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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 19th November 2014

commencing at 10.00 am

(Day 69)

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

1 Wednesday, 19th November 2014

2 (10.00 am)

3 WITNESS HIA256 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. As usual,
5 can I just remind everyone before we go any further to
6 ensure their mobile phones are turned off or at least
7 placed on silent/vibrate and that no photography is
8 permitted anywhere on the premises or within the
9 perimeter fence.

10 MS SMITH: Good morning, Chairman, Panel Members. The first
11 of today's witnesses is HIA256. He is "HIA256". HIA256
12 wishes to take the religious oath and he also wishes to
13 maintain the anonymity afforded by the Inquiry.

14 WITNESS HIA256 (sworn)

15 CHAIRMAN: Thank you very much, HIA256. Please sit down.

16 Questions from COUNSEL TO THE INQUIRY

17 MS SMITH: HIA256, just before I come to talk to you about
18 what you have got to say about your time in Rubane I am
19 just going to outline where some documents are in the
20 papers for the benefit of the Panel.

21 The statement that HIA256 has made to the Inquiry
22 can be found at RUB669 to 673.

23 The Order's response is at RUB4136 to 38 with
24 exhibits at 4139 to 4248.

25 The Health & Social Care Board have put in

1 a response at RUB8671 to 8694, and those records mainly
2 relate to two other homes other than Rubane, and they
3 have no records relating to Rubane, because HIA256 was
4 placed there -- that's incorrect I think. Sorry.

5 That's -- that related to someone else. Apologies.

6 There are police statements, which is RUB62204 to
7 62207, RUB62208 and RUB62209.

8 There are other police statements at RUB62210 to
9 62222.

10 There's an interview with BR2 at RUB62230 to 62300,
11 and the Inquiry statement provided by BR2 can be found
12 at RUB5255 to 5371, with the relevant paragraphs being
13 paragraphs 72 to 75.

14 Now, HIA256, if we could look at your witness
15 statement, which is at 669, please, you will see here,
16 HIA256, that instead of your name it says "The Witness
17 Statement of HIA256", which, as you know, is the
18 reference number that we have given to protect your
19 identity.

20 If I could just go to the last page of that at 673
21 and can I ask you to confirm, HIA256, that the box there
22 where it says "HIA256" is actually your signature and
23 you signed the statement on 1st March 2014?

24 **A. Yes.**

25 **Q.** Can I ask you also then to confirm this is the statement

1 of evidence that you wish the Inquiry to consider
2 together with anything else that you say this morning?

3 **A. Yes.**

4 Q. If we could go back to the first page of your statement
5 at 669, your personal details are set out there in
6 paragraphs 1 and 2. You were taken into care and you
7 spent time in which you
8 describe in paragraphs 3 to 5 about your time there, and
9 I just want to confirm with you, HIA256, that you have
10 absolutely no complaints to make about the care that you
11 received in . Isn't that right?

12 **A. No, none at all.**

13 Q. You were then moved from to Rubane.
14 I should say you were in care on foot of a Fit Person
15 Order. We can see this at RUB4197. This is the actual
16 Fit Person Order that was made in respect of you, and
17 you were at that stage living in and the
18 Juvenile Court made the Fit Person Order committing you
19 to the care of the County Londonderry Welfare
20 Authorities. You were then taken to Rubane in
21 and you stayed there until

22 **A. Yes.**

23 Q. Now at paragraphs 6 through to 8 of your witness
24 statement, if we could just go back to that, please, at
25 page 670, and in paragraphs 7 and through to 8 you talk

1 about generally what life was like in Rubane. You say
2 there were two chalets in the home. Are those the two
3 chalets you remember? We have heard from other boys
4 there were, in fact, four chalets.

5 **A. I remember two. It's two buildings.**

6 Q. Two buildings, but with maybe two chalets in each.
7 Would that be right?

8 **A. Aye, it could have been that.**

9 Q. "The boys", you say, "from Belfast lived in one chalet
10 and the boys from Derry lived in the other. We would
11 have been -- we would have mixed between the two groups
12 because the school was in the grounds of the home."

13 There were four boys in a dormitory and you say the
14 dormitory was warm enough. You had a clothing allowance
15 and so every so often you were taken to Newtownards to
16 buy new clothes and the clothes were warm enough. You
17 remember a particular boy whom you were friendly with in
18 the home, but he is no longer living.

19 **A. Yes.**

20 Q. You say it was called a children's home but you say it
21 was really more like a training school, but you recall
22 being taken to discos in Portaferry at the week-end once
23 a fortnight and the Brothers went with you wearing
24 civilian clothing. You say fights always broke out at
25 the disco between the boys from the home and other boys,

1 because they didn't want the home boys being there, and
2 if the Brothers saw fighting, they would put you on the
3 minibus and take you back to Rubane. You really enjoyed
4 going to Portaferry. You thought it was a lovely place
5 --

6 **A. Yes.**

7 Q. -- but you have never managed to get back.

8 Also in paragraph 11 of your statement you talk
9 about school in Rubane and you remember going there for
10 a couple of months. You are not sure which Brothers
11 taught in the school, but you say you didn't learn
12 anything. Instead of going to school you were then sent
13 to work , but you don't
14 remember his name. You say you have
15 and you felt that -- it seemed you were
16 better doing that kind of work rather than going to
17 school. You remember going to a school
18 --

19 **A. Uh-huh.**

20 Q. -- ,

21

22

23 .

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

25 Q. Now, HIA256, in paragraph 12 you say that your father

1 **to get me ready for going home.**

2 Q. That was in , though, and you actually went home
3 permanently in . Sorry. No, . You are quite
4 right. That would have been . So you are
5 saying when you were getting ready to go home, you were
6 --

7 **A. I was probably -- I was probably getting -- they were**
8 **getting me ready to go home.**

9 Q. Yes, and that's when -- but you don't actually remember
10 going home?

11 **A. I don't remember that, no. I thought I just --**
12 **I~thought I just went home on .**

13 Q. But you would accept that you probably did go home?

14 **A. Aye, I probably did go home, well.**

15 Q. Now I am just going look at some other documents. The
16 reason for this is to show there were certain other
17 documents kept about you while you were in Rubane.
18 I know you won't have been aware of these records,
19 HIA256, but it is really for the benefit of the Inquiry
20 and for the Panel that I just want to show these types
21 of records that were kept in respect of your time at
22 Rubane.

23 If we look at 4144, please, we see this is
24 an observation sheet. It says that you were admitted to
25 chalet on on a Fit Person Order in need of

1 care and protection. . Your
2 . School
3 report talks about you and then it goes on. There are
4 notes -- if we can just scroll down, please -- there are
5 notes of observations that are made by your houseparent
6 during your time there about you settling extremely
7 well, being accepted by all the lads in the chalet.

8 "Very likeable lad. He appears to be very honest
9 and very easy to communicate with",

10 and various notes are kept about you by the
11 houseparent in the home.

12 Then if we look at RUB4148, this is a school report
13 that was being kept about you. You were getting various
14 grades for the subjects there in school. You are
15 described as a pleasant pupil, getting on well with your
16 work in class, a great worker.

17 "Improved in his subject and very pleasant."

18 You weren't so good at it would appear,
19 though, or .

20 There's medical reports that we see at RUB4150.
21 Again this is a medical. You had a chest infection in
22 . You were given tablets and an x-ray at Ards
23 Hospital the next day.

24 you went for attention to a cut on your
25 leg and you had it dressed.

1 Do you remember getting medical treatment in the
2 home at all, HIA256?

3 **A. No.**

4 Q. And then the school dentist gave you fillings in
5

6 There's another medical report at RUB220 and there
7 are internal reviews, and I think that's -- that's 4220.
8 Sorry. This is from a doctor -- a local doctor in
9 Kircubbin in who describes you as having:

10 "... a history of and a recurrent cough.

11 On medication until a year ago. Thin and
12 underdeveloped."

13 Some signs of infection in your chest and a bruise
14 on your left thigh. He was referring you to hospital
15 for investigation. This would seem to be when you went
16 to the Ards Hospital for the chest x-ray.

17 **A. Uh-huh.**

18 Q. There's also -- as I say, there were internal reviews.

19 I am afraid I haven't put down the page reference number
20 for one of those, but there's a Western Health & Social
21 Service Board review at 4154. Again this is a review of
22 a child in residential care. If we can just scroll down
23 through that, it is just about your parents. You are
24 seen generally once per month by the social worker.

25 Do you remember a social worker coming to visit you

1 when you were in the home?

2 **A. I don't think social workers came to see me once a month**
3 **in Kircubbin when I was in it. I think I seen her about**
4 **three times in the .**

5 Q. Okay. Would they have maybe seen you when you went
6 home?

7 **A. I only went home at that time there. I wouldn't --**
8 **which was about a month before I was getting released.**

9 Q. Okay. The one thing that these documents show is that
10 there were records being kept both by the De La Salle
11 Order and by the Health & Social Care Board and they
12 were being kept updated. If we just look at 4204, and
13 this is in and you were admitted in
14 and if we can just scroll down that, I don't need
15 to open it up, but it just clearly shows there has been
16 an update and a record kept of your time in Rubane.
17 Talk about you being open and good-humoured and
18 endearing yourself to staff and boys alike. You weren't
19 highly motivated towards sporting activity, but you were
20 given jobs to do when the other boys were occupied with
21 games. You enjoyed the work and did it very
22 effectively. You were attending the weekly disco. At
23 that stage you had got a steady girlfriend at one stage
24 in

25 **A. Uh-huh.**

1 Q. And if we can just scroll on down, you were going home
2 it says on a regular, if not frequent, basis, and then
3 you ran away with another boy and made your way to
4 and returned days later in . Do you
5 remember that, HIA256? Do you remember running away?

6 **A. No, I don't remember running away. I run away from --**
7 **I ran away with my brother from -- from**
8 **a home in**

9 Q. But you don't --

10 **A. That wasn't -- that wasn't --**

11 Q. You don't remember running away from Rubane, though?

12 **A. No.**

13 Q. Okay. Paragraph 13, if we just go back to your own
14 statement at page 672, you talk about having a good
15 relationship with .
16 You say she came to visit you a few times while you were
17 at Rubane. You say it was every couple of months, but
18 you couldn't tell her what was happening to you as you
19 didn't think she would believe you.

20 You said that after school you were told you would
21 be going home. You were given money for your travel
22 fares to get you home and you returned to live with your
23 parents at that stage.

24 If we can just go now to talk about the specific
25 complaints you make about your time in Rubane, these are

1 at paragraphs 9 and 10. If we just go to them, you say
2 that:

3 "The Christian Brothers" -- the De La Salle
4 Brothers, just to be clear -- "were very rough and
5 frequently used the cane on the boys. I would have been
6 hit with the cane once or twice a week in the school."

7 Do you remember why you were hit at all, HIA256?

8 **A. I was just messing about in class.**

9 Q. So it was a punishment in school for messing about?

10 **A. Aye.**

11 Q. Do you remember how often you would have been hit with
12 the cane or where you were hit?

13 **A. As I say, usually on the hands.**

14 Q. You go on to say that the brothers sexually abused you
15 in the gym in the home where you would have gone to play
16 football. You say you have blanked out a lot of the
17 details, because you have had problems

18 . You do remember a BR6 and
19 another Brother abused you right up until you left De La
20 Salle when you were Now I am using the name to make
21 it easier --

22 **A. All right.**

23 Q. -- but again the names aren't to be used outside this
24 room, HIA256. You say BR6 and the other Brother would
25 make you perform oral sex on them and you think you were

1 abused six or seven times in total. You never told
2 anyone as you didn't think that anyone would believe
3 you.

4 "I also blamed myself for what was happening to me.
5 I think that the abuse was probably happening to other
6 boys, but we never talked about it."

