
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Wednesday, 30th September 2015

commencing at 10.00 am

(Day 146)

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

1 Wednesday, 30th September 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.35 am)

5 WITNESS BR92(called)

6 CHAIRMAN: Good morning, ladies and gentlemen. Can I, as
7 always, remind everyone to ensure that if they have
8 a mobile phone, it has either been turned off or placed
9 on "Silent"/"Vibrate", and I must also remind everyone
10 that no photography is permitted either here in the
11 chamber or indeed anywhere on the Inquiry premises.

12 Yes, Ms Smith.

13 MS SMITH: Good morning, Chairman, Panel Members, ladies and
14 gentlemen. Our first witness today is "BR92", BR92.
15 BR92 would like to take the oath and he also wishes to
16 maintain his anonymity, Chairman.

17 WITNESS BR92 (sworn)

18 CHAIRMAN: Thank you very much. Please sit down.

19 Questions from COUNSEL TO THE INQUIRY

20 MS SMITH: Now BR92's witness statement can be found at
21 SPT2198 to 2199. If we can just call that up,
22 I explained to you, BR92, that although your name is
23 given in full there, before it is put on to our website
24 it will be properly redacted.

25 Your personal details are set out in paragraphs 1

1 and 2. You had trained as a teacher. Is that correct?

2 **A. No. As a residential worker, not as a teacher.**

3 Q. Okay. You worked in a number of industrial schools then
4 in .

5 **A. I worked in in**

6

7 Q. You then came to St. Patrick's Training School
8 in September and you remained there until

9 **A. That's correct.**

10 Q. Now I was asking you whether or not you came -- it is
11 clear from paragraph 3 to me that you came to the junior
12 school, or at least I thought that was the case, but, in
13 fact, by the time you came the distinction between
14 junior and senior school was no longer in existence.

15 **A. It certainly wasn't, no.**

16 Q. The only distinction was between the care side and the
17 justice side. Is that right?

18 **A. Yes. That would have been --**

19 Q. Are you aware of when that change had come about at all
20 or ...?

21 **A. It would have been there I think before I had arrived
22 and the justice building or the new justice building
23 was -- was being built.**

24 Q. You were saying that when you arrived, in fact, the old
25 school, as we have had it described in the Inquiry, with

1 the junior and senior section was in the process of
2 being demolished.

3 **A. Yes. During my time it was demolished.**

4 Q. You were working in Chalet --

5 **A. Correct.**

6 Q. -- which was known as

7 **A. House.**

8 Q. House. I was asking how many boys might have
9 been in the chalet and you think --

10 **A. To my recollection there would have been around ten.**

11 **I could be wrong on that, but ...**

12 Q. That -- in or around that number?

13 **A. Yes.**

14 Q. And I presume over the three years that you were there
15 the numbers might have changed in any event?

16 **A. Yes.**

17 Q. But you thought there were three or four people who
18 would have looked after the boys in the chalet. Is that
19 right?

20 **A. There would have been a staff maybe of nine or ten.**

21 Q. And they worked in shifts?

22 **A. Yes.**

23 Q. You didn't live in the chalet, though. Is that correct?

24 **A. No.**

25 Q. Now just coming to your statement here, you say that you

1 didn't teach. You supervised the boys who were sent to
2 the school under care orders and during your time each
3 residential social worker was in particular responsible
4 for three or four boys, being their assigned key worker,
5 and that meant you would see those boys on a daily basis
6 and write up reports on their activities and behaviour
7 and the age range was between 13 and 16.

8 **A. Correct.**

9 Q. You also go on in paragraph 4 to describe that:

10 "During a boy's period in care regular case reviews
11 were held to monitor his progress and his behaviour and
12 in attendance at those meetings would be the social
13 worker, key worker and others interested in his
14 welfare."

15 I just wondered who were the others who would have
16 been interested in his welfare? Is that people within
17 St. Pat's or ...?

18 **A. For instance, it might have been his mother or father
19 would have attended as well, if they were requested to
20 attend.**

21 Q. So -- you also described there was another meeting which
22 took place regularly, which was the Licensing Review
23 Committee meeting. You can't recall who was on that,
24 but there was maybe one representative from St. Pat's,
25 but the others you really --

1 **A. I believe it was in existence before I arrived in**
2 **St. Patrick's.**

3 Q. Would you yourself have attended the meetings --

4 **A. I would, yes, yes, yes. I would have prepared a report**
5 **on the lad I was with.**

6 Q. And delivered that report to the committee, who then, as
7 you would say, would make recommendations as to how best
8 to proceed with his care --

9 **A. Yes.**

10 Q. -- during his stay there.

11 **A. Uh-huh.**

12 Q. You say:

13 "At the meeting the boy would be invited to attend
14 and be given an opportunity to express his views on the
15 care and treatment given to him during his time at
16 St. Patrick's."

17 **A. Certainly.**

18 Q. In your experience, , did the boys engage with
19 that process?

20 **A. They would, yes. They did.**

21 Q. Now we have, as I have explained to you, that when -- in
22 the course of our work the Inquiry obtains a large
23 number of documents and pieces of material from various
24 sources. One of our sources of material is from police
25 files.

1 As a result of what we discovered in one police file
2 we realised there was an allegation against you by a boy
3 whose name I will use and that's SPT85, and his
4 statement can be found at SPT23561, please. If we could
5 just go to that. This was a boy who you did look after
6 in Chalet Isn't that correct?

7 **A. SPT85 was in Chalet , yes.**

8 Q. This is the statement that he gave to the police. You
9 will see that it is in March 2014. He talks about being
10 admitted on a care order to St. Patrick's, about -- at
11 the age of . He alleges that not long after he
12 arrived there he was sexually assaulted by ,
13 whom he names as you.

14 He said it happened at the swimming pool. He was in
15 the changing room. He was at the far end of the room
16 from the door getting undressed when you came in and
17 walked over to him. There was no-one else there. You
18 asked if he needed help getting changed and you then
19 reached over and stroked his bare buttocks. He pulled
20 away. He says that you then reached round to the front
21 and cupped his genitals and he pushed your hand away and
22 said something like, "What are you doing?"

23 "I don't know what disturbed him or made him stop.
24 Maybe one of the other boys came in from the pool",
25 and you simply walked out of the changing room.

1 Nothing more was said about it. I am just going to go
2 on with the rest of his allegations --

3 **A. Right. Right.**

4 Q. -- before coming to deal with them, , if I may.

5 He said nothing further happened until perhaps a year

6 later when he was fighting in class one day in Chalet .

7 I am going to pause there, because we have heard that

8 the classrooms were in the old school, but as it was

9 being demolished, the classrooms moved into the chalets.

10 Is that correct?

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

12 Q. You were explaining to me that what had been the
13 recreation room in the chalet became the classroom.

14 **A. The classroom.**

15 Q. And any recreation facilities were just simply moved
16 into the living room.

17 **A. Uh-huh, yes.**

18 Q. Were you there when that happened or had that happened
19 before you arrived?

20 **A. I would have been there when that happened, yes.**

21 Q. He said that you put him out of the classroom and had to
22 restrain him by putting him on to the ground and shoving
23 his arm up his back.

24 "This was normal procedure when the boys -- any of
25 the boys were kicking off. Everyone else was in the

1 classroom and BR92 had me on the ground out in the
2 corridor so no-one would have been able to see what was
3 happening. I was struggling, but he shoved my arm even
4 further up my back, so much that I thought he was going
5 to break it. He reached round while I was still
6 restrained and groped me between the legs. He was
7 feeling me up. I struggled and fought him off even
8 more. He told me he would give me extra points, and
9 points were given for good behaviour and could be
10 exchanged for treats or crisps at the end of the week."

11 Now just if I may pause and ask you a little bit
12 about the points system, it is the case that there was
13 this system of points for privileges and rewards. Is
14 that correct?

15 **A. That would have been -- yes, yes.**

16 Q. And did that reduce -- the number of points that were
17 given reduced according to behaviour?

18 **A. It would have reduced their pocket money, let's say, at
19 the end of the week.**

20 Q. And he could have exchanged that pocket money for treats
21 and crisps. Is that what he --

22 **A. I don't recall what he's saying there happened for
23 treats or whatever.**

24 Q. Okay. Was there a tuck shop that he could have spent
25 the pocket money in? Is that maybe what he meant by

1 that?

2 **A. They usually went outside the premises to get bars or**
3 **whatever --**

4 Q. Okay.

5 **A. -- in the locality.**

6 Q. Well, that's what he said in his police statement. You
7 were interviewed by police about that on 27th March
8 2014. Now I am not going to call up your interview --

9 **A. Uh-huh.**

10 Q. -- but the Panel can see it at SPT23570 to 23580.
11 Essentially you denied the allegations to police.

12 **A. I absolutely denied all the allegations that SPT85 made**
13 **to me.**

14 Q. And going back to your statement, if we may, please, at
15 2198, you deal with the allegations in your Inquiry
16 statement at paragraph 5, where you say:

17 "I have been asked to comment on the allegations
18 made against me by SPT85, who made a statement to
19 police, and I was interviewed on 27th March 2014.

20 I understand he has not contacted the Inquiry or made
21 a statement to it about his allegations against me.

22 I recall him and would have had some contact with
23 him but do not believe I was his key worker. I do not
24 recall any issues between him and myself during the time
25 he was in St. Patrick's.

1 The first allegation against me is that I sexually
2 abused him in a changing room near the swimming pool.
3 He alleged I touched him in an indecent way when we were
4 alone together. I deny this completely. It simply did
5 not happen. I do accept all the residential social
6 workers would have supervised the boys from time to time
7 in both the swimming pool and the changing room."

8 We were speaking earlier and I was asking would you
9 ever have been on your own to supervise the boys at the
10 swimming pool?

11 **A. Normally people -- speaking, there would have been two**
12 **care staff looking after the boys in the swimming pool**
13 **area.**

14 Q. You say that the supervision was to prevent horse play
15 or any incidents occurring and it was unusual for one
16 boy to be alone in the changing rooms. Normally boys
17 would have got out of the swimming pool together and
18 then got changed. You think it is most unlikely you
19 would have been alone with him as he states.

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

21 Q. One of the reasons is because you weren't supervising on
22 your own.

23 **A. Uh-huh.**

24 Q. There was someone else there. You go on to say at
25 paragraph 8 that:

1 "His second allegation ..."

2 This is slightly -- it did not translate very well
3 into the system --

4 **A. Uh-huh.**

5 Q. -- the photocopying and scanning.

6 "His second allegation is difficult to understand.
7 He claims I put him out of the classroom but he also
8 refers to this taking place in Chalet . If he was in
9 the class room, I would not have been present. I was
10 not a teacher. If a boy was fighting in the classroom,
11 it would have been the teacher who would have dealt with
12 it. If the incident took place in chalet number , then
13 it is possible I would have been there to supervise him.
14 There were usually three housemasters allocated to
15 a chalet and there was a corridor outside. I do not
16 recall ever having to restrain SPT85, but it is possible
17 from time to time I had to break up fights between boys
18 and this would have involved pulling a boy away."

19 Now I was saying to you that we have heard in the
20 Inquiry that teachers would often send for the
21 housemasters when things were, as SPT85 put it, kicking
22 off in the classroom.

23 **A. Uh-huh.**

24 Q. You would accept that that would have been a role that
25 you would have performed?

1 **A. If the teacher felt that the situation was getting out**
2 **of hand, he might have sent a boy out for help.**

3 Q. And you would have come to help the teacher to control
4 the situation.

5 **A. Yes, yes.**

6 Q. So if there --

7 **A. Bearing in mind there would have been at least two other**
8 **care staff or residential staff on the premises at the**
9 **same time.**

10 Q. It would just be maybe -- would you all have gone to the
11 classroom or just one?

12 **A. One would have just to see what the situation was.**

13 Q. He described this -- the normal procedure as -- putting
14 his arm up his back, as it were, and restraining him as
15 the normal procedure if boys were kicking off. Is that
16 the normal --

17 **A. I never -- I would never have done that or recall such**
18 **action by any staff happening and I certainly didn't do**
19 **it.**

20 Q. You were saying to me that if boys were fighting, first
21 of all, you would ask them to separate, and then if they
22 didn't, you would have to get in between the two of them
23 --

24 **A. Yes, yes.**

25 Q. -- to push them apart.

1 **A. Uh-huh.**

2 Q. But that -- that would not have involved putting some
3 child's arm up his back or anything of that nature?

4 **A. It certainly wouldn't. First of all, you would ask them**
5 **to separate, and if they didn't separate, then you would**
6 **go in and try to separate them with your hands.**

7 Q. And you go on in your statement to say that -- you deny
8 completely this allegation that when this happened, you
9 indecently touched him or squeezed his genitals, and you
10 therefore believe it is quite possible that he would
11 remember you from your time in St. Patrick's, but
12 completely deny his allegations and wonder why he didn't
13 report them to his key worker, who would have spoken to
14 him on a daily basis. You can't remember if you were
15 actually his key worker.

16 **A. I wasn't his key worker.**

17 Q. He wasn't his key worker (sic).

18 **A. No.**

19 Q. The other person that you have addressed in your
20 statement is HIA96, who is someone who did come to speak
21 to the Inquiry. What he -- the comment he made about
22 you is at 221 of his statement. Essentially what he
23 said was that you were another person whom he was
24 suspicious about. You came to the unit from
25 and you believed -- he believed that you were

1 involved in sexual offences there. He said you always
2 volunteered to supervise the boys in the swimming pool:

3 "... and I saw him watching the boys and sometimes
4 he followed them to the showers and the changing rooms.
5 He never tried anything with me, however."

6 He then did come and speak to us on 21st September,
7 which is Day 142 of the Inquiry's public hearings.
8 While I can't call this up on the screen, I read out
9 what he said to you, and I am going to just basically
10 summarise it. He was asked basically -- he made another
11 allegation against you, which he did not make in his
12 statement. He said, when he was asked by Mr Aiken:

13 "Q. You are not alleging that BR92 ever interfered
14 with you?

15 **A. No.**

16 Q. Although you said to me that he did physically
17 assault you on one occasion?

18 **A. He did indeed."**

19 **What he said was that you grabbed him on the collar
20 and shoved him against the wall on an occasion when you
21 were removing a cigarette from him. Now can you ever
22 recall such an incident occurring?**

23 **A. I can't recall that incident ever happening.**

24 Q. Is it the case that the boys were allowed to smoke in
25 St. Patrick's?

1 **A. The boys would have been allowed to smoke outside of the**
2 **chalet, out in the grounds.**

3 Q. So if a boy was smoking in the chalet, would he have
4 been chastised in some way for doing that?

5 **A. He would have been told to take his cigarette outside**
6 **and smoke it outside.**

7 Q. But you wouldn't -- I mean, the allegation that he makes
8 --

9 **A. Uh-huh.**

10 Q. -- is that you grabbed him by the collar, shoved him
11 against the wall to remove the cigarette from him. Did
12 that happen?

13 **A. Again I recall no such incident happening.**

14 Q. And he said that that happened in Chalet . You were in
15 Chalet and both he and SPT85 --

16 **A. SPT85.**

17 Q. -- were both in that chalet. He was then asked
18 basically how he knew that there was some incident
19 involving you and

20 . He said that he was told by someone who had
21 been his key worker, SPT157. Again I am going to use
22 the name, but, as I have explained to you, we don't use
23 names outside the chamber, and that was SPT157. He said
24 that he was speaking to him on the telephone at some
25 stage after he had left St. Pat's and they were talking

1 about another incident and in the course of that this
2 man, the key worker, went on to mention that you had
3 been asked to face sexual offences charges

4 He said:

5 "... which came as no surprise to myself, given the
6 fact that there was immoral activities that took place
7 within St. Patrick's Training School."

8 He went on to say that as a member of staff you
9 always seemed very keen and, in fact, very enthusiastic
10 when you were attending the swimming pool where
11 residents would go to, and you would also -- because of
12 that common knowledge amongst himself and other people,
13 that you were regularly attending the swimming pool to
14 supervise and wouldn't be at other events regularly to
15 supervise and would only specifically be at the swimming
16 pool in so-called supervisory capacity, he did begin to
17 keep a sort of eye on you. He said:

18 "I've seen on a number of occasions where we would
19 be in the swimming pool and somebody would decide to --
20 after having their swim would decide to return to get
21 changed and have a shower. On quite a lot of those
22 occasions I would look over at BR92 and I would watch
23 him and I would be watching him for him to make that
24 move to head into -- after the person who had been going
25 into the changing room shower facilities, and lo and

1 Q. -- when he sat and gave evidence in this chamber.

2 So just to deal with that, obviously there was
3 an allegation there that had not been made before about
4 the physical assault, which you deny.

5 **A. I don't -- I don't recall that ever happening.**

6 Q. You address the other matters in paragraph 9 here of
7 your statement where you said that you believe that he
8 actually came the same month as the other boy to
9 St. Patrick's, and you remember him and believe they
10 were both quite friendly with each other. You say that
11 you supervised the boys -- you said that you supervised
12 the boys in swimming changing rooms and that was one of
13 the duties of the residential social workers. The
14 reason was to stop the boys misbehaving. You didn't
15 know how he learned about the allegations in

16 but you now do know from what he said here.
17 You also assumed that SPT85, who would have been
18 friendly with him, did not tell him about the
19 allegations, because he would not have known about them.

20 **A. Uh-huh.**

21 Q. Just to be clear, , in respect of what he told us
22 when he came to the Inquiry about -- was it the case
23 that you only ever supervised the swimming in the home?

24 **A. Definitely not. I supervised any activity that needed**
25 **to be supervised whenever -- if there was a need, I went**

1 **in and supervised.**

2 Q. We were talking about if boys were playing football, you
3 would have been supervising them playing football. It
4 wasn't a case of you saying to one of the other

5 "Look, I'll take the swimming boys. You take
6 the football"?

7 **A. No, no.**

8 Q. You did say that you also supervised them on outings
9 from St. Patrick's.

10 **A. That's correct, yes.**

11 Q. Were those -- we have heard about holidays up in
12 Glenariff in Kilmore.

13 **A. Uh-huh. Uh-huh.**

14 Q. Did you take part in those holidays or was that --

15 **A. I did, yes, yes, yes.**

16 Q. They were still going on when you were there?

17 **A. Uh-huh.**

18 Q. Did they go out on day trips or ...?

19 **A. From St. Pat's they would have gone on day trips, visits
20 to Helen's Bay or to other places around.**

21 Q. And sometimes you would have remained in the chalet to
22 supervise boys who couldn't go out?

23 **A. Yes, yes, if they were watching television and watching
24 a film.**

25 Q. Well, it is true that you were the subject of charges

1

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

3 Q. You make mention of that in your statement and you say
4 those charges were dismissed. I was checking with you
5 what the actual legal position was --

6 **A. Uh-huh. Uh-huh.**

7 Q. -- and I understand that at the end of the prosecution
8 case your lawyers made an application for a directed
9 verdict of not guilty and that's what occurred.

10 **A. Well, it was in the middle of the trial itself.**

11 Q. You didn't have to give evidence yourself?

12 **A. No, no.**

13 Q. And you say in your statement here at paragraph 10 that
14 as far as you are aware no other boys made any
15 allegations against you in relation to the years that
16 you worked in St. Patrick's.

17 **A. As far as I know.**

18 Q. Well, , you will be glad to know that those are
19 all the questions that I want to ask you, but I'm sure
20 the Panel Members may have some questions that they want
21 to ask you about.

22 **A. Thank you.**

23

Questions from THE PANEL

24 CHAIRMAN: BR92, could I just ask you about the sorts of
25 activities that you might have had to supervise? You

1 have spoken about swimming and football, if necessary --

2 **A. Uh-huh.**

3 Q. -- and going to the house in Glenariff where the boys
4 would go for a summer holiday. Isn't that right?

5 **A. Yes.**

6 Q. But apart from that I take it there were occasions when
7 apart from excursions for just enjoyment, such as going
8 to the beach at Helen's Bay or something like that,
9 there were occasions when you would, to use a term,
10 escort the boys -- is that the case -- if they had to go
11 to court or to hospital or something like that?

12 **A. It would have happened -- to court, yes, I think. Again**
13 **I'm -- my memory is hazy on whether I had to bring boys**
14 **to court. I can't remember or recall bringing someone**
15 **to court.**

16 Q. Yes. You have explained how the boys could take part in
17 what was called the Licensing Review Committee I think
18 it was.

19 **A. Yes.**

20 Q. And part of your function would be to prepare reports
21 for that. Is that right?

22 **A. It is indeed, yes, yes.**

23 Q. And do you recall whether you ever prepared reports for
24 court as well or would you submit a report to somebody
25 else who would provide it?

