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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Monday, 24th November 2014

commencing at 10.00 am

(Day 71)

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

MR PATRICK TAYLOR and MR STEPHEN TUMELTY appeared on behalf
of DL1.

1 Monday, 24th November 2014

2 (10.00 am)

3 (Proceedings delayed)

4 (12.35 pm)

5 WITNESS DL1 (called)

6 CHAIRMAN: Good afternoon, ladies and gentlemen. Sorry we
7 were so late starting today, but various things came
8 together that prevented us from being able to call any
9 witnesses earlier this morning.

10 Can I just remind everyone that mobile phones must
11 be turned off or at least placed on "Silent/Vibrate" and
12 that no photography of any sort is permitted anywhere,
13 either in the Inquiry chamber or elsewhere in the
14 building.

15 MS SMITH: Thank you, Chairman, Panel Members, ladies and
16 gentlemen. The witness today is DL1. He is "DL1". DL1
17 wishes to take a religious oath and he also wishes to
18 maintain the anonymity that has been afforded to him by
19 the Inquiry.

20 CHAIRMAN: Very well.

21 WITNESS DL1 (sworn)

22 CHAIRMAN: Thank you very much, DL1. Please sit down.

23 Questions from COUNSEL TO THE INQUIRY

24 MS SMITH: Now, DL1, you have provided a statement for the
25 benefit of the Inquiry, which can be found at RUB5526 to

1 5529. We are going to have a look at that and explore
2 some of the matters that are in it. If that could be
3 called up, please. That's 5526. This is the first
4 page of your statement, DL1, and, as you can see,
5 instead of -- where it says "Witness Statement of" your
6 name has been replaced by the designation that we have
7 given you, DL1.

8 If we could just go to the last page of that,
9 please, which is 5529, and can I just ask you, DL1, if
10 you would confirm that where that big black rectangle
11 with "DL1" is that you have actually signed this witness
12 statement on 23rd October 2014?

13 A. Yes.

14 Q. And can I ask you also to confirm this is the statement
15 of evidence that you wish the Inquiry to consider
16 together with anything else that you tell us today?

17 A. Yes.

18 Q. Now if we could go to the first page of that,
19 paragraphs 1 and 2, and in these paragraphs, DL1, you
20 set out your career history, including the fact that
21 approximately a year after your first job you saw a post
22 advertised at De La Salle Brothers Home in Rubane, which
23 you applied for, and commenced work there, after being
24 successful, in 1968. Then in 1980 you became Vice
25 Principal of the school and subsequently became

1 Principal in around September 1981, stayed there until
2 the school closed in 1985.

3 A. That's correct.

4 Q. You go on to say where you taught afterwards until you
5 retired due to ill health. Then you say what you taught
6 in Rubane, which was mathematics, geography and RE. You
7 say you were the only maths teacher and only geography
8 teacher, although there were other teachers who taught
9 RE. You say occasionally you were also obliged to
10 assist in teaching science.

11 During your time there you believed you enjoyed a
12 good rapport with all the pupils. You took groups of
13 pupils on regular outings to Ards Swimming Pool,
14 educational visits and for brief periods for outdoor
15 pursuits -- to outdoor pursuit centres. Sorry. You
16 also helped organise Sports Day, Christmas concerts, and
17 you were also very proud of the fact that a number of
18 the 16-year-olds managed to gain a grade C in their GCSE
19 maths and geography, although I think in those days it
20 would have been 'O' Levels or CSEs.

21 A. CSE, yes.

22 Q. CSE, and you say that was despite the difficulty which
23 they -- difficulties they faced in their personal lives
24 and long absences from school in their own areas.

25 Now paragraph 3 you talk a little bit more about the

1 boys who were in the home, and you say that many of them
2 would not have been at school for a considerable period
3 of time. You say that could have been up to two years
4 in some cases. You describe the boys as coming from
5 difficult backgrounds.

6 You then go on to talk about punishment in the
7 school and what training you had and you would say that
8 discipline was not a subject that you were taught as
9 part of your teacher training.

10 A. That is correct.

11 Q. And not once did it -- in those four years that you were
12 training to be a teacher did it ever arise in the course
13 of your training, but once you were qualified, you went
14 and got what you needed to commence your career. One of
15 the things that you would have needed for your teaching
16 careers was a strap. You did buy one of those.

17 A. I did.

18 Q. You remember a particular shop in Belfast which sold
19 them. You say it wasn't something that you enjoyed
20 using, but you did use it on occasions. You said you
21 would have given boys one or two slaps, and mostly that
22 was because the boys were being difficult between
23 themselves.

24 We talked about this a short while ago, and I just
25 wonder if you could give us an example of the type of

1 occasion when you would have felt it necessary to slap
2 the boys with the strap.

3 A. On some occasions the boys could have been -- made life
4 difficult for their fellow pupils, especially by saying
5 hurtful things about their family or their background,
6 their home situation, and obviously sometimes I wouldn't
7 have heard the comments, but sometimes I would have
8 easily heard them, and it would be on those occasions
9 I thought, "I will have to change the situation here and
10 keep things on a lower key".

11 Q. So on those occasions where you heard one boy being
12 offensive towards another boy, you would have called him
13 out and given him a slap. Is that position?

14 A. That is it. That's what happened.

15 Q. You do say that there was one particular occasion which
16 you -- when you remember giving more than one or two
17 slaps and that would have been when you gave a number of
18 boys three slaps. That was after being stopped by
19 police when you were driving the minibus.

