

1 Wednesday, 18 September 2019

2 (8.30 am)

3 LADY SMITH: Good morning and welcome to everybody who's
4 made the effort to get here early. Thank you very much
5 for that.

6 Mr MacAulay.

7 MR MacAULAY: Good morning, my Lady. The next witness is
8 John Andrew Ellis. He is giving his evidence from
9 Sydney in Australia. The time difference, I think, is
10 nine hours ahead, so it's 5.30 there at the moment.

11 LADY SMITH: Thank you very much.

12 Good morning, Mr Ellis. Can you see me all right?

13 THE WITNESS: Yes, I can see you perfectly.

14 LADY SMITH: Is it all right if I call you John?

15 THE WITNESS: Yes, certainly.

16 LADY SMITH: First of all, John, thank you for making
17 yourself available later in the day so that we can hear
18 your evidence. That's really helpful to us.

19 Before we turn to your evidence, I would like you to
20 affirm. I understand that you prefer to affirm.

21 JOHN ANDREW ELLIS (affirmed) (via video link)

22 LADY SMITH: John, if you're ready, I'll hand over to
23 Mr MacAulay, who will be taking your evidence; is that
24 all right?

25 A. Yes, Lady Smith.

1 LADY SMITH: One thing before I do that: you may already be
2 aware, but we will be interrupted at 9 o'clock by a fire
3 alarm that is tested through the whole of this building.
4 There's nothing we can do to exclude the hearing room
5 and I'm sorry about that. When it sounds, it's so loud
6 that we'll just pause, if that's all right with you, and
7 then resume once it's finished.

8 A. Yes, I was made aware of that.

9 LADY SMITH: Thank you. Mr MacAulay.

10 Questions from MR MacAULAY

11 MR MacAULAY: Good afternoon, John. Can I begin by taking
12 you to your statement, of which there's a copy, I think,
13 in front of you.

14 A. Yes.

15 Q. The reference for the transcript is WIT.001.002.5803.
16 If you could turn to the very last page of the
17 statement, can you confirm that you have signed the
18 statement?

19 A. Yes, I can confirm I signed that statement and it's
20 dated 11 May 2019.

21 Q. Do you tell us in the final paragraph:

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

24 A. That's correct.

25 Q. Do you go on to say:

1 "I believe the facts stated in this witness
2 statement are true"?

3 A. That's correct.

4 Q. John, can you confirm that your date of birth is
5 [REDACTED] 1961?

6 A. That's correct.

7 Q. So you're now aged 58?

8 A. Yes.

9 Q. In the early part of your statement, you provide us with
10 some of your family background, and how in particular
11 you were brought up in an area called Bass Hill in New
12 South Wales in Australia.

13 A. Yes, that's true.

14 Q. Is that part of or close to Sydney?

15 A. It's a suburb of Sydney.

16 Q. You go on to tell us that in about 1972/1973, you began
17 serving as an altar boy at the Christ The King Catholic
18 Church at Bass Hill; is that right?

19 A. Yes, that's correct.

20 Q. So you'd be, what, 11, perhaps 12, when you started
21 doing that?

22 A. Yes, I think 11 or 12. Perhaps closer to 12.

23 Q. Jumping ahead into your adult life, and I'll come back
24 to your position as a boy in a moment, but I think you
25 in due course obtained a law degree, a first class

- 1 honours degree, at the University of Sydney; is that
2 right?
- 3 A. Yes, I did.
- 4 Q. You then went into legal practice and became ultimately
5 a partner in a firm of solicitors?
- 6 A. Yes, that's true.
- 7 Q. At present, jumping ahead even further, you and your
8 wife run a legal business; is that right?
- 9 A. That's right. We have a firm in Sydney for the last six
10 years and we deal exclusively with helping victims of
11 institutional abuse in that practice.
- 12 Q. I'll come back to that in due course.
- 13 When you started as an altar boy at Christ The King
14 Catholic Church, I think I'm right in saying that the
15 person that we're going to be talking about,
16 Father Aidan Duggan, was not there at that time; is that
17 right?
- 18 A. That's true. He wasn't a priest in that parish when
19 I first became an altar boy.
- 20 Q. Can you remember when he first came to the parish?
- 21 A. He first came to the parish during 1974. I can't recall
22 the exact month. It may have been May. I have seen
23 records to say when he was appointed, but it was some
24 time during 1974.
- 25 Q. How many priests were there, to include Father

- 1 Aidan Duggan, in the parish at that time?
- 2 A. At any one time there were usually three priests in the
3 parish over that period. So there was a parish
4 priest -- what was called a parish priest, the leader of
5 the parish, and there were two assistant priests, and
6 Father Duggan, when he came, was one of the two
7 assistant priests.
- 8 Q. In your role as an altar boy initially, did you then
9 have contact with Father Duggan?
- 10 A. Yes, I did. Can I just clarify my previous answer?
- 11 Q. Yes.
- 12 A. Just thinking back to that time again, prior to
13 Father Duggan coming to the parish, there had always
14 been, from as early as I can remember going to the
15 church, two assistant priests in the parish. Either
16 from the time Father Duggan came or from very shortly
17 after, he was the only assistant priest, so there was
18 a parish priest and Father Duggan during his time in the
19 parish.
- 20 Q. Can I just ask you to explain, John, how matters
21 developed between yourself and Father Duggan? Because
22 what you tell us in your statement is that quite quickly
23 after his arrival he started grooming you. I just want
24 to understand what you mean by that.
- 25 A. Yes. So it was quite soon after he came to the parish.

1 As an altar boy, I used to serve Mass almost every day,
2 so weekend Masses, but also morning Masses, and it was
3 very early in that time that, after Mass, Father Duggan
4 would invite me back to the presbytery and back to his
5 room in the presbytery.

6 When I say "his room", this was part of the reason
7 for my clarification of how many priests were there.
8 During Father Duggan's time at the parish, the two rooms
9 that had previously been the assistant priests'
10 bedrooms, he had both of those rooms. On one side was
11 his bedroom, in between was a bathroom, and the other
12 side, which had previously been a priests' bedroom, was
13 his office. So when he invited me back to the
14 presbytery, we would sit in his office.

15 Q. And the parish priest, what about him? Would he be
16 present at least initially when you were being invited
17 back?

18 A. I remember on quite a number of times when I went to the
19 presbytery, the parish priest was there. Mostly
20 I recall that being on weekends when I would go to the
21 presbytery on weekends and the parish priest would often
22 open the door and would speak to me before I went to see
23 Father Duggan. Sometimes we would all have breakfast
24 together in the dining room of the presbytery.

25 On weekday mornings, and at other times when I went

1 to the presbytery, I didn't see the parish priest. I'm
2 assuming that he would have been there most of those
3 times, but the weekday Masses were very early in the
4 morning.

5 Q. Would you, having served Mass, spend some time with
6 Father Duggan, then be ready to go to school during
7 school terms?

8 A. Yes, that's correct. I would go up (inaudible:
9 distorted) and then go to school from home. We lived
10 a short walk --

11 Q. So looking to the age you'd have been when this pattern
12 of behaviour began, do I take it you'd be about 13 or
13 so?

14 A. Thirteen to 14, so depending on the time of year when
15 Father Duggan came, and it was a few months before this
16 developed, so that could have put it as late 1974 or
17 early 1975 when I was late 13 to early 14 years of age.

18 Q. Did Father Duggan give you any insight into his own
19 history as to where he had been before coming to Sydney?

20 A. Yes, very much so. That was one of the topics of
21 conversation right from the start, particularly about
22 his time in Scotland. It was only very much later that
23 I learned any of his earlier history, but my
24 understanding is he had come more or less straight to
25 our parish from Scotland and so his time in Scotland,

1 talking about Loch Ness and the monsters and ghost
2 stories and poltergeists and all of that was part of
3 the, I guess, intrigue and the allure of the man to me
4 as a 14-year-old.

5 Q. Can you just tell us then, John, in your own words how
6 matters developed between you and Father Duggan?

7 A. Mr MacAulay, it's obviously a difficult topic to talk
8 about. From that time when he started what I've
9 described as the grooming, it was reasonably soon after
10 that that Aidan Duggan invited me to come to the
11 presbytery in the evenings for the purpose of learning
12 Latin. That was what it was put as. It was really
13 right from the start of that, so from the first time
14 that I took that invitation up, that the sexual contact
15 started. He started touching my body.

16 It's difficult from this distance in time to
17 remember the actual sequence of things, but he would hug
18 me, pull me close to his body. He started to kiss me.
19 And I could feel that he was -- when he was holding me
20 close to his body, I could feel that he was sexually
21 aroused and I became aroused as well.

22 Q. Are you able to tell us, John, how matters progressed
23 then from that point?

24 A. Well, as I say, it was from that very first time and it
25 may have even been the first visit. The reason that

1 I can be very clear about it, it being so early, was
2 that I didn't learn any Latin. I still don't know any
3 Latin, apart from what I've learned in my legal
4 studies -- sorry, your question was how things
5 progressed after that contact?

6 Q. Yes.

7 A. Once I had responded to what he was doing by becoming
8 aroused, then Aidan Duggan took me to the other room
9 that I've described, which was his bedroom, and ... yes,
10 this is quite difficult to talk about, obviously.

11 Either on that first occasion or very soon after, he
12 penetrated me anally. More or less every time that he
13 had an opportunity after that when I was alone with him,
14 either in the presbytery or in other places that he'd
15 taken me to, that repeated itself.

16 Q. What was your reaction, John, to all of this happening
17 to you at the time?

18 A. At the time, it was very confusing for me. So as I've
19 described, when he began to touch me and press himself
20 against me and to kiss me, my body reacted to that.
21 I was an adolescent, I was entering into puberty, and
22 physically that was a pleasurable experience and
23 I reacted to that positively, I think.

24 One thing from that initial contact that was always
25 unpleasant was when he would kiss me. He had quite

1 rough stubble and he would put his tongue inside my
2 mouth and that was a very unpleasant experience.

3 Once he took me to the bedroom and penetrated me,
4 that was an unpleasant experience. It was painful. He
5 ejaculated in my anus and that was an extremely
6 unpleasant experience.

7 Through that whole period, he was very friendly. He
8 would say positive words, he would give me positive
9 encouragement. That had already developed -- there was
10 that period of grooming before there was any sexual
11 contact. I kept coming back to him because of that.
12 That sexual contact became almost a price to pay for
13 that, but it was extremely confusing for me.

14 Q. Would he give you on occasions something to drink?

15 A. Yes, yes, I remember that very well. There were various
16 things that he gave me to drink, things that he
17 introduced me to. One was very strong -- so in the
18 mornings, very strong Turkish coffee. When I would
19 visit him in the evenings, it was scotch whisky. There
20 was a brand of scotch whisky that I don't know if you
21 have there, it's called the Black Douglas and there was
22 another one which he made a point about because of his
23 name, that was in fact his given name was Douglas, and
24 the other one was Grant's. I can picture the bottles of
25 those -- and even seeing those brands which are still

1 available in Australia and still in the same bottles
2 with the same labels, that's a bit of a trigger for me.

3 Q. Would he drink whisky?

4 A. That I don't recall precisely, but I assume so. I don't
5 have a precise recollection of that.

6 I do remember on one particular occasion -- and it
7 may have been the first time that I had the whisky or it
8 may have been a subsequent time -- I became quite
9 inebriated and ill and he took me home to my parents
10 in that condition. I don't know what he said to them or
11 how that was explained, but it was probably fairly
12 obvious to them that I was intoxicated.

13 Q. What would he say to you when this was going on as to
14 what your relationship was?

15 A. He told me that he loved me.

16 Q. At one time did he give you a particular book that he
17 wanted you to read?

18 A. Yes, he did. He gave me a book called "Special
19 Friendships" by Roger something -- I can't remember the
20 precise name of the author, but I recall the book very
21 well. I didn't read it at the time. He told me it was
22 something about men loving men or something along those
23 lines. That was enough of an indication to me that
24 I actually didn't want to read that.

25 But I kept that book for a long time. I remember it

1 was intact when he gave it to me and even though it
2 hadn't been read, the cover fell off and I remember
3 I taped it back on and I had it for a long time. It may
4 still be somewhere in my possession. I haven't seen it
5 for a long -- for many years. But it was a strange
6 thing that I have kept it but I didn't read it.

7 Many years later, as an adult and after I disclosed
8 the fact of the abuse -- it might even have been after
9 some of the processes with the church -- I did read that
10 book.

11 LADY SMITH: John, can I just ask something about your
12 parents: were they aware of how close a relationship you
13 had with Father Duggan?

14 A. Yes, they were. My mother was a very staunch Catholic.
15 My father was raised Church of England but wasn't
16 a practising -- he didn't practise any faith, he didn't
17 go to church or really talk about religion, so it was
18 mainly my mother who was the Catholic. She was very
19 aware that I had a close relationship with Father Duggan
20 and encouraged and supported that. She had no idea of
21 the nature of what it was.

22 LADY SMITH: What did you tell them about it, your
23 relationship?

24 A. I don't recall talking to them very much about it at
25 all. Obviously, I would tell, as I said, mainly my

1 mother. When I was going to church or going to see
2 Father Duggan, I would have told her that he'd offered
3 to teach me Latin, and that's why I was going to the
4 presbytery in the evenings. There were trips away with
5 him that were obviously organised. There were times
6 when I would go to the presbytery on "altar boy
7 business", and so those things would have all been
8 talked about, but I don't recall ever talking to either
9 of my parents about any details of my relationship with
10 Aidan Duggan.

11 LADY SMITH: So the picture seems to be that they had no
12 reason not to trust him.

13 A. No, no reason whatsoever. In fact, right up to very
14 close to his death, when I disclosed about the abuse to
15 my mother, she maintained a friendship with
16 Aidan Duggan. When he was committed to a nursing home
17 and began to suffer from dementia, she visited him at
18 least once a year.

19 LADY SMITH: Were they proud of you being an altar boy?

20 A. Yes -- well, my mother was; it wasn't of consequence to
21 my father. During ... I'm trying to think of the
22 actual time frame. But some time over that period,
23 I had developed an interest or desire to become
24 a priest, and my mother was immensely proud of that.

25 LADY SMITH: Mr MacAulay.

1 MR MacAULAY: You mentioned in that answer that you went on
2 trips and holidays with Father Duggan; is that correct?

3 A. Yes, that's correct.

4 Q. So the two of you were away together for a period of
5 time?

6 A. Yes. Generally, that would be a weekend. I can't
7 remember if there were any longer trips during, say,
8 school holiday periods. There may have been trips of
9 several days.

10 Q. Would sexual activity take place on these occasions?

11 A. Yes, every single time.

12 Q. You mention one particular --

13 A. Sorry, I'll just correct that answer. I did say every
14 single time. I think there was at least one trip away
15 where the trip was -- somebody else was on the trip. It
16 was [REDACTED] and there was no explicit sexual
17 contact during that trip. But on every other time when
18 he took me away, there was similar sexual contact.

19 Q. You talk about one occasion in your statement at
20 paragraph 28 where you went to -- I think it's called
21 Umina -- a beach and there was some reference made to
22 men meeting in public toilets. Can you just help me
23 with that? What was that about?

24 A. So the name of that place is Umina.

25 Q. Thank you.

1 A. Yes, I remember the association with it being a bad
2 place because there's a neighbouring place called
3 Ettalong, and there's a park there, and that was ...
4 I think we were at -- there's a park opposite the beach
5 and at that beach he was pointing out the public toilets
6 and he was telling me about that, that men would meet
7 for sex at the public toilets and that there would be
8 holes in the walls between the cubicles so that that
9 activity could take place with them being in separate
10 cubicles.

11 Q. Did he lead you to believe that he had participated in
12 this or not?

13 A. No, I don't think so. I guess, looking back on it,
14 I take that as part of the grooming, part of normalising
15 that sort of activity. I don't recall getting the
16 impression at the time that he had engaged in that sort
17 of activity and I don't think I ever thought of it from
18 that point of view.

19 I must say that since that time, I have been told by
20 others that Father Duggan in fact did participate
21 in that sort of activity and in fact I think -- I stand
22 to be corrected in terms of the accuracy of my
23 recollection, but I think that that person told me that
24 on one occasion at Central Station in Sydney, which is
25 our main railway terminus, that he had been apprehended

1 by the police or warned off by the police for being
2 suspected of having done so at that place.

3 Q. Did you regard your relationship with Father Duggan as
4 a secretive one?

5 A. Yes, absolutely secretive, yes, and he reinforced that.
6 There were a lot of discussions about normalising that,
7 the things that we were doing with each other or the
8 things --

9 (Pause -- fire alarm test)

10 Q. We were talking about the secret nature of your
11 relationship. Was there an incident involving the
12 parish priest that reinforced for you the secret nature
13 of the relationship?

14 A. Yes. Yes, there was, Mr MacAulay. I'll just complete
15 the answer that I was part-way through before the alarm
16 came.

17 There was a lot of talk about normalising that
18 conduct and things -- he talked about people going to
19 the ... the men in the public toilets and other things.
20 He gave me the book. But in the context of that, there
21 was -- part of that conversation was always that other
22 people wouldn't understand, and so, you know -- I don't
23 know if it was, "You mustn't say anything to anybody
24 else", but it was that it was best not to, that other
25 people wouldn't understand and this is between us.

1 The occasion that you talk about, there was one
2 occasion in the presbytery where -- and my best
3 recollection is that this was during an evening visit,
4 but I'm not confident in that detail. But the parish
5 priest, Father Farrar, had come and knocked on the door
6 to speak to Father Duggan while I was there, and we
7 weren't in the room that he was knocking on the door of
8 because we were in the bedroom and we had to hurriedly
9 compose ourselves and put clothes on and pretend that
10 there was nothing untoward happening.

11 So that was very confusing for me as an adolescent,
12 that on the one hand I was being told that this is all
13 normal and above board and a perfectly natural thing for
14 two people to be doing with each other and, secondly,
15 that no one else must know about it and that it needed
16 to be hidden.

17 Q. You mentioned earlier, John, that at a point in time you
18 entered the seminary in order to train to be a priest;
19 is that right?

20 A. Yes. Yes, I did. I did that fairly soon after leaving
21 school.

22 Q. What age were you then?

23 A. Well, I left school at the end of 1978 when I was 17 and
24 I entered the seminary the following year. So I would
25 have probably not quite turned 18 by the time I started

1 at the seminary.

2 Q. And had the sexual relationship with Aidan Duggan
3 continued throughout that period up until you went to
4 the seminary?

5 A. It had continued up to that period and continued beyond
6 that point. By that time, Aidan Duggan had left the
7 parish of Bass Hill and so the occasions of seeing him
8 were less frequent. On each occasion when I did see
9 him, there was further sexual contact, yes.

10 Q. So now you're up to the age of 18; what were your
11 feelings then at that age about this particular
12 relationship?

13 A. Well, I continued to see the relationship as
14 a supportive, loving relationship. It's hard to explain
15 now as I sit here why on earth I would have wanted to be
16 a priest given what I'd been through, but I certainly
17 did and I certainly respected his ... I had a very
18 strong faith, I respected his commitment to the faith
19 and, as I said before, he was always very positive and
20 affirming and supportive.

21 So if I was having struggles in the seminary, he was
22 one of the people that I would call to talk about that.
23 It really was as I've described before: I knew that any
24 time that I saw him, the sexual things would happen.
25 That remained -- I described that initial pleasurable

1 feeling and my body responding to that. But after that
2 initial response, that sexual contact was always
3 unwelcome and unpleasant, but I treated that as a price
4 to pay.

5 Q. What you've described to us as to what was happening to
6 you when you were a young boy was sexual abuse. Am I to
7 understand from what you're saying that Father Duggan
8 was sexually abusing you in the way you've described but
9 also saying Mass during this whole period with you as
10 his altar boy?

11 A. Yes. Yes, that is the case.

12 Q. I think you didn't spend too long in the seminary;
13 is that correct?

14 A. Yes, I was there for less than a year.

15 Q. When you left, I think you tell us in your statement you
16 started working with an engineering firm at the age of
17 19 or so.

18 A. Yes. A firm that supplied components to engineering
19 companies, so an engineering supply firm.

20 Q. I think you told us that Father Aidan Duggan had moved
21 away from Bass Hill and I think what you say in your
22 statement is he joined the staff eventually of St Mary's
23 Cathedral.

24 A. That's correct, yes.

25 Q. And that's in Sydney itself?

- 1 A. Yes, in central Sydney.
- 2 Q. What sort of number of priests would be at the
3 cathedral?
- 4 A. That's a question I can't answer at that time or even
5 now. What I do know is that the presbytery was a huge
6 building that appeared to have many rooms. His room was
7 up on -- quite a small room on an upper level of the
8 building. We went up a big staircase to get to it. So
9 my impression is that the premises had capacity for
10 a large number of priests, but I don't know how many
11 priests would have actually been stationed at that
12 parish to run the cathedral and whether or not there
13 were other priests who may have lived in that premises
14 who had other missions or other areas of employment in
15 the church.
- 16 Q. In any event, John, you tell us that you visited
17 Aidan Duggan while he was based at the cathedral?
- 18 A. Yes, I did.
- 19 Q. And I think you've told us already that on these
20 occasions there was sexual activity also.
- 21 A. Yes.
- 22 Q. In paragraph 33 you tell us that this certainly
23 continued through into the 1980s. So you were moving
24 into your 20s by this time and you're still having this
25 contact with Father Duggan?

- 1 A. Yes, that's correct.
- 2 Q. You also tell us that in about 1983, you met your first
3 wife and you were married in 1986 and that
4 Father Aidan Duggan officiated at your marriage; is that
5 right?
- 6 A. Yes, he did.
- 7 Q. Did you continue to have contact, and by that I mean
8 sexual contact, with Aidan Duggan after 1987?
- 9 A. The last sexual contact -- certainly after 1986 I did.
10 The last sexual contact would have been in around 1987.
11 I'd have to join the dots to work out exactly when that
12 was. It was during the time when I was at university,
13 because he was then in the parish that was adjacent to
14 the university, and there was one occasion when I saw
15 him there.
- 16 Q. When you saw him there, did you engage in sexual
17 contact?
- 18 A. Yes. He engaged in sexual contact towards me.
- 19 Q. How did this come to an end then? How did this
20 relationship, sexual relationship, with Aidan Duggan
21 come to an end?
- 22 A. That time -- that was one time that I went to him at
23 that parish. I did see him another time at that parish
24 because he baptised my first child. That was when
25 he was located at that parish and the baptism was in

1 fact at that parish. That time that I went there, this
2 was, as I explained, after I was married.

3 I think that's the first time that I realised that
4 I didn't have to do that, that there was nothing
5 obliging me to do that. But I also realised in that
6 same thought process that the only way that I could
7 avoid that was not to see him or certainly not to see
8 him alone.

9 I think in the lead-up to that, I didn't even give
10 it a thought, you know, despite everything that had
11 happened. The fact that -- the risk that there would be
12 any sexual approach or sexual contact from him at that
13 point was at most a fleeting thought or, "What if that
14 happened?" or, "Could that happen?" I more or less told
15 myself, "Don't be ridiculous", and so when I went to
16 visit him there and when the same thing happened as had
17 happened on every other time that I'd seen him, over all
18 of those years, I just knew I couldn't see him any more.

19 Q. Do you think that he had some sort of control or power
20 over you standing the relationship that had developed or
21 been built up over quite a number of years?

22 A. I can say categorically that he had an enormous amount
23 of power over me. I would struggle to put my finger on
24 what the nature of that power was or was the source of
25 that power was, but at its origin and a very strong

1 element of it was the fact that he was a priest and the
2 very, very strong faith I had and the very strong trust
3 that I had in the church that meant ...

4 It seems ludicrous to be talking like this as an
5 intelligent man, but the fact that everything about that
6 felt wrong did not override the, I guess, simplicity of
7 the message that if the priest is doing it, it can't be
8 wrong.

9 LADY SMITH: John, what about his appearance? Was he
10 physically attractive?

11 A. That's a very difficult question to answer because
12 seeing his image now is quite triggering for me and
13 it's ... I don't see him as attractive because it
14 represents something very negative for me, but he had
15 a very kind face. Yes, he had a very kind face and
16 he was universally loved in the parish. As I said, my
17 mother had a very strong regard for him and a deep and
18 abiding friendship with him until she knew the truth of
19 that.

20 LADY SMITH: Thank you.

21 MR MacAULAY: We know that he was born in 1920, so that when
22 he came to your parish he'd be in his early 50s, perhaps
23 53 or 54, so he was an older man, even at that time.

24 Did you focus on his age at all?

25 A. No, I didn't, and again that's almost part of the

1 mystique of the priesthood, that at that particular time
2 priests were not like ordinary human beings. They were
3 almost ageless. Age wasn't a relevant consideration to
4 even think about, and I suppose we had a succession of
5 priests through our parish, some were younger, some were
6 older, but how old each one was or the relative ages
7 was not even a question that arose.

8 You do the maths and you say that's the age that
9 he was when he came to the parish and that's the age
10 that he was when I had the last contact with him, but if
11 you'd just asked me, uneducated by fact, how old he was
12 when he came to the parish, I would have probably said
13 a lot younger than that.

14 Q. Did he dress as you'd expect a monk to dress, with
15 a long gown, or did he wear a suit normally?

16 A. He dressed as a monk the whole ... the whole time that
17 he was at the parish. I actually can't recall on the
18 other occasions when I saw him in the different
19 placements after he'd left, whether he maintained that.
20 I believe so, but I'm not confident of that. But
21 certainly when he came to the parish and during the time
22 when he was at my parish at Bass Hill, he had the full
23 monk regalia, including the hood and the little pointy
24 bit at the back and the whole thing.

25 Q. What you've told us, John, is that it would appear that

1 he had access throughout this period to children.

2 A. Yes. Yes, absolutely.

3 Q. And do you know whether or not he abused any other child
4 or children during this period?

5 A. During the time that he was at Bass Hill?

6 Q. Yes, or whenever.

7 A. I don't have any direct knowledge of him sexually
8 abusing any other child during the time when I was at
9 Bass Hill or when he was at Bass Hill. I have a strong
10 belief that he sexually abused [REDACTED] and
11 I have no reason to suspect or make any assumptions
12 about whether there were other boys at that time.

13 My observation from what I had known and what I've
14 been told is that he appeared to have one boy at a time.
15 So I have spoken to somebody who has told me that he was
16 also a victim of sexual abuse by Aidan Duggan in the
17 period after I was abused at Bass Hill. It is likely
18 that that overlapped with the period when I visited
19 Aidan Duggan at St Mary's Cathedral and other places,
20 where I was also abused. But it seems to have been that
21 there was one primary person.

22 So there was a lot of grooming that went into that
23 and the impression I got, and my guess would be, that
24 there would be one person at a time, but I may be
25 completely wrong in that.

1 Q. You tell us in your statement, John, that in the period
2 1987 to 1994, you had no real contact with Aidan Duggan
3 other than perhaps the odd telephone call; is that
4 right?

5 A. That's correct, yes.

6 Q. Can I move on to that chapter of your life when you had,
7 I think, become a solicitor or were in practice as
8 a solicitor and you began to recognise that you had
9 suffered abuse. Can you tell me, first of all, when did
10 this begin to happen that you began to recognise that
11 what had happened to you was indeed abusive?

12 A. That was shortly after the breakdown of my first
13 marriage. I remember it very, very clearly because
14 I was listening to a lady talking about the sexual abuse
15 of her children, I believe by the children's father, and
16 I was enormously and immediately emotionally affected by
17 that in a very personal way and I didn't understand
18 that. Obviously, it was a very moving and upsetting
19 thing to hear, but it went beyond that, and it was very
20 soon after that that -- it was like the penny dropping
21 in my head that what Father Duggan had done to me was
22 sexual abuse. So it was like a light going on, a very
23 sudden realisation.

24 Q. Were we into the 1990s now when this happened to you?

25 A. Yes, it would have been in the late 1990s, some time

1 after 1996.

2 Q. What was the impact then of this realisation on you?

3 A. The immediate impact was a degree of psychological
4 unravelling, if I can use that as a summary term. It's
5 hard to describe what all the symptoms of that were.
6 I responded to that by actually trying to push that to
7 the back of my mind and not to think about that abuse,
8 not to talk about that abuse.

9 That was, from the outside, more or less effective
10 for a period of time. I believe from the inside
11 I thought it was that way; probably others observing me
12 may say otherwise.

13 Q. But by this time had you met your second wife?

14 A. That was some time later. There was a period of years
15 between that realisation and recognition of what
16 Father Duggan had done as abuse before I met my second
17 wife.

