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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Thursday, 2nd October 2014

commencing at 10.00 am

(Day 54)

MR JOSEPH AIKEN appeared as Counsel to the Inquiry.

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Thursday, 2nd October 2014

(10 . 10 am)

Opening statement by COUNSEL TO THE INQUIRY (cont.)

CHAIRMAN: Good morning, ladies and gentlemen. Before we get underway this morning if I can remind you that when the Inquiry is sitting all mobile phones must be either switched off or at the very least put on silent/vibrate and no photography is permitted anywhere on the premises or within the perimeter wall.

Now, Mr Aiken.

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

We finished yesterday almost making it to the end of 1965, and what I want to do this morning is to look at another piece of the jigsaw in terms of history of known abuse relating to 1965.

Before I do that I want to give you just two references that will be important as you reflect on the 1964 matter so that it is properly in context, and these are from the 1965 period.

The Board of Governors met on 24th February of 1965.

I am just going to give you the reference for that at 5208 and 9. The reference is more for what the Governing Board's minutes doesn't contain as to what it does, but it will allow you to go back and look at that document in due course.

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1 Just to complete the inspection cycle, on 26th April
2 1965 there was another inspection from Miss Hill --
3 I will just give you the reference at 11870 -- and on
4 that occasion she met BR3, BR3, whose name should not be
5 used outside the chamber, and he had recently come to
6 Rubane and he was then showing the Inspector round. You
7 will see in that report him expressing a warm desire to
8 see the end of the system as it was and looking forward
9 to the warm and homely developments that were envisaged.
10 Again the boys looked well and cheerful. It was
11 indicated to the Inspector that none constituted
12 a serious problem, but the Inspector was keen, like BR3,
13 to welcome more homely surroundings and more individual
14 attention.

15 Then you are aware of the various exchanges that
16 then take place between the Ministry and the Order over
17 the development, mainly between BR6 and Mr Parkes in the
18 Ministry, and I will just give you the reference that by
19 May 1965 BR6 writes to the Ministry at 10134 and
20 essentially sets out the plan for the cottages with 60
21 boys in total and acknowledging the end of the dorm
22 argument that had dominated 1962/'63.

23 One document that may be important when you reflect
24 on the 1964 incident that we are about to look at is
25 from 6th October 1965 and that's at 11190. If we could

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1 bring that up, please. That's 11190. Now the Panel
2 will be already aware that from 1952, for instance, we
3 can see the Ministry of Home Affairs communicating in
4 a generic way to all voluntary homes. So that was
5 providing a memo from the Home Office about how
6 children's homes should be conducted. This is another
7 example from October '65 of the Ministry communicating
8 in that general way. This time it is to do with
9 indicating the need to be notified when the person in
10 charge of a voluntary home changes, but it is
11 an indication of that means of communication being used
12 when the Ministry wanted to remind everyone on a general
13 basis about a particular issue.

14 CHAIRMAN: There would have been nothing to have prevented
15 the Ministry sending such a circular to every voluntary
16 home reminding them of the need to have an administering
17 authority and monthly visitors.

18 MR AIKEN: Yes.

19 CHAIRMAN: Yes.

20 MR AIKEN: On a lighter note ending 1965, on 5th December
21 the then Mayor of Hammersmith, who was the first female
22 to hold that post, visited Rubane and opened a bazaar
23 that was being conducted in aid of the home. The
24 reference for that is at 11824.

25 With that I want to pause then and look now at the

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1 specific incident in 1964, an incident of known abuse,
2 and as we will come to see as we look at this in some
3 detail, because its importance for the Panel's
4 consideration of both this module and beyond will
5 probably not be lost as we look at the documents, but
6 this is a matter that makes its way ultimately at least
7 to two welfare authorities, to the Ministry of Home
8 Affairs and to the RUC.

9 It relates to the behaviour of BR14. You will see
10 on page 5 of the designation list that's BR14. His name
11 shouldn't be used beyond the chamber. His real name
12 before taking on the religious name of BR14 was BR14.
13 We will look at him in more detail later on, but in --
14 when he came to Rubane, he came in 1957, aged 24. He
15 acted as a housemaster or prefect, and the Order is
16 going to detail that role for us in the coming days, but
17 you will see the reference for that is at RUB318 and
18 paragraph 12. I don't want that brought up, but you
19 will recall from yesterday and the day before that he
20 was one of the first Brothers told by DL439 about the
21 abuse in 1958. So DL439 had talked to the priest, the
22 chaplain. The chaplain had told him to speak to
23 a Brother. He spoke to the very youngest Brother, BR63,
24 and then BR63 spoke to BR14, and then BR14 spoke to BR13
25 about BR17. From that material we saw that BR14 was

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1 also interviewed by the Provincial during the 1958
2 investigation along with the other Brothers to recount
3 what they could say about the matters that were at
4 issue. At the time of the incident that we are going to
5 look at BR14 was 31 years old.

6 The incident relates to a boy known as DL13, and you
7 will find who that is on page 10 of the designation
8 list. Now DL13 has not come forward to the Inquiry, and
9 if I give a general warning, if at any stage in any
10 document that comes up his name appears, his name should
11 not be used beyond this chamber. He came to Rubane in
12 1962 aged 12 and was aged 14 at the time of the abuse we
13 are going to look at in July 1964.

14 In passing if we could bring up, please, 1002 by way
15 of general information. This will allow you to see the
16 type of admission record that was kept by the home in
17 respect of each Brother -- in fact, in respect of each
18 child. There was a similar type card kept for the
19 Brothers, but this is the admission record that the home
20 kept.

21 Now the events that I am going to outline are pieced
22 together from a series of documents that came from the
23 De La Salle Order, from police papers, and from
24 a Ministry of Home Affairs file marked "Secret". I will
25 just show you the front cover of that file, please, at

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1 RUB1006. That's 1006. This was a file that the
2 research team uncovered in the Public Records Office in
3 Northern Ireland.

4 CHAIRMAN: Can we just look at that if it can be blown up
5 a little bit?

6 MR AIKEN: Can we maximise that, please?

7 CHAIRMAN: We have stickers on it which seem to be put on by
8 PRONI --

9 MR AIKEN: Yes.

10 CHAIRMAN: -- saying it is closed to the public. One would
11 need to see the original, but certainly it appears to be
12 that "Secret" is a Ministry of Home Affairs'
13 designation.

14 MR AIKEN: It is.

15 CHAIRMAN: And it appears to have been seen by Mr McGrath,
16 whose name we have seen in some of the correspondence.
17 I can't make out the other signature.

18 Well, we seem to have had a bit of a technical
19 hitch. No doubt we can go on to something that is
20 perhaps more pressing.

21 MR AIKEN: The documents will -- that we are going to look
22 at will give the Inquiry an insight into not only how
23 the Order dealt with the matter, but also how the police
24 reacted, and how the Ministry of Home Affairs reacted,
25 and indeed how the welfare authorities reacted.

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1 The first document that I want to look at is
2 a statement that DL13 subsequently made to police on
3 19th August 1964. If we can look, please, at 1007, we
4 can see this is a statement taken at Bangor Police
5 Station on 19th August. You can see that the boy is
6 accompanied by a welfare officer and he is being
7 interviewed by a detective sergeant. He says:

8 "About two years and two months ago I was sent to
9 the De La Salle Home at Kircubbin for not attending
10 school. I was under the charge of BR6", which is BR6,
11 who was the Director of the Community and the principal,
12 "the Superior of the school. I am now in the class
13 Primary 8 and 9. Brother BR14", which is BR14, "is in
14 charge of this class and I sleep in the dormitory next
15 to BR14's room. There are nine other boys in the
16 dormitory along with me.

17 On 13th July 1964 BR14 was taking two of the boys to
18 the Circus in I asked could I go along with
19 them as I wanted to see my mother in and Brother
20 BR14", BR14, "agreed to take me. He took me to
21 and I went to my home and saw my mother."

22 Lest there be any doubt, there should be no identity
23 of as the home of DL13.

24 "I stayed at home until about a quarter to nine and
25 then I left home and went to meet BR14, who arrived

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1 shortly after 10.00 pm in his car, and he brought the
2 three of us back to the De La Salle Home. We arrived
3 back at the home about 11.30 pm. I went up to my
4 dormitory and took off my clothes and got into bed and
5 went to sleep.

6 About 1.00 in the morning I was wakened by BR14 and
7 he said to me, 'Will you come to my room?' I said,
8 'Yes', and I got out of bed and followed him into his
9 room. He then asked me to get into his bed. I was
10 frightened to disobey him and I got into his bed. BR14
11 then put his arms around me and squeezed me against him,
12 put his hand into my pyjamas and started to feel my
13 private parts. He asked me to feel his private parts
14 and I did this, and that went on for about an hour.
15 BR14 pressed his private parts against me",
16 and then he describes what occurred thereafter.

17 "He then told me to go back to my own bed, not to
18 tell anyone what had happened, and that night,
19 13th July, was the first time he had ever touched me
20 like this or got me into his bed. Twice after this --
21 I think it was the same week -- BR14 done the same thing
22 to me, and on one of the nights -- I am not sure which
23 of them -- it was BR14 got out of bed, turned on the
24 light and asked me out -- turned on the light and he got
25 a razor blade out of his locker. He gave me the razor

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1 blade",

2 and you can see what the boy was asked to do.

3 "He told me he wanted me to do that, because it
4 would stop him doing dirty stuff. I kept on saying 'No'
5 and a while after that he sent me back to my own bed."

6 Scroll down, please. Just keep scrolling down:

7 "Every time I was in bed with BR14 he", interfered
8 with the boy, "and on Friday, 31st July the school went
9 on holidays. I came home, and on Monday, 17th August
10 I was to return to the school and that was when it
11 started after the holidays.

12 On Monday, 17th August I told my brother what BR14
13 had done to me and he told my mother. I told my mother
14 that if I went back to the school, BR14 would only start
15 doing this again and I didn't want to do this, and I was
16 afraid of BR14 beating me. I didn't go back to the
17 school, and when the Welfare Officer came to collect me,
18 my mother told him what BR14 had done in terms of
19 interfering with me."

20 He signed that police statement.

21 So that records that he is saying the abuse took
22 place on a number of occasions prior to the summer
23 holidays which began on 31st July and saw him return
24 home. As you can see, he revealed what had occurred to
25 his brother on 17th August when faced with having to go

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1 back to Rubane. Then you can see the report to the
2 mother, then the mother reporting to the Welfare
3 Officer, and we can see from 1011, please, that on 19th
4 August a Welfare Officer reported the matter to the
5 police.

6 You can see that at the start of the second
7 sentence -- second paragraph:

8 "The complaint in this matter was made to me by the
9 Welfare Officer on 19th August and was investigated on
10 the same date."

11 You can see the County Inspector saying:

12 "While there is no corroboration of the boy's story
13 and it has not been possible to interview BR14, against
14 whom the complaint has been made, I would submit that
15 the fact that BR14 was transferred from the school on
16 1st August ..."

17 So you can work out from that that whatever the
18 police have managed to do by the time this letter has
19 been penned, which is on 27th August, the County
20 Inspector has found out that BR14 wasn't in the
21 jurisdiction. You can see:

22 "The Brother in charge of the school at Kircubbin,
23 BR6, didn't say specifically how much was known of the
24 conduct of BR14, but I think we can assume that the
25 headquarters of the Order in Ireland are aware of his

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1 propensities."

2 Then you can see a record of how DL13 came to be in
3 Rubane. A mistaken reference to the school being
4 an approved school. Then it is said:

5 "I therefore recommend that the facts of this case
6 be brought officially to the notice of the Welfare
7 Officer for County Down",

8 because ultimately that was the Welfare Officer who
9 had ultimate responsibility for DL13.

10 Now -- so we have seen the police interviewed on
11 19th August and on 19th August the boy was also
12 medically examined. So you can see that at 1008. So on
13 the same day as he was interviewed the Force Medical
14 Officer carries out an examination. You can see --
15 probably a name that may be familiar in terms of
16 Mr Irwin or Dr Irwin -- my apologies -- you can see he
17 has carried out an examination and there is nothing
18 found on examination.

19 The sergeant then submitted his report on 25th
20 August. We can see that at 1009. So Sergeant Jeffrey,
21 who had carried out the interview, sends this report up
22 to the County Inspector. You can see he has had two
23 welfare officers involved, and then he sets out the
24 history, and you can see then in the third paragraph:

25 "Accompanied by the Welfare Officer I interviewed

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1 the boy and a signed statement was made."

2 Then you can see on the -- permission was obtained
3 from his mother to be medically examined. Then a record
4 in the next paragraph of a visit paid by the officer to
5 De La Salle on 24th August:

6 "I went to the De La Salle Boys' Home to interview
7 BR14 regarding the allegations. I was there informed by
8 the Superior, BR6, that on 1st August 1964 BR14 had been
9 removed from his teaching post and had been transferred
10 to the headquarters of the Order in Castletown" ,

11 in the Republic of Ireland. Then he says this:

12 "It would appear that the authorities of the De La
13 Salle Boy's Home had knowledge of the matter some
14 considerable time before the boy complained and that
15 steps had been taken to remove Brother BR14 from his
16 teaching post and this jurisdiction."

17 Now the basis for him saying that is he is aware
18 that the complaint was only made on 17th August. He is
19 made aware of it and an interview takes place on 19th
20 August, but when he spoke to BR6 on 24th, he learned
21 that BR14 had already been relieved of his duties on 1st
22 August. So the suspicion that's raised is that perhaps
23 the Brother had simply been transferred out of the
24 jurisdiction.

25 On 26th August at 1010 the Head Constable reports to

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1 the District Inspector -- just magnify that, please --
2 indicating the charge. You will see in the last
3 paragraph he says that a charge of gross indecency
4 should be proceeded with.

5 The County Inspector then -- we have looked at his
6 letter of 27th August asking that Down Welfare be
7 informed, and then we get a reply on 1011 from the
8 County Inspector. So if we just scroll down to the
9 bottom, please, that's the document we have already
10 looked at of 27th August, and then the reply now coming
11 from the County Inspector:

12 "In the absence of corroboration it would scarcely
13 be possible to substantiate the charge were BR14 within
14 the jurisdiction, but on the evidence available we must
15 assume an offence under both section 62 and section 11
16 of the two different Acts have been committed and
17 therefore Form 38 should be submitted accordingly."

18 Then it is said by the County Inspector:

19 "As the Welfare Authority brought the case to our
20 notice, there is no need for us to notify them, as there
21 is no subsequent development of which they would require
22 notification."

23 Then on 9th September, if we look at 1013, the
24 District Inspector then -- just magnify that -- confirms
25 to the County Inspector that:

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1 "Further discreet enquiries into this case reveal
2 that BR14 had actually gone on holiday on 1st August
3 before the complaint was made against him, which, as we
4 know, was 17th, and that while he was on holiday BR6
5 became aware of the allegations and contacted the Head
6 of his Order in Eire",

7 the Head of the Order being BP1 still as the Irish
8 Provincial.

9 "BR14 was then collected and brought into the
10 headquarters at Castletown. This corrects the
11 suggestion that his superiors had been aware of this
12 report", ie the offence, "before the police were and
13 that the Brother had been removed from the jurisdiction
14 to avoid investigation."

15 Then we see this:

16 "Miss Forrest of the Ministry of Home Affairs has
17 been in touch with me regarding this matter. She is
18 endeavouring to assist the Ministry to decide whether or
19 not the school at Rubane should continue to be
20 recognised as an approved voluntary school, with
21 particular emphasis on ascertaining whether this was
22 an isolated incident or whether more boys have been
23 involved."

24 Now I would ask the Panel to note that particular
25 issue. So the suggestion is made of whether the school

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1 should continue -- the home should continue to be
2 recognised. It may be that this was a man who grew up
3 in England writing, because he is talking about the
4 English equivalent of the Northern Ireland school in
5 terms of an approved school, but he is raising two
6 things that are being said to him! "One, we have to
7 look at whether this home should continue as a home or
8 school", and trying to ascertain whether this was
9 an isolated incident or whether more boys may have been
10 involved, and that will become very important, as you
11 will see as we move through the material.

