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5 HISTORICAL INSTITUTIONAL ABUSE INQUIRY
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8
9 being heard before:
10
11 SIR ANTHONY HART (Chairman)
12 MR DAVID LANE
13 MS GERALDINE DOHERTY
14
15 held at
16 Banbridge Court House
17 Banbridge
18
19 on Tuesday, 18th November 2014
20 commencing at 10.00 am
21 (Day 68)
22
23 MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
24 Counsel to the Inquiry.
25

1 Tuesday, 18th November 2014

2 (10.00 am)

3 (Proceedings delayed)

4 (11.00 am)

5 WITNESS HIA170 (called)

6 CHAIRMAN: Good morning, ladies and gentlemen. I'm sorry we
7 are rather late starting, but there has to be a change
8 in the running order of witnesses this morning. Before
9 we hear from the next witness, can I just remind
10 everyone that all mobile phones must be turned off or at
11 the very least placed on silent/vibrate, and that no
12 photography of any sort is allowed either in the chamber
13 or anywhere on the Inquiry premises.

14 Yes.

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

16 The first witness this morning then is now HIA170,
17 "HIA170", and HIA170 is aware, Chairman, you are going
18 ask him to take the oath.

19 WITNESS HIA 170 (sworn)

20 CHAIRMAN: Very well. Please sit down, HIA170.

21 Questions from COUNSEL TO THE INQUIRY

22 MR AIKEN: HIA170, just bear with me for a moment until
23 I deal with some housekeeping matters.

24 Chairman, Members of the Panel, there are four sets
25 of legal representatives beyond the core participants

1 this morning and I will ask them each to give their
2 appearance, beginning with Mr Harvey.

3 CHAIRMAN: Yes, Mr Harvey.

4 MR HARVEY: Members of the Panel, I appear on behalf of BR2
5 and BR3 and BR10, instructed by PJ McGrory Solicitors,
6 attended this morning by Mr Seamus Collins of that
7 office.

8 CHAIRMAN: Thank you.

9 MR TAYLOR: Mr Chairman, Members of the Panel, I appear on
10 of behalf of BR1, instructed by Mr Stephen Tumelty,
11 solicitor, and attended by the same.

12 CHAIRMAN: Thank you.

13 MR O'KANE: Mr Chairman, O'Kane Solicitors representing
14 BR77.

15 CHAIRMAN: Yes, Mr O'Kane.

16 MR TUMELTY: Chairman, Panel Members, Stephen Tumelty,
17 solicitor, for DL1. I am accompanied by Miss Molloy,
18 trainee solicitor.

19 CHAIRMAN: Thank you, Mr Tumelty. Yes, Mr McCraner?

20 MR McCRANER: Mr Chairman, Members of the Panel, my name is
21 Mr McCraner, QC, and I appear with Mr Chris Holmes,
22 instructed by Charles Stewart of Stewarts Solicitors,
23 and we represent DL509.

24 CHAIRMAN: Thank you.

25 MR AIKEN: HIA170, don't you worry about any of that.

1 I know you've got difficulty hearing. So if at any
2 stage you don't hear what I say or what any Members of
3 the Panel say, if you just put your hand up and tell me
4 and we can repeat it, and I'm going to bring up on the
5 screen a copy of your witness statement. So if we can
6 bring up, please, 606, and I just want you to check that
7 the one on the screen is the same as the one in your
8 hand except for the black marks.

9 **A. Yes.**

10 Q. And if we can go, please, to 613, if you just look at
11 the last page of the one in your hand, HIA170, can you
12 confirm that you've signed this statement?

13 **A. Yes.**

14 Q. And you want to adopt the contents of the statement as
15 your evidence to the Inquiry?

16 **A. Yes.**

17 Q. And we talked about the black marks and you want to keep
18 your anonymity?

19 **A. Yes.**

20 Q. Just bear with me, HIA170, so I can give the Panel some
21 relevant references. I was describing it as a library
22 of material to you. So just bear with me for a moment
23 while I do that.

24 The De La Salle response, Members of the Panel, is
25 at 3702 to 3705, with exhibits from 3706 through to

1 3945.

2 The Health & Social Care Board statement is at 8721
3 through to 8724, with exhibits from 8725 through 8760.
4 The admission record is at 3707. That indicates that
5 the Eastern Health & Social Services Board was placing
6 HIA170 in Rubane.

7 There then are two police statements, one from 25th
8 April 1980. That's at RUB60080. We will look at that
9 in due course, and it refers solely to BR1, and then of
10 11th April of 2011. That's a lengthy statement at 66265
11 through to 66271. That interview identified four
12 individuals that HIA170 is going to discuss with me this
13 morning, and each of those four individuals were
14 interviewed by the police and I will touch on those
15 interviews as we go.

16 HIA170, as I discussed with you beforehand, there's
17 a lot of material, which surprised you a little, and I'm
18 going to summarise that material for the Panel through
19 our discussion. You were born on --

20 **A. Yes.**

21 Q. -- and you're now aged . You're

23 **A. Yes.**

24 Q. And your wife is with you today supporting you.

25 **A. Yes.**

1 Q. And you were the of siblings.

2 A. (Nods.)

3 Q. You are -- the one up from you was DL 152 --

4 A. (Nods.)

5 Q. -- and he was in Rubane with you. He was born on

6 So he was older than you.

7 A. Yes.

8 Q. And the boy beneath you, DL 257, was born on

9 . So he was younger than you, and he was

10 in Rubane with you and DL 152 initially --

11 A. Yes.

12 Q. -- but there only for a very short period.

13 A. Yes.

14 Q. And, as I was summarising with you beforehand, HIA170,

15 you -- your family became known to Social Services as

16 early as , when there was difficulty at home, and

17 you were just at the time, and your dad was not in

18 a position to look after you. At that stage you were

19 placed in the care of your aunt, and you

20 lived with her for years, but after

21 she had various difficulties that meant it was not

22 possible for you to continue to live with her. That

23 resulted in you going to Rubane along with your two

24 brothers on , when you were aged .

25 Then it gets a little complicated, because -- and

perhaps if I just bring up 3786. If we just bring this up on the screen for a moment, it will help the Panel visualise the complication that I am trying to summarise, HIA170. You were in and out of Rubane quite a lot, mainly week-end visits, but in the summer of -- so you had been in for about -- in the summer of , you went out to live with your dad, who had come back on the scene, you and **DL 152** both. That unfortunately did not work well and you had to go back into Rubane. I think you said to me yourself you were saying, "I can't continue to live here" and you went back into Rubane under what's called a Place of Safety Order. Members of the Panel, that is from and that can be found at 3743, and also a Fit Person Order, and that can be found at 3735, but from the record what seems to happen, HIA170, is you go back in then in the summer, end of the summer of , but in you move out for about , and doing the best we can, it looks like you went to live with **DL 119** for a period. He was an adult but a young adult and getting married, and that worked for a period of time, but then you went back into Rubane. Is that an accurate history of what happened?

A. Very accurate, yes.

25 O. And when you went back into Rubane in the

1 essentially you stayed there until , but you went
2 regularly out for the week-end --

3 **A. Yes.**

4 Q. -- to your family. I was discussing with you this
5 morning one of the points you make is you have a medical
6 condition, , and your recollection was
7 that they didn't really discover properly about that
8 until after you left, but I was explaining to you that
9 Social Services, your social workers were -- that
10 condition had been diagnosed before you went into
11 Rubane.

12 **A. Yes.**

13 Q. It's to do with other things but also to do with
14 That was known about and some effort was being
15 made to accommodate that and the school teachers in
16 Rubane seemed to have been aware of it.

17 We were also discussing that, like a number of boys
18 in your circumstances at the time, you got into trouble
19 at times as well, and when you had gone back into Rubane
20 in the summer of , then there were burglaries in
21 Kircubbin that you were involved with and that
22 difficulty had to be dealt with. There are social work
23 reports from about helping you to settle down
24 and recommending that you get to stay in Rubane and that
25 things will improve, and that was, in fact, what

1 happened --

2 A. Yes.

3 Q. -- because you didn't really get into any more
4 difficulty. Is that fair?

5 A. Yes.

6 Q. And there is also a Fit Person Order just for the
7 record, Members of the Panel, at 8740, which is of

8

9 Your second spell in Rubane, the main spell, appears
10 to have been from through to ,
11 so from when you were through to you were . Is
12 that how you remember it?

13 A. Yes.

14 Q. I'm going to, as I said to you, HIA170, talk to you
15 in -- about issues in categories, and the first one is
16 about sexual activity. You had identified BR1. If we
17 can look, please, at 607, in paragraph 7 of your Inquiry
18 statement you describe how he would stand close to you
19 and touched your bum when you walked past him. He would
20 do it to a few of the boys as they passed. That was out
21 in the yard. You, in fact, talked to the police about
22 this, and this was a flashback for you today --

23 A. Yes.

24 Q. -- as I was talking to you about the police statement.

25 If we can look, please, at 60080, this is the statement

1 that you made to the police on , so at
2 the time you were only and you were living in Rubane,
3 and if we just scroll down, please, you describe to the
4 police that after your social worker left, BR1 came up
5 to you and put one arm round you and pulled you towards
6 him in a hug, asked you how you were getting on, let go
7 of you, walked away, and:

8 "Whenever I would meet BR1, he always puts his arm
9 round my shoulders or pats me on the bum if I'm passing.
10 He's not asked me to do anything for him. I generally
11 try to stay away from him. There's lots of talk around
12 the school that he's a fruit, but nothing else has
13 happened to me when I've met him other than what I've
14 already said, and I've heard that two boys were caught
15 fruiting together",

16 and you identify who they were in the statement.

17 That's what you remember BR1 having done to you at the
18 time you were speaking to the police --

19 **A. Yes.**

20 Q. -- and being aware of him doing that generally to other
21 people. When you spoke to the police in April of
22 2011 -- I just want to look at this entry, because we
23 talked about it beforehand, at 66267, when you were
24 explaining -- you say:

25 "The head of the house, BR1, wasn't vicious. He

1 would pat you on the backside or give your shoulders a
2 nice rub standing behind, pressing up against you. He
3 would ignore any fights between boys."

4 I will come back to that. If we just ...

5 "There was no specific incident. He would be in the
6 yard, in the doorway and just passing. He would be
7 friendly, put his hands on your shoulders for something
8 in a good happy mood. He would pat you on the backside
9 just the odd time, not all the time, in the table tennis
10 room in one of the outbuildings. It was . Every
11 morning you would go over for a head count and BR1 would
12 be there. There was nothing sexual about it that
13 I could tell."

14 Is that at the time you just remember it happening
15 but you didn't see it as a sexual advance from him at
16 the time?

17 **A. No.**

18 Q. And you look at it differently now as an adult, but you
19 mentioned in your police statement that you tried
20 to stay away from him. What was it about what he was
21 doing -- if you didn't see it as sexual, what was it
22 about it that had you wanting to stay away from him?

23 **A. I think it was -- there was just something about BR1.**

24 **He wasn't -- and the thing about the home was there was
25 just something between him and one of the other boys, as**

1 I was saying to you earlier, one of the -- one of the
2 brothers I was talking to you about --

3 Q. Yes.

4 A. -- that was actually in the home, and to see his
5 reaction whenever BR1 was about as well it sort of made
6 you think that there's something not right, you know,
7 between him and BR1. There's just something wasn't
8 right the way he was treating him.

9 Q. This was another boy in the home with you at the time?

10 A. **This was another boy, yes. He was -- there was two or**
11 **three brothers, not like Christian Brothers, brothers as**
12 **in brothers.**

13 Q. His name won't be used beyond the chamber and it is
14 probably important that you give the Panel his name, if
15 you would.

16 A. **Well, we just thought that -- he never --**
17 **HIA 149 was always very nervous around him.**

18 Q. Can I just --

19 A. **Always very nervous.**

20 Q. Let me pause you there for a moment. The guy you
21 mentioned, have you seen him since you left the home?

22 A. **Never seen him. Never seen or heard from him again, any**
23 **of those two -- two brothers.**

24 Q. But just he sticks in your memory as --

25 A. **He -- he definitely sticks in my memo as a victim of**

1 BR1. He was definitely a victim of him. There was
2 something not right. There's just something not right
3 between him and BR1.

4 Q. And can you --

5 A. We always knew that -- maybe I think at that age we
6 thought that BR1 used to take him off and abuse him.
7 That's -- that's basically what -- what we thought.

8 Q. But you don't know that that's what happened?

9 A. No.

10 Q. And at the time you didn't even regard BR1's touching
11 you on the bum --

12 A. No.

13 Q. -- as a sexual thing?

14 A. No. Never thought. Never connected the way HIA 149
15 acted around whenever BR1 was about to what way BR1 was
16 putting his arm round me. I never thought nothing of
17 it, but again I was just, you know, a young boy looking
18 for a father figure, you know, so I wouldn't have -- I
19 wouldn't have seen anything like that -- I wouldn't have
20 felt it was sexual or anything like that.

21 Q. Yes. Well, I'm not sure that the Order at this point
22 accept that BR1 did this type of thing or -- you are
23 aware of various --

24 A. I wasn't 100% comfortable.

25 Q. You weren't 100% comfortable?

1 **A. No.**

2 Q. But they -- if I put it this way, they don't accept he
3 was intending to sexually abuse boys by the conduct you
4 are describing.

5 **A. No.**

6 Q. And you didn't perceive it in that way at the time --

7 **A. No.**

8 Q. -- but presumably you've become aware as time has gone
9 on about allegations --

10 **A. Yes.**

11 Q. -- about him, and you now look differently at what he
12 was doing?

13 **A. In hindsight.**

14 Q. Yes. Just if I can put it on the record, because you
15 had made that statement, BR1 was interviewed in -- on
16 . If we can look at 60134, please. The
17 various allegations, because you were not alone in what
18 you were describing, were put to him, and if we can
19 scroll down, please, until we come to DL -- to HIA170.
20 Just take me back up, please, a moment. Chairman,
21 Members of the Panel, we may have a problem with the
22 designation. So I will have to come back to you about
23 which one is the specific reference, but the point
24 that -- just scroll down a little further, please. Just
25 scroll down a little further. I will have to come back

1 to you with the -- which one is being referred to, but
2 he wasn't accepting that he was doing anything untoward
3 by the matters that were being put to him, but you look
4 on them differently now from you did then.

5 The other point that you make in your statement to
6 the Inquiry in paragraph 6, you say that he watched you
7 get badly beaten up by an older boy and did nothing
8 about it. I was asking you -- there was a lot of
9 fighting went on between the boys. You were telling me
10 you were just as bad as anybody else in terms of
11 fighting --

12 **A. Yes.**

13 Q. -- but this was an older boy who was beating you up in
14 the playground you describe in connection with
15 an A-frame, and BR1 didn't do anything about it. Do you
16 want to just -- was he there at the time?

17 **A. The older boys -- whenever you were that age in the home**
18 **the older boys were another group. They were far, far**
19 **bigger than the rest of us smaller ones and there was**
20 **a big difference in size, and whenever we were younger**
21 **then, if you were fighting, you weren't fighting**
22 **somebody two or three years older than you. You were in**
23 **your own age group, and he was a hell of a lot bigger**
24 **than me. He was probably about twice my size, so he**
25 **was, and BR1 was there in the yard, and I remember**

1 looking over and seeing BR1 just turning and walking
2 away and nothing -- nothing was done about it. I mean,
3 I could have -- anything could have happened to me. At
4 that point I was assaulted. I might have needed to --
5 I~don't know. I'm not a doctor, but I might have needed
6 hospital treatment for what -- for what he done to me,
7 but nothing, no. Just get up and get on with it.

8 Q. And you --

9 A. But I remember BR1 turning away. I remember him walking
10 away, so I do.

11 Q. I'm going to talk to you now about a series of
12 individuals that you describe physical abuse, physical
13 assaults that you recollect during your time in Rubane.

14 The first one is DL81, and you -- just bear with me
15 for a moment as I explain to the Panel he arrived in
16 and -- I'm sorry. He arrived in
17 That's at 11846, and was one of the
18 houseparents in the chalet. You describe in your
19 witness statement in paragraph 11 some involvement with
20 DL81, and I am not going to spend a lot of time doing it
21 today, because the Inquiry will hear from DL81, but
22 I was showing you various documents that -- various
23 incidents that occurred. Your memory -- you've put them
24 all together in one.

25 A. Yes.

1 Q. But DL81 worked with the DL11/DL12, DL11 and DL12, and
2 a and when DL11 and DL12 weren't on, DL81
3 and were on, and the records show there was
4 a great debate between them as to what way the kids
5 should be looked after and taught to behave in the
6 chalet, and the Inquiry will look at all of that
7 material when we're looking at DL81.

8 I was showing you that the incident that you do
9 appear to have been involved in -- if we look at 68246,
10 and just maximise and scroll down to the bottom of the
11 page, I think this may be a report prepared by BR2,
12 because you mention in your statement DL413. There are
13 statements from DL413, DL81,
14 **DL 415**, everyone who had something to say about the
15 incident where DL413's collar is taken and he's walked
16 around the chalet by DL81, and the records suggest that
17 that was an effort to discipline him about something
18 that had then gone too far, but in and around the same
19 day it looks like, , there is a record
20 of something to do with a kettle of water and you. Can
21 you remember what occurred over that? Do you want to
22 tell the Panel what you remember about the kettle,
23 because the kettle is not mentioned in the Inquiry
24 statement, but you mentioned it to me this morning and
25 it is what's in the record.

1 A. Yes.

2 Q. Can you remember what happened?

3 A. I remember DL81 attacking me. I was sitting on the sofa
4 in front of the fireplace. I made a smart comment about
5 what he had done to DL413, and DL81 went to hit me and
6 the boys just erupted, so they did, because I knew DL415
7 and [REDACTED] DL 29 wouldn't have stood by while he was
8 attacking me, or the other fella that was there, DL414,
9 but I was getting attacked, and I wasn't doing any
10 attacking to DL81, but I remember I think it was DL414
11 and there was a poker and a kettle involved, and
12 I remember that somebody had hit him, bent the poker and
13 somebody had hit him with the kettle, because they'd run
14 out to the kitchen and -- as soon as he jumped me they
15 ran out to the kitchen and grabbed the big kettle we had
16 for some strange reason and come back in with it again
17 and just jumped on DL81 and hit DL81 with the kettle.

