OMAGH BOMBING INQUIRY

Chapter 3

Part 8: subsequent legal proceedings

OMAGH
BOMBING INQUIRY

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I) PROSECUTIONS ARISING FROM THE OMAGH BOMBING

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey
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I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07)

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07)

On 26 May 2005 Sean Hoey was charged with 58 offences, including murder, conspiracy to murder and causing explosions

The charges related to 13 separate terrorist incidents spanning a period from 24 March 1998 to 12 April 2001

The incidents included the Omagh Bombing on 15 August 1998

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

The 13 terrorist incidents covered by the allegations were:

1) Mortar attack: Forkhill Army/RUC base on 24 March 1998 [PI/14]

2) Mortar attack: G30 Army Tower at Crossmaglen on 24 March 1998 [PI/15]

3) Hoax device found on railway line at Red Bridge, Newry on 3 April 1998 [PI/17]

4) Car bomb in Market Square Lisburn on 30 April 1998 [PI/18]

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

The 13 terrorist incidents covered by the allegations were [contd]:

5) Mortar attack on Belleek RUC station on 9 May 1998 [PI/20]

6) Car bomb near Armagh RUC station on 16 May 1998 [PI/22]

7) Bomb on the railway line at Finaghy on 24 May 1998 [PI/23]

8) Trailer bomb near Blackwatertown Road on or around 9 July 1998 [PI/27]

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

The 13 terrorist incidents covered by the allegations were [contd]:

9) Car bomb at Newry Courthouse on 13 July 1998 [PI/29]

10) Mortar attack on Corry Square RUC Station, Newry on 21 July 1998 [PI/30]

11) Car bomb at Newry Street, Banbridge on 1 August 1998 [PI/32]

12) Car bomb on Market Street, Omagh on 15 August 1998

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

The 13 terrorist incidents covered by the allegations were [contd]:

13) Abandoned mortar bomb at Altmore Forest on 12 April 2001

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

The trial was heard by Mr Justice Weir, sitting without a jury

Mr Justice Weir delivered his verdict and reasons on 20 December 2007

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

Mr Justice Weir characterised the prosecution case as having three strands which operated in combination:

1) **Strand 1** related to commonality between design and manufacture of elements of the bombs

2) **Strand 2** related to fibres recovered from several devices suggesting similar gloves were used when assembling the bombs and one set of which were said to be indistinguishable from fibres recovered from Sean Hoey's home address.

3) **Strand 3** related to DNA recovered from a number of devices which, through an examination technique known as 'Low Copy Number', were said to be a match for the DNA of Sean Hoey.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 1** (commonality of design and manufacture), the prosecution's case relied upon the evidence of Denis McAuley, a Senior Scientific Officer within the Forensic Science Service of Northern Ireland (FSNI).

Mr McAuley's conclusions were:

That the devices had been made at different times, potentially when different materials were available

That it was likely that the same person was involved in the construction of two of the bombs (Newry Courthouse and Corry Square RUC Station).

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 1** (commonality of design and manufacture), the prosecution's case relied upon the evidence of Denis McAuley, a Senior Scientific Officer within the Forensic Science Service of Northern Ireland (FSNI).

Mr McAuley's conclusions were [contd]:

> That the same person may have been involved in the construction of these two bombs and five other bombs
>
> That no assessment could be made in relation to the Omagh bomb due to the fact it could not be fully reconstructed by reason of the explosion

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 1** (commonality of design and manufacture), Mr Justice Weir found he could not be satisfied beyond reasonable doubt (or to any acceptable standard) that there was common authorship between any of the devices

He found that it was possible that there was some common authorship between some or all of them, but that nothing more had been proved.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 2** (fibres), Ruth Griffin, FSNI scientist, gave evidence for the prosecution that:

> No significant fibre populations were found in relation to Crossmaglen, Forkhill, Newry and Banbridge
>
> Fibre populations on the remaining devices varied device to device, but particular fibres noted as 'A', 'B' and 'C' were found with possible commonality with more than one device

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 2** (fibres), Ruth Griffin, FSNI scientist, gave evidence for the prosecution that [contd]:

> Her conclusion was that the findings weakly supported the proposition that the Lisburn TPU and the items recovered from a mobile home adjacent to Sean Hoey's home address had been in contact with the same fabric or garment.
>
> Her opinion was that the findings support the proposition that the Lisburn device was not made up, nor had been made up, at Sean Hoey's home address.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 2** (fibres), Mr Justice Weir found:

> It could not be demonstrated that each device in which a fibre population was found had the same fibres, and therefore the same gloves, or gloves manufactured in the same batch, had been used in the making of each TPU
>
> The findings were suggestive that different gloves (if gloves were the source) had been used in the making of some TPUs

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 2** (fibres), Mr Justice Weir found [contd]:

The fibres recovered from the Omagh device could not be replicated in fibres taken from other devices

There was no evidence as to who, if anyone, had lived or had access to the mobile home in the five years between the Lisburn attack and when the fibres were recovered

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 2** (fibres), Mr Justice Weir found [contd]:

> He was not satisfied beyond a reasonable doubt, or to any acceptable standard, that the fibres established common authorship of the TPUs.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 3** (DNA), the prosecution's case was that in relation to four incidents - Lisburn, Armagh, Blackwatertown Road and Altmore Forest – Sean Hoey's DNA was on parts of the devices

The prosecution's case was based on a technique called 'Low Copy Number', which had resulted in what were said to be matches between the DNA found on those devices and Sean Hoey's DNA

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 3** (DNA), having identified a substantial number of significant failings in the arrangements, seizure, handling and storage of relevant exhibits, Mr Justice Weir found he was

> "*not in the least satisfied in relation to any of the items upon which reliance is sought to be placed for the results of their LCN DNA examinations that the integrity of those items prior to its examination for that purpose has been established by the evidence. Accordingly, I find the DNA evidence, the third and final strand remaining in the prosecution case, cannot satisfy me either beyond a reasonable doubt or to any other acceptable standard.*"

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [contd]

In relation to **Strand 3** (DNA), Mr Justice Weir went on to express concern about the reliability of the LCN DNA technique when used for evidential purpose.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

1. R v Sean Hoey (2005-07) [postscript]

The Court of Appeal of England and Wales has subsequently held that the LCN DNA technique is reliable if the quality of the DNA is above a certain threshold.