18 Q. Did you seek medical help?

19 A. No, I did not. As I said, my strategy for dealing with
20 that was, you know: this is very painful and difficult
21 and uncomfortable and frightening, so I'll try and put
22 a lid on that and I'll try and put some walls around it
23 and pretend that it didn't happen, put it back in its
24 box:

25 Q. Did there come a point in time when you sought

- 1 counselling?
- 2 A. Yes, I did. After I married my second wife, it was only
3 a matter of months into that marriage when things
4 started to unravel again in a very dramatic way and at
5 that time I sought counselling. By that time, I'd put
6 such a strong wall around all of these things that it
7 didn't immediately occur to me that this was anything to
8 do with that abuse and it was only through a process of
9 counselling that those dots were joined up.
- 10 Q. You also tell us in your statement, John, that in early
11 2002 you became aware of a programme known as the
12 "Towards Healing" programme.
- 13 A. That's correct.
- 14 Q. Can I just ask you about that? I think that was
15 a programme that provided a facility to people who had
16 been abused as children to report sexual abuse to the
17 church. Was that the basis for this programme?
- 18 A. Yes, it is.
- 19 Q. I think it began in about that time, in perhaps the late
20 1990s?
- 21 A. Yes. It was that process, that programme as you've
22 referred to it, that was implemented in a formal sense
23 in 1996 for the first time. As I've since learned,
24 there were sort of precursors to that that had been
25 started to be implemented in the couple of years leading

1 up to that, but the formal process was implemented and
2 adopted by all of the church organisations in Australia,
3 except for a couple of who stayed out of it, in 1996.

4 Q. Did you decide then to explore what that particular
5 programme might offer to you?

6 A. Yes. When I became aware of it, I immediately thought
7 that would be a very good thing to do and that --
8 I thought, well, I've been struggling with this, by that
9 time, for a couple of years, feeling that there was
10 no one to talk to about it other than my counsellor.
11 Then suddenly to find out the church actually knows
12 about this and they care about it and they've got
13 something to offer in terms of repairing -- they used
14 the word "healing" -- that was such an excellent thing
15 to find out about. I contacted them immediately.

16 Q. You provide us with quite a bit of detail in relation to
17 your contact with certain people throughout this
18 programme --

19 A. Yes.

20 Q. -- and we can read that for ourselves in your statement.

21 I think ultimately, you had some correspondence with
22 George Pell, who was the Archbishop of Sydney; is that
23 right?

24 A. Yes. In fact, the correspondence with George Pell,
25 Mr MacAulay, was quite early in that process. I'm just

1 pulling out the letter that you had ...

2 Q. I'll provide the reference of the letter for the
3 transcript: INQ.001.004.2704.

4 Are we looking at a letter that's dated
5 23 December 2002?

6 A. Yes, that's correct. So that was a few months after
7 I had made that first call to the office who manages
8 Towards Healing, which is called the Professional
9 Standards Office of the Catholic Church.

10 Q. What was the background then to George Pell writing to
11 you at this time?

12 A. So without going through all the detail of that contact
13 which, as you said is in the statement, I made that
14 initial contact. Somebody came or arranged a meeting,
15 which was actually in a room at St Mary's Cathedral,
16 with someone to take my statement. That statement was
17 submitted to the archdiocese, and George Pell at that
18 time was the leader of the archdiocese, and there was
19 some other contact through the Professional Standards
20 Office, but ultimately within the space of those couple
21 of months then I received the letter in the mail from
22 Cardinal Pell, or Archbishop Pell, as he was at that
23 time.

24 Q. I'll read that to you:

25 "I have been kept aware of your complaint against

1 Father Duggan and the difficulties faced in bringing
2 this matter to some kind of resolution. It is clear now
3 that Father Duggan is in no state to respond to the
4 charges against him and the facts of the matter cannot
5 be established."

6 I think the suggestion there was he was suffering
7 from dementia and was not in a position to deal with the
8 allegations.

9 A. Yes, that's what had been suggested.

10 Q. He goes on to say:

11 "On the one hand, there is your allegation, and on
12 the other Father Duggan cannot respond and we have no
13 other record of complaints of this kind against him."

14 He goes on to say:

15 "I understand that you would like to have a meeting
16 with Father Duggan and it has been suggested that this
17 might be done in a formal way with one of my assistant
18 bishops being present during the meeting. Given the
19 state of Father Duggan's health, it is unclear that
20 a formal meeting of this kind is necessary, and if you
21 would like to proceed with this request you should
22 approach the hospital authorities."

23 The notion of a meeting, had that been discussed
24 during the Towards Healing contacts that you'd had prior
25 to this letter?

1 A. There had been correspondence about a meeting and
2 I believe I do deal with this in my statement. It was
3 quite confusing to me because I hadn't asked to meet
4 with Father Duggan. As you'll read, I ultimately did
5 have a meeting with Father Duggan, but that wasn't
6 something that I had asked for initially, it wasn't one
7 of the things that I'd asked the church to do. But
8 John Davoren, who was the director of Professional
9 Standards, seemed to have got it into his head that that
10 was what I wanted and it didn't seem to make a lot of
11 difference that I was telling him that it wasn't what
12 I was asking for.

13 Q. We'll come to that in a moment. Then just to finish off
14 the letter, he ends up by saying:

15 "I regret that a clear resolution of this matter is
16 not possible, but under the circumstances I do not see
17 that there is anything the archdiocese can do towards
18 this end."

19 So he seems to be drawing a line under the process
20 at this point in time; was that your understanding?

21 A. Yes, that was what I thought the letter meant.

22 Q. What were you seeking to achieve at this point, John, in
23 this Towards Healing process?

24 A. That's a very good question. That was one of the
25 questions that I was asked at the initial contact when

1 I gave my statement and one of the parts of the form
2 that they ask you to complete or the contact person
3 completes with you is "What are you seeking to achieve?"
4 One of the things I wanted at that point in time was to
5 ensure that Father Duggan wasn't having any contact with
6 children. I wasn't aware of his medical condition or
7 that he was in a nursing home at that point. The last
8 I had heard, he was in a parish somewhere.

9 The second request that I made to them was very
10 broad, which was assistance in healing from the impacts
11 of the abuse, or something along those lines. And
12 I left it very open because it was almost -- I was still
13 going to church at that time. I still considered myself
14 a Catholic. I trusted the church. I had heard they had
15 this process that obviously -- you know, they're the
16 ones who know about how to help people get over things
17 like what had happened to me. So I was almost there
18 presenting myself on their doorstep, saying: what can
19 you do for me?

20 So I was wanting them to tell me, "This is what is
21 available, these are the things that other people have
22 found helpful, can we offer this to you, what would help
23 you", and have a conversation about: what would help you
24 to get over this, how have you been impacted by this,
25 what effect has it had on your life, what can we do

- 1 about it?
- 2 Q. And I think it is the case, as we mentioned just
- 3 a moment ago, John, that you did in fact see
- 4 Aidan Duggan one more time.
- 5 A. I did, yes.
- 6 Q. You mention that in paragraph 92 of your statement. You
- 7 thought this was in possibly August or thereabouts of
- 8 2003; is that right?
- 9 A. Yes.
- 10 Q. You went to a nursing home with Monsignor Rayner, who
- 11 I think had been assigned to your particular case, and
- 12 you saw Father Duggan.
- 13 A. Yes, that's correct.
- 14 Q. Did he --
- 15 A. Brian Rayner at this stage was the Chancellor of the
- 16 Archdiocese, so he was involved in his role. He was the
- 17 archbishop's deputy.
- 18 Q. What impression did you make of Father Duggan when you
- 19 saw him? By that I mean do you think he recognised you?
- 20 A. That's a hard question to answer from my own
- 21 recollection because it was a very emotional time and my
- 22 memories of it are not very clear and visual, but
- 23 I remember coming away with the impression that there
- 24 was a flicker of recognition and then like the shutters
- 25 coming down. So I got the strong impression that there

1 was, as I say, a flicker of recognition initially and
2 then he was completely blank and completely
3 unresponsive.

4 Q. So did you have any conversation at all with him?

5 A. I think Brian Rayner probably said more to him than
6 I did. I said some words to him, I can't remember what
7 I said to him, but there was no response whatsoever.

8 Q. What were you expecting?

9 A. I don't know what I was expecting. I think in my heart
10 of hearts, I was hoping that he would say he was very
11 sorry for what he'd done.

12 Q. But that didn't happen?

13 A. No.

14 Q. Did you find it of any help to you, the fact that you
15 had seen him, albeit in a rather old and decrepit state?

16 A. Very, very apt words, Mr MacAulay.

17 Q. Sorry, we missed that. Can you repeat that, John?

18 A. "An old and decrepit state" is a very apt description of
19 how I saw him. In retrospect, you know, when I look
20 back on it, it was an enormously helpful thing to have
21 seen him and I was very pleased that I had gone along
22 with the suggestion to do that because that visit took
23 away all of his power over me and I no longer saw him as
24 a priest or as something above human or supernatural;
25 he was just a decrepit old man.

1 What I hadn't realised, and I didn't know a lot
2 about trauma at that point in time, or I didn't know as
3 much as I know now about it, but every thought that I'd
4 had of him, every time he came into my head, every time
5 he came into my nightmares, it was taking me back to
6 that time when I was a 14-year-old and subsequently.
7 Seeing him in the present as a decrepit old man just
8 completely broke that nexus.

9 While it's still sometimes triggering to have
10 some -- you know, to have an image of him, and
11 I expressed to Lady Smith earlier that looking at images
12 of him can trigger things for me, it's safe for me now.

13 So it was an enormously helpful thing to do. Can
14 I just explain one thing that I realised when you were
15 leading up to that topic? The way that that meeting
16 came about was almost a continuation of the previous
17 misunderstanding that that's something that I wanted.
18 I was suspicious about the offer for me to go and meet
19 him because, by that time, it had also turned into:
20 we're saying he's demented and he can't respond to your
21 allegations, you're saying you want him interviewed and
22 held to account, we want to take you to see for yourself
23 that what we're saying is true.

24 It was almost, you know, still that trust in the
25 church or that, like, almost respect for their

1 authority, that if the church -- and this guy was second
2 in charge in the archdiocese -- was saying that a good
3 thing to do would be for you to go and see
4 Father Duggan, I would say, "Yes, well, I'll go and do
5 that then". I don't think I gave a lot of thought to
6 what that would be for me, was there any benefit to me
7 in doing that. It was like: well, I've asked them to do
8 something, the thing they have done is to say, "We'll
9 take you to see Father Duggan", well, I'd better take
10 that opportunity and do that.

11 Q. You've indicated that it was helpful to you, but
12 nevertheless, as you tell us in your statement, you
13 continued to have your own mental health problems and
14 you continued to receive psychiatric input; is that
15 correct?

16 A. Yes, I did.

17 Q. Did matters come to a head to such an extent that you
18 left your firm in about 2004?

19 A. Yes, yes. I was asked to leave the firm.

20 Q. Thereafter, did you engage with the church, exploring
21 the possibility of some degree of compensation or some
22 financial gesture being made by the church to you
23 because of the abuse you'd suffered at the hands of
24 Aidan Duggan?

25 A. Yes. Over that whole period, the Towards Healing

1 process continued, and the culmination of that process,
2 or one of the culminations of that process, was to be
3 a meeting where I would meet with a representative of
4 the archdiocese, who was Brian Rayner, and that they
5 would discuss a response to me, including a financial
6 response, yes.

7 Q. Again, you provide us with the detail of that in your
8 statement. If we turn to paragraph 113, what you tell
9 us there is that there would be no financial gesture
10 offered unless you provided them with a full release;
11 do you see that?

12 A. Yes, that's correct.

13 Q. Can you tell me about what the church was wanting here?

14 A. Well, the church was wanting me to release them from all
15 legal liability for the conduct of Aidan Duggan in
16 return for any payment that they may make to me.

17 Q. Were you also faced up with a suggestion -- this is what
18 you tell us in paragraph 118 -- from the trustees of the
19 archdiocese and Cardinal George Pell that you sign
20 a document in their names, which stated:

21 "The releasor [that's you] confirms and acknowledges
22 that prior to executing this deed, the releasor has
23 obtained his own independent legal advice."

24 Was that also part of the package?

25 A. Yes. That was part of the deed of release that I was

1 given. So when Mr Brazil said, "We'll only make you
2 a payment if you give a release", I said, "Well, let me
3 see what I'm supposed to sign so I can make a decision
4 about that". The document that I was given named
5 Cardinal Pell and the trustees of the archdiocese as the
6 parties to be released, and one of the provisions was an
7 acknowledgement that I'd received independent legal
8 advice, that's right.

9 Q. Were there any sums of money being discussed at this
10 time?

11 A. There had been, yes. So by the time I was given that
12 form of document, there had been some discussions with
13 Mr Brazil, who had been appointed as the facilitator for
14 the discussions between myself and the archdiocese,
15 about a sum of money that the archdiocese may be
16 prepared to pay as a gesture.

17 Q. And what figures are we talking about at this time?

18 A. There had been a suggestion of a payment of 25,000,
19 Australian dollars, before I was asked to leave my firm.
20 When I told Mr Brazil about what had happened with my
21 employment and asked him to go back and ask the
22 archdiocese about a gesture to recognise that as an
23 impact, he came back some time later and said that the
24 archdiocese was prepared to increase its offer to 30,000
25 Australian dollars.

1 LADY SMITH: So that figure of 30,000, which I noticed is
2 the figure referred to in the Court of Appeal judgment
3 in relation to your litigation at page 184, was the last
4 word that the church had so far as any offer of
5 settlement was concerned, was it?

6 A. That's correct, Lady Smith.

7 LADY SMITH: So in paragraph 104 of your statement, when you
8 refer to \$25,000, that was before there was a top-up, if
9 I can put it that way, for you having left your firm,
10 the solicitors firm, of which you'd been a salaried
11 partner?

12 A. That's correct, yes.

13 LADY SMITH: Can you give me any idea what you were earning
14 as a salaried partner in 2004? Just roughly.

15 A. I'm not certain. About \$150,000 per annum.

16 LADY SMITH: And they were prepared to top the figure up by
17 \$5,000?

18 A. That's correct.

19 LADY SMITH: Mr MacAulay.

20 MR MacAULAY: I think, standing the terms of the deed of
21 release, you did speak to a solicitor and obtained
22 independent legal advice; is that correct?

23 A. That's correct.

24 Q. What was that advice in relation to what your
25 entitlement might be to compensation?

1 A. Well, in summary, if I were able to make out a legal
2 claim against the church, the compensation would be
3 significantly in excess of the amount of the gesture
4 that had been offered, and that was based primarily on
5 the fact of the economic loss, once that had culminated
6 in losing my position as a partner and given what
7 appeared to be some reasonable assumptions about the
8 time frame before I may be able to hopefully get back to
9 some sort of productive work, that even just taking that
10 into account, the compensation would be significantly in
11 excess of that.

12 Obviously, that solicitor wasn't in a position to
13 give any advice about what the full quantification of
14 the claim might be, but just that it was significantly
15 in excess of that, and that there were some reasonable
16 prospects of actually succeeding in a claim against the
17 archdiocese.

18 Q. In paragraph 121 you tell us that on 20 July yourself
19 and your wife attended a facilitation meeting and that
20 involved Monsignor Rayner and Mr Brazil. Can you just
21 tell me about that meeting? What happened at that
22 meeting?

23 A. Well, the meeting was awful from start to finish.
24 Raymond Brazil, as I've indicated, was appointed as the
25 facilitator, ostensibly an independent third party to

1 help the parties have productive discussions. Right
2 from the outset, I had the very strong impression that
3 he was part of the church and part of the church side of
4 things, so we felt at a very strong disadvantage in that
5 meeting.

6 There was no discussion, there was no conversation
7 about things. My recollection is I didn't say a great
8 deal at that meeting because it was quite difficult for
9 me to do that, and that [REDACTED] had asked some of the
10 questions on my behalf of Brian Rayner, along the lines
11 of how they assessed how they would respond to
12 a situation like mine, what information did they take
13 into account, what professional advice did they avail
14 themselves of.

15 In short, Brian Rayner was very rude about it.
16 I think he said at one stage that he takes advice from
17 nobody and was extremely haughty. It was a very
18 unpleasant meeting, and unproductive, obviously, as
19 a consequence.

20 Q. And I think you, thereafter, instructed your lawyers to
21 begin legal proceedings against the church, if I can use
22 a generic term to describe the defendants?

23 A. That is a strictly technical correct way of putting it,
24 Mr MacAulay, but lest the inquiry get the wrong
25 impression about that, it wasn't a case of: well, we've

1 had a terrible meeting and you haven't responded to us
2 in the way that we would like you to, so we'll see you
3 in court; it was more a case of the timing.

4 So this meeting was towards the end of July. One of
5 the issues that my solicitor had advised me about was
6 the time limits that would apply to a claim such as
7 mine. There is a provision -- was a provision in New
8 South Wales for those time limits to be extended under
9 certain conditions and there was a secondary time limit
10 to make that application to have the time extended, and
11 that secondary time limit was coming up in early August
12 of that year, 2004.

13 So given how long it had taken us to get to that
14 facilitated meeting, by the time we finished the meeting
15 we were at a position that if we didn't have the claim
16 resolved and we did need to preserve the right to take
17 legal proceedings, that something had to be done within
18 a couple of weeks after that. So my instruction to the
19 lawyers was to take the steps necessary to preserve our
20 position, but at the same time to indicate to the
21 archdiocese that our preference was to have meaningful
22 and good faith discussions with them, to have the
23 archdiocese agree to a meaningful response that would be
24 of practical assistance to me, and that I could put this
25 behind me.

1 Q. We'll look at that aspect of it in a moment or two, but
2 just to come back to the Towards Healing process,
3 I think you made a complaint to the New South Wales
4 Ombudsman in relation to how your Towards Healing
5 process had been dealt with, and that complaint was
6 upheld.

7 A. Yes. Again, to explain that, the person who was
8 appointed as the reviewer was in fact a former New South
9 Wales Ombudsman, but the review process was through the
10 church's own Towards Healing process, so I asked the
11 Professional Standards Office to implement that process
12 for review, and that process is to refer it to an
13 external, independent reviewer.

14 Q. And --

15 A. And that reviewer -- they upheld the substance largely
16 of the complaint I made.

17 Q. Jumping ahead, I think it is the case that the
18 Australian Royal Commission also had a case study into
19 the whole management of the Towards Healing programme;
20 is that right?

21 A. Yes. So they had a number of case studies in relation
22 to Towards Healing generally, or that touched on that.
23 They undertook a specific case study into the Sydney
24 church's response to my own complaint, which embraced
25 the Towards Healing and the litigation that

1 I subsequently engaged in with the church.

2 Q. And I think they also made findings against the way in
3 which the programme had been managed?

4 A. Yes. They were quite quick on that.

5 LADY SMITH: Mr MacAulay, am I right in thinking we've got
6 a little time to go before we will be finished with
7 John's evidence?

8 MR MacAULAY: I think sufficient time that perhaps a break
9 might be worthwhile.

10 LADY SMITH: John, let me explain: I normally take a break
11 after about an hour and a half of having started
12 evidence every morning, not just for everybody involved
13 in the evidence itself, but particularly for the
14 stenographers, who need a break at regular intervals.
15 I'd like to do that now if that's convenient for you;
16 is that all right?

17 A. Yes, that's convenient.

18 LADY SMITH: It takes about 15 minutes or so and then we'll
19 start again. Thank you.

20 (10.03 am)

21 (A short break)

22 (10.27 am)

23 LADY SMITH: Hello again, John. Are you ready for us to
24 carry on?

25 A. Yes, I am, Lady Smith.

1 LADY SMITH: Thank you very much.

2 Mr MacAulay.

3 MR MacAULAY: I want now to turn briefly to look at what
4 happened in the course of the litigation that you had
5 involving the church. Before the matter went to court
6 at all, I think there were some negotiations that took
7 place on your behalf and also on behalf of the
8 archdiocese; is that right?

9 A. No, Mr MacAulay, there were no negotiations that took
10 place before the litigation commenced. The only
11 negotiations were in the meeting on 20 July and the
12 lead-up to that meeting.

13 What did happen after we commenced proceedings and
14 before the archdiocese went into its bunkers was that we
15 had -- my solicitor had a letter from a solicitor for
16 the church, suggesting that we engage in a negotiation
17 process towards resolution, but that was quickly
18 withdrawn and different lawyers were appointed for the
19 church and the litigation took the course that's been
20 described.

21 LADY SMITH: I think from what I read, John, the position
22 was that, according to your solicitors' best advice, you
23 didn't have very much time to raise an action after you
24 finished the Towards Healing discussion in the July;
25 is that right?

1 A. That's correct. There was a period of about two weeks
2 after that before time to make an application to extend
3 time would run out.

4 LADY SMITH: Yes. He was worried about time bar problems?

5 A. Yes.

6 LADY SMITH: Thank you.

7 MR MacAULAY: The action then that was raised was raised by
8 yourself against three defendants. That was:
9 Cardinal Pell, who was the Archbishop of Sydney, for and
10 on behalf of the Roman Catholic Church and the
11 Archdiocese of Sydney; the trustees for the archdiocese;
12 and also Aidan Duggan.

13 A. That's correct.

14 Q. I think we know that Aidan Duggan died in October 2004.

15 A. That's correct, yes, shortly after.

16 Q. You tell us in your statement what the fate of the
17 litigation was. In short, you were unsuccessful in
18 pursuing the cardinal or indeed the trustees, who were
19 the only defendants left in the action.

20 A. Could you just repeat that question? The audio seemed
21 to cut out halfway through the question.

22 Q. I think I'm right in saying, John, that you were
23 unsuccessful in your court action insofar as it was left
24 against Cardinal Pell as the archbishop of the
25 archdiocese, and also the trustees of the archdiocese.

- 1 A. That's correct, yes, ultimately.
- 2 Q. Was that because of what became known as the
3 Ellis defence?
- 4 A. Yes. So at first instance -- so the only court
5 proceedings we had were in relation to extending the
6 time limit. At first instance, we were permitted by the
7 judge to proceed against the trustees but not against
8 Cardinal Pell. The trustees appealed that decision and
9 ultimately the decision of the Court of Appeal is what
10 has become known as the Ellis defence, and we were not
11 permitted to proceed against the trustees either after
12 that.
- 13 Q. I think the short point became that, really, the only
14 proper defendant would have been Aidan Duggan, who by
15 now was dead.
- 16 A. I think so. Although not determined, it was suggested
17 that perhaps an action could have lay against the
18 archbishop at the time in that period from 1974
19 through -- archbishop or archbishops at the time, who
20 appointed him or failed to supervise him, if that could
21 be made out, but of course those archbishops were also
22 dead by that time.
- 23 Q. So far as the action against the trustees was concerned,
24 I think that failed because the trustees were not looked
25 upon as a legal entity in their own right who could be

- 1 sued?
- 2 A. No, not strictly. The trustees were a legal entity who
3 could be sued; the archdiocese as an unincorporated
4 association was not a legal entity --
- 5 LADY SMITH: I think, John, you may be talking at
6 cross-purposes. I think what Mr MacAulay was saying as
7 shorthand is that the trustees as an entity --
- 8 A. Ah, as an entity could not be sued --
- 9 LADY SMITH: -- and you thought he was saying that the
10 trustees as individuals could be sued; is that right?
- 11 A. Yes, I think it may have been a matter of expression.
- 12 MR MacAULAY: You're being more precise than I am, I think.
13 But the short point is that's what became known as
14 the Ellis defence, and I think steps subsequently were
15 taken, certainly by some states, to overrule the
16 decision in your litigation.
- 17 A. Yes. That's correct. That applies in several
18 jurisdictions now, including in New South Wales.
- 19 Q. After you had failed in your litigation, were you
20 pursued for the costs of the litigation by the church?
- 21 A. Yes, I was.
- 22 Q. Ultimately, were you being sued, as you tell us in your
23 statement at paragraph 154, for a sum in the region of
24 755,940 Australian dollars?
- 25 A. Yes, that's correct.

1 Q. What ultimately happened in relation to that pursuit of
2 you for that sum of money?

3 A. Ultimately, the archdiocese waived that entitlement to
4 costs.

5 Q. I think you had a meeting, as you tell us in
6 paragraph 158, with Cardinal Pell in connection with
7 that matter; is that right?

8 A. Yes, in connection with the costs, the pursuing of
9 costs, yes, I did.

10 Q. You say in your statement -- and I'll read this out:

11 "In the course of that meeting, Cardinal Pell went
12 on to say that he would not have pursued any case where
13 the legal costs were more than what was being asked for.
14 Cardinal Pell then informed me that there would be no
15 further pursuance of costs from me. He described the
16 archdiocese's actions in the litigation as legal abuse."

17 A. Yes, that's correct.

18 Q. So was he disapproving of the way in which the
19 archdiocese as a diocese had behaved in connection with
20 the pursuit of legal costs?

21 A. Well, not only in the pursuit of legal costs but in the
22 conduct of the litigation as such. So for the
23 archdiocese to have been involved in litigation to
24 defend its assets and to spend more money on legal fees
25 than the claim that was being made, he described that as

1 legal abuse.

2 Q. We've already touched upon your involvement with the
3 Australian Royal Commission and the criticisms they made
4 of the Towards Healing process. Was one of these
5 criticisms the notion that the church would demand
6 somebody in your position to sign a release clause in
7 order to be given any form of redress?

8 A. Yes, I believe so. I don't have those recommendations
9 in front of me, but certainly that was the tenor of one
10 of their criticisms. I recollect that that related to
11 the great disparity between what proper legal
12 compensation would be and the amount being offered, and
13 to ask for a release for a claim in return for that type
14 of the payment would be inappropriate.

15 Q. You tell us in paragraph 177 of your statement, John,
16 that you did also come into contact with [REDACTED] MEY
17 who was [REDACTED] Aidan Duggan.

18 A. Yes, that's correct.

19 Q. Can you tell me how that came about?

20 A. Yes. [REDACTED] MEY was a priest in another parish in
21 Sydney that was, I don't know, 5 or 10 miles from our
22 parish. Aidan took me on several occasions to St Mel's
23 Parish in Campsie, where [REDACTED] MEY was the parish
24 priest.

25 Q. [REDACTED] Aidan Duggan?

1 A. Yes.

2 Q. How did you find him?

3 A. I thought he was a bit strange, but I really didn't have
4 very much to do with him.

5 Q. You tell us that he was the parish priest --

6 A. Sorry, Mr MacAulay?

7 Q. I think you said he was the parish priest of this
8 particular parish.

9 A. Yes, he was a priest working in the parish, so initially
10 he went there at the same time as Aidan Duggan came to
11 Bass Hill as an assistant priest. I think ultimately he
12 became the parish priest, so the priest in charge of
13 that parish. Over that period of time, with the
14 dwindling number of priests, most parishes went down to
15 only one priest.

16 LADY SMITH: What makes you describe him as a bit strange?

17 A. That was just my impression of him, Lady Smith. He had
18 an odd manner. He just seemed to me as a bit odd.
19 Aidan was very engaging and very warm and he had a warm
20 face; MEY just seemed a little bit harder and more
21 withdrawn.

22 LADY SMITH: Thank you.

23 A. That's just the impression that I got from a couple of
24 short engagements.

25 LADY SMITH: Thank you.

1 MR MacAULAY: You say a couple of short engagements: on how
2 many occasions do you remember meeting him?

3 A. It would have been no more than two or three.

4 Q. Was this when you were a young boy, when you were
5 a teenager?

6 A. Yes, when I was an altar boy at Bass Hill.

7 Q. One thing you tell us about in your statement, and
8 I won't go into the detail, is that you had contact,
9 through the old boys' Fort Augustus network, with other
10 boys who had been to Fort Augustus; is that right?

11 A. Yes, that's correct.

12 Q. Out of that contact, did you find out about
13 a Father [REDACTED] MEV [REDACTED] who had also been at
14 Fort Augustus at a point in time?

15 A. Yes, I did.

16 Q. And did you arrange a meeting with Father [REDACTED] MEV [REDACTED]

17 A. Yes, I did.

18 Q. Can you tell me about that? What happened in the course
19 of that meeting?

20 A. I got his contact details, I made arrangements to go and
21 see him at a place in Sydney -- I think it was
22 a presbytery or it may have been just a normal house
23 that had become a presbytery. We had a brief
24 conversation. I can't remember exactly what he talked
25 about. He was involved in some sort of work of

1 reinstating the Latin Rites of Mass. He talked a bit
2 about that.

3 Then he invited me to go with him to have a meal.
4 It was around lunchtime by then, so I went in his car
5 with him to a Chinese restaurant. We ate, we came back
6 to the house where we'd first met, and I disclosed to
7 him that I'd been sexually abused by Aidan Duggan and
8 I asked him did he know anything about that or for his
9 reaction about that.

10 Q. And what did he say?

11 A. His mouth said that he was very shocked about that and
12 that he had no knowledge of any conduct of that sort by
13 Aidan Duggan and was very surprised to hear that that
14 would have happened. I say "his mouth said that"
15 because his manner didn't give me the impression of any
16 surprise.

