OMAGH
BOMBING INQUIRY

***PROVISIONAL* LIST OF ISSUES**

(Updated 28th October 2025)

Introduction

This List of Issues provides a guide to the topics the Chairman proposes to investigate when he examines each aspect of the Inquiry's Terms of Reference. Even as further updated, it is a provisional document. It does not replace the Terms of Reference and is not intended to be exhaustive or prescriptive. Like most inquisitorial processes, the Inquiry should be visualised as a funnel: wide at its opening but narrowing as the evidence passes downwards so as to exclude irrelevant factors. Some topics may arise afresh as the Chairman's investigation develops, others may come into greater focus and others may fall away or fade into the background. The List of Issues will continue to be kept under review throughout the course of the Inquiry.

The List of Issues sets out in bold each relevant paragraph of the Terms of Reference. Underneath each emboldened paragraph a series of questions is posed. Necessarily, there is a degree of overlap between the questions posed under each paragraph. The questions will be answered through some, or all, of the following methods – (i) obtaining disclosure; (ii) requesting (or if necessary, requiring) statements from witnesses of fact or experts; (iii) hearing oral evidence; (iv) summarising or reading evidence; and (v) publishing evidence on the Inquiry's website. Not all topics and questions will be explored in the same way, or to the same degree.

It will be for the Chairman to decide how he wishes to conduct his investigation into each topic and to decide the Chapter or Chapters of the oral evidence hearings in which he does so. The way that questions are framed in this List of Issues does not indicate any decision or finding of fact by the Chairman.

To ensure that the questions are fully addressed, some of the matters in the List of Issues may require investigation in both OPEN and CLOSED, or in certain cases, wholly in CLOSED. This means that some of the topics may raise issues of national security that can only be fully scrutinised by obtaining disclosure, requesting or requiring witness statements and hearing evidence in private. However, the starting point will be that evidence should be heard in public and the Chairman will only receive evidence in CLOSED where he determines it is necessary for him to do so. CLOSED evidence will be kept under constant review to test whether it can, in some form, be disclosed into OPEN. Bringing such evidence into the public domain, as far as it is legally permissible to do so, is a key purpose of the Inquiry.

Preventability

The core issue that the Inquiry must investigate is whether the Omagh Bombing on 15th August 1998 could have been prevented by the UK state authorities. For the purpose of this Provisional List of Issues, it is proposed to define 'preventability' as including the following:

- First, it will include consideration of the lawful methods that the UK state authorities could reasonably have employed between 1st December 1997 and 15th August 1998 (**'the relevant period'**) to gather information, evidence or intelligence about the activities of dissident republicans and whether those methods were in fact employed by the UK state authorities, and if they were, whether they were employed appropriately. Lawful methods may have included the interception of communications, the use of agents, the use of undercover officers or operatives, equipment interference, consideration of liaison material from other countries, investigation and monitoring of those suspected of involvement in earlier terrorist attacks and their associates and the review of witness, documentary and scientific evidence from earlier police or other state investigations following previous attacks. As far as necessary, consideration will be given to the powers available: (a) at common law, (b) at statute (including under the Police and Criminal Evidence Act 1984, the Interception of Communications Act 1985, the Public Order (Northern Ireland) Order 1987, the Police and Criminal Evidence (Northern Ireland) Order 1989, the Security Service Act 1989 and the Intelligence Services Act 1994) and (c) under non-statutory guidelines, guidance or codes of practice.

- Second, it will include consideration of the methods available to the UK state authorities during the relevant period to seek to keep under surveillance, disrupt or stop the activities of dissident republicans engaged in the planning and preparation of a terrorist attack or attacks and whether those methods were in fact employed, and if they were, whether they were employed appropriately. As well as the matters listed in the first bullet point above, consideration will be given to the extent to which use could have been made of policing powers to detain, stop and search suspects and search vehicles and premises, with or without a warrant, under the Police Act 1997 and the Northern Ireland (Emergency Provisions) Act 1996 and under the Prevention of Terrorism (Temporary Provisions) Act 1989.

- Third, it will include consideration of any expanded powers created by legislative changes made in the aftermath of the Omagh Bombing, such as the Criminal Justice (Terrorism and Conspiracy) Act 1998, assessing whether such changes could and, if so, should have been made prior to 15th August 1998 and what difference earlier change may have made.

- Fourth, it will include consideration of any failure by the UK state authorities to act on information, evidence or intelligence available to the UK state authorities prior to the Omagh Bombing which may arguably have prevented the events on 15th August 1998.

- Fifth, it will include consideration of any failure to obtain and/or explore the availability of information, evidence or intelligence which, if obtained and acted upon, may arguably have stopped the events in Omagh on 15th August 1998.

- Sixth, it will include consideration of whether those responsible for the Omagh Bombing carried out any terrorist attack or attacks prior to 15th August 1998 and, if so, whether their involvement in those earlier events was, or should have been, known to UK state authorities and, in either case, whether there were opportunities to disrupt the activities of those terrorists before they bombed Omagh;

- Seventh, it will include whether the UK state authorities implemented a process of 'Security Normalisation' in Northern Ireland in the period prior to the Omagh Bombing, or during any part of that year and, if so, whether that created an environment in which it was easier for terrorists to carry out any attack, including the Omagh Bombing.

