

1 Thursday, 10 October 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We return to oral evidence this  
4 morning with the evidence of a witness who I've been  
5 told is ready; is that right, Mr MacAulay?

6 MR MacAULAY: Good morning, my Lady, that is the case.

7 The next witness is an applicant, he wants to remain  
8 anonymous and to use the name "Kenny" in giving  
9 evidence.

10 "KENNY" (affirmed)

11 LADY SMITH: Please sit down and make yourself comfortable,  
12 Kenny.

13 That red light on the microphone in front of you  
14 tells us that it's switched on, but it is important that  
15 you stay in a good position for us to hear you through  
16 the sound system, if I could ask you to try and do that,  
17 please.

18 A. Okay.

19 LADY SMITH: Unless you have any questions at the moment,  
20 I'll hand over to Mr MacAulay and he will explain what  
21 happens next; is that all right with you?

22 A. That's fine, yes, thank you.

23 Questions from MR MacAULAY

24 MR MacAULAY: Good morning, Kenny.

25 A. Good morning.

1 Q. In the red folder in front of you, you will find your  
2 statement. Could I ask you to turn to the final page of  
3 it. In the meantime I'll give the reference for the  
4 transcript: WIT.001.002.6090.

5 Can you confirm you have signed the statement?

6 A. Yes, I can confirm that I've signed the statement.

7 Q. And do you say in the final paragraph:

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

10 Is that right?

11 A. That's correct, yes.

12 Q. Do you go on to say:

13 "I believe the facts stated in this witness  
14 statement are true"?

15 A. Yes.

16 Q. Kenny, I don't require to ask you for your date of  
17 birth, but can you confirm, so we can get a time frame,  
18 that the year of your birth is 1959?

19 A. That's correct.

20 Q. In the early part of your statement -- and it'll come on  
21 the screen in front of you, if you want to either look  
22 at that or at the hard copy -- you tell us that you were  
23 born and brought up in Glasgow; is that right?

24 A. That's right, yes.

25 Q. I think you were the youngest of a family of five; is



1           that correct?

2           A. That's correct.

3           Q. In particular, you had three older sisters and an older  
4           brother?

5           A. Yes.

6           Q. You ended up going to St Joseph's and I think you give  
7           us some background as to how that happened. Can you  
8           explain how it came to be that you went to St Joseph's?

9           A. Yes. The drivers behind that -- my mother in  
10          particular, I remember her being very concerned about  
11          incidents that were happening at St Mungo's, which was  
12          the most likely school that I would have ended up at.  
13          There were some incidents there -- I think she recounted  
14          a boy who had had his eye poked out, that's the way she  
15          referred to it -- and she had apprehensions about that.

16          A bit of life history there: I had an Uncle [REDACTED]  
17          who's from the Irish side of my family, my maternal  
18          grandmother was Irish, and he had a very interesting  
19          habit of storing money behind his mirror. He was one of  
20          these people that didn't believe in banks, given some of  
21          the things that have happened of late, can you blame  
22          him? He became ill and he told my mother about the  
23          money and had said, "Use that money to give the boys  
24          a good education". So obviously, there's a very genuine  
25          concern there, and he sees that as a good use of the

1 money. So he put those two things together and that  
2 says a lot in terms of my life history as how I ended up  
3 at St Joseph's.

4 LADY SMITH: Did your mother keep the money behind a mirror  
5 or did she put it in the bank?

6 A. I believe she would have put it in the bank.

7 MR MacAULAY: You combine what you have just told us with  
8 the fact that you have a Catholic background.

9 A. I have a Catholic background, yes.

10 Q. And I think then you tell us in your statement that you  
11 were aged 10 when you went to St Joseph's, first of all?

12 A. That's right, yes.

13 Q. And indeed you give us a date and I think it was in  
14 [REDACTED] 1969.

15 A. That's correct.

16 Q. I think you also say that you went there with your older  
17 brother.

18 A. Yes.

19 Q. And I think he was a couple of years older than you; is  
20 that right?

21 A. Yes, two years older, almost exactly.

22 Q. And you tell us that you left St Joseph's in 1976.

23 A. Yes.

24 Q. So you were there for five or six years?

25 A. Seven years in total, yes: two years of primary and five

1           years of secondary.

2       Q.   When your brother went there, did he go straight into  
3           the secondary stream?

4       A.   He did, yes.

5       Q.   One thing you do tell us about your initial period at  
6           St Joseph's is that you were homesick.

7       A.   Yes.

8       Q.   You remember that?

9       A.   Very vividly, yes.

10      Q.   How long did that last for?

11      A.   It felt like it lasted about five days to a week.  It  
12           was a bizarre experience because it was very intense,  
13           very emotional, involved a lot of sobbing, and genuine  
14           heartfelt sadness.  But it was curious to me, even  
15           at the time, how there was almost a point where you  
16           flicked a switch and it seemed to dissipate.  The  
17           realisation that, I suppose, this is it.

18                It probably would have also coincided with the first  
19           visit from the family in Glasgow, and that will have  
20           made a difference because obviously the trauma of the  
21           very strange environment -- and it was very strange to  
22           me.  I suppose it's almost like a culture shock type  
23           situation and the re-engagement with sisters and parents  
24           in that first weekend probably went some way towards  
25           making you think, well, that's all still there.

1 Q. Did you have regular visits from your family?

2 A. Yes. As I think we discussed in the completion of the  
3 statement, to start with visits were quite regular and  
4 then I suppose, inevitably, there's a sense of  
5 familiarity and engagement with the yearly cycle of  
6 constantly going between term time and holiday time. As  
7 that kind of bedded in, visits became less and less  
8 frequent.

9 Q. And you've just mentioned you were at essentially  
10 a boarding school as a boarder, but you had the normal  
11 holidays, like Christmas, Easter and summer holidays?

12 A. Yes.

13 Q. When you went there at the age of 10 then, you've just  
14 told us you went into a primary section.

15 A. Uh-huh.

16 Q. Did you have a name, were you given a name? Were you  
17 called the juniors or --

18 A. Yes, there were four divisions in the school, each of  
19 which had their own different dormitories and dining  
20 areas. The first one is called the junior division and  
21 that's what they called control 2 and control 1.

22 Q. Perhaps I can just stop you there because we're  
23 interested in this term, control; do you know what it  
24 meant?

25 A. It's a bizarre one, that. I could never understand the

1           reason behind it because control is -- I remember  
2           control 2 is Primary Six and control 1 is Primary Seven.

3       Q.   What were you when you went?

4       A.   Control 2.   Control 2 actually was the lowest that the  
5           school -- the lowest level they operated on.

6       Q.   The youngest level?

7       A.   Yes.

8       Q.   So you went into control 2.   So far as your brother was  
9           concerned, he then would go into first year?

10      A.   He went into first year, yes.

11      Q.   And would he be classified as a junior or something  
12           different?

13      A.   As a junior.

14      Q.   So he's still a junior in first year?

15      A.   Yes, it was like control 2, control 1 and first year  
16           were juniors.   Then second year became inters.   The  
17           third and fourth year became what we called mids, middle  
18           division.   And then beyond that, the fifth and sixth  
19           years were the senior division.

20      Q.   From what you said earlier, I think, you went through  
21           the divisions in your time at the school --

22      A.   Mm-hm, yes.

23      Q.   -- from junior right through to senior?

24      A.   Yes.

25      Q.   So far as your sleeping accommodation was concerned when

1           you started off at the school, where was that located?

2       A.   The top floor of the main old building.

3       Q.   I can put a photograph on the screen for you if that  
4           would help.

5       A.   Yes.

6       Q.   This is at INQ.001.004.2710.

7           You have a sort of aerial view of St Joseph's;  
8           I think it's probably quite an old photograph.  But  
9           I think here you're looking at St Joseph's, the main  
10          building, and then behind that the church, and to the  
11          right of the church, there's another building.

12      A.   Yes.

13      Q.   What was that other building called in your time?

14      A.   I believe that was called either the Mount or the  
15          Big Mount.

16      Q.   If we look at another photograph, INQ.001.004.2711.

17          We're now getting a frontal view of the main building.

18          I think you're pointing to the top level to identify  
19          where the junior dormitory was; is that right?

20      A.   Yes.

21      Q.   Are you to the left or right of the clock?

22      A.   To the left.

23      Q.   As you got older, did you move into other dormitories?

24      A.   Yes.  If you look at that photograph as we're looking at  
25          it, you see the clock tower in the middle.

1 Q. Yes.

2 A. And you see the dormer windows, six on each side. To  
3 the left-hand side of the clock, that room was actually  
4 the room occupied by a Brother CIPHER WITH. He was what  
5 they called the rec master, as in the master of the  
6 division, so he was in charge of looking after the  
7 dormitory, supervising the refectory area, and that was  
8 his room.

9 That's a dormitory in which I spent quite a bit of  
10 time. Somewhere in the first year that I was there,  
11 I also was temporarily housed in what was called the New  
12 Building, which was an extension, which, as we look at  
13 that, is to the right-hand side of the building.

14 The dormers on the other side, on the right-hand  
15 side as we look at the photograph, that's the dormitory  
16 that was used by what was called the inter division.

17 Q. Yes. And you would move through these different areas  
18 of the building, depending on whether you were the  
19 intermediates, the mids -- and the seniors, were they in  
20 a different building?

21 A. They were indeed. The Mount building, the one beside  
22 the church, they occupied the top two floors of that  
23 building.

24 Q. And when you were a senior, did you have your own room?

25 A. Some pigs were more equal than other pigs, to quote

1           Mr Orwell. Prefects would have their own rooms and  
2           others, perhaps by whatever means of favouritism or  
3           selection, might have rooms. I never, ever had -- the  
4           closest I had to a room of my own was another division,  
5           which is occupying the floor below the dormers, the  
6           second floor. I had an open dormitory on the right-hand  
7           side as we look off the second floor, but on the  
8           left-hand side there were what were called cubicles, and  
9           I had one of these, at one point. These were just  
10          wooden -- low, wooden partitioned areas with a bed and  
11          a locker and a kind of curtain on a rail. That's the  
12          closest I ever had to my own actual room.

13        Q. Clearly from what you say, Kenny, at your time the age  
14          range was from 10 up to 17 or 18.

15        A. To 17, yes.

16        Q. Did you have much contact with your older brother when  
17          you were at the school?

18        A. Not as much as I would have probably liked. I guess  
19          because, thinking about it, after he goes to second  
20          year, we're no longer in the same division, and there  
21          definitely was just a sense of -- I suppose it's a bit  
22          like two soldiers that are in different regiments. Our  
23          paths didn't cross as often as we'd have liked.

24        Q. Can I just focus on the brothers and in particular when  
25          you went there. You've already mentioned



1 Brother CIPHER WITH --

2 A. Yes.

3 Q. -- and he was in charge of the dormitory that you were  
4 in as a junior; is that right?

5 A. Yes.

6 Q. What other brothers did you have dealings with in those  
7 early days?

8 A. Brother CIPHER WITH and there was a brother that was  
9 specifically in charge of control 2. I remember there  
10 was a Brother Magnus, who had some engagement, and  
11 a Brother George. And I can't quite put together  
12 exactly who was completely in charge of control 2. But  
13 basically, you were in a classroom in -- this was in the  
14 Mount building, it was on the first floor of the Mount  
15 building. And there's a little classroom along the  
16 end -- it was quite a small class and there you were,  
17 pretty much in the charge of this brother. And you  
18 would have some other teachers for other subjects, but  
19 by and large that was it.

20 Q. One brother you mention in your statement, and we'll  
21 come back to him shortly, is Brother Damien.

22 A. Yes.

23 Q. Did you come across him?

24 A. Yes. The first time I came across him, he was a teacher  
25 of French, and that didn't start until you got to

1 secondary level. So I would first have come across him  
2 as a French teacher during my first year studies.

3 Q. Was he ever your dorm master?

4 A. No, I believe he was never specifically the dorm master,  
5 but there was a period, which is covered in my  
6 statement, where he would have had very temporary  
7 control because the other brother was perhaps away.

8 LADY SMITH: So he was somebody who provided cover for an  
9 absent dorm master?

10 A. Well, he was either doing that or he was -- forgive me  
11 for not having a specific recollection of whether he was  
12 absolutely and clearly charged with the task, but he was  
13 certainly lurking at a time when CIPHER WITH was not there.

14 LADY SMITH: Right. You were a child, you couldn't be  
15 expected to know exactly what the arrangements were that  
16 were put in place, but you're telling me you have  
17 a memory of an occasion on which he was taking to do in  
18 some way with the dorm, as opposed to just teaching  
19 French?

20 A. Yes.

21 LADY SMITH: Thank you.

22 MR MacAULAY: So far as the SNR was concerned,  
23 can you remember who the SNR was when you went  
24 there.

25 A. It was a Brother MYZ and he was until

1 a certain point and a Brother MMK [REDACTED], somewhere  
2 round about -- it feels like it was somewhere round  
3 about my third or fourth year there was a change.

4 Q. Would you have much contact with the SNR [REDACTED]?

5 A. Not hugely. He was obviously the point of greeting when  
6 you were interviewed for the school and when you arrived  
7 at the school, he would be there. There was an occasion  
8 on which he acted out a punishment on me.

9 Q. You tell us about that and I'll look at that in  
10 a moment.

11 Coming back to Brother CIPHER WITH [REDACTED] who you were really  
12 dealing with at the early period of your time in  
13 St Joseph's, can you describe him to us?

14 A. He was a game of two halves. I would say that  
15 I remember him meeting my family, perhaps when he was  
16 first introduced as the dorm master for me, or perhaps  
17 whenever there was a visit from my parents. And he was  
18 a jovial, affable, elderly Irish gentleman, nice, soft  
19 Irish accent. But it was Jekyll and Hyde. I've seen  
20 him doing things that really make your blood run cold  
21 when you think about them.

22 His method of waking up us, for example. He would  
23 very loudly bang on the lights and very loudly clap his  
24 hands and he would shout in quite a loud, angry voice.  
25 He was undoubtedly a drinker. He quite often had

1 a heavy smell of whisky around him. You'd often hear  
2 laughter and glasses chinking from the room after our  
3 lights were out.

4 I surmised that he did from time to time behave very  
5 badly, probably due to a hangover. One of the most  
6 shocking things that I ever witnessed in my entire life  
7 in terms of cruelty was an occasion where in what was  
8 called the junior rec hall, as in recreation hall, which  
9 was a small kind of prefab modular, low ceiling modular  
10 building with table tennis tables and so on, and this is  
11 for young kids to keep them out of the rain or whatever,  
12 and there was an occasion where there was a young kid,  
13 he was presumably bored, and he had a table tennis bat  
14 and he was tapping this off the corner of the table.

15 To be honest, I can almost remember that it was  
16 irritating because it was quite a loud noise, but he was  
17 just a bored kid, and CIPHER WITH took it upon himself to  
18 punish him for that, and he actually used his tawse, the  
19 old leather belt that older members will remember, and  
20 he actually lashed this boy across the neck with his  
21 leather belt, which ...

22 I don't know what the rules were on using this piece  
23 of equipment, but certainly swinging it across a young  
24 child's neck is obviously not the done thing. I do  
25 vividly remember the weals this boy had on his neck.

1           You could literally see the two very clear lines where  
2           the tawse had separated and the leather had lashed on to  
3           this boy's neck.

4       Q.   How old was the boy?

5       A.   Well, that was when I was in the junior division, so  
6           I can't remember who it was, I can't remember his name,  
7           but he's got to be either control 2, 1, or first year.  
8           And that would put him in the range of between 10 and  
9           12, I would guess.

10      Q.   Did he hit him once or more than once?

11      A.   I think it was twice.

12      Q.   What was the young boy's reaction to this?

13      A.   Shock.   Pain.

14      Q.   Were you shocked?

15      A.   Absolutely.   Terrified, actually.   Probably, actually,  
16           shocked, but a certain degree of self-preservation comes  
17           in: jeez, I hope he's not going to do that to me.   So  
18           it would have the effect that brutal disciplining does  
19           on an environment, it terrifies you.

20      Q.   At any point, did you receive any physical type of  
21           punishment from Brother **CIPHER WITH**?

22      A.   Yes.

23      Q.   What sort of punishment?

24      A.   The tawse.

25      Q.   On the hands?

1 A. Yes.

2 Q. What would that be for?

3 A. It would be a variety of things. I went through this in  
4 giving the statement and it's difficult to actually  
5 remember specific things. I conject that CIPHER WITH was  
6 a bit trigger-happy. I think that this was a kind of  
7 reflex, like a go-to method of punishing a child.  
8 Obviously, the tawse was there as part of the  
9 disciplinary landscape, but I just got the feeling that  
10 he was a bit trigger-happy with it.

11 Q. Did you see him using the tawse on other boys?

12 A. Yes.

13 Q. How regular an occurrence was it?

14 A. Fairly regular. I would say that -- it's very woolly  
15 in the mists of time, but it would feel like it was kind  
16 of -- a weekly kind of occurrence. There were occasions  
17 where maybe more than one boy would be called forward.  
18 I have recollections of maybe two, three boys that have  
19 been called forward that are waiting their turn.

20 Q. How approachable was Brother CIPHER WITH then?

21 A. Not very approachable, I would say. I can't really say  
22 he was a man that I really wanted to approach.

23 Q. Generally speaking, how did you regard him?

24 A. With fear, I guess, yes. I think that a sense of: the  
25 less I'm going to be needing to communicate or engage



1 with this individual, the better. Almost a kind of "no  
2 news is good news" type situation.

3 Q. So how long then did he have a position of some  
4 responsibility in connection with you?

5 A. It would be three years.

6 Q. During the time you were there?

7 A. Yes, control 2, control 1 and the first year.

8 Q. Can I just look at aspects of the routine at St Joseph's  
9 with you. You begin telling us about that in  
10 paragraph 39 and you go for quite a number of  
11 paragraphs, I think up to about paragraph 105 or  
12 something of that sort, giving us some information about  
13 routine. I'll just pick up some discrete points with  
14 you.

15 In paragraph 49 you talk about the mealtimes --

16 A. Mm-hm.

17 Q. -- and in particular how boys were punished at mealtimes  
18 in front of other boys.

19 A. Yes.

20 Q. Can you just help me with that?

21 A. Well, the most horrific sort of memory that I have of  
22 that, which I believe was the intermediate stage --  
23 I think at this stage it was a Brother MLX, who was  
24 nicknamed MLX. The boys were pretty good at making  
25 up interesting and amusing names for the various

1 teachers and brothers. And MLX, he was quite a dour  
2 man, I would think that he'd be about 45, 50-ish at the  
3 time I was there.

4 He had a habit of punching boys by hitting them on  
5 the head, the crown of the head, and he would typically  
6 have like a golf ball in the pocket of his habit and  
7 this would come out and he would be like bumping boys on  
8 the head as a punishment.

9 And there's one occasion where he had a bunch of  
10 keys and he's used those to hit a boy over the head, and  
11 when the boy turned round to walk back from his  
12 punishment there was blood streaming down the front of  
13 his face, and that's horrendous.

14 Q. This was possibly in the intermediary stage, so you're  
15 talking about a boy of maybe 13?

16 A. Yes, probably that kind of age.

17 Q. Did anything of that sort happen to you, the use of the  
18 golf ball or any other implement?

19 A. I got the belt on the backside once from  
20 Brother MYZ.

21 Q. I'll come to that.

22 A. But I don't ... I think I possibly did. I couldn't say  
23 for sure, but I think I possibly did maybe get whacked  
24 with a golf ball one time.

25 Q. But this sort of punishment by Brother MLX, this was



1           then in the dining area?

2       A.   Yes.

3       Q.   And other boys would be present when this was being  
4           done?

5       A.   It would be while everyone was gathered for their food.  
6           Most of my memories are of tables with -- small tables  
7           with three seats either side, so there would be like  
8           a range of tables. There might also in that division  
9           have been a dining hall with rows of tables. So people  
10          would be sat waiting for their food and there was a bit  
11          of a ritual there, probably pretty much as you'd expect.  
12          Boys would gather and I think it was a case either that  
13          you'd sit at first and then a bell would be rung and  
14          you'd stand up. Then there would be announcements and  
15          saying grace. And then at that point there might be  
16          so-and-so getting called forward for some kind of  
17          punishment or whatever, and then sitting down.

18       Q.   And generally, would the punishment be by way of  
19           belting?

20       A.   Belting or, in the case of Brother MLX, you know,  
21           a whack on the head with the golf ball or, on that  
22           occasion, the keys.

23       Q.   Looking at the food itself, actually, I think reading  
24           your statement, the message is that you weren't  
25           particularly enamoured by the food.

1       A. No, no. I could quickly take you through the daily  
2       routine. Breakfast, actually, I found was about the  
3       most palatable: a roll and butter and a plate of cereal  
4       or porridge, and that was generally quite good. It was  
5       a good start to the day. The meal that was the least  
6       popular and huge amounts of what was served actually  
7       didn't get touched, massive amounts of it. I was not  
8       alone in not feeling that I wanted to eat what was put  
9       down for us. Typically, there would be stews that were  
10      just not very tasty. Cold -- small slices of cold meat.  
11      Just not particularly good food.

12             Occasionally things would appear that would be a bit  
13      more tasty. Dinner time was the bog-standard chips,  
14      chips with everything. They were okay. I mean, what  
15      kid doesn't like chips? But sometimes they were served  
16      in oval white porcelain bowls and obviously there's  
17      a lot of kids here, so they had to prepare a lot of  
18      these, and I believe these were probably put into the  
19      bowls and piled up somewhere to keep warm and some of  
20      the bowls you'd get served would have become a bit  
21      fossilised, you know, clumps of hardened chips. So  
22      again, it wasn't the most delightful of food.

23      Q. Were you able to compare the food that the boys had to  
24      food the brothers might have been having?

25      A. Actually, I am in a position to do that and I've got

1 a vivid memory here, because there were occasions when  
2 I think at one point my mother engaged with the parents  
3 and friends, what was called the Parents and Friends  
4 Association. My mother had a lot of store and trust  
5 with the brothers and with generally with the  
6 institution of the Catholic Church. She was a stalwart  
7 in that sense. There were occasions when my parents  
8 would come to visit and we'd end up around the dining  
9 table in the Mount building -- this is the one that has  
10 the seniors on the two top floors, classrooms and some  
11 other rooms on the first floor.

12 Down on the ground floor, lo and behold there's  
13 a separate set of kitchens and a separate dining area.  
14 Certainly there was one occasion eating there, there  
15 might have been two, but this was like, whoa, the good  
16 stuff's coming out now. Suddenly there was a different  
17 state of affairs.

18 Q. Was that a place where the brothers themselves would eat  
19 on a normal basis?

20 A. Yes.

21 Q. So far as the teaching staff would be concerned, I think  
22 what you tell us is that in addition to the brothers,  
23 there were also lay teachers.

24 A. Yes.

25 Q. And what did you consider the split to be? What was the

1 balance?

2 A. It might have been about 50/50. But it could go 60/40  
3 either way. I mean, probably in my own experience,  
4 probably about 50/50.

5 Q. I think you tell us at paragraph 71 of your statement  
6 that, as you put it, the education was probably as good  
7 as any other school.

8 A. Yes, the education was not bad. I mean, I guess --  
9 there's aspects that to. Because if I look at what  
10 ended up on certificates that I received, there were  
11 results that were not bad, you know, they were pretty  
12 good. I've often thought back, if you look at the daily  
13 routine that we had, I sensed that the way our days were  
14 structured had a lot to do with probably the business of  
15 managing or looking after so many boys.

16 The structure of the day has a kind of built-in  
17 situation where there's a degree of control, because the  
18 daily routine -- we tended to have a long lunch break,  
19 which was about two hours, so you would have classes  
20 in the morning, stop about noon, and then over  
21 a two-hour period you would -- I can't remember which  
22 way round it was, whether you'd eat first, but there was  
23 a business of putting on sports gear and walking about  
24 half a mile to a place called Murrayfield, which was  
25 a sports area, a large sports area, and then you'd walk

1 back and then you would wash off whatever mud or  
2 whatever from the football, rugby, cricket or whatever  
3 you'd been doing.

4 Then you'd go back into school about 2 o'clock-ish,  
5 I think it would be, and then you've got your afternoon  
6 study and then you're getting your dinner, your evening  
7 meal, and then a short recreation break. I think  
8 it would be, like, 6 o'clock, 6.30, you would go back  
9 into class and have like a study period.

10 Q. So you're saying it was a structured regime?

11 A. Yes. I realise I'm digressing here, but in terms of the  
12 results, I've always felt personally that the results  
13 I've achieved might not just be because of the teaching,  
14 but because there you were in a room with the brother  
15 supervising at a desk. And once you got fed up reading  
16 the Beano that you'd stuck inside the biology book, you  
17 actually resorted to studying, if you see where I'm  
18 going. I think that may have helped.

19 Q. Yes. Just looking at the teachers and the brothers who  
20 taught, you mention a Brother MFI.

21 A. Uh-huh.

22 Q. And I think you say he taught you .

23 A. Yes.

24 Q. What about him? Can you describe him for us?

25 A. Quite a slow -- I mean, he gave the impression -- he had

1           a very, very hefty reek of the whisky about him, and he  
2           did look like a heavy drinker. He was quite slow.  
3           I remember him just being generally quite slow, quite  
4           bumbly.

5       Q. Did he use corporal punishment in his class?

6       A. He did use the belt. I've got recollections of him  
7           using the belt. He may have been one of the better ones  
8           to get the belt from because he was quite old and weak,  
9           and I think it was quite gestural with him.

10           I would imagine, being a bit older, he's probably  
11           grown through the culture where this tawse is used and  
12           it's a kind of go-to piece of equipment, sort of thing.

13       Q. Can I ask you about what you talk about at paragraphs 81  
14           and 82 of your statement. It's at a point when you'd  
15           made friends with a local girl, I think --

16       A. Yes.

17       Q. -- when you were in fifth year. So you're getting  
18           older.

19       A. Yes.

20       Q. And there was some objection taken to this; is that  
21           right?

22       A. Yes. Do you know, this was quite subtle in a way,  
23           because I don't recollect ever being taken on directly  
24           in the sense of, you know, a brother being really open  
25           with me and saying, "Right, you're seeing so-and-so and

1           that's got to stop". They may not have even known who  
2           I was seeing or what was going on.

