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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, 6th March 2014 commencing at 10.30 am (Day 18)

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

1 Thursday, 6th March 2014

2 (10.30 am)

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3 ANNOUNCEMENT OF CLOSING DATE FOR APPLICATION TO

4 ACKNOWLEDGMENT FORUM

5 CHAIRMAN: Good morning.

6 MR MONTAGUE: Good morning.

7 MS SMITH: Chairman, before we start this morning's evidence

8 I believe there is something you wish to say.

9 CHAIRMAN: Yes. This morning I wish to announce that the

10 closing date for applications to be made to the

11 Acknowledgment Forum part of the Inquiry will be

17:00 hours on Wednesday, 30th April 2014. So far 308

people have spoken to the Forum since October 2012 and

another 105 still have to speak to it in the coming

months. Whilst the Inquiry is anxious that as many

people as possible who wish to speak to the Forum will

have the opportunity to do so, it is necessary to bring

the Acknowledgment Forum application process to a close

19 to facilitate the Forum informing the work of the

20 Statutory Inquiry. By 30th April the Acknowledgment

Forum will have been accepting applications for over 18

22 months and 30th April 2014 has been chosen as the latest

23 possible date that will allow the Forum to see everyone

24 who wishes to speak to it and at the same time allow it

enough time to prepare its report, because that report

has then to be considered by the Statutory Inquiry when it prepares its report.

I want to emphasise that although applications to the Statutory Inquiry closed on 29th November 2013, those who apply to the Forum still have the opportunity to describe their experiences through the Forum, and as their evidence will be reflected in the report which the Forum makes to the Statutory Inquiry, in that way their evidence will still be taken into account by the Statutory Inquiry.

I urge anyone who wishes to describe abuse they suffered as a child under 18 while in any residential institution in Northern Ireland but who has not yet made an application to the Inquiry to apply to the Acknowledgment Forum as soon as possible, and in any event to send their application in sufficient time to reach us before the closing dates, as applications which arrive after 17:00 hours on Wednesday, 30th April will only be considered in exceptional circumstances.

WITNESS HIA321 (called)

21 MS SMITH: Thank you, Chairman.

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22 The witness in the -- to give evidence this morning 23 is "HIA321". He is to be known as HIA321.

24 HIA321, I can just confirm that you wish to maintain 25 your anonymity throughout these proceedings and you

- don't want your name to be used outside. Isn't that
- 2 correct?
- 3 A. That's correct.
- 4 Q. If you just stand, please, HIA321. I know you have
- 5 difficulty standing, but if you could stand, then the
- 6 Chairman will ask you to take the oath.
- 7 CHAIRMAN: Do you wish to make an oath or to make
- 8 an affirmation, which is a solemn promise with the same
- 9 legal effect? It's entirely a matter for you, HIA321,
- to choose which you wish to do.
- 11 A. What's ...?
- 12 CHAIRMAN: Do you wish to make an oath or to make
- an affirmation, which is a solemn promise?
- 14 A. I'll take the oath.
- 15 CHAIRMAN: Very well.
- WITNESS HIA321 (sworn)
- 17 CHAIRMAN: Thank you.
- 18 Questions from COUNSEL TO THE INQUIRY
- 19 MS SMITH: HIA321, if you could just pull the microphone
- towards you, because everyone has to hear what you have
- 21 to say.
- 22 A. Can you hear now?
- 23 Q. Yes. That's great. Thank you. Can I ask that
- SND-14866 be put up on the screen, please?
- 25 CHAIRMAN: Are there any appearances on behalf of --

- 1 MS SMITH: Sorry. Yes.
- 2 CHAIRMAN: -- this witness?
- 3 MR REEL: Chairman, I appear on behalf HIA321 instructed by
- 4 Walter Hegarty.
- 5 CHAIRMAN: Are you attended today?
- 6 MR REEL: Yes. Instructed by Walter Hegarty, who attends.
- 7 CHAIRMAN: Thank you.
- 8 MS SMITH: Could we have SND-14866, please? Now, HIA321,
- 9 I showed you this document inside and you have seen this
- is the witness statement that you have provided through
- 11 your solicitor to the Inquiry. Isn't that correct?
- 12 A. That's correct.
- 13 Q. You will see there that it says it is the witness
- statement of HIA321.
- 15 A. That's right.
- 16 Q. In the unredacted version, the version you have before
- 17 you, your name is there, and if we could go to the last
- page of your witness statement, which is SND-14869, and
- 19 you will see a large rectangle there which says
- 20 "HIA321". You've signed that document and it's dated
- 3rd February 2014. Isn't that correct?
- 22 A. That's correct.
- 23 Q. Now this is the witness statement that you have provided
- in response to certain matters, but it also covers other
- 25 matters, and it's the evidence you wish the Inquiry to