17 Given that, as I later found out, they'd been close
18 colleagues, I would have thought that he would have been
19 quite shocked at that revelation. I didn't tell him
20 about any of the details, but I told him enough that
21 a normal, right-thinking person would have been very
22 shocked and he didn't appear shocked at all or
23 surprised.

24 Q. I think you tell us this meeting took place perhaps some
25 time after 2004.

- 1 A. Yes. Yes, it did.
- 2 Q. How did it come to an end?
- 3 A. Very shortly after that part of the conversation, he
4 more or less ushered me out. It wasn't -- it felt
5 abrupt. It wasn't, "We can't talk about those things,
6 I think you should leave", or anything like that.
7 I deliberately hadn't said anything about that until we
8 sort of came to the conclusion of that. It was time for
9 me to go, I sort of said it at the end. So yes, very
10 shortly after that, we bade our goodbyes and I never
11 sought to contact him again and I didn't have any
12 further contact from Father [REDACTED] MEV [REDACTED] either.
- 13 Q. In your statement, John, you tell us about what you
14 describe as [REDACTED]
15 This is beginning at paragraph 180.
- 16 A. Yes.
- 17 Q. That comes from the title of an article that came about
18 as, I think, a result of a talk you gave to the Sydney
19 Law School, is that right, in about 2013?
- 20 A. Yes, that's correct. I gave a talk to the Institute of
21 Criminology at Sydney Law School and was then asked to
22 develop that into an article or to prepare an article
23 based on that for publication in the journal.
- 24 Q. And when you say "we", that's you and your wife, who
25 were involved?

1 A. I had to write it myself -- yes, that's right.

2 Q. We have that article and I'll give the reference for the
3 transcript: WIT.003.001.5075.

4 In a nutshell, can you summarise, John, for us what
5 this approach is to seeking meaningful redress?

6 A. Yes. It was an attempt to develop a legal process that
7 would be a robust legal process but would enable
8 survivors of abuse, particularly focused at the time
9 when we developed it on clergy abuse -- would enable
10 survivors of clergy sexual abuse to obtain redress or
11 compensation with a lesser risk of re-traumatisation, if
12 I can put that way, or obviously the aim of the process,
13 without causing additional traumatisation or harm.

14 So the process itself of seeking redress would be
15 a positive step towards recovery rather than something
16 that would add additional harm to people who'd already
17 suffered great harm.

18 Q. And was this based on your own experience to some
19 extent?

20 A. Yes, to a great extent. The circumstances which we came
21 to be asked to act for survivors of abuse -- some people
22 had approached us and asked us to help them to make
23 a claim against a Catholic Church entity, and we
24 obviously wanted to do that if we could, but we really
25 had to make an ethical decision that we would only

1 engage in that if we were able to develop a process that
2 (inaudible: distorted) involve the worst parts of what
3 I had been through and what [REDACTED] had walked through
4 with me, given that the whole process with the church
5 had been something that we had gone through together.

6 Q. The article, I think, sets out the philosophy then that
7 you and your wife employ in your work with survivors who
8 want to pursue claims against the church?

9 A. Yes, that's correct.

10 Q. You also tell us at paragraphs 191 to 192 about your
11 involvement in the "Sins of Our Fathers" BBC programme,
12 having been contacted by the BBC; is that right?

13 A. Yes, that's correct.

14 Q. Indeed, I think you gave an interview to Mr Daly about
15 your experiences; is that correct?

16 A. Yes, I did.

17 Q. Was that a programme you were happy to take part in?

18 A. Yes, I was very happy to take part in that.

19 Q. Then if we take you to that part of your statement,
20 John, at paragraph 196 onwards, where you put forward
21 some hopes for this inquiry. Can you perhaps summarise
22 for me what your hopes for this inquiry are?

23 A. That really is based on our own experience of the
24 Australian Royal Commission and some of the benefits
25 that we've been seeing and also been told about from

1 other people. One of the very important things in that
2 inquiry, which I would hope for Scotland, is a much
3 broader understanding through the community about the
4 incidence of this type of abuse and also about how this
5 type of abuse impacts on the survivors. Because what
6 we've seen as one of the outcomes of the Australian
7 Royal Commission is a greater understanding and
8 acceptance within the community that people are able to
9 talk about their experiences in a different way, but
10 people can understand it's obviously not dinner time
11 conversation, but just moving that from a position where
12 these people, and where I was as a teenager while the
13 abuse was happening, of having to keep things secret,
14 having to keep part of your life hidden, to a position
15 where that can be recognised as something that's
16 happened and something that doesn't have to be a secret,
17 where the survivor has the control and the choice about
18 what to talk about and when to talk about it and in what
19 circumstances they can talk about it, rather than it
20 being something that they're unable and effectively not
21 allowed to talk about.

22 So I think that's the biggest thing coming from the
23 perspective of the survivors. Obviously, I would also
24 hope that the inquiry can do what one of the intentions
25 of our inquiry here was, which is to create an

1 environment where this sort of abuse and the cover-up of
2 abuse can't happen in the future.

3 And thirdly, to hopefully promote an environment
4 where people who have been harmed by this type of abuse
5 are able to have some access to meaningful redress and
6 responses from the entities responsible.

7 Q. You also mention at paragraph 198 that:

8 "An acceptance of responsibility by the institutions
9 in which abuse has occurred is very helpful for
10 survivors."

11 A. Yes. Yes, it is. That is most powerful where that
12 acceptance comes voluntarily, as it were, from the
13 institutions, where the institutions can step up with
14 humility and say, "These things have happened in the
15 past. We let down the children who were in our care and
16 there were crimes committed, people within our
17 organisation covered those crimes up, which increased
18 the incidence of abuse, we take responsibility for that
19 and we have a firm commitment to firstly" -- the two
20 things that I spoke about before: ensuring that this
21 can't happen again and providing the full redress to
22 survivors.

23 When that is done voluntarily, it is so much more
24 meaningful to the survivors. If that is not possible,
25 then almost a proxy for that is to have that

1 accountability vested on the institutions to say, "You
2 won't admit your crimes, but as a community we're saying
3 you lie responsible for the harm that's happened, that's
4 come to survivors as a result of those crimes".

5 For some people -- I'm speaking in that sense for
6 myself, but also from my observation of a lot of the
7 survivors that we've worked with, but I should say for
8 some of the survivors that we've worked with, and for
9 some individuals, it's also important having that
10 responsibility vested on the institution. So the
11 criminal accountability of the perpetrators is very
12 important, so the community is putting a sanction on,
13 but also civil accountability and, where possible,
14 criminal accountability of those responsible for
15 covering up abuse.

16 MR MacAULAY: Well, John, thank you for engaging with the
17 inquiry, for sharing your experiences with us. I have
18 no further questions for you.

19 My Lady, no questions have been submitted to me to
20 be put to John.

21 LADY SMITH: Are there any outstanding applications for
22 questions for John? No.

23 John, I can confirm that that does complete all the
24 questions we have for you this -- what must now be this
25 evening for you in Sydney. I'm very grateful to you for

1 all the help you've given us, both in terms of providing
2 your written statement and the documents you've made
3 available to us, and by engaging today over the video
4 link. It is of enormous assistance to me in the work
5 I have to do here and your evidence will be useful and
6 valuable in so many ways, so thank you very much for
7 that. I'm now able to let you go and I hope have
8 a relaxing evening. You've certainly earned it.

9 A. Thank you very much, and thank you for the opportunity
10 to give my evidence. I did say to the investigators who
11 made the trip out to Sydney, here in Sydney, that I do
12 treat this as a great privilege to be invited to give
13 evidence to the inquiry. So thank you as well.

14 LADY SMITH: Thank you for that.

15 MR MacAULAY: My Lady, perhaps a short adjournment for
16 a turnaround.

17 (The video link was terminated)

18 (10.55 am)

19 (A short break)

20 (11.05 am)

21 LADY SMITH: Ms MacLeod.

22 MS MACLEOD: My Lady, the next witness is Mark Daly.

23 MARK DALY (affirmed)

24 LADY SMITH: Would you like to sit down, please.

25 What would you like to be called, Mr Daly or Mark?

1 A. Mark is fine.

2 LADY SMITH: Very well. When you're ready, Mark, I'll hand
3 over to Ms MacLeod and she will explain what happens
4 next.

5 Questions from MS MacLEOD

6 MS MACLEOD: Good morning, Mark.

7 A. Good morning.

8 Q. Are you Mark Andrew Daly?

9 A. Yes.

10 Q. Were you born on [REDACTED] 1974?

11 A. Yes.

12 Q. And are you now 44 years old?

13 A. Yes.

14 Q. You have provided a statement for the inquiry and
15 there's a copy in front of you. Part of the statement
16 will also come up on the screen so you can look at
17 whichever one you find most convenient.

18 To begin with, I'll give the reference of the
19 statement for the transcript: WIT.001.002.4434.

20 If we can begin, Mark, I'll ask you to turn to the
21 final page of the statement at page 4467. Have you
22 signed the statement?

23 A. Yes, I have.

24 Q. In the final paragraph do you say:

25 "I have no objection to my witness statement being

- 1 published as part of the evidence to the inquiry"?
- 2 A. I do.
- 3 Q. And do you go on to say:
- 4 "I believe the facts stated in this witness
5 statement are true"?
- 6 A. I do.
- 7 Q. Thank you.
- 8 You're an investigative journalist with
9 BBC Scotland; is that right?
- 10 A. Yes.
- 11 Q. And you're here today in particular to speak about your
12 involvement in the making of a film, "Sins of
13 Our Fathers".
- 14 A. Yes.
- 15 Q. I think that film was first broadcast in Scotland on
16 29 July 2013.
- 17 A. That's right.
- 18 Q. The film focused on allegations of abuse at both
19 Carlekemp Priory School and Fort Augustus Abbey School?
- 20 A. Yes.
- 21 Q. You give us some information in your statement about
22 your background. You tell us that you've been
23 a journalist for about 20 years.
- 24 A. Yes.
- 25 Q. After university, you were initially a newspaper

1 reporter?

2 A. That's right.

3 Q. Before moving into television?

4 A. Yes.

5 Q. Could you just tell me, Mark, what your current role is
6 and what it involves?

7 A. I'm investigations correspondent for BBC Scotland.
8 I research, develop and make documentaries for
9 BBC Scotland and for Panorama. I also work on shorter
10 news investigations for the BBC website and radio,
11 television outlets, and essentially I work up
12 investigations that come in, into me, into the
13 department, and check them out, if they are true, and in
14 the public interest we put them on air.

15 Q. Do you work mainly on your own or are you part of
16 a team?

17 A. Part of a team, and usually for a documentary, for
18 example, I will be partnered up with a producer and
19 sometimes an assistant producer as well.

20 Q. Is your team called Disclosure?

21 A. At the moment, it is, yes. It was re-branded. When we
22 made "Sins of Our Fathers" it was BBC Scotland
23 Investigates. It was re-branded last year as
24 BBC Disclosure. It's the same format, essentially.

25 Q. I appreciate there may be a number of ways in which

1 stories come to you, but could you give me some sense of
2 how stories tend to come to you and your team?

3 A. People get in touch. We have generated a bit of
4 a reputation over the years for doing difficult,
5 complex, sensitive investigations, so often people will
6 get in touch. The public will get in touch,
7 whistle-blowers will get in touch or other colleagues
8 will pass stories on, maybe colleagues who work in News
9 who don't have time to spend on the deep background it
10 often takes to get stories like this one to air.

11 But there are -- other stories are -- it could just
12 be something in the -- there are issues in the media and
13 they need a bit of a deeper dive and they'll ask me to
14 go and see if I can generate -- get underneath the
15 story, underneath the headlines to see whether there's
16 a bigger, deeper story to tell.

17 Q. How do you go about that once you get a lead or
18 an enquiry? How do you find out if there's a bigger
19 story to tell?

20 A. It's not really very scientific. Investigative
21 journalism has a grand title, but to me it's just having
22 the time and the means to spend looking a bit deeper.
23 Usually it just means speaking to people. Often it
24 takes a lot of very boring background work in the
25 Mitchell Library looking at births, deaths and

1 marriages, trying to find out where people live, whether
2 they're still alive, knocking doors, writing letters.

3 But ultimately it comes down to people and
4 relationships and persuading people that I'm someone
5 that they can trust to tell their story to or tell me
6 a bit of information. We start to piece it all together
7 and eventually we either do or we don't come up with
8 something.

9 Q. That's something you mention at paragraph 9 of your
10 statement. You say that:

11 "[You] think meeting people is the most important
12 part of the job."

13 A. For me it absolutely is. There are other ways to
14 generate stories in journalism, particularly these days,
15 but for me the best stories come from people and
16 generating the kind of relationship with someone that
17 will enable them to trust me to tell their story. That
18 often means I have to make -- I have to make
19 arrangements with people, I have to tell them what
20 I think I can deliver, and what I think I can't deliver.
21 I have to be honest with them about what the risks are.
22 And I think the only thing I generally ever do with
23 people, particularly if it's a sensitive story like
24 this, is promise to tell them the truth and be straight
25 with them and it doesn't always mean their story will

1 get broadcast for a variety of reasons.

2 Q. You mention there the importance of the relationship
3 that you're able to generate with a person. Is trust
4 an important part of a this?

5 A. It is. Also they have to understand that I'm not there
6 to be their friend, really; I have to be neutral. So
7 whilst I have to be very sensitive to them and may
8 become fond of someone, I have to treat their story
9 neutrally like an investigator and without fear or
10 favour, really.

11 Q. Something you say is that:

12 "In that context, the programmes are like the tip of
13 the iceberg."

14 I wonder if you could just elaborate on that .

15 A. For example, this documentary, we spent six or
16 seven months working on it, hundreds of phone calls.
17 Hundreds of pages of notes, emails, documents were
18 uncovered and written up and in a 60-minute documentary,
19 you know, it might end up being a 40-page script. So
20 much of the information that we generate is like the
21 upside down triangle. There's a tenth of the work that
22 goes into making it will actually end up being seen and
23 often the background work is every bit as important
24 because it might be the extra evidence that you would
25 use, should you end up in court for defamation or

1 something like that.

2 We like to have more in our back pocket than we
3 broadcast because we want to make sure we are right, we
4 want to make sure everything we put on air is
5 defensible, and not all of that will be seen on screen.

6 Q. And turning then to this particular project, the film
7 "Sins of Our Fathers", can you tell me how that story
8 first came to your attention?

9 A. The Cardinal O'Brien story was very much in the media,
10 the abuse scandal, and the BBC had asked me to have
11 a look at it. I did, but there wasn't -- there'd been
12 some very good reporting done in the Observer by
13 Catherine Deveney. I didn't really feel, after spending
14 a little bit of time on it, there was anything I could
15 elaborate on.

16 But I was starting to have a look around the church
17 and it was at that point that a colleague in News spoke
18 to someone, a former Fort Augustus pupil, and thought
19 there might be something in that for us, and passed it
20 to me, and that's how ... I had never heard of Fort
21 Augustus Abbey before.

22 Q. I think you tell us that was the very first time that
23 you had heard of the school. Can you remember roughly
24 when that was?

25 A. At the end of 2012.

1 Q. So when your colleague passed you that information, what
2 did you do?

3 A. We spoke to the boy -- the man now -- and it started us
4 on a path. We realised from there that there was quite
5 a lot of information in the public domain. There were
6 internet forums, old boys' forums, and we started to see
7 that there was a bit of chat on the internet about some
8 darker aspects to Fort Augustus. There was a lot of --
9 these old boys' networks tend to be very back-slappy and
10 "Wasn't our school great", and there was lots of that,
11 and to be clear, lots of the people we spoke to, that
12 was how they felt about the school, but there were hints
13 at something more worrisome in these forums, and there
14 were a few people who were named on the forums.

15 If you can imagine it's just like the tentacles.
16 You start with one name or one website, but then in that
17 there will be another two or three names that come out,
18 and you have a conversation with that person and that
19 person, and before you know it, it's spreading arms and
20 legs, and you start to build up a directory of people
21 that you can speak to.

22 Q. These forums at that time were publicly available on the
23 internet?

24 A. Yes.

25 Q. When you speak about "we", by this time was there a team

1 working on this project?

2 A. Yes. By this time I had been partnered up with
3 a producer, Murdoch Rodgers, who's a very experienced
4 current affairs producer, who I'd worked with before.
5 And also an assistant producer, Mona McLinden. But
6 mainly Murdoch and I worked on the journalism together.

7 Q. From there then, from conducting the initial searches
8 online, how did things move forward from there?

9 A. Well, we were initially pointed towards two people who
10 had had -- they understood had had not a great
11 experience at the Abbey School. These are the Walls
12 brothers, Christopher and David Walls. Murdoch and
13 I went to meet them. That really was the first real
14 sort of journalistic lead that we had. These two very
15 erudite men sat down and told us what had happened to
16 them.

17 Q. Were they focusing on their time at Carlekemp?

18 A. Carlekemp, of course, was the preparatory school for
19 Fort Augustus, and we knew that lots of the people at
20 Carlekemp went on to Fort Augustus. By that time, we
21 already knew that lots of the -- the staff and the monks
22 between Carlekemp and Fort Augustus were
23 interchangeable, that the regime was close to the same,
24 and so we were interested in both Carlekemp and
25 Fort Augustus, and David and Christopher had stories to

1 tell about their experiences there.

2 Q. Taking the Walls brothers as an example, how did contact
3 with them and other contributors start? Was it by
4 telephone call? Does it build up to a meeting?

5 A. I can't quite remember how it happened exactly, but
6 it would either be -- we would have a phone number or an
7 email address given to us, or if we didn't have that,
8 then it would be the electoral register, births, deaths
9 and marriages, it would be sending a letter. In certain
10 cases, going to their door if we had no other means of
11 contacting them -- that would be the last resort, going
12 to their door -- with a letter introducing ourselves and
13 saying: this is what we're doing, can we talk?

14 Q. Something you mention in your statement is that you were
15 able to get a school roll for a particular year at
16 Carlekemp quite early on and that that assisted your
17 enquiries.

18 A. I think the school roll was at Fort Augustus. But
19 I think by this time, we had acquired a number of
20 Corbies -- that's the old school magazine -- so we were
21 able to put together a reasonably accurate account of
22 which monks were where, ie were they at Fort Augustus or
23 Carlekemp. We were also able to ascertain when new boys
24 were arriving or leaving and had quite a -- yes, it was
25 a really helpful resource in the end. I think we got

1 a school roll for Fort Augustus for round about
2 1974/1975, I think, so we were able to find out all the
3 boys who were at the school at that point.

4 Q. As you tried to make contact with the former boys,
5 what was your approach, what were you saying to them?

6 A. Well, by this time, we knew that there were grounds to
7 investigate and we had to be upfront with people about
8 that. If we were calling someone cold, we would say:
9 we're the BBC, we're looking into allegations that some
10 people might have been abused at the school, do you want
11 to talk to us, you don't have to go on TV, you don't
12 have to speak on the record or on the phone, we can do
13 it whichever way you want to meet, we can email.

14 Some people wanted to talk, some people didn't, some
15 people would just maybe point us in a different
16 direction. But every scenario was different, really.

17 Q. I think you mentioned that everything had to be on the
18 terms of those you were speaking to.

19 A. Uh-huh. We didn't know in the most part -- sometimes we
20 did, but in the most part we didn't necessarily know
21 what a particular boy had gone through, so we had to be
22 really careful about that. Sometimes we were speaking
23 to people who we were very confident had had a bad
24 experience, but it was very difficult for us to say,
25 "Look, we suspect this happened to you", so we would let

1 them lead it, let them tell us what had happened if they
2 wanted.

3 Quite often -- certainly I know from Murdoch's
4 experience, it would be four, five, six conversations in
5 before they'd actually say, "This happened", and that
6 was all about people being allowed the time to come to
7 trust us, to trust that we would do right by them.

8 Q. We'll look at some of the detail of what boys were
9 telling you in a moment, but how did you find generally
10 the willingness of people to speak to you at all?

11 A. They were either really willing or really unwilling. We
12 did face a lot of obstructions from some former pupils
13 who didn't want to know, who thought it was muckraking
14 and that some of the boys who were making these claims
15 online were troublemakers, gold-diggers, that sort of
16 thing. You know, there was certainly a very powerful
17 pro-school old boy network, and they were not minded to
18 help us whatsoever.

19 In some cases, the door was flung open to us and
20 people were -- it just seemed to be the right time for
21 a lot of people and people were ready to talk to us and
22 welcomed us mostly with open arms.

23 Q. By the time you made the programme, you tell us in your
24 statement that you probably had spoken to more than
25 50 former pupils.

- 1 A. Between us, yes.
- 2 Q. So is that between yourself and Murdoch, your colleague?
- 3 A. Yes.
- 4 Q. And I think you say that about half of those spoke about
5 some sort of abuse --
- 6 A. Yes.
- 7 Q. -- physical or sexual abuse?
- 8 A. Yes, that would be about right. And that increased
9 afterwards.
- 10 Q. After the programme?
- 11 A. That continued to -- those numbers continued to grow.
- 12 Q. Out of those you spoke to, what kind of numbers were
13 willing to be involved in the programme?
- 14 A. Well, most of the people who were prepared to speak
15 in the programme and who we thought were able to,
16 capable, were in the programme. So seven or eight. Not
17 everybody that we spoke to was capable of being in the
18 programme. Lots of people were suffering from really
19 serious mental health issues, almost certainly as
20 a result of the trauma they experienced at Carlekemp or
21 Fort Augustus. Specifically, I can think of a number,
22 one of whom is not even alive any more, people who I,
23 just in all good conscience, couldn't have put on the TV
24 because it would not have been the right thing for them.
- 25 Q. One thing you do mention in your statement at

1 paragraph 22 is that you have to make an assessment as
2 to whether it would be a good thing for somebody to be
3 put on the programme.

4 A. Obviously, the first thing is they need to be willing,
5 they need to want to do it. But we have a duty of care:
6 what's going to be the reaction, is it going to be good
7 for them? And so we have to make sure they understand
8 what the fallout potentially could be, what the outcome
9 could be.

10 Q. You tell us also that there were some actors' voices
11 used in the programme; was that a choice or a request of
12 some of those who were involved?

13 A. Yes. Lots of men who were happy for us to use their
14 testimony but didn't necessarily want it to be known to
15 their social groups, sometimes even their partners, so
16 we would take their testimony, we would take it and
17 we would recreate it verbatim with actors. In one case
18 it was someone you've heard from in the inquiry -- we
19 called him MLL -- we completely reconstructed his
20 whole interview using an actor. It's a construct for
21 TV, but we felt it was such a powerful and important
22 interview that we felt we had to make it come alive in
23 order to give it the impact that we thought it deserved.

24 Q. In terms of the interviews you conducted with people,
25 the interviews themselves would be longer than what we

- 1 see in the programme?
- 2 A. Yes. The interviews would be 45, 60, 90 minutes,
3 sometimes. It takes a while to ... If you're asking
4 someone to pour their heart out to you, you can't just
5 sit them down and do it in a 3-minute soundbite. It
6 takes a while to -- people are nervous sitting down in
7 front of a camera, there's lights, there's and lots of
8 people they don't know, and you have to spend time to
9 get them to focus in on just the conversation and make
10 them feel relaxed, so yes.
- 11 Q. And then a selection is made at a later stage about what
12 parts to use?
- 13 A. Through the editing process you would whittle it down to
14 the strongest parts.
- 15 Q. You mention in particular a former boy who you went to
16 see in the south of England and that that was quite
17 an important progression of your investigation. Could
18 you just tell me about that?
- 19 A. We had been tipped off by someone who suspected -- it
20 was no more than that, suspected -- that Donald MacLeod
21 had had an adverse experience at Fort Augustus. We
22 tracked him down, using the electoral register I think;
23 I don't think he was in the phone book. So we decided
24 that the best way to approach him would be to
25 hand-deliver a letter. We didn't really want to send

1 a letter, it felt impersonal. We couldn't even be sure
2 it was the right Donald MacLeod.

3 So often, we turn up at someone's door and say, "Are
4 you the Donald MacLeod who went to Fort Augustus? Can
5 I give you this letter? Can I talk to you? Can I tell
6 you what I'm doing?" I told him I was from the BBC and
7 I was investigating allegations about Fort Augustus.
8 And it was instant. He just kind of shrugged and went,
9 "Oh, all right, come in", and it was as if he'd been
10 waiting for that moment for years.

11 I came in, I sat down, and he told me everything.
12 I told him what we were doing, I told him what we
13 potentially could do for him in terms of a platform and
14 to have his say in a way that he had never had or felt
15 able to have before. I told him that we would go and
16 investigate the cover-up, which he felt very strongly
17 about, and that we would try and get some answers and
18 some redress and try and hold some people to account for
19 him. That's what we could do for him.

20 One of the things that struck me about Donald,
21 actually, before even anonymity was mentioned, because
22 sometimes I will say to a potential contributor, look,
23 you don't have to be identified, we can disguise you and
24 put you in shadow, we can use an actor, but without that
25 even coming up, he said, "And by the way, I wouldn't

- 1 want to be anonymised, I want to tell my story".
- 2 I remember being struck by that.
- 3 Q. Did he tell you that he had been sexually abused at the
- 4 school?
- 5 A. He told me that he had been raped by Aidan Duggan. By
- 6 that time, Duggan was very much in our sights.
- 7 Q. As you were going along, Mark, how were you recording or
- 8 keeping track of the information and the allegations
- 9 that you were hearing?
- 10 A. I would be taking -- sometimes I wouldn't want to
- 11 interrupt the flow of a conversation like that. With
- 12 someone like Donald, it can feel a little bit impersonal
- 13 if I'm taking my eyes off him and writing up too many
- 14 notes. So I think on that occasion, we just spoke and
- 15 then after I left, I wrote up all the notes afterwards.
- 16 I know that I phoned Murdoch straightaway.
- 17 So we would write up notes from every conversation
- 18 that we had and we'd keep them on a secure drive in the
- 19 BBC that only a few people would have access to. So we
- 20 built up a database that way of survivors of potential
- 21 offenders.
- 22 Q. You were keeping a note, for example, of those being
- 23 named as alleged abusers?
- 24 A. Of course, absolutely. We needed corroboration. For
- 25 every monk or staff member or priest that we intended to

1 name or felt that there were grounds to name, we needed
2 to be able to corroborate each of those individually.
3 Even if they were dead and there was no legal risk, we
4 wanted to be able to sure that this was a claim that we
5 could defend vigorously if needs be.

6 So for each abuser we'd be looking to get as many
7 accounts as possible. Often, it might be one account
8 that we put on TV, but we may have six that are not
9 being broadcast, but we know we've got them should we
10 require them.

11 Q. Another former boy, and you've touched on this already,
12 who featured in the programme as [REDACTED] MLL . You tell us
13 a little bit about him in your statement. Could you
14 just develop that for me and tell me about his role in
15 your investigation?

16 A. Again, it was through a colleague, a News colleague who
17 had been contacted by [REDACTED] MLL sister. That was how we
18 got in touch with [REDACTED] MLL . Myself and Murdoch met with
19 him a few times. Murdoch took the lead with [REDACTED] MLL ,
20 but we met him a few times and his story was that he'd
21 been abused by [REDACTED] MEV Father [REDACTED] MEV . It
22 was a very compelling account.

23 His sister had told us before we spoke to [REDACTED] MLL
24 that this is what had happened to him and that she felt
25 angry and wanted to know whether anything could be done

1 about it. She thought there was a chance he was still
2 alive, living abroad.

3 For obvious reasons, any abuser who was still alive
4 was very significant to us. Not that the likes of
5 Aidan Duggan were any less important because he was
6 dead, but if someone was still alive, that meant there
7 was a direct path to potential confrontation, but also
8 to actual justice, not just TV justice, but actual
9 justice. So we were very interested in what [REDACTED] MLL
10 sister and then eventually what [REDACTED] MLL had to say.

11 Something extraordinary happened with [REDACTED] MLL
12 case. We had been told about [REDACTED] -- do you want me
13 to talk about that now?

