

1 Thursday, 3 October 2019

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to those who are new
4 to the inquiry. I can see one or two faces who haven't
5 been here before because, of course, we start another
6 case study today, and this is the third of our case
7 studies into the residential care of children provided
8 by a male religious order and this time it's the
9 Marist Brothers that we're going to be looking at.

10 As I indicated earlier this week, in the usual way,
11 we will begin the case study with opening submissions
12 from those who are here with leave to appear. I will
13 begin by inviting counsel to the inquiry, senior counsel
14 to the inquiry, to make his submissions.

15 Mr MacAulay, when you're ready.

16 Opening submissions by MR MacAULAY

17 MR MacAULAY: Good morning, my Lady.

18 As your Ladyship has just mentioned, the focus of
19 this third case study in what is phase 4 of the
20 inquiry's investigations is the Marist Brothers and, in
21 particular, their role in running two schools:
22 St Columba's College in Largs and St Joseph's College in
23 Dumfries.

24 The inquiry has already heard evidence from
25 Brother Brendan Geary -- that was in June 2017 -- that

1 the Institute of Marist Brothers was founded on
2 2 January 1817 in south-eastern France by
3 Marcellin Champagnat and its purpose was to provide
4 education for poor children and young people.

5 The Marists have had a presence in Scotland since
6 1858. St Joseph's College was opened in 1875, primarily
7 to provide boarding school education, and eventually the
8 school was taken over by the local authority in 1981 and
9 became a day school.

10 St Columba's College in Largs opened in 1920 as
11 a small preparatory boarding school, although not
12 specifically for St Joseph's, but many of the children
13 at St Columba's in fact did go on to St Joseph's. It
14 closed in 1982.

15 As I have said, both schools were primarily boarding
16 schools, but there is evidence that some day pupils also
17 attended during the time that they were boarding
18 schools.

19 The Marists also ran what has been referred to as
20 a juniorate, latterly known as Hetland House, and that
21 was from 1977 to 1988. That was to provide secondary
22 education for boys intending to join the order.
23 Initially, it was situated on the edge of the town of
24 Dumfries, but during the Second World War it moved to
25 Carrutherstown in the county of Dumfries.

1 At a given time, the three establishments together
2 accommodated a range of between 300 to 375 children, but
3 so far as the individual schools under scrutiny are
4 concerned, that's St Joseph's first of all, until the
5 mid-1950s, about 300 generally was the population of the
6 school. The numbers began to decline and by the time
7 the school finished as a boarding school, there were
8 only 30 boarding pupils at that period. That's 1981 to
9 1982.

10 So far as St Columba's was concerned, that was
11 a small preparatory school and could accommodate about
12 20 to 36 children at a given time.

13 My Lady, once again, as with previous case studies,
14 the intention is to begin by leading evidence from
15 applicants, and insofar as is possible to do so, on
16 a chronological basis. I can say that some applicants
17 will have attended both schools. The first two
18 witnesses who are to give evidence today went to
19 St Joseph's only, but the next witness after that will
20 give oral evidence in relation to both schools.


21 Again, the intention is to lead as much oral
22 evidence as is possible, but some applicants' evidence
23 will need to be read into the evidence.

24 Can I then touch upon timescales. The evidence of
25 applicants will be led during the remainder of this

1 week, next week, that's the week beginning Tuesday,
2 8 October, and also in the week beginning Tuesday
3 15 October. Just to mention that in that week, the
4 inquiry is not sitting in the afternoon of Thursday,
5 17 October and Friday, 18 October, but it is hoped that
6 by then the applicants' evidence will have been
7 concluded.

8 Thereafter in the fourth week of the case study,
9 from Tuesday, 22 October, the inquiry will hear from
10 other witnesses, including representatives of the order,
11 and there is a break planned for the week beginning
12 Monday, 28 October. The plan is that the inquiry will
13 then resume on Tuesday, 5 November for submissions; the
14 Wednesday has also been set aside for submissions if
15 needed.

16 I can inform your Ladyship that two former brothers
17 of the order have been convicted of offences relating to
18 child abuse.



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My Lady, that is all I propose to say at this stage.

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LADY SMITH: Thank you very much, Mr MacAulay.

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I would like to turn now to Mr Scott who's here on behalf of INCAS. And can I just thank you in advance for the documents you sent in. That was very helpful.

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Opening submissions by MR SCOTT

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MR SCOTT: Thank you, my Lady.

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Many of my remarks on behalf of INCAS today mirror remarks made in the opening statements in the previous two case studies which were associated with this one, so I won't repeat all of them. Hopefully, those who represent the community of Marist Brothers in these proceedings, or at least their legal team, have been following the inquiry to date, even on those occasions when it has been dealing with other congregations or orders.

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Brother Brendan Geary of the Marist Brothers, who is present today, gave evidence on Day 11 of hearings, over two years ago. He covered a number of matters, having been involved in the preparation of the section 21

1 responses for both establishments. He acknowledged that
2 the community's common rules appear to contemplate the
3 possibility of abuse or at least temptation and the need
4 to take precautions to guard against it. However, he
5 mentioned that resources had implications for the
6 availability of brothers to ensure that the rules were
7 followed with two brothers not always available to
8 attend to matters connected to the children.

9 Brother Brendan is well qualified to contribute to
10 the evidence to this inquiry and I hope that we may hear
11 from him again. As well as being the provincial of the
12 Marist Brothers' Province of West-central Europe, he is
13 also a clinical psychologist who has extensive
14 experience of dealing with sexual abuse within the
15 Catholic Church and he has worked with survivors and
16 perpetrators of sexual abuse.

17 I feel slightly odd quoting him so extensively when
18 he's sitting so close.

19 LADY SMITH: He must feel free to interrupt you if he thinks
20 that you're getting it wrong!

21 MR SCOTT: If it needs correcting, my Lady, of course.

22 Brother Brendan wrote a few months ago -- and this
23 is one of the items that I sent in -- about the Vatican
24 abuse summit, which took place in February of this year.
25 What he wrote is worth reading in full but today I offer

1 just some quotes from the article, which was critical of
2 aspects of the Catholic Church's continuing response to
3 the abuse crisis, albeit Brother Brendan was confident
4 about the determination of the present Pope to do
5 something meaningful about it.

6 The quote starts then:

7 "The summit was structured around the key words of
8 responsibility, accountability and transparency.
9 Cardinals and archbishops made presentations outlining
10 the importance of these themes and their implications
11 for the church. The presentations were laced with the
12 kind of Vatican speak that we have come to expect from
13 such talks. However, once the jargon and respectful
14 words are put aside, the content was striking in its
15 honesty and boldness. Cardinal Cupich called for
16 transparent legal procedures and Cardinal Marx addressed
17 squarely the fact that in the past documents had been
18 hidden and destroyed. Cardinal Tagle said, 'People are
19 rightly asking, have you who are called to have the
20 smell of the sheep upon you, not instead run away when
21 you found the stench of the filth inflicted on children
22 and vulnerable people you were supposed to protect too
23 strong to endure?'"

24 Cardinal Salazar addressed one of the key issues at
25 the beginning of his presentation:

1 "A brief analysis of what has happened shows us that
2 it is not only a matter of sexual deviations or
3 pathologies in the abusers, but that there is a deeper
4 root too. This is the distortion of the meaning of
5 ministry, which converts it into a means to impose
6 force, to violate the conscience and the bodies of the
7 weakest. This has a name: clericalism."

8 I wasn't sure what clericalism was, so some further
9 enquiry located the quote from the Pope, from the
10 present Pope, which may assist:

11 "Clerics feel they are superior, they are far from
12 the people, they have no time to hear the poor, the
13 suffering, prisoners, the sick."

14 And that article was submitted. But the Pope has
15 also pointed out that laypeople can be affected by
16 clericalism and really there have to be the two aspects
17 to it at times.

18 Returning then to Brother Brendan's article:

19 "The participants I spoke to also highlighted the
20 young Spanish-speaking victim of clerical abuse who
21 played the violin to express his feelings after
22 addressing the Pope and the bishops during the
23 penitential service. You can see the Pope listening
24 intently. This moving movement stood out in a memorable
25 way and communicated the fact that victims cannot always

1 put their experience into words in a way that adequately
2 expresses their experience."

3 And although the other example that I'm about to
4 mention was in words, it did put me in mind of the poem
5 from Patrick Galvin, which was quoted in the closing of
6 the last case study, with some survivors feeling able to
7 express in art some of their experiences in a way that
8 can sometimes say much more than the sort of testimony
9 which is obviously required in this hearing.

10 LADY SMITH: Well, to quote at least one applicant, they
11 didn't have the lexicon for it when they were referring
12 to how they felt about what was happening to them.
13 There are other ways of expressing it and it has to be
14 listened to, if it's musical, and looked at if it's
15 a visual expression.

16 MR SCOTT: Brother Brendan concluded by saying:

17 "My final reservation about the summit comes as the
18 result of comments from participants who shared their
19 experiences with me. They said that the interventions
20 were always polite but there were some participants who
21 made use of the verbal structure, which begins with
22 agreement with the speaker followed by a qualification,
23 'Yes, but'. This could be heard from certain bishops
24 and cardinals, particularly from parts of the world
25 where there was still denial and avoidance of this

1 topic. I will paraphrase, for its perils, the founder
2 of gestalt therapy who remarked that, 'Everything before
3 "but" is window dressing'. One of the significant
4 advances of the summit is that it is no longer
5 acceptable to publicly deny or minimise the crisis.
6 However, if I can quote Viscount Morley, 'You have not
7 converted a man because you have silenced him'.
8 I suspect that there will be many bishops who remained
9 silent in the conference hall but who are not yet
10 convinced about the urgency of this topic or about the
11 importance of implementing safeguarding policies and
12 procedures, of taking responsibility for creating safe
13 places for children and people at risk, including the
14 disabled, women, religious, sisters and young men and
15 women in houses of formation, or of being accountable
16 and transparent. Sadly, I suspect that it will take
17 more crises and media exposés before they will change
18 their behaviour and policies, whatever of their hearts."

19 There are clear warnings in this article, some of
20 which are of particular relevance to those who have
21 given evidence and those who may yet give evidence to
22 the inquiry. Denial and avoidance won't do. This
23 inquiry offers opportunities to religious orders and
24 communities which have been seized to varying extents to
25 recognise the urgency of the issue and take

1 responsibility if they're still involved for creating
2 safe places to replace those unsafe and damaged
3 establishments for which they were responsible in the
4 past.

5 So moving on and in conclusion, in the next few
6 weeks of this case study, in line with the key themes of
7 this year's Vatican abuse summit, survivors seek
8 responsibility, accountability and transparency. They
9 want sincere apologies from the heart of the community
10 of Marist Brothers and the other orders yet to come, not
11 carefully drafted non-apologies, which are the work of
12 lawyers or insurers.

13 I'm confident that, with the involvement of
14 Brother Brendan, the warnings will be heeded. But
15 finally, I would simply say and harking back to the
16 quote from the article, there is no room for "but".

17 Thank you, my Lady.

18 LADY SMITH: Thank you very much.

19 Can I turn now to representation for the
20 Lord Advocate, please.

21 Opening submissions by MS LAWRIE

22 MS LAWRIE: My Lady, I'm grateful for the opportunity to
23 make this brief opening statement on behalf of the
24 Lord Advocate.

25 As indicated at the commencement of phase 4 of the

1 inquiry's hearings, the Lord Advocate's interest in this
2 phase stems from his responsibilities as head of the
3 system of criminal prosecution in Scotland and his
4 responsibility in that regard for Scotland's prosecution
5 service, the Crown Office and Procurator Fiscal Service,
6 generally shortened to COPFS. These are
7 responsibilities which the Lord Advocate exercises
8 independently of any other person.

9 As has been indicated in previous statements to the
10 inquiry, COPFS plays a crucial role within the criminal
11 justice system and accordingly has important
12 responsibilities in relation to allegations of criminal
13 conduct involving the abuse of children in care in
14 Scotland.

15 Indeed, during this case study, which will
16 investigate residential establishments run by the
17 Marist Brothers and their provision at
18 St Joseph's College in Dumfries and St Columba's College
19 in Largs, it is anticipated that the inquiry may hear
20 evidence regarding previous COPFS involvement
21 in relation to allegations of the abuse of children at
22 those establishments.

23 In conclusion, may I reiterate the Lord Advocate's
24 public commitment to not only supporting the inquiry's
25 work and to contributing both positively and

1 constructively to that work, but also to the effective,
2 rigorous and fair prosecution of crime in the public
3 interest consistently and for all, including the most
4 vulnerable in our society.

5 I'm grateful, my Lady.

6 LADY SMITH: Thank you very much.

7 If I can move across to representation for the Chief
8 Constable of Police Scotland, please.

9 Opening submissions by MS van der WESTHUIZEN

10 MS VAN DER WESTHUIZEN: My Lady, I'm grateful for the
11 opportunity to make this opening statement on behalf of
12 Police Scotland.

13 Firstly, on behalf of Police Scotland, I would like
14 to express continued sympathy to survivors who have
15 experienced abuse within care establishments across
16 Scotland.

17 Police Scotland remains committed to delivering its
18 response to the inquiry and ensuring it provides all
19 relevant information regarding police procedures,
20 policies, and previous investigations into the abuse and
21 neglect of children in establishments falling under the
22 inquiry's remit.

23 With regard to this phase of the inquiry's hearings
24 and specifically this case study, assessment has
25 identified material relating to previous police

1 investigations into the abuse and neglect of children
2 within establishments at St Joseph's College, Dumfries,
3 and St Columba's, Largs, in the time they were operated
4 by the Marist Brothers. It should also be noted that
5 Police Scotland is currently involved in investigating
6 non-recent abuse within these establishments.

7 Police Scotland continues to build on its engagement
8 with adult survivors of childhood abuse, seeking views
9 and consulting with survivors, support services and
10 statutory partners in an effort to enhance public
11 confidence and improve service provision to adult
12 survivors.

13 Police Scotland also recognises the importance of
14 using organisational learning to ensure its staff have
15 the capabilities and skills required to effect
16 continuous improvement. As such, Police Scotland will
17 take into account any lessons to be learned that may be
18 identified from this and any other case study as part of
19 its commitment to developing and improving its practice,
20 policies and service provision.

21 Police Scotland is currently involved in significant
22 work with its partners nationally and locally to deliver
23 child protection and remains committed, both as a single
24 agency and in partnership, to make a positive
25 contribution to child protection improvement across

1 Scotland.

2 Unless I can be of further assistance, my Lady,
3 that's the opening statement on behalf of
4 Police Scotland.

5 LADY SMITH: Thank you very much. Now if I can turn to
6 Scottish Ministers.

7 Opening submissions by MS CHARTERIS

8 MS CHARTERIS: Thank you, my Lady.

9 I appear on behalf of the Scottish Ministers. As
10 the inquiry is aware, the Scottish Ministers also
11 represent at this inquiry those executive agencies which
12 form part of the Scottish Government and for which the
13 Scottish Ministers are directly responsible, including
14 Education Scotland, Disclosure Scotland, and the
15 Scottish Prison Service. I do not represent the Crown
16 Office and Procurator Fiscal Service, which is
17 represented separately by Ms Leigh Lawrie, advocate.