It is noted that none of the telephone evidence presented during Chapter 3, including the call between Sean Hoey and Seamus Daly (-076 green phone) on 15 August 1998 at 15:26, was relied upon by the prosecution.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2002-2010)

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [overview]

The prosecution of Colm Murphy resulted in a trial, an appeal, a judicial review, an appeal of the outcome of the judicial review and a re-trial:

At the first trial (2002), Colm Murphy was convicted

At the first appeal (2005), the conviction was quashed on the basis of two of the grounds of appeal that were advanced and the matter was remitted for a re-trial

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [overview] [contd]

The prosecution of Colm Murphy resulted in a trial, an appeal, a judicial review, an appeal of the outcome of the judicial review and a re-trial [contd]:

Colm Murphy sought judicial review of the decision to re-try him (2007), which was refused

Colm Murphy appealed the outcome of the judicial review to the Supreme Court of Ireland (2009), which appeal failed in relation to one charge but succeeded in relation to a second

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [overview] [contd]

The prosecution of Colm Murphy resulted in a trial, an appeal, a judicial review, an appeal of the outcome of the judicial review and a re-trial [contd]:

At the retrial (2010), Colm Murphy was acquitted

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

It was alleged that between 13 and 16 August 1998 Colm Murphy conspired to cause an explosion likely to endanger life or cause serious injury to property, namely the Omagh Bombing

The trial, which did not involve a jury, was presided over by Mr Justice Barr, sitting with His Honour Judge Matthews and Her Honour Judge O'Halloran

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The central element of the prosecution's case was admissions which had been recorded in writing during the interview with Colm Murphy to the effect that he had given Seamus Daly two telephones, namely his own (-585 dark blue phone) and that of Patrick Terence Morgan (-980 orange phone), knowing that they would be used in a criminal act, namely the moving of bombs to Northern Ireland to bomb targets.

It was also recorded that Colm Murphy told the police in interview that Joe Fee had taken his phone (-585 dark blue phone) at the time of the Banbridge attack on 1 August 1998

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

Patrick Terence Morgan:

He gave evidence that he had given his mobile telephone (-980 orange phone) to his employer, Colm Murphy, having been told by Colm Murphy that his own phone was "*on the blink*"

He subsequently contacted the court and stated he wished to retract his evidence

He was recalled

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

Patrick Terence Morgan: [contd]

He gave evidence that his first account had been given due to pressure and threats from PSNI and AGS.

His second account was that he discovered his phone had been removed from the glove compartment of his vehicle on 14 August 1998, and later found it under a seat.

The Court rejected Mr Morgan's retraction and second account, finding it was satisfied beyond reasonable doubt that his first account was true.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The Court also heard undisputed telephone evidence that the pattern of calls between -585 (dark blue phone) and -980 (orange phone) on 15 August 1998 indicated that each phone had travelled to Omagh shortly before detonation and returned to County Monaghan thereafter.

The Court concluded it was highly probable that there was a scout car, in addition to the bomb car, and that contact between the two vehicles was probable.

The Court also held that the persons who gave the bomb warnings may have been in contact with -585 (dark blue phone) and -980 (orange phone).

The Court found the telephone evidence corroborated the account which it was recorded that Colm Murphy had given in interview in relation to providing both phones to Seamus Daly

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

It was argued on Colm Murphy's behalf that his interviews should be excluded in their entirety

A substantial part of this argument was based on an earlier court ruling to exclude part of his interviews – that conducted by two particular AGS officers - on the basis that there had been unlawful alteration of one aspect of one of them

The Court rejected this argument

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The Court held that, based on the following facts, it was satisfied beyond reasonable doubt of Colm Murphy's guilt regarding his part in the conspiracy to plant and detonate the Omagh car bomb:

- Telephone records establishing the movements of -585 (dark blue phone) and -980 (orange phone) and traffic between those phones on 15 August 1998

- The lie told by Colm Murphy to Mr Morgan in relation to why he needed another phone

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The Court held that, based on the following facts, it was satisfied beyond reasonable doubt of Colm Murphy's guilt regarding his part in the conspiracy to plant and detonate the Omagh car bomb [contd]:

Lies told by Colm Murphy to AGS in interview

Colm Murphy's admission in interview (characterised as an admission of guilt)

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The Court held that, based on the following facts, it was satisfied beyond reasonable doubt of Colm Murphy's guilt regarding his part in the conspiracy to plant and detonate the Omagh car bomb [contd]:

- Similarities between the telephone evidence for Omagh and that for Banbridge [PI/32]

- Colm Murphy's background as a Republican terrorist of longstanding

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] - Trial (2002)

The Court held that, based on the following facts, it was satisfied beyond reasonable doubt of Colm Murphy's guilt regarding his part in the conspiracy to plant and detonate the Omagh car bomb [contd]:

- Colm Murphy's alleged concession that Seamus Daly was a member of the Real IRA

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy [contd] – Trial (2002)

Following conviction Colm Murphy was sentenced to 14 years' imprisonment

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2005)[contd] – Court of Criminal Appeal

The Court of Criminal Appeal granted Colm Murphy's appeal against conviction on two (of a large number of) grounds:

