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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 20th June 2016

commencing at 10.00 am

(Day 211)

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

1 Monday, 20th June 2016

2 (10.00 am)

3 Material relating to Richard Kerr dealt with by COUNSEL TO  
4 THE INQUIRY

5 CHAIRMAN: Good morning, ladies and gentlemen. As always,  
6 if you have a mobile phone, please ensure it has been  
7 turned off or placed on "Silent"/"Vibrate", and I must  
8 remind everyone that, although we will not have any  
9 witnesses in court this morning in the chamber, no  
10 photography is permitted in the chamber or anywhere on  
11 the premises.

12 Good morning, Ms Smith.

13 MS SMITH: Good morning, Chairman, Panel Members, ladies and  
14 gentlemen. This morning I will be opening a body of  
15 material relating to Richard Kerr. Unfortunately in the  
16 course of doing so I will have to use names and names  
17 will be seen on documents together with some other  
18 personal details, such as e-mail addresses, and I just  
19 wish to remind everyone of the need for those names and  
20 details not to be repeated outside the chamber, and to  
21 reassure those who need such reassurance that they will,  
22 of course, be redacted before we put them on to our  
23 website.

24 The Panel -- the Inquiry had planned to open this  
25 material while hearing from Richard Kerr himself and he

1 and his lawyers were provided with a large quantity of  
2 material, some of which I shall refer to today.

3 Richard Kerr has recently declined to continue to  
4 assist the Inquiry as a core participant. He and the  
5 lawyers who were representing him before the Inquiry  
6 have been advised that the Inquiry intends to proceed  
7 to examine previous accounts that he has given about  
8 his experiences in Kincora.

9 Before I go on to look at what Richard Kerr has said  
10 about his time in care I consider that it is appropriate  
11 to put on record publicly what his engagement with the  
12 Inquiry has been.

13 There is a suite of correspondence in the bundle.  
14 If I could start, please, with KIN119525, 525, you will  
15 see this is a letter from the legal representatives for  
16 Richard Kerr requesting that he be admitted to the Inquiry  
17 as a late applicant. If we can just scroll down through  
18 these documents, you will see that the next document is a  
19 document that I will refer to in due course, which is an  
20 affidavit sworn by Richard Kerr in the Gary Hoy judicial  
21 review application. If we could then -- that was dated  
22 16th February. I am doing this in chronological order,  
23 Chairman, which is why that is in the bundle in that  
24 location, because it is a document that was sent to the  
25 Inquiry on behalf of Richard Kerr.

1           On 26th April 2016 there was an application made for  
2           core participant status on behalf of him and four  
3           others. One of those people was actually never in  
4           Kincora and, in fact, was dead. If we can look at that,  
5           please, I think it should be at the next page, which is  
6           119334. As I've said, it is dated 26th April and it  
7           sets out the names of the people represented by the firm  
8           of solicitors and you will see that it is asking for  
9           representation on behalf of someone who, as I indicated,  
10          is deceased and was never a resident of Kincora.

11       CHAIRMAN: I think just to add to that the gentleman  
12          concerned did give evidence to the Acknowledgment Forum.

13       MS SMITH: That is correct.

14       CHAIRMAN: And on I think it is two occasions we have placed  
15          his account to the Acknowledgment Forum on record so  
16          that whatever he wished to say at least has been put in  
17          the public domain, because the gentleman concerned had  
18          indicated that he wished to speak to this part of the  
19          Inquiry. Sadly he died after he spoke to the  
20          Acknowledgment Forum and before arrangements could be  
21          made to interview him in the normal way.

22       MS SMITH: That is indeed correct, Chairman. When he spoke  
23          to the Acknowledgment Forum, he gave evidence to them  
24          about what had happened to him in respect of two  
25          institutions, and in the modules dealing with those

1 institutions what he said to the Acknowledgment Forum  
2 was presented by Mr Aiken.

3 CHAIRMAN: Yes, and he made it clear to the Acknowledgment  
4 Forum that he had never been in Kincora, but he thought  
5 his brother had been.

6 MS SMITH: I think that's correct, yes, Chairman.

7 The next document then was a document dated two days  
8 later from the Inquiry inviting Richard Kerr to be a core  
9 participant. You will see that's dated 28th April 2016,  
10 and it sets out what was required, and asking him to  
11 confirm or through his solicitors to confirm by 3rd May  
12 -- if we can just scroll on down through that letter:

13 "Please confirm by close of business on Tuesday,  
14 3rd May whether Richard Kerr wishes to become a core  
15 participant",

16 and asking for his statement to confirm the  
17 truthfulness of the contents of his affidavit of 16th  
18 February 2015, saying it was unnecessary for him to  
19 repeat what was in the affidavit provided that he  
20 confirms the truthfulness of it.

21 "If he wishes to amend or retract any matter  
22 referred to in the affidavit, then he should do so in  
23 the witness statement. If he has any further  
24 information which he believes might assist the Inquiry  
25 in its work that was not included in that affidavit,

1           that information should also be included in his witness  
2           statement."

3           Now, to be clear, we have never received a witness  
4           statement from Richard Kerr or indeed any statement  
5           confirming the truthfulness of what is in the affidavit.

6   CHAIRMAN: Well, I think we need to make it clear that he  
7           was also offered the opportunity of legal advice before  
8           he made the statement.

9   MS SMITH: Yes, that is correct.

10   CHAIRMAN: No doubt you will come to that later in the  
11           sequence.

12   MS SMITH: Yes, indeed. In fact, if you just look on the  
13           screen, Chairman, it says:

14           "If he is willing to provide a statement and wishes  
15           to have legal representation to enable him to prepare  
16           the statement, please return the completed ALR1 form by  
17           close of business on Tuesday, 3rd May",

18           to enable you, Chairman, to decide the amount of  
19           funding necessary to enable him to make the statement.

20           So the next communication is an e-mail of 5th  
21           May 2006. I should indicate that Richard Kerr now lives  
22           in the United States of America in Texas, and therefore  
23           any communications -- there has been obviously a time  
24           delay in respect of that, but you will see here that, if  
25           we can just scroll on down, it says:

1            "To it may concern, I am willing to cooperate in any  
2 way I can with the Enquirer regarding Kincora and what  
3 happened to me, but I am asking for something in writing  
4 what it is you are acquiring in this process. You can  
5 contact my solicitors."

6            Her name and telephone number are recited there.

7            "I'm just requesting it in writing what the  
8 procedures are in good faith. I am willing to cooperate  
9 but I feel -- but I need to feel I can have something in  
10 writing first what the procedure is.

11           Thank you. Richard Kerr regarding Kincora boy home to  
12 share the dreadful horrible experience that I went  
13 through once again. Just contact my solicitors.  
14 I would appreciate that this e-mail is on May 6th,  
15 2016."

16           If we could just scroll back up a moment, please,  
17 you will see he then adds a postscript:

18           "One more thing. I will be taking the advice of my  
19 counsellor or my doctor on this matter as well. Thank  
20 you again. May 6th, 2016. Richard Kerr."

21           So that's the first direct contact that the Inquiry  
22 received from Richard Kerr.

23           Then an ALR1, which is the form that the Inquiry  
24 uses for applications for legal representation, was  
25 submitted on 25th and 26th May 2016. If we can just

1 scroll on down to that, it should be the next document.  
2 I am not going to open this up, but if we can scroll  
3 right through to -- you will see the details that are  
4 required to be provided by the Inquiry before legal  
5 funding is granted out of public funding. If we can  
6 scroll right down, please -- if we even maybe just go to  
7 119557, which is the last page of the application --  
8 sorry. I have gone to -- that's an incorrect -- if we  
9 can scroll back up, please, just to I see.

10 CHAIRMAN: I think these are annexes to the other document  
11 --

12 MS SMITH: Yes, that's correct, yes.

13 CHAIRMAN: -- in which they provide answers to some of the  
14 questions.

15 MS SMITH: I should say -- yes. Chairman, I was trying to  
16 find the page. It might have been at the end of the  
17 handwritten section where I was trying to explain -- if  
18 you just scroll down -- yes -- next page -- you will see  
19 there that Richard Kerr signed the application on 25th May  
20 and then his legal representatives signed the following  
21 day and submitted it. So the Inquiry didn't actually  
22 receive it until 26th.

23 On 25th May Ms McKeegan, Richard Kerr's  
24 representative, e-mailed the Inquiry about the  
25 arrangements for Richard Kerr to attend. That's at

1 119558. That was in response to a request about his  
2 attendance from the Inquiry at 119559. You will see  
3 that Ms McKeegan -- if we can maybe scroll down to the  
4 next page, you will see it just says:

5 "Please note that we are currently lining up  
6 witnesses for hearing dates for the Kincora module and  
7 would be grateful if Richard Kerr could be asked to attend  
8 for consultation here at the HIA offices on Friday, 24th  
9 June at 10.00 am. It will then be our intention to take  
10 his oral evidence at the start of the following week,  
11 Monday, 27th June.

12 Please revert to me as soon as possible so that our  
13 witness support officers can make the necessary flight  
14 and accommodation arrangements."

15 Then if we can scroll back up, please, the response  
16 to that e-mail was that Ms McKeegan had spoken to  
17 Richard Kerr's aunt:

18 "She resides in London and she has always been his  
19 closest relative.

20 She has a number of concerns.

21 She always travels with him to Northern Ireland as  
22 support. Will the Inquiry cover her flights and  
23 accommodation also? How long will they need to be in  
24 the jurisdiction? He will want to hear evidence of the  
25 other core participants. Kindly advise of the

1 timetable.

2 We are not in possession of the bundle or any  
3 information pertaining to the length of same and how  
4 long we might require to read and consider in order to  
5 update and advise our client. Please advise urgently.

6 I can advise that the week of 24th to 1st July  
7 I have a commitment taking me out of the jurisdiction.  
8 So if those dates could be avoided, I would appreciate  
9 it.

10 Mr Kerr has asked me to advise also that because of  
11 his PTSD, he requires space and he gets stressed when  
12 travelling and claustrophobic. He would require first  
13 class flights. We can provide a letter from his  
14 counsellor in this regard if necessary.

15 Please let me have the position on this.

16 I received an e-mailed version of the ARL1 signed.  
17 An original will be in the post tomorrow to me. I will  
18 lodge the electronic version today."

19 The next e-mail then is of 26th May from Ms Donnelly  
20 from the Inquiry to --

21 CHAIRMAN: So roughly speaking it took twenty days from  
22 Kerr's last communication on 5th or 6th to us  
23 receiving that?

24 MS SMITH: Yes.

25 CHAIRMAN: Nearly three weeks?

1 MS SMITH: Yes, that's correct.

2 CHAIRMAN: Yes.

3 MS SMITH: The -- as I say, on 2... -- if we scroll down,  
4 please -- I think it's on the following page.

5 CHAIRMAN: Yes. Perhaps I should also make it clear that it  
6 was the position, was it not, that his solicitors  
7 insisted that we make all arrangements through them  
8 rather than taking the more straightforward course of  
9 contacting him directly?

10 MS SMITH: That is correct, Chairman, and so, therefore, you  
11 will see that there is a suite of e-mail correspondence  
12 between Ms Donnelly from the Inquiry to his solicitors,  
13 Ms McKeegan.

14 CHAIRMAN: Yes. I made some observations to that effect on  
15 one of the days when they were present.

16 MS SMITH: Yes, I think that's correct, Chairman. I will  
17 come to that in due course.

18 You will see that on 26th May there's a lengthy  
19 e-mail from Ms Donnelly to Ms McKeegan about the travel  
20 arrangements. This is just them e-mailing the ARL1  
21 completed. It was sent at 18.26 on 26th May and then on  
22 31st May she was asking whether or not it had been  
23 decided.

24 But if we can just scroll down, you will see here  
25 that -- this lengthy e-mail from 26th May from

1 Ms Donnelly to Ms McKeegan and it says:

2 "In response to the various matters raised in your  
3 11.45 e-mail of yesterday and having consulted the  
4 Chairman, I can say the following.

5 1. As you will no doubt recall, it is the Inquiry's  
6 practice to allow an applicant attending to give  
7 evidence to the Acknowledgment Forum or at public  
8 hearings to be accompanied by a companion of their  
9 choice to support them. Although Richard Kerr is not an  
10 applicant, the Chairman has decided that in his  
11 particular circumstances the same facility will be made  
12 available to Richard Kerr. The Inquiry will therefore pay  
13 for Mrs travel to and from London and Belfast  
14 and Belfast and Banbridge and her accommodation in  
15 Belfast if the Inquiry considers Richard Kerr's presence  
16 is required in Northern Ireland.

17 In the light of what you say about your  
18 unavailability in the week of 24th June to 1st July the  
19 provisional timetable has been altered. The Inquiry  
20 required Richard Kerr to be in Belfast on 17th June to  
21 consult with Inquiry counsel. It is now intended to  
22 call Richard Kerr on Monday, 20th June.

23 Although he will be a core participant, the  
24 assistance he can give to the Inquiry is limited to his  
25 experiences in Kincora and other institutions in

1 Northern Ireland. On that basis the Inquiry considers  
2 that his presence will not be necessary before he  
3 consults with Inquiry counsel and will be unnecessary  
4 after Thursday, 23rd June (the Inquiry will not be  
5 sitting on Friday, 24th June). The timetable for the  
6 period from 20th June onwards has not yet been  
7 finalised.

8 We recognise that he will need to travel from Dallas  
9 to Northern Ireland in advance of 17th June in order to  
10 recover from jetlag and no doubt consult with yourself  
11 and your counsel.

12 The Inquiry will therefore arrange and pay for  
13 return flights to Belfast from Dallas with the inbound  
14 leg getting him to Northern Ireland on Tuesday, 14th  
15 June, giving him Wednesday to recover sufficiently to  
16 consult with yourself and counsel on Thursday 16th and  
17 with Inquiry counsel on Friday, 17th June.

18 To allow his aunt to accompany him we suggest he  
19 flies Dallas/London Heathrow/Belfast and this would  
20 allow his aunt to accompany him on the Heathrow/Belfast  
21 leg of each journey.

22 We are exploring possible flight times and will  
23 revert to you as soon as possible.

24 You say he requires first class flights. The  
25 Inquiry applies the normal public service rules to the

1 cost of air travel and this does not cover first class  
2 travel. They are required to book fares that are the  
3 most economical. For example, when we sent our  
4 Acknowledgment Forum panel members, solicitors and  
5 administrative staff to Australia on Inquiry business,  
6 they all travelled economy class. If Richard Kerr wishes  
7 to make the case that he has medical problems that are  
8 relevant, we will require a letter from a medically  
9 qualified practitioner to that effect. A counsellor  
10 would not be acceptable. In this context I note that, as  
11 you will be aware, Richard Kerr was in Belfast at the  
12 High Court on 8th April 2016 for the judgment in the Gary  
13 Hoy JR and before that in February 2015 at the High  
14 Court when leave was granted for that application. Please  
15 provide details of Richard Kerr's flights and travel to  
16 and from the USA to Belfast on those occasions and on any  
17 other occasions since February 2015. These  
18 details should identify his class of seat, whether it  
19 was economy, premium economy, business class or first  
20 class (or the equivalent type of ticket, depending on  
21 the airlines used).

22 The Inquiry will arrange appropriate hotel  
23 accommodation for Richard Kerr and his aunt for ten nights  
24 starting Tuesday, 14th to Thursday, 23rd June and his  
25 return trip from Belfast to Dallas via Heathrow on

1 Friday, 24th June to be accompanied by his aunt on the  
2 Belfast/Heathrow leg of the flight.

3 He will be provided with daily subsistence at the  
4 normal public service rate for each day he is in  
5 Northern Ireland, as will his aunt.

6 He will be reimbursed travel to and from Banbridge  
7 at public service rates.

8 I must remind you and emphasise that all flights and  
9 accommodation will be arranged through this office. If  
10 it would assist Richard Kerr to arrange the details,  
11 I suggest he contacts me direct. In particular, if he  
12 has unusual expenses in travelling to and from his home  
13 in Dallas to the airport, we will need him to vouch  
14 these so we can reimburse him when he arrives in  
15 Northern Ireland.

16 These arrangements are not dependent on his ARL1  
17 being submitted. That only relates to his application  
18 for legal representation at public expense.

19 You said you would let me have an electronic version  
20 of his ALR1 yesterday. It has not yet arrived. Please  
21 let me have it immediately so it can be considered by  
22 the Chairman.

23 I must remind you we have still not received  
24 a statement from Richard Kerr. Please let me have this  
25 as soon as possible.

1 I trust that this response will assist you to deal  
2 with the queries that you mentioned during your call  
3 earlier today from your counsel and Mr Kerr's  
4 counsellor, but please don't hesitate to revert if you  
5 require anything further. I await confirmation that  
6 these arrangements are acceptable to Mr Kerr at your  
7 earliest convenience."

8 On 31st of -- sorry. Just scrolling back up then,  
9 you can see that there was on 25th May -- sorry.

10 I should say that that e-mail was copied as well to Mr  
11 Kerr himself as well as being sent to his lawyers.

12 Then if we go to 119565, 119565, there is a suite of  
13 e-mails here from 31st May 2016. I don't think I need  
14 to go through them all, but essentially at 10.20 am  
15 Ms McKeegan is asking whether or not the ALR1  
16 application has been decided.

17 Then at 11.10, if we can scroll down, please, to  
18 119568, Mr Butler has attached correspondence and  
19 documents and the first award of funding was attached to  
20 that e-mail.

21 Then if we can scroll on down, she's also -- at the  
22 same time she is asking for -- sorry. At 11.10 her  
23 e-mail was asking about documents and funding.

24 At 2.20 Mr Butler responded with the letter about  
25 funding, and we can see that letter on the next page

1       here attaching the first award of funding in respect of  
2       the legal representation of Richard Kerr. If we can just  
3       scroll on down through that, you can see it is quite  
4       detailed in -- I am not going to go through it all,  
5       Chairman, but it indicates that the evidence bundle  
6       relating to him is not complete.

7                "We will consider the amount of funding to be  
8       allowed for consideration of the bundle and make  
9       a further award to cover consideration of the bundle --  
10       material in that bundle."

11               Sworn -- no witness relating to Kincora will be  
12       called during various dates.

13               "Satisfied that it is appropriate for him to be  
14       represented by solicitor, junior counsel and senior  
15       counsel when required to consult with them, when he is  
16       giving evidence and when other residents of Kincora are  
17       giving evidence during the third week, and to prepare  
18       written submissions",

19               and then the costs are set out there. Just scroll  
20       on down through that, please. Then the conditions for  
21       payment are set out at the end of that letter.

22               On the same day, given that this module opened on  
23       31st May, Ms McKeegan fifteen minutes after -- sorry --  
24       half an hour after receiving the award of costs confirms  
25       that she's received it:

1           "... and I would be grateful for authority for  
2           solicitor, junior and senior to read and consider the  
3           transcript of today's opening as they were unable to  
4           attend the hearings at short notice",

5           and points out that there was no authority in the  
6           award for a senior to undertake work.

7           Then on 2nd June, which is -- if we can scroll on  
8           down to 119575, you will see that there's a letter  
9           enclosing the bundle from Mr Butler to Ms McKeegan and  
10          it says:

11          "The bundle is being provided in hard copy format  
12          and will be forwarded to you in electronic format",

13          and the various conditions that attach to any  
14          bundles of documents that the Inquiry hand out.

15          If we scroll on down then to the next page, there is  
16          an e-mail then from Ms Donnelly to Ms McKeegan about the  
17          bundle, advising that it's been handed over in hard copy  
18          format and the electronic version will go the next day,  
19          and asking if they could provide the paperwork requested  
20          in relation to Richard Kerr's recent flights so that his  
21          request for first class travel can be responded to  
22          without delay.

23          "We need this documentation in order for the  
24          Chairman to make a decision regarding his request and  
25          his flights will have to be booked as soon as possible.

1 I would therefore be grateful if you could get this  
2 information to me today so that his request can be  
3 progressed before the end of the week."

4 Then on 3rd June, if I can just scroll on down to --  
5 we see that Richard Kerr e-mails Ms Donnelly asking for  
6 her phone number. That was in response to that e-mail of  
7 26th May. If we can just scroll on down slightly, we  
8 see:

9 "What's your phone number?"

10 Then if we could scroll on back up, this is in  
11 response to -- Ms Donnelly then responds giving her land  
12 line number and contact for witness support officers:

13 "If there's anything you need ...

14 I note your solicitor has been copied into this  
15 e-mail, so I've copied her into my response to you.

16 She has advised our Chairman today that she intends  
17 speaking to you later today. So perhaps you would  
18 prefer to contact me or have Ms McKeegan contact me  
19 after you have had your discussions."

20 CHAIRMAN: If I can interrupt you --

21 MS SMITH: Sorry.

22 CHAIRMAN: -- I think that is the day that I was referring  
23 to earlier. The Inquiry sat on 3rd June.

24 MS SMITH: Yes. That is 3rd June.

25 CHAIRMAN: I pointed out to Ms McKeegan the difficulties

1           that were created for the Inquiry making these  
2           arrangements by her insistence that we do everything  
3           through their office, and I made clear that if we didn't  
4           receive the information we sought by 10 o'clock I think  
5           it was the following Monday, we would contact Richard Kerr  
6           direct.

7    MS SMITH: That is correct, Chairman. You will see here  
8           that Ms Donnelly is saying that we need to book the  
9           flights and she awaits hearing from himself or  
10          Ms McKeegan at the start of the next week.

11           Then if you can scroll on down then to -- also on  
12          3rd June there was a second award of costs that was  
13          given. That's at 119582. This is obviously just the  
14          e-mail -- the e-mail thread, as it were, with the  
15          original letter. You will see the second award of costs  
16          was awarded on 3rd June, and if we scroll on down in  
17          respect of that.

18           On 6th June then, which was the following Monday,  
19          there is an e-mail from Richard Kerr to Ms Donnelly,  
20          copied to Claire McKeegan -- you will see it is here on  
21          this page -- asking:

22                    "What is going on?"

23           That was send on 2.30 on 6th June. So Ms -- there's  
24          then a letter from Kevin Winters' office complaining  
25          about the documents supplied in the bundle and asking

1           that the Inquiry reconsider the decision on the extent  
2           of the bundle. That's at 119587. It says:

3           "We refer to the above-named client and recent  
4           correspondence.

5           Richard Kerr was invited to be a core participant  
6           after being advised that the Chairman believed that his  
7           participation in the Inquiry's investigations would be  
8           helpful. In your invitation letter you advised that if  
9           he attended the Inquiry, he would be given those  
10          documents the Inquiry has gathered which the Chairman  
11          believes to be relevant to the issues on which he may be  
12          able to assist the Inquiry.

13          We understand that the State bodies/agencies that  
14          are core participants to the Inquiry have been provided  
15          with bundles that run to thousands of pages. We have  
16          now perused the bundle of documents Richard Kerr has been  
17          provided with. This amounts to around 740 pages.

18          It does not appear that this bundle contains the  
19          entirety of the documents that touch upon what various  
20          agencies of the State knew about the abuse perpetrated  
21          at Kincoira and the individuals perpetrating that abuse  
22          or when they knew it. Whilst they may be matters which  
23          are not in Richard Kerr's knowledge, they are important  
24          for understanding the significance and context of his  
25          evidence. The contents of these documents may result in

1 aspects of his evidence being of particular importance,  
2 and would inform us as to whether aspects of his  
3 evidence will need particular scrutiny from either the  
4 Inquiry or from the legal teams representing those  
5 agencies of the State.

6 If we are properly -- if we are to properly advise  
7 Richard Kerr as a core participant of the Inquiry, we  
8 would need to be provided with access to those documents  
9 touching on whether there was any State complicity in the  
10 abuse perpetrated at Kincora. We therefore believe that  
11 these documents should have been regarded as documents  
12 which the Inquiry has gathered which are relevant to the  
13 issues on which Richard Kerr may be able to assist the  
14 Inquiry.

15 In any event it seems in breach of the principle of  
16 equality that the security forces and security services  
17 represented as core participants have been provided with  
18 a bundle of documents that is ten or twenty times  
19 greater than the volume of documents provided to  
20 Richard Kerr as a core participant survivor of abuse. In  
21 the context of an Inquiry that is investigating  
22 allegations that the security forces/security services  
23 knew that abuse was and would be perpetrated on the  
24 children in Kincora and covered this up this also appears  
25 inherently irrational and unreasonable.

1           Richard Kerr was unwilling to attend the HIA and had  
2 announced this publicly in the media. He believed the  
3 Inquiry had insufficient powers to properly investigate  
4 these allegations and by reason of its attitude would  
5 not properly investigate them. He agreed to become  
6 a core participant at the HIA Inquiry following our  
7 advices. This was on the basis that we would be  
8 permitted a proper opportunity to represent him and his  
9 interests at the Inquiry.

10           If we are not provided with any further  
11 documentation, it is difficult to see how we can  
12 properly represent Richard Kerr in the way in which he and  
13 ourselves had expected and on the basis of which he  
14 agreed to become a core participant.

15           We would therefore ask you to reconsider your  
16 decision on the extent of disclosure that has been  
17 provided to Richard Kerr and would ask that you provide  
18 a full core bundle of documents to include evidence  
19 touching on whether there was any State complicity in  
20 the abuse perpetrated at Kincora generally and on  
21 himself in particular, together with an award of  
22 expenses to read and consider those documents.

23           If we conclude that we cannot properly advise and  
24 represent Richard Kerr at the HIA Inquiry due to any  
25 refusal to provide him and us with a full core bundle,

1 we will, of course, have to advise him accordingly.

2 Richard Kerr would then be required to consider what  
3 steps he will have to take and we would therefore ask you  
4 to provide detailed reasons for your decision, setting  
5 out any legislation, rule or policy relied on. In any  
6 event as this issue has the potential to impact on any  
7 travel arrangements of Richard Kerr, it may be  
8 appropriate to resolve these matters prior to finalising  
9 his travel arrangements."

10 Now the response to Richard Kerr's e-mail saying  
11 that he -- sorry. There's a response from Ms Donnelly  
12 to Richard Kerr again on 6th June setting out the  
13 position: my e-mail to you on Friday. You seem to be  
14 confused about what is happening and I am more than  
15 happy to speak to you about this.

16 You can contact me on the number below.

17 I appreciate that calls from the States are expensive.  
18 So if you want to send me a contact number for you,  
19 I will ring you and make sure that any outstanding  
20 queries you may have in relation to the HIA process are  
21 answered and dealt with."

22 This, Chairman, is happening on the Monday when we  
23 had not received any confirmation from his solicitors  
24 about the travel details.

25 On 7th of -- sorry. Then there's -- yes, there's

1 another e-mail then on 6th June from Ms McKeegan to Ms  
2 Donnelly enclosing a report from a psychiatric doctor,  
3 which is dated 26th May 2016 -- so they obviously had  
4 the medical evidence from in or around 26th May 2016 --  
5 about the travel arrangements for Richard Kerr and for his  
6 aunt and that's at 119594, saying they have consulted  
7 with him over the weekend.

8 "There is no confusion as to the Inquiry process.  
9 We have talked at length with client and counsel.

10 You will appreciate that it is difficult with the  
11 time difference to get immediate contact. This has to  
12 be done in the evenings and weekends.

13 In relation to his travel, we have sent some  
14 correspondence which should be dealt with prior to the  
15 making of any travel arrangements. Please confirm your  
16 view.

17 As per your request, we have confirmed with our  
18 client that his recent visits to the UK were not first  
19 class flights, but they were paid for by friends and he  
20 instructs that he found the travel very difficult due to  
21 his PTSD. The flights were all special economic class  
22 or business class. They were ticketless flights where  
23 he simply scanned his passport. He has flown in what he  
24 describes as coach in the past and found it extremely  
25 stressful due to his condition.

1           He would prefer to fly direct, if possible, for  
2           obvious reasons. He always requests special seating,  
3           which is an extra leg room seating area which helps to  
4           prevent his anxiety.

5           Please see the letter from the adult psychiatrist  
6           for your attention.

7           Richard Kerr's aunts would -- Kerr's aunt would  
8           indeed like to travel. I've asked both for passport  
9           details and will revert by return.

10          Please advise what else you require and we will  
11          endeavour to assist."

12          Then on 7th June Ms Donnelly contacts Richard  
13          Kerr again, saying:

14          "... received the updated documentation. The  
15          Chairman has made his decision regarding your travel  
16          arrangements.

17          Can you please contact me as soon as possible or  
18          send me a telephone number where I can reach you so your  
19          tickets can be booked as soon as possible?"

20          There's an e-mail then of that evening where  
21          Ms~McKeegan then provides passport details. I don't  
22          think we really need to look at that.

23          Then on 8th June 2016 the Inquiry responds to the  
24          lawyer's letter of 6th June 2016. That's at 119603. If  
25          we could go to that, please, 119603. This is you see

1 a letter of 8th June. It says:

2 "The Chairman has considered your letter of 6th June  
3 and directed me to reply as follows.

4 1. It is a matter for the Chairman in the exercise  
5 of the broad discretion given to him by statute to  
6 determine what documents anyone, including a core  
7 participant, needs to see in order to assist the Inquiry  
8 with its work.

9 In making his decision as to what documents it was  
10 necessary for the Inquiry to provide to Richard Kerr the  
11 Chairman had regard to section 6(1) and to section 6(4)  
12 of the Inquiry into Historical Institutional Abuse Act  
13 (Northern Ireland) 2013 (his duty to act with fairness  
14 and with regard to the need to avoid any unnecessary  
15 cost, whether to public funds or to witnesses or  
16 others); to the provisions of rule 5(2) of the Inquiry  
17 into Historical Institutional Abuse Rules (Northern  
18 Ireland) 2013, and paragraphs 10, 16 and 17 of the  
19 Inquiry's Costs Protocol, as well as the decisions of  
20 the Court of Appeal in Re BP and Re Gary Hoy and to the  
21 decision of Lord Justice Leveson in Decoulos.

22 When deciding the extent of the material which it  
23 was necessary for Richard Kerr to be given as a core  
24 participant, the Chairman had regard to the extent to  
25 which the evidence being given or material being

1           considered by the Inquiry relates to Mr Kerr. In doing  
2           so the Chairman considered the extent of Mr Kerr's  
3           knowledge of and involvement in the matters being  
4           considered by the Inquiry at any time.

5           Mr Kerr has been provided with all the documents  
6           presently available to the Inquiry that the Chairman in  
7           his discretion considers directly bear upon him or on  
8           matters that the Chairman considers Mr Kerr is in a  
9           position to assist the Inquiry with based on what Mr Kerr  
10          is in a position to speak about.

11          As you accept in your letter, what the agencies of  
12          the State knew about the abuse perpetrated at Kincora  
13          and the individuals perpetrating that abuse, or when  
14          they knew about it, are matters which are not within Mr  
15          Kerr's knowledge, and the Inquiry has no reason to  
16          believe that he can speak of his own knowledge on the  
17          issues of State participation to which you refer.

18          The documents which are relevant to the Inquiry's  
19          consideration of issues relating to State agencies are  
20          being and will be considered publicly by the Inquiry  
21          during its hearings when Mr Kerr will be legally  
22          represented, and as his legal representatives, you will  
23          therefore see those documents being brought up and  
24          considered by the Inquiry in the public hearings.

25          His legal representatives will therefore be in

1 a position to consider that evidence, and to the extent  
2 that it could in any way be said to bear on Richard Kerr,  
3 at the closing stage of the module will have the  
4 opportunity to make such submissions on those matters as  
5 well on the matters of which Richard Kerr has direct  
6 knowledge and so can speak as they consider necessary.

7 It would therefore be unnecessary, unjustifiable and  
8 disproportionate to provide public funding to you to  
9 read documents that have no bearing on Richard Kerr in  
10 advance, because that would involve turning your  
11 representation of him into engaging in a parallel inquiry  
12 to that being conducted by the Inquiry at wholly  
13 unjustifiable and considerable public expense, which  
14 would not assist the Inquiry in its work.

15 The Chairman is satisfied that the documents given  
16 to you are those that the legal representative of  
17 Richard Kerr should receive. It is also a matter that  
18 he will keep under review, and where in his discretion  
19 he considers it necessary, further documents will be  
20 provided to you where they relate to Richard Kerr.  
21 Therefore your present application to receive further  
22 unspecified documents not related to Richard Kerr and for  
23 public funding to read them is refused."

24 As I say, that letter was 8th June.

25 Then on 10th June the Inquiry received a response

1 from Richard Kerr himself. You will see that it is  
2 2 o'clock in the morning, 2.54, so 3 o'clock in the  
3 morning our time. So presumably he is sending it on 9th  
4 June from Texas and he says:

5 "Well, I've been told by my attorneys that they can  
6 fully represent me. So this is just great."

7 That seems to be Richard Kerr's response to the  
8 letter of 8th June 2016.

9 Then on 10th June, which is at 119612, there is  
10 a letter from the Inquiry to Richard Kerr -- Ms  
11 McKeegan about Richard Kerr saying:

12 "The Chairman has directed that as Richard Kerr  
13 will arrive on Tuesday evening and has been given  
14 Wednesday to recover, his statement is to be provided  
15 to the Inquiry by 5.00 pm on Thursday, 16th June 2016  
16 and he should attend at the Inquiry premises to consult  
17 at 12 noon on Friday, 17th June 2016.

18 Please ensure that these arrangements are adhered to  
19 in order to ensure that the timetable of the Inquiry is  
20 not impeded."

21 Now, as I say, that went out on 10th June to  
22 Ms McKeegan. There was further communication, which  
23 I don't think it is necessary to call up, just outlining  
24 the flight details. In fact, they were provided -- in  
25 fact, we probably see that on the next page. There's

1 an e-mail from the Inquiry which looks somewhat  
2 different, because we had to get that out of the Trim  
3 system, but it's to Richard Kerr and it is sent, saying:

4 "Please see attached your travel details for your  
5 flight to Northern Ireland."

6 It is also copied to his lawyer.

7 "Also attached to this e-mail are the flight tickets  
8 for Ms . Can you arrange to have this forwarded  
9 to her?

10 Please confirm relate of the e-mail."

11 Then you will see that there is -- that was actually  
12 read by Richard Kerr on the next page. Just scroll on  
13 down, please. You will see there's a read report, which  
14 indicates that it was read on 13th June at 04.50 am. So  
15 Richard Kerr certainly was aware that the flight  
16 arrangements had been made for him.

17 Then on 14th June there is a letter -- it's just  
18 another e-mail -- if we can scroll on down -- just about  
19 travel arrangements for Ms .

20 Then there's a letter on 13th June which is sent to  
21 the Inquiry. I believe that was actually received at --  
22 sent at 16.5... -- by e-mail at 16.56. It says:

23 "With reference to the above and to the matters  
24 raised in our letter of 8th June and your reply of" --  
25 sorry -- "6th June and your reply of 8th June.

1           We have considered your refusal to provide further  
2 documents to Richard Kerr. As a result of your position  
3 we have concluded that we are professionally unable to  
4 properly represent or act for Richard Kerr as a core  
5 participant before the HIA Inquiry. We have written to  
6 Richard Kerr and informed him as such.

7           We will therefore no longer act for Richard Kerr in  
8 his capacity as a core participant in the Kincora module  
9 and will be coming off record as his legal  
10 representatives for this purpose.

11           Richard Kerr has therefore asked us to inform you  
12 that he will no longer be assisting the Inquiry as a core  
13 participant in the Kincora module."

14           The Inquiry responded to that by letter of 14th June  
15 saying:

16           "The Inquiry received a letter of 13th June advising  
17 that, having considered the Inquiry's refusal to provide  
18 further documents, they are 'professionally unable to  
19 properly represent or act for Richard Kerr as a core  
20 participant before the HIA Inquiry' and that you had  
21 asked them to inform the Inquiry that you will no longer  
22 be assisting the Inquiry as a core participant in Kincora  
23 module."

24           I should have said this letter is obviously directed  
25 to Richard Kerr himself, but copied to his lawyers:

1           "The Inquiry regrets that KRW has adopted this  
2           stance and that you have made this decision. The  
3           Inquiry considers that their position is entirely  
4           unjustified. The Inquiry has provided your legal  
5           representatives with 758 pages of documentation relevant  
6           to you as well as considerable legal funding from the  
7           public purse to consult with you, read relevant material  
8           and to represent you at the Inquiry's public hearings.

