
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Tuesday, 31st May 2016
commencing at 10.00 am
(Day 204)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

Tuesday, 31st May 2016

1

2 (10.00)

3 Opening remarks by CHAIRMAN TO THE INQUIRY

4 CHAIRMAN: This is the last module in the Inquiry's

5 programme of public hearings which started on

6 13th January 2014. We have so far held 203 days of

7 hearings and, apart from eighteen days when all or some

8 of the day took the form of closed sessions, held to

9 avoid prejudicing criminal cases which were imminent at

10 the time, all our hearings have been held in public.

11 We have so far investigated twenty residential homes

12 and other institutions. In addition, we have carried

13 out two more investigations. One was into the way

14 children from residential homes in Northern Ireland were

15 sent to Australia under the Child Migrant Scheme. The

16 other was into Father Brendan Smyth's abuse of children

17 in residential homes in Northern Ireland and the way his

18 religious order and a number of Roman Catholic dioceses

19 dealt with allegations against him.

20 Our most recent module concerned certain aspects of

21 the State involvement in the inspection and financing of

22 children's homes. Because some information was not

23 provided by the Department of Health, Social Services &

24 Public Safety in time and still has not been provided,

25 we had to adjourn that module on 27th April. We will

1 return to those matters and complete that module in the
2 coming weeks.

3 This module will deal with the last two residential
4 homes we intend to investigate during our hearings.
5 They are the former Bawnmore Children's Home in
6 Newtownabbey and the former Kincora Boys' Home in East
7 Belfast, although the greater part of the hearings will
8 relate to Kincora.

9 Before Mr Aiken, junior counsel to the Inquiry,
10 starts to open the Inquiry element of the module, I want
11 to take this opportunity to explain the scope of the
12 investigation the Inquiry intends to carry out in the
13 coming weeks into sexual abuse of children under 18 who
14 were living in the Kincora Boys' Home.

15 The Inquiry's terms of reference require it to
16 examine whether there were systemic failings by
17 institutions or the State in their duties towards those
18 children under 18 in their care in Kincora between the
19 years of 1922 to 1995.

20 During that part of this module devoted to the
21 Kincora Boys' Home the Inquiry will investigate the
22 following matters:

23 The nature and extent of sexual abuse perpetrated on
24 residents of Kincora, abuse that resulted in the arrest,
25 conviction and sentence of Mains, Semple and McGrath;

1 Who perpetrated that abuse;

2 Whether the abuse of boys resident in Kincora
3 occurred in Kincora itself or elsewhere in Northern
4 Ireland;

5 When such abuse occurred.

6 The Inquiry will investigate whether there were
7 systemic failures to prevent such abuse on the part of
8 those responsible for the management of Kincora or on
9 the part of other State entities. The following
10 entities will be investigated:

11 Belfast County Borough Welfare Committee and
12 Department and its successor, the Eastern Health &
13 Social Services Board;

14 The Royal Ulster Constabulary;

15 The Secret Intelligence Service, commonly known as
16 MI6;

17 The Security Service, commonly known as MI5;

18 The Ministry of Defence;

19 The Northern Ireland Office.

20 In respect of each of these entities the Inquiry
21 will investigate the following matters:

22 Whether members of the organisation or body
23 concerned knew of the abuse;

24 What they knew;

25 When they knew;

1 What did they do with any knowledge they had;
2 What should they have done with any knowledge they
3 had.

4 These are broad headings, and as part of these
5 investigations the Inquiry will consider the full ambit
6 of previous investigations carried out into Kincora
7 arising from or connected with these matters as well as
8 the responses of these organisations or body to those
9 investigations.

10 This will include The Hughes Inquiry, several
11 investigations by The Royal Ulster Constabulary, and the
12 investigation carried out by The Sussex Constabulary
13 under the direction of Sir George Terry.

14 It will also involve the examination of the steps
15 taken in later years by The Royal Ulster Constabulary,
16 The Secret Intelligence Service, The Security Service,
17 The Ministry of Defence, the Northern Ireland Office and
18 the Cabinet Office to address the allegations made in
19 the media and elsewhere about what the various State
20 agencies did or did not know about the sexual abuse of
21 children in Kincora and what those agencies did or
22 should have done with any such knowledge.

23 Concerns have been expressed by some that the
24 ability of this Inquiry to investigate matters relating
25 to Kincora is handicapped by the absence of powers of

1 compulsion. The Inquiry has powers of compulsion, which
2 it does not hesitate to rely on, if necessary. However,
3 the reality is that any court or Inquiry having powers
4 of compulsion does not need to use those powers when
5 there is voluntary and full cooperation by those from
6 whom information and documents are sought. It is only
7 where full cooperation is not forthcoming that a court
8 or Inquiry has to consider resorting to any such powers,
9 and this Inquiry is no different.

10 On 4th September 2013 the Inquiry announced that
11 Kincora was one of the institutions that it intended to
12 investigate. Following the announcement in 2014 that
13 there was to be a Public Inquiry into Child Abuse in
14 England and Wales, on 21st October 2014 the Secretary of
15 State for Northern Ireland responded to calls that
16 matters relating to Kincora should be considered by that
17 Inquiry by announcing that Her Majesty's Government
18 considered this Inquiry was the better forum for that
19 investigation.

20 The Secretary of State gave the assurance that there
21 will be the fullest possible degree of cooperation by
22 Her Majesty's Government and its agencies to determine
23 the facts.

24 In her statement she gave a number of other
25 assurances that have been sought by this Inquiry,

1 including the assurance that:

2 "All government departments and agencies who receive
3 a request for information or documents from the Inquiry
4 will cooperate to the utmost of their ability in
5 determining what material they hold that might be
6 relevant to it or matters for which they have
7 responsibility in accordance with the terms of reference
8 of the Inquiry."

9 This assurance and the related assurances dealing
10 with the verification of documents, funding and the
11 Official Secrets Act were acceptable to this Inquiry.
12 The Inquiry has been provided with full and voluntary
13 cooperation by all Her Majesty's Government departments
14 and agencies.

15 Not only have we been able to inspect the material
16 they have provided at our request, which includes
17 material that we were able to identify from the material
18 already provided by them that might also be relevant,
19 but we are going to examine the relevant material during
20 these public hearings.

21 The Police Service of Northern Ireland is a devolved
22 institution and so it can be compelled to cooperate with
23 the Inquiry, but it has also provided the Inquiry with
24 full and voluntary cooperation, and we are satisfied
25 that we have been able to inspect all material held by

1 it which the Inquiry considers relevant to its work.
2 That includes material that we were able to identify
3 from the material already provided by them that might
4 also be relevant and we are going to examine the
5 relevant material during these public hearings.

6 We have also acquired material gathered by the
7 Inquiry conducted by the late Judge Hughes and his
8 colleagues in the 1980s, including the transcripts of
9 sixty days of evidence before that Inquiry.

10 A number of individuals have publicly stated that
11 they will not cooperate with the Inquiry for various
12 reasons. Some are applicants to the Inquiry who were in
13 Kincora. While it is for them to decide whether they
14 wish to give evidence in person, we regret that they
15 have adopted that position, because this is their
16 opportunity to describe in person and in public their
17 experiences in Kincora. However, they have already made
18 written statements to us or have spoken to our
19 Acknowledgment Forum. Because we consider that it is
20 important that their accounts of their time in Kincora
21 are placed before the public, we will place their
22 accounts on record in the public hearings, even if they
23 do not come to give evidence in person.

24 In addition, there are three other individuals who
25 we believe are in a position to give relevant evidence

1 to the Inquiry and who have written or spoken to the
2 media in the past about their involvement with aspects
3 of Kincora. All three have been interviewed by the
4 police in the past.

5 Roy Garland has given lengthy interviews to the
6 media and made statements to the police. Brian Gemmell
7 has given interviews to the media and made statements to
8 the police. Colin Wallace has also made many statements
9 to the media and provided material that appears in "Who
10 framed Colin Wallace?" by Paul Foot.

11 As will be apparent during this module, the Inquiry
12 has gathered a great deal of material provided by or
13 relating to each of them in the past. Some of the
14 material was provided to the police by Roy Garland and
15 Brian Gemmell. Some took the form of correspondence by
16 Colin Wallace with a wide range of public and other
17 figures, including two Prime Ministers, other Government
18 Ministers and Members of Parliament. Over the years
19 Colin Wallace has refused to answer many questions posed
20 to him about Kincora by the police, by The Hughes
21 Inquiry and now by this Inquiry.

22 On 8th April this year the High Court dismissed
23 an application for judicial review relating to the
24 Inquiry, describing it as "premature and misconceived".
25 Last Friday the Court of Appeal dismissed the appeal

1 brought by the unsuccessful applicant and decided that
2 the Inquiry is entitled to proceed along the route which
3 we have mapped out.

4 In his concluding remarks the Lord Chief Justice
5 observed:

6 "There is a suggestion in this case that Kincora --
7 that children in Kincora were abused and prostituted in
8 order to satisfy the interests of national security. If
9 that is true, it must be exposed. As a society we must
10 not repeat the errors of the institutions and should
11 remember our obligations to the children. If the
12 suggestion is not true, the rumour and suspicion
13 surrounding this should be allayed."

14 After the High Court dismissed the application for
15 judicial review the Inquiry's solicitor wrote to Roy
16 Garland, Brian Gemmell and Colin Wallace inviting each
17 to become core participants in this module. It was
18 explained to them that this would mean that they would
19 receive all the documents the Inquiry Chairman
20 considered relevant, be entitled to take part in the
21 public hearings and to be legally represented, if
22 necessary at public expense, depending on their
23 financial resources.

24 Each was also requested to provide the Inquiry with
25 a witness statement dealing with a number of questions

1 set out in each letter. Each has declined the
2 invitation to be a core participant and has refused to
3 engage with the Inquiry. In effect, each has refused to
4 help the Inquiry or answer our questions.

5 The correspondence with each will be placed on the
6 Inquiry website this morning so that the offer -- the
7 terms of the offer made to each and the questions each
8 was asked by the Inquiry are publicly available.

9 Throughout its existence the Inquiry has not found
10 it necessary to take steps to compel anyone who is fit
11 to attend to give evidence or produce documents. That
12 has included a retired Cardinal, members and
13 representatives of religious orders from outside the
14 jurisdiction, and other individuals and organisations
15 who have produced documents to the Inquiry as well as
16 public authorities and government departments in
17 Northern Ireland and the rest of the United Kingdom.
18 All of these bodies and individuals agreed to
19 participate, to produce witnesses and documents and to
20 answer questions posed by the Inquiry without
21 compulsion. That is in contrast to the refusal of the
22 three individuals who have to date elected not to assist
23 the Inquiry in its investigations into Kinora.

24 Given the amount of material gathered by the Inquiry
25 which has been generated by or which relates to the

1 individuals concerned about the issues the Inquiry
2 intends to investigate, the Inquiry is confident that it
3 can thoroughly investigate all the relevant issues
4 relating to these individuals whether or not they
5 continue to avoid engaging with the Inquiry. We are not
6 dependent upon their evidence, and their refusal to
7 cooperate or answer our questions will not prevent us
8 from carrying out our investigations.

9 Nevertheless, if even at this late stage any of them
10 decides to assist the Inquiry by providing answers to
11 the questions we have asked, the Inquiry will enable
12 them to do so and involve them in the Inquiry as core
13 participants. The door is still open to them if they
14 want to change their minds. That door cannot remain
15 open much longer, because the Inquiry is compelled by
16 its terms of reference to finish its public hearings by
17 18th July. Unless they come forward very soon, it will
18 simply not be possible for the Inquiry to treat them as
19 core participants or call them as witnesses. If they
20 change their minds and are prepared to provide witness
21 statements and answer the questions we have posed to
22 them by close of business on Friday, 10th June, then we
23 will allow them to take part in the remainder of the
24 module as core participants. After that it will be too
25 late for the Inquiry to receive, consider and

1 investigate whatever they wish to say and to give
2 sufficient time for the other core participants to
3 respond. So that they are in no doubt about the
4 Inquiry's position and what we intend to do, copies of
5 these remarks are being sent to them this morning.

6 Mr Aiken?

7 Opening statement by COUNSEL TO THE INQUIRY

8 MR AIKEN: Good morning, Chairman, Members of the Panel. As
9 the Chairman has said, today marks the commencement of
10 Module 15 and what we anticipate will be the HIA
11 Inquiry's final module of public hearings, which will be
12 examining matters relating to the former Kincora Boys'
13 Hostel on the Upper Newtownards Road in East Belfast,
14 which, having opened in May 1958, closed as a home for
15 older teenage boys in October 1980 in the aftermath of
16 the Kincora scandal. We will also be looking at the
17 former Bawnmore Boys' Home, Newtownabbey, which opened
18 in the 1950s and closed as a boys' home in 1977.

19 Before I commence my opening remarks I am going to
20 invite appearances from those legal representatives
21 appearing before the Inquiry on behalf of the core
22 participants in respect of Kincora and Bawnmore. I will
23 be saying more about each of the core participants later
24 in the opening.

25 I am going to deal first with the two core

1 participants that span both Kincora and Bawnmore. I am
2 going to ask first for the appearance from the Health &
3 Social Care Board as the successor body standing in the
4 shoes of the Belfast Welfare Authority and post-1973 the
5 Eastern Health & Social Services Board. Those entities
6 were responsible for the provision and operation of
7 Kincora, the recruitment of its staff and for what
8 occurred there.

9 MS SMYTH: Chairman, Members of the Panel, I appear on
10 behalf of the Health & Social Care Board. I lead Miss
11 Murphy, and I am instructed by Miss Hannan, solicitor
12 consultant with the Directorate of Legal Services.

13 CHAIRMAN: Thank you, Ms Smyth.

14 MR AIKEN: The second appearance, Chairman, Members of the
15 Panel, is from the newly-formed Department of Health.
16 I should say that when last before the Inquiry it was
17 the Department of Health, Social Services & Public
18 Safety. The new Department of Health stands in the
19 shoes of the Ministry of Home Affairs and from 1973 The
20 Department of Health & Social Services, which were each
21 in turn responsible for the regulation and inspection of
22 children's homes, and I know Ms Smyth is going to deal
23 with that for Mr McGuinness.

24 MS SMYTH: Chairman, Members of the Panel, I have been asked
25 by Mr McGuinness to announce his appearance. He will

1 attend later today. He appears for the Department of
2 Health, as you know, and he is instructed by
3 Miss Stewart, who is in attendance.

4 CHAIRMAN: Thank you.

5 MR AIKEN: Then we have a series of new core participants
6 before the Inquiry appearing for the first time, though
7 only in respect of the Inquiry's investigation of
8 Kincora.

9 The first is the Police Service of Northern Ireland,
10 standing in the shoes of The Royal Ulster Constabulary,
11 which was responsible for policing in Northern Ireland
12 during the period that Kincora was in operation.

13 Mr Robinson.

14 MR ROBINSON: I am obliged. Mr Chairman, Members of the
15 Panel, my name is Mark Robinson. I appear on behalf of
16 the Police Service of Northern Ireland and I am
17 instructed by Gillian McMullan of the Police Legal
18 Services.

19 CHAIRMAN: Thank you, Mr Robinson.

20 MR AIKEN: The next set of core participants are jointly
21 represented by one set of legal representatives
22 appearing on behalf of four non-devolved departments and
23 agencies of Her Majesty's Government, otherwise referred
24 to as the United Kingdom Government. They were the
25 Northern Ireland Office, which was responsible for the

1 general governance of Northern Ireland from 1973 until
2 devolution. The second is the Ministry of Defence,
3 responsible for the army's presence in Northern Ireland
4 during the operation of Kinvara. The third and fourth
5 are two of the three limbs of the United Kingdom's
6 intelligence agencies, the domestic intelligence agency,
7 The Security Service, otherwise known as MI5, and the
8 international intelligence agency, The Secret
9 Intelligence Service, otherwise known as MI6. Both had
10 relevant roles in Northern Ireland during the decades of
11 terrorist violence and political instability that
12 afflicted Northern Ireland throughout the latter period
13 of the Inquiry's terms of reference.

14 Miss Murnaghan.

15 MS MURNAGHAN: Chairman, Members of the Panel, I appear with
16 Andrew Deakin. I am instructed by Mr Mark Murray of
17 Crown Solicitors, and I appear for all four of the core
18 participants, The Northern Ireland Office, The Secret
19 Intelligence Service, The Security Service and the
20 Ministry of Defence.

21 CHAIRMAN: Thank you, Ms Murnaghan.

22 MR AIKEN: As the Chairman has mentioned already this
23 morning, and I will say a little more about it in due
24 course, the Inquiry has invited a number of individuals
25 to become core participants during this module. Three

1 of them have not agreed to do so, but one of them, who
2 is a former resident of Kincora, who is given the
3 designation R20, has taken up that offer. I don't see his
4 legal representatives this morning and we will deal with
5 that appearance in due course.

6 Those are the appearances, Chairman, Members of the
7 Panel.

8 This will be my last opening to you at the end of
9 what has been a very long and difficult journey,
10 a difficult journey for the victims and survivors, who
11 have come forward voluntarily to the Inquiry to share
12 their experiences; also for those who have faced
13 allegations of abuse before the Inquiry; and for those
14 who face criticism from the Inquiry for the systemic
15 failures in regulation and operation of children's homes
16 in Northern Ireland that caused, facilitated or failed
17 to prevent the abuse of children.

18 It is also a difficult opening to deliver because,
19 although it is an established fact that children were
20 sexually abused by staff in Kincora, this Inquiry in
21 addition has to address amongst others a range of
22 extraordinary allegations not that this State failed to
23 prevent child abuse because of missed opportunities or
24 ineffective systems of oversight and regulation, but
25 that it with deliberation and planning cynically

1 orchestrated and utilised the abuse of children it was
2 supposed to care for in order to further its own ends.

3 If those allegations are true, that would mean that
4 those who had the privilege and responsibility of
5 protecting our citizens acted in a manner that
6 compounded the pain of those who suffered as a result.
7 If the allegations are no more than rumours and
8 suspicions without any basis in fact, they will have had
9 the effect of heaping further unnecessary misery on the
10 victims of abuse in Kincora. Consequently you may
11 consider, Members of the Panel, that it is vital that
12 this Inquiry address the extraordinary wider allegations
13 and establish through a detailed and methodical
14 examination of the evidence whether or not there is any
15 basis for them.

16 As the Chairman has just done, and I am going to
17 again do, to quote the Lord Chief Justice of Northern
18 Ireland, Sir Declan Morgan, endorsing again the work of
19 this Inquiry on just Friday past, said this:

20 "This society has been rocked to its core by the
21 shocking disclosure of the abuse of children in this
22 community over many years. Just as shocking has been
23 the manner in which institutions to which some of the
24 abusers belonged sought to protect the institution
25 rather than the children. There is a suggestion in this

1 case", said the Lord Chief Justice, "that children in
2 Kincora were abused and prostituted in order to satisfy
3 the interests of national security. If that is true, it
4 must be exposed. As a society we must not repeat the
5 errors of the institutions and should remember our
6 obligations to the children. If the suggestion is not
7 true, the rumour and suspicion surrounding this should
8 be allayed."

9 Chairman, Members of the Panel, if it is the case
10 that the State, whether in the guise of the police, the
11 army, the intelligence agencies or otherwise, did
12 connive, collude, orchestrate, utilise, exploit or cover
13 up sexual abuse at Kincora, then you may consider that
14 fact should be laid bare and the harshest criticism
15 should flow therefrom.

16 You will recall, Members of the Panel, that I began
17 by saying it is an established fact that staff in
18 Kincora abused their position to sexually abuse boys in
19 their care. If those wider allegations beyond that fact
20 are false, then these wider allegations promulgated now
21 over decades must be, you may consider, dispelled and
22 laid to rest.

23 During the course of the next number of weeks you
24 will hear evidence about and consider material relating
25 to a litany of missed opportunities and systems failures

1 by Social Services to act on and -- or act sufficiently
2 on information they received about Joseph Mains in the
3 1960s and in the main, though not exclusively, about
4 William McGrath in the 1970s. The information relating
5 to McGrath almost invariably emanated one way or another
6 from Roy Garland, a name with which you will become very
7 familiar during the course of this module.

8 You will also hear evidence about a number of missed
9 opportunities by the RUC to act sufficiently on
10 information received relating to William McGrath in the
11 1970s, most of which again emanated one way or another
12 from Roy Garland.

13 You will also wish to examine what information Roy
14 Garland actually gave to Brian Gemmell and what Brian
15 Gemmell did with it.

