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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 21st June 2016

commencing at 2.00 pm

(Day 212)

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

1 Tuesday, 21st June 2016

2 (2.00 pm)

3 Material relating to Richard Kerr dealt with by COUNSEL TO
4 THE INQUIRY (cont.)

5 CHAIRMAN: Good afternoon, ladies and gentlemen. As always,
6 please ensure if you have a mobile phone, it's been
7 turned off or placed on "Silent"/"Vibrate", and I think
8 everyone who is in the chamber this afternoon knows that
9 photography is not permitted either here in the chamber
10 or anywhere on the premises.

11 Yes, Ms Smith?

12 MS SMITH: Good afternoon, Chairman, Panel Members, ladies
13 and gentlemen. When we closed yesterday, I had been
14 going through the transcript of what Richard Kerr had said
15 on the Stephen Nolan radio show on 12th March 2015.

16 Just to deal with some of the matters that arose in
17 that, he claimed that he was put in Kincora by Joe Mains
18 and his boss, who came to get him; that he told one of
19 the staff but she never looked into it -- but she never
20 looked into it, and he told her about the abuse in
21 Williamson House. I indicated that it may well be the
22 case that Joe Mains did pick him up from Kincora. His
23 social worker at that time was a man Oliver Johnston,
24 who he may have identified as Joe Mains' boss.

25 He talked about being brought to the Park Avenue

1 Hotel with R37 and . We know that -- he also said
2 that Joseph Mains got him a job in the Europa, that men
3 paid him there for sex. You will recall that
4 and told police that he always seemed to
5 have money.

6 He talked about being removed in England. Police
7 did speak to him in England, twice in Preston and once
8 in London. He said that he has evidence that he was in
9 England in 1977 on 26th February, aged 15, but doesn't
10 remember how he got there. The Inquiry has not had
11 an opportunity to see the photograph to which Richard
12 Kerr referred, nor indeed any other evidence that Richard
13 Kerr may have provided.

14 You will recall that at the outset when I was going
15 through the contact that the Inquiry had with Richard Kerr
16 he had been asked to provide the Inquiry with any further
17 information that he might have or documentation, but to
18 date we have been -- not been provided by anything
19 directly from him.

20 He talks about living with men and that all seemed
21 to relate to when he was after 18, because when Stephen
22 Nolan asked him about when he was 14, he referred to
23 living in Kincora at that time.

24 He has heard about what Colin Wallace alleges and he
25 believes that R37's suicide doesn't make sense. He also

1 believes the security forces are involved because of
2 connections to the Orange Order.

3 He talked about renting a car and you will recall
4 the evidence of and was that he did rent a car
5 for them to drive.

6 He claimed to have given names to the police of high
7 profile names and believed that the police were looking
8 into it.

9 If I could look at the additional statement of
10 Chief -- Detective Chief Superintendent from 17th
11 June 2016 at KIN1810, you see at paragraph 9, if we can
12 just scroll down there to the bottom of that screen
13 shot, it says:

14 "Richard Kerr in comments to various media outlets
15 provides the only source for the allegation of
16 trafficking from Kincora. Richard Kerr has never reported
17 such allegations to police."

18 He has included a personal profile of Richard Kerr
19 in his previous statement.

20 So it would appear that the police are not
21 investigating any allegations of these -- certainly in
22 the case of the PSNI are not investigating any
23 allegations made to them, and, as I have indicated, they
24 don't appear to have spoken to police -- he doesn't
25 appear to have spoken to the police.

1 He further went on to say that he was interrogated
2 by police in 1979 or at the beginning of 1980 when they
3 put him in a cell for seven hours. We looked yesterday
4 at the notes of DCI Caskey that were taken when they
5 interviewed him in February 1980, and it is clear that
6 he was interviewed at Preston Police Station from 6.15
7 pm, although there was no conclusion time recorded on
8 those notes.

9 He also said that the police didn't want him to come
10 to trial. Well, we know that he made no allegations of
11 abuse against any of the men who were put on trial, but
12 certainly the police did interview him and did ask him
13 whether he wanted to make any allegations of abuse about
14 anyone, and he said in the statement, as you will
15 recall, that there was nothing to tell.

16 He repeats the allegation that police intimidated
17 him and didn't want him to come to trial when he spoke
18 to the Channel 4 News six days later, which was on 18th
19 March 2015. If we could look at that transcript,
20 please, that's at 117030. You will see here the
21 reporter is recording:

22 "I was joined from Dallas, Texas by Richard Kerr, who
23 was a young boy, says he was trafficked from the Kincora
24 Boys' Home in Belfast to London and was then abused at
25 various places around the capital. I began by asking

1 him if he was surprised there are now allegations of
2 a cover-up.

3 Richard Kerr: I'm not surprised. I'm not
4 surprised based on my own experience.

5 Reporter: What happened to you?

6 Richard Kerr: I was visited by two plain clothes
7 policemen. They came to my home and they removed stuff
8 from my drawers and they put me in a car and they took me
9 to the police station and they interrogated me, put me in
10 a cell for seven hours, and as they removed me from my
11 cell, they made it clear to me that I'm not to talk about
12 this and that I'm lying and not to tell lies, and I will
13 felt that they were giving me a warning.

14 Reporter: What were you trying to speak about?
15 What were they warning you of talking about?

16 Richard Kerr: About Kincora. The case was coming up
17 I believe in 1982 and they didn't want me to come to
18 trial. I was the only surviving boy, that the other two
19 had committed suicide, and the boys that worked on the
20 outside of Kincora had the information of the ring that
21 was leading to hotels and meeting people, important
22 people.

23 Reporter: You were prepared to give evidence about
24 your experience, about your abuse in Kincora and you're
25 saying the police picked you up and warned you off doing

1 that and said 'Don't do that'?

2 Richard Kerr: Well, they first -- first of all, they
3 intimidated me by bringing me to the station and putting
4 me in a cell. They wanted to make it clear that I'm not
5 going to say anything. They also said to me that, 'If
6 you tell any lies and if you talk about this, that we can
7 put you away'. I remember those words. So at that
8 moment I stopped wanting to volunteer what my experience
9 was in Kincora."

10 It goes on:

11 "Now I understand that you were also brought to
12 London. Were you taken to or sent to Dolphin Square,
13 which we now know was the focus of one of the inquiries?

14 Richard Kerr: Yes, I was in a -- yes, yes, yes.
15 I remember the apartments. I was picked up at a Wimpy
16 Bar at Piccadilly Circus -- this was late in the evening
17 -- in a black cab. Upstairs at the Wimpy Bar, this is
18 where they would make arrangements for boys to be picked
19 up. I was with someone well dressed. I remember
20 entering that place, very nice furniture. I remember
21 being offered a brandy in a Waterford crystal glass and
22 I was offered more brandy in a Waterford crystal glass
23 and I think this person smoked cigars. That's the
24 things I do remember.

25 Reporter: Do you remember anything about the kinds

1 of people who were there? Do you know who they were?

2 Richard Kerr: Very well off. Very well established.
3 They would only give first names. You know, at that
4 stage I don't try to think who they are. I'm in this. I
5 feel I can't escape, and I don't start asking questions,
6 but I know that they were well off and very well-
7 established. The way they hold themselves, the way they
8 acted and the way -- it's just, you know, that they were
9 not from a lower class.

10 Reporter: Why are you speaking out tonight?

11 Richard Kerr: That's a very good question. I
12 believe in my soul that I'm supposed to be a voice for
13 the ones who didn't have a voice, especially for my
14 friends who committed suicide, and the truth about what's
15 really going on, because this has to do with social
16 workers, police departments and people high up, who have
17 covered this up, and I am here to speak the truth. It's
18 not about me anymore. I have gotten a lot of help and
19 I just hope I can make a little change."

20 If we can just scroll on down, please, that was the
21 end of that Channel 4 interview.

22 He then spoke to Channel 4 News again on 7th April
23 and the transcript of that interview is at KIN117035.

24 He says:

25 "I believe my first time being trafficked to England

1 was on February of 1977.

