

1 Friday, 11 October 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We have a witness ready,
4 I think; is that right, Mr MacAulay?

5 MR MacAULAY: Good morning, my Lady, we do. The next
6 witness is an applicant, he wants to remain anonymous
7 and to use the name "Andrew" in giving evidence.

8 "ANDREW" (affirmed)

9 LADY SMITH: Andrew, just sit down in the seat behind you
10 and make yourself comfortable.

11 You'll see there's a red light showing on the
12 microphone; that tells us it's switched on. If you're
13 able to stay in a good position for the microphone,
14 we will all be able to hear you clearly through the
15 sound system. That would be really helpful, please.

16 I don't know what the notes are that you've brought
17 with you --

18 A. There's a few additional things I would like to add and
19 little things in my evidence that I have added to and
20 one or two corrections.

21 LADY SMITH: Okay. That's really helpful that you've
22 brought them along. Just let me know if at any time you
23 need to take a moment to find where you want to go in
24 your own notes.

25 A. It will be easier for me to look at my evidence,

1 Lady Smith, as opposed to the screen, because I have
2 added and altered slight things that were not there, but
3 it's just minor things.

4 LADY SMITH: That's fine. You just do what feels
5 comfortable for you.

6 A. Thank you.

7 LADY SMITH: And if you're ready, I'll hand over to
8 Mr MacAulay; is that all right?

9 A. Thank you.

10 Questions from MR MacAULAY

11 MR MacAULAY: Good morning, Andrew.

12 A. Good morning, Colin.

13 Q. In the red folder, if we can look at that first of all,
14 you'll find your statement.

15 A. Sorry, my glasses are in my bag.

16 (Pause)

17 Q. While we're waiting for your glasses, Andrew, I don't
18 want your date of birth because you want to stay
19 anonymous, but can you confirm for me that you were born
20 in 1959?

21 A. That's correct.

22 Q. And that you're now 57; is that right?

23 A. I'm 60 now.

24 Q. Of course you are. I think my --

25 A. Unfortunately.

1 Q. You begin in your statement by telling us what life was
2 like before you went to St Joseph's and it's St Joseph's
3 we're going to talk about.

4 A. Yes.

5 Q. You, I think, tell us that you had a very happy family
6 background.

7 A. I had an extremely happy childhood, yes.

8 Q. You tell us that you had a sister who was older than
9 you; is that correct?

10 A. She was eight years older than me.

11 Q. Now that you've got your glasses, can I ask you to look
12 at the statement, and if you could turn to the final
13 page of the statement, can you confirm you have signed
14 it?

15 A. Yes, I can confirm that.

16 Q. Are you happy that the witness statement forms part of
17 your evidence to the inquiry?

18 A. Yes, that's correct.

19 Q. And is what you've set out in the statement true?

20 A. Yes.

21 Q. Going back to your family background, I think you tell
22 us that you thought you were somewhat spoilt as a child.

23 A. Yes, I was. My sister was eight years older than me
24 and, as I was saying to [REDACTED] she was spoilt rotten
25 because she was the first in the family. I was born

1 eight years later but had meningitis at three months
2 old, and I was in hospital for several months and very,
3 very fortunate to have survived it, had a lumbar
4 puncture, et cetera.

5 So as a result of that, I got really spoilt because
6 I survived the meningitis. But I was left with
7 epilepsy, which I still suffer to this day with, which
8 I would like to talk about, possibly later, because it's
9 very important at my time at St Joseph's College.

10 Q. Can I say just on that note, Andrew, I know that you do
11 from time to time suffer from seizures, so if you feel
12 a seizure coming on, just let us know.

13 A. I did have a small one last night, but I always have
14 seizures when I'm stressed, have lack of sleep, and
15 don't have food at regular intervals, which is a thing
16 I want to talk about later on.

17 Q. You also tell us that as a young boy you were fascinated
18 by [REDACTED].

19 A. Absolutely fascinated. My uncle worked on the [REDACTED]
20 at [REDACTED] before it closed and I was taken
21 up there from a very young age and I was absolutely
22 crazy on [REDACTED]. I had my uncle working on the [REDACTED]
23 [REDACTED] and he took me up to the [REDACTED] and when the
24 [REDACTED] came into the [REDACTED] I got on to the
25 [REDACTED] and things like that, which saved my life at a

1 later stage, which we can talk about.

2 Q. You give us some information about your family business.

3 You then go on to talk about St Joseph's. What I want
4 to you ask you is this: what was the background to you
5 going to St Joseph's at Dumfries?

6 A. My sister went to the Catholic school, the Catholic
7 primary school in [REDACTED], and I think it must have
8 been agreed with my mother and father because my dad
9 wasn't a Catholic. I went to the primary school in
10 [REDACTED] the normal primary school.

11 My granny and grandpa's house was sold and my mother
12 used the money she got from my granny and grandpa's
13 house to send me to St Joseph's. I think she was
14 determined -- she was wanting me to have a Catholic
15 education of some sort, but my mother and father worked
16 extremely hard. They had two [REDACTED] shops, one in
17 [REDACTED] and one in [REDACTED] both worked in the
18 shop, my dad worked in [REDACTED] and my dad
19 repaired [REDACTED] at night and my mother did the books.

20 She thought I was better to board at Dumfries
21 because I would have to get an 8 o'clock bus to start
22 school at 9, and the school -- the lessons at
23 St Joseph's College finished at 5 o'clock at night and
24 I'd get the 5.30 bus and I wouldn't be back until
25 6 o'clock at night. And with my father repairing [REDACTED]

1 and my mother doing the books, et cetera -- and she was
2 also looking after my elderly -- her mother and father,
3 my granny and grandpa, I wouldn't have time to spend
4 doing homework and such.

5 I also I didn't like sport at all and
6 St Joseph's College was a very sport-orientated school,
7 and she thought playing rugby and football and things
8 would be good and helpful for me.

9 But also, years and years back, St Joseph's College
10 was very much like a right public school, top hat and
11 tails and suchlike, and my mother thought this was
12 a really, really good school and had a good reputation.

13 Q. You went there, I think you tell us, then, in 1971;
14 is that right?

15 A. That's correct.

16 Q. I think at that time you'd be about 12 years of age.

17 A. That's correct.

18 Q. Just jumping ahead a bit, you left in 1975 --

19 A. That's correct.

20 Q. -- when you were 16?

21 A. Yes.

22 Q. You have told us about your epilepsy. Did your mother
23 make a point of telling the SNR [REDACTED] of the school
24 at the time --

25 A. Yes. This was the first thing -- we went to meet

1 MYZ -- we made -- my mum made an appointment to
2 go and see MYZ

3 Q. Was he the SNR

4 A.

5

6

7

8

9 Q. Can we take it that MYZ had a position of
10 responsibility?

11 A. Over the brothers and the school. And anyway, this was
12 the first thing my mother asked -- said that I took
13 epileptic seizures on a regular basis; they were called
14 petit mals. This is the thing she was concerned about
15 and MYZ reassured my mother that there was
16 a matron in the school and a little restroom at the side
17 with a few beds in it and I'd be well taken care of.

18 The matron at the school was an ex-matron from
19 Royal Infirmary who had retired and
20 this is what she was doing after the retirement. She
21 was a typical old battle-axe, as matrons used to be in
22 these days, so there was no kindness or care on her
23 part. But that's what they were like in these days.

24 Q. Yes. What I want to do now, Andrew, is put a photograph
25 on the screen for you to look at. It'll come on the

1 screen in front of you, first of all. This is
2 INQ.001.004.2710.

3 We're looking at an aerial view of St Joseph's.
4 We've looked at this already on a number of occasions in
5 the inquiry and I have just a couple of questions for
6 you. We're going to talk about the priest's house at
7 some point in your evidence. As we just look at this
8 photograph, we can see the main building and we then see
9 the church at the back.

10 A. Yes.

11 Q. And then the building that's called, I think, the Mount.

12 A. Yes.

13 Q. Are you able to point to where the priest's house was on
14 the photograph?

15 A. Yes. It's at the left-hand side. There was -- the road
16 goes up here between the chapel --

17 Q. Can I ask you to do this for me: could you stand up and
18 turn round and look at the photograph on the screen and
19 just point that out?

20 A. Right. You went up here and the priest's house was
21 directly opposite the chapel.

22 Q. So it's not in the photograph at all?

23 A. No, it's not in the photograph.

24 Q. But from what you're saying, then, it's close to the
25 chapel?

1 A. Yes, it's just across -- that was the entrance into the
2 chapel and it was right across from there. It was an
3 old house and an extremely overgrown garden in it.
4 I could not tell you if he had a housekeeper or not
5 bought I never saw the housekeeper.

6 Q. When you went to the school in 1971, you were 12 as
7 you have told us.

8 A. Yes.

9 Q. Were you in a particular division at the school when you
10 went there?

11 A. Yes, I was in the juniors.

12 Q. So far as sleeping arrangements were concerned, was your
13 dormitory at the top of the main building?

14 A. At the very top was the juniors on the right-hand side,
15 and on the left was what we called the inters, when you
16 went to second year.

17 Q. Were you in both these dormitories?

18 A. I was in both these dormitories, yes.

19 Q. We'll come back to that.

20 The other thing I want to ask you at the moment is
21 who was in charge of your dormitory, which brother was
22 in charge?

23 A. It was Brother MFU [REDACTED] who was a brutal animal.

24 Q. I'll come to him in a moment.

25 A. It was MFU [REDACTED] in the juniors and then it was my main

1 abuser in the inters, Brother Damien.

2 Q. When you moved through the school, did you have other
3 dorm masters?

4 A. Yes. I went down to the mids which was down the stairs,
5 directly downstairs.

6 Q. Who was your dorm master at that time?

7 A. That would be Brother MLU

8 Q. The brothers also were involved in teaching; is that
9 correct?

10 A. Yes, that's correct.

11 Q. And Brother Damien in fact, I think you say --

12 A. He was the French teacher.

13 Q. How were they dressed?

14 A. They were always dressed in robes and a white collar,
15 but not like a priest, it was rectangular and it came
16 down like that (indicating).

17 Q. Generally, how did you find the brothers?

18 A. I found them very, very frightening, unlike the lay
19 teachers, they were really -- you know, as a small boy,
20 12 years old, I found them really, really intimidating
21 and frightening. I didn't -- they didn't smile or call
22 you by your first name, second name or anything like
23 that. You were just "boy", everybody was "boy".

24 Q. You do tell us in your statement that when you went to
25 the school, you were homesick.

- 1 A. I was terribly homesick, yes.
- 2 Q. And did you make contact with home?
- 3 A. I contacted my mother every single day at 8 o'clock
- 4 in the morning. I had to reverse the charges because
- 5 I didn't have money in my pocket. You had to go to the
- 6 bursar to get money, but I didn't have money to phone my
- 7 mother every day, so I had to reverse the charge call --
- 8 one thing I have to say is it was always my mother who
- 9 answered the phone, it was never my father.
- 10 Q. Form what you have said, then you had the facility
- 11 at the school to phone your mother?
- 12 A. Yes.
- 13 Q. Can we just look then at Brother Damien. To begin with,
- 14 how did you get on with Brother Damien?
- 15 A. He was -- well, he wasn't my dorm master, because as
- 16 I say, he was in charge of the inters on the left-hand
- 17 side. I have it in my evidence what happened, but
- 18 I found he was the only one who -- he saw me homesick
- 19 in the first year because he was my French teacher and
- 20 he knew I was homesick and upset and I found that he
- 21 helped me with French and that. I thought he was the
- 22 most pleasant of them all but I didn't know what was
- 23 coming later.
- 24 Q. You've been telling us about what he was like in the
- 25 classroom, is that right --

1 A. Yes.

2 Q. -- because that's where you had contact with him?

3 A. Yes.

4 Q. But was there something that happened that involved you

5 going to his room?

6 A. Yes.

7 Q. Can you tell me the first time that happened?

8 A. The first time that happened, I was in my bed. I wasn't

9 sleeping because I was upset all the time. Damien came

10 into my room, I don't know whether I was on my side or

11 whatever, and I felt the hand underneath the sheets.

12 I can't tell you how that felt. Anyway, I had -- he

13 went like this (indicating), because all the boys were

14 -- and it was the dormitory -- and this is 9 o'clock,

15 after 9 o'clock when the lights went out in the

16 dormitory.

17 He took me to his -- I had my dressing gown at the

18 side of my bed and my slippers and I put them on and he

19 took me across to the inters dormitory, which he was in

20 charge of. I was in the main dormitory at this time.

21 Q. Yes, you were under the care of Brother MFU

22 A. Brother MFU yes.

23 Q. When you say he put his hand under the sheet, was that

24 to wake you up?

25 A. No, no.

1 Q. What did he do?

2 A. He put his hand where he shouldn't have put his hand.

3 Q. On your private parts?

4 A. Yes.

5 Q. When you went to his room, how did he behave at this

6 early time?

7 A. Well, he tried to comfort me and just said did I want

8 a glass of juice -- it wasn't lemonade, I don't think.

9 And I got crisps or whatever it was. And he sat down,

10 put his arm round me and tried to console me and

11 I thought, you know, he was being nice to me and ...

12 Nothing went ... Nothing went any further than that

13 other than putting his arms round me, but looking back

14 on it now, it was a little bit more than putting his

15 hands round me, if you understand what I mean. It

16 wasn't any sexual abuse.

17 Q. After that, did you go back to your bed?

18 A. I went back to my bed after that. How long that lasted,

19 I'd imagine about half an hour, three-quarters of an

20 hour or something like that.

21 Q. And then in the daytime when you were in his class, how

22 did he behave towards you?

23 A. No different at all. He just ... He just talked like

24 normal. He didn't -- there was no mention of going to

25 his room and that.

1 And right from the outset, probably the second time,
2 third, it was our little secret. That was what it was
3 called, our little secret.

4 Q. So after that first time, I think you're saying you went
5 back again?

6 A. Yes, he came into the dormitory. He didn't put the
7 hands under my bed -- I wasn't sleeping because after
8 the first time, I was expecting it, I didn't know when
9 he was going to be coming back. But he didn't do
10 anything sexually the first time so the second time,
11 I didn't know he was going to be a little bit more ...

12 Q. But the second time, if we look at that, how long after
13 the first time do you think that was?

14 A. That was days, two days, three days, something like
15 that.

16 Q. And again, when you went to his room on that occasion,
17 was he just trying to console you? What was the --

18 A. Yes, he was. I liked him and I was almost, as I say, on
19 the phone to my mum every day. And my mum said to us,
20 is no one being nice to you at all, and I said, well,
21 Brother Damien -- I liked Brother Damien, you know, and
22 he took me into his room and gave me some crisps, so my
23 mother thought this was great, at least there was
24 someone in the school who was caring, if you want to
25 describe it in that way, which was, you know ... We can

1 talk about it later, but when I did tell my mother, when
2 I went out of that school, I think back -- I told her on
3 the phone that Brother Damien was being nice to me.

4 I knew nothing about grooming or anything like that.
5 I was just an innocent child, but this guy was being
6 nice to me, you know.

7 Q. And he was being nice to you and taking you from your
8 bed in the dormitory to his room?

9 A. Yes.

10 Q. So your bed would be empty?

11 A. My bed would be empty, yes. That's another thing, I can
12 never to this day -- and I have asked my first
13 counsellor [REDACTED] about it and I've asked God knows how
14 many times my second counsellor from In Care
15 Survivors -- you know, MFU [REDACTED] must have known that my
16 bed was empty because he never, ever -- the times I went
17 into Damien's room, I was never, ever asked or punished,
18 you know, for being out of my bed and that.

19 But if you were out of your bed -- I used to be
20 absolutely shit-scared of going to the toilet at night
21 because the doors had swinging doors on them and when
22 the doors used to swing, and MFU [REDACTED] room was right
23 beside the doors when you went into the dormitory, and
24 he'd be out like a shot to see if, you know, and that --
25 and boys did go sleepwalking as well. They would get

1 why are they out the dormitory and that. He must have
2 known that Damien was coming into the dormitory, taking
3 me out of my bed, because whenever I went to Damien's
4 room, that was never pulled up on.

5 Q. And in these early times you were being taken from the
6 dormitories to Damien's room when he was consoling you
7 and being kind to you, did you see Damien take any other
8 boy?

9 A. No, that's the thing that I did not -- I never, ever saw
10 Damien coming in, taking another boy. I just thought
11 I was just a weak, feeble kid that he had picked on. He
12 saw my vulnerability, wanting home to see my mother and
13 father. I thought I was the only boy and I've tortured
14 myself all my bloody life that I was weak and I went and
15 did what followed on from then.

16 Q. Did you at that time then think that you were special?

17 A. Yes, I did, in a way, because I was getting to watch the
18 television after 9 o'clock. That was the thing, when
19 I started the school, in there there was no
20 pleasantries. My mum took me there and that and there
21 was nothing -- MFU never said what the routine was
22 and television off and what time you got up in the
23 morning and all this. It was a complete and utter shock
24 to the system to me because I had come from a loving
25 family into an institution -- what I can only describe

1 as a hellhole.

2 Q. Again, we'll look at aspects of that later on.

3 Just so I can understand the geography then, you're
4 in MFU [REDACTED] dormitory?

5 A. Yes.

6 Q. Was Damien then at this time looking after the other
7 dormitory?

8 A. The inter dormitory.

9 Q. Was that across the passage?

10 A. Across, right across. You came up from the mids --
11 that is the second floor -- then there was stairs and
12 then there was the toilets, and at the top of the stairs
13 was the inters washroom and the swing doors into the
14 inters, and then on the right-hand side you were into
15 where I was in the juniors. MFU [REDACTED] room was on the
16 left-hand side.

