

OPENING SUBMISSIONS LODGED ON BEHALF OF THE RUSH FAMILY

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The Rush family wish to extend their continued gratitude to the chair and inquiry team for their professionalism, courtesy and commitment to the inquiry so far.

The Terms of Reference set out the key areas of analysis for the inquiry but the issue of greatest concern to the Rush family, which we say requires rigorous investigation, is the issue of **preventability**.

1. Often described as the worst atrocity of the troubles, the Omagh bombing on 15th August 1998 altered the trajectory of life for so many. What was set to be a peaceful time in the aftermath of the Good Friday Agreement descended into confusion, chaos and utter devastation.
2. For the Rush family and so many others, it was a trauma which shaped so many generations. The grief and unimaginable loss has been compounded by the long and arduous path to get to the truth. Being met with a wall of silence, the self-protection of the state authorities, the lack of accountability, the closing down of ranks, has only further intensified the unresolved allegations which have become corrosive over the past 26 years.

Inquest

3. The Rush family, Laurence Rush, adopted a position over two decades ago that the bomb could have been prevented. In the year 2000, Laurence Rush took a stand at the inquest – a lonely figure in the inquest, he asked difficult questions and gently probed at sensitive issues which others sought to shy away from. He was criticised- at times ridiculed- but he remained steadfast in

his suspicions that the full picture was being airbrushed and truth withheld from the families and the public. This is now the very subject matter that this inquiry is tasked to deal with two and a half decades later.

You, Mr Chairman, acknowledged the unique and difficult path the Rush family took at the Commemorative hearings. Describing Laurence Rush as “**a campaigner for truth and justice from a very early stage**” who “**sought to cast light on the circumstances surrounding the bombing and tried to learn about previous attacks, what was done and not done**”. You acknowledged that he was the first to raise some of the questions the inquiry has to determine and “**not deterred from speaking them loudly and publicly**”. These questions are still uncomfortable for so many.

4. Laurence Rush may not have known the full truth about how or why the Omagh Bombing happened before he died, but he had a genuine and honest belief that the state narrative about the bombing did not make sense and at the time of the Inquest, he was convinced there was more to it. His daughter and two sons still view the state narrative about the circumstances of the bombing as illogical.
5. The stance adopted by Laurence Rush drew virtually no support from any quarter in society and this had a profound impact on him. He was very much alone in his search for truth and accountability. It was a fact that the Real IRA murdered his wife; they claimed responsibility for the bomb. He had to grapple with this extremely distressing fact, whilst also trying to understand how something like this could have happened without state authorities having any suspicion; or worse, actual intelligence about the bomb. He had great difficulty articulating and arguing that he felt that the bombing could have been **prevented** by authorities of the State and at times, did not want to believe this himself. He challenged himself many times because of the doubt and hostility from others. However, ultimately his determination did not wain and fuelled by the love for his wife and family she had left behind, he continued to search for answers.

6. Baroness Nuala O'Loan's [Police Ombudsman report](#)¹ dated 12th December 2001 raised some potential issues about the use of, and dissemination of, intelligence between various agencies within the police at the time. She criticised the police for their response following the event and missed opportunities to properly investigate the bombing.
- (i) Laurence Rush had been struggling with doubts and unease about the circumstances surrounding the bomb. This report gave him hope and in a sense of vindication for his feelings. He felt that there was finally a light being cast on the actions of the authorities. These findings acted as a catalyst for further investigation.
 - (ii) Over the course of the next few years, others began to see what Laurence had seen from the start- gaps in the narrative, obscured facts, evasive answers and things that simply did not make sense.
 - (iii) The Rush family are indebted to Baroness O' Loan for exposing some of the issues their father sought to bring to the fore and extend their gratitude and respect to her. Given the political landscape at that time and the controversial issues raised, her courage should be recognised and will not be forgotten.

Litigation

7. You, Mr Chairman, also recognised that Laurence Rush was the first to issue litigation against the police and British Government. This was not action, which was taken lightly, but rather after many legal consultations and after much deliberation. It was the view of Laurence Rush that this was a necessary step to uncover the truth. Previous enquiries actioned by him and others had resulted in many dead ends and the family were running out of road.

¹ INQ000274

8. Laurence Rush litigated in the High Court against the Chief Constable of the PSNI (formerly RUC) and the British Government on the 17th day of July 2002 – some 23 years ago and 1 year following the publication of the report from Police Ombudsman NI.

9. [The cause of action](#)² - that Libby Rush, Laurence's wife, was murdered on the 15th August 1998 by reason of the negligence, misfeasance in public office, and breach of the statutory duties of the police and the government in their failures in the apprehension, detection and pre-emptive arrest of members of a criminal terrorist conspiracy, namely the Real IRA, who planted the bomb which led to the explosion in which Libby Rush was murdered. In other words, he was saying:

- (i) that the bombing could have been **prevented** by the relevant authorities and that his wife's right to life was not protected by the state.
- (ii) In addition, he said that her murder, was never properly investigated.

This has always been, and remains, the Rush family position.

