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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 3rd November 2015

commencing at 10.00 am

(Day 156)

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

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1 Tuesday, 3rd November 2015

2 (10.00 am)

(Proceedings delayed)

4 (12.25 pm)

WITNESS HIA138 (called)

6 CHAIRMAN: Good afternoon, ladies and gentlemen. Before we
7 start can I, as always, remind everyone that mobile
8 phones must be turned off or at least placed on
9 "Silent"/"Vibrate", and I must also remind you that
10 photography is not permitted either here in the chamber
11 or elsewhere on the Inquiry premises.

12 Yes, Mr Aiken.

13 MR AIKEN: Chairman, Members of the Panel, apologies for the
14 late delay getting started.

15 The first witness today is HIA138, who is "HIA138".
16 He wants to keep his anonymity. He is aware, Chairman,
17 you are going to ask him to take the oath.

18 WITNESS HIA138 (sworn)

19 CHAIRMAN: Thank you, HIA138. Please sit down.

20 Questions from COUNSEL TO THE INQUIRY

21 MR AIKEN: HIA138, coming up on the screen will be the first
22 page of your witness statement. Can you just check it
23 against the hard copy that you have where you can see
24 what's under the black marks and make sure it is the
25 same?

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1 **A. Yes.**

2 Q. Then if we go to the last page at 034, please, and
3 again, HIA138, if you look at the last page of your
4 statement and just check it's the same, apart from the
5 black marks.

6 **A. Yes, it is.**

7 Q. Can you confirm you have signed your statement?

8 **A. I have, yes.**

9 Q. And you want to adopt it as your evidence to the
10 Inquiry?

11 **A. I do, yes.**

12 Q. Just bear with me for a moment, HIA138 --

13 **A. Uh-huh.**

14 Q. -- so I can give the Panel the references --

15 **A. Okay.**

16 Q. -- to where else in the bundle material relating to you
17 can be found.

18 **A. Okay.**

19 Q. The Health & Social Care Board statement can be found at
20 116 to 117. It simply acknowledges that HIA138's
21 placement in Lisnevin was as a result of criminal
22 offences. Consequently there is no involvement with
23 Social Services. You were never involved with Social
24 Services, HIA138?

25 **A. No.**

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1 Q. The DoJ statement can be found at 128 to 130 with
2 exhibits from 131 to 132, and the Department of Justice
3 has provided material relating to HIA138 from his time
4 in Lisnevin, which can be found in the bundle at 20773
5 to 20812 and then from 21412 to 21466. Those records
6 consist of unit logs that are daily dairies, as it were,
7 of what's happening for all of the individuals and
8 various references are made to HIA138. We have been
9 looking at those with -- you don't remember much of the
10 content of them --

11 **A. No.**

12 Q. -- but you had an opportunity to discuss those with me
13 this morning. Then also medical logs, the type of which
14 you have seen in respect of Rathgael, and which records
15 the type of medical treatment that was given to HIA138.
16 Again you don't remember a lot of the --

17 **A. No.**

18 Q. -- incidents that are referred to in terms of treatment.

19 The -- just so that I can publicly acknowledge it,
20 Chairman, Members of the Panel, HIA138 does refer to
21 a particular officer, a member of staff called LN28, who
22 he refers to in paragraph 4 of his statement. We have
23 only made contact with that individual and are trying to
24 receive his formal response. I have made HIA138 aware
25 that he denies the allegation that's made against him,

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1 and that if the Panel consider it necessary, depending
2 on any formal response received from LN28, then the
3 Inquiry will communicate further with SPT58 about that.
4 He is happy to facilitate that as necessary.

5 Then the Inquiry Panel have the statement already of
6 Dr Bill Lockhart, who is a psychologist involved with
7 the setting-up and operation of Lisnevin. I am not
8 going to go into that today, but it begins at 1227 in
9 the bundle.

10 Then the Panel have access, as I was explaining to
11 you, HIA138, to your criminal record and it is at 30169
12 to 30170. The Panel are aware of the offences that are
13 recorded on it. I am not going to go into it in any
14 more detail today, save that we know that, as you
15 mention in your statement, one of the entries, the
16 conviction for criminal damage --

17 **A. Uh-huh.**

18 Q. -- relates to the particular barricading incident in
19 Lisnevin --

20 **A. Yes.**

21 Q. -- that you talk about in your statement.

22 **A. Uh-huh.**

23 Q. I have had the chance to show you the various
24 contemporaneous documents recording that night and what
25 is said to have occurred.

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1 **A. Yes.**

2 Q. That all being said, HIA138, you were born on

3

4 **A. Yes.**

5 Q. And are now 42 years of age?

6 **A. Yes. Right.**

7 Q. You were one of seven siblings?

8 **A. Uh-huh.**

9 Q. And you have three sons of your own?

10 **A. Yes.**

11 Q. From the records it's been possible for me to say to the
12 Panel that it appears you were in Lisnevin from
13 22nd March 1990 --

14 **A. Yes.**

15 Q. -- to 12th June 1990. That was essentially
16 a three-month period --

17 **A. Yes.**

18 Q. -- when you were 16.

19 **A. Uh-huh.**

20 Q. Thereafter you spent a short time in Hydebank, where you
21 have no complaint to make about your time in Hydebank --

22 **A. No.**

23 Q. -- and then a short time in St. Patrick's --

24 **A. Uh-huh.**

25 Q. -- before you were released on bail --

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1 **A. Yes.**

2 Q. -- for the matters that appear on the record. You and
3 I, HIA138, have had an opportunity to look through the
4 chronology of documents --

5 **A. Uh-huh.**

6 Q. -- that I have been able to work out the handwriting,
7 what it says as far as it relates to you.

8 **A. Uh-huh.**

9 Q. I am only going to look at some particular examples --

10 **A. Okay.**

11 Q. -- as we go for the Panel, who have already had access
12 to that material and have had the opportunity to
13 consider it.

14 The admission material shows you coming in on
15 22nd March 1990 and the sequence of documents are an
16 admission form recording you coming in --

17 **A. Uh-huh.**

18 Q. -- and why you're coming in and then a medical
19 examination taking place on admission. You refer in
20 your statement to the tattoo .

21 **A. Yes.**

22 Q. That is recorded in the medical record as part of the
23 marks on one's body --

24 **A. Uh-huh.**

25 Q. -- that is there. Then there's the diary record of the

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1 admission. Through the sequence of diary unit log
2 entries that we were discussing it appears that you and
3 someone called LN 75 --

4 **A. Uh-huh.**

5 Q. -- were running mates, at times in conflict with each
6 other, but often sent to separation together, engaging
7 in behaviour together that came to the attention of the
8 staff.

9 **A. Uh-huh.**

10 Q. You don't remember who that friend, as he would have
11 been then --

12 **A. No.**

13 Q. -- was.

14 **A. No.**

15 Q. But you can see in the documents --

16 **A. Yes, yes.**

17 Q. -- it seems that you and he were part and parcel of one
18 another for at least a period of the three months you
19 were in Lisnevin. The Panel have access to those logs
20 that show, for instance, on 24th March you and
LN 75 being moved to separation at your own
request according to the record --

23 **A. Uh-huh.**

24 Q. -- after being noisy in your room. You don't think you
25 would have requested to be taken to separation.

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1 **A. No.**

2 Q. Do you just want to explain to the Panel what your
3 recollection is of the room that you stayed in and then
4 the separation room that you were taken to and what it
5 was like in contrast to the room you normally stayed in.

6 **A. Well, the room was -- there was nothing in the room.**

7 **There was a blue mattress on the floor, which had like**
8 **a plastic cover on it, and a blue cube and that was it.**
9 **You had nothing else in it.**

10 Q. Was that the separation room?

11 **A. No, no. That was the normal room.**

12 Q. That was your normal room.

13 **A. Yes.**

14 Q. What was the separation room like?

15 **A. The separation unit, in that room it just had a**
16 **mattress.**

17 Q. And I think you refer in your statement possibly to the
18 Care side of Lisnevin --

19 **A. Yes.**

20 Q. -- rather than the Justice side. It was a bit more
21 luxurious --

22 **A. Yes.**

23 Q. -- than the Justice side part.

24 **A. Yes, yes.**

25 Q. There are various entries about you and LN 75 .

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1 For instance, there is one --

2 **A. Uh-huh.**

3 Q. -- on 26th March where the two of were you warned about
4 slapping each other. You don't have any memory of any
5 of this.

6 **A. No, no.**

7 Q. There's a reference to -- I am not sure we discussed
8 this one -- there is a reference to you threatening a
9 LN 76 with a piece of wood. You don't have any
10 memory of that.

11 **A. No.**

12 Q. But what you were saying to me in the round, as you
13 reflected on these things, you with others --

14 **A. Yes.**

15 Q. -- and everybody on that justice side --

16 **A. Uh-huh.**

17 Q. -- at that time would have been difficult enough boys --

18 **A. Yes.**

19 Q. -- to look after.

20 **A. Yes.**

21 Q. I think you used "wild" boys --

22 **A. Yes, yes.**

23 Q. -- as it were, from wherever parts you came from --

24 **A. Uh-huh.**

25 Q. -- to be there, and it would have been difficult enough

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1 for the staff to look after you --

2 **A. Yes, yes, yes.**

3 Q. -- but your complaint is more about how particular staff
4 behaved --

5 **A. Uh-huh.**

6 Q. -- in certain particular circumstances.

7 **A. Yes.**

8 Q. It is not that everybody in Lisnevin mistreated you.

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

10 Q. In fact, some of the staff left a lasting impression on
11 you --

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

13 Q. -- being more compassionate --

14 **A. Yes.**

15 Q. -- about how things were dealt with. The Panel have
16 access to the medical records that show blisters and
17 indigestion and acne and all of that type --

18 **A. Uh-huh.**

19 Q. -- of treatment going on. I was saying to you I can't
20 find in the medical records the type of injury
21 consistent with getting punched or cut.

22 **A. Uh-huh.**

23 Q. But you were saying to me that there would have been
24 occasions --

25 **A. Absolutely.**

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1 Q. -- when you remember in the restraining type process --

2 A. Yes.

3 Q. -- whenever you would have got cut, as it were.

4 A. Well, I remember always being in the separation unit and
5 most times I would bleed.

6 Q. You were describing to me -- and maybe you can describe
7 this to the Panel to assist them to understand -- the
8 restraining process, as it were --

9 A. Uh-huh.

10 Q. -- the way that was done effectively paralysed you, the
11 pressure points that were used.

12 A. Yes, yes.

13 Q. Do you want to just describe how that was ...?

14 A. Well, you wouldn't have been fit to do anything. As
15 soon as they would have grabbed you, they done it in
16 such a way where your arms and your legs, you would
17 immediately fall to the ground, you know. They twisted
18 your wrists and your arms up your back and, you know,
19 you couldn't -- you couldn't fight back, you know.

20 Q. You were saying to me it was -- to summarise it, it was
21 like a form of temporary paralysis almost.

22 A. Yes. When they would be finished with you, when you
23 would be put in the separation unit and they put you on
24 to the ground, it would maybe take you five to
25 ten minutes to kind of get your wrists and ankles back

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1 **working again, you know.**

2 Q. So whether it was the impact on the nerves, it took
3 a little time for that to --

4 A. **Yes, yes, yes.**

5 Q. A bit like hitting your funny bone, as it were.

6 A. **Yes, yes, yes.**

7 Q. It took time for it to come back to normal.

8 A. **Yes, yes, yes, yes.**

9 Q. Through the records we can see that you were visited at
10 various times by your parents --

11 A. **Uh-huh.**

12 Q. -- by your brother, and there are occasions whenever --
13 we will look at one as an example, 21442, which would
14 have been the type of occasion whenever you were being
15 removed to the separation unit.

16 A. **Uh-huh.**

17 Q. You and I looked at this log. It is quite difficult to
18 read the handwriting, but it seems to be from the daily
19 log of 17th April 1990, by which stage you are in about
20 a month.