17 Q. And that's what I want to ask you then: to get to
18 Damien's room, would you have to go past MFU [REDACTED] room?

19 A. Yes. Because I was walking out the door and, as I say,
20 walking out the door, his room was on the right-hand
21 side.

22 The other thing I want to add to -- there was only
23 one brother's room in the juniors, MFU [REDACTED] room, but
24 on the opposite side there was two brothers' rooms but
25 only Damien occupied the room which was on the -- where

1 I was taken was on the right-hand side.

2 Q. The other thing that you tell us is that on an occasion
3 Damien took you into town a Saturday for a treat;
4 is that right?

5 A. Yes. I was taken down to Dumfries into the town centre,
6 which I thought was great. We went -- in them days
7 there was a Wimpy bar and another Italian café called
8 Frisco's. I was taken down there and I thought this was
9 great, I was getting taken out of the school, and as
10 a kid I liked milkshake and hamburgers --

11 Q. And this was just yourself and Damien?

12 A. Just ourselves. And he didn't have his robe on or that,
13 he was just in black trousers and black shirt, if
14 I remember.

15 Always when I got taken down to these places, I was
16 hoping that I would bump into my mum and dad or that,
17 but I never did.

18 MR MacAULAY: Okay. I'm going to move on to other sort of
19 material now and I think what we should maybe do is have
20 a short break, if that's acceptable, my Lady --

21 A. I'm quite all right, Lady Smith.

22 LADY SMITH: Okay. You let me know if you need a break.

23 A. I'll do that. I'd appreciate if we could concentrate on
24 my early life and that because it is important --

25 LADY SMITH: Can I just say something at this stage, Andrew,

1 to reassure you: I have your written statement, all the
2 details in your written statement, I have read it, and
3 it is part of the evidence before the inquiry.

4 A. Yes.

5 LADY SMITH: So if Mr MacAulay doesn't refer to any
6 particular part of it, please don't think that's being
7 left out of your evidence.

8 A. Yes, yes, yes.

9 LADY SMITH: It is part of your evidence. But I know he has
10 worked out a way of going through your evidence that
11 should help us all understand it as clearly as we can,
12 with you to help us, today.

13 A. Thank you, Lady Smith.

14 LADY SMITH: So bear with him at the moment and then we can
15 check with you if there's anything you're anxious about
16 after that.

17 A. Thank you very much.

18 LADY SMITH: Mr MacAulay.

19 MR MacAULAY: I want to go on to a time when you were taken
20 by Damien to his room and something different happened;
21 can you tell me about that?

22 A. Yes. Gradually, gradually, Damien became more -- well,
23 it was abuse. He would take my pyjama top off and take
24 my pyjama bottoms off. My mum -- I used to sit on my
25 dad's knee as a small child and all that, and I knew

1 what he was doing was wrong, and ...

2 (Pause)

3 He was places he shouldn't be, is the best way of
4 putting it to you.

5 Q. Was he making contact with your genital area?

6 A. Yes, he was rubbing my leg and rubbing my chest and down
7 my private parts. That was the start, so it was.

8 Q. How did you react when this started?

9 A. I was absolutely petrified, you know, to have my pyjama
10 top and my pyjama -- and have an old man, as he was to
11 me, do this. I knew nothing about sex. I'd never been
12 in a situation like that. I couldn't do -- I totally
13 and utterly froze.

14 Q. How did this develop then? Can you help me?

15 A. Yes. It developed from there to giving him a blow job.

16 Q. Let's just take it slowly, Andrew. You've told us about
17 the occasion when it turned particularly sexual with
18 your pyjamas off.

19 A. Yes.

20 Q. The next time after that, was it something similar that
21 he was doing to you?

22 A. Yes. The more I went into the room, into his room, the
23 more ... I don't call it sexual, but it was just more
24 and more to get his sexual gratification, that's the
25 basic way of putting it to you.

1 Q. And when this was happening in this early stage of this
2 part of his behaviour, were you saying anything to him?

3 A. I just froze like -- and I think I put it in my
4 evidence, I froze like a rabbit in the headlights.
5 I tortured myself all fucking my life that I didn't
6 shout, I didn't run out of the room. Please believe me:
7 I just totally and utterly froze. You asked me how long
8 it happened. I could not tell you because it seemed
9 like an eternity.

10 Q. Were you saying anything to him about your mother?

11 A. Yes, he knew I was homesick, right from the start, and
12 that's what he wanted, and he was giving me threats that
13 I would never see my mum and dad, and I'd be sent away
14 to another school far away and that. And I believed all
15 this shit he was telling me, that this would happen,
16 because he knew the thing that pressed the button on me
17 was that I wanted home to mum and dad, because I'd never
18 been away from mum and dad in my life before. So he
19 knew exactly what to say to me, how to frighten me, and
20 how to keep my gob shut, if that's the best way -- to
21 keep me quite, if you understand, because that was what
22 I wanted.

23 Q. Yes. Did you say to him when he was abusing you in the
24 way you've described, "I want my mum"?

25 A. He knew that I wanted my mum, I wanted home, I didn't

1 want to be in that place. Because right from the very
2 start it was a hellhole.

3 Q. But when he was behaving as he was in the way you
4 described, did you say to him, "I want my mum"?

5 A. Yes.

6 Q. You tell us about an incident, as you describe, when he
7 threw you on to the bed.

8 A. Yes.

9 Q. Can you tell me about that?

10 A. He had a bed in his room and he had a little wash-hand
11 basin and he had a television set and that was about it.
12 I was put on the bed with nothing on my bottoms and
13 then, as I say, he started going all over my body. This
14 was the way it progressed, to feeling my private parts,
15 feeling my bottom, going all over my body. As I say,
16 I was like -- I wasn't pinned to the bed but felt I was
17 pinned to the bed and I couldn't move.

18 Q. Did he at this stage of what is happening keep his own
19 clothes on?

20 A. He had his own clothes on at that time, yes, and then it
21 progressed that he took his clothes off and I had to --
22 as I said to you earlier, I had to give him a blow job,
23 which I didn't -- was totally and utterly alien to me,
24 because my mother and father were of a pre-war
25 generation and never, ever talked sex or nothing like

1 that. So I didn't know what was happening to me.

2 Q. During these times you were in his room, were you
3 crying?

4 A. I was crying, yes. It was just the threats of what
5 would happen to me if I ... It was the threats all the
6 time. As I say, I was totally and utterly petrified.
7 That's the best way of putting it to you.

8 Q. Once this sort of abuse started, what about the treats
9 you used to get before? Did you keep getting the
10 treats?

11 A. These started to gradually get less and less,
12 particularly after my holidays. I came back and I was
13 starting to go through puberty, which, looking back on
14 it now, this is what -- him putting his -- feeling me
15 all over, watching me with my pyjamas and suchlike, he
16 knew exactly I hadn't gone through puberty when I first
17 started that school. And he -- after I came back from
18 holidays, which I dreaded -- I never enjoyed any
19 holidays because all I thought was about going back to
20 that fucking hellhole, excuse my language.

21 He knew exactly that I was going through puberty
22 because I have struggled all my fucking life with
23 getting a hard-on because when I was being abused by
24 him -- I'm sorry to be so crude, but it's the only way
25 I can describe it.

1 Q. You mentioned holidays there. Can I get you to pause
2 there? During your first term there then, that's the
3 term from September through to December in 1971, where
4 had matters progressed in relation to Damien? What was
5 he doing to you when it came up to the holiday time?

6 A. It went nothing beyond me having to get down on my hands
7 and knees and giving him a blow job and him feeling me
8 all over on my private parts and suchlike.

9 Then, as I think I put in my evidence, the abuse,
10 the real sexual abuse started, as I say, when he knew
11 I was going through puberty, which I didn't know
12 anything about because my parents never told me what
13 that was, and nobody in that school told me what
14 I was -- how I was feeling different with my body and
15 suchlike. But he knew exactly what was happening to me.

16 Q. So before the Christmas holidays then, you've told us
17 that he made you give him oral sex; is that correct?

18 A. Yes.

19 Q. What about masturbation? Did you have to masturbate
20 him?

21 A. Yes, I did.

22 Q. In relation to his state of dress then, how had matters
23 progressed?

24 A. He didn't have his robe on when he was in his room, like
25 MFU never had his -- the lights went off at 9.30

1 in the inters dormitory, that's his dormitory, and after
2 he was in his room he didn't have his robe and his
3 collar on, it was just his trousers and a shirt.

4 Q. But when he was presenting you with oral sex, had he
5 taken his trousers down?

6 A. Yes.

7 Q. Had he kept his top part --

8 A. Yes, his top was on, yes.

9 Q. Just looking to the period prior to the Christmas
10 holidays, and when matters had progressed to the extent
11 that you've described, how long do you think you'd be in
12 his room?

13 A. Well, as I said to you earlier, it felt like an
14 eternity. I didn't have any -- I ... Now I know it's
15 called dissociation. I just completely and utterly
16 switched off and didn't know how long I was in that
17 room. I honestly don't, because I wasn't wearing
18 a watch at the time, because I was in my bed at
19 9 o'clock. I honestly could not tell you. It felt like
20 hours, I don't know.

21 He used to let me watch the television. I think
22 I put in my evidence, he liked Cannon and Kojak, which
23 was on at that time. I watched that, so I think going
24 by the length of that period, it'd probably be an hour.

25 Q. And after he did what he did, would you then go back to

1 your bed?

2 A. Yes.

3 Q. And --

4 A. Absolutely crying my eyes out. I never slept a wink the
5 whole night.

6 Q. As you have told us before, MFU never pulled you up
7 or --

8 A. Never pulled me up. He must have known that Damien was
9 taking -- what nights Damien was coming for me because
10 I never got pulled up for that. But I certainly did get
11 it when I ran away to the [REDACTED] because -- I
12 certainly did, I got the headlights fucking beaten out
13 of me.

14 Q. We will look at that later on.

15 Were you still calling your mother on a regular
16 basis?

17 A. Every single day for four years I phoned my mother every
18 day.

19 Q. Before the Christmas break that we're coming up to, did
20 you tell your mother anything about what was going on
21 with Damien?

22 A. Absolutely not because I was threatened. I was
23 threatened, as I said to you, what the consequences
24 would be. I believed that because all I wanted to be
25 was at home and I was threatened I'd be sent away to my

1 other school and things would happen to my mum and dad.
2 I believed this because I came from a loving family and
3 what these men -- my mother thought the Pope could walk
4 on water and these were wonderful men, and as far as she
5 was concerned when I said Brother Damien's been nice,
6 that put her mind at rest.

7 Q. During this early time at your school, did you manage to
8 make friends?

9 A. Not really, no. I didn't. All I was doing there was
10 looking out for myself. It was survival.

11 As I say, I never saw any other boy get taken into
12 the room -- all I was interested in was surviving and
13 looking out for them and you were always, always
14 hyperactive that these bastards were going to do
15 something to you.

16 Q. Can we go then to the Christmas holidays and when you
17 went back to the school after Christmas. I think you
18 tell us in your statement you dreaded going back.

19 A. Yes, that's right, every single day. I counted every
20 day to my holidays and I counted every day of my
21 holidays going back to that place. I pleaded and
22 pleaded and pleaded with my mother. I think --
23 you haven't mentioned, but I think it's important that
24 my mum did go to MYZ [REDACTED] who was the SNR [REDACTED], and
25 said I was really upset because I was on the phone every

1 day crying my eyes out to her and should I not go home?
2 But MYZ said, no, Mrs that wouldn't be
3 a good idea, he'll settle down, he's just homesick, the
4 longer I was there. But as I say, my mum didn't know
5 what was happening at the same time to me.

6 Q. And you didn't tell her in the Christmas holidays?

7 A. No, no, I never told my mum until I left that school.

8 Q. When you went back then to the school after the
9 Christmas holidays, did Damien continue to take you from
10 your bed to his room?

11 A. Yes -- well, no. Once I was starting to go through
12 puberty and the real sexual abuse, rape, whatever you
13 want to call it -- I was taken to different parts of the
14 school.

15 He was a language teacher and the language class was
16 down on the ground floor, just as you come in the door
17 next to the bursar's. I was taken in there, I was taken
18 into the new building, into the chemistry room and the
19 physics room and all round, up into the wooden building
20 where the table tennis was there. I was taken all
21 around the school because I think I have put in my notes
22 that these brothers had keys to all the different
23 places. I was taken round there because -- because
24 he was abusing me more, I was starting to make -- you
25 know, I was screaming, crying, you know, and that and

1 other boys would definitely have heard me in his room if
2 he had just continued to -- once it started to get
3 worse, if you understand.

4 Q. And I'll come to that. I just want to understand then
5 when it was that Brother Damien was taking you to these
6 different locations.

7 A. That was after the holidays, the Christmas holidays.

8 Q. At what time of day then?

9 A. Well, it could -- half days on a Wednesdays. See, we
10 had a half day on a Wednesday, which you'd play sport.
11 We also had lessons on a Saturday and the day pupils
12 also had to come to school on a Saturday morning and
13 then it was sport in the afternoon. That was the worst
14 time I tried to keep away from as possible -- not
15 outside the school grounds, but I tried and tried to
16 avoid him at all costs. But he always got me, so he
17 did.

18 Q. But then do I understand that when he is taking you to
19 these different locations, he is not taking you from
20 your bed?

21 A. No.

22 Q. It's during the day?

23 A. He has taken me from my bed, but it's also during the
24 day he was taking me and I'm getting abused as well
25 during the day. Boys would be down at Maryfield, which

1 was the large playing fields that St Joseph's College
2 had, so most of the boys were out of the building and
3 there was no lessons, there was no lay teachers about,
4 so he had free rein of the whole St Joseph's College.
5 So he took me and just wherever, all round the school,
6 because he had keys to it.

7 Q. Is it right to say you weren't really into sports?

8 A. I wasn't into sport or rugby or football or anything.
9 I didn't like competitive sports. I still don't. But
10 you were made to do that. I tried as possible to avoid
11 doing it at all costs. I just didn't enjoy it.

12 Q. Just so I can understand, on these afternoons when there
13 was sport, you'd be on the premises, so to speak?

14 A. Yes.

15 Q. Was it then that he could get access to you?

16 A. In the first year, yes, on the Wednesday and Saturdays,
17 I played more of the sport there because I was more of
18 a petrified child. But as the abuse got worse, that is
19 when I stayed away from the college on Wednesdays and
20 Saturday afternoons and Sundays, the weekends and the
21 half day on the Wednesday.

22 Q. So can you just help me then with this: when he took you
23 to these locations what did he do to you?

24 A. He sexually abused me.

25 Q. I think what you say in your statement is that he

1 started to penetrate you; is that right?

2 A. Yes, I got sodomised in his French -- in his language
3 room, which were like little cubicles. That was usually
4 the place he took me because it was down on the ground
5 floor and of course nobody -- no other brothers went
6 into his language room. Of course, in this little
7 cubicle, it had a microphone like this (indicating) and
8 nobody would ever have seen us in that place.

9 Q. Another thing you tell us -- I think this happened when
10 he had taken you to his room in the dormitory -- is that
11 he took photographs of you.

12 A. Yes, that's correct. That has troubled me for all my
13 life as well. Where did these photographs go? Who saw
14 these photographs? Where are these photographs now?
15 That is something that really, really troubles me. It's
16 such a perverted thing to do. It still troubles me
17 about these photographs. And I didn't have any clothes
18 on, if that's the question you're going to ask me.

19 Q. That was the question.

20 A. Yes.

21 Q. Did you ever see any of the photographs?

22 A. No, I never saw any of the photographs. I don't know if
23 they were slides or photographs. I got my photograph
24 taken without any clothes on.

25 Q. Was that just on one occasion?

1 A. No, no, no.

2 Q. So that happened on a number of occasions?

3 A. Yes.

4 Q. Was that when he was in the bedroom?

5 A. In the bedroom, yes.

6 Q. I now want to ask you about an occasion, I think you
7 told us it was a Sunday, where you were taken out by
8 Brother Damien.

9 A. Yes. To start with, I was daft on cars because my dad
10 also had an interest in a garage in [REDACTED] and the
11 rest of my family, my uncle, and my grandfather, had
12 a motorcycle business -- [REDACTED]

13 [REDACTED] My uncle used to ride in the TT Races and
14 all my cousins and that, so my dad was into cars and
15 bikes and I liked that.

16 They had this brand new Datsun, as of it was in
17 those days, it's Nissan now, it was a blue car and it
18 sat outside the tuck shop. And me being a 12-year-old,
19 I thought a new car and that ... I thought I was
20 getting taken out for rides in this new car and I was
21 excited about getting taken out for a run in a car,
22 getting out of that hellhole.

23 Q. So who took you out?

24 A. Damien, a brother from the Little Mount, which was where
25 the retired brothers were, and another brother. I don't

1 know what his name was. And it was MMK on the other
2 occasions.

3 Q. And Brother MMK I think you tell us later on, that at
4 a point in time he became the SNR

5 A. That's right. He was the SNR, or whatever
6 you want to call him.

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16 Q. So we have Brother Damien, Brother MMK, and this other
17 brother from the Mount?

