

HIA REF:

Witness Name:

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 – 1995

WITNESS STATEMENT OF FATHER TIMOTHY BARTLETT

I, FR TIMOTHY BARTLETT will say as follows -

1. I am authorised by the Diocese of Down and Connor to speak on its behalf concerning the issues before this Inquiry.
2. I have been asked by the Inquiry to provide a statement outlining the history of the Diocese's knowledge of allegations of sexual abuse perpetrated by the late Brendan Smyth and its response upon receiving such allegations. To answer this request as fully as possible the Diocese has undertaken a detailed search of all Diocesan archives, including those relating to Bishops of the Diocese for the period in question and other Diocesan personnel who may have known Brendan Smyth or of his activities in the Diocese. In the case of Bishop (later Cardinal) Cahal Daly, my statement is based only on documentation relating to his tenure as Bishop of the Diocese of Down and Connor which ended on 6th November 1990, with his appointment as Archbishop of Armagh. In addition I have spoken directly to any Down and Connor personnel who were involved in the receipt or handling of allegations against Brendan Smyth.
3. The process for searching archives has been conducted in accordance with the norms of Canons 482-491 of the 1983 Code of Canon Law. In practice this means that, while granted access to the general archives of the Diocese, I do not have direct or immediate access to Diocesan personnel files. I make requests for such files on a case by case basis through the Chancellor of the Diocese who then presents me with the individual files from the relevant archive, which I am then free to retain and examine as I see fit. A similar methodology applies to records that are held by the Down and Connor Safeguarding Office, whereby information requested is first gathered by the Safeguarding Office personnel and copies made for my use when requested. While I can only testify in this statement to the documents that have been presented to me through this methodology, I can confirm that every such request I have made has been granted and responded to with alacrity.

4. From the outset the Diocese acknowledges that Brendan Smyth perpetrated the most heinous and deplorable crimes against children on a prolific scale, including children who were in the care of the institutions that are the subject of this Inquiry. That Brendan Smyth actively sought out opportunities to abuse children already facing the challenges and trauma of institutional care makes his evil behaviour all the more shocking and unconscionable. These actions wrought untold damage in the lives of many children and their families and the Diocese takes this opportunity to express its profound regret that those with both the knowledge of Brendan Smyth's risk to children and the ecclesiastical authority to take action against him did not do so decisively and effectively from the outset. The consequences for the lives of many children has been, quite simply, catastrophic and the legacy of Brendan Smyth as a manipulative and prolific abuser of children now features among the most notorious and devastating in Irish history.
5. Born John Gerard Smyth in Belfast on 8th June 1927, and taking the name 'Brendan' upon entering the Norbertine religious order in 1945, Smyth, a native of St. Paul's Parish, Fall's Road, Belfast clearly had every reason to visit family and friends there throughout his life.
6. Notwithstanding this ongoing association with Belfast, an exhaustive search of all Diocesan records, in accordance with the methodology set out in paragraph 3 of this statement, would appear to confirm that no record exists of any allegation or suspicion about Brendan Smyth being a risk to children having been communicated to the Diocese before 23 February 1990. On this date a complaint of child sexual abuse against Brendan Smyth was received by the Catholic Family Welfare Society, a social services agency provided by the Diocese. The sequence of events surrounding the receipt of this allegation and the subsequent actions taken by the Diocese were the subject of an extensive public statement by the then Cardinal Cahal Daly issued on 5 December 1994, following the conviction of Smyth in June of that same year. A copy of this statement is appended. Cardinal Daly also summarises the events surrounding the receipt of this first allegation against Brendan Smyth known to the Diocese of Down and Connor in his autobiography *Steps on My Pilgrim Journey* (Veritas, Dublin 1998, pp. 276-278). To the best of my knowledge, the Diocese has no other written record or statement of these events beyond the published statements.
7. These two published statements setting out the first allegation of abuse against Brendan Smyth being made to the Diocese confirm that on receipt of the allegation the Social Worker from the Catholic Family Welfare Society dealing with the case sought the permission of the family to report the allegations to the Royal Ulster Constabulary. The statements indicate that the Social Worker subsequently reported the matter to the RUC and to the Health and Social Services authorities and also