21 "Night staff reported that HIA138 was removed to
22 separation block for disruptive behaviour and flooding
23 his room."

24 You were saying to me you think you can remember
25 flooding your room.

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1 **A.** Yes. I don't know if I can remember me flooding it.
2 I would have heard that. That would have happened quite
3 a lot and so on.

4 **Q.** Then there is a reference in the same entry to
5 LN 77 and LN42. When you look at the run of the
6 documents, it would appear LN42 might have been a more
7 senior -- whether he was the head of the home or
8 the head of a particular side, the Justice side
9 possibly, but he appears to have engaged in discussion
10 about you and decided that you would:

11 "... remain off the floor today."

12 You were saying to me that what that would have
13 meant and, in fact, what a number of the references mean
14 to being early to bed and so on is you would have been
15 put into your room and the room locked --

16 **A.** Yes.

17 **Q.** -- and you couldn't come out.

18 **A.** No, no.

19 **Q.** You can see -- just as an example of the visits further
20 down that page you can see:

21 "HIA138 was allowed 15 minute visit at 2.00 pm from
22 his brother and friend."

23 So they must have come up to Millisle to visit you.

24 Throughout April there are various medical
25 treatments for various ailments that you and I were

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1 talking about. I am not going to open those to the
2 Panel. The Panel are aware --

3 **A. Uh-huh.**

4 Q. -- of them. I was showing you a particular entry. If
5 we look at 27th April at 21446, I was hoping this would
6 help you remember who LN 75 was, but this is where
7 on 27th April it's being recorded:

8 "I" -- and it seemed to be signed by possibly
9 an LN 25 , if that's a correct interpretation of the
10 signature -- "I spoke with LN 75 and HIA138 this
11 morning re placing -- explaining to them that the staff
12 were prepared to give them a chance in the same common
13 room together and we expected their behaviour to match
14 our faith in them."

15 So it seems that from the records you and he were
16 running mates at times, but also there's reports of you
17 being told off for slapping each other and so on and so
18 forth. So it may have been when you were together it
19 got out of hand or more out of hand, and this seems to
20 be the staff, presumably already having not allowed you
21 to be in the common room together, then being prepared
22 to let you be in the common room together, but telling
23 you that they expected you to behave properly,
24 reflecting the faith they were showing in you --

25 **A. Uh-huh.**

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1 Q. -- to let you do that. You don't have a memory of that
2 type of thing yourself, HIA138?

3 A. **No. I can't remember that being said to me, no.**

4 Q. Okay, and there are various other records of you and
5 other boys being removed from each other's rooms and
6 barricading type scenario. You were saying to me that
7 would have been how the boys carried on, that these
8 things would have escalated and --

9 A. **Well, see, I don't really know. It's hard to answer.**

10 Q. And the -- there are references -- for instance, if
11 I show the Panel an example on 5th May, if we look at
12 21448, there is one of a number of entries we looked at,
13 HIA138, which shows:

14 "HIA138 and LN 75 early to bed."

15 You were explaining to me that that meant
16 effectively you were separated from the group, put into
17 your room --

18 A. **Yes.**

19 Q. -- and that's where you had to stay.

20 A. **Yes.**

21 Q. There is a particular incident that -- in May of '90.
22 I am not going to bring up the records for it. I think
23 you do remember it to some degree, you hitting another
24 boy.

25 A. **Yes.**

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1 Q. And the record, the flow of it is you hitting a boy and
2 you were going to be sent to your room for that, but you
3 hit him again as he passes and then you are taken off to
4 separation. Is it that type of -- in fact, if I bring
5 it up on the screen and let you see it. It is at 21451.
6 Is it that type of -- where you would have been taken to
7 separation where these things that --

8 A. Yes.

9 Q. -- occurred with staff --

10 A. Uh-huh.

11 Q. -- would have taken place --

12 A. Yes.

13 Q. -- where the manhandling of you --

14 A. Uh-huh.

15 Q. -- and you said to me it would have involved them
16 punching at you whenever they were trying to --

17 A. Well, it would have been when they had me restrained,
18 I would have been hit.

19 Q. And this is one the Panel can see. You assaulted
20 a particular boy. I can't work out whether it is

21 LN 78 .

22 "Resulted in him getting [something] to -- injuries
23 to his nose. On his way to his room he again struck and
24 at this stage he was moved to separation."

25 Then you can see at the bottom:

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1 " LN 75 was placed in separation."

2 Whoever is the author of this note -- it seems to be
3 a LN74 -- feels that that's because you were already
4 there, and he kicked doors in order to be sent to
5 separation himself.

6 There are various medical references and references
7 to being put on report for various things that have
8 happened that follow.

9 I was drawing your attention to one entry on
10 25th May which records you -- the boys are being taken
11 to lock-up, as it were, and you disappear under the
12 stairs and they do a search to find you. You don't
13 remember that type of --

14 **A. No.**

15 Q. -- thing?

16 **A. No.**

17 Q. That's the type of thing that might well have gone on?

18 **A. Quite possibly, yes, yes.**

19 Q. Then I was showing you how the staff appeared to deal
20 with them becoming aware that your father had had
21 a heart attack while you were in.

22 **A. Uh-huh.**

23 Q. If we look at 21456, the member of staff -- again this
24 is -- if we scroll down a little, we can see this is
25 signed off again by this person LN 25 , if I'm

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1 interpreting the signature correctly, and he:

2 "Sombody called has informed us that

3 HIA138's father has been taken to hospital with a heart
4 attack."

5 Then:

6 "I contacted Hospital to enquire before
7 I talked with HIA138. The news is good. He is in over
8 the week and for observation. He may be released on
9 Monday. HIA138 accepted the news very calmly."

10 You don't yourself remember that sequence of events?

11 **A. No.**

12 Q. But it appears that the staff member was trying to deal
13 with it in a --

14 **A. Yes.**

15 Q. -- compassionate --

16 **A. Uh-huh.**

17 Q. -- way.

18 Then on 5th June I was showing you an old letter
19 from your solicitor at that time, which was Gus
20 Campbell, requesting the transfer to St. Patrick's. If
21 we look at 20801, please, this is coming towards the end
22 of your time in any event, but the solicitor sets out to
23 the Northern Ireland Office the background to you being
24 in Lisnevin, which was I think for armed robbery. Then
25 I said to you very quickly you were given bail, but it

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1 required sureties and they were not available, which is
2 what then involved you staying on for a longer period in
3 Lisnevin.

4 If we scroll on to the next page, the reason for the
5 transfer being sought -- you can see the implication of
6 the second paragraph is that you must have made staff
7 members in Lisnevin aware that you would like to be
8 considered for a transfer to St. Patrick's and then they
9 phoned your solicitor to tell him or her that, and it
10 is:

11 "HIA138 has contacted me through officers at
12 Lisnevin requesting that I enquire into the possibility
13 of him being transferred to St. Patrick's Training
14 School. The main reason for HIA138's request lies in
15 the fact that Lisnevin is a very long distance from
16 HIA138's home in and this distance presents a
17 great obstacle to his family and friends in their
18 efforts to visit him. Furthermore, HIA138's father has
19 recently been very ill and this adds to the visiting
20 difficulties."

21 So those were the reasons why --

22 **A. Uh-huh.**

23 Q. -- the solicitors were setting out the request for
24 a transfer. The Panel are aware, as I was discussing
25 with you, that was then considered by LN42, who seems to

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1 be quite high up in Lisnevin --

2 **A. Uh-huh.**

3 Q. -- and a Mrs Mercer in the Northern Ireland Office, and
4 the response ultimately was that because you were
5 described as being troublesome and disruptive in
6 Lisnevin for the two months that you had been on remand,
7 the school would not support the solicitor's request for
8 you to be moved to what's described as the open remand
9 situation at St. Patrick's. I will give the Panel the
10 reference for that. It is at 20788.

11 Then one comes to the sequence of events of
12 10th June, which is shortly before you leave Lisnevin --

13 **A. Uh-huh.**

14 Q. -- which I think is in -- we will look at it in the
15 context of your witness statement shortly. On 10th
16 June, if we look at 21459, please, you can see:

17 "In the morning staff reported that HIA138 is
18 becoming unmanageable. LN16 spoke with him."

19 He seems to have been a senior officer who was or
20 senior member of staff who was called in. Then:

21 "Later on that evening, 8.30, I was called down.
22 Two boys had run off, barricaded themselves into
23 a bedroom. I sealed the corridor and began putting boys
24 to bed. I was then informed that a further three --
25 four boys and two boys had also barricaded themselves

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1 into rooms in Drumfad corridor. Having spent time
2 negotiating and ensuring that everyone -- that nobody
3 was hurt or at risk, I contacted LN42 to apprise him of
4 the situation. LN42 and LN56 entered Lisnevin.
5 Situation under control at 1.00 ..."

6 I think that should be "1.00 am" rather than "1.00
7 pm". Signed off by LN16. That incident ultimately
8 resulted in you being placed in the isolation block --

9 **A. Uh-huh.**

10 Q. -- because you and you were able to tell me it was a
11 LN30 --

12 **A. Uh-huh.**

13 Q. -- are described as having wrecked the -- whatever room
14 that you were barricaded into. You are taken to the
15 police for interview, but just so I can show the Panel
16 what a separation -- there's a separation unit diary
17 that records the admission, if we look at 21466:

18 "Placed in isolation at 10.00 am after spending the
19 night in dorm 5 with LN30. Wrecked dorm 5 after waking
20 this morning. Returned to the unit at noon on 12th."

21 So the following day or it may be the same day. No,
22 it is the following day. Can you remember was the
23 periods in -- you were taken to separation, the
24 restricting exercise --

25 **A. Uh-huh.**

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1 Q. -- the occasions when you talk about being beaten for
2 taking away to the separation unit --

3 A. Uh-huh.

4 Q. -- did you generally spend a day or an overnight in the
5 separation unit? You weren't there for weeks on end?
6 It was a --

7 A. No, no. Short periods of time.

8 Q. Short periods and then you were taken back to the group
9 --

10 A. Yes.

11 Q. -- and your own -- your own unit. It seems that then
12 Lisnevin report this incident to the Northern Ireland
13 Office, who ultimately at the time were responsible for
14 Lisnevin, and you are taken to the police with LN30 to
15 be interviewed for criminal damage.

16 A. Uh-huh.

17 Q. The reference in the note to the Northern Ireland Office
18 is to -- that the two of you have destroyed lighting
19 windows. Do you remember was it the type of -- the
20 particular type of window that lit?

21 A. I've no idea.

22 Q. You don't remember. That would lead to you being
23 charged for criminal damage. That's ultimately what
24 happened, and then there was a conviction for that.

25 A. Uh-huh.

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1 Q. Do you want to just tell the Panel -- you talk about
2 this in -- just when we are looking at documents that
3 relate to it, you talk about this in paragraph 11 of
4 your statement, if we look at 032, because you mention
5 it in the context of LN29 that you remember --

6 A. Yes.

7 Q. -- as a particularly compassionate member of staff.

8 A. Yes.

9 Q. Do you want to just tell the Panel what you can remember
10 about the incident and how it was dealt with?

11 A. Well, I remember -- I remember barricading ourselves
12 into the room. I remember both of us were frightened of
13 getting beaten after coming out of it. So I remember
14 different officers coming to the door and asking us to
15 take away the barricade and we refused to do it, and
16 they says that they were going to take in heavy
17 machinery to put the door in around us and stuff like
18 that there, and we just point blank refused to do it.
19 We were afraid to come out, and then LN29 appeared, and
20 he guaranteed us that if we took away the barricade and
21 came out, that we wouldn't be beaten, you know. So we
22 trusted him, you know, and that's exactly what happened.
23 We came out and there was no -- there was no issue.
24 I think we walked down, which is probably the first time
25 we walked down, to the segregation unit.

