
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 20th January 2016

commencing at 10.00 am

(Day 179)

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

1 Wednesday, 20th January 2015

2 (10.00 am)

3 WITNESS HIA400 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. Can I remind
5 everyone, please, if you have a mobile phone, please
6 ensure that it is either turned off or placed on
7 "Silent"/"Vibrate", and I may I also remind everybody
8 that no photography is permitted either here in the
9 chamber or anywhere on the Inquiry premises.

10 Good morning, Ms Smith.

11 MS SMITH: Good morning, Chairman, Panel Members, ladies and
12 gentlemen. Before turning to our first witness today
13 there is an appearance to be announced.

14 CHAIRMAN: Yes, Mr Campbell?

15 MR CAMPBELL: Mr Chairman, I appear on behalf of MZ1. I am
16 instructed by Macaulay Wray Solicitors and I'm attended
17 today by Mr Joseph Diamond, solicitor.

18 Questions from COUNSEL TO THE INQUIRY

19 MS SMITH: Just to be clear, Chairman, MZ1 is not relevant
20 to our first witness, who is HIA400. He is "HIA400".
21 HIA400 has already given evidence to the Inquiry in
22 Module 7 on 20th October of last year and that was Day
23 152. On that occasion and today he wishes to maintain
24 his anonymity.

25 CHAIRMAN: Thank you.

1 MS SMITH: HIA400's witness statement is at MIL012 to 024.

2 The DoJ response statement is at MIL088 to 089.

3 HIA400's criminal record can be seen at MIL30008 to
4 30011.

5 Now, HIA400, your witness statement is back on the
6 screen and we dealt with parts of that on the last
7 occasion when we looked at your time in Rathgael.

8 Today we are going to speak about your time in
9 borstal, and more particularly in Millisle, but
10 paragraphs 18 to 24 of your statement deal with your
11 time in the Maze. If we can just go to that. It is
12 page 015, please.

13 The situation is that you went into borstal in
14 November 19... -- sorry -- September 1977, when you were
15 sentenced to borstal training. Initially when someone
16 is sentenced to borstal training, they go into a closed
17 borstal situation. In your case that was in the Maze
18 Prison --

19 **A. Yes.**

20 Q. -- to begin with. Then you moved from there in
21 November 1977 to Millisle, which at that stage was just
22 about to open as a closed borstal. So when you arrived,
23 it wasn't quite ready. Isn't that correct?

24 **A. That's right.**

25 Q. Just before I come on to Millisle, just to let you know

1 that although we are not going into any details about
2 your time in the Maze, the Panel have read your entire
3 statement and know what you say about your time there.

4 **A. Okay.**

5 Q. But in November '77 when you moved to Millisle, if we go
6 then to paragraph 25 on page 017, you say that you think
7 you were placed there long before it was ready.

8 "There was an error with the catering, so we were
9 all starving for the first few weeks."

10 You remember eating your toothpaste you were so
11 hungry. When the catering was sorted out, the portions
12 were adequate.

13 "There was no education or workshops established in
14 the early days and we were on 24 lock-up for most of
15 a month."

16 You go on to describe the cells. You say:

17 "They were very basic with just a bed, a chair and a
18 urine pot. We were woken up at 6.00 in the morning. We
19 had to sit on the chair and were not allowed to sit or
20 lie on our beds during the day. If the prison officers
21 caught you on your bed when they were doing their
22 checks, they would put you on report. We were only
23 allowed out of our cells for meals. There was no-one to
24 talk to and nothing to do. I found somewhere in my room
25 where I could hide things, so I made myself a chess

1 board and made chess pieces out of papers for rolling
2 tobacco. I would chew them and dry them on the
3 radiator. I was able to play chess with myself to pass
4 the time, but I was always terrified of being caught."

5 **A. That's right.**

6 Q. Now you go on then to talk about being made to do
7 punishment PE. You say you were worked so hard that you
8 vomited on one occasion. The prison officers called you
9 all the names of the day for vomiting. You were made to
10 clean it up and go back to the PE immediately after.
11 You also saw other boys vomiting.

12 **A. Yes.**

13 Q. Now you then go on to talk about boys who you met when
14 you were in Rathgael. I am not going to go over what
15 you say there, but you described when you gave evidence
16 on the last occasion the abuse you suffered at the hands
17 of those boys.

18 **A. Uh-huh.**

19 Q. And you say that they had ended up in borstal and you
20 were terrified of meeting them again and having to go
21 through what you went through in Rathgael. When you
22 arrived at the closed borstal, they had been moved to
23 the open borstal. So you didn't have to interact with
24 them and that was, as you describe, a great relief.

25 You then tried to prolong your stay in the closed

1 borstal to avoid those boys. The conditions in the
2 closed borstal were very harsh, but for you it was
3 better than facing those boys again. You said you had
4 to play a difficult game of not behaving well enough to
5 be moved to the open borstal but not behaving so badly
6 that you were beaten or put in solitary confinement in
7 the closed borstal.

8 I just wondered, HIA400, what kind of things did you
9 have to do to sort of make sure that you didn't get
10 moved into the open borstal?

11 **A. It really was walking a fine line, because the slightest**
12 **indiscretion was punished by being put on the boards or**
13 **being beaten. Put on the boards was we were taken away**
14 **and locked in solitary for a few days with no-one to**
15 **talk to. So -- and we were judged and scored on our**
16 **behaviours. Most people, if you behave in a particular**
17 **reasonable fashion, then after about three months on**
18 **average you would be moved to the much, much easier**
19 **regime of the open borstal.**

20 So what I had to do was be a little bit cheeky and
21 to not toe the line as fully as possible. For instance,
22 we had to scrub the floors with toothbrushes, and
23 I would deliberately like pick one square and just stay
24 in the one little spot for ages instead of -- do you
25 know -- so that it would be judged as not cooperating,

1 but not really bad enough to be put on report, but lots
2 and lots of incidents like that, about being resistant
3 but not cheeky enough to be hurt. Do you know?

4 So it was kind of -- I had to continually walk that
5 line and it worked for months and months. I ended up
6 doing about nine months there. I judged the line about
7 right, you know. I did get beaten several times and I
8 did -- I did get put on report, but I achieved my aim of
9 being able to stay there for as long as I could until
10 about nine months.

11 Q. You go on here in paragraph 29 to say that:

12 "One month a group of us were told we were going to
13 the open borstal and the prison officer jokingly said,
14 'Hands up who doesn't want to go?'"

15 You actually put your hand up and said that you were
16 not joking. You were marched back to your cell and told
17 you would go where you were told to go. You knew if you
18 refused to go, you would be put on report and would lose
19 the privilege of going to the open borstal.

20 The following day the governor called you to his
21 office and asked you why you didn't want to go, but you
22 were afraid to tell him about the bullying that you had
23 experienced before. So you told him you did not like
24 change. He told you that you did not have a choice in
25 the matter, but you describe him as a good man, and you

1 say that he knew there was something more to your
2 reluctance to go. He asked you if someone was hurting
3 you. You just stuck to the story of not liking change,
4 because you thought that if anyone knew that you had
5 been telling tales, your life would be intolerable.

6 You said that he then called -- sorry. You give the
7 name of the governor in that paragraph. I am going to
8 use the name but, as you know, HIA400 --

9 **A. Sure.**

10 Q. -- the names aren't to be used outside of the chamber.
11 That was a ML 71.

12 **A. Yes.**

13 Q. You said you had a lot of respect for him. He agreed
14 not to send you that day and told the prison officers in
15 the closed borstal that you were to work in his office
16 every day. You were told not to tell anyone so the
17 other boys weren't aware that you were being taken out
18 of your cell to work in his office. After a month or so
19 you finally felt comfortable enough to tell him the real
20 reason why you did not want to go to the open borstal.
21 He said he could guarantee you protection, but you told
22 him that, with all due respect, you doubted whether that
23 protection would work on the ground. He asked you what
24 you would do -- you would do if he forced you to go.
25 You said you would do whatever damage in the open

1 borstal that was necessary to get you placed back in the
2 closed borstal. You said that he thought you were
3 bluffing, but you said you weren't. Thankfully he did
4 not call your bluff and you were left in the closed
5 borstal for about another month.

6 **A. Yes.**

7 Q. You were then told one day to pack your bag and you were
8 being moved to the open borstal. You were terrified and
9 refused to go. You said that a nurse had actually come
10 into your room and tried to give you some green liquid,
11 which you'd refused to take, to calm you down, because
12 you didn't wish to be medicated. You realised that
13 something was about to happen and you refused to take
14 the medicine.

15 "When I was told to pack my bags, I have never been
16 more frightened in my life. I crouched behind my chair
17 hiding for about an hour."

18 Then eventually six prison officers came into your
19 cell to physically take you out to the van that took you
20 to the open borstal. During this struggle bits of hair
21 were pulled out of your head. You were punched in the
22 face so hard that your tooth came through your lip.

23 They wrapped your arms around you and carried you out to
24 the van. You remember trying to fight back and trying
25 to bite them. One of the prison officers, whom you name

1 here as LN22, you remember him repeatedly punching you.
2 As I have explained to you, the Inquiry has to date been
3 unable to locate that man.

4 "When I arrived at the open borstal, I was put in
5 a cell and left for a few hours."