1 **A. During the boy's stay in the chalet or in St. Pat's**
2 **there would have been quarterly reviews or case**
3 **conferences on the boy and I would be required to**
4 **produce a report --**

5 Q. Yes.

6 **A. -- on the -- on the lad.**

7 Q. Thank you very much.

8 MS DOHERTY: Thank you, . Can I just clarify about
9 the issue about the schooling and the chalets?

10 **A. Yes.**

11 Q. Would all of the boys in Chalet have been educated
12 together in one class or ...?

13 **A. As far as I can recall that happened.**

14 Q. And how many chalets would there have been at that time?

15 **A. Two, Chalet 1 and Chalet 2.**

16 Q. Chalet , but there was no differentiation in terms of
17 age? They would just be taught as one group?

18 **A. I could be wrong now in what I'm saying, that the boys**
19 **in whatever chalet were in school together.**

20 Q. Okay. Okay, and can I just ask about fighting between
21 boys? Was that a regular feature of life?

22 **A. I can't recall again any kind of -- what will I say --**
23 **physical fight between -- between lads, but I'm sure it**
24 **did happen, and in such a case you'd be asked as the**
25 **care worker to ask the boys to separate. You wouldn't**

1 **be looking on, you know, and see the actual fight**
2 **happening.**

3 Q. Okay, because some witnesses have talked to us about
4 fighting between boys allowed to be carried on for a bit
5 --

6 A. **Uh-huh. Uh-huh.**

7 Q. -- and staff -- but you don't remember that?

8 A. **No, I don't. I don't recall that ever happening. If it**
9 **happened in my case, I would ask them immediately to**
10 **cease, to stop fighting.**

11 Q. And this suggestion that you, you know, kind of
12 volunteered to do the supervising of the swimming pool,
13 was there a rota for Brothers and for staff in terms of
14 responsibility?

15 A. **If a need arose at the gym or the swinging pool, if**
16 **there were lads going there, then you needed staff to go**
17 **there, and normally speaking two staff went --**

18 Q. Okay.

19 A. **-- to supervise the swimming pool area.**

20 Q. But was there somebody in charge of the chalet
21 staff-wise? Would there be somebody that would say,
22 "BR92, will you do this?" and, you know, allocating
23 jobs?

24 A. **It normally sorted itself out with the staff there on**
25 **duty on the evening or the morning.**

1 Q. And you would just sort it, but there'd be nobody --
2 would there be somebody in charge of the shift or would
3 you all be equally?

4 **A. Sometimes it would be -- there would be a team leader.**
5 **Sometimes he would be on duty. Others times he wouldn't**
6 **be.**

7 Q. Okay.

8 **A. So it would be left to the care staff to devise where**
9 **the boys went.**

10 Q. Okay, and to decide who would go with him for whatever?

11 **A. Yes, yes.**

12 Q. Okay. Thank you

13 MR LANE: You mentioned that there were nine -- pardon me --
14 you mentioned that there's nine or ten staff in the
15 chalet.

16 **A. Yes.**

17 Q. Was that from the start when you were there or was it --
18 were the staffing levels improved while you were there?

19 **A. Well, the staffing levels -- sorry -- I presume they**
20 **improved, but I can't give you, you know, numbers.**

21 Q. So if there were nine or ten, that meant there were
22 about three on duty at any one time?

23 **A. Yes, yes. More on at evening time.**

24 Q. The other thing which I'm not quite clear about is the
25 relationship between the review system and the Licensing

1 Committee.

2 **A. Uh-huh.**

3 Q. Was one subordinate to the other?

4 **A. They worked I think, I believe, independently of each**
5 **other.**

6 Q. So the Review Committee would have looked at how the boy
7 was proceeding actually within the house unit, would
8 they, in the chalet?

9 **A. Yes, and outside it in the classroom situation.**

10 Q. Right, and the Licensing Committee would have covered
11 exactly the same ground?

12 **A. Yes, yes, yes, yes.**

13 Q. And did the Licensing Committee make a decision as to
14 when the boy could leave?

15 **A. That would normally have taken place in the -- at the**
16 **review meeting.**

17 Q. Right. So did the Licensing Committee have any
18 particular powers or was it just monitoring what was
19 happening?

20 **A. More of a monitoring exercise.**

21 Q. You mentioned in your statement that it was an outside
22 body. Did it have members of the board on it or what
23 sort of people were --

24 **A. I can't honestly recall who was on the Licensing**
25 **Committee.**

1 Q. Right. Thank you very much.

2 CHAIRMAN: Well, BR92, thank you very much for coming to
3 speak to us today. We are very grateful to you for
4 doing so. Thank you.

5 **A. Thank you.**

6 **(Witness withdrew)**

7 MS SMITH: Chairman, I am not sure if Mr Aiken is in a
8 position to take the next witness. I am about to
9 consult with the third witness.

10 CHAIRMAN: Yes. Well, we will rise until we are ready to
11 take the next witness.

12 (11.07 pm)

13 (Short break)

14 (11.30 am)

15 WITNESS HIA51 (called)

16 CHAIRMAN: Mr Aiken?

17 MR AIKEN: Chairman, Members of the Panel, good morning.
18 The next witness today is HIA51, who is "HIA51". He
19 wishes to preserve his anonymity and he is aware,
20 Chairman, that you are going to ask him to take the
21 oath.

22 WITNESS HIA51 (sworn)

23 CHAIRMAN: Thank you, HIA51. Please sit down.

24 Questions from COUNSEL TO THE INQUIRY

25 MR AIKEN: HIA51, coming up on the screen is I hope the

1 Q. Right. Thank you very much.

2 CHAIRMAN: Well, BR92, thank you very much for coming to
3 speak to us today. We are very grateful to you for
4 doing so. Thank you.

5 **A. Thank you.**

6 **(Witness withdrew)**

7 MS SMITH: Chairman, I am not sure if Mr Aiken is in a
8 position to take the next witness. I am about to
9 consult with the third witness.

10 CHAIRMAN: Yes. Well, we will rise until we are ready to
11 take the next witness.

12 (11.07 pm)

13 (Short break)

14 (11.30 am)

15 WITNESS HIA51 (called)

16 CHAIRMAN: Mr Aiken?

17 MR AIKEN: Chairman, Members of the Panel, good morning.
18 The next witness today is HIA51, who is "HIA51". He
19 wishes to preserve his anonymity and he is aware,
20 Chairman, that you are going to ask him to take the
21 oath.

22 WITNESS HIA51 (sworn)

23 CHAIRMAN: Thank you, HIA51. Please sit down.

24 Questions from COUNSEL TO THE INQUIRY

25 MR AIKEN: HIA51, coming up on the screen is I hope the

1 first page of your witness statement except for the
2 black marks. So if you can just check the hard copy
3 that you have in front of you, that it matches the one
4 on the screen and you recognise that as your statement.

5 **A. Absolutely.**

6 Q. If we look at the last page, which is on 170, please,
7 and again, HIA51, if you look at the last page that you
8 have of the hard copy and just check that it matches the
9 one that's on the screen apart from the black marks.

10 **A. Yes, absolutely.**

11 Q. And that you want to adopt the contents of the statement
12 as your evidence and you have signed it?

13 **A. Yes, absolutely.**

14 Q. HIA51, as I was explaining to you, I am going to try to
15 summarise much of the material, because, as you know,
16 I came to see you with five lever arch files, so a lot
17 of material. We are going to try and cut down to the
18 main issue that you want to talk about, about your time
19 in St. Patrick's. So I am going to try and summarise
20 a lot of what's around that --

21 **A. Uh-huh.**

22 Q. -- so that we keep the time you have to spend giving
23 evidence to a minimum. So bear with me and just check
24 what I am saying is correct and confirm it for me.

25 You were born on ?

1 **A. That's correct.**

2 Q. And are now aged 49?

3 **A. I am.**

4 Q. You were one of five siblings?

5 **A. Yes.**

6 Q. And you were in St. Patrick's for five weeks. I know
7 when we were talking earlier, you thought it was longer,
8 but for five weeks between 8th July 1982 --

9 **A. Uh-huh.**

10

11

12

13 Q. -- and stayed there until 13th August 1982 --

14 **A. Yes.**

15 Q. -- so

16 a five-week period. You explain in your witness
17 statement that you had gone off the rails effectively
18 and you had been charged with arson and criminal damage
19 to do with JCBs. That ultimately led to you being put
20 into St. Patrick's on remand for what turned out to be
21 the five-week period.

22 **A. Yes, that's correct.**

23 Q. Just -- as I was explaining to you, the Panel in order
24 to reduce the length of time you have to spend giving
25 evidence have read a lot of material relating to you

1 already.

2 **A. Uh-huh.**

3 Q. I am just going to signpost where that material can be
4 found in the electronic bundle --

5 **A. Right.**

6 Q. -- and then we'll move into some of the detail.

7 **A. Okay.**

8 Q. So bear with me for a moment while I do that.

9 You and I were talking earlier, HIA51, and I am not
10 going to go into the detail of it, but the Panel are
11 aware that over many years you have seen various doctors
12 with medical psychiatric type issues.

13 **A. Absolutely.**

14 Q. Those notes are available for the Panel and we are not
15 going look into them in any detail today, but they date
16 back to when you were a boy and then through to your
17 time in prison and thereafter.

18 **A. Okay.**

19 Q. We were talking about the psychiatrists that you saw in
20 1991 when you were in prison. I think you remember one
21 of them being German. I think he might have been
22 Icelandic, but he was a --

23 **A. Dr Gejanson and O'Keefe.**

24 Q. Yes. You remember seeing them?

25 **A. I recall speaking -- I spoke to those men, yes.**

1 Q. At that time you didn't first talk about what occurred
2 to you.

3 **A. No way.**

4 Q. You have three instances of sexual abuse that you want
5 to describe. One of -- the third of them was in
6 St. Patrick's when you were turning 16.

7 **A. Absolutely.**

8 Q. But you didn't talk to Drs O'Keefe or Gejanson in 1991
9 about any of those matters?

10 **A. No, no.**

11 Q. Their report is available to the Panel. I am not going
12 to go into the detail of that today.

13 **A. Right.**

14 Q. Then in terms of the chronology of documents, you spoke
15 to the police. Initially they came to see you in 1993
16 --

17 **A. Uh-huh. Yes. Sorry.**

18 Q. -- when you were in the Maze at the time.

19 **A. Yes.**

20 Q. They came as part of the -- they were doing a wider
21 investigation into St. Patrick's --

22 **A. That's correct.**

23 Q. -- and were looking for about 300 boys and found 150.
24 They came to speak to you. There is -- I am not going
25 to bring it up now, but there is a statement from the

1 officer who came to see you, who explained that you came
2 down to speak to them. They asked you about whether you
3 were you sexually abused or whether you knew of any
4 sexual abuse taking place in St. Patrick's. You said to
5 them they say at that time that you would like to help
6 them, but you couldn't.

7 **A. That's correct.**

8 Q. You were explaining to me earlier that at the time where
9 you were and the position you were in --

10 **A. I wasn't in any particular position.**

11 Q. Hear me out.

12 **A. Sorry.**

13 Q. I'm not -- what I'm saying is you didn't feel able
14 because of people who were around you --

15 **A. Absolutely true, yes.**

16 Q. -- to tell the police what had occurred.

17 **A. Absolutely, yes.**

18 Q. And you didn't tell them?

19 **A. I didn't, no.**

20 Q. And then by 1996 you shared the three experiences that
21 you had had with some individuals who were in prison
22 with you.

23 **A. Yes, that's correct.**

24 Q. And it was arranged -- and we don't need to go into the
25 detail of how it was arranged -- but it was arranged for

1 a nun called SR217 to come and speak to you.

2 **A. Yes, that's correct.**

3 Q. And you told her about what happened.

4 **A. Yes.**

5 Q. And that resulted in you going to speak to the police.

6 **A. Yes.**

7 Q. We were talking about the police statement earlier. So
8 I am just going to show it. I am not going to go into
9 the detail of it on the screen, but I am just going to
10 show it on the screen for the Panel. It was of
11 20th June 1996 at 21884. So you can see, HIA51, that's
12 your name on it and the date. You remembered the
13 particular officer who took your statement.

14 **A. Yes. Actually no. I thought her name was**

15 . **It's** .

16 Q. Yes. You got the surname wrong, but you knew her name
17 was .

18 **A. Yes.**

19 Q. You remembered that. The statement runs for seven pages
20 through to 21890. In that statement you talk about the
21 three incidents of abuse that you want to tell the
22 police about.

23 **A. Yes.**

24 Q. And just so I put those in context, HIA51, you explain
25 to them about something that happened to you as

1 a younger boy in the community.

2 **A. Yes.**

3 Q. And you were about five or six you believe.

4 **A. Yes.**

5 Q. And that's about what two boys did to you in a derelict
6 house.

7 **A. Yes.**

8 Q. The Panel are aware of that and I am not going to go
9 into the detail of it.

10 The second incident that you describe then was when
11 you were about 12 years of age and that was when a youth
12 club leader by the name of SPT161 --

13 **A. Yes.**

14 Q. -- who was subsequently convicted of the sexual
15 abuse of boys, you describe --

16 **A. 40 -- 40 -- it was 40 -- I think it was something, and
17 13 charges put against him and there was 40 children
18 also that he was charged with.**

19 Q. Yes. You and I were discussing this earlier. I was
20 explaining that in 1985 it appears that there were 13
21 charges relating to nine individuals, but he also
22 accepted that he had sexually abused 30 to 40 boys.

23 **A. Correct.**

24 Q. So there was a section of unidentified boys?

25 **A. Of which I was one, yes.**

1 Q. The discussion we were having is you would have been one
2 of those boys.

3 **A. Yes, yes.**

4 Q. And he was sentenced for that abuse. You explain -- and
5 again I am not going to go into the detail of that --
6 but you explain very serious sexual abuse that you
7 describe him engaging in --

8 **A. Absolutely.**

9 Q. -- on a number of occasions.

10 Then the third incident that you describe is the one
11 that the Inquiry is looking at because of its terms of
12 reference.

13 **A. Uh-huh.**

14 Q. That is where you describe as a 15, turning 16, year old
15 being in St. Pat's and a BR26 -- you call him "BR26" --
16 coming in with --

17 **A. Yes. The reason -- but the reason why I call him BR26**
18 **is because anyone that would carry out an act so vile**
19 **and disgusting like that cannot be seen as a Brother and**
20 **seen as a Christian and that's my belief. That's the**
21 **only reason why I'm saying that and I'm stating that**
22 **there clearly.**

23 Q. That's fine. You know I just use, like I would with
24 you, just use the person's name as they are known. We
25 will come back to that particular incident. You

1 describe those three incidents to the police then --

2 **A. Uh-huh.**

3 Q. -- in 1996.

4 **A. Yes.**

5 Q. I was explaining to you that -- and I appreciate this
6 was difficult for you -- that the police --

7 **A. Very difficult.**

8 Q. -- the police then interviewed the person from
9 St. Patrick's that you accuse of abusing you in
10 September of 1996.

11 **A. Yes.**

12 Q. He explained the work that he did in St. Patrick's. He
13 explained about the comic round and that at no stage had
14 he ever sexually abused any boy.

15 **A. He's a liar.**

16 Q. As a result of his -- I am not getting into it one way
17 or the other, HIA51. I am just setting out the factual
18 position of --

19 **A. Yes, but I am also -- I am also very much aware that
20 this is going on the public record. So that is why I'm
21 saying he is a liar.**

22 Q. Yes. I am going to come to the particular incident, but
23 just I am just explaining the factual chronology of
24 this.

25 **A. Absolutely. Absolutely.**

1 Q. He is interviewed --

2 **A. Uh-huh.**

3 Q. -- in September of 1996 and the allegation is put to him
4 --

5 **A. Uh-huh.**

6 Q. -- and he denies that he --

7 **A. Categorically denies.**

8 Q. -- he denies that he sexually abused any boy, including
9 you, and then the matter is reported on by the police to
10 the DPP, as it then was, in November of 1996, and for
11 a series of reasons that you and I were discussing
12 earlier the DPP decide not to the prosecute that man.

13 The Panel are aware you were unhappy with the
14 decision about SPT161 and also about the person
15 in St. Patrick's --

16 **A. Yes.**

17 Q. -- and you over the last number of years --

18 **A. Have pursued that on my own.**

19 Q. Yes, and you have asked for it to be looked at and so
20 on, but the chronology of this is that then in 1999 you
21 are released on licence and then, as we were discussing,
22 in 2004, HIA51, you asked the DPP to look again, or the
23 PPS as it now was, to look again at the decision about
24 SPT161 , and you got a long letter explaining in
25 detail the reasons why the decision was made as it was

1 back in 1996.

2 **A. Uh-huh.**

3 Q. We were discussing that earlier. At that same time in
4 2004 you made contact with the De La Salle Provincialate
5 House in Dublin --

6 **A. I did.**

7 Q. -- and you talked to BR32 .

8 **A. I did.**

9 Q. I was explaining to you that at that time an account was
10 sought from BR26 about what you were saying.

11 **A. No. When I rang -- initially when I rang, this**
12 **Mr , who I now believe to be deceased -- thank**
13 **God! -- answered me on the phone and says, "We have no**
14 **BR26 or BR26 in our premises in ", and at that**
15 **specific time I had taken a couple of drinks at home.**
16 **So I proceeded to call again. I actually -- I actually**
17 **says to that person -- I can't even say his name -- but**
18 **I remember -- I recall saying to him, "Could you get**
19 **BR26 on the phone for me, please, as a man?", and this**
20 **Mr says, "We do not have a so-called BR26".**
21 **I am saying "so-called", because again I don't see them**
22 **as Brothers. I don't see them as honest people.**
23 **However, when I did phone back again ten minutes later,**
24 **he was found. I believe they must have had him in**
25 **a cupboard or something there somewhere in the building.**

1 **Maybe they put him in the back dog kennel or somewhere,**
2 **but they did find him. So when I asked this person**
3 **, "Could I speak to him directly?", the phone was**
4 **put down on me.**

5 Q. All I am saying to you, HIA51, is that at that time an
6 account was sought from him about the allegations that
7 were made and he again denied --

8 **A. Absolutely.**

9 Q. -- that he had ever --

10 **A. Categorically. His -- I recall he categorically denied**
11 **and he -- God forgive him -- used the Vatican as**
12 **a secondary vice on his part by using the Vatican.**
13 **I mean he stated to the Vatican that he didn't do these**
14 **things to me and the Vatican responded with a letter**
15 **saying that subject to canon law, they will be dealing**
16 **with it internally, and subject to prescription these**
17 **elements -- that's what they referred to them as,**
18 **elements, this person that touched me up -- that they**
19 **would be dealing with it internally basically.**

20 Q. And the Vatican that you describe, there was a chain of
21 correspondence in 2008 with the --

22 **A. Oh, absolutely. Upwards to at least eight letters**
23 **I wrote them, yes.**

24 Q. Also at the same time there was correspondence with the
25 --

1 **A. Archbishop --**

2 Q. -- diocese here.

3 **A. -- Archbishop Martin down in the South of Ireland --**

4 Q. Yes.

5 **A. -- and up here in the North of Ireland --**

6 Q. The diocese --

7 **A. -- there was correspondence with --**

8 Q. -- with Bishop Treanor I think.

9 **A. No, no, no. Bishop Treanor and I, we chatted, but it**
10 **was Archbishop Brady.**

11 Q. You wrote to Archbishop Brady?

12 **A. I wrote to him and spoke with him in person directly --**

13 Q. Yes.

14 **A. -- in Somerton House. He proceeded to follow me outside**
15 **the door in Somerton House and says to me, "Would 65,000**
16 **do it?"**

17 Q. Who did that, HIA51?

18 **A. Archbishop Brady.**

19 Q. Archbishop Brady?

20 **A. "Would 65,000 do it?" I had no idea what the man was**
21 **referring to or what the man was talking about. I just**
22 **walked off, walked off.**

23 Q. Right. Well, so that takes us to 2008.

24 **A. Uh-huh.**

25 Q. You were explaining to me -- as I said to you, the Panel

1 are aware of everyone's criminal record. I am not going
2 to go into that today, but you were explaining that you
3 got into trouble in 2006.