- The trial court failed to either grant a direction or acquit Colm Murphy when there was before the Court evidence that the police witnesses had altered notes of written interview and lied under oath

- The trial court breached Colm Murphy's entitlement to a presumption of innocence by having regard to inadmissible evidence of previous convictions

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2005)[contd] – Court of Criminal Appeal

The Court of Criminal Appeal directed that a re-trial should take place

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2007)[contd] – Judicial Review

Colm Murphy brought a claim in judicial review against the Court of Criminal Appeal's decision to direct a retrial

In the course of the judicial review, the Court observed that the two AGS officers who had been accused of unlawfully altering part of the interview record had subsequently been acquitted of perjury

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2007)[contd] – Judicial Review

It was argued on Colm Murphy's behalf in the judicial review that the order for a retrial should be quashed on the grounds of:

- The delay between the institution of proceedings and trial risked the trial being unfair
- The delay between the institution of proceedings and trial was in breach of Colm Murphy's Article 6 rights
- Colm Murphy's ability to defend himself had been impaired by reason of memory impairment

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2007)[contd] – Judicial Review

Hearing the claim for judicial review, Justice O'Neill refused to quash the retrial direction, finding that a fair trial was possible.

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2009)[contd] – Supreme Court of Ireland

The Supreme Court of Ireland rejected Colm Murphy's appeal against the refusal of his application for judicial review.

The effect of this ruling was that the original decision by the Court of Criminal Appeal directing a retrial in relation to the allegation of conspiring to cause an explosion stood

In relation to an allegation of membership of an unlawful organisation – which had been postponed pending the outcome of the trial – the Supreme Court of Ireland held it would be unfair to permit that trial to proceed

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

2. DPP v Colm Murphy (2010)[contd] – Retrial

The retrial court found that, notwithstanding the acquittal of the two AGS officers, all of the interviews conducted by any of AGS officers were tainted by reason of the falsification by two of them

As a result, the principal evidence – which came from the record of Colm Murphy's admissions in interviews conducted by other AGS officers – was inadmissible

On this basis, the Court concluded there was no evidence of Colm Murphy's guilt and found he had no case to answer

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

3. R v Seamus Daly (2014/15)

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

3. R v Seamus Daly (2014/15)

On 11 April 2014 Seamus Daly was charged with 33 offences arising from three incidents:

1) Car bomb in Market Square Lisburn on 30 April 1998 [PI/18]

2) Car bomb at Newry Street, Banbridge on 1 August 1998 [PI/32]

3) Car bomb on Market Street, Omagh on 15 August 1998

29 of the offences were allegations of murder arising from the Omagh Bombing

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

3. R v Seamus Daly (2014/15) [contd]

The key evidence against Seamus Daly was based on telephone usage

The prosecution put its case on the basis that telephones were connected to the bombings, the bombings were connected and that Seamus Daly was connected to the telephones

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

3. R v Seamus Daly (2014/15) [contd]

Seamus Daly argued that he had no case to answer

At a pre-trial hearing before Omagh Magistrates' Court in February 2015, Denis O'Connor gave evidence

His evidence was to the effect that Seamus Daly may not have called him at 15:30 on 15 August 1998

This call was made from the -585 dark blue phone with Denis O'Connor's account in relation to it forming the basis for attributing that mobile telephone to Seamus Daly

I) PROSECUTIONS ARISING FROM OMAGH

OMAGH BOMBING INQUIRY

3. R v Seamus Daly (2014/15) [contd]

On 1 March 2015 the Public Prosecution Service withdrew the proceedings against Seamus Daly

OMAGH
BOMBING INQUIRY

II) OTHER POTENTIALLY RELEVANT CRIMINAL PROCEEDINGS

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt
2. Liam Campbell
3. Colm Murphy
4. Seamus Daly
5.a Joseph Fee
5.b Gregory Trainor
5.c Seamus McKenna
5.d Eamon Matthews
5.e Gerald Sweeney
6. Derek Brady
7. Patrick Blair
8. Gary Jones
9. Peter Campbell
10. Michael Campbell
11.a Anthony Hyland
11.b Darren Mulholland
11.c Liam Grogan
12. Damien Lawless
13. Seamus McGrane
14. Paddy McDonagh
15. Thomas Larkin
16. Vincent McKevitt
17. Anne Murphy
18. Anthony Cunnane
19. Kevin Murray

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (overview)

Prosecuted in Republic of Ireland for membership of and directing the activities of the Real IRA:

Trial in 2003, following which he was convicted

Appeal to the Court of Criminal Appeal in 2005 was dismissed

Appeal to the Supreme Court of Ireland in 2008 was dismissed

Application to set aside Supreme Court decision in 2009 was dismissed

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

Tried on two counts by the Special Criminal Court in Dublin, comprising Justices Johnson, O'Hagan and Reilly:

> Membership of an unlawful organisation, namely the Real IRA, between 29 August 1999 and 29 March 2001
>
> Directing the activities of an organisation, namely the Real IRA, between 29 August 1999 and 23 October 2000, in respect of which there was a suppression order

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

Evidence of David Rupert:

Principal evidence against Michael McKevitt

He was working for the FBI and the Security Service as an informant and had also passed evidence to an AGS Chief Superintendent

He had first met Michael McKevitt in August/September 1999, together with Seamus McGrane

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

Evidence of David Rupert:

He was told that the command structure was Michael McKevitt first, Liam Campbell second and Bernadette Sands McKevitt third

He spoke about a number of meetings, including with Liam Campbell present

Michael McKevitt had spoken about finding a replacement for Liam Campbell after his arrest

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

Evidence of David Rupert:

Michael McKevitt had told him that "*nobody is the army unless I say so*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

The Court found it was satisfied beyond all reasonable doubt that David Rupert was "*a truthful witness and that his credibility has in no way been impugned*."