Whilst the matters required to be investigated are broad, there are several issues that may ultimately (following application of the funnel approach) fall beyond an analysis of the question of preventability. They include:

- Examining events other than those that might have prevented the detonation itself. That is because the Inquiry's Terms of Reference require it to investigate whether "*the car bomb detonated in Omagh … could have been prevented by UK state authorities*". It is important to emphasise that this focus on events that might have prevented the detonation does not mean that the Inquiry lacks interest in the consequences of the detonation. On the contrary, the work of the Inquiry is driven by those consequences. In Chapter One of the Inquiry's oral evidence hearings, the Chairman heard extensive and moving evidence about the terrible effects of the Bombing, and also about the resilience of the community in Omagh and those within it, and beyond. Furthermore, in Chapter 3 of its oral evidence hearings, the Inquiry will establish as a matter of fact the response of UK state authorities to the "warning calls" relating to the attack in Omagh on 15th August 1998, including the location at which cordons were placed and other matters relating to evacuation. It will do so only to establish a factual overarching narrative of events on the day of the Bombing, not to enable those decisions relating to the evacuation to be challenged. However, that said, it is important to explain that the Inquiry Legal Team considers that the following do fall within the scope of the Terms of Reference:

    a) Consideration of whether Security Normalisation impacted on the UK state authorities' operational capability to detect and de-activate the bomb placed in Omagh on 15th August 1998 following receipt of the bomb warning calls;

    b) Consideration of whether Security Normalisation impacted on any decision-making related to detecting and de-activating the bomb placed in Omagh on 15th August 1998 following receipt of the bomb warning calls;

    c) Consideration of whether information and intelligence which was gathered (or which ought to have been gathered) prior to the bomb warning calls, impacted (or should have impacted) on any decisions relating to the prospect of detecting and deactivating the bomb placed in Omagh following receipt of the bomb warning calls.

    d) All of that will involve a comparison between the responses to warning calls made in respect of dissident republican attacks that occurred between July 1997 and August 1998.

    e) As a result, the Inquiry proposes to investigate the significance of "warning" calls and the use of codewords more generally, including any significance of the use of the term "Martha Pope" in the calls made prior to the detonation of the Omagh Bomb.

- Seeking to rule upon or determine the civil or criminal liability of any person for the Omagh Bombing or any crimes associated with the Bombing. It is no part of the Inquiry's Terms of Reference to determine issues of civil or criminal liability, and indeed section 2(1) of the Inquiries Act 2005 ("the Act") expressly prohibits the Chairman from doing so. However, that is not to say that during the work of the Inquiry it will not be necessary to identify those individuals believed to be responsible for the Bombing or acts associated with it. The Inquiry fully intends to identify those individuals if the evidence permits that to be done.

The identification of such responsibility is quite different from ruling upon or determining civil or criminal liability. In accordance with s.2(2) of the Act, an Inquiry is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes. In analysing the preventability of the Omagh Bombing, no sensible assessment of whether evidence or intelligence might have been better utilised can be undertaken without identifying whether the intelligence relates to someone involved in the Bombing. Furthermore, no sensible assessment can be made of whether better intelligence or evidence could have been obtained without identifying those in respect of whom intelligence or evidence was needed and no understanding of the value of cell site data or call patterns can be reached without knowing who was using telephone numbers of relevance at any particular time. This illustrates why the work of the Inquiry requires the individuals believed to be responsible for the Omagh Bombing and associated events to be identified. The Inquiry is determined to identify those persons to the extent that the evidence enables that to be done. Nothing in the Act prevents that. In making any identifications, the Inquiry will take care to avoid the language of criminal or civil liability.

- Examining the prudence of the political judgements that led to the Agreement sometimes referred to as the Good Friday Agreement and other times referred to as the Belfast Agreement (and referred to in the Inquiry as the Belfast/Good Friday Agreement) and/or whether the Agreement has proved a success are not within the Inquiry's Terms of Reference. An understanding of the Belfast/Good Friday Agreement and its effects is plainly important to the work of the Inquiry, but the focus of that work must be on the extent to which the Agreement and/or the process leading to it had an impact on the terrorist threat in Northern Ireland and/or on the UK state authorities response to that threat (including Security Normalisation), and not on broader policy considerations.

List of Issues

1. **As background and context to the Omagh Bombing, the assessment by UK state authorities of the threat posed in Northern Ireland by dissident republican terrorists from 1st December 1997 to the date of the Omagh Bombing. This shall include consideration of any change in the assessment following the Belfast Agreement on 10th April 1998 (TOR §2(a))**

   The assessment of the threat posed by dissident republican terrorists from 1st December 1997 to 15th August 1998 will necessarily involve the Inquiry exploring the activities of those terrorists in the period leading up to 1st December 1997. That is because the Inquiry recognises that the threat posed by those dissident republican terrorists may well have pre-dated the relevant period; indeed, the Inquiry's work to date indicates that it did. It currently seems to the Inquiry that exploring the intelligence and information available to UK state authorities from 17th July 1997, that is 14 days prior to the planting of a bomb at the Carrybridge Hotel (see below) is appropriate to ensure it carries out a full investigation in relation to the threat posed, but this time period will continue to be kept under review as the work of the Inquiry progresses.

