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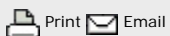
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In Omagh, justice is more important than revenge

By Maurice Hayes
Friday December 21
2007

THE verdict of the Omagh trial will come as a disappointment to many, particularly the families, but it should not have come as a surprise given the

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SEANAN MOLONY POLITICS

circumstantial nature of much of the evidence, the shoddiness of the presentation and the reliance on a highly contestable form of DNA analysis.

No one could have expected a judge of the rigour, integrity and intellectual honesty of Mr Justice Weir to come to any other conclusion.

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The scenes of devastation in Omagh, but ten years down the line the trail has gone cold in finding those responsible for the carnage

The result is that no one has yet been convicted of making the bomb which caused the worst atrocity of the Troubles, the one with the highest international profile, and the one in which most had been invested in terms of police time and political credibility.

It now seems more than likely that no one will ever be brought to book -- at least on this side of the grave.

This is a shattering blow to the families of the victims, to all those who were injured, some grievously, on that dreadful day in August, and to the community of Omagh who have spent the intervening years coming to terms with the events which have left both physical and psychological scars.

However much they might have hoped for what is now called closure in the conviction and imprisonment of those responsible for the mass murder, they cannot have much hope for a better outcome.

Fruitless

Calls for a sworn public inquiry will be made, but to what end, especially with the expensive and largely fruitless example of the Saville inquiry into the events of Bloody Sunday.

Neither is there any likelihood of better evidence being produced, of people being more ready to come forward and name names in open court of the guilty parties, for there must be many (and some not far from Omagh) who know them.

The probability of any of this happening recedes by the day. Now, 10 years on, the trail grows cold, the callousness of history dismisses the events from public memory, and the likelihood of a resolution recedes.

This might now indeed be what the families have to live with, the added legacy of that awful day, the cross they have to carry into the future.

Mr Justice Weir's judgment calls into question the validity of the technique known as low copy DNA.

The scientific credentials of this process were seriously contested by expert witnesses for the defence. It is not used by the Irish authorities, and it totally failed to convince the court in this case.

It looks remarkably like the technique being used (with the help of a British laboratory) by the Portuguese police to insist on the involvement of the McCanns in their daughter Madeleine's disappearance, and which is regularly derided in the British media as an example of foreign credulity and ineptitude.

Mr Weir's main reservation has been that those basing and presenting a case on this flimsy evidence did not admit of the possibility of doubt, as he put it, of any shade of grey, of the possibility of error -- in this case, of major error.

Mr Weir's other criticism is more serious, because of its impact on the reputation of the PSNI and public confidence in policing generally.



• **Put us out of our misery Bertie -- give us all a break**

THE only person who can stop this dreadful drip, drip of revelation, a political version of Chinese water torture for every citizen, is the Taoiseach himself.

MARY KENNY OPINION



• **Only lawyers divorced from reality support clean breaks**

Some of the most strangely cordial relationships occur between couples who have separated and divorced -- and, after a few years' non-communication and healing -- have returned to a mellow friendship. Indeed, some ex-spouses get along so well, as friends, you wonder why they split up in the first place.

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It involved what should be standard, routine police procedures in the preservation and handling of evidence and forensic exhibits.

He also regards two police officers as having beefed-up their evidence to buttress a flagging case, to make a flimsy prosecution more supportable.

He has referred the papers to the Police Ombudsman to investigate the behaviour of those concerned, presumably as an alternative to prosecution for perjury.

This will be the second time the Ombudsman has been involved in Omagh.

Previously, Nuala O'Loan made an early and dramatic intervention on the question on the quality of the police investigation in the initial stages, and for not having acted on intelligence from an informant.

There is little doubt that the previous Ombudsman's report increased the pressure on the police and the prosecuting authorities to come up with a result.

On the broader political front there are unlikely to be major repercussions.

This crime has been claimed -- and always accepted -- as the work of dissident republicans.

There has not been any suggestion of Provisional IRA involvement, and hence no linkage to Sinn Fein.

Unlike the murder of Paul Quinn, there is no possibility of a political backlash which would produce a demand for Sinn Fein to quit the executive.

Despite the promises of Tony Blair and Bertie Ahern that the culprits would be pursued to the ends of the earth, there is unlikely to be any immediate, or indeed long-term fall-out from the acquittal of Mr Hoey.


Time passes, life moves on, a week is a long time in politics, and much as it is to be regretted. Culpability for Omagh and the conviction of those responsible, while desirable, has ceased to be a political imperative.

It is, of course, a blow to those who believe in the inevitability of justice, of guilt being followed by apprehension, leading to punishment -- which is the least that the families might expect.

The victor in the end, however hard to swallow, is the rule of law, in Mr Justice Weir's refusal to accept less than convincing evidence, less than compelling proof of guilt.

In the long run, too, democracy is better served by the rule of law than a simple desire for vengeance.

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 Hurra for a reasoned opinion on this case. It is a pity that nobody has, as yet, been convicted of the atrocity. The judge, being a fair man, could not do other than acquit the accused. The PSNI investigation was reminiscent of previous cases where they only had to find a Catholic, haul him up before a biased judge and stick the poor man in jail. God bless Justice Weir.

Posted by Brian O Cinneide | 21.12.07, 12:03 GMT

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