

HISTORICAL INSTITUTION ABUSE INQUIRY 1922-1995**SUBMISSION ON BEHALF OF SR2**

1. A biography of Sisters SR1, SR2 and SR3 was helpfully provided by Mr Aiken to the Inquiry¹ which demonstrates that SR2 was highly motivated to develop her childcare skills and she was willing to avail of whatever assistance or training was available to her. For instance she did an In Service Study Scheme in 1977/78, undertook a certificate in social work in Liverpool in 1986-1988 and continued to do further courses including a certificate in counselling from the University of Ulster. This also reflects the Congregation's willingness and desire to provide Sisters with the necessary skills in childcare.

2. The minutes of the meeting of Nazareth House Children's Home Committee 17 May 1990² provide an insight into the SR2's dedicated and sensitive understanding of children in her care. For instance:-

“ [REDACTED] – she had struck SR2 since the last meeting. SR2 felt that [REDACTED] only gave trouble after she received telephone calls from her father. Apart from this she was doing well and her progress in school was satisfactory”.

When considering this document, the Panel's attention is also drawn to the following reference to the management of difficult children in the home which illustrates the magnitude of the challenges facing the Congregation: *“in relation to paragraph 8.4 of the Report, **SND 425** endorsed the recommendation for*

¹ on day 5 112: 8-125

² SND-8816/7

*professional supervision of the heads of both flats. He said this was especially relevant situations where the Sisters were dealing with difficult children. He said that at present there was backdrop support from social services by telephone but he felt that more direct support was essential. He felt that this requirement was obvious and he was not surprised that **SND 453** had highlighted it”.*

HIA13

3. ³HIA13 alleges he was beaten by SR2 for wetting the bed when staying with a family and that she slapped him all over his body with her hand. He also refers to random beatings by SR2 and SR59: Paragraphs 17 and 18 HIA13’s statement to the Inquiry [SND1596].
4. Comment:
 - i) At paragraphs 56 and 57 of her statement to the Inquiry SR2 responds to these allegations. She accepts there may have been incidents when a child may have been slapped on the hand or bottom but she denies she would ever have used an implement such as a cane or a stick. During his evidence HIA13 was referred to photograph SND1460 and to two dogs in the photographs⁴. SR2 was responsible for getting the second dog in order to help settle the children when they were living in the temporary accommodation whilst the new building was being built. In other words she did so for therapeutic purposes.

³ Day 9 31:15 – 24

⁴ [Day 9 131].

- ii) In paragraph 27 of his statement HIA13 says he was a real rebel and had a terrible attitude towards authority since he was young and even at school he was cheeky and challenging. The Inquiry has heard evidence about the challenging behaviours of other children in the home. This highlights the very onerous burden on the congregation and hence their focus in the earlier decades, up to the 1970s before the enlightened decision to recruit an in house social worker, on providing for the physical needs of the welfare of the children in their care so as to provide adequate clothing, food and a roof over their heads. The Inquiry is referred to the evidence of HH5 who testified that in his experience, the standard of residential childcare in the 1970s was the provision of primary care ie caring for their physical needs, making sure children went to school and that they had adequate food⁵.
- iii) The Panel will have to determine what weight to attach to all the evidence including both HIA13 and SR2. This applicant gave his evidence in very strident terms⁶. It is submitted this is at odds with the history recorded at SND1617 that in the year following his discharge he called frequently to TB and in 1975 he called and reported he was getting on very well and was very happy with the family he was staying with.

HIA125

⁵ Day 24 105:1 – 24

⁶ Day 9 102:1

5. ⁷This applicant alleges SR2 hit children with a stick which was like a sally rod although says this did not happen all the time. He also alleges that SR2 inspected their underpants and on one occasion she slapped him on the face for having his hands in his pocket⁸.

