

BRENDAN SMYTH MODULE**Submissions on behalf of the Sisters of Nazareth**

“Sexual abuse is a serious offence and in your case it is particularly serious because you enjoyed the trust of their parents and of schools and of the institutions involved who, by reason of your calling, were confident that children would come to no harm left in your company. You betrayed this trust in a shameful manner... You did not threaten or importune them to keep silent but you gave them sweets and in cases money. You must also have been aware by reason of the high regard in which you were held, the children whom you were abusing would feel that there was no-one to whom they could turn”.

Sir Robert Porter’s sentencing remarks 24 June 1994.

1. These insightful sentencing remarks of Sir Robert Porter QC encapsulate Smyth’s cunning and corrupting modus operandi and highlight his abuse of children and his betrayal of the Trust placed in him by the Sisters of Nazareth. A particularly poignant and sinister illustration of Smyth’s deviancy, deviousness and abuse of the trust placed in him by the Sisters is reflected in the January 1976 entry in the Nazareth Lodge Foundation Book, bearing in mind that that Smith used the 1976 retreat to initiate contact with and grooming of children in the home:

“Because of the forthcoming general chapter we had our annual retreat at home. Father B Smyth O praem), conducted it and gave us some very stimulating thought provoking lectures. He was very interested in the apostolate of the young and was most zealous in training the Altar servers to participate in the Liturgy.”

Little did the Sisters know that Smyth’s interest in the young was motivated by carnal desire.

2. In his opening of the Smyth module, Junior Counsel to the Inquiry, Mr Joseph Aiken, explained the background to Smyth's introduction to and presence in the Nazareth homes and it is not proposed to repeat same herein other than to observe that the said retreat was from 3-10 January 1976 during which Smyth resided in Nazareth Lodge. The congregation organised a number of retreats in the home from different priests as is evident from the NL Council books.

3. A paradigm example of Smyth's modus operandi is contained in the 1995 account given by HIA41 to a Consultant Psychiatrist which bears repetition:-

"HIA41 told me that he had first encountered Father Smyth when he was aged "about 10". I was in the main hall and he came into the home. I remember he seemed very friendly. He talked to me and he gave me sweets..."He just seemed to be always visiting, but I don't know what role he had in the place". HIA41 described how he had been pleased and flattered by the attention Father Smyth had paid to him. "Father Smyth always took the time to talk to me a lot. He talked to me about good and bad and the catholic way of life. He had great powers of persuasion. He seemed so nice and he always gave me money and sweets. Him talking to me and him being so nice to me really boosted me up".

HIA41 described how over a period of time, Father Smyth had developed his trust, admiration and affection. "I looked upon Father Smyth as a great, great friend. He seemed like Santa Claus to me. I thought he was the greatest man in the world".

HIA 41 *told me that Father Smyth had repeatedly engaged in sexual inappropriate behaviour with him. He described Father Smyth's manner in these episodes as "unhurried", and recalled how "affectionately touching him escalated to sexualised behaviour". "He would start by patting me on the head, then he would touch my chest. Then he would put his hand on my trousers and feel my bum. He would put his hand up the leg of my shorts and handle my penis. He took his time about it, it wasn't a quick fondle. Sometimes I was with*

him for over an hour". HIA 41 denied that Father Smyth had tried to engage him in mutual masturbation or suggested or attempted any other sexual activities. "He never said anything about what he was doing. He just talked about normal things the whole time, he never said a sexual word".

HIA 41 denied that Father Smyth had used physical force or overt threats in order to obtain his compliance. However he described Father Smyth's ability to command obedience through his manner "He just had this really forceful way about him. Nobody could have resisted him. Saying "No" to him just didn't come into it".

HIA 41 told me that he had considered telling one of the nuns at Nazareth Lodge about Father Smyth's behaviour "but then I thought, she would never believe me. He was a priest".