encouraged the family to report the allegation directly to the RUC. The statement records that the Social Worker also reported the matter to Fr Joseph Glover, the then Director of the Catholic Family Welfare Society who in turn contacted the Bishop's Secretary, Fr Edward O'Donnell. I have spoken to both Fr Glover and Fr O'Donnell about these events and they have both confirmed that when Fr O'Donnell received the call from Fr Glover to inform the Bishop of the allegation, Fr O'Donnell immediately instructed Fr Glover that the matter be reported by the Social Worker to the RUC. Fr O'Donnell has also confirmed what is recorded in the published statements, that when he informed Bishop Daly of the allegations the Bishop immediately approved of the course of action whereby the Social Worker of the Diocesan Catholic Welfare Society had reported the matter to the RUC. It is also worthy of note that Fr O'Donnell, the then Diocesan Secretary, had been a former chaplain to Nazareth Lodge (from June 1976 to December 1977). Fr O'Donnell has informed me that on receiving the call from Fr Glover with the allegation of abuse against Brendan Smyth, in addition to informing the Bishop he phoned **SR 2** at Nazareth Lodge to instruct her that Brendan Smyth was not to be admitted to say Mass for the Sisters. He told me that he did this because he was aware as a former chaplain that Brendan Smyth occasionally said Mass for the Sisters in Nazareth Lodge and on one occasion concelebrated such a Mass with him. Fr O'Donnell is absolutely clear, however, that until receiving the allegation on 19th February 1990, he had not been aware of any allegations or suspicions of child abuse against Smyth.

8. The published statements indicate that, as advised by the Social Worker working for the Diocesan Family Welfare Society, the family who brought the allegations made a formal statement of complaint against Brendan Smyth to the RUC on 7th March 1990, less than two weeks after first bringing the allegations to the attention of the Diocesan Society.
9. In the statement published by the then Bishop Cahal Daly on 5 December 1994 he explains that as soon as he was informed of the complaints against Brendan Smyth, and aware that the RUC had already been made aware of the allegations, he telephoned Smyth's religious superior, Abbot Kevin Smith of Kilnacrott Abbey, arranging to meet the Abbot on 12th March 1990. He states that at this meeting: 'I informed the abbot about the complaints. I told him that a social worker had seen the client and that the allegations of abuse had been reported to the RUC. The abbot accepted full responsibility for Fr Smyth and undertook to take prompt and appropriate steps to deal with the matter.'

10. Bishop Daly then summarises the steps that had been taken by the Diocese and Diocesan agencies upon receipt of this first allegation of child abuse against Brendan Smyth made known to the Diocese on 19th February 1990:

- a. The RUC were informed and a police investigation initiated by early March 1990;
- b. The statutory Health and Social Services had been informed;
- c. Professional advice and help had been provided for the victim and the family;
- d. By mid-March 1990, Brendan Smyth's superior had been informed and had given a commitment to deal effectively with Smyth.

11. It is worthy of note that as part of a routine circular to clergy of the Diocese of Down and Connor in March of 1987, Bishop Daly had included a section which read as follows:

13/87 CHILD ABUSE:

The appalling crime of sexual abuse of children has increased alarmingly in recent times. It is a problem of which we have not had pastoral experience in the past and in dealing with which we need some professional help. I am hoping to assemble a working party of persons with professional skills in the relevant disciplines who could advise us on the kind of resources or services we may need in this area. Meanwhile, social workers and others advise that children who report incidents of this nature are to be presumed to be telling the truth and are to be treated very sympathetically.

Then, in May of that same year the routine circular to the Clergy of the Diocese contained the following insert:

53/87 CHILD ABUSE:

Father John O'Connor has arranged that his Catholic Family Welfare Society can be available for talks on the problem of child sexual abuse to teachers or to priests or interested groups. This problem is increasing alarmingly, and it is extremely difficult for priests to know how to handle this very delicate situation, fraught as it is with so many emotional traumas and legal complications. Father O'Connor's offer of help is greatly welcomed and should certainly be utilised.

