



Thu, Jan 18, 2007

## Sections

1. [The Irish Times](#)
2. [Breaking News](#)
3. [Sport](#)
4. [Business](#)
5. [Technology](#)
6. [Weather](#)
7. [In Focus](#)
8. [Archive Search](#)
9. [Births, Marriages, Deaths](#)

- [Editions](#)

## Search for

- [Jobs](#)
- [Homes](#)
- [Cars](#)

## Services

- [Premium Email](#)
- [Travel](#)
- [Dating](#)
- [Frontpage Sales](#)
- [Photosales](#)
- [Ancestors](#)
- [Irish Times Training](#)
- [Mobile](#)
- [Reader Offers](#)

 [RSS Feeds](#)

ADVERTISEMENT



**Create**  
**AFRICA**

Click here to buy  
stunning images  
of Africa



Tuesday, January 16, 2007

[Previous Day](#)

- [Home](#) |
- [Irish](#) |
- [World](#) |
- [Business](#) |
- [Sports](#)

[Next Day](#) 

Last Updated: 16/01/2007 20:05

## Closing statements in Omagh case

It would be a travesty of justice if the man accused of the Omagh bomb atrocity was convicted, his barrister today told the judge who will decide his fate.

In his final submission to Mr Justice Weir in the non-jury trial Orlando Pownall QC, said: "The Crown's case has lurched from low point to low point as witnesses accepted they had lied and as one expert called by the prosecution undermined the evidence of another."

He said the defence submitted that at each and every stage of the consideration process, the court "will be unavoidably wracked by doubt".

Those tasked with representing Sean Hoey, he said, had been gifted with material with which it would be impossible not to create real and enduring doubt.

"The prosecution case cannot survive the taint of the beefing up of evidence by witnesses and exhibits being interfered with," he said.

Insisting his client was innocent, Mr Pownall added: "Incontrovertible evidence showing that Sean Hoey was involved in Omagh has always been a mirage, an unobtainable goal."

Mr Hoey, 37, an electrician from Molly Road, Jonesborough, south Armagh, denies a total of 56 terrorist charges including the Omagh attack in which 29 people were slaughtered in 1998 and hundreds more injured.

The prosecution case relied heavily on DNA and fibre evidence said to have been taken from bomb parts which Hoey is alleged to have made.

Mr Pownall told Mr Justice Weir, however, that there had been demonstrable and wide ranging shortcomings in the integrity of all the important exhibits in the case.

He said: "Unless the court is sure that the integrity of the DNA exhibits is unassailable and remains intact, the prosecution case must fail."

"There is not an exhibit in the case upon which it is alleged DNA profiles matching Sean Hoey were found, in any meaningful sense, the integrity of which is beyond reproach," he added.

Earlier Mr Gordon Kerr QC, for the prosecution, urged the judge to take a dim view of Mr Hoey's decision not to give evidence at his trial.

In his final submission, he said the court was entitled to and should draw an inference against the accused for his failure to give evidence.

He said: "There is no suggestion in this case that the accused is unfit in any way to give evidence. Inferences can properly be drawn where there is a prima facie case as has been established here.

"The accused during interview suggested that his DNA could have been found on the relevant devices by reason of an innocent contact due to his work as an electrician.

"We submit that his failure to give evidence to that effect suggests that such an explanation would not bear scrutiny and he is aware of that and it is proper to infer that such an explanation is untrue."

Mr Kerr asked: "If there is an innocent explanation why couldn't he get in the witness box and tell us that."

DNA evidence linked Hoey to three devices in a series of bombs, he said.

The trial was adjourned until tomorrow.

PA

© 2007 ireland.com

[Email to a Friend](#) | [Print this Page](#)

[BACK TO TOP](#)

[Email to a Friend](#)

### Article Tools

[Print this Page](#)

ADVERTISEMENT



For your free three-day trial or more information...

Digital Edition

[Click here](#)

### Your Vote

Should SUV drivers be penalised by higher taxes?

Yes

No

### Archive

Click a date to view the paper on that day



M	T	W	T	F	S	S
---	---	---	---	---	---	---

[Breaking News](#)

### [Weather Ireland](#)

TODAY

5-7 °C

TOMORROW

4-11 °C

FRIDAY

7-13 °C

### [Breaking news alert](#)

The Irish Times Breaking News Alert, a lunchtime (GMT) roundup of breaking news 5 days a week to your mailbox.

» [Click here to subscribe](#)

### Related Site

#### [Path to Peace](#)

Full coverage of the Peace Process

© 2007 ireland.com

- [About us](#) |
- [Privacy policy](#) |
- [Help](#) |
- [Contact us](#) |
- [Advertise](#) |
- [Terms & conditions](#) |
- [Site map](#)