

1 THE INQUIRY RESUMED ON TUESDAY, 13TH OCTOBER 2026 AS
2 FOLLOWS:

3
4 CHAIRMAN: Mr. Rafferty, good morning.

5 MR. RAFFERTY: Good morning, Sir. The first witness 10:01
6 this morning is Detective Chief Inspector Neil
7 McGuinness, could he be sworn please.

8 CHAIRMAN: Good morning, Mr. McGuinness.

9 THE WITNESS: Good morning, Sir.

10
11 DETECTIVE CHIEF INSPECTOR NEIL MCGUINNESS, HAVING BEEN
12 SWORN, WAS QUESTIONED BY MR. RAFFERTY AS FOLLOWS:

13
14 1 Q. MR. RAFFERTY: You are Detective Chief Inspector
15 Neil McGuinness, is that correct? 10:02

16 A. That's correct.

17 2 Q. And you have given evidence earlier in Chapter 3 on the
18 topic of what has been described as the RUC Net?

19 A. That's correct.

20 3 Q. The topic of your evidence this morning, 10:02
21 DCI McGuinness, is the system or the systems which were
22 available to police in the period of 1997 and 1998 for
23 the management of large and complex police
24 investigations?

25 A. Yes. 10:02

26 4 Q. You have provided a statement which has the Inquiry
27 reference INQ 041365, and that was dated and signed
28 28th August 2026?

29 A. Yes, that's right.

1 5 Q. You said at paragraph 15 of that statement, a little
2 bit, DCI McGuinness, about those who you spoke to and
3 consulted with as regards the preparation of the
4 statement, is that correct?

5 A. Yes, that's correct. 10:03

6 6 Q. Is it right that you spoke to three retired officers
7 involved with HOLMES in the 1990s?

8 A. Yes, in various roles. Yes.

9 7 Q. One was a HOLMES liaison officer until 1997, another
10 was an officer manager, which is a role within HOLMES 10:03
11 in North Region CID between 1991 and 1997, and the
12 third was an officer manager in Belfast CID between
13 1992 and 1995, is that correct?

14 A. That's correct, yes.

15 8 Q. And the statement that you've provided consists of no 10:04
16 less than 492 pages, is that correct?

17 A. Yes.

18 9 Q. And is it correct to describe it, that it has five
19 parts?

20 A. Yes. 10:04

21 10 Q. So, Part A relates to general queries and responses
22 provided by PSNI to questions asked by the Inquiry
23 about the background and the availability of systems
24 between 1997 and 1998?

25 A. Yes, that's right. 10:04

26 11 Q. And Part B is in relation to previous incidents which
27 are of interest to the Inquiry?

28 A. Yes.

29 12 Q. Part C is in relation to what's been described as the

1 McVicker Report, primarily as it relates to the use of
2 HOLMES in some of those previous incidents?

3 A. Yes.

4 13 Q. And Part D is in relation to the issue of an anonymous
5 telephone call which was made on 4th August 1998? 10:04

6 A. That's right.

7 14 Q. And Part E, the final part, answers some remaining
8 questions asked by the Inquiry and, in particular, in
9 relation to some of Mr. McVicker's conclusions about
10 the Omagh bomb investigation and the use of the HOLMES 10:05
11 system in that investigation?

12 A. Yes, that's right.

13 15 Q. So, Mr. McGuinness, the topics that I'm going to ask
14 you questions about primarily relate to the contents of
15 Part A and E of your statement, I'll touch briefly on 10:05
16 Part C and D as it engages the issue of HOLMES and the
17 management of the systems that police had for
18 investigating the Omagh bomb. But primarily we're
19 looking at Parts A and E?

20 A. Okay. 10:05

21 16 Q. It's right that each of the parts that I've described,
22 they start, their paragraph numbering back at
23 paragraph 1 and so on, isn't that right?

24 A. Yeah.

25 17 Q. So, we'll try and be careful to make sure that we've 10:05
26 identified the right paragraph and page reference as we
27 go on.

28 A. Yes, understood.

29 18 Q. So, Part A first. This part of the statement provides

some background information to the period prior to 1997 and 1998 and it refers to a major investigation incident room, is that correct?

A. Yes.

19 Q. So, can you give us a sense of what a major investigation incident room was?

10:06

A. So, major investigation rooms, MIRs as they're sometimes referred to, still exist and because we have one police service covering the jurisdiction here, a serious crime investigation can occur anywhere throughout the territory that is covered by the RUC as it was and the PSNI now. So, the major incident room can't really, effectively, be managed from where an investigative team are based so, really, it goes to somewhere close and accessible to the scene of the incident to be investigated, and it's established then at a local police station and that's where the heart of the inquiry really is run from.

10:06

20 Q. So, it's something you've said that you would expect to see if there was a police investigation following a serious crime and as you've described it, it's the heart of where the police investigation occurs?

10:07

A. Yes, yes, it's the sort of guiding centre, really, for the investigation management.

21 Q. You said that sometimes it's, I've described it as the major investigation incident room, I think the phrase you used was slightly different, which was an MIR, rather than an MIIR, is that right, are the terms interchangeable?

10:07

1 A. They're interchangeable, I think we just use the term
2 MIR for brevity.

3 22 Q. And is an MIR a major incident room or a major
4 investigation room?

5 A. It's a major incident room. 10:07

6 23 Q. Major incident room.

7 A. Yeah.

8 24 Q. Was there an expectation as to when - and I'll refer to
9 it a major incident room - was there an expectation as
10 to when a major incident room would be established? 10:08

11 A. So, when an incident occurred of sort of particular
12 size or scale or importance very quickly, you know,
13 within the hour or two of the occurrence there would be
14 discussions at a senior level to ascertain how that was
15 going to be managed. And the major incident room then 10:08
16 would be established probably within the hour of an
17 incident being initially responded to by police.

18 25 Q. And would a major incident room always be established
19 after certain types of offences, such as murder?

20 A. Yes, yes. For incidents of murder it would be always 10:08
21 established in some form. Obviously, it takes some
22 time to fully resource it, but the sort of nucleus of
23 it would be established straight away. However, there
24 would be some quite serious incidents that wouldn't
25 have an MIR. So, for example, some explosions, some, 10:08
26 you know, explosive devices that hadn't gone off
27 wouldn't necessarily always have an MIR and, certainly,
28 in 1998 that was due to sheer volume.

29 26 Q. What type of considerations would apply or would you

1 expect to apply, or if there is a case which didn't
2 involve murder but whether there's an assessment being
3 made as to whether or not an MIR should be established?

4 A. So, there would be cognisance taken of resourcing. So,
5 when you establish an MIR (a major incident room) that 10:09
6 takes a different resource from the investigative team
7 and, you know, you then have to consider whether you
8 would get more progress made in the early stages from
9 putting more people into the investigative actions
10 rather than the management of the investigation. So, 10:09
11 that would take into consideration if there are other
12 MIRs running, for example, simultaneously. So, you may
13 have two or three other MIRs running in Northern
14 Ireland at the time, to establish another one then may
15 be problematic for resourcing. You would also then try 10:10
16 to forecast the size of the inquiry and the amount of
17 information that is likely to be generated and received
18 in that inquiry to require that level of management.

19 27 Q. And is it the case that the greater the level of
20 information that the inquiry might be receiving, that 10:10
21 would be a point in favour, potentially, of an MIR
22 being established?

23 A. Absolutely, that's really the reason for an MIR, that's
24 the reason for the whole process because of the volume
25 and size of the task to manage the information in an 10:10
26 investigation.

27 28 Q. And who makes the decision or who made the decision
28 during the 1990s in relation to the establishment of an
29 MIR, was it, for example, the SIO and you've referred

1 to consideration at a senior level?

2 A. Yes, so the RUC in 1998 was divided into three regions,
3 I think we possibly discussed this previously, so there
4 were three regions within Northern Ireland, each had a
5 Detective Chief Superintendent in charge of CID in 10:11
6 those regions and it really would be the Detective
7 Chief Superintendent probably for Belfast who would
8 decide that. The reason it would have went to the
9 regional head in Belfast primarily would be that there
10 was a permanent major incident room available in 10:11
11 Belfast and they also then sort of stored or housed the
12 sort of portable rooms that could be established
13 elsewhere. The Detective Chief Superintendent head of
14 CID regionally would have consulted with an appointed
15 SIO and their view would, obviously, heavily influence 10:11
16 the decision of whether they wanted to run this as a
17 major incident room or not.

18 29 Q. Is it correct DCI McGuinness that once a major incident
19 room or an MIR was established that there were two ways
20 of managing that room in 1997 and in 1998 and I'm 10:11
21 looking at paragraph 6 of your statement which is on
22 page 3. Is it right that you say, first of all, there
23 was a manual system --

24 A. Yes.

25 30 Q. -- cooperating in a major incident room? 10:12

26 A. Yeah. So, traditionally there had been a paper-based
27 system and that was also replicated throughout the UK,
28 named MIRIAM, which stood for, if I can recall, major
29 incident room for indexing action management. But,

1 essentially, it was a paper-based system based on
2 indices and trying to replicate, essentially, what we
3 now do on HOLMES.

4 31 Q. You said at paragraph 8 of your statement, that had
5 been in place, that manual system, since 1984, is that 10:12
6 correct?

7 A. Yes, that was introduced in the RUC in 1984.

8 32 Q. And aside then from the manual system, you've described
9 at paragraph 6 that police would use what was described
10 as a first generation of HOLMES at that time? 10:12

11 A. Yes.

12 33 Q. Is that otherwise referred to as HOLMES 1?

13 A. HOLMES 1, yes.

14 34 Q. We understand from other evidence that's been given
15 that HOLMES stands for the Home Office Large Major 10:13
16 Enquiry System, is that correct?

17 A. That's correct, yes.

18 35 Q. You say later in your statement, that it was first
19 introduced, the HOLMES system, in Great Britain in 1984
20 and in Northern Ireland in 1988, is that correct? 10:13

21 A. That's correct, yes.

22 36 Q. And up to that point is it correct, DCI McGuinness,
23 that major investigations had primarily been carried
24 out without computerisation?

25 A. Yes, totally without computerisation. 10:13

26 37 Q. You go on to say in your statement that to both
27 approaches, so the manual system and the computer-based
28 system could apply what's described as MIRSAP, is that
29 correct?

1 A. Yes, that's correct.

2 38 Q. What does MIRSAP stand for and you say a little bit
3 about this at, I think, paragraph 4 of your statement?

4 A. So, MIRSAP was the major incident -- sorry, I've gone
5 blank. Major incident room standard something 10:14
6 procedures.

7 39 Q. You say, in fact, at paragraph 2, DCI McGuinness, that
8 it stands for the major investigation incident room
9 standardised administrative procedures, is that
10 correct? 10:14

11 A. Yes, that's correct, apologies.

12 40 Q. And then you go on to say, I think, at paragraph 4 a
13 little bit about what MIRSAP was and what practically
14 it contributed to an investigation?

15 A. Yes, so MIRSAP laid down the principles for running a 10:14
16 major crime incident investigation. So, MIRSAP,
17 essentially, laid down the processes and that applied
18 both to the paper MIRIAM system and also on the
19 introduction of HOLMES 1 it also applied to that.

20 10:14

21 I should clarify as well, Mr. Rafferty, that an
22 incident could begin as a major incident room run on
23 the MIRIAM paper-based system, and then at some point
24 the SIO may decide that actually I need to move on to
25 the computerised system. So, the MIRIAM system could 10:15
26 be converted to a HOLMES 1 account and then run
27 computerised from a certain point, but at no point
28 would both be used on the same inquiry at the same
29 time.

1 41 Q. Now, you've said a little bit about when an MIR would
2 be established, so just to be clear in terms of when
3 the idea of MIRSAP, these administrative procedures
4 would apply; did they apply to every police
5 investigation whether it was an MIR or not, or did they 10:15
6 only apply to incidents where there was a major
7 incident room?

8 A. No, MIRSAP only applied where there was a major
9 incident room, but that could have been paper-based or
10 computer-based, but only to those investigations. 10:15

11 42 Q. I want to ask you a question now in relation to
12 documents, so literature which guided the use of
13 MIRSAP. Now, you've referred, at paragraph 9, to a
14 Force Order from November 1991?

15 A. Yes. 10:15

16 43 Q. What did it do, what functions did it set out?

17 A. So, the Force Order, any Force Order, essentially, is
18 an instruction to the entire service then that from
19 that moment onwards these are the principles or
20 procedures to be laid down that is to operate across 10:16
21 the RUC from that moment onwards. In the Force Order
22 from November 1991 it sought to then fully embed the
23 MIRSAP procedures and processes into the RUC working
24 activity. It laid down the roles of the senior
25 investigating officer which is the guiding mind of the 10:16
26 investigation; and a deputy senior investigating
27 officer which would always have been in place; an
28 office manager, so that's the manager of the MIR
29 itself. Some administration roles, a crucial role

1 called the receiver, I'm sure we'll go on to that, but
2 that's the person who receives every single document
3 into the MIR and then passes it down a given process.
4 An action allocator, that's the person then who raises
5 the actions to go out, instructions for investigative 10:17
6 actions to the investigation team. A statement reader,
7 and that is a much wider than the common phrase of
8 reading, and that would always be a police officer and
9 that is, essentially, casting an investigative eye over
10 all of the documents that have gone through the 10:17
11 receiving process. An indexer, and that's the person
12 or people who would index and categorise certain
13 amounts of information within each document. So, you
14 may index something to vehicles. So, every single
15 mention of a vehicle in every single document would be 10:17
16 indexed in a certain agreed format. An exhibits
17 officer, and that's someone -- investigations which
18 require an MIR will invariably, even in 1998, have
19 generated a large amount of exhibits. So, that is one
20 central person to sort of keep track and manage the 10:18
21 movement and storage of exhibits. And, then, also a
22 crucial are role for the house-to-house supervisor or
23 coordinator. Those are the main roles.

24 44 Q. So, can it be said then as of November 1991 there was a
25 Force Order which identified the various roles in 10:18
26 relation to a major incident room and the MIRSAP
27 administrative procedures that would apply within a
28 major incident room and set out each of the functions
29 of the particular roles that are within that?

1 A. Yes, the functions and brief responsibilities of each
2 role.

3 45 Q. At paragraph 9 you refer to 1993 guidance, so, is it
4 correct that after this Force Order in October 1993,
5 the Association of Chief Police Officers, so ACPO, they 10:18
6 issued guidance which was an attempt to standardise
7 administrative procedures in major investigation
8 proceed rooms?

9 A. Yes, and that was in recognition to the introduction of
10 HOLMES 1 system, the computerised system. So, when 10:19
11 MIRSAP had been developed and rolled out in the 1980s
12 it had purely focused on a paper-based system, but in
13 the wake of the Yorkshire Ripper investigation and
14 review, the Byford Review, HOLMES 1 had been introduced
15 and had been adopted by virtually all UK police 10:19
16 services. So, the 1993 updated MIRSAP guidance covered
17 both the paper system and the HOLMES 1 system.

18 46 Q. You say at paragraph 16 that the information that you
19 have been given is that this guidance from 1993 formed
20 part of Detective training within the RUC, is that 10:19
21 correct?

22 A. Yes, there's records to suggest that, yes.

23 47 Q. And is it correct at paragraph 17 that you say that
24 MIRSAP was not a static process or a static set of
25 rules, was it an evolving concept? 10:19

26 A. Yes, and the example that I've used is the introduction
27 of the Criminal Procedures Investigation Act 1996,
28 commonly known as disclosure. Obviously, there were
29 processes in place for how criminal trials and things

1 like that would be organised and disclosure of material
2 to the defence. And, however, that Act, which did
3 apply to Northern Ireland, then came in and had a
4 drastic effect really on how major incident rooms could
5 and should function. So, the MIRSAP had to then evolve 10:20
6 and another iteration encompassing that type of
7 development, because the disclosure role is very
8 crucial from the very beginning of an MIR.

9 48 Q. So, what you're saying is that MIRSAP and the
10 procedures that it applied, it kept pace or sought to 10:20
11 keep pace with some of the major developments that
12 would effect practically an investigation?

13 A. Yes, absolutely.

14 49 Q. You refer at paragraph 18 to the role of a disclosure
15 officer and to a murder manual, can I just ask you to 10:20
16 explain, I think you may already have touched on a role
17 of disclosure officer, but what was a murder manual?

18 A. So, the murder manual -- so, an SIO has been referred
19 to throughout the Inquiry as the senior investigating
20 officer, it's a specific qualification within the 10:21
21 police service and always has been, so it's a national
22 programme of accreditation, you have to re-qualify each
23 year and justify with a portfolio of evidence that you
24 meet an investigative standard. So, the murder manual
25 was introduced in 1993 to assist SIOs and Deputy SIOs 10:21
26 with the organisation and some of the key elements of
27 investigating a murder, which is obviously the most
28 serious offence that they can investigate. And it was
29 really to formalise and capitalise on about best

1 practice and current knowledge within the UK and ensure
2 that all SIOs were aware of certain tools, certain
3 approaches that could be used for murder investigation.
4 The principles in fact could and are, you know, used as
5 well in other serious crime investigations, however, 10:22
6 it's focused primarily on murder.

7 50 Q. Now, we've referred to HOLMES 1, it's correct that
8 after that came HOLMES 2, is that right?

9 A. Yes, HOLMES 2 is the system that's currently still in
10 use. 10:22

11 51 Q. So, HOLMES 1 is described as a first generation
12 computer system for managing police investigations and
13 HOLMES 2, you refer in your statement, to a development
14 from in and around January 2004, is that right?

15 A. Yes, that's right. HOLMES 1, essentially, it was very 10:22
16 early stages, obviously, of computerisation across all
17 industries. HOLMES 1, essentially, replicated the
18 paper MIRIAM-based system so it, essentially, just
19 computerised what processes we already had in place
20 with the paper-based system. HOLMES 2 then, because at 10:22
21 a later stage and because of the massive improvement on
22 computerisation and capability and understanding of
23 computerisation, HOLMES 2 then introduced much more
24 effective processes and gave much more functionality
25 than HOLMES 1 did. 10:23

26 52 Q. And you say at paragraph 19, the objective of HOLMES 1
27 was to increase the efficiency of major crime
28 investigations and increase the probability of
29 detecting offenders?

1 A. Yes.

2 53 Q. Was it the product of, essentially, the computerisation
3 of the manual system, first of all, but was it also
4 related to experiences of police forces in Great
5 Britain? 10:23

6 A. Yes, it really grew out of the Yorkshire Ripper
7 investigation where obviously the Yorkshire Ripper
8 investigation encompassed several separate sort of
9 linked murder investigations and a large amount of
10 information was coming, and every time there was 10:23
11 another murder there was massive influx of additional
12 data and additional information, and it was all paper
13 based. When that was reviewed afterwards it was
14 discovered that the eventual offender had actually
15 featured in some of the indexes on the paper-based 10:24
16 system on several occasions, and that linkage hadn't
17 been made at an early stage. So, the HOLMES 1 system
18 was designed really to sort of cope with both that
19 early linkage of someone appearing several times in an
20 inquiry and that being sort of flagged to the SIO. But 10:24
21 also the cross-border aspect, so, if something had
22 happened in one police force in the UK and then the
23 offender then offended in the next door police force or
24 a police force further away, it's sought to sort of
25 cope with the fact that, you know, those two police 10:24
26 forces would have worked in silos and the information
27 hadn't been shared.

28 54 Q. I ought to have said a moment ago, DCI McGuinness, that
29 HOLMES 1 was, of course, the system which applied in

1 relation to the police investigation after the Omagh
2 bomb isn't that correct?

3 A. Yes, that's correct.

4 55 Q. Now, just to go back to the point you made about
5 potential linkages being established through the use of 10:25
6 a computer system. You say at paragraph 22 that there
7 was a facility for open linking, as you've described
8 it, at the direction of an SIO?

9 A. Yes. So, that really speaks to the searchability of
10 indexes. So, it relies, of course, on the information 10:25
11 that's input into the system and it relies on the
12 indexing. So, almost like putting a tag on a
13 particular piece of information of, for example, a man
14 wearing a red coat. So, if a man wearing a red coat in
15 one statement and then in three months later someone is 10:25
16 arrested and an exhibit for a red coat is there, then
17 that search function should, potentially, flag those
18 two up and that could generate a line of inquiry for
19 corroborating information.

20 56 Q. You say that the police view, and the understanding of 10:25
21 police is that there's no evidence of any previous
22 incident investigations which used HOLMES using this
23 facility. So, put it another way; your understanding
24 of the capacity of HOLMES to have open linking was not
25 something which had occurred or been utilised prior to 10:26
26 August 1998?

27 A. Yes, the corporate knowledge that exists now and that
28 we're able to tap into now suggests that they hadn't
29 come across that facility being used. There are some

1 reasons for there, because there are some dangers of,
2 for example, the HOLMES 1 account for the Omagh bombing
3 even in the early stages had a massive amount of
4 documentation in it. If you'd then to link another
5 investigation which was already established, another 10:26
6 HOLMES account for searching, but you're also then
7 adding an administrative burden and yet more
8 information is to be handled and managed, which causes,
9 in itself, a resourcing issue and also a complexity
10 matter. 10:26

11 57 Q. This is a point made later in your statement that you
12 don't need to turn up at the moment, you can just tell
13 me if it's correct, that it may be the case from the
14 police perspective that this open linking facility,
15 there's no evidence of it having been utilised prior to 10:27
16 August 1998 but that's not necessarily the case, it's
17 not necessarily the case to say that those
18 investigating serious incidents at the time were not
19 themselves aware of potential links between cases?

20 A. No, and, in fact, you know, within this investigation 10:27
21 and my review of it, you know, it's quite clear that
22 SIOs for certainly the Omagh investigation, SIO had
23 dispatched officers to sort of debrief investigation
24 teams for previous incidents to try to sort of
25 ascertain certain information from them. So, the SIO 10:27
26 cadre, essentially, is a very small cadre and still
27 remains so and they have a lot of continual
28 professional development days, they've a lot of
29 interaction with each other and they would share a lot

1 of good practice. And they would do a lot of peer
2 reviewing in the early stages of investigations so it
3 would seem to me to be feasible that outside of the
4 HOLMES system that the information and the liaison
5 between investigation teams and, particularly SIOs,
6 would have taken place. 10:28

7 58 Q. I want to ask you about HOLMES training and the
8 availability of staff to work within HOLMES,
9 DCI McGuinness. So, you said earlier, and in fact on a
10 previous occasion, that the RUC was arranged regionally 10:28
11 in terms of its resources at the time, 1997, 1998, is
12 that correct?

13 A. Yes, that's correct.

14 59 Q. Were HOLMES staff arranged about region as well?

15 A. So, there was only one really full-time HOLMES role at 10:28
16 that point. So, this all changed with the introduction
17 of HOLMES 2 in sort of in or around 2004, but in the
18 era we're talking about now, HOLMES was, essentially,
19 an additional role, so something that Detectives would
20 have been trained in but it wouldn't have been their 10:28
21 daily task and they wouldn't have been a major
22 investigation room continually. So, they were drawn
23 from their CID roles and their core role to set up and
24 establish, essentially, an MIR, which, as I said
25 earlier, that was one of the considerations for 10:29
26 introducing an MIR for an investigation. So, you would
27 have to take CID officers off their core role, they
28 should have been trained in the HOLMES role that they
29 were deployed in to and they would then, for a period

1 of time, operate the MIR within that training.

2 60 Q. So, is the position this, that there was a pool of
3 staff per region at the time, but then do you say at
4 paragraph 31 that PSNI acknowledges that, generally
5 speaking, the number of trained staff who were 10:29
6 available was not adequate to deal with the number of
7 investigations which used HOLMES 1 at that time?

8 A. Yes, our position was that the number of trained staff
9 and the training was insufficient.

10 61 Q. Can you tell us, what was a HOLMES Liaison Officer? 10:30

11 A. So, that was a full-time role and an iteration of that
12 still exists. That was normally an Inspector, an
13 Inspector who they were in post in order to facilitate
14 and an organise the training of that pool of resources
15 could be drawn into a HOLMES MIR. They were also there 10:30
16 to ensure standards and to liaise with other forces
17 throughout the UK for best practice. So, they really
18 had oversight of that operation of HOLMES within the
19 RUC and were there to both ensure training and try to
20 ensure that it was adequate to resource, where they 10:30
21 could, MIRs.

22 62 Q. So, in practical terms if there was a HOLMES
23 investigation operating outside of Belfast by police at
24 the time and they needed assistance for one reason and
25 another, it would have been this liaison officer, would 10:31
26 it, that they would have used as their point of
27 contact?

28 A. Potentially, although it was an Inspector role so, you
29 know, it wouldn't have had the power or ability or

1 reach to secure further resources, for example. So, it
2 would be more ask for advice, ask for, potentially,
3 sort of guidance or anything like that. A request for
4 further staffing or further training availability would
5 have to go further up to the authority levels where 10:31
6 that decision could be taken. It was more of an
7 advisory role, a sort of quality assurance role,
8 however, it was one individual throughout all of the
9 territory, so every single deployment of HOLMES 1,
10 technically, was the responsibility of that one 10:31
11 officer.

12 63 Q. We understand that the McVicker Report made a comment
13 to the effect that that officer, the liaison officer
14 was permanently on-call which wasn't, I think, deemed
15 to be best practice, is that correct? 10:31

16 A. Yes, that's correct. So, when you have one officer
17 performing that role there was no one else,
18 essentially, to take up when for that person's on
19 leave, when that person's sick, when that person's
20 supposed to be having a rest day. So, essentially, 10:32
21 what that meant was that that person would have been
22 the contact the whole year round, which is not
23 acceptable.

24 64 Q. And one of the responsibilities, you say at
25 paragraph 33, that this person had was for the 10:32
26 procedures and implementation of standards compliant
27 with MIRSAP and best practice supported and overviewed
28 by the regional office managers?

29 A. Yes, that would have been part of their role, yes.

1 65 Q. In fact, your instructions, as you set out at
2 paragraph 34 are to the effect that not only do we know
3 from McVicker that this person was permanently on-call
4 when they were in post, but there was a period of time
5 after November 1997 when the post was not filled at 10:32
6 all, is that correct?

