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Viewpoint: Worthwhile case in Omagh fight

Monday, April 07, 2008

Almost a decade after blood ran on the streets of Omagh, the searing pain of the single worst atrocity in the Troubles still bites.

The start of another round of legal action, scheduled to begin in Belfast today, is a heavy reminder that the effects of largescale human slaughter do not simply fade with time. This latest phase of the case is a civil action; an ironic name for an attempt to redress one of the most uncivilised acts perpetrated in the sea of cruelty that was our conflict.

Omagh was mass murder. On a mild August Saturday, weeks after the people of Northern Ireland and the Republic had affirmed their rejection of political violence, a single car bomb planted by dissident republican terrorists wiped out 31 lives - 29 adults and children, and two unborn. The blast caused terrible suffering to hundreds of other innocents: the wounded and maimed, the bereaved, those traumatised by the sight or knowledge of what was perpetrated in Market Street on a sunny afternoon in 1998. It was an act that cried out for justice, but justice has been scarce. The decade that has passed since then has seen a frustrating series of failures in the hunt for the bombers, culminating in the long criminal trial that ended ignominiously last December.

One man has been convicted in a conspiracy case concerning the attack. Despite extraordinary efforts and expenditure, no one has been held to account for the murders. The civil action brought by relatives of the dead is the latest, perhaps the last attempt to close that wound. It is an unusual legal avenue, certainly almost unique in Northern Ireland. Lawyers acting for the relatives have served writs on five men they suspect of having a role in the bombing. The families are seeking compensation in excess of £14 million. But whatever amount the court might see fit to award is not of the first consequence.

What's really important here is the question of responsibility. The civil action requires a lower standard of proof. In a criminal trial, accusations must be proven "beyond all reasonable doubt" - in other words, to the jury or judge's complete satisfaction.

In a civil case there is room for some doubt. The Omagh families must show the five men were involved in the bombing "on the balance of probabilities". Any doubt in a matter of such consequence is not ideal. Although the liberty of the five defendants is not at stake, pinning blame on innocent men would not deliver the justice so utterly required in this case.

But the relatives are also entitled to take the action and make their case, and the High Court will no doubt tread carefully. And the case may answer some of the lingering questions about the failings of our justice and security systems.

Those failings have been serious, but are as nothing to the awful act that set this long legal process in train. Nothing should obscure the fact a handful of people callously stood at a distance and took life on a terrible scale. If this case can apportion blame where it is properly due, then it will have been worthwhile.

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