12 Then it is said:

13 "No decision has yet been made by the Ministry in
14 the matter."

15 Now BR6 explains from his perspective what occurred
16 in August of 1964 during his own police interview on 4th
17 April 1996. So he was being investigated about other
18 matters, but the interview moved to look at this
19 incident. If we can look, please, at RUB280. So he is
20 talking about:

21 "A. Left it in the hands of the social worker.

22 Q. ... any recollection of having to speak to any
23 of the boys or any members of staff regarding such
24 a complaint or allegation ranging from abuse?

25 **A. Yes, I ..."**

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1 Scroll down, please. He's asked:

2 "Q. Sexual abuse?

3 A. I did talk to a man, a Brother, that
4 an allegation had been made against him --

5 Q. Uh-huh.

6 A. -- and would he be prepared to face this ..."

7 Move down to the next page, please, 281:

8 ".... would he be prepared to face this allegation.

9 Q. Uh-huh.

10 A. Actually this man was actually in the South at
11 the time when the allegation was made and I told -- what
12 do you call the -- he's called the auxiliary -- or not
13 the auxiliary -- the Provincial of the Order --

14 Q. Yes.

15 A. -- about it. He told me to meet this man and
16 ask him about it and was he prepared to go back to
17 Northern Ireland and face the allegation.

18 Q. Yes.

19 A. And this man preferred not to come back, and
20 the Provincial said, 'Right. We must dismiss this man
21 from the Order'.

22 Q. Uh-huh. Who was that particular person?"

23 Scroll down, please.

24 "A. I think it was Brother -- what's his name --
25 Brother -- BR14 I think.

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1 Q. BR14?

2

3 A. Yes. That's the only thing I can remember,
4 yes."

5 Then he goes on to something else that we will come
6 back to in due course.

7 So that's BR6 reflecting on him reporting the matter
8 to the Provincial, the suggestion of, similar perhaps to
9 the 1958, some form of investigation taking place where
10 there'll be a -- you go back and face the charge. BR14
11 wouldn't go back and face the charge, so the Provincial
12 according to BR6 said, "We must dismiss this man from
13 the Order".

14 Now if we go back then to the RUC district
15 inspectors and memo of September -- 9th September '64,
16 we have touched on being sure it wasn't fleeing the
17 jurisdiction and we have looked at what Miss Forrest was
18 going to do.

19 We then have a four-page handwritten memo from Miss
20 Forrest on 10th September, so the following day after
21 the memo that we have just looked at from the County
22 Inspector. If we can go, please, to 1014, and obviously
23 this will be an important document for the Inquiry,
24 because it gives some indication of the approach of the
25 Ministry and it also adds further to the story. You can

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1 see here that:

2 "Mr Green, the Down Welfare Officer, informed me
3 that the boy, who had come in under a Fit Person Order,
4 had been on home leave with his mother and he had
5 refused to return to Rubane, confiding to an older
6 brother and thereafter his mother that BR14 had
7 interfered with him. This was reported to Welfare, who
8 notified police. The boy was interviewed by police with
9 Welfare staff present and made a statement to the effect
10 that on three occasions in the week beginning
11 13th July 1964 BR14 had brought him from the dorm to his
12 bedroom and then committed acts of gross indecency
13 (though short of buggery) with him."

14 Then she says:

15 "I saw Detective Inspector Platt later the same
16 day."

17 That's "14th September". A change has been made to
18 that, but it wouldn't be possible to be 14th September
19 given the date of the memo. So she is saying, "I saw",
20 it seems, "the officer on the day he was interviewed"
21 possibly or "the day he went" --

22 MS DOHERTY: Do you not think that's a bracket?

23 MR AIKEN: Yes. I am obliged for that. 4th September, so
24 five -- six days before this memo:

25 "... and there saw the boy's statement."

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1 So she had attended the police station and read the
2 witness statement that we have looked at.

3 "I saw him and sergeant", another sergeant, "again
4 on 7th September."

5 So that's a second meeting with the police with Miss
6 Forrest before the memo of 9th that we just looked at.

7 Then you have:

8 "The boy had also named other boys said to know of
9 this sort of behaviour ..."

10 If we scroll to the next page, please:

11 "... and two boys who have now left were interviewed
12 at Nazareth Lodge Club. They denied all knowledge of
13 such a thing."

14 Now whoever those boys were and whether that was
15 a formal interview that was recorded, there are no
16 papers that the Inquiry has received showing those
17 statements.

18 "When police" -- then you see it was the detective
19 sergeant -- "went to Rubane to make enquiries, BR6 told
20 him he knew why he was there and BR14 had been removed
21 from his post, was at the head house in Castletown and
22 would not be returning. BR14 therefore was out of the
23 jurisdiction."

24 Then she says this:

25 "I subsequently discussed the case with

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1 Mr Colville", who is the District Welfare Officer for
2 the area in which the boy presided, "before going to
3 Rubane to see BR6. The sequence of events seems to have
4 been ..."

5 You will see she sets out:

6 13th July -- incident.

7 17th -- reporting to the brother and mother.

8 19th August -- to the police.

9 Then it seems, according to this note:

10 "BR6 received some kind of tip-off (possibly from
11 ...", and it is speculated the Nazareth Lodge Club, "and
12 went immediately to where BR14 was on holiday in Eire."

13 So you can see that has been underlined. It is
14 obviously of importance to the thinking of Miss Forrest
15 at the time she is writing the memo. She is identifying
16 some form of communication. If you go back to BR6's
17 police interview, he is saying what he did was became
18 aware of it, spoke to the Provincial, was sent to ask,
19 "Are you going to go back and face the charge?" So it
20 appears that as a result of the conversation with the
21 Brother Provincial BR6 went to wherever BR14 was in
22 order to have that conversation.

23 Then you can see:

24 "BR14 did not return but was recalled to head house
25 and BR6 now suggests the matter as being in the hands --

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1 now regards the matter as being in the hands of his
2 Provincial. Although neither police nor BR6 ... I can
3 regard the allegation as proved since, as police saw it,
4 it was possible ..."

5 Sorry. Can we just scroll back up, please, so that
6 I haven't misquoted that?

7 "Although neither police, nor BR6, nor I can regard
8 the allegation as proved, since, as police saw it, it
9 was possible that the events had happened to the boy
10 elsewhere with another person, but he had accused BR14
11 as a ..."

12 MR LANE: "... let-out".

13 MR AIKEN: "... let-out from returning to the home, BR6
14 appears inclined to take BR14's non-return as
15 an admission."

16 So you can see the type of thinking in 1964, the
17 difficulty potentially proving beyond reasonable doubt,
18 the suggestion that perhaps the boy was identifying the
19 Brother as a means of not having to go back to Rubane,
20 but, in fact, BR6 then being recorded as saying, "Well,
21 I regard it as proved, because it is an admission that
22 he wouldn't come back", but you can see Miss Forrest
23 then saying:

24 "This is not necessarily so, since anyone who could
25 get out of it by staying -- by saying -- by staying over

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1 the border might well wish to avoid the horror of
2 a trial on such a charge. It should be stated that
3 there were two small discrepancies in the boy's
4 statement."

5 You can see then the discrepancies that are
6 described.

7 If you scroll -- bring that up, please, just to the
8 top:

9 "The only persons",

10 so it comes up. Thank you.

11 "The only persons with whom BR6 has discussed this
12 are the Provincial", and then you have, "Brother BR12",
13 who was BR12, so he had been the officer in charge
14 previously, "and BR39", and you can see at page 6 of the
15 designation list -- in fact, it is not on page 6, but
16 that is BR60, so the gentleman we have seen interacting
17 heavily with the Ministry of Home Affairs.

18 "He has not discussed with the chaplain, though he
19 assures the letter will have -- the latter will have
20 guessed the situation because of the absence of the boy
21 and the Brother."

22 So you can see who has been given knowledge as to
23 what occurred.

24 "BR6 is reasonably satisfied that if this occurred
25 at all, it could well be an isolated incident. He has

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1 no reason to suppose otherwise. He assures" -- it is
2 either "assumes" or "assures" -- "that it's always been
3 his practice to make a tour of the home during the night
4 about 1.00 or 2.00" -- scroll down, please -- just keep
5 going -- thank you -- "or 3.00 am about once a week or
6 more often. He's never found anything amiss. There
7 have at times been the odd isolated example of
8 homosexual behaviour among boys, but not to any extent
9 that caused him anxiety."

10 So if we can just pause there to observe that BR6
11 takes over in September 1962, and we have already seen
12 between '56 and '58 from BR17's own interview he was
13 making reference to homosexual activity between the
14 boys. This is now BR6 acknowledging to the Ministry
15 that there's been homosexuality between the boys, and he
16 is saying it's the odd isolated incident, but that again
17 has to be between '62 and '64, because he's only arrived
18 in '62, but whatever was going on it, it hadn't caused
19 him anxiety.

20 "There is now the problem that direct inquiries made
21 among the boys could (a) put ideas in their heads that
22 may not be there and (b) sow general mistrust of
23 Brothers and other adults."

24 Then:

25 "BR6 explains that the Provincial of the Order will

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1 come north very soon, and I have said that we would like
2 to see him in the Ministry. BR6 will tell him of my ...
3 and this suggestion. I said that our concern in the
4 matter was (a) to know whether this boy had, in fact,
5 been the subject of the offences by BR14, (b) whether
6 there is any reason to feel that others have",
7 and I will ask to note that:

8 "(c) whether there is any reason to fear that any
9 such practices are widespread."

10 Scroll, please.

11 "BR6 assures me, and I believe him, that he has been
12 very content with the general atmosphere of the home,
13 and certainly from what I saw the boys appeared lively
14 and cheerful. I did not, however, make any effort at --
15 any attempt at inspection, since the other Brothers are
16 in a state of guessing something and knowing nothing."

17 Now what you can observe from this memo is either
18 BR6 was not in a position to, because he didn't have the
19 knowledge himself, or did not, if he did have the
20 knowledge, tell Miss Forrest about the 1958
21 investigations that had been conducted into the
22 allegations against BR17.

23 Obviously two issues, depending on what the correct
24 position is, arise. One is if this was a new person
25 taking over as the person in charge of a children's home

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1 and you had had something as serious as boys alleging
2 that they were sexually abused by staff, if he was not
3 told that piece of information, then you may want to
4 consider what that indicates in terms of how the home
5 was run. If he was told on taking up his post of the
6 previous investigation in 1958 and elected as a result
7 not to tell Miss Forrest, given the specific questions
8 she indicates as part of her group of four questions
9 that she was looking to address, then that takes you in
10 a different direction.

11 What you can be certain of, however, is that there
12 were -- at this point in time we are talking still about
13 six to seven, possibly eight, Brothers. It is a small
14 number who are working in the home, and we do know that
15 BR13, BR13, BR12, BR14 (sic), and BR15, BR15, were all
16 still there and were there at the time of the 1958
17 investigation. In addition, the same parish Provincial,
18 BP1, that we are dealing with here that was involved in
19 the 1958 matter.

20 Obviously arising out of the document another
21 question arises for the Inquiry to consider and that is
22 the response of the Ministry of Home Affairs to the
23 information that they did get, even if that information
24 was in itself incomplete or inaccurate.

25 The day before Miss Forrest wrote her memo of 10th

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1 September in addition to the police letter we looked at
2 BR6 wrote a letter to the Irish Provincial. If we look,
3 please, at 1028, he says this:

4 "Brother Visitor."

5 This takes the story on further, because he says:

6 "I had a visit the other day from the Chief Welfare
7 Officer of Belfast."

8 Now you will recall this boy was under the Welfare
9 Officer for County Down, but by 9th September, however
10 it has come about, the Chief Welfare Officer of Belfast
11 is on notice and has come to see BR6:

12 "Belfast Welfare have 16 boys under our care. They
13 would like to have some guarantee that:

14 1) This incident", so taking it to be about BR14 in
15 July, "this incident is an isolated case confined to one
16 member of the staff.

17 2) That no other boy has been interfered with."

18 I ask you to note that.

19 "3) That some enquiry be made with regard to some
20 boys who were sleeping in the same dormitory as this boy
21 and who according to", if we scroll down, please, "who
22 according to him knew that BR14 was interfering with
23 a boy or boys.

24 As far as I can gather the Welfare is pretty
25 sympathetic towards the case and are looking for

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1 a guarantee that the home is a salutary place for boys
2 to be sent to.

3 Sorry to have to bother you with these rather
4 depressing bulletins.

5 Your obedient inferior,
6 BR6."

7 The letter obviously carries an implication that
8 this isn't the first letter that BR6 might have penned
9 to the Parish Provincial. It is the first letter that
10 we have. There isn't any earlier letters that have been
11 discovered.

12 Then on 19th September the Provincial, BP1, prepares
13 a report for the Ministry of Home Affairs. That's dated
14 19th September. If we look, please, at RUB219, and you
15 can see that this is a report to the Ministry of Home
16 Affairs on the incident at Rubane. He sets out the
17 number of staff who are present in the home and then he
18 records what is said to have occurred. You can see at
19 (a), (b) and (c) recording the allegations of DL13.

20 Then he says this:

21 "On August 21st" -- so he is saying he first found
22 out about the matter on 21st August, two days after the
23 police interview -- "I received a report that BR14 was
24 alleged to have had immoral relations with a boy in the
25 school. BR14 was on vacation at the time. I summoned

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1 him to headquarters where I interviewed him a week later

2 ..."

3 So that interview it seems would take place towards
4 the end of August, start of September:

5 "..." and in the meantime I had received a summary of
6 the boy's statement."

7 Then:

8 "I asked BR14 for a full and accurate account of
9 what took place between himself and the boy on the night
10 of July 13th and during the days following."

11 You will see what's then reported to the Ministry:

12 "BR14 admitted being guilty of immoral conduct with
13 the boy on the night of 13th July, but he denied that he
14 interfered with the boy on any subsequent occasion. He
15 stated that the boy came to his room on the night of
16 15th July", so that's the second occasion, "but that
17 nothing immoral took place. On that night he explained
18 to the boy that the immoral relations between them was
19 very wrong and that what happened on the night of",
20 presumably that should be 13th, "was never to be
21 repeated."

22 Scroll down, please:

23 "When asked to explain his unnatural conduct on the
24 night of 15th, he stated that he had drink taken and was
25 scarcely aware of what he was doing.

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1 While frankly admitting his guilt in relation to
2 DL13, he emphatically denied having interfered with any
3 other boy in the home."

4 Just scroll down, please.

5 "He said that the case against him was a single
6 incident with one boy only."

7 I would ask you to note that.

8 "The De La Salle Order regards an incident of this
9 kind as extremely grave and immediate measures were
10 taken to ensure that BR14 would never again be allowed
11 to have any contact with boys in any school."

12 So if I can ask you to bear with me, he is saying
13 that a week after 21st August, so in and around the end
14 of August, he is having this interview. What he finds
15 out in the interview causes him to take what he
16 describes as immediate measures to ensure that BR14
17 would never again be allowed to have any contact with
18 boys in a school. We will see shortly what he means by
19 that.

20 "In view of the seriousness of the case I thought it
21 wise to visit the home at Rubane and conduct an enquiry.

22 I arrived on September 18th and on the same day
23 I interviewed each member of the staff."

24 So you can see from the previous page -- I am not
25 going to go back to it -- the members who were present

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1 and I have identified some who had prior knowledge of
2 '58.

3 "Without giving any names I mentioned to each
4 Brother that 'a serious charge had been made against
5 a Brother' and that any information they could give
6 would be appreciated."

7 Then he records what he found out. The two Brothers
8 who were already on notice were greatly shocked at the
9 seriousness of the case.

10 "The other members of the staff, while surmising
11 something serious had taken place, were and still are
12 quite ignorant of the incident in question. They didn't
13 know DL13 hadn't returned. None had any idea of the
14 nature of the charge or the person involved. I am quite
15 certain that any one of those interviewed would have
16 informed me were he aware of any misconduct between
17 Brother and boy.

