THE INQUIRY RESUMED ON WEDNESDAY 11TH NOVEMBER 2026 AS FOLLOWS:

CHAIRMAN: Good morning Mr. de la Poer.

MR. DE LA POER: Sir, good morning. We're going to begin today's evidence session with the prerecorded questioning of Detective Superintendent Casserly of An Garda Síochána. The recording is about 20 minutes long. Once we've concluded that, we will move straight to Detective Chief Inspector Billingsley. 10:01 10:02

I just remind everybody listening of something that Mr. Greaney told us on Monday of this week, namely, that one of those that Detective Superintendent Casserly is going to speak about is 'Person 3', as he describes him, for reasons connected to the law in the Republic of Ireland but that, as Mr. Greaney confirmed, that person is Derek 'Shanty' Brady. 10:02

So may I invite that video now to be played to us. 10:02

[Video played].

DETECTIVE SUPERINTENDENT EMMET CASSERLY, HAVING PREVIOUSLY BEEN SWORN, CONTINUED TO BE QUESTIONED (ON 1ST SEPTEMBER 2026) BY MR. GREANEY AS FOLLOWS: 10:02

1 Q. MR. GREANEY: As you know, Detective Superintendent, that Part 10 of Chapter 3 of the Inquiry's oral

evidence process is entitled "suspects"?

A. That's correct.

2 Q. And I next want to seek your assistance in relation to that issue. And we'll begin by dealing with the topic of arrests, and by that I mean arrests by the AGS? 10:03

A. Yes.

3 Q. And from an analysis of the material available to the AGS, has it been established how many arrests were made in total by the Garda investigation team?

A. It has, it's been established there was 99 arrests made by the Omagh bombing investigation team in An Garda Síochána. 10:03

4 Q. And under what provision of law were those arrests made?

A. They were all made under the Offences Against The State Act 1939 (as amended). 10:03

5 Q. Would you please be able to describe for us the purpose and breadth of that act?

A. Yeah, of course. So the Offences Against The State Act, it's a significant piece of legislation aimed at addressing serious crimes that threaten the Irish State, particularly relating to terrorism, and more recently organised crime and financing of terrorism, first introduced in 1939, as I have said already, and it's been amended several times since. 10:03 10:04

6 Q. Does the Act criminalise acts of terrorism, including the use of violence for political purposes?

A. It does, yes.

7 Q. Does it target, not only individuals, but both

organisations involved in subversive activities against the Irish State?

A. Yes, it does.

8 Q. What does the Act provide the AGS with the authority to do? 10:04

A. Well, in the main, it provides us with authority to arrest, detain and question suspects who are believed to be involved in terrorism or serious crime.

9 Q. And when you described terrorism or serious crime, does that include the membership of an unlawful organisation? 10:04

A. It does, and also possession of firearms or explosives for unlawful purposes and engaging in or inciting violence against the State.

10 Q. When a person has been detained under that act, for what period may they be detained? 10:04

A. At the time of the Omagh bombing, 48 hours.

11 Q. And you've emphasised the time of the Omagh bombing, was there a change after the Omagh bombing?

A. Yeah, subsequent to the Omagh bombing, the legislation was amended, and from that point on allowed detention for up to 72 hours. 10:05

12 Q. Was that amendment a response to the Omagh bombing?

A. Yes. I believe that to be the case, yes.

13 Q. Was a considerable aspect of the AGS approach to the Omagh bombing investigation focused on the arrest, detention and questioning of persons suspected of having had an involvement in the Omagh bombing? 10:05

A. Yes, it was.

14 Q. And of the 99 arrests that were made, would you be able to give us with, give us a description of those persons?

A. Yes, many of the persons were on the fringes of the groupings involved in the dissident suspect group and would not have been suspected to have been directly involved in the bombing, the transport, stealing of the car or any of the main factors involved in the bombing, nonetheless they were part of the investigation. 10:06

15 Q. And of those who might be described as the main suspects, what would you say of them? 10:06

A. So the main suspects were all arrested within, from the time of the bombing to 2002, all of the main suspects had been arrested, some of them more than once, arrested and detained some of them more than once by that stage. 10:06

16 Q. And having been arrested, just dealing with the majority of suspects, but perhaps in particular the main suspects, what happened to them?

A. So, I suppose mainly they were interviewed at length and this, you know, took considerable time and resources in terms of interviewing strategy and enabling those people who were questioned over the course of consecutive days using the legislation as we were allowed. 10:06 10:07

17 Q. And the authors of the report have been able to break down the 99 arrests into three categories, is that correct?

A. That is correct, yes.

18 Q. And would you tell us please what the first category is described as and how many of the 99 arrests fall into that category?

A. Yes. So the first category is persons arrested directly in connection with the Omagh bombing, 39, 39 people. 10:07

19 Q. And the second category?

A. Yes, persons arrested for a separate offence but questioned about the Omagh bombing, 36 people.

20 Q. And the third category? 10:07

A. Persons questioned regarding car thefts or other offences, 24 people.

21 Q. And would you expect those arrests to have been planned before they were carried out?

A. Yes. 10:08

22 Q. And what would have been the practice of the AGS in relation to such planning?

A. Broadly speaking, those types of arrests would be accompanied by a search under warrant of the arrest, the location where the person has been arrested, that 10:08 be their address or wherever they've been arrested generally would be searched at the time of the arrest.

23 Q. Detective Superintendent, thank you very much for helping us with the topic of arrests.

10:08

We're now going to turn to deal with a number of particular suspects. Is it the position that from the assessment that has been made of the documentation compiled as part of the investigation into the Omagh

bombing, and from the assessment of the outcome of the civil proceedings in Belfast, the AGS assesses a number of particular individuals to have been involved in the Omagh bombing?

A. That's correct. 10:08

24 Q. And those individuals being - and we'll deal with the detail of them in a moment - Colm Murphy?

A. That's right.

25 Q. Seamus Daly?

A. Yes. 10:09

26 Q. A person that we will describe as Person 3?

A. Yes.

27 Q. Seamus McKenna?

A. Yes.

28 Q. Notwithstanding that he was not found liable in the Breslin proceedings? 10:09

A. That's correct.

29 Q. And Liam Campbell?

A. That's correct.

30 Q. So I am going to ask you to help us with some of the background for those individuals. 10:09

A. Okay.

31 Q. And we'll begin with Colm Murphy please. And we can show a slide of Colm Murphy on the screen, it is slide 166. 10:09

A. Yes.

32 Q. We can see date of birth and the place where he lived and then a series of bullets points, Continuity IRA, 1976 firearms convictions, arrested in the United

States of America in 1982 in connection with firearms, charged in February 1999, convicted 2002, appeal 2005, re-trial in 2010, and died 18th April 2023?

A. That's correct.

33 Q. Just a helpful summary but we will delve into some of that in a little more detail. 10:10

A. Okay.

34 Q. At the time that we are concerned with, in 1997 and 1998, or principally concerned with, as you've mentioned a number of times did Colm Murphy reside at an address in Ravensdale, Dundalk? 10:10

A. Yes, he did.

35 Q. Where was he a native of?

A. He was originally from Newtownhamilton Road in Belleek, County Armagh. 10:11

36 Q. Was he first listed, as it's described, as a member of the Provisional IRA in Dundalk in January 1976?

A. He was, yes.

37 Q. Did he later move to become a member of the Irish National Liberation Army, the INLA? 10:11

A. He did.

38 Q. Before becoming a member of Republican Sinn Féin and the Continuity Irish Republican Army, the CIRA?

A. That's right.

39 Q. Was he convicted before a Special Criminal Court in the Republic of Ireland on the 14th June 1972 and the 29th June 1976? 10:11

A. He was.

40 Q. Of what was he convicted?

A. Firearms charges.

41 Q. What was the result of his conviction?

A. He was imprisoned in Portlaoise Prison.

42 Q. Had he ever been arrested?

A. Yes, he was arrested under Section 30 of the Offences Against the State Act at Dundalk on numerous occasions and questioned in relation to subversive activities. 10:12

43 Q. In 1982 Colm Murphy was in the United States of America, and what was he found to be doing there?

A. At that time he was found to be purchasing guns for the INLA. 10:12

44 Q. Was he arrested in the United States and did he subsequently serve a prison sentence there?

A. Yes, he did.

45 Q. When was he released from that sentence? 10:12

A. In 1985 and he returned to Ireland at that stage.

46 Q. Was Colm Murphy regarded as a leading member of Republican Sinn Féin?

A. Yes, he was.

47 Q. And a leading member of the Continuity Irish Republican Army Council? 10:12

A. Yes.

48 Q. Was Colm Murphy arrested in connection with the Omagh bombing?

A. He was, in February 1999. 10:13

49 Q. And later was he the first person to be charged in connection with the Omagh bombing in the Republic of Ireland?

A. Yes, he was. He was charged with conspiracy to cause

an explosion and appeared in the Special Criminal Court in Dublin on 24th February 1999.

50 Q. Did a trial take place?

A. It did.

51 Q. On what was the trial focused? 10:13

A. On Colm Murphy's alleged role in planning, the planning and the execution of the bombing.

52 Q. Did his trial commence at the Special Criminal Court on 12th October 2001?

A. It did, and he was later convicted of conspiring to 10:13 cause the Omagh bombing.

53 Q. On 25th January 2002, did he receive a sentence of 14 years' imprisonment?

A. Yes, he did.

54 Q. Subsequently however what occurred? 10:14

A. He subsequently appealed this ruling and on 21st January 2005 his conviction was overturned and a re-trial was ordered.

55 Q. Did that re-trial take place in January of 2010?

A. It did. 10:14

56 Q. With what outcome?

A. He was acquitted of the conspiracy to cause an explosion prosecution on the 24th February 2010.

57 Q. And we know from the summary given earlier that, just over 13 years later, Colm Murphy died? 10:14

A. That's correct.

58 Q. Next, Seamus Daly.

A. Yes.

59 Q. Again we can place a slide relating to him on the

screen, it's slide 167. So we can see Seamus Daly, a photograph of him, the location where he lived and then with bullet point summaries: High-ranking member RIRA, Real IRA. 2004, conviction, membership of Real IRA. Charged in April 2014 with the murder of 29 people in the Omagh bombing. March 2016, charges dropped. Resides in county Armagh? 10:15

A. Mm-hmm.

60 Q. And we'll just delve into some further detail in relation to Seamus Daly. 10:15

A. Sure.

61 Q. Where is Seamus Daly a native of?

A. He is native of Cullaville, County Monaghan.

62 Q. And we know where he was educated, where was that?

A. He was educated at Inver college in Carrickmacross. 10:15

63 Q. Has he been assessed to be, and have been, a prominent member of the Real IRA?

A. Yes.

64 Q. In 2004, was Seamus Daly charged with a criminal offence? 10:16

A. Yes. Sorry, excuse me, in 2004 he was charged with being a member of the Real Irish Republican Army at the Special Criminal Court in that year, 2004, and he subsequently pleaded guilty to that charge and he was sentenced to three and a half years in prison. 10:16

65 Q. In April 2014, was Seamus Daly charged by the authorities in Northern Ireland with the murder of 29 people in the Omagh bombing?

A. He was.

66 Q. And was he also charged with causing an explosion and possession of a bomb with intent to endanger life or property?

A. Yes, he was.

67 Q. But at a pre-trial hearing in 2016, did the prosecution authorities in Northern Ireland withdraw the charges against Seamus Daly? 10:16

A. That's correct, yes.

68 Q. And having been in custody until that point following charge, was he released from custody? 10:17

A. Yes.

69 Q. Is Seamus Daly a married man?

A. He is.

70 Q. And where does he work?

A. He works as a builder on building sites in the Dundalk and Monaghan areas. 10:17

71 Q. Does the AGS assess that he continues to associate with known dissident republicans?

A. Yes.

72 Q. And has he been observed at the funerals of high-ranking dissident republicans, namely Michael McKevitt in 2021 and Colm Murphy in 2023? 10:17

A. Yes.

73 Q. Has he also been identified to have attended commemorations of the Republican Network for Unity, the RNU, in recent years? 10:18

A. Yes.

74 Q. And where is he regularly observed?

A. In both Dundalk and Carrickmacross.

75 Q. So next, Detective Superintendent, we'll deal with an individual that we're describing as Person 3 for reasons connected with the law of the Republic of Ireland. We have a slide that contains background information about this person, it is slide 168. The location at which he lives, Dundalk, a summary of information relating to him career criminal. Former employee of Colm Murphy. Mobile phone link to Omagh bombing. February 2004, a 10-year sentence for possession of explosives. Continues to have links with dissident republicans. Currently residing in Dundalk? 10:18 10:19

A. That's correct.

76 Q. So we'll drill into that summary to some greater extent. Where was Person 3 born?

A. So Person 3 was born in Dundalk, County Louth, where he continues to reside. 10:19

77 Q. In his teens and early 20s was Person 3 involved in criminal activity?

A. Yes, he was, and he has numerous previous convictions from that period. 10:19

78 Q. Between 1994 and 1997 was Person 3 employed on building sites?

A. Yes, he was, by Colm Murphy.

79 Q. In the course of the investigation was a particular mobile telephone number attributed to Person 3? 10:19

A. Yes, it was.

80 Q. Does that mobile telephone number of Person 3 feature in the telecommunications data of relevance to the Omagh bombing?

A. Yes, it does.

81 Q. I'm not going to ask you to go into further detail of that but that is what the investigation established?

A. That's correct.

82 Q. In February 2004, did Person 3 receive a custodial sentence? 10:20

A. Yes, in February 2004 Person 3 received a 10-year prison sentence following the discovery of a 1,240 pound car bomb near the Castletown Road in Dundalk on 21st March 1998. 10:20

83 Q. Does the AGS assess that Person 3 continues to associate with dissident republicans?

A. Yes.

84 Q. And is it known that he attends the funerals of dissident republicans? 10:21

A. Yes.

85 Q. In a short time we're going to hear some details of extradition proceedings in relation to arms smuggling on the part of Liam Campbell. Is it known that Person 3 was a prominent supporter of Liam Campbell at 10:21 the time of his proposed extradition to Lithuania?

A. Yes, he was, yes.

86 Q. And, as you've said already, Person 3 continues to reside in Dundalk?

A. That's correct. 10:21

87 Q. Now, next, Seamus McKenna. Once more we will display on the screen a slide containing background information, it is slide 169. So Seamus McKenna, a photograph of him taken, as with others, in 1999. His

date of birth and his residence in Dundalk given. It is made clear that he was born in County Monaghan, later moving to Silverbridge, and then to Dundalk. Assessed as a high-ranking member of the Continuity IRA. In 1974 a terrorist conviction, or convictions, in Belfast. In 2004, conviction in the Special Criminal Court. Mobile telephone links to the Omagh bombing. And then finally involved in a workplace accident in 2013, as a result of which you'll tell us shortly, he was to die. Again we'll delve into some of that in a little more detail. 10:22 10:22

Was Seamus McKenna born on 23rd May 1955?

