

1 THE INQUIRY RESUMED ON WEDNESDAY, 7TH OCTOBER 2026 AS
2 FOLLOWS:

3
4 CHAIRMAN: Good morning, Mr. Greaney.

5 MR. GREANEY: Good morning, Sir. We're going to
6 continue with the playing of the evidence of Detective
7 Superintendent Casserly to the extent that it bears
8 upon Part 7. We're hopeful that we can do all of that
9 within one session but we will keep that under review.

10 CHAIRMAN: Yes.

11
12 [Video played].

13
14 DETECTIVE SUPERINTENDENT EMMET CASSERLY CONTINUED TO BE
15 QUESTIONED (ON 1ST & 2ND SEPTEMBER 2026) BY MR. GREANEY
16 AS FOLLOWS:

17
18 1 Q. MR. GREANEY: And, in particular, were the two most
19 relevant numbers the ones that we have identified
20 already, 585 and 980?

21 A. Yes, that's correct.

22 2 Q. And I use the term there "call data records," I've used
23 it a number of times, that, essentially, would amount
24 to the billing records for a particular number?

25 A. That's right.

26 3 Q. But also incorporating the cell site data for each call
27 or each text?

28 A. Yes, that's correct.

29 4 Q. And in terms of subscriber details, they would be the

1 details of any person to whom a particular number is
2 subscribed?

3 A. That's correct.

4 5 Q. So, sometimes when someone acquires a number or a
5 number to a telephone they would do so in their own 10:00
6 name?

7 A. That's right.

8 6 Q. The phone number would then be registered to them?

9 A. Correct.

10 7 Q. And the common description of that person would be that 10:00
11 they were the subscriber to that number?

12 A. That's right.

13 8 Q. So, both the call data records were being sought and
14 also details of any person that subscribed to that
15 number, in other words to whom that number was 10:00
16 registered?

17 A. Yes, that's correct.

18 9 Q. Now, the two numbers, 585 and 980, as we've said a
19 number of times, were attributed respectively to
20 Colm Murphy, 585, and Terence Morgan, 980? 10:01

21 A. Yes.

22 10 Q. And I'd just like to understand a little more from you
23 please, Detective Superintendent, about how those
24 numbers were attributed to those individuals?

25 A. Okay. So, in terms of the 980 number, that phone 10:01
26 number was registered in the name of Michael McDermott
27 with an address at Hackballscross, County Louth. So, a
28 daughter of Michael McDermott is married to
29 Patrick Terence Mongan (sic) of Mullaghbawn county

1 Armagh and he, Patrick Terence Mongan (sic) was
2 employed at that time as a builder and worked for
3 Colm Murphy.

4 11 Q. If we pause for a moment to draw out some additional
5 features, it was established that 980 was registered to 10:02
6 or subscribed to a man called Michael McDermott?

7 A. That's correct.

8 12 Q. Michael McDermott had a daughter who was married to
9 Patrick Terence Morgan?

10 A. That that's right. 10:02

11 13 Q. Who I've been referring to as Terence Morgan, and it
12 was established that Terence Morgan was employed as a
13 builder and worked for Colm Murphy?

14 A. That's correct.

15 14 Q. A person we've mentioned a number of times. Was it 10:02
16 established that 980 was activated, so was able to be
17 used from 18th October 1996?

18 A. That's correct.

19 15 Q. And was documentation obtained that related to that
20 phone and its activation? 10:02

21 A. Yes, it was, yeah. And there's a phone number, 580723
22 three in which the application was made.

23 16 Q. And we can, look first of all, at Slide 66 please?

24 A. Yes.

25 17 Q. And if we could enlarge the first, the top half of 10:03
26 that, please, Mr. Suter, that's probably fine for our
27 purposes. Perfect, thank you. We can see that the
28 customer's name is given as Michael McDermott?

29 A. That's correct.

1 18 Q. So, we know the father-in-law of Terence Morgan. His
2 name and address and some other details personal to him
3 were given. We can see that that was signed by him on
4 18th October 1996. And do you see there is a box to
5 endorse the name of principal user of the number? 10:03
6 A. Yes, I do, yeah.
7 19 Q. And what name is given as principal user of 980?
8 A. Mr. Terence Morgan.
9 20 Q. And we will look at it, although it may not be as
10 significant as Slide 66 but if we could look at Slide 10:04
11 68; we have a further document deriving from Vodafone,
12 is that correct?
13 A. That is correct, yes.
14 21 Q. And providing further information important to them
15 about that particular number and handset including the 10:04
16 customer name being Michael McDermott?
17 A. That's right, yes.
18 22 Q. And other technical information that no doubt Mr. de la
19 Poer will adduce in other parts of our process, for
20 example, the SIM number? 10:04
21 A. Yes.
22 23 Q. Which I won't ask you to describe. We'll learn much
23 more about it in due course.
24 A. Okay.
25 24 Q. So, the starting point was that the registration 10:04
26 details indicated that the principal user of 980 was
27 going to be Terence Morgan?
28 A. Yes.
29 25 Q. Was Michael McDermott spoken to by the AGS?

1 A. Yes, he was. He was, yeah. On 21st February 1999,
2 when he was in custody at Carrickmacross Garda Station
3 he outlined the purchase of the mobile phone and the
4 fact that who the user was.

5 26 Q. And did the -- was the brother-in-law of Terence Morgan 10:05
6 a man called Peter McDermott?

7 A. He was, yes.

8 27 Q. And was he also spoken to by the police?
9 A. He was, yes.

10 28 Q. When I say police, I mean the AGS? 10:05
11 A. Yes.

12 29 Q. And did he make a statement?
13 A. He did. Yes, he did, in which he outlined that the
14 user of that phone, or that he attributed that phone to
15 Terence Morgan, Patrick Terence Morgan, his brother. 10:05
16 Sorry, I earlier said Michael McDermott did that; it
17 was actually Peter McDermott that did it.

18 30 Q. Yes. So, I think there are two people that feature.
19 First of all, Michael McDermott, the father-in-law. He
20 outlined the circumstances of the purchase -- 10:06
21 A. That's right.

22 31 Q. -- of the 980 number, whilst he was in the company of
23 police officers at Carrickmacross Garda Station on 21st
24 of February?
25 A. That's right. 10:06

26 32 Q. Peter McDermott, presumably son of Michael and
27 brother-in-law of Terence Morgan, also made a statement
28 on the same date?
29 A. That's right.

1 33 Q. And in the same location. And Peter McDermott, the
2 brother-in-law, in his statement, attributed the 980
3 number as being owned and used by Terence Morgan?
4 A. He did.
5 34 Q. So, a series of date points indicating that 980 was to
6 be attributed to Terence Morgan?
7 A. Yes, that's correct.
8 35 Q. In terms of 585, as I've said, that has been attributed
9 to Colm Murphy. And did the AGS obtain information
10 which supported that attribution?
11 A. They did, yes.
12 36 Q. What was the first piece of information that supported
13 that attribution?
14 A. Well, the first piece was that Colm Murphy, while
15 detained in Monaghan and Carrickmacross Garda Stations,
16 he freely admitted being the owner of that phone.
17 37 Q. So, he was asked about it and confirmed that --
18 A. Yes.
19 38 Q. -- he was the user of the phone with the number 585?
20 A. Yeah, that's right.
21 39 Q. Did the AGS also apply for and obtain documentation
22 relating to the registration and activation of the 585
23 number?
24 A. Yes, they did, yes.
25 40 Q. And did that establish that the number had been issued
26 to Colm Murphy on 20th October of 1995?
27 A. That's right.
28 41 Q. And can we have on the screen, please, slide 70, where
29 we'll see the documentation. Thank you very much

1 indeed. So, this is an application to Eircell for
2 service. And the name of the person seeking service is
3 given as Colm Murphy?

4 A. That's right.

5 42 Q. That address in Ravensdale, Dundalk is given?

6 A. Yes.

7 43 Q. And in the top right-hand corner we can see that the
8 number to which this relates - thank you Mr. Suter - is
9 the number ending 585?

10 A. That's correct.

11 44 Q. And then if we go to page 72 please. Thank you,
12 Mr. Suter. Can we again see this is an application
13 form relating to that 585 number and the application
14 again in the name of Colm Murphy?

15 A. Yeah.

16 45 Q. And personal information provided in relation to him,
17 including that address we've seen a number of times in
18 Ravensdale, Dundalk?

19 A. That's correct.

20 46 Q. On 21st February 1999, was a search of Colm Murphy's
21 home address in Ravensdale, Dundalk, undertaken?

22 A. It was.

23 47 Q. And was something relevant to attribution found during
24 that search?

25 A. Yes, an Eircell account statement for that phone number
26 was located.

27 48 Q. And if we look at Slide 74, we see that there is,
28 essentially, a bill sent to Colm Murphy at his home in
29 Ravensdale?

1 A. That's right.

2 49 Q. And we can see that it deals with the period from 22nd,
3 or calls over the period from 22nd July 1998 to 21st
4 August 1998.

5 A. That's right.

6 50 Q. And that would be a period covering the Omagh bombing
7 on 15th August 1998?

8 A. Yes.

9 51 Q. And we dealt with this at an earlier stage in your
10 evidence --

11 A. Yes.

12 52 Q. -- but the cell site analysis that was undertaken both
13 by the AGS and by the RUC indicated that that those two
14 phones, 585 and 980, on 15th August 1998 made a journey
15 commencing in the Republic of Ireland, crossing into
16 Northern Ireland and into the town of Omagh before the
17 Omagh bombing?

18 A. That's correct, yes.

19 53 Q. Before both phones then travelling back south across
20 the Border and into the Republic of Ireland in the
21 period after the bomb car had been left in Omagh?

22 A. That's correct.

23 [Video paused].

24 MR. GREANEY: Sir, we've paused just for a moment so I
25 can remained everyone of something I mentioned earlier 10:12
26 in the context of the evidence of the AGS. And that is
27 that as we've just heard, the AGS attributed the 980
28 phone to Terence Morgan and the 585 phone to
29 Colm Murphy, and in general terms those attributions

1 are, we assess, sound for the reasons given by
2 Detective Superintendent Casserly because there were
3 direct subscriber links, as we've just heard. However,
4 as we've explained on a number of occasions, including
5 during your opening statement, we currently assess that 10:12
6 on 15th August 1998, during the journey or the journeys
7 that the officer has just described, the 980 phone was
8 in the bomb car with Seamus McKenna and the 585 phone
9 was in the scout car with Seamus Daly. Thank you. We
10 can resume the recording. 10:13

11 [Video resumed].

12 54 Q. MR. GREANEY: Now, within the report, just to finish
13 off this topic --

14 A. Okay.

15 55 Q. -- although this is something that will most certainly
16 be picked up on in the broader evidence in the Inquiry,
17 just above the heading "Topic 12" there is a passage
18 that starts "It should be noted..?"

19 A. Yes.

20 56 Q. And you have that. And would you please read that into
21 evidence?

22 A. Of course.

23
24 "It should be noted at this juncture of this report
25 that the Garda Investigation Team were satisfied that
26 notwithstanding the information available indicated
27 that both these phones were used in relation to the
28 transportation of the bomb in the stolen Vauxhall
29 Cavalier to Omagh, that neither Colm Murphy or Terence

1 Morgan had possession of the respective phones for the
2 pertinent times for the calls made as referenced in the
3 maps and charts below on 15th August 1998. For the
4 sake of distinguishing between the two phones, however,
5 the reports will still reference 087-5585 (Colm Murphy)
6 and 087-3980 (Terence Morgan)."

7
8 57 Q. So, I'm not going to go outside the terms of what was
9 said, but earlier in your evidence we looked at the
10 cell site maps that showed the movements of those two
11 phones and a number of calls, including calls between
12 585 and 980?

13 A. That's correct.

14 58 Q. But what was being said in the report was that whilst
15 the AGS was satisfied that 585 was attributed to Colm
16 Murphy and 980 attributed to Terence Morgan, the
17 broader evidence indicated that the phones were not in
18 their hands at the time at which the calls were made?

19 A. That's correct.

20 59 Q. So, Topic 12, Detective Superintendent: Links
21 established with previous incidents. And by "previous
22 incidents," what the Inquiry is investigating are
23 attacks and attempted attacks carried out by dissident
24 republican terrorists in the period before 15th August
25 1998?

26 A. Yes.

27 60 Q. And in seeking to understand whether there were such
28 things, is a useful starting point the forensic
29 scientist, Dennis McAuley, who you have mentioned

1 already?

2 A. Yes, it is.

3 61 Q. In 1998, was he working with the Forensic Science
4 Service in Northern Ireland?

5 A. Yes.

6 62 Q. Between 6th and 20th August, in that capacity was he
7 involved in conducting an examination of the scene of
8 the attack in Omagh?

9 A. Yes, I think between 16th and 20th August he was
10 conducting an examination of the scene of the bomb.

11 63 Q. And during the course of his examination, did he
12 identify a large amount of material that he considered
13 might be of evidential value?

14 A. Yes, he did.

15 64 Q. And was that removed from the scene in order that it
16 could be separately examined subsequently?

17 A. Yes. Yes, it was.

18 65 Q. During the course of his work, did Mr. McAuley identify
19 a number of items of relevance to the investigation?

20 A. Yes, he did.

21 66 Q. And among these items, were there items that had been
22 recovered from the vicinity of the front of the
23 Cavalier?

24 A. Yes.

25 67 Q. What were those items consistent with?

26 A. They were consistent with having originated from an
27 improvised timer power unit of a type which had been
28 used across other incidents in Northern Ireland.

29 68 Q. So, the improvised timer power unit, or parts of it

1 discovered at Omagh were consistent with those that had
2 been used in earlier incidents?

3 A. Yes.

4 69 Q. And that particular device that you've just made
5 reference to, does that have a particular description?

6 A. Yes, so it's a Mark 19 TPU - Mk 19 TPU it's known as.

7 70 Q. Had such a timer power unit been discovered during an
8 AGS operation?

9 A. Yes. So, An Garda Síochána recovered a large explosive
10 bomb in Dún Laoghaire Harbour earlier on that year and
11 a drawing of the timer power unit in that was, a hand
12 drawing was made by Detective Garda John Higgins of the
13 Ballistics Section in Garda Headquarters. And it was
14 two handwritten drawings from that find.

15 71 Q. So, there was a major find on 2nd April 1998?

16 A. 2nd April '98, yes.

17 72 Q. And that was at Dún Laoghaire Harbour?

18 A. That's correct.

19 73 Q. And later we will look at some photographs of the
20 vehicle concerned --

21 A. Yes.

22 74 Q. -- and what was found within it. But Detective Garda
23 Higgins prepared two detailed handwritten drawings of
24 the timer power unit, the TPU, discovered at Dún
25 Laoghaire Harbour?

26 A. Yes.

27 75 Q. And we're not going to show those drawings on the
28 screen, because they may provide information of
29 assistance to those who would wish the public harm, but

1 was the overall view of the investigation that the
2 component make-up of the TPU used in the Omagh bomb
3 would have been consistent in design with the TPU that
4 was discovered at Dún Laoghaire?

5 A. Yes, that was the view of the Investigation Team, yeah.

6 76 Q. Now, the items recovered from the damaged remains of
7 the front end of the Cavalier, you'll be able to
8 confirm, included the following: Item 1698-DMCA-1. So
9 that would be what might be termed an exhibit reference
10 for a particular item --

11 A. That's correct.

12 77 Q. -- so that it could be understood and separated from
13 other items?

14 A. Yes.

15 78 Q. And that was a - we'll hear more detail about it in
16 other parts of the Inquiry - that was a toggle switch?

17 A. That's right.

18 79 Q. Item 185-DMCA-19, also recovered?

19 A. That's right.

20 80 Q. Which was a partly blackened, distorted and spilt blue
21 plastic lunchbox lid?

22 A. That's right.

23 81 Q. Item 197-JCP-1, a damaged snap-on black plastic battery
24 connector? And you're nodding your head?

25 A. Yes. Yes.

26 82 Q. And, furthermore, was it the position that following a
27 search of the debris that had been taken away on
28 Mr. McAuley's instructions, the following items were
29 located: Item 174-DMCA-7, the remains of a timer

1 assembly?

2 A. That's right, yes.

3 83 Q. Item 255-DMCA-88, part of the timer power unit to which

4 you've already referred?

5 A. Yes.

6 84 Q. And the vehicle number plate that we've referred to

7 already, Item 287-PB-9?

8 A. That's right.

9 85 Q. And were, separately, a number of items of metal

10 fragments discovered?

11 A. They were, yes.

12 86 Q. Namely items 171-DMCA-3; 172-DMCA-4; 264-PRH-1;

13 272-BM-1; 262-EFK-1; and 381-WH-1?

14 A. That's correct.

15 87 Q. 318-WHI. Thank you very much, Mr. Suter.

16 A. Sorry, yes.

17 88 Q. And each of those items, you've said, were metal

18 fragments?

19 A. Yes.

20 89 Q. Were they judged to be consistent with having

21 originated from at least one booster charge?

22 A. They were.

23 90 Q. And in that regard, did Mr. McAuley express the view

24 that such charges were used in explosive devices by

25 terrorists in Northern Ireland?

26 A. He did, yes.

27 91 Q. In an important passage in one of his reports, did

28 Mr. McAuley say this:

29

1 "The timer assembly remains found in the skip of debris
2 consisted of a quantity of white/opaque thermoplastic
3 glue embedded into which were a two hour COUPATAN brand
4 electromechanical timer, part of a toggle switch
5 similar to that in item 169-DMcA-1, a red
6 light-emitting diode (or LED), an electrical resistor,
7 a knotted 22cm length of brown wiring, a 7cm length of
8 black wiring and two lengths of red wiring, one 14cm
9 and the other 7cm. The plastic knob of the timer was
10 missing, though the collar and grub screw from the know
11 were present. Then lengths of red wiring were soldered
12 to two of the timer contacts. The LED and the resistor
13 were linked in series and were soldered to the lengths
14 of black and brown wiring and to the 14cm length of red
15 wiring."

16
17 A. That's correct.

18 92 Q. So, the starting point in identifying links between
19 Omagh and earlier attacks and attempted attacks were to
20 be found in the findings of Dennis McAuley, the
21 forensic scientist?

22 A. That's correct. That's correct.

23 93 Q. Topic 13: The components of the bomb. And, first of
24 all, the Coupatan timer to which we just made
25 reference, such a branded timer having been found
26 amongst the rubble at the scene of the bombing. Was an
27 analysis and investigation undertaken to establish
28 where that timer had come from?

29 A. Yes, it was.

1 94 Q. And what did that investigation reveal?
2 A. It established that the Coupatan timers were part of a
3 batch of timers, 480 timers that had been purchased by
4 a company in the UK from a company in France located in
5 Grand Couronne in France where those items are
6 manufactured.
7 95 Q. So, a batch of 480 such Coupatan timers had been
8 purchased?
9 A. That's right.
10 96 Q. And they had been purchased from legitimate companies?
11 A. That's right.
12 97 Q. Was it established who or what had placed the order for
13 that batch of timers?
14 A. Yes. So, it was established that on 9th January 1997,
15 a firm called Electro-Techniks, with an address the
16 Coes Road, Dundalk, County Louth, placed an order for those
17 devices with a legitimate company called Thermaco Ltd.,
18 Sandy's Road, Malvern, Worcestershire, United Kingdom
19 for those 480 Coupatan 120-minute timers, and the cost
20 was in French francs.
21 98 Q. So, the manufacturing company was based in France?
22 A. That's right.
23 99 Q. The acquisition was made via a company in
24 Worcestershire?
25 A. That's right.
26 100 Q. And the purchase was made, as you've just told us, in
27 francs?
28 A. That's correct.
29 101 Q. And was it 18,081.60 French francs?

10:25

1 A. That's correct.
2 102 Q. With a delivery charge on top?
3 A. Yeah, 252 French francs delivery charge.
4 103 Q. And we can see some documentation relating to this
5 transaction. So, first of all, slide 122, please. So,
6 this is the document originating from the
7 Worcestershire company, is that correct?
8 A. Yes.
9 104 Q. Showing the placing of the order for those 480 timing
10 devices?
11 A. That's right.
12 105 Q. And the price given there in francs for the items and
13 for the delivery charge that you've told us about
14 already?
15 A. Yeah.
16 106 Q. And the date of that order being given as 9th
17 January --
18 A. That's right.
19 107 Q. -- 1997?
20 A. That's right.
21 108 Q. Now, was it the position that this was the first time
22 that the business that gave the name Electro-Techniks
23 had placed an order with Thermaco?
24 A. It was.
25 109 Q. And as a result, was full payment requested upfront?
26 A. Yes, it was, yes.
27 110 Q. And, again, we can see documentation relevant to this,
28 first of all at slide 124, please. And then at 126.
29 And, as we can see, the address given for the business

1 calling itself Electro-Techniks was an address on Coes
2 Road in Dundalk?

3 A. That's right.

4 111 Q. Was payment made for the timer units?

5 A. It was.

6 112 Q. And how and where was it made?

7 A. So, on 14th January 1997 the payment was made at the
8 Allied Irish Banks in Clanbrassil Street, 96
9 Clanbrassil Street, Dundalk. And the payment in
10 foreign -- in French francs was made then via Thermaco
11 by a person named Briega Morgan of Newry Road, Dundalk.

12 113 Q. So, a person made the payments --

13 A. That's right.

14 114 Q. -- in French francs, so by a foreign transfer --

15 A. That's right.

16 115 Q. -- to Thermaco?

17 A. Yes.

18 116 Q. That person gave a name and an address?

19 A. That's right.

20 117 Q. The name that was given was Briega Morgan?

21 A. That's right, yeah.

22 118 Q. And the address that was given was Newry Road, or an
23 address on Newry Road in Dundalk?

24 A. That's right.

25 119 Q. And, on that occasion, was the full amount outstanding
26 transferred to the account of Thermaco?

27 A. It was.

28 120 Q. And, again, we can see some documentation relevant to
29 this. Slide 128, please, Mr. Suter. If it's possible

1 to -- it's a little difficult to read, but we can see
2 there the name that has been given can just about be
3 made out, Briege Morgan, with that Dundalk address; the
4 currency, French francs; and the beneficiary name, that
5 legitimate company selling the timing devices
6 manufactured in France given as Thermaco Ltd., with an
7 address in Worcestershire?

8 A. Yeah.

9 121 Q. And then 129 - slide 129 I should say; a document
10 created by the National Westminster Bank, or relating
11 to that bank, and dealing with a payment in full of the
12 items. And then towards the bottom left-hand of that
13 page, by order of Briege Morgan?

14 A. That's right.

15 122 Q. That address in Dundalk?

16 A. Dundalk, yeah.

17 123 Q. And did the investigation reveal whether the 480 timer
18 units had actually been dispatched?

19 A. Yeah, they were dispatched on 4th March '97 to
20 Thermaco.

21 124 Q. So, the transaction having taken place in the middle of
22 January, on 4th March the full complement of 480 timer
23 units was dispatched from France to Thermaco in
24 Worcestershire?

25 A. That's right. And then they were subsequently --

26 125 Q. And did the documentation show what happened to those
27 timer units after they had reached Thermaco?

28 A. So, it shows that on 12th March '97 the timers were
29 collected and invoiced to Electro-Techniks on that

1 date.

2 126 Q. So, on 12th March the whole batch of 480 timer units
3 was collected by or on behalf of that company that had
4 given its name, Electro-Techniks?

5 A. That's right.

6 127 Q. So, in the aftermath of the Omagh bombing, did the
7 investigation become aware that there were pieces of
8 information relating to these timer units that
9 warranted investigation?

10 A. Yes.

11 128 Q. So, it had been discovered that the timer unit from the
12 Omagh bombing was part of a batch?

13 A. That's right.

14 129 Q. It had been discovered who had manufactured that batch?

15 A. Yes.

16 130 Q. They were a legitimate company. It had been
17 established to where that batch of 480 had gone?

18 A. Yes.

19 131 Q. Namely, Thermaco?

20 A. Yes.

21 132 Q. A legitimate company. And the name of a company that
22 had collected that batch in March was known; so
23 Electro-Techniks?

24 A. Yes, that's right.

25 133 Q. And the name of a person, Briege Morgan --

26 A. That's right.

27 134 Q. -- and the address that that person had given were also
28 known?

29 A. That's correct.

1 135 Q. So, there were important issues here to be
2 investigated --
3 A. Of course.
4 136 Q. -- do you agree?
5 A. Yes.
6 137 Q. Did the Omagh investigation in Northern Ireland request
7 the AGS to carry out such enquiries?
8 A. They did.
9 138 Q. What did they ask the AGS to do?
10 A. They asked the A -- sorry, so they asked An Garda
11 Síochána to carry out enquiries as to the identity of
12 Briega Morgan at that address in Newry Road in Dundalk
13 and the provenance of Electro-Techniks, that company in
14 Coes Road, also in Dundalk.
15 139 Q. So, seeing whether that person, that address and that
16 business were legitimate or not?
17 A. Yes, that's correct.
18 140 Q. And to whom was responsibility for those investigations
19 entrusted by the AGS?
20 A. So, Detective Inspector James Sheridan was assigned to
21 that role. And he made a number of enquiries into the
22 person named and to the company.
23 141 Q. And at the end of his investigations, was he able to
24 reach firm conclusions?
25 A. Well, he was satisfied that no person by the name of
26 Briega Morgan had ever lived at that address at Newry
27 Road, Dundalk or that there was ever any company named
28 Electro-Techniks based on the Coes Road in Dundalk.
29 142 Q. So, that particular trail went cold, because the

1 information by those who had sought the timer units was
2 discovered to have been false?

3 A. That's right.

4 143 Q. So, that's all I want ask you about the Coupatan timer.
5 But you'll remember we were dealing with the components
6 of the bomb?

7 A. Yes.

8 144 Q. And can I ask you next in that same context about the
9 booster used in the bomb at Omagh?

10 A. Yes.

11 145 Q. And we've established already that fragments of metal
12 retrieved from the scene were deemed consistent with
13 having originated from at least one booster charge?

14 A. They were, yeah.

15 146 Q. And Mr. McAuley's view was that just such booster
16 charges had been used in explosive devices by
17 terrorists in Northern Ireland?

18 A. Yes, it was.

19 147 Q. And Mr. McAuley was able to express further views based
20 upon what he found about the nature of the improvised
21 explosive and the charge?

22 A. He was.

23 148 Q. And I'm not going to go into the detail of any of that
24 with you?

25 A. Okay.

26 149 Q. We can deal with it with others in due course, if
27 necessary.

28 A. Yeah.

29 150 Q. Now, we've spoken already about the use of a Coupatan

10:35

1 timer in the attack upon Omagh. And was work
2 undertaken to establish in what previous incidents
3 Coupatan timers have been used?

4 A. Yes, it was.

5 151 Q. And again, did Mr. McAuley conduct a comparison of
6 similarities between the Mk 19 timer units and various
7 other attacks across Northern Ireland?

8 A. He did.

9 152 Q. And did he establish that a series of terrorist attacks
10 had involved not only the use of a Coupatan timer, but
11 a timer with the part number 561222362 and the
12 datestamp 99710?

13 A. Yes, he did.

14 153 Q. So, in other words, you identified a series of attacks
15 which involved the use of a timer with the identifying
16 mark which had been on the TPU used in the Omagh
17 bombing?

18 A. That's correct.

19 154 Q. And could you identify for us, please, the date of each
20 of those attacks, the location and the type of attack
21 they were?

22 A. Of course, yeah. So, the first one is 23/03/1998, G30
23 Tower, Crossmaglen, a mortar attack; 24/03/1998, RUC
24 Station Forkhill, mortar attack; 02/04/1998, Stena Line
25 Dún Laoghaire, car bomb find; 04/04/98, Redbridge,
26 Newry, hoax device; 30/04/1998, Market Street, Lisburn,
27 car bomb; 04/05/1998, Devonshire Close, Belfast, mortar
28 attack; 09/05/1998, Carlton Hotel, Belleek, mortar
29 attack; 16/05/1998, Newry Road, Armagh, car bomb;

1 24/05/1998, Finaghy Halt, Belfast, explosive device;
2 13/07/1998, Courthouse, Newry, car bomb; 10/07/1998,
3 Blackwatertown Road, Armagh, car bomb; 21/07/1998,
4 Monaghan Street, Newry, mortar attack.