3           But the structure of this, which I look back on with  
4           a degree of satisfaction, because it did actually give  
5           me quite a lot of comfort in my final year, was that  
6           every Sunday I would leave the premises. I would  
7           basically leave the grounds, and not come back until  
8           about teatime. And what I was actually doing was  
9           spending time with this particular girl and her mother,  
10          just -- what I remember is like reading bits of the  
11          Observer, talking about art, the particular girl playing  
12          music, me drawing, just quite a pleasant time.

13        Q. Was some objection taken then to this relationship that  
14          you had with this particular family?

15        A. Yes, and it was a bit creepy because it was never -- and  
16          there's a bit of a pattern here. There's a habit,  
17          certainly from my experience, of punishments being acted  
18          out in quite a creepy way where the parameters of the  
19          punishment and exactly what you were punished for are  
20          not that clear.

21          Basically, there was a Brother MFT -- MFT was  
22          his nickname -- and he acted out some degree of control  
23          with me that went along the lines of -- I think it was  
24          at one point in the year but perhaps more, where the  
25          RAF, I think, would come to the college to do

1 a recruitment drive. They were obviously invited in,  
2 allowed in, because they would set up a kind of stall,  
3 and what they would do, they had packs -- essentially  
4 they looked like playing cards, but what they were are  
5 cards that have got, like, silhouettes of different  
6 fighter planes and tanks and bombs, just general sort of  
7 military hardware. I guess these were standard fare for  
8 recruitment for the forces.

9 So there was loads of these things cutting around,  
10 kids would have them, you'd play snap with them and  
11 things like that. MFT had done this thing where  
12 during all the times that we weren't in class, he had  
13 written times of the day, at 15-minute intervals as  
14 I remember, I'm pretty sure it was 15 minute intervals.

15 So he had two sets of cards and two cards of the  
16 same denomination, if you like, with, for example, 6.15,  
17 and then two for 6.30, and so it went on. So he had one  
18 set and I had the other, and I had to see him at this  
19 given time to give him the card and he would match them  
20 up and that would be okay, and then he goes away and  
21 does what he does for the next 15 minutes and then we do  
22 it all over again.

23 Q. What was the purpose behind this?

24 A. To stop me going out of the college, I guess.

25 Q. So it was a way of keeping you there?



1 A. Yes.

2 Q. Did you give up on this? What happened?

3 A. It feels to me that he gave up on it. He might well  
4 have bought the rope to hang himself. I can only  
5 think -- if I put myself in his shoes, I can only think  
6 it's like: what a pain in the ... you know. Because  
7 I just have a sense of this dissipating. One of the  
8 things I do remember is, up to the point of actually  
9 leaving, I continued to visit this girl's house on  
10 a Sunday.

11 Q. So it didn't stop you from doing that?

12 A. Yes, that's the feeling I have. It may have for a short  
13 time.

14 LADY SMITH: At that stage, were you allowed to go out of  
15 the college on a Sunday?

16 A. Not without permissions, and not without wearing the  
17 uniform. If I go back to when I first started, the  
18 times that I would actually leave the college would  
19 be -- my first recollection is us all getting marched  
20 down to the swimming pool, which was a bit of a walk,  
21 half a mile or so, down by the River Nith -- it's  
22 a building that's no longer there, as it happens -- and  
23 that was the first experience of, like, oh, this is  
24 Dumfries, you know.

25 There was a strange sense of, you know, a bit of

1 fear of the local kids because some of them would have  
2 the inclination to think of the boarding school kids as  
3 toffs and would maybe try and beat you up or whatever.

4 Beyond that, I joined the rowing club and they had  
5 a building right next to where the swimming pool was.  
6 That was where I met the girl that I'd formed the habit  
7 of meeting every Sunday because she was a member of the  
8 rowing club for the school that she was from, which was  
9 called the Convent, and it was a school which may still  
10 be there, I don't know, which is in Maxwelltown, which  
11 is the other side of the river.

12 Other than that, sneaking out, you know. There was  
13 a wee shop, Halliday's, I think it was called, a wee  
14 shop just outside one of the back gates, who used to  
15 sell single cigarettes, and of course cigarettes became  
16 part of the currency.

17 There was a tendency -- kids would make a beeline  
18 for the toilets at break times and it would become  
19 a place where you would shoot the breeze and smoke  
20 cigarettes.

21 MR MacAULAY: Can I take you to that section of your  
22 statement, Kenny, where you look at abuse at  
23 St Joseph's.

24 A. Yes.

25 Q. We have covered some of this already but I want to look

1 at what you say at paragraph 108 about a certain teacher  
2 who you describe as being quite sadistic. He is not  
3 a brother, this is a lay teacher, and he had  
4 a particular practice that he used in connection with  
5 the boys. Can you describe what he did?

6 A. He basically grabbed a kid firmly, between thumb and  
7 index finger, by the cheek and then just kind of hauled  
8 up the way, you know. I can't actually say for sure  
9 whether he actually managed to lift the boy off the  
10 ground, but this was -- and this happened on more than  
11 one occasion.

12 Q. Was this looking at younger boys then?

13 A. Yes. As I recollect, he was quite a scary guy. He had  
14 all the hallmarks of a big alpha male bully, really  
15 quite a strong man.

16 Q. Did it happen to you?

17 A. I don't think it did. I don't think it did, no.  
18 I think I'd remember that, but I saw it happen.

19 Q. And the way you described it, he's using one hand, is  
20 he, on the child's cheek?

21 A. Yes.

22 Q. You also tell us about an incident involving CIPHER WITH,  
23 where he mistakenly thought you'd kicked a door.

24 A. Yes.

25 Q. Can you tell me about that? First of all, what age were

1           you at this time?

2       A. Do you know, it might have been at a point where

3       CIPHER WITH was no longer in charge of me. It would either  
4       have been first or second year.

5       Q. Can you tell us what happened?

6       A. I can tell you exactly what happened. There was an  
7       incident on a Sunday and one of the lockdowns, if you  
8       like, on a Sunday was back into the classroom and  
9       sitting at your desk, supervision, silence. And this is  
10      like letter writing. So the idea was you sit at a desk  
11      and you write letters to your mother and father, so I'm  
12      kind of doing that. It's during that period.

13           The classrooms -- it's quite an old building, as you  
14      can see from the photograph, and the doors are quite  
15      sturdy, you know, they're good, sturdy wooden doors,  
16      glass panels. What's actually happened here is I've had  
17      quite a pair of heavy boots on and my boot has been  
18      planted and the door has swung into my boot and what's  
19      happened, the door has done a right good, you know,  
20      jiggle. CIPHER WITH has seen this and he's perceived this  
21      as the fact that I kicked the door.

22           In his customary gruff fashion -- it's a Sunday, he  
23      might well have had a hangover -- quite angrily, he's  
24      decided, "Right, I'm having you", he's grabbed me by the  
25      scruff of my neck, and he's frogmarched me to my bed,

1           which has a locker beside it, and he's made me put on my  
2           pyjamas and dressing gown --

3       Q.   What time of day was this?

4       A.   Quite early. I would guess this would be round about --  
5           it would either have been very late morning or very  
6           early afternoon. For some reason, I'm recollecting it  
7           might have been somewhere around about 1 or 2-ish.

8           He's basically frogmarched me to my locker, made me  
9           put my pyjamas on and my dressing gown, and then what  
10          he's done, he's frogmarched me through to the new  
11          building, so we've gone through one of the corridors,  
12          across into the new building, and then just to the left  
13          as you walk through to the new building there's a room  
14          that -- at one point it had been occupied by a brother,  
15          it might have been Brother AKV

16          Basically, the room is empty at this stage, and it  
17          has a broken window. It's a small room and this is  
18          quite a cold, blustery, rainy day. He basically puts me  
19          in the room. I can't remember what he said to me, if  
20          anything, I just remember he put me in the room and then  
21          closed the door. And I'm like, right, where do we go  
22          from here?

23          So a quick look at the room and there's a broken  
24          window, it's cold, it's windy. As a young kid, I'm  
25          obviously confused, disempowered, uncertain about what

1 exactly is happening here. And this went on for  
2 a hideous length of time, I mean, it was like hours and  
3 hours.

4 Q. Did it get dark?

5 A. It started to get dark. It's still cold.

6 Q. Did you have somewhere to lie on?

7 A. There was a bed, but it had no bedclothes of any  
8 description. I would probably have curled up in this  
9 and tried to keep as warm as possible. It got to the  
10 stage where I'm thinking, is anybody ever actually going  
11 to come here? And I can only conject that either he's  
12 forgotten about me or this is some twisted kind of mind  
13 game that he's playing.

14 Eventually, in great fear, I ventured out.

15 Q. So do I take it the door wasn't locked?

16 A. It wasn't actually locked, no, but this is the first  
17 time I tried the door because, with CIPHER WITH being the  
18 scary individual that he was, the idea of going beyond  
19 the door terrified me.

20 Q. And I think what you say in your statement is, looking  
21 at this now, you thought this was cruelty on his part?

22 A. Yes. It was certainly cruelty. There's no question it  
23 was cruelty. And whether -- for me, what was the  
24 cruellest part, which was actually getting to a stage  
25 where you venture out of the room -- and by the time

1 I came out of the room, everyone was in bed.

2 Q. Did you see CIPHER WITH again after that?

3 A. No, no. To be honest, my instinct, I'm sure, would have  
4 been not to engage.

5 Q. You also mention an incident, and I think you've touched  
6 upon this in passing already, when you were punished by  
7 MYZ .

8 A. Yes.

9 Q. Can you just tell me about that? I think it was  
10 something to do with looking at a magazine; is that  
11 right?

12 A. Yes. Being quite honest with this, it's covered in the  
13 statement, I did definitely deserve to be punished for  
14 what I'd actually done, but nothing prepared me for the  
15 degree of the punishment.

16 Basically, myself and another bunch of kids --

17 LADY SMITH: Just before I have the detail, can you remember  
18 about how old you were at this stage?

19 A. I think this might have been round about second or third  
20 year, which means I've been at the school for either  
21 four or five years, which means I'd probably be about  
22 14.

23 LADY SMITH: Thank you.

24 A. So one of kids had some magazine with, like, people  
25 looking for pen pals and suchlike. For a bit of

1 a wheeze, me and some other kids put together a kind of  
2 smutty innuendo letter and we sent it to them. What's  
3 actually happened is this has then been replied to with  
4 the use of a nickname that I had on the address. This  
5 thing's arrived and obviously probably the first thing  
6 that's happened is, using the nickname, they've tried to  
7 work out who the letter was actually for.

8 I never actually got to see the letter, but I would  
9 imagine it was emblazoned with SWALK and all sorts of  
10 possible innuendos as well. Basically, they've  
11 obviously opened it and they've seen quite a lot of  
12 smutty, inappropriate stuff going on, and when the  
13 link -- when MYZ was satisfied that the link was  
14 made between my nickname and the letter and I'm the one  
15 that's going to get it. On this occasion the punishment  
16 I was called forward for was to be called to his office  
17 and to be given the belt across the backside.

18 MR MacAULAY: At this time what clothing were you wearing?

19 A. Nylon pyjamas.

20 Q. Was it on top of your nylon pyjamas that it was --

21 A. It was. I dearly hoped it was going to be on top of the  
22 dressing gown, but I was made to remove that.

23 Q. I think you tell us you got six of the belt on your  
24 backside.

25 A. I believe it was six, yes.



1 Q. What was that like?

2 A. It was hellish. I guess it had never happened to me  
3 before. I'd had the belt on the hands, which is  
4 altogether different, thicker skin, less sensitive.  
5 Probably the nylon pyjamas didn't help matters either.  
6 And the pain was such that I conject that he really was  
7 putting his shoulder into this. There was a lot of  
8 anger coming out there.

9 The first stroke was kind of like an explosion and  
10 by the time the second stroke comes, it's like your  
11 brain is exploding with pain, and beyond that, it's just  
12 like, wow, please let this be over. Of course, the  
13 weals that that left were much the same nature as what  
14 the kid had on his neck.

15 Q. Did you have injuries as a result of that?

16 A. Yes, quite severe weals, yes. It was extremely painful,  
17 obviously, like sitting down was a gingerly, sort of,  
18 manoeuvre, procedure for a few days.

19 Q. Can I move on and look at another form of abuse that you  
20 talk about in your statement and that's sexual abuse.

21 A. Yes.

22 Q. You begin looking at this at paragraph 125. You begin  
23 telling us about something that happened to you when you  
24 were in your first year, so that's in 1971/1972, when  
25 you might have been 12 or 13 years old.

1 A. Mm-hm.

2 Q. Is this going back to something you said earlier, that  
3 for whatever reason, Brother Damien seemed to have been  
4 in charge of the juniors?

5 A. Mm-hm.

6 Q. Is that right?

7 A. Yes.

8 Q. So can you tell me what happened?

9 A. Yes. If you think back to the photograph that we looked  
10 at where you've got the two dormitories on the top  
11 floor, on the top floor in between those two dormitories  
12 there is obviously the stairwell and on that floor there  
13 were also, on that level, a set of toilets.

14 I've basically gone to use one of the toilets and  
15 this would be approaching lights out sort of time.  
16 Brother Damien is kind of lurking in that area and he's  
17 called me over or come over towards me, and what he's  
18 done, he's suddenly and very physically and forcibly  
19 clutched me and put his hand down the back of my  
20 pyjamas. And my instinct was to, as fiercely and as  
21 strongly as I could, clench my buttocks. The sensation  
22 was that he was trying to put his finger into my anus.

23 What happened was suddenly -- I think there was  
24 about one or two boys sort of came out and that  
25 obviously made him a bit wary and at that point

1 I managed to run away from him and run back into the  
2 dormitory.

3 To this day, I perish the thought of what would have  
4 happened if he had managed to get hold of me. I can  
5 only conject that if he had succeeded in what he was  
6 doing, it would have been impossible for me to get away  
7 from him.

8 I sensed that his actions towards other kids, you  
9 know -- well, it almost brought him to the High Court,  
10 but for his ill-health.

11 Q. What were your feelings at the time when this happened?

12 A. Terrified, absolutely terrified. This is exactly what  
13 happened. Once I got back into the dorm, my heart would  
14 have been racing, I would have been terrified.  
15 Obviously at this stage I have no sexual experience  
16 whatsoever. There would be a sense of: what the hell is  
17 happening here? I was absolutely terrified.

18 What I actually did was ran into one of the small  
19 side rooms -- this would have been a weekend -- I could  
20 not tell you exactly why this particular room would have  
21 been empty, but one of the small side rooms -- because  
22 you've got an open dorm and the side rooms that are  
23 serving out into the dormer windows that you see in the  
24 photograph, there was one of those that was kind of  
25 empty, and there were some bags in there. What I did

1           was I basically hid underneath a bed, which is against  
2           the wall -- you go into the room and then there's a wall  
3           here, so I went underneath a bed and pulled some bags in  
4           and basically just lay there in fear.

5           I stayed there until lights had gone out -- and  
6           actually, this is incredibly similar to the experience  
7           when CIPHER WITH locked me in that room. The difference  
8           being this time I've locked myself in there for  
9           protection. It was markedly similar in its sensation  
10          because I had a fear about coming out.

11          So what I did was I stayed there until the place was  
12          like eerily quiet and then I very cagily came out and  
13          made my way back to bed, got in my bed.

14          I recollect a head getting popped round the door,  
15          because I can only conject that Damien must have been  
16          terrified at this stage, he must have been thinking,  
17          "Where's he gone?"

18       Q.    So was he checking on you that you were back in your  
19            bed?

20       A.    I conject that that's what he was doing.

21       Q.    Were you in classrooms with Brother Damien?

22       A.    Yes.

23       Q.    And can you tell us anything about what happened in  
24            class so far as he was concerned?

25       A.    He had a habit -- and this, to me, is still kind of hard

1 to believe, but it is true.

2 Damien had a habit that he -- habit being a bit of  
3 a pun here. The attire that the Marist Brothers wear,  
4 some people might be familiar with it, there's the habit  
5 and there's the white rabbi thing -- I think it's called  
6 a rabbi -- and crucifix hung round the neck, and there  
7 is a cord that goes round the waist, which has two ropes  
8 that come down with tassels on the end.

9 In Damien's case, these tassels were actually  
10 appearing out of either side of his habit, basically the  
11 two cords were disappearing into left and right pockets  
12 and then the tassels were coming out. I think the first  
13 I was made aware of this was that boys said to me, he's  
14 got these wrapped round his genitals, and you would see  
15 him, he would be literally doing this kind of thing  
16 (indicating).

17 Q. You are moving your hand; so he's pulling the cords?

18 A. Yes, from side to side. I recollect two boys, on a bit  
19 of a prank, actually, at a point, pulling both of those  
20 cords when he's been walking between the rows of desks.

21 He was a teacher of French, as I think I've already  
22 mentioned. He was actually, I have got to say, quite  
23 a good teacher of French. He would be walking between  
24 the rows of desks, perhaps conjugating a verb or  
25 whatever, and two boys that certainly had more bottle

1           than I had, took it upon themselves to pull in opposite  
2           directions the cord, and it was all he could do to  
3           contain the discomfort that this must have caused him.

4           He would stand at his desk in the front of the  
5           class -- it's one of these old-fashioned sturdy  
6           teacher's desks -- and you could see traces of slight  
7           movement ... there were rumours. I remember kids  
8           talking about how he had some kind of condition where  
9           he's got like a permanent itch or whatever. It was like  
10          as if there was some kind of rumour to try and explain  
11          away what on earth was going on.

12          But the very conspicuous thing was that every one of  
13          the brothers had these two tassels. They were  
14          absolutely immaculate, really quite pristine. One of  
15          the cords, ironically in this case, has three knots on  
16          it and my recollection is that's an acknowledgement of  
17          the three vows that a Marist Brother takes, which is  
18          poverty, celibacy, and probably devotion to God. So his  
19          tassels were completely shot, you know, they were  
20          literally frayed and worn away.

21          So I realise, probably for pretty much everyone in  
22          this room, that this sounds fantastical. To me, it  
23          actually still does, but it happened.

24          Q. You tell us about a time, this is at paragraph 135, when  
25          someone poked his pocket and you could see his penis.

1 A. Yes.

2 Q. Did you see his penis?

3 A. Yes, I believe I did, yes.

4 Q. You also say children talked about this behaviour on  
5 a regular basis.

6 A. Certainly -- how regularly I couldn't say, but children  
7 were aware of it and, yes, it was talked about for sure,  
8 yes.

9 Q. I think you were aware that Brother Damien then had been  
10 in Africa at a point in time; is that right?

11 A. So I'd been told, yes.

12 Q. You make a comment about that on paragraph 139:

13 "One of the things that haunts [you] is that  
14 children there may not have had protection against this  
15 sort of behaviour."

16 A. Yes. Well, if you think about it, neither did I,  
17 neither did we, but what kind of protection would they  
18 have had? My mind still boggles at what might have gone  
19 on at his hand, you know, in a situation where there  
20 would be even less protection.

21 Q. The comment you make at paragraph 140:

22 "The inters area of the building was a hot spot for  
23 paedophilia."

24 What is your basis for making that comment?

25 A. Well, the incident that leads me to say that -- there

1           was a Brother AKV who -- [REDACTED]  
2           [REDACTED]  
3           [REDACTED]

4           Q. Did you have anything to do with Brother AKV ?

5           A. Yes. He would have been my rec master at some point,  
6           at the point of the story that I'm going to tell.

7           The incident that I recall is that there was a boy  
8           who was ill and at the school, if you were ill, the  
9           drill was that, first of all, you'd have to be kind of  
10          tested to check you're not at it, trying to dodge class  
11          or whatever.

12          If you are ill, if you're really ill, it could be --  
13          there was an area, a sickbay, but if you've got  
14          something like a flu bug, a viral infection, you would  
15          be allowed to stay in your bed while classes were on to  
16          try and recover.

17          Brother AKV has approached this particular  
18          individual and sat on his bed --

19          Q. And is this something you were told?

20          A. It's something I was told, yes, I did not witness this.

21          And basically, he's -- amongst other things, he's  
22          made the comment, "It's dark and there's no witnesses",  
23          at which point, another kid, who's also unwell, that  
24          I think AKV was unaware was actually there, announced  
25          his presence, I think along the lines of, yes, there is,



1           there is someone else here, and then that will have  
2           defused however it did.

3           But I recollect that basically --

4       Q. Did people hear of this incident?

5       A. Yes.

6       Q. So what happened then?

7       A. Well, the main thing that I recollect -- and there's  
8           a degree of humour in this in a dark sort of way -- was  
9           that there was a situation orchestrated where this  
10          Brother AKV, when he next performed his dinner time  
11          ritual, which was basically him sitting on his little  
12          riser with his table and doing the whole thing with the  
13          bell where everyone then stands up to say grace, and it  
14          had been prearranged with some of the boys that at the  
15          point when he rings the bell, and we all stand up,  
16          everyone is going to say at the same time, "It's dark  
17          and there's no witnesses". That's actually what  
18          happened. And his face just went like supersonic shades  
19          of scarlet. I can't remember what happened beyond that,  
20          but that was obviously quite a seismic experience for  
21          all of us and particularly for him.

22      Q. Can you give me, if possible, the age range of the boy  
23          who might have been targeted?

24      A. Intermediates, so we're in second year, so we're looking  
25          at 14, 15, something like that.

1 Q. I think you tell us in your statement, Kenny, that you  
2 never actually told anybody about what had happened to  
3 you, the abuse you'd suffered, particularly from  
4 Brother Damien.

5 A. Mm.

6 Q. Is that correct?

7 A. Yes.

8 Q. Any reason for that?

9 A. Fear. And in my opinion, in instances like this, when  
10 there is a breach of a trust, when someone actually has  
11 a duty of care, and particularly in that era when  
12 there's less awareness and less of a mechanism for  
13 disempowered people to maybe kick back, it feels like in  
14 that time there was a breach of trust and a duty of care  
15 that kind of makes you clam up. Like, who do I tell?  
16 It's the people that are actually in charge that have  
17 done this to me, so I can't go and talk to the people in  
18 charge because the people in charge did this. There's  
19 a bit of a sense of that.

20 Q. What about your parents? Did you consider telling your  
21 parents about it?

22 A. I once alluded to it, but it was actually some years  
23 after leaving the school. By this time, I've carried  
24 this burden within me for a number of years and I've  
25 spent two to three years in counselling to try and deal

1 with some of the problems that have emerged in my life,  
2 which have had a lot to do with the disempowerments that  
3 have arisen from my internalised and unearthed anger at  
4 what has gone on.

5 There was a point where I just made an allusion in  
6 the context of my family towards the fact that there had  
7 been some advances made on me and that had the effect  
8 of, like, making my parents almost want to change the  
9 subject or ... That must have been quite horrific for  
10 them.

11 LADY SMITH: Can I just ask you this? If at the time  
12 circumstances had been such that you felt you could go  
13 and tell somebody about your concerns about St Joseph's,  
14 would you have simply told them about Damien's attempt  
15 on you that you've described to us or would you have  
16 told them about more than that?

17 A. More than that. I would think it would be more than  
18 that, yes.

19 LADY SMITH: What else, very briefly?

20 A. Abuse towards other children. The punishments that I'd  
21 witnessed. The disciplining, the unnecessary  
22 disciplining. And the controlling -- I find it  
23 interesting that they're called control 1 and control 2,  
24 Primary Six and Primary Seven.

25 LADY SMITH: We add you to the list of people who now say it

1           was bizarre but weren't given any understanding, it  
2           seems, of what that name was supposed to signify. We  
3           may yet get to the bottom of it, I don't know.

4           Thank you very much, Kenny.

5       MR MacAULAY: Kenny, I think you've already mentioned that  
6           you left St Joseph's when you were 17 years of age.

7       A. Yes.

8       Q. I think, first of all, you went to the Glasgow Art  
9           School --

10      A. Yes.

11      Q. -- and you got a degree in fine art and printmaking.

12           You provide information to us from paragraphs 153  
13           through to 160 about aspects of your personal life, but  
14           also your employment history, and I think you ended up  
15           being a teacher; is that right?

16      A. Yes.

17      Q. In relation to impact then, and you've touched on that  
18           a moment ago, what would you say the impact of your time  
19           at St Joseph's has been on your life?

20      A. I would say that, in my opinion, I've been quite a -- at  
21           times, quite an easily controlled individual. I think  
22           some of that sits with some of these incidents that have  
23           happened. I think the two bits that traumatised me  
24           quite a lot, aside from the extremely painful use of the  
25           tawse on my backside by MYZ, are these two

1 incidents where I'm in this situation where I'm hiding  
2 and I'm not coming out until it's dark, literally like  
3 a hunted animal.

4 I would surmise that as a result of that, there have  
5 been situations where I have not been able to defend  
6 myself as well as I perhaps could do in situations where  
7 people are being in any way exploitative or abusing,  
8 whether it's a cash transaction or somebody selling you  
9 a car that you shouldn't be buying, and I've often found  
10 myself struggling to just muster up the will to fight  
11 back.

12 Q. You mention in passing that you have had counselling.

13 A. Yes.

14 Q. And you did find that beneficial?

15 A. Yes, absolutely, yes. I would say that I was fortunate  
16 to have a very good counsellor who seemed to have a good  
17 understanding of the type of framework that I had as  
18 a result of what I'd been through. I think he'd had  
19 experience with other individuals that had had similar  
20 experiences and he was very good at getting me to, like,  
21 express anger that had been bottled up. And actually,  
22 in my life prior to that where relationships have broken  
23 down or I've had situations of uncontrollable anger or  
24 temper, I don't experience these anymore. I think a lot  
25 of that goes down to the work that I did with this

1 particular counsellor.

2 Q. You mentioned your older brother at the beginning of  
3 your evidence. Did you ever discuss with him what his  
4 experiences at St Joseph's had been?