   Generally

   a) Which UK state authorities had a role in the management of the terrorist threat in Northern Ireland during the relevant period and what was the legal basis for that role?

b) What was the structure of the relationship between the various UK state authorities involved in the management of the terrorist threat in Northern Ireland over the relevant period, including the hierarchy between them?

c) What was the system used by those UK state authorities agencies over the relevant period for assessing the level of threat to life and property posed by terrorists in Northern Ireland?

d) What threat assessments were made by those UK state authorities in relation to the threat to life and property posed by terrorism in Northern Ireland over the relevant period? If no such threat assessments were made, why was that the case? Did the Belfast/Good Friday Agreement and/or the negotiations leading to that Agreement result in any change in the process for the making and dissemination of threat assessments and, if so, what was the nature and extent of that change and why was that change made?

e) How often were those threat assessments the subject of review and were they reviewed by a person or persons of the appropriate experience and expertise?

f) To what extent were threat assessments shared within or outside the UK Government? If they were shared, to what extent was sharing deemed necessary and why? Who, ultimately, were the threat assessments shared with?

g) Which agency (or agencies) or department(s) within the UK Government were responsible for making, reviewing and updating the threat assessments or if not an agency or department, who did hold those responsibilities?

h) During the relevant period, in addition to any standard timeframes for review, was a further review always conducted following a terrorist attack? If not, why not and should it have been?

i) How did the process of assessing the threat posed by terrorism in Northern Ireland vary, if at all, from similar threat assessments carried out in relation to the rest of the United Kingdom?

j) Was the threat posed in Northern Ireland by dissident republican terrorists from 1st December 1997 to the date of the Omagh Bombing underestimated and/or misunderstood?

Dissident Republicans and Threat Assessments

k) Which political and paramilitary organisations were joined by or created by dissident republicans opposed to the peace process in Northern Ireland?

l) When were these organisations created and, to the extent it is relevant, how were they funded? To what extent did the activities of these organisations impact on the threat assessments made during the relevant period or necessitate additional threat assessments being made?

m) Did opposition to the peace process by dissident republicans necessitate any change to the threat assessment in the period before and/or after the Belfast/Good Friday Agreement coming into force? If not, why not?

n) Did any threat assessments carried out by the UK state authorities over the relevant period specifically consider the threat posed by any of the following groups:

a Continuity IRA ('CIRA')?
b Irish National Liberation Army ('INLA')?
c Provisional IRA ('PIRA')?
d Real IRA ('RIRA')?
e Oglaigh Na hEireann ('ONE')?

o) If they did, what was the result of the relevant threat assessment(s)?

p) Was there a further threat assessment of any or all of those groups carried out following the Belfast/Good Friday Agreement? If so, what was the result of that assessment? Did it take into account the possibility of an increased threat posed by dissident republican terrorists? Was any such assessment adequate?

<u>Information or Intelligence Received from the Government of Ireland</u>

q) What information or intelligence was shared by the Government of Ireland with the UK state authorities and to what extent was that factored into the threat assessments of the latter?

2. **The adequacy of the measures taken by UK state authorities, including the police, security forces and Intelligence and Security Agencies, to disrupt those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing. This shall include consideration of any change in the measures used or approach taken by UK state authorities following the Belfast Agreement on 10th April 1998 (TOR §2(b))**

<u>(I) The UK state authorities' responsibilities in relation to the management of the terrorist threat in Northern Ireland</u>

a) During the relevant period, what were the key organisations in the UK with responsibility for the policing and security of Northern Ireland and what were each of their responsibilities?

b) During the relevant period, what were the roles and responsibilities of the following for the policing of and intelligence gathering operations against dissident republicans?

i. Uniformed policing resources;
ii. CID;
iii. Special Branch;
iv. MI5;
v. GCHQ;
vi. MI6; and

vii. the British Army

c) To what extent did these organisations work together to share information, evidence and intelligence in order to identify and apprehend dissident republicans or otherwise disrupt dissident republican activity? Bearing in mind the methods of working at the time, were these arrangements sufficient?

(II) Context of the peace process

d) In outline, what was the chronology of The Troubles/conflict in Northern Ireland and what were the key events that led ultimately to the Belfast/Good Friday Agreement on 10th April 1998, with a particular focus on the period between 1993 and 1998? This may include an overview of the following:

i. The Sunningdale Agreement, 9th December 1973;
ii. The Northern Ireland Constitutional Convention, 1975 to 1976;
iii. The Northern Ireland Assembly, 1982 to 1986;
iv. The Anglo-Irish Agreement, 15th November 1985;
v. The Brooke/Mayhew Talks in 1991 to 1992;
vi. The Downing Steet Declaration, 15th December 1993;
vii. The declaration of ceasefires by PIRA and loyalist paramilitaries, 1994;
viii. 'Frameworks for the Future', published by the UK and Government of Ireland in February 1995;
ix. The joint communique by the UK and Government of Ireland on all-party negotiations in Northern Ireland and decommissioning, November 1995;
x. The publication of the 'Mitchell Principles' by US Senator George Mitchell, January 1996
xi. The end of the Provisional IRA ceasefire, February 1996;
xii. The beginning of preliminary all-party talks in Belfast, June 1996;
xiii. The ceasefire by the Provisional IRA, July 1997;
xiv. The establishment of the Independent Commission on Decommissioning, August 1997;
xv. Sinn Fein signing up to the Mitchell Principles and entering all-party talks, September 1997;
xvi. The meetings of the Liaison Subcommittee on Confidence Building Measures (which was part of the work of Senator Mitchell) from 8th October 1997; and
xvii. The Belfast/Good Friday Agreement, 10th April 1998.