18 As a general rule the boys would inform the Brothers
19 if they knew of any misconduct in the home, but of this
20 incident, now a month old, there was never a whisper."

21 So you can see the view that the Brother Provincial
22 is setting out as to how the communication works.

23 "Due to the fact that the boys seemed to be unaware
24 of any untoward incident, I thought it more discreet to
25 refrain from carrying out an individual investigation,

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1 which would serve no useful purpose but which would
2 unquestionably undermine the good relationship between
3 Brothers and boys and result in rousing their curiosity.

4 I deeply regret that an incident of this kind should
5 have taken place in an institution devoted to the
6 welfare of the children confided to the Brothers by the
7 welfare authorities and by the various committees.

8 As far as I can judge the extent of the damage done
9 is limited and this in itself is consoling to all
10 concerned."

11 Scroll down, please.

12 "As to the present members of the staff in Rubane,
13 I can confidently certify that each one is thoroughly
14 reliable and in every respect suitable to carry out the
15 delicate and onerous duties which an institution of this
16 kind demands."

17 Now the question that obviously arises from that is
18 well, what process, if any, was engaged in in order to
19 be able to make that assertion, and now, as we will look
20 at in the course of today, we can see that assertion
21 turns out unfortunately to have been very wrong.

22 The Inquiry in the last number of days as a result
23 of the continued cooperation of the Order with the
24 Inquiry's request for information has provided the
25 application for dispensation that was made by BR14 on

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1 9th September 1964. So you will see immediately his
2 application is prior to this report being written. If
3 we look, please, at RUB7159. Just maximise that. So
4 you can see it is from Castletown in Laois and BR14 is
5 writing to the Superior General:

6 "Most Honoured Brother, I beg with regret for
7 a dispensation from my perpetual vows which I made in
8 1958. The reason for my request is 'grave immoral
9 actions with a number of boys'.

10 I remain with the most profound respect,

11 Most Honoured Brother,

12 Your humble inferior",

13 and then signed by him.

14 Now we also then have of 12th September, if we

15 scroll down to the next page --

16 CHAIRMAN: Just a moment.

17 MR AIKEN: Just go back up, please.

18 MS DOHERTY: It is countersigned by ...

19 MR AIKEN: It is countersigned by BP1, the Provincial.

20 CHAIRMAN: Who describes him as "a positive danger to young
21 people". He is admitting to his superiors that he has
22 engaged in grave and immoral actions with more than one
23 boy who this investigation is concerned with.

24 MR AIKEN: Yes, and this is a letter dated nine days prior
25 to the report prepared for the Ministry of Home Affairs

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1 and the Panel can obviously see the distinction between
2 the two documents.

3 CHAIRMAN: The date on that again is?

4 MR AIKEN: 9th. If we just scroll up, please. Keep going
5 up a little further. There you are. 9th September.

6 If we can scroll down, please, there is
7 an accompanying letter of 12th September from BP1. You
8 will see he says:

9 "The Very Reverend and Dear Brother Vicar General,
10 I have more trouble on my hands. I enclose
11 a request for a dispensation for BR14. I have asked him
12 to make this application as just now he is a positive
13 danger to the others.

14 During the past three years" -- so that takes it
15 back to 1961 -- "he has interfered with boys, a couple
16 each year."

17 Now just taking that at face value, that identifies
18 six victims.

19 CHAIRMAN: Presumably by necessary inference all at Rubane?

20 MR AIKEN: Yes. He was there from 1958.

21 CHAIRMAN: Do we have any indication as to what the basis
22 for that statement is? Were there further admissions
23 made by him that we are aware of made to the Order?

24 MR AIKEN: No. The implication that the document carries,
25 one view of it is in the interview with the Irish

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1 Provincial that the Irish Provincial says he had these
2 were the disclosures that he received, and you will
3 recall from the report of 19th September -- sorry --
4 from the earlier letter he describes how he immediately
5 took steps to ensure that the Brother wouldn't have any
6 further role, and the steps appear to be having him
7 removed from the Order by this process of seeking the
8 dispensation, but as to any further note of what detail
9 was given that allowed the Irish Provincial to write in
10 this way, there are no documents that the Order has
11 found to date that disclose as to who was being referred
12 to what form the abuse potentially took.

13 CHAIRMAN: Well, one would assume from the way it's worded
14 that somehow or other the Provincial had by that time
15 information this was not an isolated incident.

16 MR AIKEN: Yes. If you wish, we can bring back up, but the
17 report of 19th September can obviously be contrasted by
18 you with these two documents.

19 CHAIRMAN: Because the Provincial says, RUB219:
20 "By frankly admitting his guilt in relation to ...
21 he emphatically denied having interfered with any other
22 boy in the home",
23 which would appear to be completely at odds with
24 what he had said to his superiors a week before.

25 MR AIKEN: Yes, and you will recall from Miss Forrest's memo

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1 and from BR6's letter as to what the Chief Welfare of
2 Officer of Belfast wanted to know, it wasn't just
3 whether he had just abused one boy. He wanted to know
4 whether he had abused other boys and then whether there
5 were other Brothers who had also abused boys.

6 So the dilemma that arises as you consider this
7 material, because unfortunately neither the Irish
8 Provincial who wrote this material or the Ministry of
9 Home Affairs officials who acted on foot of it are going
10 to be in a position to give evidence -- they either
11 haven't been traced or are deceased in some respects --
12 but one only then is left to speculate as to what might
13 have happened if what's contained in 9th and 12th
14 September documents were conveyed to the Ministry as
15 opposed to what was conveyed to the Ministry.

16 CHAIRMAN: I know we will be looking at this later, but 1026
17 is a memorandum by Mr Parkes, 16th November 1964:

18 "All concerned are satisfied that these were
19 isolated incidents."

20 So they presumably were going on the basis of what
21 they had been assured.

22 MR AIKEN: Yes.

23 CHAIRMAN: It is noted:

24 "The Minister has seen these papers."

25 MR AIKEN: Yes. The other point that I will draw out for

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1 you to reflect on, if I may, from the material that we
2 have looked at to date is you will recall in the 1958
3 investigation that recommendations were made as to
4 changes in practice to try and guard against potential
5 further allegations being made too that had left him in
6 some doubt. It seems there is no -- there is no record
7 of that type of analysis being conducted. "What --
8 we've removed him, yes, but what else, if anything,
9 should we do to ensure that it is less likely this might
10 occur again?" It seems that the problem was brought to
11 an end in terms of dealing with it simply by removing
12 the particular Brother.

13 There is a note from the Provincial. It is in
14 handwriting at 1030. There is a typed copy at 223. If
15 we just look at that, please. That's the handwritten
16 version. Just for ease if we look at the typed copy,
17 please, at 223, it seems to be a memo of him recording
18 what he had done after the event, because you can see
19 that it includes the reference to visiting the Home
20 Office on 21st September and having had a two-hour
21 meeting. We will look further now at the memo that
22 arises from that from the Ministry's perspective.

23 If we can look, please, at 1023, on 30th September,
24 just to complete the chronology of this, Mr Parkes in
25 the Ministry writes to the County Inspector and he says

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1 this:

2 "We recently became aware of certain incident during
3 the month of July at Rubane."

4 He sets out what that was. He then says:

5 "It is quite possible that this case may lead to
6 repercussions, and in view of our general
7 responsibilities for children's homes we are anxious to
8 be in a position to keep the Minister fully informed as
9 to just what action was taken over the affair. For this
10 purpose it is felt here that we should have a full
11 report on police action and findings in the case.

12 I would be most grateful if you could arrange for me to
13 have such a report. It will, of course, be treated as
14 strictly confidential and I sincerely hope that
15 circumstances in which we need to refer to it will not
16 arise at all."

17 It appears that the County Inspector then discusses
18 the matter with potentially the Inspector General, the
19 head of the police, because the head of the police
20 issues a minute on 1st October. We can look, please, at
21 1024. We don't have the minute, but we have the
22 response to it, which is the document that we are now
23 going to see.

24 You can see Detective Inspector Platt is replying to
25 whatever minute he received that was seeking information

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1 from him. He says this:

2 "No further developments have occurred since the
3 date of my last report save that on 2nd October I called
4 by arrangement at the office of Mr Parkes, Welfare
5 Branch, Ministry of Home Affairs. He showed me a letter
6 received from BR6. The writer stated that he had
7 interviewed BR14 ..."

8 So that is another letter potentially like the one
9 of 9th September:

10 "... stated he had interviewed BR14 regarding the
11 complaint made against him at Rubane and that BR14
12 admitted that he had committed an act of indecency but
13 denied that any further acts of indecency had taken
14 place."

15 Then you have:

16 "The Provincial Superior stated that he had made
17 personal inquiries into this matter at Rubane School but
18 found nothing which would give him cause to believe that
19 any other member of the staff had been aware of BR14's
20 misconduct."

21 Just take that -- a name appears there that
22 shouldn't be used. Just take that document down,
23 please.

24 Then the reply was sent from the Inspector General's
25 office after he had got what information he wanted from

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1 his officers. That was on 8th October 1964. Could we
2 look, please, at 1025? So this gives some indication --
3 the fact that this comes -- this letter comes from the
4 Inspector General's office indicates that it has got to
5 a high position. You can see that in the top left.
6 Rather than this coming from Newtownards, the County
7 Office, where the investigations have been conducted
8 this issues from Brooklyn, and in the top left you can
9 see:

10 "Any replies should be addressed to the Inspector
11 General."

12 He is replying to the letter of 30th September from
13 Mr Parkes that was addressed to the County Inspector:

14 "I now enclose a copy of the relevant police report
15 ... there is evidence of offences ... As the alleged
16 offender is outside the jurisdiction, no police action
17 can be taken at this stage. Appropriate action will be
18 taken should the police be aware of BR14's return to
19 Northern Ireland."

20 So the indication is clearly from the top in terms
21 of the RUC that this man will be prosecuted if he ever
22 returns to the jurisdiction.

23 On 16th November then -- and I am going to look at
24 the typed version of this, which will be easier for
25 everyone I trust -- at 1026 there is the typed version

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1 of a memo from Mr Parkes. 1026 is the handwritten
2 version. If we go through to 1027, you can see now
3 Mr Parkes is writing to Mr Alexander, the Assistant
4 Secretary:

5 "I am sorry I have not been able to submit earlier
6 these papers relating to the trouble at Rubane this
7 summer.

8 The sequence of events is set out in Miss
9 Forrest's minute of 10th September."

10 We have already looked at that four-page memo:
11 "You will see from these papers that we have
12 discussed the matter with the police, the manager, the
13 Provincial of the De La Salle Order and officials of
14 Down Welfare Committee. The following points emerged:

15 (1) All concerned are satisfied that these were
16 isolated incidents ..."

17 Now doing the best one can, from the documents that
18 we've got the reference to plural will be taking at face
19 value DL13's indication that it happened on three
20 occasions rather than just the one occasion. There's
21 nothing else in the documents to suggest that this is
22 referring to beyond the singular boy, but the singular
23 boy from the police report that the Ministry has read
24 and which Miss Forrest refers to in her memo talks about
25 him saying that it happened on three occasions that

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1 week.

2 "... and that the person responsible, BR14, has been
3 removed from all possible contact with the boys at
4 Rubane or elsewhere.

5 The authorities of the home and the Order have been
6 frank and cooperative. The Irish Provincial called here
7 to deliver his report. After a frank discussion Miss
8 Forrest and I" -- scroll, please -- "were satisfied that
9 he had investigated the situation thoroughly and that
10 his conclusions were reasonable.

11 Police action against BR14 is impossible while he
12 remains outside the jurisdiction.

13 There are now no grounds for further action on our
14 part in relation to the home itself, though we shall
15 lose no opportunity of impressing on them the importance
16 of having enough staff. It is at least possible that if
17 the staff didn't have such large numbers to cope with,
18 the incidents would have come to light sooner, though
19 they might not have been prevented."

20 You can see -- if we scroll up to the original memo
21 so you can see who viewed that, and the point, Chairman,
22 you have already made: these papers were shown to the
23 Minister.

24 Paragraph 4 is obviously something that the Inquiry
25 may wish to consider. He is saying:

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1 "There are now no grounds for further action on our
2 part in relation to the home."

3 The basis for saying that, there are no documents
4 that show the thinking behind that view that has been
5 reached, but the basis for it is set out in the memo.

6 CHAIRMAN: This might be a convenient time to take a short
7 break --

8 MR AIKEN: Yes.

9 CHAIRMAN: -- to facilitate our stenographer.

10 MR AIKEN: Yes.

11 CHAIRMAN: Very well. We will rise for five minutes.

12 (11.25 pm)

13 (Short break)

14 (11.30 pm)

15 MR AIKEN: Chairman, Members of the Panel, before we broke,
16 we were looking at the memo from Mr Parkes. There is
17 just one more matter I want to draw your attention to on
18 that memo so the picture is clear. At 1026, if we can
19 look at the original memo again, please, and we looked
20 at the bottom, that this was a memo that was taken to
21 and the Minister saw, but you will also see in the top
22 right, when we have been looking at the inspection
23 reports, quite often in the first module Miss Wright and
24 Dr Simpson went to Termonbacca and Bishop Street. We
25 have seen again Miss Wright and Dr Simpson, and

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1 Dr Simpson is shown this report as well. Now it is
2 maybe something that the Department can look into for
3 us, but it may be Dr Simpson was in the Ministry of
4 Health but working to and with the Ministry of Home
5 Affairs in terms of doing these routine inspections.

6 CHAIRMAN: Yes. We saw his name really from the late '50s,
7 early '60s doing joint inspections --

8 MR AIKEN: Yes.

9 CHAIRMAN: -- with Miss Forrest, Miss Wright and others --

10 MR AIKEN: Yes.

11 CHAIRMAN: -- and indeed we have seen him here as well going
12 to Rubane.

13 MR AIKEN: Yes. So --

14 CHAIRMAN: We see Miss Forrest's initials here.

15 MR AIKEN: Yes.

16 CHAIRMAN: So it was being shared with Dr Simpson.

17 MR AIKEN: Yes, and it means a degree of knowledge in any
18 event is potentially moving into the Ministry of Health
19 as well as the Ministry of Home Affairs.

20 CHAIRMAN: And somebody has noted, "Secret file. Rubane
21 House incidents".

22 MR AIKEN: That's the cover of the file that we looked at at
23 the outset.

24 There are a number of matters, Chairman, Members of
25 the Panel -- I have already drawn a number of them out

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1 -- that arise from this, and obviously we will have
2 an opportunity to hear from the present day speaker on
3 behalf of the Department in due course, but the types of
4 issues that arise, the Department has provided
5 a statement indicating in their view what happened here
6 in terms of the Department's reaction to what they were
7 told wouldn't amount to a systems failure. They are
8 only seeing, because the document has come in recent
9 days, the possibility that they weren't given the full
10 picture, and therefore they will want to reflect further
11 on that, what they would want to say to the Inquiry
12 about that. but the issue that they will no doubt think
13 about and the Panel will think about is we have seen
14 some evidence of a willingness to communicate on
15 a generic basis information that was deemed important,
16 and it doesn't appear there was any communication, even
17 without identifying Rubane or the individuals involved,
18 but bringing notice to the fact there was a member of
19 staff who had abused a boy in a children's home, and it
20 may be the case that the Department will say and you
21 will agree that that would not have been a necessary or
22 appropriate step to take, but it is something you may
23 want to reflect on in due course as the Department comes
24 to explain how they view how this was dealt with,
25 whether even as a -- on the information that was

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1 available whether some means of communicating, "A more
2 careful eye should be kept on how you recruit staff", or
3 those types of matters. No doubt I will discuss them
4 with the witness during evidence, but it is something
5 that you can reflect on.