2 Reporter: Richard Kerr has suffered for over
3 thirty years in silence, blocking out the horrors of his
4 past at the hands of what he describes as very powerful
5 people. As a teenager he was introduced to the world of
6 Westminster. He says he was trafficked from Northern
7 Ireland and that this picture was taken by one of his
8 abusers.

9 Richard Kerr: I was used as a boy toy. I
10 was an object, a sexual object."

11 The reporter goes on:

12 "Rumours of an alleged paedophile ring in the top
13 echelons of society have been circulating for years, but
14 for the first time Richard Kerr's account of what happened
15 to him as a boy links three locations, Dolphin Square, a
16 luxury complex popular with MPs and civil servants,
17 Kincora Boys' Home in Belfast, where boys were
18 systematically abused, and Elm Guest House, a former gay
19 brothel, where young children are also said to have been
20 molested. We brought Richard Kerr back to England from
21 America, along with his counsellor, to revisit his past.
22 His memories were vivid and distressing."

23 He says:

24 "I'm sorry."

25 I think this was at the start of the programme where

1 they were just showing him outside I think it was Elm
2 House or Dolphin Square. I can't recall.

3 "Richard Kerr: I'm sorry. I'm sorry.

4 Reporter: A cottage industry of conspiracy theories
5 has built up around this story, but Richard Kerr insists
6 a VIP paedophile ring did exist and it's time for the
7 truth to be told.

8 Richard Kerr: They were men who had control and power
9 over others.

10 Reporter: They were politicians you believe?

11 Richard Kerr: Some, some I do.

12 Reporter: His story starts in Belfast in the 1970s
13 at the now notorious Kincora Boy's Home. He was placed
14 in care from the age of 5 and sent to Kincora at 14,
15 where he was abused. There he claims he and two other
16 boys were hand picked to be trafficked to London and
17 sexually abused by further men. Both of them he says
18 have since taken their own lives.

19 Richard Kerr: We were throwaways. That's how I
20 felt. I felt a throwaway. I was exploited.

21 Reporter: Richard Kerr says in 1977, when he was 15,
22 he was put on a ferry to Liverpool, abused by a man
23 there, then escorted to Manchester and later sent to
24 London. He claims he was picked in a car at Kings Cross
25 Station, taken to a hotel close by and forced to have

1 sex with multiple men."

2 He goes on:

3 "I had no way to get to England. I had no money,
4 you know. I was under the State care. They were
5 responsible for me. I had no-one else to turn to. This
6 is the place that I remember very well in the memories
7 that I tried to block many, many years ago.

8 Reporter: How do you feel about the boy you
9 remember here?

10 Richard Kerr: Very emotional. Very painful.
11 I'm sorry. I'm scared.

12 Reporter: He says he faced years of intimidation
13 and is still being warned not to talk by people he
14 believes are connected to the alleged paedophile ring.
15 Some of his sharpest memories are of the fear he felt
16 when he says he was visited by detectives on two
17 separate occasions and told to keep quiet.

18 Richard Kerr: They told me to stop -- stop talking
19 about Kincora and they -- that they -- they intimidated
20 me here. There is another place where they -- they --
21 in Preston, Lincolnshire they told me they could put me
22 away.

23 Reporter: He claims he was trafficked across the
24 UK, including to Rochdale, Lancaster, Manchester and
25 Wolverhampton, but it's here at Elm Guest House in South

1 London that he says he faced his most violent
2 experiences. It was raided by police in 1982.
3 Newspapers at the time said that at least three MPs were
4 questioned. It is claimed the late Cyril Smith was
5 a visitor. It was being used as a gay brothel and it
6 was alleged children as young as 10 were abused. It's
7 the first time Richard Kerr's been back and the flashbacks
8 come fast.

9 Richard Kerr: I was tied up here. I do -- I do
10 remember that. I don't know why I was tied up, but
11 I was tied up with -- with -- with my hands behind my
12 back. I do remember that, laying down and they took
13 photographs. They took photographs. Other men were
14 here. Other men came into the room. It wasn't just
15 this one man. There were other -- there were other men
16 here."

17 The reporter says:

18 "In the '80s it was reported officers found whips,
19 chains and ropes.

20 Richard Kerr: I don't mean it to be this way", and he
21 sniffs, crying. "I don't mean to be this way. It
22 happened. You know, I just don't mean to be -- it's
23 just holding on to all this sometimes, and I can't
24 believe this happened."

25 The reporter says:

1 "In the 1970s in Piccadilly Circus Richard Kerr
2 said he was picked up from a group of boys sitting
3 upstairs inside the Wimpy fast food restaurant.

4 Would you describe the activity round here as
5 a paedophile ring?

6 Richard Kerr: Oh, yeah. There's no question
7 about that. Oh, yes, definitely.

8 Reporter: Why are you so convinced of that?

9 Richard Kerr: Because of the people I was involved
10 with. The boys were in groups even though we were spread
11 across the tables and the way they set it up, the clients
12 and locations."

13 The reporter says:

14 "One of the locations he claims he was taken to in
15 a taxi was an apartment complex in the heart of
16 Westminster known as Dolphin Square. It is now at the
17 nexus of the Met Police's Operation Midland, which is
18 also looking into alleged murders.

19 Richard Kerr: I could have been 15 -- 16, 15, 17.
20 I remember going in with this guy and then he told me to
21 sit down and relax and explained about his glasses and
22 he said he had a like Waterford crystal and he wanted me
23 to have a brandy and we had more brandy and then we had
24 a sexual encounter in here.

25 Reporter: Did you ever meet any of the men that

1 have been named to have had alleged contact with young
2 boys?

3 Richard Kerr: I just don't want to get into
4 that right now. I really don't. I'm talking to my
5 attorneys, legal.

6 Reporter: And why is that? Why don't you want to
7 talk about it yet?

8 Richard Kerr: I'm still concerned. There are
9 some people still around and I'm concerned. Most of
10 these people were very well off, but most of them had
11 positions of power that had influence over others.

12 Reporter: Why don't you feel after all these years
13 that you can name your abusers who were in power?

14 Richard Kerr: I'm still in some fear. Even
15 though I'm willing to take the courage, I need to know
16 that I can have faith in our Government.

17 Reporter: And central to achieving that trust, he
18 says, is getting the Government to acknowledge what he
19 says is the untold story of Kincora Boys' Home that he
20 claimed goes way beyond Northern Ireland."

21 The reporter goes on to say:

22 "In 1981 three senior staff at Kincora were
23 convicted of abusing eleven boys. There have been two
24 judge-led inquiries, but allegations of a high level
25 cover-up continue. Despite claims that abuse in Kincora

1 was connected to England, the Home Secretary, Theresa
2 May, has so far ruled out including it in the official
3 Child Abuse Inquiry.

4 Richard Kerr: Right now when they're not willing
5 to bring Kincora into Westminster, that just tells --
6 the message that sends to me is that there -- that
7 there's some kind of cover-up and there has been.

8 Reporter: It is claimed British security services
9 knew about the crimes in Belfast but did nothing to stop
10 them."

11 Then it goes on to bring Richard Kerr to meet Brian
12 Gemmell. I am not going to go through it, but it records
13 his meeting with Brian Gemmell there. If we just scroll
14 on down then, you will see the rest of it is to do with
15 Richard Kerr and Brian Gemmell speaking.

16 That was on 7th May -- sorry -- 7th April 2015.

17 On 18th May 2015 Richard Kerr gave an interview that
18 was published on a website known as Exaro. That's at
19 KIN117044. Now in this he gives more details about the
20 abuse that he says he suffered at Elm Guest House. It
21 is recorded:

22 "Kincora abuse survivor Richard Kerr today tells how
23 he was first taken to Elm Guest House by a retired
24 judge, who sexually assaulted him there. 'He got
25 a little violent and he slapped me in a room and other

1 men came in. I think two or three. They did -- they
2 did not come in all at once', said Richard Kerr. 'My
3 hands were tied behind my back and I was put in a shape
4 on the bed. I think that someone took Polaroid shots'.
5 Richard Kerr, who emigrated to America, has been speaking
6 to Exaro since August 2013, but says that he has been
7 fearful of allowing much to be reported of his
8 experiences of sexual abuse as a boy inside and outside
9 of Kincora Boy's Home in East Belfast.