5 155 Q. So, that is, in total, 12 incidents where there are
6 attacks, attempted attacks, or, for example, in
7 relation to the finding at Dún Laoghaire, a finding,
8 all of which featured a Coupatan timer with the same
9 part number and datestamp?

10 A. That's right.

11 156 Q. And in terms of the date range, those incidents ranging
12 from 24th March 1998 to 21st July 1998?

13 A. That's right.

14 157 Q. And all, therefore, in the months before the Omagh
15 bombing on 15th August 1998?

16 A. That's right.

17 158 Q. Was Mr. McAuley able to identify, as the AGS was
18 informed, a similar modus operandi in the materials
19 used and in the building of terrorist bombs in Northern
20 Ireland to that of the bomb in Omagh?

21 A. Yes, he was.

22 159 Q. So, (1) a main charge of explosive comprised of a
23 mixture of ammonium nitrate based on fertiliser and
24 sugar?

25 A. That's right.

26 160 Q. (2) a booster charge of a similar type that we don't
27 need to go into?

28 A. Yes.

29 161 Q. (3) an electronic detonator?

1 A. That's right.

2 162 Q. (4) a timer power unit constructed from a plastic
3 lunchbox containing similar aspects of a device?

4 A. That's right.

5 163 Q. And are we able to see a summary or synopsis of
6 Mr. McAuley's findings in relation to similarities
7 between incidents thought to be linked at slide 131?
8 And we'll put that on the screen?

9 A. Yes.

10 164 Q. So, that is, as it's described in the report, a
11 synopsis of Mr. McAuley's findings in relation to
12 similarities between incidents deemed to be linked?

13 A. That's right.

14 165 Q. And I won't take you through that, but that is your
15 understanding of what that document is?

16 A. It is, yes.

17 166 Q. Now, Topic 14 involves a summary of the forensic
18 science investigations?

19 A. Yes.

20 167 Q. And we'll move through each of these?

21 A. Okay.

22 168 Q. So, first of all, glue analysis. Was an analysis of
23 the glue found at the scene of various explosions
24 undertaken?

25 A. Yes, it was.

26 169 Q. And did the scientific examinations involve the
27 identification of commonalities between a number of the
28 glues found at those explosions?

29 A. Yes, it did. It did, yeah.

1 170 Q. And what were those commonalities?
2 A. So, what they've outlined in the report is that there
3 was five distinguishable types of glue. All samples of
4 the glue were -- from the timer power unit appeared to
5 be the same. All timer power unit samples appear to be
6 the same as one of the main groupings. And this would
7 provide some support for the proposition that the timer
8 power units were all made by the same person. A chart
9 documenting this is found at slide 133.
10 171 Q. And so we'll have 133 on the screen. So, that is the
11 chart relating to glue analysis of glue found at the
12 scene of various previous explosions?
13 A. Yeah.
14 172 Q. Secondly, was the presence of fibres a further
15 similarity linking, or potentially linking, previous
16 attacks?
17 A. Yes.
18 173 Q. And had fibres been found following examination of
19 various devices recovered after an attack or attempted
20 attack?
21 A. Yes, they were.
22 174 Q. And was it the investigation's understanding that
23 Dr. Ruth Griffin was able to identify three different
24 types of fibres?
25 A. Yes. Yes, it was.
26 175 Q. Which were labelled A, B and C?
27 A. That's correct.
28 176 Q. And Dr. Griffin, was she someone commissioned to work
29 on behalf of the AGS or the RUC?

1 A. The RUC.

2 177 Q. And we can see at Slide 135 a chart which sets out the
3 fibre evidence as digested from the analysis of
4 Dr. Ruth Griffin.

5 A. Mm-hmm.

6 178 Q. Did Dr. Griffin express a view that what she described
7 as populations of fibres were found on certain devices?

8 A. Yes, she did.

9 179 Q. And did she come to the view that because of where
10 those populations were found, there was strong support
11 for the theory that the fibres had been left there
12 during the construction of the device under
13 consideration?

14 A. Yes.

15 180 Q. As I indicated, she divided the fibres into types A, B
16 and C?

17 A. Yeah.

18 181 Q. Were type A fibres those occurring in gloves, masks,
19 pullovers and in elastic fabric cuffs and waistbands?

20 A. Yes.

21 182 Q. Did she conclude that blue-green round fibres matching
22 type A fibres were located in populations found in
23 devices recovered from four terrorist incidents?

24 A. She did, yes.

25 183 Q. And, again, could you identify by date, location and
26 type each of those attacks?

27 A. So, the first group was 09/05/1998, Carlton Hotel,
28 Belleek, a mortar attack; 13/07/1998, Courthouse,
29 Newry, car bomb; 10/07/1998, Blackwatertown Road,

1 Armagh, car bomb; and 21/07/1998, Monaghan Street,
2 Newry, mortar attack.

3 184 Q. Did she conclude that other type A fibres, blue-green
4 round fibres, were found on devices which linked
5 similarities between four further incidents?

6 A. She did, yes.

7 185 Q. And what were those, please?

8 A. They were 24/05/1998 at Finaghy Halt, Belfast, an
9 explosive device; 13/07/1998, Courthouse, Newry, car
10 bomb; 10/07/1998, Blackwatertown Road, Armagh, car
11 bomb, 21/07/1998, Monaghan Street, Newry, mortar
12 attack.

13 186 Q. Did she further identify two sources of the blue-green
14 fibres which were found on devices which she referred
15 to in charts and did she believe that either the
16 constructors of the device wore two different pairs of
17 gloves or that a mismatched pair of gloves were worn
18 during the construction of the devices?

19 A. She did, yes.

20 187 Q. And which were the three incidents falling into that
21 category, please?

22 A. On 13/07/1998, the courthouse in Newry, car bomb;
23 10/07/1998, Blackwatertown Road, Armagh, car bomb;
24 21/07/1998, Monaghan Street, Newry, mortar attack.

25 188 Q. And that deals with type A fibres.

26

27 Type B fibres: Were they described by Dr. Griffin as
28 grey-green fibres of the type to be found in masks,
29 gloves and pullovers?

1 A. Yes.

2 189 Q. And did she conclude that this type of fibre had been
3 found following examination of devices found in what
4 she described as the Carlton Hotel attack on 9th May
5 1998?

6 A. That's right, yes.

7 190 Q. And that is an attack which, in its materials, the
8 Inquiry has described as the attack on the Belleek RUC
9 Station.
10

11 And did those fibres, type B fibres, match 15 fibres
12 found following an examination of the device used in
13 the car bomb attack in Armagh on 16th May 1998?

14 A. Yes.

15 191 Q. Which was again an attack on an RUC station.
16

17 And, finally, to deal with type C fibres. Were they
18 described by Dr. Griffin as grey fibres?

19 A. Yes.

20 192 Q. Also found on the devices used in the Carlton Hotel
21 mortar attack and in the explosive device found in
22 Belfast on 23rd May 1998?

23 A. That's right.

24 193 Q. Now, we are still dealing with the results of
25 scientific examinations. And so, next, ink and
26 handwriting analysis. Did an expert called
27 Steven Maxwell conduct an examination of the ink and
28 handwriting styles on the lettering of the plastic
29 boxes used to house the timer power unit and switches?

1 A. Yes, he did, yeah.

2 194 Q. And again, was Mr. Maxwell someone acting on the, or to
3 the instruction of the RUC?

4 A. Yes.

5 195 Q. Did that analysis identify a number of instances where
6 the ink could not be differentiated?

7 A. Yes.

8 196 Q. And, Detective Superintendent, what were those
9 occurrences?

10 A. The first one was on 24/03/1998, GT Tower, Crossmaglen,
11 mortar attack and 24/03/1998, RUC station, Forkhill,
12 mortar attack.

13 197 Q. Did Mr. Maxwell make similar findings in relation to
14 three further incidents?

15 A. He did.

16 198 Q. And which were those, please?

17 A. Those were 04/05/1998, Devonshire Close, Belfast,
18 mortar attack; 24/05/1998, Finaghy Halt, Belfast,
19 explosive device; 10/07/1998, Blackwatertown Road,
20 Armagh, car bomb.

21 199 Q. And, finally, to deal with the ink and handwriting
22 analysis, did Mr. Maxwell, in the course of his work,
23 note that there were similarities between the
24 handwriting on various devices, but ultimately did he
25 conclude that he was unable to determine if any single
26 person was the writer?

27 A. That's correct, yes.

28 200 Q. Again we'll put on the screen a slide, slide 137, that
29 bears upon that particular aspect of the scientific

1 examinations conducted by Mr. Steven Maxwell.
2
3 Finally, in relation to Topic 14, scientific
4 examinations, there is the issue of DNA analysis.
5 A. Yes.
6 201 Q. And what we know already from your evidence is that the
7 documentation available to the AGS reveals that the
8 AGS, in the course of its investigation, carried out 99
9 arrests?
10 A. That's right.
11 202 Q. So, those would be arrests within the Republic of
12 Ireland by officers of the Garda?
13 A. That's correct.
14 203 Q. Has a review been undertaken of the custody records
15 relating to the arrests of that main cohort of
16 suspects?
17 A. Yes.
18 204 Q. Did that establish that they were fingerprinted and
19 photographed?
20 A. Yes, it did.
21 205 Q. What did it reveal in relation to whether any samples
22 of DNA were secured from them?
23 A. So, it revealed that there was no buccal swabs taken,
24 which were DNA mouth swabs, taken from any of those
25 prisoners.
26 206 Q. We just need to understand why that was so?
27 A. So, at that time the legislation in place allowed for
28 the taking of samples, the Criminal Justice (Forensic
29 Evidence) Act 1990, however, we had no structures in

1 place at the time that would allow for the retention of
2 DNA samples on a database, so unless a sample was taken
3 for analysis against a specific item, it would not be
4 tested.

5 207 Q. Let me make certain I have understood that: within the
6 Republic of Ireland there was legislation in place in
7 1998 and indeed 1997 which made it lawful to take a
8 buccal swab for DNA purposes?

9 A. Yes.

10 208 Q. But there, as it's put in the report, were no real
11 processes or structures in place, as now there are,
12 regarding the prospect of generating a DNA sample for
13 analysis?

14 A. That's correct.

15 209 Q. So, that, whereas now it would be possible to obtain a
16 DNA sample and test it against a database no doubt --

17 A. That's correct.

18 210 Q. -- back in 1997/1998 that was not possible?

19 A. That wasn't the case, yes.

20 211 Q. So, one would have to test one sample against another
21 existing sample?

22 A. Exactly.

23 212 Q. When was it that a more all-encompassing system for the
24 taking of samples and their retention and storage came
25 into existence in the Republic of Ireland?

26 A. So, the Criminal Justice (Forensic Evidence and DNA
27 Database System) Act was enacted in 2014.

28 213 Q. So, prior to 2015 is it the position that there was no
29 centralised DNA database operational in the Republic of

1 Ireland?

2 A. No, that's correct, there wasn't.

3 214 Q. As we've touched upon already, buccal swabs were only
4 analysed by the forensic laboratory if they were
5 submitted in relation to an investigation where there
6 was a DNA aspect to the investigation already so
7 something that a comparison could be carried out in
8 respect of?

9 A. Exactly. Exactly.

10 215 Q. So, back in the period prior to 2015, so certainly
11 covering '97 and '98, if an investigation had submitted
12 to the forensic scientists buccal swabs on their own
13 with no sample for comparison what would be expected to
14 have happened?

15 A. It would be returned unexamined to the Investigation
16 Team.

17 216 Q. Now, still dealing with the general topic of DNA
18 analysis, was there an AGS operation which culminated
19 on 13th June 2003?

20 A. Yes, there was.

21 217 Q. And at a high level, could you summarise what that
22 operation was and what it generated?

23 A. So, on that date, 13th June 2003, Gardaí recovered a
24 500lb van bomb which was under construction in a shed
25 at Inniskeen, County Monaghan, resulting in the arrest
26 of six people and subsequent charging.

27 218 Q. Those six people, Joe Fee of Dundalk, Seamus McKenna of
28 Dundalk, Gregory Trainor of Armagh and Eamon Matthews
29 of Newry --

1 A. Yes.

2 219 Q. -- and two other people in addition to those four named
3 persons were arrested?

4 A. That's correct. That's right.

5 220 Q. Following interviews and so on, were Joe Fee,
6 Seamus McKenna and Gregory Trainor charged with
7 possession of explosives?

8 A. They were.

9 221 Q. Was Eamon Matthews charged with a membership offence?

10 A. That's correct.

11 222 Q. And the two others who had been arrested were not
12 charged?

13 A. That's right.

14 223 Q. So, those four individuals charged with those offences.
15 And can I say during our Part 8 we will be exploring
16 those proceedings but I ought to say that we are
17 grateful to the Government of Ireland for ensuring that
18 we have a transcript of the sentencing hearing of those
19 charged.
20

21 In 2003, as the AGS understood it, did the Police
22 Service of Northern Ireland develop an interest into
23 the detentions of those persons?

24 A. Yes, they did.

25 224 Q. And did they consider it provided an opportunity, and
26 if so, what opportunity?

27 A. So, they considered that it provided an opportunity to
28 explore and maybe utilise the benefits of advancements
29 in DNA analysis and profiling.

1 225 Q. And according to documents in the possession of the AGS
2 Investigation Team, were there a number of unidentified
3 DNA profiles in the possession of that team?
4 A. That's right, there were.
5 226 Q. And had those been generated from the swabbing of
6 exhibits seized during the investigation?
7 A. Yes, they had.
8 227 Q. And which investigation is that a reference to?
9 A. That's in reference to the 2003 investigation.
10 228 Q. So, the investigation concerning Fee, McKenna, Trainor
11 and Matthews?
12 A. That's correct.
13 229 Q. And there is a slide that the report directs us to in
14 this regard which is Slide 154. It's headed "DNA
15 evidence" and it identifies that:
16
17 "DNA profiles have been found on the following cases
18 and are available for comparison against suspects."
19
20 A. Yes.
21 230 Q. And there is then reference to an incident on 30th
22 April '98 at Lisburn; 21st July '98 in Newry; and then
23 the Omagh bombing itself on 15th August 1998?
24 A. Yes.
25 231 Q. Now, on the Police Service of Northern Ireland having
26 identified an opportunity to explore and utilise the
27 benefits of advancements in DNA analysis and profiling,
28 and on the Garda Investigation Team, having identified
29 a number of unidentified DNA profiles in the incidents

1 that we've seen on slide 154, what did the UK
2 authorities do?

3 A. So, on 8th October 2003, the UK authorities filed an
4 informal request to the Irish authorities requesting
5 that they provide the Omagh Bombing Inquiry Team any
6 forensic evidence in the form of DNA profiles of those
7 arrested in order to compare with outstanding profiles
8 from the linked incidents being investigated by the
9 PSNI.

10 232 Q. So, there are slides that help in relation to this, the
11 first is the slide at page 156. If we can just see a
12 little higher up so that we can see the date, that is
13 dated 1st December 2003.

14 A. Yes.

15 233 Q. Is that part of the --

16 A. It's a follow-up request.

17 234 Q. So, the first request was 8th October 2003?

18 A. That's right.

19 235 Q. What we're looking at is a December document. So,
20 could you explain to us how matters developed from that
21 first request on 8th October 2003?

22 A. Yes. So, the Irish authorities returned the informal
23 request and sought a formal letter, so on 1st December
24 2003, an ILOR - international letter of request - was
25 sent from the Office of the Director of Public
26 Prosecutions in Northern Ireland to the relevant
27 authorities in Ireland and then it seemed that on --
28 the next development was in September 2004.

29 236 Q. And we'll come to that in one moment. So, the order of

1 things is 8th October 2003 an informal request?

2 A. That's correct.

3 237 Q. The Republic of Ireland indicated that the request

4 would need to be made formally using an international

5 letter of request?

6 A. That's right.

7 238 Q. Such a request was made on 1st December 2003, so that

8 was the ILOR as it's sometimes called. What then

9 happened on 10th September 2004?

10 A. So, it seems that on 10th September 2004, following

11 dialogue between officers from the PSNI and An Garda

12 Síochána, a further request letter was compiled by the

13 PSNI and forwarded to the Irish authorities.

14 239 Q. And did that request or letter state that the samples

15 of those arrested were no longer required?

16 A. Exactly, yes.

17 240 Q. Merely the DNA profiles from those samples only were

18 required?

19 A. That's right, and that they were required by the PSNI

20 for intelligence purposes only.

21 241 Q. Again, we're directed to two slides. First of all,

22 162, 13th October 2004 to Chief Inspector McMitchell.

23 Is that a name that you're familiar with?

24 A. It isn't, no.

25 242 Q. On 13th June 2003 the following persons were arrested

26 by the AGS in connection with the possession of a 500lb

27 van bomb. They're then listed: Joe Fee, Seamus

28 McKenna, Gregory Trainor, Eamon Matthews and the other

29 two people. Further detail of the history of the

11:00

1 proceedings is given there?

2 A. Yes.

3 243 Q. And then if we can go to 164. On 8th October, a report
4 was sent to the authorities in the Republic of Ireland
5 via PSNI Headquarters requesting that they provide the
6 Omagh Bombing Inquiry Team with the DNA profiles of
7 those arrested in order to compare without standing
8 profiles from the linked incidents being investigated
9 by ourselves. The Irish authorities returned this
10 informal request and requested a formal letter.

11

12 On 1st December 2003, an international letter of
13 request was sent by the Office of the Director of
14 Public Prosecutions to the relevant authorities in the
15 Republic of Ireland. On 10th September 2004, after
16 speaking to Detective Superintendent Foley - that's a
17 name that you mentioned much earlier --

18 A. Yes.

19 244 Q. -- albeit he was the Chief Inspector, I think, at the
20 time he was first involved in the AGS investigation?

21 A. Yeah, he was a detective inspector in Monaghan, yeah.

22 245 Q. "On 10th September 2004, after speaking to Detective
23 Superintendent Foley of the AGS in Monaghan, I compiled
24 a letter for the attention of the authorities in the
25 Republic of Ireland stating that I did not require the
26 samples of those arrested but merely the DNA profiles
27 developed. I also confirmed in the letter that the
28 profiles would only be used by ourselves for
29 intelligence purposes."

1 And that is of an Acting Detective Chief Inspector.

2 A. That's correct.

3 246 Q. So, that is the communication from PSNI to the AGS in
4 relation to this issue?

5 A. Yes, that's correct.

6 247 Q. What, if anything, does it appear that Detective
7 Superintendent Foley of the AGS did or said in response
8 to that?

9 A. Well, it's not clear from the report but what is clear
10 is that a DNA sample was taken from one of the items
11 recovered at that scene in Inniskeen and it was
12 examined by two forensic scientists in Forensic Science
13 Ireland and identified. So, subsequent to that
14 identification, what can be said is that Forensic
15 Science Ireland have no record of exchanging that DNA
16 sample or records around that sample with their
17 counterparts in Northern Ireland. But we can't
18 unequivocally say that it was or wasn't shared with the
19 RUC from the Guards.

20 248 Q. So, let's just unwrap that to make sure it is clear as 11:04
21 can be. So, we've seen what was sent to Detective
22 Superintendent Foley and does it appear that after that
23 communication he communicated to the Police Service of
24 Northern Ireland that prosecuting counsel in the case
25 against Fee, McKenna and others, so in other words 11:04
26 prosecuting counsel in the Republic of Ireland --

27 A. That's right.

28 249 Q. -- had directed the DNA profiles be forwarded to PSNI
29 following the disposal of those court proceedings?

1 A. That's correct.

2 250 Q. So, we know Fee, McKenna and the two others were being
3 prosecuted arising out of what had been found in 2003?

4 A. That's right, 2003.

5 251 Q. And the barrister in whose hands that prosecution 11:05
6 rested, prosecuting counsel, had directed that the
7 profiles be forwarded to PSNI once the court
8 proceedings in the Republic of Ireland had concluded?

9 A. That's correct.

10 252 Q. Was it the position that two members from Forensic 11:05
11 Science Ireland, so scientists here within the Republic
12 of Ireland --

13 A. That's right.

14 253 Q. -- so Dr. Maureen Smyth and Dr. Tom Hannigan had
15 carried out an analysis of material obtained from the
16 investigation into that find in County Louth on 13th
17 June 2003?

18 A. That's right, they had, yes.

19 254 Q. So items had been found and had been examined?

20 A. Yes.

21 255 Q. And Dr. Smyth, is this correct, examined a piece of
22 plastic fertiliser bag with what appeared to be blood
23 staining on it?

24 A. That's right.

25 256 Q. And that examination had a Garda Technical Bureau case
26 number 12101/03?

27 A. That's right.

28 257 Q. As it turned out, was DNA extracted from the stain on
29 the plastic bag?

1 A. Yes, it was.

2 258 Q. DNA was taken from the hair and blood samples of Joe
3 Fee, Seamus McKenna, Gregory Trainor and Eamon
4 Matthews?

5 A. That's right.

6 259 Q. And another individual?

7 A. That's right.

8 260 Q. Did Dr. Smyth match the DNA profile from the plastic
9 back to the DNA of Gregory Trainor?

10 A. She did.

11 261 Q. With profiles belonging to the other males eliminated
12 as the sources of the stain?

13 A. Yes, they were.

14 262 Q. So, the point is that there was a body of DNA material
15 arising out of the investigation and prosecution into
16 the explosives found in Inniskeen, County Louth on 13th
17 June 2003?

18 A. That's right.

19 263 Q. And there was a desire on the part of PSNI to benefit
20 from that material if they could, but for intelligence
21 purposes only?

22 A. Yes, that's correct.

23 264 Q. And the position, as you told us about already, is that
24 in correspondence received, but I think received
25 recently from Forensic Science Ireland, they in fact
26 have no record of those profiles having been forwarded
27 to PSNI?

28 A. That's correct.

29 265 Q. So, the reports containing the DNA profiles were

1 forwarded to certain sections within AGS --

2 A. That's right.

3 266 Q. -- so that the assessment of those who prepared the

4 report is that the reports may still have made their

5 way to PSNI from there, so from AGS, but there is no

6 confirmation on the available material examined of that

7 by the current Dundalk Investigation Team?

8 A. That's correct.

9 267 Q. So, Forensic Science Ireland have no record of the

10 profiles having gone to PSNI. The reports in relation

11 to those profiles did go to certain sections within

12 AGS?

13 A. That's right.

14 268 Q. And those reports might have found their way to PSNI

15 but there is no way, on the material available, of

16 knowing one way or the other with any confidence?

17 A. That's correct.

18 269 Q. Thank you. So, Detective Superintendent, some of that

19 has been rather complicated, particularly late in the

20 day but that is all that I wanted to ask you about

21 Topic 14.

22

23 Detective Superintendent, topic 15, telephone links.

24 And is it the position that following a review of call

25 data records obtained by an Investigation Team, a

26 number of mobile telephone numbers were described as

27 having what I described in the report as commonalities?

28 A. That's correct, they were, yes.

29 270 Q. And does that mean that the telephone numbers linked to

1 a number of known dissident republicans were found to
2 feature in a number of investigations into terrorist
3 attacks in Northern Ireland?
4 A. That's correct, yes.
5 271 Q. And in due course, was all of that information digested
6 into a chart so that its importance could be better
7 understood?
8 A. Yes, it was.
9 272 Q. And I'm going to ask that that chart please be placed
10 on the screen. It's Slide 139. And so just to
11 identify what's in each column. In the first column on
12 the left-hand side is a number, namely the relevant
13 telephone number.
14 A. That's correct.
15 273 Q. Then the name of an individual is given in the next
16 column.
17 A. That's right.
18 274 Q. That being the name of an individual associated with
19 that particular number?
20 A. That's right.
21 275 Q. And then five particular attacks are then listed.
22 A. That's right.
23 276 Q. Omagh, of course, 15th August 1998; then Banbridge, 1st
24 August 1998.
25 A. Yes.
26 277 Q. Then Newry Courthouse, 13th July 1998.
27 A. Yeah.
28 278 Q. Lisburn, 30th April 1998; and Newry Railway Line, 1st
29 April 1998.

1 A. That's correct, yes.

2 279 Q. And as we look down, we can see that sometimes the word
3 "yes" features highlighted in yellow and sometimes the
4 word "no" features.

5 A. That's correct.

6 280 Q. And is that because where the number associated with
7 that individual has been found to be within the
8 evidence relating to that attack, it is marked as
9 "yes"?

10 A. That's my understanding of it, yes.

11 281 Q. And where it is not found to be present within the
12 evidence, it is marked as "no"?

13 A. Again, that's correct, yes.

14 282 Q. And as we just run down this and to highlight a number
15 of particular names and numbers so we can see how this
16 works.

17

18 we can see the fourth name down is Colm Murphy, a name
19 that we discussed many times --

20 A. That's right.

21 283 Q. -- in the course of your evidence, the 585 number that
22 we are familiar with. And we can see that the 585
23 number was discovered to feature in the evidence
24 relating to Omagh?

25 A. That's right.

26 284 Q. As we have discussed at length. And also in the
27 evidence relating to the attack at Banbridge on 1st
28 August 1998?

29 A. That's correct, yes.

1 285 Q. And then further down, the name "Joe Fee" features.
2 A. Yes.
3 286 Q. Associated with a number 989. And, again, similarly,
4 we can see that that mobile telephone number was
5 discovered to feature in the evidence relating both to
6 the Omagh and Banbridge bombings?
7 A. That's correct, yes.
8 287 Q. Liam Campbell --
9 A. Mm-hmm.
10 288 Q. -- associated with the 615 number. That number was
11 found to be associated with the Omagh bombing and also
12 with the Lisburn and Newry Railway Line attacks.
13 A. That's correct, yes.
14 289 Q. Michael Campbell, we see that his number was associated
15 with Newry Court Hotel, Lisburn and Newry Railway Line.
16 A. Yes, correct.
17 290 Q. Oliver Treanor, a 430 number associated with him, that
18 number found in the evidence relating to the attack in
19 Omagh and also the Newry Courthouse -- Newry Court
20 Hotel and Lisburn attacks.
21 A. Again correct, yeah.
22 291 Q. Peter Campbell associated with a 971 number. We see
23 that that number was found to feature in the attacks at
24 Omagh, Banbridge and the Newry Court Hotel attack?
25 A. Correct, yes.
26 292 Q. Seamus Daly, associated with a 076 number which was
27 found to feature in the evidence relating to the Omagh
28 and Banbridge bombings?
29 A. That's correct, yes.

1 293 Q. Seamus McKenna's 105 number featuring at Omagh.
2 A. Yes.
3 294 Q. And Seamus McKenna's 467 number featuring at Banbridge.
4 A. That's correct, yes.
5 295 Q. Sean Hoey, a 452 number, featuring in the evidence
6 relating to Omagh and in the evidence relating to
7 Lisburn.
8 A. That's correct.
9 296 Q. Terrence Morgan, the 980 number that we have assessed
10 at length featuring in the evidence relating to Omagh.
11 And then a number 144 relating to Town Glass, a
12 business found to feature in the evidence relating to
13 the Omagh bombing.
14 A. Yes.
15 297 Q. So, obviously the Inquiry will take the whole of that
16 chart into account, for which we're grateful, but we've
17 now seen how the chart operates in practice. So, thank
18 you, Mr. Suter, we can take that from the screen.
19
20 Next, please, topic 16: Recognised code words. And
21 we'll break this down into two parts.
22 A. Okay.
23 298 Q. Although those two parts are connected. And the first
24 part could be described as claims for responsibility or
25 claims of responsibility for the Omagh bombing.
26
27 Now, first of all, on 17th August 1998 at 4:26 p.m.,
28 did a man called Gregg Hughes of the RTÉ News Desk in
29 Dublin receive a telephone call?

1 A. He did.

2 299 Q. And was that call from a man who read out a statement
3 to him?

4 A. It was.

5 300 Q. And would you tell us, please, what that statement was 11:15
6 and what the exchanges were between the man and
7 Mr. Hughes?

8 A. Of course, yes. So, the statement was as follows:
9

10 "I have a statement to read out from Óglaigh na
11 hÉireann. I want to make clear that we gave three
12 45-minute warnings and one to the Samaritans in
13 Coleraine and two to UTV. The warnings were clearly
14 read out and read back to us. The bombs were left
15 3- to 400 yards away from the courthouse. This was
16 made clear. It wasn't our intention to cause loss of
17 life and injuries. We regret any loss of life or
18 injuries caused.