10. The litigation was a difficult chapter in the Rush family history. The mental toll of controversial litigation had an obvious impact on Laurence Rush. There was fierce resistance by the authorities to information being disclosed into the public domain and the Rush family feel strongly that this resistance was deliberate to prevent difficult questions being asked.

11. Laurence Rush, through this litigation, presented to the court, an alternative narrative. As part of his legacy, we wish to put this formally on the record for the Inquiry, reminding everyone that these issues were raised by him 25 years ago. He said from the beginning, and I quote from the [pleadings](#) referred to³:

² INQ001203

³ INQ001205

- (i) A proscribed organisation, the so-called Real IRA, planted the bomb in Omagh.
- (ii) That proscribed organisation had been infiltrated by an informer, one Kevin Fulton, who fed to the security forces information sufficient to have **prevented** the bombing.
- (iii) The police and the government or one of them, had a sufficient quality of information to apprehend the perpetrators or **prevent** the planting of the bomb.
- (iv) The police, in particular, failed to take such steps as would have **prevented** the loss of life by failing to stop the bombers or apprehend them in time or at all as a consequence of not acting on intelligence to ensure that no car bomb was planted in Omagh on the 15th of August 1998.

12. Throughout the years of litigation, the Rush family answered every question asked of them. There was much back and forth in the [pleadings](#) and ultimately the Rush family named a number of individuals and agent handlers in the course of their answers on 2nd April 2004 and 12th October 2004. The full set of pleadings has been provided to the inquiry and we would ask you Mr Chairman to analyse these closely. We say there is evidence which is capable of suggesting that the state authorities could have and should have prevented the bomb.

13. Another important turning point for the Rush family was the [Panorama Documentary](#) aired on 15th September 2008⁴. Following this documentary, the [civil pleadings](#) were expanded as follows⁵:

- (i) That the defendants in the action, through their agents or servants namely GCHQ Communications Centre at Cheltenham, Gloucester, had contemporaneous intercepts of the bombers mobile phone communications on the afternoon of the 15th of August 1998.

⁴ INQ000264

⁵ INQ001210

- (ii) The said communications centre had actual knowledge of the route of the bombers and their target being Omagh.
- (iii) This information was not acted upon to either apprehend the bombers or put into operation a comprehensive evacuation strategy of Omagh mindful of the intent of the Real IRA which had demonstrated some weeks previously – when a bomb was planted and exploded in Banbridge.
- (iv) The threat and the capacity of the Real IRA were known to the police and government in consequence of that previous bombing.
- (v) The circumstances of the transportation of the bomb to Omagh could not have been more serious and the Defendants, failed to react either in time or at all to **prevent** the loss of life to Libby Rush.
- (vi) There was a failure to have in place a clear, precise and expeditious method for transmitting the intelligence received by GCHQ to the police that would have **prevented** the bombing.

14. The context and timing of these submissions made by the Rush family is important. This was unpopular litigation and many struggled to support Laurence Rush. There was a complete blanket denial by the authorities. Efforts were made by the authorities to strike the litigation out in 2009- The case was described by the police and government as “frivolous and vexatious”⁶ – even unarguable and unsustainable. Strong and confronting words for any family to hear.

15. The application to strike the litigation out was a private ‘*in camera*’ hearing before the High Court at which only Laurence Rush and his legal team were permitted to be present. Later he was permitted to bring a family friend in view of his failing health and the requirement to travel. There was no public

⁶ INQ001200

element to the hearings in that initial process, which is in stark contrast to the public and open nature of this inquiry.

16. The initial application was struck out on 18th May 2010 ([judgment](#) on Relativity⁷) another setback for the Rush family. But later reinstated on appeal, ([judgment](#) on Relativity⁸).

17. In 2011 Lord Justice Gillen in his judgment did not accept that the position adopted by Laurence Rush was **unsustainable**. Towards the end of his [judgment](#)⁹, he said –

“I have come to the conclusion that it is neither plain nor obvious that the cause of action in this matter has no chance of success. In short, I do not consider that on the pleadings the case made by the plaintiff is unarguable.”

18. By this time, Laurence Rush was in a nursing home and sadly, his health was deteriorating rapidly. He was comforted by the words of Lord Justice Gillen but there was still a long road ahead.

19. The litigation had many twists and turns. The process of obtaining disclosure and documentation was tiresome and frustrating. There was inordinate and unjustifiable delay by the authorities in providing information. The Rush family had to obtain a court order to secure discovery. They felt this resistance was deliberate to stall and potentially derail the litigation.

20. The initial Writ of Summons issued in the High Court was dated 2002 and the Gillen judgment is dated 2011. There was a discovery order for documents dated 2014. It all moved at a glacial pace.

⁷ INQ000254

⁸ INQ000255

⁹ *ibid*

21. Some documents were eventually disclosed and these have been provided to assist the inquiry. Sensitive documentation was not provided. These civil proceedings were ongoing at the time of the litigation commenced by Michael Gallagher and together, these two sets of legal proceedings complemented each other. Two men, two families, searching for truth and accountability.
22. In the civil litigation there was a blanket denial of everything pleaded by Laurence Rush.