16 You will have to examine what information Colin
17 Wallace actually had about Kincora, when he had it and
18 what he did with it.

19 You will also have to look at the evidence to see
20 whether there was any attempt to block investigations
21 into Kincora. You will hear about the activities of
22 shadowy groups from our past, such as Tara, which was
23 headed by William McGrath. You will have to consider
24 hitherto secret police files, including Special Branch
25 files, as well as secret documentation from the

1 intelligence agencies, the army, the NIO and the Cabinet
2 Office. You will have to examine material to see
3 whether William McGrath was ever an agent of the State.

4 It will come as no surprise to you from your work
5 already that William McGrath was a person of interest
6 for the RUC, for the army and for the intelligence
7 agencies. Each have made their material relating to him
8 available to this Inquiry.

9 You will also hear me refer to, and you will read,
10 claims of State-sponsored child prostitution, paedophile
11 rings, blackmail and cover-ups, which you will have to
12 examine.

13 You will also have to consider the claim that the
14 former Head of The Secret Intelligence Service, Sir
15 Maurice Oldfield, while being at the head of the
16 intelligence network in Northern Ireland after his
17 retirement from The Secret Intelligence Service, and
18 doing that job at the request of the then Prime Minister
19 Margaret Thatcher, whether he abused boys in Kincora.

20 However, of principal importance amongst all of this
21 is that you will hear of a huge volume of homosexual
22 activity and abuse occurring between Kincora staff and
23 boys in their care and indeed between the boys
24 themselves in Kincora over a twenty-year period. In so
25 doing, you will also learn of the reality of

1 homosexuality in Belfast in the 1960s and 1970s,
2 including its use as a weapon to smear.

3 I will, in fact, spend a considerable amount of time
4 this week looking at what the residents of Kincora have
5 to say, because you may consider, Members of the Panel,
6 that it is in what they have to say that you will find
7 the truth or otherwise of some of the allegations that
8 have been made about what occurred in Kincora.

9 You may also consider, Members of the Panel, that it
10 is because their voices have not been fully or
11 sufficiently heard before that conclusions reached about
12 what occurred in Kincora have not allayed public
13 concern.

14 During the rest of this week you will hear the
15 voices of the victims through the material I will open
16 as I work chronologically through their accounts. Next
17 week you will also hear from some of those individuals,
18 who have come forward to speak to the Inquiry.

19 The breadth and the scale of the task relating to
20 Kincora, as you are aware, which, of course, continues
21 for the Inquiry beyond the public hearings of this
22 module, is enormous. However, you will hear me
23 repeatedly refer back to the central focus of what this
24 Inquiry is about and where you may consider our
25 attention must constantly remain:

1 Who was abused?

2 By whom?

3 Who knew about it?

4 What did they know?

5 When did they know about it?

6 What did they do with that knowledge?

7 What ought they to have done with it?,

8 always coming back to the central question for this

9 Inquiry whether systems failures by the State defined by

10 the Inquiry in the widest sense in respect of this

11 module caused, facilitated or failed to prevent abuse

12 occurring in Kincora.

13 When I refer to the key questions over the course of

14 this module, it is to those central eight questions that

15 I have just outlined to which I will be referring.

16 There is no doubt that some of the material this

17 Inquiry has gathered and will examine in this module

18 will be difficult and embarrassing for individuals and

19 organisations. That is an unfortunate consequence of

20 the responsibility placed on this Inquiry to investigate

21 a matter of profound public concern, to establish the

22 facts, to make criticism where it is warranted, and

23 where it is appropriate to do so, to allay public

24 concern.

25 It is, of course, necessary for all that if there is

1 a genuine desire to get to the truth, that people try to
2 set aside what they think they know from thirty-five
3 years of speculation, innuendo, rumour, suspicion and
4 silence and instead listen to and look at the evidence.

5 Due to the level of public concern around Kincora,
6 this Inquiry has set its face against conducting this
7 difficult and complex part of our work behind closed
8 doors. The Inquiry has determined that the only way to
9 deal effectively with these allegations is for our
10 hearings to be carried out in public. The public can
11 come and hear the evidence and read the documents. If
12 they wish to examine the evidence for themselves, they
13 will be able to read the transcripts of our proceedings
14 and look at the documents once we put them on our
15 website, something we will do as quickly as we can.

16 This Inquiry has enjoyed an effective working
17 relationship with the representatives of the media, who
18 have reported on the Inquiry's work over the last two
19 and a half years. Through that forum the Inquiry's
20 statutory obligation to make its work known has also
21 been facilitated. I hope they will understand when
22 I say that it is vital for the victims of Kincora that
23 the reporting of these public hearings is factual and
24 accurate. You may consider, Members of the Panel, based
25 on some of the material that has been gathered as part

1 of this Inquiry's investigation into Kincora that
2 reports of what did or did not happen in Kincora have
3 been -- often treated rumours and suspicions as facts.

4 I am going to show you, Members of the Panel, why
5 I say that by reference to the Irish Independent article
6 of 24th January 1980 that broke the story of the Kincora
7 scandal in the first place. If we can look, please, at
8 11528, if we can rotate that, please:

9 "Sex Racket at Children's Home."

10 You can see a picture of Gerry Fitt, MP, who was
11 involved, and you can see the headline:

12 "Fitt to raise 'cover-up' in Westminster."

13 Then if we move on to the next page, please:

14 "A major scandal erupted in the North last night on
15 allegations of an official 'cover-up' over the
16 recruiting of boys at a Belfast children's home for
17 homosexual prostitution."

18 So you can immediately see, Chairman, Members of the
19 Panel, two of the claims being made, that of a cover-up
20 and of homosexual prostitution:

21 "The matter is to be raised at Westminster by
22 independent MP Gerry Fitt, who was said to be and quoted
23 as 'shocked to the core' by the reports. 'If these
24 allegations are true, there has been some kind of
25 Watergate cover-up and those responsible should be

1 brought to book'.

2 The shock allegations about the home on the
3 outskirts of the city resulted in a police report being
4 sent to the Director of Public Prosecutions. But no
5 action was taken -- and reports on certain cases were
6 destroyed under orders from a senior member of the
7 Social Services Department, it is claimed.

8 A member of staff at the boys' home is alleged to be
9 involved with a Loyalist paramilitary group. Officials
10 in the Health Department were told this, but he has
11 retained his job -- despite being suspected of
12 encouraging children to engage in homosexual acts for
13 money and accepting payments for pimping.

14 The police reports name a number of important
15 Northern Ireland businessmen as being involved.

16 So far one of the children involved is alleged to
17 have committed suicide and another -- now living with
18 an elderly homosexual -- is said to have attempted
19 suicide.

20 Mr Fitt said, 'I am prepared to raise this matter at
21 Westminster and call for a full inquiry'.

22 The situation first came to light in 1977."

23 You will note the date:

24 "One boy who knew of the child prostitution is said
25 not to have received any support from social workers

1 when he faced a criminal charge -- because it was
2 thought advisable to have him locked up where he could
3 not talk.

4 Files on the allegations currently exist in two
5 police stations, Strandtown and Donegall Pass [in]
6 Belfast.

7 A detective at the Strandtown station is understood
8 to have 'conducted a intensive investigation of the
9 boys' home and the staff member under suspicion and to
10 have worked on the report, which was sent to the DPP'.

11 A number of people with information are ironically
12 forbidden under the Official Secrets Act from revealing
13 what they know about the crimes and the official
14 cover-up.

15 Since the police inquiry two Justices of the Peace
16 in Belfast have continued to send boys to the home.

17 Children at the centre range from 10 to 17. Some of
18 the alleged offences are claimed to have involved boys
19 as young as 12.

20 Last night a reliable source claimed that the man
21 suspected of having made large amounts of money by
22 'hiring out' teenage boys still held a senior position
23 at the home."

24 So that is the article that would lead to a series
25 of major police investigations and would see the

1 convictions in December 1981 of Mains, Semple and
2 McGrath, but also three others from other children's
3 homes, but having looked at the article, I want to now
4 look at The Hughes Inquiry report dealing with this
5 article based on their public hearings held in 1984 and
6 1985.

7 If we can go, please, to 75295, and I am going to
8 begin at paragraph 4.211. If we just can maximise that,
9 please:

10 "As we have said, Richard Kerr was never readmitted to
11 Kincora after he left on 7th November '77 and he went out
12 of care in May '79. There was, however, to be an important
13 postscript to the Richard Kerr case. At some time about
14 December 1979 Mrs Gogarty", that's Helen Gogarty, "and Mrs
15 Kennedy", Judith Kennedy, "met socially" -- they are
16 social workers -- "and Kincora was discussed. As a result
17 of their discussion and their shared concern that nothing
18 appeared to have been done to resolve the suspicions about
19 the hostel, they decided to approach the press. Mrs
20 Gogarty explained that she did not seek an interview with
21 Mr Gilliland", who was the Director of the Eastern Board,
22 "or Mr Bunting", the Assistant Director, "as an
23 alternative to this course" -- and quoting her --
24 "'Because I have been told that the decision to remove
25 Richard Kerr from Kincora was taken at the

1 very top'. The evidence is", says The Hughes Inquiry,
2 "that she was mistaken in that belief. Mrs Gogarty made
3 an approach to the press through a friend and this
4 culminated in the Irish Independent printing its
5 24th January 1980 article. As we suggested in the
6 opening paragraphs of this report, the real significance
7 of its publication was that it resulted in the
8 initiation of the RUC's investigation, which eventually
9 led to the convictions of Messrs Mains, Semple and
10 McGrath.

11 Some comments on details included in the Irish
12 Independent article are appropriate at this point in the
13 order listed in chapter 1 of this report.

14 (a) 'Allegations of an official "cover-up" over the
15 recruiting of boys at a Belfast children's home for
16 homosexual prostitution.'

17 You will recall that was the allegation carried in
18 the article. This says The Hughes Inquiry Panel:

19 "There is no evidence of boys at Kincora being
20 recruited for homosexual prostitution. The most
21 compelling refutation of this allegation is the absence
22 of any reference to homosexual prostitution in the
23 statements of the 101 Kincora residents interviewed by
24 the RUC and the Terry Inquiry, or in any statement made
25 to this Committee. R2", who is an individual that

1 I will talk about later in some detail, "whose
2 relationship with Mr Mains and Kincora spanned nearly
3 twenty years, said in response to his counsel's
4 questioning that he had no knowledge of homosexual
5 prostitution involving himself or any other boy in the
6 hostel. The only evidence which we received of any
7 possible relevance related to the suspicion arising from
8 Richard Kerr's journey to a hotel in Larne on 3rd October
9 1977, though this did not entail an overnight stay, and
10 the suspicion that Richard Kerr may on his own initiative
11 have been receiving money from men for homosexual
12 activity during his short stay at Williamson House in
13 February/March 1979."

14 That's long after he had left Kincora.

15 "Alternatively, this might refer to the homosexual
16 experiences of R18 in Bangor, which predated his
17 admission to Kincora, although there is no evidence that
18 these were known to the Social Services at any time or
19 that prostitution was involved. We believe, however,
20 that this allegation reflected ..."

21 If we can move on, please, to the next page, and if
22 we can maximise it. Just scroll down to the next page,
23 please:

24 "... that this allegation reflected Mr Morrow", who
25 was a Senior Social Worker, "Mr Morrow's erroneous

1 speculation that there was a link between Mr Mains, Richard
2 Kerr and the R23 case" -- that relates to Valetta Park --
3 "which he passed on to Mrs Gogarty and Mrs Kennedy."

4 So that's how the first and central allegation in
5 the article was dealt with by The Hughes Inquiry.

6 Then they tackle the allegation that:

7 "'A police report being sent to the Director of
8 Public Prosecutions but no action was taken.'"

9 They say this:

10 "No police file was opened in respect of the
11 Meharg/Cullen investigation" -- that's the '74 to '76
12 engagement which we will be looking at in some detail --
13 "or of the Sillery/Scully investigation" -- that's by
14 the police in 1977 -- "and there's no evidence that any
15 file relating to the Kincora staff and homosexuality was
16 ever sent to the DPP. We believe that this item again
17 referred to the Valetta Park case and to Mr Morrow's
18 perception of it."

19 They then tackle the allegation that:

20 "'Reports on certain cases were destroyed under
21 orders from a senior number of the Social Services
22 Department'",

23 and say this:

24 "No evidence of such activity came to our
25 attention."

1 As the Chairman has said, they held sixty days of
2 public hearings,

3 "In view of Mrs Kennedy's involvement with
4 Mrs Gogarty in December 1979, it is possible that this
5 referred to Mr Blair's deletion of some three lines of
6 her March 1979 report."

7 That's something we'll come back to.

8 Then they tackle this allegation:

9 "'A member of staff at the boys' home is alleged to
10 be involved with a Loyalist paramilitary group.

11 Officials at the Health Department were told this, but
12 he has retained his job -- despite being suspected of
13 encouraging children to engage in homosexual acts for
14 money and accepting payments for pimping. The police
15 reports name a number of important businessmen as being
16 involved.'"

17 The Hughes Inquiry says this:

18 "The paramilitary reference clearly related to
19 Mr McGrath and the statement that 'the Health Department
20 were told this' was correct insofar as the Eastern Board
21 was told by Detective Constable Cullen of Mr McGrath's
22 alleged paramilitary connections."

23 As you know, Members of the Panel, that's
24 a reference to Tara:

25 "The 'Health Department' designation was misleading

1 and was possibly based on Mr Morrow's erroneous
2 assumption that The Department of Health & Social
3 Services was aware of concern about Kincora. We did not
4 become aware of any suggestion or suspicion that
5 Mr McGrath was involved with homosexual prostitution.
6 It is possible that this partly reflected Mr Morrow's
7 speculative connection of Kincora with the Valetta Park
8 case and partly a confusion of Mr McGrath with Mr Mains,
9 although no allegations were made or charges brought
10 against any persons who might be described as 'important
11 businessmen' in the Valetta Park case. We received
12 evidence that no police file was opened in Kincora -- on
13 Kincora prior to 1980. We do not believe that this
14 reference could have been based on the 'prominent
15 people' to whom Detective Constable Cullen referred in
16 his dealings with Messrs Gilliland and Bunting in 1976.
17 The people in question had no connection with Kincora
18 and were, in fact, Mr McGrath's associates in other
19 spheres."

20 Then they tackle this allegation:

21 "'One of the children involved is alleged to have
22 committed suicide.'

23 This was obviously a reference to Stephen Waring. There is
24 no evidence that Stephen Waring was involved in any
25 homosexual activity in Kincora and his suicide, if such it

1 was, was almost certainly related to his being apprehended
2 for burglaries and to his imminent return to Rathgael."

3 Then the reference to:

4 "'The situation first coming to light in 1977. One
5 boy who knew of the child prostitution is said not to
6 have received any support from social workers when he
7 faced a criminal charge -- because it was thought
8 advisable to have him locked up where he could not
9 talk.'

10 This referred to Richard Kerr. Kerr's police statements
11 made no mention of child prostitution or of any homosexual
12 matter except the suspicion that Mr McGrath derived sexual
13 pleasure from wrestling with him. His 1982 allegation
14 against Mr Wichall related to his time at Williamson House,
15 some fifteen months after his discharge from Kincora. In
16 our view the suggestion that Richard Kerr did not receive
17 any support from social workers when he faced a criminal
18 charge (this was in November/December '77) is without
19 foundation. Richard Kerr was sentenced to a period of
20 borstal training after committing an offence of dishonesty
21 only ten days after being put on good behaviour by the
22 court. The proposition that young persons committed to
23 borstal training cannot 'talk' does not bear any close
24 scrutiny.

25 "'Children at the centre range from 10 to 17. Some

1 of the alleged offences are claimed to have involved
2 boys as young as 12.'" "

3 They say this:

4 "Kincora generally catered for boys in the 15-18 age
5 range and there was no conviction in respect of any
6 offence involving a boy of 12. It is possible that this
7 referred to the homosexual experiences hinted at by R18
8 and which predated his admission to Kincora at the age
9 of 15."

10 Then the report of the Hughes Inquiry says this:

11 "It will be plain that we regard some of the
12 allegations reported in the 'Irish Independent' article
13 as inaccurate. We believe that this resulted largely
14 because Mr Morrow", as I said, a senior social worker,
15 "as he himself acknowledged in evidence, speculated
16 freely about matters for which he had no evidence in
17 fact, and because Mrs Gogarty was an impressionable and
18 inexperienced officer, who accepted Mr Morrow's
19 speculations at face value and retailed them on that
20 basis. It is also clear from Mr McKenna's January 1980
21 police statement and other sources that Mr McKenna dealt
22 with his Social Services informants through a third
23 party.

24 Having made those observations, we have no doubt
25 that Mrs Gogarty's decision to approach the press was

1 motivated by an entirely commendable concern for the
2 welfare of children in care and that the article was
3 printed in good faith.

4 In addition, we are convinced that the evidence
5 shows that the situation which existed at Kincora would
6 have continued until such time as some decisive
7 intervention was made. The 'Irish Independent' article
8 constituted such an intervention, and whatever its
9 shortcomings, its publication was timely, courageous and
10 public-spirited.

11 Our acknowledgment of the integrity and value of
12 Mrs Gogarty's and the Irish Independent's actions is
13 accompanied by a critical examination of the articles
14 contents for three reasons: firstly, to establish as
15 accurate a representation of the Kincora episode as
16 possible, because we believe that in certain respects
17 media coverage since 1980 has given the public
18 an exaggerated picture of what occurred at the hostel;
19 secondly, because we believe that only by establishing
20 the facts of Kincora can the stigma which has come to
21 attach to every former resident, the great majority of
22 whom passed through the hostel unscathed, be removed;
23 and, thirdly, because we are conscious that a large
24 number of Social Services staff discharged their
25 professional responsibilities conscientiously without

1 receiving any hint of homosexual malpractice at the
2 hostel. The implication that the hostel was operated as
3 a homosexual brothel suggests a degree of negligence and
4 indifference on their part, which was not supported by
5 the evidence. In saying this, we do not minimise the
6 gravity of the offences which were committed or the
7 tragic consequences which these may have had for the
8 boys concerned."

9 Chairman, Members of the Panel, this Inquiry will be
10 examining the involvement of organisations that were
11 outside the remit of the Hughes Inquiry, but you will
12 want to bear in mind the central thrust of the passage
13 we have just looked at. Unfortunately this was not the
14 last media article relating to Kincora where the
15 accuracy of some or all of the claims may be found
16 wanting.

17 The word "Kincora", believe it or not, Members of
18 the Panel, refers to a location in Killaloe, County
19 Clare in the Republic of Ireland. It was the birth
20 place of Brian Boru, High King of Ireland in the
21 11th century. It became the location of his palace.
22 I am reasonably certain that when the two social
23 workers, Helen Gogarty and Judith Kennedy, resolved that
24 Helen should pass, unbeknownst to them, largely
25 erroneous information they had been given about Kincora

1 by their senior colleague, information unfortunately
2 based, as we have just seen, on that colleague's
3 capacity for speculation, exaggeration and gossip to
4 Peter McKenna, little did they think that the word
5 "Kincora" would instead thereafter be associated in the
6 Northern Ireland psyche with a house on the Upper
7 Newtownards Road in Belfast, with systemic and prolonged
8 child abuse, allegations of cover-ups or State operation
9 of or collusion in paedophile rings and blackmail plots
10 for the purposes of furthering political aims for
11 national security.

12 That newspaper article of 24th January 1980,
13 whatever the false premise on which it may have been
14 based, nonetheless acted as the catalyst for a major
15 proactive police investigation that uncovered that
16 sexual offences had been perpetrated by three members of
17 Kincora staff, Joseph Mains, Raymond Semple and William
18 McGrath, on boys in their care, but also of three
19 further individuals working in two other children's
20 homes in Northern Ireland: Peter Bone and Robert Elder
21 in Bawnmore and Eric Wichall in Williamson House. Those
22 men would all be convicted in December 1981.

23 We will be looking in considerable detail at the RUC
24 Kincora Phase One Inquiry, which, led by the then
25 Detective Chief Inspector George Caskey, traced 104 of

1 what we believe is the 309 in total former residents of
2 Kincora. What those individuals have to say you may
3 consider will be extremely important to the work of this
4 Inquiry. I say "traced", Members of the Panel, because
5 the Phase One investigation began with DCI Caskey
6 holding the Irish Independent newspaper article and
7 nothing else.

