESTIONED BY MR. KANE AS
14 FOLLOWS:

15
16 1 Q. MR. KANE: Good morning, DCI Billingsley. I'm going to
17 be asking less questions than I intended because some
18 of the matters have been covered, and if, like
19 yesterday, there are topics you feel you can't answer
20 from that chair and that further enquiries need to be
21 made, then just please say so, so I can move on to the
22 next question.

10:00

23 A. Yes.

24 2 Q. What I want to ask you first is, are you aware of an
25 undated statement made by a member of the AGS,
26 Garda Eugene McKenna, regarding his sighting of the
27 bomb car in Carrickmacross at one o'clock on the
28 morning that it was stolen and the very detailed
29 description that he gave of the driver? Are you aware?

10:00

10:00

1 A. I am aware of the statement, though I would quantify
2 that with having read probably hundreds of statements
3 over the last number of days.

4 3 Q. Yes. My question about that statement is, do you know
5 when was that witness statement first made available to 10:01
6 the RUC?

7 A. I would need to confirm that.

8 4 Q. Very well. Are you aware that the owner of the, I'll
9 call it the real MDZ 5211 car, Bernard McGinn, in his
10 statement to the AGS dated 16th November 1998, stated 10:01
11 that he had purchased both an electric aerial and a
12 wheel bearing in a garage in Cullaville during 1998?
13 Again, can I ask you; when were the RUC first made
14 aware by the AGS of this link between his car and that
15 business which was later suspected of making the false 10:02
16 plates for the bomb car?

17 A. Again, apologies, I would need to clarify the date that
18 that was shared with the RUC at the time.

19 5 Q. That's fine. You state in your statement at
20 paragraph 48 that the telephone analysis which was 10:02
21 conducted was not capable of being done quickly. In
22 making that statement, did you take account of the view
23 expressed by the telecoms companies in March 1999 which
24 stated, among other things, that the RUC software was
25 out of date? 10:02

26 A. Whenever that paragraph was written it was in relation
27 to the fact that there were such a high volume of --
28 such a high volume of data and information that was
29 supplied that it was going to be a time-consuming

1 process to analyse that.

2 6 Q. Now, based on, perhaps, even your own experience, even
3 though you weren't a serving member at the time of the
4 Omagh bomb, but based on your police experience and any
5 knowledge that you may have of RUC experience of the 10:03
6 modus operandi of republican terrorists in the late
7 1990s, is there a view held on how far ahead of the
8 bomb car the scout car is likely to have travelled?
9 And can I ask further; was there likely to have been a
10 direct line of sight maintained between them at all 10:04
11 times, or were mobile phones used to maintain contact?
12 A. Unfortunately, having joined the police in 2004, I have
13 limited experience in and around the methodology of
14 terrorists of that time. The purpose, obviously, of
15 the scout vehicle is to make sure that the route is 10:04
16 clear, so logic would tell me - and it's who nothing
17 else other than my logic - would tell me that I would
18 imagine once the advent of mobile telephones came about
19 that there would be more of a distance to allow evasive
20 action to be taken should a problem be identified by 10:04
21 the scout vehicle. Obviously, in the earlier part of
22 the campaign mobile phones wouldn't have existed so
23 they would probably have been line of sight, but that
24 is merely based on my own --
25 7 Q. Knowledge and experience? 10:05
26 A. -- views or beliefs as to how terrorists would,
27 potentially, have operated.
28 8 Q. Yeah. Obviously, other than the presence of the bomb
29 itself, is it fair to suggest that the gross inaccuracy

1 of the warning calls was a major contributor to the
2 loss of life in the Omagh bombing?

3 A. That would certainly be my personal view that with the
4 inaccuracy it caused the evacuation to ultimately
5 direct people towards the bomb, effectively. 10:05

6 9 Q. Now, this is a very specific question. Of the eight
7 Army Operations Room tapes that were recorded, both
8 parts of tape 1 are missing. Did the RUC, to your
9 knowledge, ever conduct an investigation into the
10 whereabouts of the lost tape? 10:06

11 A. I'm not aware of the answer to that, I would have to
12 take that away if the Inquiry is minded, and establish
13 those facts.

14 10 Q. The order for the 480 Coupatan timers was placed with
15 the company, Thermaco, on 9th January 1997, does the 10:06
16 PSNI, having reviewed all the material available,
17 believe that that order was placed by dissident
18 republican terrorists or by the Provisional IRA or
19 INLA?

20 A. That is something that I haven't considered, I would 10:06
21 need to take that away and look at that, so I would.
22 Obviously, we came to a point that the timers were used
23 by dissident republicans but I think it's probably
24 widely known that a large amount of dissident
25 republicans were at some point and space in time 10:07
26 members of the Provisional IRA, so either option could
27 be.

28 11 Q. And, likewise, could it be that this stock of timers
29 which had been bought at that time, had been, as it

1 were, stored by the Provisional IRA and then either
2 handed over or taken by the dissident republican
3 groups?

4 A. There is potential that that was the case.

5 12 Q. The 480 Coupatan timers which were ordered in January 10:07
6 1997 all had the capacity to be set for a period of two
7 hours prior to detonation. The Omagh bomb, which is
8 thought to have been placed in Market Street in or
9 around a quarter past or 18 minutes past two, must,
10 therefore, have been set with only a delay of in or 10:08
11 about 45 minutes before it exploded. In essence,
12 therefore, is it the view of the police, whom you're
13 representing, having had the opportunity to review all
14 matters, that those who planned and planted the Omagh
15 bomb could actually have allowed an extra one hour and 10:08
16 up to 15 minutes more for the Omagh Town Centre to be
17 cleared?

18 A. It's something that I haven't considered but as we sit
19 here today, I think the reality is that this is
20 controlled by the turning of a knob. If the knob is 10:08
21 turned fully it gives the full amount of time, it would
22 strike me that that time period, in and around I would
23 imagine you couldn't be exactly accurate as to the
24 amount of time, given it's a mechanical-turned knob as
25 opposed to a timer, but I would imagine that the time 10:09
26 was chosen. And, I suppose, in answer to your
27 question, yes, more time could have been given had the
28 timer knob been turned fully.

29 13 Q. Did the RUC, or indeed the PSNI more latterly, ever

1 receive from the AGS any of the Coupatan TPUS which
2 were recovered intact in Swords in the Irish Republic
3 on 7th November 1997?

4 A. If you just bear with me, I believe I have -- I just
5 want to confirm I'm talking about the right Coupatan 10:09
6 timers. Certainly, there was -- there were Coupatan
7 timers that were made available to the investigation,
8 albeit that was someone attending with AGS as opposed
9 to the timers coming to the North. [Short pause].
10 Apologies, bear with me. 10:11

11 14 Q. You look, I know by the number of questions left that
12 I'm still well within my allocated span. [Short
13 pause].

14 A. Apologies, the note that I have is in relation to a
15 slightly different issue. There was, definitely, in 10:12
16 the material that I've read over the last day or two,
17 there is definitely reference to Coupatan timers being
18 made available for inspection --

19 15 Q. Yeah.

20 A. -- of the RUC investigation. However, I believe they 10:12
21 were inspected in Dublin, but I would certainly be able
22 to clarify the detail around that.

23 16 Q. Yes, well that would be useful. Thank you.

24

25 Are you able to say how many of the suspects from the 10:12
26 Irish Republic - and by that I mean those who were in
27 resident and questioned by the AGS in the Irish
28 Republic, how many of those suspects had DNA samples
29 taken for comparison with the profiles found in the

1 course of the forensic examinations of any of the
2 exhibits in the linked series of incidents here in
3 Northern Ireland, including Omagh?

4 A. I would need to confirm that. I have some reference
5 around DNA of some of the suspects but it was in 10:13
6 relation to very specific directions that I was given
7 by the Inquiry that I may be asked around. So, I would
8 need to take that away and clarify it.

9 17 Q. But you haven't been able to locate the answer to that,
10 as yet? 10:13

11 A. I haven't looked at that specific question so I would
12 need to take that away and look at that.

13 18 Q. But that's something that you could --

14 A. It can be done, yes.

15 19 Q. And the next question is basically the same thing only 10:13
16 it's about fingerprints, again, do you need --

17 A. It would be the same position.

18 20 Q. Are you aware of the incident in June 1999 when a
19 member of the public in the Irish Republic informed the
20 Garda that they had discovered an abandoned Nissan 10:13
21 Bluebird at the bottom of the lane in the Carlingford
22 area? The very type of car known by the AGS to be of
23 interest to the Omagh investigation as the one as which
24 had been used, potentially, by Seamus McKenna and Derek
25 'Shanty' Brady at the time of the Omagh bomb. Is it 10:14
26 correct that the RUC were not informed of this until
27 November 2002?

28 A. I am aware of the matter that you're speaking of, but I
29 would need to confirm the date that that -- the

1 confirmation that that was received from AGS.

2 21 Q. Is it correct that on 24th March 200 - and I'm now
3 quoting - "the effectiveness of the liaison with An
4 Garda Síochána," was added to the Terms of Reference to
5 the McVicker Review and became part of Chapter 11 of 10:15
6 his review?

7 A. I'm aware of that, yes.

8 22 Q. So, that's a correct assertion?

9 A. Yes, I believe so.

10 23 Q. And, finally, in the McVicker Report, it's stated that: 10:15
11
12 "A number of arrests relating to this investigation
13 have been carried out by An Garda Síochána on recent
14 dates without any prior knowledge/consultation with the
15 SIO, Omagh." 10:15
16

17 Recommendation 254 of the McVicker Report was for the
18 SIO to actually try to rearrest and interview those
19 suspects in Northern Ireland. Do you accept, again
20 probably from your own experience, that the 10:15
21 unilaterally actions of the AGS could have provided
22 those suspects with an ill-advised first look at the
23 information held against them?

24 A. Of course, it could have.

25 MR. KANE: Thank you very much, indeed. 10:16
26 THE WITNESS: No problem.
27 CHAIRMAN: Thank you, Mr. Kane.
28 MR. DE LA POER: Now can I invite Mr. Toal.
29

1 DCI PETER BILLINGSLEY WAS QUESTIONED BY MR. TOAL AS
2 FOLLOWS:

3
4 24 Q. MR. TOAL: Yes, good morning, Detective?

5 A. Good morning.

10:16

6 25 Q. I'm going to ask you some questions on behalf of the
7 large group of victims that we represent. Can I just
8 start by asking you, through all of your trawl through
9 the documents, have you managed to locate an RUC map
10 from 1998 which shows the various routes suspected to
11 have been taken by the bomb car and the scout car?

10:16

12 A. I have seen numerous maps produced by the RUC over the
13 time. I believe I have, but I would need to confirm
14 with material held.

15 26 Q. Okay. Well, perhaps, if we could show you a map that
16 we have sourced and we will take a look at that. If we
17 could please have up, INQ 049719, please. Now, just to
18 explain, we struggled to obtain a map from 1998 because
19 the road network in Omagh has substantially changed
20 since that time, and I'm grateful to Mr. de la Poer and
21 Mr. Suter for sourcing this. It's not ideal because
22 it's small and you will see there are coloured lines, I
23 have drawn those on. And can you see, in particular,
24 the red line first, so that is the old A5 road and it
25 was known at the time as the Dublin Road. And if you
26 follow that line, it is the main road into Omagh, and
27 where it ends is Market Street, and that is where the
28 bomb was planted. And would you agree with me that
29 that is the most obvious route into Omagh at that time?

10:16

10:17

10:17

1 A. It was certainly the main route into Omagh at that
2 time.

3 27 Q. And you will then see where I have drawn a blue line
4 and that turns off at the right; you see that, Officer?

5 A. Yes. 10:18

6 28 Q. And that is Bankmore Road that we've heard about. And
7 just at the junction where the blue line starts, that
8 is Omagh Meats. That's the abattoir, yes?

9 A. Yes.

10 29 Q. And if you follow the blue line - and this is where 10:18
11 police suspect the bomb car travelled into Omagh - it
12 then, at a point, becomes the Crevenagh Road?

13 A. That's correct.

14 30 Q. Yes. And you then go to the left on the map and you
15 follow it all the way up to the top. Now, where the 10:19
16 blue line stops, and it meets the black line at the
17 top, that is the Swinging Bars Roundabout that we've
18 heard about?

19 A. Yes.

20 31 Q. And that is at the top of Campsie. And you then take a 10:19
21 left down Campsie and drive down through that busy
22 street and, again, you arrive at Market Street. Now,
23 you will also see where I have drawn an orange line,
24 can you see that?

25 A. Yes, I can. 10:19

26 32 Q. Now, that orange line starts just before Campsie
27 swimming pool and it is a road called Irishtown Road;
28 you're aware of that?

29 A. Yes, I'm vaguely familiar with it.

1 33 Q. And if you drive along the orange route, Irishtown
2 Road, you come to Dunnes Stores shop, isn't that
3 correct?

4 A. Yes, I believe so.

5 34 Q. And where the orange line meets the red line, that's 10:20
6 around 150 yards from where the bomb car was placed;
7 correct?

8 A. Roughly, yes.

9 35 Q. Yes. Now, the significance of Dunnes Stores is that
10 police suspected that the two bombers, after leaving 10:20
11 the car, made their way towards Dunnes Stores, isn't
12 that correct?

13 A. Yes, I've seen material that suggests that.

14 36 Q. So, when we analyse, this, it may well be the case that
15 the scout car left the bomb car and travelled along 10:20
16 Irishtown Road and rested somewhere around Dunnes
17 Stores car park?

18 A. It's certainly one possibility.

19 37 Q. Yes. And the bomb car, potentially, took a different
20 route to get to Market Street? 10:20

21 A. Again, it's certainly a possibility.

22 38 Q. Yes. If I could then ask you - and this is not ideal
23 but we have done the best we can - to look at the
24 yellow line that departs from the blue line?

25 A. Yeah. 10:21

26 39 Q. Now, that yellow line goes in through a place called
27 the Tyrone and Fermanagh Hospital, and do you know what
28 that is?

29 A. Yes, I do.

1 40 Q. Yes. It was a mental health facility at that time, not
2 to be confused with the Tyrone County Hospital?

3 A. Yes.

4 41 Q. And this is a route that would have been known and used
5 by local people, they cut through the T&F Hospital and 10:21
6 they then came to a junction and that took them up to
7 the top of the Hospital Road?

8 A. Yes.

9 42 Q. You see the yellow line then joins the map again up
10 above this? 10:21

11 A. Yes.

12 43 Q. And that was an alternative route to the Swinging Bars
13 Roundabout; correct?

14 A. Yes, that's correct.

15 44 Q. And it is entirely possible that the bomb car took that 10:21
16 route as well because there is no other evidence
17 spotting the bomb car on Crevenagh Road, isn't that
18 correct?

19 A. That is correct, yes.

20 45 Q. And there's also no evidence of the bomb car entering 10:22
21 the Swinging Bars Roundabout from Crevenagh Road?

22 A. That's correct.

23 46 Q. Now, that particular blue road, and you may not be
24 aware of it, but it was a back road and it was in poor
25 condition; are you aware of that? 10:22

26 A. I worked in Omagh for a short period so I am vaguely
27 aware of the geography, it was some time ago though.

28 47 Q. Yes. Now, that's enough with the map, thank you.
29

1 May I now please turn to the scout car. At
2 paragraph 63 of your statement you say that:
3
4 "It is suspected that the occupants of the bomb car may
5 have been conveyed back across the Border into the 10:23
6 Republic of Ireland by the scout car, although it is
7 not possible to be certain about that."
8
9 And that remains the PSNI position?
10 A. Yes, that's correct. 10:23
11 48 Q. The scout car itself has never been identified?
12 A. That's correct.
13 49 Q. No registration number?
14 A. Nothing.
15 50 Q. No make and model established with any certainty? 10:23
16 A. No.
17 51 Q. And, therefore, we have been unable to potentially
18 identify occupants through identification of the
19 vehicle itself, is that fair?
20 A. That's correct. 10:23
21 52 Q. Now, at its highest, the assessment is that it probably
22 travelled by the same or a similar route to the bomb
23 car?
24 A. That's correct.
25 53 Q. And it follows that any credible eyewitness sighting 10:23
26 capable of identifying a second vehicle shortly before
27 the bombing was potentially important?
28 A. That's correct.
29 54 Q. In fact, it was potentially very important?

1 A. Potentially, yes.

2 55 Q. Yes. I then want to ask you about Raymond Dunlop, and
3 this is INQ 009840, please. Can I just check you've
4 read this statement before, I take it, Detective?

5 A. Again, I would quantify that with over the last three 10:24
6 to four weeks I have probably read in excess of eight
7 to 9,000 pages.

8 56 Q. That's perfectly understandable. Well, in order to
9 help you perhaps we should just read it into the
10 record. 10:24

11
12 "I am known as Raymond Dunlop. On Saturday, 15 August
13 1998 at approximately 2:00 p.m. I was driving my dark
14 blue Ford Mondeo Estate along the Bankmore Road, Omagh,
15 in the direction of main Omagh to Ballygawley Road. As 10:24
16 I approached the junction at the meat factory I noticed
17 two cars parked on the grass verge to my right nearest
18 the Ballygawley-bound lane. One of these cars was a
19 medium blue coloured Corsa or Nova, which was parked
20 behind a dark red or maroon Vauxhall Cavalier Saloon. 10:25
21 I did not notice the registration numbers of these
22 vehicles due to the way they parked, but I did notice
23 that the Corsa had a yellow number plate to the rear.
24 Both cars were facing towards Omagh which I found
25 strange as they were facing oncoming traffic and in a 10:25
26 spot which was not convenient. I observed three
27 children, aged possibly between six and eight who were
28 playing close by the cars. There were also two males
29 who did not seem to be paying much attention to the

1 children. They were reading a map on the roof of the
2 Corsa. I had observed one of the men unfolding the
3 map. I would say these men were in their mid 20s to
4 early 30s and all were roughly dressed. The only
5 specific thing about these men was that one of them had 10:26
6 a dark receding hair line. There was also one other
7 male who was sitting in the passenger seat of the red
8 Cavalier, I don't remember anything about this man
9 other than he had his head down as though sleeping. I
10 would like to add that the map was an Ordnance Survey 10:26
11 map."
12
13 Does that refresh your memory in respect of that
14 witness?
15 A. The statement is vaguely familiar, yes. 10:26
16 57 Q. Okay, that's helpful, thank you. So, one of these cars
17 was a dark red or maroon Vauxhall Cavalier; yes?
18 A. Yes, that's what he says.
19 58 Q. And immediately behind it, a medium blue Corsa or Nova?
20 A. Yes. 10:26
21 59 Q. And his account contains several other particular
22 details: Three children, possibly six to eight years
23 old, playing near the cars but the men weren't paying
24 much attention to them; correct?
25 A. Correct. 10:26
26 60 Q. So, that description leaves open the fact that the
27 children may not have been with the men; yes?
28 A. That's correct.
29 61 Q. There were two adult males and they were outside the

1 cars with a map spread over the roof of the Corsa; we
2 know that?

