



PICK THE SCORE for your chance to win £2,500 and some super prizes



- [News](#)
- [Sport](#)
- [Business](#)
- [Opinion](#)
- [Life & Style](#)
- [Entertainment](#)
- [Jobs](#)
- [Cars](#)
- [Homes](#)
- [Classified](#)

- [Local & National](#)
- [World](#)
- [Politics](#)
- [Property](#)
- [Health](#)
- [Education](#)
- [Business](#)
- [Environment](#)
- [Technology](#)
- [Video](#)
- [Family Notices](#)
- [Crime Map](#)
- [Sunday Life](#)
- [The CT](#)

The digital gateway to Northern Ireland news, sport, business, entertainment and opinion

[Home](#) > [News](#) > [Local & National](#)

Call for apology as Omagh trial officers cleared of wrong-doing

Saturday, 21 February 2009

The detective in charge of the Omagh bomb inquiry last night launched a devastating attack on the trial judge after two police officers he accused of lying were cleared by an official probe.

Former Chief Superintendent Norman Baxter demanded that Mr Justice Weir retract and apologise, claiming the officers had been grievously and publicly wronged, left humiliated, their reputations shattered and personal integrity dissolved.

Innocent people in a modern democracy should not be subjected to such castigation, he said.

And he added: "I know that if I, as a crown servant in a senior position of authority, had incorrectly and publicly asserted an individual was lying or involved in 'deliberate and calculated deception', I would have been immediately removed from duty by the Chief Constable."

His criticism followed a decision by the PPS in Belfast that the two officers would not be facing perjury charges.

Both were investigated by the Police Ombudsman's Office, who found that part of their evidence which was challenged by Mr Justice Weir was accurate and correct.

The marathon trial ended in December 2007 with the acquittal of Sean Hoey, from south Armagh, who denied murdering 29 people in the Omagh atrocity.

The judge said he believed the officers had not told the truth about the wearing of forensic clothing while investigating an unexploded mortar bomb left at a forest in Altmore, Co Tyrone, in April 2001 — an incident linked to the series of charges Hoey faced.

Mr Justice Weir said he found "deliberate and calculated deception in which others concerned in the investigation and preparation of this case for trial beyond these two witnesses may also have played a part".

His comments were based on a photograph presented to him in court which showed the officers without suits. But the post-trial inquiry confirmed the photograph was taken after they had removed the clothing they wore while examining the scene.

Mr Baxter (48) who headed the Omagh investigation from May 2002 up until his retirement from a 28-year police career in November last year — said he found the situation incredible.

He said: "I can fully understand why the relatives of those brutally murdered in Omagh on 15th August 1998 lack confidence in the totality of the criminal justice system. The wider community in Northern Ireland must be asking 'How can this be? How can a trial which lasted for such a long period of time fail to establish the sequential order of a series of photographs at the Altmore scene?' The significant and personal distress and pain caused to my colleagues, who as professional public servants attended court to give evidence in good faith, must also be recognised.

"These police officers found themselves publicly vilified and effectively convicted of perjury by sections of the media. The Police Ombudsman's report demonstrates this was a grave injustice."

The two exonerated officers are Detective Chief Inspector Philip Marshall and Constable Fiona Cooper. Mr Marshall's brother Michael (25) was shot dead in an IRA ambush on his unmarked patrol car as he investigated a rape claim in Armagh in October 1989.

In a statement Mr Baxter added: "It is difficult to imagine the injury to human feelings and the

Related Articles

- [Police find lost evidence sought for Omagh civil case](#)
- [Man acquitted in Omagh trial may take action](#)

[Print](#) [Email](#)

Search [Go](#)

Bookmark & Share

- [Digg It](#) [del.icio.us](#)
- [Facebook](#) [Stumbleupon](#)

What are these?

Change font size: [A](#) [A](#) [A](#)

In Pictures: Northern Ireland Nightlife



Had a big night out? Click here to send us your pics



germanwings

DISCOUNT FLIGHTS!

MADE IN GERMANY.

SEVERAL TIMES A DAY TO COLOGNE.

From **£13⁹⁹**
INCLUDING taxes and fees

public humiliation caused to these public servants over a prolonged period of time.