4. HIA41, who was in Nazareth Lodge from [REDACTED] to [REDACTED], also told the psychiatrist that he had "generally very happy" memories of his time in Nazareth Lodge and that he was well looked after and he got on very well. "[REDACTED] HIA 41 spoke with obvious warmth and affection about the members of staff at Nazareth Lodge and in particular about SR30 with whom he clearly had been able to develop an emotional warm and satisfying relationship. She was like a mother to me. She even played football with us". HIA41 also told the psychiatrist that he had not told anyone in authority about the sexual abuse until after a police inquiry into other boys' experiences.
5. The detailed account given to the psychiatrist is consistent with HIA41's statement to the police on 16 January 1995 but is in marked contrast to his later police statements, made in 2010 and 2011, and to his evidence to the Inquiry that he was repeatedly raped by Smyth in Nazareth Lodge and in De La Salle. In his accounts post 2010 he alleged the abuse progressed to mutual fondling of penises at the front door and in his bedroom; that Smyth sexually penetrated him in his bedroom and that he raped him each time Smyth came to the front door of Nazareth Lodge. It is not possible to reconcile these allegations with his

accounts in 1995 when he denied that Smyth had tried to engage him in mutual masturbation or that he attempted any other sexual activities.

6. This submission is not intended as a defence of Smyth but the foregoing is highlighted by reason of HIA41's allegations against SR30 and his allegation that she and most of the nuns in Nazareth Lodge knew Smyth was abusing children. This is firmly denied by SR30 and by the congregation. It is submitted that great weight should be attached to the said account given by HIA41 to the psychiatrist for a medico legal report obtained for the purposes of the Plaintiff's civil claim. Of particular significance as far as the congregation is concerned is his statement to the psychiatrist that he did not tell any Sister or lay member of staff whilst the abuse was ongoing. The panel is also referred to a letter from his GP in which he stated that sexual abuse in the form of fondling started in Nazareth Lodge and was restricted to touching.

7. DL40 was in Nazareth Lodge from [REDACTED] to [REDACTED] from the age of 3 to 13. His recollection is that he became an altar boy at the age of [REDACTED] in [REDACTED] at which time Smyth did not say Mass on a regular basis but was a regular visitor to the home. He said that in [REDACTED] when he was aged [REDACTED], Smyth came to the retreat and befriended all of the children whom he would have seen on a bi-monthly basis. Smyth maintained contact with DL40 on a regular basis sending letters and money. In the course of his evidence to the Inquiry he said that no-one ever raised the fact that Smyth was writing to him. He thought the nuns were glad that people were writing to them and "*we all know that it was off everybody's radar*". When meeting Smyth in the chapel no other adults were involved in bringing him there and the abuse always took place on a 1-to-1 basis. The abuse consisted of kissing and fondling his bottom. He was never asked to touch Smyth. DL40's evidence to the Inquiry mirrored his 1995 police statement. The abuse escalated when DL40 went to De La Salle. He described Smyth as being "*like a superior priest in the clothing that he wore. I remember lovely big white orders and lovely good and lovely purples. So he wasn't in the normal run-of-the-mill. He didn't perceive himself to be the normal run-of-the-mill priest*". In the course of media coverage of the Brendan Smyth module old film footage was shown of Smyth in white robes.

DL40 did not report the abuse to any of the Sisters or staff in Nazareth Lodge. Smyth was adept in covering his tracks and ensuring that his victims kept the abuse a secret. These features of Smyth's modus operandi, allied with the Sisters' trust in him, resulted in his activities not being detected in the Nazareth homes.

8. HIA10 was in Nazareth Lodge from [REDACTED] to [REDACTED] and she made a number of wildly conflicting statements about Smyth. She also alleged that SR46 brought her to meet Smyth and she speculated that a number of Sisters must have had suspicions. It is submitted that HIA10's evidence is wholly unreliable. When first interviewed by the police in 1995 she said she had no recall of Smyth. Five years later in a further statement to the police in 2010 she alleged that SR40 took her in the lift to the ground floor parlour to see Smyth, leaving her in the parlour and closing the door. She alleged Smyth rubbed his knee into her groin area. In a criminal injury claim made in 2007 she alleged she was systematically abused sexually and groomed for sex; that she was repeatedly forced to give oral sex to Smyth and was subjected to rape on numerous occasions. In a long hand letter dated 1 August 2012 HIA10 asked the Compensation Agency to shred her file. SR46 denied taking HIA10 to see Smyth.