3 A. Yes, that's what the statement says, yes.

4 62 Q. And a further male sitting in the passenger seat of the
5 Cavalier with his head down as though sleeping? 10:27

6 A. Yes, that's what's stated.

7 63 Q. Now, we don't need to put this up on the screen but at
8 paragraph 2.81 of the McVicker Report he says this:
9

10 "An important aspect of Mr. Dunlop's statement is that 10:27
11 he observed a passenger in the Cavalier with his head
12 down as if sleeping. Several eyewitnesses to the bomb
13 car described the passenger as crouched in the seat or
14 lying back."
15 10:27

16 So, a number of witnesses who saw the actual bomb car
17 described its passenger as crouched down or lying back;
18 correct?

19 A. Correct.

20 64 Q. Can we now just please have a look at INQ 011770, 10:28
21 please. Now, this is the most haunting of photographs
22 that we have all looked at already in this Inquiry, but
23 can I ask you to concentrate on the bomb car itself; do
24 you see the passenger seat in that vehicle?

25 A. Yes, I do. 10:28

26 65 Q. What do you notice about it?

27 A. That certainly the headrest appears lower, which may
28 suggest that the seat is --

29 66 Q. Reclined right back?

1 A. -- reclined.

2 67 Q. Yes. So, that is, at least, consistent with somebody
3 having been sitting very low or lying back in it, is
4 that fair?

5 A. Potentially, yes. 10:29

6 68 Q. We can take the photograph down now, thank you. As an
7 experienced investigator, when a witness gives an
8 unusual detail which is then subsequently found to be
9 consistent with independent evidence, would you agree
10 with me that it's something which you would ordinarily 10:29
11 deem to merit further investigation?

12 A. Yes, I would.

13 69 Q. And going back to the Dunlop sighting. Omagh Meats sat
14 at the junction of the A5 Road and Bankmore Road that
15 we have just looked at, isn't that correct? 10:29

16 A. Yes, that's correct.

17 70 Q. And we've also looked at the alternative route through
18 the T&F, and I just want to explain to you why we drew
19 that onto the map as well and there's no need to bring
20 up this INQ, I'm just going to read you a small section 10:29
21 of a witness statement from a lady called
22 Catherine Fowler, okay. And just for your note, Chair,
23 I have taken that from INQ 030975, it's page 5.

24

25 She describes leaving her home at approximately 10:30
26 2:20 p.m. on 15 August 1998 and travelling into Omagh
27 along the Hospital Road, another road leading to the
28 Swinging Bars Roundabout. At the roundabout,
29 Ms. Fowler states that she stopped behind a vehicle

1 which bore the registration number MDZ 5211. The
2 vehicle drove into the Campsie Road towards the Omagh
3 Town Centre.
4
5 Now, her timings, 2:20, they are broadly within the 10:30
6 window, if we have the bomb car entering Campsie at
7 2:19; yes?
8 A. Broadly within the window, yes.
9 71 Q. And if her statement is in fact correct, that meant the
10 bombers possibly used the local shortcut through the 10:31
11 T&F; is that a fair way to put it?
12 A. If her statement is correct, yes, potentially.
13 72 Q. And to the best of your knowledge, that line of inquiry
14 was closed down after McArthur's review of McVicker's
15 report, isn't that correct? 10:31
16 A. I believe so.
17 73 Q. Even though, as we've already covered, there were, in
18 fact, no positive sightings of the bomb car entering
19 the Swinging Bars Roundabout from the Crevenagh Road?
20 A. That's correct. 10:31
21 74 Q. Would you agree with me that a person unfamiliar with
22 Omagh who was attempting to navigate a less obvious
23 route through Omagh, using minor back roads along the
24 way, would have found a map useful?
25 A. Potentially, yes. 10:32
26 75 Q. So, the fact that Mr. Dunlop describes men consulting a
27 map is actually consistent with a vehicle approaching
28 Omagh through that network of minor roads, is that
29 fair?

1 A. It is, potentially.

2 76 Q. May I please then turn to the reasons why
3 DCS McVicker's Recommendation 55 was rejected. And
4 this was rejected by Detective Superintendent McArthur,
5 as we've just outlined, and his reasons included the 10:32
6 fact that the men were consulting a map. And also that
7 children were present. Okay, you've read that
8 statement, I assume?

9 A. Yes.

10 77 Q. Yes. And he included the question, "would they have 10:33
11 children with them?" And then answered with "an
12 emphatic no;" correct?"

13 A. That's correct, I believe.

14 78 Q. The word "emphatic" is his word, not mine. So can we
15 just please examine that. Nobody identified those 10:33
16 children, isn't that correct?

17 A. That's correct.

18 79 Q. Nobody established whether they were related to any of
19 the adults?

20 A. As far as I'm aware, yes. 10:33

21 80 Q. Nobody established whether they, for example, lived
22 nearby?

23 A. Yes.

24 81 Q. So, the presence of children was used positively as a
25 reason to reject the sighting before the investigation 10:33
26 had established what, if any, connection they had to
27 the men; is that fair?

28 A. It seems to be fair on the face of it, yes.

29 82 Q. It was an assumption rather than an investigated fact?

1 A. It would appear to be the case, yes.

2 83 Q. And you know, I'm sure from your reading, that we have
3 another witness to these two cars parked together and
4 his name was Patrick Kirwan?

5 A. The name's not familiar to myself, but, again, I
6 quantify that with the amount of material.

7 84 Q. In fairness to you, you've done a huge amount of
8 reading, we'll perhaps show you his reading, it is
9 INQ 008790, please. We now have his statement, he
10 says:

"On Saturday, 15th August at approximately 1:45 p.m. to 2:00 p.m. I was travelling in my lorry along the Omagh-Ballygawley Road in the direction of Ballygawley. As I approached the meat factory on the left-hand side about one mile out of Omagh, I noticed two cars parked on the left-hand side of the road. Both cars were facing in the direction of Omagh. The car parked in front was a red coloured car, I did not get any registration number or make. The second car was a grey coloured two-door car. What drew my attention to this was that both doors on the car were wide open. There were five male persons stand (sic) around the grey car, three of the people were in the age bracket of about 17 years to 20. The other two people were older, approximately 30 to 40 years. The three young men were standing at the back of the grey car, one of them who was wearing a grey-blue coloured top was leaning over the roof of the car, the two older men were standing at

1 the front passenger door of the grey car. I can't
2 recall what any of the other people were wearing other
3 than they were all about approximately 5'6 in height.
4 As I passed the two cars, two of the younger men turned
5 around and watched me pass."

10:35

6
7 So, by the time Mr. Kirwan saw the cars the children
8 had seemingly gone, or perhaps hadn't arrived yet; is
9 that fair?

10 A. There's certainly no mention of the children.

10:36

11 85 Q. Now, the map that we have discussed on the roof of the
12 car was treated in a similarly dismissive manner with
13 DS McArthur saying that the investigators gave another
14 emphatic no to bombers using a map; are you aware of
15 that?

10:36

16 A. It's vaguely familiar, yes.

17 86 Q. But that assumes that every participant had detailed
18 local knowledge of Omagh, doesn't it?

19 A. Potentially, yes.

20 87 Q. Because you know, from your experience, and I know
21 you've qualified this by saying you started in 2004,
22 but you know that in clandestine organisations
23 information can be withheld among participants to avoid
24 leaks, isn't that fair?

10:36

25 A. That would be fair, yes.

10:37

26 88 Q. Different people have different operational roles.
27 Correct?

28 A. Yes, that's correct.

29 89 Q. And if Dunlop is, in fact, correct, that the passenger

1 in the Cavalier was possibly sleeping, he wasn't
2 navigating for the driver, was he?

3 A. It certainly wouldn't appear to be the case if he was
4 sleeping.

5 90 Q. No. And because that Recommendation 55 was rejected, 10:37
6 there was no forensic examination of that area where
7 the cars had been parked, isn't that correct?

8 A. That's correct.

9 91 Q. There was no house-to-house enquiries generated from
10 the sighting? 10:37

11 A. I don't believe so.

12 92 Q. No experienced Detective reinterviewed?

13 A. Not that I'm aware.

14 93 Q. No HOLMES action from either statement?

15 A. Again, not that I'm aware. 10:37

16 94 Q. Nobody then identified the possible blue Corsa or Nova;
17 correct?

18 A. That would seem to be correct, yes.

19 95 Q. And the sighting was, effectively, set aside?

20 A. That appears to be the case. 10:38

21 96 Q. Detective, I now want to move to a new topic, and a
22 broader structural issue and I make clear why. I am
23 now asking you whether the investigation was good or
24 bad, the Inquiry has said that shortcomings in the
25 Omagh investigation are relevant insofar as they 10:38
26 illuminate systemic or structural failings which may
27 also have affected investigations of earlier incidents;
28 do you follow?

29 A. Yes.

1 97 Q. Indeed, it is correct, isn't it, that your own addendum
2 that an early line of enquiry after Omagh was to
3 collate all previous Real IRA incidents, intelligence,
4 suspects, arrests, charges and forensic details of
5 devices? 10:38
6 A. Yes, that's correct.
7 98 Q. And so against that background can I ask about
8 something that you brought up in paragraph 249 of your
9 witness statement and the term "WERC" W-E-R-C. You
10 don't need to open it, it's the term itself that I'm 10:39
11 going to ask you some questions about, if that's okay?
12 A. Yes.
13 99 Q. Now, WERC stood for Weapons and Explosives Research
14 Centre?
15 A. That's correct. 10:39
16 100 Q. In 2022 - and you're probably aware of this - the
17 Police Ombudsman's report into Operation Achilles
18 examined RUC guidance governing WERC, and recorded that
19 it was a unit within E Department Special Branch, is
20 that correct? 10:39
21 A. That's correct.
22 101 Q. And the relevant RUC Force Order placed a dual
23 responsibility upon WERC, first as a police-controlled
24 ballistics unit; yes?
25 A. Yes. 10:39
26 102 Q. And, secondly, as an investigative agency primarily
27 focused on terrorist-orientated weapons and explosives
28 matters; correct?
29 A. They certainly would have collated details of -- I was

1 going to say weaponry, but it's not maybe the right
2 term, but the likes of TPUs, et cetera, and homemade
3 explosive devices, and so on and so forth.

4 103 Q. So, I think it's fair to say it was not simply a
5 repository, it had an investigative function? 10:40

6 A. My understanding is that it would have been an
7 intelligence-based function around the recreation of
8 the likes of TPUs, et cetera, so that it could --

9 104 Q. I think, perhaps, my use of the word "investigative"
10 has probably thrown you. They got exhibits in and they 10:40
11 investigated the origins and links between those?

12 A. Yes, that would be correct.

13 105 Q. Rather than the classic investigation that you're
14 thinking of?

15 A. Yes, it's not an investigative unit per se. 10:40

16 106 Q. Yes. And explosive matters were expressly within that
17 investigative remit. Indeed, "explosives" is literally
18 in the title of the organisation?

19 A. That's correct.

20 107 Q. Now, one obvious purpose of having a central 10:41
21 investigative body dealing with terrorist explosives
22 was to identify information in connections which might
23 not be apparent to officers investigating individual
24 incidents separately, is that fair?

25 A. That would be fair. 10:41

26 108 Q. In other words, to help build an intelligence picture
27 across incidents?

28 A. Yes.

29 109 Q. And against that established remit, to the best of your

1 knowledge was there a WERC assessment of the Real IRA
2 in the period between March and August before Omagh
3 that was available to the investigation team after
4 Omagh?

5 A. I certainly haven't seen that, I would need to confirm 10:41
6 that.

7 110 Q. Okay. So, you have been unable to identify any
8 comparative analysis of the explosive devices recovered
9 from the linked incidents?

10 A. I certainly haven't looked through WERC to establish if 10:42
11 that was something that was held by them.

12 111 Q. Okay. To the best of your knowledge - and you dealt
13 with this yesterday - when was the first time that a
14 scientist raised possible links between bombs before
15 Omagh? Was that 17th August? 10:42

16 A. I believe so.

17 CHAIRMAN: Do you mean the first occasion after the
18 Omagh bombing, Mr. Toal?

19 MR. TOAL: Yes, my Lord.

20 THE WITNESS: It was fairly early on where there were 10:42
21 three incidents linked.

22 112 Q. MR. TOAL: We'll work on the assumption that that date
23 is correct. And the answer to this may be obvious, but
24 that comparison from the scientist was made from
25 material that was already held within FSANI; yes? 10:43

26 A. I would assume so, I'd need to confirm that
27 definitively.

28 113 Q. Now, can you confirm, WERC was based in the same
29 complex as FSANI in Carrickfergus?

1 A. On the same site?

2 114 Q. Yes.

3 A. I believe so.

4 115 Q. You do. Now, in your research, did you establish
5 whether WERC had access to exhibits or technical 10:43
6 information before examination by FSANI scientists?

7 A. I would expect, ordinarily, they wouldn't have, but
8 it's not something that I specifically looked at.

9 116 Q. Can I say that the majority of people would share your
10 assumption, that they wouldn't have. But have you ever 10:43
11 heard WERC described as "a forensic system within a
12 forensic system"?

13 A. I haven't heard it described as that.

14 117 Q. No. You see those where the words used by Mr. Justice
15 Weir in 2013 when he said: 10:44
16
17 "This is the first time it has ever come to my
18 attention that there was a forensic system within a
19 forensic system."
20 10:44
21 And his concern arose from the existence of a separate
22 police Special Branch technical intelligence process
23 operating within the forensic environment, but you're
24 not aware of that?

25 A. No, I'm not aware of that. 10:44

26 118 Q. And just to be clear, he was obviously the trial judge
27 in the Hoey case but he raised these concerns in an
28 inquest of Roseanne Mallon in 2013, okay, you're aware
29 of that inquest?

1 A. Yes, I have some limited knowledge of it.

2 119 Q. So, if it is correct that forensic scientists were
3 capable of identifying a possible linkage between
4 incidents within days of Omagh, and WERC had the same
5 or similar access to that technical material, then that 10:45
6 is plainly relevant to the question of whether WERC
7 could have identified similar links before Omagh; is
8 that a fair way to put it?

9 A. Without having reviewed what WERC undertook, what work
10 WERC undertook in relation to the Omagh bomb in similar 10:45
11 incidents it would be very difficult to say.

12 120 Q. Yes. And you know that my questions are directed to
13 the systemic issues. And what I'm putting to you is
14 that it's, therefore, possible that the technical
15 material was available within the system but no one 10:45
16 had, effectively, brought it together; do you
17 understand?

18 A. I understand.

19 121 Q. Yes. Now, because WERC sat within Special Branch, was
20 its intelligence subject to the normal Special Branch 10:46
21 controls on dissemination?

22 A. Again, in my time in the PSNI, the Special Branch has
23 not existed as it was, so I don't know is the answer to
24 that question.

25 122 Q. Okay. 10:46

26 A. One would assume that if the intelligence was
27 controlled by Special Branch that it would have been
28 maintained in the same manner as any intelligence that
29 Special Branch owned.

1 123 Q. So, in light of that answer - and again you may not
2 know this - but did CID investigators automatically
3 receive WERC intelligence or did Special Branch
4 determine what they received? It's probably the
5 latter? 10:46

6 A. I don't know the answer to that question. In my own
7 experience, having had dealings with WERC in more
8 modern days, certainly, I would make a request for
9 information. I suppose, it's important to caveat my
10 background a little bit, having worked in the Legacy 10:47
11 Investigation Branch, so I would have been
12 investigating historic cases that were not maybe on
13 people's radar, they weren't in the modern day so there
14 would be no reason to share that information with me
15 without a request for it. 10:47

16 124 Q. Okay. That's fair enough. Well, if I put it in a
17 different way, if it is correct that that is the
18 structure, that Special Branch controlled what was
19 disseminated, would you agree with me that that
20 structure, in itself, created a risk that technical 10:47
21 links identified by WERC might not reach the Detective
22 investigating an individual incident?

23 CHAIRMAN: Mr. Toal, I've no doubt at all that
24 questioning around the function and operation of WERC
25 is relevant to the terms of this Inquiry's reference 10:47
26 but I'm not at all sure that it's appropriate for
27 Chapter 3.

28 MR. TOAL: Okay.

29 CHAIRMAN: It sounds as though what you're exploring

1 concerns what investigations took place in relation to
2 the previous incidents as they unfolded and how they
3 were or weren't linked. And, of course, all of that is
4 the subject of Chapter 4.

5 MR. TOAL: Yes. 10:48

6 CHAIRMAN: I don't want that to be explored in an
7 uninformed fashion at this stage.

8 MR. TOAL: No, that's fair enough, Chair. I had come
9 to the end of that line of questioning anyway. I'm
10 just going to move now to a very brief topic at the 10:48
11 end, if I may please.

12 CHAIRMAN: Yes. You're significantly over your time
13 already.

14 MR. TOAL: Oh! I apologise for that. May I just deal
15 with this very quick issue? 10:48

16 CHAIRMAN: Yes.

17 125 Q. MR. TOAL: Now, I just want to deal with the subsequent
18 Real IRA claim that they expressly warned that the bomb
19 was three to 400 yards from the court, and I do so
20 because it is one which is particularly offensive to 10:48
21 the many victims that we represent, okay, Detective?
22 Now, at paragraph 101 of your statement you say that
23 the warnings were made about ten minutes after the bomb
24 was parked at 2:19; correct?

25 A. Yes, I believe so. 10:49

26 126 Q. And you infer that someone in the bomb car or scout car
27 must, therefore, have relayed that the bomb had been
28 set; correct?

29 A. Yes.

1 127 Q. But the identified calls are actually at 2:10 and 2:14,
2 so both well before the car was parked at 2:19; do you
3 follow?
4 A. Yes.
5 128 Q. And the only later call was at 2:38 and that was after 10:49
6 all three warnings had already been made; correct?
7 A. That is correct, yes.
8 129 Q. So, the truth is that the bombers had, seemingly, a
9 prearranged warning call with 200 yards being the
10 figure, and after the car was parked there was no 10:49
11 contact made with the warning callers to tell them the
12 true position of the bomb; isn't that correct?
13 A. There certainly has been some breakdown somewhere in
14 the communication, it would appear.
15 MR. TOAL: Thank you. 10:50
16 CHAIRMAN: Thank you, Mr. Toal.
17 MR. DE LA POER: That brings the permissions that have
18 been granted under Rule 10 to an end. But, Mr. Henry,
19 as this is his witness, has a right to ask further
20 questions. 10:50
21 CHAIRMAN: Yes, Mr. Henry.
22
23 DCI PETER BILLINGSLEY WAS QUESTIONED BY MR. HENRY AS
24 FOLLOWS:
25 10:50
26 130 Q. MR. HENRY: Thank you, my Lord. I'd like to come back
27 to something that was mentioned yesterday during the
28 course of the Fox Law questions, and I'm just going ask
29 for one point of clarification, so I'll do this by

1 asking two different documents are brought up in
2 sequence, the first of this is the document you were
3 taken to yesterday and it is INQ 034732. Now,
4 Detective Chief Inspector, do you recall that document
5 from yesterday? I think your reference to it is the D 10:51
6 number in the top right-hand corner, D9674?