20 A. We were out on an educational activity on that -- we had
21 a lot of educational activities and a lot of outings.
22 On that occasion apparently the boys who were at the
23 back of the bus were making rude gestures to the police.
24 I didn't realise this, because I was driving, but in
25 a few minutes the police wagon overtook us and stopped

1 us and asked me was I aware of this, and as a result of
2 that I thought, "This deserves some reprimand now".

3 Q. And I take the fact that you gave more than what you
4 normally would do was because you were particularly
5 annoyed on this occasion?

6 A. Yes, indeed, and particularly because it was
7 an educational outing, which they all looked forward to,
8 and we had lots of those.

9 Q. You talk in paragraph 4 of your statement that there
10 were usually about 70 pupils each year. That's in total
11 in the school?

12 A. That would have been near enough an average as far as
13 I remember.

14 Q. Although you remember one year when numbers increased
15 dramatically up to 90. Can I just check with you -- we
16 have heard through other evidence -- and this is
17 something I didn't explore with you before -- but there
18 were -- initially the school was simply for those boys
19 who were resident in Rubane, but after a while there
20 were boys came in from outside. Is that right?

21 A. I can recall one person now from outside.

22 Q. Certainly there was a boy called that we have
23 heard about. Is that person maybe you are thinking
24 about?

25 A. It wasn't a name I remembered until you mentioned it.

1 Now that you mention the name, it is familiar.

2 Q. So there was certainly more than one then maybe who came
3 into the school as a day boy?

4 A. There would have been two then, if was one of
5 them.

6 Q. Just as a matter of interest -- and I should say that
7 any names that we use inside the chamber cannot be used
8 outside, but it makes it easier for us to know who we
9 are talking about if we use the names in here.

10 A. Yes.

11 Q. Can I just -- who is the other boy that you do remember
12 then, DL1?

13 A. His surname was .

14 Q. There was a and a ?

15 A. Yes.

16 Q. You also talk about the high staff:pupil ratio. When we
17 talked about this, you think it was as high as sort of
18 one member of staff to about ten boys?

19 A. Yes, which was very favourable. Now the Department of
20 Education regularly called with us to check out the
21 ratio that we had and the ratio we would need, and they
22 were very good to us in that way, and one of the results
23 of that would be that we didn't really need much
24 corporal punishment, because of the small pupil ratio --
25 pupil:teacher ratio.

1 Q. Just -- the age spectrum of the boys was I think --

2 A. That would be the general secondary age range from 11 to
3 16.

4 Q. We have heard from some people who have spoken to us
5 that there were boys of different age groups within the
6 one class. Is that how it was organised?

7 A. That would have been the case because of the -- well,
8 the small number of teachers really in the whole
9 establishment of the school. We were -- we found
10 ourselves with maybe 11, 12, 13-year-olds in the one
11 class.

12 Q. So if I have got this right, and you please do correct
13 me if I am wrong, but am I right in thinking then that
14 you may have had one teacher like yourself who was
15 teaching geography or maths, and you would have had to
16 have different abilities within the one class?

17 A. Yes, although that was no different to education in any
18 school, because no matter what class you have, even they
19 are all the same age group, they are all a sort of wide
20 range of abilities. So a teacher would be prepared to
21 teach towards different ability groups.

22 Q. Now paragraph 5 you say that sometimes other teachers
23 would have reported a pupil to you. This is when you
24 were Principal of the school.

25 A. Yes.

1 Q. Your way of dealing with that was to make that child
2 stand outside in public areas where they could be seen
3 and viewed as having misbehaved.

4 A. I would have asked them to stand out the office door.
5 That would be the office that the Principal would have
6 used. It was quite an open area, and for some reason
7 now the pupil didn't seem to relish being asked to stand
8 there.

9 Q. But they would have been standing -- the period -- they
10 would have been there for the end of the period, the
11 class?

12 A. The class period would have been 35 minutes. So it's
13 possible that a pupil might have been standing there for
14 20 minutes, having been sent out part of the way through
15 the class.

16 Q. And you make the point that social workers would have
17 seen them and any other visitors to the school would
18 have seen them standing there.

19 A. They could be easily seen, yes.

20 Q. Can I just ask -- you were just mentioning there about
21 inspections in the school. You remember a particular
22 man called Mr Weir, who would have called extremely
23 regularly. By that how often would he have called and
24 were those formal meetings or --

25 A. He was a Senior Inspector with the Department of

1 Education at that time, and he was particularly related
2 to teaching of mathematics. So he had two reasons to
3 come and visit me both from the point of view of
4 a mathematics teacher and also just to see the set-up
5 that we had and make sure that we still were given the
6 favourable ratio that we were. So he followed that up
7 every term for a few years while he was in that
8 position.

9 Q. You felt that the reason he did that is because he felt
10 that you were getting favourable treatment. Is that it?

11 A. Well, yes.

12 Q. You also mentioned there would have been a formal school
13 inspection. How often would that have happened?

14 A. I can recall one really. There was probably more than
15 that, but it's only one I can recall.

16 Q. Presumably whenever you were Principal you would have
17 had more to do with that than maybe when you were just
18 teaching in the school. Is that maybe why you remember
19 that one particularly?

20 A. Yes, yes, indeed, yes.

21 Q. And how -- how often, though, do you think that the
22 formal inspections took place?

23 A. It could well have been every three years.

24 Q. Now you say that you remember -- you were there from the
25 19... -- the late '60s, but you remember social workers

1 becoming more evident from the '70s onwards. You say
2 they would have called extremely regularly to both the
3 school and to the home, and you teachers regarded them
4 as something of a nuisance, because you had to call
5 a pupil out of class to go and meet with the social
6 worker. I think you said to me that some days that
7 could have been more than one social worker arriving on
8 the same day, which was interrupting your work.