7 Now the Order -- first of all, just in respect of
8 you being caned in school, the Order make the point that
9 corporal punishment was allowed in those days in schools
10 and they go on to say that BR6 didn't abuse you. They
11 say that in 1996 when you spoke to the police, you
12 didn't actually name him. Later you identified a BR2
13 when you were shown a video montage of various clips of
14 Brothers, and that the police then investigated that and
15 then there was no prosecution of BR2.

16 I am just going to come on to look at what you told
17 the police in 1996. If we could look at 62204, this is
18 a statement that you gave to police after you had
19 already -- on 1st February 1996 you had handed police
20 a handwritten note of what you said happened to you.
21 Isn't that right? I am not going to call up the
22 handwritten note, but it can be found at 62224 to
23 6229 -- 62229, three 2s.

24 I am going summarise what you say in the statement
25 to the police in 1996.

1 You said that a Brother, whom you described, asked
2 you to do a job for him. That was to brush up the gym.
3 He offered you extra money and told you to go to the
4 store room. He sexually abused you there. You say that
5 there was an extra £5 entered in the tuck shop book
6 after this. So when you went to the tuck shop, the
7 money that he had offered you was recorded in the tuck
8 shop book. You say that that Brother abused you about
9 a month later and about three more times on the school
10 farm.

11 You said that you performed oral sex for another
12 Brother. Just scroll down, please, through the
13 statement. You named him as "BR6", but you said that
14 this was not BR6, that this was a Brother -- you said
15 that some boys called BR6 "BR6", but that this was
16 a different Brother who was . You say that the
17 abuse happened in the greenhouse and you described how
18 that first occurred. If we can just scroll on down,
19 please, you describe the abuse that occurred there. You
20 say that it happened about five or six more times. You
21 say in this -- in 1996 you told police that your parents
22 hadn't visited you when you were in the home, but the
23 records would suggest that maybe they came more often
24 than you actually remember, HIA256.

25 **A. I just remember my father coming once.**

1 Q. You also told the police that you had told your mother
2 about the abuse and you told Dr Harbinson, who was
3 a psychiatrist who had examined you. It is fair to say
4 there is a statement from your mother in this bundle of
5 police papers where she confirms that you did tell her
6 you had been abused. Dr Harbinson -- you gave police
7 permission to obtain Dr Harbinson's reports and you saw
8 her -- it seems to be she gave two reports about you
9 seeing her in . What she reports is that
10 you told her that you were really happy in Rubane and
11 that you got on well with the Brothers, but she doesn't
12 say anything in her reports about you telling her about
13 the abuse.

14 **A. Well, I thought -- I thought I did tell her and that's**
15 **one of the ones I did, and then after everything then**
16 **I just didn't bother -- I didn't bother with it about**
17 **anymore, because what was the point?**

18 Q. You did -- you remember then you told your wife when you
19 saw an incident -- an article on TV about abuse and you
20 told your wife at that stage.

21 **A. Yes.**

22 Q. You made another statement to the police at the same
23 time in 1996 in May whenever -- that's at 62208. This
24 was after you were shown a video of news reports of
25 various De La Salle Brothers --

1 **A. Uh-huh.**

2 Q. -- and you identified a Brother in that and you
3 described him as -- you were told -- if we just scroll
4 on down, please:

5 "After watching the video I am 100% certain that the
6 first person on the tape wearing a blue coat and glasses
7 walking with another man is the Brother who buggered me
8 in De La Salle."

9 **A. Uh-huh.**

10 Q. The police from the information they had identified that
11 as BR2, but you did not know --

12 **A. I didn't know his name at the time.**

13 Q. -- the name at all.

14 Now he was interviewed by the police at that time in
15 1996. He denied he had abused you and he actually said
16 he was only in Rubane for a short period in between
17 and

18 **A. Aye.**

19 Q. And he also has given a statement to the Inquiry. Again
20 he denies that he abused you in any way in that
21 statement. Is there anything you want to say about
22 that?

23 **A. He would say that anyway. He would say that anyway just
24 to cover it up, to be quite honest.**

25 Q. Well, after you left Rubane -- and you felt you weren't

1 really prepared very well for leaving -- you went to
2 .

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

4 Q. You actually went home to your father, first of all --

5 **A. Yes.**

6 Q. -- but you ended up in after that didn't work
7 out and your father basically threw you out. Isn't that
8 right?

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

10 Q. Now just to be clear you don't have any complaints about
11 your time in ?

12 **A. No, I don't, no.**

13 Q. At paragraphs 16 to 20 of your statement you talk about
14 your life after you left care and the difficulties that
15 you had with alcohol and the addiction to alcohol. I am
16 not going to go into those details, HIA256, unless there
17 is something you feel ought to be highlighted to the
18 Inquiry. The Inquiry Panel has read your statement and
19 knows what happened to you after you left.

20 **A. Uh-huh.**

21 Q. Is there anything else that you feel we haven't covered
22 about your time in Rubane that you want to say or do you
23 feel that we have covered --

24 **A. I think yous have covered everything really.**

25 Q. Okay. Is there anything else that you feel you want to

1 say at this stage?

2 **A. Not -- yes. I just want to -- I just want this product**
3 **opened and that other people -- that maybe things can**
4 **change.**

5 Q. That's probably -- you know that the next question I am
6 going to ask you is that the Inquiry has to make
7 recommendations to the Northern Ireland Executive about
8 what should happen next about what happened to children
9 like yourself in care. So what do you think should
10 happen?

11 **A. I think they should -- institutions, children's homes**
12 **should be more looked after -- looked out -- or what is**
13 **it I am trying to say?**

14 CHAIRMAN: Do you mean they should be inspected more?

15 **A. They should be inspected more. There should be reviews**
16 **done on them so things like this doesn't happen to**
17 **anybody.**

18 MS SMITH: Okay. Well, listen, thank you very much, HIA256.

19 I have no further questions for you. I am not sure if
20 the Panel Members have anything they want to ask you.

21 Questions from THE PANEL

22 MS DOHERTY: Thanks very much, HIA256. That's very helpful.

23 Can I just check were you aware of any other boys being
24 sexually abused when you were at --

25 **A. No, because nobody ever talked about it. Nobody ever**

1 CHAIRMAN: HIA256, thank you very much for coming to speak
2 to us today. I am sure you will be relieved to hear we
3 don't have any more questions for you, but thank you for
4 coming to speak to us.

5 **A. Right. Thanks very much.**

6 **(Witness withdrew)**

7 MS SMITH: Chairman, Mr Aiken is going to outline some
8 further evidence to the Inquiry this morning. I am
9 fairly confident he will be ready to start very shortly.

10 CHAIRMAN: We will just rise for a few minutes until we are
11 ready to start the next witness.

12 (10.35 am)

13 (Short break)

14 (10.45 am)

15 CHAIRMAN: Yes, Mr Aiken. Do we have another witness?

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

17 I am going to deal now with three individuals who have
18 made statements to the Inquiry relevant to Rubane, but
19 who the Inquiry has not called to give evidence.

20 Subject to time, when I complete those three
21 individuals, then I am going to return to what I was
22 doing during the first week and give you a biography of
23 BR6 and summarise for you in a collective way the
24 various allegations that have been made against him,
25 which I hope will be of some assistance to you.

1 DOCUMENTS AND EVIDENCE RELATING TO HIA436

2 Q. The first witness of the three that I am going to deal
3 with briefly is a gentleman called HIA436, who is
4 "HIA436". Again anything I say related to him should
5 not be reported so as to identify him. He was
6 originally called HIA436, and he provided a witness
7 statement to the Inquiry that can be found at 752
8 through to 763. He was someone who was in Termonbacca,
9 which was looked at during the first module, having been
10 born on He had actually been in
11 various children's homes and he -- in paragraphs 28 and
12 29 of his witness statement, which I don't propose to
13 pull up, he had allegations to make of a general nature
14 about the time he said he had in Rubane.

15 The De La Salle Order have provided a replying
16 statement, which can be found at 3097 in the bundle, and
17 that statement indicates that the Order does not have
18 any record of HIA436 or HIA436 on their registers. They
19 don't have a personnel file for him, and consequently
20 the fact that there's no paperwork leads the Order to
21 conclude that they don't believe he ever resided in
22 Rubane.

23 The Health & Social Care Board have provided
24 a statement to the Inquiry and that can be found at 8766
25 through to 8787. Likewise, the Health & Social Care

1 Board, whose predecessors would have been responsible
2 for HIA436 or HIA436 and did place him in various
3 children's homes, have said to the Inquiry that it too
4 has no record of him being in Rubane.

5 Now the Inquiry legal team didn't leave the matter
6 there. I can tell the Panel that the social work file
7 relating to this individual was obtained and a member of
8 the legal team perused 640 pages of material, and the
9 outcome of that trawl was to confirm that in that social
10 work file there was no reference to this individual
11 being in Rubane or having any connection to Rubane.

12 That's all I propose to say, Chairman and Members of
13 the Panel, about HIA436.

14 DOCUMENTS AND EVIDENCE RELATING TO HIA381

15 Q. The next individual that I want to deal with is one of
16 two brothers, "HIA381", and that's HIA381, and then
17 I will shortly deal with HIA382. Again
18 nothing being reported should identify these
19 individuals.

20 HIA381 provided a witness statement to the Inquiry
21 which can be found at 719 through to 724. He,

22 , gave evidence to the Inquiry on Day 14 during
23 Module 1, and that was on 27th February 2014, and in
24 particular about his experiences in Termonbacca.

25 A transcript of his evidence has been added to the

1 bundle for your consideration. I will give you the
2 reference to that in due course, if I may.

3 The De La Salle replying statement in relation to
4 HIA381 can be found at 4091 and there are exhibits that
5 run from 4092 through 4135, and I will say something
6 briefly about those exhibits shortly.

7 The Health & Social Care Board statement can be
8 found at 8675 through 8676 and it has exhibits that run
9 from 8677 through to 8683.

10 HIA 381 was born on and presently is
11 aged . He was in Rubane from , aged
12 until aged later he
13 reached and was discharged from care and a relevant
14 reference for that can be found at 4121, which is his
15 discharge document.

16 , which I will come to next, entered at
17 the same time, but stayed longer, until
18 , , .
19 That can found at RUB3949.

20 So to put it in context HIA381 is coming to Rubane
21 as an older boy than historically might have been the
22 case when we were back in the , and
23 coming after there has already been the police
24 investigation that led to three prosecutions and two
25 convictions.

1 His admission record can be found at 4093, and just
2 to give you a little bit of background to his context,
3 HIA 381 and had been taken into care in
4 when he was aged and that was at the
5 request of his mother. Reference for that can be found
6 at 8678. That relationship at home remained difficult.
7 He was discharged from care back to his mother in

8 That can be found at RUB32559. The
9 relationship with his father was always limited and
10 difficult, as evidenced by the social work reports of
11 , when HIA 381 was making it clear
12 whilst at Rubane that he didn't want to go and live with
13 his father. That can be found at RUB32569 and RUB32567.

14 A social work court report of --
15 I~want to bring this up, because it may be of more
16 general relevance to the panel. If we can look, please,
17 at 4134 and going on to 4135, this document explains the
18 thinking behind HIA381 and HIA382 coming
19 back into care and entering Rubane. If we can bring up,
20 please, 4134. If we just scroll down, please. So the
21 home circumstances are set out and background to the
22 family difficulties. If we just scroll on down, please.
23 Then a summary is given. Involvement that there has
24 been with the family to date and then particular
25 reference to HIA 381 and HIA 382. You can see that they

1 were -- had a history of absconding from school and
2 absenteeism and that those difficulties are set out, and
3 the efforts that have been made to try and deal with
4 them and various difficulties that arose for the
5 from not being at school and problems they were
6 getting into outwith school. Then it says:

7 "I have discussed this with Mrs [name redacted]", so
8 discussed with their mother, "and she seems agreeable to
9 the boys going to Kircubbin. She has, in fact,
10 previously asked me on several occasions to take them
11 into care, as she found it extremely difficult to
12 discipline them. I therefore agree with the Western
13 Education Board's recommendation that HIA 381 and HIA 382 be
14 sent to Kircubbin Boys' Home to continue their
15 education."