10 He agreed to appear on Channel 4 News last month to
11 say that he was sexually abused at the notorious Elm
12 Guest House in Barnes, South-West London and Dolphin
13 Square, an apartment complex near Westminster, but he
14 did not say anything in the report about who the alleged
15 perpetrators were. Today he tells of his first visit to
16 the guest house and gives some background of the man who
17 first took him there. He still did not want Exaro to
18 name the man who he says sexually abused him first in
19 the North-West of England and later at Elm Guest House.

20 Richard Kerr tells how he was first abused as a
21 young child in care at Williamson House in Belfast
22 before moving to Kincora when he was 14. 'I was the
23 youngest one at Kincora. They were not going to accept
24 me in there, because they are not supposed to accept
25 boys until the age of 16, when they are able to work.'

1 Richard Kerr says that he was sexually abused by Joseph
2 Mains, the warden at Kincora, who was later jailed for
3 six years for sexual offences against boys at the home
4 between 1960 and 1980. 'Gave me whiskey or, like,
5 Scotch. That is what Joe drank and he would tell me,
6 "You've got a beautiful body". He said, "You could do
7 me favours".' According to Richard Kerr, he was sexually
8 abused at Kincora, outside of the children's home within
9 Northern Ireland and in the North-West of England,
10 including bars and guest houses in Manchester and
11 Liverpool. 'Most of their activities were done outside
12 of the children's homes', he said. 'The abuse starts in
13 the children's homes, but then the continuation of the
14 abuse travels outwards.' He says that he was then
15 trafficked to London and moulded into working in effect
16 as a rent boy for some years after leaving Kincora. 'It
17 is not about sex for them, but more about money and
18 control and power', he said. 'Elm Guest House, that was
19 a nightmare. That was a goddamned nightmare'.

20 Richard Kerr says that the barrister who had worked as
21 a judge first sexually abused him as a 15-year-old in
22 the North-West of England and later brought him down to
23 London and to Elm Guest House. 'He said that he was
24 a judge, that he retired and he had to go to London',
25 said Richard Kerr. 'He had to deal with something there.

1 We went over to Elm Guest House. That is where we
2 stayed, out of the way. I arrived there late at night.
3 It was very scary', recalled Richard Kerr. 'It was
4 creepy, very creepy.' On arrival the barrister signed
5 for a key to the property. 'Money is paid down for three
6 days. You receive a key and a room for three days.' He
7 said that men used the guest house as a base to abuse
8 boys after picking them up in Central London. According
9 to Richard Kerr, the barrister took him to
10 a bedroom at the back of the guest house before being
11 joined by other men. 'Elm Guest House, that was
12 a nightmare. That was a goddamned nightmare.' He also
13 said that MPs took underage boys from well-known pick-up
14 points in Central London back to rented apartments at
15 Dolphin Square for sexual abuse. 'I know for a fact that
16 those MPs at Westminster back in the 1980s were involved
17 in this. They can deny it all they want. They can let
18 on that they were angels, but I know for 100% sure that
19 they were not.'"

20 Then it says what Exaro is.

21 On 12th July 2015 The Independent on Sunday
22 newspaper carried a story about Dr Morris Fraser. They
23 spoke to Richard Kerr. If we could look, please, at
24 KIN117049, and just go down to the third paragraph, it
25 says:

1 "Fraser had not previously been linked to Kincora,
2 the home run by three men who were eventually convicted
3 over the abuse there, but a former Kincora resident has
4 now revealed that he was abused by Fraser during
5 counselling at the doctor's medical offices in Belfast's
6 Royal Hospital in the early 1970s.

7 Richard Kerr, who has alleged he was trafficked
8 from Belfast to Westminster to be abused by politicians
9 and others, says:

10 'I was 13. Morris abused me in his office two or
11 three times on those visits. I will never forget that
12 face, that black hair. I have never forgotten it.
13 He was in contact with children's homes all over
14 Belfast.

15 He had very important people above him and that's
16 why we were all scared. He was a child abuser, simple
17 as that. He had influence. He had a lot of influence.
18 I mean, he was a doctor. He was a psychiatrist.

19 Complaints are being made, being brushed under the
20 carpet, like they always were back then, and it made us
21 all feel like, "If we say anything, we're going to get
22 into trouble".'"

23 In this interview certainly he makes no mention of
24 Williamson House.

25 On 18th July 2015 he again speaks to Exaro and to

1 an Australian television programme entitled
2 "60 Minutes". He then names people who he says were
3 part of the paedophile ring who abused him when he was
4 a boy at Kincora. If we can just scroll down to
5 page 050. Maybe if we can enlarge in slightly, because
6 the writing is -- it is obviously a screen shot from
7 a computer. So if we can make that slightly bigger,
8 please. It says:

9 "Former Kincora boy Richard Kerr has finally
10 identified several establishment figures as people who
11 helped to cover up a paedophile network of VIPs.

12 He picked out from photographs a series of men
13 connected with intelligence, military and politics and
14 even The Royal Family. Some he identified as
15 paedophiles themselves.

16 Exaro has been able to test the plausibility of
17 Richard Kerr's explosive claims with a creditable former
18 intelligence officer, who spoke on condition of
19 anonymity, and other sources.

20 Among those who were part of the cover-up of the
21 paedophile network linked to Kincora Boys' Home in
22 Belfast, Northern Ireland, according to Richard Kerr,
23 were:

24 Lord Mountbatten, a cousin of the Queen, great uncle
25 to Prince Charles, Chief of the Defence Staff from 1959

1 to 1965, murdered by the IRA in 1979.

2 Sir Maurice Oldfield, Director of the Secret
3 Intelligence Service, better known as MI6.

4 Sir Anthony Blunt, Master of the Queen's Pictures,
5 former officer in the Secret Service or MI5, who became
6 a Russian spy.

7 Sir Knox Cunningham, Unionist/Ulster Unionist MP,
8 Parliamentary Private Secretary to Harold Macmillan as
9 Prime Minister, and Member of the Conservative Party's
10 National Executive Committee 1959-1966."

11 If we just scroll down, please:

12 "Richard Kerr, who has been speaking to Exaro since
13 August 19..." -- sorry -- "2013, said previously that he
14 was too scared to name names. Asked for his reaction to
15 people who disbelieve his claims, Richard Kerr said, 'I am
16 not here to try to prove it to them. I am here to tell
17 what happened to me and I know what happened to me and I
18 know what happened to those other boys'.

19 Richard Kerr has given a revealing interview to
20 a current affairs programme in Australia, 60 Minutes.
21 Exaro helped 60 Minutes to make the half-hour film on
22 the Westminster paedophile network.

23 The programme is expected to show on Sunday night
24 (local time). Some of the dramatic sequences where
25 Richard Kerr identifies powerful men as part of the

1 Kincora cover-up.

2 During the interview with the programme's boss --
3 programme's Ross Coulthard Richard Kerr also picks out
4 other powerful people as members of the paedophile
5 network who sexually abused him while he was a Kincora
6 boy.

7 Sir Peter Hayman, Deputy Director of MI6, previously
8 the UK's High Commissioner to Canada.

9 Sir Nicholas Fairbairn, Conservative MP, Solicitor
10 General in Scotland.

11 Sir Cyril Smith, Liberal MP, who, says Richard
12 Kerr, assaulted him in Manchester.

13 All the men named are dead, but Richard Kerr
14 remained fearful about identifying them. Richard Kerr
15 agreed to identify the men on camera, but was unwilling
16 to say anymore about some of them.

17 An intelligence source told Exaro that Mountbatten
18 mixed with paedophiles who went to parties in the
19 Republic of Ireland.

20 Mountbatten is also understood to have visited
21 Kincora, although why remains unclear.

22 Richard Kerr tells 60 Minutes that he walked in on
23 a meeting at Kincora between Oldfield and Joseph Mains,
24 the warden at the children's home. He says that Mains
25 immediately and forcefully ordered him out of the room."

1 Now I should say that the Inquiry has no information
2 to suggest that any of these individuals were ever in
3 Kincora.

