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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 Thursday, 11th December 2014

commencing at 10.00 am

(Day 78)

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

1 Thursday, 11th December 2014

2 (10.00 am)

3 FATHER TIMOTHY BARTLETT (called)

4 CHAIRMAN: Please sit down. Good morning, ladies and  
5 gentlemen. May I remind everybody, as usual, that  
6 mobile phones must be turned off or at the very least  
7 placed on "Silent/Vibrate" and that no photography is  
8 allowed either in the Inquiry chamber or indeed anywhere  
9 on the premises.

10 Good morning, Mr Aiken.

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

12 The first witness this morning is Father Timothy  
13 Bartlett. I'm going to call him "Father Tim" arising  
14 from our discussion. He is aware, Chairman, that you  
15 are going to ask him to take the oath.

16 FATHER TIMOTHY BARTLETT (sworn)

17 CHAIRMAN: Thank you. Please sit down.

18 Questions from COUNSEL TO THE INQUIRY

19 MR AIKEN: Father Tim, in September of this year you became  
20 the Episcopal Vicar for Education and the Director of  
21 Public Affairs within the Diocese of Down & Connor. In  
22 layman's terms essentially you were given responsibility  
23 by the Bishop to deal with the issues of education and  
24 public affairs --

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

1 Q. -- and as a result of that that brought this Inquiry and  
2 what happened in Rubane under your remit and you began  
3 your new post walking into this storm essentially.

4 **A. Well, yes. I had actually been out of the country on**  
5 **a sabbatical just in the months preceding that, but**  
6 **I had no anticipation that I would be involved until**  
7 **I was appointed formally on 24th September, but I gave**  
8 **my attention to this immediately when I was asked to do**  
9 **so.**

10 Q. To be clear, Father Tim, you had no involvement at any  
11 stage in the operation of Rubane and in any  
12 decision-making surrounding it.

13 **A. No, absolutely none.**

14 Q. So what you have done in conjunction with the Bishop is  
15 reflect on what you have learned as a result of the  
16 diocese being a core participant in these proceedings  
17 and, having engaged in that reflection on behalf of the  
18 diocese, have set out the position that it finds itself  
19 in, having made that analysis.

20 **A. That's correct.**

21 Q. What I want to do, as we do with each of the witnesses,  
22 is just get you to formally adopt a series of witness  
23 statements that you provided to the Inquiry.

24 The first of those is at 5316. This is a statement  
25 of 24th September of this year. Hopefully you will

1 recognise the version on the screen. If you could just  
2 confirm that that is the first page of your statement of  
3 24th September.

4 **A. Yes, that's correct.**

5 Q. If we move through to 5324, please, and you can confirm  
6 that you have signed this statement.

7 **A. That's correct. That's my signature, yes.**

8 Q. This is a statement which sets out the general position  
9 of the diocese at that early point in September before  
10 you have heard and read what you have heard and read  
11 over the last number of months.

12 **A. Indeed.**

13 Q. Then the following day, 25th September, if we go to  
14 5325, please, you provided a second statement. If we  
15 move through to 5327 just to confirm that you have  
16 signed the second statement, and again that's your  
17 signature to the statement?

18 **A. Yes, yes.**

19 Q. This was a statement designed to set out for the Inquiry  
20 how the diocese operated and the size and scope of the  
21 Diocese of Down & Connor and the structures within the  
22 diocese for the assistance of the Inquiry.

23 The third statement you provided was on 24th  
24 October 2014. That begins at 5465. Again you will  
25 recognise that statement. If we move through to the

1 next page, please, you can confirm you have again signed  
2 that statement.

3 **A. Yes, yes. That's my signature.**

4 Q. Then the fourth statement you have provided to the  
5 Inquiry, which is the diocese's attempts to reflect on  
6 what it had heard and read over the period that we have  
7 been looking at Rubane, and that can be found at 5910.  
8 If we move through to 5918, please, and again you have  
9 signed this witness statement.

10 **A. Yes. That's my signature.**

11 Q. If I can just ask you in total then you want to adopt  
12 all of those witness statement as your evidence before  
13 the Inquiry?

14 **A. I do.**

15 Q. The principal communication that you are making is that  
16 in this last statement --

17 **A. Correct.**

18 Q. -- having had the opportunity to reflect on the material  
19 that has been made available.

20 For completeness if I can just draw the Panel's  
21 attention then -- in addition to the statements that you  
22 have provided on behalf of the diocese then the diocese  
23 has also provided statements from a series of priests  
24 who had some memory of their time in connection with  
25 Rubane, and also Miss McDermott, who is the Director of

1 Safeguarding within the diocese, has provided a detailed  
2 statement. That can be found at 5553 through to 5556.  
3 That statement was designed to set out really how  
4 matters have changed in the diocese in the last fifteen,  
5 twenty years in terms of the safeguarding of children  
6 and how that's a clearly focused part of what the  
7 diocese does.

8 One of the issues she sets out as one of the  
9 responses of the church to what it has become aware of  
10 over the last two decades in particular is a counselling  
11 service towards healing, and the point you were making  
12 to me about that is that, while the church pays for it,  
13 it is independent of the church, and it is part of the  
14 response to trying to deal with the hurt and anger of  
15 victims of abuse.

16 **A. That's correct. It's a completely independent**  
17 **organisation of professionally qualified counsellors,**  
18 **who act independently of the church, but which the**  
19 **church pays for when the service is availed of by those**  
20 **who wish to avail of it.**

21 Q. Essentially the context of the evidence you are giving  
22 today is set out in paragraph 33 of your first  
23 statement. If we can look at 5324, you make the point:

24 "In conclusion, the diocese wishes to express its  
25 deep sorrow and regret that any child was abused while

1 a resident in Rubane House. Established with the sole  
2 intention of improving the circumstances and  
3 opportunities of the children in its care, Rubane House,  
4 as with any institution founded on Christian principles,  
5 should have been exemplary in the love, dignity and  
6 protection it provided. Clearly, for too many, and  
7 despite the best efforts of many of the staff, this was  
8 far from the case. It is our hope that this Inquiry  
9 will go some way to helping those who experienced such  
10 abuse to have their voices heard and their painful  
11 experiences acknowledged and that they will be assisted  
12 in advancing towards healing."

13 Now you made that statement on behalf of the diocese  
14 before much of the material and formal evidence had been  
15 given. Is it fair to say, Father Tim, that the diocese  
16 has been shocked at the extent of the abuse that has  
17 been accepted, never mind the abuse that has been  
18 alleged, in Rubane?

19 **A. Yes. I think the scale of what has emerged has been**  
20 **a genuine shock to many in the diocese. The extent of**  
21 **the fundamental failure to put children first and their**  
22 **safety and welfare first in every decision that was**  
23 **being made from the beginning by the diocese and others**  
24 **-- but I am hear to speak for the diocese -- fell**  
25 **tragically and catastrophically short at times of not**

1           **only our own ideals but of what society should have and**  
2           **could have expected of us, having taken on the**  
3           **responsibility to care for these children.**

4    Q.   That is a point that you make in your fourth statement,  
5           which is the -- in paragraph 5.  If we look at 5911, you  
6           make the point that:

7                   "Despite the sincere efforts of many to provide  
8           a well-run and educationally effective environment in  
9           Rubane, both church and state, sometimes  
10           catastrophically, failed in their first and foremost  
11           duty to the children in their care to keep them safe  
12           from harm.  This stark truth cannot and should not be  
13           diluted.  While explanation has sometimes been sought in  
14           the relative lack of the understanding at that time of  
15           the manipulative pathology of abusers, or the lack of  
16           appreciation of the lasting impact of abuse on children,  
17           the simple fact remains.  The ever-present danger of  
18           children being physically or sexually abused by adults  
19           or peers in such a setting was manifestly and  
20           consistently understood from the very foundation of the  
21           home."

22                   The point you are making there, as I understand it,  
23           was that adults abusing children in whatever form was  
24           not something new.  It perhaps did not get the focus  
25           that it should have got, but it wasn't something new.

1 You point to in your statement, for instance, the  
2 constitution of the Order itself had a series of rules  
3 and practical instructions set out which were obviously  
4 there to guard against difficulties arising.

5 A. Well, it's very clear canon law, as has been well  
6 recorded now, at that time and for a long time  
7 recognised child abuse as a crime. The civil law  
8 recognised child abuse as a crime. I think culturally  
9 we can't seek any excuses in terms of the lack of  
10 understanding of the reality, the danger, the threat of  
11 child abuse. The understanding of the impact of abuse  
12 may have improved over recent years, but that does not  
13 take away the fundamental failure to recognise that  
14 children were at risk, and I cite Father Peter McCann  
15 himself, Chair of the Management Committee, who in his  
16 evidence to the Hughes Inquiry quite openly said:

17 "Such institutions are inclined to be a target for  
18 people with such proclivities."

19 So I don't think any refuge can be sought in a claim  
20 that we didn't understand the risk of abuse and, as  
21 I have repeatedly said in my statement, I find it quite  
22 shocking even at a distance and even having some sense  
23 of the culture of the time, both within society and  
24 within the church, that the safety of children was not  
25 the first priority in everything. In fact, it didn't

1        seem to appear anywhere in the priorities of either the  
2        Management Board or the Governing Board or the general  
3        practice of how the home was run. I find that very  
4        shocking.

5                So I am anxious particularly for those who were  
6        abused in Rubane to hear the diocese acknowledge that  
7        their safety was not the first priority and that it  
8        should have been, and that's before we even start  
9        talking about providing an atmosphere that was  
10       appropriate to their actual emotional, social as well as  
11       educational needs. I think it was at best naive to  
12       expect that putting children into what was effectively  
13       a monastic environment was in any sense adequate to  
14       addressing what they actually needed, which was love,  
15       care, notwithstanding I have no doubt that there were  
16       sincere efforts made by individuals to provide a loving,  
17       caring environment, but fundamentally this was  
18       a monastic regime, which may have provided relative  
19       stability and order, but that's not what the children's  
20       needs were about, and I find it difficult to understand  
21       how that wasn't obvious even at that time.

22    Q. You make the point at the end of paragraph 5 that:

23                "What is at issue is the manifest inadequacy of the  
24        systems and steps that were put in place to keep  
25        children safe, evidenced by the abuse reported to this

1 Inquiry and the often devastating long-term impact on  
2 the lives of those abused."

3 The point that I take you to be making, which you  
4 have already alluded to, is it may be case that  
5 knowledge of the consequences has improved dramatically  
6 over the last decade or two or three or four decades,  
7 but that doesn't take away from the fact that everybody  
8 knew this was wrong and shouldn't be taking place at the  
9 time.

10 **A. Not only wrong in a criminal and in a moral sense, but**  
11 **also an active risk in that particular type of**  
12 **environment, and therefore should have been an overt**  
13 **priority in the policies and the practical measures that**  
14 **were taken in the home and in the running of the home**  
15 **and a focus of constant assessment by all of those**  
16 **involved.**

17 **Q.** If we look slightly further down, in paragraph 6.1 of  
18 your statement you make that very point, that:

19 "The safety of children should always have been the  
20 first priority of all those involved in the management  
21 and running of Rubane, including the diocese, and for  
22 this failure we wish to apologise unreservedly to all  
23 those who were abused, and on behalf of the diocese  
24 I wish to say to those who were abused that we accept  
25 that when you were placed into the care of the church,

1 represented jointly by the diocese and the De La Salle  
2 Order, often already feeling vulnerable, frightened or  
3 hurt, the very least you had the right to expect is that  
4 we would keep you safe. In this as a church we have  
5 seriously failed so many. We accept that no apologies,  
6 however sincerely offered, can ever make up for this  
7 failure."

8 That is something you are aware of. There is a lot  
9 of hurt and anger. You have heard that expressed during  
10 oral evidence, and the point you are making here is you  
11 can be genuinely sorry and for some that simply won't be  
12 enough.

13 **A. As a diocese we accept that no apology could ever be**  
14 **adequate in respect of how we failed children. I have**  
15 **to say that personally it troubles me very, very deeply,**  
16 **having read through the evidence of the Inquiry to the**  
17 **extent that I have been able to, and particularly having**  
18 **been present for some of the oral evidence from former**  
19 **residents and read some of that evidence beyond my**  
20 **presence here. I just can't get my head around humanly**  
21 **how children who were clearly so often in a very**  
22 **vulnerable, frightened state were met with such a cold**  
23 **regime when they arrived into Rubane, and how we as**  
24 **a church -- and I use the collective word there -- how**  
25 **we failed to reach out in a fundamentally human way and**

1        didn't see the emotional and social needs of the  
2        children concerned as important, as important as the  
3        educational needs of the children.