7 A. Yes, I'm familiar with this document.

8 131 Q. Okay and the entry that you were taken to or certainly
9 one of the entries you were taken to yesterday was
10 towards the top of that first page. Just before we get 10:51
11 to that I'm going to ask you to assist us with what you
12 understand this document to be, and then we'll move to
13 the entry. At the top it says:
14
15 "Policy file - linked incident decisions." 10:51
16
17 And then below that you have three columns, the first
18 is "date," the second is "decision" and the third is
19 "subject." So, whilst it's not laid out in clear
20 tabular form, it seems to be a table with date on the 10:51
21 left, decision number in the middle and the subject of
22 that decision on the right-hand side?

23 A. That's correct.

24 132 Q. Just to be clear, the decisions we're talking about are
25 the SIO Policy Log or policy book decisions? 10:52
26 A. Yes, that's correct.

27 133 Q. And that's the manuscript. It's tangible book that the
28 SIO writes --
29 A. Yes.

1 134 Q. -- or the Deputy SIO writes their decisions into with
2 their rationale below?

3 A. Yes, that's correct.

4 135 Q. If we look at the dates, first of all, on the left-hand
5 column on the first page, it's 19th August '98. The 10:52
6 next date below that 1st October '98, and below that,
7 2nd November '98, and so the dates continue down the
8 page and on subsequent page in chronological order,
9 earliest date first, latest date last?

10 A. That's correct. 10:52

11 136 Q. Does it appear to you that this document then is a
12 compilation produced at some stage during the
13 investigation of policy decisions relevant to this
14 issue of investigating linked incidents?

15 A. That's correct. 10:53

16 137 Q. Okay. Now, I'm going to ask -- unhelpfully, as is the
17 case with many of these HOLMES document, there's no
18 date on the document itself, so to help us with the
19 date I'm going to ask that we go to the very bottom of
20 this document, so I think that will be the bottom of 10:53
21 page No.7. And I beg your pardon, if would you scroll
22 up a little bit to the bottom of page No.6 and what I'm
23 looking for is the last date entry on the left-hand.
24 Detective Chief Inspector, do you see the final date at
25 the bottom left in terms of the final entry in the 10:53
26 table as being 17th June 2004?

27 A. That's correct.

28 138 Q. And would that suggest to you that this document is
29 produced at some stage either on that date or

1 subsequent to that 2004 date?

2 A. That's correct.

3 139 Q. If I could ask that we could go to the top of page
4 No.1, back to where we were at the beginning, please.
5 I'm going to take you to the entry you were taken to 10:54
6 yesterday, Detective Chief Inspector. We know that the
7 date of the first entry on the left-hand side is the
8 19th August '98, and it refers to Decision 41?

9 A. That's correct.

10 140 Q. And Mr. Toal a moment ago asked you about the first 10:54
11 reference to, that you were aware of, of linking the
12 TPUs used in Omagh to TPUs that were used in pre-Omagh
13 attacks. He suggested to you the date for that was
14 17th August, so two days before this date?

15 A. Yes, that's correct. 10:55

16 141 Q. I'm going to suggest to you there is a reference to
17 that in maybe more than one place but certainly in the
18 McVicker Report?

19 A. Yes, that's correct.

20 142 Q. And he makes reference to that as being in a case 10:55
21 conference note --

22 A. Yes.

23 143 Q. -- as the lead scientific officer in a
24 multidisciplinary case conference saying to the police,
25 'I think the same TPU that was used in Omagh was used 10:55
26 in at least three previous incidents'?

27 A. That's correct.

28 144 Q. And so, two days after that then, Decision 41 it reads
29 there under the subject heading:

1 "Research PIRA bombs, relevance to investigation."
2
3 A. That's correct.
4 145 Q. And the query raised with you yesterday was about the
5 PIRA entry and why was it PIRA as opposed to some other 10:55
6 organisation such as the Real IRA or RIRA?
7 A. Yes, that's correct.
8 146 Q. You tried your best to offer an answer to that. Now,
9 I'm going to ask that we bring up the entry for
10 Decision 41. That is INQ 934748. I would ask that we 10:56
11 show the first page of that document, please. I
12 appreciate, this is something on Relativity, Detective
13 Chief Inspector, and I know that you had access to the
14 policy, these SIO policy books but you may not have
15 looked at this entry recently. 10:56
16 MR. DE LA POER: I'm so sorry, Mr. Henry, I wonder if
17 you could just double-check your numbers, I think that
18 reference doesn't bring up --
19 147 Q. MR. HENRY: I'm being told that I've said 9 and it
20 might be a 0 to begin with, if that could be checked, 10:57
21 please. Apologies for the inconvenience. [Short
22 pause]. Yes, it's definitely 034748. Now, just to
23 help us navigate through this document because it's the
24 first time that it will have been shown. At the top it
25 says, "policy book No.3," and below that "case of Omagh 10:57
26 bomb," and pausing for a moment. If I were to suggest
27 to you, Detective Chief Inspector, that someone has
28 taken the handwritten entries from policy book No.3 and
29 typed it onto the HOLMES system, that's what we're now

1 looking at?

2 A. That would be my belief, yes.

3 148 Q. And so, the first entry in this book is Decision 41, do
4 you see that in the third line from the top?

5 A. Yes. 10:58

6 149 Q. The date of the decision is 19th August?

7 A. That's correct.

8 150 Q. The officer making the decision is Detective Chief
9 Superintendent Anderson and the decision itself
10 "research into similar RIRA bombings which have 10:58
11 occurred over recent months. Base connection on IED
12 make-up."

13 A. That's correct.

14 151 Q. So, it would appear that whoever has typed up the 2004
15 or later summary document has made, I'm sure, an 10:59
16 innocent typographical error whenever they put in a "P"
17 remember than an "R," and that the initial focus on
18 19th August 1998 was in RIRA?

19 A. That appears to be the case.

20 152 Q. Just to be absolutely clear, we make no criticisms, I'm 10:59
21 not sure that that document was widely circulated and
22 if one were looking at the earlier document that's the
23 obvious conclusion you would draw, it says PIRA and not
24 RIRA?

25 A. Yes, that's correct. 10:59

26 153 Q. I wonder if we could just go back to that previous
27 document, what I'm referring to as the summary, so that
28 was 034732. Thank you. I'm just going to deal with
29 one further point that was raised during the course of

1 the Fox Law submissions and I'll use this document to
2 assist us, okay. You were shown two different
3 documents yesterday, one from 2001 and one from 2002,
4 and the general, I don't wish to do a disservice to
5 point, but the general point that was being made was a 11:00
6 delay in progression of the previous incidents
7 investigation?

8 A. Yes.

9 154 Q. So, I'm going to ask that you go down through this
10 document with me. So, the research is requested on 11:00
11 19th August and then the next date entry we have is 1st
12 October, so just under six weeks later, it says:

13
14 "Establish list of incidents which occurred prior to
15 Omagh bomb can be linked to it." 11:00

16
17 whilst I'm not going to ask that we bring up
18 Decision 72 it refers to setting up a linked incidents
19 team, as such, of investigators?

20 A. Yes, I believe so. 11:01

21 155 Q. And then the next entry is 2nd November, so within four
22 weeks E Department, so that would include Special
23 Branch:

24
25 "...should be formally requested to provide all 11:01
26 intelligence available in respect of linked incidents.
27 Inquiry has identified 18."

28
29 So, we're seeing that the linked incidents team have

1 identified 18, with the assistance of others and
2 they're asking for intelligence in relation to those
3 incidents?

4 A. That's correct.

5 156 Q. And then 14th December 1998 is the next entry and it's 11:01
6 Decision 101 and it says:
7
8 "Detective Chief Superintendent Anderson contact
9 forensic scientist, Mr. Murray, prepare a report
10 highlighting similarities connecting, in particular, 11:01
11 make-up of devices and possibly of a single bomb
12 maker."
13

14 So, it starts off at the top of the page with research
15 RIRA. It moves to establishing the team and generating 11:02
16 a list of potential incidents, previous incidents to
17 look at, getting intelligence in relation to those and
18 then turning attention to the forensic enquiries in
19 respect of those?

20 A. That's correct. 11:02

21 157 Q. And then if we could go to the top of the next page,
22 please. I'm going to suggest to you, Detective Chief
23 Inspector, there's a further typographical error on
24 this page in relation to the date. It says at the top
25 left-hand corner, 23/03/1998 which would be pre-Omagh, 11:02
26 and wouldn't make sense. I'm going to suggest to you
27 that is probably meant to be 23rd March 1999, if you
28 look at the dates that follow?
29 A. That would seem logical.

1 158 Q. okay. And it refers to Decision 122 and then the
2 subject entry is:
3
4 "Telephone analysis to cover nine dissident republican
5 bombing incidents between 01/01/98 and 31/08/98." 11:03
6
7 And then it lists a number of incidents. So, attention
8 at that stage has moved to include the telephone
9 evidence as well?
10 A. That's correct. 11:03
11 159 Q. okay. And are you aware, from your knowledge of the
12 investigation, that Lisa Purnell was doing her work
13 from a relatively early stage, from August, September
14 into October but there was a significant break through
15 then in November with the toll ticket analysis, or toll 11:03
16 ticket docket being provided and Lisa Purnell
17 requesting information about other incidents as well?
18 A. Yes, that's correct.
19 160 Q. And all of that is starting to fold into the linked
20 incidents team's work as well, and the global 11:04
21 investigative strategy at that stage?
22 A. Yes, that's correct.
23 161 Q. Now, the next entry below that then is the following
24 month, so 15th April 1999 and, again, there's reference
25 to telephone enquiries. And a further entry at the 11:04
26 bottom of the page, 10th June '99, Decision 134, and,
27 again, reference to telephone entries. And I think
28 after this we get into in or around the 2000 period and
29 that was whenever Detective Chief Superintendent

1 McVicker conducted his review. Is your knowledge that
2 he conducted that between March and November of 2000?
3 A. Yes, that's my understanding.
4 162 Q. And produced his report in November 2000?
5 A. Yes. 11:04
6 163 Q. And he commented on some issues, not all positive in
7 relation to the previous or linked incidents
8 investigation as it was being called?
9 A. Yes, that's correct.
10 164 Q. So, the work that they had completed that he was 11:05
11 commenting upon, that work had been done already and he
12 was suggesting, I think, further work that could be
13 done as well?
14 A. That's correct.
15 MR. HENRY: If you just bear with me one moment please, 11:05
16 Detective Chief Inspector. [Short pause]. I have
17 nothing further. Thank you.
18 MR. DE LA POER: Sir, I have no further questions, do
19 you have any questions for DCI Billingsley?
20 CHAIRMAN: No, thank you. 11:05
21 MR. DE LA POER: In those circumstances, I wonder
22 whether he might be released with our thanks to return
23 in the week of 9th November to assist us further.
24 Although, it's slightly early, having had communication
25 with Mr. Greaney I wonder if a 15-minute break would be 11:05
26 appropriate at this time, please?
27 CHAIRMAN: So, we'll sit again at about 25 past, shall
28 we?
29 MR. DE LA POER: Yes, please.

1 CHAIRMAN: Thank you very much, Mr. Billingsley?
2 THE WITNESS: Thank you, Sir.
3
4 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:
5 11:27
6 CHAIRMAN: Mr. Greaney.
7 MR. GREANEY: Sir, good morning. In the witness box we
8 have Martin Bridger, the author of the Bridger Report,
9 and could I ask that he be sworn please.
10 11:27
11 MR. MARTIN BRIDGER HAVING BEEN SWORN WAS QUESTIONED BY
12 MR. GREANEY AS FOLLOWS:
13
14 CHAIRMAN: Thank you, Mr. Bridger.
15 165 Q. MR. GREANEY: Tell us your full name please? 11:28
16 A. Martin Bridger.
17 166 Q. And, Mr. Bridger, are you a retired Chief
18 Superintendent of the Metropolitan Police Service?
19 A. Yes, Sir.
20 167 Q. So, as a starting point, before we get into the 11:28
21 substance of your evidence, it's important that we
22 should understand where you fit into the picture.
23
24 So, by 1998 when the Omagh bombing occurred, were you a
25 senior and experienced Detective Officer with the 11:28
26 Metropolitan Police?
27 A. Yes, Sir.
28 168 Q. Were you, at that stage, working as a Detective Chief
29 Inspector in the Anti-Corruption Command?

1 A. That's correct, Sir.

2 169 Q. And did that mean that you were leading a team of other
3 police officers targeting corrupt police officers?

4 A. Yes, Sir.

5 170 Q. In 2000, were you seconded to the office of the Police 11:29
6 Ombudsman of Northern Ireland?

7 A. I was, yes.

8 171 Q. And so, that would have been into the office of
9 Baroness O'Loan (as she is now)?

10 A. Yes. 11:29

11 172 Q. Were you seconded into that office into the role of
12 Deputy Head of Investigations?

13 A. Yes. David, who I'd previously worked with, was Head
14 of Investigations, I was his deputy, Sir.

15 173 Q. And I'm going to ask you, in due course, about the 11:29
16 circumstances in which you took up that role but as
17 I've said, let's just see where you fit into the
18 picture.
19

20 On being seconded into that role, were you promoted to 11:29
21 the rank of Detective Superintendent?

22 A. Yes, that's correct, Sir.

23 174 Q. In due course, having taken up that role in Northern
24 Ireland, were you the lead investigator into two
25 matters that are of particular interest to the Inquiry, 11:30
26 and let me identify what those are. First of all, were
27 you the lead investigator in the investigation into
28 allegations made by a man known publicly as
29 Kevin Fulton in a newspaper article, namely The Sunday

1 People article on 29th July 2001?

2 A. Yes, I was the lead investigator and I had a small team
3 of officers working under my command.

4 175 Q. And just pausing for a moment. Did you meet
5 Kevin Fulton during the course of your work? 11:30

6 A. Yes.

7 176 Q. I'm not going to ask you to tell us now but do you know
8 his real name?

9 A. Yes, I do. Yes.

10 177 Q. And so, in due course, a little later in your evidence 11:30
11 I'm going to ask you to confirm the true identity of
12 the man known as "Kevin Fulton" but we'll get to that
13 in due course.

14

15 And I said there were two matters in which you were 11:31
16 particularly involved. Secondly, were you the lead
17 investigator for the investigation into allegations
18 made by a Detective Sergeant of AGS, named John White?

19 A. If I could clarify that just a little bit, Sir.

20 178 Q. Yes, of course, please do. 11:31

21 A. When I first saw John White it was on the basis that he
22 had information that may be of assistance to the Omagh
23 bomb and the Omagh bomb investigation. When I saw him,
24 he then raised some separate issues which didn't come
25 under the remit of the Ombudsman's office, so I looked 11:31
26 at those issues and then made a subsequent report to
27 the Garda Síochána.

28 179 Q. That's a very clear and helpful clarification. But
29 because of the work of the Ombudsman was concerned with

1 allegations about the conduct of police officers in
2 Northern Ireland and because what, in due course you
3 were told by John White related to officers in the
4 Republic of Ireland, not in Northern Ireland, it fell
5 outside the remit of the Ombudsman, but you did carry 11:32
6 out some work of investigation and subsequently you
7 prepared a report?

8 A. Yes, that's correct.

9 180 Q. And what you were told by John White, just in very high
10 level headline at the moment, was about information 11:32
11 that the AGS held in the days before the Omagh bombing
12 about a violent dissident republican group seeking to
13 acquire a vehicle for use in an attack?

14 A. Yes, and going some months back prior to the Omagh bomb
15 as well. 11:32

16 181 Q. Absolutely, this is the cars across the Border issue --

17 A. Yes.

18 182 Q. -- that we will get to. So, now we understand where
19 you fit into the picture. Subsequently, having left
20 the Ombudsman's Office did you prepare what has become 11:33
21 known as the Bridger Report?

22 A. Yes. A good few years later, but yes, Sir.

23 183 Q. And we'll come to the circumstances in which that
24 report was prepared. Okay. So, thank you for that
25 introduction. 11:33
26

27 Now, as you know as well as everyone, your witness
28 statement runs to a total of 127 pages?

29 A. Yes, Sir.

1 184 Q. And has the INQ reference 042078?
2 A. Yes, Sir.
3 185 Q. And not only does the statement go to over 100 pages,
4 it refers to many underlying documents, including the
5 report I've mentioned, the Bridger Report? 11:33
6 A. Yes, Sir.
7 186 Q. And so what needs to be understood is what we're going
8 to be dealing with today and what we're not going to be
9 dealing with today because, as you know, you are going
10 to come back and give evidence in a subsequent chapter 11:33
11 in this process?
12 A. I understand.
13 187 Q. So, what we're going to be exploring today, as the Core
14 Participants know, is this: First of all your
15 background and experience; secondly, your role within 11:34
16 PONI, as I'll call it, and something about the work
17 that you did there; and, thirdly, we'll deal with the
18 circumstances in which the Bridger Report came to be
19 created, and we'll identify just your key conclusions
20 without going into a lot of underlying detail? 11:34
21 A. Okay, Sir.
22 188 Q. Does that make sense as an approach?
23 A. Yes, Sir.
24 189 Q. I'm going to start with your background and experience
25 and that takes us to page 1, paragraph 8 of your 11:34
26 witness statement.
27
28 Did you join the Metropolitan Police as long ago as
29 1977?

1 A. Yes, Sir.

2 190 Q. Did you complete the usual two-year probationary
3 period?

4 A. Yes.

5 191 Q. Having done so, what part of the police did you join? 11:35

6 A. I joined the CID Department - Criminal Investigations
7 Department.

8 192 Q. So, from a very early stage of your career --

9 A. From a very early stage.

10 193 Q. -- you were a Detective Officer? 11:35

11 A. Yeah. And it was almost a natural thing, people chose
12 after the two years' probation, some went into the
13 traffic branch, some went into other branches, I wanted
14 to go into the Criminal Investigation Department.

15 194 Q. And no doubt that there were some periods when you 11:35
16 weren't a detective but would you regard yourself as a
17 career detective?

18 A. Yes. Yes, Sir.

19 195 Q. And in that early period did you engage in the bread
20 and butter work of the CID; burglary, street robberies, 11:35
21 low-level drug dealing, that kind of thing?

22 A. Yes.

23 196 Q. But over that period did you develop what you describe
24 as a solid background of understanding how criminal
25 cases needed to be developed -- 11:35

26 A. Yes.

27 197 Q. -- in order to bring them to a prosecution?

28 A. Yes.

29 198 Q. When were you promoted to the rank of Detective

1 Sergeant, just about?

2 A. About, it's about '82.

3 199 Q. So, at a relatively early stage in your career?

4 A. Yes.

5 200 Q. And having been promoted to that rank, what type of 11:36
6 work were you then involved in?