4 **A. Yes. I'm very, very sorry about that, but I've**
5 **already -- I mean, I was sentenced by the courts.**

6 Q. Yes, and you were --

7 **A. I went to jail and I think going to jail in and around**
8 **those times there was very, very, very, very difficult.**
9 **I'm very, very sorry and I would appreciate if I could**
10 **be in some way exonerated from those things that I did,**
11 **but I was not of normal sane mind.**

12 Q. Yes, and you were explaining to me that you saw getting
13 involved in that type of behaviour which led to prison
14 --

15 **A. Attention seeking.**

16 Q. -- as a means of highlighting --

17 **A. Attention seeking.**

18 Q. -- the things that were concerning you.

19 **A. No. That's what I'm saying. Attention seeking. That's**
20 **what it was.**

25 We were discussing the criminal injury claims that

1 there have been, which didn't succeed. You were talking
2 to me about the points system that was applied.

3 **A. Yes, but that was -- that was another -- another**
4 **incident there in my life where I couldn't understand,**
5 **because about a year or two years prior to that I was**
6 **given £1,000 whilst in prison for being assaulted by**
7 **a number of prison officers.**

8 Q. Yes.

9 **A. So when you say to me about a points system or anything**
10 **like that there, they compensated me whilst I was in**
11 **prison --**

12 Q. Yes.

13 **A. -- and I can't -- I can't fathom what that meant or what**
14 **it means.**

15 Q. Well, those are the key milestones along the road and
16 the documents that are available that show that from
17 1996 you have been speaking to various organisations and
18 authorities --

19 **A. Absolutely.**

20 Q. -- about the three matters that occurred to you and
21 principally the second or third matter --

22 **A. Most definitely.**

23 Q. -- about SPT161 and then the man in
24 St. Patrick's.

25 Just bear with me while I confirm various other

1 documents in the bundle for the Panel Members where the
2 ...

3 The statements -- the De La Salle statements is at
4 390 to 392 with exhibits from 393 to 435 and an addendum
5 at 735.

6 The Health & Social Care Board statement is at 449
7 to 450.

8 The Department of Justice statement -- they are the
9 body nowadays responsible for training schools as they
10 were at the time, HIA51. They are the people who have
11 managed to find the old files and produce them to the
12 Inquiry.

13 **A. It was the British government that was -- I think from**
14 **my understanding --**

15 **Q. Yes.**

16 **A. -- and my reading it was the British government that was**
17 **in charge of giving out what I now know to be like**
18 **a lease sort of thing where -- say, for example, it's**
19 **a tender. I didn't understand all this here, because**
20 **I have only studied into all this and looked into all of**
21 **it. I wouldn't call it study. I'd call it**
22 **heartbreaking more than anything else, but when I looked**
23 **into that, these various agencies had been given roles**
24 **by the British government and St. Patrick's Training**
25 **School was one of them.**

1 Q. Yes. I'm just explaining to you that today the
2 government department that hold the records that we are
3 able to produce to the Inquiry --

4 **A. Uh-huh.**

5 Q. -- are the Department of Justice. They didn't run
6 St.~Patrick's. That was -- you are quite right. The
7 Northern Ireland Office ultimately were responsible for
8 the regulation of training schools.

9 **A. Yes.**

10 Q. But the Department of Justice statement is at 1361 to
11 1362 with exhibits from 1363 to 1365.

12 Then the material runs from 15734 -- sorry -- 45734
13 to 45774.

14 Then the criminal record, which I am not going to
15 open, HIA51, which is at 23207 to 23210.

16 If we look, HIA51, at paragraph 12 of your
17 statement, if we look at 166 -- it will be coming up on
18 the screen, HIA51, but you will also have a hard copy in
19 front of you there, if that is easier. There are
20 documents, HIA51, from earlier to -- including when you
21 were talking to doctors about one incident occurring
22 with BR26, but you are explaining to the Inquiry that it
23 was on more than one occasion that he came in.

24 **A. Absolutely.**

25 Q. And the first occasion he came in you are clear it was

1 a Sunday night.

2 **A. Yes, definitely a Sunday night. Every Sunday night he**
3 **came in.**

4 Q. Yes, and I was explaining to you that he has said to
5 the -- said to the police in '96 and has repeated to the
6 Inquiry that it is -- he did do comic rounds, but it
7 would have been very unusual to do it on a Sunday night,
8 because the boys had come back, and that the comic round
9 was generally on a Monday and Wednesday.

10 **A. Uh-huh.**

11 Q. But your recollection is it was on a Sunday night?

12 **A. Most definitely.**

13 Q. And that the second and third time you believe was on
14 a Sunday night as well?

15 **A. Absolutely, when I blocked the room door and he couldn't**
16 **get in.**

17 Q. You explain that he came in and he put his hand under
18 the bedclothes and touched you.

19 **A. No. That's -- that's -- what he did was he put the**
20 **comics across my lap and then he put his hand in under**
21 **the bedclothes, and when he put his hands in under the**
22 **bedclothes, he touched in and around my genitals and my**
23 **penis, and he sat with his own hand inside his gown and**
24 **made kinds of rasping noises and things like that there,**
25 **and also my granny had left me in a pair of rosary**

1 **beads and I had the set of rosary beads in my hand when**
2 **this scumbag was -- him was doing that to me.**

3 Q. You explain that this happened on a second occasion when
4 he tried to come in, but you had --

5 A. **The door blocked.**

6 Q. -- the door blocked. I think in the police statement
7 you have maybe suggested it happened twice and then the
8 third time was the door blocking, but your recollection
9 is --

10 A. **There was a cake. My grandmother brought me up a cake.**
11 **The second time he came in I think I offered him a piece**
12 **of cake or something to try to get him out or something**
13 **like that. I can't -- I can remember standing in the**
14 **room and him coming in and me having the cake in the**
15 **cupboard and taking it out and offering him -- I think**
16 **I offered him a piece of it just to get him out of the**
17 **road there, and then on the third occasion it was just**
18 **he knocked the door on a couple of occasions and**
19 **I wouldn't let him in.**

20 Q. And the -- that was -- once you had kept him out on that
21 occasion then, HIA51, that was the last time that you
22 had any -- he didn't come in again to you?

23 A. **No. He didn't -- he didn't -- he didn't come back later**
24 **--**

25 Q. And --

1 **A. -- to the room.**

2 Q. The individual has said to the Inquiry, as he said to
3 the police at the time, that he would have done comic
4 rounds, but there was nothing sexual to it and he didn't
5 ever touch any boy sexually.

6 **A. He's an absolute liar.**

7 Q. And that included you, that he had not ever sexually
8 touched you while bringing you comics at night.

9 **A. He definitely did sexually abuse me, yes, definitely.**

10 Q. And, HIA51, that's the main issue that you raise in your
11 Inquiry statement about St. Patrick's --

12 **A. Yes.**

13 Q. -- this particular individual and what you describe. If
14 we just scroll down on to the next page, please, you go
15 on then to explain how you then brought the matter to
16 the attention of the authorities, but you didn't -- am
17 I right in saying, HIA51, that it was in and around 1996
18 then when you first felt able to talk about this?

19 **A. Yes, but there's a few discrepancies here that I can see
20 within this document. Actually there's several
21 discrepancies. The first thing there at paragraph 15:**

22 **"I made both a written and video statement to PSNI
23 at Garnerville."**

24 **That's correct.**

25 **"I also spoke to officers at Grosvenor Road and**

1 I liaised with Detective Inspector ..."

2 I didn't. I didn't inspect -- I didn't liaise with
3 a Detective Inspector . I do recall speaking with
4 an Inspector .

5 Q. Don't worry too much, HIA51, about the -- this is
6 recording that you brought the matter to the attention
7 of the police --

8 A. Uh-huh.

9 Q. -- and that's right. Whether the right officer is being
10 named in your statement or not, you are saying to the
11 Inquiry you brought the matter --

12 A. No, but I meant -- I'm sorry for interrupting you.
13 I mean, is this not a truth basically forum basically?
14 Isn't that what it is? It's a truth forum. So there is
15 no point in me sitting here and agreeing with you that
16 I spoke to Inspector and Inspector .
17 I didn't. I spoke to Inspector .

18 Q. Right. So that --

19 A.

20 So I know who I spoke to. I can assure
21 you I know who I spoke to, and I did not speak to
22 Inspector or Inspector . Inspector
23 yes, I did speak to. I definitely did, yes.

24 This -- the Down & Connor Safeguarding Office,
25 I mean, there is no name there of the person I spoke to

1 **there. Why is his name not there either?**

2 Q. Well, HIA51, this is your -- this is your statement.

3 A. **Uh-huh.**

4 Q. So --

5 A. **Why's -- why's his name not there, his name that told**
6 **me, "He is probably down there for his penance"?**

7 Q. Do you remember his name?

8 A. , a Mr --

9 Q. Right.

10 A. **-- who worked for the safeguarding of -- there's -- who**
11 **took this statement? Who ...?**

12 Q. HIA51, this is your -- this is -- I think the point that
13 you are making in your statement --

14 A. **Uh-huh.**

15 Q. -- is that you brought these matters to the attention of
16 the police.

17 A. **Absolutely. Absolutely.**

18 Q. And you brought it to the attention of the church
19 authorities.

20 A. **Yes, very true.**

21 Q. And that's the main point that comes out of it, that you
22 were raising these matters with the authorities.

23 A. **Uh-huh. Yes.**

24 Q. And --

25 A. **I actually met -- I actually met the safeguarding**

1 officer -- safeguarding officer in -- what do you call
2 that place in the Ormeau Road? It was Nazareth House.

3 Q. Yes.

4 A. I spoke with him and he stated to me that, "He's
5 probably down there for his penance". So I wrote him
6 substantial letters and also sent him e-mails, but he
7 never got back to me.

8 Q. Right.

9 A. So it's just a point that I want to raise and make --

10 Q. Yes.

11 A. -- that -- that was his name, Mr --

12 Q. Okay.

13 A. -- and the reason why I remember his name is Mr
14 was because I passed 's thing in the town that
15 day and let myself never forget. That's how I do things
16 in my head. I go take a mark and remember.

17 Q. Are you content, HIA51, we have clarified those matters
18 now for the Panel so that they can go --

19 A. Oh, absolutely now, yes, yes, yes.

20 Q. What I want to ask you about then, HIA51, is if we look
21 at paragraph 28 of your statement, I was explaining to
22 you that the Panel at the end of its work has to
23 consider what recommendations they might make to the
24 Northern Ireland Government, and we were talking about
25 the report that the Inquiry will produce and about three

1 areas that the Panel have to consider making
2 recommendations about. I want to ask you about those
3 three areas. You talk about them in paragraphs 28 and
4 29 of your statement. That is about some form of
5 apology, and you make the point in paragraph 29 that you
6 are of the view that there should be a full State and
7 public apology from State and church by a high profile
8 public figure rather than just a bland statement from
9 spin doctors.

10 **A. Absolutely.**

11 Q. Then you explain in paragraph 28 that you think
12 a memorial and counselling and compensation should be
13 provided for those who were abused.

14 **A. Correct, yes.**

15 Q. Is there anything else you want to say about the
16 recommendations, HIA51, or have I summarised your
17 position correctly?

18 **A. Well, basically the only thing I wish to add is just**
19 **that it's a very, very sad day for me sitting here.**
20 **I believed a number of years ago that the police would**
21 **believe me and these people would have been arrested,**
22 **convicted and sent to prison. That wasn't the case.**
23 **I've lost five friends who were in St. Patrick's**
24 **Training School or St. Patrick's Reform School or call**
25 **it what you like. It was a bad place. Three of those**

1 friends have killed themselves. Two other friends were
2 in serious car accidents, and at the end of the day we
3 were only kids. We were kids. We were children. We
4 didn't know any better. We didn't know -- it was just
5 a -- it was a horrific place and a horrific place to
6 live or to spend time, and that was never -- that
7 doesn't leave, because there's that smell of
8 an institution. It's very, very difficult to explain.
9 It's because whilst I was in there, all I was made do
10 was clean, clean windows and things like that, and if
11 you didn't, you got a kick basically, a kick on the ass
12 or a slap on the back of the head, but that was the
13 norm. That was the norm. You just -- you went "Piff".
14 You didn't think about anything, that anybody was doing
15 any harm to you or any -- it wasn't until later years
16 when I had children myself and I began to realise how
17 precious my children are to me that I did say to myself
18 if anyone were to go near them or do any harm to them or
19 abuse them or abuse them or annoy them, then I myself
20 would try to try and keep them safe as best I possibly
21 could as a father and as a partner.

22
23
24
25
My two daughters -- I'm

1 a grandfather, and I don't know where to start. Where
2 do you begin to start to sit down and tell your family,
3 set them down one day, because I'm going to have to?
4 I'm going to have to set them down some day and say to
5 them, "Look, listen. Here is the evidence. There is
6 the proof, and decide what you want to decide", but as
7 far as being pained and hurt and harmed and abused, it
8 never leaves you. It doesn't go away.

9 See these silly stories you hear from people where
10 -- God bless their hearts, like -- "Oh, I can survive it
11 and I can move on"? You can't. You can't. You get up
12 out of your bed and the first thing that's in your head
13 in the morning is, "How do I get these people who done
14 these things to me?"

15 So basically that's -- that's all I've got to add.

16 Q. Okay. HIA51, I am not going to ask you any more
17 questions. If you bear with us for a while, the Panel
18 Members may want to ask you something.

19 A. Grand.

20 Q. Just bear with us for a moment.

21 A. Okay.

22 CHAIRMAN: Well, HIA51, you will, I am sure, be relieved to
23 hear we don't have any questions we want to ask you.
24 Thank you for coming to speak to us today.

25 A. Thank you.

1 Q. We see it has not been easy for you. Thank you for
2 coming.

3 **A. Thank you.**

4 **(Witness withdrew)**

5 MR AIKEN: Ms Smith, Chairman, is probably going to take the
6 next witness. I am not sure whether she will be able to
7 start that before lunch. She may be able to.

8 CHAIRMAN: Well, we'll rise now and we'll see what the
9 position is and we'll let everyone know in the next
10 few minutes.

11 (12.07 pm)

12 (Short break)

13 (12.15 pm)

14 WITNESS BR96 (called)

15 MS SMITH: Good afternoon, Chairman, Panel Members. Our
16 next witness today is "BR96", BR96, who wishes to take
17 a religious oath and also wishes to maintain his
18 anonymity.

19 WITNESS BR96 (sworn)

20 CHAIRMAN: Thank you very much, BR96. Please sit down.

21 Questions from COUNSEL TO THE INQUIRY

22 MS SMITH: BR96 has provided a witness statement for the
23 Inquiry, which can be seen at SPT2173 to 2174.

24 We were discussing the fact that your personal
25 details are set out in the first paragraph of that

1 Q. We see it has not been easy for you. Thank you for
2 coming.

3 **A. Thank you.**

4 **(Witness withdrew)**

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6 next witness. I am not sure whether she will be able to
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22 MS SMITH: BR96 has provided a witness statement for the
23 Inquiry, which can be seen at SPT2173 to 2174.

24 We were discussing the fact that your personal
25 details are set out in the first paragraph of that

1 statement, Brother.

2 **A. Yes.**

3 Q. And you are now almost years of age. Isn't that
4 correct?

5 **A. Right, yes.**

6 Q. Next month?

7 **A. That's correct, yes.**

8 Q. You were a residential housemaster in St. Pat's between
9 the years 1987 and 1999?

10 **A. Yes.**

11 Q. And at that time you were known by your religious name,
12 which was BR96 --

13 **A. Yes.**

14 Q. -- although you do say in a statement that you accept
15 that the boys could not actually pronounce BR96 --

16 **A. Correct, yes.**

17 Q. -- and called you "BR96".

18 **A. "BR96". It quite common, and I simply gave up
19 correcting it, because I just accepted it and that was
20 it.**

21 Q. Well, I was talking to you about what changes you might
22 have seen in the school within that decade that you were
23 there, and you do talk about those changes when you were
24 interviewed by police in relation to a matter that we
25 will come to talk about --

1 A. Uh-huh.

2 Q. -- in another while, but you gave me some more details.

3 You have said that when you arrived in 1987, there
4 was still the division -- there was the division between
5 justice and care at that time.

6 A. Yes, yes --

7 Q. And the --

8 A. -- and even the junior school and senior school.

9 I think it was just they were changing at that time,
10 yes. Generally boys who were admitted to St. Patrick's
11 came in at, what, 13 up to 15 and they were assigned to
12 the junior school, and 15 over went to the senior, but
13 then that just -- system changed and the senior school
14 became the justice section, the boys who were sent there
15 on the Training School Order for various offences. The
16 children -- the young people who came into care on
17 a Training School Order for care went to the -- to the
18 then junior school, yes, and eventually then after
19 the -- yes, the junior school and senior school
20 literally disappeared. It was demolished, and the boys
21 in care, who were probably in the majority then, they
22 went to the chalets, Chalet 1 and 2, which -- the
23 original units were built back in the 1960s or early
24 '70s, and then in the '80s and '90s two other units were
25 added, were built called chalets as well, yes.

1 Q. And one of those became Aisling House. Is that correct?

2 A. That's correct, yes. Aisling was meant for -- it was to
3 be the Assessment Centre, and when -- in fact, it was --
4 all young people coming into care, they went first to
5 Aisling, and they spent maybe five, six weeks, two
6 months there until they went through a programme of
7 assessment, and then depending on if there were places
8 available in the chalets, and particularly Chalet 1 and
9 2, then they would be assigned a place in those -- in
10 the chalets, yes.

11 Q. And we also talked a little bit about Slemish House.

12 A. Yes.

13 Q. It was set up initially as a pre-release chalet, but
14 that -- its purpose changed.

15 A. . The management and indeed
16 I suppose the NIO, social services and so on were
17 concerned about the high rate of absconding and
18 generally the young people coming into care were -- you
19 know, some of them were quite disturbed and had come
20 from difficult backgrounds, and when they were coming in
21 -- when they were sent into a place like St. Patrick's
22 and into the chalets, you know, they found discipline
23 very, very difficult and they rebelled against it.
24 A number of them now, a number, not everybody. So that
25 was all part of the idea of setting up Slemish House as

1 **a secure unit, where those young people could be**
2 **literally protected and maintained, and it -- during my**
3 **time there it worked very well I must say, yes.**

4 Q. You were saying there were maybe four or five, maximum
5 maybe six, boys in Slemish House.

6 A. **Yes, yes, a smaller number there than would be in the**
7 **other chalets, yes.**

8 Q. Just to be clear, how many would have been in the other
9 chalets?

10 A. **There would be up to maybe -- maybe ten maximum, ten,**
11 **twelve, hardly -- certainly not beyond that, but -- and**
12 **I think during my time there we would have had normally**
13 **seven or eight, maybe around ten, in each chalet, yes.**

14 Q. And you said that Slemish wasn't only used for those
15 boys. We heard that there were various boys who went
16 into Slemish who were persistently absconding, for
17 example --

18 A. **Yes.**

19 Q. -- and they may have been there on a long-term -- longer
20 term basis, but there were some boys who were maybe just
21 giving trouble and were put in for a very short stay
22 into Slemish.

23 A. **That is true. Yes, that's right. There would have been**
24 **a number of boys who would be very difficult to manage**
25 **in the chalet, became -- could become abusive to staff**

1 and -- you know, and abusive to their peers around them
2 and would be very difficult to manage. So the staff
3 there -- the line manager would make after -- what do
4 you call it? -- reports and so on from the staff would
5 make a request to Slemish or to the management team to
6 have that boy admitted to Slemish, and generally as soon
7 as a place became available in Slemish, yes, he would be
8 admitted, yes.

9 Q. And you also talked about the large school building.
10 You said it was divided into the justice and junior
11 section for a while, but that was eventually demolished
12 entirely.

13 A. Yes, that's correct, yes. It went within a pretty short
14 period of time, within a matter of weeks I think, yes.

15 Q. You were saying that there were -- the new justice
16 section -- the boys who had been in the justice section,
17 the old school, moved into new chalets that were built
18 in the football field.

19 A. That's right, yes, a couple of hundred yards down from
20 the -- from Chalet 1 and 2. Yes, that's right.

21 Q. I am going to look at -- I'm hopefully going to look at
22 a map, if I have got the page reference correct. It is
23 19787, please. Yes. This is an aerial view of the
24 entire St. Patrick's site. You will see that the red
25 line shows the acreage of the site. We think this was

1 prepared in and around the switch from St. Patrick's to
2 Glenmona, so sort of mid-1990s in any event. Perhaps if
3 we can enlarge that slightly.

4 **A. Uh-huh.**

5 Q. I think the orientation here, if I have understood the
6 map correctly, is that the large road we see to the
7 left-hand side would have been the Monagh Bypass.