A. He was, in County Monaghan.

88 Q. And did he later move from County Monaghan? 10:23

A. Yes, moved to Silverbridge in County Armagh and subsequently to Dundalk in County Louth.

89 Q. Does the AGS assess Seamus McKenna to be, and have been, a staunch republican?

A. Yes. 10:23

90 Q. And furthermore is the assessment of the AGS that he became a high-ranking member of the Continuity IRA?

A. Yes, it is.

91 Q. In 1974 in Belfast was Seamus McKenna convicted of offences? 10:23

A. Yes, he was, in 1974 in Belfast he received a four-year sentence for membership of a proscribed organisation and in the same year he received a seven-year sentence for possession of a firearm with intent to endanger

life.

92 Q. Subsequently, 30 years later in December 2004, at the Special Criminal Court here in Dublin, was he again convicted?

A. Yes, he was, he was convicted in December 2004 in the Special Criminal Court for the possession of an explosive substance at Thornfield, Inniskeen, County Monaghan, and he received a six-year prison sentence. 10:24

93 Q. Next, as the summary told us, there was a telecommunications connection between Seamus McKenna and the Omagh bombing. Was a particular telephone number attributed to Seamus McKenna? 10:24

A. Yes, it was.

94 Q. And was that a number ending 105?

A. Yes. 10:24

95 Q. Was it established to be the position that at 3:41 p.m. on 15th August a telephone call was made from the 980 number associated with Terence Morgan to the 105 number associated with Seamus McKenna?

A. Yes, it was. 10:25

96 Q. And for how long did that call last?

A. One minute and 55 seconds it's recorded as.

97 Q. So for a substantial period of time?

A. Yes.

98 Q. So 3:41 p.m. on 15th August a call lasting for nearly two minutes from the 980 number to the number of Seamus McKenna? 10:25

A. That's correct.

99 Q. In July 2013 was Seamus McKenna working?

A. Yes, he was working as a labourer on a building site in Kilcurry near Dundalk, County Louth.

100 Q. Whilst working there, did he fall from scaffolding?

A. He did, he had a fall from scaffolding, he was brought to hospital. He did not recover from his injuries and passed away on 14th July 2013. 10:25

101 Q. Finally, I'm going to seek your assistance in relation to Liam Campbell and we'll place a slide of background information on the screen, this is slide 170. So photograph, this one taken around 2000, his residence in Dundalk. Summarised to come from a strong republican family, described as a high-ranking member of the Real IRA. 2001 conviction in the Special Criminal Court and sentenced to five years. Found liable in the civil proceedings. Gun running in Lithuania and continues to reside outside Dundalk? 10:26 10:26

A. Correct.

102 Q. Was Liam Campbell born into a strong republican family?

A. Yes, he was.

103 Q. Among siblings, did he have a brother Sean who died in 1975? 10:27

A. Yes, he did.

104 Q. What were the circumstances of his brother's death?

A. He was preparing an a landmine and it exploded prematurely, killing him. 10:27

105 Q. Does the AGS assess Liam Campbell to have been a high-ranking member of the Real IRA at the time of the Omagh bombing?

A. Yes.

106 Q. In October 2001, was Liam Campbell convicted of an offence in the Special Criminal Court?

A. Yes, in October 2001 Liam Campbell was convicted in the Special Criminal Court for membership of an unlawful organisation and he was sentenced to five years' imprisonment. 10:27

107 Q. In May 2009, was Liam Campbell arrested in connection with a European Arrest Warrant?

A. Yes, he was.

108 Q. And did that warrant relate to arms smuggling in Lithuania? 10:28

A. Yes.

109 Q. In 2013, did a court in Belfast deny the extradition request of the Lithuanian authorities in respect of Liam Campbell? 10:28

A. Yes.

110 Q. In July 2021, did the authorities in the Republic of Ireland order Liam Campbell's extradition to Lithuania in respect of those arms smuggling offences?

A. Yes, it did. That's correct. 10:28

111 Q. And was he at that stage extradited to Lithuania?

A. Yes, I understand he was.

112 Q. Subsequently in October 2022, was Liam Campbell returned back to Ireland, all charges in Lithuanian having been dropped against him? 10:29

A. That's correct.

113 Q. Does Liam Campbell continue to reside in Dundalk in close proximity to the Border with Northern Ireland?

A. Yes, he does.

114 Q. Well, Detective Superintendent, thank you very much indeed for answering my questions.
[Video ended].
MR. DE LA POER: Thank you very much indeed. I should just say in the first ten minutes, Sir, the camera was fixed on Mr. Greaney and didn't show Detective Superintendent Casserly, and the explanation for that is entirely technical, and nobody should read anything into it whatsoever. But plainly the technical problem was resolved, as everybody saw, part way through. 10:29

So having dealt with that first piece of evidence for today, may I now please recall Detective Chief Inspector Peter Billingsley to help us with suspects, the subject matter of this part, from the perspective of PSNI. 10:30
CHAIRMAN: Good morning Mr. Billingsley.
THE WITNESS: Good morning Sir. Yes Mr. de la Poer, thank you.

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

115 Q. MR. DE LA POER: Detective Chief Inspector, before we start there are three things that I should make clear. 10:30

The first is a practical arrangement, that you and I will spend the next 15, slightly less than that,

perhaps minutes just making some introductions. We are then going to have a half hour break and then we will continue. The first point is practical.

The second point is purpose, why you're here today, and I should make that clear to you, as I have already done in a meeting with you earlier today, and for the benefit of everybody listening. The purpose of you giving evidence today is to help the Inquiry develop its working hypothesis. As you know, one of the objectives of Chapter 3 is to seek to understand who was responsible for the Omagh bombing so that we can take those names into Chapter 4 and the subsequent chapters. We are not at this stage making findings of facts and names can be added and removed from the working hypothesis as we go. 10:31 10:31 10:31

We, the Inquiry Legal Team, acknowledge that the reason why a person may be a firm suspect for PSNI is a matter for PSNI. We are an entirely separate process and we're going to be seeking your help once we have established who the firm suspects are with whether other particular individuals might be included on the Inquiry's list and whether PSNI knows of any good reason why they shouldn't be. So that's what we're doing. We are not going to be exploring why PSNI did or did not recommend individuals for prosecution nor are we seek in any way to criticise PSNI for the inclusion or the non-inclusion of any particular name 10:32 10:32

on firm suspect list. So I hope all of that is clear to you and explains the reasons for my questions.

Finally, before we deal with at least my first section, we are going to take this in four parts: 10:32

The methodology behind the creation of your statement on suspects will be topic one;

Topic 2 we'll be looking at the evolution of the 10:33
suspect list, as far as PSNI is concerned;

Topic 3 we'll be looking at a portrait of each of 19 firm suspects; and

10:33

Topic 4, we'll be exploring together, whether, as I say, certain people who aren't on that list, there is good reason not to keep them within the Inquiry's working hypothesis at this stage.

10:33

So let's make a start.

Topic one: Now you told us previously, Detective Chief Inspector, that when you prepared your statement as a corporate witness for PSNI you had the support of 10:33
others, is that right?

A. Yes, that's correct.

116 Q. And does the same apply to the work that you have done preparing your suspect statement?

A. Yes.

117 Q. And so it was that in December, you provided a witness statement in response to a Rule 9 request in consultation with your team seeking to answer the questions that you were posed by the Inquiry? 10:34

A. That's correct.

118 Q. Now when preparing your statements with you and your team, did you review the Omagh investigation HOLMES account?

A. The HOLMES account would have been reviewed at various points. I think it's pertinent to say there wasn't a formal investigative review conducted, which is what ultimately I would want to do if I was going to suggest the suspect as per myself as the SIO, though that wasn't the case. And ultimately that led to me placing 10:34 significant reliance on the SIOs who had been involved in the investigation of the incident in the past.

119 Q. So, you considered the HOLMES accounts and focused, is this right, on what previous SIOs had identified by way of lists of suspects? 10:34

A. Yes, that's correct.

120 Q. Now, in a police investigation, and indeed within a HOLMES account, is there a specific part of that account that will be reserved for suspect names or do we see those names being recorded in policy decisions, 10:35 how does it work?

A. It would be recorded in policy decisions throughout the account. Each person that comes into the account will be given a nominal, they will ultimately have a number

that starts with an N. And from there, the SIO will conduct and direct investigation that they see fit to establish what that person's involvement is and where they should sit within the investigation.

121 Q. And finally on this topic, am I right in understanding that you want to make absolutely clear, so that everybody understands the limits of your evidence, that PSNI has not conducted a fresh review of suspects as at 2025/2026? 10:35

A. That's correct. 10:35

122 Q. So, having dealt with that introductory matter, and there will be more to be said about some of the matters you've raised, let's move on to Topic 2, which is the criteria for being on a suspect list and how that list evolved. 10:36

So, under that heading, it's very well known that the police are entitled to arrest someone if they have reasonable grounds to suspect them of involvement in a criminal offence, is that right? 10:36

A. Yes, that's correct.

123 Q. And in a large-scale investigation like this, is it likely that there will be, as proved to be the case, a very large number of people who at one time or another are arrested on that basis? 10:36

A. Yes, that's correct.

124 Q. But the purpose of the investigation is to seek to establish whether or not such a person is or is not in fact likely to be involved, is that right?

A. Yes, that's correct.

125 Q. So the mere fact that somebody has been arrested doesn't mean that they will ultimately end up on a list of names that the investigation is focusing on?

A. Correct. 10:37

126 Q. And so does that introduce, for us, a term that might be a helpful shorthand, namely, "firm suspect"?

A. The term "firm suspect" was used within the bomb Inquiry, as an SIO I would absolutely not use that term I either have a suspect or I have a non-suspect, in 10:37 modern day. Back at the time it seems this was a term that was used to give the people that were assessed to be potentially more likely involved, for want of a better way of putting it.

127 Q. So a short list of the leading contenders? 10:37

A. Yes, potentially.

128 Q. And so that's the language that was used at the time, I entirely take your point that may not be the modern approach, but bearing in mind that we are going to see that language throughout -- 10:38

A. Yeah.

129 Q. -- perhaps we can use that term as it was intended during the investigation. So we've got a large pool of people who are arrested for one reason or another, inquiries take place, some may be excluded, some may be 10:38 able to provide information to the police which leads the police to conclude they should be a witness. And at the end of that process, at various stages in the investigation, stock is taken and a short list, the

firm suspect list, is created to help give focus and clarity, is that right?

A. Yes, that's correct.

130 Q. So, we have three SIOs of the Omagh investigation. The first SIO, as we have heard already, Detective Chief Superintendent Hamilton Houston? 10:38

A. Yes.

131 Q. He was replaced by his deputy, Detective Chief Superintendent Brian McArthur, from 31st May 2000, is that right? 10:39

A. Yes that's correct.

132 Q. Detective Chief Superintendent Brian McArthur was in turn replaced by Detective Superintendent Norman Baxter from 27th May 2002?

A. That's correct. 10:39

133 Q. Although I think the point you make in your statement was that the Detective Superintendent Norman Baxter had had some connection with the investigation before he was formally appointed?

A. Yes, that's correct. 10:39

134 Q. So just considering paragraph 9 of your statement here, as we just work through the information that you have provided for us, you indicate that at a relatively early stage of the investigation as it proved to be, but by February 1999 there was a list of up to 66 suspects, is that right? 10:39

A. That's correct.

135 Q. And so not for a moment suggesting that that wasn't an appropriate list, but quite a significant number of

people for the investigation to be giving focus to?

A. That's correct.

136 Q. And do we see, as the investigation continues, that that list is whittled down?

A. Yes, ultimately refined. 10:40

137 Q. And as far as your experience as a police officer is concerned is that in fact normal practice, indeed reflective of good policing?

A. Yeah.

138 Q. You start wide, that you start to exclude people, and you focus in on those who the evidence suggests are most likely to be involved? 10:40

A. That's correct.

139 Q. Now, I wonder if you can just help us with something that you say at paragraph 10 of your statement, and I'll just read it out for you: 10:40

"The investigation team worked with Special Branch RUC and An Garda Síochána to see whom their attention should be focused on." 10:40

And you refer there to a policy decision dated the 19th February 1999. I just wanted to seek your help here with exactly what you understand that policy decision to be indicating. So the investigation is being run by the CID, is that right? 10:41

A. Yes, that's correct.

140 Q. As we've heard and is well established, Special Branch are a separate part of the RUC with a different

function?

A. Yes, that's correct.

141 Q. But is the indication given within the policy decision that in February 1999 the investigators were consulting with their Special Branch colleagues to see if Special Branch could give them some additional information or further direction on the subject of suspects? 10:41

A. Yes, apologies, I don't have that policy decision in front of me but my recollection would be that that was in relation to developing and establishing an intelligence picture as to persons who may have been involved within the Omagh bomb, Omagh bombing. 10:41

142 Q. Now also indicated in your paragraph 10 is that the investigation team worked with An Garda Síochána, and we heard something about this from Detective Chief Superintendent McArthur who told us when he gave evidence, that there was evidence of trips by the investigation team, in particular the Task Force Commander, Eric Anderson, meeting An Garda Síochána colleagues and seeking to glean from them what they could share with the investigation? 10:42 10:42

A. That's correct.

143 Q. And so, is that policy a moment in time, as you understand it, referring to that process?

A. I believe so, yes. 10:42

144 Q. A point that you make in your next paragraph is the picture was not static, it evolved over time. And again, just helping us with your experience as police officer and SIO, is that what you would expect?

A. Yes, 100%.

145 Q. Now, you go on to say that the investigation also expanded over time to include some previous incidents and you and I explored this the last time that you were here giving evidence. What I wanted just to understand from your impression from having looked at the policy decisions and approach taken by the SIO, was your understanding that the suspect list remained focused on Omagh or that separate lists were starting to be developed for previous incidents? 10:43

A. The suspect list, in my view, remained focused on Omagh though it may have taken into consideration linkages with other incidents that may have assisted in widening the net, so to speak.

146 Q. So put another way; is your understanding that what the investigators were doing was looking at a previous incident, if there was good evidence that someone was involved in that, and that incident was linked, that might be a good reason to conclude that they were involved in Omagh? 10:43

A. Yes, that's correct.

147 Q. Now, an important moment in time, so far as your witness statement is concerned, is the 6th February 2003, is that right?

A. Yes, that's correct. 10:44

148 Q. And on that date Detective Superintendent Norman Baxter created a list of 19 firm suspects?

A. That's correct.

149 Q. And for everybody's reference that is his policy

decision 288, isn't it?