7 A. Initially, I was involved in investigation of sexual
8 abuse, which was primarily committed against women, and
9 this included the investigation of rape and other
10 sexual crime allegations. 11:36

11 201 Q. And, obviously, forensic science has moved on since
12 1982, but in the work that you were doing in
13 investigating sexual offences back in the early '80s,
14 did you develop an understanding of the importance of
15 scientific or forensic evidence? 11:36

16 A. Yes.

17 202 Q. And did you bring that forward as your career
18 developed?

19 A. Yes.

20 203 Q. I'm now at paragraph 10. 11:37

21 A. Thank you.

22 204 Q. Having spent a period investigating sexual offences,
23 were you selected for attachment to a particular unit?

24 A. Yes, I was, Sir.

25 205 Q. And was that a unit that has become very well known? 11:37

26 A. Yes.

27 206 Q. And what was that unit called?

28 A. It was the Flying Squad, Sir.

29 207 Q. Was the Flying Squad responsible for the investigation

1 of all armed robberies in South London?

2 A. Yes, the office -- there was four offices, I was at the
3 Tower Bridge Office, so a quarter of London, if I can
4 put it that way, South London, we were responsible as
5 an office for investigating all those crimes in the 11:37
6 South London area.

7 208 Q. And during that period, still in the first half of the
8 1980s, was London facing an epidemic of armed
9 robberies?

10 A. Yes, most certainly. 11:38

11 209 Q. And armed robberies committed not by opportunistic or
12 disorder criminals, but by serious organised criminal
13 gangs?

14 A. These were serious organised criminal gangs, your word,
15 Sir, and prepared to use violence and discharge 11:38
16 firearms if and when they considered it necessary.

17 210 Q. And in an effort to combat that crime, did the Flying
18 Squad seek to develop sources of intelligence?

19 A. Yes.

20 211 Q. And did that involve seeking to recruit informants, as 11:38
21 they were called back in those days?

22 A. Yes.

23 212 Q. And did it involve utilising surveillance?

24 A. Yes.

25 213 Q. Following people and keeping them under observations? 11:38

26 A. Yes. Just for clarity, Sir, there was a dedicated
27 surveillance team that supported the work of the Flying
28 Squad.

29 214 Q. But you became familiar with what they could offer

1 to an investigation?

2 A. Oh, very familiar, yes.

3 215 Q. So, over that period of time, we know about the skills
4 you'd earlier developed but did you develop an
5 understanding of how surveillance might be utilised in 11:39
6 an investigation?

7 A. Yes.

8 216 Q. Did you have hands-on experience of the handling of
9 informants?

10 A. Yes. 11:39

11 217 Q. And I'll frame this question carefully, at least I hope
12 I will: Did you become aware of the law, as it was at
13 that stage, relating to the interception of
14 telecommunications?

15 A. Yes, Sir. 11:39

16 218 Q. So, in short, you had developed an understanding of the
17 application of various types of what might be described
18 as intelligence material?

19 A. Yes, Sir.

20 219 Q. And in due course, in the work that you were to do for 11:39
21 the Ombudsman, and the work that you were to do in
22 preparing the Bridger Report, did you bring all of that
23 experience that you've told us about to bear?

24 A. Yes, Sir.

25 220 Q. In 1998, as I indicated earlier, did you join the 11:40
26 Anti-Corruption Command?

27 A. Yes, Sir.

28 221 Q. And could you tell us a little about what that role
29 involved, please? Just at a very high level.

1 A. At the time there was clear intelligence within the
2 Metropolitan Police that there were a number of
3 officers who were behaving corruptly.

4 222 Q. Yes.

5 A. I wasn't privy to any of that intelligence at the 11:40
6 initial time. Sir Paul Condon, who was Commissioner of
7 Police at the time, formed a dedicated Anti-Corruption
8 Unit to combat that corruption. I was on secondment at
9 the time to the National Crime Squad and then overnight
10 I was told I had been appointed and I was going to go 11:41
11 to the Anti-Corruption Unit.

12 223 Q. And at that time, as I've indicated, you were in the
13 rank of Detective Chief Inspector?

14 A. Yes.

15 224 Q. And we missed out a part of your history, and that will 11:41
16 be my fault, I'm now at paragraph 34, you had spent
17 time, had you, with the National Crime Squad which was
18 the predecessor organisation to the National Crime
19 Agency, the NCA?

20 A. Yes, in fact I spent nine years there, Sir, so a long 11:41
21 time in the National Crime Squad.

22 225 Q. And that necessarily involved you being involved in the
23 investigation of serious and organised crime with the
24 most serious nature?

25 A. Yeah, most serious, certainly within the UK and 11:41
26 globally as well, and it required me to work -- in the
27 main it was while I was in that role I worked in over
28 20 other jurisdiction in building cases, international
29 cases, if I can put it that way, where people were

1 involved in the importation and supply of drugs across
2 the UK.

3 226 Q. So, you were dealing with the investigation and
4 prosecution of high level organised criminality?
5 A. Yes. 11:42

6 227 Q. And during those nine years that I think you told us
7 you were involved in that work, were you, again,
8 utilising not just standard policing techniques but
9 also utilising techniques that were based on
10 intelligence? 11:42

11 A. Yes, Sir.

12 228 Q. And so, in 1998 you were plucked from that role and
13 placed into the Anti-Corruption Command?
14 A. Yes.

15 229 Q. Leading a team of officers targeting those corrupt 11:42
16 police officers about whom there was intelligence?
17 A. Mm-hmm.

18 230 Q. I'm not going to ask you for any of the details of
19 this, but did some of the work that you did during that
20 period involve the use of covert techniques against 11:43
21 officers believed to be corrupt?
22 A. Yes, Sir.

23 231 Q. And did the work of that unit, in due course, result in
24 serving police officers and their criminal associates
25 being prosecuted and imprisoned? 11:43

26 A. Yes, Sir.

27 232 Q. During that period were you promoted to the rank of
28 Detective Superintendent?
29 A. Yes, Sir.

1 233 Q. So, by the time you were appointed to the office of the
2 Police Ombudsman you had a number of decades of
3 experience in the investigation of crime?
4 A. Yes, Sir.
5 234 Q. Primarily, organised crime at both a national and 11:43
6 international level?
7 A. Yes, Sir.
8 235 Q. And did you consider that by that stage you entirely
9 understood how both overt and covert intelligence was
10 to be obtained? 11:44
11 A. Yes, Sir.
12 236 Q. That was the first topic, your background and
13 experience.
14
15 I'm now at page 5 of your statement, just so you can 11:44
16 follow the order that I'm taking. There will be a bit
17 of jumping backwards and forwards.
18 A. Thank you.
19 237 Q. We're moving now to your time at PONI.
20 A. Yes. 11:44
21 238 Q. We know that you ended up there in 2000, if I can put
22 it that way, was that because you had seen an advert
23 for a job or because you were deployed there by someone
24 who decided you were a good fit for the job?
25 A. It was the latter. David Wood, who I'd worked with at 11:44
26 the Anti-Corruption Command, I'm not sure whether he
27 went selection process, but became Head of
28 Investigations at the Ombudsman's Office, and then
29 David approached me and asked would I be interested in

1 being his deputy.

2 239 Q. And you said yes?

3 A. And I said yes. And I saw it -- sorry Sir, but I saw

4 it at the time because the way I saw it at the time,

5 the Peace Process was signed in April, the 11:45

6 establishment of the Ombudsman's Office, doing some

7 good work and I found -- initially I thought yeah, this

8 could be an exciting development in my career. That's

9 how I saw it, Sir.

10 240 Q. Som you saw it as an opportunity to do something? 11:45

11 A. Yeah.

12 241 Q. Be involved in something important?

13 A. Yes.

14 242 Q. During an exciting time in the history of Northern

15 Ireland? 11:45

16 A. Yes.

17 243 Q. And so was it in the Autumn of 2000 that you were

18 seconded to PONI?

19 A. Yes.

20 244 Q. And to work in the office of Nuala O'Loan? 11:45

21 A. Yes.

22 245 Q. And did you take with you some of those officers who

23 had worked to you in the Anti-Corruption Command?

24 A. That's correct, Sir, yes.

25 246 Q. And for how long did you work on secondment to the 11:46

26 Ombudsman?

27 A. Just over two years.

28 247 Q. And you're going to tell us about some ups and some

29 downs I know, but overall did you find that a

1 satisfying period in your professional career?

2 A. It had its ups and downs but there was a lot of areas
3 that were satisfying, but, as I think we'll come to,
4 there were some of the areas which weren't as
5 satisfying. 11:46

6 248 Q. So, you were there very much at the beginning of the
7 Ombudsman?

8 A. Yeah, we walked into the office, there was no desk,
9 there was nothing, I was there right at the beginning,
10 yes. 11:46

11 249 Q. So, you were involved in things as mundane as sorting
12 out and getting the chairs and desks to begin with?

13 A. Yeah, pretty much, yes.

14 250 Q. In the early months of your time there, did you assist
15 in the establishment of the writing of policies and 11:47
16 procedures?

17 A. Yes.

18 251 Q. And so the development of the systems by reference to
19 which the Ombudsman would operate?

20 A. Yes, Sir. 11:47

21 252 Q. Obviously, in the work that you had been appointed to
22 do, you were going to have to liaise with different
23 organisations in different parts of the community?

24 A. Mm-hmm.

25 253 Q. I'm going to get on to parts of the community in due 11:47
26 course or one part. But, bearing in mind the role of
27 the Ombudsman, it was obvious that you were going to
28 have very regular dealings with officers of the RUC or
29 PSNI, as it became, during your period there?

1 A. Yeah.

2 254 Q. And at an early stage did you seek to build
3 relationships with the RUC?

4 A. Yes, we did. Yes.

5 255 Q. And still dealing with that early stage; how successful 11:48
6 did you feel those steps had been?

7 A. Yeah, initially pretty good. I mean, I think there was
8 an apprehension about how we were going to investigate
9 matters. Were we going -- the real issue was officers
10 that were going to be dealt with by the Ombudsman's 11:48
11 office --

12 256 Q. Yes.

13 A. -- were they going to be dealt with fairly and in a
14 proportionate way? And we told them that they would
15 be, and we would listen to people who have got 11:48
16 complaints to make about their conduct, and it will be
17 evidence-based and we would follow the evidence. And
18 if we established that there was no cause for concern,
19 there was no misconduct by the police officers, we
20 would say that. And we were very clear about that, 11:49
21 albeit they were, I call it suspicious, it's probably
22 the wrong word, but hopefully people understand what I
23 mean, they were suspicious about, you know, did we have
24 a hidden agenda or something of that nature. No, we
25 didn't. No, we didn't. 11:49

26 257 Q. But, they weren't to know that and so there was a
27 degree of mistrust at the outset?

28 A. There was. There was.

29 258 Q. So, that was something that you needed to seek to deal

1 with as an individual and as an organisation?

2 A. Yes.

3 259 Q. And was there also a degree of mistrust, if not
4 cynicism, on both sides of the community in Northern
5 Ireland towards this new institution that had been set 11:49
6 up?

7 A. Yes.

8 260 Q. And so, did you seek to build bridges with the
9 community as well?

10 A. Yes, yes. 11:49

11 261 Q. Involving visiting people in the locations where they
12 lived?

13 A. Yes. If I can describe it?

14 262 Q. Please do, yes.

15 A. Both sides of the community, we went out into both of 11:50
16 those communities, a number of public meetings, and
17 told them, effectively, who we were, how we were going
18 to conduct our business, to have confidence to come
19 forward. So, we worked with both communities. And a
20 lot of effort was put into that and regularly I would 11:50
21 go out with Baroness O'Loan, mainly in the evenings, to
22 visit community groups, sometimes with Dave Wood, but
23 we put a lot of effort into that.

24 263 Q. And did you find Nuala O'Loan to be a strong leader
25 with an absolute determination to make the Ombudsman 11:50
26 work?

27 A. Absolutely, Sir. Absolutely.

28 MR. GREANEY: Let's come to the first of the issues
29 that we particularly needed your help with. And that

1 relates to Kevin Fulton. From the -- would you bear
2 with me one moment. [Short pause].

3
4 Sir, I have been shown an e-mail which indicates that
5 we need to pause at this stage to raise an issue with 11:51
6 you, and I'm sorry for interrupting the evidence of
7 Mr. Bridger. What I'm going to do is just to invite
8 you to rise for ten minutes, please, so that I can get
9 to the bottom of just how serious a problem there is.

10 CHAIRMAN: would you bear with us in the meantime, 11:51
11 Mr. Bridger?

12 THE WITNESS: Yes, Sir.

13 CHAIRMAN: Thank you.

14
15 THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS: 11:52
16
17

18 CHAIRMAN: Mr. Greaney.

19 MR. GREANEY: Sir, thank you. Can I begin by
20 apologising for the delay and the disruption to the 13:30
21 sitting day, to you, Sir, and to the Core Participants.
22 All I can say is that there was a good reason for it.
23 And, Mr. Bridger, can I assure you that that reason is
24 no reflection on you or upon your evidence, but an
25 issue was raised with me whilst I was on my feet that 13:30
26 needed to be resolved before we could continue with
27 your evidence which we will now do.

28 THE WITNESS: Thank you.

29 MR. GREANEY: But you have my apologies for the delay.

1 THE WITNESS: Thank you.

2
3 MR. MARTIN BRIDGER CONTINUED TO BE QUESTIONED BY
4 MR. GREANEY AS FOLLOWS:

5
6 264 Q. MR. GREANEY: Now, we were dealing, as you'll remember,
7 with the PONI Report of 12th December 2001 and I'm now
8 at page 6, paragraph 46 of your witness statement. And
9 you tell us that you were in post at PONI at the time
10 of The Sunday People article on 29th July 2001?

11 A. Yes.

12 265 Q. And that was an article that recounted the allegations
13 of a man who was given the name "Kevin Fulton"?

14 A. Yes, Sir.

15 266 Q. Did the Ombudsman decide to carry out some tentative
16 enquiries in order to determine whether she should
17 launch a formal investigation?

18 A. Yes, that's exactly what happened, Sir.

19 267 Q. And, in due course, having conducted those
20 investigations, did the Ombudsman decide to carry out a
21 formal investigation?

22 A. Yes, she did but I think that may have been after I
23 went and met Kevin Fulton.

24 268 Q. Okay. So, let's just take this in stages then. In a
25 moment I want to ask you about Kevin Fulton
26 specifically.

27
28 So, what happened was, obviously, the newspaper report
29 came to attention of the Ombudsman and/or you, but at

1 all events you became aware of it?

2 A. Yes. Yes, most certainly.

3 269 Q. And your recollection now is that before a decision was
4 made to launch a formal investigation you had a first
5 meeting with Kevin Fulton? 13:32

6 A. Yes, we had read what the newspaper article said, we
7 had a discussion about it, myself, Nuala, Dave Wood, at
8 least, possibly some more people, and the decision was
9 made, let's go and speak to him to make sure exactly
10 what he is saying about the issues in the days leading 13:33
11 up to the Omagh bomb.

12 270 Q. And did you, therefore, against that background before
13 the formal decision was made, speak to Kevin Fulton?

14 A. Yes.

15 271 Q. Or the man known as "Kevin Fulton"? 13:33

16 A. Yes, I did.

17 272 Q. And was it your assessment that this was, at least
18 potentially, of significance?

19 A. Yes, yes.

20 273 Q. And that it potentially engaged the powers and 13:33
21 responsibilities of the Ombudsman?

22 A. Yes.

23 274 Q. And did you report that back to Baroness O'Loan?

24 A. Yes.

25 275 Q. And I'd jumped ahead, but was it against that 13:33
26 background that the Ombudsman decided that she should
27 conduct a formal investigation?

28 A. Yes, that's my recollection, Sir, yes. I think the
29 Ombudsman may have informed the Chief Constable before

1 I went to see Mr. Fulton, that she was making some
2 preliminary enquiries. I think that was the case, Sir.

3 276 Q. And I think we have that chronology in fact in your
4 witness statement?

5 A. Right. 13:34

6 277 Q. At paragraph 49 you tell us that on 2nd August, so
7 within days of the newspaper report, the Ombudsman
8 informed the Chief Constable that she was making some
9 tentative enquiries into the matters that had been
10 reported in The Sunday People? 13:34

11 A. Yes.

12 278 Q. You record that you believe you were directly involved
13 in those enquiries and then following them, on 14th
14 August 2001, the Ombudsman having carried out initial
15 enquiries, informed the Chief Constable that she had 13:34
16 indeed decided to carry out a formal investigation?

17 A. Yes, Sir.

18 279 Q. And, as we know from your earlier evidence, you were
19 appointed to lead that investigation?

20 A. Yes, once we reached that state, Sir, yes. 13:35

21 280 Q. And you've told me already that you had met
22 Kevin Fulton before that appointment, was that the only
23 occasion upon which you met Kevin Fulton or did you
24 meet him on another or other occasions?

25 A. My recollection is while I was at the Ombudsman's 13:35
26 Office I only ever met Kevin Fulton once and that's
27 what I've just described to you and I met him in the
28 company of his solicitor. And that's then what I
29 reported back to the Ombudsman.

1 281 Q. Right.
2 A. After I left the Ombudsman's Office there were at
3 least, at least two occasions I met Kevin Fulton again
4 when, perhaps, some of the material we're going to get
5 on to, Sir -- 13:35
6 282 Q. Yes.
7 A. -- we were trying to develop the work that we were
8 doing to support us in requesting a public inquiry.
9 283 Q. Thank you for helping. You met him on one occasion
10 when you were performing your duties as lead 13:36
11 investigator?
12 A. Correct.
13 284 Q. But, subsequently, having returned to the Metropolitan
14 Police force in late 2002 --
15 A. Yes. 13:36
16 285 Q. -- as part of the work that was done to try to persuade
17 the UK State to establish a public inquiry, you met him
18 on other occasions?
19 A. Yes.
20 286 Q. So, I'm next going to ask you a question which has been 13:36
21 very carefully formulated and I know that you will give
22 your answer in a careful way, but you'll remember that
23 at the very beginning of my questions I said I was
24 going to ask you about the real name and true identity
25 of the man known as "Kevin Fulton". In fact, while 13:36
26 making no comment as the Inquiry Legal Team, as to the
27 real name and true identity of that man, I will ask you
28 a single question. What name did the man known as
29 "Kevin Fulton" give to you?

1 A. Peter Keeley.

2 287 Q. Did he give you that name on each occasion that you met
3 with him?

4 A. I can't be sure of that, Sir. I can't be sure, I'm
5 sorry. 13:37

6 288 Q. Now, I'm next going to take you, please, to paragraph
7 137 and following, of your witness statement. So, this
8 is page 15 and it's under the heading:
9

10 "Events leading up to and immediately after the release 13:37
11 of the Omagh bomb investigation report on 12th
12 December."
13

14 A. Yes, Sir.

15 CHAIRMAN: Mr. Bridger, do you mind if I just ask one 13:37
16 question before I lose sight of it. The first occasion
17 on which you met this person was whilst you were still
18 in the Ombudsman's Office?

