

## Chapter 26:

### Module 15 – Kincora Boys’ Home

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# **The Nature and Extent of the Sexual Abuse of Adolescent Boys Resident in Kincora**

## **PART ONE**

### **Introduction**

- 1 In the first part of this chapter we examine the accounts given by ex-residents to the Caskey Phase One and Phase Two investigations, to the Sussex Police, and to the Hughes Inquiry. We also consider accounts given by some residents on other occasions, whether in the form of newspaper or television interviews, or as in the case of Gary Hoy and others, in affidavits made by them which were then lodged in the course of legal proceedings. Finally, we examine the accounts given by the former residents and others who gave evidence to this Inquiry. In addition to the accounts given by ex-residents, we also consider the accounts given by others who had relevant contact with Kincora, such as social workers and former officials of the Belfast Welfare Authority or the EHSSB. Almost all of this material was examined in considerable detail during the public hearings devoted to Kincora, and may be found in the daily transcripts of those hearings on our Inquiry’s website, or in the documents referred to during the hearings; documents which we have also placed on our website. Whilst on occasion it will be necessary to set out relevant matters in some detail, in general we confine ourselves to summarising those parts of the evidence to be found in the transcripts and documents on our website that are relevant to the issues we consider.
- 2 As will become apparent, the sexual abuse of residents in Kincora varied in intensity and in the nature of the abuse at various stages of the almost 22 years existence of the hostel, and so we examine these stages over five distinct periods. The first of these relates to the six years and four months from the opening of the hostel in 1958 until September 1964 when Raymond Semple joined Joseph Mains as assistant warden.
- 3 As we explained in the previous chapter many boys were admitted to Kincora on more than one occasion, and allowing for this a total 309 boys resided in Kincora from its opening in 1958 until its closure in

1980. The Caskey Phase One investigation took 1963 as its starting point, and stated that 186 boys resided in Kincora between 1963 and 1980. However, an analysis of the admissions register by the PSNI for the purposes of this Inquiry concluded there were 245 boys in Kincora between 1963 and 1980. 104 boys from that period were traced and interviewed during Caskey Phase One, or 42% of former residents during that time.<sup>1</sup> As we shall see a number of others came forward at various times and made allegations about their experiences in Kincora.

### **Period One: May 1958 to September 1964**

- 4 As we have explained, during this period of over six years warden Mains was the only care staff member in Kincora, apart from eight months in 1962, and eleven months from July 1963 until May 1964, when he was given the services of an assistant warden. Between May 1958 and the end of September 1964, 89 boys were admitted to Kincora although some of these were admitted on more than one occasion. Of the 89, four said that they were abused by Mains during this period, and we examine their accounts separately.

### **The Evidence of R 2**

- 5 R 2 was not an applicant to our Inquiry, but did give evidence to the Hughes Inquiry which gave him the designation R 2, and we have given him the same designation. Although several boys had been admitted to Kincora before he arrived at the beginning of January 1959, R 2 was one of the earliest to be admitted, and he remained a resident for two years and two and a half months until he left in mid-March 1961. He was readmitted at his own request in mid-June 1961, and remained a resident in Kincora until he was discharged a second time in September 1961. He was therefore in Kincora for almost two and a half years. He was fifteen and eight months of age when he first arrived, and nineteen and a half when he left for the last time.
- 6 R 2 was only questioned by the RUC in 1980 because other ex-residents had told the police that he visited Kincora regularly after he left. R 2 was almost 38 when he was traced by the RUC. When he made his first statement, R 2 admitted that he had had sex with Mains every two or three months for almost twenty years until 1978. Sex would take place

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1 KIN 1582.

in Mains’s flat at Kincora, that is the extension added at the back of the building where Mains had a bedroom and an office. In his first statement to the RUC during the Caskey Phase One investigation in April 1980 R 2 said that this relationship only started after he left Kincora, and that nothing happened between them whilst he was a resident in Kincora. Mains had given a similar account to the RUC when he was questioned. When R 2 was medically examined on behalf of the police in 1980 he repeated to Dr Irwin that he had not been sexually abused at Kincora.<sup>2</sup>

- 7 When questioned a second time by the RUC in May 1980 Mains admitted engaging in masturbation with R 2 whilst R 2 was a resident in Kincora, and, as he had already admitted, anal intercourse with R 2 in Kincora, but after R 2 ceased to be a resident there. Consensual anal sex between adults was still a criminal offence in Northern Ireland at that time. At his trial in 1981 Mains only faced one charge of gross indecency in respect of the masturbation of R 2 whilst a resident in Kincora. He faced a second charge of buggery, which covered the entire period of their relationship up to 1979.<sup>3</sup> This was in accordance with the usual practice of only laying a single charge which covered a lengthy period of time, rather than have numerous charges covering a longer period and thereby complicating the task of the court and the jury, if a jury had to deal with a case.
- 8 Although the sex between Mains and R 2 usually took place in Mains’s bedroom in Kincora during a period after R 2 stopped being a resident, R 2 said that on one occasion he had sex with Mains in the home of BAR 1 who was Mains’s girlfriend, although she was not there at the time.
- 9 After Mains had been sentenced to a total of six years imprisonment at the end of 1981, R 2 subsequently gave a significantly different account. As explained in the previous chapter, by early 1982 there were numerous articles in newspapers making allegations about Kincora. On 19 February 1982 R 2 wrote a letter to Gerry Fitt MP asking a number of questions about Kincora, and he gave a copy of this letter to the police on 1 March 1982. On that date he made a further police statement, and on 30 March 1982 that was followed by another statement. In these statements R 2 described how Mains viewed him in the bath and then fondled and kissed him. This was followed by persistent

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2 KIN 10715.  
3 KIN 101069.

overtures by Mains that R 2 go to bed with him, to which R 2 eventually succumbed. Oral and anal intercourse then took place on approximately ten occasions in Mains’s room upstairs in Kincora, spread over both periods when R 2 was resident in the hostel. R 2 said that he had kept up the relationship because he felt unable to cope, and as Mains was in “such a high and respected position I felt trapped”. He explained he did not complain to the welfare officers who visited Kincora because they did not pay any heed to the children, and because “I felt that my complaints would not have been heeded or even looked into in any depth”.<sup>4</sup> It is clear from this later account that R 2 was persuaded, that is seduced, by Mains when he took part in sexual activity with Mains in Kincora as a resident.

- 10 When questioned about these allegations, Mains maintained that the relationship did not start until after R 2 left Kincora. D/Supt Caskey recommended no further proceedings against Mains, pointing out that had this additional information been made known when Mains was sentenced it was unlikely to have resulted in a heavier sentence.<sup>5</sup> This is a common position taken by police, prosecutors and judges when further allegations of similar offences that have already been dealt with are later brought against an accused who has already been sentenced.
- 11 We shall return to R 2 later, but before leaving him at this stage there are four matters that deserve to be mentioned. The first is that R 2 maintained that Mains was the only man with whom he had sexual relations. Secondly, over the years of their relationship he visited Kincora and stayed overnight with Mains on occasions. Thirdly, the relationship lasted for many years after R 2 ceased to be a resident in Kincora. R 2 told the police in 1980 that he “didn’t like any kind of sex but I didn’t like to refuse because I treated Joe as a personal friend and not as a sexual partner”.<sup>6</sup> Finally, R 2 served for a time in the RUC Reserve, and sometimes visited Mains at Kincora whilst wearing his police uniform.

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4 KIN 21247.

5 KIN 20199.

6 KIN 10151.

## The Evidence of R 3/HIA 199 (Hugh Quinn)

- 12 Whatever R 2 may have believed the nature of the relationship between Mains and himself to be, he was not the only boy sexually abused by Mains whilst R 2 was a Kincora resident because Mains was also abusing R 3 during the period. R 3 also gave evidence to the Hughes Inquiry and we have continued his designation although he gave evidence to our Inquiry under the designation HIA 199. For the sake of consistency we shall refer to him as R 3 in this Report as well. He spent at least three periods in Kincora between February 1960 and August 1963. After R 3 left Kincora he returned from time to time to see Mains, and stayed over on occasions.
- 13 R 3 was first admitted to Kincora in February 1960 when he was just over fourteen, and he remained there for sixteen months until he left in June 1961. Only two weeks later he was re-admitted, and remained in Kincora for a further thirteen months until he was discharged in July 1962 aged sixteen to attend the National Sea Training School at Gravesend in Kent. This did not work out and he was re-admitted in early August 1962. He remained a resident in Kincora until he was finally discharged a year later in August 1963, by which time he was seventeen and eight months of age. We note that the Hughes Inquiry believed that he was discharged aged eighteen and a half in May 1964. As we have already explained, R 3 was one of those boys who was well under fifteen when admitted, and who remained a resident in Kincora for a long time.
- 14 R 3 did not make any complaints about Mains until he was identified to the RUC by other ex-residents as someone who had regularly returned to Kincora. Mains was therefore questioned about R 3 before R 3 had been interviewed by the RUC. Mains initially only admitted masturbation with R 3 whilst R 3 was a resident, but in a second interview later that day admitted that he had anal sex with R 3 on several occasions in 1963 and 1964 while R 3 was living in Kincora. Mains admitted being the dominant partner in these acts of anal intercourse, saying that R 3 was the first person with whom he had anal sex.<sup>7</sup> R 3 gave evidence to our Inquiry under the designation HIA 199. He described how he was sometimes punched and slapped by Mains in his office or in the bedroom, and he believed that this was to remind him of the

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<sup>7</sup> KIN 10420.



consequences if he did not submit to Mains’s sexual demands.<sup>8</sup> Mains accepted that he had made a remark to the effect that if R 3 did not pull himself together, “the next step for him would be Borstal”. Whether intended as a threat or not, it was entirely understandable that R 3 interpreted the remark as a threat. At the trial Mains was charged with two offences against R 3, one of buggery for which he received six years imprisonment, and one of gross indecency to represent the masturbation for which he received two years in prison.

- 15 R 3 also gave evidence to the Hughes Inquiry. He returned to Kincora on several occasions after he left, as well as sending cards. He told the Hughes Inquiry that he returned every year until around 1969, but did not return again until 1979. His visits are corroborated by an entry in the Kincora registers that he stayed for two weeks between 22 December 1965 and 2 January 1966. R 3 was emphatic to us that the relationship between Mains and himself was not consensual, as Mains claimed to the police, but was one where R 3 felt that he was forced by a mixture of threats, such as the reference to Borstal, gifts and privileges, such as being taught to drive, and the fear of being disbelieved.<sup>9</sup> He explained that despite what Mains had done, R 3 felt that he was safe in returning to Kincora<sup>10</sup> because he regarded Mains as a father figure and as Kincora was the only home he still had, and because the abuse had stopped when he told Mains he would tell on him.

## The Evidence of KIN 1

- 16 R 2 and R 3 overlapped at Kincora between February 1960 and September 1961 and so it is clear that Mains did not confine his sexual abuse to one boy at a time during that period. That pattern was repeated with KIN 1 who overlapped with R 3 between February and August 1963. KIN 1 came to Kincora at the beginning of May 1963, when he was fifteen and nine months, and remained there until he left aged seventeen and four months in early November 1964. His allegations against Mains were of less gravity than those of R 2 and R 3. They were confined to two episodes where he described Mains adopting a pretext to touch him around his private parts. The first was when KIN 1 told Mains he had a pain in his groin, whereupon Mains told him to

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8 Day 209, pp.81 and 82.

9 Day 209, p.89.

10 Day 209, p.91.

drop his trousers and underpants and then felt around his private parts. Two or three months later he described how he was told to go and have a bath. Mains then came in, locked the bathroom door behind him and washed around the private parts of KIN 1 with his hands. KIN 1 told him he was old enough to do this himself and Mains left because someone called him.<sup>11</sup> KIN 1 made complaints relating to three occasions when he said R 3 made unmistakable sexual approaches to him whilst both boys were resident in Kincora. R 3 denied these allegations, as well as the allegation by KIN 1 that it was general talk amongst the boys that R 3 was interfering with other boys in the hostel, something he said he witnessed for himself in his bedroom when he was supposed to be asleep.

- 17 Although a charge of indecent assault was brought against Mains based on the allegations by KIN 1, Mains pleaded not guilty to that charge at his trial, and the prosecution did not proceed with the charge because Mains was pleading guilty to the other charges against him. Again that is a usual course for the prosecution to take in such circumstances.

## The Experiences of R 7

- 18 The last boy to be admitted to Kincora during this first period and who was abused by Mains was R 7. He spent three periods in Kincora, arriving in August 1964 aged fifteen years and two months, and remaining until December 1965 when he was sixteen and a half. He was abused by Mains during this period. He was then discharged but was re-admitted in March 1966, and remained in Kincora for a further six and a half months until September 1966. During this time he was abused by Semple but not by Mains. R 7 was re-admitted in November 1968 for a third time. By now he was seventeen and five months of age and he remained in Kincora for a further two and a half months until he was discharged for the third and last time in January 1968 aged nineteen and a half. We should say there is some uncertainty about when he was discharged, with various accounts giving January or December 1968. However, this is not significant because R 7 has not alleged that he was abused during this third and final period in Kincora. Although the first period he spent in Kincora straddles the end of the first period that we are presently considering, we consider his accounts of his experiences

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11 KIN 10160.

with Mains fall more conveniently into this first period, and we will return to his accounts of his experiences with Semple when we consider the next period.

- 19 R 7 said that shortly after he first arrived in Kincora, and so presumably in, or not long after, August 1964 when he was aged fifteen Mains made his first sexual approach to him. This was when he was getting out of the bath and Mains grabbed him around the testicles. About a week later he described how Mains invited him into his bedroom, and after feeling around his testicles, pulled down R 7’s trousers and underpants. He then pushed him face down on the bed and attempted to anally penetrate him. R 7 pulled away, whereupon Mains said something to the effect that R 7 wasn’t much good and let him leave the bedroom.
- 20 When questioned, Mains denied the attempted anal penetration, but admitted he had been involved in masturbation with R 7. At his trial Mains was charged with attempted buggery of R 7, to which he pleaded not guilty, but he admitted the offence of gross indecency with R 7 in respect of the masturbation. As Mains had pleaded guilty to other offences of buggery the prosecution did not proceed with the charge of attempted buggery of R 7.
- 21 It can be seen from these descriptions that Mains picked on some boys, usually making the first approach when the boy was bathing. Then he would make a further approach when he would attempt to persuade, or to force, the boy to submit to anal intercourse. If the boy agreed, or gave in, anal intercourse would take place and be repeated on other occasions. If the boy rejected his advances then Mains would turn elsewhere. It is significant that Mains would make his first sexual advance when he was alone with the boy, and that later offences were committed in secret in Mains’s bedroom, which at that time was on the first floor of Kincora. As R 3 said to the Hughes Inquiry, “all sex activity in Kincora was secretive, otherwise we would have been discussing it with each other”.<sup>12</sup> R 3 also explained to the Hughes Inquiry that Mains told him to go to his bedroom after dark when the lights were out and the other boys were asleep, and in the morning to wait until the cook had gone into the kitchen before returning to his own bed.<sup>13</sup>

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12 KIN 71316.

13 KIN 71333.

22 A similar account of the way Mains carried out his crimes was given by R 2. He wrote that his bed was in the bedroom adjacent to Mains’s bedroom on the first floor. He described how Mains’s:

“method to get me sneaked into his room was, by the way he was checking around the rooms and would close each door on his way out where he would stand on the landing beckoning me to cross over into his room saying all was clear”.<sup>14</sup>

23 Given the secrecy in which these offences were committed, it is not surprising that Mains was successful in concealing from others what was happening. Another factor in his concealment of his crimes was because he only approached some boys and not others. This is illustrated by the evidence of KIN 3 in his statements to the RUC in 1980, and to the Sussex police in 1982. KIN 3 was in Kincora from April 1963, when he was fifteen and two months of age, until the end of July 1964 when he left aged sixteen and a half. During the sixteen months he spent in Kincora he said:

“I didn’t know of anything going on. I was out nearly all the time and only slept there. I was never approached in a sexual way”.<sup>15</sup>

As we have already explained, apart from two periods totalling approximately nineteen months when there was an assistant warden, for the rest of the time we are presently considering, Mains was the sole member of the care staff, and as such the only person in the building apart from the cook, and she was unaware of what was happening. That Mains was alone in the building for long periods of time, and many of the boys were either out or otherwise engaged, meant that he had ample opportunity which he made use of in order to commit offences on boys in his care without either being discovered or arousing suspicion.

## **PART TWO**

### **Period two: 8 September 1964 to 28 February 1966**

24 During this eighteen-month period 50 boys were resident in Kincora, including KIN 1, R 3 and R 7. Leaving KIN 1 and R 3 out of account because their experiences of abuse were confined to period one, which we have already considered, that leaves 48 other residents during period

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14 KIN 21250.

15 KIN 11585.

two. Of those 48, twelve were traced and interviewed by the police, either as part of the Caskey Phase One investigation or subsequently, as in the case of KIN 127, who approached the police himself in 1982. Of the twelve who have been traced at some stage it has been established that six boys were sexually abused by Mains, and of these six, two (R 1 and R 7) were also abused by Semple. This period of eighteen months has been chosen because it covers the first period of Semple’s two periods of employment as assistant warden at Kincora. We consider the accounts of the boys who were abused first, and then we consider the accounts of the other six residents who were traced but did not allege that they had been sexually abused during this period.

## The Experiences of R 7

- 25 As we have already described, R 7 was abused by Mains during period one. Semple first joined the care staff as assistant warden in September 1964. R 7 was one of those residents who were admitted to Kincora on more than one occasion, and his first period in the hostel came to an end just before Christmas 1965. He returned for a second time two and a half months later at the beginning of March 1966. He alleged that during his second period in Kincora, that is from March 1966 onwards, he was sexually molested by Semple who came into the bathroom, dried his bottom and then made R 7 face him and pulled R 7 towards him. R 7 gave evidence to the Hughes Inquiry and said that Semple left him alone when he rejected his advances. He said he thought that Semple’s actions were more about getting a cheap thrill, and although he did not regard Semple’s advances as very serious, he did not want them to continue. Significantly, he described Semple as a very kind hearted person who was liked by the boys, most of whom got on very well with him.<sup>16</sup>
- 26 As R 7 did not return to Kincora until after Semple left in February 1966, R 7 may have been mistaken when he attributed Semple’s actions to the period when R 7 was in Kincora for the second time. That is because Semple did not return, at least on a permanent basis, until 1969, although he did help out in a voluntary capacity for some months before he returned to the permanent staff. However, the exact timing is of no significance because Semple admitted to the police that he

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16 KIN 71411.

followed R 7 into the bathroom because he fancied the boy, then rubbed R 7’s private parts and his bottom while he was bathing. Semple then became aroused and pulled R 7 against him. Semple pleaded guilty to a single charge of gross indecency and was sentenced to two years imprisonment.

## The Experiences of R 1

- 27 R 1 arrived in Kincora in February 1965 aged sixteen and a half, having been in Bawnmore Children’s Home from the age of fourteen. Before that he had been in Manor House, Lisburn, from March 1961. Whilst in Manor House he behaved in a highly sexualised fashion, making sexual approaches to other boys and girls in the home.<sup>17</sup> He was moved from Manor House to Bawnmore aged fourteen, and we consider his time there in the Bawnmore chapter of this Report. What is significant about R 1’s time in Bawnmore from the Kincora perspective is that he alleged that he was repeatedly sexually abused in Bawnmore by S 1, a member of the staff there. Whilst Mains denied having a sustained sexual relationship with S 1, he did admit that they had sex on one occasion in Mains bedroom in Kincora.<sup>18</sup> Although Mains denied that when R 1 was transferred to Kincora S 1 told him about having homosexual relations with R 1, we cannot exclude the strong possibility that some such remark about R 1 was made to Mains by S 1, given the highly sexualised behaviour by R 1 reported whilst he was at Manor House, and that S 1 and Mains had sex together.
- 28 R 1 knew R 7 when they both were in Bawnmore, and in his March 1980 police statement R 1 alleged that when he arrived in Kincora he was warned by R 7 to watch out for Mains and Semple because they would interfere with him. He went on to say that a few days later Mains called him into his room and asked R 1 to masturbate him, saying that he had been told that R 1 did that sort of thing. Although R 1 initially refused he did masturbate Mains, who felt his testicles. According to R 1 this became an almost daily occurrence between them. Mains denied that any of these things happened, and maintained that position at his trial, where the prosecution decided not to proceed with the charges.

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17 KIN 76471.