Comment:

- i) SR2 denies that she beat any children with implements. She does accept slapping on occasion. The description of a stick like a sally rod suggests a long thin wooden stick and it is difficult to conceive how this could be concealed up a sleeve.
- ii) It is interesting to note his evidence is that bath time was supervised by two nuns. The Panel is referred to paragraphs 80-83 of SR2's statement to the Inquiry wherein she rebuts the allegations made by this applicant.
- iii) His evidence on numbering is not only disputed by the Sisters but is also contradicted by other residents.
- iv) The applicant's account of a cruel regime is difficult to reconcile with giving the boys weekly pocket money⁹ and with attending the funeral in London of SR5 notwithstanding his explanation for his attendance at the funeral and how he conducted himself when there¹⁰.
- v) It is submitted that this applicant's evidence was far from measured and that Sr 2's evidence should be preferred.

⁷ Day 9 147: 21

⁸ Day 9 153: 1

⁹ Day 9 144:22

¹⁰ Day 9 156: 8-25

HIA196

6. ¹¹HIA196 alleges SR2 was a bully, was very controlling and made you feel like you were always doing something wrong and you were a problem. He said she showed no love and she was always threatening you with the consequences if you did not do something.

7. Comment:

It is notable that this witness does not allege physical punishment or beatings by SR2 nor indeed by any of the Sisters who cared for him. He does allege that the Sisters used older boys to control the younger boys and did so without supervision. This will be addressed in our generic submission. In respect of his specific allegations against SR2, these are subjective and are the perception of a child who, like many of the children in the home, was suffering from maternal rejection. It is also accepted that in the earlier decades in particular a strict, disciplined regime was operated and whilst SR2 may have been strict at times, she was not cruel and always had the best interests of children at heart and as her priority. Moreover, the evidence from the Sisters is that they disciplined boys by the removal of privileges or by scolding. Thus it may well be that SR2 threatened this witness and other children with the removal of privileges if they did not behave.

¹¹ Day 6 11:15

8. It may have been that the nickname of [REDACTED]r was a term of endearment and linked to the [REDACTED] For the most part SR2 does not appear to have done anything palpable to HIA196 aside from giving him chores. He (dob [REDACTED]) and HIA146 (dob [REDACTED]) were in TB at the same time and the latter did not witness any physical abuse at the hands of SR2. It is submitted that at worst this witness describes a threat of withdrawal of privileges as discipline and it is hard to reconcile his description of SR2 as an “*evil hateful bitch*” with an individual who packed him off with his ‘wee case’ for his holidays.
9. His evidence on numbering is significant. Contrary to his statement to the Inquiry at paragraph 21 wherein he stated that children were called by a numbers in the home, he said in evidence¹² that they were known by name and numbering was restricted to clothing which he considered was “*a sensible thing to do*”. He stated “*The numbering wasn’t like in a prison that you might be known by your number and not your name*”.
10. ¹³This applicant refers to witnessing SR1 give boys’ beatings although he was not beaten nor, significantly, does he allege that he saw SR2 beating boys. He does acknowledge that you could say SR2 was “*under pressure*”¹⁴ notwithstanding his contention at paragraph 8 of his statement to the Inquiry [SND-1406] that she ran TV for “*her own cushiness*”. It is beyond dispute that during this period the Sisters were under pressure given the number boys in their

¹² Day 6 20 :10

¹³ Day 6 21 6

¹⁴ Day 6 21: 13

care and the wholly inadequate staff/children ratio. This will be addressed in generic submissions.

11. Whatever it is about this witnesses' perception of SR2 as a child, it is notable that when he returned in later years with his fiancée he described SR2 as being "lovely" and not the person "*you would have thought you had experienced years ago*".¹⁵

12. The exchange between Ms Doherty and HIA196¹⁶ is insightful in that what has affected HIA196 most in his life about his time in Termonbacca is his mother's rejection of him which, sadly, continued even after he made contact with her in later life as an adult.

HIA151

13. ¹⁷ This applicant told the Inquiry that when SR2 came to TB there was discipline but certainly nothing like what happened before. He described that if you got a smack from SR2 it would have been well deserved. This applicant also thought that the influence of SR2 softened other things as well.