6 You were bruised, bleeding and received no medical
7 attention. You were so angry that the governor would do
8 that to you after you had built up what you saw as
9 a relationship with him. After you had been left in the
10 cell for a couple of hours you were taken to see him.
11 When he saw you, he asked what had happened, as the
12 injuries you had received from the beating were clear to
13 see. You say you lost your temper with him, because you
14 felt betrayed. He told you that he had given the order
15 to move you, but had also told the officers not to lay
16 a finger on you, and you believed him. It had not been
17 his intention for you to get hurt. He said that he
18 thought you would settle down once you were down in the
19 open borstal and asked you to give it a chance of two
20 weeks and gave you his word that he would move you back
21 to the closed borstal if the bullying started again.

22 You stayed in the open borstal and decided that you
23 weren't going to let anyone hurt you again. You say for
24 the first time in your life you started to stand up for
25 yourself.

1 I just wanted to ask you a couple of things about
2 that.

3 **A. Okay.**

4 **Q.** It was clear that you were injured when you met with the
5 governor, HIA400, and did he say anything as to what
6 might happen to the prison officers who had inflicted
7 the injuries on you?

8 **A.** As I said in my statement, I had the utmost respect for
9 this governor. He was really -- everyone was afraid of
10 him, but I seen him to be a really fair and decent human
11 being. Do you know? When I -- when the prison officers
12 brought me in to see him -- and I was -- I mean, I was
13 bruised and bleeding still at this stage; I had no
14 opportunity to clean up -- he was genuinely shocked. He
15 looked horrified when he seen me, and I told him what
16 had happened, and I believe him when he told me that his
17 intent was to do what was best for me, because you
18 cannot be released from the closed borstal unless you do
19 your full sentence. So his motivation I believe was get
20 me into the open borstal and get me out of the
21 institution quicker. I absolutely believed his
22 intentions were good. I absolutely believed that he had
23 given express instructions for the prison officers not
24 to harm me, but I also was acutely aware that he had no
25 realistic understanding of what happened on the ground.

1 Do you know?

2 His prison officers behaved very differently around
3 him when he was there as opposed to how they behaved
4 when he wasn't in their presence, and I explained this
5 to him when we were having these in-depth discussions
6 about the possibility of me being taken out by force and
7 him guaranteeing that he could protect me. I knew that
8 he couldn't and I knew that his vision of what goes on
9 on the ground was not realistic. So ...

10 I -- in terms of this statement I have a little
11 concern that it seems very sanitised almost, because in
12 the statement it says basically someone came in and
13 tried to medicate me, but from my perspective that was
14 horrific, because in my perspective I woke up at 6.00 in
15 the morning. The nurse, who had the tranquillising
16 liquid, and the prison officer who was with her, they
17 were extremely aggressive. Do you know? They were,
18 "You will f***ing drink this. You will do what you are
19 f***ing told", and shouting in my face.

20 In my (inaudible) I realised what was happening.
21 I thought I had managed to secure my -- to do the whole
22 time in the closed borstal. So this came completely out
23 of the blue for me. It was 6 o'clock in the morning.
24 I was just awake. There was somebody there and I am
25 thinking, "They are trying to drug me and they are going

1 to take me by force when I am unconscious or sedated"
2 and that was terrifying. Do you know?

3 Q. And you fought against that, HIA400.

4 A. I did. I used physical violence when six prison
5 officers came into my cell. There was a little plastic
6 chair. I was standing beside it, and I was terrified,
7 because I knew what -- I knew what was going to happen.
8 For an hour they gathered outside my cell. They were
9 opening the little flap and they were shouting abuse in
10 at me, "You'll not be -- you'll not be so cocky in half
11 an hour", and things like that and, "We're going to get
12 you" and la, la, la, la.

13 They came in like I was some sort of caged animal.
14 I mean, I was -- I was young, small and skinny at that
15 stage, you know, and I was hiding behind the chair.
16 They came in like with their arms outstretched really
17 slowly and stuff, and the next minute I knew I was
18 overwhelmed and they were pulling chunks out of my hair
19 and punching me, and it didn't stop. They carried me
20 screaming through the whole building and down through
21 the corridors.

22 They had a little van backed up to the doors with
23 the doors open so that there was no space for me to try
24 and even get out. They threw me in the back of the van
25 and they stood on me and done the few hundred metres'

1 journey to the open borstal. So I was -- I just think
2 in the reading of this it just seems much more sanitised
3 than the actual ...

4 Q. Events were?

5 A. **Yes.**

6 Q. Well, you said when we were talking earlier that the
7 governor told you that he would discipline those people
8 who'd behaved that way towards you. Is that correct?

9 A. **He did. He was genuinely shocked and he says, "HIA400,
10 I give you my word that these men will be severely
11 disciplined", and I have no doubt that he was genuine
12 and sincere.**

13 Q. As I was explaining to you, HIA400, the Inquiry seeks to
14 get as much information as they can. We haven't got
15 personnel files on the people that -- you name LN22 in
16 this paragraph, but you name some others --

17 A. **Uh-huh.**

18 Q. -- in later paragraphs. So we can't say whether there
19 was anything on their personnel file --

20 A. **Sure.**

21 Q. -- that showed that he had spoken to anybody.

22 Paragraph 30, going back to your statement, you said
23 that, having decided to stand up for yourself, you
24 decided to stand up to one of the boys, who you name
25 here, RG71, who was one of the boys who had bullied you

1 in Rathgael.

2 **A. Uh-huh.**

3 Q. You say you saw him standing in the queue in the dining
4 hall. You were terrified, but you walked up to him,
5 jumped the queue in front of him, and you were waiting
6 for him to start beating you, and you were prepared to
7 fight back, but he said he didn't want any trouble,
8 because he was due for release in six weeks' time. You
9 then quickly became the dangerous kid whom everyone
10 backed away from and you liked that. You were still
11 terrified, but you were never beaten up again, and the
12 rest of your time in that institution was easier in
13 respect of the other boys.

14 You go on to say then in paragraph 31 that the abuse
15 you received was at the hands of the staff.

16 "There was a man called" -- and I am going to use
17 the name, because it is a name that has come up in the
18 Inquiry **Officer Skillen**, who was in charge of the laundry."

19 **A. Uh-huh.**

20 Q. "He played a game where he would chase you, and if he
21 caught you, he would pretend to touch you up. If you
22 grabbed his nipple, he would freeze and you could
23 escape. Periodically you would be sent to the laundry
24 to get something, which was dangerous, as he would throw
25 a hammer or spanner at you as soon as you appeared at

1 the door."

2 You remember him hitting a boy with the hammer and
3 splitting his head open. You say:

4 "It was part of his games and everyone was afraid of
5 being sent to his laundry room for something, as you
6 knew you were going to get something thrown at you or
7 sexually assaulted."

8 I just want to explore this a little bit with you,
9 HIA400.

10 **A. Okay.**

11 Q. The Inquiry has been told that one of the things this
12 man did was that he would stand behind a boy, grab him
13 and simulate sex with him.

14 **A. Uh-huh.**

15 Q. Do you recall that?

16 **A. Yes.**

17 Q. And you said to me that the fear of going near this man
18 was immense.

19 **A. Well, it was, because you knew that -- I mean, on every**
20 **occasion -- I can't remember any occasions when I had to**
21 **go near him where some incident -- there was no times**
22 **when you went when there wasn't some sort of incident**
23 **and it was all couched in the framework of being a fun**
24 **game -- do you know -- and it was ...**

25 Q. The Inquiry has heard that his behaviour was seen by the

1 boys as banter and it didn't have sexual connotations as
2 such. Obviously it did by what he was simulating --

3 **A. Yes.**

4 Q. -- but that wasn't how it was perceived by the boys at
5 the time.

6 **A. Well, it wasn't perceived by me like that either at the**
7 **time. It is only in retrospect when I realise that**
8 **there is this man behind me thrusting his groin into my**
9 **back and when -- you have to grab him hard by the**
10 **nipples to -- so that he can go into this game of**
11 **freezing. Do you know? In retrospect it seems**
12 **ridiculous that it was not seen as sexual abuse and**
13 **physical abuse. He was very quick with his hands to**
14 **punch you and hit you as well, but again that was**
15 **couched in these terms of it's all part of the fun and**
16 **games. Do you know?**

17 Q. You described him to me when we were talking earlier as
18 a very strange man.

19 **A. He was very strange. He was noticeably not like other**
20 **prison officers. Using today's terminology, I would**
21 **have described him as having special educational needs.**
22 **He seemed a very simple and ogre-like creature.**

23 Q. You also said that he didn't have any other normal
24 prison officer duties. He just worked in this laundry
25 area.

1 **A. I am not certain that is the case, but to the best of my**
2 **recollection, yes. I don't think he took part in normal**
3 **prison officer duties.**

4 Q. I was asking whether you remembered whether anyone
5 worked with him in the laundry and you thought there
6 were one or two boys assigned to him.

7 **A. I had pretty sure he had either one or two boys assigned**
8 **to him. Their daily duties would be to assist him. but**
9 **they were -- they were afforded protection because they**
10 **were his little minions. They didn't suffer that abuse.**

11 Q. Did they engage in the kind of activities that he was
12 engaging in at all?

13 **A. No.**

14 Q. You go on then in paragraph 32, HIA400, to talk about
15 a game called Murder Ball, which consisted of two teams
16 of ten and which was played in the gym.