18 KIN 10479.

- 29 When considering the accuracy of R 1’s account it is relevant that in February 1982 he spoke to Jim Cusack, a journalist on the Belfast Telegraph. On 8 March 1982 R 1 merely said that a journalist spoke to him at his home and asked if he knew “names of people mixed up in the Kincora situation. I told him that I did not”.<sup>19</sup> Jim Cusack’s account was that R 1 contacted him on the telephone on one or two occasions, saying that he (R 1) thought the information he had about Kincora, “might be worth money to him”, mentioning £50 and then £30. He was told that it was not the policy of the newspaper to pay for information.<sup>20</sup> We mention this because one of the factors that has to be given due weight when assessing the reliability of the account given by any witness is whether the witness has profited, or sought to profit, from information he or she says they have. This is a relevant consideration when we consider the account given by R 1 about Mains involvement in an alleged vice ring in Bangor to which we refer later.

### **The Involvement of R 1 with Semple**

- 30 Unlike the position between Mains and R 1, it is common ground that an active homosexual relationship developed between R 1 and Semple. This involved each having anal penetrative sex with the other on numerous occasions. Ultimately Semple pleaded guilty to two charges of buggery, and one of gross indecency, against R 1, and received an overall sentence of five years imprisonment. Semple’s account to the police in his statement of 1 April 1980 was that the initial suggestion came from R 1 who came into his room, invited Semple to masturbate him and they then masturbated each other. On subsequent occasions they engaged in mutual masturbation, oral sex and anal intercourse.<sup>21</sup> R 1’s account was that Semple made the initial approach to him, asking R 1 to masturbate him, saying that if R 1 could do it for Mains R 1 could do it for him. He also said that the anal sex started at Semple’s instigation.<sup>22</sup> Whether R 1 or Semple initiated their sexual relationship, it certainly had a significant consensual aspect as it developed.

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19 KIN 20568.

20 KIN 20570.

21 KIN 10357.

22 KIN 10141.

## Semple’s departure from Kincora

31 In February 1966 Semple resigned as assistant warden at Kincora, ostensibly for family reasons. However, in 1980 he admitted to the police that Mains spoke to him, saying that R 1 had told Mains what was happening between Semple and himself. Mains said that he told Semple this had to stop. Semple then stopped for about a week, but then resumed having sex with R 1. Again Mains called him in and told him to stop. Mains admitted that R 1 told him what was happening between himself and Semple. Mains knew that Semple’s mother was unwell, so he suggested to Semple that he resign and Semple did so.<sup>23</sup> Whether Semple’s mother was ill or not, this was clearly a convenient pretext that enabled Mains to force Semple out of Kincora. Given Mains’s abuse of several boys both before and during Semple’s first spell as assistant warden in Kincora we are in no doubt that Mains’s objective in making it clear to Semple that Semple should resign was not to protect the boys in his care, but to avoid the risk of Semple’s behaviour coming to light, and as a result imperilling Mains’s position. Mains admitted that he did not tell his superiors what Semple had been doing; clearly he could not take the risk that his own sexual abuse of residents would come to light if he said what Semple was doing, with a result that he could lose his job and end up in prison.

## The Experiences of KIN 4

32 KIN 4 first entered Kincora in March 1965 aged fifteen and five months, and remained for four months until he was discharged in July 1965. He was readmitted on an unknown date and remained in Kincora until he was discharged on his sixteenth birthday in September 1965. He was traced by the RUC during the Caskey Phase One investigation, and said that Mains came into the bathroom when he was naked, commented disparagingly on the size of his penis and patted KIN 4 on the backside. He made no other complaint about Mains. No charges were directed by the DPP in respect of his allegations, all of which Mains denied. KIN 4 commented that the talk amongst the boys was that Mains and Semple were “bent”, and he referred to an occasion when he saw Semple lying on the beds in a room, although he did not witness any homosexual acts.

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23 KIN 10415.



## The Experiences of R 4

- 33 R 4 gave evidence to the Hughes Inquiry, and for consistency we refer to him by that designation, rather than as HIA 534, although he gave evidence to our Inquiry under both designations. He arrived in Kincora in August 1965 when he was about sixteen and three months of age, leaving fifteen months later in November 1966 aged seventeen and a half. Mains told the police that his first encounter with R 4 was when he bathed R 4 because R 4 would not wash, but he denied that anything else occurred. In 1980 during the Caskey Phase One investigation R 4 told the RUC that he regarded Mains as being like a father to him. He described how Mains got him to massage his bare back with cream in Mains bedroom. Nothing else happened at that time, but Mains asked him to massage his back with cream on other occasions, and on the second time Mains felt around R 4’s genitals, although outside his trousers. The third time R 4 was in his pyjamas, and on this occasion was masturbated by Mains. The next time mutual masturbation occurred. This happened on other occasions, as well as oral sex. R 4 said he refused Mains request to have anal sex with him. These sexual acts all took place in Kincora, except on one occasion when the boys went on a summer camping holiday in Magilligan, Co Londonderry, when Mains performed oral sex on him when they were sharing a tent.
- 34 R 4 explained that his sexual relationship with Mains continued after R 4 left Kincora. He described how he returned to Kincora from time to time over many years. On these occasions he engaged in mutual masturbation with Mains, or Mains would perform oral sex on him. This practice lasted until Christmas 1979 when Mains allowed R 4 to stay in his home. R 4 described how they engaged in mutual masturbation, and Mains performed oral sex on him when Mains’s girlfriend BAR 1 had gone to bed. By this time R 4 was 30.
- 35 R 4 explained that his sexual experiences were not confined to Mains, and he described engaging in mutual masturbation and/or anal intercourse with three other boys during his visits after he had left Kincora. One of these was R 9 who was in Kincora in the mid-seventies and said that he masturbated and performed oral sex on R 4 on one of R 4’s visits to Kincora. R 4 also claimed he engaged in oral sex with R 17 in the garden of Kincora on one of his visits. R 17 denied that that occurred, although he did describe an occasion when he returned to Kincora, went out for a drink with R 4, and when they went back to the

hostel R 4 exposed himself to R 17 in the yard. R 17 said he just went back into the hostel and nothing occurred.<sup>24</sup> The third boy was R 18 who said he masturbated R 4 and then asked R 4 to masturbate him on one occasion when they were both in the living room at the front of Kincora.<sup>25</sup> As R 4 explained to the Hughes Inquiry, although he disliked what was happening when it started, “I just got used to it as a way of life”.<sup>26</sup>

- 36 R 4 admitted that in later life he had a number of homosexual relationships with adult males, but none of these had any connection with Kincora. He also admitted sexually assaulting the eight-year-old-son of a family with whom he was lodging at the time; he was prosecuted for that offence in October 1981 and sentenced to six months imprisonment.
- 37 Given that Mains did not admit the allegations made by R 4, but had admitted to other similar offences, and that the circumstances of the alleged offence committed by Mains against R 4 would have been highly unlikely to have resulted in an increased sentence for Mains, it is understandable that the DPP did not direct a prosecution of Mains based on the allegations by R 4.
- 38 The description of his experiences by R 4 are significant for a number of reasons, not just because he was one of several boys who returned to Kincora for visits after they left. Given that for many it was the last childhood home they had, return visits were not surprising. We heard of similar instances of former residents of other children’s homes doing so in homes we investigated, as well as keeping in touch with staff, even though in some cases they had been abused in one form or another in the home. What was different in the case of R 4 was that on some of his return visits he engaged in consensual homosexual activity with Mains, which took place over many years in Kincora itself, and on some visits he also engaged in consensual homosexual activity with residents. R 4 was therefore one of those ex-residents who returned to the hostel, and when they did so had sex with Mains, and with adolescent residents in Kincora who were willing to do so.

## The Experiences of KIN 5

- 39 KIN 5 was admitted to Kincora for the first time in September 1965 when he was fifteen and a half, and he remained there for almost nineteen

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24 KIN 11269.

25 KIN 10163.

26 KIN 71378.

months before being discharged aged seventeen at the beginning of April 1967. He was readmitted a week later and remained for a further three weeks. He described how he was in the bath during his first week in Kincora when Mains came in, asked why he was skinny, then put his hand into the water and pulled back KIN 5’s foreskin before leaving the bathroom. On another occasion he said he walked into Mains’s office to find Mains and R 4 kissing.

- 40 He remarked that it was a well known fact in the hostel that Mains was homosexual, and as we shall see it was in 1967 that the first recorded complaint about Mains’s behaviour was made and investigated, although an earlier complaint may have been made in 1966. The 1967 complaint, and the evidence of KIN 5 and KIN 4, suggests that although Mains may have been successful in earlier years in concealing his homosexual desires and approaches to adolescent boys, he was becoming more open in his sexual approaches and this was becoming known to at least some of the boys in the hostel, although, as we shall see, not all boys seem to have been aware of what was happening. The evidence of KIN 5 was also significant because he refers to sexual behaviour by two other residents, KIN 12 and KIN 11 with whom he shared a room.
- 41 In addition, KIN 5 alleged that when on one occasion Mains blamed him for stealing some money, Mains punched him several times, knocking him to the ground. KIN 5 alleged that this was seen by a cleaner who reported the episode, resulting in a visit by a named social worker. The social worker could not be traced; both cleaners were interviewed and denied ever witnessing anyone being physically assaulted.
- 42 We will refer again to the experiences of other residents of Kincora during the second period, residents who told the police they were not abused in any way, nor were they aware of any homosexual activity in Kincora during their time there.

## **PART THREE**

### **Period three: 28 February 1966 to 10 June 1969**

- 43 This period of three years and three and a half months covers the time between Semple’s resignation as assistant warden in 1966, and his reappointment to that post in 1969. Throughout that period Mains was again the only member of the care staff in the hostel, apart from a

five and a half month period in 1967 when KIN 66 was working as the assistant warden. KIN 66 took up his post on 26 June 1967 and worked in Kincora until 11 December 1967 when he went on sick leave. His employment was terminated on 19 January 1968, and we later examine the difficulties that faced Belfast Welfare Authority in obtaining a replacement for KIN 66. This meant that for the greater part of three years Mains was again on his own in Kincora, apart from the domestic staff. This had been increased to two with the appointment of a cleaner as well as the existing cook, and the two ladies continued to work in Kincora until it closed.

- 44 During this third period a total of 85 boys were admitted to Kincora, of whom seven alleged that at one stage or another they were abused by Mains. They included R 3, R 4 and KIN 5, and as we have already considered the accounts given by R 4 and KIN 5 it is unnecessary to refer to them again when considering this period. Although KIN 38 was in Kincora during this period, he said that he was abused in the next period we consider and so we leave him out of account during this period. In this portion of this chapter we concentrate on the accounts given by the four remaining individuals who say that they were abused during this period, starting with R 3. It is not entirely clear whether he was finally discharged from Kincora in August 1963, or, as the Hughes Inquiry believed, in May 1964. By Christmas 1965 he was certainly no longer a resident in Kincora and he was living in London. As we have earlier recorded, R 3 returned at Christmas for a number of years after he had been formally discharged from Kincora, and on those visits he stayed with Mains in Kincora. The Kincora registers show that one of those occasions was between 22 December 1965 and 22 January 1966, when R 3 had just turned twenty.
- 45 It is incorrect to regard R 3 as a resident of Kincora during this short stay because he was no longer the responsibility of Belfast Welfare Authority, and he does not allege that he was abused in any way by Mains during this period. His stay is relevant because it is an example of the practice of Mains allowing adult males to visit Kincora, and on some occasions to stay overnight. That was the case for R 3 who stayed in Kincora although he was no longer a resident. Nevertheless his stay was open and above board, being recorded in the register as “on holidays” and it does not seem to have been considered inappropriate.

## The Experiences of R 5

- 46 R 5 was admitted to Kincora at the end of March 1965 when he was just over sixteen, and he remained there for eight months until he was discharged at the end of November 1965. He is of particular importance because he and R 6 were the first persons known to have complained to Belfast Welfare Authority about Mains, and we shall examine the response of the Welfare Authority to their complaints at a later stage. R 5 did not give evidence to the Hughes Inquiry, nor did he apply to our Inquiry, but as well as the letter he and R 6 sent we have the statement which R 5 made to the RUC during the Caskey Phase One investigation.
- 47 On 8 September 1967 R 5 wrote a two-page document he called a “statement” in which he made a number of allegations. The first was that on 16 July 1967, while the Kincora boys were at a camp, Mains was visited by two named men. One of these appears to have been R 2 who was by then a former resident of Kincora and who, as we have already seen, was in a continuing, if occasional, homosexual relationship with Mains after he left Kincora. The other was KIN 265. R 5 alleged that Mains sent the boys to their tents while he and his two visitors drank a considerable quantity of whiskey to judge by the number of bottles R 5 said he saw the next day.
- 48 In the statement R 5 also alleged that on 5 September 1967, that is three days before, KIN 66 the assistant warden accosted him while he was washing, saying “do I not get a kiss then”. He then proceeded to feel all over R 5’s body before putting his hand down R 5’s underpants. R 5 said that the next day he told KIN 66 he was going to tell Mains all about him.<sup>27</sup> In a further entry he alleged that Mains made him wash dishes and sent him to bed early because R 5 had been associating with someone of whom Mains disapproved. He also alleged that on a different occasion Mains grabbed him and told him not to answer back. When R 5 was interviewed by the RUC in 1980 he gave a fuller account of the camp episode, repeating that whiskey had been drunk by Mains and the same visitors, but making no allegation about KIN 66.
- 49 Regarding Mains, R 5 said that when he had been at Kincora for six months or so he “realised there was something wrong as far as Mains was concerned”. If R 5 is correct about the time he was describing, this would suggest that he came to this view around September 1967. He

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27 KIN 11004.

described Mains coming into the washroom, putting his arms round the chests of the boys who were washing and holding them tightly against them. He also described Mains touching boys, including himself, on the behind as they walked past. Finally, he described one incident in the washroom when he was on his own washing himself whilst stripped to the waist. He said Mains came in, said “do I get a kiss then”, put his arms around R 5 and then rubbed his hand up and down R 5's naked torso from the armpit to the waist. Mains then slid his hand down inside R 5's trousers. R 5 said he pulled Mains's hand away, told him to “F-off”, whereupon Mains walked out of the washroom. R 5 described this as happening before the camp episode.

- 50 In his police statement he described how he and R 6 went to Mr Ross of social services where he made the September 1967 statement. He said that when he and R 6 returned to Kincora and told Mains what they had done Mains became very angry. When R 5 said to Mains that Mains would not be hitting him again because he had reported him to the Welfare who would be coming to see him, and had told them everything, he said Mains became very frightened, giving them cigarettes, and, R 5 was nearly sure, money. He said that he remembered two people coming from the Welfare to see Mains, but he did not know what happened. About a month afterwards, he left Kincora.<sup>28</sup>
- 51 When questioned by the police Mains denied that anything sexual had occurred. He did admit pulling R 5's pants back in the bathroom to check whether R 5 had changed his underwear because he said R 5 did not change his clothes. Mains attributed the allegations to a personal grudge both boys had against him, although he admitted that he had used a cane to give R 5 “a hiding” because R 5 had approached the Welfare.<sup>29</sup> The DPP directed that Mains face one charge of indecent assault on R 5, but did not proceed with the charge when Mains maintained his plea of not guilty at the trial.

## The Experiences of R 6

- 52 R 6 was admitted to Kincora in mid-August 1967 aged seventeen, and remained there for almost a year until he was discharged at the beginning of August 1968 when he turned eighteen. He therefore overlapped with R 5 in Kincora for four months, and so was not long into his stay when

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28 KIN 10168 and 10169.

29 KIN 10421.

he and R 5 complained to the Belfast Welfare Authority. The RUC were not able to trace him in 1980, and so he did not give evidence to the Hughes Inquiry, and he did not apply to our Inquiry.

- 53 His allegations against Mains are to be found in a brief, hand-written statement. The hand writing and spelling are not good and suggest that R 6 may have had literacy problems. He made a number of allegations.
- (1) On Friday 1 September 1967 Mains came into his room and felt around his body. He said Mains smelt of drink on this occasion.
  - (2) On Saturday 2 September Mains came to call him for work in his underpants and said “give me a kiss”.
  - (3) On Wednesday 7 September while he was having a bath, Mains entered and said to him, “you look lovely in the water”.
  - (4) On what would appear to be Thursday (although the day is misspelt and the date is given as Wednesday 7) he said Mains again said to him, “give me a kiss”.
  - (5) Mains went out every Friday and Saturday night and got drunk.
  - (6) Apparently referring to KIN 66, because the name is misspelt, R 6 said KIN 66 told him Mains was very good at getting drunk;
  - (7) Told KIN 66 to watch what he said because Mains was a, “very bad man”.<sup>30</sup>
- 54 When questioned by the police during the Caskey Phase One investigation in 1980 Mains denied these allegations, repeating that they were concocted by R 5 and R 6 because of a grudge, and there was nothing sexual in his actions.

## The Experiences of R 8

- 55 R 8 was admitted to Kincora aged fifteen and two months at the end of April 1968, and remained there for three years and four months, leaving aged eighteen and five months at the beginning of August 1971. He therefore overlaps with the fourth period, but it would seem from his allegations made in 1971 that they happened before Semple resumed working in Kincora in September 1969. As we shall see, the allegations which R 8 made led to the second investigation by Belfast Welfare Authority into allegations about Mains and Kincora. R 8 did not give evidence to the Hughes Inquiry, nor did he apply to our Inquiry.

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30 KIN 11039.

- 56 His account is contained in a five-page hand-written letter he wrote on 12 August 1971, which he sent with an almost identical copy to the Belfast Welfare Authority in August 1971. We shall consider later how the Welfare Authority reacted to these letters, but for present purposes it is sufficient to consider the form and content of the letter. In the letter, which is well written and detailed, R 8 made three specific allegations about the way Mains was running Kincora, as well as a further allegation about Mains’s behaviour towards himself, and we consider that first.
- 57 R 8 described an occasion when Mains complained about having a sore back when he asked R 8 to rub his back, saying that if he did a good job Mains would pay him five shillings (25p). Given that R 8 was fifteen at the time and short of money he agreed. He then spent some time massaging Mains naked back, as Mains lay on the bed wearing only his underpants. Afterwards Mains invited him to share his bed for the night. R 8 got into bed with Mains, who was still presumably only wearing his underpants, but R 8 said that he kept his jeans on. He described how within a few minutes Mains put his arms around him and he heard Mains muttering, “on to it, on to it”, whereupon R 8 ran to his own bedroom as fast as he could.
- 58 One of R 8’s other allegations against Mains related to Mains attitude towards the sexual behaviour of other boys. He alleged that he and another boy KIN 67 had experienced an obvious sexual advance by R 34, another Kincora resident. When they told Mains his response was to say that R 34 would grow out of it. It was after R 8 reported this advance by R 34 to Mains that the massage episode described in the preceding paragraph occurred.
- 59 R 8 also alleged that another boy R 33 told him that he had a similar experience with Mains, although it is unclear whether this meant massaging Mains’s back, or getting into bed with him, or both.
- 60 Finally, R 8 drew attention to R 2, who was by this time an ex-resident, returning to Kincora and spending the night with Mains’s in his flat. He said that when he had gone into Mains flat one morning he found R 2 lying on the bed.<sup>31</sup>
- 61 R 8 was interviewed by the RUC in 1980 during the Caskey Phase One investigation. He said the incident when he got into Mains’s bed occurred when he had been in Kincora for about a year, which if correct

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31 KIN 11019.



would place it around March 1969. He also said that he had in fact spent the whole night in Mains’s bed, and not just a few minutes as he had said in his 1971 statement. He explained that he could only assume that he had not admitted to spending the whole night in Mains bedroom then because he was too embarrassed to admit it.<sup>32</sup>

- 62 During the Caskey Phase Two investigation in 1982, following the publication of the final of the three articles in the *Irish Times* on 12, 13, 14 January 1982 by Ed Moloney and Andy Pollak, Ed Moloney gave D/ Supt Caskey a transcript of an interview Moloney had carried out with R 8, in which R 8 appeared to confirm that the only occasion Mains made sexual advances to him was during the back massaging episode.<sup>33</sup>
- 63 When interviewed about R 8 by the RUC, Mains admitted that he had asked the boy to rub cream into his back. He explained that R 8 had come to him to complain about the advances made to him by R 34, that he had said to R 8 if he was frightened he could sleep in a chair, that R 8 did so but then got in to bed beside him. Mains had his trousers on and said nothing happened.
- 64 Although no charge was brought against Mains relating to R 8’s allegations, it is clear from Mains’s admissions that at the very least in 1967 he was sleeping with R 2 on a regular basis when R 2 visited and stayed overnight in Kincora. Contrary to what R 2 asserted, it seems that at least one boy, if not more, was aware of that liaison. Secondly, Mains was aware of sexual activity by some of the residents towards other residents, or consensual sexual activity between the residents.