4 Following the publication of a report on Dr Morris
5 Fraser, Richard Kerr again spoke about him on Good Morning
6 Ulster on 31st March 2016. If we could look at that, it
7 is 117054. It says -- Karen Patterson says:

8 "The author of a report into a convicted paedophile
9 says the authorities allowed Dr Morris Fraser to
10 continue to work with vulnerable children in the 1970s.
11 Dr Fraser was the senior psychiatric registrar at The
12 Royal Victoria Hospital and also had links to the
13 notorious Kincora Boys' Home in East Belfast."

14 Then:

15 "I began the interview by asking Richard Kerr how
16 he first encountered Morris Fraser.

17 Richard Kerr: I believe I was probably about 11 or 12
18 and the first time I went there, I went to a hospital
19 and there was an office, and we both were taken into the
20 office, and he started asking my sister a lot of
21 questions and then he started to ask me questions.
22 I was very -- at that time I didn't answer any, very,
23 very little questions. I was given some little boxes
24 that was put in front of the table. They were little
25 dark brown boxes and there was like a peanut under one

1 of them, and he would mix them up and ask me which one,
2 where the peanut is, and I kept putting my finger on one
3 of the boxes. I think I got it right some of the times.
4 My sister would always laugh at that. I remember her
5 laughing, just laughing and laughing while she was
6 sitting in the other chair.

7 Karen Patterson: So he was trying to make you feel
8 relaxed in his company?

9 Richard Kerr: He was. I just remember him with
10 his Elvis Presley look. Sorry to say that, but the
11 long locks, big locks, big black long locks coming down
12 the side of his face.

13 Karen Patterson: When did things turn awkward?

14 Richard Kerr: The second visit when I went on my
15 own. When I went into the office, he had me sit not on
16 the chair that I was sitting in before. He had me sit in
17 the chair where my sister was sitting and that was away
18 from the table, and then he would ask me questions. You
19 see, at that time I was wetting the bed. I was being
20 molested in Williamson House before that, and then he
21 would ask me to stand up and ask me to take the -- my
22 shorts -- the shorts down, and then for some reason like
23 within a minute he had like some kind of a Polaroid
24 camera. I don't know. It was a camera. He started
25 taking shots.

1 Karen Patterson: How did that affect you,
2 Richard

3 Richard Kerr: I was feeling stunned, surprised. I
4 mean, I was just feeling stunned, and he said not to
5 worry. He's a doctor, and I felt embarrassed.
6 I actually felt embarrassed.

7 Karen Patterson: Richard do you believe
8 Morris Fraser abused other boys?

9 Richard Kerr: Looking back at it, I know that
10 was going on, yes, looking back.

11 Karen Patterson: You've previously spoken about
12 your time in Kincora, Richard. Do you believe that Dr
13 Fraser was connected to the boys' home there?

14 Richard Kerr: The way I believe or I can't use
15 opinion, but I'll give you my experience, is that I was
16 sent to Kincora two years later, approximately two years
17 later, after that experience -- those experiences, at the
18 age of 14, when I was not supposed to enter Kincora until
19 16, and I believe that he knew Mr Mains. Yes,
20 I do believe that, that he knew Mr Mains, because they
21 all came up to Williamson House and they all had
22 a meeting, and then after that two months later my
23 sister was sent to Whiteabbey for the girls and then she
24 was sent out there that day. The next day I was taken
25 out of Williamson House by Joseph Mains in a car and

1 taken up to Kincora at the age of 14, and Kincora was
2 for working boys, not for boys that still go to
3 secondary school.

4 Karen Patterson: Just finally, Richard Kerr, how
5 did the experiences in Kincora affect your life?

6 Richard Kerr: Well, my experience in Kincora -- my
7 life was affected before Kincora. It just got worse.
8 I became very isolated. The only people I knew was my
9 abusers, and the only thing I had to do was to try to
10 please them, because I had no-one else to turn to, and
11 they always act like the person -- the person who was in
12 charge always acts like the father figure, and they try
13 to swarm you and tell you good things about you and say
14 nice things about it, and you've got to understand at 14
15 I looked like an 11-year-old, and because I went to
16 a special school for needy children, I was treated --
17 they used that in a way to treat me special, but what
18 they wanted to do was to have sexual abusing me, and use
19 me to go out to other locations and be with other men at
20 different locations.

21 Karen Patterson: What does it mean to you to have
22 this Dublin academic, Neil Meehan, publish this report,
23 albeit forty years after the abuse happened?

24 Richard Kerr: Well, it's like back then no-one
25 would believe you then. I didn't think anybody would
believe

1 me, and children that go to special needs schools are
2 harder to believe, because doctors like Dr Fraser -- and
3 he's not just the only doctor that abused me; there was
4 another one later on, but he was convicted -- they use
5 your past, use your troubled past to escape anything
6 that the victims say. They try to justify it by using
7 your past as an excuse. That's how a lot of them did
8 that."

9 That was the end of that report. He -- as I just
10 read out, he says that there was another doctor later on
11 who was convicted. It is not clear whether he is
12 suggesting that he was convicted of abusing Richard Kerr,
13 but certainly the Inquiry has no evidence as to who that
14 may be.

15 At KIN117058 this is a report in the Belfast
16 Telegraph that says that Richard Kerr -- if we can just
17 see there, if we can scroll down to the bottom of that
18 page, please:

19 "In addition ..."

20 The first column there:

21 "In addition, one of the Kincora survivors,
22 Richard Kerr, remembers that his torment began not at
23 the home itself, but in Fraser's clinic in Belfast Royal
24 Victoria Hospital" -- if we scroll back up -- "when the
25 paedophile took pictures with a Polaroid camera of

1 Richard Kerr with his trousers down.

2 It was on Fraser's later recommendation that
3 Richard Kerr was sent to Kincora and into the lair of
4 a ring of child abusers working there."

5 Now the -- there is no evidence that the Inquiry has
6 seen of any links between Dr Morris Fraser and Kincora.
7 The only facility in which children were resident that
8 the Inquiry is aware that Morris Fraser would have been
9 seen in was Lissue's Psychiatric Unit, the Children's
10 Psychiatric Unit at Lissue House. The Inquiry has heard
11 evidence about that and is aware that no-one has
12 suggested that they were abused by Morris Fraser in
13 Lissue.

14 On 1st June 2006 (sic) BBC Spotlight broadcast
15 a programme about Dr Morris Fraser and Richard Kerr
16 contributed to that programme. That's at KIN119625. It
17 says -- this was another programme compiled by the
18 journalist Chris Moore. Where it says "Reporter", that's
19 Chris Moore speaking. It says:

20 "After Fraser's first conviction he still had access
21 to children like Richard Kerr. He remembers when he was
22 10 years old in 1972 being taken to see Dr Fraser at the
23 Royal Belfast Hospital for Sick Children. He was there
24 to discuss his disruptive behaviour at his care home.

25 Richard Kerr: I was sitting on the chair. I remember

1 having sandals on. I had little shorts on. I just
2 remember I was asked to take them -- loose them down and
3 he took I think some kind of a photograph. I was
4 shocked. He said he was a doctor, not to worry.

5 Chris Moore: But there was plenty to worry about.
6 A convicted paedophile was still free to treat up to
7 thirty children a week. According to Richard Kerr
8 Dr Fraser came to visit him at his children's home,
9 Williamson House.

10 Richard Kerr: He would just call out on my name and
11 I would be down on the floor playing with my toys. In
12 the playroom there was a table and it was about five feet
13 from the floor. I remember him getting me under the
14 table and there is a wall and we would wrestle -- he
15 would wrestle with me -- well, he would tickle my belly
16 and make me laugh, and while he was doing that then he
17 would start to move his -- his hand kind of around my
18 private areas, yes."

19 He goes on to say then -- there's more in this
20 programme about Dr Fraser, but you will recall when
21 I was reading yesterday about what he said, he claimed,
22 first of all, he was abused by a man who he later
23 identified as KIN 323 as a child
24 and the account that he gave of the abuse that
25 was perpetrated by KIN 323 is very similar to what he

1 now attributes to Dr Fraser.

