

THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY

WITNESS STATEMENT OF JONATHAN DUKE-EVANS

My name is Jonathan Duke-Evans and I hold the post of Head of Public Inquiries, Claims, and Judicial Reviews in the Ministry of Defence. I have held this post for about eight years although its title and responsibilities have changed over that period. In this witness statement I set out the information available to me on a number of matters which I know to be germane to the work of the Historical Institutional Abuse Inquiry as it relates to events at the Kincora Boys' Home. I believe all statements made in this deposition to be true.

2. I am aware of no person now serving in the Ministry of Defence who has first-hand knowledge of the events in question. In or about 1989 the Ministry of Defence attempted to assess the truth of the allegations made by Colin Wallace relating to Kincora and other matters by commissioning a report by a civil servant, Mr A G Rucker, who had the benefit of access to the findings of four police investigations into these allegations. His report was completed in December 1989 and was followed by a supplementary report written by him in March 1990, both of which have been made available to the Inquiry. The "Rucker Report" must be taken as representing the Department's current view as to the matters which it covers.

3. Mr Rucker summarised Mr Wallace's allegations about Kincora at paragraph 2 and again at paragraph 336 of his report. In brief, Mr Wallace claimed that in 1972 he had been told that there had been sexual assaults against boys at Kincora, and that the activities of Mr William McGrath, an influential Unionist who was also a homosexual, gave particular cause for concern; that his recommendation to military colleagues that this information had been passed to the police had not been acted upon; and that these allegations against Mr McGrath featured prominently in a secret publicity initiative in 1974 known as "Clockwork Orange 2", involving publication of a mixture of true and untrue information designed to denigrate leaders of extremist organisations in Northern Ireland and others.

4. It is accepted by the Ministry of Defence, on the basis of Mr Rucker's findings and the documentation identified by him, that members of the Armed Forces in Northern Ireland knew in 1972 that Mr McGrath was homosexual. Having carried out extensive reviews of the material the Ministry of Defence has found no evidence that any member of the Armed Forces (or indeed any other person employed by the Ministry of Defence) was aware of allegations that Mr McGrath had abused or been responsible for abuse of inmates at Kincora, and it follows from this that it is not accepted that any such person withheld any such information from the police or sought to use it in any propaganda operation. .

5. Against this background I have been asked to address a number of specific issues by the Inquiry. First, I am asked how the Ministry of Defence accounts for the absence from its archives of a memorandum which Mr Wallace claimed to have written on 8 November 1974 about the failure by the RUC and the Belfast Corporation Welfare Department to take any action on the Kincora allegations. It is the Ministry of Defence's view, expressed in a letter from Lord Trefgarne, the then Minister of State, to the Rt Hon Peter Archer of 15 April 1986, that the document is not authentic and that no such memorandum was filed. Lord Trefgarne cites in support of this view an RUC investigation of its authenticity following the publication of a transcript in the *Irish Times* in 1985, and in particular "some forensic evidence that suggested that at least one page had been tampered with".

6. Second, I am asked whether the Ministry of Defence accepts Mr Wallace's allegation that he was removed from his job in Northern Ireland as part of an effort to cover up his allegations relating to Kincora and the failure to act upon them. The Ministry of Defence considers the allegations disproved by the conclusions of the Civil Service Appeals Board on 31 October 1975 that Mr Wallace had been properly removed from his job because he had been responsible for the mishandling of sensitive official information. This process is extensively documented in Parts IV and V of the main Rucker Report.

7. Third, I am asked what view the Ministry of Defence takes of the five documents originating from Captain Brian Gemmell indicating that he had been told by Roy Garland that William McGrath was a homosexual and worked in Kincora

Boys Home. As I have already indicated, the Department accepts that members of its staff knew this. The Ministry of Defence can however find no evidence that any member of its staff knew that Mr McGrath was responsible for sexual assaults upon the inmates of the Boys' Home.

8. Fourth, I am asked what significance the Ministry of Defence attaches to the document written by a named officer on 26 February 1975, which implies he had met with Mr McGrath and that the possibility of asking him to act as an agent had been considered, in the light of the fact that the officer concerned subsequently stated to the police that he had never met Mr McGrath. The Ministry of Defence is not in a position to take a firm view on this matter, but suggests that it is possible that the officer's memory may have been at fault when he spoke to the police.

9. Fifth, I am asked what the Ministry of Defence did to investigate the allegations made by Mr Wallace. It is of course clear that the responsibility for investigating his allegations of criminality lay with the civil police. The Ministry of Defence was and is however responsible for ensuring that its staff conduct their duties with probity. It sought to discharge this responsibility by commissioning the reports by Mr Rucker to which I have referred earlier. It is on the basis of these reports that I have been able to make the statements as to the Department's position set out in paragraph 4 above.

10. Sixth, I am asked what efforts the Ministry of Defence has made to trace five potentially key witnesses whose importance is attested in the available documents: a civilian who worked with Wallace during the period in question; the Captain who interviewed Captain Brian Gemmell; the Corporal who was present at that interview with Captain Gemmell; the officer who wrote the 1975 document to which I referred in paragraph 8 above; and an officer who was reported to have been working with the Royal Ulster Constabulary and in that capacity to have had access to notes of the interview between Gemmell and Garland referred to in paragraph 7 above.

11. As regards the civilian on the list, I understand that the custodians of the relevant records at the Ministry of Defence are concerned that disclosure of his

address could be contrary to the Data Protection Act. I and my colleagues are urgently seeking a solution to this problem.

12. As regards the military personnel the last known addresses for each have been obtained from military records. In the case of one of the officers this last known address has been verified as being apparently his current address by other recent checks. In the cases of two others, the checks now carried out have not verified the addresses we hold as being current. We have nevertheless written to the last known address for each individual, and in the case of one of them further information has emerged from enquiries with his former Regiment which we hope will make it possible to contact the individual in the near future. As the officer working with the Royal Ulster Constabulary was identified as a person whom the Inquiry wished us to trace at a later stage than the others it has not yet been possible to find a last known address in military records from the limited biographical information available, but continuing efforts to find such an address are being made.

13. By way of conclusion, the Ministry of Defence is aware of no evidence for the suggestion that any of its staff knew of and failed to report sexual crimes against children at the Kincora Boys Home, or sought to blackmail people on the basis of their homosexuality, as has been alleged. It welcomes the scrutiny of these allegations by the Historical Institutional Abuse Inquiry. It has endeavoured to provide the Inquiry with all assistance and will continue to do so.

I believe that the facts stated in this witness statement are true

SIGNED.....*John Duke-Evans*.....

DATED.....*26 May 2016.*.....