17 **A. Yes.**

18 Q. The object of the game was for each team to try to get
19 the ball on to the other mat by any means necessary.
20 You were allowed to kick and punch. You thought that
21 was a good way of getting boys to get rid of tension and
22 having a physical outlet.

23 **A. Uh-huh.**

24 Q. But presumably it was quite a rough game to engage in.

25 **A. It was very rough. Again, seeing it on paper, it**

1 appears to be very sanitised compared to the reality.
2 I got knocked unconscious at one point, because the boys
3 used it as a free-for-all. Quite often they didn't even
4 regard the medicine ball. The two teams would just
5 charge at each other and it would be fists and feet
6 flying. There would be people lying on the ground. You
7 are sprinting with the medicine ball, say, up the brick
8 walls and somebody would just push you into the wall as
9 you're going and you would lose bits of skin from your
10 arms. It was very rough.

11 Q. You go on to talk about the **ML 5**, who was a decent
12 man most of the time, but would lose his temper easily.
13 You relate an incident where he took you to the gym one
14 day you thought to play Murder Ball, but when you got
15 there some boys, maybe because the game was so rough,
16 decided that they'd rather play football.

17 A. Uh-huh.

18 Q. You didn't like football, refused to play and started to
19 walk away. The officer lost his temper, kicked you in
20 the back as you were walking away. You were knocked
21 down and really hurt. He then put you on report for
22 disobedience and told you to go to the principal's
23 office. You knew then that you would be sent back to
24 the closed borstal.

25 A. Uh-huh.

1 Q. As you were walking away, he obviously had second
2 thoughts about putting you on report, called you back
3 and asked you to do linesman. You again refused and he
4 asked you just to stand on the edge and watch. You
5 agreed to do that, but refused to watch, and he laughed
6 and said, "Okay", and you said that you escaped being
7 put on report and you respected him for that.

8 **A. Yes. I knew that -- I knew that he knew the**
9 **consequences for me going on report would mean**
10 **an additional six months inside in the closed borstal in**
11 **horrible conditions, and he was a decent enough man to**
12 **realise that, irrespective of me being cheeky or**
13 **disobedient, that I didn't deserve that. So he backed**
14 **down and I did respect him for that.**

15 Q. In paragraph 34 you go on to talk about another prison
16 officer. Again I am going to use the name. That is
17 ML3. You say he was quite good to you and would give
18 you tobacco and things. You were in the dormitory
19 corridor with him one day and he told you to go in the
20 Catholic boys' room while they were out and rip up their
21 books. You didn't want to do it, but you didn't dare
22 say "No" to him.

23 Another day in the common room he whispered to you
24 to hit the boy sitting in front of you. You said "No"
25 and he threatened to put you on report if you didn't do

1 what he wanted. So you did punch the other boy as you
2 were told and you both started fighting with each other.
3 You say you think he wanted you to do this for his
4 entertainment. You were separated by other prison
5 officers and they put the other boy on report. You say
6 you have always felt guilty about that, but it was the
7 only way you knew how to survive.

8 **A. Uh-huh.**

9 Q. You go on to talk about a different prison officer in
10 the open borstal. His name was ML4. You say he made
11 your life unbearable by calling you names and
12 humiliating you in front of other boys. You used to
13 have a feeling of dread any time he was on duty.
14 Whenever I was asking you about how he called -- what
15 kind of names and that he called you, that actually
16 brought back memories that you found too distressing
17 even to relate to me, HIA400, when we were talking
18 earlier. You say he used to bring porn in, share it
19 with some of the boys. Thankfully you were not part of
20 that select group. He would whisper threats in your ear
21 that he would make you a borstal failure by making sure
22 you failed the board to get out. You say if you failed
23 three consecutive boards, you would be sent back to the
24 closed borstal to serve your full sentence.

25 "One morning he came into the dining hall at

1 breakfast time and got the attention of the eighty boys
2 there. There was an unwritten rule that you did not go
3 up for seconds, and if you did, the other boys would
4 make seagull noises."

5 He picked up a sausage, and when he'd everyone's
6 attention, he put it on your plate, laughing. You threw
7 it on the floor. He told you to pick it up or he would
8 put you on report. You told him that if he put you on
9 report, you would tell his boss what he had done to
10 deliberately try to humiliate you. He stormed out of
11 the room and didn't put you on report, but from then on
12 he seemed to be out to get you. He constantly called
13 you names, threatened to make you a borstal failure.
14 When you went for your third board, he laughed at you
15 when you were walking out and called you a borstal
16 failure. You were made a borstal failure, obviously
17 because of something he had said you think. Would that
18 be correct?

19 **A. Yes.**

20 Q. But the governor, with whom you had a good relationship,
21 overturned it. That meant that you were getting out in
22 ten weeks and you were delighted. When you returned to
23 the common room, one of the other prison officers made
24 a comment -- or I think maybe it was the same guy --

25 **A. It was the same one.**

1 Q. -- about you going back to closed borstal. You said you
2 had got your special privileges and were being released
3 in ten weeks. You said he was furious and threatened to
4 make you a borstal failure before the ten weeks were
5 over, but he was unsuccessful and you were released.

6 You go on in paragraph 36 to talk about the fact
7 that what you have said in your statement, HIA400, is
8 a sample of the abuse you suffered and things that
9 shouldn't have happened to you. You say life was
10 a daily struggle and you lived in fear, not knowing what
11 was going to happen to you from one day to the next.

12 We have dealt in the past with how your life turned
13 out after you left the institutions. When we spoke last
14 time, you had said to me only about 5% of the total
15 abuse that you suffered in Rathgael came from staff, and
16 I wondered what the position was in contrast with
17 Millisle, and you were saying that it was more 50:50 in
18 Millisle. There was bullying from boys there.

19 **A. There was a lot of bullying from boys. When I say**
20 **earlier in the statement that I managed to get a handle**
21 **on it and stop people walking over me, I meant**
22 **physically. The physical abuse stopped, but for me --**
23 **there was a lot of times that I was beaten and sometimes**
24 **beaten unconscious, but it paled into insignificance**
25 **compared to the death by a thousand cuts of constantly**

1 being called names, and constantly being tripped up
2 everywhere you went, constantly going to your bed to
3 find somebody had poured water into it. I mean those
4 incidents were multiple times daily. Even though they
5 are all pretty trivial and small compared to being
6 knocked unconscious, they were -- they had a thousand
7 times more impact in terms of emotional damage than
8 being beaten. Being beaten was easy compared to this
9 constantly not knowing who is going to -- you would be
10 sitting in the common room. You would have a shoe
11 hitting you on the back of the head. Do you know?
12 Anything you can think of that people could do to
13 aggravate you would happen and that was the really,
14 really tough bit about it.

15 Q. You said there was a lot of verbal abuse as well --

16 A. Yes.

17 Q. -- both from boys and prison officers.

18 A. Yes. The prison officers fell into two very distinct
19 categories for most of the time. Lots of them were
20 really decent and good. There was one guy I can
21 remember in particular. He was just the most loving man
22 I have ever come across. He was supporting and he
23 listened and he was really anti-abuse and openly frowned
24 on other prison officers' behaviour. Do you know? Most
25 of the prison officers were okay. Do you know? Some of

1 **them were brilliant, and there was a few people who were**
2 **just -- they were just evil. Do you know? They got**
3 **their kicks from being bullies, from verbally and**
4 **physically abusing the boys, and setting up other boys**
5 **to abuse boys, and that was the daily struggle.**

6 Q. Well, HIA400, I know last time you spoke to us you
7 wanted to take some time to put something down in
8 writing and I know you have done that, but you haven't
9 actually brought it, because you still want to reflect
10 on what it is you want to say about the Inquiry
11 recommendations. Isn't that correct?

12 **A. Yes.**

13 Q. Well, is there anything that you haven't covered or you
14 feel in our discussion today that we haven't said about
15 your time in Millisle that you would like the Inquiry
16 Panel to know?

17 **A. I'd like the -- I am sure you already have an awareness**
18 **because of the amount of people you're talking to about**
19 **this stuff, but I think it's important to recognise the**
20 **minutiae that contributes to that daily struggle, the**
21 **living constantly in fear at every turn, not knowing**
22 **what was going to happen next. It was constant and it**
23 **was constant in most of the institutions that I was in,**
24 **and it by far outweighs the physical abuse.**

25 Q. HIA400, thank you for that. I have nothing further that

1 I want to ask you --

2 **A. Thank you.**

3 Q. -- but the Panel Members may have some questions for
4 you.

5 **A. Thanks.**

6 **Questions from THE PANEL**

7 CHAIRMAN: HIA400, can I just ask you to go back to what you
8 told us at the beginning about being made to work so
9 hard that you and others vomited?

10 **A. Yes.**

11 Q. What sort of work were you asked to do?

12 **A. It was circuit training primarily, where you would run
13 round these stations in the gym, lifting weights,
14 jumping up and down on benches, but it was -- it was
15 done to the extreme.**

16 Q. I see. What you mean is working out in the gym sense --

17 **A. Yes.**

18 Q. -- rather than working on a farm or cleaning up --

19 **A. No, work --**

20 Q. -- the dining room or something?

21 **A. Working out in the gym sense.**

22 Q. Working out in the physical sense. I see. You have
23 told us about the Murder Ball type of episode that you
24 have described.