6 Now obviously this is 1964, and in the context of
7 this Inquiry's work this incident obviously raises
8 a series of important issues, and it raises the
9 immediate question about the systems failures and, if
10 there were any, what impact those had on the operation
11 of this home beyond 1964, and potentially, depending on
12 the view you take and on the evidence you hear from the
13 Department, on children's homes in Northern Ireland more
14 generally.

15 But the Order, having brought these documents to the
16 Inquiry's attention and having set out what they
17 understood to have happened, they do point out that the
18 papers alone disclose that at least two welfare
19 authorities did know about the incident. So in
20 considering what, if anything, the Department should
21 have done or Welfare Authority should have done, it is
22 the case that two of the large in terms of number of
23 children they dealt with, Belfast and Down, did know of
24 this incident having occurred, and obviously it was on
25 the radar of the police and the Ministry.

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1 We don't as yet have any papers that the Inquiry is
2 aware of from welfare authorities that show them
3 reflecting on this, and it is maybe something that the
4 HSCB can look at to see whether -- if there are any
5 papers of that nature, whether they could be produced.

6 I know that the social work file relating to DL13 is
7 going to be looked for to see whether that might contain
8 some more information that takes the story on in terms
9 of what might have been considered and what might have
10 been done.

11 What I do want to draw your attention to then, and
12 I gave you the reference at the outset in passing, is
13 you have the Governing Board of Rubane and it meets on
14 24th January 1965, so after these events have reached
15 their conclusion, and if you look at the minute, please,
16 at 5208 -- just maximise that for me -- you can see
17 that -- sorry. I said January. It is 24th February.

18 I am obliged to Miss Turley. If we just scroll down
19 a little, you can see that on the list of people who are
20 attending there are a series of diocesan priests and the
21 meeting is being held at St. Patrick's, and certainly on
22 the list there isn't any representative of the Order
23 being listed, but you can see that:

24 "The Annual General Report was provided or
25 presented, after which ..."

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1 So it may be there was somebody there from the Order
2 that is simply not listed in the minutes. If the annual
3 report followed those that we have seen, then BR6 will
4 have been the author of it as the Brother in charge of
5 the home. We don't have the annual report from 1964.
6 If it did contain any reference to these events, there
7 is nothing in the minutes that discloses any
8 consideration of them, and obviously you may want to
9 reflect on if it is the case that the matter wasn't
10 reported to the Governing Board, what does that say
11 about the governance system and arrangements that were
12 in place? If it is the case that it was communicated in
13 some form, whether via the chaplain -- and you will
14 recall it was suspected he would have known -- guessed
15 what had occurred -- or from the Brothers communicating
16 it, because you are aware BR60 knew of it, and his
17 substantial involvement with these matters generally, if
18 it was communicated in some way, there is certainly no
19 written record that the Inquiry has been given to show
20 the Governing Board discussing, considering and deciding
21 what, if anything, should be their response.

22 Equally you can see that all of the interaction
23 between the Ministry of Home Affairs has been with the
24 Irish Provincial. Now you are aware from the 1962/'63
25 material that the Ministry had received a delegation of

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1 priests led by Monsignor Mullally to talk about the
2 developments at Rubane, but there doesn't seem to be any
3 communication in the material that we have that shows
4 either the trustees, the diocesan priests approaching
5 the Ministry or vice versa about the matters that we
6 have looked at.

7 Just to complete the picture, we have looked at for
8 various reasons the History of the Home log and the
9 Events of Importance log. I will just give you the
10 references: 10110. You won't find any reference to any
11 of this in the Events of Importance log or the History
12 of the Home. So had there been a monthly Inspector
13 inspecting to satisfy him or herself that the home was
14 being run in the best interests of children, then they
15 wouldn't have found out anything to do with this from
16 the log that was to be kept of important events that
17 were occurring in the home.

18 CHAIRMAN: Of course, there was no visiting person.

19 MR AIKEN: Yes.

20 CHAIRMAN: Isn't that right? One might assume that one of
21 the purposes of such a procedure would be not merely to
22 check on what was being done but to provide someone to
23 whom anyone, children or otherwise, who wished to draw
24 matters of concern to the attention of the authorities,
25 could do so other than going to the De La Salle staff --

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1 MR AIKEN: Yes.

2 CHAIRMAN: -- or whoever was running whichever home that was
3 the case --

4 MR AIKEN: Yes.

5 CHAIRMAN: -- because we know there weren't such committees
6 in other homes it seems.

7 MR AIKEN: Yes. In fairness to this home, by the time of
8 the Management Committee in '79 we have certainly one --
9 it's a three-page memo from what's described as the
10 voluntary visitor. The lady concerned has recorded and
11 describes how she sits down and talks to the children
12 and so on and so forth. So you can see that
13 functioning, but that's in 1982. That's certainly not
14 in 1964.

15 Obviously in the summary opening when I began on
16 Monday, I drew attention to the fact that those engaged
17 with the Hughes Inquiry don't appear to have brought
18 this incident to the attention of the Hughes Inquiry,
19 who then focused on 1977 to '80, which are the matters
20 that led to the charging of BR1, though those weren't
21 proceeded against, and the ultimate conviction of
22 Brother Alphonsus Reid in respect of assault and James
23 McGuigan in respect of sexual abuse. So those are the
24 matters that were looked at in isolation by the Hughes
25 Inquiry.

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1 CHAIRMAN: Did the Hughes Inquiry terms of reference limit
2 its work to 1977 onwards?

3 MR AIKEN: I can't bring up the terms of reference at the
4 moment, but the answer to that -- I'll get them for you
5 -- no. They determined themselves as to what period.
6 So in respect of Kincora, because the first incident
7 that it was suggested the abuser had been abusing from
8 1960, they investigated Kincora between 1960 and 1980,
9 and they seem to have limited '77 to '80 for De La
10 Salle, because this is what they were aware of, the
11 three that arose in the 1980 and '81 criminal trials.

12 CHAIRMAN: So neither the De La Salle Order, nor the
13 Department of Health, who presumably had taken over from
14 Home Affairs by that stage, or any of the relevant
15 Health and Social Services Boards told the Hughes
16 Inquiry that there had been other incidents -- another
17 incident -- in the case of the De La Salle incidents in
18 the plural, because of BR17, going way, way back long
19 before then.

20 MR AIKEN: No.

21 CHAIRMAN: No doubt, each of those successor bodies
22 represented here today will tell us why that was the
23 case.

24 MR AIKEN: Yes.

25 CHAIRMAN: They will receive appropriate Section 9 Notices

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1 in the next few days --

2 MR AIKEN: Yes.

3 CHAIRMAN: -- and I expect speedy responses.

4 MR AIKEN: The final question that I want to ask to close
5 this subject at this point is a question that might be
6 repeated on a number of occasions in terms of the
7 matters that we look at. What of DL13? So the Inquiry
8 understandably, looking at systems failures, is looking
9 at the behaviour of those who were responsible for the
10 children and what did or did not happen that perhaps
11 ought to have happened or not happened, but in this
12 instance, for instance, we have DL13, who has been
13 abused. What of him? What was done to assist him to
14 deal with the consequences of that abuse? You can
15 change the designation in respect of many of the people
16 that you are going to hear from over the next number of
17 weeks.

18 So that takes me to, if I may-- just to complete
19 I will give you one last reference. We looked at it
20 yesterday, but 18th November '64 -- Mr Parkes' memo is
21 of 10th November -- he writes on 18th to BR6, 11309,
22 where he describes and I alluded to it:

23 "Recent events have given added point to our feeling
24 about how the development of a satisfactory relationship
25 between adults and children in Rubane is virtually

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1 impossible."

2 So the matter he is alluding to in terms of recent
3 events are the 1964 matters relating to BR14.

4 Chairman, Members of the Panel, I am going to now go
5 back, if I may, to the chronology of the development of
6 the home, but because there are other matters I want to
7 deal with today, I am going to travel quite swiftly
8 through the decade between 1966, where we have now
9 reached, and 1975, and I am going to bring up those
10 documents that I think you need to see at this point,
11 but give you references for others and simply highlight
12 the matters that are important in a summary form.

13 On 9th March 1966 at 5210 you have the Governing
14 Board meeting chaired by the Bishop, DL260, and they are
15 again looking at the further school extension,
16 recreation facilities, because now, as the Chairman
17 pointed out, finally agreement had been reached on
18 moving the matter forward. By April of '66 there are 76
19 children in Rubane. That's at 10609, and the Ministry
20 continue to inspect in the pattern that we have seen.

21 On 10th May 1966 at 11872 Miss Hill attends and
22 records the numbers and state of the accommodation.
23 What she does note is that staffing has improved, with
24 six women on the domestic side. If we just bring that
25 up, please, at 11872, you will see -- just scroll,

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1 please, for me. We can just see, if you can highlight
2 the paragraph there, the staffing:

3 "The staffing situation has improved in the last
4 year. There are now six women on the domestic side and
5 in BR6's opinion they have provided a necessary feminine
6 influence and done good work. The male members of staff
7 with the boys number nine, including five professionally
8 qualified teachers and four lay Brothers, but excluding
9 the staff that work on the farm."

10 So there is certainly the impression of some steps
11 having been taken to increase the number of adults and
12 certainly a proportion of those that are woman, albeit
13 they are working on the domestic side rather than in the
14 care of the children.

15 The -- I am not going to go into them, but in July
16 '66 as a result of the agreement to move matters on
17 an application is invited by the Ministry of Home
18 Affairs inviting BR60 to put in the application for
19 grant for the redevelopment of Rubane. You will have
20 that at 10444 and 10137.

21 By April of '67 there are 75 children resident.
22 That's at 10612, and the tenders go out in April '67 for
23 the erection of the four new chalets, which is what has
24 been settled upon. Your reference for that is at 11826.

25 If I can show you, please, 10444, on 2nd May '67 we

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1 have the Ministry of Home Affairs' letter explaining to
2 BR6 that:

3 "The Ministry are prepared and have decided to pay
4 a maximum grant of 50,000 pounds, provided that the
5 amount does not exceed 50% of the total approved
6 expenditure eligible for grant."

7 So the redevelopment that's going to take place at
8 Rubane the Ministry are going to fund to the value of
9 50,000 pounds or 50%, whichever is -- if it's less than
10 50,000.

11 You will see the reference at the bottom of the
12 page to -- similar to what we discovered in Module 1,
13 that when grant is given, it is subject to
14 an undertaking and it's generally an executed document
15 that we do have some examples of. It tends to be for
16 forty years. You've got to undertake to carry on for
17 the purposes for which you were given the money, and
18 again in a similar vein to what we saw in module 1,
19 there is not really any documents that suggest that was
20 actually clawed back when the home closed. It may be
21 later clarity can be brought on that, but it appears the
22 grant wasn't recouped, even though the home only lasted
23 for eighteen rather than another forty years.

24 On 15th June -- I will just give you the reference,
25 5212 -- the Governing Board met, this time chaired by

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1 Monsignor Mullally, who you will recall interacting with
2 the Ministry. That record shows the maintenance charge
3 increasing and the Board proposing to increase it from
4 -- 6 pounds from 5 pounds and that being -- that's then
5 subsequently approved.

6 Work begins on the chalets in July of '67 at 11826.
7 The letter approving payment of the 50,000 is from
8 September '67. In a pattern similar to what I did for
9 you in Module 1, 50,000 pounds in September '67 is the
10 equivalent today of 812,000 pounds. It was to go
11 towards a total scheme that was said to be 127,000
12 pounds, and that today in today's money would be
13 2 million. So it gives some idea of money's worth.

14 Then the Board meet again in November '67 at 5214.
15 I am going to draw your attention to that document for
16 this reason. If we look at 5214, please, you can see it
17 is DL260 again is presiding.

18 I want to just look at the end of the -- if we
19 scroll to the next page -- this is obviously something
20 the diocese will need to address to the Inquiry -- but
21 you will see that the minutes tend to be signed off at
22 the date of the next Governing Board meeting, and the
23 Governing Board, having met on 16th November '67, don't
24 meet again until 31st May 1972.

25 The new school extension with the gymnasium and

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1 various woodwork and metalwork rooms begin in May '68.
2 Of relevance to the evidence the Inquiry will hear in
3 July '68 another chaplain arrives. That's -- I will
4 give you the reference at this stage: 11827. That was
5 . His name shouldn't be used beyond the
6 chamber.

7 Then on 2nd September we can see a different type of
8 addition to the staff at Rubane, which is the arrival of
9 nuns from the St. Joseph of Newark Order from America,
10 and you will hear various witnesses talk about the nuns
11 who worked with them eventually as houseparents in the
12 chalets.

13 The first group of chalets were completed in
14 March '69 and the first group of boys move in. That's
15 at 11829. By April of '69 the numbers stand at 88.
16 That's at 10618. Various officials are visiting. We
17 have the Lord Mayor of Belfast visiting in May of '69.
18 We will see in terms of training in August of 1969 at
19 11830 BR3, BR3, was off to do a course on the teaching
20 of backward children.

21 On 10th October of 1969 Mrs Audrey Callaghan, later
22 to become the Right Honourable Lady Callaghan of
23 Cardiff, the wife of the then Home Secretary, who had
24 subsequently become Prime Minister, James Callaghan, she
25 arrived to visit the home. That's at 10114, and she had

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1 herself just become the Chair of the Board of Governors
2 of Great Ormond Street Hospital for Sick Children in
3 London. So she visited along with Mr Blackburn and
4 Mr~Parkes from the Ministry of Home Affairs.

5 On 22nd December 1969 BR60 passed away and there is
6 reference to that at 11830.

7 On 3rd March of 1970 Mr Porter, QC, the Minister of
8 Home Affairs at that point, 10237, writes a letter
9 thanking the Brothers for the warm visit. If we just
10 look at that letter, 10237, the impression that was left
11 on the Minister by -- just maximise that, please:

12 "I am writing to thank you and all the other members
13 of staff for the warm welcome.

14 Most enjoyable and rewarding experience and I was
15 greatly struck by the obvious devotion of the staff and
16 by the contentment and appreciation of the boys
17 themselves. I was also impressed by the successful way
18 in which you are carrying on in the midst of
19 reconstruction."

20 So a positive impression was given to the Minister
21 of Home Affairs who attended in March 1970.

22 In May of 1970 the new chalets were officially
23 opened by DL260 and various members of the Ministry
24 attended and the Brother Superior General flew in from
25 Rome. That's at 11832.

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1 By July of 1970 the numbers were 78 children in
2 Rubane, with 42 now being welfare children, so slightly
3 over 50%. That's at 10621.

4 As often happens with developments, there was
5 communication at the end of October 1970, and it flows
6 on, that building had cost more than was envisaged and
7 looking for a further grant from the Ministry to top up
8 the 50,000. In fact, that ultimately was achieved.

9 A further 15,000 was paid.

10 Now on February 1971, if you just note the reference
11 at 11834 -- it will become relevant for something we
12 will look at later on today -- BR15, so BR15, who had
13 been a prefect for fourteen years, was transferred to
14 Finglas pending the opening of a new remand home there.

15 Now the content of that note is relevant as to the
16 reason that's put forward for him moving and you will --
17 we will come back to that in due course.

18 On 1st July then 1971 BR2 -- you will find who that
19 is on page 5 of the designation list -- that's BR2 --
20 was appointed Director of the Community. So he takes
21 over replacing BR6, who had been in charge for nine
22 years. You will recall when we looked at the general
23 approach of the Order, the rules required three years,
24 no more than six years, but BR6 was in charge for nine,
25 and then BR2 takes over. Again his name shouldn't be

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1 used beyond the chamber.

2 When we move into July of 1972, if we can bring up,
3 please, 11379, we have a letter from the Belfast Welfare
4 Authority, which is drawing attention:

5 "The social workers in our Department have expressed
6 concern that some boys in our care have been allowed to
7 go out to interested couples or families for day visits,
8 weekends and holiday periods without these people being
9 first approved by the Welfare Department.

10 I am sure you will agree that this is a situation
11 which exposes the boys to grave risks of rejection and
12 emotional damage.

