

## OMAGH BOMB INQUIRY TERMS OF REFERENCE

### Purpose

1. To investigate whether the car bomb detonated in Omagh, County Tyrone on 15th August 1998 in which 29 people and two unborn children were killed could have been prevented by UK state authorities, with particular attention to the matters considered by Horner J. in the application for judicial review, *Re Gallagher* [2021] NIQB 85.

### Scope

2. To the extent necessary to investigate issues relating to whether the Omagh Bombing could have been prevented by UK state authorities, the Inquiry's investigations will include consideration, individually and collectively, of the following matters:

a. As background and context to the Omagh Bombing, the assessment by UK state authorities of the threat posed in Northern Ireland by dissident republican terrorists from 1st December 1997 to the date of the Omagh Bombing. This shall include consideration of any change in the assessment following the Belfast Agreement on 10th April 1998.

b. The adequacy of the measures taken by UK state authorities, including the police, security forces and Intelligence and Security Agencies, to disrupt those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing. This shall include consideration of any change in the measures used or approach taken by UK state authorities following the Belfast Agreement on 10 April 1998.

c. The adequacy of the policies and practices of UK state authorities, including the police, security forces and Intelligence and Security Agencies, in sharing intelligence between themselves and with the authorities in the Republic of Ireland on the activities of those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing.

d. The allegation made by Norman Baxter (former Senior Investigating Officer in the investigation into the Omagh Bombing) in the course of his evidence to the Northern Ireland Affairs Select Committee on 11 November 2009, that police investigators into previous attacks in Moira (20 February 1998), Portadown (9 May 1998), Banbridge (1 August 1998) and Lisburn (30 April 1998) did not have access to intelligence materials which may reasonably have enabled them to disrupt the activities of dissident republican terrorists prior to the Omagh Bombing.

e. Information relating to dissident republican terrorist activity said to have been passed to police between June and August 1998 by an alleged British security forces agent known by the name of Kevin Fulton and whether that might reasonably have enabled UK state authorities, whether on its own or in

conjunction with other information, to disrupt dissident republican terrorists engaged in the planning and preparation of the Omagh Bombing.

f. The nature of the intelligence said to have been obtained by the UK Government's Communication Headquarters (GCHQ), including from alleged vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and conduct of the Omagh Bombing and other earlier attacks.

g. The adequacy of the analysis and handling of and response by UK state authorities to any intelligence obtained by GCHQ, including from vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and/or conduct of the Omagh Bombing and other earlier attacks.

h. The extent and adequacy of steps taken by UK state authorities to track and analyse the mobile telephone usage by those suspected to be involved in dissident republican terrorist attacks before the Omagh Bombing and whether that might reasonably have enabled UK state authorities to disrupt dissident republican terrorists engaged in the planning, preparation and/or conduct of the Omagh Bombing.

i. Any other matters which are relevant to whether the Omagh Bombing on 15th August 1998 could have been prevented by UK state authorities. To the extent it is relevant to the issue of preventability by UK state authorities, this may include information sharing and investigations with and by state authorities in the Republic of Ireland.

### Method

The Inquiry will examine and review all documents as the Inquiry Chairman shall judge appropriate.

The Inquiry will receive such oral and written evidence, in OPEN and CLOSED, as the Inquiry Chairman shall judge appropriate and follow such procedures as are appropriate to ensure that the Inquiry is effective, taking account of the need to protect national security interests.

### Report

The Inquiry will report to the Secretary of State for Northern Ireland as soon as practicable. The Inquiry Report will make such recommendations as may seem appropriate. Given the sensitive nature of the material, the Inquiry Chairman may choose to produce both an OPEN and a CLOSED report.