8 We will be looking in detail at the behaviour of the
9 three members of staff in Kincora who were the subject
10 of allegations, but for now DCI Caskey's investigation
11 saw in respect of Joseph Mains him being convicted of
12 six sexual offences, which included indecent assault,
13 gross indecency and the then offence of buggery
14 involving four boys who had resided in Kincora. The
15 time period as far as the charges were concerned spanned
16 from 1964 to 1979.

17 However, Members of the Panel, the complexities
18 involved in this story will become clear when we shortly
19 turn to look at the details of the abuse over the next
20 number of days. The convictions included in one
21 instance offending that began two years after the
22 individual involved, himself already a practising
23 homosexual, had left Kincora and care. In two other
24 instances the offending would begin while the boys were
25 resident, but the boys would continue as homosexual

1 adults to engage in sexual activity with Joseph Mains,
2 in one case for a further eighteen years.

3 I wish to be clear. Nothing I say should be taken
4 as minimising the breach of trust and criminal
5 behaviour, as it then was, engaged in by Joseph Mains,
6 nor the damage that his behaviour will have caused to
7 his victims, but this Inquiry is tasked with
8 establishing facts, and the fact is at a time when the
9 practice of homosexuality was illegal in Northern
10 Ireland that there are complexities to this story which
11 this Panel and those who follow and comment on this
12 module will need to understand and consider.

13 Raymond Semple was convicted of four sexual
14 offences, which included gross indecency and the then
15 offence of buggery involving two boys. The complexities
16 exist here too, as three of the four offences related to
17 one boy with whom Raymond Semple began a homosexual
18 relationship in Kincora, but which continued for another
19 eight years after the boy left.

20 William McGrath was different. He was convicted of
21 fifteen sexual offences, which included indecent
22 assault, gross indecency and two counts of the then
23 offence of buggery. That involved eleven boys. All of
24 those offences were committed in Kincora.

25 You will wish to consider, as we explore what the

1 residents have to say, that the convictions do not
2 necessarily represent the full extent of the abuse that
3 occurred. I will be saying something more about the
4 three individuals later in the opening.

5 However, following their convictions in December
6 1981 questions were, you may consider, understandably
7 asked about how this abuse by staff in Kincora could
8 have gone on for so long without being detected. It
9 also produced further newspaper reporting across three
10 days in January 1982, 12th, 13th and 14th January 1982,
11 this time by Ed Moloney and Andrew Pollak in the Irish
12 Times.

13 I want to look at those articles so you can
14 understand the allegations that were then being made.
15 I should say, Members of the Panel, before we do look at
16 them that media material surrounding Kincora is legion
17 and I am not going to spend time dissecting every
18 article or the allegations they contain, as it would
19 take years. A number of police investigations had to do
20 just that and they are available for you to read.
21 However, I am using some articles to illustrate and
22 consequently to assist you to reflect on what the two
23 separate police forces would discover during their
24 investigation of the Kincora affair, that much of what
25 was and you may consider continues to be reported in the

1 media and consequently is soaked up by the society was
2 often wide of the mark.

3 The difficulty in having that position understood is
4 that the extensive underlying investigatory work that
5 would be undertaken into media claims which would
6 establish, rightly or wrongly, that there was no basis
7 for the wider allegations would not be made public, as
8 is the nature of police and other government
9 investigations. Their promulgation of the conclusions
10 of the investigations, often mere short confirmations
11 that there was, in fact, no basis to many of the wider
12 claims, has not been sufficient to allay public concern.
13 You may consider that why those investigatory
14 conclusions were being reached has not been sufficiently
15 explained in detail in the past and so has been
16 misunderstood. It is why this Inquiry as part of its
17 work will make available as much of the investigatory
18 material as possible so that the basis for the
19 conclusions that were reached, which will be looked at
20 again by this Inquiry, can be considered and understood
21 for those who genuinely want to get to the truth about
22 Kincora. It is also why I will spend so much time over
23 the coming days giving voice to what the residents
24 themselves say occurred and what they say did not occur.

25 That being said, I want to turn to look at the three

1 Irish Times articles that were published in the
2 aftermath of the convictions in December 1981. If we
3 can look, please, at 21312, the first article is of 12th
4 January 1982. You can see the headline was:

5 "Cover-up of homosexual vice ring claimed in
6 Northern Ireland":

7 "The Northern authorities blocked an RUC
8 investigation into an alleged homosexual prostitution
9 ring in 1976, which involved British officials in the
10 Northern Ireland Office, policemen, legal figures,
11 businessmen and boys in care at the Kincora Boys' Home
12 and other homes run by the Eastern Health Board, the
13 Irish Times has learned."

14 So you can see the development of the allegation
15 from that which was made in the Irish Independent in
16 1980.

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

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

1 Among others suspected of involvement in the ring
2 were police officers, East Belfast businessmen and
3 Justices of the Peace. In some cases their names were
4 supplied to the police and in others they had been
5 traced via car registration numbers supplied to the
6 police.

7 These allegations were made known at a high level
8 within the RUC, but further inquiries were ordered to be
9 dropped. It is not known how high within the force the
10 allegations had been taken, nor is it known whether the
11 Northern Ireland Office was consulted about the affair."

12 If we scroll up, please:

13 "The allegations of a prostitution ring were first
14 made in early 1976 when a 16-year-old boy, who was
15 a former resident at the Kincora home, made a complaint
16 to a senior social worker in East Belfast."

17 I will ask you to note that, Members of the Panel.

18 "His initial complaint was made against a close
19 relative, into whose care he had been transferred by the
20 Eastern Health & Social Services Board two years
21 earlier. Before that the boy, whose parents were
22 divorced and living in England, had been living at the
23 West Winds Boys' Home in Newtownards, at Kincora and at
24 another home in the Belfast area.

25 A 'Place of Safety Order' was taken out on the boy,

1 who was returned to the care of the Eastern Health Board
2 and placed once again in the West Winds Home. The RUC
3 was asked to investigate his allegations, and following
4 a police inquiry, the boy's close relative pleaded
5 guilty to a number of sexual offences, including
6 buggery, dating back to 1972 while the boy was under the
7 care of the Eastern Health Board. In May 1976 he was
8 sentenced to five years' imprisonment.

9 The boy also alleged that he was one of a group of
10 boys, some of whom he had met while a resident at the
11 Kincora Home, who were regularly escorted by men to
12 hotels in East Belfast, Newtownards, Bangor, County
13 Down, and along the County Antrim coast where sexual
14 offences took place. He also alleged that he had been
15 introduced to the ring by his close relative."

16 If we can move on to the next page, please:

17 "Last month after three former members of staff at
18 the Kincora Home pleaded guilty to charges of buggery,
19 gross indecency and indecent assault committed against
20 boys in their care which stretched back to 1963, they
21 received terms of imprisonment ranging from four to
22 six years.

23 It is also known that subsequent to the start of the
24 RUC's Kincora Inquiry two years ago" -- that's the RUC
25 Phase One Inquiry led by then DCI Caskey -- "one of the

1 men who had admitted his involvement in the homosexual
2 ring of 1976 also admitted that he had been part of the
3 Kincora circle.

4 None of this was known to the team of RUC detectives
5 led by Superintendent George Caskey", as he had become,
6 "who spent nine months investigating the Kincora case.
7 The Kincora investigation was reckoned to have been one
8 of the most expensive -- extensive and expensive in the
9 RUC's history.

10 184 people in the North and in Britain were
11 interviewed by the RUC and 33 came forward to make
12 allegations against the Kincora house warden Joseph
13 Mains, his deputy, Raymond Semple, and the housefather,
14 William McGrath, all from Belfast.

15 Following their convictions and sentencing, there
16 were allegations in the North that the Kincora affair
17 had been covered up for twenty years and it was revealed
18 in the Irish Times that British intelligence believed
19 William McGrath to have been the head of Tara, a shadowy
20 Protestant paramilitary organisation.

21 Following this, the Eastern Health & Social Services
22 Board announced that a Committee of Inquiry would
23 investigate the Kincora affair."

24 That's a reference to the McGonagle Committee:

25 "However, since then pressures from concerned social

1 workers and others has led the Department of Health and
2 Social Services to reconsider the matter.
3 An announcement of a wider inquiry, possibly judicial in
4 character, is now expected later this week."

5 So you have there, Members of the Panel, reference
6 to a three-year paedophile ring involving establishment
7 figures, an alleged blocking of an RUC investigation
8 into it, and the evidence for it, if we go back up,
9 please, to 21312, in the right-hand column is what was
10 alleged to be from a former resident of Kincora. That
11 is R23. These allegations would be the subject of
12 investigation by the RUC during its Kincora Phase Two
13 Inquiry that I will be telling you about shortly.

14 Detective Superintendent Caskey's analysis of these
15 allegations, just these in this article, would cover
16 some forty pages of his 211-page police report -- you
17 will find that in the bundle at KIN20040 to 20079 -- in
18 addition to the supporting evidence upon which the
19 conclusions he reached were based. The Sussex
20 Superintendent Flenley that you will hear me speak of
21 later would separately investigate these particular
22 allegations and would devote 94 pages of his 250-page
23 police report just to these allegations alone. You will
24 find that passage, Members of the Panel, at KIN40348 to
25 40472, in addition to the supporting evidence upon which

1 the Sussex Constabulary conclusions were based.

2 Members of the Panel, you will be able to read the
3 investigative material, but in short according to R23,
4 amongst other things, he was never in Kincora. He had
5 no association with Kincora. He knew no residents of
6 Kincora, and while abused by some of his -- while abused
7 by his uncle and some of his associates, was not
8 according to him introduced to a paedophile ring, nor
9 was he involved in prostitution.

10 The police investigations concluded that the same
11 male social worker who had indirectly contributed to the
12 mistaken basis of the 1980 Irish Independent article,
13 who had an involvement in R23's social care, was also
14 involved in providing inaccurate information to the
15 journalists from the Irish Times.

16 If we can look, please, at 40372, Superintendent
17 Flenley observed in paragraph 933 of his report:

18 "The initial denial by Mr Morrow that he had passed
19 information to the press and even his subsequent
20 considered admission that he had is still at variance
21 with the evidence attributed to him by Mr Pollak."

22 It was Ed Moloney and Andrew Pollak who wrote the
23 article.

24 "There are too several important -- there are
25 several important contradictions contained in some of

1 the seven statements made by Mr Morrow to the police and
2 between matters attributed to him by other witnesses.
3 Ironical though it may be, however, Mr Morrow, as the
4 originator and promulgator of allegations which were in
5 the main a gross distortion of the truth or completely
6 fabricated, became indirectly responsible for
7 stimulating press interest in the affair to such
8 an extent that it ultimately resulted in the true facts
9 being revealed."

10 The second article, Members of the Panel, was
11 heralded in the first and was published the following
12 day. If we can look, please, at 21314, it is of 13th
13 January 1984 -- 1982. I am not going to go through the
14 article in full, but the story concentrated on a series
15 of events that were said to be known to social workers
16 in respect of Kincora. If we just scroll down so you
17 can see the length of the article and you will have
18 an opportunity to read it. If we move on to the next
19 page, please, you can see again a reference to suicide
20 bids. If we scroll on to the next page, please, we get
21 the third page of the article.

22 This newspaper article and its claims about what the
23 Social Services knew would give rise to an analysis by
24 Detective Superintendent Caskey during the Kincora Phase
25 Two Inquiry. Some analysis had already been conducted

1 in the Phase One Inquiry, but significant time would be
2 given over to looking at who knew what in the Phase Two
3 Inquiry. It would also involve 44 pages of analysis in
4 the report of the Sussex Superintendent Flenley. You
5 will find that at 40476 to 40520. We will be looking at
6 the facts around the missed opportunities by the Social
7 Services later in the module.

8 The third story of 14th January 1982, if we look,
9 please, at 40983, is entirely accurate or almost
10 entirely accurate. It is based on the evidence of
11 Kincora resident R8, who left Kincora in 1971, and
12 complained to the Belfast Welfare Authority about Joseph
13 Mains. It would see Henry Mason, the Children's Officer
14 of the Belfast Welfare Authority, reopen what has become
15 known as "the Mason file" and recommend that the police
16 be informed about the three complaints about Joseph
17 Mains he by then had. This was before William McGrath
18 would take up a post as houseparent in Kincora. The
19 rejection of Henry Mason's recommendation is something
20 to which we will be returning.

21 As the Irish Times articles predicted, on 15th
22 January 1982 an Inquiry was set up by the then Secretary
23 of State for Northern Ireland James Prior. He
24 established the McGonagle Inquiry. It was not a public
25 judicial inquiry like this Inquiry, and it ended on 12th

1 February 1982, after only two witnesses had been called.
2 It ended, amongst other reasons, because a fresh RUC
3 police investigation -- what would become known as the
4 RUC Kincora Phase Two Inquiry -- had been established on
5 10th February 1982. It would become, as I've said,
6 known as the Phase Two Inquiry. I have just been
7 speaking about it in the context of the Irish Times
8 articles. By then Detective Superintendent Caskey, as
9 he had become, would again head it under the oversight
10 of the then RUC Assistant Chief Constable John
11 Whiteside. It would examine a vast array of wider
12 allegations that had been linked to Kincora, whether
13 with justification or not. It would also receive one
14 genuinely fresh complaint from a resident who had not
15 been spoken to during the Phase One Inquiry.

16 In addition, because of allegations being made now
17 against the RUC post the 1981 convictions in respect of
18 Kincora, the then RUC Chief Constable, Sir John Hermon,
19 also made a request to Her Majesty's Inspectorate of
20 Constabulary to provide a Chief Officer from an outside
21 police force to examine the allegations against the RUC
22 and also to oversee the RUC/Kincora Phase Two Inquiry
23 that was to be conducted by Detective Superintendent
24 George Caskey.

25 Her Majesty's Inspectorate of Constabulary nominated

1 Sir George Terry, then Chief Constable of Sussex
2 Constabulary, who agreed to take up the appointment. He
3 was supported by Detective Superintendent Gordon
4 Harrison and Chief Inspector Richard Flenley, who
5 himself had been promoted Superintendent by February
6 1983.

7 On 18th February 1982 the then Secretary of State
8 for Northern Ireland informed the United Kingdom
9 Parliament of the developments and the government's
10 intention to hold a judicial inquiry once the police
11 inquiry investigations were complete. The open part of
12 the RUC Phase Two investigation into the wider
13 allegations relating to Kincora was completed in August
14 1982. I will be saying more about it in due course.

15 What was probably not known until today was that as
16 part of the RUC Phase Two Inquiry Detective
17 Superintendent George Caskey submitted a substantial
18 secret file to the Director of Public Prosecutions in
19 March 1983 reporting on the RUC investigations into
20 military intelligence and Kincora, in particular based
21 on claims made up to that point by Colin Wallace, but
22 also which included investigations relating to other
23 army officers, including Brian Gemmell, which led to the
24 RUC's attempts to speak to an officer of the security
25 service working in Northern Ireland by the name of

1 Ian Cameron. These are names that will become very
2 familiar to you over the coming weeks.

3 We will look at this secret RUC file, which the PSNI
4 has made available for publication by this Inquiry, but
5 I want to conclude this overview chronology before I do
6 that.

7 I wonder, Chairman, before I go on is this
8 an appropriate point to take a short break?

9 CHAIRMAN: Yes. We will take a short break and resume in
10 fifteen minutes.

11 (11.35 am)

12 (Short break)

13 (11.50 am)

14 CHAIRMAN: Yes, Mr Aiken?

15 MR AIKEN: Chairman, Members of the Panel, just before the
16 break I mentioned the secret RUC file dealing with
17 military intelligence that has been provided to the
18 Inquiry and I indicated I would be coming back to that
19 once I had finished this overview.

20 The -- I have mentioned already the inquiry that was
21 also conducted by Sir George Terry. The "Conclusions,
22 recommendations and final comments" section of
23 Sir George Terry's report, as had been promised at the
24 time the Secretary of State made the announcement in
25 1982, were published by the RUC on 29th October 1983.

1 What was not published at that time was the rest of his
2 report, although this has since been released by the
3 PSNI under a freedom of information request, although
4 that may not necessarily have been widely known.

5 It will become apparent during our work that,
6 amongst others, the NIO did not consider the covering
7 Sir George Terry report to be a terribly impressive
8 piece of work. However, the two substantial reports
9 from his Sussex officers, Harrison and Flenley, on which
10 the Terry covering report was in part based, have never
11 been publicly available. You may consider because of
12 the level of detail they contain on the matters they
13 relate to that they may be of a different order from the
14 covering Terry report and you may consider that they are
15 likely to be of substantial assistance to your work.

16 The PSNI have also made these important reports and
17 the material upon which they were based available to
18 this Inquiry, and I will return to those reports in due
19 course.

20 Following the publication of the latter part of the
21 Terry report on 18th January 1984, the Secretary of
22 State for Northern Ireland announced the intention of
23 Government to establish the Committee of Inquiry into
24 Children's Homes and Hostels under the Chairmanship of
25 His Honour William Hughes, a retired -- a recently

1 retired English County Court judge. We have generally
2 referred to it as "The Hughes Inquiry" during our work.
3 We will look further at its remit and findings in due
4 course.

5 The report of the Hughes Inquiry was delivered to
6 its sponsored department, the then Department of Health
7 & Social Services for Northern Ireland, on 31st December
8 1985 and it was published on 4th February 1986. It
9 identified and criticised a series of missed
10 opportunities by Social Services to detect at an earlier
11 stage what was occurring in Kincora. It also flagged up
12 without identifying him by name -- they refer to him as
13 "Informant B" -- the central role that Roy Garland
14 played in making various communications to police and
15 Social Services about William McGrath. As we will come
16 to see, Roy Garland's communications about William
17 McGrath were not limited to the police or Social
18 Services, but included politicians, religious figures
19 and also military intelligence. What he was actually
20 saying in the 1970s is likely to be a matter for close
21 scrutiny by this Inquiry. I will say more about that in
22 due course.

23 Prior to and during the currency of the Hughes
24 Inquiry Colin Wallace, who from 1980 was in prison
25 serving a sentence for manslaughter that would later be

1 overturned, had recommended -- sorry -- had recommenced
2 briefing journalists and engaging in prolonged
3 correspondence with Government about various matters,
4 such as the activities he engaged in while working as
5 an information officer for the army in Northern Ireland,
6 his hearing before the Civil Service's Appeal Board, his
7 resignation from the Civil Service post in 1975, his
8 manslaughter conviction in 1980, but also what he
9 claimed to know about Kincora.

10 I want to show you an article written by
11 Ian McCaskell from the News of the World on 22nd March
12 1982. There is a copy in the police papers at 30234,
13 but I want to look at a better copy that's available at
14 3542, please. 3542. You will immediately note the
15 date. This article comes after the Irish Times article
16 of January 1982 that we have already looked at, which
17 first ran the story of a paedophile ring involving
18 establishment figures. We have touched on the
19 difficulties uncovered in respect of the basis for that
20 article, but this article of 22nd March 1982 says this:

21 "A convicted killer holds the key to a growing sex
22 scandal involving top members of the establishment.

23 Colin Wallace, serving ten years for manslaughter,
24 is threatening to expose the guilty men. He says he
25 knows the names of MPs, lawyers, civil servants,

1 councillors and policemen involved.

2 Wallace has told friends of a secret list of 60 men
3 in the homosexual vice ring centred on Kincora House,
4 a school for deprived children in Belfast.

5 The ring was smashed at the end of last year when
6 three staff members were jailed for offences against
7 boys. Now the Government has ordered an inquiry into
8 why it operated undetected for 20 years.

9 Wallace had access to the secret file when he served
10 with the Army Information Service in Ulster.

11 Now Belfast Independent MP Gerry Fitt has demanded
12 that the list should be made public. He also wants
13 Wallace to be allowed to give evidence to the inquiry.

14 The killer has, I understand, refused to give
15 evidence to a preliminary police probe. He wants
16 guarantees that he will be able to give a full account
17 of what happened, the people involved and access -- and
18 refer to secret papers.

19 Then he says he is prepared to 'blow the lid' off
20 the whole Kincora affair.

21 Wallace has told friends that he saw the list at
22 Army HQ in Lisburn. The names were on three foolscap
23 sheets.

24 The file is said to be made up of pen portraits of
25 people involved and details of roles they played.

1 The list includes names of MPs who visited Ulster
2 before the scandal was first exposed two years ago.

3 Senior civil servants seconded from London to
4 Belfast are also named, plus local politicians who used
5 the vice ring or know about it and took part in the
6 cover-up.

7 And detectives have reopened inquiries into the
8 death nine years ago of 10-year-old Brian McDermott,
9 whose burned and horribly mutilated body was found in
10 a Belfast river.