18 The Scottish Ministers' involvement in this part of
19 phase 4 of the inquiry is, as it has been throughout, as
20 a core participant with a direct interest in all of the
21 issues being raised by witnesses and, in particular, how
22 the responsibilities of the state in relation to the
23 inspection and regulation of the establishments which
24 are the subject of case studies during this phase were
25 discharged.

1 The Scottish Government Response Unit, established
2 for the purposes of the inquiry, has provided
3 information to the inquiry in response to section 21
4 notices served by the inquiry, which sought
5 documentation relating to institutions operated by the
6 Marist Brothers, specifically St Joseph's College,
7 Dumfries, and St Columba's College, Largs.

8 The Scottish Ministers will continue to listen to
9 the evidence of those giving evidence to the inquiry as
10 part of this phase and will continue to assist the
11 inquiry with the provision of information.

12 Thank you, my Lady.

13 LADY SMITH: Thank you very much.

14 Then to representation for the Marists and Mr Brown.

15 Opening submissions by MR BROWN

16 MR BROWN: Thank you, my Lady.

17 On behalf of the Marist Brothers, my Lady, who are
18 also here in person in the form of Brother Geary, who
19 just for completeness is no longer the provincial, but
20 has recently demitted office --

21 LADY SMITH: For my notes, just now, can you tell me who the
22 provincial is that succeeded him?

23 MR BROWN: Brother Robert Thunus, my Lady, who is Belgian,
24 as I understand it.

25 LADY SMITH: Can you spell that for me?

1 MR BROWN: T-H-U-N-U-S.

2 LADY SMITH: Thank you.

3 MR BROWN: May I first of all repeat what was said in the
4 early stages of the inquiry. The Marist Brothers tender
5 a profound and sincere apology to those who were abused
6 by any Marist Brother or otherwise while in the care of
7 the Marist Brothers and to those who were not heard or
8 who were ignored.

9 It is beyond dispute that sexual abuse of the most
10 serious kind occurred in institutions run by the
11 Marist Brothers, and in particular such abuse occurred
12 at the hands of abusers who were themselves
13 Marist Brothers.

14 As my Lady has heard, there are two convicted
15 abusers, [REDACTED]

16 [REDACTED]
17 [REDACTED].

18 There are allegations against others, some dead and
19 some former rather than current Marist Brothers still
20 alive. The extent of the allegations of abuse uncovered
21 by the inquiry team is greater than was previously
22 understood and the state of the evidence continues to
23 evolve.

24 It is equally clear that historically there were
25 failures of supervision or oversight. Behaviour that to

1 modern eyes would be highly suspicious appears to have
2 occurred without anyone thinking it out of the order or
3 suspicious. Victims who spoke were not heard or,
4 perhaps worse, victims concluded that there was just no
5 point in speaking up.

6 For all of this, the Marist Brothers are profoundly
7 sorry.

8 Involvement in education in Scotland ceased for the
9 Marist Brothers with the closure of St Columba's in 1982
10 and, since at least the early 1990s, they have had
11 rigorous safeguarding policies and procedures and, in
12 particular, have had a policy of reporting all
13 allegations to police and of providing full cooperation
14 to police and prosecuting authorities. They offer their
15 wholehearted and committed cooperation when requested
16 and were instrumental in providing evidence and
17 information which secured the most recent conviction.

18 They will continue to do so no matter where the
19 evidence leads, no matter how unpalatable the truth may
20 be, and no matter the consequences for individuals or
21 for the order generally. They support wholeheartedly
22 the work of this inquiry and, in particular, the
23 inquiry's enabling of victims to tell of their
24 experiences and to assure them that they will be heard,
25 that no one is above the law, and that their evidence

1 matters, no matter how long ago it relates to.

2 In relation to [REDACTED]

3 [REDACTED]

4 [REDACTED] it is anticipated certainly
5 by the Marist Brothers that he will seek to deny his
6 guilt; that has been his position throughout. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]. If it should be necessary for me
11 to do something so obvious, let me make it clear that
12 they disassociate themselves from any such position
13 adopted by him.

14 It should not be thought, my Lady, that the
15 reference only to those cases where there are
16 convictions indicates any attempt to draw a dividing
17 line between those cases and others. Since, however,
18 there does remain the prospect of further legal
19 proceedings, whether criminal, civil or both, arising
20 from these allegations, it is regrettably necessary to
21 be a little circumspect in what I say. That should not
22 be taken as indicating any drawing down of the shutters
23 or closing of ranks. The Marist Brothers take the
24 position that the inquiry should hear the evidence and
25 follow it where it leads and, with one exception, which

1 I'll explain in a moment, it is specifically not any
2 part of my remit to try to advance any specific position
3 in respect of any specific allegation. I'm not here, on
4 specific instruction, to seek to cast doubt on any
5 account.

6 The one exception is this. There is a particular
7 allegation that we'll hear evidence about, it's what we
8 might call a secondary allegation in that the alleged
9 victim is dead and the allegation is made by others.
10 The Marist Brothers do take the position, after
11 investigation, that that allegation, at least in its
12 fullest extent as asserted by some witnesses, is clearly
13 unfounded. It's not suggested it's malicious, just that
14 those who assert it have formed what appears to be
15 a genuinely held but clearly mistaken belief.

16 The allegation is, however, a source of genuine
17 distress to others, both to the people of good character
18 who are made the subject of it, but more importantly to
19 the surviving family of the deceased victim, who have
20 repeatedly made clear they want no part of that. My
21 learned friend Mr MacAulay is aware of that particular
22 issue and it has been discussed and I'm perfectly
23 confident that the matter will be addressed fully when
24 we get to that chapter of the evidence.

25 But unless, my Lady, there's anything else that

1 it is thought I could assist with, I conclude by
2 repeating the sincere apology to all who have been
3 affected and the commitment of the Marist Brothers to
4 assisting the work of the inquiry to get to the truth.

5 LADY SMITH: Thank you.

6 Can you help me with this: you have told me
7 Brother Geary is here at the moment; is he planning to
8 listen to the evidence in this case study?

9 MR BROWN: That had been the plan, my Lady. If there's
10 a concern --

11 LADY SMITH: Not at all.

12 MR BROWN: -- that he ought not to ...

13 LADY SMITH: Quite the reverse, Mr Brown. All I would
14 invite you to do is check what your instructions are
15 once he has heard all the evidence.

16 MR BROWN: Of course, my Lady. That will certainly be the
17 case.

18 LADY SMITH: Thank you very much.

19 Mr MacAulay.

20 MR MacAULAY: My Lady, the next stage today will be to lead
21 evidence, but the first witness has been planned to come
22 in as what would normally be after the break, which is
23 11.45, so we've got a bit of a gap.

24 LADY SMITH: Well, I'll rise now and everybody can gather
25 themselves and get ready for the start of evidence,

1 which we'll be able to do hopefully sharp at 11.45.

2 (10.36 am)

3 (A short break)

4 (11.48 am)

5 LADY SMITH: Mr MacAulay.

6 MR MacAULAY: My Lady, the first witness is an applicant,

7 I would like to call him, and that is Richard John

8 MacKenzie Kozub.

9 RICHARD KOZUB (affirmed)

10 LADY SMITH: Richard, please sit down and make yourself

11 comfortable.

12 You'll see the red light is now displayed on the

13 microphone. It's very important that you use the

14 microphone so that everybody can hear you and the

15 stenographers can hear you through the sound system as

16 well.

17 I have no questions for you at the moment, but if

18 you're ready I'll hand over to Mr MacAulay and he'll

19 explain what happens next; is that all right?

20 A. Yes.

21 LADY SMITH: Thank you.

22 Mr MacAulay.

23 Questions from MR MacAULAY

24 MR MacAULAY: Good morning, Richard.

25 A. Good morning.

1 Q. Is your full name Richard John MacKenzie Kozub?

2 A. Yes.

3 Q. In the red folder in front of you, you'll find your
4 statement. The number for the purposes of the
5 transcript is WIT.001.002.5410.

6 If you could turn to the final page of the
7 statement, can you confirm that you have signed the
8 statement?

9 A. Yes.

10 Q. Do you say in the last paragraph:

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

13 Is that correct?

14 A. Yes.

15 Q. Do you go on to say:

16 "I believe the facts stated in this witness
17 statement are true"?

18 A. Yes.

19 Q. Richard, can you confirm that you were born on
20 [REDACTED] 1948?

21 A. Yes.

22 Q. So you're now 71 years of age?

23 A. Yes.

24 Q. In your statement, in the first number of paragraphs,
25 you provide us with some background in relation to your

1 family circumstances and in particular that you had
2 a younger brother who was quite a number of years
3 younger than you; is that right?

4 A. Yes.

5 Q. And you also had a sister who was younger than you?

6 A. Yes.

7 Q. I'm going to be asking you questions about your time at
8 St Joseph's College, Dumfries. Do I understand that
9 although you went to St Joseph's, your younger brother
10 did not?

11 A. No.

12 Q. What was the background then to the decision being made
13 that you should go to St Joseph's?

14 A. I can't say that I honestly know why that decision was
15 made.

16 Q. You were very young when you went there.

17 A. Yes. These things were decided and I was not much of
18 a participant in the decision-making process.

19 Q. But did you come from a family with a Catholic
20 background?

21 A. Yes.

22 LADY SMITH: I suppose you'd be 9 years or so when you
23 started, but the decision to send you there would have
24 been taken earlier than that, when you were even
25 younger.

1 A. Yes. Part of the reason may have been that my parents
2 moved to Grimsby and we lived in Grimsby for a while and
3 I went to another school in Grimsby before I went to
4 St Joseph's, but having left the school that I was in in
5 Edinburgh -- and it may have been my parents decided
6 that rather than me moving around, I would be better off
7 at boarding school. I don't honestly know.

8 As far as St Joseph's was concerned, two of my
9 great uncles, they would be, went to the school in the
10 1930s.

11 MR MacAULAY: So there was a family background as well?

12 A. There was a family connection, yes.

13 Q. I think what you tell us, Richard, is that you were 9
14 when you went there and that would be in 1957.

15 A. Yes, September 1957 I started.

16 Q. Just to move on a little bit, I think you left in
17 1963/1964, when you were about 16?

18 A. I left before I was 16. Effectively, my last days at
19 school were in December 1963. I was supposed to go back
20 in January 1964, and I refused to go back.

21 Q. Yes, you went back for that academic year, but in fact
22 you did not go back?

23 A. Yes.

24 Q. I want you to look at a photograph -- and this will come
25 on the screen in front of you, Richard. This is at

1 WIT.003.002.1360. Is this a photograph of your first
2 day at the school?

3 A. I'm not sure if it's my first day at the school, but
4 it is definitely my first term at the school. It may
5 have been taken at half-term. I'm not completely sure.

6 Q. But I think this photograph has a certain poignancy for
7 you; is that right?

8 A. Yes.

9 Q. Can you tell us about that?

10 A. I had a strange moment or incident. I was in a hotel in
11 Kathmandu, suffering from jet lag, lying in bed at
12 4 o'clock in the morning, just watching TV.

13 Q. When was that?

14 A. About three or four years ago, so comparatively
15 recently.

16 That image -- whilst I was just lying in bed, that
17 image popped into my mind. I have no idea why, it was
18 not something I was thinking about, and when the image
19 popped into my mind, I burst into tears, and I cried.
20 I cried for the little boy that was me.

21 It was a surprise to me. I suppose I felt that I'd
22 left a lot of it behind, but in fact, clearly, I had not
23 left a lot of it behind. It was maybe a cathartic
24 moment for me in some ways, but it surprised me that
25 I should be so easily touched by just the thought of an

1 image. It's not happened before or since, but it was
2 a reminder.

3 Q. Overall, and we'll look at some aspects of this in
4 a moment or two, how would you describe your period at
5 St Joseph's College?

6 A. I hated every single second.

7 LADY SMITH: What are you holding in the photograph? Is
8 that a dog lead?

9 A. It's a miniature Shetland sheepdog that belonged to my
10 aunt, and that is her car there. It's a very old car as
11 well -- it was very old then.

12 MR MacAULAY: Let's just focus for a moment or two on
13 St Joseph's itself. What is your recollection of your
14 first day there? Do you have a recollection?

15 A. I do have some sort of minor recollection. Really, it's
16 just of total chaos, of people running up and
17 downstairs, carrying trunks and luggage and stuff like
18 that, and people milling around. That is as much as
19 I remember of that first day.

20 Q. Let's try and get some understanding as to what the
21 location was like. I'll put some photographs on the
22 screen for you and you can perhaps talk us through them.

23 The first photograph I want you to look at is an
24 aerial type photograph and it's at INQ.001.004.2710. It
25 looks like an old photograph, I can't give you a date,

1 but are we looking at the main building to the forefront
2 of the photograph?

3 A. Yes.

4 Q. Can we see from that that it would appear to be, is it,
5 on four floors altogether, or three floors?

6 A. I think there are three main floors.

7 Q. And then an attic floor?

8 A. I'm not sure if there were two attic floors or not.

9 Q. If we move on quickly to another photograph -- and I'll
10 come back to this one in a moment -- INQ.001.004.2711.

11 Are we looking at the front?

12 A. Yes, you can see clearly it is four floors there, yes.

13 Q. Going back then to the previous photograph at 2710,
14 we've identified main building. Can you just give us
15 some understanding as to what the other buildings
16 connected to the school were insofar as this photograph
17 is concerned?

18 A. This must be quite an old photograph because some --
19 there were some buildings there that are not in this
20 picture. The building immediately behind was a church,
21 a chapel.

22 Q. And we can see the church to the left of the photograph.

23 A. Yes. Next to the church there was part of the school
24 where the brothers themselves, some brothers themselves
25 stayed and ate, and then also in there, there was

1 dormitories for the senior school.

2 Q. Is that the other main building beside the church?

3 A. Yes.

4 Q. If we move along to the right-hand side of the main
5 building itself, we see some smaller buildings there.

6 A. Yes, brothers lived in there as well. I think that was
7 called St Michael's Mount. I'm not sure. It was sort
8 of painted white and single storey.

9 LADY SMITH: So that's the lower, smaller building at the
10 top end of that group of buildings, is it?

11 A. Yes.

12 MR MacAULAY: Perhaps then looking at another photograph,
13 which is perhaps more up to date, this is
14 INQ.001.004.2715. I think this is a photograph taken
15 from the rear of the main building.

16 A. Right, yes.

17 Q. We see the church to the very forefront of the
18 photograph.

19 A. Yes.

20 Q. You can see now there are other buildings in this
21 photograph. Were these buildings there during your time
22 or not?