The Court found that on the basis of the AGS Chief Superintendent's evidence alone was sufficient to convict Michael McKevitt of Count 1 (membership)

The Court found Michael McKevitt guilty of both Count 1 (membership) and Count 2 (directing)

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2003) - Trial

Michael McKevitt was sentenced to 20 years' imprisonment with the judge finding that:

> "*The accused played a leading role in the organisation which he directed and induced others to join.*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2005) – Court of Criminal Appeal

Michael McKevitt appealed against the conviction on Count 2 (directing)

He advanced three grounds of appeal:

Failure to ensure adequate disclosure

Against the finding that David Rupert was credible and could be relied upon

Prejudice caused by late disclosure of a surveillance report

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2005) – Court of Criminal Appeal

The Court of Criminal Appeal rejected all three grounds of appeal

When doing so, the Court of Criminal Appeal noted that David Rupert had given evidence in the trial that the Omagh Bombing had been discussed at a particular meeting and that Michael McKevitt had described it as a joint operation between the Real IRA and the Continuity IRA

It noted also that David Rupert had given evidence that Michael McKevitt had wanted the first terrorist attack by the Real IRA following Omagh to "*be a spectacular that would overshadow Omagh*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2005) – Court of Criminal Appeal

In relation to Ground 2 - the appeal against the finding that David Rupert was a credible witness – the Court of Criminal Appeal rejected all criticisms of the trial judgment in relation to the credibility of David Rupert

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2008) – Supreme Court of Ireland

Michael McKevitt appealed against the dismissal of his appeal by the Court of Criminal Appeal on the basis of a point of law of exceptional public importance

The basis of the appeal to the Supreme Court of Ireland was in relation to the disclosure obligations of the prosecution in relation to material which is relevant to the credibility of witness (David Rupert) which is out of the jurisdiction

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2008) – Supreme Court of Ireland

Additional appeal points were advanced in the course of the appeal which were the subject of criticism by the Court on the basis that they went outside the terms of the point of exceptional public importance

The appeal to the Supreme Court was dismissed with the Court finding that the disclosure decisions of the trial court were "*impeccable*" and that it was entirely open to the trial court to have believed David Rupert's evidence

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

1. Michael McKevitt (2009) – Supreme Court of Ireland

Michael McKevitt applied to the Supreme Court of Ireland to set aside the 2008 Supreme Court judgment on the basis of a material error of fact

The Court rejected the application, declining to hear submissions, describing it as "*absurd*" finding it to be "*manifestly unfounded*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (overview)

Liam Campbell was charged with being a member of the Real IRA on 3 October 2000:

He was found guilty by the Special Criminal Court in Dublin in 2001

He successfully appealed his conviction in 2003 and a retrial was ordered

His appeal to the Supreme Court in 2004 against part of the appeal judgment was refused

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (overview)[contd]

Liam Campbell was charged with being a member of the Real IRA on 3 October 2000:

He was re-tried in 2004, did not contest the evidence and was convicted

He appealed his conviction, but his appeal was dismissed in 2005

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2001) - Trial

Liam Campbell was charged in the Special Criminal Court in Dublin with being a member of the Real IRA on 3 October 2000

He was found guilty and sentenced to 5 years' imprisonment with the final 3 months suspended

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2001)[contd] - Trial

The Court found:

> "*The Court is satisfied that on 3 October 2000 the accused was a member of the IRA splinter group which has become known as the 'Real IRA'. The Court accepts that the splinter group has been engaged in much criminal activity in support of its purported aims since 1997. That conduct amounts to a grievous crime against the people of Ireland, north and south. It follows that membership of it constitutes a serious crime.*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2004) – Court of Criminal Appeal

The Court of Criminal Appeal upheld one of Liam Campbell's grounds of appeal namely that a particular line of questioning by the prosecution should not have been permitted

In the course of the appeal judgment, the Court dismissed the ground of appeal contending that the 'Real IRA' was not a proscribed organisation

The Court of Criminal Appeal quashed his conviction and ordered a retrial

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2004) – Supreme Court of Ireland

Liam Campbell appealed the Court of Criminal Appeal's dismissal of his ground of appeal contending that the 'Real IRA' was not a proscribed organisation

The Supreme Court of Ireland dismissed his appeal on the basis that no appeal to the Supreme Court was available given that his conviction had been quashed

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2004) – Retrial

Liam Campbell was re-tried

At his retrial he faced an additional charge alleging membership of the Real IRA on 29 July 2001, when he was on bail

He did not contest the evidence

He was convicted on the basis that his approach was equivalent to a guilty plea

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2004) – Retrial

He was sentenced to a total 8 years imprisonment, with the final 18 months suspended

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

2. Liam Campbell (2005) – Court of Criminal Appeal

Liam Campbell appealed his conviction on the basis that the 'Real IRA' was not a proscribed organisation

His application for leave to appeal was dismissed

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

3. Colm Murphy

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

3. Colm Murphy (1976) – UK court

On 29 June 1976 Colm Murphy was found guilty of offences of:

Membership of the IRA,

Possession of a firearm and ammunition with intent to endanger life

Possession of a firearm and ammunition without a certificate

Assault occasioning actual bodily harm

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

3. Colm Murphy (1976)[contd] – UK court

He was sentenced to a total of 3 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

3. Colm Murphy (1983) – US court

Colm Murphy was convicted on 15 July 1983 of firearms offences in the Eastern District of New York

He was sentenced to 5 years imprisonment and a fine of $10,000

He was released in 1985

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

4. Seamus Daly

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

4. Seamus Daly (2004)

Seamus Daly was charged with being a member of the Real IRA between 29 April 1998 and 20 November 2000

The date range, in accordance with usual practice, was subsequently reduced to a single date, namely 20 November 2000