11 Wallace was jailed for ten years last year for
12 killing his assistant's husband in the It's
13 a Knockabout -- It's a Knockout case."

14 So this article speaks of a secret file with
15 a secret list over several foolscap pages with sixty
16 names on it. It is supposed to be in the Army
17 Headquarters in Lisburn, known as HQNI, and he was said
18 to have had access to it.

19 When the police endeavoured to interview him,
20 Wallace would later disavow the sixty names part as far
21 as the alleged list was concerned and that would carry
22 for Superintendent Caskey the implication that he was
23 accepting such a list was said to exist.

24 When the RUC spoke with Ian McCaskell, they
25 eventually obtained from him handwritten material that

1 the journalist had received. If we can look, please, at
2 30270, this is the copy of the handwritten notes that
3 were obtained from Ian McCaskell. In fact, by the time
4 the RUC obtained them from Ian McCaskell Superintendent
5 Caskey had already got a similar copy from another
6 journalist. So it had wider circulation than just
7 Ian McCaskell.

8 The handwritten material covered a series of issues,
9 including the circumstances surrounding Wallace's
10 manslaughter conviction in 1980, but it also referred to
11 Kincora. You may consider, because of its content, that
12 the material can only have emanated from Colin Wallace.
13 That was the conclusion reached by Superintendent
14 Caskey.

15 The transcription of this document is easier to read
16 for our purposes. It was carried out by the RUC. If we
17 look at 30... -- in fact, just before we do that, if
18 I can just observe that the section relating to Kincora
19 that you can see about six lines down is the relevant
20 portion. It runs for about eight lines and it will be
21 transcribed word for word on to the page we are about to
22 look at. If we look, please, at 30273, so you can see
23 it begins:

24 "Background: Information Officer (equivalent rank
25 to Lieutenant Colonel) in the Ministry of Defence, a

1 psychological warfare organisation. Was a senior
2 officer in the Psychological Operations Unit, which
3 operated in Northern Ireland under cover of the title
4 'information policy' with the Army Information Services.
5 Also served as a Captain in the UDR from '71 to '75.
6 First reported the Kincora vice ring in the early '70s,
7 but no action was taken. In 1974 he complained to
8 senior officers that a cover-up of the Kincora ring was
9 preventing the killers of 10-year-old Brian McDermott
10 were being apprehended. Named three people thought to
11 be linked with the vice ring who were suspected of the
12 killing. Later an intelligence organisation planned to
13 discredit a number of Ulster politicians by falsely
14 implicating them in the ring -- Wallace refused to take
15 part. He discussed Kincora with a number of journalists
16 in 1974 and was suddenly posted out of Ulster, accused
17 of being pro RUC and of giving information to the press
18 without authority. It is believed that a number of
19 senior MPs at Westminster -- including several Cabinet
20 Ministers -- were involved in the cover-up."

21 You can see then:

22 "The following sequence of events may be of significance
23 -- McGrath questioned by police; Wallace charged with
24 murder; a senior Tory Minister resigns; John McKeague is
25 shot dead. On three separate occasions Wallace

1 was recommended for decorations for services in Ulster.
2 He left the Ministry of Defence and resigned his
3 commission in the UDR in 1975."

4 The document carries on and deals with lots of other
5 issues, but what I have shown you is the passage that
6 relates to Kincora. So you can see the allegations that
7 are then being made, and we will later in the module
8 look at lots more material around this issue, but I am
9 flagging it up for you at this stage.

10 You will notice the reference in the document as it
11 was carried in the covering article in March 1982 that
12 there was a linking between Kincora and what was the
13 1973 murder of Brian McDermott, a young boy who was 10.

14 However, as we will see when we come back to look at
15 this in detail, Ed Moloney we looked at from the Irish
16 Times had, in fact, caused the re-opening of the
17 McDermott murder when he spoke to Superintendent Caskey
18 on 19th February and then published an article about the
19 fact that the police had reopened the investigation on
20 1st March 1982. This article that we have been looking
21 at from the News of the World was 22nd March 1982.

22 Wallace's what you may consider to be prolific
23 engagement with press and Government, though not
24 necessarily meaningfully with police or inquiries for
25 the reasons that he gives, saw the eventual production

1 it would appear in November 1984 in a rather circuitous
2 manner that we will come back to when we look at this in
3 detail later in the module of an edited copy of what was
4 claimed to be a memo Colin Wallace wrote as an Army
5 Information Officer based in HQNI in Lisburn on 8th
6 November 1974.

7 So bearing in mind what we have just seen, I want us
8 to look at the memo. If we can look, please, at 35081,
9 we will come back to look in detail at the circumstances
10 around this memo, but you can see it is dated 8th
11 November 1974, and of immediate note you will see it
12 says:

13 "Tara -- Reports regarding criminal offences
14 associated with the homosexual community in Belfast.

15 Reference A: Attached RUC background paper on Tara.

16 B: Attached RUC report on the death of Brian
17 McDermott.

18 C: Your request for a press investigation into the
19 matters referred to above."

20 So you can immediately understand that this isn't
21 a document in isolation. It's a document that's being
22 prepared based on other documents that are being looked
23 at.

24 You can see that it is said of the RUC background
25 paper:

1 "Reference A adds nothing of real significance to
2 what we already know of the background to Tara. It
3 contains a number of inaccuracies ... various items
4 ...",

5 and so on. You can then see paragraph 2:

6 "If we are to interest the press in this matter with
7 a view to exposing what has been taking place and
8 thereby stopping further assaults on the youngsters in
9 these hostels, then I would strongly advise that we make
10 use of our own background information and exclude the
11 rather contentious and indeed politically suspect
12 material contained in the above. As you know, I did try
13 to develop press interest in this matter last year", so
14 that would be 1973, "but without any success. I also
15 feel that it is difficult to justify our involvement in
16 what is purely a police and political matter because in
17 my opinion Tara is no longer of any security interest."

18 If we scroll down to paragraph 4, you will see:

19 "Reference A deals with McGrath's background in
20 considerable detail but it is inaccurate", this record
21 says, "in a number of respects. The Kincora Hostel was
22 opened in 1959 under the control and administration of
23 the Belfast Corporation Welfare Department. He does
24 not, as the paper claims, run the hostel. He is
25 employed as a housefather. The warden of Kincora is

1 Joseph Mains and the deputy warden is Raymond Semple.
2 Mains was appointed in 1959 and Semple in 1964. Both
3 men are known homosexuals. Indeed, various allegations
4 of homosexual assaults on inmates of the hostel were
5 investigated by senior Welfare Department staff in 1967
6 but no action was taken against anyone (see notes of
7 a report by Mr Mason at flag N)."

8 Now if I just pause there to observe this document
9 is said to be written in November 1974, and when we come
10 back to it, we will have looked in detail at how the
11 Mason investigation developed and what was known about
12 it and who knew about it, but if this document is
13 correct, then Colin Wallace knew about it in 1974.

14 "It is untrue to say that allegations of assaults on
15 the inmates of Kincora 'began shortly after his
16 appointment'. As I have pointed out ..."

17 So you can see that that is quoting from a document
18 that is said to be available to him in 1974 that is
19 saying, "McGrath has been assaulting inmates shortly
20 after the commencement of his employment".

21 "As I have pointed out in paragraph 4, allegations
22 were made as early as 1967 and there is also evidence
23 that assaults may have taken place as early as 1959,
24 soon after Mains was appointed."

25 Sorry. I am speaking about Mains, not McGrath.

1 Then you have paragraph 6 dealing with McGrath:

2 "Reference A claims that McGrath 'is a known
3 homosexual', but it avoids any links -- it avoids any
4 mention of his links with various other key figures in
5 the local homosexual community other than to insinuate
6 that a number of well-known political personalities with
7 whom he came into contact were also homosexuals."

8 You can see:

9 "For example, in paragraph 6 of reference A it is
10 claimed" -- so that's the RUC police report is said to
11 record that -- "it is claimed that McGrath left his
12 previous employment 'as a result of a lovers' quarrel
13 with his employer whereas our information would tend to
14 indicate that he left following a row over
15 an outstanding debt. His former employer, Roy Garland,
16 is well-known in Unionist Party circles (see also
17 Clifford Smith) and for some time -- and was for some
18 time the second-in-command of Tara. Admittedly some of
19 the personal correspondence between the two men during
20 this period cannot be regarded as normal between
21 employer and employee (see flag M)."

22 So we now are up to M in terms of the backing
23 documents to which this note is referring:

24 "... cannot be regarded as normal between employer
25 and employee. Whatever the real reason for the row

1 between Garland and McGrath, there is certainly
2 considerable animosity between them at present and
3 Garland has been actively engaged in trying to have
4 McGrath removed from his post. Garland's own version of
5 events (see flag 0) is, of course, very enlightening
6 ..."

7 So this implies that by November 1974 there is
8 a written version of events from Roy Garland in the
9 hands of Colin Wallace:

10 "... is, of course, very enlightening, but I would
11 suggest that it should be treated with caution until it
12 can be substantiated because of the antagonism between
13 them."

14 You then can see paragraph 7:

15 "McGrath was himself the subject of an internal
16 investigation by Belfast Welfare in '72/'73 following
17 allegations of more homosexual assaults on the inmates
18 of Kincora. One of our own sources confirmed in 1972
19 that a number of complaints had been received about his
20 behaviour and that, although the complaints had been
21 passed to senior welfare staff and to the RUC, no action
22 had been taken against him."

23 You will want to bear that in mind when we come to
24 look at the chronology and when the first incident
25 involving McGrath occurred in Kincora. It then says:

1 "This would appear to be confirmed to some extent by
2 Mr Orr (see flag R) ..."

3 So there are now -- I am not sure where R is in the
4 alphabet. It is eighteen.

5 "... in 1973. There were, of course, similar
6 allegations relating to other hostels during this period
7 (see Bawnmore, West Winds, Burnside, etc) ..."

8 One of the issues that Superintendent Caskey
9 examined is when there was anything publicly known about
10 these other locations:

11 "... and this conflicts with reference A's assertion
12 that the allegations were confined to Kincora."
13 You can see then there is reference to the Brian McDermott
14 murder in paragraph 9 and reference to John McKeague. If we
15 just scroll further down, please, and then:

16 "Reference A claims that a number of key
17 personalities in the political arena are aware of ..."
18 -- not that McGrath is a homosexual, but -- "... are
19 aware of the Kincora situation and in particular of
20 McGrath's background."

21 So again this is in the RUC report that is being
22 referred to. It makes reference to a number of
23 individuals who, as we will see from the police reports,
24 were linked and discussed during the police
25 investigation.

1 If we scroll further down, please, we can see at
2 (c):

3 "Various public and political figures who hold
4 positions of power and who are also homosexual protect
5 each other from prosecution. The claim of
6 a prostitution ring involving juveniles and centred on
7 Bangor is not really substantiated."

8 Now you will recall me observing that the case of
9 R23 came to light in 1975. If we scroll down a little
10 further, please, the conclusions and recommendations of
11 the document are this:

12 "I am far from happy with the quality of the
13 information available on this matter, and I am even more
14 unhappy because of the, as yet unexplained, failure of
15 the RUC or the NIO to take on this task.

16 I find it very difficult to accept that the RUC
17 consistently failed to take action on such serious
18 allegations unless they had specifically received some
19 form of policy direction. Such direction could only
20 have come from a very high political or police level.
21 If that is the case, then we should be even more wary
22 about getting involved.

23 On the other hand, if the allegations are true, then
24 we should do everything possible to ensure that the
25 situation is not allowed to continue. The youngsters in

1 these hostels almost certainly come from problem
2 families and it is clear that no-one will fight their
3 cause unless we do. Those responsible for the murder of
4 Brian McDermott must be brought to trial before another
5 child is killed, and if it can be proved that there is
6 a connection with this homosexual group, then the RUC
7 must be forced to take action, irrespective of who is
8 involved.

9 I would recommend therefore that:

10 (a) We make one final attempt to get the RUC to
11 investigate the matter or at least discuss the matter
12 with RUC" -- I think that's the liaison officer -- "LO.

13 (b) We obtain very clear and unambiguous authority
14 from London to proceed with a press disclosure.

15 (c) We approach a responsible journalist who we are
16 confident will make a thorough investigation of the
17 matter and not simply write a sensational type story
18 purely on the information he is given.

19 (d) We continue to look for additional information
20 on this matter to ensure that we are not just being used
21 as part of some political disinformation scheme."

22 You can see that it is typeset "JC Wallace, Senior
23 Information Officer". You will see it has been
24 annotated then with information that obviously postdates
25 1983, because it is commenting on it being amazing that

1 Sir George Terry could reach the conclusions that he
2 did.

3 CHAIRMAN: I think you will find these annotations are not
4 in Mr Wallace's hand.

5 MR AIKEN: Yes. They are from another individual that we
6 will come back to.

7 Now the MoD position, as we will come to see, is
8 they have never been able to find this memo in any army
9 file, nor any of the documents that it purports to rely
10 on, nor is there anyone who has ever acknowledged
11 knowing anything about it, and that's something we will
12 come back to look at in some detail, but the position
13 must be this, Members of the Panel. If the memo is
14 credible, then it raises serious questions that need to
15 be answered by the core participants before this
16 Inquiry, who each disavow any knowledge of it or the
17 principal underlying documents to which it refers. If
18 it is not credible, then it raises serious questions as
19 to why it exists at all and what further disservice and
20 damage it has done to the real victims of Kincora.

21 What Colin Wallace actually knew and was saying in
22 the 1970s about William McGrath and Kincora is likely to
23 be a matter for close scrutiny by this Inquiry later in
24 the module. This 8th November 1974 in terms of its date
25 document would be the subject of analysis by The Hughes

1 Inquiry, with whom, despite you may consider significant
2 effort on the Inquiry's part, Colin Wallace would not
3 cooperate, but 8th November 1974 memo would also be the
4 subject of a further secret report of 28th August 1985
5 from Detective Superintendent Caskey to the Director of
6 Public Prosecutions in Northern Ireland following
7 a further secret police investigation that he conducted
8 into the document's veracity. The PSNI have again made
9 that secret report available to this Inquiry and it is
10 also a subject to which I will return.

11 I pause to say something about The Hughes Inquiry
12 and observe that, given the context of the last decade
13 across the globe in terms of child abuse inquiries, The
14 Hughes Inquiry was very much an early manifestation of
15 the work we have been engaged in. Perhaps part of the
16 difficulty surrounding its work and consequently the
17 conclusions it reached about Kincora was the age in
18 which The Hughes Inquiry was conducted. It was the time
19 before computers and the internet, with the result that
20 transcripts of the evidence, received over sixty days of
21 hearings, and indeed the contents of its report has not
22 been widely known about or understood, something this
23 Inquiry intends to remedy. That's a subject I will also
24 return to.

25 Colin Wallace's correspondence with the highest

1 echelons of the United Kingdom Government would go on
2 beyond the time of The Hughes Inquiry. In the late
3 1980s it would be discovered that statements made to
4 Parliament in 1987 by the then Prime Minister Margaret
5 Thatcher relating to the British Army's involvement in
6 black propaganda in Northern Ireland in the 1970s was
7 based on inaccurate information that was given to her by
8 the Ministry of Defence. The material this Inquiry has
9 seen and at its request received from the Cabinet Office
10 demonstrates the consequences that flowed from that
11 sequence of events. David Calcutt, QC was appointed to
12 conduct a review of Colin Wallace's resignation from his
13 post working for the British Army via the hearing before
14 the Civil Service Appeals Board and recommended that
15 Colin Wallace receive compensation.

16 However, what is probably not known until today is
17 that the confidence with which the British Government
18 repeatedly rejected the core of Colin Wallace's claims,
19 which included, as we can see, claims about Kincora, was
20 based on a secret investigation conducted by the MoD in
21 the late 1980s, but to which the intelligence agencies
22 and the Northern Ireland Office, amongst others, would
23 contribute. That culminated in a 1989 report -- if we
24 can just look at 114050, please -- that culminated in
25 a 1989 report entitled "The Wallace Case" by the

1 appointed MoD investigator, Mr AG Rucker. That report
2 is also being made available to this Inquiry and is
3 another subject to which I will return.

4 At much the same time as the Rucker investigation
5 was occurring books such as "The Dirty War" by Martin
6 Dillon and "Who framed Colin Wallace?" by Paul Foot were
7 being published. It may be it was at this point --
8 though no doubt representatives of the core participants
9 will help me in the normal way with our collaborative
10 approach if there is an earlier manifestation of this
11 specific allegation -- it is at this point that we would
12 first see the allegation that it was, in fact, not just
13 a cover-up of a paedophile ring, but that the paedophile
14 ring was itself a proactive MI5 operation.

15 If we can look, please, at 5380, we can see the
16 front cover of Martin Dillon's book "The Dirty War",
17 which was published in 1990. You can see from the
18 index, if we move through to 5383, please, that it was
19 a general text about various events during our so-called
20 Troubles, but chapter 7 -- if we move through on to the
21 next page, please, you can see the subjects that the
22 book covered -- but at chapter 7, "Dirty tricks and
23 conspiracies: Holroyd and Wallace", and that's the
24 annotations that we looked at previously come from
25 Mr Holroyd.

1 I want to show you the allegation that Colin Wallace
2 was then said, according to Martin Dillon, to be making
3 about Kincora, which is in chapter 7, if we can look,
4 please, at 5408, and in the left-hand column about
5 halfway down -- so if you can maximise the left-hand
6 column for me, please, and you can see the third
7 paragraph:

8 "Wallace also claims that MI5 were aware of
9 a homosexual vice ring operating within the Kincora
10 Boy's Home in East Belfast. He says he was sufficiently
11 concerned about Kincora that he reported the matter to
12 a member of the intelligence staff at Army HQ in
13 Lisburn, but it was not dealt with, because Kincora was
14 part of an MI5 operation. Wallace says this was cynical
15 manipulation which resulted in the ill-treatment and
16 continued sexual abuse of young boys. The boys' home
17 was run by William McGrath, a notorious homosexual, who
18 was the leader of a shadowy paramilitary organisation,
19 Tara. Tara was strongly anti-communist but ironically
20 anti-UVF."

21 Then it refers to McGrath as a member of the Orange
22 Order and a member of Ian Paisley's Free Presbyterian
23 Church and says this:

24 "He may well have been in the employ of MI5 from the
25 mid-1960s. He had access to the Loyalist community and

1 as such was a mine of knowledge about Loyalism and
2 Unionism. He was later prosecuted for homosexual
3 offences at Kincora."

4 Then you can see:

5 "Others who were said to be part of the homosexual
6 ring are now dead. One of them was John McKeague, who ran
7 another Loyalist paramilitary organisation, The Red Hand
8 Commandos, which was involved in many sectarian killings.
9 John McKeague's organisation attracted many teenage
10 recruits."

11 Now I want to make clear again, Members of the
12 Panel, and for those who are listening to what I am
13 saying, this Inquiry is not an Inquiry into Colin
14 Wallace and his claims, though it will look at the
15 claims he has made about Kincora, which is what this
16 Inquiry is about. I have, however, set out this
17 post-1980 overview chronology in order to at the
18 commencement of this module demonstrate the breadth and
19 nature of the subject that's categorised under the term
20 "Kincora". It is for this reason -- and I don't
21 apologise for repeating them -- that this Inquiry's task
22 must always remain focused on the key questions:

23 Who was abused?

24 By whom?

25 Who knew about it?

1 What did they know?

2 When did they know about it?

3 What did they do with what they knew?

4 What ought they to have done with what they knew?,

5 all coming back to the central question of systems

6 failures that caused, facilitated or failed to prevent

7 abuse.

8 The allegations did not, of course, stop in 1990.

9 In 1996 you had the publication of Chris Moore's book

10 "The Kincora Scandal". I am going to show you the

11 author's note. If we look, please, at 5004, if we just

12 maximise the right-hand side of the page:

13 "Since 1990 the name Kincora has been associated in

14 the public mind with the homosexual abuse of young men

15 in care, but because of the nature of the media coverage

16 of the story and some wild speculation about the events

17 at Kincora there have been many misconceptions. For

18 example, the word 'prostitution' has been used in

19 relation to the abuses at the hostel in East Belfast,

20 but it is quite clear from the evidence of former

21 residents that this allegation is without foundation.

