

1 Friday, 25 October 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We return to further oral
4 evidence this morning. I think we have four witnesses
5 today, is that right, Ms MacLeod?

6 MS MACLEOD: That is right, my Lady. The first witness is
7 ready and the first witness is Ronnie McEwan.

8 RONNIE MCEWAN (sworn)

9 LADY SMITH: Are you comfortable with me calling you
10 "Ronnie"? If you prefer "Mr McEwan", that's fine.
11 Well, Ronnie, please sit down and make yourself
12 comfortable.

13 I'm sure you appreciate how much we need you to use
14 the microphone for the sound system to pick you up.
15 Ms MacLeod will explain to you where you're to go in the
16 red file in a moment. If you have no questions and
17 you're ready to start, I'll hand over to Ms MacLeod.

18 Questions from MS MacLEOD

19 MS MACLEOD: Good morning, Ronnie.

20 A. Good morning.

21 Q. You've provided a statement to the inquiry and there is
22 a copy of that in the folder in front of you. I'll give
23 the reference for the transcript: WIT.001.002.9614.

24 Can I begin by asking you to turn to the final page
25 of the statement in your folder? I think the statement

1 is actually before the divider.

2 A. Yes.

3 Q. Have you signed the statement?

4 A. I have, yes.

5 Q. In the final paragraph do you say:

6 "I believe the facts stated in this witness
7 statement are true"?

8 A. Yes, I do.

9 Q. And do you understand that your witness statement will
10 be published as part of the evidence to the inquiry?

11 A. I do.

12 Q. Is your full name Alexander Ronald McEwan?

13 A. It is indeed, yes.

14 Q. Were you born on [REDACTED] 1954?

15 A. I was.

16 Q. Are you now 65?

17 A. I am.

18 Q. Can I begin by asking you a little bit about your
19 background and how you became involved with the
20 Marist Brothers.

21 A. Yes.

22 Q. But before I do that, I should ask you: what is your
23 current role within the order?

24 A. What's my current role within the order? Could you say
25 just a bit more --

1 Q. What role do you have in the Marist Brothers at the
2 moment?

3 A. I'm a member of the Marist Brothers. I'm on the
4 Provincial Council and I am bursar for the
5 Marist Brothers of this province.

6 LADY SMITH: Sorry, in the last answer did you say you are
7 bursar?

8 A. Yes, for the province.

9 LADY SMITH: The province is what area?

10 A. West Central Europe. It includes Germany, Netherlands,
11 Belgium, Scotland and Ireland.

12 LADY SMITH: Thank you.

13 MS MACLEOD: Are you based in Glasgow?

14 A. I am.

15 Q. Is that at the Kinharvie Institute in Glasgow?

16 A. No, I live in Glasgow; the Kinharvie Institute is where
17 I work in Glasgow.

18 Q. When did you first become involved with the
19 Marist Brothers?

20 A. When I went to the school.

21 Q. Which school?

22 A. I went to Hetland House first for three years, then
23 I went to St Joseph's College for two years.

24 Q. So how old were you when you went to Hetland House?

25 A. Twelve or 13.

1 Q. And how old were you when you went to
2 St Joseph's College?

3 A. Fifteen or 16.

4 Q. So would that be, if you were born in 1954, around 1970
5 or so that you attended St Joseph's College?

6 A. Probably, yes.

7 Q. Were you a boarder at St Joseph's?

8 A. No.

9 Q. A day pupil?

10 A. A day pupil.

11 Q. How would you describe your experience as a pupil at
12 St Joseph's at that time?

13 A. Excellent. That's why I joined the brothers.

14 Q. Who was the SNR [REDACTED] at the school?

15 A. The SNR [REDACTED] at the time was Brother MYZ [REDACTED].

16 Q. Did you come across anything that you considered to be
17 inappropriate during your time at the school?

18 A. No, and that's why it became a great shock when it
19 started to unfold.

20 Q. So from St Joseph's, what was the next step, where did
21 you go after that?

22 A. I left school and I took a job and I did some
23 travelling. Then I eventually joined -- went to the
24 novitiate. I decided that I would like to try my
25 vocation as a brother.

1 Q. Did there come a time when you went to university?

2 A. Yes.

3 Q. When did you take your final vows?

4 A. I think around 1980, maybe.

5 Q. What was your first posting within the order?

6 A. My first posting was to work in London in a youth
7 centre.

8 Q. So did you go straight from university to London?

9 A. I was doing both. I was studying and also in London
10 at the time.

11 Q. I see. I think you tell us that you spent a number of
12 years working in London.

13 A. I did, yes.

14 Q. And you returned to Scotland in about 1989?

15 A. Yes, via Wolverhampton.

16 Q. Just to get a time frame for some things we've heard in
17 evidence, I wonder if I can just ask you about some
18 evidence that we heard yesterday from MFZ
19 I'll put this on the screen for you. It's at
20 WIT.001.002.6861.

21 This is a passage from the statement of

22 MFZ . Is MFZ a colleague of yours?

23 A. He is, yes.

24 Q. So in these paragraphs MFZ was asked, I think,
25 about a former brother, AKU

1 A. Yes.

2 Q. And he provided some information in paragraphs 45 and
3 46. I just wanted to ask you about that. I think he's
4 saying he can't be certain exactly when he met Mr AKU ,
5 and then he says:

6 "We travelled by minibus to the retreat. We drove
7 to Liverpool and then to Dublin by ferry and car.
8 Brother AKU and Ronnie McEwan, who's also a brother,
9 were in the minibus with us."

10 I just wondered if you recalled going on a retreat
11 with Brother AKU and MFZ .

12 A. Well, it wasn't a retreat. It was a visit to Ireland to
13 a community. It was a social sort of holiday, set up
14 with -- to meet the brothers and have a different
15 experience. I have no memory of AKU being part
16 of that group. He could have been part of it.

17 I certainly know MFZ was part of it, but I have no
18 memory of AKU being part of that group.

19 Q. Are you able to help me at all with what stage of your
20 career this trip relates to?

21 A. No, I'm sorry, I really ... I'm not exactly sure.
22 I can remember ... I think I might still have been
23 studying at the time. I think I might have been still
24 a student, but I'm not sure the year, when it was. I'm
25 trying to think where I might have been based at the

1 time.

2 Q. MFZ [REDACTED] in the next paragraph said:

3 "The first time I meant Ronnie was when he came to
4 St Mungo's School and asked who was interested in going
5 to Hetland House, near to Dumfries. This was also
6 a retreat."

7 Again, just to try and place this in time in your
8 own career, I just wonder if you could assist me with
9 that. Do you remember going to St Mungo's?

10 A. Yes, I do. It wasn't so much a retreat, we called it
11 a Christian Encounter Programme. So there was
12 a spiritual element but it was more about human
13 development as well. We certainly went to the different
14 schools to promote these kind of weekends for young
15 people and I remember MFZ [REDACTED] coming to those
16 weekends.

17 Q. Was this while you were in London or can you remember
18 where you were staying at the time?

19 A. I was in Glasgow at the time.

20 Q. So can you assist me with an approximate time period for
21 that?

22 A. I think probably around 1976 maybe.

23 Q. I just want to ask you about something that a witness
24 said in evidence. If you go to the front page of your
25 folder, you'll see a document that the inquiry call

1 a key, but it's really a list of names. I think it's
2 the very first document in your file.

3 A. Yes.

4 Q. A number of people have their anonymity protected by the
5 inquiry and you'll see that people have been allocated
6 pseudonyms and their own name is adjacent to that.

7 I really want to ask you about the person who's taken
8 the pseudonym [REDACTED]; do you see that?

9 A. Yes.

10 Q. Is that a name you recognise?

11 A. I do recognise it, yes. He contacted us.

12 Q. I just want to ask you about something [REDACTED] said.

13 I think you've been informed about some evidence that
14 [REDACTED] provided to the inquiry in relation to yourself.

15 A. Sure.

16 Q. Is that right?

17 A. Yes.

18 Q. So I'll just put that on the screen: [REDACTED]

19 The inquiry has heard that [REDACTED] was a pupil at
20 St Columba's school in Largs --

21 A. Yes.

22 Q. -- from around 1978 to 1982 and I think he would have
23 been between about 8 and 12.

24 A. Yes.

25 Q. He provided evidence to the inquiry that, whilst he was

1 at St Columba's, groups of brothers came to the school.
2 Something that he said on this page -- and I think
3 you'll see it at line 4, he says:

4 "I remember that brother who was another one of
5 them, Brother McEwan."

6 I just want to ask you, were you ever -- did you
7 ever visit St Columba's during this period?

8 A. Never in its existence. I was never in the school as
9 a member of the community, I was never part of the
10 teaching staff, and I never visited the building.

11 Q. [REDACTED] further on that page at line 20, goes on to say:
12 "McEwan came in and told me off."

13 Again, your position is, whoever that was, that
14 wasn't you?

15 A. Also, we don't use our family names, so pupils wouldn't
16 be aware of our family names. We always use our first
17 names.

18 Q. So did I understand you correctly, just to be sure, that
19 you have never been to St Columba's?

20 A. Never, never. I was already asked to identify some
21 pictures of the school and I said I couldn't because
22 I have never been there. Some brothers went there on
23 holiday, but I never went there for holiday.

24 Q. Okay. When you returned to Scotland then in about 1989,
25 were you around 35 or so?

1 A. Yes.

2 Q. And what was your role on your return to Scotland?

3 A. I was asked to go and take over Kinharvie House because
4 it was in financial difficulty.

5 Q. What services was Kinharvie House providing at that
6 time?

7 A. At that time, I think it's in the statement, it was
8 providing spiritual retreats for young people from
9 school. We provided the programme and staff came with
10 the pupils.

11 Q. Is that pupils from Marist Brothers schools?

12 A. Initially it started that way. Then, once people heard
13 about the programme, we then found that others, by word
14 of mouth, invited -- asked if we would come to the
15 school and if they could also have access to the
16 programmes.

17 Q. While you were based at Kinharvie House in that role,
18 were you appointed to another role? Did you become the
19 provincial?

20 A. I did become the provincial, yes, in nineteen ninety ...
21 I think I was appointed in 1993 and took over in 1994.

22 Q. I think you tell us at that time that covered the UK and
23 Cameroon?

24 A. It did, yes.

25 Q. Could you summarise for me what is involved in the role

1 of provincial?

2 A. As it says in the statement, it's essentially pastoral
3 care of the brothers. Previously it would have been in
4 terms of ministry, but by that time all the schools,
5 et cetera, had been handed over so the focus at that
6 time was the pastoral care of the brothers.

7 Q. We'll come on to look at this, but shortly. How long
8 did you remain in the role of provincial?

9 A. Well, I was appointed -- they are three-year cycles so
10 I had two appointments of three years and then I was
11 asked to do a further year because we were doing
12 a reorganisation, then I was asked to remain on. As a
13 country, we'd have ... for the three years.

14 Q. Could you help me: country leader and the provincial,
15 are those two different roles?

16 A. What happened was we came into the new configuration of
17 the different countries. A Dutch person was named
18 provincial, Jacques Coulter, but he obviously didn't
19 have local knowledge, so they thought in terms of the
20 transition what would help would be if there remained
21 a leader in each country who became part of the council
22 and who would support the provincial in their new role.

23 Q. So for the first seven years you were the provincial?

24 A. Yes.

25 Q. And then for the next three years, you were the leader?

1 A. Yes, sector leader, they called it.

2 Q. Combining those two roles?

3 LADY SMITH: Did you say sector leader?

4 A. Yes.

5 MS MACLEOD: Were you in that leadership role, if I can call
6 it that, for about 10 years?

7 A. Yes.

8 Q. As provincial, did you have a provincial council --

9 A. We did.

10 Q. -- to assist you?

11 A. Yes.

12 Q. And what was the make-up of the provincial council?

13 A. Brothers.

14 Q. Did you also have professional lay advisers to assist
15 you?

16 A. Yes, we did. We had accountants, insurance brokers,
17 solicitors.

18 Q. You tell us in your statement that the provincial
19 council met on a regular basis.

20 A. Yes.

21 Q. I think you indicate that the sort of things that they
22 would be dealing would be requests for moves and
23 requests from Rome, that kind of thing.

24 A. Yes.

25 Q. At the time I think you mention that dealing with the

1 downsizing of the province was something that was on the
2 agenda.

3 A. Yes.

4 Q. Can you maybe tell me a little bit that?

5 A. Just the shrinking number of people in terms of numbers,
6 vocations. The life was no longer as attractive as it
7 was in terms of young people, young men, and so
8 therefore we had more property than we needed, so we had
9 more communities than we needed. So the biggest job was
10 actually deciding how to reconfigure the communities.

11 Q. As provincial, where were you physically based?

12 A. I was physically based in Kinharvie House in Dumfries,
13 New Abbey.

14 Q. We'll come to look at various aspects, in particular the
15 aspect of complaints that you dealt with as provincial.
16 Once you stopped having that leadership role in 2003,
17 did you then move into other roles within the order?

18 A. I continued the work in Kinharvie, so in Kinharvie House
19 I continued and we also had -- we then started moving to
20 the premises in Glasgow.

21 Q. So what was your role once you stopped being the leader
22 in 2003?

23 A. In which regard? With regard to the Marist Brothers?

24 Q. Yes.

25 A. I don't think I had any particular role. But I was

1 asked to continue seeing anyone who had complaints. So
2 we didn't have a safeguarding officer as such at that
3 time. That wasn't -- that role wasn't developed, that
4 came later. But I was asked if I would continue to see
5 anyone who made an allegation.

6 Q. And I think during your time as provincial, you dealt
7 with people who came forward with complaints.

8 A. Yes, I did.

9 Q. Was it for that reason that you continued that part of
10 the role after you stopped being provincial?

11 A. You'd have to ask the person who asked me to do it. It
12 was the provincial at the time who asked me to do it.
13 I'm not sure what his thinking was at the time. It
14 could well be that because he wasn't in the country,
15 that might well be the fact, because he'd be based in
16 Nijmegen, so it could be thought it'd be better for
17 someone local to do it.

18 Q. And how long did you remain the person then dealing with
19 complaints?

20 A. It continued and it was supposed to stop when LZW
21 came forward. There was supposed to be a kind of
22 transfer, but in fact, that didn't happen. So I have
23 just recently given up.

24 LADY SMITH: Ms MacLeod, I can't remember whether that list
25 in front of Ronnie will have the right pseudonyms.

1 MS MACLEOD: It has.

2 LADY SMITH: Remind me of the pseudonym?

3 MS MACLEOD: "Edward."

4 LADY SMITH: The name you have just used is protected by my
5 restriction order, Ronnie, but, as I think you can see,
6 the pseudonym he used was "Edward", which is the name by
7 which he is referred.

8 MS MACLEOD: I think you mentioned it was recently that you
9 stopped being the person dealing with complaints; was
10 that this year?

11 A. Yes, just this year.

12 Q. Do I take it from that then, from that from 1993 to 2019
13 you've been the person within the order who's dealt with
14 allegations that have been made?

15 A. I have dealt with meeting the people who made the
16 allegations, but not necessarily the reporting to the
17 police and to the Scottish safeguarding office, the
18 Catholic Scottish Safeguarding Office. So my role was
19 more the pastoral response to the individual when they
20 came forward.

21 Q. Do you then pass the information on to colleagues who do
22 the other parts or how does it work?

23 A. Yes. I pass the information on. Usually everything is
24 done then through the provincial, reporting back to the
25 provincial, and then the administration is done, the

1 reporting to the Catholic Safeguarding Office and then
2 informing the police.

3 LADY SMITH: Help me to understand the process. Is your
4 system such that at first instance the complaint comes
5 to you?

6 A. Yes -- no, usually -- well, sometimes it does come to
7 me, sometimes the police can come forward with something
8 and they'll have my name from the past. Other times,
9 individuals will directly email or contact the
10 provincial or they might contact a bishop and the bishop
11 then contacts the provincial. So there's no one route.

12 LADY SMITH: I see. But if, for example, somebody had
13 contacted the provincial, is the system such that he
14 then passes it to you?

15 A. If it's in Scotland, yes.

16 LADY SMITH: And then you have to assess whether the police
17 need to know, whether your safeguarding team needs to
18 know -- or would your safeguarding team always be
19 alerted?

20 A. They'd all be alerted and then we would discuss how to
21 proceed in terms of what needed to be done and who would
22 do what.

23 LADY SMITH: Let me put it this way: would you expect every
24 complaint, one way or the other, to pass through your
25 hands?

1 A. In Scotland, yes, there would be some connection. There
2 would be some kind of role. Sometimes I wouldn't be
3 very involved if the person -- there could be
4 a complaint coming through where the person really just
5 wanted to ensure that the person wasn't alive, you know,
6 they're anonymous, they weren't having access to
7 children. I would really come into play if the person
8 wanted to meet a Marist Brother.

9 LADY SMITH: Right, thank you.

10 MS MACLEOD: Since you have stopped being in that role as
11 the person dealing with the complaints, who has taken
12 that over from you?

13 A. In Scotland, Brendan.

14 Q. Brother Brendan Geary?

15 A. Yes.

16 Q. You mention in your statement, I think in paragraph 6,
17 that the role of safeguarding officer is one that came
18 into play at a particular time. Can you tell me if you
19 remember when that role was established within the
20 order?

21 A. It wasn't so much in the order; it came as
22 a recommendation from the Scottish Safeguarding Office
23 that in fact there should be someone appointed in each
24 congregation, religious institution, to be the
25 safeguarding officer.

1 Q. Is that from the Bishops' Conference?

2 A. Yes, it is a combination of the Bishops' Conference and
3 the Conference of Religious I, think they collaborated
4 on the project.

5 Q. And as a result of that, did the order appoint
6 a safeguarding officer?

7 A. Yes, there was. Colin Chalmers was the safeguarding
8 officer at one point. We tried to transfer it to
9 Douglas, but in fact ...

10 Q. Is that Douglas Welsh?

11 A. It is, yes. I'm sure you'll see in the inquiry that in
12 fact there wasn't -- a report of LZW came to the
13 police was supposed to happen. We then realised that
14 perhaps Douglas wasn't the person to do it and then we
15 came up with an administrative assistant, who works with
16 MFZ, that would then take on the paperwork
17 and the administration of making sure that things were
18 passed on to the safeguarding office and the police.

19 Q. So was Colin Chalmers then the first safeguarding
20 officer?

21 A. I believe so.

22 Q. Do you know when he was appointed?

23 A. No.

24 Q. Did you ever have the role of safeguarding officer?

25 A. No, not as such. The role didn't exist prior to the

1 thing. So there would be aspects of that job that I'd
2 have done.

3 At the beginning I would have done most of it when
4 I was provincial because I would see the people, I would
5 liaise with the police, and I would work with whoever in
6 terms of the provincial council.

7 Q. So was that at a time before you had a safeguarding
8 officer?

9 A. Well, safeguarding as a concept didn't exist before
10 that.

11 Q. And once that concept did exist and someone was
12 appointed to the role, what was the interplay between
13 your role and the safeguarding officer?

14 A. We'd be in communication with each other in terms of
15 liaising with the police, what's happening with the
16 person, if there's a need for an apology, does the
17 provincial need to write for a apology, is that
18 something that's important.

19 For instance, one person said an apology would be an
20 insult and didn't want an apology. For other people it
21 was really important to have something in writing from
22 the provincial.

23 Q. And who is the current safeguarding officer within the
24 order?

25 A. Brendan -- when you say within the order, that's for

1 Scotland; there are safeguarding officers in other
2 places.

3 Q. Yes. In paragraph 7 of your statement, you provide some
4 information in relation to your role as provincial and
5 accountability in that respect. I think you tell us
6 that in that role you were accountable to the
7 Superior General in Rome.

8 A. Mm.

9 Q. Did you have much communication then?

10 A. What happens is the Superior General is the overall head
11 of the institute and he has a council and within
12 the council there are usually people who are, if you
13 like, liaison people for different continents and
14 different regions. So your direct contact within with
15 the person who was the named person for the region.

16 Q. You make the point that at the time you took over as
17 provincial in 1993, or thereabouts, that there were no
18 schools run by the Marist Brothers in Scotland; is that
19 right?

20 A. Yes.

21 Q. And in particular, the ones the inquiry are looking at,
22 St Joseph's College and St Columba's had closed and one
23 had been handed over to the local authority about
24 10 years previously.

25 A. I think Largs was closed down maybe around 1982,

1 I think. I'm not sure. I'm not exactly sure the date
2 when St Joseph's passed over to the local authority for
3 sure. We weren't involved. We still had the lease of
4 the property, which we eventually were able to pass over
5 to the local authority.

6 Q. You provide quite a bit of evidence, which we'll look at
7 now, in relation to complaints and allegations of
8 abuse --

9 A. Yes.

10 Q. -- that you became aware of during your time as
11 provincial.

12 Prior to your appointment as provincial, had you
13 ever heard any allegations of abuse in relation to
14 St Joseph's or St Columba's?

15 A. No. It was a complete shock.

16 Q. Do you recall how long after your appointment you heard
17 about the first complaint?

18 A. Within a very short time. I can't exactly be sure, but
19 I had had a meeting with the previous provincial,
20 a handover, and he had commented that there hadn't been
21 anything untoward and then, within, I don't know, a very
22 short time, I was visited by the police in Dumfries.