He pleaded guilty on the day of his trial

He was sentenced to three and a half years imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06) – Republic of Ireland court

These five defendants were prosecuted in the Special Criminal Court in Dublin:

Gerald Sweeney pleaded guilty to an offence of withholding information that he knew might be of material assistance in the prevention of a serious offence

Gregory Trainor pleaded guilty to having an explosive substance in his possession with intent to endanger life or cause serious injury to property or enable others to do so

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

These five defendants were prosecuted in the Special Criminal Court in Dublin:

Seamus McKenna pleaded guilty to having possession of an explosive substance with intent to endanger life or cause serious injury to property or enable others to do so

Eamon Matthews was convicted of membership of the IRA

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

These five defendants were prosecuted in the Special Criminal Court in Dublin:

Joe Fee was convicted of possession of an explosive substance giving rise to a reasonable suspicion that it was for unlawful purposes

Joe Fee was also convicted of possession of an explosive substance with intent to endanger life or cause serious injury to property or enable others to do so

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

The case arose from an AGS operation targeting the Continuity IRA in 2003

Eamon Matthews and Seamus McKenna were seen driving a vehicle on cloned number plates

The vehicle was deposited at Joe Fee's house and then transported on by him and Seamus McKenna to a property owned by Gerald Sweeney

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

The AGS moved in and found an explosive substance, namely ammonium nitrate (crushed fertilizer) mixed with sugar in its final stages of completeness

Gregory Trainor and Seamus McKenna were in the act of mixing

The device lacked only booster tube and TPU

The amount was described as "*bigger than some of the ones that caused terrible devastation previously in Northern Ireland*"

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

Sentences were passed as follows:

Gerald Sweeney: 3 years' imprisonment, suspended for 3 years

Joseph Fee: a total 10 years' imprisonment

Seamus McKenna: 6 years' imprisonment

Eamon Matthews: 3 years 9 months' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

Sentences were passed as follows: [contd]

Gregory Trainor: 3 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

5. Joseph Fee, Gregory Trainor, Seamus McKenna, Eamon Matthews and Gerald Sweeney (2004-06)[contd] – Republic of Ireland court

Eamon Matthews and Joe Fee appealed

Eamon Matthews' appeal against his conviction was rejected in 2006

Joseph Fee's appeal against his conviction was rejected in 2006 and the Court of Criminal Appeal refused to certify a point of law of exceptional public importance to the Supreme Court of Ireland

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

6. Derek 'Shanty' Brady

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

6. Derek Brady (2004) – Republic of Ireland court

Derek Brady pleaded guilty before the Special Criminal Court in Dublin to an offence of possessing an explosive substance on 21 March 1998 with intent to endanger life or cause serious injury to property [PI/13]

He had been arrested on 21 March 1998 with a booster tube in hand and 15 bags of homemade explosives, comprising 1240lbs of explosive substance, a TPU, an electrical detonator and two adapted beer kegs

He had been bailed following his arrest, failed to turn up to his trial in May 1999 and was subsequently arrested some time later

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

6. Derek Brady (2004) [contd] – Republic of Ireland court

At the time of his arrest Derek Brady was in possession of a stolen vehicle

The device was described as being a car bomb

Derek Brady was sentenced to 10 years imprisonment

See also: 19. Kevin Murray

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick 'Mooch' Blair

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick Blair (pre 15 August 1998) – UK court

On 14 November 1974 he was involved in the attempted murder of the security forces at Newry Police station, possession of firearms with intent and causing an explosion

On 27 November 1974 he was involved in hijacking a car at gunpoint in Newry, which car then had a bomb loaded into it

Following his arrest on 3 April 1975, he admitted he had joined the IRA 12 months earlier and was OC of the IRA ASU in Newry

He was sentenced to at total 15 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick Blair (2003) – Republic of Ireland court

On 7 October 2003 he was convicted of possession of ammunition in suspicious circumstances on 4 December 2002

He was sentenced to 3 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick Blair (2020) – UK court

Patrick Blair was charged with 15 offences, including:

- Belonging to a proscribed organisation
- Providing weapons, training and instruction on 5 occasions
- Conspiracy to possess explosives with intent to endanger life or cause serious injury to property
- Preparation of terrorist acts on 5 occasions

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick Blair (2020)[contd] – UK court

The period covered by the offending was 12 August 2014 to 10 November 2014

He pleaded guilty at a late stage

The sentencing judge found him to be dangerous, in that he posed a serious risk to members of the public of serious harm through the commission of further specified offences

He was found to have played a leading role

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

7. Patrick Blair (2020)[contd] – UK court

He was sentenced to an indeterminate period of custody with a minimum term of five years, reflecting a discount for both his plea and by reason of the consequences of COVID 19

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2006) - Trial

Mortar attack on Corry Square RUC Station, Newry on 21 July 1998 [PI/30]

On 21 July 1998 a white transit van was driven into a yard adjacent to Corry Square Police Station

A mortar device was launched from the van

The device landed a short distance from the van and failed to detonate

Gary Jones was charged with (1) attempted murder and (2) causing an explosion likely to endanger life or cause serious injury to property

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2006)[contd] – Trial

Gary Jones was prosecuted on the basis he was the driver of the van

The evidence established that there had been a collision between the mortar van and another vehicle before it parked

An altercation took place between the mortar van driver and the driver of the other vehicle

During the altercation the mortar van driver's jacket and jumper were pulled off

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2006)[contd] – Trial

DNA was recovered from a blood spot on the inside left collar of the jumper

DNA characteristics identified within the blood were found to arise in fewer than 1 in 1 billion males unrelated to Gary Jones

In interview Gary Jones made no comment

He did not give evidence during his trial

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2006)[contd] - Trial

Gary Jones was acquitted of Count 1 (attempted murder) and convicted of Count 2 (causing an explosion) by Mr Justice Morgan