16 You can see that the discussion in the previous
17 paragraph is saying:

18 "At a recent discussion with the Education Welfare
19 Officers it was agreed that it might be in the boys'
20 best interests to be admitted to Kircubbin in an effort
21 to prevent them eventually being sent to Training
22 School."

23 So certainly in the early this is the Western
24 Board considering sending boys who were having
25 difficulty to Kircubbin so they could continue their

1 education, but in an environment that they hoped would
2 arrest the spiral towards what the author of this
3 document in any event saw as leading to a Training
4 School Order.

5 So they were taken into care for this second
6 occasion under section 103 of the 1968 Act, which is the
7 duty on the Welfare Authority to take children into care
8 if proper accommodation, maintenance and upbringing is
9 not available. That is what then happened with the boys
10 going to Rubane.

11 If we can look, please, at 722 and paragraphs 17 to
12 19, what HIA 381 has to say about Rubane is he was placed
13 there. He has no complaints about his time in Rubane.
14 He loved it there.

15 "BR2 was . I got on all right
16 with him. I remember there was also a BR7."

17 I will have to come back to who that is, Members of
18 the Panel.

19 "I never had any trouble with the Brothers. I had
20 a room of my own in chalet and I was given pocket
21 money and a clothing allowance every month. We were
22 allowed to go home at weekends, but and
23 I chose to stay at the home and work. We did gardening
24 and decorating, basically anything that needed done, and
25 the Brothers paid us.

1 I did not witness any sexual abuse whilst I was in
2 Rubane and I did not suffer any physical abuse."

3 The Order draws a contrast with the evidence that
4 HIA381 is giving about his time in Rubane to that which
5 you heard of HIA50 and others who are talking about this
6 same period.

7 The material that I mentioned, the exhibits that the
8 Order have provided in the context of the
9 , the material on HIA381 provided by
10 the Order demonstrates how the Order would see it how
11 care has developed by this point in Rubane between
12 and in that you have available -- and I am not
13 going to go into them in terms of bringing them up, but
14 having looked at them, you have detailed medical
15 records, detailed observation sheets covering the time
16 in Rubane and internal case review documents, then
17 reports for and record of external case reviews
18 involving Rubane staff, Board social workers and HIA 381
19 himself.

20 When we return, if we have the opportunity to do,
21 although I know the Panel is already aware of the
22 material relating to this, but by this point, despite
23 what I am saying about the now extensive records that
24 are being kept, there was a tension still between
25 diocesan staff, so the Catholic Child Welfare Society

1 and the Father who was running it, and a social worker
2 being seconded to the home, a tension between their
3 approach to child care as they saw it and what was
4 happening in the home in terms of child care practices,
5 and that's something that we can pick up again before we
6 finish the module, but the experiences that HIA381 had
7 was clearly a positive set of experiences and the
8 documents that are exhibited disclose that that positive
9 experience was matched by the views of those who were
10 working with him in Rubane.

11 So unless there's anything you want me to draw to
12 your attention that's what I propose to say about
13 HIA381, who is HIA381.

14 DOCUMENTS AND EVIDENCE RELATING TO HIA382

15 Q. If I can turn then to "HIA382", who is HIA382, the

16 of HIA381. He was born on
17 and is now . HIA381 was older.
18 The pattern in relation to him is similar.

19 His witness statement for the record can be found at
20 8881 through to 8886.

21 The De La Salle replying statement can be found at
22 3946 and 3947, and there are exhibits from 3948 to 49...
23 -- sorry -- to 4090. So again extensive records.

24 The Heath & Social Care board reply can be found at
25 8688 through to 8689, with exhibits from 8690 to 8696.

1 We have looked at his period coming into and leading
2 up to his time in Rubane, because it's the same process
3 as that which applied to . So he was in
4 Termonbacca. He had given evidence to the Inquiry
5 previously, , and he entered Rubane
6 on , aged , along with
7 HIA381, and he remained there until ,
8 aged
9 .

10 His admission record can be found at 3949. We can
11 look at his statement, please, at 8883 and paragraph 13.

12 CHAIRMAN: Can I just query -- the statement I have starts
13 at 725.

14 MR AIKEN: I seem to have been given a -- the one that has
15 been given to me in my bundle has a different number.

16 CHAIRMAN: Not that it matters. It seems to be the same
17 document.

18 MR AIKEN: It may be we have managed to get two copies in
19 the bundle. So my apologies for that.

20 In paragraph 13 of the statement HIA382 says:

21 "Rubane was different to Termonbacca. You weren't
22 belittled or run down there. I felt that I was
23 respected by the Brothers and that is why I never ran
24 away from Rubane."

25 Just by way of example I am going to show you, if we

1 can look, please, at 32561, this is an external report
2 by BR5 of . He was working with HIA382,
3 and this is an example of the type of material I am
4 talking about:

5 "He is a pleasant, respectful lad who has given
6 little trouble over the years in the home.

7 In many ways he has made good progress and now is
8 almost part and parcel of the home. HIA382 is finished
9 with the YTP, and while he had a job for a while
10 , that too has terminated due,
11 according to HIA382, to intimidation.

12 The problem now is HIA382's future. Rubane has
13 nothing more to offer apart from board and lodging.

14 HIA382 would like to live in the area. The prospect
15 of work is bleak and HIA382's commitment to work is weak
16 in the extreme.

17 However, some future must be planned for him for
18 time in Rubane is running out for HIA382."

19 So he is enjoying his time in Rubane. There is
20 a good word being said of him by BR5, who is reporting
21 on him, but recognition of the difficulty with
22 progressing beyond the home, even though he has done
23 a YTP scheme.

24 He does, however, describe some instances that
25 I want to draw to the Panel's attention. In

1 paragraph 18 of his statement-at 8884 he describes what
2 might be characterised as some form of emotional abuse.
3 He says:

4 "I remember a boy from being abused in
5 this way", that he describes. "Some boys were mentally
6 abused by a member of staff. I do not recall the name
7 of the staff member. He told the boys that they were
8 a waste of space and useless."

9 He indicates he told BR5 what was said and he told
10 him to leave it with him. That's the only instance of
11 that type of behaviour that he describes.

12 In paragraph 18 he also makes the point he didn't
13 suffer any sexual abuse in Rubane and was not aware that
14 any sexual abuse was taking place. So again by this
15 point in you have significantly reduced numbers
16 living in Rubane, between 30 and 40 boys, and he's
17 recounting the same experience as .

18 In paragraphs 16 and 17 he does make reference to
19 physical abuse and he says:

20 "There was abuse in Rubane. One day during PE, when
21 we were playing indoor football, the PE teacher",

22 whom he identifies, and there is an issue over the
23 identification of who this person is, and the Order's
24 statement addresses that, but what he is saying is:

25 "A teacher got very physical tackling me and

1 I didn't like it so I kicked in every door on his car.
2 He saw me doing this through the window at the gym. He
3 punched me on the face and broke my nose. I told BR5
4 what happened and he didn't do anything. I received no
5 medical treatment. I didn't play football again and
6 tried to avoid the particular teacher."

7 The Order has said, if we just look at the reply at
8 3946, paragraphs 5 and 6, that the detailed records of
9 HIA382 have been provided to the Inquiry, and I have
10 outlined the summary of those. They are the same as
11 HIA381, and they illustrate a relatively detailed
12 account of his time, that he was ,
13 but there is no record of this particular incident, and
14 the Order, therefore, is surprised by the allegation,
15 because the reaction that HIA382 attributes to himself
16 would not have been characteristics of how the Order saw
17 HIA382 in Rubane, and they say what he is describing
18 would be of sufficient gravity that they would have
19 expected it to have been documented. Then they deal
20 with the issue over identification, but it appears to be
21 an isolated incident that he is describing that involved
22 him.

23 What he does say, if we can go back to paragraph 17,
24 please, at 8884, he says:

25 "I witnessed BR6" -- that's BR10 -- "who was

1 as he has alleged."

2 Like HIA381, the material on HIA382
3 provided by the Order demonstrates how care was then
4 operating in Rubane between and , and again his
5 material covers medical records, detailed observation
6 sheets and internal case review documents, reports for
7 and records of external case reviews involving Rubane
8 staff, Board social workers and HIA382 himself.

9 Records show, for instance, just by way of example,
10 HIA382 had a difficulty with his teeth. If we look at
11 3952, please, you can see a handwritten record of
12 various appointments of HIA382 being taken to the Royal
13 Victoria Hospital for treatment. That covers the
14 period, and just by way of reference if we could go to
15 32570, please, you can see again HIA 382 is receiving
16 dental treatment at the Royal Victoria Hospital and this
17 is continuing. So these are the types of records that
18 are extensive in nature that are now being kept.

19 As I indicated, that tension remains between the
20 social worker who was seconded to the home by the
21 Catholic Child Welfare, the diocesan organisation that
22 was also involved in provision of Social Services, and
23 we will look at that again.

24 In an external report, if I can just show you,
25 32562, please, this is an external report of

1 documentary material that the Inquiry has received in
2 addition to the evidence that you've been hearing that
3 relates to him.

4 His real name was BR6. He was born in
5 in Can we just bring up, please -- his CV is
6 at 973. I will allow that to remain on the screen as
7 I say some of the next parts. He came to Rubane in
8 as
9 and therefore , because at the
10 time both roles were held by . The
11 reference to that is at 11821. He was therefore the
12 person in charge of the children's home for the purposes
13 of the Children and Young Persons Voluntary Homes
14 Regulations 52. He was years of age when he arrived
15 and he remained in Rubane essentially for years until
16

17 He was replaced as the ,
18 , and
19 consequently the by BR2 on
20 . The reference for that is at RUB11834. So
21 he had been from his arrival the person in charge at
22 Rubane for years. You may recall from our
23 discussions in the first week when we looked at the
24 Brothers' rules that the cycle of replacing
25 was to be three years, a maximum of six years,

1 but in BR6's case he held that role for years.

2 You may also recall that, as I was explaining and we
3 were looking at during the opening week, his tenure

4 involved the redevelopment of Rubane with the

5 construction of chalets. That was undertaken in the

6 after many years of and you will recall the

7 meetings and philosophical debate about child care,

8 about institutional dorms as against small family home

9 groups, that went on between the diocese of Down &

10 Connor's priests, who were responsible for the home, the

11 De La Salle Order and the then Ministry of Home Affairs.

12 Having been replaced by BR2 in in terms of his

13

14 , he briefly moved it appears in

15 to become the .

16 , but for whatever reason, which is not clear

17 from the material which the Inquiry has considered, that

18 posting was very short lived and he returned to Rubane

19 in the same year. The references to that can be found

20 at 11837 in the History of the Home.

21 He then remained in Rubane from until

22 and he resumed the post of

23 from

24 until . If we just scroll down a little,

25 please, so we can see the bottom entries. Thank you.

1 We can see from the CV that he went on to hold what
2 appears to be high level roles in the Order itself. He
3 is described in as being the
4 . I take that to mean he was the
5 for a period. If I have got that wrong -- I
6 am being told that's wrong. So I will clarify exactly
7 what that means. He is the certainly for the
8 for a period, and he died in in
9

10 There are twenty individuals who have come forward
11 to the Inquiry to make allegations against BR6. You
12 have heard from a number of these individuals and
13 a number have for various reasons not attended to give
14 their evidence, but you have their material, and I am
15 going to just draw attention to who they are. I am
16 going to use the names for everyone's ease. They
17 shouldn't be reported beyond the chamber.

18 The first person in terms of time is HIA388, who is
19 "HIA388". He was in Rubane in He amongst other
20 things makes sexual allegations against BR6, which the
21 Order on BR6's behalf deny.