The Belfast/Good Friday Agreement

e) What were the key strands of the Belfast/Good Friday Agreement announced on 10th April 1998 and the institutions it created? This may include consideration of:

i. What were strands 1, 2 and 3 of the Belfast/Good Friday Agreement?
ii. How was the special interest in Northern Ireland of the Government of Ireland to be recognised, including in the facilitation of co-operation on security matters?
iii. What was the process for the decommissioning of weapons?
iv. How was the security of Northern Ireland to be normalised, and did this include a reduction in troop numbers, a reduction in military and/or police patrolling, removal of security installations, greater freedom of movement for traffic and the

removal of emergency powers in Northern Ireland? To what extent were any of these changes made ahead of the Agreement being formally announced?

v. How was policing and justice, in particular the role of the Royal Ulster Constabulary, to be reviewed?

vi. How was the programme for the release of prisoners to be put into effect and accelerated? Which groups were included in that programme, or excluded, and why?

f) How did the Belfast/Good Friday Agreement come into force in Northern Ireland, in the rest of the United Kingdom and in the Republic of Ireland between 10th April 1998 and 15th August 1998? This includes:

i. An outline of the associated referendums that took place in Northern Ireland and the Republic of Ireland; and

ii. An examination of the legislative and constitutional changes made in the Republic of Ireland and the United Kingdom to facilitate the enactment of the Belfast/Good Friday Agreement.

g) Did the coming into force of the Belfast/Good Friday Agreement have an impact on the approach of the UK state authorities to the policing and management of the terrorist threat in Northern Ireland and the levels of army and/or police and/or other personnel that were deployed to manage that threat? If so, why and in what way or ways?

h) Was there a change in approach in Northern Ireland and/or the Republic of Ireland in the use of overt security tactics, such as roadblocks, vehicle check points and border checks, as a result of the Belfast/Good Friday Agreement (whether made in anticipation of the Agreement or after it was made)? If so, in what way or ways and was the effect of those changes to create greater freedom of movement for traffic throughout Northern Ireland and/or from the Republic of Ireland into Northern Ireland?

i) Was there a change in approach in Northern Ireland and/or the Republic of Ireland in the use of covert security tactics as a result of the Belfast Agreement? If so, in what way or ways?

(III) Dissident Republicans

j) Prior to the Belfast/Good Friday Agreement what was or should have been known by the UK state authorities about the involvement of dissident republican organisations and individuals in the following attacks and attempted attacks:

1.	31st July 1997	A car containing a large bomb was parked in the car park of the Carrybridge Hotel near Lisbellaw. The device was defused.
2.	16th September 1997	A van bomb exploded at an RUC station in Markethill, County

		Armagh, causing extensive damage to buildings.
3.	30th October 1997	A bomb was planted at a government building on Foyle Street, Derry/Londonderry. The device failed to detonate.
4.	20th November 1997	A bomb was planted behind Belfast City Hall.
5.	5th January 1998	Home-made explosives were discovered in a disused fish shop on a pier in the Dublin fishing village of Howth. [Some open-source material reports the relevant events as having occurred on 9th January 1998, but the balance of the currently available material suggests that the correct date is 5th January 1998.]
6.	6th January 1998	A car bomb was placed in the centre of Banbridge, County Down. It was defused.
7.	24th January 1998	There was an explosion at a nightclub ("the River Club") in Enniskillen causing property damage.
8.	20th February 1998	A car bomb exploded at an RUC station in Moira, County Down. Many were injured and the RUC station was extensively damaged.
9.	23rd February 1998	A car bomb exploded in the centre of Portadown, County Armagh, causing extensive damage to property.
10.	3rd March 1998	A car bomb was discovered in Hackballscross, Co Louth. [In his ruling in the judicial review proceedings brought by Michael Gallagher, Horner J. described the events of this day as involving an explosion.]
11.	10th March 1998	A mortar bomb attack was carried out on an RUC station in Armagh,

		County Armagh. Contemporary reports record that five missiles were fired.
12.	20th March 1998	There was an attack on the Northern Bank on Shipquay Street, Derry/Londonderry. Press reports explain that a device was thrown into the bank but failed to explode. [The Inquiry's understanding is that this is the same incident referred to by Horner J. at §24 of the ruling in the judicial review as having occurred on 23rd March 1998. The correct date appears to be 20th March 1998]
13.	21st March 1998	A car bomb was found in Dundalk, Co Louth.
14.	24th March 1998	A mortar attack was carried out on Forkhill Army/RUC base.
15.	24th March 1998	A mortar attack was carried out on the G30 Army tower at Crossmaglen.
16.	2nd April 1998	AGS intercepted a car containing a large bomb at Dún Laoghaire port. The car was destined for England. A man named Larry Keane was subsequently convicted at the Special Criminal Court of an offence or offences relating to this bomb.
17.	3rd April 1998	A hoax device was left on the railway line at Red Bridge, Newry. [Some reports refer to this as having occurred on 1st April 1998.]

k) After the Belfast/Good Friday Agreement what was or should have been known by the UK state authorities about the involvement of dissident republican organisations and individuals in the following attacks and attempted attacks:

18.	30th April 1998	A car bomb was placed in Market Square, Lisburn. It was defused. It is understood that the Martha Pope codeword (i.e. the codeword used in the Omagh "warning calls") was used.

