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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 Friday, 4th September 2015

commencing at 10.00 am

(Day 137)

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

1 Friday, 4th September 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.45 am)

5 CHAIRMAN: Good morning, ladies and gentlemen. I am sorry
6 that we are a little later than usual in starting, but
7 there were various things that had to be dealt with in
8 some detail before we were ready to sit this morning.

9 Can I, as always, remind everyone to ensure that
10 their mobile phone has either been turned off or put on
11 to "Silent"/"Vibrate", and, secondly, that no
12 photography is permitted anywhere on the premises, that
13 is either here in the chamber or elsewhere.

14 I might just mention one thing for the benefit of
15 those who will not have been present on earlier
16 occasions. That is for ease of reference from time to
17 time counsel may mention the name of a person who is
18 covered by a designation which the Inquiry has given to
19 that person. This is necessary just so we can all
20 understand sometimes what is being dealt with, but those
21 names must not be mentioned at any time or in any
22 circumstances outside the chamber.

23 Yes, Mr Aiken?

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

25 This morning we begin dealing with the first of our

1 witnesses in respect of the St. Patrick's Training
2 School, and over the course of the morning we are going
3 to deal with six individuals who for various different
4 reasons are not in a position to give oral evidence to
5 the Inquiry.

6 Evidence relating to witness HIA314 given by COUNSEL TO THE
7 INQUIRY

8 MR AIKEN: The first witness that I am going to -- the first
9 witness we are going to deal with today is HIA314, who
10 is "HIA314". HIA314, as he was known to his wife, died
11 on . Before he died during his
12 terminal illness he wanted to the speak to the Inquiry
13 and he did that. We are going to look at what he had to
14 say. His wife and his sister have travelled
15 from to be here today, and I have had the
16 opportunity to explain to them the broad manner in which
17 we are going to deal with the material.

18 HIA314 in terms of our general position, like others
19 who aren't in a position to come and speak to the
20 Inquiry, keep their anonymity, and HIA314 was born on
21 . We have been able to establish that
22 he was in St. Patrick's Training School on
23 You will see that is slightly different from
24 his recollection. I will able to show you the documents
25 that relates to that, but he was there from

1 until he was released on licence on
2 , so between the ages of and
3 with various occasions of home leave in between.

4 We will be able through historical documents that
5 have been produced to the Inquiry to assist the Inquiry
6 both with understanding HIA314's time in St. Patrick's,
7 but also the general run of how the records were
8 maintained in respect of individuals.

9 Before I go into the detail in respect of HIA314
10 I want to draw to the Panel's attention the core
11 documents relating to HIA314's evidence that can be
12 found in the now extremely voluminous evidence bundle.

13 His witness statement -- and if we bring that up on
14 the screen, please -- is of 30th September 2013. We can
15 find it at 001. On the screen is the first page of his
16 witness statement. If we move through to 008, this is
17 the final page of his witness statement, and I have the
18 copy where I can see what's under the redactions and see
19 that it is signed by HIA314 and dated 30th September of
20 2013.

21 As I have made the family aware, the Panel have
22 already had the opportunity to read this and other
23 related material and I will be summarising the main
24 content publicly this morning.

25 There then are a series of response statements that

1 are available that the Panel have access to. There is
2 a De La Salle response statement of 5th June 2013 --
3 sorry -- 2015 at SPT224 through to 227 and that has
4 exhibits that run from 228 through to 261, and that
5 includes the memorial document that we have looked at
6 already from BR39 -

7 HIA314 speaks of him in his statement, to
8 which I will come. That runs from 232 to 258.

9 Then -- the De La Salle statements were provided
10 before they had access to the material that was
11 available to the Department of Justice that helped
12 a greater understanding of when the people were in the
13 institution.

14 Then there is a further De La Salle response
15 statement of 5th August 2015, which is just a couple of
16 paragraphs, that can be found at 746. It refers to
17 those contemporaneous documents.

18 There then is a statement from the Health & Social
19 Care Board. It is of 6th August 2015 and it can be
20 found at 761 and 762 in the bundle. It draws on the
21 Department of Justice document which I am going to show
22 you shortly.

23 Then there is a response statement from the
24 Department of Justice, who ultimately as the successor
25 body had responsibility for the training school, and

1 that statement is of 21st August 2015 and it runs from
2 1504 to 1506 with exhibits from 1507 to 1510.

3 Paragraph 7 of that statement makes it clear that
4 the Department of Justice, speaking today, regret any
5 abuse which did occur in the facility that they had
6 responsibility for, that they condemn the perpetrators
7 of that abuse and anyone who ignored or tolerated the
8 abuse. That can be found at 1505. They say that in
9 response to each and every of the 27 individuals who
10 have spoken to the Inquiry.

11 There then is the material that the Department of
12 Justice have been able to provide and that included the
13 personnel file of HIA314 from St. Patrick's that would
14 have been maintained by the De La Salle Order. When the
15 institution closed and the material then moved to the
16 Northern Ireland Office and then to the Department of
17 Justice,

18 it is not
19 material that was in the De La Salle Order's possession,
20 but rather with the Department of Justice.

21 Then HIA314 in his statement makes allegations
22 against three Brothers. Two of them are dead and one of
23 them, who is alive, is in his . He has provided
24 a response statement to the Inquiry. That's BR42. His
25 response statement can be found at SPT2166 to 2168.

1 In keeping with the Inquiry's obligations, whenever
2 allegations are made to the Inquiry about abuse, those
3 matters have to be reported to the police, and on foot
4 of matters being reported to the police and contact
5 being made with HIA314 and others BR42 was interviewed
6 by the police on 16th April of 2014, and that interview
7 is available to the Panel. It is at 25507 to 25511.
8 I will come back to some of those matters in due course.

9 So that's the material that is available. I know
10 that in speaking to HIA314's wife, she was
11 impressed with the extent of the investigation that the
12 Inquiry had been capable of doing in terms of amassing
13 the historical material. I am going to show the Panel
14 some of that historical material now, which will help
15 with the understanding generally in respect of training
16 schools. I know that was looking forward to
17 seeing some of these historical records about her
18 husband.

19 The Training School Order that brought HIA314 to
20 St. Patrick's on 10th June 1959, if we can look, please,
21 at 49438, as the core participants have pointed out,
22 HIA314 came to St. Pat's through what was called
23 an education case. So you can see that this is a court
24 form and it is indicating that because of the number of
25 days that HIA314 had been absent from school between

1 and and the court, having had
2 that brought to its attention by an Education Welfare
3 Officer -- and I will show you that shortly -- took the
4 view in order -- you can see:

5 "Whereas the court is satisfied that it is necessary
6 for the purposes of securing the regular attendance of
7 the child at school that he be sent to a training
8 school."

9 That was a decision made on . You can see
10 that the form also then directs that in view of HIA314
11 being a Roman Catholic, he would be sent to
12 St. Patrick's Training School. At that stage you can
13 see that -- this is relevant to the first paragraph of
14 HIA314's statement, where he talks about having been --
15 his recollection at the time of making the statement was
16 that he was in Milltown initially. You can see that by
17 this stage, , Milltown no longer existed. Glen Road
18 opened in October 1957. So you can see the address that
19 St. Patrick's is recorded as being is at the Glen Road.

20 So that's the record, the Order that takes HIA314 to
21 St. Patrick's. That was based on an education welfare
22 officer report. If we can look at 49460, you can see
23 the report of the principal of the school, and then if
24 we just scroll down, you see the second passage is from
25 the Education Welfare Officer dated . So there

1 was obviously difficulty with attendance at school and
2 that led to HIA314 being brought before the court.

3 The type of document -- whenever one first then went
4 into the training school, there was it seems a document
5 called a Record of Information that was provided.
6 49447, please. You can see "Training School Order --
7 Record of Information". It is signed off by the clerk
8 of the court. It has various sections to it over the
9 course of four pages. I am just going to quickly scroll
10 through it. It is containing HIA314's personal
11 information. You can see general particulars, school
12 record. There is a reference to the school report.
13 Other information. So his religion is recorded. Scroll
14 down, please. Then particulars of his family. The home
15 surroundings. We can see reference is there made to
16 , at that time aged 6, who is present today.

17 If we move further on down, please, we then have the
18 medical report on ... There is no details that are
19 recorded on it. If we scroll further down. Just pause
20 there. So it is that type of generic information about
21 the individual that seems to be recorded on that record
22 of information.

23 Then the admission register from St. Patrick's. At
24 49480, please, you can see the record being made of
25 HIA314 coming in. So he is given a register number,

1 . I am going to surmise that's likely to then be
2 the number that would be allocated to the clothes that
3 were his. As you know, the numbers in the institution
4 would have been well over 150 at this time. So there
5 would have been a significant number of boys.

6 If we scroll down, we can see his home particulars
7 are recorded, any -- the reason. "Failure to attend
8 school" is recorded. There is a description given of
9 him, his physical description, and then we get
10 a summary. So this document will have been gone back to
11 and completed over time in terms of what you find in the
12 bottom right corner.

13 What we can then see happening -- and HIA314's
14 sister was able to add to the knowledge about this
15 -- on , so one week later, his family through
16 their legal representative applied for -- they appealed
17 the decision sending him to the training school. So the
18 court order was subject of an appeal. He was released
19 on bail pending appeal. You can see in the bottom right
20 corner:

21 "Released on bail pending appeal ."

22 The court form in respect of that is an example of
23 the type of document that was completed at 49439,
24 please. The content is not all decipherable, but the
25 basis of the appeal is set out. If we just move the

1 document down just a little, we can see the date of it
2 is .

3 Now then an incident occurs. So HIA314 spends
4 a week in St. Patrick's. He is out on bail pending the
5 appeal of the Training School Order, and then on
6 , if we can look, please, at 49411, if we just move
7 on to the next page, please -- no, no. Just go back up,
8 please. Try 49441, please. My apologies, Members of
9 the Panel.

10 We can see that an incident occurred on
11 while HIA314 was on bail pending appeal of the
12 Training School Order. He was charged with malicious
13 wounding, and was able to inform me this morning
14 that a fight had taken place on the street and he had
15 used a penknife to stab the person that was caught up in
16 the fight. That resulted in him coming before the court
17 in respect of that matter.

18 So you have two trains, as it were, going at the one
19 time. You have this criminal offence being dealt with
20 and at the same time there is an ongoing appeal in
21 respect of the Training School Order.

22 We can see then at 49440 the Recorder of Belfast
23 deals with the training school appeal on
24 . The Order is dated ,
25 but the matter is being dealt with on , and if we

1 just move down a little, we can see that:

2 "Whereas upon the hearing of the appeal on
3 the Recorder of Belfast recorded the
4 appeal be disallowed and affirmed the magistrate's
5 order."

6 Then HIA314 is going back to St. Patrick's.

7 On , which is the document we looked
8 at, 49411, the next document, which is the court order
9 then dealing with the malicious wounding, a concurrent
10 one month in the training school is given for that
11 specific offence.

12 If we just scroll down to the next page, please,
13 49411. Just move on down. Thank you. One month is
14 given for this specific offence. So the ordinary
15 Training School Order, which is a far more indefinite
16 period for the non-attendance, and then this is given
17 concurrent for the wounding.

18 CHAIRMAN: That was the Petty Sessions, not the Recorder's
19 Court?

20 MR AIKEN: Yes. The fact that there were two Training
21 School Orders appeared to have caused some confusion.
22 We can see at 49466 a letter of clarification being sent
23 by the manager .
24 he is writing to the Ministry of Home
25 Affairs:

1 "I beg to attach herewith detention order in the
2 case of the above named young person whose appeal was
3 refused at the Recorder's Court on and readmitted to
4 the training school on ."

