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.
Opening remarks by CHAIRMAN TO THE INQUIRY

CHAIRMAN: This is the last module in the Inquiry's programme of public hearings which started on 13th January 2014. We have so far held 203 days of hearings and, apart from eighteen days when all or some of the day took the form of closed sessions, held to avoid prejudicing criminal cases which were imminent at the time, all our hearings have been held in public.

We have so far investigated twenty residential homes and other institutions. In addition, we have carried out two more investigations. One was into the way children from residential homes in Northern Ireland were sent to Australia under the Child Migrant Scheme. The other was into Father Brendan Smyth's abuse of children in residential homes in Northern Ireland and the way his religious order and a number of Roman Catholic dioceses dealt with allegations against him.

Our most recent module concerned certain aspects of the State involvement in the inspection and financing of children's homes. Because some information was not provided by the Department of Health, Social Services & Public Safety in time and still has not been provided, we had to adjourn that module on 27th April. We will
return to those matters and complete that module in the coming weeks.

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

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

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

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

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

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

When such abuse occurred.

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

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

The Royal Ulster Constabulary;

The Secret Intelligence Service, commonly known as MI6;

The Security Service, commonly known as MI5;

The Ministry of Defence;

The Northern Ireland Office.

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

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

What they knew;

When they knew;
What did they do with any knowledge they had;

What should they have done with any knowledge they had.

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

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

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

Concerns have been expressed by some that the ability of this Inquiry to investigate matters relating to Kincora is handicapped by the absence of powers of
compulsion. The Inquiry has powers of compulsion, which it does not hesitate to rely on, if necessary. However, the reality is that any court or Inquiry having powers of compulsion does not need to use those powers when there is voluntary and full cooperation by those from whom information and documents are sought. It is only where full cooperation is not forthcoming that a court or Inquiry has to consider resorting to any such powers, and this Inquiry is no different.

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

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

In her statement she gave a number of other assurances that have been sought by this Inquiry,
including the assurance that:

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

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

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

The Police Service of Northern Ireland is a devolved institution and so it can be compelled to cooperate with the Inquiry, but it has also provided the Inquiry with full and voluntary cooperation, and we are satisfied that we have been able to inspect all material held by
it which the Inquiry considers relevant to its work. That includes material that we were able to identify from the material already provided by them that might also be relevant and we are going to examine the relevant material during these public hearings.

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

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

In addition, there are three other individuals who we believe are in a position to give relevant evidence
to the Inquiry and who have written or spoken to the
media in the past about their involvement with aspects
of Kincora. All three have been interviewed by the
police in the past.

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

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

On 8th April this year the High Court dismissed
an application for judicial review relating to the
Inquiry, describing it as "premature and misconceived".
Last Friday the Court of Appeal dismissed the appeal
brought by the unsuccessful applicant and decided that
the Inquiry is entitled to proceed along the route which
we have mapped out.

In his concluding remarks the Lord Chief Justice
observed:

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

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

Each was also requested to provide the Inquiry with
a witness statement dealing with a number of questions
set out in each letter. Each has declined the invitation to be a core participant and has refused to engage with the Inquiry. In effect, each has refused to help the Inquiry or answer our questions.

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

Throughout its existence the Inquiry has not found it necessary to take steps to compel anyone who is fit to attend to give evidence or produce documents. That has included a retired Cardinal, members and representatives of religious orders from outside the jurisdiction, and other individuals and organisations who have produced documents to the Inquiry as well as public authorities and government departments in Northern Ireland and the rest of the United Kingdom.

All of these bodies and individuals agreed to participate, to produce witnesses and documents and to answer questions posed by the Inquiry without compulsion. That is in contrast to the refusal of the three individuals who have to date elected not to assist the Inquiry in its investigations into Kincora.

Given the amount of material gathered by the Inquiry which has been generated by or which relates to the
individuals concerned about the issues the Inquiry intends to investigate, the Inquiry is confident that it can thoroughly investigate all the relevant issues relating to these individuals whether or not they continue to avoid engaging with the Inquiry. We are not dependent upon their evidence, and their refusal to cooperate or answer our questions will not prevent us from carrying out our investigations.

Nevertheless, if even at this late stage any of them decides to assist the Inquiry by providing answers to the questions we have asked, the Inquiry will enable them to do so and involve them in the Inquiry as core participants. The door is still open to them if they want to change their minds. That door cannot remain open much longer, because the Inquiry is compelled by its terms of reference to finish its public hearings by 18th July. Unless they come forward very soon, it will simply not be possible for the Inquiry to treat them as core participants or call them as witnesses. If they change their minds and are prepared to provide witness statements and answer the questions we have posed to them by close of business on Friday, 10th June, then we will allow them to take part in the remainder of the module as core participants. After that it will be too late for the Inquiry to receive, consider and
investigate whatever they wish to say and to give sufficient time for the other core participants to respond. So that they are in no doubt about the Inquiry's position and what we intend to do, copies of these remarks are being sent to them this morning.

Mr Aiken?

Opening statement by COUNSEL TO THE INQUIRY

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

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

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

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

CHAIRMAN: Thank you, Ms Smyth.

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

MS SMYTH: Chairman, Members of the Panel, I have been asked
by Mr McGuinness to announce his appearance. He will
attend later today. He appears for the Department of Health, as you know, and he is instructed by Miss Stewart, who is in attendance.

CHAIRMAN: Thank you.

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

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

Mr Robinson.

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

CHAIRMAN: Thank you, Mr Robinson.

MR AIKEN: The next set of core participants are jointly represented by one set of legal representatives appearing on behalf of four non-devolved departments and agencies of Her Majesty's Government, otherwise referred to as the United Kingdom Government. They were the Northern Ireland Office, which was responsible for the
general governance of Northern Ireland from 1973 until devolution. The second is the Ministry of Defence, responsible for the army's presence in Northern Ireland during the operation of Kincora. The third and fourth are two of the three limbs of the United Kingdom's intelligence agencies, the domestic intelligence agency, The Security Service, otherwise known as MI5, and the international intelligence agency, The Secret Intelligence Service, otherwise known as MI6. Both had relevant roles in Northern Ireland during the decades of terrorist violence and political instability that afflicted Northern Ireland throughout the latter period of the Inquiry's terms of reference.

Miss Murnaghan.


CHAIRMAN: Thank you, Ms Murnaghan.

MR AIKEN: As the Chairman has mentioned already this morning, and I will say a little more about it in due course, the Inquiry has invited a number of individuals to become core participants during this module. Three
of them have not agreed to do so, but one of them, who
is a former resident of Kincora, who is given the
designation R20, has taken up that offer. I don't see his
legal representatives this morning and we will deal with
that appearance in due course.

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

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

It is also a difficult opening to deliver because,
although it is an established fact that children were
sexually abused by staff in Kincora, this Inquiry in
addition has to address amongst others a range of
extraordinary allegations not that this State failed to
prevent child abuse because of missed opportunities or
ineffective systems of oversight and regulation, but
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
"case", said the Lord Chief Justice, "that children in Kincora were abused and prostituted in order to satisfy the interests of national security. If that is true, it must be exposed. As a society we must not repeat the errors of the institutions and should remember our obligations to the children. If the suggestion is not true, the rumour and suspicion surrounding this should be allayed."

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

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

During the course of the next number of weeks you will hear evidence about and consider material relating to a litany of missed opportunities and systems failures
by Social Services to act on and -- or act sufficiently
on information they received about Joseph Mains in the
1960s and in the main, though not exclusively, about
William McGrath in the 1970s. The information relating
to McGrath almost invariably emanated one way or another
from Roy Garland, a name with which you will become very
familiar during the course of this module.

