

Monday, 23 June 2025

(11.00 am)

LORD TURNBULL: Good morning, Mr Greaney.

Opening statement by Senior Counsel to the Inquiry,

MR GREANEY

MR GREANEY: Good morning, sir.

Sir, the commemorative and personal statements hearing in January and February of this year represented Chapter 1 in the work of your Inquiry. Today and tomorrow represents Chapter 2.

During this second chapter, you will hear the opening statements of those who have been designated Core Participants in your investigation.

Chapter 2 is principally the time for you to hear from the Core Participants, not from the Inquiry Legal Team, but nonetheless we consider it necessary to make some short, general observations at the outset after which we will introduce the order in which you will hear from the advocates for the Core Participants.

We have four general observations. The first general observation concerns the need for the State Core Participants to work at pace to fulfil the requirements of the Inquiry and this must involve those State Core Participants ensuring that the necessary resources, both human and financial, are dedicated to that work.

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Secretary of State for Northern Ireland, by then Chris Heaton-Harris, announced that a statutory Public Inquiry would be established into the preventability by the UK State of the Omagh bombing. That was more than two years and three months ago.

On 21 February 2024, more than one year and three months ago, this Inquiry was formally established under the Inquiries Act 2005 and its terms of reference were published. It hardly needs to be said that much time has passed.

While the Inquiry has received a volume of disclosure from material providers and has, in turn, made disclosure of that which is relevant onto Core Participants, we had hoped, and expected, to be further advanced than we are. The understandable consequence of the level of disclosure to Core Participants is that the opening statements of the bereaved families and survivors cannot be as detailed or evidence-focused as they would have wished. Furthermore, it's an obvious fact that the opening statements are being heard by you, sir, a considerable period out from chapter 3 which will consider the bombing itself and which will commence in March of next year.

That gap of nine months between Chapter 2 and chapter 3 is unfortunate in our view and is a further consequence of the pace of disclosure to the Inquiry.

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Sir, to illustrate why that is a necessity rather than simply desirable, it's essential in our view to look at the chronology that has led to this Inquiry so as to see the time that has simply disappeared.

No-one in this hearing room, or indeed viewing the feed, needs to be reminded that the atrocity here in Omagh occurred nearly 27 years ago. However, a number of other dates do bear recitation.

On 12 February 2013, the Secretary of State for Northern Ireland, then Theresa Villiers, refused to order a public inquiry into the circumstances of the Omagh bombing. Shortly afterwards, Michael Gallagher, one of our Core Participants, of course, commenced judicial review proceedings in respect of that refusal. That, of course, was more than 12 years ago.

On 23 July 2021, in those public law proceedings, Mr Justice Horner, as he then was, announced that he was satisfied that there existed grounds giving rise to what he described as plausible arguments that there was a real prospect of preventing the Omagh bombing that deserved to be fully investigated through an article 2 compliant investigation. The judge gave his reasons in an open ruling on 8 October 2021. That was more than three and a half years ago.

On 2 February 2023, as a result of that ruling, the

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Sir, the simple fact is that the speed of disclosure to the Inquiry by material providers must increase and that is why we repeat the need for the State Core Participants and indeed all material providers to work at pace to fulfil the requirements of the Inquiry and to ensure that the necessary resources, both human and financial, are dedicated to that work.

Sir, those are not mere words. The need that we have described must be given effect to.

In saying all of that, we acknowledge that the material providers, particularly the State Core Participants, have a very substantial task. Because of the period that we're dealing with, more than a quarter of a century ago, many documents exist only in hard copy and, even when held digitally, the systems concerned do not resemble those with which we are now familiar.

Documents need to be found, about which we will say more shortly, then reviewed, digitised and disclosed to the Inquiry. We recognise that all of that takes time, even with a proper application of resources. In that regard, we should say publicly that we're grateful for the efforts of the Police Service of Northern Ireland to serve resources to the Inquiry with a view to servicing our requirements.

For all of those reasons, we are not today advancing

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criticisms of any material provider. Sir, we are simply setting out our expectations and we know yours as the Inquiry moves forward.

Notwithstanding that our remarks are not designed to criticise, it seems to the Inquiry Legal Team that between now and the commencement of chapter 3 of the Inquiry's work there is likely to be value in at least one hearing to consider the progress of disclosure, probably in September or October. So tomorrow, at the conclusion of Chapter 2, we will invite you, sir, to give a direction to that effect. That is the first general observation.

The second general observation relates to the breadth of the terms of reference of your Inquiry. The terms of reference and the provisional list of issues which has been updated are available on the Inquiry's website and anyone who is uncertain about the span of your investigation should read those documents. In that regard, we have noted that, in his written opening statement, the Secretary of State for Northern Ireland says this of the judicial review proceedings to which we have referred already, and we quote:

"A highly experienced judge having heard submissions from open representatives, special advocates and Respondent counsel and having considered hundreds of

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disclosure than was received by the judge and by other processes and the Inquiry will also have the benefit, which the judge in the judicial review proceedings did not, of an oral evidence process at which many witnesses will be called and, where appropriate, pressed hard and challenged.

The third general observation relates to a topic about which the bereaved families and survivors have expressed concern in their written opening statements; namely, missing documentation. Sir, we wish to provide reassurance at the beginning of Chapter 2 about the approach the Inquiry intends to take to this issue. The approach is this: where a state Core Participant, or indeed any material provider, claims that it is unable to locate documents that are known to have existed, that claim will be subject to the most intense scrutiny by the Inquiry. The Inquiry will demand to know what searches have been made, by whom, when, and where, and will demand to know what the explanation is said to be for the inability to locate documents. That demand will be made of a senior figure within the material provider concerned and that person should know that they may be required to attend a hearing in order to give evidence before you, sir, to justify the position that has been advanced.

Furthermore, we expect that where the information

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exhibits, thousands of pages of evidence and submissions, and countless authorities found that the relatively low bar of plausible argument was made out in relation to four out of ten grounds. There was no plausible argument in relation to the remaining six grounds."

That ends the quote.

The Inquiry Legal Team is confident that the State Core Participants are not suffering under a misapprehension. Notwithstanding, it is important that we should state the following publicly today.

The Omagh Bombing Inquiry, your Inquiry, sir, will of course have regard to and treat with respect the judgment of Mr Justice Horner and will consider the evidence, both open and closed, that led him to reach the conclusion that he did as to the arguability of the grounds advanced before him. However, the Inquiry is not constrained in any way by the grounds found by the judge to be, as he put it, plausible, just as the Inquiry is not constrained by the findings of any other previous proceedings, investigation or review.

The Inquiry will consider all relevant issues afresh and will be constraint only by its terms of reference which are much broader than the four grounds found by Mr Justice Horner to be arguable. Moreover, it is inevitable that the Inquiry will receive much more

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and/or explanation provided is regarded by you, sir, as unsatisfactory or inadequate, you will not hesitate to draw such inferences from that state of affairs as appear to you to be appropriate.

So if any person had thought that the Inquiry would simply accept at face value an assertion that an apparently relevant document cannot be found, they now know the reality and the reality is far from that position.

We also make plain that the Inquiry will not hesitate to use its powers under the Inquiries Act 2005 to ensure that it receives the fullest possible disclosure of relevant material. Those powers include your power, sir, in section 21 to require the production of evidence; section 35 which criminalises any person who fails without excuse to do anything that he is required to do by notice under section 21; and section 36 which enables you to certify for enforcement by the High Court or Court of Session any person who fails to comply with or acts in breach of a notice under section 21; and, as some may know, members of your Inquiry legal team have extensive experience in other processes of using each of those powers.

The fourth and final general observation relates to the requirement that state bodies act with candour in

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1 this process.

2 The Inquiry published a protocol on opening

3 statements ahead of this hearing. Under the heading

4 "Candour", the following was stated, and we quote:

5 "The Chairman considers that State Core Participants

6 have had substantial time since the Bombing to

7 investigate and understand their own involvement in

8 events and to identify failings, mistakes and areas for

9 improvement.

10 "The Chairman expects State Core Participants to

11 understand and exhibit the principles of the Hillsborough

12 Charter and the Hillsborough law. He expects openness,

13 candour and transparency. In the event any State Core

14 Participant has identified mistakes or failings going to

15 the Terms of Reference these must be fully and clearly

16 acknowledged in plain language, cross-referring to the

17 Terms of Reference and the Provisional List of Issues."

18 The protocol went on to say this:

19 "State Core Participants can expect scrutiny of their

20 Opening Statements in the context of what subsequently

21 emerges. At later stages in the Inquiry and in

22 appropriate circumstances, State Core Participants can

23 expect to be required to explain why concessions which

24 could have been made at an early stage were not."

25 That concludes the quotation from the protocol.

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1 in each of their determinations, are expected to assist

2 and support the inquisitorial functions of your Inquiry.

3 As has been made clear already, much time has passed

4 since the decision of Mr Justice Horner, let alone since

5 the bombing. This Inquiry must now move forward with

6 pace and with rigour. Concessions and explanations of

7 the position of State Core Participants, as against the

8 terms of reference and provisional list of issues, will

9 help to support the Inquiry to achieve that.

10 Sir, against that background of four, we hope,

11 helpful general observations, we will turn next to

12 introduce the order in which you will hear the opening

13 statements.

14 Today you will hear from, indeed we will all hear

15 from, the following in the following order: first, Philip

16 Henry King's Counsel on behalf of the Police Service of

17 Northern Ireland, followed by Fiona Fee King's Counsel on

18 behalf of the Secretary of State for Northern Ireland.

19 Thirdly, you will hear from Simon McKay on behalf of the

20 Police Ombudsman for Northern Ireland. Fourth, from Ian

21 Skelt King's Counsel on behalf of Sir Ronnie Flanagan.

22 Fifth, from Alan Kane King's Counsel on behalf of the

23 bereaved families and survivors represented by John

24 McBurney Solicitors. And sixth, from Stephen Toal King's

25 Counsel on behalf of the bereaved families and survivors

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1 In their written opening statements for Chapter 2,

2 the State Core Participants have not made any such

3 concessions. They have explained that they do not feel

4 in a position to make a sensible assessment of whether

5 such concessions are appropriate given the early stage of

6 the proceedings. We are not saying at this stage that

7 their positions are wrong. However, we repeat that said

8 in the protocol, namely that scrutiny will be applied to

9 the opening statements in light of what the evidence

10 subsequently reveals.

11 Furthermore, we would add that this week these two

12 days of Chapter 2 do not represent the only occasion for

13 a state Core Participant to make a concession. If at any

14 subsequent point in time -- so after today and

15 tomorrow -- it becomes apparent to a state Core

16 Participant that a concession is appropriate, that

17 concession, we suggest, must be made promptly and in the

18 way described in the protocol.

19 It is important that the significance of concessions

20 is understood. They are important because they will help

21 the Inquiry to conduct a full and fearless investigation

22 in order to establish the truth in relation to the issue

23 of preventability. The Inquiry is not adversarial.

24 There are no parties and there is no case to put and no

25 position to defend. Core Participants, as was made clear

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1 represented by Logan & Corry Solicitors,

2 Campbell & Haughey Solicitors and Roche McBride

3 Solicitors.

4 Sir, the written opening statement of each Core

5 Participant, for which the Inquiry has been grateful,

6 will be uploaded to the website of the Inquiry at the

7 beginning of their oral presentation of their statement.

8 We hope that that will help any members of the public and

9 the media to follow the hearing.

10 It's to be noted that, as with other hearings of the

11 Inquiry, this hearing is being broadcast on YouTube.

12 There is a three-minute delay on that broadcast in case

13 anything is said which should not be made public. That

14 delay will allow time for such issues to be identified

15 and dealt with if they arise.

16 Sir, we will take a short break, probably no more

17 than five minutes, following our opening statements and

18 also between each opening statement and we will take

19 lunch today after the opening statement on behalf of the

20 ombudsman.

21 Tomorrow we will hear from the following: first, from

22 Hugh Southey King's Counsel on behalf of the bereaved

23 families and survivors represented by Fox Law and,

24 second, from Michael Mansfield King's Counsel on behalf

25 of the Rush family. Sir, as you know, and indeed you

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1 have approved for good reason, Michael Mansfield will
2 appear by a link.

3 That will then conclude the opening statements of
4 Core Participants, although we, the Inquiry Legal Team,
5 may make some short final observations but only if we
6 consider there is value in us doing so.

7 Sir, unless there is anything that you would like to
8 ask or say at this stage, we would invite you to rise for
9 five minutes, following which we will hear, as we have
10 indicated, from Philip Henry.

11 **LORD TURNBULL:** Thank you, Mr Greaney.

12 **(11.22 am)**

13 **(A short break)**

14 **(11.31 am)**

15 **MR GREANEY:** Sir, we will now invite you to hear from
16 Mr Henry on behalf of the Police Service of Northern
17 Ireland.

18 **LORD TURNBULL:** Mr Henry.

19 **Opening statement on behalf of the Police Service of**
20 **Northern Ireland by MR HENRY**

21 **MR HENRY:** Good morning, sir. Can I just double-check that
22 you can hear me okay.

23 **LORD TURNBULL:** I can. Thank you.

24 **MR HENRY:** Sir, this is the PSNI's opening statement. It is
25 important that the PSNI begins its opening statement by

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1 response to the Inquiry's invitation to the Core
2 Participants to do so.

3 However, I am first going to say something about the
4 Omagh bombing and the commemorative hearings. The Omagh
5 bombing involved the single most devastating loss of life
6 during the history of terrorist attacks in Northern
7 Ireland. Tragically, 29 innocent adults and children,
8 and two unborn children, were taken from their loved ones
9 in a savage act of violence.

10 For those of us who were not personally affected by
11 the bombing, it was impossible to truly comprehend the
12 suffering which followed. It was therefore of real
13 importance that the Inquiry chose to begin its process by
14 hearing from those who had lost loved ones and from
15 survivors and their families.