Page 25

1 Q. You were explaining to me that LN29, when he was on, he
2 was just one of those people that -- perhaps I describe
3 them as low on the ground. He created a nice
4 atmosphere. I was a guy that was trusted and was able
5 to talk to you --

6 A. Yes.

7 Q. -- and find ways to solve issues before they got out of
8 hand.

9 A. Uh-huh. Yes. That would be exactly right. He -- in
10 comparison to other staff where the other staff would
11 have been kind of goading us and making fun of us and
12 stuff like that there, he wouldn't. He was very easy to
13 get along with, and if any issues did arise, he kind of
14 just had a way of sorting them out very quickly and
15 calmly and easily.

16 Q. What happens then is you are taken to the police station
17 and interviewed about it and then --

18 A. Uh-huh.

19 Q. -- you are taken to court and you are remanded to the
20 YOC. Just so I give the Panel -- if we look at 21415,
21 I was saying to you that there's a Board of Management
22 for Lisnevin. It would receive information and consider
23 particular matters. So this particular incident is
24 recorded in -- being looked at by the Board of
25 Management. The Panel have the record and can see what

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1 happened in terms of when it was dealt with.

2 Now if we go back to your statement at paragraph 3,
3 HIA138, at 030, please, you talk about verbal abuse.

4 **A. Yes.**

5 Q. It begins just on the page before, if we go -- that the
6 tattoo you had on the prompted you to receive
7 verbal abuse from staff members.

8 **A. Uh-huh.**

9 Q. Is that -- that's your recollection --

10 **A. Yes, yes.**

11 Q. -- of how they responded to that, and you mention
12 towards -- if we just scroll down a little on to 030,
13 that this was a problem across most of the staff. You
14 talk about maybe out of the 20 staff you had to deal
15 with about 12 of them --

16 **A. Yes.**

17 Q. -- would have had this type of attitude towards you.
18 You draw then particular attention to LN28 --

19 **A. Uh-huh.**

20 Q. -- who was in charge of woodwork.

21 **A. Yes.**

22 Q. He would have made references to cutting off your
23 fingers --

24 **A. Yes.**

25 Q. -- and comments about socialist ideology.

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1 **A. Uh-huh.**

2 Q. You describe yourself here as:

3 "I was just a young boy in a strange place."

4 You weren't really in a position to argue with him
5 at the time about those things.

6 **A. No.**

7 Q. Obviously he -- as I said to you, we don't have his
8 statement as yet --

9 **A. Uh-huh.**

10 Q. -- but he has communicated to the Inquiry verbally that
11 he does not accept he verbally abused anybody and did
12 not verbally abuse you in this way, but that's your
13 recollection --

14 **A. Absolutely.**

15 Q. -- of how he treated you.

16 You then describe another member of staff in
17 paragraphs 5 and 6.

18 **A. Uh-huh.**

19 Q. You don't remember this man's name.

20 **A. No.**

21 Q. You can remember him having ginger hair.

22 **A. Uh-huh.**

23 Q. It was an altercation over cigarettes.

24 **A. Uh-huh.**

25 Q. And you having sort of got the better of him in the

1 scuffle --

2 **A. Uh-huh.**

3 Q. -- and then wanting a guarantee that you were not going
4 to be mistreated --

5 **A. Uh-huh.**

6 Q. -- when you let him go, and then other staff members did
7 mistreat you --

8 **A. Uh-huh.**

9 Q. -- after the altercation.

10 In paragraph 7 then you talk about the main source
11 of the beatings that you were describing to the Panel --

12 **A. Uh-huh.**

13 Q. -- which is this -- when you are being removed to the
14 separation unit --

15 **A. Uh-huh.**

16 Q. -- and how that was dealt with. You had a belief,
17 although you accept it is just your view, thinking back
18 on it --

19 **A. Uh-huh.**

20 Q. -- where you remember the most physical aspects taking
21 place --

22 **A. Uh-huh.**

23 Q. -- and you thought, "Well, that's so they can't ..." --
24 was there -- can you remember was there a CCTV system in
25 it or is that just --

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1 **A. I actually don't think there was, no.**

2 **Q. That's just -- that's how it felt to you.**

3 **A. Yes, yes, yes.**

4 **Q. There was a particular place it seemed to happen at.**

5 **A. Yes.**

6 **Q. In paragraph 8 you talk about a particular form of**
7 **search taking place, an intimate search.**

8 **A. Uh-huh.**

9 **Q. I was asking could you remember was that something that**
10 **happened a lot and you were saying to me, "Well, it did**
11 **not happen a lot".**

12 **A. No, no. It wasn't ...**

13 **Q. But I was asking you could you remember what the**
14 **particular reason was that brought that about.**

15 **A. I think something went missing. I think it was**
16 **a cigarette lighter that went missing.**

17 **Q. Okay, and that was the issue it was trying to ...**

18 **A. Yes.**

19 **Q. In paragraph 9, HIA138, you explain that you regarded**
20 **yourself as being picked on for punishment.**

21 **A. Yes, I was.**

22 **Q. Obviously we were discussing earlier this group of boys**
23 **wouldn't have been the easiest to manage --**

24 **A. No, definitely not.**

25 **Q. -- but did you feel that you were somehow treated even**

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1 more harshly --

2 **A. Yes.**

3 Q. -- than the others were?

4 **A. Yes, yes.**

5 Q. And did you have a view as to why? Had you got on the
6 particular wrong side of a particular member of staff or
7 ...?

8 **A. No, I just think -- I just had a feeling that they just
set out to punish me as hard as they could, you know.**

10 Q. That's how they viewed you --

11 **A. Uh-huh.**

12 Q. -- and their approach to you? You mention a particular
13 episode in paragraph 10, where you were mocked by a --
14 you had been taken to the segregation unit. You had got
15 hurt and the nurse took a look at you and then laughed
16 and walked out again.

17 **A. Uh-huh.**

18 Q. You felt, as you reflect on that, that was something
19 that stuck in your mind --

20 **A. Yes.**

21 Q. -- as not being very caring and very callous.

22 **A. Uh-huh.**

23 Q. In paragraph 11, which we have looked at, you talk about
24 LN29, who left a lasting positive impression --

25 **A. Yes.**

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1 Q. -- and the particular episode that he was concerned
2 about.

3 In paragraph 12 you talk about an occasion -- visits
4 obviously took place and the Panel can see in the
5 records them taking place.

6 A. Uh-huh.

7 Q. But on one occasion you wore not your ordinary clothes
8 but your pyjamas.

9 A. Yes.

10 Q. Do you remember what the cause of that was?

11 A. I'm not too sure, but I remember asking a member of
12 staff and they said something like I had to earn the
13 right to wear normal clothes.

14 Q. And you felt that was humiliating --

15 A. Yes.

16 Q. -- to treat you in that way.

17 Then in paragraph 14 you talk about Hydebank and
18 you've no complaints about your --

19 A. No.

20 Q. -- time there.

21 The -- as I said to you, HIA138, the last two
22 questions that we ask each witness --

23 A. Uh-huh.

24 Q. -- is, firstly, at the end of the Panel's work it has to
25 consider what recommendations it might make to the

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1 Northern Ireland Executive about -- or Government about
2 three areas: an apology, a memorial or some other means
3 of redress. We ask each witness whether there is
4 anything they want to say to assist the Panel's thinking
5 about those issues. Some people do; some people don't.
6 Is there anything you would like to say to the Panel
7 about that?

8 **A. No, I have nothing to add.**

9 Q. You leave it up to them to sort out?

10 **A. Yes. Thank you.**

11 Q. Then the last question, HIA138, that we ask each witness
12 is whether there is anything else -- we are looking at
13 your time in Lisnevin -- if there is anything else about
14 Lisnevin that maybe I have not covered accurately --

15 **A. Uh-huh.**

16 Q. -- or have not summarised correctly or we haven't
17 touched on that you want to bring to the Panel's
18 attention. Is there anything else that you want to
19 mention?

20 **A. No. There is just one thing is that how accurately all**
21 **the small issues in relation to my healthcare with the**
22 **acne and the upset stomach, but there is nothing to any**
23 **of the injuries to my face when I was taken to the**
24 **segregation unit, you know, because there always was,**
25 **like. There was always blood, you know.**

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1 Q. Yes. That's a -- I said to you, doing the best I can,
2 going through the records that are there --

3 A. **Yes.**

4 Q. -- they show what they showed.

5 A. **Uh-huh.**

6 Q. There is not references to being cut --

7 A. **No.**

8 Q. -- or blood and that type of thing, but your
9 recollection is that's --

10 A. **Absolutely.**

11 Q. -- on occasions the way you would have been?

12 A. **Yes.**

13 Q. Do you remember getting medical treatment for those
14 occasions when that happened?

15 A. **No, no, because in the segregation unit there would**
16 **be -- it would be different, like. You know what**
17 **I mean? So I don't remember anywhere else. I don't**
18 **know.**

19 Q. Is there anything else, HIA138, maybe I haven't covered
20 or anything you want to add that --

21 A. **No.**

22 Q. Okay. Bear with us for a short time. The Panel Members
23 may want to ask you something.

24 A. **Okay.**

25

1 Questions from THE PANEL

2 CHAIRMAN: HIA138, can I just ask you about the segregation
3 unit that you have described?

4 **A. Yes.**

5 Q. If I have understood you correctly, you found yourself
6 put in there quite a lot?

7 **A. Yes, I did, yes.**

8 Q. And when you were placed there, was it just normally
9 for, let's say, two or three hours at a time, or a short
10 period during the day, or was it always overnight or
11 what -- you know, 24 hours? Can you give us some idea?

12 **A. I think -- I think it was always overnight. I don't**
13 **think I was ever taken down in -- at one part of the day**
14 **and taken back up on the same -- same day. I don't**
15 **think so.**

16 Q. And were you aware of others being taken to the
17 segregation unit?

18 **A. Yes, I was.**

19 Q. Was it something that happened a lot or not very
20 frequently to other boys?

21 **A. Well, yes, I remember hearing others in the segregation**
22 **unit, you know, because there would have been a number**
23 **of cells.**

24 Q. Yes. Was it the sort of thing that was talked about
25 amongst the boys afterwards, "You are in there again

1 I see", or something like that?

2 A. Not really, no. Not that I can remember. I'm not too
3 sure.

4 Q. Thank you very much.

5 A. Okay.

6 MS DOHERTY: Thanks very much. Can I just ask about food
7 and drink when you were in the segregation? Did you get
8 access?

9 A. I remembered the LN29, because you were in the
10 segregation unit, you weren't allowed to smoke and at
11 that time I smoked, and he used to bring me round little
12 cigars, you know, just as a little -- as a little treat,
13 you know, and food and drink, no, I don't think it was
14 an issue. I think we were -- we were -- we were ...

15 Q. You were given food and drink.

16 A. I think so.

17 Q. And access to the toilet and things? You were allowed?

18 A. I think so, yes. I think so.

19 Q. Can I just ask: you were talking about your room in the
20 main block.

21 A. Yes.

22 Q. You talked about a mattress and a cube.

23 A. Yes.

24 Q. What's the cube?

25 A. The cube, I don't know what purpose it served. It just

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1 -- it just sat in the room. It was half the size of
2 this table and it was made of like thick plastic, you
3 know. It was solid.

4 Q. Something that you could sit on?

5 A. Yes, but it wasn't -- it wasn't like a chair. I don't
6 know -- I don't know what purpose it had, and there was
7 a mattress, a thick blue mattress, that was on the
8 ground. It had not -- there was no bed structure or
9 nothing.

10 Q. No. Anything to keep your personal things in?

11 A. No. You weren't allowed anything in the room.
12 Everything had to be kept outside the room.

13 Q. Okay. Can I just ask: do you think the governor was
14 aware of how physical staff were with the boys? Do you
15 think it was generally understood that ...?