7 A. Yes, that's correct. The officer performing that role
8 had moved on and it was allowed to just remain vacant.

9 66 Q. You may not know the answer to this now, but do you
10 know how long the position was vacant for? 10:33

11 A. Apologies, I don't know the answer offhand, sorry.

12 67 Q. At paragraph 36 you have addressed instructions from
13 the retired officers in relation to the maintenance of
14 competency for those who have been trained in HOLMES,
15 so can you explain how that operated? 10:33

16 A. So, there were refresher courses. So, for a particular
17 role so, for example, if you were a document reader or
18 an indexer, there was supposed to be a regime of
19 refresher training. So, if you were trained on one
20 occasion, you know, a year later, for example, you 10:33
21 should, potentially, have had a refresher course which
22 may be a one-day refresher exercise, and that would be
23 coordinated by that Inspector in that role. There was
24 also then an expectation - and I think this reflects
25 the period of time within policing - an expectation 10:34
26 that your competency and proficiency would have been
27 perfected whilst doing the job and learning from your
28 peers. So, an on-the-job training element, if you
29 like. The regularity and availability of officers to

1 do the refresher training I think can be called into
2 question bearing in mind we're saying that we didn't
3 have sufficient officers trained in the first instance.
4 So, if we couldn't train people do the role, initially,
5 then we couldn't refresh them. 10:34

6 68 Q. I ought to have addressed, DCI McGuinness, that PSNI
7 has searched for training materials in relation to the
8 operation of HOLMES 1, is that correct?

9 A. Yes, that's correct.

10 69 Q. And none have been located? 10:34

11 A. No. We can't find any records of what the training
12 content was or timetables and content, et cetera, it
13 appeared to be, because it's just a very bespoke role
14 and the expertise wouldn't have been within our
15 training department, the HOLMES teams themselves and 10:35
16 people who were trained in HOLMES were asked then to
17 train each other. So, you may have had a very
18 experienced receiver, for example, who would then take
19 a refresher course for other new receivers. So, it
20 wasn't done by our central training department because 10:35
21 of the specialism and, consequently, the records
22 haven't been able to be located.

23 70 Q. Is it right to say that, as you've said a moment ago,
24 training is from trained HOLMES operators, you say at
25 paragraph 35, the initial training was over a period of 10:35
26 six weeks in relation to MIRSAP procedures and the
27 rules and conventions of HOLMES, is that correct?

28 A. Yes, the full HOLMES course would have been six weeks
29 and would have taken an individual through the entire

1 process and all of the areas of operation within
2 HOLMES, yes.

3 71 Q. And is it correct that there was what you've described
4 general HOLMES training but there could also then be
5 specific training for particular roles?

10:36

6 A. Yes, that's correct. So, the six weeks course would
7 have incorporated it all but I, for example, came into
8 the system really as already a Deputy SIO so I only
9 needed the three-day portion of that training. So, I
10 was able to attend the three-day course because that
11 instructed me on what I needed to know for that role,
12 because I was never going to perform the other roles
13 within it. And then as part of refresher training the
14 people would have been broken up into the areas where
15 they worked so you would have had refresher training
16 for indexers, for example, not the entire process.

10:36

10:36

17 72 Q. And you said a moment ago that there might have been
18 some difficulties in terms of ensuring that HOLMES
19 operators actually received refresher training, is that
20 correct?

10:36

21 A. Yes, and one of the challenges was the fact that these
22 were CID staff, or sometimes uniformed staff who had a
23 core role and core responsibilities, so the abstraction
24 to staff and MIR was one thing and that, obviously, had
25 a knock-on effect on their core role and the core team
26 that they were due to perform, but also then
27 abstracting them for training and ongoing training was
28 a bit of a challenge because there's always the tension
29 of taking them away from a core role.

10:37

1 73 Q. And is the consequence of that what we've already
2 addressed, this is the PSNI view that there simply
3 weren't sufficient numbers of trained staff at that
4 time?

5 A. Yes, I believe so.

10:37

6 74 Q. Was there an understanding in the period of the 1990s
7 and through 1997 and 1998 of the potential value of
8 HOLMES as regards the contribution it might make to an
9 investigation as opposed to, for example, being an
10 archive for record keeping?

10:37

11 A. It's hard to say in such broad terms. What I would say
12 is that the understanding of computerisation in
13 general, particularly with -- by the time people have
14 become detective officers they've already had several
15 years, usually, within the police service so they
16 would, potentially, be slightly older people who, at
17 this period of time, remember I'm a contemporary of
18 this, wouldn't have been very au fait with computers in
19 general and the knowledge wouldn't have been very
20 widespread within the general population, let alone
21 police officers. So, the level of understanding of
22 computers and the capability of computers was, I would
23 suggest, low at that time, particularly with this
24 demographic of officer, a more experienced officer at
25 that point. The system as well is very hard for a
26 modern eye to look at the HOLMES 1 system in
27 particular. It was not at all intuitive. It was a
28 very difficult system to navigate. It was a very
29 difficult system to input into, given by modern terms

10:38

10:38

10:38

1 which is much more intuitive. So, I would suggest that
2 the sort of capability of the system was tied into the
3 knowledge and understanding really of computerisation.
4 So, it may well be that certainly in some instances
5 people didn't see the real full potential for 10:39
6 application of the system. There was also a tried and
7 tested system that you potentially had used for several
8 years, the paper system, the MIRIAM system which I
9 think just human nature is the fact that you know that
10 system, you understand it, you've potentially have had 10:39
11 successes in that system and now there's a new system
12 and there's a bit of wariness around it. I would liken
13 it to, you know, policing currently with the
14 introduction of AI. So, some police officers and some
15 senior police officers have adapted and embraced the 10:39
16 potential for AI, and other police officers of my
17 vintage, you know, would be a little bit less confident
18 in the use of that. So, I think it's a comparable
19 position within policing.

20 75 Q. Have you found any evidence of a pushback from officers 10:39
21 at the time to the implementation of HOLMES and any
22 efforts to encourage officers to use HOLMES?

23 A. I don't think I've found that pushback, what I have
24 found is the real tension between freeing up officers
25 from their core role to staff and MIR to undergo HOLMES 10:40
26 training. I think there was some reluctance from some
27 officers to undergo the HOLMES training. It was a very
28 challenging course based on computerisation which
29 people weren't comfortable with. And it was pass or

1 fail course after six weeks' commitment. So, I think,
2 there is evidence, and we have uncovered anecdotal
3 evidence of people being reluctant to put themselves
4 forward for that because it was quite a challenging new
5 thing to do. But I don't think there was pushback 10:40
6 necessarily on the application of it and introduction
7 of it. I think it's fair to say that there was,
8 perhaps, a lack of widespread understanding of the
9 potential value of it.

10
11 I know there was some -- there were certain comments
12 certainly made to the Merseyside Review which I know
13 you're going to come on to, of people perhaps not being
14 in favour of the system and having some pushback
15 against the system there. However, what I would say is 10:41
16 those were untrained staff expected to do quite
17 difficult roles and I think it's perfectly normal for
18 them then to not fully appreciate exactly the benefit
19 of what they were going to bring to an investigation.

20 76 Q. The last topic within Part A of your statement that I 10:41
21 want to ask you about is to do with the use of HOLMES
22 at the time and whether or not it complied with the
23 various procedures that were in existence at the time.
24 So, you say at paragraph 50, and is it correct to say
25 that in 1997 - this is on page 12 of your statement, 10:41
26 DCI McGuinness - in 1997 and 1998, the RUC did follow
27 some of the major incident room administration
28 procedures as other forces in Great Britain but not
29 all.

1 A. Yes, that's correct.

2 77 Q. So, there's a variation, essentially, as to how HOLMES
3 and how marizomib procedures were implemented, is that
4 correct?

5 A. Yes, that's correct. 10:42

6 78 Q. And can you offer an explanation as to why there was
7 variation between forces and practice?

8 A. At this remove, it's very difficult to pinpoint why
9 each element was or was not adopted or wasn't adopted
10 in full. There are some observations that I would 10:42
11 make, one of which would be some of the reason and
12 rationale for the introduction of the procedures and
13 processes within HOLMES 1 and MIRSAP was the experience
14 of English and Welsh forces of cross-border offending,
15 so an offender working in North Yorkshire who then also 10:42
16 offended in Humberside force area, for example. I
17 should say that the generation of HOLMES 1 computers
18 didn't speak to each other. So, a HOLMES 1 terminal
19 based in Omagh didn't speak to, in any way, the
20 HOLMES 1 terminal in Banbridge. So there was no, the 10:43
21 way we would understand computers now, there was no way
22 that that computer and the data within that computer
23 transferring to the data in another computer or the
24 checking. You know, you would physically have to go to
25 a particular piece of hardware to interrogate that 10:43
26 system. So, that caused major difficulties,
27 particularly in the Yorkshire Ripper investigation,
28 with cross-border offending in England and in Wales.
29 The RUC and the PSNI now don't have that issue. So, I

1 think some of the lack of introduction of some of the
2 elements could, potentially, be explained by the fact
3 that we didn't have that challenge that some of our
4 colleagues in England have. However, as a whole and a
5 wide-ranging point, we can't now say why the full
6 procedures weren't adopted by the RUC.

10:43

7 79 Q. If I can go back on the point you made about terminals
8 speaking to one another. So, you've identified the
9 HOLMES 1 unit in Omagh and the HOLMES 1 unit in
10 Banbridge. Is it the case then, if there was to be
11 engagement between two HOLMES 1 units, that would have
12 to be on human level, so to speak.

10:44

13 A. Yes, I believe - and it's only my understanding and
14 belief - is that, you know, you could take data from
15 one terminal on what used to be named a floppy disk
16 and, you know, input that into the other terminal and
17 in that way sort of cross-search, essentially. Or then
18 have the inputters physically retype and sort of input
19 documents the way they had on the first terminal. But,
20 yes, yes, there would have had to have been some
21 physical connection.

10:44

10:44

22
23 So, for example, as part of the review for the Omagh
24 investigation I was aware that on one occasion a
25 detective sergeant from Omagh was dispatched to
26 Banbridge to go and physically speak to the MIR in
27 Banbridge and to ask certain questions of them, and
28 then bring that information back personally.

10:44

29 80 Q. So, is it the case then that somebody within each

1 investigation might be tasked to liaise with somebody
2 from the other investigation rather than this being
3 part of the responsibilities of the liaison officer in
4 Belfast that we've talked about?

5 A. Yes, certainly that wouldn't be part of the role for 10:45
6 liaison officer. So, the liaison officer wouldn't
7 necessarily have any knowledge or function within an
8 individual HOLMES investigation, an account as we call
9 it. They really had a more strategic role about the
10 implementation and the operation of the systems. So, 10:45
11 any liaison (with a small "L") would have had to have
12 been done by a member of the HOLMES team or indeed a
13 member of the investigation team in person or by
14 telephone.

15 81 Q. If I can take you to paragraph 54 of your statement, 10:45
16 this is just at the bottom of page 12, DCI McGuinness.

17 A. Yes.

18 82 Q. Is it the position now, and you say that this is
19 apparent from the McVicker Report in 2000 and the
20 Merseyside Review which we'll come to, that the RUC and 10:46
21 then the PSNI was not acting in accordance with all
22 aspects of MIRSAP during the Omagh bombing
23 investigation?

24 A. Yes.

25 83 Q. And PSNI, am I right in saying in the next paragraph, 10:46
26 cannot answer why that was the case, yes.

27 A. That's correct, at this remove.

28 84 Q. We'll come to some of the specific issues in Part E,
29 but touch on the paragraph that we have. I think in

1 fairness you have set out at paragraph 85, it's
2 nevertheless the position that the RUC had significant
3 experience and expertise in conducting major
4 investigations through the 1990s, is that correct?
5 A. Yes, they did. 10:46
6 85 Q. And you say the officers who undertook those
7 investigations were dedicated in their service and
8 worked under difficult circumstances?
9 A. Yes.
10 86 Q. So, you mentioned the development of HOLMES 2 and that 10:47
11 being introduced in January 2004, can you give us an
12 understanding, was that implementation date the same as
13 all police forces or was it something specific to the
14 PSNI?
15 A. I believe it certainly was contemporary with the roll 10:47
16 out across all the forces in the UK, I think by that
17 stage there was an appreciation that, you know, we also
18 needed the additional capability. So, it was the same
19 commercial company who had designed and implemented
20 HOLMES 1 who then made the iteration of HOLMES 2. So, 10:47
21 I believe that the RUC was more in step with our
22 colleagues across the UK in introducing that in 2004.
23 And that came in hand with additional changes to the
24 organisation of MIRs and HOLMES teams.
25 87 Q. And can you give us some insight into the nature of the 10:48
26 changes as between HOLMES 1 and HOLMES 2?
27 A. Really, they're two very different beasts. So,
28 HOLMES 1, essentially, replicated and computerised the
29 function of the paper-based MIRIAM system and other

1 type of paper-based systems and really was an
2 electronic equivalent of that system. HOLMES 2 then
3 capitalised on the sort of developing science and
4 lessons learned within computer technology and data
5 science really. So, HOLMES 2 had a much more 10:48
6 accessible user sort of experience. It was much more
7 intuitive. The search functions were much more
8 effective, the indexing. Just the functionality was
9 much more modern the way we would understand the
10 computerisation now. HOLMES 1, essentially, was a 10:48
11 computerised filing cabinet really I would categorise
12 it now. So, leaps and bounds development to HOLMES 2,
13 and that explains why currently that company are
14 developing HOLMES 3. So, in the next decade we should
15 have another iteration of HOLMES 3, because science has 10:49
16 moved on so much further. But, they were really two
17 different beasts. So, what happened was introduction
18 of HOLMES 2, where enquiries and investigations were
19 still ongoing, those accounts were converted into
20 HOLMES 2 accounts. In fact, the Omagh investigation 10:49
21 was converted to a HOLMES 2 account. So, the majority
22 of the material from the HOLMES 1 account was to
23 transferred to HOLMES 2 because of the increased
24 availability of functionality.

25
26 It also coincided within the RUC and PSNI of
27 introduction of full-time HOLMES teams. So, these
28 roles then were dedicated roles. So, there were
29 various HOLMES teams established. So, essentially,

1 MIRS which were on permanent basis established with a
2 more effective regime of training, more effective
3 regime of staffing and they would then handle various
4 accounts. So, a HOLMES team based, for example,
5 Maydown in the northwest would potentially have, you 10:50
6 know, four, five, six, murder investigations that they
7 were currently running the HOLMES for the investigative
8 teams.

9
10 It also coincided with the division, really, of the 10:50
11 investigative teams from regional CID which handled
12 everything from low-level crime and volume crime up to
13 homicide and terrorist attacks, and the loss of life.
14 We now introduced the major investigation teams so the
15 MITs as are now in place, who only really investigate 10:50
16 murder and homicides. So, really, the
17 professionalisation of the interaction and the
18 operation of MIRSAP HOLMES took place in 2004.

19 88 Q. So, whereas there were issues with HOLMES 1 in terms of
20 not least the availability of sufficient numbers of 10:50
21 staff, their training and whether they were
22 sufficiently trained on an ongoing basis and in terms
23 of compliance with the MIRSAP procedures, in summary
24 are you saying that whenever HOLMES 2 was introduced
25 there was an acknowledgment of a reaction within PSNI 10:51
26 to make sure that staff were available and aware, and
27 were capable of utilising the changes that were made
28 available?

29 A. Yes, I would characterise it as more formal investment

1 in the capability of the HOLMES system and the benefit
2 that that gave to investigations by the establishment
3 of a body of resource specifically dedicated to that,
4 but then had knock-on effects not only of the operation
5 of individual investigations, but on the 10:51
6 professionalism and the training and the application of
7 the staff who were involved in those roles.

8 89 Q. Now, I'm going to move to a paragraph within Part C of
9 your statement, DCI McGuinness. If you would turn to
10 page 367, please. 10:52

11 A. Yes, I have that.

12 90 Q. This is a part of your statement, as we established
13 earlier, which is to do, in detail in other parts, with
14 some of the previous incidents which are of interest to
15 the Inquiry. We're not looking at those in detail for 10:52
16 the purposes of your evidence today but it's how they
17 interact with the use of HOLMES that I'm just going to
18 ask you some questions?

19 A. Yes.

20 91 Q. So, is it the case, looking at paragraph 297 that 11 of 10:52
21 the previous incidents used a HOLMES account and ought
22 to have been allocated a major investigation incident
23 room?

24 A. Yes.

25 92 Q. And you say at paragraph 298 that the PSNI accepts that 10:52
26 it's clear that the RUC did not fully adhere to the
27 MIRSAP procedures in all cases where they applied?

28 A. Yes, that's correct.

29 93 Q. Is that view based on the McVicker Report?

1 A. It is, in part, yeah, based on the observations made by
2 Mr. McVicker, yes.

3 94 Q. And some measure of explanation is given, is it,
4 DCI McGuinness, at paragraph 299, can you assist us
5 with that? 10:53

6 A. I'm just going to refresh myself with the paragraph if
7 you don't mind. [Short pause]. Yes, so the comment
8 really that I would make is that there was an element,
9 an obvious element of human error and that's both in
10 the inputting and then once there's an error in 10:53
11 inputting then the error is compounded with any action
12 that you take within the system. A lack of personnel,
13 a lack of trained personnel, effectively, operating the
14 system. A monitoring and sort of compliance quality
15 assurance regime of compliance, as well as the heavy 10:54
16 caseload and the substantial policing obligations of
17 the sort of PSNI at that period of time. But, yes,
18 it's accepted.

19 95 Q. And if you turn to page 380, I want to ask you to look
20 at paragraphs 339 and 340. 10:54

21 A. Yes. This comment says that, you know, we fully accept
22 that there were shortcomings in the compliance with
23 both the sort of HOLMES procedures, the MIRSAP and
24 processes and role that were supposed to be in place at
25 the time. Can't quantify what those missed 10:55
26 opportunities were, however, it is fair to say that
27 there's potential for missed opportunities, certainly
28 either in diverting resources in saving time or missing
29 lines of enquiry or ineffectively following lines of

1 enquiry. However, it is quite clear from all of the
2 reviews that I have read and my own review of the
3 material that in some instances enquiries and
4 investigations were being carried out and investigative
5 actions were being carried out in the manner in which I 10:55
6 would have expected them to be, but they were not
7 reflected in HOLMES, or certainly not in a timely
8 fashion reflected in HOLMES.

9 96 Q. I ask the question at this part as it relates to what
10 you said about Part A not because we're looking at the 10:55
11 particular previous incidents today, DCI McGuinness.
12 It's really, can I put it like this, that you've spoken
13 a little bit about some of the practical issues in
14 relation to, again, the availability of staff and their
15 training and the application or compliance with 10:56
16 procedures. And are we to understand that even if you
17 can't quantify it, that one of the impacts or
18 potentially two of the potential impacts will be to the
19 efficacy of the particular individual investigations
20 but also in relation to, potentially, the ability to 10:56
21 establish links between investigations?

22 A. There is that potential, yes. I don't think that the
23 examination of the HOLMES account and the operation of
24 HOLMES, though, gives the entire picture. So, an
25 example I would use, for example, is the RUC and the 10:56
26 PSNI are in the fortunate position of one forensic
27 supplier for example, so the Forensic Science Service
28 for Northern Ireland, so they were dealing with all of
29 the explosion incidents within Northern Ireland. Quite

1 often not just the same organisation but the same
2 people. And they were actively working with SIOs to
3 try to establish links and try to establish
4 similarities. That was happening outside of the HOLMES
5 system. Again, an issue for our colleagues across the 10:57
6 water where they, potentially, had not just different
7 forces investigating crimes but they also had different
8 forensic suppliers who may not have had that same
9 ability to look across the incidents. So, I don't
10 think the lack of that happening and the loss of 10:57
11 potential within HOLMES 1, which was undoubtedly there,
12 but I don't think it gives the full picture and it
13 doesn't indicate that none of that work was happening
14 at all, but there certainly is the potential that some
15 of that work was not done. 10:57

16 97 Q. This is the point we mentioned earlier on when it comes
17 to the open linking capacity of HOLMES 1, isn't that
18 right. But your position, the PSNI's position is that
19 in real terms you had very experienced detectives
20 carrying out these investigations, isn't that right? 10:57

21 A. Yes.

22 98 Q. And because of the nature of the force, there being one
23 force at the time, the knowledge of previous incidents
24 was, essentially, there within that single force at the
25 time, is that correct? 10:57

26 A. Yes, it's a very small cadre of officers who would be
27 investigating this type of offence so it's actually a
28 very small collection of individual officers who would
29 have had a network already established and that

1 information sharing could have happened outside of the
2 HOLMES sharing.

3 99 Q. So, DCI McGuinness, I want to ask you a question
4 arising from Part D of your statement, and this relates
5 to the issue of the anonymous telephone call received 10:58
6 by Omagh CID on 4th August 1998, isn't that correct?

7 A. Yes.

8 100 Q. Now, as we know, in Chapter 3 we're not investigating
9 the circumstances around the 4th August telephone call
10 at this time, but the question I want to ask you is to 10:58
11 help us understand how the information was managed and
12 dealt with within the investigation in relation to
13 HOLMES. So, can I ask you to turn up page 439 please?

14 A. Yes. I have that, Mr. Rafferty.

15 101 Q. I want to identify two issues or take you to two 10:59
16 issues. So, this is paragraph 101 of your statement,
17 so page 439, it's paragraph 101 within part D?

18 A. Yes.

19 102 Q. So, is it right - and I'll just bring you to two points
20 before I ask you a question - it's right that at 10:59
21 paragraph 8.56 of the McVicker Report, what he
22 concluded, essentially, was that the fact or the
23 information delivered through the call on 4th August
24 was not registered or was never registered on the Omagh
25 HOLMES database? 10:59

26 A. Yes.

27 103 Q. So, that's the first point. And the second point is,
28 if you move further down to paragraph 1 hundred and
29 eight?

1 A. Yes.

2 104 Q. It's that none of the actions that were raised in
3 connection with the 4th August telephone call, so
4 beyond the fact or the content of the information, but
5 the actions following that were not recorded -- 11:00

6 A. Yes, that's right.

7 105 Q. -- within HOLMES. And is the simple position that PSNI
8 agrees with what Mr. McVicker said in relation to the
9 fact that they weren't recorded on HOLMES?

10 A. Yes, that's correct, they weren't. 11:00

11 106 Q. And that they ought to have been recorded prior to the
12 point of his review in November 2000?

13 A. Yes, and that was subsequently corrected.

14 107 Q. His recommendations in relation to the recording of
15 that information were subsequently accepted by the SIO, 11:00
16 isn't that correct?

17 A. That's correct. The variance, though, would be the
18 content of the call. So, we would agree with
19 Mr. McVicker that reference to that should have been on
20 the HOLMES account. However, none of the detail of 11:00
21 that would belong in that HOLMES account, that's of a
22 sensitive nature, even though the source was anonymous,
23 the expectation of the public. So, I would describe it
24 as purely my personal term that I've always used that a
25 place keeper within HOLMES should be inserted there. 11:01
26 So, there is in existence a document which would
27 basically substitute for another bit of material that's
28 more sensitive than that system should carry, but that
29 should have a sufficient gist to enable searching of

1 key words. So, for example, "phone call," "bomb
2 warning," things like that, to enable that document to
3 be flagged up in any search result but the content of
4 it shouldn't belong on HOLMES because of the
5 sensitivity, and you then should have a reference to be 11:01
6 able to go to another system to see the detail of that.

7
8 But, in general terms, yes, and the actions that flow
9 from that, as long as they don't breach that
10 sensitivity observation, they should have been on the 11:01
11 HOLMES account earlier.

12 108 Q. It sounds like, at the very least, there ought to have
13 been a signpost?

14 A. Something should have kept that place and alerted the
15 reader to the fact that there is something existing 11:01
16 relevant here.

17 109 Q. Thank you, DCI McGuinness. Now, we're going to turn to
18 Part E, so this the final part of your statement which
19 commences at page 446?

20 A. Yes. 11:02

21 110 Q. You're, obviously, answering questions that have been
22 posed by the Inquiry here, DCI McGuinness, and it
23 appears there are three sections within Part E, the
24 first is in relation to information from An Garda
25 Síochána and the second one is in relation to some of 11:02
26 Mr. McVicker's conclusions in relation to the use of
27 HOLMES in Omagh bomb investigation, and then the final
28 part is in relation to the Merseyside Police review in
29 relation to HOLMES.

1 A. Yes.

2 111 Q. So, we're going to touch upon all three. In relation
3 to Mr. McVicker's conclusion what I intend to do,
4 because it appears that your statement deals with no
5 less than I think 25 different aspects of 11:02
6 Mr. McVicker's conclusions, we'll not touch on all of
7 those today, we'll just look at some of them?

8 A. I understand.

9 112 Q. So, in relation to the first issue, this is information
10 from An Garda Síochána and the document is a reference 11:03
11 HOLMES document, D665?

12 A. Mm-hmm.

13 113 Q. And you've addressed this at paragraph 2 of your
14 statement, this is on page 446, is that correct?

15 A. Yes, that's correct. 11:03

16 114 Q. So, Mr. McVicker recorded that D665 refers to
17 conference notes from 22nd August 1998 when it was
18 recorded that:
19

20 "The entire Daly family was arrested by An Garda 11:03
21 Síochána and this followed the discovery of a grinder,
22 traces of ammonium nitrate and icing sugar bags at
23 their home. There's no other reference on the HOLMES
24 database to this find, nor any action raised to have
25 the items compared to the Omagh bomb." 11:03
26

27 So, that's what Mr. McVicker was stating in his report.
28 I think is it correct you say that the actual date of
29 the conference for reasons you set out was 22nd

1 September, not 22nd August?"

2 A. Yes, we believe so.

3 115 Q. And in terms of the point being made that there was no
4 reference on the HOLMES database to this conference or
5 to any of the actions raised -- sorry, no reference on 11:04
6 the HOLMES database to the find nor any action raised
7 to have the items compared with the Omagh bomb, the
8 PSNI say that he was correct in that conclusion, is
9 that right?