5 You can see that he does not go back on
6 . It is not until that he
7 returns to St. Patrick's. So he had been in a week in
8 and then going back.

9 CHAIRMAN: I don't think that's correct. The reality is he
10 was on remand on the malicious wounding charge until it
11 was dealt with by the Magistrates' Court. So he may
12 have been in St. Patrick's, but he would have been there
13 as a remand prisoner and not as somebody serving
14 a Training School Order. So he may physically have been
15 in the premises but under a different label, so to
16 speak.

17 MR AIKEN: And we can see the boy is recorded as appearing
18 on and this offence was committed while he was out
19 on bail pending the hearing of the case at the
20 Recorder's Court. He was committed to St. Patrick's
21 remand home for one month:

22 "... and I am to enquire if this sentence is to run
23 concurrently with the original detention order."

24 So one of the reasons I wanted to bring this to the
25 Panel's attention is this is an example -- we don't have

1 the files unfortunately from Home Affairs where this
2 letter might have been also recorded, but what we do
3 have is it was in the personal file that was maintained
4 on HIA314. This appears to be the copy of the letter
5 that was sent.

6 If we look at the next -- there is a reply then on
7 the next page from the Ministry of .
8 So clarification is then given. You can see:

9 "The boy's period of detention in the school will
10 commence from , the date of the original
11 Training School Order.

12 The period during which he was released on bail, ie
13 to inclusive, should be
14 disregarded in determining his stay in the school.

15 The Section 56 Order", for the malicious wounding,
16 "made against the boy should run concurrently with the
17 Training School Order."

18 So this letter comes back from the Ministry and you
19 can see there is a file reference in the top left,
20 "W4393". I flag that up to my colleagues, who are going
21 to be working very hard in the departments to try and
22 trace files and make sure that we have understood what
23 has happened to all of them. So there is a reference at
24 W4393.

25 If we scroll down just a little bit, we can see it

1 is signed off by I think that's for the
2 Secretary, being sent back then to St. Patrick's.

3 The type of record that was then maintained and
4 which was found in the file, if we can look at 49452,
5 demonstrates a pattern of behaviour which you will see
6 in a number of the statements and which I talked about
7 during the opening of boys being released, particularly
8 if they were from Belfast, on home leave, and you can
9 see that over the course of the period that HIA314 was
10 in St. Patrick's he went home for Hallowe'en in
11 , home for Christmas, various other records of being
12 home for Easter, and there is a last entrance in --

13 CHAIRMAN: It is:

14 "Admitted mother took in his school trousers",
15 perhaps.

16 MR AIKEN: Yes. So that type of record is sometimes
17 available showing the sequence of boys being in and out
18 of the training school for particular occasions.

19 It appears that on consideration was
20 given to the release on licence at that point in time.

21 We can see, if we look at 49468, this is again likely
22 to -- it is written by the manager of the home

23 . You can see he is again writing
24 to -- this is a copy of the letter that he sends to the
25 Ministry of Home Affairs. He says:

1 "HIA314 was committed to the school on ...
2 He was released on bail on ... He was disallowed
3 on , but was not returned to the school to complete
4 his period. He appeared in court on and was
5 committed to the school for one month. When the month
6 was up, his mother came to the school to take the boy
7 home and was very upset when she learnt that the first
8 committal still applied."

9 That was confusion had arisen over the two orders
10 certainly for HIA314's number.

11 CHAIRMAN: It would seem from that that he must have been
12 allowed to remain on bail pending the disposition of the
13 malicious wounding, despite the fact that the Training
14 School appeal had been dismissed.

15 MR AIKEN: Yes. You can see that he is described by the
16 manager of the home :

17 "HIA314 is an intelligent boy and in my testing
18 procedures an IQ of 118. He is at present learning
19 cabinet making and shows distinct promise. I feel that
20 it would be in the boy's own interests to allow him to
21 continue his training in the school and therefore
22 I can't recommend his release at this stage."

23 So there appears to have been a policy developing --
24 and we will see this through other documents -- of at
25 a certain point in time a review was carried out to

1 consider the question of licence. The Ministry -- so
2 this letter is sent to the Ministry. This is a copy of
3 what was sent.

4 We can see the letter back on at
5 49469. Again we can see the reference at W4393. The
6 letter again, this time it is Mr Stirling. That's
7 a name we have come across in the Ministry when we were
8 looking in Module 3 at Rubane.

9 "I am directed by the Minister of Home Affairs to
10 refer to your report dated on the above
11 named boy and to inform you the Ministry has decided
12 under the circumstances not to direct his release on
13 licence.

14 The petitioner has been informed accordingly."

15 So at that stage HIA314 would have been there for
16 six months in effect from the to ,
17 and then we can see on , so the following
18 year --

19 CHAIRMAN: Well, before we leave that, the wording "the
20 petitioner" would suggest that perhaps his parents on
21 his behalf had applied to the Ministry for his release
22 and then a request was made for information.

23 MR AIKEN: Yes. There's -- unfortunately in his personal
24 file there are no other documents around this. It may
25 be if W4393 can be traced that we can close that off

1 a bit further as to whether that's the language that's
2 used for -- it certainly carries the implication that
3 you are referring to, Chairman, that somebody asked
4 about this boy and a report was requested and provided
5 and a decision was made.

6 There are also some documents that suggest a review
7 mechanism being set in place at a certain point for boys
8 for this type of assessment to be conducted.

9 On then we can see the release document.
10 If we can look, please, at 49477, this is the internal
11 record that was on the personnel -- personal file
12 recording the licensing taking place on .
13 You can see that he is being licensed back to his
14 father, but a job that in his own statement he describes
15 as having been organised by the Order for him with
16 has been secured and he takes
17 up that employment for a short time.

18 If we look, please, at 12424, we can see a document
19 that is the notice of discharge or, as in this case,
20 release on licence from a training school. You can see
21 the type of form that was completed and the release date
22 there of . You can see at the bottom who
23 was a recipient of the document.

24 Then if we can look, please, at 49453, now this
25 again appears to be an internal record that was

1 maintained by St. Patrick's and it begins in terms of
2 its --

3 "The conduct: very good.

4 One year handicrafts class, 9 months woodwork shop.

5 Progress: good. Intelligent and interested.

6 Character: reliable",

7 and then it begins:

8 "Reports of welfare officers and friends",

9 and what it thereafter is is a record of what must
10 be the school keeping in touch with how HIA314 is
11 getting on after he leaves St. Patrick's.

12 So you can see it begins with the job that had been
13 organised at and records the progress of that
14 in , but then you can see reference to
15 . There is a good report recorded in
16 . There is reference to being home on
17 leave.

18 Then you can see in --

19 CHAIRMAN: Well, if you just pause at that point, the

20 Training School Order would have been valid until

21

22 MR AIKEN: Yes.

23 CHAIRMAN: But there was provision in the legislation that

24 allowed the Minister to give permission for people to

25 join --

1 MR AIKEN: Yes.

2 CHAIRMAN: -- and that appears to have been taken advantage
3 of in this instance.

4 MR AIKEN: Yes. So there's reference to , as
5 we can see, at There is a problem -- we
6 can see the -- how the typing -- obviously someone was
7 short of space. So they have inserted an entry relating
8 to above the entry, but you can see
9 that there was -- he has joined and is
10 doing well in . In a problem has
11 arisen, and you can see there was contact with his mum
12 had been made and his mum was not aware of the fact that
13 was recorded.

14 Then you can see that the problem is resolved by
15 and HIA314 has returned to . Then
16 you have a series of records of when he is home on
17 leave, and one particular reference that the Order draws
18 attention to you have in . So
19 by this time the licence you were referring to,
20 Chairman, has come to an end on .
21 So this is some two years later as part of the aftercare
22 service that is ongoing. You see why I say that when we
23 move on to the next page.

25 You can see in :

1 "Back in . Doing well according to
2 his parents. Expected to be home again about Easter."

3 So contact is being made to check on his progress
4 and it is then being recorded on this record.

5 If we move on to the next page, please, there is
6 then reference in being involved in a crash.
7 His sister was telling me this morning she
8 remembers that happening.

9 Then it is recorded that he is getting on well in
10 .

11 Then you can see the reference to him getting
12 married to in . Then they are going
13 back to sea. Then there is a record in of
14 having left Belfast and living with his wife in
15 .

16 Then you can see on it is
17 recorded as:

18 "Off aftercare at this date."

19 was able to tell me this morning that she
20 remembers her husband -- even after them being married
21 and coming back to Belfast, her husband going down to
22 see BR39 at St. Patrick's. She never went with him. It
23 was just him himself went down from her understanding to
24 see BR39.

25 So I hope that looking at those records -- I know

1 they were of particular interest to , but I hope
2 they will also have assisted the Panel with a general
3 understanding of how certainly at this period in time,
4 the , matters were recorded
5 administratively both in the courts sending children and
6 in the training school itself, and it gives some idea of
7 the aftercare service that was in operation and the
8 contact that appears to have continued in respect of
9 a boy after he had left on licence.

10 What I am going to do now is turn briefly to the
11 allegations that are contained in HIA314's statement,
12 because, as I made aware, the Panel have already
13 had the opportunity to look at these matters in advance
14 of today.

15 If we can look, please, at paragraph 3 of the
16 statement just so I can draw together the information
17 that I was bringing to the Panel's attention. It is at
18 001, please. You can see -- and I was discussing this
19 with -- the difficulty of recollection. Certainly
20 HIA314 was talking back to something that had happened
21 in excess of -- years ago when he was speaking,
22 and he records his recollection of being at Milltown in
23 and then the sequence of events that sees him
24 meeting -- coming to St. Pat's and meeting BR1, BR1,
25 when he first went in.

1 attention to in paragraph 10 of the replying statement
2 at 225, that this -- St. Pat's operated differently from
3 Rubane in that it had a civilian member of staff who did
4 the night-time patrolling duties. They explain that the
5 Brothers would have had a room at the end of the
6 dormitory with the same type of window, but say that it
7 was only in an emergency that the Brothers would have
8 been then going into the dormitory.

9 The other point that they draw attention to is that,
10 unlike Rubane, this type of -- if this type of activity
11 was to be attempted, it would run the real risk of being
12 caught either by other boys in the dormitory or by night
13 supervisors.

14 BR42 has said to the Inquiry, as he did to the
15 police, that at no stage during his almost years
16 working in St. Patrick's did he ever sexually interfere
17 with a boy.

18 In paragraph 10 of HIA314's statement at 004 he
19 explains in respect of the same two Brothers the
20 physical abuse that he says would have been engaged in,
21 and he also explains later in the statement the
22 allegation of sexual abuse in respect of being made
23 touch the Brothers in the back row of the television
24 room.

25 The Order, if we just scroll through to

1 paragraph 13, please, if we just -- just go up slightly,
2 please, for me to paragraph 11. You can see the
3 allegation -- no, no -- just scroll down a little,
4 please -- thank you -- the nature of the allegation
5 made. Just scroll down to paragraph 12, please. The
6 reference in paragraph 12 to the behaviour when in the
7 back row of the television room.

8 A different Brother is also identified as having
9 been seen by HIA314 abusing others in the television
10 room, and that's BR48, who is a BR48, and the Order
11 draws the Panel's attention in paragraph 14 of their
12 replying statement at 226 that there were no other
13 complaints that have been received about BR48.

14 BR42, who is identified by HIA314, was born on
15 . So he would have been in
16 . He addresses in his Inquiry statement eight
17 allegations that he faces during his time working in
18 St. Pat's, which was effectively years until .
19 He addresses HIA314's allegation in paragraph 8 of his
20 statement.