2 If we could scroll on down then, please, to -- I am
3 just trying to get the next page reference. I think if
4 we scroll on down. Richard Kerr does speak later in the
5 programme again. Sorry. If we can just scroll back up a
6 moment. Yes. Spotlight -- I think it is 119631.

7 Spotlight, as you will see, from this contacted

8 Dr Fraser and he responded to Richard Kerr's allegation
9 on 119631. Sorry. Yes. Just there. It is right in
10 front of me. He said:

11 "He did respond by e-mail to our questions. He told
12 us:

13 'I only say that I have never heard of any
14 Richard Kerr, nor of any Williamson House. It is
15 certainly somewhere I have never been. Further, I have
16 never had an RVH office'."

17 In his additional statement to the Inquiry Detective
18 Chief Superintendent addresses the issues
19 regarding Dr Morris Fraser, and that's at KIN1816,
20 please, if we could go to that.

21 CHAIRMAN: Just before we leave this --

22 MS SMITH: Sorry. Just put that page back up, please.

23 CHAIRMAN: -- at the foot of the page "GMC" I take it is
24 General Medical Council?

25 MS SMITH: That is correct, yes. As you see there, they

1 said on the programme that they were intending to give
2 some information.

3 CHAIRMAN: Well, have we received any such information?

4 MS SMITH: Not that I am aware of, Chairman. I don't
5 believe we've received anything. This programme was
6 broadcast on 1st June, just some three weeks ago. The
7 Inquiry certainly has received no direct communication
8 from the GMC.

9 Then if we can go, please, to KIN1816, and at
10 paragraph 33 there it says -- this is Detective Chief --
11 Detective Chief Superintendent statement of the
12 -- I think it is his additional statement, the second
13 statement that he's given to the Inquiry. It says:

14 "In February 2015 Richard Kerr made an affidavit in
15 support of a judicial review brought by another former
16 Kincora resident, HIA123. This affidavit is referred to
17 by the Inquiry as ...",

18 and gives the page reference.

19 "In this Richard Kerr makes a range of allegations
20 around trafficking and other abuse, details of which he
21 did not disclose in any previous police statement. Of
22 particular note, however, is that although Richard Kerr
23 refers to a wide range of allegations, he never mentions
24 Fraser at any point.

25 Richard Kerr has never made any statement to police

1 about allegations of sexual abuse by Fraser.

2 Kincora Boys' Home had no role in psychiatric care;
3 it was a working boys' hostel, not a hospital nor
4 a treatment facility. There was no juvenile psychiatric
5 provision in Northern Ireland in the 1970s. Indeed,
6 Richard Kerr was committed to the psychiatric wing of the
7 Maze Prison in March 1978 following a suicide attempt in
8 the absence of any other appropriate facility.

9 In relation to Richard Kerr's psychiatric history
10 PSNI holds extracts of his Social Services file from
11 1977. These were obtained during the 1980 Caskey
12 investigation. This file discloses a psychiatric
13 assessment carried out by a Dr Clenaghan dated 20th
14 December 1977. There is no mention of previous
15 psychiatric illness, treatment, care or assessment by
16 anyone other than Dr Clenaghan in his (Dr Clenaghan's)
17 report.

18 It should be noted that KIN119512 is a report by the
19 Chief Officer of the Education and Library Board and is
20 addressed to the matron of Kincora. It states that,
21 'After considering the advice of the Chief
22 Administrative Officer, the Senior Schools Psychologist
23 and other relevant information regarding the above-named
24 child, the Education Board has decided that in his
25 interests further care, treatment or supervision should

1 be provided and intends to notify the Health & Social
2 Service Board accordingly. This notice was issued in
3 pursuance of schedule 8, paragraph 4 of the Education
4 and Libraries (Northern Ireland) Order 1972. This
5 paragraph states that, 'Where a child or young person in
6 the area of the Board is about to leave or has left
7 school and it appears to the Board that his physical,
8 intellectual, emotional or social development is such as
9 to require that in his interests further care, treatment
10 or supervision should be provided, the Board shall
11 notify the appropriate Health & Social Services Board
12 and furnish such report or information relating to him
13 as that Board may require'.

14 Fraser is not mentioned anywhere in the extracts
15 held by PSNI. Whilst some medical reports relating to
16 Richard Kerr are contained in the HIAI evidence bundles,
17 there is again no reference to Fraser.

18 Records show that a number of Kincora residents had
19 psychiatric assessments whilst in Kincora. However,
20 there no record of Fraser playing a role in any of their
21 assessments.

22 Richard Kerr has alleged in media coverage that he
23 was committed to Kincora on the direction of Fraser.
24 There is no suggestion from the papers held by the PSNI
25 that Richard Kerr was transferred to Kincora (from

1 House) in October 1975 on the direction of Fraser. In
2 a report prepared by Richard Kerr's social worker, Helen
3 Gogarty, on 14th November 1977 it was noted that the
4 decision to move Richard Kerr from Williamson House was
5 taken as Richard Kerr was 'boisterous' and 'staff found
6 him very difficult to control'. There is no indication
7 that the decision to move Richard Kerr involved Fraser in
8 any way.

9 In the BBC Spotlight programme of 7th June 2016
10 Richard Kerr made a number of new allegations involving
11 Fraser.

12 It was alleged by Richard Kerr, who was resident in
13 Williamson House at that time, that in 1972 he was
14 referred to Fraser as a consequence of his 'disruptive
15 behaviour' at Williamson House. This is similar to what
16 Gogarty cites as the reason to move Richard Kerr from
17 Williamson House later in 1975 in that she describes his
18 behaviour as being 'boisterous'.

19 In 1975 it was also considered in his social
20 worker's report appropriate to move Richard Kerr at this
21 time

22 . In Gogarty's
23 report dated 14th November '77 she does not mention any
24 psychiatric reason, nor any involvement of Fraser or any
25 medical professional in the decision to transfer

1 Richard Kerr from Williamson House to Kincora.

2 During his interview with Chris Moore for Spotlight
3 Richard Kerr also alleged that he was indecently
4 photographed by Fraser. This allegation had previously
5 been made by Richard Kerr in an article that had appeared
6 in The Independent newspaper on 11th July 2015 entitled
7 'Northern Ireland authorities refuse to reveal details
8 of paedophile with links to former government adviser on
9 national security grounds'. This article will be
10 referred to later.

11 In the BBC Spotlight programme of 7th June 2016
12 Richard Kerr made an additional allegation that he had
13 been indecently assaulted on a number of occasions by
14 Fraser in Williamson House when he was resident there.
15 None of these allegations have ever featured in any
16 complaint made by Richard Kerr to police.

17 Richard Kerr was resident at Williamson House for
18 two periods. The first was between 1966 and 1975; the
19 second for a short period of around six weeks following
20 his release from Millisle in 1979. Richard Kerr made
21 a statement dated 26th October 1982 in which he alleged
22 abuse by KIN 323 during his second period of
23 residency at Williamson House in 1979. This allegation
24 was considered during the second phase of Caskey's
25 investigation in 1982. KIN 323 was questioned by the

1 RUC about Richard Kerr's allegations, but denied any
2 homosexual involvement with Richard Kerr. KIN 323 was
3 convicted of a number of offences against
4 children in his care at Williamson House, but was not
5 prosecuted in relation to any offences against

6 Richard Kerr made no allegations in his 1982 statement
7 of abuse by any other person during either stay at
8 Williamson House. Of note Fraser was not mentioned by
9 Richard Kerr.

10 Richard Kerr made two statements to the RUC
11 (February 1980) and one to the Terry review (1982).
12 When first interviewed by the RUC in February 1980,
13 Richard Kerr made no complaints of sexual abuse against
14 any members of staff at Kincora or any of the care
15 institutions he had been resident in. Richard Kerr
16 stated, '... during the time I was in homes and other
17 institutions I did not make any complaints about
18 indecent behaviour about anyone to any members of the
19 Welfare. There were no complaints to make'.