14. Comment:
 - i) This evidence is highly significant in the context of the very serious allegations against SR2 by contemporaries of HIA151 who had experience of SR2 for 3 years up until he left TB on 5 July 1965. It is

¹⁵ Day 6 33: 15-34: 5.

¹⁶ Day 6 37: 4-37: 16

¹⁷ Day 10 57: 19 – 58: 9

notable also that this applicant does not allege implements were used by SR2 who has accepted that she may have slapped children on occasions. .

HIA11

15. ¹⁸i) When being asked about a letter sent in his name and from his address to Bishop Daly on 23 June 1978 [SND-1797], which he denies any knowledge of, he refers to his transfer from the Irish Army base in Lifford to Finner Camp, Bundoran. He concludes from what he was told that SR2 had him transferred and construes this in a negativistic way “*so this is the power of the Church again*”.
- ii) This applicant depicts a cruel regime in which he was subjected to frequent physical abuse by the Sisters and, in particular, by SR2 whom he alleges he kicked him and beat using her fist, brush handle, strap or the flex of a kettle. ¹⁹He alleges SR2 beat him very badly on the legs with the flex of a kettle after he was accused of being involved in the hijacking of a lorry outside TB. Such was the beating he alleges he had to stay in bed for 2 days and SR2 would not allow him to go to school because the marks would be seen. He makes a similar allegation at paragraph 26 of his statement which is also dealt with in his evidence²⁰
- iii) When asked to comment on the evidence of **SND 136** he says that the nuns seem to be trying to get the younger generation, who did not

¹⁸ Day 11 142:9 –

¹⁹ Day 11 146: 15

²⁰ at day 11 147:1-25

experience what was going on, to make them out as though the nuns were angels.²¹

- iv) HIA11 contended that the £500 he sent to SR2 in Nazareth House in Johannesburg was not for her but for the children and at 152:18 he explains that his petition to Derry City Council to give SR2 the freedom of the city was done as a joke and that the plaque she received was “*a piece of rubbish probably from the Guild Hall*”.

16. Comment:-

- iv) If SR2 did arrange for HIA11’s transfer from Lifford Army Base to Finner Camp, he fails to see that this was done in his interest and for his safety.
- v) The letter at SND-1797, which he denies sending to BD, wherein he says “*as you know I was brought up by the good Sisters in Termonbacca*” and thanks him for the lovely Mass he celebrated in Nazareth House, Bishop Street, is difficult to reconcile with his description of the Sisters’ cruelty.
- vi) This witness is one of a number of witnesses who refers to being beaten by SR2 with the flex of a kettle (considered further below). SR2 denies that she ever used any implement to beat children and in her statement to the Inquiry says at the material time there was not an electric kettle in the home. This was accepted by HIA150 in evidence notwithstanding his statement to the Inquiry wherein he alleged SR2 used a kettle flex to slap him and other boys on their bare bottoms (see infra). It is submitted that

²¹ At day 11 149: 90-24

this brings into sharp focus the reliability of *some* of the evidence the Inquiry has heard and the risk of exaggeration and selective memory.

- vii) HIA11's actions towards the Sisters after leaving TB, including his fund raising for SR2's work in South Africa and petitioning Derry City Council on her behalf, cannot be easily reconciled with his evidence to the Inquiry of a cruel regime.

HIA94

- 17. This applicant was in TB from 1961-1972 from the age of 2 to 13 years. He alleges cruelty by SR2 who singled him out for repeated beatings; hit him on the head with a brush or a mop or a branch of a tree and with the electric cable of a kettle.

18, Comment:

- i) HIA 150 was in TB at the same time as this applicant (2 July 1959-9 September 1972) and he said in evidence that there was no electric kettle during this period but he had witnessed other children being beaten with the flex of an electric kettle in later years when he returned to the home (see *infra*). It is submitted this calls into question the reliability of the evidence of both HIA150 and HIA94.
- ii) It is difficult to reconcile this applicant's description of TB and of SR2 with his correspondence and actions after he left Termonbacca:-