10 A. Yes, that's correct. 11:04

11 116 Q. That the recommendation that the items found should be
12 compared, or a forensic analysis should be carried out
13 in relation to the Omagh bomb, that was accepted by the
14 SIO?

15 A. It was, yes. 11:04

16 117 Q. And then action was raised and mark completed you say
17 at paragraph 8, on 21st January 2005.

18 A. Yes, however, there would have been no, and still would
19 be no application of the RUC then or the PSNI being
20 able to conduct those investigations and those 11:05
21 enquiries because, obviously, the entire incident had
22 happened in the Republic of Ireland and they are not --
23 the legislation does not provide for a police service
24 from the North being able to conduct investigations
25 with material from, even of interest, anything that has 11:05
26 been seized in the South. So, An Garda Síochána would
27 have had to have conducted those enquiries. And I
28 believe that the action raised would have been to
29 either request that the Garda consider taking that

1 action or if it had already been taken to consider
2 sharing the results of that back to ourselves.

3 118 Q. And do you make that comment really in relation to the
4 apparent timing of all of these actions and the
5 recording, ultimately, in 2005 that there's an 11:05
6 explanation for that?

7 A. Yes, I believe because, you know, there was no
8 investigative action to be taken within the RUC at that
9 time. All of the action would have been in the
10 Republic by the guards. The actions really that should 11:06
11 have been, and eventually were added to HOLMES 1 were
12 to seek the results and seek the information from the
13 guards.

14 119 Q. The next issue in relation to interviews of
15 Colm Murphy, and you deal with that at paragraph 12 on 11:06
16 page 448?

17 A. Yes.

18 120 Q. Can I paraphrase it like this: Essentially,
19 Mr. McVicker is referring to there having been a series
20 of interviews of Mr. Murphy and statements that he's 11:06
21 recorded to have made in relation to the handling of
22 telephones, and one of those people that he referred to
23 was Seamus Daly, is that correct?

24 A. That's correct, yeah.

25 121 Q. And Mr. McVicker commented that insofar as Mr. Murphy 11:06
26 is said to have admitted handing over a mobile phone to
27 Mr. Daly prior to the Omagh bombing, Mr. Daly had not
28 been arrested and interviewed since that disclosure by
29 Mr. Murphy?

1 A. Yes, that's right.

2 122 Q. And I think the further background to that is that
3 Mr. Daly had been arrested by An Garda Síochána in
4 September 1998, Mr. Murphy was interviewed in February
5 1999, so after? 11:07

6 A. After the disclosure was made, yes, that's right.

7 123 Q. And did PSNI ultimately accept the point made by
8 Mr. McVicker that action ought to be taken in relation
9 to seeking to interview or speak to Mr. Daly?

10 A. Yes. Once that information has sort of been disclosed 11:07
11 and was known then, the SIO at the time and PSNI's
12 position now is that that necessitated a further arrest
13 and further series of interviews so that that
14 information could be put to him. So, that was
15 accepted. 11:07

16 124 Q. Now, at paragraph 20 of page 450, you move into
17 responding to some of the specific issues raised by
18 Mr. McVicker in his report?

19 A. Yes.

20 125 Q. The first one we'll look at is at paragraph 26, and 11:08
21 this is the issue of indexing?

22 A. Yes.

23 126 Q. So, is it fair to say, just to paraphrase the point,
24 that Mr. McVicker identified 1,500 indexing problems in
25 what he described as a fault rate of over 40%? 11:08

26 A. Yes, that's right.

27 127 Q. Can you tell us a little bit to understand the
28 importance of indexing and really what indexing is?

29 A. My view is that indexing is an absolute crucial element

1 of MIRSAP in general and, particularly, sort of
2 HOLMES 1 and 2. Indexing for me really is the sort of
3 real benefit and the investigative benefit to the
4 system as an SIO. And, really, the whole reason for
5 putting these investigations and enquiries onto the 11:09
6 HOLMES system is because the data that you're going to
7 receive and the amount of documents that you generate
8 will be absolutely massive and that no individual
9 officers or teams of officers really can keep up with
10 the detail of all of that, all of that material. So, 11:09
11 the indexing stage where a document comes in through
12 the receiver when it's indexed to certain categories
13 and, essentially, what that -- if I can explain it like
14 this: A document comes in and lots and lots of copies
15 are made and each copy is put in a drawer relating to a 11:09
16 certain topic, so it's indexed to vehicles, a copy is
17 put into a drawer where vehicles may be of interest.
18 It's put into their "DCI McGuinness," put into the draw
19 where DCI McGuinness is then. And the real benefit for
20 me and the real crucial aspect of indexing is that 11:10
21 searchability so when I'm then looking for anything to
22 do with Neil McGuinness I open that drawer and all of
23 the links are there already so I can review just that
24 amount of material which is more feasible, and then
25 think, 'Oh, that's a vehicle linked to him.' And 11:10
26 things like that.

27
28 So, the indexing really allows you to work backwards,
29 but it must be done effectively at the beginning when a

1 document is received, and that effective indexing.
2 The other crucial aspect of indexing that I know
3 Mr. McVicker highlighted is the inconsistency of it.
4 So, really that's the management of the HOLMES system
5 in this instance where there was inconsistent rules of 11:10
6 how, within this investigation, we are going to deal
7 with unidentified persons. So, really there should be
8 set down parameters, this is how we're going to
9 approach that and this is how every single member of
10 staff who comes into work on this MIR and even if they 11:11
11 go and if they're replaced by someone else we still
12 take the consistent approach. And I think that's what
13 Mr. McVicker is highlighting. So, I do think it's a
14 really crucial failing in the indexing of this
15 investigation. 11:11

16 128 Q. It seems like the process of indexing is part of the
17 flow of information throughout the HOLMES system, is
18 that right, to allow investigators, essentially, do
19 their job appropriately?

20 A. Yes, it's one of the first stages that a document or 11:11
21 any item that comes into the inquiry through the
22 receiver, it's one of the very first and very crucial
23 things that happens to that document. It is a very
24 time-consuming and timely thing, but if the indexing is
25 designed correctly it can be very beneficial. Just 11:11
26 because of the sheer volume of material.

27 129 Q. You say at paragraph 27 that PSNI accept the comments
28 of Mr. McVicker and then you go on to say that the
29 recommendations that he made were accepted. So, this

1 is Recommendation 9, and Recommendation 11?

2 A. Yes, they were accepted when they were flagged up, yes.

3 And PSNI agree with Mr. McVicker's points.

4 130 Q. If I could ask you to move forward to paragraph 44.

5 This is another comment in relation to training, 11:12

6 DCI McGuinness?

7 A. Yes.

8 131 Q. You can see in fact two paragraphs above that,

9 Mr. McVicker's comment in relation to the lack of staff

10 in HOLMES incident rooms? 11:12

11 A. Yes.

12 132 Q. And that PSNI agrees with the conclusion Mr. McVicker

13 offered and goes on to say at paragraph 44:

14

15 "The RUC did not have an enough suitably trained CID 11:12

16 officers to operate HOLMES at that time."

17

18 And as we know you said earlier:

19

20 "There was a shortage of officers generally." 11:13

21

22 A. Yes. Yes, we agree with that.

23 133 Q. And can you explain the police response which you've

24 outlined at paragraph 45?

25 A. So, the initial sort of response and the initial 11:13

26 rectification of that was in part successful but we

27 used uniformed officers to supplement the detectives

28 who should have been trained and deployed into the

29 MIRs. So that enabled us, I suppose, to sort of fill

1 roles. However, one of the crucial elements that we
2 acknowledge is that the detective training and
3 detective mindset and the additional skills that the
4 detectives would have was really part of why they were
5 performing that role. So, uniformed officers, while 11:13
6 not denigrating them, but they hadn't had the
7 additional training, the additional mindset and
8 experience that a detective would have. So, it was a
9 solution, in part, but it was the first solution
10 available to the RUC at the time. 11:13

11 MR. RAFFERTY: Thank you, DCI McGuinness, if you just
12 allow me a moment please. [Short pause]. Sir, I have
13 around another 10 or 15 minutes worth of questions.
14 I'm grateful to the stenographer, she is content to sit
15 on for another 10 or 15 minutes until 11:30 anyway, if 11:14
16 you are content with, Sir?

17 CHAIRMAN: Very well.

18 134 Q. MR. RAFFERTY: We'll press on. The next issue,
19 DCI McGuinness, is about communication within the
20 investigation. So, at paragraph 46 what we can see is 11:14
21 a reference to paragraph 1.43 of the McVicker Report
22 and the submission of material to HOLMES by specific
23 subunits set up within the investigation?

24 A. Yes.

25 135 Q. Is it correct to say that the investigation team had 11:14
26 been divided into five separate parts?

27 A. I don't think they were the only parts but, yes, there
28 were separation of teams and tasks, yes.

29 136 Q. You say at paragraph 48 that the separation of the

1 investigation team appeared to be a rational approach
2 because it allowed each team to focus on a particular
3 area of work, is that right?

4 A. Yes, I think that was good practice.

5 137 Q. And can you explain the issue that arose from the fact 11:15
6 that you had subunits working on specific issues - and
7 that's at the end of paragraph 48, DCI McGuinness?

8 A. Yes, I think, and I think even Mr. McVicker initially
9 thought that was good practice and it was very
10 effective way of managing the resources. However, what 11:15
11 happened and what was seen to happen then with regard
12 to the HOLMES system was that those teams then
13 understood their tasks, they had particular sort of
14 skills to bring to, for example, family liaison. So,
15 they had specific training, specific experience and 11:15
16 they were able to get on with those tasks within the
17 investigation and to support the investigation.
18 However, what they tended to do for those five teams
19 was to complete a body of work, certainly at least
20 phases, and not submit piecemeal bits of information 11:16
21 back to the MIR. So, what they did is they waited
22 until they completed what they believed was a phase of
23 their work and then took that bulk of documentation and
24 submitted that to the MIR. The problem that had then
25 was that it wasn't as timely as it could have been and 11:16
26 should have been. So, they essentially got on with
27 their task, effectively, did the work. But what it
28 also didn't allow was that driving really from the
29 centre. So, apart from their initial briefing and

1 their tasking, they were able then to get on with their
2 work as they saw it. However, the way that the MIR
3 should work is that as each piece of work is completed,
4 so each individual statement, it then gets submitted
5 within a day or the same day or the next day, submitted 11:16
6 and it goes through the process because that may then
7 generate further lines of enquiry, either back to that
8 team to amend how they're working or to get additional
9 information, or indeed to another team. So, the effect
10 that those five teams had with holding on to their 11:17
11 materially, essentially, potentially for the best
12 reasons because they thought that was the right thing
13 to do, to consume their own smoke, as it were. So,
14 they held onto the bulk of material, submitted it en
15 masse, but then the MIR, essentially, were playing 11:17
16 catch up, had to register and put all those
17 documentation through the process and only then would
18 actions then be generated either back to that team or
19 to other teams. So, it did build in some delay and it
20 limited the effectiveness of the MIR being set up in 11:17
21 the first place.

22 138 Q. So, Mr. McVicker described the problem as a breakdown
23 in communication and what you're saying is the
24 investigative work was being completed and the product
25 of the work was being considered, ultimately, by the 11:17
26 SIO and the Deputy SIO, but this is do with the
27 promptness of that and how smooth the flow of
28 information ought to have been at the time?

29 A. Yes, absolutely so. As Deputy SIO or SIO I may well

1 have reviewed a particular document and decided that do
2 you know what, this changes my parameters, or some of
3 the questions that I want to ask in my house-to-house
4 strategy, so I then would have made an amendment to
5 that strategy at that point. The issue being that it 11:18
6 may well have been some weeks before this documentation
7 had processed through to the SIO, and at that point the
8 SIO would make that amendment decision and would either
9 necessitate that work then having to be repeated to
10 encompass that new thing or that not having been done 11:18
11 for what period of time which is not acceptable.

12 139 Q. Thank you, DCI McGuinness. Can you turn to paragraph
13 88, please, which is on page 463.

14 A. Yes.

15 140 Q. This is in relation to Chapter 8 of Mr. McVicker's 11:18
16 report which deals with intelligence?

17 A. Yes.

18 141 Q. And, again, can I try to paraphrase. His comment is to
19 do with the number of arrests which had occurred and
20 had been carried out by An Garda Síochána and the RUC 11:19
21 in relation to the Omagh attack?

22 A. Mm-hmm.

23 142 Q. And then further arrests had been made on the strength
24 of various enquiries that had been carried out. But
25 Mr. McVicker said that no further intelligence had been 11:19
26 received from registered sources, handled by E
27 Department and C Department?

28 A. Yes.

29 143 Q. And that the HOLMES database does not reflect if

1 sources were re-tasked. Can we just clarify,
2 E Department, is there a better description for that
3 that most other people will understand?
4 A. Essentially, the intelligence gathering department of
5 the RUC then. 11:19
6 144 Q. And C Department?
7 A. C Department was crime department, essentially, so
8 separate from our uniformed colleagues.
9 145 Q. Does that encapsulate CID?
10 A. CID, latterly MIT and other teams like that, child 11:19
11 protection teams?
12 146 Q. Essentially, Mr. McVicker was saying that HOLMES
13 database didn't reflect if sources had been re-tasked.
14 Can you explain PSNI's response to that which is set
15 out at paragraph 90 of your statement? 11:20
16 A. Yes. I think, with respect, Mr. McVicker is looking in
17 the wrong place. So, there is no provision for
18 intelligence matters to be placed on the HOLMES system,
19 it's inappropriate to be placed on that system. The
20 HOLMES system was a standalone system, as was the 11:20
21 intelligence system. There are particular protections
22 needed to protect people who give information to the
23 police and where police methodology gathers
24 information. So, at no point should any of that
25 information be registered or referred to within the 11:20
26 HOLMES system. You can't tell from essentially looking
27 at the HOLMES account whether that work was or wasn't
28 done. So, I can't say from this whether it was but my
29 view is, and the PSNI's view is that that would have

1 been inappropriate to be put on to that HOLMES account
2 at any time, and it still wouldn't be put on to HOLMES
3 accounts now. It doesn't mean that it wasn't done but
4 it's an inappropriate place for it to exist.

5 147 Q. Yes. So, the question I have then is, your view 11:21
6 doesn't appear to be specific to this particular
7 investigation, but if it was a similar comment made in
8 relation to any other investigation, is it the police
9 view that that's just not something you would expect to
10 see recorded on HOLMES? 11:21

11 A. Yes. And, you know, my role has been as a Deputy SIO
12 and latterly an SIO. When I'm reviewing any
13 documentation on HOLMES and I detect anything of that
14 nature, I then immediately instruct that it's removed
15 from that HOLMES account and placed to somewhere it's 11:21
16 more appropriate. And then there are systems in place
17 and processes in place that that is flagged to the SIO
18 and Deputy SIO. Invariably, the Deputy SIO - and
19 certainly it's always been my practice - in any
20 investigation, is appointed, an additional role as the 11:21
21 intelligence manager and one of the things that I would
22 expect is the Deputy SIO on daily basis to review all
23 of the existent intelligence, everything that's come in
24 overnight in the last 24 hours, and then I would have a
25 briefing each morning to keep abreast of that. 11:22

26
27 So, a similar position with the SIO's policy file or
28 decision log, essentially, that the SIO maintains. So,
29 significant decisions that are recorded and the

1 rationale by the SIO or Deputy SIO, intelligence
2 matters won't feature in that. Would you then have a
3 sensitive policy file which is handled different, and
4 is disclosed in a different manner. So, we accept
5 Mr. McVicker's view on it but the disagreement of the 11:22
6 PSNI and myself personally as an experienced SIO is
7 that that material should not be on the HOLMES system.
8 And that's really because of the access that various
9 members of staff at various levels with different
10 vetting would have had to the HOLMES system. So, it's 11:22
11 a need-to-know basis, essentially.

12 148 Q. Is there a similarity to be drawn between this and what
13 you said earlier on in relation to the 4th August
14 telephone call, that if there's going to be a recording
15 it might be elsewhere? Can I ask, in relation to what 11:22
16 Mr. McVicker has said on this issue, would you expect a
17 signpost to the fact that there might be information
18 elsewhere?

19 A. Yes. So, certainly in more modern times, I can't 100%
20 say that it was the case in 1998, but in more modern 11:23
21 times there's a HOLMES form called H7 and it is,
22 essentially, I refer to as a place keeper. So, if it's
23 on paper it's printed on different coloured paper and
24 it, essentially, gives a gist of what exists, where to
25 find it elsewhere, but it tells someone there is 11:23
26 information but it's not here and in its full flush,
27 and that's because of the need to know. However, if
28 you have the clearance level or you need to refer this
29 to someone that does have the clearance level, here's

1 where to find it.

2 CHAIRMAN: Mr. McGuinness, could I just check I've

3 understood something.

4 THE WITNESS: Yes, Sir.

5 CHAIRMAN: You've just explained to us, in your own 11:23

6 practice you would appoint an intelligence manager to

7 make sure that information of the kind you were

8 discussing with Mr. Rafferty was stored not on HOLMES

9 but somewhere appropriate?

10 THE WITNESS: No, Sir. So, that process is already in 11:24

11 place. I would -- the Deputy SIO who has the

12 investigative role, one of the hats I would give them,

13 essentially, would be you're my intelligence manager

14 for this. So, part of their role on a daily basis then

15 is to review, on those other systems, speak to those 11:24

16 other colleagues and get an up-to-date picture of any

17 information that's come into the investigation and

18 inquiry, brief me in the morning to inform any decision

19 that I make and supplement that. So, their role

20 wouldn't be to sort of make sure that things are placed 11:24

21 in certain ways. There are other departments and teams

22 with that responsibility. However, their role is to

23 make sure that the SIO was kept abreast on a really

24 timely basis, certainly daily, potentially twice daily

25 for an investigation of this nature in the early weeks. 11:24

26 CHAIRMAN: So, someone who is given appropriate

27 responsibility in ingathering and managing the

28 intelligence that's received?

29 THE WITNESS: Yes, and then both of us then would

1 decide on any investigative actions that need to be
2 taken on the back of that then. So, we would then
3 contact the receiver and the actions then would be
4 raised from that because the receiver themselves
5 wouldn't necessarily be briefed on that intelligence. 11:25
6 CHAIRMAN: And did you detect in your reviews and
7 research any suggestion that such an intelligence
8 manager had been appointed in relation to the Omagh
9 investigation?
10 THE WITNESS: I didn't, and there was no use that I saw 11:25
11 of the H7 place keeper that I would have. I've got
12 grey hair but I'm more modern SIO now I think that's a
13 practice that has developed over years. It's not to
14 say that they didn't have some sort of practice similar
15 to this in 1998, but there's no sign of it, I didn't 11:25
16 know. But there must have been some mechanism for the
17 SIO and Deputy SIO to receive intelligence matters is
18 what I would suggest.
19 CHAIRMAN: Thank you.
20 THE WITNESS: But, it wouldn't have been through the 11:26
21 HOLMES account, Sir.
22 149 Q. MR. RAFFERTY: Thank you, Mr. McGuinness. Can I ask
23 you to turn to paragraph 137 please?
24 A. Yes.
25 150 Q. This question is do with DNA samples, DCI McGuinness? 11:26
26 A. Yes.
27 151 Q. At paragraph 138, in fact, Mr. McVicker made a
28 recommendation in his report that the provision of
29 casework samples DNA should be considered from all

1 persons arrested regarding serious arrestable offences.

2 A. Yes.

3 152 Q. At paragraph 139. Can you summarise what the SIO's
4 response was to the recommendation? I can, perhaps,
5 assist you, if you look at paragraph 139 and the 11:27
6 introduction to that paragraph?

7 A. Yes, I'm just going to refresh myself for a second.
8 [Short pause]. So, essentially, when that
9 recommendation was raised with Mr. McArthur (the SIO at
10 the time) he said that DNA casework samples were not 11:27
11 recovered from those arrested or those suspected of
12 involvement in the offence because there was no
13 material recovered from the crime scene within the
14 investigation to compare those marks to. That was his
15 position at the time for the rationale for no casework 11:27
16 samples having been taken.

17 153 Q. He also says at the start of paragraph 139 that:
18
19 "DNA samples may only be taken after a person has been
20 charged." 11:27
21

22 So, it appears that he had two considerations in mind
23 whenever he was responding to Mr. McVicker.
24

25 In terms of the PSNI's position about that response, 11:27
26 can I put it like this, it's set out, obviously, in the
27 pages within your statement, but is it right that,
28 essentially, PSNI have brought to the Inquiry's
29 attention various provisions within the Police and

1 Criminal Evidence Order 1989 and a potential issue that
2 has been identified with the SIO's reasoning at the
3 time is one of his considerations, essentially, as to
4 when a DNA sample could be taken and the need for there
5 to be comparison evidence at the time?

11:28

6 A. Yes.

7 154 Q. And is it the police suggestion, at the very least,
8 that the PACE regime does not appear necessarily to
9 reflect the SIO's reasoning?

10 A. Yes, that's correct. I believe that the power did
11 exist in PACE at the time to take a casework DNA
12 sample. So, there are two types of DNA samples that
13 the police will recover. One is, as I referred to, a
14 casework sample and that has application for a
15 particular investigation, a set of offences, which are
16 defined, and the ability then to compare that DNA on
17 the database, or also to any marks that are recovered
18 from crime scenes or exhibits which have been seized by
19 the police. So, that's for a direct comparison within
20 that investigation.

11:28

11:29

11:29

21
22 Now, that process has a review built in and we can't
23 keep those indefinitely, there's been sort of
24 legislation and case law to suggest that we need to
25 then to regular review and it's one of the actions that
26 I take on a routine basis, is, if that comparison has
27 been made with any of the available marks at a certain
28 given passage of time and there's no prospect of
29 further comparisons then that must be destroyed. The

11:29

1 other type of DNA that we take is when someone has been
2 charged with a criminal offence, then we record their
3 DNA, if it already isn't on the database and that is
4 for inclusion and uploading to the national DNA
5 Database, and that is then searched on any unsolved, 11:30
6 unidentified marks from all major crimes across the UK.
7 So, that is, you often hear on TV of cold cases, as
8 they're referred to, being sort of resolved by a latter
9 day arrest, someone's sample has been uploaded and
10 compared. 11:30

11
12 So, the two samples are different and I believe that
13 Mr. McArthur has maybe confounded the two here. In
14 short, my view is, and the PSNI's view, there was power
15 to take casework samples in this instance, albeit that 11:30
16 his explanation that at that time there were no DNA
17 marks, unidentified marks from this investigation to
18 compare them to. But, the power was available to him.

19 155 Q. Thank you, DCI McGuinness. The last part within this
20 aspect of the statement is at paragraph 159. Can I ask 11:30
21 you, this is PSNI's response essentially to, taking a
22 broader view of Mr. McVicker's report and the various
23 issues it raises?

24 A. Yes.

25 156 Q. You have set out, I think, seven different factors or 11:31
26 seven different aspects of the response, I'll just take
27 you through some of them.

28 A. Yes.

29 157 Q. Is it right, then, the first one is that PSNI accepts

1 that there were significant failings in respect of the
2 operation of HOLMES 1 during the Omagh bombing
3 investigation?

4 A. Yes, we do.

5 158 Q. Does the PSNI consider it would be reasonable to infer 11:31
6 that those failings were not isolated and they are
7 likely to have featured in at least some of the other
8 investigations predating 15th August?

9 A. Yes, I think that's likely, yes.

10 159 Q. A particular problem was in relation to not having 11:31
11 enough HOLMES trained staff?

12 A. Yes, that's right.

13 160 Q. And PSNI say it's important to view the McVicker Report
14 in context, it was a review into the criminal
15 investigation concerned with the single greatest loss 11:32
16 of life during The Troubles?

17 A. Yes. If you consider sheer volume, you know, this was
18 a massive HOLMES account, a massive investigation,
19 everything about this incident and this investigation
20 and inquiry was almost unprecedented with its scale and 11:32
21 size.

22 161 Q. And do you say that the problems or the issues arising
23 within the Omagh bombing investigation cannot be
24 assumed to have impacted upon the investigation of the
25 previous incidents because of their different nature? 11:32

26 A. Certainly, I would highlight the very different context
27 of those previous incidents, particularly even the ones
28 with the HOLMES account because of the scale and the
29 sheer scale of the data and the information received in

1 them. So, I believe that any deficiencies or working
2 practices that we've identified that require
3 improvement would have been much more exacerbated in an
4 inquiry the size of Omagh investigation, simply because
5 that is the reason, the scalability is the reason for 11:33
6 an MIR and the HOLMES system.

7 162 Q. You reiterate, DCI McGuinness, do you, that the
8 individuals involved in the investigation are, in
9 PSNI's view, they were experienced individuals and they
10 had an expertise in examining terrorist offending? 11:33

11 A. Certainly, the people leading this inquiry and the
12 people in sort of crucial positions, so we talked about
13 the lack of experience and training within the HOLMES
14 environment but as far as the investigation is
15 concerned, yes, it is the PSNI's consideration that 11:33
16 there were some very experienced, and the most
17 experienced detectives who were deployed on to this
18 investigation who had vast amounts of investigation.
19 Albeit the one observation that I would make is that a
20 lot of their experience in 1998 would have been for 11:33
21 the, what we refer to as the main body of The Troubles
22 and the Provisional IRA and sort of that mainstream
23 republicanism and terrorism that they had been dealing
24 with for the 30 years. This period saw the
25 introduction of new players, essentially, the dissident 11:34
26 republican organisations which were themselves,
27 particularly in this era, the observation would be that
28 they're in a state of flux there was some movement and
29 some realignment amongst themselves of how they were

1 going to react to the whole Peace Process and
2 ceasefires, et cetera. So, the RUC at the time, I have
3 no doubt at all as an experienced investigator, would
4 have had some difficulty in translating the experience
5 of the fight against terrorism that they had 11:34
6 traditionally sort of been used to and built up a lot
7 of experience in, but there were certainly new and
8 different nuances and dimensions to this investigation.
9 Coupled with that, the sheer scale and loss of life and
10 the tragedy involved in the Omagh bombing. So, yes, 11:34
11 they were very experienced but there was also some new
12 ground, really, to be trodden here by the
13 investigators.