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

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

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

You will also have to look at the evidence to see
whether there was any attempt to block investigations
into Kincora. You will hear about the activities of
shadowy groups from our past, such as Tara, which was
headed by William McGrath. You will have to consider
hitherto secret police files, including Special Branch
files, as well as secret documentation from the
intelligence agencies, the army, the NIO and the Cabinet Office. You will have to examine material to see whether William McGrath was ever an agent of the State.

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

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

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

However, of principal importance amongst all of this is that you will hear of a huge volume of homosexual activity and abuse occurring between Kincora staff and boys in their care and indeed between the boys themselves in Kincora over a twenty-year period. In so doing, you will also learn of the reality of
homosexuality in Belfast in the 1960s and 1970s, including its use as a weapon to smear.

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

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

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

The breadth and the scale of the task relating to Kincora, as you are aware, which, of course, continues for the Inquiry beyond the public hearings of this module, is enormous. However, you will hear me repeatedly refer back to the central focus of what this Inquiry is about and where you may consider our 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?,

always coming back to the central question for this Inquiry whether systems failures by the State defined by the Inquiry in the widest sense in respect of this module caused, facilitated or failed to prevent abuse occurring in Kincora.

When I refer to the key questions over the course of this module, it is to those central eight questions that I have just outlined to which I will be referring.

There is no doubt that some of the material this Inquiry has gathered and will examine in this module will be difficult and embarrassing for individuals and organisations. That is an unfortunate consequence of the responsibility placed on this Inquiry to investigate a matter of profound public concern, to establish the facts, to make criticism where it is warranted, and where it is appropriate to do so, to allay public concern.

It is, of course, necessary for all that if there is
a genuine desire to get to the truth, that people try to set aside what they think they know from thirty-five years of speculation, innuendo, rumour, suspicion and silence and instead listen to and look at the evidence.

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

This Inquiry has enjoyed an effective working relationship with the representatives of the media, who have reported on the Inquiry's work over the last two and a half years. Through that forum the Inquiry's statutory obligation to make its work known has also been facilitated. I hope they will understand when I say that it is vital for the victims of Kincora that the reporting of these public hearings is factual and accurate. You may consider, Members of the Panel, based on some of the material that has been gathered as part
of this Inquiry's investigation into Kincora that reports of what did or did not happen in Kincora have been -- often treated rumours and suspicions as facts.

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

"Sex Racket at Children's Home."

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

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

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

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

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

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

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

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

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

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

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

The situation first came to light in 1977."

You will note the date:

"One boy who knew of the child prostitution is said not to have received any support from social workers
when he faced a criminal charge -- because it was thought advisable to have him locked up where he could not talk.

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

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

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

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

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

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

So that is the article that would lead to a series of major police investigations and would see the
convictions in December 1981 of Mains, Semple and McGrath, but also three others from other children's homes, but having looked at the article, I want to now look at The Hughes Inquiry report dealing with this article based on their public hearings held in 1984 and 1985.

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

"As we have said, Richard Kerr was never readmitted to Kincora after he left on 7th November '77 and he went out of care in May '79. There was, however, to be an important postscript to the Richard Kerr case. At some time about December 1979 Mrs Gogarty", that's Helen Gogarty, "and Mrs Kennedy", Judith Kennedy, "met socially" -- they are social workers -- "and Kincora was discussed. As a result of their discussion and their shared concern that nothing appeared to have been done to resolve the suspicions about the hostel, they decided to approach the press. Mrs Gogarty explained that she did not seek an interview with Mr Gilliland", who was the Director of the Eastern Board, "or Mr Bunting", the Assistant Director, "as an alternative to this course" -- and quoting her -- "'Because I have been told that the decision to remove Richard Kerr from Kincora was taken at the
very top'. The evidence is", says The Hughes Inquiry, "that she was mistaken in that belief. Mrs Gogarty made an approach to the press through a friend and this culminated in the Irish Independent printing its 24th January 1980 article. As we suggested in the opening paragraphs of this report, the real significance of its publication was that it resulted in the initiation of the RUC's investigation, which eventually led to the convictions of Messrs Mains, Semple and McGrath.

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

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

You will recall that was the allegation carried in the article. This says The Hughes Inquiry Panel: "There is no evidence of boys at Kincora being recruited for homosexual prostitution. The most compelling refutation of this allegation is the absence of any reference to homosexual prostitution in the statements of the 101 Kincora residents interviewed by the RUC and the Terry Inquiry, or in any statement made to this Committee. R2", who is an individual that
I will talk about later in some detail, "whose relationship with Mr Mains and Kincora spanned nearly twenty years, said in response to his counsel's questioning that he had no knowledge of homosexual prostitution involving himself or any other boy in the hostel. The only evidence which we received of any possible relevance related to the suspicion arising from Richard Kerr's journey to a hotel in Larne on 3rd October 1977, though this did not entail an overnight stay, and the suspicion that Richard Kerr may on his own initiative have been receiving money from men for homosexual activity during his short stay at Williamson House in February/March 1979."

That's long after he had left Kincora.

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

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

"... that this allegation reflected Mr Morrow", who was a Senior Social Worker, "Mr Morrow's erroneous
speculation that there was a link between Mr Mains, Richard Kerr and the R23 case" -- that relates to Valetta Park -- "which he passed on to Mrs Gogarty and Mrs Kennedy."

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

Then they tackle the allegation that:

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

They say this:

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

They then tackle the allegation that:

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

and say this:

"No evidence of such activity came to our attention."
As the Chairman has said, they held sixty days of public hearings,

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

That's something we'll come back to.

Then they tackle this allegation:

"'A member of staff at the boys' home is alleged to be involved with a Loyalist paramilitary group. Officials at the Health Department were told this, but he has retained his job -- despite being suspected of encouraging children to engage in homosexual acts for money and accepting payments for pimping. The police reports name a number of important businessmen as being involved.'"

The Hughes Inquiry says this:

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

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

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

Then they tackle this allegation:

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

This was obviously a reference to Stephen Waring. There is no evidence that Stephen Waring was involved in any homosexual activity in Kincora and his suicide, if such it
was, was almost certainly related to his being apprehended for burglaries and to his imminent return to Rathgael."

Then the reference to:

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

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

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

They say this:

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

Then the report of the Hughes Inquiry says this:

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

Having made those observations, we have no doubt that Mrs Gogarty's decision to approach the press was
motivated by an entirely commendable concern for the welfare of children in care and that the article was printed in good faith.

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

Our acknowledgment of the integrity and value of Mrs Gogarty's and the Irish Independent's actions is accompanied by a critical examination of the articles contents for three reasons: firstly, to establish as accurate a representation of the Kincora episode as possible, because we believe that in certain respects media coverage since 1980 has given the public an exaggerated picture of what occurred at the hostel; secondly, because we believe that only by establishing the facts of Kincora can the stigma which has come to attach to every former resident, the great majority of whom passed through the hostel unscathed, be removed; and, thirdly, because we are conscious that a large number of Social Services staff discharged their professional responsibilities conscientiously without
receiving any hint of homosexual malpractice at the
hostel. The implication that the hostel was operated as
a homosexual brothel suggests a degree of negligence and
indifference on their part, which was not supported by
the evidence. In saying this, we do not minimise the
gravity of the offences which were committed or the
tragic consequences which these may have had for the
boys concerned."