- a) SND-1914 letter dated 16 April 1976 (it looks to be sent to SR2) wherein he says that Termonbecca was the best home he was in out of 10 institutions;
 - b) SND-1906/7 he asks SR2 to look after the pets at Termonbecca and refers to Topsy the dog and Snowy the cat;
 - c) He asked for and was sent gifts. SR2 sent him gifts when he was in borstal/prison [SND-1925 and 1927].
 - d) SR2 visited him while he was in Magilligan Prison and she arranged accommodation for him upon his discharge;
 - e) When in borstal he asked for photographs of TB to show his friend SND-1915;
 - f) In a letter from Lisnevin School 2 September 1976 the writer refers to HIA94 always remembering SR2's kindness to him;
 - g) He ran away from St Patrick's Training School back to SR2 at TB and she got him dry clothes.
-
- iii) We refer to SR2's statement to the Inquiry and her response to his allegations.
 - iv) It is recorded HIA94 was sent from TB because the Sisters could no longer control him/cope with his behaviour²².
 - v) The case report of 6 April 1973 records that his school noticed he was increasingly becoming a behavioural problem: was aggressive towards

²² SND-1877 and 1954

other boys, work shy and when corrected would use foul language and screaming. It is recorded that the Sisters at St Josephs Home observed the same difficulties and felt that they could no longer keep him under control as he was having a disrupting influence on the life of the home.

- vi) SR2 gives a different account of their meetings when SR2 was in hospital and also in the care home in Belfast. Thus the Inquiry has heard diametrically opposing accounts of their relationship. It is submitted that the objective evidence supports SR2's evidence.

HIA130

19. This applicant makes a number of allegations against SR2 including being beaten with the flex of an electric kettle which he says became a pattern which continued for a period of 4 years up to the age of 14²³. He alleges SR2 would lose her temper and the electric flex was her implement of choice²⁴. It stopped when he stood up to her at the age of 14²⁵. He describes witnessing SR2 maltreat a boy who had run off and was brought back and whom SR2 told to get down on his knees and after grilling him, told him to put his hands together and to close his eyes whereupon she started kicking him with her boot²⁶.

20. Comment:

²³ Day 13 95: 9-13

²⁴ Day 13 97: 12-19

²⁵ Day 13 98: 7

²⁶ Day 13 102: 13-102: 22

- i) The Panel is referred to SR2's statement to the Inquiry paragraphs 59-65 wherein she takes issue with HIA130's account of his treatment in TB.
- ii) This applicant was in TB between 1962 and 1976. This was the same time period as HIA150, HIA94 and HIA11. As hereinbefore contended, it is respectfully submitted that the evidence of HIA130 about the electric flex casts doubt on the reliability of this evidence.
- iii) HIA130's letter to the Derry Journal 28 September 2004²⁷ is wholly inconsistent with his evidence to the Inquiry on the brutality to which he was subjected. It is submitted that the reliability of this body of evidence must be a source of considerable concern to the Inquiry Panel. The evidence of other witnesses from this period such as SND 136 and SND76, both of whom were in TB during this period are a robust rebuttal of the allegations of cruelty made by this cohort of witnesses against SR2.
- iv) It is submitted the contemporaneous records show the congregation's efforts to care for this applicant. He was one of three boys referred to North & Special Care for assessment;²⁸ on his 11th birthday he received many gifts from the Sisters and his friends and also from the [REDACTED] family who were very fond of him;²⁹ at Christmas 1973 he received a Christmas card of £1 from the [REDACTED] ([REDACTED] was a former Termonbacca resident) and he received many gifts including an aircraft which he built and attached an engine and it is recorded that HIA130 was

²⁷ SND-15732 and day 13 112: 14-115:25

²⁸ SND-2175

²⁹ SND-2185

very useful with his hands;³⁰. Whilst he says there was cross country in school but no activities in TB, records show that he practised cross country runs whilst in TB and he received a tracksuit for his 13th birthday³¹. It is self evident there is hard swearing between the respective witnesses on their description of life in TB and of SR2. It is submitted that when assessing this body evidence, considerable weight should be given to the contemporaneous material relating to these witnesses and their actions after leaving Termonbacca.

