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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 25th November 2014

commencing at 10.00 am

(Day 72)

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

1 Tuesday, 25th November 2014

2 (10.00 am)

3 WITNESS DL81 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. Can I remind
5 you all, please, to ensure your mobile phones are turned
6 off or at the very least placed on "Silent/vibrate" and
7 no photography of any sort is allowed either in the
8 Inquiry chamber or within the precincts of building.

9 Yes, Mr Aiken.

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

11 The first witness today is DL81, who is "DL81", who used
12 to be a houseparent in Rubane. He's aware, Chairman,
13 you are going to ask him to take the oath.

14 WITNESS DL81 (sworn)

15 CHAIRMAN: Thank you. Please sit down, DL81.

16 Questions from COUNSEL TO THE INQUIRY

17 MR AIKEN: If we just bring up on the screen, please, 5562.

18 DL81, you have provided a witness statement to the
19 Inquiry, having been asked to deal with various matters
20 we are going to deal with today. You will see it on the
21 screen. The black marks are the one difference from the
22 one that you physically provided. If we just look at
23 the next page at 5563 -- just keep going, please -- you
24 can see there's a black mark over your signature, but
25 you can see the date, which is in your handwriting. Can

1 **A. Yes.**

2 Q. -- went as a housemaster. The reference for that,
3 Members of the Panel, is at 11846. You worked in Rubane
4 at various times, and I am going to go through that with
5 you, until 1982, when you were 25.

6 **A. Yes.**

7 Q. Since then -- you got married while you were working in
8 Rubane and your wife -- then wife DL 513 worked in Rubane
9 with you in one of the chalets.

10 **A. Yes.**

11 Q. Then after you left you worked in various children's
12 homes in the state sector --

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

14 Q. -- for many years.

15 **A. 2... -- 24, 25.**

16 Q. And without any difficulty that you're aware of that you
17 can draw to the Panel's attention?

18 **A. There was never any difficulty that I'm aware of.**

19 Q. And you made the point to me that a number of years ago
20 you retired through ill health --

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

22 Q. -- and have had a number of heart attacks.

23 **A. That's right.**

24 Q. So I said to you if you have any difficulty of any kind
25 at any stage, just say and the Panel won't have any

1 difficulty taking a break, and there is water in front
2 of you.

3 **A. Yes.**

4 Q. So just take your time and we'll get through this
5 material. I'm going to, as you know, summarise it as
6 best we can as we go, because the Panel has had
7 an opportunity to consider much of it already.

8 **A. Yes.**

9 Q. You got the role in Rubane it seems following
10 a recommendation. You had applied for a post in St.
11 Patrick's --

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

13 Q. -- that had come up and you didn't get that post, but
14 they suggested you go and work in Rubane.

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

16 Q. You had a joinery trade behind you and you thought you
17 were going to be doing some sort of woodwork teaching in
18 Rubane.

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

20 Q. But it didn't quite work out that way.

21 **A. No.**

22 Q. You got a role as effectively an assistant houseparent.
23 So you were working with the children after they
24 finished school.

25 **A. Yes.**

1 Q. At the time you come in September '77 BR2 had just left
2 and BR1 had taken over as the head of the community of
3 Brothers and the person in charge of the children's
4 home. BR3 or BR3, as he might have been still known at
5 your time, was Principal in the school.

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

7 Q. And the records suggest that initially when you first go
8 in in '77, you're an assistant in chalet 1 --

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

10 Q. -- with BR23, who was the head of the unit -- and you
11 raised some subsequent concerns about difficulty he had
12 with alcohol --

13 **A. Yes.**

14 Q. -- and that's in the material that's available to the
15 Inquiry -- and a DL378.

16 **A. That's right.**

17 Q. It is in chalet 1 in your initial phase working in
18 Rubane that an allegation is made by HIA41, who lived in
19 chalet 1, that while doing the dishes you assaulted him,
20 and we will come back to look at that.

21 **A. Yes.**

22 Q. I know you say you didn't assault him.

23 While you were beginning your time in Rubane you
24 went out to do the In Service Study Scheme for
25 residential and day care staff.

1 **A. That's right.**

2 Q. So you went out on a day release, and that was to Rupert
3 Stanley is your recollection.

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

5 Q. And that was during 1978 when you were -- that first
6 phase of working.

7 **A. Yes.**

8 Q. I asked you whose idea that was and you said it was your
9 own idea to go and do the course --

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

11 Q. -- but the Brothers supported you in doing it.

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

13 Q. In -- we then see in the material, and I am not going to
14 bring it up, but in March 1979 -- Members of the Panel,
15 reference 68165 -- BR1 then makes application for
16 funding for you to do the Certificate in Residential
17 Care of Children and Young People at Rupert Stanley.

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

19 Q. So that's the full-time, 14-month qualification that
20 existed at that time for child care?

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

22 Q. There is then a series of documents I am not going to
23 open, but we see you writing, saying, "Can I go on this
24 course" --

25 **A. Yes.**

1 Q. -- so he can then take that letter and apply for funding
2 for the replacement member of staff which the Department
3 were prepared to fund so that you could go and do the
4 course. The reference for that is at 68166. The
5 Department then pay for your replacement, which was, in
6 fact, your sister DL 82 .

7 **A. That's right.**

8 Q. So she went in to be the assistant to BR23 and DL378 for
9 a period in chalet 1. Is that --

10 **A. No.**

11 Q. By this stage it was chalet 3.

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

13 Q. Chalet 3. So that's DL115's chalet.

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

15 Q. So for a period of time DL115 is in charge of chalet 3.
16 Then she retires, and during your time on this course,
17 which is during 1978 and '79, BR1 gives you the role as
18 head of chalet 3.

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

20 Q. That continues on for your full time on the course and
21 then coming back at night-time to perform the role as
22 head of the chalet unit.

23 **A. That's right.**

24 Q. By that stage you were -- you got married to your wife
25 DL 513 --

1 **A. Yes.**

2 Q. -- and you and her were living in the chalet --

3 **A. In the chalet.**

4 Q. -- at night-time.

5 **A. Uh-huh.**

6 Q. But let me just take one step back. Before you got
7 married and were living with her, doing the course and
8 in chalet 3 you were living in the farmhouse --

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

10 Q. -- along with DL149, DL 509 --

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

12 Q. --an art teacher.

13 **A. Yes, .**

14 Q. And each of you had a different part farmhouse that you
15 lived in.

16 **A. That's right.**

17 Q. And then you did the work in chalet 1.

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

19 Q. Just for the avoidance of doubt all the names that we
20 are using as we talk, so that it's clear, they won't be
21 reported outside the chamber and won't be identified.

22 So you begin this spell by finishing your course as
23 the head of chalet 3 and then there is a record in
24 May 1980 of BR2 stopping this arrangement. So to put
25 this in context, BR1, the allegations have broke out

1 about the sexual abuse that's alleged against him.

2 **A. Yes.**

3 Q. Were you -- had you ever any inkling of any of that at
4 the time you were working in the chalet?

5 **A. None whatsoever.**

6 Q. So this breaks out and BR1 is removed --

7 **A. Yes.**

8 Q. -- and BR2 comes in.

9 **A. Uh-huh.**

10 Q. One incident you recall, if I just pause at this point,
11 is the night that the allegations broke or that BR1 was
12 removed -- you can't remember which particular night it
13 was -- but you remember your wife or your sister
14 summoning you back to the chalet.

15 **A. My wife.**

16 Q. Your wife?

17 **A. Uh-huh.**

18 Q. So summoning you back to chalet 3. So this is before
19 your time with chalet 2, DL11 and the individuals --

20 **A. Yes.**

21 Q. -- that we are going to look at. Chalet 3. You get
22 a call to come home.

23 **A. That's right.**

24 Q. And what had happened?

25 **A. Well, from what I recall my wife phoned me and asked me**

1 could I -- I was on residential, but I can't remember if
2 I was on a residential with -- I certainly was with
3 Rupert Stanley College as a student. I can't remember
4 if it was in Slieve Donard or the Stormont Hotel we were
5 doing a residential week, but then my wife phoned me and
6 asked me to come home, because that particular night BR1
7 had been removed from the home and the police had been
8 there. The boys were going mad. They had pulled knives
9 on each other and the whole place was in an uproar. So
10 of course I left and came home.

11 Q. And when you got home as far as your chalet was
12 concerned had things settled down? Can you recollect?

13 A. Yes and no. There was a lot of -- a lot of the boys
14 were accusing each other of touting on them to the
15 police and, you know, accusing them of, "You said this.
16 He said that" sort of thing was going on.

17 Q. So there was a fairly major --

18 A. Upheaval.

19 Q. -- upheaval --

20 A. Uh-huh.

21 Q. -- as a result of him leaving the home?

22 A. Yes.

23 Q. That's something that sticks in your mind?

24 A. Yes, very much so.

25 Q. Then we have these documents in May 1980, and they are

1 at 68185 through to 187, where BR2 stops this
2 arrangement that was in place where you were on the
3 course but also head of chalet 3.

4 **A. Yes.**

5 Q. You were unhappy at him stopping that, because your
6 point was, "That was the arrangement that was made with
7 me".

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

9 Q. As he saw it, he was helping you to concentrate on your
10 studies rather than trying to do two jobs, and in the
11 end you did -- you moved out of chalet 3 with your wife,
12 and I know you have made the point to me that at that
13 particular time you had other reasons why you accepted
14 his decision, which is your wife had had a miscarriage.

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

16 Q. So you moved out of chalet 3 and returned to a home that
17 you had bought in .

18 **A. , yes.**

19 Q. But you continued to do your course, and did you also
20 during the time you were doing your course then come in
21 and assist in Rubane?

22 **A. I did, yes.**

23 Q. But not living in?

24 **A. No.**

25 Q. And not in charge of the chalet?

1 **A. No.**

2 Q. Then on 24th October 1982 -- if we just look at this,
3 68188 -- you were awarded the rather long acronym of the
4 CRCCYP --

5 **A. Uh-huh.**

6 Q. -- from Rupert Stanley. I was asking you can you
7 remember whether anyone else at the time in Rubane had
8 got this qualification?

9 **A. No, I don't think they had.**

10 Q. And what the records then suggest is that you -- and the
11 record I am referring to is at 995, RUB995 -- you then
12 go into chalet 2. When you come back as a now
13 full-time, having finished the qualification, you go
14 into chalet 2 with DL11 and DL12 as an assistant
15 houseparent with your colleague that you worked with,
16 which was DL 514 --

17 **A. That's right.**

18 Q. -- who was a young girl but who also had a degree in
19 psychology.

20 **A. Yes.**

21 Q. A young lady I should say. DL11 and DL12, he was from
22 a military background and, trying to summarise a vast
23 swathe of material that's available, you and DL 514 had
24 a very different approach to child care than DL11 and
25 DL12.

1 **A. That's right.**

2 Q. And there was conflict in those approaches.

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

4 Q. And you also feel at that stage you had fallen out of
5 favour with BR2 --

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

7 Q. -- and that was because you spoke out on the radio --

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

9 Q. -- about accusations against BR1.

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

11 Q. Summarising what you were saying to me, the point you
12 were making in the Downtown Radio was, "There are
13 civilian staff here too and don't tar everybody".

14 **A. That's right, and that was the only point that I was
15 making.**

16 Q. But you had no knowledge as to whether BR1 had done what
17 was said of him or not?

18 **A. No.**

19 Q. The point you were making was, "Don't blame everybody"

20 --

21 **A. Yes.**

22 Q. -- "who work in Rubane".

23 **A. Well, the reason for that was because I myself met with
24 hostility afterwards in Kircubbin about being --**

25 Q. From the locals?

1 **A. Yes, yes, and that was the point that I made -- was**
2 **making to the Downtown Radio, that this wasn't an issue**
3 **for the lay staff. It was concerns for the De La Salle**
4 **Order.**

5 Q. But you were perceived or felt yourself perceived then
6 as having let the side down, as it were, speaking out?

7 **A. Yes.**

8 Q. And -- now there are a series of incidents that are
9 documented about your time in chalet 2.

10 **A. Uh-huh.**

11 Q. I am going to go through those with you briefly. The
12 first one is from February 1981. So this is about four
13 or five months after your qualification. At this stage
14 you would have been 24, 23.

15 **A. Possibly, yes.**

16 Q. It is an incident involving a boy -- if we can just
17 bring up, please, 63281 -- a boy called DL212, who it
18 appears had come to Rubane. There had been difficulties
19 in his life. He was someone with behavioural
20 difficulties as he comes into Rubane, and the incident
21 that's described, if we just scroll down, please, you
22 will see he --

23 "BR2 drew to the attention of the social workers
24 that he had threatened a member of staff", which was
25 you, "with a poker",

1 and it was felt he couldn't no -- he couldn't any
2 longer be controlled or contained in the establishment.
3 The suggestion is made based on another page which we
4 will look at where DL212 claimed to have been hit by
5 you. If we can just look at 63280, so the page before.
6 Just down at the bottom he referred to the incident with
7 the poker and admitted it had happened but said he was
8 provoked. He said he had been slapped on the face and
9 kicked in the stomach in a previous assault. Now you
10 say you did not ever kick him in the stomach --

11 **A. Yes.**

12 Q. -- and slap him in the face.

13 **A. That's right.**

14 Q. But this was a boy with considerable difficulty, and
15 when he took to you with the poker, that was basically
16 it. You could not do any more with him. If we just
17 scroll up a little, please, we can see what's said:

18 "The social worker spent several hours trying to
19 persuade these members of staff that DL212 should remain
20 there a little longer to give them time to regain
21 control of the situation as well as their credibility in
22 the eyes of DL212."

23 You pointed out that control -- in fact, sorry.
24 That's DL11. No. You pointed out that control could
25 not be regained, as you were afraid of DL212, and that

1 since the incident of the poker, DL212 had been doing
2 exactly as he pleased. DL11 then confirmed that this
3 was so and said he would have fears for your safety when
4 you were on duty alone at the week-end.

5 Am I right in saying DL11 and DL12 -- you and DL 514
6 then would have done the weekends and they did during --

7 **A. That was more or less the arrangement, yes.**

8 Q. They worked together and you and DL 514 worked together?

9 **A. DL 514, yes.**

10 Q. It seems that you and DL11, according to the social
11 worker report:

12 "... were most persistent that he return to
13 Coneywarren, and we in turn pointed out it would be
14 unfair to impose this sort of problem on staff at
15 Coneywarren without hearing their views."

16 Eventually it was agreed he should remain for
17 a while. Then did he go off to Coneywarren.

18 **A. Yes.**

19 Q. That raises a general point that you were making to me
20 when we were speaking beforehand, that DL11, for
21 instance, would have said, according to you, that Rubane
22 was something of a dumping ground.

23 **A. Yes.**

24 Q. That the social workers used it as a place to put the
25 most difficult children.

1 **A. Yes.**

2 Q. Was that your experience? Was that your view of the
3 approach that was taken towards the place?

4 **A. Yes and no. I think maybe some of the boys could have**
5 **been better placed, but then again when you look at the**
6 **broad spectrum, there probably wasn't anywhere in the**
7 **health service for to place boys like that or with those**
8 **behavioural problems.**

9 Q. One of the points that were going come out of the
10 matters we are going look at is you make the general
11 point that at this particular time and, for instance, as
12 you recall your particular chalet, chalet 2, a bit more
13 generally in Rubane, there were a lot of boys with
14 considerable difficulties.

15 **A. Yes, very much so.**

16 Q. And there was a problem with glue sniffing.

17 **A. Yes, that was a very big problem in Rubane.**

18 Q. And there was a lot of fighting going on between them.

19 **A. Well, what used to happen, the boys would have went home**
20 **at the weekends, and the younger boys would have been**
21 **bullied perhaps if they went home to bring back the**
22 **glue, and you would have very often found glue bags**
23 **strewed round Rubane down in the farmhouse, shoved in**
24 **doorways, bales of hay.**

25 Q. Another point that you bring out that's going to come

1 out of the incident we are about to look at is the
2 bullying of older boys on younger boys.

3 **A. Yes.**

4 Q. You make the point that it was very difficult to watch
5 and deal with a 16-year-old -- you were only 21 or 20 at
6 the beginning, now 23, 24 -- and watch a 16-year-old
7 taking bullying advantage, as it were, of an 11-year-old
8 --

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

10 Q. -- using their physical strength.

11 **A. Using whatever means they had to get their own way with**
12 **them, whether that be get their pocket money off them,**
13 **bullying them into bringing glue back to them or, for**
14 **example, the dishes. There was always an issue with**
15 **people as, "I'm washing and you're drying" or -- for**
16 **some reason people don't like to dry dishes. So the**
17 **older boys, if it was their turn to do the dishes and**
18 **they didn't want to dry the dishes and wanted to wash**
19 **them, even though they may have been restricted to the**
20 **drying, they would have bullied the boys. There was**
21 **always a lot of rows at "disher time" or whenever the**
22 **dishes come to be washed, because the older boys just**
23 **simply wouldn't dry them. Very often they have would**
24 **hit the younger ones over the head. They would have**
25 **maybe stuck a knife in their back or a fork to get them**

1 **to succumb to drying the dishes while they washed them.**

2 Q. The incidents we look at seem to feature on the kitchen.
3 So we will turn to those. If we can just in the
4 chronology of this -- we have had this DL212 incident in
5 February '81.

6 **A. Uh-huh.**

7 Q. He has moved out. DL11 and you are in agreement he
8 could not be looked after by him and you in the chalet.

9 In March 1981 there was a major SWAG inspection that
10 takes place in Rubane. The reference for that, members
11 of the Panel, is at 11059. You didn't have any
12 involvement with that inspection --

13 **A. No.**

14 Q. -- that took place over a number of days, but you do in
15 May 1981 then get a copy of your terms and conditions
16 and grievance procedure and disciplinary policy and you
17 are made sign for that. That's at 68198.

18 The reason I raise that, if we can just look at
19 68202, in the context of the things we are going to look
20 at for you this is the policy that was applied. These
21 were the disciplinary rules, and we can see if we just
22 scroll down, "Major misconduct", the various examples
23 that are given. Then "Gross misconduct":

24 "Physically violent behaviour."

25 Gross misconduct is then -- if we scroll on to the

1 next page, please -- keep going down, please:

2 "For gross misconduct:

3 After thorough investigation by the manager
4 an employee who has been found to have committed gross
5 misconduct will be summarily dismissed, ie without
6 notice and without wages in lieu of notice."

7 What I am using this to illustrate is the way
8 someone who was deemed to have been physically violent
9 to the children was to have been dealt with was simply
10 to be sacked in layman's terms.

11 **A. Yes.**

12 Q. It is in that context that we are going to look at these
13 examples, because you were never sacked, and it is
14 trying to put some context on the incidents --

15 **A. Yes.**

16 Q. -- that we will look at between you and the boys in the
17 chalet over discipline.

18 You -- as this is going on, your time in chalet 3
19 with DL11 and DL12, there is unhappiness. The
20 Management Committee are unhappy with the SWAG report.
21 You see that in September '81. That's at 11062.

22 Then there is a record in October '81. If we look
23 at 68191, please. This is just a handwritten record,
24 which I think is from BR2. I will be able to clarify
25 that with him. It may be somebody else has written it.

1 It is 3rd October 1981:

2 "Incident with F. McKeown", that's DL29, "in
3 kitchen, breakfast. (Recorded in individual file.)

4 DL81 defends himself with a chair."

5 Can you remember what it was that DL29 had done that
6 you needed to defend yourself with a chair?

7 **A. I honestly can't. I don't remember.**

8 Q. Then on 13th November 1981 -- I think if we look at
9 these, 68209 -- there are instructions from it seems
10 DL11 about house rules, because one of the conflicts
11 that arose between you and them was over how the boys
12 were being managed. He sets out the rules that were
13 being required:

14 "To not start the preparation of tea before 5.00."

15 Everything was to be completed by 6.30.

16 If we scroll down:

17 "Only one boy to help in the kitchen, not before
18 5.00 pm.

19 Stick to the menu as agreed.

20 Not to allow any carry on, horse play or excessive
21 noise to take place within the unit."

22 One of their concerns was they lived as part of the
23 building structure and the boys were too noisy for them
24 at the weekends.

25 Your issue over this was there was not individual

1 attention being given to the boys, but they were more --
2 it was more a military type operation.

3 **A. Yes.**

4 Q. Maybe that's natural with his background.

5 **A. Yes.**

6 Q. Then the incident that is very well documented is on
7 10th December 1981. I am going to try and summarise
8 this as best I can. It involves a DL413, who, to be
9 clear, has not come forward to the Inquiry, never made
10 a statement to the police, and this -- what happened
11 between you and him is documented in the material that
12 the Order has provided, because it was dealt with as
13 a disciplinary matter --

14 **A. Yes.**

15 Q. -- at the time. What seems to have to happened, if we
16 look at 68192, please, DL413 goes to hospital. We can
17 see there it is about the fifth line down, and there is
18 an arrow just at it. Just stop there, please:

19 "DL413 goes to hospital re lip split by

20 HIA 25 ."

21 That may be HIA25, who was there at the time. You
22 remember him?

23 **A. Uh-huh.**

24 Q. Then it is recorded:

25 " BR 7 brings DL413 to hospital for

1 check-up.

2 Remark about mark on the neck."

3 I am not sure whether that's written by the same
4 person who wrote the line above, but in any event it
5 seems there was some mark on his neck, and he then after
6 he comes back from hospital for the second time reports
7 the matter to DL11, and I am just going to skate through
8 this. I am going to summarise what's in the documents,
9 otherwise we will be here for a very long time.

10 Anything you think I am being unfair about you just stop
11 me and say, "Hold on a minute. Let me ..."

12 On 14th December DL413 reports the matter to DL11.
13 That's at 68218. The next day, 15th, DL11 reports the
14 incident to BR2, and on 16th December then meetings are
15 requested about it, and ultimately on 17th December, if
16 we can look, please, at 68193, BR2 -- just scroll down,
17 please:

18 "Friday. Phone from Pauline."

19 So he puts a call in to Pauline on 17th. This is
20 Pauline Richardson, who is the social worker who goes in
21 on secondment from the Catholic Family Welfare Society
22 that Father O'Connor heads up. The Inquiry has various
23 documents about their concerns about how Rubane was
24 operated, but what is happening here is he is ringing up
25 Pauline saying, "How will I deal with this issue that

1 has arisen?" over DL413 formally saying you grabbed him
2 by the neck. She then phones back to say, "Here's the
3 instructions. You are to get a report from DL413,
4 report from DL81, report from two independent witnesses,
5 DL 514 , who was there at the time, and another boy.
6 Make the committee aware. Send the report to the
7 solicitors. Send the report to the social worker and
8 then get DL413 medically examined", and that's what he
9 then follows through. He gets a statements from you and
10 that runs over four pages. We were looking at it
11 earlier. It is in handwriting from the time?

12 **A. Yes.**

13 Q. It is at 68210 through to 68213. I am just going
14 summarise those four pages, and if I have anything
15 wrong, you stop me.

16 DL413 had hit DL 476 , who was a boy four
17 years younger than him.

18 **A. Yes.**

19 Q. DL 476 had apparently sat on his toe by accident, which
20 was the reason why he then hit DL 476 and DL 476 was
21 crying, and that's why you and DL 514 went into the
22 room. You fined them both were fighting for making such
23 a fuss in the chalet over a small issue. DL413 became
24 abusive and threatened to get DL 476 outside and
25 told you you wouldn't stop him. Then you and DL 514

1 decided to hold back his pocket money. Then -- that was
2 the end of the incident it seems on 10th.

3 On 11th evening, the Friday, you overheard him
4 asking DL29 whether DL 476 had left anything for
5 him before he left. You saw him hand over a pound. So
6 this is the type of bullying you are talking about. You
7 had fined him for his behaviour and then he got the
8 money back anyway by forcing the boy he had hit to give
9 it to him.

10 **A. Yes, yes.**

11 Q. This was being done you felt to show you and DL 514 that
12 he would do as he pleased.

13 **A. That's right.**

14 Q. DL413 was on kitchen duty that night. He said the
15 kitchen was sorted. DL 514 who was on with you went and
16 checked, found a colander hadn't been washed. DL413
17 wasn't going to wash it. He said it wasn't something
18 they had used for tea. Therefore he and his team
19 wouldn't be doing it, and the boys left, indicating they
20 would do what they liked in the place.

21 Then you say at page 3, and I think it is important
22 we look at this, 68212, please, that you and DL 514 then
23 had a long discussion as to the problems concerning
24 DL413, his bullying, the money he got out of DL 476
25 , the effect of his attitude on staff and peers,

1 and you two felt the situation had -- and you can see
2 this:

3 " DL476 and I felt the situation had deteriorated
4 somewhat. So in trying to give a solution I pointed out
5 to DL514 that sometimes force could be used to
6 reinforce a point and to assure the boys what we said we
7 meant."

8 You will recall me asking you then a series of
9 questions that I am going ask you now. Who told you
10 about this, sometimes force could be used to reinforce
11 a point?

12 **A. Well, like I said till you, that was something that**
13 **I~learned on the course from the CRCCYP. It was a force**
14 **called the holding technique whereby whenever boys get**
15 **into those sort of frenzies, you can grab hold of them**
16 **in the hope that that would defuse the situation.**

17 Q. You mentioned that you thought it had been an American
18 theory that was talked about on the course.

19 **A. Yes, and it was something we had went into quite a lot**
20 **on the course, the CRCCYP. It was a new concept that**
21 **was coming from America and Rupert Stanley seemed to be**
22 **advocating it.**

23 Q. It seemed to be more, is it fair to say, when a boy got
24 completely out of control --

25 **A. Yes.**

1 Q. -- to try and keep them contained?

2 **A. Yes.**

3 Q. But what ensued then, you say:

4 "After discussing in great depth DL413's inability
5 to control his temper and accept criticism, we thought
6 we would act out a course of action in a role play
7 situation. We then evaluated the exercise and agreed we
8 would carry out the method. We agreed the matter would
9 be brought up again when DL413 came into the chalet. If
10 DL413 then lost his temper and became abusive, I would
11 grab him by the collar and his jumper to stress the
12 point."

13 Then, of course, what happens you set out on page 4.
14 If we just scroll through to the next page. You try --
15 you and DL 514 try to talk to him. He becomes abusive.
16 He says, "I won't do anything". You say at that point
17 you grabbed him by the collar and jumper, walked him
18 back against the wall, repeatedly saying, "DL413, you
19 will do what you are told". DL413 repeatedly replied,
20 "I won't. I won't. You won't make me".

21 "I then walked DL413 backwards still holding him by
22 the collar and jumper down the sitting room into the
23 kitchen, around the table and back and against the
24 wall."

25 At this point DL413 became very abusive, called you

1 various names that we can work out.

2 "I only do what Pat and DL11 ask me to do."

3 Then Bernie said at this point you then slapped him
4 across the face:

5 "... as I felt he had lost control of what he was
6 saying."

7 Now was this -- can you remember was the slapping
8 across the face something just on the spur of the moment
9 you did or was that -- that wasn't part of the holding
10 technique?

11 **A. No, I think that was just a spontaneous reaction to what
12 he was calling me.**

13 Q. And you then say:

14 "I tried to use the holding technique by crossing
15 his arms and drawing him on to my knee. DL413 called me
16 more language",

17 and he shouted for you to let him go and go to BR2.

18 Essentially DL 514 in a statement that she
19 made at the time that runs from 68214 to 68217, she
20 describes probably in more starker terms DL413 being out
21 of control than you have in your statement, and making
22 the point that DL 476 was someone who was four
23 years younger than him, and that she felt he was out of
24 the control of either of you. She then recounts the
25 various kitchen washing up problems the following night

1 and says the incident as you describe. You discuss --
2 you mention to her that sometimes force can be used.
3 You plan out what you would do and then she records in
4 broadly similar terms to you what happened.