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

The world "Kincora", believe it or not, Members of
the Panel, refers to a location in Killaloe, County
Clare in the Republic of Ireland. It was the birth
place of Brian Boru, High King of Ireland in the
11th century. It became the location of his palace.
I am reasonably certain that when the two social
workers, Helen Gogarty and Judith Kennedy, resolved that
Helen should pass, unbeknownst to them, largely
erroneous information they had been given about Kincora
by their senior colleague, information unfortunately
based, as we have just seen, on that colleague's
capacity for speculation, exaggeration and gossip to
Peter McKenna, little did they think that the word
"Kincora" would instead thereafter be associated in the
Northern Ireland psyche with a house on the Upper
Newtownards Road in Belfast, with systemic and prolonged
child abuse, allegations of cover-ups or State operation
of or collusion in paedophile rings and blackmail plots
for the purposes of furthering political aims for
national security.

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

We will be looking in considerable detail at the RUC
Kincora Phase One Inquiry, which, led by the then
Detective Chief Inspector George Caskey, traced 104 of
what we believe is the 309 in total former residents of Kincora. What those individuals have to say you may consider will be extremely important to the work of this Inquiry. I say "traced", Members of the Panel, because the Phase One investigation began with DCI Caskey holding the Irish Independent newspaper article and nothing else.

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

However, Members of the Panel, the complexities involved in this story will become clear when we shortly turn to look at the details of the abuse over the next number of days. The convictions included in one instance offending that began two years after the individual involved, himself already a practising homosexual, had left Kincora and care. In two other instances the offending would begin while the boys were resident, but the boys would continue as homosexual
adults to engage in sexual activity with Joseph Mains, in one case for a further eighteen years.

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

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

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

You will wish to consider, as we explore what the
residents have to say, that the convictions do not necessarily represent the full extent of the abuse that occurred. I will be saying something more about the three individuals later in the opening.

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

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

The difficulty in having that position understood is
that the extensive underlying investigatory work that
would be undertaken into media claims which would
establish, rightly or wrongly, that there was no basis
for the wider allegations would not be made public, as
is the nature of police and other government
investigations. Their promulgation of the conclusions
of the investigations, often mere short confirmations
that there was, in fact, no basis to many of the wider
claims, has not been sufficient to allay public concern.

You may consider that why those investigatory
conclusions were being reached has not been sufficiently
explained in detail in the past and so has been
misunderstood. It is why this Inquiry as part of its
work will make available as much of the investigatory
material as possible so that the basis for the
conclusions that were reached, which will be looked at
again by this Inquiry, can be considered and understood
for those who genuinely want to get to the truth about
Kincora. It is also why I will spend so much time over
the coming days giving voice to what the residents
themselves say occurred and what they say did not occur.

That being said, I want to turn to look at the three
Irish Times articles that were published in the aftermath of the convictions in December 1981. If we can look, please, at 21312, the first article is of 12th January 1982. You can see the headline was:

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

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

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

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

The ring was believed to have been in existence for at least three years. There were also strong suggestions at the time that NIO officials involved in the affair, who had been transferred back to Britain, had introduced some of their successors to the ring.
Among others suspected of involvement in the ring were police officers, East Belfast businessmen and Justices of the Peace. In some cases their names were supplied to the police and in others they had been traced via car registration numbers supplied to the police.

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

If we scroll up, please:

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

I will ask you to note that, Members of the Panel. "His initial complaint was made against a close relative, into whose care he had been transferred by the Eastern Health & Social Services Board two years earlier. Before that the boy, whose parents were divorced and living in England, had been living at the West Winds Boys' Home in Newtownards, at Kincora and at another home in the Belfast area.

A 'Place of Safety Order' was taken out on the boy,
who was returned to the care of the Eastern Health Board and placed once again in the West Winds Home. The RUC was asked to investigate his allegations, and following a police inquiry, the boy's close relative pleaded guilty to a number of sexual offences, including buggery, dating back to 1972 while the boy was under the care of the Eastern Health Board. In May 1976 he was sentenced to five years' imprisonment.

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

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

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

It is also known that subsequent to the start of the RUC's Kincora Inquiry two years ago" -- that's the RUC Phase One Inquiry led by then DCI Caskey -- "one of the
men who had admitted his involvement in the homosexual ring of 1976 also admitted that he had been part of the Kincora circle.

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

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

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

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

That's a reference to the McGonagle Committee:

"However, since then pressures from concerned social
workers and others has led the Department of Health and Social Services to reconsider the matter.

An announcement of a wider inquiry, possibly judicial in character, is now expected later this week.

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

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

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

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

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

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

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

"There are too several important -- there are several important contradictions contained in some of
the seven statements made by Mr Morrow to the police and between matters attributed to him by other witnesses. Ironical though it may be, however, Mr Morrow, as the originator and promulgator of allegations which were in the main a gross distortion of the truth or completely fabricated, became indirectly responsible for stimulating press interest in the affair to such an extent that it ultimately resulted in the true facts being revealed."

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

This newspaper article and its claims about what the Social Services knew would give rise to an analysis by Detective Superintendent Caskey during the Kincora Phase Two Inquiry. Some analysis had already been conducted
in the Phase One Inquiry, but significant time would be
given over to looking at who knew what in the Phase Two
Inquiry. It would also involve 44 pages of analysis in
the report of the Sussex Superintendent Flenley. You
will find that at 40476 to 40520. We will be looking at
the facts around the missed opportunities by the Social
Services later in the module.

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

As the Irish Times articles predicted, on 15th
January 1982 an Inquiry was set up by the then Secretary
of State for Northern Ireland James Prior. He
established the McGonagle Inquiry. It was not a public
judicial inquiry like this Inquiry, and it ended on 12th
February 1982, after only two witnesses had been called. It ended, amongst other reasons, because a fresh RUC police investigation -- what would become known as the RUC Kincora Phase Two Inquiry -- had been established on 10th February 1982. It would become, as I've said, known as the Phase Two Inquiry. I have just been speaking about it in the context of the Irish Times articles. By then Detective Superintendent Caskey, as he had become, would again head it under the oversight of the then RUC Assistant Chief Constable John Whiteside. It would examine a vast array of wider allegations that had been linked to Kincora, whether with justification or not. It would also receive one genuinely fresh complaint from a resident who had not been spoken to during the Phase One Inquiry.

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

Her Majesty's Inspectorate of Constabulary nominated
Sir George Terry, then Chief Constable of Sussex Constabulary, who agreed to take up the appointment. He was supported by Detective Superintendent Gordon Harrison and Chief Inspector Richard Flenley, who himself had been promoted Superintendent by February 1983.

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

What was probably not known until today was that as part of the RUC Phase Two Inquiry Detective Superintendent George Caskey submitted a substantial secret file to the Director of Public Prosecutions in March 1983 reporting on the RUC investigations into military intelligence and Kincora, in particular based on claims made up to that point by Colin Wallace, but also which included investigations relating to other army officers, including Brian Gemmell, which led to the RUC's attempts to speak to an officer of the security service working in Northern Ireland by the name of
Ian Cameron. These are names that will become very familiar to you over the coming weeks.

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

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

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

(11.35 am)

(Short break)

(11.50 am)

CHAIRMAN: Yes, Mr Aiken?

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

The -- I have mentioned already the inquiry that was also conducted by Sir George Terry. The "Conclusions, recommendations and final comments" section of Sir George Terry's report, as had been promised at the time the Secretary of State made the announcement in 1982, were published by the RUC on 29th October 1983.
What was not published at that time was the rest of his report, although this has since been released by the PSNI under a freedom of information request, although that may not necessarily have been widely known.

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

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

Following the publication of the latter part of the Terry report on 18th January 1984, the Secretary of State for Northern Ireland announced the intention of Government to establish the Committee of Inquiry into Children's Homes and Hostels under the Chairmanship of His Honour William Hughes, a retired -- a recently
retired English County Court judge. We have generally
referred to it as "The Hughes Inquiry" during our work.
We will look further at its remit and findings in due
course.