consider. Isn't that correct?

2 A. That's correct.

- 3 Now if I could ask the Inquiry to look at a document which is SND-15965. Now, Chairman, this may not be in any one of either your or the core participants' bundles. It was added to the bundle last night and it was only possible to redact the first two pages of a range of documents which have not yet been redacted, but will be in due course, and if I can just give you the page references for that section of papers, which is 10 11 SND-15965 through to SND-16007, and they relate -- they 12 are Social Services documents relating to both HIA321 13 and other members of his family. I will be referring to three extracts from that. I won't be calling them up on 15 the screen as they have not been redacted and it would 16 not be appropriate to do so, but I will read the short extracts from the three documents. 17
- In any event, HIA321, this document is a social
 report that has been provided to you, and if the last
 page of that -- it is a two-page document. The last
 page indicates it was prepared in 1982. You won't -June 1982. You won't have seen this document until
 I showed it to you this morning. Isn't that correct?
- 24 A. That's correct.
- 25 Q. Essentially if I can just look at the -- first two

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        paragraphs, you see that it says that you'd been in care
        since early infancy. It talks about your parents in
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        that first paragraph. Then it says in the second
        paragraph that for most of your life you'd lived in
        St.~Joseph's Children's Home, Termonbacca.
                                                     Efforts to
        place you with foster parents on a long-term basis were
        unfortunately unsuccessful. You stayed with a family
                      from 1970 until 1974. They then moved
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        from
                                           , and you were again
        admitted to Termonbacca, where you remained until
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        May 1981.
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                  You then went to stay with some foster
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        parents in
                           That arrangement only lasted until
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        August through no fault of yours. You were then
        re-admitted to Termonbacca for a short period until
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        a place could be found in lodgings in an attempt to
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        prepare you for independent living, and it says -- the
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        person that you stayed with is recorded there from
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        September '81 until January of 1982. It talks about you
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        working but having -- made redundant and then moving in
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        with another ex-Termonbacca boy who lived in the area.
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            You remember -- obviously you don't -- you haven't
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        seen this document -- but you would accept that those
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        details about your life in care are essentially correct?
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        That's correct.
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        Now I'm going to at this stage deal with two other
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- documents briefly. SND-11036, please. This is a letter
- from Tyrone County Welfare to the Children's Officer,
- and if we just look at the first paragraph of that, it's
- 4 asking that your father be advised that his sons have
- 5 not been placed in a foster home to date -- this is
- dated 16th January 1969 -- and that the prospective
- 7 foster parents who had indicated an interest in the two
- 8 boys decided against taking two children, and the Mother
- 9 Superior felt that you ought not to be separated and
- 10 therefore neither of were you placed with foster parents
- 11 at that time.
- 12 Can I just confirm: you and your brother were close
- in age. Is that correct?
- 14 A. Yes.
- 15 Q. You would have been close growing up in Termonbacca?
- 16 A. True, yes.
- 17 Q. Then if we just look at another internal document, which
- is an internal review document dated -- it's -- sorry.
- 19 It's found at SND-10... -- sorry -- SND-11052. In fact,
- if we can just look at the preceding page, that
- indicates it was 30th October 1979, and it's an internal
- 22 case review document that was prepared by someone in
- 23 Termonbacca about you.
- If we move on to the second page, you'll see that it
- sets out a case history there, and on 5th November 1975