5 DL 415 gave a statement. There were to be
6 two independent witnesses, as it were. DL 514 was one.
7 Another boy was another. DL 415 gave
8 a statement. He said, if we look at 68219, that:

9 "I saw DL 81 grabbing him by the neck and throwing
10 him around the place. DL413 said apparently, 'I'll get
11 you stiffed' and he walked out and he said he was coming
12 over to BR2."

13 Now DL413's own statement at 68220, if we just look
14 at that, please, it seems to accord broadly with what
15 you are describing taking place. If we just -- he says:

16 "He jumped off the chair and grabbed me by the top
17 of my jumper and pulled me up against the back wall. He
18 said to me, 'You do as you're told, DL413' and I said,
19 'I won't'. Then I said, 'I can't tell DL29 what to do'.
20 He said, 'You will' and I said, 'Let him go'."

21 Then he describes you walking him around. At this
22 stage he is describing it as you have hold of his
23 throat. He says then other people who he noticed.

24 So -- then at the top of 68221 he describes that at
25 the end of the incident as it has spiralled that you

1 have him up against a window and started to choke him
2 and he started to struggle. You pulled him on the
3 chair. Then he is describing the technique. So the
4 accounts are broadly similar --

5 **A. Yes.**

6 Q. -- with him at one stage describing your hand on his
7 neck and he ended up with marks on his neck. So
8 obviously at some stage your hand was on his neck.

9 **A. Yes.**

10 Q. DL11 then made a statement about being told about the
11 matter -- that's at 68218 -- and bringing it to BR2's
12 attention. If we can look at 68222, please, it records:

13 "As a result of a formal complaint and investigation
14 into an incident involving DL413 and DL81 on 11th
15 December a verbal warning has been issued to the above",
16 you, DL81, "regarding his conduct with boys. Reports of
17 the incident are in DL413's file."

18 Now in fairness to you it was described by BR2, if
19 we look at 68193, please. Yes. You just see in that
20 top part:

21 "Since the complaint was made formally, I would be
22 giving a formal warning re rough handling."

23 So that's how he was seeing the incident --

24 **A. Yes.**

25 Q. -- and -- as opposed to seeing it as you taking to a boy

1 and assaulting him.

2 Now had you ever discussed using any form of force
3 with BR2 in advance of doing this --

4 **A. No.**

5 Q. -- or BR1 before him?

6 **A. No.**

7 Q. I think you mention in your 1995 police statement one
8 occasion when BR1 authorised you to do corporal
9 punishment with a ruler --

10 **A. Yes.**

11 Q. -- when you had to give a boy two slaps with a ruler.

12 **A. Yes.**

13 Q. But that was the only time that that had happened?

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

15 Q. Obviously when you read back at what you were trying to do
16 then, it clearly didn't work as you had planned it.

17 **A. Obviously not, no.**

18 Q. The -- a meeting then takes place and I am just going to
19 summarise through this, if I may, DL81. In
20 December 1981, on 22nd there's a staff meeting of chalet
21 2 with BR2 and the sub-committee of the Management
22 Committee. That's at 68228 and 9. What's recorded in
23 that, if I summarise it, is different approaches to the
24 child care causing problems and you felt they were too
25 regimental -- that's the DL11 and DL12 couple -- and

1 institutional in their approach and not treating the
2 kids as individuals. BR2 tried to bring the four of you
3 into a more common approach together. Is that fair?

4 **A. Yes, I think that's fair, yes.**

5 Q. So there was a more consistent approach to how the
6 children were going to be managed.

7 **A. Yes.**

8 Q. You set out in a list -- now the list runs to three
9 pages. I will just get you to identify that it is yours
10 at 68230. This is you setting out -- is that your
11 handwriting, DL81?

12 **A. Yes.**

13 Q. You are setting out in detail the various problems that
14 you have identified with how the chalet is being run.
15 Am I right in saying that how the chalet was being run
16 in your view is how you ended up in these types of
17 situations with --

18 **A. I believe so. Uh-huh.**

19 Q. -- various boys?

20 **A. Yes.**

21 Q. What can you -- as you reflect on it now, what -- given
22 your experience in working with other children's homes
23 in the state sector, what could have been different
24 about the scenario that wouldn't have caused these
25 issues to be happening?

1 **A. Well, I have to say that DL12 and DL11 never really**
2 **wanted to work with anybody. It was their regime and**
3 **that was how they seen it. Anywhere else I worked all**
4 **staff worked together and they knew what they were doing**
5 **and that wasn't always the case in chalet 2.**

6 Q. I think that's the point that you make.

7 **A. Yes.**

8 Q. There wasn't internal meetings going on between you.

9 **A. Yes.**

10 Q. There wasn't handovers --

11 **A. Yes.**

12 Q. -- in terms of -- and basically by the time you were
13 coming on you were on the back foot with the children.
14 Is that fair?

15 **A. I think in fairness to DL12 and DL11, they always felt**
16 **maybe a bit threatened by perhaps someone like DL 514**
17 **that had a degree in psychology and somebody**
18 **like myself that had just freshly come off a course.**
19 **I think there was always --**

20 Q. You two were much younger than them as well?

21 **A. Much younger as well, yes.**

22 Q. The documents were provided -- of this incident were
23 provided to the solicitor for the Order as per Pauline
24 Richardson's direction and Father O'Connor, and also if
25 we just look, please, at 68226, BR2 reported the matter

1 to Newry and Mourne District Social Service. Presumably
2 that's where DL413 was from. Did you ever hear from
3 Social Services about the incident?

4 **A. No.**

5 Q. Nobody ever spoke to you, took it any further?

6 **A. No.**

7 Q. That was the end of it after the --

8 **A. Yes.**

9 Q. -- written warning, as it were --

10 **A. Yes.**

11 Q. -- from BR2?

12 **A. Yes.**

13 Q. We have asked the Health & Social Care Board, Members of
14 the Panel, to look into what, if anything, was done in
15 response to this letter being received.

16 Then there is documented -- I was asking you could
17 you remember it at this remove, but if we look at 68242,
18 there is an incident documented on 25th January, when
19 -- and this again is a statement from you. You
20 are describing:

21 "On Monday morning 25th June" -- sorry -- "25th
22 January I heard pass an abrupt remark to
23 DL514 about his toast. 'Is this the best you can do
24 for me?' he said. Using DL11's approach, I asked him,
25 'Did you think this is -- do you think this is a hotel?

1 Do you always get toast at home the way you want it?'
2 With this he rose from the table, grabbed me by the
3 throat and drew a knife to me. In order to break his
4 concentration and shock him, as he was by this stage
5 going hysterical with the knife, I slapped him with my
6 hand in his face."

7 Then you informed BR7 and eventually
8 was taken to St. Patrick's as a result of pulling the
9 knife. This was simply over -- sparked over a comment
10 about the toast.

11 **A. Yes.**

12 Q. On the same date -- I am not going to look at it -- the
13 Management Committee on 25th January, as this is
14 happening to you in the home, then the Management
15 Committee were discussing that DL413 incident involving
16 you, and that -- just for the record the Management
17 Committee meeting minute is at 11068 and 9 -- and
18 discussing various problems in chalet 2.

19 Then the following day -- so this happens on 25th
20 January.

21 **A. Uh-huh.**

22 Q. On the following day, 26th, there was an incident
23 involving another boy called DL 415 , but this time
24 DL 415 . There is a statement from you that
25 begins at 68243. It runs to three pages, but I want us

1 to look, please, at 68243. You say:

2 "On Thursday night, 26th January, DL 415
3 refused to show DL12 (houseparent) and I his homework.
4 He also refused to stop ripping the sole of his slipper
5 even when I corrected him for doing so, which was a 30p
6 fine."

7 So you fined him to try and -- using this reward
8 system to try and get him to stop.

9 "DL 12 proceeded to go into the laundry room to check
10 the boys' hair. At this point DL 415 hit DL 476

11 " -- so this is the young boy again -- "on the
12 head with his first causing DL 476 to almost cry.
13 I asked DL 415 to stop his misbehaving when he became
14 very abusive, using foul language. I reminded him about
15 his previous fine. He told me to, 'F*** off'. I fined
16 him for saying this. On hearing this, again he became
17 very abusive. He then said he wanted to go out and
18 smoke. I refused, because of his language, telling him
19 he could when he settled down. He refused to accept his
20 punishment. I then spoke to DL 12. She told me to get
21 him by the arm --by the scruff of the neck and the back
22 of the arm and run him up to his bedroom. I knew that
23 this physical approach wouldn't work."

24 You had already had the situation trying to do
25 something physical and it hadn't worked.

1 "He was so high ..."

2 Do you know is that a reference -- is that glue you
3 are talking about or just he was hysterical or
4 aggravated?

5 **A. It's possibly a combination of both. From memory**
6 **I can't -- I can't recall.**

7 Q. You can't say now.

8 **A. No.**

9 Q. That is what you wrote at the time.

10 **A. Yes.**

11 Q. "... and it would only cause him to receive attention
12 from the rest of his peers."

13 You then decided that the best action would be to
14 phone over for the Brother on call and take him to BR2.

15 **A. Yes.**

16 Q. "... but as he couldn't be found, I had to wait
17 ten minutes."

18 During this time further difficulty arises. Then he
19 describes:

20 "BR2 rang me back" -- or you describe. "As I was
21 about" -- scroll down, please -- "as I was about to
22 answer the phone, 'I suppose this is BR2 to say how
23 sorry he is he can't come over.' I gave BR2 a brief
24 description of what had happened. So he asked me to
25 send the boy over."

1 You took him over and the Brother -- to the
2 Brothers' house.

3 "On entering the room DL 415 slumped himself down
4 in a seat. BR2 and myself were both standing. I tried
5 to explain to BR2 my reasons for bringing DL 415 over.

6 DL 415 interrupted the conversation. BR2 allowed him
7 to do so and continue, which meant I had to discontinue
8 my part of the conversation. BR2 tried himself to
9 reason with DL 415 , but appeared to fail. DL 415 said
10 DL12 and DL11 allowed him out for a smoke and it was not
11 up to me to stop him. I tried again to explain to BR2
12 that we had a staff meeting within the chalet where it
13 was decided that smoking was a privilege and it was up
14 to each member of staff whether they allowed the smoking
15 by each boy or not. DL11 said it could be used as
16 a punishment, ie stopping someone smoking. BR2 didn't
17 hear me fully out and instead listened to what DL 415
18 had to say. BR2 then jointly decided with DL 415 that
19 he would see DL11 about the smoking. Again I tried to
20 recap on what happened and my reasons for my actions,
21 but BR2 indicated that he would wait to see DL11 first.
22 All through the interview with BR2 DL 415 was allowed
23 to remain slumped on the chair. At one stage DL 415
24 accused me of causing him to ..."

25 I am not sure what's under that.

1 "Finally, BR2 asked to us leave and said he would
2 see DL11 about it the next day. At this point I felt
3 very annoyed at the inadequate way BR2 handled the
4 situation. It was evident to DL 415 that he had got
5 his way with BR2 in getting no punishment. Going back
6 to the chalet he retorted, 'Ah, DL81, you are sickened.
7 What did BR2 do?' I no longer felt able to continue to
8 work with the problems had been solved (sic). So on
9 going over to the chalet I told DL12 I was leaving work
10 early. It wasn't until the next day that DL 415
11 received punishment for his behaviour with two slaps
12 from BR2, who also positively reinforced my position
13 within the chalet."

14 So your point that I take out of this exchange is
15 what happened the next day you are saying should have
16 happened at that time --

17 **A. Yes.**

18 Q. --and instead there was an undermining of you at the
19 time --

20 **A. Yes.**

21 Q. -- which has then knock-on consequences within the
22 chalet.

23 **A. Yes.**

24 Q. You say:

25 "I don't agree with the policy of waiting a day or

1 two for a boy to be punished after the misbehaviour.
2 I believe punishment should follow there and then after
3 the situation or problem has occurred, been related and
4 fully understood and then forgotten about. I also feel
5 I should not have to go to the extreme to let BR2 or
6 DL415 see the importance of the issue. I also felt
7 that BR2 was undermining my word on the question of
8 smoking."

9 You sign off on that. Really we are at the end now,
10 DL81, for you. You had reached then end of your -- on
11 27th January you went to see -- I am just going give the
12 references to the Panel -- at 68248 you went to see
13 Father O'Connor of the Catholic Welfare Society, as you
14 felt you had no-one to turn to. He wrote to BR2,
15 pointing out you had come to see him because you felt
16 you had no-one to turn to. The records suggest you had
17 meetings and phone calls with Father McCann, who was the
18 head of the Management Committee, on 27th and 28th.
19 That is at 68234 and 68245 -- sorry -- 68234 and 68235.

20 On 1st February you have a meeting with BR2 over
21 assurances and a letter given by the Management
22 Committee. Now we don't have that letter, so I don't
23 know what that was about. Presumably it was all about
24 your working in the chalet --

25 **A. Yes.**

1 Q. -- and trying to find some resolution, but on 4th
2 February you and DL 514 go to see Mr Maurice, the
3 Principal Social Worker in the Eastern Board -- if we
4 can just look at 11960, please -- and he records
5 a minute of your meeting. I am not going to go through
6 this in any length now, but basically this is a meeting
7 summarising you explaining what you see and she sees as
8 going wrong in the child care practices that are
9 happening in Rubane and how things are not being dealt
10 with --

11 **A. Yes.**

12 Q. -- as you had been trained --

13 **A. Yes.**

14 Q. -- as it were, as to how things should be dealt with.
15 He then -- a meeting takes place, another -- this staff
16 meeting that had happened in December, there was to be
17 another one at the end of January. It happens on 5th
18 February at, just for the record, 68249. You make the
19 point that you regarded them as -- the two house unit
20 leaders, DL11 and DL12, you regarded them as incompetent
21 and that BR2 was incompetent.

22 **A. Yes.**

23 Q. You expressed those views, and on 8th February Father
24 O'Connor of the Catholic Welfare Society informed the
25 DHSS of your concerns. That's at 68251. Then on 10th

1 February Father Peter McCann, who is the head of the
2 Management Committee --

3 **A. Uh-huh.**

4 Q. -- asks you to excuse yourself from duties in the home
5 until he discusses with you and the Management Committee
6 matters relating to you. That's at 68252. Then at that
7 stage the relationship had broken down, because DL12
8 wrote and said it is your fault these things are
9 happening. You say it is their fault. Over the next
10 number of months BR2 keeps a record of various things
11 that arise. That's at 68234 through to 68240.

12 What does happen on 26th February 1982, partly
13 because of you and DL 514 going to the Eastern
14 Board, and the Eastern Board, Bob Bunting, tells BR2
15 that there won't be any more referrals from the Eastern
16 Board for the moment. That's at 68235. Then another
17 former resident makes allegations in March of '82 at
18 68237 and the embargo continues. On 8th March then you
19 are dismissed by the Management Committee.

20 **A. Yes.**

21 Q. We can see at 68254:

22 "The Management Committee has today considered your
23 position in the home having regard to some recent
24 incidents in which you were involved with some of the
25 children. Taking into account the substance of your

1 recent complaints to the Eastern Health Board, of which
2 you kindly sent us a copy, it is the view of the
3 Committee that you have become unsuitable to continue as
4 a member of the child care staff. Our primary
5 responsibility is the overriding care and protection of
6 the children. No option but to terminate your
7 employment."

8 Then if we see the Management Committee meeting of
9 the same night at 11070, Father McCann recounts what
10 occurred:

11 "Before considering the minutes of the meeting
12 suggested by Father McCann that the Committee should
13 first consider the future position of DL81. BR2 gave
14 some chronological data of the incidents stretching back
15 over a period of time. His recent behaviour has shown
16 a lack of judgment and also a betrayal of trust and
17 confidence."

18 That seems to be about you making your complaints
19 known to the Eastern Board:

20 "In making complaints about the home to the Eastern
21 Health Board he has shown little confidence in the
22 machinery of Management Committee to deal with
23 complaints. These complaints made by him to the Board
24 had led to a ban on admission of children to the home.
25 By such actions the Committee considered that the home

1 had been brought into disrepute."

2 So it seems that the primary issue was you stepping
3 out beyond the management structure --

4 **A. Yes.**

5 Q. -- and bringing the home into disrepute by reporting it
6 to the Eastern Board.

7 "Father McCann had told the Committee that you would
8 be given the option to resign. Failing that, you would
9 have to be formally dismissed. The Committee agreed to
10 that procedure and a letter of dismissal was drafted."

11 Then if we just scroll down, please:

12 "Father McCann confronted DL81 with the Committee's
13 decision. He refused to resign."

14 So you were dismissed as from 8th March, getting
15 a formal letter. DL 514 , her period of probation
16 was extended because she took part in you and her going
17 to --

18 **A. Yes.**

19 Q. -- the Eastern Board.

20 The matter was reported by the Eastern Board to the
21 Department of Health, the organisation that included
22 SWAG, that particular part of the Department of Health.
23 If we look at 11956, on 6th April 1982 a representative
24 of the Department of Health writes back to the Eastern
25 Board, having investigated:

1 "Mr Maurice, Mr Walker, Mr O'Brien spent two days in
2 the home interviewing BR2, all the other staff members
3 concerned, including the two people who spoke to
4 Mr~Maurice. Most of the allegations concerned poor
5 standards of child care in one of the three chalet
6 units. Mr Walker's opinion is that most of these
7 alleged malpractices may have taken place in this unit
8 at one time or another, but with the exception of the
9 foot washing ritual, they have not been commonplace or
10 pervasive. Moreover, they have never formed part of the
11 child care policy of the unit but have arisen from the
12 difficulty in the past of recruiting staff with the
13 levels of qualification and experience that we would all
14 like to see in the residential child care field.

15 We have advised the manager that the practices which
16 have been brought to our attention are unacceptable."

17 So the things you were complaining about the
18 Department regarded as unacceptable, but they are
19 accepting of the explanation that they were not
20 commonplace, ie it seemed to be in this one chalet, and
21 that they had been effectively discontinued:

22 "He immediately agreed to tell the staff concerned
23 that any remaining in use should be discontinued
24 forthwith. I am satisfied that these practices have now
25 ceased. However, he will continue to make regular

1 visits to Rubane both to advise and support BR2 and to
2 monitor the improvements in the standard of child care
3 that we are trying to encourage ..."

4 Then they deal with -- you raised an issue about
5 BR23 about alcohol difficulty, and:

6 "It is alleged he has a drink ... BR2 agreed the
7 member of staff had started to drink following a fire
8 that had been started by two boys and which had
9 destroyed the hayshed and its contents. He was
10 emphatic, however, this man had never been allowed to go
11 on duty while under the influence of alcohol. As soon
12 as the problem became apparent, arrangements were made
13 for him to be transferred to another of the De La Salle
14 Order's communities."

15 It is said:

16 "In my opinion the Brothers dealt with this matter
17 responsibly and expeditiously in order to avoid any
18 risks to the boys."

19 I think your point is that's perhaps not just
20 entirely accurate in terms of -- the reason you
21 complained about it was because he was working in the
22 chalet with alcohol --

23 **A. Yes.**

24 Q. -- but this is the explanation that was given. By this
25 stage he had been moved on and the matter had been

1 effectively resolved.

2 Then it is said:

3 "I am sure that you'll agree that, while there can
4 be room for improvement in the standards of child care
5 in this home, the practices complained of did not
6 represent a serious threat to either the safety or the
7 welfare of the boys ... no reason based on these issues
8 to continue the embargo."

9 They do continue the embargo in any event and it is
10 eventually resolved later in 1982 when the complaints
11 made by a boy about his previous time had been resolved.

12 DL81, I want to move on to -- you then move on and
13 begin a career in the state sector and you spend all of
14 your time in the state sector then --

15 **A. Yes.**

16 Q. -- for the next many years until your retirement.

17 **A. Yes.**

18 Q. I drew to your attention one document that has come to
19 the attention of the Inquiry, because we get lots of
20 material.

21 **A. Yes.**

22 Q. That's at 60319, and it is an occasion in August 1988
23 whenever someone in the Eastern Board writes to the
24 police saying about you:

25 "During 1987 following a period of illness he

1 requested a transfer to another part of the service.
2 During this period a number of concerns were raised by
3 staff about his suitability as a member of the caring
4 staff of the board. While there is no evidence of any
5 offence having been committed by him, I would be
6 grateful if you would let us have any information
7 regarding him arising out of the investigation that was
8 done in Kircubbin."

9 So the reply that the police give is, "No, this man
10 had no -- no allegations were made against him in the
11 1980 investigation". In fact, you explain to the police
12 when you are interviewed in 1995, which we are going to
13 come and look at, you were actually asked by the police
14 to assist them.

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

16 Q. You and your wife were taken to Knock for a period of
17 days.

18 **A. Castlereagh.**

19 Q. Castlereagh -- sorry -- to assess various material that
20 had been given. When I asked you what this was about,
21 you told me your marriage was breaking down and you were
22 having a breakdown essentially --

23 **A. That's right.**

24 Q. -- at this point in time. You were moved and went on to
25 work in the -- continued to work within the Eastern

1 Board.

2 **A. That's right, and I did so for I think it was 25 years**
3 **there altogether.**

4 Q. You -- the allegation made to the Inquiry is by
5 an individual called HIA41, and you know who I am
6 talking about.

7 **A. Yes.**

8 Q. He -- his allegation formed part of what's known as
9 file 16 of 41 arising from Operation Overview, which was
10 the police investigation that took place in 1995, the
11 second big investigation. That runs from 63197 through
12 to 63281. It's a single allegation against you
13 contained in his police statement of 16th January '95,
14 which makes allegations against a series of individuals.
15 It runs from 63214 through to 63218.

16 The police make the point to you at interview that
17 during -- this was the single complaint after everybody
18 else had been seen. They make the point -- we just look
19 at 63244, which is just an exchange as part of the
20 interview, the point is being put to you:

21 "Q. Everybody's been seen and there's no other
22 complaints.

23 **A. Well, could I just say something here?**

24 Q. Certainly.

25 **A. I don't ..."**

1 You then go on to talk about how you had assisted
2 the police in 1980.

3 In terms of everybody being seen, so that I can put
4 some context on this, there were 124 boys who spoke to
5 police in 1980, and then 150 boys, some of whom had
6 spoken in 1980, who spoke again, but a total of 150
7 individuals who spoke in 1995, and the reference to that
8 is at 64150.

9 Now he says -- and it is the last part of the last
10 page of his statement. If we look at 63218, he says
11 that you were a housemaster. You used to physically
12 abuse the pupils.

13 "He assaulted me in the kitchen at chalet 1. I said
14 I wanted to dry the dishes and not wash."

15 That's actually a point you made, that there were
16 problems over this:

17 "He laid into me, punching me. He gave me a bad
18 beating. He was also well-known for being brutal and
19 assaulting other boys."

20 So that's what he said and he later confirmed to
21 police, if we look, please, at 63204, that he had a sore
22 head afterwards, after the incident, but there was no
23 bruising or physical injury. It is the third
24 paragraph down, Members of the Panel.

25 In fairness to you he made two statements to the

1 police in 1980 and makes no mention of you there, and he
2 does in those 1980 police statements, as we will see
3 later in the day, identify three individuals who were
4 assaulted by another Brother, and that other Brother was
5 convicted of assaulting them, but he didn't raise this
6 issue until it was his 1995 police statement.

7 He suggests, as we can see here during this
8 conversation, that there were two individuals who may
9 have witnessed this incident. He identifies them as
10 DL47 and DL 178 . Now they had been spoken to in
11 both 1980 and 1995. They make no mention of an incident
12 of HIA41 being assaulted by you or mention you at all.

13 Police explain just in the context, if we look at
14 63258, that they don't -- they say -- just scroll down
15 to the bottom, please:

16 "The procedure we were adopting once somebody was
17 interviewed is we wouldn't go back and ask them -- on
18 the other hand, they were never asked if they witnessed
19 an assault.

20 A. Right. Okay.

21 Q. The procedure we were adopting once somebody was
22 interviewed is we wouldn't go back and ask them
23 specifically --"

24 Scroll down again, please.

25 "A. Right.

1 Q. -- because it is difficult then to know whether
2 they're agreeing because they've been asked about it."

3 So the point they are making is these two
4 individuals who were said to witness the incident made
5 their own statements to police. They don't make any
6 mention of it. The police did not later in 1995 go back
7 and say, "And did you witness [you] hitting HIA41?" on
8 the basis that -- their concern was that might have
9 simply elicited a "Yes" because they were asked.

10 **A. Yes.**

11 Q. So that's the point that's made, and there are -- there
12 is obviously no mention of this incident in all of the
13 documents that we have looked that arise from the De La
14 Salle file and the Department file to do with the
15 various boys, DL29, DL 415, ,
16 DL413, who were all connected to chalet 2.

17 On 13th May 1996 then you were interviewed about
18 this incident. That interview runs from 63233 through
19 63277. You describe having taken over from DL115 --
20 that's in chalet 3 -- and two incidents that you could
21 remember, boys on smaller people, lots of fights. You
22 explain how the police enlisted you in 1980. The
23 allegation was put to you and you said, "It is not
24 true". You never hit any of the boys and you used a
25 reward system. Well, that's not quite right. In 1980

1 you describe hitting --

2 **A. Yes.**

3 Q. -- I think twice slaps on the face as part of a boy who
4 has got out of hand, but are you talking about here --

5 **A. In Chalet 3?**

6 Q. Yes.

7 **A. Yes.**

8 Q. What you are saying here is you never just gratuitously
9 hit boys.

10 **A. Yes.**

11 Q. You say you had to break up lots of fights. You make
12 a point about knives being used and you had to break
13 those up. You say you used corporal punishment once on
14 the direction of BR1. You say to the police at that
15 time that you and your sister were often described as
16 "softies".

17 **A. That's right.**

18 Q. Who was describing you as "softies"?

19 **A. Well, mostly the boys and some of the staff, but mostly
20 it come from the boys, in particular HIA41. He would
21 have --**

22 Q. What were you actually known as?

23 **A. "██████████".**

24 Q. And you -- the police then mention these two boys whom
25 HIA41 mentions as witnessing this incident in the

1 kitchen, DL47 and DL 178 . You respond to them
2 saying you do remember them and you recounted how they
3 and HIA41 had put sugar in your petrol tank.

4 **A. Uh-huh.**

5 Q. Now HIA41, as I told you, came to the Inquiry and gave
6 evidence and denied putting sugar in your petrol tank.
7 I think there is no doubt sugar was put in your petrol
8 tank. There is a reference in the handwritten notes.
9 He certainly says it was not him who did it and
10 suggested that you were reading the Beano.

11 The DPP then considered the papers, the allegation
12 that was made, the interview that you had given and
13 directed there was no prosecution. That's at 63198 and
14 that was on 24th October 1996.

15 The same individual then repeated the allegation
16 again to police in his statement of 10th September 2010,
17 which is a very detailed police statement, but makes
18 very serious allegations against other individuals.
19 That's at 67626 through to 67632. You were then
20 interviewed again. I should say you did all of this
21 without ever being legally represented.

22 **A. That's right.**

23 Q. You went to the interviews voluntarily and without
24 a solicitor and just explained what happened.

25 **A. Yes.**

1 Q. This interview on August 13 again you went without
2 a solicitor.

3 **A. Yes.**

4 Q. The police don't seem to have been aware or didn't make
5 you aware, if they did, from the transcript that you --
6 this was the same allegation that you had been
7 interviewed about already in 1980, and therefore they
8 were interviewing you about it again, but that's what
9 they did, and in summary the interview runs from 67807
10 through to 67813, and you say in that in response to
11 HIA41 you were in chalet 1. It would have been DL378.
12 I think there is reference -- mistaken reference to
13 DL115 --

14 **A. Yes.**

15 Q. -- but Chalet 1 was DL378 --

16 **A. DL378.**

17 Q. -- and BR23.

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

19 Q. Really it would have been them that would have had to
20 deal with who was doing what --

21 **A. Yes.**

22 Q. -- but it is right that you were in chalet 1.

23 **A. Yes.**

24 Q. You had ate your tea there.

25 **A. Yes.**

1 Q. It is possible there was discussion over the dishes
2 various times.

3 **A. Yes.**

4 Q. Your point is you never assaulted him over the dishes.

5 **A. Yes.**

6 Q. You say he was a difficult guy. You did remember having
7 plenty of verbals with him.

8 **A. Yes.**

9 Q. You describe an incident where he stuck his foot out and
10 tripped you up.

11 **A. Yes.**

12 Q. Sly behaviour.

13 **A. Yes.**

14 Q. He was asked about that during his evidence and said
15 that's not true. You are making that up. He didn't do
16 any of that. Anything else you want to say about that?

