
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 20th October 2014

commencing at 10.00 am

(Day 59)

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

1 Monday, 20th October 2014

2 (10.00 am)

3 WITNESS HIA244 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. I am sorry

5 we are a little late starting this morning, but there

6 are various things that have had to be sorted out

7 beforehand. I understand we have a change in the order

8 of witnesses, but before I deal with that can I

9 just remind everyone that when the Inquiry is sitting,

10 please ensure that your mobile phone is either turned

11 off completely or at least placed on silent/vibrate.

12 Secondly, I must remind everybody that no photography is

13 permitted anywhere on the premises or within the

14 perimeter fence of the -- of the building.

15 Yes, Ms Smith.

16 MS SMITH: Yes, good morning, Panel Members, ladies and

17 gentlemen. There has been a change in the advertised

18 running order in that the first witness we are dealing

19 with this morning is HIA244. He is to be known as

20 HIA244, and HIA244 wishes to maintain his anonymity, and

21 he is willing to take the oath, Chairman.

22 CHAIRMAN: Thank you very much.

23 WITNESS HIA244 (sworn)

24 CHAIRMAN: Thank you very much, HIA244. Please sit down.

25

1 Question from COUNSEL TO THE INQUIRY

2 MS SMITH: There is a statement from HIA244 which can be
3 found at RUB646 in the bundle.

4 The Order's response statement is at RUB2950 to 2955
5 with the exhibits at 2956 to 2962.

6 There is a short statement from the Health & Social
7 Care Board at RUB8074 to 8075, which indicates that
8 despite the fact that the indications are that this
9 child -- this gentleman was placed in the care of the
10 Welfare Committee, they no longer have records in
11 respect of him. We have recently received a letter from
12 the Health & Social Care Board, which indicates that
13 there was a destruction policy in respect of the records
14 after a certain period of years, and that may well be
15 the explanation for the lack of records in respect of
16 a number of applicants to the Inquiry. We -- I haven't
17 got the Bates number for that letter, but it is in the
18 bundle, and I will get the Bates number and let you have
19 that later.

20 There is also a police statement in the bundle made
21 by HIA244, which is at RUB66729 to 66736, and there's
22 also a response from one of the Brothers against whom
23 allegations are made by him. That's BR2, and again that
24 name is not to be used outside the chamber without his
25 written permission. That can be found at RUB1929, and

1 it is paragraphs 48 to 53 of that statement that are
2 directly relevant to this applicant.

3 HIA244, that's some of the administrative side of
4 what we are dealing with this morning. If we could just
5 take you to your witness statement, please, which is at
6 RUB646. If that could be called up on the screen. Now
7 you have the original document or the copy of your
8 witness statement there, HIA244. You will see it says
9 -- instead of your name it gives "The Witness Statement
10 of HIA244", which is the designation the Inquiry has
11 given to you. If we could just go to the last page of
12 the statement, which is 658, 658.

13 **A. All right then.**

14 Q. That's RUB658 please. Yes. Can I just ask you to
15 confirm, HIA244, that you have signed and dated the
16 witness statement and that's 21st February 2014?

17 **A. That's fine, yes.**

18 Q. And can I ask you then is this the evidence that you
19 wish the Inquiry to take into account together with
20 anything that you tell us this morning?

21 **A. Yes, of course, yes.**

22 Q. Now if we just go back to the witness statement in the
23 first page at paragraphs 1 to 4, that's 646, the first
24 four paragraphs you set out the personal details of
25 yourself and your family and how you came to be taken

1 into care, and you say there that you were promised at
2 court that would be kept together,
3 but as soon as you were out of court you were separated.
4 You and were taken to in
5 and brother was taken to Rubane
6 House in Kircubbin.

7 **A. Yes.**

8 Q. remained at home.
9 were also looked after as well.

10 Can I just then move on to paragraph 6, where you
11 indicate that you were taken to a home in
12 , which would have been a Welfare Committee
13 home.

14 **A. That's right, yes.**

15 Q. You describe your time there in paragraph 6 to 9, but
16 you describe it as -- what it was like and you say you
17 were really happy in , and then you were taken
18 to Rubane all of a sudden one morning when you were told
19 that you were too old for and that you were
20 being moved to Rubane House, and you thought in Belfast,
21 but, as we know, it is actually outside Belfast in
22 Kircubbin. You think most boys were moved when they
23 reached a certain age. They were moved to Rubane.

24 You say, HIA244, you were in Rubane House when you
25 were aged about and you say you stayed there for

1 years until you were ?

2 **A. Yes.**

3 Q. Now we have spoken this morning and I have explained to
4 you that the records the Order have show you were only
5 admitted there when you were age in .

6 **A. That's totally wrong.**

7 Q. And they say that they have no record of when you were
8 actually discharged, but they note -- and I will just
9 for -- pull this document up so we can see what we are
10 talking about. It is RUB2957. You will see that this
11 obviously has not yet been redacted. So the details on
12 there will be redacted before it is used outside the
13 chamber, but it says that you were under the authority
14 of the Derry Welfare. Your date of birth is given and
15 it says date of admission was . If we
16 can just scroll on down through it, your parents'
17 details are given and your medical card details are
18 given, and then in the section that says "Particulars as
19 to leaving the school by licence or discharge" there is
20 nothing written there.

21 **A. This is totally wrong, all wrong, because my mother died**
22 **in while I was in there, and that's when I ran**
23 **away, when I was in there, and I was in there from**
24 **about years of age till I was about ,**
25 **when I got out. I was nearly when I got out of**

1 **there.**

2 Q. When you were in, can I just confirm with you -- and we
3 didn't discuss this -- **DL 390** was also in
4 Rubane?

5 A. **He just got out when I went in. He was just out a few
6 weeks when I was put up there, yes.**

7 Q. Okay, and I'm sure the Order can clarify when he was
8 there, but we think that he may have been discharged in
9 , if my recollection is --

10 A. **That's about right, yes.**

11 Q. So if he left in , that would suggest you
12 only arrived in ?

13 A. **No. It was well before my mother died, well before
14 that, and I think it was about when I went in
15 there, somewhere round that date. I always remember
16 being at secondary school in and I remember
17 always dating my homework and that was in
18 That's -- it was in , and after that I got
19 transferred up to Belfast then.**

20 Q. So there is obviously some confusion --

21 A. **Yes.**

22 Q. -- over the dates, but you do remember being in
23 secondary school?

24 A. **There's no way I went in there in ' , no way, because
25 I've done at least years, to years in**

1 **there, in Kircubbin.**

2 Q. Okay. So in any event if we can just talk about what
3 you remember about your time there, and if we go back to
4 your witness statement, please, and if we go, first of
5 all, to paragraph 19, which is on page 651, you say you
6 had lots of chores to do in Rubane. You say you got up
7 at 6 o'clock every morning. You:

8 "... had to say a full rosary on our knees before we
9 went to mass. After mass we had to do our chores around
10 the dormitories and the big main house. Rubane was
11 a massive big house. Or dormitories and canteen were at
12 the back of the house and we had to use the servants'
13 quarters and stairs."

14 Just pause there --

15 **A. That's right, yes.**

16 Q. -- to say the Order would say there were no servants'
17 quarters.

18 **A. That's right, yes. That was -- servants' quarters was
19 at the back of the house. There was a narrow staircase
20 up into the house.**

21 Q. But what I'm saying to you is they were saying that's
22 how --

23 **A. Oh, we were never allowed to use the main stairs, no.
24 That was out of bounds completely.**

25 Q. But I think what the Order is trying to say there were

1 no servants as such?

2 **A. No, no, there was no servants, no. It was just the**
3 **servants -- it's just in the old days they used it as**
4 **the servants' quarters, yes.**

5 Q. And you say:

6 "There were three or four dormitories. Each of them
7 had approximately six to eight beds on each side of the
8 room. The Brothers all had their own bedrooms in the
9 same areas as the dormitories."

10 You say:

11 "The front of the house was for show and it was out
12 of bounds to us unless we were cleaning. Big shiny
13 staircase that we had to polish day and night to keep
14 spotless for the Brothers."

15 **A. Yes.**

16 Q. "We used to use big buffers to polish the floors and
17 they were so shiny you could see your face in them. We
18 did all the work in Rubane. The Brothers never did any
19 physical labour, and if anything needed to be repaired,
20 I would do it. I used to repair all the slates on the
21 roof and the guttering."

22 **A. Yes.**

23 Q. Now if we can just pause there and say that the Order
24 would say and BR2, who has given a statement, would also
25 say that boys were only got up at 8 o'clock in the

1 morning and at 9 o'clock at weekends, and that they
2 didn't have to do chores and cleaning in the morning?

3 **A. No, that's totally wrong. We went to church every**
4 **morning, said the rosary every morning. We were in**
5 **there about an hour, and then when we came out, we went**
6 **cleaning for an hour and we went to school at 9 o'clock,**
7 **down to the school house. We done that all the time,**
8 **every morning regular.**

9 Q. And they also say that boys would not have been allowed
10 up on to the roof and there was a maintenance man called
11 --

12 **A. There was a maintenance man, yes.**

13 Q. -- [REDACTED], who was there specifically for fixing
14 things that went wrong with the buildings and that.

15 **A. That's why I am**

16 . I done -- I done all

17 [REDACTED] . It was -- it was down
18 on the farm, a pig farm that they had in the home, all
19 this -- a big piggery and we done all the roofs. They
20 weren't that high, the roofs, because they weren't two
21 storeys. They were only one storey, and we done them.
22 We just repaired slipped slates, missing slates, but
23 I asked [REDACTED] to let me do it, because I wanted to do
24 it.

25 Q. You also talk in paragraph 23 about farm work. You say

1 that:

2 "In late September/early October they dragged us out
3 of school to go potato picking for local farmers."

4 **A. Yes.**

5 Q. You say that went on all day, every day for a few weeks
6 each year and it was only at the harvest time. Is that
7 correct?

8 **A. Yes. Exactly, yes.**

9 Q. "The farmers were paying the Brothers", you say, "a
10 pound a day for us and they gave us one shilling
11 a week."

12 You talk about how the dirt would split the skin on
13 your fingers and some mornings the ground would be white
14 with frost. Your hands would be numb with the cold, red
15 raw, cut and bleeding, but you still had to pick the
16 potatoes. You said:

17 "I tried saying I could not do it because my hands
18 were sore, but they just forced me to carry on.

19 Sometimes my fingers were so sore that I tried instead
20 to cup my palms around the potatoes. When we were out
21 potato ..."

22 You talk about the food then. I am going to talk
23 about the food in a moment.

24 In respect of this the Order would say if conditions
25 were too bad, if they were too wet or that, then the

1 boys wouldn't have been sent out.

2 **A. No, we were out. It was dry and frosty and freezing**
3 **with the cold and we sat in the back a tractor about two**
4 **mile out out to this farm to get picking these potatoes,**
5 **and my hands -- the muck was getting up under the skin**
6 **and splitting My hands was red raw. I was picking them**
7 **like that, and I told the Brothers I didn't want to go**
8 **out. "My hands are too sore", but they insisted.**

9 **██████████ says to go on out and do it, you know.**

10 Q. You also talk in paragraph 20 and here again in
11 paragraph 22 or -- sorry -- 23 about the food that you
12 were provided. You say:

13 "Breakfast was the same every single day,
14 hard-boiled eggs, cornflakes, bread and margarine. It
15 never changed."

16 You say:

17 "When you were potato picking, you had to eat the
18 same food every day for breakfast, lunch and dinner,
19 spam, margarine and brown sauce. It was awful. I hated
20 it. Along the hedge there was a trail of spam, because
21 we just couldn't eat any more of it and we would throw
22 it away and then be starving with hunger all day."

23 Now the Order would say the food they provided was
24 basic, but it was good enough food. I mean generally --

25 **A. The thing was for three weeks we had the exact same food**

1 every day and that out in them potato picking. The
2 hedge was lined with spam, with bread and margarine and
3 spam and brown sauce. That's all we got every day.
4 Even today when I go into the supermarket and I see it
5 sitting on the shelf, it turns my stomach just to look
6 at it, because we were pure sick of it, and only the
7 other -- last week I had my daughter in the supermarket
8 and she picked a packet up. I said, "Don't even go near
9 that stuff", I says.

10 Q. They say that when you got back to the home, you would
11 have got a full dinner when you got back.

12 A. Oh, yes, you would have got a dinner when you got back,
13 yes. I am not disputing that. I am only disputing what
14 we ate all day out in the fields, you know.

15 Q. Okay. Paragraph 21 you say that you went to school on
16 site, but you said that you didn't feel that the
17 education was good. You had been doing well at school
18 in at primary school and then in the secondary
19 school in , but you say that there was no real
20 education in Rubane. They went back to basics. There
21 was only one civilian member of staff who taught

22 --

23 A. Yes.

24 Q. -- and the Brothers did all the other teaching.

25 A. Uh-huh.

1 Q. You don't remember any inspectors and you say there were
2 four classes. You were put into the most advanced
3 class, but you didn't progress any during your time in
4 Rubane.

5 **A. No, no, no.**

6 Q. You felt that you were sitting beside people who were of
7 a lesser --

8 **A. Yes.**

9 Q. -- stage of education than yourself?

10 **A. In I was doing really, really well and I loved**
11 **-- I loved going to that secondary school. I was really**
12 **happy there and I was learning a lot, but when I went up**
13 **there, it was just back to basics, and I -- there was so**
14 **much mucking about in the classrooms and everything, you**
15 **know. They was just learning nothing.**

16 Q. And in paragraph 31 at 654 you talk about your memory of
17 leaving Rubane at any stage. You say you were taken out
18 once in the entire years that you were there. You
19 were brought to the cinema in Belfast by minibus. You
20 thought you were going for dinner, a proper evening out,
21 but you were taken straight to the cinema, watched the
22 film and then came straight back. You didn't get to see
23 Belfast. You were expecting a day out around the town
24 and you describe Rubane as like a prison camp and never
25 getting out of it.

1 **A. Well, exactly. That's what it was like.**

2 Q. The Order would say that there were trips. For example,
3 at holiday time they took boys to Glenariff. Do you
4 remember that?

5 **A. Well, they never happened when I was there. I was only
6 taken out once and that was to the cinema.**

7 Q. And they do say now in and their records show there
8 were seven or eight trips to the cinema in Belfast.

9 **A. I wasn't there in , though.**

10 Q. Do you remember intersports -- interschool sports
11 events?

12 **A. We done a few sports, yes.**

13 Q. With other schools, against other schools? Do you
14 remember --

15 **A. They came to us.**

16 Q. In paragraph 32 you go on to say birthdays weren't
17 recognised. You never received any Christmas presents,
18 although a Christmas tree was put up, and you compare
19 that as to how life was in . The Order would
20 say there were presents bought for boys by the Voluntary
21 Workers Committee in St. Vincent de Paul and that, in
22 fact, there was --

23 **A. I never seen any of them. I never actually seen any in
24 there.**

25 Q. Do you remember going to a Christmas party in Mackies

1 Foundry, for example?

2 **A. No, there was no Christmas party. That's definitely**
3 **a no-go, no.**

4 Q. They say there were Easter eggs provided at Easter --

5 **A. No. I never got any.**

6 Q. -- or extra pocket money for birthday. Anything like
7 that that you remember?

8 **A. No. The only thing I do remember, as I was saying**
9 **earlier, St. Patrick's Day, if you were called Patrick,**
10 **you got an orange. That's the only thing I remember.**

11 Q. In paragraph 24 at the end of that paragraph on page 653
12 you talk about having their own tuck shop in Rubane,
13 because you say the Brothers didn't want you out on the
14 street.

15 "They didn't want anyone seeing us and we were given
16 two shillings a week pocket money to spend in the tuck
17 shop."

18 **A. That's right, yes.**

19 Q. So you remember getting pocket money?

20 **A. Yes.**

21 Q. Paragraph 33 you say that during your time there,
22 despite the fact that you were under the care of Derry
23 Welfare Committee, you don't recall anybody from Social
24 Services ever visiting you --

25 **A. Never.**

1 Q. -- in Rubane?

2 **A. Nobody never visit me, no.**

3 Q. Or coming to inspect the home and that you say --

4 **A. And nobody ever contacted me where my family was or who**
5 **my family was.**

6 Q. Do you remember, though, there was a social worker with
7 you at court --

8 **A. Yes.**

9 Q. -- when you were first taken into care?

10 **A. I remember -- I remember her at the court, yes. She was**
11 **from , and Welfare that was.**

12 Q. When you came to move from to Rubane, do you
13 remember did she take you down or --

14 **A. Yes. She was involved in it as well, the same social**
15 **worker again.**

16 Q. But apart from that time you don't remember seeing her
17 after you went in?

18 **A. No, never seen her again, no.**

19 Q. And you say -- can you remember -- you talk that -- you
20 say it was rare that parents would come to visit their
21 children. Your own parents never came to visit you --

22 **A. No, no.**

23 Q. -- and -- well, as you have said, your mother was dead.

24 **A. Just once in she came for half an hour, yes.**

25 Q. But you think that because Rubane was out of the way, it

1 wasn't easy for parents to come.