19 THE WITNESS: Yes, Sir.

20 CHAIRMAN: Was that the occasion on which he was 13:38
21 accompanied by his solicitor?
22

22 THE WITNESS: Yes, Sir.

23 CHAIRMAN: And did he give his name on that occasion?

24 THE WITNESS: He only gave the name "Kevin Fulton," I
25 believe, on that occasion. 13:38

26 CHAIRMAN: But he gave the other name on some --

27 THE WITNESS: Later, yes. That's my recollection, Sir.

28 289 Q. MR. GREANEY: Thank you, Sir, for clarifying that. So,
29 what I want to deal with, the report is there and it

1 speaks for itself, but what I want to ask you about is
2 the period just before and after its publication and I
3 want to do so in headline form. So, I've no doubt
4 there's a lot of detail that we can delve into but I
5 just want to secure it by way of summary, so the 13:38
6 important points.
7
8 Now, did you understand that prior to 12th December,
9 the Ombudsman shared her findings with the Secretary of
10 State? 13:39
11 A. Yes.
12 290 Q. And that would have been John Reid?
13 A. Yes.
14 291 Q. And that she shared her findings also with the Chief
15 Constable? 13:39
16 A. Yes.
17 292 Q. And that would have been Ronnie Flanagan?
18 A. Correct.
19 293 Q. Did the Ombudsman inform you that the Secretary of
20 State was very angry about her findings? 13:39
21 A. Yes.
22 294 Q. And had sought to discourage publication of the report
23 as drafted?
24 A. Yes.
25 295 Q. And did she tell you, moreover, that the Chief 13:39
26 Constable was also perhaps, to say the least, extremely
27 angry about her findings?
28 A. Yes, Sir.
29 296 Q. Now, we learn from paragraph 143, and following, of

your statement, that there was an article in The Irish Times, prior to 12th December, which referred to the report having been leaked?

A. Yes.

297 Q. And did that report in the newspaper contain very
significant criticism of the Ombudsman by politicians?

13:40

A. Yes, it did.

298 Q. And all of this is in the period before the actual
publication on 12th December?

A. Yes, yes.

13:40

299 Q. And during that period did you, personally, as the lead investigator, feel under pressure?

A. Yes, we were all under pressure, Sir, particularly the Ombudsman. I mean, if I may, Sir --

300 Q. Yes, please, do.

13:40

A. -- for a bit of context if I may. The Ombudsman's Office had only just been established, the Ombudsman, Baroness Nuala O'Loan, I'd never met before, before I went to the Ombudsman office. My understanding is that Baroness O'Loan doesn't have any particular background in investigations of that nature. So, what you had was Baroness O'Loan appointed to the Ombudsman's Office, we all know the importance of the office, and then you had a group of officers coming in, reviewing material and giving her a view of what our position was. So, as time went by the trust between Baroness O'Loan, me and my team grew.

13:41

13:41

So, how did that grow? When we were looking at the

1 documents and when we were talking to Baroness O'Loan
2 about, now Baroness O'Loan, about the issues we'd
3 established, time and time and time again she was
4 saying to me words of this nature, '"Martin you say
5 that. How can we say that? How can I be comfortable
6 to say that? What is it that you've seen that enables
7 me to say that?' So, when you talk about pressure,
8 there was pressure for Baroness O'Loan.

13:42

9 301 Q. Yes.

10 A. And as we sit and we talk about this again, I remember
11 very clearly there was one conversation, I believe it
12 was the day before 12th December when she gave her
13 public statement, I say the day before, the very late
14 hours of the 11th into the 12th because by then we'd
15 had this newspaper article, this leak that had taken
16 place --

13:42

17 302 Q. The article I've referred to?

18 A. The article you referred to. Baroness O'Loan called us
19 up again and I think we went till about one, two
20 o'clock in the morning, going through it, piece by
21 piece by piece. And as I've just indicated, because
22 now we're talking about it again, you do have,
23 obviously, different recollections.

13:42

24 303 Q. Yes.

25 A. And she said to me, and Dave Wood, to all of us, 'You
26 need to be clear. If we've got this wrong, if you've
27 got it wrong then I would have to consider my
28 resignation.' The Ombudsman's Office would lose all
29 credibility, when I say a little credibility, we hadn't

13:43

13:43

1 been in existence for too long, credibility would go
2 out the window, we've got to get it right. And piece
3 by piece by piece, before she made that public
4 statement on the 12th, that's what we did, Sir.

5 304 Q. Let me just make sure that I've understood. Is what 13:43
6 you're describing to us a situation which involved,
7 during the period from August when the formal
8 investigation started, to December when the report was
9 finalised, a process whereby you recognised that you
10 were making, potentially, very significant findings? 13:44

11 A. Mm-hmm.

12 305 Q. And throughout the Ombudsman was testing you and
13 seeking confirmation that there was a proper underlying
14 evidential foundation for the views that you were
15 coming to? 13:44

16 A. Absolutely, Sir.

17 306 Q. And that by the time you are very near to the
18 publication date of 12th December, pressure is coming
19 from a high level politically?

20 A. Yes. 13:44

21 307 Q. It's coming from a high level within the police?

22 A. Yes.

23 308 Q. And it's coming from the press?

24 A. Yes.

25 309 Q. And the pressure that's coming is pressure which 13:45
26 involves significant criticism of the Ombudsman?

27 A. Yes.

28 310 Q. And so the stakes had become high both in terms of
29 credibility of you all as individuals but also in terms

1 of the relatively new office of Ombudsman?

2 A. Yes, Sir.

3 311 Q. And so at that 12th hour, before publication, you sat
4 down as a team and you went through the report
5 line-by-line to make sure that you felt you could 13:45
6 substantiate the views that you had come to?

7 A. Yes.

8 312 Q. And, ultimately, did you, as a team, feel that you
9 could justify the conclusions that you had come to?

10 A. Yes. 13:45

11 313 Q. And, ultimately, was the pressure that was felt
12 resisted by the Ombudsman and by you and her team?

13 A. Yes. I mean, I think particularly by the Ombudsman, it
14 was a very, very difficult period for Baroness O'Loan
15 and she did resist it. And, you know, if I may, I 13:46
16 think her strength of character that she displayed
17 through those few days was immense.

18 314 Q. Now, was the press release delivered by the Ombudsman
19 at about 10:00 a.m. on 12th December?

20 A. Yeah, that is my recollection, Sir, it was about 13:46
21 10 o'clock, to the media, yes.

22 315 Q. And what was it that the Ombudsman, you and the rest of
23 the team did during the balance of the 12th, where did
24 you go?

25 A. Again, my recollection is, if I've got the sequence 13:46
26 right; first of all, Baroness O'Loan wanted to speak to
27 the media to go over her findings and then she saw the
28 importance of going and speaking to the victims, not
29 only the Omagh Support & Self Help Group but the wider

1 victims, if I can put it that way. And I can't quite
2 remember but people were put on notice for us, that we
3 were going to make a presentation of the findings to
4 the victims.

5 316 Q. So, by victims you're talking about the bereaved 13:47
6 families and the survivors of the attack?

7 A. Yeah. Can I just emphasise that I can't be sure that
8 that was actually on the day of the 12th, it may have
9 been the day after, Sir. And the reason I say that,
10 because when I picture what was happening down in Omagh 13:47
11 when we went down there, I remember there was national
12 and international press, as we pulled into the car
13 park. And as I reflect a little bit more now, it may
14 have been the day after, Sir, for, i.e. the media to be
15 there in such short notice. 13:48

16 317 Q. You're making the point that in your witness statement
17 you talk about the visit to Omagh being on the same
18 day, 12th December?

19 A. Yes.

20 318 Q. But now you look back, as you and I discuss it, it may 13:48
21 well have been the following day?

22 A. It may well have been, Sir, yes. And what I can say,
23 Sir, whatever date it was, a record of that will be
24 held in the Ombudsman's documents, Sir.

25 319 Q. And I'm going to come back to the relationship that you 13:48
26 had with the Omagh families --

27 A. Yes.

28 320 Q. -- when it started and how it developed because that
29 will be important to understanding the Bridger Report.

1 But on that day, whether it was the 12th or the 13th,
2 the Ombudsman and her team went to Omagh?

3 A. Yes.

4 321 Q. To the Silverbirch Hotel?

5 A. Yes. 13:48

6 322 Q. And addressed a substantial group of people, all
7 directly affected by the bombing?

8 A. Yes.

9 323 Q. And explained what the findings were?

10 A. Yes. 13:49

11 324 Q. And after that did you travel as a group back to
12 Belfast?

13 A. Yes.

14 325 Q. Now, did you become aware, around this time, of a
15 particular statement that the Chief Constable had made? 13:49
16 Shall I tell you which one I'm thinking of?

17 A. Yes, please.

18 326 Q. So, we know the Chief Constable made, I think on 12th
19 December, a statement that he would resign and commit
20 suicide if the multiple failures highlighted in the 13:49
21 report were true. Do you remember that statement?

22 A. Yes.

23 327 Q. And do you remember where you were when that statement
24 was made?

25 A. Yes. When I say I remember where, what had happened -- 13:49
26 I think that statement was made in the evening --

27 328 Q. Yes.

28 A. -- of that date and myself, the Ombudsman and
29 Tim Gracey who was the media lead for the Ombudsman, if

1 I can describe it, Sir, were doing the rounds of
2 speaking to the media ourselves --

3 329 Q. Yes.

4 A. -- around the findings. I think it was when we were at
5 BBC Headquarters. Baroness O'Loan went in and did her 13:50
6 interview. Myself and Tim Gracey remained outside, but
7 we were monitoring and listening other commentary that
8 was taking place about the report. And whilst the
9 Ombudsman was conducting her interview we picked up, we
10 heard, I can't remember exactly the circumstances, that 13:50
11 the Chief Constable has just said words to the effect
12 that you've said to us. And when the Ombudsman came
13 out of that interview, we told her what we had just
14 heard.

15 330 Q. And did you regard what the Chief Constable had said as 13:51
16 being very striking?

17 A. Yes, I did. Yeah.

18 331 Q. And was it apparent to you that the Ombudsman had also
19 regarded it as striking?

20 A. Yeah, absolutely. 13:51

21 332 Q. Now, that's all I want to ask you about the
22 circumstances that led to the December 2001 report --

23 A. Okay, Sir.

24 333 Q. -- and the circumstances of its publication. And we
25 need to turn next to deal with the report of 22nd March 13:51
26 2002?

27 A. Okay.

28 334 Q. So, that is the John White Report as I'll describe it?

29 A. Yes.

1 335 Q. And this takes us to, first of all, paragraph 102 at
2 page 11 of your witness statement.

3 A. Yes, Sir.

4 336 Q. What you told us about earlier was that you became
5 aware of information that might be of interest to the 13:52
6 Ombudsman that existed in the Republic of Ireland, is
7 that correct?

8 A. Correct.

9 337 Q. And that over time and in fact quite quickly, you
10 became aware that this information related to events 13:52
11 and information in the Republic of Ireland, not in
12 Northern Ireland, or principally in the Republic of
13 Ireland?

14 A. Yes, Sir. Yes.

15 338 Q. But, nonetheless, it was decided that there should be 13:52
16 an investigation of what had happened?

17 A. Yes.

18 339 Q. And I don't wish to put words in your mouth and so if
19 I've misunderstood tell me, but was the reason that a
20 decision was made to investigate the issue that we're 13:53
21 going to come on to, notwithstanding that it was
22 strictly outside the powers of the Ombudsman, was that
23 decision made because --

24 A. Sorry, Sir.

25 340 Q. I've misunderstood. 13:53

26 A. Sorry to interrupt. What happened at that time is
27 Mr. Gallagher contacted me, I'd already formed a
28 relationship with Mr. Gallagher.

29 341 Q. Let's take this slowly so we can understand.

1 A. And the Omagh Support & Self Help Group.

2 342 Q. Yes.

3 A. I'd already met with them. So, Mr. Gallagher, if I can

4 put it this way, Sir, knew who I was and I was the

5 contact for the families on behalf of the Ombudsman. 13:53

6 That's what the Ombudsman asked me do.

7 343 Q. And I do want, a little later, to come on to how that

8 relationship with the support group started. So,

9 Mr. Gallagher, comes to you at some stage?

10 A. Yes. 13:54

11 344 Q. About when, can you help?

12 A. It was the early part of 2002 and he said that he had

13 been approached by a priest, I don't recall whether he

14 gave me his name, he had been approached by a priest

15 who had spoken to a Garda officer by the name of 13:54

16 John White --

17 345 Q. Yes.

18 A. -- who may have some information in relation to the

19 Omagh bomb itself. So, I arranged to see

20 Mr. Gallagher. I remember he wouldn't talk about it on 13:54

21 the phone, he said, 'It's very sensitive, Martin, I'm

22 not going to talk about it on the phone.' I met with

23 Mr. Gallagher and what he told me about the events that

24 had taken place in the Republic of Ireland involving

25 this individual, John White, and that it could have had 13:54

26 an impact on the Omagh bomb, was of concern. So --

27 346 Q. Just pause for a moment. You were being told about

28 John White?

29 A. Yes.

1 347 Q. An officer of the AGS?
2 A. Yes.
3 348 Q. And you were being told that he might have information
4 that linked back to the report that had been published
5 in December 2001? 13:55
6 A. Yes. Yes, Sir. So, what happened then was I spoke to
7 the Ombudsman, presumably David Wood as well, almost
8 certainly, and a decision was made that I should made
9 with John White, hear what the individual's got to say,
10 and that's exactly what I did do, Sir. 13:55
11 349 Q. And so, was it days or a week or a month after you'd
12 spoken to Mr. Gallagher that you first met John White?
13 A. It was pretty short time. I met him, I think it was at
14 Silverbirch the first time.
15 350 Q. In your witness statement you do recall, this is 13:56
16 paragraph 105, that the first meeting was at the
17 Silverbirch?
18 A. Yeah.
19 351 Q. And that you recalled when you made your witness
20 statement that you had been accompanied by at least one 13:56
21 other Ombudsman Officer?
22 A. Yes, yes, I can't recall who that officer was.
23 Mr. Gallagher was there, introduced me to John White
24 and then in pretty quick time Mr. Gallagher left our
25 company and myself and my colleague, I can't remember 13:56
26 who it was, it's likely to be either [REDACTED]
27 [REDACTED] - one of those two - we spoke to
28 John White.
29 352 Q. I'm going to ask you to pause for a moment. When you

1 first met John white in the Silverbirch probably, how
2 did he present?

3 A. He was not in a good way, Sir. He was not in a good
4 way. He was very nervous. He clearly had some
5 paperwork with him which I think he was quite desperate 13:57
6 to show us. I remember, Sir, sadly - as, we know
7 Mr. white's passed away now - but I remember, sadly,
8 you know, he had a rash on his face, I can picture it
9 now, he had a rash on his face, he was very nervous, he
10 was uncomfortable in what he was doing. And that's how 13:57
11 I remember him, Sir; a very nervous individual.

12 353 Q. You say he was uncomfortable in what he was doing. Did
13 you have any impression, either at that stage or
14 subsequently, of what was making him uncomfortable
15 about speaking to an officer of the Ombudsman? 13:57

16 A. well, I think my thoughts at first were that, you know,
17 he's an officer that's stepped out of, effectively, one
18 country into another is, effectively, as I would
19 describe it, whistle-blowing about behaviour of
20 officers in the Republic of Ireland. He said, 13:58
21 definitely on our first meeting, because I remember
22 asking him, 'Have you brought these matters to the
23 attention of the authorities in the Republic of
24 Ireland?' And he said he had tried to, he had been to
25 members of the Government there and various other 13:58
26 individuals, I can't remember the exact detail, and
27 nobody, this was his words, "nobody would listen to
28 me."

29 354 Q. And so, I just want to make sure we're clear about your

1 impression of what was generating this nervousness on
2 his part. It seemed to you, did it, that he was
3 worried that he was putting himself in a position of
4 personal jeopardy, even if only professional jeopardy,
5 by coming across the Border and providing information 13:59
6 to officials within the Northern Ireland State?

7 A. Yes, he was finding that very difficult. And I can
8 understand that. He was finding it difficult.

9 355 Q. I'm going to ask you towards the end of my question
10 about this topic whether you found him credible or 13:59
11 incredible, but let's just park that for the time
12 being.

13 A. Okay, Sir.

14 356 Q. At that first meeting he was nervous and you've
15 explained why it seemed to you he was nervous. How 13:59
16 many times did you meet with John White in total?

17 A. I think, while I was at the Ombudsman's Office three
18 times. I met him once more in fairly quick time after
19 this meeting, because after this meeting we've just
20 been talking about, Sir, I reported back to the 13:59
21 Ombudsman and said, 'This is what this individual is
22 saying. I think it's worth pursuing.' He had
23 indicated, I believe at the first meeting - again this
24 will all be documented at the Ombudsman's Office - he
25 indicated that he had corroborative material -- 14:00

26 357 Q. Yes.

27 A. -- to support what he was able to say. And I remember
28 having that discussion with him, effectively saying,
29 'Look, John, you could come here and say what you want

1 in essence, but we need corroborative material, John.
2 The way that this thing needs to be developed, if there
3 were issues taking place, you have got corroboration?'
4 And he said he had corroboration of what had taken
5 place in the months and including the few days, but in 14:00
6 the months leading up to the Omagh bomb.

7 358 Q. What I don't want to do is to delve into great detail
8 about what he said to you. So, I just want to try and
9 distill the essence of it. If I get any of this wrong
10 or if I miss out some important part please do tell me? 14:01

11 A. Okay.

12 359 Q. And I'm not going to be mentioning the name of every
13 single person in the story, and where I don't use a
14 name you'll appreciate that's for good reason, I'm
15 sure. 14:01

16

17 So, John White is a detective sergeant in the AGS?

18 A. Mm-hmm.

19 360 Q. And did he explain to you that he had an informant?

20 A. Yes. 14:01

21 361 Q. We can give the name of that informant because it's
22 mentioned in the Gallagher judgment by Mr. Justice
23 Horner; was the name of the informant - whether real or
24 pseudonym - Paddy Dixon?

25 A. Yes, Sir. 14:01

26 362 Q. And did John White explain to you what Paddy Dixon did
27 by way of, it might not be quite the right word, by way
28 of occupation?

29 A. Yes. He said he'd been approached by Paddy Dixon,

1 they'd had a previous relationship, i.e. police
2 officer-informant. That relationship, I think, for
3 some years had gone quiet but in January 1998 --
4 363 Q. Just before you carry on. John White was to tell you
5 that Paddy Dixon had been working to the instructions 14:02
6 of an individual who was part of a violent dissident
7 republican organisation?
8 A. Yes.
9 364 Q. At the moment I'm not going to be naming that person,
10 I'd ask you not do so either? 14:02
11 A. Okay, Sir.
12 365 Q. You were telling us that the relationship between
13 Paddy Dixon and John White had gone quiet but then you
14 were about to tell us of something that happened in
15 January 1998? 14:03
16 A. Yes. Effectively, Paddy Dixon approached John White
17 and used words to the effect "the boys are back in
18 town," and then when John engaged with Paddy Dixon over
19 the ensuing months, Paddy Dixon, either Paddy Dixon or
20 an individual or people working on behalf of 14:03
21 Paddy Dixon, were stealing vehicles that were intended
22 to be used in terrorist attacks.
23 366 Q. So, that's in very headline form but it's helpful to
24 know where we're going, let me just make sure that the
25 key aspects of that are understood. It's apparent from 14:03
26 what you've said that Paddy Dixon was involved in the
27 theft of cars?
28 A. Mm-hmm.
29 367 Q. Motor vehicles?