25 **A. Uh-huh.**

1 Q. So the vomiting for you and others came from being made
2 to exercise too hard?

3 **A. Yes.**

4 Q. I see. Can I just ask you -- you say you are still
5 reflecting on what you want to say the Inquiry's
6 recommendations should be?

7 **A. Yes.**

8 Q. Have you received the questionnaire from the Inquiry?

9 **A. Yes.**

10 Q. Well, you know you are meant to get it back by the
11 beginning of this month?

12 **A. I sent it back almost immediately.**

13 Q. Oh, I am sorry, because I understood from what you said
14 in answer to Ms Smith you were still thinking about what
15 you wanted the Inquiry to do, but you have sent your
16 questionnaire back?

17 **A. I am confused. The questionnaire that I received from
18 the Inquiry was in relation to compensation.**

19 Q. Yes, redress and so on, but it dealt -- there were
20 a number of questions in it, but are there other things
21 you want to say?

22 **A. Yes. What I was talking about there I --**

23 Q. Well, if I can just encourage you to do it as soon as
24 possible because --

25 **A. It is ready to go. I just wanted to give myself a month**

1 or two so I could then re-read it and reflect on it and
2 add or change or omit anything that needed done. I just
3 didn't want to write it hurriedly and submit it.

4 Q. Yes, I can understand that, but don't wait too long --

5 **A. I understand.**

6 Q. -- because we are up against a deadline and have a lot
7 to do and cope with. So if people don't send things in
8 quickly, there is a risk they will get overlooked or
9 ignored.

10 **A. Okay.**

11 Q. So do please send it to us as soon as possible.

12 **A. You can have it in the next day or two. It's ready to
13 go.**

14 Q. Thank you very much. That would be very helpful.

15 **A. Okay.**

16 Q. Yes.

17 MS DOHERTY: Thanks very much. That has been very helpful.

18 Can I ask: was there any other occasion when there was
19 an attempt made to take you take medication?

20 **A. No.**

21 Q. No. That was the one occasion that ...? On that
22 occasion they weren't successful. You wouldn't take it,
23 despite their intimidation?

24 **A. I wouldn't take it.**

25 Q. And in relation to **Officer Skillen** 's behaviour --

1 **A. Uh-huh.**

2 Q. -- was that -- did he behave in that way in front of
3 other staff?

4 **A. I think so. I can't be clear, but I'm pretty sure he**
5 **did. I am pretty sure, because it was all couched in**
6 **this jokey fun terms, I think the other prison officers**
7 **regarded it as that as well.**

8 Q. As a way -- so it was kind of in a way that behaviour
9 was dressed up in something that was meant as a joke and
10 ...?

11 **A. Yes.**

12 Q. Okay. Did you at any other time -- you know, you have
13 given examples of when you talked to the governor when
14 you were working in the office and whatever, but when
15 you went up for the boards and you weren't successful in
16 the boards, did you ever at any time talk about the
17 behaviour of the officers or was that too risky?

18 **A. No, I talked -- I had a really good relationship with**
19 **the governor. I was able to talk to him informally,**
20 **which was unheard of in that situation. I told him. He**
21 **kept -- he kept asking me -- when I failed the first two**
22 **boards, he kept saying to me, "HIA400, what are you**
23 **doing this for? You know it is the game. You've just**
24 **got to play the game". I said, "I cannot bring myself**
25 **to bow down to the stuff that your officers do" and he**

1 **says, "Well, you're going to end up staying here for**
2 **a long, long time".**

3 Q. So do you take from that that he knew -- you know, when
4 you said that and you said you weren't going to -- did
5 you take from that that he knew how the officers were
6 behaving, not the specifics but that he had a sense of
7 what you were talking about?

8 A. **I don't think he was aware of the specifics and I don't**
9 **think he was aware of the severity of it and I never**
10 **certainly made it clear. I just told him that I was**
11 **unhappy and that his men were abusive and they did not**
12 **behave around him the way they behaved around us. So**
13 **I certainly made him aware, but not in any real**
14 **specifics to the best of my memory.**

15 Q. Okay. Just my last question. We have heard about
16 a Visiting Committee --

17 A. **Uh-huh.**

18 Q. -- which would be a Committee and there would be visits
19 from them about every two weeks and that they would talk
20 to the boys.

21 A. **Uh-huh.**

22 Q. Do you remember that or meeting with any of them?

23 A. **Sorry for laughing, because it was rendered farcical.**
24 **I don't think the prison officers were supposed to know**
25 **when they were coming round, because it gives them**

1 an opportunity to defeat their purpose. They very
2 clearly did know when they were coming round and they
3 very clearly -- the night before any prison visitors
4 came round they would come individually to each of our
5 cells and warn us that if we said anything negative
6 about them at all that we would be beaten to death on
7 one occasion I was told, and I had seen people beaten
8 really severely, and I -- I didn't think they would beat
9 us to death. I thought it was bravado and stuff, but
10 I was very clear that I am not saying anything, because
11 if it gets back to the prison officers, they will come
12 into my cell and hurt me.

13 Q. Given that warning, you clearly -- there would be
14 an issue about how you would engage with them, but do
15 you remember any of them actually talking to you, any of
16 the visitors?

17 A. I do remember them talking to me. I don't remember the
18 specifics, but I do remember telling them that
19 everything was fine --

20 Q. Fine.

21 A. -- that there was no problems at all.

22 Q. Okay. Thanks very much, HIA400.

23 A. Thank you.

24 MR LANE: Near the beginning of your evidence you spoke
25 about how you would get into trouble if you were lying

1 down in your cell --

2 **A. Uh-huh.**

3 **Q. -- and how you would get into trouble if you were caught**
4 **playing chess.**

5 **A. Uh-huh.**

6 **Q. Why did they object to those things?**

7 **A. They sold us the closed borstal idea as the short, sharp**
8 **shock, so that if you could do anything that would**
9 **relieve you from the discomfort of being in that**
10 **institution, they seen it as a bad thing. Do you know?**
11 **So for lying in bed you would be put on report and**
12 **isolated and put on the boards for a few days. For --**
13 **it would be the same if I was caught playing chess. You**
14 **simply weren't allowed to have any form of recreation**
15 **that was not sanctioned by them.**

16 **Q. You were meant to be doing what, just standing or**
17 **sitting on a chair or something?**

18 **A. You had a little plastic chair and for the first month**
19 **or so we were on 23-hour lock-up. Actually it was more**
20 **than that, because we were legally entitled to the best**
21 **of my knowledge to one hour's exercise out in the yard**
22 **and that never happened either. If it was too cold or**
23 **the prison officers couldn't be bothered taking you out,**
24 **they simply didn't. So you could go for weeks in this**
25 **tiny, tiny, little room. There was nothing at all to**

1 do.

2 Q. The impression you have given is that there were some
3 staff who were good and some who were pretty awful and
4 some in between.

5 A. Yes.

6 Q. The ones who were good, they were aware of what was
7 going on from their colleagues?

8 A. It is hard to tell. It would be difficult for me to
9 believe that they did not have a significant awareness,
10 because they shared the same space. Do you know? For
11 instance, when I was ordered to punch the guy in front
12 of me, they were not the only -- this guy was not the
13 only prison officer in the room. There was maybe four
14 or five.

15 Q. Do you think that they -- the ones who were sort of more
16 easy were relying upon the ones who were tougher to keep
17 order more?

18 A. I think it would probably vary from individual to
19 individual. There were some prison officers who were
20 very noticeably afraid of the job that they had and they
21 were afraid of the boys and they were afraid of the
22 other staff. So they just put their heads down and got
23 the day in. The vast majority were people in the
24 middle, fairly decent normal human beings doing their
25 job. Do you know? Then there was a few people who were

1 **stellar. They were beautiful people, and there were**
2 **a few people who were nothing short of animals.**

3 Q. Looking back on the time when you got moved forcibly
4 into the open unit --

5 **A. Uh-huh.**

6 Q. -- do you think in the end that was actually good for
7 you in making you stand up for yourself?

8 **A. Yes.**

9 Q. Right. Okay. Thank you very much.

10 **A. Thank you.**

11 CHAIRMAN: Well, HIA400, those are the last questions we
12 have for you. Thank you for coming again to speak to us
13 today.

14 **A. Thank you.**

15 Q. I am sorry we have to ask you to come back, but it is
16 difficult to deal with more than one institution at the
17 same time.

18 **A. I understand.**

19 Q. Like yourself, many who applied to us went through
20 several. So we have had to bring you back, but I think
21 I am right in saying this should be the last time as far
22 as you are concerned. Thank you very much for coming to
23 speak to us.

24 **A. Thank you.**

25 **(Witness withdrew)**

1 MS SMITH: Chairman, the next witness is to be taken by
2 Mr Aiken, but perhaps we should have a short break and
3 ensure they are ready.

