

(O P E N S E S S I O N)

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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 Thursday, 1st May 2014

commencing at 10.30 am

(Day 30)

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

1 Thursday, 1st May 2014

2 (10.30 am)

3 (In open session)

4 WITNESS SND49 (called)

5 CHAIRMAN: Good morning, ladies and gentlemen.

6 MS SMITH: Good morning, Chairman, Panel Members. The first
7 witness this morning is "SND49".

8 MR O'HARE: Sir, I appear on behalf of SND49 on the
9 instructions of Cleaver, Fulton, Rankin Solicitors.

10 CHAIRMAN: Thank you, Mr O'Hare. I take that is your
11 instructing solicitor with you?

12 MR O'HARE: Ms O'Boyle is present.

13 MS SMITH: Chairman, the first witness is to be known as
14 "SND49". He understands he is going to be asked to take
15 the oath or affirm.

16 He wishes to maintain his anonymity for the purposes
17 of the Inquiry's work.

18 CHAIRMAN: Now, SND49, do you wish to take a religious oath
19 or to make an affirmation, which is a solemn promise to
20 the same legal effect? It is entirely a matter for you
21 to choose.

22 **A. I will take the religious one.**

23 CHAIRMAN: Take the oath. Very well.

24 WITNESS SND49 (sworn)

25 CHAIRMAN: Thank you very much. Please sit down.

1 Questions from COUNSEL TO THE INQUIRY

2 MS SMITH: SND49 -- are you okay, SND49?

3 **A. Yes.**

4 Q. SND49, you're now aged [REDACTED]. You're almost [REDACTED]. Isn't
5 that correct?

6 **A. Yes.**

7 Q. And just to be sure, if you need to take a break at any
8 time, please say to us, but if you can speak into the
9 microphone, because we have to get a note of your
10 evidence. If you can pull it towards you, that will
11 make it easier for you.

12 You have provided a statement to the Inquiry, SND49,
13 in response to material that was given to you. That can
14 be found at SND-15913. If that could be put up, please.
15 You will see -- I went through this with you, SND49, but
16 just to formally prove it, this is your witness
17 statement that you provided to the Inquiry. If we can
18 scroll to the bottom of the page, you will see there in
19 place of your name we have "SND49", and you signed this
20 statement on 4th February 2014. Is that correct?

21 **A. That's correct.**

22 Q. Now, SND49, I know from the statement and from talking
23 to you that, while you were in Termonbacca, you really
24 are not keen to discuss your time there. Isn't that the
25 position?

1 **A. That is my position, yes.**

2 Q. Well, can I -- you are happy to talk about a few general
3 matters, which I am just going to go over with you now,
4 if that's okay.

5 **A. General, yes.**

6 Q. You have talked in your statement -- back at paragraph 1
7 you talk about being an infant in [REDACTED] in
8 Termonbacca, and although your statement says that
9 Termonbacca was in Bishop Street, just to be clear, you
10 were only ever in Termonbacca. Isn't that right?

11 **A. That's correct, yes.**

12 Q. And you believe that you were about [REDACTED] years of age in
13 [REDACTED]. It says that you moved to the boys' home in
14 Termonbacca. That's incorrect. What actually happened
15 is you moved into the junior dormitory from [REDACTED].

16 **A. Yes. Sorry. That's my fault for saying.**

17 Q. You did go to schools that were run -- the first school
18 was run by the Sisters of Nazareth at Bishop Street, and
19 you then went to the Christian Brothers School.

20 **A. Yes.**

21 Q. Then you say you went to [REDACTED] Boys after that.

22 **A. Correct.**

23 Q. I asked you just was there anything you wanted to say
24 about how you felt you were educated and you used one
25 word.

1 **A. Yes. Pathetic.**

2 Q. You found the education standard to be pathetic.

3 I also asked you if you ever remembered your mother
4 or any parents visiting while you were in Termonbacca
5 and you only have a vague memory of somebody visiting.
6 Is that correct?

7 **A. That's correct. That's correct, yes.**

8 Q. You don't know whether you ever had any brothers or
9 sisters.

10 **A. No.**

11 Q. You certainly have no complaints about the clothing that
12 the nuns provided for you. Isn't that the position?

13 **A. True.**

14 Q. And you were happy enough with the food that they also
15 provided?

16 **A. Yes.**

17 Q. Equally, although some people have complained about the
18 amount of work that they were asked to do in the home,
19 you didn't object to doing any of the work that you were
20 asked to do.