4                So no apology could ever be adequate. It disturbs  
5        me personally and greatly the thought of how vulnerable  
6        and frightened some of these children were, and then  
7        that that was compounded by the atmosphere so often that  
8        they found themselves in.

9                I just want to say this, if I may. That is not --  
10       there is no contradiction in being able to say, "Well,  
11       look, there were a lot of good people working in Rubane  
12       and running it and the whole idea of it was a very noble  
13       ideal" -- there is no contradiction in my mind between  
14       saying all of that and acknowledging that  
15       catastrophically on quite a number of occasions we  
16       failed children in our care. I think we have no  
17       excuses. We did, and the consequences of that have been  
18       enormous for those individuals. We undertook the  
19       responsibility. We have to accept and face up to the  
20       responsibility.

21    Q. One of the -- you have just raised there one of the  
22       issues that has come up on a number of occasions before  
23       the Inquiry and that is the nature of the -- I don't  
24       want to take away from the fulsome apology that you are  
25       making by looking at some sort of specific matters, but

1       it is necessary for me to do that -- that the  
2       arrangements that were put in place as the structure and  
3       management of the home, and we talked from the  
4       legislation about the administering authority, and you  
5       draw attention to how essentially the Governing Board  
6       was there. The Bishop was at the head of it, but in  
7       terms of the day-to-day running of the home, rightly or  
8       wrongly, it was left to the Order. Decisions about  
9       finance and buildings and so on were then more what was  
10      being looked at by the Governing Board.

11           The point I take you to be making is that that  
12      structure, that set-up was inadequate.

13   **A. It was profoundly inadequate in that it didn't have the**  
14   **safety and welfare of children as its first priority.**

15      **It seemed, however well-intentioned, to have as**  
16   **a priority the management of a plant, of an environment**  
17   **in terms of buildings and so on and some form of**  
18   **educational enterprise.**

19           Now it may be that part of -- it strikes me that the  
20      range of emotional and social and educational,  
21      psychological needs of the children who were coming into  
22      the home was not matched by the particular expertise of  
23      the diocese or perhaps of the De La Salle, which was  
24      a world-renowned teaching Order, and the range of needs  
25      that presented themselves I think outstripped very

1 quickly the competence of either of those two bodies,  
2 but on my part I can only speak for the diocese, but  
3 what is striking is that there is -- that the safety  
4 issue doesn't seem to be from the very beginning  
5 a priority in how things are being run, particularly the  
6 failure to establish a regular visitation.

7 The most shocking thing for me personally is the  
8 lack of communication between various elements, whether  
9 within the church, the Order and the diocese on  
10 occasions, or between either of those elements and the  
11 State authorities at times, particularly when specific  
12 allegations of abuse arise. I use the phrase "Chinese  
13 walls" seem to have existed. So, you know, that is  
14 a very fundamental failing, as I would see it.

15 Q. That's something that I am going to come to. I drew to  
16 your attention, as we were discussing earlier, the  
17 Inquiry has had the opportunity to reflect on material  
18 from the late '50s, early '60s from the conflict that  
19 seems to have arisen over, on the one hand, running  
20 a children's home in the monastic environment that you  
21 are describing, and you were saying that's not on  
22 reflection an ideal way of doing things, but on the one  
23 hand running a children's home and what might be good  
24 for running a children's home, and on the other hand in  
25 the same place trying to establish a larger school that

1 meets with the Ministry of Education requirements as to  
2 numbers, and the consequential over-crowding and  
3 staffing issues that that raises.

4 But also in the early '60s, 1963 in particular --  
5 I am not going to look at it now, but the Panel has  
6 looked at it on a number of occasions -- there appears  
7 to have been a determination amongst the clergy who were  
8 involved in childcare or these issues within the diocese  
9 that they had a particular view about how this should be  
10 done and were expressing that view very clearly to the  
11 Ministry, who had a very different view, and that  
12 conflict as to a voluntary provider, in this case  
13 a major church in Ireland, wanting to do things in  
14 a particular way very different from how the Welfare  
15 State saw things operating seems to have caused a major  
16 conflict that made the operation of Rubane much more  
17 difficult.

18 **A. Well, if I could just return for a moment to the**  
19 **question of administering authority, I'd like to make**  
20 **the point that it seems very obvious to me that this was**  
21 **a common enterprise from the very beginning. The idea**  
22 **seems to have come from the Brothers. The Bishop sought**  
23 **to support it and get funding for it and so on. So**  
24 **there was a common enterprise and then there was**  
25 **delineation of responsibilities.**

1           However, in respect of the particular question that  
2           you ask, it strikes me, having looked at that debate  
3           between the State and the church about the change of the  
4           type of care, it does strike me that the church was  
5           claiming a competence that it didn't necessarily have.  
6           I don't know on what basis the church could have claimed  
7           to be an expert on the residential care of children  
8           other than from its experience of running boarding  
9           schools, for example, but that was not the particular  
10          environment that we were dealing with here. This was  
11          a very specialised care -- full-time care setting, and  
12          I~am surprised that the church took such a -- both the  
13          diocese and the Brothers together -- such a strong  
14          stance on that. I don't know what the ultimate reason  
15          was.

16           It has been suggested in the documentation that  
17          there was a genuine concern about the danger of peer  
18          abuse and that the dormitory style actually helped to  
19          limit that. I am sure that was a genuine part of the  
20          concern. However, in terms of childcare in a full-time  
21          residential setting I can't explain why the church took  
22          such a strong stance on that, but it would strike me by  
23          way of acknowledgment that it was beyond our competence.  
24          I mean, we had no history of running that kind of  
25          environment.

1 Q. One of the -- you raised the issue of peer abuse, Father  
2 Tim. One of the matters that seems to have permeated  
3 very early on in St. Patrick's -- and we will come to  
4 look at that and the diocese will be involved in that in  
5 due course -- and then certainly in Rubane over many  
6 years was children sexually interfering with other  
7 children and that perhaps being experimentation, part of  
8 growing up, that might be accepted as normal happening  
9 amongst boys, but then that spilling over into  
10 effectively abuse of older boys and younger boys, and  
11 the narrative -- at least part of it -- from those who  
12 have given evidence is their lack of understanding, lack  
13 of education about their sexual part of life.

14 You recognise on behalf of the diocese that it is  
15 very difficult with hindsight, but that these matters  
16 certainly today feature heavily in the education of  
17 children, and it is with regret that they didn't feature  
18 in that way in the period we are looking at.

19 **A. Absolutely. I mean, the -- I think at the heart of that**  
20 **is the same issue. Can an institutional setting ever**  
21 **replace the environment of the home, and to what extent**  
22 **it can, but certainly fundamental in that as a failure**  
23 **was not addressing, it would seem, until some later**  
24 **stages it began to emerge the whole issue of sexual**  
25 **development, mature adulthood and helping to form young**

1 people in that regard.

2 Today in our schools, for example, the whole issue  
3 of sexual -- sexual matters and love and relationships,  
4 education for sexuality and relationships is  
5 mainstreamed into the curriculum both in the RE  
6 programme in Catholic schools and supplemented by  
7 a special programme right from primary school, age  
8 appropriate, on the whole issue of relationships,  
9 sexuality and marriage and so on, where all of those  
10 matters would have been dealt with, with emphasis on the  
11 dignity of the individual, and the child discovering  
12 their own dignity, and the beauty of sexuality and its  
13 ultimate purpose and so on, the dignity of that as well,  
14 but that was tragically completely absent until  
15 certainly later stages, it would seem, in this  
16 environment. It may not have been particularly present  
17 in other environments, such as schools as well, but it  
18 would strike me that the home environment to some extent  
19 was the -- and kind of the more natural development  
20 among friends and peers outside of a residential setting  
21 would have provided that, but that there was a duty  
22 there to try and address the issue.

23 Q. One of the matters that you have touched on that I want  
24 to pick up with you now is trying to bring together --  
25 just working on the basis of those matters that are



1 charge between and even in recent days, issues  
2 of when in his view the physical abuse of children had  
3 gone beyond accepted levels of discipline/corporal  
4 punishment that were matters of the day, those were  
5 dealt with in-house, it seems, not reported to the  
6 Governing Board, save for perhaps in later times  
7 a particular individual -- a number of individuals in  
8 fairness.

9 Even in the recent days of evidence disclosure of  
10 a very serious incident involving  
11 and the risks that that  
12 posed and that not being reported.

13 Then moving through to the ,  
14 himself subject to allegations, BR1, between and  
15 , but in addition now being accepted that he was told  
16 by a boy about being interfered with by Father Brendan  
17 Smyth. That's not reported. He had to be confronted by  
18 Father McCann about an assault by BR77. Father McCann  
19 to the Hughes Inquiry acknowledged that, as he  
20 reflected, he had not dealt with it adequately in terms  
21 of he had confronted but not  
22 pushed the matter on by telling the police.

23 So that culture that pervades the existence of the  
24 home of not being open and transparent about what's  
25 occurred, and that protectionism of the institution as

1       opposed to the welfare of the children.  If I have -- I  
2       am trying to summarise an enormous amount of evidence  
3       there --

4       **A.  Yes, of course.**

5       Q.  -- and if I have characterised it in in any way  
6       an unfair fashion or a way that the diocese would not  
7       accept -- I don't want to be putting words in your  
8       mouth, but --

9       **A.  No.  I full...**

10      Q.  -- does the diocese recognise that culture?

11      **A.  I fully accept the characterisation.  I think it**  
12      **reflects a now well-established fundamental and at times**  
13      **catastrophic in its consequences flaw in the culture of**  
14      **the church at that time whereby protection of the**  
15      **institution or the reputation particularly of clerics**  
16      **was a priority, maybe not spoken of overtly, but**  
17      **culturally that was the reflex, and that that is**  
18      **fundamentally different in so many ways and in its**  
19      **consequences to having the child and the welfare of**  
20      **children as your paramount concern, which is now our**  
21      **stated and operated policy.  So no-one, no matter what**  
22      **their rank or their role in the church, gets in the way**  
23      **of that principle, and that's the fundamental journey we**  
24      **have made.  So the characterisation is fully accepted.**  
25      **The consequences of it tragically and systemically are**

1           accepted.

2           In addition to that, it still shocks me, to repeat  
3           a point a made earlier, in addition to that there was  
4           a failure of communication within the organisation  
5           itself and then between the organisation and the State  
6           authorities. There was no sense of collective care in  
7           which the paramountcy of concern was the welfare of  
8           children and that anything that threatened that overrode  
9           any other consideration and deserved collective and full  
10          attention.

11          There was a failure, as I point out in my statement,  
12          a complete failure of putting in place protocols for  
13          dealing with -- and this is where I don't think we can  
14          offer any excuses about, you know, the culture of the  
15          time. We knew at the time this was a risk. Where were  
16          the procedures for dealing with it clearly stated and  
17          agreed between all the parties for dealing with it,  
18          should it arise? They didn't exist and that was  
19          compounded then by this culture of, you know, protecting  
20          the institution and inappropriate kind of clericalism,  
21          which saw clerics as particularly precious and worthy of  
22          protection and a priority in the interests of the church  
23          and avoiding scandal to the faithful.

24          All of those things were tragically and totally  
25          inappropriate and their consequences -- the consequence

1       **of that culture are well rehearsed and tragically**  
2       **rehearsed again in this situation in the lives of real**  
3       **individuals.**

4    Q.   Arising in that context I was saying to you earlier  
5       today that the evidence from the Department yesterday  
6       was that in their view if they had been properly  
7       informed of not one isolated case involving one Brother  
8       but the series of matters that were by that stage known  
9       in both -- particular to Rubane and within the Order  
10      more widely, that a real opportunity was lost to perhaps  
11      bring forward the time at which, to use the analogy, the  
12      balloon would go up over this issue of sexual abuse by  
13      staff in institutional care, which doesn't then go up  
14      until 1980, arising from Kincora.

15           Now just to be fair to you, what the Department were  
16      saying was the possibility of that happening was lost.  
17      It is very easy with hindsight to say, "If we had been  
18      told X and Y, we would definitely have done that".  
19      That's not the point I am making to you. They are  
20      simply recognising that that opportunity to potentially  
21      have a different outcome that might have brought forward  
22      the state of knowledge much more widely about these  
23      difficulties was lost by that culture of secrecy, not  
24      communicating effectively.

25    **A. I think any reasonable reading of the evidence would**

1 suggest a myriad of opportunities were lost along the  
2 way precisely for that, and while you correctly point  
3 out we can't say for certain what would have happened,  
4 the point is we shouldn't have allowed it to even happen  
5 in the first place. What we knew we knew and there was  
6 a failure to deal with it collectively and with the  
7 welfare of children as our first concern.