22 In statements to the authorities those abused made

23 allegations only against the three members of staff at

24 Kincora, who were subsequently convicted in court. Some

25 made allegations against individuals at other State-run

1 institutions, which also resulted in convictions.
2 No-one alleged that he was taken to other men for sexual
3 activity or that men came to Kincora to engage in sexual
4 congress with the young men in care there",

5 at least at the time of writing. We will see that
6 post-2000 there are some claims of that kind:

7 "Another issue concerns Tara, the group William
8 McGrath established. Initially it was set up as
9 a ginger group, a talking shop, which was intended to
10 form a cohesive Unionist response to the rapidly
11 developing political upheaval of the late 1960s and
12 early 1970s. It must be stressed that Tara was never
13 a proscribed organisation. It provided Unionists with
14 a melting pot to take a variety of ideas and develop
15 a strategy to deal with what they viewed as
16 a deteriorating political situation.

17 Later McGrath was to use Tara as a means of trying
18 to prepare for a 'Doomsday' situation, the day Northern
19 Ireland would face the prospect of British withdrawal"
20 -- if we scroll down, please -- "and a united Ireland.
21 He used Tara as a pool from which to draw individuals
22 into what he regarded as a paramilitary group, although
23 not paramilitary in the more usual sense of the word,
24 not a group which would conduct a campaign of violence
25 like that of the IRA, UVF or UFF. For instance,

1 although there is some evidence to suggest that a small
2 number of individual members of the group were armed
3 with illegal weapons, Tara itself never engaged in
4 a single military operation during the 25 years of
5 conflict in Northern Ireland. McGrath's idea was to
6 prepare a group of men in platoons of 20 who would not
7 be called upon to fight until Doomsday arrived. In the
8 Doomsday scenario law and order would have completely
9 broken down and the army and RUC would be either
10 disarmed or withdrawn to barracks prior to a total
11 British withdrawal. McGrath's plan was that Tara would
12 step in at this stage and provide leadership for the
13 Protestant people, taking control of the rogue elements
14 of the Loyalist paramilitaries and providing support for
15 the legitimate forces of law and order. McGrath was
16 very much against the murderous campaign of tit-for-tat
17 killings conducted by Loyalist groups.

18 Some of the men who attended meeting of Tara were
19 later to become influential figures in Unionist circles,
20 and it is important to remember that Tara was
21 an entirely legitimate organisation. There is no
22 suggestion that these individuals were at any stage
23 involved in the paramilitary activities described above,
24 nor that they had any knowledge of attempts made by
25 McGrath and by a small number of Tara members to obtain

1 weapons.

2 Similarly, it must also be stressed that, although
3 McGrath himself was a homosexual, it has never been
4 alleged, nor is there any suggestion, that any other
5 members of Tara were homosexual.

6 Against while there is a suggestion that McGrath may
7 have been working for British intelligence agencies,
8 there is no evidence to suggest that other members of
9 the group were similarly engaged or even aware that
10 McGrath may have been an intelligence agent.

11 Detailed in this book is the extraordinary ability
12 of William McGrath to compartmentalise his life in such
13 a way that even individuals in Tara who were acquainted
14 with one another neither knew nor guessed that McGrath
15 had so many different dimensions to his personality. It
16 was partly the skill with which he managed to do this
17 which enabled him to keep his activities secret for such
18 a long period."

19 So that was the author's note to the book. I am
20 just going to show you the front cover at 5000, please.
21 You can see it refers to "The Kincora Scandal: Political
22 Cover-Up and Intrigue in Northern Ireland". There on
23 the front cover is a circle with the stamp of MI5.

24 Since the inception of this Inquiry there has been
25 plenty of further media commentary on matters relating

1 to Kincora, including about this Inquiry, unfortunately
2 not all accurate or informed. I am just going to show
3 you two of the more recent articles which concern Brian
4 Gemmell, although his claims are not new in that he
5 spoke to the RUC in 1982 and then made claims in
6 a Public Eye programme as James in 1990. He also
7 featured as James in Chris Moore's book.

8 One story was carried in the Belfast Telegraph on
9 1st August 2014. If we can look, please, at 125001, if
10 we scroll down, please:

11 "Brian Gemmell said a senior MI5 officer told him to
12 stop looking into claims of abuse at Kincora Boys' Home
13 in East Belfast.

14 He said he presented a report on the allegations to
15 the officer in 1975.

16 In 1981 three senior care staff at the home were
17 jailed for abusing 11 boys."

18 I want to pause there, Members of the Panel, to draw
19 attention to what's going to be an important issue for
20 you to grapple with as we look at this material. What's
21 being said here is that the MI5 officer told him to stop
22 looking into claims of abuse at Kincora Boys' Home in
23 East Belfast, not claims that William McGrath was a
24 homosexual, but that William McGrath, the homosexual,
25 was abusing boys in Kincora, and that distinction is

1 going to become something of fundamental importance
2 before the Inquiry.

3 "In 1981" -- with reference to the care staff -- "it
4 has been claimed that people of the highest profile were
5 connected to abuse at the home.

6 Mr Gemmell, who worked as an intelligence officer in
7 Northern Ireland in the 1970s, has called for a fresh
8 investigation.

9 He has previously spoken anonymously about his
10 investigations into Kincora, but said he had decided to
11 go public because he feels the allegations need to be
12 investigated again.

13 The former intelligence officer said he learned
14 details of what was happening inside the home while
15 gathering information about Loyalists.

16 He said he was told he was running two agents who
17 had close links to Kincora.

18 However, after presenting his report to a senior MI5
19 officer" -- that's Ian Cameron -- "Mr Gemmell said he
20 was told to cease his investigation.

21 He said, 'I was summoned to go and see him. I went
22 up thinking he was going to be pleased with me.

23 He bawled me out. He was rude and offensive and
24 hostile.

25 He told me not just to stop any investigation into

1 Kincora, but to drop Royal Flush' (an agent he was
2 running).

3 Mr Gemmell said Kincora should be investigated again
4 but said, 'There is not a lot of hope" that it will
5 happen.

6 'I think there's more hope than there has been in
7 the past. Although there's not a lot, there is more
8 than in the past.'

9 Earlier this month another former army officer,
10 Colin Wallace, said any new investigation must have
11 access to information from intelligence agencies.

12 Mr Wallace said he received intelligence in 1973 to
13 say that boys were being abused, but claims some of his
14 superiors refused to pass on the information."

15 The other article was carried in the same paper on
16 24th January 2015. If we look, please, at 125057, so
17 you can see this time the headline is:

18 "Army ferried 'top MI5 officer' to two meetings at
19 the boys' home."

20 You can see reference is made:

21 "Last August he volunteered through an article in
22 the Belfast Telegraph to help the Hart Inquiry or any
23 other body investigating the Kincora scandal.

24 Speaking last week, Mr Gemmell told us he had not
25 yet heard from the HIA."

1 What was carried in this article amongst others
2 prompted your public statement, Chairman, that, in fact,
3 no contact had been made with the Inquiry.

4 "Speaking last week, Mr Gemmell told us he had not
5 heard from the Inquiry.

6 He said, 'One soldier who worked for me told me
7 after I left that he drove a civilian, who he now thinks
8 was MI5, but never identified himself, from HQNI to
9 a meeting in Kincora. He did it a couple of times'.

10 He went on, 'My intelligence NCO (non-commissioned
11 officer) drove him to Kincora and he was inside for half
12 an hour and then he drove him back. I am prepared to
13 give the Inquiry the name of the driver'. He added, 'It
14 didn't really impact him that significantly at the time
15 sitting outside in the car.

16 He still has some papers on Kincora too, so I think
17 he could be useful.

18 It was only that when things heated up about the
19 whole Kincora issue that it struck him as odd, but being
20 a good intelligence man he shut up and said nothing
21 publicly.'

22 'I suspect ...' -- Mr Gemmell said, 'I suspect that
23 they won't call me, because this is too hot to handle.
24 There will be efforts by the authorities to avoid me
25 being called'.

1 The former officer has previously accused Ian
2 Cameron, an MI5 veteran of Cold War Berlin, who worked
3 here, of warning him off investigating Kincora.

4 This allegedly happened after he passed on
5 information from Roy Garland and others."

6 Now the Inquiry has asked Mr Gemmell to provide the
7 name of the NCO that he refers to in this article, as he
8 said he would do. He has not done that as yet.

9 I want to say something now about the material that
10 the Inquiry has received in respect of this module.
11 Before I do that, I want to explain some of the
12 Inquiry's workings in respect of Kincora, because some
13 of our working has involved complex and difficult issues
14 that the Inquiry has not had to deal with in other
15 modules and I want to publicly explain how they were and
16 will be dealt with.

17 As I have already said, the Inquiry resolved that it
18 would only conduct its Kincora hearings in public and
19 would not resort to closed hearings, as that would fuel
20 the very type of suspicion around Kincora the Inquiry
21 wishes to confront as part of its work. The Inquiry
22 wants its public hearings and the relevant material it
23 has determined should be made public to be seen and
24 understood by the public.

25 The Panel are, of course, aware that the Inquiry's

1 position does cause real difficulties for those entities
2 such as the police and the non-devolved departments and
3 agencies who hold secret and top secret material and
4 information that would not normally see the light of
5 day, nor the fact of the existence of that material
6 necessarily be acknowledged. Those organisations have
7 nonetheless accepted the Inquiry's working model and
8 have worked to meet the Inquiry's requirements.

9 Equally the Inquiry is aware of the various serious
10 issues that can arise in this area, including risks to
11 life and to the capability of Government departments and
12 agencies to carry out their present and future work
13 effectively on our behalf. Consequently very difficult
14 and time-consuming work has gone on to make available
15 for publication by this Inquiry considerable quantities
16 of highly important but sensitive material relevant to
17 this Inquiry's work.

18 As part of the evidence-gathering process the
19 Inquiry required to receive from each devolved or
20 non-devolved Governmental core participant and indeed
21 non-devolved departments and agencies who the Inquiry
22 deemed that it did not require to be core participants
23 -- receive from them witness statements verifying the
24 work they had undertaken, based on search terms provided
25 to them by the Inquiry, to identify files relevant to

1 the Inquiry's work.

2 In addition, they had to provide the Inquiry with
3 file lists setting out the relevant files the searches
4 had uncovered. Where the Inquiry considered it
5 necessary, further requests were made for specific files
6 or types of files and further searches were then
7 undertaken for them. In some cases the Inquiry sought
8 and was shown files of a type that would be maintained
9 if an individual had a particular status in order to
10 contrast that with the files that did exist on
11 an individual the Inquiry had an interest in examining.

12 Some of the file lists contain information that the
13 Inquiry considers does not need to be made public,
14 because, for instance, they may put lives at risk.
15 Therefore, the file lists in this category have been
16 provided to the Inquiry marked "secret" and it is the
17 Inquiry's present intention that they will be maintained
18 by the Inquiry in a secret Inquiry file that will then
19 be lodged by the Inquiry in a secure location at the end
20 of its work. That file will have instructions as to its
21 preservation and the circumstances under which it can be
22 opened after the time when the Inquiry no longer exists.
23 The relevant material required by the Inquiry from the
24 files on the lists has been made available and will be
25 published.

1 The secret file will also contain closed narratives
2 provided by the PSNI, the army and the intelligence
3 agencies as to what they have explained to the Inquiry
4 about their positions, particularly around the status of
5 individuals the Inquiry was interested in. The Inquiry
6 has worked with those organisations to ensure that the
7 information the Inquiry considers necessary for its work
8 to be properly carried out and in order for it to be in
9 a position to determine matters critical to the Inquiry
10 will, however, be publicly available.

11 While no doubt there are those with a keen interest
12 for various reasons in all sorts of information being
13 made public, the Inquiry is focused on its terms of
14 reference, including in respect of Kincora the terms of
15 reference it has set for itself, and which no Government
16 department or agency has sought to influence. It is
17 only material essential to this Inquiry's work that will
18 be published by it, even though, as the Panel is all too
19 aware, the Inquiry has seen much material beyond.

20 I should also say that while Government departments
21 and agencies maintain the policy of what's known as
22 NCND, or "neither confirm nor deny", in respect of the
23 status of individuals, including for the purposes of
24 their ongoing work today and into the future, those
25 affected by it before the Inquiry have also accepted

1 that this Inquiry will make those determinations that
2 it, the Inquiry, considers it needs to make, including
3 on the status of an individual where this Inquiry
4 considers that necessary for it to properly carry out
5 its work.

6 I appreciate that the Panel from its own
7 considerable work in respect of Kincora in advance of
8 the public hearings is aware of the material that has
9 been received, but I trust that you will forgive me if
10 I explain publicly what has been provided to the
11 Inquiry, as it may well be the Panel will not want to
12 call each witness statement maker to speak to their
13 statements, simply because you may come to the view that
14 it's not necessary to do so.

15 As I am talking if the reference -- if the
16 references I give, the material can come up on the
17 screen, but I am not going to pause to go through them.
18 I am just going to show them and continue to speak and
19 I trust that will be acceptable.

20 First, I am going to deal with the Department of
21 Health, which has provided the Inquiry with four witness
22 statements received in respect of this module. If we
23 can bring up, please, 501, the first is from the
24 Permanent Secretary of the Department of Health, Richard
25 Pengelly, who has provided a statement of 8th April

1 2016. That's at 501. It runs through to 505, with
2 exhibits that run from 506 to 520. The statement
3 explains the steps taken by the Department -- if we just
4 can show it on the screen, please, 501. The statement
5 explains the steps taken by the Department to find and
6 make available to the Inquiry relevant files relating to
7 Kincora and also to account for those files that it is
8 aware of once existed but no longer does.

9 We then have a statement from Dr Hilary Harrison, no
10 stranger to the Panel, of 15th April 2016 on behalf of
11 the Department. If we can go to 521, please, the
12 statement runs from 521 to 534 -- if we just can scroll
13 through, please -- in the evidence bundle, with exhibits
14 from 535 to 554.

15 I will show you paragraph 3.1, please, if we can go
16 on to 526, because, as you are aware, Members of the
17 Panel, time and time again before the Inquiry Health
18 & Social Services professionals have said to the Inquiry
19 that the 1980s Kincora revelations were a truly
20 watershed moment in respect of the knowledge of sexual
21 abuse in institutional care. It will be a matter for
22 this Inquiry as to whether it was a systems failure that
23 this may have been the case. It says:

24 "The HIA Inquiry has been concerned with the state
25 of knowledge of the potential for abuse of children in

1 institutional care during the period 1922-1995. The
2 Department has given evidence to the effect that
3 knowledge of the potential for systematic sexual abuse
4 of children by staff did not become part of the
5 professional social work consciousness until the Kincora
6 scandal broke in 1980 and The Hughes Inquiry
7 subsequently uncovered the incidence of sexual abuse by
8 staff in Kincora and other children's homes. It is
9 noted that in cross-examination during The Hughes
10 Inquiry hearings some DHSS officials were pressed to
11 'admit' that the DHSS was/should have been aware of the
12 potential for such abuse in single sex establishments at
13 a much earlier stage. The Department acknowledges that
14 there may have been earlier personal awareness by social
15 work professionals of individual incidents of sexual
16 abuse of children by adults and/or sexually -- sexual
17 activity between peers, particularly in all-male
18 institutions. However, it stands by its assertion that
19 institutional sexual abuse of children by staff was not
20 recognised as a phenomenon until the early 1980s."

21 It is said:

22 "This is borne out by a number of research studies
23 and the evidence to The Hughes Inquiry of Mr Bunting,
24 the then Assistant Director for Childcare at the Eastern
25 Health & Social Services Board, in relation to his

1 attendance at a European conference in relation to that
2 subject in 1982."

3 There is a further statement from Dr Harrison, which
4 begins at 555 in the bundle. If we can go to that,
5 please, it runs from 555 to 562 and it deals with the
6 inspection function of the Department in relation to
7 Kincora. I want to show you the conclusions that she
8 expresses, please, at 561. It is:

9 "... review of the above information, the Department
10 has come to the conclusion outlined below.

11 With reference to its inspection record, the
12 Department has in previous statements acknowledged the
13 limitations of the inspection approach adopted by the
14 Ministry of Home Affairs", which operated, as you know,
15 until 1973 as the regulator, "in terms of its nature and
16 capacity to effectively evaluate the quality of care in
17 the home. The Department has suggested, however, that
18 the Ministry methodology of an acceptable standard --
19 was of an acceptable standard for its time and
20 inspections appear to have been carried out in general
21 on an annual or biannual basis. Unlike Bawnmore,
22 Kincora was, however, only 'formally' inspected twice by
23 the Ministry of Home Affairs during the '62-'72 period,
24 although there is no doubt that in view of the frequency
25 of more informal visiting of the home during that time

1 Ministry of Home Affairs inspectors would have been
2 reasonably well acquainted with the operation of the
3 home and its staff. The Department has claimed in
4 previous statements that visits to homes were introduced
5 by SWAG", the Social Work Advisory Group, "following the
6 reorganisation of the Health & Personal Social Services
7 in 1972, and proposed that this may have been due to the
8 influence of a UK-wide Government policy emanating from
9 the Seebohm report."

10 Then Dr Harrison says this:

11 "The then Chief Inspector of SWAG", the Social Work
12 Advisory Group, "Mr Pat Armstrong, acknowledged to The
13 Hughes Inquiry that whilst a series of visits took place
14 to children's homes during the 1970s, statutory homes
15 tended to be visited with less frequency than those in
16 the voluntary sector. As noted above, an inspection of
17 Kincora was conducted in '79 and whilst it would appear
18 that apart from the '79 inspection there is no evidence
19 of the home having been visited formally or informally
20 between 1972 and January 1980.

21 The DHSS did not challenge the criticism of the
22 Hughes Report of its record of inspections in relation
23 to Kincora and this Inquiry is now aware of the
24 significant initiatives which both pre-empted and
25 followed the Hughes report. These evidence the gravity

1 with which the DHSS regarded the events in Kincora and
2 the other children's homes considered by The Hughes
3 Inquiry.

4 With regard to the potential for more regular or
5 in-depth inspections or visits to Kincora to have
6 detected abuse" -- and that's a matter of some
7 importance, Members of the Panel -- "the Department has
8 noted above the conclusions of the Inquiry in relation
9 to the inspection visits to the home by the Belfast
10 Welfare Authority Children's Officers representatives
11 and the Eastern Health & Social Services Board's
12 visiting social worker. Despite these roles and the
13 roles of the Welfare and Board Committees having been
14 discharged in general compliance with the regulations
15 and with integrity, abuse of children occurred and
16 continued to occur even when such visiting was
17 increased. Even if inspection visits by the Ministry or
18 by SWAG had been increased during this period, these
19 would naturally have been completed in a manner
20 consistent with contemporaneous knowledge and standards.
21 Therefore The Hughes Inquiry conclusions that the
22 inefficacy of the Children's Officer inspections as
23 a means of protecting against sexual offences applied
24 with even greater force to the monthly statutory visits
25 of the members of the Belfast Welfare Committee might

1 well have applied with greater force again to
2 a programme of annual inspections of the Kincora Home
3 carried out in accordance with the standards of the day.
4 Within this context the Department believes that the
5 lack of a regular inspection programme by SWAG did not
6 signify a missed opportunity to prevent abuse."

7 The Department then says this:

8 "There is no doubt that inspection methodology in
9 Northern Ireland quickly developed into a more rigorous
10 process, which now examines the care provided in
11 children's homes against defined and measurable
12 standards of quality and care. Whilst inspection does
13 not of itself prevent abuse, it is nevertheless
14 an important element within a framework of factors that
15 work together to safeguard children. The framework
16 itself is, however, continuously developing and
17 improvement -- and improving. One might well find that
18 the standards of today are not the acceptable standards
19 of tomorrow."

20 Now if I can just pause there and draw attention to
21 two matters, what Dr Harrison is alluding to and which
22 will be a relevant consideration for you as you reflect
23 on the wider allegations that are being made is the fact
24 that coming into Kincora there were regular visits of
25 different kinds. So within the District Social Services

1 you had the assigned social worker who was visiting.
2 You had the Personal Social Services Committee and its
3 representatives visiting. You had social workers
4 visiting the children, and the point that's being made
5 is in spite of those events occurring, what was going on
6 in Kincora, and I repeat what was going on in Kincora,
7 because what you find, what you determine was going on
8 in Kincora will be relevant to why those who were coming
9 in may or may not have known about what was said to be
10 occurring or what you find was occurring, and
11 Dr Harrison is then going one step further and saying,
12 "If that is the case for the regular monthly visits that
13 were by and large being conducted in accordance with the
14 requirements of the statutory regime, then it's not
15 likely that inspection carried out on an annual basis is
16 likely to have been any more effective than the regular
17 monthly visiting that was going on as part of the
18 statutory structure". That's what I take the point to
19 be. No doubt if I have got that wrong, the written
20 submissions from the Department will make that clear.