16 A. I don't know. I don't know.

17 Q. You don't know?

18 A. I don't know.

19 Q. There wasn't -- I mean, just -- you didn't see him
20 observing? I don't mean do you know what went on in his
21 head, but ...?

22 A. Well, he -- yes. Well, the night that we barricaded in
23 the room, like, he was fairly threatening at the door.
24 That's one of the reasons why --

25 Q. You didn't go out.

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1 A. -- we didn't come out, yes.

2 Q. Okay. Thanks very much.

3 CHAIRMAN: Well, HIA138, those are all the questions we have
4 for you. Thank you very much for coming to speak to us
5 today.

6 A. Thank you.

7 CHAIRMAN: We'll rise now and sit again not before
8 2 o'clock.

9 (1.05 pm)

10 (Lunch break)

11 (2.00 pm)

12 WITNESS HIA373 (called)

13 CHAIRMAN: Mr Aiken.

14 MR AIKEN: Chairman, Members of the Panel, before I deal
15 with the next witness today, who is HIA373, who is
16 "HIA373", Ms Smith has asked me to indicate that the
17 other witness who was to give evidence today, HIA418,
18 appears won't be giving evidence this afternoon. We
19 have not been able to make contact with the witnesses
20 yet to understand why that's the case, but that's the
21 position. So HIA373's evidence will complete today's
22 oral evidence before the Inquiry.

23 HIA373 is aware, Chairman, you are going ask him to
24 affirm. He has mobility difficulty at the moment, and
25 therefore if he could remain sitting, that would assist

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1 him.

2 WITNESS HIA373 (affirmed)

3 CHAIRMAN: Thank you, HIA373.

4 Questions from COUNSEL TO THE INQUIRY

5 MR AIKEN: HIA373 wishes to keep his anonymity.

6 Coming up on the screen, HIA373, will be the first
7 page of your witness statement. We are going to be in
8 the Hydebank bundle and it is at 008, please. HIA373,
9 if you just check that statement against the hard copy
10 that you have with you and make sure, apart from the
11 black marks, that that is the first page of your witness
12 statement.

13 **A. Yes, indeed it is.**

14 Q. If you look at the last page, if you look at 016,
15 please, and if you just check that that's the last
16 page of your witness statement.

17 **A. Yes, it is.**

18 Q. And can you confirm you've signed your witness
19 statement?

20 **A. Yes, I have.**

21 Q. And you want to adopt it as your -- part of your
22 evidence to the Inquiry?

23 **A. Yes.**

24 Q. If you bear with me for a moment, HIA373, I am just
25 going to explain to the Panel where in the electronic

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1 bundle the other material that we have talked about can
2 be found.

3 The first -- there are now three Department of
4 Justice statements. The first DoJ statement of
5 14th September can be found at 070 to 071. That was
6 explaining to the Inquiry that the Department of Justice
7 could not locate a file in relation to HIA373's time in
8 Hydebank.

9 The second statement of 27th October can be found at
10 2833 to 2836, and then with exhibits from 2837 to 2863.
11 In that statement the Department draws attention to
12 various external reports that comment on some of the
13 general issues that HIA373 talks about in respect of how
14 Hydebank operated, and a third statement from the
15 Department of Justice, which is hot off the press, is at
16 HYD2871 to 2877. The Department has provided a screen
17 shot, which shows that there was a file in respect of
18 HIA373 from his time in Hydebank and that it was
19 destroyed in June of 1996, and that's why we are not
20 a position to see any papers in relation to the records
21 that may have been kept in respect of HIA373's time in
22 Hydebank.

23 The Inquiry also has a very substantial statement
24 from a Mr Max Murray, who was a former governor of
25 Hydebank, which was provided on 11th September. That

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1 runs from 469 to 498 in the bundle with very substantial
2 exhibits that run from 499 to 1671, and paragraph 17 of
3 the statement, which is then divided into a series of
4 subparagraphs dealing with the particular allegations
5 made by HIA373 about his general time in Hydebank, run
6 from 489 to 494. We will look at some of those as we go
7 through HIA373's statement.

8 In paragraph 4 of HIA373's statement he talks
9 about -- in fact, paragraph 3 at 009, if we just look at
10 that, please, he refers to a particular member of staff
11 that he recalls known as "HB4", who was in charge or
12 involved in the reception unit for inmates coming into
13 Hydebank. The Inquiry has managed at a very recent
14 moment to find HB4. He has provided a statement of
15 2nd November, which can be found at 2870, and we will
16 look at that shortly, in which he addresses the
17 allegation that HIA373 makes about him.

18 There are also -- for completeness there is the
19 Health & Social Care Board statement of 4th September
20 2015. That is at 064 and 5. It simply confirms that
21 they don't have any file they can produce to the
22 Inquiry, because it was through the criminal justice
23 system that HIA373 came to be in Hydebank.

24 Then in light of the fact there is no file of
25 particular assistance to the Inquiry in terms of being

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1 able to evidence the dates that HIA373 was in Hydebank
2 his criminal record can be found at 30026 to 30029 and
3 that has allowed me to plot what turns out to be four
4 stays in Hydebank, which I will turn to shortly.

5 HIA373, that all having been said, can I check with
6 you you were born on ?

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

8 Q. And are now aged 49?

9 **A. Yes.**

10 Q. We were talking, as with Ms Donnelly, about a birthday
11 to come. You were saying the good thing is at 49 you
12 don't get any older beyond that.

13 **A. No, not at all, no.**

14 Q. You were one of six siblings.

15 **A. Yes.**

16 Q. You have one son.

17 **A. Yes.**

18 Q. You explain in the statement that you have gone on to do
19 a PhD in behavioural psychology. You are presently
20 writing a book and you were working as a behavioural
21 analyst, but due to ill health you are not doing that at
22 the moment.

23 **A. Yes. That's correct.**

24 Q. You explain in your statement you have never spoken to
25 the police about your time in Hydebank, or taken any

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1 civil claim against the authority that ran it, or made
2 any complaint at the time you were there about the
3 matters that you talked to the Inquiry about.

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

5 Q. From what I have been able to do, HIA373, and I think
6 you agree with me about this, that there were four stays
7 in Hydebank.

8 The first was on 28th October 1983 for a two-week
9 period following the conviction for a criminal offence
10 and that was to 11th November 1983.

11 The second spell, following another conviction, was
12 on 11th January 1984 for -- you were given effectively a
13 three months' Young Offenders Centre Order, which meant
14 on 50% remission you spent six weeks in Hydebank from
15 11th January 1984 to 24th February.

16 Then you -- that was when you were 17 that you spent
17 both of those periods, which amounted to eight weeks,
18 and then after you turn 18, which is beyond the
19 Inquiry's terms of reference then, you spent two further
20 six and eight-week spells in Hydebank. The first was
21 9th April 1984 to 24th May 1984, and again that was
22 another three-month order as a result of a conviction,
23 and you spent six weeks, using the 50% remission system.

24 The fourth spell was 20th November 1984 to 17th
25 January 1985. That was following a conviction where the

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1 sentence was for a four-month spell and you spent eight
2 weeks in Hydebank on foot of that.

3 Then you describe in your statement how you were
4 assisted to turn things around and no longer were
5 getting into the difficulty that was leading to
6 placements to places like Hydebank.

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

8 Q. So that's the four spells. It works out at 22 weeks in
9 total in effect between October 1983 and January 1985.
10 The Panel have access to the record that allows those
11 documents to be -- allows the dates to be worked
12 through.

13 What I am going to do, HIA373, is look at some of
14 the allegations that you make. As I was describing when
15 we were speaking earlier, the Panel has access to
16 various reports from Her Majesty's Inspectorate of
17 Prisons and the annual report from the YOC itself that
18 covers the time period that we are looking at, and we
19 will make reference to that as we go.

20 In paragraph 3 of your statement, HIA373, you talk
21 about the reception unit when you go into Hydebank. You
22 remember a particular officer who was called or
23 nicknamed "HB4". That's HB4. You describe how you were
24 given a prison number, told to memorise it and you
25 remember being slapped by him and another officer

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1 because you say, "I told him my number and didn't follow
2 it up with 'sir'", and that's your memory of how HB4
3 behaved towards you when you didn't comply with the
4 rules, which was to lift his hand and hit you in the
5 face.

6 **A. Yes. I was slapped repeatedly.**

7 Q. And was that -- the reception unit, was that done in
8 front of other officers?

9 **A. Yes.**

10 Q. So they would have been aware it was happening?

11 **A. Yes, indeed it was, yes.**

12 Q. What Mr Murray, the former governor, has said to the
13 Inquiry, if we look at 490, please, at 17.2, he says to
14 the Inquiry:

15 "HB4 did work as a reception officer. He was
16 an officer who was well respected by his colleagues,
17 management and other inmates."

18 He has no knowledge that you were slapped by him and
19 the allegation would be at odds with his knowledge of
20 HB4, whom he found to be a professional, committed,
21 dedicated officer.

22 As I said to you, we managed to track down HB4 in
23 very recent days, if we look at 2870, please, and what
24 HB4 says to the Inquiry is:

25 "I worked in Hydebank for four to five years.

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1 I would have been there in '83/'84. I have no
2 recollection of HIA373. I deny that I ever slapped him
3 or anybody else. I did work in reception for a period
4 of time and I did the induction when the prisoners
5 arrived. This involved assigning them their prison
6 numbers and arranging for showers/haircuts as necessary.
7 I have an authoritative voice and I would have shouted
8 if necessary to keep order, but I never needed to slap
9 anyone. I continue to have a good relationship with any
10 ex-offenders that I meet."

11 That's not your recollection, HIA373, of your
12 experience?

13 **A. No, sir. My recollection would be very much at odds**
14 **with HB4's account given here.**

15 Q. And the induction unit or the reception unit is remarked
16 upon by the -- Her Majesty's Inspectorate of Prisons
17 Chief Inspector whenever the inspection that they carry
18 out in June 1982 and then report in December 1983 of
19 an efficient, well-run -- if we look at 11201, please,
20 they talk about -- if we scroll down to the bottom, at
21 3.05 they talk about:

22 "The reception unit was housed in clean and airy
23 premises where the staff carried out the reception
24 procedures quickly and efficiently with due regard for
25 the dignity of the inmates."

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1 They talk about how then:

2 "All new arrivals were examined by a hospital
3 officer, who called in the medical officer immediately
4 if he was needed. Otherwise the medical officer
5 examined them on the second day. The provision of
6 inmate facilities was excellent and the reception
7 procedures were usually completed in an hour."

8 I think you make reference to this in your
9 statement, HIA373, that the -- you would have been
10 visited by -- when you were coming in, in addition to
11 HB4 doing the admission procedure, the medical officer
12 would be involved, and then you would have a visit from
13 the governor, as it were, or one of his assistants
14 before you are placed on the committal landing, as it
15 were.

16 **A. No, actually. The meeting with the governor would not**
17 **have occurred until the following day.**

18 Q. So it would have been the next day --

19 **A. Yes.**

20 Q. -- before you saw the governor. Then you would have
21 been on the committal --

22 **A. Yes.**

23 Q. -- wing for a period of time. The Chief Inspector of
24 Prisons talks about a progressive regime where you move
25 through the houses, and you were explaining to me you

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1 were there for short periods of time, and how you spent
2 most of your time in the initial houses and then it was
3 only in the last short period you would have been
4 perhaps moved through the progressive houses towards
5 moving out.

6 **A. Yes. I mean, there was nothing really progressive about**
7 **it. I spent -- during a six-week period of detention**
8 **I would have spent possibly five weeks on the committal**
9 **wing, which was a lot more brutal and severe than the**
10 **houses, you know, Ash, Cedar, whatever else,**
11 **and I wouldn't have been moved there until probably my**
12 **final week or possibly last few days. So I would have**
13 **spent the majority of my detention on the committal**
14 **wings.**

15 Q. The -- in paragraph 4, HIA373, of your statement at 009,
16 if we go back to that, please, you talk about this
17 reception process of going in and how the showering was
18 required of whoever was being admitted. You describe
19 that showering and delousing taking place on committal.
20 You say to the Inquiry that the -- you were always put
21 into a cold shower.