"Their reputations were shattered and their professional integrity dissolved. Innocent people in a modern democracy should not be subjected to such public castigation.

"The stain on the character of these officers has now been removed. However, the wording of the judgment remains on the court record and it is my view that Mr Justice Weir should retract paragraph 50 of his judgment in light of the evidence established by the Police Ombudsman. Furthermore, police officers, directly or through implication, accused of lying and 'deliberate and calculated' deception should receive a public acknowledgement that this was not the case, and an apology."

Mr Baxter said there was the wider issue of public accountability of the judiciary in Northern Ireland, and he believed he and his officers had been grievously and publicly wronged by the judge's comments.

He added: "Regrettably, I have to ask the Lord Chief Justice (Sir Brian Kerr), as President of the Courts of Northern Ireland and Head of the Judiciary, to publicly state what his views are on this issue in the context of rulings by the European Court of Human Rights."

The Lord Chief Justice's Office responded to the ombudsman's findings last night.

"Mr Justice Weir made his comments in the judgment on the basis of the evidence put before the court," said a spokeswoman.

"The ombudsman has stated that it was 'understandable the judge came to the conclusion that he simply did not know whether he could believe the officers or not'."

Results by

[John Hunter Glazing](#)
Belfast Glaziers
Glaziers

[Adran Solutions](#)
Specialist Software
Development For HR
Functions In SMEs & Large
Companies
Computer Services

[Wheatcross Construction](#)
Shop & Office Fitting
Company, Provincewide
Coverage
Shop Fitters

[Kearney Consulting Ltd](#)
EPC's And Building
Surveys
Surveyors - Building

[Wilsons Auctions](#)
Auctioneers & Valuers
Auctioneers & Valuers

Post a comment

Limit: 500 characters, left: 1000

[View all comments](#) that have been posted about this article

* Name (only this field displayed)

* Email

* Town/City

* Country/State

* Required field
 Remember Me

Offensive or abusive comments will be removed and your IP address logged and may be used to prevent further submissions. In submitting a comment to the site, you agree to be bound by BelfastTelegraph.co.uk's [Terms of Use](#).

Posts submitted in UPPERCASE letters will be rejected.

Also in this section

- Nurses 'forced to put dirty sheets back on beds'
- Final images of rail track murder teen Ryan
- Jealous farmers 'hired hitman'
- Ex-City surgeon struck off for 'barbaric' practices
- Puppy hanging horror

Northern Ireland Troubles Gallery



1988 - Corporals stripped, beaten and shot dead

In Pictures: Fashion & Showbiz



What's hot on the catwalks

Most popular

1. In Pictures: Oscars 2009 Slumdog cleans up
2. In Pictures: Funny football chants
3. Man United boss Ferguson slams Wenger's transfer policy
4. In Pictures and Video: Oscars 2009 Winners
5. Oscars 2009: Kate Winslet scoops best actress
6. Dying Jade Goody's wedding seals children's future
7. Ex-City surgeon struck off for 'barbaric' practices
8. In Pictures: Miss World 2008
9. Jealous farmers 'hired hitman' **NEW**
10. Man's body is found by his fiancée

In Pictures: All Our Yesterdays



Ulster under snow

Starting a Business?

chooboo

Results by

[Community Transport Association](#)

Affordable, accessible transport for community groups and individuals in all areas. Door to door ...

[Mini Bus Hire](#)

[JW Personal Training](#)
Free Consultations. Get The Results You Want. 1 To 1 Or Group Training. Individual Training ...

[Personal Trainers](#)

[N.K Fencing Ltd](#)

Manufacturer Fencing Systems. Access Control Systems. Fencing Components. Railing Systems ...

[Fencing Services](#)

[Gardiner Bros Wholesale Ltd](#)

Clock And Watch Sales. Clock & Watch Repairs. Trophies & Giftware. Jewellery Wholesalers ...

[Clocks & Watches - Retail & Repairs](#)

[Aquaforce](#)

Bathroom Refurbishment. Plumbing & Central Heating. Complete Building Services. Damp Proofing & ...

[Woodworm & Dry Rot Control](#)

www.chooboo.com

Search [Advanced Search](#) ▶