23 A. Yes, the building on the left-hand side of the
24 photograph, the modern building was I think what they
25 called the science block, which consisted of a large

1 hall, which was where films were shown and ... And an
2 assembly hall, I think it was called. And then at the
3 front of that building, which is at the top, there were
4 classrooms for science-related subjects, chemistry,
5 et cetera, et cetera. That was constructed whilst I was
6 at the school.

7 Q. I think we can also see that there has been an addition
8 to the right of the main building; is that right?

9 A. Yes. That was not there when I was at school.

10 Q. Thank you.

11 A. In fact, all the stuff on the right-hand side was not
12 there either.

13 Q. We know that the school when you were there was run by
14 the Marist Brothers. Were there particular brothers
15 that you had dealings with on a fairly regular basis?

16 A. Yes. Brother MLS, one of my -- sorry, my abuser was
17 my form master, for want of a better word. In that
18 we were fairly young children, there was no need for
19 other teachers to come in. He covered all the subjects.
20 He also controlled -- supervised us going to bed and
21 getting ready in the evening.

22 Q. I'll come back and ask you about him.

23 As you moved through the school, were there other
24 brothers that you would also have dealings with?

25 A. Yes. After I left his class, he figured less in my life

1 and as you progressed through various teachers -- and as
2 you reached the middle school, which would be first
3 year, second year, et cetera, then you had different
4 teachers for different subjects. But up until that
5 point it was always just one class, one teacher, whilst
6 you were in the junior school.

7 Q. Can you remember who the SNR [REDACTED] was then when you
8 were at the school?

9 A. The first SNR [REDACTED] was Brother Gaul and subsequently
10 Brother MZH [REDACTED].

11 Q. I think you also mention in your statement
12 a Brother CIPHER WI [REDACTED]. What role did he play during your
13 time at the school?

14 A. He was in charge of one of the dormitories that I slept
15 in. That would be in my second or third year at the
16 school.

17 Q. Right. Can I go back to one of the photographs we've
18 already looked at, INQ.001.004.2711.

19 While we're waiting for the photograph to come up,
20 can I ask you this: are you able to explain to us,
21 because we have a range of ages at the school, how the
22 age groups were divided up across the school?

23 A. It was not an exact process. You could get -- there
24 were three divisions: junior, middle and senior. But
25 what division you were in was not exactly matched to

1 your age, you could be younger or older. The brothers
2 themselves, I think, decided who went where.

3 Q. If we're looking at the juniors, are we talking about
4 the younger boys?

5 A. Yes.

6 Q. And I think we have from other evidence a reference to
7 "wee-rec". Is that a description that you recognise?

8 A. That's the junior part of the school.

9 Q. So do we also have mid-rec and the senior rec?

10 A. Yes.

11 Q. And I think "rec" stands for recreation, doesn't it?

12 A. Yes, I think so.

13 Q. Just to get the terminology.

14 You have told us when you went to the school you
15 were 9 years of age. Were you then in a group of boys
16 of a similar age?

17 A. I was the youngest in my class. There was a class below
18 me, which was 7 and 8-year-olds, or thereabouts. But
19 people in my class were from my age, 9, and maybe up
20 another year or so.

21 Q. The 7 or 8-year-olds, they would also be in the junior
22 section?

23 A. Yes.

24 Q. If we go back to the photograph then, Richard, I just
25 want to get some understanding as to what the sleeping

1 arrangements were, let's say when you were a junior boy.

2 Are you able to help me under reference to the building
3 itself?

4 A. Yes. Taking where the clock is, to the left all those
5 rooms there were the dormitories for the junior school.
6 Each of those windows had a room of about five people,
7 but behind that there was a central area which had maybe
8 five or six beds on either side. My room was maybe
9 about the third one, third window along, I think.

10 Q. Are you looking at all levels or at a particular level?

11 A. Just the top attic level.

12 Q. So the top attic level was essentially dormitory
13 accommodation for the junior school?

14 A. Yes.

15 Q. Are you saying then that it consisted of separate rooms
16 with several beds in each room?

17 A. Yes. Only for the junior school.

18 Q. Yes.

19 A. On the other side, there was another dormitory, which
20 was entirely open, except for -- there were cubicles
21 nearer the clock tower end, sort of enclosed -- well,
22 cubicles, maybe bigger than cubicles, which were the
23 rooms of the brothers who were running that dormitory.

24 Q. So the brother or brothers who ran your dormitory, where
25 would they be located?

- 1 A. He was in a room immediately as you went into the
2 dormitory on the left-hand side. The person who ran the
3 dormitory was Brother CIPHER WITH. But he only -- he did
4 not supervise any washing, changing or anything; he just
5 ran the dormitory once we were actually sort of
6 installed.
- 7 Q. You mentioned the dormitory to the right then of the
8 clock.
- 9 A. Yes.
- 10 Q. What age group would that dormitory be accommodating?
- 11 A. That would maybe be from ... It's hard to say. I'm
12 just thinking. Maybe 12, 13.
- 13 Q. And were you in that location at one point during your
14 time there?
- 15 A. Yes. Brother CIPHER WITH was in charge of that dormitory.
- 16 Q. The other windows that we see indicating aspects of the
17 accommodation, there's three floors below the attic or
18 the top floor.
- 19 A. Yes.
- 20 Q. What sort of accommodation was there?
- 21 A. Open dormitories. I can only remember on the right-hand
22 side that there was another dormitory, from what
23 I remember.
- 24 Q. What about classrooms and so on? Were they --
- 25 A. The classrooms were -- most of the classrooms were on

1 the middle level, and some ... The classroom that
2 I started at was on the ground floor level at the
3 extreme right-hand side.

4 Q. The dining areas and the like, were they also
5 accommodated in this building?

6 A. The dining area was on the extreme left-hand side.

7 Q. If we go back to the aerial photograph at 2710, we've
8 identified already the church and the building next to
9 it.

10 A. Yes.

11 Q. So far as that building next to the church is concerned,
12 was there also dormitory accommodation or sleeping
13 accommodation in that building?

14 A. Yes.

15 Q. Who did that accommodate?

16 A. Pupils in the senior school.

17 Q. Did you mention earlier there was also accommodation
18 in that building dedicated to the brothers themselves?

19 A. Yes, and a dining room as well.

20 LADY SMITH: Was that a dining room for the brothers or
21 a dining room for the children?

22 A. A dining room for the brothers. I never saw it, I only
23 knew about it.

24 LADY SMITH: Thank you.

25 MR MacAULAY: Apart from the brothers as teachers, were

1 there lay staff at the school?

2 A. There were kitchen staff with whom I had no interaction.

3 Q. What about teaching staff? Were there any lay teaching
4 staff?

5 A. Latterly there were a couple of teachers, but they were
6 teaching in the senior part of the school, the
7 secondary, shall we say.

8 Q. Do I take it then from what you're saying that the brunt
9 of the teaching was borne by the brothers?

10 A. Up until the last couple of years, exclusively in fact.

11 Q. What impression did you have at the time, throughout
12 your time at the school, as to how many boys were at the
13 school as boarders?

14 A. My guess was about 350, although we all had numbers. It
15 was not guaranteed that every number was taken up.
16 There were some day pupils as well.

17 Q. I was about to ask you that. Can you give us an
18 understanding as to what number there might have been
19 over your period?

20 A. In a class there would maybe only be two or three day
21 pupils.

22 Q. Can I ask you a little bit about the routine. You talk
23 about this in your statement from paragraph 19 on to
24 about paragraph 42. I'll just identify some aspects of
25 it.

1 Letter writing. I think you wrote letters home to
2 your parents; is that right?

3 A. Yes.

4 Q. What you say in your statement is these may have been
5 inspected but they weren't censored in any way?

6 A. It was unspoken censorship, shall we say. The letter
7 was inspected and I think if you'd written anything that
8 was too controversial, you would have been told to go
9 and change it. The letter also had to be of a minimum
10 length of two pages as well. You wrote on Sunday
11 mornings.

12 Q. But you were never picked up on what you'd written?

13 A. No. It was just standard stuff, you know.

14 Q. You're not hugely complimentary of the food.

15 A. The food was not very good.

16 Q. But there was no pressure on you to eat the food? If
17 you didn't eat it --

18 A. No, no. But as growing teenage boys, you were sort of
19 constantly hungry, but most of the food was not very
20 great.

21 Q. You do tell us in your statement that at half-term your
22 parents could come and visit; is that correct?

23 A. Yes.

24 Q. Did your parents come to visit you at half-term?

25 A. Yes.

1 Q. Would you go home for the normal holidays at Christmas,
2 Easter and the summer?

3 A. Yes.

4 Q. Did you have any sense of any other inspections, any
5 inspections being carried out by an external body?

6 A. Very vaguely, but just somebody coming into the
7 classroom and you would stand up and say good morning,
8 or something like that, and then you would sit down and
9 I think someone maybe sat in the classroom for a while
10 to watch the teaching. Only in the secondary school, as
11 far as I remember.

12 LADY SMITH: Would that person be a brother or a layperson?

13 A. Somebody from outside the school.

14 LADY SMITH: Thank you.

15 MR MacAULAY: Did you infer that it was somebody looking
16 at the academic side of the school?

17 A. Yes, I think so, or teaching standards. I'm guessing,
18 you know. I couldn't be 100% sure.

19 Q. But one thing you do tell us, Richard, in your statement
20 is that you did run away from the school on more than
21 one occasion.

22 A. Yes. I've had time to think about it exactly. On four
23 separate occasions with different degrees of success on
24 each one.

25 Q. And what age range were you when you did this?

1 A. I was 9 and 10, and probably into 11.

2 Q. What was the best you did, how far did you get?

3 A. I got to Edinburgh.

4 On my first trip, I just walked around Dumfries and
5 sort of got a bit lost and then went back to the school
6 myself. The second time, I got as far as New Cumnock in
7 Ayrshire; I'd obviously taken a wrong turning. The
8 third time I got to Moffat and, in best Enid Blyton
9 tradition, I knocked on a farmer's door and asked could
10 I sleep in his barn and of course he called the police.
11 The fourth time I got to Edinburgh.

12 Q. Were your parents in Edinburgh at that time?

13 A. Yes.

14 Q. So did you get to your parents' house?

15 A. Yes.

16 Q. A couple of things on that. First of all, why did you
17 run away on these occasions?

18 A. Because I hated the place.

19 Q. Did you tell your parents, at least at the time when you
20 turned up at their door, that you had run away and that
21 was why? What was the discussion?

22 A. I can't remember much detail of what -- I know that
23 I didn't knock on the front door, I actually went round
24 to the back of the house, and my brother and sister had
25 a bedroom and I sort of knocked on their window and got

1 into the house and then I was sort of discovered.

2 I was thinking about it. I don't remember what
3 happened after that. I went back to school, but I don't
4 know how or why or who took me or whatever.

5 Q. On these occasions, particularly when the school knew
6 what you'd done, were there any repercussions at the
7 school itself?

8 A. No, there weren't. But the thing is, there were no
9 repercussions for me, but also I don't think my parents
10 were informed of what had happened either.

11 Q. They knew, of course, when you turned up at the house.

12 A. Yes, on the last occasion.

13 Q. Were you ever asked by anybody, whether it was by your
14 parents or the school, why you had run away?

15 A. No. I mean, nothing happened to me because of it.
16 I may have been questioned, I honestly can't remember.

17 Q. Can I touch upon discipline. We'll look at some aspects
18 of that later. Generally speaking, how was discipline
19 maintained at the school?

20 A. With a belt.

21 Q. And who would use the belt?

22 A. Virtually everyone.

23 Q. Are you talking about the brothers there?

24 A. Yes.

25 Q. And can you give us an understanding as to how it would

1 be used and for what it might have been used?

2 A. Well, firstly, the belt -- some of the belts were not of
3 the variety that holds up your trousers. Some of them
4 were so thick that you could hold them and they would
5 stand up straight.

6 One particular brother, whose name I didn't know,
7 but his nickname was Flecker, if you were caught in his
8 maths class with your arms unfolded, except if you were
9 working, you got the belt for that. The teachers
10 carried the belt with them at all times, mostly.

11 Q. And did you consider, looking back, that the discipline
12 was strict or how did you see it?

13 A. Oh, there were a couple of brothers who never belted
14 anybody, but it was used all the time. It was routine.

15 Q. How would it be used?

16 A. Different degrees of belting. One was just putting out
17 one hand, and then there was the double hand, and then,
18 for what they considered more serious offences, you were
19 told you had to bend over and were belted.

20 Q. On top of your clothing for these instances?

21 A. Yes, in these instances, yes.

22 Q. We'll come to something else in a moment.

23 LADY SMITH: Richard, can I take you back to -- it was
24 a maths class I think you said.

25 A. Yes.

1 LADY SMITH: If you had your arms unfolded other than when
2 you were working --
3 A. Yes, you had to sit like this in the class (indicating).
4 LADY SMITH: Why?
5 A. Because you were told to. When you're young and at
6 school, you do what you're told, especially when the
7 repercussions are that you're going to get belted if you
8 don't. So you just accepted it.
9 LADY SMITH: Was that the only class in which you had to
10 have your arms folded like that?
11 A. It was, yes.
12 LADY SMITH: Thank you.
13 MR MacAULAY: So that was a particular desire of that
14 particular teacher?
15 A. Yes.
16 Q. That person you mentioned as Flecker or --
17 A. Yes, that was his nickname. I've racked my brain,
18 I can't remember his brother name.
19 Q. You tell us about one instance where there was a brother
20 who was involved in mass belting. What's the background
21 to that?
22 A. The background was that he was probably the youngest
23 brother at the school. He was maybe only about 21 or
24 something like that. It's very difficult to judge when
25 you are very young yourself. But in the dining room, he

1 made an announcement that something good was coming,
2 I can't remember what it was, and traditionally people
3 sort of banged on the table. He took exception to that
4 and then belted 150 pupils.

5 Q. Was that there and then in the dining room?

6 A. You had to exit the dining room, go past him, and get
7 the belt. I stayed very much to the end of the queue,
8 by which time he was exhausted.

9 Q. How many strokes?

10 A. Two strokes then.

11 Q. Normally, was there a particular number of strokes that
12 would be inflicted?

13 A. Depending on how they assessed the severity of your
14 offence, it would either be one, two, four or six.

15 Q. And, I suppose, depending on the teacher, with what
16 ferocity the belt was being used?

17 A. Yes, and the particular belt as well made a difference.

18 Q. You've mentioned Brother MLS already. I just want
19 to focus on him for a little while. First of all,
20 he wasn't your dormitory master, I think you told us.