13 I would be grateful if you could discuss this
14 problem with your staff, particularly as all the Belfast
15 boys in De La Salle will now be in our care."

16 That's for reasons I am about to come to:

17 "In arrangements such as these it would be essential
18 to notify our Department first and for the Welfare
19 Department to approve these families before the boys go
20 to them."

21 So the date of this may turn out to be important in
22 the Inquiry's work, that in July 1972 Belfast Welfare
23 Authority is on notice of this practice, which is likely
24 and we know is not confined to Rubane, of the voluntary
25 home boys going out to various local homes, and the

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1 Welfare Authority saying, "Well, you shouldn't be doing
2 that without our prior approval".

3 The Governing Board then meet again in May of '72.

4 There is -- I will just give you the reference at 5216.

5 There is no explanation in the minutes for why there had
6 not been a meeting for the previous five years. BR2
7 attends as the Director of the Community for the first
8 time, and he is recorded at the bottom of 5217
9 indicating that:

10 "The residential facilities were now excellent, but
11 winter play facilities were required as to what there
12 was was inadequate in terms of size and supervision."

13 We will see how ultimately that leads to the
14 building of a new play hall, which was funded I believe
15 to 100% by the Ministry.

16 On 24th July 1972, if we can bring up a letter,
17 please, at 11381, a process seems to have been engaged
18 in in and around this period of time where the Order
19 wrote to the various welfare authorities in respect of
20 voluntary boys who were in their care asking for those
21 boys to be taken formally into care, as it were, under
22 the auspices of the -- at this point this is the Eastern
23 Health & Social Services Board I believe, Mr Bunting, or
24 if not, shortly to become the Eastern Health & Social
25 Services Board, but enclosing a list of boys that would

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1 be affected, and asking -- and ultimately all of the
2 boys in Rubane are then -- who were voluntary and which,
3 as we have seen as matters progressed, never really got
4 beyond 50%, that other 50% of voluntary children are
5 then taken into care and essentially maintained in the
6 same way. So a maintenance fee was paid for them. We
7 will see BR2 explaining in due course that that was
8 for -- that helped with the cash flow of the home.

9 In '72 we see there -- I am not going to open them,
10 but there are various grants for various things like
11 a minibus and a car and further grant for the original
12 construction that had taken place.

13 You will also see various increases in the
14 maintenance fee. As I indicated to you in passing at
15 the outset, there is never really any indication that
16 any increase was protested against or fought in any way.
17 They seem simply to have been approved and paid.

18 We will look at with BR2 during his evidence, but
19 there's various references in '73 to he proposed
20 staffing changes where -- to the staffing structure so
21 that he would no longer be teaching in the school and
22 the head of the care home and that duty is then
23 separated out so that he is looking after the care home
24 and another Brother is in charge of the school.

25 There is also evidence in passing in May 1973 --

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1 I~will give you the reference for it, 11338 -- where we
2 can see BR2 as the head of the home asking for
3 psychiatric help for three of the boys in his care. If
4 we could just look at that, please, 11338. So you can
5 see steps being taken in respect of three particular
6 boys that we are not identifying who BR2 felt could do
7 with the benefit of some psychiatric help.

8 Also on 6th June 1973 if we look, please, at 11320,
9 you can see the Ministry of Education agreeing -- if you
10 just maximise that, please -- to an exceptional measure
11 of to kids of 8 -- 8 years and 6 months being enrolled
12 in Rubane. So -- in view of exceptional circumstances.

13 In July of 1973 at 5218 we have another Governing
14 Board meeting chaired by DL260 and the new play hall is
15 discussed to be erected and recognition that that's
16 going to be paid for from the Ministry.

17 Another issue, though, that does arise, if we look,
18 please, at 5219, which is the second page of the
19 Governing Board minute, you will see -- just maximise
20 that:

21 "As a result of the tragic deaths of a number of old
22 boys, a discussion was initiated on the pressing needs
23 of the past pupils of Nazareth Lodge and Rubane House.
24 It was pointed out they were vulnerable to various
25 pressures and Canon Montague explained a number of steps

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1 being taken to remedy the problem and a social centre
2 was essential for the boys. A number of places were
3 mentioned which might become available",

4 and this may, in fact, be the first step towards
5 St. Augustine's.

6 There is recognition further down the same page that
7 100% of the grant for the new play hall is going to come
8 from the Ministry.

9 The separation then of the running of the care home
10 in terms of one person not being in charge of both
11 occurs on 1st September of '73. You will find the
12 reference for that at 11837. BR2 then dealt with being
13 head of the home and someone else took over the head of
14 the school.

15 On 8th September 1973, if we look, please, at 11838,
16 the History of the Home records that a car was stolen in
17 Antrim containing a 20lb bomb and was parked then at the
18 main entrance to one of the chalets. It was noticed by
19 one of the housefathers and police and army were
20 described as arriving quickly. The bomb was eventually
21 defused and the result of that controlled explosion was
22 damage to various glass structures of the chalets.

23 Ultimately in 1975 a person was convicted for planting
24 that bomb.

25 There are various letters written by BR2 to both the

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1 RUC and the Army in September of '73 -- I will give you
2 the references there at 11264 and 11265 -- recording his
3 thanks for the swift action and in particular thanking
4 the -- asking for thanks to be paid to the young soldier
5 who was the bomb disposal officer who went to the bomb
6 and dealt with it.

7 There is a Ministry Inspection in September of '73.
8 I can give you the reference at 10238, and it is noted
9 there are 80 boys and all bar one are now maintained
10 children, Ie they are in care and being paid for by the
11 Department of Health and Social Services.

12 There is also reference -- if we just bring that up,
13 please, 14th September '73, 10238, there is
14 an indication from what is said -- if we just look down
15 towards -- if you scroll down for me, please:

16 "BR2 questions if a social work attachment is really
17 necessary, and that as each boy is visited by a social
18 welfare officer from his place of origin, he maintains
19 a link with the boy's own home",

20 and BR2 is questioning if a social work attachment
21 is really necessary.

22 So what that suggests is two things. One is the
23 boys are being visited regularly by their social worker
24 and there appears to have been in place some form of
25 specific social worker attached to the home.

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1 What that does record you will also see is the
2 phenomenal turnover, as it is described, in personnel in
3 Welfare Authority field staff. They are hoping that
4 after 1st October -- I think I said the DHSS, which
5 would be wrong. The change takes place on 1st October.
6 Hoped after that there will be more continuity and
7 stability.

8 In September of 1973 the home had a visit from the
9 wife of William Whitelaw, the then Secretary of State,
10 with other Ministry officials. That is at 11838.

11 The reasons for asking for all the boys to be taken
12 under what is now the 1968 Act, if we can see at 10591,
13 it is a letter from BR2, who is then in charge of the
14 home. He says:

15 "Regarding our own financial position, well, two
16 years ago things became so bad due to the very heavy
17 debt incurred by the new buildings and the increasing
18 cost of maintenance that we were forced to apply to have
19 all our voluntary boys, 20, taken into care by the
20 welfare authorities. After much patience and
21 consultation they agreed to maintain them all and since
22 then the financial worry has eased considerably."

23 In the History of the Home for 1973 it records the
24 death of four former residents of Rubane in the troubles
25 in '73 as well as increases from the maintenance fee

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1 going up from 17 pounds to 23.50 pounds to cover
2 increased salary costs and the hiring of additional
3 help. That's at 11839.

4 In 1973 in that same History of the Home there is a
5 record of two night watchmen now being employed for
6 security reasons in the aftermath of the bomb.

7 In January '74 a grant is being given for a minibus
8 and that is at 10489.

9 By April of '74 we start for the first time to see a
10 reduction in numbers. At 10169, please, if we bring
11 that up, we can see a letter from BR2 to the DHSS
12 agreeing that:

13 "The registration figure of the number of boys in
14 the home, we agree it should reduce from the original 80
15 to 70",

16 and, in fact, on 10th April the numbers return for
17 '73, which I will give you -- it is 10635 -- there were
18 69 boys in the home.

19 If we just look at that form, please, because that
20 is the first of a document that -- at 10635. The
21 numbers returns that we have looked at previously were
22 all single page documents. This is now
23 a three-page document described as "Voluntary Homes
24 Return". If we just scroll down, please, to the next
25 page, you can see the type of information that's being

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1 requested. You will see:

2 "Full name and address of the Chairman of the
3 organisation."

4 That may be a relevant document for the Panel at
5 10636. That's DL260.

6 If we scroll down, please, you can see the numbers
7 being set out. The legitimacy of the children. Scroll
8 further, please. Education, employment, estimated stay
9 of children in the home. Scroll down a little further,
10 please. Keep going. It is signed off. So you can see
11 this is a different type of document from the return.

12 Potentially slightly more information being provided
13 now.

14 On 2nd July of 1974, if we can bring up, please,
15 10528, you have a letter from BR2 to the Department. He
16 is talking about various matters connected to the home.

17 So:

18 "As you suggested during our recent telephone
19 conversation, I am writing to inform you that two of our
20 residential staff will be following the full-time basic
21 course in childcare in Rupert Stanley."

22 So staff are going off, and then the scheme seems to
23 work that their replacement was funded to work in the
24 home as well as the cost of the course and travel
25 expenses and so on being met.

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1 Then "Overflow accommodation." You can see
2 reference is being made to some work that was being
3 done. Reference then to the new play hall.

4 If we just keep scrolling, please, down to the next
5 page, reference then to maintenance fees:

6 "I have written to Mr Bunting concerning our
7 maintenance fees. As a matter of interest our auditor
8 estimates that the weekly charge should be approximately
9 28 pounds."

10 So there is another increase coming. You will see
11 then:

12 "Serious concern was expressed at the governors'
13 meeting regarding the almost total lack of accommodation
14 for some of the boys who leave Rubane and have no homes
15 to go to. Up to a few years ago a number of hostels
16 were able to allocate places to our boys, but due to the
17 political and social unrest and the location of the
18 hostels in question, it's not been feasible or wise to
19 put boys into them. To aggravate the problem further,
20 the number of families who would normally be willing to
21 take in our boys has decreased almost to zero. The
22 problem has become increasingly acute lately. I believe
23 a deputation led by Father Wallace and Mrs Gordon,
24 representing the Catholic Family Welfare Society, are
25 intimately aware of the needs of deprived teenage boys,

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1 and met representatives of your Department regarding the
2 setting-up of premises at 43 Falls Road as a social
3 centre for these boys under the name St. Augustine's
4 Youth Club and came to some agreement. I had not been
5 aware of these agreements, and when the subject of
6 residential accommodation arose, I was asked if I would
7 be willing to make approaches with Mrs Gordon to see if
8 anything could be done in this matter. To be quite
9 honest, I was quite reluctant to give my consent as
10 I felt I had enough on my plate and outside my sphere of
11 activity. Perhaps your Department is already aware of
12 the necessity of such accommodation and have already
13 taken steps to alleviate the situation. If not, perhaps
14 some guidelines could be given to us which might be
15 helpful in establishing a hostel for short-term
16 placements. I feel this may be a big undertaking."

17 So you can see that there is an issue about the
18 aftercare of boys who are leaving Rubane and the
19 involvement now of the organisation described as the
20 Catholic Family Welfare Society involved in trying to
21 assist with that.

22 That Board meeting that he is referring to took
23 place on 24th June of 1974, and it also recorded the
24 sudden death in a car accident of the Brother Provincial
25 at that time, BP3, who were on their way to have

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1 a meeting in respect of Rubane when the accident
2 happened.

3 In August of '74 Miss Forrest inspects the home at
4 10239, and she reports on that on 24th September. You
5 can see she refers to now the houseparent system that's
6 taking place and the two sisters from the congregation
7 in America who are working in the home and also refers
8 to Brother -- the Brothers having to patrol -- If we
9 scroll down a little, please -- to 2.00 am in the
10 morning, because they lost their security man. So
11 that's another task that is being undertaken by the
12 Brothers.

13 You can see that they have reluctantly admitted --
14 just scroll down for me -- reluctantly admitted three
15 boys from Portaferry aged 6, 7 and 8. They had arranged
16 for them to attend the local school. They had lasted
17 for one day before the headmaster insisted on their
18 removal. Eastern Area Board has been unable to find any
19 other vacancies for these boys and now propose moving
20 them to Termonbacca, if they can get them in there,
21 an arrangement which would seem likely to preclude
22 family contacts with parents in Portaferry, but BR2 is
23 observing it is unlikely that Termonbacca would be able
24 to cope with them. So clearly very difficult
25 circumstances that are trying to be managed.

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1 "Nazareth Lodge where they might have been expected
2 to go is quite full and this seems to be the general
3 picture in the Eastern Area Board with regard to
4 vacancies."

5 You will see that the steward's house has come back
6 into use on a short-term basis, and then the visit from
7 Mrs Merlyn-Rees is recorded, and there is about 60 boys
8 residing in Rubane at this point in time.

9 In October '74 it seems the new boys club that we
10 mentioned, St. Augustine's, is operating and it has
11 received help from the DHSS as to capital and the
12 Department of Education as to running costs. You will
13 see that at 10173.

14 In terms of financial cooperation the DHSS are going
15 to pay all of the cost of the play hall that was being
16 constructed in October '74. That's at 10535. That was
17 at a total cost of 72,000 pounds, which in today's money
18 is £760,000, and some flexibility was being shown in
19 a way that might not be so prevalent from government
20 circles today.

21 On 12th December of '74 there is a letter at 10538
22 where the DHSS paid the money in advance to the home in
23 order to avoid the home having to lay out the funds and
24 then recover the funds further down the line from the
25 Government Department.

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1 In February of '75 you can see Mr Mills, now in the
2 DHSS, on his tour of various children's homes. At 10240
3 this is a memo that I want to draw to the Panel's
4 attention. It is 10240. So the Assistant Secretary,
5 Mr Mills, is visiting various homes, having taken up
6 this post.

7 If we just scroll down, please, to the next
8 page then for "Rubane" and he says this:

9 "I had a lengthy and most useful discussion with BR2
10 who runs the De La Salle School at Rubane."

11 He sets out the background, what the complex
12 includes.

13 Then he says this:

14 "The visit to Rubane underlined the fact that there
15 is a chronic shortage of trained staff in children's
16 homes. This was obvious from the visits to Marmion and
17 The Boys' Hostel, but became particularly evident at
18 Rubane. The De La Salle Order relies entirely on the
19 order of nuns who have been leaving gradually over the
20 years and the last of the Order will be returning to the
21 United States of America within the next 12 months."

22 You will see that someone has put the Assistant
23 Secretary right in the margin, because that's not quite
24 an accurate reflection of what the position actually
25 was:

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1 "This will mean that the Rubane authorities will
2 have to consider the use of lay staff in large numbers
3 for the first time. Taken together with the
4 difficulties of financing the necessary investment
5 programme, the chronic shortage of staff clearly throws
6 up a question mark over the future of this important
7 home. This, however, is a problem I understand which
8 has been looming for some time and will be given due
9 consideration."

10 Then he says this:

11 "The Department has put a great deal of money into
12 the development of Rubane. We recently spent 65,000 and
13 we have recently approved the construction of a play
14 hall at a cost of 72,000."

15 So the 65,000 is the 50 plus 15 towards the
16 extension and building of the chalets. Then the 72 is
17 the play hall.

18 "As this home enters -- caters" -- my apologies --
19 "largely for boys from North and West Belfast as well as
20 from a number of country areas, its importance now and
21 in the future cannot be overstressed."

22 In February '75 there is also a letter from a Senior
23 Social Worker, Mr McCoy, at 11251 and 11252, which
24 records a discussion. Just maximise that for me,
25 please.

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1 "During our recent visit to Rubane House BR2 raised
2 the question of a social worker being attached to the
3 home full time (as you predicted he would).

4 I understand that Miss Stewart and Miss Dobbin have
5 already visited Rubane and discussed this problem with
6 BR2 and I should be grateful if you would let me know
7 what arrangements will be made in the short-term."