21 The fourth Department statement is from Mrs Eilish
22 McDaniel. That can be found at 563 to 4 in the bundle,
23 and that's confirmed to the Inquiry that the Department
24 did not have to deal with any civil claims arising out
25 of Kincora.

1 I note the time, Chairman.

2 CHAIRMAN: Yes. This might be a convenient moment. We will
3 adjourn now until 2 o'clock.

4 (1.00 pm)

5 (Short break)

6 (2.00 pm)

7 CHAIRMAN: Yes, Mr Aiken?

8 MR AIKEN: I see Ms Doherty spying the plan that has been
9 applied to the wall. If I can ask you -- we have lost
10 the clock for now and I will explain later when we get
11 to the right portion what that's about, but that's the
12 significant efforts put in by Ms Slevin, Ms Kelly and
13 others to help me illustrate some detailed and difficult
14 issues that we are going to come to.

15 Just before lunch I was finishing off the Department
16 of Health reference. We may have to find a different
17 place for the clock so that I can see one, but we'd
18 mentioned the Department having confirmed in a statement
19 that they had no civil claims.

20 They have made me aware over lunch that since the
21 signing of that statement they have become aware, just
22 received proceedings from Richard Kerr, who I mentioned
23 this morning, the core participant, and that set of
24 proceedings are against a series of entities, of which
25 the Department is one. So I am sure we will be able to

1 look into that a little bit more as necessary.

2 What I want to do then, having summarised for you
3 the four statements we have received from the Department
4 of Health, is move on to look at the Health & Social
5 Care Board, which has also provided four statements.

6 If we could bring up on the screen, please, 1034.
7 Before I deal with the substantive statements I want to
8 deal with the Health & Social Care Board statement
9 relating to the provision of material. It comes from
10 Valerie Watts, who is the Chief Executive of the Health
11 & Social Care Board. It is of 20th May of 2016. It
12 sets out on behalf of the Health & Social Care Board the
13 efforts made by it and all of the health trusts to
14 identify and provide relevant material to the Inquiry.
15 It begins at 1034 through to 1038 and then has exhibits
16 with lists from 1039 to 1081.

17 Then I want to turn to the first of the three
18 substantive statements provided on behalf of the Health
19 & Social Care Board by the Director of Social Care and
20 Children, Ms Fionnuala McAndrew. The first is of 29th
21 April. If we can bring up 1001, please, this is
22 a 33-page statement that runs from 1001 to 1033. The
23 statement addressed a request from the Inquiry for the
24 Health & Social Care Board to identify any missed
25 opportunities by Social Services to prevent abuse

1 occurring at Kincora.

2 In this detailed statement Ms McAndrew identifies
3 nine missed opportunities. I don't wish to create
4 a hierarchy amongst them, but you may consider
5 significant what Ms McAndrew has to say about the second
6 of the nine missed opportunities. If we can look at
7 1011, please, which is paragraph 45, and in paragraph 45
8 Ms McAndrew is dealing with the missed opportunity in
9 1971 by the Belfast Welfare Authority to act on Mr
10 Mason's memo and refer the matter to the police.

11 I want to show you that document from Mr Mason at
12 this stage. If we look at 11006, please, this is his
13 memo of 25th August 1971, and he is writing, as you can
14 see, to the town solicitor and he says:

15 "I enclose a file ..."

16 We have come to know that as "the Mason file". This
17 is now -- this would have the two parts of the Mason
18 file. So:

19 "I enclose a file containing a letter received by me
20 on 23rd August written by R8 ..."

21 Just for clarity, that we are talking about is R8 or
22 R8, and no names that I use in the chamber should be
23 used beyond it:

24 "... R8, who resided in Kincora from August '68 to
25 August '71. During this period the alleged incidents

1 would have taken place, and the boy states that he wrote
2 the letter two years ago."

3 We will come back and look at that letter later, but
4 you can see that Mr Johnston, the deputy town clerk,
5 together with McCaffrey, who worked under Mr Mason, and
6 Mr Mason interviewed R8 on 23rd August 1971. They do
7 say:

8 "He did not appear to be a convincing witness but he
9 reaffirmed all the statements made in the letter."

10 We can see then that:

11 "On 24th August", the next day, "Mr McCaffrey and
12 Mr Mason interviewed a different boy, R33" -- that's
13 a boy by the name of R33, who was never traced by the
14 police -- "who was stated in the letter as having
15 experienced the same approaches from the member of staff
16 in question", which is Mr Mains.

17 "Mr R33" -- that's R33 -- "was a resident in Kincora
18 from July '68 to July '71. He related that he had been
19 asked by the member of staff to rub his back and then
20 invited to stay the night in his bedroom. He refused
21 and returned to his own room."

22 Then Mr Mason says:

23 "No other investigations have been carried out
24 regarding the rest of the statements made, but it is
25 thought that there are sufficient grounds to have the

1 matter considered as one which should be referred to the
2 police in view of the allegations which were made
3 against the same officer in September 1967. A copy of
4 the results of the Departmental enquiry into these
5 allegations are contained in the file."

6 So this is a seminal document, as it were, in terms
7 of Social Services and their systems failures and this
8 what you may consider as a significant systemic failing
9 by the Belfast Welfare Authority was shortly after
10 William McGrath had taken up appointment in Kincora and
11 before he had touched a single boy. It was, however,
12 after Raymond Semple had already interfered with the two
13 boys that would see him convicted and boys also having
14 been abused by Mr Mains.

15 If we go back, please, to 4... -- to 1011, please,
16 and paragraph 45, Ms McAndrew records:

17 "It is noted this accords -- the HSCB acceptance
18 accords with the finding of the Hughes Report where the
19 committee concluded, 'We consider that on the balance of
20 probabilities referral of the Mason file to the police
21 in 1971 would have proved decisive in the discovery of
22 Mr Mains' and Mr Semple's homosexual activities and
23 would have created a major deterrent to future
24 misconduct'."

25 There is an additional matter then that's noted

1 arising from the Hughes report, that:

2 "In giving evidence to The Hughes Inquiry Mr Mason
3 accepted 'that there was also a breakdown in the
4 dissemination of information about the various
5 complaints against Mr Mains resulting from a lack of
6 written communications and his retention of the Mason
7 file and a lack of coordination in that nobody knew
8 about all the complaints'."

9 What that's referring to, Chairman, Members of the
10 Panel, is at reorganisation when the file is passed on
11 to Mr Bunting, what hasn't happened is that you have
12 Kincora being within the District of East Belfast &
13 Castlereagh and the fact that allegations had been made
14 about staff running Kincora was not passed to those who
15 were then in charge of overseeing the home and that is
16 what this is a reference to.

17 So that initial statement, which will be of
18 significant assistance to you, identifies nine missed
19 opportunities of various types.

20 The second statement from Ms McAndrew is of
21 23rd May. If we look at 1084, please, it runs from 1084
22 to 1116 and then has substantial exhibits from 1117 to
23 1366. It is a detailed statement that is likely to be
24 of considerable assistance to you. It covers more
25 general matters about the hostel, the operation of

1 Social Services, the recruitment of staff, inspections,
2 civil claims that the Board and its predecessors have
3 dealt with, the response to the Kincora scandal by
4 Social Services, but I want to draw the Panel's
5 attention to some key points.

6 If we look at 1086, please, and paragraph 12 to put
7 on the record the point that the Health & Social Care
8 Board make.

9 First, in paragraph 12 is the Health & Social Care
10 Board condemns all acts of abuse that occurred in
11 Kincora.

12 Then the second point, which also arises out of
13 paragraph 12, and it was also something that I was
14 picking up in respect of the Department before lunch, it
15 does point out that abuse was not the experience of
16 every resident.

17 The HSCB then highlights in the statement a point
18 made by The Hughes Inquiry, which we have already looked
19 at. We will need to do some further work in this
20 regard, but it would appear that those who claim to have
21 been abused in some way in Kincora amounts to just less
22 than 15% of those who resided in Kincora during its
23 period of operation. It must be borne in mind that not
24 everyone was there for equal lengths of stay and
25 therefore the statistic can be misconstrued, but the

1 statistic is, of course, also not to minimise the
2 effects on those who were abused, but to recognise that
3 the portrayal of Kincora -- and this is the point that
4 I think paragraph 12 is making -- as observed by the
5 Sussex Constabulary to portray it as some sort of
6 brothel was just not borne out by the evidence, and
7 that's the point that is being made.

8 From paragraphs 56 to 76, if we just scroll down,
9 please -- it begins at 1101 -- Ms McAndrew explains the
10 various inspections and visits that would have been paid
11 to the hostel by those with statutory responsibility to
12 do so. In summary, the point that the Health & Social
13 Care Board are making to the Inquiry -- and this was the
14 point I was raising with you will before lunch in
15 respect of the Department -- that in spite of the
16 regularity with which those visits of various types took
17 place, even though they didn't always meet the frequency
18 requirements of the regulations, they did not uncover
19 anything untoward occurring in Kincora.

20 It will be for you to decide, Members of the Panel,
21 whether that was because of any inadequacy in that
22 system or whether it had more to do with the way in
23 which homosexual activity in Kincora was being carried
24 on. One of the issues that you will want to reflect on
25 through the statements that we are going to look at is

1 the number of those involved in homosexual activity who
2 make reference to the fact it was being done in secret.

3 At paragraphs 89 to 92, if we just put 1112 on the
4 screen, please, Ms McAndrew then sets out on behalf of
5 the HSCB the systems failures that the HSCB itself has
6 identified in respect of its predecessors' handling of
7 Kincora and which it acknowledges before this Inquiry.

8 I am just going to summarise them and I will explain
9 why in a moment. They include inadequate record-keeping
10 in respect of important matters; the inadequate
11 dissemination or communication of important information;
12 and, perhaps of paramount importance, failure to report
13 on two occasions important matters to the police. We
14 looked at the one in 1971 relating to the Mason file,
15 but, secondly, in 1974, which was Roy Garland's
16 anonymous call to Social Services on the Hollywood Road.

17 The Health & Social Care Board does, however, make
18 this point, if we look at the bottom, please, of 1115,
19 in respect of the long list of systems failures that
20 they identify. They say:

21 "In and of themselves many would not have been
22 capable of preventing or detecting the homosexual abuse
23 that occurred in Kincora. Detailed analysis of this
24 issue was undertaken during The Hughes Inquiry, whose
25 findings are detailed in the HSCB's statement. The

1 exceptions to this were the two occasions in '67 and '74
2 where a referral" -- I think that should be '71 and '74
3 -- "where a referral to police ought to have been made.
4 However, even in this respect, and as found by the
5 Hughes Inquiry, whether that would have, in fact,
6 resulted in a full investigation and/or an uncovering of
7 the abuse that was occurring in Kincora is a matter of
8 conjecture."

9 It's a missed opportunity. One can't be certain of
10 what the outcome would have been.

11 I am glossing over that at this point for this
12 reason. The third statement from Ms McAndrew is of 27th
13 May 2016, if we can look, please, at 1458, and this
14 statement runs from 1458 to 1468, with an appendix from
15 1469 to 1473.

16 If we can move to 1469, please, this statement
17 addresses some particular systems issues that the
18 Inquiry identified to the Health & Social Care Board and
19 explains why in respect of some the Health & Social Care
20 Board does not regard them as systems failures, but also
21 contains some further concessions in respect of systems
22 failures that the Health & Social Care Board does
23 acknowledge. It also clarifies for the Inquiry
24 an important point that will be relevant in the context
25 of Colin Wallace and one of his claims. To the best of

1 the Health & Social Care Board's knowledge they do not
2 have a belief that an anonymous call was received in
3 1975.

4 In looking at the appendix what the author of the
5 statement has done is to update effectively the systems
6 failures that the Health & Social Care Board has
7 acknowledged in light of the further matters that were
8 considered when the Inquiry asked for them to be looked
9 at. You can see at paragraph 1 here:

10 "At times record-keeping was not good enough."

11 You can see reference to the recording of the '71
12 Mason exchange by the town clerk and the town solicitor
13 to record the outcome, albeit they explained to Hughes,
14 or the town clerk did, that a decision was made not to
15 refer the matter.

16 In early 1976 they record a failure to regard -- to
17 make a written record regarding information reported to
18 the Hollywood Road sub-office and passed to the
19 residential and daycare management.

20 That's the district line responsibility for Kincora.
21 They point out that that absence of a record is likely
22 to have influenced subsequent failure to investigate the
23 information in any way.

24 You can see that there ought to have been a formal
25 record of the Board's engagement with police. So that's

1 the Cullen meeting with Bob Bunting and Mr Gilliland.

2 CHAIRMAN: Go back to the Hollywood Road office. Is that the
3 concern that was expressed in the presence of Marian
4 Reynolds and passed on --

5 MR AIKEN: Yes.

6 CHAIRMAN: -- in somewhat contentious circumstances to
7 a Ms McGrath?

8 MR AIKEN: Yes, and I think it involved Ms Fiddis.

9 CHAIRMAN: Yes.

10 MR AIKEN: It is that sequence. We will come back and look
11 at that later.

12 (c) then is dealing with the engagement between
13 Detective Constable Cullen and the Board and that there
14 ought to have been a formal record of the Board's
15 engagement with the police.

16 You can see at (d) then:

17 "Monthly reports completed by the visiting social
18 worker."

19 So this was the social worker not with
20 responsibility for an individual child but with
21 responsibility for checking on the operation of the
22 home, that they were not being completed in the most
23 satisfactory way.

24 "They did not contain information relevant to allow
25 the Eastern Board to be fully appraised of developments

1 within the hostel in late 1977."

2 So that's to do with the R20, Richard Kerr, and R18
3 sequence of events that would happen at district level,
4 but which would not be reported back to the Board.

5 Then at 2 you can see:

6 "There was no communication to ensure that the
7 relevant personnel had access to full and proper
8 information regarding the hostel and issues in -- and
9 issues arising in relation thereto. The following
10 occasions are noted."

11 This is -- some have been added as a result of this
12 additional statement:

13 "In the absence of any statement from KIN66 ..."

14 If I can just explain, we will come to see in what
15 I call the second -- sorry -- third period of operation
16 of Kincora, the period between '66 and '69, when
17 Mr Mains is now working alone again, Mr Semple having
18 worked for eighteen months and then resigned. Mr Mains
19 is on his own for most of that three-year period, but
20 for certain periods an assistant was recruited. At one
21 period in the summer of '67 through to the winter of '67
22 that assistant warden was a man by the name of
23 KIN66 .

24 We will look at one boy's statement, which is that
25 of KIN14, in due course when we get to that period of

1 what the residents say, which certainly conveys the
2 impression that KIN66 had concerns or suspicions
3 about Mr Mains and was telling KIN14 to beware of him.
4 He equally was saying something similar about R2, who is
5 R2 on the wall. So this is the period pre-'64. It's
6 the very first period. So it's Mr Mains working on his
7 own in Kincora from '58 to '64, and one of the boys that
8 was in Kincora with whom he became involved -- there's
9 a debate about at what point he becomes involved with
10 him sexually -- but R2 is in this first period, but
11 thereafter would be a returning ex-resident over the
12 course of the next twenty years and would continue his
13 relationship sexually with Mr Mains. It is that R2 that
14 KIN14 is referring to here in the later period, as it
15 were, when KIN66 is able to express concern about
16 Mr Mains and R2. Hopefully that will make more sense as
17 we go through what the residents say, but the point that
18 the Health & Social Care Board are making is if -- in
19 the absence of a statement from KIN66, who has never
20 been traced, if KIN14's statement is accurate, then
21 there was a failure by KIN66 in 1968 to share his
22 concerns about his boss with the district management and
23 also about R2 and their behaviours towards residents in
24 Kincora.

25 Then at (b) the failure in 1971 to refer R8's

1 complaint to the police.

2 Then this third element:

3 "Upon taking up the post in 1971 with a statutory
4 responsibility to visit Kincora, Mr Bunting, who took
5 over from Mr Mason, was not given the Mason file and was
6 not therefore fully appraised of the two complaints that
7 had been investigated in '67 and '71."

8 So essentially he gets the file in '73, but for two
9 years he is visiting Kincora without any knowledge of
10 the fact that the two -- that a member of staff there
11 has already been the subject of two different sets of
12 complaints.

13 The point that's being made by the Board is that the
14 retention of the file by Mr Mason resulted in
15 a breakdown in the dissemination of information about
16 complaints against Mr Mains to staff with a direct role
17 in management and monitoring the hostel. It is
18 regrettable they say that Mr Bunting does not appear to
19 have been given that information, and indeed the same
20 for his assistant, Mrs Wilson, the Assistant Children's
21 Officer, so that they would be appraised when they were
22 looking at and considering issues connected to Kincora.

23 Then an additional systemic failing that the Board
24 have identified is:

25 "Prior to the reorganisation in '73 direct access to

1 the Mason file by officials with management
2 responsibility for Kincora had been unduly restricted
3 and the Assistant Director's treatment of it following
4 reorganisation" -- so Mr Bunting regarding it as a dead
5 file in the drawer, having received it from Mr Mason --
6 "compounded that problem. The circumstances in which he
7 was given the file as well as its contents should have
8 prompted him to brief the incoming management staff at
9 the earliest opportunity to enable them to carry out
10 their duties with the benefit of all available
11 information."

12 You will recall that at reorganisation Mr Bunting's
13 role as the Assistant Director took him out of
14 line management responsibility, as it were, and the
15 point that I understand the Board to be making is that
16 the file and the information in it should have been
17 passed to those who were taking on the assumption of
18 that line management responsibility.

19 Then you have at (e):

20 "The information received by way of the anonymous
21 call on 23rd January ought to have been shared as
22 follows ."

23 Now this is Roy Garland's call to the Hollywood Road
24 Social Services, which prompted some investigation by
25 Social Services, but the point that's being made is it

1 should have been referred to the police, who had
2 received a similar call and carried out, and we will
3 look at it, a limited investigation only the year
4 before, and also the point being made is this
5 information was all handled in the district and it ought
6 to have been, because of its nature, reported up to the
7 Board.

8 Now at (f) they are observing that essentially in
9 March '74 Detective Constable Cullen is receiving
10 information again from Roy Garland and begins the
11 involvement in the Cullen/Meharg process, but the point
12 that's being made is that that information that was
13 received by Detective Constable Cullen was not
14 communicated to the Eastern Board in 1974. That would
15 not happen until 1976.

16 In -- then at (g):

17 "In May and September '74 a failure to share
18 information about a complaint by fieldwork staff in
19 North & West Belfast District with the line management
20 responsible for Kincora."

21 Now this is a reference to R15 and him reporting to
22 his parents about William McGrath and then his parents
23 complaining to the Shankill Road Social Services, which
24 involved Ms McLean and a Mr Moore, and that sequence of
25 events, it would ultimately be dealt with by Mr Moore.

1 They were a difficult family clearly from the materials
2 and concern about the veracity of what was being said,
3 but nonetheless the point that is being made, as The
4 Hughes Inquiry also found, was that that information
5 still should have been conveyed across to those with
6 ultimate responsibility for managing Kinchora, which was
7 in the East Belfast & Castlereagh District.

8 Then at (h) you have an admission in respect of
9 rumours that were circulating about in particular --
10 I think this is about Joseph Mains, and similarly then
11 at (i) Ms McGrath not passing on information she had
12 received in early 1976 .

13 Then you can see at (j):

14 "Between October '73 and '76 a lack of information
15 sharing from the district", which is Mr Scoular, as it
16 were, at the head of the district level, "to the Eastern
17 Board as to serious allegations made against a member of
18 residential staff",

19 particularly in March '76, when the Board bring in
20 the district, as it were. So Mr Bunting and
21 Mr Gilliland link in Mr Scoular, who is in charge of the
22 district, and the district is effectively finding
23 information out from the Board but not telling the Board
24 the information that the district already has, and
25 that's the failure that's being identified.

1 Then at (k) the -- internal to the Board, having
2 become aware in March '76 with the engagement by
3 Detective Constable Cullen with Mr Bunting and
4 Mr Gilliland, the point that's being made here is that
5 information ought to have been shared upwards to the
6 Chairman of the Personal Social Services Committee and
7 the Board.

8 CHAIRMAN: Can I just ask at this point where there are
9 references to the Board, is that simply shorthand for
10 headquarters or is it meant to refer expressly to the
11 actual Board; in other words, the body that was presided
12 over by the Chairman and so on as opposed to senior
13 management?