19.	4th May 1998	There was an attack on the Grosvenor Road RUC base in Belfast. [Some reports refer to this having occurred on 3rd May 1998.]
20.	9th May 1998	A mortar attack was carried out on Belleek RUC station.
21.	15th May 1998	Bombs/mortars were recovered at Stumpy Bridge, Kinawley.
22.	16th May 1998	A car bomb was placed near Armagh RUC station. It was defused. It is understood that the Martha Pope code word was used in a warning call.
23.	24th May 1998	A bomb was placed on the railway line at Finaghy. The device is reported to have partially exploded while the area was being cleared.
24.	23rd June 1998	There was an attack at Drumintee, Armagh. A bomb is reported to have exploded on the outskirts of the village.
25.	24th June 1998	A car bomb exploded in Newtownhamilton, County Armagh, causing extensive damage.
26.	2nd July 1998	There was an attack on a railway bridge at Carnagat, Newry.
27.	9th July 1998	A partially made trailer bomb was discovered near Blackwatertown Road.
28.	10th July 1998	A terrorist operation targeting London's transport system and commercial premises was foiled following the arrest of several suspects in London and the Republic of Ireland. Men named Hyland, Mulholland and Grogan were convicted at the Central Criminal Court after a trial that

		charged them with conspiring to cause explosions.
29.	13th July 1998	A car bomb was placed at Newry courthouse. It was defused.
30.	21st July 1998	A mortar attack was carried out on Corry Square RUC Station in Newry, County Down.
31.	28th July 1998	Incendiary bombs were placed in stores in Portadown, County Armagh.
32.	1st August 1998	A car bomb exploded in Newry Street in the centre of Banbridge, County Down causing many injuries and extensive property damage. It is understood that the Martha Pope codeword was used.

l) What steps were taken by the UK state authorities to identify, monitor, apprehend or otherwise disrupt, deter and/or stop the dissident republican organisations and individuals involved, or believed to be involved in these attacks and/or stop their access to weapons and precursor materials? Were these steps sufficient or could and should more have been done?

m) Did any such steps include any part of the UK State seeking to track the funding of dissident republican organisations and individuals? If so, with what result? If no such steps were taken, why not?

n) Were adequate steps taken to proscribe dissident republican organisations? If not, why not?

o) Was there any operational decision, before or after the Belfast/Good Friday Agreement, by the police, security forces or Intelligence and Security Agencies not to identify, apprehend, disrupt and stop the dissident republican organisations and individuals involved in these attacks or to adopt any different approach to those issues from that previously taken? If so, why?

p) Was there any political or politically influenced decision by the UK state authorities, before or after the Belfast/Good Friday Agreement, not to identify, apprehend, disrupt and stop the dissident republican organisations and individuals involved in these attacks? If so, why?

3. **The adequacy of the policies and practices of UK state authorities, including the police, security forces and Intelligence and Security Agencies, in sharing intelligence between themselves and with the authorities in the Republic of Ireland on the activities of those dissident republican terrorists who had been involved in terrorist**

attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing (TOR §2(c))

a) During the relevant period what were the key organisations in the Republic of Ireland with responsibility for engagement with those UK state authorities involved in the policing and security of Northern Ireland and what was the extent of each of their responsibilities?

b) In outline, what was the nature and extent of joint working and liaison between the Republic of Ireland and the UK State in relation to the terrorist threat in Northern Ireland (whether that threat emanated from within Northern Ireland itself or the Republic of Ireland or both) before, and after, the Belfast/Good Friday Agreement?

c) How did the authorities in the UK and the Republic of Ireland share information, evidence and intelligence about the activities of dissident republicans? Were these arrangements sufficient?

d) Prior to the Omagh Bombing, what information, evidence and intelligence was shared between the key organisations in the UK and the Republic of Ireland about the dissident republican attacks that occurred on both sides of the border between 31st July 1997 and 15th August 1998? Could and should more have been shared?

e) To what extent was the fact and content of the anonymous phone call made to the RUC on 4th August 1998 stating that an unspecified attack would be made on police in Omagh on 15th August 1998 shared between key organisations in the UK and the Republic of Ireland? What action was taken by the UK state authorities or An Garda Siochana in relation to that intelligence? Could and should more have been done?

f) What were the conclusions of the report by the former Secretary of the Government of Ireland, Dermot Nally into alleged intelligence failings by the An Garda Siochana to prevent the Omagh Bombing? Does the report identify any failings to share intelligence between the Republic of Ireland and the UK State or other issues of relevance to the Inquiry's Terms of Reference?

g) Did the An Garda Siochana have information, evidence or intelligence prior to the Omagh Bombing that a terrorist attack of relevance to what in fact unfolded was being planned?

h) After the Omagh Bombing did the An Garda Siochana identify intelligence that, if identified prior to 15th August 1998, might have helped to prevent the Bombing?

i) Did the UK state authorities receive any information, evidence or intelligence from the Republic of Ireland prior to the Omagh Bombing that such any such attack within Northern Ireland was planned? If so, did the UK state authorities act appropriately upon the information, evidence or intelligence received?

j) Were there any missed opportunities before 15th August 1998 in the liaison between the UK State and the Republic of Ireland to identify and apprehend or otherwise disrupt and stop the dissident republican organisations and individuals who carried out the Omagh Bombing?

k) If so, what is the reason for those missed opportunities? In particular, were the vehicles now known to have been involved in transporting the bomb to Omagh and/or the individuals connected with it the subject of any surveillance or reporting (including via any agent or agents) in the period leading up to the Omagh Bombing? If there was such surveillance and/or reporting, what form did it take and what, if any, action was taken as a result? If there was surveillance and/or reporting and no action was taken, why was that?

l) Did the UK state authorities covertly obtain any information, evidence or intelligence from within the Republic of Ireland that such an attack (i.e. an attack in Northern Ireland on or around 15th August 1998) was planned? If it did, how was that information, evidence or intelligence obtained? Were the authorities within the Republic of Ireland aware of that information, evidence, or intelligence being obtained by the UK state authorities? If not, was the information, evidence or intelligence shared by the UK State with the Republic of Ireland at any point? If any such information, evidence or intelligence was obtained, did the UK state authorities act appropriately on receipt of it?

