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[Home](#) > [News](#) > [Local & National](#)

## Local & National

### Evidence of former FBI man allowed in Omagh civil action

Wednesday, May 07, 2008

By Lesley-Anne Henry

Evidence from an FBI agent who infiltrated the Real IRA will be admitted to the Omagh civil action, a High Court judge has ruled.

Mr Justice Morgan told the landmark civil hearing against five men believed to have been behind the 1998 bombing that evidence from the US trucker-turned-spy, David Rupert, could be heard in court.

Mr Rupert testified during Michael McKeivitt's criminal trial in Dublin in 2003 and his evidence was considered key in securing McKeivitt's 20-year prison term.

This time round however, the FBI has forbidden Rupert from giving new evidence in person or via videolink because of ill health and increased concerns over his safety following the shooting of IRA informant Denis Donaldson.

In a judgment presented during the civil action, Mr Morgan told the court he had studied the Civil Evidence Order (Northern Ireland 1997) and would allow the evidence which includes seven statements, 2,300 pages of email correspondence and other documents between Rupert and his handlers, transcripts of his evidence at the Supreme Court in Dublin as well corroborative statements from Gardai. He said the defendants' lawyers could make representations as to what weight he should put on it.

The evidence is expected to be heard when trial proceedings move to Dublin for four days next week. Lawyers for McKeivitt and a second defendant, Colm Murphy, had argued against admitting Rupert's evidence without cross-examination of the witness claiming it was unfair.

However Judge Morgan added: "I immediately recognise that there is force in the submission advanced on behalf of these defendants that I will not have the opportunity to assess the demeanour of Mr Rupert in the witness box and that the transcript may be an unsatisfactory substitute for that."

Michael McKeivitt, Liam Campbell, Colm Murphy, Seamus McKenna and Seamus Daly, all deny any part in the bombing. Also during yesterday's brief hearing, barrister Brett Lockhart for the prosecution made an application to have evidence from Liam Campbell disclosed. On the first day of the civil trial, Campbell was described in court as a senior Real IRA officer.

The hearing has been adjourned until Thursday when Mr Morgan is expected to rule on the disclosure of Security Services documents.

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