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## Government Statement on Response to the Omagh Atrocity

The Government met today to decide on our response to the horrific atrocity perpetrated in Omagh last Saturday.

We wish at the outset to convey, once again, our heartfelt sympathy to the surviving victims and the relatives and friends of all the victims, in Ireland, North and South, and in Spain, and to their communities. We recognise that nothing we say or do can remove the pain or suffering of victims, relatives and friends, but our thoughts are with them at this terrible time.

The Government is in no doubt that the Omagh bombing was intended as a direct attack on the Good Friday Agreement and on the principles of democracy itself. We believe also that the fact that those responsible are prepared to defy the people of Ireland, North and South, who voted overwhelmingly in favour of the Agreement in May underlines just how out of touch with the will of the people - and correspondingly how dangerous - they are. The Government is determined to do everything in our power, working closely with the British Government, to defeat and suppress this murderous conspiracy against the people of Ireland. The democratic will of the people will be upheld and respected.

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It is cold comfort to the injured and bereaved of Omagh and to every right thinking person on this island and beyond to hear those who so recently admitted responsibility for this atrocity tell us now that they have suspended the armed operations while they consult with one another about their future direction. What we want to hear from them and other dissident groups which have not declared a ceasefire is that there will be no more Omaghs, no more Banbridges, no more Moiras, no more Lisburns, no more grieving families, women and children scarred, disfigured and maimed by their instruments of destruction. They must assure us the violence is over so that the clearly expressed will of the people of this island, North and South, which has been expressed so resoundingly only a few months ago, can prevail without the barriers which a tiny minority have sought to put in its way by its inhuman campaign of violence and destruction.

They must not only provide assurances that violence is over, they must continue to demonstrate that assurance in word and deed.

The assurances that the Government, for its part, want to provide are, first, that we will do everything in our power to crush violence and, second, that



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atrocities like Omagh will never, never blunt the absolute determination of the people of this island to live together in peace. It will, and has, in fact strengthened our determination to work for the peace which the implementation of the Good Friday Agreement will produce.

The first - and best possible response - to the Omagh atrocity must therefore be to strengthen our commitment to the full implementation of the Good Friday Agreement in all its aspects. The Agreement offers a truly historic opportunity for a new beginning to relations between all the people of the island of Ireland. The Government firmly believes that the principles of partnership, equality and mutual respect which form the basis of the Agreement represent the only way forward. In co-operation with the British Government and all the parties involved, we will press forward with the work in the weeks and months ahead to ensure the normalisation of all aspects of life on this island.

But a response is necessary also at the security and legislative level. The Garda Síochána are making every possible effort to assist the British authorities to bring those responsible for this evil act to justice. The Minister for Justice, Equality and Law Reform and the Secretary of State for Northern Ireland met on Monday to discuss the security response. Following that meeting, and



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having reviewed all the available options, the Government is satisfied that the operational capacity of the Garda along the Border is being further improved. The Government decided today that additional resources will be provided to the Garda for this purpose. The Government believes that, taken together with existing arrangements and new measures by the RUC, security along the Border will be significantly enhanced.

The Government has also reviewed legislative provisions in this area and has approved proposals for the drafting of a Bill to amend and strengthen the Offences Against the State Acts, 1939-85.

The primary consideration in considering any case for amendment of the criminal law is to maximise its efficacy in tackling the activities of criminals. Obviously we have taken advice from Garda and other sources as to what measures would maximise the efficacy of the law in dealing with the situation we now face. The proposals we have agreed are based on that advice.

That amending legislation will:



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- allow inferences to be drawn from the failure of a person to answer relevant questions, which inferences would be capable of corroborating other evidence including the opinion of a Chief Superintendent that a person is a member of an unlawful organisation.

- provide for restrictions on the right to silence for persons charged with an offence under the Offences Against the State Acts or a scheduled offence carrying a maximum period of imprisonment of at least five years. These restrictions would allow the Court to draw inferences where an accused person fails to mention particular facts to the Gardai during questioning or on being charged, which he/she subsequently relies upon in his/her defence;

- create a number of offences under the Acts
  - directing an unlawful organisation;
  - possessing items for purposes connected with specified firearms or explosives offences;
  - withholding information concerning an offence under the Offences Against the State Act or a scheduled offence;
  - unlawfully collecting information;



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- training persons in the making or use of firearms or explosives; and

- extend the maximum period of detention under section 30 of the Offences Against the State Act, 1939 from 48 to 72 hours by providing for continued detention for a further period of 24 hours on the authorisation of a District Judge.

These Heads of the Bill were agreed and the highest priority is being given to drafting the detailed legislation so that it can be enacted at the earliest possible date. The Dáil and Seanad are being recalled in two weeks time to facilitate this.

The legislative amendments we are proposing will supplement existing provisions of the law, not only in the context of the Offences Against the State Acts, 1939-85 but also in our general criminal law. These include provisions to confiscate property, including land, used for the purpose of committing or facilitating the commission of any offence.

In addition, provisions of the Bail Act, 1997 will be brought into force by order of the Minister for Justice, Equality and Law Reform in respect of persons



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charged before the Special Criminal Court so as to allow the courts to take into account the possibility of the commission of offences if the person were granted bail.

The question of internment has been raised and has been considered by the Government. While it remains an option, what we are doing now is judged to be the most effective way of dealing with the current situation. Internment, as experience has shown, has potential drawbacks which we cannot overlook. Having said that, however, I want to emphasise that the option remains and it is an option which the Government will avail of should that be judged the right course of action.

With regard to the issue of proscription, this has also been considered by the Government and the advice available to us is that it is not necessary to make suppression orders in respect of the relevant organisations.

The Government believes that these measures, together with the very extensive measures and co-operation already in place, will significantly improve the capacity of the Garda Síochana to deal decisively with those who organised and



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carried out the merciless attack in Omagh and those organisations which engage in violence.

The Government does not undertake these measures lightly. We fully recognise our responsibilities as a democratic Government. We believe, however, that we have a clear responsibility, with the British Government, to defend the Agreement and the people of both parts of this island from attack by groups who have no legitimacy whatsoever. The Government is determined to live up to its responsibilities.

19 August, 1998

**ENDS**



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