8 Q. The level of accepted sexual abuse in Rubane -- and  
9 there has been evidence of other Brothers present at the  
10 time it was happening and not being aware of it, so  
11 difficulty with detection is an issue that sits there --  
12 have -- has the diocese been shocked at the level of  
13 even that which is accepted as opposed to that which the  
14 Panel has to consider on a more wide basis whether it  
15 occurred or otherwise? Has that level of sexual abuse  
16 come as a shock?

17 A. Yes. Simply yes. As I read the evidence, I am struck  
18 by the fact that on the occasions when the diocese knew  
19 directly of allegations from the very foundation of the  
20 home, it did act with alacrity in terms of insisting  
21 a particular individual was removed. It did not go  
22 beyond that. It did not report it to the statutory  
23 authority, but it is also clear there were quite  
24 a number of other cases, allegations, concerns,  
25 suspicions being made that the diocese was not aware of

1 even until relatively recently in the evidence that has  
2 been presented here or indeed how they were being  
3 handled, but having said that, I want to reiterate that  
4 this was a common enterprise and that the diocese itself  
5 had a duty to inform the statutory authorities, anybody  
6 who knew. I think you can make the argument very  
7 clearly and absolutely they had a duty to act in the  
8 most comprehensive way possible and to ensure that the  
9 consequences of their action was to address the  
10 situation and the children were safe and the people who  
11 were subject to allegations were exposed to the proper  
12 procedures civilly and so on in the interests of  
13 children and justice.

14 So, yes, we are totally shocked by the scale of  
15 this, the confluence of incidents and allegations that  
16 seem to arise in this particular home.

17 Q. You have made the point in your statements that  
18 well-meaning people set this up. There were  
19 well-meaning people within it who in some cases gave  
20 most of their lives to operating this home, but the  
21 consequences of it, is the diocese's view that  
22 essentially this is a disaster in terms of outcome,  
23 given that its original purpose was for difficult  
24 children who already had a difficult background and  
25 perhaps that could never be rectified, that ultimately

1 the outcome of this has been the very opposite for many  
2 of those who were there and are accepted to have been  
3 abused?

4 **A. The diocese is led by that -- in its response to that by**  
5 **what those who were resident there are telling us and**  
6 **I don't think you can be left with any other fundamental**  
7 **view, notwithstanding that many acknowledge good things**  
8 **relatively that were provided and that happened and so**  
9 **on and so forth, but fundamentally there were**  
10 **catastrophic failures and that have had catastrophic**  
11 **consequences in the lives of so many young people. We**  
12 **can never make up for that. That is so far from our**  
13 **ideals that I would not wish personally and I think the**  
14 **diocese would not wish to offer any excuse at this**  
15 **stage; only apology.**

16 Q. You do that in paragraph 16. If we can look at 5917,  
17 you say, Father Tim:

18 "In recognising this", that's the scale of what has  
19 gone wrong and the abuse that has taken place that you  
20 discuss in paragraph 15, "the diocese wishes once again,  
21 as I did in my opening statement, 'to express its deep  
22 sorrow and regret that any child was abused while  
23 a resident in Rubane House. Established with the sole  
24 intention of improving the circumstances and  
25 opportunities of the children in its care, Rubane House,

1 as with any institution founded on Christian principles,  
2 should have been exemplary ...'"

3 You acknowledge openly that it wasn't. You say:

4 "'It is our hope that this Inquiry will go some way  
5 to helping those who experienced such abuse to have  
6 their voices heard and their painful experiences  
7 acknowledged and that they will be assisted in advancing  
8 towards healing'."

9 You say:

10 "It is incumbent on us as a diocese to listen  
11 attentively to those voices and to truly learn from them  
12 the lessons that may ultimately help to protect others."

13 I suppose a part of that is a recognition of the  
14 need for transparency and openly facing head on the  
15 legacy of what took place in Rubane, which is accepted.

16 **A. Sure. Well, I just want to repeat, you know, the church**  
17 **collectively, the diocese and the Order, with the best**  
18 **of intentions took on this responsibility. It is no --**  
19 **it is no contradiction to say that good people made very**  
20 **fundamental mistakes and some very evil people**  
21 **capitalised on that and manipulatively, manipulatively**  
22 **used that situation for the most grotesque ends.**

23 It strikes me personally that a lot of very, very,  
24 very vulnerable young people came into our care, and we  
25 took responsibility to provide that care, and they were

1       faced with even more fear, and to varying degrees,  
2       successfully or otherwise, negotiated an environment  
3       that was full of risk to them, and for far too many the  
4       consequences of that were catastrophic, and we should  
5       offer nothing other than an apology and taking  
6       responsibility for our failures, despite our good  
7       intentions.

8    Q.   Father Tim, I don't intend to ask you any more  
9       questions.  The Panel have your statements and have had  
10       the opportunity to consider them.  If you bear with me,  
11       the Panel may want to ask you about some matters.  So  
12       just bear us with for a short while, please.

13                    Questions from THE PANEL

14   CHAIRMAN:  Can I just take you back to this perhaps to many  
15       people rather **obtuse** question of the administering  
16       authority?  It is a very complex matter in some ways,  
17       but to try to put it in very simple fashion, there was  
18       effectively a form of dual responsibility in that from  
19       the outset the diocese appears to have primarily  
20       concerned itself with matters of property and physical  
21       provision of structures in the form of accommodation and  
22       facilities and, as you put it, if we just look at 5915,  
23       please:

24                    "The way this was operated from a diocesan point of  
25       view was that there was what we call a Board of

1       Governors" -- the terminology changed -- "call a Board  
2       of Governors. It met once a year and through its  
3       identifying particular issues concerned itself primarily  
4       with the structural considerations, not exclusively, but  
5       primarily.

6               One area where we see them going further into the  
7       administration of the home is this dispute that arose in  
8       the early 1960s about whether the dormitory structure  
9       should be preserved or whether the chalet structure that  
10       the Ministry were pressing for should be substituted,  
11       and the diocese took a very strong line about that,  
12       although it ultimately retreated."

13               So from the diocesan point of view that seems to  
14       have been the practical limit of the way it concerned  
15       itself with how the home was operating day by day.  
16       Isn't that broadly the case?

17   **A. Yes. While I think it is an important technical issue,**  
18   **I just want to repeat that we do not resile as a diocese**  
19   **from the fact this was a common church enterprise by the**  
20   **two parties, and that the technicalities, important as**  
21   **they are, was nothing compared to the human**  
22   **consequences.**

23               But in relation to the point specifically that you  
24       make, I think the founding agreement in 1950 between the  
25       Bishop at the time, Bishop Mageean, and the Superior

1           General of the De La Salle Order actually calibrates  
2           this very clearly, and it is interesting that that  
3           document sets out the list of diocesan -- "trustees" is  
4           the term it uses -- and that they are the same group of  
5           people who then are noted in the minutes for the first  
6           meeting on for some time as the people managing the  
7           Board or what became known as the Board of Governing --  
8           Governing Board, but in reality just from my own  
9           experience in educational terms they were really acting  
10          as a board of trustees and, as you know, trustees tend  
11          to be more focused on the management of the property and  
12          have responsibility for finding the funding if  
13          extensions are required and things like that.

14                 The agreement also makes it incredibly clear that  
15          the Brothers -- the Superior General will appoint  
16          someone to that Board of Management from the Order. It  
17          was mentioned I think in previous evidence that that was  
18          just a coincidence that there was a Brother present, but  
19          it is actually part of the formal agreement.

20   Q.   It is.

21   A.   Then the formal agreement also gives complete authority  
22          to the Order in the day-to-day running of the house from  
23          appointments to the programme both in terms -- it uses  
24          the phrase I think its own internal discipline as  
25          an Order but also its day-to-day running of the home.

1           So this would be consistent with what I would  
2           describe as a light touch disposition on the part of  
3           the -- acting more as trustees, and it may be that  
4           Monsignor Mullally in the case that you cite was acting  
5           because of the property dimension of the consequences of  
6           that change of policy, even though he framed it in terms  
7           of other kind of care concerns, you know, but that might  
8           have explained why he was taking a role in that, because  
9           it had practical consequences from a trustee interest  
10          point of view, but I am afraid I am only speculating  
11          there, Chair, obviously.

12   Q.   But an important consequence of this dual structure is  
13          that neither the diocese nor the Order appear to have  
14          realised that a very important statutory responsibility  
15          was not being exercised, namely the appointment of  
16          a monthly visitor, the purpose of which even in those  
17          days was plainly to have someone coming in from the  
18          outside to see whether or not in practice the children  
19          were being looked after properly.

20   A.   **Absolutely, and I think we readily accept that that was**  
21          **a fundamental failure. What interests me, looking back,**  
22          **is again in that original founding agreement there is**  
23          **explicit mention of access being granted by both parties**  
24          **to external state authorities for the purpose of**  
25          **visitation, you know. So the principle seemed to be**

1           **accepted. The concept seemed to be accepted. Why it**  
2           **was not implemented remains a question.**

3    Q. But, of course, the agreement in 1950 pre-dated the --

4    **A. Statutory.**

5    Q. -- statutory --

6    **A. Yes.**

7    Q. -- and then the administrative structure that flowed  
8       from that.

9    **A. Sure.**

10   Q. But however it came about, the reality was that what  
11     could have been a critical piece of machinery by which  
12     -- if -- and it is a big "if" perhaps -- a child had  
13     felt able to disclose what was happening, there at least  
14     could have been a mechanism putting someone in to whom  
15     the child could come. Now the child might not have  
16     done. That's a different matter, but the mechanism  
17     wasn't utilised.

18   **A. That is correct. I acknowledge that fully in my**  
19     **statement, yes.**

20   Q. Thank you very much.

21   **A. Thank you.**

22   MS DOHERTY: Thanks very much, Father. Can I just ask you  
23     about the issue about confession and the seal of  
24     confession --

25   **A. Yes.**

1 Q. -- because clearly we have heard from residents where  
2 they actually say they said to a priest in confession  
3 they were being abused. In one case they were told to  
4 talk to \_\_\_\_\_ and the boy had to say, "It is  
5 \_\_\_\_\_". Can you just explain a bit about the  
6 situation for priests in that circumstance?

7 A. Well, as is well-known I think, the seal of confession  
8 is regarded as an absolute within the Catholic tradition  
9 and indeed in some places is recognised in law.

10 A priest in those circumstances could not act in any  
11 way, directly or indirectly, outside of the confessional  
12 environment, but would as a matter of good practice, as  
13 seems to have happened, encourage the person to have  
14 reported to someone they trusted outside of the  
15 confessional context, or they could have invited the  
16 person to speak to them outside of the confessional  
17 context about it, and that removes the context of the  
18 seal. I am not sure that there is any evidence of that  
19 having happened necessarily.

20 Q. No.

21 A. The rationale would be along the lines of if that  
22 absolute security wasn't there, then people wouldn't  
23 feel free to disclose any range of things. So -- but  
24 that is the situation.

25 Q. And in a sense priests at that time, would they have had

1           that advice you have just given? Would they have been  
2           told if there was an issue of risk to a child, then they  
3           should encourage the child to talk to them outside the  
4           confessional?

5   **A. I would have no reason to believe that that would have**  
6           **been part of the training necessarily of a priest in**  
7           **relation to hearing confessions at that time. It would**  
8           **be certainly now, yes.**

9   **Q. Can I just ask the relationship between the chaplain and**  
10          **the Bishop and the parish priest in the locality --**

11   **A. Yes.**

12   **Q. -- do you have a sense of that from the reading of it?**

13   **A. Yes. One of the pieces of -- one of the statements**  
14          **that's provided to us was from [REDACTED] DL 410**  
15          **[REDACTED] DL 410, who is the only [REDACTED] to the**  
16          **institution. There is one other, [REDACTED] DL 496, who is**  
17          **[REDACTED] and in [REDACTED]. So we have not bothered him**  
18          **about this issue, but [REDACTED] DL 410 was -- I interviewed**  
19          **[REDACTED] TL 4 myself. I spoke to him, and the evidence is**  
20          **recorded.**

21   **Q. Uh-huh.**

22   **A. I was quite shocked. [REDACTED] DL 410 said that there was no**  
23          **relationship between the chaplain and the diocese or**  
24          **even really the congregation. This person stood very**  
25          **much apart from all of that and their primary function**

1 was to provide, you know, sacramental opportunities for  
2 the community of Brothers and the wider community in  
3 Rubane of residents. He taught a half hour of religious  
4 education each morning, but after that, after mass,  
5 after the religious education, benediction on a Friday  
6 night and confessions, the function of the chaplain  
7 ended there, and they had -- I asked him specifically,  
8 "Did you have any sense that you had a responsibility to  
9 report to the diocese any concern or observations?" He  
10 said no, he had no sense of that duty or connection.  
11 Spoke very rarely to the Brothers strangely. After mass  
12 he would have had his breakfast on his own in a small  
13 room. Would have only even socially spoken to the  
14 Brothers he told me after special occasions like  
15 midnight mass at Christmas, midnight mass at Easter and  
16 so on. So I was a bit taken aback at just how isolated  
17 the chaplain seemed to be and wasn't part of the system  
18 of observation, care and so on. His presence was simply  
19 accepted as there, probably as a pastoral responsibility  
20 to the boys and to the religious community.