21 A. No, he was my form master.

22 Q. And at least in your first year there, you would have
23 regular contact with him; is that correct?

24 A. Yes, all day, every day.

25 Q. Did that change when you moved into the middle school?

- 1 A. It changed when I left his class to go up to the next
2 level. I didn't have any dealings with him except maybe
3 on sports days and stuff like that.
- 4 Q. Did he have some duties in relation to supervision of
5 the boys, even outwith the classroom?
- 6 A. Yes. In the evening, he was the one who supervised the
7 washing and changing and getting ready for bed. Us
8 younger children, after having supper, we went to bed
9 earlier than the other divisions of the school.
- 10 Q. Would he be alone then in that degree of supervision?
- 11 A. Yes.
- 12 Q. You tell us about something happening on a particular
13 evening. I wonder if you could just talk to me about
14 that.
- 15 A. He took me into one of the separate little rooms, one of
16 these little attic rooms, for some misdemeanour or
17 supposed misdemeanour, I can't exactly remember --
- 18 Q. Were you in bed or preparing for bed at that time?
- 19 A. No, I ... I was still clothed. It may have been at the
20 beginning of getting ready to go to bed. I'm not sure.
21 But I was normally clothed.
- 22 Q. So he takes you into this little room. Does he tell you
23 why you're there?
- 24 A. For some offence of some kind. I can't actually
25 remember.

1 Q. What then happened?

2 A. As you went through the door, there was a bed
3 immediately on the left. He sat me down or I stood next
4 to it, I can't remember which, and he sat on the bed
5 opposite, only about 2 feet apart, and then he asked me
6 to take my trousers down, and then began to sort of play
7 with me and fiddle with me whilst at the same time there
8 was activity underneath his cassock. But bear in mind,
9 I was 9, and in the 1950s, I didn't even know what sex
10 was.

11 I think that he was maybe disappointed with the
12 response from me.

13 Q. So do I take from what you say when you say "fiddled",
14 he was handling your private parts?

15 A. Yes.

16 Q. And when you say "activity under his cassock" do you now
17 realise, looking back --

18 A. I know what was happening now, yes.

19 Q. That he was having an erection?

20 A. Well, he was masturbating, to be clear.

21 Q. Did he belt you on this occasion?

22 A. Subsequently, he got me to go over to one of the other
23 beds, bend over -- this is with my trousers still
24 down -- and he belted me over my bare backside.

25 Q. So just to get the sequence, you have the fiddling going

1 on, first of all?

2 A. Yes.

3 Q. And then, after a period of time, you're belted?

4 A. Yes.

5 Q. And was he saying anything to you during this process?

6 A. He may have been, but I can't remember what he actually

7 said.

8 Q. And your own reaction, can you remember now what your

9 reaction was?

10 A. I think my reaction at the time was that this was,

11 I suppose, unusual, but the punishment part, you sort of

12 accepted. On a simple level, I suppose I knew that it

13 was probably wrong and then, on thinking about it,

14 I knew that it was wrong. I couldn't tell you why, just

15 you sort of know things are not right.

16 Q. Had any other teacher or brother belted you on your bare

17 backside other than MLS?

18 A. No.

19 Q. When you took your trousers down, do we understand that

20 you also took your underpants down?

21 A. Yes, trousers and underpants, yes.

22 Q. How long did this whole episode last for, do you think?

23 A. Just a few minutes, really. Yes, just a few minutes.

24 Q. Did you then go to bed?

25 A. I can't remember.

1 Q. Were you crying?

2 A. Probably. Again, I can't remember. I spent a lot of

3 time crying.

4 Q. Then did this happen again?

5 A. Yes, it happened several times. I've been trying to

6 figure out exactly how many and I can't say that I know,

7 but it would be not less than two and not more than

8 four, I would bracket it.

9 Q. And was the procedure similar to the first occasion?

10 A. Yes.

11 Q. Again, do we have this picture of him fiddling with you

12 and then you being belted?

13 A. Yes.

14 Q. And how many strokes of the belt?

15 A. Just two.

16 Q. Did you mention this to another boy that was a friend of

17 yours?

18 A. Yes.

19 Q. We needn't know the name, just if you tell us --

20 A. I know his name --

21 Q. Yes, but we don't need to know the name.

22 A. Yes, we discussed it. He had had a similar experience.

23 How it came up, I don't know. We were just children,

24 you know.

25 Q. So was he the same age as you, this boy?

1 A. Yes, he was.

2 Q. And when you say he had a similar experience, do you
3 mean that he had said that something similar to what
4 happened to you had happened to him?

5 A. Yes. I don't know or I cannot remember the exact detail
6 of what happened to him, but it was a similar
7 experience.

8 Q. Did you then decide to tell someone about this?

9 A. I told my mother during the summer holidays. I can't
10 remember the exact circumstances of the telling, but
11 I told her and I must have planned to tell her because
12 I think this other friend of mine, I had his telephone
13 number or address, and my mother communicated with his
14 mother.

15 Q. Did you tell your mother that there was also another boy
16 that you knew about then?

17 A. Yes, with the intention that she should speak to this
18 other boy's mother.

19 Q. You said that was during the summer holidays. If you
20 went there at the beginning of the winter term in,
21 I think you said, 1957, are we now looking into the
22 summer of 1958?

23 A. Yes.

24 Q. After you'd been at the school for a year?

25 A. Yes.

1 Q. And how long had you been at the school before this
2 behaviour by Brother **MLS** started?

3 A. Not long, but I can't be specific. When you're at
4 school, in a boarding school, and you're trapped there,
5 a term seemed like a lifetime, although it's only about
6 11 or 12 weeks. So I can't be very specific on
7 exactly --

8 Q. But was this behaviour spread over the academic year or
9 was it over a shorter period of time?

10 A. I can't say with all honesty.

11 Q. What then happened in relation to your mother and indeed
12 your mother phoning the mother of the other boy?

13 A. I think once she had spoken to the other person and
14 confirmed that something untoward had happened, then my
15 mother wrote or phoned -- I don't know which, I think
16 wrote -- to the school. She must have had a meeting
17 with him, maybe when I was taken back to school at the
18 beginning of the year, and it was Brother Gaul that she
19 dealt with, and he assured her that the matter would be
20 dealt with, et cetera, et cetera.

21 Q. And do you know if the mother of the other boy did
22 something similar?

23 A. I don't know.

24 Q. What position did Brother Gaul have at that time?

25 A. He was the **SNR** at that time.

1 Q. When you went back to school for your second year, would
2 Brother [REDACTED] be your form master?

3 A. No, I was moved out of his -- sorry, I progressed into
4 the next year.

5 Q. Did you have anything more to do with Brother [REDACTED] ?

6 A. No, not really, just maybe on sports afternoons, and
7 maybe he would be doing some general supervision, but
8 I had no direct contact with him.

9 Q. What role did he have at the school after you went back?

10 A. His role remained unchanged and he still had the same
11 position when I left the school six years later.

12 Q. So he was still, if I can put it this way, in charge, in
13 care of the younger boys?

14 A. Absolutely.

15 Q. You've touched already upon Brother [REDACTED], who was
16 really the dorm master, if I can call him that.

17 A. Yes.

18 Q. What sort of person was he?

19 A. A sadist, I would say.

20 Q. Can you tell me what sort of age he was?

21 A. He was older. He would be 50-plus, I would guess.

22 Q. Perhaps I should have asked you about Brother [REDACTED] :
23 did you form any view of how old he was at this time?

24 A. It's difficult to tell, as I said, when you're a child,
25 but I would have said 25, 30, something like that.

1 Q. You've described Brother CIPHER WITH as a sadist. Can you
2 tell me why that's your view?

3 A. He just was very happy to use the belt on little
4 children. I had an incident with him where he wanted to
5 belt me, unjustifiably I believed, and I refused to put
6 my hands out. He chased me down the dormitory, lashing
7 the backs of my legs with the belt. I remember the
8 weals on the backs of my legs.

9 Q. What age were you at that time?

10 A. I was nine at that time.

11 Q. And other boys, did you see other boys being belted
12 by --

13 A. Yes, it was routine.

14 Q. Do you know why they were being belted?

15 A. Minor, you know, misdemeanours.

16 Q. Can you tell me -- are you able to say what sort of
17 force was being used by this brother when he was using
18 the belt?

19 A. Oh, with maximum force, I would say. Without
20 overstraining, but yes, it wasn't just like this
21 (indicating), it was done with full force.

22 Q. And generally, you're talking about it being used on the
23 hands?

24 A. Yes. In general, yes. But it would leave weals up your
25 wrist, depending on how good their aim was, but you

1 could see the stripes and raised flesh.

2 Q. How regular an occurrence was this then, with

3 Brother [CIPHER WITHD]

4 A. Every week, but I mean I can't say exactly. I suppose

5 on a lot of occasions you weren't taking too much notice

6 as long as it wasn't you, sort of thing.

7 Q. The other brother I want to ask you about, and we've

8 touched on already, is Brother [CIPHER WITH]

9 A. Yes.

10 Q. I think you said that Brother [CIPHER WIT] at a point in time

11 became your housemaster; is that right?

12 A. No, Brother [CIPHER WIT] was a dorm master --

13 Q. What --

14 A. -- or one of two dorm masters, in fact.

15 Q. What year were you in by this time?

16 A. I would be ... I think I was in what they would call

17 control 2 or first year.

18 Q. Is that secondary school?

19 A. Yes.

20 Q. So you'd be perhaps 12, 13 years of age?

21 A. I was young for ... I would only be 11 when I went into

22 first year.

23 Q. I think what you tell us in your statement is that at

24 that time you had a friend that you spent a lot of time

25 with.

1 A. Yes.

2 Q. And this friend also spent time with Brother [REDACTED] CIPHER WITH

3 A. Yes. His bed was adjacent to Brother [REDACTED] CIPHER WITH cubicle

4 and he spent a lot of time in there, behind closed

5 doors. I don't know what happened. I asked this friend

6 what had happened, but he would never tell me. He

7 didn't say nothing, he just was evasive, but it was most

8 evenings that he spent like an hour or so in this

9 cubicle with Brother [REDACTED] CIPHER WIT

10 Q. So that's Brother [REDACTED] CIPHER WITH and this boy together and

11 no one else?

12 A. And no one else, yes.

13 Q. What age was this boy when this was going on?

14 A. He'd be the same age as me, around about 11.

15 Q. How long did that last for?

16 A. For as long as we were in that dormitory. So that would

17 be a year, I would guess. I can't give you exact dates

18 on that.

19 Q. Did your friendship with this other boy trigger any form

20 of response from Brother [REDACTED] CIPHER WITH

21 A. Yes. He blighted the rest of my life at school.

22 Q. Can you tell me about that?

23 A. He would just look for opportunities to give me the belt

24 for minor misdemeanours. He even interfered in

25 a cricket match that I was playing in, where he was the

1 umpire, and he did his damndest to get me out, but in
2 fact failed.

3 Q. Do you know why he was behaving in this way against you?

4 A. For want of a better word, he thought he was in a sort
5 of love triangle or something like that, which was
6 clearly not the case. This is me looking
7 retrospectively.

8 Q. Yes.

9 A. When I was at school, I just felt I was being belted for
10 being this person's friend.

11 Q. You do tell us about one particular occasion, for
12 example, where he gave you the belt just because you
13 were present in a particular room.

14 A. Yes. In my last year at school, I was the only person
15 doing Higher [REDACTED] and I was in the [REDACTED] room [REDACTED], it
16 was my passion at that time, and he came in and he gave
17 me the belt for being in the [REDACTED] room. [REDACTED]
18 [REDACTED]. But by that time, I was 15 and
19 I think we sort of looked each other in the eye and
20 realised how farcical it was that he was continuing this
21 vendetta.

22 Q. Was the boy still at the school?

23 A. No, he was not, he had left the school.

24 Q. Do you know when he left the school?

25 A. No, but not immediately. He had been gone from the

1 school for at least a couple of years, I would think.

2 Q. But notwithstanding his absence, did this vendetta you
3 have mentioned --

4 A. The vendetta continued, yes.

5 Q. You have said on more than one occasion, Richard, that
6 you hated the school.

7 A. Yes.

8 Q. What you're telling us about now, does that feed into
9 that particular sense?

10 A. There was a whole ... It's hard to know how much the
11 brothers communicated with each other about me and
12 whether there was a sort of cadre of perverts who
13 communicated, I don't know, but I was aware that I got
14 unwarranted attention. I could, on occasions, see
15 people looking at me or brothers looking at me and
16 talking about me, that when I entered the middle
17 division, one of the brothers, Brother Kenelm, said, "Ah
18 yes, you're Kozub, you're supposed to be a lot of
19 trouble, we'll see about that". But in fact, what
20 happened is I developed a good relationship with him.
21 He was a decent human being and we had no trouble with
22 each other.

23 But I knew that there had obviously been
24 communication. I also know that on the occasion when
25 I had refused to take the belt from Brother CIPHER WITH, my

1 form master at that time told me I was a coward. I took
2 the opposite view, but he told me I was a coward for
3 refusing to take the belt.

4 LADY SMITH: How did you manage to refuse to take the belt?

5 A. Well, if you don't put your hands out, they can't ...

6 LADY SMITH: So the brother didn't then choose to belt you
7 on some other bit of your anatomy?

8 A. He chased me down the dormitory, lashing at the backs of
9 my legs.

10 LADY SMITH: I see. That's the occasion you were telling me
11 about earlier?

12 A. Yes.

13 MR MacAULAY: Who was the brother who said you were
14 a coward; can you remember?

15 A. It was my form master in what was called control 2,
16 Brother **MLA**.

17 Q. You have mentioned control already. Does that
18 indicate --

19 A. It was the class designation. I have no idea of the
20 logic, but the little children were in one class,
21 I don't know what it was called, but I started in
22 control 1 and then you moved to control 2, and after
23 control 2 you started in secondary, in first year.

24 Q. Did you raise this problem you were having with
25 Brother **CIPHER WIT** with any of the other brothers?

1 A. No, it's not the sort of thing you would do.

2 Q. Why not?

3 A. It was inconceivable. I wouldn't have had any
4 conversation with any of the brothers about any personal
5 matter whatsoever.

6 Q. What about your parents, before you left the school?

7 A. I didn't mention it to them either. I sort of ... In
8 a boarding school, you're living in a goldfish bowl.
9 That is the totality of your life. You accepted
10 what was manifestly abnormal, you sort of accept it as
11 being part of your life, and I never brought it up with
12 anybody.

13 Q. Can I then take you to the time you came to leave
14 St Joseph's. Again, you mentioned this earlier on, that
15 you left quite abruptly.

16 A. I refused to go back.

17 Q. Did your parents discuss this with you and try to
18 persuade to go back?

19 A. Yes, they did. I went back -- sorry, I came home for
20 the Christmas holidays in December 1963. I sort of
21 discovered a girl's, a social life, et cetera,
22 et cetera, and I just could not conceive of going back
23 and I just refused to go. I suppose my parents tried to
24 persuade me, but I'd reached the difficult teenage age,
25 I suppose, where I felt able to stand up to them.