19

20 He asked me: 'Have you everything clear?' I replied
21 with the question: 'Was it 3- to 400 yards, is that
22 what you were saying?' He said, 'Yes, 3- to 400
23 yards.' I asked him, 'Was it the Samaritans in
24 Coleraine and UTV?' He said, 'Yes.' I asked him, 'Was
25 it Óglaigh na hÉireann?' And he said 'yes'."

26

27 301 Q. Secondly, at 10:30 a.m. the following day, 18th August,
28 was a journalist in the Ireland International News Desk
29 in Dublin, did such a person receive a telephone call

1 from a man?

2 A. Yes.

3 302 Q. And did the man who had called say that he wanted to
4 speak to a journalist who worked in those offices whose
5 name was Michael O'Toole?

6 A. That's correct, yes.

7 303 Q. Was it explained to the man by the person who had taken
8 the call that Michael O'Toole was not available?

9 A. That's correct.

10 304 Q. And what did the caller then go on to do?

11 A. The caller went on to issue a statement. He said on
12 behalf of Óglaigh na hÉireann. So the statement is as
13 follows:
14

15 "This is about the explosion. This is Óglaigh na
16 hÉireann. There were three warnings put in. There
17 were 40 minutes warnings on each of them, two to UTV
18 and one to the Samaritans in Coleraine. Each time the
19 call was made, it was very clear and the people talked
20 back. The location was 3- to 400 yards from the
21 courthouse on the Main Street. At no time was it said
22 it was near the courthouse. It was a commercial
23 target. Despite media reports, it was not our
24 intention at any time to kill any civilians. It was a
25 commercial target, part of an ongoing war against the
26 Brits. We offer apologies to the civilians."
27

28 305 Q. And, thirdly, there was a further and so third claim of
29 responsibility later that same day, 18th August.

1 Rita O'Reilly is employed, or at any rate was employed,
2 by the same organisation that we've just discussed,
3 namely the Ireland International News Agency in Dublin,
4 and she has explained that she remembered that she had
5 been working on 18th August in the News Agency Office
6 when she answered the telephone and the telephone she
7 answered was the telephone of the journalist that we've
8 just mentioned, namely Michael O'Toole.

9
10 The telephone rang for a while and the time of that,
11 she explained, was about 4:30 in the afternoon.

12 Rita O'Reilly went on to say that there "was a male
13 caller on the phone and what sounded like a mature
14 voice and whose accent I could not determine."

15
16 She said that the caller told her that he had phoned
17 earlier. So, that would appear to be the morning call
18 that had been made. The caller asked whether she had
19 passed on the message to Michael O'Toole. She said:

20
21 "I was pretty sure at this stage that it was a caller
22 from Óglaigh na hÉireann. And I said: 'Code word' as
23 a question.' To which the caller replied, 'Martha
24 Pope'."

25
26 So, those three claims of responsibility.

27
28 As we've just heard, in the third call of
29 responsibility the person who received the call asked

1 for a code word and the code word that was given was
2 "Martha Pope." And it's to that issue that I now want
3 to turn. So, the issue of recognised code words.
4 A. Yes.
5 306 Q. So, I said there were two issues, claims of
6 responsibility and the second is recognised code words.
7
8 Now, is it the position that the AGS identified a
9 further common feature between a number of dissident
10 terrorist attacks in Northern Ireland?
11 A. It is.
12 307 Q. And what was that feature?
13 A. It was the use of the code word "Martha Pope" in each
14 of these cases.
15 308 Q. And did AGS assess that "Martha Pope" was a well-known
16 American Government official who had participated in
17 the Peace Process in Northern Ireland?
18 A. That's correct, she was.
19 309 Q. And indeed she had been part of the team of Senator
20 George Mitchell?
21 A. She was.
22 310 Q. So, it appeared that that code word, that name, "Martha
23 Pope," had been deliberately chosen?
24 A. Yes. It appears that way, yes.
25 311 Q. From the information available to the AGS team in
26 Dundalk, was it established that there were a number of
27 dissident republican attacks in which the code word
28 "Martha Pope" had been used?
29 A. Yes. It was established that the code word "Martha

1 Pope" had been used in four different attacks.

2 312 Q. And would you identify which attacks were so identified
3 and the dates of them, please?

4 A. Yes. The first is the Lisburn bombing on 30th April
5 1998. Second is car bomb at Armagh RUC Station on 16th
6 May 1998. The third is the Banbridge bombing on 1st
7 August 1998. And the fourth is the Omagh bombing on
8 15th August 1998.

9 313 Q. And was it also the position that the code word had
10 been used following the Banbridge bombing in a call to
11 the Irish news to claim responsibility?

12 A. It was.

13 314 Q. And as we've just heard, that same code word, namely
14 "Martha Pope," was used in the third of the three
15 claims of responsibility for the Omagh bombing?

16 A. That's correct.

17 315 Q. So, a feature across a number of separate attacks?

18 A. That's correct.

19 316 Q. Topic 17: Cloned number plates. So, an issue that we
20 touched upon earlier in your evidence. Was a further
21 common feature between the activities of dissident
22 republican terrorists the use of stolen cars fitted
23 with what are described as cloned number plates?

24 A. It was, yes.

25 317 Q. And what often were such vehicles fitted with such
26 plates being used to do by the terrorists?

27 A. They were used in bombs.

28 318 Q. And, in particular, to transport the bombs to places of
29 detonation?

1 A. Yes, of course, yeah.

2 319 Q. So, that was a feature that the AGS was seeing; cars
3 that had been stolen and then fitted with cloned
4 plates --

5 A. It was.

6 320 Q. -- being used to transport the bombs?

7 A. It was, yes.

8 321 Q. And we've already touched on what cloned numbers plates
9 are, but would you please just give us a high level
10 summary of them?

11 A. Yes, of course, yeah. So, a cloned number plate is
12 where the number plates of a stolen vehicle are removed
13 and replaced with the number plates from a legitimate
14 vehicle of the same type, usually same type, possibly
15 same colour, same make, mark, model, colour as the
16 stolen vehicle. And it's used then to, obviously, make
17 the stolen vehicle look like the legitimate vehicle.

18 322 Q. In essence, it's a disguise or an attempt to disguise?

19 A. Yes.

20 323 Q. And the aim is that if law enforcement seek to make a
21 check upon a particular vehicle then the vehicle would
22 come back not as what is in fact a stolen car, but in
23 fact is a legitimate car?

24 A. Yes. Well, as we saw yesterday, the stolen vehicle
25 lists are circulated to all law enforcements, so
26 they'll be checking for those registrations, so it's an
27 effort to cover that.

28 324 Q. And there are a number of examples of such a tactic
29 being used by dissident republican terrorists provided

1 in the report and what I'd like to do is just to work
2 through each one of those.

3
4 So, first of all, would you tell us about the events on
5 16th September of 1997, please?

6 A. Yes. So, at approximately 12 o'clock on that day,
7 midday on Tuesday, 16th September 1997, a 400lb van
8 bomb exploded at Markethill, County Armagh. The
9 vehicle used was bearing the registration number YIJ
10 2803. And on the subsequent examination of that
11 vehicle, it was established that the correct
12 registration number of that vehicle was in fact
13 89-LH-1606, a blue transit van. And that vehicle had
14 earlier been stolen in Dundalk on the night of 5th
15 September 1997.

16 325 Q. And did enquiries reveal that the motor van YIJ 2808
17 was indeed a blue Ford Transit van which was at the
18 time relevant time parked up in the Dundalk area?

19 A. That's correct, yes, it was.

20 326 Q. So, someone had obviously spotted that vehicle with
21 that number plate and cloned the plates for it --

22 A. Yes.

23 327 Q. -- for the bomb van?

24 A. Yes.

25 328 Q. Now, secondly, would you tell us please about the
26 events of 2nd March 1998?

27 A. Of course. So, on 2nd March 1998 Gardaí in
28 Hackballscross, County Louth uncovered a red Renault
29 21, registration number DBZ 8050 concealed under bales

1 of hay in a shed in unoccupied farmland in a place
2 called Annaghvacky, Hackballscross, County Louth. So,
3 there was -- it was suspicious in nature and there was
4 wires observed coming out of it, so, Gardaí then
5 contacted the explosives Ordnance Disposal Officer from
6 the Defence Forces who examined the vehicle and made
7 the device safe.

8 329 Q. Yes. And you've very sensibly not gone into the detail
9 of what made the vehicle suspicious, but, essentially,
10 there was a bomb within the vehicle?

11 A. There was.

12 330 Q. And the vehicle was, when discovered, displaying the
13 registration mark DBZ 8050. Were steps taken to
14 establish whether that was the true identity of the
15 bomb vehicle?

16 A. Yes, they were. It was established that that vehicle
17 was actually registered to a man who was currently
18 resident in Northern Ireland and the car then at
19 Hackballscross originally, its original or proper
20 registration plate was EBZ 5399. And it was
21 established that that vehicle had been stolen in Newry
22 on 15th December 1997.

23 331 Q. So, the terrorists had spotted an identical vehicle of
24 a broadly similar colour?

25 A. Yeah.

26 332 Q. And had cloned the plates to place on a vehicle that
27 they had stolen?

28 A. Exactly.

29 333 Q. Now, thirdly, would you tell us about the events at the

1 Dún Laoghaire Port on 2nd April of 1998, please?

2 A. Of course, yeah. So on 22nd April 1998, a red BMW 5
3 Series car bearing the registration number 92-D-4068
4 was observed at Dún Laoghaire Port in Dublin. The
5 vehicle had been stolen on 20th March 1998, also in
6 Dublin, but the correct registration number for that
7 vehicle should have been, or actually was 94-LK-3286
8 and the number plates that it was actually bearing at
9 the time, 92-D-40268 were registered to an entirely
10 innocent party also from Dublin. That vehicle then was
11 searched and it was found to contain approximately
12 980lb of homemade explosives and associated matters,
13 timing power unit and other items.

14 334 Q. So, an identical tactic; a vehicle stolen, the
15 identification of an identical, legitimate vehicle, the
16 cloning of those plates and placing them onto the
17 stolen vehicle in order to conceal its identity?

18 A. That's correct.

19 335 Q. And you've described what was found and in fact we have
20 a number of slides of the vehicle and what was within
21 the vehicle. We'll display those on the screen. First
22 of all, slide 141, please, Mr. Suter. And then 143,
23 please. And the black bin liners presumably containing
24 the explosives?

25 A. Yes, I believe so.

26 336 Q. 145, please. So, showing the false plates that you've
27 described?

28 A. That's correct.

29 337 Q. 92-D-40268?

11:29

1 A. Yes.

2 338 Q. Then 147, please. 149. And 151. In fact, 147 and 149
3 had been identified to contain operationally-sensitive
4 material which would be of assistance to hostile actors
5 and therefore we haven't shown those on the screen.
6 But we saw enough of the vehicle and indeed the
7 contents of the vehicle.

8 A. Okay.

9 339 Q. Now, just before we move on to the final topic relating
10 to Part 7, there is a fourth example of the utilisation
11 of cloned plates by dissident republican terrorists.
12 And would you tell us, please, about the events of 22nd
13 and 23rd May 1998?

14 A. Yes. So, on 22nd and 23rd May 1998 a blue 3 Series BMW
15 registration number 9-3D-32860 was stolen from Malahide
16 in County Dublin. Later, that vehicle was stopped by
17 members of An Garda Síochána outside of Dundalk - two
18 vehicles were stopped. One of those cars was the BMW
19 bearing registration number, now bearing registration
20 number 90-D-36298, which were false registration
21 plates. And then that car was found to contain also
22 homemade explosives, booster tube and detonator cord.

23 340 Q. So, again, we're seeing the utilisation of this
24 tactic --

25 A. Yeah.

26 341 Q. -- to conceal the identity of a vehicle used to
27 transport a bomb?

28 A. Yes.

29 342 Q. And, obviously, we know from the evidence you've given

1 already that that very tactic was used to conceal the
2 identity of the bomb car for the Omagh bombing as it
3 moved from the Republic of Ireland to Omagh on 15th
4 August?

5 A. Yes.

6 343 Q. Now, the final topic within Part 7, within the report
7 the AGS has very helpfully provided a summary of the
8 civil action that took place.

9 A. Yes.

10 344 Q. Often called the Breslin litigation. We're grateful
11 for that, but we're going to address the detail of
12 those proceedings during the course of our oral
13 evidence process. But what it is helpful for you to
14 confirm is this: That following the civil trial,
15 Seamus Daly, Michael McKeivitt, Liam Campbell and
16 Colm Murphy were ruled to be civilly liable for the
17 Omagh bombing and were ordered by a Belfast Court to
18 pay £1.6 million to the victims of the attack or rather
19 to their families?

20 A. That's correct, yes.

21 345 Q. And those four names I've just given, Seamus Daly,
22 Michael McKeivitt, Liam Campbell and Colm Murphy were
23 all members of dissident republican groups?

24 A. They were.

25 346 Q. And, furthermore, not only were those four individuals
26 found liable for the attack, but the Real IRA was found
27 liable as well?

28 A. Yes, that's my understanding of it, yes.

29 347 Q. So, there was a further defendant in the civil

1 litigation, a man that we've heard about already called
2 Seamus McKenna.

3 A. That's correct.

4 348 Q. But he was, at the conclusion of the proceedings, found
5 not to be liable?

6 A. Correct, yes.

7 349 Q. Detective Superintendent, thank you very much indeed.
8 That's all that I want to ask you about Part 7.

9 A. Right. Thank you.

10 [End of video].

11:33

11 MR. GREANEY: Your Honour, I suggest that we take a
12 break at this stage. I'm very grateful to Ms. Harrison
13 for sitting on longer than we would normally. Could we
14 have a break please, until 10 to midday and Mr. de la
15 Poer will then call Detective Chief Inspector
16 Billingsley of the Police Service of Northern Ireland.

11:33

17 CHAIRMAN: All right, thank you.

18

19 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

20

11:53

21 CHAIRMAN: Mr. de la Poer.

22 MR. DE LA POER: Sir, thank you. We have seated in the
23 witness box Detective Chief Inspector Billingsley and I
24 wonder if we can begin with him being sworn please.

25

11:53

26

27

28

29

1 DETECTIVE CHIEF INSPECTOR PETER BILLINGSLEY, HAVING
2 BEEN SWORN, WAS QUESTIONED BY MR. DE LA POER AS
3 FOLLOWS:

4
5 CHAIRMAN: Thank you, Mr. Billingsley.

11:53

6 THE WITNESS: Thank you, Sir.

7 350 Q. MR. DE LA POER: Could you please state your full
8 name and rank?

9 A. My name is Pete Billingsley, I'm a Detective Chief
10 Inspector.

11:53

11 351 Q. DCI Billingsley, you are an officer within the Police
12 Service of Northern Ireland, is that right?

13 A. That's correct.

14 352 Q. When did you join the PSNI?

15 A. In January 2004.

11:54

16 353 Q. And since then you have progressed up the rank
17 structure to the rank that you currently hold?

18 A. Yes, that's correct.

19 354 Q. In the course of your work you have been involved in
20 major investigations?

11:54

21 A. I have, yes.

22 355 Q. And have you held SIO accreditation in homicide cases?

23 A. I have, yes.

24 356 Q. That means that you were approved, having completed
25 training, to act as a senior investigating officer?

11:54

26 A. That's correct.

27 357 Q. When did you first get promoted to the rank of
28 Detective Chief Inspector?

29 A. In and around 2022.

1 358 Q. I think, since then you have had a period when you were
2 a temporary Detective Superintendent, is that right?
3 A. Acting, yes, that's correct.
4 359 Q. Acting. Now, there came a point in your service when
5 you joined the PSNI's Omagh Bombing Inquiry Team, is 11:55
6 that right?
7 A. Yes, that's correct.
8 360 Q. And did you join it to take the role effectively
9 leading that team?
10 A. Yes, that's correct. 11:55
11 361 Q. Now, was that a role that you held full-time or did you
12 have other duties as well?
13 A. I held other duties also.
14 362 Q. And you are not still the head of that team, is that
15 correct? 11:55
16 A. That's correct.
17 363 Q. When did you leave the PSNI Omagh Bombing Inquiry Team?
18 A. In and around the beginning of January of this year.
19 364 Q. And were you replaced as the leader of that time by
20 Detective Chief Inspector Neil McGuinness? 11:55
21 A. That's correct.
22 365 Q. And did he continue until May of this year?
23 A. That's correct.
24 366 Q. When he was replaced by Detective Chief Inspector Gault
25 from whom we heard earlier in these hearings? 11:55
26 A. That's correct.
27 367 Q. Having provided that brief introduction to you and the
28 team that you've worked in, I'm going to set out for
29 you and everybody else the route map for my questioning

1 today so that everybody knows where we're going.

2
3 The first topic will be a short one, and it will deal
4 with the statements that you provided and the process
5 by which those have been compiled. We will then 11:56
6 together in Topic 2 provide an overview of the Omagh
7 police investigation, there'll be some questions that I
8 have to ask you about how that developed. And we will,
9 at the same time, just provide some scene setting for
10 the Criminal Investigation Department. 11:56

11
12 Topic 3, which will be the most substantial, will be
13 various aspects of that investigation which will be
14 organised in accordance with the part structure that
15 we've adopted for the Chapter 3 hearings, and we will 11:56
16 have a short concluding topic in relation to forensic
17 science. So, four topics and we will start now,
18 please, on the first topic, the statements that you
19 have provided.

20 11:57
21 So, is it correct that you have provided three
22 statements to the Inquiry; a sequence of events
23 statement dated 16th October of last year; an addendum
24 to that also dated 16th October; and a suspect
25 statement? 11:57

26 A. Yes, I've provided those three statements.

27 368 Q. And in addition to that, you have overseen the
28 production of a presentation which was based upon your
29 statements?

1 A. That's correct.

2 369 Q. Now, you and I will be focusing on the sequence of
3 events and addendum sequence of events, you've kindly
4 agreed to return in the week of 9th November, is that
5 right to speak to your suspect statement? 11:57

6 A. That's correct.

7 370 Q. Now, let's just consider how you compiled your
8 statements. Were you working with a team of people
9 supporting you?

10 A. That's correct. 11:57

11 371 Q. And did you task them to undertake research on your
12 behalf?

13 A. I did, yes.

14 372 Q. And did you discuss with them the product of their
15 research and whether further research was required? 11:58

16 A. I did, yes.

17 373 Q. And have you taken all reasonable steps to satisfy
18 yourself that what you're going to tell us today is
19 accurate and correct?

20 A. I have, yes. 11:58

21 374 Q. Nevertheless, I'm sure you will be the first to agree,
22 Detective Chief Inspector, that you don't sit there
23 having an encyclopaedic knowledge of everything in your
24 memory, is that fair?

25 A. That's correct. 11:58

26 375 Q. And so, have you also prepared yourself some notes
27 which you have within the witness box which you have
28 shared with the Inquiry Legal Team ahead of time so
29 that there's full transparency about what you have in

1 front of you?

2 A. Yes, that's correct.

3 376 Q. Now, on behalf of the Inquiry Legal Team before we
4 leave this topic, I just want to say that we are very
5 grateful to you for your statements and to acknowledge 11:58
6 the fact that they have been used in the development of
7 the Inquiry Legal Team summaries and the EPE prepared
8 by Mr. Safranauskas and they assisted the Inquiry Legal
9 Team establishing a timeline at a relatively early
10 stage, so our thanks to you for the work that's gone 11:59
11 into them.
12

13 We're going to turn now to Topic 2, the Omagh
14 investigation, and we're going to start with just
15 providing an understanding please of the structure 11:59
16 within the RUC back in 1998 for the investigation of
17 crime. And, firstly, can you confirm that your
18 colleague Detective Chief Inspector Gault has prepared
19 a lengthy statement on this topic?

20 A. Yes, I can. 11:59

21 377 Q. And I think you have a copy of that statement if you
22 need to refer to it but we're just going to provide an
23 overview, at this stage, with DCI Gault coming back in
24 Chapter 4 to deal with the detail.
25 11:59

26 So, the first thing is, is the part of the RUC
27 responsible for the investigation of crime known as the
28 Criminal Investigation Department?

29 A. That's correct.

1 378 Q. So, that is CID as it's sometimes referred to?
2 A. That's correct.

3 379 Q. And is it principally staffed by officers who are
4 detectives, such as yourself?
5 A. That's correct. 12:00

6 380 Q. What DCI Gault tells us is that the primary function
7 was to investigate past offending with a view to
8 bringing criminal cases against those responsible,
9 terrorist-related and non-terrorist related, whereas
10 Special Branch focused on future attacks? 12:00
11 A. That's correct.

12 381 Q. That's a quote from his statement. I'm sure you would
13 readily adopt that as being a correct description?
14 A. Yes.

15 382 Q. We'll come to Special Branch in a moment. Did CID form 12:00
16 part of Department C within the RUC?
17 A. Yes, that's correct.

18 383 Q. And did it have its own intelligence capability?
19 A. It would have had, yes.

20 384 Q. But, plainly that capability might relate to what might 12:00
21 be described as general crime but in relation to
22 terrorist-related activity was the expectation that if
23 CID received such intelligence it would pass it to
24 Special Branch?
25 A. That's correct. 12:01

26 385 Q. Is that because Special Branch, within the RUC, held
27 the primary responsibility for intelligence relating to
28 terrorism?
29 A. That's correct.

1 386 Q. Now, again, just quoting from DCI Gault's statement, a
2 statement I'm sure you will agree with:
3
4 "Special Branch was the single repository for all
5 terrorism-related intelligence on the previous 12:01
6 incidents as they were terrorist attacks."
7
8 A. Yes, that's correct.
9 387 Q. Now, we don't need to go into the detail of it here but
10 just so that we have a limited understanding sufficient 12:01
11 for our purposes, is it right that Special Branch had
12 arrangements in place for passing information to CID?
13 A. Yes, there would be, yes.
14 388 Q. Now, the various descriptions of those structures
15 changed over time but from 1996, at the HQ level, the 12:02
16 headquarter level, was it the Force Intelligence
17 Bureau?
18 A. Yes, that's correct.
19 389 Q. And beneath that was there a regional intelligence unit
20 that acted as the interface between Special Branch and 12:02
21 CID?
22 A. Yes.
23 390 Q. And then were there collators at a divisional level?
24 A. Yes, that's correct.
25 391 Q. So, three tiers by which Special Branch could pass 12:02
26 information to CID?
27 A. Yes, that's correct.
28 392 Q. And were each of those structures, did they form part
29 of Special Branch, did they form part of CID or did

1 they sit in between the two?

2 A. I am not certain, I believe that they would have sat in
3 between the two. There would have been officers from
4 each side of the retrospective houses I believe.

5 393 Q. Now, in terms of other units that were available to 12:02
6 investigators, what we learn from DCI Gault is that,
7 perhaps unsurprisingly, in 1998 there wasn't a digital
8 investigation unit as we would expect to see now in
9 modern policing?

10 A. Yeah, that's correct. 12:03

11 394 Q. There was a unit called the Telephone Liaison Unit, is
12 that correct?

13 A. That's correct.

14 395 Q. That sat also within C Department like CID, is that
15 correct? 12:03

16 A. Yes, that's correct.

17 396 Q. And was the responsibility of the TLU to make contact
18 with service providers in relation to telephone
19 records?

20 A. Yes, that would have been one of their 12:03
21 responsibilities.

22 397 Q. Just so that we understand it; did they have an
23 analytical function insofar as you are aware, or were
24 they principally there to connect investigators with
25 the service providers? 12:03

26 A. My understanding is it was to connect officers with
27 service providers, and the analytical function would
28 have been carried out by a police analyst at the behest
29 of the investigating officer.

1 398 Q. Now, there were also two units related to money, one
2 the Financial Investigation Unit and one the Financial
3 Crimes Services Unit, DCI Gault tells us both of those.
4 Is it your understanding that the latter, the Financial
5 Crimes Services Unit was concerned with the 12:04
6 investigation of the funding of terrorism?
7 A. I believe so, yes.

8 399 Q. And, finally, for present purposes, was there also a
9 function within the RUC known as the Weapons and
10 Explosives Research Centre which had expertise on which 12:04
11 RUC could draw in relation to explosives and other
12 weapons?
13 A. That's correct.

14 400 Q. That very much is a whistle-stop tour through different
15 structures, hopefully, so that the language which we're 12:04
16 using later can make better sense to people. But the
17 conclusion of DCI Gault in relation to the Criminal
18 Investigation Department was this, and I'll quote it to
19 you again:
20 12:05
21 "The PSNI would agree that in general terms, CID was
22 underresourced in 1997/98, this is something that
23 policing shared with many public services."
24

25 The reference for that is paragraph 120 but I know that 12:05
26 you've familiarised yourself with that statement. And
27 sitting here now on behalf of PSNI, is that a statement
28 you can endorse as being correct?
29 A. Yes, I would confirm that to be correct.

1 401 Q. So, we'll consider that statement in relation to some
2 of the detail that we're going to come to now when we
3 consider the start of the Omagh bombing investigation.
4
5 So, there are a number of individuals who we need to 12:05
6 identify and we're going to do this by reference to the
7 SIO Policy Log. Now, you can perhaps help us with some
8 language here, what is the purpose, DCI Billingsley, of
9 the SIO Policy Log?

10 A. It's effectively to record decisions made in relation 12:06
11 to an investigation. Certainly, in my training, for
12 example, Decision 1 will be that I have decided to
13 commence an investigation into X, Y or Z. And then
14 it's to document the mindset of the senior
15 investigating officer as they progressed through the 12:06
16 investigation. It also allows the senior investigating
17 officer to come back and review decisions that have
18 been made in case -- sometimes when you're making
19 decisions, you're under quite a bit of pressure and
20 you're making them in fast time, so to speak, and 12:06
21 sometimes with a little reflection, whenever things
22 slow down a little, it gives an opportunity to make
23 sure that you've gone in the logical and sensible
24 direction with an investigation.

25 402 Q. We'll bring up a printout of the SIO Policy Log, it is 12:06
26 INQ 034746, and we're just going to look at three
27 entries on this log together. [Slide shown]. I wonder
28 if we could just make that a little larger, if possible
29 please. Thank you very much indeed. So, we can see

1 here that this is recorded as "Policy Book No.1," do
2 you see that heading there?

3 A. Yes, I can.

4 403 Q. Now, it's being described as a book; would the practice
5 in 1998 have been for a senior investigating officer to 12:07
6 write down in manuscript their decisions?

7 A. I believe that would have been the case and certainly
8 it's the way I would do it now in a duplicate book, for
9 want of a better term.

10 404 Q. And what we're seeing here is a typed-up version of 12:07
11 that decision which is in the HOLMES database so that
12 it is accessible to those who are given authority to
13 access it?

14 A. Yes, that's correct.

15 405 Q. And we can see that the Decision No.1, is 15th August 12:08
16 1998, it's timed at 5:00 p.m. and the decision-maker is
17 Detective Superintendent Brian McArthur, is that
18 correct?

19 A. That's correct.

20 406 Q. And he is there making decisions about extending the 12:08
21 scene. Now, in police language does that mean
22 cordoning off an additional area for the purpose of the
23 capture of evidence?

24 A. Yes.

25 407 Q. So, we'll just be clear about this with everyone, the 12:08
26 cordons are not to protect the public as they would be
27 before an explosion, that would be their intention,
28 this is instead to preserve evidence?

29 A. That's correct.

1 408 Q. And this is an investigator's decision because the
2 investigator wants to ensure that as much evidence is
3 protected from contamination or disposal as possible?
4 A. That's correct.

5 409 Q. So, that is the first record of an investigator's 12:09
6 decision. Move forward, please, to Decision 7 which is
7 on page 6. Thank you very much indeed, Ms. Montgomery.
8 So, Decision 7, we're still on 15th August, it's
9 9:00 p.m. at the time that this decision is made. We
10 can see it is the Chief Constable, so Sir Ronnie 12:09
11 Flanagan as he is now, making this decision. Do you
12 have that, it should be on your screen?
13 A. Yes, I do.