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

Prior to and during the currency of the Hughes
Inquiry Colin Wallace, who from 1980 was in prison
serving a sentence for manslaughter that would later be
overturned, had recommended -- sorry -- had recommenced briefing journalists and engaging in prolonged correspondence with Government about various matters, such as the activities he engaged in while working as an information officer for the army in Northern Ireland, his hearing before the Civil Service's Appeal Board, his resignation from the Civil Service post in 1975, his manslaughter conviction in 1980, but also what he claimed to know about Kincora.

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

"A convicted killer holds the key to a growing sex scandal involving top members of the establishment. Colin Wallace, serving ten years for manslaughter, is threatening to expose the guilty men. He says he knows the names of MPs, lawyers, civil servants,
councillors and policemen involved.

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

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

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

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

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

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

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

The file is said to be made up of pen portraits of people involved and details of roles they played.
The list includes names of MPs who visited Ulster before the scandal was first exposed two years ago.

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

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

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

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

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

When the RUC spoke with Ian McCaskell, they eventually obtained from him handwritten material that
the journalist had received. If we can look, please, at 30270, this is the copy of the handwritten notes that were obtained from Ian McCaskell. In fact, by the time the RUC obtained them from Ian McCaskell Superintendent Caskey had already got a similar copy from another journalist. So it had wider circulation than just Ian McCaskell.

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

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

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

You can see then:

"The following sequence of events may be of significance
-- McGrath questioned by police; Wallace charged with
murder; a senior Tory Minister resigns; John McKeague is
shot dead. On three separate occasions Wallace
was recommended for decorations for services in Ulster.

He left the Ministry of Defence and resigned his commission in the UDR in 1975."

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

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

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

Wallace's what you may consider to be prolific engagement with press and Government, though not necessarily meaningfully with police or inquiries for the reasons that he gives, saw the eventual production
it would appear in November 1984 in a rather circuitous manner that we will come back to when we look at this in detail later in the module of an edited copy of what was claimed to be a memo Colin Wallace wrote as an Army Information Officer based in HQNI in Lisburn on 8th November 1974.

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

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

Reference A: Attached RUC background paper on Tara.

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

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

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

You can see that it is said of the RUC background paper:
"Reference A adds nothing of real significance to what we already know of the background to Tara. It contains a number of inaccuracies ... various items ...", and so on. You can then see paragraph 2:

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

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

"Reference A deals with McGrath's background in considerable detail but it is inaccurate", this record says, "in a number of respects. The Kincora Hostel was opened in 1959 under the control and administration of the Belfast Corporation Welfare Department. He does not, as the paper claims, run the hostel. He is employed as a housefather. The warden of Kincora is
Joseph Mains and the deputy warden is Raymond Semple. Mains was appointed in 1959 and Semple in 1964. Both men are known homosexuals. Indeed, various allegations of homosexual assaults on inmates of the hostel were investigated by senior Welfare Department staff in 1967 but no action was taken against anyone (see notes of a report by Mr Mason at flag N)."

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

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

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

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

Sorry. I am speaking about Mains, not McGrath.
Then you have paragraph 6 dealing with McGrath:

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

You can see:

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

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

"... cannot be regarded as normal between employer and employee. Whatever the real reason for the row
between Garland and McGrath, there is certainly considerable animosity between them at present and Garland has been actively engaged in trying to have McGrath removed from his post. Garland's own version of events (see flag O) is, of course, very enlightening ...

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

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

You then can see paragraph 7:

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

You will want to bear that in mind when we come to look at the chronology and when the first incident involving McGrath occurred in Kincora. It then says:
"This would appear to be confirmed to some extent by Mr Orr (see flag R) ..."

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

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

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

"... and this conflicts with reference A's assertion that the allegations were confined to Kincora."

You can see then there is reference to the Brian McDermott murder in paragraph 9 and reference to John McKeague. If we just scroll further down, please, and then:

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

So again this is in the RUC report that is being referred to. It makes reference to a number of individuals who, as we will see from the police reports, were linked and discussed during the police investigation.
If we scroll further down, please, we can see at (c):

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

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

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

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

On the other hand, if the allegations are true, then we should do everything possible to ensure that the situation is not allowed to continue. The youngsters in
these hostels almost certainly come from problem
families and it is clear that no-one will fight their
cause unless we do. Those responsible for the murder of
Brian McDermott must be brought to trial before another
child is killed, and if it can be proved that there is
a connection with this homosexual group, then the RUC
must be forced to take action, irrespective of who is
involved.

I would recommend therefore that:

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

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

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

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

You can see that it is typeset "JC Wallace, Senior
Information Officer". You will see it has been
annotated then with information that obviously postdates
1983, because it is commenting on it being amazing that
Sir George Terry could reach the conclusions that he did.

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

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

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

What Colin Wallace actually knew and was saying in the 1970s about William McGrath and Kincora is likely to be a matter for close scrutiny by this Inquiry later in the module. This 8th November 1974 in terms of its date document would be the subject of analysis by The Hughes
Inquiry, with whom, despite you may consider significant effort on the Inquiry's part, Colin Wallace would not cooperate, but 8th November 1974 memo would also be the subject of a further secret report of 28th August 1985 from Detective Superintendent Caskey to the Director of Public Prosecutions in Northern Ireland following a further secret police investigation that he conducted into the document's veracity. The PSNI have again made that secret report available to this Inquiry and it is also a subject to which I will return.

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

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

However, what is probably not known until today is that the confidence with which the British Government repeatedly rejected the core of Colin Wallace's claims, which included, as we can see, claims about Kincora, was based on a secret investigation conducted by the MoD in the late 1980s, but to which the intelligence agencies and the Northern Ireland Office, amongst others, would contribute. That culminated in a 1989 report -- if we can just look at 114050, please -- that culminated in a 1989 report entitled "The Wallace Case" by the
appointed MoD investigator, Mr AG Rucker. That report is also being made available to this Inquiry and is another subject to which I will return.

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

If we can look, please, at 5380, we can see the front cover of Martin Dillon's book "The Dirty War", which was published in 1990. You can see from the index, if we move through to 5383, please, that it was a general text about various events during our so-called Troubles, but chapter 7 -- if we move through on to the next page, please, you can see the subjects that the book covered -- but at chapter 7, "Dirty tricks and conspiracies: Holroyd and Wallace", and that's the annotations that we looked at previously come from Mr Holroyd.
I want to show you the allegation that Colin Wallace was then said, according to Martin Dillon, to be making about Kincora, which is in chapter 7, if we can look, please, at 5408, and in the left-hand column about halfway down -- so if you can maximise the left-hand column for me, please, and you can see the third paragraph:

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

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

"He may well have been in the employ of MI5 from the mid-1960s. He had access to the Loyalist community and
as such was a mine of knowledge about Loyalism and
Unionism. He was later prosecuted for homosexual
offences at Kincora."

Then you can see:

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

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

Who was abused?
By whom?
Who knew about it?
What did they know?
When did they know about it?
What did they do with what they knew?
What ought they to have done with what they knew?,
all coming back to the central question of systems failures that caused, facilitated or failed to prevent abuse.

The allegations did not, of course, stop in 1990. In 1996 you had the publication of Chris Moore's book "The Kincora Scandal". I am going to show you the author's note. If we look, please, at 5004, if we just maximise the right-hand side of the page:

"Since 1990 the name Kincora has been associated in the public mind with the homosexual abuse of young men in care, but because of the nature of the media coverage of the story and some wild speculation about the events at Kincora there have been many misconceptions. For example, the word 'prostitution' has been used in relation to the abuses at the hostel in East Belfast, but it is quite clear from the evidence of former residents that this allegation is without foundation. In statements to the authorities those abused made allegations only against the three members of staff at Kincora, who were subsequently convicted in court. Some made allegations against individuals at other State-run
institutions, which also resulted in convictions.