8 You can see then the annotation on the file
9 referring to Mr Mills' visit.

10 Then on the next page you can see the role envisaged
11 by the Catholic Family Welfare Society, setting out the
12 role of the social worker attached to a children's home.
13 So clearly there was a development where this
14 organisation was providing social workers who were
15 attached to the children's home. They will have been no
16 doubt directly employed by the Catholic Child Welfare
17 Society, but then funded by the Department, at least to
18 some extent, and what it was envisaged they would be
19 responsible for.

20 On 24th June of '75 the Governing Board meet at 5222
21 and 3. DL260 again is chairing, and recognition was
22 made of the urgent need for the hospital accommodation,
23 and BR2 was praising the Down & Connor Catholic Welfare
24 Society for helping provide many boys with work and
25 Saint Augustine's for their work in catering for the

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1 boys' social needs. The Board note that all of the boys
2 are now under the care of the various statutory bodies
3 and were maintained by them. The Board propose
4 an increase of the maintenance fee from 28 pounds to 35
5 pounds and BR2 discusses potential Staff Selection
6 Committee to assist with identifying proper staff for
7 the home. The maintenance fee proposal was accepted and
8 operated from 1st September of '75.

9 Miss Forrest visits again in October of '75, on
10 23rd at 10240 and also again on 4th December '75. Can
11 we look at 10243, please? You can see Miss Forrest, who
12 is also seeing the memo, but she visited on 23rd October
13 and 4th December:

14 "Now lost the services of the American nuns. One of
15 them has gone to work with Lisnevin. Special gifts are
16 proving an asset. Two Mercy nuns have replaced them.
17 Both are qualified teachers. They are finding it much
18 more demanding than they had expected, especially as
19 they were not used to older boys. The home was having
20 a bad patch in October with some very difficult boys
21 leading others into abscondings and offences."

22 There were then 58 boys in residence and ten
23 Brothers. So you can see that the ratio is better than
24 at previous times, and the teaching Brothers are also
25 helping in the house units, and lay caring staff. You

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1 can see that BR2 felt the need for more care staff, but
2 had no room to house them, if resident. You can see the
3 steward's house is in use again. This time a married
4 female teacher is making use of it.

5 BR2 is recorded as saying he saw little hope of
6 attracting local women as resident care staff, as they
7 wouldn't be free from their own home duties at the time
8 he needs them, evenings and weekends.

9 It is recorded that he has some good domestic staff
10 who are willing to stand in occasionally, and you will
11 see there has since been a reduction in numbers of boys
12 -- only 46 at 4th December -- and that has enabled him
13 to close one chalet temporarily, easing the work load,
14 making it possible to offer more support and help to the
15 two new nuns, who are now together in one unit.

16 However, lost one Brother, who transferred to Dublin.
17 You can see BR2 fears that the number of teaching staff
18 may be reduced by three by the Department of Education
19 if numbers remain low. Now you will see however it has
20 come about, and the Inquiry has not yet found any
21 documentation that shows it, but the annual intake from
22 Nazareth Lodge has stopped. They are now no longer
23 transferred at age 11 and it is said they used to be
24 a steady influence on the others. So it may be we
25 will see when we come to look at Nazareth Lodge

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1 a similar process of all kids being under the -- being
2 in care by that point for some of the reasons that we
3 will have to come back on. You will see that on both
4 visits the boys looked well cared for, cheerful and
5 lively. They are preparing for Christmas. You will see
6 reference to training taking place.

7 That brings us to the end of 1975 in perhaps more of
8 a whistle-stop fashion, but you have the various
9 references and the core participants obviously have all
10 of that material and are able to look at what's being
11 said.

12 I wonder, Chairman, if we take a break for lunch at
13 this point and perhaps resumed at 1.45 or 2.00, whatever
14 you prefer.

15 CHAIRMAN: Well, if we can make 1.45, I think that's what we
16 should aim for.

17 MR AIKEN: Yes.

18 CHAIRMAN: Very well. 1.45, ladies and gentlemen.

19 (12.45 pm)

(Lunch break)

21 (1.55 pm)

22 MR AIKEN: Chairman, Members of the Panel, before lunch we
23 looked at the next stage of the chronology between '65
24 and '75, and I am going to break off from that now to
25 look at the next known incidents of abuse in Rubane that

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1 came to the attention of the Order and which the Order
2 accepts it was aware of, and that was in 1970.

3 The matter involved BR15, and you will find who that
4 is on page 5 of the designation list, and that's BR15,
5 and his name shouldn't be used beyond the chamber. We
6 will look at him in more detail shortly, but for present
7 purposes he was a prefect or housemaster in the home
8 between 1956 and 1971, so fifteen years, and you can
9 immediately see he spanned both the 1958 investigation,
10 the 1964 investigation and the move into chalets at the
11 end of the 1960s, start of the 1970s.

12 At this stage I want to look at the allegation that
13 the Order says came to its attention contemporaneously
14 relating to him and what was done about it.

15 In due course over the coming weeks the Inquiry will
16 hear from HIA36. You can see who that is from page 1 of
17 the designation list. HIA36 was in Rubane between 1968
18 and 1972 between the ages of 11 and 15. He explains in
19 paragraph 18 of his statement, which we are going to
20 look at for these purposes at 477, please -- that's
21 RUB477 -- and he explains here what befell him on his
22 first night essentially. Just scroll on up, please.
23 Just stop there.

24 "I lost my innocence within two days of going to
25 Rubane House. I was 11 years old at the time. The

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1 Brothers did not know I had family outside, but my
2 mother turned up one Sunday to see me. The Brothers
3 took a special interest in me. BR15 was in charge of
4 the dormitory that I was in, and the first night I was
5 there he came in and woke me up. He told me to come
6 with him and brought me into his room near the
7 dormitory. I remember the smell of incense. He made me
8 take off my pyjamas and lie on his bed. He sexually
9 abused me. I was naked and he started to touch me. He
10 lay down beside me and put my hand inside his robe and
11 told me to touch him ... I felt dirty and disgusted and
12 wanted to get out of the room. I started to cry and he
13 told me if I didn't stop, he would give me something to
14 cry about. The abuse continued over a period of four to
15 five months."

16 He then says:

17 "At times he would have brought one or two boys into
18 the room to abuse them ... My way of coping with the
19 abuse was to try to blank it out."

20 Then you will see in paragraph 19:

21 "Finally I told my mother about the abuse and she
22 didn't come near me for about six months. She did not
23 know how to deal with the problem. She knew about the
24 abuse because the resident priest in Rubane at the time
25 ..."

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1 and there we have Father DL140. You will see who
2 that is on page 17 of the designation list. He was the
3 chaplain in Rubane at the time.

4 ".... [he] knew what was going on. I knew that other
5 boys" -- scroll down, please -- "had reported incidents
6 of abuse to him. I told him and he went to see my
7 mother. He came back and told me not to worry about
8 things as that Brother was ill and required treatment
9 and would not be there much longer. However, BR15
10 remained in the home for quite some time after
11 I reported the matter."

12 He goes on to describe physical abuse.

13 The Order accepts in paragraph 4 of its replying
14 statement in respect of HIA36 that he was abused in the
15 way he describes.

16 If we just look at that, please, 2582, paragraph 4,
17 you will see in respect of paragraph 18 that we have
18 just looked at:

19 "With deep regret and sorrow the Order accepts
20 HIA36's account. Surviving members of the Order were
21 shocked to learn of the abuse of HIA36, as he had been
22 a support to two other Brothers and had denied abuse.

23 The Order accepts that on closer scrutiny HIA36 was
24 perhaps only displaying loyalty to those Brothers
25 charged at that time and it notes that HIA36 did not

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1 believe allegations against 'certain Brothers'."

2 That is you will see a particular statement that's
3 referred to -- and I am not going to open at this stage
4 -- that is being referred to, an earlier supportive
5 statement indicating by HIA36 that he was not aware of
6 any abuse by certain Brothers. You can see:

7 "The Order has made concessions in respect of BR15
8 and accepts HIA36's account."

9 You will see it goes on in terms of -- we looked at
10 paragraph 19 at:

11 "BR6", BR6, "accepted in 1995 during police
12 interviews that he had received a complaint about BR15.
13 Couldn't recall the name of the complainant",

14 and then it was only after HIA36 approached the
15 Order in recent years that the Order has fully
16 understood the sequence of the reporting as referred to
17 by BR6.

18 They go on to recognise this is an important issue
19 before the Inquiry and go on to discuss it further in
20 paragraph ...

21 In May of 2013 the Order reached an accommodation
22 with HIA36 and that's recorded in writing across
23 a number of pages. What I want to do at this stage,
24 rather than bring those pages up, I am going to hand
25 a copy to the Panel Members. It is quite a detailed

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1 document that will assist the Panel on a number of
2 levels, and perhaps also to allow us to try to resolve
3 whatever the technical problem is perhaps if I could ask
4 you to rise to consider that document for a few minutes
5 before we move on from the issue, because it's
6 a document that will assist with a general understanding
7 of the approach of the Order to dealing with matters
8 that come to their attention which they accept, and also
9 of some of the complexities that arise when trying to
10 deal with these types of allegations as they surface and
11 the individuals who are bringing them.

12 CHAIRMAN: Yes. Very well. We will rise for a few minutes
13 and perhaps you would let us know when you are ready.
14 I think we have got an extra copy.

15 (2.07 pm)

16 (Short break)

17 (2.15 pm)

18 MR AIKEN: Chairman, Members of the Panel, just so that the
19 core participants are aware, the page references that
20 you have been looking at are RUB2622 to 2625.

21 Now, as you can -- having had a chance to consider
22 that document, a lot of the work done to give the
23 chronology as to what occurred is set out in it. You
24 can see HIA36 told the chaplain. The chaplain spoke to
25 his mother. His mother it seems eventually spoke to the

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1 Brothers about the allegation, and we can see how BR6,
2 who was then the person in charge of the home and the
3 Brother Superior, Brother Director of the community, in
4 his own police interview in April 1996 deals with this
5 matter.

6 If we look at, please, RUB282, you will recall we
7 looked at the top of this page as a conclusion to the
8 1964 matter we were looking at this morning. Then you
9 can see:

10 "A. Then there was another man then, BR15.
11 An allegation was made against him and I asked him about
12 it and he would -- he strenuously denied it, but as was
13 the custom that I'm -- that I was very strict, and when
14 I told him, he had him removed -- removed."

15 Now "and when I told him", that may imply when he
16 told the Provincial and the Provincial had him removed.

17 "Q. Yes. Your position then, were you actually
18 head of --

19 **A. I was for the first nine years."**

20 Scroll down, please, to the next page. That's the
21 relevant part of his interview where he deals with BR15.

22 Now BR15 did not accept when he was interviewed by
23 police on 19th June 1996, if we can look, please, at
24 61533, when what BR6 had said was put to him, and you
25 can see this is the beginning of the interview and there

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1 are three pages that I want to draw your attention to in
2 fairness to this individual. He claimed that he did not
3 know he was removed from Rubane because of an allegation
4 of sexual abuse.

5 If we can look, please, at 61599. So it is said to
6 him:

7 "Q. We are getting to the crux of the thing. He's
8 saying he has spoken to you. Right? He mentions
9 another Brother that was removed with you or in around
10 the same time as you, which we don't need to discuss
11 during this interview, but he is saying that he took
12 certain complaints about you of sexual abuse from the
13 boys, and thereafter he went through the usual
14 procedures of contacting the right people. It's the
15 Provincial or something you call him, isn't it?"

16 Just scroll for me, please.

17 "A. Provincial, yeah, yeah.

18 Q. Right. Contacted him and he had you removed
19 from Rubane.

20 A. That's the first I heard the reason why I was
21 removed from Rubane.

22 Q. Well, I mean, why would he say that, BR15?"

23 Scroll down, please.

24 "A. I don't know ... Probably is true

25 Q. It's true?

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1 **A. I wasn't ... that was the reason.**

2 Q. So he's saying it's true that there was
3 allegations of sexual abuse. You are saying it's true
4 that there was allegations of sexual abuse against you
5 then back in --

6 **A. Say that again.**

7 Q. What you are saying there, if I'm not mistaken,
8 is that what he has said was probably true, that there
9 was allegations of sexual abuse against you?"

10 Scroll down, please.

11 "A. No, no, no, no."

12 Then move on to the next page for me, please. Then
13 if we -- 61601, please:

14 "Q. Well, do you ever remember BR6 approaching you
15 and asking you about any allegations of sexual abuse?

16 **A. No. I was never -- as I said, I often spoke to**
17 **him about boys. As I said before, boys said, 'I'll get**
18 **you for this' and I often mentioned it to BR6.**

19 Q. I know, but what I'm saying is did BR6 -- did
20 BR6 ever come to you and say, 'BR15, there's allegations
21 of sexual abuse against you. What have you to say to
22 them?'

23 **A. He didn't.**

24 Q. He didn't?

25 **A. He didn't what ...?**

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1 Q. Did he ever come to you, Brother?

2 A. No, he didn't.

3 Q. He didn't?

4 A. No."

5 Then if we can go over, please, to 61604:

6 "Q. Well, he said he did, BR15.

7 A. Oh, well. I mean ...

8 Q. Well, would you agree that there were
9 allegations of sexual abuse against you in and around
10 1970 at Rubane House?"

11 Can you maximise that for me, please?

12 "Q. There was ones made to BR6. Would you agree
13 with that?

14 A. Well, did he -- he apparently went straight to
15 the Provincial.

16 Q. Yes.

17 A. He never came to me.

18 Q. You were never told about that, about these
19 allegations?

20 A. No."

21 Scroll down, please.

22 "Q. Well, I mean, to quote from what BR6 has
23 actually said, his actual words, he said:

24 'Then there was another man then, BR15.

25 An allegation was made against him and I -- I asked him

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1 about it and he would -- he strenuously denied it.'

2 He is saying he spoke to you about it and you" --

3 move to the next page, please -- "and you denied these

4 allegations, and he goes on to say:

5 'It was the custom. I was a very -- I was very
6 strict and he had you -- he had you removed.'

7 A. That's news to me.

8 Q. Would you deny that ever taking place, that BR6
9 spoke to you?

10 A. I don't -- I don't deny it if he said it to you.
11 I don't.

12 Q. But --

13 A. Is that supposed to mean -- he never -- he never
14 made it clear to me, or at least I never picked it up,
15 that that was the reason he was talking to me.

16 Q. Is that not something that you'd remember, BR15?

17 A. Course it -- that's -- that's what I'm telling
18 you. Course -- course I had my words with BR6,
19 differences.

20 Q. So we were talking there earlier about why these
21 people didn't come forward until recently, but obviously
22 some of them did come forward away back then, BR15.

23 Isn't that right? Away back when things happened,
24 people did come forward?

25 A. I never said people did go forward, did I?

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1 Q. No. That's what I'm saying."

2 In the end if we look, please, at 61621 and he is
3 asked:

4 "A. I told you before they were building up a staff
5 for St. Laurence's."

6 So the reason that BR15 is giving is that he was
7 being moved to take up this position in the new school
8 in Dublin, St. Laurence's. They had already one from
9 England and there was another three members of staff
10 there.

11 Q. Right.

12 **A. Before the school -- a few months before the**
13 **school actually opened we were there preparing, getting**
14 **ready and --**

15 Q. So you are saying, BR15, that you weren't made
16 aware of any sexual allegations against yourself and
17 that was the reason why you were moved out of Rubane,
18 but nobody ever -- BR6 never told you or nobody else
19 told you that there were allegations and you were never
20 questioned on that matter. Is that right?

21 **A. That's the way I see it, yes, sir.**

22 Q. Are you saying you don't remember it or it
23 didn't happen, BR15, just to clarify that?

24 **A. That's the way -- no, that's the way I see it."**

25 **He also claimed that he was not put out of the**

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1 Order. If we look, please, at 61603, he says that, if
2 we scroll down a little, please:

3 "I left the Order of my own free will."

