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Officers accused of lying to failed Omagh trial will not face charges

Friday, 20 February 2009

Two police officers who had been accused of lying in the Omagh bomb trial will not face criminal charges, it has been revealed.

It emerged that Detective Inspector Philip Marshall and Constable Fiona Cooper will not face legal action after being cleared by an investigation by the Northern Ireland Police Ombudsman Al Hutchinson.

The Ombudsman's Office forwarded a file on its investigation to the Public Prosecution Service (PPS) last year. It has now emerged that the PPS has formally confirmed that neither officer is to be prosecuted and had said a third officer will not be prosecuted in respect of non-disclosure issues.

However, in a statement, the Ombudsman also said he believed the two officers had been "confused" in the evidence they gave to the court.

The marathon trial ended in December 2007 with the acquittal of Sean Hoey from south Armagh, who denied murdering the 29 people in the August 1998 atrocity.

At the time the judge, Mr Justice Weir, had accused the two officers of being involved in "deliberate and calculated deception" when they gave evidence at the trial in Belfast.

He also said the testimony of the officers that proper forensic precautions were taken at the scene of an unexploded mortar bomb at Altmore Forest near Dungannon — which the prosecution had sought to link to the Omagh bombing — was disproved by a photograph presented to him in which neither were wearing full forensic clothing.

However, the Police Ombudsman said last night that his investigation had established that the photograph upon which the judge was basing his comments was taken after all the forensic work had been completed.

"A military specialist at the scene told us one of his last actions was to close the tailgate of the van from which they had gathered the evidence," he said.

"In the photograph where the witnesses are not wearing the proper forensic clothing, the van's rear tailgate had been closed and it had been moved from its position in earlier photographs.

"In another photograph, the bagged exhibits can be seen through the window of the closed tailgate. The military specialist also confirmed that no one else entered the scene while he secured and packaged the exhibits.

"The information the officers gave to the court about the forensic precautions taken at the scene of the mortar bomb was accurate, although confused."

The Police Ombudsman said a number of issues and failings he had identified — relating to case preparation, documentation and disclosure — would require further consideration and that these will be the subject of a further report and recommendations to the Chief Constable.

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