No-one alleged that he was taken to other men for sexual activity or that men came to Kincora to engage in sexual congress with the young men in care there",

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

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

Later McGrath was to use Tara as a means of trying to prepare for a 'Doomsday' situation, the day Northern Ireland would face the prospect of British withdrawal" -- if we scroll down, please -- "and a united Ireland. He used Tara as a pool from which to draw individuals into what he regarded as a paramilitary group, although not paramilitary in the more usual sense of the word, not a group which would conduct a campaign of violence like that of the IRA, UVF or UFF. For instance,
although there is some evidence to suggest that a small
number of individual members of the group were armed
with illegal weapons, Tara itself never engaged in
a single military operation during the 25 years of
conflict in Northern Ireland. McGrath's idea was to
prepare a group of men in platoons of 20 who would not
be called upon to fight until Doomsday arrived. In the
Doomsday scenario law and order would have completely
broken down and the army and RUC would be either
disarmed or withdrawn to barracks prior to a total
British withdrawal. McGrath's plan was that Tara would
step in at this stage and provide leadership for the
Protestant people, taking control of the rogue elements
of the Loyalist paramilitaries and providing support for
the legitimate forces of law and order. McGrath was
very much against the murderous campaign of tit-for-tat
killings conducted by Loyalist groups.

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

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

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

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

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

   Since the inception of this Inquiry there has been plenty of further media commentary on matters relating
to Kincora, including about this Inquiry, unfortunately not all accurate or informed. I am just going to show you two of the more recent articles which concern Brian Gemmell, although his claims are not new in that he spoke to the RUC in 1982 and then made claims in a Public Eye programme as James in 1990. He also featured as James in Chris Moore's book.

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

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

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

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

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

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

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

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

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

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

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

He said, 'I was summoned to go and see him. I went up thinking he was going to be pleased with me. He bawled me out. He was rude and offensive and hostile.

He told me not just to stop any investigation into
Kincora, but to drop Royal Flush' (an agent he was running).

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

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

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

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

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

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

You can see reference is made:

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

Speaking last week, Mr Gemmell told us he had not yet heard from the HIA."
What was carried in this article amongst others prompted your public statement, Chairman, that, in fact, no contact had been made with the Inquiry.

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

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

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

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

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

'I suspect ...' -- Mr Gemmell said, 'I suspect that they won't call me, because this is too hot to handle. There will be efforts by the authorities to avoid me being called'. 
The former officer has previously accused Ian Cameron, an MI5 veteran of Cold War Berlin, who worked here, of warning him off investigating Kincora. This allegedly happened after he passed on information from Roy Garland and others."

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

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

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

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

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

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

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

Some of the file lists contain information that the Inquiry considers does not need to be made public, because, for instance, they may put lives at risk. Therefore, the file lists in this category have been provided to the Inquiry marked "secret" and it is the Inquiry's present intention that they will be maintained by the Inquiry in a secret Inquiry file that will then be lodged by the Inquiry in a secure location at the end of its work. That file will have instructions as to its preservation and the circumstances under which it can be opened after the time when the Inquiry no longer exists. The relevant material required by the Inquiry from the files on the lists has been made available and will be published.
The secret file will also contain closed narratives provided by the PSNI, the army and the intelligence agencies as to what they have explained to the Inquiry about their positions, particularly around the status of individuals the Inquiry was interested in. The Inquiry has worked with those organisations to ensure that the information the Inquiry considers necessary for its work to be properly carried out and in order for it to be in a position to determine matters critical to the Inquiry will, however, be publicly available.

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

I should also say that while Government departments and agencies maintain the policy of what's known as NCND, or "neither confirm nor deny", in respect of the status of individuals, including for the purposes of their ongoing work today and into the future, those affected by it before the Inquiry have also accepted
that this Inquiry will make those determinations that it, the Inquiry, considers it needs to make, including on the status of an individual where this Inquiry considers that necessary for it to properly carry out its work.

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

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

First, I am going to deal with the Department of Health, which has provided the Inquiry with four witness statements received in respect of this module. If we can bring up, please, 501, the first is from the Permanent Secretary of the Department of Health, Richard Pengelly, who has provided a statement of 8th April
2016. That's at 501. It runs through to 505, with exhibits that run from 506 to 520. The statement explains the steps taken by the Department -- if we just can show it on the screen, please, 501. The statement explains the steps taken by the Department to find and make available to the Inquiry relevant files relating to Kincora and also to account for those files that it is aware of once existed but no longer does.

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

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

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

It is said:

"This is borne out by a number of research studies and the evidence to The Hughes Inquiry of Mr Bunting, the then Assistant Director for Childcare at the Eastern Health & Social Services Board, in relation to his
attendance at a European conference in relation to that subject in 1982."

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

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

With reference to its inspection record, the Department has in previous statements acknowledged the limitations of the inspection approach adopted by the Ministry of Home Affairs", which operated, as you know, until 1973 as the regulator, "in terms of its nature and capacity to effectively evaluate the quality of care in the home. The Department has suggested, however, that the Ministry methodology of an acceptable standard -- was of an acceptable standard for its time and inspections appear to have been carried out in general on an annual or biannual basis. Unlike Bawnmore, Kincora was, however, only 'formally' inspected twice by the Ministry of Home Affairs during the '62-'72 period, although there is no doubt that in view of the frequency of more informal visiting of the home during that time
Ministry of Home Affairs inspectors would have been reasonably well acquainted with the operation of the home and its staff. The Department has claimed in previous statements that visits to homes were introduced by SWAG", the Social Work Advisory Group, "following the reorganisation of the Health & Personal Social Services in 1972, and proposed that this may have been due to the influence of a UK-wide Government policy emanating from the Seebohm report."

Then Dr Harrison says this:

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

The DHSS did not challenge the criticism of the Hughes Report of its record of inspections in relation to Kincora and this Inquiry is now aware of the significant initiatives which both pre-empted and followed the Hughes report. These evidence the gravity
with which the DHSS regarded the events in Kincora and
the other children's homes considered by The Hughes
Inquiry.

With regard to the potential for more regular or
in-depth inspections or visits to Kincora to have
detected abuse" -- and that's a matter of some
importance, Members of the Panel -- "the Department has
noted above the conclusions of the Inquiry in relation
to the inspection visits to the home by the Belfast
Welfare Authority Children's Officers representatives
and the Eastern Health & Social Services Board's
visiting social worker. Despite these roles and the
roles of the Welfare and Board Committees having been
discharged in general compliance with the regulations
and with integrity, abuse of children occurred and
continued to occur even when such visiting was
increased. Even if inspection visits by the Ministry or
by SWAG had been increased during this period, these
would naturally have been completed in a manner
consistent with contemporaneous knowledge and standards.
Therefore The Hughes Inquiry conclusions that the
inefficacy of the Children's Officer inspections as
a means of protecting against sexual offences applied
with even greater force to the monthly statutory visits
of the members of the Belfast Welfare Committee might
well have applied with greater force again to a programme of annual inspections of the Kincora Home carried out in accordance with the standards of the day. Within this context the Department believes that the lack of a regular inspection programme by SWAG did not signify a missed opportunity to prevent abuse."