Page 9 1 you are described as a well-behaved boy getting on extremely well with all the other children, and it talks 3 about you making your confirmation, and talking about you going on holiday. If we can just scroll down, it says that you failed the 11 Plus and you went to You settled in 7 well. Then 18th November '76 it says that you were visited 8 by your new social worker, a SND 479 , and that she was pleased with you and with her visit. 10 11 It then goes on to talk about you starting back to 12 school. 13 I'm going then refer to three other documents. I will give the page references for the benefit of the 14 15 core participants and the Inquiry Panel Members. 16 these three short extracts out to you just earlier this

The first can be found at SND-15974. This is a document which essentially shows that Social Services -- sorry. Could we just not pull it up, please? Please don't pull this up. Could we just take that off the screen? I'm going to refer to three documents which I would ask not to be put on the screen, but it is -- it shows that Social Services were

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morning, HIA321.

organising a meeting with you, your brother and

- a sister, who at that stage you did not know about, and
- she was, in fact, in foster care. They say that she was
- aware of your existence, but that you did not know that
- 4 you had a sister. The social worker felt it
- 5 appropriate -- inappropriate to mention your sister at
- the point that she was meeting with you, which was 18th
- 7 November 1976, and the social worker felt that:
- 8 "SR14 knows them better and she would be the best
- one to approach the subject."
- Going on then, there was a discussion between the
- nuns and the senior social workers about trying to
- 12 arrange contact between you and your brothers and sister
- in the future.
- Now you did, in fact, meet up with your sister in
- due course. Isn't that correct?
- 16 A. That's correct.
- 17 Q. Then if we could move briefly to an entry, which again
- not to be pulled up on the screen, but the reference for
- 19 the benefit of those who wish to look at it is
- 20 SND-15979, and this is dated 7th December 1977. Your
- 21 social worker visited Termonbacca at that time. She
- 22 talked to the nuns and to the resident social worker
- about you and your brother and about the possibility of
- you spending Christmas with your sister and her foster
- 25 carers. She has recorded:

1 "I asked them", that's you and your brother, "about their plans for Christmas and they said they had been 3 invited to the foster carers', but they would prefer not to go until Boxing Day, as they did not want to miss out on the Christmas activities taking place in Termonbacca. Your brother said that you were both in the choir and wished to attend the Christmas mass, which was conducted in Latin and was always very beautiful. Both boys felt that there was more organised entertainment at Termonbacca and also more surprises in store there." 10 11 Do you have any recollection of that at all --12 A. No. 13 -- yourself, HIA321? Q. 14 Α. No. 15 Then, finally, just one other entry that I will refer 16 to, which is SND-15967. This is dated 23rd June 1978. 17 That document essentially -- I am not going to go 18 through it in any detail, but it talks about you meeting 19 up with your mother and your grandparents and the 20 possibility of that, and the social worker invites you and your brother's views about that. 21 22 Your brother seems to have done most of the talking. 23 He enquired whether the social worker would take you 24 and him to visit your mother and he asked a lot of 25 details about your mother. Now the earlier document

that I did put up on the screen indicated that your

mother suffered from mental health problems, and what

the social worker has recorded at this page is your

brother seemed relieved to hear that she appeared quite

normal, because I think from his discussion with SR6 he

had feared she would be very mentally retarded.

Now I have used the names of two nuns simply because I can't pull the document up on screen, but those names are not to be repeated outside the chamber.

There is also -- and without -- the Panel Members and others can look at these in due course, but there's also some records in this bundle about funding and maintenance payments. It's recorded that you started work and you were paid the sum of £25. The Sisters of Nazareth took £20 of that, and when they were told by the Welfare Authority that they ought to have taken £9 and that the balance of £50.43 for your care would be paid for the Welfare Authority, that they ought to repay that to you, do you have any recollection of either giving the money or getting any repayment, HIA321?