21 If we can look, please, at 2167, I am just going to
22 focus on paragraph 8. The reference is made to HIA314's
23 statement to the police. That statement ultimately was
24 unsigned and it came after the Inquiry statement, but it
25 involved then BR42 being interviewed about the

1 allegation in April 2014, and he said to police that he
2 didn't remember HIA314 in particular. He agrees he had
3 a bedroom close to the dormitory where some of the boys
4 slept. He didn't go into a dormitory at night unless
5 there was a emergency.

6 "A night supervisor was employed for this purpose",
7 ie, of supervising the dormitories:

8 "I deny that I ever woke up any boy up in the middle
9 of the night and touched him in an inappropriate way.
10 There was a TV room and I would have sometimes sat in
11 this room with the boys to watch TV, but I did not
12 engage in any sexual activity with this person or any
13 boy as alleged. I also did not see any boys being
14 abused by another Brother in this way. I agree I would
15 have sometimes supervised the boys when they were having
16 showers. This was to ensure there was no horseplay and
17 for no other reason."

18 He explains in his police interview -- I am not
19 going to open that, but I will just draw it to the
20 Panel's attention at 25507 to 25511 -- that he would
21 have supervised boys in the showers and he describes --
22 I will give you the page references at 25510 and
23 25511 -- that the showers were large, 16-person showers
24 and the boys wore swimming trunks when in the showers.
25 We saw some other documents about that earlier when

1 I was doing the opening. He denied the sexual
2 allegations that were made against him.

3 In respect of BR47, he was born on
4 and came to St. Patrick's in
5 where he spent years before he
6 left St. Patrick's and left the Order in The
7 Order believes that he died a number of years ago. So
8 he would have been during HIA314's time in St.
9 Pat's.

10 There are three complaints about BR47, two
11 applicants who complain about him, of which HIA314 is
12 one, and there is a third individual who made a physical
13 allegation to police post-2009. The Order draws
14 attention to the fact that they had not received any
15 complaint about BR47 prior to the Inquiry and notes that
16 the 1994 major police investigation as far as the Order
17 was aware didn't cover allegations against BR47, who was
18 well regarded by surviving Brothers, and they didn't
19 accept that he abused or don't accept that he abused
20 children.

21 The third Brother who HIA314 describes as abusing
22 him is BR39. If we look at paragraph 11 of his
23 statement, please, at 003, you can see that he says BR39
24 took a special interest in him and brought him and
25 a couple of other -- scroll down, please -- move on --

1 please, at 005, you can see that he describes here the
2 swimming pool and the Brothers abusing him in the
3 changing room. In addition to that -- so there is two
4 aspects to this he says. The second part is the third
5 sentence:

6 "It was quite regular to see a Brother being
7 masturbated in the changing room. They would tell you
8 to come with them and you didn't ask questions."

9 So he is saying two things. That happened to him,
10 but in addition as a routine it happened that he would
11 walk in and see other Brothers doing that with other
12 boys.

13 He also describes in paragraph 17 at 005 sexual
14 activity between boys. He says it was not discouraged
15 between the boys. It was something that happened
16 regularly.

17 "Homosexuality was rife among the inmates, as was
18 bullying, with the younger ones suffering."

19 He said there was no privacy anywhere:

20 "The older boys would regularly abuse the younger
21 boys ..."

22 He also says in respect of physical allegations in
23 paragraph 10 of his statement at 003 that physical abuse
24 -- if I can go back to 003, please -- that -- just
25 scroll down a little further -- that physical abuse was

1 rife in the home.

2 You are aware the Order in its response statement at
3 paragraph 11 at 225 doesn't accept that it was
4 a physically excessive regime in St. Patrick's, that
5 there was the use of a strap, but that was not a regular
6 thing that was done on a constant basis.

7 When BR42, for instance, was being interviewed in
8 April 2014, he talked about how he would have used the
9 strap for discipline, but that it was seldom. It wasn't
10 a regular thing, and that absconders were dealt with by
11 the management, not by the prefect. So he would have
12 used the strap.

13 In paragraph 21 of HIA314's statement, if we look at
14 006, he talks about how boys would often run away.

15 "If you done a runner, as punishment the Brothers
16 would shave your head and take one of your shoes off you
17 so you couldn't run."

18 As you know, that's not the first reference to head
19 being shaved as part of trying to stop the running as
20 well as another letter that I opened during the opening
21 you are aware talking about making you wear nylon
22 shorts, trying to create circumstances where you would
23 be less inclined to run away.

24 The Order has said to the Inquiry, although it has
25 agreed to reflect on the evidence that comes forward to

1 the Inquiry, that they don't believe head shaving was
2 done as punishment for running away.

3 But in paragraph 22 then of HIA314's statement he
4 talks about the cells that you heard me mention during
5 the opening. You would be put in there as punishment
6 any time you committed an offence. He also refers to,
7 "We would be refused privileges if we did anything
8 wrong". You'd get marks, and depending on those marks,
9 you got money going out on a Sunday.

10 So that gives reference to the type of discipline
11 system that the Order has explained to the Inquiry it
12 operated and which can be found in the Training School
13 Rules that we were looking at.

14 HIA314 explains then to the Inquiry in paragraph 20
15 at 006 that he couldn't tell his parents about the
16 abuse. He felt they were very religious and just
17 wouldn't accept that this sort of thing would go on. He
18 talks about two nuns that he said:

19 "We tried to mention it to the nuns",

20 and he named those two nuns. There certainly were
21 Bon Secours nuns, as you know, until 1975. The Order
22 has not been able to identify these two particular nuns
23 that HIA314 refers to. It is not entirely clear what he
24 means when he says he tried to mention it, but then he
25 wanted to come forward to the Inquiry and make

1 a statement, which he did before he passed away.

2 Members of the Panel, that's what I propose to say
3 in trying to summarise the extensive material that's
4 available in respect of HIA314.

5 I know that Ms Smith is going to deal with some more
6 individuals to allow me to speak to Mrs [name redacted].
7 So perhaps if we rose for a short time to allow that to
8 ...

9 CHAIRMAN: Yes. Well, we will take a short break now anyway
10 to allow the stenographer that time and we will resume
11 with Ms Smith in about ten minutes or so.

12 (11.40 am)

13 (Short break)

14 (11.50 am)

15 Evidence relating to witness HIA54 given by COUNSEL TO THE
16 INQUIRY

17 MS SMITH: Good morning, Chairman, Panel Members, ladies and
18 gentlemen. The next witness, who is sadly no longer
19 with us and therefore unable to give his evidence orally
20 to the Inquiry, is HIA54, whom I shall call "HIA54".
21 Now HIA54 obviously would have been advised that we
22 afford anonymity to those who come to speak to us and we
23 have no -- nothing to suggest that he would wish the
24 anonymity to be removed, Chairman.

25 HIA54's witness statement can be found at SPT150 to

1 153.

2 The De La Salle Order's response is found at SPT380
3 to 381 and then there was a supplementary response in
4 light of disclosed papers which can be found at SPT739
5 to 740.

6 The Health & Social Care Board gave a response
7 statement, which is at SPT451 to 452, indicating that
8 Social Services had no involvement with HIA54.

9 There is a Department of Justice response statement
10 at SPT1366 to 1375, in which they indicate that they had
11 no knowledge of the allegations made by HIA54 prior to
12 seeing his HIA statement. They have, however, provided
13 a bundle of material in respect of him, which can be
14 found at SPT45775 to 45935.

15 Now there is some police material in the bundle,
16 which can be found at SPT23036 to 23182 and 25287 --

17 CHAIRMAN: You will have to go a little bit more slowly for
18 us, please.

19 MS SMITH: Sorry, Chairman. It is 23036 to 23182 and then
20 25287 to 25297.

21 Now this police material has been added to the
22 bundle. It relates to an offence that HIA54 himself
23 committed as an adult when he assaulted a priest because
24 he claimed -- he blamed the church for having been
25 sexually abused as a child, and there is also

1 an allegation that he made as an adult, which he
2 subsequently withdrew.

3 If we can just go to HIA54's statement here, which
4 is on the screen, his personal details are set out there
5 in paragraphs 1 and 2. You will see that he was in
6 St. Patrick's from to
7 I think that might have been .
8 He ended up in St. Patrick's as a result of a Training
9 School Order being made in respect of offending. He and
10 a friend whom he names in his statement were both sent
11 to St. Patrick's.

12 In paragraph 3 of the statement he alleges that when
13 he first arrived into the home, he had no idea where he
14 was being taken. The Brothers didn't say a word to him
15 and he was taken into a house which was beside the
16 junior side of the junior wing -- the house was beside
17 the junior wing. In the house he claims that he was
18 held down by two Brothers and raped by another Brother,
19 whom he names there, BR26. He said he did not know the
20 names of the Brothers who held him down. He remembered
21 one of them wore -- if you just scroll down, please --
22 he described what that Brother was wearing. He
23 described the fact that he had taken tranquillisers
24 during the day when he was at court and they had not
25 worn off. So he said he couldn't defend himself.

1 Now the Order do not accept the veracity of this
2 account and they don't, in fact, accept in their
3 response statement that he was abused in St. Patrick's.

4 We have also received a statement from the Brother
5 named there, Brother BR6 -- 26 -- sorry -- which is at
6 STP2191, and without opening that statement, he at
7 paragraph 10 says that the allegation is a complete
8 fabrication, and he was never interviewed by police
9 regarding such an allegation.

10 Going back to HIA54's statement, he says there at
11 paragraph 5 that he had learned to box at an early age.
12 When he went to St. Patrick's, he knew how to defend
13 himself. He knew how to look after himself.

14 "If you weren't able to fight your corner in there,
15 you were beaten and bullied by other boys. I did not
16 have a problem with being bullied."

17 The friend who entered with him and he stuck
18 together.

19 "So if you hit one of us, you had to hit both of
20 us."

21 He goes on to say in paragraph 6 that there was
22 a Brother who was in charge of giving clothes and he
23 essentially said that the talk amongst the boys was that
24 if -- that this Brother gave the best clothes to those
25 who let him do sexual acts. He said he never had to go

1 and get clothes, because he was only there for a short
2 period of time.

3 At paragraph 7 he talks about his mother visiting,
4 but because he lived -- he originally came from the
5 area and his mother was in bad health, she was
6 unable to visit and after two weeks he was taken home to
7 visit her. He said that was the only time he was
8 there -- he was able to visit her.

9 He went to school in St. Patrick's and he names two
10 teachers there in paragraph 8 as gentlemen.

11 He then goes on in paragraph 9 to say that he
12 believes that St. Patrick's was a recruiting ground for
13 the junior IRA.

14 He was readmitted to St. Patrick's on
15 to and
16 to . That's in accordance with -- that's
17 what he has -- his understanding of when he was
18 admitted, but the Department of Justice records show
19 that, in fact, he was there until .

20 If we could just look briefly, please, at 45801, and
21 this is a record from the training school itself and it
22 sets out essentially the history of how he came to be in
23 St. Patrick's in the first place.

24 I note that there are details given on this document
25 which are clearly seen but will obviously be redacted

1 before they are disseminated any further beyond the
2 chamber. I will just take this opportunity to remind
3 people that there is a Restriction Order which preclude
4 the naming of anyone outside the chamber. Although we
5 are using names, it is not appropriate -- it is not
6 permitted for them to be used outside the chamber.