16 The commemorative hearings in February of this year
17 were deeply important for all of us involved in the
18 Inquiry and the PSNI listened carefully to the evidence
19 that was given. Everyone was deeply moved by the
20 experience: moved by the courage of those who came
21 forward to share their personal accounts; moved by the
22 descriptions of ordinary and peaceful circumstances that
23 preceded the explosion, contrasted with the devastating
24 descriptions of what followed; and, above all, moved by
25 the love and affection so clearly expressed for those who

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1 offering its sincere condolences to those who have lost
2 loved ones as a result of the Omagh bombing and its
3 deepest sympathy to all of those who were injured or
4 otherwise affected, many of whom continue to endure
5 physical and psychological consequences to this day.

6 It is also important to explain from the outset the
7 approach that the PSNI is taking to this Inquiry.

8 The Chief Constable has made it clear that the PSNI
9 will provide its full co-operation and support, which
10 includes providing the Inquiry with all of the materials
11 within its possession so that the Chairman is in the
12 better possible position at the end of the Inquiry to
13 reach his findings.

14 That is how the PSNI can best serve the Inquiry and
15 those who are affected by it. The PSNI will continue to
16 engage constructively with the Inquiry, as it has done
17 since its inception of February last year.

18 Sir, during the course of the next 30 minutes, I will
19 address the following issues: the make-up of the PSNI's
20 Inquiry team; the nature of the work we are doing and
21 some of the issues which have impacted on that work,
22 including the passage of time; the decision to
23 temporarily assign additional PS&I resources to the
24 Inquiry; the issue of concessions; and we will raise some
25 of the issues which are of interest to the PSNI in

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1 were lost.

2 Through those powerful and extremely personal
3 accounts, we were all reminded of the human impact of the
4 events on 15 August 1998.

5 The commemorative hearing process therefore served to
6 underscore how important this Inquiry is to the families
7 of the deceased, to those who survived and to all of
8 those who have been affected in some way.

9 The PSNI's Omagh Bombing Inquiry team is working with
10 a seriousness of purpose which reflects that importance
11 and attempts to respect it. We will do so by providing
12 the Inquiry with the information and assistance that it
13 needs.

14 I will now say something about the PSNI's team for
15 this Inquiry. That team has grown in numbers and
16 strength since the start of this process in order to meet
17 the challenges of assisting the Inquiry in locating,
18 understanding and sharing vast volumes of information
19 from the 1990s.

20 This expansion reflects not only the seriousness with
21 which the PSNI approaches its responsibilities, but also
22 its determination to ensure that every aspect of this
23 work is handled with care and expertise. The police
24 officers working on the Inquiry are split into two
25 different teams. One team deals with nonsensitive

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materials and all the officers in it have experience in undertaking large-scale criminal investigations into serious crimes. The other team deals with sensitive materials and all the officers in it have specialist training and experience in dealing with highly sensitive and classified information.

The volume of work required of the PSNI by the Inquiry is considerable. In particular, the work required to locate and provide the material relating to the Inquiry's list of 31 previous incidents has been an issue. This led to the PSNI to taking the unprecedented step of temporarily reassigning every suitably qualified member of staff capable of researching sensitive materials from the 1990s to work on this Inquiry for a period of up to six months. Their task is to locate and compile the sensitive materials relating to those 31 previous incidents and this is something that I will return to later.

Oversight of the PSNI team rests with a Detective Chief Superintendent to ensure the quality, integrity, and progress of the work being undertaken. In addition to the two teams of police officers, the PSNI has also created a legal team of consisting of eight lawyers to assist with the Inquiry.

As we hope is evident, the PSNI has responded to the

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team brings with it some practical implications. The volume of information involved is extensive and the officers and lawyers involved had to begin that work from the ground up. The reality or, rather, this reality must be taken into account, particularly given that the review and supply of material to the Inquiry is still ongoing and that the scope of the Inquiry is broader than the judicial review and any of the previous internal or external reviews connected with the Omagh bombing.

I will now say something about the visibility of the work that we're doing. The PSNI realises that much of the work, especially in the early stages of this Inquiry, will not be immediately visible to the other Core Participants. Because of that, it is important to emphasise and provide some reassurance that substantial work has already been undertaken and will continue until the conclusion of the Inquiry.

It is perhaps worth giving some context to this. The kind of work that the PSNI has been undertaking includes the following list:

- Reviewing and scheduling and providing the Inquiry with materials collated during the criminal investigation into the Omagh bombing, an investigation which spanned several years;

- Liaising with the Public Prosecution Service to

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scope of the work required of it by devoting substantial resources to the Inquiry process. Collectively, the PSNI team is working hard to complete the work required of it and always seeks to engage constructively with the Inquiry team.

Sir, the following are some observations we make at this stage in respect of that work.

The PSNI has created a new team to deal with this Inquiry. With the exception of one police officer who had been assigned to support the PSNI's involvement in the judicial review, every member of the PSNI Omagh Bombing Inquiry team is new to the case. None of lawyers had any involvement in the previous adversarial proceedings relating to the Omagh bombing, including the judicial review proceedings and the ongoing civil actions.

Similarly, none of the police officers or other staff had any prior involvement with the criminal investigation into the bombing (albeit most of those officers serving at that time have since retired) nor has any officer had any involvement in the related court proceedings, save that one officer I mentioned a moment ago who assisted with the judicial review.

The PSNI has made a conscious decision to form a new team for this Inquiry. However, the creation of a new

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ensure that all the relevant prosecution materials are provided to the Inquiry;

- Researching and providing a sequence of events statement which explains the evidence available about what happened on the day of the Omagh bombing and the days leading up to it;

- Researching and providing an addendum sequence of events statement responding to a list of questions raised by the Inquiry about the contents of the original sequence of events statement;

- Creating an electronic presentation of the sequence of events through use of new digital software, as requested by the Inquiry;

- Researching for and then providing corporate witness statements responding to a substantial Rule 9 request issued by the Inquiry, which focuses on the structure of the RUC in 1997 and 1998 and how it operated;

- Researching for and then providing an addendum corporate statement to answer further questions arising out of parts A to D of that Rule 9 request;

- Undertaking Threat Book searches;

- Interviewing witnesses;

- Dealing with non-Rule 9 requests and queries made of the PSNI by the Inquiry on an ongoing basis: undertaking sensitivity checks on various documents; preparing

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restriction order applications; attending meetings with the Inquiry Legal Team to discuss various issues, identify problems and discuss solutions to ensure progress is maintained; reviewing the materials posted by the Inquiry on Relativity; searching for and securing sensitive and nonsensitive disclosure for the 31 previous incidents and making it available to the Inquiry.

Providing the Inquiry with lists of suspects; reviewing the reports of the experts instructed by the Inquiry and providing PSNI's feedback; reviewing redactions proposed by the Inquiry team on documents provided by the PSNI; providing written statements on issues -- or written submissions, rather, on issues raised about redaction; providing written submissions on the potential involvement of special advocates; providing its opening statement; responding to pre-action protocol correspondence seeking to challenge the PSNI's decision to temporarily reassign resources to the Omagh Bombing Inquiry; and dealing with the judicial reviews challenging the PSNI's decision to temporarily allocate additional sensitive resources to the Inquiry.

And also, sir, dealing with the broad range of administrative, logistical and technical issues and complexities associated with the provision of tens of thousands of items of disclosure to the Inquiry,

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specialist researchers, who must examine a number of different resources. It is painstaking work.

Whilst the work is undoubtedly challenging and complex, the PSNI remains fully committed to the process.

The PSNI also highlights that, in keeping with its overall approach to the Inquiry, it has not taken issue with any of the requests made of it on behalf of the Chairman, no matter how challenging, including those which stretch beyond the parameters of the judgment in the related judicial review delivered by Mr Justice Horner, as he was then. Rather, when faced with the requests, the PSNI has engaged in discussion with the Inquiry to find the best possible way of providing the information sought. In simple terms, the PSNI has consistently demonstrated its commitment to assisting the Inquiry.

Another important consideration affecting our work is the passage of time. Over 25 years have now passed since the Omagh bombing and that passage of time has impacted the PSNI's ability to swiftly access and provide the materials requested. Many of the officers who served at the relevant time have since retired, further complicating the task at hand, and it is also important to emphasise one issue. The PSNI does not have a single IT system on which all potentially relevant material from

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including issues arising from the provision of sensitive materials.

I will use the first of the tasks I have listed, sir, to give a better understanding of what is involved in practical terms. In respect of the Omagh bombing HOLMES account, which is the electronic system used to store criminal investigation papers, on the date of submitting this statement over 26,000 documents of varying length and 2,000 exhibits had been scheduled for the Inquiry. That does not include any of the materials associated with the 31 previous incidents.

In that vein, it is also important to understand the magnitude of the request made of the PSNI by the Inquiry to provide material in connection with the 31 previous incidents from over 25 years ago. It is a huge undertaking.

Criminal investigation materials for the incidents in Northern Ireland were collated by the RUC at the time. Some are stored in hard copy and some digitally on HOLMES accounts. These have to be located, scheduled and provided to the Inquiry in digital form. That is a lot of work, but it is manageable.

The much greater challenge, however, is around obtaining potentially relevant sensitive materials for those incidents. This work can only be undertaken by

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the 1990s is stored. Whilst such a system would be desirable, because it would make the task of researching material such simpler, no such system unfortunately exists.

When dealing with the recovery of relevant materials, it is also important to recognise that the 1990s were a fundamentally different era. The internet was in its infancy, accessible to only a limited number of businesses and households, it was certainly not the powerful, all-encompassing tool we all rely on today. Research was still conducted in libraries. Communication was predominantly by landline and mobile phones were only just beginning to gain popularity. Smartphones and the apps that are now common place had not yet been invented.

These observations may seem unconnected to the business of the Inquiry and in one way they are, but they are made to provide some context to the extent to which the information relevant to the Inquiry requires the PSNI to reach back into the analogue world of the past.

The first generation of computer systems were introduced by the RUC in the 1990s. They had no predecessors and have long since been superseded.

Each system was specifically designed for one area of work, they were not integrated with other IT systems and each was subject to the significant limitations of the

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technology at the time. By modern standards they were very basic, indeed, and lacked the user-friendly functionality that we now all take for granted.

As the information technology was only starting to be introduced, many aspects of police work still relied heavily on paper records. Therefore, the PSNI is required to search hard copy storage archives as well as multiple outdated IT systems. The point we are trying to illustrate is that there are challenges in gathering the information from over 25 years ago.

It is important to emphasise that the PSNI is not offering this as an excuse, but, rather, is a candid explanation of what is involved so that expectations are realistic about how quickly it is possible to reliably meet the Inquiry's requirements. The PSNI recognises that any periods of delay can cause frustration. However, the PSNI must also do the work properly and it is being done as quickly as it can and in good faith.

I will now say a little bit more about the sensitive research required of the PSNI.

As a result of taking part in the judicial review, the PSNI has already identified what sensitive materials it holds in connection with the Omagh bombing. However, the scope of the Inquiry is much broader. For example, detailed research into what sensitive materials exist for

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seeks to bring this to the attention of the Inquiry so that solutions can be found.

One such example was the previous incidents. The PSNI received the first list of previous incidents in November 2024 and immediately allocated its three sensitive researchers to the first three incidents on the list with each researcher taking one incident. It took over three months for those highly skilled researchers to undertake the necessary work which involved carefully examining thousands of sensitive documents and this does not include the separate research required in respect of the suspects for each incident.

The PSNI was concerned about how long this work was taking so it brought its concerns to the attention of the Inquiry at the start of this year. We had a series of meetings to discuss the issue and try and find a solution. Both the PSNI and the Inquiry team were concerned about the impact the delay would have on the Inquiry timeline and the listing of future chapters. The situation was stark and there were no easy solutions.

In addition to this Inquiry, the PSNI is currently dealing with over 1,100 other pieces of legacy-related litigation as well as numerous historical inquests many of which still require sensitive research work of the kind I have just described. This is specialised work and

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the 31 previous incidents I mentioned earlier are required. Skilled researchers are required to examine multiple locations, various old database systems and hard copy archives. The work is painstaking and must be done meticulously and that takes time. For example, researchers may identify a particular issue that prompts further lines of inquiry across various historical systems. This goes beyond merely reviewing the sensitive materials already gathered for each incident. The PSNI undertakes a comprehensive review of its legacy databases and archives in an effort to uncover all potentially relevant information, thereby ensuring that it can fully stand behind the outcomes of its investigation. It does not just access a ready-made store of information already compiled for each incident.

At the risk of repeating myself, this is not simply a matter of typing words into a single search engine and then retrieving the results as one would do with modern IT systems. The reality is quite different.

I will now return to the temporary reallocation of resources by the PSNI to this Inquiry. As I have already explained, from the very beginning the PSNI has maintained constructive, transparent and continual dialogue with the Inquiry team. When the PSNI identifies a problem or foresees a difficulty in the future, it

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researchers require months of training and further supervision during probationary periods. Therefore, it was not possible to simply draft in other officers at short notice to assist with there is work.

In order to deal with this problem, the PSNI decided to temporarily reassign all of its sensitive researchers who were working on other cases to undertake the sensitive research required on the 31 previous incidents identified by the Inquiry for a period of up to six months. This was an exceptional step.

The PSNI was conscious that this decision may in the short term have some impact on the speed of progress in some but not all of its other legacy-related litigation and other cases. However, if it did not adopt this course, then there would be a delay of several years in progressing this Inquiry which was unacceptable to the police, unacceptable to the Inquiry and would have been unacceptable to the other Core Participants.

The PSNI cites this reallocation of its resources as a good illustration of its commitment to the Omagh Bombing Inquiry.

In broader context, this Inquiry will benefit if there is collective trust and confidence in its process. The PSNI therefore appreciates the Inquiry publicly acknowledging to all Core Participants in the update

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1 issued on 31 March 2020 (*sic*) its:
 2 "Sincere gratitude to the PSNI for their commitment
 3 to support the Inquiry in this way."
 4 Which again was echoed, by Mr Greaney KC kindly
 5 today.
 6 Public acknowledgments of this kind are all the more
 7 important when much of the work currently ongoing is not
 8 immediately visible to non-State Core Participants at
 9 this information-gathering stage.
 10 By acknowledging the scale of the PSNI's commitment,
 11 the Inquiry will hopefully have fostered greater
 12 confidence in the process amongst the families of the
 13 deceased, the survivors and the others affected.
 14 Sir, I will now say something about the CLOSED nature
 15 of some of the material in this Inquiry. The Inquiry has
 16 already disclosed large volumes of materials to the Core
 17 Participants and it will continue to do so.
 18 However, as acknowledged by the Inquiry from the
 19 outset in its terms of reference and provisional list of
 20 issues, some of the material provided to it by the PSNI
 21 and other state authorities will not be capable of being
 22 disclosed in OPEN session, either because of obligations
 23 under the European Convention on Human Rights, or for
 24 national security reasons, or for some other public
 25 interest reason.