21 A. No.

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Q. Well, it's been suggested that the documents that I've outlined there briefly show that both the Sisters of Nazareth and the social workers did their best to care for you and to look after you. Would you accept that,

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1 HIA321?
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- 2 A. I do, yes.
- 3 Q. Now if we could just go back to your witness statement
- 4 and deal with a few matters that are in that. If we
- 5 could go to page SND-14867. If that could be put up on
- 6 the screen, please.
- 7 CHAIRMAN: Sorry. What's the reference again?
- 8 MS SMITH: SND-14867, Chairman.
- 9 Now you were asked to provide this witness statement
- in response to a statement that had been given to the
- Inquiry by someone who is named here as HIA113.
- 12 What you say in paragraph 5 is that you were living
- in Termonbacca from 1974 and as far as you recall boys
- and girls were living there at that time. You do
- 15 remember this particular person and her brothers and
- sisters and you remember them by their family name,
- which is given there.
- 18 You then respond to a number of matters that were
- 19 raised by her in her witness statement, and in
- 20 particular at paragraph 6 you talk about -- recall that
- other children did wet the bed. You say they had to get
- up first and go and take a bath and change their
- 23 pyjamas. You recall the beds being lined with a rubber
- sheet. You say the sleeping arrangements is that there
- were only boys in the boys' bedrooms. The girls had

- their own bedrooms, and you don't recall anyone being
- hit for wetting the bed. Is that right?
- 3 A. That's right.
- 4 Q. Then at paragraph 7 you talk about a particular nun, and
- 5 you will see that there is given the reference number
- 6 SR6. Now I should for the benefit of the Inquiry --
- a witness indicated that this particular nun had died,
- 8 and that I am informed by the Sisters of Nazareth was
- 9 incorrect, that it was an entirely different nun who had
- died in a car accident and not this particular sister,
- SR6. So she is still alive. You, in fact, as you say
- 12 at paragraph 8, didn't know she was dead until you had
- 13 got that information.
- In any event you talk about her and you say that --
- 15 you describe her and you say that you did get hit in the
- 16 way described by this other person and that was once and
- 17 you say it was for talking back to a nun in the kitchen.
- 18 You also saw her hit other people in the same way.
- Just for the benefit -- to be clear about this, the
- description was of her hitting people on the head with
- 21 her knuckle, and you recollect that?
- 22 A. That's true.
- 23 Q. Now you say you don't recall anyone specifically being
- hit or how often it happened. You say it wasn't a daily
- 25 occurrence as far as you recall. You don't remember

- anyone being taken to her room and you don't recall this
- particular girl being beaten, and you don't know
- anything about that girl's dealings with the nun. You
- 4 don't recall her ever cleaning anyone's mouth, as was
- described in this girl's witness statement, and you
- don't even recall that girl having . Is that
- 7 correct?
- 8 A. That's correct, yes.
- 9 Q. Now paragraph 11 of your statement you set out some
- 10 memories that you have of Termonbacca. You say that
- there was a big -- there was a TV in a big room, that
- everyone had to watch what was on it. You don't recall
- who decided what would be watched. Do you remember
- 14 where that room was?
- 15 A. It was -- it was a large room. One was separate for
- 16 a TV and the other separate for the dining room, so
- 17 there was.
- 18 Q. So it's near the dining room?
- 19 A. Yes.
- 20 Q. You talk about chores in the home at paragraph 12. You
- say that all the dishes -- as the dishes had to be
- washed after breakfast and each meal, you don't recall
- 23 anything being kept from one meal to another. Were you
- involved in washing the dishes at all yourself?
- 25 A. Yes, I was, yes.

- 1 Q. Then you go on in response again to this girl's
- statement to say that you were never force fed food and
- you don't recall anyone being force fed food, and you
- don't recall anyone being forced to go to the toilet at
- night if they were wetting the bed. You don't recall
- anyone being forced to dress as a member of the opposite
- $7 ext{sex.}$
- 8 You say the home was staffed 24 hours a day, 7 days
- a week and 365 days a year as far as you recall.
- 10 A. That's correct, yes.
- 11 Q. Can you remember who -- when you say about staff, apart
- from the nuns, do you remember any lay staff being in
- 13 Termonbacca?
- 14 A. Night staff?
- 15 Q. Lay staff, civilian staff other than nuns.
- 16 A. Oh, yes. Yes, they would have stayed over 24/7, some of
- 17 them, night staff.
- 18 Q. Night staff. Then you do remember trips to the beach
- 19 and a big flask of soup being brought out on to the
- 20 beach. Is that right?
- 21 A. That's correct, yes.
- 22 Q. HIA321, I'm going to now deal specifically with the
- 23 allegations that have been made against you by this
- 24 particular person. If we could look at SND-2336,
- 25 please, which is part of her witness statement that she

Page 17

gave to the Inquiry, at paragraph 9 she describes the abuse that she said that she suffered when she was there at the hands of what she describes as "bigger boys", and then about halfway down that paragraph she says that:

"One of the boys was called HIA321 and I'm sure he abused me, as I recognised his voice. I don't know who the other boys were that abused me, but I think there was more than one."