21 **A. No.**

22 Q. I also asked you about the issue that has arisen for
23 some people with regard to numbering, and you -- your
24 response to me was that you do remember that clothes and
25 shoes were numbered, but, as the congregation have said,

1 that the purpose of that was to allow your clothing to
2 be identified for you.

3 **A. Correct.**

4 Q. You have no memory of special occasions being celebrated
5 in the home.

6 **A. No recall, no.**

7 Q. And you don't ever remember getting any gifts or toys.
8 Is that correct?

9 **A. No. That's correct, yes. Sorry.**

10 Q. What about pocket money?

11 **A. No pocket money.**

12 Q. And day trips, do you have any memories of those?

13 **A. Once a year.**

14 Q. Can I ask you did you -- what about your birthday? Was
15 that ever celebrated?

16 **A. No.**

17 Q. And did you -- do you remember music being a feature in
18 the home?

19 **A. There was a band and a choir. That's as far as music
20 goes, yes.**

21 Q. I also asked you -- you were there at a time when we
22 have heard, the Inquiry has heard, a number of boys went
23 to Australia. I asked you if you had any memory or
24 could you tell us anything about that.

25 **A. I recall that, yes.**

1 Q. Do you remember anything in particular about boys going
2 to Australia? Sorry, SND49.

3 **A. It's all right.**

4 Q. Perhaps I can just tell the Inquiry what you told me is
5 that you do remember you had one friend, someone called
6 HIA266 --

7 **A. Yes.**

8 Q. -- who went to Australia. Isn't that correct?

9 **A. Yes.**

10 Q. You don't remember anybody from Social Services ever
11 coming to visit?

12 **A. No.**

13 Q. You do remember seeing the Mother Superior, as you put
14 it to me, once in a blue moon.

15 **A. Correct.**

16 Q. Just on a couple of other issues, you -- you did -- you
17 had heard through following the work of the Inquiry that
18 some boys complained of Jeyes Fluid being used in the
19 bath.

20 **A. Yes.**

21 Q. Do you remember Jeyes Fluid being used?

22 **A. Yes.**

23 Q. You yourself weren't a bedwetter. Is that correct?

24 **A. That's correct.**

25 Q. But you know that that has been an issue for some of the

1 people who have spoken to us.

2 **A. Yes.**

3 Q. Now, as I indicated at the start, you were asked to
4 provide a statement to the Inquiry and come to speak to
5 us because allegations were made by one person about you
6 and that person is HIA121, known as "HIA121", and the
7 allegations that he makes about you can be found in his
8 statement, which are at SND-640.

9 **A. Sorry. Could you repeat that?**

10 Q. Sorry. I'm just asking --

11 **A. Oh, sorry.**

12 Q. -- that the page be pulled up. This is the statement
13 that HIA121 gave to the Inquiry. If we look at
14 paragraph 9 of that statement just at the start of that,
15 you see there that he names three boys, one of whom was
16 you, who he says worked at Termonbacca.

17 "They had been residents in Termonbacca. They were
18 in their [REDACTED] when I was there. The three of them
19 worked [REDACTED] and also supervised boys periodically
20 during the day and night."

21 He describes these people as paedophiles and the
22 most notorious was someone other than you. He then
23 names you -- so he is essentially naming you as one of
24 three people who tried to sexually abuse him.

25 From your own statement at paragraph 4, which we can

1 go back to shortly, you deny sexually or physically
2 assaulting anyone during your time in Termonbacca.
3 Isn't that correct, SND49?

4 **A. True.**

5 Q. He also says in paragraphs 16 and 17, if we could scroll
6 down to that -- he talks about this other person, not
7 you, both trying to sexually assault him and then
8 physically assaulting him by pushing him down some
9 stairs, and he says that the following week you were the
10 monitor in charge of the midday meal -- this is at
11 paragraph 17 -- approached him with a heavy aluminium
12 ladle in your right hand.

13 "With all his force he struck me on the left side of
14 my head, knocking me unconscious."