18 Q. And you describe that to the police in the police
19 statement. I am not going to bring it up, but I will
20 just give the Panel the reference. It is at the bottom
21 of 66268 and then on to 66269. As I said to you,
22 HIA170, the Panel will look at the circumstances
23 surrounding DL81, because what this type of material
24 that I have brought up one example of is -- there's
25 a lot of recorded material showing he's bringing forward

1 complaints about how the DL11/DL12 are running the
2 chalet in terms of the rules that they were requiring to
3 you obey. If you weren't down by a certain time, you
4 weren't getting toast and so on and so forth.

5 Eventually the Health Board becomes involved --

6 **A. Uh-huh.**

7 Q. -- and the Department becomes involved, and the
8 explanation that he is giving at the time and which
9 is giving at the time over the DL413 incident,
10 which seems to be the more serious one, is that this was
11 an act of discipline and the Panel will have to look at
12 that.

13 **A. I have never seen -- I have never seen or heard of that**
14 **type of discipline and not one of the boys that were --**
15 **not one of them that were in the home was that ever**
16 **applied to. That sounds to me -- I've never heard of**
17 **that, restraining one of the boys by grabbing him by the**
18 **collar.**

19 Q. The Panel will look at that with DL81, but what I am
20 saying is the -- and I was explaining to you earlier
21 that what went on with DL413, you described him being
22 throttled. What I am saying is the records at the time
23 potentially describe it in a slightly different way, and
24 I was showing to you, if we look at 68192, that DL413
25 goes to hospital the day after this incident, but not,

1 as it turns out, because of what occurred with DL81. We
2 can see:

3 "DL413 goes to hospital re lip split by
4 [REDACTED] HIA 25 ."

5 You were making the point that there was -- you
6 would have been hitting [REDACTED] HIA 25 and [REDACTED] HIA 25
7 would have been hitting you and there was a lot of that
8 type of activity going on --

9 **A. Yes.**

10 Q. -- but there's definitely this reference to an incident
11 involving a kettle, and I said to you there is also
12 records of a month later an incident involving a knife,
13 when a boy took a knife to DL81, and you recollect
14 a knife being involved in your incident with the kettle
15 --

16 **A. Yes.**

17 Q. -- but that was a butter knife, and I was saying to you
18 it doesn't appear to be the same incident as the more
19 serious one that the Panel will look at in due course.

20 **A. Yes.**

21 Q. Whenever the police interviewed DL81 about your
22 allegation that you make in the police statement -- he
23 was spoken to on 14th August of 2011 and the interview
24 begins at 67794. He says at 67798, if we can bring that
25 up, please, 67798, that he's -- and appreciate he is the

1 same distance in time reflecting on this -- no
2 recollection of you, but he does remember an incident
3 with a DL365 and it was over that that he left. He may,
4 in fact, have the name wrong, but that's the incident
5 a month later that I was describing to you, and he says,
6 if we look at 67801, that he would remember if someone
7 took a poker to him, and he -- if we just scroll down,
8 please, he says:

9 "You remember, but did it happen, 'cause if somebody
10 whacked me with a coal poker I would remember it."

11 So whatever happened that night --

12 **A. Did he say he remembered?**

13 Q. He would remember. If someone had hit him with a poker,
14 it is the sort of thing you would remember. He is
15 saying, "I don't remember that. So therefore I don't
16 think that happened". That's what he is saying, but
17 clearly something happened between you.

18 **A. Well, there was a bent poker in that room and there was**
19 **a kettle with a dent on it, and the only reason why that**
20 **happened was because DL81 attacked me, and the boys**
21 **weren't -- didn't attack members of staff as such.**
22 **Nobody would have attacked DL81 with a -- with anything**
23 **like that without a reason, and the reason was he was**
24 **busy attacking me while he was getting the poker bent**
25 **over his back.**

1 Q. And, HIA170, we were having this discussion beforehand.

2 I was saying to you that the boys certainly at this
3 point in time who are living in Rubane would not have
4 always been easy to look after, and I think you accepted
5 that was likely --

6 A. Oh, yes.

7 Q. -- to be the case, and people's recollection of what
8 occurred has potentially changed --

9 A. Yes.

10 Q. -- over time, a natural consequence of time passing, but
11 that's your recollection as to what occurred?

12 A. Yes.

13 Q. And he's given a statement to the Inquiry and what he
14 said is the police looked at this. There was a decision
15 not to prosecute him over it and he doesn't -- he has
16 a vivid memory he says of a different incident involving
17 a different boy, but not one involving you.

18 You go on in your statement then to talk about BR10,
19 and I am going to look at -- you describe in
20 paragraph 12, if we look at 608, please, and just to
21 summarise this, you liked BR10 and thought he was a good
22 Brother compared to a number of the others -- is that
23 fair --

24 A. Yes.

25 Q. -- until this particular incident that you recollect,

1 and I was asking you -- the records show you were
2 interested in . You still have that
3 interest, and he took you to you were
4 telling me to get you a pair of binoculars, and I was
5 asking you was he involved in -- there is reference to
6 .

7 You don't recollect him necessarily being involved in
8 that, but you had a positive memory of him until this
9 particular incident that you describe where you are in
10 the minibus, and he comes down and hits you for talking.

11 If we look just at 66268, which is your police
12 statement of 11th April 2011 -- just scroll down,
13 please -- you say:

14 "He was into his music a lot and would invite a load
15 of local girls up to his part of the chalet where he
16 would spend hours doing whatever. I did get on with him
17 when he first came into the home but this stopped after
18 he gave me a punch to the head in the back of the
19 minibus for talking back. He had been very kind to
20 myself and my brothers. We were not normal people for
21 the home. There was no harm from him. He was a really
22 good friend until he hit me. Out the door of the blue
23 minibus was my older brother. **BR 10** came in the back
24 of the minibus and hit me a punch on the head."

25 Your brother made a statement to the police, and

1 attention is drawn to this by BR10's representative,
2 because if we look at 66262, he describes the assault.
3 You remember him one punch. If we just scroll down,
4 please, he says:

5 "I cannot recall what actually happened, but
6 something kicked off in the minibus ... BR10 went to the
7 back of the minibus where HIA170 and I were sat and he
8 punched HIA170, who was at the time, around the head
9 and body. I remember HIA170 trying to defend himself by
10 putting his arms up to cover his face. When BR10
11 stopped punching HIA170, he looked across to me and
12 asked me something like, 'You got a problem as well?'
13 I didn't answer so he walked away."

14 So your brother -- you remember one punch. Your
15 brother is talking about more sustained than that --

16 **A. Yes.**

17 Q. -- but your memory is it was one punch?

18 **A. I just remember him hitting me once.**

19 Q. And you were -- he was then interviewed by the police on
20 9th August of 2012, and I am just going to summarise,
21 that, but the Panel will find it at 68083, and he says
22 to the Inquiry that he was never involved in any direct
23 punishment. The punishment for someone acting up like
24 this, you would have missed the next disco.

25 Then he addresses the specific allegations over

1 three pages at 68102, 3 and 4 and he says he never hit
2 you. He didn't hit boys and he didn't hit you. He says
3 at 68104 that he had very good memories of you and your
4 brother, and he recounted one incident of you taking him
5 to your granny's house in for tea. Do you
6 remember that?

7 **A. It's a nice memory, so it is. I forgot about that. It**
8 **was up at my aunt's in . He was coming up to**
9 **pick up a motorbike for me. BR 10 was one of the**
10 **better Brothers. He was very popular, so he was, right**
11 **up until he lifted his hand to me, but I can't, you**
12 **know, say anything else bad about him, so I can't. He**
13 **was -- we actually looked up to him until -- me and my**
14 **brother really looked up to him. You know, you're**
15 **looking for a father figure whenever you are that age**
16 **and it was great while it lasted, but it didn't last**
17 **that long.**

18 Q. Really your point is once he did this, this was the end
19 of that --

20 A. **Once he hit me, that was it.**

21 Q. -- relationship. He's made a statement to the Inquiry,
22 as I was explaining to you. In paragraph 15 of his
23 statement, which is at 1978 in the bundle, he says he
24 doesn't recall any behavioural problems with you and
25 your brother, and says in light of ,

1 which he knew about, it would have been reckless for
2 anyone to hit you round the head, and he said, you know,
3 he just would not have done that to anyone and
4 specifically wouldn't have done it to you because of
5 your hearing problem, and your point is "Well, he did".

6 **A. It had a big effect on me, so it did. After -- after**
7 **BR10 lifted his hand to me, it had a big effect on me.**

8 **Q. Why was that?**

9 **A. BR10 was brilliant whenever we went into the home. It**
10 **was something that we needed, you know, me and my**
11 **brother. We never had a father figure. We certainly**
12 **looked up to him a wee bit more than that, you know. We**
13 **didn't have any parents and, as I said, once he lifted**
14 **his hand, that was -- that was the end of that. That**
15 **was -- there was -- that was it. Just it finished. Me**
16 **and BR10's relationship never recovered after that.**

17 **Q. I was asking you -- the Order drew attention to**
18 **a handwritten record from your brother. We will bring**
19 **it up, please. 3893, which is dated 1st October 1980,**
20 **and they were wondering whether this related to the**
21 **particular incident you were describing, because it**
22 **says:**

23 "Sunday night DL 144 was hauled out of the bus for no
24 reason at all by BR10 and put in the front of the bus in
25 front of all the people coming out of the pictures. The

1 build-up of the shop (my best mate ...)"

2 Then he lists out a series of problems he has:

3 "Not enough rewards.

4 The food is rotten.

5 Can't get picking your own clothes.

6 The same routine every day.

7 Big boys are treated like kids",

8 and so on. I was asking you were you known as

9 "DL 144" , because this -- the person who is hauled out is

10 DL 144. Who was **DL 144?**

11 **A. DL144.**

12 Q. So this record is not about you. It's about something

13 involving DL144?

14 **A. It's about something -- yes, yes.**

15 Q. Now you also mention BR6 in your -- both in your police

16 statement and in your Inquiry statement at paragraph 13

17 at 608, please, and you describe him as a sneak and that

18 he hit you across the face for no reason. Now when

19 I was talking to you earlier, he was another of the

20 better Brothers.

21 **A. BR6 was brilliant. He's a , hair.**

22 **He was a lovely man, so he was, and everybody got on**

23 **well with BR6. He would -- he would always -- if you**

24 **were stuck for a cigarette, you could go up to his room**

25 **and knock on his door. You couldn't, you know, go to**

1 all the Brothers. You couldn't go to the Brothers over
2 in the house, but BR6 had a room between my chalet and
3 chalet , and he was very approachable, very, very nice
4 Brother, but up to that point and still after that BR6
5 was -- was a really, really nice guy, and the only
6 reason why I mentioned it was because I was that shocked
7 at him hitting me for nothing, and I'm sure a lot of
8 people remember whenever they were young getting blamed
9 for something that they didn't do and the shock of it,
10 you know. I never -- I never done anything to deserve
11 it and I certainly never warranted anything like that
12 from BR6.

13 Q. You describe that in your police statement at 66269.
14 BR6, obviously he died in . He had been in the
15 home from through to ultimately . So he'd been
16 there a long time, all your time, and it's this one
17 incident that sticks out in your mind.

18 A. Yes.

19 Q. And other than that you had a good relationship with
20 him?

21 A. Good, because if BR6 was on -- if he was on in the
22 chalet, he would order -- instead of cooking he would
23 order stuff from the house. So it was a bit of a treat
24 when BR6 was on. We'd get a cigarette. You know, you
25 wouldn't be without -- you know, if you had, you know,

1 no cigarettes and that instead of buying one off the
2 boys, and sometimes you had to pay a pound for
3 a cigarette, you'd get one off BR6, and you always got
4 fed well. You know, he would order food from the house,
5 the kitchens over in the house, for us. It would only
6 be the odd time he'd be on duty, because he done mostly
7 night duty.

8 Q. Yes, and you -- the smoking, it was prohibited to just
9 being in the TT room -- is that right -- for a period of
10 time?

11 A. Whenever -- whenever you went -- I first went into the
12 home, that was the only place. That was the
13 table tennis room --

14 Q. Yes.

15 A. -- out by the yard. That was the only place. Well,
16 I wasn't allowed to smoke, because I was only , but
17 I could smoke whenever I was 14, and it wasn't that long
18 until I was 14 that I could smoke.

19 Q. Yes, and you -- I want to mention to you then three
20 people who taught in the school. The first one is
21 DL149, and you in paragraph 15 say -- just for the
22 record any names that have been used during the evidence
23 shouldn't be repeated outside the chamber -- you say in
24 609, paragraph 15 you remember being afraid of him.
25 What do you mean -- why were you afraid of him? Did he

1 ever do anything on you?

2 A. DL149 was a physical guy, so he was. Took us for
3 . I never liked tackling him or
4 anything like that when he was playing, but he -- he
5 was -- just didn't take any messing about in his class.
6 Yes, I was -- I would be afraid of DL149, so I would,
7 especially if he told you, you know -- told you off in
8 class or whatever. Never lifted his hand that I know
9 of. I just knew -- he was just one of those teachers
10 where you behaved in his class or, you know, the threat
11 of him or something -- I don't know -- but, yes, I was
12 nervous of him. I was.

13 Q. That's DL149 in paragraph 15. You said to the police in
14 2011 at 66266 that you just remembered him being
15 aggressive, but you don't say he ever hit you and you
16 didn't see him hit other people?

17 A. No. I just -- not -- I don't remember that much -- that
18 much of him, so I don't.

19 Q. But you do remember DL6, the , who is
20 DL6. You say he hit the boys with whatever came to
21 hand, it be a chisel, a duster or a piece of wood. Now
22 at the same time you were telling me that he was a very
23 talented --

24 A. He was a brilliant man.

25 Q. -- and you got on with him very well.

1 A. I ended up getting on with him considering, like, he
2 wasn't the easiest person to get on with. He just
3 didn't suffer fools. Any of the boys started their
4 messing about, he would just lift a bit of wood or
5 whatever it was and just throw it at them. He would
6 tell them to get out of the class. So he would chase
7 the boys out of the class, you know. He would run round
8 the desk after them. I don't know what he would do if
9 he'd caught them. He never did, but he would throw bits
10 of wood and stuff like that there or whatever it was
11 that he had in his hand. I ended up actually getting on
12 quite well with him, once you got past the thran look on
13 his face.

14 Q. Did the boys try to wind him up? Did the boys try to
15 wind him up?

16 A. He was -- yes, he was definitely a target for being
17 wound up, but you never stayed around after you wound
18 him up. He used to just -- as I said, he just chased
19 you out of the class. That was you. He'd just tell you
20 to get out.

21 Q. You then mention DL1, who is DL1, in paragraph 15. He
22 had arrived in paragraph '68 and he was the
23 That is at 11828 and 11850, Members of
24 the Panel. You say that he hit you twice hard in the
25 stomach. Now was he quite man?

1 A. DL1 looked quite big to us wee boys. We just called him
2 . You know, he was a guy, but I think
3 he only -- he only got hitting me about once, and the
4 only time I remember DL1 is -- I mean, he would always
5 do that, walk over towards you, you know, and he
6 wouldn't lift his hand. He would have his hands down,
7 and I remember him hitting DL31. It's just, you know,
8 the way he hit him. He was just a wee slight guy, like,
9 but he hit him, like, up against one of them shutters
10 you have in the gym, the wooden shutters, and just hit
11 him up against that there, but that's all I remember.
12 You wouldn't mess DL1 about anyway. He is just one of
13 those, you know, teachers that you wouldn't mess about
14 if you knew what was good for you.

15 Q. He -- you explain that in your police statement at
16 66266. Now he has made a statement to the Inquiry and
17 indeed he was interviewed by the police in 2013 and he
18 says -- he categorically denies ever hitting a boy. He
19 says he never hit a boy, never punched a boy at school
20 in Rubane. Your recollection is different.

21 A. **Oh, sorry. DL1?**

22 Q. DL1 says he never hit a boy, never punched you or
23 anybody else. That is not your recollection.

24 A. **Well, it depends what you mean by punch. If you --**
25 **there's different ways of punching people, so there is,**

1 and DL1 was well known for doing that there (gesturing),
2 not -- not this or not that, not a slap. Yes. Yes, he
3 would never have punched a boy. Yes, that's true, but
4 that wasn't what I knew DL1 done. That's not what
5 I~knew, the way he hit people. He didn't hit people
6 like that. He didn't hit the boys like that.

7 Q. What way did he hit them?

8 A. He walked over to them and he hit them like that there.

9 He moved his -- he moved his fist and his arms like that
10 there, not necessarily lifting his hand like that there.

11 I certainly never seen -- I never seen him slapping
12 a boy in the face or slapping a boy round the back of
13 the head. No, I never seen him do that.

14 CHAIRMAN: Just so this is on the record, HIA170, your
15 gestures would suggest to me that it's a low punch to
16 the body, not a punch --

17 A. Yes.

18 Q. -- around the head or something like that.

19 A. Yes.

20 Q. Is that right? So the middle or the lower part of the
21 body?

22 A. The lower body, yes.

23 Q. Thank you.

24 MR AIKEN: You then mention in paragraph 15 the last
25 individual you identify, BR77. He is BR77. You say you

1 saw him throwing a boy up against a wall. His name is
2 blacked out, but is the boy that you remember.
3 I was asking you do you remember his first name and you
4 weren't sure what his first name is. You just remember
5 he was . Is that right?