22 **A. Yes. That's true.**

23 Q. Was that every time you went? You had four admissions
24 obviously.

25 **A. Yes.**

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1 Q. That would have been at least four showers in this
2 reception unit, and those showers were always cold
3 showers?

4 A. **Yes, they were always cold, and the admission procedure**
5 **was orientated towards maximum humiliation, and this is**
6 **a voice of experience.**

7 Q. What was it -- when you say it was geared towards
8 maximum humiliation, what was it that was -- allowed
9 that view to be held by you of it? What did they do
10 that made you see it in that way?

11 A. **You were stripped of your clothes often in the presence**
12 **of a female police officer, and just with reference to**
13 **HB4, I remember the first time he led me towards the**
14 **showers. I went to stand -- walk into the showers**
15 **and -- into the shower and the water was very, very cold**
16 **and I flinched and moved backwards and he said, "Get**
17 **back in there, you f***ing", whatever. "You're**
18 **a prisoner now. You don't have rights. You only have**
19 **privileges", or words to that effect.**

20 Q. So that's something you remember HB4 saying to you?

21 A. **Oh, yes, and a favourite statement of HB4's was, "It**
22 **will harden you".**

23 Q. The first aspect of that we may have to ask him about.
24 We can no doubt come back to you if the Panel require
25 you to respond further to anything he might say to that.

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1 In Mr Murray's statement to the Inquiry, if we look
2 at 490, he in paragraph 17.3 says that:

3 "Inmates did mostly have a shower on committal. The
4 shower should have been hot water, given the boilers are
5 in operation 24/7. I cannot explain why this would have
6 been a cold shower. Certainly any solution used would
7 not have been described as delousing."

8 But that's your recollection of it, that there was
9 cold showers and delousing was required.

10 He goes on to talk about -- you can see this in your
11 paragraph 4 at 009 -- about the clothes that were
12 allowed. You make the point in paragraph 4 that:

13 "After we had washed we were given committal
14 clothing, normal civilian clothing from the prison
15 laundry store. I wasn't allowed to wear my own
16 clothing. I felt embarrassed wearing the clothes I had
17 been given by the officers."

18 So are you saying, HIA373, that at no time during
19 the 22 weeks in total that you were there were you
20 allowed your own clothes? You always had to wear the
21 prison clothes?

22 **A. Yes, I had to wear prison issue clothing, yes.**

23 Q. Mr Murray has said to the Inquiry, if we look back at
24 490, please, that by this time, I think by 1981, the
25 general prison population the Secretary of State had

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1 decided could wear their own clothes, and then by 1982
2 that was the case in Hydebank, that he says:

3 "At this time inmates were permitted to wear their
4 own clothing across the Northern Ireland Prison Service
5 establishments. If inmates couldn't access their own
6 clothing or afford to purchase clothing, then this was
7 provided by the centre. However, from my recollection
8 the clothing was of an acceptable standard."

9 In fact, the -- if we look at 11205, please, and
10 paragraph 4.10, the -- this is the -- I mean, the
11 June 1982 visit to the prison by the Chief Inspector of
12 Prisons. They talk about the progressive regime that
13 they are describing, but I am trying to find the
14 reference to the clothing that was made available. Bear
15 with me for a moment, HIA373, until I find the right
16 reference to what I am ...

17 CHAIRMAN: 11201.

18 MR AIKEN: Scroll up to the page before, please.

19 CHAIRMAN: Paragraph 3.02. 3.02, the last sentence:

20 "The inmates were issued with sweaters and jeans,
21 which were popular, serviceable and well cared for."

22 MR AIKEN: That's how the Prison Inspectorate were making
23 reference to the clothes. I am very grateful to the
24 Chairman for helping me out with my wrong reference.
25 That's not your view of it --

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1 A. No.

2 Q. -- as to how ...?

3 A. The clothes were of a poor standard and were
4 deliberately designed to demarcate new inmates from some
5 of the inmates who had been there for a while and had
6 acquired, you know, some reasonable looking clothes.
7 This was in the early to mid-1980s and the newly
8 inducted prisoners were made to wear like large flared
9 what you call paper jeans or were referred to comically
10 as "paper tigers", and they were usually ill-fitting,
11 and the jumpers would have been ill-fitting too, usually
12 being, you know, too tight, you know, a bright red polo
13 neck, which again demarcated the newly arrived prisoners
14 from prisoners who had been in the institution for some
15 time. So, I mean, there was a process of humiliation
16 and that process was systematic.

17 Q. Presumably if everybody was being dealt with in this
18 way, then those who had been there longer were wearing
19 the same clothes as those who had just been inducted.

20 A. No. As time went on, prisoners were able to obtain, for
21 example, more acceptable forms of clothing, you know.

22 Q. Where did they get -- where would they have got those
23 from?

24 A. They would be, you know, their own clothes or from
25 prison supplies and ex-RAF jumpers, which were

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1 **an improvement on the paper tigers and the red polo
2 neck, bright red sweaters, you know.**

3 Q. In paragraph 5 then of your statement, HIA373, if we
4 look at 009, you refer to the man who was in charge of
5 Willow House, who -- you describe Willow House as being
6 the place where those who were repeat offenders, as it
7 were, quickly made their way there rather than the Elm
8 House, which was the reception type house. Is that --
9 have I understood that correctly?

10 A. **Sorry. Could you repeat that?**

11 Q. Yes, that the Willow House, which you describe as having
12 a stricter regime, that was for people who had come back
13 again, as it were --

14 A. **Yes.**

15 Q. -- the repeat offenders --

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

17 Q. -- as compared to Elm House, which was the initial house
18 you were in for the first time.

19 A. **Yes.**

20 Q. You described in paragraph 5 going to Willow House and
21 a particular HB5 who was in charge of Willow House.
22 He was a strict disciplinarian and used to slap you
23 about the face on an almost daily basis.

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

25 Q. Was that just a gratuitous thing, or was it as

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1 a consequence of speaking to you he'd react by slapping
2 you, or was it just something he routinely did as he
3 passed you, or what was -- can you remember the context
4 of how this would happen?

5 **A. If -- taking a scale of, you know, the most serious,**
6 **like, which may have been forgetting to address him as**
7 **"sir", you would have been slapped across the face for**
8 **that, or if during inspection of the cells he would have**
9 **found a piece of dust or the slightest bit of debris,**
10 **even a hair on the floor or on your bench, you would**
11 **have been -- you know, you would have incurred a slap**
12 **across the face then.**

13 **Q. You are making reference there to how clean Hydebank**
14 **was. That is one of the things that's commented on by**
15 **the Inspectorate in 1982, that they found it to be**
16 **a very clean establishment. So there was a major focus**
17 **on it being kept clean, and then you are describing**
18 **being physically slapped if it wasn't kept sufficiently**
19 **clean.**

20 **A. Yes. Well, it's no wonder then.**

21 **Q. Mr Murray in response to that says, if we look at 490,**
22 **please, 17.4, please, that -- he says:**

23 "It is true that inmates were issued with personal
24 items, personal possessions. It is true that Willow
25 House did operate a committal procedure for recidivist

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1 inmates."

2 So those are repeat offenders.

3 "I do recall HB5 worked in that area for a period
4 whilst I was at Hydebank. Again I can only describe HB5
5 as a professional officer. I am not aware of any
6 complaints about his performance."

7 So what he is saying is that he knew him as
8 a professional officer. He is also drawing attention to
9 the fact it does not appear there had been any
10 complaints about HB5 in the conduct of his work.

11 The Inspectorate report talks about that movement
12 through the houses, but as a progressive regime, but you
13 talk in paragraph 6 about it, HIA373, if we look at 009,
14 please, that you regarded this as what you describe as
15 a "British Army glasshouse system". It was a punishment
16 regime that was operated in Hydebank designed to break
17 your spirit. The rules were petty. For example, you
18 weren't allowed to talk to other prisoners.

19 "We were locked in our cells for 16 hours a day and
20 during this time we were not allowed to lie on our beds.
21 Instead we had to sit on a plastic chair. I was told
22 when I first arrived that I had no rights, only
23 privileges, and I had to earn those. The prison
24 officers shouted a lot. A constant threat of violence.
25 Routinely slapped on the face or head and used the

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1 threat of more serious beatings to maintain control."

2 That is the type of regime that you recall being
3 part of on the four occasions that you were in Hydebank.

4 **A. Yes. Certainly it was a fearsome place and prisoners,**
5 **you know, stood out of line at their peril. I believe**
6 **that Hydebank Young Offenders Centre was introduced by**
7 **Merlyn Rees and I think under consultation the British**
8 **Army glasshouse system was the model which was adopted**
9 **for the prisoners' "rehabilitation".**

10 **Q. Mr Murray talks about that if we look, please, at 491.**
11 What he says in 17.5 is he does not accept the regime
12 was designed to break anybody's spirit. He does not
13 accept --

14 "I do accept that the committal regime did require
15 inmates to conform. That was a prerequisite to inmates
16 advancing in the progressive regime at Hydebank and
17 gaining maximum benefit from participation in the range
18 of activities. I do not accept that inmates were locked
19 in a cell 16 hours a day during my time."

20 Now are you saying, HIA373, that every day that you
21 were there for what amounted to the 22 weeks you were
22 locked down for 16 hours a day?

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

24 **Q. Because the regime that's described in the inspection**
25 report is that you were released in the morning for

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1 breakfast. You did whatever your particular role was
2 until towards lunchtime. Lunch was had. You were
3 locked down again for a period, released again at 2.00,
4 locked up again for a period for checking towards 4.00,
5 out for teatime. Then by I think 8.00 -- 8.30 I think
6 is the latest time -- each house seemed to have
7 different times for lock-down. So you are saying,
8 despite what the Inspectorate was saying the regime was,
9 that, in fact, what was happening was you were locked
10 down for 16 hours a day.

11 **A. Yes.**

12 Q. So when were you -- when you say that, what time were
13 you allowed out or do you mean you weren't allowed out
14 at all?

15 A. You would have been allowed out of your cells to get
16 washed, clean your teeth, for example, at 7.00 or 8.00
17 in the morning, and you would have had -- sorry -- you
18 would have had breakfast at 8.00 in the morning. Then
19 there was a cell inspection. We were locked up after
20 a time. Then you were set -- you were set all these
21 mundane and fairly pointless tasks. Then you were
22 locked up, let out again, made to eat a not particularly
23 nutritious dinner whereas immediately after that -- it
24 had to be eat then silence -- whereas immediately after
25 that you would have been locked up again until, if

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1 I remember correctly, 2.30, and you would have been
2 unlocked again and locked up -- sorry -- you would have
3 been unlocked at 2.30 I believe and set to doing great
4 rehabilitative tasks like polishing the mop buckets and
5 things like that. Then you would have been locked up
6 until I believe it was 5.30 or so, where you unlocked
7 and had tea. After -- immediately after tea you were
8 locked up again, and I think between 6.30 and 7.00 you
9 were allowed to watch television, and at 7.30 you were
10 locked up again and that was -- that was you locked up
11 until the next morning.

12 Q. To you that seemed like being locked up for 16 hours
13 a day.

14 A. Well, yes.

15 Q. The -- obviously the Inspectorate described what they
16 described and Mr Murray saying that that's -- nobody was
17 locked up for 16 hours a day, but your -- the point he
18 also makes is anybody who would have been found
19 assaulting or misusing force against any inmate would
20 have been subjected to disciplinary procedures and could
21 potentially lose their job as a consequence. Now if
22 I understand what you are saying, this was being --
23 these types of physical abuse was being perpetrated
24 quite openly in front of other staff members.