22 The second individual is HIA244, who is "HIA244",
23 who was in the home between and , and he
24 describes physical beating being done by BR6 while held
25 down by others. Again that's denied by the Order.

1 Corporal punishment may have taken place, but not the
2 holding down of boys by a number of people for someone
3 else to then cane them.

4 The third individual is HIA160, who again, if
5 I recall correctly, did not give evidence. He was in
6 the home between and . He makes sexual
7 allegations of being kept back in class and the -- and
8 then touched by BR6, and the Order doesn't accept that
9 BR6 was sexually abusing boys in Rubane. They certainly
10 accept he would have been engaging in corporal
11 punishment of boys as and
12 , but they make it clear that
13 they don't accept he was sexually abusing boys or that
14 he was -- they use a particular phrase for it -- they
15 don't accept he was a paedophile, someone who was
16 routinely abusing boys in his care.

17 The fourth individual is HIA262, who again did not
18 give evidence before you. He was in Rubane between
19 to . He makes physical allegations against BR6, and
20 again the Order deny the type of description that he
21 gives of the beating he is alleged to have suffered and
22 the Order deny that that beating would have happened,
23 and certainly not in the way that's described.

24 The fifth individual was , HIA26, who
25 again did not give oral evidence. He was in the home

1 between to . Again he did not give oral
2 evidence to the Inquiry. He makes allegations of a
3 physical nature. The Order don't accept his account for
4 the reasons they have set out in their replying
5 statement.

6 The tenth individual was **HIA 128** who gave
7 evidence -- who was in the home between to and
8 again did not give evidence. He makes serious sexual
9 allegations against BR6, amongst a number of others, and
10 the Order denies those allegations.

11 The eleventh individual is HIA259, who was in the
12 home between to He makes physical allegations
13 of being beaten on a couple of occasions. The Order say
14 to that that they accept BR6 would have been strict in
15 class but fair, and would have been the person to carry
16 out the corporal punishment.

17 The twelfth individual was HIA25, who was in the
18 home between to , and the allegation made by
19 HIA25 is that he told BR6 about abuse that he said he
20 had suffered at the hands of another Brother. Again the
21 Order do not accept that. They say that had he told
22 BR6, it would have been reported in the same way that
23 BR6 had dealt with the allegations involving BR14
24 and then the allegations involving BR15.

25 The thirteenth individual is HIA379, who was in the

1 home in So I have got him slightly out of
2 sequence. He alleged physical abuse or flogging, as he
3 described it, and again the Order accept that corporal
4 punishment might have been given by BR6, but not
5 anything beyond that.

6 The fourteenth individual you heard from just the
7 other day, HIA149, who was in the home between and
8 . He made sexual allegations against BR6, as he did
9 a number of other Brothers, and the Order again deny the
10 sexual allegations and point to the police
11 statement that doesn't make complaints of abuse.

12 The fifteenth individual is HIA 41 that you
13 heard from this week. He was in the home between
14 and . He made allegations of physical abuse. The
15 Order address those allegations in their replying
16 statement as to what they say about them.

17 The sixteenth individual is HIA362 you have heard
18 from this week. He makes a physical allegation and
19 again the Order point to corporal punishment was the
20 context of what that complaint is.

21 The seventeenth individual is DL73, whom you heard
22 from the other day, whom I took through his evidence.
23 He was in the home between and . So he made
24 simply one allegation of physical abuse, being, as he
25 said, slapped in the face for no reason.

1 The eighteenth individual you have just heard from
2 this morning, HIA256. He was in the home between
3 and . He makes allegations of sexual abuse and the
4 Order denies those allegations and has set out the
5 reasons in the response statement.

6 HIA50 was in the home between and , and to
7 the extent that sexual abuse was implicated against BR6
8 that's not accepted by the Order. They point to the
9 fact that previously it had been said by that individual
10 that BR6 was great.

11 The twentieth individual is HIA147, to .
12 He made an allegation to police in 1995 that he told BR6
13 about what BR27 was doing to him in terms of sexual
14 abuse. The reference for that is at 61794.

15 Of those twenty witnesses, to try to bring that
16 together, seven of them make allegations of sexual
17 abuse, eleven of physical abuse and three of BR6 being
18 told something that they say was not properly dealt
19 with. Those allegations span the years that BR6 was
20 in Rubane, and, as I said, the Order does not accept any
21 of the allegations of a sexual nature and categorically
22 denies that BR6 was a paedophile and was sexually
23 abusing boys in his care.

24 If we just look at 3099, please, and paragraph 9,
25 and you can see:

1 "In respect of BR6: Surviving Brothers do not
2 accept that -- does not accept that he was a paedophile
3 or was abusing boys in his care."

4 The Order does refer to certain of the allegations
5 that are made against BR6 as in the realms of fantasy.
6 I will just give you the reference. That's at
7 paragraph 17, 4318, and a myth, at paragraph 28, 2704.
8 The Order does accept that BR6 would have administered
9 corporal punishment as punishment for doing something
10 wrong, but insists that he was strict but fair. You can
11 find that at paragraph 8 at 3318.

12 Obviously you will be able to consider all of the
13 allegations and material that you have heard and -- in
14 relation to BR6, but in addition the Inquiry has then
15 received a significant volume of police material
16 relating to BR6.

17 As part of the 1995 Rubane investigation arising
18 from Operation Overview file 4 of 41 related to BR6.
19 That runs from RUB61681 through to 61951. So the file
20 runs to 330 pages. The police report can be found at
21 RUB61684 through to 61696.

22 Now the report records fifteen complainants making
23 allegations against BR6. You can find them listed in
24 summary form at 61686 and then 61702 and 3. Three of
25 those individuals have come forward to the Inquiry. The

1 first is HIA26 -- and I will return to him again -- but
2 he, as you know, didn't -- wasn't able to give oral
3 evidence to you. The second was HIA41 and the third was
4 HIA147. You have heard from those two individuals.

5 Of the twelve who didn't come forward to the Inquiry
6 but who make up the fifteen from file 4 of 41 and for
7 whatever reason that they didn't come forward, I am
8 going to briefly show you the nature of their complaints
9 that they made.

10 The first was -- I am going to try to do this in
11 chronological order as best I can -- DL 198
12 DL 198 and he was in Rubane between and . If
13 we just look, please, at RUB61726, he recounts being
14 taken into BR6's room, asked about a girlfriend he was
15 going with and then describing being touched.

16 The second individual is DL 200 , who
17 was in the home between and . If we look at
18 61732, please, and he makes allegations of being fondled
19 --

20 CHAIRMAN: Yes.

21 MR AIKEN: -- being fondled in BR6's office on three
22 different occasions. If we just scroll down, please,
23 until we get to BR6. Just keep scrolling down, please.
24 Keep going, please. So he is talking about BR15. Keep
25 going, please. Then he starts to talk about BR6. Just

1 scroll down on to the next page, please.

2 CHAIRMAN: This is a different person. If you go back to
3 the previous page --

4 MR AIKEN: Just scroll up, please.

5 CHAIRMAN: -- he says:

6 "It is not the same person that I mentioned
7 earlier."

8 MR AIKEN: Yes. He is talking -- I think that's a problem
9 with the designation. He is talking earlier about --

10 CHAIRMAN: Well, he appears to be saying that two separate
11 individuals who are interfered
12 with him in the way he has described according to that
13 statement.

14 MR AIKEN: Yes.

15 CHAIRMAN: Yes.

16 MR AIKEN: The third individual was DL201. That's
17 an allegation of physical assault that was recorded in
18 a statement made by DL202, who was in the home between
19 and through to . That can be found at
20 RUB61747, and the -- he alleged he was assaulted until
21 he passed out. Those allegations were not put to BR6
22 even at his interview.

23 CHAIRMAN: I am not quite clear what you are saying here.
24 There are two individuals you have given us names of.
25 Is one reporting something that happened to the other?

1 MR AIKEN: Yes. If we look at 61747, DL202 is saying that:
2 "A boy named DL201" -- DL201 -- "was beaten once
3 until he passed out. He was assaulted by BR6 and BR2
4 and the reason for the beating was he had run away from
5 the home and later been caught."

6 CHAIRMAN: Thank you.

7 MR AIKEN: The Fourth individual was DL196, who was in the
8 home from to , and if we look at 61719, please,
9 he makes a physical allegation -- scroll down, please --
10 that he was beaten with a cane by BR6, who was the
11 headmaster while he was there.

12 CHAIRMAN: Just go to the top of the page, please.

13 MR AIKEN: Just scroll to the top, please.

14 CHAIRMAN: So he is DL196?

15 MR AIKEN: DL196.

16 CHAIRMAN: Yes.

17 MR AIKEN: If we just scroll down, please. So he indicates
18 he was beat with a cane:

19 "... beat me about the body with a cane in the
20 dining room, showers, everywhere, things like leaving
21 the school grounds, for fighting in the playground. He
22 also beat me for not eating up my meals quickly enough."

23 Then DL195 is the fifth individual, who was in the
24 home between to . He makes allegations of
25 sexual abuse of a graphic nature. They can be found at

1 61714. He is "DL195". If we scroll down, please. Just
2 move on to the next page, please. So he is saying:

3 "One Brother who always appeared to be there was
4 BR6. You weren't allowed to smoke in the television
5 room, but BR6 always let you away with it. He would
6 come into the television room when we were there and ask
7 us to sit with him. He didn't want us to sit beside
8 him. He always wanted to sit on his knee. Whenever we
9 sat on his knee he would give us sweets."

10 Then he describes what he says would happen whenever
11 he was sitting on his knee. His allegations were going
12 to form -- he was -- I will come to -- he was going to
13 be the fourth individual who was put forward as part of
14 the prosecution that ensued out of this file, but he
15 didn't attend a number of meetings with the DPP and
16 therefore his allegations were not progressed in the
17 criminal process.

18 The sixth individual was DL66. He was in the home
19 between and .

20 CHAIRMAN: What was his DL number?

21 MR AIKEN: If we look at 61754, he is DL66. You can see
22 that he talks about being caned in BR6's bedroom.

23 CHAIRMAN: This is an allegation of what one might call
24 gratuitous caning, in other words, it is not ostensibly
25 for any breach of school or home discipline --

1 MR AIKEN: Yes.

2 CHAIRMAN: -- such as absconding. Yes.

3 MR AIKEN: Then the seventh individual was DL213, if we can
4 look at 61805, and he was in the home between and
5 . He was "DL213". He makes a series of allegations
6 of both serious physical abuse and serious sexual abuse,
7 including alleging that a number of Brothers anally
8 raped him in the derelict house on the farm. Now he was
9 evaluated by police as an unreliable witness due to
10 and the allegations weren't put to
11 BR6, and there is a strange reference to:

12 "No charges were recommended, although the police
13 expressed the view there might be some truth to the
14 allegations."

15 They were -- those allegations were then considered
16 again in file 38C of file 41, but the police decided not
17 to interview BR6 in respect of the allegations, and that
18 can be found at 64137, and a decision of no prosecution
19 was directed on 15th October 1996 in respect of them.
20 That's at RUB61428.

21 The eighth individual, if we look at 61737, please,
22 is DL64, who was in the home between and . He
23 is "DL64". He makes an allegation of a physical
24 assault. He says, if we look at 61739, if we move
25 through to it, please, he describes being "leathered"

1 numerous times and he identifies various Brothers
2 including BR6.

3 The ninth individual was DL193. You will have heard
4 me mention his name in the context of BR15. It's
5 a slightly complicated picture. If we look at 61704,
6 please, he was in the home between and . He is
7 "DL193". If we can move through, please, to 61706, now
8 this is a boy who has , and initially
9 when he spoke to police about what happened, they linked
10 it to BR15, and then it was -- became clear BR15
11 wasn't -- was no longer in the home at the time DL193 is
12 describing what occurred for him, and then he in his
13 police statement then links what he described as
14 happening to him to a person he identifies as BR6 and
15 then he describes him.