A. Yes, that's correct.

150 Q. Now I'm just going to explore a little bit by way of the detail that you included in your statement about how that list came to be created, because so far as Detective Superintendent Norman Baxter was concerned he'd been in the role less than a year at that point in time and there had been, prior to this list, a number of other lists, hadn't there? 10:44

A. Yes, that's correct. 10:44

151 Q. But is this, as far as you can tell, the first time that he, applying himself in his role as SIO, sought to create a fresh list?

A. As far as I can see.

152 Q. And did he receive help from the Tonge Review that was going on at around that time? 10:45

A. Yes, that's correct.

153 Q. And just tell us please, in what way did he receive help in creating that list?

CHAIRMAN: Just before we come to that, 10:45 Mr. Billingsley, I'm sorry to interrupt, Mr. de la Poer, but can you remind me just what time you indicated we would rise?

MR. DE LA POER: One minute ago, I entirely overlooked. So thank you very much indeed for that interruption, 10:45 that is something that I ought not to have done. So I wonder if I could ask you to do that now please.

CHAIRMAN: Yes, we will do so. Thank you.

MR. DE LA POER: Resuming at a quarter past.

CHAIRMAN: Yes.

THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

CHAIRMAN: Thank you, Mr. de la Poer. 11:14

154 Q. MR. DE LA POER: Thank you, Sir.

Detective Chief Inspector, we'll just take one small step back in my questioning so we can do this as a piece. I'm asking you about paragraph 13 of your 11:14 witness statements and, in particular, the date of the 6th February 2003. As you've told us already, that was the day on which, as far as you could ascertain, Detective Superintendent Norman Baxter, as SIO, created a list of 19 firm suspects, is that right? 11:14

A. Yes, that's correct.

155 Q. You've told us that there was input from the Tonge Review and, in particular, it was Detective Chief Superintendent Phil Jones of Merseyside Police, part of Deputy Chief Constable Tonge, as he was, team, that did 11:15 a report reviewing intelligence in relation to the Omagh bombing investigation?

A. That's correct.

156 Q. And so that was a piece of work performed as part of the Tonge Review that Norman Baxter was able to draw 11:15 upon?

A. That's correct.

157 Q. And I'm sure you will be the first to tell us that you, not being part of that decision-making process, you're

not able to say why a particular person definitively is or isn't beyond what is left as a record in the policy decision?

A. That's correct, there was, there is reference to various points to a suspect strategy that led to the creation of the list of firm suspects, as they were referred to, that had seven points. But at this moment in time I haven't reviewed the material that went through that system, so to speak.

11:15

158 Q. So what I am going to ask you do is just to help us what you have been able to discover about the approach of the investigation, but before we get to Norman Baxter's list - which we will in just a moment - what you tell us is that the intelligence review performed by Phil Jones didn't just look at the Omagh bombing but also looked at four linked incidents, as they were described then, namely, Lisburn on 30th April, Newry Courthouse on 13th July, Corry Square on 21st July and Banbridge on 1st of August, is that right?

11:16

11:16

A. That's correct.

159 Q. And so he was, in the way that you have told us already, drawing upon what evidence there might be about individuals connected with those incidents in informing him in his assessment for Omagh.

11:16

11:17

At paragraph 14 you provide a list of eight names taken from the Jones review, is that right?

A. That's correct.

160 Q. And so this list of eight was Detective Chief

Superintendent Jones' assessment about who was likely to have been involved in those four linked incidents, is that right?

A. That list of eight are persons that were believed to have been in respect of Omagh. 11:17

161 Q. In Omagh?

A. Yes.

162 Q. For Phil Jones?

A. Yes.

163 Q. I'm sorry I misunderstood what you said in your paragraph, having listed those events, i.e. those four linked incidents, the report examined each incident in turn and provided comment to who the author believed was likely to haven involved, so that is the linked incidents and then, as you say, in respect of Omagh eight names listed? 11:17

A. Yes.

164 Q. So if you could just please read out for us the eight names identified by Detective Chief Superintendent Jones in his review? 11:18

A. Padraig Daly, Liam Campbell, Sean Hoey, Seamus Daly, Oliver Treanor, the sixth name is redacted, Seamus McKenna and John Fee.

165 Q. So...

CHAIRMAN: Is it not Joe Fee? 11:18

THE WITNESS: Apologies, Joe Fee.

166 Q. MR. DE LA POER: Joe Fee, now that's the Jones list and that then fed into Norman Baxter's assessment, is that right?

A. That's correct.

167 Q. And so I would just like now to turn to Norman Baxter's assessment, and we have that in INQ034761, and it's on page 7. I wonder if we could please just crop into about a third of the way -- that's page 8, I'm so sorry, I wonder if you can go to the preceding page. And in fact we'll need to go back, that's page 9. So back please to page 7. So, we'll zoom in the bottom half in just a moment, but we can see here the date of the decision, the fact that it is given that number, 288. And if we can start by cropping into the paragraph of text which appears just below the word of "decision" and just bring that out so it is a little bit more visible please. So just around that. It says, as follows: 11:19 11:20 11:20

"Having received an intelligence briefing from Detective Chief Superintendent Jones, Merseyside Constabulary, I have convened a conference at Enniskillen Station to review this intelligence and examine the evidence which the investigation team has obtained and is in the process of obtaining. As a result of this conference, the following have been identified as suspects in the preparation, construction and delivery of the Omagh bomb which exploded on 15th August 1998." 11:20 11:21

So that's the introduction, if we could then go back to the document as a whole please, and then zoom in on the

list of names which appear. So there we have the list and I wonder if you could just do us the courtesy of just reading out that list in the order it appears so that we have that on the transcript please?

A. Yes, apologies, I don't have that showing on my screen. I do however have the decision in front of me.

168 Q. Do you? Well we'll certainly need to address that. So is your screen not working?

A. No, my screen is blank.

169 Q. Well that is a matter of regret. Well just whilst somebody from the technical side can start to think about that, can you please just read out the list from the hard copy that you have in front of you?

A. No. 1. Padraig Daly; 2. Michael McKevitt; 3. Sean Hoey; 4. Seamus Daly; 5. Declan McComish; 6. Liam Campbell; 7. Gerald McMullan; 8. Oliver Treanor; 9. Joe Fee; 10. Aidan McMahon; 11. Michael Broderick; 12. Shane Broderick; 13. Colm Murphy; 14. Derek 'Shanty' Brady; 15. Seamus McKenna; 16. Peter Campbell; 17. Kevin Tumelty; 18. Paul 'Jaws' Kelly; 19. Anthony Donegan.

170 Q. Thank you very much indeed. So those are the Baxter 19 names, we are going to come back to each of those individuals. Thank you very much indeed, we can take that down from the screen now and we don't need to display anything. Can I check whether your screen is now working?

A. Yes.

171 Q. That's good news. The position so far as PSNI didn't rest with the Baxter investigation list which, of

course Norman Baxter continued as SIO for a period of some years after the creation of this list, but was there a review commissioned in late 2015 into 2016?

A. That's correct.

172 Q. And was that review, and I'm here looking at your paragraph 16, undertaken by Detective Superintendent Keith Agnew? 11:23

A. Yes, that's correct.

173 Q. He is an officer of the PSNI?

A. He was at that time, yes. 11:23

174 Q. And did he produce a report dated 5th May 2016?

A. That's correct.

175 Q. Just tell us please, again looking at your paragraph 16, what it was that Detective Superintendent Agnew was seeking to do? 11:23

A. He ultimately wanted to ascertain if there were any further steps that could be taken to assist in progressing the investigation.

176 Q. And what ultimately was his conclusion?

A. He concluded that there were none at that moment in time and carriage of the investigation should be passed to PSNI's Legacy Investigation Branch, where it remains today. 11:24

177 Q. And put in ordinary language, does that mean that from that point there was no live or active investigation? 11:24

A. That's correct, it does sit at this moment in time on what would be termed the "case sequencing model" for Legacy Investigation Branch for a future review.

178 Q. So, at some point in the future a review will be

conducted by PSNI to see if there has been any evidential developments, is that right?

A. Certainly, yes, that would be at the moment.

179 Q. But what it doesn't have crucially is a senior investigating officer developing policy or driving the investigation in any direction? 11:24

A. No.

180 Q. So, let's just deal with Detective Superintendent Agnew and his review, you tell us that he looked at intelligence, forensic scientific evidence and telephone material, is that right? 11:25

A. That's correct.

181 Q. And that as part of his review he considered a total of 26 people?

A. That's correct. 11:25

182 Q. So, he went wider than the Baxter list, is that right?

A. That's correct.

183 Q. And in relation to that - we don't need to read out the whole list, it is there recorded in your statement - you say that some of the suspects were referred to in respect of their possible involvement in terrorism generally or in their involvement of incidents other than Omagh, i.e. they weren't all suspects in the Omagh bombing? 11:25

A. That's correct. 11:25

184 Q. So, not only is his list wider, but the criteria which led to the list was wider as well?

A. That's correct.

185 Q. And he reached a conclusion, Detective Superintendent

Agnew, and you've quoted here using the phrase "no direct linkage" in relation to six individuals?

A. That's correct.

186 Q. And could you just please read out the list of six individuals that it was Detective Superintendent Agnew's view that there was no direct linkage to the Omagh bombing? 11:26

A. Yes. Patrick 'Mooch' Blair, Aidan Francis Grew, Bernard Hughes, John Michael McKevitt, the fifth name is redacted, and Eoghan McGinley. 11:26

187 Q. Now in relation to those six individuals, are we to understand that Detective Superintendent Agnew was suggesting that they shouldn't be suspects or was the phrase "no direct linkage" something to suggest there was no evidence that they were directly involved in the bombing itself? 11:26

A. I suppose ultimately I have to take it as what it says that there is no direct linkage, that would suggest to me that they were considered as suspects and potentially ruled out in relation to Omagh but I would need to take that away and further explore that. 11:27

188 Q. Well it may be that that you can, because we see a name there, John Michael McKevitt, is that the same or a different person to the Michael McKevitt that we have been talking about a number of times in Chapter 3, do you know? 11:27

A. I believe it is the same person.

189 Q. And so, that is a person, if it is the same person and obviously described as John Michael McKevitt, that is a

person who at the time of Detective Superintendent Agnew's review had been found liable for the Omagh bombing?

A. That's correct.

190 Q. On a civil basis. Now, you say a little bit more about Detective Superintendent Agnew's view, you say that he suggested there was no telephone or intelligence material to link Michael Broderick to the Omagh bombing but that was in error? 11:27

A. That's correct. 11:27

191 Q. So are we to understand that in fact there was a seventh name on the list originally, namely Michael Broderick, but that PSNI, having reviewed it, considered that that name was erroneously included or are you saying something different? 11:28

A. Having reviewed the material, it was erroneously.

192 Q. So that really just brings us to why we're going to see, in our Topic 3, a pen portrait of 19 names, and why you've chosen those, so I wonder if, just looking at your paragraphs 20 through to 23, you just help us with why, having had this request made of you by the Inquiry, you took the approach that the focus of the balance of your statement should be on 19 names? 11:28

A. Yes. At the time of the list, of Mr. Baxter's list, he had given full consideration through his suspect matrix to identifying the persons that he then termed as "firm suspects". It was my view that this was probably the most sensible starting point to assist the Inquiry as these were people that were definitively linked, in 11:29

Mr. Baxter's eyes, as a result of the knowledge that he had, the information he had, the evidence he had in relation to the investigation.

With Mr. Agnew's list there were some, as has been alluded to, that were not directly linked to the Omagh bombing and, therefore, my view was that the logical approach, again with discussion with the Inquiry, was that the list of the 19 suspects was the most logical list that provides further information on. 11:29

193 Q. So we're going to turn now to run through each of those 19 names and you have provided a separate heading for each of them. We are going to do so just to keep things straightforward in the order in which they appear in your witness statements. What you say before you begin the list is that no significance should be attached to the order in which the suspect names appear, and is that what we should understand, that although this is the order you have recorded them you haven't applied a particular methodology to why each appears at the number that they do? 11:30 11:30

A. Yes, that's correct.

194 Q. So we'll begin please with Padraig Oliver Daly, who is your first name, and what it would be helpful for you do, Detective Chief Inspector, is just talk us through please what information you've pulled together in your witness statements about this particular suspect and where the matter rests? 11:30

A. Yes, no problem. Initially I provided a brief summary

that Padraig Oliver Daly was resident in the Republic of Ireland. He was suspected of having had some involvement with the bomb car which emanated from the Jones report or 125A - that is the police reference - and that he may have also played a further role. That was unclear as to what that was. And he was deemed to be a suspect based upon intelligence. And again that emanates from Mr. Baxter's policy decision, 288. 11:31

He was arrested on 21st September 1998. He was arrested and interviewed by An Garda Síochána. The arrest again was based on intelligence and ultimately he was released without charge. Again on 4th November 2000 he was again arrested and interviewed by AGS on behalf of the PSNI, or the RUC at the time it would have been, it was based solely upon intelligence. Again he was released without charge. He was actively sought for arrest in Northern Ireland. However, he has never been arrested in connection to Omagh by either the RUC or PSNI. 11:31 11:32

195 Q. So, when considering what information you have been able to glean about Padraig Daly, both Detective Chief Superintendent Jones, and subsequently Detective Superintendent Baxter, had him on their lists?

A. Yes. 11:32

196 Q. All that we're saying in open at the current time is that that appears to be based on intelligence?

A. Yes.

197 Q. And that, of course, is something that the Inquiry can

look into further. And just to complete the picture before we move on from Padraig Oliver Daly, he was one of the brothers of Seamus Daly, is that right?

A. Yes, correct.

198 Q. And I don't seek your comment on this, but his name has been mentioned - just to remind everybody - in connection with the GAA club as being named as one of the people there in the course of the evidence of John Ware. 11:32

11:33

So, we'll move on next to Michael McKevitt who, as we can see, was on the Norman Baxter list, has been found liable for Omagh, although Norman Baxter couldn't have known that at the time he put him on the list. And just walk us through please the information you've pulled together in relation to Michael McKevitt? 11:33

A. Again, each has been approached in a similar way, so we'll include a summary, arrest and interview details.

So Michael McKevitt was a resident in the Republic of Ireland. He was suspected to have previously been a quartermaster for the Provisional IRA and thereafter he was suspected to have become -- been the leader of the Real IRA, a group that was suspected by the PSNI to have been involved or behind the Omagh bombing. He was deemed to be a suspect in the Omagh investigation based upon intelligence and again that emanates from Mr. Baxter's policy decision, 288. 11:33 11:33

McKevitt was never arrested in Northern Ireland in connection with the Omagh bombing. He was prosecuted in the Republic of Ireland in 2003. The prosecution relied upon the evidence of David Rupert. On 6th August 2003 McKevitt was convicted before the Special Criminal Court in Dublin of membership of an unlawful organisation and directing terrorism between the 29th August 1989 and 23rd October 2000. He was in turn sentenced to 20 years' imprisonment. He did appeal this but the appeal was dismissed. 11:34

There have also been other proceedings in relation to McKevitt, he is one of the defendants in the civil proceedings, in Breslin and Others v. McKenna and Others, he was found to be liable for the Omagh bombing on the basis that he held a leadership role in the Real IRA at the relevant time. 11:34

I have a quotation inserted which states:

"In his leadership role he was undoubtedly responsible for encouraging the campaign of bombing in 1998, which culminated in the Omagh bomb, and the availability of the materials prepared for the bomb could only have occurred with his support and approval." 11:35

And ultimately the finding of civil liability was not [inaudible] by any subsequent appeals.