15 He then goes on to describe how he was treated for
16 that injury, and he says he still carries the imprint on
17 his skull.

18 Paragraph 18, he says that he has no doubt that the
19 assault by you was a direct result of his resisting
20 attempts by the other boy to sexually abuse him the
21 previous day and as far as he knows you were not
22 punished or reprimanded in any way because of this and
23 you continued to work there and to supervise the boys.

24 Now if we could go back to your witness statement at
25 page SND-15913, you deal with this allegation in your

1 statement, SND49, at paragraph 4, where you say:

2 "I absolutely deny sexually or physically assaulting
3 (sic) any boy in Termonbacca. There is specific
4 reference to me holding an aluminium ladle in my right
5 hand and striking HIA121. I am left-handed and I deny
6 striking HIA121. I do not even recall a boy called
7 HIA121. In HIA121's statement to the Garda Siochana
8 dated 10th December 1995 he says he was aged 7 or 8 when
9 he was attacked by me using a ladle. In his statement
10 to the Inquiry he says that he was aged 10 at the time
11 of this attack. In [REDACTED] I was aged [REDACTED] and not in my
12 [REDACTED]. I also left Termonbacca in [REDACTED]" -- sorry -- [REDACTED]
13 and I never worked [REDACTED]. I only returned to
14 Termonbacca in [REDACTED] for six weeks to paint the outside
15 of the nursery when HIA121 states that he was already in
16 [REDACTED]."

17 So essentially you are denying that you ever struck
18 him or anyone else with a ladle. You point out
19 inconsistencies in the evidence that he gave to the
20 Inquiry and what he told the Guards when he gave
21 a statement to them. You say that you are not
22 right-handed, that you are left-handed --

23 **A. Yes.**

24 Q. -- and that you never worked [REDACTED]

25 **A. No.**

1 Q. Now can I just -- I have shown you this document before,
2 SND49, and I am just going to call it up now, which
3 is -- sorry. Just before do I that, HIA121 did give
4 evidence to the Inquiry and the transcript of what he
5 said about this incident can be found at SND-16980,
6 SND-16980.

7 If we can look at the right-hand side of that
8 page where it says page "51" at the bottom there, I was
9 asking him about having been -- this incident that he
10 related in his statement and we were talking about his
11 treatment, about bandages and remember the smell of
12 iodine. Then he interrupted to say:

13 "Yes. If I may, what led directly to this assault
14 was the incident the day before in the dormitory when
15 I personally witnessed an 8-year-old boy perform, as
16 outlined in the report, oral sex on an adult. When
17 I saw that, I went ballistic and ..." -- the sister is
18 named -- "was standing there. I ran away from her.
19 I hadn't the words to describe what I'd witnesses, not
20 to articulate my fears."

21 Then he goes on:

22 "But the following day I was sitting in the
23 refectory, and I place my hand on this holy bible as
24 truth. You saw this number two paedophile" -- and he
25 was talking about you at this stage -- "walk towards me

1 with a large industrial aluminium ladle that one sees in
2 these Oliver whatever ..." --

3 **A. Sorry. I can't keep up.**

4 Q. Sorry. I beg your pardon. I am going much too quickly.
5 Sorry. Can you see -- I had just got to about line 13
6 on page 52.

7 **A. Right.**

8 CHAIRMAN: The bottom right-hand corner of the picture for
9 you.

10 **A. Number 13.**

11 MS SMITH: Yes. Line 13. He says --

12 **A. Line 13. Yes.**

13 Q. Okay. He says --

14 **A. Can you start that one from number 9?**

15 Q. Yes.

16 **A. No, from the start again, because you were so fast I was
17 trying to ...**

18 Q. I apologise.

19 **A. Sorry.**

20 Q. I had been asking him, SND49, about the incident where
21 he says he was hit by you, and about the treatment that
22 he received for the injury that he said he sustained as
23 a result of it, and he then -- I said:

24 "Is that correct?"

25 If you can just go back up, do you see where it says

1 page 51 at line 22? I ask him:

2 "Is it correct that you recall -- you say you still
3 have a scar from that."