- v) In his statement to the Inquiry HIA60 recalls HIA130 as being one of the ex residents who was really nice, decent, played football with the residents and helped them with their chores³². This confirms that this applicant continued to go back to TB to help out along with other ex residents and did so, according to HIA60, to good effect. We submit this tends to support SR2's evidence about HIA130 and how he was cared for himself when in TB.

HIA60

21. This applicant relates a hearsay account of a boy who had scars on his back from being beaten with the flex of a kettle by SR2. In paragraph 18 of his statement to the Inquiry³³ he states his understanding that **SND 332** was dismissed because he questioned the nuns after becoming aware of a boy being hit with the flex of a kettle by a nun. This is the same applicant who recounted

³⁰ SND-2183

³¹ SND-2184/5

³² SND-10072 paragraph 10

³³ SND-10075

in a newspaper article “*the ordeal of a black child who was “persecuted terribly”³⁴*”. This was a reference to SND-136 who has provided a statement to the Inquiry and is due to testify.

22. Comment:

- i) The foregoing demonstrates the dangers of the rumour mill where allegations without foundation circulate and are propagated as fact. Even greater exaggeration ensues. It is fortunate that SND-136 and other former residents have contacted the Inquiry and the Sisters of Nazareth so as to provide some balance. However these allegations have been in the public domain since the publication of the interview with this witness in the Derry Journal.

HIA67

23. i) This applicant alleges that SR2 and SR1 used their belts to beat boys, including himself, on the back of the legs or bottom; that he may have been hit 4 or 5 times a week and most of the times you got beaten for no reason³⁵.
- ii) He also alleges they were known by numbers and that their underwear was inspected.

24. Comment:

³⁴ Day 15 37: 15 and SND-15564/5

³⁵ Day 19 53: 15-54: 7 and CLO286 paragraph 26

- i) We refer to paragraphs 14-42 of SR2's statement to the Inquiry for her rebuttal of and commentary on HIA67's statement.
- ii) SND-1434 shows this applicant kept in contact with the Sisters after he left TB who secured him employment in Nazareth House Belfast; he kept them informed of his employment and personal life; sought their assistance when his marriage was "*almost on the rocks*"; they organised further employment for him through a priest in Sligo who would keep an eye on him; he brought his [REDACTED] with him to visit TB; SND-1446/7 is a warm friendly letter to SR1 and SR2 which on the face of it is completely at odds with his account of being treated so badly by them. Although HIA67 denied this letter was in his handwriting, he accepted it looked like his signature and it was possible someone may have written it out for him. There is a dispute over the content of a telephone conversation between him and SR2 including whether he told SR2 that HIA151 told him he would get at least £10,000 by coming forward to the Inquiry. What he does say in his evidence is that HIA151 approached him a few years back to say that he was trying to gather up ex Termonbacca boys as the Inquiry may be coming up but that he and the other boys did not want anything to do with it³⁶. One wonders what changed his mind and how his evidence has been influenced by others.
- iii) This is another instance of hard swearing between the applicant and SR2 both of whom can refer to corroborative evidence supporting their

³⁶ Day 19 70/71

respective accounts. Whilst the congregation accepts that up until the 1970s instances of excessive corporal punishment by Sisters may have occurred, the notion that it was endemic or as extreme is rejected. We submit that great weight should be attached to those former residents who dispute the allegations that the congregation perpetrated a cruel and inhuman regime with regular brutal beatings. It is accepted that, of necessity, there was strict routine in the homes, particularly in the post depression and World War II years and this continued to a varying degree until the early 1970s. It was of necessity because of the sheer size of the homes and the inadequate staff ratios during these decades. It also reflected the prevailing culture that staff were expected to control children.

HIA65

25. This applicant says he got on well with SR2 who was kind to him and she was a positive aspect of his time in TB³⁷ although he says she did hit him now and again.

26. Comment:

- i) SR2 comments on this applicant's statement of evidence in paragraph 58 of her statement to the Inquiry. She has little recall of this applicant as he was not in the children's group in which she was working.