2 **A. People hadn't the money in them days to travel and the**
3 **thing is there were none of them working. They were all**
4 **just living on the poverty line. Do you know what I**
5 **mean? They just couldn't afford to travel that far, you**
6 **know.**

7 **Q. But you felt that the parents and visitors were --**
8 **anyway would have been unwelcome?**

9 **A. To be honest with you, I've never seen -- I think about**
10 **once I seen one woman there, and I didn't know who she**
11 **was, and it was very unusual to see a woman coming in**
12 **there, because we never seen visitors at all. At least**
13 **I didn't. If they came in the front of the building, we**
14 **wouldn't have seen them anyway, but at the back of the**
15 **building we never seen nobody.**

16 **Q. The Order have given examples of dignitaries visiting,**
17 **for example, the Mayor from Hammersmith, the local Mayor**
18 **from County Down.**

19 **A. Well, it didn't happen when I was there. It definitely**
20 **didn't happen, no.**

21 **Q. And in paragraph 34 you say that you never saw a doctor**
22 **the entire time you were there --**

23 **A. No.**

24 **Q. -- or a dentist. You never got your teeth checked, and**
25 **that was again different to what you had experienced in**

1

2 **A. Well, I had regular check-ups in , dentist**
3 **check-ups. We went to the doctor's all the time. There**
4 **was a nurse came in there to the home. She checked us.**
5 **There was always a regular nurse there, but up in**
6 **Kircubbin there was nothing like that at all, nothing.**

7 Q. The Order would say, though, that there was, in fact,
8 an annual medical inspection carried out by a

9

10 **A. Well, I never got one when I was in there. I never got**
11 **a medical inspection.**

12 Q. They also said that what used to be known as the nit
13 nurse would come and inspect boys once a month.

14 **A. I never seen one in there either.**

15 Q. They also talk about a dentist called a who
16 would come every year with a mobile trailer where she
17 would carry out inspections on the boys' teeth.

18 **A. No, there was no dentists there, no.**

19 Q. Now those are some of the general memories you have in
20 your time in Rubane, HIA244, and I am going to go on now
21 to talk about some of the specific allegations --

22 **A. Yes.**

23 Q. -- that you make about people, and one of these is in
24 paragraph 13. If we can just move back to that
25 paragraph, please, which is at page 65... -- sorry --

1 648. At paragraph 13 you say:

2 "There was always abuse in the showers. There would
3 be about 10 or 12 of us boys in the showers at night
4 and", a Brother who you name there, "BR15 was
5 supervising us but we would muck about when he wasn't
6 present. He would come back to the showers when he
7 heard us being noisy and he would beat you with
8 a leather strap that hung from his robe or a bamboo cane
9 he kept up his sleeve, which had sellotape wrapped
10 around it. He would beat us on the shoulders, across
11 the back of the legs. He used to put the cold water on
12 and make us take cold showers even in the winter.
13 I remember that [this particular Brother] always had
14 a very strong smell of drink coming from him."

15 **A. Yes.**

16 Q. Now the Order would say Brothers never had a strap
17 hanging from their robe or any sticks.

18 **A. Well, they did. They all had them, and where drink is
19 concerned, BR15 was the one you could always smell the
20 drink off, especially in the television room at night.
21 You could smell it. Believe me, my mother and father
22 were alcoholics. I know what the smell of drink is
23 before I went in there. So I knew he had always a few
24 drinks in him before he went into the TV room.**

25 Q. In paragraph 14 you go on to talk about another Brother,

1 BR44, who you describe as a vicious evil man. You say
2 that -- you give where you think he had come from, what
3 his career had been before he became a Brother, and you
4 describe him as about You describe him as the
5 worst Brother who used to physically abuse all the boys:

6 "He would hit you, slap you and practically lift you
7 off the ground by your ear. He walked around with a
8 drumstick, which he would smack across your knuckles or
9 the back of your hand. We were terrified of him. I saw
10 him thump boys on countless occasions. When we were out
11 playing football there was a certain line, and if you
12 went over it, this Brother would punch you in the head."

13 At one stage
14

15 **A. Uh-huh.**

16 Q. And I am just going to give his name to make it easier.

17 **A. Yes.**

18 Q. **DL 245** was in Rubane for a short period --

19 **A. That's right.**

20 Q. -- during your time there, and on his first or second
21 day there you say that he nearly had his jaw broken by
22 this Brother --

23 **A. Yes.**

24 Q. -- BR44 whilst playing football.

25 "He ran after the ball, went over the white line,

1 because he didn't know the rules at that stage, and BR44
2 was patrolling the yard. He grabbed **DL 245** by the
3 shoulder with one hand and thumped him on the jaw with
4 the other hand. **DL 245** went flying."

5 If I can just pause there and come back to the next
6 bit in a moment. The Order would say that Brother was
7 not there during the time your brother **DL 245** was in the
8 home.

9 **A. He was there, yes.**

10 Q. They say, in fact, **DL 245** came in -- first of all, they
11 say you have got his former career wrong.

12 **A. Um.**

13 Q. He wasn't that , he wasn't interested in football
14 and he didn't play it with the boys.

15 **A. He wasn't interested in football. He was**

16 , but what he done, he was
17 just patrolling the playground where we played outside
18 in the square in the tarmac. We had two playgrounds.
19 We had a lower one and we'd a high one. We were up in
20 it at the back of the house itself, the main house. We
21 were playing football and they had a lawn. All the
22 lawns was over here and a white line, and if a ball went
23 over there, you had to go and ask the Brother permission
24 to go and get the ball, but **DL 245** didn't know. He was
25 only in a few days, and he ran over the white line and

1 **A. Yes.**

2 Q. The Brothers didn't tell you until a fortnight later.
3 You believe they didn't want you to go to the funeral.
4 You wanted to go and see her grave, but they wouldn't
5 let you, so you ran away.

6 "I got as far as before the police
7 caught me and I was taken to the police station but I
8 managed to run away again. This time a police officer
9 chased me, and because I wouldn't stopped running, he
10 assaulted me after he caught me. They dragged me back
11 to the police station and I spent all day locked up in
12 a cell",

13 before two Brothers came to collect you, BR6 --

14 **A. That's right.**

15 Q. -- and BR3.

16 **A. Yes.**

17 Q. Now the Order would say again -- they are going from
18 their records and they are saying that if your mother
19 died when you were --

20 **A. I was when she died, yes.**

21 Q. They are saying that you weren't actually in Rubane at
22 that time.

23 **A. Yes, I was in. They're telling lies. Believe me, I was**
24 **there over before that happened.**

25 Q. And they say that they -- if it were -- if your mother

1 had died, then it would have been either Social Service
2 or your social worker or one of the Brothers would have
3 taken you to the funeral, and that's what would have
4 happened if parents died while a boy was in Rubane.

5 **A. BR6 told me a fortnight after it. That's why I ran**
6 **away, to try and get to to see her grave. I was**
7 **really, really upset, because when my mother died -- as**
8 **you can imagine, a -year-old boy and he's just lost**
9 **his mother. All I wanted to do was just get to**
10 **and see her grave. Do you know what I mean?**

11 Q. And you go on to say what happened after you ran away.
12 You say it was a Saturday you ran away. The following
13 day you were told you were wanted down in the school
14 house. There were three Brothers there whom you name,
15 BR6, BR15 and BR2. Just so that we can be clear, I am
16 going to have to give the names, but again they are not
17 to be --

18 **A. Uh-huh.**

19 Q. -- repeated outside this room, and those were BR6, BR15
20 and BR2, whom you have named in this paragraph. They
21 sat you down on a chair. You say that BR15 shaved all
22 your hair off. They didn't use shaving foam or soap,
23 just a dry razor.

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

25 Q.

1

2

3 **A. And they cut -- they cut all the head while they were**
4 **doing it as well. They left cuts all over it.**

5 Q. You felt they were making an example of you as a warning
6 to other boys of what would happen if they tried to run
7 away.

8 **A. Yes.**

9 Q. You say they then held you over the table, that BR15
10 held your legs, BR44 held your head and BR44 was choking
11 you (sic). Your throat was caught on the edge of the
12 table and you couldn't breathe. The more you struggled,
13 the more BR44 pushed down on you. You say BR6 was
14 hitting you with a big bamboo stick and it left big
15 welts all over your body, but you were more worried
16 about the choking than the beating. When they were
17 finished, they put you in the dormitory and

18

19

20

21

22 You didn't see a doctor, go to the hospital,
23 not given any pain relief and the Brothers didn't even
24 bother to check on you --

25 **A. That's right.**

1 Q. -- whilst you were in the dormitory for that week. You
2 didn't go to school that week and no-one questioned your
3 absence.

4 **A. That's right, yes.**

5 Q. Now one of the things that the Order would say is that
6 punishment for absconding or for persistent absconding
7 would have been a caning.

8 **A. Um.**

9 Q. And they have an entry which they say was prepared -- it
10 is an extract I think from the punishment book, which
11 can be seen at 2962. Again there are a number of names
12 on this document. Could we invert that, please, to
13 horizontal? You will see here there's an entry on
14 the -- if we can just scroll down towards the bottom.
15 There is an entry of punishments. Just could you just
16 expand it, please, for a moment just to show the whole
17 document again?

18 If we can just see, there is an entry in of
19 two boys absconding; someone absconds;
20 serious disobedience; then on
21 there are three boys named there as
22 "persistent absconding" and one of them is you.

23 **A. But I only run away once.**

24 Q. And they say that the punishment for that was six
25 strokes of the cane on the posterior.

1 **A. No, it was a lot more than that, a hell of a lot more**
2 **than that.**

3 Q. And it's signed by , who the Order has informed us is
4 BR13.

5 **A. Um.**

6 Q. Do you remember BR13?

7 **A. I don't think he was even there when I was there.**
8 **I~don't remember him at all.**

9 Q. And then the next entry is in ,
10 again for persistent absconding, and
11 "six strokes of cane on hand".

12 Now you are saying you only ran away the one time.

13 **A. Just the one time, yes.**

14 Q. And were you aware of any other boys running away from
15 the home when you were there?

16 **A. No, no.**

17 Q. Do you remember --

18 **A. Never happened a lot. I don't remember anybody running**
19 **-- I think I was about the only one that ran away in**
20 **there.**

21 Q. You will see here this entry shows you and two other
22 boys being punished on the same day.

23 **A. Um.**

24 Q. You didn't run away with other boys?

25 **A. No, just on my own.**

1 Q. And this punishment that you describe then in the school
2 room -- is that correct?

3 **A. Yes, the school house, yes.**

4 Q. School house, and you name three Brothers there. You
5 have subsequently spoken to the police in December --

6 **A. Yes.**

7 Q. -- 2013. Isn't that correct?

8 **A. That's right, yes.**

9 Q. And your police statement can be found at RUB66729, and
10 if we can just scroll down through this statement,
11 please, and you will see here that you say the Brothers
12 that you remember and wish to make a complaint about are
13 and you name four Brothers including BR15, BR44, BR6 and
14 BR2.

15 **A. Uh-huh.**

16 Q. And you go on to give descriptions of those Brothers,
17 and just to pause there, those descriptions that you
18 give in that police statement are disputed by the Order.
19 They are saying that those are not actually good
20 descriptions of the men that you are talking about.

21 **A. I know them all very well.**

22 Q. And they also go on to say, if you can just scroll on
23 down to the -- where you talk about the incident, if we
24 can scroll right down to the school house, please, you
25 say that:

1 "This happened on a Saturday. On the Sunday I was
2 told I was wanted down the school house. There were
3 three Brothers there, BR6, BR15 and BR2. They sat me
4 down on a chair,

5
6 as you have described in your statement to us. You
7 say BR15 held your legs, BR6 held your head:

8 "... and BR6 was choking me and the more
9 I struggled, the more he pushed down on me."

10 **A. No. It was BR6 was -- they got that wrong. BR6 was the**
11 **one that was dishing out the punishment.**

12 Q. So you are saying that the police didn't --

13 **A. It was one of the other Brothers was holding my head**
14 **down. It was caught... -- my throat was caught on the**
15 **end of the table, and as they were pushing, they were**
16 **cutting into my throat.**

17 Q. You are saying that what -- the person who you remember
18 holding your head down was BR44. Is that correct?

19 **A. BR44, yes.**

20 Q. So the police you say have recorded this incorrectly.

21 **A. Yes.**

22 Q. Did you sign the statement that you made to the police?

23 **A. Yes.**

24 Q. And did you read over it and did you pick up on the
25 mistake at that time?

1 **A.** I only picked up when I got back home and I went over it
2 again. I picked up and I highlighted a few mistakes,
3 you know.

4 Q. Did you -- did you then go and correct it with the
5 police at any stage?

6 **A.** Not yet, because they were in touch with me and they
7 told me that most of the Brothers is dead and that
8 they're taking no further inquiries into it. So it
9 didn't really matter then.

10 Q. If we can go back to your statement that you made to the
11 Inquiry at paragraph 17, which is at 650, and this is --
12 you talk about being brought down to the school house on
13 a Saturday morning by BR2. You were told that you were
14 going for a sparring session:

15 "But really the Brothers just wanted us to fight."

16 You say you were only a skinny wee thing but BR2
17 picked you to fight a much bigger boy, whose surname
18 was, and you give a name in your statement --

19 **A.** **Yes.**

20 Q. -- as you remembered it. You describe him. I am going
21 to use the name again.

22 **A.** **Yes.**

23 Q. Again it is a name that's not to be repeated outside
24 this room. You give the surname of [REDACTED]. Do you
25 remember was that a [REDACTED]? Do you remember?

1 **A.** The only thing I can remember, he was -- he was a .

2 Q. And --

3 **A.** A

4 Q. The Order would say and BR2 would say there was a boy
5 called [REDACTED] in the home at the same time --

6 **A.** It could be him.

7 Q. -- and he would have been the same age as you.

8 **A.** No, no, no. This guy was about two or three years older
9 than me. He was a big lump of a fellow. I was only
10 small. I thought, "There is no way am I getting in
11 boxing with him". I didn't want to fight anyway in the
12 first place, but they put the gloves -- they more or
13 less pushed me in to have a go at him. I didn't last
14 two seconds. He broke my nose straightaway, and then
15 when he had me on the ground, he still kept battering me
16 and he nearly knocked me unconscious.

17 Q. You say that it was BR2, BR2, who deliberately made it,
18 as you describe it, an uneven match.

19 **A.** Yes, BR2, yes.

20 Q. You say he didn't like you at all and that he was always
21 picking on you. You say that he made a ring out of the
22 desks and pushed you in and told you to fight and that
23 they gave you big antiques glove -- big antique gloves
24 filled with straw.

25 **A.** Yes.

1 Q. You didn't want to fight and you had no chance. There
2 was no chance you were getting in, but you were forced
3 in and, as you say, you were hit once. You say you were
4 knocked unconscious. You came round. He hit you again,
5 smashed your nose to bits. Your face was all swollen
6 and you had two black eyes. You say that the Brothers
7 watched -- this three Brothers watched this and no-one
8 stepped in to help. You asked one Brother who wasn't
9 there, BR6, to let you go to the hospital, but he
10 wouldn't let you. He told you it was only a bruise. It
11 would be all right, but you knew your nose was broken
12 and you had two black eyes and your nose was swollen for
13 over a week, and you were in bed for three or four days
14 after that.

15 **A. That's right, yes.**

16 Q. Now the Order would say that there was a boxing ring for
17 a while in the home.

18 **A. No, there was no boxing ring, no.**

19 Q. And far from being given big antique gloves you were
20 given proper boxing gloves with which to box.

21 **A. These are old, old gloves filled with like old ginger --**
22 **like straw, ginger fibre. They are real old ones that**
23 **come up to here.**

24 Q. They would also say it wasn't the case that boys were
25 mismatched as a punishment of any sort or that they were

1 mismatched in the boxing ring, that you would have boxed
2 boys of the same size or build or age as yourself.

3 **A. But the thing is I told him -- I said, "I don't want to**
4 **fight this guy". I said, "I don't want to get in this.**
5 **I don't want to be boxing at all", but he persisted on**
6 **me going in.**

7 Q. One of the things -- you talk about this BR2 and at some
8 point you say that you knew that he became
9 in the home.

10 **A. I only found that out through the police in Belfast, and**
11 **they were making inquiries when they were investigating**
12 **this case, and they -- it was a police woman phoned me**
13 **in London and told me that he was made .**

14 Q. In paragraph 18, if we can go back to your statement,
15 you talk about witnessing the sexual abuse of other boys
16 in that paragraph. You say that you yourself were never
17 sexually abused in Rubane, but you knew it was going on.
18 You would see these young boys about 7 or 8 years old
19 with blond hair in the television room with BR15. There
20 were rows of seats in front of the television and he
21 would sit on the other side of the row. There would
22 have been wall lamps on which were quite dim. He would
23 come and lift a young boy, put the child on his knee and
24 would have his hand up the child's shorts."

25 You say he would also come into the dormitories at

1 night and take a younger boy by the hand into his room,
2 which was down the hall. You would be lying in bed
3 awake while that was happening and you can specifically
4 recall BR15 always taking one little blond boy aside.
5 You can't remember that boy's name. You tried to
6 befriend him so that he could open up to you if he
7 wanted to, but he never said anything. You say this
8 Brother always had drink in him when he did it. You
9 believe he targeted the younger, more vulnerable
10 children and that's why you yourself were never abused.

11 **A. Yes.**

12 Q. You say any one of the Brothers could have come in
13 during the night to check on any of the dormitories, but
14 BR15 was the only Brother you saw taking boys out to his
15 room or touching them in the TV room.

16 **A. Yes. It was a regular thing and all, yes.**

17 Q. You then go on to talk in paragraph 24, if we can scroll
18 down to that paragraph, please, about Rubane. You
19 describe it:

20 "It was just a hell hole. It was a complete
21 nightmare. We were constantly ducking and diving from
22 the Brothers. You never knew when you'd be -- you'd get
23 hit by them."

24 You say:

25 "If BR6 was going to punish you, he would take you

1 to the school house and slap you six times on each hand
2 with a bamboo cane."

3 Can I just pause there to say the Order would say
4 that -- and the law allowed corporal punishment --

5 **A. Yes.**

6 Q. -- at this time -- but they say that that consisted of
7 a total of six slaps --

8 **A. Uh-huh.**

9 Q. -- with the cane, three to each hand.

10 **A. If it was just a minor thing, that's probably -- that's**
11 **what we usually got, you know, carrying on in school or**
12 **something, or caught smoking behind the school house.**
13 **They would take you into the school and give you six on**
14 **your hands, yes.**

15 Q. But when you say the slap six times on each hand with
16 the bamboo cane, that would have been twelve.

17 **A. No, about three on each hand, yes.**

18 Q. So would you agree then with the Order that --

19 **A. I would agree on that, yes.**

20 Q. So this six slap times on each hand with the bamboo
21 cane, what you meant by that --

22 **A. Sometimes it could be a leather strap. Sometimes it**
23 **could be a bamboo cane, you know.**

24 Q. Maybe I am confusing you, HIA244, and I don't want to,
25 but when you say in your statement:

1 "He would take you to the school house and slap you
2 six times on each hand with a bamboo cane",
3 you are not trying to say that it was six times on
4 each hand?

