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Opinion

Omagh in the frame

UTV Insight reporter Sharon O'Neill tonight reveals how a grainy photograph added to the controversy over the investigation into the Omagh bombing

Monday, February 04, 2008

This is the picture which undermined the trial of the only man accused of the Omagh bombing. Tonight Insight reveals, for the first time, photographs unearthed by Sean Hoey's defence which shattered the reliability of two police witnesses.

Last December, south Armagh electrician Sean Hoey was acquitted of the Omagh bombing and a string of other dissident republican attacks.

Mr Justice Weir delivered a judgment which was damning of police and forensic science services.

Two PSNI officers - who stand accused of lying under oath - now face possible perjury charges. They are also under investigation by the Police Ombudsman's office.

Fiona Cooper, who was a Scenes of Crime Officer, and Detective Chief Constable Philip Marshall, claimed they had been wearing protective clothing when in fact they had not.

Their admissions did not relate to the Omagh bombing but to other charges levelled against Hoey, in a case largely built on forensic evidence, particularly DNA.

The pictures of Fiona Cooper relate to the scene of a bomb attack at Forkhill in south Armagh in 1998 and they clearly show her wearing civilian clothing.

In an exclusive interview with Insight reporter Sharon O'Neill, Chief Constable Sir Hugh Orde defends not suspending the pair.

He tells her: "The power to suspend is ours but I have to have the right information. The information I have currently tells me these officers need to be repositioned. They do not need to be suspended in my judgment and I stand by that."

But he admits the PSNI has been damaged by the fall-out from the Hoey trial. He says: "Well, it's in the last five years and everything that's gone on in Northern Ireland has been under my watch. I'm not shying away from that. That's why we're having this conversation."

Sir Hugh's predecessor Sir Ronnie Flanagan is under growing pressure from Omagh relatives to quit as an Inspector with Her Majesty's Inspectorate of Constabulary.

He was in charge of the RUC during the first investigation into the Omagh bombing which was later exposed as deeply flawed by the Police Ombudsman.

In his judgment, Mr Justice Weir branded the police's gathering of evidence for forensic testing as "thoughtless and slapdash" with items being handled with "cavalier disregard" for their integrity.

Sharon O'Neill requested an interview with Sir Ronnie a number of times but got no response. However she did get an interview as he left a meeting with Victor Barker, whose 12-year-old son James died in the Omagh bombing.

Sir Ronnie apologised for not bringing the bombers to justice but refused to accept that the first investigation was shambolic.

"I certainly wouldn't describe the investigation in that way and I'm personally desperately sorry it hasn't produced a positive result," he told her.

"If you speak to the investigative officers in Omagh they don't consider it having been the first investigation and second investigation; they consider it having been a continuous investigation. Comments by the judge

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were actually relating to other incidents, not specifically in regard to the Omagh bombing investigation."

But Sir Hugh Orde clearly lays blame at the feet of the first investigation.

"The Police Ombudsman's report is clear and very critical of a number of issues around the first investigation which is why we took it up. We realised we had to do something else. We would give it our best shot. We put a very experienced team of people on it and we got to where we got to but we didn't deliver an outcome," he says.

When Sharon O'Neill asked if police were to blame for not bringing the bombers to justice, he says: "Well everyone has to accept some blame. It's always more difficult second time around."

Insight also reveals tensions between PSNI officers and some Omagh families in the months leading up to the verdict.

At one point police refused to attend any more meetings with the Omagh Support and Self Help group.

Carol Radford, whose brother Alan was killed in the bombing, recalls one heated meeting. "The families were angry and I said to the investigating officer, there were more holes in it than a colander. Basically we just felt that we had been drip fed b*****t over a four-and-a-half year period," she says.

Relatives also question the impartiality of the Policing Board – set up to hold police to account.

Concerned by revelations during the trial, some families requested the board send an observer to monitor the case on a daily basis.

In a letter the body ruled this out, stating: "Members have decided that we will continue to keep ourselves informed about the progress of the trial and that we will have a presence in court when the judge does his summing up."

In addition the board received private briefings on the progress of the trial from senior officers within the PSNI.

Sharon O'Neill challenged board chairman Sir Desmond Rea on this.

He says: "I think what is being referred to there - and maybe the words are not as carefully chosen as they should have been - would have been that we would, on the basis of what we were picking up, in the terms of the ongoing development of the trial, interrogate the Chief Constable and his colleagues in respect of that."

However Michael Gallagher, whose son Aidan was killed in the bombing, says: " I think it was wrong that they listened to the account of the police or indeed the families. I think they should have made their own mind up."

Flaws in the gathering of forensic evidence and its storage are also scrutinised on Insight.

Stan Brown, Head of FSNI, tells Insight: "I feel deeply for them, as everyone, any right thinking person, would for the families and what they've been through for the last 10 years. If we've contributed in any way to their suffering, I would apologise for that, but you have to remember the circumstances, it was 10 years ago."

Insight also looks at Low Copy Number DNA which was key to the Hoey trial. The technique, which enables DNA to be extracted from a tiny amount of material, was branded unreliable by the judge.

Such was the controversy, testing was temporarily suspended in the UK. It has been resumed in England and Wales but not in Northern Ireland.

Paul Hackett, of the Forensic Science Service in Birmingham, which invented the technique, tells Insight: "I think inevitably there will be some public perception that has damaged the reputation of Low Copy Number. However, it is unfounded in my view and in the view of the Forensic Science Service. This technique is extremely reliable, extremely robust."

Insight, Justice Lost, tonight at 8pm on UTV

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