9 A. Well, the social worker would have been assigned to
10 a particular pupil, and therefore two or three of them
11 could have arrived on the same day without them knowing
12 the other would be there. It was a bit of a nuisance to
13 us really. It wasn't a problem, but it was just
14 a nuisance --

15 Q. It interrupted your work effectively.

16 A. -- pupils being called out of class, but we learned to
17 cope with it.

18 Q. You also say that you -- you recall the chalets being
19 opened and being built.

20 A. Yes.

21 Q. There would have been you say 10 to 12 students in each
22 of the chalets, and each chalet would have had
23 a housemother and housefather. There were two sets of
24 lay people who acted as housemothers and housefathers,
25 one husband and wife, who had two sons, and a set of

1 nuns. You don't believe the Brothers themselves were
2 housefathers and mothers in any of the chalets. You
3 talk about the fact that you and your then fiancée, now
4 your wife, who is with you here today, acted as
5 a housemother and father in the year 1972 to '73.

6 Now can I just ask what exactly your role was as
7 housemother and housefather in that period of time?

8 A. We would have been there as far as I recall
9 approximately 8.00 pm until 10.00 pm on the evenings
10 over the winter period, and the boys who were resident
11 in that particular chalet, that would have been their
12 free time, and they would have been -- maybe some
13 watching television, some playing games. So it was our
14 duty then just to keep an eye on things, make sure no
15 accidents were occurring, or if something did happen,
16 that an adult was on hand to help.

17 Q. You say -- can I just confirm that it was chalet 4 that
18 you were assigned to.

19 A. That's right.

20 Q. You say you would certainly never have used any form of
21 corporal punishment there.

22 A. Oh, no.

23 Q. I asked you then: what if boys misbehaved during the
24 time that you were looking after them? What would you
25 have done?

1 A. Well, in the time that we have been there we didn't
2 recall any misbehaviour that needed punishment or that
3 kind of thing. As I say, it was a relaxed time of the
4 evening and the boys were engrossed in a TV programme or
5 maybe some board game, and the situation did not arise.

6 Q. This period of time when you acted as housemaster you
7 say would have been about six months. Is that right?

8 A. Approximately.

9 Q. Now in paragraph 8 you say that you are aware of the
10 reports of sexual and physical abuse which are now
11 widespread in the media relating to Rubane. You say you
12 are absolutely shocked that such goings on could have
13 occurred. You find it difficult to accept that with so
14 many external visitors calling into the premises during
15 all of the period you were there that such things could
16 have gone unnoticed. You say you are absolutely certain
17 that you yourself were never aware of any such abuse,
18 either physical or sexual. You say you feel betrayed
19 now by the De La Salle Order, who apparently have
20 accepted that such abuse did occur and have paid
21 compensation in a number of cases. You were not aware
22 of the slightest -- in the slightest of any such
23 impropriety either in the school or residence or
24 premises generally.

25 Now if I can just explore that a little bit with

1 you, DL1, we were talking about this, and what you said
2 was that the first intimation that you ever had that
3 there was anything untoward about Rubane was whenever in
4 September of this year the Order made an apology. Is
5 that right?

6 A. Yes, I noticed that in the papers that I read, this
7 particular occasion being the local paper. There was
8 mention of this compensation and I thought, "There must
9 have been some grave reason for compensation being paid"
10 and that feeling just sort of -- sort of got to me.

11 Q. I mean, you use the word you felt betrayed. I mean,
12 that's, if I might suggest, a strong word to use. What
13 exactly did you feel?

14 A. I assumed that if money, compensation had been paid,
15 that there had been some solid evidence of abuse of some
16 kind, and that was -- I felt betrayed at that particular
17 aspect.

18 Q. In light of that do you now accept that there were some
19 boys who were sexually and physically abused while they
20 were in Rubane?

21 A. I couldn't say, because, as I say, that's what was
22 reported in the newspaper. There is obviously other
23 sides to the story other than what may have been
24 reported.

25 Q. But you certainly -- you find it hard to believe that it

1 happened.

2 A. As I say, whenever I was teaching, through all the time
3 I was teaching, there never seemed to be any degree of
4 distress among the pupils, and on those occasions
5 whenever I did detect some distress, it turned out that
6 it was related to their own home situation and very
7 often the fact that they had been told they wouldn't be
8 home this week-end.

9 Q. I did ask you, and I am going to explore with you again,
10 during your time BR1 was there during your time.

11 A. That's correct.

12 Q. We know from documents that we have seen and evidence
13 that we have heard that the police investigated him in
14 1980 and he was charged with offences subsequently. In
15 the 1980s do you ever remember the police coming to the
16 school to speak to boys, for example?

17 A. I'm not sure if they actually came to the school.
18 I certainly have seen the police call to the premises,
19 mainly to the residential premises, and the police would
20 have been there from time to time, but what would have
21 happened on some occasions, pupils would have absconded,
22 and the police may have found them somewhere and brought
23 them back. That was -- I will not say it was regular,
24 but it certainly occurred often enough to be noticed,
25 and that's the main reason why I would have noticed the

1 police about. They wouldn't generally have called to
2 the school.

3 Q. No, but you weren't aware of anything untoward or any
4 police investigation in 1980 --

5 A. Oh, no.

6 Q. -- into this man?

7 A. No.

8 Q. He left we think in April 1980. What was your
9 understanding of the reason why he left?

10 A. I was led to believe that he had taken ill, that he
11 actually had a terminal illness.

12 Q. And you believed that?

13 A. That is what I do believe at this moment.

14 Q. And between 1980 and 2014 were you never aware of any
15 press reporting into Rubane or any other police
16 investigations into the home?