17 **A. No. I mean, what do you say if you know somebody has
18 done something and they say, "No", you know? I remember
19 clearly HIA41 was very much a guy that taunted everybody
20 and would have said anything to anybody. He --**

21 Q. Well, his point is this particular incident with the
22 dishes you hit him and your position is you didn't hit
23 him.

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

25 Q. He repeated, as I said to you, the allegation to the

1 Inquiry and that's at RUB496. He gave evidence to the
2 Inquiry on 17th November 2014 and maintains you
3 assaulted him when various points that you had raised at
4 interview were put to him by Ms Smith -- the transcript
5 is available at 90352 -- and he said you must have been
6 reading the Beano, because there wasn't an ounce of
7 truth in what you had to say.

8 **A. Yes.**

9 Q. The other allegation that has been made, the second
10 individual who gave evidence to the Inquiry is HIA170.
11 He in his police statement -- he was in chalet 3, and
12 there is reference to HIA170 in the chronology document
13 that we looked at. If we just look at 68246, please,
14 down at the bottom:

15 "11th December" -- scroll down, please -- " HIA 170 ,
16 kettle of water."

17 He made a statement to police and it might be and he
18 accepted whenever I was taking him through his evidence
19 that a number of matters had got conflated, because he
20 refers to the poker and the butter knife and didn't
21 mention the kettle, but then recollected the kettle.

22 **A. Yes.**

23 Q. He spoke to police on 11th April 2011. That runs from
24 66265 through 66269.

25 You were then interviewed by the police about that

1 on 14th August of 2012. That interview runs from 67794
2 through to 67806. You couldn't really remember HIA170
3 --

4 **A. No.**

5 Q. -- at the police interview. You could remember
6 something to do with a boy and a strike
7 occurring --

8 **A. Yes.**

9 Q. -- in one of the chalets. I am not sure if that was
10 chalet 3 or a different chalet. Do you remember which?

11 **A. I think it was possibly chalet 3.**

12 Q. Possibly chalet 3 as well.

13 **A. Uh-huh.**

14 Q. You just had no recollection of someone hitting you with
15 a poker. He said that whatever you did on him, one of
16 the other boys hit you with a poker. You had no
17 recollection of that.

18 **A. No.**

19 Q. The DL212 thing jogged your memory about a poker, but
20 that was completely separate --

21 **A. Yes.**

22 Q. -- and a different time from this incident with HIA170,
23 which is nine months later.

24 What you do say, and I just want to ask you about
25 this, because I know it is something you have mentioned

1 to me, at 67805 you say to the police in August of
2 2012 -- if we just scroll down, please -- that:

3 "To conclude the whole thing in Rubane I would say
4 and I still believe that the De La Salle Order were very
5 strong willed when it came to, you know, punishment.
6 They would have -- you know, if they seen everything, if
7 somebody doing something, they'd give him a slap."

8 Now by "slap" you are talking about corporal
9 punishment, the cane?

10 **A. Yes.**

11 Q. Can you remember did they have straps as well as canes?

12 **A. No, I don't think so. I think it was the cane.**

13 Q. Cane is what you remember?

14 **A. Yes.**

15 Q. "... type of discipline ... that would have said that
16 I would have been too soft, you know. HIA41, for
17 example, would have said, 'Aye, even BR1 says you're too
18 soft, you know'. He would have thrown that at you."

19 **A. Yes.**

20 Q. Now that's -- BR1 was there in your time in chalet 1.

21 **A. Yes.**

22 Q. Then he leaves during your time in chalet 3 before you
23 move into chalet 2.

24 **A. Yes.**

25 Q. But you say:

1 "They are very strong willed re punishment."

2 One of the points you were making to me beforehand
3 was that these were difficult children. It was very
4 hard to know what to do.

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

6 Q. They were disciplinarians trying to keep control --

7 **A. That's right.**

8 Q. -- and you felt that was why a number of boys were sent
9 to De La Salle, so that they could have the benefit --

10 **A. The discipline, yes.**

11 Q. -- that's how it might have been perceived by the Social
12 Services --

13 **A. Yes.**

14 Q. -- perceived to have benefit of that regime.

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

16 Q. Well, HIA170 repeated his point to the Inquiry that he
17 made to the police, paragraph 11608 (sic). He also
18 remembered the incident with DL413. As I said to you,
19 he accepted there was maybe conflation of various
20 incidents going on, but he gave evidence on 18th
21 November and explained what he says occurred. Can you
22 remember now -- when you see that contemporaneous
23 document and handwriting of the incident with the
24 kettle, can you remember what that was?

25 **A. I can't.**

1 Q. You don't?

2 **A. No.**

3 Q. And his evidence is at 90362 through to 90365.

4 Now BR2 suggested during a police interview -- he
5 was being asked about generally how matters were dealt
6 with in terms of physicality and he said that you and
7 another houseparent were maybe too aggressive. He
8 mentioned I think it was DL374 and you. He said that at
9 66292. With that he was referring to in the end it was
10 these incidents that led to you being removed. Would
11 you have regarded yourself as aggressive with the boys?
12 Is that how you saw yourself?

13 **A. Not at all, no.**

14 Q. You accept that you got caught up in these incidents?

15 **A. Very much so, yes. A large part of that was defending**
16 **the younger boys from the older boys. I would have got**
17 **caught up in that by all means, but no --**

18 Q. You never set out to be deliberately assaulting the
19 boys, as I understand.

20 **A. Hence the reason why I was always being accused of being**
21 **too soft and being called "██████".**

22 Q. Just on that subject, you did say in an interview to
23 police on 14th August 2012 -- if we bring it up, please,
24 67797, you say:

25 "Q. And that would have been done in corporal

1 punishment --

2 **A. To the best of my knowledge, yes.**

3 Q. -- as far as you're aware?

4 **A. Yes. There was just that one Brother that was**
5 **notorious for hitting, giving -- for giving the boys**
6 **a punch and that was BR18."**

7 **A. That's right.**

8 Q. Do you remember anything being done about the fact he
9 was hitting the boys?

10 **A. No, I can't recall.**

11 Q. Can you remember why he was notorious? What --

12 **A. That was -- that was just BR18. He gave you a thump.**
13 **He would have given me a thump as quick as look at me as**
14 **well and then asked the question, you know. That was**
15 **just him.**

16 Q. Do you recall anything ever being done about that?

17 **A. Not to my knowledge, no.**

18 Q. Now two points that you did make to me that I just want
19 to highlight. You did say to me when we were speaking
20 earlier that the Brothers did try -- they had good
21 facilities. They were always organising activities,
22 sports, trips. They did try to do things for the
23 children.

24 **A. Uh-huh.**

25 Q. You mentioned specifically BR10 was big into music and

1 trying to integrate into the community --

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

3 Q. -- and he brought -- you said to me he brought girls in
4 and then you wanted to clarify that so that it didn't
5 come across wrong.

6 **A. Yes.**

7 Q. He brought singing -- girls who sang in to be part of
8 the singing.

9 **A. Yes. Well, it was all part of the Scor -- Scor na nOg.**
10 **I think that's what they called it.**

11 Q. The point, if I can summarise it this way, DL81, you
12 have no particular love for the De La Salle Order as
13 a result of how you felt you were treated.

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

15 Q. But at the same time you wouldn't want it to be seen
16 that it was just simply all abuse that was going on.

17 **A. Certainly not from their point of view. There was a lot**
18 **of abuse went on between the older boys and the younger**
19 **boys, a lot of physical abuse, a lot of bullying, a lot**
20 **of glue sniffing, but I think, to summarise what you've**
21 **asked me, I think the De La Salle Order, a lot of the**
22 **Brothers were very good.**

23 Q. And what I want to just ask you in closing, DL81, is
24 whether there is -- I have tried to cover the general
25 issues with you. You didn't really have any great

1 amount of training when you started. You went and got
2 yourself trained, and after you left the De La Salle
3 Order, then you have worked in child care for another
4 30 -- 25 years.

5 **A. Yes.**

6 Q. You -- the system that was there was this reward system,
7 punishing by taking stuff away --

8 **A. Uh-huh.**

9 Q. -- and basically the type of children and type of
10 environment you were in the chalets, that wasn't really
11 working, and the relationship between you and DL11 and
12 DL12 and DL 514 wasn't working.

13 **A. That's right.**

14 Q. There was child care practices that clearly the
15 Department didn't think were acceptable which you were
16 raising --

17 **A. Uh-huh.**

18 Q. -- and -- but not all of it was bad.

19 **A. Not all of it was bad, no.**

20 Q. Is there anything else that I haven't covered that you
21 think would assist? The Inquiry is looking for systems
22 failures. If these things happened, why did they happen
23 in the way that they did and what could have been done
24 to prevent them? Is there anything that I haven't
25 covered that you think you know that could assist the

1 Inquiry with that work?

2 **A. No. I think you've covered things very well, Joseph,**
3 **what we spoke about earlier and through this event.**
4 **I think we have covered most things.**

5 Q. Well, if you, DL81, would just -- I am not going to ask
6 you any more questions. The Panel Members may want to
7 ask you something. So if you just bear with us for
8 a few minutes. If you remain where you are.

9 Questions from THE PANEL

10 CHAIRMAN: DL81, you said a few minutes ago that the
11 Brothers were very strong willed about discipline and
12 you have referred to BR18 as being notorious for giving
13 the boys a thump. Was it a common practice for
14 a Brother to in your presence strike a boy for some
15 reason --

16 **A. Not --**

17 Q. -- to emphasise a point --

18 **A. No, not --**

19 Q. -- or discipline him in some way?

20 **A. No. It would have been BR18. Maybe his age had got to**
21 **do with it. I'm not sure, but that was just the way he**
22 **was. Everybody used to joke and laugh about it,**
23 **about -- what I mean by that, the boys themselves would**
24 **have laughed about it. He was just that sort of**
25 **a Brother that he just would have hit out.**

1 Q. But would it be fair to say from your overall assessment
2 that they were strict disciplinarians to keep control of
3 these young boys?

4 **A. Yes, I would say that.**

5 Q. And that part of that, not all of it, but part of it
6 would involve inflicting corporal punishment as
7 considered appropriate?

8 **A. Well, yes, yes.**

9 Q. And would that sometimes appear to be a first resort
10 rather than a last resort?

11 **A. No, not always. Very often it was a last resort in my
12 experience.**

13 Q. Yes. To go back to your exchange with BR2 at the time
14 when you were then later dismissed, part of your concern
15 other than the communication difficulties within the
16 chalet organisation, is it fair to say you felt that BR2
17 was not sufficiently supportive of you in that
18 particular incident?

19 **A. Well, I felt that because maybe I had spoke out on the
20 radio, I think BR2 knew that the two personalities would
21 not work very well, DL11 and myself, and I think it was
22 sort of -- if you like, I was put in chalet 2 in the
23 hope that I would leave, and a lot of the problems arose
24 from DL12 and DL11's attitude and DL 514 and
25 myself. We had two very different approaches, but**

1 I would have to say I think BR2 would have known that
2 prior to me being in chalet 2.

3 Q. Yes. Thank you very much.

4 MS DOHERTY: Thanks very much, DL81. Can I just go back to
5 the incident where you describe DL12 saying, "Get him by
6 the scruff of the neck and bring him up the stairs"?
7 Was that a normal way of dealing with boys when they --

8 **A. Well, this was my concern with DL11 and DL12. They very**
9 **often would have spoke like that, but not necessarily**
10 **carried out their physical action.**

11 Q. But she was saying to you as an assistant --

12 **A. Yes.**

13 Q. -- she was suggesting to you that was the way to deal
14 with --

15 **A. Yes.**

16 Q. And did you do that?

17 **A. No.**

18 Q. Was that at other times -- I know you didn't in that
19 incident, because it hadn't worked before, but were
20 there times when you did physically try to take on the
21 boys to --

22 **A. Only on the -- on the occasion that Joseph and I spoke**
23 **about earlier.**

24 Q. Okay. So there wasn't other times.

25 Can I ask the issue about BR23 being under the

1 influence of alcohol when he was on duty, can you say
2 a bit more about that?

3 **A. Only that you would have known he had drink. You would**
4 **have smelt it off him and you would have known he had**
5 **alcohol in him.**

6 Q. Because of the way he behaved towards the boys or ...

7 **A. No, because he was always fairly respectful towards the**
8 **boys, you know.**

9 Q. So was your concern that he came on duty smelling of
10 drink rather than his behaviour --

11 **A. Yes.**

12 Q. -- when he was on duty?

13 **A. Yes.**

14 Q. Okay, and was drink -- I mean, some of the witnesses we
15 have heard from would suggest that drink was a kind of
16 a common issue. They would suggest that there was
17 Brothers that came, you know, interacted with them when
18 they had alcohol on them. Was that something -- were
19 you aware of that with anybody else?

20 **A. I was never aware of that with any other Brothers. The**
21 **Brothers did live there. That was their home. I am**
22 **sure on occasions they had reason to be off duty and**
23 **socialise themselves. Why would they not have a drink**
24 **if that was -- if they were off duty and having friends**
25 **round or whatever? That's maybe something that -- maybe**

1 the boys were all too close, you know. Maybe that's
2 some of the things that -- if it were to happen today,
3 it wouldn't happen, you know.

4 Q. Okay. Thanks. In relation to BR18, one of the issues
5 was about his supervision of the canteen where the boys
6 were eating. Do you remember him supervising the
7 canteen?

8 A. **No. That would have been during the school hours and
9 I never would have been involved in it.**

10 Q. You were never ... Okay.

11 The last thing is just your teaching about the boys
12 in -- you know, about restraint, would you agree that
13 was about restraining boys when they had kind of got out
14 of control as opposed to using it as a way of asserting
15 your authority?

16 A. **Yes.**

17 Q. It was about restraint?

18 A. **Yes.**

19 Q. Thanks very much.

20 MR LANE: The CRCCYP course you did was a full-time one?

21 A. **About 14 months, yes.**

22 Q. You were also expected to do some work as well at Rubane
23 when you started it, if I understood you correctly.

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

25 Q. So how many hours a week would you be expected to work

1 on top of a full-time course?

2 **A. Well, you would have worked from about 5.00 maybe to**
3 **10.30 in the evening.**

4 Q. Was that an expectation that other people on the course
5 had to fulfil?

6 **A. I don't know if anybody else in Rubane, they have done**
7 **the CRCCYP, but it wasn't -- you know, it wasn't**
8 **something that was demanded of me by the Brothers.**

9 Q. You did it voluntarily?

10 **A. Yes. I think it was just part of my role, just, you**
11 **know, as part of making the whole thing work.**

12 Q. Okay, and while you were on the course you presumably
13 went on a number of placements as well in other homes?

14 **A. Yes.**

15 Q. Where were those homes?

16 **A. Well, one was in Coulter's Hill.**

17 Q. Uh-huh.

18 **A. I think I was there for a period of three months.**

19 Q. Is that where you picked up some of the other ideas of
20 different ways of working?

21 **A. Possibly, yes.**

22 Q. When you returned to Rubane at the end of the course,
23 was one of the problems that you had been running your
24 own unit, but now you were having to be subordinate to
25 DL11 and DL12?

1 **A. Yes, especially whenever their approach was very**
2 **different to mine.**

3 Q. Right. When you -- finally, when you were dismissed,
4 was there any hearing? Did you present your case to the
5 management or anything like that?

6 **A. Well, yes, but, in fact, it wasn't heard and at that**
7 **stage I walked away.**

8 Q. But you did have a chance to speak to them?

9 **A. Yes, but it wasn't heard I believe. I think the**
10 **decision was made before ...**

11 Q. Okay. Thank you very much.

12 CHAIRMAN: Well, DL81, I am sure you will be glad to hear we
13 don't have any other questions for you. Thank you very
14 much for coming to speak to us today.

15 **A. Thank you. Thanks.**

16 **(Witness withdrew)**

17 MR AIKEN: Chairman, Ms Smith is taking the next witness.

18 Perhaps just a few minutes to allow her to ...

19 CHAIRMAN: Yes. We will take a break anyway for let's say
20 ten minutes.

21 (12.00 noon)

22 (Short break)

23 (12.10 pm)

24 WITNESS BR10 (called)

25 MS SMITH: Good afternoon, Chairman, Panel Members. The

1 next witness today is "BR10". He is a Brother of the De
2 La Salle Order, BR10, and he is happy and content for me
3 to call him by his first name, BR10. BR10 wishes to
4 take the oath and he also wishes to maintain his
5 anonymity.

6 CHAIRMAN: Thank you.

7 WITNESS BR10 (sworn)

8 CHAIRMAN: Thank you very much, BR10. Please sit down.

9 Questions from COUNSEL TO THE INQUIRY

10 MS SMITH: BR10, you have provided a statement of evidence
11 for the Inquiry which can be found at RUB1575 (sic). If
12 that could be put up, please, and if we could just -- it
13 goes right through to 1983. Sorry. 1975. My
14 apologies. I probably called out the wrong number. You
15 will see here, BR10, it says it is "The Witness
16 Statement of BR10", which you are aware is the
17 designation we have given to you to protect your
18 identity. Can I just ask if we can go to the last
19 page at 1983, please? Can I ask you, BR10, would you
20 confirm that you have signed the original of this
21 statement on 3rd October 2014?

22 **A. That's my signature, yes.**

23 Q. And can I then ask you to confirm that this is the
24 statement of evidence that you wish the Inquiry to take
25 into account together with anything else that you say to

1 us today?

2 **A. That is correct.**

3 Q. Thank you. Now if we could just go back to the first
4 page of your statement at 1975, in paragraphs 1 and 2
5 you set out some personal details about yourself and
6 your background and qualifications, and it is clear that
7 your background within the De La Salle Order was as one
8 of a teacher.

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

10 Q. You then in paragraph 3 talk about how in the summer of
11 1975 you were asked by the Provincial of the Order to go
12 to Kircubbin in County Down, and you were appointed
13 there and you remained there for ten years from 1975
14 until 1985, when you went on to another teaching post.

15 **A. Yes.**

16 Q. You make the point, though, in paragraph 4 that despite
17 the fact that you were trained as a teacher, when you
18 went to Rubane, you went there as a houseparent --
19 housemaster, which meant that you supported the
20 houseparents of the unit or chalet that you were
21 attached there -- attached to there. Now can I just
22 check, BR10, you did not yourself have any
23 qualifications in child care. Is that right?

24 **A. No, I hadn't. It was all teacher-based.**

25 Q. Presumably, though, in the course of your teacher

1 training there may have been some training about how to
2 look after children?

3 **A. Yes, to deal with different situations, stressful,
4 difficult behavioural problems, yes.**

5 Q. But certainly you say in paragraph 4 here that -- if I
6 may summarise it, what your duties as a housemaster
7 entailed, and you say that most of it -- you didn't
8 normally supervise the boys in the morning except when
9 the houseparents were off on holiday or something like
10 that. You would have then had to get them up, get them
11 their breakfast sorted and get them to do their house
12 chores before they went to school in the mornings.

13 **A. Correct, yes.**

14 Q. We talked about this earlier and I was just asking you
15 what kind of chores would the boys have been expected to
16 do in a morning?

17 **A. Well, they would -- normally at 8 o'clock they would be
18 called. They would get up and dress their beds, wash
19 and come down for breakfast. Then after breakfast they
20 would be expected to do their own clean-up, wash-up and
21 prepare for school.**

22 Q. And they would have then gone to the school on site for
23 9 o'clock in the morning?

24 **A. Well, they would have left the chalet around 8.30,
25 having completed their chores and having left the chalet**

1 **in a presentable way, and they would have proceeded to**
2 **the yard, yes.**

3 Q. And some of the chores that they would have had to do
4 were things like doing the dishes in the morning?

5 **A. Dishes, that's right, correct, yes.**

6 Q. You then say that you supervised the dinner break on
7 occasion.

8 **A. Yes. That would be the school canteen. Yes, correct,**
9 **yes.**

10 Q. Do you remember was BR18 there during your time in the
11 home?

12 **A. He was, yes.**

13 Q. And we have heard -- do you ever remember an incident in
14 the canteen when BR18 may have been involved with
15 another boy? Do you ever remember anything like that?

16 **A. I would have supervised the canteen on my own. BR18 was**
17 **never there in my presence. He may have done at**
18 **weekends with his own house group, but not in my**
19 **presence. I did the canteen on my own.**

20 Q. So whenever the canteen was supervised, it would have
21 been just one Brother at the time --

22 **A. Yes.**

23 Q. -- whoever that was?

24 **A. That's correct, yes.**

25 Q. You talk also there about your main responsibility,

1 though, was after school effectively, and you talk about
2 how you supervised after school, and you also organised
3 after school activities and bringing boys on trips, for
4 example, to the cinema or discos, youth clubs, shopping
5 trips, that kind of thing.

6 **A. Yes.**

7 Q. We also talked earlier about what you describe in
8 paragraph -- sorry. I will come on to that in a moment.

9 In paragraph 5 you say when you first arrived, you
10 were assigned to chalet 4, and the houseparents you have
11 named in there, and I am going use names while we are
12 talking in the chamber, but those names are not to be
13 used outside this room, BR18 -- or BR10.

14 **A. Uh-huh, yes.**

15 Q. In chalet 4 the houseparents were a DL 279 DL 89

16 **A. That's correct.**

17 Q. Then you moved from there to chalet 3, who -- DL115 was
18 the person in charge of chalet 3.

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

20 Q. That was from 1977 until 1980. In 1980 you moved to
21 chalet 2 and that was looked after by DL11 and DL12.

22 **A. No, that's not correct, no.**

23 Q. Sorry. I've got that wrong.

24 **A. No.**

25 Q. I thought those were the names I had. I have maybe

1 misread the designations. Who was in charge of chalet 2
2 when you were there?

3 **A. They had left when I went there after 1988 and I was**
4 **there with DL 461 and DL 2**

5 Q. Sorry. I have maybe picked the names up wrong from the
6 designations. I apologise for that.

7 Throughout your time your role was as a support.
8 You weren't actually the person in charge.

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

10 Q. The houseparents were the persons in charge of the
11 chalets.

12 **A. Yes, yes.**

13 Q. And then in paragraph 6 you describe that as your role
14 with the boys, the interaction with the boys would have
15 been largely after school, during the daytime you would
16 have had another role to play, and that was effectively
17 as the home's driver.

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

19 Q. And those driving duties would entail taking boys to
20 medical appointments?

21 **A. Medical appointments, to hospital, all other ... Yes.**

22 Q. I think you also talk about driving boys who were going
23 out for the week-end up to Belfast to the bus station.

24 **A. That's right. That would be Friday evening, yes.**

25 Q. And collecting them then on Sunday.

1 **A. Sunday evening, yes.**

2 Q. In between Friday and Sunday you came back down to
3 Rubane. Is that right?

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

5 Q. You also then on Saturday afternoons would have taken
6 boys to a youth club, to Saturday night discos in
7 Portaferry and Downpatrick, and you then started a folk
8 group within the home itself.

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

10 Q. That folk group not only compromised the boys who were
11 in Rubane, but also children from outside. Isn't that
12 right?

13 **A. Well, initially it was the boys in the home, but as time
14 moved on, I was approached by some parents in Portaferry
15 to work with the girls that were competing in Scor na
16 nOg with the possibility of forming a boys/girls group,
17 which I worked at and eventually succeeded in
18 accomplishing.**

19 Q. You also -- that folk group took part in various
20 competitions and concerts.

21 **A. Yes. Scor na nOg was the main competition, but we also
22 took part in concerts. We were also asked to do masses.
23 We were also asked to help out in various charitable
24 organis... -- works and that.**

25 Q. Presumably then whenever you were going to masses, those

1 masses were outside of Rubane?

2 **A. Yes, yes, they were, yes.**

3 Q. And the concerts would have been outside as well?

4 **A. Yes, Kircubbin, Portaferry. We did a couple of concerts**
5 **in St. Columba's School in Portaferry where the girls**
6 **attended. So that was an important one for them.**

7 Q. If I can move on just through your statement again,
8 BR10, in paragraph 7 you say you yourself did not
9 administer any corporal punishment throughout your time
10 in Rubane. You never used or had access to a strap or
11 cane and you don't recall houseparents administering
12 corporal punishment either. You can't say what happened
13 in the school, because that was administered by teachers
14 in the school. If you had a problem with any of the
15 boys, you would report them initially to the
16 houseparents and, if necessary, to the manager -- that
17 would have been the Brother in charge of the home --

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

19 Q. -- particularly if it was a serious nature. I know we
20 didn't talk about this, but can you think of any example
21 where you might have done this, BR10?

22 **A. Well, possibly coming back from the disco, maybe the one**
23 **particularly in Downpatrick, we had scheduled -- we had**
24 **to be at the ferry at 10.30 at Strangford. Sometimes**
25 **the boys would have kept me late coming out of the disco**

1 for one reason or another and I would have missed
2 possibly the ferry, which meant I would have to have
3 driven right round the peninsula, up through Comber,
4 down to Newtownards, which would have added extra time
5 on. It would have been very disruptive for the return
6 to the home. In that case I would have had occasion to
7 mention the boy's name to the houseparents and possibly
8 he would as a result maybe have missed the next disco.

9 Q. You do talk in paragraph 7 about the kind of punishments
10 that you recall in the home. You say that the home
11 operated a reward system and there was also
12 a reduction -- withdrawal of privileges such as you have
13 described with regard to the disco or a reduction in
14 pocket money for minor misdemeanours.

15 **A. Yes.**

16 Q. You don't ever remember the houseparents using corporal
17 punishment and, as you have said, you don't know what
18 really happened in the school.

19 **A. I never saw any corporal punishment being administered**
20 **by the houseparents there.**

21 Q. In paragraph 8 you describe what your main interests
22 were. They were sports and other outside activities and
23 also the folk music. You say there were a number of
24 members of staff involved in after-school activities,
25 and the boys were normally divided into four separate

1 groups. The first group, who were group A, would often
2 be supervised by yourself and often that was with the
3 help of another teacher or member of staff. You say
4 that group, that group A, was the most talented boys who
5 played sport --

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

7 Q. -- particularly football. Just to be clear, we are
8 talking about soccer and not Gaelic football here.
9 Isn't that right?

10 **A. Soccer, yes. Soccer, yes.**

11 Q. You say:

12 "That was usually played on an all-weather pitch
13 adjacent to the road. Other groups would have played
14 indoor sports or other activities, as some boys were not
15 interested or good at games."

16 On occasions your group would have been in excess of
17 twenty boys, and so that's why you needed somebody to
18 help you, because there were so many boys.

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

20 Q. Now I am going to come on to discuss with you some of
21 the specific allegations that have been made about you,
22 BR10.

23 **A. Okay.**

24 Q. You know that there are a number of people, and we have
25 provided you with material in respect of those who have

1 spoken to the Inquiry. I am not going to do these in
2 any particular order, but the first of those -- and
3 again I am using the name so that people know who we are
4 talking about, but they are not to be used outside this
5 room -- HIA18 is the first person I am going to ask you
6 about. In his statement, which is at -- paragraph 5 of
7 his statement he said that you would punch and kick
8 pupils at school and hit him on various occasions, and
9 then at paragraph 7 at RUB426 you said -- he related
10 an altercation involving yourself and another teacher,
11 DL149. It related to playing football. I am going to
12 come to it in a moment, but can you just --

13 **A. Sorry. That wasn't an altercation between myself and**
14 **DL149.**

15 Q. No, no. Sorry. It was an altercation he related.

16 **A. Sorry. Sorry.**

17 Q. It involved the two of you being there.

18 **A. Yes. Sorry.**

19 Q. I beg your pardon. I didn't make that clear.

20 **A. Sorry.**

21 Q. I am going to read it out in a moment. One of the
22 things I wanted to check with you, was DL149 one of the
23 people who would have helped you out with this group A?