4 He also does say that he wasn't prepared to call BR6
5 a liar and did describe him in the interview elsewhere
6 as an honest man, but if we can go, please, 61622, he
7 has always maintained during the police interviews --
8 just scroll down, please:

9 "Q. You are denying any allegations -- is that
10 right -- any allegations of sexual abuse or physical
11 abuse? Is that correct?

12 A. I am denying that I ... sexually abused any
13 "

14 We can move on to the next page, but I am not sure
15 it --

16 Q. Yes",

17 and that brings the interview to an end.

18 So you can see that when questioned about both this
19 particular instance and others, as we will come to see,
20 BR15's position was that these allegations were not true
21 and he was denying them.

22 You have seen from the document you have read the
23 chronology of what the Order believes occurred after the
24 allegation was made, and I am just going to give you the
25 references. At RUB188 at paragraphs 52.3 and 52.4 the

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1 Order has set out in its awareness statement what it
2 understands the chronology to be.

3 Now there is a reference, and I am not going to go
4 into it for today's purposes, but so that you have it,
5 at RUB61836 there is a remark made to police by BR6
6 about what he says he was told by HIA36's mother, but
7 you will recall that the Order accepts the account that
8 he gives.

9 Now the Order -- the Governing Board, as you know,
10 hadn't met between '67 and '72, but it did meet again on
11 31st May 1972 and the reference for that is at 5216.
12 There is no mention of the matter in the Governing
13 Board's minutes.

14 However, the chronology of this reveals that again
15 the chaplain knew, and it is not clear to us whether
16 that's as a result of something said in confession or
17 otherwise, but there is no evidence to suggest that this
18 matter -- ie according to BR6 an allegation has been
19 made; he in conversation with the Provincial have
20 decided that the Brother is to be moved on to Dublin --
21 there is no evidence that that was reported to the
22 Ministry of Home Affairs, and there is no evidence to
23 suggest that the matter was reported to the police.

24 We can look at what the Order says about that,
25 please, at RUB188, and if we just scroll down, please,

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1 to 52.7:

2 "We do not know why it was not reported to the
3 police. There were no witnesses to the incident and it
4 was HIA36's word against BR15's. There was no previous
5 allegation against BR15 it seems at that point in time.
6 The Brothers were faced with a strong denial by BR15 and
7 the mother's comments to BR6 about the boy not being
8 trustworthy."

9 Then they say this:

10 "In hindsight, and bearing in mind current
11 safeguarding protocols and what was known -- what we
12 know now about abusers, it is accepted that the matter
13 should have been reported, but at the time the Order
14 dealt with the matter fairly much in accordance with the
15 standard response at that time and in a fashion not
16 dissimilar to that overseen by the Ministry of Home
17 Affairs in 1964. The Brother was removed from the home
18 and transferred to another community in Dublin where he
19 would not have access to children. According to our
20 current safeguarding policy an allegation or even
21 a strong suspicion of abuse would be reported to the
22 police and left to them to investigate the matter. It
23 should be noted that BR6 was heavily involved in the
24 previous incident in respect of BR14 in 1964."

25 We in recent days have received the letter that the

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1 Irish Provincial sent to the Superior General in Rome
2 for BR15 to be granted dispensation from his vows. So
3 he is moved in 1970/'71 and his dispensation is of the
4 24th August 1973.

5 If we can look at that, please, at 7156. Just
6 maximise that for me, if we can, please. You can see by
7 this stage he is writing of BR15 as someone of the
8 community of St. Laurence's. So that's the location to
9 where he moved. It is said:

10 "BR15 has been attached to remedial institutions for
11 quite a long number of years, but for a period of years
12 now he has gradually become less suitable for this type
13 of work. Unfortunately his lack of any other
14 qualifications has prevented us from putting him in any
15 other position. He does not fit in with community
16 living and has for some time tended to be very much on
17 his own. He has developed certain prejudices which make
18 life quite difficult not only for himself but also for
19 the members of his community. He does not take advice
20 easily and he can be very adamant in his own opinions.
21 I know he is not happy and it is my opinion that he
22 should be granted a dispensation, as I feel that life
23 would become intolerable for him should he continue as
24 he is."

25 You can see that that's signed off -- would you

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1 scroll a little further for me, please -- by -- that's
2 a different -- that's BP3, the Irish Provincial who took
3 over from BP1.

4 It also appears this incident was never disclosed to
5 the Hughes Inquiry. So you have now from the Order's
6 perspective '58, '64, '70/'71, and the engagement with
7 the Hughes Inquiry was over '77 to '80.

8 What I want to do now is try and just continue in
9 a similar vein, but try to bring some context to the
10 evidence that the Inquiry is going to hear over the next
11 number of days which affects BR15, and that's this.

12 BR15, his real name is BR15 and religious name is
13 BR15. He was born in Roscommon in of and he
14 came to Rubane in November '56 at the age of 29. He
15 remained there for fifteen years until 1st
16 September 1971 when he left for Dublin aged 44. He left
17 the Order of De La Salle on 20th October 1973, when he
18 was around 46. He died in Wales in 2004.

19 The Inquiry will hear from 21 witnesses who make
20 allegations against BR15, and if I can give you in
21 summary form a list, which hopefully will assist when
22 these witnesses give evidence.

23 The first is HIA252. He indicates he was aware of
24 sexual abuse by BR15.

25 HIA427, who says he was sexually abused.

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1 You don't need to bring any pages up. Thank you.

2 HIA97, who says he was physically abused.

3 HIA183, who says he was sexually abused.

4 HIA390, who says he was physically abused.

5 HIA399, physical abuse.

6 The same for HIA388, who says he was physically
7 abused.

8 HIA385, who says he witnessed sexual abuse.

9 HIA244, who says he witnessed sexual abuse.

10 HIA160, who says he was sexually abused.

11 HIA64, who says attempts were made to sexually abuse
12 him.

13 HIA262, who says he was physically abused.

14 HIA26, who claims to have been sexually abused.

15 HIA379 says he was physically abused.

16 HIA147, who says he was sexually abused.

17 HIA511, who says he was sexually abused.

18 HIA225, who says he was sexually abused.

19 HIA36 -- and you are aware of that individual -- who
20 says he was sexually abused.

21 HIA56, who witnessed another boy being abused and
22 also says he was sexually abused.

23 HIA21, who says he was aware of the sexual abuse.

24 And then HIA128, who says he was sexually abused.

25 Now of those 21 witnesses, 12 make allegations of

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1 sexual abuse, three that they were aware of or witnessed
2 sexual abuse taking place, and then six who allege
3 serious physical abuse.

4 As you examine the material relating to these
5 individuals and hear from them, you will see that the
6 first witness arrived in 1953 and the 21 witnesses span
7 from that period right through to the last witnesses
8 being people who arrived in '68, left in '71/'72. So
9 the allegations span the fifteen years that BR15 was in
10 Rubane.

11 The Order is, as has been indicated, prepared to
12 accept the generality of the allegations of sexual
13 abuse, and they point out in their statement that it was
14 a difficult decision, because the person concerned was
15 saying, "I didn't do this", and the Order has had to
16 take a view based on all of the information that has
17 come to their attention now in respect of the
18 individual, but amongst the 21 witnesses that you will
19 hear from there are some individuals where the Order
20 simply cannot accept the allegations that are being
21 made, and says that while it accepts that BR15 sexually
22 abused boys in Rubane, it does not accept some of the
23 accounts that are being given, and in one respect
24 describes one individual's claims as incredible.

25 So the issue that that raises is the in many

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1 respects positive approach being taken by the Order to
2 try and acknowledge those individuals who have been
3 abused. There are difficulties then created where
4 individuals make allegations that they are not in
5 a position to accept. Obviously the Panel will hear
6 those witnesses and form its own view.

7 The Inquiry has also received a significant volume
8 of police material relating to BR15 as part of the 1995
9 Rubane investigation arising from Operation Overview.
10 File 3 of 41 related to BR15. I will just give you the
11 reference. It is 61298.

12 Just actually to illustrate the form, if we could
13 bring that up, if that's possible, 61298, because it is
14 an example of the front cover of the 40 -- each of the
15 41 files. You can see the form that they take. This
16 particular file, file 3, runs to 424 pages. I am not
17 going to go through it now, but I'm going to give the
18 Members of the Panel and the core participants the
19 reference for it. There is -- as is always the case
20 with these types of files, there is a police report from
21 the investigating officer and then various further
22 comments added by his superiors, who have then assessed
23 the file after him, and that police report runs from
24 page 61301 through to 61317. So it's a 16-page police
25 report looking at the content of the file, and in

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1 summary it records 15 complainants making allegations
2 against BR15. I will give you the references for that.
3 It is 61302 and 61318 and 61319.

4 Of those 15 complainants, five of those individuals
5 have come forward to the Inquiry, and they in due course
6 will tell you of the sexual and physical abuse they say
7 they suffered. Of the ten who didn't come forward to
8 the Inquiry -- so if I can put it this way, we have got
9 21 who make allegations who have come forward. That 21
10 includes five who went to the police in 1995, but there
11 is another ten individuals. So that makes a total of 31
12 individuals who make allegations against BR15.

13 CHAIRMAN: Is it not 26? 21, less 5, plus 10?

14 MR AIKEN: The 21 includes the 5. So there is 10 more
15 outwith --

16 CHAIRMAN: Yes.

17 MR AIKEN: -- that 21. There are many potential reasons why
18 individuals --

19 CHAIRMAN: Well, there are 26 over and above the 5 who have
20 come to us.

21 MR AIKEN: Yes. I am going to briefly show you the nature
22 of their complaint.

23 If we can go, please, to 61348, this is someone who
24 was in the home between 1958 and 1962. You can see, if
25 we just scroll down, please, the allegation that he

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1 makes.

2 If we can then go to 61362 -- so that first
3 individual covers the period '58 to '62. This
4 individual, DL198, covers the period '59 to '67.

5 CHAIRMAN: Can you just go back to the previous one?

6 I don't think you gave us the designation for that.

7 MR AIKEN: 61348, if we can go back to that, please. It is
8 DL272.

9 CHAIRMAN: And he covers the period 1958 to '62?

10 MR AIKEN: Yes.

11 CHAIRMAN: Sorry. You were telling us then about?

12 MR AIKEN: If we go to 61362, please.

13 CHAIRMAN: And that is DL?

14 MR AIKEN: It's DL198, and he covers the period '59 to '67.

15 If we can just move over to 61363, please, we can see
16 the complaint that he makes. Just scroll down. You can
17 see what he is describing -- just stop there, please.

18 You see:

19 "When I was about 11 or 12, I was in bed talking.

20 We heard a noise. It was the door to the dorm opening.

21 I pulled the blankets over my head. I could hear
22 a scrumming noise coming towards my bed and feel a hand
23 reaching under the covers. I immediately moved over to
24 the far edge and I could feel this hand reaching for me
25 in the bed. I looked from under the cover and I could

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1 see the outline of someone. I could not see who it was,
2 although I had a fair idea. I could see the boy I was
3 talking to reaching down for something and firing a shoe
4 at the person. When the shoe hit him, he scurried away
5 on his knees. After this was over I went out to the
6 toilet and I could see BR15 on his knees going up the
7 hallway at the bannister looking into the dorm."

8 So that's what he describes.

9 If we can go, please, to 61357, this is DL200 and he
10 spans the period 1963 to 1967, and you can see he
11 describes:

12 "I was moved up into the main home to a dorm
13 upstairs with about fifteen other boys. That's where
14 things started to happen. Next door to this dorm I was
15 in was BR15's bedroom. BR15 was in charge of our dorm.
16 He would come in at night to make sure everyone was
17 asleep. He would come over to my bed, and the first
18 time it happened I was sort of semi-asleep. He put his
19 hand down my bed."

20 If you move over, please, to the next page:

21 "He started to fondle me."

22 He indicates he was checking to make sure the boy
23 had not wet the bed. Then you can see that was
24 happening regularly. One night he describes he was
25 ordered into his room. He says he thought the other

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1 boys were sure they knew what was going on.

2 "He took me into his bedroom. Then he started to
3 fondle me and pulled the string of my pyjamas, which
4 made them fall down. He kept on fondling me."

5 Just scroll down, please. Then you can describe --
6 you can see what he describes being required to do.
7 Then to wash his hands afterwards. He says:

8 "This same type of thing went on for most of the
9 time that I remained in De La Salle."

10 Then he says:

11 "I just -- although when I started to get a bit
12 older and wiser, I started to refuse him, but he
13 certainly abused me nearly six days a week for a few
14 years, and the only time it didn't happen was when he
15 went away."

16 Move down, please. He also describes being abused
17 in the laundry to the side of the main house and in the
18 same type of way.

19 If we can go, please, to 61333, this is DL211, who
20 was in the home between '66 and '70, and if we can see
21 at the bottom of the page, we can see he describes:

22 "I saw BR15 taking a boy in pyjamas by the hand into
23 his bedroom."

24 Move to the next page, please. You can see what he
25 then describes.

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1 Then if we can move through to 61335, please, and
2 then you can see the last sentence. He describes
3 general activity by BR15.

4 If we can then go, please, to 61385, this is DL202,
5 and he was in the home between '65 and '70. He is
6 describing being assaulted with a hurley stick. He says
7 this was witnessed -- if we just scroll down, please --
8 by a number of other boys. He doesn't remember who they
9 were.

10 If we can go to 61383, please, the sixth individual
11 is DL196, and he was in the home between 1966 and 1970.
12 You can see he alleges he was beaten with a rubber strap
13 for not hurrying up in the showers and also for having
14 left the grounds and going to the local sweet shop.

15 If we go, please, 61365, this is DL273, and he was
16 in the home between 1968 and 1972. If you just enlarge
17 that for me, you can see -- scroll down. Thank you.

18 "I remained in the home and it was about two years
19 before I was called into BR15's room. When I went into
20 the room, he grabbed my pyjama bottoms down and exposed
21 my privates. I was terrified and I think he saw that I
22 was, so he told me to pull the bottoms up and go back to
23 bed. That was the only time anything of a sexual nature
24 took place with any of the Brothers."

25 We can go, please, to 61367. This is DL276, who was

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1 in the home between 1968 and 1970. He describes
2 a physical assault with a bamboo cane, and you can see:

3 "I can remember that there was a wee fellow sitting
4 on BR15's knee. I didn't see anything happening but
5 I knew BR15 was touching him up. It was rumoured that
6 people were being abused in the home, but I never saw
7 it. It must have happened behind closed doors. I have
8 no complaints to make about my time in care."

9 He does describe being ...

10 61367, please. I am glad to see my note is right.
11 You can see he describes being beat with bamboo sticks,
12 sometimes hit on the face and mouth is what he is
13 describing, physical assaults.

14 If we can go, please, to 61350, this DL66 was in the
15 home between 1970 and 1971. You can see -- if we scroll
16 down a little, please, and just move through to the next
17 page:

18 "I can recall on other occasions BR15 would call you
19 into his bedroom and would try and teach you things from
20 the bible. When he was doing this, he would fondle me
21 around my privates area, put his arm around my back.
22 I remember feeling uncomfortable about this at the time,
23 but there was no-one around I could tell. You just had
24 to accept it.

25 I recall on another occasion there was some trouble

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1 with the house wardens who looked after the chalet."

2 Police were involved in that.

3 Then, finally, if we can go to 61320, please, this
4 is DL193. Now I am showing you this particular
5 individual's report. This is someone who, in fact, was
6 registered blind certainly at the time he was speaking
7 to police, but you can see from the report he describes
8 someone who at this point in time he describes as BR15.

9 This person was using him to help in the stores when
10 he started touching him.

11 "I didn't know what he was doing. I thought he was
12 just being nice."

13 If we just move on down to the next page, please:

14 "... in the store again the following week. He came
15 to me one day and told me he was going to give me new
16 clothes from the clothing store situated above the
17 stables. After tea I went to the clothing store just as
18 it was getting dark. When I entered the clothing store
19 this Brother locked the door behind me. He told me to
20 take my clothes off, which I did. I didn't wear
21 underwear in those days. So when I removed my shirt and
22 trousers, I was naked. He started to feel around me."