9           The Inquiry finds the situation all the more  
10          surprising and disappointing after you had personally  
11          informed the Inquiry by e-mail of 10th June 2016 that  
12          and I quote, 'Well, I've been told by my attorneys that  
13          they can fully represent me. So this is just great'.  
14          This e-mail from you was two days after the Inquiry  
15          informed KRW Law that it would not be providing you with  
16          further unnecessary documentation which did not concern  
17          you and three days before the contradictory letter from  
18          KRW, received late this afternoon.

19                 At the start ..."

20                 It was actually late the preceding afternoon:

21                 "At the start of the Kincora module in his opening  
22                 remarks the Chairman made the following statement about  
23                 other individuals who had refused to engage with the  
24                 Inquiry, but who had regularly commented in the media.

25                 'Given the amount of material gathered by the

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

10 Please note that despite your not providing the  
11 Inquiry with a witness statement and now your withdrawal  
12 as a core participant, the Inquiry intends to proceed in  
13 the same fashion as described above and will examine  
14 previous accounts of your experiences that you have  
15 given on other occasions.

16 As you will be aware from previous correspondence  
17 from the Inquiry, you were granted core participant  
18 status to allow you to engage with the Inquiry by  
19 providing a statement to the Inquiry, by consulting with  
20 the Inquiry counsel and by giving evidence to the  
21 Inquiry. In light of your withdrawal from the Inquiry  
22 your invitation to be a core participant is rescinded.  
23 As a consequence of this your flights and accommodation  
24 have been cancelled and funding for your legal  
25 representation has ceased forthwith."

1           Now, Chairman, at the same time this letter was  
2           being sent on 14th June the Inquiry became aware that  
3           a press statement had been issued on behalf of  
4           Richard Kerr and that is at KIN119621. You will see  
5           that it is:

6           "Statement of Richard Kerr issued on his behalf by  
7           KRW Law in relation to his participation in the Kincora  
8           Module of the Historical Institutional Abuse Inquiry."

9           I am not going to read through all of this,  
10          Chairman. It is on the screen and it will obviously be  
11          put on to the website, but if we can scroll down through  
12          it, you will see that -- the last paragraph there:

13          "The content of the bundle of documents received by  
14          Richard Kerr includes multiple copies of his previous  
15          statements to police, previously publicly available  
16          reports and transcripts of his media interviews. He has  
17          not been provided with any documents obtained from or  
18          submitted by the British security forces and security  
19          services. It is not clear why the Inquiry wish to  
20          conceal these documents from Richard Kerr or his legal  
21          representatives. In the context of an Inquiry that is  
22          investigating allegations that the British security  
23          forces and security services knew that abuse was and  
24          would be perpetrated on the children in Kincora and  
25          covered up, this is inherently unreasonable.

1           It is also apparent that the Inquiry is treating  
2 witnesses who are victims of abuse unfavourably compared  
3 to witnesses from State bodies and agencies. Victims of  
4 abuse are made to sign their witness statements without  
5 having sight of or legal advice on their previous  
6 statements. Much of their testimony is spent explaining  
7 discrepancies in their evidence and on more than one  
8 occasion victims have been presented with a document for  
9 the first time during the course of their evidence.  
10 This is not conducive to best evidence, is plainly  
11 unfair on victims of abuse and is entirely inappropriate  
12 to an Inquiry investigating State complicity in the  
13 abuse of children in care."

14           So it goes on.

15           Having received notice that such a statement had  
16 been drafted and was being released to the press, the  
17 Inquiry felt it appropriate to draft its own response to  
18 this, Chairman. That can be seen at KIN119632. In  
19 particular it is just the third paragraph there. The  
20 Inquiry says:

21           "It is not correct that the Inquiry wishes to  
22 conceal documents from Richard Kerr and his legal  
23 representatives. His legal representatives have  
24 accepted to the Inquiry that what the agencies of the  
25 State knew about the abuse perpetrated at Kincora and

1           the individuals perpetrating that abuse, or when they  
2           knew about it, are matters that are not within  
3           Richard Kerr's knowledge. The Inquiry has no reason  
4           to believe that he can speak of his own knowledge on  
5           the issues of State participation.

6           Richard Kerr and his legal representatives have  
7           therefore been provided with all the documents presently  
8           available to the Inquiry that the Inquiry considers  
9           directly bears upon him or on matters that the Inquiry  
10          considers Richard Kerr is in a position to assist the  
11          Inquiry with based on what he is in a position to speak  
12          about."

13          If we can scroll down to the last paragraph, it  
14          says:

15          "The Inquiry does not intend to engage in public  
16          debate with Richard Kerr on the other matters referred to  
17          in his statement, save to say that it does not accept  
18          its procedures are unfair. These procedures have been  
19          repeatedly upheld as fair by the courts, including the  
20          United Kingdom Supreme Court."

21          Just pause there, Chairman. You will recall that  
22          there was an exchange in the chamber between junior  
23          counsel for Richard Kerr and yourself about the issue with  
24          regard to how the Inquiry treats its witnesses, and it  
25          was made quite clear that he had no locus standi to

1 speak for anyone other than Richard Kerr. Yet in the  
2 statement that they issued to the press they nonetheless  
3 raised the issue again.

4 CHAIRMAN: Yes. Junior counsel expressly accepted when  
5 I asked him that, contrary to what was being asserted in  
6 relation to other people, his client had received all  
7 the witness statements that related to his client.

8 MS SMITH: Yes, indeed, Chairman.

9 CHAIRMAN: So he was purporting to state things in relation  
10 to matters that were not relevant to his client.

11 MS SMITH: Yes. Chairman, that is all I intend to say about  
12 the contact with Richard Kerr and obviously to put on  
13 record that the Inquiry regrets the position that he has  
14 taken, as we had anticipated that he would have been here  
15 personally to speak to the Inquiry today. As that is not  
16 the case, I intend to go on to look at what documentation  
17 we have relevant to his evidence and what he has said in  
18 the past.

19 I am not sure whether it would be appropriate to  
20 take a short break now, Chairman, or I can outline --  
21 I am going to go on to say something about Richard  
22 Kerr's history in care, but -- I can certainly go on for  
23 a short while, but it might be appropriate just to take  
24 maybe a five-minute break.

25 CHAIRMAN: Yes. Very well.

1 (11.10 am)

2 (Short break)

3 (11.20 am)

4 MS SMITH: Chairman, Panel Members, ladies and gentlemen,  
5 I will just reiterate what I said earlier about the fact  
6 that a number of names will be used in the course of  
7 today. As I say, I am now going to say something about  
8 Richard Kerr's history.

9 Richard Kerr was born on 1961. He was first  
10 admitted to care on 14th December 1966 under section 103  
11 of the Children and Young Persons Act (Northern Ireland)  
12 1950. He was aged 5 and a half. He was admitted to  
13 Williamson House and stayed there until he moved to  
14 Kincora in June 1975, when he was aged 14. While at  
15 Williamson House he attended Harberton House Special  
16 School, and I will return to say more about what

17 Richard Kerr has said about his time in Williamson House  
18 shortly.

19 While in Kincora in October 1977 Richard Kerr was  
20 remanded in custody to Rathgael after his arrest on a series  
21 of eighteen burglaries. These were committed with a boy  
22 called Stephen Waring, who was also a Kincora resident, about  
23 whom I shall say something more later. I am not going to  
24 call it up, but Richard Kerr's criminal record is at  
25 KIN117543.

1           At paragraph 413 of the Caskey summary at KIN40170  
2           -- can we just look that, please? That's paragraph 413.  
3           If we can scroll down, it is recorded here that:

4           "In July 1975 Richard Kerr, then aged 14 years,  
5           became resident at Kincora. Kennedy's report ..."

6           That's referring to Judith Kennedy, who was -- at  
7           the time of his coming out of care she would have been  
8           his social worker at that time when he turned 18.  
9           According to her from information apparently supplied by  
10          Mr Mains:

11          "... Richard Kerr was very subdued and quite --  
12          quiet" -- sorry -- "during his first year at Kincora.  
13          It was only when he came under the influence of two other  
14          boys that difficulties arose ..."

15          The social worker is probably referring to Stephen  
16          Waring and his brother:

17          "... although a third boy also became friendly with  
18          Richard Kerr.

19          Prior to Stephen Waring being lodged at Kincora, he had  
20          been receiving training at Rathgael Training School  
21          after having been convicted with his brother in May 1974  
22          for stealing."

23          It goes on then to talk about Stephen Waring. The  
24          document continues to outline events relating to Waring  
25          and Richard Kerr, the police investigation, suspicions

1 interactions with Social Services.

2 If we look at 40186, it goes right through there to  
3 other issues in respect of Richard Kerr. I don't propose  
4 to go through all of that, but both Stephen Waring and  
5 Richard Kerr pleaded guilty at Belfast Juvenile Court on  
6 21st October 1977. Stephen Waring was sentenced to a  
7 Training School Order and remained in Rathgael.

8 Richard Kerr returned to Kincora, as his sentence  
9 appears to have been deferred to 20th January 1978 on  
10 condition that he pay restitution of £5 per week, and  
11 there's a note on the police material of that at KIN117573.  
12 You can see where the police have actually detailed the --  
13 on 21st October that Stephen Waring was given

14 a Training School Order on the three counts and

15 Richard Kerr was adjourned to 20th January '78. Just  
16 scroll down slightly. It says:

17 "Pay £5 per week."

18 Richard Kerr was then arrested on 1st November 1977  
19 after he stole £80 from Raymond Semple. He was remanded  
20 back to Rathgael, where he was admitted to the Reception  
21 Unit until he was sentenced to borstal training and  
22 transferred to Millisle Borstal on 8th December 1977.  
23 Between 2nd February 1978 until 31st March 1978

24 Richard Kerr spent time in the military wing of Musgrave  
25 Park Hospital. This was after a failed suicide attempt

1 when his appeal against the sentence for the theft was  
2 rejected. He again attempted suicide on his return to  
3 Millisle on 31st March 1978 and was taken then to the  
4 Psychiatric Wing at the Maze Prison. He stayed there  
5 until in or around 9th May 1978, and was brought back to  
6 the closed section of Millisle Borstal. I will say more  
7 later about his time in Millisle.

8 On release from Millisle in February 1979 there  
9 appears to have been a communication to his social  
10 worker, then Mrs Judy Kennedy, from the Senior Social  
11 Worker, David Morrow, that Kincora was not a suitable  
12 placement for him and, despite his age, which was now  
13 three months short of his 18th birthday, he was admitted  
14 to Williamson House.

15 There was a dispute between Social Services and the  
16 Probation Board when Richard Kerr was released as to whose  
17 responsibility he was and there are statements in the  
18 bundle that were made to police in 1980 and 1982 by  
19 social workers.

20 As I said, his social worker at the time of his  
21 release was Judith Kennedy. She was trying to have him  
22 placed in Corrymeela. Her report of 30th January 1979  
23 is at KIN117683. If we could look at that, first of  
24 all, please, you will see that it sets out that he was  
25 due to be discharged in February 1979, that he had been

1 in care since 1966, that he was the second eldest of his  
2 parents. The details of his siblings are set out there.  
3 It goes on to say:

4 "It is evident from what is already stated in the  
5 report that the [family name redacted] are well known to  
6 Social Services."

7 It goes on into details and says:

8 "Richard Kerr was taken into care when he was 5  
9 years old because his parents couldn't cope. He was in  
10 Williamson House for many years and attended Harberton  
11 Special School. The last educational assessment of  
12 Richard Kerr was made in May 1977 and concluded that he  
13 was capable of holding down a job.

14 In July 1975 Richard Kerr was moved from Williamson  
15 House and went to live in Kincora. He settled in well  
16 and obtained a job as a porter in the Europa Hotel.  
17 According to the warden in charge of Kincora, Richard Kerr  
18 was subdued and quiet during his first year there. He  
19 stayed in every evening playing cards and watching TV. It  
20 was only when two other boys joined the group that  
21 trouble started. It seems also that at this time  
22 Richard Kerr came under the influence of two older men  
23 who took him out quite a lot. One of these men had  
24 Richard Kerr as an occasional visitor to his home."

25 I will say more about that later.

1           "On October 7th, 1977 Richard Kerr was charged with  
2           seventeen instances of breaking and entering. He was  
3           remanded in Rathgael. He appeared in court later that  
4           month and the case was adjourned. He went back to  
5           Kincora. Shortly after this Kincora reported that  
6           Richard Kerr had stolen money from a member of staff. He  
7           returned to Kincora that night, but as the matter had  
8           been reported to the police, he was taken into custody.  
9           Richard Kerr was sent to Rathgael to await the court case  
10          and the case was heard the first week in December. By  
11          this time Richard Kerr had made at least one attempt to  
12          harm himself and in view of this 'apparently suicidal  
13          behaviour' Rathgael recommended borstal training for him.  
14          He was sent to Millisle and his father immediately  
15          appealed against the sentence. The appeal did not  
16          succeed and he made another serious attempt on his life.  
17          He was held in Musgrave Park Hospital until the end of  
18          March. His stay was protracted because he contacted --  
19          contracted -- contracted chicken pox.

20                 Following this, Richard Kerr tried to slash his  
21          wrists again, but eventually over the summer he began to  
22          settle down in Millisle. The social worker dealing with  
23          the case left the office in September and the family were  
24          transferred to me. At the time the probation officer  
25          was seeing Richard Kerr regularly and it was considered

1           inappropriate for me to make contact. However, before  
2           Christmas I took two of his siblings to see him and  
3           since the New Year have been working with Probation to  
4           make arrangements for his discharge. At that time the  
5           members of staff I spoke to in Millisle were pleased  
6           with the progress Richard Kerr had made.

7           Richard Kerr is an affable and pleasant person, but  
8           undoubtedly suffers and continues to suffer from the  
9           kind of upbringing he has had. In the long-term he and  
10          his sister have said they would like to live together,  
11          but this would not be practically speaking possible  
12          until both had experienced an interim situation between  
13          being in care and being out on their own. We are  
14          certain that accommodation in a lodgings house would be  
15          detrimental for Richard Kerr and we are looking for  
16          a supportive and caring environment where he could  
17          prepare himself for the responsibilities of adult life  
18          and also hopefully learn to trust people again.

19          I discussed this case briefly with Derek Wilson, who  
20          said Corrymeela may have a vacancy. I would be grateful  
21          if you would give Richard Kerr's serious consideration.  
22          He is really on his own and heading for disaster if he  
23          doesn't get the kind of help your community can offer. I  
24          would be more than willing to come to Corrymeela to  
25          discuss this case further, and indeed bringing his

1 mother and two of the children to Ballycastle."

2 So that was dated 30th January 1979. There is a  
3 later updated version in the bundle at KIN50885 to 87.  
4 If we can scroll down through the first page and second  
5 page of this, you see there that it says -- can you  
6 scroll up a bit:

7 "On 23rd June (sic) I took the sisters to Millisle  
8 to see ..."

9 Sorry. Scroll back up a little bit more:

10 "At a meeting held on 21st November 1978 and  
11 attended by Jim Pentland, trainee probation officer,  
12 David Morrow, senior social worker, this office and  
13 myself it was decided that it was inappropriate for me  
14 to make contact with Richard Kerr. My role as  
15 I understood it was to be subsidiary and primarily  
16 concerned with facilitating cash payments for  
17 cigarettes, etc, for Richard Kerr and for clothes and  
18 accommodation should it be necessary. At no stage did I  
19 attempt to build a relationship with him. It seems that  
20 the senior probation officer did not agree with the  
21 decisions reached at this meeting, but this disagreement  
22 was never communicated to my senior. So we continued to  
23 work under the assumption that Probation accepted that  
24 Richard Kerr remained their responsibility.

25 On 23rd December I took the siblings to Millisle to

1 see him. It was on this occasion that I discovered from  
2 him that there was still some confusion about the  
3 respective roles of Social Services and Probation. He  
4 implied Social Services were being negligent and had let  
5 him down. He also seemed to be under the impression  
6 that Mr Pentland was visiting him out of the goodness of  
7 his heart. I got the distinct impression that these  
8 attitudes were being reinforced by Mr Pentland's  
9 approach to the case at this time. It was early in  
10 January before I was able to contact Mr Pentland about  
11 the situation, and when I did, another meeting was  
12 arranged between Probation and ourselves. At this  
13 meeting we discussed the situation and I again presumed  
14 I was to play a subsidiary role and that Mr Pentland  
15 would continue to be the key worker. It seems, however,  
16 that Probation saw accommodation as our responsibility  
17 and finding Richard Kerr employment theirs. Again this  
18 was not made clear to me.

19 I applied to Corrymeela at this time on Richard  
20 Kerr's behalf for a place for him there. Because of  
21 staff leave, Corrymeela were unable to give me an answer  
22 until 12th February. By this time Richard Kerr had moved  
23 into Williamson House and it was clear that plans  
24 regarding Corrymeela were not going to move as quickly as  
25 we had hoped.

1           Digs or bed and breakfast accommodation were not  
2 considered suitable for Richard Kerr. We felt that he  
3 needed a sheltered environment. Kincora was also ruled  
4 out ...",

5           and I will come back later to what was deleted and  
6 why from this statement -- this report.

7           "Indications that Richard Kerr has homosexual  
8 tendencies are tenuous. Indeed, Millisle reported  
9 throughout his stay there was no sign of his homosexual  
10 proclivities", that might be. "On these grounds  
11 Mr Pentland feels Kincora should be considered as  
12 an alternative to Williamson House.

13           Corrymeela is still an alternative and Richard Kerr  
14 is to go for a trial period on 27 March. We anticipate  
15 that he could move up to Corrymeela shortly after this.  
16 Richard Kerr, however, is ambivalent about going to  
17 Corrymeela and Mr Pentland considers it is quite likely  
18 that he will not agree to go.

19           As I have already stated, Probation are of the  
20 opinion that accommodation is our responsibility."

21           Can you scroll on down?

22           "Mr Pentland arranged for Richard Kerr to start  
23 work at the Stormont Hotel. Finding employment is a  
24 duty apparently incumbent on the licensee. From a  
25 casework point of view I was surprised at this move, as

1 Corrymeela seemed to offer Richard Kerr an opportunity of  
2 far greater therapeutic value. Mr Pentland was and  
3 continues to be under considerable pressure from  
4 Williamson House to have Richard Kerr occupied during the  
5 day, and this was a factor in his decision to offer  
6 Richard Kerr the opportunity of the job. Mr Pentland has  
7 arranged for Richard Kerr to attend a training centre, but  
8 he disliked the centre and was refusing to go.

9 At the time Richard Kerr was admitted to Williamson  
10 House the staff were told that he could be there until  
11 1st March. Richard Kerr is living in Eric's flat and is  
12 making enormous demands on Eric's time. Eric is  
13 frequently up until the early hours of the morning  
14 talking to Richard Kerr, and unless he actually leaves the  
15 house, Eric's off duty is usually interrupted by  
16 Richard Kerr.

17 According to Mr Pentland the 'dubious company' that  
18 Richard Kerr came home with on Monday night were friends  
19 of a relative (cousin) of Richard Kerr's who was in the  
20 company.

21 As I have already stated in the report, I understood  
22 that Richard Kerr was not one of my cases and that my role  
23 was purely technical in the sense that I would make  
24 arrangements for any cash payments that were considered  
25 necessary. I was never informed that Richard Kerr's

1 accommodation was my responsibility. Indeed, we  
2 recently received information from CSA stating that  
3 Kerr's supervision was Probation's responsibility.

4 I feel from a social work point of view Richard Kerr  
5 needs to sort out with one person what he is going to do  
6 and it is for one person to advise Mr Kerr as to the best  
7 course of action. This has not happened because neither  
8 Social Services nor Probation has taken full  
9 responsibility for him. Indeed, the fact that the job in  
10 the Stormont Hotel cuts across the plans regarding  
11 Corrymeela reflects this muddled approach. Contact we  
12 have had with Probation continue to work on the premise  
13 that we are responsible for accommodation and we have  
14 continued to state that Kerr is Probation's  
15 responsibility.

16 Last night (13th March '79) Mr Pentland reported to  
17 me that his senior had said that Kerr was not in breach of  
18 his licence. They do not agree that he is mixing with  
19 dubious company and do not think the extent to which he  
20 has been drinking constitutes a breach of his licence. He  
21 restated that as licensee he has done all that is his  
22 responsibility, that is finding employment for Kerr and  
23 sees that he leads a sober life and does not consort with  
24 bad company."

25 Now there is a letter from Social Services to the

1 Chief Probation Officer about the removal of Richard Kerr  
2 from Williamson House, and that's at KIN50882, which  
3 outlines the difficulties that staff were having, and it  
4 is dated 14th March 1979:

5 "Further to our telephone conversation today,  
6 I would draw your attention urgently to the above-named  
7 boy. Your department requested us to accommodate  
8 Richard Kerr on his release on licence from Millisle  
9 Borstal from 9th February '79. This arrangement was to  
10 terminate on his admission to a placement at Corrymeela  
11 on 1st March '79. However, it is now some six months  
12 since the initial placement",

13 but I think that should be actually about six  
14 weeks.

15 "During this time Richard Kerr's behaviour and the  
16 situation in the children's home has gradually  
17 deteriorated beyond the control of the staff of the  
18 children's home. We have encountered such difficulty in  
19 four areas with him.

20 Drunkenness. He has on a number of occasions  
21 arrived at the children's home in a drunken state. This  
22 happened three times in the past four days. On the  
23 third occasion he was brought home by a number of men  
24 from the Europa Hotel. All the men were drunk and they  
25 entered the children's home at 10.45 at night. They

1           caused such a fracas that the officer in charge feared  
2           for the staff and the children and called the police.  
3           The men left in a taxi. There is great fear amongst the  
4           staff that Richard Kerr will cause these men to call  
5           again, especially as there are several nights each week  
6           when there are no male staff on duty.

7           Residential and social work staff believe that  
8           Richard Kerr has been consorting with a number of men he  
9           knew previously in the Belfast area. In the past week  
10          or so he has come into a considerable amount of money.  
11          There are strong suspicions which suggest that the money  
12          was procured. It is wrong to allow Richard Kerr to remain  
13          in the Belfast area with his degree of instability.

14          He has begun to talk seriously again about  
15          committing suicide. Given his former history of suicide  
16          attempts, it would be vital that concern should be given  
17          to these threats. It is evident that he is unhappy and  
18          unsettled in his present environment.

19          Richard Kerr's sister leaves nearby. He has begun  
20          to take her out on a regular basis. That resulted in  
21          her taking amounts of alcohol."

22          The staff were concerned about their activities.

23          "It must be drawn to your attention that he has been  
24          a most disruptive and disturbing influence in the  
25          children's home. He has caused considerable

1 difficulties for the children. Staff are not accustomed  
2 to such behaviour. It is a home for children, not  
3 a young man approaching manhood.

4 Given our willingness to help both your agency and  
5 the borstal authorities with the difficult situation in  
6 early February, we must inform you that Richard Kerr is  
7 beyond our control for the above reasons. As the  
8 supervising agency I would request you to take immediate  
9 steps to remove him to a more suitably supervised  
10 environment in order to afford adequate protection for  
11 his safety and the safety of the children in our care."

12 That was from the District Social Services Officer.

13 Now when she gave evidence to The Hughes Inquiry,  
14 Judith Kennedy said that staff in Williamson House had  
15 complained from day one about Richard Kerr being housed  
16 there. As a result of the difficulties that were --  
17 Williamson House were experiencing he was then  
18 accommodated by Social Services at the Bishops Court  
19 Hotel on the Upper Newtownards Road from 15th March  
20 1979. He lived there and also at the Park Avenue Hotel  
21 until May 1979, when he left Northern Ireland to live  
22 with his aunt in Preston in Lancashire.

23 According to evidence given to the Hughes Inquiry by  
24 Judith Kennedy, this was his choice, after having gone  
25 on a holiday to his aunt. We can see that at KIN73598.

1 This is when Mrs Kennedy is being questioned by Mr  
2 Smyth, who was representing her, and if you can scroll  
3 on down, she said she moved him on 15th March to the  
4 Bishops Court Hotel -- that was paid for by Social  
5 Services -- where he was accommodated in hotel  
6 accommodation. She can't remember the exact dates. She  
7 says until 19th May.

8 "He went to Preston. He had a relative there. In  
9 April 1979 he had gone over for a holiday and he had  
10 decided he wanted to go back and settle there.

11 Question: So he spent nearly two months being put  
12 up at the taxpayer's expense in a hotel?

13 Answer: Yes.

14 Question: That was because Williamson House really  
15 couldn't cope with him. Is that the situation?

16 Answer: Yes. On the day of 15th I was actually  
17 planning to put him into bed and breakfast  
18 accommodation, but he found the idea of that  
19 intolerable. So I suppose I made a case -- I did make  
20 a case then for him staying in a hotel."

21 She said -- she goes on to say:

22 "The difficulties in Williamson House started from  
23 the first day he was there, but as the weeks wore on,  
24 the residential staff were giving us these examples of  
25 behaviour they found unacceptable. I was caught in

1 a way, because I then reported it to his probation  
2 officer, and his probation officer's interpretation of  
3 it was that it was not as bad as the home were saying it  
4 was and was actually saying he was not in breach of his  
5 licence. So the main fact was the resident staff felt  
6 he could not stay."

7 She goes on.

8 He was then discharged from the care of Social  
9 Services in June 1979, having reached the age of 15 on  
10 12th May 1979. In September 1979 he moved out of his  
11 aunt's house to live with a Mr and later  
12 he moved to live in London.

13 CHAIRMAN: Sorry. Just before we go on, Ms Smith, could we  
14 scroll down slightly further on that page? There's  
15 a reference here to David Morrow.

16 MS SMITH: Yes. David Morrow was the senior social worker.

17 CHAIRMAN: Yes. This is the gentleman that we heard about  
18 in the context of the approach to the newspaper, which  
19 led to the disclosure of events in Kincora?

20 MS SMITH: Yes, that would be correct. The situation is  
21 that Mr Morrow -- the social workers who were in charge  
22 of Richard Kerr -- originally in charge of his family,  
23 I should say, was a Mr Oliver Johnston. He then --  
24 I think it was probably on reorganisation in 1973  
25 Mr Morrow became -- the files were transferred to him.

1           There was a Helen Gogarty, who was a trainee social  
2           worker, who then had care of the family with David  
3           Morrow as the senior social worker. Then whenever  
4           Judith Kennedy comes in to look -- the file is handed  
5           over to her when Richard Kerr is I think resident in  
6           Millisle by that stage.

7           In December of 1979 both Mrs Kennedy and Ms Gogarty  
8           were having a conversation and they were concerned about  
9           matters that had been said to them that they felt things  
10          were being investigated --

11       CHAIRMAN: Yes.

12       MS SMITH: -- and then they approached a journalist. That's  
13          the article which I will mention in due course.

14       CHAIRMAN: Well, if we pause at that point, it's a little  
15          difficult to follow Richard Kerr's residential history, as  
16          it were, but am I right in saying that what appears to be  
17          the position is he arrives from Williamson House aged 14 in  
18          1975, June, and he is there in Kincora for just over two  
19          years and four months or thereabouts?

20       MS SMITH: That's correct.

21       CHAIRMAN: And thereafter he is never back in Kincora?

22       MS SMITH: That is correct, Chairman, yes.

23       CHAIRMAN: He is in a series of different places, different  
24          homes, different institutions?

25       MS SMITH: Apart from when he was -- he was remanded in

1 custody to Rathgael and then went back to Kincora when  
2 his case was adjourned for a short period until he  
3 committed theft, which led to him going back into  
4 Rathgael.

5 CHAIRMAN: Well, he was released back to Kincora on  
6 21st October. Then on 1st November he stole money from  
7 Mr Semple and he is then remanded to Rathgael. So it  
8 looks as if he's about a week or so.

9 MS SMITH: Yes. In fact, you will find somehow he seems to  
10 go back to Kincora even after the theft, but he is in  
11 custody from 4th November --

12 CHAIRMAN: Yes.

13 MS SMITH: -- and does not go back to Kincora after 4th  
14 November 1979 -- '77. Sorry.

15 CHAIRMAN: So for about two weeks at most he is physically  
16 resident in Kincora --

17 MS SMITH: Yes.

18 CHAIRMAN: -- aged 16 or thereabouts?

19 MS SMITH: Yes.

20 CHAIRMAN: And then apart from the time he is living in  
21 Bishops Court Hotel, which, in fact, was not very far  
22 away from Kincora, a matter of five, ten minutes' walk  
23 at the most, and the Park Avenue Hotel where it seems he  
24 live at, which is slightly further away -- and I think  
25 there's a period in the Stormont Hotel. Is that

1 correct?

2 MS SMITH: He was working in the Stormont Hotel.

3 CHAIRMAN: He was working there. So his period in East  
4 Belfast in residential terms in Kincora was less than  
5 two and a half years --

6 MS SMITH: Yes.

7 CHAIRMAN: -- and ended in --

8 MS SMITH: On 4th --

9 CHAIRMAN: -- effectively in early November '77?

10 MS SMITH: Yes.

11 CHAIRMAN: But it is not until considerably later that he  
12 goes to Preston?

13 MS SMITH: He goes to Preston after he is released from  
14 Millisle and after spending a period of time in  
15 Williamson House and in hotel accommodation.

16 CHAIRMAN: Yes.

17 MS SMITH: So it is two years later.

18 CHAIRMAN: Two years later.

19 MS SMITH: Yes.

20 CHAIRMAN: What Judith Kennedy appears to be saying to the  
21 Hughes Inquiry is that it was ultimately Richard  
22 Kerr's wish that he go to Preston.

23 MS SMITH: Yes, which will become relevant, Chairman,  
24 whichever I look at some of the things that he has said.

25 CHAIRMAN: Yes. The reference to Mrs , his aunt,

1 living in Preston, may I take it that's the Mrs  
2 who the Inquiry was prepared to bring here --

3 MS SMITH: I believe so, Chairman. I think so.

4 CHAIRMAN: -- at public expense to accompany him if he was  
5 to give evidence?

6 MS SMITH: Yes, I believe it was.

7 CHAIRMAN: I see.

8 MS SMITH: I believe she is a maternal aunt.

9 CHAIRMAN: Yes. She appears to have been living in Preston  
10 at that time according to the --

11 MS SMITH: Yes, and he went to live with her and would say  
12 that himself, that he went to live with her initially  
13 before leaving to go to live with a Mr .

14 CHAIRMAN: Thank you very much.

15 MS SMITH: Suspicions were aroused as to the nature of  
16 Richard Kerr's relationship with Joseph Mains in the  
17 mid-1970s when he was arrested for the burglaries.  
18 Detective Constable Scully was concerned about his  
19 behaviour. We can see what Detective Constable Scully  
20 said about his suspicions to the Hughes Inquiry at  
21 KIN73116. That goes right through to 73141, his  
22 evidence to the Inquiry, but if you just see there:

23 "Question: And prior to the visit to the hostel on  
24 4th October did you have any suspicions about Mr Mains  
25 in relation to homosexuality?

1 Answer: I had, yes.

2 Question: And would you just tell the tribunal what  
3 exactly was the nature of that suspicion?"

4 He said:

5 "For a long time I had seen him in the company of  
6 a well-known homosexual."

7 The person R2 is who he was referring to. He goes  
8 on then to ask, if you can just scroll on down:

9 "Question: Turning to the morning of 4th October,  
10 when you arrived there to see Richard Kerr ..."

11 "R37" I should say is Stephen Waring, just to be clear:

12 "In relation to Kerr, if I may concentrate upon him  
13 for a moment, was he about the hostel or was he still in  
14 bed when you called?"

15 Answer: He was still in bed. I spoke to Semple.

16 He was the only person who was there, deputy  
17 superintendent. He told me Kerr wasn't long in bed, that  
18 he'd come in about 7 o'clock very much under the  
19 influence of drink.

20 Question: Did he then go off and waken him and  
21 bring him down to you?

22 Answer: He did, yes.

23 Question: And did you bring them to Strandtown  
24 Police Station?

25 Answer: Yes. I detained them and took them to

1 Strandtown CID office."

2 I am pausing there, because you will hear later that  
3 Richard Kerr makes a comment about the fact that at some  
4 point he was in Strandtown Police Station and certainly  
5 he was there when he was arrested in October 1977.

6 "Question: Dealing with Kerr, did you question him  
7 in relation to the burglaries?

8 Answer: I did.

9 Question: Did he ask you at that stage for anybody  
10 to come and see him or to get in touch with anybody on  
11 his behalf?

12 Answer: He wasn't very long in the station until he  
13 asked for Mr Mains to be rung and informed that he was  
14 there and he wanted to see him.

15 Question: Did he ask on a number of occasions  
16 throughout that day to see Mr Mains?

17 Answer: Mr Mains was contacted and he said he'd be  
18 there at lunch time. He didn't turn up at lunch time.  
19 There were two telephone calls made altogether. On the  
20 last occasion it was about 1.30, 2 o'clock and I said  
21 that Mr Mains would be down later on and he said 'He'd  
22 better'.

23 Question: When Kerr said that to you, 'He'd better',  
24 what did you understand from that?

25 Answer: He was very vehement in the way he said it,

1 a threatening attitude. He actually wanted to speak to  
2 Mr Mains on the phone and I wouldn't let him.

3 Question: Did you become suspicious at that stage  
4 by reason of this comment?

5 Answer: It was the first time that I had met Kerr  
6 and his whole mannerisms led me to a suspicion and  
7 I asked two other CID men to go in and have a look at  
8 him as well and see what they thought of him, because he  
9 was effeminate and had the hallmarks of a homosexual.

10 Question: Did Mr Mains then eventually arrive down  
11 at the police station?

12 Answer: Yes. He came down about 3.30, 4 o'clock in  
13 the afternoon.

14 Question: And did Kerr request to see him in  
15 private, that is in the absence of any police officer?

16 Answer: As soon as he came in he asked to see him  
17 in private. I granted this. He spoke to him and then  
18 there were statements taken in relation to the series of  
19 crimes which I had detected.

20 Question: In the course of your discussions with  
21 Kerr and your investigations eventually terminating, did  
22 you ask Kerr if he had any complaints to make against  
23 anybody in Kincora, either staff or residents?

24 Answer: That is correct.

25 Question: And what reply, if any, did he make to

1           that?

2           Answer: He said he had no complaints whatsoever.

3           Question: And did you eventually take Kerr and  
4           Stephen Waring down to the station?

5           Answer: They were at the station.

6           Question: Were they detained overnight there or  
7           elsewhere?

8           Answer: I formally arrested and charged them about  
9           8.30 that night and conveyed them to Rathgael Training  
10          School and on the following morning they appeared at the  
11          Juvenile Court on 5th October '77."

12          If you can scroll on down:

13          "Question: On that morning when you were down at  
14          the Juvenile Court did Kerr say anything with regard to  
15          whether or not Mr Mains was going to attend the court?  
16          Can you recollect?

17          Answer: I went to Rathgael that morning and  
18          conveyed both to court, and as soon as I saw Kerr, he  
19          demanded to know if Mr Mains was going to be at the  
20          court. He actually wanted me to go via Strandtown and  
21          ring him and make sure he would be at the court, because  
22          he wanted to be bailed out into his custody.

23          Question: Did Mr Mains appear at the court on that  
24          date?

25          Answer: No, he didn't.

1           Question: What was Kerr's reaction to his  
2 non-appearance?

3           Answer: He was very angry and annoyed at the court  
4 when a further remand was given. He demanded to see me  
5 in the back and demanded me to go and ring Mr Mains and  
6 bring him down to the court, because he wanted him to  
7 get out into his custody back into Kincora again.

8           Question: What was your feeling about his returning  
9 to Kincora?

10          Answer: Prior to the case being heard I had gone to  
11 the prosecutor. I didn't want him to be put back into  
12 Kincora and I asked the prosecutor, Inspector Hammond,  
13 to oppose bail to Kincora and to have them remanded to  
14 a training school.

15          Question: Is that -- why were you unhappy about his  
16 going back to Kincora?

17          Answer: I was very unhappy about Mains and Kerr and  
18 the attitude that Kerr was taking towards Mains.

19          Question: Could you just spell out what was going  
20 on in your own mind?

21          Answer: That there was something going on between  
22 Kerr and Mains.

23          Question: Do you mean something of a homosexual  
24 content?

25          Answer: That is correct.

1           Question: They were remanded in custody and they  
2           appeared again on 14th October, and on that occasion did  
3           Kerr again demand that Mr Mains be sent for?

4           Answer: Yes, and Mains refused to come to the  
5           court.

6           Question: Did he indicate to you at that stage  
7           whether there was any implied threat in the way he was  
8           putting it that Mains should come to court?

