THE INQUIRY RESUMED ON TUESDAY, 10TH NOVEMBER 2026 AS FOLLOWS:

CHAIRMAN: Good morning, Mr. Greaney.

PRESENTATION BY MR. GREANEY:

MR. GREANEY: Good morning, Sir. We're turning now to Part 8 of Chapter 3 and, as you know, Sir, Part 8 deals with legal proceedings after the Omagh bombing. A summary, albeit a lengthy summary, has been prepared to address the legal proceedings, both criminal and civil, that were pursued in Northern Ireland and in the Republic of Ireland in the period after the Omagh bombing, where those proceedings may be relevant to the Inquiry's Terms of Reference and updated provisional list of issues. 10:00

That summary deals only with concluded proceedings and it is intended to be a neutral factual summary of the proceedings set out within it. The summary has been disclosed to all Core Participants and indeed they have made their own contribution to it. And it will be uploaded to the website, even assuming that has not happened already. 10:01

Sir, to read out the entirety of the summary, which runs to well over 100 pages, would take a number of days and that would not be proportionate. And so what

is going to follow over the course of, I hope only some of this morning, will be a high level summary of that summary.

And, Sir, accompanying the summary is a PowerPoint presentation for which thanks go to Mr. de la Poer. 10:01

The presentation is going to be divided into three sections as is shown on the screen. First of all, prosecutions arising from the Omagh bombing and, Sir, I will deal with that section. Secondly, other potentially relevant criminal proceedings, and that section will be dealt with by Ms. Briggs. And then finally, what has been described commonly as the Breslin litigation and that section will be dealt with by Mr. de la Poer. 10:01 10:02

So, Sir, turning to the section that I'm responsible for, prosecutions arising from the Omagh bombing.

Those prosecutions encompass three individuals: Sean Hoey, Colm Murphy and Seamus Daly. So, first of all, Sean Hoey, the proceedings against him covering the years from 2005 to 2007. 10:02

On the 26th May 2005 Sean Hoey was charged here in Northern Ireland with 58 criminal offences of murder, conspiracy to murder, causing explosions, conspiracy to cause explosions and possession of explosive substances 10:02

with intent to endanger life or cause serious damage to property. The charges, the 58 of those charges, related to 13 separate terrorist incidents and in the slides in a moment we will list those 13 incidents. The first incident involved a mortar attack on an Army tower in Crossmaglen on 24th march 1998. The 13th incident involved the discovery of an abandoned mortar bomb on Altmore Forest on 12th April 2001. And the 12th incident, in a series of 13, was the Omagh bombing. 10:03

The judge who tried Sean Hoey was Mr. Justice Weir, who was later appointed Lord Justice of Appeal in Northern Ireland. He sat without a jury in a Diplock trial to try Sean Hoey and, in fact, that trial, the Sean Hoey trial was one of the last of its type here in Northern Ireland before the system for non-jury trial was reformed, so as to establish a rebuttable presumption of trial by jury. 10:03 10:04

So those 13 incidents covered by the 58 charges were, as follows:

First, the mortar attack at Forkhill Army/RUC Base on 24th March 1998. And, Sir, the indication in square brackets is to the number of that incident in our list of previous incidents within the provisional list of issues. And I think paragraph 2(j). 10:04

The second incident, a mortar attack on G30 Army tower at Crossmaglen on 24th March 1998.

Thirdly, a hoax device found on a railway line at Red Bridge, Newry, on 3rd April. That being previous incident 17 and the Crossmaglen incident being previous incident 15. 10:04

Fourthly, the car bomb in Market Square, Lisburn, on 30th April, previous incident 18. 10:05

Fifth, the mortar attack on Belleek RUC Station on 9th May, previous incident 20.

Sixth, the car bomb near Armagh RUC Station on 16th may, previous incident 22. 10:05

Seven, the bomb on the railway line at Finaghy on 24th May 1998 - with apology ahead of time for pronunciations - that being previous incident 23. 10:05

Incident eight, the trailer bomb near Blackwatertown Road on or around 9th July, previous incident 27.

Ninth, the car bomb at Newry Courthouse on 13th July, previous incident 29. 10:05

10th, the mortar attack on Corry Square RUC Station, Newry, on 21st July.

11, the car bomb at Newry street, Banbridge, on 1st August, previous incident 32.

12th, as I indicated, the car bomb on Market Street Omagh on 15th August 1998. 10:06

And then, 13th, the abandoned mortar bomb at Altmore Forest on 12th April 2001, which is the incident which is not within the list of previous incidents in the provisional list of issues, that being for the obvious reason that that incident post-dates the Omagh bombing. 10:06

As I have indicated, the trial was heard by Mr. Justice Weir sitting alone. He delivered his verdict, along with the reasons for his decisions, on 20th December 2007. 10:07

Mr. Justice Weir characterised the prosecution case against Sean Hoey as having three distinct strands which operated in combination. And those strands were as follows: 10:07

Strand one related to commonality between design and manufacture of elements of the bombs featuring in the various incidents. 10:07

Strand two related to fibres recovered from several devices, suggesting similar gloves were used when assembling the bombs, and one set of which was said to

be indistinguishable from fibres recovered from Sean Hoey's home address. And just pausing for one moment, it specifies home address. In fact the fibres that had been recovered and which were the comparators from fibres recovered from devices, were recovered from a mobile home which was situated adjacent to Sean Hoey's home address. So that was strand two. 10:08

And strand three related to DNA recovered from a number of devices which, through an examination technique known as the Low Copy Number technique, were said to be a match for the DNA of Sean Hoey. 10:08

In relation to strand one, so that is to say commonality of design and manufacture, the prosecution's case relied upon the evidence of Dennis McAuley, a name that we are all now very familiar with through the evidence of Professor Angela Gallop, and we will all remember he was a senior scientific officer within the Forensic Science Service of Northern Ireland, as it became the FSANI. 10:08 10:08

Mr. McAuley's conclusions on the first strand whereas follows: 10:09

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

That it was likely that the same person was involved in the construction of two of the bombs, namely those featuring in the attacks at Newry Courthouse and Corry Square RUC Station.

10:09

His conclusions continued 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 that it could not be fully reconstructed by reason of the explosion. 10:09

In relation to strand one Mr. Justice Weir found that he could not be satisfied beyond reasonable doubt or, as he put it, 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. 10:09 10:10

In relation to strand two, so that is to say the strand that associated fibres discovered on some devices with fibres discovered from the mobile home adjacent to the home of Sean Hoey, Ruth Griffin, the FSANI scientist, gave evidence on behalf of the prosecution that no significant fibre populations were found in relation to the incidents at Crossmaglen, Forkhill, Newry and Banbridge. She went on to conclude that fibre 10:10

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.

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In relation to strand two, she continued to give evidence of her conclusion that the findings weakly, as she put it, 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. And it was her opinion that the findings supported the proposition that the Lisburn device was not made up, nor had been made up, at Sean Hoey's home address.

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In relation to strand two, and to remind us again that related to fibres, the judge said, as follows:

"That it could not be demonstrated" --

10:12

This is a direct quote --

"that each device in which a fibre population was found had the same fibres and therefore that the same gloves or gloves of the same manufactured batch had been used in the making of each TPU. Rather" --

10:12

Said the judge --

"some contained fibres that were not found in others suggestive, if anything, that different gloves - if gloves were indeed the source of the fibres - had been used in the making of some of the TPUs."

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The judge went on to find that the fibres recovered from the Omagh device could not be replicated in fibres taken from other devices.

"There was" --

10:12

he observed --

"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".

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Ultimately the judge was not satisfied to the criminal standard or, as he again put it, to any acceptable standard, that the fibres established common authorship of the TPUs.

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In relation to strand three, so that is to say the strand relating to the DNA findings, the case of the prosecution at Sean Hoey's trial was that in relation to four incidents, those being Lisburn, Armagh, Blackwatertown Road and Altmore Forest, Sean Hoey's DNA was on parts of the devices. The prosecution's case, as I have observed already, was based on a technique

10:13

called the Low Copy Number technique, which had resulted in what were said to be matches between the DNA found on those devices and the DNA of Sean Hoey.

In relation to strand three, having identified a substantial number of significant failings in the arrangements, seizure, handling and storage of relevant exhibits, Mr. Justice Weir found that he was: 10:14

"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 examination 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." 10:14 10:14

In relation to strand three, the DNA more generally, Mr. Justice Weir went on to express concern about the reliability of the LCN DNA technique when used for evidential purposes. 10:15

And, Sir, just pausing for a moment, in due course in the case of R. v. Reed and Others, citation for which is [2009] EWCA Crim 2698, the Court of Appeal of England and Wales concluded in relation to the LCN DNA technique, as follows: 10:15

"Low template DNA can, said the Court of Appeal, be used to obtain profiles capable of reliable interpretation if the quantity of DNA that can be analysed is above the stochastic threshold, that is to say where the profile is unlikely to suffer from stochastic effects, (such as allelic drop out mentioned at paragraph 48) which prevent proper interpretation of the alleles".

10:16

So, in other words, Mr. Justice Weir had had a general concern about the reliability of the LCN technique at any rate for evidential purposes, but in a subsequent decision of Court of Appeal of England and Wales, the court concluded that such evidence could be reliable if certain conditions were met.

10:16

It is to be noted in relation to the Sean Hoey trial that none of the telephone evidence presented during Chapter 3, so that is to say the telecommunications evidence including the call between Sean Hoey and Seamus Daly on the 585 dark blue phone, on 15th August at 3:26pm, was relied upon by the prosecution. So the telecommunications evidence that we have explored during the course of this chapter, Sir, of your investigation did not feature in the course of that trial, notwithstanding that such evidence appears to have been available. And the current understanding of the Inquiry Legal Team is that that fact was the consequence of a decision not made by the Police

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Service of Northern Ireland, but instead by those who were responsible for the prosecution of that case.

So, Sir, that is a very high level summary of the failed prosecution of Sean Hoey. 10:17

Turning next then to Colm Murphy and the proceedings against him in the Republic of Ireland spanned the period from 2002 to 2010. 10:17

The prosecution of Colm Murphy was conducted in respect of a charge of conspiracy to cause an explosion likely to endanger life or cause serious damage to property. The explosion that featured at the heart of the prosecution case on that charge was the Omagh bombing. 10:18 So he was prosecuted in respect of the Omagh bombing.

The prosecution of Colm Murphy, as Mr. de la Poer's presentation tells us resulted in a trial, an appeal, a judicial review, an appeal of the outcome of that 10:18 judicial review and then a re-trial. At the original trial in 2002 Colm Murphy was convicted. At his first appeal in 2005 his conviction was quashed on the basis of two of the grounds of appeal that were advanced on his behalf and the matter was remitted for a re-trial. 10:19

Colm Murphy then sought judicial review of the decision to retry him on a number of grounds, that occurred in 2007, and his application for judicial review failed.

He then appealed the outcome of the judicial review to the Supreme Court of Ireland in 2009, that appeal failed in relation to one charge, the principal charge if I can describe it in that way, of conspiracy to cause an explosion but it succeeded in relation to a second charge. 10:19

The re-trial of Colm Murphy on that single charge took place in 2010 and, as we'll see, he was acquitted.

We now have some further detail of the proceedings against Colm Murphy. 10:19

At the trial in 2002 it was alleged that between 13th and 16th August 1998 Colm Murphy conspired to cause an explosion likely to endanger life or cause serious injury to property. And that allegation, as I've indicated already, was focused upon the Omagh bombing. 10:20

The trial, which was not heard by a jury was presided over by Mr. Justice Barr sitting with his Honour Judge Matthews and her Honour Judge O'Halloran. 10:20

The central element upon which the prosecution's case was based was admissions which had been recorded in writing, as opposed to being tape recorded, during the interview with Colm Murphy. Those admissions being to the effect that he, Colm Murphy, had given Seamus Daly two telephones, namely, his own telephone, so the 585 10:20

dark blue phone that we are very familiar with, along with a phone of Patrick Terence Morgan. So, as we'll all recall that phone that was registered in the name of his father-in-law but which the application materials indicated he was to be the principal user of, that being again a number that we are very familiar with, the 980 orange phone. And the admission continued that he had handed those phones to Seamus Daly, knowing that they would be used in a criminal act, namely, the moving of bombs from the Republic of Ireland to Northern Ireland in order to bomb targets. 10:21 10:21

It was also recorded that Colm Murphy had told the police in interview that Joe Fee, another name that we have experienced, had taken his phone, the 585 dark blue phone, at the time of the attack on Banbridge on 1st August 1998. So connection between those two attacks. Banbridge on 1st of August and Omagh on 15th, of course, of August. 10:21 10:22

At the trial, Terence Morgan gave evidence that he had given his mobile telephone, 980 orange, to Colm Murphy, Colm Murphy being his employer, on being told by Colm Murphy that his own phone, Colm Murphy's own phones was, "on the blink." Having given that evidence at the trial, Terence Morgan subsequently contacted the court and said that he wanted to retract his evidence. And, as a result in order that that could be tested, he 10:22

was recalled and gave evidence for a second time.

On the second occasion of giving evidence he said that his first account, namely, that he had handed his phone to Colm Murphy, had been given by him as the result of pressure and threats from the Police Service of Northern Ireland and the AGS. He went on to say in the second account that he discovered that his phone had been removed from the glove compartment of his vehicle on 14th August and later he had found it under a seat. And so, in other words, having implicated Colm Murphy in his first account, he was now giving an account that did not implicate Colm Murphy. 10:23 10:23

The court at first instance had little hesitation in rejecting Terence Morgan's retraction and the whole of his second account, finding, on the contrary, that it was satisfied beyond reasonable doubt that the first account of Terence Morgan, namely that implicating Colm Murphy had been true and reliable. 10:23 10:24

At that first trial, the court also heard undisputed telephone evidence that the pattern of calls between the 585 and 980 phones on 15th August 1998 indicated that each phone had travelled to Omagh shortly before detonation and had returned to County Monaghan thereafter, and so very much the working hypothesis of the Inquiry Legal Team. 10:24

The court went on to conclude at that first trial, that it was highly probable that there was a scout car in addition to the bomb car, and that contact had occurred between those two vehicles by telephone during the period of the journey to Omagh. 10:25

The court also held that the persons who gave the bomb warnings may have been in contact with the 585 and 980 phones.

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

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It was argued at trial on behalf of Colm Murphy, that his interviews, so those interviews recorded in writing by the AGS, should be excluded from evidence at trial in their entirety. A substantial part of that argument was based on an earlier ruling that the court had made 10:25 excluding a part of the interviews. And so, what the court had earlier done was to exclude evidence of a part of an interview conducted with Colm Murphy by one of the teams of AGS officers and that included excluding notes said to have been made. And that was 10:26 because forensic evidence had established that false information, namely, that Colm Murphy had acknowledged during the interview that his wife was the sister of Sile Grew, a woman associated with Seamus Daly, had

been inserted into an interview note. So this was all a little complicated but in what, I hope, will be simple terms. Within what were said to have been accurate and contemporaneously recorded notes of an interview with Colm Murphy, he was recorded as having 10:26
conceded that his wife was the sister of Sile Grew, a woman associated with Seamus Daly. As a matter of fact that association did not exist. It was established that the part of the notes, including that false concession, had been inserted. As a result, it was 10:27
concluded something inappropriate had happened in relation to those notes and part of that interview was excluded. And Colm Murphy then sought to build upon that finding to suggest that all of the interviews should be excluded in their entirety. 10:27

At first instance the court rejected that argument excluding, as I have indicated, only a part of the interviews.

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The court held ultimately, based upon a series of facts, that it was satisfied beyond reasonable doubt of Colm Murphy's guilt in relation to playing a part in the conspiracy to plant and detonate the Omagh bomb. Those facts being: 10:28

The telephone records establishing the movements of the 585 and 980 phones and traffic between those two phones on 15th August;

The lie told by Colm Murphy to Terence Morgan in relation to why he needed another phone, namely 585, was on the blink;

The lies told by Colm Murphy to the police in interview and Colm Murphy's admission in interview which was characterised by the court as an admission of guilt; 10:28

Similarities between the telephone evidence relating to Omagh and that for Banbridge on 1st of August 1998; 10:28

The court also placed into the balance in reaching its conclusions Colm Murphy's established history as a Republican terrorist of longstanding; and

10:29

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

Having been convicted at that trial in 2002, Colm Murphy was sentenced to 14 years imprisonment. 10:29

Colm Murphy then appealed his conviction to the Court of Criminal Appeal in Dublin. That court granted Colm Murphy's appeal against conviction on two of what had been a very large number of grounds that he advanced. 10:29

And the two grounds were as follows:

One, that the trial court had 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 a written interview and lied under oath.

And, two, that the trial court had breached Colm Murphy's entitlement to a presumption of innocence by having regard to inadmissible evidence of previous convictions.

And, having found for his favour on those two grounds, the Court of Criminal Appeal then directed that a re-trial should take place.

Colm Murphy then brought a claim for judicial review in respect of the decision of the Court of Criminal Appeal to direct a re-trial. In the course of that judicial review the court observed that the two police officers, members of the AGS, who had been accused of unlawfully altering part of the interview record, had subsequently been tried the offence of perjury but had been acquitted.

It was argued on Colm Murphy's behalf in the course of the judicial review proceedings that the order that the Court of Criminal Appeal had made for a re-trial ought to be quashed on the following grounds:

One, the delay between the institution of proceedings and the trial risked the trial being unfair.

Secondly, that the delay between the institution of proceedings and the trial was in breach of Colm Murphy's Article 6 rights. 10:31

And, third, that Colm Murphy's ability to defend himself was, by this stage, impaired by reason of memory impairment from which he was suffering. 10:31

Having heard the arguments of Colm Murphy, Justice O'Neill refused to quash the re-trial direction, finding that he was satisfied that a fair trial was possible. 10:31

Colm Murphy then challenged that decision in the judicial review proceedings in the Supreme Court of Ireland. The Supreme Court 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 re-trial in relation to the allegation of conspiring to cause an explosion stood. In other words, they directed that he should be re-tried on that charge. 10:32 10:32

In relation to a second charge, Sir, that is to say an allegation of membership of an unlawful organisation,

which had been postponed pending the outcome of the trial, the Supreme Court of Ireland held that it would be unfair to permit that trial to proceed. So, to that limited extent, the challenge of Colm Murphy succeeded but he was left facing a re-trial on the more serious and principal charge of conspiring to cause an explosion. 10:32

That re-trial took place in 2010. The court at re-trial found that, notwithstanding the acquittal of the two AGS officers, all of the interviews conducted by any of the AGS officers were tainted by reason of the falsification by two of them. So those two officers had not been the only officers who interviewed Colm Murphy and it wasn't during interviews by those officers that all of the concessions were made, there had been a number of teams of officers conducting interviews, but notwithstanding the court on re-trial concluded that all of the interviews ought to be excluded. 10:33 10:33

As a consequence the principal evidence, which as we have indicated came from the record of Colm Murphy's admissions in interviews conducted by those other AGS officers, was inadmissible. And on that basis the court concluded that there was no, or certainly no sufficient evidence, of Colm Murphy's guilt and found that he had no case to answer. So the admissions that he was alleged to have made, having fallen away, there 10:34

was insufficient to support a conviction.

Thirdly, the prosecution of Seamus Daly, here in Belfast, between 2014 and 2015. And there's not a great deal to say about this prosecution for reasons that will become apparent. 10:34

On 11th April 2014 Seamus Daly was charged with 33 offences arising out of three incidents:

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First, the car bomb in Market Square, Lisburn, on 30th April 1998, that being our previous incident 18.