20 By 1982 Richard Kerr's account had altered. He
21 stated to Sussex Police that his initial statements in
22 1980 were 'true up to the point'. However, he made a
23 number of further disclosures to the Sussex Police team,
24 including admitting to having had consensual sex with
25 KIN 250 and being in a consensual homosexual

1 relationship with (with whom he was
2 living in Preston). Richard Kerr also alleged for the
3 first time that he had been abused whilst in care in
4 Williamson House by KIN 323 (circa 1979), the
5 person in charge.

6 It is of note that none of his police -- in none of
7 his police statements does Richard Kerr mention Fraser or
8 any other persons of prominence who he has since labelled
9 as abusers in media interviews. Richard Kerr did not
10 mention trafficking or abuse in London in any of his
11 police statements.

12 The PSNI have recently made repeated attempts to
13 speak with Richard Kerr in order to establish if he wishes
14 to make a formal complaint and to obtain details of his
15 allegations with which to carry out an investigation."

16 The full transcript of communication is provided and
17 exhibited to the statement that I looked at as the
18 occurrence log.

19 "To date Richard Kerr has not spoken to either PSNI
20 or authorities in the USA to provide a detailed statement
21 to repeat the allegations of abuse made in the media over
22 the last eighteen months.

23 The Metropolitan Police Service have also made
24 unsuccessful attempts to speak with Richard Kerr in
25 relation to his media claims that he had been abused at

1 Elm Guest House and other locations in London."

2 Chairman, that essentially concludes what I want to
3 say about Richard Kerr's stay in Williamson House and
4 Kincora and what he has said about the abuse that he
5 suffered in various institutions over the years.

6 I am going to turn to deal with a discrete issue
7 that is a hangover from Module 10. I am just thinking
8 it might be an appropriate time to take a short break
9 before I turn to that.

10 CHAIRMAN: Yes. We will rise for ten minutes or so.

11 (2.55 pm)

12 (Short break)

13 (3.15 pm)

14 MS SMITH: Chairman, Panel Members, ladies and gentlemen,
15 I am now going to look at an issue relating to
16 Richard Kerr's time in Millisle Borstal. This is
17 a discrete issue from Module 10. It was left until now
18 as the Inquiry had hoped that Richard Kerr would give
19 evidence.

20 At the outset I wish to make it clear that the
21 Department of Justice and its predecessors, The Northern
22 Ireland Office or The Northern Ireland Prison Service,
23 had absolutely no involvement with events at Kincora.
24 They were not responsible for running or managing the
25 hostel, and there was no connection whatever between

1 Hospital Officer KIN 250 about whom I am going to
2 speak, and Kincora, save only for his connection with
3 Richard Kerr, who was by the time he encountered KIN 250
4 a former resident of Kincora.

5 If we could look, please, at KIN108001, this is
6 a memo from Mr Truesdale, who was the Director of The
7 Prison Service. It is addressed to I think Private
8 Secretary and Mr Alison I think, who would have been the
9 Northern Ireland Minister at the time. It says:

10 "During the course of investigation into allegations
11 concerning Kincora Boys' Residential Home Royal Ulster
12 Constabulary officers visited HM Borstal Millisle during
13 March 1980. They spoke to the governor,
14 Mr D McLaughlan, and Nursing Sister regarding
15 a former Kincora resident, Richard Kerr, who had later
16 served a prison -- a sentence of borstal training from
17 21st December 1977 to 9th February 1979.

18 The RUC officers enquired as to Richard Kerr's
19 attitudes and behaviour during training and at some stage
20 in the discussions reference was made to an
21 ex-Officer (Hospital) KIN 250 who it was thought knew
22 Richard Kerr well and had established a good relationship
23 with him. The RUC officers obtained ex-Officer KIN 250
24 address and later interviewed him.

25 On 21st April 1980 the RUC officers informed

1 Governor McLaughlan that on the interview KIN 250 had
2 admitted having a homosexual relationship with trainee
3 Richard Kerr during his sentence and possibly on at least
4 one occasion outside the establishment after
5 Richard Kerr's release. Richard Kerr I understand is in
6 England at present and refuses to cooperate with the RUC
7 in any investigation relating to Kincora in particular
8 and homosexuality generally."

9 Well, this may be Mr Truesdale's interpretation of
10 that, because by this stage the police had taken two
11 statements from Richard Kerr in February of 1980.

12 "There is no record of ex-Officer KIN 250 having
13 displayed any homosexual tendencies during his service,
14 which he terminated voluntarily on 18th August 1979
15 after four years' service, saying he had found another
16 job as he was suffering from 'nerves' and was on
17 tablets.

18 On 22nd April 1980 I was present when the
19 above-named RUC officers had an interview with
20 Dr McKeown, Principal Medical Officer, Department of
21 Health & Social Services, with responsibility for the
22 prison medical service.

23 Dr McKeown made reference to a conversation he had
24 had with a former Medical Officer at Magilligan Prison
25 where KIN 250 had served prior to transfer to Her

1 Majesty's Borstal Millisle. Dr McKeown thought this
2 Medical Officer, Dr Elliott, might have had suspicions
3 about KIN 250 having homosexual tendencies, but nothing
4 was recorded in that connection. Dr Elliott, now
5 retired and living in England, will be interviewed and
6 investigations will continue.

7 Nothing in relation to this matter has been made
8 public.

9 I will keep you informed."

10 That's on 23rd April 1980.

11 What Richard had said to police in 1980 about
12 being visited in Millisle had led police to go to
13 Millisle Borstal to find out about his time there, and
14 this then led them to interview the former Officer
15 KIN 250. Statements were recorded from him on 10th April
16 1980 and again on 9th June 1980, and if we look at those,
17 please, the first is at KIN108018, and this is the
18 statement of 10th April. If we can scroll down, please,
19 it says:

20 "I reside at the above address and
21 I work in at Millisle. Before this
22 I worked as a Hospital Officer in the borstal, Millisle.
23 I think it was about the summer of 1976 that I went into
24 the borstal in Millisle. My duties were to give out
25 medicines and tend to minor injuries. I had worked

1 a year ago and I went to see him in The Park Avenue
2 Hotel where he was living. It was either a Wednesday or
3 a Friday night -- I can't remember which -- but we had
4 a few drinks and went up to his room. We talked for
5 a while about general things. Then I asked him if
6 I could sleep with him. He said 'Okay' and we both
7 stripped to our underpants and got into his bed. I then
8 played with his balls for a while, but he didn't touch
9 me. He just lay there with his back to me and I got
10 a hard-on. I then stuck my cock up his arse and started
11 to push out and in. He said I was hurting him a bit,
12 and then the phone rang in his room before I could come.
13 Richard Kerr got up and answered the phone and told me it
14 was the night porter saying I had to leave for the night
15 -- I had to leave the hotel. I think they were thinking
16 I may have been trying to get a free room for the night.
17 I got dressed and left. I saw him again in the Park
18 Avenue Hotel about a week later, but we only had a drink
19 and a talk. We talked in his room but nothing happened.
20 I saw him again about three weeks later. He had moved to
21 the Bishops Court Hotel. We had drinks and talked about
22 him going to England, but nothing happened. He went to
23 England shortly after that and I haven't seen him since.
24 I knew Richard Kerr had been in Kincora Boys' Hostel
25 before he came to the

1 borstal at Millisle. I had no contact with Kincora and
2 I didn't know any of the staff there. I have not had
3 any homosexual relationship with any other boys in
4 borstal at Millisle. I would like to add that myself,
5 the doctors and the matron had discussions
6 on Richard Kerr's homosexual tendencies. These
7 discussions occurred before I made my approaches to
8 Richard Kerr. I have had homosexual tendencies most of my
9 life."

10 Then the second statement is at 108021. It's the
11 next. You will see it is 9th June 1980 and it goes on:

12 "I have been a homosexual for the past twelve to
13 fifteen years."

14 He then goes on in that statement to give details of
15 various people with whom he had sexual relations. If we
16 just scroll down through it, please. I just wanted to
17 say that he doesn't make any further mention about any
18 involvement with Richard Kerr in that, and in passing
19 I would say that the men named by KIN 250 were spoken to
20 by police, admitted involvement with him, but they were
21 in no way linked to Kincora.