4 He then in reply says:

5 "Yes. If I may, what led directly to this assault
6 was the incident the day before in the dormitory, when
7 I personally witnessed an 8-year-old boy ...",

8 and he goes on down to page -- to line 8 there
9 describing that.

10 Essentially what he is saying that there was
11 an incident involving someone other than you in the
12 dormitory and an 8-year-old boy.

13 **A. Oh, I see. Sorry. I was ... Yes.**

14 Q. Then as a result of him -- he -- what he -- just to be
15 clear, SND49, so I am not confusing you, what he told us
16 was he witnessed an incident involving someone else --

17 **A. Yes.**

18 Q. -- and I will name him, but again the name isn't to be
19 used outside this room. That person that he named was
20 someone called SND48. He witnessed an incident
21 involving SND48 and an 8-year-old boy. He then ran away
22 and told a nun about that, and he says that because he
23 did that, he believes that that's the reason why he was
24 assaulted the following day by you, who he says was
25 friendly with SND48. So that's what he is talking about

1 here when he's speaking about:

2 "But the following day I was sitting in the
3 refectory, and I place my hand on this holy bible as
4 truth. I saw this number two paedophile" -- and that's
5 how he described you -- "walk towards me with a large
6 industrial aluminium handle (sic) that one sees in these
7 Oliver whatever."

8 I think what he was trying to say was -- I don't
9 know if you have seen the film or the musical Oliver or
10 read David -- sorry -- Charles Dickens' book.

11 **A. Oh, sorry. Are you asking me?**

12 Q. No. I'm just -- I think that's what he was referring to
13 --

14 **A. Oh, right.**

15 Q. -- when he was talking about Oliver.

16 "... and with all the force and might came down on
17 the left-hand side of my head. I fell to my right with
18 a gurgling sound, dark clouds."

19 Then he goes on to describe how he heard other
20 children calling "Sister, sister" and he then believes
21 as a result that blow to his head that affected his
22 ability to learn and to get an education.

23 I am reading that out to you, SND49, because that is
24 what he said when he sat where you are sitting and spoke
25 to the Inquiry. I am inviting you if there is anything

1 you want to say about that more than what you have
2 already said in your statement.

3 **A. No, nothing about it --**

4 Q. Now just -- going back to --

5 **A. -- apart from the fact I pointed out I am left-handed
6 and I pointed out to strike the way I did doesn't make
7 sense to me.**

8 Q. Thank you, SND49. Just one other thing. Can I just ask
9 you there do you remember a SND48 being there when you
10 were in Termonbacca?

11 **A. I know a SND48, yes.**

12 Q. And do you remember a boy called SND 195/SND 196 at all?

13 **A. It's a bit vague, but I didn't really know him. I know
14 the name. That's all. Is it SND 195/SND 196 with an █ or
15 SND 195/SND 196 with a █?**

16 Q. Sadly I can't help you with that. It may be either.

17 **A. That's -- okay. I just show a name like that, yes.**

18 Q. You do remember somebody of that name there when you
19 were there?

20 **A. Yes.**

21 Q. The other thing I did ask you just generally: did you
22 ever go out on placements to families during your time
23 in Termonbacca?

24 **A. No.**

25 Q. One thing you did say in your statement was that you

1 never worked [REDACTED]. I did -- I am just going to
2 show the document that I showed to you this morning,
3 which is SND-15268, please. Now I explained to you,
4 SND49, that this is a document -- and I know you have
5 seen it before -- it is an extract from the Sisters of
6 Nazareth register about you, and you will see your name
7 is on it and the date of admission and your date of
8 discharge, and then someone has recorded details of what
9 happened to you.

10 If we can just read that, and I probably will have
11 to read through the redactions, but:

12 "St. Vincent de Paul Society arranged for this boy
13 to go to ...",

14 and it's given a name there of someone you went to
15 and the address in [REDACTED].

16 "Arrangements are made that the [REDACTED] welfare
17 office -- officer will visit him, also members of
18 Vincent de Paul Society."

19 Then there is the next entry, which is difficult to
20 make out there, but it is:

21 "July [REDACTED]: Three of the St. Vincent de Paul men
22 visited him last Sunday. Found him very well and happy.
23 Got a good report from his employer."