4 (10.45 am)

5 (Short break)

6 (11.00 am)

7 WITNESS HIA374 (called)

8 CHAIRMAN: Yes.

9 Questions from COUNSEL TO THE INQUIRY

10 MR AIKEN: Chairman, Members of the Panel, good morning.

11 The next witness today is HIA374, who is "HIA374". He
12 gave evidence to the Inquiry on Day 140, which was
13 9th September of 2015, during the St. Patrick's element
14 of Module 7. You will find his evidence at pages 2
15 through to page 26 of the transcript of that day. On
16 that occasion HIA374 took the oath and is aware that he
17 remains under oath this morning. He confirmed to the
18 Inquiry that he wished to preserve the anonymity that
19 the Inquiry has provided and that remains his position
20 today. He also confirmed that he was born on [REDACTED]
21 [REDACTED] and is now 55 years of age.

22 From the discussion I was having with you, HIA374,
23 earlier, from the material and piecing together various
24 documents, because unfortunately we don't have --

25 A. Uh-huh.

1 Q. -- all of the records, what I am able to establish is
2 that you were sentenced to borstal training on
3 14th March 1977. At that stage you were 16 [REDACTED]
4 [REDACTED]. You spent the closed borstal period of
5 your sentence --

6 A. Uh-huh.

7 Q. -- which amounted to almost five months, in the Maze and
8 then Magilligan.

9 A. Yes.

10 Q. You were at a period -- I was explaining to you the new
11 closed borstal at Millisle opened a few months later in
12 November 1977 --

13 A. Uh-huh.

14 Q. -- but your period between March and August '77 you
15 spent in the Maze and Magilligan. Then you moved on the
16 grading process --

17 A. Uh-huh.

18 Q. -- after almost five months to Millisle to the open
19 borstal on 22nd August 1977, by which stage you were
20 17 years of age, and from one of the records it appears
21 you may have been in Alexander house. There seems to
22 have been two houses --

23 A. Yes.

24 Q. -- and that house system --

25 A. Yes.

1 Q. -- of scoring against one another being in operation.

2 You were you in the open borstal in Millisle for seven
3 months or six and a half to seven months and you were
4 released on licence on 10th March 1978.

5 **A. Yes.**

6 Q. You left when you were 17. You talk to the Inquiry
7 about your time both in the Maze and in Millisle.

8 **A. Yes.**

9 Q. As you know, it is Millisle that we are looking at
10 today. If we bring up your witness statement, please,
11 at MIL046. Now you proved your witness statement on the
12 last occasion, HIA374 --

13 **A. Yes.**

14 Q. -- but I am just going to get you to just check and make
15 sure we are looking at the right one. You should
16 recognise that as the first page of your statement
17 except for the black marks.

18 **A. Yes.**

19 Q. Then if we look at the last page at 052, that hopefully
20 will be the last page, and you confirmed on the last
21 occasion that you had signed it and you wanted to adopt
22 it as your evidence.

23 If we go back to paragraphs 15 and 16 at MIL050, it
24 is there that you talk about your time in Millisle.

25 **A. Yes.**

1 Q. You have also provided the Inquiry with a handwritten
2 record about this period in borstal and that for the
3 Members of the Panel can be found at MIL30181 to 30184.

4 Also on 18th February 2014 you spoke to the police
5 --

6 **A. Uh-huh.**

7 Q. -- about what you are describing and that police
8 statement can be found at 30185 to 30187, and it is on
9 page 30187 that you -- the last page of the police
10 statement where you talk about your time in Millisle.

11 Then, which has also assisted with piecing together
12 the jigsaw, HIA374 --

13 **A. Uh-huh.**

14 Q. -- the Panel have the criminal record, which is at 30026
15 to 30031, and that explains that the borstal training
16 was as a result of a conviction for assault --

17 **A. Uh-huh.**

18 Q. -- from [REDACTED] Juvenile Court. In keeping with
19 establishing that you left borstal in March of '78 there
20 is then a subsequent conviction in August of '78 and
21 then one we were talking about --

22 **A. Yes.**

23 Q. -- which was hijacking from January 1980, because it is
24 at that time that a report is then written on your time
25 spent in borstal.

1 I am going to just bring that report up so that the
2 Panel can see what was being said. If we bring up,
3 please, 60594. So, just to contextualise this, this is
4 a report written in 1980 shortly before you are going to
5 be sentenced for the hijacking offences, which are --
6 occurred in 1979 on a date in September and December.
7 It is essentially being written almost two years after
8 you left Millisle Borstal.

9 **A. Uh-huh.**

10 Q. If we scroll down a little, please, we can see the
11 comments from the governor. They seem to be in inverted
12 commas. So they have perhaps been lifted from another
13 report which we don't have, but it records you on
14 reception being assessed in terms of your educational
15 ability and then describes you as:

16 "He made very good progress in the bricklayer's shop
17 and similarly made positive use of the Adventure
18 Training Programme.

19 My opinion was that his feelings have been to some
20 extent modified and in that way borstal training had
21 been a success."

22 It records you then as being released on licence on
23 10th March 1978 and then a period of supervision that
24 followed.

25 Now the report goes on then to point out that you

1 can't be sentenced to another --

2 **A. Yes.**

3 Q. -- borstal training sentence, because after the 1968 Act
4 you could only go once, and if you reoffended then, it
5 was the Young Offenders Centre --

6 **A. Yes.**

7 Q. -- or prison, but at least that report that's available
8 for a later offence allows us to see what was being said
9 of your time --

10 **A. Uh-huh.**

11 Q. -- in Millisle Borstal at the time you were there.

12 In addition, the Panel has access to the Department
13 of Justice's replying statement, which is at 094 to 095,
14 albeit that it, because your personnel -- your file from
15 your time in Millisle has long since been destroyed --

16 **A. Yes.**

17 Q. -- the Department aren't in a position to say anything
18 specific about your time there.

19 HIA374, as you know, I said to you earlier today the
20 Inquiry is not investigating the Maze, but you explain
21 in your statement from paragraphs 8 through to 14 --

22 **A. Uh-huh.**

23 Q. -- your period in the closed borstal on a wing in the
24 Maze --

25 **A. Yes.**

1 Q. -- and you had an issue about being sent there --

2 A. Yes.

3 Q. -- whenever it was an adult prison --

4 A. Yes.

5 Q. -- but sent to that borstal wing that they were
6 operating, and you make allegations in that statement
7 about what MZ1 --

8 A. Yes.

9 Q. -- did to you, which you say occurred while you were in
10 the Maze.

11 A. Yes.

12 Q. Because -- he is represented, because he faces those
13 allegations --

14 A. Yes.

15 Q. -- and he's had an opportunity to respond to them in
16 addition to a matter that relates to Millisle, and the
17 Panel have access to his replying statement, which is at
18 796. As I said to you, he denies --

19 A. Yes.

20 Q. -- those allegations that you make and says -- sets out
21 as the reasons --

22 A. Uh-huh.

23 Q. -- I will not go into them -- you and I talked about
24 them earlier --

25 A. Yes.

1 Q. -- the reasons why he says that what you are saying is
2 not correct.

3 **A. Uh-huh.**

4 Q. You made the point to me earlier, "Well, he's lying".

5 **A. Yes.**

6 Q. You're -- you're clear about what --

7 **A. I'm very clear, yes.**

8 Q. -- what happened.

9 Then in respect of Millisle, you were explaining to
10 me, HIA374, that essentially your only complaint is
11 about the person you knew as **Officer Skillen**

12 **A. Yes.**

13 Q. -- in the laundry.

14 **A. Yes. That's correct.**

15 Q. You were explaining to me that you had no problem with
16 any other staff.

17 **A. No. I never had any problems with any staff. They all
18 treated me with respect and gave me, you know, no
19 problems at all.**

20 Q. That there were decent facilities --

21 **A. Yes.**

22 Q. -- in the place.

23 **A. Yes.**

24 Q. It was the old mansion house you were living in.

25 **A. Yes.**

1 Q. As I was talking to you about the closed borstal, which
2 would have been -- had come on stream while you were in
3 the open borstal --

4 **A. Uh-huh.**

5 Q. -- you yourself could not remember the closed borstal at
6 all.

7 **A. No.**

8 Q. So there wasn't interaction that you remember between
9 the two parts?

10 **A. No.**

11 Q. You were saying to me the gym was available --

12 **A. Yes. We had good facilities.**

13 Q. -- and there was a lot of sporting ...

14 **A. Yes.**

15 Q. And you said the food was good.

16 **A. It was good, yes. We were well looked after I think.**

17 Q. You talked to me about the training and you were
18 explaining to me that if you wanted to learn --

19 **A. You could have, yes.**

20 Q. -- you could have.

21 **A. Yes.**

22 Q. I was talking to you about the educational classes,
23 which according to the records seem to have been
24 compulsory at a point. You were saying to me --

25 **A. You could have choosed (sic).**

1 Q. -- you played musical instruments.

2 A. **Yes, yes.**

3 Q. If you did play musical instruments, then --

4 A. **It was classed as education.**

5 Q. -- it could come in and that was --

6 A. **Yes.**

7 Q. -- part of what you would have done in the evening.

8 A. **Most of the academic work was for people who maybe**
9 **didn't go to school, you know, and didn't have the**
10 **opportunities for school. So they would have been put**
11 **into literature and stuff like that.**

