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PSNI pair accused of lying not to face charges

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TWO POLICE officers accused of lying by the judge in the Omagh bomb trial will not face criminal charges, it was revealed last night.

The Public Prosecution Service is expected to confirm that Det Insp Philip Marshall and Constable Fiona Cooper will not face legal action after being cleared by an investigation by the Northern Ireland Police Ombudsman Al Hutchinson.

During the marathon trial that ended in December 2007 with the acquittal of Seán Hoey from south Armagh, who denied murdering 29 people in the August 1998 atrocity, Mr Justice Weir accused the two officers of being involved in "deliberate and calculated deception" when they gave evidence at the trial in Belfast.

He said it "made it impossible for me to accept any evidence given by either" witness.

The matter was referred to Mr Hutchinson's office for investigation, and sources last night confirmed his inquiry found no evidence the officers had lied.

A full report of his inquiry is expected to be released within the next few days.

The Public Prosecution Service is also expected to make an announcement that there will be no criminal charges.

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 multi-million pound compensation claim.

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

At the end of the trial of Mr Hoey, Mr Justice Weir described police methods of gathering evidence as "extraordinary", and condemned two police officers for "reprehensible" behaviour in altering their statements.

The prosecutions decision to rely heavily on the use of low copy number DNA evidence (LCN) caused huge controversy.

The method does not produce an exact match with a person's DNA, and is considered so unproven that only two other countries in the world – the Netherlands and New Zealand – allow it to be used in criminal court cases.

Although the prosecution claimed LCN samples linked Mr Hoey to several bombs, a serious crack in their case appeared when forensic expert Dr Peter Gill, a leading authority on LCN, was forced to admit that some of the DNA profiles were “valueless”.

Control samples tested at the same time as parts of a device found in Lisburn, Co Antrim, came up positive for Mr Hoey's DNA type, even though they were known not to contain his DNA.

At one point during the trial the judge ordered an investigation into the conduct of the two officers, who were accused of altering their statements to make Mr Hoey appear more guilty.

This article appears in the print edition of the Irish Times

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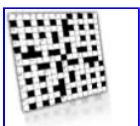
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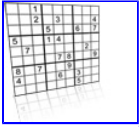
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