### **The Experiences of KIN 13**

- 65 KIN 13 came to Kincora in late March 1969 aged 16, and remained for four and a half months, until he was discharged in August 1969, just two months after Semple returned to Kincora as the assistant warden. Although KIN 13 did not allege that he had been the subject of any sexual approach by Semple, and had no complaints about Semple, he said there was general talk among the boys “That Raymond Semple and Joe Mains were homosexuals but I can’t remember any particular incident referred to by any of them”.<sup>34</sup>

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32 KIN 10172.

33 KIN 21187.

34 KIN 10178.

- 66 KIN 13 did allege that on one occasion whilst a passenger in a car with Mains driving he was invited to steer the car. As he did so Mains first rubbed KIN 13’s penis, before opening the front of KIN 13’s trousers and masturbating him for a minute or two before stopping.<sup>35</sup> When Mains was questioned about this he said he may have taken KIN 13 out in his car, but not on his own, and this incident did not occur. The police pointed out to him that a similar allegation had been made against him by R 1 who had been in Kincora during the second period we have considered, but Mains replied, “no comment”.
- 67 Before leaving the third period it is noteworthy that of the four boys who alleged they were sexually abused by Mains during this period, it was R 5 and R 6 who had the courage to contact the authorities, but, as we shall see later, their courage was for nothing as they were not believed.

## **PART FOUR**

### **Period Four: 10 June 1969 to 22 June 1971**

- 68 This short period of just over two years represents the period when Semple rejoined the care staff at Kincora as assistant warden, thereby returning the care staff to the complement of two on a long-term basis, and before McGrath was added to the care staff in the summer of 1971. During this two-year period, 38 boys were resident in Kincora, although some were admitted on more than one occasion. Of these 38, none claim to have been abused by Semple during this period, or for that matter during the rest of his time in Kincora. Of the 38 boys, we have already considered KIN 13 and R 8. Although they continued as residents in Kincora into this period, we have already considered the abuse that they described as occurring in the previous period. That leaves only two further residents who say that they were abused by Mains during this period, KIN 38 and KIN 27.

### **The Experiences of KIN 38**

- 69 As we shall see when considering the last period, KIN 38 was in Kincora on two occasions. His first admission was in late April 1969 when he was fifteen and three months of age. He stayed for ten months until he was discharged aged sixteen and one month to join the Army. As

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35 KIN 10179.

he said nothing happened to him during that period we now consider his experiences during his second period in Kincora. This lasted from early October 1971 when he was readmitted aged seventeen and nine months until he left three months later in mid-January 1972 just after his eighteenth birthday.

- 70 KIN 38 said that during his second time in Kincora he did various jobs for Mains and other members of Mains’s family. He described how he was washing out a bathroom for Mains when Mains came in, told him to take down his trousers and then masturbated him. On another occasion a couple of weeks later Mains invited him to come with him to the Stormont Hotel. It seems both had a good deal to drink and certainly KIN 38 accepted he was drunk. When they returned to Kincora some hours later Mains invited KIN 38 to join him in bed; KIN 38 agreed and they engaged in mutual masturbation before they fell asleep.
- 71 KIN 38 said to the police in 1980 that he only agreed to this because Mains was in charge of the hostel and he was afraid of him.<sup>36</sup> Whether that was the case or not, Mains admitted they had gone drinking together, and although he could not remember KIN 38 staying in his bed, he agreed he probably did masturbate KIN 38. As this was a rather qualified admission by Mains, for the purposes of the criminal law and the necessary higher standard of proof, his admissions must be regarded as somewhat equivocal. KIN 38 was serving a sentence for robbery in England at the time of the Caskey Phase One investigation, and had apparently confessed to a murder in Northern Ireland in 1972. This was investigated by the RUC who considered that irregularities in his account and insufficient corroboration meant that there should not be a prosecution,<sup>37</sup> therefore it is not surprising that no prosecution was directed.

## The Experiences of KIN 27

- 72 KIN 27 entered Kincora at the beginning of April 1971 aged fifteen and seven months of age and remained there for three months until early July 1971. Although his period in Kincora just overlaps with that of McGrath he does not make any allegations against McGrath. He said that when he entered Kincora the talk in the hostel was that Mains was homosexual. He said that on several occasions while he was

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36 KIN 10181.

37 KIN 40091.

walking between the bathroom and his bedroom Mains patted him on the backside, and on one or two occasions slipped his hand inside the waistband of KIN 27’s underpants. He also alleged that while making Mains’s bed, Mains was obviously fondling himself.

- 73 He said that he had been caned on one occasion by Mains, and that he reported this and the sexual advances made by Mains to his female social worker but nothing was done. He reported these matters to her successor with the same result. The police were only able to trace the second social worker who said she did not remember any such complaints. Mains denied the sexual allegations, and he also denied the caning.
- 74 The DPP did not direct a prosecution, and given that the incidents had happened years before and were not corroborated by other witnesses, the decision was a reasonable one at the time.
- 75 It would seem from the accounts of KIN 38 and KIN 27 that, for whatever reason, Mains’s sexual advances to the boys in Kincora during this period were less frequent and not as determined as in earlier years. Indeed, as we shall see, there is no evidence to suggest that he abused any more boys during the fifth and final period to which we now turn, that is the eight years and eight months from the arrival of McGrath in June 1971 until the suspension of Mains, Semple and McGrath on 4 March 1980.

## **PART FIVE**

### **Period five: 22 June 1971 to 1980**

- 76 During this period, 108 residents were admitted to Kincora. We have already considered the experiences of three of them, namely KIN 38, R 8 and KIN 27 whose accounts suggested that although their periods in Kincora extended into, and so overlapped with, period five, they were not abused by Mains during period five but only during period four. Apart from them, another 49 former residents were traced by the police during the Caskey Phase One/Two investigations or by the Sussex Police; 30 of the 49 made no allegations that they had been subjected to any form of sexual approach or abuse, whereas 19 alleged that they had been subjected to homosexual activity, or in one case to activity with clear homosexual overtones.

77 As we shall see, in later years nine former residents came forward, all were traced by the police, four of whom had been among the 49 former residents who had been traced earlier. Seven of the nine alleged that they had been abused, and two repeated that they had not been. As we shall see, some of those who had been interviewed as part of the Caskey Phase One and Phase Two investigations then gave further accounts of their experiences to those they had given during Caskey Phase One or Phase Two. We shall examine their accounts separately from the nineteen who alleged some form of homosexual contact or approach when they made their statements to the police in the early 1980s.

### **Allegations made against McGrath in Caskey Phases One and Two, and to Sussex Police**

78 All those who were interviewed in the 1980s and said that they were abused during this fifth period told the police that they were only abused by McGrath, and it is to their accounts that we now turn. Given the numbers of those who made allegations, as well as the similarity of many of their accounts, we do not consider it necessary to refer to each and every account, or to every detail of those accounts. What we endeavour to convey in the following paragraphs is the full extent of McGrath’s behaviour, and the salient aspects of the abuse he perpetrated.

### **McGrath’s behaviour when waking boys in the Hostel**

79 At the time of his appointment as a housefather at Kincora in June 1971, McGrath was living with his family at 4 Greenwood Avenue, just off the Upper Newtownards Road. This is a short distance further out of the city than Kincora. Not long afterwards McGrath and his family moved to 188 Upper Newtownards Road, a house very close to Kincora at 236. Although he was required to work at least 40 hours a week, McGrath was only required to live in during the absence of other staff on annual, sick, or other leave.<sup>38</sup> Although he was a non-resident member of staff, part of McGrath’s duties required him to wake boys in the morning to get them ready to go out to work. As he lived so close to Kincora this was obviously not difficult for him.

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38 KIN1215.

- 80 A number of the former residents traced by the police during the Caskey Phase One and Two investigations described how they would find McGrath’s hand touching their private parts under the blankets as he woke them. A typical experience was that of Clinton Massey who waived his anonymity when he gave evidence to our inquiry on Day 209,<sup>39</sup> although he is referred to in the transcription as HIA 145 / R 11, being the inquiry designations and the designation given to him by the Hughes Inquiry. He did not speak to the Hughes Inquiry. He went to Kincora at the end of April 1973 aged fifteen and eight months, and remained there almost six months, leaving in late October aged sixteen and two months. He did not spend the entire six months in Kincora, because in June 1973 he went on a two-week camping trip with old friends from Marmion House in Holywood where he had been before he went to Kincora.
- 81 Mr Massey told the police in March 1980 that he was awoken by McGrath on two occasions in the morning to find McGrath with his hand under the bedclothes masturbating him. After that, McGrath would just tap him on the shoulder to wake him. In his inquiry statement, and in his oral evidence to us, Mr Massey said that he was “raped” in the morning almost every other day by McGrath who then made Mr Massey perform oral sex on him before ejaculating over his face. From this evidence to us it is clear that by “raped” Mr Massey meant being masturbated and being made to perform oral sex by McGrath. Although this account contradicts his 1980 police statement, which says that he was only masturbated twice by McGrath, there is no doubt that Mr Massey was sexually abused by McGrath, because McGrath pleaded guilty to a single charge of indecent assault on Mr Massey for which he was sentenced to two years imprisonment.
- 82 Another resident who woke to find McGrath’s hand under the bedclothes was HIA 533, who was admitted to Kincora in late June 1976 when he was three months short of his sixteenth birthday. He remained there for fifteen months until he left in late September 1977 on his seventeenth birthday. He explained to the police in 1980 that after he had been in Kincora for a couple of months he woke to find a hand under the back of his underpants. He turned to find McGrath sitting on the bed with his hand under the bed clothes. HIA 533 was startled and pulled his body away. When McGrath left the room HIA 533 immediately got up and went

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39 p.132.

to Mains’s office to tell him what had happened. In the event Mains was not there, so it was a couple of hours before he was able to tell Mains what happened and that he felt like hitting McGrath.<sup>40</sup>

- 83 In 1980 Mains accepted to the police that HIA 533 had made such a complaint. HIA 533 said that Mains told him he would speak to McGrath and to ensure that McGrath did not do this again would arrange for the boys to be woken in future by the housekeeper. It appears that Mains did make that change, because the housekeeper told the police that Mains asked her to wake HIA 533, although he did not give her a reason. She pointed out that before McGrath was appointed she had woken the boys, and she said that about two years later she started to do so again at Mains’s direction, although the reason Mains gave her was that another boy had complained to his mother that McGrath had told him to zip up his trousers.<sup>41</sup> Whether her recollection as to dates is entirely accurate or not, it is clear that Mains arranged for someone else to wake HIA 533 after HIA 533 complained to him.
- 84 Mains’s account of the steps he took after HIA 533’s complaint is significant because he claimed that he then became suspicious, and tried to watch McGrath and catch McGrath himself. Whether this is true or not, Mains did not report the allegation by HIA 533 against McGrath to his superiors as he ought to have done, nor does it seem he confronted McGrath, nor did he tell him not to do this again. **We regard these failures on his part as amounting to systemic failings by Mains.** Given his own behaviour with residents in the past, and his continuing homosexual relationship with R 2, Mains was not in a position to report McGrath lest his own crimes came to light in any subsequent investigation.
- 85 Another resident who told the police he experienced McGrath making a sexual approach to him under the bed clothes in this way was R 10. He came to Kincora in late March 1973 when he was fifteen and seven months of age, and stayed there for four years, leaving in mid-April 1977 aged nineteen and eight months. He told the police he got on well with Semple, as did other boys, and he said that Mains never made any advances to him. He said that about three or four weeks after he came to Kincora, which if correct would place the episode in April 1973, he

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40 KIN10223.

41 KIN 40612.

felt a hand rubbing his inner thigh and moving towards his groin. He jumped up, saw that it was McGrath and told McGrath never to do that again. He said that when McGrath asked him that night why he panicked he replied that he would kill McGrath if he ever did that again.

## Suspicious of other residents

86 R 10’s experience confirmed what he had been told by other boys on arrival, namely that McGrath was homosexual and to beware of him. During this period several other residents said that they were given similar warnings. R 10 also said that during his years in Kincora there was talk among the boys that McGrath asked boys whether he could touch or caress them. Although R 10 was not approached again by McGrath, he said that he did not report this episode to Mains because he was scared of Mains, but he did warn others about McGrath.<sup>42</sup> Although he got on well with Semple and had a certain amount of respect for him, R 10 made no mention of telling Semple about this incident.

## The Experiences of HIA 532

87 Other forms of behaviour on the part of McGrath with unmistakable sexual overtones, which would now be recognised as behaviour likely to lead to sexual abuse and would now be described as grooming, took the form of requests by him for boys to massage him, and approaches to boys while they were in the bathroom or using the toilet. One of the residents he approached in this way was HIA 532 who gave evidence to us on Day 208. He also gave evidence to the Hughes inquiry as B 1. HIA 532 had been in Bawnmore before he came to Kincora and we consider his experiences in Bawnmore in the Bawnmore chapter. He arrived in Kincora from Bawnmore in early April 1972 when he had just turned sixteen, and remained there for a year and four and a half months until late August 1973, when he was discharged aged seventeen and five months. He returned to Kincora two weeks later in early September, and stayed for seven weeks until he was discharged for a second time at the end of October. His third and final period in Kincora lasted two and a half months from early December 1973 until the end of February 1974, when he left a few weeks before his eighteenth birthday.

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42 KIN10236.



88 HIA 532 described how he awoke to find McGrath’s hand under the blankets trying to rub his penis. Despite telling McGrath to stop, HIA 532 said that McGrath behaved to him in this way throughout each of his three stays in Kincora. As McGrath only started working in Kincora in June 1971, and as HIA 532 first entered Kincora in early April 1972, he is the first known person to have been sexually abused by McGrath. His experiences of McGrath were not limited to these attempts to masturbate him in the early mornings, because he described one occasion when McGrath entered the bathroom when HIA 532 was only wearing a towel around his waist. McGrath locked the door, locked his arms around HIA before attempting to remove the towel and masturbate him, but HIA 532 managed to push him away and open the door and escape whereupon McGrath gave up.

### **Other forms of abuse by McGrath**

89 McGrath did not confine his sexual behaviour to touching, or attempting to touch the penises of boys under the blankets. Several of those traced by the police alleged that he masturbated them, made them perform oral sex, and forced them to submit to anal rape. Eventually McGrath was charged with eighteen offences committed against eight individuals, and pleaded guilty to fifteen offences, two of buggery, five of gross indecency (that is masturbation or oral sex), and eight of indecent assault (or sexual touching). These fifteen offences covered his eight victims. Although McGrath only pleaded guilty to a single charge of buggery against two individuals, that should not be taken as meaning the prosecution accepted that this offence was committed only once against each of the two residents. All of the charges, and not just the buggery charges, appear to have been “specimen” or “sample” charges. Such charges are examples, so that it is unnecessary to have a separate charge relating to every one of what may be possibly a very large number of occasions when the same offence was committed during a particular period. This was, and continues to be, a common and proper approach by prosecution authorities.

### **The Experiences of HIA 409/R 14**

90 HIA 409 gave evidence to the inquiry on Day 210. Although he also waived his anonymity he is referred to in the transcript by his R 14 designation. He also gave evidence to the Hughes Inquiry as R 14, and

so we shall refer to him as R 14 for the sake of consistency. R 14 came to Kincora aged sixteen and five months at the beginning of December 1974. He remained there until he left in June 1975 shortly before his seventeenth birthday. That includes a six-week period when he was not living in Kincora because he was remanded to Rathgael Training School under a place of safety order by the Juvenile Court. He was sent there for assessment after he had called at Palmerston Assessment Centre a few minutes walk from Kincora to see his brother. He struck his brother when his brother refused to join him on a visit to an uncle on the other side of the city.<sup>43</sup> Rathgael recommended that it was not a suitable place for him and R 14 was then returned by the court to Kincora, where he remained for a further four months until he was discharged in June 1975.

- 91 In his police statement he described, as he confirmed to our Inquiry, that initially McGrath came across as a caring, gentle and sympathetic man who often patted him on the head and asked him how he was doing. It was after R 14 was returned from Rathgael to Kincora that he was abused. He said the first sexual assault occurred around the beginning of March. He was having a bath with the door locked when McGrath tried the door and said he wanted something, so R 14 told him to wait. When he emerged from the bathroom wearing only a towel and went to the bedroom to fetch his clothes, McGrath followed him from the bedroom back into the bathroom and closed the door. He then exposed his penis and told R 14 that he was going to put this into him. When R 14 protested and said that he would tell Mains, McGrath replied that Mains would not listen to him, and he, McGrath, would hit R 14 if he did not cooperate. McGrath then made R 14 turn round grasp the toilet before he removed the towel and anally penetrated him for what R 14 thought was five or ten minutes. Before McGrath left, he told R 14 to keep quiet about it.
- 92 On four other occasions R 14 says McGrath forced him to submit to anal sex. One of these occasions was also in the toilet. On the other three times McGrath came to R 14 when he was in his bedroom. He says that the last occasion was the afternoon before he was due to leave Kincora for foster care and was packing. McGrath entered the bedroom and said he had heard R 14 was leaving. When R 14 replied that he was leaving McGrath said “One more time before you go”. When R 14 refused,

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43 KIN 76678.

McGrath threatened to tell his foster parents what R 14 was like and that he would tell them about the other times as well, presumably meaning that he would tell them that R 14 was homosexual. R 14 was scared, and obeyed McGrath when he was told to take down his trousers and lie face down on the bed. McGrath then anally raped him. There are other parts of R 14’s experiences to which we shall refer later.

## The Experiences of R 12

- 93 R 12 entered Kincora at the beginning of May 1973 aged seventeen and seven months, and stayed there for nine months until he left in January 1974 aged eighteen and three months. It would seem from the information available to the Inquiry that R 12 may have had learning difficulties, as he spent several years at a special school in Hillsborough before he went to Bawnmore where he spent a little over a year before going to Kincora.<sup>44</sup> He also appears to have spent a period in Muckamore Abbey Hospital (a hospital which treated children with special needs) after he left Kincora.<sup>45</sup> This would suggest that he was a particularly vulnerable individual.
- 94 R 12 was the subject of the other offence of buggery to which McGrath pleaded guilty, and as in the case of R 14, the buggery charge was a specimen charge. R 12 described to the police how the first such offence occurred when all the other residents were out. McGrath asked him to go to the toilet and when R 12 did so McGrath locked the door and told R 12 to take down his trousers and hold onto the toilet and he then anally raped him. He only stopped what he was doing because the doorbell rang. R 12 described another episode when McGrath invited him to the toilet and asked R 12 to masturbate him, which he did. The third incident involved McGrath following R 12 into the toilet, masturbating him and then getting R 12 to anally penetrate him before performing oral sex on him. The fourth and last episode occurred in the kitchen. At McGrath’s direction they performed oral sex on each other before McGrath got R 12 to penetrate him.
- 95 The events we have described demonstrate several aspects of McGrath’s behaviour. First of all, these events all occurred when R 12 was alone in the hostel at night. Secondly, McGrath appears to have picked on

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44 KIN 10242.

45 KIN 10241.

someone who was particularly vulnerable because of his special needs. Thirdly, although R 12 said he did not like what he was doing, he did it because he was frightened of McGrath.

## Complaints to Mains or Semple

- 96 We have described how Mains accepted that HIA 533 told him McGrath had put his hand under the bedclothes and touched his behind. It seems clear from a number of statements to the police during the Caskey Phase One and Phase Two investigations that other residents also complained to Semple. When Semple was questioned at the beginning of his first interview he volunteered that four residents whom he named had told him that McGrath had interfered with them by rubbing his hands down their pants.<sup>46</sup> In a later interview he claimed that “there were a lot of complaints about [McGrath] from the boys”. When asked what was done about the complaints Semple replied that Mains spoke to McGrath, and “we tried to watch McGrath to stop this”.<sup>47</sup> As we have seen, Mains admitted that after HIA 533 complained to him about McGrath he tried to watch McGrath himself to catch him, as well as arranging for the housekeeper instead of McGrath to wake HIA 533 in the mornings.
- 97 Semple’s admission that he had received a number of complaints came as soon as the police started to question him in his first interview and we see no reason to disbelieve his account that some boys did complain to him, although none of the four he named as complaining to him told the police that they had done so. Mains also accepted that on at least one occasion a resident other than HIA 533 complained to him about McGrath. He said that R 15 complained to him that McGrath had grabbed him by the privates but said that Mains told him to forget it and that he (Mains) would see about it.<sup>48</sup> Mains admitted to the police that he had spoken to McGrath about this, and that McGrath told him that he told R 15 to pull up his zip and to tidy himself before going to school, and that he [McGrath] had touched R 15 on the front of the trousers. Mains also said that he reported this to Semple, to the two ladies on the domestic staff, and to R 15’s social worker, although he could not remember her name.<sup>49</sup> McGrath did accept that Mains spoke to him about the complaint from R 15.<sup>50</sup>

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46 KIN 10388.

