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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Thursday, 27th November 2014

commencing at 10.00 am

(Day 74)

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

1 Thursday, 27th November 2014

2 (10.00 am)

3 WITNESS BR2 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. Before we  
5 start can I remind you, as always, that mobile phones  
6 must be turned off or at least placed on  
7 "Silent/Vibrate", and that no photography is allowed  
8 either in the chamber or anywhere on the premises.

9 Yes, Mr Aiken?

10 MR AIKEN: Chairman, Members of the Panel, good morning.  
11 The witness this morning is BR2, or BR2, as I am going  
12 to call him. He is "BR2", and he is aware, Chairman,  
13 you are going to ask him to take the oath.

14 WITNESS BR2 (sworn)

15 CHAIRMAN: Please sit down.

16 Questions from COUNSEL TO THE INQUIRY

17 MR AIKEN: I am going to bring up on the screen, BR2, the  
18 front page of your first statement, which was your  
19 general statement to the Inquiry to assist with its  
20 work. That runs from 1032 through to 1086. If you  
21 could just confirm, BR2, that is the first page of your  
22 general statement.

23 **A. That is correct.**

24 Q. If we could move through to 1086, please, and can you  
25 confirm, if we were to remove that black mark, BR2, you

1 would find your signature on it?

2 **A. That is correct.**

3 Q. And there are exhibits to that statement, BR2, that run  
4 from 1087 through to 1175, and you want to adopt that  
5 statement with its exhibits as your evidence before the  
6 Inquiry.

7 **A. That is right.**

8 Q. Then you provided a second statement, BR2, that deals  
9 with the allegations that have been made against you.  
10 They -- that statement begins at 1929. If we can look  
11 at that, please, can you just confirm again, BR2, that  
12 is the first page of your second statement?

13 **A. That is correct.**

14 Q. If we can go to 1945, please, and can you confirm again,  
15 BR2, that you have signed this statement?

16 **A. Could I see the date, please?**

17 Q. Just scroll down a little.

18 **A. That is correct.**

19 Q. And the exhibits again this time 1946 to 1974. The  
20 reason for the black marks, as you know, because you  
21 have had the opportunity and sat through a lot of the  
22 evidence so far, is because of the Inquiry's anonymity  
23 policy. You want to keep your anonymity?

24 **A. Yes.**

25 Q. A housekeeping matter that I am going to deal with with

1 the Panel just to give them some references, BR2. You  
2 made the point in your second statement that you have  
3 been interviewed by police on seven occasions. So far  
4 the Inquiry has six of those transcripts that are  
5 available and we will work on getting the seventh.

6 The first was from 31st July 1995. It runs from  
7 62230 through to 62268.

8 Then the following year on 27th June of '96 62269  
9 through to 62300. These interviews were happening at  
10 the time you were actually the Provincial of the Irish  
11 Province.

12 **A. That is correct.**

13 Q. Then there are a series of interviews that run from 2010  
14 onwards as part of Operation Charwell. The first of  
15 those is of 21st January 2011. It runs from 65190 to  
16 65213, and that interview related to HIA34 and HIA128,  
17 who are both applicants to the Inquiry, and, as is  
18 always the case, any names that I use won't be reported  
19 outside the chamber.

20 The fourth interview then was of 7th August 2012 and  
21 it runs from 65858 through to 65887, then from 67944 to  
22 66039 and then from 66273 to 66279. That series of  
23 interviews that took place on 7th August of 2012 related  
24 to HIA170, HIA128, HIA41 -- all three of those are  
25 applicants at the Inquiry -- and a **DL 297**



1           there's water there -- and we will take any break that's  
2           necessary.

3           Your CV can be found at 935. If we just bring that  
4           up on the screen, please. It sets out your history in  
5           the Order. You came to Rubane on 1st September 1964,  
6           when you were aged 19. You explain in your statement  
7           that you had been in a school. It was                    in  
8           Belfast.

9           **A. In                    Primary School in the            Road,**  
10          **Belfast.**

11          Q. And it was a situation where you were -- we were  
12          discussing beforehand your rules and the constitution of  
13          the Order, and it was a typical set-up for the rules and  
14          constitution of -- there was a community of Brothers  
15          that you lived in and then you went out teach in the  
16          school and then returned to the community.

17          **A. That would have been the normal procedure, yes.**

18          Q. You explain in your statement to the Inquiry that the  
19          Provincial, who at that stage was  
20          asked you to go and teach in Rubane.

21          **A. That is correct.**

22          Q. You had already completed a year's training in teaching  
23          what was then called ESN pupils.

24          **A. I had done a year's course in St. Mary's College in**  
25          **Belfast, because previous to that the Bishop at the**

1           time, Dr -- Bishop Magee, had hoped to build or manage  
2           a residential school for children with special needs,  
3           but unfortunately he died and the project was dropped,  
4           and he then asked me, because I had qualified to teach  
5           ESN children, to go to Rubane House in 1964.

6    Q.   We were discussing beforehand you had done a teaching  
7           qualification and you had done this course in teaching  
8           ESN children.

9    A.   **Yes.**

10   Q.   And I was asking you whether -- when you were being  
11           asked to go to Rubane, whether you had been given any  
12           preparation for going to be part of the running of  
13           a children's home.

14   A.   **I had no idea about Rubane House before I went there.**  
15           **I knew it was a children's home, I had never set foot in**  
16           **Rubane House for the -- how many years -- '64 -- 1955 to**  
17           **'64. Nine years I had never set foot in Rubane House**  
18           **and I didn't know how it was operated.**

19   Q.   You weren't at any stage given any other training to  
20           say, "Well, now you are -- as well as teaching you are  
21           going to be running -- working in a children's home.  
22           Here is the type of issues that are going to arise.  
23           Here is the type of things we need you to do". You  
24           basically learned on the job under BR6, who was the head  
25           of the community and the home and the principal when you

1 arrived in 1964.

2 **A. My impression when I went to Rubane House was that**  
3 **I would be teaching the special needs kids in there, but**  
4 **I never knew about other duties that I would have to**  
5 **perform. I had no preparation for that.**

6 Q. We are going to come back to a lot of the general issues  
7 that arise, as you know, in the week after next when you  
8 are going to give evidence again on that more general  
9 basis, but you spend seven years in the community in  
10 Rubane teaching in the school, doing part-time care work  
11 as well in -- with the boys after your teaching, and  
12 under BR6, who is the Director of the Community, and  
13 then in September '71 you become the Director of the  
14 Community and therefore the person in charge of the  
15 children's home and the principal of the school.

16 **A. That is correct.**

17 Q. And other than what you picked up watching BR6, did you  
18 ever get any training of any kind to assist you to know  
19 how to deal with being the head of a children's home as  
20 well as head of the community?

21 **A. I had no training as such, but you pick up by**  
22 **experience, the nine years watching people and listening**  
23 **to people, how the -- what was entailed in running**  
24 **a home.**

25 I had also applied to a course in England, in

1        **Newcastle, during my time previous to taking over, but**  
2        **I wasn't accepted on that particular course. It was**  
3        **very -- one of the very few courses available at the**  
4        **time, but I was not accepted at that time to that**  
5        **course.**

6        Q. So you take over in September '71. Then, as the Inquiry  
7        heard me outline during the opening week, in 1973  
8        a separation was made between you as manager -- still  
9        head of the community, but as manager of the children's  
10       home and the principalship of the school, and it moved  
11       off I think to BR4 --

12       **A. That is correct.**

13       Q. -- who became the principal, and at that point those two  
14       roles were separated and remained separated effectively  
15       until the home closed.

16       **A. That is correct. I thought it was crazy that the two**  
17       **responsibilities should be put together, and I --**  
18       **I approached my Provincial and he said, "Well, okay. We**  
19       **will put BR4 in charge of the school and you can take**  
20       **charge of management of the home", 1973.**

21       Q. You continued in that then role as the head of the home  
22       and still the head of the community until October 1977,  
23       when you, aged 42, left to study in Dublin.

24       **A. That is correct.**

25       Q. It was -- you were doing those studies and in your final

1 year when the then Provincial, asked  
2 you to come back to Rubane in the wake of the police  
3 investigation into BR1.

4 **A. That is correct.**

5 Q. You did come back and, with a number of visits out  
6 I think to Rome possibly, you worked in Rubane and again  
7 as the head effectively of the home and the -- were you  
8 the Director of the Community again as well?

9 **A. I was Director of the Community as well, yes.**

10 Q. And you did that up to 1983.

11 **A. That is correct.**

12 Q. Then you moved on, and I think BR7 took on the role for  
13 a while, and then BR6 had a role as well as possibly BR5  
14 for a period of time.

15 **A. BR7 -- that was, let us say, one of my demands that**  
16 **I should have someone to help me in the management of**  
17 **the home, who had qualified -- who was qualified in**  
18 **child care. He had a Master's degree, and I -- that was**  
19 **one of my demands that he would come to the Rome -- to**  
20 **the home and assist me, and yes, BR5 also, he came as**  
21 **a houseparent in one of the chalet units, and he had**  
22 **a number of years' experience where he had been in St.**  
23 **Patrick's previously to that, but now he was retired and**  
24 **he had good experience of children in homes.**

25 Q. Then, as we can see from your CV, you went on to become

1 the Assistant Provincial and then the Provincial and you  
2 did that role for eight years in the Order. That was  
3 during Operation Overview, which covered '95, '96.

4 **A. That is correct.**

5 Q. What I want to do at the outset is try and, as I was  
6 explaining to you beforehand, try and keep this in  
7 a manageable form. The allegations that you face break  
8 into three broad categories. The first is a series of  
9 allegations that you sexually abused boys. Your  
10 position has been and remains that you never sexually  
11 abused any boy in your care ever.

12 **A. I never, ever sexually abused any boy in my care.**

13 Q. And those allegations that have been made against you  
14 have hurt you deeply and have taken a considerable toll,  
15 you having spent the last twenty years of your life  
16 having to deal with these types of allegations being put  
17 to you by police on a repeated basis.

18 **A. It has controlled my life the last twenty years.**

19 Q. You mention in your statement that it causes you to  
20 reflect on -- you believe you were doing your best for  
21 the kids in your care in the circumstances that you were  
22 in and it causes to you question whether it was worth  
23 your while spending all of those years doing your best  
24 as you saw it.

25 **A. If I knew then what I know now, I would be far happier**

1           **teaching in a normal school where I would not have to**  
2           **undergo all this situation.**

3    Q.   The second category of allegations, BR2, are of physical  
4           assault. I was discussing with you they generally break  
5           down, though not entirely -- and we will go through them  
6           so you can say what you want to say about them -- but  
7           they generally involve complaints about what might be  
8           termed corporal punishment, and your position you have  
9           set out both in your statement and across the range of  
10          interviews that you have done that corporal punishment  
11          was part of life in Rubane. It was lawful to engage in  
12          corporal punishment. It was not just Rubane where  
13          corporal punishment took place, because it happened  
14          across schools and was the norm or commonplace in the  
15          context of the time that we are dealing; that the  
16          administering of corporal punishment was not something  
17          you enjoyed, but you did view it as necessary on  
18          occasions to try and keep discipline in the home where  
19          you were working.

20    **A. I did administer corporal punishment, but not**  
21           **excessively.**

22    Q.   Is what I have said a fair summary of your position,  
23           that it was something that was part of life then; it was  
24           engaged in by the Brothers, by you, not necessarily  
25           something you wanted to be doing, but something that you

1 did do?

2 **A. I do agree with you.**

3 Q. You are aware from sitting through the evidence that on  
4 a number of occasions it is said that that corporal  
5 punishment went beyond what's commonly described as six  
6 of the best or three on each hand, but your position is  
7 you never exceeded the corporal punishment maximum and,  
8 in fact, generally weren't giving out six -- six of the  
9 best. Is that fair?

10 **A. Could you repeat that again, please?**

11 Q. Yes. You in administering corporal punishment didn't go  
12 beyond -- you said yourself you were not using it  
13 excessively. You didn't go beyond the six of the best  
14 and you didn't normally even give six hits.

15 **A. That is correct. The normal punishment may be two or  
16 three slaps, but beyond six, never.**

17 Q. And I want to pick up the word "slaps". I was saying to  
18 you beforehand it is important that we get the language  
19 correct. When you talk about slaps and when various  
20 references in your diaries and so on refer to slaps, you  
21 are not talking about slaps with the hand. That's  
22 a stroke with the cane you're referring to.

23 **A. That is correct, yes.**

24 Q. The third category then -- and we will go through again  
25 those physical complaints that are made -- the third

1 category are a number of allegations that another  
2 Brother had assaulted boys and that was brought to your  
3 attention, and the complaint was that you didn't do  
4 enough in essence about that. The investigation by the  
5 police was over withholding information, as they  
6 described it, but that's to do with BR18, and you in  
7 your statement have indicated that you did on a number  
8 of occasions have to speak to him about being overly  
9 aggressive with the boys.

10 **A. Yes, a small number of occasions.**

11 Q. We will come back to look at that later on and then  
12 again we will look at it further when we talk next in  
13 the week after next.

14 Now what I want to then do, BR2, is try and set the  
15 context for the allegations, because you are aware that  
16 in 1980 there was a major police investigation that took  
17 place in Rubane and that was generally to do with BR1,  
18 but you know that in addition BR77 was charged and  
19 convicted of assaulting boys, and DL509, a house parent,  
20 was involved in sexually abusing two boys and was  
21 convicted of that.

22 In 1980 there were 124 people spoken to by police.  
23 The point that you make is none of those boys made any  
24 complaint about you. While most of those boys may not  
25 have fallen within your time, because you left in

1           October '77 and didn't return until May 1980, at least  
2           some of those boys did cover your time, ie their time  
3           began prior to October '77.

4   **A. Yes. Some of them -- sorry.**

5   Q. And for some of them it postdated your return. Most of  
6           the boys were spoken to in April 1980. The point you  
7           make is for those boys who overlap with you, whatever  
8           the number of them are, they had no complaint to make  
9           about you. That's right?

10 **A. That is correct.**

11 Q. In 1995 then, when Operation Overview takes place and --  
12           you have case 29, which relates to Rubane, and file    of  
13           , of the 41 files that made up case    , related to  
14           you. It runs for 259 pages. Members of the Panel, it  
15           runs from 62113 to 62372.

16           Now at the point when you come to face dealing with  
17           this, BR2, you are 61. You are the Provincial of the  
18           Order. You also have to engage in the supportive role  
19           then for the others who face allegations themselves.

20 **A. Yes.**

21 Q. 150 people approximately, according to the police, were  
22           spoken to as part of that investigation. The reference  
23           for that, Members of the Panel, is 64150. Of that 150  
24           people who were spoken to, fifteen raise issues about  
25           you. We are going to deal with those now. At least

1 two -- I think it is two -- two of the fifteen  
2 individuals have come forward to the Inquiry. One of  
3 them before the Inquiry continues to make the complaint,  
4 but the other one, which we will come to, complains  
5 about other things and doesn't complain about you to the  
6 Inquiry.

