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Wednesday, September 17, 2008

# Omagh group to sue GCHQ unless IRA tapes released

GERRY MORIARTY

LAWYERS FOR the Omagh bomb victims will take legal action against GCHQ if the British security intelligence monitoring agency fails to provide what information it has about the Real IRA Omagh bombers within the next week.

Lawyers and victims' relatives said that they will pursue a case against the intelligence agency if it refuses to provide voluntarily what tapes, transcripts or other information it has about the August 15th, 1998, bombing.

The Omagh Support and Self Help Group issued its demand after BBC's *Panorama* reported that GCHQ intercepted mobile phone calls of the bombers on the day of and prior to the attack.

It further reported that tapes and transcripts of these calls were not made available to RUC detectives investigating the bombing, which killed 29 people and a woman pregnant with twin girls.

Ulster Unionist leader Sir Reg Empey and SDLP leader Mark Durkan raised the issue with British prime minister Gordon Brown after a private meeting at Stormont yesterday. Sir Reg said that Mr Brown made no specific commitments but promised to respond by letter.

Yesterday victims' solicitor Jason McCue revealed that, in 2001, the group, which is taking a civil case against five men it believes were behind the attack, wrote to GCHQ seeking any information it had. The intelligence service never replied, he said.

Legally, intelligence gathered by GCHQ can't be used in criminal proceedings, but Mr McCue said he believed that this would not apply to a civil case. "The judge can make that decision," he said.

Mr McCue said that, if GCHQ did not come forward with information within a week, he was confident a case could be taken by subpoena.

While the intelligence agency is a secretive organisation, he was also confident that he could initiate legal proceedings as, ultimately, the

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intelligence service came under the authority of the British foreign office.

One concern raised yesterday was that *Panorama* suggested that GCHQ was intercepting the calls of the bombers while they travelled in the Republic.

While this raised questions about the legality of the agency's actions relating to the South, Mr McCue suggested the duty to the Omagh victims and their relatives transcended any potential legal questions or embarrassment that might be caused to GCHQ.

BBC journalist John Ware, who made the programme, made a similar point.

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This article appears in the print edition of the Irish Times

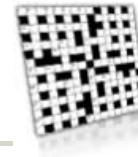
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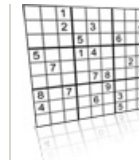
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