Mr Justice Morgan found he was satisfied beyond a reasonable doubt that the DNA was Gary Jones' and that Gary Jones was the man involved in the altercation in which the jumper was pulled off

He was sentenced to 14 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2007) - Appeal

In 2007 Gary Jones successfully appealed against his conviction on Count 2 on the grounds of a lack of evidence that explosion which did occur (namely the explosion which launched the mortar) was likely to endanger life or cause serious injury to property

The Court of Appeal of Northern Ireland rejected a ground of appeal arguing that the trial judge was not legitimately able to reach the conclusion that Gary Jones was the man involved in the altercation in which the jumper was pulled off

A re-trial was ordered

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

8. Gary Jones (2010) - Retrial

At the re-trial Gary Jones was prosecuted for doing an act intending to cause an explosion which endangered life or caused serious injury to property.

He was acquitted at the retrial by Mr Justice McCloskey on the basis that he was not satisfied beyond a reasonable doubt that Gary Jones was the man involved in the altercation in which the jumper was pulled off

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

9. Peter Campbell

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

9. Peter Campbell (1983) – UK court

He was prosecuted in the Crown Court at Belfast in 1983 for:

Two offences of causing an explosion likely to endanger life or causing serious injury to property

One offence of possessing explosives with intent to endanger life

One offence of arson

He was convicted and sentenced to 14 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

10. Michael Campbell

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

10. Michael Campbell (1982) – UK court

He was prosecuted for two offences of the unlawful collection of information useful to terrorists

He was convicted and sentenced to 2 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

11. Anthony Hyland, Darren Mulholland and Liam Grogan

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

11. Anthony Hyland, Darren Mulholland and Liam Grogan – UK court

On 10 July 1998 dissident republican terrorists Anthony Hyland, Darren Mulholland and Liam Grogan conspired to cause explosions targeting London's transport system and commercial premises [PI/28]

They were arrested, tried and convicted. Sentences were as follows:

Anthony Hyland:	25 years imprisonment
Darren Mulholland:	25 years imprisonment
Liam Grogan:	22 years imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

12. Damien Lawless

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

12. Damien Lawless (1999) – Republic of Ireland court

Damien Lawless was arrested in an underground Real IRA training camp on 20 October 1999 with 9 others

Firearms and ammunition was seized

He pleaded guilty and was sentenced to 3 years' imprisonment

See also: 13. Seamus McGrane

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

13. Seamus McGrane

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

13. Seamus McGrane (1976) – Republic of Ireland court

Seamus McGrane was convicted of membership of a proscribed organisation, namely the IRA

He was sentenced to 12 months' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

13. Seamus McGrane (1999) – Republic of Ireland court

Seamus McGrane was arrested in an underground Real IRA training camp on 20 October 1999 with 9 others

Firearms and ammunition was seized

He pleaded guilty to providing training in the use of firearms to others and was sentenced to 4 years' imprisonment

See also: 12. Damien Lawless

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

13. Seamus McGrane (2017) – Republic of Ireland court

Seamus McGrane was prosecuted for directing terrorism and membership of a proscribed organisation, namely the Real IRA

He was covertly recorded planning to attack Palace Barracks in Belfast

A large quantity of weapons and explosives were recovered from land adjoining that belonging to Seamus McGrane

He was convicted of both offences and sentenced to 11 and a half years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

14. Paddy McDonagh

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

14. Paddy McDonagh (1999) – Republic of Ireland court

Paddy McDonagh pleaded guilty to possession on 23 May 1998 of 938lbs of explosives, a booster tube and a detonating cord

He was sentenced to 6 years' imprisonment on 21 April 1999

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

15. Thomas Larkin

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

15. Thomas Larkin (1999) – Republic of Ireland court

On 7 December 1998 Real IRA firearms and explosives were seized from an address in Dundalk, County Louth

On 23 November 1999 Real IRA member, Thomas Larkin was convicted of unlawful possession of firearms and explosives

He was sentenced to 5 years' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

16. Vincent McKevitt

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

16. Vincent McKevitt (2004) – Republic of Ireland court

He pleaded guilty to possession of firearms (a sawn-off shotgun and a pistol)

Upon arrest other items were seized including a nail bar, hammer and balaclavas

He was sentenced to 5 years' imprisonment, suspended for two years on condition of compliance with the undertaking he gave not to associate with people known or believed to be members of unlawful organisations or known by him to be under indictment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

17. Anne Murphy

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

17. Anne Murphy (1972) – Republic of Ireland court

She pleaded guilty to 2 offences of causing an explosion with intent to endanger life or cause serious injury to property

She was sentenced to 5 years' penal servitude

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

18. Anthony Cunnane

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

18. Anthony Cunnane (1976) – Republic of Ireland court

He was convicted on 28 January 1976 of an offence contrary to section 21 of the Offences Against the State Act 1939

He was sentenced to 12 months' imprisonment

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

19. Kevin Murray

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

19. Kevin Murray (2004) – Republic of Ireland court

Described as a 'Real IRA' member in civil pleadings, Kevin Murray was arrested on 21 March 1998 at the same time and place as Derek Brady [PI/13]

Both were in possession of the very large car bomb at a late stage of construction

Kevin Murray was sentenced to 12 years imprisonment

See also: 6. Derek Brady

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

Previous incident summary

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

Previous incident summary

PI/13	21.03.98	Derek Brady Kevin Murray	Convicted Convicted
PI/14	24.03.98	Sean Hoey	Acquitted
PI/15	24.03.98	Sean Hoey	Acquitted
PI/17	03.04.98	Sean Hoey	Acquitted
PI/18	30.04.98	Seamus Daly	Discontinued

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

Previous incident summary [contd]

