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Surveillance contradicts spy claims about McKeivitt

BY Staff reporter

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Surveillance logs contradict FBI spy David Rupert's claims about jailed Real IRA leader Michael McKeivitt

attending a paramilitary army council meeting, the Omagh civil action heard yesterday.

As lawyers for McKeivitt closed their defence at the marathon High Court case in Belfast, they urged the judge to take into account the impact of that material's late disclosure on criminal proceedings in Dublin.

The court heard that details emerged only after Mr Rupert, the American trucking boss who infiltrated dissident republican ranks, finished giving evidence at the 2003 trial where McKeivitt was convicted of directing terrorism.

He was found guilty after sacking his legal team and remaining unrepresented for much of the hearings.

McKeivitt's barrister, Michael O'Higgins SC, told the landmark litigation hearing that it was anticipated that lawyers for relatives of those killed in the August 1998 attack on Omagh would rely on events at the Dublin trial during their closing submissions.

Mr O'Higgins stressed how Mr Rupert's statement included claims about McKeivitt attending an 'army council' meeting in 2000.

"Mr Rupert gave his evidence [in Dublin] and was cross-examined and the case then moved to surveillance evidence," the barrister said.

"Only at that juncture there was disclosure to the defence to the effect that Mr McKeivitt couldn't have been at this army council meeting because he had been under surveillance by An Garda and placed elsewhere."

With McKeivitt having failed to have the criminal case halted due to the late disclosure, he dismissed his lawyers.


"That was the decision he elected to make and he lived with the consequences," Mr O'Higgins said.

"If he takes a decision within a criminal trial not to participate, that's his decision but it shouldn't have an adverse affect on him in any other proceedings.

"There was late disclosure in the case. It was past Mr Rupert's cross-examination and it was in circumstances where the defence team said 'If we had known that we may well have approached that differently'.

"He had no one on his behalf to perform the rather difficult function of pulling all the strands of what Mr Rupert said in his testimony and what the relevance of it was," he said.

Closing submissions by both sides in the case are due to begin next week.

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