14 MR. RAFFERTY: Thank you, DCI McGuinness. I was going
15 to move on to deal with the final topic which is just 11:35
16 some questions in relation to the Merseyside Police
17 Review. Sir, I'm conscious that we've been going now
18 for about an hour and a half, and I may be pushing my
19 luck with Mrs. Harrison, and I'm grateful to her for
20 sitting this long. It may be appropriate to take a 11:35
21 short break, just at this stage, and I'll speak to the
22 Core Participants who have permission to ask
23 Mr. McGuinness some questions and we'll check to see
24 how long that will take after the break.

25 CHAIRMAN: Yes. 11:35

26 MR. RAFFERTY: Could I ask you to rise for 15 minutes,
27 return at 11:50.

28 CHAIRMAN: Yes, thank you.
29

THE INQUIRY ADJOURNED BRIEFLY

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1 THE INQUIRY RESUMED AS FOLLOWS.

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3 CHAIRMAN: Mr. Rafferty.

4 MR. RAFFERTY: Thank you, Sir.

5
6 DCI NEIL McGUINNESS CONTINUED TO BE QUESTIONED BY
7 MR. RAFFERTY AS FOLLOWS:

11:51

8
9 163 Q. MR. RAFFERTY: DCI McGuinness, before I turn to the
10 review carried out by Merseyside Police, I'm going to
11 try and clarify one issue which a Core Participant has
12 raised with me during the break, and it relates to two
13 paragraphs in the early part of your statement, so this
14 goes right back to page 4, paragraphs 12 and 13.

11:51

15 A. Yes.

11:51

16 164 Q. So, at paragraph 12, you have said in your statement
17 that ACPO issued the first addition of its murder
18 investigation manual several years later. So, I think
19 that's a reference to several years after the MIRSAP
20 guidance --

11:51

21 A. Yes, that would have been, yes.

22 165 Q. -- in September 1998, and I think, perhaps, there might
23 have been some confusion as to whether or not, either I
24 in asking the question or you in answering the question
25 suggested that the murder manual was published in 1993,
26 so can I just ask you to clarify the position?

11:52

27 A. No, apologies if I've given the wrong date but it was
28 1998 that the first iteration of the murder manual was
29 introduced. I know that, I transferred into the PSNI

1 from another force in 1997 and I know that the murder
2 manual was introduced when I was in the PSNI. It was
3 1998.

4 166 Q. Just to recap on this, we have the MIRSAP Force Order
5 from November 1991; there's next the MIRSAP guidance 11:52
6 from 1993?

7 A. Yes.

8 167 Q. And in 1998 there was the ACPO murder investigation
9 manual?

10 A. Yes. 11:52

11 168 Q. Did the murder investigation manual that was issued by
12 ACPO in 1998, had that existed in other forces before
13 1998 or insofar as you're aware was it the first time
14 that it had ever existed?

15 A. No. So, there have been different iterations and it 11:53
16 was 2007 that I was referring to earlier, but the 1998
17 was the first inception of the murder investigation
18 manual and it has been refreshed over the years
19 subsequent. But that was rolled out across all ACPO
20 forces, as it was referred to, so all of the UK got it 11:53
21 in 1998.

22 169 Q. So, the murder investigation manual couldn't have been
23 published anywhere in 1993, it wasn't created until
24 1998?

25 A. That's correct, yes. 11:53

26 170 Q. You said you were referring to 2007 earlier, can I
27 clarify, is that in relation to when you transferred
28 into --

29 A. When I transferred. There was another iteration

1 introduced just after I came to PSNI. But no, 1998 was
2 the first murder manual and it didn't replace anything,
3 it hadn't existed before that.

4 171 Q. Thank you, DCI McGuinness. So, if we can turn back to
5 Part D of your statement please. Sorry, Part E, I beg 11:54
6 your pardon, this is the final part.
7

8 I've asked you questions in relation to the McVicker
9 Report. The final aspect is in relation to an external
10 review carried out by Merseyside Police between 2002 11:54
11 and 2003, is that correct?

12 A. Yes, that's correct, yes.

13 172 Q. And is it correct that a review was undertaken by the
14 Deputy Chief Constable of Merseyside Police, Deputy
15 Chief Constable Tonge, with the assistance of several 11:54
16 colleagues, is that correct?

17 A. Yes, that's correct.

18 173 Q. And was a person of interest, or not a person of
19 interest but an important person within that
20 investigation somebody called Detective Sergeant 11:54
21 Bennett?

22 A. Yes.

23 174 Q. Did that individual provide a report for the purposes
24 of the review of the HOLMES system?

25 A. He did, yes. 11:55

26 175 Q. Now, within your statement you refer to, at
27 paragraph 164, a document provided by the Inquiry to
28 you which you say was an internal Merseyside Police
29 document produced by Detective Sergeant Bennett from

1 July 2003, is that correct?

2 A. Yes, that's correct. Can you assist me with a page
3 number?

4 176 Q. Sorry, I beg your pardon, it's 483. In fact, if you
5 want to turn to page 482. 11:55

6 A. Yes, I'm aware of the report you're talking about.

7 177 Q. So, at 482 and paragraph 162 on that page, you say:
8
9 "There was a process that was led by the Deputy Chief
10 Constable along with colleagues, Detective 11:56
11 Superintendent Jones and Detective Chief Inspector
12 Evans."

13
14 And you say that:

15 11:56

16 "Their role was set out in Terms of Reference it and it
17 focused on lines of enquiry that would be of maximum
18 potential benefit to the Omagh investigation."
19

20 A. Yes. 11:56

21 178 Q. So, in terms of the document I was then referring you
22 to at paragraph 164, is it right to say this, that the
23 document with reference ending 084, that was a document
24 which PSNI considered that DS Bennett created for the
25 benefit of Merseyside Police rather than for the 11:56
26 benefit of PSNI?

27 A. Yes, I think that was the conclusion of the review,
28 that was an internal document reporting their findings
29 to an application to Merseyside.

1 179 Q. There is, am I right, another report which is much
2 longer than the document you've referred to and that,
3 in fact, is the PSNI Review Report?
4 A. Yes, that's correct.

5 180 Q. And for everyone's benefit the reference to that 11:57
6 INQ 042077. Now, what I'll try to do, DCI McGuinness,
7 because you've answered the questions on your statement
8 in line with the other document, the document created
9 for Merseyside Police, with reference to the PSNI, I'm
10 going to ask you questions about that document but it's 11:57
11 important we recognise, isn't it, that there is, in
12 fact, a much greater document in terms of detail that
13 deals specifically with PSNI?
14 A. Yes, that other document was the output of the review,
15 if you like, so this is the internal document from 11:57
16 Merseyside.

17 181 Q. You said at paragraph 167 of the McVicker Report that:
18
19 "DS Bennett said that serious considerations should be
20 given to the review document produced by Mr. McVicker 11:57
21 as it may be a glimpse of the future for Merseyside
22 Police in respect of major investigations should we
23 fail to address a number of issues which bedevil it in
24 his terms."
25 11:58
26 A. Yes, that's right.

27 182 Q. So, that was an indication of what DS Bennett thought
28 would be the importance of his review, not just for
29 PSNI but for Merseyside Police?

1 A. Yes, that's right.

2 183 Q. You go on at paragraph 168 to set out some of the
3 issues that DS Bennett identified for the benefit of
4 Merseyside Police. Some of those points relate, it
5 appears, to PSNI so I'll just ask you to look at them. 11:58
6 If you look at paragraph 168(a):
7
8 "Is it right that DS Bennett was concerned about the
9 frequent change of HOLMES office managers within
10 Merseyside Police?" 11:58
11
12 And he goes on to provide a comment. And you say:
13
14 "The RUC and PSNI also had problems with office
15 managers, including trying to recruit and then retain 11:58
16 them."
17
18 A. Yes, that's correct.

19 184 Q. Are the reasons for that can you say, DCI McGuinness,
20 linked to what you'd said earlier in your evidence in 11:59
21 relation to, essentially, what appears to be a
22 difficulty filling some, if not many of the posts
23 required by a HOLMES investigation?

24 A. Yes. So, as I referred to, computerisation and comfort
25 levels with computers at that point within the sort of 11:59
26 older police demographic would have been a bit of a
27 challenge for some people. The training was quite
28 complex and difficult because the system at that time
29 wasn't intuitive and it was quite complex. They also

1 were trying to fill these roles with experienced
2 detectives and detectives by their very nature have
3 chosen that career path within policing because they
4 like to be detectives and they like to work on cases.
5 You know, there is a view that an office-based HOLMES 11:59
6 office manager role would take away some of the
7 enjoyment of being a detective. But, also, there's an
8 awful lot of responsibility on that role, an awful lot
9 of work that would flow through really that position.
10 You also have the aspect that because they were 12:00
11 supposed to be sergeants, those people invariably were
12 talented and potentially ambitious for further ranks.
13 So, the retention was also an issue that people came to
14 the role, did well and then maybe went for promotion to
15 the next rank or different specialisation and moved 12:00
16 across or upwards.

17 185 Q. You go on to say at paragraph 170 that the purpose of
18 the review was, firstly, to identify evidential
19 opportunities which we've said earlier, and that could
20 also give rise to general learning, and the results of 12:00
21 the view were welcomed by the PSNI, is that correct?

22 A. Yes, that's correct.

23 186 Q. The next part of your statement in relation to
24 Question 14, you're responding to specific limbs of a
25 question, is that right? So, you've broken down the 12:01
26 response part by part?

27 A. Yes, that's correct.

28 187 Q. What I will do is, I'll ask you to look at
29 paragraph 174. You are being asked to respond to a

1 quotation that PSNI training did not adhere to national
2 guidelines and MIRSAP and that they were untrained and
3 inexperienced staff who were being utilised to the
4 detriment of an investigation. That something called
5 "role corruption" was occurring, that there were staff 12:01
6 shortages and orthodox major incident investigative
7 practices were not being followed. You've responded to
8 that limb-by-limb, so to speak, is that correct?

9 A. Yes.

10 188 Q. In relation to training, what is the PSNI's position in 12:01
11 relation to the findings of the Merseyside Review?

12 A. There were undoubted deficiencies in the training with
13 relation to MIRSAP and the MIRS within the RUC at the
14 time. However, some of the -- so, it's accepted that
15 there were deficiencies in it. However, the Deputy SIO 12:02
16 at the time or the SIO at the time, Mr. McArthur,
17 explained that the RUC had taken a conscious decision
18 to depart from some of the national guidance and the
19 national training deliberately for reasons bespoke. I
20 believe he was talking about a process of tracing, 12:02
21 implicating and eliminating persons of interest within
22 the inquiry, but that was a conscious decision that the
23 PSNI took bespoke to depart from national training.
24 So, there was a mixture of deficiencies in the training
25 and the RUC then taking conscious decisions to approach 12:02
26 policing in a different manner.

27 189 Q. On the issue of there being untrained and inexperienced
28 staff, what was the police response to the Merseyside
29 Review?

1 A. It's accepted that some of the staff were
2 inexperienced, some had to be deployed untrained. The
3 sorry state of affairs appears to be, from a distance,
4 that the choice was either having no one in certain
5 roles or filling them with people who were trying their 12:03
6 best but hadn't had the full effect of training. So,
7 there would have been a mixture of experienced and
8 inexperienced officers working within the roles within
9 the MIR in relation to Omagh. And that could have been
10 slightly exacerbated by the fact that part of the team 12:03
11 were based in Omagh, just purely because of
12 accommodation, and part were based in Strabane Station.
13 So, it may well be that on occasions some of the
14 experience was in one or other site which meant that it
15 wasn't as easy to cross-pollinate that experience to 12:03
16 less experienced colleagues.

17 190 Q. Is it correct that PSNI accept the points made that
18 there was something called "role corruption," that
19 there were staff shortages and that the RUC did not
20 follow the same practices as Merseyside Police and that 12:04
21 there were shortcomings in the practices which were
22 followed?

23 A. Yes, that's accepted. Yes.

24 191 Q. Can you explain for our benefit what does "role
25 corruption" mean? 12:04

26 A. So, the MIR process is really well thought out and
27 really sort of prescriptive on where an individual's
28 responsibility would begin and where it would end. The
29 role corruption I believe that Merseyside were

1 referring to was mission creep, essentially. So, a
2 document reader, for example, raising actions, but that
3 would not have been that document reader's role. The
4 document reader should have suggested things and then
5 action management person should have then subsequently 12:04
6 decided to raise actions, which gives a more consistent
7 approach to raising the actions. Where that mission
8 creep or corruption concerns occurred, according to
9 Merseyside, then leant itself again to people taking on
10 responsibilities and taking on tasks that they 12:05
11 themselves were not necessarily the best person to do.
12 They weren't as well trained and they had no
13 consistency.

14 192 Q. At paragraph 182, a quotation is that:
15
16 "Information is misrepresented, misinterpreted and
17 usually cannot be retrieved."
18
19 PSNI agreed with that?

20 A. So, I've touched upon earlier on the HOLMES 1 system, 12:05
21 certainly with our eyes now, is not an intuitive system
22 to use, the search capability and functionality was
23 actually really quite complex and would more akin, in
24 my mind, to sort of coding that we would understand
25 now, so you would have to know certain codes and a 12:05
26 certain way of you inputting things very precisely. I
27 would suggest that because of the decisions made in the
28 inputting for the RUC, it may have been the case that
29 some of those functions would have been easier

1 performed by an RUC officer operating our MIR than it
2 would have been obvious to a Merseyside officer from an
3 MIR coming across and trying to navigate our system.
4 However, there was the widespread lack of understanding
5 and knowledge of the system and any computer system. 12:06
6 And the input into the system is really the crucial --
7 you know, data scientists will tell you that that's the
8 crucial point. And if the information is inputted in
9 an ambiguous way or an incorrect way, then everything
10 that arises from that, everything that then goes in 12:06
11 train from that is corrupted. Essentially, it can be
12 affected. So, for example, if someone describes
13 seizing white powder and then puts that into the
14 computer, and someone else describes seizing cocaine,
15 those two things, the computer system thinks they're 12:06
16 two different things, the two officers may have meant
17 the same thing but that sort of lack of consistency in
18 the handling of data I believe is what they mean by the
19 information being misrepresented and that causes
20 problems further down the line when you're trying to 12:07
21 manipulate that data.

22 193 Q. The last particular point I'm going to take you to,
23 DCI McGuinness, is at paragraph 184, and this is in
24 relation to the suggestion that no quality assurance
25 takes place. What was the PSNI's response to that? 12:07

26 A. The review has established that there was dip sampling,
27 so, there was a degree of quality assurance in our
28 minds that did take place. However, it wouldn't have
29 been the same level of quality assurance as envisaged

1 by MIRSAP. So, again, it was something where there
2 were deficiencies in it, but it's not true to say that
3 no quality assurance took place. There was an effort
4 at dip sampling and it didn't identify the shortcomings
5 that Mr. McVicker identified in his fulsome review. 12:08
6 So, we partially accept that that was the case but
7 there was some effort to dip sample and to try to
8 quality assure within the RUC.

9 194 Q. DCI McGuinness, the third from last paragraph,
10 paragraph 197 appears to be a summary position of PSNI 12:08
11 having provided this statement. So, is it correct to
12 say that as matter of general principle and
13 application, the PSNI accepts that any procedural
14 staffing and operational shortcomings identified in the
15 Omagh investigation could reasonably be inferred to 12:08
16 have existed previously and, therefore, potentially
17 impacted the investigation of the previous incidents?

18 A. Yes, that's the position of the PSNI, yeah.

19 195 Q. And you are keen to emphasise that there are important
20 points of context to that position, DCI McGuinness, 12:08
21 with it not least having been the largest investigation
22 in police history in Northern Ireland?

23 A. Yes.

24 196 Q. And that there was, you explain, a significant loss of
25 staff through the police estate through reform such as 12:09
26 Patten reforms in policing from 2000 onwards, is that
27 correct?

28 A. Yes, and the loss of staff in the Patten reforms wasn't
29 only affected with numbers, it was also the most

1 experienced and the people with the greatest amount of
2 service which invariably meant then some senior
3 detectives had been lost, disproportionately, from the
4 rest of the service.

5 197 Q. You, by way of context, add that the Merseyside Review 12:09
6 considered whether staff existed to which you've taken
7 a position on behalf of the PSNI, not why staff
8 existed, or perhaps didn't exist as the case may be, is
9 that correct?

10 A. Yes, it was a novel position, the Patten reforms and 12:09
11 the early retirement of some very experienced officers
12 in the RUC was something that hasn't occurred before or
13 after and wouldn't necessarily have been fully
14 appreciated by the Merseyside officers at that time.

15 MR. RAFFERTY: So, thank you, DCI McGuinness, that 12:10
16 completes all the questions I have for you. Sir, two
17 of the Core Participants have been granted permission
18 to ask questions. Mr. Kane has told me that he doesn't
19 have to ask any questions now, which will leave
20 Mr. Foster from Fox Law permission to ask questions. 12:10

21 CHAIRMAN: Yes. Mr. Foster.

22 MR. FOSTER: Thank you, Chair.

23
24 DCI NEIL MCGUINNESS WAS QUESTIONED BY MR. FOSTER AS
25 FOLLOWS: 12:10
26

27 198 Q. MR. FOSTER: DCI McGuinness, thank you. Just a few
28 pieces of clarification, Mr. Rafferty has covered a lot
29 of the information. As I understand it, HOLMES was

1 introduced in 1988?

2 A. HOLMES 1, to the RUC, yes.

3 199 Q. And there was a push to promote it in 1994, isn't that
4 right, it's paragraph 41 of your statement?

5 A. Yes, that was driven by the HOLMES Liaison Officer, 12:11
6 that full-time post, yes.

7 200 Q. So, by 1998 there would have been an awareness, because
8 I note your comment that there was a wider use of
9 HOLMES after 1994?

10 A. Yes, yes. I think that probably eloquently described, 12:11
11 it was much more embedded, it was sold, essentially,
12 internally, the benefits of the system.

13 201 Q. And you address, and it's page 9 of your report,
14 attitude towards HOLMES. It's paragraph 38, page 9.
15 And this is where you explore this a bit in terms of -- 12:11
16 you say there were experienced officers, experienced
17 SIOs and experienced detectives?

18 A. Yes.

19 202 Q. But you also said that they had not grown up with
20 computers? 12:11

21 A. I really based that simply by the time you've gone
22 through a police service to get to an SIO level, you've
23 invariably done quite a considerable amount of years
24 and, you know, certainly I didn't have computers when I
25 was at school either, so the view is that they may not, 12:12
26 probably not have been computer literate at that point.

27 203 Q. I understand that. You make the comment there was no
28 general understanding of computers and at that time
29 computers were coming in?

1 A. Yes.

2 204 Q. But there was an awareness of HOLMES and what it could
3 do?

4 A. Yes. That sort of process had begun, really,
5 internally, yes, and it was being internally sort of 12:12
6 espoused, essentially.

7 205 Q. Now, you also made a comment at paragraph 44 that it
8 was viewed more as a record-keeping tool?

9 A. I think, in some instances, people did believe that and
10 that was really based on their knowledge, trying to 12:12
11 overlay their knowledge of the MIRIAM system and trying
12 to say, 'oh, this is just MIRIAM computerised.' So, I
13 think there was a tendency sometimes to simplify and
14 understand what this was presenting and maybe a lack of
15 forethought of what this potentially could bring 12:13
16 differently and new.

17 206 Q. Now, what you've put in on page 9 in relation to the
18 attitude of HOLMES; is that your assessment or was that
19 the retired officer's assessment?

20 A. It was the retired officer's, essentially, and I find 12:13
21 myself in agreement with it, so it was a combined
22 judgment.

23 207 Q. I mean, would there have been an attitude or an
24 opinion, 'well, this is how I did it before, and that's
25 how I'm going to continue doing it,' rather than, as 12:13
26 you say, embedding it or embracing it?

27 A. I don't think that that's characterised really in the
28 feedback that we're having and I base that on -- within
29 policing, change is the only constant, essentially, and

1 police officers are very easily convinced to buy into
2 change and to try new things if they see the benefit to
3 their work. And I think that's why the re-doubling of
4 the internal selling of the benefits of the system,
5 because if police officers think that it will make 12:14
6 their tasks easier or will make their work more
7 efficient, then they will try the new thing. But,
8 invariably, as you say, Sir, there would have been some
9 feeling that, 'I've always done this way, I understand
10 this way, I understand the failings, I understand the 12:14
11 pitfalls, I'm more comfortable with working this way.'
12 So, I think there was probably a period where those two
13 positions were sort of melding into one.

14 208 Q. I note that you said in terms of the resourcing that
15 there was one full-time liaison officer and they 12:14
16 retired in 1997. You weren't able to indicate whether
17 or not there was a full-time liaison officer in 1998;
18 with the permission of the Inquiry, would that be
19 possible to find out?

20 A. Yes, certainly. We'll take that away and establish 12:14
21 that. But I do know that, or recently it was indicated
22 that that post was vacant for a period of time and that
23 would have been certainly longer than weeks,
24 potentially into months, but we can come back to that.

25 209 Q. The reason I ask that is we know that on 16th August, 12:15
26 Detective Chief Superintendent Houston directed that
27 the investigation would be managed by HOLMES; and my
28 question to you is, would the role of the liaison
29 officer be to drive that?

1 A. No. So, their role, really, would have been more on a
2 strategic level, so the things like the initiative to
3 sort of sell the use of HOLMES within the training
4 environment and things like that. So, a much more
5 strategic hands-off role, essentially, and quality 12:15
6 assuring, not to get into the weeds of it. So, it
7 would have been the people who were dedicated to
8 setting up that particular MIR and that office manager
9 would have been responsible more for the daily and
10 specific management of that. 12:15

11 210 Q. For the resourcing of it?

12 A. Resourcing it is down to sort of senior command, so
13 they may well say, 'this is what I believe I need, this
14 is anticipation of this type of work,' and they would
15 feed that up, initially, to the SIO and then that would 12:16
16 go up, ultimately, to the head of regional CID to say,
17 'listen, this is what we need to adequately resource
18 this,' but it's their responsibility within policing to
19 go supply the resources.

20 211 Q. I'm not going into hindsight here, but, in your own 12:16
21 view, if that had been an investigation, it would have
22 been them, the regional CID could have asked for
23 resources from throughout the police service?

24 A. Yes, and there's evidence that I haven't covered in our
25 review of this, that there were HOLMES-trained officers 12:16
26 being sent from Belfast. One of the knock-on effects
27 that they had with that was they drove from Belfast to
28 Strabane each day, so four hours of their working day
29 was taken up in travel, so they only worked for four

1 hours on the account. They drove for two hours, worked
2 for four and drove back to Belfast for two. So, that
3 request for more trained staff from further afield did
4 happen, but then it was really sort of only partially
5 effective because of that travel.

12:17

6 212 Q. The final question, in relation to -- it's paragraph 75
7 of your statement, and you also refer to it in your
8 evidence, that the paper-based, the MIRIAM and the
9 HOLMES 1 didn't work together, it was one or the other?

10 A. No, it could have been -- within the same inquiry it
11 could have begun on MIRIAM and then went to HOLMES 1,
12 but it never should -- it never was anticipated to go
13 together.

12:17

14 213 Q. Now, you have given evidence today and Mr. McVicker has
15 described about under-indexing and you've talked about
16 the absolute importance of indexing. So, in the Omagh
17 investigation was it HOLMES 1 and a paper-based
18 investigation or was it HOLMES 1 and the paper-based
19 was not being fed into the HOLMES 1?

12:17

20 A. No. There might be slight clarification required. So,
21 HOLMES 1, essentially, was a paper-based system in that
22 statements and receiver forms and things were physical
23 paper forms that were sent and then typed and entered
24 into HOLMES. So, it was a paper-based system. The
25 HOLMES 2 we now operate, for example, is a paperless
26 system, so all of those actions that are allocated are
27 sent to you electronically, whereas you used to get
28 physically handed, 'this is your action, go and to
29 this.' So, it's referred to as a paper-based system.

12:18

12:18

1 The MIRIAM system, which was purely paper and had no
2 computer element at all, the Omagh investigation was
3 never run on MIRIAM. A lot of the officers who, in
4 fact I would suggest all of the officers who working on
5 the investigation team would be very used to working on 12:18
6 MIRIAM and would have had other cases on MIRIAM, but at
7 no point was Omagh a MIRIAM-based investigation. But
8 it was paper investigation, so a lot of paper was
9 physically required and generated by the HOLMES 1
10 system, but it was always HOLMES 1. 12:19

11 MR. FOSTER: Thank you. Thank you, Chair.

12 MR. RAFFERTY: Sir, do you have any questions for
13 DCI McGuinness.

14 CHAIRMAN: No, thank you.

15 MR. RAFFERTY: Perhaps then he can be released, Sir. 12:19

16 CHAIRMAN: Thank you, Mr. McGuinness.

17 THE WITNESS: Thank you very much, Sir.

18 MR. RAFFERTY: Sir, I know Mr. Greaney is behind me, he
19 is ready to start the next witness but can I ask you to
20 rise for no more than five minutes, some logistical 12:19
21 steps need to be taken to prepare for that witness to
22 come into the hearing room.

23 CHAIRMAN: Yes. So, there's some technical
24 arrangements that need to be made?

25 MR. RAFFERTY: That's correct, Sir. 12:19

26
27 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

28
29 CHAIRMAN: Mr. Greaney.

1 MR. GREANEY: Sir, good afternoon. The person in the
2 witness box is Mr. Gregg Harkin and I'm going to ask
3 that he be sworn please.
4

5 MR. GREG HARKIN, HAVING BEEN SWORN, WAS QUESTIONED BY
6 MR. GREANEY AS FOLLOWS:
7
8

12:25

9 CHAIRMAN: Thank you, Mr. Harkin, and good afternoon.
10 THE WITNESS: Good afternoon.

12:26

11 214 Q. MR. GREANEY: And I think that probably wasn't picked
12 up on the recording because you were away from the
13 microphone, but I can confirm that you did take the
14 oath.

12:26

15
16 would you begin by telling us your full name, please?