9           Answer: He did.

10          Question: Can you recall just exactly what was  
11          said? What was the phrase he used?

12          Answer: It was more or less 'He'd better or I'll  
13          tell all'.

14          Question: Did you ask Kerr what exactly he meant by  
15          that?

16          Answer: Yes. Actually in the cells I put it to him  
17          if he had any sort of relationship with Mains and he  
18          laughed at me. I told him I tried to contact Mains, but  
19          Mains refused to come. He was very, very angry, very  
20          angry.

21          Question: Did you press him as to what exactly he  
22          did mean, that he would 'tell all'? Did he eventually  
23          tell you something about something that had happened  
24          between himself and Mains?

25          Answer: Yes. He said that he would tell the people

1           that Mains gave him sherry in his private quarters late  
2           at night.

3           Question:    At the conclusion of that hearing on  
4           14th October was he returned to his cell?

5           Answer:    He returned to his cell where I had  
6           a conversation with him and I left.  Shortly after  
7           I left him he slashed his wrists with a razor blade,  
8           which unfortunately he had concealed in the lapel of his  
9           coat and I didn't find it."

10          If you can scroll on down to the next page, please:

11          "Question:  From what you are aware of that incident  
12          was this a series attempt or more a gesture?

13          Answer:    It was more a gesture, because all he  
14          needed was medical treatment on the spot.  He did not  
15          have to go to hospital and was returned to custody to  
16          Rathgael again.

17          Question:  Did he eventually appear on 21st October  
18          with Stephen Waring at Belfast Juvenile Court?  Did he  
19          plead guilty to a number of burglaries?

20          Answer:    That is correct.

21          Question:  What happened in relation to Stephen  
22          Waring, the other youth?

23          Answer:    He appeared at the same court.  He got one  
24          to three years in training -- Rathgael Training School.

25          Question:  What happened to Kerr?

1           Answer: He made a very strong plea to the court  
2           that he was working, had a job as a porter in a Belfast  
3           hotel and that he would pay back the money which he had  
4           stolen, etc. He made a great plea to the court and as  
5           a result of this his case was put back pending his  
6           future behaviour on his return to Kincora. I think it  
7           was adjourned for one year."

8           It wasn't, in fact, adjourned for a year. It was,  
9           in fact, adjourned to January the following year,

10          Chairman:

11          "Question: Did anybody from Kincora attend that  
12          court hearing on 21st October?

13          Answer: Yes, Mr McGrath.

14          Question: Did he give any evidence to the court?

15          Answer: I don't think so. I spoke to Mr McGrath  
16          at court that day and he told me that he didn't want Kerr  
17          back in the place, that he was a troublemaker.

18          Question: Did he indicate to you what he meant by  
19          saying he was a troublemaker or did you interpret it?

20          Answer: I didn't ask for any interpretation of it.  
21          It was the first time I had ever spoken to McGrath."

22          Then he goes on to talk about Stephen Waring  
23          being lost overboard in Liverpool.

24          "Question: And then on 21st December 1977 did Kerr"

25          --

1 CHAIRMAN: Or more accurately lost overboard on the return  
2 voyage from Liverpool to Belfast.

3 MS SMITH: Yes. I will say something more about that later,  
4 Chairman, also.

5 "Question: But then on 21st December '77 did Kerr  
6 again appear at Belfast Juvenile Court in connection  
7 with an alleged theft of £40?

8 Answer: Yes. Sorry. £80. He actually went into  
9 Mr Semple's quarters to steal a pair of socks and he  
10 found his wallet underneath and he removed £80 from the  
11 wallet. He put £40 in an account in the TSB and kept  
12 £40 for himself.

13 Question: Was he sent to borstal for three years?

14 Answer: I asked that the cases pending from 21st  
15 October be dealt with and all were dealt with on that  
16 day and he was sent to borstal that day.

17 Question: If I may go back to October '77 when  
18 they first came to your attention, you have told the  
19 tribunal about your concern, having met Kerr, that he had  
20 some homosexual tendencies, that you had some suspicions  
21 about Mr Mains and that you were concerned there might  
22 be some connection between Richard Kerr and Mr Mains of  
23 a homosexual nature. Did you discuss it at this stage  
24 with any colleague in the police?"

25 He discussed it with the Head of Juvenile Liaison

1           Branch, Sergeant Sillery, now a -- then a Chief  
2           Inspector. Then he also spoke to social workers. I am  
3           not going to go through all of that.

4           In her evidence Helen Gogarty at KIN73257 -- she is  
5           talking about her interaction with Kerr. If we can just  
6           scroll down, please. Sorry.

7           "Question: Could I ask you to elaborate? What was  
8           it that he was saying that had given you concern in  
9           relation to Mains?

10          Answer: I can't -- he just demanded constantly that  
11          Mr Mains came to see him. He wasn't interested in  
12          a relationship with a social worker or with anybody  
13          other than Joe Mains. I felt that he saw my usefulness  
14          only in terms of whether or not I could get Joe Mains to  
15          come and see him.

16          Question: Did you ever at any time yourself make  
17          direct contact with Mains? You have said there was  
18          an initial telephone call, but did you yourself ever  
19          approach Mains and say, 'Kerr wants to see you'?

20          Answer: I can't recall that very clearly. I may  
21          have. I'm sure I did discuss it with him, because I was  
22          in Kincora on one or two occasions, and I perhaps asked  
23          him if he was going to court, but I don't recall that  
24          very -- that clearly."

25          So essentially -- I should have said that Detective

1           Scully in the course of his evidence and in his  
2           statement that he gave in 1980 indicated that he spoke  
3           to the social workers about his concerns about Mains and  
4           Richard Kerr.

5           Lindsay Conway, who was the social worker, field  
6           social worker, for Stephen Waring, because Stephen Waring  
7           had been in Rathgael prior to being admitted to Kincora  
8           -- Lindsay Conway had taken him to Kincora -- he told  
9           Hughes at 73217 that Richard Kerr requested that Mains  
10          visit him at Rathgael, and he said that that would have  
11          been unusual. As you will see here, he says:

12           "Answer: Kerr was remanded to Rathgael. He was  
13          brought to Rathgael on 4th October.

14           Question: And did you hear of anything unusual or  
15          considered unusual while he was there?

16           Answer: He made requests for Mr Mains to visit  
17          him at Rathgael and reception staff approached me knowing  
18          that I was in contact with Rathgael with regard to Stephen  
19          Waring to see if this was a normal request. I related  
20          that -- related that to past practice, that in the past  
21          where other boys had been returned from Kincora, the  
22          statutory role of the field social worker was to visit the  
23          boy but not the staff of the hostel, and Kerr did have a  
24          social worker in the district. So that would have been  
25          the natural relationship for someone to visit him.

1 Question: And at that time Kerr's social worker?

2 Answer: Was Helen Gogarty.

3 Question: Did Mains come to see Kerr at Rathgael?

4 Answer: Not to my knowledge, no.

5 Question: Did you attend a subsequent remand  
6 hearing when Kerr asked to be sent to Kincora?

7 Answer: Yes. Both boys were remanded to the first  
8 available Juvenile Court on 5th October. Kerr wanted to  
9 go back to Kincora. His short experience at Rathgael had  
10 frightened him no doubt and he wanted to return to  
11 Kincora, and although I had no direct responsibility,  
12 I was asked to pass an opinion. But with the number of  
13 offences that were being investigated it was quite clear  
14 that a period in Rathgael was the most appropriate  
15 measure at that time as opposed to returning to an open  
16 hostel. In 1977 I should add that our reception unit  
17 was a semi-secure unit. It wasn't an open unit. In  
18 other words, it was very much the remand home as opposed  
19 to the open community school that it is now.

20 Question: And it was the magistrate who asked you  
21 for your opinion on his request. Is that right?

22 Answer: Yes. Then Commander Mullan, RM, would have  
23 asked my opinion, basically because he knew I was from  
24 Rathgael and I could possibly pass an opinion, but  
25 I made it clear to him I didn't know the lad, but that

1 in my opinion he should be returned.

2 Question: Did you feel it would be prejudicial to  
3 Kerr to send him back to Kincora?

4 Answer: Prejudicial in the sense that he'd got into  
5 a lot of trouble during his time at Kincora. As I said,  
6 the offences that we're talking about, there were quite  
7 a number of offences. I recollect something like  
8 sixteen or twenty. We weren't talking about a single  
9 isolated offence. We were talking about quite a series  
10 and a serious series of offences.

11 Question: Was a threat made to you by Kerr on your  
12 refusal to back up his request?

13 Answer: Yes. A threat was made while he was being  
14 taken out the back of the cells, not heard by me  
15 directly but heard by the prosecuting inspector who was  
16 sitting directly at that door in the Juvenile Court,  
17 Inspector Hammond.

18 Question: And this was reported to the magistrate.  
19 Is that right?

20 Answer: He then reported that to the magistrate.  
21 I can recollect him being sworn in to give the evidence,  
22 because I think it was the first time I had ever  
23 experienced that with the Juvenile Court. So I can  
24 recollect that about it. He was sworn in and questioned  
25 about the incident.

1           Question:    And there -- were there they -- and were  
2           they then both sentenced to -- would there have been any  
3           contact between ..."

4           Sorry.   I think there might have been a gap there.

5           "Well, on all the remand periods with regard to  
6           these incidents they had contact between Stephen Waring  
7           then and Stephen Waring's subsequent death?

8           Answer:   Well, on all the remand periods with regard  
9           to these incidents they were returned to Rathgael on  
10          5th, 14th and 21st when these series of offences were  
11          dealt with."

12          Lindsay Conway was being asked about did Detective  
13          Constable Scully speak to him about his concern about  
14          Kincora.   It was confirmed he did:

15          "Not only Detective Constable Scully, but also two  
16          other social work colleagues as well.   We were in  
17          discussion in the waiting room in the Juvenile Court.

18          Question:   Can you say how explicit he was about the  
19          nature of his concern?

20          Answer:   It was a general concern again about the  
21          relationship between Mr Mains and Kerr, that he was  
22          continually asking for him, that he was wanting to see  
23          him, that he wanted to return to Kincora instead of  
24          going to Rathgael, but in some ways that's  
25          understandable in the sense that it was his first period

1 in Rathgael. He no doubt was intimidated by the regime  
2 there and naturally would want to return to a more open  
3 and home like establishment. That to me wouldn't have  
4 been the biggest problem."

5 It goes on to talk about the fact that they were  
6 discussing the concerns within Social Services.

7 Lindsay Conway also recalled what evidence was given about  
8 Stephen Waring's fall from the Liverpool boat. As I've said,  
9 Waring was in Rathgael at the same time as Richard Kerr.  
10 He absconded from Rathgael in the company of his brother.  
11 The two travelled to Liverpool and on arrival in  
12 Liverpool they were immediately arrested and put back on  
13 the Liverpool boat to return to Belfast. Stephen Waring  
14 never returned, having fallen overboard, it would appear.

15 Lindsay Conway gave evidence about this at 73221 to  
16 the Hughes Inquiry. If I can just check whether it was  
17 -- I think it might have been the preceding page. If we  
18 can just go back to the page before that. Yes. If we  
19 can scroll on back up, they are asking about Stephen  
20 Waring and Mr Lynch is questioning and he said:

21 "Question: Did Stephen Waring ever give you any reason  
22 to believe that he had been abused sexually in Kincora?

23 Answer: Stephen Waring made no comments at all  
24 about abuse of any sort.

25 Question: Was he the sort of boy who would have

1           confided in you if he had had any complaints? Was he  
2           articulate?

3           Answer: Yes. I had known Stephen and the family of  
4           Stephen Waring for some time. Stephen returned to  
5           Rathgael in that remand period out of his own free will.  
6           In some way he liked Rathgael too much in that sense.

7           Question: What ultimately happened to him?

8           Answer: Stephen absconded from the school on Friday,  
9           25th November 1977 and went to Liverpool with his elder  
10          brother KIN344. They were arrested when they were  
11          disembarking from the Liverpool boat and then placed back  
12          on the boat when it turned round to return to  
13          Belfast.

14          Question: Were they accompanied?

15          Answer: They were not accompanied. Then on Sunday,  
16          27th November 1997 there was a report from Musgrave  
17          Street Police Station that Stephen had been lost  
18          overboard and that the ship had carried out its search  
19          procedure off the Isle of Man and that Stephen was now  
20          presumed drowned.

21          Question: Did you attend the subsequent Board of  
22          Trade inquiry into that accident?

23          Answer: I did. That was on 9th February 1978.

24          Question: Do you know what the official finding of  
25          the Inquiry was?

1           Answer: There was a Mr Winkle who presided, and the  
2           official finding was 'Lost at sea; killed or drowned as  
3           a result of a fall from the vessel'.

4           Question: In your experience was he a moody boy or  
5           depressive?

6           Answer: He was possibly moody and he possibly got  
7           down, but I could not honestly pass comment whether he  
8           was clinically depressed. In his younger days he had  
9           been referred to child psychiatry, but mainly for  
10          behaviour problems. He was difficult to handle at home.  
11          Subsequently he was difficult to handle within  
12          children's homes that he was placed in and he was placed  
13          in Rathgael under care and protection. He was  
14          a non-offender. He was placed in Rathgael because he  
15          was difficult to handle.

16          Question: When had you last seen him before his  
17          death?

18          Answer: On either the Friday morning or the  
19          Thursday afternoon. It was coming up to his birthday.  
20          His uncle had requested to visit him and there would have  
21          been some contact between me and Stephen Waring either on  
22          the Friday morning 25th or the Thursday afternoon 24th.

23          Question: Can you remember when he was last in  
24          Kincora before that?

25          Answer: He was in Kincora up until 4th October.

1           Question: Have you any reason to connect his death  
2           with his period in Kincora?

3           Answer: No. The evidence that was given to the  
4           Board of Trade inquiry was quite clear, that Stephen  
5           Waring was fooling about on the outer rail of the boat,  
6           that a soldier coming home on leave on two occasions  
7           pulled Stephen Waring in on to the right side and that on  
8           the third occasion the soldier described that actually  
9           Stephen Waring slipped out of his grasp. So it was in no  
10          way a premeditated dash from any part of the boat over the  
11          side. The soldier gave quite clear evidence that he had  
12          been drinking heavily.

13          I was going to ask you", the Chairman said, "if he  
14          had been drinking?

15          Answer: He had been drinking heavily. Again the  
16          recollection is that it was a football supporters' sort  
17          of return trip. It was a Liverpool match, and this is  
18          why the boys absconded, to go to the Liverpool match.  
19          When a number of the passengers had fallen asleep, his  
20          brother recalled him going around and drinking the  
21          leftovers. So Stephen Waring was possibly drunk in this  
22          case but the soldier recalled that he actually slipped out  
23          of his grasp."

24          Now there has been reference on many occasions in  
25          the papers to Stephen Waring's suicide, but certainly

1 the evidence given to the Board of Inquiry into his  
2 going missing from the Liverpool boat would seem to  
3 suggest that it may well have been misadventure as a  
4 result of his intoxication and that would seem to be  
5 what Mr Conway was recalling.

6 Police analysts have usefully prepared tables of key  
7 events to do with Kincora that have been exhibited to  
8 the statement of Detective Chief Superintendent George  
9 Clarke dated 20th May -- sorry.

10 CHAIRMAN: Just before we leave that, there have been  
11 repeated assertions by various people that Stephen Waring  
12 committed suicide --

13 MS SMITH: Yes, Chairman.

14 CHAIRMAN: -- on that return because it is implied of the  
15 way he was treated in Kincora, but that account would  
16 suggest that tragically it was an episode of drunken  
17 horsing around.

18 MS SMITH: That would seem to be certainly the evidence of  
19 Mr Conway, who attended the Board of Trade and heard  
20 what evidence was given both by the soldier who was  
21 returning home and the -- and his brother, who would  
22 have spoken to the Board of Trade.

23 As I was saying, Chairman, there are -- there is  
24 a useful tables of key events to do with Kincora that  
25 have been exhibited to Detective Chief Superintendent

1        Clarke's statement of 20th May, and those relating to  
2        Richard Kerr can be seen from KIN1633 onwards. I am just  
3        going to scroll through these quite quickly, if we may.

4        You will see that they commence in January 1977,  
5        which is -- I am not going to go through all of these.  
6        I am just going to highlight the ones that relate to  
7        Richard Kerr. You will see:

8        "September 1977. Joseph Mains contacted  
9        Richard Kerr's social worker, Helen Gogarty, as he was  
10       mildly concerned about Richard Kerr and wanted her to  
11       talk to him. It is not clear what Mains' concerns over  
12       Richard Kerr were, but that he did not discuss this with  
13       Richard Kerr as he was arrested for burglary in early  
14       October."

15       Then if we can scroll down to -- there is an entry  
16       of 4th October 1977:

17       "Richard Kerr and Stephen Waring were arrested by the  
18       RUC for the burglary offences. Following the arrest and  
19       Richard Kerr's behaviour whilst in police custody,  
20       Detective Constable Scully became suspicious of the  
21       relationship between Mains and Richard Kerr",

22       and Detective Constable Scully gave a statement to  
23       that effect on 21st January 1980.

24       In October '77 Helen Gogarty, Richard Kerr's social  
25       worker, raised concerns with her senior, David Morrow,

1 about Kincora. They had been heightened following  
2 a conversation she had with Detective Constable Scully.  
3 Scully has highlighted an increase in criminality by  
4 Kincora residents and concerns over some form of sexual  
5 activity between Joseph Mains and some of the boys."

6 That's taken from the statement of David Morrow  
7 given to police on 13th February 1980.

8 The next entry is I think 14th October, if we can  
9 scroll down that. Yes.

10 "Richard Kerr appeared at Belfast Juvenile Court  
11 charged with a series of burglaries and was remanded in  
12 custody to Rathgael."

13 Then 21st October:

14 "Appeared again on the burglary charges and was  
15 returned until 21st October", as we know, "to Kincora."

16 1st November, just there:

17 "Meeting -- Kerr was accused of stealing £80  
18 from Raymond Semple's locker."

19 Then 7th October -- 7th November:

20 "Richard Kerr transferred to Rathgael following  
21 arrest for the theft of £80 in Kincora."

22 In fact, I think he was there from 4th November.

23 14th November:

24 "There was -- a meeting to discuss Kincora and  
25 Richard Kerr was held at Clive Scoular's office involving

1 Lorna McGrath, Gordon Higham, David Morrow and Lindsay  
2 Conway, and ultimately a decision was taken to introduce  
3 an additional monitoring system for Kincora in the  
4 manner of a weekly return to highlight untoward daily  
5 events. Conway recalled a rumour in social work circles  
6 that someone had been threatened about visiting Kincora  
7 by paramilitaries."

8 There is statements of Clive Scoular and Lindsay  
9 Conway referring to that.

10 Then 25th November:

11 "David Morrow rang Gordon Higham to inform him that  
12 after speaking to him in Rathgael Richard Kerr had told  
13 him that McGrath had made a sexual approach on him.  
14 Richard Kerr told Morrow that neither Mains nor Semple had  
15 any sexual dealings with him. Higham discussed this  
16 allegation with David Morrow and concluded that it was  
17 untrue, because previously all Richard Kerr's allegations  
18 had been towards Mr Joseph Mains."

19 Again I can show -- I will come later to show the  
20 note of -- that Mr Higham made of the telephone call  
21 from David Morrow.

22 The next is 25th I think of November --  
23 14th November -- 25th November. If we can scroll back  
24 up. Yes. Sorry. 27th November there:

25 "Stephen Waring", it says, "jumped overboard",

1 but it seemed to suggest that he fell.

2 Then on 5th December there is a meeting between  
3 Mr Scoular, Detective Sergeant Sillery I think he then  
4 was and Detective Constable Scully about Kincora.

5 "Scully outlined his suspicions over the  
6 relationship between Richard Kerr and Mains.

7 Richard Kerr appeared in court on 7th December and  
8 was sent to Millisle Borstal.

9 21st December he was sentenced to three years'  
10 borstal training."

11 I think that's actually when he did go to Millisle  
12 is 21st December.

13 He wrote then to -- the cards and letters that  
14 Richard Kerr sent to Mains, which we will look at later,  
15 but they can be found in the bundle at KIN117653 to  
16 117658. I will come back to those. They were letters  
17 that he wrote inviting Mains to visit him in Millisle.

18 "Richard Kerr claims that Mains did visit him."

19 The next entry relevant to Richard Kerr is 9th  
20 January I think. Yes. Again he is writing again asking  
21 for Mr Mains to visit him.

22 Then on 22nd February the suicide attempt following the  
23 appeal. We see there -- sorry -- 22nd February? Sorry.  
24 2nd February. I have written it down:

25 "Richard Kerr made a suicide attempt following the

1 failure of his appeal hearing. He was taken to the  
2 Military Wing at Musgrave Park Hospital where he stayed  
3 until 31st March '78."

4 Then the inquiry into Stephen Waring's death was  
5 held on 9th September -- 9th February 1978.

6 "The conclusion was that he was 'Lost at sea;  
7 believed killed or drowned following a fall from the  
8 vessel'.

9 Richard Kerr was transferred to Woburn House,  
10 Millisle from the Maze Prison Psychiatric Unit on 5th  
11 May."There's an entry there about a medical orderly and  
12 I will come later today to discuss what occurred in  
13 Millisle.

14 9th February -- sorry -- 14th March 1979 -- we will  
15 see that he was discharged from Millisle on 9th February  
16 and transferred to Williamson House. He makes  
17 allegations then. We will hear later about what  
18 happened in Williamson House when he is spoken to by  
19 police in 1982. Again I will come to look at those  
20 statements shortly.

21 The social workers' report that we were looking at  
22 of 14th March 1979, and you will see that the part that  
23 was blacked out on the document that I pulled up on the  
24 screen, I am told that there is an unredacted version of  
25 Judith Kennedy's report. Unfortunately I have not been

1           able to actually allocate it in the bundle when I was  
2           trying to highlight it, but you'll see the police record  
3           that:

4           "The report notes that Kincora was ruled out because  
5           it was under investigation because of the warden's  
6           alleged involvement with a homosexual circle."

7           There was evidence to The Hughes Inquiry about the  
8           fact that Judith Kennedy was told to delete that by her  
9           superior. You will see that the police say that:

10           "There are two copies of the report. One contains  
11           the comments about Kincora's warden's alleged  
12           homosexuality and the other copy has this section  
13           blacked out at the request of her supervisor, Roy Blair.  
14           Blair had asked for the reference to homosexuality in  
15           Kincora to be removed as it was an unsubstantiated  
16           comment. It would appear that the comments largely  
17           emanated from Mr David Morrow, and as there was nothing  
18           to substantiate it, Mr Blair felt that it was  
19           inappropriate that this should be contained in the  
20           report that Judith Kerr (sic) had written.

21           May 1979. Richard Kerr left Northern Ireland,  
22           moved to Preston to live with an aunt. He confirmed  
23           that Judith Kennedy gave him the money for his fare to  
24           Preston."

25           Then in December 1979, as I've indicated,

1 Richard Kerr's social workers, Helen Gogarty and Judith  
2 Kennedy, contact the journalist and the Irish  
3 Independent article then appears on 24th January 1980.

4 If we could go to 1648, please, this again is  
5 an annexe to the statement of Detective Chief  
6 Superintendent Clarke, which again is setting out the  
7 key dates along the side, when things were reported to  
8 Welfare Department or Social Services, when things were  
9 reported to police and what action was taken.

10 You will see here in November 1977:

11 "Richard Kerr made allegations of indecent assault  
12 by McGrath to a social worker in Rathgael. There was no  
13 further action taken following that allegation."

14 Then again Judith Kennedy's report to her superior  
15 is recorded there.

16 "A senior social worker in the Eastern Health &  
17 Social Services Board was told by Gordon Higham that  
18 Mains was suspected of being homosexual and having  
19 a relationship with a Kincora resident. No further  
20 action was taken by Social Services except ruling out  
21 potential alternative address for Richard Kerr on his  
22 release from borstal."

23 Then we see here the key dates of knowledge of abuse  
24 between 1958 and 1980. If we can scroll down through  
25 these, you will see that Richard Kerr features in this

1 table, this analyst's table. If we can scroll on down  
2 then, please, and go to a summary at 1167. Go to page  
3 11... -- 1667. Sorry. Go to paragraph 10. 1667.

4 Paragraph 10 there, if we can scroll down, it said:

5 "Richard Kerr was a Kincora resident between 1975 and  
6 1977. Richard Kerr features prominently in the Kincora  
7 story as there were concerns over Richard Kerr's  
8 friendship" -- sorry -- "relationship with Mains that  
9 prompted his social workers to contact Peter McKenna of  
10 the Irish Independent in late 1979. McKenna went on to  
11 publish the article in his newspaper in January '80 which  
12 exposed the Kincora scandal. A number of other  
13 individuals who knew Richard Kerr through their  
14 professional involvement in his care, welfare and  
15 criminal apprehension mention in their police statements  
16 concerns over what they suspected to be an inappropriate  
17 relationship between Richard Kerr and Joe Mains.

18 Richard Kerr had been arrested in October 1977 for  
19 a series of burglaries. Whilst in police custody his  
20 demands to have Mains come and visit him raised concerns  
21 amongst officers involved in the case. Richard Kerr  
22 became livid with rage after Mains refused to visit him  
23 and he threatened to 'tell all' if Mains did not appear.  
24 Whilst in Rathgael Richard Kerr continued to ask for Mains  
25 to visit him (which he did on two occasions).

1           In his statement William Morris, a former social  
2 worker, clearly spells out the suspicions highlighted  
3 above. 'It was suspected that Joseph Mains, the warden  
4 of Kincora, was homosexual and believed to be having  
5 a homosexual relationship with the boy and for the  
6 latter's protection it was necessary that alternative  
7 accommodation be found'."

8           Now there is also in -- again attached to the police  
9 statement at 1698 a personal profile compiled by police  
10 on Richard Kerr. That's exhibit GC8. I don't think  
11 I need to go through it, but what all of these documents  
12 and tables show is that police took statements from the  
13 social workers involved in the care of Richard Kerr and  
14 their superiors in 1980 and 1982.

15           In addition, many gave evidence to the Hughes  
16 Committee and the transcripts of their evidence can be  
17 seen in the bundle from KIN... -- David Morrow's --  
18 I will just give you them individually. I am not going  
19 to call them up. David Morrow's is at KIN73293 to  
20 73376. Helen Gogarty's is at 73524 to 73289. Lindsay  
21 Conway's is at 73216 to 73253. Gordon Higham is at  
22 73026 to 73482. Robert Blair, 73628 to 73668, and  
23 William Sharpe is at 73668 to 73685.

24           In addition, The Hughes Inquiry heard, as you have  
25 seen, from Detective Constable Scully at KIN73115 to

1           73160 and Chief Inspector Sillery at KIN73161.

2           Now other than those passages to which I have  
3           already referred, I don't intend to open any of their  
4           evidence to The Hughes Inquiry, but I will look at that  
5           part of the Hughes Report that deals with their evidence  
6           relating to Richard Kerr. We need to go to the HIA  
7           bundle for this, please. That's at HIA817 and at  
8           paragraph 4.169. Now this section deals with the issues  
9           that were raised with the witnesses and they go to some  
10          extent not just in relation to Richard Kerr but also refer  
11          back to I think evidence in respect of R18 I think it  
12          was, R18:

13                 "As previously indicated, suspicions held by  
14                 a Strandtown police officer regarding the relationship  
15                 between Mr Mains and Kerr had come to Mr Higham's  
16                 attention on 21st October 1977.

17                 Kerr was received into care when he was 5 and  
18                 admitted to Kincora in June '75, when he was 14. His  
19                 police statement contained no complaint of a homosexual  
20                 nature and no person was charged with any offence  
21                 involving him."

22                 I will come back to his police statements in due  
23                 course:

24                 "In October -- 4th October '77 he was arrested and  
25                 charged along with Stephen Waring with a large number of

1 burglaries. When taken to Strandtown Police Station, he  
2 asked for Mr Mains to be told of his arrest and said he  
3 wanted to see him. Detective Constable Scully gave  
4 evidence that his mannerisms, which he considered  
5 effeminate, made him suspicious. He said he had also  
6 been suspicious about Mr Mains, whom he had known since  
7 about 1966, for several years, because he had seen him  
8 in the company of a very well-known homosexual, whom he  
9 identified. Detective Constable Scully said he was not  
10 aware at the time that R2 was a former resident of  
11 Kincora."

12 That's the person that he identified as having been  
13 in Mains' company.

14 "On 5th October Detective Constable Scully collected  
15 the two boys from Rathgael Training School to bring them  
16 to court. Kerr asked if Mr Mains would be there. When  
17 Mr Mains did not attend the court, Kerr became angry and  
18 demanded that he be sent for, implying that he would  
19 'tell all' if he did not appear. Detective Constable  
20 Scully asked if he'd any sort of relationship with Mr  
21 Mains, at which Kerr laughed. He also pressed him as to  
22 what he meant by his 'tell all' threat, to which he  
23 replied that Mr Mains had given him sherry in his private  
24 quarters late at night. Mr Mains did not, in fact,  
25 appear at the court and he was remanded to Rathgael

1 Detective Constable Scully, however, had formed a  
2 definite suspicion that Mr Mains and Kerr may have  
3 had a homosexual relationship. This was based on  
4 his association with R2, on Kerr's possibly effeminate  
5 mannerisms and his threats, which implied that he had  
6 some hold over Mr Mains. He was also aware that Kerr had  
7 been arrested for theft in the company of two men at  
8 a hotel in Larne in the early hours of 4th October,  
9 though there was no evidence of homosexuality in that  
10 context."

11 I will come back in due course to look at the  
12 evidence in respect of that.

13 "Kerr's police statement indicated that he had known  
14 the two men in question when he was in Williamson House  
15 prior to his admission to Kincora in July 1975. He  
16 stated that they went to the hotel to drink and listen  
17 to country and western music.

18 At the 5th October hearing or possibly at  
19 a subsequent remand on 14th Detective Constable Scully  
20 communicated his suspicions to a trainee social worker  
21 with responsibility for Kerr."

22 It says where she was based.

23 "Her evidence was that he conveyed by innuendo the  
24 suspicion that Mr Mains and Kerr might be homosexually  
25 involved and said that he did not think that Kerr should

1 go back to Kincora, which she recalled him describing as  
2 a very strange place. She discussed these suspicions  
3 with Mr David Morrow, her supervising senior social  
4 worker, who attended a subsequent court hearing with  
5 her, and who discussed the matter with Detective  
6 Constable Scully, probably on 14th October. Mr Morrow  
7 also recalled going to Strandtown Police Station with  
8 Mrs Gogarty to see Detective Constable Scully at  
9 a subsequent date. In the course of these contacts  
10 Detective Constable Scully expressed his concern about  
11 the involvement of Kincora residents in crime as well as  
12 explaining his suspicions about the relationship between  
13 Mr Mains and Kerr. At all times it seems that Detective  
14 Constable Scully made it clear that he had no firm  
15 evidence to support his suspicions.

16 Following these discussions Mr Morrow and  
17 Mrs Gogarty visited Mr Higham at Purdysburn to inform  
18 him of Detective Constable Scully's suspicions."

19 I should say that's where the offices of the Health  
20 & Social Service Board were based:

21 "It was essential that any such information should  
22 be collated by R&DC management and Mr Morrow and  
23 Mrs Gogarty are to be commended for taking this line of  
24 action. The only record of their meeting is a  
25 manuscript note by Mr Higham, which is dated 2nd

1           October. This date, however, appears to be incorrect,  
2           since 2nd October was a Sunday, and it is most likely  
3           the date for that meeting is 21st October, when Kerr's case  
4           was dealt with. He was sent back to Kincora on his own  
5           application, subject to future good behaviour. Stephen  
6           Waring was committed to Rathgael Training School on the  
7           same day. Mr Higham's note listed seven points as follows:

8           1. Known homosexual, especially R2, Purdysburn.

9           2. Preference for Kerr.

10          3. Drinking sherry.

11          4. Kerr friends -- 2 middle-aged males.

12          5. Mr X/nights.

13          6. Other people in police feel same.

14          7. Social worker Rathgael feels same.

15          Discipline.

16          Note 1 clearly reflected Detective Constable  
17          Scully's suspicion that Mr Mains was a homosexual on the  
18          basis of his association with R2, although Mr Morrow  
19          gave evidence that he could not recall R2 being  
20          mentioned by name. Note 2 is self-explanatory and note  
21          3 accorded with Kerr's explanation to Detective Constable  
22          Scully of his 'tell all' threat. Note 4 appears to  
23          relate to Kerr's night out in Larne and the person named  
24          in note 5, whom Mr Morrow did not recall, was one of  
25          those who had been -- who had been with Kerr in Larne.

1 Mrs Gogarty gave evidence that she had made enquiries and  
2 established the identity of one of the two men concerned.  
3 Note 6 denoted that policemen other than Detective  
4 Constable Scully were suspicious that Mr Mains was  
5 homosexual. This was corroborated by the evidence of  
6 Sergeant (now Chief Inspector) Gerald Sillery. He gave  
7 evidence that Detective Constable Scully had mentioned his  
8 suspicions to him at some time in October and had  
9 telephoned another detective, who had confirmed his  
10 suspicion. The identity of this detective" -- if we can  
11 scroll down, please -- "is not known to us, but Detective  
12 Constable Scully gave evidence that although he knew  
13 Detective Constable Cullen through his drug squad  
14 activities, he was unaware of his inquiries about Kincora  
15 staff. Note 7 referred to Mr Lindsay Conway, an assistant  
16 welfare officer at Rathgael Training School with  
17 responsibility for Stephen Waring, who had been transferred  
18 to Kincora from there, but remained on licence to the  
19 training school. Detective Constable Scully had  
20 communicated his suspicions about Mr Mains and Kerr to him  
21 at one of the court appearances, probably on 14th  
22 October, since Mr Morrow and Mrs Gogarty were also  
23 present. The unnumbered "discipline" note related to the  
24 criminal activities of some Kincora residents and to the  
25 lack of management control over them.

1           This then was the information given to Mr Higham  
2           most likely on 21st October. It will be remembered that  
3           he had sent this memorandum -- his memorandum about R18  
4           to Mr Scoular on 18th October and received a reply on  
5           20th October. Mr Scoular had a recollection that  
6           Mr Higham expressed surprise that the suspicion was  
7           directed towards Mr Mains and mentioned that  
8           an allegation several years previously had related to  
9           either Mr McGrath or Mr Semple. Mr Morrow had no  
10          recollection of this being mentioned. Mr Higham gave  
11          evidence that the matter was further discussed by  
12          Mr Scoular, Ms McGrath and himself on 1st and 9th  
13          November and a fuller meeting was arranged for the  
14          morning of 14th November.

15          The 14th November meeting was attended by  
16          Mr Scoular, Ms McGrath and Mr Higham from R&DC  
17          management, Mr Morrow, a senior social worker for Kerr,  
18          and Mr Conway, an assistant welfare officer for Stephen  
19          Waring the meeting being held in Purdysburn. The  
20          subjects discussed were D/Con Scully's suspicions about Mr  
21          Mains and Kerr, about which no further information had  
22          been forthcoming, and the fact that Kincora residents had  
23          been involved in a large number of offences of dishonesty.  
24          The evidence of the various participants as to the  
25          decisions reached was at variance, but it is clear that

1 it was decided that Messrs Scoular and Higham should make  
2 contact with Strandtown police. Messrs Higham and Morrow  
3 recall that Mr Scoular was to speak to Mr Bunting, but Mr  
4 Scoular disputed this. Mr Scoular gave evidence that  
5 Kerr's social workers were to try to find out whether  
6 there was anything concrete to go on. Messrs Morrow and  
7 Conway both gave evidence that mention was made of  
8 previous allegations at this meeting, but the early 1976  
9 rumour continued to elude Ms McGrath's memory. Mr  
10 Morrow's February 1980 police statement referred to the  
11 decision that Mr Scoular should discuss the matter with Mr  
12 Bunting, who in turn did presumably approach the DHSS for  
13 guidance on this matter. It also decided that no other  
14 action would be taken until the DHSS considered the  
15 matter. In evidence to us Mr Morrow accepted that he had  
16 no specific recollection of the Department being  
17 mentioned, and since none of the other participants  
18 referred to it, we are satisfied that this part of Mr  
19 Morrow's police statement was inaccurate.