23 Q. And you talk about this in your statement. Can you tell
24 me then a bit about that first occasion when you were
25 visited by the police? What did you find out?

1 A. I think I say in the statement that -- this is my memory
2 of it, I don't have the exact detail. My memory is that
3 Kay and -- I think it was Kay and Jean -- I think maybe
4 Jean Taylor -- were the two police officers who came.

5 They were very respectful, they said, "We've got
6 some news that might not be great news for you." Then
7 they explained that Stephen Behan had gone into a police
8 station in Glasgow and had made the allegation, and they
9 were following it up.

10 Q. So do I understand then that this would have been either
11 1993 or 1994 if it was early into your time?

12 A. I think so, yes.

13 Q. We'll come to look at the detail of that in a moment.

14 Can I ask you, at that time, did you have or did the
15 order in Scotland have any procedures for dealing with
16 complaints?

17 A. No. I think the notion of policy and procedures is
18 a concept of today that wasn't really in place then. So
19 when the complaint came, I needed to sit with the
20 council and actually work out how we would -- what
21 approach we would take, how we'd actually handle this.

22 Q. And what approach did you decide to take?

23 A. Well, it was in three parts. One, that we needed to try
24 and make a pastoral response, so therefore we would be
25 open to meeting people. If there was any hint of a

1 criminal act, we needed to inform the police and work
2 with the police. And if anyone had committed a crime,
3 the force of the law had to go with them.

4 Our solicitor confirmed that it was important that
5 we did inform the police of any criminal acts -- in the
6 first instance the police knew because they actually
7 came to us, but in the future, if we got allegations, we
8 needed to inform the police.

9 Q. I think you deal with this in paragraph 12 of your
10 statement, and I just wonder if we could perhaps look at
11 that.

12 Did you yourself decide to become the point of
13 contact, as it were, between people making complaints
14 and the order?

15 A. I did, for two reasons. One, it wasn't particularly
16 pleasant and I didn't feel comfortable asking someone to
17 do a job I wasn't prepared to do myself. I also felt
18 that if a person came forward, the person who's the head
19 at the time should face this. I didn't want them to
20 feel we were sidestepping them or we were trying to not
21 take their complaint seriously.

22 Q. So I fully understand, can you run me through the
23 procedure that was agreed with the council as to how
24 complaints would be dealt with? What was the first
25 step?

1 A. The first step was to offer to meet the person. To
2 offer an apology, if appropriate. To offer any -- our
3 notion was to try and look at healing and to say what
4 would support this person to be in a better place to get
5 beyond surviving the abuse to thriving. And then
6 support them, to pay for that, and to help them to find
7 a way that would give them some resolution or some
8 comfort.

9 Q. So that was the first thing, to offer to meet them?

10 A. Yes, an apology and then any therapeutic intervention
11 that might help.

12 Q. When you say "any therapeutic intervention that might
13 help", what was the order's role to be in that?

14 A. That we would fund that, because we would recognise that
15 we couldn't -- we were the protagonist, if you like, so
16 it wasn't really appropriate for us to do that job.

17 Q. Was an internal investigation into the complaint part of
18 the procedure?

19 A. It was, yes. When Stephen Behan came forward, I visited
20 the various communities and asked if anybody knew of any
21 incidents.

22 I met with the SNR [REDACTED] at the time and he
23 assured me that he knew nothing of -- that there had
24 been no other complaints.

25 Q. And I think you've touched already on reporting to the

1 police if necessary.

2 A. Yes, sure. But in the case of Stephen Behan, he was the
3 one who'd reported it to the police.

4 Q. Just so that I have understood, the first thing would be
5 to offer to meet the person and offer an apology if
6 appropriate?

7 A. Yes.

8 Q. The second thing would be involved in the funding of
9 therapeutic input, if that was appropriate?

10 A. Sure.

11 Q. The third thing would be an internal investigation?

12 A. Sure.

13 Q. And the fourth thing would be reporting to the police?

14 A. Sure. You're presenting it like a logical path; some
15 things were happening simultaneously.

16 Q. There were four things that happened, not necessarily
17 in that order?

18 A. Yes, sure.

19 Later, we added the additional report to the
20 Catholic Safeguarding Office.

21 Q. I just want to look now at some evidence that was
22 provided by Brother Douglas Welsh, I'll put this on the
23 screen for you. That's at WIT.001.002.7083.

24 This is a statement given to the inquiry by
25 Brother Douglas and I wanted to ask you about this.

1 He's talking about the first time that he heard about
2 allegations of abuse. He says:

3 "The first time I heard about any abuse in the
4 Catholic Church was in the newspapers. Brother
5 Ronnie McEwan was our provincial and he was tasked with
6 investigating abuse involving the Marist order. It was
7 all historical abuse. He immediately wanted to sort
8 things so I decided to meet some of the victims at
9 Kinharvie House. He said that we were going to help the
10 person. He said that we would send the victims for
11 counselling or treatment but we would not give them
12 money."

13 I just want to ask you about that. Is that
14 something that was part of the discussions, that you
15 wouldn't give those making allegations financial --

16 A. Let me just clarify. I never said I wanted to sort
17 things. I knew things like this can't be sorted. So
18 I understand why he has said this, but when we had our
19 first allegation that wanted compensation, I discussed
20 it with our safeguarding group. The lawyer was part of
21 it and he pointed out that we were a registered charity
22 and that in fact he wasn't sure that we in fact could
23 just decide to give money. He asked us how would we
24 measure the pain and compensation and we didn't have any
25 expertise in that matter.

1 He took advice and came back and said that
2 we weren't in a position to offer money because of our
3 charitable status and that we didn't have the expertise
4 in terms of allocation of compensation.

5 He suggested that what we really needed to do was
6 then to support the victims to take this through a civil
7 action and the legal process, which we should cooperate
8 in.

9 Q. So was the position at that time then, that you wouldn't
10 give those making allegations money?

11 A. We wouldn't just write a cheque because of two things --
12 he was also concerned that this could be seen as us
13 trying to silence people and to short-circuit the
14 criminal justice system. So he thought the safest thing
15 for us -- "safest" isn't the right word. He thought
16 the most transparent thing for us to do was then allow
17 people to go through the legal process, which in fact
18 [REDACTED] did, and he was awarded compensation.

19 Our advocate at the time wanted us to challenge the
20 award and we said no. We said to people that if they
21 went through the legal system, we would go with what the
22 court said and we're not putting people through this
23 again. So we needed to take what the court decided and
24 we paid the money.

25 Q. I see. Just to look at some of the complaints

1 themselves, now that we've looked at the procedure.

2 You mentioned Stephen Behan's complaint and you told
3 me you came to know about that from the police.

4 A. Yes.

5 Q. Did that complaint relate to a Brother MFI ?

6 A. Yes.

7 Q. So did you meet Mr Behan in relation to the complaint?

8 A. Yes, as I say in my statement, he asked me if I would
9 meet him in his home because he didn't want to come to
10 a Marist place. He felt safer in his home and he didn't
11 want to meet in a public place.

12 Q. Did he tell you there about the complaint of sexual
13 abuse in relation to Brother MFI ?

14 A. He did, yes.

15 Q. And what was your own reaction to that?

16 A. To apologise and say that we had let him down and I was
17 really sorry, I would investigate, and we would take it
18 forward and I would cooperate fully with the police and
19 we gave him an apology.

20 Q. Was Brother MFI a brother you knew?

21 A. He was, yes.

22 Q. Was he a brother who taught at St Joseph's while you
23 were there?

24 A. He did, he taught [REDACTED].

25 Q. Were you surprised to hear the allegation being made?

1 A. I was.

2 Q. So what steps did you take within the order to
3 investigate the complaint?

4 A. Well, we interviewed the brothers who were at the school
5 at the time. They confirmed that they knew nothing of
6 it, there was nothing untoward, and that they hadn't had
7 any complaints and they hadn't had any feedback from any
8 of the other students that there was anything untoward.

9 Q. Did you speak to Brother MFI about the complaint?

10 A. I did. He had since moved. We had changed the province
11 of Great Britain and Ireland -- it used to be one
12 province and then we went into two provinces. The
13 brothers who had come from Ireland originally were
14 offered the possibility of going back to Ireland and
15 MFI took the opportunity to go back to Ireland.

16 Q. Did Brother MFI come back to Scotland?

17 A. Yes, he came back. I contacted the provincial in
18 Ireland and spoke to him, told him what was happening,
19 and said that I needed to come and speak with him and
20 confront him with the allegation and that I needed to
21 bring him back to Scotland for him to be interviewed by
22 the police and that I would come and I would arrange
23 a ticket and I needed his support for him to come back
24 with me to Scotland.

25 Q. And did he come back with you to Scotland?

1 A. He did. He was interviewed by police in Aikenhead Road.

2 He agreed to me attending the meeting, the interview.

3 Q. And what was the outcome of the police investigation, do
4 you know?

5 A. My memory is that he continually, vehemently denied that
6 he had done anything. He said it was all conjecture.

7 There was no other supporting stories at that time, so
8 my understanding is that the police couldn't take it any
9 further and he went back to Ireland.

10 Q. In relation to the internal investigation, when did you
11 yourself speak to Brother MFI [REDACTED] about the allegation?
12 Was that in Ireland or in Scotland?

13 A. In Ireland.

14 Q. Did you put to him the allegation of Stephen Behan?

15 A. Yes, I asked him first of all if he remembered the
16 student, which he said he did. Then I said to him there
17 have been some serious allegations. I put the
18 allegations to him, he vehemently denied anything of
19 that nature, and he couldn't understand why Stephen was
20 making the complaint.

21 Q. In terms of the internal investigation, are you able to
22 tell me what the ultimate outcome was?

23 A. The ultimate outcome was that nobody knew anything, so
24 nobody was aware of anything. Some people remembered
25 Stephen Behan, some people didn't remember him. They

1 said they had had no reports of misconduct by MFI .

2 Q. Was the outcome of the internal investigation
3 communicated to Stephen Behan?

4 A. Yes. I explained we couldn't take anything any further
5 because we weren't finding any corroborating evidence
6 and I think the police would have offered that to him as
7 well.

8 Q. When Stephen Behan provided evidence to the inquiry,
9 I think his evidence was that the first time that he had
10 reported the allegations to the order was by email in
11 2002. Is your recollection that it was before that?

12 A. My first recollection of the -- okay, I could have had
13 this wrong. My recollection is the police were the
14 people who informed us, not Stephen Behan. But he did
15 re-contact us at a later stage and Brendan and myself
16 met him.

17 LADY SMITH: Ronnie, did I pick you up correctly that you
18 said when you first met with Stephen Behan, you
19 apologised to him?

20 A. Yes.

21 LADY SMITH: What were you apologising for?

22 A. For the fact that he had had a bad experience at school
23 and that he had experienced sexual abuse. Our policy
24 was to -- if people came forward, we believed them, we
25 believed that people were saying things.

1 We've since discovered that there can be false
2 claims, but our position at that point was to take very
3 seriously what people said and we were to acknowledge
4 their pain.

5 LADY SMITH: Thank you.

6 MS MACLEOD: I just want to take you to a passage of
7 evidence provided by Stephen Behan. I'll put that on
8 the screen for you. It is at TRN.001.006.4789.

9 I'm going to read from line 3:

10 "Question: Did you write, Stephen, to the
11 Marist Brothers? Have you been in touch with the
12 Marist Brothers on a number of occasions?"

13 "Answer: I did a number of things. I found myself
14 in dire need of payback of some form or other. I came
15 to a view that my mother and father had spent a small
16 fortune on my education and had nothing to show for it.
17 So I took the view that they owed me an education and
18 I reached out to Ronnie McEwan and said, you guys need
19 to stump up and pay for an MBA or something like that."

20 Do you remember Stephen Behan making a request
21 in that regard?

22 A. I do remember him making a financial request and I do
23 remember him aligning that to the fact that his parents
24 had paid for his education. I don't have any
25 recollection about an MBA.

1 LADY SMITH: He says "an MBA or something like that";

2 I don't think he was trying to be absolutely specific
3 about what he was asking for.

4 A. Sure, yes.

5 MS MACLEOD: If we go over the page to 4790, I'll read from
6 line 11. Here Stephen Behan says:

7 "So I wrote to them, basically said, you guys need
8 to pay. I had a meeting with Ronnie McEwan in --
9 there's a home for retired paedophiles in the West End
10 of Glasgow, which is where the aged Marists end their
11 days. It is a huge property, it is three door numbers
12 along a very nice downhill street, it must be worth
13 a small fortune. Ronnie said, yes, we have no money,
14 and I was looking around and I thought, okay."

15 And he goes on to say he thinks that meeting was
16 about 2004 or 2005. Do you recall that?

17 A. We did have a meeting in Marist House and it was with
18 Brendan and myself.

19 Q. And do you recall if that conversation about the MBA
20 came up at that meeting?

21 A. I think he presented it -- the financial payback that he
22 was looking for in terms of fees at that meeting.

23 Q. What response did he get to that request?

24 A. The usual response that we had, which was that we were
25 happy to cooperate with any civil action and if he

1 wanted to take action and he felt criminal damages were
2 due, we would cooperate fully with the legal process.

3 Can I also just clarify that there is not a home for
4 retired paedophiles in the West End.

5 LADY SMITH: Is there a building where Marist Brothers live?

6 A. Yes, there's a Marist community.

7 LADY SMITH: Does that community include people who are
8 retired?

9 A. They're all retired. Not one of them have had an
10 allegation against them.

11 LADY SMITH: Thank you.

12 MS MACLEOD: I think you tell us in paragraph 17 of your
13 statement, Ronnie, which will come back on the screen
14 shortly for you, that another complaint you investigated
15 involved a Brother Damien McCann.

16 A. Yes.

17 Q. Is that right?

18 A. Yes.

19 Q. You mention in your statement that you received this
20 complaint via letter in October 1996; is that right?

21 A. I think so, yes.

22 Q. I don't need the person's full name, but I wonder if
23 you're able to give me an indication of who the
24 complaint came from, either using a first name or
25 whether it was a pupil at a school or who it was from.

1 A. I don't remember the name. It should be in the
2 documents that we provided for the inquiry.

3 Q. So was it from a former pupil?

4 A. Yes.

5 Q. Of St Joseph's?

6 A. Yes.

7 Q. What was the nature, do you recall, of that complaint?

8 A. I think it was more about exposing himself and
9 inappropriate touching, as I remember.

10 Q. When that complaint was made, do you recall what the
11 first thing you did was? Was there an internal
12 investigation?

13 A. There was. I met with Damien and confronted him about
14 this. He said he had some skin complaint and that he
15 had to air his body. That was his response.

16 Q. So what did you ask him to get that response?

17 A. I said to him, "There's been an accusation that in fact
18 you'd been exposing yourself to pupils at
19 St Joseph's College; is this true?" Then he said, "Some
20 people might have seen me, but I wasn't exposing myself:
21 I just need to have my skin aired", and it was because
22 of some skin complaint he had picked up on the mission.

23 Q. Were any brothers who were at the school at the time
24 Brother Damien was there asked about this complaint that
25 had been made?

1 A. Yes.

2 Q. Can you recall how many brothers or --

3 A. I don't. There wouldn't have been that many left who
4 were on the staff at that time.

5 Q. What was their response to what were being said?

6 A. They said they knew nothing of this and some of them
7 were thinking that they found it quite difficult to
8 believe that he would expose himself in a classroom.

9 Q. Was Brother Damien a teacher at the school while you
10 were there?

11 A. He was. He was a French teacher.

12 Q. Did you see anything inappropriate in his classes?

13 A. No, absolutely not, no.

14 Q. During your conversations with any of the brothers, did
15 you become aware if there had been any investigation
16 during the school's tenure about Brother Damien?

17 A. There seemed to be -- there's a letter I think you've
18 included from MMK. So he had said there had been some
19 complaints and he had -- they had dismissed him. In the
20 document -- I think you've included the document.

21 Q. Is that something he told you when you were making these
22 investigations?

23 A. He wrote this to me, yes, because I asked brothers to
24 record anything they knew, hence why you got the other
25 letter from MFY.

1 Q. We'll look at that in a few moments. Another brother
2 that you tell us about -- and this is at paragraph 18 --
3 is Brother AKV .

4 A. Yes.

5 Q. Is that Brother AKV .

6 A. Yes.

7 Q. And I think you say that you received a number of
8 complaints via solicitors who represented complainers
9 and one of those was in relation to AKV .

10 A. Yes.

11 Q. You say:

12 "From information provided, I understood the
13 complainer initially disclosed the abuse to his wife in
14 around 1996/1997 and thereafter sent a letter to us."

15 A. Yes.

16 Q. We'll look at that complaint in a minute. I just want
17 to look at a letter that appears to relate to
18 Brother AKV from slightly earlier. I'll put that on
19 the screen now. That's at MAR.001.001.2650.

20 Do you recognise this letter?

21 A. Yes. Well, I recognise the writing. I'd completely
22 forgotten about it until you produced it. So I had no
23 direct memory of it, but I recognise the writing and
24 I recognise MFY writing, yes.

25 Q. Is this a letter from Brother MFY to yourself?

1 A. Yes.

2 Q. Do we see at the top right-hand side the date appears to
3 be, and correct me if I'm wrong, 10 December 1994?

4 A. Yes, it does.

5 Q. I'm just going to read this letter out because it's
6 quite difficult to read on the screen:

7 "Dear Ronnie. You asked me to put on paper all that
8 I can remember about the AKV affair. Here it is."

9 So this is in 1994. Can I take it from that that
10 you heard something about Brother AKV at that time?

11 A. Well, what seemed to be happening was that when the
12 police started to investigate, AKV name started to
13 appear, therefore people weren't identifying anything
14 regarding MFI, but AKV name was starting to
15 surface.

16 Q. So that was prior to you receiving the complaint by the
17 solicitors a few years later?

18 A. Yes.

19 Q. "On Thursday, 7 August 1986, I received a phone call
20 from Glasgow asking me to come at once to Broompark as
21 a matter of urgency. I left Dumfries at once and
22 arrived at Broompark about 4 pm. There I met
23 Robert Harris and a man ..."

24 Do you know who Robert Harris is?

25 A. He was a brother.

1 Q. "... and friend of the brothers. I'm not sure if he was
2 related to the boys involved. The man, I can't even
3 remember his name, told me that AKV was known to have
4 been involved sexually with some teenage boys who were
5 part of the group of teenagers frequenting the [REDACTED]
6 [REDACTED]."

7 Can you tell me what the [REDACTED] was?

8 A. I don't really know the detail. It was set up when
9 MFY was SNR [REDACTED]. It was a [REDACTED] in the
10 East End of Glasgow.

11 Q. So was it set up by the Marist Brothers?

12 A. It was, yes.

13 Q. "He had learned this from the families of the boys. His
14 advice to me was to get AKV out of Glasgow
15 immediately. He and Robert would talk to the families
16 concerned. I then met AKV and instructed him to
17 leave Glasgow at once and go to Duncan Terrace ..."

18 Is that?

19 A. Yes.

20 Q. Is that an address of any significance?

21 A. It's a community house in London.

22 Q. "Robert Harris agreed to visit the families and try to
23 quieten things. I personally did not meet either the
24 boys or their parents, nor did I take any steps towards
25 helping the psychological damage done to the boys. My

1 main concern was to avoid scandal. This was the main
2 reason that, on 22 October, we closed down the [REDACTED]
3 [REDACTED]. In London, I told AKV [REDACTED] to go to the
4 Dympna Centre, tell his situation, and get treatment."

5 Can you tell me what the Dympna Centre is?

6 A. It was a centre that was set up for religious to really
7 help with psychological and benefits -- it would offer
8 a counselling service and help.

9 Q. Where was it?

10 A. London.

11 Q. AKV [REDACTED] started a course in the Dympna Centre in,
12 I think, [REDACTED], which lasted until [REDACTED]. I did
13 not check with the centre whether AKV [REDACTED] had told them
14 his full story.

15 "In [REDACTED] 1987, according to AKV [REDACTED], the people at
16 the centre told him he should get a job. He got a post
17 as adviser to teachers who were teaching English as
18 a second language. Since the job did not involve
19 contact with young people, I was satisfied. I think
20 that it was about a year later that he returned to
21 teaching.

22 "As to what the sexual involvement was, I asked
23 Robert Harris and I asked AKV [REDACTED]. Robert told me what
24 the boys said. AKV [REDACTED] took them, about four of them, on
25 holiday to the [REDACTED] in [REDACTED]

1 1986.

2 "1. He insisted on their sharing, in turn, his bed.

3 "2. One youngster got drunk, vomited, and AKV
4 took him to the shower to wash him.

5 "3. AKV masturbated in the presence of at least
6 one of them.

7 "4. I cannot remember if Robert reported any
8 serious incidents happening in the brothers' house at
9 or in rooms.

10 AKV, when I asked him about these specific
11 incidents, denied that any sexual acts took place, that
12 the shower incident was simply to clean the vomit, that
13 the bed sharing was simply for comfort, that he had
14 never masturbated in front of anyone.