18 A. Yes, that's correct. There was always three of them
19 in the car that went out to Kinharvie House.

20 Q. Is that where you went on this occasion?

21 A. Yes.

22 Q. Just to get a time frame, is this in the second term
23 when you were there?

24 A. No, I was taken out there in the first year, so I was.

25 Q. First year. But it's after Christmas?

1 A. Yes.

2 Q. I think you said you were still 12 at this time.

3 A. Yes, that's correct.

4 Q. Were you then taken to Kinharvie House?

5 A. Yes. I was taken out to Kinharvie -- I didn't know
6 where I was going, I just thought I was going out on
7 a run in the car, and I knew where -- I knew the roads
8 and everything, I knew -- I knew about the New Abbey
9 Road, but I didn't have a clue where I was going.
10 I just thought this was great because I thought --
11 I don't know.

12 Q. Who did the driving?

13 A. Damien did the driving, yes.

14 Q. What happened when you got to Kinharvie House?

15 A. I was never taken in the front door of that house, I was
16 always taken in the back, which was a kitchen, and it
17 had this long -- very long wooden table, and there was
18 brothers there who were old men to me. I didn't know
19 who they were.

20 Then after I talked to them -- and the first
21 occasion I was shown round the house and shown -- it had
22 a little chapel in it.

23 Q. Who showed you round the house?

24 A. Damien, just Damien. The other brothers just sat down
25 with these other brothers at the table and Damien showed

1 me through the house and showed me the chapel. I went
2 into the chapel and said prayers, and then after that --
3 this was a huge house.

4 Half of the house -- it had never been modernised.
5 It was dilapidated, dark, a really, really frightening
6 building to go into.

7 Q. It was a large building?

8 A. Yes, it was a huge, huge building. It had several wings
9 and God knows how many rooms it had. As I say, it
10 wasn't all occupied, and I was taken up to -- I don't
11 know how many flights of steps to this room. It wasn't
12 being used and that's where I got sodomised by him on
13 the first occasion.

14 Q. You say on the first occasion; had you been sodomised
15 before at the school?

16 A. Yes, I told you that I'd been sodomised at the school.

17 Q. On this occasion can you tell me how did you react to
18 what was going on?

19 A. Well, as I say, I was absolutely petrified, but I did --
20 once I got into that house and he took me up into that
21 room and closed the door, I did know what was coming
22 after that.

23 Q. Did you suffer pain because of what was happening?

24 A. Oh Christ, yes. I've never had pain like it in all my
25 life. And as long as I live -- I don't know how many

1 years I'll live -- I'll never, ever suffer pain like it
2 again.

3 Q. Were you injured?

4 A. Yes, I was injured, I was bleeding, and I bled for
5 weeks, two weeks, whatever. I got back to that school
6 and I was just told to get clothes and go down and have
7 a shower. Then for weeks I had to put towels,
8 a facecloth and that or whatever on my bottom, my
9 underpants, so it wouldn't come through and show,
10 because I was absolutely shit-scared, what if somebody
11 found out what had happened to me and said, "Why are you
12 bleeding?"

13 I was never ever given any medical help or help from
14 the matron, absolutely nothing. And this happened on
15 every occasion I was sodomised.

16 Q. So before you went to the Kinharvie House then, and you
17 said you'd been sodomised before that, had that caused
18 bleeding as well?

19 A. Yes, every occasion caused bleeding. As I say, I had
20 nothing -- the only thing I had, and I put it in my
21 evidence, I had Disprin, which my mum gave me, and I had
22 all my medication -- all my medication was kept with the
23 matron and the only thing I had was Disprin in my
24 possession.

25 Q. You have told us about the bleeding and what steps you

1 took to try and help you with the bleeding. Did blood
2 go on to your sheets?

3 A. Yes. My sheets were absolutely soaking in blood. The
4 sheets got changed every week in that place and they
5 went to Shortridge's, who were the large commercial --
6 I think they're still there in Dumfries. They're all
7 put into this huge great big basket, whatever you want
8 to call it, and somebody must have noticed my sheets
9 were soaking, but I hid my sheets and I always made my
10 bed up well because if you didn't make your bed up well
11 in that place, MFU used to come and rip the whole
12 fucking sheets off and make you make the bed several
13 times until it was to his satisfaction. So I made sure
14 I made my bed up as well so that wouldn't happen because
15 I was petrified of somebody finding out what happened.

16 Q. Do you think then that MFU would have seen the
17 bloodstained sheets?

18 A. Yes. As I said to you, if your bed wasn't made up
19 properly and that, and he had ripped the sheets back, he
20 would have found the sheets, but what he would have done
21 then, I don't know. I don't think he would have done
22 anything because all these bastards in that place
23 covered each other's backs and they all new what was
24 going on. It was nothing more than a paedophile ring.

25 Q. Were you taken back to Kinharvie House again?

1 A. Yes.

2 Q. And how many times altogether?

3 A. I was taken out there three times.

4 Q. On the second occasion, how long after the first
5 occasion was that?

6 A. Probably ... I don't ... A few months of each other,
7 maybe a month or two months after that I was taken out
8 there. But I knew the second or third time what was
9 happening.

10 I was saying to [REDACTED] I didn't get into that car,
11 you know, willingly and that, but you had no other
12 fucking option but to do what these people told you, and
13 as soon as the car went along Pleasance Avenue and then
14 turned on to New Abbey Road, I knew exactly where I was
15 heading.

16 But the second time I went into the car, I didn't
17 know where -- I thought, God I'm not getting taken out
18 to that bloody house again. But I knew going along
19 Pleasance Avenue and then on to New Abbey Road where
20 exactly I was going.

21 Q. But then this second occasion, if I can focus on what
22 time of year it was, this is still when you're in your
23 first year, is it?

24 A. Yes.

25 Q. Is it in the second term or the third term?

1 A. I was abused in the second term as well, so that would
2 be -- September, after September of finishing in the
3 juniors.

4 Q. So just to be clear, you've gone back to school after
5 Christmas as we have talked about?

6 A. Yes.

7 Q. And sometime after that you've been taken to
8 Kinharvie House for the first time. The second time you
9 were there --

10 A. It's still in the first year.

11 Q. And on this occasion, then, who took you?

12 A. I was out there with Brother **MMK** and the brother from
13 the tuck shop, if I remember correctly. There was
14 always three in the car.

15 Q. Was Damien driving again?

16 A. Yes. As far as I can remember, it was Damien who was
17 driving the car.

18 Q. What happened on this occasion?

19 A. Again, as I say, I was taken through the back door and
20 into that chapel. And I was first sodomised by Damien
21 and then --

22 Q. Where did that happen?

23 A. Again, on one of these wings of the house, up the
24 flights of steps -- I wasn't going to go because I knew
25 what was going to happen in that room. Then **MMK** ...

1 (Pause)

2 Oh God.

3 (Pause)

4 Then MMK came into the room and I was pinned up
5 against the wall because I was struggling.

6 Q. Who pinned you against the wall?

7 A. I was pinned up against the wall by MMK and Damien
8 because I wouldn't do anything, I wasn't cooperating
9 with them. Then, as I say, I first of all was sodomised
10 by Damien and then sodomised by MMK

11 Q. As a consequence of this assault on you --

12 A. And on the way back in the car, I went out of the car
13 first with them and then MMK and this other brother
14 from the tuck shop, they followed shortly after that in
15 the car and there was never a word spoken to me or any
16 consoling me or absolutely fuck all. All they did was
17 speak between themselves.

18 Q. And because of what had happened to you on this
19 occasion, were you bleeding again?

20 A. Yes of course. I was bleeding more than the last time
21 because I had been sodomised by both of them.

22 Q. Did you go back to Kinharvie House after that?

23 A. Yes, I went out for a third time.

24 Q. When was that if you're looking at timescales?

25 A. Just a matter of months apart, so it did. It only

1 happened in the first year and when I went into his
2 dormitory, which is the second year.

3 And after that, I think I put in my evidence that he
4 started to lose -- it decreased because now I think he
5 probably has went on to a younger boy who he could
6 control, like he did when I was younger. But the abuse
7 never stopped until I left going out of that school.

8 Q. Just to be clear about your third visit then to
9 Kinharvie House --

10 A. MMK was also there as well.

11 Q. Was that still in your first year at the school?

12 A. No, the third time was when I was in the second year
13 at the school.

14 Q. When you were in the second year, had you moved to
15 a different dormitory?

16 A. Into inters, into Damien's dormitory.

17 Q. Was Damien the dorm master?

18 A. He was the dorm master, but as I said to you, there was
19 two brothers' rooms in there and there should have been
20 two brothers -- what's the word -- supervising the
21 juniors and two brothers supervising the inters -- every
22 dormitory for that matter -- but there was only ever
23 one.

24 I think Lady Smith brought that up with Geary,
25 should there have been two brothers in charge, but he

1 tried to make out that the number of boarders had
2 decreased and there was no need for two brothers, but
3 that was a load of bullshit because they were always
4 full.

5 Q. We will need to look at that separately, Andrew.

6 Just looking at the third occasion then, I think
7 you're saying Damien was present and MMK as well.

8 A. Damien was always the person that took me out there.

9 Q. And was there anybody else in the car when you went
10 there apart from --

11 A. Yes, there were always three of them in the car. On one
12 occasion there was an old brother from the Mount and
13 there was one from the tuck shop.

14 Q. And the third occasion?

15 A. The third occasion, it was MMK Damien again, and
16 a brother from the Mount.

17 Q. On this occasion, what happened at Kinharvie House?

18 A. Exactly the same as happened the other night. I was
19 sodomised by Damien and I was sodomised by one of the
20 elderly brothers there.

21 Q. So MMK

22 A. MMK didn't abuse me on that occasion.

23 Q.

24

25 A. . It was a retirement house for

1 the brothers, Kinharvie House. I didn't know that
2 at the time, but I knew they were older men than the
3 brothers at the school, and I didn't know them, who they
4 were, but looking back now, I couldn't have been the
5 only boy getting taken out there.

6 These brothers were no longer getting access to
7 children any longer and it's taken me 40 years for the
8 reason -- I wasn't getting taken out of that house so
9 Damien or MMK or that wouldn't get found out or
10 whatever you know. As I say, on the third occasion it
11 was one of these elderly brothers who fucked me up the
12 arse, and it wasn't -- I wasn't getting taken out there
13 because it was away from the school or whatever, because
14 that wasn't the case.

15 Q. And on this occasion, when you were sodomised by both
16 these brothers, did you have to be held?

17 A. Yes. I had to be held.

18 Q. And again, did this cause bleeding?

19 A. Yes, of course it caused bleeding.

20 Q. Was that the last time you were taken to
21 Kinharvie House?

22 A. I was out there three times.

23 Q. You've already indicated, Andrew, that in your second
24 year then you went into the other dormitory and that
25 Damien was the dorm master.

1 A. Yes.

2 Q. What happened insofar as the dormitory was concerned
3 once you were in that dormitory?

4 A. Unlike the juniors' dormitory, it didn't have small
5 rooms off the main dormitory. In the juniors, it was
6 a dormitory and there was small rooms -- I think, if I'm
7 correct in saying, about half a dozen small rooms that
8 had three beds in each. But in the inters dormitory it
9 was an open dormitory, like a big, large dormitory.

10 Q. Was it when you were in this dormitory then in your
11 second year that you were being taken to different
12 locations?

13 A. Different locations, yes.

14 Q. Not to his room?

15 A. Not to his room.

16 Q. This may seem to be a silly question, but what was your
17 life like during this period of two years?

18 A. It was absolutely an utter hell. I didn't enjoy one day
19 of that place. I lived in absolute fear and that is
20 putting it politely. There are no words to describe how
21 I felt.

22 I never learnt one single thing in that school
23 because I was having epileptic seizures -- and as I told
24 you earlier, I got absolutely no care, which was
25 absolutely fucking disgusting. I learned nothing.

1 My -- I was only surviving in that place. Lessons
2 were the last thing, you know. I was just -- what was
3 going to happen that day, if it was a Wednesday or
4 a Saturday, or what was going to happen at night, when
5 he was coming for us. I learnt absolutely nothing
6 in that school whatsoever.

7 Q. What you tell us in your statement is that you did
8 develop some defence mechanism.

9 A. Yes, that's correct. I was talking to that before
10 I came in here. I think [REDACTED], who's my counsellor,
11 called it dissociation, and as I say, when I was being
12 abused, even although I can't describe -- I'm not going
13 to use the word to describe being ... I just totally and
14 utterly shut down, if that makes sense to you, in the
15 mental aspect, and that is how I survived it. All the
16 time I was there, I just tried to imagine I was
17 somewhere else and not in that fucking hellhole.

18 Q. Did there come a time in your involvement with Damien
19 that you resisted more and more?

20 A. Pardon?

21 Q. Did there come a time, as you got older, that you were
22 able to resist?

23 A. Yes, that's correct. That's where I started running
24 away to the [REDACTED] because I didn't know
25 anybody in Dumfries that I could go to, I didn't have

1 money to get on a bus, to go on a Carruther's bus to
2 Sandy Hills or anything like that. And I said, which is
3 important to say, I was daft on [REDACTED] and my mum and
4 dad used to take me down to Dumfries and leave me there
5 because they knew I was safe with the [REDACTED].

6

7

8

9

10 [REDACTED]. That is how I survived and
11 I didn't go back to that school until 10 minutes before
12 bedtime because if ...

13 And when I did go back when I was running away from
14 the school I got the fucking headlights battered out of
15 me by MFU [REDACTED] because I wasn't there in the dormitory.
16 But I would rather take that than take the sexual abuse.

17 Q. That must have been in your first year that that was
18 happening?

19 A. Yes, and second year as well, Damien would -- as I say,
20 if I wasn't there, I got the fucking headlights battered
21 out of you, excuse my language.

22 Q. So you were physically abused by Damien?

23 A. Yes.

24 Q. You do tell us in your statement that there were times
25 when, if you resisted you'd be given cold showers.

1 A. Yes, I was given cold showers and I was locked in
2 cupboards, I was locked under the school. I was
3 absolutely and utterly petrified. As I said to [REDACTED]
4 I don't like the lift, I don't like confined spaces, I'm
5 shit-scared of the dark.

6 You're going to ask me how long I was in these
7 places. I couldn't tell you; it was an eternity. I was
8 locked -- I was also taken up to that -- in my pyjamas,
9 I don't know if I had my dressing gown -- up into the
10 wooden building where the table tennis was and I was
11 locked in there overnight.

12 Q. Who did that to you?

13 A. That Damien.

14 Q. You were at the school for four years?

15 A. Yes.

16 Q. And you've been telling us in particular, I think, about
17 the first and second years.

18 A. They were the worst years of all.

19 Q. Throughout the time did abuse still continue to some
20 degree?

21 A. It continued until I left that school, but as I think
22 now, and also [REDACTED], my counsellor, said, that I wasn't
23 believing the shite what he told me in the first year
24 that I'd never see my mum again and all this. As I say,
25 I spent as much time at the [REDACTED] as I could.

1 So now when I look at it, he must have moved on to
2 a younger boy who he could manipulate, because as I say
3 I was resisting by that time.

4 Q. [REDACTED]

6 A. Yes.

7 Q. Were you missing classes?

8 A. Yes, I was missing classes.

9 Q. Did anyone ever pick you up on that?

10 A. No, there wasn't any roll-call in the morning or
11 nothing.

12 Q. I asked you earlier about the priest's house and you've
13 indicated on the photograph where that was. Who was the
14 priest at the time?

15 A. MML [REDACTED]

16 Q. Father MML [REDACTED]

17 A. Yes.

18 Q. Did something happen involving Father MML [REDACTED]

19 A. Yes.

20 Q. Can you just tell me about that?

21 A. Several things happened. The first time I was taken to
22 the priest's house it was with Damien and the priest
23 wasn't there and I had to give Damien a blow job in the
24 priest's house again. I was wanking him off -- and
25 giving him blow jobs was usually the thing with Damien,

1 to get his sexual gratification. So I was in there and
2 I had to give Damien a blow job in the priest's house.

3 Q. Was that in your first year?

4 A. That was in the first year. Most of the abuse took
5 place in the first year. Then on the second occasion
6 I had to do the same to the priest and I was sodomised
7 by the priest.

8 Q. Can I just understand that then? You went on a second
9 occasion --

10 A. Yes, and the priest, MML [REDACTED] was there.

11 Q. What about Damien?

12 A. Damien was there. Damien took me to the priest's house.

13 Q. Just can you tell me what happened? You've told me that
14 you had to give oral sex, is that right, to the priest?

15 A. Yes.

16 Q. And did you say you also were sodomised by the priest?

17 A. I was sodomised by MML [REDACTED] MML [REDACTED] was a priest --

18 I don't know what you call -- he was like the [REDACTED]
19 [REDACTED], I don't know what you call that disease,
20 but a [REDACTED].

21 Right from the start of that school, I thought
22 he was a sleazebag, which turned out to be true. And
23 also, as I put in my statement as well, I never went to
24 confession at any time when I was at school, but that
25 was a thing that boys had to do, they had to go to

1 confession. But looking back on it now, I know why
2 I didn't go to confession, because MML was an
3 abuser himself, so I didn't go -- that's why I didn't go
4 to confession.

5 Q. Am I to understand then that you just went to the
6 priest's house on those two occasions?

7 A. These two occasions.

8 Q. Was it only the one occasion that you were sexually
9 abused?

10 A. Sexually abused by Damien first.

11 Q. And then the second time by Father MML

12 A. Yes. As I put in my statement, I resisted, as you know,
13 and I had my head stuck in the water because I was
14 resisting it and that, which was also a thing that
15 MFU did as well if you were late for washroom or
16 carrying on, you got your head stuck in the sink until
17 you absolutely couldn't breathe and you thought you were
18 going to die.