22 Police also spoke to Dr Elliott and his statement is
23 5th May 1980 at KIN10813. No, it's not. I have written
24 down the reference numbers -- I think it might be
25 108013. Yes. He was spoken to on 5th May 1980 and it

1 says:

2 "From spring '75 until autumn of '77 I held the post
3 of Senior Medical Officer at Magilligan Prison. I was
4 responsible for all medical services within the prison
5 during that time. KIN 250 came under my control
6 as a Hospital Officer during December 1975. Over
7 a period of some months my observations of this officer
8 led me to the conclusion that he possessed homosexual
9 tendencies. I advised the prison governor,
10 Mr Cunningham, orally of my conclusions at the time.
11 Whilst I was on leave during the early part of 1977
12 Officer KIN 250 was posted to the borstal at Millisle on
13 a temporary basis in his capacity of Hospital Officer.
14 On my return from leave the posting came to my knowledge
15 and at this stage I drew the attention of Mr Cunningham,
16 The Prison Department and the Chief Medical Officer
17 (Prisons) of the unsuitability of Officer KIN 250 for
18 the position. A short time later Officer KIN 250
19 posting to the borstal was made permanent and I again
20 advised all concerned, including the governor of the
21 Millisle Borstal, of the unsatisfactory situation."

22 Now if we could scroll down to the next page, there
23 is the statement of Dr McKeown, who was the Principal
24 Medical Officer in the DHSS, his responsibilities being
25 administrative work relating to prison medical services.

1 "I have known Dr Elliott for a number of years and
2 during 1977 when he was Senior Medical Officer at Her
3 Majesty's Prison, Magilligan. I cannot recall exactly
4 when, but I do recall a conversation with Denis Elliott
5 when he told me that he considered a Prison Hospital
6 Officer, KIN 250 to be unsuitable for duty as
7 a hospital officer at Millisle Borstal because he
8 suspected that KIN 250 had homosexual tendencies.

9 I then spoke to the Prison Staffing Officer

10 KIN 343 acquainting him of Dr Elliott's suspicions.

11 KIN 343 stated that he could take no action unless
12 the fact was reported to him in writing. This I told
13 him I could not do, nor could Denis Elliott, as neither
14 of us had any proof that this man was indeed
15 a practising homosexual."

16 Then KIN 343 statement is on the following
17 page, dated 15th May. He says that -- he talks about
18 the training of hospital officers and he is talking
19 about:

20 " KIN 250 joined the Prison Service in November
21 '75 and after completing his initial training was posted
22 to Magilligan as a discipline officer. After
23 successfully completing a specialist training course he
24 was appointed as a hospital officer in May '76.

25 Continued to serve in Magilligan until transferred on a

1 temporary duty to Millisle Borstal on 13th December '76.
2 Transfer made permanent with effect from 7th March '77.
3 About the beginning of May 1977 Mr -- Dr McKeown,
4 Principal Medical Officer, Department of Health & Social
5 Services, spoke to me and said that he had heard that
6 KIN 250 might have homosexual tendencies. I wrote to
7 Dr McKeown and asked if he could advise me of the nature
8 of any clinical evidence of fact or opinion which would
9 suggest that the officer's character was other than
10 suitable for him to be employed at a young offenders'
11 institution. To the best of my recollection Dr McKeown
12 did not reply in writing, but spoke again and said that
13 there was suspicion only and he was unable to let me
14 have anything further. In the absence of any evidence
15 to substantiate the suspicion and as no further doubts
16 were raised about him, KIN 250 remained at the
17 borstal institution. He subsequently resigned on 18th
18 August 1979."

19 Then Governor McLaughlan's statement is the next
20 page down and it says that he is governor since
21 December 1974. Ex-Hospital Officer KIN 250 was known to
22 him from the time of his posting to this establishment
23 in March '77 until his resignation in September '79.

24 "Employed originally as a detailed duty hospital
25 officer at Millisle and at a later date was transferred

1 permanently to this establishment. That transfer, like
2 all others in the service, was organised by the prison
3 staffing branch at the Northern Ireland Office. Shortly
4 after the time of the initial transfer Dr Denis Elliott
5 informally expressed to me his reservations about the
6 transfer, namely because of his suspicions that KIN 250
7 had homosexual tendencies. It was emphasised by
8 Dr Elliott that he had no proof of any homosexual
9 practice -- behaviour practised by KIN 250 and therefore
10 no action -- no action could not be taken."

11 I think that probably should be "could be taken".

12 The evidence then in respect of this was summarised
13 at 108003. This is taken from the Caskey summaries. He
14 talks about KIN 250 there, giving his date of birth and
15 where he worked and sayings KIN 250 homosexual
16 tendencies have been the subject of comment. Let's just
17 scroll on down through this, please. Essentially sets
18 out all of the people that the police spoke to whose
19 statements I have just read to you. If you can scroll
20 on down, it says:

21 "When Richard Kerr was interviewed on 25th
22 February 1980, he made references to a close
23 relationship with KIN 250 who was hospital orderly
24 during which time Richard Kerr was detained in borstal at
25 Millisle.

1 He did not make any specific allegations, however,
2 and police decided to pursue the relationship and
3 interviewed KIN 250 on 10th April 1980.

4 The interview was conducted by Detective Constables
5 and ",
6 and it then says what KIN 250 has said in his
7 statement.

8 If we can just scroll on down then, I just make the
9 point there that inquiries were made of hotel staff, who
10 failed to substantiate the fact that the night porter
11 had asked him to get KIN 250 out of the room.

12 Then they go on to talk about the other people that
13 they spoke to in respect of what KIN 250 said in the
14 second statement.

15 Subsequently, as has been indicated -- I should say
16 that no prosecution was directed in 1980 and there is
17 a reference to that at 50852. I don't know that we need
18 to call it up, but subsequently when police spoke to
19 Richard Kerr in 1982 -- we can look at that statement. We
20 have looked at it yesterday, but just look at it again at
21 50864. He does say that he did -- he says:

22 "It is all true up to the point where I talk my
23 friendship with KIN 250 the medical orderly at
24 Woburn House, Millisle. He didn't do anything to me
25 whilst I was at Millisle, but after I left he committed

1 buggery upon me after I had gone to his house. The next
2 morning he made a gift to me of a radio. Twice after
3 that he saw me and attempted to have sex with me, but
4 I refused. I didn't tell the RUC about KIN 250
5 bugging me when they interviewed me in 1980 because
6 I was embarrassed and I thought they were only
7 interested in Kincora."

8 The Department of Justice have given a response to
9 the papers that were served on them relating to this and
10 there's a statement of Stephen Davis, which is of 16th
11 June 2006. That's at KIN42... -- sorry -- 4026 to 4042.
12 Can we just call that up, please? It's 4026. If we can
13 scroll down, please, 2016 I think this is dated.
14 I think I might have given the wrong date. Just this
15 year. If we can scroll down, please, to paragraph 10,
16 which is at 4030, it says that:

17 "The Department believes that the conduct which
18 KIN 250 has admitted engaging in would have amounted to
19 a clear contravention of the Northern Ireland Prison
20 Service Code of Conduct and Discipline, and had it been
21 detected while he was in the employment of the service,
22 he would have been disciplined in accordance with the
23 code."

24 Then if we can scroll down, it talks about the
25 culture at Millisle and how the governor, Duncan

1 McLaughlan, would not have tolerated any abuse of the
2 trainees in Millisle at that time. It goes on then at
3 paragraphs 15 and 16. It says:

4 "15. Having regard to this evidence" -- talking
5 about the evidence that Duncan McLaughlan has previously
6 given to the Inquiry -- "regarding the leadership style
7 and ethos of Mr McLaughlan and to the clear descriptions
8 of acceptable and unacceptable behaviour contained
9 within the Northern Ireland Prison Service Code of
10 Conduct and Discipline, and bearing in mind the state of
11 the criminal law at that time, the Department is
12 confident that sexual abuse or inappropriate
13 relationships would not have been tolerated in the
14 borstal at that time if evidence was available to show
15 that this was occurring.

16 Applying the ethos which Mr McLaughlan adopted
17 during his tenure, it seems clear that if KIN 250 had
18 been suspected of sexually abusing Richard Kerr or of
19 having an inappropriate relationship with him, he would
20 in all likelihood have been suspended, the allegations
21 would have been reported to police and at the appropriate
22 time the matter would also have been investigated and any
23 necessary action taken under Part 1 of the Code of
24 Conduct."