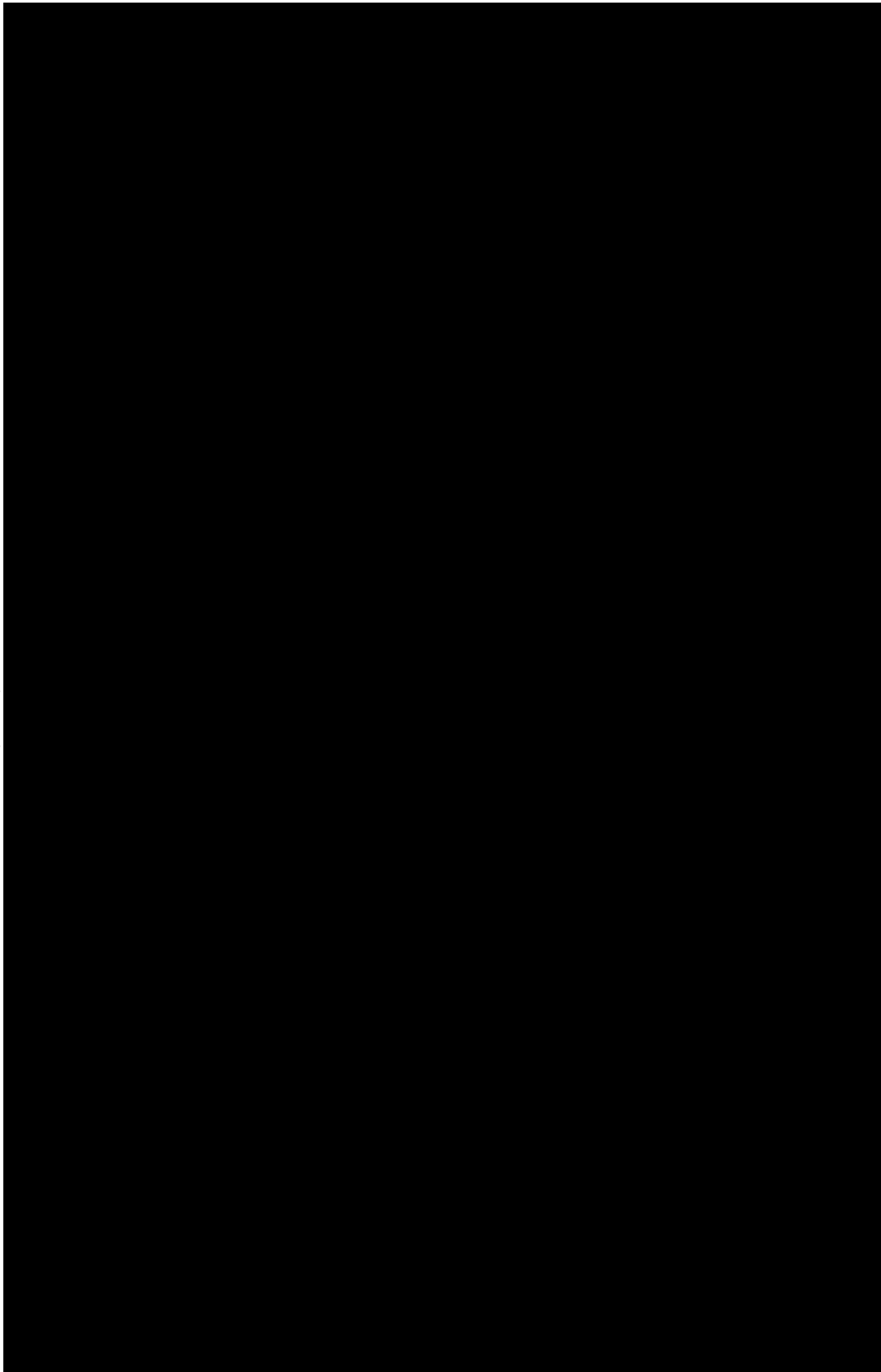
14 Q. Yes, go on.

15 A. At that point we only had one allegation about
16 Father [REDACTED] MEV and because he was alive, it'd be very
17 difficult to allege that someone is a paedophile with
18 one witness, one strand of evidence. So when we
19 heard -- [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q.
A.



1 Q. You mention in your statement that [REDACTED] MLL told you that
2 the abuse had been raised at the time with
3 Father [REDACTED] MMF

4 A. Yes.

5 Q. As a result of that, did you attempt to make contact
6 with Father [REDACTED] MMF

7 A. We did, we put that allegation directly to him and to
8 the Benedictines.

9 Q. Can you tell me how that was done practically?

10 A. Yes. We knew Father [REDACTED] MMF was at that time working
11 as the monastic superior at [REDACTED] in, I think,
12 [REDACTED] So he was like
13 the religious supervisor for a group of religious
14 students at [REDACTED] Ironically, I think one of his
15 duties was being in charge of safeguarding.

16 We put it to him that [REDACTED] MLL had made allegations
17 directly to him in 1977, which resulted in [REDACTED] MEV
18 being allowed to return to Australia. We say "sent
19 back", but he was allowed to leave without any report
20 being made to the police. So we wanted an explanation
21 for that, why it was allowed to happen. Did --

22 Q. Was that put to him in writing --

23 A. Yes.

24 Q. -- or on the phone --

25 A. Yes, we put it to him by email in writing. He

1 responded. So we wanted to know the circumstances of
2 this, why the police hadn't been informed and we wanted
3 to know -- because at that time we didn't have an answer
4 to this -- whether warnings had been given to whichever
5 diocese in Australia [REDACTED] MEV [REDACTED] had been allowed to
6 return to.

7 We got no answers to any of those questions
8 initially. He only said he was very sorry if any abuse
9 had been committed. We got stonewalled by him and we
10 got stonewalled on that specific allegation by
11 Richard Yeo as well when I interviewed him. So at the
12 point of the film, there was no admission that [REDACTED] MMF [REDACTED]
13 had been told this by [REDACTED] MLL [REDACTED] at that point.

14 Q. So what response, if any at all, did you get from
15 Father [REDACTED] MMF [REDACTED]

16 A. In the weeks after the film, because more and more
17 evidence started coming to us, we did another story
18 about [REDACTED] MEV [REDACTED] because Hugh Kennedy had come forward
19 by that time, also telling a very similar story that
20 he had raised this with Father [REDACTED] MMF [REDACTED] and that
21 [REDACTED] MMF [REDACTED] had not acted appropriately.

22 So we put the fresh allegations to [REDACTED] MMF [REDACTED] about
23 both Hugh Kennedy and about [REDACTED] MLL [REDACTED], and at this time
24 I think maybe, I don't know, maybe the publicity --
25 maybe he was under pressure from the abbot, I don't

1 know, but this time he did admit that he had been --
2 that [REDACTED] MLL had made these allegations, not to him, but
3 to the abbot, back in 1977, and that as a result
4 [REDACTED] MEV had been sent back to Australia.

5 He denied being made aware of Hugh Kennedy's
6 allegations, effectively calling Hugh Kennedy a liar.
7 His story about how [REDACTED] MLL brought the allegations to
8 light did not tally with [REDACTED] MLL or his parents. He
9 sought, I thought, to distance himself from the
10 complaint that was made by [REDACTED] MLL and his family as if
11 to say, "It was not up to me", but actually our
12 information was that it was brought directly to
13 Father [REDACTED] MMF

14 So having been stonewalled by him and by Richard Yeo
15 a few weeks previously, they were now accepting that,
16 yes, this had been raised and, no, we didn't go to the
17 police and, yes, we did allow him to go to Australia
18 and, crucially, we didn't warn them that what we were
19 doing was sending a [REDACTED] to work in
20 churches in Australia.

21 Q. So that was his response after the programme had gone
22 out?

23 A. Yes.

24 Q. And after Hugh Kennedy had spoken to you?

25 A. Yes.

1 Q. You say you were stonewalled in relation to your
2 approach to him before the programme went out.

3 A. Initially, yes.

4 Q. What was his response at that time?

5 A. Simply that he apologises if anyone was abused by

6 **MEV** It was words to that effect.

7 Q. No more detail than that?

8 A. No. I watched the film again last night just to be sure
9 about that. We got no answers to any of our specific
10 questions.

11 Then when I interviewed Richard Yeo, he refused to
12 be drawn on individual cases, though by that time,
13 sitting in front of me, he knew fine well what had
14 happened with **MLL** and with Father **MMF**

15 Q. I'm going to come on in a moment to look at your
16 interview with Richard Yeo.

17 You tell us -- and you've mentioned this before --
18 that you were very cautious in the way you write scripts
19 and you tell us in your statement that every line is
20 pored over by a lawyer.

21 A. Yes he.

22 Q. In relation to the allegations against

23 Father **MEV** before the programme went out, you've
24 said this already, that **MLL** allegations, along
25 with **MLL** were the sources that you had?

1 A. Yes.

2 Q. Your investigation, Mark, took you to Australia.

3 Can you tell me when you went to Australia and what the
4 purpose of the trip was?

5 A. We had no idea what [REDACTED] MEV [REDACTED] had done between 1977 and
6 the present day -- well, we had a vague idea because we
7 knew that he had been ordained as a priest in Sydney in,
8 I think it was, 1999. Yet we knew he had been in
9 Australia from 1977. So there was no real record of
10 what he'd been doing for those 20-odd years. He was
11 still listed in the Scottish Catholic directories as
12 a Fort Augustus monk during all that time, yet he'd
13 never set foot back in the place.

14 So we wanted to see what he had been up to. We were
15 also investigating Aidan Duggan and we had made contact
16 with John Ellis, because we knew about the case, which
17 you've just been hearing about this morning. We wanted
18 to try and trace back whatever we could about Duggan
19 too. So essentially I was going out there to
20 investigate Duggan and [REDACTED] MEV [REDACTED] and also to try and
21 work out ...

22 It was weird, you know. We had these three
23 Australian monks arriving at Fort Augustus or Carlekemp
24 within a very short period in the 1950s, Aidan Duggan,
25 [REDACTED] MEY [REDACTED] and [REDACTED] MEV [REDACTED] I wanted to

1 understand more about -- did they know each other before
2 they got there? So essentially, it was a research trip,
3 but with a cameraman, myself and Alan Marcus.

4 I think we had eight days in Sydney, which
5 involved -- we knew we wanted to confront [REDACTED] MEV
6 We had to do basic research, which involved going to all
7 the local libraries around Sydney to look at the
8 Australian Catholic directories to try and work out the
9 genesis of these guys turning up in Scotland, and also
10 go on to speak to John Ellis, and also try and get an
11 interview with the Catholic Church in Sydney, who could
12 explain, we hoped, whether they had been given any
13 warnings by Fort Augustus, what they knew and what they
14 were doing about the fact that they now had an alleged
15 paedophile in their diocese.

16 Q. Were you in contact with the Catholic Church in
17 Australia before your trip?

18 A. I can't remember exactly, but I'm almost certain that
19 we would have been. I'm almost certain.

20 Q. Had you arranged to meet with John Ellis while you were
21 out there?

22 A. With John Ellis, certainly.

23 Q. In relation to confronting Father [REDACTED] MEV you tell
24 us that you arrived in Sydney with [REDACTED] MLL words
25 ringing in your ears?

1 A. I did, uh-huh. Yes. I asked him in interview, "If I do
2 come face to face with Father [REDACTED] MEV what do you
3 want me to say? What should I say?" And he wanted me
4 to ask him why, why him.

5 Q. So can you tell me then, of the eight days that you had
6 in Sydney, what was the plan in relation to
7 Father [REDACTED] MEV

8 A. The initial plan was to deliver a letter with the
9 allegations to his door, which we did. We had a local
10 journalist do that, deliver a letter on maybe the
11 morning we arrived. We wanted to give him time to
12 consider and say, "Look, can you give us a call and let
13 us know if you want to do an interview".

14 We were in the vicinity and obviously no call came,
15 so we decided that we would, if we saw him, confront
16 him -- a doorstep, as it's known in TV -- and so we
17 waited at his house for two and a half days solid. But
18 he didn't emerge. He didn't emerge.

19 Halfway through the third day, we had so much other
20 stuff to do, we had to get on. We had filming arranged
21 with John Ellis, we had research to do about [REDACTED]
22 in the library. So I ended up going to his door against
23 my better judgement -- not better judgement, but wishes.
24 My bosses wanted me to expedite things and I suspected
25 if I went to his door he would just slam it in my face,

1 which is what happened. So he slammed the door in my
2 face.

3 Q. Was this on your last day?

4 A. No, this was on the third day. I shouted a few
5 questions through the letterbox. He told me to go to
6 blazes and that he would call the police as I was on his
7 property. He had no wish to engage.

8 So we got on with the rest of the job. But each day
9 we would come back and have a look at the cul-de-sac and
10 see whether he was around. I had come a long way and
11 I really didn't want to come back and say to MLL
12 that we had failed.

13 Q. I think you say every other day you went for at least
14 half an hour to his house?

15 A. Yes.

16 Q. And he didn't come out?

17 A. No.

18 Q. So what happened then on your final day in Sydney?

19 A. We had just done an interview with the representative of
20 the Catholic Church -- the representative that the
21 Catholic Church had put up for interview. They wouldn't
22 put up anyone serious, they wouldn't put up the bishop
23 or anybody who knew anything about the cases we were
24 interested in or anybody who would even speak about the
25 cases that we were interested in; they put up

1 a safeguarding person who would only speak generally.
2 So out of politeness, we did the interview but it was
3 never going to make the film, but we did it anyway.

4 Q. I think you were corresponding with representatives of
5 the church during your visit --

6 A. I was, but also talking to them face to face, mainly
7 with the head of communications, Katrina Lee, so we
8 finished that and we had a flight to catch at 6 or
9 something and it was about 3 o'clock.

10 I just thought, let's have one more go. So the
11 cameraman had a lot of kit to pack and he wasn't very
12 happy about it, but we went back and drove through the
13 area and drove up the cul-de-sac. Again, it was
14 curtains drawn, door closed, no sign. So we were just
15 doing a three-point turn, about to drive back to the
16 hotel to collect the gear and go to the airport,
17 I wasn't even miked up, I wasn't even ready. Every
18 other time we had gone we had been ready, but this time
19 we weren't ready. And he emerged and he came out of his
20 door. So we very quickly got ready and I confronted
21 him.

22 Q. What did you say to him?

23 A. I introduced myself, I told him who I was and why I was
24 there. I told him I wanted to speak to him and I gave
25 him MLL and I said, "I want to talk to you

1 about allegations that you abused this boy in
2 Fort Augustus in the 1970s and you were allowed to
3 return back to Australia without facing charges. I want
4 to know what you've got to say for yourself, what you've
5 got to say for yourself, what you've got to say to him,
6 he wants to know why".

7 Q. What did he say?

8 A. He said nothing about the allegations. Again, he
9 commanded me to get off his property, he was going to
10 call the police, he was late for an appointment. He
11 showed nothing resembling contrition or apology. He was
12 angry, he was irked. So irked in fact that he got in
13 his car and he drove it straight into mine.

14 Q. Was that how the situation came to an end?

15 A. Just about. My car was inadvertently parked on his
16 drive and he got into his car, reversed straight into
17 mine, so then I couldn't obviously -- I wasn't trying to
18 constrain him. So I got into my car, reversed it, and
19 then he drove away.

20 Q. So in relation to the allegations themselves, he didn't
21 give you any response?

22 A. Not at that time, no. Subsequently, when we've had --
23 we had a local journalist go to his door on our behalf,
24 he has denied the allegations, but at that point there
25 was no outright denial, just simply, "Go to blazes, get

1 off my property or I'll call the cops".

2 Q. And you tell us in your statement that it was up until
3 then amongst the most important work that you'd been
4 involved in.

5 A. Yes.

6 Q. You mentioned there that you arranged for a journalist
7 to go to his door again on your behalf.

8 A. Mm-hm.

9 Q. When was that?

10 A. Some time later. [REDACTED]

MEV

11 [REDACTED]

12 [REDACTED]

so

13 I kept up -- I tried to keep the story in the public
14 eye, I tried to keep the pressure up.

15 Each time I did a new story on [REDACTED] we would
16 try and get a response from him. On one of these
17 occasions, we asked a BBC stringer -- that's like
18 a local freelancer that we use regularly -- Phil Mercer,
19 to go and knock on his door. On this occasion he was
20 allowed in and he gave a bit of an interview, I suppose,
21 where he denied all the allegations. He said this
22 bishop was supporting him and that it would all be
23 sorted out in the end.

24 Q. What allegations were put to him?

25 A. The same ones, but also -- the same allegations relating

1 to [REDACTED] MLL but also now relating to Hugh Kennedy as
2 well.

3 Q. What was Father [REDACTED] MEV response to the
4 allegations?

5 A. He said that it never happened.

6 Q. Just going back to your own trip to Australia, I think
7 as well as managing to find Father [REDACTED] MEV you
8 managed to find out where Father [REDACTED] MEY was.

9 A. Yes.

10 Q. Was he somebody that you had heard allegations about
11 from some of the former pupils you'd spoken to?

12 A. We were on to him, but we didn't have enough to name him
13 at that point. But one of the things we did learn about
14 was that [REDACTED] MEV and [REDACTED] MEY had essentially begun
15 at the same place, that they had been monks at an abbey
16 called New Norcia, and I think it was Western Australia.
17 We got this from the old registers in a library in
18 Sydney. We learned that [REDACTED] MEV had been
19 Aidan Duggan's monastic junior and it was from
20 New Norcia that those two had departed for Scotland,
21 which we found extremely significant.

22 Q. You've mentioned already that you were in communication
23 with a Katrina Lee.

24 A. Yes.

25 Q. I think one of the things you were interested in finding

1 out from her or from the church was if any warnings had
2 been given by Fort Augustus and by the English
3 Benedictine Congregation in relation to [REDACTED]
4 [REDACTED] and Father [REDACTED] MEV [REDACTED] when they went to
5 Australia; is that right?

6 A. Absolutely, yes.

7 Q. So I'm just going to put a document on the screen
8 in relation to that. It's BBC.001.001.0006.

9 I think this is an email from yourself to
10 a colleague, Mark, at the BBC from earlier this year
11 where you attach your shorthand notes taken from
12 a meeting you had with Katrina Lee, who you describe as
13 the head of communications for the Sydney diocese. You
14 note the date of that meeting as having been
15 25 June 2013.

16 You attach to this email a copy of your shorthand
17 note, which I'll now put on the screen. That's at
18 BBC.001.001.0007.

19 Is that a note that you took at your meeting with
20 Ms Lee?

21 A. If not at the meeting, immediately after, yes,
22 absolutely.

23 Q. Do you recall the meeting itself?

24 A. Yes.

25 Q. And what was the purpose of the meeting?

1 A. Specifically to find out what they knew about these guys
2 I was interested in and also to try and negotiate an
3 interview with the Catholic Church about the situation.

4 Q. What did Katrina Lee tell you that the meeting?

5 A. Only that [REDACTED] MEV [REDACTED] had come back to Australia in about
6 1980 and that he was made a priest in 1999. They didn't
7 have any idea about what he'd been doing in the
8 meantime.

9 I thought it was an astonishing meeting. They had
10 absolutely no idea what a priest in their diocese had
11 been doing for 20 years, and also to tell me that they
12 wouldn't be putting anyone up for interview.

13 Q. Did you ask her if the Benedictines at Fort Augustus had
14 told the Sydney diocese about any allegations relating
15 to either [REDACTED] MEV [REDACTED] or either [REDACTED]

16 A. Yes. I'm not sure if I asked about [REDACTED] MEY [REDACTED] but
17 certainly Aidan, yes. They said they had nothing on
18 record that would suggest that they'd been given any
19 warnings whatsoever about [REDACTED] or [REDACTED] MEV [REDACTED]

20 Q. Is that reflected in your note --

21 A. Yes.

22 Q. -- of the meeting?

23 A. Yes. And also it's in various pieces I did, also in the
24 documentary, which is on the basis of the conversation
25 I had with Katrina Lee.

1 Q. If I can take you just to another document, which is an
2 email from Katrina Lee. That's at BBC.001.001.0049.

3 This email relates to [REDACTED] MEY [REDACTED] Before I ask
4 you about the detail of that --

5 LADY SMITH: We haven't got it yet, Ms MacLeod.

6 MS MACLEOD: While we're waiting for that to come on the
7 screen, what did you find out about where [REDACTED] MEY [REDACTED]
8 was while you were in Australia?

9 A. We learned he was in a retirement home in [REDACTED]
10 New South Wales. I can't remember if I -- yes, we did,
11 we knew that when I was in Australia, and we considered
12 going, but I think it was a 6 or 7-hour drive and we
13 just didn't have the time. Plus at that point we didn't
14 have anything definite to put to him.

15 Q. You say that you got a letter hand-delivered to
16 [REDACTED] MEY [REDACTED]

17 A. That was after the programme.

18 Q. Was that after the programme?

19 A. After the programme more people came forward and several
20 of them were making allegations about [REDACTED] MEY [REDACTED] and
21 at this point we felt able to name him as an alleged
22 abuser. So we needed to get his response, so we had
23 a letter hand-delivered to his retirement home.

24 Q. Did that letter contain allegations of abuse being made
25 against him --

1 A. Yes.

2 Q. -- by former boys that you'd spoken to?

3 A. Yes.

4 Q. Do you know if he got the letter?

5 A. He died on the day the letter was delivered. So I don't

6 know whether he saw the letter or not. I'd like to

7 think he did.

8 Q. If we look at the document on the screen, which is dated

9 12 August, which would have been about two weeks after

10 the programme went out, do we see an email there from

11 Katrina Lee to yourself which says:

12 "Father [REDACTED] MEY returned to Australia in 1973.

13 The Archdiocese of Sydney was not made aware of any

14 complaints or allegations about Father [REDACTED] MEY prior to

15 or upon his return, nor has the archdiocese received any

16 allegation or complaints about Father [REDACTED] MEY from his

17 time working in Sydney between 1973 and 1992.

18 "Mark, as you are aware, Father [REDACTED] MEY has spent the

19 last several years in retirement in [REDACTED] New

20 South Wales. We have just been informed that

21 Father [REDACTED] MEY passed away last Friday,

22 [REDACTED] 2013."

23 And as you've just said, that was the day that you

24 arranged for a letter to be delivered to him?

25 A. Yes.

1 Q. We know that Father [REDACTED] MEY was born in 1930, so
2 he would have been around aged 83 at the time he died.

3 A. Yes.

4 Q. As well as those matters you have already told me about,
5 I think you spent a considerable amount of time in
6 Australia doing your own research, looking up
7 directories and calling and visiting various churches;
8 is that right?

9 A. Yes.

10 Q. Was that really to try and get any information about
11 Father [REDACTED] MEV or [REDACTED] particularly
12 Aidan Duggan?

13 A. Uh-huh. It was astonishing to me that the church had no
14 idea where he'd been, what he'd been doing. He was not
15 a parish priest, he wasn't a monk anywhere, and they
16 just couldn't tell me.

17 Q. This is Father [REDACTED] MEV

18 A. This is [REDACTED] MEV uh-huh. I found it extraordinary.
19 By this time, this was a [REDACTED] who
20 is living for 20 years unsupervised without anybody in
21 Australia, according to the Catholic Church, having any
22 idea of what he's done or what he was doing.

23 So I just -- I went to dozens of churches and called
24 up dozens of churches around the area, and eventually
25 found that he -- there were a couple that he was

1 connected to. [REDACTED] was one, which is also
 2 connected -- well, we knew [REDACTED] MEY ... But then we
 3 learned that had been the church that [REDACTED] MEY had
 4 been associated with, so parts of the jigsaw started to
 5 fall into place. These three guys were a unit before
 6 and after Fort Augustus.

7 We learned that he had been officiating in
 8 a semi-formal capacity. He'd been standing in for the
 9 parish priest, standing in for [REDACTED] MEY helping
 10 with christenings and confessions and that sort of
 11 thing. The people at the church I spoke to had no idea
 12 of his past -- at least that's what they said.

13 Q. So then once you were back in Scotland and the programme
 14 was in its final stages, you tell us in paragraph 45
 15 about the names of alleged abusers that you had heard
 16 about by that time. On the version of your statement on
 17 the screen, their names are blanked out for redaction
 18 purposes, but you'll be able to look at the copy in your
 19 folder.

20 I just wonder if you could summarise for us that
 21 at the stage of transmission of the programme who the
 22 alleged abusers were that your investigation had put
 23 into the frame.

24 A. At that point it was Father [REDACTED] MFE Father
 25 [REDACTED] MFF Father [REDACTED] MEW Father [REDACTED] MEZ

1 [REDACTED] MEZ Father [REDACTED] MFA Father Aidan Duggan, and
2 Father [REDACTED] MEV The monks that we were accusing of
3 covering the allegations up were Father [REDACTED] MKT
4 and Father [REDACTED] MMF

5 Q. At that time, other than Father [REDACTED] MEV who we've
6 looked at, you had more than one source I think you tell
7 us for the other monks?

8 A. [REDACTED]
9 [REDACTED]

10 Q. Yes. In terms of what at that stage you had heard from
11 the former boys you spoke to, obviously there's those
12 who were included in the programme, but taking into
13 account those who weren't in the programme, could you
14 summarise for me what you were hearing from those former
15 pupils about the regimes at those schools?

16 A. This was a diabolical place for many boys. The inquiry
17 has heard that it was survival of the fittest. The
18 strongest boys did prosper, but for a huge percentage of
19 boys, it was a diabolical, terrifying, evil place, where
20 monks acting in a calculated, cunning, patient way --
21 and sometimes a completely opportunistic way -- were
22 preying on vulnerable boys, sexually abusing them, with
23 almost no comeback whatsoever. These monks were using
24 the school and religion as a shield, as a front, for
25 their paedophile activities.

1 For the boys who were in the middle of it, not only
2 did they have to endure the beatings, which encompassed
3 the grooming practice, which led to the abuse, but it
4 was the fact that no one believed them. Some of these
5 boys couldn't even get their parents to believe them
6 because the priest, the monk -- they were seen as -- the
7 church was sacrosanct, they wouldn't do such a thing.
8 Boys would be getting sent back to the school in terror.
9 Headmasters wouldn't believe them. If word got out
10 amongst the school about the abuse, it wasn't sympathy
11 they got, it was bullying and more abuse from the
12 pupils.

13 The picture that we got of Fort Augustus and
14 Carlekemp was -- I mean, it was the 1950s, 1960s, 1970s,
15 1980s, but it was more like Victorian times, and
16 we were ... We were consistently being shocked by what
17 we were hearing from boys.

18 Actually, the more survivors we met, it was
19 surprising to us that so many were able to talk to us
20 lucidly given what they'd been through. Many couldn't.

21 We'd heard an awful lot about boys who'd died. We
22 heard about alleged suicides. We had heard about boys
23 who ended up dying through drinks and drugs. We heard
24 about boys who ended up in prison. The impact of this
25 schooling for so many boys we spoke to and heard about

1 was catastrophic at times. It's a testament to these
2 men that they were able to stand up and speak up.

3 Q. In relation to what you were hearing in connection with
4 sexual abuse, which monks in particular featured in
5 those allegations?

6 A. Do you mean in the subsequent reporting as well or just
7 for the programme?

8 Q. Just for the programme at the moment.

9 A. [REDACTED] MFA Aidan Duggan, [REDACTED] MEZ [REDACTED] MEW
10 [REDACTED] MEV Duggan -- did I say Duggan? Yes.

11 Q. In relation to physical abuse, were there monks who were
12 named as alleged abusers there?

13 A. Almost all of them, pretty much. Pretty much all of
14 them.

15 We sort of ... the ones that we named as physical
16 abusers tended to be the ones who were being singled out
17 by boys as being the worst offenders, the ones who
18 seemed to take pleasure out of it, bare backside
19 birchings, that sort of thing.

20 Q. Do you recall if there were any monk or monks in
21 particular who were named more than others in connection
22 with that?

23 A. Aidan Duggan was described by some people as
24 a psychopath in terms of the punishment he would mete
25 out, as was [REDACTED] MEV as were [REDACTED] MEZ and [REDACTED] MFF

1 They all seemed to have wild tempers which for some
2 reason could be inflamed by the behaviour of a 7 or
3 8-year-old boy at times.

4 Q. So this was at the point of transmission and we can see
5 the programme and look at that for ourselves. But in
6 relation to what happened after the programme, I think
7 you tell us that the list expanded. What was the
8 response to the programme?

9 A. The phone was ringing off the hook with people wanting
10 to get in touch. Boys who had suffered similar, who
11 hadn't known about our programme, boys from all over the
12 world -- people were getting calls from Malaysia, from
13 Australia, from South America. People who were hearing
14 on the grapevine that this programme had been made who
15 just wanted to call us up and say thank you, or they
16 wanted to add their stories to the mix, and some of the
17 stories that we were getting ended up in new pieces
18 being broadcast.

19 Yes, the response from former pupils was
20 extraordinary. Quite a few former pupils who had
21 previously had only good memories of it were now looking
22 at their pasts in a different light, and other pupils
23 were looking at it in total and utter denial because
24 they had good memories of these particular monks.

25 Q. So do I take from that then that after the programme you

1 had people contacting you to say that that wasn't their
2 recollection of the school?

3 A. Lots of complaints. Yes, we had lots of complaints that
4 we had to deal with formally. The BBC has a very formal
5 complaints process and we had to deal with them all
6 individually.