19 Q. I want to ask you about your head being put in the
20 water. Can you give me some information about that?
21 When did that first happen to you?

22 A. That first happened the first time I went there with
23 Damien.

24 Q. To where?

25 A. To the priest's house.

1 Q. Why did he do that?

2 A. Because I was resisting what he was wanting me to do to
3 him.

4 Q. Can you tell me exactly what he did to you with regard
5 to putting you into water? What did he do?

6 A. He took me into -- I don't know whether it was his
7 bathroom in the house, which is the ground floor,
8 because I wouldn't do -- I didn't know what he was
9 wanting, a blow job or if he was going to sodomise me
10 there. I was taken in there and he filled up the sink
11 and he put my head in the fucking water.

12 Q. Did that happen just the once or did that happen again?

13 A. No, that just happened on the one occasion at the
14 priest's house, but as I say, MFU was in the habit
15 of doing that as well, because you only had a certain
16 time to do your -- to get ready in the morning and get
17 washed.

18 Q. What would MFU do?

19 A. He would stick your head in the water as well. He was
20 a brutal bastard. I didn't have any suspicion of him
21 being a predator, a paedophile, but he was a brutal
22 bastard who would check your lockers and if your lockers
23 weren't tidy, he'd tip the lot just to make a complete
24 fool of you. And if you -- we were young boys, 12,
25 13 years at the time, and when the lights went out at

1 9 o'clock, there were always boys fooling about and
2 MFU would come out and if nobody would own up to
3 it, he'd belt the fucking lot of us.

4 Q. I'm going to come in a moment to look at some of the
5 physical things you've been mentioning. But just
6 looking at the sexual abuse then, you've given us a lot
7 of evidence this morning, Andrew, in relation to that.
8 Is there anything else you would like to say? Because
9 I know you've got your own notes and I want to make sure
10 that you get every opportunity to say what you have to
11 say.

12 A. Yes. There is one thing I've got here that you're not
13 aware of. I had a teacher called

14 Q. I don't think that's mentioned in your statement.

15 A. No, it isn't. But I think it's important.

16 Q. Absolutely.

17 A. was my teacher and his When he
18 retired from the school, that was after I left the
19 school, he took over from

21 Anyway, one of the boys from school that was
22 sodomised by another brother, I'll not mention his name,
23 was taken to the pickled with drink and taken
24 back to St Joseph's College and sodomised.

25 was asked -- as I say, he was a

1 teacher -- was asked at a later stage if he knew if any
2 abuse was going on in this school and he totally denied
3 that he knew anything about it, and I find that
4 absolutely impossible to believe because it was his
5 [REDACTED] where this boy had been taken and
6 pickled with drink.

7 Q. Right. You say this boy was sodomised; who did that to
8 the boy?

9 A. I don't know what brother it was. I have a funny
10 feeling it was [REDACTED] AKV who did it. It was
11 a Brother [REDACTED] AKV

12 But again, that boy had been in a similar situation
13 to myself -- I didn't have any suspicion of [REDACTED] AKV he
14 didn't come across as a sleazebag like Damien and one or
15 two others. This boy also had been taken round all the
16 different places in the school as well, just exactly the
17 same as myself.

18 But that boy -- I had two policemen come into my
19 shop in [REDACTED] on a Saturday, which was a really
20 busy day --

21 Q. This is later on of course?

22 A. Yes. Aye, when I left the school.

23 When they did come into my shop, these two policemen
24 asked if I'd been to St Joseph's College and asked me
25 a few other questions, if I wanted to say anything, and

1 I had two women and a girl in a shop full of kids.
2 I knew why they were asking me why I'd been at
3 St Joseph's between such-and-such a time, but I think
4 that is when Damien and -- looking back now, that is
5 when Damien [REDACTED]

6 [REDACTED]. Because it
7 wasn't that terribly long after I'd left the school.
8 I think I'd be 20 or something like that.

9 Q. Okay. Just a couple of points out of that. You have
10 mentioned the boy. I don't want to know the boy's full
11 name, but can you give me the first name of the boy?
12 Can you remember?

13 A. I can't, [REDACTED]. The reason why
14 I know is when I went to the police at [REDACTED] -- it
15 was two nice policemen. I had a good, what do you call
16 it ... a lot of survivors who went to the police didn't
17 have a good experience, but I did. I had two nice
18 policemen in [REDACTED] who said they'd have to pass it
19 on to John Lowrie, who was the family liaison office
20 officer in Dumfries. And when the two police officers
21 -- it was a policewoman and a policeman -- said that it
22 could be a week or so before he got back to me.

23 But PC John Lowrie got back to me the very next day
24 and he said he had got this statement I had made, and
25 I told him about Kinharvie and suchlike. He said that

1 he would look into this for me. You see? So John came
2 back a couple of weeks later, possibly, and said that
3 Damien had previous, but had passed away, but it was
4 public knowledge what happened, that he had got charged,
5 I think, was it for four or five boys, but the bastard
6 pleaded ill-health after he had been charged and never
7 appeared in court.

8 But I believe he lived to a ripe age up in Glasgow,
9 which ... I've tormented and been angry with myself all
10 my life that I didn't have the balls to say something
11 earlier than that. I don't know how I would have felt
12 today knowing that that bastard didn't get justice,
13 which he should have done.

14 LADY SMITH: Andrew, thank you for that.

15 Andrew, I think Mr MacAulay is probably about to
16 move on to a new topic; am I right, Mr MacAulay?

17 MR MacAULAY: I am, my Lady.

18 LADY SMITH: Would it make sense for us to take the morning
19 break just now if that would work for you, Andrew?

20 A. Yes, of course.

21 LADY SMITH: We've had you there for quite a while.

22 We'll take the morning break just now and carry on
23 with your evidence afterwards.

24 Thank you.

25 (11.20 am)

1 (A short break)

2 (11.42 am)

3 LADY SMITH: Andrew, are you ready for us to carry on?

4 A. Yes, thank you, Lady Smith.

5 LADY SMITH: Thank you very much. I'll hand back to
6 Mr MacAulay.

7 Mr MacAulay.

8 MR MacAULAY: I now want to look at the matter of physical
9 punishment with you. You've already covered some
10 aspects of this. You have told me about your head being
11 put into water, for example.

12 You also talk in your statement about heads being
13 banged against walls.

14 A. Yes, against the wall and lifted up.

15 I had hair in these days and you'd get lifted up by
16 your ears and your hair and that.

17 Q. Who did that to you?

18 A. MFU This was MFU As I told you earlier, he
19 was a brutal bastard, so he was.

20 Q. Are these examples of his brutality that you've been
21 giving us?

22 A. Yes, anything at all that he could make a ridicule, not
23 just me but other boys in the dormitory, and, as I say,
24 tipping over the -- we all had the individual lockers
25 beside our beds and he'd tipped these over. All without

1 exception, all these bastards had got as much
2 gratification out of knocking the headlights out of us
3 as I'm quite sure they did out of their sexual
4 gratification.

5 Also, the thing that really, really destroys your
6 life is the psychological abuse or torture that you're
7 subjected to by these people. It absolutely fucks your
8 head up.

9 Q. You've mentioned already the healthcare issue that you
10 were faced with when you were at St Joseph's --

11 A. Yes.

12 Q. -- and that you needed to take medication to control
13 your seizures.

14 A. That's right; I still do to this day.

15 Q. And you still do.

16 You've mentioned that your mother made a point of
17 telling MYZ [REDACTED] --

18 A. It was the very first thing she asked.

19 Q. How then was your epilepsy -- how were your seizures
20 managed?

21 A. I was having a lot of what they call petit mals and
22 I also took grand mal seizures as well.

23 Q. How were they managed by the staff?

24 A. I said to you earlier, I didn't have any care, any
25 compassion, sympathy, absolutely nothing, other than

1 when you had to put your head like this down
2 (indicating) on the desk, because they absolutely
3 utterly sapped your energy and you don't know anything
4 at all before you have these seizures, and you just feel
5 absolutely and utterly rotten.

6 I was petrified of this place anyway, but worse with
7 these seizures. You can ask any of the medical
8 profession that what makes seizures worse is stress,
9 anxiety, lack of food, and a lack of sleep, which all
10 three things I was deprived of.

11 Q. Did you think that when you were at St Joseph's, you
12 were having your seizures more regularly?

13 A. I was having my seizures much worse. I think if my
14 mother -- if I was having the amount of seizures at
15 St Joseph's College at home before I was sent to that
16 school, I don't think she would have sent me there.

17 Q. I now want to move on, if I can, Andrew, to the time you
18 came to leave St Joseph's. I think we've covered,
19 certainly in your statement, what happened to you in
20 St Joseph's.

21 I think what you've told us already is that not long
22 after leaving school at the age of 16 you did tell your
23 mother. What did you say to your mother?

24 A. I told my mother exactly what happened to me in that
25 place, but my mother being absolutely bloody brainwashed

1 and, as I said to you earlier, she thought the Pope
2 walked on water and these bastards were all God's
3 servants sent down to Planet Earth to carry out his good
4 work.

5 Q. So she didn't really --

6 A. No, these people were messiahs, they were -- I wouldn't
7 say as much believed me, just was -- totally would not
8 accept what had happened. And with my dad not being
9 a Catholic, she couldn't talk to my dad about it.

10 I have to point out to you that for -- my mum and
11 dad were married for over 50 years and my dad's shop was
12 in the high street in [REDACTED] and my mum used to walk
13 past my dad's shop up to the Catholic school and my dad
14 used to play out in the street, which I did as well. My
15 mum used to come down from [REDACTED], past my dad, and
16 they became friends from that really early age. It was
17 a lifetime. They got married in their teenage years and
18 they were absolutely devoted to each other.

19 Q. But --

20 A. This is important, if I can tell you, Colin. One of the
21 conditions that my father could marry my mother was --
22 my granny made it clear that my dad that she had to
23 follow her own religion, that wouldn't be a problem.
24 There was absolutely no arguments or anything about
25 religion in our house other than when I used to get

1 absolutely and utterly dragged to the chapel or, if the
2 priest came to the house and I was upstairs playing with
3 my train set, she'd shout me and shout me and I wouldn't
4 want to see the bloody priest and my dad would say,
5 "Leave him, [REDACTED] for God's sake", and that's the only
6 time my dad ever intervened.

7 Q. Then in relation to the reporting of the abuse, you have
8 already told us about the time the police officers came
9 to your father's shop. But you also yourself, much more
10 recently, have been to the police and you've given them
11 a statement.

12 A. Yes.

13 Q. Was that in 2014 or something like that?

14 A. Yes. Around about that time. Because it's -- I think
15 it's a couple of years, wasn't it, [REDACTED]? I didn't --
16 before I gave you the last of my evidence. So it was
17 a number of years before then.

18 I had a very good experience with the police, so
19 I did, unlike a lot of survivors, who did have a bad
20 experience.

21 Q. Yes.

22 Did you yourself make any contact with the Marists?

23 A. I have written to the Marist Brothers for years. I have
24 written to the Diocese of Galloway, I've phoned the
25 Diocese of Galloway for years, and I have never had

1 a response, an acknowledgement or absolutely nothing
2 until John Lowrie. He was the family liaison officer --
3 this is what these two policemen who were nice in
4 [REDACTED] said: I'll have to put your statement to the
5 family liaison officer in Dumfries.

6 So they said it could take a week or so and that.
7 John Lowrie was a really nice guy and he phoned me back
8 the very next day and said he had my statement and he
9 would have to look into it and make enquiries and
10 suchlike.

11 Q. But have you had any communications yourself from the
12 Marist Brothers?

13 A. Yes, this is what I'm trying to tell you. So John had
14 got in touch with this Brother Geary in the Netherlands,
15 which you're aware of, who has been across to the
16 inquiry and told you a lot of bullshit.

17 John Lowrie had got in touch with him [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 I haven't got the letters with me today, but I can
21 give them to you. This Brother Geary from the
22 Netherlands, it wasn't in these words, but he would be
23 prepared to come and see me. You know what, I was
24 really angry, I had no counselling or support or
25 anything up until this point. I was going to meet him,

1 but I had an email correspondence with him and I told
2 him I didn't want him arriving at my door with a robe
3 and collar and all that on; you see?

4 I was just talking to [REDACTED] and [REDACTED] during the
5 break there. My first counsellor, who I didn't meet,
6 I didn't have face-to-face counselling like I had with
7 [REDACTED] and I had had -- the police had given me this
8 correspondence, they got his details and that, and I was
9 going to meet him. Another friend that I was telling
10 [REDACTED] and [REDACTED] about said they'd come and sit with me
11 if he did come and they were both practising Catholics.

12 I can tell you, that took bloody years before
13 I could tell my friends [REDACTED] and [REDACTED] because I didn't
14 know what reaction I was going to get with them being
15 practising Catholics.

16 Anyway, [REDACTED] and [REDACTED] said, yes, they would sit with
17 me, I wouldn't be on my own. Anyway, I got in touch.
18 There's absolutely and utterly no support whatsoever
19 down Dumfries & Galloway for child abuse survivors.

20 So I got, I think it was INCAS I think I contacted
21 first, I looked them up on the Internet, and anyway
22 I eventually got In Care Survivors. I wasn't --
23 I hadn't been believed or that with my mother and there
24 was absolutely nobody you could talk to at all.
25 I couldn't talk to my dad -- this is another important

1 fact I've got to make to you. I can remember telling my
2 dad what happened to me with these bastards. And
3 I also -- being married for over 50 years, I didn't --
4 my mother died 10 years or so before my dad. I didn't
5 want my dad leaving the face of this earth feeling angry
6 and bitter to what happened to me because they were
7 absolutely and utterly joined at the hip.

8 I could never tell my dad because I was ashamed and
9 I for 45 years nearly -- I felt so guilty, ashamed,
10 dirty, and even although nobody in [REDACTED] or
11 anything knew anything about what had happened, because
12 you couldn't talk to anyone, I thought even getting on
13 a bus, people were looking at me as if I was filthy and
14 dirty, but it was just a thing you were left with.

15 Q. That's what I was going to ask you next and that's for
16 you to tell the inquiry what you think the impact of
17 what you experienced --

18 A. You can mention absolutely any aspect of my life
19 whatsoever.

20 Firstly, it would start with the school. Because my
21 education was suffering -- I wasn't bright, but I could
22 do my exams and suchlike at primary school. Then when
23 I went to that place, because Damien started from the
24 very beginning with me, my lessons were the last
25 thing -- I was in survival mode.

1 Q. So your education suffered?

2 A. My education suffered right from the start of that
3 school because all I was interested in was surviving
4 in that place.

5 Q. And do you get nightmares about --

6 A. I have nightmares every other night of the week. I've
7 had doctors and psychiatrists say to try -- you can't,
8 because, especially Kinharvie, comes back every week,
9 and then, I was talking to [REDACTED] you relive
10 it over and over and over again. Then you can't get
11 back to sleep and you feel absolutely and utterly crap
12 the next day.

13 Because I left that school with absolutely no
14 qualifications whatsoever because my education was
15 suffering, they made me resit a second year. They said
16 to my mother that it'd be best for Andrew to resit his
17 second year because my results were poor, but not tell
18 my mother why my results were poor.

19 So I had to resit a second year and with what was
20 happening in that hellhole, I couldn't get out of that
21 place quick enough, and so I left -- with having to
22 repeat a second year, I didn't do any O levels.

23 I was always interested in electronics and I wanted
24 to be an electrician because my uncle was an
25 electrician, the last thing I wanted to do was to go

1 into a fucking [REDACTED] shop. My dad didn't really want me
2 to go into the business either because he was forced
3 into the business, which was a common thing with family
4 businesses. He didn't really want me to go into the
5 [REDACTED] shop. But having absolutely no qualifications
6 whatsoever, I applied to what was the SSEB, which is
7 Scottish Power now -- I didn't have any O levels so
8 I couldn't do that. And every other job I wanted to do
9 they wanted at least O levels.

10 Q. And you've set out in some detail in your statement what
11 the impact has been. I just want to take you to the
12 final -- a sentence that I think summarises your
13 position. This is in paragraph 95 of your statement,
14 where --

15 A. Could you put that on the screen, please?

16 LADY SMITH: Yes, it'll come. Sometimes it takes a minute
17 or two for the system electronically to pull it up.
18 It'll be there in a minute.

19 MR MacAULAY: It's the very last sentence of paragraph 95
20 where you say:

21 "The abuse has completely destroyed my life."

22 Does that summarise your position in that sentence?

23 A. Yes, it does, because I don't enjoy life; I survive.

24 I have tried to take my life on numerous occasions.

25 [REDACTED] and [REDACTED] and all the kind people who

1 went beyond the call of duty to help me -- I don't know
2 what I'd have done. As I said to you, I carry the shame
3 and guilt, like every other survivor, on our backs for
4 these bastards' crimes for all our life. I've got
5 nothing but absolute and utter hatred -- and please take
6 that as a compliment -- for these people because there
7 are no words I can describe them otherwise.

8 Q. Can we then look ahead to your final thoughts to the
9 inquiry --

10 A. Yes.

11 Q. -- because that's the next section of your statement.

12 Looking ahead, what you say first of all, is you
13 don't want religious orders to be in charge of looking
14 after children without checks.

15 A. Yes, there were utterly and absolutely no inspections
16 from these -- in those days it was Dumfries County
17 Council. There was -- nobody ever checked on our
18 welfare, our education, food, the conditions we were
19 living in. Absolutely nothing like that whatsoever.