16 Now you have pictures of BR6, and this person is
17 being described as someone who was
18 . He wore
19 . So the difficulty is
20 potentially not whether what happened to him happened to
21 him or not, but who might have been the person
22 responsible for it and whether it is correct that that
23 be identified to BR6.

24 The tenth individual, DL60. If we look at 61749,
25 please, he was in the home between and . He is

1 "DL60", and if we can move through, please, to 61752, he
2 makes allegations of physical assault. So you can see
3 he remembers running away from school on one occasion.
4 He says he was at the time. He was caught a short
5 time by the teachers.

6 "Later that day BR6 was taking the class. Brought
7 him up -- brought up the subject about running away. He
8 said about hearing I had a wee trip. I was cocky back
9 to him. He hit me around the back of the head a couple
10 of times with a wooden metre ruler. He did this in
11 front of the class. He didn't mark me, but it was very
12 sore at the time."

13 The eleventh individual is DL69, if we look at
14 61756, please. He is "DL69". If we can move through
15 61762, he makes a series of allegations against a number
16 of individuals and then says this about --

17 "The only other thing I can remember is BR6 hit me
18 on the back and leg with a cane. This happened in front
19 of the class one day."

20 It is an allegation of physical assault.

21 The twelfth and final allegation from the twelve who
22 have not attended before the Inquiry but are contained
23 in the police material is DL204. If we can look,
24 please, at 61783, he was -- he is DL204. He was in the
25 home between and , and the allegation that he

1 makes is that BR6 -- if we can look at the next page on
2 61784, he is alleging he was abused by a different
3 Brother. It is BR23 he is making the allegations
4 against. That would be BR23. He says:

5 "I can remember telling BR6 at the start what was
6 happening to me. He told me I was talking nonsense and
7 didn't believe me."

8 That's -- as I said, he was in the home between
9 and .

10 Now BR6 was interviewed by police on two occasions
11 about most of the fifteen individuals' claims, once on
12 4th April 1996, and that interview runs from 61809
13 through to 61915. So it's 105, 106 pages, and then
14 again on 10th October 1996, because HIA26's allegations
15 came in between the two interviews, and that runs from
16 68272 through to 68356.

17 Now we will have looked at BR6's or portions of
18 BR6's interview at various times, including him
19 describing the steps he took in respect of BR15 and
20 BR14, but at no time during the interviews did BR6
21 accept that he had sexually abused children in his care.
22 We can see at -- what he had to say at the conclusion of
23 the first interview. If we can look at 61913, please,
24 he is asked:

25 "Q. Somebody maybe put pressure on them to make

1 complaints against you. Why would anyone do that?

2 A. I don't know really. I couldn't answer that
3 question. No, I couldn't answer that question.

4 Q. Well, generally with regard to all of the
5 complaints, as we're about to terminate the interview,
6 is there anything in particular that you would like to
7 say in conclusion with regard to what has been said
8 about you?

9 A. Well, as I said before and I repeat again, that
10 all the allegations made against me are untrue.
11 I completely deny each and every one of them.

12 Q. Uh-huh.

13 A. They're so ridiculous that they are beyond my
14 comprehension."

15 In the second interview at 68351:

16 "Q. Right. What we're saying there is that you
17 ..."

18 A particular allegation is put to him. He says
19 it's:

20 "A. Completely ridiculous."

21 Then a further sexual allegation is put to him:

22 "A. Absolutely and completely wrong.

23 Q. Okay.

24 A. [It's] a lie, a lie."

25 Then the allegation of buggery is put to him and he

1 **then says:**

2 **"No boy was ever allowed into my bedroom."**

3 **Then if we just keep going down, please, he says:**

4 **"He was never allowed into my bedroom.**

5 **"Q. Now he then says, 'BR6 and BR1 had big heavy**
6 **leather straps which were said to have 3d bits sewn into**
7 **them'.**

8 **A. In Kircubbin nobody ever used a strap.**

9 Q. Okay.

10 **A. We used a cane.**

11 Q. Okay. 'I was hit a few times.' He doesn't
12 elaborate any more on the beating. Goes on to say -- he
13 is describing where the various Brothers' rooms were."

14 So he is saying the allegations are ridiculous and
15 completely wrong.

16 Now in November 1996, after the second interview,
17 which was in October, the DPP directed that BR6 be
18 prosecuted for eight counts of buggery and seven counts
19 of indecent assault in respect of the three individuals.
20 If we look at 61947, please, so this is the charges that
21 were directed. Of the three individuals, one came
22 forward to the Inquiry. That was HIA26, although he
23 didn't give oral evidence, and the other two were DL200
24 and DL198, if you just scroll down, please. So HIA26,
25 DL200 -- scroll down, please -- and DL198.

1 police inquiry into BR6. Only one of those is part of
2 the civil claims process, and then the other three are
3 in effect individuals who weren't part of the police
4 process, who haven't come to the Inquiry but who have
5 taken proceedings.

6 So the one who was part of the '95 police inquiry
7 was DL193, and I have given you the references for him.
8 I will just quickly -- it is at 50789 and 50797 through
9 to 50809. So that's the civil documents in which he
10 alleges that he was anally raped twice in the clothes
11 room and once in the hayloft. There's an issue
12 obviously over the identification of who may have been
13 responsible for those acts, if they occurred.

14 The three other individuals then who have not come
15 forwards to the Inquiry and were not part of the police
16 investigation in '95, the second of the four, therefore,
17 was DL447, and you will recall him being mentioned by
18 DL116, the person in the cell next to DL116, whom DL116
19 alleged had wanted him to put forward the same Brothers'
20 names in order to assist the claim. The reference for
21 that material is at 51283 in the bundle.

22 CHAIRMAN: Just before we go any further, am I right in
23 thinking, Mr Aiken, that what this amounts to is that
24 there are twenty individuals who made allegations
25 against BR6 who applied to the Inquiry?

1 MR AIKEN: Yes.

2 CHAIRMAN: Another twelve who made complaints to the police
3 but did not come to the Inquiry?

4 MR AIKEN: Nine. There are twelve who formed part of the
5 police inquiry, three of whom have come forward to the
6 Inquiry.

7 CHAIRMAN: Let's go just stage by stage. There are fifteen
8 complainants, three of whom came to the Inquiry. So
9 that leaves twelve.

10 MR AIKEN: My apologies. Quite right. Apologies.

11 CHAIRMAN: So we have twenty who came to the Inquiry?

12 MR AIKEN: Yes.

13 CHAIRMAN: Three of those also went to the police, but there
14 are another twelve who went to the police who didn't
15 come forward to the Inquiry?

16 MR AIKEN: Yes, yes.

17 CHAIRMAN: And there are a further three new individuals, if
18 I may put it that way --

19 MR AIKEN: Yes.

20 CHAIRMAN: -- you have just told us about who have brought
21 ongoing civil claims?

22 MR AIKEN: Yes.

23 CHAIRMAN: So there are 35 individuals who in one way or
24 another have made allegations about BR6, twenty to us,
25 a net figure of twelve to the police in 1995 and

1 a further three by way of currently proceeding civil
2 claims?

3 MR AIKEN: Yes.

4 CHAIRMAN: Thank you.

5 MR AIKEN: So the three -- of the four civil claims, one,
6 DL193, was already part of the '95 police investigation.
7 The second, third and fourth civil claim, the second one
8 belongs to DL447, and the references are at 51283
9 through to 51310, and he was in the home between and
10 , and he is making physical abuse allegations of
11 temper and claims to have been beaten with hurley bats
12 and bamboo canes and leather straps for smoking or
13 talking to girls. I have already indicated to you the
14 allegation that DL116 makes in respect of DL447's
15 evidence. He is also of HIA149, whom you
16 heard from.

17 The third civil claim is from a DL445. It is at
18 50892. He was in the home in . The allegations are
19 of a physical and sexual abuse, but there are no details
20 beyond that and simply BR6 is one of the named
21 defendants. So the matter hasn't progressed anywhere.

22 CHAIRMAN: I take it from that no Statement of Claim has
23 been delivered?

24 MR AIKEN: No, no Statement of Claim.

25 CHAIRMAN: And therefore the only description is the brief

1 description given in the general endorsement on the
2 writ?

3 MR AIKEN: Yes.

4 CHAIRMAN: Thank you.

5 MR AIKEN: The fourth individual is DL446, who was in the
6 home between and , and the civil claim material
7 is at 51075 and 51082. He makes an allegation of sexual
8 abuse in DL446's room at night.

9 As I said, none of the sexual allegations are
10 accepted, and the physical allegations against BR6 are
11 characterised as corporal punishment, those that are
12 accepted by the Order as having occurred, as part of the
13 BR6's role.

14 In the Order's admission statement which was
15 provided to the Inquiry, which is the third statement
16 from BR32 of 22nd October 2013 that begins at RUB317,
17 the Order does not include BR6 amongst those Brothers
18 whom it accepts sexually abused children in their care.
19 Those three Brothers are set out at 318 through to 322.

20 I have shown you already paragraph 9 of a particular
21 individual replying statement which perhaps helpfully
22 summarises. If we just look at 3099 and paragraph 9,
23 the Order draws attention to the fact that there are
24 a number of applicants to the Inquiry that you have
25 already heard from who are positive in their

1 recollections of BR6, and the Order acknowledges there
2 are those who have indicated negative recollections, but
3 the Order does not accept, unlike the other individuals
4 that it's acknowledged, that he was a paedophile or was
5 someone who was sexually abusing boys or indeed
6 physically abusing boys in his care.

7 He is one of a number of Brothers that I am going to
8 deal with over the next short period who is in the home
9 for a lengthy period of time, in his case years, and
10 obviously there's a broad in terms of chronology of time
11 of individuals who have had something to say about BR6
12 and you will obviously have the positive evidence that's
13 also been given by a number of individuals about him,
14 and obviously for a -year period he was

15
16 Unless there is anything you want me to address,
17 that's what I propose to say in terms of trying to bring
18 together in a form of summary the allegations that are
19 made against this particular Brother, and I intend to do
20 something similar in the next number of days in respect
21 of others against whom many allegations are brought, but
22 whom you will not have the opportunity for whatever
23 reason, either through them having passed away or being
24 too ill to be present to answer to the allegations, so
25 that you have an understanding of the broad sweep of

1 I am just going to outline where certain papers are in
2 our material for the Panel Members and anyone else who
3 needs to know the numbers.

4 HIA519 gave an Inquiry statement, which is at RUB922
5 to 926, and just to be clear that HIA519 was unhappy
6 with the detail in that witness statement and has
7 prepared his own statement, which has been added to the
8 bundle, and that can be found at RUB8887 through to
9 8900.

10 The Order's response is at RUB429 -- sorry -- 4249
11 to 4251 with the exhibits at 4252 to 4273.

12 The Health & Social Care Board has provided
13 a statement, which is at 8686 to 8687, which indicates
14 that, as HIA519 had been placed in Rubane at the behest
15 of the Probation Service, they have no records
16 pertaining to him.

17 There is a police statement that HIA519 gave to
18 police in 1996, which is at RUB62702 to 62704.

19 There are other police statements in the file, which
20 are at 64221 to 64232, and there is an interview with
21 a **DL 423** , which can found at RUB64236 to
22 64252.

23 Now, HIA519, this is the -- if we can put up, first
24 of all, please -- and I hope, HIA519, you are content
25 for me to use the original statement that -- the Inquiry

1 statement to go through with you some of the details,
2 and if we haven't got all of the details or have got
3 details incorrect, then we can look at those in due
4 course, but if we could just go back, please, to 922,
5 RUB922, now this -- I know you are not entirely happy
6 with this statement, HIA519, but I am just going to use
7 it to guide you through your evidence, if I may.