6 **A. I'm near 100% certain it was**

7 that he hit, and he did. He slammed him up
8 against the wall, and the thing I remember about that
9 incident is he was bleeding. You don't normally see --
10 if one of the boys got -- you know, got hit or slapped,
11 you didn't -- you didn't see any -- you didn't see, you
12 know, blood or anything like that there, but he left
13 blood on the wall wherever he threw him up against the
14 play hall, and, yes, he busted his nose.

15 Q. Well, BR77 is still alive, BR77 as he is now, and he's
16 made a statement to the Inquiry at 5405. If we just
17 look at what he says about this in paragraph 5 of his
18 statement, he says:

19 "I've read the witness statement of ...", you,
20 HIA170. "I never threw a boy called against
21 a wall or made his face bleed. didn't belong to
22 the same class as HIA170, and I wouldn't have had them
23 both together for . It's an utterly ridiculous
24 allegation. There was a DL65 in the home, but he would
25 have been only for a very short time there with HIA170

1 and was much older. He couldn't have been in the same
2 class."

3 So -- and the Order say that the same thing, that
4 the boy they name here, DL65 -- you thought it
5 was -- DL65, that you weren't in the same
6 class for and therefore how would you have seen BR77
7 do this? Can you remember where it was that it
8 happened?

9 **A. It was in the -- the home had an outdoor area, a big**
10 **indoor five-a-side football pitch.**

11 Q. I think it was known as the play hall when it was built.

12 **A. It was called the play hall.**

13 Q. So this was not the PE -- where you did PE in the
14 school?

15 **A. It was in the play hall.**

16 Q. And did you do PE in the play hall?

17 **A. Yes, yes, you could. The school had their own gym and**
18 **you played basketball and various other things. So if**
19 **we went to play five-a-side football, we'd go down to**
20 **the play hall, even though the play hall was -- they**
21 **used both facilities, the home and the school mixed, you**
22 **know.**

23 Q. And do you think this incident that you remember was --

24 **A. In the play hall.**

25 Q. -- as part of -- do you remember it as being part of

1 school PE at the time?

2 **A. It could have been activities -- it could have been**
3 **activities after school, not necessarily -- some of the**
4 **Brothers taught, but they worked -- they worked in the**
5 **home as well. So it could have been activities after**
6 **school and not necessarily during class.**

7 **Q. Well, you can see he is saying, "This didn't happen.**
8 I didn't do this and it is not true". That's
9 essentially what he is saying.

10 **A. I think I remember it because he was bleeding and it was**
11 **a bit of a shock.**

12 **Q. You then mention in your statement BR18. That's BR18.**
13 He is BR18. He was in the home between and .
14 He died in . You mention him in paragraph 16 of
15 your statement at 609. Now you say that he hit you
16 until you saw stars. You describe him as
17 . A number of boys have said BR18 was a

18

19 **A. We all thought --**

20 **Q. Let me just -- the Order has said he was not**
21 He was not , but how did this belief
22 come about?

23 **A. It was -- that's what I heard whenever I was in the**
24 **home. All the boys must have thought that BR18 was some**
25 **sort of -- I mean, it speaks for itself. I mean, they**

all thought he was . He must have been
doing something. Obviously he was hitting the boys and
that's why they thought he was

. If you got hit by BR18, you got hit,
er -- I do remember getting punched by

Q. And --

A. -- because I remember I associated it with the cartoons I seen on the telly where there are these stars and things like that there. If you hit somebody hard enough, you'll see stars. I did see stars whenever he hit me. He hit me on the back of the head, because you ran the gauntlet of seeing BR18 whenever you went to get the stuff for swimming. The stuff for swimming was downstairs in the kitchen. So you had to go downstairs to the kitchen and if BR18 seen you, the first thing he said to you is, "What are you doing here?" and he didn't like any of the boys being in the main house. That was -- that was sort of off limits to him to the boys.

Q. And when we were speaking earlier, you described to me how he made his fist, which was different from how other people make their fist.

A. He never --

24 Q. Could you just show the Panel what you recollect him
25 doing to make his fist?

1 A. Well, when BR 18 hit you, he usually hit you like that
2 with his -- and that's why we thought he was some sort
3 of boxer. Whenever you get hit like that with the
4 knuckles, it's a lot different than getting hit like
5 that there, and I remember that's the way BR18 hit you.
6 He hit with you his hand like that there, and he'd hit
7 you like that there and rap you on the head, and maybe
8 that's why people thought, "He knows what he's doing.
9 He's a ..." -- I don't know where it -- it was probably
10 just something boys talked about, you know, that got out
11 of hand like a Chinese whisper or something.

12 Q. In fairness to you, DL81, albeit you complain about him,
13 when he was interviewed by the police in August 2011 --
14 if we just bring up, please, 67797, he says about
15 corporal punishment:

16 "Answer: To the best of my knowledge, yes.

17 Question: As far as you're aware?

18 Answer: Yeah. There was just that one Brother that
19 was notorious for hitting, giving -- for giving the boys
20 a punch.

21 Question: And that was?"

22 Then DL81 says:

23 "BR18."

24 Then he is asked about you. So his recollection --
25 he will be giving evidence to the Inquiry in due course

1 -- was BR18 was someone known to punch boys.

2 You describe in your statement a boy called DL49
3 getting beaten by him. That was something you saw. Now

4 the point I made to you was that the Order draws

5 attention to the fact DL49 did speak to the police in

6 and he alleged that he had been assaulted by BR77,

7 BR77, and then again in 1995 when he made sexual

8 allegations against two Brothers, but he never made any

9 allegation against BR18, and reference to that can be

10 found at paragraph 13 of the Order's statement at 3704.

11 So what -- can you remember what the circumstances were

12 of DL49, because the point the Order is making is DL49

13 did not think too much of it, because he didn't report

14 it to the police when he reported BR77 hitting him.

15 **A. I have a very strong memory of DL49 being at the front**
16 **of the house as BR18 was coming out. You don't want to**
17 **be caught by BR18 whenever -- you don't want to be near**
18 **the big house. As far as I'm aware or I remember the**
19 **art class is facing the front of the house from the**
20 **school. The school was just -- the school was 20 yards**
21 **away from the main house, so it was. It was**
22 **a purpose-built school for the boys, and I remember BR18**
23 **meeting DL49 on the way, and I remember the boys saying**
24 **that, you know, "You're a dead man. [REDACTED] got you",**
25 **and he did get a few punches from BR18. You know, as**

far as I recollect it was DL49. There was nobody else that BR18 didn't like. He took a particular dislike to DL49, so he did. Maybe he didn't like him because he was kid or something like that. I don't know, but he did -- he did he attack him at the front of the house.

Q. And you then mention in your police statement

DL 509 . 11th April 2011 you say -- it is at 66269.

If we can just look that, please, the bottom of it.

Scroll down, please. Just move down a little further,

please. 66269. If we just go back up, please. Yes.

Just stop there:

"Some of the houseparents could be quite nasty.

DL 509 would not hesitate to give you a good

thump for whatever, messing about with the boys when

were out swimming, for example, which we did nearly every day."

That's your recollection of him. You were making

the point to me earlier that that was

1

A. Who was this? Sorry.

Q. DL 509

A. DL 509 had -- I think DL 509 had

1 , and with DL 509 he was -- he was still a big man
2 and yes, yes, he would. He would take no hassle from
3 any of the boys at all and you just do as you're told.

4 Q. If we bring up 66313, please, he was interviewed by the
5 police on 13th August of 2012 and he says -- if you just
6 scroll down, please, he says:

7 "I didn't touch any child under my care at all."

8 He is talking about the allegation there that he'd
9 give the boys a thump.

10 " ' DL 509 would just cuff you with his hand
11 round the back of his head.' "

12 That's how you described it in the police statement:

13 " ' You wouldn't mess with him.'

14 He does say that he didn't get cuffed that often.

15 Does that sound like something that you would have done?

16 Answer: Definitely not."

17 Scroll down, please.

18 He said it just wasn't something he did. He wasn't
19 physically chastised that way and he didn't do it to
20 others, but that's your recollection of him.

21 I then asked you about BR2, because he was in the
22 home during your --

23 **A. Yes.**

24 Q. -- he came back in after BR1 . Do you
25 remember BR1 or is that not a memory you

1 have now?

2 A. No.

3 Q. No.

4 A. I just remember him not being there and BR 2

5 coming in. BR 2 was a man, very

6 I think. I can't remember exactly.

7 I would imagine yes, you would have got disciplined by

8 BR 2, the cane or something like that, but not,

9 you know -- I think he would only have done -- I think

10 he would only have done something like that if he had

11 to. BR 2 was a ,

12 man.

13 Q. And he was interviewed in August of 2011. If we just

14 look at 66277, please, and you describe it in more

15 detail in your police statement. You said:

16 "A couple of times I ran away. I got caned.

17 I usually ran away after the head count. I had to swim

18 in Strangford. Didn't receive any medical treatment.

19 He was in his .".

20 It would appear he's referring to you caning on his

21 return, but you're saying --"

22 and he says:

23 "I don't believe that ever -- absolutely no

24 recollection whatsoever of that, none whatsoever."

25 So he can't remember you and having to cane you for

1 absconding, but that is what you say happened.

2 **A. Yes.**

3 Q. And beyond that your relationship with him was a good
4 one --

5 **A. Yes.**

6 Q. -- and you've no complaint to make about him.

7 You do say, and if I can just try to summarise it
8 this way, HIA170, you are describing both a number of
9 Brothers and boys, and by this stage there was only --
10 there was a reducing number of boys in the home.

11 I think it was down maybe about 40 or 30 boys by this
12 point in time. Would that be right? Would that be
13 right, HIA170?

14 **A. Sorry?**

15 Q. Between 40 -- 30 and 40 boys --

16 **A. Yes.**

17 Q. -- living in Rubane at this point in time, and you are
18 describing a general level of violence going on between
19 the boys and with some Brothers engaging in violence,
20 and then you say in your police statement, if we can
21 look at 66271 -- just scroll down, please. Yes. Just
22 there:

23 "Before I left things in the home were changing and
24 there was less violence. It was almost overnight.

25 There was a massive change. Then I got my own room."

1 So at some point, and I can't expect you to date at
2 what point during your stay it happened, but perhaps it
3 was towards the end of your stay from what you are
4 describing --

5 **A. Yes.**

6 Q. -- the ethos in the home, the way things were run, the
7 nature of how Brothers interacted with boys changed for
8 you.

9 A. It just seemed like all the rules was suspended. You
10 could -- between it being very, very strict, you could
11 smoke anywhere. I ended up getting one of the rooms in
12 the -- there was a three-bedroom house on the end of the
13 chalet, and I got one of those, because I was getting my
14 stuff stolen anyhow and I needed to, you know -- the
15 boys were leaving for the week-end, stealing my stuff
16 and going off for the week-end. So -- and I lived in
17 the home and the stuff I had was my own personal stuff,
18 and I ended up getting one of the rooms with a key and
19 all to my room, which is unheard of. Before you were in
20 the dorms. There was three or four boys sleeping in
21 a dorm, and there was the two rooms for preparing the
22 boys for when they leave at 16, but I got one of those
23 rooms, and it just seemed that all the rules were
24 suspended then. Just nothing was as important, you
25 know, as it was before that.

1 Q. And the violence came to an end?

2 A. Just drifted off. Just died off. Just -- whenever
3 I first went into the home ' , it was -- it
4 was pretty rough, but it was just sort of declining.
5 You might have heard talk about people have daddies in
6 the home, but there was a guy in the home that could
7 handle all the rest of us. He wasn't exactly the daddy
8 of the home, but you knew he was the top man, and then
9 after that it just sort of -- you know, just all the
10 rules and that just seemed to fizzle out.

11 Q. Do you think that was because the numbers were getting
12 smaller?

13 A. It could have been after -- it could have been after the
14 CID were up interviewing. I think we noticed some of
15 the boys -- the numbers in the home started going down.
16 The house -- the boys in the house disappeared first.
17 So there was no boys in the house.

18 Q. When you say disappeared, you mean they left and went
19 elsewhere?

20 A. They'd all been leaving and sort of like they were
21 emptying it, and then the chalets started, chalet ,
22 chalet .

23 Q. So as the numbers went down, the way of life improved?

24 A. Yes, dramatically, dramatically, so it did, as to
25 compared to when I first went in.

1 Q. Now you mentioned an incident of being
2 in paragraph 17 at 609, and you have a vivid
3 memory of a Cornish pasty. I was saying to you -- and
4 I am not going to bring any of this up -- from the
5 material it is clear that at least

6

7

8 A. I think I was about . I think I was about at that
9 age.

10 Q. I was giving you another example. You didn't remember
11 it, but when I described it to you, you do remember it,
12 of -- there's a record in your -- by this time detailed
13 records were being kept on people --

14 A. Yes.

15 Q. -- and the houseparent DL2 records taking you home for
16 , and I was asking did you remember
17 that?

18 A. That didn't last -- that didn't last. I remember we
19 were really, really bored. Whether or not I went back
20 to the home to spend in the home by myself,
21 because most of the boys had -- the majority of the boys
22 had families. So they all -- obviously they all went
23 out for Christmas, but the social worker tried to do
24 something and it just wasn't the right thing to do to
25 take us away out somewhere.

1 Q. You are talking about what the social worker organised?

2 A. Yes.

3 Q. The family getting together?

4 A. Yes. That didn't work.

5 Q. It didn't work?

6 A. And that could have been why the home said that I was --

7 I was back again at the home or something, because we
8 cut the stay short.

9 Q. Yes, but what I am explaining to you, people were doing
10 the best they could to make things better. So they
11 spent and the records show quite a bit of money hiring
12 a place for you folks to have a home together for
13 Christmas.

14 A. Yes. They arranged all that without asking us what we
15 wanted and yes, that was -- that was all arranged, but
16 without -- without asking myself or my brothers is that
17 what we want to do.

18 Q. And I was telling you about another example of DL2, the
19 houseparent, taking you home according to
20 the records.

21 A. Yes.

22 Q. You remember -- you have very good memories of him, but
23 you don't remember him taking you home ?

24 A. Don't remember going to DL2's . The chances
25 are that yes. I actually did probably go to DL2's. I'm

1 **sorry I don't remember, because he's one of the better**
2 **houseparents that we had, and he was a local man from**
3 **and he was a very, very nice man.**

4 Q. I will just give the Panel the references. 8732 is the
5 reference to the Social Services organising the flat for
6 the siblings to spend Christmas together. 3765 is from
7 the observation sheets, DL2 recording taking HIA170
8 home, but the one you remember is

9 , and the Order said whoever stayed
10 and didn't go out, they all got together and had
11 together.

12 A. Not with me that year. I spent with
13 Cornish pasties and Tayto beef crisps in front of the
14 telly and I spent with --
15 I had my carry-out and I had my carton of -- I got 200
16 cigarettes from one of the Brothers and no, I didn't see
17 anybody that day.

18 Q. And you -- the records, as I said to you, show the
19 social workers would have visited you regularly down in
20 Rubane. They would have come almost every month.

21 A. They loved the drive down, yes, the social workers. It
22 was a day out for them, so it was. I never benefited
23 from it. I don't know any of the boys that did, but we
24 got out of school.

25 Q. You got out of school to see them?

1 **A. So we did.**

2 Q. And the Order draws attention then -- and I was
3 discussing with you -- following a model from Barnardo's
4 they used one of the chalets to set up an independent
5 living programme, and I was showing you your own diary
6 that you didn't remember having written, and I explained
7 if you write to Mr Napier, he might try and sort that
8 out so you can have a copy of your diary, but you and
9 **DL 42** the two of you basically went to live in
10 a chalet to try to learn how to live beyond the home.

11 **A. It's funny how you don't remember. I don't remember the**
12 **young fella that I spent a week with learning how to**
13 **live independently. I have no memory of him at all,**
14 **but --**

15 Q. If we just bring up -- just bear with me one moment --
16 3802. We will just show one page that I was showing you
17 earlier as an example of this. If we just maximise
18 that, please. This is your writing, HIA170, and it
19 records -- I think there's a fortnight of these entries
20 where you recorded living and what you and he got up to,
21 and here you have BR7 coming over. Passed the evening
22 with a jigsaw puzzle after you had made cod steaks and
23 beans for tea. Then you and **DL 42** decide to go to the
24 disco, but you didn't leave until 10.00. You then came
25 back about 1.15 in the morning. You had a cup of tea

1 and you retired to bed.

2 "We had no problem or breakages."

3 I presume that means you might have had a beer when
4 you were out and you were recording you didn't make
5 a mess when you came back. Then it goes on like that.

6 The Order are pointing -- you obviously remember it
7 as I am showing it to you, but this was an effort to try
8 to help prepare people for going out, life beyond care,
9 as it were, into the world.

10 **A. That lasted a week. It was interesting. We actually**
11 **done very, very well at it. We were able to -- at the**
12 **end of that we invited a social worker down for dinner.**
13 **Say it was Monday to Friday and on the Friday the social**
14 **worker come down and we were able to cook him a dinner**
15 **and have a bottle of wine I think and, yes, it was --**

16 Q. And did the social worker come down and --

17 A. You got a week at it. It was a week's holiday.

18 Q. Did the social worker come down for dinner?

19 A. The social worker I think was down and along with -- it
20 could have been the head of the home and another
21 houseparent, two or three would have came at the Friday,
22 you know, for dinner, and you would have budgeted your
23 money and had them ones down at the end of the week.
24 That was actually -- I know for me it was a bit of
25 a success, so it was.

1 Q. And you describe, and I am not going to go into it in
2 any detail, but you -- eventually on moving out you
3 moved in with -- he was BR33 and became I think BR33,
4 but he had a home at -- is that right --
5 a cottage?