10. HIA40 was in Nazareth Lodge between [REDACTED] and [REDACTED]. In 2012 he made a statement to the police alleging he was raped by Smyth. He alleged he was brought to Smyth by Sr2 and that she walked in whilst he was being penetrated by Smyth. Sr2 was interviewed by the police in 2013 and she was emphatic that she never saw Smyth in Nazareth Lodge nor did she walk in on Smyth sexually abusing HIA50. The congregation rejects HIA50's account which we submit is not credible. The Panel is referred to the detailed psychiatric report dated 11 November 2008 obtained for the purposes of prosecuting a civil claim in respect of an alleged rape in another home. In the detailed history provided by HIA50 he makes no reference to Smyth or to any untoward incident when in Nazareth Lodge.

11. NL89 said that her first memory of Smyth was being alone with him in a lift in Nazareth Lodge and that he ran his hand up her back, groped her breasts and told her she needed a bra. She was aged 11/12 at the time and she alleges she reported to SR46 what Smyth had said but not what he did as she did not think she would be believed. She said that SR46 told her not to be silly although she gathered all the girls together and told them to stay in twos and not to be alone with Smith and that staff were told to keep an eye on him. Sr46 denied any knowledge of the foregoing but said she did have a discussion with NL88 about Smyth. NL88 was in Nazareth Lodge from [REDACTED] to [REDACTED] and Smyth first interfered with her in 1997 when she was aged [REDACTED]. NL88 said SR46 told her to stay away from him. During her police interview SR46 remembered NL88 as a pleasant, friendly child who was the life of the unit. She remembered NL88 coming to her and saying she did not like Smyth and that he had rubbed against her breasts. SR46 told her to stay away from him. SR46 said NL88 did not give any further detail and SR46 did not report it to anyone in authority nor did she discuss it with her colleagues. SR46 said she was probably too innocent to realise what Smyth's actions entailed. SR46 accepts that in hindsight she ought to have reported this incident but she thought it was just a minor incident rather than the actions of a paedophile as she now realises. *"We were so naïve in those days and we did not have the knowledge and training that we have now. It is possible that my view was tainted by the fact that he wrote regularly to family - the children in her family and had done so from before I took over the unit. I probably assumed that there was some sort of family relationship with him. It may be that this influenced how I saw the events"*.
12. NL88 said she told a lay member of staff NL114 as well as SR46 but NL114 has no recollection of Smyth or of any complaint or talk about him. The evidence of SR46 is consistent with the evidence in modules 1 and 4 that sexual abuse was not on the radar until the late 1970s and even then this was limited to incest. The panel heard evidence in module 4 that the notion of sexual abuse outside of the family was not recognised until the early 1980s. The Panel is referred to our submissions on sexual abuse in modules 1 and 4.