17 A. Yeah, it's Greg Harkin.

18 215 Q. Mr. Harkin, are you a journalist and author?

19 A. I am.

20 216 Q. Did you start out your career in journalism in the late
21 1980s?

12:26

22 A. Yes, I did, originally a year in County Derry and then
23 in Belfast.

24 217 Q. So, throughout the 1980s and 1990s and beyond, did you
25 principally work in Northern Ireland and largely here
26 in Belfast?

12:26

27 A. That's correct.

28 218 Q. Did a substantial part of your work involve
29 investigating Troubles-related killings, allegations of

1 collusion and the role of informants and agents within
2 paramilitary organisations?

3 A. At that time, yes, the vast majority.

4 219 Q. I'm simply going to take two examples. Example one,
5 were you involved, along with another journalist, in 12:27
6 identifying Brian Nelson and his criminal activities?

7 A. That's correct.

8 220 Q. I think you just need to move the microphone a little
9 bit closer. Thank you very much. If it continues to
10 be a problem, let me know. 12:27

11

12 I'm not sure if your answer was picked up. But you, I
13 think, confirmed that you were involved with another
14 journalist in identifying Brian Nelson and his criminal
15 activities? 12:27

16 A. That's correct.

17 221 Q. As many will know, it was that identification that led
18 to the Stevens Inquiry or inquiries?

19 A. Yeah.

20 222 Q. In other words, the work by Sir John Stevens to 12:28
21 investigate collusion between loyalist paramilitaries
22 and those working for the State authorities?

23 A. That's correct.

24 223 Q. And the second example, have you more recently reported
25 on and indeed written a book about Stakeknife? 12:28

26 A. That's correct.

27 224 Q. Who, as everyone surely will know, was the subject of
28 Operation Kenova. I'm going to be asking you, as
29 you'll appreciate, about with a Sunday People article

1 on 29th July 2001 which I'm going to invite you in due
2 course to confirm that you were the author of. Let's
3 deal with the background to the article first of all.
4
5 were you working within Northern Ireland in August 1998 12:28
6 when the Omagh bombing occurred?
7 A. I was.
8 225 Q. And no doubt you will have read and studied what
9 happened at the time?
10 A. I did, very much so. 12:29
11 226 Q. Did there come a point at which that atrocity became
12 more of a focus for your work?
13 A. Originally no, not in the months afterwards, but
14 certainly in the years afterwards and then into 2001,
15 so the year of the publication. I don't recollect 12:29
16 exactly but May/June time of that year I became aware
17 of certain allegations that were being made.
18 227 Q. So, May and June, so just trying to think back, May
19 would be two months before the article?
20 A. Yeah. 12:29
21 228 Q. Depending on when in May, June would be one month,
22 again, depending on when in May, and does that feel
23 like the kind of period you were really getting into
24 the issue?
25 A. It was two to three months, yeah. It's more three than 12:29
26 two, I think.
27 229 Q. So, we're are probably talking, now you've thought back
28 to you starting your work or intense work in late April
29 or early May of 2001?

1 A. Yes, to be fair.

2 230 Q. And you've referred to becoming aware of certain
3 allegations that were being made, and just at a very
4 high level to begin with, do you mean that you became
5 aware of allegations that the UK State authorities had 12:30
6 had awareness that something was being to happen and
7 had not appropriately acted upon?

8 A. Yeah, prior warning of a bomb, yeah. Of a bomb being
9 made.

10 231 Q. Prior warning of a bomb? 12:30

11 A. Yeah.

12 232 Q. And you added, "being made." As you started to explore
13 those allegations that you had heard of, what was your
14 purpose?

15 A. In the sense that, you know, it's your job as a 12:30
16 journalist to delve into these matters, I'd done it
17 before and I obviously did it afterwards as well. I
18 was intrigued by some of the things I'd been hearing
19 which later became apparent from the McVicker Report,
20 nothing I could concrete stand over but there had been 12:31
21 some commentary amongst some of my contacts about the
22 investigation into the Omagh bomb and the fact that
23 files might be missing and stuff like that, but there
24 was nothing concrete but it certainly piqued my
25 interest. 12:31

26 233 Q. So, from people that you describe as your contacts,
27 were you, in simple form, picking up some concerns
28 about the investigation to the Omagh bombing?

29 A. That's correct.

1 234 Q. And when you talk of contacts, are you able to
2 describe, I'm not going to ask at the moment for any
3 individual names, but are you able to describe the
4 organisation or organisations that those contacts
5 worked for? 12:32

6 A. No, I'm afraid I can't.

7 235 Q. Are you able to say whether those contacts you were
8 speaking to at that time were officials with the UK
9 State authorities?

10 A. Some of them were, some of them weren't. 12:32

11 236 Q. And were you satisfied that they were people that were
12 in a position to have knowledge of the things that they
13 were telling you about?

14 A. They were reliable contacts, yes.

15 237 Q. And you haven't been able to or haven't been prepared 12:32
16 to answer each of the questions I've just asked you.
17 Can I ask you why you were not prepared to answer the
18 question that I asked you about your contacts?

19 A. It's journalistic privilege protection of sources.
20 Once you give up your protection of sources you're no 12:32
21 longer a journalist.

22 238 Q. Throughout the course of your evidence, as I seek to
23 ask you questions about that article I've mentioned,
24 will you be adhering throughout to that privilege --

25 A. I will, absolutely. 12:33

26 239 Q. -- you have mentioned. But I think that you will
27 appreciate why I and perhaps others will nonetheless
28 seek to press you --

29 A. I understand that.

1 240 Q. -- in the hope that you might perhaps you might change
2 your mind or be persuaded, but let's see how we get on.
3
4 So, there were concerns about the investigation and
5 were you aware that no one had been successfully 12:33
6 convicted of involvement in the Omagh bombing?
7 A. Yes, I mean it was a surprise really, the biggest
8 atrocity of The Trouble, 31 people dead, and no
9 progress.

10 241 Q. Or at any rate no one charged? 12:33
11 A. Not that we could see, as journalists, because we
12 couldn't see anything, you know. In the public domain
13 progress would be people appearing in court on charges
14 and that didn't happen.

15 242 Q. And so, was it a concern of yours that no one had been 12:34
16 convicted of involvement in the Omagh bombing?
17 A. A concern, yes, as a journalist, yeah, absolutely.

18 243 Q. And did that concern fuel the work that you did from,
19 perhaps, late April of 2001?
20 A. Yes, it did. 12:34

21 244 Q. I'm just going to pause for a moment to ask you about
22 something which is separate from but perhaps connected
23 with your purpose. Were you aware, as you were
24 involved in your work, that it was believed that the
25 authorities had knowledge of telephone numbers that had 12:34
26 been attributed to particular individuals?
27 A. That's correct.

28 245 Q. And, for example, you may have seen reference to that
29 in the 2000 broadcast of John ware "Who Bombed Omagh?"

1 A. That's correct.

2 246 Q. And were you aware that a particular number ending 456
3 was believed to be attributed to a man called Patrick
4 'Mooch' Blair?

5 A. That's correct. I don't think it actually featured in 12:35
6 the original 2000 documentary at all, other numbers
7 did, or other information from numbers did but that
8 particular number didn't appear in the Panorama
9 documentary, and I wanted to understand why.

10 247 Q. So, in this process we have a working hypothesis, as 12:35
11 we've described it, and that working hypothesis
12 includes attributing that 456 number to Patrick 'Mooch'
13 Blair. And so during the course of your work did you
14 become aware of a link or potential link between 456
15 and that man? 12:35

16 A. I did, yeah.

17 248 Q. And were you aware of the suspicions that that man had
18 been involved in the Omagh bombing?

19 A. I was aware at that stage, yes.

20 249 Q. And did you do anything in connection with that number? 12:36
21 A. I did. I can't say exactly when because it was 25
22 years ago, but certainly possibly the week after the
23 article appeared, maybe a couple of weeks I called the
24 telephone number.

25 250 Q. Pause there for a moment. So, you'd the number during 12:36
26 your work and after the article had come out you
27 decided to call them?

28 A. I did.

29 251 Q. And was that more in hope than expectation?

1 A. Yeah, absolutely. I didn't expect anybody to answer,
2 to be honest with you.

3 252 Q. When you called that number, did anyone answer it?
4 A. Yes, a man answered the phone and I asked if I could
5 speak to Mr. Blair and he said "speaking." 12:36

6 253 Q. And so did you understand that the person answering
7 that phone was Patrick 'Mooch' Blair?
8 A. Absolutely.

9 254 Q. Still using the phone that he had used --
10 A. It was incredible. 12:37

11 255 Q. -- in August 1998?
12 A. It was incredible, because this number had been linked
13 to a phone call to one of the bomb cars and here we
14 were a couple of weeks away from the third anniversary
15 and he's still using the same number. 12:37

16 256 Q. And so, when we seek to piece together pieces of
17 evidence to attribute particular numbers to particular
18 individuals, this is a piece of evidence from you,
19 depending upon the view the Chairman takes, that forms
20 part of the picture of attribution that you believe 12:37
21 Patrick 'Mooch' Blair answered the telephone when you
22 called 456?

23 A. He did. I can't recall exactly what he said, there was
24 a few expletives.

25 257 Q. Did you tell him who you were? 12:37
26 A. Oh, absolutely.

27 258 Q. So, you told him you were a journalist?
28 A. I told him I was a journalist, I think, but from
29 memory, and I can't, as I say, I can't 100% say, but

1 from memory I asked him how he could sleep at night.

2 259 Q. And did he receive what you said well?

3 A. No, he didn't.

4 260 Q. You said there were a few expletives?

5 A. Yeah. 12:38

6 261 Q. Was he telling you where to go?

7 A. Basically, yeah.

8 262 Q. Now, we've jumped ahead, but thank you very much for

9 that evidence.

10 12:38

11 Were you the author of an article that was published in

12 The Sunday People newspaper on 29th July 2021?

13 A. That's correct.

14 263 Q. And did it run on the front page?

15 A. It did. 12:38

16 264 Q. And was it described as a "world exclusive?"

17 A. It was.

18 265 Q. And is that what you believed it was?

19 A. Yes, at the time. Well, I knew other journalists and

20 newspapers were delving into the sorry but none of them 12:38

21 had published at that stage, and at that particular

22 moment in time I thought we had it to ourselves and

23 that was kind of the -- that would have been the style

24 of the newspaper I worked for at the time.

25 266 Q. When you say the style of newspaper, what was the style 12:39

26 of The Sunday People?

27 A. It was a tabloid.

28 267 Q. And did that tend to translate into any kind of

29 headline for a story, no matter how serious?

1 A. It just depended, to be honest with you. You know, it
2 could change story to story, week to week, there was no
3 real rule of thumb on a particular story but this story
4 was massive.

5 268 Q. And I mean the headline that was chosen, which we'll 12:39
6 see on the screen at the moment was a dramatic
7 headline?

8 A. It was.

9 269 Q. And what it is a headline chosen by you or an editor or 12:39
10 sub-editor?

11 A. It would have been a sub-editor.

12 270 Q. Could we have on the screen, please, INQ 038430. It's
13 going to be quite tricky to read. Can we enlarge the
14 second half of the page, please. It's probably going
15 to be still quite difficult to read. That's a bit 12:40
16 better, thank you very much indeed. Under that banner
17 "World Exclusive: 'I told cops about Omagh'"?

18 A. Yeah.

19 271 Q. "'That was three days before the bombing' claims top
20 secret agent? " 12:40

21 A. Yes.

22 272 Q. It reads under your byline.
23
24 "A former agent for the British security forces has
25 stunned the relatives of the Omagh bomb victims by 12:40
26 claiming he tipped off his handlers about the device,
27 three days before the blast. The mole alleges that
28 cops failed to act because the bomb maker was also an
29 informer. The agent named the bomber and gave the

1 location of the device, but the attack went ahead
2 killing 29 people."
3
4 A. Yeah.
5 273 Q. So, those words that I've just read out from a former 12:41
6 agent to killing 29 people, are those words that you
7 wrote?
8 A. Correct.
9 274 Q. But the headline "'I told cops about Omagh, and that
10 was three days before the bombing,' claims top secret 12:41
11 agent" that was a headline that was chosen by an
12 editor?
13 A. Yes.
14 275 Q. As I think you will appreciate, later in your evidence 12:41
15 I'm going to compare and contrast that with something
16 that you wrote about what you were told by a senior
17 security source, but shall we get to that when we get
18 to that.
19 A. Yeah.
20 276 Q. So, over the page please. And I'm not going to read 12:41
21 every word of this out, but I'm just going to highlight
22 some particular passages so that we can have a flavour.
23 Can we highlight the column that's headed: "Families
24 must be told the truth about Omagh," please. And if
25 that could be made a little larger, I don't know if 12:42
26 that's possible. Let's just work down it.
27
28 So, third line down:
29

1 "Real IRA warlords made and planted the device which
2 tore the town apart and killed so many innocents on a
3 single day."

4
5 Then towards the bottom of the screen as we look at it: 12:42

6
7 "The RUC's top mole inside the Real IRA says he warned,
8 three days before the blast, that a huge bomb bound for
9 Northern Ireland had been made in the Republic."

10
11 So, just pausing for a moment to observe something,
12 whilst the headline read "I told cops about Omagh,"
13 what you were writing here was that the top mole had
14 warned, three days before the blast, that a huge bomb
15 bound for Northern Ireland, as contrasted with Omagh, 12:43
16 had made in the Republic?

17 A. That's correct.

18 277 Q. I am not asking you for a comment at the moment, we
19 will get to it.

20
21 Then a little further down, under the heading
22 "Devastated," if we can move up the screen, in italics:

23
24 "Not only that, but another informant tipped off the
25 Gardaí about the details of the car used to ferry the 12:43
26 bomb and they lost track of it. The top level
27 allegations are nothing short of astounding.

28
29 Special Branch detectives could not have known what

1 carnage was on the way but they must have known that a
2 huge explosion was on the cards. What needs to be
3 clarified is why a risk was taken when such information
4 was to hand."

12:43

6 And then we're just going to look at some parts of the
7 article on the right-hand side of the page. I should
8 have asked: The article is divided into a number of
9 separate parts, is it not?

10 A. It is, yeah.

12:44

11 278 Q. And were you the author of each of the parts?

12 A. I don't know whether I wrote the editorial or not, the
13 piece you've just read from but I may have done, I'm
14 not 100%, I can't remember.

15 279 Q. Would you have seen it before?

12:44

16 A. Absolutely, yeah.

17 280 Q. Even if you weren't the author?

18 A. Yeah.

19 281 Q. Just to the top of the screen, thank you. And this
20 third section:

12:44

22 "Omagh top RUC officers failed to stop the bombers in
23 order to save the skin of their secret agent in the
24 Real IRA."

12:44

26 And this is headed "exclusive: By Greg Harkin," so
27 should we understand that you did write this part of
28 it?

29 A. Absolutely.

1 282 Q. "Sensational allegations have been made by a former
2 agent in a statement to the Stevens Inquiry - the
3 investigation headed by Met Commissioner, Sir John
4 Stevens - which is probing alleged collusion between
5 police and paramilitaries in Ulster. 12:45
6
7 Now using the pseudonym 'Kevin Fulton,' he was the
8 republican responsible for the murder of Constable
9 Colleen McMurray in Newry, County Down in 1992."
10 12:45
11 So, as we're going to see, Kevin Fulton is the "top
12 mole," as was described in the editorial. And you're
13 referring in the piece that you wrote to the fact that
14 he was responsible for a murder?
15 A. That's correct. 12:45
16 283 Q. And do you recall had you reported on that topic before
17 this piece?
18 A. I'm not 100% certain. I think I did, but, again,
19 without reference to back catalogues of newspapers, I
20 can't 100% say I did. 12:45
21 284 Q. It may be that that question is answered elsewhere in
22 the report?
23 A. It may be.
24 285 Q. In all events, it doesn't really matter. You were
25 describing him as a murderer and I'm going to get to 12:46
26 the potential significance of that a little later in my
27 question.
28
29 "We understand that Fulton has told the Stevens team

1 about events in the run up to the August 1998 bombing
2 of Omagh which left 29 people dead in the worst single
3 atrocity of The Troubles."

4
5 Even further down:

12:46

6
7 "Sunday People can reveal for the first time today that
8 Special Branch allegedly failed to act upon that
9 information because the man mixing the device..."

10
11 So, in other words involved in making it, is that
12 correct?

13 A. That's correct.

14 286 Q. "...is the security force's top mole inside the
15 dissident terrorist group."

12:47

16
17 And you then go on to describe how Fulton had gone with
18 Detective Chief Superintendent Eric Anderson, about
19 whom the Chairman heard yesterday, to a building and
20 pointed out where the bomb had been made?

12:47

21 A. Yeah.

22 287 Q. And if we go over the page please, we can see that the
23 full headline to this particular piece written by you
24 is "Omagh: The truth." And then if we can enlarge
25 please the text at the bottom, thank you. Three lines
26 down in the first column:

12:47

27
28 "We understand Stevens Inquiry detectives were stunned
29 by Kevin Fulton's testimony. He says, however, that he

1 didn't know the real names of his branch handlers
2 though security sources..."

3
4 So, you're referring there to "security sources," can
5 we pause to note that.

12:48

6
7 "...say files should be available to identify them."

8
9 At the bottom of that column, there is then reference
10 again to the information that the police in Ireland,
11 the AGS, were believed to have been informed of in
12 relation to the vehicle but were we're told at the top
13 of the second column:

12:48

14
15 "Fulton was not the informant on this occasion."

12:48

16
17 Then we have at the bottom of that second column:

18
19 "One senior security source told The Sunday People..."

12:48

20
21 And this is a particularly important passage that I'll
22 come to explain the reasons for.

23
24 "One senior security source told The Sunday People,
25 'these are devastating allegations. Fulton worked
26 inside the IRA for the security forces for two decades
27 so he knows his stuff. He knew something big was
28 happening in the days before the Omagh bombing and
29 what's more he told the security forces and journalists

12:49

1 about it. There is no suggestion whatsoever that he
2 knew where the bomb would end up or when'."

3

4 Then, in fact, we see from the next column on that:

5 12:49

6 "Last April, The Sunday People had revealed that Fulton
7 had developed the horizontal mortar used to kill
8 Constable McMurray."

9

10 So, it plainly had been reported, as I had half a 12:49
11 memory of.

12

13 But let's go back to the second and third columns.

14

15 You appear there to be putting particular parts of your 12:49
16 report in quotation marks

17 A. In column 2?

18 288 Q. In column 3, so:

19

20 "One senior security source told The Sunday People..." 12:50
21 and then there are a series of quotes.

22 A. Correct.

23 289 Q. And is what is happening there that you are quoting a
24 source of yours?

25 A. Correct. 12:50

26 290 Q. And that that source was a senior security source?

27 A. Yes.

28 291 Q. And so, does it follow that what you were told was he,
29 Fulton, knew something big was happening in the days

1 before the Omagh bombing and what's more he told the
2 security forces and journalists about it?

3 A. At a time when there had been a number of bombings
4 prior to this.

5 292 Q. And does it follow, as well, that you were told by your 12:50
6 senior security source that there was no suggestion
7 whatsoever that he, Fulton, knew where the bomb would
8 end up or when?

9 A. That's correct.

10 293 Q. So, this is the compare and contrast that I mentioned 12:50
11 earlier. So, the headline is:
12
13 "'I told cops about Omagh and that was three days
14 before the bombing,' claims top secret agent."
15 12:51

16 Now, overall, the information you obtained, was it to
17 the effect that Kevin Fulton had told officers about a
18 bombing at Omagh three days before the bombing, or was
19 the effect of what you were told something different
20 from that? 12:51

21 A. I suppose it's an equation. Fulton had indicated that
22 a bomb was being made three days before the actual
23 attack in Omagh.

24 294 Q. So, he provided the information three days before?
25 A. Before the Omagh bomb. 12:51

26 295 Q. That a bomb was being made?
27 A. Correct. And, you know, I spoke to a lot of contacts
28 on this, both republicans and security forces, and
29 their conclusion was that there wouldn't have been two

1 bombs being made that week and their conclusion was
2 that the bomb that was being made, that Fulton
3 witnessed, was the bomb that was taken to Omagh.

4 296 Q. So, let me just follow this logic through to make sure
5 that I've completely understood. 12:52

6 A. Yeah.

7 297 Q. Your information was not that Fulton had said
8 specifically a bomb is being made and it is bound for
9 Omagh, your information was that Fulton had said a bomb
10 is being made and it is destined for Northern Ireland? 12:52

11 A. Yeah.

12 298 Q. So, not as specific as Omagh?

13 A. Correct.

14 299 Q. But your sources had come to the conclusion that it was
15 not at all likely that two bombs were being made at 12:52
16 that point in time and that, therefore, the bomb that
17 Fulton was referring to must have been that which
18 eventually was detonated in Omagh?

19 A. Yeah, in that they were very unstable devices. You
20 know, they can become very -- based upon the technical 12:53
21 information, after four or five days they become very
22 unmanageable. So, they're made and used in a certain
23 period of time, very quickly after they're made.

24 300 Q. But have I correctly understood --

25 A. You have, absolutely. 12:53

26 301 Q. -- the difference between what you had been told --

27 A. Yep.

28 302 Q. -- and what was worked out on the basis of what you had
29 been told. So, can I just put this to you directly so

1 you can comment upon it. Would you accept that "I told
2 cops about Omagh" involves a link of logical reasoning
3 beyond what actually had been said by Fulton?

4 A. Absolutely, and I think the article makes that clear.
5 The headline could have been I told cops about a bomb 12:53
6 three days before Omagh, you know, but it wouldn't have
7 fitted with the headline. I'm not saying that was the
8 reason it wasn't used. It is in inverted commas and
9 it's a logical conclusion between the warning being
10 given out, or Fulton passing on his warning and the 12:54
11 actual bomb itself.

12 303 Q. So, as you sit there now, obviously many years later,
13 is what you're saying that you think that is a
14 reasonable summary of what can be deduced from what
15 Fulton was reported to have said? 12:54

16 A. Yes, I think, you know, if you look -- I don't remember
17 lots of things from 25 years ago, or very much about
18 the actual article other than reading it back again
19 over the last few weeks, but the logical conclusion, I
20 think, that anybody can take from that is there is only 12:54
21 one bomb being prepared by the Real IRA that week and
22 it's my view that that was the bomb that was planted in
23 Omagh.

24 304 Q. So, let me just make sure that I have a clear
25 understanding of the information that you were provided 12:54
26 with and then we can see who was giving you that
27 information to the extent that you're prepared to tell
28 us. That you had understood that Fulton, a top RUC
29 mole or agent, had told his handlers, three days before

1 the Omagh bombing, that a bomb was being made in the
2 Republic of Ireland?

3 A. Correct.

4 305 Q. That that bomb was destined for the Northern Ireland.
5 A. [Witness nods]. 12:55

6 306 Q. And you're nodding your head?
7 A. Yeah.

8 307 Q. That your sources had also said to you words to the
9 effect of, 'we think that that must have been the Omagh
10 bomb that he was talking about being manufactured'? 12:55
11 A. Yes.

12 308 Q. And that, therefore, the piece became that Fulton had
13 told the authorities about what turned out to be the
14 Omagh bomb?
15 A. That's correct. 12:55

16 309 Q. Is that a fair way of putting it?
17 A. That's fair.

18 310 Q. And along the way it seems that you were also given
19 information that the AGS in the Republic of Ireland had
20 been given information about the bomb car? 12:56
21 A. Yeah.

22 311 Q. And that they had "lost it"?
23 A. Yeah.

24 312 Q. Now, the Inquiry asked you to provide details of those
25 who supplied the information upon which your article 12:56
26 was based and you said at paragraph 9 of your
27 statement:
28
29 "I respectfully decline to do so because doing so would

1 identify confidential journalistic sources. Protecting
2 the identity of sources is a fundamental journalistic
3 obligation."

4
5 And you go on to say that all of this happened a long 12:56
6 time ago and identifying precisely who said what might
7 be difficult. And do you stand that by
8 well-established principle?

9 A. Absolutely.

10 313 Q. Let me nonetheless see if we can understand more about 12:56
11 the circumstances in which the article was written. It
12 was research, from what you've told us, over a period
13 of about three months?

14 A. That's about correct, yeah.

15 314 Q. And over those three months would it have been the only 12:57
16 thing you were working on, the principal thing, or just
17 one, among many things?

18 A. One amongst many.

19 315 Q. Did you devote considerable time to your investigative 12:57
20 work?

21 A. I did, yeah.

22 316 Q. Did you speak to one source or more than one source as
23 part of your research?

24 A. Multiple sources.

25 317 Q. Do you feel able to give us at least an idea of the 12:57
26 number of sources that you spoke to?

27 A. I actually don't remember but it was five, six maybe,
28 maybe more. I mean there were others who you would
29 have sought information from that would have been

1 outside the actual detail of the article. So, for
2 example, asking somebody how a bomb is made and when it
3 has to be used for it to be effective, for example.
4 Outside of that. So, I just don't recall, to be honest
5 with you, it's a long time ago. 12:58

6 318 Q. Multiple can mean two, can't it. Should we understand
7 from what you've said that you had spoken to more than
8 two sources?

9 A. Oh, yeah, absolutely.

10 319 Q. Doing the best you can, now you have an impression it 12:58
11 was somewhere in the region of five or six?

12 A. Something like that, I couldn't honestly say.

13 320 Q. I'm not trying to pin you down, I'm trying to get an
14 idea.

15 A. Yeah. 12:58

16 321 Q. Now, obviously, one of the people that you spoke of
17 during the course of that article was the person known
18 as "Kevin Fulton." Can I ask you, did you have direct
19 contact with a man known as "Kevin Fulton" in the
20 course of researching this article? 12:59

21 A. I can't answer that question.

22 322 Q. Can I ask you whether you had indirect contact with the
23 man known as "Kevin Fulton" as part of your research
24 for the article?

25 A. Again, I'm not willing to answer that question. 12:59

26 323 Q. Is this a reasonable thing to say; that bearing in mind
27 that you had labelled him a murderer in the April
28 before, that he is unlikely to have been a source for
29 this article?