5 **A. No.**

6 Q. It was six in total?

7 **A. Six in total, yes.**

8 Q. "If you were ever caught in the main house outside the
9 cleaning time, you would get a really bad hiding from
10 this Brother."

11 **A. Yes.**

12 Q. "Down the school smoking you would get battered. Any
13 one of the Brothers except for maybe Brother BR3", whom
14 you name there --

15 **A. Uh-huh.**

16 Q. -- "would take you into the school house and give you
17 a good hiding. If you were caught sneaking out to the
18 shop in Kircubbin, you were in big trouble."

19

20 **A. Yes.**

21 Q. And you then go on to talk about that. So then you talk
22 about in paragraph 25 that:

23 "When every new boy came to Rubane, BR15 would take
24 the older boys -- make the older boys" -- I beg your
25 pardon -- "throw him into the deep end of the swimming

1 pool whether he could swim or not."

2 **A. That's right, yes.**

3 Q. "He would then make the two boys drag him out and throw
4 him back in again, and they kept throwing him in to try
5 to teach him how to swim. The boy would be panicking
6 and drowning and the water was freezing cold. You say
7 that happened to you as well.

8 **A. It happened to me as well, yes.**

9 Q. "The shock of the cold as well as not being able to swim
10 was terrible. It was always the same older boys whom
11 this Brother got to throw the new boys in."

12 **A. That's right, yes.**

13 Q. Paragraph 27. Sorry. Just to be clear, would you
14 accept -- sorry. Just to deal with the swimming pool,
15 the Order would say the pool was open from May to
16 September.

17 **A. Yes.**

18 Q. And that would be right?

19 **A. Yes.**

20 Q. And it wasn't a heated pool --

21 **A. It wasn't heated, no.**

22 Q. -- because it would have cost too much to heat it.

23 **A. It was out in the back -- out in the big garden.**

24 Q. And they say then that -- in respect of paragraph 27 you
25 say that again:

1 "This BR44", who is BR44, "was in charge of
2 and he was the most evil one. Every time I got a note
3 wrong he would hit me on the knuckles. He was always
4 running around with a drumstick and he would hit people
5 on the head with it. We hated because we got
6 battered all the time. We got punished every day. You
7 couldn't get out of it."

8 The Order would say, in fact, there was a civilian,
9 Mr **DL 478**, who came and took

10 **A. No. BR44 was the man who taught .**

11 Q. They would say that -- sorry. There is -- in fact, this
12 man was known as **DL 478** and there is a photo of
13 which --

14 **A. This must have been after I left, because at the time it**
15 **was BR44 was running and he had his own methods**
16 **of teaching you how to play things.**

17 Q. So then you go on to talk about a particular teacher,
18 the teacher, in paragraph 28 and you said that
19 you called him a nickname for short.

20 "If you got something wrong, he would lift the
21 closest piece of wood and whack you on the head with it
22 or across the hands."

23 Now the Order would say this man was a good
24 and that he did teach in the school. They
25 say that the boys would wind him up.

1 **A.** Of course they did. We all used to wind him up and have
2 a bit of craic, but he lashed out when he couldn't take
3 it -- do you know what I mean -- because he was the only
4 civilian that worked in there, him and the handyman.
5 **There was two of them there.**

6 Q. And then you talk about there being a lot of bullying by
7 older boys in the home.

8 **A.** **Yes.**

9 Q. You say you always stuck to a few other boys because
10 that meant you were less likely to get bullied.

11 **A.** **Yes.**

12 Q. "The older boys bullied the younger ones. They would
13 push them over, steal their sweets. There was one child
14 who was physically disabled and had difficulty getting
15 up and down the stairs. The bullies would push him
16 over. The bullies always got away with it."

17 You thought that's because they were favourites of
18 the Brothers and that the Brothers turned a blind eye to
19 what was going on. You talk about two other boys and
20 yourself who were the only people who tried to stop the
21 bullying.

22 "We really didn't like it. They were only wee kids,
23 and we'd get the bullies to put them up against the wall
24 behind the school house and tell them to leave the
25 younger ones alone."

1 The Order would say they accept that there was
2 bullying went on --

3 **A. Yes.**

4 Q. -- but they did their best to try to control it and to
5 eradicate it.

6 **A. But this lad that was in there, he had one very baby arm**
7 **and a baby leg and he had one eye here and one eye up**
8 **here. The guy should never have been in there. He**
9 **should have been in a hospital. He could only crawl up**
10 **and down the stairs, and the bully boys used to be at**
11 **him all the time, and we used to try and stop it,**
12 **because I used to feel sorry for him, because he should**
13 **have never been in there in the first place, but they**
14 **did ship him out a few weeks later on. They did get him**
15 **into a proper care home where he should have been.**

16 Q. In paragraph 30 you say that:

17 "If you ever tried to stand up to one of the
18 Brothers, you would automatically be sent to Muckamore
19 Abbey. The Brothers would say you were mentally
20 disturbed and you shouldn't be in there. At the time we
21 didn't really know what Muckamore Abbey was, but we knew
22 you would be taken there if you were a troublemaker and
23 we knew that any boy who was taken there never
24 returned."

25 You say that a good friend of yours, whom you name

1 working in a bar which was owned by the same people.

2 You describe the work there and how -- you say you were
3 still under the welfare system and you were told by your
4 social worker if the job didn't work out, that they
5 would send you back to Rubane. There was no way you
6 were going back there. You met up with your brother and
7 he told you to go to England --

8 **A. Yes.**

9 Q. -- and you got the boat and left. Now can I just pause
10 there to ask about there was some social work
11 involvement obviously after you left Rubane?

12 **A. She never -- she just put me into that job and I hadn't**
13 **seen her. That was the last I seen of her. I was there**
14 **about eight or nine weeks and then I just took off to**
15 **, because there's no way -- once she threatened me**
16 **if I lost the job that I was going back there,**
17 **I thought, "There's no way am I going back there".**
18 **I headed to when I was and I slept on the**
19 **streets for weeks in to get -- rather than going**
20 **back there, and .**

21 Q. And you talk in paragraph 80 -- sorry -- 38 to 45 about
22 your life after you left for and how -- your
23 working life and, in fact, you ended up working as
24 a Isn't that correct?

25 **A. Yes, yes.**

1 Q. You say that the effect that this has had on you, that
2 you have lost your faith completely and you wish that
3 some of the Brothers who you think are now dead were
4 alive to have to answer for what they did. You'd hate
5 to see them running any more institutions because they
6 were getting away with everything in there.

7 You say that you never reported the abuse to the
8 police, although we know you did speak to the police --

9 **A. Yes.**

10 Q. -- in 2... -- December 2013, which would have been
11 before you signed your witness statement to the Inquiry.
12 At the time you first spoke to people involved in the
13 Inquiry had you spoken to the police at that time?

14 **A. No. I'd spoken to -- the only -- when I got out when I**
15 **was when I actually did get to , I went**
16 **straight to the cathedral chapel and I think it was**
17 **a priest at the time, SND228, and I spoke to him and**
18 **I told him of all the carry on that was going on in**
19 **there and all the abuse. He told me -- I says, "You've**
20 **got to do something about it" and he said, "We'll look**
21 **into it and get everything sorted". Nothing was ever**
22 **heard about it at all.**

23 Q. You never heard from the priest you spoke to?

24 **A. No.**

25 Q. But can I just be clear? You spoke to the police in

1 December 2013.

2 **A. Yes.**

3 Q. Was that before or after you had spoken to this Inquiry
4 and made your statement?

5 **A. That was -- I think it was during the Inquiry. I'm not
6 so sure. I think it was during the Inquiry, yes.**

7 Q. Now can I just then -- that's most of what I want to ask
8 you about. Can I ask you how you feel today about those
9 who cared for you in Rubane?

10 **A. I tell you one thing. I wouldn't even allow them people
11 to look after dogs, never mind children. Them people
12 should never be put in charge of children at all, all
13 the abuse that went on in there --**

14 Q. And --

15 **A. -- because home was run by women. They
16 were -- the place was top class. I could never find
17 a fault in home. Education, everything was
18 fine. We had freedom. We could come down to the shops.
19 We could come and go. We went to school on the bus from
20 . They
21 trusted us. We come back, we got changed, went out
22 playing. We came in for our tea. It was just like home
23 from home, but that place up there was just like
24 a prison. It was just so strict on everything and all
25 the abuse, but I -- them people should never, never,**

1 **never in my life look after kids.**

2 Q. Well, HIA244, that's mostly all I want to ask you, but
3 is there anything you feel we haven't covered or
4 anything else that you want to say? This is now your
5 opportunity to do that.

6 **A. It's just over the years with me getting my nose smashed**
7 **in I suffered panic attacks for years. I went to the**
8 **hospital. I went to doctors. I went to everywhere and**
9 **they recommend to go and get my nose done. So I went in**
10 **for an operation and I got it done, because it was --**
11 **all the nose was -- all the bones was over on here and**
12 **it was blocking all my airways. That's why I was**
13 **getting panic attacks, because I couldn't breathe**
14 **through the nose, and I eventually got an operation and**
15 **it worked really, really well. All the panic attacks**
16 **stopped. Everything stopped after years.**

17 Q. Well, one final question from me is that we -- the
18 Inquiry will have to ultimately make recommendations to
19 the Northern Ireland government about what should happen
20 --

21 **A. Yes.**

22 Q. -- and we ask everybody what your view is about what --
23 what should happen.

24 **A. Well, I highly recommend that you ask them not to put**
25 **children in care with these people. They don't know how**

1 to rear kids, how to look after kids properly. It
2 should be a man and a woman should be looking after
3 kids, not Brothers that's not married or no girlfriends
4 or anything like that. There's too much abuse goes on,
5 and I definitely think I would highly recommend that not
6 to let them have any care with any kids at all.

7 Q. Thank you, HIA244. I've finished the questions, but the
8 Panel Members may have some things --

9 **A. Yes.**

10 Q. -- that they want to ask you. So if you just stay
11 there, please.

12 Questions from THE PANEL

13 CHAIRMAN: HIA244, can I ask you two things? Just
14 a few minutes ago you said, if I followed you correctly,
15 that when you left Rubane, you were now about .

16 **A. Yes.**

17 Q. And the first thing you did was to go back to .

18 **A. Yes.**

19 Q. And when you were in , you went to

20 --

21 **A. That's right, yes.**

22 Q. -- and you spoke to a priest there. Now I imagine there
23 were probably several priests attached to the cathedral
24 at that time.

25 **A. Oh, there would be, yes.**

1 Q. But you said that you spoke to a priest and you said
2 that later -- you didn't say later, but later on we know
3 that he became SND228. Are you sure that it was
4 the you spoke to?

5 A. I can't be sure of that. I can't be sure of that,
6 because I just think it was SND228, because he was young
7 at the time, and I can remember seeing him on the
8 television during the Troubles and I said to myself,
9 "That's the priest I went to see when I got out of the
10 home". I recognised him off the television.

11 Q. Thank you. Can I just then take you back to something
12 Ms Smith asked you about? You remember we brought up on
13 the screen in front of you an entry from what I think
14 would be called the punishment book --

15 A. Yes.

16 Q. -- which said that on there were
17 three boys, one of whom was you, caned for what the
18 Brothers referred to as persistent absconding?

19 A. No, I think that definitely wasn't me in . I got
20 punished when I was years of age when .
21 That's the only time I ran away. When they brought --
22 when they got me back from and they got me
23 down into the school house, that's when they put me over
24 the table and and the whole lot, but
25

1

2

3 Q. So it would follow from what you are saying, if your
4 memory is correct, that this must be another person --

5 A. It's got to be another, because --

6 Q. -- with the same name as yourself.

7 A. At I was -- I think I got out halfway through or was
8 -- just under I got out to work in a . So there
9 was no way I was running away at that time. I only run
10 away the one time.

11 Q. So if it's not you, it's somebody else with the same
12 name?

13 A. Yes.

14 Q. Isn't that really what it boils --

15 A. Another thing. I wouldn't go by what the punishment was
16 in them pages, because it was a lot different than what
17 they're putting down on the paper.

18 Q. I see. Thank you very much.

19 MS DOHERTY: Thanks very much, HIA244. Can I just go back
20 to the issue about leather belts that the Brothers wore?

21 A. Um.

22 Q. Can you just describe what they were like and did they
23 wear them all the time?

24 A. What they done, BR15 always kept a thick bamboo short
25 one sellotaped, always plenty of sellotape on it, to

1 stop it from cracking or splitting. He always kept
2 a leather strap, which is a leather strap, two big heavy
3 pieces of leather stitched together.

4 Q. Okay.

5 A. **Very heavy leather strap.**

6 Q. And did he wear that? Were you saying that the Brothers
7 wore --

8 A. **No, he didn't wear -- what they had, these big robes on,**
9 **these black robes, and they had these pockets, deep**
10 **pockets in them at the side, and they used to always**
11 **keep them in the pockets at the side.**

12 Q. So they were in the pockets --

13 A. **Yes.**

14 Q. -- as opposed to them being worn? Thanks. Can I just
15 ask you about the shower? Can you remember did you wear
16 anything in the showers or --

17 A. **No, we were naked in the showers.**

18 Q. You were naked in the showers.

19 A. **Yes.**

20 Q. Just the last thing. You talked about a Brother coming
21 into the bedroom --

22 A. **Yes.**

23 Q. -- the dormitories at night and taking a younger boy
24 out.

25 A. **Yes.**

1 Q. Was there any discussion amongst the boys about that?

2 **A. Well, we all discussed -- we all knew it was going on.**

3 **We all knew the sexual abuse was going on. We used to**

4 **go round -- one window we looked in we caught one**

5 **Brother in bed with a young boy one night. We looked**

6 **through his window. One room we could see in.**

7 Q. You could see that happening. So it was common

8 knowledge among the boys --

9 **A. It was common knowledge among the boys, yes.**

10 Q. -- it was happening.

11 **A. The abuse was going on in the TV room as well.**

12 Q. Okay. Thanks very much, HIA244.

13 CHAIRMAN: Well, HIA244, you will be glad to hear I am sure

14 that's last question we want to ask you. Thank you very

15 much for coming to speak to us today, but as far as we

16 are concerned, you are free to leave.

17 **A. Thanks very much.**

18 CHAIRMAN: Thank you very much.

19 **A. Thank you.**

20 **(Witness withdrew)**

21 MS SMITH: Chairman, the next witness is to be taken by

22 Mr Aiken, but it may be appropriate to take a short

23 break just to ensure that he is ready.

24 CHAIRMAN: Yes. We will give our long-suffering

25 stenographer a break now anyway, and we will start again

1 just as soon as -- not before 11.30 at the earliest or
2 as soon as Mr Aiken is ready.

3 (11.24 am)

4

5 (Short break)

6 (12.00 noon)

7 CHAIRMAN: Mr Aiken.

8 WITNESS HIA64 (called)

9 MR AIKEN: Chairman, Members of the Panel, good afternoon.

10 The next witness today is HIA64, who prefers to be known
11 as HIA64, HIA64. HIA64 is aware, Chairman, you are
12 going to ask him to take the oath or affirm.

13 CHAIRMAN: HIA64, do you prefer to make a religious oath or
14 to make an affirmation, which is a solemn promise.

15 They're the same.

16 **A. A religious oath.**

17 CHAIRMAN: A religious oath.

18 WITNESS HIA64 (sworn)

19 CHAIRMAN: Thank you very much. Please sit down, HIA64.

20 Questions from COUNSEL TO THE INQUIRY.

21 MR AIKEN: Bring up, please, RUB543. HIA64, you will recall
22 we discussed before you came in that I'd bring up on the
23 screen a version of your witness statement that had
24 these black marks on it.

25 **A. Yes.**

1 Q. But you've got a hard copy that doesn't have the black
2 marks and I just want you to confirm for the Panel that
3 this version on the screen matches the hard copy that
4 you have except for the black marks.

5 **A. It does.**

6 Q. And if we can go to the last page at 550, please, and if
7 you can turn over in your hard copy, HIA64, to the last
8 page, you will see -- if I asked you, "Did you sign this
9 statement?", you will say to me, "Well, there is a big
10 black mark. I don't know", but can you confirm that is
11 the last page and that you have signed it?

12 **A. Yes.**

13 Q. And that you want to adopt the content of your statement
14 as your evidence before the Inquiry?

15 **A. I do.**

16 Q. And we discussed the reason for the black marks and
17 that's because of the Inquiry's anonymity policy. Can I
18 ask you to confirm you wish to keep your anonymity?

19 **A. I do, yes.**

20 Q. Members of the Panel, in addition to the witness
21 statement from HIA64 there is a replying statement from
22 the Order at RUB2939 through to 2949, and there is also
23 a Health & Social Care Board replying statement at
24 RUB8072 to 8073, and I will summarise both of those as
25 I go.

1 Then one other core document HIA64 is aware of,
2 which is his police statement he made on 22nd November
3 of 2011, and that can be found at RUB66328 through to
4 66332.

5 HIA64, we were discussing before you came in you
6 were born on [REDACTED]

7 **A. Yes.**

8 Q. And present age [REDACTED] but about to turn [REDACTED]

9 **A. Yes, yes.**

10 Q. And you have siblings. You have -- you are one of
11 three brothers and

12

13 **A. Yes.**

14 Q. And then you have a sister,

15 **A. That's right.**

16 Q. And you mention in paragraph 33 of your statement, and
17 that's at RUB549, that you have been married to [REDACTED]
18 for now you tell me years.