6 A. Yes.

7 Q. And you lived with him for a while while you were
8 working, and I know you recounted to the police how he
9 might have taken one of your giros, but your experience
10 of him was a positive one in that you went to live with
11 him, apart from that one incident where he --

12 A. Yes. Well, apart from whenever he told me I was dying,
13 but -- I don't know. It could have been part of this
14 here where you went, you know, for a week in the chalet.
15 It could have been part of that there. That's why I was
16 staying at the cottage with BR33. It wasn't really
17 BR33, because he never wore his robes. So -- and he was
18 just called BR33. So we just called him BR33 rather
19 than call him BR33. Yes, I did. I don't really
20 remember why I went down to stay there, but I stayed
21 there until I got my house along . So that
22 was a stepping stone from the home into the cottage and
23 then I was awarded my own house.

24 Q. HIA170, there are two questions that we ask everybody at
25 the end of their evidence. The first one is the Panel

1 when it finishes its work has to make recommendations to
2 the Northern Ireland Executive about whether there
3 should be some form of apology, some form of memorial or
4 some other means of redress and we ask each individual
5 whether there's anything they want to say to assist the
6 Panel thinking about recommendations. Is there anything
7 you want to say about that?

8 **A. No, no.**

9 Q. And the last question that we ask every witness is
10 whether there's anything else -- this is your
11 opportunity to say to the Panel what you want to say to
12 them about your time in Rubane, and it may be I haven't
13 covered something correctly or haven't covered something
14 in the detail you wanted, or maybe something I haven't
15 mentioned at all. Now's your time to say it to the
16 Panel if there's anything like that. Is there anything
17 else you want to say?

18 **A. No. I think there's been a few surprises, but I think
19 I've said everything, yes.**

20 Q. By the surprises you mean the discussion we have had
21 that brought back certain things to you?

22 **A. Records and -- of me whenever I was younger, because
23 I didn't have a family. So somebody has the records --**

24 Q. Yes.

25 **A. -- and yes, they were great. They were actually a bit**

of an eye opener, you know, seeing those. I have never seen anything like that.

Q. I have said to you you will be able to write to Mr Napier and write to the Health & Social Care Board and they'll take the steps -- I explained --

A. Yes.

Q. -- with a statute that makes life difficult for them in giving information --

A. Yes.

Q. -- they will do what they can to give you I am sure what material is yours that they can safely provide you with.

HIA170, I'm not going ask you any more questions,

but if you just bear with us for a moment, the Panel Members may want to ask you something --

A. Yes. Thank you.

Questions from THE PANEL

CHAIRMAN: HIA170, there's one thing I'd like to ask you about. If you would just cast your mind back really to the beginning of what you were telling us today, you were speaking about BR1 touching you on the bum, as you put it, and you referred to him -- it being believed he was fruiting. Now as far as the touching was concerned did that happen when any other Brothers were around who might have seen what he was doing?

WITNESS ASSISTANT: I don't think, Chairman, he can hear

1 you. He can't hear you very well. He needs to be able
2 to see.

3 CHAIRMAN: HIA170, whenever you talked about BR1 touching
4 you, were there other Brothers about who would have seen
5 that or did he only do it if there weren't Brothers
6 about?

7 **A. No, it would only be whoever was in charge of the yard.**
8 **BR1 would be out in the yard. Only one of the Brothers**
9 **would be out in the yard.**

10 Q. But, of course, the other boys would see what was
11 happening sometimes. Isn't that right?

12 **A. Yes.**

13 Q. Thank you very much.

14 MS DOHERTY: Thanks very much, HIA170. Can you hear me? Is
15 that ...?

16 **A. Yes.**

17 Q. Yes? Can I just check when you say about BR6 being on
18 night duty, what was that? Were some of the Brothers on
19 at night, waking staff or ...?

20 **A. Yes. At night-time we'd usually get -- one of the**
21 **members would be on staff -- be on duty, and BR6 would**
22 **be on a lot of the times. He'd be on night duty and**
23 **they'd just be about. You would know that they would be**
24 **about at night after we were all in bed. You would**
25 **sometimes see one of the Brothers or the houseparents**

1 **checking -- checking up on us.**

2 Q. Checking up. Okay. Can I just check about DL6? Do you
3 think the Brothers knew that he was throwing wood and
4 chisels?

5 A. **Oh, yes, yes.**

6 Q. That was quite commonly known?

7 A. **Yes. He was known for it, yes.**

8 Q. Okay, and in relation to punishments did you ever see --
9 was there ever a time where boys were brought together
10 to observe a punishment?

11 A. **No.**

12 Q. Not in your time?

13 A. **Not me, no.**

14 Q. Okay. The last thing is just about you talk about
15 whiskey and cigarettes being brought in regularly and
16 I think the Brothers in their statement say that
17 wouldn't have happened. Do you --

18 A. **Yes. We did see them getting their -- what they -- they
19 made sure they got their tobacco and cigarettes. That
20 wasn't -- that wasn't for us. They did get a delivery
21 maybe. I don't know if it was a local off-licence --**

22 Q. Okay.

23 A. **-- but yes, because I wanted some. They had crates of
24 whiskey and lots of -- lots of nice stuff and we would
25 see it being delivered.**

1 Q. And some of the other people have talked about the
2 Brothers, you know, socialising together in a particular
3 place. Do you remember that?

4 **A. No.**

5 Q. No. Okay. Thanks very much.

6 MR LANE: Just one thing. I'd just like to make sure I've
7 got the right impression, and that is that you seem to
8 make quite a sharp distinction between ordinary
9 punishments and staff being strict with you, which you
10 found acceptable, and on the other time -- hand the
11 times when you've been hit when you thought you didn't
12 deserve it. Is that true?

13 **A. Yes.**

14 Q. Thank you.

15 CHAIRMAN: Well, HIA170, thank you very much. That's all we
16 need to ask you today. Thank you for coming to speak to
17 us.

18 **A. Thank you.**

19 **(Witness withdrew)**

20 MR AIKEN: Chairman, Members of the Panel, Ms Smith is
21 taking the next witness. So perhaps if we took a short
22 break, and that might commence shortly if she is in
23 a position to do that.

24 CHAIRMAN: Yes. Well, ladies and gentlemen, we will either
25 start hopefully within the next five, ten minutes. If

not, it will be because we will take an early lunch and start again about 1.30. So perhaps you would just wait and you will hear in a few moments what's happening.

(12.27 pm)

(Lunch break)

(1.30 pm)

WITNESS HIA50 (sworn)

8 MS SMITH: Good afternoon, Chairman, Panel Members. Before
9 commencing with the next witness there is an appearance
10 to be announced this afternoon.

11 CHAIRMAN: Yes, Mr Feeney?

12 MR FEENEY: Mr Chairman, I appear with Mr Kevin McGill on
13 behalf of BR33, and we are instructed by Gillan &
14 Company.

15 CHAIRMAN: Thank you very much.

16 MS SMITH: Chairman, the next witness is HIA50. HIA50
17 wishes to maintain his anonymity and he also wishes to
18 take the oath.

WITNESS HIA50 (sworn)

20 CHAIRMAN: Thank you very much, HIA50. Please sit down.

A. Thank you.

Questions from COUNSEL TO THE INQUIRY

23 MS SMITH: HIA50, before coming -- before coming to go
24 through your evidence with you I am just going to
25 outline to the Panel Members where a lot of the

1 documents are in the bundle for them.

2 Your statement is at RUB764 to 778.

3 The Order's response is at RUB4136 to 4138 with
4 exhibits at 4139 to 4451.

5 The Heath & Social Care Board response is to be
6 found at 8810 to 8880 and that includes exhibits.

7 We have also received Social Services' material
8 which is almost 1000 pages between RUB31294 to 32552.

9 There is Youth Justice material which is in the
10 bundle also. Just for the sake of completeness it can
11 be found at 32030 to 32524.

12 The police file regarding a complaint that was made
13 in can be found at RUB67383 to 67415, which
14 includes a statement made by HIA50 in ,
15 which is at RUB67403 to 67404.

16 There's other police material at RUB68264 to 68270.

17 The person upon whom **BR 33** -- HIA50 complains, his
18 statement can be found at RUBB -- sorry -- RUB5468 to
19 5470.

20 There is also an Inquiry statement from a Detective
21 Inspector **DL 510** at RUB68497 to 68500, and
22 there's civil claim material at RUB51379 to 51609.

23 Now I just want to confirm with you, HIA50, you
24 spent time in a number of homes. You spent time in
25 Nazareth Lodge, in Barnardo's, in Lisnevin and in St.

Pat's. Now just to be clear, you have no complaint to make about your time in Lisnevin. Isn't that right?

A. No complaints whatsoever.

Q. And you are willing to return to talk about those homes, but you are aware today we are only concentrating on --

A. Kircubbin.

Q. Yes. So if we could go, first of all, to your statement, which is at 764. If that could be put up, please. Now, HIA50, you will see that instead of your name here it is given the designation of HIA50, which is a designation that the Inquiry has given to protect your anonymity but I want you to confirm this is the statement you prepared for the Inquiry and that you signed that on the last page at 778 and that was signed on 10th March 2014?

A. That's correct.

Q. And this is the statement that you wish the Inquiry to consider as your evidence together with anything else that's said this afternoon?

A. That's correct.

Q. Now if we could just go back to your statement, it shows -- paragraphs 1 and 2 of your statement show that you were in care from . You have indicated in your statement that you went, first of all, to . You say you then went to Nazareth

1 Lodge in Belfast before going to Rubane.

2 Now you know -- you and I have had a discussion
3 earlier today where I have shown you documents which
4 show that, in fact, what the Social Services say is that
5 you went straight from to Rubane, that you
6 later went to Nazareth Lodge before going on to the
7 Barnardo's _____ project.

8 Now you don't accept that. Isn't that correct?

9 **A. All I can say to the Inquiry today is my -- the first**
10 **home I was in was in**

11 **I then was moved from there to Nazareth Lodge,**
12 **from Nazareth Lodge to Kircubbin, from Kircubbin to**
13 **Barnardo's.**

14 Q. Well, you know, and just so that the Panel can look at
15 the records, that RUB8814 shows that you spent a month
16 in Nazareth Lodge after Rubane after you had got -- come
17 into the Social Services from home and you were in
18 Nazareth Lodge while you were waiting for a place in
19 Barnardo's -- sorry -- but in any event we will look at
20 that again on another occasion, but you believe you were
21 in Nazareth Lodge first, then Rubane, whereas what
22 I have said is the records are showing it was the other
23 way around, that after you left Rubane, you went to
24 Nazareth Lodge for a while, but you said that you
25 remember being in Nazareth Lodge and going to secondary

1 school from there. Isn't that right?

2 **A. Yes, I do. I was in Nazareth Lodge, and my social**

3
4 , and she got me taxis to and from Nazareth
5 Lodge. I went to a

6 . The taxis came for me. I had
7 to sign a chit. That taxi company was , which
8 still exists to this day in Belfast city centre.

9 Q. Well, in any event in your statement we know you were in
10 Rubane for just . You would accept that. It
11 would appear you were there from to

12 when you went home for a while, and then
13 you came back in to Kircubbin and you stayed
14 there to , and you would essentially accept
15 that those dates are correct. Isn't that right, HIA50?

16 **A. Yes.**

17 Q. Now if we can just go to your statement, at paragraph 9
18 of your statement you talk about someone whom you name,
19 and I am going to use the name in the chamber, but you
20 will be aware and everyone else is aware that name is
21 not to be used outside this room. He has been given the
22 designation BR33. That's a person you describe as BR33.

23 Now we have talked about this, and whenever you were
24 in Rubane,

1 , and you accept that. Isn't that
2 correct, HIA50?

3 **A. Yes.**

4 Q. Although you say you would still have called him
5 at the time?

6 **A. From my own perspective I did address him as .**

7 Q. Now he, just for the sake of completeness,
8 , which would have been before you actually
9 came to Rubane, but he was still -- he was definitely
10 there during your time?

11 **A. Absolutely.**

12 Q. You were in chalet . Isn't that correct?

13 **A. That's correct.**

14 Q. And the Order would say that in that time the
15 houseparent -- your houseparent would have been a DL1.

16 **A. Well, we had a number of houseparents. We had -- from**
17 **what I can tap through my mind is DL1, [REDACTED] DL 8 ,**
18 **[REDACTED] DL 10 from [REDACTED] , DL9 from [REDACTED] . That's**
19 **where she lived, and it was that. There was no Brothers**
20 **that run any of the chalets. It was all civilian --**

21 Q. Workers.

22 **A. -- workers more than any of the Brothers.**

23 Q. And BR33 wasn't a houseparent in chalet where you
24 were?

25 **A. Absolutely not.**

1 Q. Now in paragraph 9 of your statement, if we can just
2 look at that, you say that this man threatened to tell
3 the other children that you wet the bed.

4 and:

5 "He knew , but still he was
6 always using this threat of divulging my problem with
7 bedwetting, as he knew the other boys would taunt me if
8 they knew about it. When the other boys found out, they
9 did taunt me and they did not want me sharing
10 a dormitory with them."

11 If I can just pause there, HIA50, it is clear from
12 the papers that from a very early age in the early

13 -- about --

14 **A.** .

15 Q. You were diagnosed with a severe problem at that time
16 and throughout your life you had sustained problems.

17 **A. Problem from maybe up until maybe five, six years**
18 **ago.**

19 Q. And certainly this was a difficulty that was outside
20 your control.

21 **A. I had no control over it whatsoever.**

22 Q. And you named -- when we were talking earlier, you named
23 some of the boys whom you said were -- they were like --
24 you said that this man BR33 was like a father to them,
25 two boys -- two brothers that you named, and I am going

1 to use the names just so you know who we are talking
2 about, but again not to be used outside. That was
3 a [REDACTED] and DL120.

4 **A. That's correct.**

5 Q. And you said these boys, basically they taunted you and
6 assaulted you when they -- for wetting the bed.

7 **A. Well, so did BR33.**

8 Q. Now in paragraph 10 you go on to describe a particular
9 incident which you said occurred when you were in
10 Rubane. You say that after -- about three months after
11 you arrived he came to your room, told to you get into
12 bed and he made you masturbate him. You weren't doing
13 it quickly enough for him.

14 He said, 'It's not fast enough for me'. I was lying
15 on my back and he hit me on the knee with his fist. He
16 then pulled all my clothes off, turned me round and
17 forced his penis into me from behind and raped me."

18 "Another resident", whom you name there, and I am
19 just going use his first name, which is DL97, "was on
20 the top bunk when this happened. He doesn't want to
21 speak about the incident, but at the time he said to me,
22 'Oh, no, you're going to get what I got'. This incident
23 must have happened during the summer months as many of
24 the other residents had gone home for summer recess. It
25 happened on a Friday evening, because I came down the

1 next morning with a blanket over me and I recall it was
2 a Saturday morning. BR33 told me he would have me
3 sorted if I opened my mouth, but I reported the incident
4 to a member of staff in chalet ."

5 Can I just pause there to ask you can you remember
6 who it was you reported to in chalet , HIA50?

7 **A. It possibly could have been DL10 or DL2 I think.**

8 Q. You say that:

9 "It may have been reported to a civilian member of
10 staff" --

11 **A. It was -- yes.**

12 Q. -- DL 10 to the best of my recollection."

13 You say:

14 "I then reported to ,DL 2 ."

15 **A. DL 2.**

16 Q. He was the houseparent in charge of your chalet?

17 **A. Well, he wasn't in charge, you know. Any -- it was like**
18 him on one day and another member of staff. So he
19 wasn't in charge as such. You know, when you go in, you
20 had to address to him. He wasn't over -- he wasn't the
21 boss or anything. He just came in 8.00 to 6.00 or
22 whatever his shift was, and then other civilian staff
23 would have taken -- would have taken over.

24 Q. All right. Just going down through paragraph 11, you
25 say:

1 "I also -- I reported it also to Newtownards Police
2 Station on the Monday morning and I told Detective
3 Sergeant [REDACTED] DL 511 what happened. My social worker
4 attended with me and was present during
5 the interview with DS [REDACTED] DL 511 but unfortunately he
6 never interviewed" --

7 **A. BR33.**

8 Q. -- "BR33."

9 Now we have talked about this earlier and there is
10 a lot of material I am just going open up and then allow
11 you to say what you want to say about that, HIA50.

12 Right?

13 **A. Yes.**

14 Q. Now the records show that what appears to have happened
15 is that there was a boy in the home called [REDACTED] DL 472 . Do
16 you remember that?

17 **A. I know [REDACTED] DL 472 very well, yes.**

18 Q. He made an allegation that he had been sexually abused.

19 This can be found -- the report of what [REDACTED] DL 472 alleged
20 can be found at 31... -- sorry -- I have lost my place
21 -- 31681. Then what the documents are showing, if we
22 can just look at this, this is "Report on Allegations
23 made by [REDACTED] DL 472 against Staff at De La Salle,
24 Kircubbin". Again this document is going up. It is
25 unredacted and it will be redacted before it is

1 disseminated any further:

2 "Prior to questioning DL 472 about his allegations
3 I pointed out the seriousness of the matter. He said he
4 knew this, that BR8 had also said this to him the
5 evening before. DL 472 said he wasn't signing anything but
6 would face BR33 in court.

7 According to DL 472 on a particular evening staff,
8 namely [REDACTED] and BR33, were coming in late (12.00 pm)
9 and both were drunk. They got out of the car and were
10 heading across the square when DL 472 shouted out the
11 window that he wanted something to eat. Because of the
12 late hour no-one in the chalet had received their
13 supper, which is normally at 10.00. At this BR33 ran
14 back into the chalet to DL 472 and told him to get into
15 bed. DL 472 said only [REDACTED] could tell him what to do."

16 I am just going to scroll on down. What --

17 [REDACTED] then quietened BR33 down and got him out of
18 his room. Again on their way out another boy, HIA50, in
19 chalet (a continuation of the block) shouted out the
20 window and BR33 headed down to him. The former punched
21 the boy. [REDACTED] then held him down while BR33 stripped
22 him. DL 472 alleges that again this boy's", HIA50's that
23 is, "privates were fondled. At some point DL 472 heard the
24 squealing and came running down to witness this and said
25 that BR33 had a pillow over the boy's face. DL 472 shouted

'Leave him alone' and alleges that BR33 then came after him and started feeling him up again."