In the [initial statement of claim](#) on 21st January 2004, Laurence Rush pleaded that ***“The Defendants (that is the RUC/PSNI or Government) or one of them, had a sufficient quality of information to apprehend the perpetrators or prevent the planting of the bomb at Omagh on 15th August 1998 which directly caused the death of Libby Rush.”***¹⁰

23. In the [Defence](#) to this litigation served on behalf of the police and government dated 8th December 2004, ***“The First Named Defendant [the Chief Constable of the police] further says that he, and his servants or agents, are not responsible in law for the operational decisions, acts or omissions of the Second Named Defendant [the government] in respect of crime prevention and/or crime detection/investigation and none of the allegations of negligence properly are to be viewed as within his area of responsibility.”***¹¹

24. The Rush family ask you Mr Chairman to conduct a root and branch review of the practices and oversight of the police and government agencies. The Rush family do not seek to criticise or blame officers on the ground in Omagh on 15th August 1998, but rather those who had oversight of decision making. Those involved in accessing information/ intelligence/ agents who were making high level decisions in both police and Government agencies. Who made the decision about the distance of evacuation for the explosion? Who

¹⁰ INQ001205

¹¹ INQ001208

made the decision to deplete the number of officers in Omagh on that particular morning? Who made the decision not to act on intelligence received? Not to pass information on? A sample of questions to be answered. The officers who were there on the day were clearly doing their best in horrific circumstances and the Rush family extend their gratitude to those who tried to help the bereaved and injured.

25. Laurence Rush died on 4th March 2012. He died without answers. That is a source of great regret for his family.
26. When he died in 2012, the family made a decision to await the outcome of the other legal processes to see if they could make progress regarding the provision of documentation. It was clear from the decision of Gillen J that the Rush litigation could only properly proceed once there was full discovery of documentation. The litigation has been paused pending the outcome of the Public Inquiry.
27. A public investigation into the Omagh Bombing and its preventability, which is what the Rush civil action would have become, is not frivolous or vexatious – this establishment of the Inquiry is evidence of that.
28. The truth about the **preventability** of the Omagh Bombing is uncomfortable. The Rush family view this public inquiry as an important moment in history, in trying to uncover the truth and providing some answers for all of the families. They ask you Mr Chairman, to now carry the baton they have tirelessly carried for years and to help them find the answers they have been searching for.
29. The Terms of Reference are not all encompassing; however, they are sufficiently wide to reflect the concerns of Laurence Rush. No one knows Mr Chairman where the evidence will lead you and the Rush family hope that all avenues will be explored.
30. The Rush family, alongside other families have a lot of information which they have accumulated over the years and hope for maximum participation

throughout the inquiry. They ask for as much transparency in open hearings as possible.

Republic of Ireland

31. The Rush family request that everyone who has been involved in any way should co-operate fully with the Inquiry on both sides of the Irish border. The Rush family had hoped there may be a parallel inquiry in Republic of Ireland, but that is not the case. They welcome the memorandum of understanding with the Republic of Ireland and hope this is sufficiently robust to ensure transparency in the exchange of information across the two jurisdictions.
32. There are clearly many important questions which must be answered by the Irish government relating to the lead up to, time of and aftermath of the Omagh bombing. These are amplified because of the overlap of terrorist activity and involvement of identified individuals across both jurisdictions. The following assumptions can be made even at this preliminary stage:
- (a) That in all probability some element of planning of the bomb was carried out in Republic of Ireland.
 - (b) That in all probability some perpetrators came from or were involved with individuals from Republic of Ireland.
 - (c) That in all probability information which identifies and concerns the perpetrators still exists in Republic of Ireland.
 - (d) That in all probability there will be information relating to the issues in the Terms of Reference in relation to the Omagh bombing which is in Republic of Ireland.
 - (e) That in all probability there will be relevant witnesses in respect of the bombing who reside in Republic of Ireland.
33. The Rush family say it is therefore imperative that there is full cooperation on both sides of the border.

34. There is a risk that if the commitments provided by the Irish government, and other state authorities in the North of Ireland are not honoured, this could grind the inquiry process to a halt. The Rush family make a plea today that this inquiry does not become a further endurance test of their strength and courage. Each of the bereaved families have suffered enough.

Conclusion

35. In an affidavit sworn on 18th May 2005, over 20 years ago, Laurence Rush said, ***“It is my honest belief that in particular as a result of all the information contained in the Police Ombudsman Report with particular reference to the pre-warnings about an attack on Omagh on August 15th 1998 that the murder of my wife may have been prevented by the Defendants.”*** There is significantly more information available now which the Rush family say supports their belief that the Omagh Bombing was preventable.

36. The Rush family are embarking on this chapter of Omagh with positivity and hope. They, along with the other families have demonstrated remarkable strength of courage. The Rush family hope that this Public Inquiry represents the beginning of the end of the story of the Omagh Bombing.

9th June 2025