5 A. Not hugely. This does kind of haunt me a wee bit,  
6 because my brother was an incredibly quiet person, and  
7 it may well have been the case that he was bottling  
8 something up.

9 Q. But you had no discussions about anything?

10 A. No. He was quite cagey about that, I think. So there  
11 may well have been some hurt there. I think if his life  
12 had continued beyond the age of 25, which is the age at  
13 which -- in fact he died shortly before turning 25 -- if  
14 he had gone on a number of years, I believe whatever may  
15 have happened would have bubbled to the surface. But  
16 that's something that sadly goes to the grave with him.

17 Q. You've mentioned this already, but just to touch upon it  
18 briefly, I think in fact the police got in touch with  
19 you in connection with Brother Damien --

20 A. Yes.

21 Q. -- who we know was Thomas McCann.

22 A. Yes.

23 Q. You mention that there was to be a prosecution of  
24 Thomas McCann but, due to ill-health, that did not  
25 happen; is that the case?

1 A. Yes. That's absolutely the case, yes.

2 Q. Can I take you to that section of your statement, Kenny,  
3 where you give us your final thoughts. This is at  
4 paragraphs 188 onwards. You say at 188:

5 "Paedophiles were able to get away with using kids  
6 back then in a boarding school environment. They  
7 managed to keep the kids quiet through bullying.  
8 That is why they were able to get away with it."

9 A. Mm-hm.

10 Q. So what experience are you pointing to there in making  
11 those comments?

12 A. Well, I think the degrees to which the things that  
13 happened to me that made me feel incredibly disempowered  
14 is what I base that on. I guess in my own mind, and  
15 it's an experiential thing, the evidence that actually  
16 quite cataclysmically came to the forefront [REDACTED] AKV

17 [REDACTED] -- you know, the dormitory that  
18 I described as the hotbed of paedophilia, that's the  
19 dormitory he was in, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 So any environment where that has kind of slept, you  
23 know, is what leads me to make a statement like that.

24 Q. And the next statement you make is that -- you talk  
25 about the structure that was set up that allowed people

1 to get away with abuse:

2 "Even the ones that weren't abusing but knew about  
3 it are to blame."

4 Are you suggesting there, if you take someone like  
5 Brother Damien, for example, that others who had  
6 positions of responsibility in the school would have  
7 known about that behaviour?

8 A. Obviously, I could never prove that, but given like  
9 common knowledge, some of the things he was up to were  
10 amongst the kids, I can't for the life of me see how  
11 other brothers couldn't have known.

12 Also, in retrospect, I think there's a sense of,  
13 like, brothers that are a bit of a problem perhaps  
14 getting moved around. Maybe there's been some of that  
15 going on. I can only conject, if I'm being honest here,  
16 but I cannot see for the life of me, in the situation  
17 I was in, that the people who had us in their care could  
18 have known nothing about this. I just don't see how  
19 that is possible.

20 Q. The last point I want to pick up is at paragraph 192:

21 "There also needs to be openness of dialogue with  
22 children in care."

23 And you give an example:

24 "That can be in the form of student counsellors or  
25 the like."



1           Are you there essentially saying that children  
2           should be given a voice and be able to use that voice?

3       A. I think that what would have been a huge help at  
4       St Joseph's for me would have been if there had been  
5       some kind of access to a counsellor that's not in the  
6       control or the domain of either side, an impartial  
7       counsellor, who, if a kid's got trouble, they could  
8       actually go to.

9       LADY SMITH: Let me tease that out with you. Do you have in  
10       mind a counsellor that a child can directly make an  
11       appointment to see and the counsellor is not under an  
12       obligation to tell the school that you're having an  
13       appointment with them and won't report back to the  
14       school what you tell them?

15      A. Yes. I think something like that would have been  
16      helpful for me. Actually, thinking about it, what would  
17      be even better was if that wasn't like an in-house  
18      counsellor of any kind. I think if there was an agency  
19      of people who therefore have a degree of anonymity with  
20      whatever they're called to, to talk to kids, and if  
21      there was a sense that kids know that they can talk to  
22      them openly.

23           Because, you know, the bizarre thing is that myself  
24      and my peers talked about this, but there's this kind of  
25      barrier, this partitioned situation, where the people

1           that are in control, you don't talk to them about it.

2       LADY SMITH:   Yes.

3       MR MacAULAY:   Well, Kenny, thank you very much indeed for  
4           engaging with the inquiry and coming here today to  
5           answer my questions in the way that you have done.

6           My Lady, I can confirm that no other questions have  
7           been submitted to me to be put to Kenny.

8       LADY SMITH:   Thank you.   Are there any outstanding  
9           applications for questions?   No.

10           Kenny, that does complete all the questions we have  
11           for you.   Thank you so much for engaging with us.   Your  
12           statement is full of very helpful detail that's adding  
13           to the picture that I'm building about St Joseph's here,  
14           and thank you very much for coming along today in  
15           person.   It does make the words on paper come alive  
16           rather more than only having the words on paper.   I'm  
17           really grateful to you and I'm now able to let you go.  
18           Thank you.

19       A.   Thank you.

20                               (The witness withdrew)

21       LADY SMITH:   I think we can take the morning break just now.

22       MR MacAULAY:   And possibly start a little bit earlier.

23       LADY SMITH:   Thank you.

24       (11.21 am)

25                               (A short break)

1 (11.45 am)

2 LADY SMITH: Ms MacLeod, do we have another witness ready?

3 MS MACLEOD: We do, my Lady. The next witness is

4 Stephen Behan.

5 STEPHEN BEHAN (affirmed)

6 LADY SMITH: Please sit down and make yourself comfortable.

7 Stephen, that red light tells us that your

8 microphone is switched on. All I need you to do is to

9 stay in a good position for using it, so that we can

10 hear you through the sound system. It's important that

11 we do that.

12 A. Thank you, my Lady.

13 LADY SMITH: I think you know where you're going with that

14 red file: you're ten steps ahead of the rest of us.

15 If you're ready, I'll hand over to Ms MacLeod and

16 she will explain what happens next.

17 Questions from MS MacLEOD

18 MS MACLEOD: Good morning, Stephen.

19 A. Good morning.

20 Q. Are you Stephen Behan?

21 A. I am.

22 Q. Were you born on [REDACTED] 1958?

23 A. I was.

24 Q. And are you now 61?

25 A. Sadly, yes.

1 Q. You've provided a statement for the inquiry and there is  
2 a copy of that in the red file in front of you. I'll  
3 give the reference of the statement for the transcript:  
4 WIT.001.002.4560.

5 If I can begin by asking you to look at the final  
6 page, that's page 4594, the very last page.

7 A. Yes.

8 Q. Have you signed the statement?

9 A. I have.

10 Q. In the final paragraph do you say:

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

13 A. I do.

14 Q. Do you go on to say:

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

17 A. That's right, yes.

18 Q. Thank you.

19 You begin in your statement, Stephen, by telling us  
20 a little bit about your family background before you  
21 went to boarding school. Did you spend the first part  
22 of your life living in London?

23 A. That's correct, yes.

24 Q. And I think you tell us you had [REDACTED] who was [REDACTED]  
25 than yourself.

1 A. That's right, yes.

2 Q. Did there come a point in time when you moved to  
3 Scotland?

4 A. Yes.

5 Q. Was that in around 1970?

6 A. Yes.

7 Q. Would you have been about 12 at the time?

8 A. Eleven or 12. 12-ish, yes.

9 Q. Shortly after you arrived in Scotland, was a decision  
10 taken that you would go to boarding school?

11 A. That's right, yes.

12 Q. Are you able to give me a little bit of background about  
13 how that decision was made?

14 A. Yes. My father was a political animal, who seemed to  
15 have no compunction in squandering my education [REDACTED]

16 [REDACTED] on the altar of his politics.

17 He had sent [REDACTED] to a comprehensive school  
18 in London that was something of a zoo. It failed to  
19 deliver in terms of pedagogy. [REDACTED] I ended up  
20 being quite far behind what would have been thought of  
21 as [REDACTED] peer group.

22 When [REDACTED] came to Scotland, [REDACTED] examined by the  
23 rector of Lanark Grammar School, who informed my father  
24 that [REDACTED] at least two years behind [REDACTED] age, and the  
25 best thing that he could do was send [REDACTED] into the private

1 sector, [REDACTED] ended up at St Joseph's College.

2 Q. And although that was a Catholic boarding school,  
3 I think you tell us that your father wasn't religious,  
4 or that wasn't the reason you were sent there?

5 A. He was an atheist, and he was an anti-Catholic atheist  
6 who came from a Catholic background. I am painting  
7 a picture of a very irrational man, and in some ways  
8 he was.

9 Q. And was it through a friend of your father's, who was  
10 a priest, that the suggestion of St Joseph's was made?

11 A. That's right. It was a member of the White Fathers,  
12 Father Louis Cunliffe, I think, but I might be mistaken,  
13 who had the view that the best school to send us to was  
14 St Joseph's. My father had great faith in that guy, so  
15 [REDACTED] ended up at St Joseph's.

16 Q. Did you [REDACTED] start at St Joseph's in the  
17 August/September of 1970?

18 A. Yes.

19 Q. And I think you tell us that the SNR [REDACTED] of the school  
20 at that time was a Brother MYZ [REDACTED].

21 A. That's correct.

22 Q. You give us some information about the layout of the  
23 school and the buildings, and I'll put a photograph on  
24 the screen for you, if that's all right.

25 A. Sure.

1 Q. That's at INQ.001.004.2710.

2 A. That photograph comes from probably the 1940s or 1950s.

3 To the right of the main block there would now be

4 a large modern block that was grafted on to it in the

5 late 1960s.

6 Q. So was that there then during your time?

7 A. Yes, it was. So this photograph is representative, but

8 it's not accurate.

9 Q. If we focus on the main building then, is that where the  
10 dormitories were?

11 A. It depended on what year you were in. If you were

12 in the very youngest part of the school, you would have

13 been in the building that's at the back and to the

14 right. Then if you were in sort of P6, P7, P8, you'd

15 have been in the top right-hand part of the main block

16 in the attics.

17 Q. So do I take it from what you've said that there were

18 some primary schoolchildren at St Joseph's as well as

19 high school?

20 A. Yes.

21 Q. Do you recall if those classes were called control 1 and

22 control 2?

23 A. No, they weren't -- no, they were. Yes, you're right,

24 yes. Yes, well done.

25 Q. But did you go into the secondary school?

1       A. I went into secondary school. I started in -- the  
2       school was streamed into A, B and C. I started in 1A,  
3       I believe. [REDACTED] would have been in 3A -- no,  
4       SNR [REDACTED] in 3B. Yes, that's right.

5       LADY SMITH: And you would have been close to your 12th  
6       birthday when you started, were you?

7       A. Yes.

8       MS MACLEOD: In terms of how the school was divided up  
9       dormitory-wise, was that done in terms of age?

10      A. Pretty much. There was what was called the wee-rec,  
11      which is where the primary kids were housed. They were  
12      in the top attic, which is on the right of that  
13      photograph.

14             Then there was the inters, which is what I went  
15      into, which would take you up until you left second  
16      year. They were in the top attic on the left of that  
17      photograph.

18             Once you left the inters, you went into what was  
19      called the mids, which was in the third floor of the  
20      building, and then, after the mids, if you went that  
21      far, you would go into the seniors, which was in the  
22      building at the very far -- to the right of the chapel.

23      Q. I see. So if we look behind the main building, we see  
24      the chapel to the left and there's the next building  
25      along from that; is that where the senior dormitories



1           were?

2           A. That's right. That was called the Mount. It's also  
3           where many of the brothers had their rooms.

4           Q. You mention also in your statement an old mansion that  
5           you knew as the White House.

6           A. Yes. In the photograph, if you look behind the trees to  
7           the right of the school and to the right of the Mount,  
8           you'll see what was -- at one time it was some kind of  
9           farmhouse or mansion.

10          Q. If we look at where you've told us the Mount is, that is  
11          to the right of that?

12          A. Yes, the cursor is above it right now. That was solely  
13          for the use of the Marist Brothers. It included their  
14          bar, their club, whatever they wanted to call it, and  
15          a number of bedrooms and a refectory.

16          Q. Thank you for looking at the photograph for me.

17                 In terms of your memory of numbers of boys at the  
18          school when you arrived, can you remember roughly how  
19          many there were?

20          A. Yes. It wasn't a big school compared to a state  
21          secondary. Probably somewhere between 500 and 600,  
22          I would think.

23          Q. Something you mention quite early on in your statement,  
24          Stephen, is that you mention bullying and that that was  
25          something you were aware of.

1 A. I was not just aware of it, I was a victim of it.

2 I think if you go to almost any boarding school, you're  
3 going to find bullying -- and certainly at that time.

4 Q. Was there a lot of bullying at the school when you  
5 arrived?

6 A. Yes. I think anybody who was seen as a potential victim  
7 would get bullied, yes.

8 Q. We'll come on to look at your own situation shortly.

9 In relation to the teaching staff, were there  
10 brothers and lay teachers who taught at the school?

11 A. Yes. A split of roughly 60/40, I'd think, in favour of  
12 the brothers.

13 Q. I think you tell us that in your view, all the good  
14 teachers, I think you say, were the lay teachers.

15 A. Yes, that's not fair. There were some very, very good  
16 brothers there. My biology teacher, Brother Francis,  
17 was a very kind guy, he was a good teacher and he cared  
18 about the kids. I have never heard of him having been  
19 involved in any kind of abuse. He never even carried  
20 a belt. But he was the exception and he was a standout  
21 exception.

22 Q. And I think you do mention that in your statement as  
23 well.

24 A. So I do, yes, sorry.

25 Q. You go on in paragraph 20 of your statement to tell us

1 about something that happened on your first night at the  
2 school. Were you given particular advice from other  
3 boys?

4 A. Yes. My father was a [REDACTED]. I come from, on that side  
5 of the family, from a [REDACTED] family. There were some  
6 kids in my dormitory who were [REDACTED]  
7 and [REDACTED], and they very quickly  
8 brokered a good, positive relationship.

9 On that first night it was made clear to me that  
10 there were some brothers that you absolutely had to make  
11 sure that you did not get caught alone with. You had to  
12 absolutely make sure that you were never in a position  
13 where they could take advantage of the solitude.

14 Q. Can you remember if there were particular brothers that  
15 were named in that regard?

16 A. Yes. Unfortunately, the advice was not wholly accurate.  
17 Brother Damien was notorious. He was a toucher and  
18 a groper.

19 Q. Is that something you were told when you first arrived?

20 A. Oh yes. Brother <sup>AKV</sup>[REDACTED] was known to be of questionable  
21 behaviour. He was in Largs at the time, but they knew  
22 he was coming here to St Joseph's. Brother <sup>MNV</sup>[REDACTED] was  
23 known to be somebody that you just did not want to be  
24 around.

25 Q. Did they say why in relation to him?

1       A. For the same reasons: it was sexual.

2               There were other brothers that you didn't want to be  
3       on the wrong side of because they were pretty violent.

4               I think on my first night there it was a pretty  
5       terrifying experience because I was told, you know,  
6       here's all these so-called men of God and you don't want  
7       to be in a room with that guy, you don't want to be in  
8       a room with that guy, for God's sake make sure you've  
9       got a copy of the Beano to stick down your pants with  
10      that guy because he will beat you. It was well  
11      understood.

12      Q. What was your reaction or response to this on your first  
13      night at the school?

14      A. Fear, total fear. I'd never been away from home before.  
15      I'd never really had any of life's experiences. I had  
16      nothing to compare or contrast it to. I'd had  
17      a comparatively normal childhood up until then and it  
18      was pretty terrifying.

19              One of the things that really stuck in my memory was  
20      when we were going up to bed that first night. I cannot  
21      remember the name of the brother who took our dormitory;  
22      he was a young brother and he was an okay guy, he was  
23      one of the better ones. But across the landing where  
24      there was another dorm -- the two dormitories were  
25      separated by a hall where the ablutions were and across

1           that landing was the wee-rec, which is where there were  
2           children from 6, 7, 8, 9, 10, young, young kids. The  
3           brother who was in charge of them was Brother CIPHER WITH  
4           and, my God, he scared the hell out of people. I mean,  
5           he never spoke when he could shout, he never cajoled  
6           when he could threaten. It was just in his nature to be  
7           really bombastic. When you're a small child and they  
8           represent authority, that's a pretty terrifying  
9           experience.

10        Q.   Focusing on them then, what is your memory of your first  
11           night and what you experienced?

12        A.   Him screaming at these kids, who as soon as he started  
13           screaming, they just reacted and fell into line. You  
14           could see they were like Pavlovian dogs. They were just  
15           so terrified of him. Their reaction informed my  
16           perception.

17                It made a difficult situation -- I had said goodbye  
18           to my mum and dad that afternoon, which wasn't an easy  
19           thing to do. I had no religion, I wasn't a practising  
20           Catholic, and I was surrounded by these people in  
21           cassocks and wearing these huge crucifixes around their  
22           necks and all the rest of it. It was all very ...  
23           I don't know what the correct ... I remember I had read  
24           one of Solzhenitsyn's epics on the gulags and it just  
25           sprang to mind and I thought: this is a gulag for the

1 modern age.

2 LADY SMITH: If it was that era, was that "The Gulag  
3 Archipelago"?

4 A. I think "The Gulag Archipelago" came out in about 1971  
5 or 1972, so it would have been one of his earlier works,  
6 yes.

7 LADY SMITH: One of the earlier ones, yes.

8 A. But my God, it was terrifying. It was an awful night.

9 MS MACLEOD: You mentioned there the clothing that the  
10 brothers wore.

11 A. Yes.

12 Q. And I think you tell us in your statement that they  
13 tended to wear a black cassock.

14 A. Yes.

15 Q. You have already mentioned the crucifix. Was that  
16 sometimes used by the brothers as a form of punishment?

17 A. I had not been punished myself in that way. I saw  
18 Brother MNV, who was chasing a child who was trying  
19 to run out of his grip, swipe the kid with his crucifix.

20 To give you the picture, the crucifixes that they  
21 wore, they probably weighed maybe about 6 or 8 ounces,  
22 and they were made of hardwood with brass applied to it,  
23 so it was a very effective mace.

24 Q. And you give us some information about some of the  
25 brothers you remember. You mentioned Brother MMK.

1 Did he take over as SNR [REDACTED] during your time?

2 A. He did. His nickname was MMK [REDACTED] because he must have  
3 been about 6 foot 5 or 6 foot 6. He was a huge guy.  
4 He was a pretty intimidating guy, who always struck me  
5 as completely humourless. You couldn't establish  
6 a rapport with Brother MMK [REDACTED]. He was of a certain  
7 mould.

8 Q. You mention in paragraph 22 of your statement that he  
9 administered corporal punishment to you.

10 A. Yes.

11 Q. What form did that take?

12 A. Well, it didn't just happen once. His predilection was  
13 to have you drop your trousers, bend over a chair, and  
14 he would give it to you on your backside with  
15 a Lochgelly tawse.

16 Q. Do you recall how many strokes he would --

17 A. Six, usually, unless you'd really, really, really upset  
18 him.

19 Q. How often did this happen to you?

20 A. To me? I think it's good to put this in context. I was  
21 just saying to [REDACTED] before I came into the room here  
22 that when I was at school in London, I had never  
23 witnessed corporal punishment, I'd never experienced it.  
24 I had no knowledge of it. I knew it happened, but only  
25 for really bad boys, not boys like me.



1           And at St Joseph's, I can honestly say that not  
2           a week went by that I wasn't belted. Probably if not  
3           every day, at least every other day, somebody would belt  
4           me. But Brother MMK, his beatings were really pretty  
5           impressive and I would have been beaten by him at least  
6           probably once a term, something like that.

7       Q. You have mentioned Brother CIPHER WITH already and we'll  
8           come back to look at him.

9           Brother Damien is somebody you tell the inquiry  
10          about, Stephen. What was his role in the school during  
11          your time?

12       A. He had two roles. He was, first of all, the principal  
13          French teacher, but he was also -- at St Joseph's you  
14          had to pay for everything. If you needed an exercise  
15          book, it went on your account, and he ran the stationery  
16          operation, which was like a small shop within the  
17          school. It was also a part, if you like, of the tuck  
18          shop, and he ran all that. He was a strange guy.

19       Q. Focusing on the stationery shop aspect, if you were, as  
20          a boy, to go in there, what kind of experience would  
21          that be?

22       A. It depended. Depended on who was around, were you there  
23          just on your own, which you tended to avoid. But there  
24          were circumstances where you would go in, there was  
25          somebody already there, maybe a couple of boys already



1           there, and they would leave and you'd think, "Oh shit,  
2           I wish I'd not stayed", you know.

3           He was what could only be described in today's world  
4           as a predatory sexual player. I do not know if he ever  
5           raped children, I don't know the extent of his abuse,  
6           but I would say that when you're 11 or 12 and  
7           a significant figure of authority is masturbating in  
8           front of you under his clothes, I'd call that abuse.

9       Q. Is that what he did?

10      A. Yes.

11      Q. Did you see him do that?

12      A. I've seen him do that more than once.

13      Q. Did he do that in the stationery shop set-up?

14      A. He did that in numerous places. I've often looked back  
15           on this and wondered what the hell was his motivation.  
16           He seemed to have no boundaries because I've even seen  
17           him do that in front of a class, taking a French class.  
18           So he was pretty prolific.

19      LADY SMITH: Stephen, I'm interested in you describing that  
20           conduct as abuse. I'm not saying I disagree with you,  
21           but I'd be keen to hear why you think it can properly be  
22           described as abuse.

23      A. I believe anything that takes a child who's ostensibly  
24           an innocent out of a position of social security and  
25           puts them into a position where they feel threatened is

1 abusive.

2 LADY SMITH: Thank you. That's very helpful.

3 A. Thank you.

4 MS MACLEOD: In the French classroom set-up, can you tell me  
5 what you saw Brother Damien do?

6 A. I didn't do French. I used to sit in the class and not  
7 do it, I was excused from doing it because I hadn't done  
8 French before I came to St Joseph's. So I was possibly  
9 more observant than a lot of the kids, and if he gave  
10 the kids something that involved heads down, writing,  
11 that's when he would start playing with himself. You  
12 might struggle to find corroboration of this because  
13 they might have all been writing, but I'm sure it will  
14 come out in the wash.

15 Q. And where would he be doing this?

16 A. The way the classes were laid out was there was -- in  
17 St Joseph's, it was a strange school inasmuch as you  
18 didn't go to the class, the teacher came to you. You  
19 had a classroom and there was a long, long corridor on  
20 the second floor with classes to the left and right, and  
21 partitioned doors that could all be folded away. It  
22 divided the second floor into class areas.

23 At the head of each class area there was a very low  
24 dais with a table and a chair and he would typically sit  
25 doing it or stand with his back to the table doing it.

1           He had no compunction, absolutely no inhibitions.

2           Q. You mention that Brother Damien was romantically  
3           obsessed with some of the boys.

4           A. Yes.

5           Q. Can you develop that for me?

6           A. Well, Brother Damien had a real crush, I think you could  
7           probably describe it as, on two boys that I was aware  
8           of. One was -- am I allowed to mention names?

9           Q. You can use their first names.

10          LADY SMITH: If you use their first names. You're right to  
11          ask because anyone who was a child in care is protected  
12          by my general restriction order, but equally, anyone in  
13          this room knows if names do get used, they cannot be  
14          repeated outside this room. But I am sure that a first  
15          name will be enough for your purposes.

16          A. There was one lad, [REDACTED], who was a pretty boy.  
17          He was a good-looking kid. I'm pretty certain [REDACTED]  
18          wasn't gay, I'm pretty certain he was heterosexual, and  
19          he had a lot of problems with trying to shake Damien  
20          off. Damien could be very, very touchy-feely, and if  
21          you go to an all-male boarding school, you have to learn  
22          to preserve and protect your personal space and you have  
23          to learn how to fend certain things off.

24                 It can make you reasonably abrasive. My wife will  
25          tell you now I don't like people touching me unless it's

1 by invitation. I'm quite prickly about it. And I'm  
2 pretty certain that's typical of kids who shared my  
3 experiences.

4 MS MACLEOD: If we focus on [REDACTED], did you see  
5 interactions between him and Brother Damien which caused  
6 you concern?

7 A. I wouldn't have said it was concern, but it made me  
8 aware that he was a focal point of Damien's interest.

9 Q. And what made you form that view at the time?

10 A. Because Brother Damien was always touching him, always  
11 asking him to his room, always just being exceptionally  
12 friendly and behaving in a way that he didn't behave  
13 with the other boys. We all knew that Brother Damien  
14 was prone to these crushes, I don't think it was any  
15 secret, and I think probably most of the kids of my age  
16 from the school, if you asked them, did they think  
17 Brother Damien had his favourites -- and by favourites,  
18 I mean his sexual favourites -- I think you'll get the  
19 same response.

20 Q. And do you know if this boy [REDACTED] did go to  
21 Brother Damien's room?

22 A. Yes. Yes, I know he did, yes.

23 Q. Did [REDACTED] ever discuss with you --

24 A. No. To make it clear, I went to the police in 1996,  
25 6 June 1996. I had had a nervous breakdown and my

1           psychiatrist said to me, "You need to get this out of  
2           your system, you really need to talk to more than just  
3           me about it". I was convinced that I was the only  
4           person that had ever been violently abused in the way  
5           I was abused and, lo and behold, it turns out I was  
6           completely wrong.

7           You've also got to remember that most of the  
8           children at the school at the time were either slightly  
9           religious, religious, deeply religious, or would have  
10          probably joined an order. At the time -- and we're  
11          talking about the very, very early 1970s here -- there  
12          was no smoke, nobody was casting aspersions on the  
13          behaviour of the clergy, and I think it's one of the  
14          reasons why I was so shocked on my first day there when  
15          I was told about who to be wary of and who not. It had  
16          never occurred to me that these people could behave like  
17          that.

18        Q. So do I take it then from what you're saying that it  
19          wasn't something that was discussed between the boys  
20          at the time?