7 But I am going to break these allegations into their  
8 three categories. I am going to deal, first of all,  
9 with the sexual allegations, then with the physical  
10 allegations and then with the not doing enough  
11 allegations.

12 So the sexual allegations. There are three of those  
13 that are made in 1995. The first of them is made by  
14 a boy called -- he is now called DL301. He would have  
15 been known to you as DL301. He was in the home between  
16 1968 and 1971. He says in his statement, which is at  
17 62137 -- and we will just look at this, please, 62137 --  
18 he says:

19 "On two occasions while in the home I was touched up  
20 by", you, "BR2, who was in charge of the new cottage in  
21 the home where I stayed. As far as I can remember the  
22 first occasion BR2 touched me one night that I wet the  
23 bed. I had got out of my bed and was in the toilet.  
24 I was naked. I was standing masturbating into the  
25 toilet bowl. The toilet lights were on. I was aware

1           that someone else was also in the toilet, as I could  
2           hear them breathing. When I finished in the toilet  
3           I turned round and saw BR2 standing beside me. I was  
4           embarrassed. I walked past BR2. I stopped beside him  
5           thinking he was going to speak to me, but he didn't. He  
6           smacked me on the bare bottom, but it wasn't really  
7           a smack, more of a pat. BR2 kept his hand on my bottom  
8           for what seemed like a minute before I ran off and got  
9           back into my bed. I find this very embarrassing to talk  
10          about. I was only 11 or 12 at the time. I was only  
11          playing about with myself."

12                 Then he goes on to describe a second occasion when  
13          he says you caught him masturbating in the bedroom along  
14          with other boys. He heard someone come into the  
15          bedroom, sat down on his bed. Couldn't see who it was,  
16          because it was dark.

17                 "When he started to talk to ..." --

18                 he knew it was you, he says.

19                 "He started to ask me personal questions about ..."

20                 playing with himself and what happened. He says  
21          this person put his hand on him outside bed covers.  
22          Then he moved away.

23                 Now you say you never touched this boy at any time,  
24          but you can also go further than that and have explained  
25          to the Inquiry that this boy was one of a number of boys

1 that you had suspicions about him interfering with other  
2 boys in the home, and you point out at RUB1939 and then  
3 moving on to 1940 that he was transferred out of the  
4 chalet he lived in because SR32 wouldn't have him there  
5 any longer, because he was interfering with boys. So  
6 you had to move him in effect. Do you remember doing  
7 that?

8 **A. That was after the summer. He had gone back to Scotland**  
9 **on his summer holidays, and SR32 approached me and said**  
10 **she could not have that boy in her chalet anymore. So**  
11 **he was transferred to the house, where possibly he would**  
12 **be under closer supervision.**

13 Q. You recall an incident in the main house when you caught  
14 him and another boy, whom you name as DL315, in the  
15 toilet interfering with each other. You reprimanded  
16 them about that and sent them back to their bed.

17 **A. That's correct.**

18 Q. We will pick this up in more detail when we next speak,  
19 but had you been given any assistance or instruction as  
20 to how to deal with boys who were interfering with each  
21 other?

22 **A. There had been talk among the staff around that time,**  
23 **and 1970/'71 [REDACTED] DL 140 [REDACTED] was engaged in that.**

24 Q. You have made reference -- you have given the references  
25 to [REDACTED] DL 140 [REDACTED] involvement in your statement.

1 A. I may have, but as regards guidance, well, we had no  
2 real guidance, but if we suspected something, we  
3 would -- I would warn the boys about it. I did not give  
4 any counselling about it, because we were told by our  
5 Provincials at various times that as regards sexual  
6 guidance or education we were not to do that. That was  
7 not our purpose to do that type of thing, guidance. We  
8 left that to the chaplain in the home at the time.

9 So as regards that particular incident I did not  
10 give any guidance to DL315 or DL301. DL301 was due to  
11 be discharged from the home at that time. So there was  
12 no point in warning him or telling him about his  
13 activity, because he knew about it already, because SR32  
14 was aware of it and that was her method of dealing with  
15 it, to send him to the house for closer supervision.

16 Q. So you kept an eye on him.

17 A. We --

18 Q. If at any stage you found them engaging in that type of  
19 behaviour, then you reprimanded them --

20 A. Correct.

21 Q. -- and told them to stop and get back to their bed.

22 A. And for some boys we would have asked Dr Macaulay, the  
23 psychiatrist, to counsel them as well.

24 Q. Just in fairness to you, BR2, HIA56, who gave evidence  
25 to the Inquiry -- he's HIA56 -- he said in paragraph 35

1 of his statement, if we just look at that, please, at  
2 529, where he -- the second sentence -- DL301 is named  
3 as one of the two black marks in the first sentence  
4 and in the second sentence that is DL301 that is being  
5 described.

6 The point you make is that at no time -- you don't  
7 remember ever watching him in the chalet and you make  
8 the point that you were not, other than an occasion you  
9 might have been covering for someone, not going to be in  
10 the chalet necessarily. You were in the main house, or  
11 at this time do you think you would have been in the  
12 chalet?

13 **A. I was in the chalet from 1969 to 1971 --**

14 Q. So --

15 **A. -- when I assisted SR32.**

16 Q. So it's possible you would have lived in the chalet that  
17 he was in for a period of time?

18 **A. I was not in the same chalet as he was. HIA56 was in  
19 chalet 1 and I was attached to chalet 2.**

20 Q. It is my fault, BR2, for confusing you. DL301, were you  
21 in the chalet that he was in?

22 **A. I was, yes, chalet 2.**

23 Q. But the point you are making is you never caught him  
24 interfering with himself in that chalet. You caught him  
25 interfering with himself and another boy in the main

1 house.

2 **A. That is correct.**

3 Q. You had yourself never caught him interfering with  
4 himself or others in the chalet.

5 **A. I never saw him or never came across him interfering  
6 with any other boy in the chalet, chalet 2.**

7 Q. Or with himself?

8 **A. Or with himself.**

9 Q. And you were being told that by SR32 and that's why he  
10 then got moved, because she was saying that, "He can't  
11 say here any longer".

12 **A. That would be probably the correct ...**

13 Q. And the point you make is you never had any sexual  
14 involvement with this boy at any time.

15 **A. Absolutely not. Absolutely not.**

16 Q. Now the second individual who made a sexual allegation  
17 in 1995 was DL213. He was in the home between 1970 and  
18 1974. His statement that he made at the time is at  
19 62199. I am just going to summarise it in this way,  
20 BR2. If I don't characterise it correctly, you can add  
21 to it or correct me. He alleged that he was beaten by  
22 numerous Brothers on numerous occasions and describes  
23 being essentially gang raped is the words I think he  
24 uses on the farm by three or four Brothers, including  
25 you.

1           The police took the view that his allegations were  
2           not even considered believable enough to ask you about  
3           them. They, in fact, didn't ask you about them. Is  
4           that a fair summary of what took place with his  
5           allegations?

6   **A. That's my belief.**

7   Q. His allegations also formed an additional file within  
8    Operation Overview, case       , and that was file       of  
9       . It runs from 64127 through to 64148. The view that  
10   the police expressed -- and I am just going to summarise  
11   it here -- is that nowhere in the investigation -- and  
12   this is according to the police and their assessment at  
13   the time -- nowhere in the investigation has anyone with  
14   any credence alleged that the Brothers acted in concert  
15   with one another and that three or four Brothers --  
16   three of the four Brothers who he was identifying had  
17   never been accused by anybody else of buggery.

18           The superintendent went as far -- we can just look  
19   at this, 64148. We can see what view he expresses about  
20   the individual and then that the complaints are  
21   fabricated.

22           The DPP, when given the file, directed no  
23   prosecution in respect of this individual. That's at  
24   64128.

25           Then you deal with this at paragraphs 68 and 69.

1 Just pull that up. 1941, please. Scroll down, please.  
2 You make the point that the story that -- he says this  
3 happened in the derelict farmhouse and the point you  
4 make is at the time he is in Rubane that farmhouse is  
5 not derelict. That's, in fact, where individuals lived.  
6 It was originally I think the chaplain lived there and  
7 then other families who worked in the home lived there.

8 **A. The chaplain lived there and a family called**  
9 **lived there.**

10 Q. You say you were interviewed about those matters in  
11 August 2012 and you deny having anything to do with the  
12 allegations that he makes. That's correct?

13 **A. That is correct.**

14 Q. The third set of sexual allegations that are made in  
15 1995 relate to **HIA 256** Now he was in the  
16 home in 1983/1984. So the context of this in terms of  
17 time is a period after there has been a major police  
18 investigation. BR1 has been suspended for alleged  
19 sexual misconduct with boys and BR77 has been convicted  
20 of assaulting boys and DL509 has been convicted of  
21 sexually abusing boys. So the allegations this  
22 individual makes are what he says took place after that  
23 set of events.

24 One of the points that you make is this was a place  
25 now where there was great notice of the type of

1 difficulty. Social workers were heavily involved, and  
2 his description of what he says took place you find  
3 difficult to believe, aside from you having no  
4 involvement in it, but what he says took place, and I am  
5 just going to summarise it, if I may, in this way, that  
6 a person he says was a teacher but also a farm -- also  
7 worked on the farm, and he identifies that person  
8 ultimately via images that are put together for him to  
9 see. He picks you out and says that's you, although you  
10 never had black hair. Am I right in saying that?

11 **A. That's correct.**

12 Q. It was always --

13 **A. I was fair-haired.**

14 Q. -- fair coloured and perhaps a ginger tinge to it, but  
15 certainly not black, but the police analysed his  
16 evidence at 62123. Can we just pull that up, please?  
17 62123. They set out in detail the allegations that he  
18 makes, which he says take place in the gym but also on  
19 the farm. You point out that you were only in the home  
20 for a short period when he was there, because you had  
21 been -- you had gone off. You had finished in 1983 and  
22 moved off.

23 **A. In January of 1983 I went to Rome for a course, which**  
24 **lasted until the end -- until 15th May, and then for two**  
25 **weeks I was given permission to do a little tour around**

1           **Europe with other people, and I did not arrive back to**  
2           **Rubane until May -- 1st June to take up duties again.**

3   Q.   You didn't remain much longer in Rubane after you came  
4       back.  Is that --

5   **A.  Until about the end of August.**

6   Q.   So you are there for a very short window that crosses  
7       over with this boy's time.  You don't have any  
8       particular memory of him?

9   **A.  I have no -- I have no recollection of him at all.**

10  Q.   The point you make that is you -- did you ever work on  
11       the farm in Rubane?

12  **A.  I never worked on the farm.  I had too much to do.**

13  Q.   I was asking you who might have been on the farm at that  
14       stage, and you thought it would have been either BR18 or  
15       BR23, but it certainly wasn't you.

16  **A.  It certainly was not me.**

17  Q.   And your feeling is, whatever the record shows you that  
18       I was looking at this morning with you, you think BR18  
19       had already moved elsewhere.

20  **A.  I believe he moved in 1980.**

21  Q.   And that's something that the Order can check.

22  **A.  I think.**

23  Q.   Because I showed you the record and it has him being in  
24       Rubane until '86, but your recollection is that he moved  
25       on and BR23 took over doing the farm duties.

1 **A. Well, I am certain that BR18 had no duties with the boys**  
2 **in the home at that stage.**

3 Q. If he was doing anything, it was farming.

4 **A. Yes.**

5 Q. And the other point that you make is that when you  
6 returned, you weren't teaching in the school.

7 **A. No, I was not teaching in the school, no.**

8 Q. You hadn't taught in the school from effectively 1973.

9 **A. That is correct.**

10 Q. When you come back -- after you had left in '77, when  
11 you come back in '80, for that period that you are  
12 there, with that break for Rome at the start of '83,  
13 that's running the children's home, not teaching in the  
14 school.

15 **A. I was not teaching in the school any time from 1980**  
16 **onwards.**

17 Q. The point -- we have covered the general point about you  
18 not engaging in sexual abuse of anyone. Again the  
19 police directed no prosecution in respect of this.

20 What I want to do then as long as I have covered --  
21 is there anything else you want to say about  
22 those --that set of three sexual allegations? You were  
23 very upset when they were made at the time, having to  
24 deal with them. They were untrue, and is there anything  
25 else that I haven't covered that you want to say about

1           them?

2   **A. I think you have covered everything. I just could not**  
3   **believe when those allegations were put to me. I just**  
4   **could not believe it.**

5   Q. What I want to then do is look at the set -- second set  
6   of '95 allegations, as I am calling them, which is the  
7   eight physical allegations that are made.

8           The first one is by a boy called DL274. If we look  
9   at -- he was in the home between '68 and '70. Can we  
10   bring up 62136, please? If we -- most of these, BR2,  
11   have a helpful mark down the right-hand side that takes  
12   us to the area where you are being talked about. So you  
13   can see the faint -- someone has taken a marker and then  
14   that's copied and that shows you the area that we are  
15   looking at.

16           "I remember getting a beating from BR2. He used  
17   a stick and a strap."

18           So his reference to beating seems to be about  
19   corporal punishment.

20           "The talk was the leather strap had pennies down the  
21   centre of it and this is what we were told by other  
22   inmates."

23           I think "inmates" is the word the police used to  
24   describe the boys in Rubane in the various statements in  
25   1995.

1           You did engage in corporal punishment, but you used  
2           a cane.

3   **A. That's the only thing I used was a cane.**

4   Q. So if you hit him, it is the reference to the stick that  
5       would apply to you?

6   **A. Yes.**

7   Q. You didn't use a strap?

8   **A. I did not use a strap.**

9   Q. But you are aware that other Brothers did have and used  
10       a strap?

11   **A. They may have used a strap, yes.**

12   Q. And can you remember this particular boy and what he is  
13       describing or does it have no particular --

14   **A. I have absolutely no -- no memory. I have got a very**  
15       **vague, vague memory of DL274. I think he may have been**  
16       **in my class for a short time, but I've got absolutely no**  
17       **memory of him. I think he was -- he was okay. He had**  
18       **no -- I had no problem with him, but it's only a vague**  
19       **memory I have.**

20   Q. You deal with it at paragraph 54 of your statement,  
21       which is on 193. I will not bring it up, but what you  
22       say is:

23            "He was a good boy. I used a bamboo cane when  
24            I administered corporal punishment."

25            You don't believe any Brother used a leather strap

1           which had pennies down the centre of it. There were  
2           leather straps used, but none you are aware of had  
3           pennies in them.