14 410 Q. And we can see he consulted both Detective Chief
15 Superintendent Anderson and Detective Chief 12:09
16 Superintendent Houston. And the text at the bottom
17 then reads:
18
19 "The following appointments agreed with the Chief
20 Constable." 12:10
21
22 I think that would be all the information we can see on
23 this page, but if we go over the page, please, and just
24 stay with Decision 7, please, so just the part that's
25 before 8, which we'll come to. I think it is the top 12:10
26 two-thirds of the page we need, Ms. Montgomery, down to
27 Decision 8, so a little further down, if you don't
28 mind.
29

1 So, we can see here that Task Force Commander is
2 identified as Detective Chief Superintendent Anderson,
3 is that right?

4 A. That's correct.

5 411 Q. SIO, Detective Chief Superintendent Houston? 12:10

6 A. Yes.

7 412 Q. And Deputy SIO, Detective Superintendent Brian
8 McArthur, the person we saw responsible for Decision 1?

9 A. That's correct.

10 413 Q. The text reads: 12:10

11

12 "It was further agreed the Detective Chief
13 Superintendent Anderson will front the investigation
14 with the others and in his role of Deputy ACC Crime
15 arrange any outside resources required." 12:11

16

17 The reason given:

18

19 "The appointment of Detective Chief Superintendent
20 Anderson as press media liaison officer adopted in 12:11
21 order to relieve the SIO of their responsibility."
22

23 So, in effect, they're removing some of the
24 responsibilities that an SIO might have which aren't
25 directly related to investigation so that the SIO can 12:11
26 focus on their task?

27 A. That's correct.

28 414 Q. Just so that we understand, this is a good example here
29 of how it works. We can see that it was signed by

1 Brian McArthur and the date here is 20th of August
2 1998. Will that be the date that the entry is made on
3 the HOLMES database?

4 A. Potentially, yes.

5 415 Q. We know that the decision is dated 15th August but that 12:11
6 was written down, this is the typed record of that
7 decision and appears to have a separate datestamp?

8 A. Yes, that's correct. It could also be that if you're
9 involved in the throes of an investigation that you may
10 not have time to make note of your decisions as you 12:12
11 make them and, on occasion, they can be done
12 retrospectively also.

13 416 Q. So, that's Decision 7. We're going to look now please,
14 Ms. Montgomery, at the bottom of the page and over in a
15 moment on to page 8. So, Decision 8 is timed at the 12:12
16 same time on the 15th. We can see it's Detective Chief
17 Superintendent Anderson and Detective Chief
18 Superintendent Houston who make it.

19

20 "The investigation will go onto the HOLMES system which 12:12
21 will be set up in Strabane Station. A satellite HOLMES
22 office will be maintained."

23

24 And we can go over the page please. And just down to
25 Decision 9 please, thank you very much. 12:13
26

27 "Omagh Station: The incident room will be established
28 at Omagh Station.
29

1 Reason: The reason the major HOLMES room will be
2 established at Strabane station is twofold: The
3 telephone lines in the Omagh Station have been affected
4 by the bomb and will not be repaired for at least 24
5 hours. The HOLMES room in Omagh is very small for such 12:13
6 anticipated large inquiry."

7
8 And, again, we can see that there is a date of the 20th
9 associated with that decision of the 15th.

10
11 Now, your colleague, DCI McGuinness, has provided a
12 very lengthy statement, hasn't he, about the HOLMES
13 system?

14 A. That's correct.

15 417 Q. And so, he is coming to speak to that next week, so 12:13
16 we're not going to go into the detail of HOLMES. But,
17 can you confirm for us that HOLMES stands for, the Home
18 Office Large and Major Enquiry System?

19 A. That's correct.

20 418 Q. And it is a computer database which can be used to 12:13
21 record events within an investigation?

22 A. That's correct.

23 419 Q. Well, that would be sufficient for our present
24 purposes. But, let us now continue, please, with
25 considering who else was part of the investigation. 12:14
26 And here you may want to turn up of your first
27 statement, paragraph 240, because there's some detail
28 in there, that it would be helpful for us, between us,
29 put into the record. Paragraph 420. It's page 84, if

1 that helps.

2 A. Yes, thank you.

3 420 Q. would you like just to read out for us, please, what
4 resources were made available on the day of the bomb,
5 please? 12:15

6 A. "On the day of the bomb the following staff were
7 initially made available:
8
9 16 detectives from Headquarters Serious Crime Squad,
10 C12; 12:15
11
12 20 uniformed constables from across Northern Ireland;
13
14 6 members of the local crime team in Omagh;
15 12:15
16 8 members of the North Region Crime Squad;
17
18 14 divisional CID officers;
19
20 2 detective sergeants from the south region; 12:15
21
22 2 uniformed sergeants from Belfast; and
23
24 1 uniformed sergeant from the south region."
25 12:15

26 421 Q. You go on to say that additional staff were added in
27 the days and weeks that followed?

28 A. That's correct.

29 422 Q. So, was a structure then imposed upon those officers so

1 that we had both investigators, and here you deal with
2 this at paragraph 422, who are the priority inquiry
3 team. We also have uniformed officers supervised by
4 detective officers who were conducting interviews, and
5 a team whose objective was focused on those who had 12:16
6 been hospitalised?

7 A. That's correct.

8 423 Q. So, on any view, I'm sure you can agree, a very
9 substantial number of people were allocated to this at
10 an early stage? 12:16

11 A. Yes, that's correct.

12 424 Q. Are you able to say whether or not this was the
13 largest, or one of the largest investigations that the
14 RUC had carried out or was this not, in the scheme of
15 all of the investigations, one of a very great size? 12:16

16 A. I would imagine that it was, certainly at the time,
17 probably the largest and would probably still be a
18 significantly large today.

19 425 Q. Now, given that answer which I appreciate you have
20 couched in cautious terms making clear that you don't 12:17
21 know that for a fact, if this is a very big
22 investigation for the RUC, did you, when you were
23 reviewing the material, see whether they consulted with
24 any other police forces around the United Kingdom to
25 draw on wider experience about how to run such a large 12:17
26 inquiry?

27 A. That is something that I didn't focus my attention on
28 in preparation for today, I can certainly take that
29 away and establish that. I am aware that was liaison

1 with some other police forces, but I can't say if that
2 was definitively the purpose or if that was one of the
3 purposes.

4 426 Q. Now, we've dealt with the initial set-up and the
5 question that was posed to you was about the initial 12:17
6 set-up. In fact, the Inquiry holds information to
7 suggest that by the end of September 1998 a decision
8 was taken to remove over half the investigators from
9 the team effective from 7th October, so that's
10 information that we hold from other sources. From your 12:18
11 research and consideration, does that accord with your
12 understanding?

13 A. I'm aware of the sources where you have the information
14 from and it would tie with any investigation on that
15 scale. The demand placed on policing is significant 12:18
16 and naturally any large inquiry would, at some point,
17 space and time have to start scaling back resources.

18 427 Q. So, is your answer to this effect, that your experience
19 in major investigations is that there is often a
20 substantial resource allocated to it at the outset but, 12:18
21 inevitably, there comes a point in any investigation
22 where resourcing has to be diverted to other
23 investigations and other policing requirements?

24 A. Yes, that would be correct.

25 428 Q. I suppose the question that drops out of that is that 12:18
26 we are dealing here with a moment in time just seven
27 weeks after an atrocity of extraordinary proportions,
28 is it your expectation and experience that that
29 reduction to less than half would occur in that sort of

1 timeframe for an investigation of this size?

2 A. It's very difficult to say. Obviously, with Omagh as
3 being as large a scale investigation as it was, there
4 would be an expectation that a significant resource
5 would be made available to the investigation. However, 12:19
6 I wasn't present at the time and I'm not aware of the
7 circumstances as to why that decision would have been
8 made or was made. So, I find it very difficult to
9 speak to the rationale behind why that would be the
10 case. I think it's fair to say that during the first 12:19
11 seven weeks of an investigation significant inroads,
12 for want of a better way of putting it, would be made
13 into any investigative strategy and there would be
14 certainly an idea of a direction of travel in terms of
15 the mindset of the SIO and the direction we're looking 12:20
16 at as to who our suspects are, et cetera.

17 429 Q. Just help us with that, the mindset of an SIO. Every
18 SIO must know what you know, which is that there will
19 come a point in the investigation when the initial
20 surgeon has to be reallocated, is it expected that that 12:20
21 reallocation will simply be a pragmatic choice, in
22 other words, it doesn't matter where the investigation
23 has got to, those resources are needed elsewhere? Or
24 is it expected that the investigation will have reached
25 a particular point when there is confidence about 12:20
26 suspects or lines of inquiry that there will be a
27 diminution in resources, or does it sit somewhere
28 between the two?

29 A. It probably sits somewhere between the two. It's

1 something that's very, very difficult to quantify, if
2 that makes sense. As an SIO, I would fight and seek
3 for resources if I felt they were required, whereas in
4 other aspects I may be able to release resources
5 knowing the demands. It really would depend on the 12:21
6 demands being placed upon the resources that you're
7 using at the time.

8 430 Q. Now, have you seen any evidence from your review of the
9 papers which indicated whether there was any, to use
10 your word, fight over resources as between the SIO and 12:21
11 the wider policing needs of the RUC at the time?

12 A. Again, I didn't look specifically at that as a topic
13 that I was covering so I wouldn't be able to
14 definitively say, though I would be very surprised if
15 any SIO did not endeavour to ensure their inquiry or 12:21
16 their investigation was sufficiently resourced.

17 431 Q. One of the features of the SIO and Deputy SIO in the
18 early stages is that they were very senior officers,
19 weren't they?

20 A. Yes. 12:22

21 432 Q. You've told us you're a DCI and you're qualified as an
22 SIO (or at least were at one time) so it doesn't
23 require the rank of Detective Chief Superintendent to
24 be an SIO, does it?

25 A. No. 12:22

26 433 Q. But nevertheless a very senior officer, just below
27 Chief Officer rank was allocated and a Superintendent
28 as the deputy. From the information that we have, it
29 appears that neither was occupying their roles on a

1 full-time basis, is that your understanding?

2 A. As any SIO, you would have other duties during an
3 investigation, you would have potentially more than one
4 investigation to manage at any time so I assume that
5 they will have been in a similar position. 12:22

6 434 Q. That's the follow-up question. It appears to us at the
7 moment that they weren't full-time, but what you can
8 perhaps add to that fact is your experience as an SIO;
9 would you expect an investigation of this size,
10 importance and complexity, to require a full-time SIO? 12:23

11 A. Certainly, in the beginning of the case the SIO I would
12 have expected to dedicate the vast majority, if not all
13 of their time to such an investigations of such
14 gravity, given the scale of the Omagh bombing and the
15 impact that it ultimately had. I would have had the 12:23
16 expectation that certainly in today's day and age I
17 would expect that the SIO would be given a fairly
18 reasonable amount of time where that could be their
19 sole focus.

20 435 Q. So, perhaps, not quite full-time but very nearly 12:23
21 full-time for a substantial period of time?

22 A. Yes.

23 436 Q. And, again, similarly for the Deputy SIO as well so
24 that they are working cohesively as a team?

25 A. Yes, I would expect that. It's probably worth 12:24
26 caveating that an SIO will not only have carriage of
27 one investigation at a time. So, whilst you take on a
28 new investigation you could have one, two, three, four,
29 five others that you still need to continue to maintain

1 progress with, I suppose is the best term.

2 437 Q. Now, we know that the Deputy SIO was supported by a
3 person who has the benefit of an anonymity Restriction
4 Order, Detective Chief Inspector Officer 15, is that
5 correct? 12:24

6 A. Yes, that's correct.

7 438 Q. We'll come on to where that person fits within the
8 picture as we consider how the SIO position changed
9 over time.

10 12:24

11 The information the Inquiry has is that Detective Chief
12 Superintendent Houston, who was the original SIO,
13 retired in 2000, is that your understanding?

14 A. That is my understanding, yes.

15 439 Q. And do you know from the information you've had access 12:25
16 to whether that was a planned retirement, a long time
17 coming or whether that was a decision made in 2000?

18 A. I have no idea.

19 440 Q. We know, for example, that in the summer of 2000, Chief 12:25
20 Superintendent McVicker was appointed to conduct a
21 review; do you know whether there was any relationship
22 between the one SIO being replaced and that review?

23 A. I have no idea.

24 441 Q. In terms of the command structure, can you confirm, 12:25
25 please, that when Detective Chief Superintendent
26 Houston retired, Detective Superintendent McArthur took
27 over as the SIO?

28 A. That's correct.

29 442 Q. So, the deputy promoted to the full leader. And did

1 Detective Chief Inspector Officer 15 become the Deputy
2 SIO at that point?

3 A. I'm not certain from the information that I've viewed
4 of the date that that happened, but it would suggest it
5 was in around a similar time. 12:26

6 443 Q. Well, speaking of the summer of 2000, we're going to
7 hear from former Chief Superintendent McVicker next
8 week, but you can confirm for the purpose of our
9 chronology that as a result of an idea proposed by
10 Assistant Chief Constable Raymond White, Detective 12:26
11 Chief Superintendent McVicker was appointed to conduct
12 a review?

13 A. That's correct.

14 444 Q. And that was the first review of an ongoing
15 investigation that the RUC had ever done? 12:26

16 A. That's correct, I believe.

17 445 Q. And it was proposed to the Chief Constable who approved
18 it, is that your understanding?

19 A. That's my understanding.

20 446 Q. And it reported, in December of 2000, is that also your 12:26
21 understanding?

22 A. I believe so, yes.

23 447 Q. Can you confirm, we don't need to go into the detail of
24 them, that the outworkings of that review was a very
25 large number of recommendations aimed at benefitting 12:27
26 the investigation?

27 A. That's correct.

28 448 Q. So, if we continue just to move forward please in our
29 chronology as the investigation is evolving at an

1 overview level. On 29th July 2001, The Sunday People
2 published an article reporting what a person given the
3 name Kevin Fulton was saying about intelligence he
4 provided before the attack. And that led to the Police
5 Ombudsman launching an investigation, that's right, 12:27
6 isn't it?

7 A. That's correct.

8 449 Q. And that Ombudsman, Baroness O'Loan (as she is now)
9 reported on 12th December 2001, is that correct?

10 A. I believe so. 12:28

11 450 Q. Again, we don't need to go into the detail of it, but
12 her report included comment upon the investigation,
13 didn't it?

14 A. That's correct.

15 451 Q. That was December 2001, in May of 2002, Detective 12:28
16 Superintendent Norman Baxter was appointed as the SIO?

17 A. That's correct.

18 452 Q. Are you able to assist us - and we're going to be
19 hearing from former Detective Superintendent Baxter in
20 the week of 9th November - are you able to give any 12:28
21 assistance as to any of the rationale behind Detective
22 Superintendent McArthur moving out of that role and
23 Norman Baxter being appointed into it?

24 A. I can't, apologies.

25 453 Q. Detective Superintendent Baxter held the position until 12:28
26 2008, and his deputy was Chief Inspector Officer 15;
27 that's correct, isn't it?

28 A. That's correct.

29 454 Q. When Detective Superintendent Baxter left the

1 investigation in 2008, was he replaced by any other SIO
2 that you're aware of?

3 A. Not until a later period where Detective Superintendent
4 Agnew then came to the Omagh investigation.

5 455 Q. Well, we'll come to him in a moment, I think that's 12:29
6 2016, so that's a period of eight years?

7 A. Yes.

8 456 Q. Was there a live investigation in terms of actively
9 being pursued in the period after Detective
10 Superintendent Baxter left, up until 2016? 12:29

11 A. Well, there wouldn't have been an SIO directing the
12 direction of travel of the investigation, though I
13 imagine there would have been enquiries that remained
14 from his time being carried out and concluded.

15 457 Q. So, there might have been returns on enquiries that he 12:29
16 set running, but no new enquiries being generated and
17 any facility for analysing those responses or was that
18 not until 2016?

19 A. I would need to seek confirmation around that if the
20 Inquiry so wished a conclusive answer in relation to 12:30
21 that.

22 458 Q. Do you think it would be fair to say this, that there
23 wasn't an active investigate between 2008 and 2016?

24 A. If there was no SIO directing, I would assume there was
25 limited action in relation to the investigation. 12:30

26 459 Q. So, then that brings us to 2016 to complete the history
27 of this. Detective Superintendent Keith Agnew was
28 appointed to conduct a review of the investigation, is
29 that right?

1 A. That's correct.

2 460 Q. And the purpose of his instruction was to see if
3 anything could be done to further progress the Omagh
4 bombing investigation?

5 A. That's correct. 12:30

6 461 Q. And he reported in May of 2016?

7 A. That's correct.

8 462 Q. And was his conclusion that the investigation could not
9 be progressed and that it should be passed to PSNI's
10 legacy investigation branch team? 12:31

11 A. That's correct.

12 463 Q. So, again, that just gives us an overview here of
13 various moments in time in the course of the
14 investigation. There are two specific overview topics
15 about the investigation before we come to the detail 12:31
16 just to deal with. The first relates to what were
17 termed in the investigation as "linked incidents." Do
18 you know what I am referring to when I say "linked
19 incidents"?

20 A. Yes, I do. 12:31

21 464 Q. The Inquiry has adopted a different term for them, we
22 are referring to them as "previous incident," the
23 Inquiry has identified 32 and that is a long list of
24 those that we are investigating to see whether or not
25 they are linked. But can you confirm that within the 12:31
26 Omagh bombing investigation the concept that there may
27 have been earlier criminal activity of a terrorist
28 nature by the perpetrators of the Omagh bombing did
29 form part of the thinking?

1 A. That's correct.

2 465 Q. And was it in October 1998, so a period of between one
3 and a half and two and a half months later, that a
4 small team was set up to look at what were called
5 "linked incidents"? 12:32

6 A. Yes, I believe that to be correct.

7 466 Q. Now, we'll hear from Mr. McVicker about this, but the
8 language used is "small team," notwithstanding that
9 there were a significant number of potentially linked
10 incidents. Are you able to comment on the level of 12:32
11 resource that seems to have been applied to looking at
12 historical events and how they might help the
13 investigation?

14 A. No, I haven't located that information as yet.

15 467 Q. Well, we know that Detective Chief Superintendent 12:33
16 McVicker did look at that in 2000 so we'll hear from
17 him and his view about it. But the question for you,
18 having looked back at all the material, is, we know
19 that the concept of linked incidents was being talked
20 about from October 1998; did you see any evidence, 12:33
21 within the Omagh bombing investigation, that they were
22 building on previous work that had been done, in other
23 words that this idea of linked incidents and a single
24 group or combined groups were perpetrating attacks, did
25 you see any evidence that that Omagh bombing team built 12:33
26 on earlier work?

27 A. Yes, there's several instances. The workings of one of
28 the scientists on 17th August believed that there were
29 links to three other incidents that had happened

1 previously that he'd looked at in relation to I believe
2 the TPUs, the timer power units.

3 468 Q. Yes.

4 A. Apologies I have the PSNI document number and not the
5 INQ number, but I utilised document 9674, so D9674, 12:34
6 which provides like a summary of the decisions taken in
7 relation to linked incidents. The first decision noted
8 in that is Decision 41, which was on 19th August '98
9 which was to research previous PIRA bombs. I assume
10 that was the starting of trying to see similarities. 12:34
11

12 Decision 72 then, which was made on 01/10, is in
13 relation to establishing a list of incidents prior to
14 the Omagh bomb that can be linked. And there are a
15 number of other decisions running through that but it 12:34
16 gives a rough timeframe of whenever these were first
17 thought of.

18 469 Q. So, October is not our first moment in time in terms of
19 within the investigation, the thinking is recorded as
20 having started on 17th August? 12:35
21 A. Sorry, the 19th.

22 470 Q. Sorry, that was me misremembering. Did you see any
23 evidence that that thinking was building on work done
24 before 15th August, in other words that there was
25 already established a pool of thinking within the RUC 12:35
26 that the Omagh bombing investigation could say, 'Let's
27 grab that and build on that'?

28 A. It's quite difficult to say. As an SIO, if I was
29 investigating a similar type of incident I would expect

1 Forensic Science Northern Ireland (as it now is) to
2 assist me in establishing, for example, we identify and
3 refer to a Mk 19 timer power unit --

4 471 Q. Yes.

5 A. -- providing information and possibly through work. 12:35

6 472 Q. So, the possibility coming from the forensic science
7 side that that work had already begun. What about
8 within the RUC itself in terms of code words that had
9 been used across multiple incidents, whether that was
10 being tracked and considered so that the team on 19th 12:36
11 August could say we already know which previous events
12 had used this codeword, we need to focus on those ones
13 as a starting point?

14 A. So, that would certainly be looked at. In terms of
15 code words, for example, I have been a police officer 12:36
16 now for coming up on 23 years and only code word that I
17 know is the one relevant to this Inquiry and this
18 investigation. They were not something that was
19 broadly publicised. Communications rooms would have
20 potentially known, and I would assume the likes of 12:36
21 Special Branch, so that if a code word came in it could
22 be -- it would get to the term of a recognised code
23 word. Certainly, in my experience of any incidents
24 that I have dealt with in the past, I would never be
25 told the code word, I'd be told that a recognised code 12:36
26 word has been used. So, I would expect -- I suppose
27 what I'm trying to say is I don't know how long that
28 would take to carry out that research to start linking
29 incidents by code word, but I would expect it would be

1 done in the early stages, certainly the wheels set in
2 motion.

3 473 Q. We know it was done in the Omagh bombing investigation
4 because we've seen the output of that where research
5 was done. I suppose, my question was whether or not 12:37
6 you've seen any evidence to suggest that work had
7 already been done before the Omagh attack so that there
8 was already thinking around, for example, the way in
9 which the previous incidents may have been linked
10 before the Omagh bombing investigation which could be 12:37
11 drawn upon by those investigating?

12 A. I would need to confirm. I would be of a view that the
13 likes of the -- when we talk about the Coupatan switch
14 or the TPUs, that these would have been documented in
15 previous instances and, to my mind, an SIO would be 12:38
16 looking to try and establish links to others to see if
17 that would assist with any investigative leads.

18 474 Q. The second general topic to cover the investigation
19 before we move on to my Topic 3, is information sharing
20 between the AGS and RUC/PSNI (as it became) during the 12:38
21 investigation. The first one is very general question,
22 did you see examples of information sharing between the
23 respective police forces on either side of the Border?

24 A. Yes, I did.

25 475 Q. Did you see any information when you were looking 12:38
26 through to prepare your statement indicating that there
27 were any difficulties or challenges experienced on
28 either side of that relationship with information
29 passing?

1 A. There was nothing that suggested it directly. And, I
2 suppose, prior to the -- there were structures put in
3 place to share information following the signing of the
4 Anglo Irish Government, by the British and Irish
5 Governments around about 15th November 1985. Off the 12:39
6 back of that, there was a working party that was
7 creating and attended by, initially the RUC Chief
8 Constable and the Commissioner of AGS. This then
9 reduced down in rank and there was some debate around
10 structures north and south of the Border as to how -- 12:39
11 for example, in the North, Special Branch sat separate
12 to CID whereas in the South in some locations a
13 detective performed both roles and there was
14 disagreement as to what was the best model. And it
15 could be seen that there was some disagreement but, 12:39
16 ultimately, that is the height of what I've seen around
17 there being any difficulty in working relationships and
18 to my mind it would be a very small and nuanced
19 example. And ultimately it led to the creation of a
20 document that was signed by both police and north and 12:40
21 south of the Border that would basically give an
22 agreement that there would be information sharing when
23 and where appropriate.

24 476 Q. That document was created, just so that we're clear
25 about the date of the document you're talking? 12:40

26 A. '85. I'd need to go to the document to get you the
27 exact date that it's signed on, but it followed on from
28 the -- the recommendation of the Anglo Irish Agreement,
29 whenever it was signed was that communication happen

1 between north and south of the Border in relation to
2 policing, and that document was the outworking of that.

3 477 Q. The Omagh bombing was unprecedented in terms of its
4 size of civilian casualties. Did you see any
5 information from the material that you reviewed that 12:41
6 any particular memorandum of agreement or additional
7 layer of formality governing the sharing, given how
8 wide the investigation was inevitably going to be, that
9 was put in place post that attack?

10 A. Not that I saw. There were, obviously, mechanisms in 12:41
11 place that would have been unusual at the time such as
12 the incident, well the Incident Room is maybe not the
13 right term, but a team set up south of the Border in
14 relation to the Omagh Bomb Inquiry that, obviously,
15 showed that there was a desire to assist. 12:41

16 478 Q. Certainly, that desire was mutually stated that each
17 force wanted to help each other. Bearing in mind your
18 position just looking back over the documents, would
19 you, therefore, defer to the likes of Mr. McVicker and
20 Mr. Baxter, who lived through that period and were in 12:41
21 the thick of the investigation, for a better sense of
22 how well in practice that information sharing occurred?

23 A. I would have to, yes.

24 479 Q. Well, we're going to now move on to the third and most
25 substantial of my topics, which is just to deal with 12:42
26 aspects of the investigation.

27

28 Now, the first thing I hope which will allow us to put
29 into evidence, with your support, is that the Inquiry

1 Legal Team has prepared a number of factual evidence
2 summaries which includes a great deal of material
3 captured by the RUC/PSNI investigation; do you agree?
4 A. Yes, I agree.
5 480 Q. Have you had an opportunity to look through those which 12:42
6 in part built on and reference your own statement, to
7 satisfy yourself that within their own terms they are
8 accurate?
9 A. Yes, I have.
10 481 Q. So, those will all be published and you and I are going 12:42
11 to draw on the content of some of them working on the
12 basis that they correctly represent what the
13 investigation uncovered.
14
15 As I said earlier, we're going do this by reference to 12:43
16 the Inquiry part structure. So, we will start, please,
17 with our Part 3, which is evidence relating to 12th and
18 14th August 1998. And it's during that period,
19 Detective Chief Inspector, that the bomb car was
20 stolen, wasn't it? 12:43
21 A. Yes, that's correct.
22 482 Q. We've heard from An Garda Síochána about that and we've
23 seen a presentation about it, but you can confirm and
24 you deal with this from paragraph 23 of your statement,
25 that Anthony Donegan was a car thief known to the AGS, 12:43
26 wasn't he?
27 A. That's correct.
28 483 Q. And he was arrested and interviewed at a relatively
29 early stage by the AGS and in that first set of

1 interviews he denied any involvement?

2 A. That's correct.

3 484 Q. We'll then come to rearrest in June 1999, that was,
4 again, an AGS arrest so in the Republic of Ireland, is
5 that right? 12:44

6 A. That's correct.

7 485 Q. And by that stage - we're jumping ahead a little, but
8 so that everybody understands, but by June 1999 the RUC
9 had developed a much clearer picture about the
10 telephones, hadn't it, and supplied some of that 12:44
11 information to the AGS?

12 A. That's correct.

13 486 Q. And so the AGS had that information available to them
14 for the purpose of interviewing Mr. Donegan?

15 A. That's correct. 12:44

16 487 Q. And is the upshot of that telephone evidence that there
17 was a pattern of contact involving three people;
18 Anthony Donegan, Paul Kelly and Seamus Daly?

19 A. That's correct.

20 488 Q. Now, when that telephone evidence was put to him in 12:44
21 June of 1999, can you confirm that Mr. Donegan was
22 recorded as admitting the theft?

23 A. That's correct.

24 489 Q. And he went further still and drew a sketch, according
25 to the records, of from where he had stolen the car in 12:45
26 Carrickmacross?

27 A. That's correct.

28 490 Q. Did he assert, in that interview, that he didn't know
29 why he was stealing the car?

1 A. Yes.

2 491 Q. But he was accepting that he had been commissioned to
3 steal it for order?

4 A. That's correct.

5 492 Q. Did he refuse to sign a statement to that effect? 12:45

6 A. He did, yes.

7 493 Q. And are you able to confirm that a file went to the
8 Director of Public Prosecution in the Republic of
9 Ireland in relation to Mr. Donegan and the admissions
10 he's made and a decision was taken not to prosecute 12:45
11 Mr. Donegan?

12 A. That's correct.

13 494 Q. Have you seen any explanation provided at the time for
14 why that decision was made?

15 A. No, I have not. 12:46

16 495 Q. We'll stay with Anthony Donegan and we're coming to
17 paragraph 28 of your sequence of events statement. Was
18 he arrested by the PSNI in February 2005?