15 "In my conversations with AKV, I became aware of
16 a great moral immaturity in the man. He never read
17 a spiritual book; in fact, his only reading was comics.

18 "When AKV returned to teaching, I did not pursue
19 the case with him. However, when I went to Auckland in
20 1992, I talked things over with Brother Michael Hill.
21 He made a distinction between a paedophile, one
22 attracted to young children, and a homosexual, attracted
23 to young men. Since AKV had taught young children
24 before, with no negative incidents, Michael advised me
25 just to let things be.

1 "I have to repeat that I have not had any contact
2 with the boys or their parents and did nothing to help
3 them. Robert Harris did say that one of the boys
4 threatened to 'do' AKV if he ever met him. So that,
5 Ronnie, is all I can remember.

6 "Peace, MFY."

7 Do you recall receiving this letter in 1994?

8 A. I didn't, actually, no.

9 Q. So when you were shown the letter more recently, what
10 comments can you make in relation to this? Can you help
11 me with this letter?

12 A. In what sense?

13 Q. What's your response to it? What do you think about it?

14 A. I met with MFY after he wrote the letter, so I didn't
15 remember the letter until I saw it again. It's just
16 riddled with inappropriate responses.

17 Q. So in relation to, for example, how the order dealt with
18 this at the time, what comment would you make on that?

19 A. Terrible.

20 Q. What do you think should have happened?

21 A. I think there should have been contact with the
22 families, with the boys. I think it should have been
23 reported to the police. There should have been
24 a thorough investigation. AKV shouldn't have been
25 sent to London. He should have been restricted from any

1 contact with young people. And the due process, the
2 legal process, should have happened.

3 I did discuss that with MFY and pointed out -- in
4 fairness to MFY he's essentially a good man, but
5 overly trusting. To then send AKV to the Dympna
6 Centre without going with him and actually looking at
7 what the treatment plan, what the process was, and
8 making sure that people had the story ... But he was
9 doing the best he could with what he knew and had at
10 that part of his life.

11 LADY SMITH: Ronnie, can I just ask you a little more about
12 this place in London? The Dympna Centre, you said it
13 was?

14 A. Yes.

15 LADY SMITH: It was set up specifically for religious --

16 A. Sure.

17 LADY SMITH: -- to, I think you said, get help with
18 psychological and benefits. What types of problems were
19 people sent there to get help with?

20 A. I really don't have that detail.

21 LADY SMITH: Would you know whether people who were thought
22 to have sexual difficulties were sent there.

23 A. I wouldn't, I really wouldn't.

24 LADY SMITH: What would you do with a brother who was
25 struggling with celibacy?

1 A. There was a project, which was in Stroud, which was
2 specifically looking at -- and there was another one in
3 Birmingham and there's also a programme in Canada. So
4 those are the places I would turn to for help. And also
5 really to ask the person: is this the right place for
6 you?

7 LADY SMITH: For brothers whose struggle was not simply with
8 celibacy but with sexual urges towards children, were
9 there specific places for them to be sent?

10 A. There was, yes.

11 LADY SMITH: Where?

12 A. Stroud.

13 LADY SMITH: That was the Stroud one? All right. Thank you
14 for that, Ronnie.

15 A. Sorry, can I just say, I'm not sure if Stroud was in
16 operation. Stroud started looking at alcohol in the
17 first instance, people struggling with alcohol, and then
18 they moved into care for people who were struggling and
19 maybe [REDACTED]. So that may have
20 happened post this [REDACTED] AKV situation and there's now
21 the St Luke Centre in Manchester.

22 LADY SMITH: Thank you.

23 Ms MacLeod.

24 MS MACLEOD: In 1986, the period that Brother [REDACTED] MFY is
25 referring to here, what was Brother [REDACTED] MFY role in the

1 order?

2 A. When he went to ...?

3 Q. He's relaying here events that he recalls from 1986.

4 I wonder if you could held me with what position he held
5 then. Do you know?

6 A. I'm thinking he was SNR [REDACTED] and that's why

7 Robert Harris contacted him. He was a [REDACTED]

8 SNR [REDACTED].

9 Q. And where Brother MFY [REDACTED] tells you in this letter in 1974

10 (sic) that his main concern was to avoid scandal, what
11 should his main concern have been?

12 A. His main concern should have been the young men and
13 actually justice being served on AKV [REDACTED].

14 Q. Before we looked at the letter, Ronnie, you were telling
15 me about a complaint that you received later on in your
16 time as provincial in relation to AKV [REDACTED] that
17 somebody initially disclosed to his wife and then sent
18 a letter to you. What did that complaint relate to?

19 A. It related to AKV [REDACTED] and sexual activity.

20 I don't remember the detail, but it would be sexual
21 abuse by AKV [REDACTED] over a number of years.

22 Q. Was that at St Joseph's College?

23 A. It was, yes.

24 Q. Following the procedure that you'd put in place, what
25 steps did you take having received this complaint?

1 A. I offered to meet the person. He didn't want to meet
2 with the brothers. And understandably so; I think he
3 felt let down. He didn't want to have any more contact
4 and he wanted to then take action, [REDACTED] which
5 he did -- and actually ^{AKV} [REDACTED] was in [REDACTED] at the time.
6 We worked with [REDACTED] in Dumfries, because I was
7 concerned that he might still be working in a school or
8 have access to young people. So the safety of them was
9 immediate. [REDACTED]
10 [REDACTED]

11 LADY SMITH: I think we heard that Brother Douglas Welsh was
12 involved in [REDACTED]; do you remember that?

13 A. No, I don't remember Douglas being directly involved in
14 [REDACTED]. He did go to [REDACTED] to help him
15 complete his paperwork to leave the institute, but [REDACTED]
16 [REDACTED] might be able to help you with this. My
17 understanding is it was [REDACTED].

18 LADY SMITH: Thank you.

19 MS MACLEOD: Just on that --

20 A. Sorry, can I just say, he may have been helpful in terms
21 of locating and telling us where ^{AKV} [REDACTED] was.

22 LADY SMITH: Yes. Thank you.

23 MS MACLEOD: On that, Ronnie, do you recall when

24 Brother ^{AKV} [REDACTED] left and went to [REDACTED]

25 A. He just disappeared, so I don't have any ... When you

1 say recollection?

2 Q. Do you know why he left?

3 A. No. He disappeared very quickly.

4 Q. So in relation to this letter that you received then,

5 I think you've told me that the person concerned [REDACTED]

6 [REDACTED] and do I understand from what you said

7 that [REDACTED] became involved and ultimately

8 Brother ^{AKV} [REDACTED] ?

9 A. Yes.

10 Q. Were they [REDACTED] in relation to two

11 boys at St Joseph's?

12 A. Well, any [REDACTED] is serious in my book.

13 Q. Did it relate to two boys at St Joseph's? [REDACTED]

14 [REDACTED] ?

15 A. I think there were multiple people maybe involved with

16 ^{AKV} [REDACTED] I don't know entirely. I certainly know

17 that -- I think it was [REDACTED] who was the main

18 [REDACTED] that I remember.

19 Q. In relation to internal investigations for that

20 complaint, can you tell me what internal investigations

21 were carried out?

22 A. Much the same as before. Kind of contacting the

23 ^{SNR} [REDACTED] -- and you'll see ^{MYZ} [REDACTED] and various

24 other people. You'll see ^{MMK} [REDACTED] letter as well. He

25 recognised that ^{AKV} [REDACTED] -- and ^{MMK} [REDACTED] letter followed

1 him through.

2 [AKV] taught in what they called the control
3 classes, which are the primary school classes, but he
4 also had a role in the school for the more senior boys
5 in terms of dormitory supervision, et cetera. You can
6 see in [MMK] letter that [AKV] seemed to follow
7 through [] and he had -- and I think he uses the
8 word connivance. It suggests to me that he observed
9 something, some kind of --

10 Q. So that letter you're referring to, and we'll look at it
11 in a moment, is that a letter that you received during
12 your internal investigation into Brother [AKV]?

13 A. Sure, and also I think it was triggered -- can I just go
14 to it now?

15 Q. The letter is at MAR.001.001.2660. We can look at that
16 now.

17 A. Thank you.

18 Q. I can read this letter out like I did with the other
19 one.

20 A. No, I can read it, it's fine.

21 Q. I'm going to read it anyway to get it into the evidence.
22 Do we see that the letter is dated 11 April 2000?

23 A. Yes. So can I just say, before you start, I think
24 you'll see the reference at the top of the letter,
25 Jim Keegan, and I think this might be to do with the

1 lawyer who was involved in the [REDACTED] [REDACTED] I think
2 that -- I'm not entirely sure but that might be the
3 connection.

4 Q. And do you recall receiving this letter from
5 Brother [REDACTED] MMK ?

6 A. Not until I saw it again. It wasn't in my head until
7 I revisited it.

8 Q. I'll read it:

9 "Dear Ronnie, as you know, we already identified
10 [and a boy is named] as one of three boys who complained
11 about Damien's conduct circa 1973/1974, and whose mother
12 had raised the matter with Bishop Monaghan in Edinburgh.
13 She had come to Dumfries, read the statements made by
14 the three boys, agreed that they appeared to be
15 exaggerated and was quite happy to drop the matter."

16 In relation to that, does it appear that there was
17 an investigation of some kind in the school in 1973 and
18 1974 --

19 A. Yes.

20 Q. -- in relation to Brother Damien?

21 A. Yes, it seemed like an internal investigation.

22 Q. And does it appear from what's said there by
23 Brother [REDACTED] MMK that there were three boys making
24 complaints against Brother Damien at that time?

25 A. Yes.

1 Q. Do you know if at that time any report was made to the
2 police?

3 A. I wouldn't know.

4 Q. I'm sorry?

5 A. I wouldn't know.

6 Q. "In a discussion with Julian, it would appear that
7 **AKV** followed [and a boy is named there] through the
8 school as rec master, although he had changed from being
9 rec master of the mids to rec master of the seniors.
10 There was provision for two brothers to sleep in the
11 dormitory at night, although this was not necessarily
12 adhered to because of the shortage of brothers."

13 So does it appear there from what is said by
14 Brother **MMK** that Brother **AKV** moved dormitory as
15 a boy in the school also moved dormitory?

16 A. That's what's implied, yes.

17 Q. He goes on:

18 "I definitely recollect telling **AKV** off regarding
19 a matter of discipline within the mids, although I did
20 not make regular visits to his dormitory as at the time
21 I was **SNR**, **SNR** teacher and senior rec
22 master in my last year when **MLZ** left and John Ogilvy
23 could not send a replacement. However, **AKV** was not
24 without brothers visiting him in the dormitory, as can
25 be testified by **AKS** and Douglas.

1 "The only interview that I had with the Dumfries &
2 Galloway (sic) was regarding the Damien case. I was
3 never interviewed when the matter regarding AKV and
4 [the boy again is named] and nobody had
5 come to see me with any complaints regarding that .

6 "If [and there's a name there] was aware what was
7 happening between AKV and [the boy is named] he never
8 brought up this matter to me, but had come to me
9 regarding Damien. It would appear to me that there was
10 connivance between AKV and [the boy] which would have
11 made it difficult to detect without reference being made
12 by boys in the rec to myself or any other member of
13 staff, and as far as I am aware, this did not happen.

14 "What does [there's a person named there] evidence
15 say concerning the AKV and [the boy] ? So far
16 I have not heard.

17 "Yours sincerely, MMK ."

18 When you read this letter, I appreciate you said you
19 can't remember receiving it, but when you read it more
20 recently, what were your thoughts about it?

21 A. There just seemed to be kind of loopholes in terms of
22 gaps and things that were -- practices that were not
23 holding the place as safe as it could be.

24 Q. And are you thinking, for example, that if a brother was
25 allowed to move through the school, as it were,

1 following a boy from dormitory to dormitory, is that
2 something that would be considered appropriate or not?

3 A. Totally inappropriate. But I'm not sure if that's
4 coincidence or if that was manipulated or how that
5 was -- but it'd be totally inappropriate.

6 Q. Do you have any comment to make on only having one
7 brother in a dormitory?

8 A. Of course we would never do that now.

9 LADY SMITH: What about the rules at the time? Shouldn't
10 there have been two?

11 A. Well, it looks from MMK letter that was the
12 provision, but due to the shortage, he's saying, I think
13 they needed an alternative. They should have employed
14 a layperson or someone else but, yes, it looks like
15 that is the provision, but somehow, due to the shortage
16 of brothers, that wasn't always the case.

17 LADY SMITH: I think I'm right in saying we've had some
18 evidence that that was a rule of the order that dated
19 back some time.

20 Am I not right about that, Ms MacLeod?

21 A. There was a big thing about particular friendships and
22 people having ...

23 LADY SMITH: Being very cautious?

24 A. Yes, sure.

25 (Pause)

1 MS MACLEOD: I can read it out. This is from the 1960
2 version of the rules. It's on MAR.001.001.0463.
3 I don't know if it's available for the screen, but I can
4 read it out. It will come on the screen.

5 (Pause)

6 If we focus in on 443 at the top left, that reads:
7 "Supervision should be more exact and careful in the
8 dormitories and during the walks. For this purpose,
9 there will be two brothers for each of the boys'
10 dormitories and at least as much with each school group
11 out on the walks. Where local custom differs from this
12 ruling, care must be taken to conform exactly to the
13 approved regulations."

14 So do we see that's specified there in the rules?

15 A. Sure, yes.

16 Q. In relation to the [REDACTED] in general, I just want
17 to take you to something that Brother Douglas Welsh said
18 in evidence, so that I can ask you about that. I'll put
19 this on the screen. It's at WIT.001.002.7079.

20 This is a part of Brother Douglas' statement.
21 He was asked about Brother Damien and he provided some
22 information on the previous page. It's paragraph 115.
23 He says:

24 "I got involved in this process because I was
25 instructed by the provincial to investigate a letter

1 that Brother Damien intended to send to the court."

2 Do you remember if Brother Damien intended to send
3 any kind of letter to the court?

4 A. With regard to what?

5 Q. Well, it goes on to say:

6 "Mr Smyth, the lawyer, advised that he should not
7 send the letter, which was an apology to the pupil
8 involved, and an explanation of what he was doing, which
9 he stated was scratching his groin area."

10 Do you remember the letter itself or anything about
11 a letter from Brother Damien where he was purporting to
12 apologise?

13 A. No, absolutely not. In fact, I didn't experience him as
14 being apologetic at all.

15 Q. I see.

16 It goes on to say in the statement from
17 Brother Welsh:

18 "I was sent to try and dissuade him [that's
19 Brother Damien] sending this letter, which was strongly
20 against legal advice."

21 And when Brother Douglas was asked who sent him to
22 try and dissuade Brother Damien, he said that was the
23 provincial at the time.

24 A. I never sent him to dissuade Damien. He lived with
25 Damien in Dundee, but absolutely not.

1 Q.

2

3

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7 A.

8 Q.

9 A.

10 Q.

11 A.

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17 Q.

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20 A.

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A.

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MS MACLEOD: Did there come a time when Brother AKV

13

14

moved to Perth for a time and was then living in

15

accommodation in Dundee?

16

A. The only -- I think he asked if he could reside in our community and I said to Douglas that was totally inappropriate. He needed to be in a safe situation.

19

20

21

Q. While he was in that did he leave Scotland?

22

A. I don't know the detail, but he seemed to disappear.

23

I don't know, he could still have been in Scotland, but

24

the contact seemed to stop and, as I remember it,

25

Douglas was ... but I think he was a bit hurt that in

1 fact he had reached out to him, but in fact he then just
2 seemed to disappear. So I think that's ...

3 Q. Was it your understanding that Brother AKV [REDACTED]

4 [REDACTED] from the accommodation?

5 A. I couldn't say that. I don't know what [REDACTED]

6 [REDACTED] or how long he was there.

7 Q. Do you know where he went?

8 A. I don't know if this is folklore or fact, but I do
9 remember some talk of [REDACTED] He had been in [REDACTED] at

10 one time. These names were bandied around, but

11 I couldn't vouch for the accuracy of them.

12 Q. Have you heard anything from him since?

13 A. No.

14 Q. You mention in your statement that you believe

15 AKV [REDACTED] died shortly after he [REDACTED]

16 [REDACTED]

17 A. I do.

18 Q. What leads you to that belief?

19 A. I think Douglas gave me the information but I can't be

20 absolutely sure -- or he got some phone call from

21 someone.

22 Q. The next brother that you tell us about, about whom you

23 received a complaint, is Brother AKU [REDACTED]. You deal

24 with that in paragraph 19 of your statement. I think

25 you tell us that that was the [REDACTED] complaint

1 you've had; is that right?

2 A. Mm-hm.

3 Q. So did that complaint come by letter or from the police?

4 A. The police. I think it was a police officer by the name
5 of Colin Jones, I think, who contacted us and said he
6 wanted to visit and that he'd had a very serious
7 allegation against AKU.

8 Q. Has the order been involved in meeting any of those
9 making allegations against AKU?

10 A. Well, we've offered it, particularly to the person who
11 was there. I believe the officer, Colin Jones, offered
12 and the answer came back that he didn't want contact or
13 he didn't want to meet anybody from the order.

14 Q. [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A. [REDACTED]

2

3

4

5

6 Q. Has there been any kind of internal investigation into
7 the AKU [REDACTED] complaints?

8 A. In relation to?

9 Q. The complaints that you received in relation to

10 AKU [REDACTED]

Has the order conducted its own internal

11 investigation into those?

12 A. There's no one around in terms of people who would --
13 the brothers at the time, I think -- oh, I think there's
14 one person who's down in Largs. I think you've actually
15 had them as statements in terms of people. But [REDACTED]
16 [REDACTED] have been the people who have been conducting the
17 investigation.

18 Q. You mention another brother, Brother MFQ [REDACTED], in relation
19 to whom you received a complaint; is that right?

20 A. Yes.

21 Q. Did you pass that information on to the police?

22 A. Yes.

23 Q. Did you then have an internal investigation in relation
24 to that?

25 A. Yes.

1 Q. What was the outcome? Did you speak to Brother MFQ
2 in relation to the allegations?

3 A. Yes.

4 Q. Did you put the allegations to Brother MFQ ?

5 A. I did and also the person who was MKY , who was
6 making the allegation -- I was really thinking for his
7 peace of mind that he would actually like to confront
8 MFQ with the allegations.

9 Q. Did these allegations relate to that boy's time at
10 St Columba's?

11 A. It was mixed, I think, in terms of he was put to
12 St Columba's, but I also think there were some incidents
13 at home, in his family house. And I think that MFQ
14 befriended the family, if I understand.

15 Q. And what was the response from Brother MFQ ?

16 A. Again, he has very strongly denied that there was any
17 wrongdoing, that anything happened. I said, "Well,
18 given that there's nothing, that you've done nothing,
19 why wouldn't you meet this person so he can have an
20 sense that you feel this is a false allegation, and why
21 don't you have a discussion and try and understand why
22 this is there? I can support you, I can be in the
23 room." But he just refused to have any meeting or any
24 contact.

25 Q. You tell us in your statement that your understanding

1 is that there was a decision taken not to proceed with
2 [REDACTED] due to ill-health.

3 A. Yes. As I said, he suffered from [REDACTED]
4 [REDACTED] so by the time [REDACTED]
5 [REDACTED] they decided it wasn't
6 appropriate. I think perhaps the medical staff advised
7 it wasn't ... and he died very shortly afterwards.

8 Q. I think you deal with this to some extent in your
9 statement, Ronnie, but you've been advised about
10 information which was given to the inquiry by a witness
11 who's taken the pseudonym "Edward".

12 A. Uh-huh.

13 Q. I think, looking at your key, do you recognise that
14 name?

15 A. LZW [REDACTED] yes.

16 Q. I just want to take you to some parts of Edward's
17 transcript and I'll deal with the responses that you've
18 given to some of that -- in fact, I wonder, my Lady,
19 it's almost 11.30.

20 LADY SMITH: It might be as well to take the break just now.
21 I'll take the morning break just now, Ronnie, and we'll
22 start again in about a quarter of an hour.

23 (11.28 am)

24 (A short break)

25 (11.50 am)

1 LADY SMITH: Are you ready for us to carry on, Ronnie?

2 A. Yes, sure. Thank you.

3 MS MACLEOD: If I can ask you, Ronnie, to look at a document
4 which I'll put on the screen. This is part of the
5 transcript of the witness Edward. The reference is
6 TRN.001.006.4435.

7 During his evidence, Edward spoke of, I think, three
8 meetings that he had with yourself and I think you tell
9 us in your statement, Ronnie, that you did have three
10 meetings, over a period of time, with Edward.

11 A. Yes.

12 Q. I'm not going to look at them in a huge amount of
13 detail, but if I can just go through each of these
14 meetings. Starting at line 5 of this page Edwards tells
15 us that his first meeting with the Marist Brothers was
16 with yourself.

17 A. Sure.

18 Q. And a few lines down, at 11, he tells us:

19 "What happened was Brother Brendan Geary wrote
20 a lovely letter and he said that somebody would be in
21 touch soon and the somebody who got in touch was Brother
22 Ronnie McEwan."