19 **A. Yes.**

20 Q. And you have .

21 **A. That's right.**

22 Q. And you worked essentially all your life after your time
23 in care initially in the jobs that you got as a result
24 of your involvement with the Nazareth Lodge After
25 Committee and getting your own work.

1 **A. Yes.**

2 Q. And that wasn't so good, but you then became
3 and thereafter worked , and you
4 have been employed continuously effectively up until the
5 last .

6 **A. That's right.**

7 Q. And you are another victim of the recession, as it were.

8 **A. Yes.**

9 CHAIRMAN: HIA64, could I just ask you to turn your
10 microphone a bit towards you, please? Thanks very much.

11 MR AIKEN: In paragraph 2 of your statement, HIA64, at 543
12 you mention that you aren't really yourself sure about
13 how you came to be in care.

14 **A. That's right, yes.**

15 Q. Your path through care was as a young boy Nazareth
16 Lodge, and you know we will come back to look at that in
17 due course, and then moving through to Rubane. You
18 thought it might have been the NSPCC that were involved
19 with your family.

20 **A. Well, I wasn't sure, you know.**

21 Q. You're not sure. You will recall I showed you a record
22 this morning that suggests -- if we can look at RUB2943,
23 please -- that -- this is the register entry from Rubane
24 when you entered Rubane, and it seems in that first
25 section to mention that you were under the care of the

1 Belfast Welfare Authority, and at the bottom, if we
2 scroll down, we can see that you were according to this
3 discharged to the Belfast Welfare Authority.

4 Now I say "it appears", because the Health & Social
5 Care Board, who are responsible now for the welfare
6 authorities then, unfortunately cannot find a file
7 relating to you. There may have been one in the past
8 and it may have been destroyed through the passage of
9 time, and the result of that is that what we've got is
10 this document that suggests the Welfare were involved,
11 but you are aware of the two names that -- of the two
12 people who were involved with you.

13 **A. Yes.**

14 Q. Do you want to give those names and then we can look to
15 see whether they --

16 **A. and a**

17 Q. We'll ask the Health & Social Care Board to check
18 whether they were Belfast Welfare personnel and we will
19 see if we can track that down a little further.

20 You mention in your statement whenever you left at
21 -- and we will come back to your time in Rubane
22 shortly -- but when you left, then you were involved
23 with **NL 40** , and at that time he was one of the
24 officers working with the Nazareth Lodge Welfare
25 Committee.

1 **A. Aye. There was also a as well.**

2 Q. Another ?

3 **A. Yes.**

4 Q. Not related to you?

5 **A. No.**

6 Q. And you mention you used to go to the club on

7 . Was it ?

8 **A. Yes.**

9 Q. And there each week-end your money would be handled and

10 so on from your work?

11 **A. That's right.**

12 CHAIRMAN: Is it not somewhere on the ?

13 MR AIKEN: It may have moved. I will try and get the right

14 way of that.

15 You went into Rubane -- and this document we have

16 looked at shows this -- on and at that

17 time you were years of age.

18 **A. Yes.**

19 Q. And you were part of what I would call the summer

20 intake. You had a group of you from Nazareth Lodge

21 moved to Rubane at about the age of .

22 **A. Yes.**

23 Q. You stayed there until according to this record

24 when you were -- you had just turned

25 and then you moved out into beginning work.

1 **A. Yes.**

2 Q. And you describe -- and I am going to try to break this
3 down into a series of issues -- you describe firstly
4 some physical abuse that I want to talk to you about.

5 The first incident you don't mention in your Inquiry
6 statement, but it is in your police statement. If we
7 can look, please, at 66329, and at the top of this page,
8 which is the second page, you describe here, HIA64, how
9 you were only at Rubane for a couple of days when one of
10 the olders boys walked over to you and punched you in
11 the head with his first. You recall being knocked off
12 your feet and curling up into a ball on the ground as he
13 continued to punch and kick you. You don't know who
14 that was. He didn't live in your dorm. That was the
15 your first experience, as it were, of some bullying
16 behaviour.

17 **A. Yes.**

18 Q. Can I ask you about that? How prevalent was that type
19 of bullying behaviour amongst the boys?

20 **A. It was pretty regular. The -- any time at all somebody
21 wanted something and you had it, they wanted to get it
22 off you, they went and took it off you. You didn't have
23 a choice in the matter. That was among the boys
24 themselves, you know.**

25 Q. Was this problem -- can you say whether the Brothers

1 would have been aware of it or whether it was one of
2 those things that goes on in schools, that you just
3 can't be somewhere all the time?

4 **A. It is one of those things that went on. I am sure the**
5 **Brothers were aware of some of it, not it all, but some**
6 **of it.**

7 Q. And is it a problem that lessened for you as you got
8 older and were able to handle yourself?

9 **A. Well, you had to. You had to. If you didn't, you were**
10 **always going to get picked on. So you had to stand up**
11 **and fight back.**

12 Q. And you then describe your interaction with a particular
13 teacher in the school that was part of the complex in
14 paragraph 21, if we can go to 546, please. That's DL6,
15 the teacher --

16 **A. Yes.**

17 Q. -- who is since deceased.

18 **A. He's deceased, yes.**

19 Q. You describe him as a brilliant teacher.

20 **A. Oh, he was a brilliant . He was a He**
21 **taught me and he was**
22 **good.**

23 Q. But at the same time he had a quick temper?

24 **A. A very quick temper.**

25 Q. Do you want to just describe in your own words what

1 would have happened in the class?

2 **A. Well, if you had done something wrong, he'd call you**
3 **a flathead and throw a mallet or the leg of the table at**
4 **you or leg of the chair. That's the way it was. It was**
5 **like that all the time.**

6 Q. Did you manage to yourself avoid getting hit?

7 **A. Well, you had no other choice. You had to. You had to**
8 **get out of the road.**

9 Q. You just took evasive action to -- out of the way?

10 **A. You cleared out of the classroom and that was it.**

11 Q. And how regular was that type of reaction from DL6?

12 **A. Practically every day.**

13 Q. Did -- did you ever talk to the Brothers about that or
14 did anyone else that you know of --

15 **A. No.**

16 Q. -- talk to them about that?

17 **A. No, nobody did, no.**

18 Q. Just something you accepted?

19 **A. There was times there you couldn't really approach the**
20 **Brothers, and if you did, they turned round, "Go away".**

21 Q. Now the Order has said to the Inquiry that as far as DL6
22 is concerned -- and his name shouldn't be used beyond
23 the chamber for the avoidance of any doubt -- in
24 paragraph 4 of their replying statement they don't
25 accept he was very aggressive or that he punished the

1 boys unnecessarily. How do you respond to that?

2 **A. Well, he didn't punish you as such like taking a strap**
3 **to you or a cane to you, but a just throwing mallets and**
4 **legs of tables at you. That was it.**

5 Q. Was he someone who used a cane?

6 **A. Very, very rarely.**

7 Q. And then you describe -- if we can move through to
8 paragraphs 25 and 26 at 547, you say:

9 "There was a lot of physical abuse in Rubane as
10 well. I got plenty of beatings there mostly from the
11 older boys."

12 So that's the reference to bullying you were talking
13 about.

14 "The Brothers never really got involved unless you
15 were being punished for something. I remember I ran
16 away twice and each time I was punished in the same way.
17 The first time I got as far as Newtownards. Then I fell
18 asleep in the bus station and the police picked me up.
19 When they brought me back to Rubane, I was put into
20 a tiny room and stripped and forced to put on swimming
21 trunks."

22 Then do you want to just say in your own words what
23 you say happened then when you were in this room?

24 **A. I just got a hiding. That was it.**

25 Q. And you mention one by one Brothers came in. Do you

1 remember the identity of any of them now?

2 **A. No.**

3 Q. And what form did this beating take? Was this with
4 a cane or a strap or hands?

5 **A. Physical, physical beating.**

6 Q. Just with their hands?

7 **A. Yes.**

8 Q. And was the idea of this to make sure you didn't run
9 away again?

10 **A. More or less, yes.**

11 Q. And you then describe how the next morning in the school
12 you say it was the Brother in charge -- you don't
13 yourself know who that is, HIA64, or you don't remember.

14 **A. No.**

15 Q. If you need a moment --

16 **A. No. Carry on.**

17 Q. -- there is no problem at all.

18 **A. I am all right.**

19 Q. Are you sure?

20 **A. Yes.**

21 Q. There's water there as well if you want to have a drink.

22 **A. I'm okay.**

23 Q. Are you all right? I'll maybe summarise this for you
24 and help hopefully getting through it. You describe how
25 they basically made an example of you. They moved the

1 desk back and they had some of your classmates hold you
2 while you got caned.

3 **A. Yes.**

4 Q. And again presumably that caning was worse than any
5 normal caning designed to make sure that you didn't run
6 off again?

7 **A. Well, what they used to do was spreadeagle you across
8 the desk and got tore into you with a bamboo cane.**

9 Q. And did it dissuade you from running off?

10 **A. No. I done it a second time.**

11 Q. And --

12 **A. Got the same again.**

13 Q. And you describe this incident in your police statement,
14 where you explain what you did after the beating. If we
15 can look, please, at 6631 and about -- just scroll down
16 a little, please. You describe how -- that's the first
17 altercation in the room. If we just scroll down
18 a little further, you describe going out after the
19 beating in front of the classmates. You describe going
20 out and getting into the outdoor pool. Can you remember
21 doing that?

22 **A. Yes. I had to.**

23 Q. What was -- how did that help?

24 **A. Well, it eased the pain a bit. That was all.**

25 Q. It was cold water you were getting out into?

1 **A. (Nods.)**

2 Q. And you describe -- what the Order says about that is
3 that corporal punishment was allowed in the school and
4 did take place in the school, but not the type of
5 beatings that you're describing. That's not part of --

6 **A. Well, I'm not sitting here telling lies. I got it.**
7 **I know I got it. I'm not going to -- I'm not going to**
8 **take it away. I did get it. I got a hammering for --**
9 **all right. I run off, but I shouldn't have got hammered**
10 **the way I got hammered. I don't mind getting punished**
11 **for something I done, but not like that.**

12 Q. You describe in paragraph 29 of your statement at 548 --
13 you say here that you have more scars for your brothers
14 than do you for yourself.

15 **A. Yes.**

16 Q. And effectively you protected them when they were in
17 Rubane at the same time as you.

18 **A. Well, both of them are younger than me. So --**

19 Q. And --

20 **A. -- I had to look after them.**

21 Q. And are these fights with other boys --

22 **A. With other boys, yes.**

23 Q. -- who would have taken advantage of your brothers?

24 **A. Oh, yes.**

25 Q. Now I want to just look at paragraph 23 of your witness

1 statement and move on to the night crawlers that you
2 describe in your witness statement to the Inquiry. You
3 explain here in paragraph 23 that your friend warned you
4 to be aware of night crawlers --

5 **A. Yes.**

6 Q. -- coming in round the boys. Now you said to me you
7 were in the dorm -- one of the dorms in what you call
8 the old school house or the steward's house that was
9 down at the farm.

10 **A. Yes.**

11 Q. I was asking you were you in the dorm that dealt with
12 bedwetting.

13 **A. No.**

14 Q. But there was a dorm in that building that housed those
15 who were having difficulty wetting the bed.

16 **A. Yes, that's right, yes.**

17 Q. But not your dorm?

18 **A. No.**

19 Q. And can you remember how did the conversation with this
20 person come about that he started talking, "Beware of
21 the night walkers"?

22 **A. It just happened -- during the day we were all talking**
23 **about noticing lads climbing in and out of different**
24 **beds and all the rest, and he says to me about, "Watch**
25 **the night crawlers". That was it.**

1 Q. And you then recall how -- you refer to BR15. That's
2 BR15, and again his name shouldn't be used outside the
3 chamber, and you describe how on one night you were
4 woken to find your bedclothes pulled back and a shadow
5 leaning over you.

6 **A. Yes.**

7 Q. You lifted the shoe that you kept under your pillow --

8 **A. Yes.**

9 Q. -- and swung it at whoever that was that was around you.

10 **A. That's right.**

11 Q. And you then say that the next day BR15 had a black eye.

12 **A. Yes.**

13 Q. So you put two and two together and were of the view it
14 was him who was at your bed?

15 **A. Oh, yes.**

16 Q. Were you aware of any -- his involvement with any other
17 boys or was there discussion about him with other boys
18 or any discussion about anybody with --

19 **A. Well, I know he had a few favourites. That was it.
20 That's all I knew.**

21 Q. And you describe this in more detail if we can look,
22 please, at 66329, and about halfway down the page, if we
23 just scroll down, please, you describe how BR15, who was
24 living in this old school house with -- next to your
25 dorm, and he had what he describes as charge hands for

1 each dorm. Can you explain what you mean by that? What
2 was the responsibility of the person who was the charge
3 hand, as you call it?

4 **A. Well, the charge hand of each dorm was a fellow put**
5 **there to look after -- help the Brothers out. He would**
6 **look after -- make sure that by around 12 o'clock the**
7 **ones that need to get to the toilet would go to the**
8 **toilet and in the morning he would make sure dormitories**
9 **were cleaned, beds made and stuff like that.**

10 Q. Now the Order would say it wasn't -- the Brothers were
11 still in charge. It wasn't that some boy was placed in
12 charge of a dorm.

13 **A. Well, the Brothers were always in charge, but the charge**
14 **hand helped them out when they weren't about.**

15 Q. And you felt it was similar to the Nazareth Lodge set-up
16 of charge boys?

17 **A. More or less, yes.**

18 Q. And you talk then about BR15 punishing in the corridor,
19 but if we just scroll down, you say here:

20 "I remember one incident when I was . I think it
21 was summer time. It could have been . I was asleep
22 in bed."

23 Scroll down, please. You refer to the night
24 crawlers.

25 "I had spoken to several boys who told me they had

1 been woken up at night by somebody groping them. It was
2 common knowledge amongst the boys that there were a few
3 boys who would try it on with the younger boys."

4 **A. That's right.**

5 Q. You just got to know who these boys were and did your
6 best to stay out of their way. Then you recount how
7 this shadow comes over you and you swung your shoe that
8 you kept beneath your pillow. You say:

9 "I was very frightened and shook up by this, but
10 didn't know who to turn to for help."

11 Why did you -- what do you mean by that? Why were
12 you not able to talk to --

13 **A. Well, there was nobody you could go to. There was
14 nobody to listen to you. Put it that way.**

15 Q. Why did you feel that?

16 **A. Well, when you did have a complaint, they just told you
17 to, "Go away. Forget about it". So you got to the
18 stage where you wouldn't complain, because there was
19 nobody there to listen.**

20 Q. And we can see you have mentioned on this page in the
21 police statement some sexual activity amongst the boys
22 and older boys trying to take advantage of younger boys,
23 and you mention that at paragraph 24 of your witness
24 statement at 547. What I want to ask you, HIA64, is
25 just how big a problem this was in terms of older boys

1 or boys on boys. How -- how do you remember that?

2 **A. I wouldn't know. I wouldn't know.**

3 Q. It wasn't a problem you ever had?

4 **A. No. It was one I stayed out of. If I had to fight, I**
5 **fought to stay out of it. That was it, but I don't know**
6 **how big a problem it was.**

7 Q. You are just aware it was an issue?

8 **A. It was an issue, yes.**

9 Q. But not for you?

10 **A. No.**

11 Q. I mentioned to you before, if I could summarise it this
12 way, the flavour through your evidence is that you were
13 able to look after yourself as you got older --

14 **A. Yes.**

15 Q. -- and looked after your brothers and maybe were bullied
16 or interfered with less as a result of that?

17 **A. Well, it would have helped.**

18 Q. And then you describe positive aspects of your time.

19 A number of people complained about potato picking, but
20 you say you loved it.

21 **A. Yes.**

22 Q. Paragraph 28 on 548. You got off the premises, as it
23 were, to another farm to do this.

24 **A. We did, yes. I enjoyed it.**

25 Q. You enjoyed it.

1 **A. I enjoy physical work.**

2 Q. And in paragraph 30 then you describe the activities --
3 sporting activities that you enjoyed, Gaelic and
4 hurling, and I think there's a reference to if you
5 crossed the white lines, you got a beating, but you
6 pointed out to me that's a mistake in associating that
7 with the Gaelic pitch when, in fact, that was a line in
8 the playground.

9 **A. That's right, yes.**

10 Q. So it had nothing do with Gaelic and hurling?

11 **A. Nothing to do with Gaelic.**

12 Q. But you enjoyed the sport?

13 **A. Yes.**

14 Q. You mention in paragraph 37, if we scroll down to 549,
15 that you -- it is a subject of reunions -- that you
16 still meet up with boys from Rubane. Was that something
17 that took place annually or every couple of years or --

18 **A. It's usually every couple of years. They try
19 an organise one every year, but it doesn't work.**

20 Q. And roughly how many people would meet up when these
21 things happen?

22 **A. Ten, fifteen, maybe twenty.**

23 Q. And is it people just from your era or does cross all
24 the time that --

25 **A. Well, it's -- I've met a few that have been in Rubane**

1 Q. -- and that you told your wife about the serious assault
2 that you describe --

3 **A. Yes.**

4 Q. -- after absconding, and you told her that about ten
5 years prior to 2011 when you made the statement --

6 **A. That's right, yes.**

7 Q. -- which would have been around the millennium, 2001.
8 Was that the first time that you talked about what had
9 happened?