7 Without going through this document in any detail,
8 if we can just scan down through it, you will see here
9 that when he -- if I can just go to the -- yes. HIA54
10 talks in his statement at paragraph 13 about another boy
11 frightening him into believing that he would be raped
12 and talked about the Brothers coming into the room at
13 night with comics. He relates how he cut his wrists.
14 You will see here that it is recorded that he was found
15 cutting his wrists with a piece of broken glass on
16
17

18 . There was some suggestion that he
19 be seen by various medical people and at one stage there
20 was some suggestion of him being admitted to
21 a psychiatric hospital, but that was overruled. Then he
22 went to I think it is and that
23 possibility was -- so essentially HIA54 was boarded out.
24 While he was still under the care of St. Patrick's
25 Training School he was boarded out. He was then

1 released on bail also pending an appeal for the sentence
2 he received and ultimately he was given a conditional
3 discharge and returned I think to .

4 There are other -- I am not going to go through it.
5 I know from listening to what Mr Aiken was doing with
6 the last witness, he showed a number of documents that
7 are in the bundle. There are similar documents in
8 relation to all of the people that we are speaking about
9 this morning, which came from the DOJ records of -- that
10 were held originally in St. Patrick's and then, when it
11 closed, were maintained in the archive by the DOJ.

12 There are other documents which I will just briefly
13 refer to that -- just in respect of -- if you could just
14 go back, first of all, to his statement at paragraph 12.
15 That's at -- sorry -- that's at page 152. This is when
16 he is readmitted to St. Pat's. He says that he was
17 admitted again in . He remembers that the Brothers
18 would beat the boys with leather straps if you were
19 being punished for something.

20 "I remember being hit over the head with a bunch of
21 keys by a BR50 once because I had hit another boy who
22 was his pet."

23 Now I pause to make the point that I am aware that
24 the St. Patrick's own rules permitted them to use a cane
25 or a tawse for corporal punishment, a tawse being

1 a strap. However the 1952 Training School Rules only
2 permitted corporal punishment to be carried out by
3 a light cane. The fact that the Brothers -- the
4 Brothers in their response statements have admitted that
5 they continued to use the strap for corporal punishment,
6 and the fact that they did that and the corporal
7 punishment returns would have to have been made to the
8 Department -- to the Ministry of Home Affairs and then
9 to the Northern Ireland Office would suggest that that
10 was condoned by the authorities.

11 In respect of the allegation about BR50, in his
12 statement which he has provided to the Inquiry, which
13 can be found at SPT2200, at paragraph 6 thereof he
14 admits that he did carry a small bunch of keys, but he
15 denies striking HIA54 or any young person over the head
16 as is alleged here.

17 I mentioned paragraph 13 again where he relates the
18 incident of how he came to be cutting his wrists and
19 there are some other documents in relation to that in
20 the bundle of material. As you have seen there, he says
21 that he was taken to in , which
22 was run by Save The Children.

23 "It was run by civilian workers who were all nice
24 people and looked after me."

25 He says at paragraph 15:

1 "I felt that St. Patrick's was run on fear,
2 intimidation and abuse."

3 Then in paragraph 16 he goes on to describe his life
4 after care and he makes reference to the assault that he
5 committed on the priest in .

6 If we just look at a few documents briefly, at 45836
7 you will see that this is dated and it
8 says that , who would have been a houseparent,
9 had phoned BR96 informing him that HIA54 had cut his
10 wrist. He went to the school immediately.

11 " had applied a dressing to the wrist and
12 I undid this to examine the wound, which did not appear
13 too serious. I questioned HIA54 as to what had happened
14 and he stated, 'I cut it with a piece of glass, because
15 I was feeling depressed'. I decided then that it would
16 be better to have him attended to in hospital.

and myself conveyed him to ...

18

19 Just at 45837, this is a letter to the principal of
20 St. Patrick's Training School from the Northern Ireland
21 Office in , which refers to BR26's letter of

22 and conveyed:

23 "... the consent of the Secretary of State to
24 boarding HIA54 out to for a period of
25 three months from ."

1 I just highlight that as an example of St. Patrick's
2 seeking leave of the appropriate Department before
3 releasing him to the care of another institution.

4 There are other documents. There is -- if we look
5 at SPT45860, you will see that this is a form DTS4 for
6 St. Patrick's Training School and it's "Notice of final
7 discharge, discharge on licence, death, transfer,
8 absconding, sending to hospital, readmission from
9 licence, absconding at hospital, recall after discharge
10 and placing out after recall".

11 So this is the kind of document that was kept and
12 there seems to be two on this one page. If we can just
13 scroll down, you will see that HIA54 -- the type of
14 notice, using description defined above, he was licensed
15 to his mother at home on , and then he
16 was boarded out to on , and
17 then if we scroll down to the bottom, he was boarded out
18 to in . He was committed on
19 Bail pending appeal was granted on
20 and the Training School Order was
21 affirmed on

22 Even if we just scroll down to the next page, you
23 can see that there is notice given that he was admitted
24 to the on .

25 There is remand register documents. I am using

1 these documents simply to give an example of some of the
2 documents that were maintained in respect of boys in the
3 home. At 45865 this is an example of the remand
4 register, which recorded those boys who were in remand
5 in St. Patrick's from to . You see
6 that the names are given there, their age on admission.
7 I think it is actually the -- I think it is -- I think
8 it maybe is a code, because they certainly weren't 51 on
9 admission. The dates of admission, the dates of
10 discharge, the period of remand, the charge that they
11 were facing, the police district covering those charges
12 and any remarks.

13 If you scroll down to the bottom of that page,
14 HIA54's name appears just -- it is actually highlighted
15 on the page there. He was in there from
16 -- -- to on
17 a charge of riotous behaviour from , and it says:

18 "Released after one month in remand home,
19

20 So the dates aren't quite tallying there, but it may
21 well be that there was an earlier remand register
22 showing him being in there from September.

23 In fact, if we look at the next page, it is the --
24 the dates on that, if we scroll down to HIA54's name,
25 you will see there that he was in from

1 , and then and would

2 have been when he was in .

3 There is also a document at 45868, which is
4 St. Patrick's incidental returns -- return for the
5 months. HIA54's name appears on this also about being
6 discharged during the quarter, admitted during the
7 quarter and discharged during the quarter.

8 If we look at the next page down, you will see his
9 name appears under the heading "Readmitted --
10 readmission from hospital".

11 There is also a document which, if we look at
12 SPT45873 -- just to show that this is -- it is described
13 as "52 Miscellaneous Box File Night Supervision?
14 Juniors Book to ". Then somebody has put what
15 looks like a fresher sticker on it with HIA54's name and
16 date of birth.

17 Then if we go to the next page, it is

18

19 "42 boys in bed after TV show 11 o'clock. Two new
20 boys admitted today, HIA54 and his friend. HIA54
21 received treatment at accompanied by SPT40.
22 Returned at 10.15 by BR20."

23 Then there is:

24 "Request that curtains be replaced on windows of",
25 something, "open dormitory bottom as floodlight in the

1 rear yard is keeping the occupants awake until the early
2 hours."

3 These are the kind of night supervision records that
4 were being kept on the boys.

5 For example, if you go to -- scroll down to the next
6 page as well, the night of :

7 "28 boys watching TV at 9.15. Some boy returned at
8 10 o'clock. Total boys now in 29. One went to the
9 chalet. Ones for court. Early call at ...", I think
10 that might be, " called. HIA54 and his friend to
11 be called at 8 o'clock. Proceeding to accompanied
12 by two members of staff."

13 So the records were being kept that the night
14 supervisor had to get them up early the next morning to
15 get them to court.

16 Then there is another document. If we just scroll
17 on down then to 45875, there is a treatment book kept.
18 Again this is from to . The next
19 page shows that HIA54:

20 "Was on JC for one month. Alleged rough treatment
21 from RUC. Took 15 Valium -- 15.5 milligrams of Valium
22 this morning."

23 That's where HIA54 in his statement to us said that
24 he had taken tranquillisers on the morning of court.

25 That is also recorded there.

1 young, although nothing had been done about it."

2 I think then the probation officer is -- the name of
3 the probation officer is recorded there.

4 I think it is "has been told" I think is that last
5 entry.

6 So clearly HIA54 would have had a probation officer
7 because of his court appearances and the training school
8 were keeping in touch with any information they had that
9 was of relevance to the probation officer.

10 Then there's another diary entry, senior school
11 diary, from , which is at -- I will just go to page
12 45902. This is Sunday. I think it is :

13 "38 at breakfast. Some boys are on day parole.
14 A skirmish developed after breakfast between a boy and
15 HIA54. Not too serious. Over something that was said
16 during TV the previous night."

17 That's recorded there. So ...

18 There are various other entries of a similar nature.
19 For example, it is recorded -- I am not going to go
20 through them all, but it is recorded who was collecting
21 HIA54 to take him to or taking him out for
22 the day, and there's an entry in -- on about
23 the 11 boys who went home for the summer holidays, and
24 that included HIA54. He was in sick bay after visiting
25 the doctor at a later date in . Then he was

1 admitted to the and we have seen
2 the occurrence book entry in respect of that.

3 There is one entry that -- at 45917, if we just have
4 a look at that, this is again from the desk diary type
5 record that was being kept. You will see it says:

6 "At marks today ..."

7 Then it gives the names of the boys and it says, for
8 example, in respect of the first boy:

9 "All privileges for one week."

10 Another boy:

11 "One day off next leave."

12 Another boy is to lose his next weekend leave.

13 HIA54 is recorded as getting:

14 "No privileges for a week."

15 So clearly they are making a record of punishments
16 in the daily recording by removing privileges and
17 weekend leave.

18 There is a detailed note on HIA54's return from
19 hospital after the incident for which he was
20 hospitalised on at SPT45931.

21 If you scroll down, please, it says:

22 "I rang the re HIA54. Was
23 eventually referred to a Dr Cullen" or "Collom

24). He had interviewed HIA54 while

25 at and had confirmed that he was not

1 special care and had consequently referred him back to
2 Dr McCallem. I informed Nurse Gough", I think that is,
3 "of this and she hoped to contact Dr McCallem,
4 with regard to getting some
5 recommendation in writing if HIA54 is to be allowed to
6 return to , as this recommendation would need
7 Northern Ireland Office approval.

8 Further information revealed that Dr McCallem was on
9 holiday and Nurse Gough would attempt to contact
10 Dr Calvert at his clinic tomorrow."

11 That's signed -- initialled there. So we can see
12 that the training school required the permission of the
13 Northern Ireland Office, which we have seen earlier in
14 one of the other documents was indeed given, but they
15 needed something before they could get that approval
16 from the doctor.

17 There is an entry -- I don't need to look at it, but
18 it is at 45935 -- about him being transferred to Ramoan
19 after his court appearance in when he was given a
20 conditional discharge.

21 CHAIRMAN: What is the date of the reference to the
22 psychiatrist we can see at 45931?

23 MS SMITH: If you scroll back up, I think it's

24 I think in . Yes.

25 CHAIRMAN: Thank you.

1 MS SMITH: Now I've taken some time to go through those
2 documents not because of -- because obviously they
3 relate to HIA54, but obviously it gives an idea of the
4 type of records that were being kept by the training
5 school. You will see as we go through and as we deal
6 with the witnesses who are able to come to speak to us
7 that there were similar records in respect of many of
8 the boys.

9 Evidence relating to witness HIA320 given by COUNSEL TO THE
10 INQUIRY

11 MS SMITH: If I can move on then to HIA320. This is -- the
12 Inquiry has received medical evidence which it has
13 accepted to the effect that HIA320 is unable to come to
14 give evidence orally. Again the situation with regard
15 to his anonymity remains the position that we have no
16 indication that he would wish it removed and therefore
17 it will remain.