17 A. Not in the papers that I read. There was no mention of
18 anything at all.

19 Q. Now if I may then, DL1, turn to the allegations that the
20 Inquiry has heard in respect of you and deal with those
21 each in turn. I am just going to use the boys' names,
22 but not in any particular order. I am essentially going
23 to summarise things that they have said.

24 Now the first of these is HIA41. He spoke in
25 paragraph 33 of his Inquiry statement, which can be

1 found at RUB500, about you. Maybe we could just look at
2 that, paragraph 33 on that page. You will see here
3 that:

4 "There was a DL1", that's yourself, "who taught
5 geography and maths. He would have punched me and
6 everybody else in the class regularly every day. He
7 punched me in the ribs. I remember when he punched me
8 it was so hard that I couldn't breathe. This type of
9 behaviour happened all the years that I was there."

10 Now he gave evidence to the Inquiry and he said at
11 Day 67, page 70, which -- I will just summarise it. In
12 fact, I can probably -- if you bear with me -- probably
13 read that, but he in his evidence -- too many papers
14 here. Bear with me, please. It is always the last one.

15 He was asked by, in fact, Mr Lane of the Panel about
16 whether there were any positives that he recalled from
17 his time in Rubane and he said:

18 "I mean, you know, in reference to DL1 and the
19 school he always punched every boy there to wind them,
20 and then if he wanted to hit you harder, he did, but he
21 always punched you in the chest."

22 He said that:

23 "The school was run on the basis of 'One Flew Over
24 the Cuckoo's Nest'."

25 He said:

1 "Guys -- there was guys twice the size of you, you
2 know, in different classes. It was all run like that.
3 It wasn't a school at all. I left it with no education
4 because of the violence and fear and that, you know."

5 So is there anything -- I mean, obviously you
6 wouldn't have been present when he gave his evidence,
7 but I am affording you the opportunity now to say
8 anything you want to in respect of that, DL1.

9 A. Well, there was certainly no punching of any kind.
10 There was always a very good rapport I thought between
11 the pupils and myself, and we never -- it was only
12 on occasion we would need to use corporal punishment,
13 but no punching.

14 Q. Coming on then to another boy, who was HIA170. That's
15 "HIA170". He spoke at paragraph 15 at RUB609. He said
16 that:

17 "On two occasions -- two occasions DL1 hit me in the
18 stomach so hard he lifted me off the ground. I remember
19 him -- seeing him hitting ...", and a boy's name is
20 given there, DL31, who I will call -- who is called
21 **DL 31**, "and lifting him off his feet. There were certain
22 members of staff that you knew just to keep out of their
23 way",

24 and the suggestion is that he is including you in
25 that.

1 He gave evidence on Day 68 at pages 31 to 33. When
2 he was asked about you, he said that:

3 "He looked big to us wee boys. We just called him
4 'Big Balls', you know. He was a hefty guy, but I think
5 he only -- he only got hitting me about once, and the
6 only time I remember DL1 is -- I mean, he would always
7 do that, walk over towards you, you know, and he
8 wouldn't lift his hand. He would have his hands down,
9 and I remember him hitting DL31. It is just, you know,
10 the way he hit me. He was just a wee slight guy, like,
11 but he hit him, like, up against one of them shutters
12 you have in the gym, the wooden shutters, and just hit
13 him up against that there, and that's all I remember.
14 You wouldn't mess DL1 about anyway. He is just one of
15 those, you know, teachers that you wouldn't mess about
16 if you knew what was good for you."

17 He then was asked by Mr Aiken about -- it was put to
18 him that -- your denial and he said:

19 "It would depend on what you meant by 'punching'",
20 and he then went on to say:

21 "There were different ways of punching people, and
22 DL1 was well-known for doing that there",

23 and he demonstrated. Now unfortunately my
24 colleague took him through his evidence, so I can't
25 demonstrate for you, DL1, but he said:

1 "It was not this or that, not a slap. Yes, yes, he
2 would never have punched a boy. Yes, that's true, but
3 that wasn't what I knew DL1 done. That's not what
4 I~knew the way he hit people. He didn't hit people like
5 that. He didn't hit the boys like that. He walked over
6 to them and he hit them like that there. He moved his
7 fist and his arms like that there, not necessarily
8 lifting his head like that there -- lifting his hand" --
9 I beg your pardon -- "like that there. I certainly
10 never seen him -- I never seen him slapping a boy in the
11 face or slapping a boy round the back of the head."

12 So whenever he was asked by the Chairman about it,
13 the gestures that he was making, and the Chairman put to
14 him:

15 "That would suggest to me that it's a low punch to
16 the body, not a punch around the head or something like
17 that."

18 He was asked:

19 "Is that right? So to the middle or lower part of
20 the body?"

21 and he said:

22 "The lower body, yes."

23 That is what he was describing.

24 Can I just ask: did you have a nickname that you
25 knew about in your time in the school, DL1?

1 A. No, I never was aware of any nickname. As I said,
2 possibly I may have said earlier that the pupils were
3 always very respectful towards me and I marvelled at
4 that. That went without exception. No-one ever in my
5 hearing would have used any words that would have been
6 insulting in any way.

7 Q. What do you want to say about the fact that he has
8 demonstrated that you would have given punches to the
9 lower body and that you knocked this boy, Paul, against
10 the wooden shutters in the gym?

