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Local & National

The history of a trial without precedent

Thursday, January 18, 2007

At the conclusion of the Omagh bomb trial Jonathan McCambridge charts the progress of the biggest mass murder trial in British legal history

More than eight years after the worst terrorist atrocity of the Troubles, the Omagh bombing trial began last September amid huge media and public interest.

The public gallery in Court 12 of the Lagside Courts complex was packed and many more relatives and friends were watching through a videolink system set up in Omagh College.

Sean Hoey seemed a slight figure in the huge dock of the court as he was accused of murdering 29 people in the Omagh atrocity among many other dissident republican attacks.

Lead prosecuting barrister Gordon Kerr QC launched the case by stating that DNA and fibre evidence would link Hoey to the attacks. There were poignant moments in court as he showed photographs of the devastation caused by the bomb and read the names of the 29 victims.

However, almost immediately, London-based defence barrister Orlando Pownall launched a sustained attack on the quality of the forensic evidence presented by the prosecution. The judge heard that parts of an explosive device from an attempted bombing in Lisburn were left unbagged in an army base with no protection against contamination.

The most disturbing sections of the trial were when police officers who had been on duty when the bomb exploded provided graphic testimonies of the scenes of carnage in the Co Tyrone town. One officer described how bodies floated down the street. Another told how a woman's leg was partially cooked while another victim had his jaw blown off amid scenes of devastation.

By mid-October the trial was creating headline news once again as the defence accused police of interfering with witness statements. A senior detective admitted during evidence that his approach was "slapdash" and that he behaved improperly by asking a colleague to "beef up" a witness statement. The judge was later to request an investigation into the conduct of Detective Chief Inspector Philip Greer Marshall and Scenes of Crimes Officer Fiona Cooper after he heard details of how witness statements were changed.

The prosecution proceeded with Dr Jonathan Paul Whitaker, a forensic expert who claimed he had found "extremely strong" evidence - up to one in a billion - to link Hoey to two other bombings through tests.

However, the defence raised questions over the reliability of the tests, claiming that the testing method is not universally accepted by law enforcement agencies. They went on to raise further concerns over the potential contamination of exhibits.

The prosecution case eventually closed in mid-December after the trial judge had heard from dozens of witnesses and viewed nearly 500 exhibits.

The defence case opened with an application for the trial to be halted on the grounds that Hoey had no case to answer.

The judge refused to stop the trial but did clear the accused of two of the 58 charges he faced - a car bombing in Banbridge a fortnight before the Omagh atrocity, and of conspiracy to murder members of the security forces at Blackwatertown Road.

During the defence case it emerged that Hoey would not be giving evidence on his own account.

By the time the trial had ended, it had become one of the largest criminal trials in British legal history. The court had sat on 56 days. Mr Justice Weir has reserved his verdict on the 56 remaining charges.

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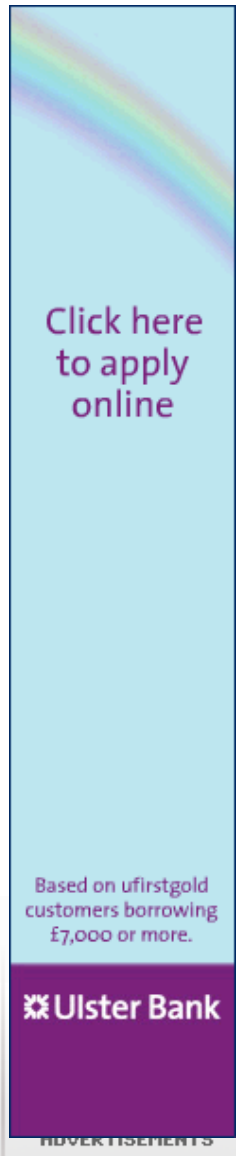
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