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WEDNESDAY
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Omagh retrial may be halted

Medical reports claiming the only man jailed in connection with the Omagh bomb massacre suffers brain damage will be accepted as evidence in a legal bid to halt his retrial.

Colm Murphy, 53, is trying to thwart attempts to bring him before the courts again on conspiracy charges linked to the 1998 blast in Northern Ireland which killed 29 people, including a mother pregnant with twins.

Dublin High Court judge Iarfhlaith O`Neill said he would take into account new evidence that Murphy`s short-term memory loss as a result of a car accident before he was arrested would interfere with his right to a fair hearing.

But Irish state prosecutors will insist the Co Armagh man with an address at Mount Pleasant, Dundalk, Co Louth, must be retried.

Michael O`Higgins SC, for Murphy, read out testimony from his client, who sat alone at the back of the court, dressed in a pinstriped suit and open neck blue shirt, during the judicial review hearing.

In it, the accused said he was once an accomplished business man in the construction industry, involved in high-profile projects including work on Dublin City University.

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He said his business had now been destroyed while his marriage broke down under the strain of the case, forcing him to separate from his wife.

"I was previously a man of some means, now I have no means," he said.

Murphy was freed on bail in 2005 after the Court of Criminal Appeal overturned his 14-year sentence and quashed his conviction on conspiracy charges linked to the Omagh bomb outrage.

A retrial was ordered after it was found the original trial court failed to give proper regard to altered interview notes by investigating gardai.

The retrial - supposed to open in the non-jury Special Criminal Court last January - was postponed to allow for the judicial review challenge.

Murphy has claimed that brain damage and short-term memory loss as a result of a 1988 car crash would interfere with his right to a fair hearing.

It is alleged the accused lent a mobile phone for use in the Real IRA bomb outrage, the single worst atrocity in the recent conflict in Ireland.

Mr O` Higgins has told the judicial review the charges were based solely on a hotly-contested alleged admission by the accused during an interview with investigating gardai.

The barrister said there was no video footage of the interviews and interrogation notes varied greatly with some confined to key words or phrases.

Mr O` Higgins said his client`s memory difficulties made it difficult for him to meaningfully and accurately challenge what was said in the garda interviews as set out by the detectives` notes.

The medical tests on the accused concluded he had suffered brain damage in a car accident in 1988 leaving his short-term memory impaired.

Mr O` Higgins also argued that there have been substantial delays - of a prosecutorial and systemic nature - in bringing the case, which amount to an interference of Murphy`s right to a fair trial.

Shane Murphy SC, for the Director of Public Prosecutions, will outline the state`s opposition to the application to stop the retrial.

Two detectives accused of forging interview notes and committing perjury during Murphy`s trial were last year acquitted of the charges.

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