11 A. Oh, I would deny that totally.

12 Q. If I can move on to the third person who has spoken to
13 the Inquiry and that's HIA18. Again these names are not
14 to be used outside this room. He spoke to the Inquiry.
15 He gave a statement at RUB426. He is HIA18. If we look
16 at paragraph 5 of his statement, please, and at
17 paragraph 5 there he said -- he is talking about another
18 teacher. I didn't ask you about this, but one of the
19 teachers was a woodworking teacher, a DL6. Do you
20 remember him, DL1?

21 A. I do.

22 Q. A number of boys have said that he would have thrown
23 things at the boys in class. He would have thrown
24 chisels and mallets. There was one person who
25 complained about getting a laceration to his finger as

1 a result of the actions of this particular teacher. Is
2 there anything you can help the Inquiry with in regard
3 to those allegations?

4 A. Well, I am amazed to hear those allegations, and if
5 pupils had been coming from one room into my room for
6 the next subject, there was certainly never any
7 indication that such a thing would have happened.

8 Q. The Order would say that the boys would have wound this
9 particular teacher up and caused him to react in the way
10 that he did. Would you accept that the boys would have
11 tried to wind him up?

12 A. I have no experience of them trying to wind people up.
13 They certainly didn't wind me up or they didn't try to
14 wind me up in my recollection.

15 Q. Well, what he then goes on -- coming back to the boy
16 HIA18, he then goes on to say that you were the
17 Principal of the school and he said that you also hit
18 him. On one occasion he had tried to hit -- another
19 teacher tried to hit him with a metre stick and he
20 lifted a chair to protect himself. She reported him to
21 you and you then punched him in the stomach and winded
22 him.

23 Whenever he gave evidence at RUB80150 to 80152 he
24 said that the art teacher took a stick to him. He
25 jumped up, lifted his chair and blocked it. She went to

1 you. You took him to the office and punched him.

2 Now your statement which you prepared for the police
3 when they interviewed you in July 2013 -- and I am going
4 to come back to that -- was put to him and he said:

5 "He hit me. I know. I was there",

6 but he accepted that this was the only altercation
7 he ever had with you, and again, DL1, I am affording you
8 the opportunity to say anything that you want in respect
9 of those allegations.

10 A. Well, I deny those totally.

11 Q. A fourth person who has spoken to the Inquiry is
12 a HIA222. That's HIA222. At paragraph 9 of his
13 statement at RUB631 he talked about the headmaster and
14 he gave a name, a in his statement to the
15 Inquiry. The Order then informed the Inquiry that the
16 only headmaster who was there at the time this boy was
17 in the home was, in fact, you, and he gave a description
18 here in paragraph 9 as the headmaster being very quick
19 tempered:

20 "He would slap me across the face with his hand from
21 behind, often for no reason."

22 In evidence at 80119 to 80120 he accepted that he
23 might have got the name wrong. He said -- then went on
24 to give a description of the headmaster as:

25 "A big heavy-set geezer with big square glasses."

1 He said he was a civilian, who slapped him across
2 the face with his hand, that he would come up behind
3 people without them realising it was coming.

4 Later that day he telephoned the Inquiry after he
5 had given evidence to say he had remembered, in fact,
6 the name of the headmaster and teacher he was describing
7 was, in fact, yourself.

8 You know that we then provided you with the
9 allegations that he had made so that you could consider
10 them. What I want to know from you now, DL1, is what
11 you want to say about those allegations?

12 A. I would deny those completely.

13 Q. Another boy, HIA104, HIA104, in paragraph 16 of his
14 statement at RUB581 describes a day in science when you
15 accused him of shaking up an experiment, and in his
16 statement here, paragraph 16, he said:

17 "I said, 'All shook up like Elvis'."

18 I think, in fact, when we hear what his evidence
19 was, the words "All Shook Up" should be in inverted
20 commas rather than "like Elvis":

21 "... and he just hit my head hard against the
22 blackboard when I was only joking around."

23 He gave evidence and we can look at this. It is at
24 RUB80085 to 80090. If we can just scroll down there:

25 "Just if we look at paragraph -- you describe

1 an incident involving DL1."

2 If we can just scroll down then, he says that he was
3 -- so he was asked again by Mr Aiken:

4 "So you were being smart or cheeky."

5 He says:

6 "I was trying to be funny."

7 If we can go to the next page:

8 "I think -- I couldn't tell you actually whether it
9 was his hand or his fist that he hit me with. It was
10 kind of like there, because I just went flying back that
11 way."

12 Again he demonstrated:

13 "Q. Was this the first time and only time he
14 touched you?

15 A. Yes, yes, but I think it was because I sang, you
16 know. It's not -- it doesn't sound right here. I said,
17 'All shook up like Elvis', which I didn't say it, 'All
18 Shook Up like Elvis'. I sang the song. It's "All Shook
19 Up" and then the rest of the class all burst out
20 laughing, and I think maybe he just felt a bit
21 humiliated and it was just a reaction maybe from him as
22 well.

23 Q. That's the only time he ever touched you?

24 A. Yes, yes. I would say in most of it -- they
25 were really the only incidents I had in De La Salle. As

1 a rule it wasn't that bad."

2 So he is giving his account here of what he said
3 happened to you. Mr Aiken went on to ask him a little
4 bit more about it -- if we can just scroll on down,
5 please -- saying that he was interviewed -- you were
6 interviewed about the allegations by the police and you
7 denied them when you were interviewed by the police and
8 you repeated that denial to the Inquiry. If we can just
9 scroll on down, please. He was reading, as you can see,
10 to the witness extracts from your statement. If we can
11 just go on down. He says -- Mr Aiken then puts to
12 HIA104 that:

13 "So he is basically saying that this didn't happen",
14 to which HIA104's response is:

15 "It's some story, that, isn't it, to make up? Where
16 did I get all this sand and all from and the wee
17 experiments?"