The Department then says this:

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

Now if I can just pause there and draw attention to two matters, what Dr Harrison is alluding to and which will be a relevant consideration for you as you reflect on the wider allegations that are being made is the fact that coming into Kincora there were regular visits of different kinds. So within the District Social Services
you had the assigned social worker who was visiting.
You had the Personal Social Services Committee and its representatives visiting. You had social workers visiting the children, and the point that's being made is in spite of those events occurring, what was going on in Kincora, and I repeat what was going on in Kincora, because what you find, what you determine was going on in Kincora will be relevant to why those who were coming in may or may not have known about what was said to be occurring or what you find was occurring, and Dr Harrison is then going one step further and saying, "If that is the case for the regular monthly visits that were by and large being conducted in accordance with the requirements of the statutory regime, then it's not likely that inspection carried out on an annual basis is likely to have been any more effective than the regular monthly visiting that was going on as part of the statutory structure". That's what I take the point to be. No doubt if I have got that wrong, the written submissions from the Department will make that clear.

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

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

(1.00 pm)

(Short break)

(2.00 pm)

CHAIRMAN: Yes, Mr Aiken?

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

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

They have made me aware over lunch that since the signing of that statement they have become aware, just received proceedings from Richard Kerr, who I mentioned this morning, the core participant, and that set of proceedings are against a series of entities, of which the Department is one. So I am sure we will be able to
look into that a little bit more as necessary.

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

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

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

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

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

"I enclose a file ..."

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

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

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

"... R8, who resided in Kincora from August '68 to August '71. During this period the alleged incidents
would have taken place, and the boy states that he wrote
the letter two years ago."

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

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

We can see then that:

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

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

Then Mr Mason says:

"No other investigations have been carried out
regarding the rest of the statements made, but it is
thought that there are sufficient grounds to have the
matter considered as one which should be referred to the
crime police in view of the allegations which were made
against the same officer in September 1967. A copy of
the results of the Departmental enquiry into these
allegations are contained in the file."

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

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

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

There is an additional matter then that's noted
arising from the Hughes report, that:

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

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

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

The second statement from Ms McAndrew is of 23rd May. If we look at 1084, please, it runs from 1084 to 1116 and then has substantial exhibits from 1117 to 1366. It is a detailed statement that is likely to be of considerable assistance to you. It covers more general matters about the hostel, the operation of
Social Services, the recruitment of staff, inspections, civil claims that the Board and its predecessors have dealt with, the response to the Kincora scandal by Social Services, but I want to draw the Panel's attention to some key points.

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

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

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

The HSCB then highlights in the statement a point made by The Hughes Inquiry, which we have already looked at. We will need to do some further work in this regard, but it would appear that those who claim to have been abused in some way in Kincora amounts to just less than 15% of those who resided in Kincora during its period of operation. It must be borne in mind that not everyone was there for equal lengths of stay and therefore the statistic can be misconstrued, but the
statistic is, of course, also not to minimise the
effects on those who were abused, but to recognise that
the portrayal of Kincora -- and this is the point that
I think paragraph 12 is making -- as observed by the
Sussex Constabulary to portray it as some sort of
brothel was just not borne out by the evidence, and
that's the point that is being made.

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

It will be for you to decide, Members of the Panel,
whether that was because of any inadequacy in that
system or whether it had more to do with the way in
which homosexual activity in Kincora was being carried
on. One of the issues that you will want to reflect on
through the statements that we are going to look at is
the number of those involved in homosexual activity who
make reference to the fact it was being done in secret.

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

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

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

"In and of themselves many would not have been
capable of preventing or detecting the homosexual abuse
that occurred in Kincora. Detailed analysis of this
issue was undertaken during The Hughes Inquiry, whose
findings are detailed in the HSCB's statement. The
exceptions to this were the two occasions in '67 and '74
where a referral" -- I think that should be '71 and '74
-- "where a referral to police ought to have been made.
However, even in this respect, and as found by the
Hughes Inquiry, whether that would have, in fact,
resulted in a full investigation and/or an uncovering of
the abuse that was occurring in Kincora is a matter of
conjecture."

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

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

If we can move to 1469, please, this statement
addresses some particular systems issues that the
Inquiry identified to the Health & Social Care Board and
explains why in respect of some the Health & Social Care
Board does not regard them as systems failures, but also
contains some further concessions in respect of systems
failures that the Health & Social Care Board does
acknowledge. It also clarifies for the Inquiry
an important point that will be relevant in the context
of Colin Wallace and one of his claims. To the best of
the Health & Social Care Board's knowledge they do not have a belief that an anonymous call was received in 1975.

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

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

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

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

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

You can see that there ought to have been a formal record of the Board's engagement with police. So that's
the Cullen meeting with Bob Bunting and Mr Gilliland.

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

MR AIKEN: Yes.

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

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

CHAIRMAN: Yes.

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

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

You can see at (d) then:

"Monthly reports completed by the visiting social worker."

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

"They did not contain information relevant to allow the Eastern Board to be fully appraised of developments
within the hostel in late 1977."

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

Then at 2 you can see:

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

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

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

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

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

Then at (b) the failure in 1971 to refer R8's
complaint to the police.

Then this third element:

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

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

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

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

"Prior to the reorganisation in '73 direct access to
the Mason file by officials with management responsibility for Kincora had been unduly restricted and the Assistant Director's treatment of it following reorganisation" -- so Mr Bunting regarding it as a dead file in the drawer, having received it from Mr Mason -- "compounded that problem. The circumstances in which he was given the file as well as its contents should have prompted him to brief the incoming management staff at the earliest opportunity to enable them to carry out their duties with the benefit of all available information."

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

Then you have at (e):

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

Now this is Roy Garland's call to the Holywood Road Social Services, which prompted some investigation by Social Services, but the point that's being made is it
should have been referred to the police, who had received a similar call and carried out, and we will look at it, a limited investigation only the year before, and also the point being made is this information was all handled in the district and it ought to have been, because of its nature, reported up to the Board.

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

In -- then at (g):

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

Now this is a reference to R15 and him reporting to his parents about William McGrath and then his parents complaining to the Shankill Road Social Services, which involved Ms McLean and a Mr Moore, and that sequence of events, it would ultimately be dealt with by Mr Moore.
They were a difficult family clearly from the materials and concern about the veracity of what was being said, but nonetheless the point that is being made, as The Hughes Inquiry also found, was that that information still should have been conveyed across to those with ultimate responsibility for managing Kincora, which was in the East Belfast & Castlereagh District.

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

Then you can see at (j):

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

particularly in March '76, when the Board bring in the district, as it were. So Mr Bunting and Mr Gilliland link in Mr Scoular, who is in charge of the district, and the district is effectively finding information out from the Board but not telling the Board the information that the district already has, and that's the failure that's being identified.
Then at (k) the -- internal to the Board, having become aware in March '76 with the engagement by Detective Constable Cullen with Mr Bunting and Mr Gilliland, the point that's being made here is that information ought to have been shared upwards to the Chairman of the Personal Social Services Committee and the Board.

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

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

CHAIRMAN: Yes.

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

CHAIRMAN: Yes.

MR AIKEN: -- not being told by their headquarters officials about particular circumstances.
CHAIRMAN: Probably the Chairman or Chairwoman of the Board at the time should have been told at least.

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

Then you can see at (l):

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

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

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

So when you read the two interviews in combination, that of Raymond Semple, who was his assistant, and
Mr Mains, when you put them together, you have a series of occasions whenever Raymond Semple is told by boys that McGrath is interfering with them, generally putting the hand under the bedclothes in the morning modus operandi, and Semple would explain that he would tell Mr Mains about that sequence of events and then Mr Mains would not pass it on. In addition, Mr Mains would explain to police that he himself directly received complaints of that kind from some boys and again did not pass it on. So that systems failure is also being formally acknowledged by the Health & Social Care Board.

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

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

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

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

So what the Board have done is identified systems issues, but in fairness to the Health & Social Care Board if I refer you back to the point that was being
made, some of these systemic failings, the point the Board makes and you will wish to consider is whether they would in effect themselves have had any material difference on causation, as it were, on preventing the abuse occurring. They are nonetheless systems failures that are being acknowledged.