12. Having checked every such routine circular to the clergy of the Diocese for the decades covering the years of the Historical Institutional Abuse Inquiry, I can confirm that these are the only overt references in such circulars before the allegation is made to the Diocese about Brendan Smyth on 19th February 1990. In his published statement of 5 December 1994, then Cardinal Daly explains why he issued his

notifications to the clergy of the Diocese of Down and Connor about the need for professional support in responding to allegations of child abuse in the following way:

'In May 1987 a statutory social worker had alerted me to the problem of child sex abuse, but not in the context of abuse by a priest or religious. I asked the Director of the Down and Connor Catholic Family Welfare Society (the agency set up by the Church in Down and Connor for family welfare and counselling) to ensure that the Society's social workers had the specialised knowledge and skills needed to handle cases of sex abuse. I instructed my priests, should such cases come to their attention, to avail of the services of such trained personnel. I also advised my priests that children who report incidents of this nature should be presumed to be telling the truth and should be treated very sympathetically.'

13. Bishop Daly also makes it clear in his published statement that, quoting him directly;

'I never had any knowledge of any ministerial placements of Father Smyth at any period in his ministry, neither was I instrumental in any such placement. Father Smyth was and remained at all times a member of the Norbertine Order. He never at any time had any assignment from me or any pastoral mandate which would have required him to be in Down and Connor diocese during my time as bishop there'.

14. On 6th November 1990, Bishop Daly became the Archbishop of Armagh. In his statement of 5 December 1994 he indicates that he was contacted by the same family again about Brendan Smyth on 1st February 1991. The Diocese of Down & Connor has no records relating to this contact or to Cardinal Daly's subsequent handling of the matter, other than what is contained in the published statement of 5 December 1994 and his autobiography. In his published statement he sets out a sequence of ongoing contact he had with the family who first made the allegations to the Diocese of Down and Connor and further engagement he had with Abbot Smith of Kilnacrott Abbey continuing to urge the abbot to 'take firm action to deal with Father Brendan Smyth'. The published statement also suggests that the family concerned made contact again in 1993 with the 'diocesan offices in Down and Connor'. While the Diocese has no record of these contacts being made, it notes that the police investigation was already underway at this time and that Brendan Smyth was subsequently convicted the following year, in 1994.

15. Following the first known report on 19th February 1990, and excluding cases that the Diocese became indirectly aware of through the statutory authorities arising from the arrest and criminal convictions of Fr Smyth in 1991 and 1994 respectively, the Diocese has no further record of receiving allegations of abuse against Fr Brendan Smyth until

2009, by which stage Fr Smyth was deceased. On 7 December 2009 an adult male contacted the Child Safeguarding Office of the Diocese to make an allegation that Fr Smyth abused him as a child in the toilets of Casement Park Football Grounds while he was attending a GAA match. The allegation was immediately referred to the statutory authorities and the man concerned was offered and accepted independent counselling funded by the Diocese.

16. The next allegation against Brendan Smyth reported to the Diocese was received on 29 March 2010 when the then Bishop of Down and Connor, Bishop Noel Treanor, received a letter from Bishop Leo O'Reilly, the Bishop of Kilmore. The letter explained that arising from the recent controversy over 'the two investigations conducted [in 1975] by Fr Seán Brady (as he then was) on behalf of my predecessor' in to allegations of abuse by Brendan Smyth, he was now forwarding the names and addresses of two children from Belfast who had been mentioned by one of the boys who had given a statement to the Diocese of Kilmore during the 1975 investigation. Bishop Treanor immediately passed the letter to the Child Safeguarding Office of the Diocese which in turn immediately reported the names of the two children from Belfast, now adults, to the statutory authorities. It became clear that the two children concerned were already known to the statutory authorities from the time of the conviction of Brendan Smyth in 1994.

17. The only other allegation of child abuse made to the Diocese about Brendan Smyth that I am aware of on our records was received on 5 June 2013. This allegation was made by a retired priest of the Diocese directly to the Diocesan Safeguarding Office. He reported that Fr Brendan Smyth had been a family friend and that Smyth had regularly abused him as a child 'over a lengthy period of time' during regular visits to his grandparents' house in West Belfast. Although Brendan Smyth was deceased at this stage, the Diocese reported the allegation to the statutory authorities and offered pastoral and counselling support services to the retired priest which he availed of.