8 **A. Yes, that's correct, yes.**

9 Q. That the houses on the -- to the right-hand side of that
10 would have been the Turf Lodge, Ballymurphy area.

11 **A. Yes, that's right. Uh-huh.**

12 Q. Ballymurphy would have been further on round.

13 **A. Yes.**

14 Q. Then just where we see the number 10 there, that is the
15 main entrance into the St. Patrick's complex --

16 **A. St. Patrick's.**

17 Q. -- from the Glen Road?

18 **A. From the Glen Road. That's right. Uh-huh.**

19 Q. We can see the driveway up.

20 **A. Uh-huh.**

21 Q. You will see that there are a number of little numbers
22 over different areas.

23 **A. Yes.**

24 Q. I don't know if we can --

25 **A. That's better, yes.**

1 Q. -- certainly show -- so if we can just scroll down
2 slightly until we see at the entrance number 10 there is
3 described as the gate lodge --

4 **A. That's right.**

5 Q. -- on the legend.

6 **A. That's right, yes.**

7 Q. Who -- did anyone live in the gate lodge?

8 **A. Oh, yes. The -- I suppose the gatekeeper I suppose.**
9 **There was a man -- yes, a man and a wife and family**
10 **lived there. I think during my time he retired. He**
11 **was -- he would be a security man --**

12 Q. I'm just going --

13 **A. -- I presume night security mainly, yes.**

14 Q. Would he have then worked in -- as a night supervisor in
15 the chalets as well?

16 **A. I -- I just am not clear on that now, but I know he**
17 **would -- while I was there I can only remember him as**
18 **the gatekeeper. He literally opened and closed the**
19 **gates for people, cars and so forth coming in and going**
20 **out, yes. Right.**

21 Q. Okay. Well, if we move up the driveway --

22 **A. Yes.**

23 Q. -- again to the right-hand side of the driveway
24 number 12. If we can just scroll up slightly, please,
25 so that I can get the legend.

1 A. Yes. Number 12 was the -- there were four houses there
2 for staff. They were built some time after the main
3 building. Yes, there were a number of staff there
4 living in those.

5 Q. Was that Order? Was it Brothers who lived there or lay
6 staff?

7 A. Oh, no, no. No, they were members of lay staff. I know
8 the chef, cook in the kitchen lived there for a while.
9 Also a SPT 68 Sorry for mentioning names.

10 Q. No. It is quite all right to use names in the chamber.

11 A. Right. Yes.

12 Q. We don't out them outside.

13 A. Right. He lived in -- also in another one. Now he was
14 the -- in charge of Slemish -- no, it's not Slemish --
15 aisling House, the assessment centre, and his wife also
16 worked in some department in the school.

17 Q. And they lived on site?

18 A. Yes, they lived on site there, yes, which was quite
19 common.

20 Q. Can we scroll back up a little bit, please? Yes.

21 A. As you're there --

22 Q. Just if we can move on up. If we can just scroll up
23 slightly there, we can --

24 A. Yes.

25 Q. So that -- if we can just take it down a little bit so

1 that we can see the legend and the numbers, that's
2 helpful. There we can see number 9 here is described as
3 the Brothers' house.

4 **A. That's correct, yes.**

5 Q. That's where you would have lived.

6 **A. Where I lived, yes, and the other Brothers with me, yes.**

7 Q. Then 8 we can see at some distance away was Slemish.

8 **A. Slemish House. That's right. Uh-huh.**

9 Q. 16 there is described as the school unit.

10 **A. Yes.**

11 Q. It doesn't -- I mean, it is obviously not in existence
12 at this point --

13 **A. No.**

14 Q. -- in this area, but that's where the school was
15 situated.

16 **A. That would have been the senior school. The whole**
17 **school unit was a very large -- what was it --**
18 **rectangular with two wings coming out at the back, and**
19 **on the -- when you come in the driveway there, you had**
20 **what we call the front office, the administration block,**
21 **and you had the chapel to the left of that and then you**
22 **had the gym on the right, and behind those you had the**
23 **main block, main building. On the left-hand side was**
24 **the junior school and to the right the senior.**

25 Q. Well, we can see that the gymnasium there is marked at

1 number 3 on the legend.

2 **A. Yes.**

3 Q. So presumably that sort of -- where 16 is marked
4 covering that rectangular bit, that might have been the
5 -- would that have been the front office then or ...?

6 **A. Yes. That would be the -- correct, yes. That would be
7 more the front office, yes.**

8 Q. And then the gymnasium you say was behind it?

9 **A. Yes.**

10 Q. So at 3 there, and 4 is marked as the swimming pool?

11 **A. Yes, that area, that's correct, yes, swimming pool and
12 the large -- the big gym we called it.**

13 Q. And number 5 is marked as Slane House.

14 **A. Slane House. Is that one of the chalets? No, or is it?**

15 Q. I think it may well have been.

16 **A. Yes. Slane. That's right. It was. During my early
17 years there all these various buildings were given
18 specific names and, for example, it was hard to get used
19 to them. I worked in Chalet 1. Just across the way the
20 people worked in Chalet 2. Slemish House, that name
21 stuck pretty well all right. Aisling stuck pretty well,
22 because they were new, you see.**

23 Q. Just we see Aisling there at number 7. Would that be
24 correct?

25 **A. Yes, that would be correct. That's right, that area.**

1 Q. Then 6 and 5 -- 5 and 6 are Slane and Donard, which
2 would have been Chalets 1 and 2.

3 **A. And 2. That's correct, yes.**

4 Q. Then 17 there is the side of the original 1970s Chalets
5 1 and 2.

6 **A. 17. I think it was -- I think they were garages --**

7 Q. Garages?

8 **A. -- or outhouses of one kind or another, yes.**

9 Q. So the actual Chalets 1 and 2 are 5 and 6?

10 **A. Yes, yes. As far as I can make out from that, yes, yes.**

11 Q. And then 1 is Aran House and 2 is Cashel House.

12 **A. Yes.**

13 Q. Now was that the new justice section chalets?

14 **A. That was the new section -- the new justice. That's
15 right, yes. Uh-huh.**

16 Q. Then 13 is -- it's then described as "garden of the
17 senses".

18 **A. Yes, yes, correct, yes, garden centre and some
19 buildings.**

20 Q. Sorry. 15 is garden of the senses.

21 **A. Uh-huh.**

22 Q. 13 is the temporary administration. So that's obviously
23 whenever the --

24 **A. Oh, yes. During the demolition and after -- a year or
25 two after it, that was the new -- the temporary pre-fab**

1 **-- what do you call it -- administration block, yes.**

2 Q. And 14 is greenhouses and woodlands project.

3 **A. Yes, that's right.**

4 Q. So essentially the -- from that -- sorry. I should have
5 said 11 just up at the top is the farm which was on
6 site.

7 **A. Yes. That was a farm house, farm buildings, yes.**

8 Q. Some of the boys who we heard were in the senior school
9 would have worked on the farm.

10 **A. They would. That's true, yes.**

11 Q. As one of their options they could have gone into the --

12 **A. That's correct.**

13 Q. -- building section or the painting and decorating --

14 **A. Decorating and so on. Yes, that's right, yes, yes.**

15 Q. -- the farm as one of the trades that they were engaged
16 in?

17 **A. Uh-huh.**

18 Q. So it is quite clear from this map that the acreage, the
19 site was extremely large.

20 **A. It was, yes. You see, it was originally a complete**
21 **farm, and, in fact, up to the 1990s I think the school**
22 **maintained the farm. Those large fields there number 11**
23 **and across from it, they were -- they were used for**
24 **farming. You had dry stock, some cows, cows and calves**
25 **and so on, yes.**

1 Q. We have heard that, as you have said yourself, that
2 absconding was a problem. There is certainly plenty of
3 places where boys could run off to out of the sight of
4 staff and get out of the place.

5 A. Oh, yes, yes, and go into hiding and so on. Then they
6 would make their way across very quickly across the
7 Monagh Road and into the housing estate there, yes, and
8 then move down town, of course, until eventually maybe
9 quite often they would be picked up by the police. You
10 could get a call any time of the day or night to go to
11 the police station to pick them up.

12 Q. If I can go back to your statement, BR96 --

13 A. Yes.

14 Q. -- at 2173, you were say... -- you say in paragraph 2 of
15 your statement that you yourself obtained qualifications
16 in 1993.

17 A. Uh-huh.

18 Q. And that was as a residential -- sorry -- you got
19 a certificate in social services --

20 A. Yes.

21 Q. -- on a part-time course out at Jordanstown.

22 A. That's right. Uh-huh.

23 Q. You -- throughout the ten years that you were there you
24 worked in Chalet 1 with the boys in Chalet 1.

25 A. That's right, yes.

1 Q. And as they were in care, you assisted two other members
2 of staff working with the boys outside of school hours.
3 You would get them up first thing in the morning, have
4 breakfast, get them ready for school, supervise them
5 during breaks at lunch time and after school and
6 supervise them in playing sports and other recreational
7 activity in the evenings. At night-time, when they went
8 to bed, the night supervisors took over and you worked
9 either the morning or evening shift.

10 A. Uh-huh.

11 Q. I think we heard it was a day about shift pattern.

12 A. Yes. Normally the morning shift would start about 7.30
13 and we would take over from the night supervisor. There
14 was always a handover, check for any incident that might
15 have happened, phone calls or so on that had come in.
16 Then we worked through until 2 o'clock when there was
17 about half an hour or more of a handover to the evening
18 staff coming on.

19 Q. And then the next day would you work the evening shift?

20 A. Yes, that's correct, yes.

21 Q. And then the next day --

22 A. And the next day it was alternate, yes.

23 Q. That's how it was operated.

24 A. Uh-huh.

25 Q. You describe in -- I am not going to come on to the next

1 paragraph, but if you could just jump, please, to
2 paragraph 6, you talk there about the system. There was
3 no corporal punishment by the time you arrived in
4 St. Pat's.

5 **A. No.**

6 Q. That had been phased out entirely. You operated
7 a system of privileges and rewards for discipline
8 purposes.

9 **A. That's right, yes. Uh-huh.**

10 Q. You said -- I was asking you a little bit about that.
11 You said that Social Services weren't keen on removing
12 pocket money for boys as a punishment.

13 **A. That's right. During my time there we had a number of**
14 **visits from the Social Service Inspectorate and as far**
15 **as I can recall one of their recommendations or other**
16 **were that we try and not take -- punish the boys by**
17 **taking pocket money off them. That could only lead to**
18 **other problems, particularly if they are absconding.**
19 **They had no money. It would lead to breaking and**
20 **entering and so on. So, yes, I think the school**
21 **generally adopted that -- that system then, that policy.**

22 Q. And --

23 **A. So --**

24 Q. Sorry.

25 **A. Yes.**

1 Q. I was asking about, you know, what kind of behaviour
2 would lead to a reduction in pocket money.

3 A. Well, generally any kind of -- maybe when a boy became
4 abusive, was particularly abusive to staff, even
5 verbally, either verbally or physically more so, and it
6 became totally uncooperative, refused to go to school,
7 kick up around school and have to be removed from the
8 class, something like that, you know.

9 Q. You were saying you yourself don't have any recollection
10 of any major fights among the boys when you were there?

11 A. No, no, nothing major. Just disputes, arguments. As
12 they used to say, slagging each other, you know, and
13 you'd step in and say, "Look, cool it". It could come
14 -- yes, it might come to physical blows, all right, but
15 they'd be always at least two staff around and they just
16 scatter them and put them apart, yes, but --

17 Q. You were saying that it was the case that if a teacher
18 couldn't control or things were getting out of control
19 in the classroom, they would have sent for you or one of
20 the other Brothers to intervene?

21 A. Yes. Some of the staff would be there, yes, and they'd
22 go down and sort out the thing, you know, not wage into
23 it, but calmly. First of all, you'd probably try and
24 isolate the boy, take him away from the difficult scene
25 and let him cool him down, take him for a walk or

1 **something like that.**

2 Q. Brother -- sorry -- just going back to your statement,
3 in paragraph 4 you talk about an incident -- about
4 an allegation that arose out of your work in

5 **A. Uh-huh.**

6 Q. And that resulted in no prosecution. You were never --

7 **A. No.**

8 Q. You were interviewed, but you were never charged. Is
9 that correct?

10 **A. Never charged, no. There was no foundation for it.**

11 Q. Then in paragraphs 3 and 7 you talk about an allegation
12 that arose from material that the Inquiry obtained from
13 the police and that was an allegation of a boy called --
14 and I am going to use the name again -- SPT119.

15 **A. Yes.**

16 Q. You do remember him.

17 **A. I do, yes.**

18 Q. You do remember his , who was in the home with him.

19 **A. That's right.**

20 Q. In paragraph 7 you say they were both in the chalet
21 where you worked. You regarded them as difficult boys
22 to manage. Both had tempers and engaged in
23 misbehaviour.

24 **A. Uh-huh.**

25 Q. But you can't remember any particular incident standing

1 out or witnessing any serious incidents involving them.

2 **A. No.**

3 Q. It is possible they were split up from time to time so
4 that one of them was moved into the other chalet.

5 **A. Uh-huh.**

6 Q. But generally they, as , stuck very much
7 together.

8 **A. Of course. That's right, yes. They were very**
9 **supportive of each other and even -- they could fall out**
10 **too, and that's when the problem would arise, what to do**
11 **with them then.**

12 Q. Well, this boy SPT119 spoke to police in August of 2010
13 and his ABE interview of what he told police can be
14 found at SPT23601.

15 **A. Uh-huh.**

16 Q. Now I am not going to go through the details of that --

17 **A. Uh-huh.**

18 Q. -- because it's a lengthy document, but essentially what
19 his allegations were was that he wasn't allowed to go,
20 as he describes it, on a retreat and that he was the
21 only boy being left in St. Pat's in the chalet, that
22 you, BR26 and BR50 came into his room with drink on you.
23 You and BR26 held him down while BR50 raped him and then
24 BR26 raped him. You -- all three you were beating him,
25 pulling at his hair, and then after BR26 raped him, you

1 were masturbating by leaning back against the pipes, and
2 that can be seen at 23666, but again I am not going to
3 call it up.

4 **A. Uh-huh.**

5 Q. He was told to keep his mouth shut and then two nights
6 later he said it occurred again.

7 He also made an allegation that you had lifted
8 a chair to him one day at SPT23625. At SPT23639 he
9 described how on the first occasion you held him down by
10 holding on to the top of his body and the next night,
11 SPT23645, you held his legs while BR26 raped him and
12 held him while BR50 raped him, and the next day you and
13 BR50 took him down for his holiday.

14 Now in paragraphs 8 and 9 of your statement here,
15 Brother, you address these allegations and you say that:

16 "On both occasions he is alleging I aided and
17 abetted rapes. He provided the police with
18 a description of me and said my nickname was ..."

19 It was something you had not heard before when
20 police put it to you.

21 **A. No.**

22 Q. I think it was --

23 **A. .**

24 Q. --

25 **A. Coming from the I think at the time, was**

1 **it, or something like that? I can't recall it.**

2 Q. I am really not sure, but he also alleged that you would
3 punch boys to make sure they did what they were told.
4 You lifted a chair to him one day. That happened after
5 all the other boys in the chalet had gone off on their
6 annual holidays to Kilmore House. He is therefore
7 alleging that he was alone when the sexual assaults took
8 place.

9 Paragraph 9:

10 "I entirely reject all of his allegations. They are
11 absolutely without any foundation. They simply could
12 not have happened. The Brothers were not responsible
13 for supervising the boys after they went to bed.

14 A night supervisor would have been in charge. Apart
15 from that, no boy was ever left behind on his own when
16 the other boys in the chalet went on their holidays."

17 You can only think of one possible exception to
18 that. That was if a boy was in the justice section and
19 had to go to court, he wouldn't be taken on holidays,
20 but that, as far as you can recall, was not the case
21 with this particular boy.

22 **A. No.**

23 Q. "... and although we operated a system of privileges and
24 rewards, no boy was ever kept back from his holiday as a
25 punishment."

1 **A. Uh-huh. That's right.**

2 Q. It would have been impractical for you and
3 other Brothers to remain behind. When the boys in
4 Chalet 1 went on holidays, you went to accompany them
5 and to supervise. There wouldn't have been sufficient
6 staff in Kilmore if you had stayed behind.

7 **A. That's right. Uh-huh.**

8 Q. And you also refute the allegation that two other
9 Brothers raped him as alleged. You knew those two
10 Brothers and were convinced they wouldn't have engaged
11 in that type of abuse with any boy. BR26 worked mainly
12 in the office and he wouldn't have any reason to go
13 round the chalet at night-time or after the boys had
14 gone to bed. BR50 was in charge of another chalet. He
15 hadn't any reason to be in Chalet 1 either.

16 **A. Uh-huh.**

17 Q. The allegation that you had been drinking is also
18 untrue. None of the Brothers ever drank alcohol when
19 you were on duty. I think you told the police that
20 would have been automatic dismissal if that had
21 happened.

22 **A. That's true. That's right, yes. Uh-huh.**

23 Q. You didn't know about this nickname, but you deny the
24 allegation that you were violent towards him or any
25 other boy or lifted a chair to him one day. To your

1 knowledge no other boy alleged that you were violent or
2 punched boys for any other reason.

3 You were interviewed by police in May 2013.

4 **A. Uh-huh.**

5 Q. Your interview can be found at SPT23789 to 23831. Again
6 when you were interviewed by the police, Brother, you
7 denied all the allegations and said it was simply
8 inconceivable --

9 **A. Uh-huh.**

10 Q. -- with the way St. Pat's was set up. When we were
11 talking about it earlier, you were saying that in the
12 ten years that you worked --

13 **A. Uh-huh.**

14 Q. -- in St. Patrick's you always went to Glenariff for the
15 annual holiday --

16 **A. That's right. That's correct.**

17 Q. -- and never missed that. If -- you say that there
18 would not have been any child left on his own in the
19 chalet in any case.

20 **A. No, not at all.**

21 Q. If a boy had to go to court --

22 **A. Even if he had, he would have been assigned to another**
23 **unit, another chalet or something. That just could not**
24 **have happened. I don't think any member of staff would**
25 **bear to that.**

1 Q. You also said in your police interview at a passage at
2 23827, which again I don't need to call up, but
3 essentially you were saying that staff -- you were
4 telling police, if I can put the words into your mouth,
5 as it were --

6 **A. Yes.**

7 Q. -- that staff were alert to certain occasions -- the
8 possibility of certain occasions arising.

9 **A. Uh-huh.**

10 Q. You learnt that from your in-service training.

11 **A. Uh-huh.**

12 Q. You were saying there were day courses you were sent on.
13 You started in 1987, which was just post Kincora and the
14 Hughes Report being published.

15 **A. That's right, yes.**

16 Q. So there was a heightened awareness about the types of
17 behaviour that might go on in certain institutions --

18 **A. That's right.**

19 Q. -- and that staff were wary and alert to that.

20 **A. Very much so, yes. We were always aware of it. Uh-huh.**

21 Q. When we were talking earlier, you mentioned to me that
22 the whole question of supervision, for example, at the
23 swimming pool, you were saying that if you had four or
24 five boys going swimming, you needed two people there
25 for safety reasons apart from anything else.

1 **A. Yes. That's true. Oh, yes. It is indeed.**

2 Q. Sometimes there might be one group arriving at the
3 swimming pool while another group was already there. So
4 there was likely to be more members of staff about.

5 **A. Of course. Oh, yes. Uh-huh.**

6 Q. You did say, though, there was a desire and an attempt
7 to try to keep the justice boys separate from the care
8 group.

9 **A. Yes, that was the general policy in the school. That's**
10 **true, yes, that there was minimum contact. I think the**
11 **only place they would have mingled together would be in**
12 **the classroom, yes, obviously.**

13 Q. You also made the point -- I was asking: well, what
14 if -- you know, if all the staff were away on the
15 holiday and a boy was there, who was going to take them
16 to court? You said that there were actually
17 non-residential social workers employed who would have
18 had that role.

19 **A. Yes, yes. There were two, three, possibly three,**
20 **non-residential social workers, and they generally did**
21 **the -- what would you say -- the outside work, you know,**
22 **take them to various -- you have to go to court, police**
23 **interviews possibly, but I remember on a number of**
24 **occasions having to take the boys not to court -- I went**
25 **to court a few times -- but normally, especially during**

1 the Trouble times, we would take the boys in the morning
2 -- every morning to some of the police stations,
3 Woodburn or Lisburn Road, and take them in and the
4 police would take them to -- especially -- oh, yes. For
5 those that would have to attend, say, maybe Banbridge
6 here, Craigavon or somewhere like that, the police would
7 take them, take the boys there and take them back to the
8 police station and we collect them in the afternoon. So
9 that was the -- that was the normal procedure, yes.