7 Q. Taking into account those former boys who contacted you
8 after transmission, you tell us in paragraph 46 that you
9 think the running total at the end was about 40 or 50
10 who were making allegations of abuse.

11 A. Roughly.

12 Q. So that was quite a significant increase on what you
13 had --

14 A. It's probably doubled, yes.

15 Q. You tell us also that you've done some subsequent
16 stories, and you've already touched on this, in relation
17 to the further allegations and to the school.

18 A. Yes, in particular, with the [REDACTED] MEV [REDACTED] case.

19 There are some -- the people directly involved in that
20 case think that it wouldn't have gone anywhere had the
21 BBC not continued to annoy [REDACTED] about it. They
22 couldn't -- and I suppose if I had to venture a personal
23 opinion, I couldn't understand why [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 So we reported on that, we reported consistently,
2 trying to hold ██████████ to account, because it was the
3 victims'/survivors' views that they had all the evidence
4 they needed and they couldn't understand why it was
5 taking so long, so we continued to report on that and
6 still do.

7 Q. You tell us that although at the time of transmission
8 you had only one former pupil making allegations against
9 Father ████████ MEV ████████ of a sexual nature, that in particular
10 another former pupil came forward making those
11 allegations after transmission.

12 A. Yes. Yes, you've heard from him, it's Hugh Kennedy. He
13 got in touch with me three weeks or so after the film, I
14 think. He had been on holiday and just heard about it.
15 He told me that he had just been to the police and that
16 he had been abused by ████████ MEV ████████ in a particularly
17 egregious manner, as well as by the ████████ teacher,
18 ██████ MFH ████████ the lay teacher at Fort Augustus. He wanted
19 to tell his story, so we did a kind of long news piece
20 about Hugh's case, and that was what led to
21 Father ████████ MMF ████████ having to resign from his post ██████████
22 over the alleged cover-up of ████████ MLL ████████ and Hugh's
23 allegations back in the 1970s when he was ████████ SNR ████████

24 Q. So I think you have mentioned that before, that you went
25 back to contact Father ████████ MMF ████████ for a response after

1 transmission?

2 A. We went back to him. He gave a slightly more, in my
3 view, honest -- well, he met us halfway at least. He
4 admitted to being told about Hugh Kennedy's allegations.
5 He was continuing to deny [REDACTED] MLL [REDACTED] allegations, but he
6 at least admitted that he had been aware of it and that
7 it led to his being sent back to Australia.

8 LADY SMITH: When you said he admitted he had been aware of
9 that, was that on the same basis you referred to before,
10 namely that he knew the abbot knew or that he was --

11 A. Yes.

12 LADY SMITH: -- accepting that he had been told directly?

13 A. No, he was accepting that he was aware of the
14 investigation process, but that the allegation had been
15 raised with the abbot --

16 LADY SMITH: Yes.

17 A. -- which was in direct contrast to what [REDACTED] MLL [REDACTED] said.

18 MS MACLEOD: Just to clarify there, Mark, did

19 Father [REDACTED] MMF [REDACTED] tell you that he had been aware of

20 [REDACTED] MLL [REDACTED] allegations?

21 A. Yes.

22 Q. What was his response in relation to Hugh Kennedy's
23 allegation?

24 A. Did not recall.

25 Q. Sorry?

1 A. He did not recall those allegations.

2 Q. Do you remain in touch, Mark, with some of the former
3 boys?

4 A. Yes. I'm still in touch with a few of them.

5 Q. How does that contact come about?

6 A. I'm in touch with Hugh Kennedy more because his [REDACTED] is
7 still very much live. I hope to continue reporting on
8 that. [REDACTED]
9 in due course. So he and I are in regular contact.

10 Occasionally I hear from Donald and I get in touch
11 with him or David Walls. I was in touch with them when
12 Christopher passed away.

13 Q. I now wish to ask you a bit about contact you have had
14 with Richard Yeo over the period. Could you just tell
15 me what contact you have had with Richard Yeo?

16 A. When we got near the end of the evidence gathering
17 process and close to transmission, we got in touch with
18 the Benedictines and sought an interview, which to be
19 fair to him he agreed to, which isn't necessarily what
20 we expected, although we welcomed it.

21 The Catholic Church doesn't often put
22 representatives up for interviews in cases like this,
23 but he did. So we made him aware of the allegations in
24 quite some detail, actually, because we don't always
25 tell people what the questions are ahead -- in fact, we

1 don't tell people what the questions are ahead of
2 interviews, but we'll often share with them question
3 areas so that it's -- it's only fair that they know what
4 to prepare for and we didn't really want Richard Yeo to
5 be able to say that, "Well, I'll go and look into that
6 for you", or, "I don't know about this, I'll check". So
7 we gave him a very, very detailed letter setting out
8 what we wanted him to account for.

9 Q. When you interviewed him, I think that was roughly about
10 10 days or so before the programme was transmitted, so
11 you would have had most of the evidence you were going
12 to have by then. What was Richard Yeo's response to the
13 allegations?

14 A. He opened with an apology to the victims. "Anyone who
15 may have been abused at Fort Augustus", I think were the
16 words he used. I found it slightly mealy-mouthed --
17 I know some survivors did. Then he obfuscated his way
18 through the interview and refused to address in any
19 detail the allegations that we had.

20 It only emerged to me subsequently that I know
21 that -- I know that he knew the answers to my questions
22 back then. I know that he knew about what
23 Father **MMF** knew about **MEV** But he wouldn't
24 answer any specific questions about **MMF** He
25 wouldn't even tell me whether he had asked **MMF**

1 about these allegations.

2 For me, it was a very disappointing experience
3 because I didn't really get any answers, and I didn't
4 get the impression that he had done very much to try and
5 get to the bottom of this. He had been aware of
6 allegations at Fort Augustus for many, many years.
7 Several years before I got in touch, the Walls brothers
8 had been in touch with him. He'd met with them and he
9 knew exactly what some boys were claiming about
10 Fort Augustus. What had he done about that up until
11 that point? There's no evidence that I've ever seen
12 that he did anything.

13 Q. MYV is somebody I think you asked Richard Yeo
14 about. Before we come on to look at Richard Yeo's
15 response to that, could you just tell me about

16 MYV and how he fitted into your investigation?

17 A. Well, MYV had been a parish priest in [REDACTED]
18 and he had been exposed 20 years ago, 25 years ago now,
19 in the [REDACTED] as having abused a boy and having
20 admitted to it and that the local bishop, Bishop [REDACTED]
21 had failed to make the police aware of these allegations
22 and it had been a bit of a scandal at the time.

23 MYV though, had ended up at Fort Augustus,
24 albeit after the Abbey School had closed. The abbey, as
25 you know, continued as an abbey after the school closed.

1 But it seemed that, at least in a few cases, the abbey
2 had become a bit of a repository for problem priests
3 that they didn't know what to do with and [REDACTED] MYV was
4 one of those and he had been despatched to live at
5 Fort Augustus.

6 He was interesting to us because of that and also
7 because we suspected very strongly that lots of people,
8 lot of very senior Catholics, were aware of [REDACTED] MYV
9 offending history, yet seemed quite happy to have him
10 live out his days in Fort Augustus Abbey.

11 Q. In that context, Richard White is somebody else you
12 mention. How does he fit in?

13 A. Richard White, he was a monk at Downside, and in fact
14 our film opened with an interview with a man called
15 [REDACTED] -- I think it was [REDACTED] -- who had
16 been abused by Richard White. He had been abused once
17 by him, I think, in the late 1980s. He had raised the
18 alarm with his parents, and White was removed from his
19 position as geography teacher. But when [REDACTED] came
20 back to school the following year, he saw that
21 Richard White was still at the school and the abuse
22 continued. He was removed again, but there was no
23 police involvement and, as was their wont at the time,
24 he was simply shunted to somewhere else and
25 Richard White also ended up at Fort Augustus.

1 This, at least to a certain extent, was under
2 Richard Yeo's watch and that was something I wanted to
3 raise with Richard Yeo. When I interviewed him, I asked
4 him whether he had met White when he visited
5 Fort Augustus and he had. I asked him if he knew about
6 White's criminal background. He was aware of that.
7 I asked him what he'd done about it and the long and
8 short of it was that he'd done nothing about it.

9 Richard Yeo was amongst a number of very senior
10 monks who knew exactly what Richard White had done.
11 According to some evidence given to the English inquiry,
12 I think also Abbot Geoffrey Scott, who was the abbot of
13 a neighbouring abbey, was also aware of Richard White's
14 offending behaviour. I find it slightly ironic that
15 he is the monk who's despatched to listen to the
16 evidence here.

17 So the Richard White saga seemed to me to display
18 that monks of real seniority were satisfied to have
19 paedophiles -- not alleged, because they had
20 confessed -- who were living amongst these abbeys
21 without there ever being any police involvement, and
22 this isn't the 1940s or 1950s or 1960s, this is the
23 1990s, sometimes later, and these were issues I wanted
24 to raise with Richard Yeo.

25 Q. You mention a photo, which I think was featured in your

1 film I think, that you tell us showed both [REDACTED] MYV
2 and Richard White at Fort Augustus in around 1997.

3 A. Yes.

4 Q. You tell us that as well as speaking to Richard Yeo
5 about that, that you wished to speak to Archbishop Conti
6 and Bishop Gilbert, who were in the photograph.

7 A. Yes. They were all photographed together. I think it
8 was [REDACTED] 1997. It was the jubilee -- maybe the
9 [REDACTED] -- of [REDACTED] MFF and it was
10 a photograph with a variety of monks and priests and
11 [REDACTED] MYV was there and Richard White was there. So
12 I wanted to know of Bishop Conti and Bishop Gilbert why
13 they were happy to be aware of a priest like
14 Father [REDACTED] MYV who was a [REDACTED]
15 why they were happy for this situation to exist and were
16 they aware of his offending behaviour.

17 Q. Did you get a response?

18 A. I got a response.

19 Q. From Archbishop Conti?

20 A. From Conti, who said that he'd only become aware of
21 [REDACTED] MYV offending behaviour due to press reports. But
22 a very simple cutting search showed that the press
23 reports had been on [REDACTED], two weeks before the
24 photograph was taken. So I went back to him and I said,
25 "Hang on, Bishop Conti, you said you only found out

1 about this guy when the newspaper reports from
2 published. Well, the newspaper reports were published
3 two weeks before you were photographed with him". No
4 response. Similarly from Bishop Gilbert: no response.

5 Q. Did you get any response at all from Bishop Gilbert?

6 A. Yes, I think so. Only that he was unaware of
7 [REDACTED] MYV [REDACTED] previous offending. I don't think he tied
8 his knowledge of [REDACTED] MYV [REDACTED] offending to any specific
9 date. You'd maybe need to ask him that.

10 Q. In relation to your own investigations, your continued
11 investigation, you did some further investigation into
12 [REDACTED] MYV [REDACTED] case?

13 A. Yes. Another of [REDACTED] MYV [REDACTED] victims came forward to me
14 and told us that he had been given a cheque for £10,000
15 by the priest, which he viewed as hush money. It seemed
16 very like hush money. I confronted [REDACTED] MYV [REDACTED] about
17 this and asked him about it. He said it was a loan that
18 he didn't ask to be paid back. I thought this was
19 a very significant story because [REDACTED] MYV [REDACTED] at that
20 point was living in a grace and favour Catholic Church
21 home in [REDACTED] so I confronted him about this, what
22 looked like a payoff.

23 Q. Can you remember when that was that you confronted him?

24 A. [REDACTED] 2015.

25 Q. I think you tell us you ran the story on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]
A. It would have been a day or two before that, a day or two before that.

The [REDACTED] MYV story is a bit of a thorn in the side of the Catholic Church in Scotland. One of the ... One of the things -- when I first approached the Catholic Church in Scotland about the [REDACTED] MYV case, because mostly I'd been dealing with the Benedictines, but I put the [REDACTED] MYV story to the Catholic Church because one of the priests who was telling me about it was a Father Gerry Magee -- and again I think this was indicative of the approach of the church at that time where I attempted to put these allegations to the church about [REDACTED] MYV and --

Q. And I think you did that at an earlier stage while you were making the programme?

A. Prior to the documentary, uh-huh. [REDACTED] MYV being -- going to Fort Augustus when he really should have been handed over to the police -- and what the communications guy for the Catholic Church did that day was engage then what I would call dark arts PR, the kind of dark arts you'd expect not from the communications office from the Catholic Church. He said, you need to be really careful about Father Gerry, he's not right in the head, he's got mental health issues, he'd had problems before, and he

1 alluded to personal problems he had, and ...

2 Q. So Father Gerry Magee spoke to you on the programme?

3 A. He did.

4 Q. He did an interview and you then in essence put what

5 he had said to the Catholic Church?

6 A. Amongst other things, in Scotland.

7 Q. And what was the response?

8 A. They wanted to undermine him, one of their own priests,

9 by telling me he had mental health issues. In fact,

10 that very conversation has completely changed the way

11 I deal with press officers. At the point I get into

12 a right of reply situation with a communications person,

13 I no longer allow off-the-record conversations because

14 what this guy wanted to do is just drip poison into my

15 ear off the record about why the allegations that

16 I planned to run were unsafe.

17 Q. Did you get a response from the church communication

18 department in relation to [REDACTED] MYV [REDACTED] having been moved

19 from the parish?

20 A. Yes. Eventually. I think the first response I got from

21 Bishop Taylor, who was the bishop at the time. The

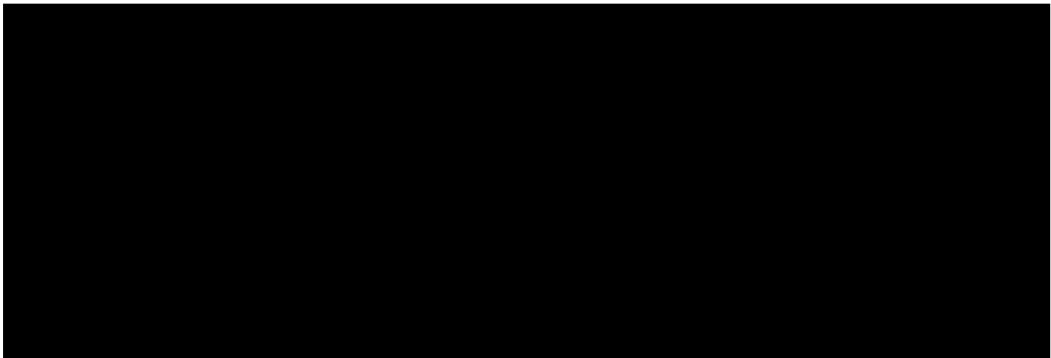
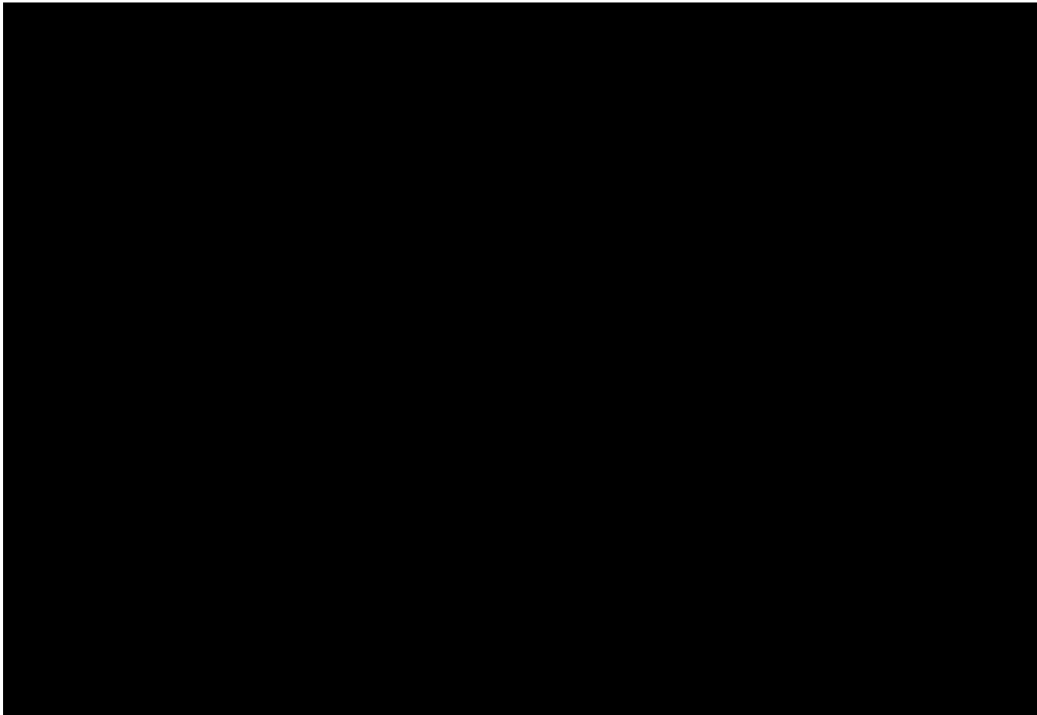
22 response changed over the course of a few days, I think.

23 I'd put it to them that Bishop Taylor had actually

24 misled his congregation about [REDACTED] MYV [REDACTED] reasons for

25 leaving his parish when the allegations first emerged.

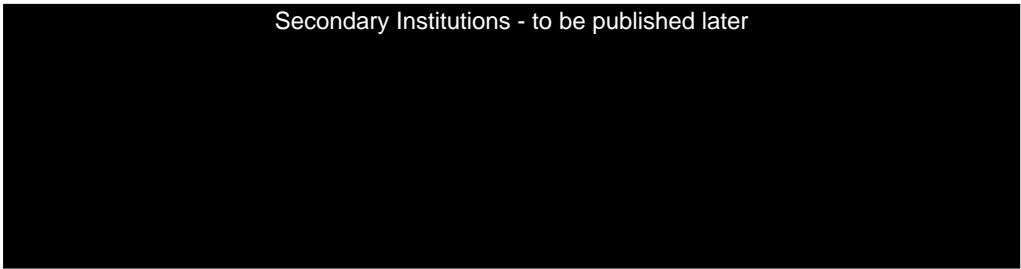
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



Q. [Redacted]

A. Yes.

Q. Aside from your investigation into Fort Augustus and Carlekemp schools, you also tell us in your statement



Secondary Institutions - to be published later

1 A.

2 Q.

3

4

5 A.

6

7 Q.

8 A.

9

10

11 Q.

12

13 A.

14

15

16

17

18 Q. You then go on to the section of your statement where
19 you tell us about your hopes for this inquiry. Those
20 are set out at paragraph 130 onwards. You tell us that:

21 "First and foremost, [you] hope that survivors end
22 up thinking that the inquiry was worthwhile."

23 A. Uh-huh. I think that the ... I hope for them that they
24 have the feeling that going through this, this really
25 traumatic experience, reliving all their abuse in front

1 of a public inquiry, in front of all you, has been worth
2 it. Because I know how difficult they have -- I have
3 heard from them how difficult it's been. Gladly,
4 everyone has had a good experience at your hands, and so
5 for them I hope that the end result is worthwhile, that
6 they look back on it and think they did a good thing.

7 I think that depends on quite a number of things,
8 actually. What I hope happens out of this inquiry
9 is that there is a real reckoning for the church, for
10 the Benedictines, for the church in particular, that
11 they understand more, that they actually try and walk
12 a few miles in the shoes of survivors. Because my
13 experience with the church and the Benedictines in these
14 investigations has been that their response has been --
15 their approach has been self-preservation at all times,
16 secrecy, and attempts to keep these allegations as --
17 keep them controlled.

18 I think it's going to be the inquiry's challenge to
19 really make this count because this is -- what an
20 opportunity it is to actually change things. So it
21 won't be like Nolan in 2001, which is now viewed as
22 a bit of a box-ticking exercise. Even the McLellan
23 Inquiry, it felt for survivors like going through the
24 motions. This seems to be the chance to make the
25 change, the chance to really change things for the

1 church and for the Benedictines to properly take stock
2 of their history, the past, what they've done, what
3 they've tried to cover up, and a real acknowledgement of
4 that. Because without that, they can come and they can
5 apologise and everyone keeps saying, "Well, it was
6 different times back then, a different culture".

7 Child abuse was no less illegal back in those days.
8 Covering child abuse up was no less morally
9 reprehensible back in those days. So there has to be
10 a real day of reckoning for these institutions, for the
11 Benedictines, for [REDACTED], for the
12 Catholic Church. This is a real line in the sand and
13 I guess that's up to you to see that home.

14 Q. Something else you tell us, Mark, in the final paragraph
15 of your statement, 134, is that:

16 "[You] consider one of the most important things
17 that I hope comes out of the inquiry is what happens to
18 survivors after they make complaints to the police and
19 how they are looked after."

20 A. Some of the people I've spoken to over the years -- not
21 just in this case -- have deep regret that they have
22 gone to the police with their allegations. There seems
23 to be a real disconnect and a really patchy service when
24 it comes to dealing with victims of historic abuse, both
25 in the police and in the Crown.

1 Some will tell you that they've had a great
2 experience, and others, like Hugh Kennedy, have had
3 a miserable experience. They fear that they're always
4 the last to know about developments in their cases.

5 I hope that -- I don't know whether anyone from the
6 Crown will be giving evidence here about how they deal
7 with child sex abuse survivors, but they really need to
8 take the lead from how this inquiry has dealt with
9 survivors. Because the phrase that they have felt like
10 they've relived the abuse has been said to me many times
11 when people are trying to obtain any sort of justice,
12 whether that be, by the way, civil justice or criminal
13 justice.

14 So like I say, I think there are huge learnings that
15 the Crown Office and the police could take in terms of
16 the way they deal with child abuse, and there's just one
17 other thing that's popped into my head, if I may.

18 Q. Of course.

19 A. I mentioned civil justice there. We have the
20 Benedictines here and they've accepted what went on at
21 Fort Augustus. I still can't understand why more effort
22 hasn't been made by them, by the church, by other
23 institutions, to reach out to survivors, to say, "Look,
24 what can we do for you? How can we make this better?"
25 I haven't met anybody who went to Fort Augustus that

1 feels that they have had a satisfactory experience in
2 terms of their dealings with the church or
3 Fort Augustus. Not a single one of them.

4 Just last week, I read that Hugh Kennedy's lawyers
5 are -- not that financial compensation, as far as I have
6 ever seen, has been a factor in any of these men coming
7 forward, but I don't blame them subsequently thinking
8 that maybe that's something they deserve, yet
9 Hugh Kennedy is having to trail all over the place
10 trying to find a trustee to sue from the Benedictines.

11 The Benedictines are here, they listened to him: why
12 are they not getting in touch to try and help these men,
13 try and help make their lives just a wee bit better,
14 rather than put them through yet another court case, yet
15 another endurance event, when things could be done a lot
16 better?

17 Q. Thank you, Mark. I don't have any further questions for
18 you, but is there anything that you would like to add or
19 say at this stage?

20 A. No. I'm delighted that it's got to the stage that
21 there's a really serious inquiry. I'm very heartened
22 at the way -- all the responses I've heard from
23 survivors about the way they've been dealt with here.
24 You all seem really serious and that's great. This is
25 a great opportunity to put things right in some ways and

1 I wish you all the luck in the world.

2 MS MACLEOD: Well, thank you very much for that.

3 My Lady, I'm not aware if there are any other
4 questions to be put to Mark.

5 LADY SMITH: Thank you.

6 Are there any outstanding applications for questions
7 of Mark? No.

8 Mark, that does complete all the questions that
9 we have for you. Thank you for all the help you've
10 given us, both in understanding the background to "Sins
11 of Our Fathers" and the observations you have as
12 a result of the detailed work you've done.

13 Thank you for recognising that we're serious about
14 our work here. I can assure you we are, as I was
15 indicating only yesterday from this very seat.

16 I'm grateful to you and I'm now able to let you go.

17 A. Thanks.

18 (The witness withdrew)

19 LADY SMITH: Well, I think we'll stop now for the lunch
20 break, Ms MacLeod. Since we're rising early, we'll try
21 and sit at 1.45 if the witness is ready then.

22 (12.40 pm)

23 (The lunch adjournment)

1

2 (1.45 pm)

3 LADY SMITH: Good afternoon. We have another witness ready,
4 Ms MacLeod, is that right?

5 MS MACLEOD: Yes, my Lady, we do. The next witness is
6 Murdoch Rodgers.

7 MURDOCH RODGERS (affirmed)

8 LADY SMITH: Please do sit down and make yourself
9 comfortable.

10 How would you like me to address you, Mr Rodgers or
11 Murdoch?

12 A. Murdoch.

13 LADY SMITH: Well, Murdoch, I think you probably understand
14 what's going to happen next. If you're ready, I'll hand
15 you over to Ms MacLeod and she'll explain.

16 Questions from Ms MacLEOD

17 MS MACLEOD: Good afternoon, Murdoch. Are you
18 Murdoch Rodgers?

19 A. I am.

20 Q. Were you born on [REDACTED] 1950?

21 A. I was.

22 Q. And are you now 68, coming up for 69, years old?

23 A. Yes, I am.

24 Q. You have provided two statements to the inquiry and
25 there's copies of both of them in the red folder in

1 front of you; various parts of the statement will also
2 come up on the screen as we go along.

3 If I can take you to the first statement, first of
4 all; it's at WIT.001.002.4299. To begin with, if you
5 could look please to the final page of the first
6 statement, which is on page 4331, can you confirm if
7 you have signed the statement?

8 A. Yes, I have.

9 Q. In the final paragraph of that statement, do you say:

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

12 A. Yes.

13 Q. Do you go on to say:

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

16 A. That's correct, yes.

17 Q. If we then turn to your supplementary statement to the
18 inquiry, that's at WIT.001.002.7995. Again, if you
19 could please turn to the final page of that statement,
20 which is at page 8005, can you confirm that you have
21 signed that statement?

22 A. Yes, I have.

23 Q. Again in the final paragraph do you say:

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

- 1 A. That's correct, yes.
- 2 Q. Do you go on to say that you believe the facts stated
3 in that witness statement are true?
- 4 A. Yes, that's correct.
- 5 Q. Thank you.
- 6 I think you're here today to discuss your
7 involvement in making the film "Sins of Our Fathers" --
- 8 A. Yes.
- 9 Q. -- which was broadcast on the BBC on 29 July 2013. As
10 a result of that and further investigations after the
11 film, you go on to tell us in your statement that you
12 have had contact with over 100 people who have shared
13 their experiences of both Fort Augustus and
14 Carlekemp Priory School with you.
- 15 A. That's correct, yes.
- 16 Q. You say that you have built up trust with these
17 individuals and that's something you're careful that you
18 don't want to betray in anything you discuss with the
19 inquiry.
- 20 A. That's correct, yes.
- 21 Q. You give us in your statement a little bit of background
22 in relation to yourself and your career. You tell us
23 that having been at university, you developed an
24 interest in oral history --
- 25 A. Yes.

1 Q. -- which is recording interviews --

2 A. Yes.

3 Q. -- with people -- and that you moved fairly quickly on
4 to a part-time job with the BBC based around that.

5 A. Yes, that's correct.

6 Q. You tell us you were initially involved in radio work
7 for three or four years, and that you then went on to
8 set up your own independent television company.

9 A. That's correct, yes.

10 Q. And I think you operated that company through until
11 about the mid-1990s?

12 A. Yes, that's correct.

13 Q. You tell us that your principal interest was
14 investigative journalism and that's something you
15 continue to pursue.

16 A. Yes.

17 Q. You tell us you joined the BBC in 1995 as a
18 producer/director?

19 A. That's right, yes.

20 Q. And that you remained in that role until you retired in
21 2015?

22 A. Yes.

23 Q. Could you just tell me a little bit about what that role
24 was with the BBC during that time?

25 A. Well, when I joined in 1995, I joined an organisation

1 that ran a strand called Frontline Scotland, which was
2 a current affairs series that was looking principally at
3 investigative journalism, based on stories around
4 Scotland.

5 At the same time, there were opportunities to work
6 with Panorama based down in London, and over that period
7 of time, I moved to do more Panoramas rather than local
8 Scottish programmes. Probably from about 2000 onwards,
9 that tended to be more Panoramas than Scottish
10 programmes.

11 Q. Did that continue from that period until your
12 retirement?

13 A. Yes, it did.

14 Q. You tell us that prior to your involvement in the "Sins
15 of Our Fathers" film, you'd worked on other
16 investigations related to child abuse.

17 A. Yes, I did.

18 Q. And turning then to your involvement in the film "Sins
19 of Our Fathers", could you tell me how that started and
20 when it started?

21 A. I think the first contact came through a news
22 journalist, James Cook, who told Mark, I think it was
23 originally, of a boy who'd complained about abuse at
24 Fort Augustus. We started to have a look at it at that
25 point. That was probably, I think, either at the end of

1 2012 or very near the beginning of 2013.