24 Can I just pause there and ask you when you left
25 Termonbacca, did you go to work in [REDACTED] for this

1 person [REDACTED]

2 **A. Yes, I did.**

3 Q. Then it says:

4 [REDACTED]: Is back in Termonbacca working [REDACTED]

5 [REDACTED]: Hopes to get a job as a conductor in July

6 when he is [REDACTED]. Still on [REDACTED]. Getting on well.

7 [REDACTED]."

8 This is very poor quality, but the copy that I have
9 is:

10 "Left on 17th November for Nazareth House,

11 [REDACTED]

12 Left [REDACTED] February [REDACTED]"

13 Now that suggests that you were actually working on

14 [REDACTED] in Termonbacca in [REDACTED], that you had come back

15 from [REDACTED] and were working [REDACTED] in

16 Termonbacca, SND49. Do you remember that or is that

17 correct?

18 **A. I have to look at my statement to see what years I come
19 up with.**

20 Q. Paragraph 4 of your statement. We can go back to that.

21 **A. Yes. I'm trying to -- this is the best of my memory.**

22 "I left Termonbacca in [REDACTED]. I never worked ...

23 I only returned [REDACTED]"

24 **Is that correct?**

25 Q. That is what you say in your statement, yes.

1 **A. Six weeks. Then I went to [REDACTED].**

2 Q. This is saying that you left in November [REDACTED] to go to
3 [REDACTED], which would be right.

4 **A. It is a long while ago. I don't know what month it was.**

5 Q. Certainly what you were saying to the Inquiry, apart
6 from that six weeks when you were painting the outside
7 of the nursery, you did not work on [REDACTED] in
8 Termonbacca.

9 **A. No. I was painting it.**

10 Q. Painting it.

11 **A. I wasn't painting it. I was trimming the hedge.**

12 Q. Just to be clear, when you went back to do that, where
13 did you stay?

14 **A. There was employees' quarters. That was separate from
15 the main house.**

16 Q. We have heard -- and I didn't ask you this, but I am
17 going to ask you it now. Did you remember someone
18 called SND15? Was he there at the time?

19 **A. Yes.**

20 Q. Was he living in those quarters?

21 **A. Yes, he was.**

22 Q. Okay. Thank you, SND49. I have no -- can I just make
23 sure that you are happy that we have covered the issues
24 that we needed to deal with? Is there anything else
25 that you want to say to the Inquiry at this stage?

1 **A. No.**

2 Q. The Panel Members may have some questions for you, but
3 I have nothing further to ask you. Thank you.

4 **A. Thank you.**

5 **Questions from THE PANEL**

6 MS DOHERTY: Hello, SND49. Can I just ask one of the things
7 we have heard is about older boys supervising younger
8 boys in Termonbacca. Do you have any memory of that?

9 **A. That's the first time I have come across that word in**
10 **one of HIA121's statements. It was "monitors" he used.**
11 **I have never heard of that word mentioned there.**
12 **I don't know of any monitors, if there was any.**

13 Q. And maybe not the use of the word "monitor", but do you
14 remember the older boys being involved in looking after
15 the younger boys and making sure they were bathing
16 properly or --

17 **A. No.**

18 Q. -- eating their dinner?

19 **A. No.**

20 Q. You don't remember any?

21 **A. No, not to my knowledge.**

22 Q. Okay. Thank you.

23 CHAIRMAN: Thank you very much, SND49. That's the only
24 questions or those are the only questions we want to ask
25 you. Thank you very much for coming to speak to us

1 today.

2 **A. Thank you.**

3 (Witness withdrew)

4 MS SMITH: Chairman, we do need to go into closed session
5 for the next witness, and I am not sure if Mr Aiken is
6 ready to take him yet. So perhaps a short break.

7 CHAIRMAN: We will rise for a few moments until we are ready
8 for the next witness. As Ms Smith has indicated, that
9 will be a closed session. So only those who are
10 concerned with those matters will be allowed to be
11 present, but those formalities will be confirmed when we
12 start the closed session, but if anybody has any doubts
13 about it, they may speak to the Inquiry staff.

14 (11.00 am)

15 (Short break)

16 (11.25 am)

17 (Hearing continued in closed session until adjournment at
18 12.33 pm, with resumption of proceedings at 10.30 am on
19 Tuesday, 6th May 2014)

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