21 Q. And would you accept that that lack of a reporting  
22 mechanism back to the Bishop was a failure?

23 A. Absolutely, and I acknowledge that in my statement, yes.

24 Q. Can I just ask is Down & Connor currently involved in  
25 any way in the provision of residential care to

1 children?

2 **A. No, not as far as I am aware, no, no.**

3 Q. Okay. Thank you, Father.

4 MR LANE: Just to follow up the last thing you said about  
5 the pastoral responsibility, was that also to the  
6 Brothers?

7 **A. Yes.**

8 Q. And so he would have heard their confessions as well?

9 **A. Yes.**

10 Q. Earlier on you said about the lack of experience in  
11 residential childcare and that therefore perhaps the  
12 situation wasn't fit from the start, but surely there is  
13 a long tradition. I mean, there was St. Patrick's and  
14 there was Milltown and so on before that and the Sisters  
15 of Nazareth running other homes and a lot more in the  
16 Republic as well.

17 **A. Yes, but, I mean, the model that seemed to be used was  
18 that really of a boarding school --**

19 Q. Uh-huh.

20 **A. -- and as other inquiries have demonstrated, and you  
21 have other modules to consider in relation to those  
22 other institutions, whether that was the model that was  
23 most appropriate to a residential care setting where  
24 there was a much wider range of both needs and  
25 responsibilities is I think a critical question, you**

1 know, but in that sense in terms of professional  
2 training, you know, to make those kind of judgments I am  
3 just not sure what claim the diocese could have made in  
4 that regard. Experience perhaps, but professional  
5 training, background, specialist training?

6 Q. Certainly during the period we are looking at standards  
7 and training methods changed considerably. There is  
8 obviously the question whether they kept up-to-date with  
9 it, but I would have thought they had had the experience  
10 to warrant establishing the home. Is that not so?

11 A. Well, de facto the fact that they were already involved,  
12 as you say -- I may be making a slightly different  
13 point. In retrospect to make such a strong claim in  
14 that debate about the type of care that would be  
15 appropriate at that moment or indeed a change of policy  
16 to the chalet type accommodation, I am not sure on what  
17 professional, trained basis the diocese was making such  
18 a strong claim other than to state a claim about concern  
19 about peer abuse, which I am sure was both well-founded  
20 and sincere. So I am just making that point.

21 Q. Thank you.

22 A. In the sense that it was a debate with professionals in  
23 the area ultimately.

24 Q. Thank you.

25 CHAIRMAN: Well, thank you very much, Father Tim, for coming

1 to speak to us today. We have, of course, and I think  
2 it is important to emphasise this, not just the benefit  
3 of what you have said in the course of this morning, but  
4 these in a number of instances extremely detailed  
5 statements setting out the factual and technical  
6 background for the matters by way of a foundation for  
7 what you have said today and we, of course, have to take  
8 those into account as well.

9 **A. Thank you.**

10 Q. Thank you, therefore, not just for coming to speak to us  
11 but providing on so many occasions so much detailed  
12 information, which together with what you have said has  
13 been very helpful to us.

14 **A. Thank you very much.**

15 Q. Thank you.

16 (Witness withdrew)

17 MR AIKEN: Chairman, the next witness after Father Tim is  
18 Brother Francis. While he was scheduled for 2 o'clock,  
19 it may be -- if we had an opportunity just to appraise  
20 that, it may be we can begin that somewhat sooner.

21 CHAIRMAN: Yes. Well, if at all feasible, that's what we  
22 should try to do without putting anybody under any  
23 pressure to do something in advance of what they are  
24 prepared for. So we will rise for the moment and leave  
25 it to you, Mr Aiken, to discuss with the parties when we



1 statements that the Order pledged full cooperation with  
2 the Inquiry from the outset, that an apology was offered  
3 when you appeared before the Office of First Minister  
4 and Deputy First Minister Committee, and that apology  
5 continued at the outset of this module of the Inquiry's  
6 work, and as part of that promise of cooperation the  
7 Order has provided a very substantial amount of material  
8 to the Inquiry both in terms of contemporaneous  
9 documentation and in respect of material witness  
10 statements.

11 **A. Uh-huh. Yes.**

12 Q. What I am going to do now, Brother Francis -- you can  
13 take it that the Panel have had the opportunity to  
14 consider -- as you can see, I have four lever arch  
15 files, two either side of me here, and that material is  
16 available to the Panel, and the Panel have had  
17 an opportunity to consider much of it.

18 So what I am going to do now over the next short  
19 period with you is just to go through in order for you  
20 to prove the various statements that have been provided  
21 on behalf of the Order and summarise the general content  
22 of those statements which the Panel have had the  
23 opportunity to reflect on.

24 **A. Yes.**

25 Q. The first statement was provided by <sup>Pius McCarthy</sup>

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

2 Q. Now <sup>Pius McCarthy</sup> was your Provincial Secretary, as it were.

3 **A. Correct.**

4 Q. Over a long period of time he was the person who engaged  
5 with providing information to any authorities that  
6 requested it from him and he, like you, never at any  
7 stage worked in Rubane.

8 **A. Correct, yes.**

9 Q. Up until he passed away earlier this year he provided  
10 the initial statements to the Inquiry on behalf of the  
11 Order.

12 **A. Correct.**

13 Q. So the first statement of 20th May 2013 is from him and  
14 it begins -- if we can bring up RUB011, please, and then  
15 if we can look at 029, and that's the last page of the  
16 witness statement that he provided, and the exhibits for  
17 that statement run from RUB030 to RUB168. That  
18 statement was a general statement from the Order  
19 explaining the history of the De La Salle Order, of its  
20 existence in Ireland, of the community at Rubane, the  
21 structure of the arrangement that took place that saw  
22 Rubane operate as a children's home with a school, and  
23 the point he made in particular -- I will just draw  
24 attention to in paragraph 4 of his statement, if we can  
25 go to 015, he makes the point that:

1           "From its inception the home was under the control  
2           of the Board of Governors. The Chairman was the Bishop  
3           of the Diocese and the Board held the annual general  
4           meeting. Responsibility for day-to-day running was left  
5           largely to the De La Salle Order."

6           Ultimately the point that's made in paragraph 4 is  
7           that the Order is saying that the operation of the home  
8           was under the ultimate control of the Bishop of the  
9           Diocese of Down & Connor.

10   **A. Yes.**

11   Q. That's your position on behalf of the Order as to the  
12       structure. This was like a school arrangement almost.

13   **A. Uh-huh.**

14   Q. A Board of Governors had the ultimate responsibility,  
15       but then that execution of the day-to-day running of the  
16       institution, as it were --

17   **A. Uh-huh.**

18   Q. -- was given to the staff underneath, as it were, which  
19       in this case was handing it over to the De La Salle  
20       Order to operate on behalf of that Governing Board.

21   **A. Yes, that's correct. That's the way it operated.**

22   Q. The statement also deals then with matters of finance in  
23       a general sense, talking about the Voluntary Workers  
24       Committee in terms of fundraising, the farm and how its  
25       income helped sustain the home, and then maintenance

1 charges for those boys who were placed by welfare  
2 authorities and then subsequently by health boards, and  
3 setting out the management structures in terms of the  
4 administrative arrangements, the inspection cycles, the  
5 staffing issues, issues to do with corporal punishment,  
6 complaints and aftercare. So a general statement  
7 covering a number of themes that have arisen in the  
8 evidence that the Inquiry has heard over the last number  
9 of weeks --

10 **A. Uh-huh.**

11 Q. -- and months.

12 **A. Yes.**

13 Q. The second statement from -- again from <sup>Pius McCarthy</sup> of  
14 22nd October 2013, if we can go to 170, please, and this  
15 is the Order's awareness statement, and it runs from 170  
16 through to 197. If we can just scroll down on that  
17 page where we are at at the moment. Well, not to worry.  
18 197, that's the last. Scroll down for us, please. You  
19 will see <sup>Pius McCarthy</sup> is saying -- and then through to 197. The  
20 statement comes to an end. Then we have exhibits that  
21 run with that statement from RUB198 through to RUB316.

22 That statement dealt with the Order or more  
23 particularly the Irish Province of the Order as to its  
24 state of knowledge of sexual abuse through the period  
25 essentially from 1950 to 1985 when the home operated.

1           You set out in that statement also the relevant sections  
2           from the constitution, rules of government of the  
3           institute, and how a number of those were clearly  
4           structured to protect children and potentially Brothers  
5           --

6   **A. Uh-huh.**

7   Q. -- in terms of the arrangements that were being set out.  
8       You heard me describe, and we were discussing earlier,  
9       the normal arrangement for the De La Salle Order was  
10      a community on one side where the Brothers lived. They  
11      left that community to teach --

12 **A. Uh-huh.**

13 Q. -- and then retreated back to the community where they  
14      lived together in -- Father Tim earlier was describing  
15      it as a monastic type life. This structure that we are  
16      dealing with in Rubane was very different. It was  
17      a coming together. So the Brothers lived alongside the  
18      children as part of the arrangement that was set up in  
19      Rubane in this children's home with school attached.

20 **A. Yes, yes. That would be much the same as boarding**  
21 **schools again where Brothers would have lived in the**  
22 **college with the students coming in each day. So it's**  
23 **something like that as well.**

24           **Could I also say that in relation to the quotations**  
25           **you have from the rule and the government and so on, and**

1           they are known as the 1947 rule, just to clarify that  
2           later on in the 1970s and '80s towards that period in  
3           Rubane, while it was the same rule, it was a new one,  
4           because Vatican II had taken place, and that led to  
5           further discussion at very top level in Rome and  
6           the production of a new rule in the 1980s.

7   Q.   I think there is one that dates from 1976 and we have  
8        added that to the bundle. So it is something that the  
9        Panel is aware of.

10   A.   **Yes. There were several drafts of it before it was**  
11        **finalised.**

12   Q.   What you discuss then in the awareness statement is the  
13        various incidents that had come to light. The first one  
14        that you discuss is in 1948 in St. Patrick's.

15   A.   **Yes.**

16   Q.   We will come to look at that in more detail in  
17        St. Patrick's -- the module relating to it.

18           Then you discuss in the awareness statement the  
19        incidents involving BR17 in Rubane, which was  
20        essentially a two-pronged investigation that takes place  
21        in relation to allegations he faced, and also there was  
22        then an incident relating to           , which was in  
23                           and relates to 1958, although it seems to  
24        have come to light by           . It is coming to light at  
25        the same time as the           incident in Rubane involving

1 BR14. We will return to those later.

2 In the awareness statement then you go on to explain  
3 in addition to that series the Order became aware in  
4 1967 of incidents in Ballyshannon involving Brothers  
5 and , and again they were essentially  
6 removed from the Order. They were dealt with. All of  
7 these incidents were dealt with by the same Irish  
8 Provincial, which was BP1.

9 **A. Yes.**

10 Q. We will come back to that.

11 Then you had BR15 in Rubane at the end of and  
12 start of , and by at that stage it was BP3 who was  
13 dealing with the issues relating to him.

14 **A. Uh-huh.**

15 Q. Essentially when I brought all of that together, the  
16 point I was making to you earlier, that between  
17 essentially 1948 and at least seven Brothers of the  
18 Irish Province had come to the attention of the Irish  
19 Provincial for abusing children in their care, whether  
20 that was in schools or in the context of the children's  
21 home at Rubane.

22 **A. Yes, correct.**

23 Q. However, the authorities certainly in Northern Ireland,  
24 and presumably in the Republic of Ireland also, but  
25 certainly in Northern Ireland the authorities knew of

1           only one of those incidents and that's that relating to  
2           BR14 --

3   **A. Yes.**

4   Q. -- but not the full facts of the matters relating to  
5           BR14 either.

6   **A. Yes.**

7   Q. Then you identify in your awareness statement BR1 from  
8           , and then there is an allegation which you deal  
9           with in the awareness statement to do with BR33 in .

10           The statement also then deals with the dismissal of  
11   DL 134 and DL 135 , who were houseparents, and with  
12   awareness concerning peer sexual activity, which, as you  
13   have heard in the evidence over the last weeks  
14   and months, that's a particular issue that seems to have  
15   existed in Rubane, perhaps not unlike other places, but  
16   it seems to have pre-dated the time at which the  
17   Department seemed to be saying they had clear knowledge  
18   of this type of difficulty occurring.