23 Is that right?

24 A. Yes, I believe so.

25 Q. And you have provided copies to the inquiry of the

1 initial letter from Edward. I don't intend to put these
2 on the screen, but I can give the references for the
3 transcript. The letter from Edward is at
4 WIT.003.002.4101. That was a letter that Edward wrote
5 on 5 February 2014. He got a response back from
6 Brother Geary two days later, 6 February, and that's at
7 WIT.003.002.4100.

8 Was it as a result of that that you were asked to
9 get in touch with Edward?

10 A. Yes.

11 Q. And did you initially email Edward prior to your meeting
12 with him?

13 A. Yes.

14 Q. Did you suggest to him that you could meet him at his
15 office, but in fact he preferred to meet somewhere else
16 and that was arranged?

17 A. I suggested we could meet at my office, not his office,
18 and he preferred to arrange a venue.

19 Q. If we can just have a quick look at your email, your
20 first email to Edward. I'll give the reference for
21 that: WIT.003.002.4102.

22 That will come on the screen and it is also in your
23 favour. We will see that shortly but it appears to be
24 an email dated 10 February, so just a few days later,
25 from yourself to Edward.

1 A. Yes.

2 Q. If we scroll down, it's halfway down that page. Is that
3 the first -- if we just go up slightly on the screen.

4 WIT.003.002.4102. I think it's the next email down
5 on that page.

6 A. It is, yes.

7 Q. Is that the first email there that you sent to Edward?

8 A. I believe so.

9 Q. And do you explain there that Brendan Geary, the
10 provincial, has passed his details on to you and this is
11 you getting in touch?

12 A. Sure.

13 Q. Do we see there that you start to make the arrangements
14 for the meeting there?

15 A. Yes.

16 Q. I think you sign off as:

17 "Ronnie McEwan, on behalf of the Marist Brothers."

18 A. Yes.

19 Q. If we go back to Edward's transcript and on to the next
20 page. Can you tell me, at that initial meeting, did
21 Edward tell you about the allegation that he wished to
22 make, to inform the order about?

23 A. Yes, did he.

24 Q. Did that relate to a Brother Germanus?

25 A. It did, yes.

1 Q. If we look at page TRN.001.006.4436, what was your --
2 can you tell me, first of all, what was your response to
3 the allegations being made by Edward against Germanus?
4 By that I mean were these the first allegations you were
5 hearing about Brother Germanus or were you aware of
6 other allegations having been made against him?

7 A. There was one allegation and I shared the fact with
8 [REDACTED] in order to give him some comfort in terms of
9 the credibility of him coming forward.

10 Q. I see.

11 Here, Edward says at lines 3 and 4 that you said:

12 "'Yes, we do know all about Germanus.' I said, 'Oh
13 well, I've been carrying a secret for 50-plus years
14 about my dead brother, who if I ever uttered a word
15 would result in me never seeing him again, and here you
16 are, you know what was going on with Brother Germanus
17 and the secret is not really a secret', I said."

18 Then he says he asked you if there were other people
19 and you told him that you knew of one other person, ten
20 years his junior; is that right?

21 A. Yes.

22 Q. And did he ask you in relation to that person:

23 "Was it sexual and violence?"

24 And you confirmed that it was?

25 A. Yes.

1 Q. Do we see that a few lines down, at line 18, that Edward
2 here told the inquiry that once he had found this out,
3 that there was at least one other person making an
4 allegation, he asked you who you were, he says:

5 "He asked me if I had any more questions for him and
6 I said, 'I've got one question for you: who are you?'
7 Now, he's misunderstood me because what I meant was who
8 are you as a person because he was in civvies."

9 Do you recall Edward asking you who you were?

10 A. No.

11 Q. Had you said anything to Edward before that to give any
12 kind of explanation of who you are?

13 A. Yes, I explained I was the brother in Scotland who was
14 referred to in Brendan's email, that the responsibility
15 I had was to meet people who made allegations, and I was
16 very sorry that we had to meet under those
17 circumstances, and that it was a very hurtful experience
18 he had, and that I was really sorry that we had to come
19 together on these terms, and I didn't underestimate how
20 much courage it would have taken for him to come
21 forward.

22 Q. If we read on here, line 20, this is what Edward says:

23 "He said, 'Good question', and laughed. He said,
24 'Do you like football?' and I said, 'Yes, I like
25 football.' He said, 'We're Celtic and by that I mean we

1 discovered Celtic, we initiated Celtic football team in
2 Glasgow', and Celtic this, Celtic that."

3 Did you have that kind of discussion about Celtic
4 with Edward at this meeting?

5 A. This conversation never happened.

6 Q. So is your position then that this is really something
7 that didn't happen?

8 A. It didn't happen. I don't like football. I have no
9 association with Celtic and it would not be relevant to
10 our meeting.

11 Q. During the course of that meeting, Ronnie, did you
12 discuss with Edward how and if these matters should be
13 reported to the police?

14 A. We did discuss it.

15 Q. Can you tell me what was said in relation to that?

16 A. Initially, I said to him that now he'd come forward that
17 our procedure was that we would inform the Catholic
18 Abuse Office, the safeguarding office, and we would also
19 have to inform the police because it was a criminal
20 allegation.

21 Q. Did you give Edward the impression that you would
22 contact the police as opposed to him doing that?

23 A. I definitely gave him the -- not impression,
24 I definitely told him that the Marist Brothers would
25 contact the police, not me particularly, but the

1 Marist Brothers would contact the police.

2 Q. So I think what Edward says on the following page, and
3 that's page 4437, between lines 7 and 13, is:

4 "We have a system in place for alerting the police
5 to situations of abuse in Marist schools."

6 Is that roughly what you said to him?

7 A. I don't think those were the exact words. I think
8 I said there's a procedure to inform the police when we
9 get any allegation I had no personal details of him at
10 that time, he hadn't shared -- only the email address.

11 Q. I think you tell us, and indeed you provide the email,
12 that a few days after your meeting, you received an
13 email from Edward confirming his details --

14 A. Yes.

15 Q. -- and letting you know that you could pass these on to
16 the police.

17 A. Yes.

18 Q. Again, I won't put that email on the screen, but I will
19 give the reference for the transcript: that's at
20 WIT.003.002.4096. That was an email sent on 25 February
21 by Edward to yourself; is that right?

22 A. Yes.

23 Q. That was following on from you sending him an email
24 following your meeting?

25 A. Yes.

1 Q. A positive email and you had some communication?

2 A. Sure, yes.

3 Q. Can you tell me, in relation to reporting Edward's
4 complaint to the police, what happened after he gave you
5 the go-ahead, as it were, on 25 February 2014 to report
6 it to the police?

7 A. The provincial, Brendan at the time, as the safeguarding
8 officer -- and as I said to you already we were having
9 a changeover to consult with the Catholic Safeguarding
10 person, who was an adviser to us, and to inform the
11 police.

12 Q. Are you able to tell me, were the police informed at
13 that time?

14 A. We believed they had been, but in fact we discovered
15 afterwards that they hadn't. So we actually had failed
16 in terms of the timing of that report. It resulted
17 in the fact that we then decided that Douglas wasn't --
18 maybe this was too much for him and he wasn't the person
19 to take on that role, so we changed that. Then
20 I started pursuing, trying to get contact with the
21 police, and report the incident. But that was some time
22 afterwards.

23 Q. I think you tell us about this in paragraph 32 of your
24 own statement.

25 A. Sure.

1 Q. So do I understand then that there was a delay in
2 reporting this to the police?

3 A. Yes. A significant delay, which was definitely
4 a mistake on our part.

5 Q. I think Edward went on to tell us in evidence that it
6 may have been around a year later that ultimately it was
7 reported to the police.

8 A. I think it could well have been that. I think it could
9 well be. Because -- again, I'm not quite sure. I kept
10 asking about it, but he hadn't had any contact, and
11 I kept wondering why there hadn't been -- and then
12 I discovered it hadn't been reported to the police.

13 Q. So do I understand then from that that although you know
14 now it hadn't been reported to the police, you didn't
15 know that at the time and it was something you were
16 trying to follow up?

17 A. No, I was expecting it to be followed up and I couldn't
18 understand why the police hadn't been in touch.

19 Q. If we look on to page 4439 of Edward's transcript, and
20 if we can focus in on about line 11 of that, he's
21 talking here about how he found your response to what
22 he was telling you.

23 At line 11 he says:

24 "He seemed very hurt about what I was telling him,
25 even though Germanus wasn't a shock to him. He seemed

1 very hurt and very warm, receptive, and wanting to
2 assist with thinking it through with what had happened."

3 Do you think that's a fair comment on your response
4 at the time?

5 A. Yes.

6 Q. He then goes on to say:

7 "He explained that Largs in fact was a holiday home
8 for Marist Brothers."

9 Is that something that you explained to Edward?

10 A. I think he's conflated something. So therefore when he
11 asked me about Largs and if I'd been to Largs, I said
12 I hadn't been to Largs -- I think I've said this to you
13 already, that I've never been a member of the community
14 nor teaching staff, and I didn't even visit because
15 certain brothers would go to Largs as a holiday place
16 when the school was free in the summer.

17 Particularly, quite a lot of brothers were from the
18 west coast, so it had an attraction for them in terms of
19 a holiday destination as kids, and from the east coast,
20 I had no relationship with Largs or that particular
21 area, so it was never a place for me to go on holiday.

22 Q. But is that something you told Edward about, that it was
23 a holiday home?

24 A. I didn't say it was a holiday home, I said some brothers
25 would actually go on holiday to the school when it was

1 free during the summer holidays.

2 Q. I see.

3 Do we see that in line 22 on the same page:

4 "He then said, in the most damning of manners, that
5 somebody had the bright idea to get some kids in to
6 teach and he rolled his eyes to the sky as if saying to
7 you and me, standing in a pub, discussing something,
8 'And somebody had the bright idea' -- meaning that that
9 wasn't the idea at all, but that children were going to
10 be about there."

11 A. This conversation didn't happen.

12 Q. He goes on to say at line 11, he was asked a question:

13 "Question: So you were taking from this part of the
14 conversation that he, Ronnie McEwan, did not think it
15 had been a good idea to have boys in this place with the
16 Marists?

17 "Answer: His demeanour left me in no doubt that was
18 the case, that he thought it was a bad idea."

19 A. We didn't have this conversation.

20 Q. If we go over the page to page 4441, and if I can just
21 ask you about what Edward says here at line 2:

22 "He asked me about Dumfries. We spoke about
23 Dumfries and he said that he actually had a bad incident
24 there with a brother called Brother MFI."

25 Is that you relaying to him the fact you'd had

1 a complaint about Brother MFI?

2 A. Is this talking about me? I don't remember discussing
3 anything about Brother MFI and I wouldn't discuss
4 other cases with anyone coming with allegations, other
5 than to affirm if there had been previous allegations.

6 LADY SMITH: Just going back to St Columba's for a moment,
7 Ronnie, were you aware at that time that quite a number
8 of young men, some who hadn't yet taken final vows,
9 worked at St Columba's?

10 A. I have no detailed knowledge of the staffing or the
11 operation in St Columba's. I was never -- I never saw
12 myself going to St Columba's, I wasn't interested in
13 primary education, and I was also based in London.

14 My memory was that it was older brothers who were
15 actually at the place and AKU was an exception.

16 LADY SMITH: So you didn't know about the staffing,
17 training, qualifications?

18 A. No.

19 LADY SMITH: Thank you.

20 MS MACLEOD: If I can move on then to the second meeting you
21 had with Edward. Was that approximately six months or
22 so after the first one?

23 A. I don't remember the times. I think they should be
24 in the emails and I think Brendan has added emails so
25 you might be able to pick it up from there.

1 Q. At the second meeting, did Edward ask you how things
2 were going with the police investigation?

3 A. He did, he definitely did.

4 Q. And what was your response to him at that time?

5 A. I said I'm very surprised they hadn't been in touch and
6 that then triggered again trying to find out what was
7 going on.

8 Q. If we can look at page 4442 of Edward's transcript. He
9 mentioned here at line 12 -- he said you said to him:

10 "'Do you know, Edward, that we have a fund to deal
11 with situations like yours?' I said, 'No, I'm not aware
12 of that.' He said, 'We have. What I want you to do is
13 get a solicitor and have him write to a man called
14 Leo Martin.'"

15 Did you have a discussion with Edward about a fund?

16 A. No -- well, yes and no. His question was that he wanted
17 financial compensation. I said we don't have any fund
18 for financial compensation for allegations. We would go
19 through the legal process and if he wanted to get
20 financial compensation, the best thing he could do would
21 be to engage a solicitor, who would then contact our
22 solicitor, Leo Martin, and then he could proceed forward
23 with his search for compensation.

24 Q. So when Edward says at line 18 that you said:

25 "We have a fund to compensate people who have been

1 wronged by us."

2 Are you saying he's either misunderstood what
3 you have said or is confused there?

4 A. I don't know why he's saying that. I explicitly said we
5 don't have a fund, and I've already covered that our
6 policy was for us to go through the legal system for the
7 reasons outlined by our solicitor, who wasn't Leo Martin
8 at the time.

9 LADY SMITH: What about the ability of the order to provide
10 help in terms of, for example, counselling or suchlike,
11 the sort of thing you referred to before? Did you
12 explain that to him?

13 A. I did and I explained it was available to his family and
14 he in fact took up counselling for himself, which we
15 paid for.

16 LADY SMITH: And the order would pay for that?

17 A. We paid for it, yes, and we offered it to the rest of
18 his family.

19 LADY SMITH: Thank you.

20 A. I think there are emails to that effect in the
21 documentation.

22 MS MACLEOD: In the following page of transcript, which is
23 4443, Edward provided some evidence which I think he
24 says that what -- this is at line 11. He says:

25 "We had a rather unfortunate incident in the

1 office."

2 He goes on to say:

3 "It's something like this: he is a man [and I think
4 there he's referring to you] who purports to be perhaps
5 a psychologist or child psychologist in this field of
6 abuse. The meeting, although it was going to be casual,
7 turned into a session where he was asking me this
8 question and that question."

9 Are you able to assist -- and I think you do touch
10 on this in your statement -- did some kind of
11 counselling or psychological element come introduced to
12 the meeting?

13 A. There was one comment where I did say to him I'm going
14 to actually move out of role and go into a more
15 therapeutic role and it was in relation to his family.
16 He said his family was curious, or one of his daughters
17 organised his travel usually, and she was curious about
18 why he had come to Glasgow. I said, okay, let me move
19 out of my role as someone receiving the allegation and
20 take a therapeutic role, this is all about secrets and
21 lies, and I would encourage you to think about talking
22 to your daughters and sharing the fact that you are
23 dealing with abuse from the past.

24 Q. Do you have any reflection or comment to make on that
25 kind of moving between the role of being

1 a representative of the order hearing a complaint from
2 somebody and moving into that kind of counselling or
3 supporter role?

4 A. I think it was a risk, but my motivation was in fact to
5 be supportive and thinking that in fact if the family
6 are starting to wonder and actually he's saying to me in
7 his emails that he is distressed, I thought it would be
8 helpful for him and his family if he did it, and I also
9 said we could also offer support -- we could meet his
10 family if need be and also we could offer support and
11 counselling to his family.

12 Q. And counselling and support, is that something that
13 although separately you do offer, are you an experienced
14 counsellor?

15 A. I have been before. I'm not currently practising, but
16 I am qualified to do so.

17 Q. And towards the end of that page, 0443, at line 23,
18 Edward goes on to provide this evidence:

19 "I said to him, 'No, really', and he said, 'There
20 must be questions in your mind you want to ask.'
21 I said, 'Why would that man be doing that to me? Why
22 would that man be doing that to the other person? What
23 is actually going on in people's minds, Ronnie?' He
24 said, 'Yes, good question.' Then he says -- 'Speaking
25 from my own experience', he said [and that's you], 'the

1 first time I got an erection ...' and I went, 'Ronnie,
2 please.'"

3 Did that conversation happen?

4 A. Absolutely not.

5 Q. Did you say to Edward:

6 "Speaking from my own experience, the first time
7 I got an erection ..."?

8 A. Absolutely not.

9 Q. Was there any discussion about an erection?

10 A. Absolutely not. Totally inappropriate.

11 Q. In line 6 he was asked the question:

12 "Question: You thought that was inappropriate?"

13 "Answer: I said, 'I'm not comfortable with this,
14 talking like that.'"

15 And then he said you said:

16 "'Okay, I can understand, I can understand why you
17 wouldn't be comfortable with that.' I said, 'We'll just
18 leave it alone.'"

19 So was there any discussion like that?

20 A. Absolutely not.

21 Q. So is your position then that this is really something
22 that Edward has made up?

23 A. Absolutely, I would not have a discussion like that with
24 anyone.

25 Q. I think in relation to the third meeting you had with

1 Edward, Ronnie, you provide some information about this
2 also in your statement and I'll take you to Edward's
3 transcript in relation to this. Did a third meeting
4 take place at Edward's home?

5 A. Yes, I suggested I'd come and meet him. I wanted us to
6 meet at the Stansted Airport hotel, that I would
7 organise a meeting. I was conscious that he had
8 travelled before and that we could meet there in
9 a neutral and safe, quiet place. He was insistent that
10 I should come to his house and that we could meet in his
11 house, he would pick me up at the airport and take me
12 back to the airport. I said, "If I come to your house,
13 I could hire a car, and come and drive myself back." He
14 generously offered to come. I was uncomfortable.
15 I would have much rather have been in a neutral space,
16 but I wanted to be supportive, if that was more
17 supportive for him.

18 Q. If we can pick up the transcript at TRN.001.006.4448.

19 At line 9 Edward says:

20 "So I got in touch with McEwan again and in
21 February 2015 he flew to my house in England via
22 Stansted Airport, came to my house, it was going to be
23 more chats about why the police hadn't called yet, had
24 we got in touch with Leo Martin."

25 Can you recall, at that time, was there discussion

1 at the meeting about the police? About whether the
2 police had been contacted?

3 A. I'm not absolutely sure but I think there could have
4 been, yes.

5 Q. At that meeting did Edward raise the matter with you of
6 a boy called Aldo Moroni?

7 A. He did. He asked me if I had heard of Aldo Moroni and
8 I said, no, I've never heard of him. He then went on to
9 tell me that his nephew had visited and had said that
10 Germanus was responsible for Aldo's death.

11 Q. So is this the first time then that you'd heard anything
12 about Aldo Moroni?

13 A. Yes, the first time. I'd never heard the name before
14 and I'd never heard of anybody dying at the school.
15 I had no knowledge of it.

16 Q. What had you understood the purpose of this third
17 meeting -- what did you think it was going to be about?

18 A. We had a safeguarding group and the provincial at the
19 time picked up the fact -- so things were very cordial
20 between us until I explained the process of -- LZW
21 needed financial compensation, then the relationship
22 turned somewhat. I reported this back to the
23 safeguarding group. The provincial thought, look, it's
24 clear that he feels it's easy for us to say sorry, he
25 needs some financial penalty against the brothers, and

1 it was suggested that maybe we could offer to make
2 a donation to a charity of his choice that was working
3 in this area to help people recover or whatever, and if
4 that would then give him closure, because he did talk
5 about needing closure.

6 I was uncomfortable at the suggestion because I was
7 thinking this could actually be seen as trying to get
8 silence, that we had the policy before, but I was
9 willing to go and discuss the possibility. So we hadn't
10 agreed anything, we hadn't made any decision, but it was
11 generally to go and make an offer, to see if that would
12 be something that might actually give him closure. So
13 I put it to him --

14 Q. Can I just ask, before we go on to look at the meeting,
15 why were you willing to discuss the prospect of making
16 a financial donation to a charity but not a financial
17 payment to him?

18 A. Because in fact as trustees, as we understood it,
19 it would be in our objectives to do it and then we could
20 do it. But yeah, I think there is a potential
21 contradiction there, which I wasn't particularly
22 comfortable with.

23 LADY SMITH: What if he named a charity that was outwith
24 your objectives?

25 A. We wouldn't be able to do it then.

1 LADY SMITH: So this was a high-risk strategy that you hoped
2 that, if he named a charity, it would be okay so far as
3 your objectives were concerned?

4 A. Well, I didn't hope that at all. I wasn't comfortable
5 at all about the proposition.

6 LADY SMITH: Do you see what I mean, Ronnie?

7 A. I do, I understand exactly.

8 LADY SMITH: Because if he had named a charity that couldn't
9 be regarded as falling within your objectives, you'd
10 then have to say to him, "Ah no, not that one", and that
11 might have gone down like the proverbial lead balloon,
12 mightn't it?

13 A. It could have.

14 MS MACLEOD: Had you notified Edward in advance of the
15 meeting about the possibility of this payment to
16 a charity?

17 A. No.

18 LADY SMITH: Just going back to this original idea that the
19 order could not decide to make a compensatory payment to
20 anybody because it was a charity. Why? What was your
21 understanding of why?

22 A. This was the legal advice and I believe that the lawyer
23 at the time had consulted with -- OSCR wasn't in place
24 and it was the Charity Commission of England and Wales
25 that covered the UK.