10 Q. This boy, as I say, made these allegations, and
11 ultimately on 4th September 2013 --

12 A. Uh-huh.

13 Q. -- the Public Prosecution Service directed that there
14 would be no prosecution of you in relation to these
15 allegations.

16 A. Yes.

17 Q. I don't need to call that up, but it is at 26636. You
18 make the point that I think at paragraph -- if we can
19 just scroll back up, please, to paragraph 4 I think it
20 is. Sorry. Paragraph 5, you say --

21 A. Uh-huh.

22 Q. -- that in over forty years service as a De La Salle
23 Brother with young people throughout Ireland and Africa
24 these are the only two allegations that were ever made
25 against you by any boys that you cared for.

1 A. That's correct, yes.

2 Q. Well, Brother, those are all the questions that I want
3 to ask you, but if there's anything that you want to
4 tell the Inquiry that we haven't covered in your
5 evidence, now is your opportunity to do that.

6 A. Yes. Well, maybe in relation to those allegations, I'll
7 deal with the first one, the minor one there, where
8 I, what, took a chair to this boy. I have absolutely no
9 recollection of doing such a thing. Maybe -- if
10 something like that ever happened, it would be in
11 self-defence. It was -- I would say I suppose it would
12 be my policy, the way I -- my modus operandi that
13 I would not engage in physical combat with those young
14 people. Particularly this young man, SPT119, was away
15 above me, much higher, much taller, and absolutely as
16 a member of staff I would have little chance in engaging
17 in any kind of physical combat with these people, these
18 young people. No. It was completely beyond me.

19 Secondly, the sexual allegations, they're just -- to
20 me they're absurd. Number one, if I were as a member of
21 staff in Chalet 1 and the -- all of Chalet 1 staff and
22 young people were going on their holiday to Glenariff,
23 we needed a full complement of staff. It was the
24 busiest week or ten days or whatever in the year and we
25 couldn't possibly go without -- leaving any -- nobody

1 took -- no member of staff took a holiday during
2 those -- that week, and so we took with us the cooks,
3 the night supervisor, because they were -- they were all
4 needed in Glenariff. The unit had to function even
5 outside the chalet surrounding. Therefore -- and
6 I remember I was a driver. I used to drive the minibus.
7 All members of staff were not drivers. Therefore, the
8 line manager in the chalet would -- he'd be looking at,
9 "On each shift we need maybe one or two, maybe two
10 drivers. Okay?" "BR96", he would say, "you will be on
11 such a shift. You will be ready -- you will be
12 available to drive the minibus on outings and so on".
13 Therefore what -- how could I be in Chalet 1 with one
14 boy? It was impossible. It just couldn't happen. The
15 good gentleman has got his -- got his geography or
16 whatever completely wrong there.

17 Concerning BR50, who was line manager in the -- in
18 Chalet 2, he would have no business -- while we were in
19 Glenariff, they would be -- Chalet 2 would carry on as
20 normal and Chalet 1 was locked up. So he would have no
21 business going over there.

22 Secondly -- thirdly then, BR26 was a member of
23 senior management and he -- his business was down, as
24 I used to call it then, the front office, the management
25 section, and from time to time he would go round the

1 units and chat with staff and young people, but he
2 wouldn't be in the -- up in the chalet at midnight or
3 whatever time this is alleged to have happened. So the
4 whole thing is -- just doesn't -- doesn't stand up as
5 all, you know. Right?

6 Q. Well, Brother, thank you for that.

7 A. That's grand, yes.

8 Q. I have nothing further I want to ask you, but the Panel
9 Members may have some question for you.

10 A. Okay.

11 **Questions from THE PANEL**

12 CHAIRMAN: BR96, can I just ask you -- you have explained to
13 us that you worked in St. Patrick's until, as you put
14 it, you retired on .

15 A. Uh-huh.

16 Q. Now we know that St. Patrick's was gradually phased out
17 and replaced in the mid '90s --

18 A. Yes.

19 Q. -- by Glenmona Resource Centre, as it is now called.

20 A. That's right, yes.

21 Q. Was that why you moved away or ...?

22 A. Well --

23 Q. You would be rather young to retire, if I can put it
24 that way, in 19... --

25 A. -- I didn't seek early retirement. I was looking at --

1 you know, I was looking at the whole setting. The
2 Brothers had -- my confreres in St. Patrick's were
3 retiring or had moved on, and I think I was one of the
4 few, one or two left, and I began to ask myself --
5 I was, what, about 55 years of age at the time, and
6 I was a bit anxious to look around and see, "Well, what
7 am I going to do for the rest of my years?", and I made
8 this known to my superiors and they agreed with me that
9 maybe I should out and take what we call a sabbatical or
10 take a refresher course, which I did, and during that
11 time somebody asked me one day, "Would you like to go to
12 ?"

13 Q. I see.

14 A. Yes, I retired.

15 Q. So you went to after you had been in
16 St. Patrick's?

17 A. After being in St. Pat's. That's right, yes. Uh-huh.

18 Q. Yes. Thank you very much.

19 MS DOHERTY: Thanks very much. That has been very helpful.

20 Can I just ask about were you given any training in
21 restraint, I mean, because there is the issue of the
22 boys? Did you get any training?

23 A. Yes. In our -- in our -- what would you call them --
24 in-service courses, which we had quite frequently,
25 especially in my latter years there, yes, the likes of

1 restraining young people in difficult situations, but
2 I cannot recall any incident where I was directly
3 involved.

4 Q. You can't remember ever having to use that?

5 A. No, personally. Again because of my low stature,
6 I wouldn't physically be taking on these boys, and
7 I must say in appreciation my colleagues in the staff
8 were tremendous that way, you know. They'd certainly
9 come to my rescue if they saw me in a difficult
10 situation, as I would do for any of them too, yes.

11 Q. Did you find the work challenging, Brother? Did
12 you ...?

13 A. Oh, I did certainly in my first service in my early
14 years there. It was a big change from teaching.

15 Q. Yes.

16 A. Absolutely. I soon began to realise like what life was
17 like on the other side of the desk, as simple as that.
18 I used to -- for some years before I took up the post in
19 St. Patrick's I used to go there during the summer
20 months for a month or a few weeks anyhow and more or
21 less observe or help out, because there was a tradition
22 in the earlier years that Brothers would come there in
23 the summer time to step in to help out when -- I suppose
24 to give the permanent Brothers there a chance to go on
25 holidays. So I -- that tradition kind of lasted up to

1 well into the -- well into the '80s anyhow and -- yes.
2 So I went there for a number of -- a few summers, and
3 then eventually when this position became vacant in
4 St. Pat's, I was asked, you know, would I take it.

5 Q. So you were asked? There was no sense of you applying
6 or ...?

7 A. Well, you see, again the situation was difficult then.
8 I was replacing a Brother who had retired -- okay -- and
9 that was the procedure at that time, yes. There were so
10 many Brothers on the staff. When a Brother would
11 retire, the Provincial would be asked to look around.
12 "Have you anybody to send to St. Patrick's?"

13 Q. Was it unusual for a teacher to go over to be
14 a residential social worker? Did that --

15 A. Sorry. Again?

16 Q. Sorry. Was it unusual as a teacher that you were asked
17 to be a residential social worker?

18 A. That is interesting, because that was one of the
19 questions I was asked when I went to -- for an interview
20 to do the applying for the CSS course and to know why
21 did I want to change from teaching to residential social
22 work. So it made me think all right. Yes, it was -- it
23 was quite a change and an opportunity for me to see how
24 young people, as I say -- or to work with young people
25 other than in the confined space of the classroom, yes.

1 Q. Okay. Thank you very much.

2 **A. That's grand. Thanks.**

3 MR LANE: You mentioned that people might be dismissed if
4 they were drinking. Do you mean from the Order or from
5 St. Pat's?

6 **A. Oh, from St. Pat's, for staff in general. Oh, yes.**

7 Q. Right. That would be for all staff?

8 **A. Oh, yes. I mean, it was understood. I don't know --**
9 **I'm sure it was in writing somewhere, but during my time**
10 **in St. Pat's I never knew of any member of staff**
11 **drinking on the -- on the job, as it were, yes.**

12 Q. Right. So it would be drinking on the job that you are
13 speaking about?

14 **A. Oh, yes. The same as in anywhere, any of us.**
15 **Absolutely.**

16 Q. Okay. Right.

17 **A. You have to go.**

18 Q. You mentioned earlier on about the problem of absconding
19 that had been recognised as a serious difficulty.

20 **A. Yes.**

21 Q. What other measures were taken to deal with it?

22 **A. Well, as I say, there was habitual absconders.**

23 Q. Yes.

24 **A. Right? Their cases would have been -- would be examined**
25 **and they were seen that they were very difficult to keep**

1 within an open unit, and that was one of the reasons for
2 setting up this close supervision unit, Slemish House.

3 Q. Yes, but addition to that was anything else done?

4 A. Yes. The -- there are cases -- try and -- the key
5 worker who was assigned to each boy -- to a boy would
6 try and, you know, sit down with the lad and discuss,
7 would talk him through the difficulties and why and the
8 reasons for absconding and so on, and the dangers he
9 can -- he is -- yes, and then the -- there was whole
10 management then would have -- were drawing up policies,
11 as I say, to try and -- try and cut down on the numbers
12 of absconding.

13 Q. While you were there did the numbers of absconders go up
14 or down or stay more or less the same?

15 A. Well, I'd say, yes, more or less the same, yes. We
16 found that the absconders were mainly the young people
17 who came in and found it very difficult to settle into
18 an institutional -- or into a confined setting. In
19 their early months or weeks they would be prone to
20 absconding, yes, and particularly those boys coming from
21 you might say the difficult areas from Belfast at that
22 time. Remember that the Troubles were raging at the
23 time and, you know, some of these large housing estates,
24 there were enormous problems there, you know. These
25 young people were unfortunately street-wise, you know,

1 in that sense. They just wanted to get back to their
2 companions on the street and so on, yes, yes.

3 Q. And what sort of proportion would have been sent on
4 somewhere else then, because they really were running
5 away too much?

6 A. Well, first of all, nobody would be sent to any other
7 institution from the care section. Only those in -- who
8 had -- what do you call it -- an offence or were on
9 remand from the justice side would be sent to Lisnevin.

10 Q. Right.

11 A. Yes. There was really -- that's why there was no place
12 to send those boys who were very difficult to maintain
13 in the care section and that was one -- another reason
14 why they set up Slemish House.

15 Q. You just had to soldier on with them.

16 A. Yes, as best you could. I must say there were times
17 when we would have a high number of absconders all
18 right, but then we'd get a run of a couple of months,
19 two or three months, and there'd be very few, yes.

20 Q. Okay. Thank you very much.

21 A. That's grand. Thank you.

22 CHAIRMAN: Well, BR96, those are all the questions we want
23 to ask you. Thank you very much indeed for coming to
24 speak to us today --

25 A. That's good. Thank you, Chairman.

1 Q. -- particularly since I suspect you have come some
2 distance to do so. Thank you.

3 **A. Thank you very much, Chairman.**

4 **(Witness withdrew)**

5 MS SMITH: Chairman, there is one remaining witness to be
6 taken through his evidence today.

7 CHAIRMAN: Yes. Not before 2 o'clock.

8 (1.00 pm)

9 (Lunch break)

10 (2.55 pm)

11 WITNESS BR50 (called)

12 CHAIRMAN: Yes, Mr Aiken.

13 MR AIKEN: Chairman, Members of the Panel, the next witness
14 today is BR50, who is "BR50". He wishes to preserve his
15 anonymity and he is aware, Chairman, you are going to
16 ask him to take the oath.

17 WITNESS BR50 (sworn)

18 CHAIRMAN: Thank you. Please sit down.

19 Questions from COUNSEL TO THE INQUIRY

20 MR AIKEN: BR50, as we were discussing earlier, you have
21 a number of allegations that have been made about your
22 time working in St. Patrick's to deal with. There's
23 a lot of detail to that. So what I am going to do at
24 the outset is just provide an overview for the Panel so
25 that the roadmap as to where we are going is clear and

1 Q. -- particularly since I suspect you have come some
2 distance to do so. Thank you.

3 **A. Thank you very much, Chairman.**

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6 taken through his evidence today.

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20 MR AIKEN: BR50, as we were discussing earlier, you have
21 a number of allegations that have been made about your
22 time working in St. Patrick's to deal with. There's
23 a lot of detail to that. So what I am going to do at
24 the outset is just provide an overview for the Panel so
25 that the roadmap as to where we are going is clear and

1 then we will go through the various matters that we need
2 to deal with today.

3 You worked in St. Patrick's Training School from
4 1977, when you were aged 23, until it closed in 1996, by
5 which time you were aged 42

6

7 . I am

8 right about all of that?

9 **A. Yes.**

10 Q. And essentially we are looking, therefore, for the
11 purposes of the Inquiry at 19 years of your engagement
12 in St. Patrick's between 1977 and effectively the end of
13 1995. To put this in context, during that 19 years
14 there are six allegations that have been made against
15 you.

16 There is one physical allegation and that was made
17 by a man called HIA54, who made that allegation to the
18 Inquiry, but had not made it anywhere else.

19 There then are four allegations of sexual abuse, the
20 first by SPT134 that was made in 1993 and you dealt with
21 in 1994 and we will look at that in some detail. You
22 were one of a number of individuals and he made
23 extremely serious allegations against others, but made
24 an allegation also against someone that the police
25 surmised to be him referring to you, and we will look at

1 the issues that arise from whether, in fact, that's the
2 case. So that's the first sexual allegation.

3 The second sexual allegation was made by HIA218, who
4 made it to the police and then to the Inquiry, which was
5 about you teaching him how to clean his foreskin and
6 felt you were touching him up, as he put it, to the
7 police, although he didn't include that in his Inquiry
8 statement, but then did mention it during his Inquiry
9 evidence.

10 The third person who makes allegations of a sexual
11 nature is HIA264, who again was not someone who made
12 those allegations other than to the Inquiry, and I will
13 deal with him specifically. As you know, he came to
14 give evidence, but then elected not to do so, but in
15 fairness to you we will look at the factual matters that
16 I would have been dealing with on that day and also
17 dealing with you in respect of.

18 The fourth set of sexual allegations were by SPT119.
19 Those were allegations made to the police in 2013.

20 So we have got one physical allegation, four sexual
21 allegations, and then there's -- the final or the sixth
22 allegation is a failure to act allegation, which, when
23 we look at it, may, in fact, not amount to that at all,
24 and that was about abuse that was being claimed by SPT85
25 that was being perpetrated on him in and around 1994 and

1 the suggestion that you had been told about it but done
2 nothing, and we will look at that at the end of your
3 evidence.

4 So those are the six allegations. As I said, four
5 of those six were made to the police at various times
6 over the last 20 years: SPT134, HIA218, SPT119 and then
7 the SPT85/SPT108 failure to act matter. You were
8 formally interviewed about three of those matters, the
9 three sexual matters: SPT134, HIA218 and SPT119. You
10 don't appear to have been formally interviewed about the
11 fourth, the SPT85/SPT108 failure to act issue, but you
12 were saying to me today you recall the police coming up
13 and asking you, "Did SPT85 ever tell you about sexual
14 abuse?", to which you replied, "No, he had not". I am
15 right in that, BR50?

16 **A. Yes.**

17 Q. That's your recollection that the police did come and
18 ask you that. We will look at that at the end.

19 So of the four allegations that were made to the
20 police, one of those who has been repeated to the
21 Inquiry along with two allegations that have been made
22 to the Inquiry that were never reported to police, and
23 that's the HIA54 physical allegation and the HIA264
24 sexual allegation.

25 Now you have in your -- provided a detailed

1 statement to the Inquiry, BR50, and that -- the first
2 page of that is hopefully on the screen at 2200. Can
3 you just check that that is the first page of your
4 witness statement?

5 **A. Yes, it is.**

6 Q. And if we look, please, at 2206, that's the last page,
7 which is an exhibit, but if we go to 2204, this is the
8 last page of your witness statement, and can you just
9 confirm, BR50, that you have signed that statement?

10 **A. Yes, I have.**

11 Q. And you want to adopt it as your evidence to the Inquiry
12 --

13 **A. Yes.**

14 Q. -- with one exception? If we go back to the first
15 page at 2200, in paragraph 1 there's just
16 a typographical error that you want to correct in the
17 first sentence:

18 "I was ..." --

19 second sentence:

20 "I was transferred to St. Patrick's Training School
21 in September",

22 and that's 1977, not 1997.

23 **A. Yes, that's correct.**

24 Q. Now, in addition, the Panel have access to a CV that the
25 Order has prepared to help the Inquiry understand or

1 perhaps the police understand and then the Inquiry the
2 movements of a particular Brother. If we can look,
3 please, at 14068, and you were pointing out to me, in
4 fact, that they have got your birth place wrong. You
5 were actually born in What they have
6 identified is what was your home --

7 **A. Address.**

8 Q. -- when you were 4 years of age and older.

9 **A. Yes.**

10 Q. But the dates in terms of the movements are right. You
11 came to Belfast, if we scroll down, in September of '77
12 and then you left the Order in June of 1996 --

13 **A. Yes, that's correct.**

14 Q. -- about six or five months before St. Patrick's closed
15 the training school

16

17 **A. Yes, that's correct.**

18

21 So in addition to those documents, as I was
22 discussing with you, the Panel then has access to four
23 police interviews.

24 CHAIRMAN: Just before we leave that, I think there is
25 another typographical error there. "Junior novitiate",

1 presumably that should be 1969. You would have spent
2 a year in the junior novitiate?

3 **A. Yes.**

4 MR AIKEN: Yes. Mr Napier no doubt can correct that with
5 the Order. He wouldn't have gone back to -- I see on
6 the left-hand side it has 9th September '68 and it
7 should read to 1st September '69 rather than '59.

8 So the Panel have access to, BR50, the four police
9 interviews that you gave. I am just going to highlight
10 those. I mentioned the SPT134 allegation. That was the
11 first allegation ever made about you, which was in 1993.
12 You were interviewed by the police about that on 8th
13 April 1994. It's a short interview. It runs from 21000
14 to 21002.

15 Then there are two interviews that relate to the
16 SPT119 sexual allegations that were made in -- were
17 dealt with by you at interview in 2013. The first
18 interview was on 8th May 2013 and it runs from 23832 to
19 23864. I should say all of the interviews were
20 voluntary. You attended voluntarily to speak to police,
21 and you dealt with in that interview three allegations
22 that were made, and we will look at those in some
23 detail, but you -- a particular matter was put to you
24 about the swimming pool, which was part of one of the
25 allegations that he made, and after you had left the

1 interview, which was the first time you had heard about
2 it, you then remembered and contacted your solicitor to
3 make him aware that you did remember about a particular
4 incident at the swimming pool with that particular boy,
5 and he then contacted the police and asked to be
6 reinterviewed or asked for you to be reinterviewed, and
7 that happened on 21st May of 2013. That interview can
8 be found at 23812 to 23815. By that time the police had
9 also got hold of SPT119's occurrence records and there
10 was a reference to the particular incident that you
11 referred to when you asked to be reinterviewed. We will
12 look at that.

13 The fourth interview that is available then was
14 conducted with you in relation to HIA218's allegation
15 about the personal hygiene and washing the foreskin.
16 That's on 14th October 2014 and can be found at 26292
17 and 26293.

18 So those four interviews are available to the Panel,
19 because in addition to dealing with the specific
20 allegations you also set out in those interviews the
21 roles that you performed, where places were located and,
22 as you know, you and I were looking at some of the maps
23 that allow us to understand where certain buildings
24 were, and you explain how the duties operated during the
25 interviews, and we will touch on some of that as we go

1 dealing with the allegations.

2 In summary form, BR50, I want to just give the Panel
3 knowledge of the main dates in your progress through
4 training and working in St. Patrick's.

5 You were born on . You came to
6 St. Patrick's first in September of '77 as essentially
7 a volunteer worker. That's where you were assigned, as
8 it were, by the Order?

9 **A. Yes.**

10 Q. And -- but on 1st February 1978 you became an assistant
11 housemaster.

12 **A. Yes.**

13 Q. That was effectively in modern day terms a residential
14 social worker working with the junior section or the
15 junior school, and you performed that role right through
16 until there was a change to a care/justice split, when
17 you then worked on the care side.