4   **A. Not at all. That's a myth that grew up.**

5   Q. The second physical allegation seems to be of a similar  
6       ilk. That involved DL64. He was in the home between  
7       1971 and 1975. If we can look at 62141, please, he said  
8       the place was ruled by fear. You would accept, BR2,  
9       that it was a place of trying to discipline. It was  
10      a disciplined regime. Is that fair?

11   **A. It was a strict regime. It had to be strict, because of**  
12      **the type of -- some of the boys who came into the home**  
13      **were very, very difficult, and it had to be strict. The**  
14      **regulations had to be strict, yes.**

15   Q. And one of the points you were making to me earlier is  
16       generally the higher level of corporal punishment, when  
17       it got to six slaps, that related to when the boys had  
18       generally run away and broken into places in the  
19       locality as opposed to just running away.

20   **A. That would be correct. The vast majority of the**  
21      **punishments were due to abscondings and breaking into**  
22      **local shops, local houses generally, yes.**

23   Q. I was asking you earlier whether -- we will come to  
24       a particular incident about it -- whether this was  
25       generally done in front of others, and you made the

1 point to me you are aware that BR6, your predecessor,  
2 would on occasion have administered corporal punishment  
3 in the assembly hall in front of other boys.

4 **A. That would have been correct.**

5 Q. That could have been as well as the hand a cane on the  
6 bottom.

7 **A. A cane on the bottom, but very, very rarely.**

8 Q. But never a naked bottom?

9 **A. Never, oh, never.**

10 Q. And your caning you tended to do not in front of people?

11 **A. That would be the general way I would punish boys, yes.**

12 Q. Is it possible on occasions it might have been done in  
13 front of other boys, but that was not the normal  
14 process?

15 **A. Well, if there was a group of boys who ran away,  
16 absconded and came back, then I would have caned them  
17 together as a group, not as individuals.**

18 Q. What he is saying here is he uses the word "leathered"  
19 numerous times by Brothers and he names a series of  
20 Brothers that he says did this, including BR6 and  
21 yourself. He says one Brother always took his trousers  
22 down before beating him.

23 You say as to that in your statement at 1940 he may  
24 have received corporal punishment. You don't have any  
25 particular recollection of it. Is that --

1 **A. Sorry. Again.**

2 Q. DL64. You don't have any particular --

3 **A. No, I have got no specific recollection of him being**  
4 **punished.**

5 Q. I was asking you earlier -- you kept a diary for  
6 a certain period of time and in that diary there are  
7 various references to certain boys being slapped, as it  
8 was written at the time. So corporal punishment is  
9 being administered. You can't be sure that every time  
10 you engaged in corporal punishment it was recorded, but  
11 that generally was your operation, that if you had  
12 engaged in corporal punishment of someone, then you  
13 would record it in your diary.

14 **A. I generally recorded every punishment that**  
15 **I administered in my diary. Last thing at night I would**  
16 **jot down notes that happened -- things that happened**  
17 **during the day, and if I punished a boy, I would jot**  
18 **that down in my diary at night-time.**

19 Q. Another allegation is made then by a DL286, who was in  
20 the home between 1971 and 1973. If we look at his  
21 statement at 62143, please, he is the third of this  
22 group of eight physical allegations. Towards the bottom  
23 of the statement you can again see the black mark, the  
24 faded black mark, on the right-hand side, BR2. He says:

25 "While I was at De La Salle I was subject to

1 numerous beatings by different Brothers. The ones who  
2 gave me the most serious beatings was BR2 and BR3."

3 So that's BR2 and BR3. Now at his time, '71 to '73,  
4 you would still have been both the head of the home and  
5 the principal of the school. So generally any corporal  
6 punishment would have been done by you.

7 **A. That is correct.**

8 Q. But is it possible other teachers in the school might  
9 have themselves engaged in corporal punishment in the  
10 classroom? I think you will recall BR77 was saying, you  
11 know, each teacher --

12 **A. Well, at the time it was accepted that teachers could**  
13 **use corporal punishment. It was common over many, many**  
14 **schools throughout the country, normal schools as well**  
15 **as residential schools, and teachers on occasion would**  
16 **use corporal punishment within their own classes, yes.**

17 Q. Just bear with me for a moment, BR2, please. You deal  
18 with -- I will come back, BR2, as to just precisely  
19 where in your statement you deal with him, because there  
20 is another **NL 26** mentioned in your statement from  
21 a different perspective, which is a **NL 26** but  
22 this is a DL286. You have no particular recollection of  
23 an incident -- any incidents involving this boy, but if  
24 he is complaining about corporal punishment, then yes,  
25 it is possible you would have given him corporal

1 punishment.

2 **A. I think I had a couple of notes in my diary that related**  
3 **to this boy where he had absconded with a group of other**  
4 **boys and I did punish them.**

5 Q. It may be that that's what I was looking at in your  
6 statement. I will just show you it and you can see if  
7 it is the same person. If we look at 1938, please.  
8 I am not convinced, BR2, this is the same DL286. It is  
9 definitely a **NL 26** you are addressing here. The  
10 statement refers to a previous police statement. So we  
11 can clarify that, and obviously you have the benefit or  
12 lack of it of having to come back and talk to me again.  
13 So we can look at that again, if needs be. You  
14 certainly recollect and have recorded giving corporal  
15 punishment to a boy called **NL 26** who ran away  
16 with others.

17 **A. On one occasion.**

18 Q. On one occasion.

19 The next allegation of physical complaint is made by  
20 HIA41, who is a witness to the Inquiry, and I am going  
21 to leave dealing with that until I come to deal with his  
22 part of the Inquiry witnesses that I deal with, except  
23 to say that one of the points that you make is the  
24 contrast between what he says in his 1995 police  
25 statement about what happened and what he then has said

1 after 2010 and to the Inquiry about the event.

2 You yourself do have a recollection of one matter  
3 involving him when, because he was out of bed at night  
4 when he was not supposed to be, you made him stand in  
5 the corridor for ten minutes, but you -- we will come  
6 back -- and you deal specifically with the allegations  
7 as they became more serious. So we will come back to  
8 that.

9 The next one that I want to touch on is **DL 284**  
10 **DL 284**, who was in the home in 1970. What he  
11 says -- I am not going to bring up his statement -- he  
12 said to the police, and it is at 62177, that you had hit  
13 a boy whose nickname was "DL271", DL271 from Derry, with  
14 a hurley stick and that knocked him out. The police did  
15 not put that to you at interview, because DL271 himself  
16 had no complaint to make about you or his involvement  
17 with you.

18 I was asking you whether -- you did play hurley with  
19 the boys at times and I was asking whether you could  
20 recollect, as might happen in a sports game, somebody  
21 getting hurt at some stage. You don't recollect that  
22 happening at any time when you were playing hurley with  
23 the boys?

24 **A. I was very interested in hurling and got the boys**  
25 **engaged in hurling, because they could meet teams**

1 outside, and, of course, from time to time boys did get  
2 hurt. They could get a crack across the knuckles from  
3 the hurley stick, but they might get a crack on the  
4 head, you know, because they didn't wear helmets in  
5 those days, but I have absolutely no recollection of  
6 hitting DL271, DL271, and him becoming unconscious.  
7 **Absolutely not, no.**

8 Q. Certainly he has never made that complaint about you.

9 The next one that I want to deal with is **DL 307**  
10 **DL 307**. He was in the home between June and  
11 August 1975. Now again what he talks about, if we can  
12 look at 62179, please, he says:

13 "I can remember another occasion when BR2 came into  
14 the chalet one night. He thumped me and a couple of  
15 other lads with a cane because we were talking instead  
16 of sleeping. I remember it was very sore at the time.  
17 It was really very petty and to me it was a form of  
18 cruelty. It was only about 10 o'clock at night and we  
19 were lumps of lads of 14 and 15 years of age."

20 Now as to that you explain in paragraph 64 of your  
21 statement, and that's at 1941, that he was in a chalet  
22 and you were in the main house at this point in time.

23 **A. That is correct.**

24 Q. But it is possible that you might have been covering for  
25 somebody and been in a chalet and come across this guy

1 and -- but he is describing again corporal punishment.

2 Is that fair or do you think that this probably -- he  
3 has mistaken you for somebody else, if he is correct  
4 about what happened?

5 **A. Well, he must be mistaken, because I never had any**  
6 **occasion to go over to the chalet that he was living in**  
7 **at that hour of the night. There would have been**  
8 **a Brother or the care staff in the chalet at that time,**  
9 **10 o'clock. They would probably be going to bed at that**  
10 **time, and I had never any occasion to go over to that**  
11 **particular chalet, chalet 4. He was in that particular**  
12 **chalet, and never -- no, I had never any occasion to go**  
13 **over there.**

14 Q. Is it possible that what he is describing might have  
15 been done by another Brother as punishment for him -- it  
16 is the sort of thing that corporal punishment might have  
17 been administered for. Is that fair?

18 **A. Well, I guess it's possible. It is possible.**

19 Q. The next individual that I want to deal with, BR2, is  
20 DL116. He has given evidence to the Inquiry, as you  
21 know. I am going to deal with his aspect here, because  
22 it is not relevant to what comes after from him. He  
23 said to the Inquiry -- sorry. He said to the police,  
24 and that's at 62184, that he witnessed his brother,  
25 DL198, being attacked with a crowbar, and he included

1       you amongst others in that attack.

2               The point that comes out of the police papers is  
3       that DL198, who himself made statements to the police  
4       about what he alleged happened to him in Rubane, he  
5       makes no mention of this incident or any difficulty with  
6       you, and the reference to that, Members of the Panel,  
7       can be found at 62186 through to 62188 and then 62189  
8       through to 62192. Those are his, as in DL198's,  
9       statements, which don't make any reference to BR2.

10              The point you make with this is you don't believe  
11       there was ever a crowbar you recall. There might --  
12       would there have been one down on the farm possibly?

13   **A. Well, I guess there would have been a crowbar down in**  
14   **the farmyard as long as -- along with other implements**  
15   **as well, but that never happened.**

16   Q. You never used a crowbar to hit a boy at any time?

17   **A. It would take me all my strength to lift a crowbar. No,**  
18   **I never used a crowbar to hit any boy.**

19   Q. The final allegation that forms part two, as it were,  
20       the physical allegations, are made by a DL202. He was  
21       in the home between 1963 and 1969. He says that another  
22       boy called **DL 201** was beaten until he passed out  
23       for running away. Now his statement is at 62197.

24              You deal with this at paragraph 67 of your  
25       statement. If we can go to 1941, please. This is said

1 to have involved you and BR6. The boy himself doesn't  
2 make any statement of complaint. That's the point you  
3 make. You go on to say he identifies another series of  
4 boys that he says were assaulted and none of them have  
5 any complaint to make. You simply -- you don't accept  
6 that you had anything to do with -- if he was punched  
7 and kicked, you don't think that happened, but if it did  
8 happen, it certainly had nothing to do with you.

9 **A. I reject that allegation completely.**

10 Q. The point you make is there is no record -- you don't  
11 have a record of him absconding, but, as I said to you,  
12 it is possible he might have absconded and not be in  
13 your diary, but your general approach was that you would  
14 keep a record if he did.

15 **A. Well, I did not keep a record before 1967. So it would  
16 not have been in my -- any diary.**

17 Q. So it wouldn't have been in any diary. You don't have  
18 a recollection of it?

19 **A. No, absolutely not.**

20 Q. So that concludes the second category, BR2, of the '95  
21 matters. Do you want ...?

22 CHAIRMAN: Well, I think it might be appropriate to take a  
23 five-minute break at this stage, ladies and gentlemen.

24 (12.00 noon)

25 (Short break)

1 (12.15 pm)

2 MR AIKEN: BR2, before the break I had finished the second  
3 set of three areas that arose from the 1995  
4 investigation. I am going to deal now with the third  
5 area, which are four complaints about boys who say they  
6 were assaulted and then you being told about it, and  
7 three of those four relate to assaults that are said to  
8 have been carried out by BR18 that were then reported to  
9 you, and then an assault against a boy by BR77 which is  
10 said to have been reported to you.

11 I am going to deal first, although it is last in  
12 time, with the allegation that relates to BR77. You  
13 heard him give evidence the other day. This complaint  
14 relates to [REDACTED] DL 119 [REDACTED] DL 119 was in the home  
15 between September '76 and May '77. So that's -- he  
16 comes at the same time as BR77 comes and he is there  
17 until May '77, so during your last year before you move  
18 off to Dublin.

19 What he says, if we look at 62150, please -- and  
20 again, BR2, you will see the right-hand side has a mark  
21 where the felt tip has been drawn down. He describes:

22 "Another reason I didn't tell anyone is I was given  
23 a hiding at the home by BR77, who assaulted me with  
24 a large bunch of keys. I went to the Head Brother, BR2,  
25 and told him about it and he told me not to be stupid."

1           Then he says he started to avoid another Brother.  
2           Now BR77 accepted he did have a bunch of keys, but he  
3           didn't believe he assaulted a boy with a bunch of keys,  
4           but that's what this boy says took place. What I want  
5           to ask you is whether you have any recollection of a boy  
6           telling you ever about BR77 hitting him?

7   **A. I have absolutely no recollection of a boy coming to me**  
8   **about BR77 during that first -- last year or the first**  
9   **year that he was on the teaching staff. I have no**  
10   **recollection, and I would not call a boy "stupid"**  
11   **either.**

12   Q. I want to just unpack that a little with you. You know  
13   that after you left BR77 engaged in three incidents in  
14   '79 and '80 where he split, if I use colloquial terms  
15   for it, he split boys and was convicted of that. Did  
16   you -- you never heard any complaint about him during  
17   your year before you moved off?

18   **A. I had heard no complaint about -- about him.**

19   Q. BR3 didn't speak to you at any stage about him?

20   **A. BR3 did not speak to me about him.**

21   Q. And you have no recollection of ever being told by a boy  
22   that he had been hit by any Brother with a set keys?

23   **A. Never.**

24   Q. Now --

25   **A. All I would say about BR77 is he was a strict person,**

1           and there was an occasion when I myself went with him on  
2           outdoor pursuits up in the Mourne Mountains, and while  
3           he was strict, he had to be strict, but I never saw him  
4           abuse any boy physically. He might have said stern  
5           words to a boy for running ahead or something like that,  
6           but -- because safety was of prime concern on the  
7           mountain, but as regards physical abuse, I never  
8           witnessed anything like that from BR77.

9    Q.   The three individuals who complain about BR18 -- now in  
10       relation to BR18 you have already said to the Inquiry in  
11       your general statement that you had to speak to BR18  
12       about being overly physical with boys. The first is  
13       a HIA73, who was in the home in 1971. We can look at  
14       62146, please. Again, BR2, you will see down the bottom  
15       right of the page the black mark or what was a black  
16       mark. He said:

17                "I was coming out of mass one Sunday. A fire  
18                extinguisher which was at the door was hit by someone.  
19                It was wobbling from side to side. BR18 thought it was  
20                me that hit it and he punched me in the head. Because  
21                I had been hit in the wrong, I argued with him and he  
22                got laid into me, punching me at my head five or six  
23                times. I think it was [another boy] that stopped the  
24                beating and I think reported ..."