1 So the advice back -- I think it was very difficult
2 to get a response, but the response was very couched and
3 the lawyer at the time said to us he didn't think that
4 that would be wise for us to do this.

5 LADY SMITH: He didn't think it would be wise?

6 A. Yes.

7 LADY SMITH: But am I to understand that if somebody wrote
8 to the lawyer, made a claim, and then the lawyer advised
9 you that you should settle it, even if there was no
10 litigation, that was going to be all right?

11 A. I don't know.

12 LADY SMITH: Are you thinking that there actually had to be
13 litigation?

14 A. No. It wasn't my advice; it was advice from the lawyer.

15 LADY SMITH: I get that. Are you thinking that what this
16 advice was was that there actually had to be litigation
17 for the charity then to decide to settle it?

18 A. That was his explicit advice.

19 LADY SMITH: Thank you.

20 MS MACLEOD: If we look at the transcript again, page 4448,
21 which I think is still on the screen, do we see at
22 line 14 Edward says:

23 "And I said to him, 'Ronnie I've got something to
24 ask you. I want to ask you about a boy called
25 Aldo Moroni', 'No, can't help you, never heard of him,

1 never heard of Aldo Moroni.'" "

2 Was that indeed what you told me and what you told
3 Edward on the day, that you had never heard of him?

4 A. I definitely told him I hadn't heard of him. I don't
5 necessarily know that I necessarily put it in that
6 particular way. But when he asked me -- I think he
7 asked if I knew of Aldo Moroni and of his death and
8 I said I hadn't. But then he went on to give me the
9 story from his nephew.

10 Q. I see. And at line 22, do we see that Edward says:

11 "The next thing he said to me was like a light bulb
12 in my mind. He said, 'How would it be, Edward, if we
13 wrote a substantial cheque out to a child abuse charity
14 of your choice?' And I said, 'How would it be?
15 It wouldn't be. What's that all about?'"

16 And he goes on.

17 Is that something that you raised with him at the
18 meeting?

19 A. I did raise the possibility that we could consider
20 making a donation to a charity but we didn't --
21 I certainly didn't say "a substantial sum" and I didn't
22 align it to a child abuse part. It was just a very
23 tentative offer.

24 Q. And what was his response to that, to your offer?

25 A. That it was no good, that he personally needed to be

1 financially compensated.

2 Q. At line 5 on page 4449, Edward is telling the inquiry
3 here that he believed the offer was an immediate
4 response to being questioned about Aldo Moroni. I think
5 you've told us that you had planned to make this offer
6 before you knew anything about Aldo Moroni.

7 A. Yes.

8 Q. But do you see from Edward's point of view --

9 A. I can see how he is making the connection. The
10 connection wasn't there, but I see why he might make
11 that connection.

12 Q. In line 7 Edward says that he said he still hadn't heard
13 from the police and that you said:

14 "That's very strange, I'll look into that again."

15 A. Yes, and I did. I also said there was nothing
16 precluding him from contacting the police.

17 LADY SMITH: How long after his first disclosure to you did
18 this meeting take place?

19 A. I'm not sure. It would be in the records.

20 LADY SMITH: Months?

21 A. Yes, I think it would have been a few months, yes.

22 LADY SMITH: Were you not increasingly concerned that he
23 hadn't heard from the police?

24 A. We were, yes.

25 LADY SMITH: Well, did you not think the problem might be at

1 your end?

2 A. Well, we did and we tried to make contact with the
3 police in Dumfries & Galloway. We then tried to get a
4 contact and Brendan got contact from the diocese.

5 LADY SMITH: That's one way of looking at it, but what about
6 looking at whether the message had gone out of your
7 offices from whoever was supposed to be contacting the
8 police?

9 A. Sure. Sure, we failed.

10 LADY SMITH: And that took about a year?

11 A. We failed, yes.

12 LADY SMITH: Ms MacLeod.

13 MS MACLEOD: I should ask you generally: was there
14 a discussion at this meeting again about involving
15 a solicitor, getting in touch with a solicitor, that
16 kind of thing?

17 A. I can only reiterate what has been said to him, that if
18 he wanted financial compensation, that he could actually
19 then appoint a lawyer who would work with our solicitor.

20 Q. What Edward says at line 22 on this page is:

21 "Answer: I didn't say I wanted anything but he told
22 me there was a system in place that would help bring
23 closure to the matter.

24 "Question: And that he is Ronnie McEwan?

25 "Answer: He is Ronnie McEwan."

1 "Question: Just to understand, you've gone to the
2 solicitor on the back of what Ronnie McEwan said to you?

3 "Answer: Yes."

4 Is that --

5 A. No, it's not accurate. I did recommend that he go to
6 a solicitor if he wanted to pursue financial
7 compensation.

8 Q. Going back to your own statement, Ronnie ...

9 LADY SMITH: Did it ever occur to you to use mediation?

10 A. We did. We have tried to use mediation and Brendan
11 suggested that. We put it again through his lawyer
12 because again we could see that he was clearly upset and
13 distressed and he refused. After the [REDACTED] that he took,
14 after [REDACTED] we offered to meet
15 with him, but he in fact refused and there's
16 correspondence that'll back that up.

17 LADY SMITH: Of course, offering mediation at the right time
18 is critical, isn't it?

19 A. The mediation wasn't offered then. It was offered at
20 a later date. We offered to meet him just immediately
21 afterwards.

22 LADY SMITH: That's my point: if it's too far down the line,
23 it may be too late.

24 Have you used mediation in any of these cases?

25 A. No, not explicitly, no.

1 LADY SMITH: Ms MacLeod.

2 MS MACLEOD: Ronnie, turning back to your own statement and
3 towards the end of that, you set out some lessons to be
4 learned and I think that's from paragraph 22 onwards.
5 I just want to pick up on a few things that you say
6 there.

7 Something you pick up on is that:

8 "All the victims [you've] met with wished for
9 a better past and that it was painful for [you] to hear
10 as it's something [you] can't provide."

11 A. Yes.

12 Q. You go on to say that:

13 "[Your] focus has been to try and help with the
14 present healing process."

15 A. Yes.

16 Q. And a point you make is that:

17 "[You] think there are always going to be people who
18 will try to get around procedures that are in place, but
19 the tighter the procedure, the less likelihood of these
20 types of incidents recurring."

21 A. Yes.

22 Q. In paragraph 23 you make the point that if you were
23 accepting new members to the Marist Brothers in
24 Scotland, which you point out that you're not, there
25 would be more checks and more rigorous screening than

1 there was in the past.

2 A. Yes.

3 LADY SMITH: In retrospect, Ronnie -- and I accept this may
4 not be a question for you, but let me ask you anyway --
5 do you think it was a high risk taking youngsters into
6 the order as young as you did?

7 A. I can answer that: absolutely.

8 LADY SMITH: They were not adult, they had no inkling of
9 what they were giving up by way of adult life or of the
10 impact of what these very serious vows would be on their
11 adult lives; isn't that right?

12 A. Sure. But can I just also set it in context? People
13 would have married younger as well.

14 LADY SMITH: I see that, but it does strike me as very young
15 to start on the path, as I've heard again and again, of
16 people going to Hetland House at the age of 12, which
17 signalled to them that this was possibly going to be
18 a route to becoming a Marist Brother, and they got on
19 the pathway and didn't get off it again.

20 A. Sure. I couldn't agree more. We would not do that now
21 and that's not the system in place anywhere in the
22 world.

23 LADY SMITH: Thank you.

24 MS MACLEOD: Can I just ask why you're not accepting new
25 members in Scotland anymore?

1 A. Because we're at a stage where the ministries that we
2 came to do -- Catholic schools are well-established,
3 there's no need for us. There's lots of charities who
4 do voluntary work -- at a time when the order was in the
5 UK, the systems weren't as well developed, there was
6 real poverty -- there's still real poverty and there are
7 still things that can be done, but now you have things
8 like Save the Children and various other charities, so
9 for me there's no particular mission that we need to
10 address ourselves.

11 Q. In paragraph 24, something you say is that:

12 "[You] firmly believe that even one complaint is one
13 too many."

14 A. I do.

15 Q. And you say:

16 "All the allegations made go against all our vows
17 and it hurts me personally, as well as the other
18 brothers, that members of our order have behaved in such
19 a destructive and abusive way."

20 A. Sure, and everybody who was abused and has had their
21 lives destroyed deserves an apology.

22 Q. Finally, if I can just look at paragraph 42 of your
23 statement, you provide some hopes that you have
24 in relation to people coming forward to this inquiry and
25 what you say is:

1 "I hope that people coming forward to the inquiry
2 feel their voice is being heard and that their pain is
3 believed and acknowledged."

4 A. Mm.

5 Q. And you go on to say that:

6 "Fair compensation to redress hopefully will be put
7 in place for the actions of abusers and I hope that
8 people will be able to move on from their pain once it
9 has been acknowledged."

10 A. Yes.

11 MS MACLEOD: Thank you very much, Ronnie, for engaging with
12 the inquiry and for answering all of my questions today.

13 My Lady, I'm not aware of any other questions for
14 Ronnie.

15 LADY SMITH: Are there any outstanding applications for
16 questions? No.

17 Ronnie, thank you very much for engaging with us as
18 you have done, both by providing your written statement
19 and looking at the documents that we've asked you to
20 look at, and by coming today to answer questions. I'm
21 sure this hasn't been an easy time for you and there
22 will be difficult times yet to come.

23 A. Sure.

24 LADY SMITH: But thank you for your input and for your
25 contribution to the inquiry. I can now let you go.

1 A. Thank you.

2 (The witness withdrew)

3 LADY SMITH: Just before we move to the next witness, a name
4 appeared during that witness's evidence that people may
5 not have picked up before. It is a name that's
6 protected by my general restriction order and it was the
7 name of [REDACTED]. Just to make sure everybody
8 appreciates that. Thank you.

9 MS MACLEOD: My Lady, the next witness is ready, but
10 I wonder if we might have a very short break to swap
11 things over.

12 LADY SMITH: Let's do that.

13 (12.33 pm)

14 (A short break)

15 (12.38 pm)

16 MR MacAULAY: My Lady, the next witness is
17 Detective Inspector Lynsey Watters.

18 DI LYNSEY WATTERS (sworn)

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

20 I suspect you're used to having to speak into
21 a microphone. Can I ask you to make sure that you're
22 in the right position for this one because we need you
23 to be heard through the sound system.

24 If you're ready, I'll hand over to Mr MacAulay and
25 he will explain what happens next.

1 Questions from MR MacAULAY

2 MR MacAULAY: Detective inspector, can you confirm that
3 you are Lynsey Watters?

4 A. That is correct.

5 Q. How old are you?

6 A. I am 41.

7 Q. How many years of police service do you have?

8 A. 21 years.

9 Q. Where are you based at present?

10 A. I'm currently working at Cathcart Police Office.

11 Q. You have set out in your CV the range of investigations
12 that you've been involved in over the years. These
13 involve investigations into serious crime, including
14 rape and other sexual offences; is that right?

15 A. That's correct.

16 Q. Insofar as the inquiry is concerned, did you become
17 involved in an investigation into the death of a boy by
18 the name of Aldo Moroni in about 2016?

19 A. Yes, I did.

20 Q. And was that inquiry triggered by certain allegations
21 that you had been made aware of?

22 A. Yes.

23 Q. I want to begin by inviting you to look at the red
24 folder that you have in front of you because in that
25 you'll find a number of documents.

1 The first document I want you to look at is a death
2 certificate. You'll find the death certificate at ...

3 A. I've got it here.

4 Q. Perhaps you can tell me, what tab is it at?

5 A. Number 4 and then there's a statement at the front.

6 Q. In tab 4, the reference for the transcript is
7 PSS.001.005.0541.

8 Was this a death certificate that you had regard to
9 in the course of your inquiry?

10 A. Yes.

11 Q. Can we see that it relates to a boy whose full name is
12 Aldo Antonio Moroni?

13 A. Yes.

14 Q. And can we see that the date of birth is given as
15 [REDACTED] 1972; is that right?

16 A. Yes.

17 Q. So far as the date of death is concerned, can we see
18 that in box 8, and it is 29 February 1980?

19 A. Yes.

20 Q. As we read on, we can see that the sole cause of death
21 is described as septicaemia?

22 A. Yes.

23 Q. Do we also see at box 13 that the informant, that is the
24 person who provided the information to the registrar,
25 was a [REDACTED], who was the father of the boy?

1 A. That's correct.

2 Q. Did you also, as part of your investigation in 2016,
3 recover a post-mortem report in connection with the
4 post-mortem that had been carried out at about the time
5 of the death?

6 A. Yes.

7 Q. If you could look at tab 3. The reference for the
8 transcript is PSS.001.005.0495.

9 A. Yes, I've got that here.

10 Q. Take a moment to look at that. Is that the post-mortem
11 report that you recovered?

12 A. Yes.

13 Q. I don't think it actually has a date, but can we see
14 that -- it does, the post-mortem was performed by
15 a Dr Gibson on 3 March 1980; do you see that at the top?

16 A. Yes.

17 Q. Just reading the summary at the history at the top --
18 I can read that out. We can read:

19 "Transferred from Inverclyde Hospital on
20 29 February 1980."

21 And that of course was the date of death:

22 "This boy was well until 12 February 1980. He
23 developed pyrexia, which reoccurred intermittently over
24 the next two weeks. He was treated with penicillin and
25 [another antibiotic]. He had occasional upper abdominal

1 pain. He had anorexia but no other significant
2 symptoms."

3 Then we read:

4 "He was admitted to Inverclyde on 25 February 1980
5 and the following day his appendix was removed. On
6 27 February 1980 he became less well and on the
7 following day, deteriorated and became delirious. On
8 29 February 1980 he was shocked and then transferred to
9 the Royal Hospital for Sick Children. He was admitted
10 at 4 pm with a clinical diagnosis of Gram-negative
11 septicaemia and shock and died at 9.30."

12 So that's the history that you had before you?

13 A. That's correct.

14 Q. I don't plan on asking you to interpret the medical
15 information provided in this post-mortem report, but is
16 it the case, so far as this post-mortem report was
17 concerned, that there was no specific reference to
18 trauma as being linked to the death?

19 A. That's correct.

20 Q. However, as part of your investigation, did you instruct
21 a review of the post-mortem report?

22 A. Yes, I did.

23 Q. If you could turn to tab 2, do you find there the review
24 that was instructed and provided to you, dated
25 4 August 2016?

1 A. Yes.

2 Q. If we turn to the second page -- perhaps I should give
3 the reference: PSS.001.005.0490.

4 Can you turn to the second page? Was this review
5 carried out by two consultant paediatric and perinatal
6 pathologists?

7 A. Yes.

8 Q. I don't propose to look at the medical detail, but as
9 far as the cause of death is concerned, did this
10 negative any suggestion that trauma was linked to the
11 death?

12 A. No.

13 Q. The one thing I think we do read on the first page
14 towards the bottom is that there was a biopsy of skin
15 in the subcutaneous distribution that indicated previous
16 bleeding into the skin which could be traumatic in
17 origin, but notwithstanding that, there was no
18 suggestion, however that may be, that that had any link
19 to death. Is that right?

20 A. That's correct.

21 LADY SMITH: You said a moment ago, when Mr MacAulay asked
22 you whether this negatived any suggestion that trauma
23 was linked to the death, "no"; did you mean that?

24 A. No, what I meant is there was nothing to link trauma to
25 the death, sorry.

1 LADY SMITH: It's always a problem with a double negative.

2 So what I think you were saying is, as you read
3 this, it wasn't telling you to have any concern that
4 there might have been a link between trauma and this
5 young boy's death?

6 A. That's right.

7 LADY SMITH: Thank you.

8 MR MacAULAY: The next document I want you to look at is at
9 tab 5. This material, I think I am right in saying, is
10 not material you had in front of you for your
11 investigation; is that correct?

12 A. Yes.

13 Q. Indeed, it's only material that was fairly recently
14 supplied to the inquiry and consists of extracts from
15 a daybook that was kept at St Columba's. I think you
16 understand that to be the position?

17 A. Yes.

18 Q. I'll put it on the screen: MAR.001.001.0702.

19 Can you look to the bottom left, first of all. Can
20 we see that, although it has been blanked out, the first
21 date we see as a heading is "February 1980"? You may
22 not see the February, but take it from me that's
23 "February 1980".

24 A. Yes.

25 Q. If you move across the page, it's just below halfway.

1 Again, unfortunately, this has been blanked out, but
2 it's against the date of the 13th, a Wednesday:

3 "All boys depart for mid-term after lunch."

4 Can you read what's been written?

5 A. Yes, I can read that.

6 Q. And I think that is dated 13 February. If we move down
7 a few entries from the bottom of the page, I think
8 against -- it's not very clear. It looks like
9 18 February. About five days later:

10 "All staff present. First day in school."

11 A. Yes.

12 Q. Do you see that?

13 A. Yes.

14 Q. So this suggests that there was a mid-term break at the
15 school, the boys left, and then by the 18th, the boys
16 were back.

17 A. That's right.

18 Q. If you go on to the next page of the document at
19 MAR.001.001.0703, this is about halfway down, again you
20 won't make out the date, but against the date
21 27 February, can you see this entry:

22 "Boys to swimming pool in afternoon."

23 And there's reference to a particular brother. And
24 then:

25 "Aldo Moroni, who has not yet returned to school,

1 taken to Greenock Hospital from Dunoon."

2 And then there's reference to brothers. Do we see
3 from here that Aldo Moroni has been taken from his home
4 to the hospital --

5 A. Yes.

6 Q. -- and that he had not returned to school from home
7 after the mid-term break?

8 A. That's correct.

9 Q. And then there's references subsequently to the school
10 being told that Aldo had died; is that right?

11 A. That's right.

12 Q. Did you also, as part of the investigation, speak to the
13 mother, [REDACTED]?

14 A. Yes, I did.

15 Q. If you turn to tab 7 in the folder -- I'll provide the
16 reference for the transcript: PSS.001.005.0441.

17 A. There's no statement for [REDACTED] at tab 7.

18 Q. You don't have it? No, I think that's right, because it
19 hasn't been exported. Do you not have a copy in your
20 folder?

21 A. I don't have a copy in this folder here, no.

22 Q. Can I just read parts out to you?

23 A. Yes.

24 Q. Do you recollect seeing [REDACTED]?

25 A. Yes, I took her statement.

1 Q. It'll be easier to have it in front of you. We'll
2 provide you with one. (Handed)

3 If we go to the second page then of the document, we
4 actually see the statement and we see the mother's name,
5 and that the statement was taken on 26 April 2016; is
6 that right?

7 A. Yes.

8 Q. Your name is there as the person who took the statement?

9 A. That's correct.

10 Q. You would seek to record, as best you could, what was
11 being said by [REDACTED]?

12 A. Yes.

13 Q. Do we read in the first page that she says:

14 "I am the above named person and I live at home with
15 my husband, [REDACTED]."

16 A. Yes.

17 Q. Then a few lines down, have you noted:

18 "I can also confirm that Aldo attended St Columba's
19 School, Largs, between August 1979 until February 1980."

20 Do you see that?

21 A. Yes.

22 Q. And does she go on to say:

23 "Aldo passed away on 29 February 1980"?

24 A. Yes.

25 Q. If we move on to the second page of the statement, does

1 she say in the first main paragraph:

2 "Aldo was always a healthy and happy wee boy, very
3 charismatic. He had no underlying health issues. From
4 time to time he would develop a fever. I would call the
5 doctor and within 24 hours he would be fine"?

6 Do you see that?

7 A. Yes.

8 Q. Does she go on to say that he was small for his age?

9 A. Yes.

10 Q. Then she says, as you've noted:

11 "Aldo only attended St Columba's for a short period
12 of time. He never complained about anything or anyone
13 at the school. He was always happy to return after his
14 weekend at home."

15 Do you see that?

16 A. Yes.

17 Q. Then she says:

18 "I recall Aldo came home for the mid-term break in
19 February 1980 for his week's holiday."

20 And I think we've seen the daybook for the date for
21 that.

22 A. Yes.

23 Q. "I don't remember exactly how soon after Aldo came home
24 that he took unwell as it was 36 years ago. Aldo took
25 a temperature and complained of a pain in his side.

1 I took him to Inverclyde Hospital. The staff suspected
2 he had appendicitis and so I agreed that they could
3 operate. When they went to carry out the operation, it
4 was learned that he did not have appendicitis at all."

5 She goes on to say:

6 "I also recall being told it was a junior surgeon
7 who operated but I don't recall any names of any persons
8 who cared for Aldo."

9 So that's part of the narrative that she's given to
10 you?

11 A. That's right.

12 Q. She goes on to say, according to the statement:

13 "Aldo was so poorly he was transferred to
14 Yorkhill Hospital, Glasgow; I believe it was the day
15 after his operation. Aldo died later that day."