23 You can see then what he describes happening to him.
24 What I want to show you -- so he is describing a very
25 serious incident of buggery, and he was examined by the

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1 police doctor. We can look, please, at 61328. You can
2 see this is Dr Irwin again. If you just scroll down,
3 please, we should be able to move on to the next page.
4 You can see that as far as the doctor was concerned
5 there is evidence of -- consistent with this person
6 having been buggered, but the doctor can't say at what
7 point in time that occurred.

8 Now I draw that to your attention, because this
9 person was not -- this person was in Rubane in 1973.
10 BR15 left in September '71, and the police then go back
11 to this man, and he accepts that he may be mistaken over
12 the identity of the name of the Brother, but not
13 mistaken, he says, as to what occurred.

14 So I am showing you that in this context because it
15 is to be found in the police file relating to BR15, but
16 it is clearly a matter that BR15 could not have engaged
17 in, because he was in Dublin, but if the account is
18 true, then obviously another Brother did what is
19 described. Obviously none of these matters ever were
20 tested in court.

21 BR15 was interviewed by police on two occasions:
22 once on 21st November 1995 -- that begins at 61398 --
23 and then again on 19th June 1996 at 61533. Now the
24 interviews run from 61398 to 61624, so some
25 230 pages approximately, when all of these matters were

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1 put to him, and at no time during the interviews did
2 BR15 accept that he had sexually abused any child in his
3 care, and his summary denials -- I will just give you
4 the reference -- at the end of each interview are 61531
5 and 61622.

6 Now in September 1996, having completed their work
7 on this file, the police -- if we can bring up, please,
8 61315 -- the police recommended that BR15, as he was
9 then, having left the Order in '73, be prosecuted for
10 indecent assault in respect of seven individuals.

11 You can see if we scroll down, please:

12 "I finally recommend that BR15 be prosecuted for
13 indecent assault on the following persons",

14 and the list list out the numbers. Now you can see
15 of the seven who were identified from the complainants
16 in the police papers, four of whom you will be hearing
17 from during the Inquiry -- so you will see HIA26, HIA16,
18 HIA147. When I said four, I should have said three you
19 will be hearing from during the Inquiry and then four
20 others.

21 CHAIRMAN: Can I just look at that for one moment? Of the
22 ten people you identify only HIA26 list of prosecutions
23 -- to be prosecuted -- to be the subject -- to be
24 complainants. So the others don't seem to appear,
25 unless I have misunderstood, in your list of ten

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1 complainants. There are only three there: DL200, DL211
2 and DL66.

3 MR AIKEN: There are --

4 CHAIRMAN: So there were four other complainants in respect
5 of whom prosecutions were directed, which would seem to
6 bring the total up to fourteen.

7 MR AIKEN: The police have selected a certain number of
8 individuals to charge in respect of. So the other
9 numbers that I have identified are included in the file
10 as a whole, but were not necessarily selected for --

11 CHAIRMAN: So they make up a total of fifteen of the
12 complainants?

13 MR AIKEN: Yes. I see. Amongst this fifteen are five
14 applicants to the Inquiry, three of whom were selected
15 as part of the charging.

16 If I can ask the Panel to note the content of the
17 last paragraph as far as HIA147 is concerned, who you
18 will hear from, because that -- obviously you can see
19 the dates that it seems -- we will have to see how far
20 we can take it -- but it seems that someone may have
21 spoken to the particular doctor that HIA147 was talking
22 about being treated by, because you can see she is
23 a consultant psychiatrist and confirms that HIA147
24 confided in her during referrals in 1991 and 1993. You
25 can see she expresses her opinion as recorded by the

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1 police officer about HIA147. Obviously the dates that
2 are being referred to here, this is long before there
3 was any talk of a public inquiry into institutional
4 abuse.

5 If we can then look -- on 21st November 1996, if we
6 can look, please, at 61680, the Director of Public
7 Prosecutions directed or recommended no prosecution.

8 You can see the view of Mr White at that time,
9 Director -- Assistant in the Director of Public
10 Prosecutions Office. I am not sure what his role was in
11 November 1996. Since a district judge and maybe
12 a magistrate.

13 "It is considered that there is sufficient evidence
14 to afford a reasonable prospect of convicting BR15 of
15 a number of offences of buggery and indecent assault.
16 However, it is considered that it would not be in the
17 public interest to seek to put on trial a person who in
18 the opinion of an experienced consultant physician and
19 cardiologist retained by the prosecution is unfit to
20 stand trial."

21 So it appears that medical reports were obtained on
22 respect -- in respect of BR15 as he was then and a
23 decision was taken it was not in the public interest he
24 should face the prosecution. As a result the matter did
25 not proceed any further. As I said to you, BR15 died on

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1 8th August 2004, some almost eight years later.

2 There are then a further series of police statements
3 that arise from Operation Charwell, which is the ongoing
4 police enquiry into child abuse, which includes
5 institutional children's homes, and the people who made
6 those statements from 2010 onwards will be giving
7 evidence to the Inquiry. So I don't intend to open them
8 at this stage. I will give you the references. They
9 are at 64873 through to 64885.

10 Another source of material then for the Inquiry to
11 complete the picture as to what is understood in respect
12 of BR15 emanates from individuals who will give
13 evidence -- emanates from civil claims that the Order
14 has dealt with, and again those civil claims emanate
15 from individuals who will give evidence to the Inquiry.
16 So I don't intend to open those at this stage.

17 In the Order's admission statement, if we can look,
18 please, at RUB320, the Order's admission statement is
19 the third statement from BR32 of 22nd October 2013.
20 RUB320, please. Just scroll up a little so we can see
21 the -- you can see at paragraph 30 -- 29:

22 "As an Order it is difficult for us to make
23 concessions about a man who is dead and cannot answer
24 for himself, but we do recognise our responsibility to
25 balance the reputation of the deceased with the rights

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1 and dignity of the abused.

2 On balance, largely thanks to HIA36's account, and
3 supported by a pattern of other similar accounts, the
4 Order acknowledges that BR15 sexually abused boys in
5 Rubane."

6 The Order's position is perhaps helpfully summarised
7 in one of its reply statements to an individual witness.
8 If we just look, please, at 2352, paragraph 12, you can
9 see:

10 "The Order accepts that BR15 had a propensity to
11 abuse children and notes the repetition of allegations.
12 The Inquiry is aware of the details surrounding BR15's
13 removal from Rubane. The Order was unaware of any
14 allegation or talk about BR15 until HIA36 made
15 a complaint in 1970, but thereafter the Order remained
16 unaware of any body of complaint, despite the fact that
17 a number of former residents who allege abuse by BR15 or
18 who allege contemporary knowledge of abuse visited
19 Rubane throughout the early to mid '70s to catch up with
20 the Brothers. Other than the complaint from HIA36, the
21 Order had no knowledge of other complaints about BR15
22 until the mid 1990s",

23 which will be obviously what arises from the Rubane
24 investigation file that we have just looked, 5341.

25 I'm going to, if I may, just mention one other

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1 individual that you will see in the time period that we
2 have been looking at that's also not in a position to
3 come before the Inquiry, because he too has passed away.

4 Allegations are made by some boys against a local
5 farmer who lived near Rubane House and who used to hunt
6 rabbits in the woods around Rubane. The boys had
7 a nickname for him as "DL230". The Inquiry will hear
8 evidence from two individuals who describe abuse at his
9 hands and I will give you the references. It is 909 and
10 527.

11 They were both in Rubane in the late 1960s, and one
12 of those individuals alleges that the other acted as
13 a go-between for DL230 and took boys to him to be
14 abused. One of the individuals also identifies a third
15 boy who he says was abused in the same way. You will
16 find that at 909.

17 The police have also provided material in relation
18 to this individual and I want to show you a police
19 statement, please, at 60460. This is another boy who
20 was in Rubane in the late '60s. It is DL124. If you
21 just scroll down, please, you can see:

22 "I remember an occasion when someone came with him
23 to get -- said to me to come with him to get
24 a cigarette."

25 Can we move on to the next page, please, 60461?

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1 "We went down to the bottom of the hurley pitch,
2 where there was a wall and a lane. A man who was known
3 as" -- and we've given a designation to this individual
4 -- "DL230, he was there carrying a shotgun. He slipped
5 his hand on to the outside of my trousers in the penis
6 area and I ran off. This was the only contact I had
7 with him."

8 The Order has commented on these allegations and, as
9 I said, you will hear from two individuals who describe
10 serious sexual abuse involving him.

11 If we can go, please, to 2192, and the point that
12 the Order makes is that as far as the Order is
13 concerned, while they were aware of this individual,
14 they say they were not aware that he may have been
15 abusing boys in Rubane, and they also make the point in
16 paragraph 18 that boys were not supposed to be in the
17 woods, or another boy indicates he was abused in a
18 farmhouse. At 2320, please, we can see that the Order
19 makes the point that this was another area --
20 paragraph 7, the derelict house to which this boy is
21 referring is said to be out of bounds. though it is not
22 denied that he could have visited the house. It is
23 pointed out the fact that he could visit illustrates the
24 element of freedom that the boys had.

25 So the issue -- I should say this individual died in

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1 1987 and this appears to have been before the first
2 allegations about him were made to the police, but the
3 systems issue that it raises, which I want to draw to
4 the Panel's attention, is if these allegations are true
5 including from the individuals you are going to hear
6 from, it raises the issue of supervision, because there
7 were boys living in Rubane. If they were in a position
8 to freely go to parts of the property where they were
9 not supposed to be, and yet it is not known that that's
10 what they did, and thereafter they were in a position to
11 engage with this individual, then that raises an issue
12 that the Panel may want to reflect on.

13 That's all I want to say about BR15 and DL230.

14 If I can try and sum up where we have reached, over
15 the last four days we have covered considerable ground,
16 covering hopefully to clear away a wide variety of
17 issues that come up from the material that we have
18 received. It is simply and obviously even in four days
19 opening this module not possible to cover all of the
20 material that the Inquiry has received relevant to
21 Rubane, but I remind again the public that both the
22 Inquiry legal team and the Panel don't just do work in
23 this chamber, and we will continue to look and discuss
24 with the Inquiry the material relevant to Rubane.

25 Obviously the material that we have is made

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1 available to the core participants, who are interacting
2 with the Inquiry, and therefore anything relating to
3 that material they are in a position to also highlight
4 to us in the various ways that we have set up for that
5 to happen.

6 I have taken the approach of deliberately not going
7 into a similar process with a series of individuals
8 against whom serious allegations are made by
9 a significant number of boys but who are alive and are
10 likely to be in a position, at least some of them, to
11 appear before the Inquiry, and, if necessary, I can
12 carry out a similar exercise for you in a summary way on
13 a different occasion than doing it at this point, but
14 hopefully what has been achieved by looking at these
15 three particular instances that we are aware of from
16 material being provided to the Inquiry of 1958, 1964 and
17 1970/'71 is to highlight a significant number of systems
18 issues that are now going to be relevant as the Inquiry
19 continues its work over the coming months, and it is in
20 that context that the evidence that begins next Monday
21 will be heard. Obviously there are other occasions
22 whenever counsel will have the opportunity to draw to
23 the Panel's attention in public those documents that the
24 Inquiry counsel considers the Panel should see in
25 public.

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1 So, unless there is anything else that I can assist
2 with at the moment, I would intend to take another sip
3 of water and to stop.

4 CHAIRMAN: Yes. Mr Napier?

5 Opening statement on behalf of THE DE LA SALLE ORDER

6 MR NAPIER: Chairman, Members of the Panel and Inquiry
7 counsel, thank you for the invitation to respond to the
8 opening.

9 The Brothers wish to repeat publicly at the outset
10 of this module that they accept and deeply regret that
11 boys in their care were abused. They wish to offer
12 their sincere and unreserved apology to all those who
13 they failed to protect. The Brothers recognise the
14 immense pain and suffering and damage caused to those
15 victims who have been abused. The Brothers recognise
16 the sense of betrayal that the victims have experienced
17 and the violation of trust caused by certain Brothers
18 within the Order. They recognise there have been
19 failures to protect the victims.

20 The De La Salle Order has and continues to adopt a
21 proactive and collaborative approach to this Inquiry
22 with a view to making the process less onerous for the
23 victims while ensuring that a holistic account is
24 achieved. The Order remains committed to honesty and
25 transparency.

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1 The Order is reflecting on material disclosed to it
2 by the Inquiry and on issues raised during the course of
3 the opening. During the coming weeks the Order will
4 listen intently to the accounts to the applicant.
5 Further statement addressing the additional issues
6 raised by the Panel and Inquiry counsel will be
7 provided.

8 The Order trusts that this Inquiry in establishing
9 the truth will help bring healing to all affected
10 directly and indirectly by the deplorable abuse of
11 innocent and vulnerable children.

12 Thank you, Chairman.

13 CHAIRMAN: Thank you. Yes, Mr McKenna?

14 Opening statement on behalf of THE DIOCESE OF DOWN & CONNOR

15 MR MCKENNA: Thank you, Mr Chairman. Firstly,
16 Mr Chairman and Members of the Panel, may I express
17 gratitude to Inquiry counsel Mr Aiken for the clear and
18 precise manner in which he has adumbrated the various
19 issues which the Inquiry has been invited to consider
20 over the coming months of this module. This has in turn
21 assisted the Diocese in its focus, and work has already
22 begun on those matters which require its attention
23 through the good offices of Father Bartlett, the Diocese
24 representative, who has attended during Inquiry
25 counsel's opening. Can I assure the Panel, Mr Chairman,

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1 the Diocese will continue in its endeavours to assist
2 the Inquiry's work in whatever way it can.

3 Finally, the Diocese wishes to reiterate the apology
4 which is to be found in the final paragraph of Father
5 Bartlett's statement to the Inquiry, and the Diocese
6 encourages all those who are victims of abuse to come
7 forward to the appropriate authorities.

8 CHAIRMAN: Thank you very much, gentlemen.

9 Well, Mr Aiken's extremely comprehensive opening
10 illustrates, if it needs to be illustrated, the sheer
11 scale of the material with which the Inquiry has had to
12 grapple, and it indicates that in this particular
13 module, perhaps in contrast to at least some of the
14 other modules, there is a great deal of material that
15 has to be considered, material that was generated in the
16 past and which has been made available to us or which we
17 have discovered, and which we will continue to seek out
18 as appropriate.

19 Next Monday we will start to hear oral evidence from
20 the witnesses who are applicants to the Inquiry. There
21 are a number of individuals against whom allegations
22 have been made. As is our practice, those who represent
23 such individuals, irrespective of whether the
24 individuals have been given legal representation at
25 public expense or not, those representatives will be

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1 notified in advance of the day on which their client
2 will be referred to in the evidence or the day on which
3 their client will be asked to give evidence to the
4 Inquiry.

5 Because such individuals are not core participants,
6 the Inquiry will only consider questions that their
7 legal representatives may wish to put through Counsel to
8 the Inquiry in respect of the evidence to be given on
9 those days to which I have just referred.

10 As at present advised I do not see the need for
11 their legal representatives to attend on those days when
12 evidence is being given which does not directly refer to
13 their clients, because such attendance would appear to
14 be unnecessary, since evidence is not being given on
15 those occasions which directly refers to their clients.

16 Of course, the documents referred to and
17 a transcript of the evidence given each day will appear
18 on our website. If anyone wishes to follow our
19 proceedings, they can, of course, do so by reading the
20 website without the necessity of them coming here in
21 person.

22 Therefore, ladies and gentlemen, we will adjourn now
23 and hopefully resume on Monday at 10.00 am or as soon
24 thereafter as we can achieve.

25 I should perhaps make it clear that in this module,

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in contrast to previous modules, we are endeavouring to hear four witnesses a day, which means that there may well be occasions when we have to go on longer than we normally would to finish that day's evidence, but on that note, ladies and gentlemen, we adjourn until Monday.

7 (3.30 pm)

--ooOoo--