1 A. That could be your conclusion.

2 324 Q. Are you prepared to comment?

3 A. No.

4 325 Q. You referred to a "senior security source" who had told
5 you there's no suggestion whatsoever he knew the 12:59
6 destination for the bomb; are you prepared to tell us
7 the identity of that person?

8 A. No, I'm not.

9 326 Q. Are you prepared to tell us what organisation that
10 person worked for? 13:00

11 A. No.

12 327 Q. Are you prepared to tell us whether that person worked
13 for a UK State authority?

14 A. I'd rather not comment.

15 328 Q. But can we safely assume that that senior security 13:00
16 source was someone working within, to use the term very
17 broadly, "security"?

18 A. Correct.

19 329 Q. Did you have other sources within - to use that term
20 broadly again - security? 13:00

21 A. Yes, every journalist does.

22 330 Q. And were you drawing upon those sources for the
23 purposes of this article?

24 A. Correct.

25 331 Q. And the sources that you did rely upon, were they 13:00
26 sources that you felt you could rely upon?

27 A. Definitely.

28 332 Q. Were they people in a position to have knowledge of the
29 things they spoke to you about?

1 A. Extremely knowledgeable.

2 333 Q. And were they, or at any rate some of them, people who
3 had provided you with information in the past that had
4 proved to be reliable?

5 A. That would be fair. 13:01

6 334 Q. Bearing in mind that your understanding was that Fulton
7 had disclosed to the team of Sir John Stevens what he
8 had earlier told to his Special Branch handlers, did
9 you speak to any member of the Stevens team?

10 A. I can't -- I don't recall, I might have. I just 13:01
11 actually don't remember.

12 335 Q. Eric Anderson is mentioned, Detective Chief
13 Superintendent Anderson, as someone who had been taken
14 by Fulton to the location where the bomb had been made;
15 did you speak to Detective Chief Superintendent 13:02
16 Eric Anderson?

17 A. I didn't.

18 336 Q. Now, you have chosen to rely upon your journalistic
19 privilege, and you will understand why; was it your
20 understanding that these people had provided you with 13:02
21 information on the basis that you would respect their
22 confidentiality?

23 A. Absolutely.

24 337 Q. And is it the position that it would not matter how
25 many times I asked you to name people, you would give 13:02
26 me the same answer?

27 A. I would.

28 338 Q. As you sit there now, do you continue to stand by the
29 story that you reported on 29th July 2001?

1 A. I do. I mean, you mentioned earlier about the bomb and
2 Fulton's role in it. The day the bomb went off I now
3 know Fulton called his handler to ask: "Did you pass
4 my information on?" You know, this is within two/three
5 days of seeing the bomb maker or the person we think is 13:03
6 the bomb maker. So, yes. And the reason I stand by it
7 is, it was a very difficult decision to publish but I
8 felt, having met the families and knowing some of the
9 families over the years, that it was my duty to
10 publish. I know it opened a can of worms that some 13:03
11 people probably didn't want to be opened, but it did
12 lead to the Ombudsman's Inquiry which proved a number
13 of other issues, and ultimately today, I suppose. So,
14 yes. Would I write the article differently today?
15 Probably. Would I have changed the headline? 13:03
16 Probably. But, for all intents and purposes, the
17 article was shining a light on something that had been
18 hidden.

19 339 Q. And do you continue to regard, at least the general
20 thrust of what you reported as being accurate? 13:04

21 A. I believe so, yes.

22 MR. GREANEY: Sir, I have just three short topics to
23 deal with before I will be finished in my questioning.
24 Do you consider it's sensible that I deal with those.
25 It will take no more than 10 minutes but I'm in your 13:04
26 hands.

27 CHAIRMAN: well, why don't we just do that then.

28 340 Q. MR. GREANEY: As you appreciate there will be questions
29 from others and I'll explain how those are dealt with

1 when I've finished.

2

3 Now, the first of those three topics, ahead of

4 publication did you contact either the RUC, as it still

5 was at that stage, or the AGS? 13:04

6 A. No.

7 341 Q. As I'm sure you know, they think it would have been

8 fairer if they had been given an opportunity to

9 comment, so could I ask you why you didn't give them

10 that opportunity? 13:05

11 A. By that stage I'd been reporting on these sorts of

12 stories for a decade and in that decade I'd never got a

13 response that made any sense from any organisation.

14 So, did I put it to them? No. Should I have done? I

15 don't think so. I had been the subject of a Ministry 13:05

16 of Defence injunction the previous year over articles

17 I'd been writing about the security forces. I was also

18 fairly confident, as it turned out I was correct, that

19 the police knew I was writing this story anyway because

20 they called me the day before. 13:05

21 342 Q. And I'm going to come to that. That was topic No.1.

22

23 Topic No.2, on 28th July 2001 you tell us in your

24 statement that you travelled to Omagh to meet several

25 bereaved families? 13:06

26 A. That's correct.

27 343 Q. In order to tell them personally what you intended to

28 publish the following day?

29 A. That's correct.

1 344 Q. And part of the piece that was written on the 29th
2 involved an interview with Mr. Michael Gallagher and
3 was he one of the persons that you met on the 28th?
4 A. He was.
5 345 Q. Now, later on in the evening of 28th July, that 13:06
6 Saturday, did you receive a telephone call from a
7 person called Austin Hunter?
8 A. I did.
9 346 Q. Was he a former BBC journalist?
10 A. He was, he was a former BBC journalist and former head 13:06
11 of the BBC Press Office.
12 347 Q. But by now in July 2001 was he the head of the RUC
13 Press Office?
14 A. He was.
15 348 Q. And what did he ask you? 13:06
16 A. He asked me if I would be willing to speak to the Chief
17 Constable, that he was aware that I was writing an
18 article the next day and the Chief Constable wanted to
19 speak to me about it.
20 349 Q. I'm going to get your reaction in a moment but can I 13:07
21 summarise this point in this way, that you don't know,
22 as a fact, how your intention to publish a story was
23 obtained by the RUC, but you do have your suspicions
24 about how they became aware?
25 A. Absolutely. 13:07
26 350 Q. And to put it in general terms, your suspicion is that
27 knowledge of what you intended to do was obtained by
28 covert policing means?
29 A. Correct.

1 351 Q. Did you agree to speak to Sir Ronnie Flanagan?
2 A. I did.
3 352 Q. And did that conversation take place in person or over
4 the telephone?
5 A. It was on the telephone. 13:07
6 353 Q. Did you make any note of that conversation?
7 A. I don't recall. I don't think I did. I think it was
8 an off-the-record conversation. So, Austin may have
9 said it was off the record, I can't remember. I think
10 it was actually, because if it was on the record it 13:08
11 would have been in the article.
12 354 Q. If you ever did have any notes, do you still have them
13 now?
14 A. No.
15 355 Q. But do you remember the substance of the conversation 13:08
16 between you and the Chief Constable?
17 A. I don't. I don't accurately recall it because, as I
18 say, it is a long time ago, I just remember the manner
19 of it. And I remember being told by Sir Ronnie that he
20 was aware I was writing an article, that the content 13:08
21 was not true, incorrect. That the person he believed I
22 got the story from was unreliable. Those sorts of
23 things, again, it's very vague. He was very upset. I
24 wouldn't say angry, it's probably too strong. But he
25 was certainly animated. Basically told me I'd be a 13:09
26 fool to publish the article. That's me paraphrasing,
27 I'm not saying he used the word "fool," but that was my
28 take from the conversation.
29 356 Q. So, what you took from the conversation was that this

1 was an attempt to persuade you not to publish the
2 article?

3 A. Correct.

4 357 Q. And you've used a number of adjectives to describe the
5 then Chief Constable. A phrase you used in your
6 statement was: 13:09
7
8 "He appeared anxious and flustered."
9

10 A. Yes, that would be fair. 13:09

11 358 Q. Had you ever been contacted previously by any Chief
12 Constable, for any reason, and certainly in an attempt
13 to prevent the publication of an article?

14 A. No.

15 359 Q. Topic 3, within a day or two of publication, were you 13:09
16 asked to meet with representatives from the office of
17 the Police Ombudsman?

18 A. I was, yeah.

19 360 Q. Do you remember who it was that contacted you?

20 A. It wasn't Baroness O'Loan, it was a male member of 13:10
21 staff, it might have been Mr. Bridger. I can't
22 actually remember. But I went to their offices and met
23 them in the office.

24 361 Q. Did you agree to a meeting?

25 A. I did. 13:10

26 362 Q. And who was it that you met with?

27 A. Again, I don't recall, it might be in their records,
28 but I actually don't remember. As I say, it might have
29 been Mr. Bridger but I'm not 100% certain.

1 363 Q. Was it your understanding that the article that you had
2 published on 29th July triggered what in due course
3 became the Ombudsman's report of 12th December 2001?
4 A. That's correct.

5 364 Q. And when that report was published what view did you 13:10
6 hold?
7 A. It was a very nervous three months waiting for it to
8 come out, because, you know, you've made these
9 allegations, or you've published these allegations and
10 there was relief that the Ombudsman was investigating 13:11
11 it, so it was somebody outside the police service, an
12 independent arbiter, for want of a better phrase. So,
13 from that point of view I was very happy there was an
14 inquiry. I think the report was published mid-December
15 from memory. 13:11

16 365 Q. 12th December?
17 A. Yeah. I felt vindicated. I know there were a number
18 of points that Baroness O'Loan raised, and obviously
19 one of her conclusions was she couldn't conclude that
20 the bomb that had been made south of the Border was the 13:11
21 bomb that went off in Omagh, and that was fair enough.
22 But, yeah, it was relief as a journalist and
23 vindication to a certain extent that the investigation
24 that I had carried out had had some legitimacy to it.

25 366 Q. And the way in which you express yourself in the 13:12
26 statement at paragraph 15 is:
27
28 "I have no regrets whatsoever about publishing my
29 article in July 2001 or about its contents. Had those

1 allegations not been published I believe it is possible
2 that many of the subsequent investigative findings and
3 issues identified over the years might never have come
4 to light."

13:12

5
6 A. That's correct.

7 367 Q. And so, to put it in simple terms, you regard the
8 article that you wrote as a stepping stone which
9 perhaps has led ultimately to this Inquiry?

10 A. You know, if I hadn't have written the story, somebody
11 else would have done at some stage over the following
12 months or years because this sort of information gets
13 out eventually.

13:12

14 MR. GREANEY: Mr. Harkin, thank you very much indeed.

15 Can I tell you what the plan is? As you know,

13:12

16 Mr. Brian McVicker started to give evidence yesterday
17 but was unable to complete his evidence because the
18 earlier witness had taken longer than was expected.

19 It's important in the highest degree that he should

20 complete his evidence today. So, after lunch we are

13:13

21 going to resume the evidence of Mr. Brian McVicker, in
22 the hope we are able to conclude your evidence, I would
23 the answer to Core Participant questions once his

24 evidence is concluded. So, I'm sorry you are put to
25 that inconvenience. I hope you will understood why.

13:13

26 THE WITNESS: Absolutely. No problem.

27 MR. GREANEY: Sir, what I don't know is whether the
28 arrangements for getting lunch and so on would you
29 permit us to have a lunch hour of less than one hour on

1 this occasion, if that were possible, even if only by
2 ten minutes, those ten minutes might count. So, could
3 we come back for 2:05?

4 CHAIRMAN: Yes, I think so.

5 MR. GREANEY: Thank you very much.

13:13

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

8
9 CHAIRMAN: Good afternoon Mr. McVicker.

10 THE WITNESS: Good afternoon.

14:06

11 CHAIRMAN: Mr. de la Poer.

12
13 MR. BRIAN McVICKER CONTINUED TO BE QUESTIONED BY MR. DE
14 LA POER AS FOLLOWS:

14:06

15
16 368 Q. MR. DE LA POER: Sir, thank you. We are resuming the
17 evidence of former Detective Chief Superintendent Brian
18 McVicker, and I would just remind everybody that there
19 is a Restriction Order in place for this evidence.

14:06

20
21 Mr. McVicker, yesterday we were looking at your
22 decision/action log and I wonder if I can ask for that
23 to come back up on screen, just to work through a
24 couple more of those entries. So, that is INQ 048954,
25 we're on page 12 and if we could expand number 50
26 please. Thank you very much, Ms. Montgomery. That was
27 the entry that I asked you about last thing yesterday,
28 Mr. McVicker, do you see that?

14:06

29 A. Yes.

1 369 Q. It relates to the moment of revelation for you and your
2 team about the 4th August 1998 call?
3 A. Yeah, that's correct.
4 370 Q. So, that's the 14th July 2000. If we could now please
5 expand entry 51, the one just below. We can see here 14:07
6 an entry which I'll just read out. It's dated the same
7 date, 14th July.
8
9 "Within the category linked incidents, comparisons are
10 to be examined from other incidents ref fibres, 14:07
11 telephones, et cetera. Four incidents from the
12 documents identified by Detective Superintendent
13 McArthur as linked and four incidents drawn from
14 outside this document are to be examined."
15 14:07
16 A. That's correct.
17 371 Q. "All incidents are to have occurred in 1998. Access to
18 other accounts via Detective Inspector O'Sullivan."
19
20 And then there are a total of eight incidents 14:07
21 identified, the first four, which are those identified
22 by Detective Superintendent McArthur, and the second
23 four were ones that your team had identified, is that
24 right?
25 A. That's correct, yes. 14:08
26 372 Q. And so, was the position, as at July of 2000, that
27 although the linked incidents had been the subject of
28 investigation within the Omagh investigation, at that
29 stage they were focused on just four and the effect of

1 your review was to expand it to eight?

2 A. Yes.

3 373 Q. So, we'll come back to linked incidents to look at in a
4 little more detail shortly. But we'll just stay with
5 this log for three more entries. Page 14, please and 14:08
6 expand Decision 62. This is 15 days later. Just to
7 help us understand one part of this, I'll just read it
8 out again, Mr. McVicker: "Reviewing officer,"
9 presumably that's you, are you the reviewing officer in
10 this context? 14:09

11 A. Yes, that's correct.

12 374 Q. "And deputy reviewing officer to ACC," is that
13 Ray White?

14 A. Yes, that's correct.

15 375 Q. "...raised issues of an alleged grievous against the 14:09
16 review. Team by HOLMES staff North Region. This was
17 the first time official notification had been given
18 regarding the matter although personnel were aware of
19 it, had been in existence for some time. State of
20 review discussed. Timescale of report discussed. 14:09
21 Discussion re anonymous information received at Omagh
22 on 4th August '98."
23

24 So, what I just wanted to ask you about was, there
25 seems to be a mention of some grievance being raised by 14:09
26 the HOLMES staff in the North Region. Did that relate
27 to your concerns about the use of HOLMES that you had
28 raised?

29 A. Yes, that's correct.

1 376 Q. So, we get the sequence clear; at an early stage in
2 your review you raised concerns with ACC White --
3 A. Yeah.
4 377 Q. -- about how HOLMES was being operated?
5 A. Yes. 14:10
6 378 Q. There was discussion about whether corrective measures
7 would be taken immediately or at the end of your
8 review, with the latter being chosen, is that right?
9 A. Yes.
10 379 Q. But it seems, nevertheless, that the team who you had 14:10
11 been critical of, had heard of your criticisms and had
12 raised a grievance about it?
13 A. Yes, they were at odds with our findings, they didn't
14 believe us, you know, that the account was flawed. And
15 I think it was Detective Sergeant King who made the 14:10
16 complaint. And Mr. White said he knew nothing about
17 it.
18 380 Q. Does it come to this then, that the HOLMES staff in the
19 North Region, their position at this time was that they
20 thought they were using HOLMES correctly and 14:10
21 effectively?
22 A. That's correct.
23 381 Q. And that's really what they were saying --
24 A. Yes.
25 382 Q. -- you were wrong to criticise them because they were 14:10
26 getting it right?
27 A. Yeah.
28 383 Q. The penultimate entry also on this page, entry 65
29 please. We'll need to look over, this is 16th August:

1 "Interview of Superintendent Baxter SDC Omagh, never
2 saw information nor briefed by SB [Special Branch]..."
3
4 we'll just see over the page and then I'll ask you
5 about this. 14:11
6
7 "...regarding same."
8
9 A. Yes.
10 384 Q. So, let's just understand this a little bit more. 14:11
11 We've heard of a Detective Superintendent Norman Baxter
12 in the context of Omagh he became the SIO in 2002, are
13 we here, in 2000, referring to a Superintendent William
14 Baxter?
15 A. Yeah, that's correct, he was a sub-divisional commander 14:11
16 of Omagh.
17 385 Q. So, he was the person who was in charge of the area --
18 A. Yes.
19 386 Q. -- which Omagh fell within?
20 A. That's correct. 14:11
21 387 Q. And he was in charge of that area on 4th August?
22 A. That's correct, yes.
23 388 Q. And you were here interviewing him, is that right?
24 A. I was directed by ACC White to interview him more or
25 less to ask him had he ever seen the information that 14:12
26 was sent or phoned into Omagh Station on 4th August.
27 389 Q. And what was his position, as we can see here, that
28 until you revealed that to him, that was information
29 that he was unaware of?

1 A. He was completely unaware of it, yes.

2 390 Q. So, you told us yesterday about, I think you suggested
3 that firstly that information wasn't on the HOLMES
4 account?

5 A. No, it wasn't. No. 14:12

6 391 Q. That it was discovered by your team in a hard copy
7 document as part of their review?

8 A. Yes.

9 392 Q. And am I recalling your evidence correctly, that you
10 also said that the SIO and Deputy SIO didn't seem to 14:12
11 you to be cited on that information?

12 A. That's correct, yes.

13 393 Q. We add to that list also the sub-divisional commander
14 of the area, including Omagh, on 4th August?

15 A. That's correct, yes. 14:13

16 394 Q. And then the final entry just to bookend this review,
17 is page 16, Decision 80. We can see the final copy of
18 your review was provided to ACC White on 23rd November
19 2000?

20 A. That's correct, yes. 14:13

21 395 Q. And the final entry, we can see following that your
22 team was stood down?

23 A. Yes, on 24th November.

24 396 Q. So, that was our review of how things evolved in your
25 review. We haven't gone into the detail of some of it. 14:14
26 I'm going to ask you just to turn up your witness
27 statement now, please, and if you don't mind going to
28 page 6, we're just going to deal with some of the
29 particular topics that you pick out in your witness

1 statement starting with paragraph 33 where you deal
2 with HOLMES.

3 A. Yes.

4 397 Q. Do you have that?

5 A. Yes. 14:14

6 398 Q. So, we touched on this yesterday, there were a number
7 of documents which were missing which had had the
8 reviewer markup on, is that right?

9 A. That's correct, yes.

10 399 Q. And we also see, and I'll read it out at paragraph 34: 14:14
11
12 "Detective Sergeant Grant also discovered it extremely
13 difficult to obtain information from the HOLMES
14 database due to a large amount of under-indexing."
15 14:14

16 A. That's correct, yes.

17 400 Q. And just help us with that technical term, does that
18 mean that a coding is applied to particular documents
19 that allows you to search?

20 A. Yes. 14:15

21 401 Q. And so, without that coding, does it make it very
22 difficult for investigators to find information that
23 might be connected to what they're looking at?

24 A. Yeah.

25 402 Q. And also, at a basic level, to know what they've got? 14:15
26 A. That's correct, yes.

27 403 Q. So, that's additional challenge that you found with
28 HOLMES. Now, at paragraph 35 you draw attention to the
29 particular physical circumstances that related to the

1 Omagh bombing investigation, namely that it was
2 conducted over a split site, is that correct?

3 A. That's correct, yes.

4 404 Q. I'll just read out again what you say at the end of
5 that paragraph. So, starting from about five lines up: 14:15
6
7 "In effect, HOLMES was managed from two different sites
8 encompassing five separate locations. The
9 accommodation was extremely cramped. An example of the
10 conditions was that seven computer terminals and five 14:16
11 desks were squeezed into two bedrooms."
12
13 And you give the size.

14
15 "The consensus view from the HOLMES operators was the 14:16
16 facilities provided to manage an inquiry of this scale
17 were far from satisfactory."
18

19 A. That's correct, yes.

20 405 Q. So, was it your conclusion, setting aside the question 14:16
21 of training and the senior officer's understanding,
22 that there was a physical challenge to the effective
23 use of HOLMES that was particular to the Omagh bombing
24 investigation?

25 A. Yes, the accommodations was very, very limited. 14:16

26 406 Q. I think we heard this morning from DCI McGuinness that
27 there was a travel time involved. I don't know if you
28 recall that, but he was telling us that the commute
29 time was such that a substantial period of paid

1 officers' time was spent travelling?

2 A. Yes, that was a problem not only at HOLMES, it was a
3 problem for some of the detectives that was stationed
4 in Belfast. And they had roughly about a two-hour
5 journey each way, so it was four hours. So, really 14:17
6 they were only working about four hours and if they
7 took a break they'd be working even less than four
8 hours, on the inquiry.

9 407 Q. So, we're going to come next to the topic of witness
10 statements which you start in your statement at the 14:17
11 bottom of page 7?

12 A. Yes.

13 408 Q. And what you say in the first sentence is:
14
15 "During the course of the review there were many issues 14:17
16 that came to light that required further
17 investigation."
18

19 You have that, paragraph 38?

20 A. Yes, that's correct. 14:17

21 409 Q. You told us yesterday that you had read all of the
22 statements, is that right?

23 A. That's correct, yes.

24 410 Q. And from your reading of all of those statements, did
25 you identify that there were a large number of gaps? 14:17

26 A. Yes, some of the statements were very good, they were
27 excellent but there's quite a lot of statements that
28 were very poor.

29 411 Q. And were they of a standard that you would expect in a

1 murder investigation?

2 A. No, they weren't.

3 412 Q. Were there also occasions on which you identified that
4 additional statements should have been taken but hadn't
5 been? 14:18

6 A. That's correct, yes.

7 413 Q. And you give some examples about this, we don't need to
8 go into the detail of it but if you just remind
9 yourself at paragraph 41, which is on page 8, I'm just
10 going to ask you about this in general terms. But, you 14:18
11 draw attention to an example to make the point that
12 sometimes a witness has given an account but no attempt
13 has been made to corroborate or follow up that account
14 with somebody who is described or mentioned in the
15 witness statement? 14:18

16 A. That's correct, yes.

17 414 Q. And would you regard that as a basic investigative step
18 that where a witness gives an account mentioning the
19 presence of someone else, that you would also take a
20 statement from that other person? 14:18

21 A. Oh, yes, yes, most definitely.

22 415 Q. You do acknowledge that the possibility exists that
23 some of the witness statements were underdeveloped, so
24 lacking in detail, because of the possibility of trauma
25 of those providing the statements? 14:19

26 A. That's correct, yes.

27 416 Q. So, that's an important consideration of any
28 investigation, is that right?

29 A. I considered that. If that was the case then it should

1 be left and the witness should not be interviewed until
2 sometime after he or she made a full recovery.

3 417 Q. And so, did you see any evidence of that practice from
4 your review?

5 A. No. 14:19

6 418 Q. And then, finally, I'm just looking here at
7 paragraph 44 on the subject of statements, you say
8 this:
9

10 "I identified an additional 548 statements that I felt 14:20
11 should have been indexed to the scene."
12

13 A. That's correct.

14 419 Q. And just help us to understand that, does that mean
15 that they're given a coding so that when somebody does 14:20
16 a search HOLMES for all witnesses who can talk about
17 the scene, that they will come up?

18 A. That's correct, yes.

19 420 Q. And if they are not indexed in that way, is there a
20 risk within the investigation that their evidence 14:20
21 becomes overlooked?

22 A. It could be missed, yes.

23 421 Q. Now, I'm just going to ask for your report itself to
24 come up on screen now. We're going to look at INQ
25 038248. We're on the subject of witnesses and witness 14:20
26 statements. And if we could to page 80 of the pdf,
27 please, Ms. Montgomery, which is the internal document
28 page 72. But in pdf form it's the 80th page. Can you
29 here, please, expand for us paragraph 2.109 and 2.110.

1 Here, we're just introducing a favour of what you said
2 in your report. I'll read it out to you, Mr. McVicker.

3
4 "The Director FCSU..."

5
6 Do you recall what that acronym stands for? Forensic
7 Crime Seen Unit?

8 A. It could be, I can't remember now.

9 422 Q. "...has expressed concerns at the standard of witness
10 statements that his staff have received from a number
11 of major investigations. It is essential that witness
12 statements contain full detail including, in
13 particular, negative detail before accurate analysis
14 can take place.

15
16 This is obviously a problem that is not particular to
17 the Omagh investigation or indeed to the RUC. This is
18 also an issue with mainland police forces and, as such,
19 should be identified as an urgent training need. It is
20 essential in all major investigations that the SIO sets
21 out, at initial conferences, the parameters for the
22 content required in witness statements. The standard
23 and contents of witness statements should be
24 continually monitored by a supervisory officer
25 throughout the duration of the investigation as per
26 MIRSAP guidelines."