20 Q. And the second point you make there is that it really
21 should be much easier for children to report abuse.

22 A. Yes, exactly. But you see, I was absolutely and utterly
23 petrified. I couldn't tell anyone because of the
24 consequences. As I say, then, you know, looking back
25 now, even if I had went to the copper, the sergeant in

1 [REDACTED], [REDACTED] -- and my dad was a Freemason
2 and all the police were Freemasons in them days and they
3 used to come into the workshop and into the back shop.
4 Even if I told [REDACTED] way back then, I don't think
5 [REDACTED] would have taken it on board.

6 But they weren't -- these things were never, ever
7 mentioned or told about. Neither did they have the
8 training.

9 Q. But the point you're making here is that children should
10 have a voice and it should be easier to make these --

11 A. Yes, exactly. Now there is. There's In Care Survivors.
12 But they were the first people.

13 [REDACTED] who's a lovely, lovely girl -- when
14 I contacted -- I wasn't expecting her to believe me or
15 to take me on board because, as I say, there is
16 absolutely nothing in Dumfries & Galloway.

17 I even went into an office in Dumfries & Galloway
18 for people with mental health problems and disabled
19 people, and there's still nothing to this day.

20 Q. The final point you make in the final page at
21 paragraph 99 is that your view is that the
22 Catholic Church should be held accountable --

23 A. Yes.

24 Q. -- for what happened.

25 A. Exactly. You see, even this old Pope to this day still

1 takes absolutely no responsibility whatsoever for his
2 orders.

3 The best way of describing the Catholic Church is --
4 it's like McDonald's, the burger chain. All these
5 burger chains of McDonald's, they're all franchises,
6 like Burger King and all the rest of them. The
7 Catholic Church is exactly the same. If you go into
8 McDonald's and you get food poisoning in Dumfries, it's
9 not McDonald's you sue, you have to sue that franchise
10 that gave you the food poisoning, not the
11 Catholic Church.

12 The Pope to this day still tries to discredit us and
13 still tries to make out it was all lies. But you see,
14 even when he was the archbishop in Buenos Aires for
15 about 11 years, he said, oh, there was no child abuse
16 during his time as archbishop, but it's a load of shit.
17 I think he even said at one point he wasn't responsible
18 for any abuse on the other side of the Vatican wall.

19 Q. Okay, thank you for that, Andrew.

20 I have covered all the points I wanted to take out
21 from your statement. I am aware that you have your own
22 notes. Is there anything I have missed out that you
23 consider to be important that you want to tell the
24 inquiry about?

25 A. Yes. You see, when I came out of that school, I was

1 totally and utterly unprepared for the outside world.
2 I had absolutely no confidence or I just felt a failure,
3 and they made you to feel a failure.

4 The other thing, Colin, I want to mention to you is,
5 these bastards also used their religion to put the shame
6 and guilt on to you by saying you had committed the
7 sinful acts, like when I went to that Kinharvie House at
8 New Abbey, taken into the chapel to say Hail Marys and
9 whatever, they used the religion to put the shame and
10 guilt on to us.

11 These were so-called men of God; they were anything
12 but.

13 LADY SMITH: Andrew, you mustn't feel guilty for anything
14 that was done to you when you were a child.

15 A. Yes, Lady Smith, it's okay, you know, for yourself, with
16 all respect, but that is what they did to you --

17 LADY SMITH: Yes.

18 A. -- and you torture yourself for the rest of your life.

19 LADY SMITH: I do understand what you're saying, but please
20 hear from me that I see no reason for any adult now,
21 including and especially you, to feel guilty for
22 anything an adult in a position of trust did to them
23 that harmed them when they were a child.

24 A. Yes, you know, [REDACTED] my first counsellor, said I am
25 looking at it through the eyes of an adult and I should

1 be looking through the eyes of a child, but it's very,
2 very difficult to do that.

3 LADY SMITH: I know.

4 A. Only a year, not even a year ago, through [REDACTED] help
5 and [REDACTED]'s help, I've got to the stage now where
6 I don't feel the shame and guilt I carried for all these
7 years, but you still blame yourself that you didn't
8 shout, you didn't scream, you didn't fight back more, as
9 I say, because you just froze, and these people were so
10 domineering.

11 LADY SMITH: You were a child.

12 A. Yes, yes.

13 LADY SMITH: You were a child. It's not the adult now that
14 was coping with things being bad when you were a child;
15 you were a young child. Please hang on to that.

16 A. Thank you, Lady Smith.

17 MR MacAULAY: Thank you, Andrew, for engaging with the
18 inquiry and coming here today to give us the evidence
19 that you have given us.

20 A. It has been a privilege.

21 MR MacAULAY: Can I say, my Lady, I haven't been given any
22 questions to put to Andrew.

23 LADY SMITH: Could I check whether there are any outstanding
24 applications for questions?

25 MR MacAULAY: Heads are being shaken.

1 LADY SMITH: Andrew, I think we've covered everything we
2 need to ask you. You have given us so much help, both
3 in providing your detailed written statement and
4 engaging, as you have done with the team, and then
5 coming along today to talk to us in your evidence to
6 elaborate on what's in your statement, and to let us
7 hear it from you in person. It is important.

8 A. There's one other thing I've got written down here.

9 LADY SMITH: What's that?

10 A. As I told you earlier, I didn't know any of these
11 brothers out there at Kinharvie House. But there was
12 one name called [REDACTED] I don't know if it's
13 Brother [REDACTED] or if that is his Christian name, but
14 that's the only name I know at Kinharvie House, [REDACTED].
15 I don't know if it was Brother [REDACTED] but that's the
16 only name that I can ...

17 LADY SMITH: Thank you for adding that. That's very
18 helpful.

19 Andrew, I'm able to let you go now. Thank you very
20 much.

21 A. Thank you very much, Lady Smith.

22 (The witness withdrew)

23 LADY SMITH: Mr MacAulay.

24 MR MacAULAY: My Lady, the plan is to have another witness
25 and perhaps we should have a short break just to check

1 on the situation.

2 LADY SMITH: Let's do that.

3 (12.08 pm)

4 (A short break)

5 (12.23 pm)

6 LADY SMITH: Ms MacLeod, I'm told the next witness is ready;
7 is that right?

8 MS MACLEOD: That's right, my Lady. The next witness is
9 an applicant who wishes to remain anonymous and he'll
10 use the name "John" in giving his evidence.

11 "JOHN" (sworn)

12 LADY SMITH: John, please sit down and make yourself
13 comfortable there.

14 You'll see the light is on on that microphone. It's
15 important that we hear you through the sound system
16 if we possibly can, so if you can try and stay in a good
17 position for that, that would be really helpful.

18 Unless you have any questions at this point, I'll
19 hand over to Ms MacLeod and she'll explain to you what
20 happens next; is that all right?

21 A. Yes.

22 Questions from MS MacLEOD

23 MS MACLEOD: Good afternoon, John.

24 A. Good afternoon.

25 Q. You have provided a statement for the inquiry and

1 there's a copy of that in the red file on your desk and
2 you'll see parts of it also coming up on the screen in
3 front of you.

4 I'm going to give the reference of the statement for
5 the transcript: it's WIT.001.002.4120.

6 John, could you begin by looking at the final page
7 of the statement.

8 A. Yes.

9 Q. Have you signed the statement?

10 A. Yes.

11 Q. In the last paragraph, do you say:

12 "I have no objection to my witness statement being
13 published as part of the evidence to the inquiry"?

14 Is that right?

15 A. Yes, with the amendments I mentioned to you.

16 Q. Yes. There are a number of amendments that you wish to
17 make and I'll look at these shortly. Do you go on to
18 say:

19 "I believe the facts stated in the witness statement
20 are true"?

21 A. Yes.

22 Q. Thank you.

23 I don't need your date of birth, John, but can you
24 confirm that you were born in 1959?

25 A. Yes.

1 Q. And are you now 60?

2 A. Yes.

3 Q. You mentioned there that there are a number of
4 corrections that you wish to make to your statement and
5 I'll just go through these with you now. I think there
6 are a few minor points you wish to raise.

7 A. Yes.

8 Q. The first of these is in paragraph 15 of the statement,
9 where I think you point out that where it refers to the
10 first year, the second year and the third year, it
11 should in fact be first, second and third term?

12 A. Yes.

13 Q. The other thing you mention is that in paragraph 95,
14 where you mention a teacher by the name of Mr Halliday,
15 I think the point you wish to make is that you think
16 that was his name but you're not sure.

17 A. Yes.

18 Q. Then finally, in paragraphs 141, 142 and 144, where
19 there are dates of letters given, I think the point you
20 want to make is that these dates aren't necessarily
21 accurate?

22 A. Yes, that's true.

23 Q. In particular, the date you applied for criminal
24 injuries compensation was actually later than the date
25 given in the statement?

1 A. Yes, I think so.

2 Q. Thank you very much for clarifying those points.

3 LADY SMITH: Thank you for confirming those, John.

4 Please don't worry about dates. We all have

5 difficulty with them.

6 Ms MacLeod.

7 MS MACLEOD: You give the inquiry some background to your

8 life before you went to boarding school, John. You tell

9 us that you were born in Dumfries; is that right?

10 A. Yes.

11 Q. And that you have an older sister?

12 A. Yes.

13 Q. You describe your childhood at home as having been happy

14 and normal.

15 A. Yes.

16 Q. I think you tell us that you went to primary school in

17 a nearby town in Dumfriesshire.

18 A. Yes.

19 Q. And that there came a point when you passed the

20 eleven-plus exam and that there was an option for you to

21 go to St Joseph's College by way of a scholarship?

22 A. Yes, that's true.

23 Q. Was your place at St Joseph's College funded by the

24 local authority?

25 A. Yes.

1 Q. I think you tell us that St Joseph's had a good
2 reputation in those days --

3 A. Yes.

4 Q. -- in terms of education?

5 A. Yes.

6 Q. And were your parents -- did they encourage you to go to
7 the school?

8 A. Well, at that time, my parents encouraged me, so did the
9 teachers at the primary school. Basically they were
10 feeder schools for St Joseph's.

11 Q. I see.

12 A. And if you passed -- I think it was if you passed the
13 eleven-plus you had the option of going to St Joseph's
14 as a boarder or a day boy or, if you didn't pass, you
15 could go to St Andrew's Boys' School or go to the state
16 schools in your towns.

17 Q. And were these options given to you by the local
18 authority?

19 A. They were given to my parents.

20 Q. The local authority at the time, was that the County
21 Council of Dumfriesshire?

22 A. Yes, I believe so, yes. It was the predecessor of
23 Dumfries & Galloway Council.

24 Q. You tell us, I think, that you had the option at the
25 time of going to the school as a day boy --

1 A. Yes.

2 Q. -- or as a boarder?

3 A. Well, my parents asked the headteacher of my primary
4 school which she thought was the best option, and my
5 parents were advised to put me in as a boarder because
6 it would cut out the amount of travelling I'd have to
7 do.

8 Q. As well as the educational side of your attendance, was
9 the boarding element also funded by the local authority?

10 A. Yes.

11 Q. I think you tell us that it was in 1971 that you started
12 at St Joseph's.

13 A. Yes. It was 1970, 1971, I believe, yes.

14 Q. Were you about 12 at the time?

15 A. Yes.

16 Q. And how long were you at the school?

17 (Pause)

18 LADY SMITH: Can you remember how old you were when you
19 left?

20 A. I'd done my Highers.

21 LADY SMITH: So you'd be about 16 years old, 16, 17?

22 A. Yes.

23 LADY SMITH: If you'd done your Highers, you'd be 17.

24 MS MACLEOD: Something you mention is that in 1971

25 St Joseph's took in children from schools in

1 Dumfriesshire.

2 A. Yes. Well, Dumfries itself. Schools outside
3 Dumfriesshire acted as feeder schools. If you passed
4 the eleven-plus, if you were a boy, you went to
5 St Joseph's College, if you were a girl you went to the
6 Benedictine Convent. If you didn't pass you had the
7 option of going to St Andrew's Boys' or the state school
8 within your town.

9 But the year I went to St Joseph's College, they
10 must have shut down St Andrew's Boys' School and
11 whatever other schools were for Catholic kids in
12 Dumfries itself and all these kids were put into
13 St Joseph's College.

14 LADY SMITH: Just to be clear, was St Andrew's Boys' School
15 a day school, a Catholic day school in the town?

16 A. Yes.

17 MS MACLEOD: And I think you tell us that that completely
18 changed the composition of St Joseph's College.

19 A. It did because overnight it went from basically
20 a boarding school/day pupil school, geared up for
21 eleven-plus students, to a school that had to
22 accommodate everybody.

23 Q. And if that was in 1971, did that change happen quite
24 early on in your time at the school?

25 A. First year.

1 Q. You tell us, I think, that when you first started at the
2 school, you were accommodated in the main school
3 building.

4 A. Yes.

5 Q. Was that at the top floor?

6 A. Yes, the top floor of the main building.

7 Q. You give us some insight into your first days at the
8 school. I think you tell us that you were assaulted
9 quite early on in your school days by another boy;
10 is that right?

11 A. Yes, I was going up the stairs and there was these
12 prefects at the top standing at the stairs, and as
13 I walked up, they fired a brush down and hit me in the
14 face. They were the prefects and I just got to learn to
15 keep your head down and keep out of the way.

16 LADY SMITH: John, I'm sorry to be a nag: you don't need to
17 be absolutely close up to the microphone, but if you
18 lean back we're at risk of us losing your voice.

19 A. The boy was a prefect. I was walking up the stairs as
20 a junior and he fired the brush down, it hit me in the
21 face, and from that time on I knew just to keep my head
22 down.

23 MS MACLEOD: What happened to you when you were hit in the
24 face?

25 A. Nothing; I just got on with things.

1 Q. Were you injured?

2 A. No, just more stunned.

3 Q. Who was the brother in charge of your dormitory area

4 when you started at the school?

5 A. Brother MFU

6 Q. And how would you describe him?

7 A. A jovial old drunk.

8 Q. When you use the word "drunk", at the time how were you

9 able to form the impression that he was drunk?

10 A. Well, you would smell beer on him all the time and if

11 you entered his room, it would be like a pub, the smell

12 that you'd associate with a pub.

13 Q. So did he have a room in an area of the dormitory?

14 A. Yes, he had a room at the top end of the dormitory, yes.

15 Q. And how did he treat the boys?

16 A. I can only speak for my own experiences. He used to

17 shout a lot, but he did me no harm as such. But

18 I believe he could have got a bit out of hand with some

19 others and he was a bit lackadaisical in the way he did

20 things. It was like he was passing his time to his

21 retirement or whatever. He just went through the

22 motions.

23 Q. How did he manage discipline and punishment in the

24 dormitory area?

25 A. Well, I remember getting six of the belt once or twice,

1 but he wasn't excessive with me. Other kids might have
2 found him different because he could get quite angry at
3 us verbally.

4 LADY SMITH: Looking back, can you work out why it was that
5 you were left alone by MFU but others were
6 targeted?

7 A. My father used to drop me off on a Sunday night and he
8 always made MFU aware that he was there. So
9 I think MFU knew there was a comeback if he went
10 near me, basically.

11 LADY SMITH: What was your father like?

12 A. A normal working guy.

13 LADY SMITH: I just wondered whether there was something
14 about him that would make it clear to MFU that
15 he was looking out for you.

16 A. No. I think his presence would -- he had a way about
17 him.

18 LADY SMITH: Was he a big man?

19 A. No, normal.

20 LADY SMITH: Thank you.

21 A. He was straightforward.

22 MS MACLEOD: I think you mention that, John, in fact in
23 paragraph 60 of your statement, where you say that your
24 father would speak to MFU when he brought you back
25 on a Sunday --

1 A. Yes.

2 Q. -- and would ask him how you were getting on.

3 A. Yes, he would always ask how I was getting on, was

4 I behaving myself, was there any problems.

5 Q. You go on to say:

6 "I think he was making it known that I wasn't

7 alone."

8 A. Yes.

9 Q. So did you move to different parts of the main building

10 in terms of dormitories as you became older?

11 A. In the first term, I was in a room with two other boys.

12 Then I was -- in the second term I believe I was

13 transferred to another room. By the third term I was

14 rebellious, I had got sick of the place, and I was --

15 from that day on I was always in the main dormitories.

16 Q. Is this all part of the junior dormitory section?

17 A. Yes.

18 Q. Was that known as the wee-rec?

19 A. Yes.

20 Q. Did that have a main part, as you have described, and

21 some rooms off the side?

22 A. Yes.

23 Q. Did there come a time when you then moved into the

24 inters?

25 A. Yes. The following year I believe it was.

1 Q. Was that on the same floor as the wee-rec?
2 A. I'm trying to remember. I'm not sure. It was either
3 there or underneath. I'm not sure.
4 Q. I think you tell us that after the inters, the next
5 division was the mids.
6 A. Yes.
7 Q. And you tell us I think that the seniors were perhaps --
8 A. Across at the Mount.
9 Q. One thing you tell us in paragraph 17 is that as well as
10 having those groups in terms of ages, you say there was
11 also a pecking order within those groups.
12 A. Yes.
13 Q. Can you describe that for me?
14 A. Well, it's what we would classify as the rich kids then.
15 They were from either abroad, Glasgow, Edinburgh. Then
16 there was civil servant kids or army kids. And then
17 there were local authority kids. And that was the kind
18 of pecking order that was within the group.
19 Q. Did you form the impression that the boys were somehow
20 in friendship groups or something in relation to those
21 categories?
22 A. The local authority kids seemed to -- well, you knew
23 some of them, so you obviously tended to gel together.
24 Q. I see.
25 A. And as you developed in the first year, you started

1 playing football and you made your own friends, and then
2 you integrated better.