1 Q. I think because you didn't go back to St Joseph's, you
2 didn't go back to school at all, or did you?

3 A. Not really. There were vague attempts to get me to go
4 back to school, but I had had my fill of educational
5 institutions at that point.

6 Q. One thing you say, I think more than once in your
7 statement, Richard, is that it's always infuriated you
8 that your parents were paying money --

9 A. For the privilege of me being abused, yes.

10 Q. Yes. That's something that's preyed on your mind?

11 A. Yes.

12 Q. In what you tell us about your life after St Joseph's,
13 you have done a number of things, including being
14 a dealer in high performance and classic cars --

15 A. Yes.

16 Q. -- and indeed being involved in art?

17 A. Yes.

18 Q. You've always been self-employed, effectively?

19 A. From the age of about 20, yes, I worked for myself.
20 I suppose this experience made me independent and
21 self-reliant, but also distrustful of institutions.

22 Q. That leads me to ask you about what impact, if any, you
23 think your time at St Joseph's may have had on you.

24 You've already told us about the incident in
25 Kathmandu where out of the blue you had this response.

1 A. Yes. My feeling -- one cannot run two parallel films of
2 your existence, one with incidents happening and another
3 with it not.

4 I suppose I was distrustful of authority,
5 institutions. I was reasonably bright. I had seven or
6 eight O levels when I was 15, but I was offered a place
7 at university but never took it up. I just became
8 independent, self-reliant, and it may have ... It's
9 a thing that you can't really know, but I believe it
10 coloured my existence and I was independent and
11 self-reliant.

12 Q. You tell us about an incident in Malta when you had
13 contact with a little boy, who I think was --

14 A. Yes. I was on holiday with a girlfriend and her little
15 boy and he was about 9, which was the age that I went to
16 St Joseph's. We were in a swimming pool and I picked
17 him up and I realised how fragile and vulnerable he was,
18 which was the age when I went to school. But I couldn't
19 conceive of how people would be so harmful to such
20 a fragile little creature. He was so vulnerable, you
21 felt you could almost break them. But this didn't seem
22 to bother the brothers very much.

23 Q. Was that a thought you had at that time?

24 A. At that very moment when I held him. I just lifted him
25 up and he was so light to me, you know, and just

1 nothing. It just flashed through my mind. In some
2 ways, my experience with little children made me more
3 determined to speak out, I suppose.

4 Q. You have spoken out to the police. In fact, you have
5 gone and reported to the police and you tell us that was
6 in 1997; is that right?

7 A. Yes, approximately.

8 Q. That was the police in Dumfries?

9 A. Yes.

10 Q. What prompted that?

11 A. I was down in the Borders on some business thing,
12 I can't remember exactly what, and I thought I would
13 just go to St Joseph's and have a look at the place. So
14 I continued on and went there, and when I was wandering
15 round the place, I just felt such anger, and if I had
16 met one of my abusers, I would have hit them, regardless
17 of the consequences. I didn't meet any of them, but the
18 anger rose up inside me, and it was that that motivated
19 me to speak to the police.

20 Q. When you went to the police, you met with more than one
21 police officer?

22 A. Yes, a woman police officer and a male. They came to
23 Edinburgh to see me, in fact.

24 Q. So you made the initial contact and then they came to
25 see you?

1 A. Yes.

2 Q. And what did you tell them?

3 A. I told them what had happened as I'm telling you now.

4 They also interviewed my mother separate from myself,
5 and then they went off to make enquiries.

6 Q. Did you get a response from the police subsequently?

7 A. Yes, basically they said that one of them was gaga,
8 suffering from dementia, and I think the other one had
9 either died or gone to Canada, I can't remember the
10 exact details, but they were not accessible in any
11 meaningful way.

12 Q. There, are you talking about Brother CIPHER WIT and
13 Brother MLS in particular?

14 A. Yes.

15 Q. Has anything happened since? Was that the end of your
16 dealings with the police?

17 A. Yes.

18 Q. You also tell us in your statement that you wrote
19 a letter to the Pope.

20 A. Yes, I did.

21 Q. And I think you've made at least a copy of that letter
22 available to us. I'll put it on the screen in front of
23 you. It's WIT.003.002.1289.

24 There are bits that have been blacked out, for
25 example your address and so on.

1 A. Yes.

2 Q. This is a copy, but it doesn't have a date. Can you
3 tell me when the letter was written? Is it in more
4 recent years?

5 A. Yes, more recent years, yes. I also at a similar time
6 wrote to or emailed Archbishop Philip Tartaglia.

7 Q. So that is 2012? I think we've seen --

8 A. It would be about that time. The other thing is that it
9 took a year before they responded to my letter.

10 Q. I take it the Pope himself did not --

11 A. No, he didn't. It was from a Vatican office of some
12 kind.

13 Q. If we just look at the letter itself then, you begin by
14 saying:

15 "In writing to you, I am presuming you are already
16 aware of the recent revelations of physical and sexual
17 abuse perpetrated against young boys by priests of the
18 Benedictine Order at their boarding school at
19 Fort Augustus in Scotland."

20 Do I take it from that that certain news had come
21 out in connection with Fort Augustus?

22 A. Yes.

23 Q. Was that the trigger then to you writing this letter?

24 A. I can't honestly say. I don't know what my thoughts
25 were at the time.

1 Q. You go on to say:

2 "My purpose is to inform you of similar abuse by
3 Marist Brothers at St Joseph's College, Dumfries, on
4 myself and others whilst I was a pupil at this school."

5 The reference to "others", we know about the other
6 boy that you mentioned MLS had done something
7 similar to. Who else did you have in mind there?

8 A. I knew at that time that a Brother Aloysius had been
9 convicted and sent to jail at that time. There seemed
10 to be a history. It was reported in the press at the
11 time -- sorry, it had already been reported in the
12 press, I can't remember the exact date.

13 Q. You go on to say in the next paragraph:

14 "In my case, after I had told my mother, she
15 complained to the school principal and she was told that
16 the matter would be dealt with. Nothing changed at
17 all."

18 That's what you've told us already; is that correct?

19 A. Yes.

20 Q. And this is you writing in 2012?

21 A. Yes. I haven't read this for quite some time, actually.

22 Q. You go on to say:

23 "The same brother continued to be in charge of the
24 youngest children, many as young as 7 or 8, supervising
25 their undressing, changing and preparation for bed,

1 until I left some six years later."

2 A. Yes.

3 Q. That's one I think I was going to ask you: was

4 Brother MLS there when you left the school?

5 A. Yes. The last thing I did at school was I stole his
6 belt out of the his desk drawer.

7 Q. How did you manage that?

8 A. It was on the last day. It was in the classroom, I just
9 pulled the drawer open and took the belt.

10 Q. Was that just a spur of the moment thing?

11 A. Yes, unplanned.

12 Q. You go on to say:

13 "I do not consider myself psychologically damaged by
14 these experiences, but one can never know. However,
15 I do know that my childhood years were stolen from me
16 and whilst my parents thought they were giving me the
17 best education they could afford, what in fact was
18 happening was that they were paying for the privilege of
19 me being abused."

20 A. Yes.

21 Q. And I think you've already mentioned that to us?

22 A. Yes.

23 Q. You have mentioned correspondence that you had with,
24 I think, Bishop Tartaglia, as he then was.

25 A. Yes.

1 Q. Perhaps if we look at that. The letter you got from The
2 Vatican I don't think you were able to find it to let us
3 see it.

4 A. I have searched everywhere. I have a feeling it's in
5 one of these safe places that you put things and then it
6 takes years to find them. I've searched, but I cannot
7 find ... The reply was fairly simple. It was
8 basically, "This is not our problem and we refer you
9 back to the Marist Brothers", and that was it.

10 Q. Then if we look at your email correspondence with the
11 bishop, this is at WIT.003.002.1283.

12 We're looking at a series of emails. I think to
13 start the chain, we go to the bottom. There's an email
14 there from you to Bishop Philip. Your name has been
15 blanked out. It was sent on 25 July 2012 at 2.51 pm.
16 You seem to be responding to something because you say:

17 "When you are considering matters that are not
18 addressed, you might do better to focus your attention
19 on matters a little closer to home, such the as sexual
20 abuse of children by members of the clergy, particularly
21 those in a position of trust."

22 And you go on to talk about your position in
23 St Joseph's. Had there been earlier correspondence with
24 the bishop?

25 A. No, he had been reported in the press as being, I think

1 at the time, highly critical of same-sex partnerships
2 and he was critical of lifestyle choices. I can't
3 remember the exact thing. But it was an article in the
4 press that triggered it and I thought that he would do
5 better looking at issues closer to home than
6 pontificating on matters that were not necessarily his
7 concern.

8 Q. We see his reply, I think, in the next email. It's from
9 Bishop Philip to you, Richard, and the date now is the
10 same day, 2012, the time now is 18.15. Do you see that,
11 it's a little later on in the day?

12 A. Yes.

13 Q. What he says is:

14 "Dear Mr Kozub. If you were sexually abused at
15 St Joseph's College Dumfries, the Catholic Church can
16 help you investigate the abuse. You can make
17 a complaint directly to the police and they will begin
18 an investigation and/or you should contact your nearest
19 priest, who will put you in touch with the diocesan
20 safeguarding officer who will advise you how to
21 proceed."

22 What was your response to that?

23 A. I think I told him that I had already complained to the
24 police and as far as contacting a safeguarding
25 officer -- it's come up there -- I said that:

1 "If I had been robbed, I would not be reporting the
2 matter to the mafia."

3 Q. And that's what you say in the email response to the
4 bishop, which we see -- it was fairly shortly after the
5 one you received because it's now 18.53 in the evening.
6 You mention precisely that:

7 "Why would you think I would want to enlist the
8 assistance of a priest? It suggests that you are not
9 grasping the realities of the circumstances. If I'm
10 robbed, I don't look to the Mafia for resolution."

11 The point you are making is: if this has been done
12 to me by the church, why should I reach out to the
13 church?

14 A. Exactly.

15 Q. Finally then, Richard, I'll go back to your statement at
16 paragraph 82, where you have a statement dealing with
17 lessons to be learned.

18 You begin by telling us:

19 "There should be checks and certifications done on
20 those looking after such institutions."

21 So that's the first point, I think, that you made.

22 A. Yes.

23 Q. And you go on to say this:

24 "Orders like the Marists can be magnets for the
25 wrong type of people joining them for the wrong

1 reasons."

2 Can I just ask you --

3 A. In fact, where I say "can be magnets", "can" is the
4 wrong word: are magnets for the wrong type of people.

5 Q. Why do you say that?

6 A. There seem to be a disproportionate number of perverts
7 and sadists, I guess, joining religious orders, that
8 it's become obvious over the last few years that the
9 practice is widespread.

10 Q. You go on to say:

11 "There have to be processes in place where people
12 who make complaints can do so without the fear of
13 repercussions."

14 A. Yes.

15 Q. Did you feel you were not in that position during your
16 time at St Joseph's?

17 A. Who would know exactly what the repercussions were
18 because I don't know what went on behind the scenes, but
19 there should be structures in place to deal with this.
20 We live in a different time now, it has changed, but,
21 yes, there should be structures.

22 I can say that within the Marist Brothers,
23 particularly in the junior school, the people teaching
24 were not what I would call qualified. They were not the
25 sharpest tools in the box. They ended up doing it

1 because they were members of the Marist Brothers.

2 Some Marist Brothers did not teach, but some did,
3 but in the case of the younger children, I doubt they
4 were qualified in any normal way.

5 Q. You go on to say finally that your view is that children
6 should not be sent to a boarding school at the age you
7 were because you think you were too young.

8 A. I do. Again, seeing it through the eyes of
9 a girlfriend's children, I would hate for them to be
10 sent to a boarding school. There possibly comes an age,
11 I know other children who have asked to go to -- who
12 have been day pupils and then asked to go to board at
13 these schools, but that's at the age of maybe 13 or
14 something like that.

15 MR MacAULAY: Very well, Richard. Thank you very much
16 indeed for engaging with the inquiry and coming here
17 today to give your evidence and to answer my questions.

18 My Lady, I can confirm that I have not received any
19 questions to be put to Richard.

20 LADY SMITH: Are there any outstanding applications for
21 questions of Richard? No.

22 Richard, it only remains for me to thank you very
23 much indeed for engaging with the inquiry as you have
24 done. You've brought us a valuable insight into your
25 experience of St Joseph's when you were there for quite

1 a long period between 1957 through to 1963, and as the
2 first witness in this case study, that has established
3 considerable insight for us into your experience there.

4 So thank you for that. I'm very grateful to you and
5 I'm now able to let you go.

6 A. Right, thank you.

7 (The witness withdrew)

8 LADY SMITH: That neatly takes us to the lunch break,
9 I think, Mr MacAulay.

10 MR MacAULAY: It does, my Lady; we have a witness for this
11 afternoon.

12 LADY SMITH: Very well.

13 (12.58 pm)

14

1

2

(The lunch adjournment)

3

(2.00 pm)

4

LADY SMITH: Good afternoon. I think we've now got another

5

witness who's ready to give evidence, is that right,

6

Ms MacLeod?

7

MS MACLEOD: Good afternoon, my Lady, yes, we do. The next

8

witness is an applicant who wants to remain anonymous

9

and he'll use the pseudonym "Jim" in giving evidence.

10

"JIM" (sworn)

11

LADY SMITH: Jim, please sit down and make yourself

12

comfortable.

13

You'll see the red light is on on the microphone,

14

which means it's switched on. All I would ask is you

15

keep in a good position for us to be able to hear you

16

through the sound system. If you're ready, I'll hand

17

over to Ms MacLeod and she will explain what happens

18

next. Is that all right?

19

A. Yes.

20

Questions from Ms MacLEOD

21

MS MACLEOD: Good afternoon, Jim.

22

A. Good afternoon.

23

Q. You've provided a statement to the inquiry, and there's

24

a copy of that in the red file in front of you. I'll

25

begin by giving the reference of the statement for the

1 transcript: WIT.001.002.4076.

2 Jim, if you could begin by turning to the final page
3 of the statement. Have you signed the statement?

4 A. I have, yes.

5 Q. In the final paragraph, do you say:

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

8 A. I did, yes.

9 Q. Do you go on to say:

10 "I believe the facts stated in this witness
11 statement are true"?

12 A. Yes.

13 Q. I don't need your date of birth, Jim, but to give a time
14 frame, were you born in 1949?

15 A. I was, yes.

16 Q. Are you now 70 years old?

17 A. I am, yes.

18 Q. You begin by telling us a little bit about your family
19 background. You say, I think, that you were born in
20 Ireland.

21 A. Correct, yes.

22 Q. And that you have a sister who's around three years
23 younger than you?

24 A. Yes.

25 Q. You tell us that your father and, I think, a younger

1 brother and two of his sisters were in Smyllum.