Now this was reported to the Social Service -- the social worker who was looking after [REDACTED] DL 472 and there seems to have been an internal investigation within Rubane about this incident, whatever had happened that night, and BR8, who was

, spoke to a number of boys. It is clear from this document that he spoke to **DL 472**, but he also spoke to you about the matter. Do you remember being spoken to by BR8?

A. I wasn't spoken to by BR8. I was threatened by BR8. He had told me if I didn't retract that statement, he would make my life -- what I already had reported to the police reference BR33, the sexual abuse reference myself.

Q. I am going to just look at another document here, HIA50, and I will come back to what you are saying, but if we look at 88... -- sorry -- I have lost it -- 8855, now this is a note that has been made, and it is quite difficult to make out because it is obviously a copy, but it is a document this has been prepared by BR8. It says:

"HIA50 and DL97 were sharing a room in chalet on the night in question. DL97,

1 had lit a candle prior to going to bed. BR33 saw the
2 flickering light of the candle as he crossed the yard.
3 He then proceeded to the dormitory in chalet , where he
4 blamed HIA50 for lighting the candle. He then struck
5 HIA50. HIA50 became agitated at this stage and began to
6 put on his clothes. BR33 took the clothes from him, but
7 HIA50 still insisted that he was leaving the chalet. So
8 as to confine him to his bed BR33 removed HIA50's
9 pyjamas. HIA50's clothes were returned to him in the
10 morning. HIA50 strongly denies that he was interfered
11 with in any way. He says that shortly after this he
12 heard a sound from chalet as if someone had been
13 struck. He believes this to have been **DL 472** .

14 I confronted BR33 with the allegations made against him.
15 He utterly and strenuously denies them."

16 If you can just scroll on down:
17 "Given the nature of how the allegations were made
18 and in view of the fact that **DL 472** has never brought
19 other complaints to me, I am reasonably satisfied that
20 they have emanated from some grudge on **DL 472** part. The
21 fact that HIA50 heard someone being" -- just scroll on
22 down -- "struck is in my view significant. **DL 472** is
23 happy at De La Salle and has never indicated either
24 a Social Services -- to Social Services personnel or to
25 staff here any desire to be transferred to another

1 facility. This I also regard as significant.

2 I have treated this matter seriously and consider
3 that while BR33 may have meted -- acted somewhat
4 inappropriately, there was no basis for the more
5 sinister allegations that were made against him. BR33
6 has been warned about his lack of professionalism and he
7 is aware of my disapproval of it. I assure you of my
8 integrity in dealing with this case."

9 Now this is a letter that BR8 wrote to Social
10 Services I believe. This internal examination --
11 investigation was going on between the -- it was the
12 Southern Education & Library -- sorry -- South-Eastern
13 Health & Social Services Board, who were responsible for
14 **DL 472**. An internal investigation is carried out in
15 Rubane by BR8. He speaks to you. He records in this
16 document that you say that you weren't interfered with
17 in any way.

18 **A. That's lies.**

19 Q. Senior -- bear with me, HIA50. Senior Social Services
20 then indicate that this should not have been dealt with
21 in the way that it was dealt with by the South-East
22 Health & Social Services Board. They say that your
23 social worker ought to be informed of your involvement
24 in this and asked to speak to you about the matter and
25 they also say that the matter ought to be reported to

1 police. Okay?

2 Now your social worker did speak to you and she made
3 a series of notes that we are going to look at about
4 what she says happened. If we can look at those, the
5 first one is 31697. If we can highlight that, you will
6 see it is dated

7 If I can just pause there, this incident happened in
8 the summer of , which would have been the only
9 summer you would have been in Rubane, HIA50. Isn't that
10 right?

11 **A. That's correct.**

12 Q. You believe that you had spoken to your social worker
13 immediately afterwards --

14 **A. Yes.**

15 Q. -- and to the police the following Monday --

16 **A. Yes.**

17 Q. -- after this happened?

18 **A. Yes.**

19 Q. But you will see that this is dated .

20 **A. Yes.**

21 Q. What she says that on she:

22 "... received a phone call from NL 223 placing
23 me in possession of the following information."

24 Now NL 223 just to be clear, was the
25 at the time.

1 **A. Yes.**

2 Q. He has told her that:

3 "A boy in Rubane House had made certain allegations
4 concerning a member of staff. The boy also alleged that
5 an incident occurred between this same member of staff
6 and HIA50. My brief was (a) to interview HIA50 about
7 the incident, asking frankly whether anything of a
8 sexual nature had taken place and (b) to inform HIA50's
9 parents of what had been alleged."

10 She then says that she visited you on

11 She first spoke to ,

12 **DL 8**

13 ".... to whom I assume the need to know principle
14 applied and assumed she knew nothing of the details of
15 the allegations."

16 She discusses your general progress with her and
17 then asks to speak to you privately. She said that:

18 "I asked him how he was, how life at Rubane was
19 progressing and then turned to the alleged incident,
20 asking HIA50 to explain what had happened and to leave
21 out no detail, however slight. His account was as
22 follows.

23 The incident took place some months ago. It
24 occurred on a Friday just before the last summer
25 vacation. HIA50 was getting ready for bed in the room

1 he was sharing with -- he was then sharing with DL97,
2 another boy at the unit. DL97 was undressing and HIA50
3 was kneeling by the bed praying aloud, which he assures
4 me is his nightly custom. He had not yet begun to
5 undress but had left his pyjamas out on his bed. A
6 member of staff, whom HIA50 referred to as 'BR33' came
7 to the bottom of the stairs and called out to HIA50,
8 'For Christ's sake pack in that bloody racket. Thank
9 you'. HIA50 says he did not react to this and was
10 continuing his prayers in silence when a few moments
11 later the bedroom door was kicked open and crashed
12 against DL97's bed. BR33 came into the room and HIA50
13 says he was drunk. When asked how he formed this
14 opinion, HIA50 said he had seen his father drunk often
15 enough and recognised the condition immediately. BR33
16 noticed a candle lit by DL97's bed and told HIA50 to
17 blow it out, which he did. DL97, who had been watching
18 this, used bad language in telling BR33 to leave them
19 alone. HIA50 says he himself did not shout or say
20 anything to BR33 and is consequently at a loss to
21 explain why BR33's next action was to punch him on the
22 knee and demand that he get undressed and into bed
23 immediately. HIA50 said he was complying with this
24 request when BR33 got impatient, forcibly stripped me of
25 all his clothes, including underwear, pulled out the

1 drawer, which is a fitment under HIA50's bed, put all
2 his clothes into it and took it away. HIA50 got into
3 bed and slept, but when he woke in the morning, he was
4 unable to leave the room. It was a Saturday and he did
5 not have to go to school, but was forced to go down
6 eventually. He did so wrapped in a blanket. BR33, who
7 normally works in another chalet, was not in evidence,
8 so HIA50 asked a member of staff to ring over for him.
9 This was done, but BR33 was asleep and off duty and
10 couldn't be disturbed. About twenty minutes later HIA50
11 says BR33's chalet was again contacted by phone. This
12 time he was up and came over. During the period between
13 HIA50 coming down to breakfast and BR33 appearing in the
14 chalet HIA50's own staff had been searching for his
15 clothes in vain and were coming to the conclusion that
16 BR33 must have taken them away when BR33 took down the
17 key of the boot room, opened the door and revealed that
18 the drawer, clothes and all, had been locked there all
19 night. The boot room is a small storeroom where sports
20 kit, etc, is kept. HIA50 retrieved his clothes, got
21 dressed and the incident was ended.

22 During this time I had been writing details of
23 HIA50's narrative and I now asked him, as I had been
24 instructed to, whether at any time during this or any
25 other incident any member of staff had ever touched him

1 or looked at him in a way that he found unpleasant or
2 upsetting. From the way he stared back at me I believe
3 he was genuinely surprised that I asked such a question.
4 He was absolutely clear that no such thing had ever
5 happened to him. **DL 8** , then came back
6 into the room and in her presence I asked him again as
7 directly as before. He again replied, 'No, never.
8 Definitely not'. Soon after this I left the unit. My
9 impression was that BR33's involvement in the incident
10 was purely disciplinary, although ill-advised, and that
11 nothing of a sexual nature had occurred."

12 She signed that in

13 Now a couple of things about that, HIA50, and we
14 have talked about this. She has recorded what she said
15 happened in and she signed it
16 when she typed it all up, but her notes relate to events
17 in . Now you say that you told a social worker
18 immediately after this happened.

19 **A. Yes.**

20 Q. Can you -- was it you
21 spoke to or was it someone else?

22 **A. It was a duty social worker. It was on a Saturday. It**
23 **was on -- this particular incident happened on a Friday**
24 **night. I made contact through the out-of-hours Social**
25 **Services. I was then contacted on the Monday in person**

by my social worker.

2 Q. That's Mrs

3 A. That's correct, and myself, headed to
4 Newtownards Police Station. I was met by two
5 detectives, one a male, one a female. I'd to go up the
6 stairs. I gave my account of what had happened and as
7 I was writing some of my documentation until I found out
8 different today that Sergeant [REDACTED] DL 511 did not, in
9 fact, go and question BR33 of my allegations.

10 Q. Now I will just look at the police papers in respect of
11 this, but if we can just scroll on down to I think it
12 is -- yes -- the next page then, some date in
13 which is unclear but obviously before
14 records that she goes and speaks to your parents and
15 tells them what had happened and that she told them that
16 she would be going with you to the police station on the
17 following Monday, which is a date in :
18

18 "... when we had an appointment with Detective

19 Sergeant DL 511

24 A. Yes, absolutely.

25 Q. Okay. Then on she records that she:

1 "... took HIA50 to Newtownards and was present
2 throughout his interview with Detective Sergeant.
3 Officer appeared quite skilled at interviewing,
4 controlling HIA50's natural inclinations towards
5 digression very well while still keeping him at ease and
6 always maintaining a non-threatening attitude. The
7 final statement bore out what HIA50 had already told me
8 about the incident."

9 She said:

10 "I am left with a question for which I cannot
11 provide an adequate answer. Why did HIA50 keep the
12 whole incident to himself? Despite repeated contact
13 around the time of the incident he revealed nothing."

14 She said that was out of character for you, because
15 normally you would be full of complaints, particularly
16 relating to , DL 8 , and:

17 "It remains to be explained, therefore, why he
18 maintained an unusual silence about this particular
19 incident. Before we left the police station Detective
20 Sergeant DL 511 made it clear to me that there were
21 unlikely to be charges brought against BR33 on the basis
22 of HIA50's statement."

23 I will come back to that in a wee moment. Basically
24 is saying here, "Look, I can't
25 understand why HIA50 didn't say anything to me in the

summer when this happened".

2 A. The only thing I can relate to this particular social
3 worker is I wasn't tasked to

4 I had , I had and

5 I got on to her superiors at and
6 said that I did not want anything more to do with her.

7 Could they get me another social worker? She was

unhelpful. If somebody said something about you, she would have believed them rather than take my word.

10 Q. Okay.

11 A. We just didn't get on.

12 Q. Well, HIA50, just -- there are a lot -- the police did
13 investigate in . You went and you spoke to the

14 and your statement is at
15 RUB66431. It is in the bundle of the police file about

16 that time to which I referred the full numbers but they
17 are in around there. Just to be clear the police spoke

18 to DL 472 . They spoke to [REDACTED] .

19 A. Yes.

20 Q. I am not going to read all their statements out,
21 although I have read them to you and you know what each
22 boy said.

23 A. Yes.

24 Q. I will look at your statement in a moment. They also
25 spoke at the time to DL97 and they did get a witness

1 statement after caution from BR33 in . Now you were
2 unaware of that until I gave you that information
3 earlier today. You thought and believed you had been
4 told by the police that they had never been able to
5 interview him, because he was outside the jurisdiction.

6 **A. Over years, of which I have proof today by**
7 **correspondence with myself and the PSNI.**

8 Q. But that's --

9 **A. That confirms --**

10 Q. We will come back to that. That was all to do with
11 a later date, but certainly in he hadn't left the
12 jurisdiction and was spoken to by police then.

13 Your statement, as I say, can be found at 66431 and
14 it's -- it goes -- you know **DL 472** . It's

15 , which is probably consistent with being
16 the Monday after -- well, there is a discrepancy.

17 I know you have issues about the dates and there
18 certainly seems to be a discrepancy, because in
19 note she talks about going to the police
20 station with you and she dates that . This
21 witness statement is dated . So there
22 seems to be some issue about dates --

23 **A. Yes.**

24 Q. -- in and around then.

25 **A. Absolutely.**

1 Q. You say that:

2 "One Saturday night during the summer . . ."

3 So you are putting it as a Saturday here rather than
4 a Friday.

5 **A. No, Friday.**

6 Q. Okay.

7 "... during the summer I was in chalet with DL97.

8 We were both in bed. DL97 had lit a candle. He was
9 saying his prayers. It was after midnight when I heard
10 BR33 shouting up from the yard outside, 'Shut up, HIA50.
11 Thank you'. DL97 and I were laughing at the time.

12 That's why he shouted. This made me laugh more. The
13 next thing I knew BR33 burst into the room on his own.
14 He ordered me to put out the candle. I blew the candle
15 out, but the lights in the room were still on as he had
16 switched them on as he came in. He asked me for the
17 candle, but it was stuck to the book it was sitting on.

18 He pulled the candle off and punched me on the leg.

19 I got out of bed. I was wearing my pyjamas. I told
20 BR33 that I was going to report this to BR8. I went out
21 the door into the corridor and BR33 was standing at the
22 light near the door. He picked me up bodily and carried
23 me over and threw me into bed. I started to cry --
24 shout and cry. He put his hand over my mouth with his
25 middle finger inside my mouth. I felt that I was

1 choking. I smelt drink from BR33. He told me to shut
2 up. I tried to get out of bed again and he trailed off
3 my pyjamas and underpants, leaving me naked. He threw
4 me back in the bed and threw a blanket over me. He
5 then" -- scroll on down, please -- "He then took all my
6 belongings which were in the drawer under my bed and the
7 drawer and he took DL97's drawer -- and he also took
8 DL97's drawer. Then he left the room. I then went to
9 sleep and the next morning I went to the boot room where
10 BR33 gave me my clothes. I received bruises to my right
11 leg as a result of being punched. BR33 was at all times
12 on his own. At no time did he indecently handle me. At
13 no other time did BR33 ever hit or assault me. I do not
14 like this man and he does not like me. I told **DL 472**
15 later on the Sunday that BR33 had beaten me. **DL 472**
16 told me that BR33 had beaten him in the face. I also
17 told **DL 472** that BR33 had felt my privates. This was
18 not true. I don't know why I said this. I was just
19 exaggerating. **DL 472** did not say to me that BR33 had
20 felt his private parts. To the best of my knowledge
21 BR33 was on his own and I have no memory of anyone
22 putting a pillow over my face."

23 Now that was a statement you gave to police in ,
24 HIA50.

25 **A. Uh-huh.**

1 Q. You will see it is quite clear in that that you are
2 saying there was no sexual assault of any nature and, in
3 fact, when you told -- you told police that when you
4 told **DL 472** that you had been assaulted sexually, that
5 you were just exaggerating, and is there an explanation
6 as to why at this stage you were saying there was no
7 sexual assault?

8 A. Yes, there was. There was the reason. I was threatened
9 by BR8. He told me to get back down to Newtownards
10 Police Station and retract their -- whatever way --
11 scrub the statement that I had made and he would also
12 make my life very, very difficult for me, and he was
13 going through an urgent meeting with my social worker to
14 have me removed from Kircubbin.

15 Q. So essentially you are saying that you didn't talk about
16 the sexual nature of the assault that you sustained --

17 A. I was under tremendous fear from BR8. I was in fear.
18 You know, I was scared, you know. I see -- there was
19 days there I seen -- I seen with my own eyes Brothers
20 booting, kicking. I didn't want that, and after this
21 whole -- you know, I tried to put it all behind me.
22 I was getting moved about. Something tells me I was
23 moved out of Kircubbin that quick. I think it was
24 ' 5 or something I had moved out and it closed in
25 , but BR8 was just -- he put the fear of God into

1 **you.**

2 Q. Just coming back to and to the police
3 investigation, at 66434 -- and again you saw this for
4 the first time today, because you were led to believe
5 that he had never been interviewed about this
6 allegation. Isn't that right?

7 A. **That's correct.**

8 Q. He made a statement to police, and it gives a few
9 details at the beginning. Then he says:

10 "I recall an evening of . [REDACTED]
11 [REDACTED] and myself went out to Kircubbin. We had a drink
12 in a pub in Kircubbin. We had about two pints. It
13 would have been about 11.30 pm when we went into the
14 pub. We came back to the boys' home about 12 midnight.
15 We noticed that DL 472 , [REDACTED], HIA50 and
16 DL97 were running about chalet . I went to put HIA50
17 and DL97 to bed while [REDACTED] put DL 472 and [REDACTED] to bed.
18 I had trouble with HIA50 in that he refused to get into
19 bed and settle down. Eventually he had to be bodily put
20 into bed and his clothing confiscated along with that of
21 DL97's, as HIA50 was threatening to abscond. In the
22 course of this I threatened to remove HIA50's
23 underpants, but he removed them himself. This was
24 because he was running about in his underpants. I did
25 not strike HIA50 at any time or touch him in any way

1 that could be considered indecent. When I left HIA50's
2 room with [REDACTED], we could hear **DL 472** running about in
3 chalet . [REDACTED] and I caught him in the corridor and
4 took him back into the bedroom. He was wearing his
5 pyjamas. He was abusive and uncooperative and I held
6 him by the shoulders and ordered him to bed. He got
7 into bed. I shook him before he got into bed and in bed
8 to cool his temper. At no time did I touch him on his
9 private parts either deliberately or accidentally and at
10 no time did I put my hand inside his pyjamas either to
11 tickle him or touch him. All contact was made on the
12 outside of his clothing. I totally deny being drunk on
13 this occasion. I did not strike **DL 472** or assault him.
14 I only used reasonable force to restrain him."