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1 I will now say something about the invitation to
 2 consider making concessions. The Inquiry's opening
 3 statement protocol invited the State Core Participants to
 4 consider making appropriate concessions in their
 5 respective opening statements. The PSNI understands the
 6 reason for making this request. However, for the reasons
 7 alluded to earlier, the PSNI is not in a position to
 8 consider whether it is appropriate to make concessions at
 9 this point in time. The PSNI is still in the process of
 10 reviewing and disclosing to the Inquiry tens of thousands
 11 of pages of disclosure. Also, key witnesses who have
 12 previously served as RUC officers or worked as employees
 13 have yet to be interviewed by either the PSNI or the
 14 Inquiry team for the purposes of this Inquiry.
 15 There may also be information from other participants
 16 which is not currently in the possession of the PSNI
 17 which it is proper to consider.
 18 The Inquiry is still in the process of gathering all
 19 the relevant evidence and the decisions that need to be
 20 made in this Inquiry will be based on the evidence.
 21 If in due course it becomes appropriate to make
 22 concessions based on that material, then the PSNI will do
 23 so. However, at this relatively early stage it is simply
 24 not possible to decide whether it is appropriate to do
 25 so. A more global understanding of the evidence is

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1 Much of that CLOSED material will be in the form of
 2 intelligence or will otherwise be associated with
 3 intelligence. The PSNI recognises, as the Inquiry has
 4 already, that the non-disclosure of such material will be
 5 frustrating for the Core Participants who are not given
 6 access to it. However, this type of approach has already
 7 been recognised as a necessity, as a matter of general
 8 principle. There will, therefore, be a need for some
 9 applications to withhold some information from the public
 10 domain. It will ultimately be for you, as the Chairman,
 11 to determine those applications. However, the PSNI will
 12 only apply for restriction orders insofar as is necessary
 13 to protect the public interest, national security and to
 14 discharge its obligations under the European Convention
 15 on Human Rights.

16 If anyone is frustrated by that aspect of this
 17 process, they will be actually to take some comfort from
 18 the fact that all the information will be provided to the
 19 Inquiry Chairman and his team, even if it is not released
 20 to the Core Participants and into the public domain. The
 21 Chairman and the Inquiry Legal Team will be able to probe
 22 that information, evaluate it, and see how it informs the
 23 issues in this Inquiry. Therefore, the Chairman will not
 24 be disadvantaged when it comes to deciding the issue of
 25 preventability.

30

1 required.
 2 I would like to emphasise the following. None of
 3 this detracts in any way from the PSNI's fundamental
 4 approach to this Inquiry which is to provide its full
 5 co-operation and to supply all relevant materials it
 6 holds so that you, as Chairman, are in the best possible
 7 position to make your determination.
 8 I said a moment ago, it is the evidence which will
 9 ultimately determine the issues in this Inquiry.
 10 Sir, I have one final area to address. The Inquiry's
 11 opening statement protocol invited the Core Participants,
 12 including the PSNI, to identify issues which are of
 13 interest to them. In addition to the issues which I have
 14 already addressed, the PSNI has identified three issues
 15 of interest to it at this stage.
 16 Firstly, the preventability test to be applied. The
 17 core issue for this Inquiry is whether the Omagh bombing
 18 could have been prevented by the State authorities. The
 19 PSNI therefore considers that, in due course, it will be
 20 necessary to bring some definition to the test to be
 21 applied when making that determination and in particular
 22 whether the issue of preventability is to be calibrated
 23 with reference to what was reasonably practicable in the
 24 circumstances.
 25 Secondly, other demands on police at the time. A

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1 fair and balanced examination of preventability will
2 inevitably have to involve some consideration of what
3 other issues and threats the RUC was dealing with in the
4 lead-up to the Omagh bombing. The PSNI looks forward to
5 engaging in dialogue with the Inquiry about where within
6 the current chapter structure such consideration could be
7 undertaken.

8 Thirdly, hindsight bias. This is something that was
9 recognised by Mr Justice Horner in his judgment in the
10 judicial review as being a proper consideration and it
11 will be a live issue in this Inquiry. If a
12 decision-maker already knows what the outcome is and is
13 then asked to review the adequacy of the actions by those
14 who were involved at the time but who did not have the
15 benefit of knowing the outcome, there will always exist
16 the risk of what has come to be known as hindsight bias.
17 In simple terms, it is much easier to join the dots after
18 the event when one already knows the outcome. Dealing
19 with events in real time, however, is quite different.

20 The PSNI is conscious that the Inquiry team will be
21 aware of this issue and in due course is interested to
22 learn what steps will be taken to guard against the risk
23 of hindsight bias in the Inquiry.

24 Sir, to conclude this opening statement, I hope that
25 it provides the Inquiry and the other Core Participants

33

1 best we can.

2 **LORD TURNBULL:** Thank you. So we will rise briefly,
3 Mr Greaney.

4 **MR GREANEY:** We will rise again for about five minutes,
5 following which we will hear from Ms Fee on behalf of the
6 Secretary of State for Northern Ireland.

7 **LORD TURNBULL:** Thank you.

8 (12.03 pm)

(A short break)

10 (12.12 pm)

11 **MR GREANEY:** Sir, as I indicated, we will now hear from
12 Ms Fee on behalf of the Secretary of State for Northern
13 Ireland.

14 **LORD TURNBULL:** Ms Fee.

15 **Opening statement on behalf of the Secretary of State for
16 Northern Ireland by MS FEE**

17 **MS FEE:** Thank you. Chairman, Core Participants and all
18 those affected by the Omagh bomb who have attended today
19 or who are listening to today's hearing, this opening
20 statement is made on behalf of the Secretary of State for
21 Northern Ireland. A number of organisations fall within
22 this Core Participant group, including the UK
23 intelligence community, UKIC, the Ministry of Defence,
24 the MOD, the Northern Ireland Office, the NIO, the
25 Cabinet Office and the Foreign Commonwealth and

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1 with a better understanding of the work being undertaken
2 by the PSNI and that it serves to reaffirm the PSNI's
3 commitment to supporting and assisting the Inquiry. The
4 best way that the PSNI can do that is by providing the
5 relevant information within its possession and that is
6 what it is doing, and what it will continue to do, sir.

7 That completes the PSNI's opening statement.

8 **LORD TURNBULL:** Thank you, Mr Henry. Your statement on
9 behalf of the Police Service for Northern Ireland was
10 informative and also encouraging in respect of the levels
11 of engagement and commitment which you set out. So I am
12 very grateful to you for that.

13 You will also of course have detected from the other
14 written statements the concerns raised by the family
15 participants concerning missing or as yet unavailable
16 documents and you will have heard Mr Greaney's remarks in
17 that connection this morning. I'm confident that you
18 will wish to approach ongoing disclosure with those
19 remarks in mind.

20 **MR HENRY:** We will indeed, sir, and we have heeded the
21 comments made earlier this morning and we have read
22 carefully the opening statements of the other Core
23 Participants and we understand the concerns that arise.

24 **LORD TURNBULL:** Yes.

25 **MR HENRY:** We do offer our commitment to addressing those as

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1 Development Office, the FCDO.

2 In opening remarks at the preliminary hearing in
3 July 2024, the Secretary of State offered sincere
4 condolences to all those who have suffered as a result of
5 the Omagh bomb, which was a horrific terrorist atrocity.
6 It's important to reiterate those condolences in this
7 opening and to acknowledge the unfathomable loss
8 inflicted upon so many.

9 The commemorative hearings, which took place across
10 14 days in January and February of this year, gave us all
11 some insight into the unimaginable scale of human
12 suffering which resulted from the terrorist bombing of
13 this peaceful market town on 15 August 1998.
14 Representatives of the Secretary of State attended each
15 day of the commemorative hearings and no-one who listened
16 to that evidence could fail to be moved by the bravery of
17 all of those involved.

18 The work of this Inquiry is important and the
19 organisations within the Secretary of State Core
20 Participant group have engaged meaningfully with the
21 Inquiry at all stages from its inception and will
22 continue to do so. Not all of the work being done by the
23 Secretary of State will be visible to other Core
24 Participants, especially during these initial stages of
25 the Inquiry.

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A considerable volume of work has already been undertaken since the commencement of the Inquiry and that work continues at pace. Engagement with the Inquiry is not limited to matters capable of OPEN disclosure but also includes CLOSED material.

During the course of the preliminary hearings in July 2024, Senior Counsel to the Inquiry explained the disclosure process which is the process by which the Inquiry is provided with material relevant to its terms of reference. This includes material which is considered to be sensitive under national security or other grounds and this is often referred to as CLOSED material. As one might expect, organisations within the Secretary of State Core Participant grouping do hold material of this nature. While it is not possible to comment in detail on CLOSED material in this opening statement, some context for the disclosure exercise will be provided.

The opening statement over the next 30 minutes or so will address the following issues. Firstly, the judicial review background; secondly, disclosure; thirdly, consideration of concessions; and then, lastly, some concluding remarks.

Firstly, on the judicial review background. This Inquiry was initiated following a judicial review challenge alleging that the Omagh bomb was preventable.

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the arguable grounds of preventability. I do not intend to be prescriptive. However, it is for the government to hold an investigation that is Article 2 compliant and which can receive both OPEN and CLOSED materials on grounds 2, 6, 7 and 9."

Those grounds 2, 6, 7 and 9 are now reflected in the Inquiry's terms of reference.

Kevin Fulton named in ground 2 appears at 2(e) of the terms of reference. GCHQ, which is referred to in ground 6, is now named in 2(f) and (g). Tracking telephone usage, which is mentioned in ground 7, is referenced at 2(h). Norman Baxter, mentioned in ground 9, is referred to at 2(d) of the terms of reference.

The Inquiry's terms of reference also pose some contextual questions around threat assessments, adequacy of disruption measures, adequacy of intelligence-sharing policies and practices, including making reference to information sharing, and investigations with and by state authorities in the Republic of Ireland.

There is also a provisional list of issues, updated at 31 March 2025, which is described as a guide to the topics the Chairman will investigate when he examines each aspect of the terms of reference. This is a provisional document and it has been made clear that it does not replace the terms of reference, it's not

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The allegations of preventability made in the judicial review have been described by both Mr Justice McGuire and Mr Justice Horner, as they then were, as wide-ranging.

In a detailed 102-page open judgment Mr Justice Horner considered each of the ten allegations of preventability. He reviewed both open and CLOSED material and also produced a closed judgment. He considered whether each individual ground, whether on its own or taken in conjunction with any other ground, raised a plausible argument that there was a real prospect that the Omagh bomb could have been prevented. He set out detailed reasoning as to why he was not satisfied that any plausible argument had been raised in relation to grounds 1, 3, 4, 5, 8 and 10. In respect of grounds 2, 6, 7 and 9, Mr Justice Horner found that they gave rise to plausible arguments and he noted at paragraph 310 of his judgment:

"These grounds involve, inter alia, the consideration of terrorist activity on both sides of the border by prominent dissident terrorist republicans leading up to the Omagh bomb. It will necessarily involve the scrutiny of both OPEN and CLOSED material obtained on both sides of the border."

He went on to say:

"I am not going to order a public inquiry to look at

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intended to be exhaustive or prescriptive and that whilst some topics will come into greater focus as the investigation develops, others may fall away.

As the Inquiry's aware, substantial disclosure was produced as part of the judicial review proceedings. That included both open and CLOSED material. The entirety of that material has been made available to the Inquiry team. The judicial review is mentioned in these submissions as it provides some context to the disclosure work that the organisations within the Secretary of State Core Participant group had already done prior to the commencement of the Inquiry. So for the purposes of discharging the duty of candour in the judicial review proceedings.

The broader scope of the Inquiry has significant practical implications in terms of the breadth of the disclosure exercise in which the organisations within the Secretary of State Core Participant group are engaged on an ongoing basis. The Secretary of State has been grateful for the helpful meetings and interactions which have taken place with the Inquiry Legal Team as we work to assist the Inquiry by the provision of documents and information.

If I could then say something briefly about disclosure. A significant volume of work has been

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undertaken in relation to Inquiry disclosure. To explain the scope of the efforts, it's crucial to understand the extent of the materials involved. There is a vast volume of material which must be collated, carefully reviewed and provided to the Inquiry. This process is not simply a matter of gathering readily available paperwork, it's an immense logistical undertaking requiring meticulous attention to detail, thorough analysis and a strategic, engaged approach. There are teams of counsel, based in both Belfast and London, working together to progress disclosure as efficiently as possible. The Government legal department has also devoted considerable resource to ensuring that the disclosure process is conducted effectively and that relevant documents are provided to the Inquiry as soon as possible and are supported in this jurisdiction by the Crown Solicitor's office.

The provisional list of issues asks what was or should have been known by the UK State about the involvement of dissident republican organisations and individuals in a list of 31 attacks and attempted attacks which occurred between July 1997 and August 1998.

The scale of the work involved in seeking and providing materials related to these 31 historic incidents cannot be overstated. This is an extraordinary effort that requires significant resources and expertise.

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As previously indicated, there will inevitably be material which is not capable of being disclosed in open despite the passage of time. In the judicial review proceedings, a rigorous CLOSED material procedure was engaged in to determine what could and could not be released into open. The Inquiry has always recognised the potential necessity for closed evidence and closed hearings as is apparent from the terms of reference themselves.

Disclosure exercises involving CLOSED material have their own challenges and that adds further logistical complexity. It should be stressed that the Chairman will have sight of the totality of the material identified as potentially relevant. Core Participants who do not have access to CLOSED material have the benefit of knowing that the Chairman will see the material and will be able to analyse and assess it and its implications for the Inquiry.