Then she also gave a statement to the police in 2013

-- we can find that at page SND-15328 -- where again she
is talking about the abuse, and she says at the top of
that page:

"I can remember one boy who did this to me. His name was HIA321 and he was one of the bigger boys. He had . He came into my room one night and did this to me."

She describes what she says you were doing.

"After he was finished I had to go to the toilet and this meant I had to walk past the room where the boys were sleeping in their room. The door was open and I heard HIA321 talking to the other boy. I think there were only two of them. I couldn't hear exactly what he was saying but I knew what he was talking about (sic). My nerves were bad and I was terrified and my heart was pounding. I couldn't walk past the boys' room, so

1 I turned and went back into my own room. I peed in the waste bin in my room." 3 She then gave evidence earlier this week and --4 Just before we leave that --CHAIRMAN: 5 MS SMITH: Sorry. 6 CHAIRMAN: -- what is the date of that statement? 7 MS SMITH: Sorry. Apologies, Chairman. It is 2013, 8 November 14th. 9 Thank you very much. CHAIRMAN: MS SMITH: As is indicated, HIA321, she came to the Inquiry 10 11 and she spoke to us and gave evidence this week. 12 the transcript of what she told us and it can be found 13 when it is placed on the website. It is the transcript for 4th March 2014, and what she says in respect of this 15 particular allegation can be found from page 22 onwards. 16 I was taking her through her witness statement, and 17 having done that, at page 25 of the transcript I said to 18 her: 19 "Now is there anything else you want to tell the 20 Inquiry about why you have named 321?" 21 She said: 22 "Because once I went back to my room and got back 23 into bed again and went to settle down, he -- he came up 24 to try -- try again, and as I was turning round, I seen

him standing outside my door and said, 'What are you

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Page 19 1 standing out there for?'" I asked her: 3 "And you recognised him as 321?" She said: 5 "Yes. 6 Q. Not just by his voice but by --" 7 She answered: 8 "No, by -- by his appearance. Q. -- by his appearance? 10 Uh-huh." 11 I then put it to her she hadn't said that either in 12 her Inquiry statement or to the police and said: 13 "Can you explain why you didn't do that?" Her response was: 15 "Because I didn't want to get him into trouble." 16 After that she was questioned by the Chairman and 17 asked more details about what happened, and that can be found at page 34 of the transcript of 4th March. 18 19 Chairman asked her: 20 "Can I just ask you to go back to these things you 21 say happened in the bedroom? 22 Α. Yes. 23 I just want to ask you one or two things about 24 Did the individual who was in the bedroom doing 25 these things, did he ever speak in any way?"

Page 20 1 She answered: "No." 3 She was asked: "You said that you were asleep. Was the room dark? 5 A. Yes. 6 Was there any light in it at all? Q. 7 Except for the hall when the door of the bedroom 8 was open. So that was all the light you could see by 10 in the room was what came in from the corridor? 11 Α. Yes. 12 Do you think it was always the same person or 13 was it different people? No, it was different ones. Α. 15 Q. Different people? 16 Α. Yes. 17 You have only been able to pick out one of them Q. 18 19 Α. Yes. 20 -- for the reasons you have given. 21 because you heard him speaking with these other boys?" 22 Her answer then was: 23 It's because when I went to turn around in the 24 bed, I seen -- because he was crouched down, you know, 25 on his knees on the floor and his hands up on the cover.