18 **A. Yes.**

19 Q. And having gone and taken up the role as housemaster, in
20 October 1981, aged 27, you qualified as a residential
21 social worker, a course that you had done through the
22 Rupert Stanley College.

23 **A. Yes.**

24 Q. And then by 1983 or '84 -- you weren't entirely clear
25 either during your police interviews or in your

1 statement. You talk about mid '80s, but I think there's
2 a police interview that refers to 1983/'84, you became
3 effectively the team leader, as it was then known, of
4 Chalet 2.

5 **A. Yes.**

6 Q. Just to put this in context, up until you were assigned
7 to the chalets as the team leader in around 1983/'84 for
8 the five years before that you had been based as
9 a housemaster in the junior school?

10 **A. Yes, apart from the year I was out training.**

11 Q. Apart from your year's training. So that four-year
12 period as housemaster in the junior school, and you were
13 explaining to me that the way the junior school was set
14 up in your time was that you had the two L-shaped
15 corridors.

16 **A. Yes.**

17 Q. And on the -- you had the ground floor where you had the
18 dining facilities. The first floor you had these two
19 L-shaped corridors and on the first floor one of the
20 sides of L was divided into fourteen rooms --

21 **A. Yes.**

22 Q. -- seven on one side and seven on the other of the
23 corridor. Then the other side of the L on the first
24 floor was still a form of dormitory --

25 **A. Yes.**

1 Q. -- but where a smaller number of children would have
2 resided than would have been the case when it was all
3 dormitories.

4 **A. Yes.**

5 Q. You said to me you thought there were six to seven beds
6 --

7 **A. Yes, roughly six or seven.**

8 Q. -- in that. Then on the second floor you had a mirror
9 image of the L, except that you had both corridors
10 divided into fourteen rooms, seven on each side of both
11 corridors.

12 **A. Yes, that's correct.**

13 Q. So you had 28 rooms, if you like, on the second floor.
14 You had 14 rooms on the first floor with a dormitory
15 style wing, and then on the ground floor you had the
16 dining room, which was -- effectively you could see
17 across into the senior side, but never the twain shall
18 meet. There was no actual cross-contamination between
19 the two schools.

20 **A. No. That's right.**

21 Q. You were explaining to me that in performing that role
22 of housemaster in the junior school you wouldn't have
23 seen your equivalent on the senior side as part of --
24 during your working day, but you would have seen them
25 when you retired to the Brothers' house where you lived.

1 **A. Yes, that would be correct.**

2 Q. The one occasion, rare as it may have been, when you
3 would have crossed paths would have been if someone was
4 trying to communicate a message from the senior side to
5 the junior side or the junior side to the senior side.

6 **A. Yes. If the phones were engaged and you couldn't get
7 through, you went over and got the message.**

8 Q. But up to that point in time when you moved to the
9 chalet essentially the two schools operated as if they
10 were autonomous. They were separate schools.

11 **A. Yes.**

12 Q. You explain in your interviews, and I am not going to go
13 through the detail of it, the way the shift pattern
14 worked. So you had essentially three shifts as
15 a residential social worker or housemaster. You had the
16 morning shift, there was a sort of middle section shift
17 and then an evening shift.

18 **A. Yes, that's right.**

19 Q. And then separately from that you had night staff, night
20 supervisors, laymen whose job it was to look after the
21 boys during the night.

22 **A. Yes, that's right.**

23 Q. And can you remember during the junior school time when
24 you were the housemaster in looking after the boys in
25 the now cordoned off dormitories into individual rooms,

1 was there a sleeping in arrangement then for residential
2 social workers or was it just the night staff?

3 **A. Just the night staff. There was no sleep in for the**
4 **junior school.**

5 Q. So the introduction of the residential social worker, as
6 it were, being a night presence was something that came
7 in in the chalets after you moved there?

8 **A. It may have been there before I went up to the chalets,**
9 **but that was the first time I ever experienced it.**

10 Q. Yes. So your time in the junior school was purely that
11 of doing one of the three shifts, as it were, getting
12 the children up to school and they were generally
13 between 11 and 15 --

14 **A. Yes.**

15 Q. -- or being around over lunchtime, getting them back to
16 school, or being around in the evening time with games
17 after school, meal time and then games in the evening
18 until bedtime.

19 **A. Yes, that's right.**

20 Q. And then the handover occurred over towards the night
21 staff.

22 **A. Yes.**

23 Q. So during your time in the junior school as the
24 housemaster between '78 and '83/'84 you never slept over
25 at night --

1 **A. No, not in the junior school.**

2 Q. -- in the junior school? Now when you moved to the
3 chalets as the team leader, by that time in the mid '80s
4 your staff were not all Brothers. In fact, the Brothers
5 were very much in the minority of the staff?

6 **A. Yes, that would be correct. I think I was the only**
7 **Brother in Chalet 2.**

8 Q. So you were the team leader, but you had a team of
9 residential social workers --

10 **A. Yes.**

11 Q. -- whose shift pattern was broadly similar to the way it
12 was in the junior school except there was also what was
13 called a waiting presence or a night presence, where you
14 slept overnight --

15 **A. Yes, that's correct.**

16 Q. -- in a room, and you took that on a rota type basis?

17 **A. Yes.**

18 Q. And that could have been you one night, then another
19 member of staff the next night, another member of staff
20 the next night and so on until your turn again?

21 **A. Yes.**

22 Q. The nights that you weren't doing the waking in or night
23 presence you would again be staying in the Brothers'
24 house?

25 **A. Yes, that's correct.**

1 Q. The arrangement in the chalets, at the time when you
2 were in Chalet 2, you had Chalet 1 and 2, which was
3 effectively a combined building where you went in the
4 middle and could turn off right for Chalet 2 and left
5 for Chalet 1 or vice versa.

6 **A. Yes, that's right.**

7 Q. In the chalet you had on the ground floor where you
8 would have eaten and the living room type area where, as
9 you explained, intense games of cards would have been
10 played by the boys and staff, and then you had bedrooms
11 on the first floor.

12 **A. Yes, that's right.**

13 Q. And those bedrooms were made up of three rooms for four
14 people each. So that was twelve people in those three
15 rooms, and then two single rooms.

16 **A. Yes, that's right.**

17 Q. So you had fourteen young people potentially staying in
18 each chalet.

19 **A. Yes.**

20 Q. And your corresponding team leader on the other side of
21 Chalet 1 was SPT160 .

22 **A. Yes, that's right.**

23 Q. We were looking at some of the diaries in the context of
24 HIA264 and you could see his handwriting at times on
25 some of the diaries that seem to apply to Chalet 2. So

1 Q. You were explaining to me that if we go down to the main
2 road just running along where number 10 begins that
3 unlike -- there was a Brothers' house around number 9 in
4 the sort of centre of the picture, but -- and that's
5 where you lived during your time in St. Patrick's?

6 **A. Yes.**

7 Q. But when you returned in '93/'94, the Saul unit was
8 actually based in what was the De La Salle Brothers'
9 house for those Brothers who taught in St. Patrick's
10 School.

11 **A. No. Taught in La Salle School.**

12 Q. Taught in La Salle School. I was close, but not quite
13 right. That unit was not actually within the grounds of
14 St. Patrick's.

15 **A. No.**

16 Q. It was just outside the grounds.

17 **A. Yes.**

18 Q. And that location acted like a care unit for you were
19 explaining to me a period of about a year?

20 **A. Yes, roughly a year.**

21 Q. And then that unit closed?

22 **A. Yes.**

23 Q. And I should be clear. At the time it was a care unit
24 called Saul House there were no De La Salle Brothers
25 living in it?

1 **A. No, there wasn't.**

2 Q. It was just used as a care unit by the training school,
3 as it were?

4 **A. Yes.**

5 Q. And then you went from there to work in Aisling House or
6 Aisling House?

7 **A. Aisling House, yes.**

8 Q. You did that from '93/'94 onwards until in 1996 you were
9 appointed the unit manager of Donard House.

10 **A. Yes, that's right.**

11 CHAIRMAN: Can I just interrupt you and make sure

12 I understand one thing, BR50? When we go back to the
13 house which is near number 10 that we see on the map, it
14 has its own entrance close to the main entrance. Isn't
15 that right?

16 **A. Yes, yes.**

17 Q. You say that was occupied by Brothers who taught in La
18 Salle School. Is that another school not very far away
19 but completely separate from St. Patrick's?

20 **A. Yes. It is just up the road. It's a secondary school
21 in Belfast.**

22 Q. In other words, they were not teaching in the school on
23 St. Patrick's site? This was another school, but it
24 just happened to be quite close to where you were?

25 **A. That's correct.**

1 Q. Thank you.

2 MR AIKEN: BR50, just to be clear, number 10 on the screen

3 is the gate Lodge --

4 **A. Yes.**

5 Q. -- of St. Patrick's.

6 **A. St. Patrick's.**

7 Q. The house that you are talking about is somewhere along

8 to the left outside the premises.

9 **A. Yes. Just when you go past number 10, you can see a wee**
10 **road way up. That would be up to the house.**

11 Q. And that's where that -- but you didn't live in that
12 unit again. You would have slept over on your waking
13 night, as it were --

14 **A. Yes.**

15 Q. -- your waking presence night, but you went back to what
16 is number 9 on the map, the Brothers' house --

17 **A. Yes.**

18 Q. -- and that's where you lived?

19 **A. Yes.**

20 Q. That was until 1996, when at 42 you left the Order

21

22

23 In 2003 you did a diploma in social work.

24 **A. Yes.**

25

1

3 Q. Now what I am going to do now, BR50, is take the six
4 allegations and deal with them in chronological order so
5 that we can best assist the Panel to understand where
6 you were at the particular time the allegation is made
7 and hopefully what we've talked through about the roles
8 you performed will assist with that as we go in terms of
9 making sure that we get the context of this right.

10 The first allegation is made by in terms of
11 chronological terms HIA218. He is your complaint
12 number 3 on your statement, but he was in St. Patrick's
13 on 11th -- from 11th January 1978 until 8th August 1980,
14 so between the ages of 13 and 16. I should make it
15 clear that in his Inquiry statement, which runs from 132
16 to 138, there is no mention of you, but in his police
17 interview of 28th April 2010, if we just look at that,
18 please, at 25653, and that's at the bottom of the page,
19 BR50, if we scroll down, please, he says:

20 "If you went to bed, you had to go and have a bath
21 or a shower and when you were in the bathroom, it was
22 a big communal area and all -- there was a few Brothers
23 that would be in there, and they would be coming over to
24 you, asking you to wash properly. So they stood there
25 and my first encounter of that, BR50 -- they call him

1 BR50. I know for a fact there's no way -- I was washing
2 myself and they told me to pull my foreskin back. Then
3 because he was there, there was something about it.
4 I felt like uneasy even then, and he tried to show me.
5 That was another contact. He told me in the bath --
6 sorry -- he told me to sit down in the bath, and I did
7 and because of -- back then it was -- there were nits
8 and all that. So I put this stuff in your hair, and you
9 had your eyes closed, because if you don't, it would
10 sting the hell out of you, washing. Kept pushing his
11 hand away and he went, 'No, it's got to be done'. That
12 was the second contact, because I know he was basically
13 trying to play with me."

14 So that's the allegation that was made to the police
15 concerning a BR50, which you accepted was likely to be
16 you, being the only BR50 who was there. That was made
17 in April of 2010.

18 Now you were interviewed about that by police on
19 14th October 2014. If we just look at 26292, please, if
20 we scroll down, please, so the allegation -- move on to
21 the next page -- is put to you and summarised. You say
22 you do remember the .

23 You don't remember any
24 specific incident with them like what was being
25 described to you. You did supervise boys in the

1 showers, but never showed them how to wash themselves.
2 You never actually touched them to show them how to wash
3 themselves. In particular you never touched HIA218 to
4 show him how to wash himself.

5 Now I was asking you about this earlier, BR50. You
6 were explaining to me that there was never any
7 instruction not to show boys how to wash themselves or
8 an instruction to show them how to wash themselves. It
9 was just something that didn't happen.

10 **A. Yes, that would be correct.**

11 Q. You just didn't do that.

12 **A. No.**

13 Q. The other point you were making to me was, and that's
14 why the context of this is important, at the time
15 whenever HIA218 is in St. Patrick's, which is '78 to
16 '80, you are working in the junior school.

17 **A. Yes.**

18 Q. And you were explaining to me that there were not baths
19 in the junior school.

20 **A. No.**

21 Q. There were communal showers.

22 **A. Correct.**

23 Q. And you supervised the communal showers, Brothers, to
24 make sure boys didn't mess around basically.

25 **A. Yes.**

1 Q. And -- but there was a bath in the chalet --

2 **A. Yes.**

3 Q. -- and at a certain point in time, which we will touch
4 on for different reasons, this particular

5 would have been in the chalet, but not --
6 you were not working in the chalet at the time that was
7 occurring.

8 **A. No.**

9 Q. But the point you are making -- that is an aside to the
10 point you are making, which is, "Well, I didn't ever
11 engage in instructing anyone how to wash any part of
12 their body, never mind their private areas".

13 **A. That's correct.**

14 Q. Just for the record, Members of the Panel, HIA218 gave
15 evidence to the Inquiry on Day 141, which was 10th
16 September, and the relevant part of his transcript has
17 been added to the bundle at 40386 and 7.

18 I am not going to go into the detail of it, BR50,
19 but if I can put it this way, and the Panel will know
20 what I'm referring to. You do remember the discovery of
21 and helping to deal with a particular medical difficulty
22 that one of the was discovered to
23 have.

24 **A. Yes, that's correct.**

25 Q. And that's the main memory that you have of them.

1 There's nothing else in particular sticks out in your
2 mind.

3 **A. No, nothing else.**

4 Q. But your position is you never abused either of them at
5 any stage.

6 **A. No.**

7 Q. The second allegation, BR50, that I am going to deal
8 with is that made by HIA54. He is "HIA54". He is your
9 complaint number 2 on your witness statement. Again he
10 was in the home in St. Patrick's largely covering the
11 same period as HIA218. He was born on
12 . He was there from 5th September 1978
13 to 5th October '78, so that's one month. He was then
14 there from 18th September '79 to 25th September 1979,
15 which was six to seven days, and also there from 15th
16 May 1980 to 25th July 1980, at which point he was on the
17 senior side. The point you make to me about that is you
18 were never on senior side. So any dealing you had with
19 him would have been when he was on the junior side.

20 **A. Yes.**

21 Q. But this wasn't a boy you remember yourself.

22 **A. No.**

23 Q. I should just in context indicate that this man makes
24 some very serious allegations of gang rape not relating
25 to you, but he does in his statement in paragraph 12, if

1 we can look, please, at 153 -- just scroll up on to the
2 page before, please, to see the start of it. Just
3 scroll up a little further so the Panel can see the
4 context. This is the reference to effectively the
5 second and third occasions in St. Patrick's. There were
6 three. He is referring to:

7 "On 15th May 1980 my appeal was denied and I was
8 readmitted to St. Patrick's. I was on the senior side
9 this time."

10 So that's third entry. Then he says:

11 "I remember the Brothers would beat the boys with
12 leather straps if you were being punished for something.
13 I remember being hit over the head with a bunch of keys
14 by BR50 once, because I had hit another boy, who was his
15 pet."

16 Now I was saying to you, BR50, it's difficult to
17 tell from the statement. What precedes it is a
18 reference to the senior side. You wouldn't be on the
19 senior side. So assuming this is, albeit moving back,
20 to a reference to just being hit generally, which may be
21 on the junior side, the allegation is that you used
22 a bunch of keys to hit a boy on the head, and
23 unfortunately HIA54 passed away before he could come to
24 give evidence to the Inquiry, but his evidence was
25 summarised by Ms Smith on Day 137 on 4th September of

1 2015, and, Members of the Panel, that can be found at
2 40526 to 40543 and the particular matter relating to
3 BR50 was dealt with at 40532, bottom of the page, and on
4 to 40533.

5 You have said about this, BR50 -- if we just look at
6 your statement at 2201, you say just in the last two
7 sentences:

8 "It is true that I would have carried a small number
9 of keys in my day-to-day duties, but I deny striking him
10 or indeed any young person over the head as he alleged."

11 **A. Yes. That would be correct.**

12 Q. The point you were making to me, so you can explain it
13 to the Panel, that you never hit any child during your
14 time in St. Patrick's.

15 **A. That is right. I never hit anybody with keys or with my
16 hand or anything.**

17 Q. And I was then asking you could you remember an occasion
18 whenever you did see a boy being hit and you explained
19 to me that you have one memory of what was corporal
20 punishment being administered.

21 **A. Yes, that's right.**

22 Q. And that was administered by the headmaster of the
23 junior school --

24 **A. Yes.**

25 Q. -- which was -- you gave me his name -- SPT151

1 --

2 **A. Yes.**

3 Q. -- who I think has since passed away, if I'm getting the
4 right connection, and can you just explain to the Panel
5 -- you were explaining to me that you were asked along
6 with another person to come in and witness --

7 **A. Yes.**

8 Q. -- the boy being strapped.

9 **A. Yes. He was strapping a young boy and he asked myself
10 and another member of staff to witness it.**

11 Q. And that was in the headmaster's office --

12 **A. Yes, in the office.**

13 Q. -- of the junior school. Was that the only time you saw
14 a strap being used on a boy?

15 **A. Yes.**

16 Q. That's the second allegation I am going to deal with,
17 BR50.

18 The third allegation is that of SPT134. That
19 relates to the period he was in St. Patrick's between
20 1981 and 1983. Are you okay, BR50?

21 **A. Yes.**

22 Q. Yes. He was born -- he is complaint number 5 on your
23 witness statement. He was born on
24 and was in St. Patrick's again over three periods. He
25 was there between 14th November 1981 to January 1982,

1 May '82 to December '82 and then August '83 to November
2 '83, and between the ages of 11 and 13. You do remember
3 this boy.

4 **A. Yes.**

5 Q. You explained to the police that you did, and that was
6 because he had a accent.

7 **A. Yes, that's right.**

8 Q. And I think you also explained to the police that as
9 time went on, he was increasingly difficult to manage --

10 **A. Yes.**

11 Q. -- in the training school. Again you were on the junior
12 side and this would have been in the junior school --

13 **A. Yes.**

14 Q. -- that you remember him.

15 **A. Yes.**

16 Q. And in November 1992 then, when he was 22, he made
17 allegations to his social worker in England that he had
18 been physically and sexually abused in St. Patrick's.
19 He made allegations against seven unidentified
20 individuals. Description 5 -- I am not going to open
21 all of the police papers, but you can take it from me
22 there are seven descriptions set out. Description 5 was
23 of a monk or Brother who was, amongst other things, said
24 to be fat and called .

25 Through speaking to various individuals, because the

1 police began a very proactive police investigation where
2 they sought out over 300 individuals who were in
3 St. Patrick's around the same time as SPT134 and managed
4 to trace and speak to 155 such individuals, and the
5 police record shows that 55 of those who were spoken to
6 thought that the reference to was you, BR50, and you
7 said to me you would have been known as .

8 **A. Yes, that's correct.**

9 Q. But -- and therefore the reference to is likely to be
10 to you, but you also disagreed, as we will come to see,
11 in a number of respects with the description that was
12 given of the person identified as --

13 **A. Yes.**

14 Q. -- including saying they were actually called .
15 You were always called BR50. But SPT134 made his
16 statement to the police then on 26th January 1993. It
17 runs from 20629 to 20638. It contains many serious
18 sexual allegations of gang rapes and matters of that
19 level, and then the part that relates to you, if we can
20 look, please, at 20646, just in the middle of the
21 page we can see:

22 "There was one called ."

23 This is reference to the monks.

24 "He used to drive a car and take boys to court. He
25 used to try things on with me. This happened when I had

1 to do jobs in the greenhouse. would come in and
2 touch me up and try and remove my clothing. This
3 happened on one occasion. After that whenever I saw him
4 coming I used to run off."

5 So he's saying that on one occasion this person that
6 he is describing did this to him and, as I said to you,
7 in fairness to you that's in the context of some very
8 serious graphic allegations that are made earlier in the
9 statement.

10 You were interviewed about that on 8th April 1994,
11 which was your first police interview. It runs from
12 21000 to 21002, and you say in that interview that you
13 did not do this ever on any boy, but after having made
14 that point, you then draw a number of matters to the
15 police's attention, and that is you didn't take boys to
16 court. That was never part of your duty.

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

18 Q. Your name was never .

19 **A. Correct.**

20 Q. You weren't ever fat.

21 **A. No.**

22 Q. And the person was described as being around 45 years of
23 age elsewhere in the statement and the point you made
24 was well, at that time you would have been 28 to 30.