21        A. No. The only time that I had a discussion with one of  
22          the other boys was one time when Brother <sup>AKV</sup> had  
23          tried to molest a close friend of mine. The close  
24          friend was a kid called [REDACTED]. He was in bed, he was  
25          ill, and for some reason he wasn't in the matron's room.

1 We had a small sickbay run by the matron --

2 Q. We'll come to look at that. You do tell us about that.

3 A. Oh, okay.

4 Brother <sup>AKV</sup> [REDACTED] basically went into the room and had  
5 basically said, "Look, I'm here, we're alone, there's  
6 nobody can say or do anything", and he didn't realise  
7 that one of [REDACTED] other friends was actually in the  
8 room but was out of eyesight, and he basically jumped  
9 out and shouted, "I'm here".

10 Q. So this is your friend [REDACTED] telling you he was in the  
11 matron's bay and Brother <sup>AKV</sup> [REDACTED] came in?

12 A. Yes.

13 Q. And he thought he was on his own with him?

14 A. Yes.

15 Q. And said that to him, but it turned out there was  
16 another boy there?

17 A. That's right, yes. And that happened twice that I know  
18 of. It happened -- Brother <sup>AKV</sup> [REDACTED] was ...

19 Brother <sup>AKV</sup> [REDACTED] was almost overtly perverse. He took  
20 chances that the other brothers didn't take.

21 Q. Going back to Brother Damien briefly, you've told us  
22 about [REDACTED], the other boy. Did you mention there was  
23 another boy that Brother Damien --

24 A. Yes, [REDACTED]. [REDACTED] was in the year below me and was  
25 another very, very pretty, attractive boy. I know that

1 [REDACTED] couldn't shake Brother Damien off, you know.

2 Brother Damien was very, very tenacious.

3 Q. What did you see?

4 A. It was similar: lots of arms around the shoulder, lots  
5 of cuddling, lots of that kind of thing. Stuff that  
6 today we would think was really inappropriate.

7 Q. Brother MNV [REDACTED] is someone else you mention in your  
8 statement.

9 A. Yes.

10 Q. I think you describe him as somebody you wouldn't go  
11 into a room with alone because he would abuse the boys.

12 A. Yes. His nickname was MNV [REDACTED] The Marists had a mission  
13 during the [REDACTED] Civil War. For those of you who  
14 don't remember, the [REDACTED] Civil War was a war between  
15 two tribes in [REDACTED] One was the [REDACTED] tribe, who  
16 basically lost the war, and the other was the [REDACTED]  
17 government. The Marists had a mission in the [REDACTED] areas  
18 of [REDACTED] and he had been a missionary there. He came  
19 back and he joined the school; I have no idea what his  
20 teaching qualification was.

21 I don't remember hearing of him taking a class in  
22 teaching. He seemed to be devoted to handyman work.  
23 He was always nailing bits of wood together and that  
24 kind of thing. He was quite a sinister guy. He was  
25 dark. He didn't even have to speak to scare you. He

1 just had to look and he would be pretty terrifying. It  
2 soon became the news that you didn't want to be around  
3 him on his own.

4 Q. Did you have an understanding as to why that was?

5 A. It was always sexual in some form. It might have been  
6 psychosexual, it might have been physical abuse, it  
7 might have been sadism, violence. You could not rule  
8 anything out.

9 Q. And did you yourself have any direct interaction with  
10 him or did you manage to --

11 A. The only time I had direct interactions with him was  
12 in the playground. I made absolutely sure that wherever  
13 possible, if he came from the left, I moved to the  
14 right.

15 Q. There's another brother who you describe as being "my  
16 nemesis". I think you call him a strange man.

17 A. Yes, Brother MFT. How can I describe him?

18 Brother MFT was the absolute master of sarcastic wit.  
19 He could cut kids down just with his wit. He was very  
20 clever, very, very bright, and completely in the wrong  
21 job. It was clear he did not like being a teacher. He  
22 did not like children.

23 He used to take us for I always remember  
24 I got six of the belt off him one time because  
25 I questioned the concept of original sin. I had very



1           little religious training and when it was explained to  
2           me what baptism was about and how it was meant to wash  
3           away -- I thought this is preposterous, how can  
4           a newborn baby possibly be associated with sin, that's  
5           ludicrous. And because I questioned him, I ended up  
6           getting six off him. By God, that man could lay into  
7           you. I mean, he was pretty, pretty brutal.

8       Q. Which part of the body did he hit you on?

9       A. He got you on the backside as well.

10      Q. Was that over your clothing, do you remember?

11      A. No, no, no. If it was in the class, he'd get you on  
12      your hands. He had a level of malevolence.

13      Q. Do I take it from that then that sometimes he would hit  
14      you in the class but other times it would be elsewhere?

15      A. Yes.

16      Q. Would he take you out of the class?

17      A. He would call you to his room.

18      Q. And if you were called to his room, what would the  
19      punishment be there?

20      A. That would be six of the best on your bare arse, pardon  
21      my French.

22      Q. Were you injured as a result of that kind of --

23      A. I would say so, yes. Yes.

24      Q. Brother MFI is somebody you tell us about and we'll  
25      come on to look at him a bit later.

1           You've mentioned there that in your previous school  
2           in London, corporal punishment wasn't something that  
3           you were at all used to.

4       A.   You knew it happened, but you never heard of anybody  
5           that had had it done to them.

6       Q.   I think you tell us that on your first day at  
7           St Joseph's, I think [REDACTED] experienced  
8           punishment; is that right?

9       A.   Yes. [REDACTED] waved goodbye to mum and dad and then [REDACTED]  
10          told, you go into that classroom, you go into that  
11          classroom. The day before, something heinous had  
12          happened in [REDACTED] classroom, so the teacher  
13          decided he was going to belt the entire class. So  
14          the first time [REDACTED] met a St Joseph's teacher in  
15          anger -- he got three, I think it was, literally for  
16          doing nothing, he wasn't even there when this alleged  
17          crime had been committed. So he'd pretty well -- he  
18          abstracted himself from the school.

19          [REDACTED] and it speaks a lot of the  
20          organisation, the management organisation of the school  
21          that this could happen. [REDACTED] just refused to go  
22          to classes thereafter.

23                I remember when I was telling stories about what  
24                happened at school to my wife -- about 15 years ago, we  
25                travelled down to Dumfries to meet a classmate [REDACTED]

1 [REDACTED] a lad whose nickname was [REDACTED]. [REDACTED]  
2 explained to my wife, "Nobody knew what class [REDACTED] was  
3 in", [REDACTED] name is [REDACTED], "Nobody knew what class  
4 [REDACTED] was in, nobody ever saw him in classrooms". He  
5 spent his entire time hiding away and reading. How that  
6 can happen in a school that should be ostensibly  
7 well-organised is unimaginable. It's absolutely  
8 preposterous.

9 Q. And I think you also tell us that in the first class  
10 that you yourself attended, that you witnessed corporal  
11 punishment.

12 A. Yes, that's right. My first class was [REDACTED] and our  
13 [REDACTED] teacher, who personally I liked, he was a lay  
14 teacher and I thought he was an okay kind of guy --  
15 do you need to know his name?

16 Q. You can say his name.

17 A. His name was -- we knew him as MNT [REDACTED].  
18 I thought he was a very good teacher, but he had in it  
19 for a kid whose first name was [REDACTED]. And for some  
20 reason MNT [REDACTED] just could not stand [REDACTED] and  
21 every [REDACTED] lesson, every single [REDACTED] lesson,  
22 [REDACTED] got three of the best.

23 At the end of every lesson, MNT [REDACTED] used to  
24 go round the class with what he called his steeplechase  
25 and he would say, [REDACTED] [REDACTED]

1 [REDACTED], and so on, and if you got  
2 it wrong you got the belt.

3 He would get to [REDACTED] and it would be, "What's  
4 the [REDACTED]" and he got -- and  
5 I remember during that year it got to the point where  
6 just as he was asking a question, [REDACTED] would be  
7 walking out with his hands out to get the belt.

8 Q. Okay. So having never experienced corporal punishment  
9 before in a school setting, [REDACTED]  
10 in fact, experienced it in your first classes.

11 You go on to tell us that you were homesick and  
12 feeling quite forlorn; is that right?

13 A. Yes.

14 Q. And I think you say that you started wetting the bed.

15 A. I did, which was pretty brutal.

16 Q. Is that something that started early on?

17 A. It started on my first night there and I don't think  
18 there's anything more humiliating than -- I was in the  
19 inters dormitory, which had about 60 children in it, and  
20 it was an open dormitory, so you could not hide this.  
21 So the brutality was absolutely exquisite and it came  
22 from your peers as much from the masters and the matron.  
23 And God, it was hideous. It wasn't good.

24 Q. So if we focus on the dorm master, I think you can't  
25 remember the name of the first brother who was in charge

1 of the dorm, but can you remember how he managed  
2 bed-wetting?

3 A. He was okay about it. He didn't make a huge issue of  
4 it, but the matron was just wicked. She was just  
5 a dreadful, dreadful example of inhumanity.

6 Q. So she became involved then in the bed-wetting?

7 A. Yes. She would come up and check your bed ritually.  
8 The strange thing is it's not a cure for bed-wetting.  
9 The way they handled it doesn't cure you of it. It was  
10 pretty brutal.

11 Q. So what was the matron's approach to the situation?

12 A. Anger: "Why are you doing this to my clean beds? My  
13 God, look at the work you're creating for me." It was  
14 pretty bad.

15 Q. In your statement you describe it as:

16 "She came in and gave me a verbal beating."

17 A. Yes. She never hit you, but there were probably more  
18 than 450 boarders at the school when I was there and the  
19 infirmary, the sickbay, was never occupied. But the  
20 school was across the -- it was on the Craigs Road and  
21 across the Craigs Road was the old infirmary, which  
22 I know is shut down now, but at the time I was at school  
23 that was Dumfries' main hospital.

24 We knew the matron as MNY and MNY  
25 raison d'être was to ensure that nobody ever occupied

1           one of the beds in her sickbay. She wasn't a sister of  
2           charity.

3       Q. You say she didn't like the boys.

4       A. I think that's really understating. I would say she  
5           absolutely despised the boys. It was clear that she was  
6           a nurse who had worked -- probably in the NHS, I don't  
7           know -- and then she'd retired and then had landed a job  
8           at St Joseph's as the matron, but really did not want to  
9           be there, did not want to do that job.

10      Q. In relation to yourself, did you have to report to her  
11         on an ongoing basis in relation to the bed-wetting?

12      A. No, the prefects did that. By that time, I think I'd  
13         become traumatised to the point where I had shut down  
14         and I wasn't talking to many people. I'm a naturally  
15         shy person, I was cripplingly shy then, and that was  
16         pretty traumatic for me.

17      Q. So can you just explain for me, so I understand it, what  
18         the prefects' involvement was in that arrangement?

19      A. They knew I was a bed-wetter, so they would check my bed  
20         and, if it was wet, they would report me to the matron,  
21         who would then call me out and give me a verbal  
22         beasting.

23      Q. Is that in front of other children she would do that?

24      A. Yes, in front of anybody who was there.

25      Q. Indeed, you say in your statement:

1                "She would call down the corridor, 'Here comes the  
2                bed-wetter'."

3                A. Oh yes, that was common.

4                Q. You give us a little bit more information further on in  
5                your statement at paragraph 89 about the matron, where  
6                you say that you dreaded an illness because you came  
7                under the matron's influence.

8                A. She just wasn't a nice person, you know. She was  
9                abrasive, she was perennially angry. It didn't seem to  
10               matter what you did, what you said, how you said it, she  
11               would go off. She was like lighting a blue touchpaper.  
12               There was a cruelty about her. I think you could  
13               probably say there was a lack of empathy there. She  
14               didn't empathise -- I don't think she associated the  
15               boys as being patients or human and I don't think she  
16               carried empathy for anybody who was ill or feeling  
17               poorly or anything like that.

18               Q. In relation to the bed-wetting, you say at paragraph 48:

19               "I was the new boy who was the bed-wetter, so they  
20               picked on me."

21               Did this cause an issue for you?

22               A. It did. It drove me more and more into myself. As  
23               I say, I was a shy kid.

24               Q. So did other children pick on you?

25               A. Well, yes, but that's in the nature of a boarding

1 school. You pick on the weak. I had read -- it was  
2 either Catch-22 or MASH, I can't remember which, and  
3 I had read all about the section 8 discharge mechanism  
4 in the US army. I started getting up in the middle of  
5 the night and pretending to go sleepwalking. I would  
6 set upon anybody who had bullied me that day and  
7 strangle them, basically.

8 Q. In the dormitory?

9 A. Yes. It didn't work, sadly. The school, I think,  
10 wanted to send me to a psychiatrist at that time, but  
11 nothing happened of it.

12 LADY SMITH: Am I to take it that you were hoping you would  
13 be sent away from St Joseph's as not being medically  
14 fit, mentally fit to stay?

15 A. Yes, that would have been a perfect outcome, I think, at  
16 that time.

17 LADY SMITH: But it didn't work?

18 A. No. Joseph Heller is not that good a writer, sadly.

19 MS MACLEOD: You have told us that when you joined the  
20 school and went into the inters, the brother who was  
21 initially there in the dormitory as dorm master was all  
22 right. In paragraph 55 you go on to tell us that  
23 Brother AKV replaced him.

24 A. Yes, and he was a shocker.

25 Q. So do you remember how long you had been at the school



1 approximately before Brother AKV took over your  
2 dormitory?

3 A. It was weeks, not months, and it was pretty soon  
4 thereafter. He really was the personification of. Just  
5 put in your mind everything you think that is really  
6 evil about people like Gary Glitter and Jimmy Savile,  
7 and you'll have a pretty fair picture of Brother AKV  
8 Scum.

9 Q. You say in your statement that:

10 "He saw the dorm as a sexual playground."

11 A. Absolutely.

12 Q. Can you just tell me, if you can, how that was apparent?  
13 What was happening in the dormitory?

14 A. It's a strange thing. It started with how he looked at  
15 you. It started with how he looked at you when you were  
16 getting changed, getting ready for bed or when you were  
17 in the ablutions.

18 Q. Would he be supervising these processes?

19 A. No, he wouldn't be supervising it; he would be  
20 studiously observing it.

21 Q. So would that involve boys being in a state of undress?

22 A. Yes. You go to a boarding school 24/7. You wear school  
23 uniform during the day, sports gear during sports, and  
24 pyjamas at night. So you're in a stage of undress two,  
25 three times a day. Whenever there are children in

1 a stage of undress, Brother AKV was there. He would  
2 make absolutely sure he was there.

3 Q. And I think you compare him to his predecessor, who you  
4 say would have given you space --

5 A. Correct.

6 Q. -- and some privacy to do these things?

7 A. Correct, yes. I wish I could remember the name. It's  
8 the bad names that you mostly remember.

9 Q. Looking at Brother AKV then, did he make physical  
10 contact with any boys in the dormitory setting?

11 A. Well, we know that he serially raped [REDACTED]. We know --

12 Q. When you say you know that, how do you know that?

13 A. [REDACTED]

14 Q. So that's something you learned later in life?

15 A. No, I knew that he was sexually abusing kids at the time  
16 [REDACTED]

17 Q. So just focusing on what you knew when you were at the  
18 school --

19 A. You knew he was predatory, you absolutely knew he was  
20 predatory. The difference between him and his  
21 predecessor was like night and day. If I had started to  
22 drop my trouser bottoms to get dressed, his predecessor  
23 would turn away and walk away. Brother AKV -- in  
24 fact, you wouldn't have done it in front of  
25 Brother AKV, but if you were stupid enough to have

1           done it in front of him, he'd been out there with  
2           a microscope. He was that kind of person. He was just  
3           vile.

4       Q. Did you see him make direct physical contact with any of  
5       the boys in the dormitory?

6       A. Yes, on a number of times. He was able to sail that  
7       close edge between what is overtly sexual and what is  
8       ostensibly just loco parental behaviour. How can you  
9       put it? He ... His predecessor knew that you don't  
10      touch young boys, you just don't do it, and it's wrong  
11      when it happens. Brother AKV had no boundaries, he  
12      didn't have any restrictions on his behaviour.

13      Q. Did he remain your dorm master for the rest of your time  
14      in the inters?

15      A. No. He was there -- sorry, yes, while I was in the  
16      inters, yes. And then I went up to the mids, and  
17      Brother MFT -- was it Brother MFT? I think it was  
18      Brother MFT was ... (Pause). I can't remember.

19      Q. Did Brother AKV make physical contact with you in the  
20      inters dormitory?

21      A. He did it twice. [REDACTED] got to hear about one  
22      episode of that -- this again tells you more about how  
23      the school worked or, rather, how it didn't. It was an  
24      incredibly badly managed place -- and it's probably  
25      worth pointing out that my job at the moment, and has

1           been for about the last 15 years, is as a management  
2           consultant; I help businesses manage businesses very  
3           well.

4           St Joseph's would be an unbelievable case study. [REDACTED]  
5           [REDACTED] heard that Brother AKV [REDACTED], of all people, had  
6           given me the belt on my bare backside and grabbed him  
7           in the corridor, the corridor that ran down between the  
8           classrooms, and put him up against a wall and headbutted  
9           him and basically told him, "If you touch [REDACTED]  
10          again, I'll kill you". Nothing ever happened about  
11          that. I know [REDACTED] broke his nose and he was never  
12          pulled up about it.

13       Q. So he was never punished for that?

14       A. No. What does that tell you?

15       Q. So was that one of the times that you were -- that  
16       Brother AKV [REDACTED] made contact with you in the dormitory?

17       A. Yes.

18       Q. And was there another occasion?

19       A. He gave me the belt on my backside twice and I knew from  
20       another guy, a lad by the name of [REDACTED], who -- when  
21       you dropped your trousers in his room -- and he had  
22       a room that was adjuncted on to the dormitory, it was  
23       connected to the dormitory -- he would make a grab for  
24       your privates and that was something he did.

25       Q. Is that something you were told by another boy?

1       A. Yes. I have got to say, I was pretty terrified of the  
2       idea of going into his room and being belted by him --  
3       and it wasn't the belt that was scaring me.

4       Q. You've already told us a little bit about  
5       Brother CIPHER WIT, who I think ran the wee-rec through  
6       the doors.

7       A. Mm.

8       Q. Is he somebody that continued to run the wee-rec as far  
9       as you were aware during your time in the inters?

10      A. I can't remember anybody else running the wee-rec.  
11      Having said that, he was a real larger-than-life  
12      character. So if they replaced him with anybody, he  
13      would have paled into insignificance. But as far as  
14      I recall, CIPHER WIT always ran the wee-rec.

15      Q. You've told me of your experiences of him on the first  
16      night and hearing him shouting. Through your time in  
17      the inters, did you get any insight or did you see  
18      Brother CIPHER WIT's treatment of the boys in his division?

19      A. You didn't. You weren't allowed into the wee-rec. You  
20      heard his voice, and you got used to it, which is  
21      a strange thing to say.

22             And when I say shouting, I mean somebody whose  
23      single mode of communication was anger at the top of  
24      their voice and from a big, big guy; he was no slip of  
25      a lad. I just always, always remember feeling sorry for

1 the kids in the wee-rec. I thought they were some of  
2 the smallest kids in the school, some of the youngest  
3 kids in the school, and their life just was one round of  
4 terror.

5 Q. In your statement, you give us some information about  
6 the routine at the school, and I'm going to pick up on  
7 a few aspects of that with you. You say that there was  
8 no guidance teacher or anybody in that kind of role  
9 in the school.

10 A. No.

11 Q. And was there anybody that you felt you could confide in  
12 or go to with a problem?

13 A. No. Possibly Brother Francis. There was a history  
14 teacher, Lorenzo Rinaldi, who was an old boy, he was an  
15 alumnus. He was a very fine teacher and a very, very  
16 good guy. You could talk to Mr Rinaldi, but you  
17 probably wouldn't talk to him about things that were in  
18 any way embarrassing or deeply personal. If you had  
19 been abused, you couldn't have talked to him about that.  
20 You couldn't even talk to the other kids about that.

21 Q. I think you say if you talked to a brother you could  
22 never presume that it would be kept confidential.

23 A. You had to presume that it wouldn't. You had to presume  
24 that they were together.

25 Q. You give us some information about the catering

1           arrangements and you say the food wasn't good at the  
2           school. I think you say it was shocking in fact.

3       A. It was. It was breathtaking. I've spent a fair chunk  
4       of my life -- my first career was in the oil and gas  
5       industry, I've worked offshore and in the desert. I've  
6       worked in the desert in places likes Chad, Libya and  
7       places like that and I've worked on offshore oil and gas  
8       rigs in the Far East. I worked on a rig in Iran where  
9       the food was rice and rice and more rice, and that was  
10      the food, and it was better than the food at  
11      St Joseph's. I would say that the one thing that  
12      St Joseph's really did prepare you for was prison,  
13      offshore work, that kind of thing.

14     Q. I think you tell us that it was imperative that you had  
15      cash or money to buy your own food.

16     A. Absolutely.

17     Q. And indeed, I think you tell us about an occasion when  
18      you found a cigarette end in your stew.

19     A. Yes. It wasn't just once that that happened. We had  
20      a lady that worked in the kitchen, her name was Nora,  
21      and God, she hated the boys. She absolutely hated the  
22      kids. She used to smoke while she was preparing the  
23      food; I would not say cooking the food. The act of  
24      preparation was to open very, very large, 2-gallon size,  
25      cans of pre-cooked stew and heat it and slop it into

1 dishes. If that's cooking then that's cooking.

2 But she would be smoking while she would do this, so  
3 it wasn't uncommon.

4 Q. You describe in your statement a riot that you recall on  
5 an occasion in the dining room.

6 A. Yes. It was quite fascinating looking back on it.  
7 There was no pre-orchestration of it. There were no  
8 ringleaders. It was an act of spontaneous collective  
9 behaviour that I've never witnessed anywhere else.

10 Q. So what happened?

11 A. Normally, Wednesday afternoons were sports afternoons.  
12 We worked a six-day week, so we used to work Monday  
13 through Saturday. Wednesday afternoons were for sports.  
14 You've got 300 or 400 or 500 or 600 hungry kids who have  
15 been out playing rugby or football or going horse riding  
16 or whatever. They're tired, they're hungry, and they  
17 want carbohydrate writ large.

18 Normally on Wednesday afternoons you'd have  
19 something with chips. Every night it was something with  
20 chips. They had the same kind of chip fryer that you'd  
21 find in a fish and chip shop, that was in the school  
22 kitchen. This had broken down and they had replaced the  
23 chips with powdered mashed potatoes.

24 The ladies that dropped the food on to tables put  
25 all these plates of potatoes on to the tables and there



1           was about 15, maybe 20, tables and each held six pupils.  
2           We were expecting a large bowl of chips that we were all  
3           going to dig into and this mash came up. And within  
4           about less than 30 seconds, the mash was on the walls,  
5           the plates were being flung everywhere, the master who  
6           was at the head of the refectory on the raised dais had  
7           to run for cover. He nearly laid an egg; that was  
8           Brother MFT.

9           He came out of there covered in mashed potatoes and  
10          there was probably a hundredweight of broken crockery.  
11          There were plates sticking in the walls where people had  
12          been using them as Frisbees. I'd never seen anything  
13          like it and neither had anybody else. We all took part,  
14          everybody.

15        Q. And chairs were broken, I think you say.

16        A. Chairs were broken, windows were broken, everything.

17          The police were never called. That night, we were all  
18          marched down to the College Café, which was the nearest  
19          fish and chip shop, for supper.

20        Q. And I think you tell us that there was no punishment at  
21          all?

22        A. No. They'd have had to punish everybody and they'd have  
23          to have informed parents and they'd probably would have  
24          had to inform some higher authority and that was never  
25          going to happen.

1 Q. So that was really the end of it?

2 A. Yes. It was a great cathartic experience.

3 Q. In relation to the washing and bathing arrangements,  
4 I think you tell us that there was really no privacy --

5 A. No.

6 Q. -- to be able to do that. Do I take it from that that  
7 it was open-plan and showers?

8 A. That's correct.

9 Q. And were brothers involved at all in being present  
10 during shower times?

11 A. Not consistently, but you couldn't stop them being  
12 there. Brother AKV would have always been hanging  
13 around the ablutions. You just made sure you didn't  
14 shower when he was around.

15 Q. In relation to the education itself that was on offer,  
16 I think you describe that as patchy.

17 A. Yes. I think they were very, very good when they had  
18 good stock to begin with. I think if they had children  
19 who had come up through schools and had done well at  
20 school and were reasonably bright, their teaching  
21 worked. I think they were not equipped -- they were  
22 absolutely not set up for anybody with special needs.  
23 They were absolutely not set up for anybody who was out  
24 of the ordinary. For me, it was an abject waste of time  
25 and effort.

1 I'm reasonably bright, I'm a member of Mensa, I've  
2 got a degree in accounting, where I got a 2:1, I've got  
3 a masters in computer science, all of which I got as  
4 a mature student. I got nothing out of school. I left  
5 school and became a roughneck on a drilling rig, which  
6 is basically a glorified labourer.

7 Q. You tell us that there was a priest attached to the  
8 school, Stephen; is that right?

9 A. Yes, Father MML.

10 Q. You say in your statement at paragraph 95 that -- what  
11 you say is:

12 "He knew what was going on because he heard their  
13 confessions."

14 Are you referring there to the brothers'  
15 confessions?

16 A. Correct.

17 Q. And when you say that he knew what was going on, is it  
18 your view that Father MML knew there was abuse  
19 going on at the school?

20 A. Well, you've got to understand the Catholic psyche. If  
21 you believe in the teachings of the Catholic Church,  
22 then you will believe that when you confess your sins to  
23 a priest, you become absolved of those sins and it's the  
24 path to salvation.

25 All of the brothers were confirmed Catholics, they'd

1 all had a Catholic education, they'd all come from  
2 Catholic backgrounds. You've got to presume a large  
3 volume of them really believed in the catechism and the  
4 teachings of the church and all the rest of it.