47 KIN 10367.

48 KIN10256.

49 KIN10413.

50 KIN10512.

- 98 While it is not entirely clear who did complain, and there is no corroboration of Mains’s assertion that he told Semple or other members of staff, we are satisfied that both Mains and Semple received specific complaints about McGrath’s conduct from a number of boys, including HIA 533 and R 10. The nature of those complaints was such that we are satisfied that both Mains and Semple had good reason to believe that McGrath was sexually interfering with boys in the hostel, but failed to take sufficient steps to prevent this, other than replacing McGrath with one of the female staff on the waking-up duties. We are satisfied that neither reported these complaints or their suspicions to their superiors as they ought to have done, and their failure to do so was because they were inhibited by their own homosexual abuse of residents. **These failures to report McGrath were systemic failings by Mains and Semple.**

### **Consensual sexual activity in Kincora involving, and between, residents**

- 99 Not all the homosexual activity in Kincora during period five involved residents who were pressurised or intimidated into engaging in sexual activity with McGrath. Some of the activity which took place involving him was plainly consensual, and there was also consensual sexual activity between the residents themselves. R 17 came to Kincora in early October 1974 when he was sixteen and seven months. He remained for a year and five months until he moved out in early March 1976. Two and a half months later he was readmitted at the end of May, and stayed for three months until the end of August 1976. He described to the police how McGrath approached him one night when they were alone in the hostel, and their sexual activity ended with McGrath getting R 17 to anally penetrate him. There were several other episodes when he described various forms of sexual activity taking place between himself and McGrath, including each penetrating the other. R 17 appears to have been a willing participant in these events, which he described as continuing for three nights a week for about two years.
- 100 R 17’s sexual activity in Kincora was not confined to McGrath. He described one occasion when he was sitting in the television room with McGrath and another resident (R 9). McGrath was sitting between them and started to masturbate R 17 and R 9 at the same time, before leaving the room with R 9. R 9 made no such reference to such an episode in his police statement, and if it did occur this was the only

occasion that has come to light in Kincora in the course of the police investigations of the 1980s of more than two individuals being involved in any sexual activity in the presence of others.

- 101 Whether or not this incident did occur, it is clear that just as McGrath and R 17 carried on an intense sexual relationship in Kincora itself, and did so on a regular basis and throughout R 17’s time there, there was also a continuing sexual relationship in the hostel between R 17 and R 9. R 17 said after the occasion when McGrath masturbated them both that he and R 9 engaged in anal sex about five nights a week, except for the weekends when R 17 went out.
- 102 R 9’s account was somewhat different. He said that about two weeks after he entered Kincora in late October 1974 McGrath asked him to masturbate him, and then had anal sex with him. This happened on a great many occasions in R 9’s bedroom and was clearly consensual. However, R 9 said that he and R 17 only had anal sex on three or four occasions. Whatever may be the truth about these particular accounts it is clear that others in the hostel knew of the sexual relationship between R 17 and R 9. Semple admitted that he was told by another resident, KIN 300, that he had seen R 17 and R 9 in bed together. KIN 300 was in Kincora from the end of July 1975 until mid-June 1976, so this incident must have occurred during that period. Semple told police that he had reported the sexual activity to Mains who said he would talk to the boys about it and therefore he (Semple) felt he had no more responsibility to the boys. Semple was pressed by the police about whether he had considered reporting the matter to the authorities and his response was revealing. He explained that he was embarrassed because he had been told off by Mains for having sex with R 1 in 1965 and therefore felt “how could I do a lot about it when boys told me about these sexual acts now”.<sup>51</sup>
- 103 Another resident of Kincora who engaged in consensual sex with McGrath was R 18 whose background ranks as one of the most distressing histories of the hundreds considered by our Inquiry. He told the police his first sexual experience occurred aged eleven when he and a stranger engaged in oral sex in the toilets of a Dublin cinema.<sup>52</sup> Some years later when he was being allowed home from Lissue at weekends he described

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51 KIN 10392.

52 KIN 10288.

how he frequented the toilets in Ward Park in Bangor and engaged in masturbation with men he met there. After Lissue he was moved to Ardmore School in Downpatrick. He said his next sexual experiences were when he came to Kincora. From mid-May 1977 until July 1977 he only stayed in Kincora at weekends while he was attending Ardmore. After July 1977, by which time he was fifteen, until March 1980, when he was seventeen and ten months, he was a full-time resident in Kincora. It would seem from his police statement that during the first weekends he asked McGrath to rub cream into his back because he was suffering from psoriasis. A few weeks later McGrath came into his bedroom after R 18 had a bath, massaged him, and then at McGrath’s invitation R 18 masturbated him. A pattern then developed whereby he and McGrath engaged in mutual masturbation at weekends when the hostel was empty. This continued until McGrath was suspended in 1980.

- 104 While R 18 was clearly an active homosexual by the time he arrived in Kincora, he describes McGrath talking to him about religion and homosexuality, saying that some people naturally felt like that.<sup>53</sup> It would seem that whilst R 18 was a consensual partner in the sexual activity between himself and McGrath, there may have been a form of emotional bond between them. Whether that was the case or not, R 18 was sexually active during this period in Kincora because he told police that he had anal sex with two men during that time, although both episodes occurred outside the building. One involved a hairdresser who told the police they had only engaged in masturbation in his car outside the hostel when he left R 18 home. R 18 said he met the other man at a party and didn’t know who he was. There is no evidence to suggest that any other person was involved in any way with bringing these people together.
- 105 During the police investigations Mains and Semple admitted various homosexual offences, some of which were committed with individuals who were no longer resident in Kincora when those offences occurred. McGrath denied all the allegations put to him. The DPP directed that a total of 33 charges be brought against them, and Mains, Semple and McGrath were sent for trial on 1 September 1981. Each of them pleaded not guilty to the individual charges against them on 27 November 1981, and their trial started on 10 December 1981 before Lord Lowry, the Lord Chief Justice of Northern Ireland. Mains and Semple then changed

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53 KIN 10286.

their pleas to guilty on various charges. Semple admitted each of the four charges against him.<sup>54</sup> Mains admitted six of the eleven charges against him, and the prosecution accepted those pleas and entered a *nolle prosequi* on the five remaining charges, thereby effectively withdrawing them.<sup>55</sup> McGrath maintained his pleas of not guilty to all of the charges against him, and the first witnesses were called on the afternoon of 10 December.<sup>56</sup> The next day McGrath changed his pleas to guilty on fifteen of the eighteen charges against him, and the prosecution entered a *nolle prosequi* against him on the three remaining charges.

- 106 The decision of the prosecution not to proceed with a number of the charges against Mains and McGrath reflected their assessment of the difficulty of establishing those particular charges to the criminal standard of proof beyond reasonable doubt, and the decision to effectively withdraw the charges by entering a *nolle prosequi* was a normal and perfectly proper course for them to adopt.
- 107 We have not been able to gain a transcript of Lord Lowry’s remarks when sentencing each of these men at Belfast Crown Court on 16 December 1981. As there were no appeals, a transcript was not prepared at the time. However a detailed report of these proceedings on 16 December 1981 appeared in the *Belfast Newsletter* of 17 December 1981 and contained some direct quotations from Lord Lowry’s remarks.
- 108 The Lord Chief Justice took into account that each of the accused had pleaded guilty. Pleas of guilty had been long recognised as a mitigating factor resulting in an appropriate reduction in the sentence which would otherwise have been imposed had the accused been convicted after a plea of not guilty. In imposing the heaviest sentence on Mains, Lord Lowry pointed to Semple and McGrath as not being in similar positions of authority to Mains, because Mains held a very responsible post where the welfare, including the moral welfare, of the boys was entrusted to him. In distinguishing between the offences of buggery admitted by Mains, Semple and McGrath, the Lord Chief Justice applied another well established principle of sentencing, namely that the culpability of an offender who committed offences when in a more responsible position than his co-accused should receive a greater punishment than

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54 KIN 101001.

55 KIN 101002.

56 KIN 101016.



the others. Making the sentences concurrent is the usual practice in cases where an accused commits more than one offence. The lower sentences for indecent assault and gross indecency were in accordance with the maximum sentence permitted by statute for both indecent assault and gross indecency being two years imprisonment at that time.

109 Lord Lowry referred to the sentences he imposed on Mains, Semple and McGrath when delivering the judgement of the Northern Ireland Court of Appeal in the case of *Spiers and Drake* (1982) 4 Northern Ireland Judgement Bulletins. That case concerned an appeal by two defendants who had pleaded guilty to offences of mutual masturbation, oral sex and buggery. Spiers, by then 58, had corrupted Drake, who was then 21, when Drake was 14 or 15. Drake was educationally sub-normal, went to a special school and then attended a club for mentally handicapped adults. The Court of Appeal upheld a sentence of five years imprisonment on Spiers on three charges of buggery, but because Drake was educationally sub-normal and immature, and because he had been corrupted by a long course of conduct with Spiers, his sentences were reduced from three years to two years imprisonment, all to run concurrently.

110 In that case Lord Lowry referred to a decision of the English Court of Appeal in *Willis* (1975) 60 Criminal Appeal Reports 146. In that case, which was regarded as the leading case on sentencing for these offences at that time, Lord Justice Lawton observed:

“In our judgement a sentencing bracket for offences which had neither aggravating nor mitigating factors is from 3-5 years and the place on the bracket will depend on age, intelligence and education. Few offences, however, have neither aggravating nor mitigating factors, many have both. When this happens the judge has to weigh what aggravates against what mitigates.”

111 In page five of his judgement of the case of *Spiers and Drake* Lord Lowry referred to the cases of Mains, Semple and McGrath in the following passage.

“Secondly, no two cases are exactly the same and comparisons between cases must proceed with extreme caution. The *Queen v. Semple* and others, heard recently in Belfast Crown Court, is an example of one of the aggravating features mentioned by Lord Justice Lawton, a breach of trust by those placed in positions of

responsibility towards young boys. The accused McGrath received a sentence of 4 years imprisonment, but his age, 65 and his cardiac condition were relevant factors justifying, or at least providing a basis for, a degree of leniency. The sentences of Semple and Mains thereafter had to relate to the sentence imposed on McGrath. It would have been possible to impose a heavier sentence on McGrath or to increase the differential between him and the other accused to reflect more strongly their lesser age, more robust health and greater degree of responsibility for boys under their control. These are difficult questions calling for an individual exercise of judgement...”

- 112 We have set out these passages to make it clear that the sentences of six years on Mains and four years on Semple and McGrath were entirely consistent with the relevant sentencing principles in both Northern Ireland and England and Wales at that time, and were at least as heavy as those that might have been passed in England and Wales. That may be seen by the following quotation from page 133 of the standard text book on sentencing at the time, the 1979 edition of *Principles of Sentencing* by D.A.Thomas:

“The scale of fixed-term sentences extends from three years imprisonment to an upper limit of about 10 years, although in the majority of cases a sentence between three and five years will be appropriate. Longer sentences are likely to be upheld where the offence is aggravated by such elements as force or coercion, systematic seduction over a period of time, abuse of parental or other authority, or the extreme youth of the victim. Where factors such as these are present, either singularly or in combination, sentences up to ten years have been upheld, but more usually the sentence does not exceed seven years imprisonment.”

## **Contemporary knowledge of abuse by Kincora residents**

- 113 Over many years, allegations have been made in newspapers and on broadcast media that there was a homosexual vice ring centred on Kincora, and that a number of named individuals were involved. It has also been alleged that some of these individuals visited Kincora, or that residents of Kincora were made available to such people for homosexual purposes elsewhere. At this point we consider the information relating to these matters gathered in the various police investigations during the 1980s. As part of this process we have examined the accounts given by

the very large number of former residents of Kincora who were traced by the RUC and interviewed as part of the Caskey Phase One and Phase Two Investigations, and who were spoken to by the Sussex Police.

- 114 As is apparent from the accounts given by former residents to the police to which we have already referred, in the 1960s Mains and Semple appeared to have been successful in concealing their homosexual abuse of residents in Kincora from others. For a considerable period Mains also managed to keep secret his homosexual relationship with the former Kincora resident R 2 despite R 2 staying overnight in Kincora with him. However, as we have described, Mains was not completely successful in concealing his relationship with R 2. It would appear that by the early 1970s a number of residents had their suspicions that Mains, Semple and McGrath (after he joined the staff at Kincora) were each homosexual, and as we have already seen some residents were warned by others that they should be aware that one or more of the three were homosexual, and in particular that McGrath was thought to make homosexual advances to boys in the home.
- 115 That does not mean that every resident throughout the 22 years of Kincora’s existence was aware during their time in the hostel that there was any form of homosexual activity taking place. During the first two periods that we have considered, that is from 1958 until Semple left in 1966, seventeen former residents were traced, ten of whom were abused in one way or another, including R 2 and R 3, although R 3 was unaware of the relationship between Mains and R 2 that continued after R 2 left. Of the others from the first period, KIN 3 was there for one and a half years and told the police he was unaware of any sexual abuse. Of the thirteen former residents from the second period, although seven said they were abused, eleven said they had no knowledge of the abuse. The other two did not express their views. In other words, some of those who were abused did not realise at the time that others had been, or were being, abused. In the third period from February 1966 to June 1969, of eighteen former residents traced, five were interfered with whilst sixteen expressed surprise at the allegations of the sexual abuse of others. This pattern was repeated during the fourth and fifth periods. Of twelve former residents traced from the fourth period between June 1969 and June 1971, only one said he had been abused, eleven said that they were unaware of the abuse. In the fifth and final period of eight and a half years when McGrath was present, of 49 former residents

who recounted their experiences to the RUC during Caskey Phases One and Two and to the Sussex Police, 38 said they were unaware of sexual abuse.

- 116 Taking the second to the fifth period together, of 92 former residents traced, 76 (or 88.33%) told the police they were surprised by the allegations of sexual abuse that were taking place during their time in Kincora, even though some of them had described how they themselves were abused, or had engaged in homosexual activity with others, whether with McGrath or other residents.
- 117 The overall picture of these accounts is that throughout Kincora’s existence the great majority of the residents who were interviewed by the police were unaware at the time of what was going on in the hostel, and were very surprised at what had emerged afterwards. A few examples suffice. HIA 199 / R 3 who was in Kincora in the early 1960s emphasised to us that there was never any talk among the boys in his time of sexual matters involving Mains.<sup>57</sup> He said that Mains was very secretive and would always check to see that R 3 was out of Mains’s bedroom and into his own bed by 6am in the morning before the housekeeper arrived.<sup>58</sup>
- 118 R 1 whose experiences of both Mains and Semple in the mid-1960s resulted in both men being convicted of offences relating to him, told the Sussex Police in 1982 that:
- “When I read of the goings on at Kincora in the press I was very surprised because when I was at Kincora I knew nothing of prostitution and homosexual relations with fellas outside the hostel. If that had been happening there I would [sic] known of it.”<sup>59</sup>
- 119 Dr Harrison told us how one of the former residents whom she visited as a social worker in the 1970s, and who did not say that he had been abused, rang her from England when the allegations about Kincora emerged to check whether it was the same home that he had been in. She recounted how he was completely amazed that this could happen. They discussed this again when he came to Northern Ireland for a short time, and he said to her he did not have any knowledge of it. She described him as a very articulate, streetwise and astute boy who had

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57 Day 209, p.120.

58 Day 209, p.117.

59 KIN 40624-40625.

told the police that he had heard rumours about McGrath inappropriately touching some boys.<sup>60</sup>

- 120 We must emphasise that it was not only the great majority of the residents, including some of those who had themselves been abused, who were unaware of what was happening to others. The two ladies who worked in Kincora as domestic staff, one of whom worked there throughout the entire time the home was open, told the police they were unaware of what was happening. It may seem strange that so many of those who were in and out of Kincora in various capacities were unaware of what was happening, but, as we have seen, there was a consistent pattern of Mains, Semple and McGrath being extremely careful to conceal in a number of ways what they were doing. First of all, they approached boys who were vulnerable, or who they thought might be easily intimidated. If their initial approaches were firmly rebuffed they generally would not approach that person again. If they did so, they went to considerable lengths to approach the boy when others were not around. As we have seen in Mains’s case, he would ensure that other boys were asleep before he would bring a boy into his bedroom at night, and get the boy back to the boy’s own bed before others woke or were about.
- 121 Singling out boys, and abusing them, when others were not about, was not difficult because the residents were normally working during the day. Clinton Massey was one of those abused. He appears in *Who framed Colin Wallace* as “Clinton Ferguson”. He explained to our Inquiry that his job was working at the *Belfast Telegraph*. This was an evening newspaper at the time, and that meant that he did not leave Kincora to go to work until 9.30am or thereabouts, whereas the other boys were out before 8.00am, and those who worked in the shipyard were probably catching the bus at 7.00am.<sup>61</sup> His work meant that he often returned to the hostel after the evening meal, and he frequently went back to Marmion children’s home in Holywood to spend time with his friends there, returning late to the hostel.<sup>62</sup> Others explained to the police that they would go out at night after work, and as a result, as R 18 explained to the police, the hostel was often empty at night.

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60 Day 223, pp.87 to 89.

61 Day 209, p.184.

62 Day 209, p.175.

122 Because there were many occasions that there were no other residents in the building that meant there were many occasions when Mains, Semple or McGrath had the opportunity to engage in various forms of sexual activity, consensual or not, with boys when other boys were not about. During McGrath’s time at Kincora he appears to have often worked in the evenings and in the mornings, when either Mains or Semple were not about, because the duties directly involving the supervision of the residents were shared by all three. However Mains had other administrative duties, and our impression is that more of the direct supervision of the residents in the 1970s was carried out by Semple or McGrath, and because of the way their duties were arranged McGrath was often on duty on his own.

### Visits by outsiders to Kincora

123 Beginning with the report in the *Irish Independent* of 24 January 1980, which alleged that boys had been recruited for homosexual prostitution and that police reports had named a number of important Northern Ireland businessmen as being involved, allegations have been made by various journalists that there were regular visits to the hostel by men with what are described as “posh accents” and that politicians, judges, and senior officials from the security services were involved in abusing children in Kincora. One of the earliest of such allegations was contained in the first of the three articles that appeared in the *Irish Times* in January 1982, from which we have quoted in the previous chapter. In the article published on 12 January there appeared the following paragraphs:

“The Northern Authorities blocked an RUC investigation into a homosexual prostitution ring in 1976 which involved British officials in the Northern Ireland Office, policemen, legal figures, business men and boys in care at the Kincora Boys Home and other homes run by the Eastern Health Board, *The Irish Times* has learned.

According to thoroughly reliable sources, it was suspected that the ring involved at least seven men, two of whom were British civil servants on secondment to the Northern Ireland Office.

The ring was believed to have been in existence for at least three years. There were also strong suggestions at the time that NIO officials involved in the affair, who had been transferred back to Britain had introduced some of their successors to the ring.

Among others suspected of involvement in the ring were police officers, East Belfast businessmen and justices of the peace. In some cases their names were supplied to the police and in others they had been traced via car registration numbers supplied to the police.”<sup>63</sup>

- 124 These and similar allegations have been ventilated in many different publications and broadcasts from then until the present day, as can be seen from the following online article by a *Sky News* journalist on 23 July 2015. He reported that he had interviewed Mr Massey who was reported to have said that “he saw many mysterious English men with posh accents who were regular visitors to the building”. The article said:

“Allegations have persisted for years that senior figures within the security services, British military and other VIPs had free reign to sexually abuse children at the home in the 1970s and 1980s”.<sup>64</sup>

## PART SIX

### The Experiences of Gary Hoy

- 125 Another applicant to the Inquiry who described his experiences in Kincora to the police in the 1980s, and again more recently, was Gary Hoy. In normal circumstances we would refer to Mr Hoy by his inquiry designation. However, he has appeared on television and commented to journalists on a number of occasions in connection with his judicial review application, when he has given his name and been photographed. He was not given anonymity by the High Court in those proceedings. He has publicly identified himself with Kincora, and made public comments about his time there, as well as giving an account in the judicial review proceedings. These accounts do not coincide in many respects with accounts he has given of his time in Kincora on other occasions, and we decided that in those circumstances it would be misleading to consider his accounts without referring to him by name when his public appearances and comments appear to suggest that he is content to have his identity and his experiences disclosed to the public.