199 Q. Michael McKevitt, the second suspect on the firm list.

Next, No. 3 on your list, Sean Gerald Hoey, please?

A. Yes, Sean Gerald John Hoey was a resident in Jonesborough, it's close to the Border with the Republic of Ireland. He is Colm Murphy's nephew. He again was deemed to be a suspect based upon evidence and intelligence, again emanating from Mr. Baxter's policy decision, 288. 11:35

He was suspected of being involved in the construction of the bomb used during the attack on Omagh and he was prosecuted on that basis. On 20th December 2007, Weir returned a verdict of not guilty on all counts. The evidence was a mixture of telephone materials and analysis, DNA evidence linking him with some of the timer power units or TPUs, forensic evidence commenting on in relation to a similar design and components used in the construction of the TPUs across linked incidents and fibre analysis between some of the devices used in previous incidents. And that information emanated from Baxter, Mr. Baxter's policy decision, 313. 11:36 11:36

He was also mentioned in Lisa Purnell's LKP5 report in connection with the Omagh bombing. I include page references.

200 Q. If I just pause you there. In relation to Lisa Purnell, we heard yesterday that that relates to a telephone call made to Seamus Daly using Sean Hoey's number at 15:26 on the 15th calling Seamus Daly's green 076 phone. And we heard a lot of evidence yesterday 11:36

about sequence of those calls.

Now, you go on and you don't need to read out, because we have already dealt with this, don't you, in your statement, to summarise his interview in terms of what he said but the headline was he made no admission of involvement in the bombing, is that right? 11:37

A. That's correct.

201 Q. And you also listed the paragraph 12 there, the various previous incidents that he was charged with having had involvement in, and again you don't need to run us through those as we went through them yesterday in the presentation made by Mr. Greaney about his trial. 11:37

You then continue to draw attention at your paragraph 13 to the legal proceedings, again we don't need to deal with any of those, we've done them comprehensively. But I wonder if you could just help us with your paragraph 14. That's a further insight into Mr. Baxter's investigation. And so if you could just tell us what you have put there please? 11:37 11:38

A. Yes, this emanates from Mr. Baxter policy decision, 329, which is dated 19th December 2003 where Mr. Baxter recorded Hoey as a suspect for conspiracy to cause an explosion, the Newry Road, Armagh, and possession of explosives on 16th May 1998. It was based upon a DNA link to the sticky side of tape attached to the detonator. 11:38

202 Q. Yes, and that previous incident, as we can see from

your list above, is one of those that he was charged with?

A. That's correct.

203 Q. We can wrap Sean Hoey up, about whom we have said a lot in the last 36 hours, in this way, that his trial, as you have told us, culminated in not guilty verdicts? 11:39

A. That's correct.

204 Q. So that then deals with Sean Hoey, and everyone can rest assured that in relation to any potential connection he may have had to the previous incidents, those will be considered in Chapters 4 and 6. 11:39

So let's move on please to your fourth-named suspect, namely Seamus Daly, please?

A. Yes, Seamus Gerald Daly was a resident in the Republic of Ireland. He was suspected by police to have been involved with the bomb car after it was stolen, as he was in contact with Paul Kelly who we will come to in due course by telephone, and is believed to have travelled to Omagh on the day of the bombing. That emanated from Mr. Houston's policy decision, 115, and Mr. McArthur's policy decision, 226. 11:39 11:39

Daly was a suspect based upon intelligence, phone evidence and evidence of a witness in the Republic of Ireland. 11:40

205 Q. If I can just pause you there, we can probably summarise this, because again we have looked at it in considerable detail, the particular witness was

Denis O'Connor?

A. Yes.

206 Q. And in particular that related to a call at 3:30 between the 585 Colm Murphy phone, said to be in the scout car, and Mr. O'Connor on his mobile telephone. 11:40 So we've dealt with all of that. Again, we have dealt with the arrest and interview yesterday of Seamus Daly, so we don't need to go any further into that. Really just beyond drawing the strands together, that it appears that Seamus Daly appeared on all three SIO's 11:40 list of firm suspects, is that right?

A. Yes, that's correct.

207 Q. We know that ultimately the criminal proceedings against him were discontinued by the PPS?

A. That's correct. 11:41

208 Q. And finally, that he has been found liable in the Breslin litigation. Let's move now please to a name that perhaps is less familiar to all of us, has been mentioned in the course of Chapter 3, but not as frequently as others, this is your No. 5, Declan Oliver 11:41 McComish?

A. Yes, Declan Oliver McComish, he was resident in South Armagh in the North of Ireland. He was suspected to have played a significant role in the events leading up to the Omagh bombing and that information emanates from 11:41 the Jones report. He was deemed to be a suspect, again based upon intelligence, and that information emanated from Mr. Baxter's decision, 288 and 290.

209 Q. So again one of those who made it onto the Jones list

of eight names carried forward and effectively ratified by Norman Baxter when creating his list in consideration of that information?

A. That's correct. Just for information and transparency, policy decision 290, I have in front of me, is in relation to a Phase 1 of arrest.

210 Q. Well let's just deal with that. Following the policy decision of 288, Norman Baxter then set out a phased approach to arresting individuals named on the list, didn't he, and in his first phase what you're telling us was the name Declan McComish? 11:42

A. Apologies, it's in Phase 2 McComish was included.

211 Q. Phase 2. And we know from evidence that we heard yesterday that, not only was he arrested shortly after the Omagh bomb in October 1998, but he was also arrested again in May 2005, no doubt as part of the phased strategy of arrests by Norman Baxter? 11:42

A. That's correct.

212 Q. And ultimately though, he was released without charge?

A. That's correct. 11:43

213 Q. So name No. 6 please is Liam Campbell's. Again we have been through a deal of material that you provided us in fact greater detail but I wonder if you could deal, firstly, withe the summary, and then I will ask you some further questions. 11:43

A. Yes, Liam Campbell was a resident of the Republic of Ireland. He was suspected to have played a leading role in the Real IRA. Police suspected that he was involved in events and around the preparation of the

bomb. Again that emanates from the Jones report. He was deemed a suspect based on intelligence and telephone evidence. And Mr. Anderson's policy decision 146, No. 2 refers, along with the McArthur policy decision 172 and Baxter policy decisions 288, 289 and 290, is where that information emanates from. He was also named in Lisa Purnell's LKP5 report in respect of the Omagh phone analysis. 11:43

214 Q. And that is in connection with the 430 red phone?

A. Yes. 11:44

215 Q. So we don't need to deal with his arrest and interview but what you might be able to give us a bit more information about, that we haven't covered in any real detail, although again it has been referred to, is the European Arrest Warrant that was sought in his case. Because there is some information within that which is of potential relevance to our understanding of Liam Campbell so I wonder if you could just please run us through what you have told us about the European Arrest Warrant? 11:44

A. Yes, so on 14th January 2009 a Lithuanian European Arrest Warrant was endorsed by the High Court in Dublin permitting the arrest of Campbell in connection with attempting to purchase arms in Lithuanian. He was arrested, detained and later released on bail. He subsequently failed to attend court on 17th June 2009. His bail was formally revoked and a further warrant for his arrest for non-attendance was issued. By this stage that the bail had been revoked, he had already 11:44

been arrested by the PSNI, that was on 22nd May 2009. The terms of the European Arrest Warrant were summarised. Would you like me to read those?

216 Q. Yes, please.

A. So Liam Campbell is suspected of criminal offences under various provisions of the Criminal Code of the Republic of Lithuania while acting in an organised group he made arrangements for illegal possession of a considerable amount of powerful firearms, ammunition, explosive devices and substances organised for the preparation for the smuggling thereof and supported a terrorist group, i.e. he illegally and without specific permission during the period from the end of 2006 to the beginning of 2007 made arrangements with Seamus McGreevy, Michael Campbell, Brendan McGuigan and other unidentified persons to acquire in the Republic of Lithuanian a big quantity of firearms, ammunition, explosive devices and substances and transport them to the Republic of Ireland without declaring them to Customs, or avoiding the Customs control in any other way without permission, and in this way provides support to the terrorist group, the Real Irish Republican Army. 11:45 11:45 11:45 11:46

217 Q. So two things to draw out of that which will be obvious to everybody: Firstly, that the matter that he was suspected of involved, as it's put, "considerable amount of powerful firearms, ammunition and explosive devices and substances", so material that would pose a grave threat to life? 11:46

A. That's correct.

218 Q. Secondly, the way it was being characterised at that time was that the purpose behind him seeking to acquire this was in support of the Real IRA?

A. That's correct. 11:46

219 Q. So another piece of the puzzle potentially in terms of a piece of connective information to the Real IRA in the case of Liam Campbell?

A. That's correct.

220 Q. Just to take it to its conclusion, having dealt with that, is the position that Campbell was subsequently extradited to Lithuania following a further European Arrest Warrant issued in 2016 culminating in the decision of the Supreme Court of Ireland? 11:47

A. That's correct. 11:47

221 Q. And then finally, as is well established already, Liam Campbell, one of those found liable in the Breslin litigation?

A. Yes, that's correct.

222 Q. So let's move away from a name we have mentioned many times to one that has been less frequently mentioned, the person at No. 7 on your list is Gerald Alexander MacMullen? 11:47

A. Yes, Gerald Alexander MacMullen was a resident in Jonesborough, which is close to the Border between Northern Ireland and Republic of Ireland. Police suspected he played a role in preparations in the Omagh bombing, and again that emanates from the Jones report. He was deemed a suspect based on intelligence, and 11:47

again that information is taken from Mr. Baxter's policy decision, 288 and 289. On 21st September 1998 he was arrested and interviewed by the RUC in connection with the Omagh bombing. Again this arrest was based upon intelligence and he was released without charge.

On 20th June 99 he was again arrested and interviewed by the RUC. The interviews covered phone materials and emanated from the Houston policy decision, 135 and the McArthur policy decision, 134 and a briefing sheet from a Detective Inspector Officer 15. And ultimately he was released without charge

223 Q. One follow-up question about Gerald MacMullen, his arrests were in '98 and '99, come February 2003 he was on Norman Baxter's list, having made it on to Phil Jones' list. Do you know, sitting there now, why it appears that he wasn't ever arrested following that?

A. It does appear that he wasn't arrested but I'm not certain of why.

224 Q. So, the information that you've looked at supports the conclusion that there was no subsequent arrest but no explanation is apparent from the material that you've looked at?

A. That's correct.

225 Q. Next up is Oliver Treanor, and again we've dealt with Mr. Treanor a number of times over the course of Chapter 3. I wonder if you can just deal with your summary in the first instance?

A. Yes, Oliver Treanor was a resident of the Republic of Ireland. He was suspected to have supplied a mobile phone which was used in connection with the Omagh bombing. He was deemed to be a suspect based upon intelligence and phone evidence, again that emanates from Mr. Houston's policy decision 111 and Mr. Baxter's policy decisions, 288, 289 and 327. 11:50

A Republic of Ireland mobile phone registered to Treanor was believed to have been connected with one of the bomb warning calls, as alluded to in my earlier statement, in relation to the sequence of events. It was suspected that whoever had the phone in their possession on the afternoon of 15th August 1998 made the second bomb warning call from the public call box after they had received a call from the 585 phone. Treanor was mentioned in Lisa Purnell's LKP5 report around that, and again I have the page references here if they are required. 11:50

226 Q. They are not. But we remind everybody that that was all in connection with the fact that he was the subscriber to 430, and also the ordinary user of 406, both of which phones have featured in the presentation so we don't need to go over that. 11:50

11:51

Now, in relation to the approach, we know he was arrested and we heard yesterday what he was saying to the AGS. Released without charge in 1999 but it would appear that, although there was a decision to arrest

him following the Baxter list, that was not successful?

A. That's correct.

227 Q. Again, is there an explanation apparent as to why that wasn't successful? I mean it may be a matter of inference, we know that he was a resident of Republic of Ireland, and so far as the PSNI is concerned there is that limitation potentially, but do you know why he hasn't been arrested? 11:51

A. I am unaware.

228 Q. On that point, there having been a decision to arrest certain individuals, that plainly the jurisdiction of the PSNI at that time and now ends at the Border. Do you know whether there was any liaison with An Garda Síochána to ask them to carry out arrests on behalf of the PSNI? 11:51 11:52

A. Specifically to Treanor or...?

229 Q. Either specifically to him or more generally?

A. Throughout the course of the investigation --

230 Q. Yes.

A. -- I have seen evidence that the RUC and AGS both worked together to make arrests either side of the Border. 11:52

231 Q. By the point we get to the Norman Baxter decision to have an arrest strategy have you seen any information sitting there that you can recall that those that he wanted arrested - and he is coming to give evidence tomorrow so he can help us himself but you are here now - that any of those that he identified as for arrest there was liaison in relation to? 11:52

A. I would, apologies, I would need to clarify that. I am not certain of the dates in the documentation I have seen.

232 Q. We are certainly not asking to you guess. So let's move forward please in our list to No. 9, Joseph, sometimes called Joe, Fee. You can here deal with the summary please. 11:53

A. Ye,s Joseph or Joe Fee was a resident in the North of Ireland. He was suspected of having been involved in the preparation of the bomb, again emanating from the Jones report. He was a suspect based upon telephone inquiries and intelligence, and that emanates from Mr. Houston policy Decision 135 and Mr. Baxter's policy decisions, 288 and 289. He is also mentioned in Lisa Purnell's LKP5 report in connection with the Omagh bombing, and again I provide page references to the connections there. 11:53 11:53

233 Q. We heard yesterday Joseph Fee was arrested in both '99 and 2000, but released without charge on both occasions, the first time by RUC, the second by AGS. Again would it be right to conclude that you haven't identified any evidence that he was arrested after the Jones Baxter decision in February 2003? 11:54

A. That's correct.

234 Q. We come next to Aidan John McMahon, we know him to be the uncle of Shane and Michael Broderick, a fact that you tell us, two other individuals who appear on this list. 11:54

In due course we're going to come to a man called Noel McMahon, are you able to help us as to whether Noel McMahon is any relation to Aidan McMahon?