Second, the car bomb at Newry Street, Banbridge, on 1st August, that bomb causing very widespread injury and damage as everyone will recall, and being our previous incident 32. 10:35

And, third, the car bomb on Market Street, Omagh, on 15th August 1998. 10:35

29 of the allegations faced by Seamus Daly, so 29 of 33, were allegations of the murder of persons in the Omagh bombing.

10:35

The key evidence against Seamus Daly was based on telecommunications. The prosecution put its case on the basis that telephones were connected to the bombings, that the various bombings were in turn

connected and that Seamus Daly was connected to the telephones.

Seamus Daly argued that he had no case to answer. And at the pre-trial hearing, as I recall it, a committal 10:36
hearing, or old style committal as they were sometimes called, before the Omagh Magistrates Court in February 2015, a man called Denis O'Connor gave evidence. And, Sir, as you may recall from the evidence we've heard already in Chapter 3, where Denis O'Connor fitted into 10:36
the picture was that at 3:30 p.m. on 15th August, the 585 phone had called the number of Denis O'Connor and Denis O'Connor, in due course was to identify the person who had called him from the 585 number as being Seamus Daly. 10:37

But, when he gave evidence at the committal proceedings the evidence of Denis O'Connor was to the effect that Seamus Daly may not have called him at 3:30 p.m. on 15th August so, in other words, he recanted. 10:37

As a result, at any rate, as has been publicly reported, on 1st March 2015, the Public Prosecution Service withdrew the proceedings against Seamus Daly and in the result there never was a trial. 10:37

So Sir, that is, as I indicated, a very high level summary of the prosecutions arising from the Omagh bombing.

Next, as I said, and as is shown on the screen, we will hear about other potentially relevant criminal proceedings, and Ms. Briggs will speak to those by reference to the presentation. There will be just be a moment whilst I move and Ms. Briggs takes my place. 10:38

PRESENTATION BY MS. BRIGGS:

MS. BRIGGS: Thank you, Sir. Sir, there are 25 different individuals named on the screen at the moment 10:38 and 19 separate numbers. That is because some of the individuals have been grouped together at numbers five and 11. This is where they have been prosecuted together in relation to an offence or offences arising of the same incident. Some of the names we will be 10:39 familiar with from Chapter 3, and some we can see are perhaps new names.

This section of the presentation will look at each of those names in turn and in the order that they appear 10:39 on the screen.

The first then is Michael McKevitt, a name which will be very familiar to everyone by now. He was prosecuted in the Republic of Ireland for membership of and 10:39 directing the activities of the Real IRA. There was a trial in 2003 following which he was convicted. There was then an appeal to the Court of Criminal Appeal in 2005, which was dismissed. There was an appeal then to

the Supreme Court of Ireland in 2008, which was dismissed. And finally, then an application to set aside that Supreme Court decision in 2009, which was also dismissed. And we'll look at each of those four separate sets of proceedings now. 10:40

Firstly, the trial in 2003, which resulted in a conviction. Mr. McKevitt was tried by the Special Criminal Court in Dublin before Justices Johnston, O'Hagan and Reilly. There were two charges, one was membership of the Real IRA between 29th August 1999 and 29th March 2001. And then the second was directing the activities of an organisation, the Real IRA, between 29th August 1999 and 23rd October 2000, in respect of which there was a suppression order. And a suppression order, for those who may not be versed, that's a Government declaration used to ban an organisation deemed a threat to public order and the State in the Republic of Ireland. That's pursuant to Section 19 of the Offences Against The State Act 1939. 10:40 10:41 10:41

As the Inquiry knows, not least from Mr. Greaney's Chapter 3 opening remarks, it was the evidence of the informant David Rupert which was the principal evidence against Michael McKevitt during the course of that trial. And the next number of slides summarise some of the evidence that was given by David Rupert. 10:41

He said he was working for the FBI and the Security

Service as an informant and had also passed evidence to an AGS Chief Superintendent. He said he had first met Michael McKevitt in August, September 1999, together with Seamus McGrane.

10:42

He said he was told that the command structure, which he was to report to, was Michael McKevitt first, Liam Campbell second, and Bernadette Sands McKevitt third.

10:42

He spoke about meetings that he had, including with Liam Campbell present, and indeed meetings with Michael McKevitt. He said that Michael McKevitt had spoken about finding a replacement for Liam Campbell after his arrest, that is Liam Campbell's arrest.

10:43

And Michael McKevitt had told Mr. Rupert, Mr. Rupert said that, "nobody is in the Army unless I say so." And that particular quotation appears at page 22 of the judgment.

10:43

The court found to the criminal standard, beyond all reasonable doubt, that David Rupert was "a truthful witness and that his credibility has in no way been impugned."

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The court, during the trial, also heard from a chief superintendent from An Garda Síochána. That officer had said that he had known Michael McKevitt since 1985

and held the view that he was a member of the IRA as alleged. And the court found that that evidence alone was sufficient to convict Michael McKevitt on the membership charge but indeed, the court found him guilty on both charges, on both counts, with Mr. Rupert's evidence corroborating the Detective Chief Superintendent's evidence. 10:44

Mr. McKevitt them was sentenced to 20 years' imprisonment with the judge finding that "he played a leading role in the organisation which he directed and induced others to join." 10:44

There was an appeal, as I said earlier, by Michael McKevitt to the Court of Appeal and that was on the second charge only, directing the activities of the Real IRA. And the case citation for that is [2005] IECCA - that Ireland Court of Criminal Appeal - 139. And the appeal grounds, of which there were three, appear on the screen. Two relate to disclosure, and the second of the three included the credibility of David Rupert and the finding that Mr. Rupert was credible and could be relied upon. 10:44 10:45

The Court of Criminal Appeal rejected all three grounds of appeal advanced by Mr. McKevitt. And we can see what the Court of Criminal Appeal found regarding David Rupert, the second of the three appeal grounds. The Court of Criminal Appeal had noted that David Rupert 10:45

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. And David Rupert had also given evidence, the Court of Appeal said, that Michael McKevitt had wanted the first terrorist attack by the Real IRA after Omagh to be "a spectacular that would over shadow Omagh." 10:46

And indeed, Mr. Rupert had also told the court that Mr. McKevitt had said that certain individuals wanted to kill police officers, that he, Michael McKevitt, had said that that, and I quote Mr. Rupert's evidence, "would not be a big enough event." 10:46

So the Court of Criminal Appeal ultimately rejected all the criticisms of the trial judgment in relation to the credibility of David Rupert. And, as I stated earlier, Michael McKevitt then appealed the Supreme Court of Ireland in 2008 and he cited a point of law of exceptional public importance. And the basis of that appeal was in relation to the disclosure obligations of the prosecution in relation to material which is relevant to the credibility of a witness, in this case, Mr. Rupert, which is out of the jurisdiction, that is to say material held outside the jurisdiction. 10:47 10:47

The Supreme Court of Ireland also heard additional appeal points which were advanced but they were the

subject of criticism by the court on the basis that they went outside the terms of the point of exceptional public importance. And 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". 10:48

Then in 2009 there was a further application to the Supreme Court of Ireland to set aside that 2008 Supreme Court judgment on the basis of a material error of fact. And the court rejected that application and declined to hear submissions, describing it as "absurd" and finding it to be "manifestly unfounded." The citation for that judgment is [2009] IESC - Ireland Supreme Court - 29. With 10:48

We turn then to Liam Campbell, the first of three Campbell brothers that we will look at during this presentation. And by way of overview, he was charged in the Republic of Ireland with being a member of the Real IRA on 3rd October 2000 and he was found guilty by the Special Criminal Court in Dublin in 2001. He successfully appealed his conviction in 2003 and a re-trial was ordered. And his appeal to the Supreme Court in 2004 against part of the appeal judgment was refused. 10:49

He was then re-tried in 2004, he didn't contest the

evidence at that re-trial and he was convicted. And he then appealed that conviction but that appeal was dismissed in 2005.

Looking then at the initial trial, the very first trial in 2001, he was charged in a Special Criminal Court in Dublin with being a member of the Real IRA on 3rd October 2000. He was found guilty and sentenced to five years' imprisonment with the final three months of that being suspended. 10:50

And the court found that it was satisfied that on 3rd October 2000 that 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 serious crime. 10:51

And then Mr. Campbell's appeal to the Court of Criminal Appeal in 2004. The court upheld one of his grounds of appeal, namely, that a particular line of questioning by the prosecution, should not have been permitted. 10:51 Another argument was dismissed that the Real IRA was not a proscribed organisation, the Court of Appeal rejected that argument. And ultimately the Court of Criminal Appeal quashed the conviction, and as I said

earlier, ordered a re-trial.

The Court of Appeal also granted an appeal to Liam Campbell in relation to the dismissal of his argument that the Real IRA was not a proscribed organisation. That went to the Supreme Court in 2004. The Supreme Court of Ireland dismissed the appeal on the basis that no appeal to the Supreme Court was available because the conviction had been quashed by the Court of Appeal. The citation for that judgment is [2004] IESC 26. 10:51 10:52

So in 2004 then, Liam Campbell was back being re-tried in the Special Criminal Court where he faced an additional charge alleging membership of the Real IRA on 29th July 2001 when he was on bail, adding to the previous date in the charge of 3rd October 2000. He didn't contest the evidence and he was convicted on the basis that that approach was equivalent to a guilty plea. And he received then a total of eight years' imprisonment with the final 18 months being suspended. 10:52 10:52

There was another appeal in 2005 to the Court of Criminal Appeal which argued that the Real IRA was not a proscribed organisation and his application for leave to appeal was dismissed. 10:53

Thirdly then, Colm Murphy. As an overview then, we can see in 1976 he was found guilty of various offences;

membership of the IRA, possession of firearm and ammunition with intent to endanger life; possession of a firearm and ammunition without a certificate and assault occasioning actual bodily harm. And that was in the UK. And he was sentenced to a total of three years' imprisonment. 10:54

Another much earlier conviction was in 1983 in the USA. He was convicted on 15th July 1983 of firearms offences in the Eastern District of New York, for which he was sentenced to five years' imprisonment and a fine of 10,000 dollars and he was released in 1985. 10:54

Seamus Daly then, No.4 on the list. There was a 2004 prosecution in the Republic of Ireland. Seamus Daly was charged with being a member of the Real IRA between 29th April 1998 and 20th November 2000. And in accordance with the usual practice, the date range was subsequently reduced to a single date, being 20th November 2000. Mr. Daly pleaded guilty on the day of his trial, and he received three and a half years' imprisonment. 10:54 10:55

No. 5 then, perhaps fittingly, has five individuals all jointly prosecuted in relation to the same set of events: Joseph Fee, Gregory Treanor, Seamus McKenna, Eamonn Matthews and Gerald Sweeney were all prosecuted in the Republic of Ireland in 2004 to 2006 in the Special Criminal Court in Dublin. 10:55

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.

10:56

Gregory Treanor also 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.

10:56

Seamus McKenna also 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.

10:56

Eamonn Matthews was convicted of membership of the Real IRA.

Finally then, Joe Fee, he was convicted of possession of an explosive substance, giving rise to a reasonable suspicion that it was for unlawful purposes. And he 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. And for Mr. Fee's offence we know the date for the possession of explosive substance was 13th June 2003.

10:57

10:57

In terms of the background to this prosecution, we can see that this was an AGS operation targeting the

Continuity IRA in 2003. And the circumstances related to a stolen cement mixer and rotavator which were on the back of a stolen vehicle, which Eamonn Matthews and Seamus McKenna were seen driving. And it had cloned number plates. This was in June 2003 in Dundalk. The cement mixer was deposited at Joe Fee's house and the stolen vehicle went to Gerald Sweeney's farmyard. 10:58

The AGS saw Joseph Fee and Seamus McKenna leaving the farmyard. Seamus McKenna was said to be in another vehicle recently stolen in Northern Ireland with cloned plates and there were observations of Joseph Fee, Seamus McKenna and Gregory Treanor at the property. 10:58

The AGS moved in and they found an explosive substance, namely, ammonium nitrate, that's crushed fertiliser mixed with sugar in its final stages of completeness. Gregory Treanor and Seamus McKenna were mixing it and the device lacked only a booster tube and TPU. 10:58

10:59

The AGS described the amount as "bigger than some of the ones that caused terrible devastation previously in Northern Ireland." That's at page 11 of the transcript.

10:59

Indeed, Mr. Justice O'Donovan sentenced Joseph Fee and Seamus McKenna together and said that the court was satisfied that they were part of a joint enterprise to manufacture explosives with a view to making a bomb, or

bombs, for the purpose of terrorising the public and/or to further the commission of a crime.

And indeed, the AGS witness who gave evidence, said that in relation to the Continuity IRA it was opposed to the Belfast Good Friday Agreement and actively involved in the disruption of its implementation through the use of car bombs and the witness said: 11:00

"In the last two years alone they have been involved in up to 40 incidents both in this country, Northern Ireland and in England." 11:00

And he went on to describe Joseph Fee and Seamus McKenna as the primary motivators in this organisation. 11:00

We can see there the sentence that was passed in relation to each individual.

Gerald Sweeney received three years imprisonment suspended for three years; Joseph Fee a total of 10 years' imprisonment; Seamus McKenna, six years' imprisonment; Eamonn Matthews three years and nine months imprisonment; and Gregory Treanor then, three years imprisonment. 11:00 11:01

Eamonn Matthews and Joe Fee appealed their conviction. Eamonn Matthews' appeal was rejected in 2006. Joseph

Fee's appeal was rejected in 2006 and the Court of Criminal Appeal also refused to certify on a point of law of exceptional public importance which would have, if it had been granted, taken the case to the Supreme Court. 11:01

And Court of Appeal judgment for Eamonn Matthews is case citation, [2006] IECCA 103.

For Joseph Fee it is [2006] IECCA 102. And in relation to his unsuccessful application for a certificate to appeal to the Supreme Court, that is at [2007] IECCA 24. 11:02

No. 6 is Derek 'Shanty' Brady, another name which everyone will be familiar. As Mr. Greaney told us in his opening remarks during Chapter 3, Derek Brady was convicted after the Omagh bombing of involvement in a bomb plot that took place only months before the Omagh bomb and that is this prosecution that we are looking at now. This was a guilty plea made before the Special Criminal Court in Dublin to an offence of possessing an explosive substance on 21st March 1998, with intent to endanger life or cause serious injury to property. 11:02 11:03

And this is in relation to previous incident No. 13 in the Inquiry's provisional list of issues. We can see PI13 is referred to there.

Derek Brady had been arrested with a booster tube in hand and 15 bags of homemade explosives. He was arrested on 21st March 1998 and there was 1,240 pounds of explosive substance, a TPU, an electrical detonator and two adapted beer kegs. And we can see that he in fact absconded after his arrest. He failed to turn up to his trial in May 1999 and he was then arrested some time later. 11:03

At the time of his arrest he was in possession of a stolen vehicle and the device was described as being a car bomb. And he was sentenced to 10 years' imprisonment. And that's something that Mr. Safranauskas has also told us about on 23rd September. And this is, we will see linked to incident 19 and Kevin Murray, who was arrested at the same time and place. 11:04 11:04

No. 7, is Patrick 'Mooch' Blair, about whom we have heard a lot of evidence during Chapter 3 or 'Man A' as he is called in the PONI Omagh 1 report. He was in prison for 15 years for offences committed in 1974 by a UK court in Belfast. Mr. Justice Colton, as he then was, has told us in a judgment, in R v. Morgan about Patrick 'Mooch' Blair's history of offending. And that's a judgment I'll return to shortly. 11:04 11:05

But it includes what is set out on this slide, that on 14th November 1974, Patrick 'Mooch' Blair was involved

in the attempted murder of security forces at Newry Police Station, possession of firearms with intent, and causing an explosion.

On 27th November 1974 Patrick Blair was involved in hijacking a car at gunpoint in Newry, which car then had a bomb loaded into it. And following his arrest, on 3rd April 1975 he admitted he had joined the IRA 12 months earlier and was OC - officer commanding - of the IRA ASU in Newry. And he was sentenced to a total of 15 years' imprisonment. 11:05 11:06

Looking to the period in the early 2000s, there is also a 2003 Republic of Ireland conviction for possession of ammunition in suspicious circumstances on 4th December 2002 for which Patrick 'Mooch' Blair received three years imprisonment. And indeed Mr. Justice Colton also describes that conviction at paragraph 70 of his judgment in R v. Morgan, as follows, he said that: 11:06 11:06

"A search was executed at Blair's Dundalk home on 4th December 2002. He was found in possession of 17 rounds of live ammunition in a magazine."

He received a sentence of three years imprisonment. 11:07

That leads us on to R v. Morgan & Others in 2020. The judgment of Mr. Justice Colton, as he then was, has the case reference [2020] NICC - Northern Ireland Crown

Court - 14. As part of R v. Morgan there were 15 counts against Patrick 'Mooch' Blair and they included those that we can see on the screen: They included belonging to a proscribed organisation; providing weapons, training and instruction on five occasions; conspiracy to possess explosives with intent to endanger life or cause serious injury to property; and the preparation of terrorist acts on five occasions. 11:07

The period covered by the offending of Patrick Blair was 12th August 2014 to the 10th November 2014. He pleaded guilty at a late stage and Mr. Justice Colton found, and this is paragraph 57 of R v. Morgan, that Patrick Blair played a leading role at operational meetings and at those meetings: 11:08

"He clearly was imparting his knowledge and experience in relation to the making of pipe bombs and the use of weapons".

11:08

And it says there that he was found 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. And indeed, as I said, he was found to have played a leading role. 11:08

Patrick Blair 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 the Covid 19 pandemic.

Sir, the time is now 11:10, I have quite a way to go still, Sir.

CHAIRMAN: Of course. 11:09

MS. BRIGGS: And I am wondering if now is an appropriate time?

CHAIRMAN: Yes, if that's convenient.

MS. BRIGGS: Thank you, Sir.

CHAIRMAN: So shall we sit again at about 25 past? 11:09

MS. BRIGGS: Yes, Sir.

CHAIRMAN: Thank you.

THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

11:27

CHAIRMAN: Ms. Briggs.

MS. BRIGGS: Thank you, Sir.

No. 8 is Gary Jones or 'Man B' as he's called in the Omagh PONI one report. If I can indicate to those 11:27 following along, we will spend some time on Gary Jones and then the remaining 11 of the 19 will be perhaps a couple of minutes each before I hand over to Mr. de la Poer.

11:28

Gary Jones was prosecuted in 2006 in relation to an attack on Corry Square RUC Station, Newry, on 21st July 1998. And that is, of course, previous incident number 30 in the Inquiry Legal Team's provisional list of

issues.