16 Again, that's the information she provided to you?

17 A. Yes.

18 Q. She gives information about being asked permission for
19 a post-mortem, which she tells you she agreed to.

20 Towards the bottom of that page, does she say this to
21 you:

22 "I am unaware of any wrongdoing to Aldo whilst at
23 St Columba's. My [REDACTED] attended there as well and
24 I'm certain if [REDACTED] knew of any wrongdoing, he would
25 have told me and I would never have sent Aldo to

1 St Columba's."

2 That's information she provided to you?

3 A. Yes, she did.

4 Q. Did you tell her about a number of allegations that had
5 been made as part of your investigation?

6 A. Yes.

7 Q. And did she say she was totally unaware of these
8 allegations?

9 A. That's right, she had been unaware.

10 Q. Has [REDACTED] signed each page of this statement?

11 A. Yes, she did.

12 Q. So just to summarise the position in relation to your
13 investigation then, detective inspector, the post-mortem
14 that you uncovered and the post-mortem review indicated
15 that death was caused by septicaemia and trauma was not
16 in any way causative?

17 A. That's correct.

18 Q. And you also uncovered clear evidence that when Aldo
19 took ill, he was at home; is that correct?

20 A. That's correct.

21 Q. And that he died over two weeks after when he had last
22 been at school?

23 A. Yes.

24 MR MacAULAY: Very well, detective inspector. Thank you for
25 your evidence.

1 A. Thank you.

2 LADY SMITH: Are there any outstanding applications for
3 questions? No.

4 Detective Inspector Watters, thank you very much.
5 That completes all the questions we have for you.
6 I have to thank you for your help to the inquiry. It
7 has been very, very important and I'm grateful to you
8 for that.

9 A. Thank you.

10 (The witness withdrew)

11 MR MacAULAY: My Lady, we're just approaching 1 o'clock, so
12 that would be a good time.

13 LADY SMITH: Let's rise now and sit again at 2 o'clock after
14 the break.

15 (12.56 pm)

16 (The lunch adjournment)

17

1

2 (2.00 pm)

3 LADY SMITH: Good afternoon.

4 Mr MacAulay, are we ready for the next witness?

5 MR MacAULAY: Good afternoon, my Lady. Yes, the next
6 witness is Brother Colin Chalmers.

7 BROTHER COLIN CHALMERS (sworn)

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

10 Is it all right if I call you Colin?

11 A. It is indeed, yes.

12 LADY SMITH: Colin, I think you're in a good position for
13 that microphone. We do need to hear you through the
14 sound system, so if you can make sure that you stay
15 in that position, please, that'd be helpful.

16 You see there's a red file ready for you, but I'll
17 leave it to Mr MacAulay to explain what he wants you to
18 do with that. If you're ready, I'll hand over to him;
19 is that all right?

20 A. Yes, indeed.

21 Questions from MR MacAULAY

22 MR MacAULAY: Good afternoon, Colin.

23 A. Good afternoon.

24 Q. In the red folder in front of you, you'll find the
25 statement that you provided to the inquiry. I'll give

1 the reference of that for the transcript:

2 WIT.003.002.4077.

3 If I can begin by asking you to look at the last
4 page of the statement, can you confirm for me that
5 you have signed it?

6 A. I have indeed, yes.

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

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

10 A. That's correct.

11 Q. Do you also say that you believe the facts stated in the
12 statement are true?

13 A. Are true, yes.

14 Q. I'll be asking you questions based on your statement and
15 if I identify a particular paragraph, it'll come on the
16 screen as well, so you can choose between the hard copy
17 and the screen.

18 Can you confirm that you were born on [REDACTED] 1948?

19 A. Indeed, yes.

20 Q. Can you tell me what position you presently hold within
21 the Marist order?

22 A. I'm the general archivist of the Institute of
23 Marist Brothers.

24 Q. Are you based in Rome?

25 A. I am indeed, yes.

1 Q. Before I look at that then, can I go back a little bit
2 in time. Do you tell us in your statement that you
3 began your postulancy with the Marist Brothers in
4 October 1972?

5 A. Yes.

6 Q. You became a novice in 1973 and you did your first
7 profession in July 1974?

8 A. Yes, that's correct.

9 Q. You also tell us that you spent some time teaching at
10 St Columba's College in Largs after your first
11 profession.

12 A. Yes.

13 Q. I think you tell us you taught there from September 1974
14 to December 1975.

15 A. Indeed.

16 Q. You'd have been fairly young at that time?

17 A. I was about 26, 27, not terribly young.

18 Q. I'll come back to St Columba's in a moment.

19 You provide us in paragraphs 7 and 8 and 9 with some
20 further information as to what you've been doing over
21 the years.

22 A. Yes.

23 Q. At paragraph 10 you confirm that, from January 2014,
24 you have held the position of the general archivist.

25 A. Indeed.

1 Q. You have a number of qualifications that you set out in
2 paragraph 11, but you have no qualifications in archival
3 work?

4 A. That's true.

5 Q. What then qualified you to take on that particular
6 position?

7 A. That's a mystery to me! The only thing I can think of
8 is there was -- at the time I was appointed, the Vicar
9 General of the institute, who was the second in charge,
10 if you like, was a Glasgow man like myself, and I think
11 that is the connection.

12 Q. So it's a Glasgow connection?

13 A. I think it is, yes.

14 Q. When you took over the position, did you have a handover
15 to bring you up to --

16 A. Just a couple of weeks. A very, very brief handover.
17 I went, I think, probably in the October/November before
18 I started, for a week and I had a week there with my
19 predecessor. When I started -- of course, he was ready
20 to go off like a shot once I'd arrived.

21 Q. So it's a question then of learning on the job
22 effectively?

23 A. Very much so, yes.

24 Q. Can I take you to the time you spent at St Columba's in
25 Largs. You were there for about a year over the period

1 September 1974 to December 1975.

2 A. Yes.

3 Q. How did it come about that you went to Largs?

4 A. It was an appointment by the then provincial,
5 Brother Arthur Joseph.

6 Q. Was there any particular reason why you were chosen to
7 fill in that particular slot for that particular period
8 of time?

9 A. I had qualified as a primary schoolteacher at that
10 time -- actually, before I qualified, before I went to
11 the novitiate.

12 Q. When you were then in Largs, I think you tell us you
13 taught the Primary Three and Four classes; that's the 7
14 and 8-year-olds?

15 A. Yes.

16 Q. You also had responsibility for looking after the
17 dormitories in Landour House?

18 A. Indeed.

19 Q. Was that your job and your job alone at that time?

20 A. The two dormitories at the top of the house were my job,
21 yes.

22 Q. And were there other dormitories that were the job of
23 somebody else?

24 A. Which I had to supervise in the absence of
25 Brother MLA but that was rather infrequent.

1 Q. I want you to look at a timeline that the inquiry has
2 put together. It'll come on the screen. I just want to
3 put this into a particular time frame. The reference is
4 INQ.001.004.2936.

5 What you're looking at is a timeline relating to the
6 movements of a Brother Germanus Paul.

7 A. Yes.

8 Q. It has been put together by the inquiry based on
9 information supplied to the inquiry by the order. Do
10 you understand that?

11 A. Yes. Yes, I do.

12 Q. Can we see that from 1957 to 1973, according to this
13 information, Brother Germanus was at St Columba's Largs
14 in some capacity or the other? Do you see that?

15 A. I see that, yes.

16 Q. We then come to the period 1973 to 1975, which would
17 cover your period at Largs --

18 A. Yes.

19 Q. -- where he's said to have been at St Joseph's,
20 Dumfries.

21 A. Yes.

22 Q. Do we see that according to the timeline, from 1976 to
23 1980, he's back at St Columba's?

24 A. Yes.

25 Q. Did you understand in any way that you were replacing

1 Brother Germanus when you went to Largs?

2 A. I hadn't the slightest inkling about that.

3 Q. Was he somebody you knew?

4 A. I had met him during my postulancy and indeed he was --
5 it refers to him as the tailor. He was the brother who
6 made my soutane, if you like, toward the taking of the
7 habit.

8 Q. Do I take it from what you have said, Colin, that your
9 paths did not cross when you were at St Columba's?

10 A. They did not cross, that's true.

11 Q. The children that you looked after then in the
12 dormitories, what age range were you dealing with?

13 A. That would be the same age range as my class. So the
14 very young ones.

15 Q. The 7 to 8-year-olds?

16 A. Yes.

17 Q. Can you remember how many were involved?

18 A. There may have been a number from the middle class, the
19 sort of Primary Five there, because my memory is there
20 were two dormitories, possibly with four beds in each.

21 Q. So about eight children or so?

22 A. About that, yes. I honestly can't remember.

23 Q. Had you had any specific training in relation to caring
24 for children in that way?

25 A. Not in the boarding side, no.

1 Q. Did you know very much about the children's backgrounds
2 that you were caring for?

3 A. Nothing at all about their backgrounds.

4 Q. How would you describe the atmosphere then at
5 St Columba's when you were there?

6 A. The atmosphere in the school?

7 Q. Yes, and the boarding house.

8 A. I think it was a very happy one. The children seemed to
9 be very relaxed. I mention in my statement good
10 relationships between the boarders and the day boys and
11 the parents seemed to be very supportive.

12 Q. In relation to discipline, how did you manage discipline
13 when you were there?

14 A. Reprimands, mainly.

15 Q. Any corporal punishment so far as you can remember?

16 A. No, not as far as I can remember.

17 Q. Did you keep any records in connection with any aspect
18 of life when you were there?

19 A. I probably kept records of lessons I'd give or was about
20 to give, preparation. I can't remember writing any
21 report cards or anything like that.

22 Q. I think you were asked about inspections. Do you have
23 a recollection of any inspections either of the school
24 or of the boarding facility when you were there?

25 A. No inspections at all. Do you mean by HMI or something

1 like that?

2 Q. Yes, or anyone else. The Scottish Education Department,
3 for example.

4 A. No, certainly not, no.

5 Q. Can I then move on to look at your role as the
6 archivist. Can you give me a broad overview as to what
7 that role involves?

8 A. I'm responsible for the care and upkeep of the
9 historical records of the institute. I'm responsible
10 for carrying out research, when asked to research, into
11 personnel records, historical records. Generally, to
12 make the archives available to people, either directly
13 by helping them if they come to visit the archives, or
14 indirectly by my doing the research on their behalf.

15 Q. Are these archives designed to contain material
16 in relation to the order worldwide?

17 A. Indeed, yes.

18 Q. But what sort of material then are we concerned with?

19 A. It's an administrative archive, and the material dates
20 back to the days of our founder, so we're talking about
21 the early 19th century -- before that, actually, the
22 late 18th century, in fact, and early 19th century,
23 right up to the present day.

24 Q. In your statement, from paragraphs 24, 25 and 26, when
25 you have headings in relation to the founder and the

1 history of the institute and general administration, you
2 set out the sort of material that you have contained
3 in the archive; is that right?

4 A. Yes.

5 Q. At paragraph 27 you have a heading "Personnel". What
6 you say there is:

7 "Records and other documents related to members of
8 the institute. There are over 38,600 individual files
9 dating from 1820."

10 Are you there talking about individual files for the
11 brothers?

12 A. Indeed.

13 Q. Would you expect every single brother who had been in
14 the order to have a file in Rome?

15 A. Apart from the very earliest ones, the ones who were
16 living at the time of the founder, I would think, yes.

17 Q. But if we're focusing on the brothers that we're
18 concerned about in this inquiry, brothers of the
19 20th century, would you expect that each and every one
20 of these would have a file?

21 A. Indeed. I would, yes.

22 Q. Have you at any point sought to recover these files?

23 A. I have, yes.

24 Q. And have you identified files for brothers that have
25 been identified to you on behalf of the inquiry?

1 A. I have, yes.

2 Q. And have these been sent to the inquiry?

3 A. I believe so, yes.

4 Q. So far as the provinces are concerned, I think we
5 understand there are five provinces -- well, I beg your
6 pardon, for the province of which the UK is part, there
7 are five provinces --

8 A. Five countries.

9 Q. Yes, five countries. How many provinces do you cater
10 for?

11 A. I think it's 27 in the institute.

12 Q. So far as the provinces themselves are concerned, do
13 they have a separate archival system bespoke to the
14 province or --

15 A. Yes. Each province has its own archive, its own box, if
16 you like, or set of boxes, depending on the size of
17 their particular archive. That would go right back to
18 the very early provinces. Obviously, over the course of
19 time, the institute has restructured in different ways.

20 Q. For the province of which the United Kingdom is a part,
21 where would that archive be situated?

22 A. In Rome. Initially it would have been -- well, the very
23 early days, probably the Province of Beaucaigne(?) in
24 France. Then it would be the Province of the Isles,
25 then Great Britain and Ireland, and now the Province of

1 West-Central Europe.

2 Q. Is the archive in Rome?

3 A. The archives are in Rome, yes.

4 Q. Does that come under your jurisdiction?

5 A. Indeed -- well, my care, I think, care.

6 Q. If we then look at the section headed "Records" in your
7 statement, you say that:

8 "Apart from records in large ledger books of schools
9 of the early days of the institute, the general archives
10 does not hold records of schools for the individual
11 provinces."

12 A. That's true.

13 Q. Is there any reason for that?

14 A. The individual schools would be seen to be the concern
15 of the individual provinces, not so much the concern of
16 the institute. It's the life of the province vis-à-vis
17 the brothers who make up that province which is the
18 concern of the archives of the institute rather than the
19 schools.

20 Q. Or the pupils in the schools?

21 A. Or the pupils, indeed.

22 Q. And you tell us:

23 "There are no records in the general archives of the
24 schools St Joseph's College and St Columba's College."

25 Although I think that has to be qualified, does it?

1 Did you more recently recover or produce records?

2 A. Not, as far as I'm aware, school records in the sense of
3 pupil records. The records that we would hold would be
4 records of the communities.

5 Q. For example, we know that the daybook for St Columba's
6 has been made available to the inquiry.

7 A. Mm-hm.

8 Q. Did that come from you?

9 A. No, I think that came from the British Province Archive
10 from Glasgow.

11 Q. Just to be clear, have you yourself, apart from the
12 brothers' files you've mentioned, as the archivist,
13 produced any material at the bequest of the order that
14 you know will have been sent to the inquiry?

15 A. Yes, certain -- well, I'm not sure what has been sent to
16 the inquiry. But what I certainly produced, at the
17 request of Brother Brendan, the provincial, were records
18 of brothers, records of correspondence, for example.

19 Q. Can I ask you to look at this document --

20 LADY SMITH: Just before we do that, a small point: you
21 mentioned an archive in Glasgow.

22 A. Yes.

23 LADY SMITH: So I'm getting the picture now that there's
24 this central archive in Rome for the institute --

25 A. Indeed.

1 LADY SMITH: -- with all these many documents going back to
2 1820. Am I to understand that in each province there is
3 also at least one archive?

4 A. Well, every province should have its archive. Whether
5 it has or not ... As I say in my statement, I have no
6 authority over the other provinces.

7 LADY SMITH: I'm not suggesting you do; I'm just mining your
8 knowledge, if I may.

9 So far as the United Kingdom is concerned, how many
10 archives are there to your knowledge?

11 A. Just one.

12 LADY SMITH: The one in Glasgow?

13 A. Well, it was in Glasgow.

14 LADY SMITH: Where is it now?

15 A. It's now been transferred to the Scottish Catholic
16 Archive here in Edinburgh.

17 LADY SMITH: Thank you.

18 MR MacAULAY: I was going to move on to ask you to look at
19 a particular document. Again, it'll come on the screen.
20 MAR.001.001.3046.

21 This is a letter that's been made recently available
22 to the inquiry. You can see it's dated
23 1 September 1983.

24 A. Yes.

25 Q. It relates to a former brother by the name of

AKU

1

2

A. Indeed, yes.

3

Q. His name, I think, has been blanked out. The letter

4

begins:

5

"Dear AKU ..."

6

Do you have any knowledge of this document?

7

A. I do indeed. I've discovered it in AKU

8

archive, in his file, and I mentioned it to

9

Brother Brendan, and he asked me to scan it and forward

10

it to you.

11

Q. Was there anything else in AKU file when you

12

discovered this document?

13

A. Every brother's file contains a sort of personnel file,

14

date of birth, place of birth, parents' names and so on,

15

and normally lists of different communities he's been

16

in. So there was that.

17

Q. Did you send on to Brother Brendan --

18

A. I have a recollection that at some point, not as

19

recently as sending on this letter, but at some time

20

in the past I sent -- the personnel sheet -- we actually

21

refer to it with the French term, the fiche, and I have

22

some recollection of scanning AKU fiche and

23

sending it to London.

24

Q. Previous?

25

A. Previously, yes.

1 Q. This isn't in any way a criticism, but how did you miss
2 this document when you were looking at his personal file
3 previously?

4 A. I think I was asked only about the fiche.

5 Q. Was that the position with each of the brothers' files
6 that you investigated and passed on information to the
7 inquiry about?

8 A. Yes. And it was only -- I think it was just a couple of
9 weeks ago, I had some reason to go to AKU
10 files and I thought this might be relevant. I wasn't
11 sure, so I mentioned it to Brendan.

12 Q. Was the reason one that was triggered from Scotland?

13 A. I heard his name was coming up in the inquiry, yes.

14 Q. Just to be clear, am I to understand that there may be
15 material in brothers' files that the inquiry is
16 interested in that has not been submitted to the inquiry
17 because you've only sent on the material in the fiche?

18 A. I have only sent on the material I was asked for.

19 Q. Does that mean the answer to my question is: yes, there
20 may still be other material there?

21 A. There may very well be. I don't know. I don't know
22 what the inquiry would be interested in. That is a very
23 archivist response to it.

24 Q. Just to take another example, if a complaint or an
25 investigation was being made in connection with

1 a particular brother, would that be the sort of
2 information that would make its way into the brother's
3 personal file?

4 A. I can't say yes for certain, but there may very well be
5 that sort of information, particularly if it was in
6 reference to the vows, a brother making vows or anything
7 like that, where the provincial was getting in contact
8 with either one of the General Councillors or the
9 Superior General.

10 Q. Can we look at this letter for a moment or two? We've
11 touched on the date, it's 1 September 1983, and it
12 begins by saying:

13 "The reason I have taken so long to answer your
14 letter is that I was not here when it arrived."

15 Do you see that?

16 A. Yes.

17 Q. So it's a response to another letter. The letter to
18 which the response is being made, was that in the
19 personal file?

20 A. No, that was the only letter. The one we have here was
21 the only letter in the personal file.

22 Q. Can I ask you this -- just looking at the addresses,
23 this is a letter that would seem to have been sent from
24 Rome or at least from Italy.

25 A. Yes, it would be, yes.

1 Q. The reference to the brother at the bottom,
2 Brother Basilio Rueda, was he the Superior General based
3 in Rome?

4 A. Indeed, yes.

5 Q. So he has received a letter from AKU and he's
6 responded to it in this way?

7 A. Mm-hm.

8 Q. That's the set-up, isn't it?

9 A. Yes, that would be correct.

10 Q. But the AKU letter was not in the file?

11 A. Not in his file, no.

12 Q. In the third paragraph, perhaps you can help we this:

13 "In the first place I feel I must remain with the
14 decision I made not to admit you either to perpetual
15 vows or to a renewal of your temporary vows. This
16 decision has been made in the light of renovationis
17 causam."

18 Can you explain this to me? What is it all about?

19 A. The system for making perpetual profession, as we call
20 it, is that the application goes from the individual
21 brother to the provincial. He discusses it with his
22 council, having received notes from individual brothers
23 in the province. If the provincial and council approve
24 the application, it's forwarded to the Superior General
25 and General Council, particularly to the

1 Superior General, for his approval. The vows wouldn't
2 be valid without his approval.

3 Q. Yes, so it's essentially a -- well, when you say
4 approval, is it a recommendation for him to approve
5 or --

6 A. Yes, it would be, and there are pro formas for these
7 steps, yes.

8 Q. That suggests to me that's the sort of material that
9 would find its way into a brother's personal file.

10 A. It could find its way into other files. That's one of
11 the problems in our archive --

12 Q. Right.

13 A. -- finding out exactly which file a particular document
14 is in.

15 Q. Does this letter explain to us in any shape or form as
16 to why **AKU** was not being admitted, either to his
17 perpetual vows or to a renewal of his temporary vows?

18 A. Yes, I quite understand that. I would need to search
19 other boxes, other archives in our archives to try and
20 answer that, to find documents.

21 Q. Would you expect the answer to be there in the archives
22 somewhere?

23 A. I would expect the pro forma of application to be there.

24 Q. But do we infer from this that there was not
25 a recommendation from the provincial to admit

1 AKU to these vows?

2 A. That's extremely difficult for me to answer. In
3 practice and theoretically, I wouldn't see the
4 Superior General turning down an application for vows
5 that had been approved by the provincial.

6 Q. Well, what basis would he have to do that if he didn't
7 know the individual and would have to rely on the
8 recommendation? Would there be any basis for turning --

9 A. Not from the superior, unless the Superior General had
10 information outwith the provincial's knowledge, but that
11 would be extraordinarily rare.

12 Q. So is the reasonable inference then that it's likely
13 that the provincial has not recommended AKU for
14 these vows?