18 His witness statement is found at SPT113 to 118.

19 The Order's response is at SPT377 to 378 and there's
20 a supplementary response at 742.

21 Health & Social Care Board have put in a statement
22 at SPT755 to 757 indicating that there was no Social
23 Services involvement with HIA320.

24 The Department of Justice response statement is at
25 SPT1511 to 1520. Again the Department said that it had

1 no knowledge of the allegations prior to seeing the HIA
2 statement made by HIA320.

3 There is police material, which can be found at
4 SPT26258 and 26259.

5 There is also material, which I will refer to
6 shortly, that the Inquiry has received from PRONI and
7 that's SPT18152 to 18213.

8 HIA54 -- sorry -- HIA320's statement is on the
9 screen. You will see his personal details are set out
10 there in paragraphs 1 to 3. He was in St. Patrick's on
11 foot of a Training School Order. He records there in
12 paragraph 3 that his mother had told the judge that she
13 could not cope with him. They put him on remand in
14 St. Patrick's around the mid-70s. The records show that
15 he was there from .

16 He goes on in his statement to --

17 CHAIRMAN: For how long?

18 MS SMITH: That's a good question. I haven't actually made
19 a note of that, Chairman, but I think he was there until
20 approximately -- he was there in and out and he was
21 there until he was transferred to in
22 after absconding.

23 CHAIRMAN: We can be given that in writing afterwards.

24 MS SMITH: Yes. He refers to the daily routine in
25 St. Patrick's in paragraph 4 of his statement and he

1 names a teacher as -- BR87 as a nice man, although he
2 believed he was a drinker:

3 "He was nice, but I was too aggressive in class and
4 he wouldn't teach me. Sometimes I would help the
5 cleaner", whom he names, SPT77, "clean the corridors."

6 He remembers there was a TV room and a table-tennis
7 room and a small snooker table that they were allowed to
8 use.

9 As I have indicated, he was in and out during the
10 mid-'70s and he said that he:

11 "... slept in a dormitory at first, but later on the
12 dormitories were partitioned off and all the boys got
13 their own rooms. I cannot remember when this happened.
14 The food was okay and better than the bare minimum that
15 you received in borstal. I do not remember seeing any
16 social workers and probation was not really a big thing,
17 so I have no memory of ever seeing a probation officer."

18 Now you will recall that when I opened the
19 legislation to you at the start of this week, that the
20 position was that even if a child was placed into the
21 care of a training school on foot of a care order, the
22 social workers handed over responsibility to the key
23 workers in the training school.

24 Paragraph 6, he says that he received visits from
25 his mother and his father -- as his father was working

1 at the time.

2 "She came up when she could. As time went on I was
3 able to get home leave at the weekend, but I did not
4 always go home, as my home life was so unhappy. I would
5 sometimes abscond at the weekend, but I would always end
6 up back at St. Pat's either by returning voluntarily or
7 the police catching me."

8 He said:

9 "The Brothers gave you gym shorts to wear if you ran
10 away to try to defer you from running away again."

11 The Order would deny that gym shorts were issued to
12 deter absconders. They say younger boys did wear
13 shorts.

14 I mentioned material that we had received from
15 PRONI. If we look, please, at SPT18179, these are the
16 quarterly returns of absconders from St. Patrick's
17 Training School and this is the return for the quarter
18 ended . You will see here the numbers at
19 the end of the last quarter brought forward from the
20 previous return and the numbers at the end of this
21 quarter. Committed cases in the school, committed cases
22 boarding out, trainees in the school. There were none
23 in this quarter. Non-committed cases, any in hospital,
24 and there were 23 absconders and 56 were on licence.

25 At the end of this quarter there were 1... -- the

1 school was certified for 149. There were 92 committed
2 cases, one boarded out, no detainees or non-committed
3 cases and 22 had absconded.

4 Then the admissions and discharges during the
5 quarter. If you just scroll on down through this, you
6 will see the names. "1. Absconded", and you will see
7 that HIA320's name is there as the second from the end
8 in that grouping. Then "Returned from absconding" and
9 the dates are given there. You will see that HIA320's
10 name appears in that second block as returning on
11 having absconded on . That's signed by the
12 principal of the training school and returned to the
13 authorities. This was .

14 CHAIRMAN: So he was at large for about six weeks?

15 MS SMITH: Yes. There are -- there is a block of this
16 material in the bundle, as I have indicated, that we
17 received from PRONI. I am just calling that one example
18 up. It relates to HIA320, but it shows the kind of
19 returns that the home was making to the Northern Ireland
20 Office about absconders or indeed children who had to go
21 to hospital also would have been included on that form.

22 If we go back to HIA320's statement, please, at 114,
23 at paragraph 7 HIA320 says:

24 "There were a few members of staff who were a bit
25 vicious in the way they treated the boys. I remember

1 He subsequently died in when he was aged

2

3 Now the Order would say that it is possible he
4 administered corporal punishment with a strap, but they
5 reject the implication that Brothers forcefully slapped
6 or punched the boys. I have made the point already that
7 the 1952 rules meant that they -- they were supposed to
8 use a light cane rather than a strap, and, as I've said,
9 there were returns being made to the Ministry of Home
10 Affairs or Northern Ireland Office about punishment. So
11 24 years after the rules came into effect a strap was
12 still being used.

13 Going back to HIA320's statement here, at
14 paragraph 7 -- sorry -- paragraph 8 and 9 he says he
15 remembers that they were taken to swimming pool
16 for swimming lessons. There was a member of staff and
17 he names him. I am going to use this name, because he
18 says his name was DL 137

19 "I do not know his surname, but he was a and he
20 was just always called ' DL 137 '. There were two
21 ", and he names another one and ^{DL}₁₃₇ . ^{DL 137} looked
22 after the boys in the evenings and took them to the pool
23 as well as being employed as a . ^{DL 137} kept putting
24 his hand down my swimming pants and I really didn't
25 understand what was going on because I was so young. As

1 the weeks went on I started to understand a bit more.
2 Back at St. Pat's he came up to me and he offered me
3 cigarettes to go into the swimming pool to have sex with
4 him, but I refused.

5 He was always at me and he would corner me sometimes
6 and let on to jokingly wrestle, but I was uncomfortable
7 with this and I was afraid of him. I believe that later
8 he was on trial for assaulting some young people.

9 I think he was convicted for sexual offences. I saw him
10 on occasion wrestling with other boys in the home, but
11 we never discussed it between ourselves or reported any
12 incidents to staff. There was a stigma attached to that
13 type of behaviour and everyone felt that there was no
14 point in reporting it to staff in the home as they would
15 not have listened to us.

16 I saw^{DL 137} once in later years in Belfast and
17 I confronted him about what he had done to me. I don't
18 know what year that was, but it was in or around the
19 late 1990s. He just said that his head was away. I've
20 always thought about him sexually assaulting me, but
21 I've never wanted to talk about it before."

22 Now the Order would accept -- and I believe that
23 Mr Aiken has opened material about this particular man
24 --

25 CHAIRMAN: Yes.

1 MS SMITH: -- the Order accept that he abused children
2 and he was actually convicted in respect of some.

3 CHAIRMAN: But not obviously in relation to this witness,
4 judging by what he says.

5 MS SMITH: Not in relation -- not in relation to this man,
6 no. He was not one of the ones named on the bill of
7 indictment, and he didn't, in fact, complain -- his
8 indication is that the first time he spoke to it was
9 when he spoke to the Inquiry.

10 He talks about being sent to Lisnevin Assessment
11 Centre in Newtownards for about six weeks and then being
12 transferred back from there to St. Patrick's.

13 Then at paragraphs 12 to 13 he talks about being --
14 what happened when he was transferred to Millisle
15 borstal and the issues he had with that institution are
16 recorded in those paragraphs.

17 Paragraphs 14 to 19 of his statement deal with his
18 life after care. I am not going to go into any of the
19 details, but in paragraph 19 he says he still continues
20 to suffer from depression and the after effects of being
21 in care. He has good days and he has bad days. His
22 statement was signed on 11th April 2015.

23 Evidence relating to witness HIA519 given by COUNSEL TO THE
24 INQUIRY

25 MS SMITH: If I might mention one person, who is HIA519.

1 I am not going to open this in any great detail. His --
2 this is a gentleman who gave evidence when he came to
3 speak to the Inquiry about his time in Rubane. At that
4 time when I took him through his evidence, I also asked
5 him about what he had said in his statement about his
6 time in St. Patrick's Training School where he was
7 initially put there for just one night until they found
8 somewhere else for him to go.

9 CHAIRMAN: Yes.

10 MS SMITH: I just remind you that the transcript of what he
11 said about that or what I read about to him, which he
12 agreed with, can be found in the transcript of 19th
13 November 2014, which was Day 69 of the Inquiry, and it
14 is in the bundle at pages SPT40323. The relevant
15 passage is at 40326 through to --

16 CHAIRMAN: Well, we have it in the Day 69 transcript.

17 MS SMITH: Yes, it's Day 69. It goes through certainly to
18 a few pages after that as HIA519 related what happened
19 to him in St. Pat's. It was -- essentially his
20 complaint was that he was required to -- he was picked
21 on and got a battering, a good beating as part of
22 an initiation ceremony watched by staff members who
23 didn't intervene. He was then made by older boys to
24 stand on a table with a sausage in his hand and sing
25 with the sausage as if it was a microphone. They threw

1 food at him because he refused to sing and the staff
2 made him clean up the mess. When he went to bed that
3 night, the boys gathered round his bed and peed on it
4 and he had to go to sleep in this very wet bed and the
5 staff again didn't intervene.

6 CHAIRMAN: Yes.

7 Evidence relating to witness HIA347 given by COUNSEL TO THE
8 INQUIRY

9 MS SMITH: Now the final person I am going to deal with
10 today is number HIA347. This is HIA347, and again the
11 Inquiry has accepted that this witness is unable to
12 attend for medical reasons. I would reiterate that the
13 issue of anonymity remains the same as the other two
14 gentlemen. We have no reason to believe that he would
15 wish that to be waived.

16 His witness statement can be found at 159 to 162.

17 The DLS response is at SPT389.

18 The Health & Social Care Board have a response in at
19 SPT1106 to 1122, which includes exhibits, and they refer
20 to limited Social Services' involvement with HIA347.

21 HIA347 had previously spent time in Rubane.

22 If we could look, please, at SPT49815, you can see
23 that this is from De La Salle Boys' Home in Kircubbin
24 where he was admitted there on at the
25 request of the Probation Service. The main reason for

1 seeking residential accommodation would appear to be
2 truanting from school and following on from that
3 stealing, aggressive behaviour and generally disruptive.

4 "After admission he settled down quickly."

5 It is then recorded that -- the difficulties and it
6 says that:

7 "Despite the above remarks, HIA347 is not
8 unmanageable. It will take a lot of patient work and
9 perseverance with him and with the help of the
10 structured environment in which he is living one would
11 hope that some positive results will follow. He is not
12 due to leave school until and should the
13 courts so decide, we will be willing to have HIA347 here
14 for that period and we will continue our efforts to
15 impress on him what are normal and acceptable standards
16 of behaviour and what is required of him if he is to
17 make his way in later life and become a useful member of
18 society."

19 However, when it came to HIA347 going to court,
20 HIA347 was refusing point blank to go back to Kircubbin.
21 So the Probation Service had to find somewhere else for
22 him to go. He indicated he would simply abscond if he
23 was sent there.

24 So he spent time in Harberton House as an emergency
25 admission in , and we can see that at SPT49815.

1 That's 49815. Sorry. I have given the same reference.

2 I beg your pardon.

3 CHAIRMAN: Just give us the dates he was in St. Patrick's
4 and that will be sufficient without going to the
5 records.

6 MS SMITH: He was -- it was -- he was there very briefly in
7 If you will just bear with me, I should be able
8 to find the actual record.