The circumstances of that, which the Inquiry will, of course, hear more about during Chapter 4, was that on 21st July 1998 a white Transit van was driven into a yard adjacent to Corry Square Police Station in Newry. A mortar device was launched from the van and it landed a short distance from the van and it failed to detonate. 11:28

Gary Jones was charged with, firstly, attempted murder and, secondly, causing an explosion likely to endanger life or cause serious injury to property. He was prosecuted on the basis that he was the driver of the van. What was established by the evidence it was said, was 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, Mr. Jones, and the driver of the other vehicle. During the altercation the mortar van driver's jacket and jumper were pulled off. DNA was recovered from a blood spot on the inside left collar of the jumper and DNA characteristics identified within the blood were found to arise in fewer than one in one billion males unrelated to Gary Jones. In interview Gary Jones made no comment and he did not give evidence during his trial. 11:29 11:29 11:29 11:30

He was, as it turned out, acquitted of count one,

attempted murder, and convicted of count two, causing an explosion by Mr. Justice Morgan, as he then was, who was satisfied that the DNA was Gary Jones beyond a reasonable doubt, and he was satisfied beyond reasonable doubt that Gary Jones was the man involved in the altercation in which the jumper was pulled off. And Gary Jones received a sentence of 14 years' imprisonment. The case citation for that is [2006] Northern Ireland Crown Court 27. 11:30

There was then an appeal in Belfast against the second count, causing an explosion likely to endanger life or cause serious injury to property, and that appeal was successful on the ground that there was a lack of evidence that the explosion, which did occur, namely the explosion which launched the mortar, was likely to endanger life or cause serious injury to property. 11:31

He was unsuccessful before the Court of Appeal regarding the finding that he was the man involved in the altercation in which the jumper was pulled off, and that particular ground of appeal was rejected. A re-trial was ordered by the Court of Appeal in Northern Ireland. And the Court of Appeal citation is [2007] NICA - Northern Ireland Court of Appeal - 28. 11:31 11:32

The re-trial was in 2010 before the Crown Court. He was prosecuted at the re-trial for doing an act intending to cause an explosion which endangered life

or cause serious injury to property. And he was acquitted by Mr. Justice McCloskey, as he then was, who was not satisfied beyond a reasonable doubt that Gary Jones was the man involved in the altercation in which the jumper was pulled off. 11:32

Now, turning to Peter Campbell; the second of the Campbell brothers, all of whom we know were employed by Town Glass. 11:32

He was convicted in 1983 in Belfast Crown Court 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, and one offence of arson. He was convicted and sentenced to 14 years' imprisonment. 11:33

Michael Campbell then: The last of the three Campbell brothers. He, in 1982, was prosecuted for two offences in the UK of the unlawful collection of information useful to terrorists and he was convicted and sentenced to two years' imprisonment. 11:33

Three individuals, Anthony Hyland, Darren Mulholland and Liam Grogan, who you will see were all convicted in relation to one of the Inquiry's previous incidents. It's previous incident No. 28, and that was terrorist operation conducted on 10th July 1998 targeting London's transport system and commercial premises, 11:33

which was foiled.

Each of these three men were tried and convicted. Anthony Hyland and Darren Mulholland received 25 years' imprisonment each and Liam Grogan received 22 years' imprisonment. 11:34

Damien Lawless: In 1999, in the Republic of Ireland, he pleaded guilty, I should say, to an offence committed on 20th October 1999, when he was arrested with nine other people at an underground Real IRA training camp. Firearms and ammunition were seized and he pleaded guilty in relation to that and was sentenced to three years' imprisonment. And we will shortly see that Seamus McGrane also pleaded guilty to offences arising out of the same IRA training camp. 11:34 11:35

This is Seamus McGrane then, the owner of Town Glass. Looking back to 1976 then, first of all, he was convicted of membership of a proscribed organisation, namely, the IRA. And that was in the Republic of Ireland, and he was sentenced to 12 months' imprisonment. 11:35

And then he, like Damien Lawless, was arrested at an underground Real IRA training camp on 20th October 1999 with a number of others, at which firearms and ammunition were seized. And he pleaded guilty to provide training in the use of firearms to others and 11:35

he was sentenced to four years' imprisonment.

Finally, Mr. McGrane was prosecuted again in the Republic of Ireland in 2017. It is a charge of directing terrorism and membership of a proscribed organisation, namely, the Real IRA. He was covertly recorded planning to attack Palace Barracks in Belfast, in Holywood. 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. And Mr. Safranauskas told the Inquiry about that during his Part 2 evidence on 23rd September. 11:36 11:36 11:37

Paddy McDonagh: In 1999 he pleaded guilty in the Republic of Ireland to possession of explosives, a booster tube and detonator cord on 23rd May 1998. He received six years' imprisonment on 21st April 1999. 11:37

Thomas Larkin: In 1999 he was convicted in the Republic of Ireland for offences relating to a seizure of Real IRA firearms and explosives from an address in Dundalk, County Louth, and he was convicted of unlawful possession of firearms and explosives. And he received five years' imprisonment. 11:38

Vincent McKevitt: The younger brother of Michael McKevitt. He pleaded guilty in 2004 in the Republic of

Ireland to the possession of firearms, namely a sawn-off shotgun and a pistol. On his arrest other items were seized, including a nail bar, a hammer and balaclavas. The investigation had taken place on 5th January 2002 and he was sentenced to five years' imprisonment suspended for two years on the 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. 11:38 11:39

Anne Murphy, the wife of Colm Murphy: She pleaded guilty in the Republic of Ireland in 1972 to two offences of causing an explosion with intent to endanger life or cause serious injury to property. And she was sentenced to five years' imprisonment. 11:39

Anthony Cunnane, also known as Anthony 'Rusty' Cunnane, and who we heard about, like many other others, during Chapter 3 and including from Mr. Safranauskas on 23rd September. And it was said during that evidence that, among other things, Mr. Cunnane had a close connection with members of the 32 County Sovereignty Committee. He was convicted in 1976 in the Republic of Ireland of an offence contrary to Section 21 of the Offences Against The State Act 1939, which prohibits the membership of an unlawful organisation, and he received 12 years' imprisonment. 11:39 11:40

Finally, Kevin Murray: He was convicted in the Republic of Ireland in 2004 in relation to previous incident 13, that's 21st March 1998, car bomb, in Dundalk. As described earlier this was an arrest at the same time and in the same place as Derek 'Shanty' Brady. Both were in possession of a very large car bomb at a late stage of construction and Kevin Murray was sentenced to 12 years' imprisonment. 11:40

Finally then, before I hand over to Mr. de la Poer, the last three slides which will appear bring together previous incidents that myself and Mr. Greaney KC have looked at this morning. They contain a list of prosecutions arising out of those incidents and their outcome to bring together the summary. 11:41 11:41

So we can see then, in the far left-hand column, the previous incident number, starting with previous incident 13. The second column is the date of that previous incident, the first example being 21st March 1998. The third column describes the individuals who were subject to prosecution. And the final column details the outcome of that. 11:41

So in relation to previous incident 13, which I have just addressed, that was on 21st March 1998, the car bomb in Dundalk, County Louth. Derek Brady and Kevin Murray were convicted. 11:42

Previous incident 14 is the incident of 24th March 1998, which Mr. Greaney KC dealt with, the mortar attack on Forkhill Army RUC Base for which Sean Hoey was acquitted. And previous incidents 15 and 17, for which he was also acquitted. Incident 15 being the mortar attack on 24th March 1998 carried out on the G30 Army tower in Crossmaglen. And previous incident 17, being 3rd April 1998, hoax device left on the railway line at Red Bridge in Newry. 11:42

Previous incident 18 takes us to the period after the Good Friday Agreement, Sir, and that was the car bomb at Market Square in Lisburn on 30th April 1998. And as we heard, the prosecution of Seamus Daly did not go ahead. 11:43

I'll not go through each of these, Sir, but we have a number of further previous incidents for which Sean Hoey was acquitted and we heard about earlier, and those are as dealt with by Mr. Greaney. 11:43

We then have the previous incidents 28, 29, 30 and 32. I have dealt with previous incident 28 for which Mr. Hyland, Mulholland and Mr. Grogan were all convicted. Again 29 was another aspect of Sean Hoey's acquittal. 11:44

Previous incident 30, both myself and Mr. Greaney have dealt with, Gary Jones and Sean Hoey both being

acquitted.

And previous incident 32, which Mr. Greaney has dealt with which is, of course, Banbridge incident, for which the prosecution against Daly was discontinued, and for which Sean Hoey was acquitted. 11:44

I'll now, Sir, hand over to Mr. de la Poer who will address the Breslin litigation.

CHAIRMAN: Thank you, Ms. Briggs. 11:44

MS. BRIGGS: Thanks.

CHAIRMAN: Mr. de la Poer.

PRESENTATION BY MR. DE LA POER:

11:44

MR. DE LA POER: Sir, our Part 8 presentation concludes with the Breslin litigation, as is apparent from the image on screen. As I turn to deal with that I want to begin by prefacing this part of the presentation by acknowledging the courage, resilience and determination of those that brought, pursued and saw through this litigation. As has been said earlier in Chapter 3, it is difficult to overstate the importance of this litigation as providing a starting point for our work in Chapter 3. 11:45 11:45

We will begin please with an overview and there were a number of stages to this litigation, as we've seen with others. There was a trial involving Seamus McKenna,

CHAIRMAN: The Real IRA, as a defendant, Michael McKevitt, Liam Campbell, Colm Murphy, and Seamus Daly in 2009. And that resulted in the second, third, fourth, fifth and sixth of those I have just mentioned being found liable. 11:46

An appeal against that finding of liability in 2011 by all of those who had been found liable, resulted in a re-trial being directed in the case of Colm Murphy and Seamus Daly. At that re-trial both of those men, in 2013 were found liable for a second time. They both appealed against the re-trial finding of liability but that appeal was dismissed. 11:46

And a final element arising from the Breslin litigation is that Michael McKevitt and Liam Campbell, who were themselves not the subject of the re-trial, brought proceedings before the European Court of Human Rights on the basis that the Breslin litigation infringed their Article 6 rights. That complaint was rejected by the ECHR in 2014. 11:46

So that, Sir, is an overview of what we are going to look at now, in a little more detail. As I turn to that detail, to add to the remarks I made earlier, I should acknowledge that there will be those in this room and those watching online who were involved in those proceedings and who will know the subject matter of what I am about to deal with better than I ever can 11:47

and I want to acknowledge that. What we are going to see now is very much a summary of what occurred. As Mr. Greaney has already said the Part 8 summary, that's going to be published on the website and has previously been shared with Core Participants, contains more detail. 11:47

So we begin with who the plaintiffs were, this is commonly described as 'the Breslin litigation' taking its name from the first-named plaintiff, Mark Christopher Breslin, as appears there. In giving it that shorthand it is often lost to the fact that there were a number of other people who committed their time, energy and resources and took the risk, as there always is with litigation in bringing it, and it is important that we acknowledge those individuals: Catherina Anne Gallagher, Michael James Gallagher, Edmund William Gibson, Stanley James McCombe, Marion Elaine Radford, Paul William Radford, Colin David Wilson, Denise Francesca Wilson, Garry Godfrey, Charles Wilson, Geraldine Ann Wilson, and Godfrey David Wilson. So all of those were named Plaintiffs in these proceedings and they brought those proceedings in 2001, so only a short matter of years when measuring against where we are now in 2026, following the atrocity in Omagh. 11:47 11:48 11:48 11:48

As we can see from the title, it wasn't until 2009 that judgment was delivered in the trial. The defendants as I have indicated already, and it is important that we

number them because following the judgment can sometimes be difficult without knowing who they are, were the first0named defendant Seamus McKenna, a man we have heard a lot about in Chapter 3, the man alleged to be in possession of 980 in the bomb car; the Real IRA, 11:49
the organisation which after the attack claimed responsibility for it; Michael McKevitt, in his case we haven't dealt with him in any great detail but, as Ms. Briggs has just dealt with, he has been found guilty of directing and membership of the Real IRA in the period 11:49
subsequent to Omagh; Liam Campbell, the man who we've dealt with in Chapter 3 who was said to be in possession of the 430 red phone near the call boxes from which the warning calls were made; Colm Murphy, the man whose been described as the person at the 11:50
centre of the web, owner of the 585 dark blue handset, employer of many of our key individuals and associates of more; and finally Seamus Daly, the man who, on the working hypothesis, was said to be in possession of 585 dark blue phone as it travelled to Omagh in the scout 11:50
car and back.

The central allegation in the litigation was that the Omagh bomb was:

11:50

"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" --

In other words, the human defendants --

"were involved at various stages of the operation."

The proceedings at trial were presided over by Mr. Justice Morgan and Mr. Justice Morgan delivered his judgment on 8th June 2009. Unlike those other proceedings that we have been looking at until this point, these being civil proceedings, the standard of proof was not beyond a reasonable doubt, as was applied in both Northern Ireland and the Republic of Ireland in those criminal proceedings, but rather on the balance of probabilities, sometimes described as 'more likely than not'. 11:51 11:51

Mr. Justice Morgan's findings included that there was an irresistible inference that the 585 dark blue phone and the 980 orange phone were the mobile telephones used in the bomb run on 15th August 1998.

He then made findings in relation to each of the defendants, beginning with the first-named, Seamus McKenna. Mr. Justice Morgan found that the case against him depended entirely on the alleged connection between him and the 980 orange phone. And that connection was alleged in the pleadings as relying upon a call at 15:41 on 15th August 1998 from that handset to the landline of Catherine McKenna's house. 11:52 11:52

Continuing with Seamus McKenna, Mr. Justice Morgan found that the claim relied upon the hearsay evidence of Catherine McKenna who told the police in one of her interviews that Seamus McKenna had called her at that time and on that date. 11:52

Catherine McKenna gave evidence before Mr. Justice Morgan and she had said that she could not remember any call from Seamus McKenna on that date and could not recall having told the police that she could. He 11:53 found, that is to say Mr. Justice Morgan found, that she was an unsatisfactory witness.

He observed, as is obvious, that her evidence, namely that she couldn't remember the call, did not support 11:53 the claim that was made, but went on to say that he could place no weight on the interview in which she had said that she had spoken to Seamus McKenna. And that, given that the case depended entirely on the proof of that contention, he found there was no prima facie case 11:53 against Seamus McKenna and, as a result, the action against him was dismissed.

Turning then to Michael McKevitt, the third-named defendant: The evidence of David Rupert that we heard 11:53 about from Ms. Briggs, from the Michael McKevitt trial in the Republic of Ireland, was found to be admissible as hearsay. In other words, David Rupert did not attend the Breslin trial but rather the evidence he had

given in previous proceedings was admitted as hearsay evidence.

Mr. Justice Morgan found that the emails David Rupert sent to his handlers were a reliable record of his activities and went on to find that, in his leadership role, Michael McKevitt was responsible for encouraging the campaign of bombing which culminated in Omagh. 11:54

Turning then to the fourth-named defendant, Liam Campbell: Mr. Justice Morgan found that David Rupert's evidence provided cogent evidence that Liam Campbell was a member of the Army Council of the Real IRA at the time of Omagh bomb, and that Liam Campbell had held an important leadership position in the Real IRA at the time of the bomb. 11:54 11:54

He went on to find, as the Inquiry's working hypothesis holds it, that Liam Campbell used the 430 red phone at the time of the Omagh bomb and that he communicated with the 585 dark blue phone on the day of the bomb directing the operation and participating in it. 11:55

Turning to the fifth defendant, Colm Murphy: In relation to Colm Murphy's police interviews Mr. Justice Morgan found he could not give significant weight to the part in relation to which there was evidence of rewriting. Again we have heard something about that this morning. However, he said the emails sent by 11:55

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.

11:56

He found that he was satisfied that Colm Murphy had obtained the 980 orange phone the day before the Omagh bomb, that of course being the phone ordinarily used by Patrick Terence Morgan. And Mr. Justice Morgan was also satisfied that the 980 orange phone and the 585 dark blue phone were used in connection with the bomb run to plant the bomb.

11:56

He went on to find that the Omagh attack was part of a series of terrorist bombs which included Lisburn, the Inquiry's previous incident 18; Armagh, previous incident 22; and Banbridge, previous incident 32. He found it was a joint operation between the Real IRA and the Continuity IRA. And he found that Colm Murphy was an active participant in the attacks carried out by the Continuity IRA relying upon material provided by Michael McKevitt for those attacks.

11:56

In concluding his findings in relation to Colm Murphy, Mr. Justice Morgan found there was irresistible inference that Colm Murphy provided the 585 dark blue phone and the 980 orange phone for the Omagh bomb attack, knowing full well the nature of the attack which was going to be conducted.

11:57

That just leaves the final sixth defendant, Seamus Daly; Mr. Justice Morgan found hearsay evidence of Denis O'Connor's interviews, namely that he had spoken to Seamus Daly on 15th August 1998 at 15:30, and of course that call was involving the 585 dark blue phone, that that hearsay evidence was admissible and could be given weight. And further, that some weight could be attached to the telephone evidence relating to the Lisburn attack on 30th April 1998 which implicated Seamus Daly. And that evidence related to different telephone numbers which we'll hear more about in Chapter 4. 11:57 11:58

Continuing with his findings against Seamus Daly, Mr. Justice Morgan found that in relation to the plaintiff's argument that the 076 green phone should be attributed to Seamus Daly, no weight could be attached to that evidence. And I pause here to note that in the re-trial as we will get to, in fact Seamus Daly admitted being the user of the 076 phone. So although Mr. Justice Morgan did not feel able, that being a contested fact, to make a finding on the basis of the evidence he was presented with, it subsequently turned into a non-issue and the attribution was accepted by Seamus Daly. 11:58 11:58

That just leaves the second defendant, the organisation the Real IRA, at which point perhaps the most legally complex part of the judgment may be found. Mr. Justice

Morgan found that it was an unincorporated association and therefore, 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 the human defendant and the Real IRA shared a common interest in defending the proceedings.

11:59

He went on to say that those who were members of the Army Council of the Real IRA on 15th August 1998 bore responsibility for directing the attack as part of a campaign that was being waged at the time. And of course, as he already found, that Liam Campbell was indeed a member of the Army council of the Real IRA on that date. And as a result, having identified a person with a common interest with 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 15th August on, as I say, the basis that he had a common interest as the Real IRA in defending the action.

11:59

12:00

In summary then, the findings on liability were, as follows: No finding of liability against Seamus McKenna, with the action being dismissed and a finding of liability against the other four human defendants and the Real IRA. And the judgment went on to make an award of damages against those who were

12:00

found liable in favour of each of the plaintiffs.

As we have seen in the overview, Sir, the matter didn't rest there, the four individuals against whom liability was established all appealed. The Court of Appeal of 12:00
Northern Ireland dismissed Michael McKevitt and Liam Campbell's appeals. But in relation to the representation order that was granted against Liam Campbell, on the basis that he had a common interest with the Real IRA, that order was set aside on 12:01
the basis that it was inappropriate to grant it in the circumstances of the case. And the court allowed the appeals of Colm Murphy and Seamus Daly.

So far as that real IRA finding was concerned, given 12:01
Mr. Justice Morgan's finding that it was necessary to have a human being who shared a common interest with the unincorporated association, wasn't impeached, so he was correct about that, but given that the order of representation was quashed by the Court of Appeal, the 12:01
effect of that was that the Real IRA was no longer to be found or held liable for the attack in the civil proceedings. But, as I say, Sir, this relates not to what ordinary members of the public may think is common sense, not least because the Real IRA had claimed 12:02
responsibility, but as a matter of highly technical civil law.