24 **A. He was, yes.**

25 Q. And he was a teacher in the school at the same time --

1 **A. That's correct, yes.**

2 Q. -- as you were there, not in the school, but obviously
3 in Rubane. Now this is paragraph 7, just going to this,
4 of what HIA18 says. He said:

5 "Every so often the Brothers and civilian staff
6 would play a match against the boys. It was just part
7 of training and helped to keep everyone fit. On one
8 occasion we were playing football on the all-weather
9 pitch and I was running down with the ball about to
10 shoot and I got sandwiched between BR7 ..."

11 I think that actually should be you. That should be
12 "BR10".

13 **A. That's right.**

14 Q. "... and DL149. DL149 started punching and kicking me.
15 He broke my nose, my jaw and busted my knee cap, but
16 I wasn't taken to hospital. I was 13 at the time. BR10
17 told me to go to the sideline, get cleaned up and back
18 on to the pitch. They didn't care. When I arrived back
19 to the house, all the other boys saw me and said it was
20 a disgrace that I had not been taken to the hospital."

21 Now just you address this in your statement at
22 paragraphs 10 through 14 and you make a number of points
23 about this boy's credibility. Perhaps if we just look
24 at that, please. That's at RUB1976. Just at the bottom
25 of that page at paragraph 10 you talk about him and you

1 say you do remember him:

2 "He alleges I punched and kicked pupils at the
3 school and hit him on various occasions. As pointed out
4 already, I had no direct involvement with the boys
5 during school hours and so this allegation, which
6 I deny, could not be true."

7 You talk about the boys being divided up. You don't
8 recall supervising him directly during football training
9 and matches, because while he was enthusiastic, he
10 wasn't strong enough to be in your group.

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

12 Q. And then in his -- you talk about the allegations that
13 he makes in his statement about he alleges he was
14 running with the ball, got sandwiched between yourself
15 and DL149, and you say that you also have seen
16 an account of what appears to be the same alleged
17 incident in police papers that we have provided you
18 with, and you point out the difference in what he said
19 in his Inquiry statement and what he said in the police
20 papers. You say that you have no recollection at
21 paragraph 12 there of either version of this incident:

22 "While I sometimes played football with the boys or
23 observed football matches, I would have called for
24 medical attention if any of the boys received what
25 appeared to be significant injuries. I would not have

1 allowed any boy to return to the pitch if I thought he
2 required medical treatment."

3 You were not aware of DL149 or any other member of
4 staff assaulting HIA18 as he alleged.

5 "I deny I used to punch, kick or slap him during
6 sports training."

7 You talk about another statement he made to the
8 police where he alleged that you had assaulted him
9 during various sporting activities and after you
10 travelled to Magherafelt to play a Gaelic football
11 match.

12 Now I am going to pause there, because it is clear
13 from your statement that Magherafelt was your home area.
14 Isn't that right, BR10?

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

16 Q. This particular allegation that came from this police
17 statement related to a Gaelic match that HIA18 said the
18 boys had played against Magherafelt and basically had
19 beaten your home team by a score of something like 45:0.

20 Do you ever remember the Rubane boys going --

21 **A. No, actually. That is not correct.**

22 Q. Sorry.

23 **A. We were well beaten by Magherafelt.**

24 Q. Sorry.

25 **A. No.**

1 Q. There was then a match at this time?

2 **A. Oh, there was, yes, but to my recollection HIA18**
3 **wouldn't have played. He wouldn't have qualified.**
4 **First of all, let me state that for group A they were**
5 **the biggest and strongest and ability wise better**
6 **equipped. HIA18 had quite of a severe turn in his eye**
7 **and I think that was responsible for his poor**
8 **coordination in sport. He was quite cumbersome, and**
9 **certainly I put my biggest and strongest team against**
10 **Magherafelt, hoping our age, maybe a couple of years**
11 **older than them, made a difference, but as it turned**
12 **out, it didn't have much of an effect, but he wouldn't,**
13 **and if he did play, he would have played a very minor**
14 **role in that.**

15 Q. But your recollection is he wouldn't have been someone
16 you would have selected for the team?

17 **A. No, no, no.**

18 Q. You do remember that it is possible his brother might
19 have been on the team that played in that match.

20 **A. I would be fairly confident of that, yes.**

21 Q. But you do go on to say the usual sport played in Rubane
22 was actually soccer.

23 **A. Yes.**

24 Q. You say you are aware the police spoke to other people
25 whom HIA18 named and none of them confirmed or

1 corroborated his allegation.

2 Now just to be clear, HIA18 did give evidence to the
3 Inquiry and in his evidence he was asked about this and
4 about other matters, but he -- if I can just get right
5 page reference here. It was on 6th November 2014, and
6 at Day 66, page 21 is where HIA18 starts to talk
7 about -- or is asked about the allegations that he made
8 about you. When he is asked about the injuries he
9 sustained, he said that -- he confirmed that he never
10 received any x-ray for the broken nose or broken jaw and
11 he said that he was told that there was a crack in it by
12 the housemaster.

13 **A. Sorry. That allegation, it wasn't about me, the ...**

14 Q. No, no, but you were present during --

15 **A. Oh, sorry. Yes.**

16 Q. He alleged that you were present when this occurred.

17 **A. Sorry. Yes.**

18 Q. Sorry.

19 **A. Sorry. Apologies.**

20 Q. I don't mean to say he alleged that you caused it, but
21 he was asked about the details of that allegation.

22 **A. Yes. Okay. Sorry. Sorry.**

23 Q. He just said that they stood -- he was asked about what
24 -- had he done anything to annoy the person whom he
25 alleged assaulted him. He said:

1 "They just stood, the two of them, and I had the
2 ball about to shoot. They sandwiched me and run
3 straight into the -- they sandwiched me and run me
4 straight into the wire meshing, and then DL149 started
5 punching and kicking me and BR10 just turned round to me
6 and said, 'Go get cleaned up and back on to the pitch'."

7 So that's what he was saying in his evidence about
8 that.

9 **A. Okay.**

10 Q. He said --

11 "Q. So BR10 told you to go and get cleaned up. Had
12 you done anything you were aware of to receive that
13 beating?

14 **A. To be honest ..."**

15 **He then goes on to talk about the other teacher
16 being -- the teacher being bad tempered and having
17 a short fuse.**

18 **Asked then about the business about -- he said you
19 would have assaulted him during the various sporting
20 activities.**

21 **"It would have been to the head, back or the body
22 and he would have punched, kicked or slapped. It just
23 depended what way I was running. He never left any
24 marks or injuries as a result of his assaults."**

25 **Then he goes on:**

1 **"Then you talk ..."**

2 **I think that might have been actually again the**
3 **other teacher he was referring to then, but he then**
4 **says:**

5 **"Q. You then talk about going Magherafelt to play**
6 **his old school at Gaelic",**

7 **and it was your old school that this match was**
8 **played against?**

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

10 **Q. And he said:**

11 **"Q. And he came into the changing room and attacked**
12 **you for getting beat 45:0?"**

13 **So again my apologies. I got that round the wrong**
14 **way.**

15 **A. Yes.**

16 **Q. "He started punching, kicking and slapping you about the**
17 **head and he blamed you in particular",**

18 **and he said it was you who was being taught**
19 **a lesson that day, as it was your old team, and you**
20 **threw -- they said they threw games when DL149 organised**
21 **the football, because they disliked him so much.**

22 **Is there anything you want to say about that?**

23 **A. I wouldn't have -- I wouldn't have thought that, no, no.**
24 **All the games were very competitive, whether against**
25 **outside teams or the schools. I always found them to be**

1 **most competitive.**

2 Q. He says he was always in the team.

3 **A. Not my recollection he wasn't, no.**

4 Q. And he said that:

5 "That's how I was there when they were beat 45:0 at
6 the Gaelic."

7 Just -- it was put to him that, you know, you said
8 that he wasn't there and he said:

9 "Well, it did happen and I was there."

10 So those are just things that he said in his
11 evidence --

12 **A. Yes.**

13 Q. -- BR10, and I just wondered was there anything you
14 wanted to say to the Inquiry about that?

15 **A. Just other than I had -- the group -- when I went there
16 in 1975 to Rubane, I rejigged the whole system of
17 activities by putting them into different groups and
18 hoping that would facilitate their organisation and
19 supervision, and in that top group, which myself and
20 another member of staff would have run, he wouldn't have
21 figured in this, because of his to me a disability.**

22 Q. But do you remember there were four groups, so A, B, C
23 and D then presumably?

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

25 Q. What would -- when group A -- when you were with group

1 A, who would have been in charge of the other groups?

2 A. It would have been other members of staff. They used
3 the play hall, which was quite extensive. They would
4 have used the school gym for badminton, a smaller group.
5 Normally the other groups weren't quite as big and one
6 group would go to the swimming pool. We had 7 or 8
7 would go to the swimming pool in Newtownards. So we
8 divided it up that way and then tried to rotate the
9 system so it wouldn't be doing the same activity every
10 day. We tried to give people a flavour of what was --
11 what we had on offer.

12 Q. Can I just check with you what about at the weekends?
13 What was the situation with regard to activities at the
14 weekends?

15 A. Well, there was no organised activity at the week-end.
16 A number of boys would have gone out. So what we did
17 was, as I mentioned in my statement, I would have taken
18 a group to the youth club in Downpatrick, which was run
19 by Brother and very well organised, because he
20 had a number of six year students would organise
21 different activities for the children, and that was
22 a great system. It was very well organised, very well
23 supervised, and we were -- always felt very welcome.

24 Q. Can I just ask, BR10, you came in 1975 --

25 A. That's right.

1 Q. -- and left in '85, and during that ten-year period did
2 the activities change much or was there a progression?
3 I know you have talked about the folk group.

4 A. Yes. I think the activities -- from a point of view
5 that we always held out a carrot to them that we would
6 invite other youth clubs or teams in to play and maybe
7 different groups, whether it was -- it was generally
8 football we engaged other schools in. So that was
9 always uppermost in their minds that they would qualify
10 to participate, whether it was an away match or a home
11 match. So that was a very -- it was an incentive
12 I think.

13 Q. I know that we were talking earlier and you mentioned
14 in particular an incident -- not an incident --
15 a relationship that you developed with a team from
16 County Antrim.

17 A. Yes, yes, Ballyclare, a team just outside Antrim -- just
18 outside Ballymena. Sorry. Well, to me that was a huge
19 step forwards for the -- for the boys in the home.
20 First of all, they were a Protestant youth club and they
21 made the contact with us, because I got a call one day
22 from their manager asking me would we -- could we field
23 a team and they'd like to play us. So we invited them
24 to the home.

25 I was a bit apprehensive about this move, because

1 a lot of the boys wouldn't have had a lot of interaction
2 with boys of their own age from the Protestant
3 community. So initially I was a bit apprehensive, but
4 they came down to Rubane and played the match, and we
5 were kind of a bit on egg shells knowing -- wondering
6 how the whole thing would pan out, but if worked very
7 well, and a couple of weeks later we were invited back
8 to Antrim -- or to Ballymena -- sorry -- and we played
9 there, and that was a bit more relaxed and maybe a bit
10 more competitive, but for me the biggest achievement
11 I felt was some weeks later the manager of that team
12 contacted me and said that he was receiving
13 an invitation to a soccer tournament in Scotland and he
14 asked would we be interested, would we like to apply and
15 see what the story was. So we applied and got accepted.

16 He then rang back and said would we like to share
17 a coach with them, which would cut down their expenses
18 and our expenses. So that worked out very well, and we
19 shared a coach across to Scotland, and we didn't win
20 much or bring home the trophies, but it was most
21 enjoyable and for me it exploded a lot of the myths that
22 the boys had about the other side.

23 Q. And I think you were saying that the teacher who went
24 with you to Scotland was DL149 on that trip.

25 A. That's correct, yes.

1 Q. You also -- we have seen documents when we have been
2 going through some of the documentation in respect of
3 some of the boys. **HIA 31** for example, was
4 one of the persons who went on a soccer trip. Is that
5 right?

6 **A. Well, he would have, but HIA 25 his , would**
7 **have figured prominently. He was a big strong, capable**
8 **guy, very talented.**

9 Q. To take them on that trip you needed to get the
10 permission from Social Services?

11 **A. Social Services, apart from getting funding as well,**
12 **which was most welcome.**

13 Q. So the Social Services agreed to the boys -- those boys
14 who were in their care --

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

16 Q. -- they agreed to them going on the trip --

17 **A. That's right.**

18 Q. -- and gave financial assistance to allow them to go.

19 **A. That was welcome. That was part of the -- part of the**
20 **package, because we couldn't have done that without**
21 **their assistance, and they were very willing and**
22 **delighted to be cooperative.**

23 Q. But if I may return, BR10, now to some of the other
24 complaints that we have received against you. One of
25 those was from a boy HIA259. At paragraph 25 of his

1 statement at RUB680 you see here that he says that you
2 gave him such a bad beating on one occasion he ended up
3 concussed. He said you were a young brother at that
4 time. Can I just ask you what age were you when you
5 started in Rubane in 1975?

6 **A. I was born in My maths at this stage of the day**
7 ...

8 Q. Mine wouldn't be much better, I am afraid, but you would
9 have been maybe about 28. Would that be about ...?

10 **A. Yes, 26, 27, yes.**

11 Q. So in respect of your age as an aside to -- sorry. In
12 comparison to the other Brothers who were in the home
13 would it be fair to say you were seen as one of the
14 youngsters?

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

16 Q. And you say (sic):

17 "He was like one of us. His room was always a mess.
18 He listened to music and dressed like a younger man.
19 However, he had a dreadful temper."

20 Then he goes on to relate:

21 "I recall one Hallowe'en night there was a big
22 bonfire and some local girls came. Some of the boys
23 were disappearing off with some of the girls into the
24 woods and I wanted to go, but BR10 stopped me from going
25 with the others. So I crossed him and he sent me off to

1 bed early. I think he was angry because the rest of the
2 staff were having a party that night and he had to stay
3 behind and look after the boys."

4 Was a part of your duties to supervise the boys at
5 night-time?

6 **A. After 10 o'clock at night I was on call, but there would**
7 **also have been a night watchman on the premises. His**
8 **office is just down from my room.**

9 Q. Were you on call not just for the chalet, that you were
10 assigned to but for the whole --

11 **A. No, I was just for my own unit.**

12 Q. Just for your own chalet?

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

14 Q. Is that because the houseparents would have left at that
15 time?

16 **A. No, the houseparents would have been on the premises,**
17 **but they would have gone off -- when the boys went to**
18 **bed at 10 o'clock, they would have gone off duty and**
19 **then I would I fulfil my role at that stage, be**
20 **available. I normally sat down in the sitting room and**
21 **kept the television low, and if I heard any movement**
22 **upstairs, I would just turned -- gone up and turned the**
23 **lights on and off until the boys settled again. So that**
24 **was my ...**

25 Q. And I take it the boys in the chalet would have known

1 you were on call and if they had a problem to come and
2 look for you?

3 **A. Yes, that's right.**

4 Q. In any case what HIA259 has said is that he thought you
5 were angry because the rest of the staff were having
6 a party that night. Do you ever remember --

7 **A. That would not have happened, where one member of staff
8 was left out in the cold. I think if there was
9 a night -- if there was a night organised, cover would
10 have been organised. It wouldn't have been a question
11 of some staff being available for it and others not
12 available for it.**

13 Q. He then goes on to describe what he said happened. He
14 says:

15 "When the boys returned and went to bed, he was
16 supervising bedtime and he made some smart remark to me.
17 So I answered back and he lost his temper and started
18 punching the living daylights out of me. He was kicking
19 me and actually got up on the bed and struck his boots
20 into me so hard that the other boys had to pull him off
21 me. I lay in bed that night bleeding. There was
22 a photographer taking photographs in the school the next
23 day, but my eyes were swollen, my mouth was busted, my
24 teeth were loosened, my arm was extremely painful and
25 I was bruised all over. So I couldn't walk properly.

1 BR3 saw me and called me into his office. He was
2 furious when he realised what had happened. He asked me
3 did I want to take it any further and I knew I couldn't
4 as at the end of the day I had to live there. He told
5 BR10 that I was not a punch bag."

6 Now did BR3 ever speak to you about how you
7 disciplined the boys?

8 **A. Never on any occasion, never, no.**

9 Q. And can I just ask you then -- HIA259 obviously gave
10 evidence to us and I put to him a number of things about
11 this bad beating, because there's discrepancies between
12 what he said to the Inquiry and what he told the police,
13 but -- and I also put to him the fact that you had made
14 a statement and you denied that it had ever happened and
15 that you had said the only time girls were ever in
16 Rubane was for music practice.

17 He went on to say then:

18 "There was an Irish dancing set-up and the girls
19 used to come in and some of the boys actually joined
20 this as well. So it was a girl and boy sort of set-up
21 with them. Now that particular night was Hallowe'en
22 night. We had a bonfire. It was arranged. There was
23 a big fire down in the field and some of the local girls
24 were invited up, especially the ones that were in that."

25 Can I just ask you was there an Irish dancing group

1 that involved girls outside of Rubane?

2 A. Well, in the local GA Club. It was called McKenna Hall.

3 It was part of the Ballycran GA Club, and there were
4 regular on a Saturday afternoon dancing lessons and
5 about four or five of the lads from Rubane would have
6 gone up there, would have walked up on their own, but
7 I never recall girls from their dancing class being
8 invited to the home. The only girls that I recall
9 invit... -- at my invitation we had regular practices in
10 the home --

11 Q. That was for your folk group.

12 A. -- and they would have come -- my folk group, yes -- and
13 they would have done this practice in the sitting room,
14 to which the boys were invited apart from the lads who
15 were in the group. Some used to attend and some used to
16 go into the pool room and play pool.

17 Q. He said, HIA259 that is, that he tried to go out with
18 one of the girls himself:

19 "... but I wasn't permitted, but, sure, being a boy,
20 I tried to sneak my way in anyway. I went into the
21 woods. BR10 didn't like it, came in after me and told
22 me, 'That's it. Go to bed. That's you for the night'.
23 I had to go back up to the home on my own and I went
24 into the room to go to bed. Later that evening when the
25 whole thing was all over, the festival was all over,

1 whatever, he came into the chalet and says, 'Are you not
2 asleep yet, HIA259?', and I said, 'No', and he passed
3 some remark to me and I answered him back, and then that
4 is when he lost his temper and he just started thumping
5 me then in the bed. He just really, really lost it
6 completely. I thought I knew the man until that
7 happened, but I obviously didn't."

8 There was then a discussion about whether there was
9 some medical record about concussion, but he said that
10 that wasn't related to this incident.

11 He then goes on to describe another matter which
12 I am coming to now, which was another incident where he
13 alleged in his Inquiry statement that DL59 was
14 interfering with a younger boy, and you punished the
15 boys, that is HIA259 and a number of others, for giving
16 DL59 a kicking. Then you said to them that, "This is
17 a boys' home. What do you expect?" He was asked about
18 that in his evidence and he said:

19 "There was a young fella. We found a young fella in
20 the toilets crying. We asked him what was wrong with
21 him. He was only new to the home. He was quite young.
22 The young fella told us what had happened, that DL59 had
23 threatened him and told him to meet him in the laundry
24 room, and that's where DL59 was working at that
25 particular time. There was a small off room at the

1 back. So we told the young fella to go ahead and we
2 would watch his back. Sure enough, when we went in,
3 there was DL59. The young fella was bent over. There
4 was DL59 in behind him. Now he was just starting at
5 this stage. So we pulled him over. Next thing there
6 was a bit of a rigmarole, a bit of pushing around and
7 shouting. Next thing BR10 arrived on the scene at that
8 time",

9 and I put it to HIA259:

10 "You say in your statement that you told BR10 what
11 was happening --

12 **A. Yes.**

13 Q. -- and why you were doing what you were doing.
14 Is that right?

15 **A. Yes, that's right.**

16 Q. And you said that he said something to the
17 effect of, 'This is a boys' home. What do you expect?'

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

19 Now I put it to him that you had said that -- you
20 denied that you were ever told about any abuse among the
21 boys, and if you had known, you would have reported it
22 to the houseparent, and you said you did have to
23 separate boys from fighting in the home on occasions,
24 and fighting would have been expected in a boys' home,
25 and that if you made such a comment, that's what you

1 would have been referring to. I asked HIA259 if there
2 was anything he wanted to say about that and he said:

3 "No. He knew rightly what we were talking about.
4 He knew. That wouldn't have been the first incident.
5 Other incidents happened before and especially with DL59
6 as well, like, caught out doing weird things to himself
7 and that, and it came up. It didn't come up like ...",
8 and there is an inaudible word, "but they knew rightly
9 what they were talking about. Do you know what I mean?"

10 He also then was asked about a rumour that he had
11 heard about you and another Brother leaving the Order,
12 but accepted from me that that wasn't accurate, that you
13 remained in the Order.

14 Then in another section of his evidence I put to him
15 what he had said in the police station about this
16 incident at Hallowe'en, and there was an issue about the
17 roll call, and he said:

18 "That is what I'm saying. That doesn't make sense.
19 As I say, it was Hallowe'en night. We were actually at
20 a bonfire that BR10 actually arranged ..."

21 Did you ever arrange a bonfire?

22 A. Never arranged, never arranged a bonfire, no, never.

23 Q. "... and some of the outside girls came up and the ones
24 that were doing the Irish dancing with the boys that
25 were staying in. They were having a bonfire that night,

1 so the roll call -- actually I don't know where that
2 part came into it. The roll call was only used during
3 the day when we were called for activities."

4 **A. I think that's what he is referring to, yes. We used to**
5 **have assembly for activities in a place called the TT**
6 **room, which was formerly a table tennis room. Boys**
7 **would assemble there at 4 o'clock and I would have been**
8 **there. I would have then divided -- had assigned the**
9 **different groups to the different centres where the**
10 **activity would take place.**

11 Q. He then said:

12 "As I said before, we were down at the bonfire. He
13 chastised me for being in the woods with the girls, put
14 me to bed early, and came up and I wasn't asleep, and he
15 asked, 'Why are you not asleep, HIA259?' -- you know
16 what I mean -- and I said something to him, and he
17 passed some remark and I answered him back with a smart
18 remark, and that's when he got angry."

19 I put it to him that he suggested in his statement
20 that there were other boys who had to pull him off and
21 he had made that in one of the statements he made. He
22 said:

23 "Right. Well, from what I gathered they did. I was
24 actually under the blankets trying to protect myself and
25 I could hear scuffling going on outside apart from

1 myself. So I take it they were trying to stop him --
2 you know what I mean -- because he really did lose his
3 temper big time, and it was actually -- there were
4 actually four beds in the dorm, so there was, so there
5 were other people there."

6 I put it to him that you were interviewed about that
7 by police and you said that it was absolutely untrue,
8 that you were at a total loss to know why HIA259 would
9 make such an allegation against you as you had a good
10 relationship with him.

11 He said:

12 "I was totally at a loss when he turned round and
13 started punching the face off me, because I didn't
14 expect that off him either."

15 There was a few other details that I put to him
16 about the discrepancies between the statements and he
17 said just that you came in. He tried to sneak away with
18 the girls. You came behind him and sent him straight up
19 to the house and that was his finish for the night.

20 Now your -- as I say, what he was -- if I can
21 summarise it, what he was actually saying was you were
22 someone with whom he did have a good relationship, but
23 he never felt the same way about you after this, after
24 this particular incident. Is there anything more than
25 is in your Inquiry statement that you want to say about

1 that, BR10?

2 **A. Well, just that when I went into the chalet around '77,**
3 **that he quickly became interested in the guitar and**
4 **I taught him the basics, and he progressed from there,**
5 **and I am at a loss as to why this statement was made.**

6 Q. Did you ever lose it with any of the boys --

7 **A. Never.**

8 Q. -- as he put it?

9 **A. No corporal punishment, not -- certainly not, no, no.**

10 Q. Well, HIA170 is another person who has made
11 an allegation. At paragraph 12 of his statement he said
12 that you were fine at first until he and his brother had
13 an argument in the minibus. Now just -- we were
14 speaking earlier. These two boys would have been two
15 that you would have driven back to Belfast.

16 **A. Up to t. That's right, yes.**

17 Q. You talked about having a good relationship with him and
18 his family. You would have gone to his grandmother's
19 house and had a cup of tea before you went back to
20 Rubane.

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

22 Q. And you then would have picked them up. In fact, you
23 would have gone -- his brother was working in a shop in
24 and --

25 **A. Just off yes, his worked in**

1 a shop. They were particularly proud of him and
2 wanted to introduce me to him nearly every week. So ...

3 Q. So you went to visit him as well --

4 A. Yes, went to visit him.

5 Q. -- en route to the grandmother's?

6 A. That's right.

7 Q. In fact, even though you were leaving other boys off in
8 Oxford Street, these were two boys that you took
9 actually home. Is that right?

10 A. Home up to off --

11 Q. To their grandmother's home.

12 A. That's right, just off yes.

13 Q. He said -- this is paragraph 12 of his statement -- that
14 he and his brother say were having an argument in the
15 minibus. You came out and hit him. Then you never had
16 any time for him anymore.

17 He also alleged at paragraph 17 that at Christmas
18 you got him cigarettes and let him go get alcohol on his
19 own while you went away with the folk group.

20 I know you deal with this in your statement at
21 paragraphs 15 and 16 and you don't accept that he was
22 ever on his own over Christmas and you deny assaulting
23 him.

24 In his evidence it was put to him there was
25 a discrepancy between what he said about this incident

1 relating to the argument that they had in the minibus
2 and what his brother said. He said in his evidence to
3 the Inquiry that he just remembers you hitting him once.
4 I just tell the Inquiry Panel Members -- I am not going
5 to call it up and go through it -- we looked at this
6 earlier and it is at RUB80309 to 80313, but what he did
7 say, that had a big effect on him after you hit him.
8 The relationship never recovered. So is there anything
9 you want to say about what he said in evidence, BR10?

10 **A. Well, this notion of his being left on his own at**
11 **Christmas, that would never have happened. When there**
12 **was a small number left at Christmas, they would have**
13 **been put into the same unit, and the idea of giving them**
14 **alcohol or even cigarettes -- possibly cigarettes, but**
15 **alcohol definitely not.**

16 Q. In fairness he wasn't saying that you gave him alcohol.
17 He was saying he was let to go and get it himself in
18 Kircubbin or something like that.

19 **A. I wouldn't have been aware of that. Definitely not.**

20 Q. In relation to the incident that he alleges happened in
21 the minibus, I know you deny it, but is there anything
22 you want to say more than the denial in your statement?

23 **A. I can't understand. I have nothing more to add. I am**
24 **flabbergasted at that, flabbergasted.**

25 Q. Two others who spoke to the Inquiry were HIA 382

1 He said that while you never hit him, he saw you hit
2 other boys, as he put it, where no-one would see that
3 there was a mark, and you deny that in your -- in
4 paragraph 21 of your Inquiry statement.

5 HIA25, whom you have described as a very good sports
6 person, who would have been part of your group A --

7 **A. Yes, yes.**

8 Q. -- and on your team, he talks about an incident. This
9 is at paragraph 38 of his witness statement at RUB853.
10 He said he stood up to you and DL149, and paragraph 39,
11 if we can maybe just look at this, just going down he
12 said:

13 "I became a real rebel. I would stand up to them."

14 Sorry. If we could scroll back up to the end of the
15 last page. Thank you.

16 "I would stand up to them and fight back. Anything
17 they told me to do I would do the opposite. When I was
18 15 years old, I fought two of them."