10 **A. Yes.**

11 Q. And do you know why it took you so long to tell her
12 about that experience?

13 **A. I just hurt too much. That's all. I just was doing my**
14 **best to try and forget about it, but you can't, because**
15 **any time you try forget about it there's always**
16 **something needling you, something playing on your mind,**
17 **and no matter what you do, these things all come back**
18 **and it comes back all the time. You can't get rid of**
19 **it.**

20 Q. You mentioned to me that one of the releases for you is
21 to --

22 **A. Yes.**

23 Q. -- and you try and do that as much as you possibly can.

24 **A. I do, yes.**

25 Q. Before you had met it was drink that was your

1 release --

2 **A. Yes.**

3 Q. -- but you got a handle on that once you and her got
4 together.

5 **A. Yes, that's true.**

6 Q. And I am right in saying you have never brought a civil
7 claim against anyone in relation to your time?

8 **A. No.**

9 Q. I mentioned to you, HIA64, and you will be aware as
10 a result of that, that the Inquiry -- at the end of its
11 work the Panel have to make recommendations or consider
12 making recommendations to the Northern Ireland Executive
13 --

14 **A. Yes.**

15 Q. -- about what they might do or consider doing in the
16 form of an apology, or perhaps a memorial, or some other
17 means of redress, and we ask each witness whether
18 there's anything that they want to say to the Panel
19 about recommendations or what the Panel might consider.
20 Is there any views you want to express to the Panel
21 about any of those three issues?

22 **A. Well, I don't see the point in putting up a memorial,
23 for it doesn't work. It's only going to keep reminding
24 us of what we went through when we were younger.
25 I don't know. Even an apology wouldn't -- wouldn't**

1 solve the problem. We have been hurt too much, and me
2 myself personally, like, I was taken away from abusive
3 parents and put into two orphanages to get abuse again
4 and I couldn't take no more. I just can't take it, you
5 know. Excuse me. I'm sorry.

6 Q. There's absolutely no difficulty at all. Just take your
7 time.

8 **A. I'm sorry.**

9 Q. Everyone here appreciates the difficulty that people can
10 have. So it's no problem at all. I also said to you,
11 HIA64, if you want me to continue --

12 **A. Yes. Go ahead.**

13 Q. -- that what we do at the end of each person's evidence
14 is ask them whether -- this is your opportunity to say
15 whatever you want to say to the Inquiry about your
16 experience -- at this point we are looking at Rubane --
17 whether there's anything else that I haven't covered or
18 I haven't covered in enough detail, or if there's
19 something else that you want to say, now is your
20 opportunity.

21 **A. No, I've said all that I have to say. I don't want to
22 be saying no more. Just can't take it.**

23 Q. If you bear with me for a moment, HIA64, the Panel
24 Members may want to ask you something very briefly.

25

1 Questions from THE PANEL

2 CHAIRMAN: HIA64, I'd just like to ask you, if you wouldn't
3 mind going back to one of the things you said
4 a few minutes ago -- you were asked, "Did you complain
5 to anybody?" and one of the things you said was that you
6 had nobody to go to.

7 **A. No.**

8 Q. There's nobody to listen to --

9 **A. No, nobody would listen.**

10 Q. -- because if you had a complaint and you told the
11 Brothers, they would tell you to go away and forget
12 about it.

13 **A. Yes.**

14 Q. Now did you yourself go to any one of the Brothers at
15 any time and say, "Look, this is happening to me"?

16 **A. Only once.**

17 Q. I beg your pardon?

18 **A. Only once and nothing came out of it. So it was
19 pointless going back again.**

20 Q. And can you remember what it was you were complaining
21 about, either specifically or in general terms? Was it
22 physical abuse or --

23 **A. If memory serves me right, I think it was about the
24 Christian Brother in my bed. That was all.**

25 Q. That's when you threw or hit somebody --

1 **A. Yes.**

2 Q. -- with a shoe, and can you remember who the Brother was
3 that you did make the complaint to?

4 **A. No, I can't remember. I honestly can't remember.**

5 Q. Were there any Brothers who at that time you thought
6 were -- might be more sympathetic, more approachable?

7 **A. Not really, no.**

8 Q. No.

9 **A. The way we were in the home was where the place of
10 authority was we never really involved ourselves with
11 it, with the Christian Brothers. We kept everything to
12 ourselves, because it was pointless going and talking to
13 them.**

14 Q. I see. Thank you very much.

15 MS DOHERTY: HIA64, thanks very much for your evidence. Can
16 I just ask when you describe what happened to you being
17 hit by the Brothers and chastised in that way, did you
18 see that happening to any other boys? Was that
19 something that was --

20 **A. You hear it once or twice, yes. You seen it, you know,
21 but not a big lot.**

22 Q. Not a big lot, but the notion of boys observing other
23 boys being hit was something that you were ...?

24 **A. Yes.**

25 Q. Can I just ask you finally just a bit about the beating

1 for crossing the line, and I hear what you are saying
2 which was it wasn't to do with the Gaelic pitch, but
3 what was that about, that white line thing about?

4 **A. Well, they had -- the yard was split into two. There**
5 **was a white line at the top and we weren't allowed to**
6 **cross that, and the Christian Brothers used to walk up**
7 **and down the outside of that line, and if we stepped**
8 **over it, you got a good thumping and sent back again.**
9 **That was it.**

10 Q. That was it? Okay. Thanks very much.

11 MR LANE: You mentioned that there was nobody really you
12 could turn to to complain. About what the chaplain?
13 What was the role of that person?

14 **A. I hardly seen him. I only seen him at mass and what**
15 **not.**

16 Q. And for confession as well?

17 **A. Yes.**

18 Q. Would that have been a time when you could have raised
19 things with him?

20 **A. Anything said in the confessional box cannot be**
21 **repeated. So he couldn't have taken it anywhere.**

22 Q. All right. Okay. Thank you.

23 CHAIRMAN: Well, HIA64, thank you very much for coming to
24 speak to us today about your time in Rubane. I'm sure
25 it's been explained to you that we have to ask you to

1 come back again to talk to us about your time in
2 Nazareth Lodge, because with most people who have a lot
3 to say about more than one place it is very difficult
4 for us to cope with both at the same time.

5 **A. I can understand.**

6 Q. There are some people who don't remember much about one
7 but a lot about the other and then we do try and take
8 that into account, but we can see you've a lot that you
9 want to tell us the next time about Nazareth Lodge. So
10 thank you very much for coming to speak to us today. We
11 are very grateful.

12 **A. Thank you.**

13 **(Witness withdrew)**

14 MR AIKEN: Chairman, Members of the Panel, that is the oral
15 evidence for today, but there are two other witnesses
16 who have not been able to attend and I am going to deal
17 with their material. Certainly one of those will take
18 some time to do, and perhaps if we break for lunch now
19 and begin at a suitable time.

20 CHAIRMAN: Well, if we start, say, at 1.45, ladies and
21 gentlemen, if that would be sufficient.

22 (12.40 pm)

23 (Lunch break)

24 (1.45 pm)

25 CHAIRMAN: I am sorry to have kept you waiting yet again,

1 ladies and gentlemen, but there are quite a number of
2 administrative matters we had to look at before we were
3 ready to resume.

4 Now Mr Aiken.

5 READING OF STATEMENTS AND DOCUMENTS RELATING TO WITNESS

6 HIA262

7 MR AIKEN: Chairman, Members of the Panel, this afternoon we
8 are going to deal with the material relating to two
9 individuals who through medical difficulty have been
10 unable to attend to give oral evidence. The first of
11 those -- -- is HIA262, and he is
12 HIA262, and his name should not be used beyond the
13 chamber. He has provided the Panel with medical
14 evidence which I don't propose to go into, but to make
15 it clear publicly that the Panel has considered his
16 medical evidence and has determined that his material
17 should be dealt with in similar fashion to previously.

18 CHAIRMAN: Yes, that is the case.

19 MR AIKEN: His witness statement can be found at RUB824
20 through 837. So it is a 13-page witness statement, and
21 again the Panel have had the opportunity to consider
22 this witness statement together with the replying
23 statement from the De La Salle Order, which can be found
24 at RUB2839 through to 2844.

25 There is also a replying statement from the Health &

1 Social Care Board, which can be found at RUB8076 and
2 8077. Unfortunately that statement confirms, as with
3 a number of other applicants, that the file that may
4 have existed relating to HIA262 cannot be found.

5 What I propose to do then, Members of the Panel, is
6 to summarise the material that the Inquiry has received
7 relating to this individual and draw to your attention
8 some important factors when you are considering the
9 material that has been received.

10 HIA262 was born on and is now aged .
11 He was the and later this
12 afternoon I will deal , who was the
13 siblings. HIA262's mother died in
14 , when he was , and his father essentially was
15 working abroad and unsatisfactory outcomes resulted from
16 that. His oldest sister tried to cope, and when that
17 wasn't possible, the -- at least some of the children
18 were taken into care.

19 We can see from the Rubane admission document at
20 2847 that the admission record indicates that Belfast
21 Welfare were the source of HIA262 coming to live in
22 Rubane. He himself says in his statement that his
23 recollection is that he spent a short period in .
24 in . He describes sexual
25 abuse there, and then says he moved to Rubane. The move

1 to Rubane was on , just before his
2 birthday, and he remained there until
3 , when aged

4 The admission record that we are looking at
5 indicates that the reason for him being taken into care
6 and moved to Rubane was arising from non-attendance at
7 school, and when he arrives at Rubane in ,
8 to put this in context, BR6 is or
9 and also ,
10 having taken over from BR17 on , and
11 BR6 remained in that position until effectively
12 , so throughout the entire period that
13 covers HIA262's time in Rubane, and is
14 essentially one to two months before BR14 is the subject
15 of allegations that see him removed and subject of
16 a dispensation application from the Order that we looked
17 at during the opening week.

18 So if we look then at paragraph 8 of the statement
19 at 826, please, and on 827, HIA262 says that on his
20 first night in Rubane he was taken into a room which he
21 presumes was a Brother's bedroom. He is not sure which
22 Brother it was, and -- but he says the bedroom was on
23 the first level next door to what was called the big
24 dorm. He says he was taken there by an older boy and he
25 says he was cautious about that, but he records:

1 "The Brother told me that he was protecting me from
2 the bigger boys."

3 Then he describes what happened. Just scroll down.
4 You are able to read the content of what he says took
5 place. He remembers crying and being told to be quiet.
6 Everything was going to be all right. He doesn't know
7 how long it lasted. He says that really this was --

8 "I don't really remember that dormitory as I only
9 stayed there for one night and then I was moved to one
10 upstairs."

11 Then he says:

12 "I tried to run away the next day, but I was
13 caught."

14 Now HIA262 would have been at the time that he is
15 describing in the first night or first few days from he
16 moves in, and the Order addressing that, they address it
17 in paragraph 7 of their replying statement, and have
18 some concern about the account, but, as we do, the Panel
19 is aware we receive issues that we might like to
20 consider with witnesses from the various core
21 participants, and the Order has pointed out there were
22 two abusers in Rubane at the time HIA262 entered in

23 and that they accept BR15 that you are aware
24 of and you know from other evidence that he was -- his
25 room was in the old school house or steward's house at

1 the bottom of the farm area, and the other was BR14 --
2 and again neither of their identities should be used --
3 and BR14 was in the main house. You will recall that
4 BR14's application for dispensation had him admitting to
5 abusing a number of boys over a number of years. So
6 that's the context that pertained in and it
7 may assist with some of what I am about to say.

8 In paragraph 10 the -- HIA262 then describes the --
9 being beaten in front of the class for running away that
10 arose from his response to the sexual assault on the
11 first night of his stay. You can see in paragraph 10
12 that he identifies the Brothers that he says was
13 engaged. You will find who they are at page 5 of the
14 designation list. That's BR15, who is BR15, and BR3,
15 who is BR3.

16 BR2, who has provided a replying statement to the
17 Inquiry, and he is BR2 -- and again his identity should
18 not be used beyond the chamber -- addresses this
19 allegation in paragraphs 38 to 41 of his statement of
20 9th October. If we can bring up, please, 1935 and
21 paragraph 38 through 41, and the point essentially that
22 BR2 is making is that he has been identified as being
23 involved in this assault in paragraph 9 of the
24 replying -- of HIA262's statement the following day as
25 punishment for the absconding that followed the sexual

1 assault, and the point that BR2 is making that he did
2 not come to Rubane until later in that year, and the
3 Order suggests that he arrived on
4 The reference for that, which I am not going to bring
5 up, is at RUB935 and the History of the Home book that
6 we have looked at for various purposes records the same
7 at RUB11823, and you will see that BR2 himself says
8 that:

9 "I only arrived in ."

10 This is paragraph 39, the last sentence. It says
11 ". I have clarified with those who drafted the
12 statement that that is an error, that it should read
13 and therefore if HIA262's recollection is
14 correct as to when this incident occurred, ie shortly
15 after he arrived in , then his identity of BR2
16 as having been involved in it BR2 says couldn't be
17 accurate.

18 Now what BR2 goes on to say in paragraph 40 is he is
19 not aware of who stayed in this room. That might have
20 been the Brother there before he took up residence in
21 this room at the end of ,
22 but I have given you that the Order has pointed out that
23 BR14 was residing in the main house in and
24 while they are not suggesting names to the Inquiry, it
25 is a fact that that is the position at that point in

1 time.

2 Now then if we look at paragraph 13 of HIA262's
3 statement at RUB828, please, you will see that he says:

4 "The Brothers were always very intimate in the sense
5 they were always rubbing themselves against us and
6 touching us."

7 He makes particular reference to BR13. Now BR13 is
8 BR13. You can see the view that HIA262 expresses about
9 him. Then he records how:

10 "He would sit in the TV room where there were cinema
11 type seats",

12 and have a boy sitting beside him. Then he
13 recounts what would happen.

14 Now as to that the Order points out in paragraph 12
15 of its replying statement that many individuals,
16 including individuals who have come forward to the
17 Inquiry, have had very positive things to say about BR13
18 and don't make these types of allegations, and the Order
19 has also drawn to my attention in recent days as part of
20 our communication in respect of questions for potential
21 witnesses that what is being described in this
22 paragraph is very similar to other accounts that the
23 Inquiry has heard in respect of BR15, who is BR15. They
24 again raise the possibility that perhaps there's been
25 a misidentification in terms of what is the identity of

1 the person concerned.

2 If we look at paragraph 16 then of the statement,
3 you will see that reference is then made to essentially
4 the chaplain:

5 "The priest was prone to touching us, either in the
6 sacristy or in his house. I can't remember his name.
7 He lived in the house at the bottom end of the farm with
8 the boys that wet the bed."

9 There was a period of time whenever you will recall
10 the discussions when I was outlining the development of
11 the various dorms that for a period there were two dorms
12 in the old steward's house and the other area was used
13 by the chaplain and then eventually it was all dorms and
14 the chaplain moved out into a different house, and what
15 he is articulating here, if we just scroll down, please,
16 you can see the type of sexual interference that he is
17 describing.

18 Now the Order points out in paragraph 15 of its
19 replying statement that there are up to this point no
20 other known complaints about either of the two chaplains
21 who would have spanned the years , and as
22 a result of what HIA262 is saying the Inquiry has raised
23 the matter with the Diocese of Down & Connor, who are
24 looking into the matter further and are going to provide
25 any information they can that might assist the Inquiry.

1 So this is an issue that we are likely to return to at
2 some stage.

3 At this stage what I can say to the Panel is that it
4 is possible for us to identify who the two priests were
5 who were the chaplain that spanned this time period, but
6 I don't propose to go into that in any further detail
7 today until you have greater clarity as to what the
8 diocese are saying about the individuals who held those
9 posts.

10 In terms of the physical abuse in paragraph 10 of
11 HIA262's statement at 827 he describes the use of
12 an electric flex wire by BR15 you can see at the very
13 bottom of paragraph 10, and then he goes on to describe
14 BR3, BR3 as he became in , BR3, who again shouldn't
15 be identified beyond the chamber, as a very vindictive
16 man and he describes him:

17 "... grabbing us by the hair, lifting us right up on
18 to our tiptoes. On the way back down you got a whack on
19 the back of the neck."

20 He then describes in paragraph 11 a particular
21 incident where money it appears had been stolen from
22 BR6's room, BR6 being
23 , and what took place as
24 a result of dealing with the boys arising from that
25 theft.

1 Now as to that the Order say, if we can just look at
2 2840, please, paragraph 10 of the replying statement --
3 and the Order essentially makes the point that this
4 incident just didn't happen, that there would be at
5 least 60 to 70 boys in the home at the time and the
6 Inquiry it is suggested might have expected to hear of
7 this incident from others. If we just scroll down,
8 attention is drawn to the fact there are other
9 individuals who cross the time span with HIA262 who
10 don't mention an incident of this nature.

11 Now if we look then, please, at 927 and paragraph 12
12 of -- sorry -- 828 -- my apologies -- 828 and
13 paragraph 12, we can see another allegation of physical
14 assault by HIA262 at the hands of BR28. It should --
15 that designation should read "BR44", and that can be
16 found on page 6 of the designation list, and that's
17 BR44. Again his name shouldn't be used beyond the
18 chamber. He left the Order in , so during the time
19 that HIA262 was in Rubane, and the records indicate he
20 was in Rubane from , so a -year period
21 during HIA262's stay.

22 The allegation you can see is that if a musical note
23 was wrong, then the cane would come out, but that he
24 never used the strap. He talks about getting three
25 canes on each hand and kept doubling up:

1 He talks about being ridiculed in front of others.

2 The arbitrary rules he describes, as you can see:

3 "... a white line in the yard which we weren't
4 allowed to cross."

5 He describes it he feels as another way of boys
6 being controlled.

7 Then he describes bedwetting in the same paragraph,
8 and he describes his recollection of boys being marched
9 to the laundry every morning carrying their wet bedding.

10 The Order sets out its position in paragraph 14 of
11 its replying statement that that's not how bedwetting
12 was dealt with.

13 At paragraph 29 at 833 HIA262 deals with the issue
14 of visiting to the home. You can say -- see he says:

15 "The Brothers weren't particularly forthcoming with
16 family visits."

