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Judge condemns police as only man to be tried for Omagh bombing is acquitted

Friday, December 21, 2007

By David McKittrick

The only man to be charged with the 1998 Omagh bomb's 29 deaths has been acquitted by a Belfast judge in a verdict regarded as devastating both to the authorities and the families of the dead.

Mr Justice Reg Weir not only found Sean Hoey, a 38-year-old electrician from south Armagh, not guilty on a total of 56 charges yesterday, but also severely criticised prosecution witnesses.

He said two police officers had told untruths in a deliberate attempt to "beef up" their statements. He said two witnesses had taken part in "a deliberate and calculated deception" which meant it was impossible for him to accept anything they said.

Families of the Omagh dead said they were crushed by the acquittal. According to Lawrence Rush, who lost his wife, Libby, in the bombing: "It's devastating; it's a disaster. I'm tired and I'm exhausted. It's been a long corridor; 10 years of pain and hope."

Some of the Omagh bereaved have pursued an intense campaign that has included attempts to put maximum pressure for results on both the British and Irish governments. They have called for a public inquiry and launched a multimillion-pound civil action against five men suspected of involvement in the

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bombing. In an unusual move, the Government has already said it will contribute 800,000 towards the costs of the action, describing the Omagh case as "totally exceptional".

Yesterday's outcome appears to make it extremely likely that a successful murder prosecution will never be brought in the case. But in addition to the civil case, there may be a re-trial in another southern case, so that legal sequels may well drag on for years.

The Omagh bombing is etched deep in the collective memory, partly because it claimed so many innocent lives, including unborn twins, and partly because it took place just as the Troubles were gradually running down.

While the families reacted to yesterday's judgment in personal terms, the outcome was also a major blow for the authorities. Although two men have been jailed in the Irish Republic on charges associated with Omagh, no one has ever been convicted of murder. Instead, officers of the Police Service of Northern Ireland (PSNI) stand accused not for the first time in the Omagh case of incompetence, wrong-doing and misbehaviour.

Mr Hoey had faced 29 charges of murder, together with 27 other offences. In acquitting him on all 56 counts, Mr Justice Weir rejected every part of the prosecution case, much of which rested on forensic evidence. Its reliance on a technique known as low copy number DNA was heavily attacked by the defence. The technique has been questioned by a number of experts.

Mr Justice Weir said some of those involved with the forensics had been "thoughtless and slapdash" and had demonstrated a cavalier disregard for the integrity of the evidence.

Statements defending their actions were issued yesterday by the Forensic Science Service and the Public Prosecution Service. The Forensic Science Service said: "We will look carefully at this judgment. Where there are lessons to be learnt we will learn them, and where there are improvements to be made we will make them."

The Prosecution Service said it considered its decisions were properly taken, but added that it would give "very careful consideration to the findings and observations of the trial judge".

The police said they would "work to ensure that any organisational or procedural shortcomings are addressed". They also said they would await the outcome of an ombudsman investigation into two officers who gave evidence during the trial.

Chief Superintendent Norman Baxter added: "This is another devastating day for the victims of Omagh. It is also a very difficult day for the PSNI." The Northern Ireland Policing Board has asked for an urgent meeting with Chief Constable Sir Hugh Orde.

The acquitted man's mother, Rita, insisted last night: "I want the world to know that my son, Sean Hoey, is innocent. I want everyone to know that this is not a failure to bring those responsible to justice Sean is innocent."

She said the authorities north and south of the border had conducted trials which amounted to a witch-hunt, declaring: "In both trials, police officers have been exposed as lying through their teeth to secure convictions at any cost."

Michael Gallagher, whose son, Aidan, was killed, said: "They can no longer refuse to give families an inquiry. This case has been a disgrace by any standards."

The Omagh police investigation has been singularly ill-starred, first under the Royal Ulster Constabulary (RUC) and more lately under the PSNI which replaced it.

The RUC was heavily criticised in a major report by the former ombudsman Nuala O'Loan, who declared several years ago: "The judgement and leadership has been seriously flawed. The victims, their families, the people of Omagh and officers of the RUC were let down by defective leadership, poor judgement and a lack of urgency." She added at the time: "Twenty-nine people died in that bomb. It hasn't been investigated properly."

Her report concluded that the investigation had been hampered by confusion at leadership level, inadequate resources, inexperienced staff and an inadequate sharing of information with police in the Irish Republic.

Meanwhile, the Real IRA remains in existence, posing a minor but genuine threat to the peace in Northern Ireland. Last month its members shot and injured two police officers in separate incidents, and it has carried out attacks on security force bases.

Omagh bomb victims

James Barker, 12, Buncrana, Co Donegal. Originally Surrey, England

Fernando Blasco Baselga, 12, Madrid, Spain

Geraldine Breslin, 43, Omagh

Deborah-Ann Cartwright, 20, Omagh

Gareth Conway, 18, Carrickmore, Co Tyrone

Breda Devine, 20 months, Donemana, Co Tyrone

Oran Doherty, 8, Buncrana, Co Donegal

Adrian Gallagher, 21, Omagh

Esther Gibson, 36, Beragh, Co Tyrone

Mary Grimes, 65, Beragh, Co Tyrone

Olive Hawkes, 60, Omagh

Julia Hughes, 21, Omagh

Brenda Logue, 17, Omagh

Ann McCombe, 45, Omagh

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Brian McCrory, 54, Omagh
 Samantha McFarland, 17, Omagh
 Sean McGrath, 61, Omagh
 Sean McLoughlin, 12, Buncrana, Co Donegal
 Jolene Marlow, 17, Omagh
 Avril Monaghan, 30, Augher, Co Tyrone
 Maura Monaghan, 18 months, Augher, Co Tyrone
 Alan Radford, 16, Omagh, Co Tyrone
 Rocio Abad Ramos, 23, Madrid, Spain
 Elizabeth Rush, 57, Omagh
 Veda Short, 46, Omagh
 Philomena Skelton, 49, Drumquin, Co Tyrone
 Fred White, 60, Omagh
 Bryan White, 27, Omagh
 Lorraine Wilson, 15, Omagh

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