1 A. Mm-hmm.

2 368 Q. Either by stealing them himself or by directing others
3 to steal them?

4 A. Yes.

5 369 Q. And there had been this discussion between him and 14:04
6 John White in January of 1998 when he had said "the
7 boys are back in town"?

8 A. Yes.

9 370 Q. And had John White understood from that, that he was
10 being told by Paddy Dixon that there was resurgent 14:04
11 republican terrorist activity of a dissident nature?

12 A. That's exactly what he was saying, Sir, yes.

13 371 Q. And did John White go on to explain that Paddy Dixon,
14 over the months that followed, had provided him with
15 information about that violent dissident republican 14:04
16 organisation?

17 A. Yes.

18 372 Q. Did he explain that an individual who appeared to be
19 associated with that terrorist organisation had
20 commissioned him to steal vehicles? 14:05

21 A. Yes.

22 373 Q. And to steal vehicles that could then be used in
23 terrorist activity?

24 A. Yes.

25 374 Q. Had he explained to John White what sort of terrorist 14:05
26 activity those vehicles were being used for?

27 A. Yes. Yes, it was -- they were to be loaded -- some of
28 the vehicles were to be loaded with bombs.

29 375 Q. And some with mortars?

1 A. And some with mortars.

2 376 Q. And had Paddy Dixon, as John White reported it to you,
3 developed an understanding that the smaller vehicles
4 would be used for mortar attacks and the larger
5 vehicles for car bomb attacks? 14:06

6 A. Yes, yes. And I think that feedback from the person
7 that he was providing the vehicles to, I think that
8 came back that way as well, if I can put it like that,
9 Sir.

10 377 Q. Yes. 14:06

11 A. So, there was general acceptance the bigger vehicles
12 were for bombs, the smaller vehicles were for
13 rocket-type attacks, as it was described to me.

14 378 Q. Did John White explain to you whether he had just kept
15 this information to himself or whether, instead, he 14:06
16 told someone else?

17 A. No, he told his superiors about it, I believe at the --
18 I think I'm right, he was working at Letterkenny at the
19 time, I think, and he was told to report on these
20 matters to someone who was the head of the Crime and 14:07
21 Security Unit.

22 379 Q. And the name of that person is well known and it is
23 Dermot Jennings?

24 A. That's correct, Sir.

25 380 Q. And you told me earlier that John White said to you 14:07
26 that he had been told something important by
27 Paddy Dixon that related to the months before the Omagh
28 bombing; and what was it that John White reported to
29 you he had been told by Paddy Dixon about that period?

1 A. Sorry, I don't quite.

2 381 Q. Probably a very clumsily expressed question, let me be
3 more specific. Had Paddy Dixon been telling John
4 White, as you understood it, that cars containing bombs
5 had been travelling from the Republic of Ireland to 14:08
6 Northern Ireland over the period of his reporting?

7 A. Yes.

8 382 Q. And John White had been aware of that. Did he tell you
9 - he, John White - whether he had reported that to
10 Dermot Jennings? 14:08

11 A. Yes, he did. What happened quite early on from my
12 recollection is, that Paddy Dixon was telling
13 John White, "the boys are back in town, these are the
14 vehicles they are looking for." He named the
15 individual that the vehicles were for. He then went 14:08
16 and reported that, in broad terms, to Dermot Jennings.
17 And then Dermot Jennings made the decision as to how
18 that investigation, how that intelligence would be
19 developed and what they would do as a collective, if I
20 can put it that way, Sir. 14:08

21 383 Q. And just to cut right to it: Did John White tell you
22 that there had been occasions upon which
23 Dermot Jennings had been prepared to allow vehicles
24 that were used for a terrorist purpose to move from the
25 Republic of Ireland into the North of Ireland? 14:09

26 A. Yes, on two occasions.

27 384 Q. In the months before the Omagh bombing?

28 A. Yes.

29 385 Q. I had said that we were going to the essence of your

1 account. You told me earlier that you were also told
2 of John White of something that he had been told by
3 Paddy Dixon in the period just before the Omagh bombing
4 and let me try to summarise it. Did John White tell
5 you that Paddy Dixon had told him that the person 14:09
6 associated with the violent dissident republican
7 organisation had commissioned him to acquire a vehicle
8 to be used in an attack?

9 A. Yes.

10 386 Q. And did John White tell that you Paddy Dixon had said 14:10
11 to him that subsequently that person had said that they
12 didn't need that vehicle because they had obtained one
13 from somewhere else?

14 A. Yes.

15 387 Q. Now, by this stage -- 14:10

16 A. Sorry, Sir, can I just add.

17 388 Q. Of course, yes.

18 A. I'm, sorry. Again context, if I may.

19 389 Q. Of course, yes.

20 A. When John White first went to Dermot Jennings and told 14:10
21 him about these vehicles that had been ordered by this
22 individual, told Dermot Jennings, I beg your pardon
23 about the vehicles, then Dermot Jennings put in place
24 operations, an operational response, and obviously
25 there's a lot more detail to that, but an operational 14:10
26 response, and as a direct consequence of Paddy Dixon's
27 information, cars loaded with bombs were interrupted.
28 So, on the one hand, when I was first told this, I
29 thought well, that's a pretty good operation that,

1 they've done well there. They've interrupted people
2 who were hellbent on moving those bombs to Northern
3 Ireland or Mainland UK.

4 390 Q. So, there had been some operations?
5 A. Yeah, and they were successful operations. 14:11

6 391 Q. But there had been these two other occasions when they
7 got through?
8 A. There had been the other occasions, yes, Sir.

9 392 Q. And then this occasion when there was information about
10 a vehicle being sought initially and then not sought in 14:11
11 the period before the Omagh bombing?
12 A. Literally just before, yes.

13 393 Q. Now, I want to --
14 A. Sorry, Sir, just again for clarity. John White I saw
15 twice, it was at the Silverbirch and then another 14:12
16 location in Northern Ireland. When the decision had
17 been made to take a detailed witness statement from
18 him --

19 394 Q. Yes.
20 A. -- he became quite nervous. He didn't want to meet me 14:12
21 again in Northern Ireland. He felt that his family
22 might be at risk, he might be at risk. It would be
23 unfair, probably, to say he was becoming paranoid, I
24 mean it was a difficult time for him. So, I decided
25 that I would take him to a location in Mainland UK 14:12
26 where I took the comprehensive witness statement from
27 him, I think it was over two- or three-day period --

28 395 Q. Yes.
29 A. -- where he then provided the corroborative that we had

1 discussed previously.

2 396 Q. That, I think, is something you haven't had access to
3 for the purpose of preparing your own witness
4 statement?

5 A. No. 14:13

6 397 Q. But you do know that that statement exists within PONI?

7 A. Absolutely, yes.

8 398 Q. So, really, what I really want to know from you is
9 this, in due course the report of March 2002 was
10 created -- 14:13

11 A. Yes.

12 399 Q. -- it was submitted to the Government of Ireland?

13 A. Yes.

14 400 Q. And it generated, as you know, the Nally Report?

15 A. Yes. 14:13

16 401 Q. And conclusions were reached in the Nally Report about
17 the credibility of John White on the one hand and
18 Dermot Jennings on the other?

19 A. Yes.

20 402 Q. And I'm not going to ask you to comment on those, but I 14:13
21 am going to ask you this --

22 A. When you say it was submitted to the Republic of
23 Ireland, Sir --

24 403 Q. Yes.

25 A. -- it was myself, the Ombudsman and David Wood 14:13
26 travelled to the Republic of Ireland, had a meeting
27 with senior officials there and presented the report to
28 them personally.

29 404 Q. But am I right that you understand that the Nally

1 Report was triggered by that?

2 A. Yes, Sir.

3 405 Q. I'm not going to ask you to comment on the findings of
4 the Nally Report but I do want to ask you about this;
5 over the period that you had dealings with John White, 14:14
6 you've explained that he was nervous and uncomfortable,
7 did he, at any stage, seem to you to be troubled by the
8 events that had been reported to him and what may or
9 may not have been connected with them, namely the Omagh
10 bombing? 14:14

11 A. He was troubled by something, Sir, I couldn't get to
12 the bottom of it. I mean from my perspective, Dixon
13 had been asked to provide cars on a number of
14 occasions.

15 406 Q. Yes. 14:14

16 A. That's what he, or those operating his behalf, other
17 car thieves did. When John White told me the further
18 order came in, 12th or 13th of August, i.e. just before
19 the Omagh bomb, but then suddenly he had got a phone
20 call from the man he was providing the vehicles to, so 14:15
21 therefore, we don't need a vehicle from you, I've got
22 it from another source.

23 407 Q. Yes.

24 A. That did strike me, that seems a bit strange. He had
25 been, as I understand, it the sole provider of the 14:15
26 vehicles for this group and then suddenly a day, two
27 days before the Omagh bomb, Dixon effectively gets
28 stood down. And to date I've never really understood
29 what that was all about, Sir.

1 408 Q. So, let me get to what I'm really wanting to know from
2 you. By this time had you many years of experience of
3 dealing with witnesses?
4 A. Yes.

5 409 Q. Had you, on many occasions in your career, had to make 14:15
6 assessments as to the reliability of witnesses?
7 A. Yes.

8 410 Q. Had you had to make assessments many times as to the
9 credibility of witnesses?
10 A. Yes, yes. 14:16

11 411 Q. And all you can do is speak to your own impression, but
12 across those meetings with John White and at the end of
13 them, did you regard John White as being credible or
14 not credible?
15 A. Credible, Sir. Particularly because of the 14:16
16 corroborative material that he could provide as to what
17 had been happening over the months before the Omagh
18 bomb.

19 412 Q. Now, I'm going to turn next to ask you about the
20 Bridger Report -- 14:16
21 A. Yes, Sir.

22 413 Q. -- as we've been calling it and how that came about.
23 We need, I believe, to start out fairly early on. So,
24 at an early stage of your time in Belfast, were you
25 asked to act as a liaison between the Ombudsman and the 14:16
26 Omagh Support & Self Help Group, OSSHG?
27 A. Yes. The Ombudsman asked me do that, Sir.

28 414 Q. And did you perform that role?
29 A. Yes.

1 415 Q. And am I right that you started to perform that role
2 from an early stage?
3 A. Yes.

4 416 Q. Was it in that capacity that you met with
5 Michael Gallagher? 14:17
6 A. Yes, I reached out to Mr. Gallagher, asked to meet with
7 him. I recall very clearly he was at Belfast Hospital
8 at the time, he was visiting a serving police officer
9 who had been injured on duty who had come from Omagh,
10 and Mr. Gallagher had gone to visit him and I believe 14:17
11 it was at the hospital I first met Mr. Gallagher.

12 417 Q. And did you explain to him the role and powers of the
13 Ombudsman?
14 A. Yes.

15 418 Q. And did he then invite you to visit Omagh with him to 14:17
16 meet other bereaved families and survivors so that you
17 could similarly explain the role of Ombudsman to them?
18 A. Yes, yes.

19 419 Q. And over time did you maintain regular contact with
20 Mr. Gallagher and other members of the OSSHG? 14:18
21 A. Yes.

22 420 Q. I'm going to ask you to turn next to paragraph 198
23 please at page 22 of your statement. And we're
24 starting to get near now to the circumstances in which
25 the Bridger Report came into existence. 14:18
26 A. Yes.

27 421 Q. Did you return to the Metropolitan Police Service in
28 late 2002?
29 A. Yes, Sir.

1 422 Q. And on return were you promoted to the rank of Chief
2 Superintendent?
3 A. Yes, Sir.
4 423 Q. In the years that followed, did you continue to
5 maintain contact with the OSSHG? 14:19
6 A. Yes, particularly Mr. Gallagher. I didn't have a lot
7 of contact with other members but certainly
8 Mr. Gallagher, yes.
9 424 Q. And would it be fair to say that you became on friendly
10 terms with Mr. Gallagher? 14:19
11 A. Yes.
12 425 Q. And continue to be such?
13 A. Yes.
14 426 Q. So, throughout the years that followed as the
15 Merseyside Review took place, as Michael McKevitt was 14:19
16 convicted, as the Nally Report was debated, and as
17 other events occurred such as Sean Hoey's acquittal and
18 the Panorama broadcasts, did you continue to maintain
19 contact with Mr. Gallagher?
20 A. Yes, and we would discuss issues arising out of all of 14:19
21 the reports that you've just mentioned, Sir, yes.
22 427 Q. And were you aware that over that period, attempts were
23 being made to persuade the UK State that there should
24 be a statutory inquiry into what had happened at Omagh?
25 A. Yes, yes. 14:20
26 428 Q. And specifically whether it could have been prevented
27 by the UK State?
28 A. I think also, Sir, I recollect that right from the
29 outset Mr. Gallagher wanted cross-border public

1 inquiry.

2 429 Q. Yes.

3 A. It wasn't only the UK State, because it was a

4 cross-border public inquiry that he sought. Now, we

5 all know the challenges there legally, but his view was 14:20

6 very clear: If there's a will, there's a way and if

7 people want the truth to come out, that's what we need,

8 a cross-border public inquiry.

9 430 Q. The Bridger Report when, finally, it was prepared --

10 A. Yes. 14:20

11 431 Q. -- published, that was a piece of advocacy in favour of

12 cross-border inquiry?

13 A. Yes.

14 432 Q. By 2011, obviously the efforts that had been made by

15 Mr. Gallagher and others to get to the truth had been, 14:21

16 well, people had become increasingly frustrated at the

17 back of progress?

18 A. Yes, Sir.

19 433 Q. Would that be fair?

20 A. That's fair, Sir. 14:21

21 434 Q. Was that your perception that there was frustration at

22 the lack of progress?

23 A. Real frustration, yes.

24 435 Q. On 18th May 2011, did you have a meeting with

25 Mr. Gallagher and with someone called Martin Polaine? 14:21

26 A. Yes.

27 436 Q. By May 2011 had you retired as a police officer?

28 A. Yes.

29 437 Q. And what were you doing by that stage?

1 A. At that time I was working in a company, Sambei Bridger
2 & Polaine, so Arvinder Sambei, Martin Polaine and
3 myself. It was a small company providing investigative
4 services.

5 438 Q. And the other two individuals that you have mentioned 14:22
6 were lawyers?

7 A. Both barristers, yes.

8 439 Q. So, it was a small company offering investigative
9 services.

10 A. Yes. 14:22

11 440 Q. Did you and Mr. Polaine have a discussion with
12 Mr. Gallagher, in fact at a conference in Kenya which
13 was focused on terrorist-related incidents about what
14 could be done to drive progress?

15 A. Yes. 14:22

16 441 Q. And what was it that came out of that discussion?

17 A. That there was a need to try and pull the strands
18 together, the various reports that you've referred to,
19 because my interpretation was that issues that had
20 arose were dealt with in quite a bespoke manner and 14:22
21 nobody had looked at the collective across the whole
22 piece. Nobody had put, as I describe it, the way I
23 describe it, had put the jigsaw together, there was a
24 piece here, a piece there, a piece here but it hadn't
25 been brought together. And we need to bring it 14:23
26 together so we can make the strongest case possible to
27 support an application for a public inquiry.

28 442 Q. And so what became the Bridger Report emerged out of
29 that meeting in Kenya?

1 A. Yes.

2 443 Q. I'm just going to pause for a moment before we look
3 briefly at the report itself to understand something
4 about the purpose and methodology behind the report.
5 Now, in terms of the materials that you had regard to, 14:23
6 were many of the matters that you ultimately referred
7 to in the report already in the public domain?

8 A. Yes, yes.

9 444 Q. And did you also have regard to other information that
10 had been gathered over the years by the OSSHG? 14:24

11 A. Yes, yes.

12 445 Q. And if you identified a document that you didn't have
13 but needed, would you go to the OSSHG and see if they
14 were able to provide it to you?

15 A. Yes. And I went over to Omagh, to the office of the 14:24
16 OSSHG and looked through all the material they were
17 holding, as an organisation, and extracted from that
18 material that I thought could be of benefit in writing
19 a report.

20 446 Q. I'm going to ask you to answer my next question either 14:24
21 yes or no. Did you utilise sensitive materials in
22 order to prepare that report?

23 A. No, no.

24 447 Q. And in terms of the purpose of the report, at
25 paragraph 215, page 24 of your statement, you explain 14:24
26 that the purpose of the report was to produce a factual
27 report piecing together all of the then currently
28 available information relating to the bombing in the
29 hope that it would assist in persuading both

1 Governments to establish cross-border public inquiry?

2 A. Yes, Sir.

3 448 Q. The commissioning of the report, was that by the OSSHG?

4 A. Yes.

5 449 Q. And in terms of the funding of it, was an application 14:25

6 for funding made by the OSSHG to the Rowntree

7 Foundation?

8 A. Yes, Sir.

9 450 Q. And was such funding, as you understand it, approved?

10 A. Yes, Sir. 14:26

11 451 Q. By the early part of 2012, had the report been

12 completed?

13 A. No, I think I completed it, May, June.

14 452 Q. That's my fault, I've missed out some important words.

15 By the early part of June 2012 had the report been 14:26

16 completed?

17 A. Yes.

18 453 Q. Now, I'm going to ask you this question which has been

19 suggested by one of the State Core Participants. Prior

20 to your report being made available, was it the subject 14:26

21 of any sensitivity checking?

22 A. No. No, I don't -- no, Sir. I don't remember going

23 through the process of sensitivity checking, Sir.

24 CHAIRMAN: Could we perhaps understand what that would

25 involve, Mr. Greaney? 14:27

26 454 Q. MR. GREANEY: Of course. So, where a document may

27 contain material that contains what's sometimes called

28 State equities, so material that may be sensitive on a

29 national security basis or sensitive on the basis that

1 it may disclose law enforcement techniques that are
2 utilised against criminals, sometimes where there is a
3 risk that a document contains such material, before it
4 is made publicly available, it will be reviewed by
5 those who hold the equities so that their views can be
6 taken into account. 14:27

7 A. Right.

8 455 Q. I hope that I've given a fairly accurate, albeit a
9 rough summary of the sensitivity checking process; but
10 did you understand what I was talking about when I
11 referred to "sensitivity checking?" 14:27

12 A. Yes.

13 456 Q. And the answer you gave me was that the report, the
14 Bridger Report was not the subject of sensitivity
15 checking? 14:28

16 A. Yes, Sir.

17 457 Q. What I'm going to do next is just to deal, at very high
18 level, with the report itself. And I'm not going to
19 put it on the screen because I know that you have a
20 hard copy available to you? 14:28

21 A. Yes, Sir.

22 458 Q. I am going to give the reference INQ 000645, so that
23 people can follow what I'm asking you about, but I'm
24 going to not delve into the detail of the report so
25 that we can ensure that others have an opportunity to
26 question you today and so that you can be concluded
27 today. 14:28

28
29 Now, the first 15 pages deal with what might be

1 described as legal issues dealing with the powers of a
2 public inquiry and other connected topics.