20 On the afternoon of 14th November Messrs Scoular and  
21 Higham went to Strandtown Police Station and met  
22 Sergeant Sillery. He was in charge of the juvenile  
23 liaison scheme, a crime prevention scheme for young  
24 offenders. As previously indicated, Detective Constable  
25 Scully had told him of his suspicions about Mr Mains and

1 Kerr in the early part of October, and Sergeant Sillery  
2 had taken the opportunity to visit Kincora personally on  
3 19th October on juvenile liaison business unconnected  
4 with homosexuality. The purpose of Mr Scoular's 14th  
5 November approach to him was to discuss the criminal  
6 offences committed by Kincora residents and also D/Con  
7 Scully's suspicions. D/Con Scully was not on duty that  
8 day and did not attend the meeting. In the course of  
9 his evidence Sergeant Sillery produced a note headed 'Re  
10 Kincora Boy's Home, 14th November '77', which he stated  
11 was a contemporaneous record of the main points of the  
12 14th November meeting as well as of the substance of  
13 D/Con Scully's suspicions and his impressions of his  
14 19th October visit to the hostel. The note read: 'It is  
15 commonly thought amongst certain CID that Mr Mains is  
16 a homosexual and he has been seen in the company of  
17 known homosexuals. It is also inferred that some of the  
18 staff in the home would also be homosexual. I recall  
19 that D/Con Scully rang another detective about the  
20 matter and his suspicions were confirmed over the  
21 phone'. The note went on: 'I must say I formed a good  
22 opinion of Joe Mains. At this stage (that is, 19th  
23 October) I suppose I felt that if he is homosexual, he  
24 would have the sense not to let his desires take him in  
25 the direction of the boys ... I recall thinking that if

1 the story had not broken for 15 years, the chances are  
2 that there was no story to break'. In relation to the  
3 14th November meeting the note remarked, 'I confess  
4 I put the allegations out of my head and they only came  
5 back when Clive scholar and Gordon Higham called at my  
6 office on 14th November 1977 ... They were concerned  
7 over the discipline amongst the boys ... As well as  
8 this they had heard the rumours about homosexual  
9 behaviour and indeed Kerr had been making veiled  
10 accusations against Mains made to staff at Rathgael.  
11 I told them all the rumours I had heard and said the  
12 only facts were of a number of boys who had gone to the  
13 home with no previous convictions and ended up  
14 committing crime. In regard to the sexual end I again  
15 stressed the 15 year aspect ... It appears to  
16 [something] that Mains could be homosexual but has never  
17 used any of the boys as lover'. The tone and tense of  
18 these notes did not altogether convey the impression  
19 that they were a contemporaneous record made in November  
20 1977, but Sergeant Sillery was adamant that they were.  
21 He gave evidence that the Terry Inquiry investigators  
22 would have been aware that he had the notes when he made  
23 his April 1982 statement, but that he was not asked for  
24 them.

25 Consistent with his notes, Sergeant Sillery gave

1 evidence that Messrs Scoular and Higham made no mention  
2 of the Mason file, the Meharg/Cullen investigation or  
3 any other previous allegations or suspicions concerning  
4 Kinchora. Mr Scoular did not dispute that directly,  
5 although he had a tentative recollection that he might  
6 have mentioned the recent R18 case. Mr Higham had no  
7 recollection as to whether Sergeant Sillery was told  
8 about previous allegations on that date. Our view is  
9 that the evidence suggests that discussion on 14th  
10 November was limited to the general crime problem and to  
11 D/Con Scully's suspicions. A further meeting was  
12 arranged for 5th December in Purdysburn.

13 It is appropriate at this stage to interpolate some  
14 conversation which took place between Messrs Higham,  
15 Morrow and others, some of which were reported by  
16 Mr Morrow to Ms Gogarty. These conversations ranged  
17 beyond the Kerr case. They were not recorded and the  
18 timing of them is, therefore, uncertain. It seems  
19 likely, however, that they took place in  
20 November/December 1977. It is necessary to unravel the  
21 strands of these conversations in order to clarify the  
22 rest of the narrative. We shall try to achieve this by  
23 retracing each strand back to its alleged source.

24 Mrs Gogarty's April 1982 Terry Inquiry statement  
25 recorded that Mr Morrow had told her that Mr Higham told

1 him of being taken to Stormont and shown a file which  
2 'made his hair stand on end'. Mr Morrow's April 1982  
3 Terry Inquiry statement indicated that he remembered  
4 Mr Higham saying something to the effect that he had  
5 seen a file on Kincora which would 'make his hair stand  
6 on end' and went on to so say 'I do not recall him  
7 saying it came from Stormont, but if he had said it came  
8 from headquarters, I would" -- can you scroll on down,  
9 please -- "automatically have assumed that he meant the  
10 DHSS at Stormont because of the seriousness of the  
11 allegations'. In evidence Mr Morrow said that he  
12 couldn't recall having said to Mrs Gogarty that  
13 Mr Higham had been taken to see a file and that he was  
14 not sure where Mr Higham was shown the file. Mr Higham  
15 accepted that he may have used the graphic phrase to  
16 describe the Mason file to Mr Morrow, but it is clear  
17 beyond a doubt that this file was never in the  
18 possession of the Department at Stormont and that  
19 Mr Higham was never take there to view it or any other  
20 file. It is our view that Mr Morrow embellished what he  
21 was told by Mr Higham when passing it on to Mrs Gogarty,  
22 who was thereby misinformed.

23 In her April 1982 statement Mrs Gogarty also said  
24 that Mr Morrow had told her that Mr Higham had told him  
25 that Kincora had been under investigation by the DHSS

1 for 20 years and by the RUC since 1969. Mr Morrow's  
2 April 1982 statement repeated this except that 'Social  
3 Services' was substituted for 'DHSS'. Mr Higham's  
4 May 1982 Terry Inquiry statement said that any reference  
5 to '20 years' would have arisen from his having seen the  
6 Mason file and 'generalising on the length of time which  
7 Belfast Welfare and Social Services knew about Kincora.  
8 It was meant to imply a fairly long period rather than  
9 a given set period. 'I did not say that the RUC had  
10 knowledge in 1969 of any complaint by boys in Kincora,  
11 nor that the RUC were involved in any investigation into  
12 such complaints at that time.' We consider that  
13 Mr Higham's 1982 statement acknowledged that his  
14 comments to Mr Morrow lacked accuracy. The effect was  
15 that this information was passed to Mrs Gogarty.

16 A similar difficulty arose from Mrs Gogarty's  
17 February 1980 police statement, which recorded that she  
18 was told by Mr Morrow that the DHSS and the police were  
19 conducting an inquiry into Kincora. Mr Morrow's  
20 February 1980 police statement referred to his being  
21 told by Mr Higham that his department (ie residential  
22 and day care) had been instructed not to pursue the  
23 matter any further, because it was already under  
24 investigation 'both by the RUC and the DHSS'. His April  
25 1982 Terry Inquiry statement, however, in correcting the

1        confusion as to where Mr Higham saw the Mason file, also  
2        said that 'Any other reference I have made in earlier  
3        statements about the DHSS was based upon the assumption  
4        that headquarters meant DHSS. This assumption led to  
5        the misinformation being passed to Mrs Gogarty as to the  
6        involvement of the Department. Mr Higham gave evidence  
7        that he was so instructed by Mr Scoular, but that -- the  
8        sense of the instruction was that R&DC management could  
9        do no more since other investigations ..."

10        Unfortunately it is not quite clear. I think:

11        "... were ongoing. In this connection we noted that  
12        Mr Morrow's April 1982 statement indicated also that  
13        Mr Higham in referring to the RUC investigations said  
14        that Mr Morrow and Mrs Gogarty were not to upset the  
15        apple cart by pursuing the Kerr case. Mr Higham gave  
16        evidence that that was not authority to direct -- that  
17        he had not the authority to direct Mr Morrow on this  
18        matter. We believe that Mr Higham was prone to the use  
19        of metaphor and may have made a remark of this kind, but  
20        we attach no sinister significance to it.

21        Mr Conway's February 1980 police statement referred  
22        to his having heard a rumour in social work circles that  
23        someone in the profession had been threatened by  
24        paramilitaries about visiting Kincora. Mr Conway could  
25        not place this more specifically than between November

1 '77 and June '78, the latter date marking his departure  
2 from Rathgael on secondment. He gave evidence that the  
3 rumour linked the threat with homosexual activity at the  
4 hostel. In her April 1982 statement Mrs Gogarty said  
5 that Mr Morrow informed her that Mr Higham had told him  
6 that 'he had been told not to go near Kincora for his  
7 own safety for paramilitary reasons'. Mr Morrow's April  
8 1982 statement indicated that Mr Higham had said that  
9 Mr Scoular had advised him 'not to upset Mr McGrath and  
10 to be very careful in his dealings with Kincora for  
11 paramilitary reasons'. Mr Morrow's evidence was that  
12 Mrs Gogarty had grossly overstated what he told her. In  
13 his May 1982 statement Mr Higham said that he had been  
14 advised by Mr Scoular 'to be careful given the current  
15 social situation in Northern Ireland' in relation to his  
16 dealings with Mr McGrath. It went on to say 'I did not  
17 take this advice to mean that I should fail to carry out  
18 my designated responsibilities in respect of Kincora.  
19 I do not believe I was told to stay away from Kincora  
20 for my own safety, as this would have been impossible,  
21 given the responsibilities of the residential and day  
22 care team'. In evidence Mr Higham agreed that he was  
23 aware of Mr McGrath's suspected paramilitary  
24 connections, but denied that he had said to Mr Morrow  
25 that he had been told not to visit the hostel for his

1 own safety and said that, in referring to Mr Scoular's  
2 advice, he was not intending to convey the impression  
3 that he had been 'warned off'. In fact, the documentary  
4 records reveal that R&DC visits for the period after  
5 November 1977 were more frequent and were largely  
6 undertaken by Mr Higham. Mr Scoular's evidence was that  
7 he mentioned Mr McGrath's alleged paramilitary  
8 connections to Mr Higham as something he should be aware  
9 of and that he did not tell anyone to be careful in  
10 relation to Mr McGrath. This is a prime example of how  
11 a rumour can develop. We believe that the truth of the  
12 matter is that Mr Scoular did draw the paramilitary  
13 aspect to Mr Higham's attention and counselled a degree  
14 of caution on that account and that Mr Higham must have  
15 paraphrased this in conversation with Mr Morrow. The  
16 evidence belies the suggestion that Mr Scoular  
17 instructed or advised Mr Higham not to visit Kincora.

18 Another point arising out of these conversations was  
19 reflected in Mrs Gogarty's April 1982 statement. She  
20 said that following Kerr's theft of money from Mr Semple,  
21 Mr Morrow told her that the 'Director of the Eastern  
22 Health & Social Services Board, Mr Gilliland, had decided  
23 that Kerr must appear before the court because he did not  
24 want him to go back to Kincora'. Mr Morrow's April 1982  
25 statement records that, 'A message was passed to me by

1 Gordon Higham, presumably from Mr Gilliland ...  
2 to the effect that Kerr was not to go back to Kincora  
3 because of what was going on there and the fact that it  
4 was not the first time allegations of improper behaviour  
5 had occurred'. In evidence, however, he accepted that  
6 nobody had told him specifically that Mr Gilliland had  
7 been involved in the case. Mr Higham told us that he was  
8 not aware of any headquarters involvement in Kerr's case  
9 and that he did not receive any instruction that Kerr  
10 should not go back to Kincora or pass it on. The fact of  
11 Kerr's case were that he had been sent back to Kincora by  
12 the Juvenile Court on 21st October after pleading guilty  
13 to a large number of burglaries, that his case was to be  
14 reviewed in January 1978 when his behaviour in the interim  
15 period was to be taken into account, that his partner in  
16 these offences, Stephen Waring, had been sent to Rathgael  
17 and that Kerr had then stolen  
18 a substantial sum of money from Mr Semple on 1st  
19 November. He had also inflicted injury on himself. He  
20 was sentenced to a period of borstal training on 21st  
21 December 1977. In the circumstances the fact that Kerr  
22 received a custodial sentence does not seem at all  
23 unusual. There is no evidence that Mr Gilliland was  
24 aware of this matter, much less that he issued any such  
25 directive. After Kerr was taken from Kincora to Rathgael

1 on 7th November he was never readmitted to the hostel.

2 Mr Morrow's evidence also raised the possibility  
3 that this or a similar directive may have been given at  
4 a date later than autumn 1977."

5 If we can scroll on down:

6 "The next significant issue in the Kerr case arose  
7 from a manuscript note by Mr Higham dated 25th November  
8 1977."

9 That note is in the bundle and I can give the  
10 reference shortly:

11 "This referred to a telephone call from Mr Morrow  
12 stating that he had spoken to Kerr at Rathgael and been  
13 told that Kerr had received a sexual approach from  
14 Mr McGrath, but that he had never had any sexual  
15 dealings with Mr Mains or Mr Semple. Mr Morrow gave  
16 evidence that he had visited Kerr in Rathgael on two  
17 occasions subsequent to 14th November, but that no  
18 allegation against Mr McGrath had been made, although  
19 Kerr repeated his 'tell all' threats about Mr Mains.

20 Mrs Gogarty, who accompanied him on these visits, but  
21 did not sit in on the interviews, had no recollection of  
22 Mr Morrow referring to such an allegation. In fact,  
23 Kerr's 1980 police statement, which said that Mr Mains  
24 never did or said anything to him of a homosexual nature,  
25 did refer to Mr McGrath wrestling with him and

1 suggested that Mr McGrath was enjoying this in  
2 a homosexual way. Given that Mr Higham's note was  
3 filed, and that it attached this allegation specifically  
4 to Mr McGrath to the exclusion of Messrs Mains and  
5 Semple, we are inclined to the view that Mr Morrow made  
6 the telephone call but did not remember doing so.  
7 Certainly it would have been the proper action for him  
8 to take on receipt of such a suggestion, and consistent  
9 with his decision to alert R&DC management to D/Con  
10 Scully's suspicions in October. In any event,  
11 Mr Morrow's diligence in pursuing his suspicion deserves  
12 acknowledgment. Mr Higham also gave evidence that he  
13 interviewed Kerr at Rathgael subsequent to Mr Morrow's  
14 telephone call, but that he was unable to elicit anything  
15 from him. He said that he discussed this with Mr Scoular  
16 and Ms McGrath. Mr Scoular had no specific recollection  
17 of it, but felt sure that Mr Higham would have mentioned  
18 the matter in the course of discussion.

19 We now turn to the contacts between the Board and  
20 the police."

21 We probably need to go through this. I am just  
22 checking how many more paragraphs. Yes.

23 "We now return to the contacts between the Board and  
24 the police. On 5th December, as arranged, Sergeant  
25 Sillery and D/Con Scully met Mr Scoular at Purdysburn.

1           There is no documentary record of this meeting, so we  
2           had to rely on the recollections of the participants as  
3           to what information was exchanged and what decisions  
4           were reached. It is clear that the Kincora crime  
5           problem was on the agenda, as Sergeant Sillery brought  
6           with him a list of residents who had come to the notice  
7           of the police. D/Con Scully, however, was there  
8           specifically to outline his suspicions about Mr Mains to  
9           Mr Scoular at first hand. The three participants  
10          agreed that there was no actual evidence that Mr Mains was  
11          homosexually involved with either Kerr or R2. D/Con  
12          Scully said in evidence that his suspicions were" -- can  
13          we scroll down, please -- "insufficient for questioning  
14          Mr Mains, let alone arresting him. It was also accepted  
15          by all that no reference was made either to the Mason  
16          file or to the Meharg/Cullen investigation. D/Con Scully  
17          gave evidence to the effect that Mr Scoular intimated  
18          that there was no reason to suspect Mr Mains. His 1980  
19          police statement recorded that Mr Scoular told them that  
20          'recently a complaint had been made by a boy against Mr  
21          McGrath but that had been investigated by his Department  
22          and found to have no substance'. In evidence to us,  
23          however, D/Con Scully stated that his recollection was  
24          that the previous complaint had related to harsh  
25          discipline. Sergeant Sillery's 1982 Terry

1 Inquiry statement also referred to Mr Scoular mentioning  
2 that in the past a complaint against a member of the  
3 Kincora staff had been investigated and found to be  
4 unsubstantiated. Sergeant Sillery could not remember  
5 whether the previous complaint related to McGrath, but  
6 said that there was no suggestion of homosexuality.  
7 Mr Scoular gave evidence that he did not recall any  
8 investigation into McGrath relating to harsh discipline  
9 and that while he had no specific recollection of  
10 mentioning the R18 case on 5th December, that it was  
11 very likely that he did so. Given the nature of the  
12 RUC's 1980 investigation and the 1982 Terry Inquiry with  
13 their explicit concentration on homosexual activity, we  
14 cannot accept that Mr Scoular's reference to a previous  
15 complaint was to the entirely unrelated matter of  
16 excessive or harsh discipline and carried no homosexual  
17 implication. No mention was made of discipline in the  
18 relevant references in D/Con Scully's 1980 and '82  
19 statements or in Sergeant Sillery's 1982 statement. We  
20 infer that Mr Scoular did at least allude to the R18  
21 case on 5th December. As on 14th November, however, he  
22 did not convey to Sergeant Sillery all of the  
23 information about Kincora which was then in his  
24 possession. It is not clear whether the police  
25 suspicions regarding another member or members of the

1 Kincora staff, not identified by name, were discussed on  
2 5th December. However, Mr Scoular's evidence indicated  
3 that he was made aware of this at some point. This must  
4 have been either on 14th November or 5th December.

5 Having discussed these matters, it was agreed that  
6 the police would keep an eye on Kincora and that  
7 Mr Scoular what make arrangements for a closer  
8 supervision of the hostel. Sergeant Sillery and D/Con  
9 Scully both recalled that Kincora was to be monitored on  
10 a daily basis and indeed a daily" -- if we can scroll  
11 down, please -- "report form was introduced with effect  
12 from January 1978. This required the Kincora staff and  
13 Mr Mains as warden" -- scroll back up a little bit,  
14 please -- thank you -- "or whichever member of staff was  
15 on duty in his absence to keep a record on a daily basis  
16 of residents coming in late or getting into trouble with  
17 the police and any other untoward events. These daily  
18 reports were to be collated and submitted to R&DC  
19 management on a weekly basis. It is clear both from the  
20 subject matter of the reports and the fact that they  
21 were prepared and submitted by the Kincora staff that  
22 this initiative was directed primarily at the  
23 disciplinary problems which were properly a matter of  
24 serious concern at the time. This arrangement cannot  
25 have been conceived as a deterrent or detective measure

1 in respect of homosexual activity. Mr Scoular gave  
2 evidence that in addition to this daily reporting system  
3 plans were made at this time for the introduction of  
4 students on placement in the hostel and for Mr Higham to  
5 have more frequent meetings with the staff and the  
6 residents of the hostel. Mr Higham explained that the  
7 student placements were seen as a means of introducing  
8 females into the Kincora staffing structure. Mr Scoular  
9 also made a point of making unannounced visits to the  
10 hostel. The Kincora record book registered no visits by  
11 Mr Scoular between January '78 and January '80, but  
12 visits may have been made but not registered. Nothing  
13 of relevance to homosexual activity at Kincora emerged  
14 either from these managerial initiatives or from the  
15 continuing police interest. Mr Scoular also stated that  
16 he telephoned Mr Bunting at various times for  
17 an up-to-date report on the Meharg/Cullen investigation  
18 and was told there was nothing further to go on, but  
19 that the inquiries were continuing. Detective Constable  
20 Scully visited Kerr in May 1979 after his release from  
21 borstal, but was unable to obtain any evidence of  
22 a homosexual relationship between Kerr and Mr Mains."

23 CHAIRMAN: This might be a convenient time.

24 MS SMITH: Yes. There is about another twenty paragraphs to  
25 read from this, Chairman. So yes.

1 CHAIRMAN: 2 o'clock.

2 (12.55 pm)

3 (Lunch break)

4 (2.00 pm)

5 MS SMITH: Chairman, just before I go back to the Hughes  
6 Report, the Judy -- I am not going to call it up, but  
7 Judy Kennedy's unredacted report, the reference for that  
8 -- sorry.

9 CHAIRMAN: Yes.

10 MS SMITH: Her unredacted report can be found at KIN11090  
11 with the reference that was redacted at 11091. If we  
12 could go back, please, to the page that was on the  
13 screen just before lunch, which is paragraph 190. Yes,  
14 4.190:

15 "By December 1977 knowledge of a considerable number  
16 of incidents, complaints and suspicions which suggested  
17 the possibility of homosexual misconduct at Kincora had  
18 come into the possession of the Eastern Board.

19 Mr Scoular, for instance, was aware of:

20 (a) The January 1974 anonymous telephone call  
21 alleging that Mr McGrath was homosexual but making no  
22 allegation about misconduct involving the residents.  
23 This was drawn to Mr Scoular's attention at the time.

24 (b) The Meharg/Cullen investigation into  
25 allegations that Mr McGrath was homosexual, again with

1 no allegation relating to the hostel itself. This was  
2 made known to Mr Scoular by Mr Bunting around the spring  
3 of 1976, as was:

4 (c) The Mason file containing allegations against  
5 Mr Mains by R5, R6, R8 and R33 and referring to  
6 an alleged homosexual relationship with former resident  
7 R2.

8 (d) R18's complaint against Mr McGrath in  
9 August 1977; and

10 (e) D/Con Scully's suspicions of Mr Mains'  
11 relationships with Kerr and R2.

12 Conversely he was not aware of:

13 (f) The buttock slapping incident involving Mr Mains  
14 and investigated by Messrs Moore and McCaffery in  
15 1969/'70.

16 (g) The May and September 1974 complaints against  
17 Mr McGrath by the parents of R15 to Ms McClean and  
18 Mr Orr.

19 (h) The rumour concerning Mr Mains which came to  
20 the attention of Mr Maybin in 1975.

21 (i) The rumour concerning Mr Mains which came to  
22 the attention of Mrs Fiddis, Ms Reynolds, Ms Reid and  
23 Ms McGrath in early 1976.

24 (j) Miss Shaw's allegations about Mr McGrath to  
25 Ms Johnson in late 1976, or

1           (k) Reverend Smyth's telephone call about  
2 Mr McGrath in 1976.

3           Mr Scoular told us that he could not recall whether  
4 he alerted the Eastern Board headquarters in the person  
5 of Mr Bunting or Mr Gilliland to the R18 and Kerr cases.  
6 Messrs Bunting and Gilliland's evidence was that they  
7 did not become aware of these cases until 1980 after the  
8 publication of the Irish Independent article and we  
9 accept their evidence on this point. Mr Scoular went on  
10 to say with regard to the R18 and Kerr cases that they  
11 were matters which he and his staff had dealt with and  
12 that there was nothing of a criminal nature to refer to  
13 his colleagues at headquarters.

14           We are prepared to acknowledge that, taken  
15 separately, it is possible to discount the significance  
16 of the various matters which came to Mr Scoular's  
17 attention. The 1974 allegations were anonymous and were  
18 first made against Mr McGrath; the Meharg/Cullen  
19 investigation was based on Mr McGrath's alleged  
20 activities outside the home and the police did not have  
21 sufficient evidence on which to act; the Mason file was  
22 presented to him as a dead file by Mr Bunting and the  
23 rider that -- with the rider that the allegations it  
24 contained had been investigated and found to be  
25 unsubstantiated; the evidence relating to the James Miller

1 complaint was not considered by Mr Higham and Ms Hyland  
2 sufficient to indicate that homosexual misconduct had  
3 occurred; and DC -- D/Con Scully had nothing more than  
4 his suspicions of Mr Mains and had received no complaint  
5 from Kerr. Mr Scoular was also a busy official carrying  
6 substantial responsibilities and he explained in evidence  
7 that he had never marshalled the various items of  
8 information about Kincora which had come into his  
9 possession.

10 We are convinced, however, that the accumulation of  
11 these allegations, complaints and suspicions over the  
12 years should have been recognised as significant by  
13 Mr Scoular. In particular, the fact that R2 featured in  
14 the Mason file in 1967 and in D/Con Scully's suspicions  
15 in 1977 should have alerted Mr Scoular and also  
16 Mr Higham to an important element of consistency in the  
17 doubts surrounding Mr Mains. It follows that he should  
18 have drawn the R18 and Kerr cases to the attention of his  
19 colleagues at headquarters, whose knowledge at this time  
20 was confined to the Mason file and the Meharg/Cullen  
21 investigation. If Mr Scoular had brought the R18 and  
22 Kerr cases to the notice of Mr Bunting, they could have  
23 been notified to D/Con Cullen as information additional  
24 to the Mason file. Alternative clearance --  
25 alternatively clearance could thereby have been obtained

1 from ACC Meharg or D/Con Cullen for disclosure to  
2 Sergeant Sillery at the 5th December 1977 meeting. This  
3 would have removed any possible constraint arising from  
4 the confidential nature of the Meharg/Cullen  
5 investigation, which was not known to the Strandtown  
6 police. We believe that Mr Scoular's failure to consult  
7 Mr Bunting was a critical error and that the addition of  
8 these cases to the information already available to the  
9 police would probably have prompted an active police  
10 investigation some two years before The Irish  
11 Independent article had that effect.

12 The precautionary suspensions of Messrs Mains and  
13 McGrath would also have been justified and appropriate  
14 in those circumstances, pending the outcome of police  
15 investigations. While it could be argued that R18's  
16 case might have been dealt with under the complaints  
17 procedures, there is evidence that R18 did not wish to  
18 press his complaint to Mrs Hyland in a formal setting.

19 This leaves the question of why Mr Scoular did not  
20 grasp the nettle as envisaged in his 20th October  
21 memorandum to Mr Higham and why he admitted to --  
22 omitted to alert Board headquarters to the R18 and Kerr  
23 cases. He accepted that he regarded Mr McGrath as more  
24 sinister and dangerous than an ordinary person in light  
25 of his alleged paramilitary connections, but denied that

1 he was afraid of him or that this was the reason that he  
2 did not process the complaints against McGrath.  
3 Nonetheless the proposed discussion with Mr McGrath  
4 never took place and no convincing explanation was  
5 advanced for this omission. We believe that Mr Scoular  
6 was apprehensive of McGrath's alleged paramilitary links  
7 to some degree and this, in conjunction with the fact  
8 that the homosexual implications of the R18 and Kerr  
9 cases were in his view unsubstantiated, clouded his  
10 judgments as to whether Mr McGrath should be interviewed  
11 or those cases should be notified to Board headquarters.

12 We regarded the steps actually taken from December  
13 1977 onwards additional to the regular inspections by  
14 R&DC management as aimed largely at the disciplinary  
15 problems in the hostel and as being insufficient in  
16 themselves to deal with the risk to residents arising  
17 from the suspicion that Messrs Mains and McGrath were  
18 active homosexuals. We do not suggest that an internal  
19 investigation by Social Services staff, extending to the  
20 wholesale interviewing of residents and former  
21 residents, would have been an appropriate or sensible  
22 alternative to referral to the police. Social Services  
23 staff are not qualified to undertake such speculative  
24 inquiries.

25 Later contacts with Kerr.

1 Eastern Board staff maintained contact with Kerr  
2 after he was sent to borstal on 21st December 1977. At  
3 some time on or after 9th May '78 Mrs Gogarty prepared a  
4 report on Kerr covering the period from October 1977. Mrs  
5 Gogarty prepared this report because she was concerned  
6 that Kerr, who in March 1978 had been transferred to the  
7 psychiatric wing of the Maze Prison, might succeed in one  
8 of his suicide attempts. This report chronicled his  
9 court appearances and also various occasions, including  
10 14th October 1977 remand appearance, when he inflicted  
11 injury on himself. The report did not, however, make any  
12 reference to D/Con Scully's suspicions of Mr Mains and  
13 Kerr, or to any of the meetings with him or Mr Higham, or  
14 to any of the relevant interviews with Kerr. Nor were  
15 these matters mentioned elsewhere in the file maintained  
16 by

17 Mrs Gogarty and Mr Morrow. The only possibly relevant  
18 reference in the report was to Kerr's attempt to slash  
19 his wrists on 14th October 'possibly caused by the  
20 non-appearance of Mr Mains in court ... as Kerr has  
21 a very strong attachment to Mr Mains and he seemed to  
22 regard this as a betrayal'. Mrs Gogarty gave evidence  
23 that she discussed the inclusion of information about  
24 Kerr and Mr Mains with Mr Morrow and that he told her to  
25 leave this out of the report. Mr Morrow's evidence was

1           that he gave Mrs Gogarty this advice, firstly, because  
2           there was very little substance to the matter at that  
3           stage and he was not prepared to have it committed to  
4           a Social Services file and, secondly, because files in  
5           the Falls Road office were not secure owing to frequent  
6           break-ins. We consider that D/Con Scully's suspicions,  
7           which we believe Mr Morrow and Mrs Gogarty shared, were  
8           significant and relevant to Kerr as a social work client  
9           and that their involvement in the consideration of those  
10          suspicions should have been recorded by them, if  
11          necessary on a subfile to be kept in more secure premises.  
12          Mrs Gogarty's report did refer to a suicide pact between  
13          Kerr and Stephen Waring, which had been known at some  
14          point to Mr Morrow. Kerr's 1980 police statement  
15          indicated that he and Stephen Waring agreed that they  
16          would commit suicide if they were arrested for the  
17          burglaries which they had committed. Stephen Waring  
18          absconded from Rathgael Training School on 25th November  
19          1977 and went to Liverpool with his brother. They were  
20          arrested on arrival, put on the boat to Belfast and in the  
21          early hours of 27th November Stephen Waring was lost  
22          overboard. Stephen Waring had been drinking heavily on  
23          the boat and had threatened to commit suicide. He  
24          climbed on to the boat's railings, was restrained, but  
25          later climbed on to the railings again, fell into the

1 sea and was lost. A Board of Trade inquiry found that he  
2 was 'lost at sea; believed killed or drowned following a  
3 fall from the vessel'. Stephen Waring's brother made a  
4 statement to the police to the effect that Stephen, with  
5 whom he was very close, never mentioned anything with  
6 a homosexual connotation and that he believed Stephen  
7 committed suicide due to a combination of being drunk and  
8 not wanting to return to Rathgael. There is therefore no  
9 evidence that homosexual misconduct had any relevance to the  
10 death of Stephen Waring. In this connection it is worth  
11 noting that Mr Morrow's March 1982 Terry Inquiry statement  
12 corrected his February 1980 police statement which had  
13 indicated that Kerr had accompanied Stephen Waring to  
14 Liverpool. In his 1982 statement Mr Morrow said that he  
15 had repeated what Kerr had told him. The Irish Times of  
16 13th January 1982 carried an article which referred to the  
17 death of Stephen Waring and said 'It is known that the boy  
18 who jumped from the Liverpool boat had also complained to  
19 a senior social worker about homosexual offences at Kincora  
20 when he was admitted to Rathgael. This social worker took  
21 the complaint to his superiors and was told that a high  
22 level inquiry into Kincora was already underway'. There is  
23 no evidence that Stephen Waring made any complaint about  
24 homosexual activity at Kincora. We consider that this  
25 reference confused Stephen Waring with Richard Kerr.

1           We have already referred to the evidence relating to  
2 a possible directive in late 1977 to the effect that Kerr  
3 was not to be sent back to Kincora. Mr Morrow's evidence  
4 also raised the possibility of a similar directive at a  
5 later date. At points in his evidence he appeared to  
6 link this with Mrs Gogarty's report; at others to Kerr's  
7 release from borstal in early 1979. He was not  
8 categorical as to the source of the directive, but  
9 mentioned as possibilities Mr Robert Blair, Principal  
10 Social Worker (Fieldwork Services) for the district, Mr  
11 Brian Coulter, who was Mr Blair's predecessor, and Mr  
12 Joseph Dunne, APSW in the district. Mr Blair gave  
13 evidence that he neither received nor passed on any  
14 directive about Kincora. Mr Coulter submitted a  
15 statement to the effect that his tenure as principal  
16 social worker ended on 31st January 1978 and that he  
17 neither gave nor received any directive regarding Kerr.  
18 Mr Dunne provided a statement to the effect that he was  
19 not employed in the Falls Road sub-office until  
20 February/March '78 and at no time did he receive a  
21 directive or pass one on to Mr Morrow. He did say,  
22 however, that during 1978 Mr Morrow had mentioned that  
23 Kincora was under investigation, but that no formal  
24 discussion took place. The evidence as to the timing and  
25 source of any such directive is not

1 sufficiently clear to establish what actually occurred.  
2 What is clear is that Mr Morrow regarded Kincora as  
3 an unsuitable placement for Kerr and he acted on  
4 that conviction.

5 Kerr was released from borstal on licence on  
6 9th February 1979. In the period preceding his release  
7 it had become apparent that there was a difference of  
8 opinion between the Probation Service and the Eastern  
9 Board as to which agency was formally responsible for  
10 finding him accommodation. The Board placed him in  
11 Williamson House, a home in North Belfast, as a stop-gap  
12 measure immediately following his release. Mrs Judith  
13 Kennedy, a social worker, had taken over the case file  
14 of Kerr's family from Mrs Gogarty in September 1978, but  
15 had not taken on Kerr as a client because he was in  
16 borstal. Nonetheless it was she who de facto assumed  
17 responsibility for finding Kerr accommodation, although  
18 the records show that the Board regarded this as  
19 a Probation Service responsibility and subsequently  
20 received a legal opinion to that effect. Mrs Kennedy  
21 gave evidence that she received what she regarded as  
22 an instruction from Mr Morrow, who was her senior social  
23 worker, that Kerr should not be placed in Kincora,  
24 although it was the most obvious placement for a boy  
25 approaching 18 years of age. Mrs Kennedy recalled that

1 Mr Morrow told her that the hostel was under  
2 investigation and her April 1982 Terry Inquiry statement  
3 linked this investigation with Mr Mains' alleged  
4 involvement with a homosexual circle. Mrs Kennedy told  
5 us that she could not recall Mr Morrow referring to the  
6 police suspicion of Mr Mains and that she took it that  
7 the Board was investigating the matter. She also told  
8 us that Mr Morrow referred at this time to his  
9 involvement in a previous case concerning a resident of  
10 Valetta Park Hostel until Newtownards and her 1982  
11 statement indicated that Mr Morrow had told her that  
12 there was some link between that case and Mr Mains.  
13 Mr Morrow, however, accepted that he was mistaken in his  
14 belief that the boy involved in the Valetta Park case  
15 had been resident in Kincora and that the connection  
16 between that case and Mr Mains or Kincora was based on  
17 pure speculation on his part. In the context of the  
18 publicity about homosexual prostitution linked with  
19 Kincora from 1980 onwards this is a crucial piece of  
20 evidence.

21 Returning to Richard Kerr, the Williamson House  
22 placement was intended purely as a stop-gap measure for a  
23 maximum of three weeks. Mrs Kennedy gave evidence,  
24 moreover, that the residential staff at Williamson House  
25 were resistant to the placement, because there was no room

1 for Richard Kerr and because he was causing problems.  
2 Richard Kerr was, in fact, accommodated in the flat of Mr  
3 Eric Witchall, the officer in charge of the home. The  
4 Board continued its efforts to resolve Kerr's accommodation  
5 difficulties, and Mrs Kennedy prepared a three-page typed  
6 report, undated, but almost certainly written on 14th  
7 March 1979, which reviewed Kerr's history in care, referred  
8 to his making inordinate demands on Mr Witchall's time and  
9 stressed the accommodation problem. In the paragraph  
10 relating to accommodation Mrs Kennedy wrote:

11 'We all felt he needed a sheltered environment.  
12 Kincora hostel was ... ruled out because apparently  
13 Kincora is under investigation because of the warden's  
14 alleged involvement with a homosexual circle. This  
15 investigation has apparently been going on for several  
16 years and Kincora is still admitting boys. The  
17 indications that Kerr has homosexual tendencies are  
18 tenuous. Indeed, borstal reported that throughout his  
19 stay there was no sign of homosexual inclinations."

20 Those were the words that were redacted in the  
21 document that I called up earlier, Chairman.

22 "Mrs Kennedy said that she prepared the report to  
23 enlist the help of her senior management in settling the  
24 dispute between the Board and the Probation Service over  
25 accommodation. She also told us that her only source of

1 information about Kincora and suspected homosexuality  
2 was Mr Morrow.