17 He talks about his sister coming on the long journey
18 and not being made feel welcome, and the Brothers -- the
19 Order replying in paragraph 28 of their reply statement
20 saying that's just not the case. That's not how
21 visiting was dealt with.

22 In paragraphs 31 and 32 HIA262 deals with
23 correspondence -- can we scroll down, please, to 834 --
24 and making the point that he didn't get letters that
25 were being written to him or people didn't receive

1 letters he was sending.

2 At paragraph 30 of the replying statement the Order
3 don't accept that proposition. In fact, they point to
4 by way of example if we can bring up, please, 2849 and
5 if we just scroll down, please, towards the bottom, this
6 is a school record, and you can see:

7 "Letters now and then from sisters.

8 Visits used to be about one per month, but since
9 Easter none."

10 So the Order point to that contemporaneous record as
11 indicating perhaps there is a mistake of recollection as
12 to what actually occurred over the likes of
13 correspondence and visiting.

14 In paragraph 35 of HIA262's statement at 836 --
15 sorry -- 835 -- my apologies -- paragraph 35, he
16 explains that he felt there was no preparation for going
17 out into the world. He left in when he was , and
18 he thinks it was organised through Social Services, and
19 that would have been the Nazareth Lodge Welfare
20 Committee representative. He says:

21 "One minute I was in Rubane. The next minute I was
22 in Belfast. They put us into lodgings and boarding
23 houses and get us a job."

24 He says the jobs were menial, because they had no
25 education, no experience of handling money or even

1 communicating with people.

2 "I never interacted with adults, because I didn't
3 trust them. I always viewed them as people who were
4 going to hurt me."

5 So he is raising that there was not preparation for
6 him to move into life beyond care.

7 In paragraph 39 of his statement at 836 he says that
8 years ago the police tried to contact him about his time
9 in Rubane:

10 "... but I kept avoiding them. It's not a question
11 of wanting justice in the sense that I want to see
12 somebody punished or go to prison. I would like to
13 understand why these people felt the need to do what
14 they did."

15 So there is no police statement from HIA262. He
16 also has never taken a civil claim against the Order in
17 respect of his time there, and some of that may be to do
18 with his medical difficulties that the Panel will be
19 aware of from his medical report.

20 In conclusion in paragraphs 40 and following I am
21 just going to read what he had to say:

22 "I think that the people working in the homes should
23 never have been in those positions. They were
24 vindictive, evil people. They were just violent people
25 in disguise as disciples. There was no humanity. There

1 was nothing that would indicate that we actually
2 existed. We only existed for the Brothers to punish us
3 and take their frustrations out on us. I think there
4 was a lot of resentment from them because they had to be
5 looking after us. In my view it shouldn't have been all
6 men looking after boys. There should have been some
7 sort of balance. There was no community and no
8 affection. There was no steadying influence and nobody
9 to show me the way. A child should go into
10 an environment where there is balance and a little bit
11 of love. It was all dogma. It was all rammed down your
12 throat. I don't have any feelings in regard to
13 religion. The only reason I ever went to chapel was
14 because of my wife, such as having our children
15 baptised. I don't blame all the religious community.
16 I admire people that believe and have the sense to go to
17 chapel and have community with people, but I don't have
18 that feeling."

19 Scroll down, please. He says he has not spoken to
20 his brother:

21 "... even though he was in there with me and shared
22 the same experience."

23 He says:

24 "We can't recapture anything from our childhood or
25 resolve the issues that we have."

1 MR AIKEN: Chairman, Members of the Panel, the material that
2 I am now going to deal with relates to HIA26,
3 , but from my --

4 CHAIRMAN: Perhaps I should just confirm with you that
5 can be assumed to have waived their
6 anonymity?

7 MR AIKEN: Yes.

8 CHAIRMAN: They are both covered by the Inquiry anonymity
9 policy and we have no reason to believe that they wish
10 any departure from that. Isn't that so?

11 MR AIKEN: Yes.

12 CHAIRMAN: I should have said that earlier and I thought
13 I~would just raise it now for both.

14 MR AIKEN: Yes. Any reporting of their account should not
15 identify them in the normal fashion.

16 HIA26, which is the name I am going to use to avoid
17 confusion, is HIA26. He has also provided medical
18 evidence to the Inquiry as to why he is not in
19 a position to attend to give oral evidence and,
20 , HIA262, the Inquiry has accepted that
21 evidence, and I am going to deal with material that the
22 Inquiry has received relating to him.

23 Now, as can be seen, I have four lever arches of
24 material surrounding me and I am going to endeavour to
25 summarise that material in a way that's fair to everyone

1 that's involved in the material that I am about to look
2 at.

3 What I am going to do first is just identify for the
4 Panel what I am describing as the core documents that
5 arise in the context of this evidence.

6 The first is HIA26's own witness statement to the
7 Inquiry, which is of 28th September 2014, and that's at
8 RUB455 to 467.

9 There then is a replying statement from the De La
10 Salle Order of 26th June 2014 and that can be found at
11 2699 to 2706, and then there is a considerable body of
12 exhibit material to that statement which can be found at
13 2707 through to 2838.

14 In addition, today the Inquiry has received
15 a supplementary statement from the De La Salle Order.
16 I am grateful to Miss Turley. That can be found at
17 RUB4764 through to 4766. That statement arises because
18 the Inquiry has disclosed to core participants a very
19 significant volume of material that relates to HIA26's
20 evidence, and the Order has now tried to pull together
21 in a short form a summary of its position arising out of
22 that additional material.

23 The fourth core document is the Health & Social Care
24 Board statement, which is of 30th September 2014. That
25 can be found at 8078 and 8079 and, similar to the last

1 witness, , the Board acknowledge that
2 HIA26 was in the care of the Belfast Welfare Authority,
3 but, , they cannot find his file.

4 The fifth core document is a statement from BR2.
5 Again his identity should not be used beyond the
6 chamber. That statement is of 9th October 2014. It can
7 be found at RUB1929 to 1945, and in particular
8 pages 1934 and 1935 are relevant for HIA26's evidence.

9 That is the core Inquiry material, but then in
10 addition HIA26 has made a number of witness statements
11 to police, and I am going to try and outline those, and
12 what I am going to do is try and indicate to you the
13 content in summary form of those statements and then we
14 will look at each individual allegation in turn and turn
15 to the Inquiry statement.

16 The first police statement is of 27th September 1995
17 and that statement can be found at RUB60467 and
18 following through to 60469, and in that witness
19 statement HIA26 alleges that he was sexually abused by
20 BR1, BR6, who was at the time, and
21 BR15, and the material relating to that can be found at
22 60467. The description that he provides is of groping
23 and masturbation. He doesn't describe anal rape. He
24 also describes in the statement at 60468 groping by BR13
25 and receiving half a Crown to masturbate him. Again

1 there's no mention of anal rape. In that first police
2 statement there is no mention at all of BR3, BR3, or
3 BR2.

4 There is a second police statement of
5 1st November 1996 and that can be found at RUB65239.
6 That appears to be a one-page statement and that's the
7 only page the Inquiry has received, and it doesn't
8 contain any specific allegations. It more relates to
9 home life and life after Rubane.

10 There then is a third police statement of 11th
11 November 1996. That can be found at 62662 through to
12 62665. Now in this statement HIA26 commences by saying
13 he now wants to tell everything that happened to him in
14 Rubane. He goes on then to describe anal sex by BR6 and
15 BR15. It is described in the statements as buggery,
16 given the time period the statement dates from. He
17 alleges that other unknown Brothers engaged in the same
18 offending against him at Glenariff when on the summer
19 holiday stay.

20 He then describes in respect of BR3 or BR3 following
21 telling him what BR6 and BR15 were doing to him -- so he
22 says that -- he describes the offending of BR6 and BR15
23 and then says he told BR3 about it, and then BR3 began
24 to touch him and engaged in oral sex, masturbation and
25 always finished with buggery. That can be found at

1 RUB62664.

2 In respect of BR1 he similarly says in this third
3 statement that it was as well oral sex and anal sex and
4 makes reference to a particular incident in the common
5 room in Rubane. That can be found at 62664.

6 He then makes an allegation against BR44 of groping.
7 That can be found at 62664, and he then describes on
8 62665 a belief that he had pictures taken of him whilst
9 naked.

10 I will ask the Inquiry to note that there is no
11 mention in that third police statement of November '96
12 of BR2 at all, and there is no mention of buggery by
13 BR13, and there is also no mention of being drugged, and
14 I will come back to why I say that in due course.

15 So those are the three police statements that exist
16 between '95 and '96.

17 There then is a suite of civil claims material that
18 date between 1998 and 2006 and that material can be
19 found at RUB50215 through to 50284.

20 I draw the following two points to the Panel's
21 attention at this stage. The civil claims material
22 includes allegations of sexual abuse by BR13, BR1, BR6,
23 BR3, BR3, BR15 and BR44. So that's six Brothers, all of
24 whom feature in the 1996 third police statement.

25 BR2 is only named in the proceedings in

1 a representative capacity for and on behalf of the De La
2 Salle Order. No allegations are made in the civil
3 proceedings against him.

4 Arising from those civil proceedings the Inquiry
5 also has two medical reports, one from Dr O'Neill in
6 January 1999. That can be found at 50249. In that
7 report BR6 and BR15 are named, but the doctor is told
8 there are a number of other Brothers who were involved,
9 and a number is given of six in total, and I have just
10 said to you there were six who formed part of the civil
11 proceedings against whom allegations were made.

12 Dr Fleming reports in May 2005, some six years
13 later. His report is at 50255. There are no Brothers
14 named in that report, but there is reference to seven or
15 eight Brothers being involved. That reference can be
16 found on 50260, but it is said only one of those was
17 still alive, and that belief is unlikely to be accurate,
18 given the six and then others that have been
19 subsequently identified.

20 The Inquiry then has available to it, because HIA26
21 made the material available to the police, handwritten
22 notes from and counselling that he engaged in in and
23 around March 2011. That material can be found at 65636
24 through to 65640. That material is HIA26's handwritten
25 account in respect of four Brothers: BR6, BR3/BR3, BR1

1 and BR44.

2 I cannot say to the Inquiry that that is all the
3 notes that there were. Those are the notes that were in
4 the police file.

5 The next core material that the Inquiry has is the
6 transcript of portions of evidence from the -- what I
7 will call the Larkin civil trial of 2011, and HIA26 gave
8 some brief rebuttal evidence in that trial, and that can
9 be found at 150... -- 15095 to 15104, and I will return
10 briefly to one portion of that in due course.

11 The next piece of core material is a fourth police
12 statement of 1st December 2011. That's at RUB65632, and
13 that's a police statement giving the police permission
14 to obtain the counselling notes that I have already
15 referred to in chronological order that the Inquiry has.

16 There then is a fifth police statement of 31st March
17 2012 at RUB65633, and that police statement refers to
18 the content of the counselling notes and confirming that
19 they're HIA26's writing.

20 I should have said at the time of mentioning the
21 Larkin transcript that the Inquiry also has the Lord
22 Chief Justice's judgment in Larkin, which can be found
23 at 15217 and it finishes at 15226.

24 Then in May of 2012, on 5th May, HIA26 over a period
25 of many hours conducted an achieving best evidence

1 interview with police. That interview runs to almost
2 400 pages. It can be found at RUB65247 through to
3 65631.

4 CHAIRMAN: Just for the benefit of those who may not
5 understand the difference between a conventional written
6 statement signed by someone and an achieving best
7 interview -- best evidence interview, a best evidence
8 interview is where someone is simply spoken to and the
9 whole conversation is then recorded. It is commonly
10 found where people are interviewed in relation to their
11 complaints, serious sexual offences and matters of that
12 sort. Hence it running in this instance I gather to
13 400 pages of transcript.

14 MR AIKEN: It does, Chairman. It's a very significant and
15 detailed discussion that takes place recorded on video,
16 and I just want to highlight three points that arise.

17 HIA26 confirmed that at the time of making this
18 video he was mentally and physically fine, and that's at
19 65256.

20 I draw in comparison to some of what I am about to
21 say a minor point to the Inquiry's attention that
22 involves contact with his brother. He does say at 65274
23 that he did see his brother at break time, dinner time
24 and they played together at night-time.

25 Then I want to say this at this point. The ABE

1 interview across the 400 pages contains a series of very
2 graphic accounts of the serious sexual abuse that he
3 alleges against the same series of Brothers that I have
4 already identified, so that's the six names that I have
5 given you, but in addition in the achieving best
6 evidence interview HIA26 goes on to allege serious
7 sexual abuse at the hands of BR2 and a BR17. The Panel
8 will have the opportunity to consider that graphic
9 evidence that he outlines and I will come back to some
10 of it as I move through what I am saying at present.

11 The next piece of core material is a police
12 statement from his sister and that's of 30th May 2013
13 and it can be found at 65708, and that details her
14 recollection of her visits to HIA26 and how those visits
15 were conducted in close proximity to Brothers.

16 Then I draw attention to a letter from the police of
17 18th December 2013. That can be found at 65644, and
18 that's a letter explaining the steps that they had taken
19 to pursue the complaints that HIA26 had brought to their
20 attention, and in summary it records that BR2 had been
21 interviewed, and I will come back to that, and it
22 explained why it wasn't going to be possible to
23 interview BR3/BR3. We will come back to that. That's
24 to do with his medical difficulties.

25 There is one other reference that I give in terms of

1 core material. HIA26 explains in his witness statement
2 he got into difficulty with the law following his time
3 in care and the Inquiry will be able to look at that as
4 60949 through to 60952.

5 Now, having painted that picture to set the
6 background to what I am about to say, HIA26 was born on
7 . He was the siblings.
8 He makes that point in paragraph 2 of his statement at
9 455.

10 He entered Rubane on
11 . So that was months after BR14 had
12 been removed and had been given his dispensation in
13 When he went in in he
14 was aged and he lived there until , when
15 aged . So he lived there throughout BR15's period of
16 time in Rubane.

17 If we can bring up, please, 2708, the admission
18 record that the Order completed indicates that the
19 reason for coming into care was unsatisfactory home
20 conditions. If we can bring up, please, 2708, the
21 record indicates that HIA26 was the responsibility of
22 Belfast Welfare. It expresses a view that he's a fairly
23 intelligent child. If we just scroll down, please, you
24 will see on the left-hand side the reference to home
25 circumstances that resulted in him coming into care and

1 then you can see the reference in the bottom right:

2 " . Care of Belfast Welfare. Didn't
3 return from week-end holiday."

4 Now obviously we don't have a file to look at this
5 further. Whether the reference on discharge to welfare
6 is simply what goes on the form for someone who is no
7 longer in the home, whether there was some form of
8 handover with Belfast Welfare, it is not possible to
9 take that any -- any further.

10 In his statement HIA26 outlines in paragraph 7 at
11 456 school caning. He attributes that to BR3, BR6 and
12 BR2, and talks about being hit with a cane that was
13 frayed and taped. You will recall reference being made
14 earlier to BR15 and taping the frayed cane. He
15 discusses being hit on the hands, legs and backside.

16 In paragraph 8 then he also describes -- you can see
17 reference to DL6, who is DL6, , and
18 again his identity shouldn't be disclosed beyond the
19 chamber. HIA26 describes him having a wicked temper and
20 throwing lumps of wood or a set square at you. He says
21 it is just the way he was.

22 He then describes in paragraph 24, if we can go,
23 please, to 461, BR44. Now he is BR44. You will find
24 that on page 6 of the designation list. He was
25 a

1 . His CV for the record is at 975, and
2 he left the Order . You can see HIA26
3 describes here that he was more into beating boys. He
4 does make reference to being groped by him and I will
5 return to that. He says he was more into beating boys,
6 beating them with a strap.

7 Then paragraph 31 of HIA26's statement he says one
8 of the reasons for not feeling able to report the very
9 serious abuse that he describes is because if word got
10 back to the Brothers, they battered you. He identifies:

11 "BR6 and BR1 would use leather straps with coins
12 sewn into them. They hit me several times."

13 Now the Order disputes this occurred and this
14 suggestion of coins is a myth that has developed over
15 time, and in fairness I am going to show you just a very
16 small portion of the ABE interview in May 2012. If we
17 can look, please, at 65484, because here you can see the
18 reference to HIA26:

19 "It was a big black strap. There was rumours, you
20 know -- whether it was true or not I don't know -- there
21 was rumours that it was filled with threepenny bits."

22 So it appears certainly from this exchange in the
23 ABE interview that HIA26 was not himself saying that he
24 knew that there were coins sewn into the black strap
25 that he and others have described.

1 I then want to move on to look at the sexual abuse
2 that HIA26 alleges. I am going to do this looking at
3 each of the Brothers that he makes allegations against
4 in turn. I am going to do it in a summary form.

5 The first Brother that he identifies is BR6. He is
6 BR6. He is on page 5 of the designation list. In due
7 course I will be presenting a biography to the Panel in
8 the same form as the three I dealt with during the
9 opening week. He was in the home from
10 when he was aged , to when he was ,
11 so essentially years, and he had a
12 spell away as
13 between So not relevant
14 for HIA26's time. That reference for you is at
15 RUB11837. So years, first as
16 for the purposes of the
17 Children & Young Persons Act and then he becomes the
18 again from until the home closes. He died
19 on . So he was years into his time
20 as , the
21 whenever HIA26 comes to Rubane
22 in , and would have been years of age at that
23 point.

24 In paragraph 16, 18 and 19 of HIA26's witness
25 statement -- that's at pages 458, 459 and 460 -- HIA26

1 describes being abused through the form of medical
2 examinations when he would be asked -- his body would be
3 inspected, and describes incidents in the showers, anal
4 sex on numerous occasions in BR6's bedroom, in the
5 Brothers' bathroom, in BR6's office and the clothing
6 store, but also says he made him give him oral sex more
7 often. He described a particular form of abuse in
8 paragraph 18 which I am not going to open, but which the
9 Panel has had the opportunity to consider in terms of
10 interfering with HIA26, and in paragraph 19 then he
11 alleges that BR6 had anal sex with him at Glenariff.