19   **A. Uh-huh.**

20   Q. So that's the second statement that's provided to assist  
21           the Inquiry.

22           The third statement is an admission statement which  
23   is from <sup>Pius McCarthy</sup> of 22nd October 2013. That can be found at  
24   RUB317. If we can bring that up, please. That  
25   admissions statement runs from 317 through to 328.

1           This statement was another example of -- the Inquiry  
2           asked the Order to engage in considering what admissions  
3           it was in a position to make before any evidence was  
4           heard in respect of material that had arisen from  
5           documentation that was by that stage available, and the  
6           exhibits for that statement then run from RUB329 through  
7           to RUB415.

8           The statement deals with the sexual abuse of boys in  
9           Rubane that the Order had accepted occurred at the  
10          outset of this module.

11          The first was BR17, who was in the home in the  
12          period           through to           and was the  
13                           ,                           from  
14          through to           .

15          The second individual, BR14, he was in the home from  
16          through to           .

17          The third is BR15, who was in the home from  
18          through to

19          You do also include in that statement reference to  
20          BR1, but indicate -- whose period was           to           -- that  
21          at that point the Order couldn't come to a firm  
22          conclusion on -- the point the Order makes, if I can  
23          describe it in this way, what were cast or described by  
24          him as medical examinations or hygiene inspections the  
25          Order says are inappropriate, wrong and shouldn't have

1 occurred. The fondling, touching of boys, whatever his  
2 motivation for it, was wrong and inappropriate, and then  
3 the issue of supervising in showers understandably could  
4 be misconstrued in that earlier context, but the very  
5 serious allegations that are made against him of very  
6 serious sexual abuse, the Order has not been in  
7 a position to come to a firm view about that, because of  
8 the timing of those allegations and the source from  
9 which some of them come, and that's a matter that the  
10 Order is continuing to reflect on, as we will come to  
11 see.

12 The statement also then goes on to deal with the  
13 -- the who lived  
14 nearby known as DL 230 and then the former resident of  
15 Rubane who went on to work as ,  
16 DL137, who sexually abused boys there.

17 The statement then goes on to address physical abuse  
18 and discusses the individuals that BR2 identified during  
19 his period as having to be spoken to by him. That was  
20 DL279, DL 81 , BR18 and DL 421 .

21 Then the statement identifies those who worked or  
22 visited the home who were convicted of abusing children.  
23 That included BR77, who was a member of the Order  
24 working and living in the home, DL509, who was  
25 a who came to work in the home, and then

1 Father Brendan Smyth, who came into the home to visit  
2 boys that he already knew from visiting Nazareth Lodge.

3 The statement then deals with those who were charged  
4 at various times but who were not convicted of abuse.

5 The statement also deals with the civil claims in a  
6 general sense that the Order has had to deal with.

7 **A. Uh-huh.**

8 Q. The fourth general statement from the Order came from  
9 BR2 himself, who spoke to that earlier this week. That  
10 was of 20th March 2014. That runs from 1032 to 1086  
11 with exhibits from 1087 through to 1175. That  
12 statement, as I said, was of March 2014.

13 Then <sup>Plus McCarthy</sup>, who worked alongside you, passed away on  
14 27th May 2014, and at that point then you had to begin  
15 providing statements on behalf of the Order thereafter.

16 **A. Correct.**

17 Q. Your first statement of 13th June 2014, which was the  
18 fifth general statement that the Order provided, deals  
19 with the issue of the administering authority of the  
20 home, and it runs from RUB1176, if we can bring that up,  
21 please, 1176, and it's statement four of the general  
22 statements, but it is the fifth if one includes BR2's  
23 general statement. It is 1176 and runs to 1196. Can we  
24 go to 1196, please? That's your signature --

25 **A. Yes.**

1 Q. -- on the statement.

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

3 Q. The exhibits for that statement are sizeable and they  
4 run from 1197 through 1483.

5 You set out again in paragraph 14 at 1178 the  
6 Order's view that the Bishop of Down & Connor as head of  
7 the Governing Board at all times was the -- had overall  
8 responsibility under the Governing Board with the  
9 administering authority, and he handed over the  
10 day-to-day running of the home then to the De La Salle  
11 Order, who did that on behalf of the Governing Board.

12 You then go on in that statement to look at the  
13 various regulations that applied to the home under the  
14 Children and Young Persons (Voluntary Home) Regulations  
15 (Northern Ireland) 1952 and subsequently 1975, and you  
16 are aware and we will come back to one of the central  
17 issues at the heart of those regulations, the steps  
18 necessary to ensure the home was being run in the best  
19 interests of children, and the mechanism that the  
20 regulation required for that mandatory duty to be met --

21 **A. Uh-huh.**

22 Q. -- and the fact that that wasn't then taking place at  
23 any stage until the last few years before the home  
24 closed.

25 **A. Yes.**

1 Q. The sixth general statement then, and your second, was  
2 of 27th August 2014. That deals with specifically  
3 matters of finance. That runs from 5000 -- turn that  
4 up, please -- and runs through to 5009. Again that's  
5 your signature.

6 **A. Correct.**

7 Q. The exhibits then run from 5010 through to 5247. This  
8 statement sets out the financial arrangements relating  
9 to the home, the difficulties over funding the home and  
10 the diocese -- the diocesan response to those issues.  
11 I think I was asking you earlier in one or two words if  
12 could you characterise what the Order's position is as  
13 to what that response generally was. How would you have  
14 characterised the response that the papers seem to  
15 suggest?

16 **A. About support -- financial support?**

17 Q. When issues of difficulties over funding were being  
18 raised with the Governing Board, the response from the  
19 Governing Board, how would you have characterised that?

20 **A. Well, I understand they would be aware of the fact that**  
21 **further funding was necessary and to apply to the**  
22 **different agencies that were involved as well for**  
23 **funding and how that was processed, and also when --**  
24 **I think it was mentioned already in this Inquiry about**  
25 **the meeting that was set up between the Provincial and**

1 the Bishop in relation to -- where they were going to  
2 discuss the funding of Rubane and how the Provincial was  
3 killed in an accident.

4 Q. BP3 in

5 A. That's right, and the next Provincial coming in, I think  
6 he had so much on his plate because he came in very  
7 suddenly after the accident. I don't think it was ever  
8 discussed.

9 Q. It dropped off the radar?

10 A. It seemed to have, yes.

11 Q. I think BR2 gave evidence to the Inquiry --

12 A. Indeed, yes.

13 Q. -- that was going to be -- the intention was that would  
14 be a major exchange about how the home was operated.

15 A. That's right.

16 Q. Unfortunately with his death that simply didn't happen.

17 A. Yes.

18 Q. You mention in this statement the financial pressure  
19 that was created by the expansion of the home and you  
20 are aware -- I will try to summarise it in this way --  
21 the emphasis on the care side was making homes smaller  
22 and family group orientated and on the one side you have  
23 got that picture and then on the other you have  
24 certainly BR17's time, moving into the , constantly  
25 increasing number of boys with an aim it seems to have

1           achieved a sufficient number to have an intermediate  
2           school --

3   **A. Uh-huh.**

4   Q. -- recognised on the site.

5   **A. Yes.**

6   Q. Obviously those two things are in conflict with one  
7           another.

8   **A. Yes.**

9   Q. I was asking you whether it was possible at this remove  
10           to try and explain why there was such emphasis put on  
11           achieving an intermediate school, given that that  
12           brought constant conflict, if you like, with the  
13           regulatory authority, who were constantly writing,  
14           saying "No more numbers", and then finding more numbers  
15           and writing again and ...

16   **A. Well, in my own view I think that was possibly a mistake**  
17           **as well. I think it came from the fact or perhaps it**  
18           **came from the fact that BR17 had come there from**  
19                    . Now in                    the situation was he  
20           was teaching in a                    school. A mile up the road  
21           there was a De La Salle Intermediate School. Another  
22           mile up the road there was a De La Salle Grammar School  
23           and that's the environment that he came out of, and  
24           I have a feeling that he was saying to himself, "We need  
25           an intermediate school here because these boys are

1 11-year-old and they need to know that they're going  
2 a step higher into a secondary school, and as well as  
3 that they probably need a broader curriculum to help  
4 them to make their way through life afterwards", but  
5 I am not so sure that that was the correct approach  
6 perhaps. I would imagine, because, first of all, it  
7 needed the more pupils into an overcrowded home already  
8 and maybe what we should have concentrated on there was  
9 to keep the school and the numbers small and make sure  
10 that the boys had a basic education that they would need  
11 to get jobs afterwards even in the trades, and also  
12 those with ability would have maybe the opportunity to  
13 go to another school in the local area or get extra  
14 tuition from the Brothers, because, as you say, the  
15 pastoral side may have been, shall we say, neglected  
16 somewhat, but it doesn't mean that -- it could have been  
17 cared for more by the Brothers that were there, because  
18 to every one of our schools, no matter what the nature  
19 of it is, there is a pastoral side to it. That's  
20 typical La Salle philosophy. So -- I can see as well  
21 perhaps why they needed the accommodation first. Get  
22 the roof over these children's heads and feed them  
23 and clothe them and so on, and the concentration of the  
24 efforts to get that into place maybe didn't help the  
25 pastoral side of the home.



1 focus plan as to "How is this children's home going to  
2 operate and why are we operating it that way?" Things  
3 just sporadically happened. Was that a fair --

4 **A. Yes. I would say initially at the very beginning in**  
5 **1950 there was a vision there by BR60 and the Bishop to**  
6 **have a home there to cater for these boys, but I think**  
7 **that's where it stopped perhaps and not really -- as**  
8 **I said there a moment ago, nearly towards the end of his**  
9 **life, if you like, that the real vision was outlined and**  
10 **things began to come on paper and people began to know**  
11 **what we are all about, what are we doing here and how**  
12 **are we going to do it and that was needed.**

13 Q. I think you probably heard from the government officials  
14 who gave evidence yesterday that by the time that was  
15 embraced there had been so much difficult history to  
16 Rubane, so much abuse had taken place and was then in  
17 the public domain that it became -- along with issues  
18 over care being reorganised and geographical location  
19 and nature of the place that essentially its part in  
20 providing care had come to an end.

21 **A. Yes, yes. There were new developments in the whole area**  
22 **of care coming in now.**

23 Q. The seventh statement that the Order has provided, and  
24 it is your third statement, deals with civil claims that  
25 the Order has dealt with. That begins at -- that was of

1 27th August 2014. That begins at 5248 and runs to 5251.

2 Again that's your --

3 **A. Signature, yes.**

4 Q. -- signature. The exhibits run from 5252 to 5264. You  
5 explain in paragraph 12, 5260 -- I will just set the  
6 context of this while that page is being brought up.  
7 The Order has recognised and accepted a lot of abuse  
8 occurred in Rubane and has paid very significant sums of  
9 compensation in respect of that abuse.

10 **A. Uh-huh.**

11 Q. You say in paragraph 12 when these claims started to  
12 arise, arising from Rubane and how it was operated, the  
13 Order had to develop a plan as to how to deal with this.  
14 The point you are making in paragraph 12 you tried to  
15 adopt a responsible attitude to dealing with the victims  
16 of abuse, and there was a policy of there would be  
17 meetings with -- we have seen some minutes of those  
18 meetings -- meetings with victims of abuse personally,  
19 and some of those individuals found that process helpful  
20 for them, and then you tried to accommodate as best you  
21 could those individuals who had logistical or health  
22 difficulties. I think that's code for saying you paid  
23 for counselling for individuals if they felt that was of  
24 benefit to them. Then you give some examples of steps  
25 taken in particular difficult circumstances for

1 individuals where you tried to responsibly deal with  
2 what they were telling you took place. You set out in  
3 paragraph 14 the very significant number already paid  
4 across 22 claims.

5 You also explain then in the statement the fact, the  
6 propensity of individuals who were in Rubane as children  
7 who are prepared to make false claims, and how dealing  
8 with that situation of trying to deal with those claims  
9 or those individuals who have been genuinely abused and  
10 react appropriately to their trauma that they shouldn't  
11 have suffered at the hands of the Order and yet at the  
12 same time deal with claims or allegations made by  
13 individuals that the Order takes the view are not true  
14 and did not occur makes that whole process a very  
15 difficult one.

