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Omagh case lawyers fail in their bid to get PSNI evidence barred

By Staff Reporter

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Lawyers for men being sued by relatives of Omagh bomb victims failed yesterday in a bid to have all evidence from the PSNI banned from the landmark case.

The challenge came as the second week of the multi-million pound civil action against five dissident

republicans got under way at the High Court in Belfast.

Mary Higgins QC, appearing for Colm Murphy and Seamus Daly, claimed their right to a fair trial was threatened by the level of assistance police had given to the families seeking damages from the men they hold accountable for the Real IRA atrocity.

But Mr Justice Morgan, who is hearing the non-jury case, refused her application after describing its timing – just as day five of the trial was about to begin – as “outrageous”.

The judge said without any legal authorities to back the claims it was impossible to rule in favour of the defendants.

Ms Higgins had urged him to exclude evidence from the PSNI because it allegedly breached the rule of law.

“It’s unprecedented for police to provide internal reports to a plaintiff, [and] to provide evidence they obtained whether through RIPA [the Regulation of Investigatory Powers Act] or for the purposes of criminal investigations,” she said.

The barrister argued that if the defendants have access to police material in the same way attempts could have been made to find material which aided their case.

“It’s important to ensure the appearance of justice and avoid any perception that the state is supporting this case in which the plaintiffs seek to establish a new way of fighting terrorists, fighting them through the courts, pursuing them for the rest of their lives, taking whatever they have away from them,” she said.

Murphy and Daly are being sued alongside convicted Real IRA chief Michael McKeivitt, Seamus McKenna and Liam Campbell over their alleged responsibility for the August 1998 atrocity. All five deny responsibility.

Meanwhile, an expert

in telecommunication cell site analysis identified

20 calls made from four mobile phones between Co Louth and Omagh on the day of the bombing.

Detailed evidence supplied by Peter Uglow traced the routes taken by the phones – two of which were described as the Murphy and Daly phones.

Dermott Fee QC, also appearing for Murphy and Daly, questioned the source of some of Mr Uglow’s evidence, provoking a terse response from families’ senior lawyer.

Lord Brennan QC told the court: "Putting it bluntly, are we supposed to produce a Noddy's guide to data that forms an expert's opinion? It's a shocking state of affairs in a case of this gravity."

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