

## HISTORICAL INSTITUTIONAL ABUSE INQUIRY

## Submissions on behalf of HIA 69

1. HIA 69 has denied the allegations made against him.
2. It is submitted that there is a significant frailty in the evidence of HIA 92 in that (a) the allegations are weak hearsay and the alleged original source of the information (HIA 92's brother), so far as is known, is silent on the issue; and  
(b) there are differences in the statements given to police and to the Inquiry.
3. HIA 69 has given significant and credible evidence about the lack of record keeping at Termonbacca and the inaccuracies of that record keeping, for example he indicates that after his admission in 1973, there are no further records until a review in 1977. He indicates "I was abandoned basically" [Day 17, p. 101, line 24]
4. HIA 69 gives evidence that abuse was perpetrated upon him and the Inquiry is referred to a portion of transcript day 17, page 84 line 20 to p 91, line 5. Major changes in the administration and management of Termonbacca and the care of the young people resident there were brought about after HIA 69 ran away from the home and stayed away with his mother for about a week. He was taken to a local doctor by his mother before returning to the home. The Inquiry is referred to the following portions of transcript:  
Day 17, p.105 lines 19 – 23  
Day 17, p.107 lines 21 – 25  
Day 17, p. 113 lines 21 - 25  
Day 17, p. 114 lines 3 - 8

The evidence gathered by the Inquiry, it is contended, is supportive of the testimony of this witness in respect of the record keeping and the institutional response after he returned to the home after running away. So far as is known there is no evidence which contradicts his assertions of the abuse he suffered.

5. If HIA 69 is to be believed in his evidence that:
  - (a) he was the victim of abuse;
  - (b) that he ran away from the home;
  - (c) that there was a lack of record keeping and that there existed inaccuracies in records which were kept;

(d) that the situations changed after he returned from the home after having stayed away for a week;

he is also entitled to be believed in his denials of perpetrating abuse.

6. If the Inquiry reach a view that HIA 69 in fact carried out abuse, then it is submitted that it must also reach a conclusion that he was a young boy who was turned into an abuser by virtue of the abuse visited upon him and that in that situation the Inquiry should not, in due course, individually name him.

Henry Toner Q.C.  
Ivor C. McAteer B.L.