19 That's yourself and DL149. Then we can just scroll
20 on down then to paragraph 39. He said:

21 "Another time I had gone from my chalet over to my
22 brother's chalet. We were in the snooker room playing
23 snooker when BR10 came in and told me to get out.

24 I said that I had been in the home longer than him and
25 he should get out. He tried to grab the cue out of my

1 hand and I used it on him. They couldn't punish me
2 then, because I was bigger than most of them."

3 Do you ever remember any altercation with him over a
4 snooker cue or ...?

5 **A. Never, no. Actually it was pool we played, but I don't**
6 **recall any incident like that.**

7 Q. In his evidence at paragraph -- sorry -- RUB80387, if we
8 can look at this, please, and it is important that -- if
9 we go to the bottom of that page, he was giving evidence
10 and this is where he was asked about this incident about
11 grabbing the cue out of his hand and using it on him.

12 He said:

13 "I have always hated most of the staff in there, but
14 BR10 stands out. At that age I knew what he was up to.
15 I couldn't prove it. I never seen it, but you knew what
16 he was up to, and I hated him more than DL149. I was
17 just fed up with them ones telling me where I could go
18 within a home that I had been there since I had been
19 7 years of age."

20 He was asked:

21 "What do you mean you knew what he was up to?"

22 **A. Well, he had a select group of children running**
23 **about him at all times and you couldn't get involved**
24 **with these children that he was protecting. We all**
25 **knew. They got the name of 'fruits' and I explained to**

1 yourself what 'fruits' meant. 'Fruits' meant you were
2 getting abused by the Christian Brothers or the lay men
3 who came in. So BR10 to me was a pure animal and
4 I just -- as I said, we (sic) were getting older as
5 I was getting bigger, I was getting stronger, and I had
6 had enough. I had enough of Brothers telling me what
7 I can't and what I can do in a home and I wasn't -- that
8 I wasn't meant to be there."

9 Now that is obviously an allegation that is not in
10 the material that was sent to you, BR10, and is
11 something he said to us in evidence. Your statement was
12 put to him. If we can just scroll on down, please, just
13 for completeness to the next page where it says:

14 "He points out that you spoke to the police in 1980
15 and you made a statement and that statement had no
16 complaint against BR10 or any of the Brothers."

17 He said:

18 "I was 14 and I was still in care. As I said, from
19 the early age of me being in care I knew what you get if
20 you spoke out and that lasted me until I got out of the
21 home, you know."

22 You said he didn't have a fight with you and his
23 response to that was:

24 "Again would he tell the truth?"

25 BR10, obviously this was not material that was given

1 to you earlier. What HIA25 is saying, that you were
2 protecting a group of boys whom he describes as
3 "fruits". Is there anything you want to say to the
4 Inquiry about that, first of all?

5 A. I am not sure whether he is referring to the group that
6 I used to work with, group A, but he was a member of
7 that group, or is he referring maybe to the fact that
8 I'd the folk group, and boys that expressed an interest
9 in trying to become part of that, whether they were the
10 target there. I don't know, but I always -- that's why
11 when I had the practice in the home, I made sure it was
12 open and we had it in the sitting room, and other boys
13 were encouraged to come in, and a lot did, even with
14 a view possibly at some stage to joining the group, and
15 possibly -- he never approached me about music and
16 possibly felt that he would have liked to have been
17 involved with me, but he didn't have the -- I don't
18 know. I only have good memories of HIA25, tremendous
19 sports -- tremendous sportsperson. I'd have no issues
20 with him behaviour-wise. I can only speak highly of
21 him.

22 Q. And certainly you don't recall any incident over a
23 snooker cue or him standing up to you --

24 A. No, no. Certainly not, no.

25 Q. -- or being cheeky to you or anything like that?

1 **A. No, no. I had a good relationship with HIA25.**

2 Q. There was other material provided to you, BR10, police
3 material, which included allegations from five other
4 people who didn't come to the Inquiry, but we will just
5 have a look at those.

6 First of all, it is 60386. This is the statement
7 from someone called DL90. Again I am using names that
8 are not to be used outside, but it just makes it easier
9 for you to know who we are talking about at any time.

10 If we just look in the middle of that, he says:

11 "There was one time we had been to the cinema and
12 Downpatrick and as we came off -- back off the boat in
13 Portaferry I passed wind and was slapped around the ear
14 by BR10. He put me off the bus in Portaferry and made
15 me walk to Rubane House in Kircubbin. He said if
16 I wasn't back by a certain time I was getting beat by
17 the black jack."

18 The black jack I think was a form of strap.

19 **A. I believe so. I believe so, yes.**

20 Q. "I remember running as much as I could, then walking as
21 fast as I could. When I got back, BR10 was waiting on
22 me and beat me with the black jack for being ten minutes
23 late. I was very tired, because it was about six miles
24 I had to walk."

25 Now I am just going to go through these allegations

1 before coming to your statement and what you say about
2 them, if you bear with me, please, BR10.

3 The next page (sic) is at the following page, 60387.
4 This is another statement from the same boy, which was
5 made on 19th February. The earlier one was made around
6 the same time. It was made on 1st February. Sorry.
7 One was made on 1st February '95 and this is a year
8 later on 19th February '96. It says:

9 "I now wish to tell you about an incident which
10 happened in the school in 1977 about the games master,
11 BR10. I was one of about 20 boys who went down to the
12 football pitch in the school grounds."

13 Was this boy one of your group A boys?

14 **A. To my knowledge, to my memory he had very little**
15 **interest in sport, wouldn't have -- wouldn't have been**
16 **part of that group. Just wasn't to his -- wouldn't have**
17 **any particular skill in football.**

18 Q. Okay. Well, that might tally with the fact that he said
19 he wasn't asked to play football and stood on the
20 sideline and watched the match which you refereed. He
21 says he remembered walking on to the pitch and you
22 approaching him and telling him to get off the
23 all-weather pitch.

24 "He then hit me with his fist on my jaw. I walked
25 off the pitch and sat down behind the nets. He followed

1 me and hit me about the face and head with his fist
2 while I was sitting. I got up and ran back to the
3 school. I didn't need any medical treatment after this
4 beating. I did not tell anybody in the staff or school
5 about it."

6 Now at 60490 we have a statement by another boy,
7 HIA41, in relation to what was -- this incident about --
8 he said:

9 "There was an occasion while we were playing
10 football -- I was in goals -- and somebody walked off
11 the pitch and sat behind the goal mouth."

12 I think that's DL90 he is talking about there. He
13 said:

14 "BR10 told him to get back on the pitch. DL90
15 refused. BR10 just got laid into him. He punched him
16 continuously. The only way I could describe it is as
17 a blood bath."

18 Now it is clear that he is relating an incident
19 involving DL90 which is different. DL90 says he went on
20 the pitch, was told to get off. What HIA41 is saying is
21 that DL90 went off the pitch and was told to come back
22 on. So there is a difference there.

23 Another boy who complained was DL120. That's at
24 60480. Just at the very last line of that page it says:

25 "The Brothers were very strict."

1 Over the next page:

2 "I can remember getting beatings from a number of
3 Brothers".

4 one of whom he names as you, BR10. He said:

5 "I was never seriously injured when I got these
6 beatings, but they definitely were too severe."

7 DL125 at 61104, if we can scroll down, please, in
8 the middle of that sort of boxed in paragraph says:

9 "Another time I was playing hurley against BR77. He
10 hit me on the left ankle with his hurley stick. He done
11 this on purpose. Again they did not believe me and it
12 was only the next day when my ankle was badly swollen
13 and I was taken to Newtownards Hospital by BR10. I had
14 my leg put in a half plaster until the swelling went
15 down and then I had a support bandage put on it."

16 Now this would be consistent with you taking boys
17 for medical treatment --

18 **A. That's correct.**

19 Q. -- and you would have been the person to do that. So if
20 this incident happened as is alleged by this boy, you
21 would have been the person to take him to the hospital.
22 Do you ever remember any incident such as this and
23 driving this boy to hospital?

24 **A. Well, on that particular date I was down in Waterford**
25 **substituting for a teacher Brother who got ill. I went**

1 down there on 8th November '75 and I returned to Rubane
2 -- and that's documented -- on 23rd December. So I
3 couldn't have driven him to the hospital.

4 Q. One other statement is from DL40, which is at 60404.
5 Again towards the bottom of that page it said -- this is
6 -- I should incident (sic) -- this is an incident he is
7 relating, just as HIA259 did, about boys beating up
8 a boy called DL59 for interfering with a younger child.
9 He said:

10 "BR10 arrived on the scene and was told why DL59 was
11 beaten up. I cannot remember what he had to say about
12 it, and after that DL59 continued with his behaviour in
13 the home."

14 So DL40 is certainly relating you arriving on the
15 scene when this was happening, but you have no
16 recollection of that?

17 A. No. I would occasionally have to break up fights,
18 especially teenagers, but it was never relayed to me
19 when that particular incident arose of any sexual
20 activity having taken place. Had that been done to me,
21 I would have gone forward to the houseparent and maybe
22 they would have related it to the manager, but certainly
23 anything of that serious nature I wouldn't have passed
24 it off.

25 Q. Okay. Another allegation is by DL287, which is at

1 61985. He says:

2 "The first time I was assaulted I was not wearing PE
3 clothing and BR3 hit me on the head with a cane. I told
4 him to piss off and he and BR10 and another Brother
5 whose name I don't know got stuck into me and beat me
6 with canes all over my body."

7 He describes the other Brother whom he doesn't know
8 and says:

9 "In all I was assaulted another three times by the
10 same Brothers. I was punched, kicked and beaten with
11 leather straps and canes. I had enough of this and
12 telephoned the Welfare people",

13 who took him back home.

14 One -- all of those allegations relate to physical
15 assaults on boys, or certainly not in respect of DL40's
16 encounter, but the others relate to -- DL90 relates to
17 you physically assaulting him, and DL 150 also the
18 -- being made to walk from Portaferry. DL125 talks
19 about someone else assaulting him and you having to take
20 him to hospital, and DL40 talks about this incident
21 involving the older boy.

22 The only other complaint that was made against you
23 was by a boy called DL190. That's at RUB61970. If we
24 can just go to the end of that, you will see there that:

25 "During the time I was in De La Salle I was touched

1 up in a single bedroom in chalet 4 by BR10, who was in
2 charge of the chalet. BR10 was not in the home when
3 I arrived there. He arrived when I was there about
4 a year. It happened one night. I was asleep. I woke
5 up and I was aware that someone was touching me about
6 the groin and penis area. I immediately asked him what
7 he was doing. BR10 got up and run out of the room.
8 About a week after the incident I was asleep again and
9 I woke up and found BR10 touching me under the
10 bedclothes in ..." -- scroll on down, please -- "in the
11 groin and penis area. When I asked him what he was
12 doing, he again ran out of the room. After this
13 I~approached a member of staff and asked to be moved out
14 of the chalet back into the dorm. I was later
15 approached by BR10 and told that if I moved back into
16 the dorm, I would not go to Irish dancing again.
17 I never told anyone what BR10 had done to me."

18 Now can I just go back to your own statement, if we
19 may, BR10, and you deal with these -- sorry. Just
20 before we do that if we just look at one final document,
21 which is RUB60997, and this is a letter to the home
22 saying:

23 "I wish to inform ..."

24 To someone saying:

25 "I wish to inform you regarding the recent case of

1 alleged abuse and yourself at De La Salle Boys' Home,
2 Kircubbin involving Brothers BR10", including others.
3 "On the basis of facts and information available the
4 Director of Public Prosecutions has directed no
5 prosecution in this case."

6 So you were never -- despite these allegations
7 having been made about you, you were never prosecuted.
8 Isn't that right, BR10?

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

10 Q. As I say, you deal with all of those allegations in
11 detail at paragraphs 23 through to 33 in your witness
12 statement, RUB1980. Paragraph 25 there you say that:

13 "During the police interviews I denied all the
14 allegations made against me and this remains my
15 position. I have never been charged with any criminal
16 offence and I deny I was violent or used excessive force
17 against any boy at Rubane."

18 You then go on to comment from paragraphs 26 onwards
19 about each individual allegation. I can assure you that
20 the Inquiry Panel have had the opportunity of reading
21 your statement, BR10. So I am not going to go into each
22 of the details, but you make various points about why
23 they should not believe those allegations and about the
24 credibility of the boys concerned and about various
25 things. If we can just scroll on down through those,

1 please. Because I am not, you know, opening up each and
2 every denial you make, I don't want you to think that we
3 haven't got the fact that you are denying them and that
4 they are there and can be read.

5 Paragraph 34 you say apart from the ten years you
6 were in Rubane you have taught and worked with young
7 children for approximately 34 years until you retired in
8 2012. Throughout this period of time, with the
9 exception of the time you spent in Rubane, no
10 allegations, whether of a physical or sexual nature,
11 have ever been made against you to your knowledge.

12 Now I just wanted to ask you about one other thing
13 that we talked about earlier. You were talking about
14 attending case conferences on boys.

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

16 Q. What can you tell the Inquiry about that, BR10? How
17 often were there case conferences, first of all, and who
18 would have attended them?

19 **A. Well, they would take place maybe once a term and**
20 **I would have attended these with the boys from my own**
21 **unit, and normally you would have the social worker**
22 **there, you would have the manager there, houseparents,**
23 **and I would have attended quite a number, and on**
24 **occasion the boys would be invited to attend, not the**
25 **entire meeting, but they would be asked to come in at**

1 **a certain stage and get involved in overall -- overall**
2 **helping out with the process.**

3 Q. Can I just be clear? We know that certainly from about
4 1972 onwards each of the boys who were in Rubane would
5 have been -- who have been placed there voluntarily
6 would have had Social Services' involvement.

7 **A. That's right.**

8 Q. Is that your recollection --

9 **A. Yes.**

10 Q. -- that every boy had --

11 **A. Everybody had, yes.**

12 Q. -- had a social worker?

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

14 Q. Is there anything in particular about those case
15 conferences you remember? Where did they take place,
16 first of all?

17 **A. They would have taken place over in the parlour in the**
18 **main building.**

19 Q. And apart from yourself, who would have attended?

20 **A. The houseparents, the social worker and --**

21 Q. Would the manager of the home?

22 **A. The manager would have been there as well. That's**
23 **right. Sorry.**

24 Q. Were those case conferences to your knowledge recorded?

25 **A. They were.**

1 Q. Did the Order keep records of the case conferences?

2 **A. They would have been taken, yes.**

3 Q. And you say once a term. So about once every three
4 months. Would that be about right?

5 **A. Yes, roughly. Correct, yes.**

6 Q. And where do you remember the files being kept on the
7 boys? Were they kept separately in each chalet or was
8 there a central office for them in the home?

9 **A. Well, there was a central office. Daily records we
10 would call them kind of -- on a daily basis. There
11 would have been a special room in the house beside the
12 parlour where records would have been kept. They were
13 accessible to all members of staff. For example, if
14 I wanted to record something about some boy in another
15 unit, that was free. I could have -- some incident may
16 have occurred. I was free to do that.**

17 Q. And --

18 **A. These were also very helpful when it came actually
19 putting a report together for a case conference, very
20 helpful.**

21 Q. Did you yourself have to put reports together or was
22 that the responsibility of the houseparent?

23 **A. All of us were invited to -- the houseparents would have
24 had their import, and I was asked because of my
25 involvement in the chalet or the fact that I was**

1 **involved in outdoor pursuits, games, concerts, etc, to**
2 **make my feelings known on certain boys.**

3 Q. Forgive me. Maybe I've confused you. You certainly
4 would have contributed to the case conference --

5 **A. Yes.**

6 Q. -- by making that kind of report to the case conference
7 --

8 **A. Yes.**

9 Q. -- but did you actually prepare any written reports?

10 **A. Oh, I had written reports, yes, yes.**

11 Q. Well, BR10, you will be glad to know that's all I've got
12 to ask you, but is there anything that you feel we
13 haven't covered that you want to say to the Inquiry or
14 you feel we haven't covered anything about your role in
15 the home or about the allegations that you wanted to say
16 now?

17 **A. No, I think you've covered it comprehensively.**

18 Q. Thank you. There's -- I'm going to hand you over to the
19 Panel, because I'm sure they will have some questions
20 for you themselves.

21 **A. Thank you.**

22 **Questions from THE PANEL**

23 CHAIRMAN: BR10, can I just take you back to the time you
24 arrived in Rubane in the summer of 1975?

25 **A. Yes.**

1 Q. By that time you were 28. You had been teaching in
2 various schools for I think a total of nine years, if I
3 have followed your various schools correctly.

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

5 Q. Once you arrived in Rubane, you were not in any way
6 teaching. Your role, if I may summarise it, had two
7 aspects. First is you were a housemaster, not the
8 direct houseparent, but house master.

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

10 Q. And you were very involved in what I suppose one might
11 call broadly extracurricular activities --

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

13 Q. -- games after school, activities, trips, that sort of
14 thing.

15 **A. Yes.**

16 Q. Do you know why this change in your career was brought
17 about, moving from teaching into an area of child care
18 that you had no previous experience or training for?
19 Did the Order explain to you why they wanted you to make
20 this change?

21 **A. I think understaffed -- the home being understaffed at**
22 **the time, they felt that maybe I would prove the type of**
23 **injection into the vitality of the home because of my**
24 **youth, because of my pursuits of sport and music, etc,**
25 **that they felt that maybe a change of direction might**

1 **have helped.**

2 Q. Well, do I take it that you didn't volunteer in the
3 sense that it was advertised in the Order? Somebody
4 approached you to go. Is that the way it worked?

5 **A. My Provincial asked me, yes, yes.**

6 Q. Is that explanation he gave to you for what must have
7 been a fairly significant change?

8 **A. Well, he never went into all those details, but I took
9 it kind of there was a need, a need to move forward
10 a bit.**

11 Q. Well, were you encouraged, as it were, to question or
12 debate a request the Provincial made of you?

13 **A. Well, if I felt strongly enough about it, I would have
14 done so, but it was another challenge for me, albeit
15 different from what I had been trained to do and been
16 used to, but the whole -- the whole notion of working
17 out a kind of a scheme and a plan to bring a bit more
18 normality into the lives of these children was kind of
19 a great challenge for me and ideal for me.**

20 Q. And then after ten years you resumed your teaching
21 career.

22 **A. My teaching again.**

23 Q. Thank you very much.

24 MS DOHERTY: Thank you, BR10. Can I just ask about sexual
25 activity amongst the boys? Were you aware of that and,

1 if so, what was your involvement in dealing with it?

2 **A. I had no absolute knowledge of that and the activity on**
3 **that scale, but on my trips you would have had the lads**
4 **kind of engaging in like a slagging or banter, but**
5 **I thought on a very superficial level. I would not have**
6 **been aware. No boy ever approached me at any stage to**
7 **complain about such activity.**

8 Q. And the concerns -- the boy in the laundry, the example
9 that's given, there was suggestion that there was
10 generally a concern about his behaviour. You weren't
11 aware of any ...?

12 **A. I had -- as I said, on trips out there would have been**
13 **slagging, banter, whatever you might call it, which goes**
14 **on among teenage boys anyway.**

15 Q. Sure.

16 **A. Apart from that, that was the sum total.**

17 Q. So there was no discussion within your chalet or within
18 the wider group about how to deal with sexual behaviour
19 between boys?

20 **A. No, but if it had come to my notice, we would have**
21 **obviously reported it.**

22 Q. I mean, it is clear from what we have heard that it
23 could be very challenging to work in Rubane, boys there
24 quite physical with each other, a certain degree of
25 bullying. I mean, when you were involved in breaking up

1 fights or things like that, did you have to be physical
2 with the boys in terms of ...?

3 **A. Not really, because I felt I had the respect of the guys**
4 **there.**

5 Q. So when you were breaking up fights, you did not need to
6 touch them or ...?

7 **A. No, no.**

8 Q. Okay. Can I just ask a kind of a bit of a tangential
9 question? In relation to you as a member of the
10 community, were you involved in kind of Provincial
11 visits when the Provincial came? Did you meet with them
12 or have a ...?

13 **A. Yes, yes.**

14 Q. Could you just say a wee bit about what that was like?

15 **A. Well, the Provincial would come and he would, first of**
16 **all, have a general meeting with the Brothers and then**
17 **individually we would go along and have a chat about how**
18 **things were going, had we any difficulties, anything we**
19 **want to kind of report on, and it was just to check out**
20 **how things were going and encourage you to keep going**
21 **I suppose.**

22 Q. And did you -- I mean, if this is too confidential to
23 say, but did you ever have to raise any issues with him
24 about any concerns you had about, you know, yourself at
25 Rubane or about other Brothers at Rubane?

1 **A. No, no.**

2 Q. Okay. Thank you.

3 **A. Thank you.**

4 MR LANE: You mentioned the four boys who went off to the
5 Irish dancing.

6 **A. Yes.**

7 Q. Were, in fact, boys given quite a bit of freedom to go
8 off on their own away from Rubane?

9 **A. Well, that was the trust that they were given and**
10 **they -- to my knowledge they didn't break that trust.**
11 **They went up and returned at the time they were expected**
12 **to return.**

13 Q. Did that sort of thing apply to all the boys in Rubane
14 or was it just some who were trusted in that way?

15 **A. Well, anyone who expressed an interest. We considered**
16 **Irish dancing to be a pursuit, one of the -- like music.**
17 **We encouraged them to do that.**

18 Q. But say at a week-end were they also allowed to go off
19 to shop at the village or go down to the lough or bird
20 spotting or whatever?

21 **A. Well, I suppose the fact that McKenna Hall where the**
22 **dancing lessons were held was a mile -- less than a mile**
23 **up the road. It was quite close to the home whereas**
24 **Kircubbin village would have been about two miles, and**
25 **that would have brought other problems going into shops**

1 **and it's a little bit more difficult to keep a handle**
2 **on.**

3 Q. So it is just -- the impression I get is that it is just
4 a small number would have gone out in that sort of way
5 --

6 **A. Yes, a small group that expressed an interest.**

7 Q. -- unsupervised.

8 **A. Unsupervised. That's correct.**

9 Q. Did you find you had sufficient funding for all the
10 activities you did?

11 **A. I am not sure how much they paid, but I am sure they had**
12 **to pay some fee for the dancing.**

13 Q. I wasn't thinking just of the dancing.

14 **A. Oh, sorry. Yes.**

15 Q. Sports and running the minibus and all these sorts of
16 things. It sounds like you had a pretty full range of
17 activities.

18 **A. Well, we visited the petrol station quite often, yes,**
19 **and as far as I was concerned I never really asked where**
20 **the funding was coming from. If the minibus was full,**
21 **I was happy to get on with my next --**

22 Q. You didn't have a particular budget for the activities
23 then?

24 **A. No, no, I didn't.**

25 Q. Okay.

1 **A. I was supported very much in anything I wanted to**
2 **pursue. I received nothing but encouragement.**

3 Q. Thank you.

4 MS SMITH: Sorry, Chairman. I was one thing that I had not
5 actually raised with BR10 before and it has just
6 occurred to me that he may be able to assist the Inquiry
7 with, and that is with regard to the police
8 investigation in 1980. You were still in Rubane in
9 1980?

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

11 Q. We heard there was a police investigation into the
12 Brother who was in charge of the home at that time. Do
13 you remember the police coming and interviewing the
14 boys?

15 **A. I do indeed, yes.**

16 Q. That BR1 was suspended after that --

17 **A. Yes.**

18 Q. -- over the head of these allegations that were made
19 against him?

20 **A. That's right.**

21 Q. Did the police interview the Brothers at the time about
22 what they knew?

23 **A. I was certainly never approached, certainly never**
24 **approached.**

25 Q. Thank you.

1 CHAIRMAN: Well, BR10, I am sure you will be relieved to
2 hear those are all the questions we want to ask you
3 today. Thank you very much indeed for coming to speak
4 to us.

5 **A. Thank you very much.**

6 MS SMITH: Chairman, Mr Aiken is taking this afternoon's
7 witness.

8 CHAIRMAN: Well, if we make an effort to start as soon as we
9 can after 2.15, ladies and gentlemen.

10 (1.30 pm)

11 (Lunch break)

12 (2.15 pm)

13 WITNESS BR77 (called)

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

15 The next witness today is BR77. He has legal
16 representation and they are going to give their
17 appearance. That's Mr Fahy.

18 MR FAHY: Mr Chairman, Members of the Panel, Desmond Fahy.

19 I appear with Mr Adrian O'Kane, solicitor. We represent
20 BR77.

21 CHAIRMAN: Thank you very much, Mr Fahy.

22 MR AIKEN: Chairman, if I can just say at the outset for
23 clarity BR77 is in a slightly different position than
24 other individuals before the Inquiry in that the Inquiry
25 has afforded him a limited form of anonymity in that

1 at the screen, you can recognise the document. Does
2 that look like the first page of your statement?

3 **A. Yes.**

4 Q. If we move through to 5418, please. It's
5 an 18-page statement. Can you confirm that you have
6 signed that statement?

7 **A. That is correct.**

8 Q. We have -- you have heard me say publicly about the
9 limited form of anonymity that the Inquiry has given
10 you, flexible anonymity, if I can call it that. You
11 want to maintain whatever anonymity the Inquiry is
12 prepared to provide --

13 **A. Yes.**

14 Q. -- at the moment in respect of the allegations you face?
15 You want to keep that anonymity?

16 **A. Yes.**

17 Q. I just want to bring up your CV that the Order has
18 provided for each of the Brothers, BR77, so it's on the
19 screen as I go through the next matters. It is at 969,
20 please. As you know, Brother, when we were looking at
21 the material, discussing the material beforehand,
22 there's a lot of material that's relating to you and
23 therefore I am going to as best I can try and summarise
24 that and ask you to address particular points that arise
25 as opposed to taking you through meticulously each and

1 every document, otherwise we would be here for days.

2 **A. Thank you.**

3 Q. So you were born on .

4 **A. Correct.**

5 Q. You are now 64 years of age.

6 **A. Yes.**

7 Q. And you went into Rubane on 1st September 1976 --

8 **A. Yes.**

9 Q. -- when you were 26 years of age?

10 **A. That is correct.**

11 Q. That was your first teaching assignment.

12 **A. After doing my teacher training in Trench House in**

13 **Belfast --**

14 Q. So you lived --

15 **A. -- that was my first assignment.**

16 Q. You lived in the St. Pat's Community of Brothers --

17 **A. Yes.**

18 Q. -- when you were doing your training.

19 **A. When I was a student, yes.**

20 Q. And then this is the first place that you went to.

21 **A. That is correct.**

22 Q. Now in preparation for going to Rubane, where the
23 evidence the Inquiry has heard is suggesting there was
24 often difficult children, there was children with
25 learning difficulties, what preparation had you for

1 dealing with that type of situation?

2 **A. I had no preparation at all.**

3 Q. So you were simply taught as a teacher in general terms?

4 **A. Yes.**

5 Q. Were you given any specific training about dealing with
6 children with difficulty?

7 **A. No. I had no -- no training.**

8 Q. I think at your time in training it might have been
9 called ESN, educationally subnormal, children. Did you
10 ever have any training to do with that?

11 **A. The only training I had was my education degree in
12 Trench House in Belfast.**

13 Q. And did it cover these types of issues?

14 **A. It -- it covered about teaching in primary level and
15 secondary level, and I had studied philosophy and
16 psychology among the subjects I had taken there, but
17 I had no specific training for -- for Rubane House,
18 Kircubbin.**

19 Q. What -- obviously the other aspect of Rubane in addition
20 to teaching was it was a children's home --

21 **A. Yes.**

22 Q. -- and the children were living in the home, as it were,
23 along with the Brothers, which is slightly different
24 from the model in the rules of a Brotherhood living
25 together, then going into a school to teach and then

1 going back to the Brotherhood, and that separation of
2 child and Brother and the various rules that were in
3 place presumably for reasons of making sure things
4 didn't go wrong. What preparation had you for going to
5 work in what was part of a children's home?

