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McKevitt's High Court secret files fight fails

By Staff reporter

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CONVICTED paramilitary leader Michael McKevitt has failed in a High Court bid to gain access to top-secret security service documents.

...ing at the Omagh bombing with the judge Mr Justice Morgan dismissed a disclosure application

lodged by McKevitt as part of attempts to destroy the credibility of an FBI spy who infiltrated the Real IRA.

McKevitt, one of five men being sued over the August 1998 atrocity which killed 29 people including a woman pregnant with twins, had claimed his right to a fair trial was damaged by withholding relevant material on David Rupert.

Rupert, a US trucker-turned intelligence agent who also collaborated with the British secret service, was a key prosecution witness when McKevitt was found guilty of directing terrorism and jailed in 2003.

Although the spy is now in hiding and will not testify at the landmark claim for millions of pounds in damages against McKevitt, Seamus McKenna, Liam Campbell, Colm Murphy and Seamus Daly, Mr Justice Morgan has already ruled that his hearsay evidence can be introduced.


But McKevitt's lawyers wanted a raft of confidential information released to them including:

- details of all meetings and correspondence between MI5 and Rupert
- a forensic copy of all email traffic between Rupert and MI5
- copies of all documents and recordings the spy sent to agents
- all material for a book Rupert planned to write about his de-ployment in Ireland including conversations with handlers
- material that suggested Rupert was coached, hypnotised or trained to enhance his evidence
- details of all contracts, agreement and payments made to or requested by him
- debriefings he gave on Omagh
- details of communication between the FBI and gardai about Rupert's role in Ireland
- details of the authorisation provided for his deployment.

Michael O'Higgins SC, for McKevitt, claimed he was entitled to all relevant documentation under the Administration of Justice Act but Bernard McCloskey QC, for the security services, successfully used competing legislation to resist disclosure. He insisted the Security Service Act prohibited the release of such materials.

The trial was adjourned until Monday, when it moves to Dublin to take evidence from Garda witnesses.

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