19 A. Yes, he was, on 7th February 2005, I believe.

20 496 Q. And so, given who the arresting force is, do we 12:46
21 conclude that he must have been in Northern Ireland at
22 the time of his arrest?

23 A. Yes.

24 497 Q. So, this is PSNI's first opportunity to interrogate
25 him. Was the telephone analysis put to him? 12:46

26 A. Yes, I believe so.

27 498 Q. And was his account to the PSNI that he was involved in
28 "criminal activity" that night?

29 A. Yes, I believe so.

1 499 Q. Now, the phrase you use is "he corroborated notes made
2 by the AGS in the June 1999 interview." Can you just
3 help us what you mean by that?

4 A. I believe that he confirmed that he had told AGS or
5 made these admissions to AGS, however, he then goes on 12:47
6 to deny any involvement in the vehicle theft.

7 500 Q. He accepted, this is right, he accepted that he told
8 the AGS that he was involved in the theft but he said
9 that that wasn't true, that it was other criminal
10 activity that he was involved in? 12:47

11 A. Yes, certainly that's what the material that I've
12 reviewed suggests.

13 501 Q. Did he admit that he was the author of the sketch to
14 the PSNI?

15 A. He did admit to having drawn the sketch but stated that 12:47
16 this was to explain how he drove from Dundalk to
17 Carrickmacross, from memory, and the location of a
18 licensed premises that he visited.

19 502 Q. And did he admit that he spoke to Paul Kelly during the
20 period in question but said he couldn't remember what 12:48
21 it was about?

22 A. He did.

23 503 Q. You can rest assured that the Inquiry Legal Team have
24 prepared a summary in greater detail but that is a
25 short version of what he said. As a result of that 12:48
26 interview, and the other evidence that was available,
27 was a decision made to charge to Mr. Donegan?

28 A. Yes, it was.

29 504 Q. In fact, that was made the day after that interview?

1 A. Yes, on 8th February 2000.

2 505 Q. In lay terms, was the allegation that he had made the
3 bomb car available to terrorists?

4 A. Yes.

5 506 Q. In other words, not simply an allegation of theft but 12:48
6 an offence which captures those who assist terrorism?

7 A. Yes.

8 507 Q. Having been charged, was a decision made by the Public
9 Prosecution Service to withdraw that case?

10 A. That's correct. 12:49

11 508 Q. And was the reason given to the PSNI that there was
12 insufficient evidence to prove that he knew the vehicle
13 would be used for acts of terrorism?

14 A. Yes, I believe so.

15 509 Q. So, just for you to help us, obviously the charging 12:49
16 decision is made in conjunction with the PPS and
17 ultimately when a person has been charged it's their
18 responsibility under the statute to have responsibility
19 for whether that continues or not, and they have a code
20 that they must apply; but did you see any consideration 12:49
21 given to charging Mr. Donegan with theft or conspiracy
22 to steal which he had undoubtedly admitted to?

23 A. Not in the material that I have reviewed, it may have
24 been because that sort of lower level offending
25 happened in a different jurisdiction. 12:50

26 510 Q. But in 2005 there was still, in contemplation, the
27 prosecution of other individuals; that's right, isn't
28 it? We show Sean Hoey, we know Seamus Daly?

29 A. Yes, yes.

1 511 Q. And would you agree, as a police officer, that
2 establishing as matter of fact that a particular person
3 played a particular role in criminality can be useful
4 in other prosecutions?
5 A. Yes. 12:50
6 512 Q. There'd be no question that even if he didn't know that
7 it was going to be used for terrorism, that this was
8 organised criminality, premeditated, a conspiracy
9 involving individuals and, therefore, a serious form of
10 car theft? 12:50
11 A. Yes, potentially.
12 513 Q. But, nevertheless, I think you've offered as a possible
13 reason that it was because the crime was of the level
14 that it was and it was in a different jurisdiction that
15 it was thought that the appropriate prosecution would 12:51
16 be of the more serious offence involving terrorism but
17 then that crucial element was felt not to be capable of
18 being proved?
19 A. That is from my own logic applying it to the
20 circumstances. I haven't seen material to that fact, 12:51
21 all that I can tell you around what happened was that
22 he was charged with the highly level offence of making
23 property available to terrorists and, ultimately, that
24 was withdrawn due to a lack of evidence.
25 514 Q. Now, in relation to Anthony Donegan, you deal in your 12:51
26 addendum statement at page 6 with whether he himself
27 was known to be a dissident republican or a violent
28 dissident republican. I think the answer that you
29 provide is that his connections, such as they were,

1 where through Paul Kelly?

2 A. That's correct.

3 515 Q. Who was suspected to be a member of the INLA?

4 A. That's correct.

5 516 Q. So, I'm just going to use the time we have before lunch 12:52
6 to turn our attention away from Anthony Donegan to
7 Bernard McGinn. Now, Bernard McGinn was the owner of
8 the vehicle from which the number plates were,
9 effectively, cloned, weren't they?

10 A. Yes, that's correct. 12:52

11 517 Q. And did the RUC investigate whether Mr. McGinn might
12 have been knowingly involved? So, did they consider
13 that as a possibility?

14 A. Yes, there were enquiries made to try and establish,
15 for example, if Mr. McGinn had links to paramilitary 12:52
16 groupings.

17 518 Q. And in the end was Mr. McGinn, following those
18 enquiries, treated as a witness within the
19 investigation?

20 A. He was, yes. 12:52

21 519 Q. So, in other words not a suspect but somebody who could
22 potentially provide information that was helpful to the
23 authorities?

24 A. Yes, that's correct.

25 520 Q. Now, among the information provided by Mr. McGinn was 12:53
26 that he used, and we don't need to give the full name
27 here, a particular garage in Cullaville?

28 A. Yes, that's correct.

29 521 Q. He also told investigators that in order to get to work

1 he would, on occasion, drive on the Coes Road in
2 Dundalk?

3 A. That's correct.

4 522 Q. Now, at paragraph 21 of your first statement - and I
5 appreciate you are juggling a lot of documentation here 12:53
6 so please do take your time?

7 A. Yes.

8 523 Q. You record at paragraph 21 that the conclusion of the
9 investigation at the time, I'll just let you find that?

10 A. Yes. 12:54

11 524 Q. The conclusion of the investigation at the time was
12 that the car was stolen and then a match was found as
13 opposed to a match having been found and then a car
14 stolen?

15 A. Yes. 12:54

16 525 Q. That appears to be the conclusion at the time. Were
17 you able to discern what line of reasoning lay behind
18 that?

19 A. No, I think the reality is that it is much simpler to
20 acquire a vehicle and then seek a number plate as 12:54
21 opposed to the other way round.

22 526 Q. Now, what we know in the Inquiry, there were a number
23 of statements taken in the Republic of Ireland about
24 other people who were in Carrickmacross that night and,
25 in particular, the people who lived on St. Macartans 12:54
26 villas. And one inference from that material is that
27 there were repeated efforts to target Vauxhall
28 Cavaliers; are you aware of that evidence?

29 A. I am aware of that.

1 527 Q. If it is a sound conclusion that, in particular,
2 vauxhall cavaliers were being targeted, might that lend
3 support to the notion that a cloned vauxhall cavalier
4 had been identified in advance?

5 A. I suppose, you could reason that, it could equally be 12:55
6 reasoned the other way that you stole a Vauxhall
7 Cavalier because it was a relatively popular make and
8 model of car at the time, that it would be easy to
9 find, a number plate that could be cloned.

10 528 Q. So, you would say that that doesn't necessarily take 12:55
11 the conclusion any further?

12 A. No.

13 529 Q. Now, the investigation into the cloned number plates
14 resulted in the identification of a company in
15 Birmingham, in England, which manufactured the digits 12:56
16 used in a number plate, is that right?

17 A. That's correct.

18 530 Q. And they supplied, among other people, a company called
19 Wipeco in Newry?

20 A. That's correct. 12:56

21 531 Q. And the investigation then looked at Wipeco and
22 identified that that sold components for the
23 manufacturer of registration plates to customers in
24 South Armagh and in the Republic of Ireland?

25 A. That's correct. 12:56

26 532 Q. And that, ultimately, having investigated who Wipeco
27 supplied to, a garage in Cullaville was identified?

28 A. That's correct.

29 533 Q. And that is the same garage that Mr. McGinn told

1 investigators he had used for the replacement of an
2 aerial and the replacement of, I think it was a wheel
3 in early 1998?

4 A. That's correct.

5 534 Q. So, did that lead the investigators to interview three 12:57
6 individuals, who we're not going to name now, who were
7 connected with that garage in Cullaville?

8 A. Yes, the owner and two employees.

9 535 Q. And did those three people give accounts in interview
10 denying involvement? 12:57

11 A. They did, they denied involvement in the Omagh bombing
12 and they denied any involvement or links to the Real
13 IRA.

14 536 Q. I think one was suspected of being a member of the
15 Provisional IRA and another was suspected of being 12:57
16 involved in the INLA, but, ultimately, no admissions
17 were made and no direct evidence against any of the
18 three men was identified?

19 A. That's correct.

20 537 Q. And as a result were all three released without charge? 12:57

21 A. They were, yes.

22 538 Q. Again, just to try to understand how this group may
23 have operated. If that garage was used as a way of
24 identifying a potential vehicle, that connection arose
25 before the theft, didn't it? 12:58

26 A. Yes.

27 539 Q. Because on Mr. McGinn's case, again there's no clear
28 evidence about how Mr. McGinn's car was identified but
29 one possibility was it was through the garage and if

1 THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS:

2
3 CHAIRMAN: Yes, Mr. de la Poer.

4 MR. DE LA POER: Sir, thank you.

5
6 DCI PETER BILLINGSLEY CONTINUED TO BE QUESTIONED BY
7 MR. DE LA POER AS FOLLOWS:

13:59

8
9 543 Q. MR. DE LE POER: Detective Chief Inspector Billingsley,
10 we are continuing with evidence relating to Part 3 of
11 the Inquiry Legal Team's structure for Chapter 3.
12 We've dealt with the theft of the car, we have dealt
13 with the cloning of number plates, we're next going to
14 consider the process of notification between An Garda
15 Síochána and RUC of stolen vehicles and, in particular,
16 the bomb car. And here can I ask just ask, please, for
17 the electronic presentation, Part 3 to come up and,
18 Ms. Montgomery, if you can move it up to 25 minutes and
19 50 seconds. [Presentation played].

13:59

13:59

20
21 Detective Chief Inspector, what we can see on screen is
22 the fax that we understand that was sent at one o'clock
23 from AGS in Dublin to a number of locations, each
24 marked with a red beacon, one of which was the CBI in
25 Belfast. So, that's the document and type of document
26 we're talking about. Are you able to help with how
27 frequently such messages were sent in relation to the
28 theft of cars, whether there was any pattern or
29 agreement, and whether there was any regularity to it?

13:59

14:00

1 A. Unfortunately, I haven't been able to locate anything
2 that specifically tells us how often these types of
3 messages would have been sent, though it would be my
4 belief, from some of the terminology used, that it was
5 quite a regular occurrence, potentially daily. 14:01
6 Obviously, the purpose being that given we had a land
7 border with the Republic of Ireland, sharing vehicles
8 stolen and recovered from both sides of the line, so to
9 speak, meant that police forces on both sides of the
10 line were able to look out for stolen vehicles or, 14:01
11 indeed, recover the same, so they became located
12 vehicles.

13 544 Q. We're just going to put out a PIN in your phrase "look
14 out for" and come back to that in terms of how it
15 worked in practice in the RUC. But we know this fax 14:01
16 was sent to the CVI in Belfast. You've done a piece of
17 work seeking to understand whether the piece of paper
18 that would have emerged from the fax machine has been
19 capable of being recovered from the Belfast CVI, and is
20 the position that it is likely to have been destroyed, 14:02
21 as was policy at the time, within a week?

22 A. Yes. I believe it was possibly actually two weeks that
23 they talk about, the CVI talk about a blue folder that
24 these would have been put into and then they were
25 destroyed. I'll be corrected by you if I'm wrong but I 14:02
26 believe it was every two weeks.

27 545 Q. At all events, there was a policy of destruction in
28 relation to the hard copy that came out of the fax
29 machine, but, are you able to confirm that an entry was

1 made on police computer systems in relation to the
2 information relating to Paul Ward's car?

3 A. Yes, that's correct.

4 546 Q. If we just move forward please, Ms. Montgomery, to
5 26 minutes and 15 seconds of the presentation.

6 [Presentation played]. we'll see a printout here.

7 Detective Chief Inspector, towards the left-hand side
8 you'll see that there are two boxes that have been
9 pulled out and one of them, the lower one, was No.1:

10
11 "13/08/98, 1323 hrs, CVI Inquiry, terminal EB 21:
12 Stolen vehicle report from Gardaí put on computer."

13
14 And that all falls under an entry relating to this
15 vehicle, is that right?

16 A. Yes, that's correct.

17 547 Q. So, drawing on your experience, are we able to conclude
18 that at 13:23 on 13th August, the fact that this
19 vehicle had been stolen in the Republic of Ireland was
20 recorded on the police system for the RUC?

21 A. That's correct.

22 548 Q. Now, what you say in your addendum sequence of events,
23 you can look it up if you like, it's page 6, but in
24 relation to the consequence which flows from this
25 entry, that that is a force-wide notification, do you
26 see, you use the phrase "force wide"?

27 A. Yes, that's correct.

28 549 Q. we just want to understand a little bit more about what
29 that might, in fact, mean in practice. Is that

1 information which is being given to investigators so
2 that they can actively search for that vehicle at one
3 end, or is it simply information that sits on a system
4 should an officer come across a vehicle and want to
5 know a little bit more about it? Do you see, there's 14:04
6 expansive options, one involves proactively looking for
7 it, the other is simply it's an enquiry you can do if
8 it comes up in your work?

9 A. Yes. Ultimately, it's been very difficult to ascertain
10 exactly what the situation was in 1998, but what I can 14:04
11 say is that upon my joining of the PSNI in 2004, so
12 probably the guts of six years later, that on a daily
13 basis these messages would have arrived into the
14 Inquiry Office of a police station via a dot matrix
15 printer, and that would have given us a list of 14:05
16 stolen/recovered vehicles. Certainly, whilst I was a
17 uniformed officer I would have been briefed on those
18 daily when I started duty. It would have gone into a
19 briefing book and it would have been shared. And I
20 believe that was the practice across the force, though 14:05
21 I can, obviously, only speak to the briefings that I
22 sat in.

23
24 Then slightly later in time, around about 2008 whenever
25 I assumed the role of a uniformed sergeant, I, too, 14:05
26 would have done the same in my briefings whereby those
27 stolen vehicles were shared. So, they were being
28 shared with the boots on the ground, so to speak, with
29 the officers who were going to be out driving about and

1 who may encounter these vehicles.

2
3 They could -- very widely in scope, there could be one
4 vehicle, there could be 50 vehicles depending on what
5 had happened over a period of time. Certainly, I would 14:06
6 suggest it was more common for larger numbers of stolen
7 vehicles earlier in my service when car theft was a
8 much larger blight on society than it is now with
9 advances in technology. But the reality was, they were
10 shared with mobiles. In addition to that, there was a 14:06
11 dedicated radio channel, again, I assume this was the
12 case in 1998 but I'm speaking from my personal
13 experience, that would, if I was following a vehicle,
14 say, and wanted to establish any facts that were held
15 about that vehicle, I could radio through to what is 14:06
16 ultimately CVI - it was known as PVI in my day, which
17 was person and vehicle inde - and I could request,
18 provide details of a vehicle registration number and
19 request what details were held, and that would then be
20 shared with me via radio transmission. 14:06

21
22 It would flag up whether the vehicle was stolen. If it
23 was suspected of being involved in crime, for
24 argument's sake, or any warning flags that were on that
25 vehicle. 14:07

26 550 Q. Does it come to this, that your expectation, based on
27 your experience a few years later, is that boots on the
28 ground across Northern Ireland would have been briefed,
29 on a daily basis, so presumably the following day a

1 briefing would be given about a list of vehicles and
2 officers are instructed alongside their other
3 obligations to keep an eye out for these, and if you
4 see he them, act. So, that's one way. And the second
5 is that for a reactive enquiry, in other words that for 14:07
6 a different reason a vehicle comes across any police
7 officer's practice, that they can ask for more
8 information and they would be told this is stolen, if
9 they made an enquiry about that particular vehicle?

10 A. Yes, that's correct. It's probably worth saying that, 14:07
11 obviously, within the police we work on various
12 different shift patterns so it may not have been the
13 next day before that was being rolled out across
14 sections, it could have been a late shift coming in,
15 and being briefed. It would be routine that any 14:08
16 section, any team starting, certainly in a response in
17 a uniform role would be briefed prior to going out on
18 the ground.

19 551 Q. Do you know whether the RUC were sharing that same
20 information about stolen vehicles with the military? 14:08

21 A. As a result of communications that we've had over
22 recent weeks, I have attempted to ascertain that and I
23 struggled to find any evidence of that, though
24 generally, in 1998 we would have had military embedded
25 with police and certainly around the Border areas, and 14:08
26 I would have the expectation that it more than likely
27 was shared but I can't definitively state that I've
28 found evidence of that having been shared and certainly
29 couldn't locate the likes of a Force Order that

1 detailed how that was to happen.

2 552 Q. When you say "embedded," was it your expectation that
3 they would be sitting with access to their own computer
4 system sitting with a police officer with an access to
5 theirs, or that the military would have had access to 14:09
6 this system to consult with it?

7 A. Most military patrols would have been conducted back in
8 the day with what was a RUC LO at the time (an RUC
9 Liaison Officer), who would have gone out on patrol
10 with the military, so, in theory, you would have had 14:09
11 that knowledge from the police officer present.

12 553 Q. We should be clear about this, though, shouldn't we,
13 that this information is only useful and potentially
14 capable of assisting the authorities if the vehicle in
15 question still bears the same vehicle registration 14:09
16 plate?

17 A. That's correct and, obviously, with the vehicle that
18 this refers to there are several difficulties. First
19 of all, certainly my belief that I've developed through
20 the material that I've seen is that the bomb car came 14:09
21 over the Border bearing the false plates, the
22 Mike-Delta-Zulu plates. That would mean there would be
23 nothing, unless a patrol identified suspicious activity
24 involving the vehicle, or something that drew someone's
25 attention to it that they would then request the 14:10
26 vehicle check. Even at that point, there's not a
27 necessity for you to stop the vehicle if you carry out
28 a check. So, if I carried out a check in relation to
29 that vehicle and it came back to Mr. McGinn, as was the

1 owner, and it was in the relevant area and not doing
2 anything particularly out of the ordinary, I may have
3 made the decision to not stop that vehicle. Obviously,
4 if the vehicle was stopped, it would lead to a
5 different series of questions, I suspect, but, 14:10
6 unfortunately, that wasn't the case.

7 554 Q. Let's just consider the belief that you've just
8 described which is that it crossed the Border on false
9 plates, as you have described it; are you there
10 referencing the moment that it crossed around 1:00 to 14:10
11 1:30 on the 15th?

12 A. Yes, that would be my belief as probably the first time
13 that it's likely come into Northern Ireland.

14 555 Q. So, let's just track what you understand the PSNI's
15 position to be about how that vehicle ended up in that 14:11
16 point. It was stolen in the early hours, that's well
17 established, on the 13th. We know that it was left in
18 Dundalk because that is what Mr. Donegan told police
19 when he was making admissions against his own interest.
20 would it be your assessment that that vehicle would 14:11
21 have been driven around, as some eyewitnesses appear to
22 report, or that it would have been placed into storage
23 whilst it was still displaying the plates which would
24 identify it as stolen?

25 A. Again, it's very difficult to say. I'm aware of the 14:11
26 various witness statements that place the vehicle
27 moving at various locations just over the Border.
28 Maybe the way that I would approach this is that if I
29 was responsible for that vehicle, once it had been

1 stolen, I would either have the different number plates
2 on it fairly quickly so that it wouldn't ever stopped
3 and detected as having been a stolen vehicle, or I
4 would remove it to some kind of out-of-sight storage so
5 that it wouldn't be located, until such times as I 14:12
6 required it for whatever purpose it was for.

7 556 Q. So, either it went onto its false plates quickly in
8 your hypothesis, or it was put in storage out of sight
9 until those false plates could be attached?

10 A. Yeah, that would be the logical approach for me. 14:12

11 557 Q. Do we see - sophistication is probably overstating it -
12 but do we see that sort of thoughtful approach being
13 exhibited by those engaged in terrorism during this
14 period?

15 A. It's a very sweeping question, but I think we have to 14:12
16 give the terrorists a degree of, not credibility, it's
17 not the right word but they weren't stupid.

18 558 Q. And they were being careful?

19 A. Yes.

20 559 Q. So, we're going to move on now from the vehicle to the 14:12
21 TPU investigations. Here, in a sense - thank you very
22 much indeed Ms. Montgomery - we're going back in time
23 even before Part 3, but this will take us up to the
24 point at which the TPU is added in the construction of
25 the bomb. You deal with this at paragraphs 232 and 14:13
26 following in your statement.

27

28 Now, we're here dealing with the Mk 19, as it was
29 designated within the RUC, is that right?

1 A. Yes, that's correct.

2 560 Q. And it had been seen, that Mk 19, before the Omagh
3 attack?

4 A. Yes, that's correct.

5 561 Q. Have you seen any information to indicate that any 14:13
6 efforts had been made before the Omagh attack to find
7 out where the timers used in earlier devices had been
8 manufactured?

9 A. Again, off the basis of the conversations that we had
10 had prior to today I have not looked into that. I have 14:14
11 looked specifically around the Omagh investigation.

12 562 Q. But in terms of the material within the Omagh
13 investigation, did there appear to be available to the
14 investigators, information that said under the Mk 19,
15 which you're looking at, a piece of work already exists 14:14
16 tracing its manufacture?

17 A. Not that I came across.

18 563 Q. Well, it may be that further indication as to whether
19 any work was done before the attack can be found
20 because we know that this was investigated within the 14:14
21 Omagh bombing investigation from the summer of 2002, is
22 that right?

23 A. Yes, that's correct.

24 564 Q. And the prompt for that, as you describe it, you
25 indicate it was the PONI Report that led to a change in 14:15
26 forensic strategy?

27 A. That's correct.

28 565 Q. Now, there was a lot going on at that time. We know
29 the McVicker Report also involved a change of forensic

1 strategy. It perhaps doesn't matter, but is it an
2 event sometime around 2000, 2001 that leads to the
3 enquiries that began in the summer of 2002?

4 A. Yes, that's my understanding.

5 566 Q. And so, is it a reasonable inference, if the 14:15
6 investigators within the Omagh bombing investigated
7 hadn't thought to closely examine that timer in order
8 to chase back its manufacture until the summer of 2002,
9 that that work probably hadn't been done within the RUC
10 before that? 14:15

11 A. Yes.

12 567 Q. And the TPU was examined in December 2002 and some
13 numbering on it was discerned?

14 A. Yes, that's correct.

15 568 Q. Now, plainly that TPU had been in the midst of a 14:15
16 detonation, but is it, again, a reasonable inference
17 that those TPUs that were used on undetonated devices
18 would have lent themselves, to an even greater degree,
19 to examinations such as was done then?

20 A. Yes, potentially, yes. 14:16

21 569 Q. And the line of investigation also drew into the Omagh
22 bombing investigation, at that stage, 11 previous
23 incidents that used this particular TPU, is that
24 correct?

25 A. Yes, that's correct. 14:16

26 570 Q. Again, does it follow that until December 2002, an
27 investigative strategy which was looking back into the
28 past to see devices in common and where they might have
29 been manufactured hadn't, in fact, begun?

1 A. Yes, that's correct.

2 571 Q. And if we just take this as a series of propositions,
3 which I know that you'll be able to accept from me, it
4 was established that a French company called Coupatan
5 had manufactured a batch of devices in the 10th week of 14:16
6 1997?

7 A. Yes, that's correct.

8 572 Q. They had two-hour runback and supplied timers to two
9 companies, Hydroelectric and Thermaco?

10 A. That's correct. 14:17

11 573 Q. Thermaco was the company that the investigation focused
12 on, having investigated both sides, and that was a
13 company in Malvern?

14 A. Yes, that's correct.

15 574 Q. And they had received 480 of such timers, is that 14:17
16 right?

17 A. Yes.

18 575 Q. which they had supplied, at a much earlier date to the
19 Omagh bombing, to a company describing itself as
20 Electro-Techniks of Coes Road, Dundalk? 14:17

21 A. Yeah, that's correct.

22 576 Q. It was a single transaction with payment upfront in
23 March 1997?

24 A. That's correct.

25 577 Q. Now, one feature that the investigators focused on to 14:17
26 lead to the conclusion that this was the batch that had
27 the Omagh timer in, was that the batch sent to
28 Electro-Techniks didn't have a knob attached to it, is
29 that right?

1 A. Yes, that's correct.

2 578 Q. And we know from examination of what was recovered from
3 the bomb that a knob that did not naturally go with
4 that timer had been used?

5 A. Yes. 14:18

6 579 Q. And so, the inference is that a knob had to be
7 identified from a different place in order to make that
8 particular piece of equipment work?

9 A. Yes, that's correct.

10 580 Q. Was there an investigation into how the company 14:18
11 purporting to be on Coes Road had paid for that large
12 batch?

13 A. There was an investigation carried out as to how the
14 480 Coupatan timers were paid for.

15 581 Q. Again, I'm sure you can take it from me, that the 14:18
16 information indicated that it was a bank transfer from
17 the AIB Bank based in Dublin in the name of
18 Briega Morgan?

19 A. That's correct.

20 582 Q. That further investigation by AGS established that no 14:18
21 one called Briega Morgan banked with the AIB?

22 A. That's correct.

23 583 Q. And that the address associated with the transaction
24 Newry Road, Dundalk, did not return any particular
25 person to it? 14:19

26 A. That's correct.

27 584 Q. Was it established that a branch in Dundalk was used to
28 make the payment by means of a foreign transfer order?

29 A. That's correct, in French francs.

1 585 Q. And what you conclude this section of your statement
2 with is indicating that there was a request for the
3 documentation to be fingerprinted by the AGS?
4 A. Yes, that's correct.
5 586 Q. Now, what you don't say, and it may be that you don't 14:19
6 know, but did you know whether the AGS ever did
7 fingerprint that material?
8 A. I would need to confirm that.
9 587 Q. You would need to confirm that.
10 A. Yeah. 14:19
11 588 Q. We will leave that there. But did all of the
12 investigations, done both by the RUC, PSNI and AGS
13 result in not being able to take the investigation any
14 further forward in terms of suspects?
15 A. That's correct. 14:20
16 589 Q. But what was clear was that a false address on Coes
17 Road was being given?
18 A. That's correct.
19 590 Q. And, of course, we've already mentioned Coes Road.
20 Now, we know that Sean Hoey worked for an electrical 14:20
21 company on Coes Road in 1999; do you know if that
22 particular company was investigated as a potential
23 recipient of this package?
24 A. I would need to confirm that. I don't believe so but I
25 would need to confirm. 14:20
26 591 Q. If one considers it from the point of view of the
27 postman, if you've got an address for an electrical
28 company on Coes Road and you don't have a road name or
29 street number that narrows it down further, then for

1 that to be delivered, the postal service is going to
2 have to identify a likely recipient in order to ensure
3 that that package was delivered, as we know it was?
4 A. Yes.
5 592 Q. Well, perhaps, whether or not that particular firm, 14:21
6 whether it was investigated we can leave for now.
7
8 So, we're going to move on to Part 4 here and this is
9 dealing with the period at the start of the 15th up
10 until the first warning call. And I'm sure you would 14:21
11 agree, DCI Billingsley, that the telephone cell site
12 evidence is absolutely fundamental to our understanding
13 of what happened during this period?
14 A. Yes, that's correct.
15 593 Q. Now, there's very extensive summary about this and it 14:21
16 is going to be the subject of very considerable further
17 investigation, but just to pick out some of the
18 language you use, you describe it as painstaking and
19 time-consuming work?
20 A. Yes, that's correct. 14:21
21 594 Q. Based on your understanding of what the individuals
22 did. And the figure, 500 million calls being analysed
23 or at least being within the investigation, is
24 mentioned?
25 A. That's correct. 14:22
26 595 Q. Now, we know that the work of analyst, Lisa Purnell,
27 started on 17th August 1998, and what she tells us -
28 and this is in the Inquiry Legal Team Summary - is that
29 she received four to five boxes of phone data on that

1 date. Now, have you, with your review, been able to
2 establish where that data came from?