9 CHAIRMAN: According to his statement he was in for two
10 weeks from to -- sorry -- two months
11 from to .

12 Yes. There is a probation report from his probation
13 officer, which I think is actually -- apologies. I have
14 obviously written down the wrong -- I can get the
15 correct --

16 CHAIRMAN: Well, we'll get them later.

17 MS SMITH: -- reference later on, but essentially he spent
18 some time in Harberton House, and the point is that he
19 was both in Rubane and Harberton House, but he has not
20 made any complaint to the Inquiry about the time at
21 either home. It would appear that Probation Service
22 rather than the Health & Social Services Board had most
23 involvement with HIA347.

24 CHAIRMAN: His complaints are about St. Patrick's --

25 MS SMITH: Yes, they are.

1 CHAIRMAN: -- and one person there in particular.

2 MS SMITH: They are. The DOJ response statement is at
3 SPT1527 to 1531. They had no knowledge of the
4 allegations prior to seeing his HIA statement. There is
5 DOJ material from 49800 to 50010.

6 There is also police material, which can be found at
7 21319 to 21774, 16275 to 26279, and these relate to the
8 prosecution and conviction of DL137. This gentleman was
9 one of the people named on the bill of indictment as
10 having been a victim, and DL137, in fact, pleaded guilty
11 to three charges of indecent assault in respect of him
12 on That --

13 CHAIRMAN: But was there a trial in relation to the --

14 MS SMITH: There was a trial in relation to --

15 CHAIRMAN: -- other allegations -- the attempted buggery?

16 MS SMITH: There was a trial in relation to the attempted
17 buggery in respect of another boy who gave evidence, but
18 HIA347 -- police papers indicate that HIA347 would not
19 give evidence on the attempted buggery charge in respect
20 of him, so it was not proceeded with. The certificate
21 of conviction is at 26294 and 95 and DL137 received
22 three years suspended for three years in total.

23 HIA347's police statement of 29th November 1993 is
24 at STP21431.

25 DL137's interviews are at 21476 to 21494. In

1 respect of HIA347 he said he could not remember the
2 names of the boys, but admitted touching them --
3 admitted touching but not attempted buggery.

4 The Order in its response statement acknowledge that
5 the abuse occurred and says that it must have occurred
6 before DL137's and after he
7 received a verbal warning about his conduct, and they
8 say that it is with deep sorrow and regret that the
9 Order acknowledges that HIA347 was abused in this way,
10 and he says -- I will come back to that in a moment when
11 I just look at the statement, but there was civil claim
12 material.

13 The DOJ advised they received a Letter of Claim of
14 15th October 2010, but the civil claim material that we
15 have in the bundle, which is at 90004 to 90242, relates
16 to a criminal injury claim rather than an actual civil
17 suit.

18 Again HIA347 is recorded -- his name is recorded in
19 those quarterly absconding reports that were obtained
20 from the Public Records Office. For example, SPT18155,
21 his name can be found in that document.

22 If we just could go back to his statement at 159,
23 please, his personal details are recorded there in
24 paragraph 1, and you will see that he was in St. Pat's
25 as a result of non-attendance at school and his

1 involvement then with crime when he was truanting and
2 absconding. The dates are set out there when he was in
3 St. Pat's.

4 Paragraphs 2 and 3 recount the sexual abuse that he
5 suffered at the hands of DL137 and he says that started
6 within a matter of days of his arrival in the training
7 school. I don't think it is necessary to go into the
8 details, but he describes what happened.

9 At paragraph 4 he describes another incident, which
10 he says was in early when he was on the senior
11 side of the school.

12 Then in paragraph 5 he talks about an incident at
13 a swimming pool outside of Belfast. Now you know that
14 the last witness said that this man was at the swimming
15 pool and his account was that he took them to the
16 swimming pool, but the position would appear to be that
17 in respect of HIA347 he recounts meeting DL137 outside
18 the swimming pool, and he acknowledges that he didn't go
19 there as an employee. He just turned up when the boys
20 were there.

21 DL137 admitted going -- in his statement to the
22 police in interview he admitted having been at the
23 swimming pool, but denied any incident at the swimming
24 pool taking place.

25 Paragraph 7, HIA347 recounts how he avoided DL137,

1 but there was one last occasion when he didn't have any
2 money and wanted to go on the train and he
3 asked him for money, and that was the incident of
4 attempted buggery that he then wouldn't give evidence
5 about in court. As I've indicated, Mr Aiken has I think
6 opened the issues surrounding DL137 --

7 CHAIRMAN: Yes.

8 MS SMITH: -- with regard to what was known by whom, when
9 and who was told what.

10 That is a short summary of HIA347's evidence to the
11 Inquiry.

12 I see now that it is 12.55. I know Mr Aiken still
13 has I believe two more summaries to present to the
14 Inquiry today.

15 CHAIRMAN: Well, we will rise for half an hour and then
16 we'll carry on.

17 (12.55 pm)

18 (Lunch break)

19 (1.25 pm)

20 CHAIRMAN: Yes.

21 MR AIKEN: Chairman, Members of the Panel, I am now going to
22 deal with two further witnesses who are going to have
23 their material summarised.

24 Before I do, Ms Smith asked me to make it clear that
25 in respect of the last witness that she was dealing

1 with, HIA347, HIA347, she inadvertently said that the
2 Department of Justice only knew about the abuse
3 perpetrated by DL137 when the Department saw his HIA
4 Inquiry statement, and, of course, Ms Smith wanted to --
5 wanted me to say that that was not right. The
6 Department were aware of it from the police trial and
7 also from his own 2010 Letter of Claim.

So she wanted me to correct that, which

11 I have now done.

12 CHAIRMAN: Thank you.

13 Evidence relating to witness HIA262 given by COUNSEL TO THE
14 INQUIRY

15 MR AIKEN: The first of the two witnesses that I am going to
16 deal with now is HIA262, who is HIA262, and we are
17 working again on the basis that he'd want to preserve
18 his anonymity, and, in fact, of HIA26,
19 HIA26, that I am going to deal with afterwards.

20 His Inquiry witness statement can be found at 027 in
21 the bundle through to 040. The passage that relates to
22 St. Patrick's is at paragraphs 3 to 5 of the statement
23 on 028. I am going to leave that on the screen.

24 HIA262 provided the Inquiry with a medical report on
25 16th October 2014 indicating he wasn't in a position to

1 give oral evidence. That can be found at 90003 in the
2 bundle. The Inquiry accepted that medical. As
3 a consequence I summarised his Rubane evidence on Day 59
4 of our public hearings on 21st October 2014 and
5 the relevant section of the transcript is pages 79 to
6 94.

7 In respect of St. Patrick's the Inquiry has received
8 a response statement from De La Salle Order at 302,
9 a further response statement from the De La Salle Order
10 at 744, which draws particular attention to the fact
11 that HIA262 was only in St. Patrick's for as
12 it turned out when the De La Salle Order received the
13 Inquiry bundle which contained the Department of Justice
14 papers.

15 The Health & Social Care Board response statement is
16 at 769 to 770, and a further Department of Justice
17 statement then can be found at 1455 to 1459.

18 In addition, the Inquiry has and is aware of the
19 criminal record of HIA262, which is at 26219 to 26226.
20 The Panel has had the opportunity to consider that and
21 I am not going to open it any further, but the Panel
22 will no doubt take it into account in consideration of
23 all of the matters that they have to look at.

24 HIA262, as I say, was in St. Patrick's for
25 . He went in on If we can bring up

1 on the screen, please, 48498. He was years old at
2 the time he was admitted. You can see -- it is faint,
3 but you can see about five names up from the bottom
4 "HIA262". You can see it is and then he
5 leaves again on , "discharged". He is
6 recorded as an education case you can see towards the
7 right-hand side of the columns, where he is from,
8 Belfast, and then a record of his discharge.

9 If we look at 48500, please, you can again see the
10 reference on -- this is a record of the Section 35 boys,
11 as it were, so the education cases. You can see him
12 being recorded as there for .

13 Now he says to the Inquiry at paragraph 3 of his
14 statement at 028, if we can go back to that, please,
15 that he was taken to St. Patrick's. You can see in
16 paragraph 4 he says:

17 "[It was] on my first day in St. Patrick's that BR24
18 ...",

19 who is BR24, whose name shouldn't be used beyond
20 the chamber, abused him when he was alone with him in
21 a classroom. You can see:

22 "The two of us were in a classroom ..."

23 on their own. He was called up to the desk. He
24 describes being rubbed by him. He put a hand down his
25 trousers and fondled him.

1 "It seemed to go on forever."

2 Then he goes on to describe further -- having his
3 hand put through his cassock, and then a reference to
4 BR24 assaulting him. He says:

5 "I think I was only in St. Patrick's for a couple of
6 weeks and then I was brought to court and sent to
7 Rubane."

8 Now if we look at the response statement from the De
9 La Salle Order at 302, please, paragraph 5, they say
10 this about BR24:

11 "He was the teacher in the junior school. He
12 usually had only six to seven children in his class,
13 generally the most difficult children. Surviving
14 Brothers recall him as being gentle. He is not recalled
15 for using the strap. Surviving Brothers find it
16 difficult to believe the allegations."

17 Then Francis Manning, Brother Manning, says to the
18 Inquiry:

19 "I am aware of a small number of allegations having
20 been made against BR24. He taught in St. Patrick's from
21 until his death ,
22 save for a year period in between
23 and . He would have taught a significant number of
24 children and I would have anticipated that the RUC's
25 1990 investigation into St. Patrick's would have

1 uncovered details of complaints if indeed he had been
2 an abuser."

3 In summary, his real name was BR24. He was born in
4 . He came to St. Patrick's,
5 Milltown originally as a teacher on ,
6 when he was aged , and he taught there until he
7 retired in , so years, with one
8 sabbatical in the midst of that of four years in
9 . He continued to live on the Glen Road
10 campus until his death,

15 The Inquiry has one allegation from HIA262 against
16 BR24. It does cover the period that BR24 would have
17 been in the school, but the Inquiry then has additional
18 police material and the Inquiry is aware that there were
19 five ex-residents who came forward to the police in the
20 years 1993 to 1995.

21 None of those individuals have approached the
22 Inquiry, but you will see from the names that are
23 involved SPT96SPT96 , who I addressed quite a lot about
24 during the opening in respect of BR39, at 20808. He
25 alleged abuse actually at in the period

1 whenever BR24 was there.

2 Then there is a DL139 and at 22545 he describes
3 a very serious allegation happening soon after he
4 arrived in St. Patrick's.

5 Then SPT 152 makes an allegation at
6 22554. He was abused in his bedroom or brought into
7 BR24's bedroom in .

8 Then a SPT135, who alleges he was abused. The
9 police were able to work out who he was talking about
10 and could see that he was referring to BR24. The
11 reference to that is at 20837 to 20843.

12 The fifth individual was HIA137. His allegations
13 are at 25378 to 25379.

14 I am not going to open that police material. The
15 Panel will have the opportunity to consider it, but it
16 would be wrong of me not to acknowledge that in the
17 police material there are reasons set out for there
18 being grave concern about some of the allegations or
19 some of the individuals who are making those
20 allegations, and that will be apparent whenever the
21 Panel consider the references that I have given.

22 There is one civil claim that includes BR24 and that
23 is that by HIA137, the fifth individual that I have just
24 mentioned.