16 **A. Oh, yes. A huge difficulty there trying to determine**  
17 **which is -- which was abuse and which was not and we**  
18 **depend a lot on advice from our team on that.**

19 Q. You exhibit to this statement the judgment of the Chief  
20 Justice of Northern Ireland, Sir Declan Morgan, in the  
21 case of DL 324 as an example of that. That was  
22 someone who made very serious allegations of sexual  
23 abuse of a very graphic kind against a Brother. The  
24 Chief Justice determined that that case was not made  
25 out.

1 **A. Uh-huh.**

2 Q. You point to that as an example of the difficulty that  
3 the Order finds itself in in trying to deal with in  
4 a proper way those people who are genuine victims of  
5 abuse.

6 **A. Uh-huh. Yes.**

7 Q. You also point out in paragraph 15, if we just scroll  
8 down, that:

9 "The Order recognises the hurt and distress caused  
10 by abuse. The Order has determined to engage with the  
11 Inquiry as comprehensively as possible in order to  
12 maximise the prospects of establishing the truth about  
13 Rubane House so as to provide some comfort to the  
14 abused, place the Order's role into context within the  
15 provision of residential care and to be a support for  
16 those Brothers who worked tirelessly for the benefit of  
17 the underprivileged boys who were entrusted to their  
18 care."

19 I presume you mean by that the genuine Brothers who  
20 genuinely were trying their best --

21 **A. Yes.**

22 Q. -- as opposed to those who took advantage of their  
23 position.

24 **A. Yes.**

25 Q. "Dealing with victims of abuse and investigating

1 historic allegations has not been an easy or simplistic  
2 task. We know for some of the reasons highlighted above  
3 that it can be difficult and complex and fraught with  
4 the prospects of error."

5 You say you are satisfied that the Order has done  
6 its best to be as fair as possible to all that are  
7 involved.

8 **A. Yes.**

9 Q. The eighth general statement that you have provided, and  
10 your own fourth statement, is of 28th October 2014 and  
11 that deals with the Inquiry's request for further  
12 material relating to BR17, who abused in and  
13 following, and BR14, the matter. That runs from  
14 5471 and runs through to 5474. Again, Brother Francis,  
15 that's your signature on the statement.

16 **A. Yes.**

17 Q. The exhibits for this statement run from 5475 to 5519.  
18 You do exhibit to this statement one -- you point out in  
19 the statement that after this request was made you  
20 personally tasked a further investigation trawl to try  
21 to find any further material that the Order had in  
22 addition to, in fairness to the Order, very voluminous  
23 material that had already been provided to the Inquiry.

24 **A. Yes.**

25 Q. Some documents were found, but there is only one that's

1 of sufficient material relevance that I want to show it  
2 to you at this point. It is at 5497. This is in the  
3 context of the investigation into BR17, and this is  
4 a response from Brother Lawrence, who I think was  
5 an Irish Brother, but was the Assistant to the General  
6 Superior in Rome, and he had been written to, and the  
7 Panel will have seen the letter from the Provincial BP1  
8 writing to him saying about , what happened in terms  
9 of BR17, what steps he had taken, and the response that  
10 comes back is that:

11 "You certainly have your hands full with that nasty  
12 business of Kircubbin. How well it should cut in on the  
13 proposed opening in Portadown."

14 That was an issue that he had raised about whether  
15 it would put the Brothers' plans for Portadown in  
16 jeopardy.

17 "As you say, the worst of the case from our point of  
18 view is the difficulty of proving conclusively that BR17  
19 was completely innocent. In any case he has learnt  
20 a bitter lesson and will know what prudence means in  
21 future. We are not used to orphanages and their  
22 peculiar problems in Ireland and we are learning the  
23 hard way!"

24 Now I will come back to this matter in a more  
25 general sense on one of the issues I am going to address

1 with you, but the -- similar to the letters from BP1  
2 going the other way, which was pointing out -- as indeed  
3 he sent one to BR17 in similar terms -- that he was left  
4 in some doubt himself --

5 **A. Yes.**

6 Q. -- which was code for, can I suggest, "I am not  
7 convinced you didn't do this", the response or the  
8 attitude coming back from Rome is not dissimilar it  
9 appears from that which was being expressed to Rome.

10 **A. Yes. True enough. It's what happened. I don't agree**  
11 **with it. It does appear to be coming down on the side**  
12 **of the Brother, the Brothers in general, and there is no**  
13 **reference really to the boy concerned or the boys**  
14 **concerned. That's it as it is. I don't think there's**  
15 **any more I can say than that.**

16 Q. I will come back to the general issue that that throws  
17 up, but that is the one document that is of particular  
18 relevance that you helpfully attach to your fourth  
19 statement, the 8th January statement.

20 The ninth statement of general import, and your  
21 fifth, is of 28th October 2014. That's at 5520. Bring  
22 that up, please. Then it moves through to 5525. That  
23 was a statement answering a particular -- again you  
24 signed this statement, Brother Francis. This was a  
25 statement addressing a particular issue that the Inquiry

1 raised as a result of what was developing during the  
2 hearings --

3 **A. Uh-huh.**

4 Q. -- and that was in relation to the incidents in the  
5 Order's case of 1958, 1964 and 1970 and their not being  
6 reported to the Hughes Inquiry when the Hughes Inquiry  
7 came to include Rubane in its terms and to carry out its  
8 investigation, which ultimately was limited to 1977 to  
9 1980, although it had looked at matters in Kincora from  
10 1960 through to 1980, and the Order was being asked to  
11 address whether there had been a failure to disclose  
12 important information to that Public Inquiry.

13 What you have said, you have explained certainly in  
14 relation to '58 and '70 why there might be arguments for  
15 why those events were not disclosed. The point you make  
16 as far as the 1964 incident is concerned is it certainly  
17 should have been disclosed --

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

19 Q. -- to the Hughes Inquiry.

20 **A. Yes. I believe it should have been disclosed there,**  
21 **even though it was only from '77 to '80, the time span,**  
22 **but I am sure it would have been helpful if it had been**  
23 **included.**

24 Q. The tenth general statement, your sixth to the Inquiry,  
25 is of 5th December. That deals with the allegations

1 relating to BR1. It is specific to him, and that runs  
2 from 5968 and runs through to 5972. Again you have  
3 signed this statement.

4 **A. Yes.**

5 Q. You accept on behalf of the Order at this point -- but  
6 it is something the Order is continuing to reflect on --  
7 that BR1 engaged in inappropriate what he termed medical  
8 examinations and that behaviour constituted abuse, that  
9 he touched boys inappropriately and, whether or not it  
10 was sexual on his part and whether or not the boys  
11 perceived it as sexual, it was inappropriate, totally  
12 unacceptable and capable of being abuse. You accept  
13 that he didn't deal properly with DL40's disclosure of  
14 sexual abuse at the hands of Father Brendan Smyth in  
15 whatever form that was communicated to him, nor did he  
16 deal appropriately with BR77's assault on DL48 in .

17 However, you also draw attention to the fact that  
18 the very serious sexual allegations or more serious  
19 sexual allegations of extreme gravity are not made until  
20 1995 and you explain why the Order has serious doubts  
21 about those allegations, and you highlight one example  
22 in particular in respect of a serious allegation of  
23 sexual abuse against BR1, where the individual who makes  
24 the allegation had not, in fact, come to Rubane until  
25 after BR1 had already been suspended and removed.

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

2 Q. You point to that as a further example of the difficulty  
3 in trying to get to the truth of what exactly occurred.

4 You conclude this statement by identifying that he  
5 spent 20 years living in St. Patrick's, that the Inquiry  
6 is going to be looking at St. Patrick's, and the Order  
7 intends to continue to address the issues relating to  
8 him and to respond fully to those as we look at the  
9 module on St. Patrick's.

10 **A. Yes.**

11 Q. So, to summarise the position, it is this. His  
12 behaviour was inappropriate. He shouldn't have done the  
13 things that he did. They are abusive things. It calls  
14 into question his position as the person

15 , but there are concerns that serious  
16 allegations that are made may not have the same veracity  
17 as the ones that were rightly accepted now by Order as  
18 being made in , when a series of boys described the  
19 types of things that I have just outlined. Is that  
20 a fair way of --

21 **A. It is. That's fair, yes. There is a line somewhere**  
22 **between what he did do and what he may not have done,**  
23 **and it's clarifying that that we would like to leave it**  
24 **until we come to the St. Patrick's module. We may have**  
25 **more information from then on those serious allegations.**

1 Q. But as to the boys who suffered at his hands in the  
2 three particular ways that I have outlined --

3 **A. Oh, yes, we have accepted that, yes.**

4 Q. -- you accept that.

5 **A. Yes. Uh-huh.**

6 Q. Your apology to those boys --

7 **A. Uh-huh.**

8 Q. -- is obviously made as part of your apology to the  
9 Inquiry.

10 **A. Yes. Uh-huh.**

11 Q. The eleventh general statement, and your seventh, of 5th  
12 December 2014 deals with allegations against BR27 by  
13 a particular witness to the Inquiry. That's at 5973.  
14 Again you have signed that, Brother Francis.

15 **A. Yes.**

16 Q. The exhibits run from 5974 through to 5986.

17 **A. Yes.**

18 Q. Then the -- you will be pleased to know I am almost  
19 there -- twelfth general statement, your eighth, is of  
20 11th December 2014 and that runs from RUB5987 to 5989.  
21 Can we just see 5989? Again you have signed that  
22 statement and that's of today's date.

23 **A. That is correct.**

24 Q. I am going to take a particular look at that statement  
25 with you shortly.

1 I wonder, Chairman, whether that might be  
2 an appropriate point to take a break. It will take  
3 a little time to go through.

4 CHAIRMAN: Yes. Ten minutes. We will rise for ten minutes  
5 or so.

6 (2.25 pm)

7 (Short break)

8 (2.35 pm)

9 MR AIKEN: Chairman, Members of the Panel, Brother Francis,  
10 we were looking or just about to look at your seventh  
11 statement, the eleventh -- sorry -- the twelfth  
12 statement, your eighth. That's of today. That's at  
13 5987. Bring that up, please. That runs through until  
14 5989. Again you have signed that statement.

15 What I am going to do is I am going to leave the  
16 statement for now and I am going to come back to it at  
17 the end. I am going to deal with some other matters  
18 with you and then we will come back to the statement,  
19 but I know there is one point that -- in typical fashion  
20 lawyers raising the use of language -- and you were keen  
21 to point out in this last paragraph where you are  
22 acknowledging the abuse that's suffered and that should  
23 never have happened, you are also acknowledging that --  
24 you have used the words:

25 "... many more children benefitted from and are

1 grateful for the care and attention."

2 That wasn't intended to convey some sort of volume  
3 of numbers and percentage.

4 **A. Uh-huh.**

5 Q. You are unhappy with the use of the language that's  
6 there and it should read in your view:

7 "... acknowledge that other children benefitted ..."

8 **A. Yes, "other" instead of "more".**

9 Q. Yes, and with that clarification we will come back to  
10 that statement at the end.

11 What I want to do is just look at some broad themes,  
12 Brother Francis, that have come out of the evidence  
13 that's available. We discussed these in general terms  
14 earlier.

15 The first is looking at the incident involving  
16 BR14 and the Provincial BP1 going to the Ministry to  
17 explain what happened, and we know he went on  
18 . If we just look briefly -- 5502,  
19 please, is the second page of his report that he  
20 provided to the Ministry. You can see:

21 "He said that the case against him was a single  
22 incident with one boy only."

23 It is on that basis that BP1 presented the position  
24 to the Ministry of Home Affairs officials, who were  
25 looking at this as the regulatory authority, but eleven

1 days prior to that on BR14 had actually  
2 written a letter, if we look at 5508, that, in fact --  
3 in it he acknowledged with regret he was seeking  
4 a dispensation from his vows. If we scroll down, the  
5 reason for his request was:

6 "Grave immoral actions with a number of boys."

7 So before this report is provided to the  
8 Ministry it's -- BR14 is saying this is a number, not  
9 one.

10 On , days later and a week before  
11 the report, the Provincial himself then writes to Rome,  
12 if we can look at 5509, and as part of the application  
13 being supported by the Provincial he says:

14 "During the past three years he has interfered with  
15 boys, a couple each year. He has lost the religious  
16 spirit. There is no hope of saving him."

17 So that, taking it at face value, if it is a couple  
18 of boys each year for three years, it's substantially  
19 six boys that's being referred to unless it is the same  
20 boys each year, in which case it would be two, but in  
21 any event whatever it is, it is a number of boys. He  
22 knows it is a number of boys. BR14 has said it is  
23 a number of boys, and then he writes a report to the  
24 Ministry that the Department now, looking at the  
25 material that's available, looking at these letters, say

1 manifestly deceived them as to the extent of what BR14  
2 had done.

3 I know you want to say something about -- the point  
4 you made to me he has done what he has done, but your  
5 position is that's not something that should have  
6 happened.