12 Q. You yourself in your statement, if we go back, please,
13 to 050, you talk about the bricklaying.

14 A. **Yes.**

15 Q. In fairness the governor referred to it in the
16 contemporaneous report that we have seen.

17 A. **Uh-huh.**

18 Q. You were saying that was something you had already begun
19 before you went to borstal.

20 A. **Yes. I had already done a year of my apprenticeship,**
21 **City & Guilds, which I passed, and then I continued on**
22 **in Millisle just doing bricklaying.**

23 Q. Looking at paragraph 15 of your statement then, HIA374,
24 and the issue in the laundry --

25 A. **Uh-huh.**

1 Q. -- to put the context of this, you had to go to the
2 laundry your recollection is once a week.

3 **A. About once a week with your bed linen, towels and stuff.**

4 Q. In the laundry was this man --

5 **A. Uh-huh.**

6 Q. **Officer Skillen**, but there were other boys or trainees --

7 **A. Some of the trainees would have worked.**

8 Q. -- who were there as well, who worked alongside him.

9 **A. Yes.**

10 Q. Were there other officers with him that you can
11 remember?

12 **A. Usually it was just him. He run the laundry and ...**

13 Q. So him and the boys who worked in the laundry?

14 **A. And a couple of young lads, yes.**

15 Q. What you describe him doing, he used to put his arms
16 round you and tried to kiss you.

17 **A. Yes.**

18 Q. Then you could feel his erect penis --

19 **A. Yes.**

20 Q. -- against your body. Bent you over the washing
21 machines and simulated sex with you.

22 **A. Uh-huh.**

23 Q. You say:

24 "This was not a joke to him. He meant everything
25 that he was doing."

1 **A. Yes.**

2 Q. Do I take from that that he tried to give the impression
3 at the time that it was a joke?

4 **A. Well, he seemed to enjoy it. That's the only way I can**
5 **remember it.**

6 Q. Was he doing this in front of the other people who were
7 there?

8 **A. Yes, there were other people there, yes, yes.**

9 Q. And given he was doing it in front of it (sic), how did
10 it -- did he laugh it off? Was it made seem like
11 a joke, but it wasn't a joke to you? How did --

12 **A. It wasn't funny at all to me. It was devastating to me.**
13 **That's the way I -- no, he wasn't joking. It wasn't**
14 **a joke as far as I know.**

15 Q. I am not suggesting he was joking, HIA374, but did he
16 try to pass it off as a joke?

17 **A. I don't really remember much what way he would -- he**
18 **would just -- I can just picture him trying to kiss me,**
19 **putting me over machines, stimulating (sic) sex with me.**
20 **You know, I wasn't thinking what he was thinking, if you**
21 **know what I mean.**

22 Q. Yes. He didn't afterwards, you know, make a laugh of it
23 with the other people --

24 **A. No.**

25 Q. -- who were there that he was doing it in front of?

1 **A. No, not in my time anyway, unless he -- unless he made**
2 **light of it when I had left maybe. I don't know, but he**
3 **didn't make light of it in front of me.**

4 Q. And would he have done this type of thing each time that
5 you went?

6 **A. I think nearly every time I went to the laundry there**
7 **was some sort of motion from him or trying to do**
8 **something to you. Not just me, but other people as**
9 **well.**

10 Q. Well, I wanted to ask you about other people, because
11 you were explaining to me that it was talk amongst the
12 boys --

13 **A. Yes.**

14 Q. -- of "Oh, no, not the laundry!"

15 **A. "Not laundry day", yes.**

16 Q. Am I right in saying you didn't see him do it to anybody
17 else --

18 **A. No.**

19 Q. -- but it was the talk?

20 **A. Yes, yes, yes. He was talked about.**

21 Q. You explain then in paragraph 16 that there was one
22 occasion you plucked up the courage to tell a senior
23 member of staff what was taking place.

24 **A. I did, yes.**

25 Q. Now you can't remember this man's name.

1 **A. No, I can't.**

2 Q. You don't think it was the governor you told.

3 **A. No, no.**

4 Q. But this person had their own office.

5 **A. I think he had his own little office, yes, yes.**

6 Q. You describe him as being sharp dressed, very
7 presentable --

8 **A. Yes.**

9 Q. -- black hair and you say a black moustache. You said
10 to me earlier you think he had a black moustache.

11 **A. I think he had a black moustache, yes, yes.**

12 Q. You -- can you -- I appreciate you are not going to
13 remember word for word now at this remove, HIA374 --

14 **A. Uh-huh.**

15 Q. -- but can you remember what you told him?

16 **A. I think I was trying to stop making me -- myself getting
17 angry and maybe -- maybe end up fighting with **Officer Skillen**.**

18 So I didn't want to be doing that and getting kept in
19 borstal for a longer period of time. So I did go to

20 a member of staff and I told him basically what was
21 going on and he was sitting reading and he just ...

22 (gesturing). Nothing was done, but I did complain.

23 Q. So you never heard anything more about --

24 **A. No, no.**

25 Q. -- the complaint?

1 **A. No.**

2 Q. Was that the only time that you spoke to anyone about
3 what happened?

4 **A. Yes, yes.**

5 Q. I am right in saying, HIA374, that it wasn't until the
6 Inquiry process and speaking to the police as a result
7 of that --

8 **A. Uh-huh.**

9 Q. -- that you spoke to them about what happened?

10 **A. Yes.**

11 Q. As I said to you, the Inquiry has been able to establish
12 that the person you knew as **Punchy**

13 **A. Uh-huh.**

14 Q. -- appears to have been probably around fifty at the
15 time you were --

16 **A. Yes, he would have been.**

17 Q. -- in the borstal. He died in 1994. The nickname
18 appears to have come as he was the sparring partner to
19 a famous local boxer called --

20 **A. Yes, Freddie Gilroy.**

21 Q. -- Freddie Gilroy. So you remember --

22 **A. Uh-huh.**

23 Q. -- the boxer. You were saying to me that your own
24 family was into boxing.

25 **A. Yes.**

1 Q. That's where the name is said to have come from, but
2 unfortunately there are no records, and he doesn't seem
3 to have ever been the subject --

4 **A. Uh-huh.**

5 Q. -- of matters being reported to the police for the
6 Inquiry then to look at that material. What
7 recollections there are of him -- the governor who was
8 there in your period --

9 **A. Uh-huh.**

10 Q. -- you were there in '77 -- that governor was Duncan
11 McLoughlin, who has provided a statement to the Inquiry.
12 The point he has drawn to the Inquiry's attention is
13 that in his dealing with this man --

14 **A. Uh-huh.**

15 Q. -- his knowledge of him as a member of staff, he was
16 a decent man working --

17 **A. Uh-huh.**

18 Q. -- and was never aware of any concerns about him and
19 never had any concerns about him, but you are clear
20 about --

21 **A. I am 100% clear.**

22 Q. -- about what took place.

23 HIA374, as you know, the Panel have the opportunity
24 and do read the material in advance of --

25 **A. Yes.**

1 Q. -- you giving your evidence. So I am not going to -- as
2 I said to you, normally we have two questions we ask at
3 the end. We dealt with recommendations on the last
4 occasion.

5 **A. Yes.**

6 Q. The last question I ask is whether there is anything
7 else perhaps I haven't covered in trying to make this as
8 easy a process as I can for you --

9 **A. Yes.**

10 Q. -- whether there's anything else you want to mention to
11 the Inquiry about your time in Millisle. Now is the
12 time to do that.

13 **A. Right. Well -- well, my experience with the rest of the**
14 **staff was -- was okay in Millisle. I didn't come here**
15 **to rubbish the judicial system or the courts or the**
16 **Prison Service. Most of them treated me okay, but there**
17 **was, you know -- this was a major thing in my life was**
18 **Officer Skillen**, what he did to me, like, and it's lasted
19 with me to this day. It keeps coming up in my memory.
20 If I even listen to the news and I see something on the
21 news, it just comes back into my head again. It had
22 an awful effect on my life. That's -- you know, that's
23 all I'm really going to say. It wasn't a very good time
24 in my life in what he did to me, like.

25 You know, I am not after retribution or vengeance.

1 **That's not what I am about at all. As I said before,**
2 **I don't want any of these people -- it is not my**
3 **decision, but I wouldn't want them taken to court to put**
4 **their family through a load of hassle. It is too late**
5 **I think. So, as I say, I am not after vengeance in any**
6 **shape or form. So ...**

7 Q. And you have explained to me that, while we are focusing
8 on Millisle, you had the same view about the Maze --

9 **A. Yes.**

10 Q. -- and MZ1 and what happened.

11 **A. I was brutalised in there at a young age. That had**
12 **a devastating effect on my life as well, so it had, and**
13 **I think society shouldn't be putting children into adult**
14 **prisons, especially what I would deem a terrorist prison**
15 **camp basically, because the regime was pretty heavy, you**
16 **know, and we were only kids.**

17 Q. We were having a discussion earlier about the changing
18 prison population --

19 **A. Yes, I understand that.**

20 Q. -- moving around of the borstal closed element.

21 **A. Yes.**

22 Q. Well, HIA374, I am not going to ask you any more
23 questions.

24 **A. Uh-huh.**

25 Q. If you bear with me for a short while, the Panel Members

1 may want to ask you something.

2 **A. Okay.**

3 Q. And thank you.

4 **A. Thank you. Thank you also.**

5 **Questions from THE PANEL**

6 CHAIRMAN: HIA374, can I just ask you two things? First of
7 all, you said that if you wanted to learn in Millisle,
8 you could.