1 I seen the top of his hair, and at the time then when I was -- after -- he must have heard a noise, because he 3 left, and I had to go to the toilet and I wouldn't walk past their bedroom. So I came back up to my bedroom to go to the toilet in the wee waste paper bin. He came back up again, and I was turning round in bed, and 7 I~turned round and says, 'What are you standing out there for?' and he goes, 'Oh, nothing'." 8 Then she was asked about the description that she 10 had given of you and she was also asked about whether 11 she had proof that it was you and she said, "No, I don't 12 have proof." 13 Now those are the accounts that she has given and 14 the explanation that she has given as to why she named 15 you as one of the people who abused her, and I want to 16 ask you now, HIA321, what you have to say about those 17 allegations. 18 It never happened. 19 You did speak about this at paragraph 10 of your witness 20 statement, if we can go back to that. 21 page SND-14868. At paragraph 10 you said you did not 22 abuse HIA113. 23 "I did not touch her. I have told the police too."

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interviewed on a voluntary basis by police; in other

Then at paragraph 15 -- 16 you say that you were

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- words, they asked to you come and speak to them and you
- 2 went along and spoke to them about the accusations made
- 3 by her to you last autumn you say. Might it have been
- 4 a bit later than the autumn?
- 5 A. I think it would have -- just before Christmas I think.
- 6 Q. The accusations were that you had been involved in acts
- of sexual misconduct towards her when you were years
- 8 old. You say you have denied those accusations and you
- gen felt that the accusations made to police seemed more
- graphic and detailed than those in her statement to the
- 11 Inquiry.
- 12 A. That's true, yes.
- 13 Q. Just while we are on your statement, you do say that
- there's -- you believe that a particular nun wasn't
- living in Termonbacca in 1975 when you were , although
- 16 you remember another nun, who again you name, as being
- 17 there in '75.
- 18 Would you accept from some of the documents I showed
- 19 you this morning that SR6 was, in fact, still in
- Termonbacca, although you may not have had many dealings
- with her at that time?
- 22 A. I don't think she was there.
- 23 Q. That's your memory?
- 24 A. Uh-huh.
- 25 Q. Well, HIA321, that is all that I want to ask you about,

- but is there anything else that you want to say about
- your time in Termonbacca? Is there anything you feel
- 3 that ought to be said that you haven't had the
- 4 opportunity to say either in your statement or this
- 5 morning?
- 6 A. No, because I had a pretty good time there. Things,
- 7 some were bad and some were good, but the majority was
- good.
- 9 Q. Well, one of the things that we're asking everyone --
- 10 excuse me -- who has spent time in care is whether or
- 11 not -- well, this Inquiry has to make recommendations to
- 12 the Northern Ireland Executive about what should happen
- for those who do complain about having been abused, and
- whether that should be an apology, or some sort of
- redress, or indeed whether there should be a memorial.
- 16 Have you any views about that, HIA321, that you want
- 17 to tell the Inquiry about?
- 18 A. I would say an apology, you know, could be ... Things
- did happen, you know.
- 20 O. Okay.
- 21 A. I'm not saying it didn't happen. It might have
- happened, but it didn't happen to me.
- 23 Q. Okay, HIA321. Thank you very much for coming to speak
- to us this morning. The Chairman and Panel Members may
- 25 have some questions for you. So if you just stay there,

Page 24 1 please. Ouestions from THE PANEL 3 CHAIRMAN: HIA321, can I ask you to think back to when you were a child in Termonbacca? Can you tell us anything 5 about the then? 6 Well, it was black then I suppose, blacky-brownish. 7 I can see your For many of 8 us it's going It's getting there. Uh-huh. 10 -- but there are various Ο. Can you 11 remember how was? 12 Not particularly, no. 13 Was it Q. or 14 what sort of was it? 15 No. It was sort of , sort of. It's always 16 Thank you very much. Thank you very much for coming to speak to us today, HIA 321. That's all we need to ask you 17 18 about. There's nothing more to keep you here as far as 19 we're concerned. Again thank you for coming to speak to 20 us. 21 Thank you. Α. 22 MS SMITH: Thank you, HIA321. 23 (Witness withdrew) 24 Chairman, that concludes this week's evidence. MS SMITH: 25 CHAIRMAN: Yes. Well, ladies and gentlemen, as Ms Smith

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         reminds us, that completes the evidence of this week,
         and the next date on which we sit and the timetable will
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         be published in due course.
4
     (11.25 am)
5
                   (Hearing adjourned until 10.30 am
6
                       on Monday, 24th March 2014)
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