12 Then in paragraph 26 of his statement at 462 he
13 alleges that BR6 gave him cocoa and then took him out in
14 the car to a big house off the premises, and he seems to
15 be describing some form of being drugged, and he recalls
16 photos of himself being taken. He says in paragraph 29
17 at 462 that BR6 warned him not to say anything about the
18 abuse to his sister. Those descriptions of what is
19 alleged against BR6 are similar to those found in the
20 third police statement of 11th November 1996 at 62662
21 where HIA26 describes being buggered by BR6 in various
22 locations to the police.

23 Now that statement, that police statement, formed
24 part of file 4 of 41 arising from Operation Overview --
25 you will recall my discussing that during the opening

1 week -- and file 4 related to BR6. The file itself runs
2 from RUB61681 through to RUB61951. In those files the
3 police amongst other things carry out an assessment or
4 express a view as to the person that they are dealing
5 with and they express that view in respect of the number
6 of individuals who made statements and are dealt with in
7 that file, and HIA26 was assessed as a good witness.
8 That's at 61687, and arising from the police
9 investigation involving BR6 he was interviewed on 4th
10 April 1996. That interview can be found at 61809
11 through to 61915.

12 If we can look, please, at 61823, and this is
13 internal page 15 of that interview, and we can look,
14 please, at two-thirds of the way down, and then we will
15 -- scroll slightly further. He says:

16 "I never during my years there -- I never in any
17 way interfered sexually or physically or anything in any
18 way with any boy whatsoever. I can say that with
19 a clear conscience absolutely.

20 Q. Were you ever aware of this type of conduct --

21 A. No."

22 Scroll down, please.

23 "Q. -- going on?

24 A. I was never aware of that kind of conduct going
25 on in Kircubbin during my time, and, mind you, I was

1 there all that time --

2 Q. Uh-huh.

3 A. -- and I knew the lads very well, and I had
4 a very good rapport with them, and I could say that they
5 liked me very much --

6 Q. Yes.

7 A. -- and I liked them, and I'm surprised,
8 absolutely surprised, that this was going on."

9 Then he reads part of a medical report.

10 BR6 deals -- I should make it clear that in the
11 context of what I've just read BR6 goes on to explain in
12 the interview the two instances where he did take steps
13 in respect of BR14 and in respect of BR15, and we looked
14 at those extracts during the opening week when we were
15 looking at those two individuals.

16 If we can go, please, to 61858, which is the part of
17 the interview at internal pages 50 to 55 -- if we scroll
18 down, please -- where BR6 deals with the 1995 allegation
19 of HIA26.

20 Now you will recall that I said to you in the first
21 statement in 1995 the allegations did not go as far as
22 anal rape and therefore this is an interview that's
23 being conducted in April '96. The third statement isn't
24 until November '96. So the allegations that BR6 is
25 responding to in this interview do not include the

1 allegations of anal rape.

2 If we just look in summary form, please, if we look
3 at 61859, and at the bottom of this page he says this
4 when the allegations are put to him:

5 "My goodness me! Absolutely ridiculous. Absolutely
6 ludicrous. Unless again -- unless he's mixed me up with
7 somebody else, no, no, no. I deny it completely."

8 Scroll down, please.

9 "Q. Well, what do you say about his description of
10 you, ?

11 A. Yes.

12 Q. and wore ?

13 A. Yes.

14 Q. Did you have a nickname?

15 A. I had.

16 Q. Was it ...",

17 and that's "BR6", which again shouldn't be used
18 outside the chamber.

19 "A. It was indeed.

20 Q. And he describes your room.

21 A. Yes, I think he's -- yes.

22 Q. Is that an accurate description?

23 A. It's an accurate description.

24 Q. He describes you as the .

25 A. Yes, for the first years I was there.

1 Q. So you'd say that's accurate?

2 A. His description, yes, is accurate, yes.

3 Q. The only thing you object to is the allegations
4 that he makes --

5 A. Yes.

6 Q. -- about what you made him do?

7 A. Yes."

8 He talks about not being in charge of the showers.

9 "Q. ... you could visit any area?

10 A. I could of course, but it's completely wrong.

11 What he said is completely wrong."

12 He is asked then does he remember this particular
13 individual. He doesn't have a particular recollection.

14 If we just scroll down, please, and he says again:

15 "A. No, that's wrong. No, that's completely" --
16 scroll down, please -- "completely wrong. I deny all of
17 that completely.

18 Q. So while you deny the allegations, do you agree
19 that he's not mixing you up with anyone else?

20 A. I don't think so from his description he gave
21 there of me",

22 and moves on into another individual.

23 In November 1996 the DPP directed that BR6 be
24 prosecuted for sexual offences relating to including the
25 abuse of HIA26, including the charge of buggery. So it

1 may be that they were aware of the 11th November 1996
2 statement by the time they gave the direction, which is
3 dated 16th November, and that direction can be found at
4 61944 through to 61950. There is no need for that to be
5 brought up.

6 Then a Crown Court trial was looming in respect of
7 BR6 and with charges relating to a number of
8 individuals. We will look at that in the biography in
9 due course. He was charged with two other Brothers,
10 BR3/BR3 and BR1 for the second time, he having been
11 charged in , and on 31st April 1998
12 His Honour Judge Gibson, as he then was, sitting at
13 Downpatrick Crown Court stayed the criminal proceedings
14 against BR6 arising from an abuse of process application
15 that his legal representatives brought. The reference
16 for that is at 61938.

17 Now during his achieving best evidence interview in
18 May 2012 HIA26 spoke about the abuse he alleged against
19 BR6 in extremely graphic terms from pages 29 internally
20 through to approximately 115. So it covers some 90 plus
21 pages of the ABE interview. That runs from RUB65275
22 through to 65360. Obviously BR6 had already passed away
23 by the time this interview is being given, but you can
24 see the types and nature of the allegations that are
25 made and where he says those incidents occurred,

1 including both on the premises and outwith the premises,
2 and we will look shortly at what is said to be BR6's
3 involvement with others in a particular incident in the
4 home.

5 The next Brother that I want to look at is BR15.
6 You are aware that the Order has already accepted that
7 he abused children in Rubane. In paragraph 17 of
8 HIA26's statement at 459 he describes being sexually
9 assaulted when films were being shown. He would sit on
10 BR15's knee and would be made to masturbate him. He
11 then describes other times in BR15's bedroom and he then
12 by the age of 11 describes anal sex taking place in the
13 pavilion arising out of getting the sports fields ready.
14 He alleges that he was anally raped repeatedly and also
15 says BR15 always wanted to be masturbated in the laundry
16 room. He describes in paragraph 18 a particular
17 activity that I will allow the Panel to simply read, and
18 he alleges that these types of sexual offences occurred
19 in BR15's bedroom, in the Brothers' bathroom, in the
20 laundry, the garage and the workshop as well as the
21 pavilion. He says it occurred weekly or twice a week,
22 and he also alleges in common with BR6 in paragraph 19
23 that BR15 anally raped him at Glenariff while on the
24 summer holidays.

25 Now HIA26 made allegations against BR15 in his first

1 police statement of 27th September 1995 and, as
2 I indicated at the outset, those allegations were
3 initially of groping and masturbation only. That
4 statement formed part of file 3 of 41 arising from
5 Operation Overview. File 3 related to BR15.

6 HIA26's allegations were put to the then BR15, as he
7 left the Order , and those allegations were dealt
8 with by him on 21st November 1995. That begins at 61398
9 in the bundle. HIA26's allegations were dealt with from
10 pages 36 through 50 of the interview at 61433 through to
11 61447. So 61433 through to 61447. In summary form BR15
12 categorically denied the allegations that HIA26 was
13 making.

14 In his ABE interview in May 2012 from
15 pages internally 145 to 152, which runs from RUB65391
16 through to 65398, and then again as a result of a new
17 tape from internal page 4 to internal page 13 at
18 RUB65419 through to 65428 HIA26 describes again in
19 graphic terms the sexual abuse that he says BR15 engaged
20 in.

21 I have mentioned in passing, and I do so again as
22 a category on its own, that in paragraph 19 of his
23 witness statement to the Inquiry at 460 HIA26 describes
24 other Brothers who were not based at Rubane engaging in
25 anal sex, anal rape in Glenariff, and he repeats those

1 allegations in the ABE interview, and also identifies
2 a priory in Benburb as a location for similar offending.

3 The next Brother I want to look at is BR3, who is
4 BR3. He is BR3. His identity should not be disclosed
5 outside the chamber. He was in Rubane from through
6 to save for year between to
7 , so years. As I indicated, in and about
8 he reverted from his religious name of BR3 to
9 BR3. He says that himself, and the reference for that
10 is at 62387. So he arrives in Rubane just before BR6.
11 Then BR6 comes in in as and BR3
12 eventually becomes in Rubane
13 in the late .

14 HIA26 says in paragraph 21 of his witness statement
15 that he thought BR3/BR3 was okay. He told him about the
16 things he says that BR6 and BR15 were doing to him and
17 he then describes how BR3 brought him to BR6, who caned
18 him, and how he took the step of cutting his own wrist
19 as a result.

20 Then he goes on to say in paragraph 22 of his
21 statement to the Inquiry that then BR3 wanted to speak
22 to him about the abuse and brought him to his bedroom
23 where he comforted him initially, then, touching his
24 leg, built up to oral sex, masturbation and then
25 buggery. He says that anal rape took place on numerous

1 occasions, and he says that this abuse by BR3 was the
2 worst of all of the Brothers that he describes and
3 attributes abuse to.

4 He describes in his Inquiry statement being taken to
5 the Brothers' bathroom, washed and then being urinated
6 on. The 1995/'96 allegations against BR3, so from the
7 police statements, police statement number 3, they were
8 dealt with in file 7 of 41 arising from Operation
9 Overview, which dealt with BR3/BR3. That file can be
10 found at RUB62373 through to 62593 in the bundle. The
11 third police statement of HIA26's of 1st November 1996,
12 which is at 62662, at pages 62663 and 4 make allegations
13 against BR3 of oral sex, masturbation and anal rape in
14 his bedroom, Brothers' bathroom and so on.

15 The DPP considered that statement and on
16 15th November 1996 they directed that BR3 should be
17 interviewed again about HIA26's allegations. That -- if
18 we just look, please, at 62381, the reason for that was
19 because BR3, as he was by this point, had already been
20 the subject of allegations in 1995 police statements and
21 had been interviewed about those, and then HIA26's
22 statement of 1st November 1996, his third statement,
23 comes to light made by him making serious allegations
24 against BR3. That is referred to the DPP, and you can
25 see that it is directed that BR3 should be interviewed

1 again about those allegations that HIA26 made. He was
2 interviewed again on 4th December 1996. If you can just
3 take that page down. There is another name that appears
4 on the page that shouldn't be recorded or referred to
5 beyond the chamber.

6 That interview of 4th December 1996 can be found at
7 RUB62385 through to 62397, and we can look, please, at
8 62391. I am going to draw out four points in particular
9 that BR3 makes. He says he has no recollection of the
10 physical assault. Just scroll down, please. Just
11 scroll up a little. I'm sorry. Yes. Thank you. You
12 can see that HIA26 is describing -- it's being put to
13 BR3 about what HIA26 had to say. He was grabbed by the
14 ear after he had reported to BR3 and took to BR6 and
15 then BR6 gave him a beating as a result, and BR3 says
16 he's no recollection of that.

17 On the next page when the allegations of oral sex
18 and masturbation were put to him -- just scroll down,
19 please -- here you can see:

20 "Q. Have you any comment to make about bringing
21 this chap to your bedroom?

22 A. I have never done that. Never did that."

23 He was asked to speak up.

24 "A. No. I have no recollection it ever happened."

25 Then he is referred to the part of the statement

1 where it says:

2 "After oral sex and masturbation he would always
3 make you stop and then bugger you."

4 He then says -- two questions are conflated. Then
5 he is asked as part of that about the Brother's bedroom,
6 but he is essentially denying that allegation and does
7 so on the next page at 62393:

8 "A. No, never.

9 Q. So it was known as the Brothers' bath... Have
10 you any comment to make on him alleging that you
11 buggered him in the Brothers' bathroom?

12 A. I never buggered him, never buggered him in the
13 bathroom."

14 He is asked if he knows what he means by that. Then
15 he is asked, if we go down, please, to 62395 has he any
16 view --

17 "I am just making you aware of that. Just finally
18 in relation to HIA26, I believe you said that you --
19 you've no recollection of him. Would you have any idea
20 why he would be making these allegations against you?

21 A. I have none whatsoever and I've said these in my
22 past interviews with regard to the -- what I had been
23 examined of in this room before, and I am really
24 wondering how they came up with this or how they can
25 make such allegations against me or -- I'm speaking

1 about myself during my time in Kircubbin."

2 So categorical denial of the allegations that were
3 being made.

4 On 27th January 1997 the DPP issued a direction that
5 BR3 should be prosecuted for a series of sexual offences
6 including on HIA26, and that can be found at RUB62376
7 through to 62380. He was charged and faced trial and
8 an abuse of process application similar to BR6 resulted
9 in the proceedings being stayed in 1998.

10 Now in his May 2012 achieving best evidence
11 interview HIA26 explains in extremely graphic detail
12 from RUB65497 through to 65520 what he says occurred in
13 the Brother's bedroom and in the Brothers' bathroom. He
14 alleges that this Brother was his worst abuser, and it's
15 not a matter for comment from Counsel to the Inquiry,
16 but I simply draw to the Panel's attention in form of
17 a summary that it is evident from the flow of the
18 transcript that HIA26 was finding it particularly
19 difficult to explain this particular series of
20 allegations, and there are various references to him
21 being visibly distressed and breaks being suggested, and
22 the reference for that is at 65532 through to 65545.
23 I am not going to go into the detail of the extremely
24 graphic account, but the Panel will be able to consider
25 that in the context of the ABE interview.

1 Now, like the other Brothers, in due course I will
2 do a biography for the Panel about BR3, but due to ill
3 health it is unlikely that the Inquiry will be hearing
4 from BR3, and there are two medicals already that are
5 available to the Panel, one from January of 2013 -- for
6 completeness that's at 65652 -- and then there is
7 another medical of 22nd September this year, 2014, and
8 that's at 5421.

9 For completeness, although it didn't directly relate
10 to HIA26, BR3's legal representatives have provided the
11 Inquiry with a sworn affidavit from BR3 of
12 9th November 2011. That can be found at RUB5422. It is
13 in the context of civil proceedings relating to
14 a different individual that the Inquiry will hear from
15 tomorrow, and at paragraph 4 of the affidavit he said
16 that, and I quote:

17 "It's been alleged I physically and sexually abused
18 a number of the boys. I totally repudiate these
19 allegations."

20 Chairman, I am beyond halfway through and I am
21 prepared to finish this, but I wonder whether we should
22 give the stenographer a short ...

23 CHAIRMAN: I think common humanity requires you give her
24 a few minutes. We will start, say, at 4.10. It is
25 preferable that we complete Mr Aiken's overview of these

1 extremely complex issues today, if at all possible.

2 (3.55 pm)

3 (Short break)

4 (4.10 pm)

5 MR AIKEN: Chairman, Members of the Panel, when we rose

6 I completed what I wanted to say about BR3 or BR3, as he
7 has been since .

8 I want to now look at BR1. In paragraph 16 of
9 HIA26's statement he says that BR1 -- again whose
10 identity shouldn't be used beyond the chamber -- he says
11 that he often got him to masturbate him and felt all
12 around his private parts, and at paragraph 23 he says
13 that -- he describes in graphic detail, which I am not
14 going to read out, but which the Panel can consider, how
15 he was anally raped, and he then goes on to say a number
16 of times that he believes that took place and he
17 describes a particular incident in the common room of
18 the main house.

19 HIA26 says to the Inquiry in his statement that BR1
20 was at Rubane when he first arrived in , then left.
21 He used to visit and stay a night or two and supervise
22 dinners. The Inquiry will probably be aware that the
23 Order has considerable difficulty with the allegations
24 that are made against BR1 for this period of through
25 to when the Order says he was not in Rubane, and

1 they have set out when they accept BR1 was there, and
2 that amounts to a potential short visit at around
3 and a visit in and , but certainly not at the
4 time HIA26 is describing.

5 As for the other Brothers in HIA26's first police
6 statement in September 1995, he makes allegations of
7 groping and masturbation only, and that statement formed
8 part of file 1 of 41 arising from Operation Overview.
9 Those allegations were put it to BR1 amongst many others
10 on 31st October 1995. His interview begins at 60833.

11 If we look, please, at 60834, he -- BR1 -- if you
12 just scroll down, please, you can see the reference to
13 HIA26:

14 "Q. Have you any recollection of this guy?

15 A. No. When you say -- when did you say he was in
16 the home?

17 Q. He was at Rubane from until .

18 A. I wasn't there during those years",

19 and he said the same . If you just
20 scroll down to 60835, he was asked about whether he
21 remembered his brother. Just scroll on down, please.

22 "I totally deny it, because I wasn't there."

23 In fact, that issue of was BR1 in Rubane between
24 and' was put to BR15 during his interview in
25 October 1995 and, in fact, it wasn't just confined to

1 that -year period. If we look at 61446, please --
2 just scroll down, please -- he wants to ask a question
3 about BR1, BR1:

4 "I knew a BR1, but he was never -- he was never in
5 Rubane. He was in ."

6 Now that would be -- he was in St. Patrick's from
7 . So that would be right.

8 "He never was in Rubane."

9 Scroll down, please. Then the police say:

10 "He was in Rubane in a certain period. Was he ever
11 in your time?"

12 A. No, he was never in Rubane at any time as far as
13 I know. I'm almost certain he wasn't.

14 Q. Well, we know he was.

15 A. Oh!

16 Q. We know that he was.

17 A. He must have been there in the early , was
18 it?", says BR15.

19 "Q. No, it was later on, but, I mean, it was
20 during" -- scroll down, please -- "during your time.
21 That's what I'm asking you. Was he ever there during
22 your time at all?"