18. While, to the best of my knowledge, the Diocese has no record of allegations against Brendan Smyth other than those already set out in this statement, I am aware that in his book *Betrayal of Trust: The Father Brendan Smyth Affair and the Catholic Church* (Marino Books, May 1995), the investigative journalist and author Chris Moore reports an incident involving Brendan Smyth that took place in [REDACTED] Belfast in 1971. Chris Moore reports that Smyth had sexually abused a 13 year old girl, to whom he gives the pseudonym 'Sarah', in a visiting room at the school. He goes on to record that 'Sarah' complained to two nuns, FBS 21 and FBS 20 the principal, who assured the parents of 'Sarah' that Smyth would not be allowed back in the school and that (in a paraphrase by Chris Moore) 'the incident would be referred to a higher Church authority' [REDACTED].

19. Given the possibility that any such report to 'a higher Church authority' might involve a report to someone in the Diocese, I contacted the [REDACTED] Sisters to clarify their understanding of this reported event. I have been advised and have independently confirmed that **FBS 20** has suffered from severe dementia for some time and is in full-time care in a nursing home in Dublin. **FBS 21** however, is still quite well and claims to recall this particular incident very clearly. In my conversation with her about the matter she confirmed that when Brendan Smyth arrived to the school that particular day and asked the school secretary to be allowed to see the girl called 'Sarah' because he was a friend of Sarah's father, it was **FBS 21** who conveyed the request to the pupil referred to as 'Sarah' who was in class at the time. **FBS 21** was adamant to me that 'Sarah' simply indicated that she did not like Fr Smyth and didn't wish to see him and that this was sufficient for **FBS 21** to advise 'Sarah' to go back to class while the Secretary informed Fr Smyth that 'Sarah' was not available to meet him. **FBS 21** went on to say to me that she did inform the principal, **FBS 20** about the incident and that **FBS 20** had indeed phoned Sarah's father that evening to express concern about a 'family friend' visiting during school hours. **FBS 21** recollects that **FBS 20** told her that Sarah's father had been quite angry that Fr Smyth had asked to see Sarah during school hours and both had agreed that Fr Smyth should not be allowed to visit Sarah in the school again. When I asked **FBS 21** if **FBS 20** had made any report of this incident to anyone in the Diocese, she was adamant that the matter had not gone any further since there was no question in either of their minds at that time of abuse having taken place or being suspected and the parents had agreed with the school that Brendan Smyth should not be allowed access to Sarah while she was in school. Using the methodology outlined in paragraph 3 of this statement, I have checked all records held by the Diocese relating to the local Parish of [REDACTED] as well as of the Parish Priest at that time, [REDACTED] and all other Diocesan records relating to that period of time and can confirm that, to the best of my knowledge, we have no record of any such report being made to any person representing the Diocese of Down and Connor.

20. The Diocese has also been made aware that in a police statement made by [REDACTED] **FBS 35** (dated 26 October 1995) received in evidence by the Historical Institutional Abuse Inquiry, it is recorded that as a child, in the presence of her mother and other witnesses, **FBS 35** reported to the local curate **FBS 51** the horrendous sexual abuse being carried out on her by Brendan Smyth during his visits to the Parish of [REDACTED] and the associated [REDACTED] in the mid 1970's. I can confirm that **FBS 51** was a curate in the Parish of [REDACTED] during that period. **FBS 51** is now 83 years of age and a retired priest living in the Diocese. I have spoken to **FBS 51** and he has confirmed the events described by **FBS 35** in her police statement and that she told him, in the company of her mother and others, that she was being abused by Brendan Smyth (whom he explained visited [REDACTED] from time to time because [REDACTED]