18 He is asked:

19 "You are talking about the test-tube with the lime
20 and the sand?"

21 A. Yes. Well, he is making me out to -- you know,
22 he is -- he is making it up.

23 Q. What do you say to the suggestion you have made
24 it up?

25 A. It's lies obviously. I wouldn't just come

1 out -- you wouldn't just come out with a story like
2 that, you know, sand and whatever the experiment was.
3 That is how I remember it, because it was the experiment
4 and how it all kicked -- kind of got into the Elvis
5 thing and then, because everyone laughed at him, and
6 then humiliated and then hit me."

7 He was asked if he saw him -- saw you hit any other
8 children. He said "No". He was told that:

9 "Other people have talked about general caning in
10 the school."

11 Can I just pause you there, DL1, and ask you were
12 boys caned in the school?

13 A. I believe that one teacher may have had a cane.

14 Q. And who would that have been?

15 A. I can't recall now who specifically, but I --

16 Q. Might it have been one of the Brothers?

17 A. I think that there might have been mention of a cane
18 from some of the pupils who maybe may have come into
19 class, who have mentioned that they had been caned
20 rather than slapped.

21 Q. And did they ever say who had done this to them?

22 A. No, they wouldn't have said who. So from that point of
23 view there may well have been one of the teachers who
24 used the cane rather than the strap.

25 Q. But you yourself would have just used the strap. Is

1 that right?

2 A. That's correct.

3 Q. Just -- sorry. Can I just ask you -- we have had
4 various descriptions of the strap that were used. Can
5 you describe the strap to the Inquiry that you used?

6 A. Well, it probably would have been just over a foot long
7 and maybe two inches wide.

8 Q. As I say, we have had various descriptions. Some have
9 described like a sort of a thick handle that then went
10 into -- was split at the end. Was yours a solid strap,
11 just one piece or --

12 A. It was one piece, yes.

13 Q. And some have also said that in the strap there were
14 sort of metal pieces either sewn on the outside or
15 inside. Is that --

16 A. Oh, no. Certainly not.

17 Q. And it was made from?

18 A. It was leather as far as I was aware, and even though
19 this was something that was used from time to time, but
20 the whole ethos was positive, and pupils wanting to do
21 the best they can, because although we were trying to
22 provide as near normal an education as possible, they
23 still had their problems at home. They knew what the
24 problems were, and they were all quite intelligent,
25 although many of them had fallen behind, but there

1 wasn't a great need for the use of corporal punishment.
2 Quite often I found that if I threatened them not to be
3 allowed to go on an educational activity was more
4 important to them than anything else.

5 Q. So they liked to get out and get away from Rubane and
6 that was something they liked to do.

7 A. They liked to get out of class. They liked to get out
8 of class.

9 Q. Out of class as well. Can I just -- coming back --
10 I apologise for interrupting this particular account of
11 HIA104's evidence. Reading from the transcript here
12 just when he was asked about -- he doesn't recall any
13 difficulty with being caned, but if we can just scroll
14 on down, please, he said:

15 "Q. So this particular incident sticks out for you?"

16 A. Yes, yes. I think it was just the whole thing
17 of the way it happened. I put it down to he just felt
18 humiliated because the whole class burst out laughing."

19 He was asked if there was any hangover from it, if
20 you could put it that way. He said:

21 "No.

22 Q. He didn't continue to pick on you or pick you
23 out?

24 A. No. I kind of -- the thing -- I hit the thing
25 and sprawled on the floor. That was basically it. He

1 just grabbed me up and then obviously just got back on
2 with the class as if it never happened."

3 Then they went on to discuss other issues, but is
4 there anything you want to say about that? I know you
5 didn't deal with it in the statement to the Inquiry,
6 because you weren't aware that this allegation related
7 to you at that time, but now that you do know it was you
8 he was talking about?

9 A. Well, I can't recall anyone ever singing in my science
10 class, but I would totally deny anything about punching
11 or hitting with my hand.

12 Q. The final person who has spoken to the Inquiry is HIA25,
13 HIA25. At paragraph 36 of his statement, which is at
14 RUB853, he gave your nickname again, said it was "Big"
15 and he said that you came from the local area, that you
16 were built like a tank. He said that you were -- you
17 searched boys for contraband.

18 "One of his favourite tricks was to say he wanted to
19 search us for contraband. So we had to stretch our arms
20 out. Then he would hit us a dig on the chest. We would
21 be winded and sent flying. You would not be yourself
22 all day. If you tried to report something to him and he
23 was in a bad mood, he would kick you, chase you or slap
24 you."

25 Again he gave evidence on Day 66 at pages 111 to

1 113. He said you were a stocky man. He remembered you
2 hitting him a dig in the chest so hard he went right
3 from the lining up room to the back of the room where
4 the shoe cubby holes were.

5 Now you probably know better than I do what kind of
6 distance he would have been talking about there, but was
7 there somewhere when the boys came into school or when
8 they were going out for lunch or whatever that they had
9 to line up?

10 A. They actually lined up outside the school and just
11 proceeded in by the main door.

12 Q. There wasn't actually a room where they had to line up
13 --

14 A. No.

15 Q. -- or maybe lining up to go to PE or anything like that?

16 A. Well, if they were going from one class to PE, then it
17 would be the same if they went to any other classroom.
18 They would line up outside the door of that
19 classroom just before entering.