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63 KIN 21312

64 KIN 112261.

- 126 As we explained in the previous chapter, Gary Hoy brought an application for judicial review which was dismissed by Mr Justice Treacy on 8 April 2016, and his appeal was also dismissed by the Court of Appeal on 27 May 2016. After Mr Justice Treacy delivered his judgment the Inquiry legal team contacted Mr Hoy on several occasions by letter and by text, as well as writing to his solicitors, asking him to meet the Inquiry legal team in order to make a formal witness statement, because the Kincora module was due to start very soon thereafter. After he failed to keep three appointments, a fourth and final offer was sent by letter to him asking him to consult with Inquiry counsel on 2 June with a view to giving evidence to the Inquiry on 9 June 2016. This appointment was not kept either, and as Mr Hoy had failed to keep four appointments we concluded that he did not wish to give evidence to the Inquiry.
- 127 Despite Mr Hoy’s unwillingness to assist the Inquiry we have considered the various accounts that we know he has given of his experiences whilst he was a resident of Kincora. He was admitted to Kincora in early January 1978 aged sixteen years and three months, and was discharged ten months later in November 1978 to join the Army. By that time he was aged seventeen and one month. He made a statement to the RUC in March 1980, by which time he was eighteen and living in Belfast. He explained that he had been placed in care when he was seventeen because his father had been injured in a motorbike accident and could not look after his family. In that statement he said the following:
- No homosexual approaches were made to him by staff or boys in Kincora.
  - He could remember that if the boys were slow to get up William McGrath would throw the bed clothes off and look at him.
  - He explained that although McGrath made no approaches to him he felt that McGrath was “gay”.
  - He could remember R 18 putting cream on his face and in his hair, (and this may be for the psoriasis to which we have referred already), and that he was sometimes helped with that by Mains.
  - He also wanted to point out that while Mains would claim in his work diary to have taken the boys out in the minibus on pleasure trips he never took them out at all.
- 128 It is unclear whether Mr Hoy was formally interviewed by the Sussex Police. There is a reference in the 1983 report by Superintendent



Harrison at paragraph 493 to him being aware of gossip and rumour about McGrath but there is no formal statement to that effect. It may be that, as Mr Hoy said in 2011, he was spoken to informally by Sussex police officers. Be that as it may, he contacted the PSNI in 2011, and a note was made in the PSNI occurrence enquiry log report system after a visit to his home that “He does not recall if he ever provided [English police officers to whom he spoke] with a statement or not. He does not remember if he was physically or sexually abused but he does report emotional trauma”.<sup>65</sup>

129 On 8 January 2013 Mr Hoy gave a lengthy account of his experiences to the PSNI. A 157-page transcript was exhibited to the High Court as part of his judicial review application. The relevant parts of this are.

- He and his younger brother were admitted to Kincora together.
- He was nine when he entered and fifteen when he left, although he also said he couldn’t remember what ages he was in Kincora.
- Mains physically abused him by slapping him with his hand for things such as not keeping his room tidy.
- He remembered McGrath pulling duvets off his bed, and off the beds of other boys, to wake them up in the morning.
- Sometimes when he came out of the shower wearing only a towel Semple would come over, take off the towel, then dry him all over.
- He described an incident where Semple took him to a house in north Belfast where there was an elderly man who made him perform oral sex although he said his memory of this episode was a “wee bit blurry”.
- On one occasion he went with Mains to Mains’s house in the Four Winds area of south Belfast when Mains emerged from the shower and then anally raped him.
- He described a second visit to the house where Mains made Mr Hoy perform oral sex upon him.
- He described an incident where he was accosted by a man, whom he named, at a point very close to Kincora. The man had a knife and forced him into the playing fields of the school grounds adjacent to Kincora. He said the man told him to remove his clothes, but he was able to escape after maybe twenty to thirty minutes. He

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65 KIN 60050.

did not describe any sexual assault, although his account clearly implies that this may have been intended.

- 130 On 18 February 2013 Mr Hoy spoke to the Inquiry Acknowledgement Forum. Transcripts of such accounts are normally made available to the Inquiry legal team to prepare a draft witness statement for the witness to consider. We examined the transcript to ensure that we had as complete a picture as possible of what Mr Hoy has said about his time in Kincora. His account to the Acknowledgement Forum was broadly the same as that which he gave to the PSNI some weeks earlier.
- 131 It will be apparent from this review of the various accounts that Mr Hoy has given over the years that he has said at different times that he was not abused in Kincora; that he could not remember being physically or sexually abused; that he was sexually abused by Mains; and that Semple behaved in a manner that is certainly open to the inference that there was a sexual motive behind his actions. For whatever reason Mr Hoy did not provide the Inquiry with a formal witness statement, nor did he accept our invitation to give evidence to us. In those circumstances we are unable to resolve the significant contradictions between these various accounts, and so we have left them out of account when we reach our conclusions about what did, or did not, happen in Kincora.

## **The Experiences of KIN 24**

- 132 KIN 24 was another resident interviewed in the 1980s by the RUC and the Sussex Police. He did not apply to the Inquiry, but approached the PSNI in 2015 with fresh allegations. He came to Kincora in early September 1966 when he was fifteen and three months of age, and remained there for six months until he left aged fifteen and nine months early March 1967. He was therefore in Kincora during a period when Mains was the only member of the care staff in the hostel, because Semple had resigned at the end of February 1966, and KIN 66 did not start his short period as assistant warden until June 1967. KIN 24 first spoke to the RUC in March 1980, by which time he was 38. He recalled being in Kincora for approximately two or three months during which time the person in charge was Mains, although he referred to “another tall thin bloke who was middle aged [and who] was also about the premises but I can’t remember if he worked there or not”. In that statement he said he was never approached by any member of staff, or

boys, to do any homosexual act, and concluded his short statement “I can’t recall hearing any talk about any acts of indecency going on”.<sup>66</sup>

- 133 When seen by the Sussex Police at the end of June 1982, by which time he was 41, KIN 24 confirmed that he had nothing to add to his RUC statement. He also said that he had no knowledge of any prominent people of the type we have already described being connected with Kincora, with the staff and the boys, or of any boys from the hostel being involved in prostitution or a vice ring. He concluded this statement by saying “I was surprised when I heard such allegations, because to the best of my knowledge nothing like that was happening whilst I was at Kincora”.<sup>67</sup>
- 134 In the summer of 2015 KIN 24 approached the PSNI with fresh allegations. On 25 August 2015 his account was recorded by the PSNI. In it he described two occasions when he brought Mains a cup of tea in the mornings as he had been asked to do. On the first occasion Mains, who was wearing nothing underneath his dressing gown, touched him on his genitals and had an erection. Mains then masturbated him and got KIN 24 to masturbate him as well. There were similar acts on a second occasion.
- 135 Although KIN 24’s account of what happened on both occasions is in keeping with other allegations against Mains, and with Mains’s admissions of his behaviour towards other boys, it is surprising that KIN 24 did not mention these events to the police in either 1980 or 1982. He told the police in 2015 that he told his father what had happened when his father came to Kincora to take him away, although he says his father did not react. KIN 24 later concluded that this may have been because his father was homosexual. Given that KIN 24 told his father when he was not yet 16 years old, we would have expected him to tell the PSNI and the Sussex Police about these events.

## The Experiences of KIN 279

- 136 KIN 279 was the youngest of three brothers who were in Kincora for two weeks in late May and early June 1975. He and his twin brother were nine, and their older brother was there at the same time. KIN 279 was interviewed by the RUC in 1980 when he was thirteen, and again by the

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66 KIN 11613.

67 KIN 40667.

Sussex police in June 1982, by which time he had just turned sixteen. On both occasions he said he was not interfered with, and was unaware of any indecent acts taking place. He told the Sussex Police that he too was unaware of any others being involved with the police, or of any prostitution ring involving boys from the hostel.

- 137 A police note of his initial contact with the PSNI in 2014 records that KIN 279 said that he had no memory of being abused until three and a half years before “when he fell off a roof and sustained a head injury”.<sup>68</sup> At the start of his recorded interview he said that while working as a roofer he fell off a roof two and a half to three metres to the ground, but there wasn’t anything broken. He went on to say that he developed what he described as “severe depression” and said that he saw a psychiatrist in Holland and was unable to work. He described being lifted out of bed in his pyjamas, he thinks by a man called Raymond, and then being brought to another room where he was placed on a table, penetrated by something and being subjected to oral sex. He said that he remembered McGrath being present, and seeing McGrath’s exposed groin area.<sup>69</sup>
- 138 KIN 279 confirmed to Sussex Police more than 30 years before that he had not been abused in Kincora. His subsequent references to having a severe fall, a possible head injury, suffering from severe depression before recalling the events he described as happening almost 40 years before, his description of what appears to have been a violent and abusive family life before he and all his brothers and sisters were taken into care, and to undergoing psychiatric treatment, cast doubt on the reliability of his purported recall of the events he now describes.

## The Experiences of KIN 135

- 139 KIN 135 arrived at Kincora at the beginning of January 1964 aged fifteen and one month, and left approximately seven months later in mid-August. In 2012 he contacted Greater Manchester Police and in due course gave a lengthy recorded interview in which he described his experiences in Kincora. During this interview he said that although he was aware in the past that police had been asking people to come forward who had been residents in Kincora he had been too ashamed and embarrassed to do so at the time.

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68 KIN 60151.

69 KIN 60173-60207.

- 140 Altogether he described being raped by Mains about six times, by McGrath four or five times and once or twice by Semple. He described on one occasion Semple bringing him to Mains and then being made to perform oral sex on both. On another occasion after he had been in Kincora about six months, which would place these events around June 1964, he says Mains, Semple and McGrath took him from his bed to another bedroom. He was then slapped and punched while he felt fingers and then a penis entering his anus. On a third occasion he described being in the kitchen when McGrath took out his penis, grabbed him by the hair and forced his head down, but he was able to get away. He said that he ran away, but his father brought him back to Kincora. He said he was severely beaten by Mains, and threatened with being taken away and not being found again. He also described being regularly beaten. He said he was in Kincora for two or three years.
- 141 A number of aspects of these accounts cause us concern.
- (1) KIN 135 was only in Kincora for seven months in 1964, not for two or three years.
  - (2) While Semple and Mains worked in Kincora during the time he was there, McGrath did not come to work in Kincora until June 1971. There is no evidence from any of the residents or elsewhere that McGrath was connected in any way whatever with Kincora in 1964.
  - (3) None of the other former residents who made allegations about Mains and Semple have alleged that each engaged in sexual abuse of residents in the presence of each other, or in the presence of McGrath, other than KIN 238.
  - (4) Other allegations which he made are at variance with accounts given by other residents, such as his allegation that Mains would ask boys to sit on his knee and then have an erection. If such a thing happened we would have expected others to have undergone similar experiences but no other person has made such an allegation.

## **The Experiences of KIN 238**

- 142 KIN 238 was admitted to Kincora on 24 May 1977 just after his thirteenth birthday and remained there for eighteen days. It appears that the RUC attempted to contact him because he was a former resident at the time of the Caskey Phase One investigation but he was serving with the Army in Germany at that time. In 2003 he approached the RUC and made a

statement in September 2003.<sup>70</sup> In the statement he alleges that three incidents took place where he was sexually abused, and in the first of those he says he was physically abused as well. On the first occasion he was beaten by Mains because he was alleged to have stolen a pen. Another person, whom KIN 238 referred to as the house-master and who the police believed answered the description of McGrath, was there. He said that Mains told him to take down his trousers and bend over the house-master's knee. KIN 238 was then caned, after which he felt the house-master inserting his finger into his anus. When KIN 238 stood up and left he saw Mains sitting in his chair and masturbating.

- 143 On the second occasion he says that Mains and the house-master drove him to a house further down the Newtownards Road. All three were admitted to the house by a police officer in full uniform. All four went into the living room. KIN 238 was told to take off all of his clothes. He says that Mains and McGrath then masturbated. He says that McGrath then masturbated him and performed oral sex on him while Mains and the police officer were watching and masturbating. McGrath then made KIN 238 perform oral sex on Mains before anally penetrating KIN 238.
- 144 He alleged the third incident occurred when Mains and McGrath took him to the same house. The police officer was again present and KIN 238 said one of the men held him by the hair while KIN 238 was made to perform oral sex on all three men.
- 145 There are the following unusual features of these accounts.
- (1) The presence of more than one abuser at the same time. Although KIN 135 also alleged that he was abused by two men in the presence of each other, that more than one abuser was present and also engaged in abuse, is a highly unusual allegation, although one that is not unique in this Inquiry.
  - (2) Our experience in this Inquiry, and the experience of a multitude of criminal cases, is that sexual abuse of this type is almost invariably performed in secret when only the abuser and the abused are present. It is unusual that more than two people are present.
  - (3) The weight of the evidence we have heard suggests that Mains and McGrath did not like each other, and it is surprising that either would abuse a boy while the other was present if they did not like or trust each other.

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70 KIN 60459/60463

## The Experiences of R 4

146 We have already described R 4’s account that he gave of his experiences in the 1980s. In October 2015 he gave a tape recorded account of his experiences to the PSNI.<sup>71</sup> In that, he added to his previous account in a number of respects.

- (1) He said that on two occasions Mains put his hand down and touched his privates, his penis and tried to play with him. Mains tried to kiss him on the lips but R 4 would not let him. Mains asked R 4 to touch him and he did. This would happen in the apartment beside Mains’s office. R 4 stated that he did not discuss this with anybody at the time.
- (2) During the summer while he was still a resident at Kincora, he went to Mains’s girlfriend’s (BAR 1) house to do some gardening. When he was there he alleged that Mains told him that he wanted to ride him and tried to touch him up.<sup>72</sup> When BAR 1 walked in, R 4 told her that Mains had tried to touch him up and had done it before in Kincora.<sup>73</sup> This allegation had not been made before.
- (3) R 4 said that the reason he did not tell any adults about what was happening at the time was because he was too scared and they would not believe him.<sup>74</sup>

147 R 4 gave evidence to us on Day 213. He was in Kincora between the ages of sixteen and seventeen for some fifteen months from August 1965 until November 1966. He emphasised that because he did not have a job he sat around the hostel all day doing chores such as cleaning, washing up and gardening, which he enjoyed. After about six months, which would place this at about February or March 1966, he brought Mains a cup of tea to his room upstairs in the hostel. A few nights later Mains asked him to rub cream on his back. When R 4 did so Mains began to fondle his privates and his backside, but R 4 refused his request to take off his trousers. About a month later the same thing happened, but this time it resulted in mutual oral sex and masturbation. This became a regular occurrence between them and continued after he left Kincora. He described how he returned to see Mains at Kincora on many occasions, although with decreasing frequency, and his last visit

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71 KIN 60091-60114.

72 KIN 60108.

73 KIN 60110-60111.

74 KIN 60112.

was at Christmas 1979. On that occasion he visited Mains’s house. He said that Mains let him stay overnight, and when BAR 1 had gone to bed Mains performed oral sex on him and they masturbated each other.

- 148 He also accepted that on his return visits as an adult he engaged in consensual sex with boys who were still living in the hostel. These were R 8, who was in Kincora between April 1968 and August 1971, and R 18 who was there between 1977 and 1980. As we have earlier seen, R 18 admitted that sexual activity took place between himself and R 4 when R 4 visited the hostel.
- 149 In his oral evidence R 4 confirmed that during his time in Kincora Semple never made any sexual approaches to him, nor was there any talk among the boys of either Mains or Semple being homosexual, although he accepted that he, R 4, might have been seen kissing Mains.
- 150 R 4 also said that there was quite a strict regime in the hostel, and he described being beaten with a leather strap by one of the temporary assistants at that time (KIN 384). R 4 is one of the very few residents of Kincora who said that they were treated harshly in a physical way.

## **PART SEVEN**

### **Richard Kerr’s accounts of his experiences**

- 151 Richard Kerr was not an applicant to the Inquiry, but it came to the Inquiry’s attention that in recent years he has given a number of accounts to journalists in both written and broadcast interviews, and in those accounts he described the way he was treated in Kincora and elsewhere. Because of the significance of the allegations made by Mr Kerr about the way he was treated in Kincora, and in particular his assertion that he was taken to various addresses in Northern Ireland where he engaged in sexual activity with other men, Mr Kerr was invited to become a core participant in the Inquiry. He was also requested to provide a statement to the Inquiry confirming the account he had given in an affidavit made on behalf of Gary Hoy in the judicial review application, and setting out anything else he wished to say relevant to the Inquiry’s work. The Inquiry made arrangements for him to fly from Dallas in the United States where he now lives to Northern Ireland at public expense. This was so he could consult with his legal representatives, provide a witness statement to the Inquiry, and consult with the Inquiry counsel and give evidence during the module relating to Kincora. Accommodation



was arranged for him in Northern Ireland, and the Inquiry also agreed to fly his aunt from England so that she could accompany him while he was in Northern Ireland.

- 152 At a very late stage he withdrew from his engagement with the Inquiry, despite the fact that by then his legal representatives had been provided with a substantial number of documents relating to him, and funding at the Inquiry’s expense had been made available to his legal representatives to represent him. At the start of Day 211, when the Inquiry proceeded to examine over two days the material relating to Richard Kerr and the various accounts of his experiences that he has given, Christine Smith QC, Senior Counsel to the Inquiry, outlined in considerable detail the arrangements that were made to facilitate Mr Kerr coming to Northern Ireland to give evidence, the arrangements that the Inquiry made to achieve this and the circumstances which led up to his saying that he no longer wished to engage with the Inquiry.
- 153 Just before Mr Kerr was due to catch a flight from Dallas in the United States to Northern Ireland the Inquiry was notified by his legal representatives that he no longer wished to engage with the Inquiry and that they were withdrawing from representation for him, although the junior counsel and solicitor for whom the Inquiry had provided public funding had attended almost all of the Kincora hearings before that time. The next day his solicitors issued a lengthy statement on Mr Kerr’s behalf, and whilst we accept that Mr Kerr put his name to this statement, the nature of the statement and the detail it provided leave us in no doubt that this represented the views of his legal representatives as much as it represented Mr Kerr’s position. We do not intend to deal with this in any detail other than to highlight two matters. In that statement it was asserted that the Inquiry wished to conceal documents from Mr Kerr and his legal representatives. That was not correct: his legal representatives had been provided with over 700 pages of documents relating to Mr Kerr. They had accepted to the Inquiry that what the state agencies knew about the abuse perpetrated at Kincora, and the individuals perpetrating that abuse, or when they knew about it, were matters that are not within Mr Kerr’s knowledge. The Inquiry had no reason to believe that Mr Kerr was able to speak of his own knowledge on the issues of state participation, and he and his legal representatives had been provided with all of the documents available to the Inquiry at that time that the Inquiry considered directly bore upon Mr Kerr or on matters that the Inquiry considered that Mr Kerr was in a position to speak about from his own knowledge.

- 154 We regret that Mr Kerr decided not to assist the Inquiry as a core participant, and that it did not receive a witness statement from him. However, given the nature of the issues raised by him on various occasions, we considered it was essential to examine these accounts, and to do so in the light of the other material available to the Inquiry in order to reach a conclusion upon the assertions made by or on behalf of Mr Kerr.
- 155 We took time during the Inquiry to carefully consider the statements Mr Kerr previously made to the police and to the media even though he chose not to give a statement to this Inquiry or give evidence in person before it. This was because Mr Kerr’s statements to the media have made a significant contribution to the public perception that there was widespread sexual exploitation of boys in Kincora by prominent figures. We decided that we should examine Mr Kerr’s statements in a detailed and comprehensive manner in order to ascertain as fully as possible whether they provided reliable evidence that such sexual exploitation and prostitution occurred in and/or was orchestrated through Kincora.
- 156 Mr Kerr has spoken to the media on many occasions, and the main headings of his allegations can be seen from a number of transcripts of interviews he has given to various media outlets. In the course of an interview given to Channel 4 television on 7 April 2015 he made a number of assertions.
- (1) The first time that he was trafficked to London was in February 1977.
  - (2) He was taken to an apartment block known as Dolphin Square where he engaged in a sexual encounter “I could have been sixteen, fifteen, seventeen.”<sup>75</sup>
  - (3) He was abused by Dr Morris Fraser in the Royal Victoria Hospital in Belfast when he was thirteen, “I was thirteen, Morris abused me, in his office, two or three times on those visits”.<sup>76</sup>
- 157 On 18 July 2015 a now defunct website calling itself *exaronews.com* (Exaro) published an article in which, according to it, Richard Kerr named a number of people who, it was said, “were part of a cover-up of a paedophile network linked to Kincora boys home in Belfast, Northern Ireland”. According to Kerr, there were:
- (1) “Lord Mountbatten, a cousin of the Queen, great uncle to Prince Charles, Chief of the Defence staff from 1959 – 1965, murdered by the IRA in 1979.

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75 KIN 117037.