2 LADY SMITH: When you say "Mark", I take it you mean

3 Mark Daly?

4 A. Yes.

5 MS MACLEOD: At that time were you and Mark Daly the main

6 two people who were working on the investigation?

7 A. Yes.

8 Q. So what happened then, once you had had a look at that

9 story?

10 A. Well, the principal thing that we had to try and address

11 was -- this was the BBC post-Savile, so this was a story

12 about possibly one individual priest who had abused

13 a boy. We knew that the bar would be set quite high in

14 terms of trying to get a story like this broadcast. So

15 we did what we would normally do: we tried to contact as

16 many boys as we possibly could to try and find out what

17 their stories were.

18 Q. And this boy, was he speaking about experiences at

19 Fort Augustus Abbey School?

20 A. Yes, it was, yes.

21 Q. Did you have any prior knowledge of that school?

22 A. No, none at all. None at all.

23 Q. So from speaking with that boy, how then did your

24 investigation progress from there?

25 A. Well, we contacted a number of other boys and we began

1 to build up a picture over a relatively short period of
2 time of boys who were talking both about physical and
3 sexual abuse. There were a couple of things that were
4 quite strange about this. When we had a look at the
5 Benedictine Order, we discovered that Scotland seemed to
6 be the only place within the UK that there had been no
7 reports of sexual abuse.

8 We looked at the recent history of the six other
9 abbeys that had schools attached to them in England, and
10 all of them without exception, over a period of about
11 the previous 10 years, had reported publicly of
12 incidents of monks being arrested and charged and
13 sentenced. So this was quite a -- it made the story
14 quite distinct in that sense because this was the first
15 time that this had actually been discussed.

16 So in the course of conducting that research,
17 we have a particular approach which was basically just
18 to say -- we would try and gather as much information as
19 possible. We would do that independently and
20 anonymously so that in each individual case we would
21 explain to the person that we were speaking to that
22 we would gather the recollections of their experience,
23 but we wouldn't share that with anybody. So over
24 a relatively short period of time we began to build up
25 a picture of a number of occasions of incidents being

1 reported of both physical and sexual abuse.

2 Q. Something you mention quite early on in your statement
3 at paragraph 11, Murdoch, is you say:

4 "The strength of the testimony from the outset
5 struck both [you] and Mark and that you both said you
6 didn't think you'd heard anything like that before."

7 A. Yes. I mean, from my experience of the previous two
8 abuse films, these were individuals who were addressing
9 this issue as much older adults, like men of my own age,
10 talking about it in a very articulate and very coherent
11 fashion, and in one instance one of the men that we met,
12 in an interview that lasted probably for about
13 three hours, he appeared with a kind of folder with
14 photographs from his time at the school, which he'd
15 annotated with the names of the boys.

16 So that quality of testimony was really, really --
17 it was very profound. The other thing that was very,
18 very impressive about these men is that there was not
19 any kind of shadow of doubt in our minds that what they
20 were telling us was true. The detail was extensive. It
21 was sometimes very harrowing to listen to because you
22 were very conscious of what these men were actually
23 going through in engaging with two complete strangers,
24 these very, very personal stories.

25 The other really significant thing from the point of

1 view of making a film about this was that in some
2 instances it was as if these were people who were
3 telling their story publicly for the first time. The
4 determination and courage of these men was something
5 that became very powerful from our point of view in
6 terms of the responsibility that we had, not only to
7 gather the evidence but actually to tell the story
8 effectively and properly. We had a responsibility
9 because these men were coming forward in this way.

10 Q. I take it the first time you would meet these men, you
11 would go along and meet them and possibly speak to them,
12 possibly take notes, and it would be at a later stage
13 that you would film them, if that was appropriate, and
14 that's what you decided to do?

15 A. Yes. We had a very, very strict protocol. Mark and
16 I had worked together before. We understood what was
17 necessary in this instance to try and get the evidence
18 that we could present, first of all, to the BBC lawyer,
19 so that we could actually broadcast this material, and
20 secondly to someone who was actually going to commission
21 the film to say, "Yeah, you've got enough evidence here
22 to go ahead and actually start the filming".

23 But the protocol was that we would usually initially
24 make a phone call and, on the basis of the phone call,
25 try and organise a meeting and then, on the basis of the

1 meeting, any information that we gathered would be
2 noted. We would ask for permission to take notes from
3 those meetings. At the end of that, we would ask for an
4 email address so that we could get back in touch with
5 those individuals so that they had something in writing
6 that said, "This is us, this is who we are, we've
7 obtained this information in confidence", and there's
8 something there in writing that offered them a degree of
9 trust in us that we wouldn't do anything with that
10 information without their permission.

11 And that works. That was really, really important
12 in terms of trying to build up a relationship with these
13 men.

14 Q. You mentioned in passing a photograph there and that's
15 something you tell us about in your statement. I think
16 that was a photograph of Carlekemp that you were able to
17 get from one of the contributors.

18 A. Yes.

19 Q. Was that quite important in developing some of your
20 lines of enquiry?

21 A. Yes, absolutely. Photographs are like gold dust for
22 people that are involved in film-making. Apart from
23 anything else, it gives you some visual images to work
24 around. But in this instance it was really, really
25 important to have that kind of material because we were

1 asking men to go back to episodes, dark episodes, in
2 their life, 40 or 50 years ago, and very often the
3 trigger would come from the photograph because they
4 would recognise someone who was an old school friend or
5 a teacher or one of the monks, and the photographs would
6 very often be the starting point for a discussion.

7 Q. So the photograph was then something that you could show
8 other potential contributors?

9 A. Yes. That was very important because we couldn't
10 actually say to the individual that we had spoken to --
11 we could ask them, can you remember the names of any of
12 your peers, any of your classmates, but we couldn't
13 actually say, if they gave us the name, "Well, we've
14 just been speaking to David", because that was breaching
15 that degree of trust that we were trying to establish.
16 So the photographs were very important.

17 Q. You mentioned the old boys' forum as well.

18 A. Yes.

19 Q. Can you tell me how that helped you?

20 A. We spoke to one individual who had been at the school,
21 I think probably in the late 1950s and early 1960s, and
22 there was a book that was published in the year 2000
23 called "Abbey Boys", and I think what happened, the
24 story that we got originally was that the book was
25 published and there was a bit of an outcry from some of

1 the boys who had been at the school because when they
2 read the book, that was not their experience of what
3 they thought the school was about. So there had been
4 a reaction to that.

5 There was also a forum that had been set up by the
6 old boys and someone had posted something on this to
7 say, "The 'Abbey Boys' book is a bit of a whitewash from
8 my experience, that was not what I encountered when
9 I was at the school".

10 There was a discussion that took place around that.
11 I think it was quite a heated discussion from the
12 account that we'd been given, but this chap had actually
13 decided off his own bat to contact people that he knew
14 had been at the school to solicit opinion about this and
15 what then emerged were a whole series of accounts of
16 both physical and sexual abuse, with the names of monks
17 and teachers being mentioned in this private email
18 correspondence with this individual.

19 What he did was he, in response to some of the
20 controversy that was going around in the forum, he
21 contributed to that by saying, "Here's some evidence".
22 All of it was published anonymously, the boys' names
23 were anonymised, but the names of the individual monks
24 were published. What was important about that was that
25 because of this controversy, the forum was shut, it was

1 closed down, but this chap had actually kept copies of
2 those pages in the forum which he then shared with us.

3 So this was evidence from our point of view,
4 obtained completely independently, with names being
5 mentioned, and it spanned 30 or 40 years. It wasn't
6 just one individual over one episode; there was a lot of
7 detail there.

8 Q. Did these responses include allegations of both physical
9 and sexual abuse?

10 A. Yes, they did, yes.

11 Q. You mention at paragraph 21, Murdoch, that you had one
12 quite big breakthrough in the investigation when your
13 colleague Mark went to the house of a former boy and
14 knocked on the door.

15 A. Yes. This was one of those situations where we had
16 a number of people that had been openly discussing
17 things with us, but it had all been kept confidential.
18 We hadn't alerted anybody else to the numbers that were
19 involved. This was something that Mark had followed up
20 with the name of somebody, he wasn't even entirely sure
21 it was the right person that answered the door. But he
22 then spent quite a lot of time with this man and the
23 major revelation was that this was somebody who was
24 alleging rape, a boy who'd been raped by Aidan Duggan.

25 He was prepared -- he discussed at some length with

1 Mark the detail of the allegation and said he was
2 prepared to go on camera to talk about this. This was
3 very, very big from our point of view.

4 Q. I think you tell us that you then left somewhat of
5 a time gap to allow him to consider whether this was
6 something that he wanted to go ahead with and include in
7 the programme.

8 A. Yes. We had a responsibility in a sense to make sure
9 that this man knew and that those around him knew the
10 significance of the impact of this in terms of the
11 publicity that the programme might attract, something
12 over which we had no real control once the programme is
13 broadcast. So we wanted to make sure that he and the
14 others that were closest to him would understand what
15 would happen once the film went out.

16 But the thing that was important about that -- it
17 was a fairly nervous couple of weeks before we got
18 a response from him, but as soon as he said that he was
19 prepared to do that, we asked his permission if he would
20 allow us to tell others that we were speaking to him
21 that he was prepared to do this.

22 What happened after that was quite remarkable.
23 Within the space of a couple of days, we had as many
24 contributors as we would want for the film to be made.
25 There were four others that agreed to take part and

1 another who was prepared to do it if anonymously.

2 Q. So do I understand from that that once you had one
3 contributor who was willing to go on the programme and
4 you were able to share that with others, they came
5 forward and showed their own willingness to be involved?

6 A. Yes. Part of the issue here is a lot of these boys were
7 saying, did this happen to anyone else, have you got
8 other people that are prepared to say and talk about the
9 same kind of incidents as my own? And that gave us the
10 opportunity to do that, so they felt a reassurance about
11 that.

12 The issue here was that we had no idea whether these
13 men might have been communicating with each other
14 anyway. But this issue about trust, which I'll probably
15 keep on coming back to all the time, we had to make sure
16 that if that was the case, that we weren't betraying
17 that trust, and actually it worked. It was the right
18 approach to adopt.

19 Q. Before the film went out, you say that you think you had
20 around 20 former pupils who had told you that they'd
21 experienced either physical or sexual abuse --

22 A. Yes.

23 Q. -- and that that allowed you then to say to the BBC
24 lawyer and the commissioning editor that you had those
25 contributors and you'd been in touch with that number of

1 people?

2 A. Yes.

3 Q. And you were given the go-ahead?

4 A. Yes.

5 Q. In terms of the relationship and the importance of the
6 relationship that you had been describing between
7 yourself and Mark and those who took part in the film,
8 is that a relationship you kept going from initial
9 contact right up until the film was broadcast and, on
10 some occasions, beyond that?

11 A. Yes. Up until the film was broadcast, we probably had
12 contact, probably on virtually a daily basis. There
13 were two issues here. One was that we wanted to try and
14 make sure that as we were going through the process of
15 both filming and editing, there was nothing that was
16 going to suddenly interrupt that process. So there was
17 the kind of reassurance, simply from a kind of practical
18 point of view, that could be given by keeping contact.

19 Obviously, the other important thing was we wanted
20 to try and make sure that none of these people spoke to
21 anybody else other than ourselves. That was a concern
22 that in a sense was completely unfounded. These were
23 men that were absolutely full of integrity. They had
24 placed their trust in us and us alone, and I think that
25 was probably one of the reasons why, after the film

1 finished, Mark and I decided that we couldn't actually
2 walk away from this.

3 Q. You give us some detail in your statement about
4 a contributor, [REDACTED] MLL [REDACTED] who appeared in the film,
5 although not in vision, as you put it; I think an actor
6 was put in his place.

7 A. Yes.

8 Q. Can you tell me about the significance of what he told
9 you to your investigation?

10 A. Well, there were two things here. One was that he was
11 making a specific allegation about a monk who was still
12 alive, Father [REDACTED] MEV [REDACTED] The second thing was
13 that during the course of the research and the
14 discussions that we were having with [REDACTED] MLL [REDACTED] he talked
15 about [REDACTED] [REDACTED] MEV [REDACTED]

16
17
18
19
20
21
22
23
24
25

1
2
3
4 MLL
5
6
7
8
9

10 MLL
11

12 Q.
13

14 A.

15 Q. I think you say that MLL told you that he and his
16 parent had met SNR at the time,
17 Father MMF

18 A. That's correct, yes.

19 Q. Was Father MMF somebody that you tried to
20 contact as part of the investigations for the film?

21 A. Yes, we did. There is a process in terms of trying to
22 get a contribution from someone that you're making
23 allegations about. We had been informed that
24 Father MMF had been informed of the abuse.

25 Q. At the time?

1 A. At the time, and that the outcome of a meeting that had
2 taken place with Father MMF and MLL parents
3 had led to the departure of MEV to
4 Australia. So we wanted to try and find out from
5 Father MMF what he knew about the meeting
6 and we wrote to him to ask for an interview with him.

7 Q. Did you get a response?

8 A. We got a response, basically by that stage saying that
9 he was sorry that this abuse had taken place, but he
10 couldn't really -- he wasn't prepared to take part in an
11 interview.

12 Q. Did you speak to any other either monks or lay staff
13 who'd been involved in the running of the school?

14 A. I spoke to one lay staff before the programme went out
15 because he had previously been a pupil at the school.
16 During the course of the research, something that
17 cropped up that was very, very useful -- on the old
18 boys' website under miscellaneous, there was a document
19 that was the roll for the school in the autumn of 1977.
20 It was important because MLL had been at the school.

21 Q. That was Fort Augustus?

22 A. Fort Augustus. So it was a way of confirming that he
23 was at the school at the time that he had said he was
24 at the school. So his name was on that roll. But he
25 had also mentioned the name of a boy who had later

1 become a teacher at the school. So I had got in touch
2 with him to talk about his experiences at the school,
3 but by that time he had moved on, he had become a lay
4 member of the staff, and had then moved on and is
5 a teacher at another school at the moment.

6 So I spoke to him principally along the lines
7 of: just tell me about your experience at the school,
8 and he was one of the individuals, one of the few
9 individuals, that said that he actually had a really
10 good time at the school and hadn't seen anything that
11 was untoward. He made a reference to the cricketer
12 Ian Botham coming to the school and going on a kind of
13 trek as part of -- I mean, I remember that at the time:
14 he walked from Land's End to John o'Groats on a charity
15 walk because he was a big celebrity and he got some of
16 the boys at Fort Augustus to do a bit of the walk with
17 him. This lay teacher had mentioned that as one of the
18 more positive things that had happened at the school.

19 Q. So he was there talking about his memories of his own
20 time as a schoolboy?

21 A. As a pupil at the school, yes.

22 Q. And what about his time as a staff member at the school?

23 A. I spoke to him after the film went out. He didn't
24 really talk very much about his role as a staff member
25 in the school, but what he did acknowledge was the fact

1 that maybe something had gone on at the school that
2 maybe he hadn't seen.

3 Q. Other than Father [REDACTED] MMF I think you tell us
4 that Richard Yeo was the only other senior Benedictine
5 that you had contact with during the making of the film.

6 A. That's correct. We asked him for an interview, yes.

7 Q. And can you tell me about that?

8 A. Well, we approached Abbot Richard Yeo, as he was then,
9 maybe about three weeks before the film went out,
10 because the protocol is if you have got a series of
11 allegations to make, you have to send that out in order
12 that they've got enough time to consider responding to
13 that. So he was sent a fairly long list of the
14 allegations and he, fairly late on in the day, agreed to
15 do the interview, but only on the basis that he would be
16 allowed to say that he was sorry about what went on.

17 So on that condition, we went ahead and did the
18 interview with him. So we put all the allegations that
19 he already had in print to him during the course of the
20 interview.

21 Q. Did he apologise?

22 A. He did, yes. I think it was probably one of the first
23 things that he said in the course of the interview.

24 Q. Other than that, what was his response in relation to
25 the allegations that were put to him?

1 A. Well, I think the phrase that I used in my witness
2 statement was that he was elusive. There were some
3 things that were genuinely a real surprise because some
4 of the allegations were clearly known to him. We had
5 given him a list of the monks who had been involved in
6 physical abuse and a list of the monks who had been
7 involved in sexual abuse, and also the allegation that
8 two of the [REDACTED] SNR [REDACTED] at the school,
9 Father [REDACTED] MKT [REDACTED] and Father [REDACTED] MMF [REDACTED] had
10 been complicit in covering up the allegations because
11 they had both -- at separate times it had been made
12 known to them that allegations of sexual abuse were
13 being made against monks.

14 It was surprising that he didn't appear to have done
15 any kind of serious background research. For example,
16 in the case of Aidan Duggan, who was clearly in the
17 instance of him raping the boy at the school -- you
18 would have expected that there would have been
19 a response to that, but he said that he knew only of one
20 account of Aidan Duggan being involved in physical abuse
21 and not sexual abuse. But we had already known that two
22 of the contributors to the film had already had
23 correspondence with Richard Yeo prior to the interview
24 being conducted, so that was a bit of a surprise.

25 The second thing that was a bit of a surprise was

1 the fact that he didn't appear -- when Mark quizzed him
2 about what research he'd done, had he gone through the
3 archives to try and get more information -- because
4 these were -- you know, from the point of view of the
5 film we were making, these were extremely serious
6 allegations that were being made against a number of
7 monks, including two [REDACTED] SNR [REDACTED] at a school, and you
8 would have thought, bearing in mind the history of the
9 Benedictines in England, and this being the first
10 occasion that this had been brought to light in
11 Scotland, that he would have left no stone unturned to
12 try and find out answers to these, because we'd been
13 very specific about the allegations that we were
14 presenting to him. But he actually just said, "I've not
15 had time to look at the archives".

16 Q. And do you know if he spoke to any other monks who may
17 have been at the school during the time?

18 A. No, no, we don't. We asked if he had spoken to
19 Father [REDACTED] MMF [REDACTED] and he wasn't prepared to answer
20 that question. Categorically, he said he couldn't
21 answer that question.

22 Q. Another topic that I think was raised, you tell us, with
23 Richard Yeo was that of Father [REDACTED] MYV [REDACTED] and
24 Father Richard White. I just want to move on to the
25 sections of your statement where you discuss those

1 individuals. I think that you discuss that from
2 paragraph 35 onwards.

3 A. Yes.

4 Q. So Father Richard White, could you tell me about him and
5 how he was relevant to your investigations?

6 A. Yes. We had come across a photograph that had been
7 taken in 1997 -- this is after the school was closed --
8 and it was a photograph that included Richard Yeo in it.
9 It also included Mario Conti. I'm trying to remember.
10 It was a celebration that had taken place of ...
11 I think it might have been [REDACTED] MFF

12 So it was almost like a commemorative photograph.
13 I think it might have been his 50th year or something
14 like that. So all these men were dressed up in their
15 fineries, and it included [REDACTED]
16 these two monks, Nicholas White and [REDACTED] MYV

17 It was only as we started looking through this that
18 we discovered that Nicholas White was not a member of
19 Fort Augustus Abbey, he was not part of the
20 Benedictine Order there, but in fact had been at
21 Downside Abbey.

22 Q. Just to be clear, Nicholas White, he's the one who's
23 sometimes referred to as Richard White?

24 A. Richard White, yes. Because the film had gone out in
25 2013 and we had discovered this photograph fairly late

1 on in the research, but there was a backstory to
2 Nicholas White because Nicholas White had been convicted
3 of paedophilia, child abuse, in 2012.

4 So when we started to have a look at this, the story
5 that emerged was that Nicholas White had been moved from
6 Downside, where he confessed to child abuse, and had
7 been sent to Fort Augustus Abbey. The significance of

8 MYV is that this -- so this is a [REDACTED]

9 [REDACTED]

10 MYV had [REDACTED] the same thing to his bishop
11 in Ayrshire and he had been moved to Fort Augustus, and
12 these were men were standing side by side.

13 Completely independently of this photograph, we
14 discovered another photograph of these two men in the
15 refectory in Fort Augustus, having coffee, and the
16 caption underneath it was, "Two monks having coffee",
17 but this was Nicholas White and MYV [REDACTED]

18 What was important about this was that these two men
19 were [REDACTED]

20 Q. And the photograph of the two of them in the café, do
21 you know when that photograph was taken?

22 A. Well, it was obviously taken -- it must have been taken
23 round about the same time.

24 Q. And the photograph of the group of people that you've
25 mentioned, you've told us that Richard White and

1 [REDACTED] MYV

2 were there. I think you tell us in your
3 statement that as well as Mario Conti, Bishop Gilbert
4 was also in the photograph.

5 A. Yes, that's right.

6 Q. And Richard Yeo; is that right?

7 A. And Richard Yeo, yes. Which is why when in the course
8 of the interview we asked Richard Yeo if he knew that
9 these men were [REDACTED] and he admitted, yes, that he
10 did.

11 The significance of all of this is that basically,
12 these were [REDACTED] They should have
13 been reported to the police. In 2013, Richard Yeo had
14 been or was Abbot President. He was also Abbot of
15 Downside when we later discovered that shortly after the
16 photograph was taken at Fort Augustus, that
17 Richard White was returned to Downside and the only
18 reason he finished up with a criminal conviction is that
19 the local police were investigating another matter at
20 Downside and discovered that he was there.

21 It was 2010/2011 that they started criminal
22 proceedings against Richard White.

23 Q. I think what you're saying is that the information
24 hadn't been passed to the police by the order, as you
25 understand it.

A. Yes. He had a responsibility as the Abbot President and

1 also as the abbot, bearing in mind in 2001 there had
2 been a major overhaul of the safeguarding principles of
3 the Catholic Church, the Nolan reforms. And as the
4 Abbot President he must have known that these reforms
5 required the Benedictine Order and the Catholic Church
6 to report any kind of abuse to the police first.

7 Q. You tell us that, as part of your investigations, you
8 tried to get an interview with [REDACTED] MYV [REDACTED] is that
9 right?

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

11 Q. What was the purpose of that and did it go ahead?

12 A. Well, basically just to confront him with the
13 allegations that had been made against him.

14 Q. So had people come to you in the meantime making
15 allegations against him?

16 A. Yes, they had. And we interviewed one of them in the
17 film. So that was an anonymous interview with one of
18 his victims.

19 Q. Did you put the allegations to [REDACTED] MYV [REDACTED]

20 A. No, no, we didn't get the opportunity to do that.

21 Q. You go on to tell us in your statement that you're aware
22 that Father [REDACTED] MYV [REDACTED] was [REDACTED] and

23 [REDACTED]
24 A. That's right, yes.

25 Q. [REDACTED]

- 1 A. Yes.
- 2 Q. You tell us that Father Nicholas, or Richard White, was
3 jailed for five years in 2012.
- 4 A. Yes. The 2012 conviction is really important because
5 this was the year before we did the interview with
6 Richard Yeo. So you'd have expected some kind of
7 response from him.
- 8 Q. What response did you get from Richard Yeo when you
9 asked him about Richard White and MYV
- 10 A. "It was a mistake, it was a mistake, it should have been
11 reported to the police."
- 12 Q. Did he make any comment on their move to Fort Augustus?
- 13 A. No -- oh, I beg your pardon, I think he did actually
14 explain that they were sent to Fort Augustus because the
15 school was closed. I'm actually glad you asked me that
16 question because that was quite a significant response.
- 17 The school was closed and what Nicholas White
18 required was a circle of support, which I think was the
19 phrase that he used, that would allow him to be taken
20 out of a situation where he could potentially re-offend
21 because there were no children at the abbey. I think
22 Mark's response to that was something along the lines
23 of, "What about the circle of support for those who
24 he had abused?" and there was not really much of
25 a response to that.

1 Q. At paragraph 41 of your statement, Murdoch, you set out
 2 for us -- at the time of the programme going out, you
 3 set out the names of those that you had gathered as
 4 alleged abusers --

5 A. Yes.

6 Q. -- from those you'd spoken to.

7 A. Yes.

8 Q. On the version of your statement on the screen, these
 9 names have in the main been redacted, but if you wish to
 10 look at the copy in your folder at paragraph 41, the
 11 names are still there.

12 A. Yes.

13 Q. I just wonder if you could summarise for me that at the
 14 time of the programme going out, those who had been
 15 named to you as alleged abusers -- I think you separate
 16 them into physical abuse and sexual abuse.

17 A. Yes, that's right: Father [REDACTED] MFE [REDACTED] Father

18 [REDACTED] MFF [REDACTED] Father [REDACTED] MFG [REDACTED]

19 Father [REDACTED] MEW [REDACTED] Father [REDACTED] MEZ [REDACTED]

20 Q. Those were in relation to physical abuse?

21 A. All allegations about physical abuse.

22 Sexual abuse by Father [REDACTED] MFA [REDACTED]

23 Father Aidan Duggan and Father [REDACTED] MEV [REDACTED]

24 Q. You go on to say that you believed that allegations of
 25 sexual abuse had been covered up by two [REDACTED] SNR [REDACTED]

1 namely Father [REDACTED] MKT and

2 Father [REDACTED] MMF

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

4 Q. In the next paragraph you tell us that subsequent to the
5 programme you got some further information and
6 am I right in thinking that once the programme had gone
7 out, more people got in contact with you?

8 A. Yes. Probably for about two or three days we were
9 inundated with calls. It was a flood of calls and there
10 were two things that emerged.

11 One was more names, so Father [REDACTED] MEV and
12 Father [REDACTED] MFC had been identified as both
13 physical and sexual abusers, and [REDACTED] MRQ as
14 someone who'd been involved in physical assaults.

15 I think the second thing is that the story around
16 Carlekemp, the preparatory school, was something that
17 was quite staggering in terms of the number of people
18 that were talking about their experience at Carlekemp.

19 Q. Are you speaking there in particular about the calls
20 that came in after the film went out?

21 A. After, yes.

22 Q. At paragraph 40, on the previous page, you mention --
23 and you've touched on this at the very beginning of your
24 evidence -- that you've spoken to over 100 people who
25 have told you about their experiences at Carlekemp

1 and/or Fort Augustus.

2 A. Yes.

3 Q. And I think you say that about half of those have

4 described accounts of physical beatings --

5 A. Yes.

6 Q. -- and half of that number again have mentioned sexual

7 abuse?

8 A. Yes.

9 Q. You say that some of those who have spoken to you have

10 come forward to this inquiry but that some have not.

11 A. Yes, that's correct.

12 Q. You've indicated that you got a lot of calls after the

13 programme went out and I understand some of those were

14 from new people you'd not spoken to before.

15 A. Yes, that's correct.

16 Q. You also mention in paragraph 46 in particular that

17 people you had spoken to before, that hadn't perhaps

18 shared some things with you, shared some more with you

19 after the programme.

20 A. Yes.

21 Q. Could you tell me about that?

22 A. Yes. What was interesting was I think a lot of the men

23 that we'd spoken to before were uncertain as to both the

24 quality of the evidence that we had and also the scale

25 of the abuse that we were reporting in the film.

1 I think there were a number who actually said --
2 a number said initially that, yeah, there were rumours
3 of things going on, but because they hadn't actually
4 witnessed it, it probably hadn't happened.

5 Some of the responses initially were really very
6 hostile, saying this was a mudslinging exercise, we were
7 trashing the reputation of the school, that the
8 experience of some of the men was that it was
9 character-building and this was a massive exaggeration.

10 Those individuals haven't come back after the film
11 went out and rescinded those comments, but others who
12 had a more nuanced look at the issue have come back and
13 said, "Yes, this was probably more accurate than we had
14 perhaps thought in the first instance".

15 Q. You identify some issues which weren't the focus of your
16 film and in particular you touch on bullying --

17 A. Yes.

18 Q. -- and also homosexual behaviour between the boys at the
19 school. While those things weren't the focus of your
20 film, are they things that you have heard accounts of
21 from some of the former boys you're in touch with?

22 A. Yes. We made a very clear decision in the course of the
23 research for the film that we wanted to focus
24 specifically on abuse by lay staff and monks. The
25 bullying issue was something that was discussed and

1 there would occasionally be discussions about homosexual
2 behaviour amongst the boys. So we explained to those
3 individuals that that was not something that we would be
4 pursuing.

5 What became evident after the film went out, and
6 probably much more so after the inquiry was set up --
7 there were two things that are significant here.

8 I think one was that the inquiry was interested in
9 hearing from individuals whose perpetrators were dead.
10 That allowed scope for a whole host of boys to come
11 forward because, otherwise, they thought that their
12 story would only be of relevance if there was going to
13 be a criminal case that was going to be pursued.

14 The second thing was -- I think because of the
15 nature of the evidence that previously had been provided
16 by the inquiry about bullying, that has been something
17 that has now been discussed on almost every occasion
18 that I've had lengthy conversations with boys: the issue
19 of bullying crops up time and time again.