23 A. No, no. This is BR1 now from -- he was in

24

25 Q. That's right, he was, yeah.

1 **A. Well, he may have been -- I don't know -- after**
2 **I left Rubane. I don't know.**

3 Q. Okay. I'll leave that statement there and I'll
4 go to the next one ..."

5 So BR15 is saying that, and BR2 in due course will
6 say that to the Inquiry, that he records in his diary
7 what for him -- and he came to Rubane in -- what for
8 him was BR1's first visit and that was in along
9 with another Brother.

10 The Order have addressed that issue in both their
11 original and now their subsequent replying statement in
12 respect of BR1. Obviously BR1 faces a series of other
13 allegations from his time between and as
14 , but as to this
15 they say that he just was not there in Rubane to
16 perpetrate the abuse that HIA26 is describing.

17 In his achieving best evidence interview in
18 May 2012, and the passage for this is at RUB65589 to
19 65595, in fairness to HIA26 he says in that passage that
20 BR1 didn't live there but visited, and he describes in
21 graphic detail the abuse that he says he suffered.

22 So there is an issue that the Inquiry will no doubt
23 keep in mind as it hears the evidence over the coming
24 days, because the Order points to the fact that there
25 are many other witnesses who cover the same time span as

1 HIA26 but who don't make any suggestion that BR1 is in
2 Rubane. So it will be something the Panel can keep in
3 mind.

4 The next allegation is against BR44. I have said to
5 you already he was there between and , BR44. His
6 name shouldn't be used beyond the chamber, and he left
7 the Order in . The allegation is about groping in
8 respect of him. It is in paragraph 24 of the Inquiry
9 statement and I don't intend to take that any further at
10 this stage other than to draw attention to the Order's
11 replying statement in terms of BR44.

12 The allegations are then made against BR13, BR13.
13 He was in Rubane between , when by that
14 stage he arrived at years of age, and .
15 So he was there for years. He's since passed away,
16 and in paragraph 25 of HIA26's statement he says that he
17 complained to BR13 about the abuse, but that BR13
18 ignored him and then began groping him and giving him
19 sweets or half a Crown to masturbate him. He then goes
20 on in his Inquiry statement to say he was anally raped
21 by him.

22 The allegations against BR13 formed part of file 8
23 of 41 arising from Operation Overview in 1995. The file
24 can be found at RUB62594 and goes to 62639. HIA26's
25 first police statement of 27th September '95 talks about

1 having complained to BR13 about the abuse and instead
2 groping and being paid money to masturbate, but there's
3 no mention of anal rape in that statement, but BR13 was
4 interviewed on 30th September 1996, and the
5 transcript of the interview is at RUB62627 through to
6 62630.

7 If we can look, please, at RUB62628, and the file
8 which the Panel can look at contains allegations from
9 two individuals about BR13. HIA26 is one and you can
10 see he's asked about does he know HIA26:

11 "I can't say I do. There could be during my time
12 but I can't picture."

13 Then the allegation is put to him that -- scroll
14 down, please:

15 "Do you recall him complaining to you about being
16 abused?"

17 **A. No. In fact ..."**

18 Then he describes part of the statement -- if we
19 scroll down, please -- about being groped and
20 masturbated:

21 **"I would say that they're definitely, absolutely
22 false."**

23 Then he says:

24 **"I have other allegations which I'd like to put to
25 you."**

1 He then puts allegations from another individual
2 that the Crown did not consider credible and to those
3 allegations he said that they were a damn lie. That can
4 be found at 62630. You see there:

5 "I'd be inclined to say damn lie ... absolutely
6 not."

7 On 21st November 1996 the DPP directed no
8 prosecution against BR13. However, in the direction, if
9 we can look at 62600, they had discounted one of the
10 complainants, but they were of the view that HIA26, as
11 you can see -- just scroll down, please:

12 "The evidence of HIA26", HIA26, "was considered to
13 be credible and sufficient to afford a reasonable
14 prospect of conviction for offences of indecent
15 assault."

16 So at that stage the DPP are only dealing with the
17 first statement. They are not dealing with the
18 allegation of anal rape made in the November '96
19 statement, and the direction that's given is that
20 because of the age and ill health of BR13, it wasn't --
21 they directed that it wasn't in the public interest to
22 prosecute him and no prosecution occurred, but what
23 I want to bring to the Inquiry's attention, because
24 I indicated that in the Inquiry statement HIA26 alleges
25 that he was anally raped by BR13, if we can look,

1 please, at the ABE interview of May 2012 and 65440, and
2 if we just scroll down, please, and the reference is
3 made to getting half a Crown for your birthday, tuck
4 shop. Just scroll down, please.

5 "In the basement.

6 Sweets."

7 Keep going to the next page. You can see:

8 "But he used to get you into his office and close
9 the door and just make you do things on him. He didn't
10 have anal sex with you."

11 That's obviously contrary to what's in the Inquiry
12 statement.

13 In paragraph 26 of HIA26's statement, if we just
14 look at that, please, on 462 HIA26 describes being in
15 the Brothers' common room. He expresses the view:

16 "They must have had something in the cocoa."

17 He remembers being sort of drowsy and things
18 happening. He identifies BR6, BR3 and BR15 as part of
19 this description.

20 Now I want to draw to the Panel's attention that
21 this accusation is not mentioned in any of the police
22 statements from '95 and '96. There is three statements
23 made, two in '95 and a third then in 1996, and this type
24 of allegation of multiple Brothers and some form of
25 drugging is not contained in those statements.

1 HIA26 deals with it further in his ABE interview in
2 May 2012 from approximately page 114 through 132.
3 That's the internal pages, and they can be found at
4 65360 to 65378. I have indicated already there is
5 allegations contained in there about being taken out
6 beyond Rubane, and again those allegations are not made
7 in the 1995/'96 statement, and I just want to bring
8 home, if I may, that if we can bring up the third police
9 statement, please, of November '96 -- it is 62662 -- you
10 can see the first line of that police statement that
11 HIA26 was saying in November 1996. So this is a year
12 after his initial police statement of September '95, and
13 by this time -- HIA26 was born in , so HIA26
14 would have been when making this statement. He was
15 when making the statement in 1995.

16 You can see he indicates that:

17 "I now wish to say all that happened to me at
18 Rubane",

19 and has the support of his wife and feels he can
20 cope with it.

21 The next Brother that I want to deal with is BR2.
22 He is BR2. He arrived in Rubane in aged
23 and he was there until when aged . So
24 essentially years. He did return to Rubane
25 from after the suspension of BR1 and

1 remained until , but with some spells
2 elsewhere during that -year period, and you will
3 find his reference at 93 -- RUB935, details of him.

4 Now if we can bring up, please, paragraph 27, 462 of
5 HIA26's statement, he says of BR2 when describing BR2
6 and being kept back in the classroom -- you will see the
7 serious allegation that he makes. He says at the
8 beginning of this paragraph to the Inquiry:

9 "I made a statement to the police in 1995 about the
10 abuse I was subjected to by BR2. I can say to the
11 Inquiry from the 1995 police statement there is no
12 allegation made about BR2 in it. Equally there is no
13 allegation in the 1996 police statement either."

14 BR2 in his replying statement to the Inquiry, if we
15 can look, please, at 1934 at paragraph 33, he points out
16 to the Inquiry that he was not mentioned in any of the
17 three statements that were made in '95 and '96 and the
18 first time he was interviewed about this was -- there's
19 a reference to May 2011, but I think it's actually later
20 than that and we'll come to that.

21 When HIA26 initiated civil proceedings in 1998, as
22 I indicated at the outset, he named a series of Brothers
23 that he says abused him and those that were identified
24 in the Pleadings were BR13, BR1, BR6, BR3/BR3, BR15 and
25 BR44, and no allegations were made against BR2, who was

1 only named in a representative capacity on behalf of the
2 Order, and the Statement of Claim for reference is at
3 50220. It is from December 1999, and there are no
4 allegations against BR2 contained in that statement.

5 In the psychiatric report of Dr O'Neill in February
6 2002 it's two Brothers that are named and not BR2. I'm
7 going to briefly look at a -- the -- in 2010 in a letter
8 from the Down & Connor Safeguarding Office of 5th
9 May 2010. If we just look at that, please, at 11920/1
10 to try and assist with identifying at what point BR2 was
11 first being identified. This is the earliest document
12 that the Inquiry has found that HIA26 is naming. You
13 can see:

14 "He came to see me on 27th April 2010."

15 So that's years after or years
16 after the police statements -- and by this stage HIA26
17 would have been -- that he includes BR2 in the
18 allegations.

19 The reply to that letter at 11922 is of 10th
20 May 2010. If we just look at that, please. 11922.
21 This is from BR32 -- if you just scroll down, please --
22 replying to the safeguarding. You can see that --
23 I will come to the civil claim -- even though that was
24 resolved in 1996, it -- 2006, it doesn't seem to have
25 brought closure for HIA26 as to what he's describing,

1 and there was a discussion about meeting with the Order
2 and you can see the view that BR32 is expressing.

3 There's various other pieces of correspondence that
4 flow from that. I'll simply give you the references.
5 11926, 11927 and 11931 is correspondence that continues
6 in 2010 between HIA26, the Order and the diocese, and
7 then there's further correspondence going in 2012
8 dealing with this that I am not going to open, but it
9 details HIA26's attempts to get various communications
10 relating to him and documents.

11 So the point that BR2 makes is that it wasn't until
12 a fourth police statement made years later in
13 May 2011 that he was first the subject of an allegation
14 by HIA26, and, in fact, unless I am mistaken -- and
15 perhaps his representatives can check this for me -- it
16 was, in fact, the ABE interview of 5th May 2012 when
17 that allegation was first made, and that -- the
18 allegation is made in the ABE interview running from
19 65404 through to 61542 (sic), and it's similar
20 allegations of oral sex and anal sex in the
21 classroom and toilets at the school, and then also
22 subsequently at 65461 through to 65471 in BR2's bedroom
23 and the graphic description I am not going to go into.
24 The Panel will be able to consider the content.

25 Those allegations were then put to BR2 at

1 an interview on 11th September 2013. That interview
2 runs at 64969 through to 64995. He makes the following
3 points that I draw to the Panel's attention: that he
4 would not have kept HIA26 back after school. That's at
5 64981. He never did that. That's at 64982. He denies
6 categorically -- if we just look at 64984, please,
7 64984, you can see the allegations being put:

8 "I say that with my heart -- hand on my heart."

9 Clarity is then sought:

10 "Is he alleging this happened in the classroom?"

11 Scroll on down, please.

12 "A. It is totally untrue.

13 That never happened.

14 Never, ever happened."

15 Scroll on down, please, and he says:

16 "I never saw any Brother doing anything that was
17 inappropriate to HIA26, never.

18 Or I was never aware of anything."

19 He is asked then:

20 "Have you ever abused any children in your care
21 whilst at Rubane House?

22 A. Absolutely not."

23 BR2 also points to the fact that HIA26 gave evidence
24 in the Larkin civil trial in October/November of 2011.

25 CHAIRMAN: I take it we can have that page taken down now.

1 There are other people mentioned.

2 MR AIKEN: Yes. Take it down, please. In giving evidence
3 to the civil trial there's a portion of the transcript,
4 and at 15099, if we can bring that up, please, where he
5 is asked during his evidence about the fact his civil
6 claim doesn't include any allegation against BR2. If
7 you just scroll down to the bottom, please, you can see
8 the exchange:

9 "Q. And you sued a number of defendants including
10 BR2.

11 **A. Yes, as far as I know, yes.**

12 Q. But you sued him -- he was sued as first
13 defendant for and on behalf of the trustees of De La
14 Salle Order and then you named him and a number of
15 defendants who were Brothers --

16 **A. Yes.**

17 Q. -- who you allege had abused you.

18 **A. Yes."**

19 **Scroll down, please:**

20 **"Q. But you made no allegation against BR2. Isn't**
21 **that correct?**

22 **A. I can't -- I believe I did at the time. I can't**
23 **really recall.**

24 Q. Well, if necessary, I can hand you in the formal
25 pleading."

1 Not to overstate it, we actually have the transcript
2 which the Panel can consider, it being put that he was
3 accepting that he didn't make any allegation. You can
4 see he is accepting that in the civil proceedings he
5 definitely didn't make any allegation against BR2, but
6 it seems that by this point in time it is less
7 equivocal, but in his statement to the Inquiry BR2 again
8 categorically denies that he ever sexually abused HIA26
9 and he will, all being well, be able to give evidence to
10 the Inquiry in due course.

11 Now HIA26 also makes then a number of allegations
12 that he told people about what occurred to him. So we
13 have seen already that he said he told BR3, who then
14 started to abuse him on foot of that.

15 We have also seen the same allegation being made
16 against BR13, and he also says in paragraph 28 at 462,
17 please, of his statement that he told BR12 who ran the
18 farm. Now he has --

19 "He is one of the few Brothers in the home who
20 didn't abuse me sexually."

21 So he had a very positive word about BR12, and he
22 said he was given sweets but nothing more came of it
23 than that.

24 There is a section in the AB interview dealing with
25 that as well, but he also indicates in his AB interview

1 that he told the priest, as it is described. If we can
2 look at 65520. Just scroll down, please:

3 "And I remember telling -- you know, going into
4 confession and telling the priest.

5 Q. Uh-huh."

6 Scroll down, please. He thinks that the priest then
7 told he describes BR6 and BR2:

8 "He must have told them'uns. I got a terrible,
9 terrible beating.

10

11 So he is saying in the AB interview that he told the
12 priest, and if he is right about the time span of ,
13 we'll try and work out which particular chaplain that
14 might have been.

15 He also says to the Inquiry in paragraph 30 of his
16 statement at 462 that he told DL389 in Belfast in .
17 If we can go, please, to 462, in and -- scroll
18 on down, please, to paragraph 30 -- he says he went to
19 the priest's house and asked to speak to him:

20 "... but he just threw me out and told me not to
21 come back. He was really abrupt with me. He is now
22 deceased."

23 The diocese is looking into and have confirmed
24 verbally and will provide a statement confirming that
25 there is no record of any disclosure being made to

1 DL389, but if this did happen, they would have expected
2 DL389 to tell the Bishop about it.

3 He also says in paragraph 13 of his statement at
4 RUB457 that he told his social worker about the abuse.
5 Scroll down, please. That's the only reference to that.

6 , as I indicated, has made a statement to
7 police in May of 2013. That's at 65708, and it details
8 what she says the visits were like. I will leave the
9 Inquiry to read that, but the flavour of what she says
10 is that HIA26 always looked sad and the Brothers were in
11 close proximity when she was always with him out in the
12 playground, but equally the Order points to the fact
13 that there are school records that are available, and
14 give you an example at 2783, which records visits every
15 two weeks. So -- and obviously the Panel is aware, and
16 I am not going through it because the Panel is aware of
17 it, what is considered the many points that the Order
18 makes in the replying statement that it has provided.

19 In paragraphs 33 and 34 the -- HIA26 describes how
20 he left -- left Rubane and within six months was
21 sentenced to Training School Orders to
22 There are various reports that are available showing the
23 difficulties that HIA26 encountered and I'll just give
24 you the reference there. At 2764 is an example of that.

25 In paragraph 39 HIA26 says to the Inquiry at 464

1 that police came to speak to him, sought him out in 1995
2 when he made his first statement, and he repeated that
3 in an affidavit of 6th November 2001 as part of a civil
4 proceedings. That's at 50236. He explains how the
5 police tracked him down presumably as part of Operation
6 Overview and speaking to as many ex-residents as they
7 could.

8 HIA26 has taken a civil claim, as we touched on, and
9 he was paid in January 2006 the sum of . The
10 terms of settlement by way of reference are at 50281.
11 He says both in his Inquiry statement and in his ABE
12 interview that he regarded it as dirty money and gave it
13 away, but obviously it is a significant sum in the
14 context of the civil settlements that have taken place,
15 and the Order has confirmed that it doesn't dispute that
16 it is likely HIA26 was abused in Rubane. They have the
17 view that that's likely to have been by BR15. They have
18 the view that clearly from the material that they were
19 faced with HIA26 had suffered very badly as
20 a consequence of the abuse, whether entirely as a result
21 of the abuse or other matters, but he was someone who
22 was having great difficulty and that is why the matter
23 was resolved in the way that it was in 2006. Obviously
24 from what the Panel can see in terms of material that's
25 available that did not bring closure for HIA26 and

1 matters continued beyond that point.

2 Chairman, Members of the Panel, unless there is
3 anything else that I can address at this point, that's
4 what I propose to say about HIA26. Obviously it's
5 a very complex and complicated picture and the Order has
6 explained why it has considerable difficulty with his
7 account, as has BR2, who has provided evidence to the
8 Inquiry already in that regard, and obviously there's
9 an enormous amount of material for the Panel to reflect
10 on in respect of him, and obviously the allegations that
11 he makes span a number of Brothers who were in Rubane
12 for a lengthy period of time. So these are matters that
13 no doubt we will be returning to with other individuals
14 over the coming days and weeks. Unless I can assist any
15 further, that's all I propose to ...

16 CHAIRMAN: I think that's not necessary. Thank you very
17 much, Mr Aiken. This is perhaps a very striking example
18 of the volume of material with which the Inquiry team
19 and then the Inquiry have to grapple in respect to some
20 applicants and it has taken really quite a lengthy
21 period of time to summarise and highlight the salient
22 points that have been brought before us. We will have
23 to take some considerable time to look at this material
24 in due course and form a view about it.

25 This has resulted in us going on rather longer than

1 normal today, but we will now rise and resume at or as
2 close to 10 o'clock tomorrow morning as is possible.

3 Thank you very much.

4 (4.57 pm)

5 --ooOoo--

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