76 KIN 117049.

- (2) Sir Maurice Oldfield, Director of the Secret Intelligence Service, better known as MI6.
- (3) Sir Anthony Blunt, Master of the Queen’s Pictures, former officer in the Security Service, or MI5, who became a Russian spy.
- (4) Sir Knox Cunningham, Unionist/Ulster Unionist MP, Parliamentary Private Secretary to Harold Macmillan the Prime Minister, and member of the Conservative party’s national executive committee 1959/66.”

158 This article did not give any basis for the assertions that any of these people were connected with Kincora, or were part of what is asserted to be “the cover-up of a paedophile network linked to Kincora boys’ home”. The article on the website continued:

“Kerr who has been speaking to Exaro since August 2013, said previously that he was too scared to name names. Asked for his reaction to people who disbelieve his claims, Kerr said ‘I am not here to try to prove it to them. I am here to tell what happened to me, and I know it happened to me and I know it happened to those other boys’.

Later in the same article the website states:

“During the interview with the programme’s Ross Coulthart, Kerr also picks out other powerful people as members of the paedophile network who sexually abused him while he was a Kincora boy;

- Sir Peter Hayman, Deputy Director of MI6, previously the UK’s High Commissioner to Canada,
- Sir Nicholas Fairbairn, Conservative MP, solicitor general in Scotland,
- Sir Cyril Smyth, Liberal MP, assaulted him in Manchester.

All the men named are dead, but Kerr remained fearful about identifying them. Kerr agreed to identify the men on camera, but was unwilling to say more about some of them.”

159 The article continues:

“An intelligence source told Exaro that Mountbatten mixed with paedophiles who went to parties in the Republic of Ireland.

Mountbatten is also understood to have visited Kincora, although why remains unclear.

Kerr tells *60-minutes* that he walked in on a meeting at Kincora between Oldfield and Joseph Mains, the warden of the children’s home. He says that Mains immediately and forcefully ordered him out of the room. Mains was subsequently, in 1981, jailed for six years for sexual offences against boys.

Kerr did not know at the time who Oldfield was, he says, and does not suggest that he abused Kincora boys.

Kerr says that he recognised Blunt from his time at Kincora as one of a group of three men, the other two men sexually abused him as a boy, he says, although Blunt did not.”

160 These accounts are of limited value to the Inquiry because they provide no detail to substantiate the allegations, nor is it apparent how Richard Kerr came to recognise some of the individuals to whom he referred. The article says that:

“He picked out from photographs a series of men connected with intelligence, military, and politics – and even the royal family some he identified as paedophiles themselves.”

The Inquiry cannot say how the identification of these individuals was conducted as Mr Kerr has decided not to engage with the Inquiry.

161 On 16 February 2015 he swore an affidavit which was lodged in the High Court as part of the judicial review application brought against the Inquiry by Gary Hoy. As this was made on oath and prepared with the assistance of legal representation we treat it as a more definitive and detailed account of what Richard Kerr can or cannot say about his experiences in Kincora. We summarise these as follows:

- He was born on 12 May 1961.
- He was placed in care in Williamson House in Belfast where he says he was physically and sexually abused.<sup>77</sup>
- He moved from Williamson House to Kincora in 1975 aged fourteen. He had two more years left at school, although he implies that it was then that Mains got him a job as a bellboy at the Europa Hotel in the centre of Belfast.<sup>78</sup>
- Shortly after he arrived at Kincora Mains invited him into his bedroom, offered him whiskey, and they engaged in what Richard Kerr described as “fumbling around” each other’s private parts.<sup>79</sup>

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77 KIN 119501.

78 KIN 119501.

79 KIN 119502.

- There were more encounters like this, two or three times a week.<sup>80</sup>
- He said that when McGrath began to “fool with me (sexually abuse me), in the bathtub. I eventually told him to back off and I told Joe Mains about it and he stopped after that.”<sup>81</sup>
- After a while Richard Kerr began to be taken to meet people in hotels in Larne and other places he could not recall. He continued “I remember going to a Hotel on the Upper Newtownards Road, I don’t remember the name but it was not far from Kincora.”
- He also said “when I worked in the Europa hotel sometimes men would come and take me to their rooms and abuse me”.<sup>82</sup>
- He said there “was a time I went to Park Avenue Hotel with Mr Mains, Mr Semple, my friend Stephen and then I met other men, and I went to a room with someone and we had a sexual encounter. I cannot remember his name or the names of the others.”<sup>83</sup>
- He says other people abused him who never gave their names. One drove a Rolls-Royce.<sup>84</sup>
- He met another man in his home, “some place off the Springfield Road”, who he thought was an Army captain.<sup>85</sup>
- He referred to men coming to pick him up in their cars, saying “these things happened to me at different times, sometimes during the week and sometimes weekends. Since I went to school, I would come home early and then go to hotels. Sometime I would be in Joseph Mains bedroom. Sometimes on the weekends, in the evenings I would go to places like Larne, Bangor, Portrush”.<sup>86</sup>
- On one occasion he was taken to the Kilwaughter House Hotel in Ballyclare: “I remember there was some trouble there and something went wrong. I am not exactly sure what happened but the manager of the hotel told us we had to leave.”<sup>87</sup>
- He described being taken to a hotel in Portrush by Mains, being taken upstairs to a room where a man was waiting for him who made Richard Kerr perform anal sex on him.<sup>88</sup>

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- He was subjected to extreme and degrading sexual abuse, including oral sex, penetration and other matters. These included him committing anal sex on others or being subjected to anal sex.<sup>89</sup>
- On one occasion he remembered coming home early from school “and I remember I walked into Joe Mains’s office and there were three men there in suits sitting with Mr Semple and Mr Mains. They stopped talking as soon as I came in and I got the strong feeling I’d interrupted something secret and important. I would describe them as being shocked to see me.”<sup>90</sup>
- He described people who he said were from the terrorist organisation the UVF coming to Kincora and said that he remembered being sexually abused by people he knew were members of the UVF.<sup>91</sup>
- He remembered being taken to the Harbour Inn Hotel in Larne with two men who picked him up from Kincora, being given a lot of alcohol so that he became drunk and they had sex with him. “On this one occasion I was arrested by the Larne police, who said I had stolen money from a hotel room”.<sup>92</sup>
- While in Kincora he was given treats and presents, including chocolate and sometimes small amounts of money. “As I recall most of the perpetrators told me to keep quiet or they would put me away where I couldn’t speak.”<sup>93</sup>
- He says that he doesn’t know how many other boys in Kincora were abused “but I know my friend Stephen was. There were other boys there who I believed were plants as they seemed not to fit in. They were two brothers aged around 18 or 19 and I now believe they may have been placed there by the security forces or security services to keep an eye on what was going on.”
- He said that “the abuse stopped when I ended up in a court room due to being charged with theft, and sent to Rathgael remand centre. Around this time I stood in the Court room and told everybody I would tell everybody what was going on in Kincora if Joseph Mains did not come down to the Courthouse for me.”<sup>94</sup>

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- He remembered being in a police station off the Hollywood Road, and telling them about the abuse at Kincora. “I remember police officers who were friends with Joseph Mains hit me over the head with a telephone book and said ‘what have you been saying?’”.<sup>95</sup>
- He said “around this time my friend Stephen was sent to Rathgael. He ran away from Rathgael and got a boat to Liverpool. He was caught and put back on the boat to Belfast and he apparently jumped off the boat and died. I believe he committed suicide as a result of the abuse he had suffered, we had previously spoken about committing suicide together.”<sup>96</sup>
- He said “after I left Kincora I was also abused at Borstal and then abused again when I was sent to Williamson House although I understand these proceedings do not relate to these institutions so I will not describe this in detail.” He continued “when I left Williamson House I was told to stay in hotels. I remember a Social worker visited me at a hotel and told me I was ‘an embarrassment to the government’. She also told me they had decided for me to go to England and stay with my aunt. They put me on a boat to Liverpool.”

162 We will refer to these allegations later, but in order to do so it is necessary to examine in some detail the various events relating to Richard Kerr that can be established from the documents available to the Inquiry.

### **Richard Kerr’s time in care**

163 Richard Kerr was born on 12 May 1961 and was placed in care in 1966. Until he went to Kincora in July 1975 he remained in Williamson House. During that time he attended Harberton Special School for children assessed as educationally sub-normal by the EHSSB.<sup>97</sup> From the age of eleven until he left school he attended Mount Vernon Secondary School in north Belfast.<sup>98</sup>

164 He was fourteen when he moved from Williamson House to Kincora in July 1975, and therefore he was required to continue to attend school until he reached the school leaving age of sixteen. Kerr said in his affidavit that he once returned early from school. As he reached the

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95 KIN 119505.

96 KIN 119505.

97 KIN 40170.

98 KIN 10194 and 10915.

age of sixteen in May 1977 that would suggest that he came back from Mount Vernon. Because that school was in a different part of Belfast, and assuming that he went by public transport, that would require him to get a bus from Kincora into the centre of Belfast and then out to Mount Vernon and then to retrace his journey in the same way after school.

- 165 A social worker’s report prepared in 1979 said that he settled in well in Kincora, but was subdued and quiet during his first year there, staying in and playing cards and watching TV. The report also records that after he went to live in Kincora, “he settled in well and obtained a job as a porter in the Europa Hotel”.<sup>99</sup> This, as does the passage from his affidavit quoted earlier, implies that he got the job in the Europa Hotel after he arrived in Kincora when he was only fourteen. That implication is not easily reconciled with the statement that he stayed in and played cards and was subdued during his first year in Kincora. It may therefore be that his employment at the Europa started after he reached school-leaving age in the summer of 1977, although we cannot exclude that he may have had some part-time employment there before that. As we shall see, when questioned by the police in October 1977 he was recorded as a “hotel porter” in his police statement,<sup>100</sup> and as working in the Europa hotel.<sup>101</sup>
- 166 In any event, not long after Richard Kerr left school in the summer of 1977, he was involved in several burglaries, as well as an attempted burglary, of a number of premises in residential areas not far from Kincora with Stephen Waring who also lived in Kincora.

## Richard Kerr and Stephen Waring

- 167 Although the Inquiry referred to Stephen Waring by the designation R 37, which had been given to him by the Hughes Inquiry when examining Richard Kerr’s evidence, we have decided to refer to Stephen Waring by his proper name in this Report for the following reasons. First of all, Richard Kerr and others have referred to Waring by name on several occasions and his name is therefore already in the public domain as a former resident of Kincora. Secondly, Richard Kerr referred to him as Stephen in his affidavit when he referred to his tragic drowning in the Irish

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99 KIN 50885.

100 KIN 117562.

101 KIN 117553.



Sea in the passage already quoted, where he expressed his belief that Stephen Waring committed suicide as a result of the abuse Richard Kerr said he believed he had suffered in Kincora.<sup>102</sup> Therefore, given Richard Kerr’s close friendship with Stephen Waring and that Stephen Waring’s identity in connection with Kincora are already in the public domain, we decided that the need to present a clear and understandable narrative of these events in our Report outweighed the desirability of maintaining Stephen Waring’s anonymity.

- 168 Stephen Waring was placed in Rathgael Training School after he was convicted of various offences of dishonesty in May and June 1974. His first contact with Kincora and with Richard Kerr appears to have occurred in February 1976 when Stephen Waring was on weekend release from Rathgael Training School. He became a full-time resident in Kincora in August 1976.<sup>103</sup>
- 169 In August 1977 Stephen Waring and Richard Kerr were held by the RUC at Musgrave Street RUC station in the centre of Belfast because they were found in possession of a diamond ring valued at £900.
- 170 On 22 September 1977 Richard Kerr and Stephen Waring went to Larne. According to Richard Kerr’s police statement made at the time they went by taxi to the Kilwaughter House Hotel, arriving at 5pm and leaving at 7pm with two men they met there. Later that night they missed the last train to Belfast, and having unsuccessfully tried to get the police to contact the hostel, made their way to the harbour again to see if they could get a lift to Belfast. Eventually they entered a house and stole a bag, but it only contained school books. They were caught by the police shortly afterwards.<sup>104</sup>
- 171 On 26 September 1977 Robert Lindsey, a social worker, found a gold bracelet in Stephen Waring’s wardrobe at Kincora, and this was reported to the police. Waring then absconded but was detained in London and returned to Kincora on 2 October 1977. On 4 October 1977 Richard Kerr and Stephen Waring were both questioned by DC Scully of Strandtown RUC. They admitted that they had committed a large number of burglaries in various parts of east Belfast stealing jewellery and money. Both were brought before the Juvenile Court and remanded in custody to Rathgael Training School until 14 October 1977.

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102 KIN 119505.

103 KIN 40171.

104 KIN 117629.

- 172 On 14 October when he was again brought before the Juvenile Court Richard Kerr cut himself in the cells with a razor he had brought from Rathgael and managed to conceal from the authorities.<sup>105</sup> He and Stephen Waring again appeared before the court on 21 October 1977. Waring received a training school order committing him to Rathgael. Richard Kerr was able to persuade the court that he deserved a chance and his case was accordingly adjourned, and he was ordered to pay £5 a week as compensation to the owners of the stolen property that had not been recovered.<sup>106</sup>
- 173 Judging by the account Richard Kerr later gave to Dr Clenaghan, a psychiatrist who examined him in Rathgael on two occasions before producing a report on 20 December 1977, he was allowed to return to Kincora on 21 October 1977. However, he then stole £80 from Raymond Semple, taking £5 or £10 at a time to buy drink for two men who regularly took him out for the day from the hostel.<sup>107</sup>
- 174 Richard Kerr was therefore brought back to court and remanded in custody to Rathgael to see whether he was suitable for training school. Rathgael decided that he was not suitable, and recommended a period of Borstal training. The Juvenile Court sentenced Richard Kerr to a period of Borstal training, and he was then transferred to the male Borstal at Millisle outside Donaghadee, County Down which is the subject of a separate chapter of our Report. Although an appeal was brought against the order of the Juvenile Court sentencing him to a period of Borstal training, the appeal was unsuccessful, and except for a number of periods which he spent in hospital, Richard Kerr remained in the Borstal at Millisle until he was released in February 1979.<sup>108</sup>
- 175 In his report Dr Clenaghan recorded that on the first occasion he saw Richard Kerr he was feeling depressed, and talked at length about Stephen Waring and his tragic death. On the second visit Dr Clenaghan formed the view that Richard Kerr seemed to have got over this phase, and was more concerned about his own future. Dr Clenaghan concluded that Richard Kerr “tends to be easily led and influenced and is a slow learner”.<sup>109</sup>
- 176 During his time in Borstal, Richard Kerr spent two lengthy periods in hospital. The first was from the beginning of February until the end of March 1978.

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105 KIN 117574.

106 KIN 117573.

107 KIN 10915.

108 KIN 108011.

109 KIN 10916.

This came about because of a suicide attempt during which he inflicted a severe cut to his foot. This suicide attempt was made after his appeal was rejected. The nature of the injury was such that he required a period of skin grafting<sup>110</sup> and his stay in hospital was lengthened because he contracted smallpox.<sup>111</sup> He again attempted suicide on his return to Millisle, and between mid-April and mid-May was placed in the Psychiatric Wing of the Maze Prison. Altogether during this period he cut himself seven times.

## Richard Kerr’s Juvenile Court appearances

177 It is clear that Richard Kerr was extremely unhappy at being remanded to Rathgael in custody. His social worker recorded that when he was released on 21 October 1977 he “was very glad to be going back [to Kincora] because he had been desperately unhappy in Rathgael”.<sup>112</sup> When he was remanded in custody to Rathgael again he wrote at least three times to Mains asking if Mains would come to see him, or come to court on his next remand. On 8 November 1977 he wrote:

“I would like to go back to the hostel. Will you come up to court this Wednesday I am very sorry this time... It is up to the Welfare report. Please help”.<sup>113</sup>

In his police statement of 25 February in 1980 he said “...while I was in Kincora from July 1975 to November 1977 I looked on Joe Mains as a father. I was very fond of him”.<sup>114</sup> The tenor of the three letters he sent to Mains at this stage is that of an extremely unhappy sixteen and a half year old desperate to return to Kincora.

178 Mains did visit him in Rathgael, brought some sweets and other similar gifts for him, and told Mr Swann, the headmaster of the Reception Unit in Rathgael, that he was very concerned about Richard, and keen to have him back in Kincora. Whilst Mr Swann told the police in February 1990 that it was not unusual for hostel wardens to visit any of the boys in the reception unit, his impression was that the relationship between Mains and Richard Kerr “was closer than a staff/boy relationship, and this was borne out by comments by my members of staff who knew Richard and worked in his unit”.<sup>115</sup>

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110 KIN 108023.

111 KIN 11087.

112 KIN 11085.

113 KIN 119514 – 119515.

114 KIN 108010.

115 KIN 77183.

- 179 Richard Kerr’s attitude towards Mains showed itself during the October Juvenile Court remand proceedings. Helen Gogarty, a trainee social worker, was Richard Kerr’s social worker at the time. We will see in the next chapter how she was one of the social workers who later contacted Mr McKenna, whose article in the Irish Independent of 24 January 1980 brought the allegations about sexual abuse of residents in Kincora into the public domain. In her police statement of 13 February 1980, Helen Gogarty recounted how she spoke to Richard Kerr at the Juvenile Court at one of his remands prior to his conviction. He did not want to see her, and said “why isn’t Joe Mains here?” She also visited him in Rathgael twice while he was on remand, and the only verbal response she got was “where is Joe Mains and when is he coming to see me and when am I getting out”.<sup>116</sup>
- 180 The burglaries for which Richard Kerr was before the Juvenile Court were investigated by DC Scully of Strandtown RUC, which was a short distance from Kincora. DC Scully had visited Kincora in the past if some of the boys got into trouble, and he knew Mains. As the investigating officer he attended the Juvenile Court during the various remands, and spoke to Richard Kerr on several occasions over that time. DC Scully gave evidence to the Hughes Inquiry, and explained that on several occasions during their meetings, Richard Kerr demanded that he, Richard Kerr, speak to Mains, or that Mains should come to court. DC Scully said that he was suspicious of Mains because he had seen Mains in the company of R 2, whom he described as a well known homosexual, although at that time nobody had made any complaint to him about any homosexual conduct by either staff or residents in the hostel.<sup>117</sup> He thought Richard Kerr was effeminate, and had what he described as “the hall marks of a homosexual”.<sup>118</sup> Because of his suspicions, and because of Richard Kerr’s repeated demands to see Mains, DC Scully asked the prosecuting inspector at the Juvenile Court on the first remand to seek a remand of Richard Kerr to Rathgael in custody rather than allow him to return to Kincora on bail.<sup>119</sup> His application was successful.

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116 KIN 78515.

117 KIN 73116.

118 KIN 73117.

119 KIN 73118.

181 At the next remand hearing on 14 October 1977 Richard Kerr again demanded that Mains be sent for, but when he was told that Mains refused to come, he was very angry, and said that if Mains did not come he would “tell all”. When DC Scully asked him if he had any sort of relationship with Mains Richard Kerr laughed at him. When pressed as to what he meant by “tell all”, Richard Kerr eventually told him that this meant that Mains gave him sherry in his private quarters late at night.<sup>120</sup>

182 DC Scully told Sgt Sillery, who was head of the Juvenile Liaison Branch at Strandtown RUC station, of his suspicions that Richard Kerr may have made the threats about Mains because there might be some connection between them of a homosexual nature.<sup>121</sup> We will return to this in the next chapter.

183 In his police statement on 26 February 1980 Richard Kerr said about this episode that:

“When I made the threats about Joe Mains to the police and social workers that if he did not come to court I would tell all, I was referring to the drinks I had in his flat, that he knew about my break-ins and also about Mr McGrath’s behaviour. I thought by making these threats he would come and help me because he would be scared. I never intended to tell but just to put pressure on Joe Mains to help me.”<sup>122</sup>

184 He also described his relationship with Mains in the following way:

“While I was in Kincora from July 1975 to November 1977 I looked on Joe Mains as a father. I was very fond of him. When I was doing break-ins he said to me that he knew I was doing them. He asked me to tell him the whole story about the break-ins and I told him part of it, that is about doing some break-ins.

I looked up to and respected Joe Mains and while I was in his flat he did not touch me or say anything to me which would have suggested anything of a homosexual nature”.<sup>123</sup>

He also explained that he wrote twice to Mains from the Borstal at Millisle, asking Mains to visit, and Mains did so.

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120 KIN 73118.  
121 KIN 73121  
122 KIN 108010  
123 KIN 108010

## The death by drowning of Stephen Waring

185 At this stage it is appropriate to turn to the tragic circumstances of the death of Stephen Waring. Richard Kerr has referred to this in his affidavit lodged in the Hoy judicial review at paragraph 23.