3 A series of unminuted meetings about the Kerr case  
4 were held around this time culminating in a meeting  
5 attended by Mr Robert Sharpe, the District Social  
6 Services Officer for North & West Belfast, Mr Blair and  
7 Mrs Kennedy. The date of this meeting cannot be  
8 established with absolute certainty. Mr Sharpe could not  
9 recall either the meeting, though he accepted that it  
10 took place, or Mrs Kennedy's report, and Mr Blair could  
11 not recall the report being tabled at the meeting. Mrs  
12 Kennedy, however, believed that her report was available  
13 at this meeting.

14 The most likely sequence of events is indicated by  
15 the contents of a letter to the Probation Service  
16 drafted by Mr Blair and issued on 14th March by  
17 Mr Sharpe. This letter stated that Kerr was beyond the  
18 control of the William House -- Williamson House staff  
19 and listed four areas of difficulty. These were ..."

20 If we can just scroll down, please, those are the  
21 items that were on the letter that I read out earlier:

22 "We infer that this letter was prepared following  
23 the meeting, the only one of the series which involved  
24 Mr Sharpe, since the purpose of bringing him in on the  
25 case was clearly to apply the maximum pressure to the

1 Probation Service.

2 We also believe that Mrs Kennedy's report was  
3 available at the meeting, by which inference we place on  
4 14th March. A crisis meeting involving the most senior  
5 management in the district would have been the type of  
6 occasion for this kind of comprehensive report would  
7 have been produced -- for which this kind of  
8 comprehensive report would have been produced. Whether  
9 the references to the investigation of Kincora in the  
10 original of the report were available to all  
11 participants, however, is doubtful. The original was  
12 kept in Mr Blair's file at the district office in Iveagh  
13 Buildings and the words 'because apparently Kincora is  
14 under investigation' through to 'and Kincora is still  
15 admitting boys' had been deleted and the connection  
16 between homosexuality and Kincora was thereby removed  
17 and there was some conflict of evidence as to the  
18 circumstances in which this was done.

19 Mr Blair, who obliterated the references on the  
20 original, gave evidence that his recollection was that  
21 he read the report in his office, that he telephoned  
22 Mrs Kennedy about the Kincora references and asked her  
23 where the information came from, that Mrs Kennedy  
24 indicated that the information came from one or two  
25 people talking in the office; that she did not wish to

1 name the sources; and that she agreed that it was not  
2 appropriate to record a rumour in the report. She also  
3 said that Mr Morrow, who was Mrs Kennedy's only source,  
4 had not told -- he also said that Mr Morrow, who was  
5 Mrs Kennedy's only source, had not told him anything  
6 about Kincora. However, he accepted that Kincora would  
7 be an unsuitable placement for Kerr, owing to his  
8 homosexual susceptibilities and the undesirability of  
9 putting him among other young men of his age. His 1980  
10 police statement indicated that this perception of Kerr  
11 was conveyed to him by the boy's social workers.

12 Mrs Kennedy's evidence was that she recalled Mr Blair  
13 speaking to her after the meeting and asking her to  
14 delete the references, that he may have said that it was  
15 unfair to include these references, that this seemed  
16 reasonable and that she did not disagree with the  
17 proposed deletions, but that she did not in the event  
18 make them. The copy of the report held in the Falls  
19 Road sub-office therefore remained completed.

20 Mrs Kennedy had no recollection of discussing the matter  
21 on the telephone" -- can you scroll down, please -- "or  
22 of being asked about her sources, although she did not  
23 directly dispute Mr Blair's account. She also said that  
24 she did not recall Kincora being discussed as an option  
25 at the meeting and this tends to be supported by

1 Mr Blair's evidence, which was that the absence of  
2 discussion on this point led him to doubt that the  
3 report was actually available at the meeting.

4 Mrs Kennedy's report was not addressed and no  
5 circulation was indicated on it. We take the view that  
6 it was in all likelihood available for the meeting which  
7 we think took place on 14th March, but that there is no  
8 evidence to establish that Mr Sharpe had an unedited  
9 copy of it, if he had a copy at all. Neither Mr Blair  
10 nor Mrs Kennedy could recall whether a copy was  
11 transmitted directly to him.

12 We note that Mr Sharpe sent a copy of his 14th March  
13 letter to Mr Gilliland and his covering letter contained  
14 a passing reference to Mr Bunting having assisted in the  
15 case. We received statements from Messrs Gilliland,  
16 Bunting, Sharpe, Blair and Morrow and from Mrs Kennedy  
17 on this point. Mr Sharpe stated that his contact with  
18 Mr Bunting related to the question of where legal  
19 responsibility for Kerr's accommodation rested and no  
20 reference was made to Kerr's personal details. Messrs  
21 Bunting and Gilliland, who discussed the matter,  
22 confirmed that the contact was limited to that issue.  
23 Messrs Blair and Morrow and Mrs Kennedy had no direct  
24 knowledge of the nature of the contact between the  
25 District and Eastern Board headquarters. We conclude

1 that the suspicions relating to Kerr and Kincora as  
2 reflected in Mrs Kennedy's 14th March report, which  
3 would have been significant to Mr Bunting, were not  
4 brought to his attention on this occasion.

5 On 15th March Kerr was moved from Williamson House to  
6 a hotel in the East Belfast area close to Kincora. In  
7 May at or around the time he reached 18 years of age he  
8 went out of care and left for England.

9 The Board's handling of Kerr's accommodation problems  
10 from February 1979 raise several questions. The first is  
11 why he was sent to Williamson House rather than to  
12 Kincora, and the answer appears to be that Mr Morrow gave  
13 Mrs Kennedy an instruction that Kerr should not be placed  
14 in Kincora because of previous suspicions concerning the  
15 hostel staff and his speculative association of those  
16 with the Valetta Park case. There is no convincing  
17 evidence that any directive to this effect was given to  
18 the North & West Belfast District by either Eastern Board  
19 headquarters or by East Belfast & Castlereagh District.  
20 Nor is there any evidence that Mr Sharpe and Mr Blair had  
21 any knowledge of previous suspicions surrounding Kincora  
22 from any source.

23 The second question was why Kerr was not placed in  
24 Kincora on transfer from Williamson House and instead  
25 was accommodated in a hotel close to the hostel at the

1 Board's expense. He had previously been offered and  
2 refused bed and breakfast type accommodation elsewhere.  
3 The evidence which we received indicated that this  
4 decision was taken by the North & West Belfast District  
5 staff on the basis of the information known to them. In  
6 the case of Mr Morrow and Mrs Kennedy the bias against  
7 Kincora arose from Mr Morrow's perception of the hostel  
8 and suspicion as to Kerr's sexual orientation; in the  
9 case of Mr Blair, from a received suspicion about Kerr's  
10 sexual orientation. Again we received no evidence to  
11 establish that officers in Board headquarters or East  
12 Belfast & Castlereagh took play part in that decision.

13 The third question was whether anything improper was  
14 implied in Mr Blair's deletion of the references to  
15 Kincora and homosexuality from the original of  
16 Mrs Kennedy's report. We accept Mr Blair's evidence  
17 that in March 1979 he had no knowledge of previous  
18 concerns about the Kincora staff and specifically that  
19 Mr Morrow had not briefed him on what he knew or  
20 suspected. In addition, Mrs Kennedy did not dispute  
21 that the proposed deletion -- did not dispute the  
22 proposed deletion and did not give evidence that she  
23 informed Mr Blair in detail of the basis for her  
24 references. We do not, therefore, consider that  
25 Mr Blair's deletions were intended to suppress

1 information for any improper motive. We do, however,  
2 consider that Mr Blair should have insisted that  
3 Mrs Kennedy reveal the information known to her and the  
4 sources of it so that any relevant material could have  
5 been made available to R&DC management in the East  
6 Belfast & Castlereagh District and to Board headquarters  
7 if necessary. He should also have contacted East  
8 Belfast & Castlereagh and Board headquarters to  
9 ascertain whether there was, in fact, an investigation  
10 into Kincora. We make these findings notwithstanding  
11 Mr Blair's evidence that after discussion with  
12 Mrs Kennedy he regarded the references as based on  
13 rumour and that he did not believe that there was  
14 anything more in it.

15 As we have said, Kerr was never readmitted to Kincora  
16 after he left on 7th November 1977 and he went out of  
17 care in May 1979. There was, however, to be  
18 an important postscript to the Kerr case. At some time  
19 about December 1979 Mrs Gogarty and Mrs Kennedy met  
20 socially and Kincora was discussed. As a result of  
21 their discussion and their shared concern that nothing  
22 appeared to have been done to resolve the suspicions  
23 about the hostel, they decided to approach the press. Mrs  
24 Gogarty explained that she did not seek an interview with  
25 Mr Gilliland or Mr Bunting as an alternative to

1       this course, 'because I had been told that the decision  
2       to remove Kerr from Kincora was taken at the very top'.  
3       The evidence that she was -- the evidence is that she  
4       was mistaken in that belief. Mrs Gogarty made  
5       an approach to the press through a friend and this  
6       culminated in The Irish Independent printing its 24th  
7       January 1980 article. As we suggested in the opening  
8       paragraphs of this report, the real significance of its  
9       publication was that it resulted in the initiation of  
10      the RUC's investigation, which eventually led to the  
11      convictions of Messrs Mains, Semple and McGrath.

12             Some comments on details included in the Irish  
13      Independent article are appropriate at this point, in  
14      the order as listed in chapter 1, paragraph 1.2 of this  
15      report.

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

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

1 relationship with Mr Mains and Kincora spanned nearly  
2 twenty years, said in response to his counsel's  
3 questioning that he had no knowledge of homosexual  
4 prostitution involving himself or any other boy in the  
5 hostel. The only evidence which we received of any  
6 possible relevance related to the suspicion arising from  
7 Kerr's journey to a hotel in Larne on 3rd October 1977,  
8 although this did not entail an overnight stay and the  
9 suspicion that Kerr may on his own initiative have been  
10 receiving money from men for homosexual activity during  
11 his short stay at Williamson House in  
12 February/March 1979. Alternatively this might refer to  
13 the homosexual experiences of R18 in Bangor, which  
14 predated his admission to Kincora, although there is no  
15 evidence that these were known to Social Services at any  
16 time or that prostitution was involved. We believe,  
17 however, that this allegation reflected Mr Morrow's  
18 erroneous speculation that there was a link between  
19 Mr Mains, Kerr and the R23 case, which he passed on  
20 to Mrs Gogarty and Mrs Kennedy.

21 (b) 'A police report being sent to the Director of  
22 Public Prosecutions. But no action was taken.'

23 No police file was opened in respect of the  
24 Meharg/Cullen investigation or the Sillery/Scully  
25 investigation and there is no evidence that any file

1 relating to the Kincora staff and homosexuality was ever  
2 sent to the DPP. We believe that this item again  
3 referred to the Valetta Park case (R23) and to  
4 Mr Morrow's perception of it.

5 (c) 'Reports on certain cases were destroyed under  
6 orders from a senior member of the Social Services  
7 Department.'

8 No evidence of such activity came to our attention.  
9 In view of Mrs Kennedy's involvement with Mrs Gogarty in  
10 December 1979, it is possible that this referred to  
11 Mr Blair's deletion of some three lines of her March  
12 1979 report.

13 (d) 'A member of staff at the boys' home is alleged  
14 to have been involved with a Loyalist paramilitary  
15 group. Officials at the Health Department were told  
16 this, but he has retained his job -- despite being  
17 suspected of encouraging children to engage in  
18 homosexual acts for money and accepting payments for  
19 pimping. The police reports name a number of important  
20 businessmen as being involved.'

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

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

20 (e) 'One of the children involved is alleged to have  
21 committed suicide.'

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

1 burglaries and to his imminent return to Rathgael.

2 (f) 'The situation first came to light in 1977. One  
3 boy who knew of the child prostitution is said not to  
4 have received any support from social workers when he  
5 faced a criminal charge because it was thought advisable  
6 to have him locked up where he could not talk.'

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

22 (g) 'Children at the centre range from 10 to 17.  
23 Some of the alleged offence are claimed to have involved  
24 boys as young as 12.'

25 Kincora generally catered for boys in the 15 to 18

1 age range and there was no conviction in respect of any  
2 offence involving a boy of 12. It is possible that this  
3 referred to the homosexual experiences hinted at by R18  
4 and which predated his admission to Kincora at the age  
5 of 15. It will be plain that we regard some of the  
6 allegations reported in the Irish Independent article as  
7 inaccurate. We believe that this resulted largely  
8 because Mr Morrow, as he himself acknowledged in  
9 evidence, speculated freely about matters for which he  
10 had no evidence in fact; and because Mrs Gogarty was  
11 an impressionable and inexperienced officer, who  
12 accepted Mr Morrow's speculations at face value and  
13 retailed them on that basis. It is also clear from  
14 Mr McKenna's January 1980 police statement and other  
15 sources that Mr McKenna dealt with the Social Service  
16 informants through a third party. Having made those  
17 observations, we have no doubt that Mrs Gogarty's  
18 decision to approach the press was motivated by  
19 an entirely commendable concern for the welfare of the  
20 children in care and that the article was printed in  
21 good faith. In addition, we are convinced that the  
22 evidence shows that the situation which existed at  
23 Kincora would have continued until such times as some  
24 decisive intervention was made. The Irish Independent  
25 article constituted such an intervention and, whatever

1       its shortcomings, its publication was timely, courageous  
2       and public-spirited. Our acknowledgment of the  
3       integrity and value of Mrs Gogarty's and the Irish  
4       Independent's actions is accompanied by a critical  
5       examination of the article's contents for three reasons:  
6       firstly, to establish as accurate a representation of  
7       the Kincora episode as possible, because we believe that  
8       in certain respects media coverage since 1980 has given  
9       the public an exaggerated picture of what occurred in  
10      the hostel; secondly, because we believe that only by  
11      establishing the facts of Kincora can the stigma which  
12      has come to attach to every former resident, the great  
13      majority of whom passed through the hostel unscathed, be  
14      removed; and, thirdly, because we are conscious that  
15      a large number of Social Services staff discharged their  
16      professional responsibilities conscientiously without  
17      receiving any hint of homosexual malpractice at the  
18      hostel. The implication that the hostel was operated as  
19      a homosexual brothel suggests a degree of negligence and  
20      indifference on their part which is not supported by the  
21      evidence. In saying this, we do not minimise the  
22      gravity of the offences which were committed or the  
23      tragic consequences which may have -- these may have had  
24      for the boys concerned."

25           I don't propose to go on, Chairman, to read the next

1 section of the report, as it doesn't bear on Richard Kerr.

2 Richard Kerr himself did not speak to the Hughes  
3 committee. He has spoken to police in 1980 and 1982 and  
4 since 7th October 1914 he has spoken on numerous  
5 occasions to the media.

6 I intend now to look at what he has said about his  
7 time in Kincora and other institutions from 1980 through  
8 to the present.

9 Police travelled to Preston in 1980 to speak to  
10 Richard Kerr. At that time he was living with

11 . They spoke to him on both 25th and 26th  
12 February and took two statements. The first of these,  
13 if we look at that, please, is at 10194. I again just  
14 remind people that there are details on these  
15 statements that -- I don't believe Mr [inaudible] still  
16 -- no longer lives in Lancashire, but nonetheless those  
17 details should be not repeated outside. It is dated  
18 25th February 1980. It was taken by Detective Chief  
19 Inspector Caskey and it is signed by Richard Kerr. It  
20 reads:

21 "I was put into Williamson House, 448 Antrim Road,  
22 Belfast, when I was four years old. I stayed there  
23 being looked after by the Welfare until I was 14.  
24 I went to Harberton Primary School until I was 11 and  
25 after that I attended Mount Vernon Secondary School.

1           When I was 14, I was transferred from Williamson House  
2           to Kincora Hostel, Upper Newtownards Road. While I was  
3           in Williamson House a man who would say he was my uncle,  
4           KIN340 , would visit me. A son of his,           was in  
5           the home. He called himself uncle to all the boys in  
6           the home. He brought us sweets. He didn't take me out  
7           then. His last address known to me was ..."

8           and he gives an address.

9           "Another man,           KIN341 , who lives in [a certain  
10          road] used to drive KIN340 to the home. He sometimes  
11          came into the home and spoke to us, that is the boys in  
12          the home. Later I got to know these men better and when  
13          I was in Kincora, I used to visit KIN341 's house and have  
14          drinks there. He is married and has two children and  
15          his wife lives with him. Only once did KIN341 and KIN340  
16          collect me at Kincora Hostel. KIN341 was driving a car  
17          he had hired for 24 hours. That was the evening I was  
18          caught for stealing money from the Highways Hotel in  
19          Larne. It was 4th October 1977. The three of us were  
20          out that evening for a drink. It was KIN341 's idea that  
21          we should go there for the country and western music.  
22          I went out with these older men because I had no friends  
23          and I knew them from their visits to Williamson House.  
24          There was no other reason, just as friends. They phoned  
25          me to Kincora and made the arrangements to go out.

1 I had no prior arrangement with them. While I was in  
2 Kincora from July 1975 to November 1977, I looked on Joe  
3 Mains as a father. I was very frond of him. When I was  
4 doing break-ins, he said to me that he knew I was doing  
5 them. He asked me to tell him the whole story about the  
6 break-ins and I told him part of it, that is about doing  
7 some break-ins. I mean by break-ins breaking into  
8 houses and stealing. Later the police caught up with me  
9 for the break-ins. I used to sit up late at nights  
10 discussing my future with Joe Mains. A couple of times  
11 he gave me Babycham to drink. Once I bought him  
12 whiskey, which I knew he liked. These discussions and  
13 drinks took place in Joe Mains' flat in the hostel.  
14 I looked up to and respected Joe Mains, and while I was  
15 in his flat, he didn't touch me or say anything to me  
16 which would have suggested anything of a homosexual  
17 nature. At the hostel Mr McGrath, the housemaster, was  
18 known as a homosexual. Boys in the hostel told me that  
19 he had tried it on them. Some of the boys are ...",  
20 and he names four boys.

21 "McGrath used to play around with me by pulling my  
22 jumper and wrestling with me. He would pull me close to  
23 him, his front to my back and press his bully up against  
24 me. It wasn't normal wrestling and I had knew he was  
25 enjoying it in a homosexual way. The boys used to tell

1 me that McGrath put his hands around their private  
2 parts. Mr Mains knew that all this was going on because  
3 the boys told him. I was not there when Joe Mains was  
4 told, but the boys told me that he had been told. This  
5 all happened when I was in Kincora from July '75 to 1977  
6 (November). After these complaints were made to Joe  
7 Mains, the woman cleaner wakened us in the morning.  
8 This had always been McGrath's job and it was while  
9 waking the boys that he would feel them under the  
10 bedclothes. When I made the threats about Joe Mains to  
11 the police and social workers that if he did not come to  
12 court, I would tell all, I was referring to the drinks  
13 I had in his flat, that he knew about my break-ins and  
14 also about McGrath's behaviour. I thought by making  
15 these threats he would come and help me, because he  
16 would be scared. I never intended to tell, but just to  
17 put pressure on Joe Mains to help me. The Belfast  
18 Juvenile Court after I was a few weeks on remand in  
19 Rathgael Training School sentenced me to borstal  
20 training."

21 I am going to read the next bit and I will come back  
22 to it later, Chairman:

23 "In Woburn House I became very friendly with Billy  
24 Edmonds, the medical orderly. He knew that I had no one  
25 to turn to and that I got no visits and no presents. He

1 treated me different from the other boys by giving me  
2 things and letting me do things that he would not let  
3 the other boys do. After I was released from borstal in  
4 February 1979 Mr Edmonds visited me twice at the Park  
5 Avenue Hotel where I was staying and had drinks with me.  
6 He called with me once at the Bishops Court Hotel, Upper  
7 Newtownards Road. These visits happened between  
8 February 1979 and May 1979. I went to Preston in  
9 May 1979. While I was in borstal I was visited twice by  
10 Joe Mains. I wrote two letters to him asking him to  
11 come and see me, which he did. I told Mrs Beggs in the  
12 borstal reception that Joe Mains had come once dressed  
13 as a church minister. This is not true, because it was  
14 Eric", and I think that should be, "Witchall, who was in  
15 charge of Williamson House, who came dressed in this  
16 way. We were not allowed visits in borstal during the  
17 day time and Eric thought that if he came dressed as  
18 a minister, he would get in. He got in and he told me  
19 that why he came to see me was how I was getting on.  
20 I did not ask him to visit me. I was in about four  
21 months at this time. I moved to Preston in May 1979 and  
22 Mrs Kennedy, my social worker, gave me money for the  
23 fare. Before I left Northern Ireland and during the  
24 time I was in homes and other institutions I did not  
25 make any complaints about indecent behaviour by anyone

1 to any members of the Welfare. There were no complaints  
2 to make. I only made the threats I have referred to to  
3 Detective Scully, Mrs Gogarty and Mr Morrow, my social  
4 workers. In May 1979 I moved into my aunt's house in  
5 Preston. I met a man she knows, Mr , who  
6 lives where I now live. I met in Preston in  
7 August 1979. I was having difficult times with my aunt  
8 and knew that. He offered me a boarding room in  
9 his house if I got a job. I got a job in a hotel and  
10 moved into 's house in September 1979. I pay him  
11 £15 a week rent. He bought me a watch for Christmas.  
12 There is nothing going on between him and I. Back in  
13 1978 , who had been in borstal, told me  
14 that there was something in the Belfast Telegraph about  
15 homosexual play acting in Kincora. I didn't see this in  
16 the Belfast Telegraph, but I believed what he said,  
17 because I knew it was going on. I met Stephen Waring in  
18 Kincora hostel. He came there after me. I think he came  
19 to Kincora in 1977. He and I got involved with a  
20 KIN274 , who was also in Kincora. KIN274 planned  
21 the break-ins that I have referred to and Stephen Waring  
22 and I helped him to carry them out. Stephen and I felt we  
23 were under pressure from KIN274 and we decided if we  
24 were caught, we would go to London, take a lot of drink  
25 and then take an overdose of tablets. We were intending

1 to commit suicide. It was Stephen who suggested suicide.  
2 I did not go to London and I didn't go out drinking with  
3 him or take tablets. We were both in Rathgael Training  
4 School when he escaped and I heard a short time later  
5 that he was supposed to have jumped overboard on the  
6 Liverpool boat. Since Stephen's death I have slashed my  
7 wrists on seven occasions, once in the court, twice in  
8 Rathgael and four times in borstal. Once I was serious.  
9 That was in borstal in a cell. The remainder I was not  
10 serious about suicide but only wanted attention, for  
11 I was crying out for help. I got hospital treatment on  
12 each occasions. I was questioned by Mr Morrow and  
13 Mrs Gogarty about three times my reason for going with  
14 KIN340 and KIN341 . I just said what I told  
15 you. They also asked me why I was so close to Mr Mains.  
16 I told them that I looked on him as a father."

17 Now just pause there, please. Before looking at the  
18 next statement I want to look at a document that caused  
19 some concern to the Inquiry when we came across it. It  
20 is a document at KIN80863, which is a memo of Maurice  
21 Hayes recording a meeting that he had with ACC Meharg in  
22 March of 1980. It seems to be in response to a question  
23 of some sort, maybe in preparation for The Hughes  
24 Inquiry. Certainly it came across in assorted  
25 correspondence re police inquiries into allegations of

1 abuse in the Kincora papers. At this stage there is  
2 discussion between the Eastern Health & Social Services  
3 Board and the ongoing police investigation, which had  
4 started in 1980.

5 If we can scroll down, please, to paragraph 4. Oh  
6 that's not right. I can't quite understand what has  
7 happened here. Sorry. It is the preceding page.  
8 I have written down the page reference wrong. Thank  
9 you. Yes. If we can scroll on up, please, to the top  
10 of that page, this is a note for the record. Yes. This  
11 again comes from the assorted correspondence and the  
12 page reference there is 80861. It is a memo of Maurice  
13 Hayes recording a meeting he had with ACC Meharg about  
14 Kincora. You can see that:

15 "ACC Meharg and Detective Inspector Mooney called  
16 with me on March -- 3rd March 1980. I was accompanied  
17 by Mr Wilde and Mr Gilliland. I explained the  
18 background: my discussion with Chief Inspector Caskey on  
19 29th February, my subsequent discussion with  
20 Messrs Gilliland and Scoular (which I had interpreted as  
21 a message conveying real concern and anxiety)."

22 Then it goes on to record that essentially at that  
23 stage there was no plan to do anything in respect of  
24 I think the staff in Kincora until the police had  
25 carried out further investigations, but if we can scroll

1 down to paragraph 4, ACC Meharg is talking, first of  
2 all, there about the Stephen Waring case and  
3 allegations there seemed to be a cover-up.

4 "Specific events now being alleged seem to refer to  
5 events in '76 and earlier. He said that a boy named  
6 Richard Kerr, who had been an inmate of the home and who  
7 now appeared to be living as a homosexual in London, had  
8 made a statement that Mr Mains had taken him into his bed  
9 and that Mr Mains had been sexually aroused and had been  
10 guilty of indecent assault but not gross indecency or  
11 buggery. Mr Mains had also been accused of interfering  
12 with a boy at summer camp in Helen's Bay some years  
13 earlier and with undue familiarity with the boys."

14

15 Now when this was read, this caused some concern.

16 So we then went to look at the handwritten account of  
17 the interview of Richard Kerr that was prepared by  
18 DCI Caskey, and that's at 1175334. Now this is quite  
19 difficult to read.

20 EPE OPERATOR: I don't have that number.

21 MS SMITH: Sorry. You don't have it?

22 EPE OPERATOR: No. Call it out again.

23 MS SMITH: 1175334. I might have an extra digit in it  
24 somewhere.

25 EPE OPERATOR: You do I think.

1 MS SMITH: 3 -- 6 -- 3 -- just leave out one of the 3s  
2 please. I think it's ...34, 117534. Yes. This is  
3 Detective Inspector Caskey's handwriting. I think it is  
4 Detective Sergeant Elliott who accompanied him. You  
5 will see that this interview commenced at 6.15 pm, but  
6 there's no time as to when it concluded. The statement  
7 runs I think to seven -- to about nine pages, but if we  
8 go to page 3, which is ...536, 117536, as I say, it is  
9 quite difficult to make this writing out, but, as you  
10 see, third line down it says:

11 "What sort of relationship did you have?"

12 to which Richard Kerr seems to reply:

13 "I know what you're getting at. This question has  
14 come up.

15 Question: What am I getting at?

16 Answer: The answer's no. It didn't go that far.  
17 When we used to have -- when we used to have drink, it  
18 might have. He gave me more ..." -- I am not quite sure  
19 what that -- "precedence when I [something] a bottle  
20 back. He drank -- took to [something] houses when boys  
21 were in bed."

22 Oh, yes.

23 "... and later talked to the early hours when the  
24 boys were in bed.

25 Question: What [something] how close -- how close

1           were you -- did it come do homosexuality? Did anything  
2           he make you feel [something] against [something]? Did  
3           he make homosexual approaches?

4           Answer: Let me think. I'm going to tell you the  
5           truth. I've been thinking this -- I have been  
6           [something] this before. I told it to -- I told lies to  
7           the police before.

8           Question: What was the approach?

9           Answer: He never made sexual approaches.

10          Question: Why did you infer there was something  
11          previous?"

12          Something then about Mr McGrath:

13          "... who was a homosexual."

14          So that seems to be Mr Caskey's note, which may be  
15          referring back to the conversations that Detective  
16          Scully had had with Richard Kerr in trying to ascertain  
17          what exactly the situation was between him and Mains.

18          I found it very hard when I was reading this to make out  
19          the handwriting entirely.

20          CHAIRMAN: Just leave for the moment, please.

21          MS SMITH: Yes.

22          CHAIRMAN: "He gave me some" -- that presumably is a brand  
23          of whiskey perhaps -- "when I got him a bottle from ..."

24          MS SMITH: Yes.

25          "... [something] we drank" or "he drank".

1 CHAIRMAN: "... a bottle from ... he drank and told ..."

2 MS SMITH: I think that's:

3 "... talked to the early hours when boys were in  
4 bed."

5 CHAIRMAN: "... talked to the early hours when boys were in  
6 bed."

7 MS SMITH: Yes.

8 "How close did it come to homosexuality? Did  
9 anything ...?"

10 CHAIRMAN: Well, the first -- the question is not clear.

11 MS SMITH: It's unclear what that is.

12 CHAIRMAN: "... [something], [something] in person ...."

13 MS SMITH: Or it might be "Mains".

14 CHAIRMAN: "How close did it come to homosexuality? Did  
15 anything he ...?"

16 MS SMITH: "... he has [something] ... Did anything he did  
17 make you feel for, against or ..."

18 CHAIRMAN: "... for, against ..."

19 MS SMITH: "Did he ..."

20 CHAIRMAN: "... closer ..."

21 MS SMITH: "... closer ... Did he make homosexual  
22 approaches?"

23 Then it goes:

24 "Let me think. I'm going to tell you the truth.

25 I've been [something] this before. I told lies to the

1 other -- to the police before.

2 What form ..."

3 CHAIRMAN: It might be:

4 "I've been thinking of this before."

5 MS SMITH: Yes.

6 CHAIRMAN: It's not clear.

7 "I told lies to the police before."

8 MS SMITH: "He never made sexual approaches."

9 CHAIRMAN: "What form was approaches?"

10 He ..."

11 MS SMITH: "... never made sexual approaches."

12 CHAIRMAN: "... never made sexual approaches. Why did you  
13 ..."

14 MS SMITH: "Why did you infer there was? There was no  
15 reason -- one person there, McGrath, Mr McGrath, who was  
16 a homosexual. There was one person there, Mr McGrath,  
17 who was a homosexual...",

18 and then it continues on. From what I could gather  
19 as best as possible it's consistent --

20 CHAIRMAN: Sorry. Just a moment.

21 "Other lads told ..."

22 MS SMITH: Uh-huh.

23 CHAIRMAN: "... M ..."

24 MS SMITH: I think that presumably --

25 CHAIRMAN: Mains.

1 MS SMITH: -- is Mains.

2 CHAIRMAN: "... and he ..."

3 MS SMITH: "... and he tried to put a stop to it."

4 CHAIRMAN: "... put a stop to it. Did you ever ..."

5 MS SMITH: "... witness McGrath ..."

6 CHAIRMAN: "... McGrath ..."

7 What's that word?

8 MS SMITH: "Masturbation", maybe.

9 CHAIRMAN: ... "Masturbation -- masturbate the ... He said  
10 ..."

11 MS SMITH: I think that's:

12 "He used to fight with me ..."

13 CHAIRMAN: "He used to fight with me ..."

14 MS SMITH: "... pulling your ..."

15 Sorry. Can you scroll down?

16 CHAIRMAN: What comes with "me" -- after "me"?

17 "... where from pulling ..."

18 MS SMITH: Or "what form" maybe.

19 CHAIRMAN: "... what form ..."

20 MS SMITH: "... what form pulling your ..."

21 Scroll down, please.

22 CHAIRMAN: Scroll down.

23 MS SMITH: Can you scroll down?

24 "... pulling your clothes. I knew what his game  
25 was.

1 Question: How did you know?

2 Answer: Because of what he was ..."

3 CHAIRMAN: "... obviously ..."

4 MS SMITH: "... obviously ..."

5 CHAIRMAN: "... wants ..."

6 MS DOHERTY: "... doing with others ..."

7 MS SMITH: "... what he was obviously -- what he was doing  
8 with others ..."

9 CHAIRMAN: "... doing -- doing with others ..."

10 Just a moment. That's fine.

11 MS SMITH: "I knew what he was doing. He was enjoying -- he  
12 was trying ..."

13 CHAIRMAN: "He was trying it on with me."

14 MS SMITH: Yes.

15 "He never done nothing. I only know what happened  
16 to others. Mains was friendly. He could be  
17 [something] -- but could be ..."

18 MR LANE: "... strict."

19 MS SMITH: "... strict.

20 Why did he -- why did he" --

21 CHAIRMAN: "Why did he" --

22 MS SMITH: -- "go to court?"

23 CHAIRMAN: -- "did he got to court?"

24 MS SMITH: "He knew about the breaking and enterings and  
25 ..."

1 CHAIRMAN: It might be "why":  
2 "Why did he ..."  
3 MS SMITH: Yes.  
4 CHAIRMAN: "He knew about breaking and entering, had ... and  
5 [something] told the police."  
6 MS SMITH: "... and never told the police."  
7 CHAIRMAN: "Any sensible man" --  
8 MS SMITH: "... [something] ..."  
9 CHAIRMAN: -- "would have" --  
10 MS SMITH: "... would have ..."  
11 CHAIRMAN: -- "would have gone to the police."  
12 MS SMITH: "He knew because he told us."  
13 CHAIRMAN: "He said wearing ..."  
14 MS SMITH: "He said he saw -- he saw" --  
15 CHAIRMAN: "... wearing my going" --  
16 MS SMITH: -- "wearing my going out at night ..."  
17 CHAIRMAN: -- "out at night ..."  
18 MS SMITH: "... [something] with a lot of money and said he  
19 knew ..."  
20 CHAIRMAN: "... with a lot of money and said, 'I know what  
21 you're doing'."  
22 MS SMITH: "Was it during that" --  
23 CHAIRMAN: "... time ..."  
24 MS SMITH: -- "time ..."  
25 CHAIRMAN: " ... you ..."

1 MS DOHERTY: "... had a drink and chatted ..."

2 MS SMITH: Yes.

3 CHAIRMAN: "... [something] to talk ..."

4 MS SMITH: "You took -- you took -- you brought drink and  
5 chatted [something] to talk about his work at Williamson  
6 House. He suggested that if ..."

7 CHAIRMAN: "... I was doing breaking and entering, he would  
8 help" --

9 MS SMITH: Uh-huh.

10 CHAIRMAN: -- "to keep the police off my back."

11 MS SMITH: Uh-huh.

12 "How did police" --

13 CHAIRMAN: "... tumble to you?"

14 MS SMITH: -- "tumble to you?"

15 "Someone must have mentioned" -- if we can scroll on  
16 down -- "mentioned something.

17 "Did you ..."

18 CHAIRMAN: "Did you tell ..."

19 MS SMITH: "Conway", is that?

20 CHAIRMAN: "... Conway ..."

21 MS SMITH: It might be.

22 "Yes."

23 CHAIRMAN: "Yes."

24 MS SMITH: "Who do you ..."

25 CHAIRMAN: "... you believe ..."

1 MS SMITH: "Myself."  
2 CHAIRMAN: "Who do you blame?  
3 "Myself."  
4 MS SMITH: "Who do you blame?  
5 Myself. I had ...  
6 CHAIRMAN: "... stuff we ...  
7 MS SMITH: "... from the ...  
8 MS DOHERTY: "... breaking and entering in my locker."  
9 MS SMITH: "... breaking and entering in my locker."  
10 CHAIRMAN: "... stuff we stole from the breaking and entry  
11 in my locker." Are you saying that ..."  
12 MS SMITH: "... something -- anything took place between you  
13 and Mr McGrath took place?"  
14 CHAIRMAN: "Are you saying that" --  
15 MS SMITH: "Are you saying that ..."  
16 CHAIRMAN: -- "nothing serious took place -- nothing ..."  
17 MS SMITH: "... nothing took place between you, Mains and  
18 McGrath took place?"  
19 CHAIRMAN: "Are you saying nothing serious took place  
20 between you, Mains and McGrath" and then "took place",  
21 again.  
22 "You were sent to Rathgael."  
23 MS SMITH: "... Rathgael. They sent me to borstal because"  
24 --  
25 CHAIRMAN: "... of ..."

1 MS SMITH: -- "of what happened to Stephen Waring.

2 Stephen Waring went to borstal ..."

3 CHAIRMAN: "... and I was ..."

4 MS SMITH: "... and I was remanded."

5 Then is ...

6 CHAIRMAN: "... remanded in custody ..."?

7 MS SMITH: ".... [something] is quite -- time -- as far --  
8 [something] time" --

9 CHAIRMAN: "... fourth time you ..."

10 MS SMITH: -- "you were arrested and you asked ..."

11 CHAIRMAN: Scroll down further.

12 MS SMITH: "... at the ..."

13 Can you scroll down?

14 "... at the court ..."

15 CHAIRMAN: "... at the court ..."

16 Yes.

17 MS SMITH: "What did you do?"

18 CHAIRMAN: Well, certainly the passage does not seem to bear  
19 out the account recorded by Mr Hayes.

20 MS SMITH: It is clearly at odds with the statements that  
21 have been obtained by police from Richard Kerr the  
22 preceding week. I will turn to look at the one of 26th  
23 February lately -- sorry -- shortly. It seems to be  
24 referring back, as I was saying, about the nature of his  
25 relationship to Mains and Detective Scully trying to get

1           him to say something.