3 A. Yes, if you can just bear with me and let me refer to
4 my notes in relation to this. My understanding is that
5 the material came from various network providers in 14:22
6 order that she could commence her analysis of the same.

7 596 Q. So, would it follow, then, that the attack was on the
8 15th, which was a Saturday, that on the next working
9 day, the 17th, all of the network providers had
10 provided, between them, four to five boxes worth of 14:22
11 material?

12 A. Yes, that would be my assumption.

13 597 Q. Now, she describes doing her work and you used the word
14 that it was important work and you agree with that?

15 A. Yes. 14:23

16 598 Q. That it was important work. So far as the Inquiry
17 Legal Team has been able to be establish, she was the
18 only person directly engaged in analysis, albeit that
19 there were other police officers around working in the
20 area of telecoms inquiry. Is that your understanding 14:23
21 she was the only person looking directly at the data
22 doing a line-by-line?

23 A. Yes, that would be my understanding.

24 599 Q. Have you seen from within the material any explanation
25 for why, if there are so many calls to look through, 14:23
26 only one person was tasked with that line-by-line?

27 A. No, other than that this kind of work would have --
28 obviously, nowadays we have dedicated unit, that people
29 are highly trained and highly skilled in this area of

1 work. At that point and space in time my understanding
2 is that Lisa Purnell was, potentially, the first person
3 to work on such analysis.

4 600 Q. She was, as we understand it, potentially - I don't put
5 it higher than that - the first person within the RUC 14:24
6 investigation?

7 A. Yes, yes, apologies.

8 601 Q. Which leads to the next question: Did you see any
9 documentation, from your review, which suggested that
10 outside help was sought in relation to what may have 14:24
11 been a novel or nearly novel approach by the RUC?

12 A. There was outside help sought but probably down the
13 line a little bit more in relation a gentlemen by the
14 name of Kevin Weeks.

15 602 Q. Yes, I think that's in 2008. Do correct me if I'm 14:24
16 wrong?

17 A. I'll confirm the date. The only date that I have
18 notice was that in 2014 we provided various information
19 to Weeks in relation to the R v Daly case.

20 603 Q. For the purposes of my questions it, perhaps, doesn't 14:25
21 matter whether it was 2008 or 2014, we're here focused
22 on the initial search in the investigation. Does it
23 look to you as if the RUC didn't seek any external help
24 to support Lisa Purnell as she did her analysis?

25 A. I believe Lisa Purnell was the only person to do 14:25
26 conduct analysis, I don't believe support was sought.

27 604 Q. We know Officer 16, who has also the benefit of
28 anonymity order, that he joined the investigation on
29 1st of October - this is dealt with in the Inquiry

1 Summary - and he says that he was given a list of
2 numbers which Intelligence suggested were being used by
3 dissident republicans in South Armagh and Louth. So,
4 that's what he says that he received. That was
5 information that was already within the investigation. 14:26
6 He also reports that the first request for cell site
7 data that he's aware of being made was 26th of August.
8 So, whilst a telecoms company may have provided that
9 data dump, as we might describe it initially, that the
10 first targeted requests were 26th August; does that fit 14:26
11 with your understanding of how this developed --
12 A. Yes.
13 605 Q. -- as Lisa Purnell was doing her week?
14 A. Yes, that would sound reasonable.
15 606 Q. Now, I'm sure you would agree that a crucial moment in 14:26
16 the telephone investigation was 12th November 1998 when
17 the toll tickets from Vodafone were received. That's
18 what Lisa Purnell and at least one other officer tells
19 us. Are you aware of that moment in the investigation.
20 A. I am aware of that moment, yes. 14:26
21 607 Q. And what we know, and the exhibit reference, which
22 again has a cipher is 016, that's Officer 16,
23 Exhibit 1, we know that that was a six-page document
24 containing data relating to the 430 red phone, the 585
25 dark blue phone, 980 orange phone, 259 yellow phone and 14:27
26 a number ending 132, which is attributed to John Fee.
27 I don't expect you to hold all of that in your head,
28 you can take it from me. But we know that led to the
29 creation of LKP1, just eight days later?

1 A. Yes.

2 608 Q. Does that all accord with your understanding?

3 A. It does, yes.

4 609 Q. So, what it appears is that the critical data for the
5 purpose of the analysis that we've been through at 14:27
6 great length, but which has at its core four numbers,
7 the red, dark blue, orange and yellow phones, was all
8 received by 12th November 1998; do you agree?

9 A. Yes.

10 610 Q. That is not to say that there wasn't a great deal of 14:27
11 work to be done, but in terms of the kernel of the
12 working hypothesis that we have been developing, that
13 appears to be the moment in time. And can you just
14 confirm that Lisa Purnell then produced further and
15 update analyses, LKP4 on 14th June '98 and LKP5 on 13th 14:28
16 March 2003?

17 A. Yes, that's correct.

18 611 Q. And did that, Detective Chief Inspector, allow for
19 conclusions to be reached about how the bomb car and
20 the scout car travelled to Omagh and back? 14:28

21 A. It gave good indications.

22 612 Q. Now, we'll just pause here. The use of scout cars,
23 that was tactic which was known to be used by dissident
24 republicans, wasn't it?

25 A. Yes, it would have been well known. 14:28

26 613 Q. So, the notion that two cars may have travelled across
27 the Border towards Omagh very much fits a recognised
28 pattern by dissident republicans?

29 A. Yes, that's correct.

1 614 Q. Now, would you agree with the Inquiry's working
2 hypothesis, based on the cell sites, that both vehicles
3 crossed at the Aughnacloy area - and I stress the word
4 "area," I'm not suggesting any particular place -
5 sometime between 1:15 and 1:30? 14:29

6 A. Yes, that would seem the most logical conclusion.

7 615 Q. And did the PSNI work on the basis that the likely
8 route from that point was the A5 to the outskirts of
9 Omagh?

10 A. It would be the main route. 14:29

11 616 Q. And, in fact, did a recreation get performed in 2005
12 just to time what that route would look like?

13 A. Yes, that's correct.

14 617 Q. Then, what you say in your statements at paragraph 41,
15 you may just want to turn this up and I know that Mr. 14:29
16 Toal will have some further questions so I will leave
17 those to him, but the route that you describe as being
18 a potential route by the bomb car to Market Street is
19 Bankmore Road on to Crevenagh Road, do you have that?

20 A. What paragraph is that sorry. 14:30

21 618 Q. I think I gave you 41?

22 A. Yes.

23 619 Q. And then left from Crevenagh Road on to Campsie Road
24 where, of course, it is picked up, potentially, by
25 CCTV? 14:30

26 A. Yes, that's correct.

27 620 Q. Let's just turn to that CCTV now. We've watched it
28 already, I won't bring it up but, perhaps, you can help
29 with a little bit more detail. Was that CCTV that

1 we've watched in the course of this Inquiry analysed by
2 an expert from Stirling University?

3 A. That's correct.

4 621 Q. His name is Dr. Bowie?

5 A. That's correct. 14:30

6 622 Q. And he first advised that it should be enhanced, but
7 that wasn't possible?

8 A. That's correct.

9 623 Q. Do you want to reference, I see you're turning pages?

10 A. I have significant notes on this, I'm just trying to 14:31
11 work where they sit. If you bear with me one moment.

12 624 Q. Maybe you have notes than I need for my purpose. We
13 just want to help people understand how what looks like
14 pretty grainy and unhelpful footage was worked upon by
15 the investigators to reach a conclusion that it did. 14:31
16 Did Dr. Bowie propose a reconstruction pass those
17 cameras using a vehicle of a very similar make and
18 model and colour to Mr. Ward's vehicle?

19 A. That's correct.

20 625 Q. And following that reconstruction and a meticulous 14:31
21 comparison by an independent academic expert, did he
22 reach the conclusion that it was highly likely that the
23 vehicle in the red circle will have been a Vauxhall
24 Cavalier similar to that used in the reconstruction?

25 A. He did, yes. 14:31

26 626 Q. In other words, that it was a car of a very similar, if
27 not identical, appearance to Mr. Ward's car?

28 A. That's correct.

29 627 Q. Now, within an investigation are you able to also take

1 into account whether there is corroborative evidence
2 for a single piece that might not be conclusive on its
3 own?

4 A. Sorry?

5 628 Q. Within an investigation, do police officers take one 14:32
6 piece of evidence and lay it alongside other evidence
7 to see if there is corroboration between the tow?

8 A. Yes, it would be best practice.

9 629 Q. And I think the point that you make in your witness
10 statement is that the eyewitness evidence of George and 14:32
11 Stephen Martin who say they followed a vehicle at the
12 end of Campsie Road which crossed straight over, would
13 be consistent with the findings that Dr. Bowie made?

14 A. That's correct.

15 630 Q. So, we're now, Detective Chief Inspector, going to 14:32
16 look, please, at information received by Robert Bridge.
17 So, if you just want to find your way to your notes
18 there because I know this is something, at our request,
19 that you have done your best to investigate with the
20 information that's available. 14:33

21 A. Yes.

22 631 Q. Let's take a step back before we get to Mr. Bridge. In
23 your witness statement you identify what are described
24 as "key witnesses." You say that at paragraph 78,
25 don't you? 14:33

26 A. Yes, that's correct. I'll quantify that. Obviously,
27 as was agreed with the Inquiry, I was not conducting a
28 full review of the investigation.

29 632 Q. No.

1 A. In order to reach that location or those people I
2 utilised the previous SIO's assessment of the key
3 witnesses.

4 633 Q. Yes.

5 A. Which is why the names that were used are the names 14:33
6 that were used for my statement.

7 634 Q. So, you're adopting the language of an SIO in doing
8 that?

9 A. Yes.

10 635 Q. And so everybody knows, George and Stephen Martin, 14:33
11 Diane Keyes and Ruth Buchanan - all of whom we've seen
12 on the presentation - are all described as "key
13 witnesses," aren't they?

14 A. Yes, that's correct.

15 636 Q. Robert Bridge, certainly within the confines of your 14:34
16 statement, isn't given that designation, in fact he,
17 and it's a selective process so I'm not implying
18 criticism here, he isn't somebody who you mention in
19 the course of your review?

20 A. That's correct. 14:34

21 637 Q. Now, he gave a statement to the RUC on 7th September
22 1998, is that right?

23 A. That's correct.

24 638 Q. And, in effect, he describes leaving Enniskillen at
25 around 1:45 p.m.? 14:34

26 A. Yes, that's correct.

27 639 Q. In his vehicle with his wife?

28 A. Correct.

29 640 Q. And I think we've already heard that the journey time

1 from Enniskillen to Omagh is somewhere in the region of
2 30 to 40 minutes, depending on how good a run you can
3 get; is that your experience?
4 A. What I actually did in part of my research for this was
5 I put his address into Apple Maps. 14:34
6 641 Q. Yes.
7 A. And put it for a Saturday mid-morning to see the length
8 of time it would take to get Market Street in Omagh, so
9 vicinity of the courthouse, and I believe the time was
10 in and about 50 minutes. 14:35
11 642 Q. 50 minutes. So that is -- of course, that will be
12 taking into account the modern road network?
13 A. Yes.
14 643 Q. And whatever traffic it was that Apple predicted would
15 be on the roads in 2026? 14:35
16 A. Yes.
17 644 Q. So, that is an approximation. So, we have a period of
18 50 minutes, as you tell us based, on that piece of
19 work. And what Mr. Bridge told the RUC was that he
20 arrived in Omagh, drove through Omagh and that in the 14:35
21 course of that he followed a Vauxhall Cavalier that he
22 saw trying to park outside the courthouse?
23 A. That's correct.
24 645 Q. He went on to say that he went to Cookstown following
25 this to shop, he doesn't indicate that he stopped in 14:35
26 Omagh and he described seeing two people in the
27 vehicle, one who might be described as thicker set than
28 the other?
29 A. That's correct.

1 646 Q. And in terms of a size disparity or a dimension
2 disparity, do we see in other key witnesses that they
3 report seeing two people and describe a size disparity
4 between the two?
5 A. That's correct. 14:36
6 647 Q. So, that's what Mr. Bridge says. Of course, he's
7 limited by the fact that he's behind a vehicle and not
8 seeing people walking around. So,?
9
10 what we're going to to now, Detective Chief Inspector, 14:36
11 is we're just going to watch the part of the
12 presentation that tracks Mr. Bridge around so everybody
13 has a very clear idea in their heads about this. And
14 then I'll ask you a couple of weeks. Can we go to
15 Part 4, EPE at 16 minutes and 30 seconds. 14:36
16 [Presentation played]. This is just a short part.
17 Mr. Safranauskas has gone through Mr. Bridge's
18 statement following the landmarks that he talks about
19 and he has indicate - and I'll talk over this, there's
20 no need to pause it - that he's put it as a pale icon 14:37
21 here on the basis that there's no eyewitness evidence
22 which corroborates that route, but it is mapped on the
23 assumption that the father and son who saw it cross the
24 junction, that that is the route it would have to go to
25 be picked up by Mr. Bridge. It then turns right here, 14:37
26 going down past the courthouse, it's somewhere around
27 here that Mr. Bridge says it attempted to park before
28 moving on. It doesn't succeed in the parking,
29 Mr. Bridge said it then turned left. It crosses the

1 bridge passing the bus station, which we can see on the
2 right-hand side right now, turning right. And I think
3 it's called the Drumragh Road. And then on
4 Mr. Bridge's account the vehicle then turns right back
5 up Market Street while he turns left down the Campsie 14:37
6 Road. So, that's Mr. Bridge's account and that's a
7 representation of what he describes in words in his
8 statement.

9
10 So, the question really to help the Inquiry is, have 14:38
11 you had an opportunity to investigate what the
12 assessment of the value of Mr. Bridge's potential
13 evidence was in the course of the investigation?

14 A. Yes, I've tried to ascertain why weight was or was not
15 put on Mr. Bridge. 14:38

16 648 Q. Yes. And what does the material tell you about
17 Mr. Bridge and whether he could or could not be relied
18 on?

19 A. So, ultimately, there's very little information but I
20 identified action 2151 - again, apologies, I'm not 14:38
21 certain what the INQ reference is with the Inquiry -
22 that was in relation to raising an action to take a
23 statement from Mr. Bridge. So at some point in space
24 and time I assume that Mr. Bridge has contacted the
25 police to say that he has some information and this 14:39
26 would then be an action raised to follow that up.

27 649 Q. If I just pause you there. If he gave a statement on
28 7th September, he must have been in touch some time
29 before that, for that action to be raised?

1 A. That's correct.

2 650 Q. Please continue.

3 A. Then the next information is the result from that

4 action. A DC is assigned to that action, who

5 ultimately attends with Mr. Bridge and records his 14:39

6 statement:

7

8 "Interviewed Robert Bridges..." which may have

9 presenting a problem a problem when we were

10 researching, as discussed. 14:39

11

12 "...and recorded statement. Bridges is well known to

13 me. He has provided information in the past which was

14 anything but reliable."

15 14:39

16 So, the DC that was recording that statement, I don't

17 know how, I haven't been able to ascertain that, but

18 is, obviously, familiar with Mr. Bridge and has,

19 ultimately, stated that he has discredited him, I

20 suppose, at that point in responding to that action. 14:40

21 651 Q. Does it appear that the trail, effectively, goes cold

22 at that point?

23 A. It does.

24 652 Q. So, have you seen any evidence that Mr. Bridge or

25 Mr. Bridge's wife, for example, who was said to be in 14:40

26 the vehicle was spoken to?

27 A. Well, Mr. Bridge was, obviously, spoken to to record

28 the statement but there's no evidence that his wife was

29 spoken to, that I have seen.

1 653 Q. So, we're presented with two possibilities, do you
2 agree, that either Mr. Bridge being a fantasist, as it
3 seems to be suggested, i.e. unreliable, so not mistaken
4 but somebody who says things that aren't true, that
5 either he's inserted himself into the terrible tragedy 14:40
6 of Omagh and given an account, for whatever reason,
7 that is false and cannot be relied upon; that's
8 option 1?
9 A. It's potentially an option, yes.
10 654 Q. And that seems to be the conclusion of the DC who took 14:40
11 the statement because nothing further was done about
12 it. Or option 2, notwithstanding his unreliability in
13 the past, he gave a true account which adds to the
14 understanding, to this extent, that it appears that the
15 initial target of the car, if he's right, was to park 14:41
16 by the courthouse?
17 A. That's correct.
18 655 Q. And do you agree with Mr. Safranauskas that on the
19 other eyewitness evidence, that Mr. Bridge, if they are
20 all reliable on seeing the bomb car, would naturally 14:41
21 fit after the Martins have seen him go and before it's
22 seen to park up on Market Street?
23 A. Yes, that would be the logical conclusion.
24 656 Q. Yes. Thank you very much indeed, Detective Chief
25 Inspector. We're going to move on, please, to Part 5, 14:41
26 which is the warning call period. And we know from the
27 Breslin litigation that Liam Campbell was involved in
28 one way or another in the making of the warning calls
29 because he was using 430, the red phone in contact with

1 the 585 scout car phone shortly before the warning
2 calls were made.
3
4 Now, we also know, do you agree, that two call boxes
5 were used to make the warning calls, McGeough's 14:42
6 Crossroads and Loyes Crossroads?
7 A. That's correct.
8 657 Q. So, we remind ourselves, was the first call at 14:29
9 from McGeough's?
10 A. Yes, that's correct. 14:42
11 658 Q. And the second from Loyes at 14:31?
12 A. Yes, that's correct.
13 659 Q. Just two minutes between them?
14 A. Yes.
15 660 Q. Both of those were to UTV? 14:42
16 A. Apologies, I'd need to just check my notes to confirm.
17 [Short pause].
18 661 Q. Would you like any help with this? I don't want to
19 distract you from what you're doing. It's paragraph 99
20 on page 23 of your statement? 14:43
21 A. Yes, that's correct.
22 662 Q. So, both calls made from different call boxes within
23 two minutes of each other to UTV. And Margaret Hall
24 answered both and we've seen from her evidence that she
25 appeared to be of the belief that it may be the same 14:43
26 person making both calls?
27 A. Yes, that's correct.
28 663 Q. But what we know that Margaret Hall didn't know is that
29 they were from different phone boxes?

1 A. Yes.

2 664 Q. And we also know that they contained different
3 information in the sense that the first one suggested
4 30 minutes, whereas the second 15 minutes?

5 A. Yes, that's correct. 14:43

6 665 Q. So, I would just like to consider, please, the work of
7 Mr. Safranauskas at this point, it's Part 5 please,
8 Ms. Montgomery. Just to remind everybody of the
9 evidence he gave, and just to check our understanding.
10 00:29 seconds please, in that. Mr. Safranauskas 14:44
11 plotted where he understood each of the public call
12 boxes were relative to each other. He then did a
13 direct line measurement of 1.9 miles using the software
14 that he had, and he also mapped the road route between
15 the two which was the rather longer 3.2 miles. On any 14:44
16 view, a distance too great to be travelled in two
17 minutes; would you agree?

18 A. Yes, that's correct.

19 666 Q. Just to clarify one thing about your statement because
20 it may be important in terms of the Inquiry's 14:44
21 understanding about how many people may have been
22 involved. You suggested, in your witness statement at
23 paragraph 100, that the two call boxes were
24 approximately half a mile apart, no doubt taking that
25 from other information. Have you had a chance just to 14:45
26 double-check that source, particularly in the light of
27 the query the Inquiry has raised about it, just to help
28 us with whether it's Mr. Safranauskas who's got his
29 measurements wrong because he's misplotted them, or

1 whether you agree with him?

2 A. Yes, again, I have, on this occasion, utilised Google
3 Maps to confirm and I would say the distance as the
4 crow flies is approximately 1.89 miles and the distance
5 by road is approximately 3.3 miles. 14:45

6 667 Q. Within a whisker?

7 A. More or less.

8 668 Q. No doubt depending on the exact coordinate you're
9 measuring to. So, does it come to this then, having
10 established those baseline facts, that there must have 14:45
11 been at least two people involved in the warning calls?

12 A. One would assume.

13 669 Q. At least two?

14 A. Yeah.

15 670 Q. And, of course, it's possible that there are more 14:46
16 particularly if one person is acting in a coordinating
17 function?

18 A. Yes.

19 671 Q. So, that's all I want to ask you about the warning
20 calls for now, you've already dealt with the code words 14:46
21 and I think if I can reflect back to your evidence that
22 as far as you are aware in the sort of area that you
23 have worked, lists of known code words are not
24 distributed routinely across the PSNI and you wouldn't
25 have expected them to be across the RUC? 14:46

26 A. That's correct.

27 672 Q. But that there may be particular units who do have a
28 greater awareness of code words because of their
29 function?

1 A. That's correct.

2 673 Q. We know, for example, that PC Millar worked in the
3 Omagh Station Communication Room and it would appear
4 that he immediately recognised, upon being told about
5 the Martha Pope code word, that it had been used in 14:46
6 Banbridge?

7 A. It appears to be.

8 674 Q. Is that a sign of the times, do you think, that back in
9 1998 code words were being used much more routinely
10 than happily they are today, or do you think that's a 14:47
11 function of his role, or do you think it is just by
12 chance that he who received that information
13 immediately was able to recognise that it related to an
14 actual attack of only 14 days earlier?

15 A. I suppose any one of those is a possibility in reality. 14:47
16 It's very difficult to say without speaking with
17 Mr. Millar. We did try do that, I believe.

18 675 Q. Yes.

19 A. And he is out of the jurisdiction and didn't respond.
20 So, it was impossible to seek that clarity. If he was 14:47
21 a communications operator he may have had access to
22 that information as I believe the sort of Comms room
23 staff would, potentially, have been given some kind of
24 details around code words on the basis that there
25 was -- they were, ultimately, going to be the first 14:48
26 link in the chain in coordinating a response; i.e. once
27 the call had come into the police they would start by
28 tasking resource to deal with whatever the threat was.
29 So, it adds credibility and hopefully a degree of

1 impetus to his response and response by police by him
2 being able to verify that this is, in fact, a code word
3 that has been used previously. So, I suppose, we need
4 to take this seriously given the amount of 'hoax' calls
5 that there often were.

14:48

6 676 Q. If we just move now to claims of responsibility that
7 come in afterwards, and it's the last topic within this
8 greatest focus of my questioning. We know, and we will
9 publish on the website a summary of the witness
10 evidence from the journalists who received the claims
11 of responsibility which we make clear contained
12 self-serving and disgracefully untrue statements. But
13 they were received on 17th and 18th August 1998,
14 weren't they?

14:49

15 A. Yes, that's correct.

14:49

16 677 Q. And in those claims of responsibility, it was asserted
17 that three calls had been made by way of warning, two
18 to UTV and one to the Samaritans?

19 A. That's correct.

20 678 Q. Now, you will be aware, DCI Billingsley, of a matter
21 that the Inquiry is investigating and it is one of
22 considerable importance to a number of Core
23 Participants, is whether there was a fourth warning
24 call that day which was of more general description,
25 namely, to locations beyond Omagh. So, in other words
26 not from locations beyond Omagh, which we know is the
27 case, but the threat is to them. So, other towns' risk
28 of attack. Now, having reviewed the material within
29 the investigation, have you seen any information to

14:49

14:49

1 suggest that any further warning call was ever claimed
2 by those who carried out this attack?

3 A. From the research that I conducted in relation to this
4 aspect I can only identify three calls. I do identify
5 a document which is referred to as "MOD significant
6 incident report re Omagh bomb," which is INQ 001041,
7 where in paragraph 2 it states:

14:50

8
9 "At least four coded various to various agencies."

14:50

10
11 That's a direct lift from that document. However,
12 whenever I continued to review that document, at
13 paragraph 7 there are only two warning calls listed.
14 what I mean by that is there are details given in
15 relation to two warning calls, there's never a
16 reference again to there being four. I did look
17 slightly wider to see if there was anything else that
18 could lead me to believe that there may have been a
19 fourth call and I was unable to identify anything other
20 than there was a call received that the Inquiry, I
21 believe, is aware of on 4th August, round about
22 10:00 a.m. an anonymous call about a potential attack
23 in the future on the 15th against police.

14:51

14:51

24 679 Q. Can I just give this reassurance, because that, again,
25 is a topic of very great significance to the Inquiry,
26 that the way we are treating that is not as claim of
27 responsibility or as a warning call in the conventional
28 sense but rather as intelligence?

14:51

29 A. Yes.

1 680 Q. And we will be investigating that very robustly in due
2 course, but I just want to make that clear to
3 everybody.

4 A. And it was really just to highlight that I have
5 attempted to search and ascertain if there was a fourth 14:52
6 call. There was also, as a result of a summary of
7 Seamus Daly's committal proceedings which is INQ 02995,
8 there's also discussion about possible test calls that
9 were made on 15th August, so, I suppose, the approach I
10 took was to try and ascertain anything that could have 14:52
11 become the fourth warning call, if that makes sense.

12 681 Q. Yes.

13 A. And there are various calls documented there, so at
14 12:49 on 15th August there's a call to UTV Belfast and
15 at 12:52 there's a call to the Samaritans in Omagh, and 14:52
16 they're both from the public call box at Barney's
17 Filling Station, which is on the old A1 Dublin Road in
18 Newry. The rationale that I can find in relation to
19 those, or the rationale suggested, was that two weeks
20 prior in relation to the bomb attack in Banbridge, 14:53
21 attempts were made to contact The Irish News with the
22 bomb warnings and the news desk was closed. So, those
23 making calls had to resort to the treble nine system to
24 make those warnings which I suspect would be viewed as
25 a high risk strategy to phone the people who will be 14:53
26 investigating those and tell them that they're there.

27

28 That's as far as I could get with that but, as I say, I
29 wanted to -- I appreciate the Inquiry wanting to

1 understand and the Core Participants wanting to
2 understand the detail around which is why I sort of
3 pushed it out to that length to try and ascertain.
4 682 Q. I suppose one way of looking at it, bearing in mind
5 that if this was information known to the 14:54
6 investigators, would be whether or not there was any
7 evidence that they had investigated a fourth warning
8 call because we know, don't we, that they did
9 investigate, very closely, the two calls from
10 McGeough's and the one from Loyes, that's right, isn't 14:54
11 it?
12 A. That's correct.
13 683 Q. Did you see any investigation of any other potential
14 source of a warning call?
15 A. There's nothing else in the case papers that suggests 14:54
16 to me that there was a fourth warning call. My belief,
17 upon the material I've reviewed, is that there were
18 three, save for the call that I mentioned initially and
19 then the test calls.
20 684 Q. And in terms of the claims of responsibility calls, 14:54
21 those were investigated, weren't they, they came back
22 to a pay-as-you-go phone ending 921 that had been
23 registered in April and hadn't been used since, and no
24 individual was capable of being traced by the
25 investigators? 14:54
26 A. Yeah, that's correct.
27 685 Q. Detective Chief Inspector, I'm coming to my last topic
28 which is forensic science and I just want to make clear
29 that - and I say this without any criticism at all - we

1 have, you and I, been overtaken by events. I know that
2 further investigation is being done by PSNI in relation
3 to certain aspects of the forensic science and it would
4 be entirely wrong for me to cut across those with you.
5 So, we will let those take their course. I'm instead 14:55
6 going to just focus on one part of this, which we asked
7 you to look into. So, we're not here dealing with what
8 the Inquiry forensic scientists have said in their
9 conclusions, which you were asked to look at, but we're
10 setting those to one side given that further 14:55
11 investigation is being done at the moment. And it's
12 just this; would you agree that a number of potential
13 scenes that might generate forensic science
14 opportunities in the Omagh bombing investigation
15 existed on the other side of the Border in the Republic 14:56
16 of Ireland?

17 A. Yes, I think that's fair to say.

18 686 Q. And, similarly, a number of individuals who might have
19 presented forensic opportunities also in the
20 jurisdiction of the Republic of Ireland? 14:56

21 A. Yes, that's correct.

22 687 Q. So, would you agree that bearing in mind that the RUC
23 and then the PSNI were taking the lead with this, it
24 would be important for them to make clear to the AGS
25 what forensic opportunities they wanted collected on 14:56
26 their behalf?