20 Q. I take it there was a room where the shoe cubby holes
21 were?

22 A. That would have been in relation to the gym, if anyone
23 was going for PE, but they would only have been going
24 for PE to use that.

25 Q. Then they changed their shoes in the gym before going

1 in?

2 A. Yes.

3 Q. Your statement was put to him and he was asked -- his
4 response to what you said, your denial statement, was he
5 asked how many allegations had been made against you and
6 said that he didn't expect you and others to put your
7 hands up to anything.

8 "I expect them ones to tell their lies"

9 is what he said.

10 Now again is there anything you want to say about
11 that, DL1?

12 A. Well, I would deny any punching of any description or
13 hitting or slapping with the hand.

14 Q. Now you yourself were interviewed by police in
15 July 2013, first of all, when the allegations of four
16 people were put to you, and just for the benefit of the
17 Panel -- I am not going to call these up -- that's
18 RUB68509 to 68522. The allegations of HIA170, HIA41,
19 HIA18 and HIA25 were put to you by police, and at that
20 time you said you weren't prepared to comment until
21 after you had spoken with your solicitor. You had
22 a chat with your solicitor after the allegations were
23 read to you and you then gave a short, pre-prepared
24 statement, which we will look at, which is at RUB64844.

25 Can I just ask you to confirm, DL1, this is the

1 statement you handed over to police on 3rd July 2013?

2 A. Yes.

3 Q. Again there is details in here which are clearly
4 visible, but I can assure you before they go up on the
5 website those will be redacted to protect your
6 anonymity. You -- in that if we just go on down,
7 please:

8 "I have attended Bangor PSNI Station this morning
9 and Constable Lynas has put allegations of historical
10 physical abuse to me made by four individuals.

11 I deny all of the allegations and I have nothing
12 further to add."

13 You signed that.

14 In January 2014 you were then interviewed in respect
15 of HIA104's allegation, which is at RUB64839 -- we don't
16 need to call it up -- to RUB64843. Again when you were
17 interviewed by police, you told them you completely
18 refuted the allegation and had nothing further to add to
19 this statement you made in July 2013.

20 We know that from your witness statement to the
21 Inquiry, which -- if we just go back to that, finally,
22 at page RUB5528 -- sorry -- 29. Just scroll down
23 through that, please, to the next page. You said:

24 "Prior to ..."

25 Sort of the last section of that last paragraph:

1 "Prior to all of this coming out, I had looked back
2 fondly to my time in Rubane. I always like to feel that
3 I had empathy towards the plight of students. In
4 relation to the allegations made against me personally,
5 I categorically and emphatically deny and refute these.
6 I never punched a pupil in my life. I do not recall the
7 individuals concerned from their names only, but
8 doubtless if there were photographs, I perhaps would
9 recall them."

10 That's essentially your position, DL1, is that you
11 deny the allegations that have been made against you --

12 A. Yes.

13 Q. -- and those that I have put to you specifically. Is
14 there anything else that you feel that you wish the
15 Inquiry to know or to say to us? Now is your
16 opportunity to do that.

17 A. Well, I am not sure if I mentioned already the good
18 rapport which I felt was existing through all the time
19 I was at the school and the number of pupils who seemed
20 to be so interested in -- in learning as well, even
21 though some of them found difficulty in learning, but
22 they were interested, and they were certainly interested
23 in all the various activities which were non-class, and
24 especially a very good rapport, and some of them would
25 have called at our house in later years and that went on

1 for several years. Past pupils would have called to see
2 us on a regular basis.

3 Q. Well, DL1, thank you very much for coming along today.
4 I have no further questions for you, but the Panel
5 Members may have some things that they want to ask you
6 about.

7 A. Thank you.

8 Questions from THE PANEL

9 CHAIRMAN: Could we just scroll up to 5527, please, the
10 bottom of that page? Yes. Just there. DL1, can I just
11 ask you to look five lines up from the bottom? You see
12 the sentence beginning:

13 "Quite often once one slap had been administered,
14 the pupil would immediately have left the
15 classroom without permission"?

16 A. Yes.

17 Q. That seems to be a rather odd thing to allow to happen
18 in the sense it gives the impression, rightly or
19 wrongly, that the pupil then would just storm out. Is
20 that right?

21 A. Well, on quite a number of occasions if there had been
22 an altercation of some kind between pupils, especially
23 in the nature, as I mentioned earlier, about them saying
24 hurtful things, I got into the habit of asking the
25 person to stand outside the door perhaps for five or

1 ten minutes until the situation cooled down.

2 I discovered that that usually worked. It was a public
3 area and just outside the classroom door I could see
4 them standing there. So it could well have been that
5 they themselves took it upon themselves just to go on
6 out if they thought they were going to be slapped.

7 Q. So what you are saying really is they got to know that
8 this was going to happen and they just forestalled
9 matters by going out themselves?

10 A. That could have been the case.

11 Q. And if they were in the corridor, might there have been
12 Brothers passing up and down the corridor?

13 A. Well, anyone could have been passing up and down, yes,
14 the other teachers possibly on their way to class or
15 ancillary staff who may have been on the premises.

16 Q. Yes, but as a member of the teaching staff was your
17 contact with the Brothers in general completely or
18 largely confined to those Brothers who had teaching
19 duties?

20 A. Oh, yes.

21 Q. Did you ever have occasion to go into the residential
22 part of the building, leaving aside your acting as
23 a houseparent for about six months?