25 Paragraph 19 onwards Mr Davis recounts what records

1 still exist in respect of Richard Kerr's time at
2 Millisle and what searches that they have conducted.

3 Then in paragraph 25 onwards at 40... -- just scroll
4 on down and we will get to that -- it talks about the
5 training that prison officers would have had. Then:

6 "How were the allegations against KIN 250 dealt
7 with?"

8 It says:

9 "The records available to the Department show that
10 he was transferred temporarily from HMP Magilligan to
11 Millisle on 13th December '76. Dr Elliott, the then
12 Medical Officer, contacted Mr McLaughlan about three
13 months after KIN 250 had been transferred and raised
14 concerns that he was suspicious that KIN 250
15 displayed homosexual tendencies. Dr Elliott had raised
16 his concerns to his superior, Dr McKeown, the governor
17 at Magilligan and the Northern Ireland Prison Service
18 Staffing Officer before he approached Mr McLaughlan.

19 The Department believes that since the safety and
20 welfare of the trainees at Millisle would have been of
21 paramount importance, any concerns regarding the
22 suitability of an officer for service at Millisle would
23 have been carefully considered. However, it was also
24 important that the allocation of officers to
25 establishments was dealt with fairly. It would not have

1 been appropriate for the Northern Ireland Prison Service
2 to intervene to prevent an officer from moving to
3 a suitable vacancy at any establishment unless there
4 were good grounds for doing so. A professional prison
5 service cannot act on the basis of unsubstantiated
6 rumour or supposition.

7 The Department takes the view that having regard to
8 the safeguarding responsibilities of the Northern
9 Ireland Prison Service as well as its obligation to
10 protect staff from unfounded allegations, it was obliged
11 to test the strength of the concerns being expressed by
12 Dr Elliott before taking any action.

13 In the absence of key witnesses, particularly
14 KIN 343 who was primarily responsible for assessing
15 the implications of the concerns raised by Dr Elliott,
16 it is impossible for the Department to effectively
17 convey how those concerns were tested.

18 The Department has sought the assistance of
19 Mr McLaughlan and he has fully cooperated with the
20 efforts to shine further light on these issues.
21 However, he has indicated to the Department that he has
22 no independent recollection of the suspicions that were
23 raised with him about KIN 250 or of the interviews he
24 had with the police about those suspicions. As the
25 Inquiry is aware, the incidents occurred over

1 thirty-five years ago. However, he does accept that he
2 must have been responsible for dealing with the issues
3 in the manner suggested in the account which he provided
4 to police on 13th May 1980.

5 From the information available to the Department in
6 the statements made to the police it is clear that when
7 concerns were raised by Dr Elliott, steps were taken by
8 KIN 343 to establish if there was any evidence that
9 KIN 250 might pose a risk to the trainees in Millisle
10 prior to the officer being permanently appointed to that
11 establishment.

12 The issue appears to have been taken seriously.

13 KIN 343 wrote to Dr McKeown on 5th May 1997 (sic)
14 and asked 'if he could advise him of the nature of any
15 clinical evidence of fact or opinion which would suggest
16 that the officer's character was other than suitable for
17 him to be employed at the young offenders' institution'.

18 KIN 343 did not receive a written reply, but
19 Dr Elliott verbally confirmed that his concerns were
20 based on suspicion only. 'To the best of my
21 recollection Dr McKeown did not reply in writing but
22 spoke again and said that there was suspicion only and
23 that he was unable to let me have anything further.'

24 In the absence of any evidence to suggest that

25 KIN 250 would pose a risk to the trainees his posting

1 was subsequently made permanent.

2 Dr Elliott raised the matter informally with
3 Mr McLaughlan after the initial posting. In response
4 Mr McLaughlan took the same approach as KIN 343 and
5 sought to clarify the basis for the concerns. It is
6 recorded in Mr McLaughlan's police statement.

7 The approaches taken by both KIN 343 and
8 Mr McLaughlan were consistent. Both took active steps
9 to examine the suitability of KIN 250 appointment to
10 Millisle, but when they sought to investigate the
11 matter, they were not presented with any information to
12 suggest that he was unsuitable."

13 Then if we could move down, please, to paragraph 39,
14 it says:

15 "The Department takes the view that even if it had
16 been established as a fact at the time that KIN 250
17 sexual orientation was homosexual, this should not of
18 itself have been grounds to prevent a person from taking
19 up a post at any penal institution, whether a mainstream
20 prison or a borstal. The issue whether there was -- the
21 issue was whether there was any risk posed to trainees
22 and it is clear that no evidence came forward to
23 demonstrate that trainees were at risk."

24 Then if we can go to paragraph 42, where the
25 Department of Justice sets out the position, it says

1 that:

2 "[It] notes that Richard Kerr has never made a
3 complaint about the conduct of KIN 250 in Millisle."

4 I'm just pausing to say there that whenever we were
5 looking at the affidavit that Richard Kerr swore in the
6 HIA123 judicial review, he said that he had been abused
7 in Millisle, but he gave no details and made no comment
8 as to who he may have been abused by.

9 "Indeed, the Department acknowledges that in the
10 statement which he made to Sussex Police on 28th October
11 1982 Richard Kerr recalled having sexual relationship --
12 relations with KIN 250 in his home after he had been
13 discharged from Millisle, but he expressly stated, 'He
14 didn't do anything to me whilst at Millisle'.

15

16 The Department cannot resolve this inconsistency in
17 the accounts which have been given."

18 I am going to pause there to also say that as we
19 have been looking through the media interviews that
20 Richard Kerr has given, he doesn't mention Millisle other
21 than to say that he was abused in every facility that he
22 was resident in, but he makes no other reference to
23 Millisle than that.

24 "Moreover, the Department has never had the
25 opportunity to test the veracity of the admissions which

1 KIN 250 made to police with either KIN 250 or
2 Richard Kerr. The honesty of KIN 250 account is
3 clearly open to question in light of Richard Kerr's
4 unequivocal statement that nothing of a sexually abusive
5 nature occurred whilst he was a trainee in Millisle.

6 Of course if KIN 250 has accurately accounted to
7 police for his actions towards Richard Kerr in Millisle,
8 the Department would accept that this would be a very
9 grave matter. Viewed from that perspective, it is
10 regrettable that although Dr Elliott rightly raised
11 a concern, he did not have any information to establish
12 that KIN 250 was a threat to prisoners in the
13 mainstream prison system or to trainees in the borstal.
14 Therefore, no reliable evidence was available to the
15 Department at that time to demonstrate that KIN 250
16 was unsuitable to" -- if we can just scroll down, please
17 -- "to continue in service -- continue in service and it
18 was unable to take any formal action to prevent the
19 alleged abuse and to protect Richard Kerr.

20 The Department would wish to add that if KIN 250
21 admissions to police were truthful, then his behaviour
22 towards Richard Kerr must be condemned without
23 reservation. He was placed in an important position of
24 responsibility, a position of trust. If he conducted
25 himself as he has described, that would have amounted to

1 an abuse of trust and his actions would have contravened
2 the moral and professional standards expected from all
3 Prison Service staff. KIN 250 would have been well
4 aware of those standards and that such behaviour would
5 have constituted a wilful breach of the Code of Conduct.

6 Finally, if KIN 250 behaved as he has described,
7 the Department would extend a sincere apology to
8 Richard Kerr for any hurt or injury that he may have
9 suffered."

10 Chairman, that concludes my consideration of the
11 evidence that the Inquiry has seen relevant to
12 Richard Kerr.

13 CHAIRMAN: Well, I take it that's as far as we can go today?

14 MS SMITH: Yes, it is, Chairman. We are hopeful that we
15 will have a witness tomorrow ready to start at
16 10 o'clock.

17 CHAIRMAN: Yes. Very well. Well, we will adjourn until
18 10 o'clock tomorrow.

19 (3.45 pm)

20 (Inquiry adjourned until 10 o'clock tomorrow morning)

21 --ooOoo--

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