14 MR AIKEN: I think Ms Smyth will correct me if I am wrong,
15 but where we are talking about the district not passing
16 to the Board, that's district to head office --

17 CHAIRMAN: Yes.

18 MR AIKEN: -- but where we are talking about the likes here
19 of Mr Bunting and Mr Gilliland not elevating to Board
20 level, we are talking about the actual Board also
21 probably in headquarters, but the men and women who have
22 sat round the top table, as it were --

23 CHAIRMAN: Yes.

24 MR AIKEN: -- not being told by their headquarters officials
25 about particular circumstances.

1 CHAIRMAN: Probably the Chairman or Chairwoman of the Board
2 at the time should have been told at least.

3 MR AIKEN: Yes. That's the point that's being made.

4 Then you can see at (l):

5 "The manner of recording of the monthly social work
6 visitor reports in late '77 hindered communication of
7 matters arising with the hostel from the district to the
8 Board."

9 The point that's being made here, not to -- if I can
10 be excused for cutting through it, not putting a tooth
11 in it, is the Hughes Inquiry would observe that the
12 reports being passed upwards were giving a clean bill of
13 health to Kincora when, in fact, the author of the
14 reports knew that there were rumours circulating and
15 information that could have been encapsulated in those
16 reports was not being encapsulated in them.

17 Then at (m) it perhaps in fairness to the Health &
18 Social Care Board is so obvious as to need stated, but
19 it is being put formally on the record throughout the
20 period of Mr Mains' management he failed to report
21 a series of complaints that we will see from his police
22 interviews that he acknowledged he received about
23 homosexual abuse by members of his staff.

24 So when you read the two interviews in combination,
25 that of Raymond Semple, who was his assistant, and

1 Mr Mains, when you put them together, you have a series
2 of occasions whenever Raymond Semple is told by boys
3 that McGrath is interfering with them, generally putting
4 the hand under the bedclothes in the morning modus
5 operandi, and Semple would explain that he would tell
6 Mr Mains about that sequence of events and then Mr Mains
7 would not pass it on. In addition, Mr Mains would
8 explain to police that he himself directly received
9 complaints of that kind from some boys and again did not
10 pass it on. So that systems failure is also being
11 formally acknowledged by the Health & Social Care Board.

12 Then if we scroll down, it is pointed out that:

13 "The systems to implement statutory monitoring ...
14 were under-developed.

15 The role of the visiting social worker in the '75
16 directions ..." -- that is the successor, as it were, to
17 the '52 regulations that we looked at a lot -- "ought to
18 be contained within the reports provided ..."

19 Then there is a time lag that has been identified
20 between October '73 and mid-'74 before the members of
21 the Personal Social Services Committee were given
22 guidance on their statutory duties.

23 So what the Board have done is identified systems
24 issues, but in fairness to the Health & Social Care
25 Board if I refer you back to the point that was being

1 made, some of these systemic failings, the point the
2 Board makes and you will wish to consider is whether
3 they would in effect themselves have had any material
4 difference on causation, as it were, on preventing the
5 abuse occurring. They are nonetheless systems failures
6 that are being acknowledged.

7 Then paragraph 4, when the matter -- this is R8's
8 complaint that was dealt with by Henry Mason in 1971.
9 It wasn't reported to the police and that failing is
10 acknowledged, but this is an additional failing, that it
11 is accepted that there also was a failure to properly
12 complete the Belfast Welfare's own investigation into
13 this, because the record-keeping beyond Mr Mason's
14 report just is not there, although in fairness the town
15 clerk did explain to the Hughes Inquiry that they had
16 decided not to refer the matter.

17 I hope I have done a difficult and complicated story
18 justice. I am sure I will be told if I have not got
19 that quite right, but all being well, I have
20 encapsulated the systems failures that the Board to date
21 acknowledges before the Inquiry in respect of its
22 operation of matters relating to Kincora.

23 I should perhaps also point out and put on the
24 record this. The HSCB has confirmed that it has no
25 knowledge of an intelligence operation being carried out

1 in or through one of its children's homes, and I observe
2 to the Panel that no doubt it would regard it as
3 a significant systems failure if that was occurring and
4 the authorities with responsibility for the children
5 were not told about it.

6 I want to turn now to look at the Police Service of
7 Northern Ireland. Firstly, Members of the Panel, I want
8 to acknowledge the efforts of Chief Inspector Brenda
9 Cairns and her HIA police support team, including,
10 amongst other, Inspector Atkinson, Sergeant Wright and
11 Ms Morrison not just for the work they have done to
12 assist the Inquiry for this module, but also for the
13 work throughout the duration of the Inquiry.

14 As the Chairman and Panel Members are aware, the
15 PSNI pledged to both support and cooperate with the
16 Inquiry in whatever way was required. While the PSNI as
17 the successor to the RUC may face criticism from the
18 Inquiry in respect of how the RUC dealt with some
19 matters in respect of Kincora in the 1970s, that you
20 will permit me to say should not detract from the quite
21 separate general assistance provided to the Inquiry by
22 the PSNI during our existence both in terms of the
23 provision of relevant material and also assisting the
24 Inquiry to trace individuals that it wished to speak to.

25 Before I turn to what the PSNI has had to say about

1 substantive matters relating to Kincora I want to first
2 acknowledge the open witness statement, if we can look,
3 please, at 1501, provided to the Inquiry by Assistant
4 Chief Constable Mark Hamilton of 29th April 2016. The
5 statement runs from 1501 to 1502, but it has appendices
6 that run from 1503 to 1526 that lists out some what in
7 modern terms is 300 PDFs of material that the Inquiry
8 has received just in respect of Kincora. It verifies
9 that the PSNI has produced to the Inquiry all material
10 that the PSNI can find in its archives in relation to
11 Kincora.

12 To try to give some sense of proportion to that in
13 respect of Kincora, because while I stand and say the
14 number of PDFs, that doesn't really convey some sense of
15 extent, that has involved, amongst other things, some
16 approximately 26 boxes of material arising from the
17 Kincora investigations. When the Inquiry began, that
18 material was all marked "secret". At the request of the
19 inquiry it has all been declassified by the PSNI and
20 made available to the Inquiry. Members of the Panel,
21 you will understand from your own knowledge working in
22 this area the considerable effort that has to go into
23 dealing with matters of that sort.

24 I want to just highlight some of the material
25 provided to the Inquiry by the PSNI which is likely to

1 be of considerable assistance to you, Members of the
2 Panel. I want to try in doing that to convey something
3 of the scale of what is involved.

4 I have mentioned to you the Caskey RUC Kincora Phase
5 One Inquiry investigation. If we can put on the screen,
6 please, 10001, it began in January 1980 and culminated
7 from the starting point, as I said earlier, of
8 a newspaper article with the convictions of six men from
9 three children's homes in December 1981. The report of
10 6th August 1980, the first page of which you can see on
11 the screen, and supporting materials that went to the
12 Director of Public Prosecutions in Northern Ireland runs
13 from KIN10001 to 11709. That's some 1709 pages. That
14 Phase One Inquiry included a 121 page covering report
15 from Detective Chief Inspector Caskey. This
16 investigation, Phase One, concentrated on tracing former
17 residents, which we will be looking at in detail, but it
18 also covered the initial examination of the then
19 allegations of a Social Services cover-up.

20 In paragraph 445, if we can look, please, at 10076,
21 Detective Chief Inspector Caskey explained that apart
22 from what must have been collusion by the three
23 defendants -- now that's an assumption that he made,
24 because each of them denied that there was and some of
25 the evidence points certainly to Mains and Semple

1 knowing each other, but not McGrath knowing Mains and
2 Semple:

3 "In relation to the homosexual activity within the
4 hostel, there has been no evidence forthcoming to
5 substantiate any allegation of an 'official cover-up' as
6 published in the Irish Independent newspaper.

7 The police investigation has revealed that over
8 a number of years the activities of the defendants Mains
9 and McGrath had been brought to the notice of the
10 authorities and this will be dealt with in the following
11 paragraphs."

12 He then goes on to look at the occasions from his
13 initial investigation where he could find evidence of
14 Social Services becoming aware and that involved looking
15 at the Mason file and matters of that sort.

16 CHAIRMAN: In one sense whether or not there was a cover-up
17 in the sense that people would usually use that term in
18 this context, if Mains, as we have heard, was receiving
19 allegations about McGrath and not passing them upwards,
20 he was certainly covering up for McGrath.

21 MR AIKEN: Yes.

22 CHAIRMAN: Whether or not each of them was -- whether
23 McGrath knew what Mains was up to, Mains had reason to
24 believe what McGrath was up to.

25 MR AIKEN: Yes. In this context the -- it is that wider

1 concept of cover-up that's in the Irish Independent
2 article that he is saying there's no proof for, because
3 he brings to light the occasions whenever Mr Mains was
4 told by boys and by Mr Semple.

5 The -- he also goes on to explain, if we look at
6 paragraph 555, please, at 10102 -- and you get the scale
7 of this. We are looking at paragraph 555 of the report.
8 He says:

9 "No evidence has been found to substantiate the
10 allegations in the Irish Independent that residents of
11 Kincora Hostel were recruited for homosexual
12 prostitution."

13 Now you get to paragraph 555 after Detective Chief
14 Inspector Caskey has gone through what each of the
15 residents have had to say and looking at the fact that
16 in the vast majority of cases their social workers did
17 not know of what they were telling in 1980 the police
18 officers had been happening.

19 He also makes the same point in paragraphs 556 and
20 following, that while William McGrath was involved with
21 Tara, there was no direct evidence to suggest that
22 McGrath had used his position at Kincora to recruit
23 residents for any organisations. I think we will find
24 when we look at the statements, there are I believe two
25 individuals who speak of having a kindred view of things

1 to Mr McGrath and engaging in discussions with him about
2 them, but there was certainly no-one who was arguing
3 that they were recruited into various activities because
4 of having met him.

5 I want to show you then Detective Chief Inspector
6 Caskey's conclusions. If we look, please, at 10107,
7 what he says is:

8 "The police investigating these allegations found no
9 direct evidence of any paramilitary influence at Kincora
10 Hostel or that any boy had been directly recruited
11 through the hostel staff.

12 As already stated, there is no evidence that any boy
13 was 'hired out' for male prostitution, although it is
14 clear that certain boys were possibly affected by their
15 experiences in Kincora and are now practising
16 homosexuals.

17 With regard to the allegation of an official
18 cover-up, police investigations have revealed that in
19 '67 and '71 complaints against the officer in charge ...
20 Mains, were the subject of an internal investigation",
21 that's the Mason file, "that he was given the benefit of
22 the doubt in respect of the complaints by Messrs Godden
23 and Berkley in '67."

24 We will look at those.

25 "There is nothing on the file to indicate what was

1 done in respect of R8's complaint."

2 Then he goes on to say, if we scroll down, please:

3 "The police investigation shows that the defendant
4 McGrath's homosexual tendencies prior to this employment
5 were brought to the notice of the police and Social
6 Services through Mr Roy Garland and", as we will come to
7 see, "Ms Valerie Shaw", although Valerie Shaw receives
8 her information from Roy Garland.

9 "Additionally to informing the police and Social
10 Services Miss Shaw brought the matter to the notice of
11 several prominent people in the community."

12 If we scroll on down, please:

13 "Apart from the Mason investigation file and the
14 Cullen Inquiry", so that is the '74/'76, "which in '76
15 was brought to the attention of the Eastern Board, all
16 other matters were dealt with at district level by
17 Mr Scoular.

18 All persons involved, including police, have made
19 statements in relation to their actions and no evidence
20 has been found to support any criminal charges regarding
21 this aspect of the investigation."

22 Then he goes on to deal with the charges that he
23 recommends.

24 Now I want to show you the index to part two of this
25 police inquiry. If we look, please -- and again you

1 will see names on the screen. They shouldn't be used
2 beyond the Inquiry. If we look at 10124, please, I just
3 want to allow the operator, if she would be so kind, as
4 she generally is to me, to just scroll through over the
5 next number of pages, because this is an alphabetic
6 index to the statements that were taken in the Phase One
7 Inquiry that has been made available to this Inquiry.
8 You begin to get a sense of the scale of what is
9 involved.

10 As we scroll down through, I will summarise the
11 position by saying to you that this part alone contains
12 over 200 witness statements that were deemed relevant to
13 the subject of the Inquiry, which, of course, in the end
14 was a criminal investigation. So you start to get some
15 idea I trust of the scale and breadth. You can see that
16 in the witness statement section alone it goes up beyond
17 page 614.

18 I also want to show you the index to Part 5 of this
19 report, if we go to 11579, please. Now Part 5 in the
20 old style RUC police reports generally was statements
21 that had been taken but which were not themselves
22 relevant to the charges that were being recommended, and
23 again if the operator would scroll down through for me,
24 there are over 100 witness statements here, many of whom
25 were former residents in Kincora, and while they may not

1 have been material to the RUC's criminal investigation,
2 which was to see people prosecuted for what they had
3 done, they certainly are going to be relevant to you,
4 Members of the Panel, as you look at the wider
5 allegations that have been made. All of the material
6 that was gathered as part of that Inquiry is available,
7 as you are aware, to this Inquiry.

8 I want to say something now about the Phase Two
9 Inquiry, which the by then Detective Superintendent
10 Caskey conducted. I have mentioned it before. It began
11 in January 1982 and was completed in August 1982. If we
12 can look, please, at 20001, and we will have there the
13 first page of the report of 26th August 1982, and that
14 report and the supporting material that went to the DPP
15 run in the evidence bundle from 2001 (sic) to 21720.
16 That's some 1720 pages.

17 This time the report from Detective Superintendent
18 Caskey is 211 pages in length and the report addressed
19 a whole range of wider issues that arose from various
20 media claims and information that came to the police.
21 We looked just at a very discrete set of them from the
22 Irish Times.

23 In summary, it looked initially at the 1971
24 acquittal of Alan Campbell in respect of an allegation
25 of sexual assault on a boy who would later live in

1 Kincora. That boy is called KIN43 , but the
2 fact is that the circumstances that were the subject of
3 the investigation had nothing themselves to do with
4 Kincora, but the link had been made simply because the
5 boy was later in Kincora. Out of this Detective
6 Superintendent Caskey recommended that there should be
7 charges of perverting the course of justice in respect
8 of what occurred over the trial in 1971 and attempts at
9 false alibis.

10 The investigation also looked at the horrific 1973
11 murder of 10-year-old Brian McDermott and the efforts to
12 link that murder to Kincora. Detective Superintendent
13 Caskey concluded that there was no evidence to
14 substantiate any link between Brian McDermott and his
15 murder and Kincora Boys' Hostel.

16 The investigation also examined the media claims of
17 prostitution and vice rings involving prominent people
18 that had been associated with Kincora through the
19 offences committed in 1975 against R23. I mentioned him
20 earlier as "R23". His name shouldn't be used beyond the
21 chamber. Those offences were committed by his uncle and
22 others. Amongst other lines of inquiry R23 explained
23 that he had nothing to do with Kincora at any time and
24 was not involved in a prostitution or vice ring.

25 A further charge was recommended by the superintendent

1 in respect of an adult male who had engaged with R23,
2 but again that had nothing to do with Kincora.

3 It also examined allegations that were made to
4 Detective Superintendent Caskey by Chris Moore about
5 Joss Cardwell, who was a well-known Unionist politician
6 at City Hall, and he would have visited Kincora as part
7 of his responsibilities on the Personal Social Services
8 Committee.

9 As a result of what was said to the superintendent
10 by Chris Moore, he was interviewed on 23rd March 1982,
11 when he denied that he had ever been involved with
12 interfering with boys at Kincora or anywhere else. He
13 explained, if we look at 20081, please, that on one
14 occasion he could remember being told by -- and this is
15 in paragraph 292 -- he could remember being told about
16 an incident by Robert Moore, who was the Children's
17 Officer in Belfast after Henry Mason, and that that
18 involved somebody putting their hand beneath a boy's
19 blanket, but it was not communicated to Joss Cardwell as
20 being something serious.

21 Now, as you will see further down on the screen,
22 Joss Cardwell took his own life on 25th April 1982.
23 I want to show you paragraph 30, please, on the next
24 page -- sorry -- paragraph 300. If you just scroll on
25 to the next page, please. Yes.

1 "At this point it should be stressed", says
2 Detective Superintendent Caskey, "that throughout police
3 inquiries into misconduct at three Belfast children's
4 home visited by the late Mr Cardwell no allegations were
5 made against him by any boy, nor was there any suspicion
6 of any misconduct by him",

7 and that has remained the position.

8 CHAIRMAN: Could you just scroll up to the previous
9 paragraph or two?

10 MR AIKEN: Just scroll up on to the next page, please.

11 CHAIRMAN: And a bit further still. Was Mr Cardwell ever
12 actually interviewed by the police before he took his
13 own life?

14 MR AIKEN: He was. If we scroll up, please, and just keep
15 going up, please. Just scroll up on to the next page.
16 So if we just take it up just a little further so that
17 we can show -- so you can see what Detective
18 Superintendent Caskey is saying. He is saying:

19 "In the course of interviews with Chris Moore
20 a remark was made that Joss Cardwell may have visited
21 Kincora outside his capacity as the visiting officer for
22 the Board or on the Personal Social Services
23 Committee and may have attended religious meetings held
24 by William McGrath and that his name had been written in
25 the Kincora visitors' book."

1 CHAIRMAN: So nobody made any allegations against
2 Mr Cardwell during the investigation?

3 MR AIKEN: No.

4 CHAIRMAN: He was interviewed because of what a journalist
5 had said about him?

6 MR AIKEN: Yes.

7 CHAIRMAN: And then he took his own life?

8 MR AIKEN: Yes.

9 CHAIRMAN: Yes.

10 MR AIKEN: In addition, the Superintendent also looked at --
11 because of the wider allegations that were being made,
12 they went to the prison where the three men were serving
13 their sentences and reinterviewed them about the wider
14 issues of prostitution and vice rings, and all three of
15 them explained in different ways that they did not know
16 of anything of that nature. Semple explained he had
17 told all at his police interview and there was nothing
18 more to tell. Mr Mains said he knew nothing about it.
19 Mr McGrath was very emphatic about how he had nothing to
20 do with that and, in fact, issued a press release
21 inviting anyone to prove that he had ever been engaged
22 in anything of that nature, but as a result of that he
23 said he could remember occasionally seeing police
24 officers coming in with -- arresting boys and so on and
25 so forth.

1 So the detective superintendent set himself the task
2 of tracing all the community police officers who might
3 have been at Kincora on occasions and explains in the
4 report the steps that were taken to identify those
5 officers. That would result in not again connected to
6 Kincora, but a separate, discrete inquiry being launched
7 into BAR12, who you will recall from Barnardo's. That's
8 what came to light as a result of tracing police
9 officers who worked in the area during Kincora's
10 operation.

11 In addition, the report examined allegations against
12 four identified officials in the Northern Ireland Office
13 that were carried in media allegations and found there
14 was no evidence for them.

15 We can look at the conclusions, please. If we look
16 at 20099, this is paragraph 362 of the report. He deals
17 with -- we looked at it today -- the Irish Times
18 articles and then says:

19 "Apart from recommending a particular charge" --
20 that was relating to the R23 case -- "and the separate
21 investigation in respect of BAR12, no evidence was found
22 that British officials in the Northern Ireland Office,
23 policemen, Justices of the Peace, or businessmen and
24 boys in care were involved in a homosexual prostitution
25 or vice ring."

1 He makes the point then in 364 about the R23 case,
2 that none of those who were involved in that matter in
3 Bangor in 1975 had anything to do with or fell into the
4 categories of people that were said to be involved at
5 Kincora.

6 Again the investigation also examined Roy Garland's
7 allegations and a series of media allegations as well as
8 receiving a further complaint against Joseph Mains by
9 a boy who had not been traced during the first inquiry.
10 As I've said, the investigation also reinterviewed
11 Mains, Semple and McGrath and their interviews are
12 available.

13 Detective Superintendent Caskey made this
14 observation at paragraph 805 in the report. That's at
15 20209, please. If we just scroll down a little bit,
16 please, he says this:

17 "It would be reasonable to expect in view of the
18 publicity in the aftermath of the Kincora convictions
19 ..."

20 So aside what was done in '80/'81 that led to the
21 convictions he is saying:

22 "It would be reasonable to expect in view of the
23 December '81 convictions themselves that should there be
24 outstanding complaints of homosexuality or any knowledge
25 by any person of prostitution or vice rings, this would

1 have been made known to the police or other authorities.
2 Other than the R23 case, which could be construed as
3 a vice ring orchestrated by KIN183 ", because he
4 is defining that as more than one man being involved
5 ultimately, "there is no evidence of any other such
6 ring."