7 **A. Yes, I acknowledge that it should never have happened.**

8 **That's really all I can say about it. I just don't know**  
9 **why. I cannot give you a reason for that happening.**

10 Q. Whether it was -- you can speculate about protecting the  
11 Order, protecting the Brother. Whatever it be, and you  
12 have heard the Department then give evidence, Brother  
13 Francis, that what flows from that is potential lost  
14 opportunity that I am going to amplify on now with you  
15 over a few other incidents, but a lost opportunity to  
16 put the balloon up, as it were, about sexual abuse by  
17 staff on children many years before the balloon did go  
18 up.

19 **A. Yes.**

20 Q. What I want you to address I made you aware of --  
21 I described it to Father Tim earlier today as the  
22 culture of secrecy that appears to have pervaded the  
23 operation of this home by the De La Salle Order, and  
24 what I mean by that is if you take the  
25 investigation, which the same Provincial engages in, and

1 we are not going to look at the documents again, but you  
2 are aware of the six-hour interrogation and he only  
3 relented whenever he was going to be kept overnight. No  
4 doubt you look at that with horror now --

5 **A. Yes.**

6 Q. -- as a means of dealing with a child, but that whole  
7 episode, including speaking to a large number of boys,  
8 a large number of Brothers who were there at the time,  
9 and then a second incident where that boy who is dealt  
10 with in that way over six hours is brought, that's not  
11 reported to the Governing Board. It is not reported to  
12 the police. It is not reported to the Ministry, and  
13 this was about the person who

14

15 --

16 **A. Uh-huh.**

17 Q. --

18 **A. Yes.**

19 Q. The consequence of that is he then continues to live --  
20 with the exhortation to not take boys in the car and not  
21 medically examine them and have a glass pane in his  
22 window and so on -- he continues to live and work in  
23 Rubane and eventually moves to just as part  
24 of the normal cycle of Brothers transferring, and the  
25 Inquiry now knows through the Order providing the

1 material to the Inquiry that he continued to abuse boys  
2 that he came across in . That  
3 came to light in the and when confronted with  
4 the abuse, he accepted it. Then a different Provincial,  
5 this time **BP 4** , who followed BP3, his  
6 manner of dealing with it was not to report it to the  
7 police, to presumably the educational authority or the  
8 Governing Board of the school, but instead this Brother  
9 was moved to .

10 What I am asking you to reflect on is that you have  
11 in there across the life span of the home the approach  
12 of the Order to serious allegations made against its  
13 members was not to disclose them to anyone --

14 **A. Yes.**

15 Q. -- and simply move the problem.

16 **A. Yes.**

17 Q. As you reflect on that now, the damage obviously that  
18 does to the Order and the reputation of the Order; as  
19 you reflect on that now, the consequence of it  
20 potentially for other children who were going to come in  
21 contact with these individuals.

22 **A. Yes, yes. It is a horrendous story, if you like, the**  
23 **whole question of the interviewing, which nowadays would**  
24 **not be done by the Provincial at all. It would be some**  
25 **independent person or body, and it would be the same for**

1 the other incidents, and in addition to that the secrecy  
2 part of it, it wasn't just to anybody and everybody.  
3 The Brothers themselves -- I wouldn't have known about  
4 it, wouldn't have known a thing about it all of those  
5 years. It was only some years ago that I learned about  
6 it at all. So I am not sure. There must not have been  
7 any consultation at the time. He mustn't have consulted  
8 with others, or if he did, they got the wrong advice.  
9 I just don't know.

10 Also in today's world he himself would be looking  
11 for what we call supervision, you know, periodically  
12 irrespective of what issues were on his table, but  
13 obviously that must not have happened either. So again  
14 I have no explanation for it. I just have to accept it  
15 as it happened and to say I do not condone it -- sorry  
16 -- that I do not -- or I am --

17 Q. It was wrong.

18 A. It was wrong. It was wrong.

19 Q. He shouldn't have done that.

20 A. Yes.

21 Q. The difficulty in terms of the supervision point you  
22 make is that we can see in , when he did report to  
23 Rome, he didn't get an exhortation back, "Now ensure  
24 that is brought to the attention of A, B, C, D or E".

25 A. Yes.

1 Q. It seems to have gone right to the top, as it were.  
2 I can't say the Superior General, because this letter  
3 comes from one of his assistants --

4 **A. Uh-huh.**

5 Q. -- but it was to keep this quiet rather than, "Well,  
6 what about the children? Is this not better dealt with  
7 transparently and openly?"

8 **A. Yes.**

9 Q. Have you -- has the Order recognised and obviously  
10 changed course in terms of the openness and  
11 transparency, given what this is bringing to light?

12 **A. Oh, it has indeed, yes, yes. The supervision now**  
13 **wouldn't necessarily be just from Rome. It would be**  
14 **a professional person in the local area or in the**  
15 **country anyway that you would go to for supervision or**  
16 **for direction like that on a very personal level.**

17 Q. What I want to then look at in addition is you have got  
18 this issue about how the Provincial was dealing with  
19 serious matters that were coming to his attention, but  
20 the approach of the persons in charge of the home during  
21 its lifetime. By that I mean -- well, in respect of --  
22 BR17 was and therefore he was the  
23 in that regard. So leaving him out of it, when  
24 he leaves he is replaced by BR6 --

25 **A. Yes.**

1 Q. -- and BR6 has to deal with the matter, and  
2 obviously that does make its way to the Ministry, and it  
3 is not clear whether BR6 would have known what the  
4 Provincial actually knew, but he then has to deal with  
5 the incident involving BR15.

6 **A. Yes.**

7 Q. As

8 , as a matter of law to be run in the best  
9 interests of the children, he becomes aware of  
10 an allegation made by HIA 36 , which  
11 subsequently the Order accepts as being true, and while  
12 the Brother involved denied it at the time, he was moved  
13 in the interests of the children --

14 **A. Yes.**

15 Q. -- but the person didn't tell the  
16 Governing Board, didn't tell the Ministry or the police,  
17 and it was again kept in-house between --

18 **A. Uh-huh.**

19 Q. -- the officer in charge, the person in charge of the  
20 children's home and the Provincial.

21 **A. That's right, yes, and again I don't really know why he**  
22 **did that or rather why he didn't inform these people or**  
23 **what conversation -- what was the conversation between**  
24 **himself and the Provincial at the time or what was said**  
25 **to him. I just -- I just don't know, but it may have**

1           **come out of that. It may have. I just don't know.**

2    Q.   However it happened, is the Order in a position to  
3           accept that's not how this should have been dealt with?

4    **A.   Oh, yes. We accept that.**

5    Q.   Then between            and            BR2 is            .  
6           He has given evidence, as you know, over the last period  
7           of time and addressed in detail a number of matters that  
8           he raised in his statement, and in fairness to him he  
9           produced his diaries, which evidenced matters that  
10          otherwise wouldn't have come to light, but in those  
11          diaries and in those matters that he revealed there are  
12          a series of individuals that did not necessarily come to  
13          the Inquiry's attention through individuals coming  
14          forward to give oral evidence, but nonetheless major  
15          issues that appear, and you are aware, for instance, the  
16          houseparents            DL 421            and            --

17   **A.   Uh-huh.**

18   Q.   -- and BR2 explained how he had been being overly  
19          physically aggressive with boys and he had to be spoken  
20          to about that, but those matters weren't -- they were  
21          dealt with in-house, to use BR2's phrase. They weren't  
22          reported beyond the person in charge of the home.

23                In addition, he revealed, as you know, on Monday of  
24          this week a very serious incident involving

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and you heard from the Department yesterday the various issues that they immediately identify, the risks to the children that that poses in terms of were any children aware of this or caused to be complicit in it, or what risks was the home placed at as a result of that individual being there to its very basic of if it is the case that the police and army raid took place at whatever point in the home, how was that dealt with in terms of explaining to the children what was occurring, and all of these issues which the Department are saying to the Inquiry should have been dealt with at the time by the matter being brought to light. It was never brought to light.

**A. Uh-huh. Yes, that's correct. Again, as I say, BR2 was in that situation, and I don't know what procedures he would have normally used to communicate with his Board or his governors. I presume that when he was informed by the police themselves, that he would have taken it that the police would have passed that on or would have taken some action.**

**Q. Yes. You are quite right to identify the police, because the Department identified the police and the Inquiry will have to take that up with the police.**

The person in charge of the home, the Governing

1 Board has the statutory duty to act in the best  
2 interests of the children.

3 **A. Yes. It leaves a difficult situation.**

4 Q. He also explained matters concerning BR18 being overly  
5 physical with the boys, BR29 and then DL279, and how  
6 none of those matters ever got beyond the person in  
7 charge of the home.

8 **A. Yes, yes. Here again I suppose we are into this area of**  
9 **who was running the home on a day-to-day basis and those**  
10 **administratively responsible as well and the lack of**  
11 **communication between them. I think that's the only**  
12 **explanation I have for that.**

13 Q. And --

14 **A. It should have been reported, yes.**

15 Q. -- you have then after BR2's time BR1, and he has his  
16 own issues, which we have dealt with, but in addition as  
17 the he is told in some form by  
18 DL40 about being abused by Brendan Smyth, and that very  
19 serious issue is never reported by him to the Governing  
20 Board, to the police, to the Department, nobody. The  
21 impression DL40 had was that BR1 spoke to Brendan Smyth,  
22 because he never came back again.

23 **A. Yes.**

24 Q. Now if that is the case, or whether he did or didn't  
25 speak to him, once he became informed of that type of

1 information, not to bring it forward -- and, as we know,  
2 Father Brendan Smyth unfortunately continued his pattern  
3 of behaviour until he was arrested in -- I don't know  
4 the precise date -- around 1991, so another decade.

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

6 Q. Equally he was told about BR1 -- sorry -- he was told  
7 about BR77 assaulting DL48 in , and his  
8 response to that was to -- again same list of  
9 individuals not told. If Father Peter McCann was right,  
10 he found out about it through Father O'Connor in the  
11 Diocesan Welfare, finding out from his social worker,  
12 and Father McCann tackled BR1 about it.

13 **A. Yes.**

14 Q. So you have across now to , so that's almost the  
15 entire existence of Rubane, a culture of not reporting  
16 serious matters.

17 **A. Yes. Well, I accept that and I accept that it should**  
18 **have been reported. My only thought about it I suppose**  
19 **is maybe he felt that he had dealt sufficiently with it,**  
20 **but at the same time, as I say, it should have been**  
21 **written in some report at some stage.**

22 Q. Obviously the extent -- leaving that theme of the  
23 culture in terms of communication and secrecy, in terms  
24 of abuse I presume you say -- and we will come to look  
25 at your statement now in a short space of time -- but

1           you have no doubt been shocked by the nature and extent  
2           of the allegations of abuse, about what took place in  
3           Rubane.

4   **A. Absolutely, yes.**

5   Q. I am sure it has been very difficult as the head of this  
6       Order to come to terms with what you have had to listen  
7       to.

8   **A. Yes, it is difficult to get my head around that, but it**  
9       **is difficult also for the rest of the Brothers in the**  
10       **Order to accept and to hear all of that.**

11   Q. The Order has accepted that essentially, except perhaps  
12       for the first three years, possibly for the next  
13       seventeen, so between year 3 and year 20, of the  
14       existence of Rubane there was three child sex abusers  
15       operating there --

16   **A. Yes.**

17   Q. -- and at one point all three of them overlap.

18   **A. Sorry?**

19   Q. At one point all three of them overlap in point in time.

20   **A. That's true as well, yes.**

21   Q. Obviously there are other allegations that the Panel  
22       will have to deal with made against Brothers of similar  
23       type behaviour.

24   **A. Yes.**

25   Q. I asked you this question earlier, and it may be that it

1 is not a question that can be easily answered, but how  
2 is it that so many individuals with this propensity  
3 ended up being in Rubane?

4 **A. It's impossible to give you an answer to that either,**  
5 **because -- you know, there are different personalities,**  
6 **and in terms of number I suppose the only thing I could**  
7 **say is that I think there were something like 55**  
8 **Brothers passed through Rubane at some stage, and this**  
9 **number -- I am not sure how many there are now when you**  
10 **count them up there, but it's true. I don't know how it**  
11 **happens. It is just human nature I suppose or people's**  
12 **different characteristics or weaknesses, your own**  
13 **weaknesses, but I don't know if there was any collusion**  
14 **between them. I wouldn't think so.**

15 Q. Obviously there is then a significant body of  
16 allegations of a physical nature ranging from the  
17 execution of corporal punishment and that being overly  
18 aggressive to much beyond corporal punishment. Those  
19 are matters that the Panel will have to take into  
20 account.