A. [Short pause]. There's nothing in my notes to confirm that but it's something I can certainly take away and clarify.

235 Q. We'll leave that for now, and returning to Aidan McMahon, as I say, we'll come to Noel McMahon later, but is the position for Aidan McMahon that he was on the Jones list, although it is right to say he had already been on the Hamilton Houston list on an earlier date, and ultimately was on the Baxter list based on intelligence? 11:55

A. Yes, that's correct.

236 Q. And he was also arrested in '98, released without charge by the RUC but it would appear from your review that he was not subsequently arrested? 11:55

A. That's correct.

237 Q. We then come to the first of his nephews, Michael Edward Broderick, was he a man who lived in South Armagh close to the Border with the Republic of Ireland? 11:56

A. Yes, that's correct.

238 Q. Did his name get included in the Jones list?

A. Yes, he was. 11:56

239 Q. And so far as PSNI officers were concerned he in fact had already been on the Hamilton Houston list and was on the Baxter list based on intelligence?

A. That's correct.

240 Q. And he also arrested at a very early stage, 21st September, so no doubt part of the first phases of arrest in 1998, released without charge, and then again apparently not rearrested?

A. That's correct. 11:56

241 Q. His brother, Shane Francis Broderick, do we see a very similar picture in terms of where he lived, the fact he was on the Jones list, he doesn't appear to have been on the Hamilton Houston list, but he was on the Baxter list based on intelligence? 11:57

A. That's correct.

242 Q. And again, arrested in that early stage in September 1998, released without charge and not subsequently arrested?

A. That's correct. 11:57

243 Q. Then come to Colm Murphy about whom we know a great deal, we can be efficient with him, I hope. We know that the police suspected that he supplied two mobile telephones, one belonging to himself and one to Terence Morgan to those who went to Omagh. It appears 11:57 from what you've identified that he was deemed to be a suspect only in the Baxter list, is that right?

A. Yes, that appears to be the case.

244 Q. So it wasn't until February of 2003 that he made it on to a firm suspect list? 11:58

A. Yes.

245 Q. And, as we know, there is contentious interview evidence in relation to him, the record of which suggests that he admitted that he passed those phones

to a member of the Real IRA knowing that they were going to be used to transport a bomb. We know ultimately, as you have told us already, he was acquitted in the Republic of Ireland but he was found liable in Breslin? 11:58

A. That's correct.

246 Q. Then come on to Derek Patrick Brady, also known as 'Shanty'. Was he somebody resident in the Republic of Ireland?

A. Yes, he was. 11:58

247 Q. Did the police suspect him of having supplied a mobile phone which was connected with the first and third warning calls?

A. That's correct.

248 Q. Sitting there now, are you able to help us with which mobile telephone it was suspected that he had supplied? 11:59

A. I believe it was a mobile telephone number ending 259, the unregistered, what we would refer to as 'pay-as-you-go' but I think it's 'ready to go' in the south. 11:59

249 Q. Yes. That in fact, although those were the suspicions, that was a phone that he accepted being the user of, didn't he?

A. Yes, that's correct.

250 Q. It appears that the first time he was considered a firm suspect was the Baxter decision in February 2003, is that right? 11:59

A. That's correct.

251 Q. And, as we know, subject to who the user was, but if

he, the ordinary user, was using it, he was involved in a telephone call at a highly material time with those who went to Omagh?

A. That's correct.

252 Q. The AGS arrested and interviewed him in 1999, he made it onto the Baxter list in 2003 but it's the position that he has never been arrested in Northern Ireland in relation to the Omagh bombing? 11:59

A. That's correct.

253 Q. Dermot Seamus McKenna, who we know to be Seamus McKenna, was he a resident of the Republic of Ireland? 12:00

A. He was.

254 Q. Was he identified in the Detective Chief Superintendent Jones' report? 12:00

A. Yes, he was.

255 Q. Had he already been on the Hamilton Houston list and the Eric Anderson lists?

A. That's correct.

256 Q. And ultimately he made it onto the February 2003 list by Norman Baxter? 12:00

A. Yes.

257 Q. Again in his case we know that he was arrested and interviewed by the AGS in 1999 but it appears that he has not been arrested in Northern Ireland? 12:01

A. That's correct.

258 Q. And of course, in the Breslin proceedings there was no finding of liability against him?

A. Correct.

259 Q. Now, No. 16, I just want to check that you have that in an unredacted form in terms of the name, that is the name of Peter Campbell, and that is a name which it is permissible to mention in this context.

A. Yeah. 12:01

260 Q. You have that. He was a person resident in the Republic of Ireland, is that right?

A. That's correct.

261 Q. Identified in the Jones report?

A. Yes. 12:01

262 Q. And appearing first within the RUC/PSNI decisions in the Baxter decision?

A. That's correct.

263 Q. And as we know there was extensive telephone evidence involving a mobile handset attributed to him, which we 12:02 have been through. He was arrested and interviewed in the Republic of Ireland in May 2000, is that right?

A. Yes, that's correct.

264 Q. But he has never been arrested by the RUC or PSNI in Northern Ireland? 12:02

A. Yes.

265 Q. So, our antepenultimate name, No. 17 on the list, Kevin Tumelty, a resident of Northern Ireland, is that right?

A. That's correct.

266 Q. This is perhaps your shortest report, the first time he 12:02 appears on any list is the Baxter list, is that right?

A. Yes, that's correct.

267 Q. And notwithstanding that he was a resident of Northern Ireland and that he was on that list in February 2003,

is the position that you were unable to find any record of Kevin Tumelty being arrested in respect of the Omagh bombing, either in the Republic of Ireland or in Northern Ireland?

A. That's correct. 12:03

268 Q. Then our two final names, which we are all very familiar with and in relation to whom we have heard a lot of evidence connected with the theft of the bomb car, Paul Kelly first, also known as 'Jaws'. Was he suspected as being the intermediary between Anthony 12:03 Donegan, the thief, and Seamus Daly, the Real IRA member who wanted the vehicle?

A. That's correct.

269 Q. Was that suspicion based upon telephone evidence?

A. Yes. 12:03

270 Q. In terms of his appearance on any lists, you don't indicate that in your statement, but are we to infer that he was, at the very least, on the Baxter list because as, we have heard, he was one of the 19 names?

A. Yes, that's correct. 12:04

271 Q. In terms of his arrest, has he been arrested on a number of occasions by the AGS in connection with the Omagh Bombing Inquiry, the Omagh bombing attack?

A. That's correct.

272 Q. But never charged and never been arrested or 12:04 interviewed in Northern Ireland?

A. That's correct.

273 Q. You add at the end that he was sought for arrest by the PSNI in 2007 but subsequently designated as no longer

wanted because he had already been interviewed by the AGS?

A. That's correct.

274 Q. So just it may be entirely obvious what that means, but it would appear that the sequence is that in 2003 Norman Baxter puts him on the list of the 19 firm suspects, some four years later, a decision is made within PSNI to arrest and interview him, and so he was circulated as wanted for that, but then it would appear that whoever it was decided that they wanted to interview him discovered that he had in fact been interviewed in '98 and '99 by the AGS and so countermanded the decision? 12:04 12:05

A. That's correct.

275 Q. And finally, before we come to the fourth and final aspect of my questioning of you today, we have No. 19 on the list, Anthony Donegan, and it was the basis of the suspicion of his involvement connected with the theft of the bomb car? 12:05

A. That's correct. 12:05

276 Q. And in terms of Mr. Baxter's policy decision, was he classed as a suspect based on intelligence and phone evidence?

A. Yes, that's correct.

277 Q. And of course we know that he appeared in Lisa Purnell's report. Ultimately is it the position that Donegan was arrested and charged by AGS, and later by PSNI, however neither of the prosecuting authorities in either jurisdiction decided to prosecute him in 12:05

connection with the Omagh bombing?

A. That's correct.

278 Q. So that then concludes our review of the 19 names. And just so that you understand what the likely approach of the Inquiry Legal Team will be to these names, is that we will take those as read as part of our working hypothesis, given the status that they had for PSNI. 12:06

And what we are going to do now is just to turn to some names that you have been asked to consider to try and understand whether we should be excluding them from our working hypothesis now on the basis that there is good reason to do so or whether the evidence is such and the information held by PSNI is such that they should continue to be in the minds of the Inquiry as we move forward in our work. 12:06 12:06

So, let's just start with a little bit of introduction in relation to this. Is it right that we should acknowledge that it is only last week that you were asked by the Inquiry to investigate certain particular names? 12:07

A. Yes, that's correct.

279 Q. And is your position that you have done your best with the time available and the support of your team to try to understand what you can about each of those names? 12:07

A. Yes, that's correct.

280 Q. But is your resting position today that even in relation to the names that the Inquiry provided you

with, you think there is still work to be done?

A. That's correct.

281 Q. And so any evidence that you give today about these particular people needs to be caveated with the fact that there may be information you are not currently cited on, which is relevant to this part of your evidence? 12:07

A. Yes, that's correct.

282 Q. All right. Well, with those caveats very much in mind, let me just start with the first of the names and it is the individual I have mentioned already, Noel McMahon, sometimes known as "Onions." I think we have already established that in front of you now in the briefing that you have on that person, you are not able to say at the moment whether or not he is a relation of Aidan McMahon? 12:07 12:08

A. No, that's correct.

283 Q. If we just run through please some of the information that is available to the Inquiry about this particular individual, and again I stress, we are not here looking to say he should be a firm suspect for PSNI, that's not the function of this at all, it is to try and understand whether there is A, credible information to indicate that he is involved, meaning that B, we should continue to bear him in mind. 12:08 12:08

So, we'll start please with the documents which is AGS intelligence. And can I ask please to bring up on screen INQ039024. And we can go please to page 161.

This, I'm sure is a document with which you will have some familiarity as part of your preparation but let's just make it clear what it is. Could we just crop into the body of this. We can see it is a report by An Garda Síochána and it reads, as follows: 12:09

"The Information received at this office indicates that Anthony Donegan was involved in stealing the car from Carrickmacross which was used in the Omagh car bomb on 15th August". 12:09

Well, we don't need to trouble ourselves with that, Mr. Donegan is on the list from Norman Baxter.

"The information suggests that INLA sources were also involved in the supply of this vehicle." 12:09

Then it says this:

"It is further reported to this office that a Noel McMahon 'Onions' of Dundalk was involved in or participated in some way in this incident. It is alleged that McMahon went to England on unknown business on the weekend of the 8th and 9th August. It is alleged that McMahon was confronted by Anthony Cunnane, INLA, in the Emerald Bar, Dundalk, after the bombing and called a murderer." 12:10 12:10

And then:

"It is further alleged that Rory Dougan of Dundalk directed McMahon to go home and lie low until the controversy had subsided".

So this is a piece of intelligence received by the AGS, is that right? 12:10

A. That's correct.

284 Q. And sitting there now, you have no possible means of assessing the credibility or reliability of that intelligence, all we have is the record at the moment on its face? 12:10

A. That's correct.

285 Q. That's not to say that it won't be the subject of further investigation but simply at this stage we treat it on its face that it appears that a person is reporting that McMahon was, by implication, involved in the Omagh bombing because somebody else who was a dissident republican at the time accused him of being a murderer, i.e. that he was responsible for the deaths in Omagh? 12:10 12:11

A. That's correct.

286 Q. So that's the first piece of information that we might just consider.

We then bring up please, the list by Phil Jones, this is INQ031507. So, this is a list by a person who is identified as "Jones". I have introduced them as "Phil Jones" and, now looking at this, I am not certain that that is right and we don't have a date on this 12:11

document, but this is a list of 22 suspects. So it's not the eight that we have been talking about hitherto, there are a number of names on this list. But, if we go over the page please we can see that the final name, 22, bottom right-hand corner, is Noel McMahon, so there 12:12
appears to have been assessment at some point which included Noel McMahon on the list of suspects. Again, I'm sure you will be the first to agree it is not clear whether the two data points that we have just looked at are connected, one might be the cause of the other, we 12:13
don't know that. But let's continue to build our picture.

If we go please, to the McArthur list, INQ028219. So this is the list prepared by Detective Chief 12:13
Superintendent McArthur in February 2001, and we go to page 5 of it please. Again, if we look towards the bottom of the page we'll see again Noel McMahon's name appears on the McArthur list. So again, we must acknowledge limitations of the information that we have 12:13
here in open, which is that all three of these data points could in fact resolve as one data point, but equally they may be based on separate data points.

What we also have is John Ware, and he told us that his 12:14
sources had reported to him, so these are sources within PSNI as he told us, or connected in some way to the investigation, and presumably they were saying this on the basis of intelligence that they had seen, that

Noel 'Onions' McMahon was in the bomb car, so that's what John Ware told us that his sources were telling him.

We'll now just look please at INQ042077 and, in particular, page 108 please. So this is taken as part of the Tonge Review, so we can see that there is a report of intelligence in relation to Noel McMahon, we don't need -- if you could just crop into that please to help my eyesight, if no one else's. Thank you very much indeed. 12:14 12:15

We can see at M1214 there is intelligence dated 6th October '99, again we can't make an assessment standing here now of the reliability of that, indicating that Mahon and Daly were involved in planting the Omagh bomb. So a suggestion that those two people were in the bomb car? 12:15

A. That's correct, I can provide a small snippet, more information in relation about him? 12:15

287 Q. I would welcome that please?

A. That is the message received from Detective Inspector Foley in An Garda Síochána.

288 Q. So deriving, in other words, from the Republic of Ireland. So that is intelligence coming from the Republic of Ireland. It seems to be in a slightly different character to the other AGS evidence about him being confronted and him being accused of being a murderer, which would be an allegation made against 12:16

anyone who was involved, but this appears to be more specific in its character, suggesting that he was actually in Omagh that day?

A. Yes.

289 Q. So that is intelligence dated 6th October. Then the final thing for us to consider is the statement of an RUC Inspector, Diane Mitchell, and we will just bring up her statement please, INQ006423. I'm really just bringing this up, again if we could crop in - we can see it is dated 11th October - if we just crop into the body of it, I'm sure this will serve as a reminder to you about what she is talking about. She is dealing with a situation where she and a witness, Ruth Buchanan, travelled to the Republic of Ireland. Are you familiar with this statement? 12:16 12:17 12:17

A. Yes.

290 Q. We don't need to go through the document itself I just wanted to prompt you. On 8th October you can confirm that what the statement says is this, that Ruth Buchanan who was one of the eyewitnesses saw two men got out of the car - and we have heard what she has to say - was taken to the Republic of Ireland and, as is described in the statement, sat outside of the dole office in Dundalk for a period of time with a view to see if she could identify anyone. 12:17 12:17

A. That's correct.

291 Q. And the person that she drew attention to was a man in a 'Yankees' navy anorak and she effectively described him as bearing a similarity to the person who she saw

getting out of the bomb car?