As a matter of principle, there is certain material that is required to be treated very carefully for national security or other legal or public policy reasons. The fact that it is kept in closed, however, does not mean that it is not the subject of intense scrutiny by the Chairman and his legal team.

The organisations within the Secretary of State Core

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The passage of time means that individuals in post at the time may no longer be available. Locating and identifying documentation which is relevant to 31 separate incidents, as well as the Omagh bombing itself, inevitably has a significant impact on the scope of the discovery exercise. The Omagh bombing itself, of course, occurred over 25 years ago and documents were generated and stored differently 25 years ago compared to our modern systems today.

Relevant documents have been stored in a variety of ways, often across multiple systems and repositories. We can't apply modern metrics when considering how this work can be performed. While these are issues for the organisations within the Secretary of State Core Participant group to grapple with -- and they are doing so -- it's important to be realistic about the impact this has on the complexity of the disclosure process and the speed at which it can be completed. It is important that searches for relevant material are thorough and comprehensive.

These explanations of the challenges inherent in the work required are intended to assist those Core Participants who necessarily do not have visibility of the Secretary of State's work to date to understand some of the factors relevant to the disclosure exercise.

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Participant grouping will continue to engage with the Inquiry team in relation to disclosure and we welcome the opportunity to continue those productive interactions to assist the Inquiry in its important work. In terms of the specific disclosure update by parts of the Secretary of State Core Participant group, an appendix document has been provided addressing that in detail. Time does not permit me to go through the totality of that appendix today at this hearing, but with your permission, Chairman, I will outline the structure and contents of that document briefly now.

Firstly, as I have indicated, organisations within the Secretary of State Core Participant group face particular difficulties in providing open updates about the detail of their disclosure exercises particularly because of the restrictions on what can be said in open about certain kinds of material. Similarly, there are a number of organisations under the Secretary of State grouping. They will not all hold precisely the same types of material directed at the same issues nor will they hold documents and information in the same way. There is, accordingly, variation within the Secretary of State grouping as to what disclosure is held and what has been provided to date and also what stage the disclosure exercise has reached.

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1 There have been helpful and constructive meetings
2 with the Inquiry about disclosure and within those
3 meetings the organisations have been able to be candid
4 with the Inquiry team about the progress specifically in
5 relation to closed disclosure in a way which is
6 impossible in an open forum.

7 Following receipt of the opening statement protocol,
8 very careful thought has been given to what can safely be
9 revealed in open in an attempt to assure Core
10 Participants that work does continue apace. The written
11 appendix provides some detail about what work has been
12 undertaken by various constituent parts of the Secretary
13 of State Core Participant grouping.

14 Paragraph 5 onwards of the appendix deals with the
15 Ministry of Defence and this section explains the
16 Ministry of Defence's work on various different aspects
17 of disclosure. For example, the Defence Science and
18 Technology Laboratory corporate witness statement was
19 finalised on 28 April 2025. Work was also undertaken on
20 a first MoD Rule 9 request and this required disclosure
21 request letters to be disseminated to nine different
22 repositories. The MOD Disclosure Co-ordination Unit also
23 liaised with the PSNI to coordinate the retrieval of MOD
24 material from them. Detail in relation to that Rule 9
25 process is set out across several paragraphs in the

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1 material is preserved, ordered and accessible. These
2 searches and their subsequent review has required
3 efficient collaboration and significant time commitment
4 from FCDO and external counsel and all parties are
5 committed to the Inquiry in providing all assistance in
6 a thorough and timely manner.

7 The FCDO received a first Rule 9 request on
8 30 April 2024 and searches were conducted of paper and
9 digital files. Information in relation to that appears
10 in the written update, paragraph 34 onwards.

11 The repositories searched are the main FCDO archive
12 at Hanslope Park and the FCDO sensitive archive in London
13 for paper files. For digital files, searches were
14 conducted in digital collections and searches were
15 completed across all classification tiers. Preservation
16 was requested as well as an index and an index of the
17 individual documents within the paper files and digital
18 documents have been completed at the appropriate level of
19 classification.

20 The FCDO received a second Rule 9 request on
21 29 October 2024. This was more detailed and in one part
22 invited FCDO to provide an overview of the FCDO's
23 understanding of 21 prior attacks. Search terms were
24 drafted consisting of the relevant information and more
25 information in relation to that appears at paragraphs 39

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1 written appendix.

2 MoD received a second Rule 9 request in October 2024
3 and this was cross-checked with the provisional list and
4 the first Rule 9 to identify outstanding topics that had
5 not been covered in search requests already. Once
6 identified, gaps in disclosure were addressed by sending
7 disclosure request letters to various repositories.
8 Again, a description of the work on that statement
9 appears at paragraphs 12 to 14 of the written appendix.

10 Paragraphs 15 to 28 summarise some of the other
11 ongoing activity by the Ministry of Defence to support
12 the work of the Inquiry and it can perhaps best be
13 summarised by what is said at paragraphs 22 and 28 which
14 is that considerable effort has been undertaken to search
15 the electronic and the hard copy repositories and that
16 the Ministry of Defence will continue to engage in the
17 work required of it to the best of its capability,
18 acknowledging that this is a difficult and complex
19 disclosure exercise for the MoD.

20 In terms of the Foreign Commonwealth and Development
21 Office, since the Inquiry's initial disclosure requests,
22 the FCDO has undertaken extensive searches to identify
23 material held in different locations, both in hard copy
24 and electronic form, which is potentially relevant to the
25 Inquiry. The FCDO has taken steps to ensure that such

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1 to 43 of the written update.

2 Those FCDO hard copy searches in relation to those
3 incidents are now complete.

4 On 31 March 2025, the Inquiry provided an updated
5 list of prior attacks and this list has 31 prior attacks
6 with dates ranging from 31 July 1997 to 1 August 1998.
7 Digital searches were completed of all the key words and
8 separate searches of the file titles were completed to
9 check if any were likely to contain individual folios
10 relating to the prior attacks, and no relevant results
11 were found.

12 It should be noted that several meetings were held
13 throughout the FCDO search process with counsel teams and
14 with the FCDO clients. These meetings were used to
15 ensure continuity of approach, to share information
16 internally and to communicate the wishes of the Inquiry
17 Legal Team. The FCDO is appreciative of the Inquiry's
18 understanding so far and remains committed to meeting the
19 extended deadline for the Rule 9 which is 23 July 2025.

20 Moving on to the Cabinet Office, the Cabinet Office
21 received an initial Rule 9 request on 29 April 2024 and a
22 further Rule 9 request in November 2024 seeking a witness
23 statement. The Cabinet Office treats requests from the
24 Inquiry with the utmost importance and it has allocated
25 additional resources, both in terms of personnel and also

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facilities, to ensure that they are met. Comprehensive searches for potentially relevant documents have been conducted across Cabinet Office digital and hard copy systems. The searches covered both open and closed material and a combined 5,215 files were located for relevance review.

Due to the historic nature of the files, many of them are archived paper files held in the Cabinet office archive. The Cabinet Office has also reviewed material held in the National Archives and searches were based on a list of key search terms which has been shared with the Inquiry Legal Team.

More information in relation to that process appears at paragraphs 52 to 54 of the written update.

In relation to the UK intelligence community, there is only a very limited amount that can be said in open in respect of UKIC's disclosure. However, UKIC have engaged meaningfully with the Inquiry from a very early stage assisting the Inquiry with relevant materials in advance of any formal or Rule 9 requests. A substantial volume of work has already been carried out in relation to disclosure. This is an extremely difficult disclosure exercise for UKIC in terms of scale and complexity. It is also logistically difficult not least because of the vintage of the documents.

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relevant material to the Inquiry.

The NIO received an initial Rule 9 request in March 2024 and a further request for disclosure of the Bridger report on 13 May 2024. A third Rule 9 request for a witness statement was received in November 2024.

The NIO conducted initial searches following receipt of the first rule 9 and provided the Inquiry with a number of potentially relevant documents. The NIO also requested a meeting with the Inquiry Legal Team and a useful and productive meeting took place in October 2024 and the NIO is grateful for the guidance provided.

Regarding the second Rule 9 request for the Bridger report, the NIO was able to provide a copy in June 2024 following confirmation from the Omagh support and self-help group that they were content for the report, which was commissioned by them, to be provided to the Inquiry. Following the guidance provided by the Inquiry, consideration of the list of issues and receipt of the third Rule 9 request for the corporate witness statement, the NIO has undertaken comprehensive searches for potentially relevant material. Detail in relation to those searches appears at paragraphs 61 onwards of the written update.

In respect of the NIO digital and hard copy systems, each file is lengthy and contains extensive documents.

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Some searches were initially undertaken on the basis of the original version of the list of prior incidents. That list, as you have heard, was amended and now covers 31 historic incidents as well as the Omagh bombing itself.

The material held by UKIC is held in a variety of ways. It includes hard copy material which, if search terms are amended, needs to be researched again against the new terms by hand. UKIC understands why amendments to search terms are necessary. It's then an unavoidable consequence that additional time is required to redo the previous searches.

UKIC continues to engage in detail with the Inquiry legal team in respect of its disclosure and Rule 9 responses and has responded to a number of Rule 9 requests already within the deadline set by the Inquiry. UKIC are grateful for the engagement with the Inquiry legal team to date and meetings with the ILT to discuss documents and challenges have been productive and helpful.

Finally, in relation to the Northern Ireland Office, the Northern Ireland Office is a small department and is leading work on several challenging issues with limited resources. There is a small but dedicated team working tirelessly on identifying and disclosing potentially

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The potentially relevant documents from the requested hard copy files are being extracted, scanned and indexed separately so they can be shared with the Inquiry Legal Team, and the NIO continues to work at pace to provide the Inquiry with its corporate witness statement by the deadline of 31 July 2025.

If I could then say something about the consideration of concessions. The opening statement protocol drafted by the Inquiry indicates that opening statements will be subject to subsequent scrutiny by the Inquiry as part of an analysis as to whether early concessions could have been made, and we've heard further about that this morning from Senior Counsel to the Inquiry.

The protocol notes that the Inquiry is a search for the truth and that it will achieve that aim most effectively and efficiently if State Core Participants engage meaningfully and fully at this stage respecting the inquisitorial nature of the proceedings.

The organisations within the Secretary of State Core Participant group have engaged meaningfully throughout and will continue to do so while respecting the inquisitorial nature of the proceedings. However, the Inquiry is at a very early stage. No evidence has been heard beyond the commemorative hearings which have an important purpose, but entirely appropriately did not

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1 seek to address matters in the terms of reference.
2 Thus far, witness evidence on specific and relatively
3 limited matters has been elicited from the Secretary of
4 State and that is again entirely appropriate to the stage
5 which the Inquiry has reached. While a substantial
6 amount of work has been done on disclosure, as I've
7 outlined, a very significant volume of work remains to be
8 done. The passage of time means that contemporaneous
9 documents, for example, may be of particular assistance
10 in any analysis of what happened and why in relation to
11 any particular incident or event.

12 Any early analysis of the material before the
13 disclosure exercise has been completed risks being
14 incomplete and could be misleading.

15 Accordingly, it's important that anything which is
16 said by the Secretary of State Core Participant group is
17 done at a time when all relevant documents have been
18 identified and analysed with care.

19 In relation to those organisations which were
20 involved in the judicial review, the material gathered
21 for that litigation was, of course, subject to careful
22 analysis. As outlined earlier, a highly experienced
23 judge, having heard submissions from open
24 representatives, special advocates and respondent counsel
25 and having considered, quoting from the judgment:

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1 not in any position to make an assessment of whether the
2 making of any concession is appropriate. The available
3 information would result in an incomplete picture and the
4 risk of error is significant.

5 In conclusion, the organisations within the Secretary
6 of State Core Participant group are perhaps in
7 a different position from some other Core Participants in
8 relation to closed disclosure, although it's acknowledged
9 that the issue is not unique to the Secretary of State.

10 A significant volume of work and productive
11 engagement with the Inquiry Legal Teams has been ongoing,
12 but there are necessary restrictions on what can be said
13 in open about work on closed disclosure.

14 The Inquiry has received a number of updates from the
15 Secretary of State Core Participant group about the
16 progress of closed disclosure and the Secretary of State
17 is grateful for those helpful meetings.

18 The work of the Inquiry is important and the
19 Secretary of State's role is to assist the Inquiry by
20 disclosing relevant documents and providing relevant
21 information so that the Inquiry can address its terms of
22 reference.

23 The Secretary of State Core Participant grouping
24 continues its disclosure and evidence gathering work
25 which deserves to be done with care.

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1 "hundreds of exhibits, thousands of pages of evidence
2 and submissions and countless authorities,"
3 Found that the relatively low bar of plausible
4 argument was made out in relation to four out of ten
5 grounds. There was no plausible argument in relation to
6 the remaining six grounds.

7 In relation to the four grounds which the judge
8 considered reached the threshold of plausible argument,
9 he made clear the importance which he placed on
10 information from the Republic of Ireland in terms of
11 answering outstanding queries.

12 The Secretary of State has welcomed the memorandum of
13 understanding between the Inquiry and the Irish
14 government that was signed in April 2025 and looks
15 forward to material of the sort envisaged by the judge in
16 the judicial review proceedings being made available. At
17 that stage, it will be possible to more meaningfully
18 advance the analysis of this issue.

19 Similarly, other participants may have relevant
20 information not yet in the possession of the Secretary of
21 State which may have an impact on these considerations
22 and so accordingly matters are at an early stage in terms
23 of the evidential picture.

24 At this stage in the disclosure process, the
25 Secretary of State Core Participant grouping is simply

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1 Thank you.

2 **LORD TURNBULL:** Thank you, Ms Fee. Mr Greaney.

3 **MR GREANEY:** Sir, as I indicated earlier, the intention was

4 to hear from Mr McKay on behalf of the Ombudsman before
5 lunch, but we've gone a little slower than we had
6 anticipated and it seems to us the best course is that we
7 should break for lunch now and hear from Mr McKay when we
8 return in one hour.

9 Therefore, shall we say, sir, at 1.45?

10 **LORD TURNBULL:** Yes, I think that makes good sense,

11 Mr Greaney. Thank you.

12 We will adjourn until 1.45.

13 **(12.40 pm)**

14 **(Luncheon Adjournment)**

15 **(1.47 pm)**

16 **LORD TURNBULL:** Mr Greaney.