Returning to the successful elements of the appeal,

Colm Murphy's was allowed on the basis that the judge had not performed an adequate analysis of the strengths and witnesses of the hearsay evidence of Terence Morgan's interview account. And that the judge's characterisation of the e-mail evidence, that is to say the David Rupert e-mail evidence, as being cogent overstated the weight to be attached to it. 12:02

The judge was also found to have erred in having regard to "foreign convictions", those being convictions we heard about in relation to Colm Murphy from before the Omagh bomb, convictions from the Republic of Ireland. And, as a result a re-trial was ordered in his case. 12:02

Seamus Daly's appeal was allowed on the basis that the judge took account of the hearsay statement by Denis O'Connor that should have been excluded. I make clear that it was only part of Denis O'Connor's account fell into that category. The judge erroneously gave weight to inadmissible evidence of a conviction. And as a result of those two errors, as the court found it, a re-trial was ordered in Seamus Daly's case. 12:03 12:03

So that then brings us to the re-trial 2013 presided over by Mr. Justice Gillen. Colm Murphy, the first of the two defendants, was found by Mr. Justice Gillen that there was compelling circumstantial evidence that the 585 dark blue phone and the 980 orange phone were used in the Omagh bombing - so another senior judge 12:03

making the same finding - as has repeatedly been made; that that being a fact which now seems established beyond any contradiction; that those who used or provided those telephone played a central role, that the account of 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; that account in interview was wholly implausible and was lies; that Colm Murphy had advanced no innocent explanation for the lies, nor indeed was there one; and that the lack of rationale explanation in relation to Colm Murphy's telephone, in combination with the lies, gave rise to strong prima facie case against him. 12:04 12:04

Staying with Colm Murphy, Mr. Justice Gillen continued that there was "a coincidence of similar unexplained use by the same phone" the 585 dark blue phone, in relation to previous incident 32, the Banbridge bombing. That, having not given evidence or called any witnesses, an adverse inference should be drawn from Colm Murphy's silence. And that taking all of those factors cumulatively that the plaintiffs had proved their case that Colm Murphy was liable in civil law for the Omagh bombing. 12:05 12:05

Mr. Justice Gillen also dealt with Seamus Daly in the following way:

Firstly, that he was satisfied that Seamus Daly had spoken to Denis O'Connor at 15:30 on 15th August using the 585 dark blue phone.

Secondly, that Seamus Daly had a pre-existing relationship with Colm Murphy, who was the owner of that phone, over many years and that by reason of that, that leant some support to that earlier finding. 12:05

And that Seamus Daly's guilty plea to the membership of the real IRA in 2004 amounted to a public confession of his involvement with IRA terrorist activity, which was relevant to both propensity and was logically probative of the plaintiffs' case. 12:05

12:06

So although the Court of Appeal had made a finding that Mr. Justice Morgan had inappropriately relied upon the conviction, Mr. Justice Gillen framed it in a different way, same facts but treating it as a public confession, and therefore, evidence both in support on propensity grounds and supportive of the claim itself. 12:06

He went on in relation to Seamus Daly to observe that he had given no explanation of his possession of the 585 dark blue phone on the day of the bombing, and that there was a coincidence of similar unexplained use of Seamus Daly's 213 phone, about, as I say, we will hear more in Chapter 4, in the Lisburn bombing, which is Inquiry's previous incident 18. 12:06

He went on to find that, as a result of those factors, there was a strong prima facie case against Seamus Daly.

Having found that strong prima facie case, Seamus Daly of course didn't give evidence or call any witnesses and, as a result, Mr. Justice Gillen found that an adverse inference should be drawn as there was no credible explanation for him not giving evidence. And that for all of those reasons, Mr. Justice Gillen was satisfied that the case against Seamus Daly had been proved. 12:07 12:07

There was then an appeal from Mr. Justice Gillen's finding of liability against both Colm Murphy and Seamus Daly. It was dealt with in relatively short order by the Court of Appeal of Northern Ireland. Their finding succinctly summarised in the following quotation: 12:07

"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." 12:07 12:08

And so the finding of liability that Mr. Justice Morgan had originally found, albeit by a different route, that had been quashed by the Court of Appeal, was reinstated and upheld.

That just leaves, Sir, the final set of legal proceedings arising from the Breslin litigation. These were brought by Michael McKevitt and Liam Campbell to the European Court of Human Rights, judgment in 2016. They brought those proceedings in respect of the finding of liability. And their complaint can be summarised in this way: Firstly, 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. In other words, beyond a reasonable doubt. And that the hearsay evidence of David Rupert was not admissible, they argued. 12:08 12:08

The court issued a decision rejecting the applications finding them manifestly ill-founded and inadmissible. The court went on to find, as follows: That the proceedings were civil proceedings and that a different criminal procedure should not have been applied and that there were adequate safeguards in relation to the hearsay evidence. 12:09 12:09

Sir, that concludes the presentation in relation to the Breslin litigation.

CHAIRMAN: Could I ask a question just before we move on? 12:09

MR. DE LA POER: Of course.

CHAIRMAN: I'm interested in the involvement of Colm Murphy in the proceedings that you have described

to me.
MR. DE LA POER: Yes.
CHAIRMAN: Mr. Greaney earlier explained the circumstances in which he was prosecuted in Dublin.
MR. DE LA POER: Yes. 12:10
CHAIRMAN: And of course there were two trials. But if I have understood correctly, in the course of the first trial in Dublin there was substantial evidence led from officers of the AGS about the interviews that they had conducted with Mr. Murphy over a period of two or three 12:10
days.
MR. DE LA POER: Yes.
CHAIRMAN: And in the end of the day, those interviews were challenged on his behalf, or the content of the interviews were challenged on his behalf by his 12:10
counsel, and the trial judges decided it would be appropriate to exclude, at least one of the interviews from their consideration, on the basis that it appeared that a page had been rewritten and replaced in the transcript of that interview. 12:10
MR. DE LA POER: That's correct.
CHAIRMAN: But they nevertheless decided that it would be safe to rely on the content of the other interviews spoken to by different AGS officers.
MR. DE LA POER: Yes. 12:11
CHAIRMAN: And in that trial Colm Murphy was convicted. In the re-trial the judges appeared to have concluded that all of the interviews, including the ones which the first trial judges had relied upon should be

treated as tainted.
MR. DE LA POER: Yes.
CHAIRMAN: But in neither of those proceedings, if I understand it correctly, did Colm Murphy give evidence.
MR. DE LA POER: No. 12:11
CHAIRMAN: So there was never any evidence contradicting the evidence of the AGS officers upon whom the first trial court relied.
MR. DE LA POER: That's correct.
CHAIRMAN: And then when it came to the Breslin 12:11
litigation, Mr. Justice Morgan, as he was at the time, again took account in the proceedings of all of the interviews which had been conducted with Mr. Murphy and he examined them in detail in the course of his decision. 12:12
MR. DE LA POER: Yes.
CHAIRMAN: And rather like the first trial court in Dublin, he decided that he could rely on some of what had been said but not very much.
MR. DE LA POER: Yes. 12:12
CHAIRMAN: And in particular, even less than the first trial court in Dublin had relied upon.
MR. DE LA POER: Yes.
CHAIRMAN: And similarly, in the Breslin litigation where Mr. Murphy was represented, his counsel sought to 12:12
challenge the evidence of the content of those interviews as recorded by the AGS officers.
MR. DE LA POER: Yes.
CHAIRMAN: Yet again he didn't give evidence.

MR. DE LA POER: That is correct.
CHAIRMAN: So if I've understood it correctly, he himself has never denied or given evidence in denial of the comments that were recorded as being made by him and by the AGS officers. 12:13
MR. DE LA POER: That's correct. And I add that it would appear that he's had four opportunities to do so, certainly three, depending on the stage at which the re-trial in the criminal proceedings reached. He certainly had two opportunities in both sets of Breslin 12:13
trials and his first trial.
CHAIRMAN: And that's not to suggest by me that there was some sort of obligation on him to give evidence in the Dublin trials, there would be no inversion of the onus of proof. But, nevertheless, it would leave a 12:13
situation in which the evidence of the AGS officers went unchallenged.
MR. DE LA POER: That is correct.
CHAIRMAN: Unchallenged by evidence.
MR. DE LA POER: Yes. 12:14
CHAIRMAN: All well and good to challenge in cross-examination but in the absence of supporting evidence.
MR. DE LA POER: It's for you to make findings of facts, if I may say so, on the basis of the available 12:14
evidence and the available evidence does not include, despite a number of opportunities, Colm Murphy ever going on oath to say he didn't say any particular thing that he is recorded as saying.

CHAIRMAN: Yes, well I have understood that correctly, thank you.
MR. DE LA POER: Thank you, Sir.

I wanted to conclude the presentation that's been given over the course of the morning with two short points. 12:14

The first is that I have brought up Slide 24 in which the eagle-eyed will notice that there is an error. I draw attention to it publicly, to make clear that it is going to be corrected, the error is in relation to the 15:26 call. The slide records - and I am the author so I take responsibility for this error - that that call was the 585 dark blue phone speaking to Sean Hoey. In fact, it is the 076 green phone that participates in that call. I make clear that we will correct the slide so that it is factually accurate. 12:14 12:15

That leads to the second point, Sir, which is that this presentation, as corrected, will be published on the website, plainly anybody watching on YouTube will have had the benefit of seeing it on the screen at various times, but it will be available on the Inquiry website so that people can work through it at their leisure. 12:15

Sir, that then concludes all that I would like to say about the Part 8 presentation.

It brings us to Part 9. I know that Mr. Rafferty is

going to help us with this, and we have the witness already in the hearing room kindly sitting ready, and provided there is no difficulty with the shorthand writer, Sir, may I propose that we move straight to Part 9 and our first live witness of the afternoon. 12:16

the presentation can be taken down. Thank you very much.

CHAIRMAN: Thank you, Mr. de la Poer.

12:16

Mr. Rafferty.

MR. RAFFERTY: Good afternoon, Sir. Sir, as Mr. de la Poer has said, Part 9 of Chapter 3 will look at the legislation which was in place before the Omagh bombing and it will also consider the changes made to 12:16 legislation after that. For that we have a witness from the Home Office, that is Ms. Elizabeth Wright and I would ask that she could be sworn please.

MS. ELIZABETH WRIGHT, HAVING BEEN AFFIRMED, WAS 12:17 QUESTIONED BY MR. RAFFERTY AS FOLLOWS:

CHAIRMAN: Thank you Ms. Wright.

1 Q. MR. RAFFERTY: Thank you, Sir.

12:17

Ms. Wright, you are a National Security Deputy Director at the Home Office, is that correct?

A. That is correct.

2 Q. And does your responsibility include matters relating

to Northern Ireland and what you've described in your statement as legacy issues?

A. Yes.

3 Q. Do we understand that to mean that you have experience of involvement with national security related inquests and inquiries and also in relation to policy on Northern Ireland related terrorist threats in Great Britain? 12:17

A. Yes. If I may make one clarification? Since the time that I made my witness statement, my role and responsibilities have evolved slightly. So my involvement in policy in Northern Ireland related issues now relates to historical incidents only. 12:18

4 Q. Thank you very much for that clarification, Ms. Wright. You've mentioned your statement and I am going to ask you about a statement that you provided to - it's right that you've provided a number of statements to the Inquiry - I am going to ask you about one of those and that's one that you signed I believe on 7th November 2025, is that correct? 12:18

A. That's correct.

5 Q. And for assistance, Sir, the reference for that is INQ035569. And, Ms. Wright, you also have some notes with you this afternoon, isn't that correct? And just to make plain that this is in common with some of the other core witnesses that the Inquiry has heard from, Ms. Wright, and I can tell everyone that I have looked at those notes and they represent a summary of your 21-page statement. And there is no issue with those 12:18

being with you this afternoon.

Now, your witness statement refers to it being set out in four parts, the first, Ms. Wright, am I right in saying is to do with the legislative framework for managing the terrorist threat in Northern Ireland before the Omagh bombing?

A. That is correct.

6 Q. The second is in relation to the details of paramilitary debates and suggested legislative change in the aftermath of the bombing? 12:19

A. Yes.

7 Q. The third is in relation to the legislation paths in the aftermath of the bombing. And finally, the extent to which provisions of any legislation were subsequently amended and incorporated into other legislation. And with that I think can we agree to some extent we consider that, although we're looking at important pieces of evidence, would you agree that we are not going do that exhaustively and you don't seek to do that in your statement, Ms. Wright? 12:19

A. I don't, no.

8 Q. And there is no substitute in terms of exhaustive consideration of the legislation of looking at the entire scheme of whatever it is we look at, isn't that right? 12:20

A. I am so sorry, could you clarify?

9 Q. Yes, my point being we're going to look at various pieces of legislation in a summary form in effect this

afternoon, isn't that correct?

A. That's correct.

10 Q. And that's no substitute from looking at each scheme in its entirety for those who are interested to do so?

A. Of course. 12:20

11 Q. The legislation first in existence prior to the Omagh bomb, and I am looking at paragraph 5 of your statement, can you identify the important pieces of legislation which were in place to tackle the terrorist threat in Northern Ireland? 12:20

A. I would be happy to do so. Would it be possible to have a copy of my witness statement provided?

12 Q. Yes, of course, Ms. Wright, you should have a copy of that. If you would... Sir, we might just need a moment to have get Ms. Wright's statement. Ms. Wright, I'm 12:21 terribly sorry, you should have a copy of that.

A. That's no problem [short pause]. Thank you so much [document handed].

13 Q. So, Ms. Wright, if you want to take a moment and locate your statement. As I said earlier, I am asking you 12:22 about your first witness statement from 7th November last year, if you have that?

A. Thank you, I do.

14 Q. The question I was asking was in relation to paragraph 5 of that statement, and if you can identify for us, 12:22 the important pieces of legislation which were in place before the Omagh bombing which were intended to tackle terrorism?

A. There were two primary legislative acts in place at the

time of the Omagh bombing that legislated for counterterrorism. The first of those was the Prevention of Terrorism (Temporary Provisions) Act 1989. And the second of those was Northern Ireland (Emergency Provisions) Act 1996, as amended by the Northern Ireland (Emergency Provisions) Act 1998. 12:22

15 Q. And you go on to say in the following paragraph, Ms. Wright, that you are going to speak to the Northern Ireland (Sentences) Act from 1998, albeit you say this was enacted to address applications from prisoners for release following conviction for offences, is that right? 12:23

A. That's correct.

16 Q. So in relation to the Prevention of Terrorism (Temporary Provisions) Act 1989, so 'the Temporary Provisions Act' I might refer to it, why was that introduced in 1989, can you say? 12:23

A. Yes, so this act in 1989 was one of a series of prevention of terrorism acts that had been in place in the United Kingdom. The first prevention of Terrorism (Temporary Provisions) Act was introduced in 1974. This 1989 Act replaced the 1984 Act which had a five-year expiry term. 12:23

17 Q. So is it right the 1984 acted a sunset clause in effect and this was a continuation of that or something to follow on from the 1984 Act? 12:24

A. That's correct.

18 Q. In terms of its application was it something that applied to Northern Ireland, or to Great Britain, or

what can you speak about its extent of application?

A. So the act with your permission, Sir, I may refer to it as 'the PTA 1989'?

CHAIRMAN: Of course.

A. The PTA 1989 was UK-wide in its application. However, certain sections of that act was not applicable in Northern Ireland because the Northern Ireland (Emergency Provisions) Act 1996 had effect in that regard. 12:24

19 Q. MR. RAFFERTY: Was that something that had, was the position before 1996, so you have mentioned the Emergency Provisions Act, so before 1996, did the PTA apply UK-wide or were there differences before 1996? 12:24

A. There were differences before 1996. There were a number of areas but the particular portion of the PTA 1989 that did not apply in Northern Ireland was the proscription regime because the Northern Ireland Emergency Provisions had a proscription regime that, to an extent, mirrored it. 12:25

20 Q. Well if we look at some of the particular provisions of the PTA, of the Temporary Provisions Act, how did that legislation define terrorism? And I am looking at paragraph 8 of your statement. 12:25

A. Yes, they are set out in paragraph 8 of my statement, Section 20.1 of the PTA of 1989 defined terrorism as: 12:25

"The use of violence for political ends, including any use of violence for the purpose of putting the public or any section of the public in fear."

21 Q. You then go on to say that:

"Part 1 of the PTA it addressed and provided for the proscription of terrorist organisations"? 12:26

A. It did.

22 Q. It said that:

"Any organisation for the time being specified in 12:26
schedule 1 of the Act is a proscribed organisation for the purposes of the Act and any organisation which passes under a name mentioned in that schedule should be treated as proscribed, whatever relationship, if any, it has to any other organisation of the same 12:26
name".

Is that right?"

A. That's correct.

23 Q. In 1989 the two organisations were the Irish Republican 12:26
Army and the Irish National Liberation Army. Is it right, you may know, or may not know, that as it was enacted in 1989 schedule 1 appears to have developed from the 1984 Act, insofar as saying the 1984 Act proscribed only the Irish Republican Army, and it 12:26
appears one difference was the inclusion of the Irish National Liberation Army?

A. I don't know the answer to that question.

24 Q. You go on to say that:

"Sections 2 and 3 made it an offence to belong to or solicit support, other than money or property, for a proscribed organisation or to display support for such an organisation". 12:27

Is that right?

A. Yes.

25 Q. And after, in your statement, so from paragraphs 12 onwards you, am I right in saying, are summarising really what the various sections of the 1989 Act set out? 12:27

A. That's right.

26 Q. We're not going to go through each of those but are you aware of particular provisions in relation to the arrest and detention of suspects or suspected persons involved in terrorism? 12:27

A. Yes.

27 Q. And is it right that those were provided for by Section 14 of the 1989 Act? 12:27

A. Could you repeat the specific offence that you were, the power that you were...?

28 Q. Yes, so I am asking you, Ms. Wright, in relation to the provision within the 1989 Act for, of provisions which related to the power of arrest and detention of suspects, that was provided for, wasn't it, within Section 14? 12:28

A. It was, yes.

29 Q. You have provided it, in fairness to you, within

paragraph 14 of your statement. You said that:

"Between sections 13A and 16, you said the police had special powers to stop, search, arrest and detain those suspects of being involved or those suspected of being involved in the commission, preparation and instigation of acts of terrorism".

So there was a power of arrest, so to speak, at that time? 12:28

A. There was, yes.

30 Q. You may not have it in front of you but I'll suggest to you what that said at the time and you can tell me if that sounds correct to you from your investigation. So what Section 14 said was that: 12:28

"A constable may arrest without warrant a person whom he has reasonable grounds for suspecting to be" --

amongst other things -- 12:29

"a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this section applies". 12:29

A. Yes.

31 Q. Does that seem sound familiar to you?

A. Yes.

32 Q. It does. And is it correct then that section 15 there

was some supplementary provisions to Section 14 and they included:

"In any circumstances in which a constable has power under Section 14 to arrest a person, he may also, take for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest, stop and search that person". 12:29

A. Yes.

33 Q. It's a long way of saying that there was a power of arrest at the time, there was a power to stop and search a particular person?

A. There was, yes. 12:29

34 Q. There was. Now, in relation to what you set out at this stage in relation to the 1989 Act, you say that at paragraph 15 of your statement:

"There were offences for including possessing articles intended for terrorist purposes and collecting information likely to be of use to terrorists". 12:30

A. Yes.

35 Q. And at paragraph 17: 12:30

"Police were given powers to investigate terrorist activities, including powers to examine financial and other records".