2 A. They were, yes, something they wouldn't talk much about,
3 but clearly it had a big impact on them, although they
4 all sort of got over that in their lives in a way.

5 Q. You mention in your statement that:

6 "They would talk about it with such bitterness."

7 A. Yes. Particularly my uncle, I think ... my uncle did.
8 There was one nun there who thought he had a future and
9 he was grateful to her.

10 Q. And I think you do say that they went on to become
11 educated and successful.

12 A. Yes, and lead successful lives.

13 Q. Indeed, you tell us that your father was a successful
14 business owner --

15 A. Yes.

16 Q. -- and that he moved to London when you were, I think, 6
17 or 7; is that about right?

18 A. About 7, I think.

19 Q. Did there come a time when your parents moved to
20 America?

21 A. Yes.

22 Q. Was it at that time that you went to boarding school?

23 A. Yes, when I was 9.

24 Q. Was that to St Joseph's College in Dumfries?

25 A. Yes.

1 Q. I think we'll come on to look at this, but you tell us
2 you were there from the age of 9 until around the age of
3 13.

4 A. That's correct, yes. I know it's 9 because it was the
5 year Pius XII died, so that was 1958, so I would have
6 been 9. I went in the [REDACTED] term as a day boy first.

7 Q. As a day boy in the [REDACTED] of 1958?

8 A. Yes.

9 Q. And did you remain in the school perhaps until about
10 1962?

11 A. Correct, yes. Before Kennedy was assassinated anyway.

12 Q. Do you know the reason why St Joseph's was the school
13 that you went to?

14 A. Well, I know they considered some other schools,
15 Fort Augustus, for example, but they particularly picked
16 St Joseph's in Dumfries because -- I'm not certain, it
17 says in the statement my great uncle, but he might be my
18 great-great-uncle. My father's great-uncle had been
19 a Marist Brother and had come into the order from
20 Ireland.

21 Q. Did you have some family living in Dumfries --

22 A. Yes.

23 Q. -- at the time?

24 A. Yes, a cousin of my grandmother.

25 Q. And you've mentioned you went to the school initially as

1 a day boy in the [REDACTED] of 1958.

2 A. Correct.

3 Q. Did you live with that cousin of your grandmother's?

4 A. I did, yes, and her adopted sister, so I went in as
5 a day pupil.

6 Q. I think you go on to tell us that it was in early 1959
7 that you became a boarder.

8 A. That's correct, it would be the start of that term,
9 I think, the [REDACTED] term, I suppose.

10 Q. When you were a day boy, how would you describe your
11 life in Dumfries?

12 A. Well, I was away from home, but I enjoyed it very much.
13 I was cared for well with the relatives I was living
14 with. As I remember it, she made wonderful winter soup.
15 Tripe was a bit more than I could manage, but, for
16 example, we had a Christmas party in the class and
17 I remember them making cakes for me to bring in and so
18 on. So in a way, I got sort of to know the school and
19 I was able to go to the cinema on a Saturday and that
20 sort of thing.

21 Q. So was it quite a different life being a day boy as
22 compared to when you became a boarder?

23 A. Yes.

24 Q. I'll put some photographs on the screen for you of the
25 building of the school if that's all right. If I can

1 begin by looking at: INQ.001.004.2711.

2 (Pause)

3 Do we see there a photograph of St Joseph's, looking
4 at the front of the building?

5 A. Yes.

6 Q. And do we see there that it appears to be a building
7 that's on around four floors?

8 A. Yes.

9 Q. When you initially became a boarder, was your dormitory
10 on the top floor?

11 A. It was on the top floor on the left-hand side.

12 Q. The left-hand side as we're looking at the photograph?

13 A. Yes.

14 Q. I'm now going to put an aerial photograph on the screen:
15 INQ.001.004.2710.

16 Jim, we don't know the exact date that this
17 photograph was taken, but do we see the main building?

18 A. I do, yes. That's exactly as it was like in all of my
19 time. In my time there, to the right-hand side of that,
20 they built a new wing with a hall for performance in and
21 music practice rooms and some classrooms and a lecture
22 room.

23 Q. So is that as we're looking at the main building?

24 A. As you're looking at the main building, to the right of
25 the main building the new building was built.

1 Q. And I think in fact we have a photograph of that, which
2 I'll come on to look at shortly.

3 A. And it was linked to the main building.

4 Q. I see. The buildings that we see behind the main
5 building, can you explain to me what these are, starting
6 with the one to the left of the photograph, first of
7 all?

8 A. This is the memorial chapel, which recorded the names of
9 those who had died in the First War and that sort of
10 thing, and I think that was the intention, that it was
11 built to commemorate that.

12 To the other side is what was, as far as we were
13 concerned, the brothers' house, although in my second
14 year in the school I attended a classroom in one room of
15 that at the back of that building, up an external fire
16 escape set of steps. We went into the building that way
17 on to the first floor and the classroom was at the back.

18 LADY SMITH: Is the building you're pointing to the one
19 that's to the right of the chapel?

20 A. It is, yes.

21 LADY SMITH: And you're saying you had to go round the back
22 of it to find the fire escape?

23 A. You went to the side and there was like a fire escape
24 staircase, in exactly the same way that there is to the
25 left-hand side of the main building. So access to it

1 was via that staircase to the classrooms. The brothers
2 clearly went in other ways.

3 MS MACLEOD: Was it your understanding that brothers had
4 accommodation in that building?

5 A. They did.

6 Q. You mention in your statement a St Michael's Mount. Can
7 we see that on the photograph?

8 A. Yes. That's to the right of the brothers' building. So
9 it's on the far right of the picture. There was a hall
10 in there, a sort of recreation hall. You can't see that
11 in the picture; it's in behind the brothers' building.

12 Q. Jim, I wonder -- the photograph is actually on a screen
13 behind you as well as in front of you. I wonder if you
14 could possibly point, so I'm clear, out where
15 St Michael's Mount was.

16 A. St Michael's Mount was over here (indicating).

17 Q. I see.

18 A. And there was a place where the older brothers who were
19 retired went, and in here -- this must be it here
20 (indicating). I've sort of misremembered the way it was
21 positioned in relation to the main building. But there
22 was a hall here.

23 Q. So you're pointing at this area -- this is a area to the
24 right of where the brothers lived?

25 A. Yes.

1 Q. So that was where St Michael's Mount was?

2 A. Yes.

3 Q. Were there retired brothers, did you say, who lived
4 in that --

5 A. As I understood it, always retired brothers were there,
6 and the provincial, I think, possibly, at that time.
7 I'm not sure about that.

8 Q. I see, thank you.

9 I'll put another photograph on the screen now, which
10 is INQ.001.004.2715. This is a more recent photograph,
11 relatively speaking.

12 Do we see there that this photograph shows the main
13 building from the back?

14 A. Yes.

15 Q. And to the bottom right, you can see the chapel there
16 that we saw on the other photograph?

17 A. Yes. The chapel here, yes (indicating).

18 Q. What do we see there in this photograph to the left of
19 the main building?

20 A. To the left of the main building is what was built as
21 the ... There used to be very, I would imagine,
22 expensively mounted Gilbert and Sullivan productions
23 every year. There was a new purpose-built hall in that
24 building. There were music practice rooms and some
25 classrooms. There was certainly what would pass as

1 a lecture theatre in it as well.

2 Q. Okay. Then to the other side of the main building, was
3 there any extension or any alterations made to that?

4 A. No, not at the time that I was there. There was a fire
5 escape staircase that came down. If you go back to the
6 previous photograph, there was a sort of games pavilion
7 on the field.

8 Q. I'll put that photograph on the screen:
9 INQ.001.004.2710.

10 A. So this (indicating) was the games pavilion.

11 Q. So that's at the very bottom right of that photograph,
12 that building there?

13 A. Yes. This must all have been demolished (indicating).
14 I'm not certain, I don't remember those buildings at
15 all.

16 Q. You're there pointing to the buildings immediately to
17 the right of the main building?

18 A. Yes, because that's where the new hall and so on was
19 built on. That was done during my time, so quite early
20 on in my time.

21 Q. I see.

22 LADY SMITH: If that was the games pavilion, are these the
23 sports fields that we're seeing just in front?

24 A. Yes, that's correct. That's where we had sports day and
25 so on.

1 MS MACLEOD: What's your recollection, Jim, of the number of
2 boys at the school when you were there?

3 A. I think there were certainly 360-something. We had
4 numbers. My school number was [REDACTED] and my first cousin,
5 his number was [REDACTED]. I've never forgotten them.

6 Q. You mention that, that you had a cousin at the school
7 who was the same age as yourself.

8 A. Yes.

9 Q. And of that 360-odd, are you able to give me any
10 indication of how many were day boys?

11 A. There were day boys, but they were a minority in my
12 early time there.

13 Q. And of those 360 boys, how was the school divided in
14 terms of groupings?

15 A. Well, you started off as I did in what was called the
16 wee-rec and then you went to the mid-rec, which I did,
17 which was the dormitory on the other side of the top of
18 the building.

19 Q. Was there then a senior --

20 A. There was a senior -- and they had a degree more
21 privacy, I think, although I never really saw what that
22 accommodation was like because I was never in it.

23 Q. The wee-rec, what was the age range of the boys within
24 that?

25 A. I suppose we were 9, 10.

1 Q. And the mid-rec?

2 A. Mid-rec was when we went into the secondary part of the
3 school, so it'd be first year, second year, third year
4 on.

5 I mean, I had two years of primary education there.
6 I don't know which way round it went, control 2,
7 control 1. I don't know which was the first stage, one
8 of the two.

9 Q. And those control 1 and control 2, were they the names
10 given to classes?

11 A. They were. They were the two primary stages of the
12 school.

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

14 A. When I went, Brother Gaul.

15 Q. And did he remain SNR [REDACTED] or did that change?

16 A. No, it changed.

17 Q. When did it change?

18 A. I can't be specific about that. I think there might
19 have been a -- I don't know, but then at some point it
20 was Brother MZH [REDACTED] who replaced everybody. But
21 Brother Gaul for my first period of time; I remember him
22 remarking on me having too much hair.

23 Q. If we focus on the wee-rec then, was there a particular
24 brother assigned to that part of the school?

25 A. To that dormitory, yes.

1 Q. Who was that?

2 A. Brother CIPHER WITH.

3 Q. Was he the brother in that role during the whole of your

4 time in the wee-rec?

5 A. Yes.

6 Q. What about the mid-rec, was there a brother?

7 A. There was a brother in the mid-rec. I honestly can't

8 remember who that is clearly. I can see the face, but

9 I can't think of the name.

10 Q. Brother CIPHER WITH then, just to focus on him for

11 a moment, what kind of age do you think he was?

12 A. Well, I mean, it's my adult perception now because as

13 a 10-year-old you have a very notional idea of age. But

14 I would have said he was in his fifties.

15 Q. Can you tell me a little bit about him in terms of what

16 his personality was like?

17 A. To other people, he may have seemed fine, but not --

18 I didn't find him approachable, considerate or careful

19 of those who were in his charge.

20 Q. I think you mention that at the time you thought perhaps

21 that he didn't like you and your cousin very much.

22 A. Well, that transpired later on. There was some

23 suggestion that our relative, who had been

24 a Marist Brother, might have been his novitiate master

25 and that they had maybe not got on.

1 Q. I see. You mention some other brothers in your
2 statement and I'll look at those. Brother [MLS];
3 what was his role?

4 A. Brother [MLS] taught me in the first class, control 1
5 or 2, whichever way round it was, and in the second
6 class, so I had him for two years as my teacher.

7 Q. And that being --

8 A. And he taught me everything --

9 Q. Yes --

10 A. -- in essence because it was the primary segment of the
11 school and subjects were not differentiated to any
12 degree.

13 Q. You mention a Brother [MLU].

14 A. Yes.

15 Q. What was his role?

16 A. Well, he was towards the end of my time there and he was
17 a relatively young brother, who I understood came from
18 Largs. My encounter with him was simply when he
19 refereed a football match.

20 Q. And Brother [MLS], what kind of age was he?

21 A. I suppose he might have been in his 20s. He could
22 easily have been, because I was 10. I'd imagine he
23 would have been. I mean, he ... He was sufficiently
24 young in his views. For instance, there were some good
25 things about the place. He introduced us, for instance,

1 to Benjamin Britten's War Requiem, which wouldn't
2 exactly have been the choice of most of the brothers,
3 I would have thought.

4 Q. And how did you get on with him as your class teacher?

5 A. Very well. I thought he was wonderful. The first term
6 there, I mean ... (Pause). This is ridiculous.

7 On a Friday afternoon he used to read us --

8 LADY SMITH: Jim, I should also assure you if you want
9 a break at any time --

10 A. No, no, I'm fine.

11 LADY SMITH: But please, do know, it's perfectly all right.

12 A. I shouldn't get emotional about this. It's really
13 silly.

14 LADY SMITH: Of course you should, if that works for you.
15 I can take a break at any time if that's what you need.
16 All right?

17 A. No, thank you, my Lady.

18 He -- a good example of this is on a Friday
19 afternoon, he would stop everything and he would read to
20 us Biggles stories and I loved that.

21 MS MACLEOD: And in his role as a class teacher I think you
22 tell us in your statement that you did get on with him
23 quite well.

24 A. Yes, he was terrific. A thing you wouldn't imagine
25 nowadays: we went on walks and pressed leaves in books,

1 a nature book, and so on.

2 Q. Looking to the set-up of the dormitory in the wee-rec,
3 can you give me an idea of what the set-up was? Was it
4 one large dormitory? Was it divided up?

5 A. Well, clearly when I was giving my statement, I did
6 think about this. You can have a partial memory, but
7 there was a central section of it. The washroom was
8 at the bottom, a statue of Our Lady in front of the
9 washroom, and there were smaller rooms to the sides,
10 with fewer boys in, and then a range of beds down the
11 two sides of the dormitory.

12 Q. So there were two main sides of the dormitory, with
13 smaller rooms off the sides?

14 A. Yes.

15 Q. How many boys in total, just approximately, do you think
16 were in the wee-rec?

17 A. I don't know. Would there be 40 of us? I don't know.
18 It's very hard to say.

19 Q. And Brother CIPHER WITH, where did he sleep in relation to
20 the boys?

21 A. When you came into the dormitory, CIPHER WITH had a room
22 that was to the left-hand side of the dormitory at the
23 top of it.

24 Q. And how would you describe the atmosphere in the
25 dormitory generally?

1 A. Well, I mean, there were good times, I mean ... There
2 was a craze we all had of buying mice in Dumfries, so
3 white mice were running everywhere around these places.
4 So things got out of hand sometimes.

5 But it was very controlled. You had to make your
6 bed. If your bed wasn't made properly, you were hauled
7 up there to make sure that it was done, and if it was
8 repeated, you were strapped. There were shoe
9 inspections, about whether they were polished, and so
10 on.