24 A. Well, in the earlier years I was there during the
25 morning break we had coffee over in the residential

1 establishment. There would have been teaching staff
2 would have been over there.

3 Q. That was the sort of staff room, was it, at the time or
4 just somewhere you went for coffee?

5 A. Well, in a sense it was like a staff room from that
6 point of view, that we used it in the morning break most
7 mornings.

8 Q. Thank you.

9 MS DOHERTY: Thank you. Can I just ask about when you
10 became a houseparent, how that came about? Were -- how
11 you were asked to do it. Was there an interview? What
12 happened?

13 A. There was probably an informal interview, but my
14 fiancée, as was at the time, and myself, the
15 Brothers knew that we were saving up to get married
16 shortly, and it must have been apparent that a wee
17 ancillary job might have been useful. So I think maybe
18 they took us on because, first of all, they knew us well
19 and, secondly, they knew that it would be financially
20 helpful towards us.

21 Q. Who supervised you in that role? Did anybody talk to
22 you about the work you did or ...?

23 A. I can't recall a lot about it. It may well have been
24 that the houseparent would have talked to us initially.
25 The houseparent -- the housemother was effectively in my

1 estimation the person in charge, and she would have
2 talked to us originally about it and what was expected
3 of us.

4 Q. Okay. In terms of looking after the boys was there any
5 issues about peer abuse in relation to peer sexual abuse
6 or bullying or physical abuse that you were asked to
7 look out for?

8 A. Oh, no, no. That didn't -- that didn't come up at all.
9 As far as I recall now it would have been -- it would
10 have been impressed on us that an adult -- they needed
11 an adult there on the premises, as I said earlier, in
12 case maybe accidents occur and someone was required to
13 be there in case of that situation.

14 Q. Can I just ask, I mean, given the allegations that have
15 been made, and you are surprised at them, your sense of
16 why boys are making these allegations or they were made?

17 A. Well, there was no intimation of it whatsoever in the
18 school and, as I said earlier, I would have noticed if
19 boys had been distressed, and on some occasions I did
20 notice that, and when we talked, I discovered it was
21 generally -- if fact, on all of the occasions I noticed
22 any distress, that it had to do with the pupil being
23 allowed home or back to their own environment on the
24 coming week-end.

25 Q. Okay, and against the allegations made against you

1 yourself do you have any --

2 A. Well, I can't believe them, because I totally refute all
3 allegations of punching. It would not have been in my
4 nature, and again the rapport we had, I would suggest
5 that most of the pupils were -- first of all, given the
6 situation that they were in, they had to be away from
7 their own home, that's why I was agreeably surprised how
8 well they worked in the school situation.

9 Q. Okay. Thank you.

10 MR LANE: A couple of questions, if I might. First of all,
11 in terms of the difficulty of the work did you see the
12 job you were doing as a teacher at Rubane as being more
13 difficult than working in ordinary schools?

14 A. In fact, no, because of the pupil:teacher ratio being
15 very favourable. I found actually working outside
16 school in other areas, such as when I worked in Belfast,
17 that teaching there was more challenging.

18 Q. And were you attracted to working in that sort of
19 setting in particular and did you find that more
20 rewarding?

21 A. Well, not really, because I often thought in the normal
22 situation a teacher sees a pupil grow and develop and
23 leave school and get a job. I didn't. I wasn't able to
24 follow what happened pupils after they left Rubane and
25 I missed that.

1 Q. Except for those who came back to see you presumably?

2 A. Well, yes, they came back on a regular basis. Some of
3 them -- some of those who came back had jobs. Some of
4 them didn't unfortunately.

5 Q. My other question is were you the only member of staff
6 to have a strap like that or was it a common thing?

7 A. I'm not quite sure what other members of staff may have
8 used the strap. It certainly was common in schools.
9 The reason I can say that is I would have attended
10 regular teacher meetings in various places, Newtownards,
11 Bangor, Belfast, Downpatrick, and there was general chat
12 among staff about response to discipline, and I was
13 aware that it was a common form of corporal punishment,
14 the use of the strap.

15 Q. But you weren't aware of what other colleagues did?

16 A. I assumed actually that some of them would have used the
17 strap occasionally.

18 Q. Would that have been the teachers or the care staff as
19 well?

20 A. Oh, I'm talking about the teachers only.

21 Q. Right. You wouldn't expect the care staff to have
22 straps?

23 A. Well, it's something I wouldn't have thought of.

24 Q. Okay. Thank you very much.

25 CHAIRMAN: Well, DL1, I'm sure you will be relieved to hear

1 those are the only questions we have for you today.

2 Thank you very much for coming to speak to us,
3 particularly since you arrived a little bit earlier than
4 you possibly had expected to, but thank you for coming
5 today.

6 A. Thank you.

7 MS SMITH: Thank you.

8 Chairman, there was one other -- two other witnesses
9 due to give evidence today. One of those, DL437, has
10 provided a witness statement to the Inquiry, and then we
11 received communication outlining the reasons for his
12 non-attendance, which I know that the Inquiry Panel will
13 wish to bear in mind when it comes to consider the
14 statement that he has provided to the Inquiry.

15 CHAIRMAN: Yes.

16 MS SMITH: The other witness will give evidence in due
17 course, but it is not possible to take him through his
18 evidence today as scheduled.

19 CHAIRMAN: Yes.

20 MS SMITH: That then concludes the evidence that we can deal
21 with today.

22 CHAIRMAN: Thank you very much, ladies and gentlemen. We
23 will resume tomorrow at the usual time.

24 (1.33 pm)

25 (Hearing adjourned until 10 o'clock tomorrow morning)