2           On the same day -- we tried to investigate this --  
3           on the same day as Richard Kerr was interviewed by DCI  
4           Caskey, police spoke to another boy named R8, who  
5           actually alleged that he was taken into Mains' bed and --  
6           although I believe the boy R8 was in Belfast.

7           Richard Kerr had not said to police that Mains abused him.  
8           In 1980 he was living in Preston, not London. So whether  
9           ACC Meharg has conflated the information he was given or  
10          whether Maurice Hayes misrecorded what he was told, this  
11          entry cannot refer to anything Richard Kerr said to the  
12          police in 1980.

13          CHAIRMAN: Yes.

14          MS SMITH: If we can just go to his second statement, which  
15          is given on 26th February, which is at 10185. Again  
16          it's Detective Chief Inspector Caskey. It said:

17                 "It was about the beginning of 1977 whilst I was in  
18          Kincora Hostel that        KIN300       , a resident there, found  
19          a tape under R9's bed. He played it on R9's tape  
20          recorder and it was a recording of R9 and R17 having  
21          sex. On the tape R17 was asking R9 to wank him.

22          I heard noises to that effect on the tape. After R9 and  
23                 KIN46                 left Kincora in July 1977, they went  
24          to live with Mr KIN342, a retired social worker. There  
25          was talk that Mr KIN342 was homosexual. This was the

1 talk of Kincora. He would visit the boys in Kincora. He  
2 talked to me sometimes, but never touched me.  
3 I remember Joe Mains asking me one night to massage him.  
4 I was making his tea in the kitchen. Stephen Waring was  
5 with me. Stephen said, 'Don't go near him. He's an old  
6 poof'. I told Joe that I would not massage him. One other  
7 night I was making Joe's tea in the kitchen when he came  
8 in and asked me if KIN46 masturbated.  
9 I didn't know what to say and I changed the subject.  
10 I wondered why he asked me that question. I should tell  
11 you that KIN46 was found in bed with another  
12 boy in Williamson House. Both of them were naked when  
13 found by one of the ladies. He was about 15 at the time.  
14 He was also found under a bed with my sister in Williamson  
15 House."

16 So those are the two statements that Richard Kerr  
17 gave to police in 1980. As I have indicated, the two men  
18 that he named in the first statement were spoken to.  
19 I will come back to that later, but police asked Mains,  
20 McGrath -- and McGrath about Richard Kerr when they  
21 interviewed them in 1980. We can see what they say at  
22 KIN117688, which is extracts from the interview. If we  
23 could scroll on down just, please:

24 "Question: Did anything happen with Richard Kerr?

25 Answer: No.

1 Question: What about R8?"

2 Then it goes on. Then if we can scroll on down to  
3 the next page, if we can scroll on down:

4 "Question: Richard Kerr, what was your relationship  
5 with him?

6 Answer: Good. Always very good.

7 Question: Did you know Richard Kerr's friend, KIN340  
8 ?

9 Answer: This was supposed to be his uncle.

10 Question: Richard Kerr was involved in burglaries  
11 and he discussed these things with you?

12 Answer: Yes, that's right. He told me after he had  
13 been caught.

14 Question: Did he complain about McGrath?

15 Answer: I asked about McGrath when he was in  
16 Rathgael when he was in the training school and he told  
17 me that McGrath tried it on with him several times.

18 Question: Did you question McGrath?

19 Answer: Not at that time. I thought that if  
20 Richard Kerr had anything to say, he would say it himself.

21 Question: Do you know Billy Edmonds?

22 Answer: No.

23 Question: You visited Richard Kerr in borstal.

24 Answer: Yes. He wrote several times to me to visit  
25 him. He thought because he had been sent down the

1 hostel had not stood by him.

2 Question: Did you know Eric Witchall from  
3 Williamson House?

4 Answer: Yes.

5 Question: Why did you visit Richard Kerr?

6 Answer: To ease the situation. We would visit if  
7 requested by the boy."

8 Then again he was shown the letters that Richard  
9 Kerr had sent from Millisle. If we look at 117708:

10 "Detective Sergeant Middlemiss then showed Mains  
11 a letter addressed 'Dear Mr Mains' from Richard Kerr.

12 Question: Is this letter one of the requests made  
13 by Richard Kerr to go and see him in borstal?

14 Answer: That's right, aye.

15 Question: Can you date the letter for me?

16 Answer: About Christmas time 1977.

17 Question: The envelope's dated January 1978. You  
18 are not far out.

19 He then showed Mains a letter dated 23rd December  
20 '77 ...

21 Question: And that's a similar request.

22 Answer: Yes, that's right, but I couldn't go down  
23 and see him. My mother died on 22nd of 1977."

24 So those were the only questions that police put to  
25 Mains about Richard Kerr.

1           McGrath spoke about him at KIN117691. You see there  
2 just the question:

3           "Question: Did you know a boy called Richard  
4 Kerr?" Just about -- there. Yes, there.

5           "Answer: Yes, he was resident in Kincora. He was  
6 actually in twice.

7           Question: He has alleged that from July '75 to  
8 November '77 that you would play around with him by  
9 pulling his jumper and wrestling with him and that you  
10 pressed your belly up to his back in a homosexual way.

11           Answer: Richard Kerr said that?

12           Question: Comment.

13           Answer: Not one bit of truth in that. From the day  
14 he came there he continually showed animosity. He was  
15 one of the few boys who did not conform. There was  
16 always stress and strain between us. That is partly  
17 explained in some cases because the officer on duty in  
18 the mornings always fell for ill-will because he had to  
19 insist on the boys getting up.

20           Question: Richard Kerr told Mains about this and  
21 after that the boys were woken by a woman cleaner and  
22 that -- by that the complaint to Mains was that you  
23 interfered with boys.

24           Answer: When I went to waken them?

25           Question: When you went to waken them in the

1 mornings. Did the woman cleaner take over that  
2 responsibility?

3 Answer: No. It was a free and easy arrangement.  
4 There was no hard and fast rule. The last two years  
5 there was two boys who were out early, but that only  
6 involved switching on the light and giving them a shake  
7 and leaving the light on the landing. The process was  
8 repeated later in the morning.

9 Question: Why should Richard Kerr, like  
10 KIN46 , make such an allegation against you?

11 Answer: I haven't a clue."

12 Then again at the bottom of 117693, just the bottom  
13 of that page:

14 "Question: Were you aware that a man called and  
15 collected Richard Kerr from Kincora Hostel?

16 Answer: Richard Kerr was a bad ticket all round and  
17 what he was involved in I didn't know. The only thing I  
18 knew was that he was involved in crime, never in sexual  
19 activity. He worked in the Cavalier Hotel and I heard he  
20 was thrown out because he had some man in his room,  
21 although I never heard of any sexual activity.

22 Question: Were you aware that Richard Kerr  
23 was a criminal?

24 Answer: No. He never told me anything. He never  
25 spoke to me, only when he had to.

1 Question: What about Stephen Waring?

2 Answer: He was very smart and I talked to him a lot  
3 about his future. He told me his idea was to resist  
4 authority.

5 Question: In the light of this were you surprised  
6 that he committed suicide?

7 Answer: Well, was it suicide?

8 Question: Well, people have said that they tried to  
9 pull him back over the side of the boat again.

10 Answer: Well, his body has never been found.

11 Question: Is there anything else you want to say  
12 about these allegations at the moment?

13 Answer: No."

14 Now it is clear that police obviously didn't press  
15 either Mains or McGrath as Richard Kerr was not making  
16 complaints about Mains and certainly didn't say that  
17 McGrath had done anything to him.

18 Richard Kerr was spoken to again by Sussex Police as  
19 part of the Terry review in 1982. That statement is at  
20 KIN50864. By this stage he is living in London and it  
21 says -- it is Detective -- sorry -- Chief Inspector  
22 Fleming who took the statement on this occasion. It  
23 says:

24 "I am employed as a telephonist. I have been asked  
25 by Detective Superintendent Harrison about the

1 statements that I made in 1980 to the RUC. The first  
2 statement is dated 25th February 1980. It is all true  
3 up to the point where I talk about my friendship with  
4 Billy Edmonds, the medical orderly at Woburn House,  
5 Millisle. He didn't do anything to me whilst I was at  
6 Millisle, but after I left he committed buggery upon me  
7 after I had gone to his house. The next morning he made  
8 a gift to me of a radio. Twice after that he saw me and  
9 attempted to have sex with me, but I refused. I didn't  
10 tell the RUC about Edmonds bugging me when they  
11 interviewed me in 1980 because I was embarrassed and  
12 I thought they were only interested in Kincora. The  
13 rest of my statement is true up to the point where  
14 I refer to lodging at \_\_\_\_\_'s house in Preston.  
15 Mr \_\_\_\_\_ and I maintained a homosexual relationship  
16 for two years. He didn't force me into the  
17 relationship. My second statement dated 26th February  
18 1980 is true. Another man who had a homosexual  
19 relationship with me was Brother Eric Witchall. After  
20 I left Millisle I went and stayed at Williamson House,  
21 where Witchall was in charge. I was at Williamson House  
22 for about six weeks. During that time Witchall buggered  
23 me about three times after giving me alcohol. He was  
24 the first man to bugger me. On one occasion when I was  
25 about 15 years old I was picked up by a man on the

1 Springfield Road, Belfast. I returned to the man's  
2 house with him and during the course of conversation he  
3 put his hand on the inside of my leg. Nothing else  
4 happened. I do not know the man and would not know him.  
5 I continue to have casual homosexual relationships in  
6 London where I live and work. I consider myself to be  
7 bisexual."

8 CHAIRMAN: Now the Witchall to whom he referred was one of  
9 those convicted at the Crown Court?

10 MS SMITH: Yes, that's correct, Chairman. First of all, can  
11 I just say that I will return later to speak about Billy  
12 Edmonds, but Eric Witchall was spoken to by police. His  
13 statement is at KIN50870. It is of 26th March 1980. If  
14 we can scroll down, please, through that, he talks about  
15 where he was working and so forth and then says:

16 "I have been read a portion of Richard Kerr's  
17 statement about a visit I made to him in Millisle  
18 Borstal about two to three years ago. I remember this  
19 visit. On that day I was delivering a resident of  
20 Williamson House, , to a holiday  
21 caravan at Millisle. I knew Richard Kerr as he had been  
22 a resident in Williamson House and I took the  
23 opportunity of visiting him while I was in the Millisle  
24 area. That day I wore a clerical collar, which I am  
25 entitled to do on the authority of Bishop Arthur Butler,

1 Church of Ireland. I gave my name at the borstal  
2 reception and there was nothing sinister about the  
3 visit. I have been asked about my close relationship  
4 with ...",

5 and he goes on, but that was really what he said  
6 about the visit to Richard Kerr at borstal.

7 Chairman, as you have rightly pointed out, the  
8 Inquiry is aware that Eric Witchall did plead guilty to  
9 abusing children at Williamson House. The record of  
10 that is at 50850. He pleaded guilty to six charges of  
11 indecent assault and gross indecency and was sentenced  
12 to 18 months.

13 There is also a record of the police interview with  
14 Witchall, which is contained in the statement of  
15 Detective Sergeant Elliott at KIN50867. I am not going  
16 to go into that, but it is clear that in the body of  
17 that he is asked -- I will read it. It says:

18 "I asked Witchall what contact he had with  
19 Richard Kerr after he first left Williamson House in 1975.  
20 Witchall suggested that he had no contact with  
21 Richard Kerr and not until he was reminded of his visits  
22 to Richard Kerr as indicated in Richard Kerr's statement  
23 and his own statement did he admit or recall the contacts  
24 with Richard Kerr. In relation to his visit with  
25 Richard Kerr at Millisle Borstal, Witchall stated, 'Of

1 course. Of course I remember now. I was leaving  
2 down and took the opportunity of seeing  
3 Richard Kerr'. When questioned for his reason for the  
4 visit ..."

5 Sorry. If we just -- sorry. This was in response  
6 to the second statement. Maybe if we just scroll up  
7 a little bit to the preceding page:

8 "I enquired if Witchall knew and remembered  
9 Richard Kerr. He immediately recalled that Richard Kerr  
10 was residing at Williamson House when the home was  
11 operated as two separate units. Witchall explained that  
12 he was not directly responsible for care for that period,  
13 which was about 1975. I asked Witchall if he recalled  
14 caring for Richard Kerr at Williamson House in 1979. He  
15 immediately recalled that Richard Kerr had been at the  
16 home for a short time, which was against the advice he  
17 gave his authorities. He did not consider Richard Kerr  
18 suitable for Williamson House. I then read a portion of  
19 Richard Kerr's statement dated 26th October 1982, 'Another  
20 man who had a homosexual relationship. He was the first  
21 man to bugger me'. I invited Witchall to reply to the  
22 allegation. He stated, 'I've done nothing with him. Can  
23 this be proved?' I advised Witchall that the purpose of  
24 my investigation was to prove or disprove the allegation.  
25 I asked Witchall what contact he had with Richard Kerr

1 after he left -- first left Williamson House in 1975.  
2 Witchall suggested that he had no contact with Richard  
3 Kerr and not until he was reminded of his visits to  
4 Richard Kerr as indicated in Richard Kerr's statement on  
5 25th February 1980 and his own statement dated 26th March  
6 1980 did he admit or recall the contacts with Richard  
7 Kerr. In relation to his visit with Richard Kerr at  
8 Millisle Borstal Witchall stated, 'Of course. Of course  
9 I remember now. I was leaving down to  
10 a caravan. I took the opportunity of seeing Richard  
11 Kerr'. When questioned as to his reason for the visit,  
12 Witchall denied that there was anything devious in the  
13 visit or the reason for it. It was suggested to Witchall  
14 that he abused his clerical collar to gain access to  
15 Richard Kerr. Witchall denied this and suggested that he  
16 had the authority of Bishop Butler to wear the collar.  
17 When it was suggested that Social Services Department  
18 didn't approve of him wearing a clerical collar, Witchall  
19 suggested that his visit to Richard Kerr was pastoral  
20 rather than in the course of duties as a social worker.  
21 Witchall was questioned at length regarding contact he  
22 made with Richard Kerr prior to Richard Kerr being placed  
23 at Williamson House. Throughout Witchall denied that  
24 there was anything unlawful in the association. Witchall  
25 recalled

1 an occasion when Richard Kerr visited Williamson House  
2 some time after 1975. Witchall showed Richard Kerr around  
3 the building, which had been altered and joined into one  
4 unit. Once again Witchall denied that anything sexual  
5 had occurred in the meeting. Witchall in reply to  
6 further questioning recalled that Richard Kerr was  
7 released" -- if we can scroll down, please -- "from  
8 borstal in or about 1979. He recalled that there was  
9 some difficulty over finding accommodation for  
10 Richard Kerr with the result that he was placed in  
11 Williamson House. Witchall insisted that he protested to  
12 his immediate authorities that he did not believe that  
13 Richard Kerr was a suitable person to mix with the other  
14 young inmates. Witchall stated there was talk among  
15 social workers that Richard Kerr had homosexual  
16 tendencies and had attempted to commit suicide. Witchall  
17 recalled discussing Richard with his social worker, a Ms  
18 Gogarty from the Falls Road office. He also complained to  
19 Brian Todd, an official of the Residential Care  
20 Association, in the hope that Richard Kerr would be  
21 removed from Williamson House. Witchall believed that it  
22 was partly due to his protests that Richard Kerr was  
23 eventually removed from the home to a local hotel.  
24 Witchall was questioned closely as to his relationship  
25 with Richard Kerr during the period he remained at the

1 home. He recalled that it was a difficult period, as the  
2 other members of the staff were frightened by Richard  
3 Kerr, who proved difficult to handle. Richard Kerr had a  
4 bedroom on the same floor and close to Witchall's  
5 accommodation and, in fact, had access to Witchall's  
6 lounge and drinks' cupboard. Witchall agreed that he gave  
7 Richard Kerr a drink from the cupboard on occasions, but  
8 also recalled that he found Richard Kerr taking drink  
9 from the cupboard in his absence. Despite in-depth  
10 questioning as to what appeared to be an ideal situation  
11 for Witchall to have a sexual relationship with Richard  
12 Kerr, Witchall was adamant that no form of assault ever  
13 took place. At periods during the interview Witchall  
14 came close to tears and appeared upset. He explained that  
15 he thought he had paid his debt to society and was hoping  
16 that the Northern Ireland situation was behind him. He  
17 asked how he could make a new start if fresh allegations  
18 were to be made from time to time.

19 Witchall further explained that he was making every  
20 effort to reform and in order to avoid contact with  
21 young people he was deliberately working with old age  
22 pensioners. He stated he could not trust himself with  
23 young people. He had to accept the situation. Richard  
24 Kerr's allegations were put to Witchall but throughout the  
25 interview he denied any form of indecency towards

1 Richard Kerr. Witchall suggested that if there was any  
2 way he could clear his name with regard to his or any  
3 other allegation, he was prepared to travel to Belfast if  
4 the police requested him to do so. Witchall declined to  
5 record a written statement after caution, but stated  
6 verbally, 'I've told you all about it. I didn't want  
7 Richard Kerr at Williamson House. I protested to the  
8 highest level and eventually he was moved. There was  
9 nothing sexual between us."

10 The interview then terminated.

11 If we look, please, at KIN50853, paragraph --  
12 I think it's the preceding page -- yes -- this is the  
13 summary of all the documentation. At paragraph 17  
14 there:

15 "As stated in a previous report on this matter,  
16 Richard Kerr's credibility throughout this investigation  
17 has been in doubt. Despite his comments in his  
18 statement to Sussex Police, Richard Kerr when interviewed  
19 by the RUC on 25th and 26th February was given every  
20 opportunity to make allegations concerning both Edmonds  
21 and Witchall. On that occasion he insisted that he had  
22 no allegations to make concerning either person."

23 Now police did not recommend that Witchall be  
24 prosecuted in respect of Richard Kerr's allegations. If  
25 we look at 5058... -- sorry.

1 CHAIRMAN: Just before we leave that, we see a reference  
2 here to Edmonds.

3 MS SMITH: Yes. I am going to come back to that later,  
4 Chairman.

5 CHAIRMAN: Yes. Very well.

6 MS SMITH: I might have added another digit in here. 50584  
7 or ...48. Yes. I think it must be then ...48. 50548,  
8 please. No, it is not that either. Well, in any event  
9 I have written down the reference number incorrectly,  
10 but police did not recommend that Witchall be prosecuted  
11 in respect of Richard Kerr's allegations.

12 There was then no further contact between police and  
13 Richard Kerr.

14 On 4th October 2014 the BBC broadcast a Spotlight  
15 programme about Kincora. Clinton Massey, who has already  
16 spoken to the Inquiry, and Richard Kerr spoke on the  
17 programme. The transcript is at KIN60007 through to  
18 600... -- sorry -- 60017 and the section relevant to  
19 Richard Kerr starts at KIN60012. If we could go to that,  
20 please. Now if we can just scroll down, please, to --  
21 just move up a little bit:

22 "32 years ago at the conclusion of the Kincora trial  
23 I tried to trace a number of the former residents in  
24 Kincora."

25 This is I should say the journalist Chris Moore

1 speaking:

2 "One of the boys I was particularly keen to speak to  
3 was Richard Kerr. I didn't find him then, but strangely  
4 two months ago he got in touch with me from his home in  
5 Dallas. He's been living there since 1986. It seemed he  
6 was ready to talk about his life in Kinchora.

7 I brought with me notes on Richard Kerr typed up in the  
8 BBC many years before.

9 There are some notes that I managed to keep on  
10 files. The date at the top of these notes is  
11 31st October 1983 and this is the section that I'm  
12 finding most interesting, because it refers to diaries  
13 that I had access to for a time, diaries that were kept  
14 in the drawer of the desk in the office at Kinchora and  
15 in this it tells a story about a boy from West Belfast  
16 being released on a number of weekends to an address in  
17 West Belfast, and there's nothing wrong with that except  
18 that the address doesn't exist, and according to local  
19 people I spoke to what I've written here, it has never  
20 existed.

21 The false address didn't help me find Richard Kerr in  
22 1982 and I didn't know then that he had already left  
23 Belfast. The name of Richard Kerr is prominent here. He  
24 had a very important story to tell if you read these  
25 notes. It's taken a long time, though, to hear that

1 story. Richard Kerr was in care from the age of 5 until  
2 he was 18. He was sexually abused at every public  
3 facility he was sent to. He arrived at Kincora when he  
4 was just 14. Warden Joe Mains appeared to have  
5 an interest in Richard Kerr's welfare.

6 Richard Kerr: I got close to Joseph Mains. He was  
7 the head warden in Kincora and one night he invited me  
8 down to his office and then he invited me to his room and  
9 he would talk to me and told me that, 'I really care for  
10 you. I really like you'. He made me feel special that  
11 first evening. He offered me some whiskey and then he  
12 had some whiskey.

13 Chris Moore: Richard Kerr was flattered by the  
14 attention but that he was being lured into a paedophile  
15 ring."

16 If you can scroll down, please:

17 "Kerr: Me and my best friend, we would go out on  
18 trips, and one time we went to the Park Avenue Hotel and  
19 we would be in the lounge and we would have drinks, and  
20 there was other gentlemen there, and one of them would  
21 ask one of us to go up to the room and we would perform  
22 oral sex in one of the rooms at the Park Avenue Hotel,  
23 and then when I would come downstairs, we acted like  
24 nothing happened and then we'd order more drinks.

25 Chris Moore: What age were you at that time?

1           Richard Kerr: At this time I was going on 16. I  
2 was not 16 but I was in my 15th year.

3           Chris Moore: Were there other places you were  
4 taken?

5           Richard Kerr: There was other places. There was a  
6 hotel in Portrush. I don't know the name of that hotel,  
7 but I do know it was on Main Street.

8           Chris Moore: Was it ever made clear to you that --  
9 by Joe Mains that you were expected to perform sexual  
10 favours for the other men? Did he ever say that to you?

11           Richard Kerr: Not at first. When we would drive  
12 out, we would get there. There was always alcohol I  
13 would be asked to drink and he would say to me that, 'We  
14 have somebody nice. Why don't you go up and spend some  
15 time with him? He's got a gift for you' and they would  
16 sit in the bar area while I would go upstairs in the  
17 elevator to a room. You would walk in and this person  
18 says, 'Well, get comfortable. Just relax. Everything is  
19 going to be fine' and they would get on the bed with me  
20 and we would have a sexual encounter.

21           Chris Moore: What sort of a gift -- what sort of  
22 gifts did they give you? Did you receive a gift?

23           Richard Kerr: Chocolates, things like that, a  
24 watch, a small radio, just little gifts."

25           Then he goes on to talk to Richard Kerr's counsellor.

1           Then:

2           "I would talk to my friend when we were in our  
3           bedrooms at night and he said 'It's always best not to  
4           say anything, Richard. Nobody's going to believe  
5           you'.

6           Chris Moore: What's shocking is that Mr Kerr had  
7           informed the police during interviews in the early 1980s  
8           about being taken to hotels and private houses, but the  
9           police rejected this as evidence of an organised  
10          paedophile network. Today Mr Kerr is adamant that he and  
11          a friend of his, who he says killed himself as  
12          a result of the abuse, were the victims of a paedophile  
13          ring.

14          Mr Kerr: Looking back with an open mind, I can say  
15          there was a huge -- a vast huge group of people were  
16          involved in this.

17          Chris Moore: So there was a network?

18          Mr Kerr: It was a huge network, because children  
19          I've spoken to have said this has been done to them. It  
20          was done to my friends. It was done to people that  
21          I came into contact after they left the home. It was  
22          surely done to people of my friends who submitted  
23          suicide."

24          I think the rest of it then is Chris Moore speaking  
25          to various other people. If you can scroll down through

1           it just, please. Just stop there, please.

2           Then according to Chris Moore Richard Kerr was abused  
3           in every public facility he was sent to. Yet that does  
4           not accord with what he told the police in 1980s, the  
5           statements we have just been looking for. Chris Moore  
6           also says that Richard Kerr told the police in 1980s about  
7           being taken to private houses. We know he did, because  
8           he spoke about       KIN340       and       KIN341       when he spoke  
9           to the police.

10           After he made his statements in 1980 police spoke to  
11           both       KIN340       and to       KIN341       -- sorry --

12           KIN341       , I should say.       KIN340       's statement is  
13           dated 20th March 1980 and is KIN10198, please. If we  
14           can scroll down, it says:

15           "In 1964 I was married and up until 1972 I lived  
16           with my wife and two children. We lived in various  
17           addresses. My wife left me. After about a year she  
18           contacted me and said she couldn't cope with our son. So  
19           I took him back. He started to mitch school and the  
20           Welfare stepped in.       -- took charge of       and got  
21           him into Williamson House. While he stayed there I  
22           visited him on a daily basis, just going up to see him  
23           and maybe take him out to the shop or play football with  
24           him. It was at Williamson House that I met a boy called  
25           Richard Kerr while       was in Williamson House. I moved

1 to a street and squatted in a house there. Next door to  
2 me lived Richard Kerr's family. Richard came to his  
3 mother's house and it was through this that I got to know  
4 him. On occasions when Richard was at home he would call  
5 into my house either to sit and talk or to take the dog  
6 out for a walk. I had an Alsatian at the time. It was  
7 usually a Saturday when he was at home. He would have  
8 spent maybe an hour or two in my house. His reason for  
9 coming into my house was that his ma was giving him a  
10 hard time. About three or four years ago left  
11 Williamson House. I never took anybody else out of  
12 Williamson House except . When left  
13 Williamson House I never went back to it. I'm sure  
14 about that. I never brought sweets up to any of the  
15 other boys in Williamson House. I didn't know that  
16 I was known as ' KIN340 '."

17 His son was fostered out he said.

18 "On two or three occasions when Richard Kerr was home  
19 he slept in my house. He slept on the settee. He never  
20 slept in the same bed as me. Nothing happened between  
21 us. I lived in that street for about a year and then  
22 moved on to flats. Richard Kerr was still in Williamson  
23 House at this stage. He came up to see me at the flats.  
24 Again it was usually a Saturday. He never stayed  
25 overnight. He just came up to take the dog out.

1 I never went to Williamson House to see him. Nothing  
2 happened between Richard Kerr and me when I lived there.  
3 I left there about three years ago and moved to my  
4 present address. I think Richard Kerr was still in  
5 Williamson House at this stage. Richard Kerr got to know  
6 my mate KIN341 through me going to see at  
7 Williamson House. I have known KIN341 for about seven or  
8 eight years. Richard Kerr used to get in touch with me  
9 and told me that he wanted to hire a car out. He would  
10 get KIN341 to hire the car in his own name and Richard Kerr  
11 would pay for it. This happened about a dozen times. We  
12 used to go to several hotels such as The Park Avenue,  
13 Kilwaughter House, The Cavalier and The Stormont. On one  
14 occasion we went to Kilkeel. Richard Kerr used to always  
15 buy the drink. He always had money and he bought the  
16 drink. I only went out with him because he had the  
17 money. He used to come to my house quite often. He  
18 stayed overnight sometimes and would clear off in the  
19 mornings. On one occasion he asked me to go to the Park  
20 Avenue Hotel. He hired a room. We went to the room at  
21 1.00 pm and stayed there playing cards until 4.00 am the  
22 following morning. I slept on a chair that night and  
23 Richard Kerr slept on the bed. We had beer and sandwiches  
24 brought to the room. I only left the room to go to the  
25 toilet. KIN341 and I called for Richard Kerr one night at

1 Kincora. He phoned us and asked us to pick him up. We  
2 went to the Stormont Hotel that night. A fellow called  
3 was with us that night. He lives in Belfast. He  
4 went out with Richard Kerr to the Kilwaughter House on  
5 their own a few times. There was no homosexual activity  
6 between Richard Kerr and me. I didn't know any of the  
7 staff at Kincora. I was only in the hallway when I called  
8 for Richard Kerr on that occasion. Several times I asked  
9 Richard Kerr where he was getting all the money. He  
10 wouldn't tell me and I don't know."

11 Then KIN341 's statement is at the next page, if  
12 we can just scroll on down. It is dated again  
13 20th March 1980 and it says where he lives and he says:  
14 "I have been friendly with KIN340 for about ten  
15 or twelve years. It must be four years ago when  
16 I started to drive KIN340 in my car to Williamson House  
17 on the Antrim Road to visit his son, who was there under  
18 care. KIN340 would have gone to the home quite often  
19 himself, but I would have driven him down once or twice  
20 a month. was only about five or six at the time.  
21 He was then fostered out."

22 Then he goes on to talk about visiting at the  
23 foster home. He said:

24 "We never took any of the other kids out of the  
25 home."

1 He says:

2 "I first got to know Richard Kerr about three  
3 years ago when KIN340 brought him to my house."

4 If we can scroll down, please:

5 "At that time KIN340 was living at [an address] and  
6 I think Richard Kerr was in the Kincora Hostel at that  
7 time. He and KIN340 seemed to be very friendly and  
8 apparently Richard Kerr had spent a lot of time with him.  
9 Quite often Richard Kerr would be staying at KIN340's  
10 house and about two or three times a month KIN340 would  
11 come to my house and suggest I take him and Richard Kerr  
12 out in my car. I rarely ever had any money unless I had  
13 a win on the horses, but Richard Kerr always seemed to  
14 have money and tried to show off with his money, though  
15 he was not a big spender. When I took them out, we would  
16 go to various hotels such as the Girton Lodge, Europa and  
17 the Stormont Hotel. I think these were places that  
18 Richard Kerr had worked in at various times. When we were  
19 out, we generally drank, but neither KIN340 nor Richard  
20 Kerr ever bothered with women. There were many occasions  
21 when we could have made it with woman, but they, KIN340  
22 and Richard Kerr, didn't want to know. At one time  
23 KIN340 was separated from his wife -- at that time  
24 KIN340 was separated from his wife and was living alone.  
25 One night about two years ago the three of us drove to

1 Larne. We eventually went to the Highwayman Hotel.  
2 KIN340 and I were in the bar and had a lot of drink  
3 taken. Richard Kerr had gone off in my car. Quite often  
4 he would take the keys of my car as he was learning to  
5 drive. I got into an argument with the bar staff and  
6 eventually went out to the car park. My car wasn't there  
7 and I assumed that Richard Kerr was away in it. He  
8 arrived in the car park after about ten minutes and told  
9 me that he had been leaving two girls to Larne. I was  
10 about to get into my car when a number of men jumped out  
11 of three other cars in the Car park. They all jumped on  
12 me and gave me a beating. I eventually went to the police  
13 station and reported the assault. The police brought me  
14 to the car park at the hotel, where we found Richard Kerr  
15 sitting in my car. The police brought Richard Kerr and I  
16 back to the police station. Whilst at the police station  
17 the police told me that Richard Kerr had stolen money  
18 from the hotel. They also said that this was probably the  
19 reason for me getting the beating.

20 When I was getting the beating, KIN340 must have run  
21 away. I eventually appeared in court as witness  
22 against the men who had assaulted me but apparently  
23 they had absconded to Scotland where they were from.

24 KIN340 told me later that I probably got the kicking  
25 because Richard Kerr stole the money. Since

1 I got the beating I never saw Richard Kerr again.  
2 Occasionally I got telephone calls from Richard Kerr after  
3 he went to England. He was only asking how I was. On  
4 one occasion when Richard Kerr thought I was separated  
5 from my wife, he rang my house and spoke to my wife. He  
6 had apparently given ..."

7 He goes on about the telephone call. He goes on to  
8 say:

9 "During the times I went out with KIN340 and  
10 Richard Kerr, I went to Kincora on two occasions. I think  
11 I rang the hostel on one occasion and spoke to someone at  
12 that hostel. That man -- I don't know who he was -- got  
13 Richard Kerr on the phone. Richard Kerr suggested that  
14 we pick him up at the hostel. On two occasions I only  
15 went into the hallway of the hostel and waited until  
16 Richard Kerr appeared. We never spoke to anyone else in  
17 the hostel. I remember when KIN340, Richard Kerr and  
18 I were drinking in the Bailey Bar, Queen's Square,  
19 Richard Kerr suggested that he ring Kincora and get  
20 another lad to join us, as he had money. After a while  
21 this lad appeared and joined the company. He was aged 16  
22 to 17, dark fair hair, very spotty faced. This lad  
23 stayed with us for about an hour. Richard Kerr and him  
24 spoke alone together and then he left. Throughout the  
25 time I knew Richard Kerr he was always in the company of

1 KIN340 . They were both very close and often  
2 confided in each other. I don't know if the relationship  
3 went any further, though Richard Kerr spent a lot of time  
4 in KIN340 's house. They were always supposed to be  
5 playing cards in the house. In fact, KIN340 told me  
6 that Richard Kerr took £20 off him in a card game.  
7 Richard Kerr always had an amount of money in his wallet  
8 and I was suspicious as to where he got it from and felt  
9 he was stealing it."

10 Then he has a conversation about Richard Kerr's mother  
11 coming to his house. If we can scroll on down, please:

12 "On about two occasions KIN340 came to my house and  
13 gave me money which he said he got from Richard Kerr.  
14 This money was for me to pay for the hire of the car.  
15 I would hire the car and drive the two of them around  
16 hotels. I remember KIN340 telling me that he and  
17 Richard Kerr had spent a night in the bedroom of the  
18 Girton Hotel -- Lodge Hotel playing cards. Richard Kerr  
19 was working in the hotel at that time. During the time  
20 that I was friendly with Richard Kerr he never made any  
21 homosexual approaches to me or to KIN340 in my  
22 presence."

23 Now Richard Kerr's statement about the theft in  
24 Larne is at KIN117562. You will see that at this stage  
25 he is aged 17. He says:

1           "Tonight when I was in the Highways Hotel with KIN341  
2           and KIN340 , I wanted to make a telephone call  
3           to Kincora Boys Hostel, Belfast. There was too much  
4           noise in the bar to phone from there. I asked the girl  
5           in reception if I could use her phone. When I was in  
6           behind the desk making the call, I saw a box of money  
7           bags. I went away again but the money was still in my  
8           mind. I went back to the toilets, which is convenient  
9           to the reception desk. I looked into the reception desk  
10          and there was nobody there, so I took some of the money  
11          bags. I did this about twice. The money was there for  
12          the taking. There was nobody behind the reception desk.  
13          It was very tempting. I am sorry I done it.        KIN341  
14          and KIN340 had nothing to do with it."

15            You will see that that statement is recorded on 4th  
16          October 1977 at 3.05 in the morning.

17            Now if I can look at the police summary about the  
18          incident of the theft in Larne. That is at 10034.  
19          Sorry. I think that's the -- yes, that's the police  
20          summary about their speaking to KIN340 and to KIN341  
21          . What they go on to say is:

22            "It seems obvious that KIN340 and KIN341 were taking  
23          advantage of Richard Kerr's apparent wealth and  
24          willingness to pay for their outings. KIN341 admits that  
25          on two occasions he went to Kincora where he collected

1 Richard Kerr and further related that Richard Kerr and he  
2 visited the Highway Hotel in Larne on the evening of 3rd  
3 October. Some time during the evening KIN341 was assaulted  
4 and complained to police. Then on 4th October police  
5 found Richard Kerr in KIN341's car counting his change.  
6 Subsequent investigations by police established that  
7 Richard Kerr had stolen the money from the hotel."

8 CHAIRMAN: Perhaps this would be an appropriate point to  
9 take a short break.

10 MS SMITH: Yes, it would, Chairman.

11 CHAIRMAN: Ten minutes.

12 (3.40 pm)

13 (Short break)

14 (3.50 pm)

15 MS SMITH: Chairman, Panel Members, from the statements that  
16 we were just looking at before we rose there it is clear  
17 that Richard Kerr did leave Kincora in the company of  
18 older men, that he had money and that he was being taken  
19 advantage of, according to police, but no allegations of  
20 improper behaviour was made against either man by him. In  
21 the course of that Spotlight interview that I was  
22 referring to as well he referred to a best friend. That  
23 is likely to have been Stephen Waring, with whom we know  
24 he was leaving Kincora to commit crime.