³⁷ Day 19 86:5 -25

- ii) This applicant says that the punishment received when he was caught stealing from the kitchen was to get “*clipped or up to your bed*”³⁸.
- iii) He also alleges that SR11 on occasion beat him with the strap she wore around her waist. The Inquiry is due to hear evidence from SND 482 SND 482 SND 482 who was resident in TB at the same time as this applicant and who disputes the latter’s account in a number of respects.

HIA157

27. This applicant alleges that SR2 called him lazy and he felt she required him to do more chores than the other boys and he speculates that it was because his mother was in the Good Shepherd³⁹. He also says he told SR2 about an incident where he was approached by another boy to commit an act of gross indecency. It is his belief that SR2 punished the culprit by giving him extra chores.

28. Comment:

- i) SR2 can comment upon the foregoing when she testifies to the Inquiry.
- ii) Assuming this account is correct, the Inquiry will wish to consider whether SR2’s response was adequate having regard to the standards of the day. On the face of it, SR2 accepted the account and punished the offender. This applicant was in TB from July 1949 to April 1963 and was aged 15 when he left.

³⁸ Day 19 91: 5

³⁹ Day 20 67/68

HIA150

29. ⁴⁰ This applicant corrected his statement to the inquiry wherein he alleged SR2 beat him and other boys on their bare bottoms with an electric flex. He testified that he saw SR2 use the flex when he went to visit TB later on and that she used it across the children's legs. He said he had made a mistake as there was no flex in the dormitories, just big tea urns⁴¹.
30. This applicant makes a number of other allegations in respect of the food provided, chores, rats, education and the nature and extent of peer sexual abuse.
31. Comment:
- i) Inquiry Panel is aware of SR2's denial of physical abuse.
 - ii) Inquiry has also heard rebuttal evidence of SND-76.
 - iii) The nature and extent of HIA150's allegations give rise to issues of reliability, exaggeration and selective memory. The submissions made above in respect of this body of evidence is repeated.

Social Workers

⁴⁰ Day 23 : 30: 7 and CLO832 para 16

⁴¹ Day 23 32: 1-17

32. The Inquiry has heard evidence from a number of social workers about their impression of SR2 and upon the operation of the Nazareth Homes in Derry. It is not proposed to repeat same verbatim other than to highlight the following:-

- i) SND-484 thought highly of SR2 and thought she was very caring and although she did have a lot of children in her care, she tried to see them all as individuals and wanted the best for them⁴².
- ii) When asked to comment on evidence that SR2 had struck a number of individuals from 1962 onwards, SND-484 said that would surprise her⁴³.
- iii) SR2 always seemed to her to be interested in and worried about children in her care including their mental health and “*she acted like a parent would*”⁴⁴.
- iv) TL19 found SR2 in particular to be very caring.
- v) HH5 saw SR2 as being extremely caring and motherly in her interaction with the children; extremely professional in trying really hard to bring up the standard of care⁴⁵. He also told the Inquiry that he heard children speak positively about SR2 who made real efforts to create a family environment for the children⁴⁶.

General

33. These submissions are premature as the evidence to the Inquiry is incomplete. The Panel has yet to hear testimony from the Sisters themselves, lay workers and

⁴² Day 23 52: 11-52: 21

⁴³ Day 23 79: 6-81: 11

⁴⁴ Day 23 81: 1-7

⁴⁵ Day 24 110: 1-15

⁴⁶ Day 23 112 & 120: 11-14

former residents who have come forward to the Inquiry to rebut much of the evidence which has been given to the Inquiry and which has been the subject of widespread media coverage.

The Inquiry has heard evidence of the public airing in the Derry Journal over the past number of years of the diametrically opposing accounts of former residents' experiences growing up in the Nazareth Homes in Derry. There are sharp divisions between former residents. This of itself demonstrates that the story of St Joseph's TB and Nazareth House, Bishop Street is a highly contentious, emotive and complex one. It invites John Proctor's question in 'The Crucible': "*Is the accuser always holy now?*"

Turlough Montague

Sarah Walkingshaw

Bar Library

25 April 2014