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# Taoiseach urged by families to let gardai give Omagh evidence

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By  UOME REILLY  
 Sunday March 02 2008

The families of the Omagh bombing victims have sought the personal intervention of Taoiseach Bertie Ahern to allow two dozen gardai give evidence in their multi-million euro civil case against those they believe carried out the mass murder.

The case is due to begin in five weeks' time, on April 7.

Relatives of the 29 victims are taking the case against convicted Real

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IRA leader Michael McKeivitt and four others, Seamus Daly, Liam Campbell, Colm Murphy and Seamus McKenna.

Although the case is to be heard in Northern Ireland, the relatives want gardai to give evidence "on commission" in Dublin and have already won an agreement from the trial judge.

Mr Justice Morgan said, however, that public interest immunity difficulties might prevent members of the Garda testifying in the North, and earlier this month he said a letter would be sent to judicial authorities in the Republic requesting their assistance to secure the evidence.

That has now been followed up with a letter to Mr Ahern from the Omagh Support & Self Help Group seeking his personal intervention.

"The fact remains that we still require urgent assistance from the Irish Government to bring our case home," the letter, seen by the Sunday Independent, states.

The families are seeking relevant witness statements amassed during the garda investigation and the agreement of certain officers to provide expert opinion evidence on the history, methods, structure and objectives of the Real IRA.

They also want court transcripts and Books of Evidence relating to the previous criminal trials of the defendants in the civil case.

Crucially, they want direct evidence from a number of gardai. In the letter, they point out that the judge has ruled that it is "necessary in the interests of justice" for gardai to give evidence on commission.

They quoted the judge's comment that "a letter of request should be issued to the judicial authorities of the Republic of Ireland to facilitate the taking of that evidence . . . as soon as possible".

The relatives say in their letter to Mr Ahern that the judge's comments were a sign of the co-operation that ought to exist between north and south.

"Of course, it still remains open to your government to bypass the letter of request procedure, by simply agreeing to garda evidence being taken on commission in your jurisdiction.

"Sadly, despite months of correspondence and the provision by our lawyers of all information requested to reach the sought-after decision, (Minister for Justice) Mr Lenihan has yet to confirm or deny that the gardai will be able to assist," the letter states.

A Government spokesman told the Sunday Independent that Mr Ahern would be responding to the families by letter within the next few days.

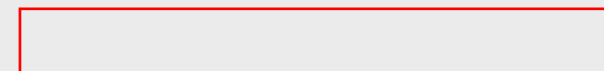
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