15 A. That seems to me to be the implication of the letter,
16 yes.

17 Q. And the documentation relating to that could very well
18 be somewhere in the archives?

19 A. Could very well be, yes.

20 Q. That's one document that I think you must have sent very
21 recently.

22 A. Indeed.

23 Q. Is that the only document of recent times that you've
24 sent in to --

25 A. As far as I'm aware, yes.

1 Q. So anything else was previously?

2 A. Yes.

3 LADY SMITH: Am I to understand from what is being described
4 that where a question mark arises over somebody, there
5 are two options: one is no to perpetual vows and no to
6 renewal of the temporary vows, or no to perpetual vows,
7 but we will renew your temporary vows?

8 A. That's a possibility and does happen.

9 LADY SMITH: This seems to rather suggest that that, in
10 other cases, might have been a way forward but he's not
11 even getting that opportunity in this case?

12 A. But often it wouldn't reach the stage of application.

13 The young brother, if you like, the annually
14 professed brother, would be advised not to apply for
15 perpetual profession, to apply for another year of
16 annual vows.

17 LADY SMITH: I see.

18 MR MacAULAY: It would appear here therefore that the
19 reasonable inference is that the recommendation has been
20 a negative one from the provincial --

21 A. Mm-hm.

22 Q. -- and that AKU himself has written to the
23 Superior General and this is the response that he has
24 then received.

25 A. Yes.

1 Q. The inquiry has also received a letter from Brother
2 Brendan Geary and this was dated 31 October 2018. It
3 won't come on the screen, but it's essentially saying
4 that after receiving letters from the inquiry in
5 September 2018, Brother Geary asked you to make another
6 search of the archives and that you discovered certain
7 books and a letter as a result of that search. Was that
8 search in Glasgow or in Rome?

9 A. I think that was Glasgow.

10 Q. Why were you employed for that task apart from the fact
11 that you're the general archivist?

12 A. Again, it was the Glasgow connection. I think I was
13 coming back on holiday or something like that. I don't
14 think I came back specifically for that.

15 Q. But do you know why that material had not been uncovered
16 previously? Because quite some time before this the
17 inquiry had asked the order for all relevant
18 documentation.

19 A. I have no answer to that apart from that I just had
20 a very careful sweep of the documents, looking in places
21 which the initial sweep might not have considered
22 looking at.

23 Q. One of the documents you uncovered was -- I think it's
24 described in this letter as a minute book and I think
25 we've described it in evidence as a daybook.

1 A. Mm-hm.

2 Q. Do you remember uncovering that particular -- it's in
3 volumes, in fact, three volumes of it?

4 A. I don't remember. I remember being in the archives in
5 Glasgow and doing some searching, but those particular
6 documents, I have no direct memory of finding.

7 Q. I think the Marists, like other orders, had a system
8 whereby the provincial would visit or inspect the places
9 where the Marists were based.

10 A. Indeed, yes.

11 Q. How regular would such a visit be?

12 A. Every year. Once a year.

13 Q. Would a record be kept of the visit?

14 A. Should be. There should be a record in the -- every
15 community should have its own annals book in which the
16 provincial would write his report. The provincial would
17 also send quite a brief report to, if not directly to
18 the Superior General, to what we call the link
19 councillor, the member of the General Council who's
20 responsible for liaison with the particular province.

21 Q. That material, would that then make its way to Rome or
22 would that be local?

23 A. Both. They would stay within the province -- or a copy
24 would stay in the province and the original would go to
25 Rome or vice versa.

1 Q. And did you uncover any of that sort of material in
2 connection with either St Columba's College or indeed
3 St Joseph's College, Dumfries?

4 A. Again, I have no direct memory of that. I honestly
5 couldn't say I did.

6 Q. The statement then you make at paragraph 31:

7 "There are no records in the general archives of the
8 schools, St Joseph's College and St Columba's College."

9 Do we need to qualify that to some extent in that
10 there may be records but you just haven't come across
11 them?

12 A. I would be extraordinarily surprised if there were
13 school records of either of those schools because it's
14 not the practice in the institute to send records --
15 we have copies of school annuals and so on but not for
16 either of these schools, but a number of schools do send
17 their annual publication to us. That would be the only
18 record.

19 Q. And there you're distinguishing between school records
20 then and any records relating to the order itself?

21 A. Indeed, mm-hm.

22 MR MacAULAY: Very well, Colin. I think that's all I need
23 to ask you about today. Thank you very much indeed for
24 coming to give your evidence.

25 My Lady, I haven't been sent any questions to put to

1 Colin.

2 LADY SMITH: Thank you. Are there any outstanding
3 applications for questions? No.

4 Colin, that completes the questions we have for you.
5 Thank you for the hunting work that you've done and the
6 documents that you've helped us with. I'm sure I don't
7 need to add that if you come across anything else,
8 please can we have it?

9 A. Okay.

10 LADY SMITH: I'm sure you will do that.

11 Thank you for your statement, which we have and is
12 of itself very helpful evidence and it has been so good
13 to have you here today to hear you explain a little
14 further. So thank you very much.

15 A. Thank you.

16 (The witness withdrew)

17 LADY SMITH: Mr MacAulay.

18 MR MacAULAY: The next witness, my Lady, is here, but
19 I think in fact he's in the body of the hall, so perhaps
20 we should have a very short break.

21 LADY SMITH: Certainly.

22 (2.35 pm)

23 (A short break)

24 (2.43 pm)

25 MR MacAULAY: My Lady, the next witness is

1 Brother Brendan Geary.

2 BROTHER BRENDAN GEARY (sworn)

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

4 Brother Brendan, I know you've been listening to
5 evidence, so you'll be well used to me pleading with
6 people that they are in a good position for the
7 microphone. It really does help us if you do that.

8 I'm sure I don't need to explain red files or
9 anything else to you. Shall I just hand over to
10 Mr MacAulay?

11 A. Just to add that I would be very happy for you to call
12 me Brendan.

13 LADY SMITH: Thank you very much.

14 Mr MacAulay.

15 Questions from MR MacAULAY

16 MR MacAULAY: Good afternoon, Brendan.

17 A. Good afternoon.

18 Q. Can I just confirm that you have in front of you, in the
19 red folder, the statement you provided to the inquiry.

20 I'll provide the reference of that for the transcript:

21 MAR.001.001.3011.

22 On the final page, page 35, that's 3079, can you
23 confirm that you have signed the statement?

24 A. That's correct.

25 Q. Indeed, it's a very recent statement.

1 A. Yes.

2 Q. 2 October 2019.

3 A. Correct.

4 Q. Can I ask you to confirm that you are content that the
5 statement forms part of the evidence to the inquiry?

6 A. I am content to do that.

7 Q. Can you also confirm that what you have set out here is
8 true?

9 A. Yes.

10 Q. As indeed her Ladyship has just mentioned, you have sat
11 through all or at least most of the days of this case
12 study.

13 A. Yes.

14 Q. Have you found that beneficial?

15 A. I have found it beneficial. I've also found it probably
16 one of the most difficult things I've done in my life as
17 a Marist Brother. It's been very difficult and
18 unpleasant, but necessary.

19 Q. Can you confirm to me that you were born on
20 [REDACTED] 1957?

21 A. That's true.

22 Q. And you begin in your statement setting out essentially
23 your CV, and it's worth bearing in mind that of course
24 you have been here before.

25 A. Yes.

1 Q. And you have provided us with information in connection
2 with your CV previously.

3 A. That's correct.

4 Q. You gave your evidence before in June 2017.

5 A. That's right.

6 Q. And at that time, essentially, you were providing
7 evidence and speaking to parts A and B of the Section 21
8 response that you'd been asked to respond to?

9 A. That's correct.

10 Q. Just to recap one or two points. You told us -- and
11 indeed we heard this again today -- that the province of
12 which you were the provincial -- and I'll come back to
13 that -- is the province of West-Central Europe?

14 A. Correct.

15 Q. And as you told us before, that province consists of
16 five countries: Ireland, the United Kingdom,
17 Netherlands, Belgium and Germany?

18 A. Correct.

19 Q. As at June 2017, there were 107 brothers in the
20 province. Has the number remained approximately the
21 same?

22 A. No, I asked recently for other reasons and I think
23 there's now 90.

24 Q. And at that time, I think you told us that there were
25 ten in Scotland? Is that still the case?

1 A. That's correct.

2 Q. When you gave your evidence -- and this may be why
3 you've become so heavily involved in the inquiry -- you
4 were the provincial?

5 A. Yes.

6 Q. But are you no longer the provincial?

7 A. No, I stopped being provincial on 23 April this year.

8 Q. But as the provincial over a particularly relevant time,
9 were you quite heavily engaged, for example, in
10 responding to and dealing with complaints that may have
11 been made?

12 A. Yes, I was.

13 Q. To recap in relation to what you were asked to produce
14 previously under the section 21 notice, I think you were
15 asked to produce reports for the two schools,
16 St Columba's and St Joseph's, and you also provided
17 what was an organisational report to cover general
18 matters and specific reports for the schools.

19 A. Yes. You may remember we had a little small interaction
20 at the time when I said that it was easier for me to
21 separate those in my mind to manage how to share the
22 information and that's why I did it that way.

23 Q. Can I then just pick up one or two things about your
24 background. One of the things you do tell us is that
25 you were in fact a day student at St Joseph's --

1 A. That's right.

2 Q. -- for a year.

3 A. Two years, 1973 to 1975.

4 Q. And how did you find that experience?

5 A. I found it okay. It was a good experience. I think
6 I did well academically, sufficient to go to university,
7 so it was fine.

8 Q. And the brothers that you had contact with at that time,
9 have we heard some of these names in the course of the
10 evidence to the inquiry?

11 A. Yes. I was just reflecting beforehand. I think the
12 only one of the names which have come up who actually
13 taught me was Brother MMK, who taught us
14 for a short time. None of the others taught
15 me personally.

16 Q. Can I begin by looking at one or two aspects of parts C
17 and D of the Section 21 response, because strictly
18 speaking we hadn't looked at them in any detail. I want
19 to pick up one or two bits and pieces.

20 If we turn to this particular section, it's
21 MAR.001.001.0499. That will come on the screen.

22 (Pause)

23 There's a section headed "Children", 4.5, and
24 there's a question:

25 "What policies and/or procedures did

1 the organisation have in place in relation to caring for
2 children?"

3 And the response is:

4 "The Marist Brothers followed the requirements of
5 the Scottish Education Department and made the brothers
6 aware of the requirements of the Common Rule and
7 Constitutions of the Marist Brothers, which indicated
8 appropriate behaviours regarding the care and
9 relationships with children."

10 A. Yes.

11 Q. I think we looked at this before to some extent.

12 A. Yes.

13 Q. Indeed this morning, I think there was some reference
14 made to the rules --

15 A. Yes.

16 Q. -- and what these rules stipulated in relation to
17 contact with children. Again, if I can just go back to
18 that briefly. This is at MAR.001.001.0458.

19 (Pause)

20 We're looking at the document that's called "The
21 Common Rules of the Congregation of the
22 Marist Brothers". We're looking at the page that tells
23 us this was the version approved in 1960.

24 A. Yes.

25 Q. I think when a previous witness was asked about this,

1 I don't think he professed to have very great knowledge
2 of it, but has this changed at all in relation to the
3 period beyond 1960?

4 A. Let me put that in context. In 1967/1968, the
5 Marist Brothers, as with every religious order in the
6 church, had what was called a General Chapter, and
7 that's a meeting of delegates from all over the world,
8 to review and update constitutions and other rules and
9 regulations, and the Marist Brothers did so.

10 So what happened in that time superseded anything
11 that came before. So when I joined the brothers in
12 1975, we didn't study this book. I saw it on the shelf,
13 but to be honest, I never read it, because it was before
14 my time.

15 When I was asked to send copies of constitutions and
16 other documents for the inquiry, I saw this and said,
17 this is something I have to send. And because I was
18 interested, I looked and I found the section on
19 relations with pupils, and I read it for the first time
20 at that time.

21 I think there's two things I'd say, Mr MacAulay. It
22 was in a sense, in terms of proper law, which is the law
23 of the Marist Brothers, it was superseded but I think
24 what has emerged, if I can say it, from the testimony of
25 MJZ [REDACTED], from Stephen Smyth and from others, is

1 there were aspects of the traditions of that in terms of
2 customs and practice which continued. From the letter
3 of Brother MMK, for example, this morning, he refers
4 to the fact that there should have been two brothers in
5 the dormitory and there wasn't.

6 That would say while it is said in there, and that
7 was superseded, aspects of that tradition and that
8 custom and practice did continue and it would have been
9 understood.

10 LADY SMITH: Was there another publication?

11 A. There are a number of publications and I sent them to
12 the inquiry.

13 LADY SMITH: Right. Thank you.

14 MR MacAULAY: So are you saying that the 1960 edition then
15 has been superseded by a subsequent publication?

16 A. It's not as clear as that. They did a completely new
17 set of documents in 1967/1968 and there were aspects of
18 what's here that were put into new documents, but some
19 of the specifics of the part that I sent you, because
20 I copied it, on relations with pupils, that was not
21 exactly put into any of the further documents in that
22 exact same way.

23 Q. So if we're looking for relationships with pupils in
24 this form, this is the document we go to?

25 A. I would have to go back to -- I actually produced about

1 seven documents of that chapter and I haven't read them
2 all in a long time, so I'd have to go back and check.

3 I simply cannot answer that, but I could find out to
4 see was it put in a different way. What I personally
5 liked about this document was the simplicity and the
6 clarity with which it was put down.

7 LADY SMITH: When you say "this", you mean the 1960
8 document?

9 A. Yes.

10 LADY SMITH: Did the 1967/1968 documents expressly revoke
11 the 1960 document?

12 A. I'm not trying to be difficult here, but that's a kind
13 of specific answer. What happened in the Second
14 Vatican Council in 1962 to 1965 was that every religious
15 order was asked to update its rules and procedures.

16 Whether it specifically revoked is a question I'm
17 not exactly equipped to answer, but they brought in new
18 documents and I don't think they were all as specific in
19 some of these details as the 1960 one.

20 LADY SMITH: Help me with this: if for argument's sake the
21 1967 and 1968 documents were silent on the directions
22 and guidance about looking after children in boarding
23 establishments, must it not be the case that for that
24 you did have to go back to the 1960 rules?

25 A. I don't know the exact answer to that, my Lady, and I'm

1 not trying to avoid it. What I think I would say is the
2 custom and practice contained in that did continue and
3 I think that has been demonstrated in some of the
4 witness statements to the inquiry.

5 LADY SMITH: I always get nervous when people talk about
6 custom and practice because they're usually talking
7 about hoping that the correct guidance was handed down
8 by word of mouth and nothing more than that; is that it?

9 A. What I can say is that I never saw anything from 1967
10 and 1968 as explicit as what I found in this document
11 from 1960.

12 LADY SMITH: Thank you.

13 MR MacAULAY: We had a discussion when you were here before
14 about the provision dealing with two brothers in
15 a dormitory and -- I think it may have been questions
16 from her Ladyship -- you said that it was a form of
17 safeguarding provision for obvious reasons.

18 A. I think it was more than that. It was also about
19 sharing the workload of being in a dormitory with a
20 number of boys.

21 I think also -- and this is me interpreting in the
22 background from the light of my own knowledge -- that
23 I think what it did, it provided a certain safeguarding
24 provision by having two people there all the time.

25 Q. And clearly, that's what the rule envisaged, it was

1 a safeguarding -- it was, in a sense, a safeguarding
2 provision to protect children and to protect the
3 brothers indeed?

4 A. I think so.

5 Q. The other provision that we needn't go back to Rule 443,
6 but if we look at page 0461 then, this is Rule 431.
7 If we zoom in on 431, we read there:

8 "The brothers are absolutely forbidden to strike
9 their pupils, because such forms of corporal punishment
10 denote a lack of self-control ..."

11 A. Yes.

12 Q. "... a failure in the respect due to the pupil, and are
13 opposed to Christian charity, to the dignity of the
14 religious educator, and to the wishes of the parents."

15 That looks, indeed, a very modern type of version.
16 We've heard evidence, clearly, if it's accepted, that
17 brothers did use at least corporal punishment --

18 A. Yes.

19 Q. -- on the face of it, in contravention of this
20 particular provision.

21 A. Yes.

22 Q. And clearly, that wasn't what was envisaged?

23 A. No.

24 Q. But what about any sort of revisal of that provision?

25 Is there anything in the rules that permitted, even at

1 a time when corporal punishment was beginning to be
2 phased out, that brothers could use corporal punishment?

3 A. I haven't seen it in this. I only read this for the
4 first time when I was preparing for the inquiry. What
5 I happened to come across is that recently someone wrote
6 a very thorough history of the order and mentioned that
7 at a number of General Chapters the issue of corporal
8 punishment came up with many people arguing that it
9 should not be allowed in Marist schools. So I was quite
10 pleased when I saw this, and clearly there are many
11 brothers who did not respect that.

12 LADY SMITH: So that's a number of General Chapters going
13 back over the years, are you saying?

14 A. I think it was in a volume to do with the early
15 20th century, this issue of whether or not corporal
16 punishment should be clearly not allowed in Marist
17 schools came up at General Chapters and was discussed.

18 I also came across from 1931, at the foundation of
19 a school in Dundee, that the then new headmaster wanted
20 corporal punishment in the school.

21 LADY SMITH: So that's well before the 1960 rulebook?

22 A. Yes.

23 MR MacAULAY: If we move on in the Section 21 response to
24 page 0501, MAR.001.001.0501.

25 If we move towards the bottom of the page, there's

1 a heading "Staffing" at 4.6.

2 A. Yes.

3 Q. And the question was:

4 "What policies and/or procedures did
5 the organisation have in relation to staffing?

6 "The majority of brothers were graduates and
7 qualified teachers according to the requirements of the
8 Scottish Education Department. All lay staff likewise."

9 There has been evidence that if you take
10 St Columba's, for example, that very young men went to
11 St Columba's to teach. So do we need to qualify that
12 particular statement standing the evidence that we've
13 heard?

14 A. When I wrote that, I think I said that because they were
15 private establishments, it was possible to give teaching
16 and boarding responsibilities to brothers who either had
17 not fulfilled the teaching requirements of the Scottish
18 Education Department, et cetera.

19 So I think what happened was -- and this is me
20 guessing from the past -- that since they were young
21 boys there, it was appropriate to have some younger
22 members of staff. Sometimes the brother appointed was
23 one who'd simply finished his Highers or had not
24 actually done teacher training and that seemed to be
25 something that happened across those years.

1 Q. Can you comment on that? Do you think that was an
2 appropriate position to adopt, having such young men
3 totally unqualified to be teaching children?

4 A. I think your question answers itself, Mr MacAulay. It
5 wasn't an appropriate thing to do, but it was part of
6 what was done at that time.

7 Q. The other provision in the response I want you to look
8 at is at 0508. This is the heading "Internal
9 investigations".

10 A. Yes.

11 Q. The question was:

12 "What policies and/or procedures did the
13 organisation/establishment have in place in respect of
14 internal investigations?"

15 And you say:

16 "To our knowledge, no internal investigation took
17 place regarding an allegation of abuse during the time
18 when the Marist Brothers were responsible for these two
19 establishments."

20 Although we have heard, and indeed we heard again
21 this morning, of a kind of investigation carried out by
22 Brother MMK

23 A. That's right.

24 Q. Would you exclude that sort of investigation from this?
25 Were you having in mind a more informal type of internal

1 investigation?

2 A. No, I wouldn't exclude that. At the time when I wrote
3 that, I wasn't aware of that investigation.

4 I actually read Brother MMK's letter for the first
5 time this morning. Also, as you know, earlier this year
6 some papers were found in our archive which indicated
7 what looked like an internal investigation, and I did my
8 best to create some kind of a narrative based on that
9 and sent it to you.

10 Q. Yes, that has been sent to us.

11 A. So those two things were sent subsequent to me writing
12 that, which I think I did in 2016.

13 (Pause)

14 Q. I wonder if there are particular updating corrections
15 that may be required to the Section 21 response, such as
16 you've just mentioned?

17 A. Yes.

18 Q. It would be helpful, I think, to the chair if these were
19 to be included, because these documents are quite
20 important when the findings are being considered.
21 I think that's right, isn't it?

22 LADY SMITH: Absolutely. And without wanting to put anyone
23 under undue pressure, I would really like to have that
24 done before we have closing submissions so that I know
25 when we finish the submissions that I've got all the

1 material that is available, at least at that stage.
2 We're not doing them next week, that's the week after
3 next, so there's a little time in hand. If that could
4 be done, that would be very helpful.

5 A. As with everything I have done for the inquiry, my Lady,
6 I'll do what I can.

7 LADY SMITH: Thank you.

8 MR MacAULAY: Another area that may require some updating is
9 in relation to records and what records have been
10 produced to the inquiry, because I think at one point --
11 you said this in evidence -- you said that there were no
12 records for St Columba's, but in fact we now know there
13 are records for St Columba's.

14 A. Yes.

15 Q. And I think, in particular, the very important daybook,
16 which I think we've heard this morning is quite
17 an important document.

18 A. Yes. You asked Brother Colin about that and I heard
19 what he said.

20 What actually happened was I received another
21 request from the inquiry about data and documents and
22 I know how important that is. Brother Colin had been in
23 Glasgow and I had asked him at one point, when the
24 previous archivist died, to go and basically tidy up the
25 room to make sure that things were in good order.