17 **MR GREANEY:** Sir, good afternoon. We'll now hear from Simon
18 McKay who will make the opening statement on behalf of
19 the Police Ombudsman for Northern Ireland.

20 **LORD TURNBULL:** Good afternoon, Mr McKay.

21 **Opening statement on behalf of the Police Ombudsman for
22 Northern Ireland by MR MCKAY**

23 **MR MCKAY:** Opening statement on behalf of the Police
24 Ombudsman for Northern Ireland.

25 This opening statement is prepared in accordance with

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1 the Omagh Bombing Inquiry's opening statement protocol.
2 The terms of reference of the Inquiry understandably
3 focus on whether the car bomb detonated on 15 August 1998
4 could have been prevented. Police officer conduct is a
5 theme that traverses many of the issues that the eight
6 chapters forming the oral hearings will touch upon. In
7 particular, the intelligence police received and how it
8 was handled.

9 The opening statement on behalf of the Police
10 Ombudsman will summarise the role her office has played
11 so far in the examination of police handling of
12 intelligence and, based on the OPEN material made
13 available to it during the course of those
14 investigations, the conclusions reached at the time.

15 The powerful and moving evidence given during the
16 commemorative hearings often referred to the sense of
17 optimism the Good Friday Agreement signed on
18 10 April 1998 created within and across the communities
19 of Northern Ireland. It is no coincidence that, as part
20 of the new era anticipated by the Agreement, it was felt
21 that an entirely new independent civilian oversight body
22 was necessary to replace the former Independent
23 Commission for Police Complaints. Indeed, the agreement
24 stated in terms:

25 "[It] provides the opportunity for a new beginning to

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1 new office of the Police Ombudsman for Northern Ireland
2 and included, in summary, and insofar as relevant to
3 Inquiry that:

4 "The Police Ombudsman should be, and be seen to be,
5 an important institution in the governance of Northern
6 Ireland, and should be staffed and resourced accordingly.
7 The Ombudsman should take initiatives, not merely react
8 to specific complaints received. He/she should exercise
9 the power to initiate inquiries or investigations even if
10 no specific complaint has been received.

11 "The Ombudsman should exercise the right to
12 investigate and comment on police policies and practices,
13 where these are perceived to give rise to difficulties,
14 even if the conduct of individual officers may not itself
15 be culpable and should draw any such observations to the
16 attention of the Chief Constable and the Policing Board.

17 "The Ombudsman should have access to all past reports
18 on the RUC."

19 Amongst the legislation passed following the Good
20 Friday Agreement was the Police (Northern Ireland) Act
21 1998 (the 1998 Act). Part 7 of the 1998 Act made
22 provision for police complaints and discipline and
23 section 51 of the 1998 Act created and established the
24 statutory parameters of the role of the Police Ombudsman.

25 The relevant parts of section 51 provides that:

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1 policing in Northern Ireland with a police service
2 capable of attracting and sustaining support from the
3 community as a whole..."

4 An intrinsic feature of establishing and maintaining
5 public support was effective accountability.

6 The genesis of a Police Ombudsman can be traced back
7 to a report by Dr Maurice Hayes, a civil servant,
8 commissioned by the then Secretary of State on the
9 existing mechanisms for dealing with police complaints.
10 Dr Hayes' subsequent report, "A Police Ombudsman for
11 Northern Ireland? A Review of the Police Complaints
12 System in Northern Ireland", was published in
13 January 1997 and accepted by all the political parties of
14 Northern Ireland. Its recommendations were largely
15 reflected in subsequent legislation.

16 An important aspect of the Good Friday Agreement was
17 the establishment of an independent commission to make
18 recommendations for future policing arrangements in
19 Northern Ireland. The Independent Commission for
20 Policing in Northern Ireland was chaired by Chris Patten
21 and published its report, "Report of the Independent
22 Commission on Policing for Northern Ireland, A New
23 Beginning: Policing in Northern Ireland", in
24 September 1999. It made 175 recommendations on future
25 policing in Northern Ireland. A number related to the

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1 "There shall be a Police Ombudsman for Northern
2 Ireland" and continues that:

3 "The Ombudsman shall exercise [her] powers under this
4 Part in such manner and to such extent as appears to
5 [her] to be best calculated to secure -

6 "(a) the efficiency, effectiveness and independence
7 of the police complaints systems; and

8 "(b) the confidence of the public and members of the
9 police force in that system."

10 The mandatory duty on the Police Ombudsman in how she
11 was required to exercise her powers reflected almost word
12 for word one of Dr Hayes' key recommendations. The same
13 section of the 1998 Act abolished the independent
14 commission for police complaints in Northern Ireland.

15 The Police Ombudsman secures these two distinct but
16 interrelated objectives in a number of ways, but her role
17 is primarily investigatory. Investigations are commenced
18 through different mechanisms: a complaint by a member of
19 the public, or referrals from different external bodies,
20 including the Chief Constable. In addition, reflecting
21 the recommendations of Patton, under section 55 of the
22 1998 Act, an investigation can be commenced at the
23 Ombudsman's own motion. She can do this where any matter
24 appears to her to indicate that a member of the police
25 force may have committed a criminal or disciplinary

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offence and which is not already the subject of a complaint, if it appears to her that it is desirable in the public interest that she should do so.

At the conclusion of her investigation, the Police Ombudsman may refer her findings to the Director of the Public Prosecution Service so that criminal charges can be considered. Until a decision is made or where criminal proceedings are instituted, until these reach a conclusion, she can do no more. However, once any criminal case is over, the Police Ombudsman can recommend disciplinary proceedings are brought against officers if they are still serving. She has no ability to recommend disciplinary proceedings against retired officers or those who may have resigned.

Importantly, once any criminal or disciplinary proceedings, if any, are brought or at an end, the Police Ombudsman can publish a public statement under section 62 of the 1998 Act. It is a discretionary decision by her in relation to any exercise of her functions under part 7 of the 1998 Act. The public statement is entitled to set out the Police Ombudsman's actions, decisions and determinations and the reasons for these. The scope of public statements has frequently been challenged in the courts of Northern Ireland and indeed continues to be so.

The role of the Police Ombudsman, as one of the

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contribution to the satisfaction of the art 2 obligation."

The Police Ombudsman has published two significant public statements in connection with the Omagh bombing: the first on 12 December 2001 published by the then Police Ombudsman Baroness Nuala O'Loan, and the second on 30 October 2014 by Dr Michael Maguire who then held the office.

Two other investigations were conducted into ancillary issues, but these were not the subject of public statements.

As the O'Loan public statement records, the Omagh bombing on 15 August 1998 was the worst single terrorist incident during what is known as The Troubles and took the lives of 29 innocent people and two unborn children. No opening statement can do justice to the compelling and emotive testimony the Inquiry has already heard, during the commemorative and personal statements in Chapter 1, from those directly affected as to the impact it had. Successive Police Ombudsman, including the current Police Ombudsman, along with many others, have emphasised that the persons responsible for the Omagh bombing were the terrorists who planned and executed the atrocity and nothing should ever detract from this cold and unequivocal fact.

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bodies contributing to the state's discharge of its Article 2 duties and obligations under the European Convention on Human Rights, was recognised by the then Lord Chief Justice in one such case, Hawthorne's Application, which concerned the public statement published following the investigation of complaints into police conduct and what is known as the Loughin Island massacre (the murder of 5 people by loyalist terrorists in 1994):

"The investigative role of the Ombudsman was expressly relied upon by the United Kingdom Government and referred to in the Joint Committee on Human Rights Seventh Report of Session 2014/15. The relevant passage is set out by the judge at [60]. The procedural obligation under art 2 requires that an effective and independent investigation is conducted and that there is a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory. As the papers show the Ombudsman has published a [public statement] on a significant number of occasions, some of which have demonstrated by investigation that concerns about the commission of offences or misconduct were misplaced. In other cases, recommendations about future conduct have been highlighted. Many of these are examples of the

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The investigation commenced during Baroness O'Loan's tenure as Police Ombudsman was prompted by media reporting of claims by a British state agent known as Kevin Fulton. On 29 July 2001, the Sunday People published an article under the headline "I told cops about Omagh" and reported Fulton's claims that he had provided evidence to the police which could have prevented the Omagh bombing. Fulton claimed he had passed information to the RUC on 12 August 1998, three days before the bombing, which he claimed, if acted upon, could have prevented the atrocity.

The Police Ombudsman used her own motion powers to investigate the allegations raised in the newspaper article. Baroness O'Loan determined that the test in section 55 of the 1998 Act referred to earlier in this opening statement was satisfied for obvious and understandable reasons: (i) if Fulton's allegations were true, the failure to act on the intelligence would amount to serious police misconduct; (ii) in addition, the bomb itself was one of the most grave and exceptional crimes in the history of Northern Ireland; and (iii) the allegations, which had attracted national and international media attention, could only cause continuing distress and pain to families and victims.

In the Police Ombudsman's view it was clearly in the

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public interest to investigate the matter fully.

The original scope of the investigation was to determine whether any information relevant to the bombing was available to the RUC prior to its detonation and, if such information did exist, whether it had been responded to appropriately by the police. However, after reviewing some of the information received from the police which identified the existence of intelligence prior to the date of the bombing, the Police Ombudsman decided subsequently to expand her investigation to include examining whether any intelligence held by the RUC was correctly revealed to and exploited subsequently by the bomb investigation team and whether evidential opportunities contained within a murder review document commissioned by the then Assistant Chief Constable in March 2000 and known as the Omagh Bomb Review report had been investigated.

The harrowing evidence the Inquiry has heard from first responders during the commemorative and personal statements in Chapter 1 is explanation enough as to why it was not part of the O'Loan investigation to examine the conduct or operational response to the bombing on 15 August 1998.

At the conclusion of the investigation, the public statement sought to deal with four areas: (i) information

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However, the information Fulton provided to the police did not claim a bomb was destined for Omagh, nor did he say he was taken the police to the location where the bomb was made, as claimed in the newspaper? Fulton did identify an individual, known in the open documentation as person A, as an active dissident republican terrorist and person A should have been treated as a firm suspect as part of the investigation that followed the bomb, but was not.

The overall conclusion of the Police Ombudsman was carefully worded and to the effect that even if reasonable action had been taken in respect of the intelligence Fulton provided, it was unlikely the bomb could have been prevented based on this information alone.

The Police Ombudsman was also satisfied that an anonymous telephone call was made to the police on 4 August 1998, which stated that an unspecified attack would be made on police in Omagh on 15 August 1998. Different individuals were named by the anonymous caller as being involved.

Details of the call were passed to Special Branch as quickly as possible, but they dismissed the call as a response to a fall out between smugglers. Special Branch also failed to identify available intelligence held in

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received by the RUC from Fulton; (ii) an anonymous telephone call received by the RUC on 4 August 1998; (iii) the Omagh bomb investigation and the Omagh bomb review report; and (iv) issues in relation to Special Branch and the police reaction to the Police Ombudsman's investigation.

The Police Ombudsman was satisfied that there had been contact between Fulton and the RUC on five occasions between June and August 1998. Special branch said they did not receive contact sheets in respect of two of the most important meetings on 23 July and 12 August 1998.

Although Fulton's reliability as a state agent had previously been questioned, by 1997 he was granted participating informant status; that is to say, it was recognised he would be engaging in criminal acts during the period he also provided intelligence to the state as a paid informant. He was subsequently recruited by another state agency.

Fulton was paid significant sums of money by the police during his time as an informant. As a result of these facts the Police Ombudsman was of the view that the information that Fulton provided between June and August 1998 should have been treated seriously and further action based, on the information provided, considered.

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respect of some of the persons named by the anonymous caller. There was a failure to follow relevant force orders in respect of the threat.

The Police Ombudsman reached the conclusion that the information provided by the anonymous caller was mishandled. She was not able to say what impact other action between the date the call was received and the day of the bombing would have had or whether action other than that taken by Special Branch could have avoided or prevented the Omagh bomb.

The police's own Omagh bomb review report identified a number of significant and fundamental errors, including the failure to link earlier incidents, some of which will be examined by the Inquiry; that important evidential opportunities were missed and a failure in leadership and management in the investigation itself. During the 12 months or so the internal review took place, the investigation effectively stood still.

The Police Ombudsman found that not all the intelligence which may have been relevant to the bombing had been disclosed to the investigation team. The evidential opportunities this presented had not been exploited. There was also a failure to implement many of the recommendations of the Omagh Bomb Review Report. This was likely to have reduced the possibilities of

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bringing those responsible to justice. The Chief Constable had failed to make good on his assurance after the bombing that no stone would be left unturned.

The Police Ombudsman found that significant intelligence held by Special Branch was not shared with the investigation of the Omagh bomb reviewing officer.

When this intelligence was analysed by the Police Ombudsman's own investigators, it presented:

"... a compelling picture from which the Senior Investigating Officer of the Omagh bomb investigation could have made informed judgments as to the possible involvement of individuals and which would have allowed for the better direction of resources. This would have had the potential to make a difference to the outcome of the investigation into the Omagh Bomb."

Special Branch had failed to pass the details of the anonymous call received on 4 August to the Police Ombudsman and it, and the Chief Constable, were reluctant to grant the Police Ombudsman access to their material, contrary to one of Patton's key recommendations. A number of systemic failures relating to the management and dissemination of intelligence were also found. Some of these were summarised by Mr Justice Horner, as he then was, in the Gallagher judgment at paragraph 216:

"Detective Constable Ruddy on receipt of this

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resulted in the death of twenty-nine people and two unborn children."

Mr Gallagher referred in his evidence to the stand-off between the Police Ombudsman and the Chief Constable following the publication of the public statement. I do not intend to dwell on this for the reasons he eloquently set out. However, the practical consequences of the division through the intervention of the Policing Board were: (1) the appointment of Deputy Chief Constable Michael Tonge and Detective Chief Superintendent Philip Jones of Merseyside Police to act as independent external senior officers of the Omagh bomb investigation.