15 Now that was a statement taken in -- on
16 . Ultimately what happened is that there
17 was no prosecution arose out of this police
18 investigation and BR33 left the jurisdiction at some
19 point and went to live elsewhere.

20 **A. The police failed in their duty to carry out a proper**
21 **and thorough investigation in those days. There was --**
22 **we spoke earlier on and there was a live Royal Ulster**
23 **Constabulary of abuse, sexual abuse, in Kircubbin in**
24 **I ask myself a question: if there was**
25 **a live, thorough investigation into sexual abuse in**

1 **Kircubbin, then what on earth did Social Services put me**
2 **into a place that was under investigation for sexual**
3 **abuse?**

4 Q. Well, we talked about this and certainly there was
5 an investigation. A lot of people were spoken to in
6 which would have been a good years -- that
7 investigation would have closed and been finished.

8 **A.**

9 Q. . In any event this police investigation that was
10 carried out in relating to what happened involving
11 you and **DL 472** and DL97 and co on that night ended at
12 that stage in no prosecution.

13 You spoke to police again in August of 2012. You
14 spoke to -- that statement is at 66396.

15 **A. Yes.**

16 Q. I am just going to get that called up on the screen,
17 HIA50. You talk about going to De La Salle, and one
18 week-end you said you were at home. You had a dispute
19 with your mum and dad. They had too much to drink. So
20 you rang Kircubbin and you got through to DL1. You told
21 him there was a breakdown. You got the bus to Kircubbin
22 from Oxford Street and you were collected in Kircubbin
23 village. He took you into -- it says straight into
24 chalet 24, but that would have been chalet .

25 **A. Uh-huh.**

1 Q. That's clearly a typing error.

2 "Me and DL97 were there. DL97 says to me to, 'Get
3 into bed, HIA50, or you will get what I got'."

4 Can we just scroll down a bit, please?

5 "I am up in the dormitory with DL97 looking out the
6 window, a beautiful summer's night. We were looking out
7 the window and the next thing BR33, a Brother, shouted
8 up, 'Get you two into bed'. BR33 was a Brother but got
9 stood down and was just an ordinary member of staff.

10 I says, 'What harm are we doing? We done no wrong'. He
11 said, 'Get into fucking bed' . He

12 run from the chalet door and made his way upstairs
13 towards our dormitory. BR33 had been outside and had
14 seen us looking through the window. I didn't see anyone
15 else about. There was no-one else in the dormitory
16 except for me and DL97. BR33 threw me on to my bed,
17 a bottom bunk, and took my socks and shoes off, my jeans
18 off and my underpants. Then he put his manhood, his
19 penis, right inside me, inside my bottom. He had his
20 penis inside my bottom for roughly 15 minutes. He told
21 me if I opened my mouth to anyone, that this would make
22 life difficult for me. When this was going on, DL97 was
23 in the top bunk. I was lying on my face facing the top
24 of the bed. The bottom of the bed had a wee end. I was
25 not lying over the end of the bed. I was lying clean on

1 the bed itself. I think I froze. BR33 was lying on top
2 of me. He was able to duck his head under the top bunk.
3 I was years old at the time. I do not know if he
4 ejaculated. BR33 knew DL97 above me would not say
5 anything, so he told me he would make my life difficult
6 and tell the other boys I wet the bed. The next morning
7 I went down into the living room of chalet with only a
8 blanket. My clothes were gone. Staff asked me what
9 happened to my clothes and I told them, 'You had better
10 ask BR33. He has them'. The staff were **DL 10** and
11 **DL 2**. BR33 could not be found. As a result I was sore
12 but did not receive any medical treatment. On the
13 Monday after the weekend I told my social worker,
14 , and she took me to the police station."

15 Then you go on to talk about another incident we
16 will come back to in the statement. Now just at that
17 stage police carried out further investigations and they
18 did speak to DL97, who didn't want to be involved. We
19 see this -- there's a statement from Detective Constable
20 **DL 510** that he has made for the Inquiry, which is at
21 68497. He relates the -- his involvement in the
22 investigation. See there at paragraph 2 it says:

23 "Police spoke to DL97, who said that he thought
24 something had happened in the dorm with HIA50 and BR33
25 and he was the only other person present, but that he

1 could not remember any details of the incident it was so
2 long ago and did not want to provide a statement."

3 But he did, in fact, provide a statement in ,
4 because he was one of the people questioned in . We
5 had better just look at that very quickly. DL97's
6 statement is found at 66433. Police spoke to him in
7 .

8 He talks about it being 11 o'clock, hearing you call
9 out the window to somebody.

10 "A short time later HIA50 said to me, 'Here's [REDACTED]
11 and BR33 coming'. The door of the chalet opened and
12 [REDACTED] and BR33 came in. I heard them tell HIA50 to get
13 into bed. HIA50 refused. So they took his clothes off
14 and the two of them then lifted him and threw him into
15 bed and threw a blanket on him. He went to get up again
16 and they made him stay in bed. They were holding him on
17 the bed. He was shouting at them to let him go and
18 calling them 'Fruity b*****s'. They then left and took
19 his clothes and mine with them to stop us leaving the
20 chalet. They never came back. When they were holding
21 HIA50 in the bed, I never saw them touch his privates.
22 I can't remember when, but I discussed what happened
23 with HIA50, [REDACTED] and DL 472 . HIA50 told [REDACTED]
24 and DL 472 what happened. I can't recall if DL 472 or [REDACTED]
25 said anything happened to them, but DL 472 told HIA50 to

1 tell BR8. I don't like BR33. I don't know why.

2 I think it is because what he done to HIA50. I have
3 never been touched by anyone in here in any way."

4 That was what DL97 said in , but in 19... --
5 sorry -- in 2012 and '13 when the police were
6 investigating again, DL97 doesn't really remember and
7 doesn't want to provide a statement to police about what
8 he does or doesn't remember.

9 Police -- in Detective Constable **DL 510** statement,
10 if we go back to 68497, he then details -- and I am not
11 just going to go through it just at the moment -- but he
12 then details the whole of the investigation that was
13 carried out and the documents the police received and
14 calling you back to talk to you about the statement that
15 you made in , which was countersigned by
16 and they reported all of the matters to
17 the PPS at that time. In fact, at that time BR33 was
18 spoken to by .

19 Now I know your issue with this investigation -- you
20 have two points that you want to make about this
21 investigation in 2012/13, HIA50. Please correct me if
22 I've got anything wrong, but two points that you want to
23 make is that you felt aggrieved. You said you were
24 asked to demonstrate by police what actually had
25 happened and taken place in the bedroom. Isn't that

1 right?

2 A. I received a phone call, a withheld phone call one day,
3 only to be told it was [REDACTED] DL 510 from Newtownards.
4 He was a detective sergeant or something like that. He
5 had said could I meet him in Musgrave Street Police
6 Station. I said, "Will I need a solicitor?" He says,
7 "No, no, no. You don't need a solicitor". So I said,
8 "Okay. Fair enough".

9 I went down. Kircubbin came up. Mr [REDACTED] DL 510 would
10 have been sitting there. No other police. No tapes.
11 No cameras. Nothing was recorded. It was just me and
12 him. I suggested to him in a way would he like me to
13 show him what exactly the position I was in and
14 basically I did that.

15 I then made -- I couldn't wait to get out of
16 Musgrave Park or Musgrave Street Police Station that
17 morning. I went to [REDACTED] in [REDACTED], which
18 is the home of HIA 43, very, very upset
19 because of what Mr [REDACTED] DL 510 had just asked me to do, and
20 I explained to HIA 43 what had happened. I also
21 reported which I've got here reference this:

22 "Dear sir,

23 Your complaint made to the Office of the Police
24 Ombudsman for Northern Ireland was referred on
25 7th November 2012 to Service Improvement Department

1 Discipline Branch."

2 Just bear with me, folks.

3 "The Police Ombudsman was of the opinion that the
4 historic aspect of this complaint falls outside the
5 legislative unit of their office as it relates to an RUC
6 investigation. It has also been noted that your -- it
7 has also been noted that your complaint against
8 Detective Inspector DL 510 is being taken forward by
9 OPONI ..."

10 OPONI, I guess that's the Police Ombudsman of
11 Northern Ireland:

12 "... as an investigation. The other element of your
13 complaint regarding the initial police investigation in
14 cannot be progressed by Discipline Branch. The
15 reason for this is that the officer you are complaining
16 about, Detective Sergeant [REDACTED] DL 511 and

17
18 . However, it is noted from your
19 complaint that there is currently an ongoing criminal
20 investigation into incidents at Rubane House and
21 therefore a copy of your complaint is being forwarded to
22 Detective Chief Inspector Ian Wilson, Crime Manager, C
23 District, for their attention and any action as they
24 deem necessary. Detective Chief Inspector Wilson can be
25 contacted. If in the course this matter -- if in the

course of this matter being dealt with by the Crime
Manager gross misconduct is disclosed, then the papers
will be returned to this office for consideration."

Q. So basically you were unhappy with the treatment you received from the police both in [REDACTED] and in 2012/13 and you complained to the Police Ombudsman about that. They said they couldn't investigate the police officer [REDACTED], because that was outside their terms of reference, and they were forwarding on to Disciplinary Branch the complaint you were making about Detective Constable **DL 510**. Is that --

A. That's correct.

Q. That's right, HIA50. Just to be clear, Detective Constable **DL 510** in a statement to the Inquiry has said that at no time during the meeting did he -- paragraph 4 -- were you asked to demonstrate anything and at all times except to leave and arrive you remained seated when you had the conversation with him.

A. He is a liar. He is a liar.

CHAIRMAN: Now, HIA50, this Inquiry can only look at matters that happened before 1995. So I appreciate you have an issue with what happened in 2013, but we're not going to go down that road any further. We have heard what you have to say, but it's not relevant to what we are looking at.

1 **A. But, sir, it does relate to Kircubbin.**

2 CHAIRMAN: Just a moment.

3 **A. It does relate about Kircubbin.**

4 CHAIRMAN: HIA50, just a moment. We do need to hear and we
5 have heard from you about what happened in , which
6 is relevant. So we'll just carry on from there if you
7 would, please.

8 **A. (Inaudible.)**

9 MS SMITH: Basically, HIA50, we are looking at what happened
10 to you when you were in Kircubbin and the Inquiry can
11 look at events up to 1995. Now I know that you wanted
12 to get off your chest about the fact you felt you had
13 been let down by police and that is why we went into the
14 little detail that we did about that, but if we can come
15 back to your own witness statement, first of all --
16 sorry -- just to be clear that BR33 has made a statement
17 to the Inquiry about what happened and that can be found
18 at 5468. He again denies that he sexually abused you in
19 any way. He says that your evidence is unreliable when
20 you look at the documents that you made at the time --
21 that's back in -- including your statement, because
22 you know that that statement in says -- in that
23 statement, the police statement, you don't say you
24 were sexually abused by him. So he says on the basis of
25 that --

1 A. I can refer the question -- I'll give you an answer to
2 that again. I could not breathe anything of what
3 happened to me or any wrongdoings that went on in
4 Kircubbin. Your mouth had to be shut. If it didn't and
5 you said something for it to get outside, then you met
6 BR8, BR2, and they just -- there was no -- no -- gets in
7 the way. You were just disciplined. How? You would
8 get a slap, kick or they'd have dug in there.

9 Q. Okay, hIA50. So that's what BR33 has said about what
10 you said about him.

11 If we can look at some of the other things you talk
12 about in your statement, if we could go back to your
13 statement at paragraph 14. I'm sorry. That's on
14 page -- bear with me. That's on page 767. In
15 paragraph 14 you talk about other residents. Sorry.
16 The next page.

17 "I only know the name of two ex-residents who made
18 complaints about BR33",

19 as you name him there. You name those, and the two
20 names I am going to give. I am not going to give their
21 full names. One is **DL 324** and one is **DL 204**.

22 A. Uh-huh.

23 Q. You say that DL 204 was in chalet and BR5 was in
24 charge of him.

25 . You give reasons

1 there.

2 You also say in paragraph 15 you recall an incident
3 involving DL324, **DL 204** and another boy who protested
4 on the roof of the gym about the abuse boys had to
5 endure in the home. You say that BR8 shouted at them to
6 get down or he would call the police. The boys told him
7 to go ahead and report it, but he never did.

8 Now the records that the Inquiry has received show
9 there was a roof protest, but that the reason for that
10 roof protest that they have recorded is that it was
11 because these boys were accused of breaking into a shop
12 and the protest had nothing whatsoever to do with
13 alleged abuse. What do you want to say about that,
14 HIA50?

15 **A. That protest took place for one reason and one reason**
16 **only: sexual abuse within Kircubbin. There was DL324,**
17 **DL 204 , [REDACTED] , [REDACTED]**. They were the
18 four. I will never forget it. I can visualise it as we
19 speak. It was an afternoon. BR8 came out to ask them
20 to come down. "We are not coming down. We want you
21 out." They were going on about other Brothers' names.
22 "They are paedophiles and ...", etc, etc, etc. BR8 did
23 threaten the kids and said he would ring the police, and
24 they says, "That's what we want you to do so we can tell
25 the police what is going on here".

1 Q. Did the police come?

2 A. No. The police did not come, and also I'd like to say
3 previous to that your reference to BR33's statement,
4 I have been told by BR32 and BR26 that BR33 is

5 .

6 Q. Certainly BR33 made the statement to the Inquiry and he
7 also spoke to the Guards --

8 A. But it's not a Gardai investigation. It's a live PSNI
9 investigation, which is easy to do. You make a phone
10 call. Go to the border region, bring him back that
11 night. The Gardai shouldn't have had nothing to do with
12 this.

13 Q. Okay. Let's -- coming back to your own statement,
14 HIA50, here about some other allegations you make in
15 your statement, you talk about the
16 , DL6. You say he often called you stupid, hit
17 you over the head frequently with his hands and would
18 throw things at you. On one occasion he threw a wooden
19 box at you. I know you have been present when other
20 people have spoken about things that happened to them in
21 Rubane over the past number of weeks, and you will know
22 that the Order say that this man was a good teacher and
23 that the boys would wind him up.

24 A. This man -- DL6 lived

25 I don't know -- we use the expression

1 "human", human being. This man wasn't a human being.
2 This man was an animal. Mallets, you name it. He would
3 have drew this out for you or drew that. You had to
4 chip away at it. You would have got the mallet over the
5 head. "You stupid person. You came out of space." All
6 different things. I was hit more times -- I was
7 probably hit more times just as the rest -- as other.
8 There was one particular child -- I cannot mind his name
9 -- but he just seemed to pick, pick, pick, pick, pick on
10 this child.

11 I was then moved with the agreement by BR8 to the
12 greengrass house, which is for flowers and plants, a big
13 tall, baldy-headed fella. I don't know his name.
14 Everything was grand. We got on, but reference DL6, you
15 know, that man -- that man was -- he's crazy, absolutely
16 crazy.

17 Q. Moving on then from him, you say that other boys were
18 abused by a particular Brother whom you name here. You
19 will see there is a question mark after his name. That
20 was a Brother **BR 81**.

21 A. Uh-huh.

22 Q. Now the Order would say there was never a Brother by
23 that name at any time in Rubane. Might you got the name
24 wrong, HIA50?

25 A. Well, it is not that I got the name wrong. Was this

1 some sort of conspiracy in Kircubbin at the time of the
2 sexual abuse going on where they were letting on they
3 were BR26, Brother this or Brother that, giving false
4 names? Maybe that's why we have come to the con... --
5 you have asked me the question today, [REDACTED] BR 81 . You
6 know, maybe it wasn't [REDACTED] BR 81 . Maybe his -- he had
7 a crack name, a proper name, his own name. Maybe he
8 just used that.

9 Q. But certainly you remember a Brother by that name --

10 A. Yes, I do.

11 Q. -- in Rubane at the time that you were there?

12 A. Yes, I do.

13 Q. You say he was guilty of physical -- sexual and physical
14 abuse. You were always told by other boys to stay away
15 from him. He never abused you in any way. Isn't that
16 correct?

17 A. No.

18 Q. Then you talk about BR8 again and say he
19 and then he retired. If we can go on down to the next
20 allegation you make, which is you say you were often
21 threatened in the home at paragraph 18. You say:

22 "The Brothers played golf in Kircubbin and the
23 residents acted as ball boys. When you went to get the
24 ball for the Brothers, you were met by another Brother
25 in the hedges where nobody could see you. You got that

1 ball as quickly as you could and got out of there,
2 because there were always two Brothers and the abuse
3 would often happen when the Brothers were playing golf.
4 We were ball boys sent to lift the golf balls."

5 You remember -- you name three Brothers there, BR6,
6 [REDACTED] and BR5, as playing golf, but those
7 weren't the Brothers who were carrying out the abuse in
8 the hedges?

9 **A.** I was known as the ball boy. The Brothers played golf.
10 The ball went into the forest, which was within the
11 complex of Rubane, of Kircubbin. So if the ball went
12 into the forest, you run in. You knew, because you were
13 briefed on it, "Watch the forest, because that's where
14 they get you". So you went into that forest, you got
15 that golf ball and you got the hell out of there.

16 Q. This was something that you were told by other boys:
17 "You get in and out as quickly as you can"?

18 **A. Yes. That's how I did.**

19 Q. You certainly weren't abused in the hedges yourself at
20 any stage?

21 **A. I was only -- I took -- after hearing this I only --**
22 **that was my first and last day. I did not go back.**

23 Q. You didn't play -- you didn't help out on the golf any
24 time after that?

25 **A. No.**

1 Q. And certainly one of the Brothers you name here, BR6,
2 you had nothing bad to say about him. Isn't that right?

3 A. **BR6 -- BR6 did me no -- personally me as an individual**
4 **within Kircubbin, De La Salle home, BR6 did nothing on**
5 **me at all.**

6 Q. Whenever -- I will come back to the meeting in the
7 Europa, but certainly at that stage when you were told
8 there had been allegations about that Brother, you were
9 surprised?