PI/20	09.05.98	Sean Hoey	Acquitted
PI/22	16.05.98	Sean Hoey	Acquitted
PI/23	24.05.98	Sean Hoey	Acquitted
PI/27	09.07.98	Sean Hoey	Acquitted

II) OTHER PROSECUTIONS

OMAGH BOMBING INQUIRY

Previous incidents summary [contd]

PI/28	10.07.98	Anthony Hyland	Convicted
		Darren Mulholland	Convicted
		Liam Grogan	Convicted
PI/29	13.07.98	Sean Hoey	Acquitted
PI/30	21.07.98	Gary Jones	Acquitted
	21.07.98	Sean Hoey	Acquitted
PI/32	01.08.98	Seamus Daly	Discontinued
	01.08.98	Sean Hoey	Acquitted

OMAGH BOMBING INQUIRY

III) BRESLIN LITIGATION

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin litigation [overview]

Trial involving Seamus McKenna, RIRA, Michael McKevitt, Liam Campbell, Colm Murphy and Seamus Daly in 2009 resulted in RIRA, McKevitt, Campbell, Murphy and Daly being found liable.

Appeal in 2011 by all those found liable resulted in a retrial being directed in the case of Colm Murphy and Seamus Daly

Retrial of Colm Murphy and Seamus Daly in 2013 resulted in Murphy and Daly being found liable

Appeal by Colm Murphy and Seamus Daly in 2013 against retrial finding of liability was dismissed

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin litigation [overview]

Michael McKevitt and Liam Campbell brought proceedings before the European Court of Human Rights on the basis that the Breslin litigation infringed the Article 6 rights. In 2014 the complaint was rejected.

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) - Trial

Proceedings issued in 2001 by:

(1) Mark Christopher Breslin
(2) Catherine Ann Gallagher
(3) Michael James Gallagher
(4) Edmund William Gibson
(5) Stanley James McCombe
(6) Marion Elaine Radford
(7) Paul William Radford
(8) Colin David Wilson
(9) Denise Francesca Wilson
(10) Garry Godfrey Charles Wilson
(11) Geraldine Ann Wilson
(12) Godfrey David Wilson

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

The Defendants were: (1) Seamus McKenna, (2) the Real IRA, (3) Michael McKevitt (4) Liam Campbell, (5) Colm Murphy and (6) Seamus Daly

The central allegation was that the Omagh bomb was:

> "*planned, prepared, transported and detonated by persons acting on behalf of terrorist organisation styling itself the Real IRA. It is contended that the first, third, fourth, fifth and sixth Defendants were involved at various stages of the operation.*"

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Proceedings presided over by Mr Justice Morgan

Judgment was delivered on 8 June 2009

The standard of proof applied was 'on the balance of probabilities'

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found:

> That there was an irresistible inference that -585 (dark blue phone) and -980 (orange phone) were the mobile telephones used in the bomb run on 15 August 1998

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Seamus McKenna**:

> The case depended entirely on the alleged connection between him and the -980 (orange phone)
>
> The connection relied upon the call at 15:41 on 15 August 1998 from -980 (orange phone) to the landline of Catherine McKenna's house

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Seamus McKenna**:

> The claim relied upon the hearsay evidence of Catherine McKenna who had told the police in one of her interviews that Seamus McKenna had called her at 15:41 on 15 August 1998
>
> Catherine McKenna, who had given evidence that she could not remember any call from Seamus McKenna on 15 August 1998 and could not recall having told the police she could, was an unsatisfactory witness

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Seamus McKenna**:

Catherine McKenna's evidence did not support the claim

He could place no weight on the interview in which she said she had spoken to Seamus McKenna

There was no prima facie case against Seamus McKenna and, as a result, the action was dismissed

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Michael McKevitt**:

The evidence of David Rupert from the Michael McKevitt trial was admissible as hearsay

The emails David Rupert sent to his handlers were a reliable record of his activities

In his leadership role, Michael McKevitt was responsible for encouraging the campaign of bombing which culminated in Omagh

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Liam Campbell**:

> The David Rupert evidence provided cogent evidence that Liam Campbell was a member of the Army Council of the Real IRA at the time of the Omagh bomb
>
> Liam Campbell held an important leadership position in the Real IRA at the time of the Omagh bomb

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Liam Campbell**:

Liam Campbell used -430 (the red phone) at the time of the Omagh bomb

Liam Campbell communicated with -585 (the dark blue phone) on the day of the bomb, directing the operation and participating in it

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Colm Murphy**:

> In relation to Colm Murphy's police interviews he could not give significant weight to the part in relation to which there was evidence of re-writing
>
> The emails sent by David Rupert were strongly indicative that Colm Murphy had been a member of the Continuity IRA since 1995 and had been regularly carrying on terrorist attacks jointly with Michael McKevitt from that period

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Colm Murphy**:

He was satisfied that Colm Murphy obtained the -980 (orange phone) the day before the Omagh bomb

He was satisfied the -980 (orange phone) and -585 (dark blue phone) were used in connection with the bomb run to plant the bomb

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Colm Murphy**:

The Omagh attack was part of a series of terrorist bombs which included Lisburn [PI/18], Armagh [PI/22] and Banbridge [PI/32]

It was a joint operation between the Real IRA and the Continuity IRA

Colm Murphy was an active participant in the attacks carried out by the Continuity IRA and relied upon material provided by Michael McKevitt for those attacks

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Colm Murphy**:

> There was an irresistible inference that Colm Murphy provided -585 (dark blue phone) and -980 (orange phone) for the Omagh bomb attack knowing full well the nature of the attack which was going to be conducted

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Seamus Daly:**

The hearsay evidence of Denis O'Connor's interviews – that he spoke to Seamus Daly on 15 August 1998 at 15:30 - was admissible and could be given weight

