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Omagh bomb trial police cleared by ombudsman

Two police officers cleared of lying to the Omagh bomb trial were confused but not deceitful, an official investigation found today.

Northern Ireland Police Ombudsman Al Hutchinson said Detective Inspector Philip Marshall and Constable Fiona Cooper made no deliberate attempt to mislead the court during the marathon trial of a man accused of involvement in the 1998 Real IRA attack.

Confirming speculation that no charges would be brought against the officers, Mr Hutchinson said he had found no evidence to support the claim of judge Mr Justice Weir that the pair had been involved in a deliberate and calculated deception when they gave evidence at Belfast Crown Court.

The trial ended in December 2007 with the acquittal of Sean Hoey, from South Armagh, who had denied murdering the 29 people in the Omagh atrocity and a series of other terror charges.

Delivering his verdict, the judge asked the ombudsman to investigate evidence given by the two officers, who had been involved in collecting forensic material at the site of another bomb, which the prosecution tried to link with the attack on Omagh.

The officers had initially told the court they had worn protective clothing when collecting material from the scene of the unexploded mortar in Altmore Forest, Co Tyrone, but the judge later questioned this when he was presented with a photograph showing them on the site in plain clothes.

An 18-month investigation by Mr Hutchinson's team found that the photo had actually been taken after the forensic tests were completed.

A military specialist at the scene told us one of his last actions was to close the tailgate of the van from which they had gathered the evidence, explained the ombudsman.

In the photograph where the witnesses are not wearing the proper forensic clothing, the van's rear tailgate had been closed and it had been moved from its position in earlier photographs.

In another photograph, the bagged exhibits can be seen through the window of the closed tailgate.

The military specialist also confirmed that no-one else entered the scene while he secured and packaged the exhibits.

The information the officers gave to the court about the forensic precautions taken at the scene of the mortar bomb was accurate, although confused.

Mr Hutchinson also rejected defence claims that the officers had beefed up parts of their testimony.

The ombudsman found that, while there was confusion over how and when the officers made their witness statements, the actual content was correct.

‘If, by the term ‘beefed up’, it is meant to suggest that police officers added untrue information to their statements, then we have found no evidence that police statements were ‘beefed up’ by the two officers in question or by any others,’ he said.

‘We did find, however, that factually correct information was added to statements. I must also conclude that the two police officers were confused in the evidence they gave to the court.’

Mr Hutchinson said he forwarded a file on his investigation to the Public Prosecution Service (PPS) last year.

The PPS has formally confirmed that neither officer is to be prosecuted and has said a third officer will not be prosecuted in respect of non-disclosure issues.

The ombudsman said he had identified a number of issues and failings that require further consideration, relating to case preparation, documentation and disclosure.

They will be the subject of a further report and recommendations to Police Service of Northern Ireland Chief Constable Sir Hugh Orde, he said.

Meanwhile, the High Court civil action by some of the relatives against the men they claim were responsible for the Real IRA bombing is expected to finish by the summer. The families of the dead have lodged a multimillion- pound compensation claim.

They are also demanding the British and Irish governments agree to a full cross-border judicial investigation into the bombing.

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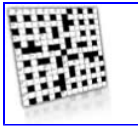
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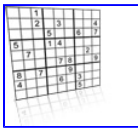
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