They presented a final report to the Northern Ireland policing board on 4 April 2003. There was a review of Special Branch by Mr Dan Crompton and was commissioned through Her Majesty's Inspectorate of Constabulary, HMIC. The terms of reference included the relationship between CID and Special Branch, intelligence flows, sharing intelligence with senior investigating officers, use of intelligence generated as management. Work commenced in February 2002 and the final report was published on 29 October 2002.

A report was also commissioned via HMIC to examine policy, practices and procedures in relation to murder

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information [that relates to the call on 4 August] drove to the RUC station in Enniskillen to brief the Detective Chief Inspector and then the Special Branch officers who were on duty. He subsequently prepared a handwritten report. The Senior Divisional Commander ... was not informed about the telephone call until 15 August 1998. Neither was CID. It is claimed that the Force Order 99/91 required the SDC to be informed when a general threat was received so that appropriate action could be taken. It is also asserted that the warning should have been reported in the 'Threat Book', but when PONI tried to locate this during her first investigation in 2001 the book could not be found. To date no satisfactory explanation has been given for the book's loss."

In her final conclusions, Baroness O'Loan expressed the view:

"With great sadness ... that the judgment and leadership of the Chief Constable and [Assistant Chief Constable] Crime have been seriously flawed. As a result of that, the chances of detaining and convicting the Omagh bombers have been significantly reduced. The victims, their families, the people of Omagh and the officers of the RUC have been let down by defective leadership, poor judgment and a lack of urgency. This should not have been the response to an incident which

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inquiries in Northern Ireland. This was carried out by Mr David Blakely of HMI and was not specific to Omagh, but did relate to murder investigations generally. He provided a comprehensive report in May 2003 with ten recommendations on future practices. HMIC oversaw the implementation and recommendations contained in the report.

The investigation by Dr Maguire was as a result of a referral from the Chief Constable on 4 May 2010. This concerned a number of specific matters relating to the manner in which RUC Special Branch handled both intelligence and its relationship with Government Communications Headquarters, GCHQ.

The investigation had obvious limitations. The 1998 Act did not permit the Police Ombudsman to investigate the role of the intelligence services, either within the United Kingdom or outside of it. Dr Maguire was quite clear that "there are dimensions to the preventability and investigation of this atrocity which have yet to be the subject of examination by the State."

His public statement was necessarily circumspect in terms of the information it could place in the public domain due to the nature of the issues it had to examine.

The background to the Chief Constable referral was again media reporting on 14 and 15 September 2008 about

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1 available intelligence prior to the bombing on
2 15 August 1998. The nature of the intelligence was,
3 however, markedly different from a human source -- the
4 subject of an aspect of the O'Loan investigation -- and
5 was said to derive from technical surveillance carried
6 out by the intelligence services, which included, it was
7 reported:

8 "live monitoring of [the] telephones [of the bombers]
9 on the day of the atrocity which would have indicated
10 their activities and assisted in their early arrest."

11 As a result of the media reporting, the then Prime
12 Minister, Gordon Brown, invited the Intelligence Services
13 Commissioner, as the role was then known, Sir Peter
14 Gibson, to review any intercepted intelligence material
15 available to the security and intelligence agencies in
16 relation to the Omagh bombing and how this intelligence
17 was shared.

18 He reported extracts of his findings on 16 January
19 2009. The review by Sir Peter Gibson is likely to be
20 examined in detail by the Inquiry in due course, so this
21 opening statement will only summarise his conclusions
22 insofar as they were relevant to the Police Ombudsman's
23 public statement.

24 Sir Peter Gibson explained the position in relation
25 to the handling of intercept received by Special Branch

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1 Although it was not part of his terms of reference to
2 investigate this, Sir Peter characterised Special
3 Branch's approach as "cautious".

4 On 18 March 2010, the Northern Ireland Affairs
5 Committee published a report, the Omagh Bombing: some
6 remaining questions. The report considered Sir Peter
7 Gibson's findings and observed at paragraph 56:

8 "... whatever Sir Peter's reasons for not
9 investigating why Special Branch acted cautiously and the
10 soundness of its reasons for doing so, we believe that
11 further investigation is required into what Special
12 Branch gave to the investigation team, when it was given,
13 and what information was withheld and why. We believe
14 that the public interest would be served by revealing to
15 the greatest extent possible why information that might
16 have led to arrests in a mass murder case was not used."

17 These events informed Dr Maguire 's investigative
18 approach. He identified seven issues that he sought to
19 address in the context of condition intelligence obtained
20 between 15 August 1998 and 9 September 1998:

21 (i) could action have been taken in respect of the
22 earlier bomb attacks?

23 (ii) could arrests have been made earlier?

24 (iii) why did Special Branch act in a cautious way?

25 (iv) why were investigators not passed details of

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1 from GCHQ at paragraph 23 of his report:

2 "Once intercept material reached RUC HQ and Special
3 Branch South any further publication and release of that
4 even, even to another part, or ... members of Special
5 Branch, was subject to strict conditions imposed by GCHQ
6 designed to achieve a balance between providing support
7 to customers like Special Branch and protecting GCHQ's
8 capabilities, sources and methods. GCHQ also sought to
9 ensure compliance with its legal obligations, in
10 particular that required of the director of GCHQ by
11 section 4(2)(a) of the Intelligence Services Act 1994,
12 viz to ensure that no information was disclosed by GCHQ
13 except so far as necessary for the proper discharge of
14 its functions or for the purpose of any criminal
15 proceedings. If those persons within the RUC HQ and
16 Special Branch ... who received intelligence from GCHQ
17 wanted to disseminate it within the RUC or even within
18 Special Branch a set procedure had to be followed.
19 GCHQ's permission had to be sought for the use of
20 intelligence in a 'sanitised' form, that is without
21 revealing its source to carry out some authorised action.
22 Thus, the release of intelligence intended to be acted
23 upon by other officers and to be requested of GCHQ and a
24 form of words cleared with GCHQ."

25 No such requests were made by Special Branch.

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1 relevant telephone numbers?

2 (v) why was intelligence withheld by Special Branch?

3 (vi) what was given to the investigation by Special
4 Branch?

5 And (vii) assurances that police practice had
6 changed.

7 In summary, the findings in respect of these issues
8 were as follows.

9 The Police Ombudsman's investigation did not identify
10 intelligence held by the police in relation to the
11 previous bomb attacks which, if acted upon, would have
12 prevented the Omagh bombing.

13 Arrests of some suspects could have been made
14 earlier. There was an absence of records concerning the
15 decision-making around not making these arrests, so no
16 evidence of what, if any, rationale existed. This
17 failure may have had an adverse impact on the
18 investigation into the Omagh bombing.

19 Special Branch acted cautiously because of perceived
20 restrictions on disclosure of intelligence received from
21 GCHQ, a fear that stepping outside of this regime might
22 be an offence, contrary to the Official Secrets Act 1989,
23 and the need to maintain a good relationship with the
24 intelligence services. As Sir Peter Gibson made clear,
25 there was a mechanism in place to facilitate

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dissemination of intelligence received from GCHQ to others within Special Branch and other officers, but it was less clear whether individual officers within Special Branch were aware of this.

The Police Ombudsman found that their cautiousness was reasonable in the circumstances, but expressed concerns that there remained conflicting legal interpretations about the sharing of intelligence derived from the interception of communications.

In Gallagher, Lord Justice Horner observed, at paragraphs 39 to 40, that:

"This approach, which was adopted by [Special Branch], was considered as being cautious by Sir Peter Gibson and was the subject of detailed consideration by the Police Ombudsman for Northern Ireland ... in the report which followed referrals in 2010 and 2013. PONI considered that [Special Branch] had acted lawfully in its interpretation of the governing legislative framework at the time and that consequently the cautious approach that was adopted was a lawful one. There is nothing which has been brought to my attention to suggest either that Sir Peter Gibson or PONI erred in their understanding of what ... a reasonable and lawful approach to the handling of GCHQ's Sigint."

The failure to disclose relevant telephone numbers

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important context.

Mr Gallagher said in his evidence that his objective was to find out the truth as to what, as to how and why the Omagh bomb happened and why 31 innocent lives had been lost that day. The arguments his legal team put before now Lord Justice Horner persuaded him that they give rise to plausible arguments that there was a real prospect of preventing the Omagh bombing. That judgment forms the foundations of the Inquiry's terms of reference -- no apology, I hope, is necessary for the repetition of these -- to investigate whether the car bomb detonated in Omagh, County Tyrone on 15 August 1998 in which 29 people and two unborn children were killed could have prevented by UK state authorities.

The current Police Ombudsman is a Core Participant in the Inquiry and in this role the terms of reference are at the forefront of her and her staff's work to assist the Inquiry in every way. She assures the families, and the Inquiry, of her unwavering determination and that of her office to discharge this role fully and conscientiously throughout the Inquiry's duration.

LORD TURNBULL: Thank you, Mr McKay. If I may say so, you have very helpfully set out the context of the Police Ombudsman's previous investigations and it will, I am sure, be of great advantage to the Inquiry to draw upon

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and withhold intelligence was largely for the same reason other intelligence was not disseminated. The failure to provide telephone numbers diverted resources that could have been better utilised at an earlier stage of the investigation.

Special Branch did disclose the public telephone kiosks from where the bomb warning calls were made shortly before the explosion on 16 August 1998 (*sic*). Intelligence relating to suspect identities was also disclosed on 17 August and 9 September 1998.

The Northern Ireland Affairs Committee received assurances that lessons had been learned and that the same difficulties in sharing intelligence would be unlikely to arise today.

This summarises the key findings of the Police Ombudsman in the two relevant public statements published in connection with police conduct in the investigation into the Omagh bombing.

It is important to emphasise that the findings reached by the Police Ombudsman in the two public statements referred to in this opening statement are restricted to police officer conduct and not the wider compass of the Inquiry's terms of reference. The findings reached, in particular, in relation to preventability need to be seen in that limited but

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the work which the Ombudsman has already carried out in relation to some of the issues connected with the Omagh bombing.

In the course of your statement, you also took us to some of the findings reached in the two public statements made by the Ombudsman and to take but one example that arises from those statements, in her report, Baroness O'Loan came to certain conclusions about Kevin Fulton and about whether or not information which he had passed to the CID made its way to Special Branch and then, of course, a statement was subsequently issued by the Police Service for Northern Ireland about some of those matters and other aspects of the report in which the organisation purported to reject some at least of the Police Ombudsman's findings.

Now, the question which I have in my mind is will I be free to reach my own conclusions on all of these matters?

MR MCKAY: Yes, that would certainly be the Ombudsman's view. In no way, shape or form does she suggest that you are bound in any way by the factual conclusions that she has reached and you will inform your own view based on the evidence that you see.

LORD TURNBULL: Yes. Thank you very much. I'm grateful to you for that submission, Mr McKay.

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1 **MR GREANEY:** Could we have another break, please, sir, for
2 five minutes, following which we will hear from Mr Skelt
3 on behalf of Sir Ronnie Flanagan.

4 (2.26 pm)

(A short break)

6 (2.37 pm)

7 **MR GREANEY:** Sir, as I indicated, we will now hear the
8 opening statement on behalf of Sir Ronnie Flanagan.

9 **LORD TURNBULL:** Mr Skelt, good afternoon.

10 **Opening statement on behalf of Sir Ronnie Flanagan by**
11 **MR SKELT**

12 **MR SKELT:** Good afternoon. Sir Ronnie Flanagan welcomes
13 this opportunity to submit an opening statement to this
14 Inquiry. This opening statement will be relatively
15 short. That is not in any way to be disrespectful to the
16 Inquiry or to those who have and will come to the Inquiry
17 to give evidence about the heinous attack on 15 August
18 1998 and whether it could have been prevented by UK State
19 authorities. Rather, it is intended to reflect the
20 particular position of Sir Ronnie and the early stage we
21 are at in this Inquiry.

22 It is important to note that this opening statement
23 is not a statement of evidence on behalf of Sir Ronnie
24 and does not purport to be a comprehensive account of the
25 role he played that material time. Sir Ronnie will

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1 quote him:

2 "These absolutely necessary measures were not of our
3 making but were measures we would always have preferred
4 not to have to deploy" and "represented unwanted barriers
5 between us and the Communities we sought to serve."

6 Sir Ronnie was appointed as Chief Constable on
7 4 November 1996 and was Chief Constable at the time of
8 the Omagh bomb. He attended the aftermath of that attack
9 as he had done for countless other terrorist attacks.

10 Sir Ronnie managed the transition of the Royal Ulster
11 Constabulary into the Police Service of Northern Ireland
12 becoming its first Chief Constable before retiring on
13 31 March 2002. The Patten report, which grounded the
14 transition of the RUC into the PSNI, very much reflected
15 and drew upon the Fundamental Review of Policing report
16 undertaken by Sir Ronnie as Deputy Chief Constable from
17 1995 to 1996 to determine what changes in policing should
18 take place if the terrorist ceasefires should become
19 permanent and trustworthy. The Rosemary Nelson Inquiry
20 report at paragraph 19.14 considered it appropriate to:

21 "Acknowledge and emphasise his outstanding
22 contribution to the reform of policing in Northern
23 Ireland which was a vital element in the success of the
24 Peace Process."

25 Sir Ronnie went on to serve as Her Majesty's

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1 undoubtedly be given the opportunity to provide a full
2 statement of evidence at the appropriate time. He has
3 consistently pledged his commitment to engaging
4 positively with this Inquiry to ensure it provides
5 answers to those most affected, namely the survivors and
6 the next of kin of those who lost their lives.

7 This statement will deal with the following issues:
8 firstly, a short background; secondly, the Inquiry
9 status; thirdly, preparatory steps; and fourthly, the
10 evidence chapters.

11 So starting with the short background, to provide
12 some initial background to his policing career,
13 Sir Ronnie joined the Royal Ulster Constabulary on
14 11 May 1970. At that stage, it was a completely unarmed
15 policing organisation. It is likely that many of those
16 who became probationer constables on that date may have
17 thought that The Troubles were behind them. Such hopes
18 were to prove illusory.