25                I think that is DL115.

1 "I think it was DL115 that stopped the beating and  
2 I think reported this to BR2."

3 He then says:

4 "There was a great number of boys beaten by BR18 for  
5 the least thing."

6 Now do you -- you say in paragraph 61 of your  
7 statement at 1940 that you don't believe this particular  
8 incident involving BR18 was reported to you, the one  
9 involving HIA73.

10 **A. I do not remember that being reported to me, and on top**  
11 **of that if we were coming out of the chapel after mass,**  
12 **I myself would have been there and I would have rec...**  
13 **-- I would have seen what was happening. I did not see**  
14 **any incident of that sort, but maybe it was some day**  
15 **that I was not at mass myself.**

16 Q. If I turn it round, BR2 -- and we will pick this up  
17 again Monday week to a degree -- but the people that  
18 BR18 did hit that you then had to speak to him about,  
19 can you remember now who they were?

20 **A. I don't remember the names of the boys.**

21 Q. But it was more than one boy that you had --

22 **A. There could have been maybe two or three boys who came**  
23 **to me.**

24 Q. And at the time -- the point you were making to me  
25 earlier, the time -- the context of the time in which

1       you are living when this is happening, the way in which  
2       this type of thing was dealt with was not to be ringing  
3       the police or the Social Services. You spoke to the  
4       Brother and told him to wind his neck in, to use  
5       a colloquial phrase, to not be doing it.

6       **A. They would be the words that I would use. I would have**  
7       **told him, "This is not" -- this was not allowed. "It is**  
8       **not permitted to hit boys like this", but I would not**  
9       **have reported it to the police or the Welfare. If it**  
10       **had been a very serious allegation or a serious**  
11       **complaint, if a boy had been marked in any way,**  
12       **I would -- I would definitely have recorded it and taken**  
13       **it further, but when boys came to me and says, "I was**  
14       **hit by BR18", I would have taken it for granted that he**  
15       **gave them a clout, or a wallop, or a slap or something**  
16       **of that nature, and it was dealt with internally.**

17       **Q.** It looks from the records that BR18 came in 1971, so  
18       before your -- just as you are becoming the Director of  
19       the Community, and it seems he remained there at least  
20       until 1980 according to your recollection and according  
21       to the Order's records possibly 1986. At no stage --  
22       did you raise it with the Provincial, that, "Look, BR18  
23       is hitting out here and we have got to get this  
24       stopped"?

25       **A. I cannot remember mentioning his name in particular, but**

1           when the Provincial came and asked me about the  
2           Brothers, how were they getting on, I could have  
3           mentioned that BR18 was having a rough time from the  
4           boys, or it could be any other Brother, but I have --  
5           I have got no recollection of saying that BR18 was over  
6           the top.

7    Q.   Well, the occasions when you spoke to him, presumably  
8           those were occasions when you thought he was over the  
9           top. You had to --

10   A.   Well, if it was over the top, I would have recorded it.  
11           If he had marked a boy, I would certainly have taken it  
12           further.

13   Q.   Do you mean by that that the clouting or walloping or --  
14           I think in this context you are using "slap" as meaning  
15           with the hand as opposed to the cane --

16   A.   Yes.

17   Q.   -- that was not treated with great significance? It was  
18           not regarded as a serious thing that needed to be  
19           escalated?

20   A.   Well, I'm trying put it into the context of the times.  
21           When teachers in schools -- if a boy was misbehaving,  
22           you could come along and give him a slap on the back or  
23           a slap on the ear or something of that nature. It was  
24           a common practice in those days, but if it was excessive  
25           or if it was -- if it marked a boy, then certainly it

1        would be quite serious, but at the time, the times we  
2        were in, '60s and '70s, many teachers -- not so much  
3        care workers I guess -- but for teachers it would be  
4        a common practice almost that they would come along and  
5        give a warm ear to someone or slapped them -- give them  
6        a punch or whatever.

7    Q.    It is not something that was taken to the governing  
8        board. You don't remember -- it is certainly not in  
9        the minutes -- you don't remember ever discussing with  
10       them, "There's a Brother here that's hitting the boys on  
11       occasion"?

12   A.    **No, it was never brought to the governing board. It was  
13        dealt with internally on a day-to-day management.**

14   Q.    We will pick that up again in relation to a wider  
15        systems issue whenever we come back Monday week, all  
16        being well. That is HIA73.

17        I will not have to cover the same ground with you,  
18        but DL309 was in the home then between 1972 and 1974.  
19        If we look at 62201, please, he says:

20        "The only thing that ever happened to me was that  
21        I got a bad beating from BR18. I was waiting for BR2  
22        outside the main door of Rubane House. BR18 arrived and  
23        for no reason he became abusive towards me. I spoke  
24        back to him. I wasn't cheeky or anything. I just told  
25        him that I was waiting to get dinner money from BR2. He

1 dragged me inside and down the stairs. He held me by  
2 the hair and punched me three times in the face, once on  
3 the nose and twice on the mouth. At one stage he pushed  
4 down my head in an effort to knee me in the face.

5 I resisted by pushing back. I told BR3 what BR18 had  
6 done to me. He just said I deserved it. I eventually  
7 told BR2 the following day and I believe he might have  
8 spoken to BR18, but I heard nothing more about it. My  
9 nose was swollen for a few days -- my mouth was swollen  
10 for a few days and my nose was swollen for almost two  
11 weeks. I didn't receive any medical attention."

12 Now you say in paragraph 71 of your statement at  
13 1942 that you have no memory of this particular  
14 incident.

15 **A. I have no memory of that particular incident, but I do**  
16 **have somewhere in my diaries where DL309 -- DL309 we**  
17 **called him -- DL309 -- I forget now the actual incident,**  
18 **but I had to reprimand him myself up in the office**  
19 **upstairs, and he began screaming and shouting and he ran**  
20 **down the stairs. I didn't touch him now. I didn't**  
21 **touch him, and he ran down the stairs and tried to**  
22 **abscond, and one of the members of staff brought him**  
23 **back. Now he attended -- that boy attended the**  
24 **Portaferry School and -- but he possibly may be mistaken**  
25 **about BR18. I'm not sure, but I have no recollection of**

1           **that particular incident that he mentions.**

2    Q.   If he was -- if he was telling the truth as to what  
3           occurred, that's -- BR18 and what's described are  
4           punches, that's not acceptable in your description, as  
5           I understand it. This is a guy who ended up with  
6           a swollen mouth and nose. That wouldn't be the --

7    **A.   That would not be acceptable, but I've absolutely no**  
8           **recollection of it happening.**

9    Q.   And is this an example where might you have escalated it  
10           beyond the home or was this you still would have  
11           reprimanded BR18?

12   **A.   Oh, I would have got reports from BR18, his version of**  
13           **what happened, and I would have got a report from DL309**  
14           **as well, and certainly I would have brought that to the**  
15           **Provincial, first of all. Now whether I would have**  
16           **done -- sent that to the Social Services or not, I'm not**  
17           **quite certain at this stage. I probably would have**  
18           **brought it to Father McCann, because he was a member of**  
19           **the Board of Governors and he was a regular caller to**  
20           **the home to help me and advise me, etc.**

21   Q.   We will pick that up again in the systems issues the  
22           week after next.

23           The third of the three that relate to BR18, and this  
24           makes the fourth of the four, was **DL 310** and he  
25           was in the home between 1971 and 1974. If we look at

1 RUB62203, please, he says:

2 "I stayed at De La Salle in '74. During my stay  
3 I was assaulted by BR18 for smoking in the toilets. He  
4 punched me on the right eye. I never received any  
5 treatment for the injury, though. I reported this  
6 assault to BR2, who contacted the Social Services."

7 Now you say of that, BR2, in paragraph 71 at 1942  
8 you don't have any recollection of this particular boy,  
9 this particular incident or being told about what BR18  
10 is said to have done.

11 **A. No, I've got no recollection of that incident.**

12 Q. That's why I was saying to you, because you know you did  
13 speak to him about hitting boys, what -- what was it  
14 that he had done that you could recall telling him off  
15 about? Maybe you can think about that over the next ten  
16 days or so. It may be something comes back to you. It  
17 may not.

18 Those are the four matters that make up the third  
19 category of the 1995 Operation Overview complaints.

20 Again the police spoke to you. You did lengthy  
21 interviews, and I have given the references to the Panel  
22 already, on 31st July 1995 and 27th June 1996. On 28th  
23 January 1997 then the police recommended no prosecution  
24 in respect of you and that's at 62132. That was  
25 followed up when the file then went to the DPP on 12th

1 February 1997. The DPP also directed no prosecution.  
2 That's at RUB62372.

3 There the matter rested. You finish off your term  
4 as the Provincial based in Dublin. Then from 2010  
5 onwards what's known as Operation Charwell -- which was  
6 not just focused on Rubane; it's a very wide police  
7 Inquiry into sexual and physical abuse involving  
8 children -- and that led to eleven individuals speaking  
9 or making statements to the police in various forms,  
10 ordinary statements as this type we have been looking at  
11 and what's called ABE interviews, very long matters that  
12 are recorded on video that are then transcribed. Nine  
13 of those individuals have come forward to the Inquiry.  
14 I am going to go through that material with you now.  
15 Again I am going to break that into -- I said nine.  
16 I am going to deal with ten individuals with you over  
17 the next while. We will take a break for lunch and  
18 finish this off after lunch as necessary.

19 Again I am going to break it into two categories.  
20 So I am going to deal, first of all, with the  
21 allegations of sexual abuse that are levelled against  
22 you and that is by five individuals. I am going to deal  
23 with each of those in turn.

24 The first one that I am going to deal with is HIA26,  
25 who is HIA26. He was in Rubane between October '64, so

1 round the same time that you arrive, and June 19'70. He  
2 didn't attend to give evidence before the Inquiry and  
3 provided medical evidence as to why. He alleged -- we  
4 will just look at paragraph 27 of his statement at 462,  
5 please. So he says he made a statement to the police in  
6 1995 about the abuse he was subjected to by you. I will  
7 just pause there to say the statements that he made to  
8 police in 1995 and 1996, and there are three of them,  
9 did allege serious sexual abuse against others, but did  
10 not make any allegation against you, but he says:

11 "He often held me back in the classroom after arts  
12 and crafts classes to tidy up and he'd feel around and  
13 kiss my neck, touch my privates. He buggered me over  
14 the table, the toilet and in his bedroom. He also got  
15 me to masturbate him on numerous occasions."

16 So if this happened as he alleges, you are not  
17 supposed to keep a boy back after class according to  
18 your rules, and you are not supposed to have a boy in  
19 your bedroom according to the rules of the Order. You  
20 say this didn't happen in any event, and what I am going  
21 to do now, BR2, is just work through some of the  
22 material that there is relating to this individual and  
23 the allegation that he makes, which you refute.

24 **A. Yes.**

25 Q. I have dealt with his previous police statements where

1 he is alleging sexual abuse and which he does not direct  
2 at you. Then when he initiates civil proceedings in  
3 1998 -- and the Panel may recall and anyone who was here  
4 will recall I opened this in considerable detail to the  
5 Panel at the time I was taking them through the material  
6 relating to HIA26; I am not going to go through it by  
7 bringing up all of the pages in the same way as I did  
8 then -- when he initiated civil proceedings in 1998 --  
9 the reference for that is at 50215 -- he named a series  
10 of Brothers that he said had sexually abused him. He  
11 named BR13, BR1, BR6, BR3, BR15 and **BR 28**, but he made  
12 no allegation against you. Your name appears on the  
13 Writ but only as a representative of the De La Salle  
14 Order. So you are there as the first defendant, but all  
15 the other defendants are those against whom allegations  
16 are made. The Statement of Claim from December '99  
17 doesn't make any allegations against you. That's at  
18 50220. When he sees a Dr~O'Neill, a psychiatrist, in  
19 2002, he names two Brothers in particular, BR6 and BR15,  
20 but not you. That's at 50252. It is not until it seems  
21 5th May of 2010 that he first associates you with sexual  
22 abuse that he's been alleging against other Brothers.  
23 That's in a letter from the Down & Connor Safeguarding  
24 Office. I will just give the Panel the reference.  
25 That's 11920, moving on to 11921.

1           The point that you make, amongst others, is that the  
2           first time you were subject of allegations by HIA26 was  
3           in his fourth statement to the police made fifteen years  
4           after his last set of statements to the police. So he  
5           makes statements to the police in '95, '96, where he  
6           alleges sexual abuse against a series of Brothers. Then  
7           it is not until fifteen years later -- you said in your  
8           statement it was 2011. In fact, it is not until 2012 he  
9           gives an ABE interview to the police. That runs to  
10          400 pages from 65247 to 65631. Again he repeats  
11          allegations of oral sex, anal sex, in classroom, toilets  
12          and the bedroom.

13          Those allegations were put to you on 11th September  
14          2013. I am just going to summarise, BR2, what you said  
15          to the police at the time, that you wouldn't have kept  
16          him back after school. Absolutely never. That was not  
17          something you did. As to bending over a desk and  
18          engaging in anal sex, you say that's absolutely untrue.  
19          That never happened at any time. You never abused any  
20          child in your care.

21          You pointed to the fact that he also gave evidence  
22          in the civil trial that DL324 took against the De La  
23          Salle Order, and we will be saying a bit more about that  
24          in relation to another individual shortly, but in that  
25          respect you were alleged to have engaged in sexual abuse

1 of DL324 along with others. The Chief Justice of  
2 Northern Ireland heard that case and was not satisfied  
3 that you or any of the other Brothers had sexually  
4 abused DL324 and the case was dismissed. Do you  
5 remember -- you remember being involved in the DL324  
6 trial?

7 **A. I will never forget it.**

8 Q. It took a considerable toll on you.

9 **A. It certainly did.**

10 Q. The Inquiry has the transcripts of the trial and we  
11 looked or I looked at them with the Panel earlier in  
12 this module. Various points were being put to him about  
13 the fact that he was only bringing you up in the context  
14 of his allegations many, many, many years after he had  
15 already made sexual allegations against other Brothers.

16 In your statement you categorically deny that you  
17 did any of the things that he alleges. You found the  
18 allegations particularly upsetting. Is that a fair  
19 summary, BR2?

20 **A. I cannot speak about that anymore.**

21 Q. Do you want to take a break?

22 **A. I wouldn't mind.**

23 Q. Yes. Let's do that. I wonder --

24 CHAIRMAN: Well, we will stop now, BR2, and we will aim to  
25 resume about 1.30 or so, if that's time enough for you

1 to compose yourself. If you need a little longer, don't  
2 hesitate to make that clear.

