

PRIVATE

HAI Ref: 516

Witness Name: HIA 516

Dated: 15th January 2016

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

WRITTEN SUBMISSIONS OF HIA 516 [516]

1. In addition to consideration of the redacted witness statements of HIA 101 (HIA 101) (HIA Reference 101) dated 6th August 2015 and HIA 50 (HIA Reference 50) dated 10th March 2014, HIA 516 has had an opportunity to consider a transcript of the oral evidence of HIA 50 and a transcript of proceedings relating to HIA 101 (HIA 101). HIA 516 has also been appraised of the content of a witness statement of BAR 8 (absent a HIA Reference) dated 1st December 2015 and a redacted report prepared by Consultant Psychiatrist, Dr P. S. Curran, dated 11th November 2008.
2. We refer the Inquiry to HIA 516 witness statement dated 15th January 2016 which seeks to address in detail the allegations of improper conduct made against him. These submissions should be read together with the witness statement which raised a number of evidential observations relevant to an assessment of the credibility and reliability of the sources of allegations against HIA 516. The submissions deal with the evidence before the Inquiry and additional materials since disclosed and thereby seek to assist the Inquiry in the exercise of its functions.

Supplementary Response to Allegations made by HIA 101 (HIA 101)
(HIA 101)

3. We note that HIA 101 (HIA 101) did not attend the Inquiry to give oral evidence. We make the following observations: -
 - (1) HIA 101's (HIA 101) complaint to the police on 25th June 1998 coincided with his pursuit of a civil claim seeking monetary compensation from Bernardo's (Documents 1124 – 1131 and 13337 – 13370). He subsequently withdrew his complaint to police suggesting that HIA 516 had engaged in wrongdoing.

- (2) In preparation for the civil claim, HIA 101 (HIA 101) consulted with Dr Loughrey in 2000 and a report was prepared. Dr Loughrey is noted to opine that *“He thinks he may have been assaulted by [HIA 516], but says his only clear recollection of abuse is in Bernardo’s.”* It is submitted that this concession by HIA 101 (HIA 101) confirms that he is unsure of whether he was ever abused by HIA 516 and implies that he was not abused by HIA 516 when he was resident in Bernardo’s (Day 168, Page 48, Lines 17 – 25 and Page 49, Lines 1 – 5) (Documents 13355 – 13359).
- (3) An analysis of the medical records conducted by Dr Brown is said to contain no reference to HIA 516 being an abuser (Day 168, Page 49, Lines 6 – 12).
- (4) The Inquiry may find support for the contention that HIA 101 (HIA 101)’s (HIA 101)’s allegations against HIA 516 are malicious in the reports from Dr Loughrey and Dr Brown wherein it is said that HIA 101 (HIA 101) expressed clear anger and hatred towards HIA 516 as a consequence of matters other than his alleged abuse by HIA 516 (Day 168, Page 49, Lines 12 – 18).
- (5) We understand HIA 101 (HIA 101) to have a relevant criminal record. He has also been the subject of allegations of abuse (Day 168, Page 38, Lines 8 – 14) (Documents 8093 – 8098).
- (6) Objective evidence available to the Inquiry would suggest that extreme caution should be exercised in judging HIA 101 (HIA 101)’s credibility and reliability. The Inquiry has heard that a social work report available to staff upon HIA 101 (HIA 101)’s (HIA 101)’s reception into Bernardo’s notes him to tell lies *“with complete sincerity”* (Day 168, Page 41, Lines 7 – 10) (16892 – 16895). Further, he was shown to have lied during the criminal trial in which he was a complainant (Day 168, Page 51, Lines 4 – 12) (Document 5995).
4. The Inquiry will note that HIA 516 refutes the allegations made by HIA 101 (HIA 101). In response to his allegations, we refer the Inquiry to HIA 516 witness statement dated 15th January 2016.

Supplementary Response to Allegations made by HIA 50 (HIA 50)

5. It is submitted that the evidence of BAR 8 undermines HIA 50 (HIA 50)’s claims and supports the contention that the allegations HIA 50 makes against HIA 516 are baseless.
6. HIA 50 contends that he attended Glengormley barracks and made a written statement of evidence in respect to his complaint against HIA 516 in the 1980s. Mention is made of a complaint being made directly to a Constable Gerry Agnew in 1985. It has been confirmed that there is no evidence of any such report to a Constable Agnew or any other police officer at the times alleged. HIA 50 does not provide any cogent explanation for the absence of the same. It is submitted that the absence of any record of a complaint or receipt of a statement of evidence of the kind said to have been made serves to significantly undermine HIA 50 (HIA 50)’s credibility (Day 169, Page 11, Lines 11 – 25) (Document 7833).

7. In oral evidence **HIA 50** agrees with the suggestion made by **BAR 8** that he is a person who would have pursued a complaint if he had made it. He also contends that he was of the impression that the complaint he had made was being pursued. It is submitted that these contentions are contradicted by his account of **BAR 8** having rubbished his complaint when it was made and discouraged him from repeating it (Day 169, Page 25, Lines 1 – 9 and Report of Dr P. S. Curran, Consultant Psychiatrist, dated 11th November 2008, Page 6).
8. **HIA 50** makes the case that he learned of **HIA 516**'s convictions from police in 2012 and this was a complete surprise to him. It resulted in his decision to not proceed with his complaint against **HIA 516** (Day 169, Page 7, Lines 1 – 23). It is submitted that this is erroneous as **HIA 50** was aware of at least some of **HIA 516**'s criminal convictions when he made contact with **BAR 13** of Bernardo's to make a complaint and seek monetary compensation from Bernardo's. Further, knowledge of the criminal convictions in issue is confirmed by Dr P. S. Curran, Consultant Psychiatrist, in his report dated 11th November 2008 at Page 7 wherein he opines "*Thus, it appears, he made this allegation against [HIA 516] some two or three years ago – at the same time as there was much media interest in the allegations against [HIA 516] and the catholic priest in the North West of England (and these two men were subsequently sentenced to imprisonment.*" and then at Page 13 "*It does look as though his decision to pursue this litigation was prompted by learning through the media of [HIA 516] notorious behaviour in recent years ...*" In the same report at Page 13 Dr Curran notes the absence of any corroborative evidence and confirms that **HIA 50** concedes that he was offered the opportunity to meet with police at Ladas Drive to pursue a police inquiry, but he declined to attend.
9. We understand **HIA 50** to have a criminal record.
10. The Inquiry will note that **HIA 516** refutes the allegations made by **HIA 50**. In response to his allegations, we refer the Inquiry to **HIA 516**'s witness statement dated 15th January 2016.

Conclusion

11. **HIA 516** emphatically denies and refutes the allegations of misconduct made against him. He did not sexually assault **HIA 101** (**HIA 101**) or **HIA 50** at any time. The allegations of sexual offending are false and entirely without foundation.