13. HIA195 was in Nazareth House from [REDACTED] to [REDACTED]. In 1994 she described to the police that she was abused in Nazareth House between approximately [REDACTED] and [REDACTED] and that Smyth regularly touched her vagina. HIA195 says she told SR31 after the first time who did not believe her and slapped her. SR31 was interviewed by the police in June 1996 and said she did not know Smyth; she was not told of the abuse nor did she hit HIA195. HIA195 had a social worker throughout the material time and there is no evidence that she disclosed the abuse to social workers. SR31 is deceased and is unable to rebut the allegations.
14. NHB8 is a Sister of HIA195 and she was in Nazareth House on [REDACTED] to [REDACTED] at the age of [REDACTED]. She moved to the Good Shepherd in Belfast on [REDACTED] and then to Middletown in [REDACTED]. She alleged that Smyth sexually abused her when she was in Nazareth House by hugging, kissing, putting his hand inside her pants and on one occasion did this in front of a younger priest. She told the police in 1994 that when she moved to the Good Shepherd in Belfast the abuse got worse and that she told SR31 about the abuse as whilst she was not in charge of Good Shepherd, NHB8 was still sent across to SR31 at Nazareth House for punishment. She alleged that when she went into Middletown that she was the victim of violent rapes in Smyth's car and was taken to a nearby hotel.
15. In a police interview in January 1995 SR31 said that she did not recall Smyth nor did she receive any complaints from girls about being assaulted by a priest or about being unhappy with a priest. The police carried out a comprehensive investigation on foot of which the DPP directed no prosecution concluding: "*her allegations were extensively investigated. The investigation revealed numerous discrepancies in her account. Her allegations are inconsistent with the pattern of the many other allegations made against Smyth*". It is submitted that one cannot reasonably rely on her allegation that she told SR31 and the Congregation relies on the denials made by Sr31 during her police interview.
16. Another sister of HIA195 and NHB8, namely NHB9, was in Nazareth Lodge between [REDACTED] and [REDACTED] and from [REDACTED] until [REDACTED]. She alleged to the police on 24 April 1996 that she was sexually

abused by a man in a lift she now recognised as Brendan Smyth. She stated that he had dropped his trousers in the lift and that was the only time she had come into contact with this priest. Smyth was interviewed about this allegation in August 1996. He contended the allegation was a lie and said that he built up relationships over a period of time with the children he abused and never touched a female without knowing her. The police considered the complaint was a total fabrication and the DPP directed no prosecution.

17. The foregoing is not an exhaustive analysis of all the evidence presented to the Inquiry in the Brendan Smyth module and, of necessity, we have endeavoured to address the evidence of the minority of former residents who allege the Sisters knew of Smyth's abuse and to demonstrate that not all of the allegations made by former residents are reliable. However it is beyond dispute that Smyth did sexually abuse children whilst they were in the care of the congregation and we do not wish our submissions on discrete issues to detract in any way from the unspeakable abuse perpetrated by Smyth or from the immeasurable harm he has inflicted on so many lives. Particulars of Smyth's convictions and the evidence of former residents of Smyth's abuse were opened in detail to the Inquiry by Mr Joseph Aiken BL. The Sisters of Nazareth reiterate that they are horrified, shocked and devastated that this abuse took place and they repeat their sincere and unreserved apology to any child who suffered such abuse. However the congregation maintains that it did not know of Smyth's proclivities. Smyth betrayed the trust placed in him by the Sisters of Nazareth and groomed the children whom he abused to stop them telling anyone about the abuse. According to NSPCC:

“Children and young people can be groomed...., by a stranger or by someone they know – for example a family member, a friend or a professional. Many children and young people don't understand that they have been groomed or that what has happened is abuse. Groomers will hide their true intentions and may spend a long time gaining a child's trust. They may also try to gain the trust of the whole family so they can be alone with the child.

Groomers do this by: offering advice or understanding; buying gifts; giving the child attention using their professional position or reputation; taking them on trips, outings or holidays; using secrets and intimidation to control children. Once they have established trust, groomers will exploit the relationship by isolating the child from friends or family and making the child feel dependent on them. They will use any means of power or control to make a child believe they have no choice but to do what they want.

Groomers may introduce ‘secrets’ as a way to control or frighten a child. Sometimes they will blackmail a child, make them feel ashamed or guilty, to stop them telling anyone about the abuse”.

Even today the NSPCC say that: “*We don’t know how common grooming is because often children don’t tell anyone what has happened to them. Children may not speak out because they are: ashamed; feeling guilty; unaware that they are being abused....*”

18. The NSPCC guidance chimes with the learned words of Sir Robert Porter when sentencing Smyth in 1994 and to what we contend is a paradigm example of Smyth’s modus operandi as set out in paragraph 3 herein. Smyth’s abuse was cloaked in secrecy and was perpetrated without the knowledge of the Congregation.

TURLOUGH MONTAGUE QC

SARAH WALKINGSHAW BL

1 JULY 2015