3 **A. Thank you.**

4 CHAIRMAN: We will aim to resume, ladies and gentlemen,  
5 somewhere around 1.30 or shortly afterwards.

6 (12.43 pm)

7 (Lunch break)

8 (1.30 pm)

9 CHAIRMAN: BR2, if you feel during this afternoon's session  
10 that you would like a short break, if we have not  
11 otherwise said so, please don't hesitate to ask.

12 **A. Thank you.**

13 CHAIRMAN: Yes, Mr Aiken.

14 MR AIKEN: Chairman, Members of the Panel, before lunch we  
15 dealt with the first of the five more contemporaneous  
16 allegations that have been brought. BR2, we had dealt  
17 with HIA26 and we have gone through the references to  
18 the DL324 trial and the relevance of that. Is there  
19 anything else you want to say about the HIA26  
20 allegations or have I covered those in sufficient  
21 detail?

22 (Witness' phone rings)

23 **A. Sorry. Sorry. I think you've spoken sufficiently about**  
24 **those. Sorry. I beg your pardon.**

25 CHAIRMAN: Don't worry about that. You have more important

1 things to be concerned with at the moment.

2 MR AIKEN: BR2, if it assists, I will get Mr Napier to take  
3 it and --

4 **A. It's okay. I just --**

5 Q. You have got -- you have got it sorted?

6 **A. All these new fangled things.**

7 Q. The second of the five individuals who has made  
8 allegations against you is HIA191. He is HIA191. He  
9 was in the home between August '65 and March '70. He --  
10 if we look at 624, please, and scroll down to  
11 paragraph 8, it is suggested above that you slapped him  
12 on a number of occasions, but here he says -- he  
13 describes what he says BR1 did to him. You will see the  
14 first few sentences of paragraph 8. Obviously one of  
15 the issues that was raised with HIA191 was the fact that  
16 BR1 was not in the home at the time he is referring to  
17 him. He does not come until '77. He then says this of  
18 you:

19 "He hit me and told me ..."

20 Then:

21 "After that BR2 approached me and wanted me to give  
22 him oral sex. I refused. He then whacked me across the  
23 arm. He asked me again and I said I was still not doing  
24 it. This time he whacked me on the left shoulder.  
25 Again I said I was still not doing it. He said, 'Then

1       you'll give me a hand job'. I agreed and said I would  
2       give it to him this time but told him not to ask me  
3       again or I would kill myself."

4             Then it says -- he describes getting some peace with  
5       his dog. If you scroll over on to the next page, he  
6       describes how four boys -- scroll on down, please -- had  
7       killed his dog. Then he says he pulled knives on them  
8       and he got a really bad beating that time by you, BR2.  
9       You said he shouldn't have had a dog.

10            He then got a bicycle with no tyres and a lorry hit  
11       him and he ended up in a ditch.

12            Then in paragraph 15 at 626 he says that you gave  
13       him a hiding for when he got punched and lost a bit of  
14       his tooth involving another resident, and you gave him  
15       a hiding on foot of that. He explained to you it was  
16       the other boy who hit first. You said apparently it  
17       didn't matter, because you had seen what he had done.  
18       He got six of the best on each hand.

19            So there are three sets of allegations that are made  
20       by HIA191 that are directed at you, BR2.

21            You explain in your statement, paragraph 9 --  
22       sorry -- in the Order's statement the Order explains in  
23       paragraph 9 at 2483 that you remembered him getting  
24       knocked down by a tractor that was being driven by one  
25       of the farm hands.

1 **A. Yes, I do. I remember that.**

2 Q. Because he had driven the bicycle out into the farmyard.  
3 Part of the tractor had collided with him. Is that  
4 right? Not quite right?

5 **A. Not quite right. I was on duty in the yard at the time**  
6 **and HIA191 was flying around the bike around the house**  
7 **and circling around, and the next thing was he flew out**  
8 **the gate. Well, he went out the gate and DL98 was**  
9 **driving the tractor up past the gate at the time and**  
10 **HIA191 just hit the tractor. There was no real damage**  
11 **done to either the tractor or to HIA191. No, there was**  
12 **no damage to HIA191. He wasn't hurt in any way, just**  
13 **shocked.**

14 Q. So it wasn't a lorry as far as you recollect. It was  
15 the farm hand on the farm -- on the home's tractor, as  
16 it were --

17 **A. Yes.**

18 Q. -- that this happened with.

19 **A. That is correct.**

20 Q. He does -- something we just need to verify. He did  
21 give a -- an Achieving Best Evidence transcript is  
22 available of his interview with the police. That was on  
23 20th November 2012. That runs from 64897 through to  
24 64945. It is something that I was discussing with you  
25 this morning that we just need to verify. There does

1 not appear to be any mention in that transcript, if we  
2 have got all of it, that makes these allegations against  
3 you. You have said in your own statement to the Inquiry  
4 that you don't believe the police ever interviewed you  
5 about the things he is now saying about you in the  
6 Inquiry statement.

7 **A. I don't remember the police interviewing me. I can't**  
8 **remember.**

9 Q. And certainly in the names that I outlined that  
10 I identified from the interviews, although we have one  
11 missing that we will have to find and fill the gap with,  
12 but it doesn't seem that he was someone who has named  
13 you then, which was put to you. The recollection about  
14 the tractor is because you have that in your diary in  
15 relation to the tractor incident, but he says obviously  
16 that this is what you did to him. He recounts --  
17 I appreciate you point out that he doesn't identify  
18 where this is supposed to have happened and when it is  
19 supposed to have happened and so on, but your position  
20 is this just is not true. This didn't happen.

21 **A. It did not happen.**

22 Q. You deal with this, BR2, at 1934 of your statement. You  
23 make the point in paragraph 26 that you don't believe  
24 you were ever interviewed by the police in relation to  
25 these allegations. You simply don't accept the

1       allegations that he makes.

2               Is there anything else you want to say about the  
3       allegations that HIA191 has made? Do you have any  
4       particular recollection of him in the home, BR2?

5       **A. I have got a vague recollection of him, because of that**  
6       **particular incident. He was also -- I remember he was**  
7       **a very good table tennis player. He was on one of the**  
8       **teams, and any time that I went out, he would be one of**  
9       **the boys that I would pick to play table tennis against**  
10       **outside teams. He was small of stature I remember, but**  
11       **on a day-to-day basis no, I cannot remember anything**  
12       **else really.**

13       Q. He is not someone you had regular problems with that you  
14       recall?

15       **A. No, no, no, no. I had no problems with HIA191 at all.**

16       Q. Is there anything else you want to say about his  
17       allegations or have I covered -- covered those in --

18       **A. Well, of course, I reject them completely.**

19       Q. The third set of the five sexual allegations are made by  
20       HIA128. He is HIA128. He didn't give evidence orally  
21       before the Inquiry, but he has provided a witness  
22       statement which the Panel has had the opportunity to  
23       consider. I am not going to bring it up at this point,  
24       but you are aware of its contents. It can be found at  
25       RUB595 and 6. Essentially he alleges that you along

1 with a number of other Brothers in concert sexually  
2 abused him on a very regular basis.

3 The De La Salle Order's replying statement describe  
4 those allegations as simply incredible. That's the  
5 words that they used. That's at RUB2649.

6 You say in your -- at 1936 in your statement that  
7 they are shocking allegations and you totally reject  
8 them. Your recollection is that you didn't even ever  
9 have to engage in corporal punishment with HIA128. You  
10 describe him, if we scroll down, please -- you say that  
11 you don't recall him ever causing any problems in the  
12 class or elsewhere. I think you make the point that he  
13 was a boy with obviously some difficulty, but that  
14 despite that he wasn't someone that caused any  
15 difficulty for you in the home.

16 **A. Absolutely not. I had him in class maybe for a year or**  
17 **two and I remember he used to sit down at the back of**  
18 **the class and HIA128 would go off into a world of his**  
19 **own, maybe half asleep, not listening to me possibly,**  
20 **and I would say to HIA128, "HIA128, are you there,**  
21 **HIA128?" and HIA128 would look up to me and give me**  
22 **a big smile and then withdraw again, but he was -- he**  
23 **was a good child. Never had any trouble with HIA128.**  
24 **He was a very simple boy and he was in DL115's chalet,**  
25 **chalet 3, and HIA128 was not interested in activities**

1       like football or hurling or anything like that. DL115  
2       looked after him, gave him little jobs around the chalet  
3       in his spare time. They are my recollections of HIA128.  
4       Absolutely no trouble with that boy whatsoever, and, of  
5       course, I have to reject all those terrible allegations.

6    Q. You point in your statement to the police statement that  
7       HIA19 made on 6th September 2012. The reference for  
8       that -- and I am not going to bring it up at this stage  
9       -- the Panel has seen that statement before and I will  
10      simply give the reference at 65972. That's HIA19 saying  
11      he was not aware of any of the matters that are being  
12      alleged. Is there anything else you want to say about  
13      HIA128 or have I covered the main points?

14    A. I think you've covered everything, yes.

15    Q. The fourth of the five sexual allegations, BR2, are made  
16      by HIA34. He is HIA34. He was in the home between  
17      February and May '74, so less than three months. He in  
18      his statement to the Inquiry at RUB468 through to 470  
19      from paragraphs 3 through 16 he alleges that you  
20      buggered him in concert with BR18, that you would have  
21      done it on him and then BR18 would have come in, held  
22      him down, and you and he then engaged in that type of  
23      activity with HIA34. You totally reject his  
24      allegations.

25    A. Absolutely.

1 Q. You point to a series of matters that I am going to draw  
2 to the Panel's attention. The first is as it came out  
3 during the DL324 civil trial, because HIA34 gave  
4 evidence in support of DL324 --

5 **A. That is correct.**

6 Q. -- and -- but it was put to him that he had actually  
7 made a statement to the police on 20th February 1995.  
8 That can be found at 68451. Obviously this is two years  
9 after. If we can bring that up, please, 68451. So he  
10 says about halfway down:

11 "During the whole time there I was not sexually or  
12 physically abused by any of the staff."

13 He says:

14 "BR2 was in charge at that time. Other members of  
15 staff I can remember are BR18 and DL6."

16 He remember a series of boys.

17 You point as well to the DL324 civil trial that he  
18 gave evidence in respect of and that was, as I said  
19 earlier, heard by the Chief Justice of Northern Ireland  
20 in 2011. That judgment, which makes reference to  
21 HIA34's evidence, can be found at 1950 to 1959. You  
22 draw attention to the fact that the Chief Justice in his  
23 remarks in his judgment indicated in addition to not  
24 accepting his evidence, he remarked that at least part  
25 of his evidence under oath was deliberately untruthful,

1 if we just look at 1957, please, paragraph 22, and that  
2 finding was in respect of the explanations that he was  
3 giving for a series -- for a turn of events that arose  
4 in respect of him giving -- in respect of him giving  
5 evidence. Then you can see about five lines up from the  
6 bottom of paragraph 22:

7 "I consider that HIA34 was being deliberately  
8 untruthful in that part of his evidence."

9 He didn't find then that HIA34's evidence was any  
10 support whatever to DL324's evidence. Then he went on  
11 to reject the claims that DL324 had brought.

12 HIA34 gave evidence to the Inquiry on Day 63. The  
13 transcript for that is in the bundle at 80369 through to  
14 80382. I am not sure that there is anything to be  
15 gained by me taking you through that again, BR2. You  
16 obviously heard him give evidence and the explanations  
17 that he gave for these various matters, but your  
18 position is that you at no time sexually abused him  
19 either on your own or in concert with BR18.

20 **A. I never abused that boy in any way.**

21 Q. Then the fifth matter that I have included in this  
22 category, although it may not necessarily fall into this  
23 category, but that's the evidence that was given by  
24 HIA41, who is HIA41. He was in the home in May '77  
25 through to May '80. So one of the points you make about

1 that is that's a short period of time where you and he  
2 overlap, a number of months in '77, and then he's  
3 leaving really as you're arriving or very shortly  
4 thereabouts --

5 **A. That is correct.**

6 Q. --in 1980. What he said to the Inquiry, if we can just  
7 look at 496, please, if we can just scroll down -- so he  
8 says:

9 "I can recall after I was in De La Salle for around  
10 six months ..."

11 Obviously people are looking back over  
12 a considerable period of time, but the point you make is  
13 if it is six months after May '77, you are not going to  
14 be there, but whether the date is right or not, the  
15 incident that he describes, he says that you:

16 "... came into our chalet late at night",

17 and that was chalet 1 that he was in. So that was  
18 BR23 and DL378's chalet, as I understand it. You were  
19 looking for cigarettes. You made all the boys in the  
20 room get out of bed.

21 "He made us strip off completely naked. Then he  
22 lifted our privates and looked in our backsides. He did  
23 this to me and all the other boys",

24 and he names three boys who he says were involved.

25 You told him that you were looking for cigarettes as you

1           lifted his privates and looked around the areas of his  
2           backside. He also says he got severe beating from you  
3           for virtually nothing. One incident he recalls: during  
4           school hours he walked near the farmyard entrance and  
5           for this you violently attacked him, punching and  
6           kicking him to the ground.

7           Now before I look at the transcript of what HIA41  
8           said to the Inquiry, he had been involved in the 1995  
9           allegations. If we look at 62152, and again if you use  
10          the black marker on the right-hand side as your guide,  
11          BR2:

12          "I remember when BR2 was there before BR1. He made  
13          me and three boys strip their clothes, pyjamas, and  
14          stand naked in chalet 1. This was because of smoking in  
15          the chalet."

16          Then he names the boys. It was DL90, a boy called  
17          DL302, and DL53 and he said possibly a DL47 were said to  
18          also be involved in this.

19          So one of the points that you make is there is  
20          a contrast between what's described later to the Inquiry  
21          and what was being said. This incident was in '95,  
22          which was characterised at that stage as having caused  
23          embarrassment. There wasn't a suggestion here that you  
24          had engaged in touching in any way or that privates or  
25          backsides were involved.

1           Now those four individuals, the police made the  
2 point in the police file that all four of them were  
3 interviewed during the 1995 Inquiry and they made no  
4 reference to this incident. The reference for that,  
5 members of the Panel, is at 62120. You will recall me  
6 saying in a different context that the process of the  
7 investigation team was they would take statements from  
8 individuals, but then they would not out routinely go  
9 back to say, "And X says this. Do you remember that?"  
10 So they point to those four individuals and the matters  
11 they complained about, which didn't include this matter.

12           Now you were -- this was -- he made a statement to  
13 the police again in 2010. You were interviewed about  
14 this in August of 2012. You were being asked about the  
15 suggestion that you had given him a beating and you said  
16 of that that you may have given him a slap now and again  
17 in the school. Is that slap again in the context of --  
18 are you talking about corporal punishment? I will just  
19 bring that up so you can see it, BR2, so you understand  
20 what I am saying to you.