19 Sir Ronnie's first posting was to Queen Street
20 Station in Belfast city centre. He witnessed and
21 attended many bombing attacks in the early 1970s,
22 including the notorious Bloody Friday attacks. The
23 unarmed police force was re-armed, stations fortified and
24 patrols carried out in armoured vehicles often with
25 military accompaniment. Sir Ronnie has described how, to

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1 Inspector of Constabulary, London and East of England
2 from 2002 to 2005 before being appointed as Her Majesty's
3 Chief Inspector of Constabulary for England, Wales and
4 Northern Ireland on 1 February 2005.

5 However, from 2008 to 2011, he was appointed by the
6 Home Secretary to be the first independent chair of the
7 UK police Senior Appointments Panel. This panel advised
8 the Home Secretary on all applications to Chief Officer
9 rank as all such appointments then required Home
10 Secretary approval. Sir Ronnie was appointed in 2008 to
11 the newly created National Security Forum, the forerunner
12 to the current National Security Council, which was set
13 up to advise the UK Government in respect to its national
14 security strategy.

15 Turning now to Inquiry status, Sir Ronnie was granted
16 Core Participant status on 24 May 2024. Part of the
17 rationale behind this determination was that he was the
18 most senior police officer within Northern Ireland at the
19 relevant time and is therefore particularly well placed
20 to address the effect, if any, of the Good Friday
21 Agreement on the assessment of, and approach to, the
22 terrorist threat by law enforcement agencies at that
23 time.

24 You, sir, also noted in your determination that
25 Sir Ronnie met with the Secretary of State for Northern

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Ireland most weeks during the relevant period to discuss security and political issues. He attended most important strategic security meetings, some of which were chaired by the Secretary of State and included the military General Officer Commanding in Northern Ireland to include the Province Executive Committee and Security Policy Meetings. From these meetings, strategic decisions in respect of approach to security issues cascaded down through the hierarchy of committees for implementation.

The Inquiry has grouped Sir Ronnie with the State Core Participants. Unlike those other organisations, he is an individual who does not have access to the voluminous relevant documentation which has resulted from the various investigations carried out to date. Having retired from the PSNI in 2002, he has not been responsible for the investigations which have been carried out thereafter and will not have seen all of the resulting documentation.

Sir Ronnie is conscious that, notwithstanding all the work done thus far, we remain in the early stages of this Public Inquiry investigative process. He is committed to provide any assistance he can to ensure the investigation process is comprehensive. He welcomes the Inquiry and recognises that some nearly 27 years from the bomb attack

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since he left office, if he is to properly and fairly consider if he can identify any failings or mistakes, or to suggest areas for improvement. These are matters on which he will continue to reflect during the currency of this Inquiry.

However, none of this should be taken as a caveat to his involvement. It is simply a reflection of the long period of time that has passed since he was last actively engaged as a police officer on issues relating to the bombing. He wants to ensure that his evidence to this Inquiry is as comprehensive as possible.

Turning to preparatory steps. As an individual, Sir Ronnie is in a different position to the other state participants all of which are organisations, as I've touched on already. He does not hold relevant documents. His legal representatives have been provided to date with several tranches of Inquiry discovery. Understandably, at this stage of the Inquiry, he has not been served with a Rule 9 request. He is represented by solicitors and counsel who are working on the documentation provided to date and will assist him to respond to any requests by this Inquiry.

The evidence chapters. This statement will not address each chapter discretely but will make a number of points relevant to these chapters.

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this may represent the last opportunity to identify the truth in respect to the preventability of the bombing. He pledges to engage fully and transparently.

Since he retired from PSNI, Sir Ronnie has not had access to relevant papers in respect to the PSNI or the other numerous investigations carried out. He has not retained relevant papers. Consequently, and in contrast to the state bodies, he has not been in a position to carry out investigations referred to at paragraph 8 of the opening statements protocol. It is many years since he has seen papers relevant to the bombing.

Sir Ronnie looks forward to receiving disclosure of evidence relevant to him in advance of any witness statement and evidential hearings, both evidence which he is likely to have seen and that which was not brought to his attention or was generated after his involvement had ended. Given the temporal distance from the terrible events in 1998 and from his retirement from the PSNI in 2002, it will be necessary for him to consider all of the evidence he had contemporaneous access to so that he can refresh his memory and provide the Inquiry with the best evidence.

It will also be necessary for Sir Ronnie to consider the evidence which may have been available to him but to which he was not privy, or may have become available

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Sir Ronnie followed the commemorative and personal statement hearings and considered it important to attend some in person. The hearings only served to reinforce his understanding of the profound and lifelong hurt inflicted upon the next of kin of the victims and survivors.

Sir Ronnie has heard the evidence during the personal statement hearings that the public dispute between him and the then Police Ombudsman was unwelcome and distracted from the focus being on the victims and their loss. This was not his intention. He is sorry for causing upset. All he can say now is that back then, when the Police Ombudsman's report was released, he felt very strongly about its content and considered it important to ensure the public had accurate information about the police investigation of the Omagh bombing.

Following the release of what he considered to be an inaccurate Police Ombudsman's report, Sir Ronnie acknowledges the making of an ill-judged emotive statement in response to a journalist's question asking him if he would resign if the report was accurate. Having very quickly recognised that it was a crass response, Sir Ronnie immediately issued an apology and considered it important to contact the main church leaders in Northern Ireland. Whilst this comment was a

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1 reflection of how unfair he felt the Ombudsman's approach
2 to the investigation was, he recognises the important
3 role that the Police Ombudsman as the first holder of the
4 office played, and the role that the office of Police
5 Ombudsman continues to play in Northern Ireland, a role
6 he was supportive of in its creation.

7 It will be clear that, in producing a response to the
8 Ombudsman's report, Sir Ronnie felt it was necessary to
9 dispel the significant factual inaccuracies within the
10 report, the PSNI having not been provided with an
11 opportunity to review the report in advance.
12 Notwithstanding this, the response expressly acknowledged
13 that he and the PSNI were acutely conscious of the
14 unbearable pain and distress caused to the many bereaved
15 families, to those who were injured and to the so many
16 individuals and groups affected by the terrible atrocity
17 inflicted upon them in Omagh. He indicated that he had
18 gone to Omagh that day, to the scene and the hospital.
19 He repeated his commitment to doing all he could to bring
20 justice to those who carried out the murderous attack.

21 The PSNI's report expressly stated the PSNI's primary
22 concern in preparing a response to the issues raised in
23 the independent Ombudsman's report was to ensure that
24 they did not in any way add to that sense of hurt or
25 reduce in any respect the opportunities available for any

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1 significant steps taken in this investigation.

2 Sir Ronnie approved the first independent review of
3 an RUC investigation led by an experienced outside force
4 Detective Chief Superintendent supported by a 10-person
5 team. The purpose was to subject the investigation
6 strategies and actions to searching evaluation and
7 analysis and to test to the full the reasoning and
8 judgment of the senior investigating officer. None of
9 that was to cast doubt on the senior investigating
10 officer, but rather to see if more could be done.

11 The PSNI set out in its report the work carried out
12 to address these recommendations. Sir Ronnie arranged
13 for the Metropolitan Police post blast investigation team
14 to be tasked to the Omagh investigation. The forensic
15 science laboratory in Birmingham was brought in to carry
16 out newly developed DNA testing techniques with work
17 beginning in January 2000.

18 Sir Ronnie engaged with the victims and their
19 families to reassure them as to the length that he and
20 his officers had gone in investigating the bombing. As
21 an example, Sir Ronnie contacted Mr Louis Freeh, Director
22 of the FBI, in respect of whether there was any
23 possibility of any library footage from NASA, the FBI,
24 the CIA or any other US agency of the Omagh area at the
25 time of the bombing which might be help the

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1 subsequent legal proceedings against the perpetrators.
2 It recognised the public concern generated by the
3 Ombudsman's report and set out how it would address her
4 recommendations.

5 Insofar as this dispute added to a sense of hurt, or
6 became the issue, rather than a search for the truth,
7 that was not the intention. At the relevant time,
8 Sir Ronnie considered he took the appropriate position in
9 light of the information and advice available to him.
10 But as outlined above and previously, he is sorry for
11 causing upset to those impacted by the bombing. He will
12 continue to reflect upon this and other decisions through
13 this Inquiry.

14 It is submitted that Sir Ronnie acted in good faith
15 and at all times motivated by an intention to bring all
16 of those responsible for this crime to justice. That
17 this has not been possible is a matter of great personal
18 and professional regret.

19 It is likely that Sir Ronnie's input will be relevant
20 to all of the future evidence chapters. As Chief
21 Constable, Sir Ronnie was ultimately responsible for the
22 RUC and then the PSNI. The police is a hierarchical
23 organisation and to carry out his role Sir Ronnie was
24 reliant on the experienced officers serving under him to
25 keep him informed. It is worth mentioning a number of

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1 investigation. This is an example of the lengths he went
2 to to ensure even the most remote avenues of
3 investigation were explored.

4 That said, Sir Ronnie is not in any way closed to the
5 suggestion that other avenues could have been explored.
6 Indeed, this Inquiry may identify possibilities as the
7 work on documentation and evidence progresses. As
8 touched on previously, you, sir, in your decision
9 recognised Sir Ronnie's position as the most senior
10 police officer within Northern Ireland at the relevant
11 time and that he is, to quote your determination:

12 "Particularly well placed to address the effect, if
13 any, of the Good Friday Agreement on the assessment of,
14 and approach to the terrorist threat by law enforcement
15 agencies at that time."

16 This reflects his particular status which is
17 different to that of some other Core Participants. As
18 Chief Constable, not only did he regularly meet with the
19 Secretary of State for Northern Ireland most weeks to
20 discuss security and political issues, but he is likely
21 to have had the authority to view the majority of the
22 sensitive and nonsensitive material which was
23 contemporaneously available. It is likely that the
24 Inquiry will wish to receive evidence from Sir Ronnie in
25 respect of both categories of material.

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Of course, what Sir Ronnie was aware of at the relevant time is only part of the picture. The Inquiry is likely to be at least as interested in the material or information he was not aware of, whether because it was not made available, he was not alerted to it, or it has subsequently come to light. This applies both to information held by the UK State authorities and by the state authorities in the Republic of Ireland.

Sir Ronnie welcomes the memorandum of understanding between this Inquiry and the government of the Republic of Ireland who will understand the importance of full and transparent disclosure of materials and witnesses to assist the Inquiry. It is only if there is full assistance that the public can have full confidence that the process has been effective and that no stone has been left unturned.

The Inquiry, in considering the effect of the peace process and the move to a more normal society, will be cautious about revisiting events with the wisdom of hindsight. At this remove, there is a danger that the peace process and success of the Good Friday Agreement in 1998 appears to have been an inevitability. That was not the case. Promises and ceasefires had been broken and the threat from dissidents on both sides remained a major concern. It is trite to suggest that the policing

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the critic should keep himself constantly aware of that fact."

The Inquiry focus on previous dissident republican attacks and attempted attacks to consider what information might have been available is understandable, but reinforces the need to be reminded of the danger of hindsight. It is important to bear in mind, when considering potential missed opportunities in respect of previous events, whether these are genuinely missed opportunities based on what was known at the time those events were being dealt with, or are they only a missed opportunity when viewed through the prism of subsequent events? We are confident that the Inquiry will bear this in mind during the forthcoming evidential hearings.

Sir Ronnie does wish that one matter be made absolutely clear. Through his long service in the police in the Northern Ireland, he was acutely aware of the horrific loss of life and destruction caused by terrorists. He was committed to avoiding such attacks wherever possible. When they did happen, he did all he could to bring those persons to justice. Whatever this Inquiry determines, he is adamant that he did not change that approach at any time before or after the Omagh bombing, be that for political or any other reason.

In conclusion then, Sir Ronnie welcomes the

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environment and tactics required in Northern Ireland at the relevant time were almost unique and certainly not comparable to what might be appropriate in Great Britain or the Republic of Ireland. It is against this background the actions of Sir Ronnie, and of the other witnesses who will come to this Inquiry, must be assessed.

Sir Anthony Hidden made an important observation about hindsight in his report entitled "The Investigation into the Clapham Railway Accident" with which the Inquiry is likely to be familiar. He said, and I quote:

"In my review I have attempted at all times to remind myself of the dangers of using the powerful beam of hindsight to illuminate the situations revealed in the evidence. The power of that beam has its disadvantages. Hindsight also possesses a lens which can distort and therefore present a misleading picture: it has to be avoided if fairness and accuracy of judgement is to be sought."

Sir Anthony goes on to suggest a requirement for an Inquiry to remind itself of the danger of hindsight suggesting:

"There is almost no human action or decision that cannot be made to look more flawed and less sensible in the misleading light of hindsight. It is essential that

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opportunity to fully engage with this Inquiry as a Core Participant. He reiterates that he stands ready to co-operate with and assist the Inquiry in any way that he can and to the best of his abilities. In particular, given the important task of this Inquiry, Sir Ronnie welcomes the difficult questions which are likely to come and recognise that these will be essential to ensure that fulsome answers are provided.

Sir Ronnie recognises that in due course he will be given the opportunity to provide a closing statement at the end of the oral hearings. It is anticipated that at that stage Sir Ronnie will be in a more informed position to provide detail around any failures and missed opportunity. However, sir, it's only right I do observe that he and we advising him are very much aware that such issues should be kept under review as the Inquiry progresses.

It is appropriate to end this opening statement by paying tribute to those who lost their lives in this unconscionable bombing, those who were injured, either physically or mentally, and those who are left to support or mourn them. Nothing said in this statement is intended in any way to detract from or minimise the importance of their concerns, criticisms, hurt and dignity.