25 Following the Spotlight programme, Richard Kerr's

1           solicitors wrote to police in February 2015 asking for  
2           his previous police statements, and police then tried to  
3           make contact with Richard Kerr throughout 2015 and early  
4           2016. If we look at KIN60001, there is an occurrence log  
5           here of the various attempts that police made. They  
6           opened a file regarding the Spotlight programme and they  
7           had a meeting and then they tried to make contact with  
8           Richard Kerr. Just there in February 2015 you will see if  
9           we can scroll down a bit:

10                    "We refer to our above-named client. Would be  
11                    grateful if you could provide our office with any police  
12                    statements."

13           I am got going to go through all of this, but over  
14           the next five pages you can see there are various  
15           contacts between police and Richard Kerr's solicitors  
16           trying to make arrangements for him to come and speak to  
17           them. That does not happen, and in February 2016, which  
18           I think is probably -- if we scroll right down to  
19           page 5, you will see the various contacts are recorded  
20           here. On page 5 it says that eventually -- sorry. Just  
21           scroll back up there. Police write on 6th January --  
22           sorry -- scroll on down, please -- about being:

23                    "... keen to speak to Richard Kerr regarding  
24                    Kincora, Williamson House and Millisle. Metropolitan  
25                    Police are also interested in speaking to him regarding

1 the information he has provided to the media about  
2 London. The interview could be facilitated and conducted  
3 by the PSNI."

4 There is various correspondence about even getting  
5 police in the USA to take a statement on behalf of the  
6 PSNI and the Metropolitan Police.

7 In February 2006 they close this file awaiting any  
8 further contact from Richard Kerr. Certainly to the best  
9 of my knowledge he has not yet spoken to police again  
10 since 1982.

11 On 16th February 2015 Richard Kerr swore an affidavit  
12 in support of the judicial review brought by Gary Hoy. It  
13 is in the bundle at KIN119501. Now it is important to  
14 look at this testimony, because this is the only sworn  
15 testimony that exists in relation to what Richard Kerr  
16 says about his time in Kincora.

17 He says that he:

18 "... spent some time as a resident in Kincora Boys'  
19 Home and make this affidavit in support of the above  
20 application. I refer to a bundle of documents attached  
21 hereto and marked with my initial RK1."

22 RK1, in fact, was the Peter McKenna article that  
23 appeared in the Irish Independent that was attached to  
24 the affidavit.

25 "I was born in Belfast on 1961. In 1966

1 I was removed from my family by Social Services and  
2 taken into care in Williamson House in Belfast. I was  
3 physically and sexually abused in that institution."

4 Now this is the first time that he has said about  
5 being abused in Williamson House.

6 "In 1975 at the age of 14 I was moved to Kincora  
7 Boys' Home. Although everyone was supposed to have  
8 a job, I still had two more years left of school.  
9 However, Joe Mains, the headmaster of Kincora, was  
10 friends with Harper Brown, who ran the Europa Hotel.  
11 I remember attending a meeting with Mr Mains and  
12 Mr Harper Brown and he got me a job as a bellboy at the  
13 hotel.

14 I was sexually abused soon after I arrived in  
15 Kincora. My first memory of where the abuse took place  
16 in Kincora was in Joseph Mains' bedroom. He was  
17 a former RUC man and he told me he was a B Special. He  
18 invited me to his office one night and then he asked me  
19 to go to his bedroom. He offered me some whiskey and  
20 then he would have whiskey too. He told me he liked me  
21 and he wanted to take care of me. Sometimes he would  
22 offer me sherry and I remember thinking it was very  
23 sweet. He asked me to lie down on the bed. He asked me  
24 to take my clothes off. He started putting cream on my  
25 back. I wasn't sure what that cream was and I was

1 beginning to feel frightened. Then he offered me more  
2 whiskey. Then he asked me to put cream on his back.  
3 Then he started to fumble around with my private parts  
4 and then he asked me to fumble around with his private  
5 parts since I had cream on my hands. Then he asked not  
6 to mention this to anyone. He said he wanted to be nice  
7 to me, good to me, and when we were finished he asked me  
8 to wash up and told me to go to my room.

9 After that Joe Mains had more encounters with me  
10 like this one or two times a week. He would talk to me  
11 and tell me things. He told me about a boy that had  
12 died in 1973 whom he had been close to.

13 William McGrath began to fool with me (sexually  
14 abuse me) in the bath-tub. I eventually told him to  
15 back off and I told Joe Mains about it and he stopped  
16 after that.

17 After a while I began to be taken to meet other  
18 people in hotels in Larne and other places I cannot  
19 recall. I remember going to a hotel on the Upper  
20 Newtownards Road. I don't remember the name, but it  
21 wasn't far from Kincora. When I worked in the Europa  
22 Hotel, sometimes men would come and take me to their  
23 rooms and abuse me.

24 There was a time I went to Park Avenue Hotel with  
25 Mr Mains, Mr Semple, my friend Stephen Waring and

1 men. I went to a room with someone and we had a sexual  
2 encounter. I cannot remember his name or the names of  
3 the others. I remember we arrived to the hotel by the  
4 driveway and went in by the back and up the lifts and  
5 were at the back of the hotel.

6 There were other men who abused me, who never gave  
7 their names. Some of them were older men who appeared  
8 respectable. I remember one man who drove a Rolls Royce  
9 car. I met another man in his house some place off the  
10 Springfield Road who masturbated me in his home.  
11 I remember he had medals hanging on the living room wall  
12 above his fireplace and I thought he was an army  
13 captain.

14 Some gentlemen used to come by in cars to pick me  
15 up. One man said he was called and another ,  
16 but I do not remember second names. There were other  
17 men, but I can't recall their names at all. These  
18 things happened to me at different times, sometimes  
19 during the week and sometimes weekends. Since I went to  
20 school, I would come home early and then go to hotels.  
21 Sometimes I would be in Joseph Mains' bedroom.  
22 Sometimes in the weekends, on the evenings I would go to  
23 places like Larne, Bangor, Portrush.

24 I remember one time being taken to Kilwaughter Hotel  
25 in Ballyclare. I remember there was some trouble there

1           and that something went wrong. I'm not exactly sure  
2           what happened, but the manager of the hotel told us we  
3           had to leave."

4   CHAIRMAN: Just pausing at that point, Kilwaughter House  
5           Hotel is in Larne.

6   MS SMITH: That is correct, Chairman, yes.

7   CHAIRMAN: So perhaps he is referring to the episodes that  
8           you've already described.

9   MS SMITH: There is another occasion when he and Waring  
10          had gone to the Kilwaughter House Hotel in Larne and were  
11          arrested for another matter entirely.

12   CHAIRMAN: I see.

13   MS SMITH: "I remember in particular being taken to a hotel  
14          in Portrush in a blue van. I was in the front beside  
15          Joe Mains. We went around 4.00 pm. When we got to the  
16          hotel, we sat in the lounge and Mains sent someone to  
17          the bar, which he always did. I was too young to get  
18          served at that stage. They told me that someone wanted  
19          to meet me and I was taken up to a room in the elevator.  
20          When I got to the room, there was a man there, who told  
21          me not to be nervous and told me to get into bed and  
22          take my clothes off. Then he abused me and made me  
23          stick my penis in his behind.

24                 The abuse was extreme and degrading. It included  
25          oral sex, penetrating, sometimes even peeing in their

1 mouths. Sometimes the men would tie my hands. Anal sex  
2 was involved. Sometimes they would ask me to put my  
3 penis inside of them and sometimes they put their penis  
4 inside of me. One time they asked me to blow black  
5 balloons. I remember once they tied my hand and then  
6 they masturbated me and took photographs with a black  
7 and white Polaroid.

8 I don't know why they did all this and I am not sure  
9 why Joe Mains would take us to these places. I don't  
10 know whether they paid him.

11 I remember on one occasion I came home from school  
12 early because it was snowing and I remember I walked  
13 into Joe Mains' office and there were three men there in  
14 suits sitting with Mr Semple and Mr Mains. They stopped  
15 talking as soon as I came in and I got the strong  
16 feeling I had interrupted something secret and  
17 important. I would describe them as being shocked to  
18 see me.

19 People from the UVF would also come to Kincora.  
20 I remember a man called from Antrim and  
21 also being there. I also remember being  
22 sexually abused by people I knew were members of the  
23 UVF.

24 As it went on, the abuse would get worse. Soon  
25 I began to act out and get into trouble. I think social

1 workers knew but were scared to say anything. I think  
2 they didn't want to step out of line. I always feel  
3 they were scared when they came to see me.

4 I remember being taken to the Harbour Hotel in  
5 Larne, which I believe was run by a woman. I was with  
6 two men, who had picked me up in Kincora that day and  
7 drove me to the hotel."

8 Now this, Chairman, is likely to be the incident  
9 involving KIN340 and KIN341 :

10 "I was given a lot of alcohol and I was drunk and  
11 they had sex with me. On this one occasion I was  
12 arrested by the Larne police, who said I had stolen  
13 money from a hotel room. Somebody had reported me to  
14 the Larne police. I didn't tell them that I had had sex  
15 with these two men, but I am certain that the police  
16 knew. I was taken back to the police station from some  
17 place in the Larne harbour."

18 Again there is another incident, the Stephen Waring  
19 incident, where he ends up in Larne harbour. So there  
20 seems to be perhaps some conflation on his part in  
21 respect of the two different incidents.

22 "I told them I was from Kincora and they called  
23 Joseph Mains. I arrived back in Kincora at 2.30 or 3.00  
24 am in the morning. Mr Mains just told me to go to my  
25 room.

1           In Kincora I was given something I think was called  
2           Black Magic chocolates, alcohol, watches, a little  
3           transistor and sometimes small amounts of money. I used  
4           to get large pennies. As I recall, most of the  
5           perpetrators told me to keep quiet, or they would put me  
6           away where I couldn't speak.

7           I do not know how many other boys in Kincora were  
8           abused, but I know my friend Stephen was. There were also  
9           boys there who I believed were plants as they did not  
10          seem to fit in. There were two brothers aged around 18  
11          or 19 and I now believe they may have been placed there  
12          by the security forces or security services to keep  
13          an eye on what was going on. Although I remember their  
14          names, I would not like to name them in this affidavit in  
15          case I am incorrect and being unfair on them. I also  
16          believe that some of the other boys were paid off so they  
17          wouldn't talk.

18          The abuse stopped when I ended up in a court room  
19          due to being charged with theft and sent to Rathgael  
20          Remand Centre. Around this time I stood in the court  
21          room and told everybody I would tell everybody what was  
22          going on in Kincora if Joseph Mains did not come down to  
23          the court house for me. I believe this happened in  
24          November 1977. This was later reported in a newspaper  
25          article by Peter McKenna published on 24th January 1980,

1           which is exhibited to this affidavit.

2           I also remember in 1977 being in a police station  
3 off the Hollywood Road and telling them about the abuse  
4 at Kincora."

5           Now again this would have been the interviews with  
6 Detective Constable Scully:

7           "I remember police officers who were friends with  
8 Joseph Mains hit me over the head with a telephone book  
9 and said, 'What have you been saying?'

10           Around this time my friend Stephen was sent to  
11 Rathgael. He ran away from Rathgael and got a boat to  
12 Liverpool. He was caught and put back on the boat to  
13 Belfast and he apparently jumped off the boat and died.  
14 I believe he committed suicide as a result of the abuse  
15 he had suffered. We had previously spoken about  
16 committing suicide together.

17           Eventually the Irish Times got hold of the story and  
18 that was when the investigation started to happen.

19           I started to injure myself many times when I was  
20 sent to Rathgael again and placed at borstal, a home for  
21 young offenders. I was there when the police were  
22 investigating sexual abuse at Kincora. When I was  
23 there, I was visited by Joe Mains and Mr Semple, who  
24 asked me, 'What have you told them?' and 'Why did you  
25 stab me in the back?' I couldn't believe that he was

1 allowed in to see me, as I thought they were under  
2 investigation."

3 Now if I can just pause there, Chairman, to say  
4 that, as we know, the Inquiry knows, the investigations  
5 did not happen until 1980. So if we can scroll just  
6 back up, please, where he says that he was in borstal  
7 when the investigations started, that's incorrect.

8 "After I left Kincora I was also abused at borstal  
9 and then abused again when I was sent to Williamson  
10 House, although I understand that these proceedings do  
11 not relate to those institutions, so I will not describe  
12 this in detail. When I left Williamson House, I was  
13 told to stay in hotels. I remember a social worker  
14 visited me at a hotel and told me I was an embarrassment  
15 to the Government. She also told me that they had  
16 decided for me to go to England and stay with my aunt  
17 and they put me on a boat to Liverpool."

18 You will recall Judy Kennedy's testimony to The  
19 Hughes Inquiry which said that he had been to visit his  
20 aunt. He wouldn't go to bed and breakfasts. He went to  
21 Liverpool of his own accord, of his own choice.

22 "After I left borstal Mr Mains, Mr Semple and  
23 Mr McGrath were arrested and convicted. I believe this  
24 happened in 1980.

25 These people hurt me very badly and the abuse has

1       ruined my life. I have attempted suicide and have  
2       self-harmed many times and my arms and wrists are  
3       completely scarred. I suffer from Post Traumatic Stress  
4       Disorder and I have also had difficulties with alcohol  
5       and attended AA for a number of years. I now have  
6       clearance to work for the US Government, but I only work  
7       part time due to stress.

8               Even after I went to England I found it hard to get  
9       away from everything. I suffered abuse in various  
10      places. I also found it hard to get away from Kincora.

11             I remember on one occasion when I was working at the  
12      Crumlin Road in London, Ian Paisley was staying there  
13      for one or two nights and I remember him speaking to me  
14      and saying, 'Don't talk about anything'. I remember  
15      thinking it was strange that he was staying there and  
16      knew I was there. On another occasion Mr Gardner, who  
17      was the night manager at the Crumlin Hotel, received  
18      nude photos of me which had been sent to the hotel.

19             I remember in 1983 I had just arrived back to  
20      Heathrow after visiting my sister in Ireland. I went to  
21      Leicester Square and met my friend                     in a  
22      Steakhouse there. Over dinner I started speaking to him  
23      about Joseph Mains and what had happened to me.  
24      Suddenly the man next to me grabbed my throat and said,  
25      'You need to shut your mouth'. He then left and the

1 owner came over and apologised to me. After that I went  
2 to the flat I was staying in in Baker Street.  
3 Approximately forty minutes after I arrived the buzzer  
4 went and a man spoke to say he needed to talk to me.  
5 When I went down to let him in, there were three men  
6 there in plain clothes and one in uniform. They told me  
7 they were from Secret Service and put handcuffs on me.  
8 They took me back to the flat, threw me on the floor and  
9 roughed me up a bit. They then sat me in a chair and  
10 said I'd been talking too much. The man whose flat it  
11 was, Mr Ferguson, then arrived downstairs to see what  
12 was going on. One of the men called him aside into the  
13 kitchen. After that they undid the handcuffs and left.

14 The next two men called to the -- the next ..."

15 I think that should be:

16 "The next day two men called to the flat and said  
17 they were from Marylebone Police Station, which was  
18 closest to the flat. He told me they wanted to  
19 apologise and that they had made a mistake, and that if  
20 I wanted to make a formal complaint I could, but he was  
21 there in person to apologise. Because of this I did not  
22 make a formal complaint.

23 Another time I was interrogated by police when I was  
24 staying in a B&B in Kings Cross in London."

25 This could well have been the visit by police from

1 the Sussex Police as part of the Terry Inquiry, because  
2 that was an address he was living at in 1982 when they  
3 spoke to him:

4 "They told me that I had better not say anything and  
5 said that they could put me away. Again when I lived in  
6 Preston, the police came and assaulted me physically.  
7 They searched my flat and I remember they opened all my  
8 drawers. They put me in a cell and I remember two men  
9 in particular, one with dark brown hair and one blond,  
10 and they treated me like a criminal. I think one may  
11 have been called Detective Scully or something similar.  
12 I remember thinking they were from here, but I'm not  
13 certain.

14 I believe these incidents were in some way related  
15 to the security services or security forces and  
16 I believe they're related to me talking about what  
17 happened to me at Kincora. I believe that MI5 were  
18 involved in the abuse and I know that the RUC knew what  
19 was going on. I believe that the fact that two Army  
20 officers have come forward to say that the security  
21 services were involved strengthens the evidence of this.

22 I believe that it is important to find out the truth  
23 of what happened."

24 Then he goes on to say about the Inquiry not having  
25 power to force witnesses and about important for the

1 victims having legal representation.

2 Now in this affidavit this is the first time that he  
3 alleges abuse by Joseph Mains. In his statements of  
4 25th February 1980 and 26th February 1980 he stated that  
5 he looked on Mains as a father figure and also states  
6 that he refused to massage Mains. At paragraph 21 of  
7 his affidavit he says he stood in the court room and  
8 told everyone that he would tell what was going on and  
9 that that was reported by Peter McKenna. That's not  
10 quite accurate.

11 Peter McKenna's report is at KIN11529. I am sure  
12 that the Inquiry has looked at this before with  
13 Mr Aiken, but it says that -- yes, if we can scroll  
14 down, it says:

15 "As far as one of the children involved is alleged  
16 to have committed suicide, another now living with an  
17 elderly homosexual, said to have attempted suicide."

18 Then:

19 "The situation first came to light in 1977. One boy  
20 who knew of the child prostitution was said not to have  
21 received any support from social workers when he faced a  
22 criminal charge, because it was thought advisable to  
23 have him locked up where he could not talk."

24 Then we have looked at the provenance of this  
25 article and what The Hughes Inquiry heard from the

1 witnesses who have spoken to Peter McKenna and the  
2 source of these allegations and the Hughes' conclusions  
3 in respect of them.

4 At paragraph 22 of his affidavit he does say that he  
5 was in a police station in 1977 and, yes, he was in  
6 Strandtown Police Station on burglary charges.

7 Incidentally, Joseph Mains was with him when he made  
8 statements on 4th October 1977 admitting to all of the  
9 burglary offences. We can see that at KIN117590 through  
10 to 117610. We will maybe just look at one of those too.  
11 You will see that -- this is -- he is aged 16:

12 "One day about the beginning of August '77 I was with  
13 Stephen Waring on the Belmont Road. We went to the  
14 Wandsworth Road. Decided to do a big house that was sitting  
15 in off the road. Rang the bell, and when noone answered,  
16 I climbed up the spout, through the window and into the  
17 bathroom. I opened the front door and let Stephen in. We  
18 searched the house but we did not get any money. I saw  
19 Stephen get a ring which was sitting in an ashtray beside  
20 the sink in the kitchen. He put this ring in his pocket  
21 and we both left the house."

22 You will see it is signed both by Richard Kerr and  
23 by Joseph Mains. You will recall that Detective Scully  
24 said that Joseph Mains eventually arrived at the police  
25 station and he was then present when there was

1 a series -- if we can just scroll on down, you will see  
2 that he is present when Richard Kerr -- well, that's the  
3 same statement, but there are a number of statements  
4 relating to the various burglaries with which he was  
5 ultimately charged.

6 Paragraph 23 he said that he believed Stephen Waring  
7 committed suicide, and you will recall that that was not  
8 the finding of the official inquiry and not the evidence  
9 of Lindsay Conway.

10 Paragraph 33 he claims to have been assaulted by  
11 police in Preston and the suggestion is that they may  
12 have been from here. Two policemen certainly did speak  
13 to him in Preston. He recollects a DC Scully who  
14 interviewed him when he was arrested for the -- and  
15 arrested him for the burglaries and theft.

16 Interestingly, the affidavit makes no mention of being  
17 taken to England from Kincora.

18 Although no arrangements were made for Richard Kerr to  
19 speak to police in Northern Ireland when he swore that  
20 affidavit, he nonetheless continued to speak to the  
21 media. On 18th February 2015 he spoke on Good Morning  
22 Ulster. That's at KIN11701 -- sorry -- 117001.  
23 Apologies. Two zeros. You will see here that it is 6.30  
24 am in the morning.

25 "Our reporter Michael Fitzpatrick began by asking

1 Richard Kerr, who now lives in the United States, how  
2 he felt when the judge granted leave for judicial  
3 review yesterday.

4 Richard Kerr: I believe something inside of me --  
5 before I went there when I heard about the date, I felt  
6 like it's going to go the way it's supposed to go and it  
7 went exactly that way today. That's the feeling I want.  
8 I wasn't excited, but I felt this is the path I'm on to  
9 help others.

10 Michael Fitzpatrick: You came out last year and  
11 spoke publicly for the first time. Has that helped you?

12 Richard Kerr: Yes, it has. It helps me in my  
13 recovery of getting through what I had to go through,  
14 and I believe that this isn't about me, but we really  
15 need to change the system, because the way it was done  
16 when I was there was wrong. I'm a survivor of it, but  
17 there are those that didn't survive and there'll be  
18 a voice for them too.

19 Michael Fitzpatrick: Can you remind us who perhaps  
20 don't know about when you were at Kincora and some of  
21 the details?

22 Richard Kerr: Well, I was taken from Williamson  
23 House by Joseph Mains and his boss to Kincora in 1975.  
24 My age was 14 at the time. The details there -- were I  
25 was there for a while. Then Joseph Mains asked me to go

1 to his office and then he eventually asked me to his  
2 bedroom. He offered me some whiskey and then he had  
3 some whiskey. Things started to happen then.

4 Michael Fitzpatrick: How long were you at Kincora?

5 Richard Kerr: I was at Kincora until the end of  
6 1977 I believe and then I went to back to Kincora. I got  
7 in trouble and theft, because it was my way of acting  
8 out, because the abuse got worse and worse."

9 Then he was asked about:

10 "Michael Fitzpatrick: We want to see investigated  
11 the claims that senior politicians and high level  
12 British State agents were involved in what went on at  
13 Kincora. Can you tell us a bit about that?

14 Richard Kerr: when I came home, I would come home  
15 from school. It was snowing one night, and Joseph Mains  
16 and Mr Semple and I believe there were two others -- yes,  
17 there was. They were in the office and I opened up the  
18 door and they were surprised to see me. They told me  
19 that. Joseph Mains told me to leave. As those two  
20 gentlemen left through the side door of Mr Mains' place  
21 where he was staying at the side gate, I was told to  
22 never enter the room if the door's locked, and I asked  
23 him 'Why?' He said that, 'I have important people here'  
24 and that's what he said, and I met people from outside  
25 Kincora who told me they were from England. They would

1 give me first names, but never last names."

2 He talks about then feeling progress is being made.  
3 It means a lot to him that the truth of Kincora is fully  
4 -- finally fully revealed.

5 "Richard Kerr: It means a lot. It is important to  
6 me, because I know what the truth is. Check the dates  
7 and the times of the articles and the newspaper articles.  
8 Go back and look at it. See the dates that I was there,  
9 when I left Kincora. See when those people were  
10 convicted and when it closed down. I know what happened,  
11 so I'm pleased it's going in the right direction, and  
12 there is hope and that's what I'd like to say. There's  
13 hope in this. That is what I got."

14 Now he claims that his offending was a result of  
15 acting out and, as I've indicated earlier, it would  
16 appear that during his first year at Kincora before the  
17 arrival of Stephen Waring he did not cause any trouble  
18 and he told police who investigated his crimes that he  
19 and Stephen g were put up to it by KIN274 .

20 Other media coverage includes an article by the late  
21 Liam Clarke in the Belfast Telegraph of 20th February  
22 2015 and that's -- I think it is probably on the next  
23 page. If we can scroll on down, it should be. Yes.  
24 This includes an interview with Richard Kerr, an analysis  
25 by Liam Clarke and an editorial comment. It says:

1            "A Kincora victim has made a remarkable return to  
2            the notorious home where he was abused almost four  
3            decades ago.

4            Richard Kerr, who now lives in the US, visited the  
5            site of the former care home as he returned to Northern  
6            Ireland to launch legal action so the truth about  
7            Kincora can finally be told. Richard Kerr (right) claims  
8            the home was part of a paedophile ring and wants it to  
9            be examined by the UK-wide institutional child abuse  
10           inquiry. He said, 'I have survivor's guilt. I owe it  
11           to all those boys to speak out'."

12           Then inside the paper it says:

13           "A former resident of Kincora has made a poignant  
14           return to the notorious care home where he was abused  
15           decades ago. Richard Kerr, who now lives in Dallas,  
16           visited Belfast this week to support a legal challenge  
17           against the Government's refusal to include Kincora in  
18           its forthcoming child abuse inquiry. While he was here  
19           Richard Kerr went into the East Belfast site for the first  
20           time in more than three decades. Kincora was the subject  
21           of a high profile child sex abuse scandal in the 1980s."

22           It goes on about those convicted. Then:

23           "Richard Kerr was among the young residents who were  
24           abused. He was sent to live here in 1975 when he was  
25

1 just 14. Richard Kerr's evidence about Kincora is  
2 potentially explosive, because he claims he was taken  
3 out of the care home and introduced to other men for sex  
4 at hotels. He also alleges MI5" -- if we can scroll on  
5 down, please, just a little bit -- "MI5 involvement in  
6 the abuse at the home. This contradicts previous police  
7 investigations and a public inquiry into the scandal,  
8 which found there was no evidence of a paedophile ring  
9 connected to Kincora. Richard Kerr choked back tears as  
10 he walked through the grounds of the locked-up building.  
11 He pointed out where abusers and victims had their rooms,  
12 where abuse took place and where abusers had parked. The  
13 visit jogged his memory. He pointed" -- if we can scroll  
14 down, please -- "he pointed to a nearby building where he  
15 said boys were taken for sexual encounters. He also  
16 described a shed or hut in what is now a yard behind  
17 Kincora which he said was used for sex. 'It had a chair  
18 and a mattress in it. That's about all', he said."

19  
20 I pause there to say that this is the first time  
21 there was any suggestion made to anyone I believe that  
22 there was such a shed in the back yard of Kincora.

23 "Richard Kerr was in Belfast High Court this week to  
24 support the application of Gary Hoy, another Kincora  
25 resident, to have the issue examined by the UK-wide

1 institution child abuse inquiry in England rather than  
2 the local one chaired by Anthony Hart, QC. On Thursday  
3 they were granted leave to appeal after a statement by  
4 Richard Kerr was presented to the court. He gave further  
5 statements to his solicitor, Kevin Winters, about sexual  
6 abuse which happened in London, Manchester and other  
7 parts of Britain. Some may have occurred on a weekend  
8 trip from Kincora, where he lived most of the time  
9 between 1975 and 1978. Other abuse occurred after he was  
10 sent to live in England. One of Richard Kerr's most  
11 explosive allegations is that Joseph Mains used to send  
12 him to collect other men. Although some met him in the  
13 city centre, often near the Europa where he worked for a  
14 while, he called at some of their homes. One on the  
15 Shore Road seemed like he might be an army captain. 'He  
16 had loads of medals', he said. He is making a list of  
17 the names, at least one of whom was a well-known  
18 Loyalist."

19 Kevin Winters is quoted. Then if we can scroll on  
20 down to the next page, then this is more of the story.  
21 It says:

22 "'They came at night. They broke down a door and  
23 took my mother away in a straitjacket. They put me and  
24 my sister into a black car. We were in court the next  
25 day and the judge says we will lie in care until the age

1 of 18.' Richard Kerr was describing the night,  
2 December 16th, 1966, when his family home in Belfast  
3 finally fell apart and he was taken into care initially  
4 at Williamson House in North Belfast. He was the most  
5 vulnerable of youngsters, split off from his siblings  
6 and his parents. The serious abuse started when he was  
7 just 8. The man who assaulted him he claims was Eric  
8 Witchall, an Anglican lay monk, later jailed for abusing  
9 other boys" -- if we can scroll down, please -- "at  
10 Williamson House, of which he was the headmaster. 'The  
11 boy's rooms were on the left on the ground floor. The  
12 girls' rooms were on the top. It was divided into two  
13 homes, one for the Protestants and one for the  
14 Catholics, but there was a door with a key. The abuse  
15 started when Eric Witchall opened up the door and came  
16 through the landing at night. My bed was closest to the  
17 door. He came through, got into my bed. I was on my  
18 side. I had a teddy bear. I was biting into that while  
19 he -- while he had his hand down my backside and fumbled  
20 around', he said, adding that, 'Full sex started later  
21 -- in later encounters'."

22 If we can scroll up:

23 "'He just said, "I like you. I like you".  
24 He wasn't wearing a clerical collar at that time, but he  
25 did when he visited me in borstal. They let all my

1 abusers in. The borstal was in Millisle.' There is no  
2 evidence that staff at Millisle knew they were admitting  
3 a child abuser. Reverend Witchall had no convictions at  
4 that point. Richard Kerr says he disclosed the abuse to  
5 a female member of staff, but she was moved before any  
6 action could be taken. The disturbed and abused teenager  
7 was moved to Kincora at the age of 14 in 1975. The sexual  
8 abuse increased. There was more of it more often he  
9 explained. He became the favourite of Joseph Mains  
10 (right)" -- there should be a photograph there -- "the  
11 warden, who said that he had been fond of another boy who  
12 had died and promised to look out for Richard Kerr. He  
13 and his friend R37" -- that should be Stephen Waring --  
14 "used to sneak out at night and break into places and he  
15 also stole from the staff. Despite this, he became more  
16 trusted by Mains, who claimed to really care for him, and  
17 was trusted to go and pick up men and bring them to  
18 Kincora. 'I was told not to ask any questions. I was  
19 trying to please Joseph Mains. These men, some of them  
20 were good to me and I didn't have anyone else to turn  
21 to.' He now recalls where some of the men lived and is  
22 prepared to disclose that to an Inquiry. Stephen Waring  
23 later ran away from Kincora to Liverpool but was caught.  
24 He fell overboard from a ferry on the way home in what is  
25 thought to have been a suicide attempt. Richard Kerr

1       also self-harmed. His arms bear the scars as well as  
2       trying to kill himself. 'I have survivor's guilt.  
3       I owe it to all those boys to speak out to try and  
4       prevent this happening again.' He added, 'Eric Witchall  
5       was involved with Joseph Mains. They were all friends  
6       or connected. Kincora was the main information centre  
7       for all the other children's homes in Northern Ireland  
8       and I later learned there were connections in England'.  
9       His time in Kincora ended when he was in court for theft  
10      and he threatened to tell all. As a result he was  
11      released into the care of Mains and later given a ticket  
12      to Liverpool. 'A woman gave it to me with some money  
13      and told me not to come back. I was an embarrassment to  
14      her and to the Government she said.' He says Eric  
15      Witchall introduced him to two men who said -- who he  
16      said would put him up in Manchester. 'They had other  
17      boys living with them. They took photographs of us tied  
18      up with our clothes off to put in boys' magazines. They  
19      said they were sending some to Amsterdam'."

20            If we can scroll on down, please:

21            "He was later taken to London where now in his late  
22      teens he worked as a bellboy and male prostitute. At  
23      this point he started to talk to friends about the abuse  
24      at Kincora. After one discussion in a restaurant he was  
25      visited by men who claimed to be from the Secret

1 Services, put handcuffs on him and warned him to shut  
2 up. Later police arrived at the bed and breakfast in  
3 Kings Cross and apologised, but he got the message and  
4 stayed silent for years. 'It is a big help to me to  
5 have my story listened to now and not buried.' This  
6 week Richard Kerr went back to visit the Kincora Home for  
7 the first time in almost three decades."

8 If you can scroll to the next page, please, there is  
9 the editorial then by Liam Clarke, or the analysis  
10 I should say:

11 "Richard Kerr believes that he was on several  
12 occasions being investigated as part of the top people --  
13 paedophile ring in England. London premises include the  
14 Elm Guest House, Eccleston Square and Dolphin Square.  
15 The name 'Richard NI' appears in the visitors' book at  
16 the Elm, a regular paedophile meeting place that  
17 advertised the availability of boys. 'I believe I was  
18 there, but I am working on my memories', he said. He is  
19 certain about the other addresses. He also believes he  
20 was taken from Kincora to Liverpool, to London and back  
21 for a Saturday sex party. 'I was in London twice, once  
22 for a short time when I was in Kincora and then for  
23 longer when I left.' He is responding to counselling,  
24 but bears deep emotional and physical scars. 'These  
25 people trained me to be a prostitute. They trained me.

1           It is the only life I knew. There were lots of people  
2           involved, because I met lots of people. It wasn't just  
3           one day. I was meeting about three a day. In England  
4           they paid me. In Belfast it was generally little  
5           presents like a lighter.'"

6           Then it goes on to talk about:

7           "What makes things worse is the fact that MI5, the  
8           Army and some senior politicians knew what was going on.  
9           Yet complaints were ignored until an Irish Independent  
10          investigation in 1980."

11          He goes on then to talk about:

12          "It is hard to avoid the conclusion that someone was  
13          covering up for the abusers like Jimmy Savile and Cyril  
14          Smith were covered for in England. In Northern Ireland  
15          there have been direct allegations by a former military  
16          intelligence officer, but Ian Cameron, a senior MI5  
17          officer, told him to leave the issue alone. Others have  
18          been warned off too, and it is well known that at least  
19          one of the Kincora staff, William McGrath, was an  
20          informant. McGrath headed Tara, a bunch of cranks who  
21          believed Ulster Protestants were descended from the lost  
22          thirty -- lost ten tribes of Israel. Tara also imported  
23          some weapons, used the Irish language sometimes and  
24          wanted to make the Catholic Church illegal, but it  
25          carried out few, if any, attacks. This group gave the

1 intelligence services a way in and a source of influence  
2 and the suspicion is that the abuse provided a way to  
3 reward and blackmail potential informants."

4 Then he says:

5 "We need a full UK-wide public inquiry to look at  
6 these claims of an elite paedophile ring preying on  
7 those in care across the country. A stiff upper lip and  
8 a blanket denial won't cut it this time."

9 If we can scroll down then to the -- the editorial  
10 then talks about Richard Kerr again and said -- I don't  
11 think I need to go into that, but he says as a teenager  
12 he was taken into care after his life collapsed. Well,  
13 obviously he was taken into care much younger than that  
14 when he was taken in at age five and a half.

15 Now he claims in the article written in the Belfast  
16 Telegraph that he was taken out and introduced to older  
17 men for sex in hotels, and his visit to Kincora prompted  
18 memories. He pointed out a building where boys were  
19 taken for sexual encounters. It is not clear whether  
20 this was the annexe that Mr Mains lived in. Describing  
21 the shed or hut, that had not been mentioned previously.  
22 He claims that Mains sent him to collect other men near  
23 the Europa where he worked and he called at some of  
24 their homes, one of which was in the Shore Road and  
25 appeared to be an army captain because he had medals.

1 In paragraph 9 of his affidavit he said this man with  
2 the medals who was an army captain lived off the  
3 Springfield Road.

4 He says that the serious abuse started aged 8 at  
5 Williamson House when Eric Witchall molested him. He  
6 said that Eric Witchall -- he did not mention the fact  
7 that Joe Mains also visited him at his request in  
8 Millisle. He says he disclosed the abuse to a female  
9 staff member, but she was moved. We have no evidence as  
10 to who this may have been. He moved to Kincora where he  
11 says the sexual abuse increased. He said that -- Mains  
12 said that he had been fond of another boy who had died  
13 and promised to look out for Richard Kerr, which is  
14 certainly indicative of a close relationship between him  
15 and Joseph Mains, but not necessarily an allegation of  
16 abuse against him.

17 He was trusted to go and bring back -- bring men  
18 back to Joseph Mains. He was trying to please Joseph  
19 Mains. "Some of men were good to me. I didn't have  
20 anywhere else to turn to." There is no details about  
21 whether those men who he brought to Kincora -- he says  
22 he brought back abused him or anyone else, although that  
23 seems to be the implication.

24 The -- Eric Witchall was involved with Joseph Mains.  
25 They were all friends or connected. The Inquiry has

1 heard that those working in residential childcare did  
2 know each other and Mains admitted he knew Eric Witchall  
3 at interview.

4 He said Kincora was the main information centre for  
5 all other children's homes in Northern Ireland. It is  
6 unclear what he is seeking to convey by this or from  
7 whom he learned that that was the position.

8 He said he was released into the care of Mains when  
9 he threatened to tell all. In fact, according to the  
10 evidence that we have seen from Detective Constable  
11 Scully, it was William McGrath who attended court when  
12 he was released back to Kincora, and McGrath was unhappy  
13 that he was sent back.

14 He was given a one-way ticket to Liverpool, and  
15 again you recall the evidence of Mrs Kennedy to the  
16 Hughes Inquiry about that.