[REDACTED]). When I asked him what he did in response to the allegations he had received he explained that at the time he had no experience of dealing with such matters and had simply kept the concerns to himself for many years. He then explained that, some years later, he is not exactly certain when, he heard that Brendan Smyth was seeking a position in the Diocese. On hearing this he claims that he wrote to the Bishop of the time (to the best of his recollection, Bishop William Philbin, Bishop of the Diocese from 5 June 1962 to 22 August 1982) telling him about the allegations that had been made by **FBS 35** against Brendan Smyth and appealing to him not to give Brendan Smyth any position in the Diocese. **FBS 51** was unable to recollect, even approximately, the date on which he had written the letter to the Bishop. When I explained that the Diocese has checked the archives of every Bishop of the Diocese during Brendan Smyth's tenure as a priest and that no record of such a letter had been found, he remained quite adamant that he had written such a letter to one of the Bishops. He then informed me that in the early 90's (he was unable to be more specific about the date), two RUC officers had come to the door of his Parochial House in [REDACTED] and had asked him about the allegations he had received about Brendan Smyth when he was a priest in [REDACTED] in the 1970's. **FBS 51** told me that he confirmed to the RUC officers that he had indeed been told of the abuse by one of the children but it had not occurred to him at the time that he should have reported it to the police. I have advised **FBS 51** that this is new information to me and to the present administration of the Diocese and that he may be asked to provide a formal statement of evidence to the Inquiry about these matters. He indicated his willingness to do so but stressed that his recollection about dates, notably in respect of the letter he wrote to a Bishop of the Diocese at some point in time, is very unclear. I have also spoken directly to the retired Bishop of the Diocese, Bishop Patrick Walsh and to the current Auxiliary Bishop of the Diocese, Bishop Anthony Farquhar and both have separately confirmed that they have no knowledge of the letter sent to a former Bishop of the Diocese by **FBS 51** or of his having reported any allegations against Brendan Smyth to the Diocese.

21. The Diocese is also aware of a police statement made by **FBS 37** (dated 12 December 1995) received in evidence by the Historical Institutional Abuse Inquiry, relating to sexual abuse she endured from Brendan Smyth while she was a child at [REDACTED] and [REDACTED]. The Diocese notes that in her statement **FBS 37** records that, after her family had moved to [REDACTED] her brother **FBS 40** 'went back to Ireland to make a complaint to the Hierarchy of the Catholic Church and as a result of what took place there, my mother told me that I would never come into contact with Father Smyth again as he had been moved somewhere else'. The Diocese fully accepts the veracity of the statement made by this witness and deeply regrets the appalling abuse she suffered as a child through the criminal actions of Brendan Smyth. Having searched all Diocesan records that could possibly relate to these events, however, and in accordance with the methodology outlined with

paragraph 3 of this statement, I can confirm that I am not aware of a record of any such report being received by the Diocese. It is also difficult to know what precisely what the phrase 'hierarchy of the Catholic Church' was intended to refer to in this case.

22. In conclusion, I wish to confirm again on behalf of the Diocese that, with the exception of the allegations now known to have been made to **FBS 51** in the mid-1970's and which he confirms he kept to himself at the time, the Diocese has no record of any allegation or suspicion of child abuse in respect of Brendan Smyth before that which was received on 19th February 1990 through the Down and Connor Catholic Family Welfare Society. When this allegation was received the Diocese acted appropriately and in the best interests of safeguarding children by ensuring that the allegation was reported with alacrity to both the RUC and the relevant health and social services authority. Indeed, this report and the courage of the individual and her family who made it, was instrumental in bringing about the eventual arrest and conviction of Brendan Smyth and the disclosure of the terrifying scale of his horrific abuse of children over many decades and across so many parts of Ireland and other parts of the world.

23. Notwithstanding the alacrity with which those involved on behalf of the Diocese responded to the allegation received in 1990, the Diocese acknowledges that key principles, practices and procedures that are now known to represent best practice in child safeguarding and that are currently operative, and regularly professionally reviewed and updated in the Diocese, were generally not in place before that time. Key elements of this best practice that were notably absent in relation to the Brendan Smyth case include:

- a. Reporting to the Police and statutory authorities. The critical importance of prompt and effective reporting of allegations, concerns and suspicions of sexual abuse to the civil authorities is highlighted by the profound inadequacy of the response made by various Church personnel, most notably the Abbot of Kilnacrott who had primary responsibility for preventing Brendan Smyth from having access to children as a known abuser, and others who were aware of concerns about Brendan Smyth's risk to children in the decades before his eventual arrest and conviction in the 1990's. Current safeguarding procedures in the Diocese of Down and Connor, and across the Catholic Church in Ireland now have, as a fundamental commitment, the prompt reporting of allegations, suspicions and concerns to the relevant statutory authorities. This, the Diocese accepts, is the most effective safeguard in reducing to the absolute minimum any repetition of the travesty of abuse by a Catholic priest or religious on this island and the mishandling of such situations by those holding positions of responsibility in the Catholic Church.