21 **A. Yes.**

22 Q. 67950. Just max... Thank you.

23           "Q. He talks about 'severe beatings from BR2'. Did  
24 you ever beat HIA41?

25 **A. I have no recollection of beating HIA41.**

1 Q. Okay.

2 A. I possibly may have given him a slap now and  
3 again in school. I'm not sure, but I've --

4 Q. Okay.

5 A. I've absolutely no recollection of giving him  
6 big beatings.

7 Q. Okay, and what would the strap be in relation  
8 to?

9 A. I don't know. It could be -- I know he was very  
10 cheeky to the teachers. I know that anyway. He was  
11 very cheeky to the teachers.

12 Q. Okay, and would that slap have caused him any  
13 injury or would there have --

14 A. Not at all.

15 Q. -- been any lasting mark?

16 A. Not at all."

17 Then he describes an incident where he talks about  
18 walking near the farmyard entrance and that you  
19 violently attacked him, punching him and kicking him to  
20 the ground.

21 A. May I interrupt you there? On reflection about that  
22 business of slapping him in the school, I was not in the  
23 school during that period of time in '7... -- from '76,  
24 '77. I had no connection with the school whatsoever and  
25 that is the reason why I do not remember slapping him.

1           **It couldn't have happened in the school.**

2    Q.    I don't think he is talking about corporal punishment in  
3           any event.  You are saying when you are being asked,  
4           "Did you ever beat him?" and I think the point you are  
5           making is the only thing you would ever have done, you  
6           might have given him corporal punishment with the cane,  
7           but the point you are making is you were not in the  
8           school after 1973.  So if you did punish him with the  
9           cane, it wouldn't have been in the school.  It might  
10          have been in the home --

11   **A.   Correct.**

12   Q.    -- if you did that.

13   **A.   Yes.  I've got no recollection of caning him.**

14   Q.    Of caning him.

15   **A.   I might have.  I might have.**

16   Q.    He is not talking about caning here.  He is talking  
17          about you laying into him, violently attacking him in  
18          the yard for -- and --

19   **A.   Well, I reject that completely.  I never kicked him in  
20          the yard.  I never hit him in the yard at any time ever.**

21   Q.    Just allow me to -- I will show you what he -- as I will  
22          do with the witnesses who gave evidence.  He gave  
23          evidence at Day 67, if we look at 80429, where he  
24          explains these two matters.  Just scroll down, please.  
25          So the allegation is described.  Ms Smith says:

1 "Q. And there was a sexual assault, if I can --  
2 because he examined --"

3 HIA41 said:

4 "Well, I'm not calling it a sexual assault. What  
5 took place follows on that the chalet was empty. So  
6 where was ..." -- I think that's BR23 -- "if the boys  
7 weren't left unattended?"

8 He says:

9 "BR 2 came over from the house and  
10 came into the bedroom, got me out of bed. I was only  
11 13. I slept there."

12 He named the other boys.

13 "Got us out of bed, stripped us under the guise of  
14 looking for cigarettes. Well, he knew I didn't smoke  
15 and the boys were given permission when they were 14 to  
16 smoke, but I didn't smoke. So the chalet was empty and  
17 BR2 came in. Why did not BR23 not deal with it if he  
18 was there? Because he was drunk all the time over in  
19 the house. That is how that took place. It explains  
20 why BR2 came into the chalet, knowing that BR23 was down  
21 in the underground quarters where they were all  
22 drinking.

23 Q. Well, you also say that he beat you for  
24 virtually no reason.

25 A. Yes."

1           Keep going, please.

2           "Q. I asked you what you meant by that.

3           A. I mean, the lady at the end there continued to  
4 ask the question of this white line. When UTV are  
5 putting the camera through the fence and showing  
6 Kircubbin ..."

7           I think this is talking about the present media  
8 reports:

9           "... that white line ran along the building from the  
10 TT room over to the wall and then at this side there was  
11 the school railing. Those were the two imaginary  
12 lines."

13          Scroll down, please.

14          "You were shown that if you crossed those lines,  
15 that you would be dealt with, and in chase with another  
16 boy, carrying on, we went over the line. So that's why  
17 BR2 gave me a doing over it.

18          Q. Well, those allegations, both the incident in  
19 chalet 1 and hitting you, were denied by BR2".

20          and the various points about the different police  
21 statements are made. If we just scroll down, please:

22          "Q. We will come later to discuss the police  
23 statements with you.

24          A. Yes."

25          It is pointed out that the other boys who were said

1 to be present don't make any mention of this, and the  
2 incident that he -- we are going to come to discuss with  
3 you, BR2, you remembered it was being put to HIA41 that  
4 you do remember on one occasion you heard a noise coming  
5 from chalet 1 about 11.30, because there were occasions  
6 you did stay in one of the rooms in chalet 1, where you  
7 would have done a night's duty.

8 **A. I remember that incident distinctly.**

9 Q. You went to investigate and you saw HIA41 running along  
10 the corridor in his underpants when he ought to have  
11 been in bed with his pyjamas on. He was the only boy  
12 you caught and as punishment you made him stand outside  
13 the door for ten minutes before sending you to bed --  
14 before sending HIA41 to bed. He was asked whether he  
15 wanted to say anything about that. He said:

16 "Well, he had no jurisdiction over chalet 1. How  
17 could he hear? That's a bit like saying he heard  
18 a noise over in the picture house from this building.  
19 It's absurd. He knew that BR23 was in there drinking.  
20 So this is what he came in and done. The boys did not  
21 wear underpants in bed. They only wore pyjamas and, you  
22 know, you'd need to be criminally insane to be running  
23 about those corridors with the likes of BR23. If he had  
24 appeared, he would have left you with a busted head."

25 So he was saying in effect this story that you

1 recall of catching him being out of bed, that he doesn't  
2 think that's right, because you wouldn't have been in  
3 the chalet. You were in the main house. So how would  
4 you have heard him running about? Can you -- how did  
5 you come to be in the chalet in order to catch him in  
6 the corridor? Can you remember?

7 **A. There's a very simple explanation. The incident that**  
8 **I was involved in occurred after 15th August 1980. Yes.**  
9 **No, no. Sorry. 1977. HIA41 had come to the home in**  
10 **May from Nazareth Lodge and during that time he was in**  
11 **chalet 1. BR23 and DL378 were the houseparents and**  
12 **I had no reason to go over to chalet during that time.**  
13 **Boys got their holidays, their summer holidays. Many of**  
14 **them went home and a lot of young Brothers came up to**  
15 **help during -- Brothers who are attending universities**  
16 **came up to help. On the first -- for the first two**  
17 **weeks of August we went -- took the boys to Glenariff**  
18 **for two weeks' holidays. HIA41 was not with us for the**  
19 **first week. He was with us for the second week when he**  
20 **was picked up in Cushendall, St. Aloysius Secondary**  
21 **School, where he had been camping with some other group.**  
22 **He had -- he had not been with us during the first two**  
23 **weeks of August. During those early weeks of August**  
24 **BR23 was not on the premises. BR23 had taken his**  
25 **holidays down in Cork and he did not return for three**

1 weeks. I went over to the chalet for night duty and  
2 I stayed in one of the rooms in the centre -- in the  
3 centre -- over the centre of the hallway between the two  
4 chalets.

5 Q. So --

6 A. There were four boys in that particular chalet at that  
7 time, including HIA41. There was another boy called  
8 DL33, another boy called [REDACTED] HIA 149 and another boy  
9 called DL47. I know that because I have written it down  
10 in my -- in my note. I know they were the boys who were  
11 there.

12 I was sleeping in one of the rooms in the centre of  
13 the hallway and then I heard this noise, doors banging  
14 and shouting going on. I went out, opened the door,  
15 down the corridor. I was in bed at the time. Got up,  
16 opened the door, and I see HIA41 there running down the  
17 corridor in his underpants. He should have had on his  
18 pyjamas, but he didn't have. He was the one I caught.  
19 I just took him out and put him standing outside the  
20 door at the end of the corridor for ten minutes and then  
21 told him, "Off to bed with you". and that was the sum  
22 total of what happened.

23 Q. You say in your statement at 1932 that he doesn't  
24 mention you until his fourth police statement in January  
25 of '95, but it is not until sixth statement on 10th

1           September 2010 that involves checking parts of his body,  
2           although in fairness to him he is saying -- he doesn't  
3           say it is a sexual assault. I point out that the others  
4           make no mention of this.

5           So what you are saying is what he is describing did  
6           not take place, but there was an incident with him,  
7           which is how you have recounted it to the Inquiry.

8       **A. I agree with you and I cannot understand how he could**  
9       **make a story up like that or say something like that.**

10      Q. Now is there anything else you want to say about the  
11      allegations that HIA41 -- I should just cover with you  
12      he obviously made the point that he and someone else  
13      crossed a white line that he wasn't supposed to cross  
14      and you then gave him a beating. Can you remember doing  
15      that?

16      **A. I have no recollection of that happening whatsoever and**  
17      **I never ever kicked a boy in my life.**

18      Q. He seems to be talking about punches and kicks.

19      **A. I never punched a boy the way he describes it ever.**

20      Q. Well, was there -- was there a white line that you  
21      weren't supposed to cross and did you get corporal  
22      punishment for crossing it?

23      **A. When HIA41 was in the home, there was no white line, but**  
24      **there was an archway going down to the farm, and the**  
25      **boys were not allowed to go under the archway down into**

1 the farmyard, because on a number of occasions damage  
2 had been done. There had been fires in the farmyard,  
3 and we were very, very conscious of what could happen if  
4 boys went down there. So there was no white line,  
5 but -- there was no -- there was a boundary that the  
6 boys should not cross going down into the farmyard under  
7 the archway.

8 Q. If they had crossed that line, would they get punished  
9 by means of caning?

10 A. Well, if they were out of bounds, they possibly could,  
11 but it would depend on the situation.

12 Q. Well, do you ever remember caning HIA41?

13 A. No. As I said before, I might have slapped him, but  
14 I've absolutely no memory of slapping HIA41.

15 Q. Again you are talking about slapping. You are talking  
16 about with the cane?

17 A. That is correct, yes.

18 Q. Now unless there is anything else you want to say about  
19 that, BR2, I am going to deal then with the -- that's  
20 the five matters that we put in a -- in a -- with  
21 a sexual heading. Then there are five other matters  
22 that I am going to deal with.

23 Therefore number six, as it were, the first of the  
24 physical matters, relates to HIA262. He is HIA262. He  
25 was in the home between June '64 and September '68, so

1 at a time before you become the Director and the person  
2 in charge and the Principal.

3 He didn't give evidence orally to the Inquiry, but  
4 he said in paragraph 9 of his statement, 827, if we can  
5 look at that, please, 827, paragraph 9:

6 "The day after I ran away I was brought into BR6's  
7 classroom."

8 Now just to put this in context, if we scroll up  
9 a little, please, because this is important to the point  
10 that you make, he is describing being abused by  
11 a Brother who stayed in the room that you stayed in  
12 before you arrived. I think we identified who that was  
13 earlier during the evidence. He is saying that just  
14 after he arrived on his first night this happened and he  
15 tried to run away the next day, but he was caught. He  
16 says:

17 "The day after I ran away ..." --

18 so this would be his third day in the home -- he  
19 was brought into BR6's classroom. He says:

20 "The Brothers held me over the desk, pulled down my  
21 trousers."

22 He says:

23 "BR2", that's you, "held my legs whilst BR3 lay over  
24 the top of me to restrain me and BR15 pulled down my  
25 trousers and hit me first with a strap. Seeing the

1 strap wasn't good enough, probably because I didn't  
2 react or wouldn't react, so they used a bamboo cane  
3 instead, which was frayed at the edges. It seemed to go  
4 on forever. It was like a big statement from them:  
5 'You don't run away from us or this is what happens'."

6 Now what I want to ask you before we get into the --  
7 when this happened, can you recall occasions whenever  
8 a boy was put over the desk and hit with a cane?

9 **A. I do remember BR6 on a very rare occasion doing that,**  
10 **but he himself was -- found it very difficult to do**  
11 **something like that.**

12 Q. And did that ever involve taking trousers down whenever  
13 the cane was being used in those circumstances?

14 **A. Absolutely not. No boys' trousers were ever taken down.**

15 Q. How did you come to see BR6 putting someone over the  
16 desk to do that? Were you with him?

17 **A. Well, he would have asked me to be a witness to what he**  
18 **was doing.**

19 Q. And would he have done this in front of -- you talked  
20 before about possibly him doing some caning in the  
21 assembly in front of boys. Was this episode or this  
22 type of episode done in front of other boys, or was this  
23 just done in front of you if you were asked to witness  
24 it?

25 **A. I think he may have done it maybe once or twice in the**

1           **assembly during school time; otherwise it would be done**  
2           **alone in a classroom or in his office.**

3   Q. Did you ever physically restrain a boy to facilitate  
4       this being done?

5   **A. Never. Never.**

6   Q. The point that you make about this is that this --  
7       Michael says this happened just after he arrived in the  
8       home in June 1964. You point out, and the records that  
9       exist tend to suggest, that you arrived on either  
10      31st August of 1964, which is the date you recollect in  
11      your statement, or the History of the Home  
12      contemporaneous record that was maintained of events at  
13      11823 shows you don't arrive according to that until 1st  
14      September 1964. So the point you make is it can't have  
15      been you. If he is telling the truth about the event,  
16      he's got your participation in this wrong, because you  
17      were not in Rubane as yet.

18   **A. That is correct.**

19   Q. Is there anything else you want to say about that, BR2,  
20      or have I covered the main ...?

21   **A. No, I had no hand or part in anything of that nature.**

22   Q. Now number seven, as it were, or the second of the  
23      physical matters is HIA244. He was HIA244. He was in  
24      the home between August '64 and then to a date in 1966.  
25      He is the one person whose discharge date is not on the

1 record.

2 If we can look at 649, please, paragraph 16, what he  
3 says:

4 "The day I ran away was a Saturday. The following  
5 day I was told I was wanted down at the school house."

6 Do you know where he is talking about when he says  
7 "wanted down at the school house"?

8 **A. That would be the school.**

9 Q. It would be the school?

10 **A. Yes.**

11 Q. "There were three Brothers there, BR6, BR15 and BR2.  
12 They sat me down on a chair and BR15 shaved all my hair  
13 off. They didn't use shaving foam or soap, just a dry  
14 razor. As far as I know I'm the only person that they  
15 did this to. I feel they were making an example of me  
16 as a warning to the other boys of what would happen if  
17 they tried to run way. Then they held me over a table",  
18 and he says BR15 held his legs. Another Brother  
19 held his head. He was choking him, BR44. His throat  
20 was caught on the table and the more he struggled, the  
21 more he was pushed down upon. BR6 was hitting him with  
22 a bamboo stick.

