

Tuesday, May 13 2008

with
10:02



National News



18° Dublin Hi 18°C / Lo 9°C

flirting coach gives her top tips
see Relationships

• News

• Business

• Sport

• Entertainment

• Health

• Lifestyle

• Education

• Travel

• Jobs

• Property

• Cars

• PlaceMyAd

• More Services

• from the Irish Independent & Sunday Independent

- Breaking News
- National News
- World News
- Today's Paper
- Regional Newspapers
 - Opinion
 - Farming
 - Weather
 - Most Popular

You are here: [Home](#) > [National News](#)

Omagh case makes history as hearing crosses Border

powered

by



ie

Also in National News

- Sunday driving tests aim to beat the June deadline
- Customers in dark over fate of their Habitat sofas
- Banking on the Post Office
- Cowen expected to wield axe
- Stone planned to cut the throats of Sinn Fein chiefs

- Share
- Print
- Email

Advertiser Links

News	National News	World News	Sport
			09:03

- Two arrested over St. Stephens Day murder
- 08:50 House sales drop in the North
- 07:33 Omagh trial continues
- 06:23 Policeman hurt in car bombing in North

Top stories from Monday, 12.05.08

19:41 Bank of Ireland investigates allegation of another stolen laptop

National News Home

Dearbhail McDonald Legal Editor
Tuesday May 13 2008

HISTORY will be made this morning when the High Court in Belfast sits in Dublin's Four Courts to conduct part of the landmark Omagh civil action.

The £14.5m action -- against five men who victims' relatives believe are responsible for the blast -- is the first time anywhere that victims of terrorism have attempted to sue alleged perpetrators in the courts.

In an unprecedented move, an Irish District Court judge, at yesterday to begin taking evidence from some 50 gardai summonsed to testify by the families, marking the first time evidence for a case in Northern Ireland has been heard in Dublin.

After prolonged legal argument over the admissibility of certain evidence, District Court Cora Gibbons ruled that Declan Morgan -- the judge presiding over the case in Belfast's Crown Court -- Michael Gallagher, Ann Wilson, Patsy Gallagher, Colin Wilson and Godfrey Wilson



Although present at the taking of the evidence, a procedure enacted by the Government just weeks ago to facilitate the Omagh action, trial Judge Morgan has no judicial powers here.

But Judge Gibbons has made the Four Courts available to his Belfast colleague this morning to allow him to consider objections to the families' questions raised by the defendants and to adjudicate on the admissibility of opinion evidence by gardai which has been strenuously opposed by the men's lawyers.

Atrocity

Although no-one has been convicted of the 1998 atrocity, the historic lawsuit names Michael McKeivitt, the alleged leader of the Real IRA; Liam Campbell, the man said to be his number two, Colm Murphy, Seamus McKenna and Seamus Daly.

Yesterday, barristers for the men, excluding Liam Campbell, who is unrepresented in the proceedings, said that the names of their clients could be tarnished if they were not permitted to question evidence as it is given.

Michael O'Higgins, representing Michael McKeivitt, said that his client's fair procedures and right to good name would be breached if a question asked was clearly inadmissible, and an answer given damaging to his client.

"Damaging answers will be published the length and breadth of the the country," said Mr O'Higgins, who also complained about the short time- frame within which the defendants received the families' questions, leaving the men with no opportunity to make submissions to the trial judge in Belfast before the case relocated to Dublin yesterday morning.

The bombing, which was the the worst atrocity during the Troubles, killed 29 people, including a woman pregnant with twins.

The action moved to Dublin yesterday under a seven-year old EU regulation which makes it easier to take evidence in commercial and civil cases in another member state.

Yesterday members of An Garda Siochana, many of whom are expected to raise a public interest immunity to certain questions, owing to the sensitive nature of their investigations, were denied separate legal representation.

Instead, Brian O'Moore, who is acting for each of the gardai, will maintain a "watching brief" and will make submissions where the court permits.

- Dearbhail McDonald Legal Editor

more breaking news



King of comedy

Ricky Gervais reveals his new projects

Keane 3:16

The Gospel according to saviour Roy

This is childhood

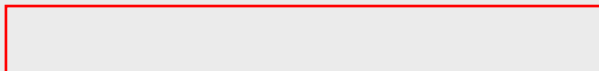
Do you know what your kids are up to?

Curse of Ayers Rock

Uluru tourists return 'cursed' souvenirs

Indecent proposal

Spectre of sexual harassment haunts foreign childminders



©independent.ie Sitemap | Contact Us | About Us | Terms & Conditions | Privacy Policy | Advertise with us | Group Websites

Share Print
• Email