25 Because BR24 died in , he was never interviewed

1 by the police about these matters, and while the Order
2 acknowledges that it did receive complaints before the
3 commencement of the Inquiry, the Order's position as set
4 out at 666 in its statement is that it remains
5 unconvinced by the accounts in evidence to date that any
6 of the Brothers who served in St. Patrick's other than
7 the possibility of BR97 -- and you'll recall me talking
8 about him in the context of -- were sexually
9 abused -- abusive towards residents.

10 Unless there is anything further the Panel want me
11 to address, I don't propose to say anything else about
12 HIA262. The Panel has the material and has the
13 opportunity to reflect further on it.

14 CHAIRMAN: Thank you.

15 Evidence relating to witness HIA26 given by COUNSEL TO THE
16 INQUIRY

17 MR AIKEN: I am then going to address HIA26, who was the
18 of HIA262. There was a number of
19 siblings in the family. Again he has provided a medical
20 to the Inquiry. It is assumed that he wants to keep his
21 anonymity. His medical of 12th September 2014 can be
22 found at 90002. I summarised his evidence relating to
23 Rubane on Day 59 of our sittings, again 21st October of
24 2014, and the relevant internal pages in the transcript
25 are pages 95 to 141.

1 CHAIRMAN: Can we just have his HIA number for the record?

2 MR AIKEN: He is HIA26.

3 CHAIRMAN: Thank you.

4 MR AIKEN: If we bring up his statement on the screen,
5 please, at 065 to 077. If we bring up 065, please, this
6 is his witness statement, which proceeds through to 077.
7 It is paragraphs 34 to 38 that deal with his time in
8 St. Pat's. If we can go to 073, please, where we find
9 paragraphs 34 and following, he explains that he spent
10 a year in St. Pat's.

11 Before I look at some of the detail of that can
12 I tell you that the De La Salle response statement can
13 be found at pages 326 to 367. There's a further De La
14 Salle response statement at 738.

15 The Health & Social Care Board statement can be
16 found at 1123 to 1126.

17 The Department of Justice response statement can be
18 found at 1337 to 1340 with exhibits that run from 1341
19 to 1350.

20 One of HIA26's allegations is against BR26. BR26
21 has now provided a statement to the Inquiry and that can
22 be found in the bundle at 2191 to 2197 and paragraphs 6
23 and 7 relate to HIA26 and that's on 2192.

24 When HIA26 made an allegation against BR26, which
25 was made in 2010, BR26 was then interviewed by -- sorry

1 -- 2012 -- BR26 was then interviewed by the police in
2 March of 2013, and that interview can be found at 26025
3 to 26036. I am going to look at that interview for
4 wider reasons shortly.

5 In addition, the Inquiry has the criminal record of
6 HIA26, which is in the bundle at 26143 to 26149. Again
7 I am not going to open that. The Inquiry Panel will
8 have regard to it.

9 Now to try and summarise, if anyone who was involved
10 with my summary of HIA26's Rubane evidence, and the
11 Panel will be familiar with the fact, and it's something
12 that's drawn out by the Order, and indeed, when we come
13 to see the interview, by Mr , who was present
14 with Mr -- BR26 at his police interview, HIA26 made
15 a number of statements to the police about allegations
16 of abuse.

17 The first he made was on 27th September 1995, by
18 which time he was years of age. That police
19 statement is in the Rubane bundle at 60467. He made
20 a second police statement on 1st November 1996, which is
21 in the Rubane bundle at 65239, and a third police
22 statement of 11th November 1996, which is in the Rubane
23 bundle at 62662 through to 62665. Unless someone
24 corrects me, in those statements there is no mention of
25 abuse at St. Patrick's and no mention of abuse at the

1 hands of BR26.

2 There then, as I summarised during Rubane, are two
3 psychiatric reports that were available to the Panel,
4 one from Dr O'Neill, which is in January of 1999. It
5 runs from 50248 in the Rubane bundle to 50254, and
6 again, subject to anyone correcting me, there is no
7 reference to St. Patrick's or BR26 or abuse there or
8 involving him in that medical report. Similarly, there
9 is a medical report from Dr Fleming of May 2005, which
10 runs in the Rubane bundle from 50255 to 50280 and again
11 there is no reference in that bundle to -- in that
12 medical report to abuse in St. Pat's or involving BR26.

13 I do want to bring up -- if we can bring up, please,
14 1341, because what the Department of Justice have
15 helpfully set out for the Panel in their statement is to
16 draw on the records that are available to show the
17 number of times that HIA26 was absconding from
18 St. Patrick's during his year there. He was -- he went
19 into St. Patrick's on , aged years
20 of age, and was there until , by which
21 time he was . This record just in a summary form
22 gives some idea of the extent of difficulty that the
23 Order would say they had trying to look after HIA26
24 during the period that he was sentenced to being in the
25 training school.

1 I am going to show you three references from diaries
2 that will be of relevance for wider analysis, but I am
3 going to show you a reference on at
4 45128 hopefully on the screen. So you can see this is

5 It is a diary that's being kept of
6 events. You can see here is one example:

7 "HIA26 brought in by police 10.30 pm."

8 Similarly on , if we can move through to
9 45129, just to the next page, we can see -- just scroll
10 back up a little, please, for a moment. Sorry. You can
11 see:

12 "In detention room -- HIA26"

13 on . Then if we scroll through:

14 "In detention room -- rooms -- HIA26 and

15 1 in detention room -- HIA26.

16 52 at tea.

17 1 in detention room."

18 So --

19 CHAIRMAN: Is the detention room the rooms that have been
20 described as cells?

21 MR AIKEN: Yes, that is my understanding of the room we are
22 talking about.

23 Similarly at a different -- this is one type of
24 diary that I am showing you. I am going to show you
25 a different type for . If we can look,

1 please, at 45109, you will see the different form of the
2 diary that's being recorded. Again detailed
3 handwriting. You can see the reference:

4 "Boys absent from the senior side."

5 HIA26 is recorded you can see down in the -- they
6 have obviously recovered him again the next day. HIA26
7 is in the detention room. You can see again still in
8 the detention room. So spending a number of days or two
9 days post each time he is recovered in the ones that I
10 am showing you, and I am going to show you one final
11 entry at 14... -- sorry -- 45113.

12 CHAIRMAN: Sorry. If we just look at , it seems
13 to say:

14 "7 absconders" --

15 MR AIKEN: Yes.

16 CHAIRMAN: -- "from the" --

17 MR AIKEN: "senior side."

18 CHAIRMAN: -- "senior side." Then they are named. It is
19 just one day.

20 MR AIKEN: Yes. This -- if I can -- this diary is contained
21 amongst the DOJ material that relates to HIA26, which is
22 at 45051 to 45238, but this diary, when one reads
23 through the entries, can see the -- it is populated in
24 exactly this way. It records the number of absconders
25 and identifies who they were and records them being

1 brought back by the police or recovered by the Brother
2 or -- that type of record-keeping.

3 CHAIRMAN: That is . , the next day:

4 "7 absconders" --

5 MR AIKEN: Yes.

6 CHAIRMAN: -- although possibly -- I think what it means is
7 some of those were still at large.

8 MR AIKEN: Yes.

9 CHAIRMAN: So it is not another seven.

10 MR AIKEN: Not necessarily another seven, but the names are
11 not necessarily all the same.

12 One of the points that the Brothers bring out in
13 their statement and in the interview with BR26 I am
14 going to show you, this is . Boys being out
15 from the training school posed a serious risk to
16 themselves getting caught up in the type of disorder
17 that we were discussing. So --

18 CHAIRMAN: There was widespread street rioting at that time.

19 MR AIKEN: Yes. So these are just -- I have only picked
20 a few. It is fair to say when I gave the pages 45051 to
21 45238, that's almost 200 pages of diary entries that
22 relate to HIA26 and this type of sequence of him being
23 recorded as absconding, having been recovered,
24 occasionally -- not all of them involved being put in
25 the detention room, but being located in the detention

1 room.

2 I want to show you a document that perhaps helps
3 ground this type of looking after of a boy. If we can
4 look at 45217, please, and just to contextualise it,
5 this is a document that's written in . At that
6 time there were 120 children resident. Now not on the
7 roll. There were more on the roll, some boarded out,
8 but there were actually 120 in the place, and the
9 reference for that is at 80498, and similarly when HIA26
10 went in in there were 123 boys actually in
11 the place, and that was more than -- there were more on
12 the roll, 123 present. That's 80497.

13 Now what this -- this is a record being written to
14 go before the court.

15 "He was committed to the training school from the
16 Juvenile Court sitting in Belfast on .
17 The charges against him related to burglary. Testing
18 HIA26, he'd an IQ of . Didn't like the idea of going
19 to class here, which he was required to attend on
20 a part-time basis. The only period he seemed to settle
21 in the school room setting was for two weeks immediately
22 before Christmas and for five weeks after it. His
23 dislike of the requirement of attending class was
24 motivated we suspect by the restrictions it imposed on
25 his freedom.

1 In HIA26 was seen and examined by Dr Weir,
2 a special care consultant, who visits the training
3 school. Dr Weir indicated to us that in his opinion
4 HIA26 was not a fit subject requiring residential
5 special care, but at the same time we could expect
6 fairly frequent periods of erratic and unpredictable
7 behaviour from him. The consultant said he would review
8 the boy from time to time on his visits to the school.
9 Unfortunately Dr Weir had been off duty due to illness
10 for some time now. HIA26 was assigned to the Woodwork
11 Department on a part-time basis, a choice of his own, as
12 he said he liked the woodwork periods when in Kircubbin.
13 Actually one can say that he liked the woodwork shop
14 here, but he liked his freedom more. He absconded
15 several times from work and this had a disruptive effect
16 on the department.

17 From the outset it was obvious that HIA26 would
18 present plenty of problems as he had a colossal 'chip on
19 his shoulder' against being sent to the training school
20 the very first day. We spent hours on end day in and
21 day out trying to ease out that chip, but all to no
22 avail. Last summer HIA262", who we
23 were just talking about, "was involved in a series of
24 charges with HIA26 that resulted in the latter being
25 sent to the training school. HIA262 appeared before the

1 adult court and had we understand a suspended sentence
2 imposed. HIA26 just could not understand this reasoning
3 and he felt, to use his own words, he should have 'got
4 off the same as HIA262'. We explained that the court
5 looked very carefully into the cases of both boys and
6 the fact that HIA262 was and of age for work
7 obviously had some bearing on the decision arrived at.
8 HIA26 would not listen to this line of reasoning.

9 Being very familiar with the very tragic family
10 background, we tried every approach possible in this
11 case. HIA26 was assigned to work in the surgery/sick
12 bay unit of the school where he was almost entirely
13 under female influence. This approach we thought would
14 help him best of all. He did very well for about six
15 weeks, but then he started to take advantage of the
16 situation and he abused it.

17 Details of the family background will presumably be
18 available to the court from other sources, but we would
19 particularly refer to the member of the family whom we
20 think HIA26 feels closest to. Very young family and
21 from our assessment of things plenty of problems on the
22 horizon."

23 Details the reason why that comment is made in
24 respect of her.

25 The conclusion that is reached is:

1 "HIA26 has absconded on ten occasions at least.
2 Details on the attached sheet. Private houses and
3 vacant houses attract his attention and he seems to
4 specialise in stripping the latter of copper and lead.
5 We in the training school have taken every measure at
6 our disposal to try and help HIA26, but he now seems
7 determined to go his own way."

8
9 .

11 Now what then happens -- and I am not going to open
12 it -- but HIA26 -- an order is made that he go to
13 borstal. He appeals that to be sent back to
14 St. Patrick's. He is sent back to St. Patrick's for
15 a period of time. We looked at, for instance, the
16 entry where he was absconding, and
17 thereafter he goes back before the court and is
18 sentenced to borstal in .