3 A. Yes.

4 459 Q. And who was the author of that part of the report?

5 A. Martin Polaine and Arvinder Sambei, primarily Martin. 14:29

6 460 Q. And the balance of the report deals with issues
7 relating to the Omagh bombing and concerns about it in
8 the period before it, who was the author of that part
9 of the report?

10 A. I was. 14:29

11 461 Q. So, the first 15 pages the lawyers wrote?

12 A. Mm-hmm.

13 462 Q. And the pages from 16 to I think 60, you were the
14 author of those parts?

15 A. Yes. 14:29

16 463 Q. Now, the first topic that you dealt with between pages
17 16 and 18 is headed: "Omagh as a location for a
18 terrorist attack."

19 A. Yes, Sir.

20 464 Q. And in expressing your views about that, you had 14:29
21 regard, first of all, to an anonymous phone call made
22 to the police on 4th August 1998?

23 A. Yes, Sir.

24 465 Q. Which contained information about an unspecified attack
25 to be made on police in Omagh on 15th August 1998? 14:30

26 A. Yes, Sir.

27 466 Q. And did you have concerns about whether that
28 information had been appropriately acted upon?

29 A. Yes.

1 467 Q. And as part of your concerns, did you draw attention to
2 the fact that the threat book so-called dealing with
3 the relevant period was unavailable?
4 A. Yes. In fact, I hope I'm not getting into issues you
5 don't want me to this afternoon, I went to look for 14:30
6 that threat book personally.
7 468 Q. Personally. You'd been told it was unavailable. And
8 when you looked for it, were you able to find it?
9 A. No.
10 469 Q. So, was that something which amplified your concern 14:31
11 about that particular topic?
12 A. Yes.
13 470 Q. Do you continue to attach importance to that call to
14 this day?
15 A. Yes, I do. 14:31
16 471 Q. Now, the man known as "Kevin Fulton"?
17 A. Yes.
18 472 Q. Who, as you've told us, you met with, and by the time
19 the report was published had you met with him about
20 three times? 14:31
21 A. Certainly a second time, certainly a second time, I'm
22 not sure of the dates though.
23 473 Q. And were you made available of intelligence that
24 Kevin Fulton had provided in July and August 1998?
25 A. Yes, yes. 14:31
26 474 Q. Did you regard Kevin Fulton as credible?
27 A. On the intelligence that Kevin Fulton gave just prior
28 to the Omagh bomb, I considered it credible, Sir, yes.
29 475 Q. And do you continue to regard the intelligence he

1 provided as important in relation to that first topic
2 that you dealt with, "Omagh as a location for a
3 terrorist attack."
4 A. Yes, yes, yes.
5 476 Q. Did you also have regard to certain information 14:32
6 provided by David Rupert?
7 A. Yes, Sir.
8 477 Q. I'm at page 18 now.
9 A. Yes.
10 478 Q. And do you continue to regard that information or 14:32
11 intelligence he provided as important?
12 A. Very important, Sir, yes.
13 479 Q. The next topic that you addressed, page 19, was headed:
14 "Suspects and intelligence known prior to the Omagh
15 bombing." 14:33
16 A. Yes.
17 480 Q. And under this heading did you have regard to the
18 information that John White had given to you?
19 A. Yes.
20 481 Q. Which you've told us already you regarded as credible? 14:33
21 A. Yes.
22 482 Q. And do you continue to regard his information as
23 important?
24 A. Yes, Sir.
25 483 Q. In relation to suspects and intelligence did you also, 14:33
26 at page 22, have regard to the intelligence provided by
27 David Rupert?
28 A. Yes.
29 484 Q. And do you continue to regard his intelligence as being

1 important?
2 A. Yes, Sir.
3 485 Q. At page 26, and dealing if you don't mind, with this
4 topic, carefully, did you have regard to a television
5 programme: "Omagh: what the police were never told"? 14:34
6 A. Yes, Sir.
7 486 Q. And do you continue to regard that programme as
8 important?
9 A. Yes.
10 487 Q. In 27, you also had regard to comments made by 14:34
11 Norman Baxter?
12 A. Yes.
13 488 Q. Who had become the senior investigating officer or the
14 Omagh investigation on 27th May 2002?
15 A. Yes. 14:34
16 489 Q. You had regard to comments made by him to the Northern
17 Ireland Affairs Committee?
18 A. Yes.
19 490 Q. And do you continue to regard what Mr. Baxter said as
20 important? 14:35
21 A. Yes.
22 491 Q. Between pages 29 and I think 34, you deal with a
23 heading: "Was there on 15th August 1998 a police
24 security operation taking place in relation to the
25 Omagh bomb?" 14:35
26 A. Yes, Sir.
27 492 Q. And I'm going to deal with this very quickly, but do
28 you consider, as you sit there today, that there
29 continue to be questions that require answers?

1 A. Yes, Sir.

2 493 Q. From page 35 you deal with what you describe as the
3 sharing of information?

4 A. Yes, Sir.

5 494 Q. And you refer, again, to Norman Baxter's evidence? 14:35

6 A. Yes.

7 495 Q. To a session of the Northern Ireland Affairs Committee?

8 A. Yes.

9 496 Q. You refer to the Gibson Review?

10 A. Yes. 14:35

11 497 Q. To the Merseyside Police report sometimes called "The
12 Tonge Report"?

13 A. Yes.

14 498 Q. That's 37. You refer at 39 to the McVicker Report?

15 A. Yes. 14:36

16 499 Q. And do you continue to hold concerns about what you
17 described as the sharing of information?

18 A. Yes. Can I just -- there's a lot of views being
19 expressed I know since the time I've written the report
20 about the cooperation between the Garda Síochána and 14:36
21 the RUC, and it may well be - and I accept this - it
22 may well be that I'm proved wrong, that there was good
23 daily cooperation, joint enterprise, if I can put it
24 that way, to stop terrorist attacks taking place. But
25 I have to say, everything I visited, everyone I've 14:36
26 spoken to, every document I've looked at I'm still of
27 the view I'm not sure that is the case, Sir.

28 500 Q. So, can I try to encapsulate what you're saying to us.
29 You're realistic enough to know that in relation to all

1 of these issues you may be wrong but you may be right?

2 A. I may be wrong, yes.

3 501 Q. But you, nonetheless, feel that these are all important
4 issues that need to be raised, need to be addressed and
5 need to be answered? 14:37

6 A. Yes, Sir.

7 MR. GREANEY: well, Mr. Bridger, those are my
8 questions. Thank you for answering them, particularly
9 after that delay. Sir, we've been going for nearly an
10 hour and 10 minutes. There are Core Participants who 14:37
11 have permission to ask questions. Could I suggest that
12 we take a break just over 10 minutes until ten to three
13 please.

14 CHAIRMAN: Yes.

15 14:38

16 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

17

18 CHAIRMAN: Mr. Greaney.

19 MR. GREANEY: So, Sir, first will be Mr. Southey.

20 14:49

21 MR. MARTIN BRIDGER WAS QUESTIONED BY MR. SOUTHEY AS
22 FOLLOWS:

23

24 502 Q. MR. SOUTHEY: Thank you, Mr. Bridger, I think you know
25 who I am, because I think we've met before, well, I 14:49
26 know we've met before but, obviously, I'm here to
27 represent the Core Participants represented by Fox Law,
28 and that includes Michael Gallagher. I don't have many
29 questions for you, but just a few.

1 I don't think we don't necessarily need to bring this
2 up on screen but if it would assist you, I've got the
3 reference. In your report, I think it's page 5 of the
4 report, you note how there have been or how there had
5 been, rather, at the time you wrote your report, ten
6 earlier reports?

14:50

7 A. Yes.

8 503 Q. And you said, unsurprisingly in those circumstances,
9 that your report was concentrating on the questions
10 outstanding. Can I ask a little about how you went
11 about, effectively, reinvestigating or seeking, perhaps
12 more accurately, to not just duplicate what had already
13 been said?

14:50

14 A. Yes. Each report or statement that I read, having
15 looked at it, I just applied all the experience that
16 I'd gained over a number of years in investigations,
17 and tried to pick my way through and just raise issues
18 that I felt were important which could go to the issue
19 of preventability. So, it's the preventability piece,
20 if I can describe it that way, that sort of drove my
21 thought processes.

14:51

22 504 Q. Okay. Now, in that context or I suppose more
23 generally, I think at one stage, if my notes are right,
24 Mr. Greaney suggested that what you did was in one
25 sense a work of advocacy and clearly you were being
26 paid for your work by the support group?

14:51

27 A. Yes, yes.

28 505 Q. Would you say, though, that your work was advocacy or
29 was it meant to be objective and independent?

1 A. Oh, objective and independent, yeah.

2 506 Q. Mr. Greaney just before the break, took you through a
3 number of your conclusions?

4 A. Yes.

5 507 Q. Key conclusions probably, and asked you, effectively, 14:52
6 whether anything had changed. Can I just ask a general
7 question which sort of links into that question. In
8 light of the passage of time and obviously there's
9 been further reporting about Omagh, clearly Omagh never
10 leaves the media in one sense, overall is there 14:52
11 anything you would now change in your report if you
12 were to rewrite it now in light of the passage of time?

13 A. No. No, Sir, I don't think there is. There's been
14 additional material which has just become available
15 which I would suggest would enhanced part of what I've 14:53
16 said in my report, but no.

17 508 Q. Okay. Can I ask you a specific question in that
18 context about the questions you were asked about
19 John White. In relation to John White in particular,
20 has anything occurred that would change you to view, to 14:53
21 change what you said in your report about John White?

22 A. No, Sir.

23 509 Q. Okay. What, if anything, would you say the evidence
24 about John White says about the level of cooperation
25 between AGS and the RUC? 14:54

26 A. Sorry, Sir, could you repeat that, I'm sorry.

27 510 Q. I was asking, what would you say your conclusions about
28 John White say about the level of cooperation between
29 AGS and the RUC?

1 A. It wasn't good, Sir, it wasn't good. I've never, as I
2 think I indicated to Mr. Greaney, in all my time, in
3 all my involvement in these matters, I've never
4 considered that there was this level of cooperation
5 that many talk about. And I accept, I could be proved 14:54
6 wrong, I accept that, but I've been exposed to quite a
7 lot of the issues, I don't see any of that, Sir.
8 MR. SOUTHEY: Sir, I have no further questions, then.
9 CHAIRMAN: Thank you, Mr. Southey.
10 MR. GREANEY: Sir, next is Ms. Black on behalf of the 14:54
11 Core Participants represented by PA Duffy, Roche
12 McBride and Campbell and Haughey.
13
14 MR. MARTIN BRIDGER WAS QUESTIONED BY MS. BLACK AS
15 FOLLOWS: 14:55
16
17 511 Q. MS. BLACK: Good afternoon, Mr. Bridger. Mr. Bridger,
18 I represent some of the families of Core Participants,
19 most of whom are aware of your report but, actually,
20 quite a substantial number have never actually seen it. 14:55
21 So, for their benefit this afternoon I really want to
22 gain some understanding of how your background has fed
23 into the report and any influence that it's had on your
24 comments or conclusions that you've drawn in the
25 report. 14:55
26
27 Now, Mr. Greaney has very capably taken you through
28 your professional background and your involvement with
29 PONI. I suppose, to summarise, in terms of your key

1 skills is it fair to say that your professional
2 background in investigative policing was at a senior
3 level?

4 A. Yes.

5 512 Q. And, obviously, you've confirmed that you had direct 14:55
6 involvement in the compilation of a key report in
7 relation to the PONI Report?

8 A. Yes.

9 513 Q. And then, obviously, we've heard how you have coupled 14:56
10 all of that with almost over a decade of conscious
11 undertaking to update and engage with the families on
12 the developments on Omagh bomb?

13 A. Yes.

14 514 Q. Is that correct?

15 A. Yes. 14:56

16 515 Q. I suppose, then would it be fair to say that there is a
17 bit of natural fit for you to take on the role of
18 drafting the report in 2012 given the background that
19 you'd had to that point?

20 A. Yeah. I don't, in any way, suggest this to sound 14:56
21 conceited in any way, because of my background, the
22 work I'd done in the Ombudsman's Office, the continuing
23 engagement with the families, reading the reports, just
24 having a feel for the whole thing that occurred over
25 the years, yeah, I thought I was more than qualified 14:56
26 to --

27 516 Q. You had a whole picture perspective?

28 A. The whole picture, yes.

29 517 Q. Now, with that whole picture perspective the intention

1 of the report really was to try and support the
2 families in their quest for a public inquiry, is that
3 correct?

4 A. Yes.

5 518 Q. And, I suppose, if we stand here objectively, when 14:57
6 you're preparing a report for one party's use, for
7 political or litigation purposes, there is always that
8 fear, that risk that it won't be seen as being
9 independent or objective. Would you say anything in
10 response to anyone with that kind of concern? 14:57

11 A. Well, they may have that concern but I did it with the
12 full intention of supporting the families in their
13 application for a public inquiry. And that was the
14 purpose of the report. And just to be clear,
15 Mr. Gallagher has been described as a friend of mine, 14:57
16 he is. He is a personal friend of mine. Have we had
17 significant debates over the years around issues? Yes.
18 If I think he's wrong on something I tell him.

19 519 Q. So, I suppose what I'm trying to get at, Mr. Bridger, 14:58
20 is that whilst there's a natural fit for you to draft
21 the report, and you are doing it for a particular
22 purpose, do you consider that in acting in that way you
23 were in any way unobjective or not objective, I
24 suppose?

25 A. No, no. 14:58

26 520 Q. I think you gave evidence there in relation to
27 Mr. Greaney that you pursued an evidence-based
28 approach, is that correct?

29 A. Yes, effectively, just relying on my experience. When

1 you're talking about informants, I know how informants
2 are run, I know what should be done, I know what should
3 be documented, I know how far an informant can do
4 things and cannot do things.

5 521 Q. So, because of you -- 14:58

6 A. In fact, just using that as an example.

7 522 Q. Yes.

8 A. The experience I brought to it I thought was
9 significant.

10 523 Q. That's very helpful and we're going to come into that 14:58
11 in a second. Essentially, you're saying that you're
12 putting your background in investigative policing and
13 indeed your experience with the investigation
14 throughout the long period of time you felt that you
15 could be objective? 14:59

16 A. Yeah.

17 524 Q. And in relation to the production of the report, you
18 relied quite a significant volume of other material,
19 referred to by Mr. Greaney in the form of the Tonge
20 Report? 14:59

21 A. Yeah.

22 525 Q. McVicker, the Northern Ireland --

23 A. Yeah.

24 526 Q. And all of these are actually quoted directly, to a
25 large extent, in your report, is that correct? You 14:59
26 rely on the reports in your --

27 A. Well, for example, Tonge and Jones I've relied on the
28 published report, Tonge and Jones full report I've
29 never seen. That's just an example.

1 527 Q. I shall qualify that. So, the key conclusion following
2 that exercise was that there were legitimate issues
3 that required to be addressed by a public inquiry?
4 A. Yes, that's what I felt, they were legitimate issues.
5 528 Q. And the way that I read the report was that you 15:00
6 addressed a number of these specific issues really by
7 advancing like evidence or proof to support that it was
8 required?
9 A. Yes.
10 529 Q. Now, I don't propose to take you through all of the 15:00
11 examples, that will be the subject for another day, but
12 if we look briefly at a few. Mr. Greaney's already
13 referred to the column 4th August 1998 which forms the
14 beginning of your report?
15 A. Yes. 15:00
16 530 Q. As we've heard, that was anonymous call received by an
17 officer in RUC Station in Omagh in respect of an
18 unspecified attack in Omagh on 15th August?
19 A. Yes.
20 531 Q. Now, that was something that featured in the PONI 15:00
21 Report, is that correct?
22 A. Yes.
23 532 Q. And it was discounted by Special Branch at the time?
24 A. Yes.
25 533 Q. You didn't agree with that assessment? 15:00
26 A. The assessment by Special Branch?
27 534 Q. To not disclose it to the investigators before the
28 bomb. In relation to the management of that material;
29 did you agree with how it was managed, the information

1 about the call?

2 A. No.

3 535 Q. In respect of the conclusion, you also relied on
4 Brian McVicker's report, is that correct?

5 A. Well, made reference to it. 15:01

6 536 Q. So, does Mr. McVicker support the account that you
7 take, that the material should have been advanced
8 before?

9 A. He has the same view, yes.

10 537 Q. I suppose what I'm trying to get at, Mr. Bridger, is 15:01
11 that in pulling the strands of evidence together, in
12 using your professional assessment, you've also
13 bolstered it with the reports of other individuals
14 separate and distinct from yourself, is that correct?

15 A. No, I don't accept that. 15:01

16 538 Q. Perhaps I'm making things more complicated than
17 necessary. So, you formed a view in relation to the
18 4th August call?

19 A. Yes. Just on that. We formed a view on the 4th August
20 call in the Ombudsman's Office first. And we looked 15:02
21 at, I think it's the word is unspecified warnings, I
22 can't quite remember without looking at the documents.
23 So, we formed a view there. Then Brian McVicker did
24 his review, he formed a view. I understand, I get
25 that. But, there are other things that took place 15:02
26 which I don't know if we're able to get into those
27 issues today, which suggested to me that there was the
28 potential, the potential for a deliberate manipulation
29 of the 4th August phone call by some people who have

1 commented upon it in the past. So, I had that in mind.
2 539 Q. Yes, I think we're almost agreeing, Mr. Bridger. What
3 I'm saying is that you took a view about the call and
4 that in forming that view you also relied on the
5 conclusions of Mr. McVicker which supported that 15:03
6 account that you've taken. I'll quote in your report:
7
8 "In November 2000, the reviewing officer when examining
9 the 4th August information stated: 'It is difficult to
10 understand how a threat in relation to an unspecified 15:03
11 terrorist attack does not refer to Omagh when a
12 terrorist attack actually did take place in Omagh on
13 the date stated by the anonymous caller'."
14
15 A. Yes. 15:03
16 540 Q. So, what I'm saying, Mr. Bridger, is that you formed a
17 view, and you add a comment in your report in relation
18 to 4th August, and in support of that you've also
19 advanced Mr. McVicker's conclusions as well, as well as
20 other material which you've referred to? 15:03
21 A. Yes.
22 541 Q. You adopt a similar kind of style, from my reading of
23 your report throughout it, that if we take Mr. Fulton,
24 for example, again, we don't need to go into the detail
25 at this stage. Essentially, my questions are aimed at 15:04
26 exploring how you went about assessing, you know, what
27 he offered to the investigation. So, Mr. Fulton, as
28 we've heard, he claims he provided information to his
29 handler days before the bombing warning that terrorists

were moving something north over the next few days.
That's what we've heard this afternoon from yourself;
correct? That's in your report?