9 **A. Yes.**

10 Q. You told us about -- did you continue your City & Guilds
11 course that you had started before you went in or did
12 you start it when you went in?

13 **A. I finished my City -- first year City & Guilds in [REDACTED],**
14 **at a college in [REDACTED].**

15 Q. I see.

16 **A. Then when I was in Millisle, I think I got a certificate**
17 **when I was leaving, because I did some ...**

18 Q. You maybe did a further stage of it or something like
19 that?

20 **A. Yes, I did, yes.**

21 Q. Were there a lot of the trainees who chose to go on what
22 I might call vocational type, trade type courses,
23 bricklaying --

24 **A. Yes.**

25 Q. -- carpentry, metalwork or whatever, that sort of thing?

1 **A. Yes. There was -- there was some people, they just went**
2 **to the workshops just for something to do.**

3 Q. Yes.

4 **A. They had no interest in learning, but with me already**
5 **having a background in the building, it was okay for me.**
6 **You know, I didn't mind.**

7 Q. I see. If I could then ask you to go to what you've
8 told us about **Officer Skillen**

9 **A. Yes.**

10 Q. -- and the way he behaved towards you, and you heard
11 tales about him behaving the same way to other --

12 **A. Yes.**

13 Q. -- people, did that sort of experience happen to you
14 every time you went to the laundry, every week or most
15 times or now and again? How often would it have been?

16 **A. It was every time I went to the laundry. I think it was**
17 **near enough every time there was some sort of a movement**
18 **towards you. It mightn't have been the full ..., but he**
19 **was definitely doing something every time.**

20 Q. Yes, and Mr Aiken asked you about this in some detail.
21 I mean, a number of people have told us slightly
22 different things about --

23 **A. Uh-huh.**

24 Q. -- what they felt his -- his reason for doing this or
25 his attitude was, and if I have understood you

1 correctly, he may have tried to make light of it to
2 others, but you certainly felt that it was a sexual
3 approach that he was making?

4 **A. Without a doubt.**

5 Q. Not just horsing around?

6 **A. No, no, no. If I had thought it was just horsing
7 around, I wouldn't even be here today.**

8 Q. Yes. Without going into the details --

9 **A. No.**

10 Q. -- you said in your witness statement why you felt that.

11 **A. He -- to me it seemed as if he enjoyed what he was
12 doing.**

13 Q. Yes.

14 **A. He was getting some sort of arousal out of it.**

15 Q. Exactly. So whether he was passing it off as a joke to
16 others, that wasn't what you gained from it?

17 **A. No, no.**

18 Q. I see. The officer that you spoke to, how much did you
19 tell him of the detail that you've told us or did you
20 not say as much as you've told us, or what is the
21 position?

22 **A. You were scared -- you were scared to say too much in
23 case the staff sort of kept you in borstal longer.**

24 Q. Yes.

25 **A. They had that power to keep you longer, and most people**

1 **just wanted out back to their families. So you had --**
2 **you had an awful element of fear, but I don't know**
3 **whether I went into detail with the man or not. I can't**
4 **really remember, sir.**

5 Q. Did you think afterwards that, even if nothing was done,
6 there didn't seem to be any come-back against you from
7 the prison officers?

8 **A. There was no come-back. I mean, asking a prison officer**
9 **to investigate another prison officer, you know,**
10 **I didn't think there was much -- much point.**

11 Q. But as far as you know I gather from what you are saying
12 there weren't any reprisals on you by the prison
13 officers?

14 **A. No, no.**

15 Q. Just nothing was done about it?

16 **A. Nothing was done about it.**

17 Q. Thank you.

18 MS DOHERTY: Thanks very much, HIA374. Can I just ask you:
19 did **Officer Skillen** behave like that outside the laundry?
20 Were you -- did you have contact with him outside the
21 laundry?

22 **A. You didn't really see much of him outside of the**
23 **laundry.**

24 Q. Just --

25 **A. You know, that was where he was sort of based was in the**

1 **laundry. You would have seen him walking about the odd**
2 **time, but it seemed that his domain where he --**

3 Q. Was the laundry?

4 **A. Was the laundry, yes.**

5 Q. And he would usually be there without any other officer
6 present?

7 **A. Yes, usually just other trainees helping him.**

8 Q. Okay. Can I just ask: we have heard about a Visiting
9 Committee --

10 **A. Yes.**

11 Q. -- that there would be. Do you remember them?

12 **A. Yes.**

13 Q. Do you remember talking to them?

14 **A. Yes.**

15 Q. Could you say a bit?

16 **A. Well, when I was in the Maze part of the borstal, we**
17 **were told before the visiting party came in that if we**
18 **opened our mouths, we would be battered. So when the**
19 **visiting party came in, they would ask you, "Is**
20 **conditions okay and is everything all right?" and you**
21 **just had to say, "Yes, everything's fine".**

22 Q. And in relation to Millisle do you remember a Visiting
23 Committee?

24 **A. I'm not too -- I can't really remember, no.**

25 Q. So that's about the Maze you remember that now?

1 **A. Yes.**

2 Q. Okay. Thanks very much.

3 CHAIRMAN: Well, HIA374, those are the only questions we
4 have for you. Thank you very much for coming back to
5 speak to us today. As I think we have possibly
6 explained before, but if not, I will do it now, it is
7 really too difficult for us to separate each person's
8 experiences --

9 **A. Yes.**

10 Q. -- and people like you, who have been through more than
11 one institution, it means that sometimes, like you, we
12 ask you to come back again, but I think I can say to you
13 with some confidence this is the last time we will ask
14 you to come back.

15 **A. Thank you, sir.**

16 Q. Thank you very much for coming to speak to us today.

17 **A. Thank you for letting me come.**

18 Q. Thank you. HIA374, we are going to turn to deal with
19 another gentleman who applied to the Inquiry but who
20 sadly has died since.

21 **A. Oh, dear.**

22 Q. So if you would like to go, there is no need for you to
23 stay in the chamber. Thank you.

24 **A. Okay, sir. Thank you.**

25 MR AIKEN: I will come and see you shortly, HIA374.

1 A. Okay.

2 (Witness withdrew)

3 Evidence of HIA294 dealt with by COUNSEL TO THE INQUIRY

4 MR AIKEN: Chairman, Members of the Panel, I am going to now
5 deal with the evidence relating to HIA294, who is
6 "HIA294". I am working on the basis that he would keep
7 the anonymity that the Inquiry would have been providing
8 to him, were he here today.

9 He, having been born on [REDACTED], applied to
10 the Inquiry in July of 2013 and wished to participate in
11 both the Acknowledgment Forum element and the Statutory
12 Inquiry. He saw the Acknowledgment Forum on 10th
13 February of 2014, but unfortunately passed away from
14 cancer [REDACTED], aged 52.

15 From the material that's available it appears he was
16 in the borstal from 8th May 1979, aged 17, [REDACTED]
17 [REDACTED], until 6th June 1980,
18 [REDACTED].

19 The Inquiry has tried to facilitate his wish of
20 participating in the Statutory Inquiry by Ms Doogan, one
21 of the assistant solicitors to the Inquiry, providing
22 a witness statement, which the Panel have, of 4th
23 January of 2016. If we can just show it on the screen,
24 please, at 064. From that witness statement Ms Doogan
25 explains that what she has done is to look at the

1 Acknowledgment Forum transcript, which the Chairman in
2 his discretion decided should be made available to the
3 legal team in this particular circumstance, and has set
4 out in the statement what HIA294 said to the
5 Acknowledgment Forum about his time in Millisle Borstal.

6 CHAIRMAN: Yes. Just so it is clear from what has happened
7 on the transcript, as the procedure before the
8 Acknowledgment Forum has been explained, the Forum Panel
9 Members don't ask any questions other than to perhaps
10 help someone to get their story out. So what HIA294
11 said was not gone into in any detail other than what he
12 chose to say. So there is a difference between the
13 format as well as the content of his statement compared
14 to someone such as the last witness.

15 MR AIKEN: Yes. There is no probing done into what is being
16 said. It is an opportunity for the person to say
17 whatever they want to say.

18 What I can now draw to the Panel's attention in
19 addition to what is said on the Acknowledgment Forum
20 transcript is that we have just recently received the
21 police statement from 16th May of 2013. The police have
22 provided it to the Inquiry, the Inquiry being unaware
23 from any material it had that HIA294 had spoken to the
24 police.

25 I am going to look at pages 4 and 5 of the police

1 statement, if we can go to 30077, please. It runs from
2 30074 to 30078. In this, if we scroll down, please --
3 the account may be of assistance to the Panel -- he
4 says:

5 "I was at -- when I left the home I hated all the
6 authorities and went along the wrong road. In 1979
7 I was sentenced by [REDACTED] High Court to borstal for
8 discipline. I was at borstal in Millisle for a period
9 of thirteen months between 1979 and 1980. Initially
10 I was put into assessment, which was being (sic) behind
11 the main big house. You normally stayed in assessment
12 for six months, depending on your behaviour."