4. **The allegation made by Norman Baxter (former Senior Investigating Officer in the investigation into the Omagh Bombing) in the course of his evidence to the Northern Ireland Affairs Select Committee on 11th November 2009, that police investigators into previous attacks in Moira (20th February 1998), Portadown (23rd February 1998), Lisburn (30th April 1998) and Banbridge (1st August 1998) did not have access to intelligence materials which may reasonably have enabled them to disrupt the activities of dissident republican terrorists prior to the Omagh Bombing (TOR §2(d))**

a) What was known by each organisation listed at §2(b)(i) to (vii) above about the attacks/attempted attacks conducted by dissident republicans between 31st July 1997 and 15th August 1998 and the evidential or intelligence links between those attacks, including:

i. the organisation(s) believed to be involved;
ii. the individuals believed to be involved;
iii. the source and type of precursor explosive material used;
iv. the source and type of timer power unit used;
v. the design and build of the explosive devices, including the wiring;
vi. the source of the vehicles used to deliver the bombs;
vii. any other scientific links between the attacks;
viii. the location of the attacks;
ix. any links between the telephone warnings, including the code word used and the identity of the callers; and
x. further attack planning.

b) To the extent that there was a failure by any organisation to share information or intelligence with the police, would that information or intelligence, if it had been supplied, have allowed the police lawfully to disrupt the activities of dissident republicans involved in the Omagh Bombing before 15th August 1998? In particular, was any failure to share information or intelligence the result of or influenced by a desire or requirement to protect any agent or agents, or covert technique?

c) In dealing with these issues, the Inquiry will need to negotiate issues of Parliamentary Privilege.

5. **Information relating to dissident republican terrorist activity said to have been passed to police between June and August 1998 by an alleged British security forces agent known by the name of Kevin Fulton and whether that might reasonably have enabled UK state authorities, whether on its own or in conjunction with other information, to disrupt dissident republican terrorists engaged in the planning and preparation of the Omagh Bombing (TOR §2(e))**

The proper discharge by the Inquiry of its Terms of Reference will require the Chairman to consider not only the role of the agent known as Kevin Fulton, but also the role of the agent known as David Rupert and the role of other agents, if any.

Kevin Fulton

a) Did the individual known as Kevin Fulton provide information or intelligence to the UK state authorities about dissident republican activity either before or after the Omagh Bombing?

b) If he did: (i) to which part or parts of the UK State did Kevin Fulton provide information or intelligence; (ii) in what capacity did he provide information or intelligence (i.e. formally as an agent or otherwise); (iii) did he only provide information or intelligence pursuant to tasking, or did he self-generate or volunteer information or intelligence; and (iv) between what dates did he provide information or intelligence?

c) Having regard to the content of the article published by the Sunday People newspaper on 29th July 2001 and the report published by the Police Ombudsman of Northern Ireland on 12th December 2001, was any information or intelligence relating to dissident republican terrorist activity provided to the police or any other agency of the UK State by Kevin Fulton between June and August 1998?

d) If it was: (i) on what date(s) was that information or intelligence provided by Kevin Fulton and in what form; (ii) to whom was it provided; (iii) what did it relate to and what was its content; (iv) with whom was it shared by the recipient, if anyone; (v) how was it graded; (vi) what action, if any, was taken in response to it; and (vii) If the intelligence was not shared and/or no action was taken on it, why was that?

e) Did any of that which was provided include credible and actionable intelligence about the activities of dissident republicans who may have been engaged in the planning of and preparation for the Omagh bombing?

f) Could that information or intelligence, if acted upon, have been used to disrupt the planning, preparation and/or conduct of the Omagh bombing?

g) Was there any attempt after the Omagh Bombing to "spin" the importance or knowledge by the UK state authorities of the information or intelligence shared by Kevin Fulton?

David Rupert

h) Did the individual known as David Rupert provide information or intelligence to the UK state authorities (either directly or indirectly) about dissident republican activity either before or after the Omagh Bombing?

i) If he did: (i) to which part or parts of the UK State did David Rupert provide information or intelligence and in what form; (ii) in what capacity did he provide information or intelligence (i.e. formally as an agent or otherwise); (iii) did he only provide information or intelligence pursuant to tasking, or did he self-generate or volunteer information or intelligence; (iv) what information or intelligence did he provide and when; (v) to whom was that information or intelligence provided; (vi) with whom was it shared by the recipient, if anyone and if with no one why not; (vi) how was it graded; (vii) what action, if any, was taken in response to it and if no action was taken, why not (viii) between what dates did David Rupert provide information or intelligence?

j) Did any of that which was provided by David Rupert include credible and actionable intelligence about the activities of dissident republicans who may have been engaged in the planning of and preparation for the Omagh bombing?

k) Could that information or intelligence, if acted upon, have been used to disrupt the planning, preparation and/or conduct of the Omagh Bombing?

