

-----  
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.

1 Thursday, 2nd October 2014

2 (10.10 am)

3 Opening statement by COUNSEL TO THE INQUIRY (cont.)

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

10 Now, Mr Aiken.

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

12 We finished yesterday almost making it to the end of  
13 1965, and what I want to do this morning is to look at  
14 another piece of the jigsaw in terms of history of known  
15 abuse relating to 1965.

16 Before I do that I want to give you just two  
17 references that will be important as you reflect on the  
18 1964 matter so that it is properly in context, and these  
19 are from the 1965 period.

20 The Board of Governors met on 24th February of 1965.  
21 I am just going to give you the reference for that at  
22 5208 and 9. The reference is more for what the  
23 Governing Board's minutes doesn't contain as to what it  
24 does, but it will allow you to go back and look at that  
25 document in due course.

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

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

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

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

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.

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



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

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

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

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

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

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:

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

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 ..."**



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.

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

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."

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

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 --

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

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

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



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

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

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

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

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.

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

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,

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



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

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

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

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

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

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

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

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



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

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:

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

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

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

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.

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 ..."

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



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 --

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.

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

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

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,

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

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

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



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

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.

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

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

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

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 --

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

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



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.

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

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

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.

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,

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

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.

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.



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:

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.

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

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

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 steadying influence on the others. So it may be we  
25 will see when we come to look at Nazareth Lodge

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)

20 (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

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

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 ..."



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

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

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 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

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**

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?

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 ...?**

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

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?



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**

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

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,

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

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

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.

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

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



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

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

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

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

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.

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

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

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



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

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

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

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

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 to us 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

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

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?

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



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

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.

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.

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,

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

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,

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

7 (3.30 pm)

8 (Hearing adjourned until 10 o'clock  
9 on Monday, 6th October 2014)

10 --ooOoo--

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25