10 A. **I was shocked, absolutely shocked.**

11 Q. Coming back to your own statement here at paragraph 19,
12 and you talk in that about -- I have read that. We
13 discussed what you meant to say in the statement, but
14 I am just going to paraphrase it, and you correct me if
15 I've got this wrong, HIA50.

16 What you say is that -- as a child you saw Brothers
17 coming out the school with other children, with other
18 boys. At the time you didn't think anything of it, but
19 now, looking back, you think there may have been
20 something going on. Isn't that right?

21 A. **That's -- that's my conclusion.**

22 Q. And you also said that there was an area that was out of
23 bounds at Rubane at the house itself other than the
24 chalet, and you said you would hope never to be called
25 down there, because there was always a Brother there and

1 you were grabbed by the scruff of the neck by a Brother
2 or shouted at by a member of staff if you went near that
3 area. It was out of bounds unless you were accompanied
4 by a member of staff. Again are you trying to say,
5 HIA50, now you think it was out of bounds because there
6 was something else going on there?

7 **A.** **Absolutely. Absolutely. I was beat across the head by**
8 **BR8. Another Brother was there who seemed to reside in**
9 **the house. He had hair. He -- I was just**
10 **a child. I was just curious what was there, you know,**
11 **but it was a no-no, out of bounds, and when I -- both**
12 **slaps I got from BR8 and the other Brother with the**
13 **white hair, after that I never attempted to go down any**
14 **of them steps again.**

15 **Q.** Coming on to another issue that you talk about in
16 paragraph 20, you say there is documentation from Social
17 Services complaining about the way you were dressed.

18 **A. Uh-huh.**

19 **Q.** You were supposed to be getting looked after in
20 Kircubbin, but you weren't. You weren't even given
21 clothing.

22 "We used to be given £27.50 a month and we went to
23 Primark in Newtownards Shopping Centre."

24 Brothers came in the minibus with you. It was
25 arranged for you to go on holiday in Fermanagh and you

1 ended up . Social
2 Services were complaining about your state of health,
3 lack of cleanliness on your behalf and asking why you
4 were not given clean clothes.

5 "I turned up once to go on another holiday and I was
6 absolutely filthy. It was just neglect. My files show
7 that representatives from Senior Social Services were
8 asking questions about the standard of my care at the
9 time."

10 Now we are going to look at those documents and just
11 -- we have looked at them earlier, but if we look at the
12 first of these, it is at RUB31566, and this is a memo
13 from Miss Chandler, who is a , to

14 NL 223 the , in .
15 It says:

16 "I refer to my recent conversation with you now and
17 give the following details.

18 HIA50 went on holiday in July to Glenariff, County
19 Antrim along with Kircubbin boys and Kircubbin staff. A
20 holiday was also arranged for him by
21 social worker, with the Discovery scheme. This holiday
22 was to take place immediately after the Glenariff
23 arranged to pick HIA50 up at
24 Glenariff and take him to the Discovery holiday assembly
25 point. Several weeks prior to the holiday she supplied

BR8 with a list of clothing and toilet needs for HIA50.

When she collected HIA50 for his Discovery holiday, she discovered that he was totally unequipped. He had only the clothes he stood up in, no towel, facecloth, toothbrush, change of clothing, pyjamas, sports gear or shoes. Nor had he the £5 pocket money.

queried the lack of equipment and eventually staff produced a dirty towel and a plastic bag of dirty

if she could furnish £5
to HIA50, which she did from her own pocket.

was obliged to negotiate with the Discovery holiday leaders re the possibility of them having the dirty clothes laundered at the camp. Both social worker and HIA50 were highly embarrassed by this episode.

Fortunately perhaps HIA50 was

of the holiday. So no clean clothes or equipment were in the event necessary."

So essentially what appears to have happened is that you go up to Glenariff with the other boys.

comes to pick you up, take you off to --

A. Killadeas in County Fermanagh.

Q. Yes, but you don't have the equipment that you are supposed to have.

1 A. No.

2 Q. What you have is a bag of dirty clothes and you are
3 given a dirty towel.

4 A. That's correct.

5 Q. Then the next document in respect of this is at
6 RUB31683. We see this is a letter to BR8 on
7 , which is enclosing that note from the Senior
8 Social Worker, and said:

I look forward to hearing from you."

19 Then if we look at 31689, we find the response of
20 BR8, which is 7th November, and it says:

21 "Dear Mr Connor,

I refer to your letter of 19th October and our discussions on 6th November about its contents.

24 Contrary to what has been stated, Mrs [REDACTED] Frizzell did
25 not give the list of clothing which HIA50 required for

his holiday in Fermanagh to me but to a houseparent in chalet , DL9. As DL9 no longer works here but is on a , I am unable to establish what subsequently happened to the list.

At any rate I was in Glenariff when called for HIA50 and saw that the latter had a plastic bag of clothes with him. I have since established that these clothes had been cleaned the previous evening by

DL 8 [REDACTED], a houseparent in HIA50's unit. The clothes which HIA50 had brought with him to Glenariff were few, as prior to the holiday he had returned to Kircubbin suddenly, having had a row at home and bringing only the clothes he was wearing. Mrs [REDACTED] Frizzell freely admits that she did not, in fact, examine the bag's contents.

As for the question of the £5 pocket money, I have already stated that I did not see the list of requirements which question of HIA50 travelling to Enniskillen without any cash. The problem was that I was unsure whose responsibility it was to provide it. As it happened, was she in a position to supply HIA50 with money, and she said she was.

A certain confusion was added to HIA50's departure due to the fact that felt she had barely

1 enough time to meet the bus which was to take the group
2 from Belfast to the camp.

3 In conclusion, staff here feel that we have worked
4 well with HIA50 over the past . We would not
5 like to think that any doubt was being entertained as to
6 the quality of care he has received in that time.

7 I apologise for any misunderstanding that may have taken
8 place and I am sure that the problem was essentially one
9 of communication.

10 I am grateful to you for allowing me time to discuss
11 these matters with you and I assure you of my continued
12 cooperation."

13 So these are the documents that you were talking
14 about, HIA50, whenever you said there were documents
15 showing that Social Services felt you were being
16 neglected in Rubane.

17 **A. Yes.**

18 Q. Going back then to your own statement at RUB768 --
19 sorry. We move on to 769, the next page, at
20 paragraph 21. You say that other boys told that you
21 they were abused in the car that was held in Rubane by
22 other -- by Brothers, that other people told you that.

23 **A. That's correct.**

24 Q. Was this after you left or was this something --

25 **A. No, I was --**

1 Q. You were told this when you were living in Rubane?

2 A. **Yes.**

3 Q. In paragraph 22 to 24 you talk about how you came to
4 meet with Brothers and members of the De La Salle Order
5 in the Europa Hotel in Belfast. You told them that BR33
6 had raped you. They told you that Rubane House was
7 closed, that other children had made complaints about
8 BR33.

9 A. **That's correct.**

10 Q. And they also told you at that meeting you say that they
11 had been instructed at the highest authority to burn all
12 files on every child in Kircubbin, although BR32
13 subsequently denied telling you that. You will know
14 from what I told that you certainly the Inquiry has been
15 provided with a large number of documents from Kircubbin
16 about boys. So even if this is correct, that they were
17 told to burn them, they obviously weren't burnt, because
18 we have seen them today --

19 A. **Right.**

20 Q. -- but you say you were told that by BR32 at the time?

21 A. **Oh, absolutely. BR32 told me in '06 in the Belfast**
Europa Hotel that they were told that any child who
entered Kircubbin De La Salle Boys' Home all
documentation relating to their names must be and had to
be destroyed by means of burning.

1 Q. Now there is a note that the Order's solicitor made of
2 that meeting and that can be found at 51381. There are
3 just a couple of things I wanted to mention about that,
4 because in this meeting they record who was there, some
5 details about yourself.

6 You said that Kircubbin was the best residential
7 home you were in. It was the best experience of your
8 life and you were spoilt there. The Brothers were
9 great. You had great praise for BR6. He drove you at
10 weekends at 15 miles per hour and on the way back he
11 stopped in Newtownards and bought you chips.

12 If we can just scroll down, please, they then
13 recount the allegation and you said that -- if I just
14 look at the -- sort of going through the allegation, it
15 says:

16 "HIA50 was his own" -- I think that should be "was
17 on his own" -- "in the dorm, because it was summer and
18 a number of the boys were on holidays and that was the
19 only incident that happened."

20 Now you know, because I have said to you, that they
21 are saying you told them you were on your own in the
22 chalet whenever BR33 abused you.

23 **A. That's correct.**

24 Q. But what you have told the Inquiry -- the police in
25 , and certainly the police took a statement from

1 DL97, is that he was there too.

2 **A. DL97 was there, yes.**

3 Q. So can you explain, HIA50, is there a reason why you
4 said you were on your own or is that wrong?

5 A. I can't remember. I can't recall that. I honestly
6 can't recall that. I can only recall that DL97 --

7 Q. Was there with you.

8 A. -- had told me before anything happening, "You are going
9 to get what I'm getting".

10 Q. As a result of this there was money paid to you by the
11 Order. Isn't it -- isn't that right?

12 A. Well, for this -- I met the -- I spent a considerable
13 amount of time in 2006 ringing solicitors within the
14 greater Belfast area. All they were prepared to do was
15 give me a free half hour consultation. Nobody wanted to
16 know. No solicitor in Northern Ireland wanted to know
17 about child abuse, sex abuse, physical abuse, whatever,
18 nobody. So BR32 had actually said to me, "If you want
19 to go the legal way, you can". I says, "I have already
20 tried and tested that and it seems nobody wants to
21 know". Now they are all on the band wagon, as you can
22 see from this Inquiry today. We have a number of
23 solicitors here acting on behalf of the Catholic Church,
24 you know, but then when we, myself, were crying out to
25 get a solicitor to listen to us, we couldn't get it.

1 Q. Certainly anyway as a result of this meeting and
2 afterwards the Order came back to you and they paid you
3 money?

4 A. BR32 rang my home telephone number, left a voicemail.
5 I returned the call. He told me, "We are offering you
6 10,000 sterling", and if I wanted time to think about
7 it. I didn't know what, you know, 10... -- that's
8 an enormous sum of money if you'd like to put that
9 perspective, but I went to Mr Joseph Napier, who is to
10 my right-hand side, to his office, and Mr Napier wrote
11 a cheque out for £10,000 on behalf of the Catholic
12 Church.

13 Q. And you know, HIA50, because I have told you, that the
14 Order regret that they paid you that money and they now
15 no longer accept your account. Isn't that -- you know
16 that I have told that you?

17 A. The Order can believe what they wish to believe. I know
18 what happened to me. They weren't there. They didn't
19 see it. I know what happened.

20 Q. Well, HIA50, after you left Rubane you moved -- whether
21 it was straight to Barnardo's or via Nazareth Lodge we
22 will look at on another occasion again, but we know that
23 you suffered further abuse in Barnardo's and you are
24 willing to come back and talk about that on another
25 occasion?

A. I am willing to come back and talk about anything, because anything I have spoke about here today before I took the stand for Mr Hart is the truth, the whole truth and nothing but the truth. The liars are the Brothers of the Catholic Church who run an establishment -- couldn't run it. Couldn't run it. Couldn't run it.

I also -- when we spoke earlier on -- I was hoping to get some checking into this. There is documentation relating to me being in

, but where is the documentation when I was in
? I can't

answer to anybody today in this Inquiry as to why I was
in that hospital. I have -- as you would agree, I have
a lot more -- lot of --

Q. There is a lot of paperwork in relation to your time in care. HTA50.

A. There's five files, yes, and I don't see, you know, why
did I --

Q. You have a memory of being in

- -

A. Absolutely.

O. -- but you have no explanation as to why you were there.

A. That's correct.

23 Q. From talking to me I have told you certainly from the
24 documents I have examined there is no mention of that.

25 I may have missed it, and if we have, we can check

1 again, but certainly to date we have no record of that.

2 **A. We can by... -- we can bypass ...**

3 Q. HIA50, sorry. Coming back then, the other place that
4 you are going come back and talk to us about some time
5 in the future is St. Pat's. You only have a couple of
6 things that you want to say about that, which was simply
7 that you were beaten there by older boys and that you
8 were beaten by a caretaker with a stick, but he may have
9 sexually abused other boys, but you certainly weren't
10 sexually abused in St. Pat's. Isn't that correct?

11 **A. No, I was not.**

12 Q. In paragraphs 45 to 59 of your statement, which I am not
13 going to pull up, you describe the life that you had
14 after you left care. You describe the difficulties that
15 you experienced in life after -- in your adult life
16 after you had been taken out of care.

17 Now is there -- I am not going to go into those
18 details, but you can take that the Inquiry Panel have
19 read what you said in your statement about that, HIA50.

20 Is there anything else that you feel we have not
21 covered sufficiently about your time in Rubane --

22 **A. Yes.**

23 Q. -- and only about Rubane? What is that you want to say,
24 HIA50?

25 **A. What I'd like to say is four years ago I spoke to the**

1 head of the PPS, Mr Stephen Burnside in Lisburn. He is
2 over the courts in Lisburn, and I brought my -- anything
3 I had. He was amazed to me in his room, and he quite
4 clearly stated, "I'm amazed at this", because every
5 statement or most of the statements that he had in his
6 possession reference victims giving their accounts of
7 what happened to them, a Detective Sergeant [REDACTED] DL 511
8 always questioned the children who were abused, and he
9 was baffled in some way at this, and this man can't deny
10 this, because it was done appropriately, the whole --
11 and I brought some stuff with me as well, but he was --
12 he said he was going to enquire into this, as to why
13 Detective Sergeant [REDACTED] DL 511 was -- seemed to be the
14 only one that was tasked to take any statement from
15 a child who was alleging sexual abuse within Kircubbin.

16 Q. And that was conversation you had with Mr Burnside from
17 the PPS some years ago?

18 A. Four years ago. He is the head of the PPS, Mr Stephen
19 Burnside.

20 Q. Thank you for that, HIA50.

21 A. You're very welcome.

22 Q. Just one other final question which we ask people who
23 come to speak to us. You are aware that the Inquiry has
24 to make ultimately recommendations to the Northern
25 Ireland Executive about what should happen and they want

1 to know what your views are about that, what you think
2 those recommendations should be.

3 A. I don't know where to start and I don't mean -- I am not
4 being funny when I say that. Redress would be a start,
5 absolutely concrete. I -- from my only personal
6 perspective I, as you can see from the files, have been
7 in institutes, in and out, in and out, and I would hope
8 that Sir Anthony and the Panel, whether it can be done
9 or can't be done after -- before Mr Hart gives his
10 recommendation, that he can summons the Chuckle
11 Brothers, if you wish, in Stormont when he hands his
12 report to them ones -- could he give them ones a date to
13 guarantee the victims as to when Peter Robinson and
14 Martin McGuinness is going to -- "Right. This is the
15 month. This is the date. This is the month" instead of
16 this Inquiry going on here now. Don't forget we have
17 after Christmas and other bits and pieces, but I think
18 at the end of the day redress needs -- compensation
19 needs to be given to every victim, all the victims.
20 Some of the victims, some of them are all dead, but
21 there's -- what else is there? There is nothing.
22 There's nothing, you know. We are grew up, taken away
23 by Social Services for alleging that our mother and
24 father did that and the other, but to be taken off your
25 mother and father and put in the hands of the Social

Services of Northern Ireland and placed in a children's home -- in my case (inaudible) homes, because there have been many institutes, and I blame Social Services for that, but I would ask Mr Hart when he does make his recommendations to give the people in Stormont, whoever is going to do this -- before it collapses, because we are not stupid. We see the media, watch it every day, and if it collapses, does Sir Anthony have another -- does he have a reserve to go on, because if Stormont collapses, then who does Mr Hart give his recommendations to if Stormont doesn't exist?

Q. A very interesting question, HIA50. Thank you very much.

A. You are very welcome.

Q. I'm not sure if the Panel have any questions for you.

CHAIRMAN: Well, HIA50, thank you very much for coming to speak to us today. I think you have certainly posed some interesting questions for me to deal with and my colleagues, but thank you very much for coming to speak to us. We expect to see you again in due course. Thank you for coming today.

A. Thank you.

(Witness withdrew)

24 MS SMITH: Chairman, there is one further witness to give
25 evidence this afternoon, but if we could take a short

1 break before proceeding with him.

2 CHAIRMAN: Yes. Very well. Ten minutes or so.

3 MS SMITH: Yes. That should be enough.

4 (3.03 pm)

5 (Short break)

6 (3.13 pm)

7 WITNESS HIA362 (sworn)

8 MS SMITH: Chairman, Panel Members, the final witness today

9 is HIA362, "HIA362". HIA362 wishes to take a religious

10 oath and he also wishes to maintain his anonymity.

11 WITNESS HIA 362 (sworn)

12 CHAIRMAN: Please sit down, HIA362.

13 Questions from COUNSEL TO THE INQUIRY

14 MS SMITH: Now, HIA362, I am just going to tell the Panel

15 where there are some documents relating to your account,

16 where the page references are to those.

17 The statement is at RUB707 to 713.

18 The Order's response is at RUB3404 to 3406 with

19 exhibits at 3407 to 3439.

20 The Health & Social Care Board response, including

21 exhibits, is found at RUB8659 to 8674.

22 There is a police statement at RUB60251 and then it

23 is 63006 to 63007.

24 There's an interview by police with DL 509

25 which is at RUB63023 to 63054. He made a statement to

1 the Inquiry which is at 5548 to 5551. The relevant
2 paragraph of that is paragraph 3, and ultimately there
3 is no prosecution, which -- that direction can be found
4 at RUB63102.