20 The thing that's staggering about it in terms of
21 listening to that detail is the fact that some of those
22 boys can't remember the detail of the beatings that they
23 were being given by the staff or the monks at the school
24 but they can remember -- and sometimes in incredible
25 detail -- the nature of the bullying, where it took

1 place, who was involved in it, how it started, how it
2 ended. And it's almost as if that part of their
3 schooling is almost, in a sense, just as traumatic as
4 the other things that were going on.

5 I don't think that would have happened if the
6 climate of discussion that has been generated by the
7 inquiry's findings -- I don't think that would have
8 happened before that.

9 Q. You have mentioned a few moments ago that some of those
10 you've spoken to have come forward to the inquiry and
11 others have not.

12 A. Yes.

13 Q. Can I just ask you how you're aware that some have not?
14 Is that something that people discuss with you or
15 is that something you know in some other way?

16 A. The line that was taken, again, that Mark and I took
17 fairly early on was that it was not really our place, no
18 matter the detail, to say, "You should go to the police
19 with this". The line that we took was that we could
20 offer advice and support if people wanted to do that.

21 These are all judgement calls. Very often in the
22 course of my experience of spending time with these men,
23 it's very often you will only hear from them what they
24 want to tell you and I think that's something that's
25 really important. So our position was that if someone

1 wanted to volunteer that they had come forward and said
2 that they'd given a witness statement to the inquiry,
3 that was fine, or that they'd gone to the police. But
4 it's not really our place, in a sense, to probe, no
5 matter how much you would maybe want them to do that,
6 because of the importance of their testimony.

7 LADY SMITH: Murdoch, you've explained that two things in
8 particular struck you regarding people's reaction to
9 what the inquiry could do. The first being that we're
10 interested in alleged abusers, even if they're dead, and
11 the second, as you put it:

12 "Because of the nature of the evidence that
13 previously had been provided by the inquiry about
14 bullying."

15 I'm not entirely sure what you have in mind there;
16 can you help me with that?

17 A. Just other cases that you've actually looked at where
18 people have talked about bullying in schools and so on.
19 It's almost as if there's a greater currency now,
20 I think, in terms of discussing the issue about
21 bullying, even although it has taken place 40 years ago.

22 LADY SMITH: I see. I wondered whether you had in mind
23 certainly the wide topic we have investigated under the
24 heading of emotional abuse --

25 A. Yes.

1 LADY SMITH: -- which can be bullying, as some people might
2 call it, by staff.

3 A. Yes, by staff and also by older boys.

4 This is, again, something else that has cropped up
5 repeatedly about how some of these men actually got
6 through their school years, dealing with bullying. The
7 kind of strategy of the bullying is truly awful when
8 you're in first year and probably not quite as bad in
9 second year. By the time you get to third and fourth
10 year, you know that you can bully kids that are in first
11 and second year.

12 So those kind of discussions are something that have
13 cropped up quite a lot in the conversations that I've
14 had since the film went out.

15 LADY SMITH: Thank you.

16 MS MACLEOD: You discuss, Murdoch, the scale of the trauma
17 that you found individuals have gone through and also
18 that the impact is not just on those individuals
19 themselves, but on the wider family. Is that something
20 you've come across quite a bit?

21 A. Yes. I think one of the things, just going back to
22 something that I'd said earlier on, about the fact that
23 I was speaking to men of my own age, men in their 50s
24 and 60s -- some of those individuals had kept it
25 a secret for such a long period of time ... and the

1 trauma that's associated with asking them to go back
2 over something that they've kept a lid on for that
3 length of time is something that I was very struck by.

4 Q. Indeed, you say that sometimes brothers wouldn't
5 actually speak to one another about it.

6 A. Yes. There's a couple of instances that are very
7 striking here. If you had a situation where there were
8 maybe three or four brothers, which was not uncommon for
9 families of brothers to go to the school. If the older
10 boy was abused and the younger boys were abused, the
11 feeling of guilt on the part of the older brother that
12 they hadn't actually managed to protect their younger
13 brothers from what went on is something that has been --
14 I mean, that's been discussed on more than one occasion.

15 Also, other instances where brothers -- and I can
16 just think of one example of three brothers that I've
17 spoken to separately who have all told me that they
18 experienced both physical and sexual abuse, but they
19 haven't actually spoken to each other about it, which
20 is -- these are men in their 50s.

21 Q. You put forward a number of suggestions for the reasons
22 for the secrecy and I think one is you mention that
23 a number of those boys came from devout Catholic
24 families --

25 A. Yes.

1 Q. -- and another suggestion you put forward is the
2 isolation of the place, particularly Fort Augustus.

3 A. Yes.

4 Q. Something you touch on is that it hasn't been unusual
5 for you to hear accounts of a family or parents inviting
6 a favoured monk on holiday or to the family home.

7 Can you maybe tell me about what you've heard about that
8 and the impact that might have on the former boys?

9 A. Yes. It's partly related to the kind of -- a lot of
10 these boys were from devout families, so the priest or
11 the monk was regarded as being a revered figure within
12 the family setting and it would be not unusual that the
13 monk would be invited to go on holiday with the family.

14 I can think of one instance of a boy -- I think this
15 was probably about the first time that I'd heard this
16 when we started investigating it further -- a boy who'd
17 been abused by this monk and was trying to work out how
18 he could tell his parents when he went on holiday that
19 this had happened. On arriving with his suitcase at the
20 holiday home, he discovered that one of the guests with
21 the family was the monk that had abused him and his
22 mother asking him in the morning to take up a breakfast
23 tray. So this was a boy who -- I think he was maybe 11
24 at the time.

25 I mean, that struck me, apart from the kind of

1 trauma that the boy experienced, it was interesting that
2 as I discovered, it was not unusual for monks to go on
3 holiday with family members.

4 Q. On the topic of boys telling or trying to tell their
5 families, you mention that you've heard a number of
6 instances of boys talking to their parents about such
7 experiences and either not being believed by their
8 parents or their parents accepting the decision of the
9 school in relation to what was to happen.

10 A. Yes. I think there are quite a few examples of that
11 that could be provided of exactly that kind of thing
12 happening. There's a tremendous fear as well on the
13 part of the -- particularly younger boys, the boys at
14 Carlekemp.

15 I can just repeat what one of the witnesses said:

16 "We didn't have the lexicon to use, we didn't have
17 the language to use."

18 These were people that were venerated individuals,
19 so even if they did have the lexicon, how could their
20 word be believed against someone that was regarded in
21 such high esteem by the family?

22 Q. You mentioned Hugh Kennedy and that he told his
23 stepmother about [REDACTED] MEV --

24 A. Yes.

25 Q. -- and that the [REDACTED] SNR Father [REDACTED] MMF was told.

1 You say that there was a meeting between the monk and
2 the stepmother and that the stepmother was convinced
3 that nothing of that nature had happened.

4 A. Yes. That was -- Hugh Kennedy was post the film going
5 out. Hugh Kennedy was someone that came forward after
6 the film went out with the allegation against
7 [REDACTED] MEV That was very significant because his
8 reporting of the story to the stepmother and the
9 stepmother reporting that to Father [REDACTED] MMF and
10 then via that to [REDACTED] MEV -- the timing of that
11 was important because this was prior to the allegation
12 against [REDACTED] BFU by [REDACTED] MLL So Hugh Kennedy had
13 been at the school, I think, and had left the year
14 before [REDACTED] MLL started.

15 So here was an instance of the [REDACTED] SNR being
16 informed twice about allegations against

17 [REDACTED] MEV

18 Q. I think what you're saying is that from the information
19 you have, the [REDACTED] SNR Francis [REDACTED] MMF had had
20 knowledge of this from Hugh Kennedy before a report had
21 been made in relation to what had happened to [REDACTED] MLL

22 A. To [REDACTED] MLL yes.

23 Q. Another example you give is of a man who described to
24 you being raped by Father Aidan Duggan and told his
25 parents that he was called into the [REDACTED] SNR office,

1 Father [REDACTED] MKT and that he was accused of
2 lying --

3 A. Yes.

4 Q. -- and that nothing was done.

5 A. That's correct.

6 LADY SMITH: Ms MacLeod, can you just pull the microphone
7 a little nearer to you? I think it's taken a journey to
8 the right. Thank you.

9 MS MACLEOD: You tell us, Murdoch, that the three principal
10 perpetrators that you'd heard about were Aidan Duggan,

11 [REDACTED] MEY and [REDACTED] MFA

12 A. This was at Carlekemp?

13 Q. Yes, Carlekemp.

14 A. Yes. This was prior to a witness statement here at the
15 hearings that indicated that he had been at Carlekemp
16 and had been abused by [REDACTED] MEV That was the
17 first time I'd heard that.

18 Q. You've mentioned already that after the film went out,
19 many of the calls or many of the allegations you heard
20 related to Carlekemp.

21 A. Yes.

22 Q. I think what you say is that if you had made another
23 film about six months or so after the first one, it may
24 have focused on Carlekemp that time round?

25 A. Yes, I think so. I don't think -- in terms of the

1 number of calls and the scale and nature of the abuse at
2 Carlekemp, this was a school that was very, very
3 difficult for boys to get through without some form of
4 abuse taking place.

5 I think by the time they got to Fort Augustus, maybe
6 because physically they were a bit bigger, it was less
7 rife, but the testimony from Carlekemp was very
8 detailed, very long, and there were a very significant
9 number of complainers.

10 Q. In the aftermath of the film, you indicate that the film
11 itself was given extensive media coverage --

12 A. Yes.

13 Q. -- and Children First, a children's charity, set up
14 a helpline for former pupils of the schools.

15 A. Yes.

16 Q. And I think you say that Police Scotland put out
17 a request for people to come forward to them?

18 A. Yes, that's right. I think the police investigation had
19 started, probably I think slightly before the film went
20 out, but because of the scale of the media coverage,
21 Police Scotland put out an appeal, I think probably
22 within a couple of days, asking for people to come
23 forward.

24 Q. You mention, in paragraph 66 onwards of your statement,
25 Father MFC and that your understanding

1 is that an allegation had been made to the police
2 relating to him in perhaps 2009 and 2010 --

3 A. Yes.

4 Q. -- and that there were some curious anomalies, I think
5 you say, in the story of [REDACTED] MFC I just
6 wondered if you could develop that for me.

7 A. This is principally because what we had heard were quite
8 serious allegations against [REDACTED] MFC and the
9 fact that there appeared to be some evidence that we had
10 been shown that indicated that the police had been
11 involved in an investigation into

12 Father [REDACTED] MFC

13 We knew very little about Father [REDACTED] MFC
14 He had left in 1988 to go to Canada.

15 Q. Left Fort Augustus?

16 A. Left Fort Augustus in 1988. He'd been originally at
17 Fort Augustus, then went down to Carlekemp, and then
18 spent the rest of his time in Fort Augustus. He left in
19 1988 and within, I think, probably the space of a year,
20 he had become a parish priest in [REDACTED] in Canada.
21 The allegation that we had been given was that there had
22 been a police investigation into [REDACTED] MFC in --
23 I think it was 2010 or 2011 -- and that had never gone
24 anywhere, but it had been resurrected again later on
25 after the film went out.

1 The thing that was quite striking about it was that
2 there was -- I think it was the [REDACTED] had managed
3 to do an interview with Father [REDACTED] MFC [REDACTED]
4 where he actually made reference to the fact that there
5 had previously been a police investigation and there had
6 been no conclusion to that.

7 What I found strange about that was who had
8 conducted the police investigation, how had he known
9 about it, how did he know that there was no substance to
10 it? So yes, there were a number of things that were
11 a bit strange about it.

12 It all seemed very odd that our understanding of the
13 process of a Benedictine monk renouncing his vows before
14 they could become incardinated as a Catholic priest is
15 a fairly long process. Richard Yeo had described,
16 I think at the hearing, when he appeared here in 2017,
17 how that process works. It seemed odd that this man
18 would leave Fort Augustus in 1988 and be a priest in
19 1989. So there were questions around his sudden
20 departure from Fort Augustus and his reappearance in
21 Canada.

22 Q. You go on to speak about what you've been told about
23 people's experiences with the police and I think,
24 broadly speaking, you say that that has been a mixed
25 experience, that some people have had a bad experience,

1 some people have had a good experience; is that right?

2 A. Yes, that's correct.

3 Q. You mention that there seems to be potentially a problem
4 with keeping individuals informed of cases; is that
5 something that you've come across?

6 A. Yes. I think that in good faith there was probably
7 a big response, as far as I can make out, from what
8 people have told me, to the original request that the
9 police made in 2013 for individuals to come forward.
10 Subsequent to that, we've had repeated calls of
11 individuals not hearing anything at all, no idea what's
12 happened to their file, whether cases are going ahead or
13 whether they're not going ahead.

14 And I think that works against the very idea that
15 this is a recourse that individuals might want to take.
16 Some of those individuals clearly have gone through
17 a lot to go back over the whole experience again, and
18 I think it's -- I mean, I want to try and develop this
19 later on in the discussion at the end. There's a lack
20 of understanding of the trauma that these individuals
21 have gone through in the first place, but critically
22 a lack of understanding of the trauma of actually asking
23 them to repeat this all again as adults. I think that's
24 something that the police, and certainly the Crown, need
25 to address, because otherwise they're not going to get

1 people to come forward.

2 Q. There, are you referring in particular to keeping people
3 up to date as to how cases are progressing?

4 A. Yes, it's perfectly understandable that the Crown or the
5 police are not going to put themselves in a position
6 where they're going to jeopardise the case, but very
7 often all that is required is for someone to pick up the
8 phone and say, "This is what's happening, it's
9 proceeding, it's going to take a long time". It's that
10 personal contact that is of value and importance because
11 otherwise it looks as if they're not being believed
12 again. And that's one of the principal issues around
13 all of this: validation of what they've experienced.

14 MS MACLEOD: My Lady, I see it's pretty much 3 o'clock.

15 LADY SMITH: Yes, I think we'll take the afternoon break
16 just now.

17 We always stop in the middle of the afternoon,
18 Murdoch, for a short break, so we'll do that now for
19 five or ten minutes.

20 (3.02 pm)

21 (A short break)

22 (3.21 pm)

23 LADY SMITH: Is it all right if we carry on, Murdoch?

24 A. Yes, of course.

25 LADY SMITH: Thank you.

1 MS MACLEOD: Murdoch, in paragraph 78 of your statement you
2 mention that you have compiled an investigation timeline
3 of which you've provided a copy to the inquiry. I'm not
4 going to put that on the screen, but I'll give the
5 reference for the transcript: WIT.003.001.9266.

6 I think what you seek to do there, certainly what
7 you discuss in your statement, is that you have drawn
8 together some points which relate to the timing of
9 certain things.

10 A. Yes.

11 Q. In particular, to some news stories that the BBC have
12 published, and I think on some occasions you wonder
13 whether these are related to some extent to other things
14 that have happened.

15 A. Yes.

16 Q. Is that right?

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

18 Q. I think you tell us that you have engaged, or certainly
19 that the BBC have engaged, a journalist in Australia to
20 put some questions to the Attorney General; is that
21 in relation to [REDACTED] Father [REDACTED] MEV

22 [REDACTED] MEV

23 A. Yes, it is, yes.

24 Q. And I think you mention at paragraph 82 that something
25 you find surprising -- or "shocking" is the word you

1 use -- is some information you say was passed on to that
2 journalist before it was passed on to some people
3 involved in the actual case?

4 A. Yes, that's correct, yes. The argument here is
5 basically that there appears to be the possibility that
6 the response from the Crown is because of news stories
7 about the delay in the progress of this investigation,
8 so the Crown is responding to a news story which is
9 highlighting the delay in the progress of these cases.

10 LADY SMITH: I suppose you also accept, though, Murdoch --
11 and this is a matter of acting in the public interest --
12 there are often things that neither the Crown nor the
13 police can properly tell you, and then sometimes it may
14 look as though they're acting in response to something
15 you know about, but it's just coincidence.

16 A. Yes. I absolutely accept that fact. The point, though,
17 in terms of the context of which I'm trying to describe
18 here is that for the individuals that are involved in
19 those cases, it's the fact that they should be informed
20 as fully as they possibly can be by the Crown of what is
21 actually going on. In some instances individuals are
22 finding out about this only because there has been
23 a news story that has broken, and that doesn't really
24 seem to be an appropriate way of dealing with
25 individuals who have come forward and have perhaps not

1 heard anything for several years about the progress of
2 a case.

3 LADY SMITH: When Mark spoke about this, he used the word
4 "patchy", meaning, I think, that some people had a much
5 better experience of communication flows between them
6 and the prosecuting authorities than others. I was
7 reflecting on this and wondering whether by "patchy" he
8 or you thought you were identifying that in different
9 parts of the country it was working better than others;
10 do you know?

11 A. I don't know because I don't know what Mark said, but
12 I think I can only really talk about my experience of
13 dealing with individuals in the Fort Augustus case, and
14 I can't really think of any individual who's actually
15 had anything positive to say about their correspondence
16 either.

17 LADY SMITH: Because Mark did suggest that there were people
18 who were happy with it, but you hadn't come across --

19 A. No.

20 LADY SMITH: -- a difference in quality of response as
21 between, for instance, the north of Scotland or the
22 Central Belt, or the Central Belt and the Borders, or
23 anything like that?

24 A. No. I think what was quite interesting -- there was
25 a witness that appeared, I think last week, who had

1 talked about a police interview that he was very, very
2 positive about, that had taken place recently, like
3 within the space of the past year, and referred to the
4 fact that the police were very well-informed, very well
5 briefed, and he felt that was a very positive
6 experience.

7 So maybe lessons are being learned, you know, but
8 the bulk of the testimony -- in fact almost all of the
9 testimony, until I heard that last week, had been very
10 negative.

11 LADY SMITH: I don't know if you're aware, Murdoch, about
12 what's really been a sea change in the approach to
13 dealing with vulnerable witnesses who are coming up to
14 court and beginning to engage with prosecutions that are
15 decided on. It's a sea change that's been undergone
16 over the last couple of decades. You may not have
17 had need to engage with that.

18 A. Yes, none of these cases have [REDACTED], apart from

19 [REDACTED] MRQ

20 LADY SMITH: It's a combination of legislation about
21 vulnerable witnesses' entitlements and practice, which
22 has changed quite dramatically.

23 A. Yes.

24 LADY SMITH: Ms MacLeod.

25 MS MACLEOD: But in any event, Murdoch, I think in your

1 statement you point to two articles, in particular one
2 in December 2015 and one in December 2016, to which you
3 feel that there may have been a response --

4 A. Yes.

5 Q. -- in the development of the case, potentially as
6 a result of these articles.

7 A. Yes.

8 Q. What was your experience during your investigations
9 in relation to records and recovery of records from the
10 Benedictines?

11 A. When we asked Richard Yeo, in the course of the
12 interview for the film, he indicated that he hadn't
13 managed to have a look at the records. So after the
14 film went out, we spoke to I think maybe about 20 boys,
15 who all asked for access to their records, and I don't
16 think any of them got a response that indicated anything
17 other than that the records were either non-existent or
18 patchy. One individual had six pages sent to him, all
19 of which were redacted apart from his name at the bottom
20 of the page.

21 So the issue of what's available in the records from
22 the men's point of view isn't particularly satisfactory
23 and I think there may be other questions asked about why
24 there are no records because the Benedictines are
25 supposed to be reputed as an organisation that actively

- 1 keep records for everything.
- 2 Q. You tell us in paragraph 89 that you've been provided
3 with copies of correspondence relating to Aidan Duggan
4 and [REDACTED] MEY [REDACTED] wishing to set up
5 a Benedictine chapter in Sydney in 1974.
- 6 A. Yes.
- 7 Q. I think you've provided copies of these to the inquiry.
- 8 A. Yes.
- 9 Q. You mention that it would perhaps have been useful if
10 Richard Yeo had explained why there appears to be no
11 correspondence between the abbot at Fort Augustus and
12 the Catholic Church in Australia; is that right?
- 13 A. Yes, that's correct.
- 14 Q. You've told us already that since the film's gone out,
15 you've maintained contact with some of the former pupils
16 and continue to do so.
- 17 A. Yes, that's correct.
- 18 Q. Towards the end of your statement you turn to what some
19 of your hopes are for this inquiry and I'll just turn to
20 look at some of that; that's from paragraph 108 onwards.
- 21 If I can just ask you, Murdoch, to summarise what
22 your hopes for this inquiry are.
- 23 A. Well, I think in the first instance it has been very
24 important that the inquiry has been set up because it
25 gives these men an opportunity to have their experiences

1 recorded and placed on the public record. I think one
2 of the things that I've learned over the course of this
3 investigation is the difficulty that a lot of these men
4 have in actually being believed. The betrayal of trust
5 that they experienced as children has remained with them
6 throughout their entire adult life and the very fact
7 that there is an inquiry set up that allows them an
8 opportunity to express in detail what they went through
9 and for that voice to be heard is very important.

10 The validation element of it is critical in terms of
11 some kind of form of process of recovery in a situation
12 like this. I think my hopes for the inquiry are that
13 it would go beyond that, that it's simply not going to
14 be enough for these men to have their voice heard.
15 There needs to be -- because they've expressed that view
16 themselves: there needs to be something that goes beyond
17 their own experience because -- and this has been one of
18 the kind of privileges of working with these men. These
19 are men that have actually managed to put their own
20 experience behind them in the sense that they want to do
21 something that is going to stop this kind of abuse
22 happening again, which is why they're going through the
23 trauma of having to go through this experience again and
24 doing it publicly in front of a group of people.

25 So my hope for the inquiry is that it would actually

1 try and take that further on and try and incorporate
2 changes that can apply across the board, whether it's in
3 terms of the way that individuals in a situation like
4 this are treated, so the experience of trauma needs to
5 be looked at again. Those responsible for that trauma,
6 I think, need to be held to account and I would hope
7 that the inquiry, in terms of the Benedictines --
8 I mean, I can't really see anything that I've heard or
9 listened to from the Benedictines' response to this that
10 reveals any kind of understanding of what these men went
11 through.

12 There seems to me to be a lack of understanding of
13 the trauma that these men experienced. I think that can
14 be reflected or perhaps illustrated in a couple of
15 examples.

16 Prior to this inquiry being reconvened again to look
17 at the Benedictine case, one of the men that I spoke to
18 had alerted me to the fact that the legal firm that are
19 representing the Benedictines had sent out a request for
20 people who had a positive experience of Carlekemp or
21 Fort Augustus, to get in contact so that they could then
22 be put in touch with the inquiry, as if this was some
23 kind of numbers game where the Benedictines could call
24 to account 20 boys who said they had a great experience,
25 that in some way this could be measured against the

1 20 boys who said they had a dreadful experience.

2 I mean, that reveals to me a complete bankruptcy of
3 either thought or care for the experience of those
4 individuals, but a kind of moral bankruptcy that is
5 really shocking to hear from an organisation that is
6 supposed to represent the Christian faith.

7 LADY SMITH: Murdoch, of course I don't know what's going to
8 be said at the end of this case study on behalf of the
9 Benedictines, but what I can tell you is that in every
10 other case study we have done so far, evidence has been
11 led of people who can talk about having had positive
12 experiences. None of the providers have suggested that
13 cancels out what was bad. Indeed, the profound impact
14 for me thus far has been that these positive experiences
15 have demonstrated that it was possible to get it right.

16 A. You know, we made the point in the course of the film,
17 we actually said that this is -- not everybody went
18 through this kind of experience. It was important for
19 us to say that because we had obviously spoken to boys
20 who had said that that had not been their experience.

21 MS MACLEOD: In relation to protecting children now, you
22 suggest that there should be some kind of independent
23 authority whose responsibility it should be to make sure
24 that safeguarding is properly adhered to.

25 A. Yes. I think that's important because I don't think the

1 Benedictines -- I've got no faith or confidence in the
2 Benedictines being able to do that themselves. So if
3 they have any contact at all with children, it should be
4 done through someone else who has the responsibility for
5 looking after the care of those children.

6 Q. And in relation to your hopes for the inquiry, you
7 mention again the Crown's level of communication with
8 survivors and that that's something you hope will be
9 looked at.

10 A. Yes. I think it has been interesting sitting through
11 these hearings and speaking to some of the men who have
12 taken part in them.

13 There's actually a really, really good example of
14 how this should be done. The support team that has been
15 involved in the gathering of evidence from witnesses to
16 this inquiry, that -- I have continued, through that
17 process, to see individuals appearing here and that then
18 being followed up. Without exception they've been very,
19 very complimentary about the way that that's been done.

20 That seems to me to be because there is an
21 understanding of the trauma that these men have gone
22 through, so there's a group of individuals who
23 understand what that process involves and what it means
24 to have to go through something like this. That should
25 really be the kind of model that other agencies should

1 be following because it allows the possibility of
2 individuals to start speaking about this, which is
3 clearly what needs to happen.

4 Q. Thank you, Murdoch. That brings my questions
5 in relation to your first statement to an end, so I'll
6 now move on to focus for a little while on the
7 supplementary statement that you have helpfully provided
8 to the inquiry. That's at WIT.001.002.7995.

9 I understand that you provided this supplementary
10 statement to the inquiry because you came across or
11 learned some new information that you felt it was
12 important for the inquiry to be aware of.

13 A. Yes.

14 Q. In particular, the supplementary statement concerns
15 a former teacher at Carlekemp, who we will refer to as
16 "Mr A".

17 A. Yes.

18 Q. Was that teacher a [REDACTED] teacher at Carlekemp?

19 A. Yes, he was.

20 Q. You've told us already that after the film "Sins of
21 Our Fathers" was transmitted, you had some additional
22 calls and that many of these related to events at
23 Carlekemp.

24 A. Yes.

25 Q. In those accounts did you come across information

1 relating to Mr A?

2 A. Yes, his name had been mentioned, yes.

3 Q. How then did the additional information that you've
4 provided in the supplementary statement come to your
5 attention more recently?

6 A. I spoke to one former pupil -- I think it was in 2017 --
7 and this was just a general conversation about his
8 experiences at Carlekemp, and he talked almost
9 exclusively about Mr A, whom he described as being
10 a sadist.

11 I had heard prior to that that Mr A had been happy
12 to use the belt, but there was really nothing unusual
13 about that. It was nothing that made him anything
14 different from anybody else.

15 But this chap's account was -- he was extremely
16 angry when he was talking about it because he started
17 talking about it almost in a sense as if it was
18 something that I had been pursuing him on, which
19 I hadn't; I'd simply just mentioned his name.

20 Q. This boy, when was he at Carlekemp, do you know?

21 A. That would actually ... I know he was there -- no,
22 I can't actually reveal the date of that because that
23 would then reveal when this chap was at the school.

24 Q. I see. In relation to Mr A himself, I think you say
25 that he left the school in the late 1960s.

- 1 A. Yes.
- 2 Q. Just to give even a broad time frame of when he was at
3 the school, are you able to assist me with when you
4 understand he arrived at the school? Mr A that is.
- 5 A. He arrived at the school I think in the spring of 1967,
6 I think it was.
- 7 Q. So would he have been at the school approximately
8 two years?
- 9 A. Yes.
- 10 Q. So this boy who contacted you, or specifically told you
11 about Mr A, I think you say that he told you that Mr A
12 had a group of older boys, prefects, who would be
13 invited to his study and that Mr A would lord it over
14 the rest of the younger boys?
- 15 A. No, the boys would lord it over the rest of the pupils
16 in the school.
- 17 Q. I see. So Mr A had a group of boys and those boys would
18 lord it over the school?
- 19 A. These were older boys, usually prefects, who would be
20 invited to his study.
- 21 Q. I see.
- 22 A. And they then, as he put it, had the authority to lord
23 it over everybody else.
- 24 Q. Did another man subsequently get in touch with you and
25 did he also reveal certain things in relation to Mr A?

1 A. Yes, that's correct. When I'd heard this story from
2 this chap, I got in touch with some of the other men who
3 were there at the same time. This chap had -- I'd
4 spoken to this man before. It was -- because I didn't
5 want to reveal what the nature of that investigation
6 was, it was just a general conversation when suddenly he
7 started telling me about Mr A in very specific detail,
8 about an incident that had taken place with him in an
9 area called the piggeries, which was a building that was
10 outwith the main part of Carlekemp.

11 He referred to this incident where he had been taken
12 to this particular place, which I think is like quite
13 a large shed. There had been a bunch of the older boys
14 that were in this room. Mr A was standing in the
15 background and then he said -- he also recalled that he
16 thought there was a bed in that room, and then he said,
17 "Something happened to me, I've got no idea what it is,
18 but it's been something that stayed with me for the rest
19 of my adult life", but it was something bad that
20 happened to him.