25 A. Physical abuse was systemic. Physical abuse and the

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1 threat of physical abuse was systemic in Hydebank Young
2 Offenders Centre. There were absolutely no negative
3 consequences for prison officers using violence on
4 prisoners. In fact, I saw several very severe beatings
5 taking place in the presence of more senior officers.
6 In fact, after two inmates had received a particularly
7 severe beating, one of the -- I think it was a principal
8 officer or a senior officer said and I quote, "There are
9 three boys or two boys down the punishment blocks with
10 sore faces and you will be getting the same if you stand
11 out of -- or move or stand out of line", or words to
12 that effect.

13 Q. Now the Panel is aware, HIA373, that there were
14 accommodation for 297 individuals in Hydebank at any one
15 time and the annual reports make reference to how
16 effectively they had upwards of 1000 people moving
17 through, because it was people like yourself who were in
18 for short periods of time. What you are describing is
19 that the general approach of the regime was simply
20 physical violence towards individuals who were there.
21 It happened to you and you saw it happen to other people
22 --

23 A. Yes.

24 Q. -- during your 22 weeks. Obviously the point that
25 Mr~Murray is drawing to the Panel's attention is that

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1 not only did he not see that, but none of these officers
2 that have been identified were ever the subject of
3 anyone complaining about them either at the time or
4 since, but yet what you are saying is that lots of
5 people would have been receiving physical abuse from
6 these same officers.

7 **A. Well, I mean, among -- among the inmates the
8 consequences of complaining about any aspect of the
9 Hydebank regime would have been well-known and that
10 would have been aversive treatment or physical
11 punishment.**

12 Q. What I am talking about, HIA373, is even since they have
13 left Hydebank the numbers of people who would have been
14 there even in your period amount to over 1000. It may
15 be across a number of years, if that's extrapolated out,
16 that's a lot of young men who were being subjected to
17 this type of regime who don't seem to have complained
18 about it beyond their time in Hydebank, but your
19 recollection is that this was how -- it wasn't specific
20 to you that you were being treated in this way. This is
21 how you saw people generally who were inmates being
22 treated.

23 **A. Yes, yes.**

24 Q. You explain in paragraph 7 of your statement, if we look
25 at -- and paragraph 8 at 010, please, about the typical

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1 day and how in paragraph 8, for instance, you've made
2 your bed, you have gone for breakfast, and basically the
3 prison officers while you were out frequently wrecked
4 your cell. Was that something you think just happened
5 to you or did you know that happened to others as well?

6 **A. Oh, that was applied right across the board.**

7 Q. That was a systemic activity, that prison officers
8 routinely would have wrecked the cells --

9 A. **Yes.**

10 Q. -- of individuals while they were out.

11 A. **Yes, usually while they were out eating breakfast.**

12 I think you should bear in mind that the prisoner,
13 especially the new prisoner in their first week or two,
14 would have struggled quite a bit to keep their cells to
15 the standard that was expected of them, although many
16 suspected it was really, as one prison officer said, to
17 crack -- to crack their spirits. You know, after
18 an inmate having spent the best part of maybe an hour or
19 maybe even possibly two hours cleaning their cell, which
20 involved doing things like polishing the toilet seat in
21 their cell, wiping every surface with a wet cloth and
22 then a dry cloth, if even the slightest spec of dirt was
23 found, the whole cell would have been just -- beds would
24 have been overturned. Bed blocks, clothes, whatever --
25 any personal possessions -- now I'm talking about things

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1 like sweets -- whatever else would get scattered over
2 the floor. Then the inmate would be made, often under
3 the eyes of maybe three, possibly four, prison officers,
4 to tidy the cell again and then again it was wrecked and
5 often this could go on all morning.

6 Q. And there were -- you and I were discussing this earlier
7 -- there was a lot of staff. The '82/'83 report talks
8 about there being 297 places, often 260, 280 individuals
9 and then 187 discipline staff, as they were described,
10 so a lot of staff in Hydebanks, and this type of
11 behaviour was a systemic practice to humiliate
12 individuals by wrecking their cells and making them
13 repeat the work that they had already done.

14 A. Yes. The description of them as discipline staff
15 I think plays too much on what many people might think
16 is an equivalence between discipline and hardship or
17 punishment. You know, certainly discipline could have
18 been achieved in Hydebanks Young Offenders Centre
19 without, you know, the high levels of punishment that
20 were occurring there on a daily, or if not hourly,
21 basis.

22 Q. The Chief Inspector of Prisons described in the report
23 that:

24 "The regime was a brisk regime with particular
25 emphasis on education and training, physical and

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1 vocational, and to provide a staged system of progress
2 through the house system to the pre-release unit."

3 They endorsed that that seemed to be practice they
4 were finding. That wasn't your experience of life in
5 Hydebank the way you are describing it.

6 **A. No, certainly not.**

7 Q. Mr Murray comments on this reference to the way things
8 were done at 491. If we can look at 17.6, please, he
9 describes that cell inspections were routine. He says:

10 "In all the time that I worked in Hydebank I never
11 witnessed cells being wrecked."

12 Your recollection is that that was a fairly standard
13 operating practice for his staff to behave in that way.

14 **A. Yes.**

15 Q. In paragraph 8 of your statement at 010 you talk about
16 the food that was available. You describe how you were
17 marched down for breakfast.

18 "We had to seat in silence. We were usually given
19 inedible porridge."

20 Now I should you draw attention to the rules that
21 were to be complied with. There didn't seem to be
22 a rule about not being allowed to speak, but you are
23 saying you were not allowed to speak to each other.

24 **A. No, you weren't allowed to communicate during meals,
25 during meal times.**

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1 Q. You were given what you say is an inedible porridge or
2 eggs, which you didn't like and couldn't eat. I was
3 asking you earlier was it just the breakfast that you
4 regarded as inedible, but you were saying to me that it
5 was all of the food that was available. It was not of
6 a suitable standard for someone to be eating.

7 A. **All of the food was of a poor standard, but the**
8 **breakfasts would have been the least nutritious or least**
9 **edible.**

10 Q. And the Department of Justice draws attention to the
11 International Red Cross visiting. Now unfortunately the
12 report they refer to is from 1989 where they found the
13 food quality to be good and it was -- the quantity of
14 portions that prisoners were wanting increased, but the
15 Chief Inspector of Prisons, if we look at 11202, he or
16 she on the inspection says this about the food, if we
17 scroll down, please, to 3.10:

18 "We sampled the food . . ."

19 They were there for a week in June of 1982:

20 "... and watched it being served several times
21 during our inspection. The standard of catering was
22 good with varied menus and consistently well-prepared
23 and wholesome food."

24 So that was their experience, albeit it is only for
25 that week. That was not your experience in Hydebank.

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1 A. No, certainly not, but when any kind of official
2 monitoring body did visit the prison, you did see things
3 like cooked breakfasts appearing and a better standard
4 of food, which would usually have went to the officers'
5 mess, actually being served to the inmates. Also this
6 was accompanied by, you know, verbal threats that any
7 inmate who criticised the regime or complained of
8 ill-treatment would be dealt with.

9 Q. So elsewhere in your statement you refer to being aware
10 of the Visiting Committee coming in, the Red Cross. You
11 remember the Red Cross yourself being in Hydebank during
12 your period.

13 A. Yes, I do.

14 Q. Unfortunately the Department of Justice has not been
15 able to produce reports from that period of time,
16 '83/'84, but you remember them coming in.

17 A. Yes.

18 Q. What you are saying is that you were and others,
19 everyone presumably, was threatened not to tell it as it
20 was lest they receive further physical punishment.

21 A. Yes.

22 Q. You describe then at paragraph 9 at 010, please, the
23 chores that you were made do and the repetitive chores
24 that had to be done. You have mentioned detail of them
25 already. Mr Murray accepts, if we look at 491, please,

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1 17.7, that chores certainly were part and parcel of life
2 in the prison. He accepts:

3 "Inmates on committal in particular did carry out
4 menial tasks, which included a lot of cleaning, mainly
5 to establish a routine and to encourage a work ethic.
6 This was also intended to establish adherence to the
7 disciplinary requirements. However, during this period
8 the inmates were also subject to an assessment for
9 a future labour allocation board",

10 because what the Chief Inspector's report of
11 1982/ '83 talks about, the roles that prisoners were
12 given during the working day as orderlies or cleaners,
13 those types of tasks were allocated out. Do you
14 remember having a role that you performed?

15 **A. Well, cleaning and mopping the floors or the landing**
16 **floors maybe three times a day or, as I said, polishing**
17 **mop buckets or mopping the floors.**

18 Q. Were you given the role as a cleaner? That was one of
19 the roles you performed during your stay in Hydebank?

20 **A. Yes, but that was -- that was on the committal wings.**
21 **That was the sole type of work. That was the only type**
22 **of work. It was only when inmates moved out to**
23 **I suppose the more relaxed regimes of the houses, Cedar,**
24 **Beech, Ash, if I remember correctly, were inmates,**
25 **prisoners assigned to some kind of work role, but,**

1 **I mean, I didn't experience that.**

2 Q. You talk in paragraph 10 of your statement, if we look
3 at 011, about the prisoners frequently barricading into
4 their -- into cells and these riot type situations
5 ensuing and then a group of officers would go into the
6 cell, beat the prisoner, drag him out to the punishment
7 cells on the ground floor.

8 As to that Mr Murray points to the Inquiry at 492,
9 please, if we look at 17.9 -- sorry -- 17.8, bottom of
10 491, if we just scroll up a little bit, please, on to
11 the page before:

12 "During my time at Hydebank from October '84 I have
13 no recollection of routine serious incidents or cell
14 barricades. As indicated earlier in this statement, if
15 inmates failed to comply with the discipline within the
16 centre, they were removed to the punishment unit, as it
17 was called in those days, and were subject to governor's
18 disciplinary procedures."

19 The detail of those are set out in the annual
20 report.

21 "I do not accept that inmates were assaulted.
22 I would argue that, given the punishment unit was
23 visible from the main corridor at Hydebank, I am
24 confident that if such behaviour happened, other staff
25 or managers would have witnessed it."

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1 He says there is a range of allegations in the
2 statement that we are looking at just now of which he
3 would have no knowledge.

4 As part of that you describe in paragraph 11 of your
5 statement, HIA373, and you have mentioned it already in
6 your evidence in passing, that staff would tell you of
7 the fact they were hiding prisoners in the punishment
8 unit so that it wouldn't be known that they had received
9 a significant beating.

10 **A. Yes.**

11 Q. I think you mentioned there were people there for
12 a number of weeks at time effectively hidden away so
13 that it wouldn't be known what had happened to them.

14 **A. Yes. If I could just use one exemplar, on one occasion**
15 **when I was there there was a young man who was**
16 **complaining of very serious migraine headaches. He was**
17 **triaged by one completely unqualified medical officer,**
18 **who said to him, "You are not seeing" -- he had asked to**
19 **see his own doctor, because the prison doctor wouldn't**
20 **give him any effective treatment, and he did seem to be**
21 **in quite a bit of pain. When he requested to see his**
22 **own doctor, he was told he couldn't get seeing his own**
23 **f***ing doctor and to shut his mouth. This young man,**
24 **driven to madness when we were locked up, smashed his**
25 **window and what would have been termed wrecked up his**

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1 cell, which meant he tried to barricade his room, his
2 cell door with his bed and tossed around what -- you
3 know, things like blankets and whatever else. There
4 wasn't an awful lot to wreck in the cells.

5 Q. Was he then taken away and hidden for a period of time?

6 A. The procedure was that a hydraulic -- electric operated
7 hydraulic jack known as "The Jack" was brought up,
8 attached to the door. You would have heard the jack
9 being pumped up. Then the door would have sprung open
10 with a loud bang, and just let me mention that HB4, or
11 HB4, or HB4, as he was known, he was often
12 brought up to effect entrance to cells with a baton,
13 because he was considered to be quite a tough guy and
14 could assist.

15 On this occasion the prisoner -- actually two
16 prisoners were brought -- received a severe beating in
17 their cells, were dragged out by the legs and by the
18 hair and dragged down three set of concrete steps.