7 Now lest it be said -- well, on what basis does he
8 reach these conclusions? That goes back to what I was
9 saying to you this morning about the difficulty over the
10 conclusions being known but not the work behind them.

11 If we look at the Part 2 index, please, at 20224,
12 and again if I can ask the operator just to scroll
13 through, these are the alphabetical index of statements
14 of those who were spoken to in the Part 2 phase and
15 considered material to what Superintendent Caskey had to
16 say in the report.

17 CHAIRMAN: Can you just scroll back up a bit for a moment?

18 MR AIKEN: Go back up, please.

19 CHAIRMAN: We see -- just stop here -- we see some names of
20 people no longer sadly with us: Desmond Boal, QC;
21 Mr Moore, the journalist you have mentioned; the late WD
22 Flackes, a well-known political commentator of
23 a previous era --

24 MR AIKEN: Yes.

25 CHAIRMAN: -- and lots of others.

1 MR AIKEN: Each of them play -- Desmond Boal was the QC who
2 represented Alan Campbell in the 1971 trial. So he was
3 being spoken to about what he could remember about that.
4 Mr Flackes was the one who communicated the fact that
5 allegations were being made against four NIO officials,
6 which allowed those to then be investigated by
7 Superintendent Caskey. The interview with Chris Moore
8 is referenced in what we were just speaking about.

9 CHAIRMAN: Yes. Top of the page, William Sydney Callaghan,
10 a very distinguished Methodist Minister.

11 MR AIKEN: Yes.

12 CHAIRMAN: Certainly cast their net far and wide.

13 MR AIKEN: Yes. It would -- I don't want to reduce the
14 solemnity of what was going on, but literally any name
15 that came up from someone, efforts were made to trace
16 that person. When one reads the report, the breadth of
17 avenues that were followed because of what someone else
18 might have said in mentioning some incident is very
19 considerable.

20 Now if we just -- if you are content, Chairman, we
21 will just scroll down through, because in this case we
22 have many pages. There is about thirty witnesses listed
23 to a page. So you start to get again the idea of the
24 scale of what is involved, what was done in order to
25 find out what -- whether there was any truth to the

1 then made concerning military intelligence and what was
2 known about Kincora.

3 This investigation was conducted by Detective
4 Superintendent Caskey as part of or at the same time as
5 the Phase Two Inquiry in 1982/'83. The PSNI have
6 declassified the file and made it available in full to
7 the Inquiry. It contains a 58-page report from
8 Detective Superintendent Caskey. It examines the claims
9 then being made by Colin Wallace and sets out in detail
10 the effort made by Detective Superintendent Caskey to
11 investigate Wallace's claims, including speaking to
12 Colin Wallace himself. It also involved the RUC
13 speaking to Brian Gemmell, and what he had to say to the
14 police will be of particular interest to the Inquiry in
15 terms of what he was saying in 1982.

16 Arising from what Brian Gemmell had to say Detective
17 Superintendent Caskey wanted to speak to Ian Cameron of
18 the Security Service. At the time he was what was known
19 as the ASP or the Assistant Secretary Political working
20 or seconded to the Northern Ireland Office, second in
21 command to what was known as the Director and
22 Coordinator of Intelligence, the DCI, based in the NIO,
23 and this ASP worked in the Army Headquarters in Lisburn,
24 HQNI, and Ian Cameron performed that role at the
25 material time that Brian Gemmell speaks of, which is

1 1975.

2 Detective Superintendent Caskey was not permitted to
3 interview Ian Cameron. We will look later in the module
4 at the circumstances surrounding those events. It is
5 evident from the report -- that's the 58-page report
6 that's contained in this file -- that Detective
7 Superintendent Caskey wanted to conduct that interview
8 and was frustrated at not being able to do so.

9 The Security Service have addressed this matter for
10 the Inquiry and produced relevant contemporaneous
11 material relating to the sequence of events both in 1975
12 and '76, but also in 1982 and 1983, which is likely to
13 be of considerable assistance to your work.

14 Another limb of the Inquiry that was conducted
15 through this file involved Detective Superintendent
16 Caskey obtaining material from the army bearing on the
17 matters that he was investigating. That material will
18 also be of particular relevance to the Inquiry.

19 Of the documents that he was given by a senior army
20 officer, who went through relevant files, one
21 document -- I am going to show it to you at this
22 stage -- it is at 30308 -- was of 26th February 1975,
23 and you will see that it is headed "William McGrath
24 (Tara)" and it sets out information that is available to
25 the author about William McGrath. It has his home

1 address, which is not the address of Kincora, and then
2 it records information relating to him that is to hand.
3 You will see it references to him being a homosexual.
4 Then in paragraph 4 you will see the document says:

5 "An intelligent though devious man, who needs
6 extremely careful 'handling'. I do not at present fully
7 trust him, but he is undoubtedly a mine of useful
8 information on past incidents, organisations and
9 personalities."

10 Now this was the one document that the army were in
11 a position to find that gave a suggestion that they had
12 some involvement with William McGrath, and in
13 paragraph 181 of his report, if we look, please, at
14 30042, Detective Chief Inspector -- Detective
15 Superintendent Caskey observed that paragraph 4 of the
16 document we have just looked at would tend to suggest
17 that McGrath was a source of information for British
18 Army intelligence.

19 Now as a result of having that document Detective
20 Superintendent Caskey made a point of interviewing the
21 author of the document, who was then Lieutenant Colonel
22 c , on 11th January 1983. If we can look, please,
23 at 30160, you will see that the officer explains the
24 role that he had and the reason why the document was
25 written and he refers to the document being produced to

1 him:

2 "It is a short report of 4 paragraphs signed by
3 him",

4 and he says this about it:

5 "It is a short assessment based on the then
6 available information on William McGrath but without
7 personal knowledge of the individual."

8 If we scroll down, please:

9 "It concludes paragraph 4 with my own pen picture
10 assessment of this man."

11 Then he goes on to talk about other documents and
12 who he thinks they may have emanated from.

13 So the natural language of the document we were
14 looking at certainly in paragraph 4 gives the impression
15 of an individual having met someone in order to make the
16 type of assessment that's described, but in --
17 a different view of the document based on
18 an intelligence officer speaking of how they conduct
19 their work and that it did not involve him as far as
20 Lieutenant Colonel c was concerned ever having met
21 William McGrath, and again this is a subject that we are
22 going to return to.

23 So there are three major elements that come out of
24 this secret file. One is the material that was produced
25 by the army to Detective Superintendent Caskey that

1 included this document that led him to talk to
2 Lieutenant Colonel c . The second is the claims
3 then made by Colin Wallace and the efforts to get to the
4 bottom of those, and we will look at a lot of the
5 material that was gathered as part of that
6 investigation, which included both contemporaneous
7 documents and what they show, and also speaking to
8 relevant individuals as to what they had to say about
9 those documents. Then the third part is Brian Gemmell
10 and what he said to the police in 1982 and the efforts
11 then made to speak to Ian Cameron.

12 That will be very forensic work that we will have to
13 do later in the module, because to understand the
14 sequence of events it is necessary to piece together
15 a jigsaw from a series of different players who have
16 relevant material, and when those pieces are put
17 together, that's likely to be of considerable assistance
18 to you with your work.

19 I want to move on from this file. As I have said,
20 it is 407 pages in length, and I am simply acknowledging
21 its existence at this point and drawing the three main
22 issues, amongst others, out of it that will be very
23 helpful, but at the same time as the Phase Two Inquiry
24 and this secret report are being worked on and the
25 investigation is going on and the report being prepared

1 the officers appointed by Sir George Terry were also
2 carrying out their work, which included overseeing what
3 Detective Superintendent Caskey was doing.

4 The report -- the Terry report itself of 27th May
5 '73, if we just look at, please, 40001, you can see the
6 front page of the Terry report, and it goes through to
7 40027. It is of 27th May 1973. As I've said, and as
8 the Panel are aware, there are some critical comments of
9 Sir George Terry's report not just by Colin Wallace, but
10 by The Northern Ireland Office itself, but the detail in
11 the underlying reports of the Superintendent's may turn
12 out to be of greater assistance to the Panel.

13 I want to first show you, please, at 40028 the
14 305-page report of Detective Superintendent Harrison.
15 It runs from 40028 to 40333. I want to show you just
16 the index, please, at 40029, and you can begin to see
17 the systematic nature of the investigation that
18 Superintendent Harrison took responsibility for. Again
19 you can get the impression of the wide scope of what he
20 was doing, which was looking at both the claims made by
21 the individuals themselves and then into wider issues
22 that also had got connected to Kincora.

23 I want to observe that he was very critical of the
24 RUC in relation to the 1974 to '76 Cullen/Meharg
25 activity and also in respect of the June 1974 actions of

1 Superintendent Graham that arose from his conversations
2 with Valerie Shaw and, as I said, her information
3 ultimately came from Roy Garland, but what
4 Superintendent Graham did or did not do was the subject
5 of criticism in very stark terms by Superintendent
6 Harrison.

7 In fairness to the PSNI they have observed to the
8 Inquiry that the level of criticism contained in
9 Superintendent Harrison's report of the Cullen/Meharg
10 investigation and of the actions of Superintendent
11 Graham are not reflected to that level of gravity in the
12 covering Terry report, although you will also be aware
13 that what lay at the heart of Sir George Terry's
14 involvement was allegations of an RUC cover-up now being
15 made, and it was that allegation that Sir George Terry
16 was resoundly (sic) rejecting.

17 Superintendent Harrison in contrast -- and you can
18 see this as you read the significant detail in the
19 report -- was extremely impressed by the quality of
20 Superintendent Caskey's initial investigation, pointing
21 out, as we will come to see, that much of what the then
22 Detective Chief Inspector Caskey did in the Phase One
23 Inquiry would have been reasonably considered by other
24 police officers to be the unnecessary chasing of lost
25 causes.

1 In fairness to Superintendent Harrison, where he did
2 find some error of detail in the Phase One Inquiry
3 report, then he pointed that out in his own report, and
4 it records occasions when he drew to Detective
5 Superintendent Caskey's attention a particular aspect of
6 detail and records the Superintendent acknowledging that
7 that appeared to be something that was overlooked. None
8 of those matters were ever considered to be of
9 significance in the overall context of the
10 investigation, but you will be able to see them in the
11 report.

12 He explained the modus operandi of his own
13 investigation, if we can look, please, at 40200, and at
14 paragraph 496 he is looking back at the Phase One report
15 that we've looked at and the number of residents who
16 were traced and he says:

17 "Although the sheer volume of statements, papers and
18 records collected by The Royal Ulster Constabulary
19 investigating team and the successful prosecutions
20 achieved gave an early indication that the matter had
21 been subject of a full enquiry, it was considered
22 necessary to have as many former Kincora boys
23 reinterviewed as possible. The principal reason behind
24 this decision was the need to test the truth or
25 otherwise behind the statements made in the media of

1 stories of prostitution and the alleged involvement of
2 prominent persons said to be protected by either
3 a police or local authority cover-up. Consequently
4 Superintendent Flenley and I interviewed and obtained
5 statements from as many former Kincora residents as we
6 could trace. These interviews with ex-Kincora residents
7 did not yield any significant additional information to
8 that obtained by The Royal Ulster Constabulary
9 detectives. We could not find any witnesses who claimed
10 to be victims of prostitution" -- scroll down, please --
11 "or anyone who had any apparent knowledge of offenders
12 holding prominent public offices.

13 When we turned to the media representatives", and he
14 refers to a particular section of his report, "for the
15 names of victims or offenders", who would fall into that
16 category, "it appears that the reporters concerned,
17 although so vigorous in demanding action in their
18 newspaper articles, either could not or would not
19 provide the police with a starting point for an enquiry
20 by naming names."

21 Then he says this in paragraph 497:

22 "The importance of the evidence obtained from the
23 ex-Kincora residents cannot be over-emphasised, for they
24 are said to be the victims of prostitution and of sexual
25 assaults by prominent people. Without exception, they

1 deny the truth of such allegations. These witnesses,
2 many of whom have never met one another due to the time
3 scale involved, must be considered in general to be
4 reliable witnesses."

5 Now he then reaches a series of conclusions based on
6 his work. The Inquiry will want to reflect on that as
7 it considers the evidence over the coming weeks.

8 His colleague, who would be Superintendent Flenley
9 by February '83, his report is some 250 pages in length.
10 If we can look, please, at 40334, and again you can see
11 the breadth. The way this appears to have been divided
12 up, Superintendent Flenley took responsibility for
13 investigating the various media claims that had been
14 made and it is that that's dealt with in his report. If
15 we just scroll down, please, and that brings us to the
16 end of the index. His concentration was trying to
17 identify the sources of the claims. So he analysed the
18 claims in the media reports and then endeavoured from
19 investigatory activity and interviewing to try and
20 identify who the people were that had provided the
21 information or to identify who the people were that had
22 provided some information that might have been --
23 ultimately form part of the reports and to examine their
24 veracity.

25 It is fair to say that his report is extremely

1 critical of some of the sources found to have been
2 providing information to journalists. You will have the
3 opportunity to read the report and I am not going to go
4 into it in greater detail at this point. For now I want
5 to show you just the end of his "Conclusions" section.
6 If we look, please, at 40556 and at paragraph 1405, he
7 says this:

8 "The factual picture to emerge of the Kincora affair
9 and all that which has since been encompassed by it is
10 one of gross incompetence, neglect and the deliberate
11 avoidance of responsibility on the part of a few
12 individuals in the Social Services and to a much lesser
13 degree the police. The dismal failure of those
14 individuals to deal properly and effectively with
15 matters brought to their attention enabled a number of
16 staff members with homosexual inclinations employed at
17 children's homes in the Province to continue to corrupt
18 some of the young people consigned to their care.

19 In respect of the most serious allegation made by
20 the media, there is absolutely no evidence that
21 a cover-up of any complaints, allegations or suspicions
22 of homosexuality involving children in care was
23 effected, attempted or considered by any individual or
24 organisation, official or otherwise, irrespective of
25 whether or not having a statutory or moral obligation

1 towards children in care or the investigation of crime.

2 Neither is there any evidence that residents or
3 staff of any children's home were involved in the
4 homosexual liaisons or soirees from the R23 case"

5 If we scroll down, please, he says:

6 "In respect of the activities involving the
7 [redacted], residents, former residents and the staff of
8 the Kincora Hostel or other children's homes in the
9 Province, no evidence has been found to support allegations
10 of a prostitution ring involving children in the care of
11 the Social Services, paramilitary groups or prominent or
12 professional persons."

13 Now there are -- again, similar to Detective
14 Superintendent Caskey, "Well, how does he come to these
15 conclusions?" There are 306 pages of witness
16 statements. If we look, please, at 40589, they begin at
17 40589. Now on this page they record that they just go
18 up to -- scroll down, please -- page 153. They, in
19 fact, go up to page -- there is another page of this
20 kind that runs from page 154 through to 306, but if we
21 scroll down, you can see the index, please. Again you
22 can start to get an idea of the breadth of individuals
23 being spoken to. Many of them cross-refer. They had
24 already spoken to the police during the RUC Phase One
25 Inquiry, many ex-residents and many others beyond, and

1 they run in the bundle to 40929, and then there's also
2 an exhibit bundle of relevant documents that are
3 referred to in the Sussex reports and those exhibit
4 documents run from 40930 to 41011. If we just look at
5 40930, please, if we can just scroll down, please, you
6 can see then the list of exhibits that are involved.

7 Now I want to just briefly -- I know we are coming
8 towards the end of the day -- but, as I explained
9 earlier, when the memo dated 8th November 1974 emerged
10 in 1984, that produced another investigation for
11 Detective Superintendent Caskey to conduct. This file,
12 again marked "secret", runs from 35001, if we can look
13 at that, please, to 35434 in the evidence bundle. The
14 police have again declassified the file and made it
15 available in full to the Inquiry. It has, if we look,
16 please, at 35007, this time a 33-page report from
17 Detective Superintendent Caskey. It's a report that we
18 will be returning to later in the module and, as the
19 Panel is aware, this investigation also involved
20 Detective Superintendent Caskey interviewing and quite
21 often reinterviewing military personnel that he had
22 previously spoken to during the secret investigation in
23 1982/'83, and this file concentrated on the
24 circumstances and substantive investigation of that
25 document of September 1974 and its veracity. It would

1 then be the subject of discussion in the Hughes Inquiry
2 report.

3 Just before I finish, if I may just go back to the
4 ACC Hamilton's statement that I began with some time ago
5 at 1502, please, and the second paragraph of the
6 statement. He refers to having provided the Inquiry in
7 addition to the open statement that we have talked about
8 and the file lists a closed statement that was being
9 prepared for the Inquiry.

10 It, in fact, has been received and was provided by
11 ACC Hamilton himself. ACC Kerr managed to not have to
12 do that and it was done by ACC Hamilton. That closed
13 witness statement details the sensitive material made
14 available to the Inquiry and we will be looking at that
15 material, which is -- the material itself is going to be
16 publicly available as part of our work.

17 Just before I leave the statement again I want to
18 draw attention to the penultimate paragraph, if I may,
19 if we scroll down, please. That is it on the screen:

20 "It is important to note that there is unfortunately
21 ..."

22 ACC Hamilton does make reference to a point that all
23 Government departments and agencies have made to the
24 Inquiry throughout our existence and in particular
25 looking at these matters where we are trying to look at

1 very forensic detail in 2016 about events happening in
2 the 1970s:

3 "There is a lack of corporate memory in existence,
4 given the distance of time between the relevant events
5 and today."

6 I want to also say that the PSNI has also given the
7 Inquiry unrestricted access to such of its intelligence
8 files that the Inquiry wish to see. Search terms
9 provided by the Inquiry were again used to identify the
10 files the Inquiry wished to examine, and where
11 investigations led to the identification of further
12 files, then they were also produced.

13 At the request of the Inquiry the PSNI has made
14 available for publication material from a series of
15 relevant Special Branch files that the Inquiry
16 considered needed to be made publicly available for the
17 Inquiry to properly carry out its work.

18 I want to show you just as I close, please, at 55072
19 just one example at this stage. That is the Special
20 Branch file relating to William McGrath. We can see
21 on -- I should say that the redactions are information
22 internal to the police that the Inquiry considers does
23 not need to be made public, but what we are looking at
24 is the file cover of the Special Branch file of William
25 McGrath, and if we look, please, at 55074, we can see

1 that contained within the file, and as the narrative
2 statement from the PSNI confirms, William McGrath
3 appears to have first come to the attention of Special
4 Branch in 1966 as a result of involvement in a political
5 rally, but I am going to show you one document from the
6 file, if we look, please, at 55076, which is
7 an intelligence report on Tara from the 17th April 1973.
8 Again the redactions are those that the Inquiry
9 considers are not relevant to its work or not necessary
10 for it to properly carry out its work, and I want to
11 show you, if we scroll down a little bit, please, this
12 is a report on Tara, but you can see -- just go back up
13 a little, please. Thank you.

14 "The CO McGrath is a reputed homosexual and he is
15 alleged to have kept members ensnared in the
16 organisation by threatening to reveal homosexual
17 activities which he had initiated."

18 You can see:

19 "He used The Irish Emancipation Christian
20 Fellowship, Wellington Park, Belfast", which was
21 a former home of his, "as a front for Tara."

22 He goes on to refer further on that issue.

23 Now it is that final paragraph that's of particular
24 relevance and an issue that the PSNI will want to look
25 at. This document in April '73 is about six weeks

1 before the anonymous call from Roy Garland. As we now
2 know, it came from -- on the Rovaphone -- confidential
3 phone line, which was the precursor effectively to
4 today's Crimestopper system. That phone call comes in,
5 and we will look at that and pick that up tomorrow
6 morning. Whether that information that's contained in
7 this document should have been disseminated or otherwise
8 informed the police response to Roy Garland's call,
9 although it was an anonymous call, and the anonymous
10 call was the 2024th call received by that point in
11 May 1974, which again begins to give some impression of
12 the pressures that the RUC were having to deal with as
13 the breakdown of civil society was having to be managed
14 during the terrorist campaign.

15 So if I pause there for this evening, Chairman,
16 Members of the Panel, but I acknowledge that The Police
17 Service have made available those Special Branch files
18 that the Inquiry wished to have and to be made public.

19 CHAIRMAN: Yes. That is a convenient point at which to rise
20 for today and we will resume at 10 o'clock tomorrow.

21 (4.05 pm)

22 (Inquiry adjourned until 10 o'clock tomorrow morning)

23 --ooOoo--

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3	Opening remarks by CHAIRMAN TO THE INQUIRY2
4	Opening statement by COUNSEL TO THE INQUIRY13
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