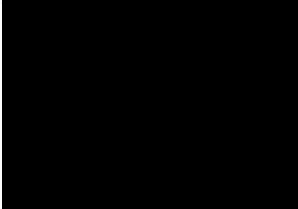


**HIA** Historical Institutional Abuse Inquiry  
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Mr Roy Garland



Tuesday, 19 April 2016

Dear Mr Garland

**Historical Institutional Abuse Inquiry into Kincora Children's Home and Colin Wallace**

As you may be aware on Friday 8 April 2016 Mr Justice Treacy dismissed the application brought against the Inquiry and the Secretary of State for Northern Ireland for judicial review relating to Kincora, describing the application as "premature and misconceived".

The way is now clear for the Inquiry to proceed to the next phase of its preparation for the hearings relating to Kincora which the Inquiry intends to hold in June 2016. The Chairman has noted newspaper reports in the *Belfast Telegraph* of 12 April 2016 and the *Irish News* of 13 April 2016 in which you are reported as saying that you are not prepared to give evidence to this Inquiry. He is aware that on many occasions you have made comments to the press and media which suggest that you have information which is relevant to the Inquiry's investigations.

The Chairman believes that your participation in the Inquiry's investigations would be helpful, and he hopes that in the light of this letter you will re-consider your position and agree to co-operate with the Inquiry. He has directed me to request you to provide a witness statement to assist the Inquiry in its investigations, and to invite you become a core participant in these hearings.

He believes that your participation in the Inquiry's investigations would be helpful, and if you are willing to be designated a core participant then, depending upon your financial circumstances, you may be eligible to receive funding at public expense for

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yourself and your legal representatives to enable you to engage with the Inquiry. Engaging with the Inquiry includes preparing a witness statement for the Inquiry, consulting with Inquiry counsel and giving evidence at the hearings held by the Inquiry.

The ALR 1 form to apply for legal representation, and the Inquiry Protocol governing the way in which such funding is allocated, are both to be found on the Inquiry Website [www.hiainquiry.org](http://www.hiainquiry.org), but for your assistance I enclose copies of both. You should note that the Inquiry operates a pre-authorisation policy for legal funding, which means that no expenditure will be met by the Inquiry unless it has been approved in advance by the Chairman. If you or your solicitor wish to discuss how this works in practice please do not hesitate to contact me.

I should also draw to your attention that the Attorney General has given an undertaking to the Inquiry that expressly includes the Official Secrets Act and I enclose a copy of his letter to the Inquiry for your assistance.

If you agree to become a core participant then in due course you will receive those documents the Inquiry has gathered which the Chairman believes to be relevant to the issues on which you may be able to assist the Inquiry.

Please confirm by close of business on Tuesday 26 April, 2016 whether you wish to become a core participant. If you wishes to become a core participant, please provide the name(s) of the solicitor and counsel you wishes the Inquiry to designate as your legal representatives by the same date.

Whether or not you wish to become a core participant the Inquiry requests you to provide it with a witness statement.

The issues the Inquiry wishes you to address in a witness statement are as follows.

1. What form the homosexual conduct/sexual abuse you suffered at the hands of William McGrath took, how often it occurred and over what period?
2. The Inquiry is aware of evidence suggesting you brought perhaps 20 other youths or young men to see McGrath for what he may have been describing as some form of "treatment" and/or to assist with an "emotional block" he claimed they may have?

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- a. What ages were these youths or young men?
  - b. When did this occur?
  - c. Where did this occur?
  - d. What form did these occasions take?
  - e. Who knew or might have known these matters were occurring?
3. When did you and William McGrath part company?
4. What were the circumstances that brought you and him to part company?
5. When did you decide to start telling others about his behaviour?
6. Why did you feel unable to make a statement to the police in the 1960s, or 1970s, about William McGrath's homosexual conduct towards you?
7. Why did you feel unable to make a statement to the police in the 1960s, or in the early 1970s when you and William McGrath parted company, about his homosexual conduct to other boys?
8. a. To whom did you speak in the Department of Health about McGrath?
- b. When did you speak to them?
  - c. What precisely did you tell them?
  - d. Did you tell them McGrath was a homosexual?
  - e. Did you tell them he was working in Kincora?
  - f. Did you tell them he was abusing boys in Kincora?
9. a. To whom did you speak in the Social Services about McGrath?
- b. When did you speak to them?
  - c. What precisely did you tell them?
  - d. Did you tell them McGrath was a homosexual?

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- e. Did you tell them he was working in Kincora?
  - f. Did you tell them he was abusing boys in Kincora?
10. a. To whom did you speak in the police about McGrath?
- b. When did you speak to them?
  - c. What precisely did you tell them?
  - d. Did you tell them McGrath was a homosexual?
  - e. Did you tell them he was working in Kincora?
  - f. Did you tell them he was abusing boys in Kincora?
11. a. To whom did you speak in the Army (including military intelligence) about McGrath?
- b. When did you speak to them?
  - c. What precisely did you tell them?
  - d. Did you tell them McGrath was a homosexual?
  - e. Did you tell them he was working in Kincora?
  - f. Did you tell them he was abusing boys in Kincora?
12. a. To whom did you speak in the Intelligence Services about McGrath?
- b. When did you speak to them?
  - c. What precisely did you tell them?
  - d. Did you tell them McGrath was a homosexual?
  - e. Did you tell them he was working in Kincora?
  - f. Did you tell them he was abusing boys in Kincora?