5 He was effectively their parish priest. They had  
6 nobody else that they could go to for absolution. So  
7 Father MML, unless these people were prepared to  
8 go and meet their maker with unresolved issues, which,  
9 if they believed in everything they were taught would be  
10 unlikely -- so Father MML must have known what  
11 these people were getting up to.

12 To become a Marist Brother, you took three specific  
13 vows: one vow was to poverty, one was obedience to the  
14 teachings of the church, and the other was chastity.  
15 Now, they don't take a vow -- in fact, I apologise, it  
16 was celibacy, they took a vow of celibacy. You can't  
17 split hairs with this kind of thing. Celibacy is  
18 a binary condition, you are celibate or you are not  
19 celibate; they are no grey areas there. So there's no  
20 wiggle room for one of these miscreants to talk to their  
21 priest and say, "Well, I wasn't really as celibate last  
22 week as I was this week". It's not how it works.

23 So Father MML absolutely must have known there  
24 was some bad stuff happening in that school, and, yes,  
25 he was constrained by his oath of confidentiality, but

1           there were ways that he could have made the authorities  
2           aware that there was bad stuff happening in that school,  
3           and he absolutely derelicted his duty of care to the  
4           children.

5           I liked Father MML. Father MML was  
6           actually a nice guy, but he fundamentally let us down.

7       LADY SMITH: Stephen, I'm interested in that: how do you  
8           think he could have gone about making the authorities  
9           aware of what was happening?

10       A. There would have been a number of mechanisms by which he  
11           could have done that. The confidentiality would have  
12           extended to the name of the perpetrator of any crime or  
13           any sin. He could have gone to the provincial of the  
14           Marist Brothers, the head of the Marist Brothers  
15           worldwide is called the provincial. Today I think he's  
16           Brendan Geary, he wasn't then. But whoever was the  
17           provincial then could have been approached and said,  
18           "Look, there's something bad happening at this school.  
19           I hear it in confession, I can't tell you in detail, but  
20           here's the substance of what's happening". Or he could  
21           have gone to the police or he could have gone to any  
22           number of institutions, had he really cared, had he  
23           really, really cared about the children in the school --  
24           and he was their priest too -- he would have done  
25           something.

1 LADY SMITH: That's an interesting point you make: he was  
2 the priest for the children as well as the brothers.

3 A. Yes. And I think -- I can't remember who said it but,  
4 "All that's required for evil to prosper is for good  
5 people to do nothing". Never a more true statement was  
6 ever made.

7 MS MACLEOD: My Lady, I see it's just after 1 o'clock now.

8 LADY SMITH: Yes. Would that be a sensible place to break?

9 MS MACLEOD: It would, my Lady.

10 LADY SMITH: We normally stop this time for the lunch break,  
11 Stephen, so if that's all right with you, we'll do that  
12 now and I'll sit again at 2 o'clock.

13 (1.01 pm)

14 (The lunch adjournment)

15

1

2 (2.00 pm)

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

4 A. I am, yes.

5 LADY SMITH: Whenever you are ready, Ms MacLeod.

6 MS MACLEOD: Good afternoon, Stephen.

7 Did you ever run away from St Joseph's?

8 A. Yes.

9 Q. When was that?

10 A. A number of times. There was one time in particular  
11 that comes to mind when -- I can't remember what year  
12 I was in, but I stabbed a boy in the arm and basically  
13 left the school for about 72 hours. I made my way up to  
14 Glasgow and across to Lanark and then back down to home  
15 where my parents were.

16 One of the things that the abuse did to me was make  
17 me very, very protective of my personal space, very  
18 protective of my own rights, my own environment, if you  
19 like. It was the custom in the school for all of the  
20 food to be put on the table at one time and just  
21 distributed around the table. There was a lad, whose  
22 name was [REDACTED], who basically emptied everything on to  
23 his plate, so I stabbed him in the arm.

24 Q. What did you use to stab him?

25 A. A knife.

1           It was a very instinctive reaction. It wasn't  
2           thought through at all. And I was absolutely shocked  
3           when I saw how much blood was running out of the lad.  
4           It was much more distressing for him, but it was  
5           distressing for me because I actually liked the guy, we  
6           sat next to each other at meals, partly because we got  
7           on well. He ended up getting four stitches in the arm  
8           and I was subjugated to what you can only really  
9           describe as being sent to Coventry, I suppose. It was  
10          deemed an act that was beyond the pale. So I'd had  
11          enough and I went home.

12          I was at home for a couple of days. I didn't talk  
13          to my mum and dad. I was not in a position at that time  
14          where I could talk to my mum and dad, and my father  
15          eventually just drove me back down to the school and  
16          I went back to the school, so that was one time.

17        Q. Did anything happen when you were returned to the  
18          school?

19        A. No.

20        Q. Were there other occasions when you ran away as well?

21        A. Yes. It's in my statement that I was raped.

22        Q. Yes.

23        A. The first time that I was raped, I ran away from the  
24          school. I didn't know what to do. I had no practical  
25          compass to guide me. What do you do after you've been



1           assaulted? Particularly, what do you do when you've  
2           been assaulted by somebody that you should be able to  
3           trust?

4           The school had some playing grounds. If you went  
5           along Craigs Road from the town and continued past the  
6           school, about half a mile away there were some playing  
7           grounds that belonged to the school, they were attached  
8           to the school, and I spent the afternoon there. I'm not  
9           sure anybody would have known I was missing. Strangely,  
10          we never had -- when I went to school in London, we used  
11          to have register twice a day, morning and afternoon.  
12          There was no register at St Joseph's. There was no  
13          record of children being in or not in class, and it's  
14          how my brother managed to completely absent himself from  
15          classes. They had no means of managing who was where.

16       LADY SMITH: Stephen, there would be day boys in your time,  
17          would there? There would have been day boys at  
18          St Joseph's when you were there?

19       A. Yes, there were. There were quite a few. There were  
20          some kids who came from Catholic backgrounds who were  
21          there funded by the local authority. And there were  
22          some kids -- it was the only private school in the area,  
23          so a fair few boys who didn't come from the Catholic  
24          background but whose parents wanted their children to  
25          have a private education.

1 LADY SMITH: So there was no system of a teacher in the  
2 morning calling out names and pupils having to shout out  
3 that, yes, they were there?

4 A. No.

5 LADY SMITH: Which would mean that, certainly for day  
6 pupils, there was no check on whether they had made  
7 a safe journey from home to the school?

8 A. Correct, yes.

9 MS MACLEOD: Were there other boys, do you recall, who ran  
10 away as well on occasion?

11 A. Yes, it wasn't uncommon. I would be surprised if  
12 somebody didn't run away at least once a month. There  
13 was a lad who -- I don't know his real name. He came to  
14 us -- he was a problem child who was sent to the school  
15 by the local authority, and we knew him as [REDACTED] There  
16 was a TV programme, [REDACTED] and it was about  
17 some friendly [REDACTED] or something, and this kid picked  
18 up that soubriquet and that's all anybody knew him as.

19 He was a kleptomaniac, but an entirely likeable  
20 kleptomaniac. You could go to your locker and find that  
21 your radio or cassette player was missing and you'd just  
22 shout across the dorm "[REDACTED] have you got my radio?", "Oh  
23 yeah".

24 It wasn't theft, he had no intention to deprive you  
25 of it permanently, it was just taking without -- and

1           that was [REDACTED], that was like him all the time. He used  
2           to run away -- oh, well, monthly, anyway, because he  
3           used to get terrible beatings. He had absolutely no  
4           academic capability whatsoever. Probably a very bright  
5           boy, but not in the way that the brothers wanted you to  
6           be bright.

7           Q. When you say beatings, can you tell me what you mean by  
8           that?

9           A. Thrashings with a belt regularly, often. In the break  
10          I was speaking to my wife and I said, you know, I think  
11          I probably was beaten more days than I was not beaten.  
12          Out of a seven-day week I was probably beaten four days  
13          a week. For [REDACTED] it was multiple times a day every day.  
14          He was unfortunate that way.

15          Q. Do you recall if the brothers ever recorded punishments?

16          A. No, absolutely not. They'd never be done writing it up  
17          if they did. Even the lay teachers -- there were two  
18          lay teachers in particular. There was MNT [REDACTED]  
19          who I've already talked about, who used to keep the belt  
20          up under his jacket, over his shoulder. There was  
21          another teacher called Mr MLY [REDACTED], who took us for  
22          [REDACTED] and [REDACTED]. He had absolutely no compunction  
23          in punishing kids, but no, it was never, ever reported  
24          higher up the chain.

25          Q. In paragraph 112 of your statement, Stephen, you tell

1 the inquiry about an occasion when you say that  
2 Brother AKV made a beeline for you in the dormitory  
3 and what that led to. Can you tell me, first of all,  
4 about what happened with Brother AKV?

5 A. Well, Brother AKV, as I've said before, was an  
6 absolutely predatory -- I would hesitate actually to use  
7 the word paedophile because at that time I was probably  
8 about 14 or 15. I had broadened out and I had gone  
9 through a phase -- I was bullied quite badly and if you  
10 get bullied at school you can go one of two ways.  
11 Either you can just put up with it and continue to be  
12 bullied or you can start fighting back and I started  
13 fighting back. I actually ended up really quite  
14 destroying my life in some ways because I became quite  
15 a violent person.

16 I knew Brother AKV, I knew what he was, I knew  
17 how he behaved, and you might not think this now, but  
18 I used to be quite a good-looking young man and I knew  
19 that Brother AKV would quite like to make me a part  
20 of his harem. He basically tried to feel me in quite  
21 the wrong way and I just annihilated him.

22 Q. Did that involve your private parts?

23 A. Yes. That was after I had been raped. Having it done  
24 by one person is bad enough; having it done almost  
25 en masse takes it to a different level. The level of

1           anger that it brought out in me I think was -- even  
2           looking back at it 40-plus years back, I can't remember  
3           having been that angry and that violent since.

4       Q.   And what happened then? What did you do as a response?

5       A.   I headbutted him. If you headbutt somebody, their hands  
6           normally will go to their nose and I kicked him in the  
7           scrotum, and that will normally make a person go down,  
8           and I started kneeling him in the face and I didn't stop  
9           until he was in a pool of blood. Nothing was done about  
10          it.

11                I should have been expelled. It was a gratuitously  
12           violent episode and, had it gone higher up, they should  
13           have been very worried about my mindset, they should  
14           have been very worried that I was potentially a danger  
15           to other children: if I could do that to an adult what  
16           could I do to other kids?

17       Q.   Was it your impression that other brothers knew that  
18           this had happened?

19       A.   Well, it must have been really hard for him to explain  
20           how he got the face that he got. It must have been  
21           really, really difficult for him to go into the  
22           White House, have a beer, and explain why somebody had  
23           really re-arranged his face. I mean, they must have  
24           known. Not necessarily that it was me, but that a boy  
25           had done that.

1 Q. In paragraph 122 onwards, Stephen, you tell us about  
2 Brother MFI and I want to ask you now about that.

3 A. That's 113. It's not on my screen.

4 Q. It'll come on the screen.

5 A. Okay, sorry.

6 Q. I think what you tell us, in paragraphs 122 and 123,  
7 is that while you were in the inters, Brother MFI  
8 returned to the school, having been away for a period;  
9 is that right?

10 A. That's right. He was an alcoholic. My teacher in  
11 those days was an incredibly histrionic woman whose  
12 teaching methods were, if a child could do she'd  
13 let them get on with it, if they couldn't, then she  
14 would scream at them and ritually humiliate them. I got  
15 to a point where I was convinced that I just couldn't do  
16 I was really thought that she was my nemesis,  
17 I dreaded going into I dreaded being near her.  
18 I found out that Brother MFI was coming back to the  
19 school and I didn't know Brother MFI, but other boys  
20 did, and he was not one of the ones that I was warned  
21 about.

22 Brother MFI was an absolute master of wit.  
23 He was probably -- I'm 61/62 now, and even now I can look  
24 back and say he was probably one of the wittiest people  
25 I've ever met. When he started taking over the

1 class from my previous teacher, it was almost like  
2 a breath of fresh air, and I thought this is fine. He  
3 picked up on the fact that I was very, very weak at  
4 [REDACTED] and he basically suggested, well, you need extra  
5 tuition, so you should come to my rooms and ... well,  
6 that's when he raped me.

7 Q. Did he suggest to you to go to his room to have extra  
8 [REDACTED] lessons?

9 A. Correct.

10 Q. At the time when you said that, what were your thoughts  
11 about that suggestion?

12 A. Absolutely sensible, yes, I needed -- I wanted to do as  
13 well. Strangely, I was strong in physics, which is  
14 [REDACTED] discipline, but I wasn't good at [REDACTED] and  
15 I wanted to be better at physics. I wanted to go down  
16 an engineering road at one time and I realised I would  
17 need [REDACTED] so, yeah, it made perfect sense. I didn't  
18 feel threatened by him, he did nothing that raised my  
19 suspicions or made me feel unnerved.

20 Q. So if we can look at the first time, Stephen, that you  
21 went to Brother MFI [REDACTED] room, was that a study room or  
22 his flat?

23 A. It was like a bedsit. It was a room that had a sink in  
24 one corner, a bed, a desk, a chair and a wardrobe.  
25 A monk's cell, effectively. They ostensibly were there



1           only to sleep.

2           They socialised in the White House. There was  
3           a huge drink culture amongst the Marists. Every week,  
4           every single week -- they used to come on a Tuesday  
5           in the morning -- a dray would come into the playground  
6           right behind the main block to bring barrels of beer and  
7           cases of spirits and such to the White House, and when  
8           you looked at the volume of drink that was going in  
9           there, you'd realise that it was comparable with a busy  
10          pub.

11        Q. And Brother MFI room, which part of the building --

12        A. His room was in the Mount, which is, going back to the  
13        photographs, it was the big building at the back at the  
14        right.

15        Q. How old were you when you first went to his room?

16        A. I was either 12 or 13 or somewhere in between.

17        Q. On the first occasion, I think you tell us that he spent  
18        the first period of time speaking to you about things  
19        you had in common, perhaps.

20        A. Yes. He was Irish, he was from right in the middle of  
21        Ireland in West Meath. He knew about [REDACTED], he knew  
22        about the fact that I came from quite a strong  
23        Republican background. He knew that my great-uncle had  
24        written the [REDACTED] and he knew that  
25        I came from a family of [REDACTED] So he had done his



1 research.

2 Q. Something you say is that he tended to smell of alcohol.

3 A. Always. Always. It was paradoxical because he'd been  
4 sent away from the school to dry out. I can't remember  
5 never smelling alcohol on him.

6 Q. In fact, did he on occasion send you to buy alcohol for  
7 him?

8 A. Correct, yes. He was remarkably slothlike. I have no  
9 idea what his age was. When I was that age, he could  
10 have been anywhere from 40 to 70 and you wouldn't have  
11 known. He had the slowest walk of anybody I've ever  
12 seen. To get from the main block to where his rooms  
13 were in the Mount, which would be about a two-minute  
14 walk or less for one of the pupils, he would meander  
15 along there in about 20 minutes, and the idea of him  
16 going down into the town -- and the school was on the  
17 outskirts of Dumfries, there was no shop nearby where  
18 you could buy alcohol, you had to go into Dumfries to do  
19 that.

20 But he had a relationship with an off-licence,  
21 whereby he could send me -- and I don't know if I was  
22 the only one, he might have had other victims as well,  
23 but he could send me to go and pick up a bottle of  
24 scotch.

25 Q. And this was at the age of 12 or 13?

1 A. Yes.

2 LADY SMITH: You said earlier that he had previously been  
3 sent away to dry out; how did you know that?

4 A. Oh, I was told by all the boys. They all knew where  
5 he'd gone and they knew that the church -- I don't think  
6 it was a Marist organisation, I think it was a church  
7 organisation. It was like a sanatorium for alcoholic  
8 priests and monks, basically.

9 LADY SMITH: Did the other boys know where this place was?

10 A. They knew it was in Ireland somewhere.

11 LADY SMITH: Right. Thank you.

12 A. I think it was not far from Meath, but I might be wrong.

13 MS MACLEOD: During the first few times you went to his  
14 room, Stephen, after he had an initial discussion with  
15 you about Ireland and your family, did you then do some  
16 [REDACTED] or work, in the initial instance?

17 A. The first few times, yes. We had a couple of successes  
18 too, you know. I was struggling with [REDACTED]  
19 [REDACTED] so whatever age it is that children do  
20 [REDACTED] that was when it all happened.

21 Q. And I think you tell us at paragraph 129 that somewhere  
22 between the fifth and tenth lesson, you think, you  
23 couldn't be sure of exactly when, the subject moved on  
24 to something more personal.

25 A. Yes, he started talking about circumcision and I didn't

1 know what circumcision was, I'd never heard of it  
2 before. He laughed and said, "Oh my God, you don't know  
3 about this? That's ridiculous at your age. Come on,  
4 I'll show you". So he had me drop my trousers, which  
5 I was absolutely uncomfortable with, he took my penis in  
6 his hand and pulled my foreskin back and explained how  
7 circumcision is accomplished. He basically beat the  
8 crap out of me and sodomised me.

9 Q. When you say he beat the crap out of you, what did he  
10 do?

11 A. He was standing behind me, holding my penis, and I had  
12 this awful blow on the back, and I ended up on his bed,  
13 kneeling on the ground, leaning over his bed, and he  
14 just battered me, just punched me. I don't know if he  
15 kicked me, but he made it clear that nobody was going to  
16 stop what he was doing and he was pushing my head on to  
17 the bed, so it was very hard for me to shout or scream.  
18 I'm not sure if I would have been heard. I think he was  
19 a guy who was intelligent enough to pick his moments.

20 He wasn't a small guy, you know, he was a reasonably  
21 tall guy, and because of this slothlike character that  
22 he had, you presumed he had no ability to move with any  
23 kind of speed or forcefulness, but by God he could when  
24 he really wanted to.

25 Q. Was it after he beat you that he sodomised you?

1 A. Yes.

2 Q. Had he locked the door?

3 A. Yes. He locked the door when he was going to show me  
4 what circumcision was all about and he basically said,  
5 "I'd better lock the door. We don't want anybody  
6 walking in on this".

7 Q. How did the situation come to an end, Stephen?

8 A. He told me to get up and get dressed and to not ever say  
9 anything to anybody about it.

10 Q. And what did you do?

11 A. I ran away. I was in tears. I felt filthy. I had  
12 a shower. The showers were only heated at certain times  
13 of the day on certain days. I just had a cold shower  
14 and I just scrubbed myself and scrubbed myself and  
15 scrubbed myself. I don't think I've ever felt clean  
16 since, to be honest. I think it was profoundly  
17 damaging.

18 I had a very different life, I think, after that.  
19 My reaction to Brother AKV when I beat the crap out  
20 of him, I think that was directly related to what  
21 happened with Brother MFI

22 I lost all of my bearings. Up until then I thought  
23 I knew who I could be with or who I could be around.  
24 I thought I knew when I could be safe. At that age you  
25 need to know when you're safe. You've got to have some

1           semblance of comfort, and that evaporated, and from that  
2           minute on I never, ever felt safe at that school.

3       Q.   You tell us in paragraph 131 that:

4                 "I can't describe the emotional trauma of the first  
5                 time. It was beyond imagination."

6       A.   Yes. I think that's a fair statement even now, having  
7           read that, and I think ... I've had two pretty major  
8           nervous breakdowns in my life, both of which were caused  
9           by what happened to me when I was a child. I only  
10          achieved some measure of recovery when I was being  
11          treated by Dr Gwen Jones-Edwards, who's a psychiatrist.  
12          I can only say that woman saved my life because she  
13          managed to help me make sense of what had happened.

14                She also managed to help me make sense of the loss  
15                that I suffered. It wasn't just that loss of trust, but  
16                my life went in a very, very different direction. My  
17                parents sent me to this school, which wasn't cheap, it  
18                was a reasonably costly school and, as I say, I'm  
19                a reasonably bright person, I should have come out with  
20                my peers and went into one of the professions and  
21                I didn't. I came out an angry young man, a violently  
22                angry young man, who always punched first, asked  
23                questions later. Whenever I felt threatened, my first  
24                reaction was to reach for something to hit the threat  
25                with.

1           It took me until I was in my 40s before I finally  
2           dealt with all of that, so that person has a lot to  
3           answer for, all for his gratification.

4       Q.   After this first occasion and what you've told me about  
5           there, were there other occasions when you went to  
6           Brother MFI room?

7       A.   Yes.

8       Q.   On those occasions, if we take the next occasion, what  
9           happened?

10      A.   He raped me again.

11      Q.   Was it a similar incident? Was it a violent -- first of  
12           all --

13      A.   You won't know this, I hope, I sincerely hope, but you  
14           cannot describe rape as anything other than violent.  
15           It's the worst kind of violence. I've been in bar  
16           fights in the Far East where I've had my jaw broken and  
17           I would much rather that ten times weekly and twice on  
18           a Sunday than what MFI did. It can never be  
19           described as anything other than gross violence.

20      Q.   On how many occasions did he rape you?

21      A.   He tried to rape me eight times and he raped me six  
22           times. It took me a long time with Dr Jones-Edwards to  
23           get my head round the question: why did it happen  
24           a second time? It's why I had to carry so much  
25           psychosis and so much violence and so much stress,

1           because you blame yourself.

2           It's how the Gary Glitters and the Jimmy Saviles and  
3           the Brother MFI of this world perpetuate their  
4           nefarious activities. They know that the child doesn't  
5           have the rudder that an adult has and, ultimately, when  
6           you're faced with a threat at the age of 12 or 13, you  
7           want to please the person that is the threat. You don't  
8           want to be hurt, you don't want to suffer any more than  
9           is absolutely necessary.

10       LADY SMITH: As you say, Stephen, you were a child.

11       A. Mm, I was. I wasn't a child for very much longer.

12       LADY SMITH: And what you describe is an adult breaching  
13       your trust, not the other way round.

14       A. Indeed. It's a trauma that takes a lot of getting used  
15       to and a lot of dealing with. I was very lucky.  
16       I ended up getting psychiatric care because I tried to  
17       top myself.

18       LADY SMITH: You don't have to answer this, Stephen, if you  
19       don't want to, but I've heard from some people in your  
20       position explaining in retrospect that they can see,  
21       somehow, it made them feel special and different, and  
22       that of itself wasn't all bad, although the rape was  
23       terrible.

24       A. That's not how I would characterise it, ma'am, no.

25       LADY SMITH: I'm not suggesting that; I'm just trying to

1 understand your experience.

2 A. My experience was fear, abject fear.

3 LADY SMITH: Yes.

4 A. Terror. Complete abandonment. Feeling like there was  
5 nowhere that was safe. It was pretty bloody awful,  
6 actually.

7 LADY SMITH: Can you remember over what period it went on?  
8 You've given me the number; do you have a feeling for  
9 how many months or terms?

10 A. It had stopped by the time I was 14. After I was 14,  
11 I swore nobody would ever make me do anything that  
12 I didn't want to do again.

13 [REDACTED]  
14 [REDACTED] in our last fight I stabbed him  
15 with a pair of scissors, and that's when our friendship  
16 began, and he never bullied me again. That was over  
17 40 years ago and now he's my friend. Before that,  
18 he was just my tormentor; he would have been completely  
19 at home in a Nazi concentration camp.

20 LADY SMITH: And that's [REDACTED] who set about  
21 Brother [REDACTED] AKV to tell him not to dare touch you again?

22 A. Yes. Correct, yes. I've got to say, though, that --  
23 and I've only really learned this from living with my  
24 wife. My family's lifestyle was completely at odds with  
25 the rest of the world. My father had a view that



1 violence could be justified in the right circumstances.  
2 It's a view I don't agree with, I don't subscribe to,  
3 but it made dealing with what happened more difficult  
4 because I had a different set of model touchstones and  
5 signposts.

6 I went back to the school -- I was working in the  
7 Middle East, I was working in Dubai, and I came back on  
8 leave one year and I went back to the school and  
9 I decided I was going to kill Brother MFI because  
10 I just thought it was the right thing to do. He wasn't  
11 there, and I'm really glad he wasn't there, because my  
12 thinking at the time was all wrong. I had taken a view  
13 that if I'd have made the right case I would probably  
14 not have got an absolutely huge jail sentence and  
15 it would have been worth it. He helped me think that  
16 way.

17 So you can honestly say it's not just about the  
18 physical violation, the violation of the person and the  
19 soul, it's the violation of the person's psyche and  
20 thinking processes, and it dominated my life up until  
21 the last time I tried to top myself, and finally got the  
22 help that I needed from Dr Jones-Edwards.

23 LADY SMITH: Yes. As you describe it, it seems to violate  
24 your memory banks as well as everything else; is that  
25 right?

1       A. It does. It absolutely does. It changes how you feel.  
2       I'm very careful about who I trust, who I'm exposed to,  
3       and I see -- where other people would see tenderness,  
4       I can see weakness. It's life-changing.

5               When you do something to a 12 year-old child that is  
6       that horrendous, you've effectively killed that child,  
7       and what replaces that child is not what that child  
8       would have been subsequently. So I can say without any  
9       fear of contradiction, Brother MFI killed me. He  
10      killed the child that I should have been. He was a vile  
11      piece of shit.

12      LADY SMITH: Ms MacLeod.

13      MS MACLEOD: You tell us, Stephen, that on the last occasion  
14      that Brother MFI tried to assault you, that you lost  
15      it with him; can you tell me about that?

16      A. Yes. I was still having desperate problems with [REDACTED]  
17      so my extra tuition was still being sanctioned and I had  
18      had enough. In the same way that I finally decided that  
19      [REDACTED] was no longer going to bully me, I'd got to  
20      the point where I decided Brother MFI was no longer  
21      going to abuse me. As soon as he made a move on me,  
22      I just completely lost the plot.

23               I remember biting his earlobe off in the fight that  
24      ensued. I don't think you can describe what  
25      a liberating experience that is, you know, actually

1 beating your tormentor. I've never been sexually abused  
2 since, but it turned me into a terrible bully. It  
3 changed my personality, night and day.