Other Agent Reporting

l) Between 31st July 1997 and 15th August 1998, did the UK state authorities have access to any agent reporting in relation to dissident republican activity beyond any provided by Kevin Fulton and/or David Rupert?

m) If it did: (i) which part or parts of the UK State had access to such reporting; (ii) was any agent tasked in relation to any of those organisations listed at §1(m) above or their members or in relation to any of the attacks listed at §§2(j) and (k) above; (iii) was any reporting received about any of those organisations listed at §1(m) above or their members or about any of the attacks listed at §§2(j) and (k) above or about the planning of and/or preparation for the attack in Omagh; (iv) if it was, from whom was it received and how was it graded; (v) was that information or intelligence shared and, if so, with whom and when; (vi) was it acted upon; and (vii) if it was not shared and/or acted upon, why not?

n) Prior to 15th August 1998, did any agent to whom the UK state authorities had access hold information or intelligence on any of those organisations listed at §1(m) above or their members or about any of the attacks listed at §§2(j) and (k) above or about the planning of and/or preparation for the attack in Omagh which was not supplied to the UK state authorities? If yes, why was that information not supplied and, if it had been supplied, may it have prevented the Omagh Bombing?

o) Prior to 15th August 1998, did the authorities in the Republic of Ireland have access to any agent reporting of relevance to the Omagh Bombing? If they did, was the product of that reporting shared with the UK state authorities? If it was, did the UK state authorities respond appropriately to that reporting? If such reporting was not shared, why not and, if shared and acted upon could it have been used to disrupt the planning, preparation and/or conduct of the Omagh Bombing?

Agent Reporting Overall

p) Did the UK state authorities have a process for ensuring that agent reporting from a number of sources was considered together and in combination with other information or intelligence so as to ensure that a complete picture, or as complete a picture as possible was gained?

q) If so, what was that process and did it work in relation to the circumstances of the Omagh Bombing?

General Issues Relating to Agent Recruitment and Handling

In relation to MI5, MI6, the RUC (including but not limited to Special Branch and CID) and the British Army:

r) What process was used for the recruitment of agents within or with access to the dissident republican movement and granting them Participating Informant status?

s) What process was used for the handling of such agents?

t) What training was given to those who handled such agents?

u) What standing instructions were given to those responsible for handling such agents?

v) What process was used for the tasking of such agents?

w) What process was used for recording information or intelligence provided by such agents?

x) What process was used for assessing the reliability of information or intelligence provided by such agents?

y) What process was used for assessing the value of information or intelligence provided by such agents and the use to which it might be put in disrupting terrorist activity by dissident republicans?

z) What process was used for determining whether information or intelligence provided by such agents should be shared and, if so, with whom, how and in what form it should be shared?

aa) Were these processes the subject of statutory underpinning and, if not, what was the basis for them?

bb) During the relevant period, did any part or parts of the UK State show any reluctance to share information or intelligence with any other part or parts of the UK State or with the Republic of Ireland and, if so, in what ways and why?

6. **The nature of the intelligence said to have been obtained by the UK Government's Communication Headquarters (GCHQ), including from alleged vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and conduct of the Omagh Bombing and other earlier attacks (TOR §2(f))**

7. **The adequacy of the analysis and handling of and response by UK state authorities to any intelligence obtained by GCHQ, including from vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and/or conduct of the Omagh Bombing and other earlier attacks (TOR §2(g))**

Taking those two paragraphs of the Terms of Reference together:

<u>Previous Dissident Attacks</u>

a) What, if any, information or intelligence did GCHQ obtain about: (i) the dissident republican attacks that occurred between 31st July 1997 and 15th August 1998 as set out at §§2(j) and 2(k) above and (ii) the Omagh Bombing and/or the planning or preparation for it?

b) If any such information or intelligence was obtained: (i) by what means was it obtained; (ii) how and by whom was it reviewed; and (iii) did such a review occur in real-time or subsequently and, if subsequently, how quickly?

c) Did the information or intelligence identify or assist in the identification of individuals involved in particular attacks and the roles they played? Did it reveal details about the preparation of and planning for further attacks?

d) Was this information or intelligence passed to the RUC Special Branch or CID and, if so, to which individuals within those bodies?

e) If this information or intelligence was passed: (i) by what means was that done; (ii) how quickly was it achieved; (iii) what restrictions were placed on who could receive this information or intelligence; (iv) what was the reason for any such restrictions; (v) did the restrictions have a statutory basis and, if so, what was it; and (vi) were any such restrictions appropriate or too cautious and did they limit the ability of the police or others to disrupt dissident republican activity sufficiently, or at all?

<u>The Omagh Bombing</u>

f) Did the information or intelligence referred to in answer to the question posed at §7(a) above identify or assist in the identification of individuals involved in the Omagh Bombing?

g) What action was taken on the basis of that information or intelligence, by whom, when and with what affect? If no action was taken, why not?

<u>Tracking of vehicles etc.</u>

h) Was GCHQ, or any other UK state authority, tracking or monitoring any vehicle or device (including any mobile telecommunications device) or individual which/who was believed to be or ultimately found to have been connected to the Omagh Bombing or any activity relating to it?

i) If so, how was that vehicle, device (including any mobile telecommunications device) or individual identified for tracking or monitoring, when was the tracking device fitted (if one was), how long did the tracking take place for and what information was obtained?

j) Was the product of any such tracking or monitoring provided to any other agency or organisation in the UK or the Republic of Ireland? If so, for what reason and when did this occur? What, if any, handling instructions were provided when the intelligence was shared? What, if anything was done by those state authorities with the intelligence?

k) Does any product arising from any tracking or monitoring still exist in any form? If not, why not?