A. Yes.

36 Q. And then you move in your statement, I'm looking at paragraph 18, to consider the Northern Ireland (Emergency Provisions) Acts 1996 and 1998 to which you have referred? 12:30

A. That's correct.

37 Q. So, can you tell us at this stage, so that we understand, what were the key differences between, if any, between that legislation and the PTA? 12:30

A. Thank you. The key differences, are partly set out in paragraph 20 of my witness statement. So the Northern Ireland (Emergency Provisions) Act 1996 which I may refer to as 'NI(EP)A 96', with the judge's permission, provided for the continuation of some of the Diplock courts. A second difference was the power of internment under NI(EP)A 1996. I should note that that had been repealed several months before the Omagh bombings in 1998. That was one of the amendments that was made through the 1998 amendments to NI(EP)A 1996. 12:31

38 Q. So, on the point of internment, are we right to understand from paragraph 26 of your statement that Section 36 of the 1996 Act maintained that power but that that was repealed by Section 3 of the 1998 Act?

A. That's correct. 12:31

39 Q. Thank you. Is it right that the 1996 Act, you say under Section 58, used the same definition of terrorism that you had spoken to as being within the PTA, the 1989 Act?

A. It did, yes.

40 Q. And that that legislation also provided for powers of stop, search and arrest of individuals?

A. Yes.

41 Q. So you have identified that at paragraph 21 of your statement, Ms. Wright, and I appreciate you may not have this in front of you but this, I'll suggest to you what Section 18 of the 1996 Act said, and you can tell me if you have any reason to disagree with that. But it said and provided the power to a constable who: 12:32 12:32

"May arrest without warrant any person whom he has reasonable grounds to suspect for committing, has committed or is about to commit a scheduled offence or an offence under this Act which is not a scheduled offence". 12:32

A. No reason to disagree with that.

42 Q. And then there is also within the same section, a power for the purpose of arresting a person to enter and search premises or other place where that person is or where the constable has reasonable grounds for suspecting him to be? 12:33

A. Yes.

43 Q. So, a similar vein to the 1989 Act, in its own way it is providing for powers of arrest and seizure? 12:33

A. Yes, that's right.

44 Q. You say at paragraph 22 of your statement that Part 3 of the 1996 Act and Schedule 2 made provision for the

proscription of terrorist organisations, and you refer to sections 30 and 31. Can you tell us what they did?

A. Yes, so section 30 of NI(EP)A 1996 set out the proscription regime in Northern Ireland. It made it an offence to: 12:34

"To belong or profess to belong to a proscribed organisation;

To solicit or invite support for a proscribed organisation; 12:34

To solicit or invite any person to become a member of a proscribed organisation;

To arrange or assist in the arrangement or management of a meeting of three or more people knowing that the meeting - 12:34

is to support a proscribed organisation", 12:34

for example, and:

"To further its activities or be addressed by a person belonging or professing to belong to such an organisation". 12:34

And those activities were:

"Guilty of an offence and liable on conviction on

indictment to imprisonment for a term not exceeding 10 years or a fine or both".

45 Q. Can I ask you, Ms. Wright, in relation to the point we discussed earlier in relation to the parts of the PTA that didn't apply to Northern Ireland, was there a particular objective in mind with the 1996 Act in terms of providing specific provisions for Northern Ireland? 12:34

A. I don't know the answer to that question in terms of the intention behind this. I would note that the NI(EP)A 1996, like the PTA 1989, was one of a series of historical emergency powers legislative acts governing Northern Ireland, that the proscription had been introduced sometime before, and my assessment kind of based on judgment is that the two regimes mirrored each other but had both grown up over time separately. 12:35 12:35

46 Q. So whereas in relation to the PTA you said that sections 2 and 3 made it an offence to belong to solicit support, other than money or property for a proscribed organisation, are we seeing something going alongside that, but specific to Northern Ireland, in relation to the 1996 Act in relation to the same areas of offending, so making it an offence through sections 30 and 31 to belong to or display or solicit support for a proscribed organisation? 12:35 12:36

A. Yes. And, as set out in my witness statement, the list of proscribed organisations in Northern Ireland was different, slightly different to the list of proscribed organisations applying in the rest of the UK, on the

Great British mainland, although the Irish Republican Army was proscribed under both regimes.

47 Q. Yes, you have identified at paragraph 25 of your statement, Ms. Wright, that the list of proscribed organisations for the purposes of 1996, and then 1998 legislation, does include the Irish Republican Army? 12:36

A. That's correct.

48 Q. I want to ask you a little bit about this concept of proscription of the Irish Republican Army. I understand what you are saying is that the Irish Republican Army was something as an organisation which was proscribed under both, so as you said, the PTA scheme and then also the NI(EP)A scheme. So from 1989 and 1996? 12:37

A. That's correct. 12:37

49 Q. And you then speak to this at paragraph 32 of your witness statement in relation to how both pieces of legislation provide for, how one should interpret or read the phrase or the term 'Irish Republican Army'. Can you assist us with that? 12:37

A. Yes. So by Section 1.1 of the PTA 1989 and Section 30.2 of NI(EP)A 1996 include the following texts on interpretation:

"Any organisation which passes under a name mentioned in that schedule should be treated as proscribed whatever relationship, if any, it has to any other organisation of the same name." 12:37

50 Q. And in other words you say in the following paragraph:

"Organisations such as the Provisional IRA, the Continuity IRA, the Real IRA, organisations which bear the name the IRA, are proscribed under that legislation". 12:38

Is that correct?

A. That is correct.

51 Q. You find support for that, is it safe to say in summary, through the case that was heard by the House of Lords known as R v. Z in 2005? 12:38

A. That's right.

52 Q. Thank you, Ms. Wright. Can I ask you to turn over in your statement. You refer to the Northern Ireland (Sentences) Act from 1998? 12:38

A. I do.

53 Q. So that legislation you say received Royal Assent on 28th July and can you tell us what the purpose of that Act? 12:38

A. Yes. So as I set out in paragraph 36 of my statement, the purpose of the Act was to give effect to the Good Friday Agreement, the Belfast Agreement, 1998, about accelerated release of prisoners for certain types of offences. 12:39

54 Q. You also said at paragraph 44, if I can assist you, that the 1998 Act, so the Sentences Act:

"Was created to be something which was separate and

distinct and for the purposes of addressing release conditions of convicted offenders"?

A. Yes, that is correct.

55 Q. Can I summarise what the Act says as follows, and you can tell me if you agree with that or not, but is it right to say that, as you said, it was giving effect to the Belfast Good Friday Agreement and what a person could do was they could apply to commissioners for a declaration that they should be eligible for release and what has been known in Northern Ireland as early release at the time? 12:39 12:39

A. That is right.

56 Q. And in doing that or in making that application, that would be assessed against various statutory criteria? 12:39

A. Yes.

57 Q. And you have provided two of those that we referred to in paragraph 40 in your statement?

A. Yes.

58 Q. So you are referring to Section 3, and one of the conditions is set out at Section 3.4, which is that: 12:40

"prisoner is not a supporter of what is called a specified organisation". 12:40

A. Yes.

59 Q. And that's repeated again at 3.5, which is that:

"If a person is released he would not likely become a

supporter of a specified organisation".

A. Yes.

60 Q. You go on to provide us with a definition of a specified organisation at paragraph 41 of your statement? 12:40

A. That's right.

61 Q. I am not going to ask you what that is buy is it safe to say what this is doing is providing a specific definition of a specified organisation which is separate to what a proscribed organisation is? 12:40

A. That's correct.

62 Q. And at that time secondary legislation was passed which you referred to at paragraph 42, which listed specified organisations as, and then you provide those which is to include Continuity Irish Republican Army and the Real Irish Republican Army? 12:41

A. That's correct.

63 Q. And this reflects, does it, a difference between the manner in which proscribed organisations were set out, both in 1989 and in 1996, which referred to the Irish Republican Army without providing subtleties such as 'Continuity' or the 'Real' IRA? 12:41

A. That's right. The Northern Ireland (Sentencing) Act was providing for a more tightly and targeted definition of groupings, namely those groups that were not observing a unilateral ceasefire. 12:41

64 Q. So one organisation, which wasn't a specified organisation it appears at that time, was the

Provisional IRA but it would have been, or it was, a proscribed organisation?

A. That is correct.

65 Q. Thank you, Ms. Wright. But we are going to look now at details of debates and suggested change to legislation after the Omagh bomb, and you said at paragraph 45 that in early September of 1998, Parliament was recalled from summer recess to consider proposed legislative change and proposed the Criminal Justice (Terrorism and Conspiracy) Bill? 12:41 12:42

A. That's right.

66 Q. Can you help us, why was that done at that stage? And put it another way, was it simply as a result or only as a result of the Omagh bombing or is this something which you understand was going to occur anyway or perhaps at some other time? 12:42

A. Yes, so Parliament was recalled specifically to consider these powers in response to the Omagh bombing. The parliamentary record of debates set out in Hansard is clear about that. However, it is perhaps worth noting that there was a couple of provisions in the Criminal Justice (Terrorism and Conspiracy) Bill that were related to conspiracy, that were sort of ready to go, ready to be considered, that the Government took the opportunity to include these in the bill given the parliamentary consideration that was already due to take place on counterterrorism provisions. 12:42 12:43

67 Q. You have set out in your statement, Ms. Wright, how the Prime Minister at the time said at paragraph 46 of your

statement, that the objective of the change was, as he put it, "to complement and reinforce security operations"?

A. That is right.

68 Q. So is it right that in introducing this bill, the intention wasn't to replace what had existed before the Omagh bombing, but in those terms to add to them or to strengthen those laws? 12:43

A. Yes, that is the clear intention set out in the parliamentary debates. 12:44

69 Q. Your statement provides detail around this, but is it safe to say that the proposed bill was met with support amongst or from a number of other political parties, but that that may not have been absolute insofar as some parties had expressed a grievance in relation to the previous amendment that had been made in April 1998 in relation to the repeal of internment? 12:44

A. Yes. A number of, let me clarify, yes, the bill received support from all parties. A number of MPs, in particular, in the conservative opposition argued for the re-introduction of internment back onto the statutory books as part of this bill, that was not taken forward. 12:44

70 Q. You have set out in your statement how after the Prime Minister's statement the house proceeded to pass a motion to allow for what's known as 'the urgent procedure', is that correct? 12:45

A. Yes.

71 Q. And that the bill then moved promptly to the second

reading which occurred on the same day, is that correct?

A. That's correct.

72 Q. The Home Secretary, who was Jack Straw at the time, set out, as you have noted at paragraph 55 of your statement, a number of ways that the bill would assist what you have described as the investigation and prosecution of suspected terrorists. Can you tell us what those three ways were? 12:45

A. Yes. So the Criminal Justice (Terrorism and Conspiracy) Bill introduced three provisions relating to this. 12:45

The first was the statement of a senior police officer that an individual was known to be a member of specified and proscribed organisation would be admissible as evidence in court. 12:46

The second was to allow a court to draw inferences from a failure by a suspect to answer relevant questions in relation of that membership offence. 12:46

And the third was to amend the powers of arrest in the PTA 1989 to bring the law in Northern Ireland in line with the law in Great Britain, making a membership of a proscribed organisation an arrestable offence. 12:46

73 Q. I am not going to ask you to look back at it, but is it right when the Prime Minister made his statement to the House of Commons, he also indicated that the Irish

Parliament, so the Dáil, were also meeting on the same day to consider what steps they might take in relation to the terrorist legislation that existed in the Republic of Ireland?

A. That's correct.

74 Q. So the understanding was these were, were they not coincidental as such; something that was done intentionally can you say?

A. Could you clarify the question?

75 Q. So the fact that the House of Commons was sitting, having been recalled on 2nd September and the Dáil was meeting on the same day, was that something that as intentional can you say at this stage?

A. In the Prime Minister's statement and in the statements made by Government Ministers throughout this debate, it was clear that there was an aligned effort, shall we say, by the Republic of Ireland Government and by the UK Government to bring legislation in parallel.

76 Q. Thank you, Ms. Wright. And I'm sorry, I should have addressed that with you earlier when we were looking at that particular paragraph.

You have identified what the objectives were of the bill, and I think you have mentioned that there were some aspects that had been considered, but ultimately didn't make their way into the bill and you have addressed those at paragraphs 56 and 56. Could you summarise what those matters were?

A. Yes, in paragraph 56, as you've pointed to, the Home

Secretary at the time referred to issues that had been discussed but were not being taken forward. And those primarily related to the admissibility of evidence obtained from interception and the courts having wider confiscation powers for those convicted of membership of a proscribed organisation.

77 Q. You say then the bill passed the second reading, it moved to committee stage. And can I summarise it like this; that a number of amendments were proposed but ultimately you say that they were either withdrawn or negatived? 12:48

A. That's correct.

78 Q. Thank you. And you go on to say that on 3rd September, so the following day, the bill was considered by the House of Lords? 12:49

A. That's right.

79 Q. And you include within your statement a response to observations made by some of the peers by Lord Dubs, Parliamentary Under-Secretary of State for Northern Ireland? 12:49

A. Yes.

80 Q. And can you help us with what he said in relation to the inclusion or the exclusion, for example, of the Provisional IRA in relation to those organisations, which would be the subject of the proposed bill? 12:49

A. Yes, they are set out in paragraph 68 of my statement. Lord Dubs clarifies a question posed by Baroness Lady Park of Monmouth about whether PIRA was a specified organisation. He clarified it was not but it was still

a proscribed organisation. He then set out the conditions under which PIRA could be turned into a specified organisation and he described the proscription process.

81 Q. Thank you. And you said then that the bill passed the House of Lords and returned to the House of Commons where it received Royal Assent on 4th September 1998. 12:50

A. Yes.

82 Q. What I'll do is I'll ask you just about some specific aspects then of what became the Criminal Justice (Terrorism and Conspiracy) Act of 1998, Ms. Wright. So, you say that at paragraph 76, Section 3 of that Act amended PTA to enable the arrest and detention of persons suspected of certain offences in Northern Ireland relating to proscribed organisations. So can you tell us what the effect of that was? 12:50 12:51

A. Yes. So it allowed for a police officer in Northern Ireland to arrest, without a warrant, a person whom he had reasonable grounds to suspect belonged to a proscribed organisation. This was correcting an anomaly between the power as it already existed in Great Britain and as it applied in Northern Ireland. 12:51

83 Q. So are we to understand that, having looked at it earlier, that the previous legislation, it did provide a power to arrest a person without a warrant in certain circumstances. So if a person say, for example, was reasonably suspected of being concerned in the commission or preparation or instigation of acts of terrorism, that this was specifically relating to 12:51

membership of proscribed organisations in Northern Ireland?

A. That's right, yes.

84 Q. You have said that the provisions in this newly enacted 1998 Act after the Omagh bombing were intended to be required to be the subject of review, is that correct? 12:52

A. Yes.

85 Q. And you said that the Home Secretary was required to submit an annual report on the workings of the legislation to Parliament? 12:52

A. Yes.

86 Q. Does the information available to you, Ms. Wright, indicate that the powers under this Terrorism and Conspiracy Act were used or the extent of their use?

A. Yes, the information does indicate that to an extent. 12:52 So in 2000 the Terrorism Bill was introduced, that later became the Terrorism Act 2000, or TAT 2000. In debates related to that and in other debates in Parliament it was noted by parliamentarians that the legislation passed after Omagh. So the Criminal 12:53 Justice Terrorism and Conspiracy Bill had not been used in that intervening 18 months.

87 Q. You have set out in your statement, Ms. Wright, we don't need to look at the particular details of the paragraphs now, but just to note that they are there. 12:53 Between paragraph 80 and 84 several examples of moments when individuals had raised questions around the extent of the use of those powers; is that correct?

A. That's correct.

88 Q. Baroness Park, for example, commented on the 22nd March 2000, that:

"It is sad fact that the legislation of this house passed after Omagh has proved powerless to deliver known murderers to justice". 12:54

A. Yes.

89 Q. You have referred to the Terrorism Act 2000, if we can turn to that. And that received Royal Assent on 20th July 2000, it came into force on 19th February 2001, Ms. Wright? 12:54

A. Yes.

90 Q. What did that Act seek to achieve?

A. The Act consolidated and replaced previous terrorism legislation, brought together the two regimes in Northern Ireland and the UK that we have discussed, into one legislative act. It also did a number of other things, one of which, for example, was to widen the definition of terrorism to include property and to widen its application beyond just international terrorism and Northern Irish related terrorism. 12:54

91 Q. So in terms of the definition of terrorism we know that from the 1989 Act and the 1996 Act, that it referred to violence against the person, but is it right that this extended definition included violence against property? 12:55

A. Yes.

92 Q. In relation to proscribed organisations, you speak to this at paragraph 88 of your statement, Ms. Wright, and

is it right to say, looking at paragraph 89, that Schedule 2 of the Terrorism Act combined the list of proscribed organisations from the PTA in 1989 and the Emergency Provisions Act 1996 and included, as those acts had done, the Irish Republican Army? 12:55

A. Yes.

93 Q. It didn't use phraseology such as the specified organisations that we looked at in relation to sentencing?

A. That's correct. 12:56

94 Q. And you set out through paragraphs 90 to 97 some particular aspects of the Terrorism Act?

A. Yes.

95 Q. Including powers of dealing with terrorist property, forfeiture and seizure between sections 14 and 31? 12:56

A. Yes.

96 Q. And between sections 40 and 54, powers of arrest and search of premises and the person?

A. Yes.

97 Q. Can you help us with paragraphs 95 and 96 in relation to what the Terrorism Act provided? 12:56

A. So perhaps if I can take my paragraph 96 in my witness statement first. So the specific powers that we have been discussing in NI(EP)A 1996 and the additional powers that were introduced through the Criminal Justice (Terrorism and Conspiracy) Act 1998 in relation to the evidentiary test and the prosecution of an individual that was both a member of a proscribed organisation and a specified organisation, they were 12:57

retained and they were made permanent powers under TAT 2000.

However, Part 7 of TAT 2000 had a number of specific Northern Ireland provisions set out in Section 65 to 113. They were not permanent provisions reflecting the fact that they were, had originally been introduced as emergency provisions. They had a expiry clause after five years. 12:57

MR. RAFFERTY: Thank you, Ms. Wright. Ms. Wright, those are all the questions that I have for you. 12:58

Sir, a limited number of Rule 10 permissions were granted, I wonder, it is just before one o'clock, if I could just check with everyone and it is suitable to.... 12:58

CHAIRMAN: Yes, of course.

MR. RAFFERTY: If it doesn't take very long, it might be suitable to deal with it at this stage rather than asking Ms. Wright to return after lunch. 12:58

CHAIRMAN: Well let's see where we stand.

MR. RAFFERTY: Can I just say perhaps before I turn to other counsel, that Mr. Kane, King's Counsel, had asked and raised one observation with us in advance of Ms. Wright's evidence, and that was in relation, Sir, to legislative provisions which were in force and available to the RUC in relation to a person whose mobile phone could be identified as showing contact with other terrorist suspects before the Omagh bombing. 12:58

That is something which Ms. Wright had been asked to deal with only very recently and, in fairness, it wasn't thought possible for her to suitably prepare to answer any questions on that topic at this stage. It is something which the Inquiry is going to reflect on after Ms. Wright's evidence and, if necessary, we'll seek a further statement from her. So I just raise that at this stage as something which we acknowledge has been raised with us by Mr. Kane. 12:59

Can I first of all turn to Ms. Black, who is one of the counsel members with PA Duffy, Roche McBride and Campbell Haughey. 12:59

MS. BLACK: We have no questions.

MR. RAFFERTY: Pose no questions. And then, Mr. McGowan. No questions either. So, lastly, from other core participants, that would leave Mr. Henry. He tells me he has no questions. Can I just check if there's any questions on behalf of HMG. Nothing, Sir. 12:59

So unless you have any questions, Sir, that will complete Ms. Wright's evidence.