4 The way the beds were laid out in the dormitories,  
5 you had bed, locker, bed, locker, bed, locker, along the  
6 length of the dormitory. The guy that was in the bed  
7 next to mine I was enormously fond of, we got on very,  
8 very well and I started bullying him.

9 It's not something I would have done. I would  
10 never -- and I went through a real personality change.  
11 I went from being quite a sunny-natured, good-natured,  
12 biddable kid, somebody who wanted to help rather than  
13 hinder, and I became morose, I became aggressive,  
14 I became violent.

15 I remember the summer holidays when I was 13, it's  
16 before the abuse had finished, and my father -- my  
17 father was [REDACTED] and he had this view that [REDACTED]  
18 have to understand human nature, and he thought he  
19 understood human nature. He watched his son -- and I've  
20 got no doubt that my father loved me, don't get me wrong  
21 on this, but he watched me going from being a bright,  
22 sunny-natured kid into this real handful.

23 He put two and two together and he came up with the  
24 view that I was obviously sexually conflicted, I was at  
25 this all-male school and I was struggling with my

1           sexuality. He was quite a promiscuous man, so he set me  
2           up with one of his girlfriends and that helped make me  
3           more confused, really. It made me struggle with the  
4           concept of authority at any level. I came to a view  
5           that authority was a scourge and was -- it was  
6           a metaphor for bullying.

7       Q. Did anybody in the school, by that I mean brothers or  
8           staff, ask you about the change in you?

9       A. No. Not one.

10      Q. You tell us in your statement that as well as the change  
11           you've described, that there was another change in that  
12           you opted out of classes and out of the educational side  
13           of things.

14      A. Yes. Why would you subscribe to the order, you know?  
15           Why would you credit any of those people with the right  
16           to dictate what you did and how you did it? It's that  
17           old adage: if you whip a dog enough, it will turn round  
18           and it will bite you. I had been whipped enough and I  
19           had got to a point where I thought, I need to get out of  
20           this place, I need to get out of this place as soon as  
21           I can. I think I was probably alone in my class leaving  
22           with practically no qualifications of any worth  
23           whatsoever.

24      Q. I think you tell us that you became so intensely  
25           protective of your own space that there was a time when

1           you carried a penknife.

2       A.   Correct.

3       Q.   And were you expelled from the school on one occasion  
4           for your behaviour?

5       A.   Yes, I was.   I'd stabbed a lad and I was thrown out and  
6           my father basically -- he bought colour TVs.   Up until  
7           then they'd had black and white TVs in the dormitories  
8           and he bought colour TVs for the dormitories and I was  
9           readmitted to the school.

10      LADY SMITH:   Can you remember approximately what year that  
11           was?

12      A.   I can't.

13      LADY SMITH:   You started in 1970; how long into your school  
14           career was it?

15      A.   It was towards the end.   I was probably 14 at the time.  
16           So that would have been 1972/1973 something like that.

17      LADY SMITH:   Was there any police involvement when you  
18           stabbed a boy?

19      A.   No.

20      LADY SMITH:   Any social work involvement?

21      A.   No.

22      LADY SMITH:   Any children's hearing involvement?

23      A.   No.   I can give you the lad's name.

24      LADY SMITH:   I don't need the lad's name.

25           There's another route down which matters could have

1           gone in that era because we're post the introduction of  
2           the children's hearings system, where a child who may  
3           have committed an offence could be taken to the  
4           children's hearing and investigations made as to what  
5           actually is going on in the child's life. But that  
6           didn't happen in your case?

7       A. No. My daughter is a teacher and, like all good  
8       teachers, she's mortally perturbed when it's time for  
9       an HMI inspection. She has been a teacher for some  
10      years now and has been through two inspections, and my  
11      God, they really have to jump through hoops.

12           I cannot remember St Joseph's ever being inspected.  
13           I can never remember anybody from outside the school or  
14           even from outside the clique that were the Marists  
15           in the school coming and conducting some kind of quality  
16           inspection, ever. I can't remember anybody coming from  
17           the Marist order with the express purpose of conducting  
18           a quality assessment or anything like that.

19           We had no kind of pastoral care that could be  
20           considered safe for a child that was troubled. There  
21           was no respect of anonymity, no respect of privacy.  
22           None of the touchstones that you would use to describe  
23           good schooling today existed then at  
24           St Joseph's College. It was a zoo.

25       MS MACLEOD: You go to tell us, Stephen, that in 1974,

1 I think, when you were about 15, you left the school;  
2 is that right?

3 A. Yes. I left the year that I turned 16, so I didn't go  
4 back. I was born in [REDACTED] so when I was 15 I left.

5 Q. And I think you've mentioned this already, but you tell  
6 us that you didn't have any qualifications that would  
7 allow you to go into further education at that time.

8 A. No.

9 Q. And you've told us that, after a period of time, you got  
10 a job on a drilling rig.

11 A. Yes.

12 Q. From there, I think you say you moved from job to job.  
13 You spent some time in Dubai, training to be surveyor,  
14 and then worked in a drilling company -- you ran your  
15 own drilling company; is that right?

16 A. I worked in 32 countries, and I worked initially for  
17 drilling companies, and then with the service side  
18 I worked for Halliburton and I worked for the  
19 Schlumberger group. I opened -- Halliburton had  
20 a division called Sperry-sun, that was a directional  
21 drilling and surveying organisation. I worked for them  
22 in Dubai and then was asked to open an office in Kuwait  
23 for them. While I was in Kuwait, I was headhunted to  
24 become CEO of a drilling company in Kuwait. I was in  
25 Kuwait right up until the Iraqi invasion.

1 Q. I think you tell us that you have got a number of  
2 qualifications. I think you tell us you did a degree in  
3 accounting and started a master's degree --

4 A. I finished my masters. I got my masters in 1998.

5 LADY SMITH: What was your masters in?

6 A. Computer science. I now work in IT and have done since  
7 1998.

8 MS MACLEOD: You tell us, I think, that you -- it was in the  
9 mid-1990s that you first made a disclosure or made  
10 a report about your experiences at St Joseph's; is that  
11 right?

12 A. Yes. I had a breakdown in 1995, I think it was. I was  
13 referred to Leverndale Hospital in Glasgow. Leverndale  
14 is a mental health hospital. My psychiatrist kind  
15 of ... He was a nice guy, but I wouldn't say he was the  
16 best psychiatrist on the planet. He ill-advisedly  
17 suggested that I should go to the police with what had  
18 happened. I hadn't ever gone to the police because  
19 I did not think I would be believed. I hadn't heard of  
20 anybody complaining about the Catholic Church at that  
21 time.

22 The strange thing, you know, when you're being  
23 treated by a psychiatrist, you tend to try and do what  
24 they tell you. There's nothing worse than being  
25 depressed to the point where you're suicidal. I went to



1           Aikenhead Road Police Station in Glasgow and the  
2           detective that interviewed me was shocking; I'm not  
3           going to mention his name now because it's not fair to  
4           him. I have learnt since that at that time no policeman  
5           in the Strathclyde region had had training in dealing  
6           with victims of child sexual abuse.

7   LADY SMITH: So we're still talking about mid-1990s, are we,  
8           here?

9   A. Yes. I went to the police on 6 June 1996.

10   LADY SMITH: Just help me with this: did you tell them in  
11           advance what you wanted to talk to them about, make an  
12           appointment, or just turn up off the street?

13   A. I pitched up at the -- I had never done this kind of  
14           thing before so I didn't know if there was some kind of  
15           protocol or something. So I pitched up at the duty  
16           sergeant's desk and said, "I'm here to report a crime",  
17           and he wanted the bare details. And he was really  
18           incredulous what I told him what I was trying to report  
19           and said, "Wait there". I had to wait for about half  
20           an hour and then this, I always remember, an enormous  
21           policeman came through and took me into an interview  
22           room and took a statement.

23           I don't know if you've got access to that statement,  
24           but if you read that statement now, you will realise  
25           none of my words -- it's not my vernacular. I'm

1 a reasonably articulate person and it reads as you would  
2 expect the archetypal pantomime cop, you know, "I was in  
3 the area of the ...on the 25th ..."

4 LADY SMITH: "And he alighted on to the pavement and  
5 proceeded in a northerly direction"?

6 A. Absolutely. It's shocking stuff.

7 Very early on in the interview, I realised this guy  
8 has got -- he was probably more uncomfortable with it  
9 than I was.

10 LADY SMITH: Was he on his own or did he have a colleague  
11 with him?

12 A. No, it was just him. And it's a strange thing, but if  
13 you gave the victim the choice, a male victim of that  
14 kind of abuse would probably prefer to be interviewed by  
15 a woman -- it's a strange thing but it's true -- not by  
16 a 6-foot 5 Heilan' teuchter policeman. And it kind of  
17 set me back quite a ways.

18 At that time, it wasn't Police Scotland, it was  
19 a regional set-up, and they sent the file down to  
20 Dumfries & Galloway, and I thought I'd hear no more  
21 about it.

22 I heard nothing more about it from the police,  
23 I never heard from the police again. But I saw in  
24 a newspaper what had happened to [REDACTED] and I heard about  
25 Brother AKV [REDACTED] and I heard about -- Brother Damien,

1 I think, had been charged but they decided not to  
2 prosecute because he was too near death. It was the  
3 first cathartic thing, I think, that happened, the  
4 knowledge that people were being listened to.

5 It's why this inquiry is terribly important. If  
6 nobody gets prosecuted as a result of the inquiry, it  
7 doesn't matter. What matters is that people have  
8 a voice.

9 LADY SMITH: I know that. I know that's an essential part  
10 of our work here.

11 A. It's the most important part, I think.

12 LADY SMITH: Ms MacLeod.

13 MS MACLEOD: You mention at paragraph 161 that, in 1996,

14 Brother MFI was living in Ireland and was retired and  
15 I think you say that he was brought back to be  
16 interviewed by the police.

17 A. Mm-hm.

18 Q. Is that something that you knew at the time?

19 A. No. This sounds like a serial. The next time I had  
20 a breakdown was when I was referred to Dr Jones-Edwards,  
21 and Dr Jones-Edwards brought Ronnie McEwan, who was and  
22 might still be the provincial of the Marists, to her  
23 surgery to meet with me. Ronnie McEwan explained how  
24 that had all played out.

25 Q. And I think you tell us that that was in about 2004 or

1           so, so a few years --

2           A. It must have been, I think, yes.

3           Q. Did you write, Stephen, to the Marist Brothers? Have  
4           you been in touch with the Marist Brothers on a number  
5           of occasions?

6           A. I did a number of things. I found myself in dire need  
7           of payback of some form or other. I came to a view that  
8           my mother and father had spent a small fortune on my  
9           education and had nothing to show for it. So I took the  
10          view that they owed me an education and I reached out to  
11          Ronnie McEwan and said, "You guys need to stump up and  
12          pay for an MBA or something like that". I didn't really  
13          want the qualification, it made no difference to my  
14          career, but I felt like they should pay.

15                 The Marists as an organisation failed. It's not  
16          just the individuals. Okay, they failed to weed out the  
17          potential abusers. They took this view that you could  
18          only become a Marist if you had a vocation. So what is  
19          a vocation? Is a vocation a predilection for abusing  
20          small children?

21          LADY SMITH: Are you talking about a vocation for education?

22          A. According to the way Catholic orders are organised,  
23          you're not meant to become a novitiate unless they can  
24          demonstrate it is your vocation, that the path that you  
25          are on is the correct path for you as ordained by God.

1 And they seemed to think they had a monopoly on  
2 investigating that vocation and then articulating the  
3 truth.

4 Well, it was the Marists that picked the people that  
5 became Marist Brothers. They were in a position of  
6 care, they had a duty of care to me and to my  
7 schoolmates, and they seemed to have done nothing to  
8 prevent really evil people from becoming ... in my care.  
9 So in my view, they failed that duty of care, and they  
10 should pay for it.

11 So I wrote to them, basically said, "You guys need  
12 to pay". I had a meeting with Ronnie McEwan in --  
13 there's a home for retired paedophiles in the West End  
14 of Glasgow, which is where the aged Marists end their  
15 days. It's a huge property. It's three door numbers  
16 along a very nice downhill street. It must be worth  
17 a small fortune. Ronnie said, "Yes, we have no money",  
18 and I was looking around and I thought, "Okay".

19 MS MACLEOD: Do you remember when that meeting was?

20 A. It would probably have been around about 2004 or 2005,  
21 I think.

22 Q. I just want to have a quick look with you, if it's okay  
23 with you, at a couple of documents that I'll put on the  
24 screen. The first one is at MAR.001.001.1928.

25 Do we see that this is an email which is dated

1 12 March 2002?

2 A. Mm-hm.

3 Q. It appears to be from yourself and it's addressed to  
4 a Brother Lewis. Do you remember sending this email?

5 A. I absolutely don't remember sending it because I think  
6 I was in a dark space at that time. But it's definitely  
7 my vernacular. I definitely wrote that.

8 Q. If we scroll down to the foot of the page, you will see  
9 your name and also your signature and your address, but  
10 that's been blanked out.

11 I want to pick up on a couple of points. You begin  
12 the email by explaining that you got the email address  
13 on the Marist website.

14 A. Yes.

15 Q. And you explain that you are a former pupil of  
16 St Joseph's College. About five lines down you say:

17 "I was abused at the school by one of the brothers,  
18 an act that impacted my life for many years."

19 A. Yes.

20 Q. And then you go on to say:

21 "A few years ago, as a result of my nervous  
22 breakdown, my psychiatrist urged me to talk to the  
23 police to deal with the problems."

24 And then you go on to say a few lines later that you  
25 were amazed to find that you weren't alone.

1 A. Yes.

2 Q. In the final lines of the first paragraph, do you say:

3 "The most significant losses were not only the loss  
4 of my virginity but also the loss of my faith. I have  
5 been unable to deal with this issue and feel I must."

6 A. Yes.

7 Q. So we see that this is you writing to the order about  
8 17 years ago.

9 A. Yes. It's quite a strange letter to look at, at the  
10 moment, to be honest.

11 Q. I think you go on in the next paragraph to speak about  
12 a book that you were perhaps looking at at that time.

13 A. Yes. I've got to say, my experience of the police  
14 handling was not wholesome. I really wanted -- and  
15 here's something that quite shocked me.

16 I went to the police in June of 1996 and within  
17 about four days of having gone to the police I was  
18 doorstepped by a reporter who wanted to talk to me about  
19 what happened at St Joseph's.

20 Q. A press reporter?

21 A. Yes.

22 That really shook me. That shook me to the core.  
23 I saw it as yet another violation of trust, yet more  
24 weight on the scales of my anti-establishment,  
25 anti-authoritarian rant.

1 Q. So did you know how the police had got your details?

2 A. I had given them my details.

3 Q. I mean the reporter, my apologies.

4 A. I had no idea. It was a reporter from the Herald and it  
5 shocked me. I just thought, you shouldn't even know  
6 about this stuff.

7 Q. Did you find out how --

8 A. No.

9 Q. -- they got your details?

10 A. No.

11 Q. Can I now look with you at another document, which is at  
12 MAR.001.001.1921.

13 A. I remember this one.

14 Q. Does this appear to be a letter to Bishop Cunningham --

15 A. Yes.

16 Q. -- dated 2 October 2012?

17 A. Mm-hm.

18 Q. So this one is about seven years ago. Do you see this  
19 is a letter from yourself?

20 A. It is, yes.

21 Q. And do you see that you begin by saying:

22 "This is a letter that has taken me some time to  
23 think through and write"?

24 A. Mm-hmm.

25 Q. And in the next paragraph you mention that:



1            "[You'd] written some years ago in respect of the  
2            abuse [you] suffered at St Joseph's during the 1970s."

3            A. Yes.

4            Q. You say:

5            "You were kind enough to reply and, more  
6            importantly, you offered an apology on behalf of the  
7            church for what had happened. Your wholesome apology  
8            helped me more than you might think."

9            A. Yes.

10          Q. So you had previously written to the bishop and he had  
11          responded?

12          A. Yes.

13          Q. In the second last paragraph on that page you say:

14          "One of the most obvious consequential losses I have  
15          had to endure was the loss of my education and this is  
16          something I need to address now."

17          A. Yes.

18          Q. You go on to say:

19          "I was, according to those who knew me, a pleasant  
20          and biddable, hardworking student. Literally overnight  
21          following the first rape I became an angry, turbulent  
22          and aggressive boy who could no longer cope with the  
23          classroom. The worst of these changes was that I became  
24          a bully and I am ashamed to say I became cruel to  
25          others."

1 A. Correct.

2 Q. And you were telling the bishop there some of what  
3 you've told us today?

4 A. Yes.

5 Q. We can see this letter runs to about four pages.

6 A. It's a rant, isn't it? It's quite a cathartic rant.

7 LADY SMITH: Well, if it's a rant, it's a highly articulate  
8 one, Stephen.

9 A. Thank you, my Lady.

10 LADY SMITH: No, seriously. It's very well written. It's  
11 clear, you're firm in your views, and that's what you're  
12 entitled to be, isn't it?

13 A. Yes.

14 MS MACLEOD: I don't need to take you through the whole  
15 letter, but the inquiry have got that and will take it  
16 into consideration.

17 A. Thank you.

18 Q. Turning to the final parts of your statement, at  
19 paragraph 169 onwards, you discuss the impact that you  
20 think your time at St Joseph's and what happened to you  
21 there has had on your life. Are you able to summarise  
22 for me what impact it has had on you?

23 A. I think it's probably fair to say that until I got the  
24 help that I needed, which started with meeting my wife,  
25 Isobel, I think until I started getting that help, I was

1           probably -- I could have just as easily been heading for  
2           a very long stretch in jail as heading for suicide as  
3           heading for anything else. I was completely rudderless.

4           I had a view that violence had protected me, had  
5           prevented worse things from happening to me. I had  
6           become an incredibly difficult person to be around.  
7           I have no idea why in the name of God my wife ever took  
8           up with me, but I'm glad she did.

9           I went through a terrible period of being  
10          aggressively and violently homophobic. I had stopped  
11          thinking, I'd stopped thinking properly, and I had made  
12          the presumption that paedophiles are homosexual and  
13          homosexuals are paedophiles, and of course nothing can  
14          be further from the truth.

15          I have done some despicable things in my time to  
16          people who -- men who have touched me up in pubs or  
17          bars, and I'm deeply ashamed of that, and that  
18          absolutely would not have happened had I not had the  
19          experiences that I gathered at St Joseph's.

20          I think it's probably true to say that my life is  
21          very, very different today from what it would have been  
22          had I never gone to St Joseph's College or, more  
23          accurately, had I never been abused.

24          I really believe that any organisation that is  
25          established to take care of children should be subjected

1 to the greatest and most open and transparent scrutiny,  
2 should be constantly tested for correctness of behaviour  
3 and policy.

4 One of the things that I've learnt in my career  
5 is that you can shape a business or an organisation to  
6 behave in any way that you want by means of the metrics  
7 that you put in place to guide and measure performance  
8 and behaviour. Nothing was put in place in  
9 St Joseph's College. It was anarchy. It was  
10 organisational chaos.

11 By having so few checks and balances on who entered  
12 the order, who went into a brother's private quarters,  
13 under what circumstances a brother was allowed to be  
14 alone with a child -- by having no checks and balances,  
15 they allowed everything to happen.

16 Brother MFI [REDACTED] was my abuser and, to a much smaller  
17 extent, Brother AKV [REDACTED] was my abuser, but it all  
18 happened because the Marist Brothers allowed it to  
19 happen. They had a completely laissez-faire hands-off  
20 sense of organisational theory.

21 If the inquiry can achieve one good thing, it will  
22 be to ensure that no organisation that cares for  
23 children can ever be organised in such a haphazard and  
24 laissez-faire manner.

25 Q. One of the other lessons that you set out that could be

1           learned is you'd like to see changes in the justice  
2           system.

3       A.   Yes. I went to the Criminal Injuries Compensation  
4           Authority and I was denied compensation because of the  
5           time bar of the case, which I think is preposterous.  
6           I think it's contrary to natural justice to presume that  
7           victims of a criminal act when they are a child should  
8           be treated in exactly the same way as victims of any  
9           other criminal act. I think it represents something of  
10          a non sequitur for me. I just don't get the sense of  
11          that.

12                I think society as a whole has to take  
13           responsibility for the treatment of children in  
14           institutions. If you don't, if society doesn't do this,  
15           then this kind of abuse will just persist. Justice  
16           should be exactly that. Justice should be just. It  
17           should be fair, it should be equitable, and it should  
18           punish the wrongdoer and it should compensate the  
19           victims properly.

20       Q.   One of the final things you say is:

21                "The child has to be listened to."

22       A.   I went to the police in 1996 because I thought I had  
23           a voice and I found out the hard way that I didn't have  
24           a voice. I'm now in my 60s and it's only because of the  
25           establishment of this inquiry that I've got a voice. It

1           has taken well over 40 years for me to be listened to  
2           and that's not good enough. It's great that it's  
3           happening today, it's great that everybody is here today  
4           trying to do what's right, and I applaud the government  
5           for setting the inquiry up, I applaud everybody that has  
6           been associated with it. For me this thing has run like  
7           a Swiss watch. It's been very traumatic, but it's been  
8           a very worthwhile thing.

9       MS MACLEOD: Thank you, Stephen. Thank you very much for  
10           coming forward to the inquiry and providing your  
11           evidence, your statement, and your oral evidence today.  
12           I don't any further questions for you and, my Lady, I'm  
13           not aware of any questions having been submitted for  
14           Stephen.

15       LADY SMITH: Thank you. Are there any outstanding  
16           applications for questions? No.

17           Stephen, there are no more questions for you.  
18           I just want to thank you so much for your engagement  
19           with the inquiry, both in terms of your written  
20           statement and what you've come here to tell us today.

21           Can I thank you particularly for your reflections  
22           and thoughtfulness that have added such value to your  
23           evidence from my perspective. I will certainly be  
24           looking deeper and harder at what you've said today to  
25           inform me in my thinking and I'm really grateful for

1           that.

2           A. Thank you.

3           LADY SMITH: I'm now able to let you go.

4           A. Thank you very much.

5                               (The witness withdrew)

6           LADY SMITH: We can take the afternoon break just now,

7           Ms MacLeod, and find out what's going to happen next.

8           (3.15 pm)

9                               (A short break)

10          (3.28 pm)

11          LADY SMITH: Mr MacAulay.

12          MR MacAULAY: The next witness is an applicant, he wants to

13                remain anonymous and to use the name "David" in giving

14                evidence.

15                               "DAVID" (affirmed)

16          LADY SMITH: Please do sit down and make yourself

17                comfortable.

18                David, you'll see the red light is switched on on

19                the microphone, so it should pick you up if you stay in

20                a good position for it, please; that's all I would ask

21                you to do at this stage.

22                I don't know if you need your own notes. I see you

23                have brought your tablet with you. By all means, if you

24                need to refer to those, feel free to do so, but your

25                statement is going to be available both in that red

1 folder and on the screen in front of you, if that's what  
2 you require.

3 A. Thank you.

4 LADY SMITH: If you're ready, I'll hand over to Mr MacAulay  
5 and he will explain what happens next; is that all  
6 right?

7 A. Yes, thank you.

8 Questions from MR MacAULAY

9 MR MacAULAY: Good afternoon, David.

10 A. Good afternoon.

11 Q. My apologies for having kept you waiting for a bit  
12 longer than we had anticipated.

13 The first thing I want you to do is to look at your  
14 statement, which you'll find in the red folder:  
15 WIT.001.002.6285.

16 Could I ask you to look at the last page? Can you  
17 confirm that you have signed the statement?

18 A. I can confirm that's my signature.

19 Q. Do you say in the final paragraph:

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

22 Is that correct?

23 A. That is correct.

24 Q. Do you go on to say:

25 "I believe the facts stated in this witness



1 statement are true"?

2 Is that right?

3 A. That is correct.

4 Q. I don't require to ask you for your date of birth,  
5 David, but can you confirm for me that you were born in  
6 1969?

7 A. Yes, I can.

8 Q. You begin your statement by providing us with some  
9 information about your family background and your family  
10 circumstances. I think before you go to  
11 St Columba's College, Largs, that we're going to be  
12 looking at, you stayed with your family in Glasgow;  
13 is that right?

14 A. That is correct.

15 Q. I think before you went to St Columba's, you attended  
16 a primary school in Glasgow.

17 A. That is correct.

18 Q. Can you explain what the background was then, David, to  
19 you going to St Columba's in Largs?

20 A. The contributing factor for myself and my younger  
21 brother attending St Columba's was that my mother and  
22 father had decided to separate and, consequently, it was  
23 their belief that attending a boarding school, away from  
24 the family home, which had become somewhat  
25 dysfunctional, would be beneficial to both my brother

1           and I.

2           Q. Did you then go there at the age of 9? You were not  
3           quite 10, it was before your tenth birthday; is that  
4           right?

5           A. That's correct.

6           Q. And that was in 1979?

7           A. That's correct.

8           Q. Without looking at particular dates, was that in the  
9           first quarter of 1979?

10          A. That is correct.

11          Q. You mentioned you went with your brother; was he  
12          a younger brother?

13          A. That is correct.

14          Q. So you were 9. What age was he?

15          A. Seven.

16          Q. Just to move on a little bit, can you tell me how long  
17          you spent at St Columba's as a pupil?

18          A. I spent approximately two years at St Columba's as  
19          a pupil.

20          Q. Does that mean you'd leave in, what, about 1980/1981,  
21          something of that sort?

22          A. Yes, it was around that time, yes.

23          Q. Would it be acceptable to you if I put a photograph on  
24          the screen for you to look at?

25          A. Yes, it would.

1 Q. Can you look at CFS.001.012.0666. Do you recognise the  
2 building?

3 A. I recognise the building as being an early picture of  
4 the dormitory building at St Columba's, Largs.

5 Q. Was there another part then to the college?

6 A. There was a second building to the college, which was  
7 located to the left of this particular building. The  
8 second building, which still remains, was the  
9 classrooms -- where the classrooms were located, as well  
10 as sleeping quarters for other Marist Brothers.