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1 Thank you, sir.
2 **LORD TURNBULL:** Thank you very much, Mr Skelt.
3 **MR GREANEY:** Sir, can I tell you about a change in the
4 timetable that I set out first thing this morning? We
5 were due next to hear from Mr Kane on behalf of the
6 clients of John McBurney Solicitors followed then by
7 Mr Toal on behalf of the clients of Logan & Corry
8 Solicitors, Campbell & Haughey Solicitors and
9 Roche McBride Solicitors.
10 Sir, because we have gone a little slower than we had
11 hoped, there will not be time this afternoon to hear from
12 both Mr Kane and Mr Toal. For good reason, it is
13 important that Mr Toal should address you this afternoon
14 and very generously Mr Kane has agreed to switch places
15 with him. So after a short break, therefore, we will
16 hear from Mr Toal and we will hear first thing tomorrow
17 morning from Mr Kane.
18 **LORD TURNBULL:** All right, thank you.
19 **(3.01 pm)**
20 **(A short break)**
21 **(3.09 pm)**
22 **MR GREANEY:** Finally, as I indicated, sir, we will hear from
23 Mr Toal.
24 **LORD TURNBULL:** Good afternoon, Mr Toal.
25 **Opening statement on behalf of Core Participants of Logan &**
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1 My name is Stephen Toal and I was born in this town.
2 I went to school here and I was raised a few miles away.
3 I am joined by two other barristers: Karl McGuckin from
4 Edendork and Fintan McAleer from Greencastle. Our
5 solicitor teams are made up of Logan & Corry based here
6 in Omagh led by Feargal Logan, Conor Cullen and Aideen
7 McAnespie; Campbell & Haughey, solicitors, led by Michael
8 and Martin Donaghy and Roche & McBride solicitors led by
9 Oliver and Patrick Roche.
10 As a team, we appear on behalf of the families of
11 Brenda Logue, Gareth Conway, Breda Devine, Fernando
12 Baselga and Veda Short. And the survivors: Pauline
13 Harte, Caroline and Niamh McKinney, Emmett Tunney, Julie
14 Barrett, Sean Drumm, Ryan Kane, Monica Taggart, Nicola
15 Hamilton, Laura Hamilton and Maria Oreja-Egafía.
16 This is not just a professional duty for us. It is
17 rooted in the soil that we grew up on and in the grief
18 that we have carried with our clients for 27 long years.
19 We begin with the simple truth. This bombing was not
20 inevitable. There were 31 prior attacks in the lead up.
21 The Real IRA used the same tactics, the same kinds of
22 vehicles, even the same personnel many of whom were
23 known. Intelligence existed. We know there were
24 warnings. We know MI5 was told and we know Garda
25 informants had knowledge and yet no effective action was
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1 **Corry, Campbell & Haughey and Roche McBride by MR TOAL**
2 **MR TOAL:** Thank you, Chair. Good afternoon.
3 As the final speaker on a day when much has been
4 said, I want to begin instead by remembering the silence,
5 the silence of loss, the silence that followed the
6 explosion. For many we represent it is not the noise
7 they remember first, they talk about the stillness. That
8 moment when time stopped and lives were torn apart and
9 broken forever.
10 The playwright Brian Friel is from the nearby village
11 of Killyclogher. He once said "to remember everything is
12 a form of madness" and yet that is what these families
13 live with, not madness but memory as burden, memory as
14 duty. They come here today with broken hearts but also
15 with purpose. It is an honour and a profound
16 responsibility to stand here today and speak on behalf of
17 those families and survivors whose lives were shattered
18 on 15 August 1998. We are surrounded by many
19 internationally renowned lawyers, but I appear today
20 alongside a team drawn entirely from this community.
21 We are from Omagh, Drumragh, Loughmacrory,
22 Carrickmore, Edendork, Greencastle, Stewartstown and
23 Killyclogher. We knew the streets that were bombed. We
24 knew the people who were killed. These are our
25 neighbours, our classmates, our friends.
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1 taken. Why?
2 This Inquiry exists to answer that question, not with
3 euphemisms, not in closed rooms where truth is softened
4 for comfort, but in public, in full and without
5 compromise. That is what these families deserve.
6 Let us be honest about how we got here. This Inquiry
7 was not launched voluntarily by the state. It was won
8 through struggle and litigation and resilience by Michael
9 Gallagher, by Laurence Rush and all the others,
10 campaigners who refused to be silenced. At a time of
11 deceit, seeking out the truth was seen as a revolutionary
12 act. They were told to move on. They were told there
13 was nothing more to uncover, but still they pressed
14 forward until this moment arrived and for that we are all
15 grateful.
16 This Inquiry did not begin with candour. It began
17 with resistance. Both governments now speak of support.
18 They make warm statements about solidarity, but these
19 families have learned to measure words against deeds. We
20 say to the Irish government: *Is furasta a bheith ag*
21 *chaint*. We say the same thing to the British government:
22 talk is cheap. To this day the Irish government has not
23 provided full co-operation. They refused to establish a
24 parallel Inquiry. To these families, their involvement
25 often feels more like a performance than a sincere
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1 commitment.

2 Then came the British government's recent application
3 for redactions which did little to build confidence among
4 these victims. It speaks to a defensive instinct, not a
5 transparent one and that is why we say talk is cheap.
6 Trust must be earned through conduct not through words.

7 The British government also deploys a sweeping and
8 undefined concept of national security to keep the truth
9 locked away. To the families, that sounds like Orwellian
10 double think. We must conceal the truth to keep you
11 safe. But this is not fiction, this is not the novel
12 1984 and these are not unpeople. They are mothers,
13 fathers, daughters, sons and neighbours, real people with
14 real names who deserve the truth.

15 The failures of the state did not end with the bomb.
16 It continued in how survivors and families were treated
17 afterwards. At the commemorative hearings, two victims
18 gave deeply distressing evidence about their efforts to
19 access compensation. One described having to strip in
20 front of male assessors to prove her injuries. Imagine
21 that: surviving a bombing and then being made to expose
22 your wounds physically and emotionally in front of
23 strangers in suits. This wasn't care: it was
24 humiliation. It was a betrayal of basic decency and it
25 helps explain why so many of these victims became weary,

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1 this Inquiry shares that view and national security must
2 not become a licence for permanent secrecy.

3 When this Inquiry hears from state officials and
4 experts in open hearings, we ask that it never loses
5 sight of those who suffered most.

6 There are many things that can only be seen through
7 eyes that have cried. Those who lived this loss are not
8 just observers, they are the conscience of this process.
9 Their voices remind us of what this Inquiry is for. If
10 I may now, with your permission, turn to those who must
11 always remain at the centre of this Inquiry: the victims.

12 Brenda Logue was just 17. A talented Gaelic
13 footballer from Tyrone from the village of Loughmacrory.
14 Her mother, Mary, lived the rest of her life completely
15 heartbroken without her best friend and wonderful
16 daughter; bright, witty, loyal, missed every single day.

17 Gareth Conway was 18, an adult by law but still a
18 child in the eyes of his family, buying jeans and getting
19 contact lenses, trying to be the best version of himself
20 for his date that night and he didn't get to go.
21 Instead, the world came to know the best version of
22 Gareth through the pain of losing him, friendly, funny,
23 thoughtful, taken before his life began.

24 Breda Devine, 20 months old, an innocent little
25 toddler. She never had a bad thought enter her mind

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1 sceptical and mistrusting of the institutions that were
2 supposed to stand with them.

3 There is a line often quoted from Ronald Reagan,
4 meant half in jest but painfully apt here. The most
5 terrifying words in the English language are "I'm from
6 the government and I'm here to help". For the victims of
7 Omagh, that was no punchline, it was their lived
8 experience.

9 Let us be clear: these families do not want
10 scapegoats. They do not seek to vilify police officers
11 who responded on the day. Those officers are rightly
12 regarded as heroes, but they do demand answers from the
13 institutions that were supposed to protect them and they
14 expect this Inquiry to identify what intelligence was
15 held in the lead-up to Omagh, examine why it was not
16 acted upon, expose any systematic failures, particularly
17 across borders, and recommend reforms to ensure it never
18 happens again.

19 Above all, they expect the truth, in full and in
20 public. Not summaries, not vague assurances, not "trust
21 us we've looked at this behind closed doors and there's
22 nothing to see here", because these families have been
23 let down too many times by those kinds of promises.

24 So let me say this clearly on their behalf: closed
25 hearings must be the exception, not the rule, and I know

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1 before she left us; killed before she ever got to start
2 school, remembered in every breath her family takes.

3 Fernando Baselga, 12 years old, another innocent and
4 beautiful child. He came here to learn and connect with
5 our people. His death echoed across two nations and
6 broke hearts across the world.

7 Veda Short was 56, a loving mother and grandmother, a
8 woman of faith who valued her community and put others
9 first. She held her new grandchild the day before she
10 died and then she was gone in an instant. Her seat is
11 empty now at every gathering, but her presence is still
12 felt, still loved.

13 Pauline Harte's evidence was described by you, chair,
14 as unique. Remarkable for its kindness and generosity in
15 the face of suffering few of us can ever truly
16 comprehend. Trapped under the engine block, her skin
17 burned by the heat, yet in her evidence she showed
18 compassion, dignity and strength. Her husband Ronan, my
19 old school mate, now heals others as a doctor here in
20 Omagh and their lives are not defined by what was done to
21 them, but by the courage they showed moving forward.

22 Caroline and Niamh McKinney, a mother and her baby
23 separated by the blast. Niamh was the youngest to
24 survive. She should have been wrapped in safety not in
25 shrapnel. Today she lives with that same shrapnel in her

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1 brain. Their lives changed forever.

2 Emmett Tunney, my old classmate from Omagh CBS. He
3 made it through the blast but the trauma of that day
4 lives on.

5 We also pay tribute to the other families. We cannot
6 do justice to every story, but we have listened and we
7 carry what we have heard. The Monaghan family: three
8 generations gone. There is no justice that can balance
9 that scale, only truth and remembrance.

10 We also remember Oran Doherty, aged 8. His mother
11 gave heart-breaking testimony. She described letting him
12 sleep in. She didn't, and she carries that thought with
13 her every day since.

14 Shaun McLaughlin, buried before his mother could
15 reach the grave, seats reserved for politicians while
16 family members stood waiting. Symbolically that is how
17 many of these families feel: another act of relegation,
18 another message, however unintentional, that victims
19 matter less than appearances.

20 Brian McCrory, a fellow Killyclogher man. His son
21 Brian played for the same Gaelic club as me. His
22 daughter Louise married our family friend and neighbour
23 James Malloy. I remember Brian when he was alive. He
24 truly was a gentleman. Everybody liked him.

25 Alan Radford. Alan's story stayed with us more than
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1 something from a generation -- our generation. We were
2 children of The Troubles, yes, but we grew up with hope.
3 After the Good Friday Agreement, we believed that things
4 had changed, that the violence was behind us, that our
5 town, our families, our futures would finally be safe,
6 and we were wrong.

7 The Omagh bomb taught us that peace is not a
8 document, it is a commitment. It must be lived. It must
9 be protected. My generation learned that lesson in
10 grief. We buried friends, we comforted classmates and we
11 carried that trauma into adulthood. My friendship with
12 Samantha was a sign of the future. We were from
13 different schools, different religions, and it didn't
14 matter because our generation demanded better. And we
15 still do.

16 Those of us who are still here made a vow: we would
17 demand more; more from our governments, more from our
18 institutions, more from those who promised us a future
19 and failed to shield us from the past. We are demanding
20 the same thing that we did in 1998 when we stood in the
21 rubble of the bomb, the truth, the unvarnished truth.

22 Let this Inquiry be worthy of Samantha, of Brenda,
23 Gareth and Veda, worthy of Fernando, Breda, Alan and
24 Brian, worthy of all those taken and all those left
25 behind.

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1 I can say. He was someone who stood out. Bullied for
2 being different, he didn't fit easily into expectations
3 of the time, but he carried himself with quiet pride. He
4 took his mother to the cinema and that detail moved us so
5 much. In a world that often pushes difference to the
6 margins, Alan lived with honesty. I wish I had known
7 him. He deserved kindness, he deserved safety, he
8 deserved a life.

9 There's one more name I must speak and that is
10 Samantha McFarland. She died when she was just 17. She
11 was working in a charity shop with Lorraine Wilson, two
12 girls full of goodness, giving their time simply because
13 it was in their nature. A friend messaged me after the
14 commemorative hearings, and his text said:

15 "Teenagers giving their Saturdays up for charity. If
16 there is a heaven, they are in it. There's no doubt."

17 I knew Samantha because at an earlier point in our
18 teenage years we had been friends. I remember back to
19 those innocent times, walking together with our friends
20 to the teenage disco, talking about school, music and the
21 future. No-one imagined that I would stand here one day
22 speaking about Samantha in the past tense, not of the
23 life that she lived, but of the life that she was denied.

24 Samantha was the very best of us: decent, kind, full
25 of promise. Her death did not just take her, it stole
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1 This Inquiry cannot repair what was done, but it can
2 restore something deeper. Let it show that even after
3 horror, justice is possible; even after decades of
4 silence, the truth can still be heard.

5 To Mr Greaney, Mr Suter, and your team, from the
6 local community that I come from, I want to say thank
7 you. You have quickly built remarkable trust in a place
8 marked by mistrust and suspicion. That matters. You
9 have promised to pursue the truth without fear. We will
10 support you every step of the way.

11 To you, Chair, many of our people come from rural
12 communities. They are intensely decent and humble people
13 and this environment is alien to them. But after each of
14 them spoke, they felt your compassion. Small gestures,
15 like asking people not to stand when you enter, these
16 victims see humility in your actions and that aligns with
17 their values and they appreciate it.

18 They also recognise the challenge before you. When
19 you reach into the shadows for truth, you will be
20 resisted. Lord Stevens in Jon Boutcher can testify to
21 that. They are principled men who engaged in the same
22 fight for transparency, not for themselves but on behalf
23 of victims. We will support you in your fight. We will
24 support you in your Inquiry.

25 This Inquiry is not an academic exercise, it is a
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1 public reckoning. If it succeeds, it can give these
2 families something they have never had: the full truth.
3 If I may finish with this, these families will never
4 dishonour the memory of their loved ones. If necessary,
5 their children and their children's children will
6 continue to pursue the truth. We will be unrelenting on
7 their behalf. We will never allow secrecy to disguise
8 itself behind the mask of protection because in the end,
9 Chair, the truth is the only form of justice left and we
10 will not stop until we find it.
11 Thank you.
12 **LORD TURNBULL:** Thank you, Mr Toal.
13 **MR GREANEY:** Sir, we will now break, as you agreed, until
14 tomorrow morning when we will start at 10 am and hear
15 from Mr Kane.
16 **LORD TURNBULL:** Very well. Thank you.
17 **(3.33 pm)**
18 **(Adjourned until 10.00 am the following day)**
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