CHAIRMAN: Well I think that completes your evidence Ms. Wright. I am very grateful to you. Thank you very much. 13:00

THE WITNESS: Thank you.

MR. RAFFERTY: Sir, can I ask you to return at 2 o'clock when we will begin Part 10.

THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS:

CHAIRMAN: Mr. de la Poer.

MR. DE LA POER: Sir, very good afternoon to you. Returning to the witness box is Mr. Mark Safranauskas, employee of Greater Manchester Police. He's going to assist us with the first element of the Inquiry's Part 10 of Chapter 6. Before he does so can I just put on record again, the gratitude of the Inquiry Legal Team to Sir Stephen Watson who has personally approved Mr. Safranauskas continuing to assist us and we're extremely grateful for that and for all of the work that Mr. Safranauskas has done to support Chapter 3.

CHAIRMAN: Yes, welcome back Mr. Safranauskas.

THE WITNESS: Thank you, Sir.

MR. MARK SAFRANAUSKAS (HAVING BEEN RECALLED) WAS FURTHER QUESTIONED BY MR. DE LA POER AS FOLLOWS:

98 Q. MR. DE LA POER: Mr. Safranauskas, before we commence the presentation can we, between us please, make clear what it is that we are going to do for part of this afternoon. You have prepared a presentation in relation to the accounts given in interview by a number of individuals, is that right?

A. Yes.

99 Q. And so that everybody understands the source of that, we are going to see, one after another, your presentation of what 19 specific people told the

police, whether in the Republic of Ireland or in Northern Ireland, in relation to the Omagh bombing?

A. That's right, yes.

100 Q. Now those 19 individuals, so that everybody understands where they are derived from, are based upon the list of suspects that Detective Superintendent Norman Baxter recorded when he was SIO in his policy decision No. 288, is that right? 14:01

A. Yes.

101 Q. And we are going to hear from Detective Superintendent Norman Baxter on Thursday of this week, but before we do, we'll hear tomorrow from Detective Chief Inspector Peter Billingsley, who is going to speak to each of those 19 individuals in terms of providing us with a pen portrait based on PSNI's current assessment, is that your understanding? 14:02 14:02

A. It is, yes.

102 Q. So 19 people, all of whom have been formally recorded at one point in time as being active suspects in the Omagh bombing investigation, suspected of involvement in that crime. But we make this clear between us, don't we, Mr. Safranauskas, that the fact that an individual doesn't appear here in these 19 is not to exclude them from the Inquiry's consideration as suspects. We had to draw the line somewhere, we've chosen to draw the line at this stage with Norman Baxter's assessment. But, of course, you know that very many more people were interviewed, weren't they, suspected at one or another of involvement in the 14:02 14:03

bombing?

A. I am aware of that, yes.

103 Q. So that's what we'll say by way of introduction generally, specifically a significant portion of your presentation relates to Sean Hoey, doesn't it? 14:03

A. Yes, it does.

104 Q. We heard quite a lot about Sean Hoey's criminal trial this morning as part of Mr. Greaney's Part 8 presentation. In fact was Sean Hoey interviewed a total of 126 times? 14:03

A. He was, yes.

105 Q. Over a period, the 12th September 1998 to the 2nd March of 2024?

A. 2004.

106 Q. 2004, thank you very much indeed. 14:03

A. Yes.

107 Q. So, without any further ado, Mr. Safranauskas, can we commence the presentation with that part that relates to Sean Hoey. And again you're in control here so just start it up and then pause it as you see fit please. 14:04

[Presentation commenced].

we start with the text, repeating what I've already said in summary form about the origin of it?

A. Yes.

108 Q. And our first suspect, Sean Hoey? 14:04

A. Correct.

109 Q. Just pause it there for a moment. So, this is a new format, although elements of it will be familiar to people. We have an image in the top left-hand corner,

is that to signify the individual who is being questioned by the police?

A. Yes, that's right.

110 Q. And in the bottom left-hand corner, have you provided a text box which, as we'll see is varying sizes, capturing, as we can see on screen, some headlines about the interview grouping that you are considering, followed by excerpts from the interview whether by way of summary or direct quotation? 14:05

A. Yes. 14:05

111 Q. So the first text box we have here is Sean Hoey's arrest on 21st September 1998, so we are a little over a month after the attack when he was arrested?

A. Yes, that's right.

112 Q. The arrest was by the RUC, so in Northern Ireland? 14:05

A. Yes.

113 Q. And in this first grouping of interviews, a total of 38 interviews over a period 21st to 27th September of that year?

A. Yes. 14:05

114 Q. And the interviews, you indicate, took place at Gough Barracks?

A. Correct.

115 Q. The subject of the interviews was his involvement in the Omagh bombing? 14:05

A. Yes.

116 Q. You have recorded a final detail that no solicitor is recorded as being present during those interviews?

A. Correct.

117 Q. So moving on please. His initial position in those very early interviews was to answer "no comment", is that correct?

A. Yes.

118 Q. By the time we get to the fourth interview we have a number of assertions made by him? 14:06

A. We do, yes.

119 Q. Just if you can take over now, just talk us through what it is that Sean Hoey was saying in that fourth interview? 14:06

A. Okay, the first summarised bullet point quotation of: "I am not a member of any illegal organisation, nor never have been." Followed by he: "Had no involvement in the bomb at Omagh." When asked how he felt about what had occurred he said, "I wouldn't have much time for it." Around the time of the Omagh bombing he was working as an electrician. So a bit differently now, on 15th August 1998, he spent the afternoon in the Three Steps public house in Dromintee. 14:07

120 Q. As you've just anticipated a cut-out box has appeared in the centre of our screen capturing, as everyone will be able to see from the still, a section of evidence earlier in Chapter 3, is that right? 14:07

A. That's right, yes.

121 Q. And which section of the evidence are we about to see? 14:07

A. So we are now about to see a portion of the evidence provided by the investigative journalist, John Ware, on 12th October 2026.

122 Q. And we'll hear what Mr. Ware had to say in just a

moment, and many of those present here in the hearing room were also present when he said it, but which particular entry on the list of bullet points is this excerpt going to?

A. So this is in relation to the point Sean Hoey made about spending the afternoon at the Three Steps public house in Dromintee. This information is provided by John Ware earlier on in the Inquiry. 14:08

123 Q. So let's play Mr. Ware's evidence, as you have extracted it and then perhaps just follow up with a couple of questions? 14:08

A. Okay. [Presentation played]

"Q. Sean Hoey; were you told that he had a role in the Omagh bombing? 14:08

A. Yes.

Q. What role, were you told that he --

A. He made the bomb, and was seen weeping or deeply troubled on the steps of the Three Steps in, near Jonesborough. 14:09

Q. In the aftermath of the bombing?

A. Yeah."

14:09

124 Q. So we pause there for a moment, so we have an account given at a relatively early stage that Sean Hoey gave to the police, namely that he was at the Three Steps public house in the afternoon of the 15th August?

A. Yes.
125 Q. We have then seen what Mr. Ware had to say about this, now plainly he wasn't an eyewitness to that, he was there reporting what his sources had told him that they understood to be the position? 14:09
A. Yes, that's right.
126 Q. And the sources, whoever they were, of John Ware, were reporting that there was eyewitness evidence of Sean Hoey at the Three Steps public house near Jonesborough in Dromintee weeping or severely 14:09 distressed once he heard, no doubt, of the detonation in Omagh?
A. That's right, yes.
127 Q. So potential corroboration for the account that Sean Hoey was giving about where exactly he was at that 14:10 time?
A. Yes.
128 Q. Let's continue please.
A. So, the next bullet point, he travelled to Dublin with two other people, but he did not confirm who. 14:10
129 Q. If we just pause there. We are going to see the interview accounts of others. But in terms of travel to Dublin, are you able to help with whether any other of the significant individuals, as the Inquiry have termed them, spoke about travelling to Dublin that day? 14:10
A. On the day of the bombing, yes.
130 Q. And which other individuals said that they travelled to Dublin?
A. Derek 'Shanty' Brady said he was working in Dublin.

131 Q. And anyone else?
A. No. Derek 'Shanty' Brady later said that he was with Kevin Murray when he found out about the bombing.
132 Q. And so, by implication, if he was telling the truth about the fact he was in Dublin that day, then he was with Kevin Murray in Dublin? 14:11
A. Potentially, yes.
133 Q. Be that as it may, Sean Hoey was not prepared to name the two individuals that he said there was, so we have two separate data points which may or may not be connected? 14:11
A. Correct, yes.
134 Q. Continue please.
A. Again, another declaration: "I had nothing do with the Omagh bomb." He confirmed ownership of the 452 number and said he had the phone for three months. 14:11
135 Q. If we just look back please, to Part 2 when you first joined us to give evidence, that was the part which included the attribution?
A. Yes. 14:12
136 Q. The presentation that you made was one of the elements that you reported was relied upon by the Inquiry Legal Team in the attribution of 452, this admission by Sean Hoey in this interview?
A. That's correct, yes. 14:12
137 Q. Continue please.
A. He worked as an electrician at Mountjoy Prison, the same job Denis O'Connor ascribed to, in his words, "Seamus Healy" during his police interviews.

138 Q. Again if we just pause there. We've heard something about Denis O'Connor and how his evidence was treated in various criminal and civil proceedings but Mr. O'Connor himself was questioned by the police, is that right? 14:13

A. He was, yes.

139 Q. And he gave an account about a man called Seamus Healy, is that right?

A. Yes.

140 Q. A man he subsequently picked out from a photo ID procedure as being Seamus Daly? 14:13

A. Yes, that's right.

141 Q. But one of the factors or elements about Seamus Healy, as he called him, that Denis O'Connor was able to report to the police, was that Seamus Healy worked at a particular location, namely Mountjoy Prison? 14:13

A. Yes, that's correct.

142 Q. And that's the self same place and same job that Sean Hoey was talking about in terms of his role?

A. Yes. 14:13

143 Q. On the face of it, if Denis O'Connor's evidence is reliable, Seamus Daly must also have been working with Sean Hoey?

A. Yes.

144 Q. Carrying on please. 14:13

Just pause here, we are introducing a number of individuals who may be important to our work. So we're now at the sixth and seventh interviews of Sean Hoey

and the police put to him a number of named individuals?

A. Yes.

145 Q. And asked him what he could say about those and we begin with those that he said he didn't know. So Aidan and Conor McMahon? 14:14

A. Yes.

146 Q. I think Aidan McMahon is one of those who appears on Norman Baxter's suspect list and is the subject of your presentation? 14:14

A. Yes, that's right.

147 Q. And Sean Hoey also denied knowing anyone called Broderick and we have two individuals, Shane and Michael Broderick, who again are on the Norman Baxter list of 19 suspects? 14:14

A. They are, yes.

148 Q. Again we will come to those, won't we, later in your presentation?

A. We will.

149 Q. So continuing please. 14:15

So, now, we're still with his sixth and seventh interviews?

A. Yes.

150 Q. We are about to see another excerpt from earlier in Chapter 3, just introduce this for us please, Mr. Safranauskas? 14:15

A. So in Sean Hoey's interview, I'll start with the bullet point, he said that he denied being near the GAA club

in Cullaville on 13th August 1998. He could not recall his movements that day. So the insert now is again evidence provided from John Ware. This is more to contextualise what the GAA club is referring to as we will see when we play on. It's basically John Ware giving evidence about an incident in which he describes two individuals guarding a maroon vehicle, and what he describes as 'Dissident Republicans', he also said 'Sinn Féin people' come out and there's a bit of what is described as an altercation between the two camps because they were suspicious of the reasoning behind why they were guarding that vehicle. 14:15 14:16

151 Q. So we'll play it in just one moment, but clearly the police in interview were aware of some information in relation to the GAA club which resulted in them asking Sean Hoey about it, is that right? 14:16

A. Yes, correct.

152 Q. His answer was to say that he didn't know anything about it?

A. Yes, that's right. 14:16

153 Q. Well let's just remind ourselves what John Ware said on 12th October please. [Presentation played.

"Q. What had happened, according to your information? A. That a group of men came out of the GAA clubhouse, these were Sinn Féin members, supporters, essentially republicans, who sensed what was going to happen here; why would these individuals have got a stolen car here? What are they using a stolen car here for? Was he -- 14:16

are you planning another bombing?"

154 Q. So we can just take it back just a touch as a still, we don't need to do more than that, there is one other element of that presentation. There we go, thank you very much indeed. So what we didn't draw attention to before is that you have applied a red flashing beacon over 'Cullaville', is that right? 14:17

A. Yes, I have.

155 Q. Cullaville is a border town which is formally in Northern Ireland but elements of it are on the south side of the river in the Republic of Ireland, is that right? 14:17

A. That's my understanding, yes.

156 Q. And if we look at where you've marked it on the map, we can pick out some other locations that you've given evidence about, Mr. Safranauskas. Firstly, if we move in a plain that might be described as 10 o'clock, taking Cullaville as the centre, do we see a location, Castleblayney? 14:18

A. We do, yes.

157 Q. Keeping on that plain do we see further up the screen just before the border, Emyvale?

A. We do, yes.

158 Q. And then, no doubt you can do from memory, you're indicating where please? 14:18

A. Aughnacloy.

159 Q. Aughnacloy, all of which sits in an approximate straight line heading in a north/northwest direction?

A. Yes.

160 Q. And just remind us please, Mr. Safranauskas, what evidence did you give us about 15th August and Castleblayney and Emyvale?

A. So at 12:41 on 15th August, that was the first phone call that took place between the dark blue 585 phone, provisionally attributed to Seamus Daly, and the orange 980 phone, provisionally attributed to Seamus McKenna. 14:19

Then subsequently through the afternoon we then saw that phone just after one o'clock at Emyvale, and then subsequently again where you see the same phone call take place, the dark blue 585 phone to the 980 orange phone, and the same to Aughnacloy. 14:19

161 Q. The 585 on the cell site, as we heard from Dr. Tart, moving in a north/northwest direction, and given the likely range of the mast at Aughnacloy, in or around the Aughnacloy area shortly after one o'clock? 14:19

A. Yes.

162 Q. So, that is the phone that on the Inquiry's working hypothesis is in the scout car as per the findings in the Breslin litigation and other litigation. And so having reminded ourselves of that, we can see that the geographical location of Cullaville, where this incident is reported by Mr. Ware's sources to have taken place, sits on approximately the same plain, slightly further south from Castleblayney? 14:20 14:20

A. It does, yes.

163 Q. And to conclude that particular element, I anticipate

that we will hear from Detective Superintendent Baxter on Thursday more about the GAA club and Cullaville incident.

Before we leave it, you've obviously, in the interests of efficiency, clipped only part of Mr. Ware's evidence on the 12th. Did he, when reporting what his sources had told him, say anything about individuals identified by name who may have been involved in this incident? 14:20

A. Involved in guarding the car, yes. 14:21

164 Q. Yes. And what names did Mr. Ware report he'd been told?

A. The names he'd been told, Padraig Daly and Michael Broderick.

165 Q. Padraig Daly being the brother of Seamus Daly? 14:21

A. That's right, yes.

166 Q. Okay, thank you very much indeed. We'll move on from this element please. [Presentation played].

"A. Why would these individuals have got a stolen car here? What are they using a stolen car here for?" -- 14:21

A. I'll play this through, sorry --

"A. Was he -- are you planning another bombing?" 14:21

167 Q. So we have got the third bullet point on this, you are now indicating the location of the Three Steps near

Jonesborough?

A. Yes, and we have already heard the evidence from John Ware, but the bullet point reads:

"Between 14th and 15th August 1998 he visited his wife and travelled to the Three Steps public house". 14:22

168 Q. And so, that is a repetition in part of what he had said in an earlier interview about being in the Three Steps on the afternoon of the 15th? 14:22

A. Yes, correct.

169 Q. Continue please.

A. During his eighth interview Hoey stated that he had consulted his solicitor, and because he had already answered questions about the allegations, he declined 14:22 to answer any further questions. And he maintained this stance through the remaining 30 interviews.

170 Q. So, then finally?

A. That he'd consented to providing hair samples.

171 Q. So we move on. 14:23

A. On 27th September 1998 Hoey was released without charge.

172 Q. So now we're moving to the next cluster of interviews for Sean Hoey?

A. Yes. 14:23

173 Q. Again just introduce the number, timing, location and subject please?

A. So we're moving on nine months on from the September interviews, 20th June 1999 Sean Hoey was arrested by

the RUC. He was interviewed a number of 37 occasions between 20th and 23rd June at Castlereagh Police Station. The subject being involvement in the Omagh and the Lisburn bombings and membership of a proscribed organisation.

174 Q. Now you've got a flashing red beacon towards the top left-hand corner indicating Omagh?

A. Yes.

175 Q. But if we move almost exactly east across your map we can see there is another beacon which you're indicating with a cursor? 14:24

A. Yes.

176 Q. And is that the location of the attack on Lisburn on 30th April 1998?

A. It is, yes. 14:24

177 Q. One of the Inquiry's previous incidents, as we heard this morning?

A. Yes.

178 Q. So let's play on please.

A. So in the first 14 interviews Hoey denied involvement in the Omagh and Lisburn incidents. He could not recall his movements on the day of the Lisburn incident but that he was last in Lisburn "years ago." He denied being a member of the Real IRA. He drank in the Emerald Bar and confirmed Colm Murphy was his uncle. 14:24 14:25

179 Q. Again in Part 2, when we were looking at our key individuals and their links, did you rely on that information in part to draw some connections between Sean Hoey and Colm Murphy?

A. I did, yes. He denied he was involved in the manufacture or transportation of either device. He was "100% sure" there was no conversations with any other suspects about moving a bomb.

180 Q. Now, as to the contents, there's no direct evidence that's been put in front of us in Chapter 3, but we do know, don't we, as we will come to see, that there was telephone contact on the day of the bombing between Sean Hoey and Seamus Daly. 14:25

A. Yes. 14:26

181 Q. And we will come to that in a moment.

A. He said the bombing of Omagh and Lisburn was wrong. He knew Seamus McKenna, Derek Brady, the Campbells and Sile Grew through the Emerald Bar. Seamus McKenna worked with Colm Murphy. He called Seamus Daly on his mobile phone but that he had never lent his phone to Seamus Daly, the Campbells or Oliver Treanor. He could not recall whether any other suspects had called his phone on the day of the Lisburn bomb but admitted there could have been calls from them. Hoey was unable to account for phone calls to and from his mobile to Michael and Liam Campbell and Jim Fee. That's on the day of the Lisburn bomb. 14:26 14:27

182 Q. So a matter very much for investigation in Chapter 4?

A. Exactly that, yes. 14:27

183 Q. Thank you.

A. Hoey answered "no comment" to all further questions. On 23rd June 1999 Hoey was released without charge.

184 Q. Again introduce here, we are now on to a third phase of

interviews.

A. Okay. So now, nearly, or four years later, 2nd September 2003, Sean Hoey was arrested now by the PSNI. He was interviewed a number of 35 times between 3rd and 5th September at Gough Barracks and Antrim Police Station. The subject being involvement in the Omagh bomb and previous incidents including Lisburn, Banbridge and Corry Square.

