

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995**CLOSING SUBMISSIONS ON BEHALF OF WITNESS HIA 21**

- 1) Witness HIA 21 attended Banbridge Courthouse on 20th November 2014 and provided his evidence to the Inquiry in relation to the “De La Salle – Rubane House” module.
- 2) During the course of his evidence the allegation made by witness HIA 225 was put to him. It was alleged that Witness HIA 21 tried to masturbate witness HIA 225 when they were both residing at Rubane House. This alleged incident occurred at some point between [REDACTED] and [REDACTED] when both witnesses were children.
- 3) For the purposes of these closing submissions it is not intended to repeat all the evidence given by Witness HIA 21 in relation to this allegation. However we would reiterate that Witness HIA 21 denies the allegation against him.
- 4) Witness HIA 21 does not seek to question the personal credibility or integrity of witness HIA 225. However it is submitted that Witness HIA 225 has a mistaken recollection of this incident.
- 5) It is not being suggested to the Inquiry that Witness HIA 225 is a dishonest witness. However it is being submitted to the Inquiry that Witness HIA 225 is an honest witness who he has made an honest mistake about identifying Witness HIA 21 as the individual who indecently assaulted him.
- 6) We would respectfully submit that the Inquiry should approach with extreme caution the allegation made against witness HIA 21. Particularly as it relates to an alleged incident that occurred more than [REDACTED] years ago.
- 7) It is submitted that the passage of time, in this case a period of more than [REDACTED] years, undermines the reliability of the recollection by witness HIA 225. Particularly when the allegation rests on the identification of another individual.
- 8) Witness HIA 225 was not subject to cross examination by counsel for Witness HIA 21 in relation to this allegation and therefore his account of this incident has not been adequately challenged or tested.
- 9) The Inquiry may decide not to make a finding in relation to this specific allegation against Witness HIA 21. However in the event that the Inquiry will make a finding, it is submitted

that the Inquiry should conclude that witness HIA 21 was not the person involved in the assault on Witness HIA 225 and that this was a case of mistaken identity.

Signed.....

MD Loughrey Solicitors,
9 Portland Avenue, Glengormley
Solicitors on behalf of witness HIA 21

Dated 5th December 2014