“Around this time my friend Stephen was sent to Rathgael. He ran away from Rathgael and got a boat to Liverpool. He was caught and put back on the boat to Belfast and he apparently jumped off the boat and died. I believe he committed suicide as a result of the abuse he suffered. We had previously spoken about committing suicide together.”<sup>124</sup>

186 Richard Kerr’s belief that Stephen Waring committed suicide because he had been subjected to abuse has been repeated on a number of occasions, as for example in a broadcast on BBC Radio Ulster on 12 March 2015 during an interview with the presenter Stephen Nolan. In this extract from the interview Nolan wrongly referred to Stephen Waring as Stephen Warren. Having referred to Colin Wallace, Richard Kerr continued:

“The activities of the abuse increased when I went to the Europa. I started (unclear) night by working for these people and breaking into homes, with me, Stephen and Billy (unclear) they couldn’t control it anymore. We got out of control...

“Stephen Nolan: and this Richard is Stephen Warren who jumped to his death on a boat to Liverpool?

Richard Kerr: Yes, maybe he came back too soon...

Stephen Nolan: He killed himself?

Richard Kerr: ...and that’s what I don’t understand today, why nobody’s really investigating that. If he was confined, this is what the witness says, he was confined because he made threats that he was jumping over, he had alcohol in him, but (unclear) decided to let him go and run around on the front of the boat again. That does not make sense, (unclear).“

187 The circumstances leading up to Stephen Waring’s death are more complex than these references would suggest, and were explained to

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124 KIN 119505.

the Hughes Inquiry by Lindsay Conway. In 1977 he was the assistant welfare officer in Rathgael Training School, and in that capacity attended the Board of Trade Inquiry held on 9 February 1978 into Stephen Waring’s death. Mr Conway explained to the Hughes Inquiry that Stephen Waring absconded from Rathgael on Friday 25 November 1977 and went to Liverpool with his elder brother. They were arrested when they were disembarking from the boat in Liverpool, were held by the authorities and then placed on the return sailing to Belfast. On Sunday 27 November 1977 the police reported to the training school that Stephen Waring had been lost overboard, and that although the ship carried out a search of waters near the Isle of Man, Stephen Waring was presumed drowned. Mr Conway told the Hughes Inquiry that the official finding of the Board of Trade Inquiry was “lost at sea, killed or drowned as a result of a fall from the vessel”.<sup>125</sup>

188 Mr Conway was asked at the Hughes Inquiry,:

“Have you any reason to connect his death with his period in Kincora?

Answer: No. The evidence that was given to the Board of Trade inquiry was quite clear, that [Stephen Waring] was fooling about on the outer rail of the boat, that a soldier coming home on leave on two occasions pulled [Stephen Waring] in onto the right side, and that on the third occasion the soldier described that actually [Stephen Waring] slipped out of his grasp; so it was in no way a pre-meditated dash from any part of the boat over the side. The soldier gave quite clear evidence that he’d been drinking heavily.

Chairman: That is what I was going to ask you. He had been drinking heavily?

Answer: He had been drinking heavily. Again the recollection is that it was a football supporter sort of return trip; it was a Liverpool match, and this was why the boys absconded, to go to the Liverpool match. When a number of the passengers had fallen asleep his brother recalled him going around and drinking the left-over’s, so [Stephen Waring] was possibly drunk in this case, but the soldier recalled that he actually slipped out of his grasp.”

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125 KIN 73220.

- 189 At paragraph 4.197 of its Report the Hughes Inquiry stated that Stephen Waring’s brother, to whom he was very close, accompanied him on the journey to Liverpool, and was sent back with him. He told the police that his brother had never mentioned anything to him with a homosexual connotation. He said his brother had been drinking heavily on the boat, and had threatened suicide, and he believed that his brother committed suicide due to a combination of being drunk and not wishing to return to Rathgael.<sup>126</sup>
- 190 Mr Conway’s evidence to the Hughes Inquiry, and the account given of the evidence of Stephen Waring’s brother, suggests that Stephen Waring may have committed suicide because he was drunk and did not wish to return to Rathgael, and that his tragic death had nothing to do with any homosexual activity as Richard Kerr has stated in recent years.
- 191 It is also significant that when Richard Kerr referred to Stephen Waring’s death in his police statement of 25 February 1980, he said that whilst he and Stephen Waring had discussed committing suicide, he did not go on to attribute Waring’s death to sexual abuse but to the pressure he said that they were under from another boy KIN 274 who he said had planned the break-ins which Stephen Waring and himself had then helped to carry out. He continued:
- “Stephen and I felt we were under pressure from [KIN 274] and we decided if we were caught we would go to London, take a lot of drink and then take an overdose of tablets. We were intending to commit suicide. It was Stephen who suggested suicide. I did not go to London and I didn’t go out drinking with him or take tablets. We were both in Rathgael Training School when he escaped and I heard a short time later that he was supposed to have jumped overboard on the Liverpool boat.”<sup>127</sup>

## **Richard Kerr and William Edmonds**

- 192 During the same police statement Richard Kerr made references to a close relationship with a prison officer named Edmonds during his time in Borstal, and as a result the police decided to make further enquiries, even though Richard Kerr did not make any specific allegation.<sup>128</sup>

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126 KIN 75292.

127 KIN 108012.

128 KIN 108004.



Edmonds was interviewed under caution by the police on 10 April 1980. He described how he worked as a hospital officer in Millisle Borstal giving out medicines and tending to minor injuries. He said that after Richard Kerr had been in Millisle for about six weeks, Edmonds saw him in the surgery for medical treatment. He described how Kerr was only wearing a dressing gown, whereupon Edmonds fondled Richard Kerr’s genitals and buttocks. He then asked whether he could have anal sex, to which Richard Kerr agreed, but before Edmonds could perform the act they were disturbed by the arrival of another officer.<sup>129</sup> Subsequently he tried unsuccessfully to masturbate Richard Kerr in the surgery on a couple of occasions;<sup>130</sup> Richard Kerr was taken to Musgrave Park Hospital for a period and nothing occurred between them after he returned to Millisle.

- 193 He went on to say that Richard Kerr asked him to come to see him when he was released. About a year later he visited Richard Kerr in the Park Avenue Hotel, where he said Richard Kerr was staying at the time. On this occasion he described how they were interrupted as he was having anal sex with Richard Kerr by a phone call from the night porter saying that he had to go.<sup>131</sup>
- 194 When Richard Kerr was interviewed by the Sussex Police in 1982 he said that whilst nothing occurred between Edmonds and himself in Millisle, after he left Millisle Edmonds committed anal sex on him in Edmonds’s home, and attempted to have sex with him twice after that, but Richard Kerr refused on each occasion. He said that he had not admitted this in 1980 because he had been too embarrassed, and because he thought the police were only interested in Kincora.<sup>132</sup> If Edmonds’s version of events was correct, namely that the sexual encounter took place in the Park Avenue Hotel, that probably would have been during the period after Richard Kerr was moved from Williamson House to the Bishop’s Court Hotel on 15 March, and before he left to go to Preston in Lancashire on 19 May 1979.

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129 KIN 108018.

130 KIN 108019.

131 KIN 108019.

132 KIN 40796.

## **Richard Kerr’s life in Northern Ireland after his release from Borstal**

- 195 By the time Richard Kerr was discharged from Millisle Borstal on 9 February 1979 he had not lived in Kincora for some fifteen months since he was remanded in custody for stealing £80 from Raymond Semple. There was considerable difficulty in arranging somewhere for him to live, which was compounded by a dispute between social services and the Probation Board as to his care. Although Richard Kerr had been discharged from Borstal he was on licence, and so was the responsibility of the Probation Board. Social services were involved because the Probation Board asked the EHSSB to find accommodation for Richard Kerr. A serious dispute developed between the EHSSB and the Probation Board about Richard Kerr’s behaviour, and about the most suitable accommodation for him, a position further complicated by the need for the Probation Board to find work for him. These disputes were examined by the Hughes Inquiry and it is unnecessary for our purposes to consider why they arose.
- 196 The dispute appears to have continued until Richard Kerr left Northern Ireland to go to live with his aunt in Preston in May 1979. Such was the dispute that the District Social Services Officer wrote to the Assistant Chief Probation Officer on 14 March 1979 expressing his concern.<sup>133</sup> By then Richard Kerr had been living in Williamson House for some weeks in what was clearly meant to be a temporary arrangement until more suitable accommodation could be found for him. It appears that bed and breakfast accommodation was not felt to be appropriate because all concerned believed that he needed a sheltered environment. Social services explored the possibility of a placement for him with the Corrymeela Community outside Ballycastle, Co Antrim. However, this was many miles away from Belfast and was obviously impracticable when social services learned that the probation officer had arranged a job at the Stormont Hotel in east Belfast for him.
- 197 The five weeks that Richard Kerr spent in Williamson House are significant for a number of reasons. Williamson House was a children’s home, and although Richard Kerr was still legally within the age group that could be accommodated there, it was not really suitable because he was so much older than the children in the home, and on the face of

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133 KIN 50882.

it a hostel such as Kincora would have been more suitable, as his social worker Mrs Kennedy confirmed to the Hughes Inquiry.<sup>134</sup> We shall refer to her again in the next chapter when considering her views at that time as to why Kincora was unsuitable.

198 Because there was no room for him in Williamson house, Richard Kerr was placed in the flat in the building occupied by Eric Witchell who was the officer in charge. Mrs Kennedy reported on 14 March 1979 that this arrangement was causing significant problems because of what she termed “the enormous demands”, Richard Kerr was making on Eric Witchell’s time. She said:

“Eric is frequently up until the early hours of the morning talking to [Richard Kerr] and unless he actually leaves the house Eric’s off duty time is usually interrupted by [Richard Kerr]”.<sup>135</sup>

199 This was not the only problem because, as the District Social Services Officer wrote to the Assistant Chief Probation Officer in his letter of 14 March 1979, there were four areas of concern for the staff at Williamson House.

- (1) Richard Kerr had returned home in a drunken state on a number of occasions; that happening three times in the last four days. On the last occasion he was brought from the Europa Hotel by a number of drunken men who caused such a fracas that the police were called.
- (2) Both the residential staff and social work staff believed he was consorting with a number of men he previously knew in the Belfast area, that he was engaged in homosexual activity and had come into a considerable amount of money. There were “strong suspicions which suggest that the money was procured”, that is that he had been paid for engaging in homosexual activity.<sup>136</sup>
- (3) Richard Kerr had begun to talk again about committing suicide, which was of concern because of his previous history of suicide attempts.
- (4) He was in contact with his sister who was also in care, and as a result his sister had taken considerable amounts of alcohol. There were also concerns about the nature of his relationship with his sister.

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134 KIN 73596.

135 KIN 50887.

136 KIN 50882.

- 200 The District Social Services Officer said that Richard Kerr was obviously unhappy and unsettled in Williamson House, had been a most disruptive and disturbing influence, was now beyond the control of social services, and asked the Probation Board to take immediate steps to remove him to “a more suitable supervised environment to afford adequate protection for his safety and the safety of the children in our care.”<sup>137</sup>
- 201 This letter appears to have been written following the report submitted to her superiors by Mrs Kennedy on the same day. She told the Hughes Inquiry that she had been up with Richard Kerr nearly every night that week, she felt that probation should be helping more, and “so the purpose of that report was to enlist the help of my senior management in settling that dispute, one way or another with probation”.
- 202 In the event, although she had planned to put Richard Kerr into bed and breakfast accommodation, because he found the idea that intolerable she made a case for him to stay in a hotel,<sup>138</sup> and the next day, 15 March, she moved him to the Bishop’s Court Hotel.<sup>139</sup> She said there were two moves before he went to Preston on 19 May.
- 203 The move to the Bishop’s Court Hotel on the Upper Newtownards Road was to an address not far from Kincora, but that appears to have been a coincidence; there is no evidence to show that Richard Kerr had any contact with Kincora during this period between his release from Borstal in February and his going to Preston. At some stage before he went to Preston it seems that he moved to the Park Avenue Hotel from the Bishop’s Court Hotel, because he told the police in 1980 that Edmonds visited him there twice after he left Kincora. It would seem that his stay in the Park Avenue Hotel was after he left the Bishop’s Court Hotel.

### **Other causes of concern in 1977 about Richard Kerr’s relationships**

- 204 The concerns about Richard Kerr’s homosexuality expressed in the letter of 14 March by the District Social Services Officer were not the only ones expressed in and around this time. As we have already seen, DC Scully considered that Richard Kerr had what he called “all the hallmarks of a homosexual” when dealing with the burglary investigations in October

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137 KIN 50883.

138 KIN 73599.

139 KIN 73598.

1977.<sup>140</sup> His associations with the men with whom he travelled to Larne in October 1977 when he stole money from behind the reception desk in the Highways Hotel have also to be considered in this context. In his police statement in 1980 Richard Kerr said that while he was in Williamson House he got to know KIN 340 who visited his son in Williamson House and brought the boys sweets. KIN 341 drove KIN 340 to the home, and sometimes came in and spoke to the boys. Richard Kerr said he got to know them better when he was in Kincora, saying that he used to visit KIN 341’s house and had drinks there. He said that the night he stole money from the hotel in Larne was the only night KIN 340 and KIN 341 collected him from Kincora. KIN 341 had hired a car for 24 hours.

205 Richard Kerr continued:

“The three of us were out that evening for a drink. It was [KIN 341’s] idea that we should go there for the Country and Western music. I went out with these older men because I had no friends and I knew them from their visits to Williamson House. There was no other reason – just as friends. They phoned me to Kincora and made the arrangements to go out. I had no prior arrangements with them.”<sup>141</sup>

206 KIN 340 was interviewed by the police on 20 March 1980. By that time he was 37 years old. He said that he got to know Richard Kerr when his son was in Williamson House, and that Richard Kerr stayed on the settee on two or three occasions when KIN 340 was squatting in a house next door to Richard Kerr’s family. He said Richard Kerr also visited him to take his dog out when he moved to another address. He described Richard Kerr contacting him whilst he was in Kincora to say that he wanted to hire a car. He claimed that Richard Kerr would arrange for KIN 341 to hire a car and would pay. This allegedly happened on about a dozen occasions, during which they went to several hotels, including the Park Avenue and Kilwaughter House and once to Kilkeel. On one occasion he said Kerr and he went to the Park Avenue Hotel, hired a room and played cards until 4am. He said that Richard Kerr always seemed to have lots of money, and bought the drink as well as paying for the car.<sup>142</sup> He denied that any homosexual activity occurred between Richard Kerr and himself.<sup>143</sup>

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140 KIN 73117.

141 KIN 108010.

142 KIN 10199.

143 KIN 10200.

- 207 KIN 341 also made a police statement in 1980. By then he was 30 years old. He said that “on about two occasions” Richard Kerr provided the money for him to hire a car, and he then drove the three of them about. On the other occasions when the three went out together he said they went in his own car. One of those occasions was the night they went to Larne, although he wrongly called the hotel the Highwayman rather than the Highways. He claimed Richard Kerr “always seemed to have money and try [sic] to show off with the money though he was not a big spender”. When he took the others out they would go to various hotels where they generally drank.<sup>144</sup> He said he only collected Richard Kerr from Kincora twice, and that was at Richard Kerr’s suggestion. He said he never made any homosexual approaches to him.<sup>145</sup>
- 208 Whatever the true nature of the relationship between Richard Kerr and these two much older men, on any showing he was associating with them on many occasions and they were drinking together. If their accounts are to be believed, Richard Kerr had enough money to pay for their cars and drinks, something that would not normally be the case for a sixteen year old whose only income was his pay as a hotel porter. That these men were exploiting a teenager and not worrying about how he came by his money is incontrovertible. They were extremely unsuitable companions for Richard Kerr and that he was able to go on these expeditions is surprising. However, it must be recalled that Kincora was a hostel and not a children’s home, and this could mean that boys might well get into unsuitable company outside the hostel without adverse comment from Mains or the other staff. It is noteworthy that when DC Scully came to Kincora on the morning of 4 October to speak to Richard Kerr he found him the worse for drink.

## **Richard Kerr and Eric Witchell**

- 209 Eric Witchell was one of the six men who, including Mains, Semple and McGrath, were prosecuted for various sexual offences involving children who were in care and he was sentenced by Lord Lowry on 19 December 1981. Witchell, who was a member of an Anglican religious order, was sentenced to eight months imprisonment on each of six charges of indecent assault and gross indecency committed against three boys who were residents of Williamson House while he was in charge. The

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144 KIN 10202.

145 KIN 10204.

prosecution did not proceed with a further charge of attempted buggery alleged to have been committed against one of the three boys.<sup>146</sup> As we explained in the previous chapter these offences were investigated as part of the Caskey Phase One investigations, which covered not just Kincora but several other institutions as well.

- 210 In his RUC statements of 25 and 26 February 1980 Richard Kerr referred to his time in Williamson House. He made no allegations that he had been subjected to any sexual abuse during his time there, although he volunteered at the end of his statement of 26 February that KIN 46 was found naked in bed in Williamson House with another boy, and was also found under a bed there with Richard Kerr’s sister.<sup>147</sup>
- 211 Richard Kerr was interviewed by the Sussex Police and made a statement to them on 26 October 1982 when he said that during the time he stayed with Witchell in Witchell’s flat in Williamson House, Witchell gave him alcohol and had anal sex with him three times. He said this was the first time he had anal sex. Witchell was questioned but denied these allegations. The police recommended no prosecution of Witchell, saying that whilst Richard Kerr may be telling the truth, there was no corroborative evidence to support his allegations, and as he had been interviewed twice in February 1980 and not made any allegation against Witchell his “reliability as a witness is extremely suspect”.<sup>148</sup>

## Richard Kerr’s move to Preston

- 212 On 12 May 1979 Richard Kerr reached the age of eighteen, and so social services ceased to be responsible for him. On or about 19 May 1979 he left Northern Ireland and went to live with his maternal aunt in Preston in Lancashire. The possibility of his going to Preston appears to have been first raised almost eighteen months earlier during one of the remand hearings at Belfast Juvenile Court. In Mrs Gogarty’s undated report she says that his “father was also there and the subject was brought up of [Richard Kerr] going to stay with Mrs Kerr’s sister in Preston, Lancs”. This implies that the suggestion was made by his father, and it commonly happens that when a teenager is before the courts in Northern Ireland having committed offences that may result in his being given a custodial sentence a parent would suggest that an alternative would be for him to

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146 KIN 40221.

147 KIN 50863.

148 KIN 50848.

go to live with a relative elsewhere so that he could stay out of trouble. The magistrate requested a social report into the home circumstances of Richard Kerr’s aunt in Preston, and adjourned the case for two weeks. However, when the case came back to court the report was unfavourable. Her accommodation, and other family commitments with another baby on the way, meant that although she was very concerned for him, his aunt was doubtful if she could help.<sup>149</sup>

- 213 The possibility of Richard Kerr moving to Preston appears to have been revived in April 1979. Mrs Kennedy, who was his social worker by that time, told the Hughes Inquiry that in April Richard Kerr went over to Preston “for a holiday and he decided he wanted to go back and settle there”, which he did on or about 19 May when his hotel accommodation in Northern Ireland stopped.<sup>150</sup> In his police statement of 25 February 1980 Richard Kerr said that Mrs Kennedy gave him the money for his fare to Preston.<sup>151</sup> It is entirely probable that given his situation at the time he was provided with his fare to Preston.

### **Richard Kerr’s time in Preston**

- 214 In his statement of 25 February 1980 Richard Kerr said that in August 1979 he had met a man in Preston who he named. He said that by then he was having difficult times with his aunt so he moved into this man’s house as a lodger, got a job and paid him rent. He then said “there is nothing going on between him and I”.<sup>152</sup> However, when he was interviewed by Sussex Police in October 1982 he gave a different account of his relationship with this man, saying that he “and I maintained a homosexual relationship for two years, he didn’t force me into the relationship”.<sup>153</sup> Richard Kerr was now 21 and the statement concluded with him saying “I continue to have casual homosexual relationships in London where I live and work. I consider myself to be bi-sexual”.<sup>154</sup>

### **Richard Kerr, Williamson House and Dr Morris Fraser**

- 215 Dr Roderick Morrison Fraser, generally known as Dr Morris Fraser, graduated from the Queens University, Belfast, as a doctor and

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149 KIN 11086.