Some weight could also be attached to the telephone evidence relating to the Lisburn attack on 30 April 1998 which implicated Seamus Daly [PI/18]

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **Seamus Daly:**

> In relation to the Plaintiffs' argument that the -076 (green phone) should be attributed to Seamus Daly, no weight could be attached to that evidence

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **the Real IRA**:

> As an unincorporated association, as a matter of law, it was only possible to maintain a civil action against the Real IRA if a representation order was made against one or more human defendants appointing them as representing the interests of the Real IRA on the basis that they shared a common interest in defending the proceedings

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **the Real IRA**:

> Those who were members of the Army Council of the Real IRA Army Council on 15 August 1998 bore responsibility for directing the attack as part of a campaign that was being waged at that time
>
> Liam Campbell was a member of the Army Council of the Real IRA on 15 August 1998

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan found in relation to **the Real IRA**:

> Mr Justice Morgan made an order appointing Liam Campbell as representing the members of the Army Council of the Real IRA on 15 August 1998, on the basis that he had a common interest as the Real IRA in defending the action

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2009) [contd] - Trial

Mr Justice Morgan findings on liability were:

Seamus McKenna: no finding of liability, action dismissed

Michael McKevitt, **Liam Campbell**, **Colm Murphy**, **Seamus Daly** and **the Real IRA**: found liable

An award of damages was made against those who were found liable in favour of each of the Plaintiffs

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2011) - Appeal

The four individuals against whom liability was established appealed

The Court of Appeal of Northern Ireland dismissed Michael McKevitt and Liam Campbell's appeals

The Court set aside the representation order granted against Liam Campbell on the basis that it was inappropriate to grant it in the circumstances of the case

The Court allowed the appeals of Colm Murphy and Seamus Daly

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2011)[contd] - Appeal

Colm Murphy's appeal was allowed on the basis that:

The judge had not performed an adequate analysis of the strengths and weakness of the hearsay evidence of Terence Morgan's interview account

The judge's characterisation of the email evidence as cogent overstated the weight to be attached to it

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2011)[contd] - Appeal

Colm Murphy's appeal was allowed on the basis that [contd]:

The judge erred in having regard to the "*foreign convictions*"

A retrial was ordered in Colm Murphy's case

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v McKenna, RIRA, McKevitt, Campbell, Murphy and Daly (2011)[contd] - Appeal

Seamus Daly's appeal was allowed on the basis that:

The judge took account of a hearsay statement by Denis O'Connor that should have been excluded

The judge erroneously gave weight to inadmissible evidence of a conviction

A retrial was ordered in Seamus Daly's case

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Colm Murphy**, Mr Justice Gillen found:

There was compelling circumstantial evidence that -585 (dark blue phone) and -980 (orange phone) were used in the Omagh bombing

Those who used or provided those telephones played a central role

The account Colm Murphy gave in interview that he had not lent his phone or used it himself gave rise to the fanciful implication that his phone was stolen and then returned without his knowledge

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Colm Murphy**, Mr Justice Gillen found [contd]:

That account in interview was wholly implausible and was lies

There was no innocent explanation for the lies

The lack of rational explanation in relation to Colm Murphy's telephone in combination with lies give rise to a strong prima facie case against him

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Colm Murphy**, Mr Justice Gillen found [contd]:

There was a coincidence of similar unexplained use by the same phone (-585 dark blue phone) in the Banbridge bombing

That having not given evidence or called any witnesses an adverse inference should be drawn from his silence

Taking all the factors cumulatively it had been proved that Colm Murphy was liable

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Seamus Daly**, Mr Justice Gillen found:

He was satisfied that Seamus Daly had spoken to Denis O'Connor at 15:30 on 15 August 1998 using -585 (dark blue phone)

Seamus Daly had a pre-existing relationship with Colm Murphy (the phone's owner) over many years

His guilty plea to membership of the Real IRA in 2004 amounted to a public confession of his involvement with IRA terrorist activity which was relevant to propensity and was logically probative

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Seamus Daly**, Mr Justice Gillen found [contd]:

Seamus Daly had given no explanation for his possession of -585 (dark blue phone) on the day of the bombing

There was a coincidence of a similar unexplained use of Seamus Daly's -213 phone in the Lisburn bombing [PI/18]

As a result there was a strong prima facie case against Seamus Daly

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013)[contd] - Retrial

In relation to **Seamus Daly**, Mr Justice Gillen found [contd]:

Seamus Daly failed to give evidence or call witnesses

As a result an adverse inference should be drawn as there was no credible explanation for him not giving evidence

He was satisfied that the case against Seamus Daly had been proved

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Breslin & others v Murphy and Daly (2013) – Appeal from retrial

Both Colm Murphy and Seamus Daly appealed

Dismissing the appeal, the Court of Appeal of Northern Ireland stated:

> *"In the result neither Murphy nor Daly have persuaded us that the trial judge was in error in concluding that the plaintiffs/respondents had proved their case to the requisite standard."*

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Michael McKevitt and Liam Campbell (2016) – ECHR

Michael McKevitt and Liam Campbell brought proceedings before the European Court of Human Rights in respect of the finding of liability in the Breslin litigation

Their complaint was that:

They had not received a fair trial as, although the proceedings were civil, they were essentially criminal in nature and so should have been determined to the criminal standard of proof

The hearsay evidence of David Rupert was not admissible

III) BRESLIN LITIGATION

OMAGH BOMBING INQUIRY

Michael McKevitt and Liam Campbell (2016) [contd] – ECHR

The Court issued a decision rejecting the applications finding them manifestly ill-founded and inadmissible

The Court found:

- The proceedings were civil proceedings and that a different, criminal procedure should not have been applied
- Adequate safeguards had been applied in relation to the hearsay evidence