6 **A. That was my very first experience of living that kind of**
7 **life where Brothers and children lived together in the**
8 **same residence. I had never come across that ever in my**
9 **life.**

10 Q. Well, were you prepared for it in some way?

11 **A. I don't think I was prepared at all for it.**

12 Q. When you were being sent to Rubane, who -- who was
13 sending you? Can you remember who was --

14 **A. I was sent there by my Provincial and I tried to talk**
15 **him out of it. I asked him to reconsider. I didn't**
16 **like the idea of going to a children's home, but he**
17 **wouldn't listen to me at all.**

18 Q. Who was the Provincial?

19 **A. He was BP 4 .**

20 Q. You say you tried to talk him out of it.

21 **A. Yes.**

22 Q. Well, what was it about -- was it specific to Rubane or
23 simply because it was a children's home you didn't want
24 to go there?

25 **A. When I was a student at St. Patrick's Training School,**

1 I was living in the Brothers' residence, but I was
2 hearing -- I was hearing accounts of the boys there from
3 the Brothers who were working in St. Patrick's, and
4 I was able to tell that they were working with difficult
5 students. So I had some idea that the same would be the
6 case in Rubane.

7 Q. So you went. You were sent and that was it.

8 A. Yes.

9 Q. And, as I said, you were 26 when you went there, and
10 there were approximately 66 boys in the home when you
11 arrived at the end of the summer of 1976. The reference
12 for that, Members of the Panel, is at 10244. Just to
13 get context, if we can, BR77, when you arrived, BR3 had
14 just taken over from BR4 as the Principal of the school.

15 A. Yes.

16 Q. That's at 11844. DL11 and DL12 that I was talking to
17 DL81 about this morning, they were arriving as
18 houseparents at the same time as you were. It is also
19 at 11844. BR2 was the Director, the head of the
20 community and the person in charge of the children's
21 home when you arrived and he continued to be for a year
22 while you were there.

23 A. That is correct.

24 Q. Can you remember -- and if you can't, just tell the
25 Inquiry you don't remember -- when you went, obviously

1 you are going into this environment that's not
2 necessarily just teaching. Did BR2 explain to you what
3 to expect and the difficulties you might face?

4 **A. Well, BR2 was head of the care section at the home and**
5 **I was -- I was sent to teach in the school, and he did**
6 **mention there was a separation between the care**
7 **section and the school. I was there as a teacher, but**
8 **other duties were expected of me simply because I was**
9 **living in the residence. So I could be called upon to**
10 **do other things.**

11 Q. You would take activities after school.

12 **A. Yes.**

13 Q. You were into sports --

14 **A. Yes.**

15 Q. -- and mountains and so on. We will come to that, but
16 did either he or BR3 as your Principal, BR3, give you
17 any guidance as to how to deal with some of the
18 difficult propositions that were going to be in your
19 classrooms?

20 **A. I was asked by BR3 to read the files of the students**
21 **that he had in his office, and I am sorry to say I never**
22 **got around to doing it, and it would have been a lesson**
23 **for me to have known the backgrounds of these boys.**

24 Q. These are the care files on them or the school files?

25 **A. They were school files, but I think they were replicated**

1 **care files.**

2 Q. I think what I am trying to get you to explain, BR77, is
3 reading the care file would have told you the difficult
4 backgrounds that some of them came from. It might have
5 told you they were educationally, some of them,
6 a difficult proposition --

7 **A. Yes.**

8 Q. -- but presumably it would not have told you how to
9 manage that --

10 **A. Yes.**

11 Q. -- how to deal with that. What I am asking you is
12 whether you were given any assistance, guidance,
13 instruction, teaching as to what different techniques do
14 you need to employ with these children who are perhaps
15 different from the ones you might have expected if you
16 had gone to a different De La Salle school?

17 **A. The only thing that I was given prior to my going into**
18 **the classroom were two notebooks that BR3 gave me**
19 **showing me what level of education achievement could be**
20 **expected from teaching my subjects.**

21 Q. The other Brothers who were there with you -- and we can
22 come back, if it's of assistance of the Panel, to the CV
23 -- the other Brothers who were there in your time, if we
24 just bring up 7146, and this is the record from 1977,
25 just so the Panel can have some idea, and we have heard

1 many of these names before: BR2, BR18.

2 **A. Yes.**

3 Q. He was on the farming.

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

5 Q. I want to ask you directly, because we have a lot to get
6 through, did he hit the boys?

7 **A. There was a rumour that he hit the boys. The boys used
8 to talk about it and I used to overhear them making
9 comments, but I didn't --**

10 Q. Did you ever --

11 **A. -- I didn't witness him hitting them.**

12 Q. Did you take those rumours to BR2 --

13 **A. I cannot recall if I mentioned it to him.**

14 Q. -- or BR1, who took over from BR2 in '77?

15 **A. I cannot recall.**

16 Q. Then you have BR3 was the Principal. BR13 was
17 an elderly Brother who was the secretary.

18 **A. That is correct.**

19 Q. BR10 the Inquiry heard from earlier today. Then BR6,
20 who was at that stage the senior brother. He had been
21 the Director and the Principal and so on in the '60s.

22 **A. Yes, and he was on the teaching staff.**

23 Q. Then BR17, who was an elderly Brother now --

24 **A. Yes.**

25 Q. -- working in chalet 1.

1 **A. That is correct.**

2 Q. At the same time in September '77 whenever BR2 left and
3 BR1 arrives -- and the reference for that is at 11846 --
4 at the same time DL149 was joining the teaching staff
5 and DL 509 and DL81 became houseparents. That's
6 again 11846. We will touch on some of those individuals
7 as we go.

8 You indicated in your statement, which the Inquiry
9 Panel have had the opportunity to read, your love of
10 mountaineering.

11 **A. Yes.**

12 Q. You took basically each year on a trip every year --

13 **A. I took every class --**

14 Q. -- every class.

15 **A. -- in the school. Every class in the school got to go**
16 **each year the four years I was there.**

17 Q. And --

18 **A. And on top of that I took -- I took groups then on other**
19 **occasions. Some -- one I took to Scotland. One I took**
20 **to Donegal. One I took to Galway.**

21 Q. I think the Galway one I mentioned to you. The
22 reference for that is at 11850. You took twelve boys to
23 Galway in October '79.

24 **A. Yes.**

25 Q. That's the same month, just to get the chronology, of

1 the assault in relation to DL48 that we will come on to
2 that you were convicted of. That's DL48. Then the
3 assault relating to DL53 for which you were convicted
4 was December '79 to March '80, some date in the New Year
5 potentially, and then the third one relating to DL52 was
6 February/April 1980. It is at that point then that BR1
7 is removed --

8 **A. Yes.**

9 Q. -- from the -- from his role as a result of the
10 allegations that emerged about him. What I want to ask
11 you, BR77, is what you knew of any allegations or
12 rumours about BR1 before the police got involved in
13 April 1980 and he was suspended.

14 **A. I heard one rumour and it was from a boy in chalet 1.**

15 Q. Who was the boy?

16 **A. His name was DL59.**

17 Q. DL59 spelt [name redacted]?

18 **A. Yes. He came to me and he said, "I have heard that
19 there are some allegations being made about BR1 being
20 inappropriate with boys".**

21 Q. Did he identify who they were?

22 **A. No.**

23 Q. And what did you do when he came to you with that
24 allegation?

25 **A. I told him if he had any information, he must go and**

1 talk to BR3, BR3, and explain to him what he has told
2 me.

3 Q. Did you talk to anyone about it?

4 A. I talked to BR6. I went to BR6 and told him what I had
5 heard from DL59.

6 Q. What did BR6 tell you?

7 A. BR6 told me that he had known of an incident that
8 involved DL 70 , who was my best basketball player,
9 that he had been -- he had allegedly assaulted a DL69 in
10 the shower in the house.

11 Q. This is now a sexual reference you are talking about?

12 A. Yes, and that BR1 had dealt with the issue and that as
13 far as -- as far as that went it was over and done with.

14 Q. Well, as you look back, obviously BR1 has passed away --

15 A. Yes.

16 Q. -- and he -- like you, in the 1980 investigation he
17 faced even more allegations than you faced that we are
18 going to look at and the same in 1995. Can you,
19 reflecting on his interaction with the boys, assist the
20 Panel with was he inappropriate with them?

21 A. I didn't think he was inappropriate. He was very
22 friendly with them and he would put his arm around their
23 shoulder.

24 Q. Did you ever see him patting them on the bottom?

25 A. No, I didn't. I didn't see anything inappropriate of

1 **what he was doing with the boys.**

2 Q. Had you got to know him well over your time --

3 **A. Yes. He was -- he was --**

4 Q. The Director for three years.

5 **A. -- the Director of the home, yes. I thought he was**
6 **trying to be friendly and approachable with the boys.**
7 **I felt that it wasn't a good thing, because those boys**
8 **didn't -- they didn't react well to being approached**
9 **closely.**

10 Q. One other matter I was asking you about earlier. The
11 code or the rules or constitution of the Order suggest
12 that the Brothers will get together at least every week
13 to, if I summarise it in today's terms, hold each other
14 to account --

15 **A. Yes.**

16 Q. -- and talk about the behaviour and difficulties they
17 were having and so on. Did these types of sexual
18 matters ever come up in those conversations?

19 **A. Well, I raised that issue with BR6 at table --**

20 Q. Yes.

21 **A. -- and that is when he told me that that issue had been**
22 **dealt with.**

23 Q. But that's the only occasion?

24 **A. That's the only occasion, yes.**

25 Q. And you were never -- while you had heard a rumour about

1 BR1 --

2 **A. Yes.**

3 Q. -- the only matter that you -- BR6 satisfied you in
4 talking to him that it was actually two boys.

5 **A. Yes.**

6 Q. Do you know was any of that ever reported beyond the
7 home?

8 **A. I don't know.**

9 Q. You didn't report it to anybody?

10 **A. I didn't report it.**

11 Q. You don't know whether the Provincial was ever told
12 about it or --

13 **A. I don't know.**

14 Q. -- anybody else?

15 Obviously one of the vows that the Brotherhood takes
16 is to chastity.

17 **A. Yes.**

18 Q. There's a set of rules that are in the constitution, and
19 we looked at them during the opening week, about
20 maintaining that vow and keeping the -- various steps.
21 Don't have a child in your room. Don't keep them in
22 your room after class, and various rules seem intended
23 to protect the child and the Brother from any suggestion
24 of impropriety. Were those rules observed?

25 **A. Yes. As far as I was aware they were observed. No**

1 **Brother took boys to their room that I knew of.**

2 Q. And was there ever any cause for concern for you about
3 impropriety between any staff member and the boy -- and
4 boys of a sexual basis?

5 A. **I never came across other than what I've just told you
6 about the incident described. I never come across any
7 sexual abuse in the home.**

8 Q. Whenever the story breaks, as it were, about BR1 and
9 Father McCann becomes involved, he had a meeting with
10 the police on 21st April 1980, and he wanted he told the
11 police the allegations vigorously investigated. At that
12 stage it related to BR1. That's at 60015. The police
13 decided that everyone who passed through the home
14 between -- in terms of boys between 1967 and 1980 should
15 be interviewed. That was a total of 129 individuals.
16 The police traced 124 of them, and that can be found at
17 60015.

18 Now I just want to put this in context for the Panel
19 before I ask you and summarise it for you. Of that 124
20 boys who were spoken to, 29 of them made complaints of
21 indecent assault about BR1, and that related to -- I'm
22 sure you have heard since -- medical examinations at the
23 time they were coming in, touching them both in those
24 medical examinations and generally outside, and watching
25 them in the showers, and the investigation also then

1 revealed two incidents of indecency -- acts of indecency
2 by DL 509 against two boys, one of whom we will
3 come back to later, DL56. I asked you in respect of
4 BR1. In respect of DL 509 had you ever any
5 concern? Were you ever aware of any concern over him?

6 **A. I was never aware of any problem with DL 509 ,**
7 **and because of his closely working with me in outdoor**
8 **pursuits, I would say I was closer to him than any of**
9 **the others, any of the other staff members, and I never**
10 **saw anything inappropriate about him.**

11 Q. He went on the various camping trips with you --

12 **A. He was -- he did, yes.**

13 Q. -- and you mentioned to me earlier he had a great love
14 of motor sport --

15 **A. Yes.**

16 Q. -- and he did take boys away at various times to various
17 motor sport events.

18 **A. Yes, motor cycling in particular.**

19 Q. Now I was explaining to you there is at least one of
20 these boys who claims they were abused in that context,
21 but you had no cause for concern in respect of him.

22 There were then a particular group of eight boys who
23 spoke to the police, who said they were engaged in
24 homosexual practices between each other, and from the
25 statements not all of that activity was consensual.

1 What you are saying, you were only ever aware of one
2 instance --

3 **A. Yes, yes.**

4 Q. -- and that was because BR6 told you about it?

5 **A. That's correct, yes.**

6 Q. Then 18 -- this relates to you then, BR77 -- 18 of the
7 124 individuals made complaints of assault against you,
8 all of physical assault. That can be found at 60015.
9 Of that 18, that number 18 individuals, five of them
10 have made complaints against BR1 and were also making
11 physical complaints against you. 13 of them had not
12 anything to say about BR1 and were complaining of
13 physical assault in relation to you.

14 The police summarised those assaults in their words
15 as generally arising from a boy had done something wrong
16 in your presence and you hit out. That's how they
17 characterised it. I am going to go through briefly,
18 because I don't want to -- I am going to try and
19 summarise the 18 individuals for the Panel in as brief
20 a way as I can. I am going to do it this way. I am
21 just going to give you a name and then I am going to
22 give you one sentence of what he says happened. Then
23 I will summarise what you say took place.

24 So the first set I am going to call the BR1 five.
25 They are the five who also made allegations against BR1

1 but who also complained of assault against you.

2 The first was DL39. He was DL39, and he claimed you
3 hit him on the eye. That's at RUB60081 through to
4 60083.

5 DL47 is the second. He is DL47. His statement is
6 at RUB60096 and 7. He says that in April/May '79 during
7 a basketball match a confrontation ensued between you
8 and him. You chased him out of the hall and punched him
9 on the face. That's what he says happened.

10 The third then is DL48, who is DL48, and, as you
11 know, DL48 subsequently took his own life. He had been
12 engaged in campaigning in respect of victims. So he
13 was -- his statement is at RUB60098 and 9. Now I want
14 to look at his statement as we go, BR77, because it
15 raises an issue that I want you to address. If we bring
16 up, please, 60098. Scroll down, please. He says:

17 "There was a lot of talk about BR77, that he was
18 violent and he gave everybody a tough time. Nothing
19 happened to me until October '79."

20 He had only come into the home in January '79.

21 "I remember this well. It was after school about
22 7.00 pm. I was playing basketball against other boys in
23 the home. During the match I was sent off after five
24 fouls."

25 There were two other boys who were sent off. Then:

1 "When the match ended BR77, who was refereeing the
2 match, walked over to me and asked me why I had been
3 mucking about, and before I could answer he hit me with
4 his left hand on my left eye, causing the skin to open
5 for about an inch and a half to two inches. When this
6 happened, everyone had left the play hall."

7 Another boy returned:

8 "... and had seen what had happened. BR77 then took
9 me to his room in the classroom to the first aid kit and
10 tried to stop the bleeding. On the way to the
11 classroom he said that, 'You know, you can get me in
12 trouble because of what I've done, but it's up to you'
13 and he also said that I didn't have to play basketball
14 anymore. He then took me to Newtownards Hospital and
15 I received treatment there, which consisted of paper
16 stitches, about two or three in all. When I returned to
17 the home, I tried to contact my social worker, but
18 I couldn't get through, but I did later on in that week,
19 and told him that I had a cut my eye playing
20 basketball."

21 So he is saying he told his social worker not that
22 you'd hit him, but simply cut his eye playing
23 basketball:

24 "... but did not tell him about the assault because
25 I was afraid of BR77. The day after the assault I told

1 BR1 what had happened, but he didn't say anything to me
2 and as far as I know he didn't do anything about it."

3 Then he says:

4 "Until I left the home I was not assaulted by BR1
5 again" -- sorry -- "by BR77 again."

6 So what he is saying is he, having been assaulted by
7 you, told BR1 about it. What I want to ask you -- and
8 we will come back to look at what happened after Father
9 Peter McCann got involved -- but did BR1 speak to you
10 about this shortly after it happened?

11 **A. Yes, he did.**

12 Q. What did he tell you?

13 **A. He told me that what I had done was unacceptable and**
14 **that he had been in contact with DL48's social worker or**
15 **DL48's social worker had been in contact with him and**
16 **had complained about my behaviour and that at that stage**
17 **he wasn't going to pursue that matter any further. BR1**
18 **told me that this incident should never be repeated. If**
19 **it was, I would be sent away from the home.**

20 Q. Well, we will have to get the HSCB to look into for us
21 whether there is anything in DL48's file to suggest
22 a social worker knew, because DL48 is saying he hadn't
23 told her. We will look at how this panned out, because
24 whenever -- Peter McCann, Father Peter McCann talked
25 about this incident to the police when he made

1 a statement in August 1980. If we just look at 60048,
2 please.

3 I should just ask you before we go on why did you
4 hit him?

5 **A. I drew out with the back of my hand. I didn't expect**
6 **that I would make contact with him. I was angry with**
7 **him, because he had fouled off a number of boys off the**
8 **basketball game, and it was -- it was late in the**
9 **evening and I was just tired, and I had put a lot of**
10 **work into organising the basketball competition. So**
11 **I was angry about what he had done and I overstepped the**
12 **mark. I'll admit that.**

13 **Q. And Father McCann then speaking -- he talks about De La**
14 **Salle and how it was set up. Scroll down, please.**
15 **Scroll down, please, on to the next page. He says this**
16 **you can see just after the "BR2":**

17 "In November 1979 I was told that a boy had been ill
18 treated by a Brother in the sports hall at Rubane.
19 I called with BR1 and asked was this true."

20 So if this is right, the sequence of this is BR1 had
21 not told Father McCann:

22 "I was told that the Brother concerned was BR77 and
23 that the boy had required hospital treatment. I asked
24 BR1 to warn BR77 about this kind of behaviour. The
25 policy of the Management Committee is that there should

1 be no corporal punishment at the home."

2 The Panel will note the timing of this statement for
3 matters that we were looking at this morning which date
4 -- postdate 1980:

5 "It is also the thinking of the Management Committee
6 that anyone who is bad tempered or quick tempered is
7 unsuitable for work in a children's home, no matter how
8 gifted that person might be."

9 So what he is saying, BR77, is that he came to know
10 about this and went to BR1 as opposed to BR1 telling him
11 what you had done, and it doesn't appear -- obviously
12 the diocese can address this -- that Father McCann
13 reported it beyond coming to BR1 and telling him what he
14 had to say.

15 Now BR1 dealt with this in his police interview on
16 9th May 1980. If we look, please, at 60... -- it begins
17 at 60131, but if we can go to 60138, please. Just
18 scroll down, please. He says -- he is asked about:

19 "Q. Are you aware of any of these incidents during
20 your time as principal?

21 **A. The only incident was regarding a boy called**
22 **DL48.**

23 Q. Can you give us any particulars of the incident?

24 **A. All I know is that it happened during**
25 **a basketball game. An accident occurred and as a result**

1 of the incident the boy was taken to hospital.

2 Q. DL48 says the day after he was assaulted by BR77
3 he told you what happened. Do you recall this?

4 A. No.

5 Q. Did you take any action as a result of what you
6 heard about this incident?

7 A. I spoke to BR77 and told him that he must not
8 continue to --"

9 Then the solicitor interrupts, and he says:

10 "He told me what had happened and we discussed" --
11 just stop -- leave it on the screen -- "matters of
12 corporal punishment and I report the matter to the
13 Management Committee."

14 So that seems to be him saying, "I told Father Peter
15 McCann". He tells it slightly differently, but the
16 matter I want you to look at, he says:

17 "I spoke to BR77 and told him that he must not
18 continue to ..."

19 I discussed that with you beforehand. The
20 implication of that is that was not the first time this
21 sort of thing had happened. Can you remember any
22 incidents prior to this that BR1 might have been
23 referring to?

24 A. No, because I don't remember BR1 speaking to me about
25 any other incident.

1 Q. Right. What Father McCann says -- he was asked about
2 this incident before the Hughes Inquiry when he gave
3 evidence in 1985. If we can look, please, at 40016. He
4 was asked how he came to know that this had happened:

5 "Q. The teacher whose name has already been
6 mentioned in one of the incidents?

7 A. Yes."

8 So this is you, BR77, that we are talking about:

9 "Q. How did it come to you?

10 A. It came to me from Father John O'Connor, who
11 with me was a member of the Management Committee and who
12 is the Director of the Catholic Family Welfare Office,
13 who at the time had a social worker visiting the home
14 on a regular basis."

15 That was Pauline Richardson. Did you know her?

16 A. I didn't know Pauline Richardson, but I knew BR1 had
17 an advisory body and they met frequently to help him to
18 manage the care home.

19 Q. And he says:

20 "This social worker reported to him", as in to
21 Father O'Connor, "that in her visit to the home she had
22 heard that a boy had been -- the words would be 'beaten
23 up' by a teacher outside of school hours in the school
24 sports ground. The following morning I went down to the
25 home and spoke to the officer in charge and asked him

1 was this true. What I asked him was was it true that
2 a boy was struck by the teacher with his fist and that
3 the boy had been taken to Newtownards Hospital and
4 required stitching?"

5 Move on to the next page, please:

6 "I was told that it was true. I told the officer in
7 charge that he was to speak to the teacher concerned in
8 the strongest possible terms, and warn him about any
9 repetition of conduct of this kind. I said to him that
10 if this came to my attention again, I would deal with it
11 as severely as possible."

12 He was assured that -- BR1 assured him he would
13 speak to you. So did he speak to you in the strongest
14 possible terms?

15 **A. Yes, he did. I understood when he said that DL48's**
16 **social worker had been told that maybe it was this**
17 **person. I don't know and I didn't know DL48's social**
18 **worker.**

19 Q. It maybe was Pauline Richardson.

20 **A. Uh-huh.**

21 Q. Father McCann accepted before the Hughes Inquiry that
22 he -- how he dealt with this was not adequate. He
23 comments on it at 40021. He says this of you:

24 "Well, this Brother was a teacher in the school,
25 a very gifted teacher, a man with great ability in

1 organisation of physical activities, orienteering,
2 mountaineering, canoeing, all that sort of thing, but
3 apparently he was a very short tempered person and
4 I think might be said about him that after a full day
5 teaching in the school he was doing these external
6 extracurricular activities, and I thought that he wasn't
7 the ideal person to be in the field of child care,
8 especially dealing with children who might be difficult,
9 who might have behavioural problems."

10 So he is saying something similar to what you are
11 saying, although he is characterising you as being short
12 tempered.

13 He then goes on to be asked:

14 "Q. Well, was he suspended?",

15 and the timing of that. Then he says:

16 "When Sergeant Wilson drew my attention to
17 statements that he had taken alleging that there had
18 been physical ill treatment, I went down to the home.
19 In the presence of the then officer in charge I asked to
20 see BR77, this teacher, and when he came in, I told him
21 about these allegations."

22 So these were further -- this was as the police
23 inquiry is happening in April/May 1980. He says:

24 "The intention of the police to take action against
25 him and that I remember out of delicacy not using the

1 word 'suspension'. I said to him, 'I regret having to
2 ask you to absent yourself from the school and not to be
3 in any communication with the school in any way'.
4 I~didn't even like using the word 'suspension', but that
5 is actually what the words meant, and he was upset and
6 arrangements were made for him to be transferred even
7 though it was before the completion of his school year."

8 He makes the point that within a day of being made
9 aware of these further allegations he did something
10 about it, but you essentially moved to Downpatrick and
11 began teaching in the De La Salle Secondary School in
12 Downpatrick?

13 **A. I don't know where I moved at that stage, because**
14 **I didn't have an assignment in Downpatrick. It was only**
15 **given to me --**

16 Q. In September.

17 **A. -- in August/September of '7... -- 1980.**

18 Q. So you didn't teach for the last two months of the
19 school year in '80 --

20 **A. That is correct.**

21 Q. -- but then began in September '80 the new '80/'81
22 school year in Downpatrick.

23 **A. Yes.**

24 Q. The point that he makes then, and I am not going to go
25 through this now, but the Inquiry will have it at 40048

1 through to 40054, Father McCann accepted what he did,
2 having been informed of the incident involving DL48, was
3 inadequate. He was asked if BR1 had made the case out
4 to the police that he told the Management Committee
5 about it. I just want to look at that at 40083, please.
6 Just scroll down, please. Now:

7 "Q. That incident which you say you had some
8 connection with, which you dealt with in detail the last
9 time, that incident, in fact, came to you through Father
10 O'Connor?

11 A. That's right.

12 Q. Not through the head of the home?

13 A. That is correct."

14 So Father McCann is saying BR1 didn't bring this to
15 him. It came via Father O'Connor. He then says over
16 the next two pages he found this all very embarrassing
17 because of his respect for the Brothers. Then he says
18 this at 40085. Scroll down a bit further, please.
19 Scroll down, please. I can't find the particular words
20 I am looking for, but he essentially says on 40085,
21 "Tell him if he does this again, I will throw the book
22 at him".

23 What I want -- to the extent you can remember --
24 there we are. We have found it. If you look:

25 "I said to him, 'Tell him that if he does this

1 again, I will throw the book at him'. That is very
2 strong language. That is what I said at the time."

3 Now do you remember it being conveyed to you with
4 that strength?

5 **A. No, I don't.**

6 Q. If it had been conveyed with that type of strength
7 coming from Father McCann, who was the head of the
8 Management Committee effectively overseeing the home, if
9 you had been told that he was saying he'll throw the
10 book at you if you do this again, do you think you would
11 remember that?

12 **A. I certainly would remember that. I did not hear that**
13 **from Father McCann.**

14 Q. No, but did you hear that from BR1?

15 **A. No, I did not.**

16 Q. This obviously raises an issue the diocese will pick up,
17 but if we go back, that's DL48. So we have got to three
18 of the first five of the 18.

19 The fourth was a DL51. He describes being assaulted
20 in a hurley store for fighting with DL 106 and
21 DL 41 . He is DL 41. If we just look at the
22 last page of his statement for a moment, 60105, because
23 in assessing -- he is describing what he says you did.
24 You will see there he says:

25 "BR77 called ...", I think that's DL41 is DL48, "and

1 myself into the hurley store and beat us up. He didn't
2 cut me but he hurt me and I cried. I heard from other
3 boys that BR77 had beat up boys before and cut them.
4 The boys he beat up were ..."

5 The three that he identifies, DL52 -- I am sorry.
6 I said DL48. DL41 is not DL48. He is DL48. So he has
7 got that -- do you see he says:

8 "The boys he beat up were DL52 ..."

9 That is DL52. He has got that right, because you
10 were subsequently convicted of abusing him. We will
11 come to that.

12 "... DL53", which was DL53, and he was another that
13 you were convicted of, and "DL48", DL48.

14 So he's got those three individuals correct in
15 addition to his story about what he says happened to
16 him.

17 Then the fifth who also made allegations against
18 BR1, and this is the one individual from the 1980 set of
19 18 who gave evidence to the Inquiry, that's HIA41, who
20 is HIA41. If we just look at his, please, at 60010,
21 because he claims that he, having been hit by you --
22 scroll on to the next page, please. He says:

23 "BR77 said I was not supposed to be smoking after
24 7.00 and he asked if I had more cigarettes. I told him
25 I had none. He hit me on the back of the head with

1 I think his open hand. About a week after this I walked
2 into the school gym with my shoes on, because I had no
3 slippers. I walked out again. BR77 grabbed me by the
4 hair and walked me into the changing room, punched me on
5 the corner of the mouth and my cheek with his closed
6 fist. It didn't cut me but it was sore. Said I was big
7 enough to know I shouldn't have my shoes on. He then
8 left me and I went into my class. He never touched me
9 again",

10 and the day after basketball he says he punched
11 someone else, but you will see down at the bottom he
12 says:

13 "I told BR3, BR3 -- I told BR3 about BR77 beating me
14 up, but no-one else."