150 KIN 73598.

151 KIN 108011.

152 KIN 108012.

153 KIN 50864.

154 KIN 50865.



subsequently specialised in child psychiatry, becoming a senior registrar at the Royal Belfast Hospital for Sick Children. On 17 May 1972 Dr Fraser pleaded guilty to a charge of sexually assaulting a child and was bound over for three years at Bow Street Magistrates Court in London. Following this, in 1973 he was brought before the Fitness to Practice Committee of the doctors’ regulatory body, the General Medical Council. The Committee adjourned his case from time to time on the basis that he was receiving treatment. In July 1975 the committee determined that his response to treatment enabled them to feel satisfied that it would be proper to discharge him. The result was therefore that no disciplinary action was recorded against him.

- 216 On 12 July 2015 an article on Dr Fraser appeared on the website of the *Independent* newspaper pointing out that Dr Fraser had been allowed to practice after his conviction at Bow Street despite being convicted by a court in New York on other charges of sexual abuse. The article linked Dr Fraser to Kincora, and quoted Richard Kerr as saying:

“I was 13. Morris abused me, in his office, two or three times on those visits. I will never forget that face. That black hair. I have never forgotten it. He was in contact with children’s homes all over Belfast”.<sup>155</sup>

- 217 Dr Niall Meehan is an academic in the Journalism and Media Faculty of Griffith College Dublin who has published a study of Dr Fraser and his career entitled *Morris Fraser, Child Abuse, Corruption and Collusion in Britain and Northern Ireland*. On 31 March 2016 Dr Meehan took part in a discussion of Dr Fraser and his activities on the BBC *Good Morning Ulster* radio programme. In that discussion he asserted that Fraser “dealt with children, everyday, and vulnerable children at that, and allocated them to institutions in Belfast, including Whiteabbey, Lissue Children’s Hospital and also Kincora...”<sup>156</sup>

- 218 Richard Kerr was interviewed on the same programme later that morning. He described seeing Dr Fraser on two occasions in a hospital when he believed he was “probably about eleven or twelve”. On the first occasion he was accompanied by his sister, but on the second occasion he said he was on his own. He said that he was being molested in Williamson House before that, and was wetting the bed. He said that Dr Fraser asked him to take down his shorts. Although he does not say

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155 KIN 117049.

156 KIN 117052 and KIN 117053.

his genitals were exposed as a result, it is a reasonable inference that that was the position because he said that Dr Fraser took some pictures “with a kind of Polaroid camera”.<sup>157</sup>

219 During the interview Richard Kerr also said that he believed Dr Fraser knew Mains. He said “...they all came up to Williamson House and they all had a meeting”. He continued that two months later his sister was sent to Whiteabbey Training School for Girls:

“...the next day I was taken out of Williamson House, by Joseph Mains in a car and taken up to Kincora at the age of fourteen. And Kincora was for working boys, not for boys that still go to secondary school”.<sup>158</sup>

220 Dr Meehan sent a copy of his article on Dr Fraser to the Inquiry. In it, and in his contribution to the *Good Morning Ulster* programme, he raised a number of matters, including claims that the newspapers did not adequately report or investigate Dr Fraser’s conduct following his conviction, and why Dr Fraser was able to continue working with children until he volunteered to stop by being voluntarily removed from the Medical Register in December 1995. These and a number of other matters raised by Dr Meehan about the way the medical authorities and the police dealt with Dr Fraser after his conviction in London are not matters that fall within the Terms of Reference of this Inquiry and we have not considered them. However, in this chapter we consider the allegations made by Richard Kerr relating to Dr Fraser in order to see whether he was ever treated by Dr Fraser, or, as Richard Kerr implied in the remarks quoted earlier, he was responsible for placing Richard Kerr or other children in Kincora.

221 The first thing we have to say is that, so far as we are aware, Richard Kerr never made such allegations about Dr Fraser before he took part in this programme on 31 March 2015. He made no reference whatever to Dr Fraser in his judicial review affidavit sworn on 16 February 2015, nor was it raised on his behalf by his legal representatives in subsequent correspondence with the Inquiry. His assertion that he was being abused in Williamson House before he says he went to see Dr Fraser when he was aged about eleven or twelve is difficult to reconcile with his failure to say that when he referred to sexual activity in Williamson House in the past in his police statement of 26 February 1980, or in the statement he made in 26 October 1982 to the Sussex Police.

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157 KIN 117054.

158 KIN 117055.

- 222 In his statement of October 1982 the only reference he made to Williamson House was the allegation that Eric Witchell had anal intercourse with him on three occasions during the six weeks or so he spent in Williamson House after he was released from Borstal in February 1979, by which time he was not far short of his eighteenth birthday. If he had been abused during his period in Williamson House before he moved from there to Kincora in the summer of 1975 we would have expected him to have said so in that statement. In the same statement he did refer to an occasion aged fifteen when he was picked up by a man on the Springfield Road who took him to his house and put his hand on the inside of his leg. Given that by the time he made the statement in 1982, Richard Kerr was 21 and said in the statement that he continued to have casual sexual affairs in London and had described being the subject of anal sex with two different individuals after he was released from Borstal, it should not have embarrassed him to have discussed sexual matters relating to Williamson House. As we have already pointed out, he had made other allegations about sexual activity in Williamson House when he was interviewed in 1980 by the RUC.
- 223 Richard Kerr’s medical records contain no reference to his being referred to Dr Fraser. His social services records show that after some months of disturbed behaviour in Williamson House, on 5 March 1975 he was referred to Dr Barcroft at the Child Guidance Clinic of Belfast’s Royal Victoria Hospital.<sup>159</sup> Dr Barcroft attended a case conference at Williamson House on 6 May 1975.<sup>160</sup> The Inquiry requested that the Education Authority be contacted to see whether it held Richard Kerr’s school records in case these would show if he was referred for psychiatric care by the school but we have been informed all his school records were routinely destroyed some years ago.<sup>161</sup>
- 224 He was examined by an educational psychologist in 1967 when he was living in Williamson House before he attended Harberton Special School.<sup>162</sup> It may well be that while he was living in Williamson House Richard Kerr was examined from time to time by an educational psychologist whilst he was attending Harberton Special School. In her report of 30 January 1979 his then social worker, Mrs Kennedy, noted “the last educational

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159 KIN 119639 and 119653.

160 KIN 119726.

161 KIN 119736.

162 KIN 119633.

assessment of [Richard Kerr] was made in 1977 and concluded that he was capable of holding down a job”.<sup>163</sup> This implies that he was assessed on more than one occasion. Following his reaching the school leaving age of sixteen in May 1977, on 18 July 1977 the Belfast Education and Library Board sent a pro-forma letter to Kincora stating that it intended to notify the [Eastern] Health and Social Services Board that it was in Richard Kerr’s interest that “further care, treatment or supervision should be provided”. The notice stated that amongst the advice received was that of the Senior Schools Psychologist.<sup>164</sup>

- 225 All of the available evidence suggests that Richard Kerr is mistaken in his belief that he was seen by Dr Fraser.
- 226 We have also considered the implication that Dr Fraser was in some way responsible for Richard Kerr being moved from Williamson House to Kincora when he was fourteen. That would have been in 1975. There is no evidence to suggest that Dr Fraser had any responsibility for, or involvement in, the decision that Richard Kerr be moved. Decisions as to whether a child in care in one institution should be moved to live in another institution were made by social services. In Richard Kerr’s case it appears that the decision was approved by the District Social Services Officer.<sup>165</sup>

## Richard Kerr and William McGrath

- 227 In his police statement of 25 February 1980 Richard Kerr stated that he looked up to and respected Mains, saying that “He did not touch me or say anything to me which would have suggested anything of a homosexual nature”. He then said that McGrath “was known as a homosexual. Boys in the hostel had told me that he had tried it on them”. He also said:

“McGrath used to play around with me by pulling my jumper and wrestling with me. He would pull me close to him, his front to my back and press his belly up against me. It wasn’t normal wrestling and I knew he was enjoying it in a homosexual way. The boys used to tell me that McGrath put his hands round their private parts. ...the boys told me that [Mains] had been told”.<sup>166</sup>

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163 KIN 117683.

164 KIN 119512.

165 KIN 12027.

166 KIN 10195.

However, in the judicial review affidavit of February 2015 he said that:

“William McGrath began to fool with me (sexually abuse me), in the bath tub. I eventually told him to back off and I told Joe Mains about it and he stopped after that”.<sup>167</sup>

This account is significantly different from his earlier account of McGrath’s behaviour in his 1980 police statement.

## **Review of Richard Kerr’s various accounts of his experiences**

228 We have considered the information available to us in some detail because of the relevance of this information to the assertions that Richard Kerr has made in recent years about his experiences as a child in care, assertions which have not been confined to his time in Kincora. These assertions can be summarised by saying that he was abused by Dr Fraser during a hospital visit while he was resident in Williamson House, and that Dr Fraser was in some way instrumental in Richard Kerr being sent to Kincora when he was aged fourteen. He alleges that he was abused in Williamson House before he was moved to Kincora. During his time as a resident in Kincora he was abused there, and was taken to hotels where he was subjected to sexual abuse by various men. On other occasions he was collected from Kincora by various men. Eventually he was “trafficked” to London and sexually exploited there. It is clear from the various accounts that Richard Kerr has given in recent years, to which we have referred, that he asserts that not only was he sexually abused by Mains and McGrath in Kincora, but he was taken to other locations to be sexually exploited by homosexual men.

229 We should make it clear that the Terms of Reference of our Inquiry do not extend to what may have occurred when Richard Kerr was living in London or elsewhere, and we express no view on what he has said about his experiences in London or elsewhere, other than in respect of his move to Preston. If his allegations about his experiences in London or other parts of England are to be investigated that will be a matter for the Independent Inquiry into Child Sexual Abuse (the IICSA). As we have stated earlier, Richard Kerr was offered the opportunity to be a core participant in this Inquiry and was awarded legal representation to enable him to do so. His legal representatives were provided with

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167 KIN 119502.

over 700 pages of documents relating to him. He did not provide the Inquiry with a statement, nor did he come to Northern Ireland. We have therefore had to assess his assertions on the basis of the material we have considered without having the benefit of whatever he might say to the Inquiry about these matters.

230 Based on our examination of the material to which we have referred we have reached the following conclusions:

- (1) There is no evidence to support his assertion that he was ever examined by Dr Morris Fraser.
- (2) There is no evidence to support his assertion that Dr Fraser played any part whatsoever in his move from Williamson House to Kincora.
- (3) His assertions many years later that he was abused in Williamson House before he was transferred to Kincora contradict the reference he made in his RUC statement in 1980 when he referred to his time in Williamson House. It also contradicts his explicit statement to the RUC in 1980 that:

“Before I left Northern Ireland and during the time I was in homes and other institutions I did not make any complaints about indecent behaviour by anyone to any members of the Welfare. There were no complaints to make”. (emphasis added)<sup>168</sup>

This was one of the things that he confirmed in his statement to the Sussex Police in 1982 were true.<sup>169</sup>

- (4) There is no evidence to support his claim that he was “trafficked to London” aged seventeen. The irrefutable evidence examined by us is that from 4 October 1977 until February 1979, except for the few days between 21 October and 7 November when he was on bail before being remanded back into custody when he stole from Semple, he was in secure custody in Rathgael Training School, and then in Millisle Borstal. He left Northern Ireland in mid-May 1979 when he reached the age of eighteen and was automatically discharged from care. He then made the decision to go and live with his aunt in Preston. After a few months living in Preston he formed a homosexual relationship with a man there and in October 1982 he told the Sussex Police he lived with this man for two

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168 KIN 10196.

169 KIN 40796.

years. By the time Richard Kerr made that statement he was living in London, so that timeframe would suggest he stayed in Preston until some time in mid or late 1981, more than two years after he left Northern Ireland.

- (5) The decision that he should leave Northern Ireland in May 1979 and go to Preston to live with his aunt was clearly his own decision. That possibility had been floated while he was on remand in 1977. Between his release from Borstal in February until he went to Preston in May social services found it extremely difficult to cope with him. By the time he went to Preston he was eighteen and there was nothing unusual about his being given his fare by his social worker to enable him to get to Preston. On 20 March 1979 the Assistant Chief Probation Officer commented in his response to the letter of 14 March from the District Social Service Officer to which we have already referred which outlined the difficulties caused by Richard Kerr’s behaviour. He said:

“No doubt, however, this young man will continue to be a headache for the Community and for agencies charged with his care and control. I would like to think we could contain him in the Community for a few more months even if a return to Borstal in the end proved inevitable”.<sup>170</sup>

- (6) As it transpired, Richard Kerr did not end up in Borstal again, but went of his own volition to live with his aunt in Preston.
- (7) Although in 1980 he described McGrath’s behaviour in a fashion that clearly had sexual overtones, he explicitly exonerated Mains from making any sexual approach to him. He confirmed this in his account to the Sussex Police in 1982. By then both Mains and McGrath had been imprisoned for sexual offences against residents in Kincora. It is therefore difficult to understand why Richard Kerr did not then make the allegations against them that he has since made more than thirty years after the event in his judicial review affidavit.
- (8) We are satisfied that Richard Kerr was emotionally very close to Mains, and regarded him as a father figure. However, by 1982, Mains had been exposed as a sexual predator. Given that in 1982 Richard Kerr had described to the police how he was anally

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170 KIN 11080.

penetrated by both Edmonds and Witchell, that he had lived with a man in a homosexual relationship for two years in Preston, and continued to have casual homosexual encounters in London. We consider it highly unlikely that he did not mention this matter because of embarrassment.

- (9) Richard Kerr has also said that men came on various occasions to collect him from Kincora, that he was taken to the Park Avenue Hotel and to other hotels where he had sex with men. He has said that Mains took him to Portrush for this purpose on one occasion. He also described engaging in sexual activity with male guests in the Europa Hotel when he worked there. There is ample contemporary evidence in the material to which we have referred that he was associating with undesirable individuals, such as KIN 340 and KIN 341. At the least those two individuals were taking advantage of the surprising amount of money Richard Kerr had. When he was living in Williamson House the staff were clearly concerned that he was being paid for sex and that that accounted for his having a lot of money.
- (10) As he told the police in 1980 he was drinking with KIN 340 and KIN 341 on their car trips to hotels. DC Scully found him the worse for wear from drink on 4 October 1977 when he came to question him about the burglaries. After his release from Borstal he came back drunk to Williamson House on several occasions.
- (11) The picture that emerges from the contemporary information of Richard Kerr’s life between 1977 and 1979 is that he was a highly vulnerable young man who was easily led and who craved attention. He was associating with older men outside Kincora who provided him with drink, and with other men who exploited his vulnerability to persuade him to agree to homosexual activity with them. Whilst this activity may have been consensual, it was nevertheless exploitive, abusive and illegal. There is nothing whatever to show that such behaviour was occurring in Kincora, or that Mains was arranging, or conniving at, sexual exploitation which appears to have been happening elsewhere.
- (12) Richard Kerr appears to base his statement to the police that the security services or others were involved in his abuse on two matters. The first is that as a school boy he returned early to Kincora one day, walked into Mains’s office and found Mains



and Semple with “three men in suits”. He said he got the strong feeling he “had interrupted something secret and important, I would describe them as being shocked to see me”.<sup>171</sup> He does not say that any of the three men spoke. As we shall see in the next chapter and as has already been confirmed by many of the other residents, officials from social services regularly visited Kincora during his time there. No doubt others did so in plain clothes, such as DC Scully. Any reputable visitor would have been surprised at a school boy entering the office and interrupting their business in that fashion. To infer from his description that he interrupted something improper is to place a sinister construction on the occasion without a shred of evidence to justify it.

- (13) Up to and including his affidavit of February 2015 the only individuals Richard Kerr named as having performed any sexual acts on him were McGrath, Edmonds and Witchell. On the Exaro website in March 2015 he was reported to have picked out three individuals who, it was claimed, “sexually abused him while he was a Kincora boy”. As he was only in Kincora between the ages of fourteen and seventeen this allegation can only relate to the period between his arrival at Kincora in July 1975 until he went into custody in November 1977. So far as we are aware, Richard Kerr has provided no evidence to support the allegations against the three men.
- (14) One of the three men he named was the late Sir Cyril Smith, who was MP for Rochdale between 1972 and 1992. Sir Cyril Smith died in 2010, and since then allegations have been made that he was involved in the sexual abuse of children. On 27 November 2012 the Crown Prosecution Service in England and Wales stated that although investigations into allegations against Smith were undertaken in 1970, 1988 and 1999, he was not charged. The IICSA is investigating allegations relating to Sir Cyril Smith and it would be inappropriate for this Inquiry to make any comment on the allegations relating to him in England or Wales. None of the material this Inquiry has seen supports the apparent assertion made by Richard Kerr that he went to Manchester while he was a resident in Kincora between 1975 and 1977.

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171 KIN 119504.

(15) Other than trips with the Boys’ Brigade to camps at Bridlington in Yorkshire in June 1973 when he was twelve,<sup>172</sup> and to Southport in Lancashire in 1974 when he was thirteen, there are no records of any trips to Manchester or London, nor to his absconding for periods that would have enabled him to go to either place.

(16) Richard Kerr claims to have seen Sir Maurice Oldfield in Mains’s office when he walked into a meeting. It is unclear whether this is the occasion already referred to when Richard Kerr says he entered Mains office to find Mains and Semple with three men in suits. We shall refer to Sir Maurice Oldfield in our chapter on the security services; it is sufficient to say at this stage that if there was such an episode involving Sir Maurice Oldfield, Richard Kerr did not identify him in his affidavit sworn in February 2015.

231 Richard Kerr’s recent accounts of his experiences in Williamson House and Kincora are very substantially different from the detailed accounts he gave in the past. When these recent accounts are compared with the accounts he gave in the 1970s and 1980s, and with other documents from that era, a very different picture emerges from that which he now portrays. Having carefully examined all the material available to us we are satisfied that his more recent accounts are not to be relied upon.

232 We are satisfied that Mr Kerr was sexually exploited and abused as a boy and young man and are in no doubt that this had an adverse impact on his life. However, we cannot set aside or ignore the inconsistencies in his accounts of the abuse he said he suffered.

## **PART EIGHT**

### **R 14**

233 We now return to consider other aspect of the evidence given by R 14 as we said earlier that we would do. There are a number of matters which we will consider at this point. Before doing so, we record that McGrath pleaded guilty to one charge of buggery, one charge of indecent assault and one charge of gross indecency with R 14. There is therefore no doubt that R 14 was subjected to sexual abuse by McGrath.

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172 KIN 119729.

- 234 R 14 discussed his experiences with the journalist Chris Moore, and appears as “Sammy”, in chapter eight of Moore’s book ‘The Kincora Scandal’. R 14 told the Inquiry that he did not say to Moore, or if he did it was not true, that he had told a social worker about what had happened but she just laughed. He told us that he did not tell the social worker what had happened, nor was there an incident when the social worker called him in after raising his allegations with Mains and McGrath when McGrath called him a liar in front of the social worker, nor did Mains turn his back on him.<sup>173</sup>
- 235 Another matter relates to R 14’s account to the Inquiry that McGrath put a gun in his mouth during one of his last sexual assaults upon him. He did not mention the gun incident to the police, nor did he mention the gun to Chris Moore who recorded him as saying that he was never aware of McGrath having a gun. When he gave evidence to the Hughes Inquiry he was legally represented and his own counsel asked him whether McGrath had threatened him in any way and he did not make any mention of the gun.
- 236 Finally, in his Inquiry statement he described another incident when he said Mains took him and two or three other boys to Bangor in the Kincora minibus. He said that Mains told them, “You’re going to do what your told here”. The other boys were sent in one by one, and when they came back they were crying. Before he could be sent into the hotel a police landrover pulled up nearby, and they were then taken back to Kincora. The clear implication is that this party of boys were taken to a hotel in Bangor by Mains for the purpose of, and were subjected to, sexual abuse. R 14 was not able to say why he never mentioned this episode to the police when he made his statement in 1980. He told us that he now believes the boys were abused in the hotel based upon what he heard years afterwards.<sup>174</sup>
- 237 We find it difficult to understand how R 14 did not tell the police about any of these three occasions when he gave his statements in 1980. They were all dramatic and plainly relevant to the police enquiries, notably the reference to his telling the social worker who then confronted Mains and McGrath with the allegations, allegations which were subsequently confirmed by McGrath’s pleas of guilty to the offences against him.

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173 Day 210, pp.32 to 34.

174 Day 210, pp.15 and 16.

## **The post-2000 allegations**

238 The various allegations that have been made in recent years by those whose evidence we have examined in this section of this chapter are almost all materially different from the accounts they have given in the past. Where those accounts can be compared with contemporary records they are contradicted by those records. Some of the episodes described do not ring true, others are significantly different from the patterns of abuse described by many other residents. Taking all these matters into consideration we have come to the conclusion that we cannot regard the post-2000 accounts to which we have referred as sufficiently reliable to enable us to take them into account when reaching our conclusions about the way in which the residents were abused in Kincora.