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

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

I should perhaps also point out and put on the record this. The HSCB has confirmed that it has no knowledge of an intelligence operation being carried out
in or through one of its children's homes, and I observe
to the Panel that no doubt it would regard it as
a significant systems failure if that was occurring and
the authorities with responsibility for the children
were not told about it.

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

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

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

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

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

In paragraph 445, if we can look, please, at 10076, Detective Chief Inspector Caskey explained that apart from what must have been collusion by the three defendants -- now that's an assumption that he made, because each of them denied that there was and some of the evidence points certainly to Mains and Semple
knowing each other, but not McGrath knowing Mains and Semple:

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

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

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

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

MR AIKEN: Yes.

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

MR AIKEN: Yes. In this context the -- it is that wider
concept of cover-up that's in the Irish Independent article that he is saying there's no proof for, because he brings to light the occasions whenever Mr Mains was told by boys and by Mr Semple.

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

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

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

He also makes the same point in paragraphs 556 and following, that while William McGrath was involved with Tara, there was no direct evidence to suggest that McGrath had used his position at Kincora to recruit residents for any organisations. I think we will find when we look at the statements, there are I believe two individuals who speak of having a kindred view of things
to Mr McGrath and engaging in discussions with him about them, but there was certainly no-one who was arguing that they were recruited into various activities because of having met him.

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

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

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

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

We will look at those.

"There is nothing on the file to indicate what was
done in respect of R8's complaint."

Then he goes on to say, if we scroll down, please:
"The police investigation shows that the defendant McGrath's homosexual tendencies prior to this employment were brought to the notice of the police and Social Services through Mr Roy Garland and", as we will come to see, "Ms Valerie Shaw", although Valerie Shaw receives her information from Roy Garland.

"Additionally to informing the police and Social Services Miss Shaw brought the matter to the notice of several prominent people in the community."
If we scroll on down, please:
"Apart from the Mason investigation file and the Cullen Inquiry", so that is the '74/'76, "which in '76 was brought to the attention of the Eastern Board, all other matters were dealt with at district level by Mr Scoular.

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

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

Now I want to show you the index to part two of this police inquiry. If we look, please -- and again you
will see names on the screen. They shouldn't be used beyond the Inquiry. If we look at 10124, please, I just want to allow the operator, if she would be so kind, as she generally is to me, to just scroll through over the next number of pages, because this is an alphabetic index to the statements that were taken in the Phase One Inquiry that has been made available to this Inquiry. You begin to get a sense of the scale of what is involved.

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

I also want to show you the index to Part 5 of this report, if we go to 11579, please. Now Part 5 in the old style RUC police reports generally was statements that had been taken but which were not themselves relevant to the charges that were being recommended, and again if the operator would scroll down through for me, there are over 100 witness statements here, many of whom were former residents in Kincora, and while they may not
have been material to the RUC's criminal investigation, which was to see people prosecuted for what they had done, they certainly are going to be relevant to you, Members of the Panel, as you look at the wider allegations that have been made. All of the material that was gathered as part of that Inquiry is available, as you are aware, to this Inquiry.

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

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

In summary, it looked initially at the 1971 acquittal of Alan Campbell in respect of an allegation of sexual assault on a boy who would later live in
Kincora. That boy is called KIN43, but the fact is that the circumstances that were the subject of the investigation had nothing themselves to do with Kincora, but the link had been made simply because the boy was later in Kincora. Out of this Detective Superintendent Caskey recommended that there should be charges of perverting the course of justice in respect of what occurred over the trial in 1971 and attempts at false alibis.

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

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

A further charge was recommended by the superintendent
in respect of an adult male who had engaged with R23, but again that had nothing to do with Kincora.

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

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

Now, as you will see further down on the screen, Joss Cardwell took his own life on 25th April 1982. I want to show you paragraph 30, please, on the next page -- sorry -- paragraph 300. If you just scroll on to the next page, please. Yes.
"At this point it should be stressed", says Detective Superintendent Caskey, "that throughout police inquiries into misconduct at three Belfast children's home visited by the late Mr Cardwell no allegations were made against him by any boy, nor was there any suspicion of any misconduct by him",

and that has remained the position.

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

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

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

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

"In the course of interviews with Chris Moore a remark was made that Joss Cardwell may have visited Kincora outside his capacity as the visiting officer for the Board or on the Personal Social Services Committee and may have attended religious meetings held by William McGrath and that his name had been written in the Kincora visitors' book."
CHAIRMAN: So nobody made any allegations against Mr Cardwell during the investigation?

MR AIKEN: No.

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

MR AIKEN: Yes.

CHAIRMAN: And then he took his own life?

MR AIKEN: Yes.

CHAIRMAN: Yes.

MR AIKEN: In addition, the Superintendent also looked at -- because of the wider allegations that were being made, they went to the prison where the three men were serving their sentences and reinterviewed them about the wider issues of prostitution and vice rings, and all three of them explained in different ways that they did not know of anything of that nature. Semple explained he had told all at his police interview and there was nothing more to tell. Mr Mains said he knew nothing about it. Mr McGrath was very emphatic about how he had nothing to do with that and, in fact, issued a press release inviting anyone to prove that he had ever been engaged in anything of that nature, but as a result of that he said he could remember occasionally seeing police officers coming in with -- arresting boys and so on and so forth.
So the detective superintendent set himself the task of tracing all the community police officers who might have been at Kincora on occasions and explains in the report the steps that were taken to identify those officers. That would result in not again connected to Kincora, but a separate, discrete inquiry being launched into BAR12, who you will recall from Barnardo's. That's what came to light as a result of tracing police officers who worked in the area during Kincora's operation.

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

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

"Apart from recommending a particular charge" -- that was relating to the R23 case -- "and the separate investigation in respect of BAR12, no evidence was found that British officials in the Northern Ireland Office, policemen, Justices of the Peace, or businessmen and boys in care were involved in a homosexual prostitution or vice ring."
He makes the point then in 364 about the R23 case, that none of those who were involved in that matter in Bangor in 1975 had anything to do with or fell into the categories of people that were said to be involved at Kincora.

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

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

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

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

"It would be reasonable to expect in view of the December '81 convictions themselves that should there be outstanding complaints of homosexuality or any knowledge by any person of prostitution or vice rings, this would
have been made known to the police or other authorities.

Other than the R23 case, which could be construed as a vice ring orchestrated by KIN183, because he is defining that as more than one man being involved ultimately, "there is no evidence of any other such ring."

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

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

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

MR AIKEN: Go back up, please.

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

MR AIKEN: Yes.

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

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

MR AIKEN: Yes.

CHAIRMAN: Certainly cast their net far and wide.

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

Now if we just -- if you are content, Chairman, we will just scroll down through, because in this case we have many pages. There is about thirty witnesses listed to a page. So you start to get again the idea of the scale of what is involved, what was done in order to find out what -- whether there was any truth to the
allegations that were being investigated and then,

having done that, reaching the conclusions based on

what's in those statements.

If we look at Part 5, I just want to show you, if we

look at 21306, Part 5 of the Phase Two Inquiry, because

of its nature, contains the newspaper reports, and Part

5 is 29... -- if we just scroll through a page, please,

so you can see the index of the newspaper reports that

were taken into account -- 294 pages of newspaper

reporting that is to be found in this section of the

Phase Two Inquiry.

Chairman, I wonder in fairness to our stenographer

whether we should ...

CHAIRMAN: Yes. We will take a short ten-minute break.

(3.15 pm)

(Short break)

(3.25 pm)

MR AIKEN: Chairman, Members of the Panel, just before the

break I'd covered the Phase One Kincora Inquiry and

Phase Two Kincora Inquiry.