21 Q. And I think you say that the man told you the memory
22 blank still haunts him.

23 A. Yes.

24 Q. So this man, I think, had been trying to contact or to
25 find Mr A; is that right?

- 1 A. Yes. He told me that he had tried to find this man.
2 He'd got in touch through the Friends Reunited site,
3 I think probably maybe about 15 years ago -- that's
4 15 years prior to this conversation.
- 5 Q. Was that about the early 2000s or so?
- 6 A. Yes, and he had tried to follow this up because he
7 thought this was the same person. But by the time he
8 tried to follow it up, the page had been taken down, so
9 he'd heard nothing further from him. So he started
10 asking me if I could try and help him track this chap
11 down, which I offered to do.
- 12 Q. And did you in fact manage to track down Mr A?
- 13 A. I did, yes.
- 14 Q. Did you find that he was working as a teacher at that
15 time?
- 16 A. Yes.
- 17 Q. Was that in 2017?
- 18 A. Yes.
- 19 Q. I think you managed to get a photograph of him; is that
20 right?
- 21 A. I did, yes.
- 22 Q. Did you then circulate that photograph to a number of
23 the boys who had told you about Mr A to confirm whether
24 or not it was him?
- 25 A. Yes, that's correct.

1 Q. Were they able to identify, I think, eventually from two
2 photographs, that it was Mr A you had found?

3 A. Yes.

4 Q. You've compiled, I think, what you describe as a dossier
5 on Mr A.

6 A. Yes.

7 Q. Is that right?

8 A. Yes.

9 Q. And you've provided a copy of that for the inquiry?

10 A. Yes.

11 Q. I am not going to put this on the screen, but for the
12 transcript the reference is WIT.003.002.2652. I think
13 you provide information that you found from various
14 sources relating to Mr A.

15 A. Yes.

16 Q. You found reference to a Mr A in a copy of The Corbie
17 also; is that correct?

18 A. Yes. There was an initial difficulty in that I had been
19 given the wrong spelling of his surname. There was also
20 a bit of confusion because there seemed to be a boy who
21 was at the school, so there was some confusion as to
22 whether he was a teacher or whether he was a boy. But
23 The Corbie helped confirm that. It confirmed the date
24 when he started at the school and then subsequent to
25 that someone sent me a photograph, which actually had --

1 he was in that photograph. It was a school roll
2 photograph, so he was there.

3 Q. And I think you tell us he was noted as a [REDACTED] teacher,
4 but you've heard from boys that he was both a [REDACTED] and
5 a [REDACTED] teacher?

6 A. Yes.

7 Q. You then managed, I think you tell us, to track down one
8 of the men who had been part of Mr A's inner circle, if
9 we can call it that, at the school. Had he been
10 a prefect at the school?

11 A. Yes.

12 Q. How and when did you track him down?

13 A. This was after I had compiled the dossier, so I knew who
14 this man was, I could confirm that it was the right
15 individual. I'd been given this boy's name by one of
16 the other boys and, when I spoke to him, he confirmed
17 that he was a prefect at the school and, when I asked
18 him about Mr A, he gave me a lot of detail.

19 Q. I'll come on to that in a moment. But generally
20 speaking in relation to the school and the regime at the
21 school, was this boy able to tell you anything about the
22 extent, for example, of physical or sexual abuse at
23 Carlekemp?

24 A. Yes, he did. He went into quite a lot of detail,
25 describing the physical beatings as being fairly normal

1 and routine and that sexual abuse was rife. He talked
2 about lots of fiddling -- "fiddling" was the expression
3 that he used -- and it was so commonplace that it was
4 not really an issue.

5 Q. Did this boy tell you whether or not he had spoken to
6 Mr A about what he called fiddling during his time at
7 Carlekemp?

8 A. Yes. He confirmed quite a lot of details. He confirmed
9 that Mr A would invite older boys into the study and
10 that they would have conversations. One of the
11 conversations or a series of repeated conversations was
12 about the fact that sexual abuse was so common. He
13 explained -- in the first instance, in a telephone
14 conversation, he explained that he had spoken to Mr A
15 about this -- and this specifically related to
16 Father [REDACTED] MFA -- and that Mr A had said that he
17 would speak to Father [REDACTED] MFA about this.

18 Q. So what did you understand the boy had said to Mr A
19 about Father [REDACTED] MFA

20 A. The fact that Father [REDACTED] MFA was sexually abusing
21 his peers.

22 Q. And what did you understand from the boy was Mr A's
23 response to that?

24 A. Mr A had apparently said to the boy that he had spoken
25 to Father [REDACTED] MFA about this and he had had a meeting with

1 him and had spoken to him about it and also he told him
2 that it should stop.

3 In a subsequent email he went into that in much more
4 detail, where he explained that Mr A had given a kind of
5 fairly detailed explanation of how Father [MFA] described
6 what he was doing, that masturbation and erect penises
7 were a sin, and that if that happened, that was an
8 indication of sinning. He then said to the boy that
9 this was nonsense.

10 But the boy then said the abuse continued, so he
11 wondered whether this meeting had ever taken place
12 between Mr A and Father [MFA]

13 Q. So was your understanding from the boy then that having
14 told Mr A about fiddling, as he described it, that Mr A
15 had told him he had spoken to Father [MFA] and
16 that Father [MFA] had given this reasoning as to
17 why he was doing this?

18 A. Yes.

19 Q. Did the boy tell you whether or not the abuse or the
20 fiddling stopped as a result of this conversation or
21 potential conversation?

22 A. He said that the abuse didn't stop and he wondered
23 whether the meeting had ever taken place.

24 Q. I think you tell us that you suggested to the boy that
25 this information would perhaps be important to report to

1 the police --

2 A. Yes.

3 Q. -- or to the inquiry.

4 A. Yes.

5 Q. And do you know if the boy has reported this to either
6 the police or the inquiry?

7 A. He certainly didn't give me any indication that he was
8 planning to do so, because he believed that God would be
9 the only judge of this kind of behaviour.

10 He also explained that he felt that those
11 individuals who were involved in abusing boys were
12 victims themselves of institutionalised responses to the
13 fact that, as he put it, quite a lot of these men were
14 trapped themselves.

15 LADY SMITH: Trapped in what way?

16 A. That they may be homosexual and this was -- he gave the
17 example of Father [REDACTED] MFA as a repressed
18 homosexual having to turn to alcohol as an escape. And
19 of Father [REDACTED] MFD, who was [REDACTED] SNR of
20 the school, another person that he described as being
21 homosexual and turning to violence as a way of dealing
22 with that.

23 What's significant about that is his younger brother
24 had been sexually abused at the school.

25 MS MACLEOD: This boy's younger brother?

1 A. This boy's younger brother.

2 LADY SMITH: It may be that you were going to go on to
3 explain this, but I see in part of your statement that:
4 "Mr A wondered about the impact on men who had
5 homosexual tendencies of coming from devout Catholic
6 families who would not be able to accept their
7 homosexuality and [I think as you put it in your
8 statement] seeing the only way forward as being a career
9 in the priesthood."

10 A. Yes.

11 LADY SMITH: Is that right?

12 A. Yes, that's correct.

13 LADY SMITH: Can you explain that a little bit more?

14 A. Well, I think the idea was that there would be -- from
15 the parental point of view, the cure for his
16 homosexuality was to join the priesthood.

17 LADY SMITH: I see.

18 MS MACLEOD: The boy you were speaking to here, Murdoch, did
19 he indicate -- you've said he indicated that his younger
20 brother was sexually abused. Did he say who sexually
21 abused his younger brother?

22 A. No, I know that his younger brother was sexually abused
23 because I had spoken to his younger brother.

24 Q. I see. Do you know who his younger brother alleges --

25 A. MEY

- 1 Q. In relation to Father [REDACTED] MFA did this boy you
2 were speaking to about Mr A indicate or elaborate on
3 what he meant by "fiddling"? Did he say what
4 Father [REDACTED] MFA had been doing in the school?
5 I think you mention this at paragraph 20 of your
6 statement.
- 7 A. Oh yes, yes. So this was -- I'd heard this story
8 before, that Father [REDACTED] MFA would tell boys bedtime
9 stories and would put his hand underneath the covers of
10 the sheets that the boys were lying on and would fiddle
11 about with their private parts. That story was repeated
12 again to me by a boy who was there the following year
13 from him and the story was that as each set of boys were
14 introduced into the school, they were told, "This is
15 what Father [REDACTED] MFA does". So he was there for
16 four years and made this estimate of this man has
17 probably fiddled about with hundreds of boys because it
18 was just regarded as routine and normal.
- 19 Q. You mention that another boy, a former pupil, spoke of
20 a [REDACTED] teacher possibly being arrested and you say this
21 is a boy who's given evidence to this inquiry. You
22 mention that the boy gave the wrong name of the [REDACTED]
23 teacher.
- 24 A. Yes.
- 25 Q. Is that something the boy has indicated to you?

1 A. Yes, he has. I sent him a photograph and asked him if
2 he could identify the photograph and he identified Mr A
3 and realised that he'd made the mistake in his original
4 testimony.

5 Q. And has that boy told you that he thought Mr A had been
6 arrested?

7 A. Yes, he did, yes.

8 Q. I think you yourself, Murdoch, wanted to establish or to
9 find Mr A and to establish if he was still teaching.

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

11 Q. Can you tell me what you did to try and track him down?

12 A. I had the address of the school and had decided that
13 I would phone the school up just to find out if he was
14 actually a member of staff there. What was kind of
15 unexpected was that I had phoned up on a Friday
16 afternoon at lunchtime. I thought that I would be asked
17 who I was and why I was asking to speak to this
18 individual, but the person who answered the phone said
19 that if I just hung on for a minute, he was in the staff
20 room and would come and speak to me.

21 So that conversation began with me explaining who
22 I was, what my background was, and why I wanted to speak
23 to him. He then, much to my surprise, started talking
24 about the sexual abuse that had taken place when he was
25 at the school. He not only -- as I say, I was very

1 surprised about the fact that he was prepared to do
2 that.

3 But he also, without any prompting on my part,
4 started to introduce names, not only of the monks but
5 also some of the boys, and I could hear in the
6 background the noise of a staff room. I felt very
7 uncomfortable about that because it was not something
8 that I expected and I felt a bit compromised that I was
9 being included in a conversation where this kind of
10 language was being used.

11 I apologised to him and said, "Look, this is
12 probably not the best time to be conducting this
13 interview, could we arrange another time?" He agreed to
14 do that and I spoke to him at his home a couple of days
15 after that.

16 Q. In that first conversation you had when he was in the
17 staff room, I think you tell us that he named
18 Father [REDACTED] MES and Father [REDACTED] MFA as
19 abusers.

20 A. Yes.

21 Q. And he may have also mentioned Father [REDACTED] MEV
22 [REDACTED] MEV in that first call.

23 A. Yes. I hadn't asked him anything at all about that.
24 I asked him if he could confirm that he had been at
25 Carlekemp at that particular time and the film that

1 I had been involved in investigating had included
2 physical and sexual abuse at the two schools. I didn't
3 ask him anything at all about, can you list the name of
4 individuals or anything like that. It was a very
5 surprising call.

6 Q. The next conversation you had with him, how long after
7 the first conversation --

8 A. Two days. The call was on the -- the first call I think
9 was on the Friday and the second call was on the Sunday
10 evening.

11 Q. Did you take notes during either or both of the calls?

12 A. I took some -- I don't think I took notes ... I wrote
13 some notes up after the first call because I wasn't sure
14 whether he was going to answer the second call because
15 I thought he must go and reflect on what he's just said
16 here. He didn't ask me, for example, who are you, are
17 you recording this conversation. He didn't ask me
18 anything at all about that.

19 So I wrote up some notes after the first call and
20 then I explained to him on the start of the second call
21 that I wasn't recording the conversation but I would
22 like to take some notes while we were having this
23 conversation, and he was quite happy to go along with
24 that.

25 Q. On the second call then, what did he say to you

1 in relation to the scale and level of sexual abuse that
2 he recalled from his days at Carlekemp?

3 A. He confirmed what I'd previously heard from the boys,
4 that it was absolutely rife, and went into -- it was
5 a conversation that lasted for quite a long time and
6 I think I had probably asked him about three or four
7 questions.

8 Q. So he did most of the talking?

9 A. Yes. Any or all of these conversations, from the
10 beginning of this investigation, have always -- all
11 these questions are open-ended questions. You know,
12 what was your experience, how did you respond to that.
13 He was volunteering all of this information. I hadn't
14 given him any indication in the earlier call as to
15 specifically what I was going to ask him to talk about.

16 Q. You talk about some of the detail he told you in
17 paragraph 27 of your statement. Can you recall what he
18 said to you in relation to Father MFD

19 A. Yes. He described him as:

20 "... a gay sadist who got a great deal of joy out of
21 bullying and punishing the boys."

22 He was very specific about these individuals, which
23 I thought was quite remarkable, because this was --
24 I was having this conversation with him only a couple of
25 years ago and he was describing events that had taken

1 place nearly 50 years ago. And that kind of detail,
2 I hadn't really heard before.

3 Q. Did he go on to speak about Father [REDACTED] MFA
4 Father [REDACTED] MEY and Father [REDACTED] MEV
5 and, in particular, their approach to what they may have
6 been doing at the school?

7 A. Yes.

8 Q. Could you expand on that?

9 A. Yes. This is when it became really quite significant
10 because, as I've mentioned before, we had heard quite
11 a lot of stories about [REDACTED] MEV at Carlekemp. As
12 far as I was aware, I hadn't heard anything specifically
13 about allegations of sexual abuse that involved
14 [REDACTED] MEV at Carlekemp.

15 He, again, without any prompting on my part,
16 suggested that Father [REDACTED] MFA Father [REDACTED] MEY
17 [REDACTED] MEY and [REDACTED] MEV were all involved in
18 sexual abuse, and then went on to develop that argument
19 by saying that each of them had particular groups of
20 boys that they would target.

21 Q. I think you mention in your statement that he said they
22 divided the school years.

23 A. Yes, it's interesting. I remember these phrases because
24 he apologised for using the word "divided". I can't ...
25 "I'm sorry to have to use the word but that's what

1 happened: these men divided the boys."

2 Q. So in that context then, what did he say in relation to
3 Father **MFA**

4 A. I think what he said was that -- I think he went for the
5 older boys, Father **MEV** took the middle
6 years, and Father **MEY** abused the younger boys -- but
7 actually, he was at liberty to abuse anybody that came
8 within his distance.

9 Q. Father **MEY**

10 A. **MEY** yes. So there was something very
11 specific here.

12 Again, I keep on emphasising that I actually hadn't
13 asked him any of this. This was all just being
14 volunteered. I think when he mentioned **MEV**
15 I did actually say to him I hadn't actually heard
16 anything about **MEV** and he kind of turned on
17 that conversation and said, "Are you accusing me of
18 lying?" So he was very specific about that.

19 Q. In relation to his own position in the school, did he
20 say what his relationship or his status was in relation
21 to those monks, the men he was describing?

22 A. Yes. I asked him, in terms of these boys explaining all
23 of this to him, did he feel that he had some kind of
24 sense of responsibility to try and deal with this, and
25 he explained that he was a lay teacher, he was

- 1 completely separate from the monks and didn't really
2 have any kind of authority to do anything with this.
- 3 Q. So just to be clear, the information that he told you
4 about his understanding of those three monks dividing
5 the school, did he indicate where his information
6 in relation to that had come from?
- 7 A. Sorry, yes, I misunderstood that question. All of that
8 came from the boys that were having the conversations
9 with him in his study.
- 10 Q. At the school?
- 11 A. At the school. So these are the conversations that were
12 taking place in his study with the older boys because he
13 made the point of actually saying, "I've never actually
14 seen any of this myself".
- 15 Q. And did you get the impression that it was older boys
16 who were telling him this?
- 17 A. Oh yes.
- 18 Q. And I think you mentioned that boys would tell him of
19 their own experiences and also what was happening to
20 younger boys?
- 21 A. Yes.
- 22 Q. And was your impression that that's how he got the
23 information he conveyed to you about how he understood
24 the school was divided up between the monks?
- 25 A. Yes. It was all coming from conversations he had with

1 the boys. He never at any time indicated that he had
2 observed this himself or was reaching that conclusion
3 himself. This was information that was coming from the
4 boys that were meeting up with him in the study.

5 Q. And having been given that information by the boys, did
6 he say what, if anything, he had done with that
7 information at the time?

8 A. Apart from the conversation that he said he'd had with
9 Father [MFA] which I'd referred to earlier on about this
10 meeting that he'd had with Father [MFA]

11 Q. So did he speak of that meeting as well as the boy
12 telling you about it?

13 A. Yes.

14 Q. What did he tell you about the meeting?

15 A. He had spoken to Father [MFA] and Father [MFA] had
16 basically just ignored what he'd said.

17 Q. Did he say whether he had at the time considered
18 reporting what the boys had told him?

19 A. No. No, never at any point did he make any reference
20 that he could do anything with this. Partly because of
21 his position in the school, he didn't feel that he had
22 any authority or power in the school to influence that
23 kind of change.

24 Q. You mention that when you asked him if the boys expected
25 him to do something with the information, that he said,

1 "No, it was so normal that when they talked about it, it
2 was in a joking manner".

3 A. Yes. That has been confirmed by some of the boys
4 themselves. But that, I think, is interesting because
5 that's a way that children can respond to situations
6 that they can't articulate, so they use comedy and
7 humour as a way of explaining that to each other.

8 Q. Did Mr A also say to you that he could do nothing about
9 it because he had no real contact with the monks and
10 he was young and inexperienced?

11 A. Yes.

12 Q. His description to you of Father MFD as a gay
13 sadist, did he say how he formed that impression or did
14 he develop that at all?

15 A. No.

16 Q. In relation to physical abuse or excess of physical
17 punishment at the school, did he make any comments
18 in relation to that, Mr A that is?

19 A. Yes. I had asked him in a kind of fairly general way,
20 bearing in mind that I had had an account from one of
21 the boys that he was a sadist, who had clearly inflicted
22 a lot of physical punishment on a number of boys. So
23 I asked him a question about that and he said that there
24 was -- well, there were a couple of contradictory things
25 here that he said.

1 He said that he had left the school in 1969 because
2 of a physical beating that he had witnessed and that was
3 his explanation for leaving the school. But he'd also
4 said in another email when I asked him about this
5 that -- I can't remember the phrase, but it was
6 something like, "99% sure that there was no serious
7 physical abuse". So these are two accounts that are
8 completely at odds with each other.

9 Q. Yes. You mention that in paragraph 37, that as he said
10 in an email, "I am 99% sure there was no serious
11 physical abuse --"

12 A. Yes.

13 Q. "-- as to sexual abuse, it was rife."

14 A. Yes.

15 Q. But then he gave his reason for leaving the school as
16 having --

17 A. He witnessed a physical beating of boys in 1969.

18 Q. I think you tell us that that was something you were
19 interested to get further information from him about
20 because you had heard something similar or something
21 which may be similar from somebody else?

22 A. Yes, absolutely. This was something that I was very
23 keen to try and follow up because I had heard of an
24 account of two boys being physically beaten, publicly,
25 at Carlekemp. I thought it was a later date, but

1 I wasn't entirely sure. But this was an account --
2 because it was public, I was very keen to see if he
3 would develop that because he might be able to
4 corroborate some of the evidence that I'd heard from
5 boys who talked about that experience.

6 Q. Had you heard that account from more than one boy at
7 Carlekemp?

8 A. Yes.

9 Q. I think you tell us that that was an account of two boys
10 being severely beaten by Father MFC

11 A. Yes.

12 Q. You mention that Mr A did mention to you the names of
13 a number of boys who he told you had been sexually
14 abused at the school.

15 A. Yes, he did.

16 Q. And I think you had heard of most of the names, but you
17 hadn't spoken to all of these boys?

18 A. Yes, that's correct.

19 Q. And during both calls with Mr A, you tell us that you
20 made clear to him that you'd spoken to a number of
21 former pupils but that you weren't in a position to
22 provide information about that or share those names with
23 him?

24 A. Yes, particularly the second call. The first call was
25 fairly short because it had taken place during this

1 lunch break. During the second call he asked me -- he
2 said, "It would help my recollection if you could send
3 me copies of boys that were at the school", and
4 I explained to him that I wasn't in a position to do
5 that, but that I had been in touch with a number of the
6 boys, but clearly I couldn't indicate who they were.

7 What I did to try and see if I could encourage him
8 to talk a bit more about this was that I sent him
9 extracts of lists of boys' names that I'd compiled from
10 the old school magazine, The Corbie, from the time that
11 he was there, very clearly indicating that: I'm sending
12 you this list but what you must not assume is that this
13 is a list of boys who had been abused, because it's
14 almost as if he was trying to identify from me who it
15 was that I'd been talking to and clearly I wasn't
16 prepared to do that.

17 Q. Yes, the list you were able to provide, was that a list
18 that was publicly available from The Corbie?

19 A. Yes.

20 Q. I think he suggested to you, you tell us, that if you
21 were able to provide him with a list of further names,
22 it might help his poor memory, but you told him that
23 you'd been impressed by his memory and the level of
24 detail.

25 A. Yes, that was probably the most surprising thing about

1 that conversation. I was really struck by the fact that
2 he could remember so many names -- and these are
3 names -- you know, listing names of boys, talking about
4 specific episodes with boys, which I just found quite
5 remarkable that he could do that.

6 So I tried to engage him and say, I'll do what
7 I possibly can, but your memory recollection is pretty
8 staggering.

9 Q. Other than those two calls, I don't think you've spoken
10 with Mr A again, but you have exchanged some emails with
11 him; is that right?

12 A. Yes.

13 Q. And in those emails, I think you tell us in paragraph 37
14 that he discussed matters in, again, quite a bit of
15 detail with you on email; is that right?

16 A. Yes. I was very keen to see if I could actually get him
17 to commit -- in the absence of having other
18 conversations or me recording the conversations with
19 him, I wanted to see if I could get him to talk in an
20 email to some of the things which he had said in the
21 conversation, principally the allegation that there was
22 basically a trio of men who were sharing, dividing boys
23 around. And he subsequently did that.

24 Q. You've already mentioned what he said in one email:

25 "I'm 99% sure there was no serious physical abuse.

1 As for sexual abuse, it was rife."

2 And you go on to give a quote from another email you
3 tell us about, and that's in paragraph 37.

4 If you look at the copy in your folder, because it
5 might be more helpful, it's not redacted, on page 8004.
6 On the second line you say:

7 "In another email that is, he discussed this in more
8 detail, referring to Father [REDACTED] MFD the
9 [REDACTED] SNR Father [REDACTED] MFA and the two Australian
10 monks, Father [REDACTED] MEY and Father [REDACTED] MEV
11 [REDACTED] MEV

12 And you give there, a quotation -- I take it that is
13 a quotation from one of his emails; is that right?

14 A. Yes, it is.

15 Q. I wonder if you could read that for us.

16 A. Yes he says:

17 "The identity of the two primary victims of the
18 Australians was never a secret to anyone. I initially
19 thought the activities of these three priests, abhorrent
20 as they seemed, must be known by their boss,
21 Father [REDACTED] MFD To this day, I cannot think otherwise.
22 In fact, in the absence of Father [REDACTED] MFD a cold,
23 disdainful and arrogant man, the remaining three seemed
24 almost to have an unspoken pact that said, 'You do yours
25 and I'll do mine'. [REDACTED] MEV thus took charge (please

1 forgive the expression) of the youngest available
2 children, Father MFA the middle, and MEY only the
3 upper forms. These ideas were openly discussed in front
4 of me by the older boys."

5 Q. And this is a direct quote from an email to you from
6 Mr A?

7 A. Yes, it is.

8 Q. And is that email also from 2017?

9 A. Yes, it is.

10 Q. Towards the end of your statement, in paragraphs 38 and
11 39, you tell us about some concerns you had about the
12 accounts you were hearing from Mr A.

13 A. Yes.

14 Q. I think you tell us that you told him on a number of
15 occasions that the information he was sharing with you
16 would be of relevance to the police and to the inquiry.

17 A. That's correct. It seemed to me that this was quite
18 significant evidence and that it was pointing to, as he
19 alleged, some kind of paedophile ring that included
20 someone who's still alive, and I felt that this was
21 something that could be of interest, both to the police
22 and to the inquiry.

23 I think in every email that I sent to him, I always
24 made some kind of reference to the fact that that was my
25 opinion and that if he wanted any help or assistance in

1 contacting either the police or the inquiry, I would be
2 available to do that. I send him links to the inquiry
3 website.

4 I also, in another email, explained to him that
5 I had given a statement to the inquiry and could explain
6 the kind of procedures that were involved in that.

7 Q. Have you had any recent contact with Mr A?

8 A. No, no, I haven't.

9 Q. Was 2017 the last time he was in contact with you?

10 A. I think on the day that I made this statement I received
11 an email from him the following morning. This was a bit
12 of a surprise, which basically indicated that he was
13 unwell, but yet again confirmed that -- or I was unaware
14 of whether he was going to do anything with this
15 information or not.

16 Q. Was that the first time you'd heard from him in quite
17 some time?

18 A. Yes. After the first two conversations, there had been
19 a kind of flurry of emails. What I did was I added him
20 on to the list of men that I contact. So I would send
21 him an update in terms of what else was going on,
22 including references to the inquiry and so on, just as
23 a way of trying to keep him in the loop, as it were.

24 Q. You tell us that you're aware of a number of
25 inconsistencies in what he's told you.

1 A. Yes.

2 Q. And you've already touched on the issue of physical
3 violence, saying he was 99% sure there was no physical
4 abuse and yet telling you that he left because of an
5 incident of potential physical abuse.

6 What you do say is what you found most surprising in
7 your contact with him was the detail he could recall
8 about sexual abuse and his willingness to share this
9 with you.

10 A. Yes, because I had just approached this in the same way
11 as an approach to -- this was a lay teacher at a school
12 and my expectation of this was for him just basically to
13 describe what his experience had been at the school.
14 I didn't, absolutely did not, expect this kind of level
15 of detail or the fact that he was so forthcoming without
16 asking me what I was going to do with this information.

17 Q. You say in your statement that:

18 "To date, as far as [you] know, he has not contacted
19 either the police or the inquiry."

20 A. Yes.

21 Q. I just wanted to ask you if that surprises you.

22 A. No, no, it doesn't surprise me at all.

23 Q. Why not?

24 A. Because I think he knows a lot about what went on at the
25 school and I think he may have been involved in it

1 himself, certainly the physical abuse. You have to
2 understand my reluctance to name this individual.

3 Q. Yes, I was actually going to ask you about that.

4 A. I had been given this testimony by a number of boys.
5 I don't know whether those boys have contacted the
6 police or the inquiry to give statements, so I'm really
7 acting on behalf of their observations to me and my
8 conversation with him, and I think it would be unfair to
9 name this individual because I don't know whether any of
10 these allegations have been followed up in any way by
11 these men.

12 Q. And you tell us finally in the statement that you have
13 not spoken to the police about the information obtained
14 from Mr A.

15 A. Yes.

16 Q. And that Mr A has now informed you that he's no longer
17 in the same school due to his health, but that he does
18 intend to continue teaching?

19 A. Yes. His last email indicated that that was the case.

20 Q. Well, thank you, Murdoch, for sharing that information
21 with the inquiry. I don't have anymore questions to ask
22 you, but I wish to give you this opportunity if there's
23 anything you would like to add to anything you have said
24 today.

25 A. No, thank you.

1 MS MACLEOD: My Lady, I don't have any further questions
2 and, as far as I know, there are no further questions
3 for Murdoch.

4 LADY SMITH: Are there any outstanding applications for
5 questions of Murdoch? No.

6 Murdoch, that completes the questions we have for
7 you. Thank you so much for the engagement that you have
8 had with the inquiry in terms of both your statements,
9 which are so detailed, the documents that you've helped
10 us with, your observations and thoughts about where
11 we are and where you hope we might get to in the future.
12 These all give me enormous assistance in the work that
13 I'm doing here, so thank you for all of that and for
14 your commitment to what you have taken up in following
15 up all the evidence about Fort Augustus and Carlekemp.

16 I am now able to let you go.

17 A. Thank you.

18 (The witness withdrew)

19 LADY SMITH: Well, we've had a long day, Ms MacLeod, and
20 I think it's high time that we adjourned until tomorrow
21 morning, yes?

22 MS MACLEOD: Yes, we have, my Lady.

23 Tomorrow morning the plan is to start with video
24 link evidence at 10 o'clock.

25 LADY SMITH: 10 o'clock tomorrow morning, very well.

1 (4.25 pm)

2 (The inquiry adjourned until 10.00 am

3 on Thursday, 19 September 2019)

4 I N D E X

5

6 JOHN ANDREW ELLIS (affirmed) (via1

7 video link)

8 Questions from MR MacAULAY2

9 MARK DALY (affirmed)61

10 Questions from MS MacLEOD62

11 MURDOCH RODGERS (affirmed)123

12 Questions from Ms MacLEOD123

13

14

15

16

17

18

19

20

21

22

23

24

25