11 Q. Did the particular buildings that you've mentioned,  
12 David, have names?

13 A. There perhaps were names for the individual buildings;  
14 those names I do not recollect.

15 Q. While we have the photograph on the screen in front of  
16 you, you mentioned this building we are looking at here  
17 in particular housed the dormitories. Can you just  
18 describe for me where we would find the dormitories then  
19 in the building?

20 A. Yes. So if you look at the front door, on the ground  
21 floor to the right of the building, looking at it, would  
22 be the communal television room.

23 LADY SMITH: So that's where the bay window is, is it?

24 A. That is where the bay window it.

25 LADY SMITH: Before you get to what looks like

1 a conservatory?

2 A. That's correct, yes. That was the communal television  
3 room.

4 To the left, again on the ground floor, that was  
5 where we would say prayers, have morning assembly, and  
6 evening prayers before going to bed.

7 If you look up above, again on the opposite side,  
8 immediately above the bay window, that was dormitory 1.  
9 If you look at the window in the middle above the door,  
10 that would have been where the communal showers were  
11 located. And if you look again further to the left,  
12 that would have been known as dormitory 2.

13 MR MacAULAY: We can see there is a little window in what we  
14 might look upon as the attic-type space of the second  
15 floor. Was there then another floor before the first  
16 floor?

17 A. Yes, there was, which had two additional dormitories.  
18 There was a third room that had previously been used as  
19 a dormitory. However, during my time at the school, the  
20 number of boarders had declined to 16 and the third  
21 dormitory on that top floor, which was located within  
22 close proximity to the washrooms, was no longer in use.

23 Q. The other two dormitories then, we've looked at 1 and 2,  
24 were they numbered 3 and 4?

25 A. No, there was dormitory 3, again on the first floor,

1 located behind where dormitory 2 is on the first floor.

2 Q. Was that in use in your time?

3 A. Yes, it was. That was referred to as dormitory 3. Then  
4 up above on the top floor, you had dormitories 4 and 5.

5 Q. Was it dormitory number 6 that wasn't in use then?

6 A. It was dormitory number 6 that wasn't in use or what  
7 would have been referred to as dormitory 6.

8 Q. Looking to what you said a moment ago about the numbers  
9 at the school when you were there, are we to understand  
10 that the number of children in a particular dormitory  
11 would be quite a small number?

12 A. That is correct. The general rule of thumb would be  
13 that the elder boys would have been in dormitories 1 and  
14 2, and then, as the boys got younger, they would have  
15 perhaps been, with the youngest normally on the top  
16 floor, in dormitories 3, 4 and 5.

17 Q. We're going to look in a moment or two at one of the  
18 brothers by the name of Germanus. Did he have  
19 accommodation in this part of the building?

20 A. Yes, Brother Germanus had his own private room. He was  
21 the only Marist Brother to reside in the actual  
22 dormitory building itself.

23 Q. And where was his room?

24 A. His room was located on the first floor and would have  
25 been located behind where I've identified dormitory 1 as

1           being.

2           Q.   Do I take it from that answer, David, that he would have  
3                ready access to all the children that were being housed  
4                in the building?

5           A.   Yes.

6           Q.   Can I just ask you a little bit about the bathrooms and  
7                the wash areas. I think you mentioned that the window  
8                above the door housed showers, is that right, that's  
9                where there was the shower area?

10          A.   That's correct.

11          Q.   You also mentioned a washroom in the top floor.

12          A.   That's correct.

13          Q.   What about toilet facilities? I think we'll look at  
14                that later. Can you tell me about the toilet  
15                facilities?

16          A.   There was a toilet located on the top floor next to the  
17                washrooms on the top floor. There were other toilets  
18                located on the ground floor, down the corridor towards  
19                the kitchen.

20          Q.   So if we're looking at the area occupied by the boys,  
21                let's say at night, and a boy wanted to go to the  
22                toilet, would it be the toilet on the top floor that  
23                would be the most accessible?

24          A.   That is correct.

25          Q.   Can I just understand, was it some sort of cubicle or

1 can you describe the set-up for me?

2 A. When you went up to the top floor, immediately in front  
3 of you were three additional steps. Those steps led to  
4 dormitories 4 and 5. If, however, having gone up to the  
5 top floor, you turned right, you would then follow  
6 a corridor which would lead you to a door on the  
7 right-hand side. Through that door was a single toilet.

8 Q. Could you lock the door from the inside?

9 A. The door, to the best of my knowledge, had a lock.  
10 However, there were times where the lock was broken.

11 Q. What sort of lock was it? Was it a snib-type lock or  
12 some other form of lock?

13 A. I think memory tells me that it was a snib-type lock.

14 Q. Can I now ask you about the brothers themselves, David.  
15 We've already touched upon Brother Germanus. Let's put  
16 him aside for the moment. What other brothers do you  
17 remember being there during your two years or so?

18 A. Brother Arthur. Brother Robert. Brother CIPHER.

19 Brother MNQ

20 Q. Looking to Brother Arthur, what did you understand his  
21 role to be?

22 A. Brother Arthur was very creative, particularly around  
23 music, and would get involved in taking some of the  
24 pupils to a charismatic meeting once a week up towards  
25 Greenock, but he was also there in the capacity as

1 a teacher.

2 Q. And the other brothers you mentioned, leaving aside  
3 Germanus, were they teachers?

4 A. Yes, the other brothers in their own capacity were  
5 teachers. The only brother who attended -- sorry, who  
6 resided -- who was at the school and who did not teach  
7 in the classrooms was Brother Germanus.

8 Q. Can you tell me, David, from your perspective, looking  
9 back at the time, who was in charge?

10 A. Well ... There wasn't or didn't appear to be a clear  
11 person or individual who was in charge.

12 Brother Germanus was very much in charge of the  
13 dormitory building, and as such, assumed full control  
14 over the comings and goings and dealings within that  
15 building.

16 On an educational front, there were a number of  
17 SNR [REDACTED] one of them being Brother MNQ [REDACTED] who  
18 I believe held the position of SNR [REDACTED] during my time  
19 at that school.

20 Q. But on a day-to-day basis then, who would you have most  
21 contact with?

22 A. On a regular day-to-day basis, the brother that you  
23 would have most contact with was Brother Germanus.

24 Q. Can I ask you in general terms to describe the regime to  
25 me? How did you find the regime?



1       A. It was very difficult to understand as a young boy,  
2       which we all were, what the parameters and boundaries  
3       were as far as what was acceptable and what was not  
4       acceptable conduct. There was always a fear of  
5       consequence, a fear of intimidation, a fear of doing the  
6       wrong thing inadvertently, because the parameters would  
7       change on a daily basis.

8               There was no rulebook per se. Things just evolved  
9       and changed on a day-to-day basis.

10      Q. You give an example in paragraph 20, for example, about  
11      Brother Germanus, who would be in his room but he would  
12      also be supervising any issues at night, and that during  
13      the night the toilet -- and I think by that you mean the  
14      toilet you've mentioned -- was accessible, but it was  
15      not always clear whether you were permitted to use the  
16      bathroom or not. Can you just explain that to me?

17      A. I think that's a really good example of what I was  
18      making reference to earlier. It was very dependant on  
19      the mood of Brother Germanus as to whether a particular  
20      activity was acceptable or not. I give the example of  
21      needing to go to the bathroom. On some occasions he  
22      wouldn't bat an eyelid when a child wishing to go to the  
23      bathroom did so. On other occasions, for reasons best  
24      known to himself, that would be a totally unacceptable  
25      thing to do, and consequently the individual who found

1           themselves caught whilst trying to go to the bathroom  
2           when he was in that frame of mind would be well aware  
3           that they were in the wrong and dealt with accordingly.

4       Q.   You say at paragraph 21 that:

5                 "Brother Germanus' mood swings meant that you were  
6                 always unsure."

7                 Can you just describe what you mean by that?

8       A.   You never knew exactly what you could and could not do.  
9           There was no consistency in Brother Germanus' acceptable  
10          or non-acceptable activities. It would chop and change  
11          like the wind, depending on his mood. On occasion he  
12          would be very forgiving, on other occasions he would be  
13          quite the opposite.

14      Q.   What sort of atmosphere then did that generate amongst  
15          the children?

16      A.   It created an atmosphere of uncertainty, confusion and  
17          fear.

18      Q.   Was that an atmosphere that lasted during your whole  
19          two years or so at the school?

20      A.   It was fairly consistent.

21      Q.   Did Germanus remain -- he was clearly at the school when  
22          you arrived at the school, but was he there when you  
23          left?

24      A.   Yes, he was.

25      Q.   Can I just look at one or two aspects of the routine

1           then. You talk about the washing and bathing routine at  
2           paragraphs 24 and 25 and how, in particular, you had  
3           showers. You give us some insight as to what  
4           Brother Germanus' involvement in that would be. Can you  
5           just help me with that?

6           A. Yes. So the washrooms that we had would be where we'd  
7           go in the morning. That would be up at the top floor.  
8           As a young boy you'd have to go up there with your wash  
9           bag and wash your face, brush your teeth and get  
10          yourself ready to get dressed. So you'd be dressed in  
11          pyjamas when you went up there.

12                 There was also the opportunity to visit the bathroom  
13          because it was in close proximity to that washroom.  
14          Brother Germanus would be supervising at all times,  
15          every movement of the boys coming, going, going into  
16          bathrooms, and was just always there.

17                 In relation to the shower rooms, Brother Germanus  
18          would supervise the activity within the shower rooms as  
19          well. You were supposed to have a shower every so  
20          often. The exact frequency, I can't recall. But when  
21          you did have a shower, he was very involved in that  
22          aspect. There were shower curtains, but there was no  
23          real degree of privacy for anybody who happened to be in  
24          there having a shower. But he would be in the room as  
25          well, supervising.

1 Q. And how would he be involved in that process?

2 A. Making sure that people washed themselves properly.

3 Making sure that nobody was wasting any time. That was  
4 essentially what he would be doing.

5 Q. And the boys, we've looked at your own age and your  
6 brother's age, you were 9, he was 7, and you moved on to  
7 be 10, was the age range from about 7 through to about  
8 11 or thereabouts?

9 A. I would say there or thereabouts, yes. Being a primary  
10 school, I think maybe the youngest would have been  
11 around about 7 at the time when I arrived. Perhaps my  
12 brother had just turned 8, but only had just turned 8 --  
13 in fact, he probably had just turned 8 -- and then,  
14 being a primary school, I think the eldest would have  
15 been 11, 11 and a half years old.

16 Q. When boys were having showers, would there be mixed ages  
17 or would you be within a particular age group?

18 A. No, my recollection of the showers was it was mixed,  
19 mixed ages.

20 Q. Would the boys be visible to Germanus? By that I mean,  
21 clearly in a shower you're naked; would Germanus be able  
22 to see the naked children?

23 A. Absolutely, yes.

24 Q. Did that in any way concern you at the time?

25 A. I think at the age you were -- I do recall feeling

1 a degree of being uncomfortable. However, there was  
2 a lot about the school that I felt uncomfortable about  
3 and I was probably saying to myself, "Well, this is what  
4 being in boarding school is all about", and just had to  
5 get on with it.

6 Q. But were you capable yourself of having a shower without  
7 any guidance at that time?

8 A. Very capable.

9 Q. Can I touch upon the schooling then, David? You talk  
10 about that in paragraph 27 onwards. You make mention in  
11 particular of a Brother CIPHER, one of your -- the [REDACTED]  
12 teacher. I think you say that you could see that he had  
13 a drinking problem; is that right?

14 A. That is correct.

15 Q. How did that manifest itself?

16 A. We would go into class with Brother CIPHER --  
17 Brother CIPHER predominantly taught in the classroom at  
18 the end of the corridor as you walked into the school  
19 building on the left-hand side.

20 Brother CIPHER would try or would attempt to go  
21 through the class for the day, but it was abundantly  
22 clear, even to myself at a young age, that the class, to  
23 all intents and purposes, was dysfunctional,  
24 dysfunctional for the reasons that Brother CIPHER WI  
25 engagement with the young pupils, the pupils attending

1 the school, of which there would be boarders and day  
2 boys, was non-existent. He would be talking, going  
3 through his lesson, and to the best of my knowledge very  
4 few, if any, pupils would actually be listening to what  
5 he was saying.

6 Brother CIPHER appeared quite often to be a little  
7 confused, incoherent, slurred speech, and I now  
8 recognise that as being somebody under the influence of  
9 alcohol, and I recognise the smell that would be on his  
10 breath as that of alcohol, something that I didn't  
11 understand at the time.

12 Q. And what you say is that, looking at it now, he was not  
13 fit for purpose?

14 A. I think it would be very fair to say that Brother CIPHER  
15 being an effective teacher, that time had passed a long  
16 time ago, prior to my time at that school.

17 Q. The other brother we've mentioned before,  
18 Brother Arthur, you are, I think, complimentary of him,  
19 and you also go on to say that you think that he was  
20 true to the beliefs of the Marist Brothers. What led  
21 you to believe that?

22 A. My time with Brother Arthur was a positive experience  
23 in that he genuinely appeared to engage with the pupils  
24 around him, certainly with myself anyway. He taught  
25 music, he seemed interested in how you were developing.

1 He's probably one of the only -- he's probably the only  
2 brother that I actually learnt anything from during my  
3 time at that school on a curriculum basis. That's what  
4 perhaps made him stand out from the rest of the  
5 Marist Brothers.

6 Q. One of the other brothers that you mentioned earlier was  
7 Brother MNQ who you thought may have been SNR  
8 SNR But you tell us about how he would perform  
9 in class, particularly if he saw you doing something  
10 wrong. What would he do?

11 A. From my own personal experience, you would have -- what  
12 we used to have is we used to have the traditional  
13 blackboard with a wooden duster, as was the case in  
14 those days. That duster would quite often be thrown at  
15 a pupil in the class who Brother MNQ considered was  
16 not paying attention. I was the recipient of that on  
17 a number of occasions.

18 Q. Which part of your body did it hit?

19 A. The back of the head.

20 Q. Was that painful?

21 A. It was extremely painful. I think it's the only time  
22 I can honestly say -- you know the expression that you  
23 saw stars? I saw stars.

24 Q. You tell us that there were a couple of occasions that  
25 he wanted you to go with him into the town of Largs.

1 A. That's correct.

2 Q. Can you just help me with that? First of all, what age  
3 were you at that time?

4 A. I would have been 10.

5 Q. And can you just fill me in as to what happened there?

6 A. For no apparent reason, Brother MNQ approached me  
7 and asked me would I like to come into Largs with him.  
8 This was a very unusual request, it's not something that  
9 I'd ever been asked before, and I initially thought to  
10 myself that it was just really unusual to be asked such  
11 a thing. When I was a little hesitant in my reply,  
12 Brother MNQ then suggested that we could go and get  
13 some sweets together.

14 Again, even at that young age, as much as I was fond  
15 of sweets, I knew intuitively that something just didn't  
16 feel right. I think at the time when he asked me, I had  
17 already become subconsciously aware of my surroundings  
18 and found myself on guard, trying to protect myself  
19 in the environment that I'd found myself in. When the  
20 invitation was offered to go in for sweets, it didn't  
21 feel right and I, again, just continued to decline the  
22 invitation.

23 Q. I'm going to look shortly at something that did happen  
24 to you, involving Brother Germanus. Had anything  
25 happened to you of that nature before this invitation



1           was made?

2       A.   There had been some events that had made me very careful  
3           and very wary and, to a degree, somewhat distrusting of  
4           the Marist Brothers, which is probably the reason why  
5           I had declined the offer of sweets from Brother MNQ

6       Q.   I'll come to look at some matters in a moment.  But  
7           before doing that, I want to ask you about this practice  
8           of you being put into a room by way of a punishment  
9           which you mention at paragraph 35.  What you say is:

10                "On some occasions, if I was in trouble for perhaps  
11           talking in the classroom, there was a room where [you]  
12           would be sent."

13                Can you help me with that?  What was this practice?

14       A.   In the event that a pupil was deemed as misbehaving,  
15           what happened to me certainly was that there was a room  
16           located on the second floor -- sorry, on the first floor  
17           of the school building.  You would be asked to follow  
18           the brother who was taking the class up to the first  
19           floor and you would be asked to go into the room and the  
20           door would be closed behind you and the door would be  
21           locked.  There you would remain until such time as the  
22           door was unlocked and you were allowed to come out.

23       Q.   And on the occasions this happened to you, David, what  
24           sort of time -- how long would you spend in the room,  
25           roughly?

1       A. I would say anything from one hour to two, two and  
2       a half hours.

3       Q. And you're telling us about your own experience, but was  
4       this something that also happened to other boys at the  
5       school?

6       A. Yes, I've no reason to believe that it just happened to  
7       me.

8       Q. Boys older and younger than you?

9       A. Yes.

10      Q. Do you have any recollection of any form of inspection  
11      being carried out at the school when you were there?

12      A. No. I have no recollection of any auditing,  
13      inspections, anything whatsoever taking place at the  
14      school whilst I was there.

15      Q. But did you have visits from your own family when you  
16      were there?

17      A. The family would come and would either collect or drop  
18      off, but it wasn't acceptable to Brother Germanus that  
19      they would enter the dormitory building without his  
20      strict supervision.

21      Q. I think you give us an example of one time when your  
22      father came to visit and he went upstairs to the  
23      dormitory area and Brother Germanus wasn't too happy  
24      about that.

25      A. That is correct.

1 Q. What happened?

2 A. Brother Germanus was clearly upset that my father had  
3 entered the dormitory building without his knowing and  
4 made it very clear to me that that must never happen  
5 again and that I was to make sure it didn't happen  
6 again.

7 Q. You also talk about what personal possessions you might  
8 have been allowed to have when you were at the school.  
9 In particular, you tell us about the fact that you  
10 collected toy cars. Is that right? Did something  
11 happen in relation to that collection?

12 A. Yes, that is correct. So as young boys in the school,  
13 we all have toys that we enjoy and play with and so on  
14 and so forth. Mine, as was the case with a lot of the  
15 other boys, was toy cars. My bed location in  
16 dormitory 1 was the middle bed on the left-hand side as  
17 you walked into the dormitory, which was located right  
18 next to a fireplace. So the foot of the bed was  
19 actually in the fireplace, so to speak, with a fire  
20 surround above.

21 I started to display some of my cars on the  
22 fireplace as I thought this was okay to do. I had no  
23 reason to believe otherwise. And then I put some more  
24 cars up and some more cars up. I guess that was the way  
25 it was. You just never really quite understood the

1 boundaries, so you were constantly testing the water to  
2 see what was permissible and what was not.

3 For whatever reason, having had the cars up there  
4 for a period of weeks, I came into my dormitory to find  
5 that all the cars had been thrown off the mantelpiece  
6 and lay on top of my bed and some on the floor. As soon  
7 as I noticed this, having walked into the dormitory,  
8 Brother Germanus was immediately behind me and said to  
9 me, "Don't you think for a moment that this is just your  
10 dormitory, you're no better or special than anybody  
11 else, don't let me see your cars on that mantelpiece  
12 again", or words to that effect.

13 Q. What was your reaction to that at the time?

14 A. My reaction was, I was really -- I was upset. I had no  
15 reason to believe I was doing anything wrong. Again, it  
16 was just another example of what was permissible one  
17 day, quite literally overnight, would become  
18 unacceptable.

19 It was almost like a way that -- Brother Germanus  
20 had influence and power over you in such a way that you  
21 never knew what was acceptable and what wasn't, so you  
22 were always intuitively trying to find out and stay  
23 close. I think it was a way that he could control  
24 everybody and consequently that was an example of just  
25 that.

1 Q. Looking to bedtime, did the boys, all the boys, go to  
2 bed at about the same time or were there different times  
3 between the very younger ones and the older boys?

4 A. I think there were possibly slightly different times.  
5 I'm not sure it was adhered to all the time. Generally  
6 speaking, there wasn't -- if there was different times  
7 there may have been slightly -- but I don't know there  
8 would be a huge difference between the younger and the  
9 older.

10 Q. And one thing you tell us in your statement, David, is  
11 at night-time, when the boys were in bed, that Germanus  
12 would walk around the dormitories; is that right?

13 A. Yes, that is correct.

14 Q. I'm going to ask you about certain matters I think you  
15 find delicate and difficult to articulate, but I think  
16 you do tell us about a particular night when Germanus  
17 came to you when you were in your bed; is that right?

18 A. Yes, that is correct.

19 Q. Can you tell us what happened?

20 A. I wasn't sleeping that particular night and Germanus  
21 observed that --

22 Q. Can I just ask you this before you move on: was this  
23 early on in your time at St Columba's or are you able to  
24 put a time frame on it?

25 A. I was probably there about, maybe, five, six months.

1 Q. Were you still in dormitory number 1?

2 A. I was in dormitory number 1 when this happened.

3 I said I wasn't able to sleep and then he told me to  
4 go into his room. When Brother Germanus tells you to do  
5 something, you pretty much just do it.

6 Q. Then did you go to his room?

7 A. I did, yes.

8 Q. And I think we know from what you've told us about the  
9 layout his room was close by.

10 A. His room was in close proximity to dormitory 1, right  
11 next door to it.

12 Q. Were you wearing your pyjamas?

13 A. I was, yes.

14 Q. Did you have a dressing gown on at this time?

15 A. I was wearing my pyjamas.

16 Q. What about Brother Germanus? How was he dressed at this  
17 time?

18 A. He had a dressing gown on.

19 Q. Then when you got into his room, can you tell me what  
20 happened?

21 A. In Brother Germanus' room -- it was a relatively small  
22 room, and in the centre of the room there was a large  
23 seat, a sort of semi-reclining seat -- it didn't  
24 recline, it was just an old-fashioned padded seat.  
25 Brother Germanus sat down on his seat and then asked me

1 to sit down on top of him.

2 Q. And what then happened?

3 A. Brother Germanus would put his arms around me and start  
4 to rub me against himself.

5 Q. What about his dressing gown? Did anything happen  
6 in relation to his dressing gown?

7 A. Yes. He opened up his dressing gown and it became  
8 apparent to me that he was not wearing anything under  
9 his dressing gown.

10 Q. What about you? Did you still have your pyjamas on?

11 A. I had my pyjamas on at the beginning, yes.

12 Q. And did that change?

13 A. Yes, it did.

14 Q. Can I just say, David, you only need to disclose what  
15 you want to disclose.

16 How were you feeling at this time when this was  
17 developing in the way you've been describing?

18 A. I was very confused, very uncomfortable, and I really,  
19 really just wanted to get away. I didn't understand  
20 what was happening. I did know that what was happening  
21 wasn't normal, wasn't right, and I really just wanted to  
22 leave as quickly as I could.

23 Q. You've told us that his dressing gown was open and at  
24 a point in time you did not have your pyjamas on.

25 What was your respective position to Germanus, by that

1 I mean were you sitting on his knees or his front? What  
2 were the positions?

3 A. Germanus was lying back on his seat and I was sitting  
4 with my back to him on top of his legs.

5 Q. How did this develop then after that?

6 A. He started to -- he placed his hands on my hips and  
7 started to move my hips around his genital area and  
8 consequently became -- he became aroused. I kept asking  
9 to go to my bed.

10 Q. Did he respond to that?

11 A. "Just a bit longer." He just kept saying, "Just a bit  
12 longer".

13 Q. Were you visibly upset during this episode?

14 A. Yes.

15 Q. Were you crying?

16 A. Yes.

17 Q. Did that make any difference to him? Did he stop?

18 A. No.

19 Q. Are you able to tell us, if you wish, David, how this  
20 came to an end?

21 A. I think all I can say is that once he had achieved what  
22 it was he wanted to achieve, I was allowed to go back to  
23 my bedroom.

24 Q. Did Germanus, again during the night, come to your bed  
25 again?



1 A. Yes.

2 Q. The next time he came to your bed, what happened?

3 A. There was a few occasions where he insisted -- he would  
4 insist that I would go to his room, and I duly did. But  
5 then I managed to say, "No, I'm quite happy where I am".

6 After having gone into his room on about three  
7 occasions, the fourth time I was able to say, "No, I'm  
8 fine, I'm going to fall asleep". Then I realised that  
9 if I just pretended I was asleep, then he wouldn't  
10 engage in conversation with me.

11 Q. And is that what you did?

12 A. That's what I did.

13 Q. On the occasions you went back to his room, I don't need  
14 the detail, but was it essentially the same sort of  
15 things that happened?

16 A. Very similar.

17 Q. I think in your dormitory number 1 there would have been  
18 a number of boys in that particular dormitory; is that  
19 right?

20 A. That's correct.

21 Q. How many beds were occupied at a given time?

22 A. There were six beds in dormitory 1, and it would be an  
23 expectation that perhaps maybe four, possibly five, may  
24 have been occupied.

25 Q. Although you seem to have, as it were, succeeded in

1           keeping Brother Germanus away, particularly by  
2           pretending to be asleep, do you know whether or not he  
3           approached any other children during the night?

4       A.   It was a regular occurrence for Brother Germanus to be  
5           walking through the dormitories late at night.  It is my  
6           understanding that I was not the only one to have been  
7           told to go to his room.

8       Q.   What leads you to that understanding?

9       A.   The corridor that leads into Brother Germanus' room --  
10          to get into Brother Germanus' room, you would have to  
11          walk past the door leading into dormitory 1, so  
12          effectively you would see or you could see the passing  
13          traffic, for want of a better word.

14                Although the light was dim, you could see the  
15          silhouette or the image of Brother Germanus with  
16          a younger boy walking in, usually immediately -- usually  
17          in front of Brother Germanus.  That's something that  
18          I was able to -- I could see from the location of my  
19          bed, looking out on to the corridor.

20       Q.   Was this after what had happened to you had happened  
21          that you witnessed this?

22       A.   I can't be sure.

23       Q.   But was this something that happened once or did you see  
24          this happen more than once?

25       A.   I saw this happening more than once.  I think it would

1           be fair to assume that it was something that happened  
2           before and after what happened to me. I couldn't be  
3           exactly sure on that one.