17 He says that Eric Witchall introduced him to men who  
18 he said would put him up in Manchester. We know that he  
19 did live with a Mr , but by the time he  
20 has gone to live in England he is over 18. The  
21 photographs and going to London are all after his time  
22 in care, and the incidents that he talks about are again  
23 as an adult. After speaking about Kincora in  
24 a restaurant he was visited by men who claimed they were  
25 from the Secret Services. He spoke about that in the

1 affidavit. There's nothing in the material that the  
2 Inquiry has seen to substantiate these claims, indeed,  
3 nothing at all in the material from the non-devolved  
4 agencies relating to Richard Kerr.

5 He was visited in London by Sussex Police when  
6 a statement was taken in 1982. He says that he was in  
7 London twice, and the Inquiry has seen no evidence to  
8 suggest that Richard Kerr or anyone else travelled to  
9 London while he was resident in Kincora, and he makes no  
10 mention of this in his affidavit when he speaks about  
11 being taken to places in Northern Ireland.

12 Then the next media encounter with Richard Kerr is  
13 on 12th March 2015, when he spoke to The Stephen Nolan  
14 Show. The transcript of that should be on the next page  
15 at 117008, if we just scroll down. I am not going to go  
16 through all of it but:

17 "Richard Kerr was placed in care from the age of 5  
18 initially at Williamson House. I began by asking him  
19 what he remembered about that time.

20 What are your memories of your first day going  
21 there?

22 Richard Kerr: The first evening, because we arrived  
23 in the evening, I remember having bangers and beans and  
24 that was the first meal that was given to us by Miss  
25 Courtney, who was the lady in charge of the side of

1 Williamson House that I was in."

2 I am pausing there to say that you will recall when  
3 we were looking at the statement of Eric Witchall, he  
4 indicated that he was in charge of the other side of  
5 Williamson House and not the one in which Richard Kerr was  
6 located:

7 "I felt confused and I remember saying to my sister,  
8 'Where is my mother?' So we went on and they put us to  
9 bed, and the next day I believe we ended up in a court  
10 room and told us that we were put into care until the age  
11 of 18."

12 He says the abuse started in Williamson House.

13 Stephen Nolan says:

14 "What happened? You were 8 years of age, weren't  
15 you?"

16 Richard Kerr: Yes, at first, at 8 years of age.  
17 I was in the playing room where a gentleman would come  
18 in and they wrestling with me in the playroom. It's  
19 like a children's playroom and I would be lifted up into  
20 the air and been over this person's back, and while he  
21 was doing that, he was playing around with my private  
22 parts, and it got more serious later on, and I believe  
23 it was around about when I was about 11 and when I was  
24 in my room. The boys' rooms were on the ground floor --  
25 I mean the top ground floor. The girls' rooms were at

1 the top level floor, and there was a doorway divided the  
2 home into two parts, one for the Catholics and one for  
3 the Protestants. So this person came through the  
4 hallway at night and my bedroom was closer to the  
5 doorway and he'd come into my room and get into bed with  
6 me. I had a teddy bear. I think it was some kind of  
7 golliwog. I remember it at the time because it was  
8 black and it had things coming out around the head area.  
9 He just got into my bed and he started. He just started  
10 playing around with me and I remember biting, biting  
11 hard on the teddy bear, and then he would get out of bed  
12 and I was feeling so afraid that I couldn't --  
13 I actually froze for about two hours. I was in fear.  
14 I couldn't move."

15 Stephen Nolan then says to him that he was 11 years  
16 of age and knew it was wrong. There is quite a lot of  
17 what lawyers would call leading in the interview, but he  
18 says that, yes, he felt that it was wrong.

19 "Stephen Nolan: And then you moved to the notorious  
20 Kincora Boys' Home?

21 Richard Kerr: Yes, yes.

22 Stephen Nolan: You're a teenager now. How long  
23 after you arrived there did the abuse start?

24 Richard Kerr: Well, when I arrived in Kincora, Joseph  
25 Mains and his boss came to Williamson House and they had

1 a meeting, because I was getting angry, because  
2 I remember trying to tell one of the staff about the  
3 abuse in Williamson House and she said that she would  
4 look into it and they never did, and she was removed,  
5 and I just remember them coming up, having a meeting and  
6 in the following two days my sister was removed from  
7 Williamson House and then I was removed and went with  
8 Joseph Mains and his boss up to Kincora."

9 I am just going to pause there to say that it is  
10 entirely possible that Joseph Mains did travel to take  
11 him to Kincora and the boss was most likely to have been  
12 a social worker, who at that stage would have been  
13 Oliver Johnston:

14 "And I remember when I arrived in Kincora what  
15 I remember arriving in Kincora, there were only three  
16 boys there at the time when I arrived, and I felt --  
17 I felt okay when I arrived the first day in Kincora,  
18 because I felt I was getting away from my abusers back  
19 in Williamson House. So it gave me some kind of relief  
20 that I was getting away from hell house 1, if you don't  
21 mind me saying that. Okay? I never realised that I was  
22 going to hell house 2. It was only when Joseph Mains  
23 after a week or two -- Joseph Mains invited me to his  
24 office. He said that he liked me and then he invited me  
25 to his bedroom and then he offered me some whiskey and

1 I had think he also had sherry there, some sort of sweet  
2 sherry.

3 Stephen Nolan: How old are you now as a child when  
4 this happened?

5 Richard Kerr: 14. I remember when I arrived there  
6 there was only three other boys and I had my own room."

7 Then Stephen starts putting to him about what he was  
8 aware of as a 14-year-old boy. He says:

9 "Well, I was very confused about that when I got to  
10 Kincora because of what happened in Williamson House and  
11 it was -- I was dealing with some flashbacks from --  
12 what I felt at the time, I felt, 'Here's a man who is  
13 taking me away from hell house 1' but that's how my  
14 journey -- that's how I felt when I got to Kincora, but  
15 then a week or two later it began again and Joseph Mains  
16 invited me to his office. Then he invited me to his  
17 room, and this was done in the evening, usually around  
18 about 7 o'clock, because we had afternoon tea.

19 I remember having afternoon tea at 4.30, and then there  
20 was like a TV room. There was three other boys, but  
21 they already -- one of them had left the house. The  
22 other two were there in the TV room. Then around about  
23 7 o'clock I was invited into his office and he took me  
24 back into his bedroom and then he said he liked. Then  
25 he gave me some whiskey and he asked me to put cream on

1 his back and then he put cream on mine and then we had  
2 a sexual encounter in the end and he told me to get up  
3 and get washed. He had a shower in that place. It was  
4 downstairs in his room, and after that I was told to go  
5 back to the TV room and then it started to happen kind  
6 of on a regular basis."

7 Stephen Nolan asks him did he threaten him  
8 essentially:

9 "No, no. He was not that way at first. He was very  
10 -- he wasn't that way at first. Remember he had -- he  
11 was taking more drink. I was taking more drinks and he  
12 always knew, because he was a friend of Eric, who was in  
13 Williamson House. So they were communicating back and  
14 forward. So he would say things like, 'You know,  
15 Richard, I'm really going to be good to you. I'm going  
16 to be nice to you. I'll take care of you'. He said  
17 words like, 'You're a special person' and he kept  
18 reassuring me. He was very, very manipulating as I look  
19 back. He had a lot of control over Mr Semple and  
20 Mr McGrath.

21 Stephen Nolan: Semple was his assistant, McGrath  
22 the housefather?

23 Richard Kerr: Yes.

24 Stephen Nolan: And Mr McGrath never lived in  
25 Kincora. Mr McGrath just lived down the street.

1 McGrath was always considered the ringleader, wasn't he?

2 Richard Kerr: Yes. He was manipulative in how he  
3 controlled the paedophile ring in Kincora. Let me tell  
4 you they [something] Mr McGrath, because they wanted to  
5 have it all focused on Mr McGrath. He was impulsive,  
6 yes, but what the newspapers and the books are saying, it  
7 is not the truth about it. It is just not the truth. Mr  
8 Semple never abused me. I never saw Mr Semple abuse any  
9 of the boys in Kincora. If he had, it had to be where Mr  
10 Semple would have taken them out of Kincora either to a  
11 football match. Usually that is the way it was, and Mr  
12 McGrath would be impulsive. You wouldn't know when he  
13 was going to do it. He tried it with me in the bath-tub  
14 and he tried it a few times with me in the television  
15 room."

16 He is asked how McGrath could have had access to him  
17 in the bath. He said:

18 "This is the way he worked. He would come and cut  
19 people's hair. Okay? So in a dining room area that is  
20 where you go in. He would close the door and say 'Next  
21 please'. He was a hair cutter. So he closed the door  
22 behind him, cutting people's hair. Sometimes he would  
23 use that little bathroom downstairs, because there was  
24 a mirror in there where he could close the door and have  
25 some reason to cut hair, so he could separate you from

1 the others."

2 He was asked was he aware that other boys were being  
3 abused too:

4 "Richard Kerr: Okay. There were other boys being  
5 abused, but the boys were being inside and there were  
6 boys picked to go outside.

7 Stephen Nolan: Did you talk about it among  
8 yourselves?

9 Richard Kerr: I talked to Stephen Waring about it  
10 and about it, but we were the three boys that were  
11 told that we would be going out of Kincora. The other  
12 boys were to stay in Kincora. Those who stayed in Kincora  
13 had more of the relationships with McGrath. The ones on  
14 the outside had more relationships with Joseph Mains."

15 He is asked:

16 "How did they control you, this paedophile ring?

17 Richard Kerr: Well, they controlled me -- I can speak  
18 from my experience -- they controlled me by reassuring  
19 me that they were there to take care of me. That was  
20 the number one thing. They would have me go to hotels  
21 and then give me alcohol and they manipulated you with  
22 kind words about yourself. I had no self-esteem. My  
23 journey up to then, I was totally, totally damaged and  
24 I became an object to them and it was more about  
25 pleasing them. Joseph Mains took me under his wing."

1           Again he is asked if he ever threatened him:

2           "Kerr: Well, we are going to get into another area  
3 here. There were times when he got angry with me and  
4 when things got out of control. I will give you an  
5 example. I was in Larne with two men in a hotel and  
6 I was kind of drinking pretty heavy and I believe  
7 I started stealing from them -- not from them, from a  
8 room in the hotel and then somebody reported me to the  
9 police, and then the police found me at the harbour and  
10 then they brought me to the police station and they  
11 asked me, 'Where do you come from?' I said, 'Well, I'm  
12 staying at Kincora'. They called Joseph Mains up and  
13 Joseph Mains told the police to bring me back to Kincora  
14 and when I got back to Kincora, Mr Mains wasn't very  
15 happy with me. He asked me to go to my room and said he  
16 would talk to me tomorrow, and he brought me into his  
17 office the next day and he sat down and talked to me and  
18 he says, 'I don't like the fact that you are stealing  
19 money' and he just showed anger towards me.

20           Stephen Nolan: So this is a sex offender showing  
21 anger towards you for stealing?

22           Kerr: Yes, because that brought up something with  
23 the police in Larne. I think they wanted to know why I  
24 was in a room with two men and they wanted to go and  
25 look at it."

1 Stephen Nolan says:

2 "So the police had a record that you had told them  
3 that you were in a bedroom with two adult men?

4 Richard Kerr: Yes, they do have that.

5 Stephen Nolan: How old were you at that time?

6 Richard Kerr: 15.

7 Stephen Nolan: And that would have been the RUC.  
8 What did they do with that knowledge?

9 Richard Kerr: I don't know. They didn't do  
10 anything with the knowledge, but it's in the papers.  
11 The newspapers got hold of it. I don't know how.

12 Stephen Nolan: Did you get descriptions of the men?

13 Richard Kerr: Yes, I did.

14 Stephen Nolan: Do you know who the men were?

15 Richard Kerr: Yes, I did.

16 Stephen Nolan: Do you know their names?

17 Richard Kerr: Yes.

18 Stephen Nolan: And these men had sex with you?

19 Richard Kerr: Yes. Many others.

20 Stephen Nolan: And the police knew about it and did  
21 nothing?

22 Richard Kerr: The police knew about what happened  
23 at the hotel, because people complained, and no word of  
24 them where they were located again. All that was done was  
25 that I was brought back to Kincora. Mr Mains told me to

1 go to my room. He wasn't very happy, said, 'I'll speak  
2 to you tomorrow in the office' and he said, 'I don't  
3 like the fact that you stole'."

4 I am just going to pause there, because this would  
5 appear to be the incident involving KIN340 and  
6 KIN341, and when I showed you the statement he  
7 made about stealing from the hotel in Larne, it was  
8 clear that Joseph Mains wasn't with him during that  
9 statement and then he was brought back in the early  
10 hours of the morning. Then it is highly likely that  
11 Mr Mains would have told him to go to his room, that he  
12 would speak to him the next day:

13 "Stephen Nolan: You said there were many men. So  
14 you were often brought to hotels?

15 Richard Kerr: Yes. I remember being brought to  
16 the Park Avenue Hotel.

17 Stephen Nolan: Which is right in the heart of  
18 Belfast.

19 Richard Kerr: My last visit there I went up there  
20 with someone and took photographs. It really hasn't  
21 charged. Me and Stephen Waring and were put in the  
22 corner of that room there with the black leather chairs  
23 and the red carpet and I -- when I got there, I remember  
24 that we never went through the front door. We actually  
25 went through the back door, because if you look at the

1 Park Avenue Hotel, there is two entrances to come in. So  
2 we used to come in there, in the back way at night, and  
3 you couldn't know anybody going in or out."

4 Stephen Nolan says:

5 "And when you are in a bedroom as a 15-year-old  
6 child and there's adult men walk in, what did they say  
7 to you?

8 Richard Kerr: They never talked a lot. That was the  
9 point. They never walked together all the time up the  
10 staircase. One would go into the elevator and I would  
11 go up the stairs. That was the way it was and sometimes  
12 they were already up in their room.

13 Stephen Nolan: And there would be more than one man  
14 in the room with you at a time?

15 Richard Kerr: Well, the first time at the Park  
16 Avenue Hotel -- a few times at the Park Avenue Hotel  
17 there was only one person. So I would go up there. I  
18 was given a room number, knock on the door. They would  
19 ask me to come in and they kind. They were nice. 'Lay  
20 on the bed and let me do this to you.' They would even  
21 remove my clothes. They got a thrill of removing their  
22 clothing, but I remember -- but, remember, I was under  
23 the influence of alcohol at the time and I needed the  
24 alcohol to deal with it. The real things started to  
25 happen when Joseph Mains -- when things came tumbling

1 down, when Joseph Mains got me to go to a job at the  
2 Europa Hotel as a bellboy and he went down and brought  
3 me down and we spoke to Harper Brown in his office. He  
4 told Harper Brown, 'I would like him to have a little  
5 job here'. You got to remember I was 14 and leaving the  
6 morning at 8.30 to come back at 3.45. I had more time  
7 in Kincora. I was the youngest. So I saw more. Most  
8 of the boys were working boys. They would leave early  
9 in the morning at 7.00 and come back at 7.00 at night.  
10 So I was going to school at the time. So when I came  
11 16, he got me a job as a bellboy at the Europa Hotel.

12 Stephen Nolan: Did the abuse continue there?

13 Richard Kerr: Oh, yes, because I had the keys, the  
14 pass key. They -- the people would come in and they  
15 would -- they knew that -- who to go to, and one of them  
16 would say they had lost their key out. So I would go up  
17 to the sort of 7th floor or something, go up to their  
18 room. I'd got in and I would have a sexual encounter.  
19 They would pay me things, more. They did pay me money  
20 there."

21 Now again that is contrary to what he said to Liam  
22 Clarke in that he was being paid by men in Belfast  
23 according to this rather than just being given small  
24 presents. He says:

25 "Well, I was hurting since the beginning of

1 Williamson House. It just increased. It just  
2 progressed."

3 He is asked what the pain is like. He says:

4 "It feels like your soul is being destroyed and  
5 I~was in constant fear, and sometimes you feel like  
6 you're being hypnotised. Actually this is not real, and  
7 sometimes I feel like I can't get out of this reality.  
8 I had a constant fear at night. I couldn't sleep.  
9 I sweat. I would be sweating at night. I couldn't bear  
10 the light being out. It was getting to that point.  
11 Then I would have to sleep with my clothes on.  
12 I struggled with that for years. I've had -- I have to  
13 have -- I had to have double clothing underneath even in  
14 hot weather."

15 I think this is talking about his life later on. He  
16 says:

17 "The whole thing led into more things, more  
18 disgusting acts that they want me to do. I don't need  
19 to go into those. Sorry but ... One of my friends,  
20 Stephen, was part of this.

21 Stephen Nolan: You've mentioned Stephen a few times.

22 Richard Kerr: Now I know that Stephen, he  
23 was also bused.

24 Stephen Nolan: This is Stephen Waring that you are  
25 talking about? He killed himself, took his own life.

1           Richard Kerr: The boys who were working on the  
2 outside all killed themselves except for me. I did make  
3 an attempt. The boys who were working on the inside who  
4 were abused by McGrath were a little older. So the time  
5 when it came for the investigation to happen -- you see,  
6 the story is this. Stephen, they wanted to confine it to  
7 the home, but they used only the boys to testify, the  
8 ones who were confined to the home. The other boys who  
9 were not confined to the home were either removed or  
10 either committed suicide. In my case they got rid of me  
11 to go to England and they would intimidate those boys,  
12 because some of those boys were married.

13           Stephen Nolan: Stephen Waring jumped to his death.

14           Richard Kerr: They were given immunity, but they  
15 were putting the words into their -- they were putting  
16 the words into them to tell them what to say. 'Focus on  
17 McGrath.' As long as we kept focus on McGrath it can  
18 just stay at Kincora. They fabricated the story you've  
19 been reading, all this stuff in the newspapers, for  
20 years. They wanted you to focus it actually at Kincora  
21 and that is not what the story is about.

22           Stephen Nolan: You said that you were taken to  
23 England.

24           Richard Kerr: Yes. I remember being taken to  
25 England. I have evidence is that. I have a photograph

1 of me and other people, 1977, February 26th. There's  
2 a date registration that sets the photograph with the  
3 date and time. I would have only been 15. My  
4 birthday's on and I am supposed to be going to  
5 school. How I got there I don't remember, but  
6 a photograph doesn't lie."

7 Stephen Nolan goes on a record in the visitors' book  
8 for Elm Guest House.

9 "Richard Kerr: Yes, but five -- if you look at  
10 that, five Richards, one in Paddington. I lived in  
11 Paddington. The other one was in Greenwich. I lived  
12 there with a man in Greenwich.

13 Stephen Nolan: It says, this entry, 'Belfast NI  
14 Richard'. Was that you?

15 Richard Kerr: Belfast, Northern Ireland.

16 Stephen Nolan: Yes.

17 Richard Kerr: And those are the list of boys on the  
18 third line is what they do.

19 Stephen Nolan: And you say you went to live with  
20 a man?

21 Richard Kerr: I was living with men, yes. In  
22 Manchester, Liverpool, Preston, Lancashire I was living  
23 with men. I was brought to a house in -- outside  
24 Manchester where they would -- there was other boys  
25 there and they were taking photographs of us and they

1           said, 'You look good and we can make money from this.  
2           We'll send these and put these in a boys' magazine and  
3           we'll send them off to Amsterdam'.

4           Stephen Nolan: And they got you to do that by  
5           getting you drunk or what?

6           Richard Kerr: Well, not at first. They were giving  
7           me drinks but not -- they kind of -- what they try to do  
8           is they try to build you up.

9           Stephen Nolan: But explain to me, Richard Kerr,  
10          when you go to one of these houses, how do they coerce  
11          you? How do they force you to pose naked for them? How  
12          do they do that?

13          Richard Kerr: When you're in a situation you have  
14          nowhere else to go. You're brought in and you're  
15          trained. I came from a home as a child. So all I ever  
16          knew was the kind of people that took care of me was  
17          abusers. I didn't know any better.

18          And when you were in England, you're 14 or 15", says  
19          Stephen Nolan.

20          "Richard Kerr: When I was 14. You mean when I was  
21          in Kincora?

22          Stephen Nolan: When you were in England, when you  
23          were in Elm House, Manchester, Dolphin Square."

24          Richard Kerr: I was in many places. I was even  
25          in the Rembrandt. I haven't mentioned that."

1           So there seems to be some confusion here. Stephen  
2 Nolan seems to suggest he is in England at age 14 or 15  
3 whereas Richard Kerr says he is in Kincora at 15. We know  
4 that he went to England when he was 18. I think he seems  
5 to be relating these various places to being in England  
6 at that time, but it is unclear. Then he goes on to ask  
7 for justice and then Richard Kerr says:

8           "Well, it's the same message that they tried to do  
9 back in 1979. I'm going to have to mention this."

10           Can you scroll down, please?

11           "Colin Wallace was getting the right information.  
12 I mean, he was on the right path. He knew something  
13 else was going on.

14           Stephen Nolan: Who was Colin Wallace?

15           Richard Kerr: Colin Wallace was one of those -- he  
16 was one of the captain or he was in the media and they  
17 removed him from his post. He was in the army and he  
18 would be -- you could contact the dots, because you're  
19 a very smart man, Stephen. He was removed in 1975  
20 [unclear] Kincora. He is removed from [something] 1976.  
21 Okay? The activities of the abuse increased when I went  
22 to the Europa. I started night by working for these  
23 people and breaking into homes with me, Stephen Waring and  
24 . Then couldn't control it anymore. We got out of  
25 control."

1 He says that:

2 "Stephen maybe came back too soon and that's what  
3 I don't understand today, why nobody is really  
4 investigating that. If he was confined -- this is what  
5 the witness says. He was confined because he made  
6 threats and he was jumping over. He had alcohol in him,  
7 but decided to let him go and run around in the front of  
8 the boat again. That doesn't make sense.

9 Stephen Nolan: Allegations about MI5 being involved  
10 in a cover-up."

11 He says:

12 "I think some of them ring true, because based on  
13 what happened to me in London and that's a legal matter  
14 that I don't really want to get into, but things  
15 happened to me in London that definitely indicates that  
16 something happened at Kilwaughter House outside Larne in  
17 Ballyclare and other things. Something badly went wrong  
18 in Kilwaughter House with two men.

19 Stephen Nolan: But why would you think the security  
20 forces were involved?

21 Richard Kerr: I believe the security forces were  
22 involved and that they had some connections to the  
23 Orange Order, and some of the homosexuals were in the  
24 Orange Order, and I was meeting people in the Orange  
25 Order. I am not saying all the Orange Order are. I'm

1 just saying there are people that I did meet and the  
2 people that Joseph Mains asked me to go and meet,  
3 because some of these people would come up on the bus.  
4 They wouldn't come up in cars all the time. They came  
5 up on a bus. They came. I would go with them, take the  
6 bus downtown somewhere in Royal Avenue near North  
7 Street. There was a rental place, and then they would  
8 go in and rent a car, and then we'd go off to Larne or  
9 Portrush or Ballyclare and sometimes Newcastle, and  
10 something happened in Ballyclare, Kilwaughter House.  
11 There was a fight. We were outside. There was like  
12 a situation happened. Two guys came up to the front of  
13 the hotel. I was taken away from the two guys. Those  
14 two guys were put into a car. I was put into another  
15 car with three men. I was sitting right in the middle.  
16 One was to my right, one was to my left, and you had the  
17 driver and then they took off. They brought me back to  
18 Kincora by the side door. Mr Mains knew about this  
19 because he had a telephone call. He knew that I was  
20 coming back. I knocked on the door and Mr Mains opened  
21 up. He told me to go to my room and he said not to say  
22 anything.

23 Then getting back to this, the real story about  
24 Kincora, the witness that they didn't want to have at  
25 the time of the trial are the ones who were working on

1           the outside. Two of them have already died, but I was  
2           still alive.

3           Stephen Nolan: Richard Kerr, were there ever any  
4           high profile politicians either in Northern Ireland or  
5           England involved in your abuse?

6           Richard Kerr: Yes, there were. That is something  
7           I am talking. It's a legal matter, so -- and I don't  
8           really want to discuss that, but I can answer 'Yes' to  
9           that.

10          Stephen Nolan: Would any of those politicians still  
11          be alive?

12          Richard Kerr: Well, that's what they're looking  
13          into in England. One has just passed away, but there  
14          were others.

15          Stephen Nolan: I guess I'm asking you are the  
16          police looking into that now?

17          Richard Kerr: I believe so. I have given evidence  
18          to the police and I haven't used those words, but I have  
19          given some names, yes.

20          Stephen Nolan: And were any of those names high  
21          profile politicians?

22          Richard Kerr: I'm not going to say right now  
23          while this is an ongoing investigation.

24          Stephen Nolan: Okay. I guess I'm not asking you to  
25          name them. I'm just trying to get a sense here, because

1       there will be some people, Richard Kerr, that feel that  
2       some people in this society are untouchable and that is  
3       why I'm asking you. If some people have a certain level  
4       of status in the country, they can get away with abusing  
5       children and that's the reason why I'm asking you if  
6       there were people who would be household name politicians  
7       that for many years now have got away with abuse.

8

9           Richard Kerr: Well, some of them died. A lot of  
10       them have died. A couple of months ago some person died  
11       and I think you all know it, but I'm not going to get  
12       into that. I've evidence of that, but that's something  
13       we are in the process of getting through that where this  
14       Inquiry leads.

15           '79 is when they asked me or at the beginning of '80  
16       they asked me to leave England. They gave me a ticket  
17       at the side of the Europa Hotel where a bus is. They  
18       told me to take the bus to the boat to go to England and  
19       then they came to visit me in England three times.  
20       First they interrogated me. They put me in a cell for  
21       seven hours.

22           Stephen Nolan: Who interrogated you?

23           Richard Kerr: The police, whoever they were. They  
24       were plain clothes people. They came to my place where  
25       I was staying.

1           Stephen Nolan: Interrogated you about what?

2           Richard Kerr: About what I had said and I was told  
3 not to say anything and they said, 'If you say lies, we  
4 can put you away', and this was during the time of the  
5 investigation where they wanted to narrow it down to  
6 McGrath and Joseph Mains and Mr Semple.

7           Stephen Nolan: But it was bigger than that?

8           Richard Kerr: I've explained to you that this story  
9 isn't about those three -- isn't about those three.  
10 Yes, they did some bad things to me, not all of them,  
11 just Joseph Mains. Mr McGrath tried his way with me,  
12 but Joseph Mains got him to back off and ..."

13           Then he is interrupted by Stephen Nolan and asked  
14 about what life is like now. He says:

15           "I'm coping with life one day at a time. It hasn't  
16 been easy. I deal with it the best way where I deal  
17 with it today. I try to live in the moment, but I'm  
18 just thinking how this is not really all about me. I've  
19 gotten a lot of help. I've gotten a lot of support.  
20 I'm learning to trust people who care about ..."

21           If we scroll down, please, has it had an effect on  
22 him?

23           "Richard Kerr: It has, but I'm working on  
24 that. Well, it affects me in lots of ways",

25           and he talks about how it affects him:

1           "Stephen Nolan? And who talked you out of coming to  
2           the trial? Who tried to stop you?"

3           Sorry. If we can just scroll back up, his answer:

4           "Richard Kerr: You've got to understand, Stephen, the  
5           most important thing about this. They didn't want me to  
6           come to the trial. I was the wrong witness, because  
7           I could have opened up this whole thing, could have  
8           looked back at -- could have been looked back -- looked  
9           at back in 1980.

10          Stephen Nolan: Who talked you out of coming to the  
11          trial? Who tried to stop you?

12          Richard Kerr: The police, because they knew from  
13          all of us back then that we were taken to hotels.

14          Stephen Nolan: And the police asked you not to  
15          come?

16          Richard Kerr: Yes. They came to me three times,  
17          twice in London and once in Preston. They came to my  
18          place in Kings Cross and they said these words to me,  
19          'You need to change your lifestyle and you need to not  
20          talk anymore about this'. They didn't want me to come  
21          as a witness so they could -- they were playing a smoke  
22          and mirror games."

23          Then he goes on to talk to Richard Kerr's counsellor.

24          Now he said that the abuse started when he was 8.

25          He repeats that he had any sexual activity with John

1 (sic) Mains. Said McGrath tried it on with him. He said  
2 the police have a record of him being in a room with two  
3 men. The Inquiry has seen the police investigations of  
4 the two incidents involving Richard Kerr  
5 and Larne police. One was Stephen Waring. There is a  
6 summary, if we look at that, please, at KIN117629. I  
7 think this is the summary I was trying to call up earlier.  
8 Yes. This is a police -- a summary of the police  
9 investigation of 22nd September 1977:

10 "I was an observer in the DNP car accompanied by  
11 Constable McIlhinney. At approximately 12.30 am  
12 I received a call to go to the harbour area in Larne and  
13 contact Mr Daniel Cooke, who is a harbour policeman. On  
14 my way to the harbour via the harbour highway I met two  
15 youths walking along the side of the highway in the  
16 direction of Belfast. Stopped them, asked them who they  
17 were and where they were going. They gave me their  
18 names and addresses and I then put them both in the  
19 police car to take them back to Larne Police Station to  
20 check both boys out as to their names and addresses as  
21 neither had any identification on them. At this point  
22 the harbour patrol van pulled up alongside me. A man  
23 who I know to be Daniel Cooke, a harbour policeman, got  
24 out of his van and approached me. He was carrying a  
25 black holdall bag. He told me that the two boys he had

1           called us earlier to see had entered a house on the  
2           Coastguard Road and came out carrying something which he  
3           believed was this bag. On checking the bag out I found  
4           it contained school books and belonged to a Mr           on  
5           the Coastguard Road, Larne. I then told Daniel Cooke  
6           that I had picked up two youths whom I was going to have  
7           to check out. He identified both boys as the boys whom  
8           he had called us earlier about and also the boys  
9           involved with taking the bag out of the house at  
10          Coastguard Road, Larne. Both boys denied all knowledge  
11          of this when I asked them about the matter."

12                 He then went to the Coastguard Road. There was  
13          no-one in. Looked round, could see nothing.

14                 "Went out to the car and had both boys conveyed to  
15          Larne Police Station, where we arrived at 12.50 in the  
16          morning. I ascertained the boys, Richard Kerr and Stephen  
17          Waring, were from Newtownards Road, Belfast. At  
18          approximately 1.00 am I called round again to the home of  
19          Mr           . This time he was home. Asked him if he had  
20          found anything irregular. When he told me there wasn't,  
21          I produced the holdall, asked him if he recognised it.  
22          Said he thought it belonged to his daughter. He  
23          ascertained it did belong to his daughter. I then went  
24          back to the police station and arranged transport for the  
25          boys to be taken to Belfast. Both boys were

1 collected by Mr Conway Of Rathgael Training Centre.

2 Then on 10th October '77 I interviewed Richard Kerr  
3 and Stephen Waring at Rathgael Training Centre and  
4 received the attached statements taken after caution.

5 In his statement Richard Kerr admits to taking the  
6 bag out of the house of Mr , believing it to  
7 contain money, and also to tampering with a motor  
8 vehicle. Stephen Waring in his statement only admits to  
9 looking at some new cars that were parked in the harbour  
10 area but not to tampering with any motor vehicle and he  
11 also denied entering the house of Mr .

12 This is a case where two youths, being Richard Kerr  
13 and Stephen Waring, had come to Larne from Belfast and had  
14 missed their transport back by time. Both boys had  
15 endeavoured for some time to get a lift back to Belfast,  
16 and as they had not money, they were unable to get a taxi  
17 or bus. Richard Kerr tampered with some vehicle hoping,  
18 as he says, to find somewhere warm to sleep for the night.  
19 As a last resort after being chased out of the harbour  
20 area by Daniel Cooke, the two boys made their way towards  
21 the dual carriageway hoping to thumb a lift. They noticed  
22 a door open at the home of Mr , which is situated  
23 at the start of the dual carriageway, and thought they  
24 could make another phone call to their guardian in  
25 Belfast. Richard Kerr went up and knocked the door, and

1           when he got no answer, opened the door, which he found  
2           to be unlocked. On going inside he saw a bag and  
3           immediately thought there might be money in it, which  
4           would have paid a taxi to Belfast. Took possession of  
5           the bag, left the house, joining Stephen Waring, who was  
6           waiting outside. On looking inside the bag they found  
7           it to contain school books, dumped the bag beside the  
8           roundabout, which is only a few wards away.

9           The harbour policeman, who was closely watching the  
10          two boys since they were chased off the harbour area by  
11          them -- by him, then approached them and questioned them  
12          as to what he had seen. They denied all. Cooke then  
13          sent them on their way up the dual carriageway towards  
14          Belfast and I stopped them a few hundred yards on the  
15          carriageway.

16          Stephen Waring is now deceased.

17          Recommended that Richard Kerr be prosecuted."

18          If we just scroll on down, please, then there's the  
19          statements and that was a Constable Fulton. So there is  
20          record -- this police record of an incident in Larne  
21          relating to September 1977. There's the one of 4th  
22          October 1977 involving     KIN340     and     KIN341     .  
23          A summary of that is at 117553. You will see:

24                 "At 12.55 am on 4th October '77     KIN341     reported  
25          to me that he had been assaulted by a member of the

1 Highways Hotel staff outside the hotel a short time  
2 earlier.

3 Along with KIN341 and Constable Doherty I went to the  
4 Highways Hotel to investigate. On arrival at Donaghy's  
5 Lane convenient to the hotel I spoke to one of KIN341's  
6 mates, whom I now know is Richard Kerr, 17, Kincora House.  
7 He was seated in the front of a Fiat car in Donaghy's  
8 Lane. While I spoke to him he was lifting money, 10ps,  
9 5ps, 2ps and 1ps off the floor and putting them in the  
10 front passenger compartment of the car. (This car was in  
11 fact hired out by KIN341 for the day.)

12 A few minutes later the assistant manager came to  
13 the scene. He told me that money, silver and copper,  
14 has been stolen from the hotel and he suspected one of  
15 KIN341's mates, the youth whom he knew worked in the  
16 Europa Hotel, Belfast.

17 By this time Richard Kerr and KIN341 had left with  
18 other police to try and find their mate KIN340. He had run  
19 away at the time of the fight."

20 Then -- so it would seem they were being taken  
21 around looking for KIN340 in a police vehicle. He had --

22 "Accompanied by Constable Doherty I returned to the  
23 Fiat car and found £15.05 made up of silver and copper.

24 In the police station later after interviewing KIN341  
25 and Richard Kerr re the assault I interviewed them re the

1 theft. I obtained a statement from Richard Kerr  
2 admitting the theft of the money from the hotel.

3 It appears that the theft took place about 10.00 pm  
4 on 3rd October '77. Richard Kerr went to the reception  
5 desk to make a telephone call, saw the money and returned  
6 later when there was no-one behind the desk and stole the  
7 money. He states that neither of his mates, KIN341 or KIN340,  
8 knew anything about the theft and I don't believe that  
9 they did, as they would have left the hotel sooner.

10

11 When KIN341 was interviewed about the theft, he stated  
12 verbally after caution, 'I don't need to steal money  
13 like that. There is a bookies' docket for £400.  
14 Richard Kerr was out of the hotel most of the night.  
15 I thought he was out at the car.'

16 KIN340 has not been interviewed about the theft. He  
17 didn't turn up that night in Larne and I had police  
18 interview him about the assault.

19 Then he took possession of money in Richard  
20 Kerr's pockets.

21 "Richard Kerr said the money may have got mixed  
22 up. Most of it was his own.

23 When Richard Kerr was interviewed that night and two  
24 statements obtained, I -- and I gave -- and he gave his  
25 age as 17. He also produced a provisional driving

1           licence. I did not check the groups. Constable Fulton  
2           in this station is also dealing with Richard Kerr in  
3           connection with another offence in Larne. He gave his  
4           age as 16 years. Police in Belfast are also dealing  
5           with Richard Kerr and have his date of birth as       --  
6                        '61.

7           I have obtained a statement from John Magill,  
8           Highways Hotel, in which he states about 15 in silver  
9           and copper were stolen. No doubt in my mind but that  
10          Richard Kerr was the person who stole this money as he  
11          admits."

12       CHAIRMAN: Well, I think this is probably a convenient time  
13          to adjourn for today.

14       MS SMITH: Yes, indeed, Chairman.

15       CHAIRMAN: Because of other commitments we will not sit  
16          until 2 o'clock tomorrow afternoon.

17       (5.00 pm)

18       (Inquiry adjourned until 2 o'clock tomorrow afternoon)

19                               --ooOoo--

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I N D E X

Material relating to Richard Kerr .....2  
dealt with by COUNSEL TO THE  
INQUIRY