11 Washing in the morning was disgusting --

12 Q. Just to look at some aspects of that. Who carried out
13 the inspections of beds and shoes and that kind of
14 thing?

15 A. There would be boys appointed to do it or older boys,
16 and also Brother CIPHER WITH.

17 Q. If you were to be punished as a result of any of those
18 inspections, who would administer the punishment?

19 A. CIPHER WITH.

20 Q. And what would the punishment be?

21 A. The strap.

22 Q. Would that be on the hands?

23 A. Hands, yes. Usually you had to pull your shirt cuff up
24 because the straps had tawse on them.

25 Q. I see. Was there a particular number of times you would

1 be strapped or would that depend on --

2 A. That would depend, a variation.

3 Q. You mentioned there the washing arrangement in the
4 morning. What was the arrangement for washing?

5 A. Cold water. This is the 1950s, early 1960s, so you used
6 a face cloth. We were 9, 10, and you had a wash bag,
7 and to this day it makes my flesh crawl, the feel of
8 that facecloth, glutinous from ... so you went in there
9 in your pyjama bottoms and cold water. And Dumfries is
10 cold in the winter.

11 Q. And would you be having showers in the morning or --

12 A. No showers, we had baths, and they were regimented. I
13 vaguely remember, I think, once a week, something like
14 that.

15 Q. If we look now at the schooling side of things. Were
16 the classrooms that you were in in the main building of
17 the school?

18 A. My first class was on the bottom floor of the main
19 building to the right as you look at it, along that
20 corridor that came off the central entrance. In my
21 second year, my classroom was in the brothers' house.
22 Then for my successive years it was in the main building
23 on the first floor.

24 Q. You've mentioned that Brother MLS was your teacher
25 for control 1 and control 2. In the main for the other

1 classes, was it brothers who did the teaching?

2 A. Nearly all brothers. Towards the end of my time, we had
3 a few lay teachers appeared. A mother of two boys who
4 were there taught us elocution. We had somebody,
5 I think, who was teaching history, although he didn't
6 teach me. But the rest of them, nearly all brothers --
7 sorry, all brothers apart from ... during my time.

8 Q. You mentioned that:

9 "[You] enjoyed school initially but that may have
10 changed as [you] progressed through school."

11 A. Because, clearly nowadays people would read a different
12 diet of books, but you read things like Billy Bunter and
13 Darbings(?) and Jennings. You went to a boarding school
14 expecting it to be like that, but it was nothing like
15 that. Gradually, that realisation dawned on you in
16 a way, that it wasn't like it was in the books.

17 Q. Something you mention is that you were kept back a year
18 at one point, but that later on, you had information to
19 indicate that there wasn't a problem with you as such
20 and you perhaps wondered why that was.

21 A. I had a very successful school career after Dumfries;
22 I'm a graduate and everything else. If I could say so,
23 I blossomed when I left Dumfries. But I was very
24 unhappy there for a time, particularly towards the end
25 of my time there.

1 Q. We've touched on discipline in the dormitories. How was
2 discipline managed in the classroom?

3 A. Just the strap or a brother who had a slipped disc who
4 taught me [REDACTED], and if you didn't get the vocab right,
5 he just banged you against the plaster cast he was
6 wearing.

7 They threw dusters at you, not jokingly, but --

8 Q. And in relation to the plaster cast, I think you tell us
9 in your statement that was a Brother MNR [REDACTED].

10 A. Yes. He was good in other ways. He made a centurion's
11 uniform for us and all of rest of it, but really ...

12 LADY SMITH: Jim, for those who are listening to this that
13 are somewhat younger, when you say duster, you're
14 talking about the old traditional wooden-backed
15 blackboard duster?

16 A. Wooden-backed, yes.

17 The one thing that did -- I mean, I know my tables
18 and people nowadays don't know their tables. The way we
19 learned our tables was the table was on the board first
20 thing in the morning when you went into the class.

21 Brother MLS [REDACTED] would put 7 in the middle and then he'd
22 point at 8 and he'd point at somebody and you either got
23 it right or you got it wrong. If you got it wrong, you
24 got the strap.

25 MS MACLEOD: Did you get the strap from Brother MLS [REDACTED] on

1 those occasions in front of the class?

2 A. Very occasionally. I wasn't too bad on my tables. He
3 would pick me up on my spelling more than that.

4 Q. If he did administer the strap, would that be in front
5 of the class?

6 A. Yes.

7 Q. On the hand?

8 A. On the hand.

9 Q. You provide some information in your statement about the
10 routine and I don't intend to go through that in detail
11 because we've got it in your statement, but one thing
12 you mention is letter writing and that there was a time
13 on a Sunday when you would write home. Was there
14 a degree of supervision of that writing?

15 A. Well, this was when you were in the secondary part.
16 When I was in control 1 and control 2, they did it with
17 you in your own classroom. When I was in the first,
18 second, third year, they would open up -- because they
19 had folding partitions in the classrooms.

20 Q. So just to pick up on what you said there, when you were
21 in control 1 and control 2, you wrote the letters in the
22 class with a teacher with you?

23 A. On the Sunday, yes, and the teacher would sit there with
24 you and you would show the letter to the teacher.

25 The same thing was done when you were in the

1 secondary school expect it was a much bigger number of
2 students being supervised because the partitions were
3 opened up. You had to take your letter out and show it
4 to the brother before it was posted.

5 Q. Did you ever have any issues that were picked up with
6 any of your letters?

7 A. We did have issues because, I mean, the weather in the
8 winter could be very, very cold and so on and we had
9 games afternoons twice a week, on a Wednesday afternoon
10 and Saturday afternoon. So quite often, they couldn't
11 take us to the playing fields, so what did they do with
12 a whole school full of boys? We were taken to the
13 cinema in Dumfries. So sometimes we were at the cinema
14 twice a week. And so people were writing home, saying,
15 "I've been to the cinema", so we were told to stop
16 mentioning it because parents clearly were writing in
17 and saying, "What are we spending money on when they are
18 never ..."

19 You couldn't talk about how you felt about anything
20 because they would be reading it, so you knew
21 automatically that you didn't do that.

22 Q. And indeed, you say in your statement that whatever
23 happened to you, you couldn't put it in a letter?

24 A. No, not at all because it would be picked up.

25 LADY SMITH: Jim, if I can take you back a moment. Once or

1 twice you've mentioned this description of a class you
2 were in as being control, control 1 and control 2. Are
3 you able to help me with what the background to using
4 this word "control" to delineate a particular class was
5 all about?

6 A. I don't know. I mean, it was the nomenclature that was
7 given to them by ... To this day, I know it's right
8 because initially I started spelling it with two Ls and
9 I got into trouble for that, so I've never forgotten
10 that. It was control 1 and control 2, and quite why,
11 I don't know.

12 LADY SMITH: Was every class in the junior section of the
13 school referred to as control and its number?

14 A. Yes, control 1 and control 2.

15 LADY SMITH: And when you got into the senior school?

16 A. You were in first year, second year.

17 LADY SMITH: But this was the nomenclature used in the
18 junior school, for reasons which to this day defeat you?

19 A. Yes, it was never explained.

20 LADY SMITH: Thank you.

21 MS MACLEOD: You mentioned, Jim, in paragraph 76 of your
22 statement that there was a tragedy during your time
23 at the school, where two brothers drowned, you tell us.

24 A. Well, they were day boys, actually.

25 Q. I was going to ask.

1 A. Their father was a local dentist. The Nith would often
2 freeze over in really heavy winters and they apparently
3 one weekend, as a daredevil I suppose, had gone out on
4 the ice, the ice had given way, and they went in.

5 Q. Do you recall inspections of the school?

6 A. One.

7 Q. And what in particular do you remember about that one
8 inspection?

9 A. The thing I clearly remember about it is that we saw
10 china in the refectory that we'd never, ever seen before
11 in our lives that had the college crest on it, and that
12 was ... Did we see inspectors? I don't remember that,
13 no, but clearly, they were there because there was
14 a degree of ... So whether it was HMI or what it was,
15 I couldn't tell you.

16 Q. You mention that there was a sickbay in the school and
17 that the matron dealt with that. I think one thing you
18 say is that:

19 "The matron was far from being motherly or
20 maternal."

21 A. Yes.

22 Q. Indeed, you say that there was no feminine influence or
23 presence at all.

24 A. Well, if she was it, that was wanting. Even the people
25 who served the food in the refectory were males.

- 1 Q. Do you recall if there were boys in your dormitory who
2 wet the bed?
- 3 A. Yes. I probably did myself, actually, when I first went
4 there.
- 5 Q. What would happen when somebody wet the bed? How was it
6 dealt with?
- 7 A. I remember it being humiliation, really, because the bed
8 had to be stripped and everything else -- you had to
9 provide your own sheets. They weren't their sheets, you
10 brought your sheets.
- 11 Q. You brought your sheets from home?
- 12 A. Yes, so you had a limited number of sheets, so they
13 couldn't be easily replaced, apart from anything else.
14 It was a humiliating experience, bad enough if it
15 happens to you in your own home, but for it to happen in
16 a public dormitory is pretty distressing.
- 17 Q. Do you recall what Brother CIPHER WITHD approach was to
18 bed-wetting?
- 19 A. He would humiliate people who were persistent in it and
20 eventually they would be punished, and it was a way of
21 trying to get them to resolve it.
- 22 Q. How would he humiliate them?
- 23 A. The way he spoke to them and everybody could see that
24 this is what had happened.
- 25 Q. Do you remember, I know it's a long time ago, the kinds

1 of things he said?

2 A. No, I couldn't honestly, but they were things that drew
3 attention to the fact that you had wet your bed.

4 Q. If children were to be punished for wetting the bed,
5 what would the punishment be?

6 A. The strap, but that would be persistent. So there would
7 be no effort made to look, you know, for a reason for
8 that.

9 Q. You tell us that something that stuck with you is the
10 arrangements that were in place for laundry in the
11 wee-rec. I think you say that:

12 "[You'll] never forget this carry-on until the day
13 [you] die."

14 A. That's true. I even remember the name of the laundry
15 that we sent our clothes out to be washed in Dumfries:
16 Shortridge. So you had a laundry bag with your number
17 on it. You had a laundry book for each week. Whichever
18 night we sent the things out, you had to write in your
19 book and itemise the number of pairs of socks,
20 underwear, vests, all those -- shirts, whatever was
21 being sent to the laundry.

22 It was itemised in the book, it went off to
23 Shortridge, came back on Friday night always in the
24 dormitory and we would all be lined up and the laundry
25 bag would be given out. CIPHER WITH would come with a list

1 of people where Shortridges had said, "These people have
2 made mistakes in their laundry bags".

3 So you had sent -- you know, you're a 9-year-old
4 boy, you had a locker, which was a complete mess,
5 basically, because you were incapable of the degree of
6 organisation at that age that this required. So you
7 made mistakes in these things. There was a press in the
8 dormitory where you stored your blazer and your suit and
9 all of the rest of it.

10 So we'd line up in the dormitory, and Shortridges
11 provided this information to him -- I presume the
12 laundry didn't know what use was made of it -- and the
13 people who had made mistakes would be strapped.

14 One night, one boy, who probably was disobedient in
15 some respects, but he would not take the strap, so
16 CIPHER WITH followed him down the dormitory and lashed him
17 about his bare back until you could see the marks on
18 him.

19 And you're watching this as a 9-year-old.

20 Q. Were you yourself, Jim, punished in this way by being
21 strapped?

22 A. Yes, because I was careless, but I took the strap. But
23 imagine being afraid of doing your laundry.

24 Q. I think you say in paragraph 102 of your statement that:

25 "CIPHER WITH ran the dormitory for children in a most

1 brutal way."

2 A. Yes. I would say -- I wouldn't retract that word in any
3 way. Even with an adult mind I would regard his
4 behaviour as being brutal, particularly for those he
5 seemed to take exception to.

6 Q. Did boys run away from the school while you were there?

7 A. Yes. How often, I can't remember, but I remember, for
8 example, it being a joke that two boys, who lived
9 somewhere in Scotland, had gone in the wrong direction
10 and been caught near Carlisle.

11 Q. And do you remember what would happen to a boy or
12 boys --

13 A. Beaten in front of us as a warning that it shouldn't
14 happen.

15 Q. Who would do the beating on those occasions?

16 A. Well, it wasn't Brother Gaul, so ... I can't remember
17 who did that. But I certainly saw people beaten in
18 front of us for running away and causing a problem.

19 Q. When you say beaten, would that be hit with a strap?

20 A. Strap, yes.

21 Q. So do I take it then from what you're telling me that
22 there weren't efforts made to see why people had run
23 away or what was causing --

24 A. If that did happen, to be honest, I don't know about it.
25 Maybe there was a discussion with the parents, but

1 certainly the feeling was they had caused a problem
2 in the school and that had to be dealt with so that
3 others wouldn't follow suit.

4 Q. You tell us about an occasion involving Brother MLU
5 and I think you tell us that you suggested to him that
6 he needed a pair of glasses during a football match.

7 A. Yes. I wasn't good at football at all, but I played to
8 the best of my ability because it was a house game, and
9 he gave a goal that I felt was unjustified, and I was
10 told I had to see him in the study, which was a room
11 just off the main entrance hall on the ground floor to
12 the right-hand side as you come in. And he strapped me
13 on my backside after pulling my trousers down. He gave
14 me six. I think it was at that point that I ultimately
15 came to hate the place.

16 Q. I think you tell us that on that occasion he bent you
17 over a table and pulled your trousers down --

18 A. Yes, that's correct. It was a room where you could meet
19 parents and things. I was taken in there, bent down
20 over a table, had my trousers pulled down, and six on my
21 bare backside.

22 Q. Were you injured?

23 A. I was sore. You couldn't perform an inspection, really,
24 in a sense.

25 Q. You tell us in your statement about another occasion

1 when you and your cousin were going down to the
2 refectory. I think this was before a holiday.

3 A. Yes.

4 Q. Can you tell me about that?

5 A. This was in the new -- so where the new building joined
6 the old building after they'd put it in, there was
7 a sort of central staircase between the two that enabled
8 you to move from one building to the other and go up
9 floors and so on, if you were doing that.

10 So we were being brought, I forget ... I don't
11 know, were we in the hall or something? It can't have
12 been because it was coming from upstairs. We must have
13 been up there for some reason, a big group of us.
14 We were brought down the stairs and we were told to be
15 completely quiet. My first cousin was going off to his
16 home, I was going off to my home. We weren't going to
17 see each other again for a while, and there was
18 something that we had been discussing, family-wise.

19 So we mistakenly spoke when we were supposed to be
20 in silence. We were taken down in front of everybody on
21 the staircase, [REDACTED] that was the
22 way we were referred to, and beaten for breaking the
23 silence.