15 So he says he went to BR3 and told him about you
16 having hit him. Did BR3 ever speak to you about hitting
17 boys?

18 **A. I cannot recall if BR3 spoke to me about that incident
19 or any incident regarding hitting boys.**

20 Q. Well, when he found out you had hit DL48, did he not
21 talk to you about that?

22 **A. Well, I was taken to BR1 and it wasn't -- it wasn't
23 a school time incident --**

24 Q. I know, but --

25 **A. -- but he would have been aware of it, yes.**

1 Q. But whether he's aware of it or not, did he -- here is
2 a teacher at his school that he is responsible for.
3 There is a limited number of you. There is only ten of
4 you in total on the site, some of whom are teachers,
5 some of whom aren't. An issue has arisen of you hitting
6 DL48, and Father McCann has come and saw BR1 about it.
7 BR1 has spoken to you about it. Did BR3 then not speak
8 to you about it?

9 **A. I cannot recall BR3 speaking to me about that incident.**

10 Q. You don't then remember HIA41's allegation ever being
11 raised with you by BR3?

12 **A. No, and I don't think, given that he says there was**
13 **a rule about smoking after 7 o'clock -- I never remember**
14 **any rule about smoking after 7 o'clock in Rubane. The**
15 **boys exercised until 9 o'clock at night and then they**
16 **went to their chalet units and the no smoking rules**
17 **would have applied from there. There was no rules**
18 **regarding not smoking any other place that I can recall.**

19 Q. Well, the assaults, though, you say they didn't happen?

20 **A. They didn't happen.**

21 Q. We will come on to what you say on a more general basis.
22 You did mention BR3 talked to you about other incidents,
23 one to do with DL52 and one to do with DL123. Is that
24 right?

25 **A. Yes. Correct.**

1 Q. The DL52 one is the one that we'll come on to, because
2 it's the one you were convicted of, and then the
3 one, I was saying to you beforehand he, when he
4 was spoken to by police in America, said his basketball
5 teacher had done something, put him on the floor, but he
6 didn't regard it as assault and thought he probably
7 deserved it. So BR3, if you remember him talking to you
8 about that, someone must have brought it to his
9 attention.

10 **A. I brought it to his attention.**

11 Q. You told him about it?

12 **A. Yes.**

13 Q. Because it had happened?

14 **A. Because it had happened.**

15 Q. You thought he had better know?

16 **A. Yes.**

17 Q. That's the first set of five of the 18. Then you have
18 13 others.

19 DL 41 , who is DL41, and his statement is at
20 60085. He says you cut his lip after he was in a fight.

21 The seventh is DL40, who was another person who gave
22 evidence to the Inquiry but didn't come forward himself
23 as an applicant. His statement is at 60084. He is
24 DL40. He said you hit with the fists for not paying
25 attention in class, although he certainly didn't make

1 a big deal of it in his evidence to the Inquiry.

2 In -- the eighth person is DL42. He was DL42. His
3 statement is at 60086. He says he was beaten on several
4 occasions, including with a plastic tube, and punched in
5 the face. Now can I just -- he is right that you used a
6 tube --

7 **A. I did, yes.**

8 Q. -- from your class? You would have hit boys with that
9 tube?

10 **A. I would have slapped boys with the tube, yes.**

11 Q. When you say "slapped", just so we are getting it, you
12 are talking about corporal punishment on the hands?

13 **A. On the hands, yes.**

14 Q. If you didn't have the cane handy but had a tube handy,
15 you would have used that?

16 **A. Yes.**

17 Q. Then the ninth person is DL43. He is DL43. His
18 statement is at 60087. He says he was struck on the
19 mouth for talking to some girls whilst you were on
20 holiday.

21 The tenth person is DL44. He is DL44 at RUB60089.
22 He says he was assaulted a number of times, including
23 once in the gym playing basketball. He also says he was
24 whipped by a rope whilst on a camping holiday.

25 Now it is right and you told the police previously

1 if you didn't have the cane with you on trips, which you
2 didn't, you would have used a 5 mm rope.

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

4 Q. But you can only recollect hitting one child with that
5 rope.

6 **A. That's correct.**

7 Q. But you don't remember who it was.

8 **A. Yes.**

9 Q. The eleventh person is DL45. He's DL45. He is at
10 RUB60091. He was a goalkeeper in a game that was going
11 on between staff and pupils and he says he had gone to
12 ground, having caught the ball, and was there for
13 a couple of seconds when you kicked him on the wrist and
14 he ended up with a fracture. We know that was on 5th
15 March '79.

16 Now you say that was --

17 **A. I explained --**

18 Q. -- an unfortunate accident that occurred --

19 **A. I explained that to the police, yes.**

20 Q. -- during a football game, and police gave you the
21 benefit of the doubt about that, as we will come to see.

22 The twelfth person was DL46, DL46, RUB60094. He
23 says you beat him up in the laundry room in the summer
24 of 1979. I asked DL46 this in his evidence, because he,
25 that's DL46, claimed to have told DL40 about this

1 incident that arose when they were with BR13 eating peas
2 in the greenhouse. DL46 recounts how subsequent to that
3 you assaulted him in the laundry room he says. DL40
4 confirmed in his evidence to the Inquiry that DL46 was
5 right. He had told him that at the time. Not that DL40
6 saw the assault, but simply he had told him afterwards
7 that you had assaulted him.

8 The thirteenth was DL49. I know he comes up in 1995
9 again and we will deal with that. He is DL49. 60101.
10 He says you grabbed him by the throat until his face
11 turned red.

12 The fourteenth is DL50, DL50. He is RUB60103. He
13 was kicked on the legs causing him to fall whilst he was
14 chasing DL 41 he says.

15 The fifteenth then is DL52. He is DL52 and his
16 statement is at 60106 and 7. He says he was punched in
17 the jaw in March 1980 during a basketball game. He says
18 he sustained a cut to the upper lip. It was well healed
19 scars on his lip when he was examined by a police doctor
20 in August 1980, and the scars corroborated his account,
21 as did two other individuals, DL 60 --

22 his statement is at 60196 (sic) -- and a DL 61
23 , whose statement is at 60197. I want to look
24 at his statement, please. 60106, please. Now he says
25 about this incident on the basketball court:

1 "I said to one of my mates in a joke, 'If you drop
2 the ball, I'll hit you'."

3 He named his mate.

4 "He did drop the ball. I went over to him and hit
5 him a friendly tap on the back of the head. BR77 was in
6 charge of us for PE, and after I gave the friendly tap
7 on the head, BR77 came over to me and punched me on the
8 jaw. I tried to cover myself up but he kept on punching
9 me with both fists until I fell and hit my head on the
10 wall. When I was on ground, he kept on hitting me and
11 cut my upper lip. He kicked me once whilst I was on the
12 ground. After he saw that I was bleeding from the lip,
13 he tried to make up to me by saying it was an accident.
14 He attended to the cut on my lip himself and I didn't
15 have any other medical attention. Most of the other
16 boys in the class were present in the sports hall and
17 seen what he did in assaulting me. Immediately after
18 the PE class I went to BR3 and I told him what BR77 did
19 to me. BR3, BR3, told me that he would look into it.
20 I also told BR1 about BR77 and I think he also told BR3
21 about it."

22 Now do you remember being spoken to about this
23 incident?

24 **A. I spoke to BR3 about it myself.**

25 Q. You told BR3 about it?

1 **A. Yes.**

2 Q. Well, if this -- if DL52 is correct, he tells BR3 about
3 it and he tells BR1 about it. Now this is March 1980.
4 So we have had DL48 and Father McCann, who have -- has
5 been in and said what he said, and whatever the
6 conversation with BR1 that you had, you were told, "This
7 can't happen again". It appears this did happen again,
8 and how did this come about that despite what had
9 happened before and the warning that had come, the DL48
10 incident, that this happened?

11 **A. I -- I was confronted with DL52 hitting DL60 very**
12 **viciously, and when I checked him about it, he said he**
13 **will do it again, and I -- I wanted to prevent any**
14 **further injury happening to DL60. So I grabbed DL52 and**
15 **put him sitting on the floor. He was a big burly boy**
16 **and very strong. It took me all my time to get him down**
17 **on the floor.**

18 Q. Well, DL60 is one of the people who -- if we look at
19 60196:

20 "During the match", he says, "DL52 hit me a tap on
21 the head. BR77, who was refereeing the match, then came
22 over and asked DL52 why he'd hit me. DL52 said he was
23 only messing. BR77 turned round and hit him on the
24 mouth with his fist. Blood started to come out. He
25 kept on hitting him round the head and all. About three

1 weeks later he told the whole class he was sorry for
2 what he had done."

3 Is that true?

4 **A. That probably is true, yes.**

5 Q. How did that come about that you addressed the class
6 about this?

7 **A. I knew I had overstepped the mark with DL52 in**
8 **confronting him about that assault. The assault as**
9 **I saw it was very, very vicious and it could have**
10 **resulted in severe injuries to the person he assaulted.**

11 Q. Obviously you may not be surprised at me saying, BR77,
12 you are confronted with a boy assaulting another boy.
13 Presumably you would accept the solution to that is not
14 to turn round and assault the boy yourself.

15 **A. Yes, I accept what you say.**

16 Q. And did you not -- having had the problem before, did
17 you raise with BR1 or BR3, "Look, you know, they put me
18 in difficult positions here with these boys. Are you
19 not going to give me some help?" or did you raise with
20 them at all, "Look, this is difficult. I am struggling
21 with it. I am losing my temper and that's not normally
22 me", or did you have any of those conversations was
23 them?

24 **A. I certainly had a conversation with BR3, yes.**

25 Q. And what was that conversation?

1 **A. That I couldn't deny that this incident had happened.**

2 Q. No, but what help were you going to get to stop it
3 happening again?

4 **A. I don't know. I don't know what they decided.**

5 Q. And the sixteenth incident -- it appears, if I can
6 record this in passing, BR1 doesn't seem to have -- if
7 he and BR3 knew of this incident, it was not brought to
8 Father McCann's attention straight after it happened and
9 he found out about it subsequently, and described, as we
10 looked at with the evidence to the Hughes Inquiry, when
11 he did find out about it and others, then he took steps.

12 The one that potentially comes after that incident
13 then involves DL53, who is number sixteen on the list.
14 He is DL53. His statement is at 60112. He says he was
15 assaulted resulting in a split lip at some stage in
16 1980.

17 Now this incident, if we look at 60112, this is
18 important, BR77, because of where he say this occurred.
19 He says:

20 "I entered the school. One day when I was in class
21 I had my hands in my pocket. BR77 took me to take my
22 hands out. When I did this, he grabbed me by the hand
23 and started to bend my finger. I then bent his. He
24 threw me into the store where he develops photographs
25 and punched me on the mouth, cutting my top lip. This

1 is the only thing that happened to me. I was never
2 sexually assaulted in the school. The incident with
3 BR77 happened about three or four months ago."

4 So what he is saying is this is the science class
5 with your store which is known as your photography room
6 or your dark room where you develop pictures. He is
7 saying he was taken in there and that's where the
8 assault took place. Can you remember doing that?

9 **A. I cannot remember that incident. I did bring that to**
10 **the attention of the court in Newtownards. So it is**
11 **mentioned in the court submission.**

12 Q. But you accepted --

13 **A. I couldn't -- I couldn't recall the incident.**

14 Q. Well, it was corroborated by two boys, one HIA41, 60111,
15 and the other is DL55, 60195. If we just look at what
16 DL55 says, 60195, please:

17 "About the assault on DL53, BR77 took him into
18 a store in the classroom and I saw BR77 hit him on the
19 face. I was fit to see through the open door. When he
20 came out of the store, his mouth was bleeding."

21 This seemed to be someone saying they witnessed the
22 incident, but it was in the storeroom. That's relevant
23 for reasons, as you know, that we will come to.

24 **A. Yes.**

25 Q. But that's -- and you pleaded guilty to a charge of

1 assault occasioning actual bodily harm in respect of
2 that?

3 **A. Yes.**

4 Q. The seventeenth is DL54. He is DL54. His statement is
5 at 60113. He said he was struck by a stick on a number
6 of occasions. Now that might be a cane then he is
7 referring to. So that might be an incident of corporal
8 punishment he is complaining about.

9 **A. Yes.**

10 Q. Then the eighteenth is DL55, who made a statement at
11 60114. He is DL55. He says he got four slaps with
12 a camping rope for cursing, and the police thought that
13 again might equate to potentially corporal punishment,
14 but that's more than one person in that group of
15 eighteen claim they were hit with a rope. As we know,
16 in 1995 there were others who said they were hit with
17 a rope. You only remember doing it once?

18 **A. Well, I did carry a safety line, that is a 5 mm rope**
19 **safely line.**

20 Q. While you were camping?

21 **A. Yes, but I cannot remember who got punished with it.**

22 Q. And the police interviewed you on two occasions as
23 a result whenever these eighteen events were gathered
24 together, and on 20th May 1980 it runs from 60147 to
25 60151, and you said the most you had hit a boy was a 5

1 mm rope never more than twice. Only used the rope
2 because you didn't have a cane. You didn't make any
3 comment about the more serious matters that were being
4 raised with you.

5 Then you were interviewed again on 12th August 1980
6 at RUB60161 through to 60162 and you didn't want to
7 comment on how DL48 got his injuries.

8 The recommendation that the police made can be found
9 at paragraph 178 of their summary. It is at 60036.
10 Essentially they decided that the justice of the
11 situation, be it with these complaints together, would
12 be met by preferring charges in those cases where there
13 was evidence of what lawyers call corroboration. They
14 said that was in four cases, though in respect of the
15 DL144 incident, the football incident, where you had
16 given an explanation, the goalkeeper, they decided you
17 should have the benefit of the doubt, having claimed it
18 was an accident. So they recommended you face three
19 counts of assault occasioning actual bodily harm on DL48
20 from October '79, DL52 from January to March '80 and
21 DL53 from early 1980. You then, having already moved to
22 the Downpatrick Community and begun teaching in the De
23 La Salle Secondary, on 11th May 1981 appeared at the
24 Ards Crown Court before His Honour Judge Watt, as he
25 then was, and you pleaded guilty and were given

1 a conditional discharge on each of the counts that you
2 face or faced. That's at 60007.

3 Chairman, do you want to take a short break?

4 CHAIRMAN: I think, since we have been going for over
5 an hour, we should give our hard-pressed stenographer
6 a short break. So we will rise for ten minutes.

7 (3.30 pm)

8 (Short break)

9 (3.40 pm)

10 MR AIKEN: Chairman, Members of the Panel, I know that BR77
11 is finding the experience difficult in common with
12 everyone who gives evidence to the Inquiry. I have made
13 it clear to him if at any stage he is struggling
14 and needs a break, just to lift his hand and we will
15 deal with that.

16 BR77, we covered the first set of physical
17 allegations that flowed and what I want to say just so
18 it is borne in mind the context, all these allegations,
19 even though they come now later in 1995, they all relate
20 to the same four-year period. So if we can keep that in
21 context.

22 In 1995 as part of Operation Overview developed
23 file 2 of 41 of the cases that arose from Operation
24 Overview related to you and it runs from 61003 to 61297.
25 That investigation involved fourteen individuals, two of

1 whom repeated the same complaints they had made in 1980
2 but weren't prosecuted. That was DL 45 about
3 the footballing incident and DL 44 . Therefore I
4 am leaving them out and saying there were twelve fresh
5 complaints, if you like, arising out of the 1995
6 investigation. Three of them are from applicants to the
7 inquiry and nine from individuals who haven't come
8 forward to the Inquiry.

9 I want to deal, first of all, with the physical part
10 of that. Of the twelve complaints, nine of them are
11 physical complaints, six of them from people who have
12 not come forward to the Inquiry and then three Inquiry
13 witnesses -- HIA41 and HIA 218/HIA 219 maintain
14 allegations of physical assault -- and then, as we know,
15 those allegations of sexual as well as physical from
16 2010 onwards.

17 So the physical allegations are -- and I am going to
18 summarise these in very brief form, BR77, and if you
19 think there is anything you want to say arises, just
20 pause me and we will do that. Okay?

21 **A. Okay.**

22 Q. So there was DL90, who is DL90, 61034. He says he was
23 hit with a hurley stick. It is right you were
24 heavily -- everybody seems to say you had a real love of
25 hurling.

1 **A. Yes, I coached the hurling under 16 team --**

2 Q. Yes.

3 **A. -- and I did have DL90 on the team. I would say he was**
4 **a reluctant player, because I think he was scared of**
5 **getting hurt on the hurling field, but I had to have him**
6 **on the panel, because it needed fifteen boys, and I had**
7 **to take the fifteen strongest boys available and he was**
8 **one of them.**

9 Q. The talent at your disposal might not have been the same
10 as the county that you were residing in, if I get your
11 meaning.

12 **A. I needed all fifteen players. I didn't even have**
13 **a reserve to enter the Down Hurling Under 16 League.**

14 Q. The next allegation was one that was brought forward in
15 1980, if I have -- or certainly was mentioned in 1980,
16 but the individual himself had not stepped forward and
17 that was DL33. He claimed that he was -- he is DL33.
18 His statement is at 61035 and deals with it at 61036.
19 He talked about the rubber tube. DL46 had referred to
20 you hitting DL33 in his 1980 statement. That's at 60094
21 at 5. It was said BR3 was told about that. I am not
22 going to open that up at this stage.

23 **A. Can I ask for clarity here, please?**

24 Q. Yes.

25 **A. Which of the two is that, because there**

1 **equipment there.**

2 Q. Then there are allegations from DL120 -- and it is at,
3 DL120, 61054 at 55 -- and DL121-- he is DL121 -- at
4 60156. He says you slapped him around the face having
5 taken him outside after a fight he had had with another
6 boy. He also mentioned the guy DL123 that we talked
7 about, the American chap as he is now, being assaulted.

8 But DL121, you say about that in the police
9 interview you did take him outside for fighting, but --
10 and you threatened him, but you say you didn't hit him.

11 **A. Yes.**

12 Q. He says you took him outside and threatened him and hit
13 him.

14 **A. I took him outside and threatened him because he was**
15 **bullying a boy, and --**

16 Q. What did you threaten him -- can you remember what you
17 threatened to do with him if he did it again?

18 **A. I was prepared to punish him with a cane.**

19 Q. With a cane?

20 **A. Yes.**

21 Q. And HIA41 in his 1995 police statement at 61064 at 61066
22 and 7 recollected a third occasion where he says you
23 assaulted him and he sets that out.

24 Then there are two -- the remaining two are DL125,
25 who is DL125, and his statement is at 61103, and then

1 DL26, DL26, at 61109.

2 As a group of nine individuals they are making
3 further similar type claims to those that were part of
4 the eighteen that came from 1980, but augmented to that
5 were four matters, three allegations of sexual abuse,
6 and I am going to go through each of those with you now.

7 The first was brought forward by DL119. He was
8 DL119, and he -- his statement is at 61020, and he deals
9 with this at 61022 and 61023. He says -- physical
10 allegation -- you hit him with a bunch of keys and then
11 he says you fondled him in the yard swimming pool.

12 **A. I reject that completely. I never sexually assaulted**
13 **any boy ever.**

14 Q. Let me just deal with what you said to the police about
15 that was that you did take boys swimming but you
16 wouldn't be in the water with them. You have
17 a particular thing about chlorine.

18 **A. I took the boys to the swimming pool when there was no**
19 **other bus driver to take them.**

20 Q. But you didn't swim with them?

21 **A. I didn't swim with them.**

22 Q. And whether you swam with them or not, you didn't fondle
23 his privates in the public swimming pool?

24 **A. Never, never.**

25 Q. Then the second sexual allegation that is made is made

1 by DL49, who made a physical complaint in 1980 that you
2 had got him by the neck until his face turned red. He
3 was DL49. His statement is at 61080. At 61084 he
4 describes that he was very seriously sexually abused by
5 BR1 in his office and then on a subsequent occasion in
6 the office by you and BR1 together.

7 **A. That I reject completely. That never happened.**

8 Q. And the police were not impressed with his allegations,
9 if I put it like that. If we look at 61012, please.
10 I am not sure if there is any way we can make that --
11 right. You can see about halfway down -- if we just
12 stay where we are at. Thanks:

13 "Although this is one of the most serious
14 allegations levelled against BR77, I do not proposed to
15 enter into any great detail regarding it. DL49's
16 allegations and the concerns regarding them have already
17 been elaborated on in file 1 of 41."

18 I am going to look at that just now:

19 "BR77 strenuously denied the allegations and even
20 disagreed with minor uncontentious aspects of DL49's
21 account.

22 There is no medical evidence or any other form of
23 corroboration to support his account and DL49 was
24 unconvincing during a consultation with Crown counsel."

25 The reference to some analysis of this being done in

1 file 1 of 41, which related to BR1, that we can see at
2 60033 I hope. If we just go through to 60035, please.
3 Just go back up for me to 60033. Chairman, Members of
4 the Panel, if I can come back to you with the reference
5 in relation to that. I will return to that, as it is
6 an important document I want the Panel to see in this
7 context, but while I am arranging to fix whatever has
8 occurred, the third complaint of a sexual nature that is
9 made in the 1995 investigation relates to DL124, who is
10 DL124. His material can be found at 61089 and 61097.
11 He was in Rubane, as it turns out, between 1968 and
12 1971. Now those are obviously the wrong dates for you.
13 You weren't in Rubane until September '76.

14 **A. Yes. According to what I know about DL124, he was in**
15 **the home between 1968 and 1972 --**

16 Q. Yes.

17 **A. -- and I was never there.**

18 Q. He is talking in his statement about and then
19 to BR77. You stood in an identity parade and he did not
20 pick you out of an identity parade.

21 **A. That's correct.**

22 Q. The reference for that is at 61013. Certainly you
23 weren't charged then in relation to him at all.

24 **A. Yes.**

25 Q. The fourth -- I said there were three allegations of

1 sexual abuse, but the fourth matter of a sexual nature
2 that's recorded by the police that I just want you to
3 address is brought forward by DL56. He is DL56. Now he
4 was someone that was abused by DL 509 , and DL 509
5 was convicted of sexually abusing DL56, but he
6 said of you -- his statement begins at 61024 and if we
7 can look at 61028, please, he says on one of the
8 occasions whenever he is down visiting DL 509 ,
9 and he went to the farmhouse that DL 509 resided
10 in -- can we see 61028, please? If you just scroll up
11 just to the part before. Yes. Just scroll up, please,
12 to the bottom of that:

13 "The only other thing I remember is when I was 6 to
14 7 years old during one of my week-end visits to
15 Kircubbin I walked into the farmhouse and into the
16 living room and saw DL 509 " -- scroll down,
17 please -- "and one of the Brothers standing there
18 playing with each other. Both of them had their
19 trousers and pants down round their ankles and they were
20 masturbating each other. I just walked out again. The
21 Brother I saw is either BR1 or BR77."

22 He says then:

23 "I would describe the Brother as about 5'11", tall,
24 thin build, thin featured face, pointed nose, protruding
25 front teeth, which were slanted. This brother had

1 ginger hair and was very violent."

2 So the police then put this to you, because he'd got
3 certainly references to your teeth. It might more
4 accord with you than BR1.

5 **A. But that was a completely false allegation.**

6 Q. Yes, but all I am -- at this stage this was put to you
7 that this was you he was talking about. He'd got BR77
8 right, and you say at no stage did you ever engage in
9 this type of activity with DL 509 .

10 **A. Yes.**

11 Q. When you were interviewed, just to bring this to a --
12 the reason why DL56 says -- as you can see as we go
13 down, he identified you because he says this:

14 "I remember this was the Brother who beat up" --
15 this is a guy called DL 129 -- "about five
16 years later in the De La Salle School in Downpatrick
17 where I later went."

18 Do you remember DL56 in the --

19 **A. I remember DL56. He went to De La Salle School. He
20 stayed at Ardmore House.**

21 Q. Well, he is saying you beat up a friend of his, DL 129
22 in the Downpatrick school.

23 **A. I reject that completely.**

24 Q. He is saying that's why he was able to recognise you,
25 because he went on to the school and you were there

1 teaching.

2 **A. I knew DL56 because he joined my group that I had for**
3 **sailing. I used to take boys sailing from Downpatrick**
4 **and he was one of the boys that I took sailing. So he**
5 **knew me very well.**

6 Q. What you say is, "This is definitely not right".

7 I am going to summarise. The police spoke to you on
8 5th August 1995. That runs from 61128 to 61171, and you
9 deal with a series of matters I am just going to
10 summarise.

11 There was an allegation about keys with the first
12 gentleman, . You said you did carry keys.

13 You didn't -- don't recollect being in the swimming
14 pool yourself and touching him. You said you definitely
15 did not do.

16 You say you definitely did not engage in
17 masturbating with DL 509 .

18 You say you would cane them. If they were camping,
19 you would use a 5 mm rope on the behind or legs.

20 It was suggested to you that corporal punishment
21 wasn't appropriate. You said it was accepted, but you
22 didn't keep a record and you weren't aware of a record
23 being kept. I was asking you that beforehand. There
24 was not a lot of record-keeping done of the cane.

25 **A. Yes. There was a book I think. It was kept in BR3's**

1 office. I didn't make entries in it, because I reported
2 to him incidents. So I would have expected he would
3 have entered them, but I didn't use a record book.

4 Q. So did you go to him at the end of each day and say,
5 "I caned today. I caned . I caned
6 ..." whoever?

7 **A. No, I didn't go unless it was a significant event.**

8 Q. So the punishment book or the caning book or whatever it
9 was called wouldn't have kept a record of each time you
10 used the cane?

11 **A. That would be correct, yes.**

12 Q. And you said that you did use a rubber tube on occasion
13 to hit a boy, which was what DL33 was saying.

14 I dealt with the point about you taking
15 him behind the gym and threatening him.

16 You say:

17 "I had the reputation of being a disciplinarian."

18 That is at 611667 (sic), but you never punished boys
19 with your fists, never, 61169. Now obviously I was
20 saying to you earlier, BR77, that's not right --

21 **A. That's not correct, yes.**

22 Q. -- because there are occasions when you did do that.

23 **A. Yes.**

24 Q. You then went on to deal with also the sexual
25 allegations. DL49, very serious allegations against you

1 of anal rape and also against BR1. You explain why you
2 think this boy -- he didn't make any complaint like this
3 in 1980. He said it was because he was frightened of
4 you at the time. You say it was because he had a grudge
5 against you that he was telling a complete tissue of
6 lies. You had sent him home from a camping trip.

7 **A. Yes. I sent him home from a camping trip. That was**
8 **with the Form 1 class that he asked to get on. He**
9 **belonged to Form 2 class at that time, and when I took**
10 **him on the Form 1 class, I took him on condition that he**
11 **wouldn't cause any problems to the group, because I was**
12 **aware of his physical problems. He had an exemption**
13 **from physical education. So he didn't participate in**
14 **physical education activities. So I put it to him that**
15 **if there was going to be any problem with him on the**
16 **camping trip, that he would be -- that he would be sent**
17 **home.**

18 The first -- the first night we went on a -- we went
19 on a night navigation exercise in Castlewellan and
20 everything went well that day. He was fine. The
21 following day we went on a mountain hike from Rostrevor
22 Wood up to Pierce's Castles. We only got a very short
23 distance into the walk when he collapsed and then that
24 evening I arranged to have him sent home to Kircubbin.
25 I sent him home. I brought him to the Strangford ferry

1 **and I had called BR6 from Rubane and asked him to meet**
2 **him at the Portaferry side, and I put him on the ferry**
3 **and BR6 collected him.**

4 Q. So he is someone that wouldn't have been well disposed
5 to you is the point you are making.

6 **A. Yes.**

7 Q. You say that that simply didn't happen.

8 You were asked just generally about sexual activity
9 and you said you had no knowledge if the boys were
10 sexually misbehaving. It wasn't something you were
11 aware of. You have given one example, being told about
12 something, but you yourself not being aware of it. You
13 said about evil being in the world and the boys being
14 aware of the Kincora report. You made this point, that
15 you are not a homosexual.

