

Health Plus
A New Life: Father of all child centres

Sarkozy's visit
Hear Irish Times Political Correspondent Deaglán De Bréadún discuss Sarkozy's visit

- Ireland
- World
- In Depth
- Other
- Today's Paper

• Home » • Ireland » • Top Story »

- Email to a friend
- Email to Author
- Print
- RSS
- Text Size:

Thursday, July 10, 2008

Criticism of Omagh trial acquittal rejected by chief justice



Michael Gallagher: son Aidan was killed in the bombing

GERRY MORIARTY, Northern Editor

THE LORD Chief Justice's office in the North has rejected criticism by two former British chief constables of a key element of Mr Justice Weir's judgment acquitting south Armagh electrician Seán Hoey of the Omagh bombing.

The high-ranking judicial response and the criticism, which appear exceptional in Northern Ireland legal terms, was issued after an independent review by Sir Dan Crompton and David Blakey found that the PSNI was correct not to suspend two officers whom they said were "branded as liars" by the judge during the trial.

The review, commissioned by the policing board in the wake of Mr Justice Weir's damning verdict acquitting Hoey of involvement in the 1998 Omagh bombing that killed 29 people including a woman heavily pregnant with twin girls, also referred to Mr Justice Weir engaging in "speculation" in his judgment - a charge rejected by the Lord Chief Justice's office.

Mr Justice Weir in his judgment late last December referred to a "most disturbing situation" whereby a PSNI detective sergeant and a scenes of crime officer had "beefed up" their statements about the investigation of the bombing, claimed by the Real IRA. Had other evidence not been available to "gainsay" the "lies" of the two police witnesses, the court could have been deceived, he said.

The male sergeant has been promoted to the post of detective chief inspector, while the female scenes of crime officer is now a police constable.

The judge referred the issue to the Police Ombudsman, Al Hutchinson, who has yet to recommend on whether the two officers should be

ADVERTISEMENT

Latest »

- 14:15 Estate agents see no sign of market recovery
- 13:56 O'Neill distances Villa from Zigic bid
- 13:53 One51 may list environmental unit
- 13:50 Man arrested over Offaly drugs find
- 13:46 Man for court over Galway murder
- 13:27 Severity of online child pornography 'increasing'
- 13:02 Jury in Cork murder trial sworn in
- 13:01 National schizophrenia awareness week launched

Popular Stories

Most Read

- 1 Sarkozy accepts there is no quick fix to Lisbon crisis
- 2 Keane positive about quartet
- 3 War crimes suspect Karadzic arrested
- 4 Technician placed organs in wrong body after postmortem
- 5 Harrington does it again

sacked, suspended, otherwise disciplined or exonerated.

The former chief constables and British inspectors of constabulary, Sir Dan Crompton and Mr Blakey said that at the stages of their assessment of the case they found the officers should have been suspended. But after a "more reflective" view they found they should not be suspended.

The review authors said of the judge's comments about the officers: "We have seldom seen more caustic criticism of police evidence since the officers were, in effect, branded as liars and their evidence declared totally unreliable." But they later added in what appears as a serious questioning of the judge's findings: "It would not be unreasonable speculation to point to the possibility that both PONI and the PPS might find no evidence, or insufficient evidence, of 'deliberate and calculated deception' as referred to by Mr Justice Weir in dismissing all charges against Seán Hoey."

They said "there may well be some issues arising from the evidence given by the two officers, but it seems to us that this is more likely to be of a disciplinary, or advice nature".

The authors also said that as well as a malign interpretation of the phrase "beefed up" police evidence it could also have a different possible meaning such as police legitimately correcting omissions from their statements.

In his judgment Mr Justice Weir found "deliberate and calculated deception in which others concerned in the investigation and preparation of this case for trial beyond these two witnesses may also have played a part".

The independent review found the reference to the involvement of "others" amounted to "speculation". The authors wrote: "This was a very difficult long-running trial for Mr Justice Weir with a requirement to handle huge volumes of information - some of it highly contentious.

"Nevertheless, we are left wondering why this passage was included in the judgment. In such a high profile case every single word, finding, or suggestion is likely to be rigorously examined by interested parties . . . we conclude that the judgment in this respect amounted to speculation by Mr Justice Weir, but we (and others) are left uninformed as to what triggered that speculation," they added.

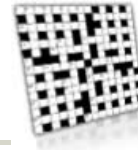
The Lord Chief Justice's office in a statement said: "The judge did not speculate that others were involved, much less who such others might be. He registered his concern that others may have been involved and he has left it to other agencies to investigate and determine whether that is the case." Michael Gallagher, whose son Aidan was killed in the bombing, said he did not see the "villain in the case as the judge".

© 2008 The Irish Times



This article appears in the print edition of the Irish Times

Crossword Club »



Today's Interactive Irish Times Crosaire and Simplex crosswords, plus 10 years of crossword archive.

ADVERTISEMENT

Sudoku »



Download and print the daily Irish Times sudoku grid

ADVERTISEMENT

CLASSIFIED

Homes



Baldonnell House & Orchards, Baldonnell, Co.Dublin Price: €4,000,000

Bedrooms: 4 See More »

Select your categories

Next »



Turning heads with a top performance that leaves you breathless

Find »



I am a

Looking for a

Located

Only with photos:

Next »

© 2008 irishtimes.com