185 Q. Have you indicated using beacons across Northern Ireland where those three previous incident locations are? 14:28

A. And when they happened, yes.

186 Q. Thank you.

A. So during the interviews Sean Hoey denied any involvement in each of the incidents, Hoey denied knowing Eamonn Magill, Patrick 'Mooch' Blair or Gary Jones. 14:29

187 Q. Just pausing there, Patrick 'Mooch' Blair is another individual that we have heard an awful lot about?

A. Yes. 14:29

188 Q. And who was involved in making a phone call to one of our key phones during the period that the bombing was being carried out?

A. Correct.

189 Q. "Man A" in the PONI Omagh one report? 14:29

A. Yes.

190 Q. And Gary Jones 'Man B' in the PONI Omagh one report?

A. Yes, that's right.

191 Q. And of course we heard this morning a little more about

Gary Jones in relation to the previous incident that he was tried, convicted but ultimately acquitted following appeal and re-trial?

A. Correct. He had regular contact with Colm Murphy who at the time was serving a custodial sentence in the Republic of Ireland for conspiracy to murder. He had known Derek 'Shanty' Brady who at the time was serving a custodial sentence in the Republic of Ireland for possession of homemade explosives. 14:29

192 Q. Just pausing there, that relates to the 21st March 1998 and the enormous device that Derek 'Shanty' Brady was caught in possession of? 14:30

A. 1,240 pounds of explosives, yes.

193 Q. Exactly so. Along with Kevin Murphy?

A. Yes. 14:30

194 Q. And of course Derek 'Shanty' Brady is another individual who spoke to one of our key phones for a substantial period of time while the bomb was being carried out?

A. Yes. 14:30

195 Q. He being the user of 259 yellow phone?

A. Yes.

196 Q. Yes, please.

A. He knew the Campbells, Anthony Cunnane, Sile Grew, Seamus McGrane, Seamus McKenna, Michael McKevitt and Padraig Daly. 14:31

197 Q. And almost all of those individuals, with the exception of Sile Grew and Padraig Daly I believe, were the subject of the Part 8 presentation and convictions with

or, rather, criminal proceedings which are of potential relevance to this Inquiry?

A. Yes. When asked about the alleged presence of his DNA on tape, Hoey stated it was there innocently, because he uses tape all the time in his profession. He also referred to the police having in their possession a number of rolls of tape with his DNA on since 1998. 14:31

On 5th September 2003 Hoey was charged with conspiracy to cause an explosion at Lisburn, possession of explosive substances used in a number of attacks and membership of a proscribed organisation. 14:32

So now on the 2nd March 2004, Hoey was produced from custody for interview by the PSNI. He was interviewed a number of 16 occasions between the 2nd and 3rd March 2004 at Antrim Police Station. Legal representation; there was a solicitor present during all interviews 14:32

198 Q. Is this the final sequence of interviews for Sean Hoey?

A. It is, yes. So during the interviews Hoey denied involvement in any incidents and the bombing at Newry Road, Armagh. He refused to provide a DNA sample because he already provided a hair sample in 1998 and 2003. Hoey was unable to account for his DNA on a sample tested from the detonator tape and stated that it was either there innocently or had been planted. 14:32 14:33

199 Q. Of course we just remind ourselves, at his trial the judge was not satisfied that any of the exhibits with DNA said to match Sean Hoey had been reliably and

appropriately handled, is that right?

A. That's my understanding, yes. Hoey denied making the bomb warning call in the Banbridge bombing.

200 Q. As to that, Mr. Safranauskas, is it your understanding, you have a given some evidence about this already in terms of the test calls that were made on 15th August, that in the case of the Banbridge bomb it would seem because a third party organisation, who would not be likely to record the call wasn't available, that in fact the Banbridge warning call had been made to the police and had been recorded so there was a voice for comparison? 14:34 14:34

A. Yes, that's correct.

201 Q. And of course, that led to the conclusion that the calls on Saturday, 15th August, to UTV and the Samaritans in Omagh were to see whether those organisations were open ahead of when the warning calls would be made? 14:34

A. Yes.

202 Q. Continuing please. 14:34

A. His call to Seamus Daly on 15th August 1998 was to ask Daly to call Denis O'Connor about the C2 tax fraud.

203 Q. Again this is subject to correction by me this morning where I mis-described the recipient handset as 585. As we can see there that is Seamus Daly 076 handset that received a call from Sean Hoey? 14:35

A. Yes.

204 Q. At the time, is it, 15:26, so very shortly after detonation?

A. Yes.

205 Q. And that phone, being attributed to Seamus Daly, was on the basis, in part, of his admission in the second set of Breslin proceedings, namely the re-trial, where he accepted that 076 was his phone? 14:35

A. Yes, that's right.

206 Q. And so, just so we understand what's going on here, Sean Hoey, who is the person who made the call at 15:26 was telling the police that he called Seamus Daly at that time, as we can see, on Seamus Daly's handset? 14:35

A. Yes.

207 Q. Because he wanted him to contact Denis O'Connor?

A. Yes.

208 Q. Let's see what the next call in the sequence is.

A. Okay. 14:36

209 Q. We can see within a matter of seconds of that call, which was of some length, ending --

A. Yes.

210 Q. -- the 585 dark blue phone, which on the working hypothesis had just returned to the Republic of 14:36 Ireland, having been in Omagh at this time, that that phone called Denis O'Connor?

A. Yes, that's right.

211 Q. And of course, we know that Denis O'Connor gave some evidence to the police, which was subsequently changed 14:36 when he gave evidence in the old style long form committal, but that he had spoken to a man who he ultimately identified as Seamus Daly in this 15:30 call?

A. Yes.

212 Q. And of course, that call was the subject of an express finding of fact in the Breslin litigation, namely that it was Seamus Daly who was in possession of the 585 phone at that time calling Mr. O'Connor? 14:37

A. Yes, that's right.

213 Q. Again if we just try and imagine physically what must have happened here, the 076 handset is involved in a call between 15:26 and 15:29, so that's Seamus Daly's phone plainly in his hand speaking to Sean Hoey? 14:37

A. Yes.

214 Q. Then what appeared to have happened, that Seamus Daly using a different phone, which must also have been in his possession at that time, or immediately available to him, then called Denis O'Connor? 14:37

A. Yes.

215 Q. And that critically, for the purpose of our understanding, is the scout car phone?

A. Yes, it is.

216 Q. Yes, continue please. 14:37

A. So on 4th March 2003 Sean Hoey was charged with five further offences in relation to the Newry Road, Blackwatertown and Banbridge incidents.

In May 2004, PPS decided to prosecute Hoey for 61 14:38 counts including 29 counts of murder. Hoey's trial was heard between 26th September 2006 and 16th January 2007. On 20th December 2007 he was found not guilty on all counts.

217 Q. Does that conclude our presentation in relation to Sean Hoey?

A. It does, yes.

218 Q. Next up I think we have Seamus Daly?

A. Yes. 14:38

219 Q. As before, talk us through the cluster of interviews that we are first going to deal with?

A. So Seamus Daly was first arrested on 22nd September 1998 by An Garda Síochána. He was interviewed between 22nd and 24th of September at Monaghan Garda Station. 14:39 The subject of which was membership of an unlawful organisation, namely, the Real IRA. So during the interviews Daly refused to answer most questions.

Between the 12th and 13th August 1998 he was with his 14:39 girlfriend, Sile Grew. On 21st September 1998 searches had taken place at the old RIC station owned by Daly's father. Icing sugar boxes 25 kilo bag, plastic gloves containing 7% nitrate fertiliser and galvanised piping were seized. Daly denied knowledge of the items seized 14:40 at the old RIC station.

220 Q. I think we need to just correct a typo, U being next to I on the keyboard, and of course RUC being a common acronym in this Inquiry, but in fact can we see by the red flashing beacon you have labelled it "old RUC 14:40 station", in fact should that read "old RIC station"?

A. Yes, that's my mistake. I apologise for that.

221 Q. That is the Royal Irish Constabulary police force before partition?

A. Correct.

222 Q. Continue please.

A. On 24th September 1998 Daly was released without charge.

14:41

So second arrest, 26th May 1999 by An Garda Síochána, again for unlawful possession of explosives. He was interviewed a number of 11 occasions between 26th and 28th May 1998 at Monaghan Garda Station. The subject of which was the involvement in Lisburn and Banbridge bombings. 14:41

So during the interviews again Daly made little or no substantive comment to questions. He denied that he had Colm Murphy's phones on the day of the Omagh and Banbridge bombings. Daly initially agreed to take part in an ID parade but rescinded his agreement after he spoke to his solicitor. 14:41

And on 28th May 1999 Daly was released without charge. 14:42

223 Q. I think there is a lot of text there, it may be the easiest thing for you to do, is just to read this out?

A. Yes. So following the prosecution of Hoey in March 2008, the public prosecutor informed the PSNI the evidential test was not met in the case of Seamus Daly, such that a prosecution would not be pursued. 14:42

The available evidence has been reviewed in the light of the judge's findings in the case of Sean Hoey. The

result of these findings mean that evidence of a phone call to Hoey made shortly after the Omagh bomb is of no weight in establishing a link between Daly and either the Lisburn or Omagh devices.

14:43

"Furthermore, in the light of the findings there is insufficient evidence connecting the two incidents to each other to provide a basis for a probative comparison of the patterns of mobile phone traffic in the two cases in such a way as to connect Daly to either. While inferences may be drawn from the telephone evidence, it is not considered that these are sufficiently strong to provide a reasonable prospect of obtaining a conviction. I therefore direct no prosecution." 14:43

224 Q. The reference there, as we have already looked at today, to "evidence of a phone call to Hoey made shortly after the Omagh bomb is of no weight in establishing a link between Daly and either Lisburn or Omagh bomb", does that all tie up with the Denis O'Connor evidence? 14:43

A. Yes.

225 Q. Which formed a key part of the sequence that was relied upon in the case against Seamus Daly to attribute 585 to him? 14:44

A. Yes, that's right.

On 8th June 2009 Daly was found civilly liable for the

Omagh bombing, together with Liam Campbell, Michael McKevitt, Colm Murphy and the Real IRA. An appeal of the finding was dismissed in 2013.

So a further arrest now of 7th April 2014 by the PSNI. He was interviewed a number of 24 occasions between 7th and 10th April 2014. A solicitor was present during interviews. The subjects were the attacks on Lisburn, Banbridge and Omagh and also membership of a proscribed organisation. During interview, Daly made no comment. 14:44

On 11th April 2014 Daly was charged with 33 offences, including 29 counts of murder in relation to the Omagh bombing.

14:45

As you have just alluded to, in February 2015 a preliminary inquiry was held at Omagh Magistrates Court. Denis O'Connor changed his evidence and stated that Daly may not have called him on 15th August 1998. The District Judge declined to return Daly to trial. 14:45
On 1st March 2016 Daly was released.

226 Q. So again we see that potentially highly important pairing of calls that has formed the basis of much focus in earlier proceedings?

A. Correct, yes. That concludes Seamus Daly's evidence. 14:46

227 Q. So we now move to Colm Murphy?

A. Yes. So first arrested on 21st February 1999 by An Garda Síochána. He was interviewed on a number of 15 occasions between 21st and 23rd February 1999 at

Monaghan Garda Station. The subject being unlawful possession of explosives at Dundalk between 13th and 15th August 1998. So in relation to the Omagh bombing.

So during interviews Murphy stated he was out with his son on the morning of the 15th August 1998. He went to the Emerald Bar between 1:00 p.m. and 2:00 p.m. until it closed that night. He repeatedly denied lending the dark blue 585 phone to anyone. He denied making calls to Terence Morgan, Denis O'Connor and Oliver Treanor. 14:46 14:47

228 Q. Just understanding why those names were being put, of course, Denis O'Connor received a call from Colm Murphy's 585 number as we've seen?

A. Yes.

229 Q. Terence Morgan's 980 phone received calls at a critical time from the 585? 14:47

A. It was the 980 phone that went to Omagh.

230 Q. Right.

A. And Oliver Treanor, the 430.

231 Q. That was subscribed to him, albeit that the Inquiry provisionally attributes it to Liam Campbell? 14:47

A. Correct, yes.

He stated, "I was never in Omagh in my life", when asked about his phone travelling north from Castleblayney to Omagh Town. 14:47

When asked why he gave his and Terence Morgan's phone to someone else on 15th August 1998 Murphy stated:

"Look, what can I say? I could finish out at the border with a hole in my head."

Murphy confirmed he obtained Terence Morgan's phone on 14th August 1998. He admitted to loaning his and Terence Morgan's phone to a Real IRA man on 15th August 1998. He said the phones were returned to him on the Sunday or Monday. He thought he was giving his phone for them to scout cars or move gear. 14:48

When asked about the presence of his phone in Banbridge on 1st August 1998 Murphy stated, his wife must have been travelling through Banbridge that day. He was unable to explain the calls made using his phone on 1st August 1998. 14:49

232 Q. If we just pause there, if Murphy's admission there that he gave the 980 and 585 to "a Real IRA man" was correct, bearing in mind who it is who is provisionally ascribed to having 585, that would be a reference to Seamus Daly? 14:49

A. That's right, yes.

On 24th February 1999 Murphy was charged before the Special Criminal Court. On 22nd January 2002, Murphy was convicted of conspiracy to cause an explosion likely to endanger life between 13th and 15th August 1998. On 25th January 2003 Murphy was sentenced to 14 years' imprisonment. 14:49

On 25th January 2003, Murphy's conviction was overturned as unsafe on two grounds: Firstly, the Special Criminal Court's approach to the altercation of the police --

233 Q. I think that should be "alteration", yes. 14:50

A. Approach to the alteration of police interview notes by two Garda officers (Liam Donnelly and John Fahy) subsequently charged with perjury. And, secondly, the invasion of Murphy's presumed innocence in relation to his previous convictions. The remaining 43 grounds of 14:50 appeal were rejected. On 19th October 2006, Garda Donnelly and Garda Fahy were found not guilty.

234 Q. And of course just to complete this, we deal firstly with the Breslin litigation?

A. Yes. 14:51

So on 8th June 2009 Murphy was found civilly liable for the Omagh bombing, together with Liam Campbell, Michael McKevitt, Seamus Daly and the Real IRA. Murphy's appeal was allowed and a re-trial was ordered in 2011. 14:51 In 2013 Murphy was found liable. A further appeal was refused in 2013.

In January and February 2010, the Special Criminal Court heard Murphy's re-trial. On 24th February 2010 14:51 Murphy was acquitted after the court found the Garda evidence inadmissible. Colm Murphy died on 18th April 2023.

235 Q. That concludes your presentation in relation to

Colm Murphy in his interviews?

A. It does, yes.

236 Q. The next we have Liam Campbell?

A. Yes.

14:52

So first he was arrested on 6th May 2000 by An Garda Síochána. He was interviewed a number of times between 7th and 7th May 2000. The subject being unlawful possession of explosives at Dundalk between 13th and 15th August 1998.

14:52

237 Q. The same formulation of the allegation at that stage as Colm Murphy faced but no question but that it relates to Omagh?

A. Exactly that, yes.

14:53

During his interviews Campbell mainly responded "no comment." When asked about his movements between 13th and 15th August 1998 he said he was at home. He could not remember what he was doing between the 13th and 14th August 1998 and that two Garda had seen and waved at him at 2:30 on the 15th August 1998.

14:53

238 Q. Of course, at that time, 2:30, if the working hypothesis is right and he is in possession of the 430 phone, he is engaged in arranging or making the warning calls?

14:54

A. That's right, yes. On 7th May 2000 Campbell was released without charge.

On 22nd May 2009 he was arrested by PSNI in relation to

the attacks at Omagh, Banbridge, Lisburn and Newry, and membership of an unlawful organisation. He was interviewed a number of 24 occasions between 22nd and 26th May 2009. He had a solicitor present during the interviews. During the interviews Campbell stated: "I am not a member of any organisation, I deny involvement in anything." He then answered "no comment" when asked about the telephone evidence. 14:54

During the interview on 26th May 2009, Campbell stated: "I am not a member of any illegal organisation." 14:55

239 Q. Just pausing there, of course we know from the evidence and account of David Rupert about meetings that he had, including Liam Campbell after the Omagh bombing, that nothing could be further from the truth in terms of Liam Campbell's claims that he was not a member of illegal organisation, he was the OC of the Real IRA, wasn't he? 14:55

A. That's right, yes. 14:55

On 26th May 2009 Liam Campbell was released without charge.

On 8th June 2009 Campbell was found civilly liable for the Omagh bombing together with Colm Murphy, Michael McKevitt, Seamus Daly and the Real IRA. 14:55

240 Q. We heard this morning that he also was convicted of membership of the Real IRA?

A. Yeah, correct.

This is now Seamus McKenna. He was first arrested on 1st March 1999. He was interviewed a number of times between 1st and 4th March 1999. The subject being unlawful possession of explosives at Dundalk between 13th and 15th August 1998. And during the interviews McKenna mainly answered "no comment." 14:56

McKenna stated that if he had been in Dundalk on 15th August 1998 he would have been at the Emerald Bar. He refused to discuss the call he made to his wife on 15th August 1998. We now have a corresponding entry from the EP I produced and the timeline of a phone call between the orange 980 number provisionally attributed to Seamus McKenna and the landline of Seamus McKenna. 14:56 14:57

241 Q. In fact, although we have labelled that landline of Seamus McKenna, it was in fact the home address of Catherine McKenna, his estranged wife?

A. Yes.

242 Q. In fact there is other evidence to suggest that he wasn't living there at that time, in fact he was living in a flat some way away from where his former or estranged wife was living? 14:57

A. Yes, that's right.

On 4th March 1999 he was released without charge. He was further arrested on the 20th June 1999, the subject being unlawful possession of explosives at Dundalk between 29th July and 1st August 1998. So in 14:57

retrospect that would be for the Banbridge incident. So during the interview McKenna primarily answered "no comment." He could not recall where he was on 1st August 1998. He could not recall the purpose of the calls made to and from his phone on 30th April 1998. He stated: "I am a member of no illegal organisation" and "I don't know nothing about bombs".

243 Q. If we just pause there on that. In fact, again nothing could be further from the truth, given that we know he was convicted in the company with Joe Fee of being involved in the construction of a bomb on behalf of a dissident terrorist organisation?

A. That's right, yes.

McKenna stated he had no recollection of and no comment in relation to the call made at 15:41 on 15th August 1998 to his wife's phone (that his wife had confirmed was from McKenna).

On 22nd June 1999 McKenna was released without charge. Arrested on 8th October 2004 for making an explosive substance in Dundalk between 20th July and 1st August 1998. McKenna was produced from Portlaoise Prison. McKenna was interviewed following new evidence in relation to the Banbridge incident.

During the interview telephone evidence showing calls between McKenna, Seamus Daly, Joe Fee and Colm Murphy

prior to and on the day of the Banbridge bomb. Audio of the Banbridge bomb, which the Garda maintained was McKenna, was played.

244 Q. When we say "of the bomb" we're here talking about the warning call? 15:00

A. Yes.

McKenna responded, "no comment." McKenna was released without charge and was returned to prison on remand for explosive offences. 15:01

245 Q. Those were the matters he was convicted of, and received a substantial prison sentence for, together with Joe Fee?

A. That's right, yes. 15:01

On 8th June 2009, McKenna was found not liable for the Omagh bombing. Seamus McKenna died in July 2013.

Oliver Treanor.