27 A. Yes, I think that's fair to say.

28 688 Q. Did you evidence of direction or requests of a specific
29 nature being made by the RUC or PSNI to the AGS about

1 particular forensic opportunities?

2 A. There were definitely communications backwards and
3 forwards in relation to certain forensic opportunities.
4 I will quantify that this is a huge topic, along with
5 the significant other topics that I've been asked to 14:57
6 look at, and I will be of limited value; (1) because
7 forensic science nowadays I would utilise a major crime
8 forensic adviser to lead and guide me through that, I
9 don't profess to have expertise. And, secondly, that
10 the sheer volume of material that over the past 14:57
11 probably four to six weeks I have tried to
12 refamiliarise myself with has been phenomenal,
13 thousands of documents and I just wouldn't be
14 comfortable in making any great comment in relation to
15 forensics. 14:57

16 689 Q. well, if that's the way you land, I certainly don't
17 want you to guess or speculate, that's of no value to
18 us at all, and so I will leave that topic there,
19 perhaps, to return to either with you or someone else
20 at a later date? 14:57

21 A. Thank you.

22 MR. DE LE POER: As I say, the remainder of my
23 questions have now been overtaken by events so I'm
24 going to leave them for now and that then concludes the
25 questions that I have for you, DCI Billingsley. 14:58

26
27 Sir, I see the time. Can I just help you, Sir, to
28 understand a little bit about what's going to happen
29 next.

1 Three of the Bereaved Families and Survivor Core
2 Participant teams have permission for questions. In
3 the case of the Fox Law team, at their application,
4 each of the three instructed counsel are going to take
5 a separate and discrete topic which has been their
6 focus staying within, I'm told, their overall time
7 limit, so bearing in mind that importance, we're
8 certainly content with that. That will mean that
9 there's going to be natural break in the course of that
10 questioning. I'm also conscious, Sir, that you're
11 going to have procedural hearing at sometime around
12 four o'clock in relation to a witness that we have
13 tomorrow, so we have limited time. But what I would
14 propose is that it may be the case that if we take a
15 short break now, we will have a period of 45 or 50
16 minutes which should, all being well, accommodate two
17 sets of Core Participant teams' questions. I know that
18 there is a strong desire that if a person begins their
19 questioning that they be permitted to deliver it as a
20 piece so I can, perhaps, talk to the advocates about
21 how we organise that.

14:58

14:58

14:58

14:59

22 CHAIRMAN: well, we'll have to work within the
23 timetable that we have and within the commitments that
24 we have. So, I think it's probably best to follow your
25 suggestion of breaking at this stage.

14:59

26 MR. DE LA POER: Thank you.

27 CHAIRMAN: Should we reconvene at 3:15?

28 MR. DE LA POER: 3:15 please.

29 THE INQUIRY ADJOURNED BRIEFLY

1 THE INQUIRY RESUMED AS FOLLOWS:

2
3 CHAIRMAN: Mr. de la Poer.

4 MR. DE LA POER: We are starting, thank you, with the
5 Fox Law team and Mr. Southey. Can I give this
6 indication, that Mr. McGowan has spoken to me as part
7 of the trio who's asking questions and, if I may say
8 so, very responsibly taking his lead from me, some of
9 the questions that he was going to ask about forensic
10 science he recognises are better left to another day.
11 So, I'm very grateful to him for being reflective.

15:13

15:14

12 CHAIRMAN: Right, Mr. Southey.

13
14 DCI BILLINGSLEY WAS QUESTIONED BY MR. SOUTHEY AS
15 FOLLOWS:

15:14

16
17 690 Q. MR. SOUTHEY: DCI Billingsley, I ask questions on
18 behalf of some of the victims and survivors. Can I
19 firstly bring up on the screen, because it may help
20 you, INQ 013685, page 20, which is one of your
21 statements, basically. There's a passage in it I just
22 want to probe in a little bit more detail to understand
23 it. [Short pause].

15:14

24 CHAIRMAN: So, this is the addendum statement?

25 691 Q. MR. SOUTHEY: Yes. I'm just waiting for it to come on
26 screen. Page 20. Thank you. About halfway through,
27 actually two-thirds of the way down the page, there is
28 a passage that starts, "at an early stage of the Omagh
29 bomb investigation," I wonder if that paragraph can be

15:15

1 expanded. And it's that paragraph that I just want to
2 ask you about. It's the paragraph that reads, well
3 describes, effectively, the approach to the linked
4 incidents, it's the one that says "at an early stage."
5 I want to probe that in a little more detail because I
6 want to break it down a little to understand quite how
7 things developed, essentially, in relation to the
8 linked incidents.

15:16

10 Can I bring up another INQ on the screen so you can
11 have an opportunity to look at it. For the Inquiry
12 it's INQ 034732 and initially I want to go to page 3.
13 DCI Billingsley, this I think you have as D9674, it's
14 the policy decisions, essentially, in relation to the
15 linked incidents. I'm going to page 3. You'll see
16 there, I think it's towards the bottom, if we can
17 highlight the bottom half of the page starting from
18 about there, yes.

15:16

15:17

19
20 You'll see there that that is a reference to a decision
21 that, as I understand it, was taken in April 2001 --
22 actually, sorry, I've highlighted the wrong passage,
23 it's difficult to see it from my point of view. The
24 passage to highlight is the one above that. Yes, it's
25 about there. Thank you. You'll see there on 6th March
26 it was noted that, and this was Decision 205, that the
27 McVicker conclusion was that the Inquiry could be
28 "significantly advanced by an indepth investigation."
29 And that, as I say, is dated on the face of it 6th

15:18

1 March. So, the question I've got is, thinking about
2 what you had said in your statement, do you accept that
3 a number of the policy decisions in relation to linked
4 incidents, a very substantial part, occurred after that
5 date?

15:19

6 A. In relation to linked incidents, yes, I think that's
7 probably fair to say.

8 692 Q. Until that date, effectively, there was recognition of
9 the relevance of linked incidents but they perhaps
10 hadn't been probed in sufficient detail, is that a fair
11 way of putting it?

15:19

12 A. Yes, that would appear to be the case although I do
13 caveat that with having not conducted a review of the
14 case and receiving notice in relation to the linked
15 incidents forming part of today's hearing only a few
16 days ago, so I have been limited in the research that
17 I've been able to complete in relation to that.

15:19

18 693 Q. Can I go back a little, the same document, can I go
19 back to page 1? Page 1 of the document on the screen,
20 sorry. And the first decision that's identified in
21 relation to linked incidents, if we can highlight
22 Decision 41. That was said to be a decision to
23 research PIRA bombs. Would you accept that is a
24 surprising decision to have taken given that from a
25 relatively early stage it was recognised that this was
26 a dissident bomb?

15:19

15:20

27 A. Yes and no. In my view, the vast majority of those
28 that are members of dissident organisations emanated
29 from PIRA so similarities may exist. It may be the

1 same bomb makers, et cetera, et cetera. But I do
2 accept the point that this was suspected to be a RIRA
3 incident from fairly early on. I can see why it would
4 be a direction of travel but I would have expected it
5 to be PIRA and RIRA, or a supplementary decision
6 following on that was in relation to RIRA bombs.

15:21

7 694 Q. Can I go on the same page down a little, can we go to
8 the decision of, I think it's 1st October, it's the
9 next decision, Decision 72, that appears to be the
10 first policy decision, essentially, indicating a desire
11 to identify what incidents were linked. That's,
12 obviously, a month and a half, effectively, after the
13 bombing. In the context of what was an ongoing
14 campaign of terrorism, is it surprising that there was
15 no decision taken earlier to try and work out which
16 incidents were linked?

15:21

15:22

17 A. Again, it's very difficult to say, having not been
18 present and not been the SIO and not been in the
19 mindset of the SIO. There may be a reason that this
20 was delayed until this point though I do completely
21 accept where you're coming from, that one would
22 anticipate that linked incidents would be looked at at
23 the earliest opportunity, essentially.

15:22

24 695 Q. As far as you're aware, from what you've seen, did the
25 RUC, at the time, have any sort of policy or practice
26 in relation to the linking of incidents?

15:22

27 A. Not that I had located any formal policy or practice,
28 though my expectation would be that incidents were
29 linked, and understanding would be that incidents were

1 linked with similarities, be it as we see here, we've
2 several ways to potentially link but I have not seen a
3 formal policy around it.

4 696 Q. I mean, it would seem a fairly obvious thing given that
5 you're likely to have common participants, common
6 terrorists, common individuals involved in a case, in
7 the incidents rather, to try and link them up.

15:23

8
9 Can I go to another INQ, can I go to INQ 24439,
10 page 48. This is a forensic report, if I remember
11 rightly. And you'll see at the second bullet point
12 that it's indicated that -- and just to put this in
13 context, you can probably see from the first bullet
14 point in fact, that we're talking about a period in
15 2002 that would appear to be November 2002, because
16 it's looking at the forensics. And what is said there
17 is that a policy decision had now been determined that
18 evidence related to linked incidents could be used in
19 respect of the Omagh bombing if scientific evidence was
20 available to support the linkage. Do you know what
21 that policy decision was and why it was taken then?

15:23

15:24

15:24

22 A. Unfortunately, I don't. I can certainly take that away
23 if it's of benefit to the Inquiry and attempt to
24 establish that.

25 697 Q. Again, it's, in one sense, surprising that it's only in
26 2002 that this sort of decision is being made. It
27 would be quite interesting to know why that wasn't
28 taken earlier?

15:25

29 A. I do believe on 17th of August '98 that the forensic

1 scientist looking at the case began to believe that
2 there were links with possibly three other TPUs, so it
3 was certainly a consideration at various stages.

4 698 Q. As I understand it, though, it's not really my
5 understanding that matters, but what seems to be being 15:25
6 said there is that there became an awareness in 2002
7 that, effectively, in terms of proving liability for
8 terrorist acts you could rely on those sorts of
9 scientific links and that seems to have been the
10 change. Are you aware, just on that topic, and again 15:26
11 it may be something you need to have a look at, are you
12 aware of any policy decision in the SIO's decision
13 book, I can't remember now what we call it, that
14 records this policy change?

15 A. I would need to take that away and ascertain if there 15:26
16 was a policy decision that married up with that
17 comment.

18 699 Q. Thank you. Turning then to another issue in one sense
19 relating to the linked incidents, the link of the
20 Coupatan timers, as I understand, was only really 15:26
21 appreciated in 2002; do you have any idea why that was?

22 A. I don't. Ultimately, that that's the point and space
23 in time that those enquiries came about and the linkage
24 was ultimately identified.

25 700 Q. I mean, in one sense, again would you accept it's a 15:27
26 little surprising. We know your evidence, I think this
27 morning possibly, was about how one would expect, for
28 example, Mk 19 links to be identified at a relatively
29 early stage. I mean, would you accept it would seem

1 surprising that there was no identification of a key
2 part like the timer?

3 A. Yes and no. I would accept that looking back now in my
4 position that I would believe that that would be
5 something would you go to very early on in an 15:27
6 investigation. However, I was not making the decisions
7 and was not in the mindset of the SIO, there may be
8 reasons that I am unaware of that it was delayed until
9 that point.

10 701 Q. Okay. Can I then go, another question about another 15:27
11 matter linked to the Coupatan timers, can I bring up
12 INQ 034724, page 6. This is a document that was, as I
13 understand it, reviewing, potentially, the
14 investigation of the Coupatan timer. Can I highlight
15 the second last paragraph on the page? I'm not asking 15:28
16 this question in one sense to sort of catch you out or
17 anything, but I think this morning you indicated in
18 evidence that nobody called Briega Morgan banked with
19 AIB; that would suggest that's not correct and that, in
20 fact, just going -- what is being identified, 15:29
21 essentially, is that this would be a potential line of
22 inquiry?

23 A. I'll be corrected because I don't have the note in
24 front of me --

25 702 Q. Yeah. 15:29

26 A. -- but I believe the name that was researched initially
27 was Briega Morgan as opposed to Breige B-R-E-I-G-E,
28 which may explain why the position was taken. I can
29 certainly confirm that but I'm fairly certain that I'm

1 correct on that.

2 703 Q. The reason I'm asking you is if you go backwards in
3 this document and if you go to page 2, for example, I
4 think, page 3 and page 2, page 3 actually first, can we
5 bring that up on the screen. Can we highlight the 15:30
6 second paragraph in that. What these documents
7 document, as we understand it, is that two things were
8 being identified, one was possible fingerprints linked
9 to the Coupatan timer linked to the order form, whether
10 there were fingerprints on the order form - and this is 15:30
11 what this is a reference to. And the second was this
12 name "Briege Morgan." The fundamental question we've
13 got - and I can give you a reference to -- actually
14 before I do that, just so you get the full picture can
15 I go then to INQ 003493, page 2. And you'll see in 15:31
16 relation to that, it's No.6, if we can highlight on
17 that. As far as we can work out, and this is a
18 slightly later document, this is a document from
19 October 2007, the earlier documents were from June.
20 Material effectively relating to the fingerprints, the 15:31
21 possible fingerprints and to the Briege Morgan account,
22 was forwarded to AGS and, in particular, to Detective
23 Superintendent O'Leary, are you aware - and again I
24 suspect the answer may be you need to research it - but
25 are you aware of any response ever being received in 15:32
26 relation to that?

27 A. I'm not aware of that but, again, that's something that
28 would need further research if the Inquiry's minded to
29 request it.

1 704 Q. okay. Can I bring up another INQ number, which in one
2 sense goes back to what I was talking about earlier
3 about linking incidents. It's INQ 013685, and it's
4 page 20, we were there earlier, actually. [Short
5 pause]. It's the amended statement. Yes, on that page 15:32
6 you will see -- I'm just getting my own copy of it. If
7 you go about halfway up the page, it's the passage
8 starting: "An early line of inquiry." A number of
9 questions; firstly, that indicates that details of a
10 number of Real IRA incidents were obtained in November 15:34
11 1998. Do you know what incidents were being considered
12 at that stage?

13 A. Again, the timeframe in which I was given to look at
14 linked incidents was quite short, I do have a series of
15 linked incidents that were made. In relation to the 15:35
16 McVicker Report he details eight linked incidents
17 specifically, car bomb at Castle Leslie complex,
18 Enniskillen; car bomb Moira RUC Station; car bomb
19 Market Street, Lisburn; attempted mortar attack,
20 Belleek RUC Station; a bomb contained in a trailer, 15:35
21 Blackwatertown Road, Armagh; a car bomb at Newry
22 Courthouse; attempted mortar attack at RUC Newry
23 Station; and a car bomb at Newry Street, Banbridge.
24 Out outside of those I have a list that is a larger
25 list but it is from further forward in time. 15:35

26 705 Q. If you're working from the McVicker list, presumably
27 this list can't have been any more extensive than that?

28 A. No, one wouldn't have thought.

29 706 Q. It suggests that there were reports prepared in

1 relation to those, I don't know whether you've been
2 able to obtain those reports?

3 A. In creation of this statement I utilised non-sensitive
4 material. There are sensitive reports, I can certainly
5 check out the details of those and establish, if the
6 Inquiry is so minded to request it. 15:36

7 707 Q. Certainly, I think it would be useful to know what
8 those reports were and, in particular, what sort of
9 level of detail they had but, obviously, I understand
10 the difficulties you're in. 15:36

11 A. It may also be that any response would not be fit to be
12 provided in this arena.

13 708 Q. Yes, understood. Can I then go to INQ 039024 and
14 page 147. Now, I don't know whether -- you may or may
15 not have seen this document, this is AGS intelligence
16 identifying people who I don't think we need to discuss
17 at this stage their names because it's not really the
18 identity that matters, but it's intelligence that is
19 potentially regarded as value to the Omagh bomb. And
20 you'll see, if I can highlight the last paragraph on
21 that document, just the last line, effectively, just
22 one line. You'll see it says there: 15:37

23
24 "The content of this information is not to be passed to
25 the RUC at this time." 15:37

26
27 The question I've got really, does that suggest there
28 was -- there was certainly imperfections in the working
29 relationship between AGS and PSNI?

1 A. That would possibly be one way of viewing that. There
2 could be a number of other factors whenever we are
3 talking about intelligence that I'm not entirely happy
4 about discussing in an open forum but there could be
5 other difficulties that arise. 15:38

6 MR. SOUTHEY: I've realised my learned junior friend
7 has pointed out although this isn't marked as the OS
8 version of this document, it in fact has disclosed OS
9 material. There is a non-OS document which version
10 contains the line. 15:38

11 MR. DE LA POER: I'm expecting that there's nobody in
12 this room - I don't know for certain - who is not
13 entitled to see operationally-sensitive material, it's
14 on a timer, a delay for this very reason, so Mr. Suter
15 will address it. If Mr. Southey could just bear with 15:39
16 Mr. Suter for a moment, I'm sure he'll go back that and
17 that will be eliminated from the feed.

18 MR. SOUTHEY: I'm sorry, I didn't spot it earlier but
19 it's partly because the line I was focusing on isn't
20 OS. [Short pause]. 15:39

21 MR. DE LA POER: Can I say that I'm grateful to the
22 eagle-eyed member of your team, Mr. Southey. Yes, we
23 are able to continue.

24 709 Q. MR. SOUTHEY: DCI, I don't know whether you want to
25 start again, the question I was asking, obviously, was 15:40
26 whether it suggested imperfections in relation to the
27 relationship between AGS and RUC?

28 A. It could be --

29 CHAIRMAN: Mr. Billingsley, are you in a position to

1 answer that question? Do you know why --
2 THE WITNESS: I have no idea.
3 CHAIRMAN: -- the RUC would place that caveat on that
4 piece of intelligence at that stage?
5 THE WITNESS: I have no idea why, Sir. 15:40
6 710 Q. MR. SOUTHEY: Can I put it in a slightly different way
7 then, perhaps; from your point of view are you aware of
8 imperfections in the relationship?
9 A. I am not, I didn't work for the RUC at that point and
10 space and time so I can't speak to the relationship. 15:41
11 MR. SOUTHEY: Thank you. In that case, my learned
12 friend, Mr. Foster, has one or two questions.
13
14 DCI PETER BILLINGSLEY WAS QUESTIONED BY MR. FOSTER WAS
15 FOLLOWS: 15:41
16
17 711 Q. MR. FOSTER: DCI Billingsley, I'll be very brief. It's
18 in relation to Mr. de la Poer, some of the evidence you
19 gave earlier to him. The first one is, if I can put up
20 on the screen the presentation that was referred to and 15:41
21 it's the notification from the AGS to the RUC, and it's
22 this for a point of accuracy. The notification states
23 at the stop that it's a red Vauxhall Cavalier, that was
24 sent through at 1:00 p.m. Now, the next slide is, as I
25 understand it, the force-wide notification and there's 15:42
26 no colour of car represented on that?
27 A. So, from what I have on the screen -- it's very small.
28 The action that's displayed, will be as it says, IS to
29 carry out the cross-border checks in relation to

1 91-DL-2554, that's not a circulation per se.

2 712 Q. okay.

3 A. That is a request via the HOLMES account to have those

4 checks carried out. The difficulty is that the initial

5 notification that we saw on the previous screen was 15:43

6 destroyed, my belief, as I alluded to earlier on, was

7 after two weeks, so MSG 2120 refers, I can't -- we

8 don't hold a copy that of to see what it said. That's

9 not the specific circulation is my point.

10 713 Q. I appreciate that, but the notification from the Garda 15:43

11 was for a red vehicle and there's no note on that what

12 colour the vehicle was, and my question is when did the

13 maroon colour first become aware? In your statement it

14 states that -- this is page 6?

15 A. Of the addendum statement? 15:44

16 714 Q. Sorry, the addendum statement, yes. And it says

17 halfway down:

18

19 "RUC circulated the details of the stolen vehicle on

20 its computer system (force-wide) at 1:23 p.m. the same 15:44

21 day (i.e. 23 minutes after the report from the AGS)."

22

23 The subsequent paragraph:

24

25 "It was circulated only as a stolen vehicle for 15:44

26 attention of uniformed police patrols. It gave the

27 details of as a maroon Vauxhall Cavalier registration

28 number 91-DL-254."

29

1 And my query is; when did the maroon colour come into
2 the attention?

3 A. I would need to clarify that, it's something that I
4 can't answer for you at this point in time, but I can,
5 if the Inquiry are minded, clarify that in due course. 15:45

6 715 Q. Thank you. Very briefly, you were talking about the
7 destruction of the documents, is that a written policy?
8 Was that a written policy documents are destroyed after
9 two weeks?

10 A. That information has come from an e-mail from a female 15:45
11 by the name of Michelle whose surname escapes me, who
12 worked in PVI. She was advised of that by one of her
13 colleagues within PVI/CVI so I have not seen a policy,
14 I didn't work in the organisation at that time.

15 716 Q. I think we might be able to look at it, INQ 012320. 15:45
16 Yes. And it's page 2, please. And if it's the last
17 paragraph, it states:
18
19 "As you've all been in PVI for some time, can you
20 advise that you still hold the file of MHS messages 15:46
21 received into PVI as far back as 1998?"
22

23 And if we go to the first page, please, and halfway,
24 the middle of the page, perhaps if that could be
25 highlighted, the point is made: 15:46
26

27 "Just remembered, we used to keep the MHS messages for
28 a week in these blue folders and after a week they were
29 shredded."

1 And my question is: Is that the extent of your
2 information or do you know or if there's a written
3 policy or not?

4 A. That is the extent of my information.

5 717 Q. So you may have mistakenly said it was two weeks but it 15:47
6 was actually a week?

7 A. Yeah, we had a -- yes, I said I wasn't sure but I had
8 it in my head it was two weeks but we will revert to a
9 week.

10 718 Q. Mr. de la Poer was asking you questions about the cell 15:47
11 site and when, if I recall correctly, when you were
12 first aware if there was any external cooperation with
13 the RUC in relation to the cell site analysis and
14 whether any expert had been engaged. And I think you
15 referred to Mr. Weeks in 2008. Again, this is more for 15:47
16 clarification, you're not aware then that Mr. Collins
17 of Praesidium was engaged in 1999 and he made a number
18 of recommendations.

19 A. Just let me confirm that in my notes.

20 MR. GREANEY: If I can help, the report was dated 4th 15:48
21 June 1999. You can take that from me.

22 719 Q. MR. FOSTER: DCI Billingsley, you may or may not be
23 familiar with that?

24 A. I could do have a note of a policy, I don't have it
25 dated of Praesidium Services Limited report being 15:49
26 provided to Mr. Weeks. So, it's quite clear that was
27 done before Mr. Weeks was instructed. As to the date,
28 I apologise, I cannot. As I have previously stated, I
29 would imagine I've viewed many thousands of documents

1 but I can certainly take that away and confirm a date
2 that Praesidium were instructed.

3 720 Q. And you weren't aware of any follow up to any
4 recommendations that he had made, obviously?

5 A. No. I may have reviewed the report but, as I say, I've 15:49
6 viewed many thousands of documents over the last number
7 of weeks.

8 721 Q. One final question; in relation to your initial
9 statement, you stated at paragraph 35:
10
11 "The PSNI suspect that the vehicle stayed in the
12 Republic of Ireland between 13th and 15th August and
13 the bomb was loaded."
14

15 You have anything beyond suspicion that the vehicle was 15:50
16 kept in the Republic of Ireland?

17 A. Sorry, paragraph 35?

18 722 Q. Paragraph 35.

19 A. Ultimately, all that there was over that time period
20 were, I suppose, unconfirmed sightings south of the 15:50
21 Border. There is nothing else that suggests that the
22 view would be that the likelihood was, certainly my
23 view would be on the material I've reviewed that the
24 likelihood was that the vehicle travelled over the
25 Border. 15:50

26 723 Q. Mr. de la Poer referred earlier on to the involvement
27 of Mr. McGinn and, as I understand, in 1998 he was
28 interviewed. And you heard the references to
29 "Cullaville." And if I could also put up on to the

1 screen please INQ 028274. And, perhaps, if the first
2 paragraph could be highlighted please. This is an
3 e-mail from Mr. Ware, journalist. And in that he makes
4 reference to the car being "seen parked in the grounds
5 of the GAA Cullaville on 13th August. It was said to 15:51
6 have been moved by Michael Broderick and scouted by
7 Padraig Daly. I've been told that this came to the
8 attention of SB [Special Branch] by the night of Sunday
9 16th August."

10
11 My question relates to this, you have said in your
12 statement about the amount of CCTV that has been
13 obtained, 237 videos and extensive TV was taken - at
14 paragraph 70 - to assist in ascertaining the potential
15 route taken by the car. And my question is; was there 15:52
16 any attempt to investigate the availability of CCTV in
17 other locations given that you had information such as
18 this, a suspicion, or as referred to by Mr. McGinn,
19 that he got his car serviced and repaired in
20 Cullaville? 15:52

21 A. Again, I would need to clarify that. The CCTV that I
22 have seen in relation to the investigation and the
23 enquiries conducted, I'm reasonably content, are all
24 north of the Border.

25 724 Q. Sorry?

26 A. They're all north of the Border.

27 725 Q. But on the route of the car, was there any CCTV taken
28 prior to the route of the car, prior to the 15th? was
29 there any CCTV taken on 13th and 14th of August?

1 A. I would need to clarify that, not that I believe, but I
2 would need to clarify that.

3 726 Q. My final question is a point again that relates to
4 CCTV. And it's at paragraph 87. And you state at
5 paragraph 87: 15:53
6
7 "The PSNI is not aware of any Army watchtowers which
8 would have had a line of sight over the potentially
9 relevant roads."

10 15:53
11 And it's very nuanced sentences, and I'm asking would
12 the RUC have had any knowledge?

13 A. It's a very difficult question to answer that those who
14 were working in the watchtowers would have knowledge of
15 what the line of sight was, whereas today we would be 15:54
16 working from knowledge of where the watchtower is
17 located or it was located, given that they in all
18 likelihood, I don't believe any of them exist any
19 longer --

20 727 Q. DCI Billingsley, my question really is, you said the 15:54
21 PSNI, but would the RUC have had any knowledge of the
22 sight of line, would the RUC as opposed to the PSNI,
23 I'm asking about the RUC?

24 CHAIRMAN: I don't really understand that question, I'm
25 afraid, Mr. Foster. 15:54

26 728 Q. MR. FOSTER: My point is, have the records been looked
27 in both the RUC and the PSNI, if anybody in the RUC
28 could recall if there was a sight of line of vision
29 from those watchtowers?

1 A. It's something I would have to clarify. I would be
2 very surprised if somebody had provided or created a
3 document that gave us details of the line of sight from
4 the watchtowers saying at window 1 I can see X, Y and
5 Z. At window 2 I can see X, Y and Z. 15:55

6 729 Q. My question was are you aware of any investigation that
7 took place in relation to that, in whether or not the
8 watchtowers had any line of sight?

9 A. At the time of the incident?

10 730 Q. At the time of the incident? 15:55

11 A. I would need to clarify that.

12 MR. FOSTER: Okay. Nothing further. Chair, thank you.

13 MR. DE LA POER: Sir, I note the time and I know that
14 Mr. Kane was anxious to ensure that he had a clean run
15 for his questions, which I think may be less in their 15:55
16 duration than the time he was originally allocated,
17 although that may have changed since he and I last
18 spoke. I wonder if his you would want to hear his
19 approximate estimate, because I know that we have other
20 business to deal with today. 15:55

21 CHAIRMAN: What would you prefer to do, Mr. Kane.

22 MR. KANE: Sir, I was allocated 25 minutes. I have
23 knocked out may be five or six questions out of 24 or
24 thereabouts. With the best will in the world I would
25 have thought minimum 15 to 20 minutes. 15:56

26 CHAIRMAN: Yes. Would you be content to ask your
27 questions tomorrow.

28 MR. KANE: Oh, of course, yes.

29 CHAIRMAN: I think that might be best in the

1 circumstances.

2 MR. KANE: There's also a matter which we've just
3 received an e-mail about which I would like to raise
4 which will only take about two or three minutes.

5 CHAIRMAN: Yes. well, let's leave the questioning 15:56
6 until tomorrow then, if that's convenient.

7 MR. KANE: That's fine, that's not a problem.

8 CHAIRMAN: Can we invite Mr. Billingsley to return
9 tomorrow.

10 MR. DE LA POER: Yes, please, sir. I think that's for 15:56
11 the best, and I did warn him and he's kindly said he'll
12 come back.