19 I could hear them screaming as they were being beaten
20 with batons all the way down to the punishment blocks,
21 which were quite a distance, and yes, they were hidden
22 away for three weeks so that they couldn't avail of
23 medical -- any medical treatment.

24 Q. You mentioned batons. There is a document I have to
25 draw to the Panel's attention, which -- it was pointed

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1 out that the staff in the Young Offenders Centre did not
2 have batons. Your recollection is they had batons and
3 they used those batons.

4 **A. Oh, yes, they did. They had -- they did. They carried
5 batons.**

6 Q. And the -- what Mr Murray says, as you can see on the
7 screen, is:

8 "I don't accept there was any opportunity for staff
9 to hide a prisoner. Members of the Visiting Committee,
10 managers, others routinely had access to all areas of
11 the centre. Such behaviour wouldn't have been
12 acceptable or condoned."

13 In paragraph 12 of your statement, HIA373, you
14 comment on the medical facilities and treatment and how
15 consultations were conducted. If we look at 011,
16 please, you talk about the common practice for the
17 prison officers to control access to medical treatment,
18 especially if they had beaten a prisoner severely and
19 they hid the evidence of their wrongdoing, but in
20 paragraph 12 then you go on to say that really the
21 system of medical treatment was inadequate, and you make
22 specific comment on the quality of the medical staff
23 that Hydebank had.

24 Mr Murray makes the point -- I will not bring it up,
25 but at 492 at 17.10 he talks about how it was a very

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1 high quality medical staff and he doesn't believe any
2 prison staff would have been present during the medical
3 consultations.

4 The Department of Justice draw attention to Red
5 Cross inspections in '89 and '92 on the quality of
6 medical care, but back in 1982, whenever the Chief
7 Inspector of Prisons examines, if we just look at 11202,
8 please, at the bottom of the page at 3.12:

9 "The hospital, which occupied a separate block near
10 the main gate ..."

11 Various beds are described in terms of what was
12 available. There is:

13 "Staffing level was ample. Local NHS hospitals gave
14 full support, with consultants visiting when necessary.
15 Emergency cover was provided by a rota of local general
16 practitioners and the medical staff are described as
17 working with dedication and enthusiasm and sensitive to
18 the risk of inmates attempting suicide. Any potential
19 suicide is closely monitored. There was an impressive
20 level of remedial physical education, which was
21 particularly helpful in the treatment of inmates who had
22 suffered gunshot wounds prior to their arrest. In all
23 we considered that the standard of medical care provided
24 to inmates was excellent."

25 So that's how the Chief Inspector of Prisons

1 regarded the medical provision.

2 You describe then on your --

3 STENOGRAPHER: Sorry. Chairman, could we have a short
4 break, please?

5 CHAIRMAN: Yes, of course. We will just rise for about
6 five minutes.

7 (3.25 pm)

(Short break)

9 (3.35 pm)

10 CHAIRMAN: Yes.

11 MR AIKEN: HIA373, before we took the short break if we look
12 at 012, please, we were just about to deal with the
13 second admission, where you describe an assault that
14 took place on you yourself in paragraph 13 whenever you
15 were taken back the second time. You weren't
16 cooperating in the way that was required of you, and
17 there was a female RUC officer present during the
18 handover. You remember her kicking you in the stomach

19 --

20 A. **Yes.**

21 Q. -- in front of prison officers. Did you at any stage

22 talk to your solicitor who had been dealing with your --

23 the criminal matters that led you to be in Hydebank

24 and tell them this was happening?

25 A. The advice I got from my solicitor was that there was no

1 **point in lodging any kind of complaint.**

2 Q. You did tell your solicitor about it?

3 A. **Yes. He just said it will make life just ten times more**
4 **difficult for me.**

5 Q. Right. So you reported the assault to your solicitor.

6 Did you report all this type of behaviour to your
7 solicitor?

8 A. **Yes, but he just said, "That's Hydebank for you", you**
9 **know.**

10 Q. What Mr Murray says to the Inquiry about that, if we
11 look at 492, please, at 17.11 he says:

12 "The reception area is accessible from the main
13 corridor. Doors were routinely left ajar. I don't
14 accept that the incidents outlined could have taken
15 place with an RUC female officer kicking an inmate in
16 the stomach."

17 So he is just saying, "I don't believe that would
18 have happened at all", but that's your recollection as
19 to what occurred is that that is indeed what happened,
20 that you were assaulted by a police officer in front of
21 prison officers --

22 A. **Uh-huh.**

23 Q. -- and nothing was done about it.

24 A. **Yes. Well, I mean, that was procedure, that prisoners**
25 **bound for the Young Offenders Centre were transported by**

1 **the RUC to Hydebank.**

2 Q. To Hydebank, but that's what occurred in front of prison
3 officers?

4 A. Yes. I was brought into reception and I was held down.
5 You know, it was unprovoked. I was held down and on the
6 instructions of a female officer, a sergeant I believe,
7 I had my clothes ripped off me. As I tried to hold on
8 to my underpants, she said something like, "Get -- take
9 those off as well" or "Get those off him as well" and
10 then she proceeded to kick me in the stomach, and this
11 happened in the presence of prison officers, yes.

12 Q. Okay. You talk about the various visits that occurred
13 in paragraph 14, and I will leave that issue for now.

14 In paragraph -- in the second part of paragraph 14
15 at 012 you talk about a particular officer and his
16 comments about loyalist paramilitaries, and there is
17 reference to you being "sorted out" and that type of
18 comment, and Mr Murray points out to the Inquiry -- I am
19 not going to bring it up -- it is at 493, Members of the
20 Panel, at paragraph 17.13. The point he makes is that
21 in his time working in Hydebank he was not privy to or
22 saw or otherwise was made aware of any type of sectarian
23 type behaviour by staff to anyone, including the
24 inmates, but that was your experience of this particular
25 officer and what he said to you about you being "sorted

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1 out".

2 A. Yes, certainly. It would lead me to ask was Mr Murray
3 actually in Hyde... -- was he actually in Hydebank at
4 all? Yes, I was threatened. There was sectarian
5 language used, and he told me that I would be "got" or
6 whatever or "seen to", words of that effect. I would be
7 under threat when I left Hydebank, which did leave me in
8 fear of my life, you know.

9 Q. In paragraph 16 then you talk about what a friend told
10 you about another officer and you talk about sexual
11 abuse, and I am right in saying that you didn't ever
12 yourself see anyone being sexually abused in Hydebank.

13 A. Well, even with regards to myself -- possibly it is
14 because I am male -- but having one's clothes ripped off
15 you forcibly and then your underwear, you know, I would
16 suggest that in itself constitutes a sexual abuse, but
17 with regard to my friend or others being sexually
18 abused, no, I didn't, but I was aware that it did go on.

19 Q. Right. What Mr Murray says to the Inquiry at 493,
20 paragraph 17.15, he said he was never aware of any
21 sexual allegations being made in respect of anybody
22 being treated in that way in Hydebank .

23 You go on in paragraph 16 to talk about -- and in
24 paragraph 17 of your statement, if we scroll down,
25 sexual offenders being treated preferentially from the

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1 rest of the inmates.

2 What he says about that is that, if we look at 493,
3 please, he says at 17.15 that they did not get special
4 treatment, but they were treated separately on
5 occasions, given their notoriety within the prison, but
6 you felt they were getting special treatment.

7 **A. Yes, certainly.**

8 Q. In paragraph 18 of your statement, HIA373, at 014 you
9 talk about education and you say:

10 "There was no system of education in Hydebank and
11 there was no focus by the prison authorities on
12 rehabilitation of prisoners. There was a library, but
13 very few non-fiction books. There was certainly not
14 an educational resource."

15 Whenever -- Mr Murray then responds to that by
16 saying he doesn't accept that at all and makes the point
17 that not only is he sure that that's how things were
18 done in terms of being educationally focused in the
19 context of a prison, but that the external reports back
20 that up. He makes reference to the Chief Inspector of
21 Prisons' inspection.

22 If we look at 11204, please, at 4.03 -- just scroll
23 down a little bit -- he makes reference to the education
24 officer, six full-time and part-time teachers,
25 purpose-built, well equipped education centre.

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1 "Education staff integrated into the life of the
2 establishment, involved in several separate education
3 schemes, day time education known as the youth ways
4 programme, evening classes, both recreational and in
5 support of vocational courses, a separate programme for
6 boys in the remand unit and an innovative social skills
7 programmes."

8 Then it describes the youth ways programme and the
9 social skills course that is referred to by Mr Murray
10 and, in fact, the Chief Inspector concludes:

11 "We felt the approach could with advantage be
12 adopted to other young offenders centres in England and
13 Wales."

14 I was asking you did you -- if we just scroll on
15 down -- did you do any of these courses that appear to
16 have been available?

17 **A. I did complete the social skills course. There was no
18 other education courses available to prisoners, but I --**

19 **Q. The type of things that are being described here, are
20 you saying they just didn't happen?**

21 **A. Yes, except for the social skills. I did attend social
22 skills training, and if that was going to be used as
23 a template for England and Wales, you know, God help us!**

24 **Q. It refers, for instance, to there being twelve
25 vocational training courses, covering subjects as**

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1 diverse as bricklaying, hairdressing, catering.
2 Workshop accommodation generally good. Courses were
3 equipping inmates to acquire City & Guilds certificates.
4 They make the point that they were under-subscribed.
5 There were 114 places available and only 71 inmates were
6 undergoing training. Some of those were serving
7 sentences so short they wouldn't be able to complete the
8 course. They wanted a re-focus of resources.

9 They go on to talk about the Physical Education
10 Department and how -- the tasks that they engaged in in
11 terms of adventure training in the Mourne Mountains,
12 football team, scouts, Duke of Edinburgh Awards. Did
13 you engage in -- do you remember any of that during your
14 time in Hydebank?

15 **A. No.**

16 Q. And the conclusion that was reached, they regarded "the
17 imaginative and innovative social skills course" -- you
18 were saying you didn't see it in that way.

19 You go on, HIA373, to describe in paragraph 19 that
20 essentially it was a dog-eat-dog environment. If we
21 look, please, at 014:

22 "... form dog-eat-dog control among prisoners
23 and staff. Prison staff would turn a blind eye to
24 bullying. Behaviours reinforced by staff were entirely
25 negative. Lack of empathy, lack of conscience, use of

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1 violence to solve problems. They taught us that might
2 is right and the person holding the stick could do the
3 beating."

4 Obviously the Panel have access to the annual
5 report, which shows the adjudications that were going on
6 for bad behaviour, but what Mr Murray says at 17.19, if
7 we look at 494, please, he doesn't agree with that
8 assessment of what life was like for prisoners in --
9 just:

10 "I don't agree with the negative comments made
11 within paragraph 19 about the way the regime was run."

12 You make the point in paragraph 20 of your
13 statement, HIA373, at 014 that the regime did not
14 prepare you for life after prison, and what Mr Murray
15 says about that is that that's unfair in that they did
16 and they had this innovative social skills course, which
17 was designed to assist the reintegration of prisoners,
18 but you didn't have -- as you have already said to the
19 Panel, you didn't have a high view, even though you had
20 done that course.

21 **A. I actually completed it four times. Just to illustrate**
22 **what the social skills training course was like, which**
23 **was a pre-release effort, was that you would have prison**
24 **officers coming in, obviously completely untrained or**
25 **very, very badly misinformed, who told us things like**

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1 HIV and AIDS could not be contracted by heterosexual men
2 but could only be contracted by homosexual contact. So
3 unless you were gay -- although that wasn't the
4 descriptor used -- you had nothing to really worry
5 about.