246 Q. This is the owner of 430 red phone? 15:02

A. And the 406 light blue.

So Oliver Treanor was first arrested on 21st February 1999 by the An Garda Síochána for unlawful possession of explosives in Dundalk between 13th and 15th August 15:02 1998 and membership of an unlawful organisation. He was interviewed a number of 14 occasions between 21st and 23rd February at Monaghan Garda Station. There was a solicitor present for part of his first

interview but there was no solicitor present for the remainder (although the interview was paused for consultations via telephone or in another room). The subject of which was the involvement in the Omagh bombing.

So during the first interview Treanor denied involvement in the Omagh bombing, stealing the bomb car, missing or transporting explosives to Omagh. He stated what --

247 Q. Just pause there, should that "missing" be "moving"?

A. I believe so, yes.

248 Q. Yes.

A. Following consultation with his solicitor around 90 minutes into the interview, he refused to answer any further questions until he had seen his solicitor. He said that he could not remember where he was on the day of the Omagh bomb but thought he would have been at home or at the Forge Pub in Forkhill. He said he had never been to Omagh in his life. He had heard of 'Shanty' Brady in connection with a bomb in Dundalk but had never spoken to him. He knew Michael McKevitt and Bernadette Sands because he put two panes of glass in their roof. He stated that what he knew of them was from the papers. He knew Colm Murphy and had worked for him.

249 Q. The reference to "he put two panes of glass in their roof". Oliver Treanor strongly associated with Town Glass Limited, is that right?

A. That's right, yes.

250 Q. A glazing company owned by Seamus McGrane, which employed the three Campbell brothers?

A. That's right, yes.

251 Q. So here he seems to be saying he visited Michael McKevitt's house and it would also appear that a separate data point is that he worked with Liam Campbell, the OC of the Real IRA, and effectively Michael McKevitt's right-hand man? 15:04

A. Yes. 15:05

252 Q. But he claimed in his interview that, beyond that professional connection, he didn't know Michael McKevitt?

A. Correct.

15:05

Treanor remained silent when asked about calls made between his 430 red phone and Colm Murphy on 15th August 1998. He also remained silent when asked about contact between the 406 light blue phone and the 430 red phone between 10th and 17th August 1998. 15:05

253 Q. So he offered no explanation for why two phones, that he was the ordinary user of apparently, would be in contact with each other?

A. Correct.

15:05

When Treanor was told his mother had confirmed his use of the 406 light blue phone and previously the 430 red phone, he said: "What does she know?" He said: "The fact that I paid the bill means fuck all."

In relation to the 430 red phone he agreed that 406 light blue phone was one of his phone numbers.

254 Q. So he seems to be saying that the fact that he paid the bill doesn't indicate that he was necessarily the user of it and with that, on the working hypothesis, would we agree? 15:06

A. Yes. So in later interviews Treanor said he was working on the 13th August 1998 but he was not sure where. He said on 14th August 1998 he was "at work", "don't know", "in the office", and "Michael Campbell was present". 15:06

255 Q. Inferentially is that a reference to Town Glass?

A. It will be, yes. Treanor denied having the 406 light blue phone in his possession on 15th August 1998. But also stated that he did not lend it to anyone that day. 15:07

256 Q. Can we just examine that claim for a moment. He didn't have it, he didn't lend it to anyone but we know from our timeline that it was in use?

A. Yes, we do. 15:07

257 Q. Both making and receiving calls?

A. Yes. Treanor said that he no longer had the 406 light blue phone in his possession, he was not paying the bills for it and could not remember how he had disposed of it. He could not recall where his phone was between 12th and 15th August 1998. 15:07

Subsequently he agreed that he answered all calls on the 430 red phone. He said it was "not relevant"

whether he was still paying the bills for that phone. He accepted that a credit card payment from 29th August 1998 for the 430 red phone was "true." He could not account for the 430 red phone between his purchase date and 29th August 1998. Treanor denied being recruited by Colm Murphy to join the Real IRA and refused to answer whether he was approached to raise funds for the Real IRA. He denied that it was his role to alert another person to make the warning calls on the 15th August 1998. 15:08

258 Q. So that's a proposition put to him on the basis that it was 430 red phone that was connected to the warning calls?

A. Yes, correct.

259 Q. And his denial is consistent with the Inquiry's working hypothesis on the basis that it is Liam Campbell who is suspected of being the person who was orchestrating that? 15:08

A. Yes. During his final interview Treanor denied being involved in the IRA, the Real IRA, the Continuity IRA or the INLA. He denied that his phone was in contact with other phones used in the planting of the Omagh bomb. When asked how he knew that, he made no reply. During much of Treanor's interviews he remained silent. On 23rd February 1999 Treanor was released without charge. 15:09

260 Q. Does that conclude the piece on Oliver Treanor?

A. It does, yes.

261 Q. Sir, I wonder as we have a few more to do, whether that

would be a convenient moment just to break this afternoon?

CHAIRMAN: Yes, of course.

MR. DE LA POER: And given we have plenty of time in hand, may I propose that we return at 25 past? 15:09

CHAIRMAN: Very well.

THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

CHAIRMAN: Yes, Mr. de la Poer. 15:25

262 Q. MR. DE LA POER: Sir, thank you very much indeed.

Mr. Safranauskas, if we could continue please with your presentation?

A. Yes. 15:25

263 Q. The next individual is Padraig Daly?

A. Yes, a relatively short piece. On the 5th February 1999, the Garda assessed that Padraig Daly was not involved in the Omagh bombing. He was never arrested by the RUC or PSNI in connection with the Omagh 15:25 bombing. However, in August 2007, the PSNI issued a notice that Padraig Daly was wanted for interview.

264 Q. We note in relation to Padraig Daly that despite the assertion and assessment that he wasn't involved, that in fact he did make Detective Superintendent Baxter's 15:26 list of suspects?

A. He did, yes. So he was arrested on 4th November 2000 by An Garda Síochána for unlawful possession of explosives at Dundalk between 13th and 15th August

1998. On 4th November 2000 Padraig Daly was released without charge.

Now Michael McKevitt: On 8th June 2009 McKevitt was found civilly liable for the Omagh bombing, together with Colm Murphy, Liam Campbell, Seamus Daly and the Real IRA. Michael McKevitt died on 2nd January 2021.

265 Q. So notwithstanding the finding in the Breslin litigation, notwithstanding the evidence given by David Rupert about his role as being the person at the very top of the Real IRA, it would appear that from your summary that we haven't identified any evidence of Michael McKevitt having been interviewed as a suspect for the Omagh bombing?

A. That's correct.

Now Declan McComish. First arrested on 4th October 1998 under Section 14 Prevention of Terrorism Act. McComish's arrest followed a search of McComish's address by the RUC on 21st September 1998. He was interviewed a number of occasions between 4th and 10th October 1998.

During his interview he mainly answered "no comment." He denied membership of the Real IRA and involvement in the Omagh bombing. McComish said that on the day of the Omagh bombing between 12 noon and 5:00 p.m. he had been at a bar. On 10th October 1998 McComish was released without charge.

He was further arrested on 17th May 2005 in relation to unidentified LCN DNA profiles which had been obtained from the Omagh bombing. McComish was not interviewed. A DNA sample was taken without his consent and subsequently withheld following discussions with his solicitor. The DNA sample proved negative. On 17th May 2005 McComish was released without charge.

Gerald McMullan. He was first arrested on 21st September 1998 by the RUC under Section 14 of the prevention of Terrorism Act. He was interviewed a number of times between 21st and 27th September 1998, the subject being the Omagh bombing. Hair samples were taken from McMullan but the Codes of Practice were not complied with

266 Q. Just pause there. There are Codes of Practice under Police and Criminal Evidence Act and associated legislation which set out the way in which particular activities by the police should be conducted, they include search, arrest questioning, but they also include the taking of samples?

A. Yes, that's right.

During his interview he denied being a member of the Real IRA. He said he had no knowledge of the car used in the Omagh bombing. In subsequent interviews he mostly answered "no comment" but emphasised that he had no involvement in the Omagh bombing. He claimed that

he had been in Holland at the time of the Omagh bombing and had a "cast-iron alibi".

On 27th September 1999, McMullan was released without charge. 15:31

He was further arrested on 20th June 1999 by the RUC on suspicion of his involvement in the Omagh and Newry bombings and membership of a proscribed organisation. He was interviewed a number of times between 20th and 15:31 23rd June 1999. McMullan answered no comment when asked about telephone evidence on the day of the Newry bombing. In a PSNI document he was described as a "hardened terrorist who does not talk in interview". On 23rd June 1999 McMullan was released without charge. 15:31

Paul Kelly.

267 Q. Just pause here for a moment, remind ourselves please, through you, Mr. Safranauskas, how Paul Kelly fits into our picture? 15:32

A. So Paul Kelly was the conduit between Anthony Donegan and Seamus Daly in the early hours of the 13th August 1998 when the bomb car was stolen from Paul Ward at Macartan's Villas.

268 Q. So we can see that he was arrested on 10th July 1998 15:32 and 12th July, so both of those occasions before the Omagh attack?

A. Yes. He was arrested on the 10th and released on the 12th.

269 Q. Yes.

A. Then he was arrested on 20th June 1999 by the An Garda Síochána for unlawful possession of explosives at Dundalk between 13th and 15th August 1998. Kelly made no admissions during interviews. On 22nd June 1999 Kelly released without charge. 15:33

On 13th June 2003, Kelly was charged with membership of an unlawful organisation. He was released on bail to appear before the Special Criminal Court on 19th October 2004. Kelly has never been arrested or interviewed by the RUC/PSNI. In 2007 he was wanted for arrest by the PSNI but this request was withdrawn when An Garda Síochána confirmed he had already been interviewed. 15:33 15:34

Peter Campbell: Peter Campbell was first arrested on the 6th May 2000 for unlawful possession of explosives at Dundalk between 13th and 15th August 1998, along with Liam Campbell and Noel McMahon. He was interviewed a number of times between 6th and 7th May 2000. 15:34

So during interview Campbell stated he could not remember where he was on the 15th August 1998. He did not handle any explosives between the 13th and 15th August 1998. Campbell refused to answer most of the Garda's questions. And on 7th May 2000, Campbell was released without charge. Peter Campbell was never 15:35

arrested by the RUC/PSNI for offences in relation to the Omagh bombing.

Kevin Tumelty.

270 Q. Not an individual that we have heard mentioned, I don't think, in Chapter 3 so far? 15:35

A. No.

271 Q. But an individual who, nevertheless, was on the Detective Superintendent Baxter list?

A. Correct, yes. 15:36

There are no records of Tumelty being arrested by An Garda Síochána or the RUC/PSNI in relation to the Omagh bombing. Kevin Tumelty died in 2003.

15:36

Michael Broderick: He was first arrested on 21st September 1998 by the RUC in relation to the Omagh bombing investigation. He was interviewed a number of times between 21st and 27th September at Gough Barracks. 15:37

So during interview Broderick stated that he was likely at the pub on 15th August 1998. He gave details of his and Shane Broderick's movements on the 14th and 15th August 1998. He maintained that he had no involvement 15:37 in the Omagh bombing. He said that Shane had told him "Michael" that he "Shane" had been asked to join the Continuity IRA. On 27th September 1998 Broderick was released without charge.

Shane Broderick: He was arrested on 21st September 1998 by the RUC in relation to the Omagh bombing investigation. He was interviewed a number of occasions between 21st and 27th September also at Gough Barracks. 15:38

During interview Broderick denied involvement in the Omagh bombing and denied that he had anything to do with bombs or stealing cars. On the day of the Omagh bombing he "could have been" in Newry with his uncle collecting a car and subsequently went fishing. On 27th September 1998 Broderick was released without charge. 15:38

Joe Fee: He was arrested on the 20th June 1999 by the RUC in relation to the Omagh and Banbridge bombings and his membership of the Real IRA. He was interviewed on over 30 occasions. During the interview he answered "no comment." On 23rd June 1999, Joe Fee was released without charge. 15:39

He was further arrested on 27th July 2000 by the An Garda Síochána for unlawful possession of explosives at Dundalk between 13th and 15th August 1998. During interview Fee mainly answered "no comment" but stated he could not remember where he was between 13th and 16th August 1998. On 20th July 2000 Fee was released without charge. 15:39

Derek 'Shanty' Brady: So Derek 'Shanty' Brady was first arrested on 21st February 1999 by the An Garda Síochána for unlawful possession of explosives at Dundalk between 13th and 15th August 1998. He was interviewed a number of times between 21st and 24th February 1999 at Monaghan Garda Station.

But during interview Brady said "so what" when he confirmed he had the 259 yellow phone on the 15th August 1998.

272 Q. Just pause there, that's an admission in interview relied upon in the provisional attribution that you ran us through in Part 2?

A. Yes, it is. When asked what involvement he had in Omagh he stated, "Can honestly say I had none." He could not recall Terence Morgan telephoning him. Seamus Daly "could have" called him on 15th August 1998 but he could not recall. He confirmed he knew Joe Fee but could not recall whether he called him on 15th August 1998. On the day of the Omagh bombing he was working in Dublin and travelled back to Dundalk. He was at Kevin Murray's house when he saw the news alert about the bombing.

273 Q. If we just pause there. Kevin Murray, a man that we learnt more about this morning, he was convicted together with Derek 'Shanty' Brady in connection with the 21st of March arrested red-handed case?

A. Yes, that's correct. On 24th February 1999 Brady was

released without charge.

Anthony Donegan: So Anthony Donegan was first arrested on 30th September 1998 by the An Garda Síochána for membership of an unlawful organisation. He was interviewed a number of occasions between 30th September and 2nd October 1998. Donegan stated in interview that he knew nothing but stated if he did he would assist the AGS. He denied involvement with the Real IRA or the INLA. He denied taking the bomb car from Carrickmacross or having anything to do with the Omagh bomb. On the night of the 12th August 1998 he was at home with his girlfriend in Dundalk. On 2nd October 1998 Donegan was released without charge. 15:43 15:43 15:44

He was further arrested on 21st June 1999 by the An Garda Síochána for unlawful possession of explosives at Dundalk between 29th July and 1st August 1998. He was interviewed a number of times between 21st and 24th June 1999. Donegan stated he could not recall his whereabouts on 1st August 1998. He said he committed robberies but was not into bombings. He confirmed he grew up with Paul Kelly and his brothers. Donegan appeared to admit buying the Omagh bomb car. He was asked whether he was used to buy the car, he replied "That's basically it, you're saying a lot of true things there." Donegan confirmed the notes of the interview were correct but he refused to sign them. From a review of other interviews it is understood that 15:44 15:45

he has referred to stealing the car rather than buying it

274 Q. So that the word "buying" is used as a euphemism for stealing?

A. Yes. In a later interview Donegan, when it was suggested to him he was involved in stealing the Omagh bomb car on 12th/13th August 1998, Donegan stated, "From what you are saying in the phone calls, things don't look great for me, I'm in a spot." He went on to say, "Why didn't I buy a car for the Omagh bomb if I bought one for the Banbridge bomb?" Donegan confirmed it was close enough when the Garda suggested Frank McGuigan likely did not want Donegan back after what happened in Banbridge. Donegan drew a sketch during interview which Garda officers said identified the location in Carrickmacross where Donegan had stolen the car. This diagram we have already seen in Part 3. 15:45 15:46 15:46

275 Q. I think when we saw it there you drew attention to similarities in the road structure as shown in the second attempt and the layout of the streets in Carrickmacross? 15:47

A. That's right, yes, specifically Macartan's Villas.

On 24th June 1999 Donegan was released without charge. On 2nd November 1999 An Garda Síochána submitted a file to the Office of State Solicitor for direction on the larceny of the bomb car. The submission noted that Donegan admitted in unsigned notes taking this car. 15:47

On 2nd November 2000, Donegan was produced from

Mountjoy Prison and interviewed by An Garda Síochána for unlawful possession of explosives at Dundalk between 12th and 15th August 1998. He was interviewed a number of times on 2nd November 2000.

15:48

Donegan answered "No comment" but stated "I have no information that might help you." He said could he not remember his movements between 12th and 13th August 1998 because of the time that had passed. When asked why he rang Paul Kelly at 2:28 on the same morning the car was stolen from Carrickmacross he stated he grew up with Kelly and could not remember what that was all about. Donegan denied that he assisted in bombing anyone nor did he know anyone who loaded any bomb. He denied involvement in the Omagh bombing.

15:48

15:48

On 2nd November 2000, Donegan was released without charge.

On 25th November 2002, the Director of Public Prosecutions confirmed there was insufficient evidence to prosecute Donegan for failing to provide information as to the identity of a driver in relation to the theft of the bomb car.

15:49

15:49

Further arrest on 7th February 2005 by the PSNI under the Terrorism Act, he was interviewed a number of occasions between 7th and 8th February 2005. Donegan stated in interview that he did not take any car, "I

did not conspire to cause any explosion." Donegan was taken through his Garda interviews. He raised issues about the interviews and refused the admissions he was said to have made. He stated did he not admit to stealing a car. He acknowledged that he drew a sketch in one of his interviews but stated that he showed how he knew and drove through Carrickmacross not how he stole the bomb car.

15:50

On 8th February 2005, Donegan was charged by the PSNI for making a car available to another person in connection with an act of terrorism. On 9th February 2005 Donegan was remanded in custody. On 4th March 2005 an application for bail was refused by the High Court.

15:50

On 27th June 2005, the PPS directed not to prosecute Donegan. The prosecutor concluded that: "It was likely a court would find the actus reus of the offence was complete in the Republic of Ireland so there was no jurisdiction to try him in Northern Ireland and, there was insufficient evidence to establish that Donegan knew of the involvement of Paul Kelly in terrorism at the relevant time."

15:51

15:51

Finally Aidan McMahon.

276 Q. Pause there for a moment. We've heard about Mike Broderick and Shane Broderick, those two men were brothers, weren't they?

A. Yes.

277 Q. And Aidan McMahon is their uncle?

A. Yes. So he was arrested on 21st September 1998 by the RUC and interviewed a number of times, the subject being the Omagh bombing. On 24th September 1998, McMahon was released without charge. That concludes the presentation. 15:51

278 Q. That concludes the work that you've done to assist us with presenting what each of the 19 suspects on the Baxter list said or did not say when interviewed by the police? 15:52

A. Correct.

279 Q. Thank you very much indeed Mr. Safranauskas, that concludes the questions that I have for you. And, Sir, that concludes the evidence that the Inquiry Legal Team have prepared for today. I wonder if it might be helpful if I just trail what is likely to happen in the next two days? 15:52

CHAIRMAN: Yes, I'm sure it would.

MR. DE LA POER: So there are two pieces of evidence that we will present to you tomorrow Sir, the first is the remaining part of the pre-reported An Garda Síochána interview that took place in Dublin some weeks ago now. That will take about 20 minutes. And then we will move straight to the evidence of DCI Peter Billingsley, who will return for the final time in Chapter 3, to help us with the statement that he's prepared in relation to suspects. That will be the totality of the evidence tomorrow. It may be we will 15:52 15:53

finish slightly before 4:30, I don't know, but whether we do or we don't the evidence of former Superintendent Baxter will start at 10:00 a.m. on Thursday. So contrary to the timetable which allowed for the possibility of Detective Superintendent Baxter coming tomorrow, we will start him on Thursday at 10:00 a.m. So I hope that that is helpful. 15:53

CHAIRMAN: Yes, it is, thank you very much.

THE INQUIRY ADJOURNED UNTIL WEDNESDAY, 11TH NOVEMBER 2026 AT 10:00 A.M. 15:54

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