16 **A. That is correct, yes.**

17 Q. That's for the Panel at 61192. You go on to say you are
18 not a violent man, not a violent temper. You said you
19 were even tempered. Would you accept that perhaps
20 that's not accurate for your time in Kircubbin?

21 **A. I accept that that is true, yes. I did lose my temper**
22 **over a few times in Kircubbin.**

23 Q. And you were maintaining at that stage that you were
24 maintaining discipline and you weren't violent except on
25 three occasions when you had lost your temper.

1 You were interviewed then again on 5th August 1996,
2 because three further matters of that that we looked at
3 were gathered and put to you. That's at 61195 through
4 to 61235. This related this time to DL124, DL125 and
5 DL26. The point you made was that you were not in
6 Rubane when DL124 was there. He did feature in
7 an earlier work of the Inquiry, and there has been
8 evidence before the Inquiry from individuals that he was
9 involved with them as an activity amongst the boys, but
10 this happened to him, that a Brother took advantage of
11 him. You say you were not there. In fact, you were in
12 St. Patrick's between '72 and '76 and prior to that were
13 elsewhere.

14 You said you were a strict teacher but not a vicious
15 teacher.

16 The charge that you had -- you had charges, holding
17 charges, prepared against you as a result of all of
18 this.

19 **A. Yes.**

20 Q. They were preferred on 16th August 1995. The reference
21 to that is at 61239 and 61240, but the police
22 recommended on 15th -- a point we were discussing
23 earlier: you spent four days in Crumlin Road on remand.

24 **A. Yes.**

25 Q. Then you were bailed to the headquarters of the Order in

1 Castletown.

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

3 Q. The police recommended on 15th October 1996 that you not
4 be prosecuted on any counts arising out of this set of
5 allegations that came forward. That was at 61015. The
6 DPP directed no prosecution against you on
7 23rd October 1996, and that's at 61297. The holding
8 charges were then withdrawn a few days later on 28th
9 October '96.

10 So at that stage you had had a whole collection, if
11 I can describe it in that way without being accused of
12 comment, a whole collection of assault allegations, but
13 you had had these three allegations of sexual abuse
14 effectively and another one by DL56 saying, "I saw this
15 happening between you and DL 509 ". You were
16 very clear those did not happen.

17 **A. They did not happen at all.**

18 Q. Then you are aware then of another category to close off
19 the categories. That's the applicants that have come
20 forward to the Inquiry, some of whom featured to a more
21 limited degree in the earlier matters in '80 and '95.

22 The first one did not feature at all and I am going
23 to deal with -- first break these into categories again.
24 The first set are about physical assault.

25 The first person was HIA259, who is HIA259. If we

1 look, please, at paragraph 22 of his statement at 679,
2 he says:

3 "BR77 taught science and mathematics."

4 **A. I never taught mathematics.**

5 Q. That's his recollection is there was maths involved. He
6 says you enjoyed hitting the boys. You "used to terrify
7 us".

8 "He would give you the 12 times tables to learn. He
9 would walk round the classroom with a cane and belt in
10 his hand swinging it and smiling and say, 'If you don't
11 know it tomorrow, you are in for it'. Most of the boys
12 in the class were so paralysed with fear you simply
13 couldn't learn in that environment. He would take great
14 pleasure in seeing how terrified we were."

15 Was that your teaching style?

16 **A. I never, never taught mathematics.**

17 Q. Well, leaving aside the mathematics --

18 **A. I never went around with a stick or threatening the boys
19 in the classroom.**

20 Q. In the police -- he made a statement to police in May of
21 '14. It's at 68107, where he says he remembered being
22 away on an outdoor weekend. You punched him for being
23 out of bed and going to the toilet without permission.
24 Do you remember doing that?

25 **A. I didn't do that and I wouldn't have done that, because**

1 I wouldn't have detained boys in the dormitory if they
2 wanted to go to the toilet. The toilet was down the
3 corridor from the dormitory. So I wouldn't have,
4 because I didn't want the boys wetting the bed.

5 Q. You were interviewed by the police on 21st August of
6 this year, and that runs from 68116 through 68124, and
7 you say at 68119, if we just bring up, please, 68119,
8 that you never inflicted an assault on him that you
9 recall.

10 A. That is correct.

11 Q. You see there:

12 "Nothing. I never inflicted any assault on him, if
13 I can ever recall, ever."

14 You say or you said that the reason -- if we look at
15 68122, you put forward a reason why he might be saying
16 this now. You say he is saying it to make a claim
17 against the Brothers, coming up with allegations now in
18 order to make a claim against the Brothers, and that has
19 been happening. When he gave evidence to the Inquiry --
20 he gave evidence to the Inquiry on 5th November, which
21 was Day 65 of our sittings. His transcript is at 80020
22 through to 80028. He stood by the allegations of
23 assault and he pointed out that his civil claim was
24 settled five years ago. So if that's a reason for other
25 boys to make allegations that are untrue, it is not his

1 reason. That's the point he is making, because his
2 settle... -- his civil claim is long done.

3 **A. I wasn't aware he had made a civil claim, and I had the**
4 **experience of a boy making a civil claim against --**
5 **against me and BR1 --**

6 Q. This is DL49?

7 **A. -- yes -- in 2001, and that civil claim was settled out**
8 **of court, but the details of that claim then were**
9 **punished in an article in the Sunday World in 2010.**

10 Q. And the point you make about that in your statement is
11 that the settlement of this -- BR1 was no longer alive.

12 **A. Yes.**

13 Q. Hence the decision was taken to settle the claim,
14 because you and him were implicated, and if he did
15 anything at all, then it was going to go against the
16 Order, and legal advice resolved the matter.

17 **A. Yes.**

18 Q. Your point was you were certainly not accepting DL49's
19 allegations as far as they related to you.

20 **A. Yes, yes.**

21 Q. The second of the individuals before the Inquiry of the
22 three who make just physical allegations is HIA18. He
23 is HIA18. In paragraph 12 of his statement, if we can
24 bring up, please, 428, he makes -- just at the bottom,
25 please, paragraph 12, he makes an allegation he was

1 learning to play golf with BR6 and someone said the f***
2 word. You thought it was him. You corrected him. He
3 said you took the golf club and chased him with it.
4 Then he seems to describe being taken into the science
5 class where he says you beat him. He says he had to ram
6 the table against the blackboard -- ramming you against
7 the blackboard using the table in order to get it
8 stopped between you.

9 He repeated that -- said the same thing to the
10 police effectively in November of 2010. That's 67030
11 through to 67032.

12 You were interviewed about this incident over him
13 and the golf club on 13th February of 2014 at 67477
14 through to 67481. You said you never hit him with
15 a golf club.

16 In his police statement he also mentioned a metre
17 ruler and you said you have never hit him with a metre
18 ruler.

19 Obviously he gave evidence to the Inquiry on Day 66
20 on 6th November and stands by the allegations he makes.
21 You say they are not true.

22 **A. They didn't happen.**

23 Q. The third individual is HIA170. He is HIA170. He was
24 there between November '79 and March '80, so your
25 period. He was 12 at the time. Paragraph 15, please,

1 at 609, if we can look at that. It says:

2 "BR77 was a PE teacher and I saw him throw a boy
3 called against the wall."

4 You did teach PE as well as science.

5 **A. Yes. I taught PE more than I taught science.**

6 Q. I am going to ask you just a little about that in
7 a moment. You -- that's what he says he saw, and on Day
8 68 he gave evidence to the Inquiry maintaining that that
9 is what you did. I put the point to him that you were
10 saying these two boys weren't even in the same class.

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

12 Q. He was saying but it might have been activity after
13 school where they were not necessarily all going to be
14 the same age, but you are saying that you didn't do
15 that. You didn't throw him --

16 **A. I didn't do that at all.**

17 Q. -- against the wall. I just want to ask you. You have
18 mentioned you were in the PE class. Obviously another
19 PE teacher was DL149. Was he aware of you hitting the
20 boys?

21 **A. We had different PE classes and we didn't have the
22 same --**

23 Q. I am not saying you taught together.

24 **A. Yes.**

25 Q. I am asking you he is a teacher. He is in the school at

1 the same time as you. He is teaching PE. Was he aware
2 that you had been hitting at least some of the boys
3 according to you?

4 **A. I don't know.**

5 Q. You don't know?

6 **A. I never discussed that with him.**

7 Q. Then what I want to do is then look at the five
8 remaining individuals who have come forward to the
9 Inquiry, whose complaints are -- I just want to pause
10 for a moment and take you back.

11 I was talking to you about DL49, and we were having
12 a page reference difficulty, and I wanted to make the
13 Panel aware of a document that further talked about the
14 allegation DL49 was making in 1995. If we can just go
15 back to that for a minute, please, and look at 60335 and
16 it runs on to 60336. It sets out -- just scroll back
17 up, please. Scroll up a little further, please.

18 "So although he relates a truly horrific account of
19 orgies of abuse and claims that he was bugged on
20 a regular basis, he is concerned -- the police express
21 their concern about the claims for the following
22 reasons."

23 He sets out the various reasons why there are
24 concerns. If we scroll down, please. Just move on.
25 Move on to the next page. Just stop there, please. So

1 interviewed you about those particular allegations. Can
2 you recall? Maybe something happened --

3 **A. In 1995 but I don't remember --**

4 Q. In 1995 it was only being hit with the rope.

5 **A. Yes.**

6 Q. You don't remember these allegations being the subject
7 of a police interview?

8 **A. No.**

9 Q. In any event you say this did not happen.

10 **A. It didn't happen.**

11 Q. It is not true.

12 The third of the five is HIA149, who gave evidence
13 by way of videolink to the Inquiry. He was in the home
14 from April '77 at the age of 10 until February '80 at
15 the age of 13. In the police interview that was
16 conducted with him on 26th January '12, 66407 and 8, he
17 alleged that you had engaged in buggery of him in the
18 classroom. Then in a subsequent police interview of
19 11th April 2012 you -- it was said that you tried to do
20 that, but didn't succeed.

21 You were interviewed about his allegations in
22 November of 2012 at 64665, and you say in that:

23 "It never happened. I never abused a child sexually
24 in my life ever and the allegations are being made to
25 get compensation."

1 So those are how you dealt with those three matters

2 --

3 **A. Yes.**

4 Q. -- that I'm saying of the five, and that two that I then
5 want to deal with are numbers four and five, as it were,
6 of the five.

7 The fourth one is HIA25. He is HIA25. He was born
8 on . So he was in the home between March
9 '74 to April '80 between the ages of 7 and 13. So he
10 was there in your period between -- he would have been
11 10 and 13. He came back after you left between '81 and
12 '83, and he explains he did that to protect his brother.

13 In paragraph 30, 31, 32 of his Inquiry statement, if
14 we just look, please, at 852 -- 851 to begin with, he
15 said you hit him with a strap across the backside.

16 **A. I didn't have -- I never had a strap ever in Rubane. So**
17 **that's a false allegation.**

18 Q. He says:

19 "It was a strap that had coins in it and had
20 a V-shape cut out of the end so that when it hit you" --
21 scroll down, please -- "it would wrap around your
22 fingers. He hit me a couple of times with the strap
23 across the backside and told me to pull my pants up and
24 get out."

25 So this is an allegation of you effectively keeping

1 him after class, which was against the Brothers' rules,
2 and then using a strap on him.

3 **A. That's a completely false allegation.**

4 Q. Then he says that that progressed and then in
5 paragraph 31 that he hit you a couple of times -- you
6 hit him a couple of times and then you started to touch
7 him up.

8 He describes then in paragraph 32 you were getting
9 friendlier and friendlier. You closed the door. You
10 told him to get undressed, made him stand near the
11 blackboard to the left of the window. He thought you
12 were maybe feeling yourself under your robe, but you
13 tried to get him to touch and kiss your manhood. He
14 said "No" and the rougher and rougher you got. Then he
15 started to run. He said the door had been locked, but
16 he managed to escape and ran down the right, back of the
17 school. He says he told BR6, who told him to stop
18 lying. Then that destroyed his trust he said in BR6.

19 He says the same effectively to the police at an ABE
20 interview on 8th April 2013 at 66886. That begins at
21 section 66904. He identifies you again by your teeth.
22 That's how he identifies you. He says he thinks you
23 picked on him because he was the smallest. He had gone
24 into the home as a younger boy. Obviously he was ten at
25 the time this was happening, which again would have been

1 relatively young in Rubane terms. By the time he was
2 leaving -- you were leaving he was 13. You were
3 interviewed about this on 13th February 2014. That
4 interview runs from 67467 to 67476. Of him you said he
5 was a very good boy. You were very keen on him.

6 **A. He was.**

7 Q. What do you mean by that?

8 **A. He was a very good boy for participating in games and
9 activities, a very keen player of games.**

10 Q. You -- in your statement you suggested that perhaps he
11 was making these things up because he was annoyed at not
12 getting on the sports teams that you had.

13 **A. HIA25 -- is it HIA25? HIA25 didn't get on my basketball
14 team.**

15 Q. Well, did he get on other teams -- because, as you know,
16 I was talking to you earlier.

17 **A. Yes, yes.**

18 Q. We dealt with this in his evidence and he has pictures,
19 although I think it was pointed out to me, and perhaps
20 it is the case -- I am not sure -- that they postdate --
21 it might have been a 1982 picture it is suggested of him
22 holding the cup. He talked about how it was the second
23 -- only the second time he'd ever won -- he was the
24 only -- sorry -- it was the only second time that a boy
25 had won the cup twice. He said he was actually the

1 captain of most of the sports teams, and he described
2 going on to play football for the Youth team.
3 When we were talking about it, to be fair to you, the
4 point you are making, as I understand it, is you were
5 trying to put forward reasons --

6 **A. Yes.**

7 Q. -- for why these allegations would be made.

8 **A. Yes.**

9 Q. And this -- you have identified various ones over the
10 years, whether it is someone has got a grudge against
11 you, compensation. In the case of HIA25 that you
12 mentioned there lack of sporting prowess. This was just
13 your best guess at what their rationale might be.

14 **A. Yes, and I wasn't aware that he had won cups.**

15 Q. The point that was being made to me was well, even if
16 your guess at why he might make this up is not correct,
17 you still say that he's making it up. It still didn't
18 happen.

19 **A. It didn't happen, yes.**

20 Q. You simply say to the police you deny all of the
21 allegations about strapping, fondling, and asking him to
22 touch you, and you say that's just -- that did not
23 occur.

24 **A. Yes.**

25 Q. The five of five is HIA41, HIA41. He was born on

1 and was in the home between May '77 to
2 May '80, between the ages of 13 and 16. He says at
3 paragraph 12, although we will not see paragraph 12 when
4 we bring it up, because it is a very long paragraph, if
5 we look at 498, please, and about halfway down -- just
6 scroll down, please. Now he said:

7 "BR77 was a Brother and a school teacher and was
8 involved in taking all the camping trips. When I first
9 went to De La Salle, he took a group of us camping to
10 Donegal. It involved the Donegal mountains, and there
11 was four of us to a tent. We got up at 7.00 in the
12 morning, looking after ourselves, making breakfast and
13 dinner. I then filled my rucksack and with the weight
14 I could barely walk. We were all forced to march
15 non-stop up the mountains. Anyone who didn't keep up
16 was punished by BR77. I was beaten, nipped and had my
17 hair pulled by BR77. He also put boulders in my
18 rucksack. I wasn't fit. I had never done any fitness
19 training. Yet BR77, a supreme athlete, expected me to
20 keep up. I was sick, crying all day long. This lasted
21 for twelve hours. When we got back to where the tents
22 were, we had to cook our powdered meals."

23 Move on, please.

24 "On a lot of occasions we had nothing to eat,
25 because we couldn't get the paraffin burners light. We

1 were not allowed to help each other."

2 He goes on, clearly not enjoying the mountain trips.

3 Do you remember him?

4 **A. I remember him and I remember that mountain trip to**
5 **Donegal and I reject completely what he is saying about**
6 **it. That was a most enjoyable experience for the boys,**
7 **and I have given photographs to the Inquiry showing how**
8 **they participated in that outward education trip.**

9 **Q.** I think those were put to HIA41 during his evidence. He
10 says:

11 "In science if I answered a question wrong, he would
12 nip me, pull my hair or just beat me with his fists. He
13 done this to most of his class."

14 Then he says this:

15 "He also sexually abused me in the class store where
16 he kept his photography equipment after school."

17 That is the same store as one of the boys claims he
18 was assaulted in in 1980.

19 **A. Yes.**

20 **Q.** And he says:

21 "He told me to take my trousers down and started
22 fondling me. He started feeling my privates, my penis,
23 and told me to do the same to him. He also entered me
24 sexually. By this I mean he buggered me. This was in
25 the dark room after school one day. So he told me to

1 remain behind, spat on his hand, put it in his penis and
2 then raped me. So fearful of him I didn't say anything.
3 I couldn't have said anything. Whatever he said I did.
4 He ejaculated inside me.

5 He also sexually abused me on one of his camping
6 trips to the Mourne Mountains. I had fallen into one of
7 the rivers which he made me jump across. Impossible to
8 do. He took me back to the camp site and I was soaked
9 from head to tow. When I started getting my clothes
10 off, he followed me into the tent. He came into the
11 tent and I was made to masturbate him. When he had anal
12 sex with me, I would have eaten his excrement I was so
13 scared of him. Without doubt the most evil man I have
14 ever heard about."

15 He said you were "evil personified".

16 **A. That is completely false. None of that ever happened.**

17 Q. And he -- in fairness to you in his -- he made a police
18 statement. There are a number of police statements. He
19 made a police statement in April 1980 at 60111. He
20 doesn't disclose sexual abuse, but in fairness to him he
21 does get all three of the assault incidents that you
22 were convicted of correctly. He identifies the assault
23 on DL48, the assault on DL53 and the assault on DL52,
24 and describes you -- your assault of him he says across
25 two particular incidents.

1 In his statement in January '95 at 60482 he
2 described two particular assault incidents he described
3 in 1980. Then he talks about DL53 being assaulted in
4 the photography store, which you were convicted of.

5 You were interviewed on 15th August '95 about his
6 allegations at 67721. You say you did not assault him
7 or anyone, and in his police statement then of September
8 2010, which is some thirteen pages, at 67626 he
9 describes these allegations of sexual abuse, and if we
10 look just at 67633, please, because if I have read it
11 correctly, there are three incidents that he describes
12 here. If you just scroll down, please. He recounts the
13 same incident about the Mourne Mountains. Just scroll
14 on down, please. He talks again about the science
15 class.

16 "He abused me in the store where he kept his
17 equipment. Told me to take my trousers down and started
18 fondling me, feeling my privates."

19 He said:

20 "This also happened in the store room in his
21 classroom several times."

22 So it appears that he is saying that it happened in
23 the equipment store, which, as I understand it, is in
24 the farm buildings where your equipment was kept.

25 **A. Yes, we had a mountain store where I issued the camping**

1 **equipment, but that's a completely false allegation.**

2 **I reject it completely.**

3 Q. He says:

4 "The equipment store was in an upstairs building in
5 the school yard. It had a wooden floor."

6 He also says then he sexually abused you in the dark
7 room -- you sexually abused him in the dark room within
8 the classroom. Then he recounts -- if we just scroll
9 down, please -- the incident where he says he was
10 sexually abused on the -- in the tent in the mountains.
11 So that's three different areas where he says this took
12 place.

13 You were interviewed about this on 5th October 2011
14 at 67972 through to 67997, and you say that he was
15 a sneaky pupil. What did you mean by that?

16 **A. I basically didn't trust him in the home.**

17 Q. Why? What was it about him that you didn't trust?

18 **A. I just couldn't trust him at all.**

19 Q. And you said no pupil was ever allowed in your dark
20 room, because you kept chemicals in it.

21 **A. Yes.**

22 Q. And I have shown you already how it appears that might
23 not always have been the case, given that DL53 was
24 assaulted there.

25 **A. Yes, but I cannot remember that incident.**

1 Q. But you are saying clearly that at no time did you
2 sexually abuse him in the way he alleges.

3 **A. Yes.**

4 Q. And you have said that you never sexually abused
5 a child.

6 **A. That is correct.**

7 Q. He gave evidence on Day 67 and stood by all of the
8 sexual and physical allegations that he made against you
9 and described you as "the worst Brother that was in the
10 place". I think he used more colourful language than
11 that, but that's in essence what he was saying, that you
12 were the worst offender of the various people that he --
13 that came across his path.

14 **A. I don't know why he is saying that.**

15 Q. To try to bring together what is a large amount of
16 material, in essence 33 different individuals have made
17 allegations against you, BR77. The vast majority of
18 those are -- 25 of them are purely of a physical assault
19 that are made. Most of them are made in 1980. Some
20 further are made in 1995, and then at least two new
21 physical allegations are made to the Inquiry -- were
22 made post-2010 to the police and Inquiry.

23 Then there are eight incidents of sexual assault
24 that also include some allegations of physical assault.
25 Three of those were made in 1995, and we have dealt with

1 them: DL124, who you were not there at the time of the
2 allegation; HIA 170 , fondling in the swimming pool; and
3 the allegation that was made by DL49, which was of
4 a very serious nature. Then the remaining five arise
5 from 2010 onwards before the Inquiry: HIA 218 & HIA 219
6 , HIA149 and HIA25 and HIA41.

7 If I summarise your position as this. You accept
8 you assaulted three boys, and you don't accept
9 assaulting all the other boys who have come forward at
10 various times.

11 **A. Yes.**

12 Q. And you don't accept that you ever sexually abused any
13 boys.

14 **A. Never, never sexually abused any boy in the home or**
15 **anywhere else ever.**

16 Q. And you have said you are not a homosexual.

17 **A. I'm not a homosexual.**

18 Q. BR77, I'm not going to ask you any more questions. If
19 you just bear with us, it may be the Panel want to ask
20 you about some matters. So if you just -- I know you
21 find it difficult, but just bear with us for a short
22 period of time so the Panel can ask you something.

23 Questions from THE PANEL

24 CHAIRMAN: BR77, can I ask you a question relating to what
25 you told us about your experience teaching and so on

1 living in a community rather of Brothers before you came
2 to Rubane and then your reluctance to come to Rubane?
3 When you came to Rubane, the community of Brothers and
4 the boys that they were responsible for were living in
5 very close contact with each other. Isn't that right?

6 **A. That is correct, yes.**

7 Q. Because in your case you were both teaching and looking
8 after extracurricular activities. Other Brothers were
9 acting as a housemaster. Some were teaching. Some were
10 looking after the children and so on. That you seem to
11 contrast with your previous experience of community life
12 of the De La Salle Brothers. After you were in Rubane
13 you then went to Downpatrick.

14 **A. Yes.**

15 Q. When in your experience the Brothers were purely engaged
16 in a teaching vocation, did they live entirely
17 separately from the school in which they taught?

18 **A. Yes, your Honour. I had experience of living in
19 community in Dublin in three different communities and
20 those three communities were separate from the schools.**

21 Q. And was it the same in Downpatrick when you went there
22 later on?

23 **A. That is correct, your Honour.**

24 Q. So in your experience -- perhaps I should ask you, first
25 of all, when you were living in the community in St.

1 Patrick's but doing your teacher training course in
2 Trench House I think it was --

3 **A. Yes.**

4 Q. -- were the Brothers who were working in St. Patrick's,
5 were they living physically separately from the boys'
6 home there, the training school?

7 **A. Yes. Some of the Brothers were living separately from
8 the boys. Other Brothers lived in -- I think in the
9 school, because it was a large building --**

10 Q. Yes.

11 **A. -- and I think they had rooms in the school.**

12 Q. So in a sense it was a little bit more like the
13 situation in Rubane than the purely teaching
14 communities, if I may use that expression?

15 **A. Yes. Some of the Brothers taught in the Training School
16 and some of the Brothers were involved in the care of
17 the boys in the Training School.**

18 Q. Yes. When you were instructed to go to Rubane, you
19 already knew from what you had heard Brothers talking
20 about in St. Patrick's that it might be a difficult
21 enough posting, if I may put it that way.

22 **A. Yes, your Honour.**

23 Q. And although you tried to talk the Provincial round, he
24 didn't really listen to you is what you are saying.

25 **A. That is correct, your Honour.**

1 Q. Yes. Thank you.

2 MS DOHERTY: Can I just ask you do you think your behaviour
3 towards the boys and how you dealt with them, was that
4 much different from how other Brothers and lay staff
5 dealt with them?

6 **A. I would say that I had more interaction with the boys,**
7 **being a teacher involved also in out-of-school**
8 **activities. So I had far too much interaction with them**
9 **I think.**

10 Q. So you think in a sense having to do your day at school
11 and then be involved in extra curriculum put particular
12 pressure on you in terms of dealing with the boys?

13 **A. I am certain that that was the case.**

14 Q. But in relation to other Brothers and lay staff around
15 -- because dealing with boys like this, particularly
16 a load of them together, you know, tempers you would say
17 were almost bound to flare between themselves and maybe
18 in terms of managing them. Did you -- were you aware of
19 any other Brothers who had difficulties dealing with the
20 boys?

21 **A. I didn't -- I didn't have that experience of the other**
22 **Brothers. BR3 was on the teaching staff of the school**
23 **and BR6 was on the teaching staff of the school, but out**
24 **of school they didn't have the same interaction with the**
25 **boys that I did.**

1 Q. Okay. Did you -- you know in the rules there would be
2 the weekly coming together where would you talk about,
3 you know, reflecting your behaviour during the week and
4 talk to each other about things that you felt needed to
5 be brought to attention. Did that happen on a weekly
6 basis in Rubane? Did the community get together and do
7 that?

8 **A. It was very informal, what we did. We sat around the**
9 **table and we talked about our experiences.**

10 Q. So when BR1 knew about the incidents with you hitting
11 the boy, was that discussed openly in the community?

12 **A. He discussed that with me in the office. He didn't**
13 **discuss it around the table.**

14 Q. Okay. Can I just ask when the Brother Provincial came
15 to visit every year, did you get an opportunity in your
16 talk with him to talk about this happening and about
17 your concerns about being in Rubane?

18 **A. I did talk to my Provincial every year, but not at**
19 **Rubane. It was usually at a retreat, and I think I did**
20 **discuss with him problems that I was experiencing.**

21 Q. And was he aware of the incident where you had hit the
22 boy, the incident that BR1 was aware of?

23 **A. He was eventually, yes. I don't know if he was at the**
24 **time.**

25 Q. You mean he was eventually after it became more formal

1 through the court or before that happened?

2 **A. Yes.**

3 Q. Before it happened?

4 **A. I think so, but I'm not -- I'm not certain.**

5 Q. So you are not certain if BR1 ever raised it formally
6 with him?

7 **A. I'm not certain of that at all.**

8 Q. Okay. Thank you very much.

9 **A. Thank you.**

10 MR LANE: Towards the beginning of your evidence I got the
11 impression that you saw the school and the care side of
12 Rubane as being fairly separate. Was that a correct
13 impression or were they very much intermingled?

14 **A. The school was separate to the care section, but I was
15 operating in a very unusual situation in that I had
16 an awful lot of the interaction with the care section.**

17 Q. So that if something happened in the school, the people
18 in the care setting might not know about it and the same
19 the other way round?

20 **A. It could possibly happen I would think, yes.**

21 Q. Right. Thank you.

22 CHAIRMAN: Well, BR77, I am sure you will be relieved after
23 such a long afternoon to hear that we don't have any
24 further questions of you. Thank you very much for
25 coming to speak to us today.

1 **A. Thank you, your Honour.**

2 MR AIKEN: Chairman, Members of the Panel, that concludes
3 today's evidence.

4 CHAIRMAN: Very well. The usual time tomorrow.

5 (4.45 pm)

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

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