25 **A. Yes.**

1 Q. You were never in the greenhouses.

2 **A. No.**

3 Q. And you were helping me to understand where the
4 greenhouses were. They are quite near the Brothers'
5 house. So if we look at 19787, where we can see the
6 number 9 and then the number 14, the number 14 was the
7 greenhouse area.

8 **A. Yes.**

9 Q. And you said that the car would be parked near the
10 greenhouses and other than that you would be generally
11 going up the ways in your job. You would come out of
12 the house and be heading up towards the gym or the
13 swimming pool or the chalet -- sorry -- or the junior
14 school --

15 **A. Yes.**

16 Q. -- but if you were getting the car, you would turn
17 towards the greenhouses.

18 **A. Yes. The cars were parked just opposite the
19 greenhouses.**

20 Q. But I was asking, "Well, did you have ever have cause to
21 be in the greenhouses?" and you were explaining to me
22 that -- you smiled -- gardening was not something you
23 were enthusiastic about.

24 **A. No, it's not my forte.**

25 Q. You were then explaining and can I ask you to explain to

1 the Panel the trades that the junior school were
2 involved in and those that the senior school were
3 involved in?

4 **A. In the junior school apart from the ordinary classes you**
5 **had art, woodwork, metalwork and PE. In the senior**
6 **school the greenhouses were used for gardening by the**
7 **senior boys. They also had a paint shop, an engineering**
8 **shop, a brick shop and a farm.**

9 Q. So the point you were making to the police was that
10 a junior schoolboy, which SPT134 was, shouldn't have had
11 any basis for being in the greenhouse.

12 **A. No, he shouldn't have been there.**

13 Q. And you didn't have a basis for being in the greenhouse.

14 **A. No.**

15 Q. And your point was you were never in them.

16 **A. No.**

17 Q. And the police analysis of the SPT134 allegations is
18 available to the Inquiry. If we look, please, at
19 20602 -- in fact, 2... -- let's just try that, please,
20 20602. I think it might be 20620. 20620, please.
21 20620. Yes. If we just scroll down to the bottom,
22 please, so the conclusion reached by the investigating
23 officers was that it was beyond belief that this man,
24 who made allegations against you, amongst others, was
25 sexually abused in the way he described by members of

1 staff.

2 "It is the view of the detective sergeant who was in
3 charge of the investigation that the allegations are
4 complete fantasy on his behalf or at least a gross
5 exaggeration of some form of less serious abuse either
6 by staff or inmates."

7 Then at the time the allegations were being made
8 there were other problems that were disclosed. Then
9 this passage, if we look at the second paragraph:

10 "As already stated, there was no evidence uncovered
11 during this investigation that SPT134 had been the
12 victim of sexual or physical abuse. There is evidence,
13 as outlined at page 13, that he was strapped by
14 Mr as punishment for striking a teacher",
15 and I think earlier in the investigation Brother
16 BR26, who was involved in assisting the police, brought
17 to the police's attention a record that showed he had,
18 in fact, been strapped for assaulting a member of staff
19 with a dining fork, but that was all that there were
20 documents in relation to.

21 Now the -- that view was endorsed by his superior
22 officer on 25th November 1994. Then I want us just to
23 look at what -- the active -- acting detective
24 superintendent who was in charge -- overall charge of
25 the police investigation had this to say at 21029,

1 please. Just scroll down, please. He says:

2 "These matters have been fully investigated and the
3 team of experienced detectives are satisfied that their
4 allegations are unfounded and indeed have described
5 SPT134's as one of fictional fantasy. In the present
6 situation regarding so many of these allegations it can
7 be seen that they are quite easy to make but entail long
8 and arduous investigation to illicit the truth, in which
9 these four instances does not appear to be forthcoming.

10 I therefore agree there is no other course open but
11 to have the papers marked 'no prosecution'."

12 So he's drawing attention to the fact it is easy to
13 make the allegation, but it takes quite a lot of work to
14 try to prove something occurred or, in fact, prove
15 a negative, if that, in fact, is the position.

16 On 25th January 1995 the Director of Public
17 Prosecutions issued a direction of no prosecution. If
18 we just look, please, at 20576, the then directing
19 officer said:

20 "The evidence is insufficient to afford a reasonable
21 prospect of conviction of any identifiable individual."

22 That, of course, included you, BR50, in addition to
23 the others who were identified amongst the seven
24 individuals who faced allegations.

25 It is the case, as I was explaining to you, that

1 that proactive seeking out of 155 people did bring
2 forward four individuals who then complained about
3 DL137, who then was subsequently convicted, having
4 accepted that he did indeed abuse those boys in
5 St. Patrick's. I was asking you had you become aware,
6 because he left in 1980, of the reasons why he left his
7 work, and you said to me you were aware of him having
8 resigned, as would happen with staff from time to time,
9 but it was not until a long time later that you found
10 out why he had resigned.

11 **A. Yes, that is correct.**

12 Q. Just to complete the matters relating to SPT134, you say
13 at paragraph 8 of your statement, if we look, please, at
14 2202, that you reject those allegations as inconsistent,
15 entirely implausible and you reject them completely.

16 **A. Yes.**

17 Q. The fourth matter that I am going to look at, BR50,
18 relates to that of HIA264, who is "HIA264". He was your
19 complaint number 1 on your statement. This individual
20 had never made allegations before about you until he
21 came forward to the Inquiry. As I outlined on Day 144,
22 which was Wednesday, 23rd September 2015, he did attend
23 on that day, having provided already his witness
24 statement to the Inquiry, and did consult with me, but
25 he elected not to proceed to give evidence that day.

1 That was acknowledged publicly by me and then by the
2 Chairman of the Inquiry. At SPT40810 and 40811 is the
3 relevant portion of the transcript, which are at
4 pages 55 and 56 on Day 144.

5 You by that time, BR50, had already addressed his
6 allegations in your statement --

7 **A. Yes.**

8 Q. -- and they were serious allegations that were being
9 made against you, which you say are unfounded. In
10 fairness to you I am going outline in brief terms what
11 I would have drawn out from the material that's
12 available that shows the factual account of what
13 happened in St. Patrick's in terms of each individual
14 and their movements. Obviously it is something I would
15 have been drawing out with you today in any event.

16 His complaint relates to the period 1987, by which
17 stage you are 33. As we said, you had qualified
18 formally as a social worker in 1981. By the time of
19 1987 you are now the team leader in Chalet 2.

20 **A. Yes.**

21 Q. And in the Inquiry statement from HIA264, if we look,
22 please -- his Inquiry statement can be found at 199
23 through to 204. If we look at 201, please, and
24 paragraph 3, he begins by setting out -- there is the
25 reference to you, BR50. Obviously we are using names.

1 None of the names, as we repeatedly say, should be used
2 beyond the chamber. They are used to make sure that you
3 understand exactly who I am talking about.

4 So he says of you you were one of the Brothers in
5 the care section, which is right. You were the team
6 leader in Chalet 2. He couldn't remember the names of
7 any other Brothers. During his first week there you
8 were extremely nice to him and really helpful. You made
9 him feel very welcome and safe. You explained to him
10 that he could tell you anything and that you were his
11 friend. If you were playing cards with him -- and you
12 said to me cards was a -- it was something done very
13 enthusiastically by the boys in Chalet 2 --

14 **A. Yes.**

15 Q. -- you would have put his hand on -- you would have put
16 your hand on his shoulder. At first he didn't think it
17 was inappropriate. However, by the end of the first
18 week he kept saying that his mother -- you kept saying
19 that his mother didn't want him and she was responsible
20 for putting him into care. You would say that is not
21 the type of thing you would say --

22 **A. No.**

23 Q. -- to a youth in your care, but he then says:

24 "He also began to touch me and I felt uncomfortable,
25 because he didn't understand -- I didn't understand what

1 was happening."

2 He explains about absconding and then says you began
3 to touch him as soon as he returned. He knew it was
4 wrong, but his body was aroused. He says you went on to
5 force him to masturbate you and to also perform oral sex
6 on you, that you masturbated him, even if he began to
7 cry. You persisted and told him that it was natural and
8 not to worry. The abuse continued to escalate and you
9 buggered him. On occasions he would carry out sex acts
10 on you to avoid being buggered. He says he was so
11 confused by this and he'd avoid going to the swimming
12 pool -- if we just scroll down, please -- and
13 continually says he absconded to escape the abuse. If
14 we scroll down, please, he'd be taken back each time
15 where the abuse by you would continue. He says this.
16 The abuse happened every day that you were on duty and
17 took place over a period of around 15 weeks. He
18 couldn't remember your surname, but he knew you were
19 BR50 and in the care section:

20 "... and never saw him after I was moved to the
21 training school."

22 By that he means when he was remanded to the justice
23 side effectively, which -- you were explaining to me if
24 you were on the junior side but being sentenced for
25 offending, then you resided in the junior school --

1 **A. Yes.**

2 Q. -- rather than in the chalets.

3 **A. Yes, that's correct.**

4 Q. And it was the children who were in on care -- on the
5 care orders --

6 **A. Yes, care and truancy who were in the chalets.**

7 Q. -- who were in the chalets. So what he's saying is this
8 period of time when you abuse him is when he is on the
9 care side rather than the justice side. You -- those
10 allegations were made, as I said. They were not made to
11 the police. So you have never been interviewed about
12 them.

13 I was explaining to you the factual documents that
14 were available, because his allegation is that over
15 a course of fifteen weeks you sexually abused him in
16 this very serious way that he describes.

17 We can see him coming first to St. Patrick's at the
18 age of 15 on 8th June 1987. I want to show you this
19 record, because you were able to identify the
20 handwriting, at 48660. This is the first day that he
21 attends. Just in the top of the page can you confirm
22 that that is your writing, BR50, that we can see:

23 "New boy, HIA264."

24 **A. No. The writing down below, yes, would be my**
25 **writing.**

1 Q. So the bit at the very top is yours, as is a passage
2 further down the screen?

3 **A. The one at the top, looking at it now, is not mine, but**
4 **the one further down that says " " , that**
5 **would be my handwriting.**

6 Q. So that's your handwriting?

7 **A. Yes.**

8 Q. Are you clear whether the top bit may or may not be
9 yours?

10 **A. I would say no, it's not mine.**

11 Q. Right. So you definitely are recording something that
12 day.

13 **A. Yes.**

14 Q. And this -- so you are on duty, as it were, at some
15 stage on 8th June. You are the team leader. This boy
16 is being admitted, although we can see from the records
17 that he does not say that day. So he comes. He is
18 there for a period and leaves. Can you just explain to
19 the Panel in the chalet how would you describe -- you
20 have got effectively up to fourteen beds. How many
21 staff would you have on at any one time?

22 **A. Probably at that time there would have been three staff**
23 **in each unit. At night-time we would have what we**
24 **called extraneous duties and that would have been there**
25 **during the teaching terms. You would have teachers or**

1 **other staff would come and work in the evening time from**
2 **roughly 6 o'clock to 9.30. So you'd probably have one**
3 **or two extra staff in the evening time in each unit.**

4 Q. And in terms of the layout of the chalets obviously
5 presumably the two single rooms were just that. So
6 that's a potential place where someone can be alone.
7 Where else was there within the chalet footprint that
8 would have facilitated being alone with someone?

9 A. **I don't think there was anywhere else, because**
10 **downstairs you had the corridor. You had young people**
11 **in and out of the dining room, in watching TV, back and**
12 **forth. The other area was the boot room, but you would**
13 **have young people in there, because the toilets were**
14 **just off it as well. So there was no real area for**
15 **people to be alone.**

16 Q. So that's the record. As I said to you, it seems that
17 he left that night, and there is another reference that
18 marries with that which I will just give the Panel
19 Members. It is at 2766, which is the corresponding
20 Social Services record that records the fact that the
21 individual left the same day as he arrived.

22 He is picked up again and brought, if we move on to
23 the next page, please, 48661, on 12th June, where we can
24 see that between this entry and another at 48653, which
25 is 13th June, he stays one night. If we just scroll

1 down, please. Yes. So we have got the bottom entry:

2 "HIA264 returned to the chalet."

3 If we look, please, at 48653, this is of 13th June:

4 "Absconded from Chalet 2 at 10.00 am. Parents
5 informed."

6 So it would appear that he was staying in Chalet 2,
7 which would have been your unit.

8 **A. Yes.**

9 Q. And he has spent one night in Chalet 2 on 12th June.

10 **A. Yes.**

11 Q. Then having left on 13th June -- and I am not going to
12 go into the detail of this -- for your purposes he does
13 not appear to be returned to St. Patrick's until 28th
14 July of 1987. He then spends eighteen days on the care
15 side in what looks to be Chalet 2 --

16 **A. Yes.**

17 Q. -- between -- so he would know who you are -- between
18 28th July and 17th August.

19 I am just going to show you the re-admission
20 document, please, at 48645. So this is 28th July.
21 I was asking you, BR50, could you see if your
22 handwriting was on this page anywhere, which, of course,
23 as I said to you, does not necessarily mean you were not
24 on duty. It just means you did not write in the book
25 that day, but ...

1 **A. My handwriting isn't on that page.**

2 Q. But this entry seems to record the further Place of
3 Safety Order.

4 "This time has been admitted to Chalet 1."

5 Reference to the difficulties that arise on 28th
6 July, but we were looking then at an entry at 48647. If
7 we can just look at that, please, if we scroll down,
8 please, to the entry which is of 30th July, but it seems
9 to show, if you can see, BR50:

10 "Boys in Chalet ..."

11 **A. 2.**

12 Q. He is recorded as being in Chalet 2. You were able to
13 identify that the other boys that are being referred to
14 there are Chalet 1 boys.

15 **A. Yes.**

16 Q. But then there is a series of records that you and
17 I were looking at. I am not going to go through them
18 all. To be fair to you, BR50, I am going to summarise
19 them in this way, that over the course of the eighteen
20 days recorded in diaries like this, which are -- appear
21 to relate to Chalet 2, HIA264 is recorded as being, for
22 instance, on 1st August visited by his mum and his
23 girlfriend. On 3rd August there is a phone call from
24 the girlfriend. His mum visits. You were saying to me
25 you could see clearly those were Chalet 2, because you

1 recognise the handwriting --

2 **A. Yes.**

3 Q. -- of the likes of SPT157 and other members of
4 staff who were members of your team in Chalet 2. On 5th
5 August his mother had taken him to the police station.
6 On 6th August there had been visits from his mum and his
7 brother. On 7th August he is recorded as absconding.
8 I am just going to show you that, because you identified
9 to me who the -- if we look at 48670. So we have had
10 every day or almost every other day references. Can you
11 recognise the handwriting on this part of the page?

12 **A. Top half of the page is SPT157 's handwriting.**

13 Q. Okay. Let's just scroll down to the second half of the
14 page, please. Now you --

15 **A. I would identify that as SPT159 's
16 handwriting.**

17 Q. So that's ?

18 **A. No, Mrs SPT159 . She was the housemother in
19 Chalet 2.**

20 Q. Right. So SPT159 , Mrs SPT159 ,
21 that's her handwriting that you recognise --

22 **A. Yes.**

23 Q. -- recording the absconding. Then the next page records
24 the return on 8th August. Just as we go if we can see
25 if you can recognise who the handwriting is.

1 **A. That handwriting would be SPT157 's.**

2 Q. You can see the reference to:

3 "HIA264's mother and stepfather visited tonight."

4 If we can just scroll up a little bit, please, so we
5 can see the ... Just scroll down a little further,

6 please. Scroll down. I am missing the reference to him
7 returning. Just scroll up a little, please. Right.

8 Just move down to the next page. Stop, please. Just go
9 back up to the top of that page. Okay. There's

10 reference on 8th August to:

11 "... very close and loud all morning."

12 So there then are a series of similar records that
13 run through until 15th to 17th August. That includes
14 a case conference report and you were identifying to me
15 -- of 11th August 1987 -- that the particular social
16 worker who is identified on that report worked in Chalet
17 2.

18 **A. Yes.**

19 Q. So it is likely to be the case that during the eighteen
20 days HIA264 was residing in Chalet 2, and there's
21 a series of entries that show the visits that he was
22 having, but the point that you make in your statement is
23 that at no stage did you engage in the sexual abuse that
24 he alleges.

25 **A. That's correct.**

1 Q. If we look at your statement, please, at paragraph 4 at
2 2200, you say that -- you make reference to the, based
3 on your dealing with his Inquiry statement, the
4 suggestion of fifteen weeks and of it happening every
5 day that you were on duty. I am right in saying you
6 would have been on duty at some stage most days of the
7 week.

8 **A. Yes.**

9 Q. And if we scroll down, please, you say at the end that
10 these allegations are unfounded and untrue.

11 **A. That's correct. The only explanation for his entry into**
12 **Chalet 1 could be that Chalet 2 were in Kilmore House**
13 **and he could have been returned to the training school**
14 **from absconding. So he would have been placed in Chalet**
15 **1 until we got back.**

16 Q. And then --

17 **A. He moved to Chalet 2 again.**

18 Q. And the point you were making to me was you can see your
19 handwriting definitely on 17th August, which is the last
20 day he is readmitted --

21 **A. Yes.**

22 Q. -- before -- if you just identify that for the Panel
23 actually at 48575. Can you identify who's the initials
24 on the right-hand side?

25 **A. " ."**

1 Q. Is that the social worker that you named to me, SPT72,
2 SPT72?

3 **A. Yes, I would think it is.**

4 Q. If we look at 48679, please, can you just identify your
5 handwriting there, BR50?

6 **A. The one that says:**

7 " and SPT264 returned by Mrs at
8 1.00 pm."

9 Q. Yes. You were explaining to me, and if you just want to
10 explain to the Panel, although we will have to look into
11 this further, you may have been on holiday?

12 **A. Yes. I think I may have been on holidays from the**
13 **beginning of August until coming back I would say on**
14 **a Monday after a fortnight's holidays.**

15 Q. Because that's the period that you --

16 **A. Would normally take.**

17 Q. -- would normally take for your holidays.

18 **A. Yes.**

19 Q. So that's a matter we will look into further to see if
20 there is any material that assists with that.

21 That leaves one final sexual allegation. Chairman,

22 I am aware that the --

23 CHAIRMAN: We'll take a short break for ten minutes.

24 MR AIKEN: Ten minutes?

25 CHAIRMAN: We will rise now for ten minutes, BR50, to give

1 you a break.

2 (4.10 pm)

3 (Short break)

4 (4.20 pm)

5 MR AIKEN: BR50, before we took a short break we dealt with
6 four of the six allegations and we're going to finish
7 the last two now.

8 The fifth allegation and the final of four sexual
9 allegations was made by SPT119. He is your complaint
10 number 6 on your statement. He was in St. Patrick's in
11 the 1988-1990 period. So at that stage you were still
12 the unit leader in Chalet 2.

13 **A. Yes.**

14 Q. He was born on and was in St. Patrick's
15 on three periods from 19th January 1988 to 19th April
16 1988, so for three months, then from 13th June 1988 to
17 1st July 1988, which was a two-week period, and then
18 from 27th October 1988 to 5th February 1990, which was
19 one year and four months, and that was between the ages
20 of 13 and 15. He was on the junior side and resided in
21 Chalet 2.

22 **A. Chalet 1.**

23 Q. Chalet 1. Sorry.

24 **A. And 2.**

25 Q. And 2. There was a movement between. He had a

1 brother.

2 **A. Yes.**

3 Q. And material which I am not going to open. The
4 occurrence sheets, which by that time were being kept on
5 detailed activity, demonstrate various challenges that
6 were had with his behaviour for the staff in the chalets
7 dealing with him.

8 **A. Yes, that's right.**

9 Q. When aged 26 he gave an ABE interview to the police on
10 4th August 2010. That runs to some 74 pages. It is in
11 the bundle at 23601 to 23675, and essentially, BR50, as
12 you know, he makes three main allegations against you.

13 **A. Yes.**

14 Q. The first is that you participated with BR26 and BR96 or
15 BR96 in a gang anal rape of SPT119 in his bedroom. You
16 did that on at least two occasions, although there is
17 a suggestion in the flow of the interview that it was
18 more often than that. That's the first allegation.

19 The second allegation is specific to you, that you
20 made him perform oral sex on you in the swimming pool
21 changing rooms after having assaulted him in the
22 swimming pool by going in and getting him out.

23 Then the third allegation is specific to you, that
24 you anally raped him in the storeroom off the gym after
25 some form of physical activity on an evening.