3 Q. You've told us that you yourself went into first year,
4 John. Were there also some primary classes at
5 St Joseph's?

6 A. Yes. I believe there was a Primary Six and
7 a Primary Seven.

8 Q. Do you recall if they were called control 1 and
9 control 2?

10 A. They could have been, yes.

11 Q. Did you get any feel for the number of children who were
12 at the school when you first arrived?

13 A. I believed there were too many. I came from a real old
14 school with small classes and then suddenly you're put
15 in a class, I would have thought, I might be wrong,
16 about 30-odd kids, and going from a school with 11
17 in the class to that was quite daunting.

18 Q. Who was the SNR [REDACTED] when you arrived?

19 A. Brother MYZ [REDACTED]

20 Q. Did that change during your time?

21 A. Yes. Brother MLX [REDACTED] and Brother MMK [REDACTED] were SNR [REDACTED] at
22 various times during my stay there.

23 Q. So there were three SNR [REDACTED]

24 A. As far as I can remember, yes.

25 Q. You mention somebody by the name of [REDACTED].

- 1 A. Yes.
- 2 Q. What was his role in the school?
- 3 A. He was the [REDACTED] initially. Then he took on the
- 4 role of, I think, SNR [REDACTED]
- 5 [REDACTED].
- 6 Q. Did he have some role then in relation to the
- 7 arrangement of discipline?
- 8 A. If teachers or monks felt it was bad enough, they would
- 9 send you to him. Say there was a fight or something
- 10 they felt they couldn't deal with, you were sent to him.
- 11 But usually, they just dealt with it there and then.
- 12 Q. If you were sent to him, what kind of punishment would
- 13 he put in place?
- 14 A. Inevitably it was a belt, but at least he'd explain to
- 15 you why you were getting it. He didn't seem to -- some
- 16 of them seemed to enjoy giving you the belt. He just
- 17 saw it as part of his job. He wasn't neither here nor
- 18 there about it, he just gave it to you, told you what it
- 19 was for, and you kind of took it off him because there
- 20 was an explanation of why you were getting belted.
- 21 Q. Did he belt you on the hands?
- 22 A. Yes.
- 23 Q. How did you find the education and the level of teaching
- 24 on offer at the school?
- 25 A. It varied depending on which teacher you got and what

1 class you were in. As I say, I believe it was in
2 a transition at the time and they didn't really know how
3 to handle the influx of all these kids with different
4 levels of ability because I think, before that date, it
5 was all kids who had passed the eleven-plus, so they
6 were geared up for that. Then suddenly they had to take
7 on kids who weren't commercially (sic) based.

8 Q. You mention a time when it became apparent to you that
9 a boy in your class was getting some additional tuition.

10 A. Yes -- well, we thought he might be.

11 Q. Can you tell me about the background to that?

12 A. Well, basically, his mother was bragging that this monk
13 was going to visit them on Sundays, and he was at the
14 same level as myself when we left the school, but was
15 in the first year, there was a drastic difference in
16 marks and grades.

17 Q. So was this a boy who'd been in your primary school?

18 A. Yes.

19 Q. And you felt you were a similar level there and then --

20 A. Well, we were. We had both passed the eleven-plus,
21 we were of a similar educational standard, and then
22 within the first year, a big gap appeared.

23 Q. Who was the brother who you understood to be
24 providing --

25 A. MLX

- 1 Q. What did you do when --
- 2 A. I did nothing, but I believe my parents made a comment
- 3 about it to the then headmaster and thereafter
- 4 Brother MLX used to ... How would you put it? Use any
- 5 excuse to give me the belt or be awkward.
- 6 Q. When you say he would use any excuse to give you the
- 7 belt, can you give me an example of that?
- 8 A. Minor infringements. Say you were talking to somebody
- 9 at the back of the class or whatever and he had a habit
- 10 of throwing his duster, I remember that.
- 11 Q. Did he throw a duster at you?
- 12 A. Oh aye, yes.
- 13 Q. And when Brother MLX administered corporal punishment
- 14 in class, can you tell me how that was done, what
- 15 exactly happened?
- 16 A. You would be just brought out to the front of the class
- 17 and given six of the belt.
- 18 Q. On the hand?
- 19 A. Yes.
- 20 Q. Something you mention is that you don't remember any
- 21 external visitors at the school.
- 22 A. Not as you would say from the council or ...
- 23 Q. And you say that as far as you were concerned, nobody
- 24 ever came to check?
- 25 A. No. Or if they did, we didn't know about it as pupils.

1 Q. In paragraph 67 of your statement, you tell us about the
2 matron who was at the school at the time. What was the
3 matron like?

4 A. An older person who didn't seem to know what she was
5 doing. She was there just to dispense aspirin, as far
6 as I could see, and periodically call in a doctor if she
7 thought you were worse.

8 Q. Was there a particular occasion when you became quite
9 ill and had to become involved with the matron?

10 A. Yes. I was attending her for a number of weeks. I know
11 now it would be grumbling appendix, but she was putting
12 it down to me having a sore stomach or a cold or
13 whatever and she never referred me to a doctor.

14 There was a teacher, I was on the stairs and I think
15 he thought I was being awkward by not moving when he
16 wanted to walk up the stairs. He said, what's wrong
17 with you, and I'll be honest, I think I was quite -- how
18 would you put it? -- cheeky in my answer, for want of
19 a better word. He felt my side and said, "You need to
20 go to the doctor". I can't remember how it was
21 organised, but to the best of my knowledge I was taken
22 down to Charlotte Street, the doctor checked me out, and
23 I was told to walk up to the hospital.

24 When I got to the hospital I got told they were
25 going to take my appendix out. They couldn't get hold

1 of my parents so Brother MMK signed the consent, which
2 I found out later he shouldn't have done because it
3 wasn't part of his remit.

4 Q. And I think what you tell us is that you'd been seeing
5 the nurse about the pain, so it should never have got to
6 the stage that your appendix was about to burst?

7 A. It shouldn't. If it was that bad by the time I walked
8 from Charlotte Street to the hospital the doctors had
9 decided it had to come out there and then, surely she
10 should have referred me to a doctor or queried what was
11 going on. Because it was going on for a long time, the
12 sore stomach, sore side.

13 Q. We've touched already on a few examples that you've told
14 us about relating to corporal punishment. From
15 paragraph 77 onwards, you give us some more insight into
16 your recollections of discipline and punishment.
17 I think you describe the boarding part of the college as
18 like a mini society.

19 A. Yes.

20 Q. Could you develop that for me? What do you mean by
21 that?

22 A. Well, within the boarding part of the college, when you
23 first arrived, you couldn't go home for a period --
24 I think it was three weeks. In that time you became
25 aware that what was done in the college stayed in the

1 college.

2 Q. How did you become aware of that?

3 A. Your mail was going to be censored.

4 Q. When you say mail, is that letters that you were

5 writing?

6 A. Yes, any letters home, they had to go through them

7 first. You were told really that -- it was put on you

8 that if you were complaining about the college outside

9 the college, you were letting the side down and it would

10 affect the Catholic ethos of the place.

11 Q. Do you remember if that was said to you specifically?

12 A. I think it was said, you know, keep your complaints

13 indoors, internally. But if we did complain, it was

14 ignored, so what was the point?

15 Q. You say that within what you describe as being like

16 a mini society, there were rules and regulations that

17 you had to stick to.

18 A. Yes.

19 Q. And that if you didn't, you were punished physically.

20 A. Yes.

21 Q. Are you referring there to the classroom set-up or more

22 generally to the school?

23 A. Generally to the school. I mean, you weren't just given

24 the strap in class. The monks that were looking after

25 you, if they felt you were out of order, they could give

1 you the strap as well.

2 Q. Other than being given the strap, was there any other
3 form of physical punishment that you recall?

4 A. Personally, it was more to do with being strapped on
5 a regular basis. If you mean -- would that be about
6 standing in the washrooms?

7 Q. We'll come to look at that.

8 A. I wasn't sure if you were meaning that. No, with me it
9 was just getting belted on a regular basis.

10 Q. We've discussed Brother MFU [REDACTED] already. Another
11 brother you mention is Brother MFI [REDACTED]

12 A. Yes.

13 Q. What was his role at the school?

14 A. A [REDACTED] teacher.

15 Q. Was he your [REDACTED] teacher?

16 A. For a period, yes.

17 Q. What was he like?

18 A. [REDACTED] He'd
19 remind you of [REDACTED] [REDACTED] and he
20 smelled of drink. He was quite handy with a belt.

21 Q. When you say he was handy with the belt, was that in the
22 classroom setting?

23 A. Yes, with me anyway, yes.

24 Q. And if he were to belt you, would it be on the hands?

25 A. Yes. He wouldn't intentionally aim for your wrists, he

1 would aim for -- some of them did aim for higher.

2 Q. Do you have any brothers in particular in mind when you
3 say that some of them would intentionally aim higher?

4 A. AKV MPL There was a couple of lay teachers
5 too.

6 Q. Brother AKV is the next brother I hoped to ask you
7 about; what was his role at the school?

8 A. He was a teacher and in fourth year he was our
9 housemaster.

10 Q. In relation to him in your statement at paragraph 82,
11 you say:

12 "He gave me a dog's life."

13 A. Yes. How would you put this? I'm trying to think of
14 the best way to put it. He ran about like a big jessie
15 and if you weren't inclined to be like that, you got
16 a dog's life off him, and that was it.

17 Q. When you say you got a dog's life, what was that?

18 A. Well, anything -- say there was anything nice going on,
19 you would be excluded. You know, he just made it
20 known -- it's hard to describe.

21 Every opportunity, he'd make it awkward for you.

22 It's hard to describe. If you didn't go his way --
23 he was like a big girl. That was it.

24 Q. I think you give the example in your statement of him
25 not letting you play football.

1 A. Yes. Things like that. I was keen on football and he
2 would ... Well, it was really -- it all came about with
3 an incident with him.

4 There was a dance with another school -- I think it
5 was St Andrew's Girls' School or the convent. There was
6 a dance anyway and I was 16, and me and this girl
7 wandered off, going back to the dormitory. And he
8 caught us before anything happened, obviously. I think
9 what had happened was I had asked one of the lads to
10 move out of his room and I was going to move the girl in
11 for the night. But to cut a long story short, he walked
12 in and he grabbed her handbag and he took it to his
13 room. So, I put my foot in the door and stopped him,
14 gave the girl her bag, and said, "Away you go home", and
15 he turned around and said, "I'll get you expelled in the
16 morning", to which I said, "No, you won't or you'd be
17 packing your own bags", because I had heard he was
18 taking himself and a few prefects and a couple of others
19 down to at least one drinking club and going out to pubs
20 with his selected few.

21 Q. I see. Did you make it known to him that you knew that?

22 A. Yes. Then after that, suddenly, I wouldn't get picked
23 for any first team football, first team rugby, first
24 team anything.

25 Q. You described his behaviour as "big girl behaviour" and

1 I just wondered if you could tell me what you mean by
2 that.

3 A. He was always playing ABBA records, jumping about as if
4 his robes were a frock, and all that kind of -- it's
5 hard to explain.

6 Q. I think you've already mentioned that in terms of
7 physical punishment that he would use the belt.

8 A. Oh yes.

9 Q. Was that in the dormitory area as well?

10 A. Yes -- well, it was mostly in the dormitory I'd get it
11 off him, yes. Dormitory and I think a couple of times
12 in the [REDACTED] class.

13 But as I say, at that point, it was like it didn't
14 affect me anymore. I'd become immune to it, if that's
15 the way you want to put it.

16 Q. At paragraph 96, John, one thing you say is:

17 "[You] think generally that the brothers singled out
18 the boys who didn't go home at weekends."

19 A. Yes.

20 Q. Can you tell me what you mean by that?

21 A. Well, they'd be more friendly with them, try and ...
22 what would be the best way of ... like a spider drawing
23 in a web. They would be ... what's the term? I would
24 think you would class it as grooming now. They were
25 encouraging them. I mean, why was a monk taking

1 16-year-old boys to a pub?

2 LADY SMITH: Where was the pub?

3 A. Well, I would have to ...

4 LADY SMITH: Where was it they were going drinking?

5 A. In a club.

6 LADY SMITH: Close by?

7 A. In a town --

8 LADY SMITH: Can you take your hands off the microphone.

9 Sorry. If there's something you don't want to identify,

10 that's fine, just tell me what sort of place it was they

11 were going.

12 A. A social club.

13 LADY SMITH: And it wasn't far from the school?

14 A. About -- more than 10 miles.

15 LADY SMITH: Right. So did he have to drive to take them

16 there? Okay.

17 Ms MacLeod.

18 MS MACLEOD: Do I understand from what you're saying there,

19 John, that -- you yourself, of course, did go home

20 at the weekends.

21 A. Yes.

22 Q. Are you saying that some of the brothers spent more time

23 with boys who didn't go home at the weekend?

24 A. Yes, and they'd be included in clubs, et cetera. As

25 I say, they had the Order of the Sacred Heart and the

1 Knights of St Columba. They'd have chess groups and
2 various other activities. I've got a funny feeling
3 AKV was something to do with chess, but it's that
4 long ago ...

5 Q. Looking at the dormitory setting when Brother AKV was
6 the dorm master, did you notice any difference in his
7 behaviour towards those boys who didn't go home at the
8 weekends?

9 A. Yes. Well, it was only -- you went home on Saturday
10 night and came back on Sunday, but the ones that stayed
11 there and hung about with AKV at that time it was --
12 ABBA was the ... that's all you could hear coming out of
13 his room, ABBA, and he used to have his wee group that
14 would go into his room, and they were like the selected
15 few, a number of prefects and a couple of the
16 hangers-on, and these were the ones that were meant to
17 go partying with him.

18 LADY SMITH: This is the mid-1970s, when ABBA were in their
19 heyday, I suppose.

20 A. It wasn't a band I liked, but ...

21 MS MACLEOD: What time of day would a group of boys be in
22 Brother AKV room?

23 A. About 7 o'clock onwards, after we'd finished the evening
24 study period.

25 Q. And would that be a regular thing?

1 A. Oh yes. That group would be hanging about his room, not
2 every night, but every second night.

3 Q. Are you able to give me a sense, even approximately, of
4 how many boys were in that group?

5 A. Five or six.

6 Q. Where was his room, John, in relation to the dormitory?

7 A. There were rooms on top -- you went down the stairs --
8 I'm trying to think ... Aye, I went down a set of
9 stairs and it was on the landing.

10 Q. So is this your fourth year?

11 A. Yes, it was over in the Mount.

12 Q. Was his room over there as well?

13 A. Yes.

14 Q. So was this his -- were you ever in his room? Did you
15 see his room?

16 A. No. I was at the door getting belted a few times, but
17 that'd be it.

18 Q. What you say, John, is that there were some teachers who
19 belted you and were physical in that way, but you say:
20 "... and then there were the weird ones who were
21 weird in a sexual way."

22 A. Yes.

23 Q. And in that regard, I think you say that those were
24 Brother Damien, Brother AKV and Brother MPL

25 A. Yes. Well, Brother MPL ... What grown man wants to

1 wrestle a group of boys on a regular basis on a big mat
2 so he can get his hands on them? That's what I meant.

3 MS MACLEOD: And we'll come to look at that.

4 My Lady, I am now moving on to a slightly different
5 part of the statement.

6 LADY SMITH: Let's stop now for the lunch break and we'll
7 start again at 2 o'clock, if that's all right with you,
8 John.

9 (1.00 pm)

10 (The lunch adjournment)

11

12

1 (2.00 pm)

2 LADY SMITH: Good afternoon. If you're ready to carry on,
3 John, we'll resume your evidence; is that all right?

4 A. Yes, fine.

5 LADY SMITH: Ms MacLeod.

6 MS MACLEOD: Before the lunch break, we had just started to
7 look at Brother Damien, Brother AKV and
8 Brother MPL

9 The first of these I would like to ask you about is
10 Brother Damien. You tell us a bit about him at
11 paragraph 101 onwards of your statement. Can you just
12 tell me what was his role in the school?

13 A. He was a French teacher. He taught me in first year.

14 Q. Did you notice something that you considered to be
15 inappropriate?

16 A. Yes. Well, rumours went about the class that he was
17 playing with himself in the class, and he used to walk
18 up and down the aisles, so some of the boys got rulers
19 and we'd open his pockets of his cassock.

20 On one occasion the guy next to me opened it up. We
21 didn't believe it, but when I looked in, there it was,
22 everything was hanging out. He had his cords round his
23 penis and he was walking up and down the aisles of
24 the ...

25 Q. Did you see the cords round his penis?

1 A. Yes. It was a kind of mechanism thing, I don't know
2 what it was. Those.

3 What is was -- he opened it with a ruler --

4 Q. His cassock?

5 A. Yes, the pocket of his cassock, he opened it with
6 a ruler, and his penis was outside his trousers and it
7 was kind of wrapped with the cord kind of thing. I
8 didn't look that -- I wasn't that willing to look --
9 I just looked away.

10 So it would be the next day or the day after, he
11 came up our aisle again and the guy that was sitting
12 beside him got a ruler or something and hit him, so he
13 never came back up our aisle again.