27
28 I just want to ask you about a couple of points here.
29 So, your comment here is that the problem that has been

1 identified about witness statements containing
2 insufficient detail wasn't particular to the Omagh
3 investigation but was a wider RUC problem?
4 A. That's correct, yes.
5 423 Q. Was that a problem that you had seen in your work as a 14:22
6 supervisor of an investigation?
7 A. I had experienced it on quite a few occasions, yes.
8 424 Q. When you had experienced it before the Omagh attack had
9 you said or done anything about it?
10 A. Yes, either the witness is re interviewed and another 14:23
11 statement was taken.
12 425 Q. What about the wider systemic problem, did you raise,
13 at a senior level, that this was a recurring problem?
14 A. I've no doubt I did, but I just can't remember exactly.
15 But I've no doubt I did because it was continuing 14:23
16 issue.
17 426 Q. We can see also you refer to mainland police forces, so
18 presumably police forces in Great Britain?
19 A. That's correct, yes.
20 427 Q. And how did you know that that was an issue for police 14:23
21 forces in Great Britain?
22 A. Well, I had two members of His Majesty's Inspectorate
23 of Constabulary working on a part-time basis with me,
24 Detective Superintendent Gee and Detective
25 Superintendent Turnbull, and they informed me the same 14:23
26 problems existed in the UK.
27 428 Q. Thank you very much indeed, Ms. Montgomery, we can take
28 that down. We're going to move to your next category
29 that I'd like to ask you about which starts at the

1 bottom of page 9, it's under the heading
2 "intelligence." It's paragraph 51, the bottom of
3 page 9. Do you have that, Mr. McVicker?"
4 A. Yes.
5 429 Q. You begin this section in your statement by saying: 14:24
6
7 "Issues in relation to the intelligence received during
8 the course of the investigation were discovered."
9
10 A. That's correct, yes. 14:24
11 430 Q. At paragraph 52 you deal with a person named "Blair."
12 Firstly, before I read that out, can you confirm that
13 that is Patrick 'Mooch' Blair?
14 A. Yes, I believe it was, yes.
15 431 Q. So, what you say in your statement is: 14:24
16
17 "Intelligence dated 14th January 1999 outlined
18 information received naming Blair as one of the 'main
19 men behind the Omagh bombing'. "
20 14:24
21 A. Yes.
22 432 Q. The intelligence gave a detailed description of where
23 the device was made up in the Republic of Ireland.
24 There was no record of any action having been raised to
25 liaise with An Garda Síochána in relation to 14:25
26 investigating the described?
27 A. That's correct, yes.
28 433 Q. Now, did you get to the bottom of why it was that there
29 was no action seemingly raised about this event?

1 A. I spoke to the Task Force Commander, Mr. Anderson, and
2 he confirmed that he was made aware of the information.
3 Realising its potential, he travelled to the Republic
4 of Ireland and informed the Garda investigation team of
5 the information. 14:25

6 434 Q. And what did Detective Chief Superintendent Anderson
7 say was the reception when he raised that with --

8 A. Well, he said they would assess it and explore it and
9 in a matter of weeks the Garda made further enquiries
10 and stated that there was nothing to it. 14:25

11 435 Q. So, having said they would investigate it, a period of
12 time passed?

13 A. Yeah.

14 436 Q. And then they replied that they completed their
15 investigation and had found nothing to support the 14:26
16 intelligence?

17 A. That's correct, yes.

18 437 Q. We can see at the bottom of your page 53 that the
19 intelligence of 14th January 1999 naming Patrick
20 'Mooch' Blair as one of the main men wasn't the only 14:26
21 intelligence that was received. What you say at the
22 bottom of your paragraph 53 is:

23

24 "Two anonymous messages previously received on 20th
25 August 1998 at 1400 hrs and 1438 hrs respectively also 14:26
26 implicate Blair as being behind the bombing."
27

28 A. That's correct, yes.

29 438 Q. You go on, don't you, in your paragraph 54 to provide

some further information about Patrick 'Mooch' Blair, including that he was believed to be a leading member of the Real IRA, is that right?

A. That's correct, yes.

439 Q. Known to be a close associate of Michael McKevitt, the suspected leader of the Real IRA?

A. That's correct, yes.

440 Q. And that on 4th August 1998, and I think you should say
-- forgive me, let me re-read that. On 15th August, I
think there's a typo, you say this:

"Blair is believed to have contacted the bomb phone suspected of having been used in the Omagh bombing at 1419 hrs."

A. That's correct, yes.

441 Q. Now, that's the so-called 59-second call; are you aware
of it being referred to in those terms?

A. That's correct, yes.

442 Q. And so, on the face of it, we have multiple anonymous
or intelligence sources implicating him, we have a hard
fact that a phone contacted another phone, in
circumstances where both are thought to be involved;
one in his hand, one in the hand of one of those
directly involved in the attack, is that right?

A. That's correct, yes.

443 Q. But that the inquiry effectively dead-ended when AGS
said they had investigated and there was nothing in it?

A. That's correct, yes.

1 444 Q. And was it your view that that was all that could be
2 done to investigate that. In other words, that the RUC
3 and then PSNI were entirely in AGS's hands, or was
4 there more work that was possible for the Omagh bombing
5 investigation? 14:28

6 A. It's hard to remember from memory now, but I would say
7 that they were very much at the behest of the AGS.

8 445 Q. Just help us to understand this. Within an
9 investigation a person can take on the status of
10 suspect, can't they? 14:28

11 A. Sorry.

12 446 Q. Within a police investigation, a person can take on the
13 status of suspect?

14 A. Yes.

15 447 Q. In other words, that the officers are working to a 14:28
16 theory that that person is implicated in some way?

17 A. That's correct, yes.

18 448 Q. And they're investigating with that thought in their
19 minds?

20 A. Yeah. 14:29

21 449 Q. Now, the fact that AGS had said that there was nothing
22 in it, would that prevent, do you think, the
23 investigators based in Northern Ireland to conclude
24 that therefore, he shouldn't be treated as a suspect or
25 are they able to say well, nevertheless we hold 14:29
26 information that justifies us considering him to be a
27 suspect?

28 A. Yeah, well, following the information I think they
29 could have investigated further, but where they would

1 have got to would have been difficult without the
2 assistance of the AGS.

3 450 Q. But might it be the case that if more evidence was
4 uncovered that that would justify a further
5 conversation with AGS? 14:29

6 A. Oh, yes, yes.

7 451 Q. But at all events have I understood your evidence
8 correctly that the fact that AGS have said there's
9 nothing in this doesn't stop the RUC investigators
10 saying we're treating him as a suspect because we think 14:30
11 we have enough information to justify that status?

12 A. Yes, yes, that's correct.

13 452 Q. Again, if we could, Ms. Montgomery, just bring up the
14 same report, 038248 and go to pdf page 164, we're just
15 going to look at one other element under your heading 14:30
16 of intelligence and this relates to Liam Campbell.
17 Page 164. And if we can crop into 8.5 through to 8.7.
18 So, this falls under your heading of intelligence but
19 might be liaison as well. I'll just read it out:
20 14:30

21 "On 21st September 1998 a coordinated operation between
22 the RUC and An Garda Síochána resulted in 12 persons
23 being arrested (six by the RUC and six by AGS) followed
24 by further arrest on 22nd September 2000. The
25 operation was the result of E Department intelligence 14:31
26 contained in M1050..."

27

28 So, that's a reference to a HOLMES message, is that
29 right?

1 A. Yes, that's correct.

2 453 Q. "...regarding suspects in the South Armagh/County Louth
3 areas and AGS intelligence in relation to five suspects
4 involved in the theft of the bomb car."

5 A. That's correct, yes. 14:31

6 454 Q. It's this bit that I was going to ask you about:
7
8 "One of those mentioned in intelligence provided by E
9 Department, Campbell, was not arrested by AGS until 6th
10 May 2000, some 20 months later. It is unclear as to 14:31
11 why there was such a delay as Campbell is sourced as
12 'the officer commanding Real IRA, South Armagh.' In
13 the conference notes dated 11th August 1999, the AGS
14 agreed to his arrest."
15 14:32

16 So, did you in fact get to the bottom of why there was
17 such an apparently long delay between AGS agreeing to
18 arrest rest somebody and that arrest taking place?

19 A. I have no recollection of it, none whatsoever. I think
20 that was as far as it went, as far as I was concerned. 14:32

21 455 Q. We're going to come liaison in a moment but we'll just
22 perhaps just park that as potentially an example of
23 some of the liaison which took place.
24

25 We're going to deal briefly with linked incidents, so 14:32
26 I'm here turning back to your witness statement please,
27 Mr. Mcvicker, and we are dealing with the bottom of
28 page 10, paragraph 57.
29

1 You begin this section by drawing attention to the
2 eight incidents that we'd seen on that decision log?
3 A. That's correct, yes.
4 456 Q. And you say at paragraph 58 that:
5
6 "The Deputy SIO Detective Superintendent McArthur
7 recognised early in the inquiry that linked incidents
8 could be extremely beneficial in obtaining evidence
9 that could sustain criminal charges against the
10 perpetrators of the Omagh bomb attack."
11
12 A. That's correct, yes.
13 457 Q. But you go on to say that the particular officers who
14 were assigned to that task were not in a full-time role
15 on that task, is that right?
16 A. No, they weren't, they were part -- also part of the
17 priority action team.
18 458 Q. And does it come to this, Mr. McVicker, just
19 summarising what you say in your statement, that your
20 view is that there were too few officers allocated to
21 that important area of investigation?
22 A. That's correct, yes.
23 459 Q. Because it was a very substantial task, is that fair?
24 A. Yes, yes.
25 460 Q. Was it also a very important task?
26 A. I felt it was an extremely important task, yes.
27 461 Q. Now, at paragraph 61 you comment on the fact that the
28 research that was done was not placed on HOLMES?
29 A. No, it wasn't, it was contained in folders as a hard

14:32
14:33
14:33
14:33

1 copy.

2 462 Q. Were you given an explanation as to why HOLMES wouldn't
3 have been used for that part of the investigation?

4 A. If I was, I can't remember.

5 463 Q. Sitting there now, do you believe that it was 14:34
6 appropriate for that part of the investigation not to
7 be on HOLMES?

8 A. Well, I think it should have been HOLMES, yes.

9 464 Q. You think it should have been on HOLMES. At
10 paragraph 63 you comment on the fact that there was no 14:34
11 record of any detailed analysis having been requested
12 from trained analysts?

13 A. That's correct, yes.

14 465 Q. So, we had some part-time officers with an enormous
15 task to do that you regard as important, did you think 14:34
16 it was a task that analysts would have been able to
17 provide meaningful help with?

18 A. Very much so, yes.

19 466 Q. In fact was it the sort of work, drawing connections
20 between different investigations, creating charts with 14:35
21 links that is best suited to analysts?

22 A. It was ideal analysts work, yes.

23 467 Q. Did you ever receive an explanation or gain an
24 understanding about why analysts weren't given to that
25 part of the investigation? 14:35

26 A. I don't think I was, if I had been given an explanation
27 I can't remember now.

28 468 Q. So, we're going to look at greater detail at the linked
29 incidents in Chapter 4, so I'm not going to go any

1 further with that particular topic now, but can I ask
2 you to just move forward in your witness statement to
3 page 12 where you deal with An Garda Síochána?

4 A. Yeah.

5 469 Q. We touched on this already. So, you told us yesterday 14:35
6 that there was a concern by the SIO and Deputy SIO
7 about the liaison relationship?

8 A. That's correct.

9 470 Q. And that led to a term of reference being added to your
10 review? 14:36

11 A. Yes.

12 471 Q. At 66 you say this:

13

14 "The Garda ignored many of the RUC requests for pen
15 pictures of suspects and failed to inform the 14:36
16 investigating time when they were carrying out arrests
17 in the Republic of Ireland in relation to the bomb
18 attack."

19

20 A. That's correct. 14:36

21 472 Q. You go on at 67 to say:

22

23 "It was difficult to determine from the HOLMES
24 database, conference notes and policy files the number
25 of meetings which actually took place with AGS." 14:36
26

27 Is that right?

28 A. That's correct, yes.

29 473 Q. And you go on to say:

1 "From information contained in HOLMES database in hard
2 copy documents there were references to approximately
3 16 meetings involving AGS and RUC."
4

5 A. That's correct, yes.

14:36

6 474 Q. But is your understanding that that may not be the
7 total number of meetings, that's just those that there
8 were records for that ended up on HOLMES?

9 A. I think probably there was a lot more meetings but
10 there was no records made of them.

14:37

11 475 Q. In your view as a reviewer, was it appropriate that no
12 records were made of these meetings?

13 A. No, it would have been extremely helpful if there had
14 been records of them, and documents relating to what
15 was actually discussed and what action was to be taken.

14:37

16 476 Q. Did you receive an explanation for why there didn't
17 appear to be a clear audit trail of the meetings with
18 AGS?

19 A. No, if it's not in my main report I never had received
20 anything.

14:37

21 477 Q. Now, what you say at 68 is:

22
23 "In his dealings with the Garda the Task Force
24 Commander..."

25
26 So that's deputy Chief Superintendent Anderson.
27

14:37

28 "...adopted a strategy of tact and diplomacy towards
29 the Garda investigation team which he believed proved

1 beneficial. He formed a close relationship with the
2 chief officer in the Garda team, but there were
3 occasions when he was unable to obtain information and
4 intelligence, et cetera, which would have benefitted
5 the Omagh Inquiry."

14:37

6
7 A. That's correct, yes.

8 478 Q. And, did you form any view about the success, or
9 otherwise, of the strategy that was adopted by
10 Detective Chief Superintendent Anderson?

14:38

11 A. I think in the main it was probably the best attitude
12 to take in the circumstances because the SIO and the
13 Deputy SIO, they were more proactive in trying to get
14 details and documents from the Garda and they met more
15 objections as they tried to enforce, more particularly
16 in relation to the pen pictures and the like of that
17 there, and the Garda just wouldn't give them. So, at
18 the end of the day, the relationship between the SIO
19 and the Deputy SIO was quite tense with the Garda.

14:38

20 479 Q. Now, obviously information can be a two-way street.
21 The principal investigation was taking place where the
22 atrocities took place in Northern Ireland but there was
23 an investigation by AGS; did you see examples of RUC
24 sharing their information with AGS?

14:38

25 A. I've no doubt there was but I can't recall at the
26 moment. It may be in my main report.

14:39

27 480 Q. Were you aware of any complaints by AGS --

28 A. No.

29 481 Q. -- that there was inadequate sharing to them?

1 A. No.

2 482 Q. Did you form a view about whether or not there should
3 have been some sort of formal Memorandum of
4 understanding or agreement that was settled for the
5 purpose of this investigation? 14:39

6 A. Well, I think one of my recommendations was that there
7 should have been a form of protocol between the two
8 organisations, you know, because basically the Garda
9 carried out their own investigation independent of the
10 RUC investigation. 14:39

11 483 Q. Let's just see what your report says at page 261, so
12 that's the same document please, Ms. Montgomery. We're
13 here zooming in on 16.11 and 16.12. In fact, we might
14 need the preceding paragraph otherwise the sentence
15 won't be clear. Thank you very much. So, this is in 14:40
16 your conclusion section:

17

18 "There is substantial evidence to support the theory
19 that the Omagh bombing atrocity was planned and
20 executed from the Republic of Ireland in which the 14:40
21 majority of identified suspects reside. This meant
22 that An Garda Síochána needed to play a pivotal role in
23 the investigation if a realistic prospect of success
24 was to be maintained. With the incident having
25 occurred in Northern Ireland, the RUC naturally assumed 14:40
26 primacy in the investigation. As such, the Task Force
27 Commander and SIO should have had the capacity to
28 influence the course and direction of the AGS
29 investigation, to access relevant intelligence, suspect

1 details, timing of arrests and consultation during and
2 after arrest. However, it is apparent that the TFC and
3 SIO were, in large extent, excluded from the AGS
4 investigation. This is borne out by the fact that only
5 2.8% of all documentation contained in the Omagh
6 database relates to AGS enquiries.

14:41

7
8 In general terms, the AGS carried out their own
9 investigation independent of the RUC Inquiry. This is
10 despite the fact that some 70 individuals have been
11 arrested by the An Garda Síochána in connection with
12 the Omagh incident. The reviewing officer is of the
13 opinion that the potential for success would have been
14 advanced if an open and joint inquiry had been pursued.
15 The introduction of joint force protocols to facilitate
16 such activity in the future is, therefore, essential."

14:41

14:41

17
18 Is that your view?

19 A. That's correct, yes.

20 484 Q. Now, I would just like to ask you about something that
21 may have been said and may be in the public domain.
22 What would your reaction, Mr. McVicker, be to anybody
23 who asserted that the relationship between AGS and RUC
24 was an excellent one during the relationship and that
25 it worked very well?

14:41

14:42

26 A. Well, I can only say that Detective Chief
27 Superintendent seemed to have a good relationship with
28 them, the SIO and the Deputy SIO didn't have a good
29 relationship with them. I think overall the

1 relationship wasn't what it should have been.

2 485 Q. Thank you. We're moving on to the topping of staffing
3 and resources which appears at the bottom of page 12.
4 And here I'd just like to capture, if I can, about
5 whether you think that the Omagh bombing investigation 14:42
6 was, generally speaking, appropriately staffed and
7 resourced?

8 A. No, I don't think it was, no.

9 486 Q. If we take it in stages. Do you think the initial
10 response with the allocation of officers was adequate? 14:42

11 A. Yes, there was, I think, in the region of 40
12 detectives, so that was fairly good.

13 487 Q. When did it cease to be adequate, in your view?

14 A. There was a reduction, I think it was probably a couple
15 of months later, maybe only seven weeks, again I'll 14:43
16 find it in my mind report, I thought that was quite
17 abrupt really, you know, for the murder of 29 people
18 and so many people injured.

19 488 Q. Were you given a reason for why that reduction and any
20 other reductions took place? 14:43

21 A. Well, the SIO he said that as it settled into
22 definitive lines of enquiry, you know, he felt it was
23 sufficient, you know.

24 489 Q. Were you aware of any external influences to the
25 investigation from within the RUC that was asking for 14:44
26 resources to be freed up or that there was any wider
27 pressure on resources that led to reductions?

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

29 490 Q. So, your understanding is it was a decision of the SIO

1 that that number of officers was no longer required?

2 A. Yes.

3 491 Q. And I think what you say in your report and I can just
4 quote it to you, given that you suggest that
5 substantial further resources are required, does it
6 follow that you think the reductions were premature?

14:44

7 A. I think initially they were, yes. One could accept
8 reductions maybe in a year's time or so, as the inquiry
9 got older, but not in the initial months.

10 492 Q. Now, the final topic before I come to the conclusions
11 of your report about your report, is just cell site and
12 I just want to tell you a little bit about the evidence
13 the Inquiry has heard already to just set the context
14 for this.

14:44

15 14:45

16 we have received evidence that one analyst by the name
17 of Lisa Purnell was allocated, at an early, stage to
18 review phone data; does that accord with your
19 understanding?

20 A. I have no recollection, I can't remember, but I'm sure 14:45
21 it's true.

22 493 Q. We heard from a PSNI officer that she had a 500 million
23 calls to review. We also understand that that was not
24 a task that she'd any training or experience in doing.
25 She came from the Financial Crimes Services Unit, which
26 is what in fact FCSU stands for.

14:45

27
28 we also know that an independent expert, Praesidium,
29 were instructed in August 1998 and they commented on

1 particular calls in a report of June 1999. So, all of
2 that is well established.

3
4 So, in those circumstances, I wonder if we can just
5 bring up what your review says, so same INQ please, 14:46
6 page 219. And here we're looking at paragraphs 10.2 to
7 10.4. Again, I'll just read it out if I may:

8
9 "At the time of the Omagh bomb, the RUC had no pool of
10 trained analytical staff to support major crime 14:46
11 investigations. No policy in respect of analytical
12 support for major investigations was in place.
13 Analytical work on the HOLMES database appears to have
14 been carried out by police officers. A civilian
15 analyst from analysis centre carried out analytical 14:46
16 work on the telephone material."

17
18 So, that's who we understand to be Lisa Purnell.

19
20 "The Deputy SIO, in particular, was keen to explore new 14:46
21 analytical tools and techniques to support the Inquiry.
22 He was personally involved in the facilitating the work
23 of the analyst and made good use of the limited
24 resources at his disposal.

25 14:47
26 Given the scale and complexity of the investigation, it
27 is clear that the Inquiry team would have benefitted
28 from the services of at least two dedicated analysts,
29 one could have been employed to examine and manage the

1 telephone records and the other providing a service to
2 the SIO and Task Force Commander in analysing
3 statements, messages and actions from the HOLMES
4 database."

14:47

6 So, you say at least two analysts, of course, you'd
7 already identified that the linked incidents really
8 needed an analyst or more than one, and you're talking
9 in terms of at least two. Did you form a view about
10 whether or not the single civilian analyst for
11 telephone work was sufficient?

14:47

12 A. No, I don't think it was, no.

13 494 Q. So, let's go to page 221 and paragraph 10.13 please.
14 Again, I'll read it, if I may:

14:48

16 "The telephone material reviewed is voluminous. It
17 includes many handwritten notes, including in some
18 cases the recording of core data such as the results of
19 subscriber enquiries. The maintenance of extensive
20 handwritten material is assumed to be the result of
21 inadequate IT skills or resources to support the
22 investigation. Detailed analytical work is difficult,
23 slow and invariably incomplete when based on such
24 material. The telecoms companies were (rightly)
25 critical of the analytical tools available to the
26 support the Omagh investigation. IT software to manage
27 large quantities of data and present the information
28 quickly in a usable format is constantly improving. It
29 is clear that the Omagh investigation was hampered in

14:48

14:48

1 this regard from the outset."
2
3 A. That's correct, yes.
4 495 Q. It perhaps rather speaks for itself but was your view
5 that better technology should have been used from the 14:49
6 start?
7 A. Yes, yes. Recommendation 236 stated that, you know.
8 496 Q. Page 222 please, paragraph 10.15. All the way to the
9 bottom please of that. Thank you very much. You say:
10
11 "14:49
12 There is an undated report recommended cell site
13 analysis to facilitate the Inquiry. This is a
14 technique for identifying the location and use of
15 mobile telephones. It appears to have taken a number
16 of weeks before this advice was acted upon." 14:49
17 You make a recommendation then you say this:
18
19 "The reviewing officer acknowledges the excellent work
20 carried out by the Deputy SIO and his team in this 14:49
21 aspect of the investigation. The investigation of
22 telephone toll records is a specialist task. The team
23 has developed considerable experience in this regard,
24 particularly in respect of cross-border telephone
25 traffic. Clearly, this is an example of good practice 14:49
26 and should be disseminated to the force."
27
28 A. That's correct, yes.
29 497 Q. An acknowledgment of the fact that by the time you came

1 to look at it, the work, you took the view, was of a
2 good standard?

3 A. It was very good, yes.

4 498 Q. So, very good standard. But do your concerns still
5 stand that at the outset there was an inadequate use of 14:50
6 technology and it was underresourced?

7 A. Oh, it can have done about more analysts, yes.

8 499 Q. Now, one thing you don't comment upon in your report in
9 terms of cell site is whether or not the RUC could or
10 should have sought support from other police forces in 14:50
11 relation to cell site because, as we've just looked at,
12 this appears to have been a new technique, certainly as
13 far as the Deputy SIO was concerned, and your
14 experience was that going to the Met, to learn a new
15 technique, namely the review was of enormous benefit to 14:50
16 you. So, I just want to ask you whether you think that
17 was something that should have been considered by the
18 RUC in terms of seeking support from other police
19 forces who were already using this technique?

20 A. Well, there's nothing on the account and I can't 14:51
21 remember anything that they did do that, they may have
22 done it, I don't know, I can't remember.

23 500 Q. Would you have said that it would have been something
24 they should have done?

25 A. It would have been to an advantage, yes. 14:51

26 501 Q. So, I'm going to come now to your conclusions, if I
27 may, before dealing with the final topic.
28
29 So, the conclusions are in your statement at

1 paragraph 82 to 88. This is the conclusions. You
2 begin by saying that the main weaknesses that the
3 review identified were the HOLMES database and the
4 linked incidents; is that your view?

5 A. That's correct.

14:51

6 502 Q. Those were the most substantial deficiencies?

7 A. Yeah.

8 503 Q. You describe the HOLMES database as being fundamentally
9 flawed?

10 A. That's correct, yes.

14:52

11 504 Q. Obviously, that is a very significant suggestion to
12 make but do you think that correctly captures your view
13 of it?

14 A. Yes. The amount of under-indexing was the main thing
15 and that's what caused a lot of the problems within the
16 HOLMES database.

14:52

17 505 Q. In terms of linked incidents, you say:

18

19 "It is unfortunate that the importance of a linked
20 incident investigation was not recognised at an early
21 stage of the investigation. Detective Superintendent
22 McArthur set up a small team to look at the incidents
23 in October 1998, however, he did not have the resources
24 to carry out a comprehensive investigation into over 20
25 linked incidents."

14:52

14:52

26

27 And then you say this:

28

29 "One could argue that the setting up of a linked

1 incident investigation could even have occurred before
2 the Omagh bomb attack."
3
4 A. Yes, from my memory, the scientist, Mr. McAuley,
5 identified, very early on, that there were similar TPUS 14:53
6 in a number of the incidents and there was probably
7 other forensic issues as well. So, I'm sure there was
8 intelligence as well, although it wasn't on the HOLMES
9 database, I'm talking about intelligence in some of the
10 linked incidents, which most of them had occurred in 14:53
11 the South Region. And I believed that there could have
12 been, technically they could have looked at that at the
13 time but I don't think they did.
14 506 Q. At your paragraph 86, you say:
15
16 "In brief, it is my opinion the reasons for the 14:53
17 weaknesses discovered in the Omagh investigation during
18 the review processes were:
19 Lack of experienced resources;
20 Lack of suitable accommodation for such a major 14:53
21 investigation;
22 Untrained staff working on the HOLMES database;
23 Lack of awareness by senior command of the defects in
24 the HOLMES database;
25 Lack of shared information activity with AGS." 14:53
26
27 A. That's correct.
28 507 Q. And does that capture it in a nutshell?
29 A. That captures the whole lot.

1 508 Q. I should just round it off by indicating, at paragraph
2 88, that your methodology was the subject of an HMIC
3 review who commended the highly professional and
4 competent manner in which your review was conducted?
5 A. That's correct, yes. 14:54
6 509 Q. That's all I want to ask you about your review,
7 Mr. McVicker. Can I just deal, for a few moments, and
8 I won't keep you long with this, with an unsigned
9 statement that you were asked to consider and comment
10 upon. What I'd like to do is just bring up that unsigned 14:54
11 statement on the screen. Can I say immediately that,
12 firstly, there are two versions of this as I know you
13 know and you deal with your witness statement. And,
14 secondly, neither is of a good print quality so we'll
15 just have to do our best. INQ 000414, please. I can 14:54
16 see on this statement it is even worse than it is on
17 mine and that is not a document that we're going to be
18 able to make satisfactory progress with, so I wonder if
19 we can just take that down. Let's just see if the
20 other version comes up with. INQ 001574. [Short 14:55
21 pause]. And that is equally inadequate. Well,
22 Mr. McVicker, I'm not going to ask you to try and
23 decipher that, we'll not make any progress with it.
24 I'll perhaps take you through your witness statement
25 instead? 14:55
26 A. Yes, I am aware of it.
27 510 Q. I know that you've reviewed both versions. This is a
28 witness statement, apparently attributed to you, so
29 it's got your name on it, but it's not one that has

1 been signed, is that correct?