13 CHAIRMAN: Thank you very much, Mr. Billingsley.

14 THE WITNESS: No, problem, sir.

15 MR. GREANEY: Sir, as I understood it, Mr. Kane was 15:56
16 indicating that he wanted to raise a matter now about
17 an e-mail that he has recently received, am I right?

18 MR. KANE: Yes, I've only read it here.

19 CHAIRMAN: Give Mr. Billingsley a moment or two to
20 withdraw. [Short pause]. Yes, Mr. Kane. 15:57

21
22 SUBMISSION BY MR. KANE:

23
24 MR. KANE: As I say, I've only had a very quick
25 opportunity to read the e-mail and the question was 15:57
26 being posed did we want to seek an adjournment of Lance
27 Corporal Thompson's evidence tomorrow. That relates
28 Sir, to -- I don't know whether or not the staff can
29 bring up an INQ just on the hoof, but if they can, it's

1 INQ 034 --

2 MR. GREANEY: No, they can't I'm afraid, unless it's a

3 document that's been on the screen very recently.

4 MR. KANE: Right. Maybe you can bring it up

5 independently, Chairman, on your own. 15:58

6 CHAIRMAN: Is it --

7 MR. KANE: It's the famous conundrum page, 38456. It's

8 INQ 034854.

9 CHAIRMAN: Is this the Daily Occurrence Book?

10 MR. KANE: That's correct. 15:58

11 CHAIRMAN: I have my copy of that.

12 MR. KANE: Yes. We were told late yesterday about car

13 sightings and some photographs from VCPs which, on the

14 face of it, tends to suggest that there's a mix-up in

15 the timings and if you can see, Sir, the 385 entry 15:59

16 is -- the copy which you have, Sir, is it coloured?

17 CHAIRMAN: Yes.

18 MR. KANE: You can see there, there's blue writing 385,

19 15th August 1998. And then you will recall there was

20 some discussion about whether or not that was 13:21 or 15:59

21 15:21.

22 CHAIRMAN: Yes.

23 MR. KANE: We then received yesterday afternoon I think

24 it was some photographs which are tending to suggest

25 that the entry to the right of that, which begins 15:59

26 "VENGEFUL" and "vehicle sighting" in the black ink,

27 that that vehicle was photographed at 15:21. So, that

28 raises a very live issue about the timings and tends to

29 throw the argument, as it were, towards 15:21 as being

1 the time, as opposed to 13:21. However, the entry
2 which is made at 385, the substantive entry where it
3 says, "VENGEFUL" and "vehicle sightings" is made, we
4 say, quite clearly, both in a different colour of ink
5 and in a different hand, to use an old-fashioned 16:00
6 phrase. And what we are saying is that that issue as
7 to who wrote in 385 would be best investigated before
8 Lance Corporal Thompson would be brought before the
9 Inquiry. The investigation which we have asked, now
10 that this has come sharply into focus, is to 16:01
11 investigate the signatures on the right-hand side
12 column, which are covered and are closed to us, but
13 just shortly, a few minutes ago, we received this
14 e-mail saying that Lance Corporal Thompson is the
15 signature for 383. The signature for 383, for 384, for 16:01
16 386, but it has not been confirmed that he's the
17 signatory of 385. And what we're saying is that
18 whoever that is, and obviously that's known to the
19 Inquiry, that that person needs to be located and
20 spoken to as to the circumstances in which he wrote the 16:02
21 entry at 385 in black ink. And that he will have
22 evidence as to, not just the circumstances but as to
23 how the timing may well have become mixed up and how
24 and why that appears to be out of sequence, timing
25 wise. 16:02
26

27 Now, I appreciate, Sir, that that may not be something
28 that would be capable of being done overnight given the
29 difficulties there were in locating Lance Corporal

1 Thompson who, as you probably are aware, veered from
2 being 84 years old and eventually being in the grave
3 before he was resurrected and found. But I feel that
4 some investigation should be done on that issue before
5 the Inquiry puts these matters to Lance Corporal 16:03
6 Thompson, and in fairness to him, so that he would have
7 the benefit of knowing what this other signatory did in
8 relation to the black ink insert.

9
10 I hope that's reasonably clear. It's probably not 16:03
11 clear to anyone else in the room unless they have the
12 page up in front of them, but I hope that is
13 sufficiently clear to you, Sir, to see the thrust of
14 what I am saying.

15 CHAIRMAN: I can understand why you'd want to explore 16:03
16 the chronology in which these entries appear, but I
17 don't, at the moment, understand Mr. Kane, why that
18 prevents Mr. Thompson giving evidence about what he
19 entered in relation to entry 386.

20 MR. KANE: No, it doesn't. If he were to be asked 16:04
21 questions about the timing and that there was mistakes
22 made or practices that went on which weren't
23 chronologically following, on the basis of the document
24 on the face of the record, without knowing what the
25 likely author could assist the Inquiry with, I'm saying 16:04
26 that that is -- those would be questions which would be
27 put in a vacuum without the benefit of a proper
28 investigation, which may or may not be possible.

29 CHAIRMAN: But, I thought what concerned you was the

1 entry at 386 and the content of it and whether it
2 reflected accurately the terms of a broadcast that was
3 made. I don't really see at the moment what 385
4 contributes to that.

5 MR. KANE: well --

16:05

6 CHAIRMAN: I'm very reluctant to put Lance Corporal
7 Thompson off because he has already been allocated that
8 particular date and time for giving evidence, in
9 accordance with discussions which took place with him.

10 MR. KANE: Yes, I understand that. But had it not been
11 for what developed yesterday and again then today, I
12 wouldn't have been making such an application. Where
13 it is relevant --

16:05

14 CHAIRMAN: What's to stop you exploring all of this
15 after Mr. Thompson, what difference does it make? If
16 he didn't make the entry at 385 what difference does it
17 make to his evidence that somebody else will come along
18 and tell us later why that entry was made.

16:05

19 MR. KANE: That will be fine if all the questioning is
20 related to 386 only, but if he's going to be asked
21 about 385 and a suggestion is made in any way that
22 there was something going on here which was irregular,
23 which was out of chronology and, therefore, casts doubt
24 on 386, then that's a different story. But if there's
25 to be no questioning of him about the chronology and
26 about what happened in 385, I'm perfectly content that
27 he comes tomorrow and answers questions about 386.

16:05

28 CHAIRMAN: Let me hear from Mr. Greaney then, please.

29 MR. GREANEY: Sir, I believe that the e-mail of

16:06

1 Mr. Suter to which Mr. Kane is referring, is one timed
2 at 1422 hrs and it starts in this way:

3
4 "We have asked HMG legal team if they can share a copy
5 of the unredacted Occurrence Book with Lance Corporal
6 Thompson so that he can confirm which entries have his
7 signature and which are for other soldiers. If
8 possible, we have asked him to prepare a short
9 statement to confirm his observations on these points
10 before he gives evidence."

16:06

16:06

11
12 And he won't be giving evidence first thing tomorrow
13 morning. There is DCI Billingsley to finish and then
14 Mr. Bridger to give evidence.

16:07

15
16 So, there is time tomorrow morning to advance our
17 understanding, one would hope to a position that
18 satisfy Mr. Kane. Most certainly, there is no basis at
19 the moment to vacate the current listing of the
20 witness.

16:07

21 CHAIRMAN: So, there are some enquiries which are
22 already ongoing?

23 MR. GREANEY: There are, Sir, yes.

24 CHAIRMAN: And they'll be hopefully completed in the
25 course of tomorrow morning?

16:07

26 MR. GREANEY: That's our aim.

27 CHAIRMAN: well, shall we see how things stand tomorrow
28 morning then, Mr. Kane?

29 MR. KANE: It's a very late application prompted by

1 this at 14:22. Yes, I'm happy to wait for tomorrow
2 morning. I still think that it will not in any way
3 lead to the identification of whoever the signatory is
4 for the earlier entry. And if Mr. Greaney is saying
5 well, that won't be touched, then that would resolve
6 the issue. 16:07

7 CHAIRMAN: well, let's see what Mr. Thompson has to say
8 tomorrow in conjunction with discussion between
9 yourself and Mr. Greaney and see whether that resolves
10 the problems or not. And if they're not resolved we
11 can return to them tomorrow. 16:08

12 MR. KANE: very well. Very much obliged, thank you.

13
14 SUBMISSION BY MR. GREANEY:

15 16:08
16 MR. GREANEY: Thank you very much, Sir. There are, I'm
17 afraid, two further issues that we do need to deal with
18 before we conclude for the day and those two issues
19 are; first of all, the form of words that was the
20 subject of discussion at the end of the evidence
21 yesterday. So, the form of words relating to the
22 person known as Kevin Fulton. And then, secondly, an
23 issue that will take a little longer to deal with
24 relating to the evidence to be given by Baroness O'Loan
25 and by Martin Bridger. 16:08

26
27 So, dealing with those two issues in turn. I'm simply
28 going to read out from a document.
29

1 "At the Closed Material Restriction Order hearing" so,
2 the CMRO hearing "PSNI indicated that they would seek
3 instructions on matters relating to Kevin Fulton. PSNI
4 has provided the following form of words:

5
6 The PSNI's written submissions to the Omagh Bombing
7 Inquiry lodged prior to the open CMRO hearing, and
8 repeated during its oral submissions, explain the PSNI
9 position in respect of sensitive materials, namely,
10 that if any matter was brought to its attention which 16:09
11 may have an impact on sensitive disclosure, this would
12 be considered to assess whether it causes any
13 alteration in the PSNI's position.

14
15 In making those submissions, the PSNI was mindful of 16:09
16 both the large volume of documents being disclosed to
17 and by the OBI, the passage of time since the majority
18 of the events in question took place and that the
19 individuals in post now were not in post at the
20 relevant times, and the general requirement to keep its 16:10
21 position on disclosure under review.

22
23 The PSNI has sought to be transparent about its
24 position on disclosure generally, both with the OBI and
25 with the other Core Participants. 16:10
26

27 The Chief Constable considered additional material that
28 was not considered previously, including material
29 brought to the attention of the PSNI Inquiry Team on

1 the day of the open CMRO hearing.

2
3 Particular weight has been attached to previous
4 disclosures by Sir Ronnie Flanagan into the public
5 domain when he was the Chief Constable of the Police 16:10
6 Service of Northern Ireland in and around January 2002.
7

8 The PSNI was in possession of the contents of the
9 statement made to the families on 24th January 2002 but
10 the PSNI Inquiry Team was not aware of it and, 16:11
11 therefore, had not considered it, and it was not placed
12 before the Chief Constable when he first reviewed the
13 sample document materials.
14

15 The PSNI no longer maintains NCND [neither confirm nor 16:11
16 deny] in respect of the name 'Kevin Fulton' in the
17 terms set out by Counsel to the Inquiry during the
18 opening remarks for Chapter 3 on 21st September 2026,
19 namely, that he was a State agent, including having
20 been an informant for the RUC." 16:11
21

22 Sir, that deals with the first of the final issues
23 today.
24

25 Next to the second. Baroness O'Loan was the Police 16:11
26 Ombudsman for Northern Ireland between 1999 and 2007.
27 She was the first person to hold that role which was
28 created by Section 51 of the Police (Northern Ireland)
29 Act 1998, which we'll refer to as "the Act."

1 Sir, as everyone knows, she has provided a witness
2 statement to the Inquiry, namely INQ 042304 and we are
3 due to hear live evidence from her next wednesday.

4
5 Martin Bridger was an officer of the Ombudsman, having 16:12
6 been appointed by the Ombudsman to lead the
7 investigation that resulted in the PONI Report of 12th
8 December 2001. He, too, has provided a witness
9 statement to the Inquiry, namely INQ 042078 and we're
10 due to hear from Mr. Bridger tomorrow, probably at 16:12
11 about 11 o'clock, we hope.

12
13 Sir, in written submissions prepared, may we say at
14 short notice to assist in relation to an issue that I'm
15 about to explain, Counsel for PONI, my learned friend 16:12
16 Mr. Aiken says this:

17
18 "At the outset, PONI wishes to make clear that it wants
19 the Inquiry to have whatever evidence and material the
20 Inquiry wants to have in furtherance of the Terms of 16:13
21 Reference of the Inquiry. This includes evidence from
22 present or former members of the role of Police
23 Ombudsman, or present or former members of staff of the
24 Police Ombudsman. PONI does not wish to in any way
25 hinder Baroness O'Loan or Martin Bridger staying 16:13
26 whatever it is they wish to say to the Inquiry and
27 supports them in the doing of that."

28
29 Sir, we are grateful to PONI for engaging with the

1 Inquiry in such a cooperative way and for expressing a
2 clear and positive desire. And we're certain that all
3 Core Participants will share PONI's wish for Baroness
4 O'Loan and Martin Bridger to give all relevant
5 evidence, as they are currently scheduled do, and we 16:14
6 hope that the two witness, Baroness O'Loan and
7 Martin Bridger will take comfort from the stated wish
8 of PONI.

9
10 Sir, an issue, as we said, has arisen which we 16:14
11 initially considered might present significant
12 complexities, however, on reflection over the last
13 48 hours, we're satisfied that the answer to the issue
14 is clear, and that there is no impediment to hearing
15 the evidence of Baroness O'Loan and Martin Bridger as 16:14
16 we plan both as to date and in form. What we'll do is
17 to set out, Sir, what the issue is and furthermore how
18 we consider it to be answered. And once we've done so,
19 we do not consider it necessary for any Core
20 Participant, or anyone else, to make submissions 16:14
21 unless, of course, they wish to submit that we are
22 wrong and wish to present a competing argument in
23 favour of the proposition that Baroness O'Loan and
24 Martin Bridger should be prevented from giving evidence
25 that they, the Inquiry Legal Team and PONI wish them to 16:15
26 give.

27
28 Sir, if such arguments are advanced, of course, you
29 will listen to them but if they are not, we do not

1 consider that it will be necessary for you to make any
2 ruling because there will be no dispute to be resolved
3 but, of course, we will see where we get to.

4
5 The issue arises out of Section 63 of the Act. The 16:15
6 effect of Section 63(1) and 63(2), is that:

7
8 "No information received by the Ombudsman or an officer
9 of the Ombudsman, in connection with any of the
10 functions of the Ombudsman, under Part 7 of the Act, 16:15
11 shall be disclosed by any person who is or has been a
12 person to whom this subsection applies, except..." in
13 certain circumstances that are listed in Section 63(1).
14 And that subsection applies to the Ombudsman or any
15 officer of the Ombudsman and persons formerly holding 16:16
16 such roles.

17
18 The starting point, it seems to us, is to consider what
19 information was or may have been received by
20 Baroness O'Loan or Martin Bridger in connection with 16:16
21 any of the functions of the Ombudsman under Part 7 that
22 it is proposed they should give evidence about in the
23 course of Chapter 3. The answer to that question, in
24 our submission, is to be found in four documents in
25 particular; and, Sir we'll deal with the most recent of 16:16
26 those four documents first.

27
28 That most recent document is a report of Baroness
29 O'Loan to the Irish Minister for Foreign Affairs

1 regarding allegations made by Detective Sergeant John
2 White of the AGS. That report, which is dated 22nd
3 March 2002, and has the INQ reference 04948 six, is the
4 report that in due course was to generate what is
5 widely known as the Nally Report.

16:17

6
7 In our assessment, no problem at all arises in relation
8 to the information contained within or related to the
9 subject matter of that report of 2002. And that is
10 because the work that led to the report, and the
11 content of the report itself, are unconnected with the
12 functions of the Ombudsman under Part 7 of the Act.
13 And, Sir, as we made plain a condition precedent to the
14 operation of Section 63 is that the information which
15 has been received should be connected with the
16 functions under Part 7.

16:17

16:17

17
18 The 2002 report, and its content, were wholly unrelated
19 to any complaint by or on behalf of a member of the
20 public about the conduct of a member of the police
21 force which means a member of the police force in
22 Northern Ireland, under Section 52 of the Act, and were
23 not generated by a referral by an official body or
24 generated of the Ombudsman's own motion under
25 Section 56, in either case relating to a member of what
26 by then have been PSNI. Instead, as the report to the
27 AGS and the statement of Baroness O'Loan make clear,
28 the report was not into or about the conduct of any
29 member of PSNI, which would have brought it within

16:18

16:18

1 Part 7 if that were the position. But, instead, the
2 report related to the actions of AGS officers in the
3 Republic of Ireland and the investigation that led to
4 the report was always into that topic, and not into the
5 conduct of any member of PSNI.

16:19

6
7 So, this report, the report of 2002, was a piece of
8 work, undoubtedly a valuable piece of work, that was
9 unconnected with the Ombudsman's functions in Part 7
10 and it did not result, nor did the investigation that
11 led to it result in anyone receiving information in
12 connection with those functions. And so, we are clear
13 Sir, that Section 63 does not bite on any of the
14 information falling into that first category.

16:19

15 CHAIRMAN: And do you know what PONI's position is on
16 that point?

16:19

17 MR. GREANEY: Well, PONI's position I think, Sir, is
18 that they wouldn't be able to express a final view on
19 that, on that point today. No doubt if they consider
20 that we are wrong about that, they will, in due course,
21 tell us. If we receive no such communication, we will
22 conclude that they do not consider we are wrong. But
23 we wouldn't want to put Mr. Aiken under pressure to
24 express a view today, we suspect he has not had an
25 opportunity to take final instructions.

16:20

26 CHAIRMAN: Is Mr. Aiken participating?

27 MR. GREANEY: He is very kindly, he's attending in
28 person.

29 CHAIRMAN: I'm so sorry, I didn't realise he was here.

16:20

1 MR. GREANEY: I should have said he was here.

2 CHAIRMAN: Thank you for your attendance, Mr. Aiken.

3 MR. AIKEN: Not at all, Sir, and I'm sorry I haven't
4 been here up to now. What I'm listening to, Sir, if
5 it's helpful, if I can put it this way; PONI is 16:20
6 unlikely to express a view either way on the solutions,
7 as I understand it, that are to be outlined. That's
8 not designed to be unhelpful in any way but if the
9 Inquiry Team has taken a particular view, it's entitled
10 to do that and it may be, if we consider yes, there is 16:20
11 something wrong with anything that we hear, then we'll,
12 at the appropriate time, if it's acceptable to you,
13 raise it with your team.

14 CHAIRMAN: Yes, that's helpful, thank you.

15 MR. GREANEY: We're grateful to Mr. Aiken for all of 16:21
16 his help in relation to this issue, and for acting in
17 such a practical way, recognising that we are moving at
18 pace in relation to this issue.

19
20 I said that there were four documents. The second is 16:21
21 this, on 12th December 2001, so, this is an earlier
22 document, and 12th December 2001 being the same day as
23 Ombudsman presented what is known as the Regulation 20
24 Report to the Secretary of State, and I'll get to that
25 document at the end of my submission. But on that 16:21
26 date, 12th December, the Ombudsman published what was
27 described as a summary, essentially a summary of the
28 report itself. The summary is INQ 044122. That
29 summary was expressly published under Section 62 of the

1 Act.

2
3 Sir, this report and the information contained within
4 it, also presents no Section 63 difficulty. And that
5 is because one of the exempting circumstances in 16:22
6 Section 63(1) relates to just such a summary, and that
7 exempting circumstance is that contained in
8 Section 63(1)(e). And so, we suggest there can be no
9 question but that Section 63 does not prohibit
10 disclosure by the witnesses of information contained 16:22
11 within that statement.

12
13 Third, that same day, 12th December, the Ombudsman
14 published what was described as a press summary.
15 INQ 000374. This, Sir, in our assessment, falls into 16:22
16 an identical category to the second one. It is within
17 Section 63(1)(e), even though not expressly described
18 as a Section 62 statement. We pause for a moment to
19 observe that in their written submissions, PONI accept
20 that Section 63(1)(e) is apt to describe something such 16:23
21 as a press summary. And, in any event, we submit that
22 no sensible person would submit that Baroness O'Loan
23 and Martin Bridger could not give evidence about
24 something that had been released to the press in the
25 hope and expectation that the public would be made 16:23
26 aware of it. One doesn't need to have regard to
27 construction or common sense, it's obvious that
28 Section 63 does not bite on the information contained
29 within that third category of material.

1 Fourth, that just leaves the Regulation 20 Report
2 itself, commissioned by Baroness O'Loan and the result
3 of an investigation conducted by Martin Bridger, and
4 through which investigation, necessarily, he will have
5 obtained information. The Regulation 20 Report itself 16:24
6 is INQ 000035. In their submissions, PONI make the
7 following submission about the purpose of Section 63,
8 Mr. Aiken describes the purpose as being:

9
10 "To protect the confidentiality of third parties 16:24
11 disclosing information to the Police Ombudsman. It was
12 not intended to prevent the Police Ombudsman assisting
13 a public inquiry."

14
15 Sir, we agree. The purpose of Section 63 would not, in 16:25
16 any way, be undermined by Baroness O'Loan and Martin
17 Bridger giving their evidence as we, they, and PONI
18 would wish. On the contrary, and as Section 51(4)(b)
19 makes clear, one of the principles that underpins the
20 work of PONI, when PONI exercises their functions, is 16:25
21 engendering the confidence of the public in the system
22 the Ombudsman is responsible for.

23
24 In our submission, if Section 63 were to be interpreted
25 as severely - and it would be severely - curtailing the 16:25
26 evidence of important witnesses to your Inquiry, that
27 confidence would be severely undermined, not engendered
28 or upheld. And that would be particularly so in
29 circumstances in which by the time Martin Bridger gives

1 evidence tomorrow morning, the Regulation 20 Report,
2 following a period of liaison with PSNI, HMG and PONI,
3 will have been published on the Inquiry's website,
4 entirely lawfully, and will be available to the public

5 CHAIRMAN: Can I just pause to understand that a
6 moment, Mr. Greaney.

16:26

7 MR. GREANEY: Yes, Sir.

8 CHAIRMAN: The Regulation 20 Report is, in effect, the
9 complete report prepared by Baroness O'Loan.

10 MR. GREANEY: It is, Sir, running to 94 pages.

16:26

11 CHAIRMAN: And it's presented to the Police Authority,
12 the Chief Constable and the Secretary of State in
13 accordance with Regulation 20 of the Royal Ulster
14 Constabulary Complaints et cetera Regulations 2000.

15 MR. GREANEY: Yes sir.

16:26

16 CHAIRMAN: And the Inquiry has had possession of a copy
17 of that report for some considerable time.

18 MR. GREANEY: Yes. And we received it, entirely
19 appropriately, from Merseyside Police who had received
20 it from one of the appropriate authorities, I think the
21 Policing Board, in the course of commissioning
22 Merseyside Police to prepare what became known as Tonge
23 Report.

16:27

24 CHAIRMAN: It has been disclosed to the Core
25 Participants in the Inquiry?

16:27

26 MR. GREANEY: Yes.

27 CHAIRMAN: But before that took place are you saying it
28 was reviewed by a number of authorities?

29 MR. GREANEY: Yes, what has happened Sir, is that as

1 you will appreciate some categories of document need to
2 go through a process of sensitivity checking to ensure
3 that when they are provided to Core Participants and
4 thereafter to the public they do not contain material
5 which is material that would be damaging to national 16:27
6 security and, of course, all of those redactions are
7 necessarily subject to the Closed Material Restriction
8 Order in due course. But what has happened is that the
9 Regulation 20 Report has been through a process of
10 sensitivity checking with PSNI, with PONI, and with 16:28
11 HMG. Certain redactions, certain limited redactions
12 have been applied for the reasons that I have
13 identified. That report has been made available to
14 Core Participants and as the organisations we are
15 certain will have anticipated, indeed PSNI I know has 16:28
16 been told as much, it is going to be published on the
17 website so that the public can read it.
18 CHAIRMAN: And none of those organisations suggested,
19 for example, that the report ought not be disclosed to
20 the Core Participants? 16:28
21 MR. GREANEY: Absolutely not and each of those
22 organisations has understood that Baroness O'Loan would
23 be coming to give evidence and will have had, we're
24 certain, an expectation that she would have been taken
25 to the report that had been disclosed to Core 16:29
26 Participants. So each of the organisations will have
27 had, we're certain, an expectation that that document
28 would be made public but it will be made public before
29 Mr. Bridger gives his evidence so that no question of

1 Section 63 being breached can arise.

2
3 And we are entirely satisfied that not only is what we
4 are proposing entirely what would have been expected by
5 those who have equity in that report, but is entirely
6 lawful for us to do.

16:29

7
8 And, Sir, we are grateful for the opportunity to make
9 that clearer, the question which we were posing which
10 takes us, we're nearly finished, the way in which
11 Section 3 is to be construed is what will the public
12 think about the proposition that witnesses who were
13 responsible for a report could not give evidence to
14 you, Sir, about the subject matter of something that
15 they could read on the Internet.

16:29

16:30

16
17 And so, Section 63, we submit, must be purposefully
18 construed to cover the situation that will occur
19 tomorrow with Martin Bridger and next week with
20 Baroness O'Loan.

16:30

21
22 We recognise that Baroness O'Loan and Martin Bridger
23 are determined to give evidence to you, of that there
24 is no doubt, but understandably they do not wish to
25 find themselves in the way of the criminal law for
26 doing so. And ultimately we are not the arbiters of
27 that issue and indeed, nor are you, but our view, as
28 the Inquiry Legal Team, is that no offence will be
29 committed by anyone by what we propose. And in any

16:30

1 event, we cannot see how any right-thinking person
2 would consider a prosecution other than foolish in
3 circumstances in which all that will be happening is
4 that witnesses will be giving evidence that they wish
5 to give, the Inquiry Legal Team wishes them to give and 16:31
6 that PONI wishes them to give.

7
8 That is a long way of saying that something that we had
9 thought was an issue and which we alerted Core
10 Participants to as a potential issue, is not, in the 16:31
11 final analysis, one that creates any difficulty with
12 the Inquiry proceeding as it wishes to.

13 CHAIRMAN: The underlying purpose of the prohibition
14 found in Section 63 of the 1998 Act, must be to provide
15 those who cooperate with the investigation a degree of 16:31
16 confidentiality.

17 MR. GREANEY: And we entirely agree. And indeed, as we
18 understand PONI's submission, they agree as well.

19 CHAIRMAN: Although it is obvious from the terms of
20 Section 63 itself that that can never be communicated 16:32
21 as a complete guarantee of confidentiality. For
22 example, an exception is available for the purposes of
23 criminal, civil or disciplinary proceedings.

24 MR. GREANEY: It is, Sir, in 63(1)(d).

25 CHAIRMAN: Equally, if the underlying purpose is 16:32
26 confidentiality, it must be confidentiality in respect
27 of matters that occurred many, many years ago now.

28 MR. GREANEY: And that too we agree with, Sir, yes.

29 CHAIRMAN: And that confidentiality, such as existed

1 and such as remained in place over the passage of time,
2 appears to have been lost as a consequence of the
3 publication of and sharing lawfully of the terms of the
4 report.

5 MR. GREANEY: Again, Sir, we agree.

16:33

6 CHAIRMAN: So, that's why you suggest that the
7 particular section should be given a purpose of
8 interpretation.

9 MR. GREANEY: Indeed.

10 CHAIRMAN: well, thank you Mr. Greaney, that's very
11 helpful.

16:33

12 MR. GREANEY: So, obviously we don't want to shut out
13 any Core Participant or indeed, PONI are a Core
14 Participant, we don't want to shut out any Core
15 Participant from making submissions they feel will be
16 helpful or from disagreeing if they disagree with us.
17 But I am going to look around to see if anyone does
18 wish to make submissions and I can see that no one
19 does. In those circumstances we see no value in
20 putting you to the trouble of preparing a ruling.
21 There is nothing in fact for you to rule upon.

16:33

16:33

22 CHAIRMAN: well, it seems to me that the outline that
23 you've explained in relation to the interpretation of
24 Section 63 is correct and that is the way we should
25 proceed.

16:34

26 MR. GREANEY: Thank you very much indeed, Sir. I am
27 sorry that we have had to sit a little later than we
28 would all like in order to deal with that, could we now
29 finish for the day and return at 10:00 a.m. tomorrow

1 morning please?

2
3 THE INQUIRY ADJOURNED UNTIL THURSDAY, 8TH OCTOBER 2026
4 AT 10:00 A.M.

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