A. That's correct.

292 Q. It is right to say she did observe some differences but that individual, the man wearing the Yankees navy anorak, was subsequently identified as we see later in this statement, as being Noel 'Onions' McMahon, wasn't he? 12:18

A. That's correct.

293 Q. And so I'm sure, as an experienced police officer, you would recognise that that sort of evidence would be extremely unlikely to be regarded as admissible in any criminal proceedings? 12:18

A. Yes, that's correct.

294 Q. But nevertheless if we start to look at the data points we have got one person seemingly reporting that he was accused of being a murderer. We've got different reporting on the face of it, which seems to suggest that he was in the bomb car, and two days later a witness who saw the people who got out of the bomb car picked out a man, just one man it would seem, and that was the same person who had been named in intelligence just two days earlier, is that a fair summary? 12:18

A. Yes, that's correct.

295 Q. And, in addition to that, we hear that he did make it on to a list by an Officer Jones, he made it onto the McArthur list, and potentially the same origin, is John Ware saying that Noel 'Onions' McMahon was in the bomb car? 12:19

A. That's correct, I do think it is important also to

include the fact that Ruth Buchanan on 8th October she stated she didn't believe she would be able to identify positively either of the two men that she saw getting out of the vehicle.

296 Q. Yes. So, as I say, it is, on its own, it is from a criminal trial point of view worthless? 12:19

A. Yes.

297 Q. But it would have to be a pure coincidence that the one person that she picks out is the person who is separately being named in intelligence by someone entirely different just two days earlier? 12:19

A. Yes, that's correct.

298 Q. And so, putting all of that together, bearing in mind that we are on a working hypothesis at the moment, that we are not making for any findings of fact, we are just looking to see who we should be carrying forward. Would you agree that, on the face of it, there are reasons to consider that Noel 'Onions' McMahon was involved in the Omagh bombing, on the face of the information that we have reviewed? 12:20 12:20

A. On the face of the information that we have spoken about today there is sufficient for the Inquiry to include him, yes.

299 Q. And really what I seek your help with on behalf of PSNI, so we don't miss anything, and accepting that you haven't done an exhaustive research, is there anything that you have seen in the work that you have managed to do so far, which positively excludes Noel 'Onions' McMahon as a credible suspect for the Omagh bombing? 12:20

A. Not at this stage.

300 Q. Okay. Let's move on to the next name, and it's one that we are all very familiar with, that is Patrick 'Mooch' Blair. And again we are just going to headline, if we can, information that we've looked at over the past four and a half weeks of sitting time and just to try and bring it together --

CHAIRMAN: Mr. de la Poer, can I just ask you about one thing before we move on? We resumed at 11:15, a little over an hour ago now, I just wonder if it is perhaps a bit too much to expect the shorthand writer to cope with another uninterrupted 40 or 45 minutes. 12:21

MR. DE LA POER: Yes.

CHAIRMAN: We've altered our sitting times today for good reason but it has a consequential effect I think. 12:21

MR. DE LA POER: For the second time today, Sir, thank you for drawing that to my attention. I wonder if this would just be convenient way to break the balance of the morning session in half. So now would be a good time as far as I am concerned. 12:22

CHAIRMAN: Well perhaps just ten minutes or so would be sufficient.

MR. DE LA POER: Yes, well thank you very much indeed.

THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS: 12:22

CHAIRMAN: Mr. de la Poer.

MR. DE LA POER: Sir, it appears to me that I will not complete my questioning before 1:00. So may I, with

you leave, find a convenient moment around one o'clock to break for us to have our lunch and then we can resume the afternoon. We will finish in very good time today.

CHAIRMAN: Yes, just choose whatever moment seems best. 12:34

301 Q. MR. DE LA POER: Thank you very much.

The second, and I can reassure you Detective Chief Inspector, of four names that we are going to look at in detail, is that of Patrick 'Mooch' Blair. And the 12:34 starting point, recognising again that there is contention surrounding the reliability of Kevin Fulton, but it's right to say that in reporting to his handlers he named Patrick 'Mooch' Blair as a member of the Real IRA, suggested that he smelt of fertiliser, and three 12:35 days before the bomb said that Patrick Blair told him that a bomb was moving northwards, that is what is recorded, isn't it?

A. Yes, correct.

302 Q. So that's our first set of data points. And whatever 12:35 assessment should be made about his reliability is for a different question but we're just looking to build our picture now.

So, if we then consider how he was dealt with by 12:35 Detective Chief Superintendent McVicker, we'll look at the McVicker Report please, INQ038248. And we'll navigate please, to page 166. So if we start at the bullet point in the centre which forms part of the

preceding paragraph 8.11, there is an indication there is a HOLMES document dated 14th January 1999 which outlines information received naming Blair as one of the main men behind the Omagh bombing. It gives a detailed description of where the device was made up in Republic of Ireland and it goes on to comment that there is no record of any action having been raised with the AGS. But, for our purposes, we have got a single strand of intelligence reporting here, 14th January 1999 is when it comes in naming Patrick Blair, do you agree? 12:36 12:36

A. Yes, that's correct.

303 Q. So, we can see that what follows, and maybe you want to crop into paragraphs 8.12 and 8.13, so that we can just read this out: 12:37

"The Task Force Commander has confirmed he was made aware of the information contained and realised its possible potential, travelled to the Republic of Ireland and briefed senior AGS officers in an attempt to have the information assessed and exploited. In a matter of weeks AGS made further inquiries and stated there was nothing in it." 12:37

It also goes on to say: 12:37

"Two anonymous messages previously received on 20th August 1998 at 14:00 and 14:38 hrs respectively, also implicate Blair as being behind the bombing."

So a bit to draw out of that. The first is the last sentence, that it appears that, in addition to the reporting in January 1999, there are two separate reports very shortly after the attack, both on the same day, naming Blair as well? 12:37

A. Yes.

304 Q. We'll read on. This here is the assessment of Mr. McVicker in relation to the information held by RUC at that time:

12:38

"Nicknamed 'Mooch' he was identified by the investigation team. He has a long history of PIRA involvement and is believed to be a leading member of the Real IRA".

12:38

And pausing there, we know that the Real IRA claimed responsibility in the aftermath of the Omagh bombing, so anybody who is a leading member of the Real IRA will be somebody that we will be interested in, do you agree? 12:38

A. Yes, that's correct.

305 Q. "He is known to be a close associate of McKevitt" --

Of course we know Michael McKevitt has been found liable as the leading figure in the IRA -- 12:38

"who is also described as a suspected leading member of the Real IRA. On 15th August 1998 Blair is believed to have made contact with the bomb phone, suspected of

having been used in the Omagh bombing at 14:19 hours. It is at this time that the car bomb is believed to have been in place on Market Street."

Well, we'll come back to the phone call at 14:19. I am not sure it is accurately described there, but that is what Mr. McVicker recorded. 12:38

If we just go over the page to complete what he was saying about Patrick Blair please and here we are focused on paragraph 8.14. So over the page from where we are please. And we can see at the top of the page again, if you can expand that paragraph: 12:39

"Also the subject of a report related to linked incident at Newry Police Station on 21st July. At present Blair is not classified as a suspect on the HOLMES database and has never been arrested." 12:39

So that is a moment in time, November 2000, when Mr. McVicker submitted his report. We have got three pieces of intelligence: We've got a phone call, that we'll come back to, and we've got a piece of intelligence linking him to a linked incident. That is one side of the scales. Of course on the other side we shouldn't overlook the fact that the AGS were asked to investigate it and they came back and said from their point of view there was nothing it? 12:39 12:40

A. Yes, that's correct.

306 Q. We don't have any information here about the extent output of their inquiry but we know what the output of it was. So that's Mr. McVicker in November 2000.

If we then move forward just a couple of months to the McArthur list, as I am describing it. That is INQ028219, and we are going to page 9. We can see the name at the very bottom of the page which we might just want to zoom in. So this is Brian McArthur's list of suspects, as I say February 2001, so just following the McVicker Review. We just zoom on the bottom section there where you are indicating with your cursor please. Thank you very much indeed. We can see that Patrick Blair does appear on that list, is that right? 12:40 12:40

A. Yes, that's correct. 12:41

307 Q. And so different things have been said about Patrick Blair in terms of being reported as being said that he is not a suspect, will never be a suspect, in fact sitting there you are able to confirm that at one moment in time an SIO did have him on their list of firm suspects? 12:41

A. Again, I am very reluctant to commit to the firm suspect title but, yes, he does appear on a list of suspects.

308 Q. On a short list of suspects? 12:41

A. Yes.

309 Q. So again, continuing to move forward, just reviewing documents here seeking your help, where appropriate. We are going to move forward now to 22nd November of

the same year, 2001, we are at the eve of the publication of the PONI Omagh 1, INQ050653. We'll navigate to page 2 please. This is a document that we, the Inquiry Legal Team, looked at with Sir Ronnie Flanagan, and just to remind you it is a meeting between ACC Sam Kincaid and David Wood. And this is David Wood's note of it.

If we crop in please, to the top seven or so lines, just before the capital letters. We are not here interested in the first part and the comments that are being made by ACC Kincaid. What I am interested in is the bottom paragraph on the expanded box:

"He accepts mistakes have been made. He finds it unbelievable that Blair is not a firm suspect. He says he is a suspect now but accepts that no inquiries had been made regarding him. He also accepts that the 4th August anonymous information should not have been ignored". 12:42 12:42 12:43

well let's not worry about that. The final sentence at the time being, but focusing on Patrick Blair. So it appears in the assessment of ACC Kincaid on the information that he had, that he was surprised that Blair had not been treated as a firm suspect but was saying that he is now a suspect? 12:43

A. That's how it appears.

310 Q. That is consistent with the McArthur list, isn't it, of

2001?

A. Yes, it is.

311 Q. So, moving forward in time, we then, a few days after this meeting, had the publication of the PONI Omagh 1 report which was December 2001, and as has been established in the course of Chapter 3, an individual identified as 'A' is named in that as being the subject matter of Kevin Fulton's reporting and, as everybody knows in this room, that Person A is Patrick Blair. 12:43

12:44

So we don't need to go over what PONI had to say about it, that was just a review of the material we have already looked at. We just need to look at the PSNI response to that. This is INQ013555 and we are going to go to page 8 for their summary, this is a document dated January 2002. It is paragraph 4.12 please that we can expand. So we know the Ombudsman has reported, and this is the summary paragraph of material that is mentioned in more detail before: 12:44

12:44

"Separately A who had been named as a possible suspect in one anonymous phone call to the Omagh investigation incident shortly after the bombing."

Just pausing there. Looking at Mr. McVicker's report, does it appear that there were two reports shortly afterwards on the 20th? 12:44

A. Yes, that appears to be the case.

312 Q. And indeed that there was a separate report in January

1 1999 as well?
2 A. Yes, that appears to be the case.
3 313 Q. At all events this is what the summary paragraph:
4
5 "And who was later mentioned in a separate report, the 12:45
6 source of which was Fulton himself, had already been
7 put through the same formal assessment process as other
8 potential suspects by the investigation team. That
9 assessment took into account a call made from a phone
10 attributed to A, but not registered to him, and at the 12:45
11 time in the Dundalk area of the Republic of Ireland to
12 one of the Omagh bomb phones, though not one which was
13 in Omagh itself on the day of the bombing. Colleagues
14 in AGS are similarly convinced that this phone call did
15 not relate to the Omagh attack. 12:45
16
17 In light of the assessment, A was ruled out as a firm
18 suspect by the senior investigating officer, that
19 judgment is confirmed by the surveillance operation
20 referred to above, and also by the absence of any other 12:45
21 information, intelligence or evidence found during the
22 whole of the investigation which might suggest A's
23 involvement with the Omagh firm suspects."
24
25 Pausing there, one of the ways, the reasons we have 12:45
26 dealt with it in this way, Detective Chief Inspector,
27 is that, as matters stand, details of that surveillance
28 operation are not in the public domain. So we limit
29 ourselves for the time being to what is.

But again let's just draw out what is being said here. This is response to a criticism by the PONI Report in relation to the treatment of Man A. It seems to be saying that he has been ruled out, albeit that we know that in fact he was on the McArthur list at this time, is that right?

A. Yes, that appears to be the case.

314 Q. He mentioned some, but not all, of the reporting and it talks about the phone call, which we are going to come to in a moment, do you agree? 12:46

A. Yes.

315 Q. It repeats the point that Mr. McVicker drew attention to, namely the AGS's assessment about it, and they are described as convinced that the phone call, which as I say we are going to come to, didn't relate to the Omagh attack? 12:46

A. Yes.

316 Q. And we also have mention of a surveillance operation, albeit that that surveillance operation, can you confirm, was not directed at A himself but one of his associates? 12:47

A. That's correct.

317 Q. So, information on either side of the balance in terms of taking it forward. What we really need to do now is just consider that phone call, because it has been mentioned a number of times, and we don't need to bring anything up on screen, I will just remind everybody of the details of it - and I am sure you can agree with this - that that was a call at 14:19 from a mobile 12:47

telephone attributed to Patrick 'Mooch' Blair, that's the 456 brown phone, do you agree?

A. Yes, that's correct.

318 Q. It is to the 430 phone which has been found in the Breslin litigation to have been in the hands of Liam Campbell at this time? 12:47

A. Yeah, that's correct.

319 Q. And the cell site evidence has established in Breslin, and as has been reviewed in the course of Chapter 3, puts that phone close to the call boxes as you and I discussed in your previous evidence session, at the time the warning calls were made? 12:48

A. That's correct.

320 Q. And so on the face of it, that phone call from Patrick 'Mooch' Blair is to a person who at that time is engaged in the very important phase of the attack? 12:48

A. Yes.

321 Q. Do you agree? And surrounding that call, we know that the user of 430 had previously taken a call nine minutes earlier from the 585 phone, so that's the scout car. So in our sequence it goes scout car call at nine minutes earlier, then we have the call in from Patrick Blair, and less than ten minutes after the call with Patrick Blair ends the first warning call is made, isn't it? 12:48 12:49

A. That's correct.

322 Q. Given the time that call took. So again looking at the surrounding information the user of 430 is absolutely in the thick of it at this time, would you agree?