14 Q. I think in your statement you describe that he had some
15 sort of mechanism under his robe to play with himself.

16 A. Yes. That's what I said, the cords or something went
17 into it and were wrapped around it.

18 Q. You said he didn't come up your aisle again. Do you
19 know if he was playing with himself in the class again?

20 A. Well, when he was walking up and down the aisle, he had
21 his hands in his cassock and obviously ... it appeared
22 he was doing something under his cassock.

23 Q. How regularly did this --

24 A. Every day when he taught French.

25 Q. Do you remember if that was something that was discussed

1 or spoken of between the boys?

2 A. Oh yes. In French class and that group, yes. Because
3 that's how I got to find out about it and that's why we
4 lifted the pocket of his cassock with a ruler to see if
5 it was true or not because we didn't believe it.

6 We were only 12 years old. When I left the feeder
7 school, I hadn't even had the sex talk, I didn't know
8 anything about it, and I thought, well, that's wrong,
9 I didn't understand it, but I thought there's something
10 wrong here.

11 LADY SMITH: Was his penis erect when you saw it?

12 A. It must have been because I saw the cords.

13 LADY SMITH: Thank you.

14 MS MACLEOD: Did any of the boys report what they saw
15 in relation to Brother Damien?

16 A. I don't know who reported him, but I believe there was
17 an inquiry about 1973. I believe there's a letter --
18 I didn't know the exact date but I knew there was an
19 inquiry and I was away at the time. When I came back,
20 somebody told me about it and then I was called to the
21 office.

22 LADY SMITH: Was this the SNR [REDACTED] office?

23 A. Yes.

24 LADY SMITH: Was this in Brother MMK [REDACTED] time?

25 A. That's it, Brother MMK [REDACTED]

1 I went to his office, he asked me about it, and
2 I said, aye, it was right enough, he was walking up and
3 down -- and basically got a lecture saying that nobody
4 would believe me, I was insignificant in the scheme of
5 things, and I should shut up, basically.

6 MS MACLEOD: So I just want to break that down with you
7 a little bit. Do I understand from what you're saying
8 that you were away from the school for a few days, was
9 it?

10 A. No, it must have been ... I don't know how it came
11 about, but I wasn't there when he had interviewed these
12 other boys. Maybe it was a Saturday night or a Sunday
13 or whatever.

14 Q. And when you got back to the school, how did you find
15 out that something had happened?

16 A. The boys were talking about it and then -- I don't know
17 if I went and seen him or he come and seen me and asked
18 me about it.

19 Q. Who?

20 A. Brother MMK the SNR

21 I told him what I knew and then he gave me
22 a lecture, telling me basically it didn't matter what
23 I said, I was insignificant, blah de blah, and he had
24 had an inquiry and that was it, so everything carried on
25 as normal.

1 LADY SMITH: What did you tell Brother MMK

2 A. Basically that Brother Damien was walking up and down

3 the aisles --

4 LADY SMITH: Just what you have told me?

5 A. Yes, basically.

6 LADY SMITH: And he said it didn't matter what you said

7 because you were insignificant?

8 A. Yes, I always remember the word "insignificant".

9 MS MACLEOD: I think you tell us that nothing happened and

10 Brother Damien carried on teaching.

11 A. As far as I know, yes.

12 Q. Did he carry on the practice of --

13 A. I don't know because we changed -- by that time I was in

14 a different class because I started off in one class

15 and, as I explained, I went to a -- because ... at the

16 end of the first year I had rejected it all.

17 Q. Do I take it from that then by the time you were asked

18 about this by Brother MMK you were no longer in

19 Brother Damien's class?

20 A. I don't think so. I might have got him the odd time but

21 it was ...

22 Q. Do you know if a number of boys were spoken to by

23 Brother MMK

24 A. Yes, that's what I'm saying. When he had this inquiry,

25 there was meant to be a few of them taken in and asked.

1 I wasn't party to what was said then. I can't remember
2 if he approached me or I said, well, you've had this
3 inquiry and then the conversation took place and he
4 said, basically, it doesn't matter what you say, I have
5 had my inquiry and I am satisfied with the answers.

6 (Pause)

7 Q. Brother **MPL** is another brother that you mention;
8 what was his role?

9 A. Can I go back to that point a second?

10 Q. Yes, of course.

11 A. Years later, what triggered it was -- I don't know if
12 you watched the movie The Magdalene Sisters. I was that
13 angry because that was what was happening to us. I went
14 up and I challenged Brother **MMK** about this, and what
15 he said was -- I always remember it to this day -- he
16 turned round and said that -- I think I called
17 Brother Damien a paedophile and what he said was, no,
18 he wasn't because you were a post-pubescent, or whatever
19 it is.

20 LADY SMITH: Because you were post-pubescent, Brother Damien
21 wasn't a paedophile; is that what you're telling me?

22 A. That's what he said.

23 LADY SMITH: Was this at the same time as the conversation
24 in which --

25 A. No, this was years later, I was an adult, I went up --

1 they had the wee house [REDACTED] and they
2 were kind of retired and I went up and we were getting
3 the police investigation. I was that angry after seeing
4 that film because it must have reminded -- it must have
5 triggered what was happening.

6 MS MACLEOD: Do you recall, John, approximately when this
7 was?

8 A. It'd be when The Magdalene Sisters film was on the telly
9 the mid-1990s?

10 Q. When you spoke to Brother [REDACTED] at that time, did you
11 refer to the fact that you'd told him when you were at
12 the school what was happening?

13 A. Yes, I was quite angry at that stage. I wasn't a kid
14 anymore. He came out with that statement and I'm not
15 sure what I said. He said, "You'd better leave now or
16 I'll call the police". I think I was a wee bit ...
17 expressive at that point.

18 LADY SMITH: I think I've got the picture, John.

19 How old do you think Brother [REDACTED] was at that
20 stage? You say he was in the retiral home.

21 A. Yes. It was a house [REDACTED] Would he
22 be ... late sixties --

23 LADY SMITH: Right.

24 A. -- 70 maybe.

25 LADY SMITH: It doesn't need to be accurate, just to get

1 a feel. Thank you.

2 A. He was quite an imposing figure. He was over six foot
3 -- he was a lot taller than me. But it was just his
4 explanation at the time that really angered me.

5 MS MACLEOD: Brother MPL is another brother that you tell
6 us about in your statement, John; what was his role
7 in relation to you?

8 A. He was a housemaster. He had the nickname MPL

9 Q. Was he the housemaster in your second and third year?

10 A. I think second or third year, I can't remember.

11 Q. You tell us about a particular practice that he had
12 in the dormitory; what was that?

13 A. What he would do was chuck a big mat kind of thing down
14 on the floor and then he would invite us to wrestle him,
15 type thing. And then when we were wrestling with him --
16 I don't know if it was a power game for him or whatever.
17 On one occasion, I don't know if he meant it
18 deliberately or whatever, but I felt he kind of touched
19 outside my clothes inappropriately, so I turned round
20 and kicked him somewhere round the face or head and
21 he never asked me to go and wrestle on the mat again.

22 Q. So when he and boys would be wrestling on the mat,
23 can you describe for me what that entailed? What would
24 the boys be wearing?

25 A. Just pyjamas.

1 Q. And what would he be wearing?

2 A. I'm trying to think, like a T-shirt and jogging kind of

3 things.

4 Q. Would the wrestling involve --

5 A. Lying about on the mat, five or six people, all

6 wrestling.

7 Q. In relation to the incident you've described, I think

8 you say that you remember the incident but you think

9 you've tried to block it out.

10 A. Yes. I was only, I think, 14 or 15. I just remember

11 it, getting up, kicking him, and marching off. But

12 I never got asked to play on the mat again.

13 Q. Did he say anything to you as a response to --

14 A. Not a word.

15 Q. Did Brother MPL on occasion have boys going to his

16 room?

17 A. Yes. During the -- well, after lights out there would

18 be like horseplay, kids throwing things between beds and

19 all that. And if he caught you, you'd be ... well, he

20 took them to the room and that. I was belted a few

21 times but I never actually -- in his room, you know, it

22 was at the door kind of thing. But once or twice he

23 took lads to the room.

24 Q. Where was his room?

25 A. It was off the dormitory.

1 Q. In the main building?

2 A. Aye.

3 Q. I think what you tell us in your statement is that when

4 he took a boy to his room he would shut the door.

5 A. Yes. I thought that was a bit ...

6 Q. How long do you think the boy would be in his room for?

7 A. That's what I could never understand because if you get

8 belted it only takes six swipes, whatever it is, and

9 that's it. You don't have to be standing there for 10,

10 15 minutes in a room.

11 Q. What were your thoughts about this at the time?

12 A. Well, nothing at the time, I was that age. But

13 I just -- later on I kind of thought what was going on.

14 Maybe nothing, maybe something. I don't know.

15 Q. I see. You mention that Brother ^{AKV} sustained an

16 injury that you recall. What was the injury?

17 A. A broken arm, broken wrist, one of the two. He had

18 a sling on.

19 Q. What was your understanding as to how that had come

20 about?

21 A. Well, a boy, I won't say his name, told me that ^{AKV}

22 tried to tackle him -- I took it that meant interfere

23 with him -- and that he had done it.

24 Q. Is that something the boy told you at the time?

25 A. Yes -- in fact, no, it was years later. I still see

1 him.

2 Q. Are you able to give us a first name?

3 A. No, because it'd identify him.

4 Q. I see. When you say "interfere with him", do you mean

5 in a sexual way?

6 A. Yes. I took it that's what he meant, yes.

7 Q. You tell us about somebody called Mr MZZ

8 A. Yes.

9 Q. Who was he?

10 A. He was either an uncle or a pretend uncle, whatever, of

11 a boy called

12 Q. And was that a boy who was --

13 A. A boarder.

14 Q. Was he in --

15 A. In first year.

16 Q. Was he in your year?

17 A. Yes.

18 Q. When would you see this Mr MZZ

19 A. On a Sunday night, he used to bring that boy back to the

20 college, and then he would hang about the room.

21 Q. Was that quite normal for a family member to do that?

22 A. No. Parents dropped their kid off and maybe spent five

23 minutes, are you all right, get your the gear, and then,

24 like my father, see you next week, that type of thing.

25 But he used to hang about in the room.

1 Q. The boy that he was bringing back, did he share a room
2 with another boy?

3 A. Yes.

4 Q. So were they in one of the smaller rooms off the main
5 dormitory?

6 A. Yes.

7 Q. And was there something that Mr MZZ started to
8 bring in to the school?

9 A. Yes. The reports went round that they had adult
10 literature.

11 Q. Did you go into this room in the dormitory on any
12 occasion when Mr MZZ was there?

13 A. Yes, I went on a couple of times, basically you're that
14 age, they were girlie magazines, and curiosity -- you
15 wanted to see what they were. So I went in the first
16 time, had a look, I wasn't that interested, come away
17 again. I went in the second time out of curiosity. The
18 second time I went in he was standing and the two lads
19 were in their beds and I remember him saying, "See what
20 size you are now", or words to that effect, and he was
21 asking them to measure themselves because they were
22 playing with themselves, looking at the magazines.
23 I just got out and didn't go back. And that was that.

24 Q. Did you understand him to be asking them to measure
25 their penises?

1 A. Aye, to see who was bigger. I think that was the words
2 he used, words to that effect.

3 Q. You mention at paragraph 118 of your statement, John,
4 that you remember a boy who, I think the way the
5 describe it is a lad who went really into himself and
6 changed completely.

7 A. Yes.

8 Q. Was that a boy who was in your class?

9 A. No, but he was in the same year and dormitories.

10 Q. He was in your same year group?

11 A. Yes.

12 Q. Do you recall which year you were in when you noticed
13 the change in him?

14 A. I think it was fourth. We'd be about 16.

15 Q. And are you able to describe for me what this boy was
16 like before you saw a change?

17 A. Well, he was always a quiet kid and he was ...

18 (Pause)

19 Studious, quiet. But a likeable guy.

20 Q. What was the change that you noticed in him?

21 A. Well, he went right into himself and he wouldn't ... He
22 just completely changed. He didn't want to know
23 anybody, kept himself to himself. He was never loud,
24 but he was never a recluse. That's the best word. He
25 went like a recluse. He didn't want to know nobody,

1 anything like that. You could see he was upset about
2 something, but he wouldn't tell you.

3 Q. I think indeed you say that he went into himself
4 overnight. So it was a very sudden change?

5 A. Yes.

6 Q. Do you remember if you asked him if anything had
7 happened?

8 A. I think I could have, but he never told me. It was
9 years later that I -- sorry about before, I shouldn't
10 have mentioned that name because I notice they're all
11 blanked out.

12 LADY SMITH: Don't worry. We'll just carry on. I don't
13 think we need the name.

14 A. No, I won't. [REDACTED]
15 he had been assaulted and that's probably -- that's why
16 obviously he left suddenly.

17 MS MACLEOD: Are you able to give a first name? There's no
18 problem if not.

19 A. [REDACTED]

20 Q. Was there anyone in the school that you could have
21 confided in with any concerns you had?

22 A. No.

23 Q. You tell us in paragraph 110 that -- I think you said:
24 "[You were] brought up to think that the Pope and
25 priests as being next to God and the monks weren't far

1 behind them."

2 A. Yes.

3 Q. In light of that, what did you make at the time of what

4 you were experiencing in school with the brothers?

5 A. Confused. Frightened. Just didn't understand it.

6 Q. Did you ever speak to your parents about what was

7 happening?

8 A. No, I'd be too ashamed.

9 Q. I think there came a time, John, when you left the

10 school.

11 A. Yes.

12 Q. Were you around 16?

13 A. No.

14 Q. 17?

15 A. I was 17 and a bit, whenever the Highers finished.

16 Q. So you finished your Highers and then you left?

17 A. Yes.

18 Q. Did you then get a job after you left school?

19 A. Yes.

20 Q. You provide some information in relation to your work

21 and personal life, and we can look at that for

22 ourselves, but you tell us that you are married with

23 children.

24 A. Yes.

25 Q. Looking at the impact, John, that you think your

1 experiences at the school had on your life, you do set
2 this out for us in your statement, but I just wonder if
3 you're able to summarise for me what you feel now the
4 impact has been on yourself.

5 A. Well, obviously, it's only hypothetical, because you
6 don't know exactly what would have happened if you went
7 to another school. But let's put it this way, I left
8 St Joseph's College with very few qualifications. When
9 I did go back to college, I got a postgraduate
10 qualification, so I wasn't stupid, but basically
11 I wasn't nurtured the proper way I should have been when
12 I was at the college.

13 When we were there I think it purely came down to
14 indoctrination and brutalisation, seeing things we
15 shouldn't see, deviant things, and then we were
16 abandoned.

17 Some of us drank too much, some took drugs, some
18 didn't fit into society. I don't think really I fit
19 into society yet. We'll have to live with that the rest
20 of our lives.

21 In fact, I saw a document, a leaflet, when I was out
22 there waiting:

23 "Good self-care. Reactions to look out for are ..."

24 That's basically my life (indicating).

25 LADY SMITH: That's the inquiry's document about self-care

1 in relation to being exposed to trauma?

2 A. Mm.

3 MS MACLEOD: One of the things you say in your statement
4 is that you've always had a problem mixing with people.

5 A. Yes, I don't fully trust anybody.

6 Q. You go on to talk about a time when I think the police
7 traced you in relation to an investigation.

8 A. Yes.

9 Q. Can you recall when that was?

10 A. It was in the 1990s. It followed -- I won't say his ...
11 What had happened was, somebody was charged with --
12 what's the word? -- inappropriate sexual activity in
13 front of minors, children. When it came to court, he
14 blamed the activities of Brother Damien, so they traced
15 everybody that was in his class and I was one of them,
16 and we were asked what went on. I've told you what went
17 on.

18 He said they learnt it off this Brother Damien and
19 that in the back of his head he thought that it was okay
20 to do.

21 Q. Did you give a statement to the police at that time
22 in relation to what you'd seen in the class?

23 A. Yes, just what I'd told you.

24 Q. And indeed, I think at that time you tell us that your
25 lawyer got a letter, which put a date, I think you tell

1 us, on the internal investigation that took place --

2 A. Yes.

3 Q. -- at St Joseph's. Is that the investigation you have
4 told us about involving Brother MMK interviewing
5 yourself?

6 A. Yes.

7 Q. And you tell us that that was in 1973.

8 A. Yes, that basically fits in. I'll try and find the
9 letter and send it up to you. I thought I had.

10 LADY SMITH: Because that would be a couple of years after
11 you'd started at the school.

12 A. Yes.

13 LADY SMITH: You'd be about 14 or 15 years old at that time?

14 A. Yes.

15 MS MACLEOD: You go on to say in paragraph 143 that:

16 "Brother Damien admitted that he had been playing
17 with his penis in class."

18 And I think you say:

19 "His excuse was that he had picked up some kind of
20 disease in Africa."

21 A. Yes. It was either the procurator fiscal's
22 representative told me that or it was in some written
23 documentation because we had to give evidence. This was
24 the excuse that -- I believe it was an excuse at the
25 time.

1 Q. Were you cited as a witness to attend the court case?

2 A. Yes.

3 Q. But I think you tell us that the action was ultimately
4 dismissed.

5 A. Yes, due to his poor health.

6 Q. You tell us also that around that same time you raised
7 a civil action.

8 A. Well, I tried to, but due to time bar, et cetera --

9 I was going to take an action against him, the Marists,
10 and anybody else at the time I felt responsible, because
11 I was really angry that I was being ignored that long,
12 and basically was told I wouldn't get Legal Aid.

