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Wednesday, August 13, 2008

## Families feel frustrated by investigation's legal legacy



The scene on Market Street, Omagh, after the car bomb exploded on Saturday, August 15, 1998. The attack claimed the lives of 29 people. Photograph: Paul McLernane/AP

Court rulings in two separate Omagh trials have spelled trouble for key police witnesses, writes **Dan Keenan** Northern News Editor

JUST ONE man has been convicted in relation to the Omagh bombing. But that decision has been overturned and a retrial ordered. That too is being contested.

Just one man has been accused of the murders of 29 people including a woman pregnant with twins. But that case was thrown out with the judge accusing key police witnesses of "calculated deception".

Because of this, some relatives of those who died in Omagh 10 years ago have opted for a civil action against the men they believe were responsible for the outrage, believing that the chances of seeing convictions secured in a criminal court are all but gone.

They have raised some £14 million (€17.8 million) to finance the action which has, unusually, heard evidence in courtrooms in both Belfast and Dublin earlier this year. The taking of evidence in Dublin was facilitated by an EU directive on co-operation between the courts of member states. The civil action ruling is still awaited.

Omagh has already spelled trouble for the police on both sides of the Border, as evidenced by the damning criticisms published by Nuala O'Loan's Police Ombudsman's office.

Courts in both jurisdictions have not stepped back from their criticisms either. Freeing Sean Hoey, the South Armagh man accused of the murders, Mr Justice Weir said of the evidence of two officers: "I am left in the position that I do not know what if anything I can believe of the evidence of these two and I am satisfied that, had photographs not been available to gainsay their lies they would have persisted in seeking to, and very possibly have succeeded in convincing me [that they were telling the truth]."

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He added such "deliberate and calculated deception" made it impossible for the court to accept anything they said "since I have no means of knowing whether they may have told lies about other aspects of the case that were not capable of being exposed as such".

With those withering comments he announced that he had ordered trial transcripts to be submitted to the police ombudsman for further consideration.

Outside the court, Mr Hoey's mother, Rita, said: "I want the world to know that my son, Seán Hoey, is innocent. The authorities North and South have held two separate trials, but one witch-hunt." In the Republic, the only man convicted so far in relation to the bombing in either jurisdiction, had his conviction overturned on appeal.

Colm Murphy, with an address at Ravensdale, Co Louth, is facing a retrial - which he is contesting - after the Court of Criminal Appeal found in 2005 that the Special Criminal Court's conviction was "unsafe" on two grounds.

The first ground related to the Special Criminal Court's approach to the altering of Garda interview notes in the case and the evidence given on those by two gardaí.

The second ground was the appeal court's view that the Special Criminal Court had engaged in an "invasion of a presumption of innocence" because of its regard of prior convictions.

It had been submitted on behalf of Mr Murphy that the court had failed to either grant a direction or acquit the accused where there was evidence before the court that police witnesses had altered notes of written interviews and had lied under oath. It was also argued the court breached his entitlement to a presumption of innocence by having regard to inadmissible evidence of previous convictions.

Mr Murphy's conviction and 14-year sentence on January 22nd, 2002, was for conspiracy to cause an explosion of a nature likely to endanger life or cause serious injury to property.

Noting the failure of authorities North and South to secure a conviction, the Omagh families are maintaining their pressure for a full, independent inquiry to be carried out on both sides of the Border.

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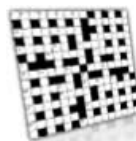
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