A. Yes.
323 Q. And the phone call, recollections vary as to whether it is 58 or 59 seconds, but it's on any view just short of a minute is of the sort of length in an ordinary police investigation would be regarded as a significant contact between people? 12:49
A. That's correct.
324 Q. And, while it is very far from infallible approach, would it be a perfectly ordinary and standard thought process of an investigator that people who are in the thick of a piece of serious criminality tend not in the middle of that to speak for lengthy periods of time to people who are entirely unconnected with it and in relation to something that has nothing do with what they are doing? 12:49 12:50
A. I suppose that would be the expectation but I wouldn't definitively say it to be the case.
325 Q. I am not suggesting it is infallible, I am trying to get into the minds of a police investigator, and looking at it objectively the starting point would be that is a highly suspicious phone call and it is likely that it is connected with what is going on. Do you think that's a fair assessment by an SIO when looking at that call? 12:50
A. There is certainly a chance that it's connected, yes. 12:50
326 Q. And so --
CHAIRMAN: There is another way, Mr. Billingsley, would you suspect it to be connected?
THE WITNESS: I would certainly be suspicious of the

call.

327 Q. MR. DE LA POER: So we have got a suspicious call at a critical time in the plot, we've got three separate strands of reporting coming in, some immediately after, some later, we've got an informant saying that he is an important part of the Real IRA, and that he seemingly correctly predicted that a bomb was going north at the time that it did. Taking all of that together, from the Inquiry's point of view, not from PSNI, but do you think that there are good reasons to continue to include Patrick 'Mooch' Blair in the Inquiry's working hypothesis? 12:50 12:51

A. Yes.

328 Q. And in terms of the information that you've had to have sight of, and we immediately acknowledge the existence of the AGS assessment, we acknowledge the existence of the surveillance operation that is reported about an associate of Patrick Blair, other than those two factors, have you identified any reason why, as far as PSNI is concerned, he should be excluded by the Inquiry? 12:51 12:51

A. No, though I caveat that with having had limited opportunity to conduct full and thorough research.

329 Q. And so the position is on the basis of your understanding, as it stands today, that is the position? 12:52

A. That's correct.

330 Q. So I think we will have time to deal with 'Man B' the close associate of Patrick 'Mooch' Blair, Gary Jones,

he is the third of the four that I am going to look at in detail, and I suspect the last one to deal with before lunch. So we know in the Fulton reporting, again this is just information at the moment, an assessment of Fulton's reliability is to come. But he is described in the run up to the Omagh bomb as being Patrick Blair's right-hand man, is that right?

A. Yes, that's correct.

331 Q. And so if its reasonable to include Patrick Blair, that would be a relevant factor for us to weigh in our balance in terms of our working hypothesis, do you agree? 12:52

A. Yes.

332 Q. Then we have separately his connection to the Corry Square mortar attack, that was, as everyone will recall from the evidence yesterday, a mortar that effectively misfired. It was the subject of a prosecution, conviction, appeal, re-trial and acquittal. Firstly, I'm sure you will accept from me, Corry Square is linked very strongly with Omagh on the basis that a Mk 19 TPU was used in it, do you agree? 12:53

A. That's correct.

333 Q. And so, we heard the evidence about the acquisition of timer power units and how they all came from the same batch and they were used across a range of these incidents from which a reasonable inference is that one group acquired all of these and the same group was using them in a number of attacks, do you agree? 12:53

A. Yes.

334 Q. And the evidence connecting Gary Jones, which even on his acquittal rested in this place, was that Gary Jones, a close associate of Real IRA member Patrick Blair on Fulton's reporting, his DNA was on the jumper torn off the driver of the mortar van in the course of an altercation with a member of the public?

A. That's correct.

335 Q. And whilst the court applying the criminal standard in the re-trial was not sure that the person who was wearing the jumper in the altercation was Gary Jones, nevertheless, we have a situation where a person who, on the face of it, appears to be a close associate of a dissident republican terrorist, his DNA is on an item of clothing in a closely-connected incident?

A. That's correct. 12:54

336 Q. And so again, looking at it from the point of view of the Inquiry's threshold at this stage, would you agree that there are good reasons for the Inquiry to maintain Gary Jones in the working hypothesis?

A. Yes. 12:55

337 Q. And in terms of the work that you have been able to do has PSNI identified anything which positively excludes him?

A. No.

338 Q. Sir, I wonder if that might be a convenient moment? 12:55

CHAIRMAN: Of course.

MR. DE LA POER: Would 2 o'clock be convenient?

CHAIRMAN: Yes. Thank you, Mr. de la Poer.

THE INQUIRY ADJOURNED FOR LUNCH AND CONTINUED AS FOLLOWS:

CHAIRMAN: Now, Mr. de la Poer.

339 Q. MR. DE LA POER: Sir, thank you. Before we go further please, DCI Billingsley, just a matter I would like to go back to in relation to my questioning of you in relation to Patrick 'Mooch' Blair, and I apologise immediately in relation to this, I led you into error in terms of one potentially important detail. 14:01

I asked you about the reporting from Kevin Fulton and I asked you or, rather, in my question I rehearsed what that reporting had been. I referred to the fact that it was reported that Patrick Blair smelt of fertiliser, that reporting was on 22nd July 1998. I didn't rehearse, but it's right to observe, that on the 4th August it was reported by Kevin Fulton that the Real IRA were planning a show of strength. And then this error, I suggested to you that the reporting of Kevin Fulton was that Patrick Blair had told him that a bomb was moving north wards, in fact that is not a correct characterisation of the reporting. The correct characterisation is that the real IRA were about to move something north over the next few days. So it wasn't specified. You agreed with me, no doubt, trusting that I would be accurate, no criticism at all of you, but I wanted to just correct what I had said to you previously. 14:01 14:01 14:02 14:02

So if we can continue please with our review of individuals who haven't made the 19 names on the Baxter list. As I say, we are not going to do all of these in detail but, one that we're going to spend a moment or two over is Kevin Murray. 14:03

So in relation to Mr. Murray, he was named on the McArthur list in February 2001, and we'll just bring it up, INQ028219 on page 8. I will give that again, 028219, page 8. This is page 8, my eyesight is failing me, yes, we can see he is the second name down. I don't know if you can pick that out? There, the cursor is indicating where that entry is. 14:03

We then have him on the Jones list of 22 names, that's INQ031507. We can see at the top and he appears on the list if we go over to the next page please. We have him there at No. 18, do you see that, that right-hand column. 14:03

14:04

So, he is on two lists. Now in terms of what we know about Kevin Murray, we know that he was a close associate of Derek Brady, wasn't he?

A. I believe so, yes.

340 Q. And, in fact, according to Derek Brady in his interview, he was saying that he, Derek Brady, was with Kevin Murray together on the 15th August in Dublin? 14:04

A. Yes, I believe so.

341 Q. Now, as we've already covered a number of times, we

know that the 980 orange phone called Derek Brady's handset at 259 for 44 seconds at 14:14. So again a data point that might support the conclusion that Derek Brady was involved and, therefore, potentially relevant to his close associate Kevin Murray, who was said to be with him that day. But perhaps most compellingly, there was an incident, which is one of our previous incidents, on 21st March 1998, I'm sure you know the one I am referring to, what has variously been described as massive or huge bomb which was in the process of finalisation, was the subject of an operation by the AGS, and Derek Brady and Kevin Murray were arrested red handed, weren't they, in relation to that? 14:05 14:05

A. That's correct. 14:06

342 Q. And so, not only is he a close associate of Derek Brady in the general sense, he is also a criminal confederate of Brady with a shared ideology and a shared interest in creating terrorist devices?

A. Yes, that's correct. 14:06

343 Q. And of course, that is a device which we will investigate in Chapter 4 which may be linked to Omagh. But whatever the accuracy of that statement, he's plainly a dissident republican terrorist involved in terrorism just a few months before Omagh with a person who is on the Baxter list? 14:06

A. Yes, that's correct.

344 Q. And so, in relation to Kevin Murray, do you agree or disagree with the statement that there appears to be

good reason to keep him in the Inquiry's working hypothesis?

A. There would be reason to keep him in the Inquiry's working hypothesis.

345 Q. And recognising the limitations on what you have been able to do to date, sitting there now today, have you identified any evidence within the material that you reviewed which would strongly point in the direction of him being removed? 14:07

A. No, I suppose it's worth stating that the information that I've located would explain why he would not have appeared on McArthur firm suspects and that he is deceased. He died in 2001. 14:07

346 Q. And so, self-evidently, in terms of individuals who are being actively investigated, if that's the purpose of the list you wouldn't include a dead person on it? 14:07

A. Yes.

347 Q. But nevertheless, in terms of informing our understanding of who may be responsible on the Inquiry's list, he stays? 14:08

A. Yeah.

348 Q. Thank you very much indeed. So, there are some more names that you've been asked to consider, I'm just going to deal relatively briefly with two of those, I am not going to deal with all of them, and it may be that others will ask you about them. The first is Bernard Hughes. I know that this was a name that you received later than the other names because of the timing of your ten process. But we can just briefly do 14:08

what we've done with him, as we have with others, and headline it. He appeared on the '99 suspect list, is that right?

A. Yes, I believe that to be true.

349 Q. He also appeared on the Agnew list, albeit he was in the category of those with no direct linkage? 14:08

A. Yes, I believe so.

350 Q. Two documents to look at in relation to him, the first is a piece of AGS intelligence, this is INQ039024 and we are going to go to page 167 please. If we can zoom in on the substance of this. This is intelligence received in the Republic of Ireland. It is really just the sentence starting "car" this is a reporting: 14:09 14:09

"A car was allegedly taken to the yard of Bernard 'Fatser Hughes". 14:09

So the car being referred to, as we can see from above, is the vehicle that was Mr. Ward's and that was stolen from Saint Macartan's Villas, do you see that? 14:09

A. Yes.

351 Q. So a piece of intelligence, again standing here now we can't assess the veracity of it, but a potential piece of information to have regard to. 14:09

The second document is this, INQ0143365. And we're going to look at page 40. The document is about to come up on your screen, Detective Chief Inspector, is the PSNI HOLMES statement, a very long and detailed

document, but it deals with Mr. Hughes in connection with the Canary Wharf attack which, as we all know, was Provisional IRA attack taking place before the start of our period. Can we please just zoom into 'J' as it is. So just pick out that one paragraph. We can see that: 14:10

"Detective Constable Hall carried out inquiries into Bernard Hughes, the owner of the scrap yard, where a man called Stuart was employed at the time. He was identified as living in Crossmaglen". 14:10

And then it says this:

"On 7th June 1996 New Scotland Yard detectives arrested a number of people from South Armagh in suspicion of 14:10 involvement in the Canary Wharf bomb in London. On 11th June 1996 some of them were charged. On the 12th, New Scotland Yard detectives searched Hughes' scrap yard. It appears that the lorry used in the Canary Wharf bomb was purchased in the Lisburn area but became 14:11 a ringer vehicle for a lorry in Hughes' yard. That lorry was formerly owned by Monaghan minerals and bore a County Monaghan registration number. Allegedly the hood of the Canary Wharf bomb vehicle came from Hughes' yard and was originally fitted to the Monaghan Minerals 14:11 lorry. Hughes still had the rear axel of the vehicle in his yard. Hughes' attitude was described as "unhelpful" in that he could provide no information as to who purchased the hood of the lorry."

Now remind ourselves that, although this is approximate in time to Omagh, in fact we are talking about 1996, we are talking about the Provisional IRA, we are not dealing with dissidents in the way that we are come 1997 and 1998, but it appears that there is information to suggest that he has some connection or involvement with active terrorism in 1996, would you agree? 14:11

A. Yes, that's correct.

352 Q. Then just the final piece of the puzzle - thank you very much indeed, and that can come down - for present purposes in relation to Bernard Hughes is that we know that Seamus Daly, when he was interviewed by the police, said that he was with Bernard Hughes on the day of the bombing. He suggested that he left his house at 11 o'clock and travelled to Bernard Hughes' house and was there until 3 o'clock. So that's the account that Seamus Daly. So in policing terms, I'm sure you would recognise the phrase, Seamus Daly was advancing Bernard Hughes as an alibi witness for him on the day of the attack, wasn't he? 14:12 14:12

A. Yes.

353 Q. And again just applying standard investigative reasoning, if it be right that Seamus Daly was in fact in Omagh on the day carrying out the attack, as all of the information supports, then would it be natural for the police to be suspicious of the alibi witness that he has put forward by such a person on the basis that at the very least they appear to be covering for the person who perpetrated it? 14:12

A. Yeah.

354 Q. So, working on the assumption that Daly was involved, there is something suspicious, to say the least, about the fact that he was advancing falsely Bernard Hughes as his alibi? 14:13

A. Yes.

355 Q. So, we've got his name appearing on a list near the beginning and one at the end. We've got some intelligence which we can't assess the veracity of. We've got information to suggest that he was actively 14:13 involved in a terrorist event just a couple of years before and he is being presented as the alibi witness. Do you think, sitting were you are, that he should continue to be within the Inquiry's working hypothesis or have you identified good reason to exclude him? 14:13

A. No, I have identified no good reason to exclude him.

356 Q. Thank you. The final name for me to ask you about is Anthony 'Rusty' Cunnane. We have already dealt substantially with him so far as the only document I want to refer to - I'm not going to bring it up - but 14:14 you will remember that in relation to Noel 'Onions' McMahon it was suggested that Anthony Cunnane accosted him and called him a murderer?

A. Yes.

357 Q. Obviously, if you take that on its face and apply the 14:14 rationale standards of ordinary people, that might tend to suggest that he wasn't involved because, if he was, it would be an odd thing for him to be criticising somebody else who was involved. But, nevertheless, and

not trying to apply any kind of psychological gloss to it, is a reasonable inference that he appears to have known, at the very least, who was involved?

A. The inference would be that.

358 Q. Obviously that knowledge on its own doesn't indicate participation and we need to recognise that there is disapproval being expressed. So that's the piece of information for Cunnane. We know he has an old conviction for terrorism much, much before. But he was a name who appeared on the 2001 list. So this is INQ028219 at page 6. At the very bottom, just above the personal data box, you'll see his name appearing. This is the McArthur list. So something caused Brian McArthur to add his name to his short list or firm list, whatever we're calling it. 14:15 14:15

So again just in relation to Anthony Cunnane there may or may not be in what I have drawn attention to sufficient to conclude that he was involved in the Omagh bombing on the basis of that alone, but have you identified any positive reason to exclude him at this stage? 14:16

A. Not at this stage.

359 Q. So, those are the names that I want to ask you about, as I say, other names have been raised with you and I know that you have done your best to conduct a research task but it may well very be from the Inquiry's point of view that we ask you to develop some of those names further just to help us as we go forward. But for the 14:16

time being, those are the questions that I have to ask you.

And can I now just turn please, firstly, to PA Duffy team. No, thank you very much indeed, Ms. Black. It would appear we have covered things. 14:16

Can I then turn to the John McBurney team, I think there is one question potentially to be asked by Mr. Kane? 14:17

MR. KANE: Yes, indeed.