13 I take him to be referring then to the closed
14 borstal that was adjacent to the mansion. He says:

15 "I remember one particular prison officer in
16 assessment would have hit me punches in the stomach and
17 kidneys or kicked me in the shins. I can't recall this
18 prison officer's name, but I recall that he was about
19 40 years old, slim build with curly, dark gingery hair.
20 He used to wear Oxford brogues. The assaults by this
21 prison officer happened on more than three occasions in
22 the closed unit. The assaults would have been observed
23 by other prisoners and I observed assaults on them too.
24 I can't recall any of the other prisoners' names.
25 I can't recall what marks or injuries I would have

1 sustained as a result of the assaults.

2 When I got moved up to the proper wing, my class
3 officer was **ML 7**. He was in his 40s, a tall man,
4 going grey, who was smartly dressed. For some unknown
5 reason he didn't like me. He was fond of lifting his
6 hand to me too. He would punch me quite often in the
7 stomach and kidneys. Once again I don't recall seeing
8 any marks.

9 One evening before lock-up he opened my cell door
10 and asked if I had a brother called ML15. I said,
11 "Yes". He then grabbed the cell door with one hand and
12 slammed it so hard that the plaster surrounding the
13 frame of the door cracked. I don't know why he asked
14 about my brother. It was mental torture from then on.
15 I could not do anything to please him and always felt
16 like I said the wrong thing."

17 He refers then to another individual that he says
18 claimed to have received a black eye from the same
19 officer.

20 Then slightly further down the sentence that begins:

21 "Another prison officer called ML14 also assaulted
22 me when I was about 17 years old. ML14 took you for
23 PTI", physical training, "in the closed but also worked
24 in open. I recall one time taking off my gutties in the
25 gym when ML14 came from behind me and hit me one

1 almighty blow in the back. It was so bad that
2 I couldn't breathe or talk. He found it funny. Because
3 of the angle I was at, I could see ML14 approach me from
4 behind. Other prisoners must have seen, but I can't
5 remember their names. ML14 hurt me the most. I didn't
6 complain, but I was sore for days. I have had a recent
7 scan at hospital".

8 and they discovered a particular injury on his
9 lung, which he then attributes to what occurred many
10 years before.

11 That is an account that HIA294 gave to the police in
12 May 2013 before he spoke to the Acknowledgment Forum.
13 It is in a form that may be of assistance to the Panel.

14 Now in addition in terms of documents that the Panel
15 have access to there is a medical report from Dr Bones,
16 the psychiatrist, from 28th October 2004. I am not
17 going to open that document, but it runs from MIL30089
18 to 30100. It is a report that was obtained in relation
19 to the sentencing process for offences of 9th May 2004,
20 which led to convictions for HIA294 in December 2004.
21 The references that tie that up are at 30050 and 30089.
22 In that report, which the Panel has had the opportunity
23 to consider, I will simply draw to the Panel's attention
24 publicly that there are reasons put forward for HIA294's
25 experiences, but there is no mention in the report of

1 any allegations of mistreatment whilst in any
2 institution, including that in respect of Millisle.

3 The Panel also has access to the replying statement
4 from the Department of Justice, which is at MIL764 to
5 765. There are some exhibits that run from 766 to 771.
6 There is a further statement as of today from the
7 Department, which is at 831 to 832, which gives the
8 circumstances of a particular officer.

9 Then the Panel have the criminal record, which is at
10 30047 to 30056. That explains that the borstal sentence
11 was imposed by [REDACTED] County Court on 8th May 1979
12 for burglary and theft. That can be found at 30047 and
13 8. It suggests that the release was on 6th June 1980,
14 30048.

15 Now in both the account that's transcribed from the
16 Acknowledgment Forum into Ms Doogan's statement and in
17 the police statement that we have just looked at HIA294
18 has said that the officer by the name of [REDACTED] ML 7 was
19 fond of lifting his hand to him and would punch him
20 quite often in the stomach and kidneys. Then he
21 describes the other occasion where the door of his cell
22 was slammed and he said to the Acknowledgment Forum that
23 it damaged the door, and that he was aware of another
24 boy who claimed to have been hit by this officer and
25 received a black eye.

1 Now [REDACTED] ML 7 -- whose name shouldn't be used
2 beyond the chamber -- worked in Millisle from [REDACTED]
3 March 1978 to [REDACTED] September 1980. The reference for
4 that is at MIL764 in paragraph 3. So the time period is
5 certainly consistent with HIA294's period in Millisle.

6 As the Panel is aware, the Inquiry takes whatever
7 steps it can to trace and engage with an individual who
8 faces an allegation, and it has been possible to trace
9 [REDACTED] ML 7 . He has explained to the Inquiry that he was
10 extremely upset to be made aware of the allegation,
11 resented it and denied it.

12 He did draw attention -- and to be fair to him
13 I want to take you back to Ms Doogan's statement. If we
14 look, please, at 064, and we just scroll down, please,
15 and then just move on to the next page, towards the
16 bottom we can see that he describes the interaction with
17 [REDACTED] ML 7 as being "early in '72 or something". So one
18 of the points [REDACTED] ML 7 immediately pointed out was that
19 he wasn't in Millisle in 1972, although in fairness to
20 HIA294 he may well have been mistaken about the dates,
21 because it is clear he was not there until 1979.

22 In addition, [REDACTED] ML 7 denied that he had ever been
23 abusive to any of the inmates in his care during his
24 long career and he didn't wish to engage further with
25 the Inquiry beyond making that clear.

1 As the Panel is aware, the Inquiry endeavours to be
2 fair to everyone. So although he has not engaged with
3 the Inquiry and the Inquiry has not forced him to do so,
4 I am setting out in fairness to him what he has said to
5 the Inquiry staff who have spoken to him. He has
6 elected at the present not to engage and avail of the
7 various participative opportunities that are given to
8 him to respond beyond that which I have outlined.

9 In fairness to him -- and I'm subject to correction,
10 Members of the Panel, and if I am wrong about this,
11 I will draw it to your attention -- I believe this is
12 the only allegation that's made against Officer **ML 7**,
13 but I will have Ms Gibson just check that for me.

14 I am then going to move on to mention ML14, who was
15 the second individual that is named by HIA294. He in
16 the police statement talks about the occasion when he
17 was taking off his gutties and received a blow to the
18 back so that he couldn't breathe or talk. He says in
19 the police statement he didn't complain about it, but he
20 was sore for days, and that hurt him the most.

21 Now as a result of the police statement the police
22 did trace ML14 and were able to establish from him that
23 he worked at Millisle Borstal between 1973 and 1981. He
24 was a senior officer in physical training from 1977 and
25 therefore would have been a senior officer at the time

1 that HIA294 would have been in Millisle Borstal. He
2 worked in the Prison Service until March 1997. Again
3 his name shouldn't be used beyond the chamber.

4 He was interviewed by the police on 30th November of
5 2013, if we can bring up, please, 30079, and this is
6 a statement from the officer who carried out the
7 interview. It runs from 30079 to 30081. I am just
8 going to leave it on the screen, if we scroll on to the
9 next page, please, as I summarise for you that he
10 explained how he never used violence in Millisle towards
11 anyone. If we move through on to 30081, he explains
12 that he never assaulted any inmate, was never the
13 subject of an internal complaint, was never interviewed
14 by the borstal in relation to an allegation. He makes
15 the point he would like to reiterate that if he'd wanted
16 to complain, ie if HIA294 had wanted to complain, at the
17 time, there was a procedure to go through. Then he
18 makes the point that he was 25 years in the Prison
19 Service and never had a complaint made against him.

20 Now the police in the covering report that went with
21 the file it sent to the Public Prosecution Service
22 recommended no prosecution in respect of the allegation.
23 The reference for that is at MIL30072. On 5th December
24 of 2013 the Public Prosecution Service directed that
25 there should be no prosecution of ML14. The reference

1 for that is at 30082.

2 Now again as a result of receiving the police
3 material at the end of last week the Inquiry was placed
4 in a position to be able to contact ML14. If fairness
5 to him he responded immediately to the letter that he
6 received from the Inquiry. He explained that, as the
7 matter had been examined by the police, who had cleared
8 him, as he regarded it, he did not wish to engage with
9 the HIA Inquiry about the allegation. Obviously the
10 Inquiry has the interview with ML14 as to what he wanted
11 to say in response to the allegation that was made.

12 In fairness to ML14, like **ML 7**, this is the only
13 complaint that there appears to have been against him,
14 which is the same for **ML 7**. No-one else to the
15 Inquiry or any other body that the Inquiry has been able
16 to check with, including the police, has ever received
17 a complaint about either of these individuals from
18 anyone other than HIA294.

19 As the Panel is aware is in keeping with the
20 Inquiry's practice, the Inquiry did make efforts to make
21 the family of HIA294 aware that we would be dealing with
22 the matter this morning. We did that through the legal
23 representative who'd communicated with the Inquiry on
24 their behalf previously. I am not aware of any of them
25 being present today, but I will record that those are

1 the steps that were taken.

2 Unless I can assist the Panel any further, that's
3 what I propose to say about HIA294's evidence before the
4 Inquiry.

5 CHAIRMAN: Thank you very much. I think that completes our
6 business for today.

7 MR AIKEN: It does.

8 CHAIRMAN: Well, we will rise now and sit again at the usual
9 time tomorrow, Thursday.

10 (11.50 am)

11 (Inquiry adjourned until 10 o'clock tomorrow morning)

12 --ooOoo--

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