23 Now before I leave that incident, the point that the  
24 Order has made and you made in your replying statement  
25 was that a boy might have had his head shaved, but not

1 as punishment, but that was the way in those times of  
2 how you managed head lice. You didn't have the shampoos  
3 we might have today, that the boys would have had their  
4 hair cut. Is that right? You are looking at me as if  
5 I haven't quite got that right.

6 **A. I cannot say that the boys' heads were shaved. They got**  
7 **short haircuts, quite short haircuts, like a number 2,**  
8 **for example, which is like what I have myself.**

9 Q. Not dissimilar to my own. Maybe a little shorter.

10 **A. Well, much the same as my own. It's called a number 2**  
11 **by barbers --**

12 Q. And this was to --

13 **A. -- and that was to eradicate nits and lice or whatever.**  
14 **The boys objected to that, of course, but every week-end**  
15 **their hair was examined and we put -- we always put on**  
16 **-- I forget the name of the hair stuff -- to eliminate**  
17 **the nits in their hair. I forget. I should know. My**  
18 **memory is going, but I -- but every week-end their hair**  
19 **was examined for nits and lice, and that occurred very,**  
20 **very often, because boys away at weekends came back**  
21 **crawling at times with nits and lice in their hair, but**  
22 **to shave their heads in the way it is described in that**  
23 **there never ever happened.**

24 Q. Would it be fair to say there would be boys who would  
25 remember a razor being used to shave their head down to

1 a 2 all over?

2 **A. No, because the barber -- the barber came in to cut**  
3 **their hair. I never saw any Brother cutting hair or**  
4 **shaving -- shaving their hair.**

5 Q. Therefore you say you were certainly not involved in  
6 this incident that's being described. You don't ever  
7 remember being in the school with a boy having his head  
8 shaved, which he perceived as making an example of him.

9 **A. It is something I would remember, if that happened.**  
10 **I would remember it very easily, because, as he says,**  
11 **I was just in the home, and if -- it would strike me as**  
12 **a dreadful thing to happen to any boy. I would remember**  
13 **distinctly that that happened. I have no recollection**  
14 **whatsoever of something like that happening and I was**  
15 **not involved.**

16 Q. The other complaint that he makes is at paragraph 17, if  
17 we scroll down, please. He says that:

18 "A few months later we were brought down to the  
19 school house on a Saturday morning by BR2. We were told  
20 that we were going for a sparring session, but really  
21 the Brothers just wanted to watch us fight. I was only  
22 a skinny wee thing, but BR2 picked me to fight a much  
23 bigger boy who was older than him. BR2 deliberately  
24 made it an uneven match. He didn't like me at all. He  
25 was always picking on me. He made a ring of desks,

1 pushed me in and told me to fights. He'd given us big  
2 antique gloves filled with straw. I was never  
3 a fighter. I didn't want to fight and there was no  
4 chance I was getting in the ring with that boy. He  
5 forced me in and the other boy just hit me once and  
6 knocked me unconscious. When I came round, he hit me  
7 again. He smashed my nose to bits. My face was all  
8 swollen and I had two black eyes. The fight was watched  
9 by all the other boys as well as BR2, BR15 and BR44.  
10 Nobody stepped in to help me. BR6 wasn't present in the  
11 school house, but he knew what was going on. I asked  
12 BR6 to let me go to the hospital, but he wouldn't let  
13 me."

14 Now can I ask you before we get into the specifics  
15 of what HIA244 has had to say there was boxing that took  
16 place for a period of time in the home.

17 **A. For a very short period of time, yes.**

18 Q. Do you remember it starting during your time or was it  
19 something that already happened when you arrived? If  
20 you don't remember, just say so.

21 **A. I've got no -- I've got no --**

22 Q. You don't remember.

23 **A. -- good memory of when it was introduced. No, I don't.**

24 Q. And can you remember were you involved in the discussion  
25 to introduce it? What was the thinking?

1 A. Well, BR4, who came to teach in the home, had previously  
2 been up in St. Patrick's School in Belfast and boxing  
3 was a very, very important activity up there. Some of  
4 the Northern Ireland boxers used to go to St. Patrick's.  
5 they trained in St.  
6 Patrick's, because they had the facilities up there for  
7 training, and BR4 was very keen on boxing and he thought  
8 it would be a good idea to introduce boxing to the boys'  
9 home. I did not know much about boxing. I had no  
10 really interest, but on occasion boys would ask me,  
11 'Let's go -- what about a boxing match?' and I would  
12 match them up, and but it only lasted for a short while  
13 as far as I was concerned, because the boxing ring was  
14 broken and couldn't continue.

15 Q. The point you make is it was a voluntary thing. You  
16 never forced any boy to engage in boxing.

17 A. Oh, no.

18 Q. It was only the boys who wanted to.

19 A. Oh, no, I would never have forced a boy to go into  
20 a ring against his will. Absolutely not, no.

21 Q. Do you have any recollection of HIA244 being involved in  
22 the boxing?

23 A. No, I don't remember.

24 Q. So that's not saying he wasn't involved.

25 A. Oh, he could have been, yes.

1 Q. You don't remember.

2 **A. He could have been.**

3 Q. If another boy had been hurt in this way as part of  
4 a boxing match, so he is knocked unconscious and then he  
5 is up again, or even something remotely like this where  
6 he has ended up injured in this way, is that something  
7 you are likely to forget?

8 **A. I would never -- never forget a thing like that, never.**

9 Q. Your reply to that is at 1937. I will just show you  
10 what he says in his evidence. If we look at 80482,  
11 please. Just scroll down, please. Scroll down, please.  
12 He talks about having run away. Then the Brothers who  
13 were involved in dealing with him for having run away.  
14 Just scroll down, please. Scroll down, please. He is  
15 saying:

16 "They cut all the head while they were doing it as  
17 well. They left cuts all over it."

18 So he is describing a form of humiliation. You were  
19 doing this so it was seen that this is what will happen  
20 to someone who runs away. Just scroll down, please. He  
21 talks about only having run away once according to the  
22 records, but then he is saying, 'No, it was a lot more  
23 than once', but your position is that it is referring to  
24 the various entries that show him. For persist... --  
25 absconding he is getting six strokes of the cane on the

1 hand. Now can you -- when it says six strokes on the  
2 hand, is that on one hand that the six strokes are  
3 applied to or how was this done?

4 **A. It was three on each hand, not -- never six on one hand.**

5 Q. And how was it -- did you place the hand on a table and  
6 --

7 **A. No, no, they just held their hand out and given the  
8 strokes.**

9 Q. And you arched the cane?

10 **A. Given the strokes, yes.**

11 Q. Is there anything else you want to say about HIA244?

12 **A. No, there is nothing else.**

13 Q. The eighth individual was HIA225. He is HIA225. He was  
14 in the home between August '68 and April '72. As you  
15 know now, BR2, he was someone who was sexually abused by  
16 BR15. He describes to the Inquiry various attempts that  
17 were made by two boys in particular, DL95 and **DL 94**  
18 **DL 94** -- I was asking you about that. You remember  
19 DL95 as being someone you were concerned about in terms  
20 of interfering with other boys.

21 **A. I was suspicious, yes.**

22 Q. **DL 94** --

23 **A. DL94.**

24 Q. DL94. Sorry. You didn't have the same concern about  
25 him or you weren't aware at the time of him.

1    **A. No, I was not aware of him. DL94 was in chalet 1 and**  
2               **-- DL95 was in chalet 2. I was attached to chalet**  
3               **2, and I would be more aware of what DL95 might be doing**  
4               **rather than knowing what DL94 would have been doing in**  
5               **chalet 1.**

6    Q. We will come back to look at it in a week's time, but it  
7       looks like these boys admitted to police various  
8       activities they said they were engaged in, and the Order  
9       has recognised that the problem was perhaps even more --  
10      of a higher degree than you were aware of at the time,  
11      and we will come back to look at that, but this  
12      individual went on, that's HIA225, to become a Senior  
13      Social Worker. He described to the Inquiry -- you heard  
14      him give his evidence. Isn't that right?

15   **A. I did, yes.**

16   Q. He described how essentially he buried his memories  
17      right the way through until the Inquiry was announced,  
18      and while it was difficult, he wanted to come forward  
19      and explain what happened to him. He never spoke to the  
20      police. He never took a claim.

21            The Panel may recall that he had a very warm word to  
22      say about you, for he needed to get experience in order  
23      to become a social worker, and he contacted you after he  
24      had left the home and you allowed him to come back and  
25      do his work experience, training that he needed to do in

1 order to then be able to get his job in social work.  
2 Then he moved through his career to a high level in  
3 social work. So he was very positive about you for  
4 taking him in and giving him that assistance.

5 I say that in the context in passing. The Inquiry  
6 has obviously heard other witnesses who say positive  
7 things about you.

8 What I want to then do is look at what he says.  
9 Paragraph 29 of his statement at 640, he says:

10 "I remember two boys running away once. BR2 put the  
11 boys over a railing and beat them really hard on the  
12 backside with a bamboo cane. We were told never to run  
13 away because they would find us and punish us. I never  
14 ran away."

15 Obviously you didn't want the boys running away and  
16 there was more punishment for running away than perhaps  
17 other things. Obviously if they had run away, they are  
18 a danger to themselves and out of your control and so  
19 on, but what he is describing here is punishment that he  
20 witnessed involving you, where you caned these boys on  
21 the backside in the school yard in effect. That's where  
22 the railings were. Isn't that --

23 **A. That is correct, yes.**

24 Q. He then talked more about this during his evidence on  
25 Day 63. If we can just look at 80398, please. The

1 suggestion was made that there is an entry in I think it  
2 is your diary or another contemporaneous book which  
3 refers to boys having set the hay on fire and having  
4 been punished for that, but he was saying the timing of  
5 that was wrong. This was a different incident where  
6 boys had run away.

7 "The incident that I recollect was well before this  
8 and shortly after I came to Rubane."

9 I asked him:

10 "And it was to do with absconding?"

11 **A. That's my understanding, yes.**

12 Q. They had run off. Can you remember where the  
13 railings were?

14 **A. Yes. There were some outhouses. It initially**  
15 **would have been where the clothes store was, a room**  
16 **where movies were shown, and then the clothes store**  
17 **became a billiard/snooker room and there were railings**  
18 **across from there."**

19 He's got the geography right. Yes? Is that fair?

20 **A. He seems to have, yes.**

21 Q. "A. That's where the beating took place.

22 Q. Did you just happen to see this taking place  
23 --",

24 he was asked. He said:

25 "No.

1 Q. -- or were you meant to see it?

2 A. I was meant to see it. The boys were all told  
3 to line up and keep quiet, which we did, and then  
4 I witnessed this incident."

5 Then he was asked about:

6 "On the subsequent of absconding the Inquiry has  
7 heard other evidence about this, but was it a particular  
8 issue that boys were brought together and an example  
9 made of the person who had run off? Was that your  
10 experience or was this just one isolated incident that  
11 you recall?

12 A. This was an isolated incident I recall, but  
13 there was a lot of emphasis placed on managing boys who  
14 had run away, but this didn't appear to be as far as I'm  
15 aware something that happened on a common basis.

16 Q. And you were not someone who ever ran away?

17 A. I never ran away."

18 He is asked -- you know, the point is made to him  
19 that you will give evidence to the Inquiry, BR2. He  
20 said:

21 "That's fine.

22 Q. What he's saying is that this isn't -- what  
23 you're saying, that this isn't true. It didn't occur."

24 He said.

25 "Well, that's okay."

1 He is asked:

2 "That's not your recollection?

3 A. No. I would stand over what I say, but BR2 has  
4 a view that he wishes to present to the Inquiry. I'm  
5 okay with that. That's up to him."

6 What he is saying -- he is someone who has  
7 a positive word for you -- is he recalls this incident  
8 where two boys are punished in front of other boys in  
9 the school yard over the railings, and you are saying  
10 that's just not something you would do.

11 A. I never did that. I'm -- I'm sorry to hear that such  
12 a thing should have happened out in the open and boys  
13 put across a railing. You could almost call it  
14 a public -- no, I will not use the word -- public  
15 punishment in that way. I have never done anything like  
16 that. If he says that it happened and the boys were  
17 lined up in the school yard and it happened on that  
18 occasion, I would not have been in the school yard then.  
19 I would have been in my classroom preparing my lessons.  
20 I would have waited in my classroom for the boys to come  
21 in, and it -- possibly it had been a mistaken identity  
22 as far as I am concerned, but I never witnessed anything  
23 like that or I never participated in anything like that.

24 Q. It is not how you punished boys. Is it possible that  
25 there was other Brothers or were other Brothers who

1 might have engaged in the punishment in the way he  
2 describes?

3 **A. I never heard of anything of that nature happening in**  
4 **the outside yard.**

5 Q. He then talks in his evidence, BR2, if we can look at  
6 80394 -- it is something that's not in his statement.  
7 It comes up. He describes in his witness statement how  
8 he -- one boy who touched him, he said that if that --  
9 as he was older -- as he got older, the boy who touched  
10 him, he told him, "If do you that again, I will tell  
11 BR2".

12 I was asking him about that, because I think it is  
13 you mentioned in your statement, BR2, that he eventually  
14 got moved out of the chalet he was in to the main house  
15 and I was asking then:

16 "How did that come about --"

17 If we just scroll down:

18 "Q. -- how you came to be moving back to the main  
19 house out of chalet 1?

20 **A. Yes. There was an occasion when I was at the**  
21 **toilet reading a comic and when I came out ..."** --  
22 **I think that's DL135 -- "... insisted that I had**  
23 **something wrong with my bowel movements, either**  
24 **diarrhoea or constipation, and I had nothing -- nothing**  
25 **wrong with me.**

1 Q. This was because of how long you had spent?

2 A. Yes. Obviously I was quite a few minutes, and  
3 I advised that I had been reading a comic. 'Here it  
4 is.' 'No, there is something wrong with you. You need  
5 to take this tablet.' I had never taken tablets before.  
6 I don't take tablets. She insisted that I do so.  
7 I refused. She and her husband backed me into a corner,  
8 hit me round the face several times and forced my mouth  
9 open, and they put the tablet in my mouth and closed it.  
10 I went to see BR2 and advised him I was very unhappy  
11 about this and wanted to move from this couple's care,  
12 and in fairness BR2 very quickly made arrangements for  
13 me to move to the house. That's my recollection."

14 Do you remember that happening, BR2, him being  
15 unhappy in the chalet because of a particular incident  
16 and getting moved into the main house?

17 A. I have to be totally honest. I do not remember that  
18 happening. I remember other boys from chalet 1 coming  
19 into the house: HIA21; there was another boy, **HIA 56**,  
20 also -- coming into the house, but I cannot remember  
21 HIA225. If he says he was moved into the house and  
22 that's what happened, I would take his word for it, but  
23 I do not remember myself him coming to me about it  
24 complaining about DL134 and DL135 and being moved into  
25 the house. He may have come. If he says he was brought

1 to the house, well, I believe that.