8 Your personal details are set out here in
9 paragraphs 1 and 2, and then if we could go on to
10 paragraph 3, you talk about being placed in St. Pat's
11 for one night. Now I am just going deal briefly with
12 what you say about St. Pat's, and you talk about what --
13 you describe in this paragraph -- and I know you give
14 more detail about this in the second statement -- that
15 on your one night in St. Pat's you were battered as part
16 of a ceremony initiating you into the system. Older
17 boys made you stand on a table and sing into a sausage
18 as if it was a microphone. This was called 'Singing
19 the Sausage'. They threw food at you for refusing to
20 sing. The staff made you clean up the mess and then
21 those older boys also peed on your bed later on and you
22 were made to sleep in that wet bed. That's the only
23 time that you were in St. Pat's and that's the complaint
24 that you have about your time there. Is that correct?

25 **A. That's correct.**

1 Q. Okay. Now just to be clear, I want to -- we have looked
2 at some documents in respect of you, HIA519, and about
3 how you came to be in Rubane, and if I may summarise,
4 and I think probably the best document to look at is at
5 RUB4268, and this is a report that was prepared by
6 a probation officer, DL 422 , in . It sets
7 out the details there of your family, and if we can just
8 scroll down, I have read this full statement to you
9 earlier today --

10 **A. Yes.**

11 Q. -- but essentially you and your brother got into a bit
12 of trouble, which resulted in you being placed on
13 probation. You pleaded guilty to a charge. We think it
14 might have been something to do with a charity box. Do
15 you remember that?

16 **A. I remember, yes.**

17 Q. And as a result you were placed on probation by
18 Juvenile Court on .

19 If we can just scroll on down through that, there
20 was an incident involving you being threatened by people
21 in the area in which you were living, because you were
22 speaking to someone who was at the
23 time. You as a result of those threats left to try to
24 get the boat to Liverpool and you were caught in -- on
25 the boat in Belfast, and then you were taken to St.

1 Pat's, and from there you went to Rubane, and while you
2 were in Rubane the Probation Service got an amendment to
3 the Probation Order to allow you to reside in Rubane.

4 Now you don't remember the exact details of that,
5 but we went through all of those details earlier today
6 and you would accept that that's essentially what
7 happened?

8 **A. Yes.**

9 Q. Now you were in Rubane between and

10 . If I may summarise what you say in your
11 statement about your general care in Rubane, you say
12 that you remember it as being good. Is that fair?

13 **A. In general it was, yes.**

14 Q. I mean, you had no complaints to make about the food or
15 the bedding or the clothing or anything like that that
16 you were --

17 **A. Only problem with the food was I didn't --**

18 , which was an unusual thing, and they thought
19 I was rebelling, being awkward, and they used to give me

20 . Other people like .

21 I wanted , and because I didn't get ,

22 then I sometimes stole from the home and from

23 local shops, so I could have .

24 Q. And you --

25 **A. I got punished as a result of that, but apart from not**

1 name that was given to you to protect you because of
2 this incident?

3 **A. The time frame of this and when I was being threatened**
4 **are not the same time. It was a longer period. It was**
5 **quite an extensive period, because originally a lot of**
6 **people were spoken to, saying, "Oh, he will behave**
7 **himself now and come back. He will keep his nose**
8 **clean". A lot of people were trying to work to get me**
9 **back and that doesn't fit in with --**

10 **Q. It certainly doesn't fit in with the records that we**
11 **have got, does not quite tie with your memory.**

12 **A. No, and I was thinking based on just seeing this today**
13 **I believe if I speak to the local church they might have**
14 **some records. The same people are around. It may be**
15 **I can get that and send it on to you as a back-up.**

16 **Q. If you do get anything, we will certainly be happy to**
17 **look at it.**

18 **A. Because I've only been aware of it today, but I know the**
19 **reason I was there was because of my own protection**
20 **because I was in danger. So --**

21 **Q. I think that would be -- that certainly would be**
22 **consistent with what is being said by the probation**
23 **officer here in this report.**

24 **A. Yes, yes, and what I'm saying is that it seems to me my**
25 **memory and all my records are that I was there twice.**

1 **I think the first time I was there under a different**
2 **name than the second time, but I can only go by what's**
3 **there, but my own memory is different.**

4 Q. Okay. Well, certainly I asked you -- one of the things
5 we do have records about is that you were attending for
6 while you were in Rubane. Do you remember,
7 that, for example?

8 A. **I don't absolutely remember that. I remember the doctor**
9 **was called on one occasion, but ...**

10 Q. And you do talk about that in your statement.

11 A. **Yes.**

12 Q. Well, coming back to the major complaints, as it were,
13 that you make about your time in Rubane, at paragraph 6
14 of the original statement, which is at page 923, and
15 again I will reiterate that there's more details about
16 all of this in the second statement that you have
17 provided, but this was the Inquiry statement that was
18 prepared, you talk about being -- you talk about the
19 houseparents that you had there. I will come back to
20 that shortly.

21 Paragraph 6, you say that one day very soon after
22 you arrived at Kircubbin you were in a classroom with
23 lots of other boys.

24 "BR3" -- and I am going to give the name, but you
25 will see he has been given a designation here. So the

1 name is not to be used outside this room. "He came over
2 to me and put his hand on my shoulder and told me to
3 come to see him after school. I waited for him after
4 school and he took me over to the big house and brought
5 me to a room, locked the door and began to pull me
6 towards him by my arm. I knew that something untoward
7 was going to happen and I started to fight back.
8 I tried to open the window and the door and I was
9 shouting and roaring, but he sat down and said, 'I've
10 got all day'. He wasn't concerned that I might be
11 heard. At some point he lifted his cassock and exposed
12 his genitals. We were in his room for about an hour
13 when he pulled my hair towards him and forced my head up
14 and down on his penis and he came in my mouth. He then
15 just opened the door and let me leave as though nothing
16 had happened."

17 Now that is a summary of what you say happened --

18 **A. Yes.**

19 Q. -- and it's only a summary, HIA519. I know there is
20 a great deal more detail you wanted the Inquiry to
21 consider and we have got that in the second statement.

22 Now coming just on to the next paragraph, you talk
23 here about being beaten by the housemaster, and you
24 didn't know his name. You left this Brother in his
25 room. You went over to your chalet and you told him

1 that BR3 had asked to see you and he told you that you
2 weren't allowed to come and go as you pleased and that
3 that wasn't an excuse. He told you to go into a room
4 off the kitchen and he hit you with a leather strap.
5 You say he really laid into you:

6 "He made me pull my trousers down and hit me on my
7 backside and legs and I was sore for hours afterwards."

8 Again I am summarising.

9 **A. Yes.**

10 Q. There's more detail. You don't remember who the
11 house... -- you didn't remember the name of the
12 housemaster. Is that correct?

13 **A. No. I can remember him very visually and I can remember**
14 **his wife and . I can remember that.**
15 **My mind -- I am thinking of him now, but I never --**
16 **I couldn't remember his name. Some details I can**
17 **remember in great detail; others I can't.**

18 Q. You give details of this -- of that description in
19 paragraph 4.

20 **A. Yes.**

21 Q. You thought they were both from the and you
22 remember he had . You believed he was in
23 his and it was clear you felt he didn't like you
24 from the start.

25 **A. Could I explain why I think that? I think that's**

1 Q. You felt he was picking on you in particular?

2 A. Yes, I felt that. I felt that.

3 Q. Well, now just to be clear, the Order would say that the
4 records suggest that that man's name was a DL279. Does
5 that ring a bell with you?

6 A. It doesn't really ring a bell, but if DL279 was the
7 housekeeper --

8 Q. The housemaster.

9 A. -- the housemaster, then that's fine. I mean,
10 I remember so much detail, but I can't remember his
11 name, and it is so unusual, because I would have spent
12 more time with him and his wife , and
13 therefore you would think I would remember, but it is
14 funny how you remember some things in great detail and
15 visually and clear and other things you can't, but
16 that's the way it is.

17 Q. Certainly that's -- you can take it from me that's who
18 the Order think you are talking about. They say that
19 that man never had a strap, but they would accept that
20 some boys complained about him being overly physical,
21 but not in the way you describe.

22 A. Oh, he had a strap. The strap that he used -- I mean,
23 I wouldn't have known it at the time but I know now it's
24 called now a Lochgelly. It is made by a firm in
25 Scotland, Dick & Co. They even use -- they even made

1 the same straps for the penitentiaries in America, such
2 was the demand from them. It was a long leather strap.
3 The most -- the main part of it was solid and the last
4 part of it was more flexible, and it was forked, and
5 those forks, they were like thinner strips, and whenever
6 you were hit with that, it would wrap around. So the
7 two prongs at the end were designed to hurt. So that's
8 what -- those are the things that left the welts. So
9 whenever you were hit with those, you really felt it,
10 and obviously I don't think they were designed to be
11 used the way they were used on me and others.

12 Q. Well, paragraph 8, moving back to the particular
13 Brother, you say that he wanted to see you from then on
14 almost every day. You say you fought him off for
15 a while but eventually realised if you were late back to
16 the house, you would be beaten by the housemaster, so
17 you ended up giving in. Usually you were made to
18 perform oral sex on him, but sometimes he had anal sex
19 with you. You were so keen to get back to the house
20 that you ended up doing what he wanted really quickly.
21 You think that with hindsight that was a mistake, as it
22 made him -- made you look as though you were really
23 keen, and you think he then ended up telling another
24 Brother how good you were and how keen you were to
25 engage in these acts. So at some point there were two

1 other Brothers involved. One joined in the abuse and
2 the other watched. You give names there, which we have
3 blacked out, but you give the names of a and
4 a , but you can't be sure who did what without
5 seeing a photograph of the Brothers.

6 **A. Yes.**

7 Q. Those names were the names -- as you say, you think that
8 was their names, but the Order would simply say there
9 were no boys -- sorry -- no Brothers -- I beg your
10 pardon -- named or there at the time you were
11 there, but you are simply not clear of the names of
12 these other two men. Is that right?

13 **A. Those are the names that I remember. Whether or not --**
14 **why I remember those names I don't know, but I did, and**
15 **just to explain, obviously I thought -- my problem was**
16 **that, because I was having to have the abuse, then after**
17 **the abuse I went straight back to the chalet and**
18 **I always got hit when I went back to the chalet for**
19 **being late. So to me I wanted to avoid getting hit,**
20 **because if there was a choice out of the two things,**
21 **I would rather -- not that I am saying I wanted either,**
22 **but I had to choose which one I wanted, I would have**
23 **chosen the sexual abuse over the physical abuse, because**
24 **that was so severe. So I did not -- I wanted to get rid**
25 **of the sexual abuse quickly, get it over and done it**

1 with to try and achieve the goal of getting home to
2 avoid the strap. So I tried to -- by the time I got
3 into it -- once you surrender -- to explain, at the
4 beginning you don't want to do it. Then afterwards it
5 becomes custom. You just get used to it. You know it
6 is going to happen. There is no point in fighting it.
7 So when you do that then -- the problem is I knew that
8 I wanted to avoid this strapping, because that was the
9 worst of the two. So I tried to speed up. I thought if
10 I was quicker, if I was -- you know, so that's what
11 I mean by that. I did everything fast --

12 Q. To get out of there quickly.

13 A. -- in order to -- because I realised that as soon as he
14 ejaculated, everything was done. So if I could hurry
15 him up, then I would get home quicker, but I never -- it
16 was a fool's errand that I did that idea, because
17 although I did that, it never affected whether I didn't
18 get strapped or not when I went home, and it made him
19 think that I was more keen. So I --

20 Q. It ultimately --

21 A. It had the opposite effect of what I was trying to do
22 and I didn't realise the effect it would have and it
23 would be more of an encouragement to him, because it
24 would look like I was keen when I wasn't.