5 Now, HIA362, if we could just look at your
6 statement, please, at 707. This is -- can I just -- you
7 see, HIA362, instead of your name it says it is "The
8 Witness Statement of HIA362", which is the designation
9 that the Inquiry has given to protect your privacy, and
10 if we could just go to the last page of your Inquiry
11 witness statement, which is at 713, this -- can I just
12 ask you to confirm, HIA362, you signed the witness
13 statement there, and if we scroll on down, please, that
14 was signed on 7th March 2014?

15 **A. Yes.**

16 Q. And would you also confirm that you wish the Inquiry to
17 take this into account as your evidence together with
18 anything else you say this afternoon?

19 **A. Yes.**

20 Q. Thank you. Now if we go back to the first page,
21 paragraphs 1 to 3 of your statement at 707, you talk
22 about, first of all, being in St. Pat's and a little bit
23 about your personal details there, and you felt that you
24 were too young to stay in St. Pat's and that's why you
25 were moved to Rubane, but you know because of what

1 I have told you that the reports we have received and
2 the Social Services reports set out the history of the
3 Social Services' involvement with your family. That can
4 be found at RUB3425, which essentially says that you
5 were in St. Pat's on remand awaiting a court order,
6 a Fit Person Order, and at that stage you were taken to
7 Rubane. So it wasn't really to do with your age, but
8 simply because the court order said you were to go to
9 Rubane.

10 **A. Yes.**

11 Q. Then if we could just -- just to confirm about St.
12 Pat's, you were happy there and you had no complaints to
13 make about your time in that home.

14 **A. No.**

15 Q. Isn't that right? Paragraph 6, 7 and 8, if we could
16 just scroll down to that, please, you talk here about
17 the general layout of Rubane. You say there were four
18 chalets. There were boys living in the big house as
19 well. You yourself were in chalet You say there was
20 a woman in charge of the chalet, whom you name there.

21 That's DL 89

22 **A. Yes.**

23 Q. You also remember DL 509 who you say was a
24 housefather, and he lived .

25 **A. Yes.**

1 Q. DL 89 lived in a bit of chalet that was sectioned
2 off for her and she was nice enough to you. You
3 remember that any time she was locked out of her house
4 she would have come over to the school, got you out,
5 because you were very small and you could climb through
6 the window.

7 You remember BR10 being in charge of chalet . Your
8 dormitory had four beds with

9
10 . You remember the beds being hard,
11 a bit like a box with a bit of wood on top and then just
12 a mattress. You also remember you had to do chores
13 every day and there was a rota for that. You did the
14 same chores for one week and then you swapped to another
15 chore. That involved cleaning the wash-room or games
16 room, brushing up round the living area or setting the
17 tables for tea. You remember the food wasn't too bad
18 and you thought that it was DL 89 who did the
19 cooking for you in your chalet.

20 A. Yes.

21 Q. In paragraph 9 there you say when -- after school you
22 went to the table tennis room. Everybody had to be
23 accounted for, so you were all made to stand for roll
24 call, and if somebody was missing, you had to explain
25 where they were. You could have gone to the gym to play

1 football or watch TV or table tennis. You remember the
2 gym was very small. The older boys always got the
3 football. So there wasn't much to do, and a couple of
4 you would just play in the grounds and make your own
5 games. You don't remember organised games and
6 activities apart from Sports Day, and there was no
7 sports coach when you were there.

8 **A. Yes.**

9 Q. You remember at paragraph 17 that you were able to go
10 home at weekends --

11 **A. Yes.**

12 Q. -- but you were only allowed to go if you had been
13 behaving yourself essentially, and your brother and you
14 would go out and get -- come back on a Sunday night.
15 You were picked up by a minibus at Oxford Street Bus
16 station. If you didn't go at the right time, if you
17 tried to run away, then you wouldn't be allowed to go
18 home the next week-end.

19 **A. Yes.**

20 Q. Those were the kind of punishments you remember for not
21 coming back in time.

22 **A. Yes.**

23 Q. You do talk then at paragraph 18 -- you also remember
24 Christmas and you remember doing a play of the story of
25 Finn McCool when people from nearby towns came to watch

you, and you got home for Christmas. You don't remember the holidays, but do you remember being allowed to go to the disco in Downpatrick on a Sunday night. Might that have been Portaferry rather than Downpatrick?

A. No, Downpatrick.

Q. Downpatrick. You say that one chalet went one week so that you could go about once a month. You don't remember anything special happening at Christmas. Is that possibly because you were at home?

A. Yes.

Q. And do you remember that -- if we can just go back to some of the Brothers that you remember in the home, if we could just go to paragraph 10, you remember a BR3, whom you used to call "BR3", ".

A. Yes.

Q. And you liked him. He was and you said he would have looked after you. So you had no complaints to make about him.

A. No.

Q. In paragraph 11 you say that:

"There was a BR15 was

and he would have given us new clothes if we needed them. He also -- there was another Brother who ran the sweetie shop."

Now the Order would say there wasn't a BR15 there at

1 the time. Is it possible that you might have got his
2 name wrong, HIA362?

3 **A. Yes, yes.**

4 Q. But you do remember a Brother being in charge of the
5 clothes store?

6 **A. The store, yes.**

7 Q. This other Brother who -- another BR15 you say ran the
8 sweet shop. Is in the same BR15?

9 **A. I think it was.**

10 Q. So we know his name wasn't BR15, DL97 but what he did do
11 was look after the clothes and run the sweet shop.

12 **A. Yes.**

13 Q. You were given money every week, just a small amount,
14 provided you had been well-behaved, and you were allowed
15 to spend it in the tuck shop.

16 You also remember a particular Brother there at
17 paragraph 12, a BR18, who was in charge of the farm.

18 You say:

19 "If you were caught on the farm, you would have got
20 a knuckle sandwich from him on the top of the head. He
21 would slam his clenched fist down on your head so that
22 his knuckles hit you. Some of the older boys worked on
23 the farm while the younger boys were in school."

24 You yourself didn't work on the farm, did you?

25 **A. No.**

1 Q. You also remember, if I can just go back -- you talk
2 about -- in paragraph 8, if we could go back to
3 paragraph 8, you said that you went to school and it was
4 BR6 who was in -- you were in his class, and you talk
5 about the nicknames that he had there. You say:

6 "He was an man with and a He
7 used to teach us wee songs. He had a cane which he used
8 to hit us with."

9 I asked you about this earlier, HIA362. The only
10 reason he was hitting you was because you had done
11 something wrong. Is that right?

12 A. Yes.

13 Q. What were the kind of things you might have got punished
14 for?

15 A. Just talking in class.

16 Q. Now if we could just go back to paragraph 5, you talk
17 about the Brother who was in charge, the Head Brother of
18 the home. I am going to use the name, and I have been
19 using names throughout here, HIA362, but you will know
20 and everyone else will know that these names are not to
21 be used outside this chamber, because we have given
22 everybody, not just yourself, but other people who have
23 spoken to us and others privacy.

24 "BR1 was . On my first
25 day in Rubane everything went well until this Brother

1 left",
2 the Brother who had delivered you to the house --
3 isn't that right --

4 **A. Yes.**

5 Q. -- brought you down from St. Pat's? That was a BR 4
6 BR 4

7 "BR1 brought me out of the office and took me up to
8 the games room. He told me he had to do a medical test
9 on me. He started looking in my ears and my mouth. He
10 then asked me to undress and told me that he needed to
11 check for rashes as he didn't want the other boys
12 getting any. I started to take off my shirt and he
13 asked me to remove my trousers. He then started to
14 fondle and grope me around the genital area. This was
15 the first time I had experienced anything like this and
16 I didn't know how to react or what to do. Any time
17 I saw BR1 he would have tried to tickle me and pretended
18 to play about, but he was grabbing me in places and
19 trying to touch my backside. I tried to stay away from
20 him after that."

21 Now this medical examination that you have described
22 here, that took place in the games room.

23 **A. Yes.**

24 Q. Was that in the main house?

25 **A. Yes.**

1 Q. And when you say any time you saw him he would try to
2 tickle you and pretended to play but he was grabbing you
3 in places, by that do you mean inappropriate places?

4 A. Yes.

5 Q. Where would this have happened? Where would he have
6 tried to do this to you?

7 A. Just round the grounds.

8 Q. And you basically tried to stay away from him --

9 A. Yes.

10 Q. -- because you -- this made you feel uncomfortable?

11 A. Uncomfortable.

12 Q. You do talk in paragraph 13 about another Brother and
13 that's a BR77. You say that:

14 "He was the teacher. He always stood
15 and washed us while we were showering after ."

16 A. Yes.

17 Q. Now is that "watching" or "washing"?

18 A. Watching.

19 Q. Watching. It scared you. You didn't like the look on
20 his face and you were suspicious about why he was there.

21 You say in paragraph 14 that you were scared from
22 seeing boys trying to do things on other boys. There
23 was one boy whom you name there as -- and I am just
24 going to use his first name -- DL 41 who was always
25 being tackled by another boy in the bathroom at nights.

1 "The other boy kept trying to grab DL 41 and it
2 seemed to me it was in a sexual manner. The older boys
3 used to stand and laugh and think it was funny. I think
4 DL 41 was about two years older than me. This never
5 happened to me, but it scared me and I felt the need to
6 get out of there."

7 That's why you kept running away?

8 **A. Yes.**

9 Q. You say in paragraph 15 that you ran away repeatedly,
10 but even after you got away you were too scared to tell
11 anyone what was going on, because you knew you would
12 have to go back to the home and you were scared of
13 getting beaten. You tried to make it back to Belfast
14 but only managed it once, and you didn't go home,
15 because you knew your father would send you back to
16 Rubane, so you just stayed on the streets.

17 One time you did run away with another boy from
18 Portaferry and you thought his name, which you gave
19 there, was **DL 395** He was someone who was not actually --
20 he was what was known as a day boy. Isn't that right?

21 **A. I think so.**

22 Q. He ended up giving himself in at the police station
23 because you didn't have anywhere to stay. You were
24 going to stay in empty houses but he decided it was too
25 cold and he had to go back. So as soon as you were

1 found and brought back to Rubane BR1 caned you six times
2 with a bamboo cane on the hands. Can I just ask was
3 that three on each hand or six --

4 **A. Three on each hand.**

5 Q. Three on each hand. You say:

6 "It was a really thick cane with wee knots on it at
7 the top, which he kept in the drawer of his office, and
8 if I tried to pull my hand away, that would result in
9 an extra cane."

10 **A. Yes.**

11 Q. Was this the only time that you were struck by this
12 Brother?

13 **A. Yes.**

14 Q. Your other -- your older brother was there with you and
15 he was told to look after you so you wouldn't run away.
16 He was two years older than you. He was told anywhere
17 that you went he had to be with you. He was following
18 you around so much that you told him to fuck off. Out
19 of the blue after you told your brother this you felt
20 a big slap around the side of your face from behind.
21 You turned and swore at the person and that person was

22 DL 509 , DL 509 , the houseparent that you
23 talked about. You said he just kept beating you. He
24 beat you from the TT room right over to chalet . He
25 was kicking you too and slapping you, because you were

1 crying and still cursing at him. You swore back at him
2 and said, "What the fuck are you doing?" and then he
3 beat you more. You don't believe that you deserved to
4 be beating for cursing. You said he could have come and
5 spoken to you and told you to stop the bad language, but
6 you didn't deserve to get a slap. You say he nearly
7 took the head off your shoulders. You say your brother
8 was there and he saw what happened. He was told to go
9 down to the sports complex where they played football,
10 table tennis or watch TV while you were put in the
11 chalet and locked in.

12 "We used to call DL 509

13 because he had a He used to .
14 He had a and a . "

15 I am just going pause there. Do you remember
16 speaking to the police in when they approached you,
17 HIA362?

18 **A. I can't remember.**

19 Q. There's a statement which I indicate is at -- sorry. It
20 is at RUB60251. Essentially you said you had no
21 complaint to make at all about your time in Rubane --

22 **A. Yes.**

23 Q. -- and you didn't speak to them about this at that time
24 --

25 **A. Yes.**

1 Q. -- but you can't even remember speaking to them?

2 A. No.

3 Q. You just say:

4 "In I went to stay in a boys' home at
5 Kircubbin. I stayed there for about and during
6 my stay I was not interfered with in any way and I have
7 no complaint to make against anyone."

8 Then you were spoken to by police again in 1995. If
9 we just look at that, that's 63006. Do you remember
10 speaking to the police in 1995, HIA362?

11 A. No, I can't remember.

12 Q. This is a statement that you made at the time and you
13 said that again you thought that you were -- a court
14 order -- too young for St. Pat's. You said you ran away
15 several times. Really not -- didn't --

16 "I never really got that far before being caught and
17 brought back. Once I got as far as Belfast. Because
18 I was always running away, my older brother, who was
19 also in the home, was told to look after me and to stop
20 me running away. I can remember on one occasion while
21 I~was in the home I was trying to run away again, but my
22 brother was following me about everywhere I went. I got
23 fed up with him and I shouted at the top of my voice
24 'Fuck off'. I was at the side of the school. DL 509
25 DL 509 my houseparent in chalet heard me.

1 DL 509 had been standing near the tuck shop. DL 509
2 came over to me. He -- DL 509 came over to me. He
3 started to slap me about the head and told me I wouldn't
4 tell him to fuck off. I tried to explain that I was
5 talking to my brother. DL 509 banged my head off
6 the pebbledashed wall of the school once. He then took
7 me by the scruff of the neck and dragged me over to the
8 chalet. Once inside the chalet, DL 509 took me
9 into the locker room and started to beat and kick me.
10 I was sitting down on a bench in the locker room. The
11 beating and kicking was sore. It was mostly slaps on
12 the face and back of the head and kicks to my legs.
13 I told DL 509 that I would tell my da on him and
14 started to curse him. DL 509 told me to stop
15 cursing. He then made me go upstairs and get into bed.
16 He took my clothes away and locked me in the bedroom.
17 I lay in bed and I was crying and my face was sore and
18 burning. As far as I am concerned now there was no need
19 for this punishment. I didn't deserve what I got for
20 cursing. I remember that DL 509 walked
21 and he lived in and
22 drove a . This is the only abuse
23 I~suffered at Rubane House. I was never sexually
24 assaulted by any of the Brothers, staff or other boys in
25 the home and I left in ."

1 Now that's slightly different to the account that
2 you have given in your Inquiry statement, HIA362.

3 **A. Yes.**

4 Q. But do you remember -- when you see the statement now,
5 do you remember speaking to police, telling them that?

6 **A. No, no.**

7 Q. Now just to be clear that he -- in 1995, after you made
8 this statement, DL 509 was interviewed by police
9 and what he said at that time was that he remembered
10 DL 67, your brother, but he didn't remember you. Said
11 he didn't hit any of the boys.

12 He also made a statement to the Inquiry and again he
13 denies the allegations and said that he never struck you
14 or hit or kicked any of the boys in his care. Is there
15 anything you want to say about that?

16 **A. He's lying.**

17 Q. You talk in your statement about -- from paragraph 20
18 onwards you talk about going to St. Pat's and we have
19 established you have no complaints about your time
20 there.

21 Then from 21 you talk about the life after you left
22 St. Pat's and went home and the difficulties that you
23 have experienced, and the Inquiry Panel have read those
24 and I am not going to go into any of those, but you also
25 talk about the effect that ultimately your life

1 experiences have had on the faith that you had.

2 Is there anything else, HIA362, that you feel we
3 haven't covered about your time in Rubane that you would
4 like the Inquiry to know about or anything you'd like to
5 say?

6 **A. No.**

7 Q. You feel you are happy enough that we have covered --

8 **A. Yes.**

9 Q. -- the account of what happened to you? If I can just
10 summarise it, essentially you were punished in school
11 for doing things wrong. You ran away a lot of times.
12 You got punished once for that. You were
13 inappropriate... -- you were medically examined and your
14 genitals felt by BR1. You tried to avoid him --

15 **A. Yes.**

16 Q. -- and you were physically assaulted by DL 509
17 and locked in the chalet. That's -- those are the only
18 complaints that you want to make about your time in
19 Rubane?

20 **A. Yes.**

21 Q. Thank you, HIA362. One final question that I want to
22 ask you is that the Inquiry will ultimately have to make
23 recommendations to the Northern Ireland government about
24 what should happen as a result of their findings about
25 children in institutions. Is there anything you want to

1 say about that or what do you feel those recommendations
2 should be?

3 **A. No.**

4 Q. You don't have any views on it at all, HIA362?

5 **A. No.**

6 Q. Well, if you just stay there, I have no further
7 questions for you, but the Panel may have.

8 Questions from THE PANEL

9 CHAIRMAN: HIA362, can I just ask you to go back to what you
10 described BR1 as doing?

11 **A. Yes.**

12 Q. Do you remember you said when you were out and about the
13 place you would keep away from him because he would
14 touch you in various ways?

15 **A. Yes.**

16 Q. Were there any other Brothers about when he would behave
17 in that way?

18 **A. No.**

19 Q. So no other Brother would see what he was doing, in
20 other words?

21 **A. No.**

22 Q. I see. Thank you.

23 MS DOHERTY: Thanks very much, HIA362. Can I just ask if
24 you saw any other boys being punished or hit in the way
25 that you say that the houseparent hit you?

1 A. No.

2 Q. So when you were there, it wasn't common for boys to be
3 hit in that way?

4 A. No.

5 Q. Okay. Thank you.

6 CHAIRMAN: Well, HIA362, I am sure you will be relieved to
7 hear that that's all we have to ask you. I am sorry you
8 have been kept so long, but we won't I think need to
9 speak to you again, but I also know you have had
10 a difficult enough time recently. So thank you very
11 much for coming to speak to us today.

12 A. Okay.

13 Q. Thank you.

14 (Witness withdrew)

15 MS SMITH: Chairman, Panel Members, that concludes today's
16 evidence.

17 CHAIRMAN: Thank you.

18 (3.40 pm)

19 (Hearing adjourned until 10 o'clock tomorrow morning)

20 --ooOoo--

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