21 Again the Order has accepted many allegations and  
22 then has issues about others and the extent of the  
23 allegations that are made. As I said earlier, the Order  
24 draws attention to as a fact that not everybody is  
25 telling the truth and there are people who for their own

1 reasons are prepared to make allegations which are not  
2 true.

3 **A. Yes, I think so.**

4 Q. What I want to do then, Brother Francis, is to look at  
5 the statement that you provided. If we can go to 5987,  
6 and I am just going to work through this statement with  
7 you.

8 You explain in the second paragraph that you went  
9 before the Assembly at Stormont at Committee stage and  
10 pledged the full cooperation of the Order to the  
11 Inquiry. You say:

12 "I recognise the acute pain and suffering and damage  
13 caused to those victims who have been abused and their  
14 need to find comfort and closure. I also recognise the  
15 sense of betrayal that the victims have experienced and  
16 the violation of trust caused by certain Brothers within  
17 the Order."

18 You then say:

19 "I deeply regret the acts of some Brothers which  
20 have damaged the reputation of the Order and undermined  
21 the selfless care provided by so many Brothers in  
22 pursuance of their vocation."

23 What I take you to be meaning by that is not to be  
24 resiling from acceptance of very horrendous abuse being  
25 perpetrated by a number of individuals, but you are

1 drawing attention to the fact that in terms of trying to  
2 get a full, proper context there were others whose  
3 experience was not like that and that there were genuine  
4 people who did try their best to care for the children.

5 **A. Yes. Correct. Yes. That's why I think we pledged our**  
6 **support to the Inquiry at that stage, because we knew it**  
7 **was a serious issue and large issue for us as well as**  
8 **for society generally, and what we hoped and expected**  
9 **that -- or the important thing was that the Inquiry**  
10 **would put up the reality, the truth of the reality about**  
11 **Rubane, and that's why we wanted to support that to get**  
12 **that truth surfaced.**

13 Q. You say then in paragraph 4:

14 "I recognise also the hurt, stress and anxiety  
15 caused to members of our congregation who have been  
16 falsely accused. For all these reasons it was clear to  
17 me that there was a real need for the comprehensive and  
18 transparent examination of Rubane so that the truth was  
19 established and everyone involved so far as was possible  
20 could perhaps find some understanding and healing."

21 You recognise the vital role that the Order has to  
22 play in that process. Then you make the point:

23 "Over the last twenty years the Order's knowledge of  
24 events in Rubane has expanded considerably, and  
25 particularly so in the last three months. It has been

1       difficult to examine what at times have been events  
2       which occurred over fifty years ago. Many of the key  
3       personalities are deceased."

4               Then you have some warm words for the manner in  
5       which the Inquiry has conducted its work, but you being  
6       tasked with these -- dealing with these matters, you are  
7       conscious that extensive documentary material has been  
8       located and produced, and the enormous effort made by  
9       all to present that material in a manageable and  
10      coherent form.

11             You make the point that you have been before the  
12      Inquiry every day bar one and you say that you have  
13      heard harrowing accounts of some of the abuse  
14      perpetrated by members of your Order, that you have  
15      listened with a sense of profound regret to how  
16      opportunities to prevent further abuse were missed.  
17      That's you referring to the matters I was raising with  
18      you in some detail just now.

19             You were present to hear residents reflect on their  
20      appreciation of the Brothers and the good work which  
21      they carried out in Rubane. You have learned a lot in  
22      terms of how -- the diocesan and governmental  
23      interaction with the home and the financial and societal  
24      problems that existed.

25             If we scroll down, please, you said:

1            "At the opening to this Inquiry the Order made  
2            a sincere and unreserved apology to those who were  
3            abused and whom the Order failed to protect."

4            Once again you want to repeat that apology.

5            **A. Yes.**

6            Q. You say:

7            "It is with regret that we have not been able to  
8            make that apology in a face-to-face manner."

9            Of course you have done that for some --

10           **A. For some, yes.**

11           Q. -- victims that you have dealt with face-to-face.

12           **A. Yes.**

13           Q. As an Order you recognise the great challenges that the  
14           residents of Rubane faced in their childhood. As one  
15           witness put it, they were hampered by variables in their  
16           lives, and you admire those who, despite their  
17           institutional upbringing, take those challenges on and  
18           become successful in life, but you acknowledge that  
19           others have not been able to manage those challenges to  
20           their satisfaction, and that none of them had an easy  
21           start. Some of them were hampered further -- that some  
22           of them were hampered further is upsetting, ie they came  
23           from difficult circumstances. As Father Tim was saying  
24           earlier, the least they could expect was that it was  
25           going to be a safe place for them to be. You recognise

1           that others who were helped and comforted and educated  
2           and who regard that in a positive light -- that's  
3           a source of pride.

4           You recognise by modern standards how difficult life  
5           was in Rubane, that institutional life posed challenges  
6           for everyone who was involved, that better methods and  
7           philosophies have largely condemned it to history. It  
8           was a world of rules and routine, but they were deemed  
9           necessary to create security and good order. There were  
10          clearly challenges, like sexual activity among the boys  
11          themselves, which all of the interested parties found  
12          difficult to manage.

13          You refer to the responsibility of those setting up  
14          the institutional structures and implementing them in  
15          a routine manner. They too were living as adults in  
16          that institutional environment. They were seen as  
17          authoritarian figures, while at the same time these boys  
18          were craving for attention, human warmth and parental  
19          love. A very difficult environment for all involved,  
20          and you feel that members of the Order were asked to  
21          perform a very difficult, nowadays highly specialised,  
22          role and many of them did just that. History has tended  
23          to be unkind to them.

24          By that you are talking about those Brothers who  
25          were trying their best.

1 A. Yes, and who had to set up the institution, as it were,  
2 the routine and then implement it and live within it  
3 themselves. This is where I tend to see a clash between  
4 young people coming in from perhaps dysfunctional  
5 families or whatever and with various problems and  
6 challenges and then coming into that kind of strict  
7 regime. That in itself was nearly enough to fire off  
8 friction, if you like, or an uncomfortable situation and  
9 you had to handle that. That's what I had in mind  
10 there.

11 Q. You say:

12 "As an Order we are devastated as we try to come to  
13 terms with the number, the nature and the graphic  
14 descriptions of the allegations of abuse made by  
15 applicants to the Inquiry. Great hurt and suffering has  
16 been caused by those Brothers who contravened their vows  
17 and everything the Order stands for. No words can  
18 adequately describe the Order's deep regret."

19 You are conscious that the Brothers who remained  
20 true to their vocation have also suffered the indignity  
21 of false allegation and suspicion, many of whom  
22 selflessly dedicated themselves to educate and care for  
23 the most vulnerable children in society, and now feel  
24 their efforts were worthless and that their reputations  
25 have been forever tarnished.



1 a responsibility, like any organisation responsible for  
2 protecting children, to maximise an understanding of the  
3 potential risks of harm to those children coming to and  
4 to share that both within the Order and with other  
5 agencies, and I believe that we join a long list of  
6 organisations who failed to do that."

7 **A. Yes.**

8 Q. Then you say in conclusion, Brother Francis:

9 "Rubane Boys' Home cared for approximately 1050  
10 residents over 35 years in very challenging  
11 circumstances. Many children suffered as a result of  
12 the atrocities that occurred at the hands of abusers and  
13 bullies. That should never have happened. However, it  
14 must also be acknowledged that" -- and you say "many  
15 more" but if we ... -- "that other children benefitted  
16 from and are grateful for the care and attention  
17 provided by those Brothers dedicated to the vision of  
18 the Order and its founder."

19 So, in summary, the position is on reflection the  
20 Order understands the extent of damage done by the abuse  
21 that took place in Rubane --

22 **A. Yes.**

23 Q. -- and is deeply sorry for it.

24 **A. Those are my reflections following what I read during**  
25 **the summer, all the applicants' statements and other**



1 to majorly.

2 **A. Yes.**

3 Q. So that in a sense the Order itself set them down very  
4 clear guidelines, but there was a failing that the  
5 Brothers in Rubane at the time appeared not to be  
6 following those rules.

7 **A. Certainly some of them, those that became involved in  
8 abuse, were certainly not following the rules laid down.**

9 Q. I just wonder on that basis -- because I note you say  
10 there was no collusion between the Brothers, and that  
11 was specifically about the sexual abuse --

12 **A. Uh-huh.**

13 Q. -- but I wonder -- I mean, some of the procedures of the  
14 Order is that there was quite a lot of reflection and  
15 monitoring of each other's behaviour expected. There  
16 was an expectation that Brothers would report to the  
17 Director if there was something that -- you know, that  
18 caused scandal.

19 **A. Uh-huh.**

20 Q. Again do you -- are you surprised that within the  
21 Brotherhood there wasn't more of a sense of reporting?

22 **A. Oh, yes, yes, as I outlined there, the matters that  
23 should have been reported higher up along the way. As  
24 to what they discussed among themselves as a community,  
25 I just wouldn't know, or what help they gave to each**

1           **other, cases like that.**

2    Q.   I really appreciate what you have done in terms of  
3           coming and talking about things you have not been  
4           involved in, but I think -- it was just to make that  
5           point that I think the systemic nature of it is not just  
6           about individuals behaving -- you know, odd  
7           personalities. There is something about how within the  
8           Order itself the rules were not adhered to.

9    **A. Yes, or weren't fully fulfilled anyway.**

10   Q.   Okay. Thank you, Brother.

11   MR LANE: Just two points on which I would appreciate  
12           clarification. The first one is that if a Brother  
13           settled in a particular school or home, was he allowed  
14           to carry on working there as long as there were no  
15           problems?

16   **A. No, not necessarily. He could be changed for a number  
17           of reasons.**

18   Q.   Uh-huh.

19   **A. There could be a vacancy in some other school or  
20           community and he might be the person to fill that and he  
21           would be changed. I have experienced that myself. So  
22           that would be my answer to your question, if it is  
23           clear.**

24   Q.   Well, it is just that it is apparent that a number of  
25           the Brothers stayed for really quite considerable

1 periods at Rubane.

2 **A. Well, yes, that happens as well. Sometimes we would say**  
3 **it is not the best thing --**

4 Q. There was no policy to --

5 **A. -- that we stay in one place for too long.**

6 Q. -- no policy to move people on regularly anyway.

7 **A. Yes, yes, because it is part of the professional life**  
8 **anyway, you know. Teachers move up and move out and**  
9 **move in.**

10 Q. My other question is just to clarify that there is  
11 actually no log or anything Provincials pass on to each  
12 other about problems that have been come across before.

13 **A. No, there's no log as such. It may be done through word**  
14 **of mouth on the occasion of our retirement from**  
15 **an office, Provincial office, to keep them informed, but**  
16 **there's no formal document for doing that.**

17 Q. And a lot of the papers would be destroyed, would they,  
18 when Provincials change?

19 **A. Sometimes they would destroy them themselves before they**  
20 **leave. Others, we were lucky. We came across some in**  
21 **the archives belonging to individual Provincials.**

22 Q. There was certainly no system for making sure?

23 **A. No system, no.**

24 Q. Thank you.

25 CHAIRMAN: Well, Brother Francis, I am sure you will be

1 relieved to hear that we don't have any more questions  
2 for you today. Thank you very much for coming to speak  
3 to us and also for providing very extensive statements,  
4 which -- again I would just like to emphasise we have  
5 them and we have the opportunity to look at them and  
6 there is much detail in those, which therefore it is  
7 unnecessary to ask you about in the oral part of the  
8 Inquiry sessions. However, as you yourself have pointed  
9 out, we will later on in our work be looking at the  
10 St. Patrick's Training School, which your Order also  
11 ran. So no doubt we will be asking you to come back  
12 again for that, but for this stage that's all we need to  
13 ask you. Thank you very much for coming today.

14 **A. Thank you.**

15 **(Witness withdrew)**

16 MR AIKEN: Chairman and Members of the Panel, that concludes  
17 the oral evidence part of this module in terms of all of  
18 the witnesses that the Inquiry is intending to hear  
19 from. Monday we will commence the closing submissions  
20 initially by individuals and then on Wednesday for the  
21 core participants and the Inquiry.

22 CHAIRMAN: Very well. We will rise now and we will resume  
23 on Monday morning.

24 (3.30 pm)

25 (Hearing adjourned until 10 o'clock

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on Monday, 15th December 2014)

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I N D E X

FATHER TIMOTHY BARTLETT (called) .....2  
    Questions from COUNSEL TO THE INQUIRY .....2  
    Questions from THE PANEL .....29  
  
BROTHER FRANCIS MANNING (called) .....40  
    Questions from COUNSEL TO THE INQUIRY .....40  
    Questions from THE PANEL .....92