25 Q. I think some of this is summarised in paragraphs 9 and

1 10, where you say the pain of the abuse was made worse
2 by the beatings by the housemaster that you would get
3 for being late. You would have welts on your backside
4 from the beatings and then you were anally raped by BR3
5 and you were very, very sore as a result of both the
6 beatings and the sexual abuse that you were sustaining.

7 **A. Some -- some -- whenever you were hit with the strap, it**
8 **would leave welts or marks, and then if -- to be the**
9 **least graphic I can, if you were bent over and he is**
10 **trying to part your cheeks, he is actually touching your**
11 **backside which is sore, and then -- and that made the**
12 **anal rape worse, because if you hadn't got any blemishes**
13 **on your skin, it would be bad, but because you were sore**
14 **from the strap, it made everything worse, because it was**
15 **painful even to begin with. Before he had even**
16 **penetrated you it was painful. So ...**

17 **Q.** You talk again in paragraph 10 about the housemaster
18 hitting you around the back of the head, beating you on
19 the bare bottom and legs for being late using the
20 leather strap. You did tell him that you were late
21 because you were with BR3 and that you were sore. You
22 didn't see him hit anyone else but you could hear people
23 squealing and you could tell that they were being hit
24 and you could hear the strap as well.

25 **A. Yes. The strap -- sorry.**

1 Q. I take it by people you mean other boys that were
2 squealing?

3 A. You could hear -- the strap had a distinctive sound.
4 You could tell if somebody was being caned or strapped,
5 because they both had a different sound. You could hear
6 the sort of the whizz of the cane, but the strap had
7 an impact. It made a loud sound. So you really heard
8 that and, of course, you heard the reaction. You could
9 hear boys crying, or squealing, or roaring, or
10 responding to it.

11 Q. Going on to complaints that you make about two other
12 people, you talk about -- at paragraph 11 you say that
13 you told -- and we know now, in fact, he
14 was , but to you at that time he
15 seemed like . He came to take you out
16 for a day to visit your mum and sister. You told him
17 what was going on.

18 "He asked me to explain to him what exactly they did
19 to me and how it made me feel",

20 and you thought he wanted to know far too much. He
21 came back to see you the following week, took you for
22 fish and chips, then took you to his house. He was
23 drinking whiskey. He started kissing you, was really
24 rough with you, and he sexually assaulted you and anally
25 raped you. You told him you didn't like it and it

1 wasn't right and that he was taking over from BR3.

2 "I didn't realise at the time that he was taking
3 over the abuse. He was at the time" -- sorry --

4 "I didn't realise at the time that he wasn't taking over
5 the abuse. He was an additional person on the scene."

6 So what you are saying is you were being abused by
7 BR3 and you were also being abused by this man.

8 **A. Whenever we were talking earlier, he did -- you said he
9 took me to to court because of having --**

10 **Q. I will come back to that. This is -- this is DL 422
11 Okay? This man is DL 422.**

12 **A. Yes, but what he was doing was my mother -- they didn't
13 come up to Kircubbin from their memory. They came to
14 meet me halfway. So they met me in So he
15 brought me to meet them. So ...**

16 **Q. And that's what happened? He took you to his home?**

17 **A. I had to tell him. I mean, you know, at the end of the
18 day I was more quieter then than I am nowadays. I would
19 be more timid and put up with more. Now I would
20 definitely not do that nowadays, but I did tell him.
21 I felt after a couple trips I would tell him, but it was
22 the worst thing I ever did.**

23 **Q. You say that there was another man, and I am going to
24 call him DL 423**

25 "He came on the scene and took me to his flat.

1 I thought he was another . He wasn't rough
2 like DL 422 and, without trying to categorise him, he
3 seemed nicer."

4 You say he did sexually assault you and tried to
5 rape you, but stopped for some reason before he actually
6 penetrated you.

7 **A. I --**

8 Q. This was -- was this someone -- can I just check?

9 **A. Yes. Sorry.**

10 Q. DL 422 was your . Is that right?

11 **A. I didn't know him as . At the**
12 **beginning my understanding was that I was under the care**
13 **of Social Services. I think that's because of me**
14 **running away because I was threatened, because obviously**
15 **that's nothing illegal, to run away if you are**
16 **threatened. So the fact I found out today they extended**
17 **it on from my probation. So obviously they must have**
18 **decided to take care of me, because I was at some sort**
19 **of risk. I was trying to run away, but ...**

20 I have forgotten what I was going to say. What did
21 you say? Sorry.

22 Q. I was just asking -- the first person you complain about
23 here, DL 422 --

24 **A. Yes.**

25 Q. -- he was the main person and the main person you would

1 have had dealings with. Is that right?

2 A. Yes. At the beginning he was the main person. The
3 difference between him is -- the difference between him
4 and the Brothers is that the Brothers just did what they
5 did and got on with it. He was very much like rough.
6 He was sort of like -- he wanted to kiss you and all
7 that. The Brothers didn't do that. He would be biting
8 your lip. He was sort of like, you know, really, really
9 rough with you, so -- like you were his partner, and
10 then I explained that DL 422 -- DL 423 was
11 totally different. He was a bit milder. He was -- and
12 I think what put him off was the state of my backside.
13 It wasn't a very appealing sight for him. I believe
14 that that was what put him off.

15 Q. That's what stopped him?

16 A. Because, you know, I can see behind. I could see --
17 I knew what it looked like, and I knew what my legs
18 looked like. So it mustn't have been very appealing for
19 anybody who wants to do something, or maybe it does to
20 certain people, but I would have thought it would be
21 very offputting for some people, because it was pretty
22 bad.

23 Q. Now you spoke to the police in 1996, and I am going to
24 just outline what you said in your statement, first of
25 all, and then we will talk a little bit --

1 **A. Uh-huh.**

2 Q. -- about the circumstances of that statement being
3 taken.

4 What you told police in that statement -- and we
5 read through this earlier, and just to be clear, it can
6 be found at page 62702 and it goes through to
7 page 62704, and I know that you queried whether you
8 actually signed it or not, but you took from me that the
9 signature of the witnesses is recorded there as having
10 been on the original handwritten statement.

11 **A. Yes.**

12 Q. But in any event I am just going to summarise the main
13 points that were in that statement without reading it
14 out. You said that you were taken to by, as
15 you describe, in cars for court
16 appearances. You didn't know which one abused you. It
17 happened three times. You say the other didn't abuse
18 you and that you told him about the abuse by the other
19 one, but nothing happened.

20 Now that was what you told the police in relation
21 to -- and you give -- I am summarising that very, very
22 briefly, because you give a great deal of details about
23 where you were taken to by this man. You describe him.
24 You describe the house and so forth.

25 You also told police that you were sexually abused

1 by Brothers. You couldn't remember their names except
2 for a BR3, and you couldn't remember whether he abused
3 you or not. You said the abuse in Rubane occurred at
4 weekends. You say you were hit by the houseparent. You
5 were given less food and made to stand outside. You ran
6 away on one occasion and you were caught and you were
7 bugged. You also told police you had been abused as
8 a -year-old.

9 Now I am not going to go into all of the details,
10 but they are there in that statement, and you know
11 I have read them out to you and you know that the
12 details are there.

13 Whenever police investigated -- and I will come back
14 again -- they interviewed DL 423 . He said he
15 never took anyone from Training School to court, because
16 that's what they were putting to him, because you in
17 this statement had said it was for court appearances.
18 What you have told us is that wasn't anything to do with
19 Training School, that you were being taken to visit --
20 meet up with your family in Isn't that right?

21 **A. Yes. Is -- was De La Salle a training school?**

22 Q. Not for you it wasn't. Rubane was not a training
23 school. It was --

24 **A. So he said that. So I'm wondering if he remembered**
25 **correctly what he was saying, because he is referring to**

1 to you in England in 1996, their attitude to you was
2 very unhelpful and very antagonistic, if I can put it
3 that way. You -- they questioned you about

4

5 and seemed to be tarring you with the same
6 brush, if I can put it in that colloquial way, that you
7 were unhappy with the atmosphere and with their attitude
8 and that -- that as a result, although you have given
9 them a lot of detail here, you didn't really open up to
10 them or confide in them in the way that you have done to
11 the Inquiry. Is that a fair comment?

12 **A. I would say yes. Can I just go back a minute? I think**
13 **you said to me earlier before we got in here that DL 422**
14 **DL 422 had said he had taken me to court.**

15 Q. No. I said that the only person who was interviewed was
16 DL 423 or DL 423 Sorry.

17 **A. Did you say when you read from one of the documents that**
18 **DL 422 had said that he had taken me to court?**

19 Q. The document that we looked at earlier?

20 **A. Yes.**

21 Q. He said in conclusion -- this was a report that he
22 prepared for the Juvenile Court asking for your
23 Probation Order to be amended. So whether he took you
24 to court or simply went to the court and asked for the
25 amendment to the Order I can't be clear.

1 **A. All right. I thought earlier you read a bit that said**
2 **he took me to court. I was going to say if he took me**
3 **to court and he is** , then there would
4 **be no difference in DL 423 .**

5 Q. No, no, I accept that, but this was -- we are talking
6 about . The document I read from --
7 remember I put it up on the screen --

8 **A. Yes.**

9 Q. -- simply said you were placed on probation by
10 Juvenile Court. They were then asking for
11 the residence -- although you were on probation, you
12 were living at home with your parents.

13 **A. Yes.**

14 Q. They were going back to court to ask the court to change
15 that order to allow you to --

16 **A. In light of the risk to my safety.**

17 Q. Yes, to allow you to live in Rubane.

18 **A. Yes.**

19 Q. The court order had to be changed to allow your change
20 of address.

21 **A. Yes.**

22 Q. So that's the only thing that I -- we have got a record.
23 So if I've said something different, we can double check
24 that, but certainly the point that I think you are
25 making to me, and again correct me if I am wrong here,

1 is if he was taking you to court, the Juvenile Court,
2 then this other man could have been taking you to court.

3 **A. Yes. It is a contradiction, because what I am saying is**
4 **that it is quite clear if is**
5 **saying he took me to court and the**

6 is saying it wasn't his remit to take a person
7 to court, then that is a contradiction in terms, because
8 one is saying they do it and the other is saying that's
9 not what they do. So I think that might be a way of
10 trying to cover up -- just cover up why he wouldn't be
11 in the car to take me to court. In fact, I didn't say
12 the abuse took place when he was taking me to court,
13 because once I was -- I think the court was only once or
14 twice to agree, and once it was over and done with, then
15 it was just to visit my parents and it was just to visit
16 the family, to bring the two of us together. It wasn't
17 for any other reason.

18 **Q. In fairness, HIA519, the line in your statement was:**

19 "While I was there", that's while you were in
20 Rubane, "I was brought back to Court on several
21 occasions."