6 With regards to the comprehensive alcohol education
7 training, we had prison officers coming often actually
8 half drunk from the night before and telling us that
9 rather than having a couple of drinks at night it was
10 better to have one good binge over the weekend or
11 whatever and let the alcohol work its way out of your
12 bloodstream so you wouldn't constantly have alcohol in
13 your system. That would be very much contrary to, you
14 know, the body -- the body of knowledge that would be
15 among the scientific community today.

16 Q. You talk in paragraph 21 about visits that you would
17 have had and the fact that you were always strip
18 searched before and after the visits.

19 The point that Mr Murray makes to the Inquiry is
20 that inmates were searched going to and from visits.
21 That was a standard operating procedure and, in fact,
22 still continues today.

23 Your point is you were not smuggling in contraband
24 or having it smuggled to you and therefore it was not
25 necessary to be searching you.

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1 A. No, or it wasn't necessary to search any of the other
2 prisoners, because up until the time I left Hydebank not
3 one single piece of contraband had ever been found. So
4 I came to the conclusion that the strip searching regime
5 was really to have a punitive effect rather than any
6 kind of preventative or safety function.

7 Q. HIA373, the last two questions that we ask each witness
8 whenever they come to talk to the Inquiry, the first is
9 at the end of the Panel's work the Inquiry has to
10 consider what recommendations it might make to the
11 Northern Ireland Executive in three areas, an apology,
12 a memorial or some other means of redress, and we ask
13 each witness whether there's anything they want to say
14 to assist the Panel's thinking about those
15 recommendations. Is there anything you want to say to
16 the Panel about that?

17 A. Yes. I would like to see a form of treatment, proper
18 rehabilitative treatment implemented in Hydebank Young
19 Offenders Centre, a form of treatment which is
20 research-based and administered by professionals.
21 I understand that Hydebank at the minute has not been
22 functioning properly. It certainly wasn't functioning
23 in any kind of rehabil... -- there was absolutely no
24 form of rehabilitation or what could pass for
25 rehabilitation occurring in that prison during my time

1 there.

2 I would like to mention some of the -- I don't mean
3 to be sarcastic -- some of the success stories of
4 Hydebank Young Offenders Centre. You had people like
5 and a number of notables that I continually
6 see on television up before the courts for, you know,
7 much more serious crimes than they were in prison for at
8 that time.

9 From, you know, my own research, you know, using
10 human subjects and even using animal subjects, the type
11 of treatment which inmates received was more likely to
12 pre-dispose them towards a diagnosis of anti-social
13 personality disorder or psychopathy or sociopathy, if
14 you like. It provided the inmates not with the skills
15 to go out into modern society and function as
16 law-abiding citizens. The type of training that inmates
17 received may have been appropriate if you were a member
18 of Genghis Khan's army trudging the Russian steppe, but
19 certainly not in Northern Ireland to live as
20 a peace-loving, law-abiding citizen, and I believe the
21 outcome measures that Hydebank itself obtained, you
22 know, for the very fact that the most -- the busiest
23 wing was the second, third recidivist wing, that would
24 show you that the treatment, if you want to call it
25 that, which the inmates received was not working, but as

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1 one prison officer said to me, "Well, these people --
2 these young men have been our bread and butter until
3 they grow into adulthood" and prison officers -- and
4 I have a number of friends who are prison officers
5 actually -- prison officers with that type of attitude,
6 I don't think they could walk the tightrope of holding
7 those attitudes and at the same time reforming often
8 damaged young men, who have been further damaged by the
9 sort of training that you give if you wanted to make
10 a human or even a non-human subject like a dog into
11 a psychopath, and I think a lot of it was tied to the
12 breaking your spirit ethos, which I think has been found
13 not to work, and also, I mean, I like to think that
14 attitudes on corporal punishment have moved on since,
15 but certainly anyone who passed through the Hydebank
16 system left a more damaged character than they were
17 before they went in. They were not rehabilitated, and
18 my understanding is that punishment itself was that
19 their freedom had been removed, but they received much
20 worse punishment than that as a result of being within
21 the inmate population of Hydebank Young Offenders
22 Centre. I honestly would like to -- I have had
23 occasion, many occasions, to deal with people who you
24 could regard as a fall-out from the Hydebank system and
25 these are very, very damaged now middle-aged men, whose

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1 **delinquency has been transmitted down into second and**
2 **further generations. So what I would like to see is**
3 **a proper rigorous rehabilitative model being adopted in**
4 **Hydebank Young Offenders Centre.**

5 Q. The last question that we ask each witness, HIA373, is
6 whether there's anything else about the time in the
7 institution we are looking at, which is Hydebank in
8 relation to you, that perhaps I haven't covered in the
9 summary as we tried to go through the issues to assist
10 you give your evidence, or maybe it is something
11 I didn't characterise correctly, or maybe something
12 I missed that you wanted to draw to the Panel's
13 attention. If there's anything else about your time in
14 Hydebank that you want to mention that I haven't
15 covered, now is your opportunity to do that, if there's
16 anything else that you want to mention.

17 A. **There is probably 101 different things, but it's been**
18 **a long afternoon.**

19 Q. Have we covered -- we've covered most of the main issues
20 --

21 A. **Yes.**

22 Q. -- you wanted to draw to the Panel's attention?

23 A. **Yes.**

24 Q. Well, I am not going to ask you any more questions. If
25 you bear with us for a short time, the Panel Members may

1 want to ask you something.

2 **A. Certainly.**

3 **Questions from THE PANEL**

4 CHAIRMAN: HIA373, can I just ask you to go back to what you
5 said about the visits from what you refer to as
6 monitoring bodies? You said that in your time there was
7 a visit by the Red Cross.

8 **A. Yes.**

9 Q. Can you remember which of the four times you were in
10 Hydebank that that visit occurred?

11 A. **I think it may have been the third occasion, but, sir,**
12 **I~am not --**

13 Q. I understand it may be difficult. We are asking you to
14 look back more than thirty years. It is just, as
15 Mr Aiken I think said, we don't have a record of that,
16 which is why I'm trying to pin it down, but were you
17 aware beforehand the Red Cross were going to come?

18 A. **Oh, yes. We'd been told at least -- at least two days**
beforehand --

20 Q. I see.

21 A. **-- that the Red Cross visitors would be in.**

22 Q. And when the Red Cross visitors came round to where you
23 were, did they offer to speak to you, or speak to you
24 individually, or any of the people on your -- your wing,
25 so to speak, or your house?

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1 A. Well, we were instructed to tell them that we were being
2 treated fine and that the regime was quite acceptable.
3 This was backed up with I suppose enhanced food, and we
4 were also -- I mean, it was also made clear to us that
5 things would go very badly for us if we did complain.
6 So no-one dared complain, and I didn't dare complain,
7 because I was frightened.

8 Q. Did the Red Cross officials have the opportunity to
9 speak to you in private?

10 A. If I remember correctly, they spoke to people during
11 recreation time when there would have been prison
12 officers on duty and they would have seen anybody
13 spending any sort of quality time with them, but I --
14 even if they had came and spoken to me in my cell on
15 their own, I would still have -- I still would have been
16 too frightened to complain about the regime.

17 Q. Do I take it from what you said that you have no
18 recollection of personally speaking to a Red Cross
19 officer on that visit?

20 A. They just -- they seemed to have like a standardised set
21 of questions that were like, you know, "How is the food?
22 How are the visits? How are you finding things?" It
23 was just a question of sort of verbally ticking the
24 boxes and saying, "Oh, yes, yes, yes".

25 Q. That is what I wanted to ask, whether you are relying on

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1 what you heard others say afterwards or whether you can
2 recall a Red Cross official asking you questions like
3 that?

4 A. Well, yes, they did ask me, but, you know, they went
5 round quite a number of the inmates, but, you know, no
6 inmate was going to step forward.

7 Q. Well, did any of the -- or the Red Cross officer who
8 spoke to you, or officers, if there's more than one, did
9 they encourage you to speak freely to them? Did they
10 say, for example, "You can tell us anything you want.
11 We won't say it was you who said it"?

12 A. My only personal impression was that it was almost like
13 a sort of charade type affair. I don't mean to cast any
14 aspersions against the Red Cross or whatever else, but
15 I think that the Red Cross officers did not expect any
16 of us to complain --

17 Q. I see.

18 A. -- from previous experience.

19 Q. Thank you very much.

20 MS DOHERTY: Thanks, HIA373. That has been very helpful.
21 Can I just ask: was there -- do you remember a system
22 whereby privileges could be gained or lost? Was there
23 a kind of a formal system for that?

24 A. If you mean like a sort of token economy --

25 Q. Economy, yes.

1 A. -- no.

2 Q. Okay, and in relation to formal corporal punishment
3 where people could be sent, say, to the governor for
4 corporal punishment, was there any system like that?

5 A. The governor, you know, wouldn't have ordered, you know,
6 twelve strokes of the birch or anything like that, but,
7 I mean, you would have been roughly handled on your way
8 to see the governor, and I'm sure you ended up in the
9 punishment blocks. Often the person would have been
10 adjudicated after he had spent a significant of time --
11 amount of time on the punishment blocks. So very often
12 the physical punishment would have been meted out first.

13 Q. Before --

14 A. Then when they were obviously charged, the governor
15 would make an order, say, for example, like a month's
16 worth loss of earnings or whatever else, but no,
17 I don't -- to my knowledge I don't think any of the
18 governors, you know, prescribed corporal punishment.

19 Q. Okay, and do you -- do you have any memory of the
20 prisoner visitors being part of that kind of
21 disciplinary process when decisions were made about ...?

22 A. You mean adjudication?

23 Q. Adjudication, yes.

24 A. Well, I was aware of them being on the wings. We used
25 to joke -- we used to call them the VC, so the Viet

1 Cong. I know there -- I think actually there was people
2 lost remission and things like that, and loss of tuck
3 shop --

4 Q. Tuck shop, yes.

5 A. -- and loss of privileges certainly were there, you
6 know. There was plenty of punishment as -- you know,
7 but there was -- as for reinforce... -- as for
8 structured reinforcement, reinforcement of positive
9 behaviours, none really.

10 Q. Okay, and the last one, which is just a -- when you talk
11 about the trousers that you were put into and the red
12 polo neck, were they jean material or were they
13 different type of material?

14 A. Well, they were known as paper tiger. I don't think
15 they actually were denim.

16 Q. I am presuming they weren't paper.

17 A. They were very, very thin material, but I don't think
18 actually they were denim, no.

19 Q. Okay. It was just about whether they were something
20 which was about trying to, you know, make you stand out
21 more.

22 A. Oh, yes, they certainly did make you stand out more,
23 because these were, you know, very large flared bell
24 bottom trousers, which were not -- were not on the scene
25 in the 1980s, you know.

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1 Q. Okay. Thanks very much.

2 A. **Okay. Thank you.**

3 MR LANE: Just one question. The admission process clearly
4 had quite an impact on you the way you've described it.
5 Was it just you who got picked on in that way or was
6 absolutely everybody slapped around and so on in the way
7 you described?

8 A. **Most people, if not all people, were slapped around.**

9 **That was -- that was accepted practice.**

10 Q. And they didn't size you up to see whether you were more
11 truculent than somebody else or anything like that?

12 A. **Oh, no. You know, when you were in there, the prison
13 officers were bosses and they let you see that. No.
14 Everybody got that treatment, slapping about and
15 whatever else.**

16 Q. Okay. Thank you.

17 CHAIRMAN: Well, HIA373, thank you very much for coming to
18 speak to us. As you have said, it's been a long day and
19 thank you for coming to speak to us and say what you
20 have. We are very grateful to you for coming. Thank
21 you.

22 A. **I hope I haven't shocked you too much.**

23 Q. I would be surprised if the Inquiry would be shocked by
24 anything. Thank you very much.

25 (Witness withdrew)

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1 MR AIKEN: Chairman, Members of the Panel, that concludes
2 today's oral evidence.

3 CHAIRMAN: Thank you.

4 (4.10 pm)

5 (Inquiry adjourned until 10 o'clock tomorrow morning)

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I N D E X

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