A. The difficulty I'm having with the questions is, you've just put something to me which is an incomplete picture, and that's the difficulty I'm having. If you want me to explore that issue with you further, I'm more than happy to do that.

15:04

542 Q. well, my point, Mr. Bridger, is that your report has
drawn, as you explain, it's drawn strands together,
like jigsaw pieces, to create the whole picture.
That's what I understood you to tell the Chair this
afternoon.

15:04

A. Yeah.

543 Q. And in creating that picture you've got a piece from
here and one from here to create the bigger picture?

15:05

A. Yeah.

544 Q. And what I'm trying to understand, and there's absolutely no criticism, I should say, that in forming the picture you've used other, other experts, other independent reports to support the picture that you've drawn?

15:05

A. I've included other people's views, yes.

545 Q. And that's what I'm trying to get at in terms of the credibility and objectivity of your report, it's supported by the fact that there are others who also feed into your line of thinking and your line of rationality?

15:05

A. There are others that commented on particular issues

1 and it was hoped that both Governments would consider
2 those issues and the comments that were made by those
3 other individuals.

4 546 Q. Exactly. I suppose it supports your position, you've
5 got others that are also agreeing with some of the 15:05
6 conclusions that you draw in your report and some of
7 the comments that you make, that there are others that
8 agree with you?

9 A. It's not the case that others agree, they had already
10 made their judgments about the information and the 15:06
11 intelligence. They'd already made them, I'm looking at
12 the same issue again and I may or may not agree with
13 them.

14 547 Q. Exactly. But what I'm saying is, some of the key
15 comments that you make are agreed by other independent 15:06
16 people as well. In effect, essentially, supporting the
17 position that you've taken with some of the comments
18 that you draw?

19 A. Yeah.

20 548 Q. In relation then to the telephone numbers you referred 15:06
21 that you still have concern about some of the telephone
22 numbers and the comments of Mr. Norman Baxter and the
23 Northern Ireland Select Affairs Committee?

24 A. Telephone numbers?

25 549 Q. In relation to the sharing of intelligence and 15:06
26 information --

27 A. Yes.

28 550 Q. -- without going into too many details, you commented
29 and included in your report reference to the Northern

1 Ireland Select Affairs Committee?

2 A. Yes.

3 551 Q. And Mr. Baxter's evidence to the Select Affairs
4 Committee, in which he said that if numbers had been
5 available he would have wanted them as an investigating 15:07
6 officer?

7 A. Yes, yes.

8 552 Q. You agree with that position?

9 A. Yes. As an investigator, absolutely I'd want that.

10 553 Q. And that's, essentially, where I'm trying to go, 15:07
11 Mr. Bridger. You don't solely rely on your opinion,
12 you feed into others as well with their necessary
13 experience?

14 A. Yes, I might agree with some people and I might
15 disagree on other bits. 15:07

16 554 Q. Exactly. It is what you present to be an objective and
17 independent view about the position of the Omagh bomb
18 investigation. So, that's a snapshot of the report and
19 we obviously get into greater detail on that in due
20 course. But the families that I represent, they just 15:07
21 wanted that kind of reassurance that, you know, the
22 material that you pulled was separate and distinct and
23 it was added to by your own professional experience, is
24 that correct?

25 A. Yes. 15:08

26 555 Q. And really that in, effectively, drawing those
27 different strands together you've identified the issues
28 which a public inquiry at the time was hoped would
29 address?

1 A. Yes.

2 556 Q. Obviously, the report supports an inquiry and here we
3 now sit. One could say that the report is redundant,
4 having secured its original intention. Now, given your
5 background do you think the report can still assist 15:08
6 beyond its original intention? I suppose by that I
7 mean do you still think that the report that you've
8 created has some application to the issues covered by
9 the Inquiry's Terms of Reference?

10 A. Yes, I do. 15:08

11 MS. BLACK: I've nothing further, Chair.

12 MR. GREANEY: Thank you very much. So, Sir, Mr. Henry
13 has permission to ask questions on behalf of PSNI.

14 MR. HENRY: My Lord, I've listened carefully to the
15 questions which have already been asked and I realise 15:09
16 we're dealing with the matters at high level today and
17 the witness is coming back to give evidence on a
18 different day and, in those circumstances, bearing in
19 mind that the topics I wanted to cover have already
20 been covered, I have no further questions. 15:09

21 CHAIRMAN: All right. Thank you Mr. Henry.

22 MR. GREANEY: Sir, I'm going to call on HMG, not
23 because they have questions but to explain why they do
24 not, they have a form of words which is going to be
25 read, as I understand it. 15:09

26 CHAIRMAN: Ms. Fee.

27 MS. FEE: Thank you, Mr. Chairman.

28

29

1 SUBMISSION BY MS. FEE:

2
3 MS. FEE: Mr. Chairman, HMG fully supports the
4 Inquiry's pursuit of a full and fearless investigation
5 into the Omagh bombing and appreciates that in the
6 circumstances it is right for the Inquiry to hear from
7 Mr. Bridger during Chapter 3.

15:09

8
9 As is the case in relation to the evidence provided by
10 a number of individuals giving evidence during
11 Chapter 3, Core Participants should note that HMG is
12 bound by national security and legislative constraints
13 that preclude HMG's ability to comment, in open, on any
14 of the specific factual points that may be raised by
15 Mr. Bridger.

15:09

15:10

16
17 HMG is aware of the redactions applied to the statement
18 but has not itself seen the unredacted version of the
19 statement. The statement already had redactions
20 applied prior to HMG receiving it. Given the
21 aforementioned constraints, HMG will not be able to
22 pose any questions to Mr. Bridger during the hearing of
23 his evidence in this Chapter 3 of the Inquiry.

15:10

24
25 HMG will, however, pay close attention to Mr. Bridger's
26 evidence and the questions posed by the Inquiry and
27 legal representatives of other Core Participants.
28 Should any matter arise that requires a detailed
29 response, HMG stands ready to engage fully with the

15:10

1 Inquiry Legal Team and to provide such a response in
2 the appropriate closed hearing, and thereby ensuring
3 that you, Mr. Chairman, are fully apprised of all
4 material of relevance.

5
6 The Core Participants should note that the absence of
7 questioning or comment in the open session must not be
8 construed as an acceptance, endorsement or Accusens by
9 HMG of the content of Mr. Bridger's evidence. Thank
10 you very much, Mr. Chairman

11 CHAIRMAN: Thank you.

12 MR. GREANEY: Sir, I have no further questions for
13 Mr. Bridger. Do you have any questions for him?

14 CHAIRMAN: No, thank you.

15 MR. GREANEY: Sir, we do need to deal with a procedural
16 issue now. So, perhaps, we could allow Mr. Bridger to
17 leave with our thanks and we will see him again later
18 in the work of the Inquiry.

19 CHAIRMAN: Yes, thank you very much for attending
20 today, Mr. Bridger.

21 THE WITNESS: Thank you, Sir.

22
23 SUBMISSION BY MR. GREANEY:

24
25 MR. GREANEY: Sir, the position is that the journalist
26 John Ware will be giving evidence as the first witness
27 on Monday morning, and there is an obvious potential,
28 at least, impact upon his evidence as a result of your
29 ruling upon the Section 56 issue.

1 The decision that has been made is that all questioning
2 of Mr. Ware should be conducted by Counsel to the
3 Inquiry, which all Core Participants have accepted with
4 good grace.

5
6 Mr. Mansfield has made a suggestion which is that at
7 the end of the questioning by Counsel to the Inquiry
8 there should be a period of perhaps 15 minutes or so,
9 during which there can be discussion between Counsel to
10 the Inquiry and Counsel for the Core Participants as to 15:12
11 whether there are any issues which have not by that
12 stage been addressed by can properly be explored with
13 the witness. And so we agree that that is a sensible
14 proposal which we would invite you to follow.

15 CHAIRMAN: Yes, that is plainly sensible. 15:13

16 MR. GREANEY: But, Sir, I know that there is a second
17 issue that Mr. Mansfield wishes to raise and may I just
18 leave it to him, please, to explain what that issue is.

19 CHAIRMAN: Mr. Mansfield.

20 MR. MANSFIELD: Thank you very much. 15:13

21
22 SUBMISSION BY MR. MANSFIELD:
23

24 MR. MANSFIELD: It's obvious that the witness on
25 Monday, Mr. Ware, is central to the Inquiry and the 15:13
26 Terms of Reference because, unlike the witnesses to
27 date, he is going to be touching upon the topic of
28 preventability, again the central issue, that is
29 concerning this Inquiry. And we're grateful for the

1 indication that an interval of time will be required.
2 This has arisen, perhaps it needs to be spelt out, that
3 this is not a complaint but in the light of your
4 ruling, Mr. Ware's statement was reissued, such that
5 passages that had been redacted prior to that were 15:14
6 unredacted so that it was possible to see the material
7 that relates to, again, the issue of preventability and
8 also, obviously, the mechanisms, if I can put it that
9 way, conducted by GCHQ.

10
11 I'm not going to read it out but may I give you a
12 reference, just an example of the extent of the
13 material that was made available as a result of your
14 ruling and these are particular questions that I'd ask
15 you to look at, but I won't read them out at the 15:14
16 moment. The paragraph numbers in Mr. Ware's most
17 recent statement start at 56 and all of the following
18 page, right the way through to paragraph 62. There is
19 a wealth of material there and it seems to me that the
20 difficulty is we don't know - and it's not a complain - 15:15
21 we don't know what questions are going to be asked. Of
22 course an interval of time, I think 15 minutes might be
23 optimistic, but an interval of time, and this was the
24 procedure used at Grenfell, although not in the same
25 regulated matter as it is here. Fifteen minutes often 15:15
26 wasn't long enough. But we haven't known until the
27 most recent statement, obviously, what questions are
28 capable of being asked. And those passages I've just
29 referred to, is it being said that questions relating

1 to the unredacted material as a result of your ruling
2 and the framework that you set out very clearly in your
3 ruling relating to GCHQ, a framework which is dictated
4 by the Gibson Report? We would submit here there are
5 going to be difficulties here because, if I may just 15:16
6 look at the note we have been provided with this
7 afternoon, you will see, I don't know if you have the
8 note in front of you?

9 CHAIRMAN: I've got it, Mr. Mansfield.

10 MR. MANSFIELD: Thank you very much. You will see a 15:16
11 section, I'll say this for anybody else who has got the
12 note, there are practical examples of how your ruling
13 plays out. May I say at once, it obviously doesn't
14 relate to any matters which don't arise in Mr. Ware's
15 statement from interception, and there are other 15:16
16 topics, not many but there are some. So, I'm not
17 dealing with those, I'm only dealing with the topics
18 which do arise that relate to Section 56.

19
20 Now, the practical examples section of this note kindly 15:17
21 provided today indicates the consequences of playing
22 out what would be permissible and would not be
23 permissible.

24
25 Now, could I take number D: 15:17
26

27 "However, it would be permissible to suggest, assert or
28 imply, matters relating to the process by which
29 telephone calls were intercepted or the intelligence

1 derived from the interception was managed generally."

2
3 well, sir, you see straight away, that there's a
4 missing part to that, as there is to all the other
5 statements of example. So, I'm going to be careful, 15:17
6 obviously, of how I put this, but, there's a precursor
7 to paragraph D: would it be permissible and then it
8 would relate to, matters of how the process was used on
9 the 15th. Because your parameters suggest that
10 interception did take place on the 15th. I can cite 15:18
11 the questions, can I say straight away, we have
12 provided, I hope it's not too comprehensive but a very
13 comprehensive list of issues and questions for this
14 witness, as I'm sure others of my learned Friends have
15 done as well. But we don't know to what extent any of 15:18
16 that is necessarily going to be asked, which is why we
17 ask for the interval of time to discuss questions that
18 may have been overlooked, or haven't been overlooked
19 but have decided not to ask them. Some of my
20 questions, I don't say, my learned Friends haven't got 15:18
21 the same, some of my questions do relate to the matter
22 I've just indicated. The big question - and this is
23 the question we've been saying from the beginning -
24 that this Inquiry should be able to conduct in public
25 so that the families and the public know exactly what 15:19
26 was going on, either first of all in principle, what
27 should have been going on, on the 15th and what
28 actually did.
29

1 May I ask that it can't just be dependent on an
2 avowals, as you put it in your ruling. Can I give an
3 example? There are a number, but in the open part of
4 Gibson, which is said to be the parameter of this, in
5 the open part, very clear assertions are made by the 15:19
6 Gibson Report about what didn't happen on the 15th.

7
8 Now, if it's acceptable to talk about what didn't
9 happen in public, I would submit it must be permissible
10 to discuss what did happen on the 15th, at least, 15:20
11 according to the Ware statement which is available and
12 this part is unredacted. So, on the unredacted part of
13 Mr. Ware's statement I would be entitled to ask the
14 questions in which he reveals the first part of
15 paragraph D that isn't actually included there. This 15:20
16 isn't a complaint, this is everybody is working under
17 pressure, and it may well be that paragraph D can be
18 extended quite a bit. But we won't know until the
19 questions are asked on Monday whether they can be. But
20 you can see straight away there's room for a great deal 15:20
21 of manoeuvre, there's no red line in the sand, the
22 examples are helpful but they're not conclusive by any
23 means.

24
25 So, I would ask that, first of all, there be 15:20
26 flexibility on Monday in terms of the amount of time
27 that is required to either mention questions that could
28 be asked that haven't been.

29 CHAIRMAN: well, there's no difficulty about that,

1 Mr. Mansfield.

2 MR. MANSFIELD: No, there isn't. I'm just flagging up,
3 if I may, the risk that it might be a slightly longer
4 interval because I've only selected one out of it but
5 there are a lot of other assertions by the Gibson 15:21
6 Report in open which are highly contested by the
7 statement unredacted by Mr. Ware, I hope I am making
8 myself clear. And in the unredacted bit we say we must
9 be able to ask or rather Mr. Greaney who no doubt will
10 be conducting it on Monday, can ask questions in that 15:21
11 realm. But I flag it up now because rather than waste
12 time on Monday having to go through these points and I
13 am certainly available to stay on tonight if
14 Mr. Greaney wants to discuss it further, but I hope I
15 have made my points clear to you. 15:21

16 CHAIRMAN: You have certainly given me a lot of
17 information, I think I need to reflect on it.

18 MR. MANSFIELD: Unless I can help, that's the points
19 that I make.

20 CHAIRMAN: Thank you. 15:22

21 MR. GREANEY: Sir, we would rather reserve our position
22 as well. And it may be that we can't reach a final
23 assessment in what is essentially a vacuum at the
24 moment and that what we ought to do is make an
25 assessment once I have asked my questions of Mr. Ware 15:22
26 on Monday and in light of anything that anyone wishes
27 to say to me.

28 CHAIRMAN: Yes, I think a step-by-step process is the
29 best way forward.

1 MR. MANSFIELD: I am sorry, there is a final step I
2 should have added it, I have heard what Mr. Greaney has
3 said. The final step is an invitation you make in the
4 ruling that whatever else, the families'
5 representatives should be in a position to indicate 15:22
6 publicly what their issues and questions are that
7 haven't been, as it were, answered. Now there are
8 going to be different criteria applied to questions
9 that have not been asked in relation to non-56 material
10 and questions that have been asked in relation to 56 15:23
11 material. One could be oral in open and the other
12 writing in closed, as it were, I put in short form.
13 And this was an approach adopted by the Salisbury
14 Inquiry into Novichok where I was allowed to put the
15 questions and they were questions dealing with 15:23
16 sensitive material in public but they weren't answered
17 at that point. And I don't know whether you would want
18 to do it with the witness or you would want to do it
19 separately later but I am afraid that's another little
20 bit of food for thought. Sorry to present them now but 15:23
21 we have not been in a position until today to develop
22 it.

23 CHAIRMAN: well, I think I am clear, Mr. Mansfield,
24 that in paragraph 55 of my ruling I drew attention to
25 the fact that it's the questions which are prohibited 15:24
26 under the Investigatory Powers Act.

27 MR. MANSFIELD: Yes.

28 CHAIRMAN: And that the prohibition cannot be avoided
29 by saying that the questions could be answered in

1 closed. So, what I recognise could happen is that the
2 content of the open Gibson Report, that could be
3 explored in evidence, and that the content of the
4 Panorama programme and the preceding article, could
5 also be explored insofar as they were consistent with 15:24
6 the Gibson Report, and that anything which was to be
7 considered for exploration in closed hearings would
8 require to be the subject of written suggestions or
9 questions passed from the CP representatives to the
10 Inquiry Legal Team and that's what I have explained in 15:25
11 paragraph 67. So, I can't see, as much as I'd like to
12 help you on this, I can't see any room for asking
13 questions about issues which would be prohibited by
14 Section 56 on the basis that those questions could then
15 be answered in closed. 15:25

16 MR. MANSFIELD: I think, if I may just add one
17 observation. I think you are also saying that they
18 would be in writing, in other words they wouldn't be
19 broadcast publicly. I understand that procedure for
20 Section 56. 15:25

21 CHAIRMAN: Yes.

22 MR. MANSFIELD: But there is a whole swathe of material
23 that's not Section 56 that may not be asked, where the
24 question could be put into public domain.

25 CHAIRMAN: Questions which don't fall within the ambit 15:25
26 of Section 56 aren't prohibited by the statute.

27 MR. MANSFIELD: No, but it may be that Mr. Greaney
28 won't be ask -- I'll take an obvious one which he has
29 given which I think I gave to him, I'm not sure, car

1 tracking for example. It's not to do with the
2 Interceptions Act and I might have questions for that
3 but he might not want to ask them or he might say they
4 can't be asked. In relation to closed material
5 generally, not Section 56.

15:26

6 CHAIRMAN: I think the best way forward will be for you
7 to wait and hear what Mr. Greaney asks.

8 MR. MANSFIELD: Yes.

9 CHAIRMAN: And then to have the time to reflect on all
10 of that and to canvass with him anything else that you
11 would wish him to ask, and anything which you would
12 wish him to ask which he is not prepared to ask you
13 could then consider how that's to be raised with me.

15:26

14 MR. MANSFIELD: Yes, certainly.

15 CHAIRMAN: It may be that it has to be raised in
16 writing or maybe it can be raised orally, we will
17 address that when we get to it, is that acceptable?

15:27

18 MR. MANSFIELD: Yes, thank you.

19 MR. GREANEY: Thank you very much, Sir. That is as far
20 as we can take the proceedings today, so could we
21 invite you, Sir, and everyone else, to return on Monday
22 morning for a start at 10:00 a.m. please.

15:27

23
24 THE INQUIRY ADJOURNED UNTIL MONDAY, 12TH OCTOBER 2026
25 AT 10:00 A.M.

15:28

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