22 **A. Yes.**

23 **Q. Now that's the line in that police statement.**

24 **A. I understand. I am going back to explain briefly about**
25 **the police when they came. I suddenly got a card**

1 through my door from the Police saying
2 that the RUC wanted to come and see me. When they seen
3 me, it was 1996, a totally different era than today.
4 They interviewed me at the police station in .
5 I was interviewed in a room where they interview
6 prisoners. There was two of them. One was behaving
7 like -- it was like a good cop, bad cop scenario. They
8 were asking me about
9 and whatever. That
10 had nothing whatsoever to do with me. I live in --
11 I~have lived in since , and
12 I~am not my keeper. I don't make decisions in
13 life for him. He makes his own decisions. So they were
14 here to talk about my time in De La Salle. So what had
15 that got to do with , because he was not there
16 with me? So the atmosphere was -- also although they
17 were there, I was very cagey about the religious aspects
18 of their interview, because they seemed to be anti the
19 church, and although I was abused by people within the
20 church, I am very -- still strong in my faith, and that
21 will not be relinquished. I know a lot of other people
22 have seen it on TV and programmes and all the rest and
23 say they will never be -- they will never believe in the
24 church again and they hate it and all the rest. I am
25 not like that, and the reason for that is because

1 I don't think that everybody should be tarred with the
2 same brush. A small number of people, although that
3 number is quite large, and the main thing, I don't
4 believe that I should be against my faith --

5 Q. I know --

6 A. -- just because some people did it, but they were, and
7 also during the interview when the -- the policeman was
8 sitting on the table while the other one was talking to
9 me, he said to me, which seemed to be an assumption,
10 "Well, you're taking it up the arse now". After I just
11 explained about being abused, he says, "Well, you're
12 taking it up the arse now. What's the difference?" and
13 I thought that was a horrible assumption that he made.
14 So it seemed to me he was making out that I am --
15 I~don't know what he was really -- he was making out
16 I was gay or something. Whatever he was making out, he
17 was assuming it, and I said in response, which -- none
18 of that is there, because obviously they don't put
19 everything down. I said, "Well, if there was a little
20 girl of 7 and she was abused when she was 7, and now she
21 is 21". I said, "Now she is having sex". I said, "Do
22 you see your comparison? It doesn't make sense. You
23 are saying that if I was abusing, I was taking it, and
24 now I am an adult and I am accepting it, that there is
25 no difference", and I said, "Obviously there is, because

1 I was a child then", and I said, "And it has no
2 relevance". So they were very -- they were very anti me
3 and the whole atmosphere. So I was trying to protect
4 the church while still saying what I wanted to say.
5 I was trying to eliminate from the equation,
6 because it was nothing to do with him, deal with me, not
7 him. The atmosphere, the way they were -- so what I am
8 saying is that maybe everything didn't come out right or
9 everything wasn't recorded right or whatever. I can't
10 take away from what's there is there. I accept that.
11 What I am saying is I am giving you the background.
12 I also --

13 Q. You say there is an explanation for why this is
14 different to what you are telling us.

15 A. Subsequently, just to tie up that part, the PSNI
16 subsequently contacted me 2012 and they agreed that they
17 had followed up on the DL 423 , but they said
18 DL 422 had died, but they didn't follow anything up
19 on the Brothers. They agreed they should now take a new
20 fresh statement in a fresh atmosphere, and I have
21 included evidence to show that the PSNI -- I went to
22 Police Station and they turned round and said,
23 "It happened in That's a card you have got
24 from the police". I said, "No, the police from
25 Northern Ireland came over to to interview me

1 there about something that happened in Northern Ireland"
2 and the police in sent me out the door.

3 Q. I know.

4 A. Then they were supposed to refer the matter to the
5 , because I live in . They
6 were supposed to come and interview me and take
7 a statement on behalf of the PSNI. They didn't do that
8 either. They --

9 Q. HIA519, you know we have talked about -- I know you have
10 ongoing difficulties with the police investigation.

11 A. So what I'm saying is -- so, to summarise then, they
12 were supposed to retake the statement, because they
13 admitted that there was failings in the original
14 statement from 1996. That still to this day has not
15 been done.

16 Q. Okay. So that really is your explanation for why there
17 is differences within this police statement and what you
18 are telling the Inquiry today.

19 A. If that's what's in the statement, then I am giving the
20 background to it.

21 Q. The reason for -- the reason --

22 A. I am saying I was not at all comfortable with
23 everything, but I did say -- there is a contradiction
24 there surely. I did say I was abused and then they are
25 saying I didn't know it was BR3. I clearly said it was

1 BR3 was the main one. So that's a contradiction even
2 from there from themselves. So, you know ...

3 Q. Just one other thing just. You were talking about your
4 faith and one of the things you wanted the Inquiry to
5 know was that you actually wrote to Pope John Paul II --

6 A. I did.

7 Q. -- and received a letter back from him.

8 A. I got the letter. I couldn't find it. I have got it at
9 home. I have seen it recently. I have got a whole pile
10 of letters. It is in a folder.

11 Q. You are going to forward it to us.

12 A. I will forward it on. I did write in I think it was
13 and explained about what happened to me. I was
14 explaining about how -- because even then there was
15 a lot of allegations about the church, and I was
16 explaining that -- I was saying that, "You should get
17 rid of the priests and the Brothers that are doing it,
18 because it means people won't leave the church". I was
19 trying to do it from the friendly way, saying, you know,
20 "I am a victim. It happened to me, but I have still
21 kept my faith, but people are leaving because of this.
22 So if you remove the priests that are doing it, then
23 people wouldn't leave the church. So you have got to
24 look at it". I was trying to do it that way --

25 Q. Yes.

1 **A.** -- explain it that way, so alternative to a lot of
2 people's views on it. They always immediately say they
3 are done. I didn't. I said, "I am staying and other
4 people would stay if you did something about the
5 priests". So -- then I got a letter back saying --
6 giving me an assurance he personally remembers me in his
7 prayers and asking me to go and see --

8 **Q.** The local priest.

9 **A.** -- the local priest.

10 **Q.** And you weren't terribly happy -- I'm not going to go
11 into the details, because it's not really relevant, but
12 you weren't terribly happy with the response you got
13 from your local priest either.

14 **A.** **Yes. So I went and --**

15 **Q.** Coming back to your account of your time in Rubane, you
16 say in the statement that you ran away a couple of times
17 and you were lifted by police and brought back. You
18 remember once you were hiding in some outbuildings on
19 the land and the police and the Brothers came out
20 looking for you, and I know that you in this police
21 statement I think talked about how you were abused then
22 to make sure that you wouldn't hide in that outbuilding
23 again. Isn't that right?

24 **A.** **Yes. There was a farm building just off the playground.**
25 **I don't know if you have got a map or a layout of the**

1 **premises. I could show it.**

2 Q. I think we have heard of the farm buildings certainly.

3 **A. Yes.**

4 Q. That was where you were hiding.

5 **A. Yes. When I ran away, I always ran away to hide there.**

6 **I hid the -- there was the that I stole --**

7 **I stole from the home and from the local**

8 **shop, and I hid the in a little building near the**

9 **school, which was the farm buildings, because I had to**

10 **eat . So it might sound strange, but that's**

11 **what I did.**

12 Q. Well, in the rest of your statement, and I know that you

13 talk about the life after care and similar experiences

14 you have had there. I am not going to go into those

15 with you, HIA519. I just want to make sure that you

16 feel that we have covered what you want to say about the

17 abuse that you suffered when you were in Rubane. Do you

18 feel that we have covered it here this afternoon or is

19 there anything we have left out that you want -- bearing

20 in mind that we do have the very detailed statement that

21 you gave to me today and the details are graphically set

22 out in that?

23 **A. Well, I know in summary that it was the worst place**

24 **I have ever been in. I know that I didn't deserve what**

25 **happened to me, and I didn't get involved with other**

1 boys. I did not mix with other boys. I didn't do that.
2 I kept myself to myself. I have always been -- I was
3 a loner and I'm still a loner yet more or less. I've
4 got friends you could count on one hand with a couple of
5 fingers missing. I have always reduced myself.

6

7

. I have never ever --

8

I have never forgotten it. Every time there is

9

something on the TV I remember it. Every time I smell

10

whiskey I remember DL 422 . Every time I smell

11

excrement, without going into detail -- obviously you

12

said not to go into great detail -- but that -- there is

13

a reason for that. and those are all brought about by my

14

time at Kircubbin.

15

Q. Well, thank you. One final question I have for you,

16

HIA519, and that is that the Inquiry has to make

17

recommendations to the Northern Ireland Executive about

18

what should happen to -- whether by way of compensation,

19

redress, memorial, apology. What are your views about

20

that, HIA519?

21

A. Well, my views are not just about -- that the police it

22

seems even -- if you look at what's happening in

23

Rotherham, England even today, never mind what happened

24

then, there's -- for instance, the IPCC are going to

25

investigate the failures of twelve policemen in

1 Rotherham. Even today what I am trying to explain is
2 nobody really believes you or they think they are not
3 going to get involved, and if that is allowed to
4 continue even today, if it is still happening today,
5 then unless -- there has to be rules. I think there
6 should be reporting. I think there should be some rule
7 about reporting, otherwise this is just going to go on
8 and there will be another Inquiry in twenty years and
9 they will be talking about it again. It just seems to
10 be getting the momentum (sic). Every organisation seems
11 to be having abusers within it. There has to be
12 something done to stop it, and I think people are too
13 worried. Like in England they are worried about the
14 race issue, about -- in Rotherham they were worried
15 about it, because of being classed as racist, and
16 I think here in Northern Ireland a lot of people would
17 not have anything said against the church. I know that
18 even I worry about if I give evidence, does that harm
19 the church, but I know that it is best to say what I
20 have experienced and to say at the same time that I am
21 not condemning my church. I am condemning some people
22 within my church, because I think that's the fair way to
23 do it, and I think that there should definitely be
24 an apology. If they knew previously to my being in
25 Kircubbin that there was complaints made about it, then

1 I don't think people should put you into such an unsafe
2 environment. So I think they need to apologise and
3 I don't know how they would deal with it other than
4 that, but I know there's various options, but lives have
5 been destroyed, and I can definitely say that even
6 today, if I smell whiskey, I think of what happened to
7 me. So, I mean, that's a strange thing, but that will
8 happen for the rest of my life. I am now years old.
9 If I live another twenty years and I smell whiskey, I am
10 still going to think what happened to me then. So it
11 doesn't go away. It remains in your life for a long
12 time. So to have my life destroyed like that and other
13 people's experience, I think it needs to be addressed.
14 They need to accept that things have gone wrong and they
15 need to do whatever they can to prevent it where
16 possible happening in the future.

17 Q. Thank you very much, HIA519, for that.

18 A. Thank you.

19 Q. I have no further questions for you, but the Panel may
20 want to ask you some things.

21 Questions from THE PANEL

22 MR LANE: You have described your own experiences very
23 graphically. Were you aware of any other boys being
24 abused in the same way?

25 A. I was aware -- I could tell that there was Brothers

1 seemed to have little cliques of boys round them.
2 Different Brothers seemed to have different cliques.
3 So, like, you would see a Brother where he would have
4 younger boys with him. Another Brother would have -- it
5 was sort of like what you would call -- you know what
6 they have to do in Eaton. You know the way they have
7 beasting or whatever they call it. You know, you would
8 see there were boys following them around. So they were
9 like lackeys. So they were -- it looked like Brothers
10 owned boys, if you know what I mean.

11 Q. Were any other boys aware of what you were going
12 through?

13 A. Only if they heard it. I mean, if they would hear.
14 I mean, I didn't -- at the beginning I used to cry and
15 I used to roar out or whatever when I was getting hit.
16 To try and fight it I then would be strong and not say
17 anything and cry internally and keep it internal, but if
18 I was getting hit on top of some spots that I had been
19 hit on days previously, sometimes I would turn round as
20 if I was ready to hit him, and I did get involved in
21 hurling, and I remember having a hurley bat. I don't
22 know if everyone knows, a very strong wooden -- piece of
23 wood. I remember thinking, "I would love to take that
24 in with me and the next time he hits me I would love to
25 hit him back". I got into that frame of mind, but

1 I couldn't figure out how to get the hurley bat into the
2 house, but that went through my mind at the time such
3 was my feeling of I want to stop what he was doing.

4 **This is the housemaster.**

5 Q. Thank you very much.

6 **A. Thank you.**

7 CHAIRMAN: Well, HIA519, thank you very much for coming to
8 speak to us today. We gather from what you have said
9 you have come some considerable distance to speak to us.
10 So thank you very much for doing so and for providing us
11 with your very detailed accounts both in writing and
12 what you said today of your experiences. Thank you.

13 **A. Thank you.**

14 **(Witness withdrew)**

15 MS SMITH: Thank you, Chairman. That concludes today's
16 evidence, Chairman.

17 CHAIRMAN: Very well. Usual time tomorrow, please.

18 (3.47 pm)

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

20 --ooOoo--

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