13 I wasn't in a position to take it any further, so I just
14 abandoned it all.

15 Q. I think you tell us, John, that you wrote to a number of
16 people and organisations around that time as well.

17 A. Yes.

18 Q. And you have provided copies of some of those for the
19 inquiry, so I'm going to look at a couple of those with
20 you, if that's all right. They'll come on the screen.

21 A. Yes.

22 Q. The first of those is at WIT.003.002.3739. Do you
23 recognise this document?

24 A. Yes, it's my handwriting.

25 Q. Is this a letter that you wrote to Cardinal Winning?

1 A. Yes.

2 Q. I don't think we can see an actual date on the document,
3 but we'll see from the response perhaps shortly that
4 this was in around 1998 or so.

5 A. That'll be about the time, yes.

6 Q. And did you describe in this letter your experiences at
7 St Joseph's?

8 A. Yes.

9 Q. Did you receive a response to this letter?

10 A. Well, it's easier doing it in a cumulative thing,
11 in that the Catholic Church never accepted
12 responsibility, they passed the buck and all they did
13 was cite the bishop's report. What they said was the
14 Marist order were exempt from the governance of the
15 bishops in Scotland, so they had nothing to do with
16 them, and that if I wanted to make any complaint, to go
17 to the police, which had already been done, and the
18 Marists would help with the enquiries.

19 I was really disappointed with the response because
20 they tried to extricate themselves from what happened.

21 Q. Are you referring there, John to, a letter that you got
22 from a Mr SNR [REDACTED] who was the child protection
23 adviser at the Diocese of Galloway.

24 A. Yes.

25 Q. I'll put it on the screen. It's at WIT.003.002.3743.

1 Do we see that this letter is dated April 1998? In
2 particular, John, I think what you're referring to here
3 is what is said at point 2 of the letter in the second
4 sentence, which says:

5 "It would also be helpful for you to know that the
6 Marists have the status of being exempt, which means
7 that the Bishop of Galloway has no jurisdiction or
8 authority over the Marist Brothers."

9 Is that what you're referring to?

10 A. Yes. This was the only time I ever knew if it had been
11 an exempt organisation and not been within the control,
12 with brackets, of the Catholic Church; I thought they
13 were all part of the same embodiment.

14 Q. I think you tell us that you also sent a letter to Rome
15 and that you got a response, and I think you've provided
16 us with copies of two responses you got.

17 A. Yes.

18 Q. I'll look at those briefly. The first of those is
19 WIT.003.002.3749.

20 Was this the first of two letters that you received
21 from Rome?

22 A. Yes.

23 Q. Do we see that this is dated 13 August 1998?

24 A. Yes.

25 Q. Do we see that in the first paragraph, they acknowledge

1 receipt of your letter, and it's pointed out that
2 specifically:

3 "Your complaint alleges that in the 1970s
4 authorities of the Marist Brothers allowed sexually
5 dysfunctional brothers to prey upon children at
6 St Joseph's College in Dumfries and then covered up the
7 complaints made by some children regarding sexual
8 improprieties by the brothers."

9 A. Yes.

10 Q. We don't have a copy available of the letter that you
11 sent yourself, but I think you had made the issue of --
12 you wanted your anonymity protected --

13 A. Yes.

14 Q. -- at that stage. I think that's something that's
15 important to you.

16 A. Yes.

17 Q. Do you see in the second paragraph it's pointed out --
18 it says here:

19 "It is impossible to investigate allegations of
20 wrongful conduct without having to identify places,
21 dates and various other circumstances which open the
22 possibility of being identified. Thus, you should be
23 aware that your name will almost certainly become known,
24 not because it will be resolved by this Congregation,
25 but because the circumstances and details of the alleged

1 improprieties will allow it to become known."

2 What did you make of that at the time?

3 A. Well, basically, I thought it was just a way they would
4 publicly humiliate you if you took them on.

5 Q. The letter goes on to say:

6 "Your letter does not explain what steps you have
7 taken with authorities of the Marists in order to
8 address your grievance. It is necessary that you
9 approach them before making any recourse to this
10 Congregation."

11 A. Yes.

12 Q. If we look at a second letter that you've provided the
13 inquiry with, that's at WIT.003.002.3748.

14 Is this a second letter that you received from Rome
15 at the beginning of the following year, February 1999?

16 A. Yes.

17 Q. Do we see in the third paragraph here it is said:

18 "It is important to bring clarity regarding the law
19 under which the brothers of the Marist schools and all
20 religious institutes or communities are governed.
21 In the church, the Marist Brothers are regulated by the
22 code of canon law and by their own constitutions, this
23 it is not accurate to designate them as a sect or to
24 consider that they are not subject to any ecclesiastical
25 authority. When bishops indicate that the Marists are

1 not subject to the authority of the bishops, such
2 affirmations are to be understood within the provisions
3 of canon law. No religious institute is a law unto
4 itself."

5 Do I take it from that that you had explained in
6 your letter what you had been informed by the bishop?

7 A. Yes.

8 Q. And this is the response that you were getting from
9 Rome?

10 A. Yes.

11 Q. What did you make of that?

12 A. I thought it was a total joke: no religious institution
13 is a law unto itself, yet they had, obviously by
14 following canon law, they believed having an internal
15 inquiry into the activities of Brother Damien was okay,
16 and they didn't have to inform the police or state
17 authorities, who would obviously have an investigation
18 into why this was going on at the school, why they were
19 getting money to educate kids in the school. Would they
20 have been allowed to educate kids if this had come to
21 light and would it have stopped them making a fortune
22 out of it? It's just basically a cover-up.

23 Q. You provide in your statement some final thoughts and
24 I want to go back to that at paragraph 160 onwards.

25 You've mentioned already that the school was run --

1 I think you called it a mini or micro society.

2 Something else you go on to say in these paragraphs is:

3 "In the 1960s and 1970s the government promoted
4 a flawed Catholic education provision."

5 Are you referring there to the fact that your place
6 at the school was arranged by the local authority?

7 A. Yes. Well, my understanding of the system then was
8 we were at feeder schools within Dumfries & Galloway.
9 We were all encouraged by state employees to pass the
10 eleven-plus so that we would be eligible to go to these
11 schools, ie the college of the Benedictine convent.

12 The state paid the bursary for us to go there, so
13 ultimately the state had a responsibility to make sure
14 these places were fit to go. Somebody wasn't checking
15 up for all this to be able to go on under their noses.
16 If they were doing checks, they weren't effective.

17 Q. And you didn't see any?

18 A. I never seen any. Would alarm bells not go when
19 somebody, say with an eleven-plus, suddenly went from
20 being a good student down to nothing within a year and
21 nobody asked the question why. There was a lot of kids
22 like that. And there was kids running away. There was
23 lots of things going on, and yet for some reason the
24 state didn't pick up on it via the local authority and
25 all this. Where were they? Where were the checks?

1 LADY SMITH: By the early 1970s, in your area, if parents
2 didn't want their child to go to St Joseph's, a Catholic
3 secondary school, where did the children go?

4 A. Well, the state school.

5 LADY SMITH: In Dumfries?

6 A. Or the town I was from.

7 LADY SMITH: In your town there was a state school there as
8 well?

9 A. Yes, but there was no Catholic secondary school.

10 LADY SMITH: I see?

11 A. Throughout Dumfries & Galloway they operated a feeder
12 system, so all the primary schools were geared up to
13 send kids to Dumfries to the secondary schools, and if
14 you passed the eleven-plus in them days, the boys went
15 to St Joseph's and the girls went to the Benedictine
16 convent. Then there was St Andrew's Boys' School and
17 I believe there was St Andrew's girls' School, but these
18 were shut down --

19 LADY SMITH: They were shut, yes.

20 A. -- and the boys went to St Joseph's. That's where the
21 overflow came in 1971.

22 LADY SMITH: But there must have been another option other
23 than St Joseph's, wasn't there?

24 A. Not a Catholic one, no.

25 LADY SMITH: A non-Catholic one, a protestant one --

1 A. Yes.

2 LADY SMITH: -- or non-denominational, rather?

3 A. Yes.

4 LADY SMITH: Of about the same size or not?

5 A. I couldn't really say. But I would say about the same
6 size as the state school was.

7 As I say, this was what the government had done in
8 them days. They said we were entitled to a Catholic
9 education. It wasn't our parents' fault or our fault
10 that they subcontracted it out to these religious
11 communities and then didn't check up on them.

12 LADY SMITH: Thank you.

13 MS MACLEOD: And you go on to say, John, that you consider
14 what happened in these schools to be a national shame.

15 A. It was.

16 Q. And that you want checks put in place to ensure it never
17 happens again.

18 A. Yes.

19 Q. And finally, you say that:

20 "In order for the Marist Brothers and the
21 Catholic Church to be accountable now, [you] feel that
22 it is not enough to just say sorry, they also have to
23 help victims and compensate them."

24 A. Yes, because these schools made a fortune from bursaries
25 paid by local authorities, private payments from

1 parents, and they took no responsibility. Ultimately,
2 why should they get away with it? I just don't see the
3 logic in it. I might be naive, but that's my view.

4 What I can't understand is quite simple. The system
5 of education at that time was -- and correct me if I'm
6 wrong, my Lady -- Catholic children were entitled to
7 a Catholic education under the law.

8 LADY SMITH: That was built into statute in the very early
9 20th century.

10 A. Yes.

11 LADY SMITH: Every area had to provide a Catholic school or
12 support a Catholic school, if the Catholic provider
13 asked the state to take it on.

14 A. Yes, and what happened in Dumfries & Galloway was,
15 rather than build a school, a Catholic secondary school
16 which could take these kids in, they subcontracted it to
17 these communities and they ran the schools. Then they
18 paid bursaries for us to go there and our parents
19 believed it was being overseen by the state.

20 LADY SMITH: I'm not sure you're right about the subcontract
21 analogy, but it perhaps doesn't matter, and I'm
22 interested in your perception that the state were
23 letting you down. I think that's what you're saying,
24 John, isn't it?

25 A. Yes.

1 LADY SMITH: Thank you.

2 A. Why would they send us there without doing checks,
3 continuous checks?

4 LADY SMITH: Yes, and that also is an important point you
5 make, a much wider point, about the need to have
6 effective inspections, both of the education side of
7 a residential school, and of the care side of
8 a residential school.

9 A. Yes.

10 MS MACLEOD: John, I know there's some points you'd like to
11 make in relation to redress, and in particular the
12 Scottish Government Child Abuse Redress Scheme, and
13 you've provided a handwritten document in relation to
14 this, which I'll put on the screen and I'll ask you
15 a few questions about it, but we've got the document to
16 look at as well.

17 WIT.003.002.3821. Is this a document, John, that
18 you've provided to the inquiry --

19 A. Yes.

20 Q. -- recently, after you signed your statement?

21 A. Yes. Can I maybe ... I didn't know anything about the
22 redress scheme until after I gave evidence, and to be
23 quite honest with you, I'm not really bothered about it
24 that much. But it's like a kick in the teeth what
25 I found out since.

1 LADY SMITH: What's that?

2 A. Well, my understanding is, when they set up this system,
3 through talking with people that are involved in it,
4 that if we cannot -- the bursaries ...

5 (Pause).

6 I'll put it this way: if you can prove you attended
7 the school, and you can prove that bursaries were paid
8 during this period, and that you were in the catchment
9 area, you will not be entitled to a payment because your
10 name is not linked to the bursary.

11 LADY SMITH: Because your name is not?

12 A. Not linked to the bursary.

13 MS MACLEOD: I think, John, you have, and on your behalf, In
14 Care Survivors Service Scotland had have carried out
15 some concessions to see if in any way your name in
16 particular could be linked to the bursary scheme and,
17 having looked into this, it appears that that's not
18 possible to do.

19 A. No.

20 Q. But what you have been able to ascertain, and correct me
21 if I'm wrong, you have provided the school roll to show
22 that you were in the school and you have also provided
23 a set of accounts from the local authority for the year
24 1970, when I think it shows that there were 18 places.
25 I'll put them on the screen, actually: WIT.003.002.4008.

1 I think this is a document you provided to the inquiry.

2 A. Yes. Could I add as well that they did approach the
3 Marist order and the Marist order haven't been very
4 helpful, as you can see from the document, in providing
5 this information. They must have -- well, they should
6 have a record of who the bursaries were paid for, who
7 paid for them and what year. And I know I was one of
8 the kids done -- it seems an anomaly and a kick in the
9 teeth that you jump through these hoops and --

10 LADY SMITH: Of course, as you say, that's dependant on good
11 record-keeping.

12 A. Yes. As the investigator said, "It's not my fault they
13 couldn't keep records", both the council and the Marist
14 order.

15 MS MACLEOD: Do we see here:

16 "County of Dumfries. Abstract of accounts of the
17 county for the year 1970"?

18 If we turn to page 4010, which is the final page
19 we have, to the footnote at the bottom of this page, do
20 we see they were submitted --

21 "List dated 10 February 1970 of which copies have
22 been circulated of 20 applications for higher school
23 bursaries. The meeting agreed that 18 of those
24 applications be granted and that the remaining two be
25 refused."

1 Do we see that 18 were granted in that year?

2 A. Yes. I believe at the time it was --

3 St Joseph's College, I believe, was something to do with
4 Dumfries Academy and they might have been something to
5 do with the Barneys(?), so that covered St Joseph's.

6 Q. That's something you've been able to find and you've
7 also provided us with a copy of the school register with
8 your name on it --

9 A. And I was in the catchment area.

10 Q. But what you haven't been able to find is a record
11 confirming that you were one of the boys who received
12 a bursary?

13 A. It looks as if anybody from Dumfries & Galloway that
14 came under this scheme may not be able to access the
15 redress, which I think is just an utter disgrace.

16 Q. You've provided a copy to the inquiry, I think, of
17 a letter that you received from the Scottish Government
18 on 28 June, which says:

19 "Importantly, we also need to have documentary
20 evidence that your fees were paid by the local authority
21 rather than by your parents."

22 And we don't need to put that on the screen, but
23 it's at WIT.003.002.3997.

24 A. So I would say out of 18, there's probably 14 of us that
25 will be eligible for a payment, unless they change their

1 ruling, use a bit of discretion, and I don't know what
2 the legal term is, but probability -- the law of
3 probability that you were there.

4 LADY SMITH: There is a legal test called the balance of
5 probabilities. Whether it's something that they can
6 apply in this case or not, honestly, John, I don't know.
7 I don't have the details of the scheme in front of me.

8 A. I wanted to make people aware that the government intend
9 doing this and I think it's an utter disgrace.

10 MS MACLEOD: I think you have provided a letter that was
11 sent on your behalf by In Care Survivors Service
12 Scotland recently, setting out your case and the
13 attempts you've made to get the information.

14 A. Yes, we've went everywhere. The Marists have been
15 unhelpful. The council did try, but they have lost
16 the -- they destroyed or lost or ... they are not there
17 anymore. I don't know what the Marists' view was on it.
18 From what I can make out, the gentleman contacted
19 somebody in America and it was referred to someone else,
20 but nothing's came back.

21 I don't know what else anybody could do in this
22 situation. It would apply to everybody in Dumfries &
23 Galloway -- I would think possibly in the 1960s as well,
24 so it could go right through, you could be talking
25 hundreds.

1 MS MACLEOD: Thank you, John, for answering my questions
2 today and for providing your statement and the
3 additional documentation that you provided to the
4 inquiry. That's very helpful.

5 My Lady, I'm not aware of any questions being
6 submitted for John.

7 LADY SMITH: Thank you very much. Are there any outstanding
8 applications for questions? No.

9 John, that does complete all the questions we have
10 for you. Thank you very much indeed for engaging with
11 the inquiry, both for providing your written statement,
12 which we have. That of itself is valuable evidence and
13 you've enhanced that by coming along today and talking
14 to us yourself about it.

15 I'm sorry to hear about your disquiet over the
16 redress scheme. Can I just tell you, you're not the
17 first person who's been in that chair and expressed
18 disquiet about it.

19 There's nothing I can do to help you other than just
20 express my sympathy. I'm sorry.

21 A. Could I say something about it? It would be better if
22 they'd never even mentioned the thing to us because
23 I wasn't aware of it until after I gave evidence. Then
24 I found out that -- it looks as if the Scottish
25 Government are trying to get out of it by loopholes and

1 it's an utter disgrace and I hope that they're taken to
2 task on it.

3 LADY SMITH: Please go away knowing that you have
4 contributed valuable material to my work here and you've
5 been a real help to the work of this inquiry and perhaps
6 you can hang on to that at the moment.

7 A. It's all I'm going to be able to hang on to.

8 LADY SMITH: I can give you that with my grateful thanks and
9 I'm now able to let you go.

10 A. Thank you.

11 (The witness withdrew)

12 LADY SMITH: I think that finishes the evidence for today;
13 is that right, Ms MacLeod?

14 MS MACLEOD: That is right, my Lady, and for this week.
15 We've got two witnesses lined up to give oral evidence
16 on Tuesday, starting at 10 o'clock.

17 LADY SMITH: Very well. I'll rise now until 10 o'clock on
18 Tuesday and I wish everybody a good weekend in the
19 meantime.

20 Thank you.

21 (2.53 pm)

22 (The inquiry adjourned until 10.00 am
23 on Tuesday, 15 October 2019)

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I N D E X

"ANDREW" (affirmed)1

Questions from MR MacAULAY2

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Questions from MS MacLEOD72

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