8. The extent and adequacy of steps taken by UK state authorities to track and analyse the mobile telephone usage by those suspected to be involved in dissident republican terrorist attacks before the Omagh Bombing and whether that might reasonably have enabled UK state authorities to disrupt dissident republican terrorists engaged in the planning, preparation and/or conduct of the Omagh Bombing (TOR §2(h))

UK

a) When did mobile phone cell site data first become available to the organisations listed in §1(m) above? To the extent different, when did the analysis of mobile phone cell site data first become available as a technique to the organisations listed in §1(m) above?

b) When was the analysis of cell site data first utilised as a technique by the organisations listed in §1(m) above: (i) for the purposes of intelligence gathering and (ii) for the purposes of a criminal investigation?

c) Was cell site data for the period between 31st July 1997 and 15th August 1998 obtained in respect of any mobile telephone handset and/or SIM card believed (whether at the time or now) to have been in use by any person now suspected of involvement in the Omagh Bombing?

d) If such cell site data was obtained: (i) for which telephone numbers was it obtained; (ii) which person or persons are believed to have been the user of those numbers; (iii) from which providers was the data obtained; (iii) by whom was it obtained and who made the decision that it should be obtained; (iv) when was it requested; (v) when was it supplied; (vi) does it still exist and, if so, who has possession of it; (vii) when was it analysed and by whom and on whose instruction; (viii) has any such analysis established any link or links between the attacks detailed at §§2(j) and (k) above and the Omagh Bombing and (ix) was the data and/or the results of its analysis shared with the authorities in the Republic of Ireland and, if so, when and in what form?

e) Were call data records for the period between 31st July 1997 and 15th August 1998 obtained in respect of any mobile telephone handset and/or SIM card believed (whether at the time or now) to have been in use by any person now suspected of involvement in the Omagh Bombing?

f) If call data records were obtained: (i) do they still exist and who has possession of them; (ii) were they analysed with a view to establishing significant contacts and/or patterns of use and, if so, by whom and on whose authority and what was their level of expertise and experience in such analysis; (iii) what link or links between individuals believed to have been involved in dissident republican activities and/or in the attacks detailed at §§2(j) and (k) above were identified and when; and (iv) what link or links to the Omagh Bombing were identified and, if so, when?

g) If analysis of the cell site data and/or the call patterns has established a link or links between the attacks: (i) what are those links; (ii) who was responsible for the analysis and (iii) what, if any, reporting is there associated with any such analysis?

h) If no cell site data and/or call data records were obtained, why not?

i) During the relevant period, when cell site data and/or call data records were sought by the UK state authorities from telecommunications providers, was the information provided voluntarily or pursuant to a legal order? Did the practice differ between telecommunications operators or depend on where the phones under investigation had been used?

<u>Republic of Ireland</u>

j) When did mobile phone cell site data first become available to the authorities in the Republic of Ireland? To the extent different, when did the analysis of mobile phone cell site data first become available as a technique to the authorities in the Republic of Ireland.

k) Was cell site data for the period between 31st July 1997 and 15th August 1998 obtained in respect of any mobile telephone handset and/or SIM card believed (whether at the time or now) to have been in use by any person now suspected of involvement in the Omagh Bombing?

l) If cell site data was obtained: (i) for which telephone numbers was it obtained; (ii) which person or persons are believed to have been the user of those numbers; (iii) from which providers was the data obtained; (iii) by whom was it obtained and who made the decision that it should be obtained; (iv) when was it requested; (v) when was it supplied; (vi) does it still exist and, if so, who has possession of it; (vii) when was it analysed and by whom; (viii) has any such analysis established any link or links between the attacks detailed at §§2(j) and (k) above and the Omagh Bombing and (ix) was the data and/or the results of its analysis shared with the UK state authorities and, if so, when and in what form?

m) Were call data records for the period between 31st July 1997 and 15th August 1998 obtained in respect of any mobile telephone handset and/or SIM card believed (whether at the time or now) to have been in use by any person now suspected of involvement in the Omagh Bombing?

n) If call data records were obtained: (i) do they still exist and who has possession of them; (ii) were they analysed with a view to establishing significant contacts and/or patterns of use and, if so, by whom and on whose authority and what was their level of expertise and experience in such analysis; (iii) what link or links between individuals believed to have been involved in dissident republican activities and/or in the attacks detailed at §§2(j) and (k) above were identified and when; (iv) what link or links to the Omagh Bombing were identified and, if so, when and (v) was the data and/or the results of its analysis shared with the UK state authorities and, if so, when and in what form?

o) If analysis of the cell site data and/or the call patterns has established a link or links between the attacks: (i) what are those links; (ii) who was responsible for the analysis and (iii) what, if any, reporting is there associated with any such analysis?

p) If no cell site data and/or call data records were obtained, why not?

9. Any other matters which are relevant to whether the Omagh Bombing on 15th August 1998 could have been prevented by UK state authorities. To the extent it is relevant to the issue of preventability by UK state authorities, this may include information sharing and investigations with and by state authorities in the Republic of Ireland (TOR §2(i))