The Inquiry is working to a very tight timetable and so I would be grateful for your confirmation by return that you are will to provide the Inquiry with a witness statement by close of business on Tuesday 3 May, 2016. If you are willing to provide a statement, and wish to have legal representation to enable you to prepare the statement, please return the completed ALR1 form to me by close of business Tuesday 26 April, 2016 to enable the Chairman to decide the amount of funding necessary to enable you to make the statement.

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I look forward to hearing from you as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the HIA Inquiry

[REDACTED]

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**From:** William Garland [REDACTED]  
**Sent:** 29 April 2016 21:17  
**To:** Butler, Patrick (HIA)  
**Subject:** HIA



29 April 2016

Paddy Butler  
Inquiry Solicitor  
Historial Institutional Abuse Inquiry

Dear Paddy

I understand that Gary Hoy is appealing the rejection of his bid by the High Court to keep the Kincora inquiry within Northern Ireland rather than with the Goddard Inquiry in England.

Assuming this to be the case, I would like to withhold any decision to participate or otherwise in the Hart Inquiry until a decision is made on this appeal.

I hope this is in order.

Regards

Roy Garland

[REDACTED]

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Mr Roy Garland



Tuesday, 3 May 2016

Dear Roy

Thanks for your email of 21.17 on the 29 April 2016.

While it is correct that Gary Hoy is appealing the High Court's dismissal of his judicial review it is important that I explain to you that, regardless of how the matter was or is portrayed in the media, the judicial review was never about whether the Kincora inquiry would remain with the HIA Inquiry or be transferred to the Goddard Inquiry. It is extremely unfortunate that, for whatever reason, the matter has been misrepresented in the way that it has.

The HIA Inquiry was always going to investigate Kincora, and no Court can change that, because it is something that falls within the HIA Inquiry's Terms of Reference.

The challenge brought was actually framed before the Court as requesting the Court to order the HIA Inquiry to conduct its investigation into Kincora in a particular way that was said to require Gary Hoy to have legal representation. The Court concluded that the application was both misconceived and premature. The HIA Inquiry expects the Court of Appeal to say exactly the same thing.

In any event the issue does not arise in your situation as the HIA Inquiry has offered you both core participant status and the opportunity to have legal representation which may be paid for at public expense.

Further, even if you do not agree to participate as a core participant, the HIA Inquiry, as an independent public inquiry investigating allegations relating to Kincora, has requested you provide it with a witness statement dealing with the matters I have specifically raised with

you on behalf of the HIA Inquiry. This position is entirely unaffected by Gary's Hoy's judicial review.

As someone who has regularly commented in the media about Kincora it would be regrettable if you then did not avail of the opportunity being afforded to you by the HIA Inquiry.

I trust this clarification will be of assistance to you but you must appreciate that the very tight timetable to which the Inquiry is working means that it cannot allow you to continue to delay engagement. If we do not hear from you by close of business on Friday 6 May that you wish to be a core participant and/or will provide the Inquiry with the witness statement it has requested then the Inquiry will have no alternative but to conclude that you are refusing to assist it.

Yours sincerely



Patrick Butler  
Solicitor to the Inquiry



13 MAY 2016



11 May 2016

Mr Patrick Butler  
HIA Inquiry  
PO Box 2080  
Belfast  
BT1 9QA

Dear Paddy

I sent an email to you last week, which has just now – five days later - returned to me marked as “delivery time expired”.

I would like you to receive a copy of this so that you can note my objection especially to the factual and misleading errors reflected in your original questions.

I am therefore forwarding a copy of my email etc with this letter.

Regards

A handwritten signature in black ink, appearing to read "Roy Garland".

Roy Garland

Dear Paddy

Thank you for your letter of the 3 May 2016.

Consideration of various factors has not encouraged my faith in or my wish to participate in the inquiry.

Additionally, I note that in relation to your letter of the 19<sup>th</sup> April 2016, some of these questions are based on false assumptions and are at times factually inaccurate and misleading.

Yours sincerely

Roy Garland

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Mr Roy Garland



Tuesday, 17 May 2016

Dear Roy

**RE: You and the HIA Inquiry**

I am writing in my capacity as Solicitor to the Inquiry into Historical Institutional Abuse 1922 to 1995 (the HIA Inquiry).

Thank you for your letter of the 11<sup>th</sup> May, 2016 and your email of the 6<sup>th</sup> May, 2016 that was attached to it.

The HIA Inquiry has offered you the opportunity to participate in the HIA Inquiry investigation of Kincora as a core participant.

Whether or not you agreed to become a core participant, and avail of all the participative rights that would entitle you to before the HIA Inquiry, the HIA Inquiry already explained that it wished to have a witness statement from you in any event.

Your ability to provide the HIA Inquiry with a witness statement gives you the opportunity to say whatever you want to say to the HIA Inquiry about what caused you to try to bring the behaviour of William McGrath to the attention of others, and the steps you took to do that.

The questions that were posed to you are relevant to the HIA Inquiry's work and arise from consideration of material that it has gathered. Where you consider any of those questions to have an error of any kind you could explain that in your statement, why you say it, and set out what you say the correct position is. That position remains open to you.

You should understand that while the HIA Inquiry recognises that matters it is tasked with investigating may be difficult and embarrassing for individuals, nonetheless it is essential that the HIA Inquiry establish the facts. The HIA Inquiry recalls that you conducted media interviews pledging to help with that task.

You should understand that the matters that are the subject of the questions the HIA Inquiry asked you to address will be the subject of public examination before the HIA Inquiry whether or not you participate and whether or not you provide the requested witness statement.

If the HIA Inquiry does not receive the witness statement sought from you by Friday the 20<sup>th</sup> May, 2016 it will take it that you are refusing to co-operate with it.

Yours sincerely

Patrick Butler



Solicitor to the inquiry