2 A. That's correct, yes.

3 511 Q. The statement itself is dated 11th October 2001?

4 A. That's correct, yes.

5 512 Q. which was during the period of the Ombudsman's
6 investigation?

7 A. Yeah, I think it had just started then.

8 513 Q. And you were interviewed by the Ombudsman on the same
9 day as the statement, or rather by one of the Ombudsman
10 staff?

11 A. I recall, I think, there was two of them, I recall two
12 members of staff interviewed me about the 4th August
13 information.

14 514 Q. And you recall notes but there was no statement drafted
15 in your presence?

16 A. I do not recall a statement being drafted, no.

17 515 Q. Now, you've had a chance to consider the language of
18 this statement?

19 A. That's correct.

20 516 Q. Are there certain phrases in there that you don't
21 recognise as being ones that you would normally use?

22 A. well, there's a phrase "crime adviser North Region,"
23 that was a new title that was put to the role of
24 regional heads of CID, and it was something that I had
25 never hardly used, I don't think I ever used it
26 although I was addressed under that title by ACC North,
27 but never did I use that in a statement.

28 517 Q. And I think you identify that there is another phrase,
29 "resident informants," which is not a phrase that you

1 would use or in fact even understand?

2 A. I am not familiar with that at all.

3 518 Q. And were there also a date inaccuracy that you
4 identified where it was suggested that your review
5 started in October '99 whereas, as we've established, 14:57
6 it was March 2000 that your review began?

7 A. Yes.

8 519 Q. And that, presumably, was not a date that you would
9 misremember?

10 A. No. 14:57

11 520 Q. And did you also identify certain facts which didn't
12 accord with your understanding, here looking at item L
13 in your list, you weren't on the HOLMES account you
14 tell us?

15 A. No, I wasn't on the HOLMES account. 14:58

16 521 Q. And you weren't aware of the investigation being run
17 down in October 1999?

18 A. No, I wasn't.

19 522 Q. And so, having reviewed that unsigned statement with
20 your name at the top of it, have you reached the 14:58
21 conclusion that it may contain information which you
22 didn't provide?

23 A. Yes, I think some of it could have been taken, quite a
24 bit of it could be taken from my Review Report.

25 523 Q. But is it also right that some of the information you 14:58
26 do recognise?

27 A. Yes.

28 524 Q. Such as there is a discussion about your meeting with
29 Superintendent William Baxter?

1 A. Yes, and the officer who received a phone call as well.
2 525 Q. well, we won't go into that person's name.
3 A. No.
4 526 Q. But you, as part of your review, investigated that to
5 get to a better understanding and the statement, would 14:59
6 you agree, correctly records what you would say about
7 that?
8 A. Yes, it does, yes.
9 527 Q. Now, the one part that I would like to ask you about,
10 there is a suggestion that the security logs for the 14:59
11 HOLMES account, which would provide an audit of who
12 accessed what and so on, it's suggested in the
13 statement that that log was missing, do you know
14 anything about that?
15 A. I have no idea what that's about at all. 14:59
16 528 Q. So, wherever that came from, by whoever put it in
17 there, you are not the source of that?
18 A. No.
19 529 Q. And you would not say that you have any knowledge about
20 whether that is right or wrong? 14:59
21 A. I have no recollection of it at all.
22 MR. DE LE POER: Thank you very much indeed,
23 Mr. McVicker. There are some permissions for Rule 9, I
24 can see from Mr. Toal he's indicated that I have
25 covered everything that he wanted to ask about. 15:00
26 Mr. Foster I think has some questions.
27
28
29

1 535 Q. HOLMES 1, yes?
2 A. Yes, well, they didn't believe that what they were
3 doing was wrong.
4 536 Q. And when you highlighted this to them how did they
5 react? 15:01
6 A. Not a great reaction, you know, they didn't overreact
7 but, you know, they tried to justify what they were
8 doing.
9 537 Q. And did they see where the errors were?
10 A. They tried to justify that there was very few errors, 15:02
11 you know. They accepted there was some indexing
12 errors, but nothing other than that.
13 538 Q. Okay. Now, DCI McGuinness gave evidence this morning
14 and I'd asked him and maybe you were in the room?
15 A. No, I wasn't. 15:02
16 539 Q. Well, I'd asked him, one thing in his statement was
17 that there was a failure to understand, a general
18 understanding at that time, some of the SIOs were very
19 experienced detectives but there wasn't a general
20 understanding around IT or the capabilities around 15:02
21 that?
22 A. Sorry?
23 540 Q. There wasn't a good understanding around IT and the
24 capabilities of IT, this is what he found, he had
25 interviewed and he had talked to three retired officers 15:02
26 who had dealt with HOLMES. And the feeling was that
27 there wasn't a good feeling or understanding around IT
28 and how it could be used?
29 A. At chief officer level?

1 541 Q. Yes. There was a HOLMES Liaison Officer?

2 A. Yes.

3 542 Q. And the general feeling was that the SIOs were
4 experienced detectives but in relation to IT literacy
5 or IT understanding, that didn't seem to be -- it 15:03
6 didn't seem to be there?

7 A. I wouldn't necessarily accept that, you know. The SIO
8 and the Deputy SIO and quite a few of the detectives
9 would have done the HOLMES basic training, so they
10 would have. They should have known what HOLMES was 15:03
11 about and how to utilise it.

12 543 Q. Okay. In relation, I just want to pick up one other
13 point in relation to the AGS. You said yesterday that
14 there was a tension in the liaison and today again you
15 said it was quite tense? 15:03

16 A. Yes.

17 544 Q. Can you expand on that in any way?

18 A. Well, it was basically the SIO and the Deputy SIO
19 complained that they weren't really co-operating with
20 them and they weren't giving them what they had 15:04
21 requested. The Garda had refused to give them it, so
22 that did create tension and that's as far as I can put
23 it.

24 545 Q. Okay. And just one other point. You referred to
25 Sub-Divisional Commander Baxter being made aware of the 15:04
26 4th August phone call?

27 A. Yes.

28 546 Q. Now, obviously, you were sitting opposite him; how did
29 he react to that, if you recall?

1 A. I think he was shocked, I think he was shocked. As was
2 the officer that received the call as well, you know.
3 I interviewed both of them and both of them were
4 shocked about it, you know.

5 547 Q. Just if I can take you back to the HOLMES in terms of, 15:04
6 I think if I have understood you correctly, that SIOs
7 at a level would have had basic training in HOLMES and
8 in IT and the understanding of its capabilities. The
9 question I put to DCI McGuinness this morning was if it
10 wasn't used by people would it have been an approach 15:05
11 where people would have said, 'well I did it this way,
12 and I've done it that way for 10 or 20 years and I'm
13 not using anything new'?

14 A. Sorry, could you repeat that, I can't hear you.

15 548 Q. Sorry. I'm saying in relation to the HOLMES, I asked 15:05
16 DCI McGuinness this morning whether or not there was an
17 attitude or an opinion that I had previously done it
18 this way and not used the HOLMES, or would the HOLMES
19 have been embraced or embedded by all SIOs?

20 A. The HOLMES systems was embraced by all SIOs and by 15:06
21 detectives. It was regarded as a very good system.

22 549 Q. Just on that, why do you think this investigation there
23 was so many failings?

24 A. I would put it down to the failure to index.

25 550 Q. Solely indexing? 15:06

26 A. To me that was the core problem.

27 MR. FOSTER: Nothing further Chair.

28 MR. DE LA POER: I just turn now to the team, John
29 McBurney team, to see if there is any -- no, thank you

1 very much indeed Mr. Kane. And Mr. Mansfield.

2
3 MR. BRIAN McVICKER QUESTIONED BY MR. MANSFIELD AS
4 FOLLOWS:

5
6 551 Q. MR. MANSFIELD: Good afternoon, I represent one of the
7 families, Lawrence Rush. I only have one issue that I
8 want to ask you about and that is to do with
9 intelligence.

10
11 Now the Terms of Reference, as you have spelt out in
12 the report, indicates that part of that was
13 intelligence development. When you were doing your
14 report were you aware generally, this is the question,
15 that Special Branch could enlist the services of GCHQ?

16 A. Sorry, did you say, did enlist or could?

17 552 Q. Did enlist. In other words --

18 A. I wasn't aware of anything like that.

19 553 Q. You were not aware?

20 A. No.

21 554 Q. What about other senior management, senior officers in
22 CID, were any of them aware, as far as you knew, about
23 that facility that Special Branch had with GCHQ?

24 A. There may be some had it but I don't know, I can't
25 answer that question.

26 555 Q. Were you aware of intelligence resources situated in
27 RUC Headquarters?

28 A. No. I only reviewed what was in the HOLMES database
29 and if it wasn't in HOLMES database, it wasn't

1 reviewed.

2 556 Q. Yes. But this is the ultimate question, and it comes
3 out of a conversation -- do you remember Mr. Ware, he
4 came yesterday to give evidence, do you remember
5 speaking to him? 15:08

6 A. No. Sorry, I spoke to him, I think it was long after I
7 retired, but I have no memory of it.

8 557 Q. I am just going to put it to you, his memory is and
9 this is much later than your review, years after, we
10 have the date from him in his statement. And it was 15:08
11 the 1st of May 2008 but I am not expecting you to
12 remember the date. But he says he did speak to you and
13 he told you that effectively intercepts had occurred
14 and there had been monitoring of the telephones, the
15 mobiles involved in this bombing. And you didn't know 15:09
16 that?

17 A. No, I didn't, no. It wasn't in the HOLMES database so.

18 558 Q. It wasn't going to?

19 A. In the HOLMES database.

20 559 Q. Well I appreciate you may not have known then but you 15:09
21 were being asked to review intelligence opportunities,
22 so one of those opportunities might come out of
23 intelligence that had been obtained before the bombing,
24 might it not?

25 A. Well, I don't know whether it was disseminated to the 15:10
26 SIO or Deputy SIO but if it had been disseminated down
27 to them then probably they would have discussed it with
28 me but they never discussed anything like that with me.

29 560 Q. Because, of course, a product of monitoring by GCHQ via

1 Special Branch could end up on HOLMES, couldn't it?

2 A. I don't think so, no.

3 561 Q. Right.

4 A. I think there was a category where you could put
5 sensitive information in but not serious information, 15:10
6 no.

7 562 Q. If you had asked would you have been able to access to
8 sensitive information?

9 A. I can't answer that, I don't know, I didn't ask, so I
10 don't know. 15:10

11 MR. MANSFIELD: You didn't ask, all right. Yes, thank
12 you very much.

13 MR. DE LA POER: Thank you Mr. Mansfield. Yes
14 Mr. Henry, can I just check before he gets to his feet
15 that we are all right with our shorthand writer. Yes, 15:11
16 we are. Thank you Mr. Henry.

17

18 MR. BRIAN McVICKER QUESTIONED BY MR. HENRY AS FOLLOWS:

19

20 563 Q. MR. HENRY: Mr. McVicker I am going to ask you 15:11
21 questions on behalf of the PSNI can you hear me okay?

22 A. Just about.

23 564 Q. Bear with me one second I will pull this a little bit
24 closer. Is that any better?

25 A. Yeah. 15:11

26 565 Q. Okay. Now, you've helpfully given a lot of evidence
27 yesterday and today about the review that you undertook
28 in relation to the Omagh criminal investigation and the
29 report that you compiled and shared with the police in

1 relation to that investigation. Now, you would agree
2 with me the issue that, the principal issue that you
3 were considering whenever you were looking at the Omagh
4 investigation was to look for things that could produce
5 a better chance of identifying the offenders and 15:12
6 bringing the offenders to justice?

7 A. That's correct, yes.

8 566 Q. whatever language one uses that was the core purpose of
9 the exercise you were performing?

10 A. Yes. 15:12

11 567 Q. Now again, you are not to interpret this as being
12 critical of you in any shape or form but you weren't
13 looking at the issue of whether or not the Omagh bomb
14 could be prevented, you were looking at the
15 investigation that was undertaken and trying to bring 15:12
16 the offenders to justice after the event had happened?

17 A. That's correct.

18 568 Q. Your review, you've helpfully explained already that it
19 was the first that the then RUC had ever undertaken and
20 you've produced a comprehensive report. I am going to 15:12
21 take you through some of the headlines of that report
22 if I may and I am going to ask you about the potential
23 back-application or retrospective application of those
24 observations to previous investigations, so
25 investigations into bombing incidents which took place 15:13
26 before the Omagh bombing. Does that make sense?

27 A. Yes.

28 569 Q. So, start with some of the easier ones. One of the
29 things that you commented upon in your review was the

1 role of the Task Force Commander?

2 A. That's correct.

3 570 Q. It was your understanding that that role of Task Force
4 Commander occupied by Detective Chief Superintendent
5 Eric Anderson at the time, that was unique to the Omagh 15:13
6 investigation?

7 A. It was, it's the first time it had ever been used.

8 571 Q. So in terms of its application to assessing previous or
9 pre-Omagh bombing incidents we can disregard that role,
10 it didn't feature anywhere else. would you accept 15:13
11 that?

12 A. Yes, I accept that, yes.

13 572 Q. Now, in relation to the accommodation issue, now by
14 that I mean the divide between the Strabane office and
15 the Omagh office for the HOLMES and investigation 15:14
16 teams. In your experience, I know you didn't study all
17 of the previous incidents that the Inquiry is
18 interested in, in detail, but in your general
19 experience as police officer prior to 15th August 1998,
20 were you aware of two different locations being used 15:14
21 for a major investigation room like the Strabane and
22 Omagh set-up for the Omagh investigation?

23 A. Well there could have been but I have no recollection
24 of any.

25 573 Q. Okay. In your view would it be fair to suggest then it 15:14
26 was rather unusual?

27 A. Oh, it was, I'd say it was, yes.

28 574 Q. And it initially grew out of the circumstances of what
29 happened in Omagh that day, the breakdown in

1 communications to the town but also the need for a
2 larger space because of the size of the investigation?
3 A. Sorry, I didn't hear you there.
4 575 Q. You are quite all right, it was too long a question as
5 well Mr. McVicker, that was my fault. The need for a 15:15
6 split location for the Omagh investigation team arose
7 from one initial factor which was a breakdown in the
8 communications in the Omagh Town, so the telephone
9 lines and so forth were damaged?
10 A. That's correct, yes. 15:15
11 576 Q. Also in the longer term there was need for significant
12 amount of space for the investigation team and HOLMES
13 team to --
14 A. That's correct, there wasn't an amount of space in
15 Omagh that would facilitate the entire unit. 15:15
16 577 Q. And if we are thinking about the application of that
17 back to previous investigations, in your experience was
18 the Omagh investigation team larger than a typical
19 Major Investigation Team dealing with an incident prior
20 to the 15th August 1998? 15:15
21 A. It was very much larger than anything I had ever
22 experienced.
23 578 Q. Okay. Now, I am going to suggest to you just drawing a
24 line under those, if I may Mr. McVicker, that those, to
25 be frank, calling them criticisms of the Omagh 15:16
26 investigation, they wouldn't, those that we have talked
27 about so far wouldn't have much in the way of
28 application to previous investigations?
29 A. Sorry, I can't hear you.

1 579 Q. You are quite all right. Those criticisms that we have
2 talked about so far this afternoon, you and I?
3 A. Yes.

4 580 Q. In your view do you think they would have much
5 application to previous investigations prior to the 15:16
6 Omagh bombing?
7 A. Well, I never reviewed any other investigations so I
8 can't answer that question.

9 581 Q. Okay. I am going to move on to encapsulate all of the
10 observations you have made in relation to the use of 15:16
11 the HOLMES system during the Omagh investigation as the
12 'HOLMES criticisms.' You made a number of individual
13 criticisms but I think if we just capture them
14 altogether using that title. I am going to suggest to
15 you there is some potential for those criticisms to 15:17
16 have an application to previous investigations but only
17 if those previous investigations used the HOLMES
18 system?
19 A. That's correct, yes.

20 582 Q. So if they used the manual system or some other 15:17
21 investigative system that wasn't HOLMES 1 those HOLMES
22 problems wouldn't have arisen?
23 A. Sorry?

24 583 Q. If they used a manual or paper investigation systems
25 those criticism that you have identified in relation to 15:17
26 the use of HOLMES 1 system would not have applied to
27 those paper investigations?
28 A. Again, I can't answer that but probably not.

29 584 Q. Now, in relation to the issue of resources you have

1 identified a number of different issues about the
2 resources that were available. So for example, the
3 number of police officers overall involved in the
4 investigation, the number of trained HOLMES staff and
5 so forth. But I am going to suggest to you in general 15:18
6 terms if we gathered all of those issues together there
7 is some potential for resource problems to have arisen
8 in pre-Omagh criminal investigations as well. Have you
9 anything, would you agree with that or would you
10 disagree with that? 15:18

11 A. I missed a couple of lines there, could you repeat the
12 question?

13 585 Q. It is my fault Mr. McVicker, I am not close enough to
14 the microphone. Would you agree there is some scope
15 for resource problems to have arisen in criminal 15:18
16 investigations which took place before the Omagh
17 bombing?

18 A. Again I can't really answer that. You know, I never
19 come across many problems with the resources in major
20 investigations. Minor investigations yes, but not in 15:18
21 major, murder investigations.

22 586 Q. Okay. I am going to move on to the issue of linked
23 incidents, and in particular your observations in
24 relation to the linked incidents during the course of
25 your review. I would like just to take you back to 15:19
26 your directions table if I may. And if that could be
27 brought up on screen please. If you just bear with me
28 one moment please Mr. McVicker.
29

1 And if we could bring up the entry which dealt with the
2 eight previous incidents which were being investigated
3 please. That's at entry No. 51 towards the bottom of
4 page 12.

5
6 Now, whenever you were being brought -- and really this
7 is just a point of clarification Mr. McVicker. You
8 were brought to entry No. 51 on that table during the
9 course of that earlier evidence. Just to remind you
10 the date there is the 14th of July 2000. And it says 15:20
11 within the body of the table:

12
13 "Within the category linked incidents comparisons are
14 to be examined from other incidents reference fibres,
15 telephones et cetera. Four incidents from the 15:20
16 documents identified by Detective Superintendent
17 McArthur as linked and four incidents drawn from
18 outside this document are to be examined. All
19 incidents are to have occurred in 1998. And access to
20 the other accounts via Detective Inspector O'Sullivan. 15:21
21 Incidents identified for examination are..."

22
23 In the first list of four it is Lisburn, Newry
24 Courthouse, Newry Monaghan Street, and Banbridge. And
25 in the second list of four it is Belleek, Armagh, 15:21
26 Enniskillen and Moira.

27
28 The question I have for you Mr. McVicker is, whenever
29 you were undertaking your review are you suggesting

1 that those are the only linked incidents that were
2 considered or were you aware of more linked incidents
3 that were considered?
4 A. I was aware of more but I hadn't the staff to do them
5 all, we picked, we dip sampled. 15:21
6 587 Q. Not that we need to bring it up but in relation to this
7 issue of dip sampling, you mentioned it in your report
8 at paragraph 9.1, the first paragraph of your linked
9 incident section, where you say:
10
11 "I took a dip sample, a small number of these
12 incidents, eight in total."
13
14 And I think you have already explained the reason for
15 that, you said there were too many for your team to 15:22
16 look at in the time you had available?
17 A. That is correct.
18 588 Q. Whenever it was suggested that there were the eight
19 incidents and it was expanded from four to eight, I
20 didn't want there to be a wrong impression that the 15:22
21 original investigation team were only looking at four
22 incidents?
23 A. No, Mr. McArthur's team looked at a lot of the
24 incidents.
25 589 Q. A figure, again not to take you to the specific entry, 15:22
26 but would you agree with me the figure that you have
27 quoted in your report were 18 linked incidents being
28 looked at by Detective Superintendent McArthur's team?
29 A. If it is in my report it is probably correct.

1 590 Q. You have already described that the Deputy SIO took a
2 particular keen interest in relation to that
3 investigation, isn't that correct Mr. McVicker?
4 A. Yes, that's correct, yes.

5 591 Q. And did so from a relatively early stage? 15:23
6 A. He did, yes.

7 592 Q. Because he identified it as an important line of
8 inquiry?
9 A. Yes, he did.

10 593 Q. If you would just bear with me for one moment please. 15:23
11 Now, I am going to ask you about one further topic in
12 relation to this table that we have in front of us, but
13 it is a different issue. What I am going to ask you
14 about now Mr. McVicker, is the victims and the families
15 of the victims of the Omagh atrocity being informed 15:23
16 about your review, okay?
17 A. Yes.

18 594 Q. And if I could then that entry No. 14 is brought up on
19 the screen for the witness please and this is at the
20 top of page No.4. If it would assist you Mr. McVicker, 15:24
21 I can read out the entirety of that to you. But to
22 short circuit this, is it correct that in and around
23 20th or 21st of April that letters were sent out to the
24 families and victims to notify them that the review had
25 commenced? 15:24
26 A. That is correct, the letters sent by ACC White sent to
27 the relatives.

28 595 Q. And there is a reference from letters sent out by ACC
29 Crime or ACC White's office on 21st of April, but the

1 decision to send those letters I think had been made on
2 17th April; is that correct?

3 A. Yes, that's correct.

4 596 Q. And also then the press were informed or at least there
5 was a response to a press enquiry in relation to the 15:25
6 existence of the review as well?

7 A. That's correct, yes.

8 597 Q. So, as of late April 2000, both the families and the
9 press had been informed as to the existence of the
10 review and that was at a relatively early stage of the 15:25
11 review process?

12 A. That's correct, yes.

13 598 Q. And you have been very patient with us Mr. McVicker,
14 thank you very much.

15 A. Thank you. 15:25

16 MR. DE LA POER: Nothing arising from me, do you have
17 any questions for Mr. McVicker?

18 CHAIRMAN: No, thank you.

19 MR. DE LA POER: Can, I just give this indication
20 before he leaves with our thanks, which is he has 15:26
21 kindly agreed to assist us with the Chapter 4, plainly
22 his report goes into some detail about various linked
23 incidents and we will be looking at those in greater
24 detail when we come to that stage of your hearing Sir.
25 But for now can I invite a short break, perhaps until 15:26
26 20 to, which is just over ten minutes, and we will just
27 complete then the evidence of Mr. Harkin.

28 CHAIRMAN: Thank you, Mr. McVicker.

29 THE INQUIRY ADJOURNED BRIEFLY

1 THE INQUIRY RESUMED AS FOLLOWS:

2
3 CHAIRMAN: Mr. Greaney.

4 MR. GREANEY: Sir, thank you very much, and I am
5 grateful to everyone for the efficiency with which they 15:41
6 dealt with Mr. McVicker, it means that we can also
7 conclude the evidence of Mr. Harkin today.

8
9
10 MR. GREG HARKIN CONTINUED TO BE QUESTIONED BY

11 MR. GREANEY AS FOLLOWS:

12
13 599 Q. MR. GREANEY: Of the Core Participants who had
14 permission to ask questions only remains, and that is
15 PSNI so I would ask that -- Mr. Henry, is now shaking 15:41
16 his head, I must have misunderstood at lunchtime. That
17 means that we have reconvened for very short time
18 indeed?

19
20 There is just one thing I want to deal with then I will 15:41
21 turn to you. The thing I would like to deal with
22 something I meant to ask you about when I asked my
23 questions earlier today; you told us about the occasion
24 upon which you made a call to the 456 number.

25 A. Correct. 15:41

26 600 Q. In the week or weeks after the publication of the
27 article of the 29th of July. Just pausing for a
28 moment, the 456 number is a number in our proceedings
29 we call the brown number, but that doesn't need to

1 trouble you.

2

3 what I wanted to ask you was this, having spoken to

4 Mr. Blair on that number, Mr. Blair having confirmed

5 his identity and the call having been brought to a 15:42

6 fairly abrupt end after you had said who you were?

7 A. Yeah.

8 601 Q. Did you take any steps as a journalist in relation to

9 what had happened?

10 A. In terms of? 15:42

11 602 Q. In terms of writing an article for example?

12 A. I wrote the article after the phone call, I don't know

13 what date it appeared though. Whatever appears in the

14 article would be a fresh record of that conversation.

15 603 Q. So, we know that there was the April 2000 report about 15:42

16 the alleged murder by Kevin Fulton or person known as

17 "Kevin Fulton". We know that there was the second

18 piece that you wrote on 29th of July 2001 about the

19 intelligence relating to a bomb and you are now telling

20 us about a third article you wrote which was after you 15:43

21 had spoken to Blair or have I misunderstood?

22 A. No, you are absolutely correct, I just don't know the

23 date.

24 604 Q. We will attempt to track it down but what we will find,

25 therefore, is that there will be a report in The Sunday 15:43

26 People, am I correct?

27 A. Yeah.

28 605 Q. Which will provide a degree of corroboration for what

29 you are telling us today about the call that you made?

1 A. A completely accurate account because it would have
2 been -- I think the phone call I made was on a Saturday
3 and the report was the next day.
4 MR. GREANEY: As I made clear we have an interest in
5 this because of the attribution of that 456 number and 15:43
6 so we will seek to track down that article that you
7 wrote. So, unless, Sir, you have any questions for the
8 witness, that will conclude Mr. Harkin's evidence with
9 our thanks and will conclude the evidence for today.
10 CHAIRMAN: Thank you very much indeed, Mr. Harkin, I am 15:44
11 sorry we have inconvenienced you.
12 THE WITNESS: No, it's fine.
13 CHAIRMAN: I am grateful to you for your evidence.
14 Thank you.
15 MR. GREANEY: So, ten o'clock tomorrow morning please, 15:44
16 Sir.
17 CHAIRMAN: Thank you.
18
19 THE INQUIRY ADJOURNED UNTIL WEDNESDAY, 14TH OCTOBER
20 2026 AT 10:00 A.M. 15:44
21
22
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