1 Now on 8th May of 2013 you attend voluntarily for
2 police interview about these allegations, and you were
3 explaining to me -- and you touch on this in your
4 statement and we will cover it at the end of your
5 evidence -- that, in fact, as is the case with someone
6 doing your type of work, when these type of allegations
7 are made, then that leads to you being investigated by
8 the gateway team, suspended from work, and it having an
9 impact on your own family life, which we will come to at
10 the end, and that's going on or it has begun at the time
11 you are being interviewed in May of 2013.

12 **A. Yes, that's correct.**

13 Q. So you are interviewed on that date and the interview
14 runs -- it is 32 pages. It runs from 23832 to 23864.
15 Again it's voluntary. I am going to deal with each of
16 the allegations in turn. As you know, in respect of one
17 of them I am going to do it in two parts to try to keep
18 the continuity of it.

19 The first allegation is, as I said, that you had --
20 he had been kept back while his unit went on holiday,
21 his chalet unit, in the summer of either 1988 or 1989.
22 That was a holiday to Glenariff and he had to stay back.
23 He was in the chalet on his own he says and that one
24 night you with BR96 and BR26 came into his room. You
25 were all drunk, and you gang anally raped him. You went

1 first while BR26 and BR96 held him until you ejaculated.
2 Then you swapped over and BR26 anally raped him while
3 you held SPT119 down. The three of you then repeated
4 this exercise on another night or perhaps more often
5 over the course of the two weeks when he claims to have
6 been on his own in the chalet.

7 Now you said to the police at interview in 2013 that
8 -- and I am going to just summarise this, BR50 -- that
9 you didn't do any of those things to SPT119 --

10 **A. That's correct.**

11 Q. -- and the allegations were totally untrue.

12 **A. That's correct.**

13 Q. And that being said, you then draw the police's
14 attention to a number of factors or matters that are
15 relevant to the allegation that's being made, and you
16 say in addition to the denial that you made that no
17 child would be staying in a chalet on their own. If
18 someone had to be left behind because of -- perhaps they
19 were going to court or something like that, they would
20 go into the other chalet --

21 **A. Yes.**

22 Q. -- and therefore be under the supervision of the staff
23 in that other chalet, who were not going on the holiday.

24 **A. Yes, that is correct.**

25 Q. You say that. The passage is at 23840.

1 The second matter you draw attention to is at no
2 time were you ever in his bedroom with other Brothers of
3 the De La Salle community.

4 **A. That would be correct.**

5 Q. And you then point out that if his unit was on holiday
6 when these events occurred and he was left behind, then
7 BR96, who worked in Chalet 1, his chalet, wouldn't have
8 been in St. Patrick's at the time, but would have been
9 with the rest of his unit in Glenariff.

10 **A. Yes, that is right.**

11 Q. You then explain to police that while if you were off
12 duty in the Brothers' house mainly on a Friday night you
13 would have drunk alcohol while playing cards, you never
14 drunk alcohol whilst on duty. That was a major no-no
15 for the Brothers, to use your language to the police
16 during the interview.

17 **A. Yes, that is correct.**

18 Q. The reference for that is at 23846 and 7.

19 The other point you drew attention to was -- in
20 relation to the allegation that you were all drunk was
21 that BR26 was, in fact, a pioneer and therefore didn't
22 drink at any stage of his life. You had never known him
23 to consume alcohol.

24 **A. No.**

25 Q. The other point that you made was that he as a senior

1 staff, as it were, wouldn't ever have been over working
2 in the chalets and really wouldn't have had any reason
3 to be coming over to the chalets.

4 **A. That's correct.**

5 Q. So that's the -- have I covered the main points? You
6 also deal with it in your statement, but is there
7 anything else you want to say about that allegation of
8 anal gang rape or have I covered the main points?

9 **A. You have covered it. All would I say: it never**
10 **happened.**

11 Q. The second allegation then was that he wouldn't come out
12 of the pool one evening. So you jumped in, assaulted
13 him in the swimming pool, dragged him out. Other
14 members of staff saw you do this, but they walked away.
15 You sent him to the showers and then -- which were
16 through the changing rooms. Then when he came out, you
17 were in the changing rooms. There was just the two of
18 you. You were -- he was still bleeding from his mouth
19 where you had bloodied him in the pool. You grabbed him
20 by the hair, slapped him in the face again. You pulled
21 him down on to his knees and made him perform oral sex
22 on you until you ejaculated in his mouth. That's the
23 allegation -- the second allegation that he makes about
24 you.

25 Now what I'm going to do, BR50, as I was explaining

1 to you earlier, is break that into two parts. The first
2 part is about what happens in the swimming pool. I am
3 going to come back to that. The second part, which is
4 you making him perform oral sex on you in the changing
5 rooms, you deal with that at the interview -- the first
6 interview on 8th May and you say that that simply never
7 occurred.

8 **A. That's correct. It didn't occur.**

9 Q. And you also drew the police's attention to the fact
10 that the changing rooms of the swimming pool were
11 communal changing rooms.

12 **A. Yes. It was an open area.**

13 Q. So anybody could walk in on you doing this.

14 **A. Yes, that's correct.**

15 Q. What I'm going to turn to now is the first part of this
16 second allegation, which is the business in the swimming
17 pool, because you were being interviewed about this and
18 initially during that first interview you said to the
19 police well, you couldn't swim, which is the position to
20 today --

21 **A. Yes.**

22 Q. -- you were explaining to me and therefore you wouldn't
23 have jumped in the deep end of the swimming pool.

24 **A. That's correct.**

25 Q. And that you don't -- you said to the police you don't

1 believe you ever jumped in with your clothes on. You
2 certainly never punch SPT119, nor drag him out.

3 Now that evening after the interview -- because that
4 came -- that allegation came to you there and then as
5 you sat basically and you were being interviewed about
6 it. Is that the sequence of it?

7 **A. Yes, that's correct.**

8 Q. You thought more about the allegation about the swimming
9 pool and you remembered that there had been an incident
10 with SPT119 in the swimming pool, which you had had to
11 deal with.

12 **A. Yes, that's correct.**

13 Q. And the papers -- and I am not going to go into the
14 detail of it now -- but the papers explain that you
15 spoke to your solicitor the following day I believe, who
16 asked then for you to be reinterviewed so you could
17 explain that to the police.

18 **A. Yes.**

19 Q. And then by the time the police could arrange the
20 reinterview, which was on 21st May of 2013, and that
21 interview runs from 23812 to 23815, you explain to
22 police that you had recalled an occasion whenever you
23 had been telling SPT119 to get out of the pool because
24 of his behaviour. He wouldn't get out of the pool and
25 eventually when he came down to the shallow end, you did

1 go in in your clothes and grabbed him and pulled him
2 out.

3 **A. Yes.**

4 Q. But you didn't assault him.

5 **A. No.**

6 Q. And you were saying to me -- on reflection you were
7 saying it didn't seem terribly wise to go in wearing
8 your clothes but you said to me, "Well, it was a point
9 of principle", that there were other children and staff
10 there. He had refused to do what he was asked to do and
11 you went and brought him out of the pool.

12 **A. Yes, that's right.**

13 Q. But you explain to the police hat 23814 that you didn't
14 go into the changing rooms.

15 **A. No, I did not.**

16 Q. He was sent into the changing rooms to get ready and
17 there were still others swimming.

18 **A. Yes. The rest of the young people were still in the
19 pool swimming. He went in, had a shower and got changed
20 and he came back out and joined the rest of us there.**

21 Q. At that interview, because the police had got their
22 hands on SPT119's records that were kept from St. Pat's,
23 the occurrence logs and diaries entries and so on and so
24 forth, they were able to show you the very thing you
25 were talking about.

1 **A. Yes, that's correct.**

2 Q. And unfortunately, as I was saying to you, although we
3 have that police file and we have the police exhibit and
4 we have a vast number of the occurrence sheets and diary
5 entries, the one page that isn't there is the page that
6 was being read out to you at the interview. So I am
7 going to bring up on the screen the passage from the
8 interview, which is at 23814, and we are taking steps to
9 see can we get our hands on the actual document that was
10 being referred to. It may be the Department of Justice
11 can help us with this as well. No doubt Mr [redacted] will
12 look into it for me. It is at 23814, please. If we
13 just scroll down, please, he says:

14 "There's a number of ledgers that we talked about --
15 they were mentioned in the previous interview -- which
16 we'd accessed -- which we hadn't accessed at that point.
17 For reasons of clarity and disclosure I'll explain that
18 we do have those now and there is an entry about the
19 swimming pool which I'm happy to read out to you just to
20 confirm what you've said."

21 The solicitor said:

22 "I wonder can you confirm the date of the entry,
23 please.

24 Q. I will surely, yes. It was recorded on 22nd
25 February 1988. It doesn't say who wrote the entry.

1 There's a number of different handwriting throughout",
2 which is similar to the type of things we were
3 looking at for HIA264. I am not going to bring them up,
4 but I can see that the SPT119 records are kept in the
5 same way, different contributors to each page about how
6 he is getting on:

7 "But whoever recorded it that night -- I'll just
8 read out the full day's entry. It says that, 'It was
9 hard to get out of bed. In bad form'. Not bad. Oh,
10 sorry. I beg your pardon. 'Hard to get out of bed but
11 its form was not bad' and then in the pm, 'SPT119 went
12 to the pool before and after tea. His behaviour at the
13 pool was atrocious. Indeed ...'",

14 and then the police officer says:

15 "which I assume stands for BR50. Is that right?

16 **A. Yeah.**

17 Q. Okay. ' had to get into the water to get
18 SPT119 out. He was then put to bed. Usual verbal abuse
19 to staff' and then the following morning it says, 'Much
20 more settled and cooperative'."

21 Then the police officer goes on to say to you:

22 "So there's an incident recorded there, but it
23 obviously doesn't go into any further detail or it
24 doesn't corroborate any allegations of a sexual nature
25 that he made against you. I appreciate that you've come

1 down in to clarify that point, to say about what you did
2 remember. That's backed up by these documents, which
3 were since uncovered. Is there anything else you want
4 to say to add to the point?"

5 So the irony of this is you, having reflected on
6 your first interview and the swimming matter that was
7 drawn to your attention, remembered what's recorded
8 ultimately in the sheet. You come down or you ask or
9 your solicitor asks for that to be put on record with
10 the police, by which time they have also got the
11 records, which then marry with what you're describing
12 having occurred as far as the diary entry goes --

13 **A. Yes.**

14 Q. -- and unfortunately we don't have the actual page.

15 Your point is, "There was an incident in the
16 swimming pool. I didn't assault the boy in the way he
17 describes in terms of punching him in the mouth" and you
18 did not engage in oral sex with him at any stage.

19 **A. That's correct.**

20 Q. The third allegation that is made against you again,
21 BR50, of a serious nature by SPT119 is what you are
22 alleged to have done to him in the gym. He says in his
23 interview -- in his ABE interview he was putting
24 footballs away in the storeroom off the gym. You came
25 in. You lit a cigarette. You -- it is right -- you

1 explained to the police you did smoke at that time.

2 **A. Yes.**

3 Q. You grabbed him, pulled down his shorts and boxers, bent
4 him over the football nets and then in his words you
5 rammed your erect penis up his bum.

6 You then in your first interview deal with that
7 allegation on 8th May 2013 and you say, first of all, it
8 never happened. At no stage did you anally rape any
9 child ever --

10 **A. That's right.**

11 Q. -- and you did not do that to SPT119. Then you go on to
12 say in context whenever you took the boys down to the
13 gym, you may well have played football with them as part
14 of the activities of an evening --

15 **A. Yes.**

16 Q. -- but you said you didn't think there were occasions
17 when it would have just been you and one boy cleaning up
18 after the football.

19 **A. No. What we would do was just everybody would --**

20 **I think his was about skittle ball. So all the skittles**
21 **were just put in the store, locked up and we would have**
22 **left. It wouldn't have been one on one.**

23 Q. The point you made about the reference to the football
24 nets was that the football nets never went in the store.
25 They just stayed at either end of the gym as if it's

1 a football pitch.

2 **A. Yes. The nets wouldn't have been moved, because there**
3 **would be normally 5 aside football would be played, and**
4 **that happened or alleged in the afternoon. Again in the**
5 **evening we'd be back down playing football and the**
6 **senior school would have been up later on in the**
7 **evening. So it was pointless putting the nets away.**

8 Q. And the -- as I was explaining to you, the police
9 outline of case that was submitted to the Public
10 Prosecution Service, which is available to the Panel
11 Members, it runs from 29926 to 29930, and that draws
12 attention to the following points, which I'm going to
13 highlight, BR50.

14 In respect of some of the allegations that are made
15 the individuals who SPT119 said could corroborate his
16 story did not and, in fact, one pointed out to the
17 police that as far as he was concerned the Brothers had
18 done everything they could to help the boys.

19 The police also drew attention to there being no
20 reference in STP119's daily notes, ie those handwritten
21 records that we talked about, to him remaining behind
22 while the rest of his unit went on holiday to Glenariff.

23 They also then draw attention to the fact that
24 although they did not record it in the statements, most
25 of the witnesses spoken to, having been identified as

1 potential corroborating witnesses, actually told police
2 that they believed SPT119 was lying about the
3 allegations.

4 Then the police drew attention to the fact that in
5 the individual's family background there was matters
6 very similar to some of what was being alleged of you
7 and others in respect of him. I am not going to go into
8 it any further, but you understand what I mean, BR50 --

9 **A. Yes.**

10 Q. -- and the Panel are aware of what I'm talking about.

11 **A. Yes.**

12 Q. As a response the police recommended no prosecution in
13 respect of the investigation that they carried out. The
14 PPS directed no prosecution in respect of the
15 allegations that you faced and the reference for that is
16 at 26638.

17 Just for the record in respect of the other two men
18 who faced the same allegation of gang anal rape, they
19 also were dealt with in the same way.

20 You have exhibited to your statement the
21 23rd September '13 letter, if we look, please, at 2206,
22 which is a letter from the Northern Ireland Social Care
23 Council. It is pointed out that:

24 "Following careful consideration of all the
25 information available, the council is satisfied that

1 there is insufficient evidence to substantiate the
2 allegations made by a resident of the former
3 St. Patrick's Training School. It is understood that
4 the PPS has directed no prosecution ... On this basis
5 no further action will be taken and your registration
6 remains unaffected."

7 That was being written on 23rd September 2013.

8 We're going to come in a moment, BR50 -- I'm going
9 to deal with the last matter

10

14 The last allegation, BR50, the last of the six,
15 relates to 1994. It is the failing to act allegation
16 that we discussed. It relates to a boy called SPT85.
17 You deal with it as your complaint number 7, although,
18 as I have said to you, there is only six, because there
19 is only one [name redacted] brother, and also it
20 involved a member of lay staff, as it were, who worked
21 with you called SPT108.

22 SPT108 made a statement to police on 26th
23 April 2013. If we can just look at that, please, at
24 23522. So he explains his work. He explains being met
25 by SPT85, whom he knew. If we scroll down, please, you

1 can see the reference to you. So he says -- he alleged
2 he had been in his words bucked by BR92, which was BR92,
3 and it happened on a number of occasions, and then he's
4 asked -- in the discussion that he's having with SPT108,
5 who was a former staff member, he said that he told
6 a number of individuals, of which you are one. It was
7 said then that you did nothing about it and instead sent
8 him up. He said there were two other -- sent him to
9 Corrymeela. There were two other members of staff who
10 might have done like... -- might have also known. Then
11 he said this:

12 "I know all four of these people and consider them
13 all to have been good members of staff and would be
14 surprised if they had known about something like this
15 and not addressed it."

16 So that's the view he has and he has explained that
17 -- what he says he was told to police and he explains
18 how he brought the boy to a solicitor and then
19 subsequently the boy was brought to police.

20 Now that's what he told the police, as in SPT108
21 explained to the police, but as I was explaining to you
22 earlier, SPT85 made a statement to the police, and while
23 that statement is actually made a month before SPT108's,
24 SPT108 in his statement is describing events that took
25 place in 2010, this conversation. SPT85 then explains

1 to police what he has to say about this on 24th March
2 2013. If we look at 23561, please, he sets out the
3 allegation that he is making about BR92. If we just
4 scroll down, please, on to the next page, he says this:

5 "I knew what he was doing was wrong. I never told
6 anyone about this until around September 2010, when
7 I told SPT108. He encouraged me to report this to
8 police and brought me to a solicitor. I never told
9 anyone else about this abuse."

10 So SPT85 is saying to the police, whatever he said
11 to SPT108 some three years previously, albeit SPT108
12 expressed some doubt about the four of you knowing about
13 this and not doing something, when SPT85 speaks to the
14 police, he says he hadn't, in fact, told anyone, and you
15 agree with that, because in paragraph 14 of your witness
16 statement, 2203, you explain that he never at any time
17 reported to you any activity of any concern about him
18 and BR92.

19 **A. No, he never reported anything to me.**

20 Q. And that's contained in paragraph 14, and you say here:

21 "I would have regarded this as very serious and
22 I would have reported the allegations to the school
23 manager",

24 if you had been made aware of them.

25 **A. Yes, that is correct.**

1 Q. I was then asking you, BR50, whether you could remember
2 any allegation that was made against staff or, for
3 instance, becoming aware of sexual activity amongst boys
4 that you then had to deal with, and you explained to me
5 that you had never received an allegation against
6 a member of staff --

7 **A. That's correct.**

8 Q. -- but that you had to deal with two boys who were
9 engaged in sexual activity --

10 **A. Yes.**

11 Q. -- and you explained to me who they were. I am not
12 going to name them now. I said to you we'd check,
13 because we have various material about these types of
14 incidents being dealt with, but you explained you
15 brought the matter to the attention of senior
16 management. One boy was alleging the other had abused
17 him --

18 **A. Yes.**

19 Q. -- although there may have been more consensual
20 behaviour to it at least initially, and his social
21 worker was informed. It was reported to the police, and
22 you explained to me because the boy -- one boy was
23 alleging that the other had taken advantage of him, you
24 informed his own solicitor --

25 **A. Yes, that is correct.**

1 Q. -- who then came up to see him --

2 **A. Yes.**

3 Q. -- about that. I asked you, "Well, what was done with
4 the boy who was said to have been the perpetrator?", and
5 you said he was moved out of Chalet 2 to Slemish House.

6 **A. Yes. That's right.**

7 Q. That was the only time you can recall having had to deal
8 with sexual activity with boys engaging with boys or
9 anything to do with members of staff?

10 **A. Yes. That's the only time.**

11 Q. Now, BR50, one of the things that you then drew -- it is
12 on the screen at the moment -- in paragraph 15 --
13 I appreciate you were explaining to me you were not
14 looking forward to coming to give evidence in respect of
15 these matters, but you explain in paragraph 15, using
16 the SPT119 allegations as an example, of the impact of
17 being the subject of allegations.

1

3 Q. So for a period of four months -- five months you have
4 these allegations hanging over you and you have it
5 affecting not only your working life but your family
6 life.

7 **A. Yes, that's right.**

8

14 Q. And the point that you are making in paragraph 15 is
15 that entirely false allegations made against you had
16 a devastating impact on your life in 2013.

17 **A. Yes.**

18 Q. And you face the same again over a set of allegations
19 made to the Inquiry.

20 **A. Yes.**

21 Q. And your point is you didn't do any of these things that
22 have resulted in that type of effect.

23 **A.**

1

9 Q. BR50, I'm not going to ask you any more questions. The
10 Panel Members may want to ask you something. So just
11 bear with us for a short time, if you would.

12 Questions from THE PANEL

13 CHAIRMAN: BR50, I have one just very minor point. I am not
14 sure that I understand the sequence of events in
15 relation to the episode where one boy is making
16 allegations against another boy. You reported it to the
17 police. Whose boy was it -- whose -- I'm sorry. Which
18 of the boys did you then contact their solicitor? Was
19 it the boy making the allegations?

20 **A. Yes.**

21 Q. I see. Not the one against whom the allegations were --

22 **A. No.**

23 Q. Thank you. That's the only question I have. Thank you
24 very much.

25 MS DOHERTY: I don't have any questions.

1 MR LANE: No. Thank you.

2 CHAIRMAN: Well, I'm sure, given it is now 4.55, you will be
3 particularly relieved we don't have any further
4 questions at all. BR50, thank you very much for coming
5 to speak to us today. That's it as far as we're
6 concerned.

7 (Witness withdrew)

8 MR AIKEN: Chairman, Members of the Panel, that concludes
9 today's oral evidence. look

10 .

11 CHAIRMAN: Yes. Thank you.

12 (4.55 pm)

13 (Inquiry adjourned until 10 o'clock tomorrow morning)

14 --ooOoo--

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