24 Q. Was that by the belt being administered?

25 A. The belt, yes, in front of the others.

1 Q. Do you remember roughly how old you were then?

2 A. I was getting towards the end then, I would have been
3 probably 12, going on to 13.

4 Q. You mentioned your school number there being [REDACTED].

5 I think you tell us in your statement that that was
6 something you hated and that in fact you celebrated your
7 [REDACTED] birthday because --

8 A. I did because I'd become my school number. My number
9 was banged into my shoes. You literally became your
10 number. It's an impersonal way -- because my cousin
11 shared the same initial, so I suppose it was easy for
12 them to refer to us by our surname and our school
13 numbers, but it dehumanises you. Even at that age, it
14 felt dehumanising.

15 Q. Were you quite often then referred to by your surname
16 and your number as opposed to any other form of address?

17 A. Yes, especially when the two of us were together.

18 Q. This is something you've pointed out already, Jim, but
19 what you've said is while some of the brothers may have
20 beaten boys in the way you've described, you also are
21 keen to point out that not every single person in the
22 place was like that, and you say some were decent men.

23 A. Oh absolutely. Clearly, they were. There were some ...
24 They did some things with us that were -- their Gilbert
25 and Sullivan operettas that I was in were wonderful.

1 There was an opportunity to do things. There was
2 a school choir that was wonderful. So there were good
3 things and some brothers were never, ever -- didn't
4 discipline you at all or were just great teachers or
5 whatever. But there was a hard core of people who could
6 make your life completely miserable.

7 Q. I think you tell us that that created a sense of
8 injustice, but that you just accepted it.

9 A. Well, you didn't have -- there was no point in
10 complaining at home because you'd be told to just put up
11 with it.

12 Q. Indeed, you say people who rebelled -- and you mention
13 that you've already told us about what happened to the
14 boy in the dormitory --

15 A. Yes, so you learned the lesson.

16 Q. We've mentioned Brother MLS, you have told us about
17 him being your class teacher in your primary years
18 at the school. You go on to tell us in your statement
19 about something that happened in relation to him.

20 Something you do say is that he wrote to you during
21 school holidays. Can you tell me a little bit about
22 that?

23 A. Yes, I quite clearly remember that, he wrote to me. He
24 had terribly neat handwriting, he taught us handwriting
25 too. He sent me a letter during the holidays that came

1 on crested school notepaper because all our notepaper
2 was crested. I remember my father saying to me, "Why is
3 he writing to you?" and I didn't think there was
4 anything untoward or anything in that. I thought it was
5 just very nice that he'd written to me and asked how
6 I was enjoying my holiday and all that sort of thing and
7 I wrote back, I suppose, saying it was fine.

8 Q. And I think you go on to say that some time between 1959
9 and 1960, when you were in control 2, that
10 Brother MLS told you to go and see him.

11 A. Correct.

12 Q. Can you tell me about that?

13 A. What time of year it was, I don't know, but it was
14 a very bright day because the room was very bright,
15 I remember that. He said that he wanted to see me, that
16 my parents had asked him to speak to me. So he told me
17 I was to go up to where our classroom was. So it was
18 a day that we clearly didn't have class, so it must have
19 been ... because we had Saturday morning school as well
20 as ... so a half day on a Wednesday and a half day on
21 a Saturday. So it could have been in one of those half
22 day afternoons or it could have been on a Sunday.
23 I don't think it could have been at any other time
24 because it was bright during the day.

25 I went up to a room that was near the classroom

1 we were in at that time, so I would have gone up the
2 fire escape. But it was not a room that we would
3 normally have been in -- I don't know what its real
4 purpose was -- and he took me in there.

5 Q. When you got there, did he start a conversation with you
6 about something?

7 A. Yes. The implication of it was -- and clearly I can't
8 absolutely remember the words he used, but the
9 implication of it was that my parents had asked him to
10 explain, in a way, to me the facts of life. That's the
11 nub of it, really.

12 Q. Did he then go on to do something?

13 A. Yes. He put his hand up my trouser legs. I, at this
14 time, was 9 years of age. I clearly had not gone
15 through puberty. So he then had a conversation about
16 what testes were for and what use they would be for me
17 later as an adult and so on.

18 Q. When he put his hand up your trouser leg, did he make
19 contact with your private parts?

20 A. Yes, and clearly I didn't react in the way he perhaps
21 had anticipated. That's maybe putting an adult
22 perception on it, but I didn't know really -- I mean,
23 I was innocent.

24 Q. Did he then ask you to do something to him?

25 A. Yes, to hold him. I sort of have very vague

1 recollections of that.

2 Q. When you say "to hold him", was that to hold his private
3 parts?

4 A. Yes.

5 Q. Do you remember if anything happened then and how that
6 came to an end?

7 A. No matter how many times you go through it, you can
8 never exactly pin it down. But it sort of ended and
9 I just left. I was told not to say anything to anybody
10 and I didn't for a long, long time. But then, you know,
11 you were just ... I think after that, he sort of
12 avoided me and whatever it was petered out.

13 Q. Do you remember what your own reaction was at the time
14 to what happened?

15 A. To be honest, I don't think I fully understood. I was,
16 I think, about 9, 9, 10, maybe 10. Really, I think
17 I hadn't gone through puberty because I didn't react.
18 I had no reaction, as I remember it. I liked him. This
19 was the man who taught me to serve Mass. He taught
20 me -- on that thing you've shown us there, he taught
21 some of us how to play handball because he had been
22 a novitiate in Spain and he had learned how to play
23 handball and so on and he taught us how to do it. So if
24 he was showing me a particular sort of favour, he never,
25 ever came near me again after that.

1 I didn't tell my parents. I didn't tell anybody.

2 Q. You say in your statement that there was a thing that
3 was said about Brother MLS at school.

4 A. Yes.

5 Q. What was that?

6 A. In a sense, this is something you remember long after
7 the event. When -- the first Gilbert and Sullivan
8 operetta that was put when I was there -- in my time
9 there -- the one I saw was "Trial by Jury". It was up
10 in that old hall and we used to have that as
11 a recreation place too.

12 Another bestial thing they used to do was to
13 encourage us to box in that place, against our will.
14 But that aside.

15 But the older boys -- there was this joke he had
16 always about "putting Nivea on it", and this was
17 a matter of great hilarity. What all of that was about,
18 I don't know.

19 Q. But the suggestion of putting Nivea on it, was that --

20 A. Yes, I would think it had some undertones. I don't know
21 why. I suppose in an adult perception ...

22 LADY SMITH: You're talking about Nivea cream, the
23 moisturising cream?

24 A. Yes.

25 MS MACLEOD: And you say that there was a lot of talk in the

1 school about sexual problems.

2 A. Yes.

3 Q. Was that talk amongst the boys?

4 A. Yes, and about some brothers, although **MLS** was never
5 specifically mentioned in that respect to me.

6 Q. Do you recall which brothers or any brother --

7 A. No, I would want to be very careful about this because
8 some of it might just be a rumour machine in the place.

9 There was a brother who supposedly was the sort of
10 general brother factotum who ran the boiler and so on
11 and there was a certain -- so the boiler rooms were
12 down, right at the bottom of that main building on the
13 left-hand side, and that whole area had rather an
14 unsavoury reputation. But there were other brothers,
15 clearly, that things got said about, but I'm not ...
16 It would be hearsay and I can't be specific about that.

17 Q. You say that when things of a sexual nature happened,
18 you just put it away somewhere and got on with things.

19 A. Well, you had to. I couldn't tell my parents about it.
20 How did you do that? You have to think about -- this is
21 the 1950s, early 1960s, a Catholic tradition, where
22 priests and brothers and religious can do no wrong, and
23 clearly they could.

24 Q. You say that the school was a fairly seedy place --

25 A. I think so, yes.

1 Q. -- and you think that's important to say.

2 A. Yes.

3 Q. Could you elaborate upon that for me?

4 A. I think all of that sort of discussion about those sorts
5 of things and so on made it a seedy place. When I went
6 to a day school, a Catholic day school in Glasgow,
7 a very large school, no conversation like that ever. A
8 complete revelation about what a school could be.

9 MS MACLEOD: My Lady, it's about 3 o'clock.

10 LADY SMITH: Would that be a good time to have the break,
11 Ms MacLeod?

12 We usually take a break at this point in the
13 afternoon, Jim. If it works for you, we'll take a break
14 just now and resume again in a short while after
15 everyone has had a breather.

16 (3.00 pm)

17 (A short break)

18 (3.20 pm)

19 LADY SMITH: Are you ready for us to carry on, Jim?

20 A. Yes.

21 LADY SMITH: Thank you very much.

22 Ms MacLeod, when you're ready.

23 MS MACLEOD: Jim, there came a time when you moved from the
24 wee-rec to the mid-rec. Did things go a little better
25 for you in terms of the dormitory in the mid-rec?

1 A. Yes. It was a bigger space, a window, rooms off it. If
2 I remember correctly, it was three rows of beds on
3 either side of the dormitory.

4 We occasionally -- once a week we were allowed to
5 watch television -- some parent had given the brothers
6 one of these televisions at that time that projected the
7 picture on to the wall, so a luxurious thing, I suppose,
8 and we were allowed to watch Perry Mason. I remember
9 that.

10 LADY SMITH: Goodness, "Trial by Jury" and Perry Mason.

11 That's quite something!

12 MS MACLEOD: In relation to the things that happened to you
13 at the school, Jim, you've already told me that you
14 didn't complain to your parents at the time.

15 A. No.

16 Q. And I think you say also --

17 A. I don't think I ever did, actually, really.

18 Q. I think you mention also that you didn't speak to your
19 cousin about --

20 A. No, not about what happened with MLS.

21 Q. Have you made any formal reports to the police at any
22 time?

23 A. Never.

24 Q. And have you made any reports to the Marist Brothers
25 themselves?

- 1 A. No.
- 2 Q. When you left St Joseph's, how did that come about, your
3 leaving when you were, I think, around 13?
- 4 A. Well, my parents had separated for a time, although they
5 came back together again, and my mother came back to
6 Glasgow and we bought a house in Giffnock. I attended
7 a very large secondary school in the south side of
8 Glasgow, which I loved.
- 9 Q. I think you tell us that was a wonderful school.
- 10 A. A marvellous place.
- 11 Q. In complete contrast to everything --
- 12 A. Yes. Over 2,000 pupils at the time -- I think it was
13 the largest school in Europe at the time, but
14 a wonderful place.
- 15 Q. You tell us that after school, you went to university in
16 Manchester and did a degree in history?
- 17 A. Correct, yes.
- 18 Q. And then became a teacher?
- 19 A. Yes.
- 20 Q. And I think you say that you have had three headships as
21 a teacher and ended as the principal of a sixth form
22 college in London.
- 23 A. Correct, yes.
- 24 Q. I think you mention that you lived in London for the
25 majority --

1 A. From my twenties.

2 Q. And that when you retired, you moved abroad.

3 A. Well, not immediately, but three years ago I moved to
4 France.

5 Q. In terms of the impact that your experiences at
6 St Joseph's have had on your life, you deal with this at
7 paragraph 137. That will come on the screen, but I just
8 wonder if you can summarise for me, Jim, what the impact
9 has been on your life.

10 A. I think that the problem with a boarding school, when
11 you are sent away at 9, is that you prematurely grow up.
12 The community's -- in some ways you almost have to be
13 feral to survive in a sense. You have to make your own
14 way in that world.

15 You can't escape. There's no escape from your
16 fellows in the classroom. If you have trouble with
17 another pupil, there's no going home and forgetting
18 about it, you're there all the time, and it's
19 relentless.

20 Your teachers, because at that time most of them
21 were brothers living in a community, if you were on the
22 wrong side of one brother -- and I know myself as
23 a teacher that sometimes you would say something about
24 some student who had caused you grief one day. In that
25 community, they're talking about it among themselves, so

1 there is no escape. Is there anybody there on your side
2 in the way will sometimes be the case when you go home
3 in the evening or you meet your friends who are outside
4 school and so on?

5 So I think it's like a hothouse environment you're
6 poured into. At 9 years of age, suddenly you're an
7 adult taking care of your own laundry, responsible for
8 your own clothing, making sure -- I mean, we had to
9 order things like -- if toothpaste was running out, you
10 had to run an account to get all of that stuff, and
11 you're having to do this at 9 years of age.

12 I should, I suppose, blame my parents for sending me
13 there, but they did that.

14 Q. I think you say that it made you be a teacher of
15 a different sort yourself.

16 A. Oh, when I decided I wanted to be a teacher, I would
17 never have been a -- I decided I would never be
18 a teacher like them. I have never believed in corporal
19 punishment. I think it is the refuge of a failure
20 in the classroom to beat children. When children talk
21 to you, you have to put yourself where the child is, and
22 they never did that with us.

23 It's not like you're speaking to your mother or your
24 father. So I think in a sense they almost -- it's not
25 their fault, it was the way the system was, but in

1 a way, they stole your childhood.

2 Q. In the final section of your statement, which is headed
3 up "Lessons to be Learned", you make a few points there
4 which I would like to pick up. You say you wanted to
5 give your account of your time at St Joseph's to the
6 inquiry because you think that the Marist Brothers need
7 to be made aware of what some of the members of their
8 community did.

9 A. I think that's correct and I think the church needs to
10 be held to account for -- I mean, it was a different
11 time, I accept that. I feel sorry for some of these
12 brothers, I don't know what their experience of life was
13 before I encountered them. I imagine some of
14 these novitiates were equally brutal places where they
15 were trained. But their behaviour, some of them, was
16 dreadful. Some of them were wonderful people. But
17 unfortunately, it wasn't all wonderful. You might think
18 I'm exaggerating, I am not. It's something you have
19 with you the whole of your life.

20 MS MACLEOD: Well, thank you, Jim. I don't have any further
21 questions for you today.

22 My Lady, I haven't had any questions submitted for
23 Jim.

24 LADY SMITH: Thank you.

25 Are there any outstanding applications for

1 questions? No.

2 Jim, there are no more questions for you today. Can
3 I just thank you for all you've done by engaging with
4 the inquiry, both by way of making a written statement
5 and coming here today to give your evidence in person.
6 It's of enormous assistance to me and it certainly helps
7 build the picture. I hear everything you say about, in
8 particular, always looking at things through the eyes of
9 a child. I do get that message and that's what you're
10 plainly trying to do today in helping me understand what
11 it was like for you.

12 So thank you very much for that. I'm now able to
13 let you go.

14 A. Thank you for the opportunity to say this.

15 (The witness withdrew)

16 LADY SMITH: Yes, Ms MacLeod.

17 MS MACLEOD: My Lady, that completes the evidence for today.

18 We have two witnesses lined up to give oral evidence
19 tomorrow, the first of which we plan to start at 10 am.

20 LADY SMITH: Thank you very much.

21 I'll rise now until tomorrow morning at 10 o'clock.

22 (3.30 pm)

23 (The inquiry adjourned until 10.00 am
24 on Friday, 4 October 2019)

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