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## Omagh garda accused of rehearsing evidence

BY Staff reporter

12/06/08

A detective rehear-sed evidence he gave at the landmark Omagh civil action, it was claimed in court yesterday.

A barrister accused Detective Sergeant Gerard McGrath of meticulously reading the transcript from a trial against a suspected terrorist to highlight inconsistencies in his testimony.

Colm Murphy was jailed in connection with the Omagh bombing in 2002 after a trial in the Special Criminal

Court. His conviction was later overturned.

Dermot Fee QC, for Murphy in the civil case, claimed Mr McGrath was attempting to tie in what he said yesterday with evidence he had given previously.

“It’s approximately five to six years since I gave that evidence,” the garda said.

“It was for the purpose of refreshing my memory.”

Mr Fee asserted that Mr McGrath had rehearsed his testimony by getting access to the transcript.

“You went through it meticulously, highlighting evidence that you gave and pointing out any inconsistencies or difficulties,” Mr Fee said.

“You identified areas which may cause you difficulty or areas of conflict.”

“That’s not necessarily the case,” Mr McGrath replied.

“I’m trying to refresh my memory and that’s the purpose of it.”

The case, which has sat for nine days in Dublin’s District Court, will return to the city in September to take testimonies from a small remaining number of gardai.

The £14 million groundbreaking action by six families is the first time the victims of terrorism have confronted alleged perpetrators and the first time evidence from a Northern Ireland case has been heard in the Republic.

The RIRA bomb on August 15 1998 was Northern Ireland’s worst atrocity, killing 29 people including a pregnant woman with twins.

Michael McKeivitt, alleged RIRA leader; Liam Campbell, said to be his number two; Murphy; Seamus McKenna and Seamus Daly all deny any involvement.

Murphy was sentenced to 14 years for conspiracy to cause an explosion, but had his conviction overturned following claims two gardai – detectives John Fahy and Liam Donnell – lied during his trial.

A jury was later directed to find the detectives not guilty of perjury, forgery and using a forged document on grounds that the forged interview notes and technical analysis of them were inadmissible.

Throughout yesterday’s hearing, Mr McGrath disputed Mr Fee’s accusations.

The barrister claimed replies allegedly given by Murphy during interviews were nonsense, fiction invented by the gardai, factually wrong and added a cloak of authenticity to garda suspicions.

He also argued that officers showed a lack of basic interrogation skills by not sustaining interviews after an

apparent breakthrough and that there were defects in the exchange of information and retention of documentation.

Referring to allegations that Murphy admitted knowing his mobile phone was used by those responsible for the bombing, Mr Fee said the line was a deliberate and calculated addition to the interview to implicate his client.

"I disagree with that," Mr McGrath said.

Mr Fee claimed no memorandum of the alleged admission existed at the time or was passed on to Mr Fahy and Mr Donnell, who subsequently interviewed Murphy.

"I handed it in to the incident room," he said.

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