19 If we go back to his -- in fact, if we look at
20 BR26's interview, we will be able to most easily cover
21 this. If we look, please, at 26025 -- and this
22 interview will be of wider assistance to the Panel --
23 you can see that it is taking place on 6th March 2013.
24 If we scroll down, please. Just move on down, please,
25 to the next page to begin.

1 CHAIRMAN: Well, I note the address is given as the
2 headquarters of the Order in Castletown I believe.

3 MR AIKEN: Yes.

4 CHAIRMAN: So presumably he had come back voluntarily to be
5 questioned.

6 MR AIKEN: Yes. In fact, you can see, Chairman, you are
7 quite right. Just before the passage that begins -- no,
8 no. If you scroll down, please.

9 CHAIRMAN: He has come back to Northern Ireland is what
10 I mean --

11 MR AIKEN: Yes.

12 CHAIRMAN: -- as opposed to merely coming to the police
13 station voluntarily.

14 MR AIKEN: Yes. As I say, these allegations -- he is asked
15 about what his role was. He explained he was
16 a housemaster. His housemaster's role was essentially
17 to care for the boys. He performed that role from
18 until , so years. He said he
19 had various positions.

He was asked when he started that role.

21 "Maybe years. Maybe 1993."

22 If we just move down, please, he explains he is
23 religious congregation.

24 "I was around the community about to
25 about .

1 Q. What did that involve?"

2 He was , to put it in
3 a nutshell, and involved in the administration. He is
4 then asked about:

5 "What can you tell us about HIA26?"

6 He is asked did he remember who he was. He said he
7 did remember. He said:

8 "HIA26 was a very unsettled young lad and he was
9 a very regular absentee, absconded from the school and
10 then sometimes picked up by the police, sometimes picked
11 up by staff and returned to the school. Things were
12 very difficult outside because of the civil unrest that
13 had started and there was an awful lot of concerns for
14 anybody that would be absent from the school purely
15 simply for their safety alone, but time and time again
16 HIA26 absconded and we were left with no option, and
17 I repeat no option, but to bring him to the court and
18 explain to the magistrate what the situation was
19 regarding this boy and eventually he was committed, in
20 other words, to borstal.

21 Q. The borstal being in St. Pat's?

22 **A. No, no, no. He was at the borstal in Millisle.**
23 **I don't have any documentation in front of me. I can't**
24 **possibly give you the days and dates."**

25 **He's told that that's okay. Then he is asked:**

1 "Q. And what sort of punishment or how did you deal
2 with his behaviour to prevent it?

3 A. In the training school we had a system of
4 rewards and privileges. For boys they could obtain
5 certain marks for attending a week and work but there or
6 whatever and they were at it and then they could also
7 obtain certain award of marks for behaviour. Those
8 marks would -- they -- they could earn certain
9 privileges, pocket money, and determined the number of
10 marks that he had. Pocket money was allotted every
11 week, the privilege of going home at weekends. It would
12 want to be very serious to break him off for weekend
13 leave really. He would want to have very serious,
14 because you would always like youngsters to keep in
15 touch with their families.

16 HIA26 when the time came and he had to be brought
17 back to the court and we had to exchange (sic) to the
18 magistrate and I was the one actually doing the courts
19 at that time, I remember the magistrate at that time
20 happened to ... juvenile court for years and my case he
21 said, 'We will adjourn for ten minutes'. He wanted to
22 consult with his legal colleagues on the bench and after
23 a while came back and he said, 'We consulted and we --
24 the school house can't contain this boy and the concerns
25 and he is going on to borstal training'.

1 Q. Okay.

2 A. He was in borstal for a period and decided to
3 appeal and he won his appeal and that brought him back
4 to the training school, and he was fine for a while, but
5 then he got itchy feet. He faulted again continuously."

6 Then he was asked about if the boy absconded.

7 "A. Well, he was certainly losing privilege a
8 period.

9 Q. Okay, and what about corporal punishment in
10 those days? This was early , so I presume it was
11 legitimate.

12 A. It was the last resort.

13 Q. The last resort. That was the -- so you would
14 always deal with it primarily by --

15 A. Absolutely.

16 Q. Okay, and there was any sort, you know, review
17 done, meeting if they were absconding.

18 A. Of course.

19 Q. Sat down to explain his behaviour.

20 A. Of course he was.

21 Q. Who would do that?

22 A. The housemaster who had responsibility for him.
23 Each housemaster had a group.

24 Q. And were you HIA26's housemaster at that time?

25 A. I can't recall that now at the moment. I can't

1 recall that, but I had responsibility of going to the
2 courts. That was another part of my role."

3 He was asked if he remembered who was his
4 housemaster and he couldn't specifically remember.

5 He said when he was being asked then about:

6 "Q. Well, how would the meeting have gone with the
7 absconder?

8 A. We would have interviewed them, talked to them
9 about their transgressions, what was the cause, what the
10 problems were. 'Are you being bullied? Are there
11 problems outside?'

12 Q. And where would those meetings take place?

13 A. In the housemaster's office.

14 Q. Who would be present?

15 A. The housemaster.

16 Q. The housemaster?

17 A. There'd be four at least, maybe even six, desks
18 there and people are in and out all the time.

19 Q. So it wasn't an individual private office per
20 housemaster?

21 A. No, no, no.

22 Q. You all shared one office?

23 A. We shared one, yeah.

24 Q. And in that housemaster's office the boy was
25 brought?

1 A. That's right.

2 Q. And asked to explain his behaviour?

3 A. Generally there would have been other
4 housemasters if not there but certainly coming and going
5 during these meetings.

6 Q. All right.

7 A. It was the hub of the whole place.

8 Q. Did you ever have one of these meetings with
9 HIA26?

10 A. I would have spoken to HIA26 time and time
11 again, you know, about his behaviour and that.

12 Q. Particularly in the lead-up to court?

13 A. Absolutely, yes, as I would to every boy who was
14 going to court."

15 Then he is asked about a particular incident in the
16 housemaster's -- whether he remembers anything in
17 particular. He says:

18 "Nothing stands out as any individual, anything
19 different to any other boy."

20 Then he is then asked about the specific complaint
21 that HIA26 makes that when he was brought back for
22 interview, that when BR26 -- BR26 was alone with him,
23 then he tried to kiss him and fondle his private parts
24 and punched and kicked out at BR26 to defend himself.

25 "Q. Do you have anything to say about those

1 **allegations?**

2 **A. Nothing could be further from the truth.**

3 Q. Did you ever try to kiss him?

4 **A. Never.**

5 Q. Did you ever try to fondle his private parts?

6 **A. Never.**

7 Q. He goes on to explain his penis area. Did you
8 ever touch him in that area?

9 **A. Never.**

10 Q. Did he ever attack you physically?

11 **A. Never.**

12 Q. Punch or kick you?

13 **A. No.**

14 Q. Did you ever get in trouble for hitting any
15 member -- did he ever get in trouble for hitting any
16 member of staff?

17 **A. Not that I know of.**

18 Q. Where were his bedroom at the time or where
19 would the boys have slept?

20 **A. The dormitories. Open dormitories.**

21 Q. In open dormitories, and how many boys to
22 a dorm?

23 **A. Well, maybe 12 to 16.**

24 Q. When you say 'open dormitories', did the doors
25 (sic) have their own rooms with lockable doors?

1 **A. Ah, yes, but having said that, we had to be very**
2 **conscious of the fire regulations.**

3 Q. Did you ever speak to him in his room?

4 **A. It wasn't his room.**

5 Q. In his dormitory I mean?

6 **A. Yes, you speak to everybody in the dormitories.**

7 Q. You did then?

8 **A. Yes, absolutely.**

9 Q. Would it have been time you would have been in
10 the dormitory alone with him?

11 **A. There would have been 15, 16 other boys there.**

12 Q. Yes, but when I say 'alone', he on his own with
13 no other boys there?

14 **A. No.**

15 Q. That wouldn't have happened?

16 **A. No. They would have been supervised by night**
17 **staff.**

18 Q. He also says that when he defended himself from
19 your advances, he punched and kicked you, that you left
20 the room and locked it behind you. Did you ever lock
21 him into the dormitory?

22 **A. No.**

23 Q. Did you ever lock him into the housemaster's
24 office?

25 **A. No.**

1 Q. He said this happened a couple of times a day
2 and maybe happened up to about twenty times in total.

3 A. No."

4 Obviously there is some difference between the
5 allegation here and what's in the Inquiry statement:

6 "Q. And he retaliated against you because he was
7 stronger than you or -- sorry -- I think he means
8 stronger. These are the allegations that he has made
9 against you of indecent assault, trying to kiss him,
10 touch him, and you deny that ever happened?

11 A. Absolutely."

12 He is then asked about anything else. The colleague
13 is then asking some questions:

14 "Q. What is St. Pat's?

15 A. A training school.

16 Q. All young boys?

17 A. Yes.

18 Q. From what age?

19 A. 12 to 17/18 on admission.

20 Q. Bad behaviour or why were they going in?

21 A. The majority of them would -- would have been in
22 for offending, majority for offending, breaking
23 and entering, taking and driving away, a sad whatever,
24 and a limited number would have been sent in for reasons
25 of care because they had -- the other institutions they

1 were in, the authorities had outgrown them, so
2 troublesome that they couldn't be managed or whatever.
3 These authorities would send them into the training
4 schools coming from all over Northern Ireland."

5 Then he is asked whether the church had power to
6 send boys:

7 "Q. Sorry. Did the church -- could the local
8 parish have sent --

9 A. No, no, the church had nothing to do with it.

10 Q. It was always court ordered? All right."

11 He is asked does he remember BR42.

12 "A. Yes.

13 Q. Was he also known as 'BR42'? Does that make
14 sense?

15 A. Maybe.

16 Q. A boys' nickname perhaps?

17 A. Perhaps, yes.

18 Q. And do you know what his surname was?

19 A. BR42."

20 Then he is asked about anything he wants to say else
21 about HIA26, and then his solicitor draws attention:

22 "There is just one thing I want to say. HIA26 made
23 three statements to the police during the 1990s",

24 because I think the solicitor dealt with the
25 allegations that arose out of that:

1 absconded from the school. Sometimes the police picked
2 him up and brought him back and sometimes staff were
3 able to find him. He had to be brought back to the
4 courts as we were unable to control them. That's
5 probably why I remember him. Eventually he was
6 transferred to the borstal at Millisle. I also accept
7 HIA26 may have been placed in the isolation room on
8 occasion. This was regulated and he wouldn't have been
9 kept there for two or three days at a time, as he
10 alleged. I also completely deny his allegation I
11 attempted to fondle him and kiss him when he was in the
12 isolation room. I have no clear recollection of him
13 cutting his wrists", which is something he talked about,
14 "and attempting self-harm, but if he did, I would have
15 sought medical assistance from the nurse in the Surgery
16 Department."

17 So BR26 to the Inquiry does not accept that he ever
18 sexually abused HIA26.

19 Unless there are any other matters that the Panel
20 would like me to address, that's how I propose to
21 summarise the material presently available in respect of
22 HIA26's allegations.

23 CHAIRMAN: No, I don't think that's necessary. Thank you.

24 MR AIKEN: Chairman, Members of the Panel, that concludes
25 the six witnesses that we wanted to summarise who were

1 not able to attend to give oral evidence. We will
2 obviously have some oral evidence to begin on Monday.

3 CHAIRMAN: Very well. Well, we will adjourn now until
4 Monday morning. Thank you very much.

5 (2.15 pm)

6 (Inquiry adjourned until 10.00 am
7 on Monday, 7th September 2015)

8 --ooOoo--

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