2 Q. You just don't recollect it yourself?

3 A. No, I don't recollect. No, I don't remember that.

4 Q. He was --

5 A. It's such a long time ago.

6 Q. He was then explaining something that happened after  
7 that involving another individual. He talks about you  
8 in paragraph 31, where he says he wanted to go to  
9 another school to get on, and you gave him a paper that  
10 he said, as he reflected, that he had no chance of  
11 completing. That was in paragraph 31 of his evidence.  
12 The point you make about that is by the time he is  
13 talking about you wouldn't have been able to send him  
14 anywhere because of his age.

15 A. If he had come to ask about doing exams, he would have  
16 probably gone to BR6, who was the Principal of the  
17 school before 1970. I took over in 1971, and by 1971 he  
18 was 15 years of age. Now I don't recall him asking me  
19 for an exam paper, but if he was 15 years of age, he  
20 couldn't possibly be prepared for doing a GCSE or CSE or  
21 whatever the exam was. It was only 1971 after I had  
22 taken over the management of the home that he would have  
23 come to me, otherwise he would have gone to BR6, who was  
24 the Principal of the school before that, but I do not  
25 remember him coming to me asking for an exam paper.

1 Q. Just to be clear, even if he did do that and you gave  
2 him an exam paper, I think the point is whether you were  
3 keeping him back from getting on, and I presume you  
4 would not. If you could have helped someone get on  
5 educationally, that's what you would have done.

6 **A. Oh, absolutely, and there were boys who went down to**  
7 **Portaferry School, who did not attend our own school,**  
8 **when we thought that they would possibly pass public**  
9 **exams. There were boys. There were two .**  
10 **There was There was HIA73. Those four**  
11 **come to my mind, and DL87, HIA41's brother, DL87.**

12 Q. He said to the Inquiry in paragraph 36 of his statement  
13 at 642 a particular that ensued between DL95 and him and  
14 another boy. He said DL95 would have been the best  
15 fighter in his time in Rubane and not someone you messed  
16 with, but he had managed to get himself involved in  
17 an altercation with him. DL95 said to the Inquiry, no,  
18 he has mixed you up. It was BR12 who intervened to  
19 break the fight up, but his recollection, it was you or  
20 you became aware of the fight or witnessed the fight in  
21 some way and he describes how you punished both of them.  
22 You summoned them both to the office, asked what  
23 happened and they both got caned over it.

24 **A. Uh-huh.**

25 Q. Do you have any recollection of DL95 and HIA225 ending

1 up --

2 **A. I don't remember them fighting, but if they had been**  
3 **fighting and I brought them to the office, I would have**  
4 **punished both of them. I would have listened to what**  
5 **they were saying, of course, beforehand.**

6 Q. Your -- the suggestion that he was making was that you  
7 had not done enough to break this fight up. So  
8 I presume there were fights that took place in the home  
9 from time to time between the boys, and what I want to  
10 ask you is when that happened, did you just let it go on  
11 until it got to its natural end or did you -- you are  
12 laughing. Let me just give you the possibilities.

13 **A. Yes.**

14 Q. Or did you step right in and, you know, box them  
15 yourself or what did you do in that type of  
16 circumstance?

17 **A. Well, sometimes fights begin in a very -- sort of**  
18 **pushing each other and shoving each other. Of course,**  
19 **you know, that could break up without any big fight**  
20 **developing, but if a big fight developed, immediately,**  
21 **of course, I would step in and separate them. "Get over**  
22 **there. Get over there", and separate them, but**  
23 **I would -- I would not allow fights like that to go on.**

24 I remember two other boys who were fighting and  
25 they -- I came across them fighting and they were hammer

1           and tongs to each other, and I brought the two of them  
2           up to my office and the two of them broke down crying in  
3           front of me for what they were doing. So, of course, I  
4           would never allow fights to continue to a degree that  
5           they would hurt each other.

6    Q.   So it may well have been if it was BR12, however you  
7           found out about it, they both got punished for fighting,  
8           and presumably boys did get punished for fighting if  
9           that's what they did?

10   A.   **Depending on the severity of the fighting that was going  
11           on, yes.**

12   Q.   Now the last two that I have to deal with with you, BR2,  
13           are -- the ninth person, the fourth of the second  
14           category, is HIA31, who gave evidence on Day 66. He is  
15           HIA31. He was the -- in the home between August '74 and  
16           April '80. Essentially he had said to the Inquiry  
17           through his statement -- I am not going to bring this  
18           up, paragraph 56, 918 -- he said he got twelve slaps  
19           from you for absconding. I am not sure when he gave his  
20           evidence that he mentioned this particular allegation,  
21           but you say in response that you didn't give him twelve  
22           slaps. You only ever would have given six, three on  
23           each hand, and that you had no recollection of ever  
24           having to slap HIA31.

25   A.   **I have no recollection of slapping HIA31. I think he**

1           **only ran away -- well, I have -- in my diary I think**

2           **I~have only recorded one time when he absconded.**

3    Q.    So it is possible he might have been caned for that, but  
4           if he was caned, you didn't exceed the --

5    **A.    Those boys, when I was there to begin, they were only 7,**  
6           **8 or 9 years of age, and I would not have punished those**  
7           **boys at that particular age.**

8    Q.    So it wouldn't have been until they were older?

9    **A.    Possibly.**

10   Q.    Is there anything else you want to say about that or  
11           ...?

12   **A.    No.**

13   Q.    You are happy I have covered the ...?

14   **A.    I think you have covered that pretty well.**

15   Q.    The tenth matter then or the fifth of the second  
16           category of five is HIA25. He is HIA25. He was in the  
17           home between August '74 and April '80. So he was there  
18           for a three-year period, as you say, from he was 7 until  
19           he was 10. Then you go off and then he is in the home  
20           again from November '81 to May '83 when you would have  
21           been there again. At that point he would have been  
22           between 15 and 17. So you are there when he is 7 to 10  
23           and then 15 to 17. He says, paragraph 17 of his  
24           statement, 848, if we can look at that, please:

25            "We ran away. We didn't get very far. The Head

1 Brother, BR2, brought us into his home -- into his  
2 office in the main house. He had a cane. He nearly  
3 took the fingers off my hands. He made me stick my hand  
4 and if I pulled my hand away, he hit me harder.  
5 Sometimes my brother and I would take the beatings for  
6 each other."

7 Obviously looking back, you can see how getting  
8 caned, the impression that had on the person who was  
9 being caned, if this is indeed -- whether it was you or  
10 somebody did it to him, he is describing what it seemed  
11 like to a boy being beaten. He is saying that this was  
12 shortly after he came to Rubane. So he would have been  
13 quite young when this took place, and the point you are  
14 making is you would not have caned him at that age.

15 **A. Absolutely not.**

16 Q. He says in paragraph 19 that -- he talks about the  
17 various times they ran away. The records show and your  
18 own diaries I think show them running away at times.  
19 They went to the Ulster Museum I think for the day out  
20 and ran off and were brought back and so on.

21 **A. Yes. That was a school outing.**

22 Q. A school outing. If we scroll down just a little  
23 further, he says:

24 "The beatings we got when we were brought back were  
25 unreal. BR2 and BR3 were the Brothers who beat us. All

1 we wanted to do was go back to our house, wait for our  
2 mother and be with the rest of the family."

3 So he is describing again corporal punishment it  
4 seems that you, he says, administered to him for having  
5 run away.

6 He talked about that in his evidence on Day 66 at  
7 80415, please. He talks about when he is coming in. He  
8 says:

9 "You could hear the cane coming down on his fingers  
10 and this made you all nervous. You're only kids and you  
11 know what's going to happen to you."

12 Just scroll down, please. He says:

13 "You know, we were only 7 years of age and this was  
14 a grown man with a big stick hitting us as hard as he  
15 could to try to teach us a lesson not to run away. It  
16 wasn't a lesson not to run away. It was a lesson of  
17 fear."

18 That's his impression of what he says took place.

19 You say at 1932 in your statement that you don't  
20 think you ever punished him in terms of corporal  
21 punishment for him absconding. You don't have any  
22 recollection of doing that.

23 **A. I do not remember any time that I ever punished any of**  
24 **the [HIA 25, 31, 18].**

25 Q. BR2, there is another matter that I mentioned to you

1 just over the lunch break that I want to ask you to have  
2 a look at. That's something that you have said in your  
3 own statement. I should say, BR2, there are -- as you  
4 have dealt with in your statement, there are a couple of  
5 other statements that were made at various times to  
6 police, and you have addressed those in your witness  
7 statement, and I don't propose to go into any more of  
8 those today, but I would like you to look, if you would,  
9 with me at 1084, which is in your statement to the  
10 Inquiry. You say:

11 "I personally felt corporal punishment was rarely  
12 effective. There were occasions when it was  
13 administered for serious breaches of discipline, eg  
14 violence and abusive language toward staff, continuous  
15 absconding, breaking and entering and stealing. The  
16 punishment was carried out in the manner prescribed, was  
17 witnessed by another member of staff, recorded and the  
18 returns sent to the Department, though there may have  
19 been occasion when the official returns may have been  
20 incomplete or inaccurate. I know that I documented in  
21 my diaries occasions when I have used corporal  
22 punishment and generally the reason for administering  
23 it. I have to accept that there will have been times  
24 when punishment was not carried out strictly in  
25 accordance with the regulations and I'm aware of the

1 incident involving BR77's conviction."

2 His certainly, as you know, was not corporal  
3 punishment.

4 **A. Uh-huh.**

5 Q. "What I can say is that I don't consider I was  
6 personally responsible for over-aggressive physical  
7 punishment. If I witnessed any of my staff acting  
8 inappropriately, I would have challenged them about it."

9 We will come back to look at a number of instances  
10 in that regard in the week after next, but you then say  
11 this in paragraph 131, and in fairness to you DL315 has  
12 to my knowledge -- certainly he has not come forward to  
13 the Inquiry and has never made a statement to the police  
14 raising this incident, or if he has, I would have hoped  
15 we would have picked it up and been aware of it. You  
16 say:

17 "There were times when I quite clearly had a  
18 momentary loss of self-control. Looking back, those  
19 were difficult and stressful times. I note my diary  
20 entries for ..."

21 You name:

22 "10th January 1973."

23 You say:

24 "Hit **DL 315** which I presume is DL315, the boy  
25 who was involved with DL301, "across the face for being

1 giddy."

2 You say:

3 "I note my remorse expressed in feelings of low  
4 mood."

5 Can you remember what that was that happened that  
6 caused you to hit him in the face?

7 **A. That occurred in the school during school time. It was**  
8 **just after the Christmas break. There were a number of**  
9 **teachers absent. They hadn't returned to the school for**  
10 **one reason or another, and some of the classes had to be**  
11 **amalgamated, and the boys were very jumpy and disruptive**  
12 **in ways, and on this occasion I -- DL315 was continuing**  
13 **to be disruptive and I gave him one slap on the face.**  
14 **I admit that.**

15 Q. I just said language is important. This is not a cane  
16 you are talking about now. This is a slap with your  
17 hand?

18 **A. A slap with my hand.**

19 Q. All the other slaps we were talking about was with the  
20 cane?

21 **A. Yes.**

22 Q. This is with your hand?

23 **A. Correct.**

24 Q. And you regard that, this particular occasion, as you  
25 having lost self control with --

1 **A. Momentarily.**

2 Q. -- this particular situation. You point out that you  
3 get a letter. I'm not going to open it up. It comes  
4 from the Maze from a boy who is in prison subsequent to  
5 his time in Rubane. He let you know that DL315 was  
6 asking after you.

7 Did you ever do anything about this incident in  
8 terms of talking to anyone about the fact that it had  
9 happened?

10 **A. No. It happened in the school and it was just one of  
11 those things.**

12 Q. And you were still -- you were the Principal in effect  
13 at this point in time.

14 **A. I was, yes.**

15 Q. You were about to come to the end of that --

16 **A. Yes.**

17 Q. -- tenure. Might this have played a part in pushing for  
18 that separation of role?

19 **A. That was the time in August, six months after that, that  
20 I put forward the suggestion that the two roles should  
21 be separated and that was done.**

22 Q. This is the one occasion where you yourself can remember  
23 you hit a boy when you shouldn't have.

24 **A. Well, I don't remember it, but I remember -- it is in my  
25 note -- in my diary. That's how I remember it now and**

1       it came back to me. When I read through my diary for  
2       that particular day, there were a lot of things going  
3       on. As I said, there were teachers absent at the time  
4       and it was just after the Christmas holidays and the  
5       boys had to be amalgamated into the one class. So, you  
6       know, they were rather disruptive and carrying on, let's  
7       say, in a way that normally wouldn't happen. If you had  
8       your own class, it would have been perfect, but when  
9       a number of boys come together, they get a little bit  
10      high, as we would call it, and that's just what  
11      happened.

12    Q. BR2, there will probably be some matters that are  
13      relevant to what we are doing today that I might have to  
14      come back to on Monday week, but hopefully we have  
15      covered most of the ground. I don't intend to ask you  
16      more at this point. It may be there will be some other  
17      matters that we will come back to on Monday week that  
18      are -- there's a fusion here, because there's matters to  
19      do with BR18 that I am going to pick up again, about how  
20      that was dealt with, and generally how problems when  
21      Brothers behaved in a way that was unacceptable was  
22      dealt with. We will pick that up again on Monday week.  
23      I am not going to ask you anything more at the moment.

24            It may be that the Panel Members will want to ask  
25      you some questions about the material we have covered

1           today. I appreciate you have done a long stint to do  
2           that, but if you just bear with us for a short time and  
3           allow that to happen.

4   CHAIRMAN: Well, BR2, I am sure you will be relieved to hear  
5           at the moment at least we don't have any questions to  
6           ask you about what you've said today. It is however,  
7           I suppose, possible that on reflection there might be  
8           something that you have said today that we want to pick  
9           up with you next time, but at the moment certainly we  
10          have no more -- there is nothing we want to hear from  
11          you --

12   **A. Thank you.**

13   CHAIRMAN: -- today other than what you have said in answer  
14          to Mr Aiken.

15   **A. Thank you.**

16   CHAIRMAN: Thank you for coming.

17   MR AIKEN: Chairman, that concludes --

18   CHAIRMAN: We will resume your evidence on the future date  
19          that's been mentioned.

20   MR AIKEN: That concludes today's evidence and we're not  
21          sitting next week in order to prepare then for the  
22          following week.

23   CHAIRMAN: So it will be Monday week, ladies and gentlemen.  
24          That's when we ask you to come back, BR2, Monday week.

25   **A. Certainly.**

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(Hearing adjourned until 10 o'clock on  
Monday, 8th December 2014)

--ooOoo--