DETECTIVE CHIEF INSPECTOR PETER BILLINGSLEY WAS QUESTIONED BY MR. KANE AS FOLLOWS:

14:17

360 Q. MR. KANE: The question which we want to ask; just have you been able to establish since the Omagh bombing how many of those classified as suspects, in the most general sense, were on the fingerprint or DNA database beyond the collecting authority in order to make a successful comparison prior to the Omagh bombing? 14:17

A. That's something that I would need to take away and research to provide an answer for that, apologies. If the Inquiry is minded, I can --

361 Q. Well it is something which you could take away and perhaps come back in writing to the Inquiry about? 14:17

A. If the Inquiry is minded to request it, yes.

362 Q. Very well, thank you.

MR. DE LA POER: Thank you Mr. Kane. Finally then in terms of Rule 10 permissions, Mr. Southey, please.

DETECTIVE CHIEF INSPECTOR PETER BILLINGSLEY WAS QUESTIONED BY MR. SOUTHEY AS FOLLOWS: 14:17

363 Q. MR. SOUTHEY: Thank you, DCI Billingsley. I think I have asked you questions before, so you probably know I represent some of the victims. Can I start by asking you about the approach you adopted in your statement 14:18 which was, as I understand it, a request effectively for the sort of a current view from PSNI of who could be identified as suspects. The first question I've got about that is; why did you plump for or go for the list prepared by DS Baxter as being the authoritative list, 14:18 not the sort of subsequent Agnew list?

A. As I said earlier, one of the rationales around that was that part of the Agnew list it quite clearly states that these are not all suspects within the Omagh case, several were linked outside to other of the linked 14:19 incidents. Baxter's was the list that was entirely linked to Omagh. It had been through the only suspect assessment that I could find in terms of the matrix at seven points. And as a result, to my mind, after discussions with the Inquiry, it was the most sensible 14:19 list to utilise in the first instance.

364 Q. I mean, one reason for asking that question is; having compared the two lists, I think there are two names that are on the Agnew list as suspects but that aren't

on the Baxter list. As far as you are aware, is there any reason to discount those two additional names? I can give them to you, if you want, if that would assist: They are Alan Beryl and Michael Brennan?

A. Michael Brennan? 14:20

365 Q. Yes.

A. There's certainly nothing to discount them. Let me just have a quick check and see if they appear in the research that was done. [Short pause]. I have a very short note on Michael Brennan saying that I can't find 14:20 anything where he has been eliminated.

366 Q. So can I just check that answer; you can't find any reason why he had been eliminated?

A. Whether he was, I couldn't find any record of an elimination of him, if that makes sense. 14:20

367 Q. Yes.

A. And Alan Beryl isn't one of the names that I was asked then to, outside of the statement, to look at.

368 Q. Yes.

A. So ultimately, no is the answer. 14:21

369 Q. Okay.

A. The short answer.

370 Q. Yeah. Now, in relation to the Agnew list again just a couple of other questions really about it. Am I right to assume there was a degree, some sort of rechecking 14:21 by PSNI of that list because obviously a conclusion was reached that in fact Mr. Broderick had wrongly been excluded from the Omagh suspects? If it helps, I'm referencing - this can go up on the screen - I'm

referencing your statement which is INQ038234, and it's page 5 of it, and it's at the bottom. If that can be displayed. INQ038234, page 5. Sorry, it has been displayed, right at the bottom can we highlight below the table. I'm just, that suggests to me, tell me if I'm wrong, but there has been a degree of rechecking of Detective Superintendent Agnew's list because that error was found?

A. I would need to confirm, I would need to go back and look at the research that was done at the time around, it may have been there has been a note within the paper work that made it very obvious that was the case. 14:22

371 Q. Right.

A. Apologies, I can't recall to hand, it was some time ago. 14:22

372 Q. Okay, so when you say "at the time", do you mean, well, you may be speculating, so I'm not going to ask you a question.

A. Yeah.

373 Q. I was trying to work out whether it was, if you like, whether you conducted the review or DS Agnew conduct the review, but if you would need to come back on that point? 14:23

A. I would need to confirm just the reason for that point being added. I recall the point but I cannot recall how we came to that point. 14:23

374 Q. Yeah. Now Detective Superintendent Agnew, he, as I understand it, worked on the basis that he excluded, which is this list of six people - we can see on the

page just above that passage - he excluded six people on the basis that there was no direct linkage. Can you highlight the paragraph that starts 19. Do you know what was meant by "direct linkage"?

A. Again I would need to go and clarify that for each person, if the Inquiry is so minded to request that is completed. 14:23

375 Q. I am wondering if one can sort of gain anything or one can sort of draw any assumption from what was meant by the fact that Michael McKevitt was excluded despite the civil finding? I mean is it reasonable to assume what he was looking at was people who were sort of directly involved in the mechanics if one might describe it, of the bombing, so driving cars and things like that? 14:24

A. Yes, I would assume and it is an assumption, so please let it be treated as not factual. As an SIO I would, for example, some of it was the leader of an organisation will, in all likelihood, have knowledge of what that organisation is doing. 14:24

376 Q. Yes. 14:24

A. But they may never put their fingerprints or DNA anywhere near the incident in question. I can only assume that is what is meant in the circumstances.

377 Q. Yes. Can I then turn to INQ000035 and page 40, which is the PONI Report. And paragraph 20.5 in it. Can you bring up... Now PONI raised a question about, or critical is a better way of putting it, about the absence of clear criteria essentially for identifying who was a suspect. Are you aware of what criteria 14:25

DS Baxter provided or applied?

A. Yes, bear with me. There were seven points ultimately. Now the document that I have with me that has this covered is not the policy decision setting out the criteria. It is in response to recommendation to No. 181, document D3408, and the criteria that were used, that that specific request is in relation to the smugglers as they became known and Mr. Baxter's response. So he says: 14:26

"The formal suspect assessment was criteria was established against which suspect whose name had come into the investigation regardless of source was measured. This process was adopted in order to determine which suspects should be regarded as firm suspects and which should not. The criteria adopted was" -- 14:26

And then he lists:

"1. Source of intelligence, i.e. did the intelligence that led from a registered source;
2. Information, i.e. other than source of intelligence;
3. Telephone inquiries; did the name feature during the telephone inquiries or were the suspects associated with those identified through the telephone inquiries; 14:27
4. RIRA suspect;
5. Dissident trace;

6. Other trace; and
7. Overall assessment in the context of the investigation."

He goes on to say: 14:27

"If the answers to the above question were, in the main, negative those named in the intelligence were discarded as firm suspects unless and until any further information or evidence was received to change that 14:27
view."

The document then continues to talk about the two smugglers' assessment.

CHAIRMAN: Is that set out in a policy decision, 14:27
Mr. Billingsley?

THE WITNESS: I believe I have seen that criteria in a policy decision, I would need to clarify it. This is certainly not the only place that I have seen that. But I was just conscious it was a document that I had 14:28
specifically asked because I knew that it was contained within it.

378 Q. MR. SOUTHEY: Well the Inquiry may well ask you for that, but that is a matter for them, not me. On that, as I understood it when you were reading that out, one 14:28
of the criteria was source information and another criteria was effectively other forms of intelligence basically. One of the things that is a feature of the papers that have come into the Inquiry is that there is

an awful lot of intelligence in relation to the Omagh bombing and a lot of people are named in it, not all of them made them on to this list of suspects. Is there any documentation essentially describing how the decision was taken as to which intelligence should result in someone being treated as a suspect? 14:29

A. No, that is something I can't answer. Ultimately, Mr. Baxter, who is here tomorrow, would hopefully be in a position to answer that question. There is reference at various points to assessments being made against the criteria, though to date I have not seen those. I'm not certain where they are or if they exist. 14:29

379 Q. Well, possibly linked to that, as far as we have seen, we haven't seen any documentation, as far as - and I am always cautious of asserting something doesn't exist because you don't know what you don't know - but as far as we've seen, we haven't really seen any document from DS Baxter which sort of sets out his reasoning for his list. Is there a formal document that records that? 14:29

A. Again, I haven't seen that either. All that I can tell you with certainty is that I have seen the, not the rationale, but the seven points. 14:30

380 Q. I mean is it slightly surprising, because there isn't such a document, because if you had hand over, which might happen in this case? 14:30

A. In modern day I would expect a suspect strategy of some shape, size or form. Now I'll caveat that, a suspect strategy could be a simple as -- I suppose Omagh was quite complicated in that there were so many names

coming into the mix, whereas in other investigations I've seen it that anyone that the SIO deems to be a suspect will be treated as a suspect. It can be that simple. But certainly in modern day, and this was before I was in the police, I couldn't speak to what the standard was then. But certainly today I would expect there to be various formal strategies contained within the policy book. So I would expect, without doubt, to see those seven points and a rationale for that by today's standards. But I think the standard 20 plus years ago was significantly different than it is today. 14:30 14:31

381 Q. Okay, that's helpful. Now, obviously some specific names have been put to you, I am not going to repeat those names. And, as I understand it, you will be coming back with a more formal response in relation to some of those names. Can I just, when you undertake that work can I ask you, given some of the historic concerns that have been raised about, for example, access to intelligence, are you confident that when you look at that task, that task that has been set by the Inquiry, you will have full access to all relevant intelligence? 14:31 14:31

A. Yes.

382 Q. And are you confident you'll have access to AGS material? 14:32

A. Yeah.

383 Q. Can I put two more names to you though? Obviously, and I suspect from your involvement in Omagh you will be

well aware of it, a lot has been said about Paddy Dixon. Is there any reason, as far as you are concerned, to discount Paddy Dixon, given everything that is known about him as a suspect?

A. No. 14:32

384 Q. Can I then put up one, ask for another document to be put up, which is INQ034234. And page 7. This is an interview with someone called Paul McCaugherty. And if you go down to the bottom of the page, can we highlight the last question effectively which is the last 14:33 passage. What is put to Mr. McCaugherty in interview and it relates - and I am not going to go into the detail, partly because I know this isn't a name you have been asked about - but what was put to him was that there was a tape recording where he had claimed 14:33 effectively that he and others had, which is what this seems to be a summary of, he and others had provided the expertise for Omagh. I assume in one sense you don't know anything about the name given what's been said. Okay. We'll ask the Inquiry for that to be a 14:33 name that's added then?

A. No problem.

385 Q. Thank you, nothing else, thank you.

MR. DE LA POER: Thank you Mr. Southey. Sir, I have no questions arising, so I wonder if I might just turn to 14:34 the back and see if Mr. Thompson on behalf of PSNI has questions.

QUESTIONED BY MR. THOMPSON

MR THOMPSON: A few short topics that we would like to cover with you this afternoon. The first is one that may matter most to tomorrow's witness Mr. Baxter, and it's just to revisit and clarify what was said at the start of your evidence about his previous involvement in the Omagh bomb investigation before, assuming the role of SIO. Do you recall that discussion with Mr. de la Poer? 14:34

A. Yes. 14:34

386 Q. Now, there is DCI Billingsley, you would agree, a difference between having previously worked on an investigation and what one may describe as a hand over period?

A. Yes, a significant difference. 14:35

387 Q. And is it your understanding, as you expressed at paragraph 8 of your statement, that Mr. Baxter was, and I'll just quote at this stage:

"...brought into the investigation several months earlier to work alongside Detective Superintendent McArthur to ensure a smooth hand over." 14:35

A. Yes, that's correct.

388 Q. So by reference to Mr. Baxter's previous involvement what we are talking about is previous involvement in a hand over not previous involvement with the investigation? 14:35

A. Yes, that's correct.

389 Q. The second short topic that we'd like to cover with you is this, whilst it is not the purpose of your evidence today, you were asked some questions about when different names first appeared on the suspects list or the firm suspects list, by whichever reference it is known. And if we take just one of those names as an example, that of Colm Murphy?

A. Yes.

390 Q. Now I think you had agreed, subject to correction, when Mr. de la Poer invited you to do so, that he may have first appeared as a suspect on Norman Baxter's 2003 list. And just to assist you with the answer, could I invite the Inquiry to put up on the screen INQ 028219. Now DCI Billingsley, you will recognise that, that's a document that's been shown to you already, that's the 2001 McArthur list and you will see at the top of that list it says, "2001 suspects identified by McArthur" and if we scroll to page 2 please, you can see Colm Murphy's name on page 2?

A. Yes.

391 Q. So from that would you deduce that he was on earlier suspect lists and was of interest to the Inquiry before Norman Baxter's 2003 list?

A. Yes.

392 Q. And simply because your statement, for convenience, refers to Norman Baxter's list of 19, we should not take that as code for the fact that they were not on previous suspect lists?

A. Yes.

393 Q. And the same may apply to other suspects in respect of whom you have been asked this afternoon?
A. Yes, that's correct.
394 Q. The third and final topic that I would like to explore with you is something that arose from Mr. Southey's questioning when you were taken to paragraph 20.5 of the 2001 report of the Police Ombudsman and asked about suspects criteria? 14:37
A. Yes.
395 Q. You were referred to the policy decision and the criteria to be applied and you, in your answer referred to an example from a document you could find relating to "smugglers"? 14:38
A. Yes.
396 Q. Unless I am mistaken DCI Billingsley, you had indicated that as being one of Mr. Baxter's responses? 14:38
A. Yes.
397 Q. Did you in fact mean Mr. McArthur's responses to the PONI --
A. Apologies, yes. 14:38
398 Q. And could I just invite you to consider a document that's INQ 034751? And if we scroll down to page 17 of that document and Decision 121. And you'll see DCI Billingsley, Decision 121 is just the bottom third of that page? 14:39
A. Yes, I can indeed.
399 Q. "Officer making decision: Detective Superintendent McArthur."
A. That's correct.

400 Q. And the date of 15th March 1999?
A. Yes, that's correct.
401 Q. And just as an illustration, if you like, of the suspects criteria, could I invite the Inquiry to scroll down to page 18 of that document? And just after point No.2 at the top: 14:39

"The following criteria will be used in assessing each individual's position as a firm suspect."

14:40

And can you see the text then that's produced below that with points numbered 1 to 6?
A. Yes.
402 Q. And is that an illustration, if you will, of the suspects criteria to which you were previously referring to in a different document? 14:40
A. Yes, it is indeed.
403 Q. DCI Billingsley, thank you very much.
MR. DE LA POER: Thank you Mr. Thompson. Sir, do you have any questions for Detective Chief Inspector? 14:40
CHAIRMAN: No, thank you Mr. de la Poer.
MR. DE LA POER: In those circumstances I wonder if we may conclude the evidential session today thanking DCI Billingsley for the assistance he has provided to the Inquiry. And may I invite you to adjourn until 14:40 tomorrow at 10:00 a.m. when we will hear from former Detective Superintendent Norman.
CHAIRMAN: Thank you Mr. Billingsley.
THE WITNESS: No problem Sir.

THE INQUIRY ADJOURNED UNTIL THURSDAY, 12TH NOVEMBER 2026 AT 10:00 A.M.

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