What I want to show you now is the secret military

intelligence RUC file. If we can bring up 3001, please,

this file, which is marked "Secret", runs from 3001 --

sorry. I had better add another zero in. 30001. It

runs from 30001 to 30407 and it examines allegations
then made concerning military intelligence and what was known about Kincora.

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

Arising from what Brian Gemmell had to say Detective Superintendent Caskey wanted to speak to Ian Cameron of the Security Service. At the time he was what was known as the ASP or the Assistant Secretary Political working or seconded to the Northern Ireland Office, second in command to what was known as the Director and Coordinator of Intelligence, the DCI, based in the NIO, and this ASP worked in the Army Headquarters in Lisburn, HQNI, and Ian Cameron performed that role at the material time that Brian Gemmell speaks of, which is
Detective Superintendent Caskey was not permitted to interview Ian Cameron. We will look later in the module at the circumstances surrounding those events. It is evident from the report -- that's the 58-page report that's contained in this file -- that Detective Superintendent Caskey wanted to conduct that interview and was frustrated at not being able to do so.

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

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

Of the documents that he was given by a senior army officer, who went through relevant files, one document -- I am going to show it to you at this stage -- it is at 30308 -- was of 26th February 1975, and you will see that it is headed "William McGrath (Tara)" and it sets out information that is available to the author about William McGrath. It has his home
address, which is not the address of Kincora, and then
it records information relating to him that is to hand.
You will see it references to him being a homosexual.
Then in paragraph 4 you will see the document says:

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

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

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

"It is a short report of 4 paragraphs signed by

him",

and he says this about it:

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

If we scroll down, please:

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

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

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

So there are three major elements that come out of
this secret file. One is the material that was produced
by the army to Detective Superintendent Caskey that
included this document that led him to talk to Lieutenant Colonel. The second is the claims then made by Colin Wallace and the efforts to get to the bottom of those, and we will look at a lot of the material that was gathered as part of that investigation, which included both contemporaneous documents and what they show, and also speaking to relevant individuals as to what they had to say about those documents. Then the third part is Brian Gemmell and what he said to the police in 1982 and the efforts then made to speak to Ian Cameron.

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

I want to move on from this file. As I have said, it is 407 pages in length, and I am simply acknowledging is existence at this point and drawing the three main issues, amongst others, out of it that will be very helpful, but at the same time as the Phase Two Inquiry and this secret report are being worked on and the investigation is going on and the report being prepared
the officers appointed by Sir George Terry were also
carrying out their work, which included overseeing what
Detective Superintendent Caskey was doing.

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

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

I want to observe that he was very critical of the RUC in relation to the 1974 to '76 Cullen/Meharg activity and also in respect of the June 1974 actions of
Superintendent Graham that arose from his conversations with Valerie Shaw and, as I said, her information ultimately came from Roy Garland, but what Superintendent Graham did or did not do was the subject of criticism in very stark terms by Superintendent Harrison.

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

Superintendent Harrison in contrast -- and you can see this as you read the significant detail in the report -- was extremely impressed by the quality of Superintendent Caskey's initial investigation, pointing out, as we will come to see, that much of what the then Detective Chief Inspector Caskey did in the Phase One Inquiry would have been reasonably considered by other police officers to be the unnecessary chasing of lost causes.
In fairness to Superintendent Harrison, where he did find some error of detail in the Phase One Inquiry report, then he pointed that out in his own report, and it records occasions when he drew to Detective Superintendent Caskey's attention a particular aspect of detail and records the Superintendent acknowledging that that appeared to be something that was overlooked. None of those matters were ever considered to be of significance in the overall context of the investigation, but you will be able to see them in the report.

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

"Although the sheer volume of statements, papers and records collected by The Royal Ulster Constabulary investigating team and the successful prosecutions achieved gave an early indication that the matter had been subject of a full enquiry, it was considered necessary to have as many former Kincora boys reinterviewed as possible. The principal reason behind this decision was the need to test the truth or otherwise behind the statements made in the media of"
stories of prostitution and the alleged involvement of prominent persons said to be protected by either a police or local authority cover-up. Consequently Superintendent Flenley and I interviewed and obtained statements from as many former Kincora residents as we could trace. These interviews with ex-Kincora residents did not yield any significant additional information to that obtained by The Royal Ulster Constabulary detectives. We could not find any witnesses who claimed to be victims of prostitution" -- scroll down, please -- "or anyone who had any apparent knowledge of offenders holding prominent public offices.

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

Then he says this in paragraph 497:

"The importance of the evidence obtained from the ex-Kincora residents cannot be over-emphasised, for they are said to be the victims of prostitution and of sexual assaults by prominent people. Without exception, they
deny the truth of such allegations. These witnesses, many of whom have never met one another due to the time scale involved, must be considered in general to be reliable witnesses."

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

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

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

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

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

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

If we scroll down, please, he says:

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

Now there are -- again, similar to Detective
Superintendent Caskey, "Well, how does he come to these
conclusions?" There are 306 pages of witness
statements. If we look, please, at 40589, they begin at
40589. Now on this page they record that they just go
up to -- scroll down, please -- page 153. They, in
fact, go up to page -- there is another page of this
kind that runs from page 154 through to 306, but if we
scroll down, you can see the index, please. Again you
can start to get an idea of the breadth of individuals
being spoken to. Many of them cross-refer. They had
already spoken to the police during the RUC Phase One
Inquiry, many ex-residents and many others beyond, and
they run in the bundle to 40929, and then there's also
an exhibit bundle of relevant documents that are
referred to in the Sussex reports and those exhibit
documents run from 40930 to 41011. If we just look at
40930, please, if we can just scroll down, please, you
can see then the list of exhibits that are involved.

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

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

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

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

"It is important to note that there is unfortunately"

"..."

ACC Hamilton does make reference to a point that all Government departments and agencies have made to the Inquiry throughout our existence and in particular looking at these matters where we are trying to look at
very forensic detail in 2016 about events happening in the 1970s:

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

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

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

I want to show you just as I close, please, at 55072 just one example at this stage. That is the Special Branch file relating to William McGrath. We can see on -- I should say that the redactions are information internal to the police that the Inquiry considers does not need to be made public, but what we are looking at is the file cover of the Special Branch file of William McGrath, and if we look, please, at 55074, we can see
that contained within the file, and as the narrative statement from the PSNI confirms, William McGrath appears to have first come to the attention of Special Branch in 1966 as a result of involvement in a political rally, but I am going to show you one document from the file, if we look, please, at 55076, which is an intelligence report on Tara from the 17th April 1973. Again the redactions are those that the Inquiry considers are not relevant to its work or not necessary for it to properly carry out its work, and I want to show you, if we scroll down a little bit, please, this is a report on Tara, but you can see -- just go back up a little, please. Thank you.

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

You can see:

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

He goes on to refer further on that issue. Now it is that final paragraph that's of particular relevance and an issue that the PSNI will want to look at. This document in April '73 is about six weeks
before the anonymous call from Roy Garland. As we now
know, it came from -- on the Rovaphone -- confidential
phone line, which was the precursor effectively to
today's Crimestopper system. That phone call comes in,
and we will look at that and pick that up tomorrow
morning. Whether that information that's contained in
this document should have been disseminated or otherwise
informed the police response to Roy Garland's call,
although it was an anonymous call, and the anonymous
call was the 2024th call received by that point in
May 1974, which again begins to give some impression of
the pressures that the RUC were having to deal with as
the breakdown of civil society was having to be managed
during the terrorist campaign.

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

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

(4.05 pm)

(Inquiry adjourned until 10 o'clock tomorrow morning)

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