- b. Appropriate communication and sharing of information. Once promptly reported to the civil authorities as a first principle of safeguarding, the question of communicating to others that a person is a potential risk to children is a vital consideration. It is clear that the failure of those with relevant information to do so was fundamental in allowing Brendan Smyth to continue to abuse children on an international scale for as long as he did. The Diocese of Down and Connor operates a policy of complete cooperation with the relevant statutory safeguarding bodies in regard to the sharing of information about potential risk to children and how it should be managed once an allegation is received. The Diocese accepts that once the statutory authorities have been informed of an allegation they have the responsibility for making decisions in this area and that it is for the legislature on both parts of the island to ensure that all policies and law about the appropriately sharing of information about risk are kept under review to ensure that the safety and best interests of children are always the paramount concern.
- c. Effective training of clergy and church personnel. That some clergy in the Church who received allegations against Brendan Smyth claim they did not know how to respond to such information in terms of basic principles of reporting and safeguarding, highlights the critical need for effective and ongoing training of clergy and other church personnel in this area. The Down and Connor Safeguarding Office, staffed by fully trained professionals who work closely with the statutory safeguarding agencies, provide mandatory training for all priests and other key personnel in the Diocese on best practice in safeguarding children. This includes regular training for lay Parish safeguarding personnel who play a key role in developing a culture of safeguarding at Diocesan and Parish level, in which the safeguarding and welfare of every child is the paramount concern. The culture and ethos of safeguarding in place in the Diocese of Down and Connor today seeks to reinforce not only a moral sense of shared responsibility to recognise and respond promptly to allegations, suspicions and concerns brought to an individual's attention but also a greater awareness of the legal requirement to take prompt action.

24. The Diocese of Down and Connor fully accepts that the fact comprehensive safeguarding policies and procedures are now in place, and that both the societal and ecclesial understanding of the critical importance of such procedures has only developed over more recent times, this is of no comfort to those who suffered sexual abuse by Brendan Smyth and others who held positions of trust and responsibility within the Catholic Church. No apology can ever make up for the appalling abuse that the victims of Brendan Smyth, and their families, have endured through the repeated failure to deal effectively with his criminal behavior over a long period of time. On behalf of the Diocese, therefore, I conclude by expressing deep sorrow and the most profound regret that so many people, many of them in positions of trust and responsibility in the Church, failed so many times to respond to the cries of the "little one's", those whom our fundamental human and Christian instincts alone should have compelled us to protect and reach out to as a first priority. The Diocese remains committed to offering whatever pastoral support it can to those who were so grievously and repeatedly hurt by the actions of Brendan Smyth and to ensuring that the safety and welfare of children continues to be the paramount concern in all aspects of Diocesan life and ministry.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:

A handwritten signature in black ink, appearing to read "Timothy Bartlett". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Dated:

5 June 2015



NORBERTINE CANONS.
CANONS REGULAR OF PREMONTRE.
WHITE CANONS OF ST. NORBERT.

Holy Trinity Abbey

Kilnacrott, Ballyjamesduff,

Co. Cavan.

Tel: (049) 44416.

21st February 1991.

Most Rev. Cathal B. Daly,
 Archbishop of Armagh,
 Ara Chacoli,
 Armagh BT61 7QY,
 N. I.

My Dear Archbishop,

I am in receipt of your good letter of 11th inst.

I have spoken to the man in question and he assures me that there has been no incident of that nature for a couple of years now. He only goes to Belfast to visit his doctor [redacted] at [redacted]

[redacted] and the Royal Hospital. Otherwise he only visits his own family. For his therapy he goes twice monthly to St. James Hospital, Dublin and he assures me that it is helping him. I have made him aware of the contents of your letter and also asked him to be prudent in the matter.

With every good and kind wish.

Yours sincerely and fraternally,

(Rt. Rev.) Kevin A. Smith O.Praem
 LORD ABBOT.