4   LADY SMITH: What impression did you get of how old  
5           Brother Germanus was at this time?

6   A. As a young boy looking at Brother Germanus, I would have  
7           said that he would have been around the 60 years of age  
8           mark. Certainly as a young boy, he appeared to be, for  
9           want of a better word, an old man, so I would say about  
10          60.

11   LADY SMITH: And you were about 10 or 11 years old?

12   A. Yes.

13   LADY SMITH: You were a child.

14   A. Yes.

15   LADY SMITH: Mr MacAulay.

16   MR MacAULAY: The other aspect about Brother Germanus'  
17           behaviour I want to speak to you about is this. You  
18           tell us about an incident involving a friend when  
19           I think you were throwing sweets at each other. This is  
20           in paragraph 55 of your statement. I think you were in  
21           your beds at that time; is that correct?

22   A. Yes. That is correct. This was in dormitory 2.

23   Q. So is this when you were a bit older then?

24   A. Potentially, yes.

25   Q. And had the business with Brother Germanus that you've

1           just described to us -- was that over by this time?

2       A. No, I don't believe that had happened yet. So this  
3           would have been in dormitory 2, so that would perhaps  
4           have been earlier than the incident that took place in  
5           his room.

6       Q. What happened then on this occasion that involved  
7           throwing sweets in the dormitory?

8       A. My friend and I -- in dormitory 2 there were six beds.  
9           I was the middle bed on the left as you walked in and my  
10          friend was the end bed on the left as you walked in, and  
11          then behind that was the windows.

12               My friend and I were being mischievous little boys  
13           and throwing sweets at each other after the lights had  
14           been switched out. No one else was involved in it. It  
15           was a bit of fun. It was to all intents and purposes  
16           just that.

17               Suddenly, the door flew open, the lights went on,  
18           and Brother Germanus burst into the room and what he  
19           said was, "That's it!" So he then returned to his room  
20           and I knew -- I knew as soon as that happened, this  
21           was -- there was no discussion, there was no dialogue,  
22           there was no plausible explanation, there was nothing.  
23           With Germanus it was very black and white and those  
24           black and whites changed all the time, so it was  
25           trouble.

1           I tried to reason with him as a young boy. It's not  
2 something you should have to do as a young boy. But  
3 when you're in that environment, it's fight or flight  
4 syndrome, you have to try and protect yourself at all  
5 costs. So I tried to reason with him, but there was no  
6 reasoning, there was no discussion, there was no  
7 dialogue; it was going to be punishment.

8           He informed me -- he told me to remove my pyjama  
9 bottoms and he held me down and he had a leather belt,  
10 quite a big leather belt. I can only describe this as  
11 being -- he put every ounce of vigour that he had into  
12 ensuring that the belt came down on my bare bottom as  
13 forcefully as it possibly could.

14       Q. Where were you? Were you lying on something or --

15       A. I was told to drop my pyjama bottoms and bend over the  
16 bed.

17       Q. Can you remember how many strokes you got?

18       A. A lot. I can't ... I can't ... I would say possibly  
19 eight, ten.

20       Q. What age were you at this time?

21       A. Ten.

22       Q. Were you crying because of what was happening?

23       A. Yes, I was extremely upset. The pain was excruciating  
24 and then, just when you thought that was the last one,  
25 there was another one, and then there was another one,

1 and so it continued.

2 The reason I know -- and I can see it very clearly  
3 in my mind -- that he was putting absolutely everything  
4 into dispensing as much energy into the belt coming down  
5 was because when he'd finished with me, he then moved on  
6 to my friend, and you could see him quite literally  
7 jumping up off the ground and crashing down with as much  
8 as I've ever seen anyone demonstrate before. It was  
9 almost like he was obsessed with maximum pain.

10 Q. Was your friend in the same situation with his pyjamas  
11 down?

12 A. Yes, we were both asked to do the same thing. We were  
13 both asked to remove our pyjama bottoms and bend over  
14 the bed.

15 Q. Were the other children in the dormitory at that time  
16 witnessing this behaviour?

17 A. Yes.

18 Q. Do you know if you sustained any injuries because of  
19 what was done to you?

20 A. Physical injuries as a consequence?

21 Q. Yes.

22 A. No, I don't think so.

23 Q. One thing you do tell us in paragraph 56 is that:

24 "Brother Germanus told [you] on several occasions  
25 that he was aware of where to hit a boy and there would

1           be no later bruising showing."

2       A.   That's correct.

3       Q.   Can I just understand the context of that?  Why would he  
4           be saying that to you?

5       A.   Why indeed?  I know.  The whole thing struck me as a --  
6           as a 9, 10-year-old boy, and an adult, who's in charge  
7           of you, speaking to you in such a way about such  
8           a subject, is extremely worrying.

9           I think the reason for him to do that was to make it  
10          quite clear to me that were I to in any way be  
11          disobedient, step out of line or misbehave, that he  
12          would know exactly what to do to inflict as much pain  
13          but without there being any evidence.

14       Q.   Apart from the episode you've told us about, did you  
15           receive any other physical punishment, using the belt,  
16           for example, during your time at St Columba's?

17       A.   There was a number of occasions where he would just come  
18           into a room -- I remember one particular time I was  
19           making my bed.  I had a duvet and I was standing at the  
20           bottom of the bed, holding the duvet, and I was, as we  
21           do in the morning, giving it a shake so that the duvet  
22           would come out in order to make the bed.

23          Brother Germanus witnessed this, came straight into the  
24          room, and pushed me to the floor and shouted at me,  
25          saying, "Stop creating dust!" and then walked away.

1 Q. Apart from that incident, was there any other physical  
2 punishment inflicted on you either by him or indeed any  
3 of the other brothers who were there during this period?

4 A. No.

5 Q. Did you see any other boys, apart from the incident  
6 in the bedroom, suffering physical punishment?

7 A. There were occasions where somebody would get a duster  
8 thrown at them.

9 Q. Yes, you've mentioned the duster, I'm leaving the duster  
10 episodes out of the situation.

11 Apart from that, did you see anything physical  
12 happen to any other boy?

13 A. No.

14 Q. One thing you do tell us in paragraph 57 -- it's on the  
15 screen -- is that:

16 "Brother Germanus appeared to have had an interest  
17 in how long and how often [you] might have used the  
18 toilet."

19 Can you just explain that for me?

20 A. The best way I can explain this is that if you went to  
21 visit the toilet, the door was closed, and he was aware  
22 that you were in the toilet, as quite often would be the  
23 case, he would make it his business to speak with you as  
24 soon as you'd come out of the toilet and he would be  
25 asking you what were you doing in the toilet, why were



1           you there so long.

2           I remember one occasion, I said to him,  
3           "Brother Germanus, I was just making sure my bottom was  
4           clean", to which his reply was, "Your bottom doesn't  
5           have to be clean-clean, does it?" to which I thought,  
6           "I don't know what he means by that", and off I went.  
7           That was the end of that conversation.

8       Q.   Him being outside the toilet when you were in the  
9           toilet, did this happen on a number of occasions?

10      A.   It happened on a number of occasions. I would go into  
11           the toilet, he wouldn't be there, but when I came out of  
12           the toilet he'd be just standing there. I'm not sure if  
13           it happened to any other pupils. Certainly it happened  
14           to me three -- possibly three or four times.

15      Q.   Is this the toilet that we mentioned on the top floor?

16      A.   It's the toilet on the top floor and also on one  
17           occasion it would be the toilet downstairs at the end of  
18           the corridor within close proximity to the dining room.

19      Q.   I now want to ask you, David, about another boy who was  
20           at the school at the same time as yourself, and that's  
21           a boy by the name of Aldo Moroni. Do you recollect that  
22           particular boy being a boarder at the school during your  
23           time?

24      A.   Yes, I do.

25      Q.   Did he come to the school after you?

1 A. Yes, he did.

2 Q. Did you become friendly with him?

3 A. Yes, I did.

4 Q. Can you explain how that came to be?

5 A. When you're in an environment of only 16 boarders, you  
6 get to know each other quite well. On occasion, there  
7 may have been 17 boarders or maybe it dropped away  
8 because people did come and go, but generally it was 16.  
9 What would happen at the weekends would be that some of  
10 the boarders would go home for the weekend.

11 When the boarders would go home, then there was  
12 a diminished number of boarders that would remain,  
13 sometimes four, five, six boarders. That quite often  
14 would result in you being in a dormitory by yourself and  
15 that is where Aldo found himself, not only in  
16 a dormitory by himself, he found himself being the only  
17 boarder on the top floor.

18 Q. Were you a boarder then at that time on the first floor?

19 A. I was, yes.

20 Q. And just before you move on, can you say what age Aldo  
21 was? I think he was younger than you were.

22 A. He was younger than me. I would say approximately he  
23 would have been seven, 7 years old.

24 Q. When he was alone and you became aware of that, what did  
25 you do?

1       A. I didn't feel comfortable -- for reasons I can't  
2       understand or explain, I didn't feel comfortable that  
3       Aldo was upstairs by himself and I offered to go  
4       upstairs and keep Aldo company.

5       Q. To whom did you speak about that?

6       A. It would probably have been Brother Germanus.

7       Q. And what was the reaction to your offer?

8       A. Initially, my request was refused.

9       Q. Were you told why?

10      A. No. However, then subsequently, later on,  
11      Brother Germanus said if I still wanted to, I could. So  
12      what would happen would be that on the weekends that  
13      I was there, and on the weekends that Aldo was there,  
14      which was practically every weekend, I would go up to  
15      dormitory 5. There were three beds on the right, three  
16      beds on the left. Aldo was in the middle bed on the  
17      right-hand side as you walked in and I would take the  
18      middle bed on the left-hand side as you walked in. And  
19      simply, essentially, it was just two boys in a big, big  
20      house, in a big, big room, just keeping each other  
21      company, because when you're that age, I'm 10 and Aldo's  
22      7, it's quite a daunting prospect being by yourself.

23      Q. Did you go outside to play?

24      A. No. This was just in the evenings, in the dormitory  
25      time. During the day, we'd go outside and play, yes.

1 Q. Would Aldo go outside to play during the day as well?

2 A. Yes, he would, yes.

3 Q. So when the evenings came then, this is when you would  
4 go up and keep him company?

5 A. That's correct.

6 Q. Would you sleep in that dormitory or would you go back  
7 to your own dormitory when time came to sleep?

8 A. I would stay in the dormitory throughout the duration of  
9 the night.

10 Q. How did Aldo come across to you?

11 A. Aldo was a very lively, a little cheeky individual, full  
12 of beans, loved to talk. He had glasses, quite thick  
13 glasses, so he had not the best of eyesight. Other than  
14 that, he was a very active young boy.

15 Q. One thing you do say in your statement at paragraph 61  
16 is you thought he was a very lonely boy; what made you  
17 think that?

18 A. Being left in a dormitory by yourself is a very lonely  
19 experience for anyone when you're 10 years old, but  
20 being 7 years old is inexcusable. Consequently, it  
21 didn't feel right.

22 Q. You're there at the weekend then because you haven't  
23 gone home. Was that the position for you, that you  
24 didn't go home at weekends?

25 A. It changed during my time at boarding school.

1 Initially, when I first went there, I didn't go home  
2 at the weekends, I wasn't allowed to go home at the  
3 weekends. But then as my time moved on at St Columba's,  
4 certainly towards the last six months of my time there,  
5 I was allowed to go home much more often.

6 Q. You've told us about your own family visits. What about  
7 Aldo? Did Aldo receive any visits from anybody?

8 A. The only visitor that I remember coming to the school to  
9 visit Aldo, and he did so on a number of occasions, was  
10 a gentleman by the name of MFZ

11 Q. How did you know his name?

12 A. I recall his name being mentioned. He was within the  
13 Marist Brothers -- he worked within or had a position  
14 within the Marist Brother organisation, although he  
15 didn't dress like a Marist Brother. He had red hair  
16 brushed to one side, quite a young man, slim build.  
17 I think he just stood out from everybody else. He was  
18 the only person that I saw visiting the school in  
19 relation to Aldo Moroni.

20 Q. Can I just understand then that in relation to visiting  
21 Aldo, what would happen? Did you see them together or  
22 what was the position?

23 A. What quite often would happen would be that, for  
24 example, if the boys were in the television room,  
25 watching television, and MFZ was to arrive, MFZ

1           would ask to see Aldo and Brother Germanus would come  
2           into the TV room and ask Aldo to join him.

3       Q.   And do you know what would happen then?

4       A.   No.

5       Q.   Do you know where Aldo would go if he went to meet  
6       MFZ ?

7       A.   He would go somewhere private, somewhere private away  
8       from the rest of the boys.

9           I do know that Aldo wasn't happy at the prospect of  
10       seeing him. He would sometimes get quite upset at the  
11       prospect of having to go away to see him. He wasn't  
12       happy.

13       Q.   Do you know, and by that I mean were you told by  
14       anybody, what, if any, relationship there was between  
15       Aldo and this person, MFZ ?

16       A.   I can't be sure, I cannot be exactly clear, but there  
17       was certainly a strong link between MFZ and  
18       Aldo Moroni.

19       Q.   Have you any idea why this person, MFZ, was visiting  
20       Aldo?

21       A.   I believe that perhaps MFZ may have had something to  
22       do with Aldo being in the school in the first place.  
23       There may have been a family connection. He certainly  
24       had a vested interest in Aldo.

25       Q.   If we look at your statement at paragraph 37, where you

1 make some mention of this, you're talking about MFZ's  
2 visits and that:

3 "His interest was in Aldo."

4 You say that. You then say:

5 "He would ask to see Aldo up in his dormitory and on  
6 one occasion I recall Brother Germanus asking Aldo to  
7 leave the television room to go to the dormitory."

8 Do you see that?

9 A. Yes.

10 Q. Do you remember that happening?

11 A. Yes. Yes, there was an occasion. I can't be sure or  
12 clear on where they went every time.

13 Q. But was there a particular occasion where going up to  
14 the dormitory was mentioned?

15 A. Yes, there was one occasion.

16 Q. From what you've told us before, that really was against  
17 Germanus' rules as to who should be in the dormitories?

18 A. Well, Germanus knew MFZ and MFZ was also within  
19 the Marist Brother organisation and, for whatever  
20 reason, Germanus did not seem to object to MFZ being  
21 in the dormitory building for reasons best known to  
22 Germanus and MFZ

23 Q. I think you tell us, if we go back to paragraph 62, that  
24 you had been away home for a weekend, and when you  
25 returned you learned that Aldo had died; is that right?

1       A. I returned from having been away at the weekend and  
2       I was greeted as I was getting out of the car by  
3       Brother Germanus, which was extremely unusual. He then  
4       escorted me, walking side by side, into the building,  
5       where he told me that Aldo had died. Thereafter,  
6       Brother Germanus continued on with his duties.

7       Q. What was your reaction to this news?

8       A. I remember having two thoughts. I remember thinking how  
9       abrupt and sudden Aldo's death had been and how  
10      unexpected it had been, because it wasn't that long time  
11      ago prior that he was up, playing, doing his stuff, and  
12      one thing and another, and had appeared to be perfectly  
13      healthy.

14             The other thought and feeling I had at the time was  
15      the way Brother Germanus had met me when I was getting  
16      out of the car and the way he told me. It just seemed  
17      a little odd that he chose to tell me in that way.

18      Q. You say in paragraph 62 that:

19             "We all went to his family home following Aldo's  
20      death."

21             Do you remember doing that?

22      A. Yes. Following Aldo's death, we went to the family  
23      home.

24      Q. And can you remember where that was?

25      A. I believe Dunoon, there or thereabouts.



1 Q. And who did you see when you went to the family home?

2 A. Members of Aldo's family. Quite why we had gone, I'm  
3 not sure, but we did go.

4 Q. And when you say "we", who are you including?

5 A. Other members of the pupils of the school and  
6 Brother Germanus.

7 Q. The man you mentioned, MFZ was he there so far as  
8 you can remember?

9 A. I do not remember seeing MFZ at that time.

10 Q. Are you able to give any sense as to what the time frame  
11 might have been, time gap might have been -- and I know  
12 it's difficult trying to work out times when you're  
13 a young boy -- between seeing Aldo in a healthy state  
14 and receiving the news that he had died?

15 A. I'm not able to give a specific number of days other  
16 than to say that it was very short from being a fit,  
17 healthy young boy to being dead.

18 Q. Can I just ask you a little bit about the reporting of  
19 what had happened to you at St Columba's, and in  
20 particular in relation to Brother Germanus. Did you  
21 tell anybody at the time or close to the time what had  
22 happened to you?

23 A. (Pause). No.

24 Q. But I think you do tell us in your statement that, more  
25 recently, you have discussed matters with your mother;

1 is that right?

2 A. Yes. I hadn't discussed anything with anyone prior to  
3 the police investigation which I supported in  
4 December 2015. That was really the first time I'd ever  
5 spoken of my childhood at St Columba's.

6 Q. That police investigation was about what?

7 A. The police were investigating the Marist Brothers at  
8 St Columba's and it was following that police  
9 investigation that I was able to, for the first time,  
10 having been married for 20 years, speak to my wife about  
11 it, and also subsequently speaking to my mother about  
12 it. Both, however, at a relatively high level.

13 Q. When you came to leave St Columba's, David, you would be  
14 about 11, I think, and when you left you went to another  
15 school in Great Western Road in Glasgow; is that  
16 correct?

17 A. That's correct. I attended Dean House, which was  
18 situated in Great Western Road, Glasgow.

19 Q. And I think what you say in your statement is that it  
20 was very obvious to you that you were so far behind the  
21 other pupils of your age at that school.

22 A. Yes, indeed so. My time at St Columba's in Largs, as  
23 far as education was concerned, was practically  
24 non-existent in that when I left St Columba's, I had  
25 learnt very, very little, if anything at all, and had

1           subsequently fallen back against the curriculum as it  
2           was in general.

3       Q.   And did that have an impact, do you think, on your  
4           performance generally at school?

5       A.   Yes, it did.  It impacted my confidence and my  
6           self-esteem because I found myself so far behind with  
7           what felt like an insurmountable hill to climb.  I also  
8           consequently found classroom environments uncomfortable  
9           due to the experiences encountered at St Columba's.

10      Q.   But you go on to tell us about your employment career  
11           and in fact you have developed a successful employment  
12           career, as it happens; is that right?

13      A.   That is correct.

14      Q.   In relation to impact, are you able to provide us with  
15           some insight into what you see the impact on your life  
16           to have been, standing your experiences at St Columba's?

17      A.   The impact on myself as an individual from my  
18           experiences -- from my time at St Columba's ...  I was  
19           determined as an individual that I wanted to make  
20           something of my life.  I wanted to try and put what  
21           happened in a box and tuck it away, which I was able to  
22           do to a point.

23               However, I have -- and I do recognise this within  
24           myself -- suffered with anxiety and, on occasion,  
25           periods of depression.  These are directly linked with

1 my childhood experience at going to St Columba's at such  
2 an impressionable age and having to endure and  
3 experience the abuse, both physical and sexual.

4 However, I tried to move on and I have had periods  
5 of anxiety and depression. I have found myself on  
6 medication, I have had periods of counselling as well.  
7 I did manage to get married and I do have two children  
8 and they have provided me with a framework by which to  
9 try and ensure that I do the very best for them and not  
10 in any way allow what happened to me happen to them.

11 Q. Finally, David, if I take you to the second last  
12 paragraph of your statement, paragraph 72. What you say  
13 in relation to lessons to be learned is that:

14 "[You] think the single most important thing for the  
15 inquiry to achieve is to reveal the truth."

16 A. Yes, I do believe that there is a duty of care for those  
17 that suffered for the truth to come out. I do believe  
18 in the memory of Aldo and the many other innocent young  
19 boys who, through no fault of their own, found  
20 themselves in that environment. I think it's important  
21 that it is recognised and that the events that took  
22 place there are no longer dismissed and said to be  
23 false.

24 Q. I do believe, David, that there is something else you  
25 would like to say, finally, to the inquiry.

1       A. Yes. If I may, I just pulled something together this  
2       morning. Thank you for the opportunity of allowing me  
3       to share this.

4               The main reason why I'm here today giving evidence  
5       at the Scottish Child Abuse Inquiry is not so much about  
6       one or two abusing Marist Brothers, it's about the  
7       Marist Brother organisation.

8               From my own personal experience, the Marist Brothers  
9       are guilty of a complete and total systemic failure in  
10      providing a safe and suitably protected environment that  
11      was conducive to the basic welfare, education and  
12      required needs of what were very young, vulnerable,  
13      innocent boys, of which I was one.

14              We were entrusted to the Marist Brothers by parents,  
15      guardians, who unwittingly were paying the ultimate  
16      price in the pursuit for better educational  
17      opportunities.

18              It is inconceivable, in my view, that any  
19      Marist Brother sexually or physically abusing children  
20      in their care could have done so in such a close-knit  
21      and intimate environment, as St Columba's was, without  
22      their actions being noticed by other brothers.

23              The Marist Brothers' awareness of sexually abusing  
24      brothers amongst them, some of whom for decades, was  
25      very real. However, like many religious organisations,

1           there were no consequences for their actions other than  
2           simply kicking the can down the road, namely moving  
3           offending brothers to another school or country,  
4           allowing them every opportunity for continued offending.

5                   This was a complete and total failure of  
6                   responsibility and duty of care which went to the very  
7                   core of the Marist Brother organisation.

8                      Thank you.

9 MR MacAULAY: Thank you, David, for these words, but also  
10 for engaging with the inquiry, coming here today and  
11 answering my questions.

12               My Lady, I can confirm that I have not received any  
13               other questions to put to David.

14 LADY SMITH: Are there any outstanding applications for  
15 questions?

16 MR BROWN: My Lady, there are one two matters, really quite  
17 short, but issues of significant clarification that may  
18 have a bearing on subsequent evidence. If my Lady would  
19 allow me briefly a moment to speak to Mr MacAulay to see  
20 if we can clarify that just now.

21           LADY SMITH:   Yes, please do.

22 (Pause)

23           LADY SMITH:   Mr MacAulay.

24 MR MacAULAY: There are three questions I'm quite happy to  
25 put to David. It's really to clarify --

1 LADY SMITH: These are for clarification?

2 MR MacAULAY: Yes.

3 LADY SMITH: These are for clarification, David, so please  
4 don't be concerned. This is obviously just something to  
5 make sure that we've got matters completely clear.

6 Mr MacAulay.

7 MR MacAULAY: It's coming back to the man by the name of  
8 MFZ that you've described to us, David. Are you able  
9 to be more specific on the age of this man?

10 A. I would say he was a young man at the time. I would say  
11 certainly he would be no more than 30 years old.  
12 I would say, if I was to guess, at the age I was at the  
13 time, I would say he'd be approximately maybe 25, 26,  
14 27 years old.

15 Q. The name itself, the name MFZ, how did you learn that  
16 name, who told you the name?

17 A. I don't recall specifically at the time where I got that  
18 name, but I do recall that that was the name by which  
19 I knew this individual at the time.

20 Q. The final question I have been asked to put to you is:  
21 are you able to be more specific as to what role you  
22 understood this man to have in the Marists?

23 A. At the time, other than the fact that he was part of and  
24 involved in the Marist Brother organisation, I cannot be  
25 any more specific than that.

1 Q. And as you told us before, he wasn't dressed like  
2 a Marist?

3 A. He was not dressed like a Marist. He wore a suit and  
4 a tie and was usually very well groomed.

5 MR MacAULAY: Very well. I think that does cover the  
6 questions, and I see my learned friend is nodding.

7 LADY SMITH: Is that all right, Mr Brown?

8 MR BROWN: Yes, my Lady, I'm very grateful.

9 MR MacAULAY: So thank you again, David, for dealing with  
10 these additional questions that I've been asked to put  
11 to you. Thank you.

12 LADY SMITH: David, it simply remains for me to thank you so  
13 much for engaging with the inquiry, both by giving your  
14 written statement and by coming here today and giving  
15 your evidence after having had to wait rather than  
16 longer than you expected to do. I'm very sorry about  
17 that. It's just that our scheduling proved to be  
18 perhaps overoptimistic and we didn't appreciate how long  
19 previous evidence was going to take.

20 It has obviously not been easy for you, but you have  
21 been able to given me a very clear picture of your  
22 memories and that really, really helps me. I'm very  
23 grateful for that and for your reflections that you've  
24 taken the trouble to share.

25 A. Thank you.



1 LADY SMITH: I'm now able to let you go. Thank you.

2 A. Thank you.

3 (The witness withdrew)

4 LADY SMITH: Mr MacAulay.

5 MR MacAULAY: My Lady, that is all the evidence for today.

6 Perhaps it's worth reminding those who are here that

7 Mr MFZ is protected by the general restriction order

8 and therefore his name should not be published outwith

9 the four walls of this inquiry.

10 LADY SMITH: Yes, I can see that. It's an inferential

11 protection, I suppose, if I can put it that way.

12 We have in the course of today heard some other names as

13 well, not necessarily clearly attached to allegations of

14 abuse, but they will nonetheless be protected and, in

15 particular, some children's names that were referred to.

16 MR MacAULAY: So far as tomorrow is concerned, we have

17 further oral evidence set up for tomorrow. There are

18 two oral witnesses tomorrow.

19 LADY SMITH: Thank you very much. I'll rise now until --

20 MR MacAULAY: I'm hoping we don't sit quite so long since

21 it is a Friday!

22 LADY SMITH: I'm sure everybody else is hoping that too, but

23 we had important evidence to hear --

24 MR MacAULAY: Of course.

25 LADY SMITH: -- and it's a good thing that we've been able

1 to hear it over the last couple of days.

2 Thank you very much to everybody and I'll sit again  
3 at 10 o'clock tomorrow morning.

4 (5.03 pm)

5 (The inquiry adjourned until 10.00 am  
6 on Friday, 11 October 2019)

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# I N D E X

14

15 "KENNY" (affirmed) .....1

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17 Questions from MR MacAULAY .....1

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19 STEPHEN BEHAN (affirmed) .....53

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21 Questions from MS MacLEOD .....53

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