1 Because of his familiarity and his work in the
2 archive in Rome, I asked him to come over and actually
3 check the archives to ensure that in fact there were no
4 other documents that had been excluded in the process of
5 that.

6 As we know, he came across those three books and
7 I was both delighted that we had them to send you and
8 shocked that they hadn't been found beforehand. As
9 my Lady knows, I wrote to her and apologised for that
10 and ensured that documents were passed on to you.

11 Q. Thank you for that.

12 The material you found very recently and mentioned
13 a moment ago, we can perhaps look at that just now.
14 I'll put this on the screen: MAR.001.001.2860.

15 We're looking at a letter dated 22 March 2019
16 addressed to Leo Martin, who are your solicitors.

17 A. Yes.

18 Q. And it's your letter. If we turn to the next page, we
19 can see you signed the letter.

20 Is this the information you mentioned a few moments
21 ago that you'd come across, or someone had come across,
22 and you were drawing the inquiry's attention to it?

23 A. Yes. One of my separate concerns was what to do about
24 the archives of the brothers in Britain. We arranged
25 for them to be transferred to the Scottish Catholic

1 Archive in Edinburgh.

2 I was also concerned not simply to give a whole lot
3 of archives, but to send them with a catalogue, which
4 I thought was a responsible thing to do. So with the
5 help of the Scottish Catholic Archives, we employed an
6 archivist to go through and catalogue the archive and
7 I said to her, "If you come across anything that might
8 relate to the Scottish Child Abuse Inquiry, you have to
9 let me know".

10 So she sent me an email, which I think I quote in
11 another document, indicating these. I was in Belgium
12 at the time. When I came over, I looked at them and
13 I tried to piece together what was going on.

14 I spoke to the brothers who were alive who had been
15 at St Joseph's at the time, which was helpful, and then
16 I put together the narrative as best I could and then
17 sent this document to Leo Martin.

18 Q. Essentially, it's relating to an internal investigation,
19 as you set out in the first paragraph --

20 A. Yes.

21 Q. -- that took place at St Joseph's in 1956?

22 A. That was my conclusion based on the information and
23 using other sources, plus the conversations I had.

24 Q. And did it relate to allegations of a sexual nature?

25 A. Neither the words "sexual" nor "abuse" are used in

1 either of the two documents, which I think you now have
2 in your possession --

3 Q. We do.

4 A. -- but it seems to me, from putting together what I know
5 and the words that were used and what was written there,
6 it was clearly about some sexual impropriety on the part
7 of some brothers with some students.

8 LADY SMITH: I think it's pretty plain on the face of the
9 language, isn't it?

10 A. Yes.

11 MR MacAULAY: Again, we would be grateful if you could
12 perhaps incorporate that in any revision of the document
13 that you carry out.

14 A. Sure.

15 Q. Can I then move on to part D of the response. That's
16 the part that's dealing with abuse and the response to
17 abuse. This is at MAR.001.001.0515.

18 Here you have set out information in relation to the
19 nature and extent of abuse reported to the order.

20 Again, this may require updating:

21 At 5.2 you say that:

22 "At the time of the submission of the document there
23 are 24 allegations related to St Joseph's College,
24 Dumfries, and three allegations relating to St Columba's
25 College, Largs."

1 Has that remained the position or has that changed
2 since then?

3 A. That has changed, especially in relation to what I've
4 heard this week.

5 Q. But in particular, I think you are focusing on what's
6 been sent to you directly?

7 A. That was sent -- at the point at which I wrote that,
8 that was the data we had.

9 Q. For example, looking to other data, it may be, for
10 example, in relation to St Columba's Largs that there
11 are now five allegations as opposed to three.

12 A. That's right.

13 Q. And in 5.5, and this may be obvious -- this is at
14 0517 -- at (v) you talk about one [REDACTED] but we
15 know there's been the two [REDACTED]

16 A. Yes.

17 Q. Of course, you can be excused for that because

18 AKU [REDACTED] wasn't [REDACTED] until [REDACTED].

19 A. That's right.

20 Q. That's the sort of information that would require some
21 updating?

22 A. Okay.

23 Q. The other part of this I want to look at is the
24 supplementary report because it is the case, I think,
25 that in February this year, you were asked to update the

1 information that you had in relation to allegations of
2 abuse, who was making the allegations, and against whom
3 the allegations were being made.

4 A. Yes.

5 Q. If we then look at the supplementary report, it's in the
6 form of an appendix and I want to look at one part of it
7 just to see how it's laid out. This is at
8 MAR.001.001.2722.

9 The way you've set this out, you deal with
10 individual brothers against whom allegations have been
11 made, and this -- it's been redacted, but this relates
12 to Brother Germanus --

13 A. Okay.

14 Q. -- who we have heard about in evidence. His proper name
15 was David McKell, that's his family name. That's all
16 been blacked out.

17 The second bullet point is the period or dates
18 during which they are know or alleged to have abused
19 children cared for at the establishment. Here the only
20 period you've covered is 1976 to 1979. But is it the
21 case that -- I think it is the person that's been
22 referred to as Edward -- has indeed has been in contact
23 with the order, and who was in St Columba's between 1963
24 to 1967 -- that he too at least has complained to you of
25 abuse?

1 A. Quite simply, Mr MacAulay, that is incorrect and that
2 needs to be corrected.

3 Q. So again, if you could bear in mind that sort of
4 statistic?

5 A. Yes.

6 Q. While we have this on the screen, you've set out
7 Brother Germanus' track record. I also put this to the
8 previous witness. Can we see he was in Largs from 1957
9 to 1973, Dumfries 1973 to 1975, and then back to Largs?
10 Have you any insight as to why Brother Germanus left
11 Largs, went to Dumfries and then went back to Largs?

12 A. I have none whatsoever, Mr MacAulay.

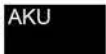
13 Q. Would that be a normal process?

14 A. Yes. If I brought more fiches of more brothers, you
15 would see similar movements and that kind of thing.

16 Q. You have listened, I think, to the evidence relating to

17  AKU

18 A. Yes.

19 Q. And indeed, you heard  AKU himself give evidence.

20 A. Yes.

21 Q. He succeeded Brother Germanus in 1980 and he was there
22 until 1982.

23 A. Yes.

24 

25

1 A. Yes.

2 Q. What is your reaction to that particular chapter of
3 evidence?

4 A. I'm appalled. AKU [REDACTED] was my classmate. We were
5 younger brothers together, and to then find that he had
6 been abusing children in this way is something I find
7 quite dreadful.

8 [REDACTED]

9 [REDACTED]

10 Q. Yes.

11 A. That's not something I ever thought I would do.

12 Q. But on the face of it, and you can correct me if I'm
13 wrong, he appears to have had the run of the
14 establishment in that he seemed to -- [REDACTED]
15 [REDACTED], of not just some sort of clandestine
16 encounter with a young boy, he had a variety of
17 different boys --

18 A. Yes.

19 Q. -- even together involved in fairly depraved acts of
20 a sexual nature?

21 A. Yes.

22 Q. What does that tell us about the supervision or the
23 systems that were in place to prevent that sort of thing
24 happening?

25 A. I think the use of the word that he had the run of the

1 establishment -- the other side of that is that our
2 system was based on trust and the majority of
3 Marist Brothers were able to hold that trust and look
4 after children.

5 I think again if you go back to some of the other
6 testimony you've heard this week of people who were very
7 conscientious in undertaking that trust. So the trust
8 that he had allowed him, in the words you've used, to
9 have the run. That was not the intention of how the
10 system worked. I think AKU [REDACTED] abused that trust in
11 a way that you can use the words "had the run" and
12 behaved in the deprived way that he did.

13 Q. Can I then move on to look at the statement that you've
14 produced recently. Let's get that back on the screen.
15 You have it in front of you in the folder. I want to go
16 to MAR.001.001.3015.

17 I have taken from you that you were the provincial;
18 what role do you play at present?

19 A. At the moment I work with doing workshops and training
20 in the area of safeguarding and other things. Also,
21 Brother Ronnie McEwan informed me that the Provincial
22 Council wished to appoint me as safeguarding delegate
23 for Scotland.

24 Q. Have you been appointed yet?

25 A. I'm waiting for the provincial to contact me to make

1 that appointment, but I gather that's something that's
2 in the process and I was aware of that.

3 LADY SMITH: Can you just give me that job title again,
4 please?

5 A. I think safeguarding delegate for Scotland.

6 MR MacAULAY: I haven't taken from you, and I can't remember
7 now if I took it from you on the last appearance, but
8 clearly your qualifications would qualify you for that
9 sort of role.

10 A. Yes.

11 Q. You have, for example, a PhD in pastoral counselling
12 from, I think, the Loyola College in Mary land.

13 A. Yes.

14 Q. And you have published in this field?

15 A. Yes.

16 Q. Can we then look at page 3015 and move towards the top
17 of the page.

18 (Pause)

19 MAR.001.001.3015.

20 LADY SMITH: Is it a page in Brendan's statement you're
21 looking for?

22 MR MacAULAY: It is, yes.

23 LADY SMITH: That's what is certainly on my screen.

24 (Pause)

25 Wait a minute, I see what you mean. 3015 begins

1 with different wording on that screen than on the print.

2 MR MacAULAY: It does. Can we perhaps try

3 this: MAR.001.001.3011.

4 That's the beginning of your statement. If we move
5 on to the next page, I think the way it's worked is
6 because of -- it may have come in in a particular form.
7 Page 2 is page 3013.

8 LADY SMITH: I think it has probably been sensibly
9 renumbered on the document system, whereas the hard copy
10 is missing every page; it's only numbered odd numbers.

11 MR MacAULAY: So I'm probably looking for 3013 then, if
12 we can go to that.

13 (Pause)

14 LADY SMITH: Does it have "Aims as provincial" at the top of
15 it?

16 MR MacAULAY: Yes.

17 Can I ask you then -- just on that, you've set out
18 the aims of the provincial based on your values and
19 experience. Can you take us through that?

20 A. Yes. I wrote that in preparation for a meeting with
21 Bishop Toal and some other delegates of the Scottish
22 bishops. And as I reflected, I thought: what was
23 I trying to do? So I didn't begin as provincial with
24 four goals and then set out to do it. That's
25 a retrospective reflection on what I think I was trying

1 to do. And the four things there were things that
2 I thought important:

3 "Establish safeguarding policies in the five
4 countries of the province."

5 That's important and that was something that was
6 done:

7 "Engage directly where they were allegations of
8 abuse and removing brothers from ministry if necessary."

9 And again, that's something that I tried to do where
10 possible. And:

11 "Providing treatment and support for any brothers
12 who had offended."

13 And I endeavoured to do that. And:

14 "Responding with compassion and transparency to
15 victims of abuse."

16 And I said:

17 "Each of these goals has proved more difficult and
18 complex in practice than I had anticipated, in
19 particular the last one."

20 Then I have an extended discussion about this issue
21 of compensation and compassion.

22 Q. Coming to the penultimate bullet point:

23 "Providing treatment and support for any brothers
24 who had offended."

25 If you take a brother like Brother AKV

1 for example, [REDACTED] was he still
2 a Marist Brother?

3 A. No, I think he had signed his indult of separation prior
4 to being brought back.

5 Q. Would that sort of situation, that sort of behaviour
6 inevitably result in that individual being essentially
7 expelled from the order?

8 A. At that time, no. However, at the General Chapter that
9 was held two years ago, at which I was a member, we
10 changed our constitutions to say that if any brother is
11 [REDACTED] sexual abuse, he will be dismissed from
12 the institute. And I added that would also include
13 downloading sexually abusive material on the internet
14 too, to make sure that's absolutely clear.

15 Q. Can we then look at what you call "Compensation and
16 compassion".

17 A. Yes.

18 Q. And you say that, without a doubt, the issue that's
19 caused you the most angst and heartache has been how to
20 respond to alleged victims who seek compensation.

21 A. Yes.

22 Q. You then set out the policy that has been adopted by the
23 Marist Brothers in Scotland.

24 A. Yes.

25 Q. Is this bespoke to Scotland or is this a policy that is

1 worldwide for the --

2 A. No, this is bespoke to Scotland.

3 Q. Because I think you talk about the Netherlands later on.

4 A. Yes.

5 Q. Can you tell us what the policy is in relation to the
6 compensation in Scotland?

7 A. The policy for compensation is that we're not against
8 the idea of paying compensation, but that, as was part
9 of the conversation this morning between Lady Smith and
10 Ronnie McEwan, we had been advised that we were not
11 simply able to provide finance to someone by giving
12 a cheque, because of the understanding of the laws of
13 the Charity Commission and/or now OSCR in Scotland.

14 There were also the difficulties about how do you
15 make the decision about how to give that compensation?
16 And if there's an absence -- and it's a difficult word
17 to use in the context -- proof, how do you go about
18 that?

19 If I can reflect on the past few weeks, there have
20 been a number of allegations made against people who are
21 living who, when they were asked, denied it. So how do
22 I find myself, as provincial, adjudicating between
23 someone who claims abuse and, for the most part
24 I believe? I know from my studies that probably 95% of
25 allegations are accurate, but what do you do if someone

1 actually then denies it or if the brother is dead and
2 cannot speak for himself? So it wasn't a simple thing
3 to do, even though I do understand the legitimate
4 expectations in claims of people who claim they have
5 been abused.

6 That's how we got to that policy. And I think I go
7 on to say this is something that caused me considerable
8 distress during all of those years, but that's where we
9 got to, for the reasons stated.

10 Q. Does the policy then result in a situation, if you do
11 get the denial or if the brother is dead, that
12 inevitably you require to go to court and get a court
13 order or can it be dealt with on a more informal basis?

14 A. No, we have not chosen to deal with it on an informal
15 basis when we've had claims for compensation, and as you
16 know, because I've written extensively, that is why
17 I would have hopes for a redress board, where I hope we
18 can have a way out of this difficulty that I have
19 experienced.

20 Q. If you take the AKU [REDACTED] victims, where there has
21 been [REDACTED] even although AKU [REDACTED] denies
22 absolutely the conduct, how would you deal with that
23 sort of situation?

24 A. The simple answer to that is I haven't actually thought
25 of that yet because [REDACTED]

1 [REDACTED], and I've been involved in ending the job as
2 provincial and preparing for this inquiry, but clearly
3 it's something I need to give thought to.

4 Q. Very well.

5 LADY SMITH: I do note, Brendan, in 3014, you recognise that
6 to require people to go through more distress and
7 heartache, the anxiety of litigation, being told they
8 have to subject themselves to more questioning and
9 examination, perhaps by psychologists or psychiatrists,
10 is a deeply unattractive process to be engaged in;
11 is that right?

12 A. It's distressing and it's not something I was happy
13 with.

14 MR MacAULAY: The role of the Charity Commission in feeding
15 into this policy, I think you mention that.

16 A. Yes.

17 Q. Can you help me with that?

18 A. Yes. Before dealing with this, another colleague said
19 to me, from England, that the advice his diocese had
20 received was that as a charity, they couldn't simply pay
21 out to someone who was alleging abuse.

22 I have since discovered another religious order had
23 been in dialogue with OSCR and, as I said, did not
24 achieve a satisfactory outcome. I think the eventual
25 answer was, "You can pay out within the law", which

1 strikes me as tautological.

2 I know another diocese in England and I heard -- not
3 from the diocese, from someone else -- had engaged in
4 extensive conversation.

5 I think I mention a conversation I had at
6 a conference at the BLM Law in England, where one of the
7 members of the company said that they now appeared to
8 take a more flexible view of the difficulties. I was
9 very pleased to hear that, but that was not what I had
10 heard until then.

11 That's the understanding I have based on what
12 Brother Ronnie was told when he was provincial and based
13 on the legal advice that I have received.

14 Q. You say in the fourth bullet point on page 3014 that
15 you haven't been able to trace any insurance policy --

16 A. Yes.

17 Q. -- to cover personal injury or abuse. Is that
18 in relation to the two schools that we are concerned
19 about?

20 A. Yes.

21 Q. And are you saying that they were not insured?

22 A. No, I'm not saying that. I'm saying we have not yet
23 found an insurance policy. I cannot believe they
24 weren't insured.

25 Q. That's the point and that's why I wondered about that

1 comment.

2 Do I take it you don't even know who the insurers
3 were?

4 A. To my knowledge, I think there's been a document found
5 from Sun Alliance, and I'm not sure, apart from that,
6 what has happened because I'm not dealing with that side
7 of things. But I know at this moment we have not
8 identified a policy that demonstrates insurance and
9 I cannot believe we did not have insurance for the
10 schools.

11 Q. So do I take it from that answer that, as things stand,
12 it is the order as the order who is exposed to the
13 claims?

14 A. Yes.

15 LADY SMITH: I can't remember precisely, but I'd be
16 surprised if it wasn't a Scottish Education Department
17 requirement --

18 A. I would expect so too, my Lady.

19 LADY SMITH: -- that you had insurance. There was even
20 a period that there was a rule you had to display your
21 certificate of insurance on the walls, if I'm
22 remembering rightly.

23 A. Yes, I think that's still the case, so I'm puzzled by
24 that, frankly.

25 MR MacAULAY: The compassion limb of your approach. You

1 tell us, for example, you have paid for counselling --

2 A. Yes.

3 Q. -- and we heard the same from Brother Ronnie --

4 A. Yes.

5 Q. -- and you have engaged with persons who have come to
6 you.

7 A. Yes.

8 Q. Overall, do you consider that the compassion limb has
9 been a successful policy?

10 A. Sometimes and not always.

11 Q. Have you had many former pupils of these two schools
12 coming forward and deriving some benefit from this
13 particular part of the policy?

14 A. If you look at the documentation I provided related to
15 Jack, and especially if you look at the tenor of that
16 communication and his last communication to me, that
17 struck me as a fairly successful outcome in terms of the
18 respectful communication between myself, Brother Ronnie
19 and Jack.

20 If you look at the early part of the communication
21 with Edward, I think that appeared to indicate great
22 respect and sensitivity on both sides.

23 Those are the two that I've dealt with. I dealt
24 with others in other countries, but those are the ones
25 in Scotland that I'm aware of.

1 Q. But as you say, it's a mixed result, isn't it?

2 A. Yes.

3 Q. You go on in your statement to talk about a proposal you
4 put to the Bishops of Scotland.

5 A. Yes.

6 Q. That's towards the bottom of page 3014. Can you tell me
7 about that?

8 A. Certainly. I said this caused me considerable angst and
9 anxiety and upset. I wanted a way forward. And with
10 the announcement of what was then the
11 O'Brien Commission, that seemed to me an opportunity to
12 make a proposal to the Scottish Bishops about having
13 a one-church approach. We're a very small church in
14 Scotland. It's not big.

15 We -- I think it was through our lawyers -- made
16 contact with Archbishop Tartaglia, or I did it myself,
17 I would have to check my records. After a bit of time,
18 there was communication with Bishop Toal and we met and
19 I have described that meeting there.

20 I have actually taken a fair amount out of what
21 I said there and put it in there, which was my proposal
22 that, given the difficulty that I was experiencing --
23 and I could imagine others were -- could we take the
24 initiative to propose a redress board based on some of
25 the models I had come across elsewhere, in particular

1 the one from the Netherlands because I was living in the
2 Netherlands at that time.

3 Q. That's the Meldpunt?

4 A. Yes. There was also one in Belgium called the conseil
5 d'arbitrage, which was very similar -- they both had
6 similar approaches.

7 Q. But this appears to be some sort of tariff approach?

8 A. That's right.

9 Q. And how did this end up then with regard to your
10 interaction with the bishops?

11 A. Again, if you can see further down, we had the meeting
12 and I think they were very grateful for it. Then later
13 I was sent information about a proposal from
14 Cardinal Dolan in New York to have a redress system for
15 the Diocese of New York, so I decided to forward that to
16 the bishops as an example that could be done within the
17 church as a model, and then I got a letter which you'll
18 see that I have actually put in there --

19 Q. Yes.

20 A. -- in which Bishop Toal said that some of the bishops
21 were interested in this kind of proposal.

22 Then there was another meeting. By that time
23 Lady Smith had taken over the inquiry, and in your first
24 opening statement you spoke about redress boards, and
25 I said, in the light of that decision by the inquiry,

1 perhaps we need to leave it until the inquiry has
2 finished and see.

3 Q. The comment that you mention from Lady Smith, if I can
4 get my pagination sorted out, is on 3019, I think. It's
5 3027 in our copy.

6 A. Yes. On this copy it's 3027.

7 Q. Yes. I'll read this out. You say:

8 "I have noted that Lady Smith in her opening
9 statement at the preliminary hearing in Edinburgh on
10 31 January 2017, referred to the issue of compensation:

11 "'We can and we will consider and examine what part
12 formal redress schemes have played in the UK or
13 elsewhere when responding to the discovery of abuse, and
14 whether a redress scheme could play a part in Scotland
15 in the future.'"

16 I just wonder why that -- I think you're saying that
17 that essentially brought to a halt what you yourself,
18 along with the bishops, were exploring at that time.

19 A. I think "brought to a halt" might be overstating it. It
20 just seemed that since the inquiry was already going to
21 look at that, that we would wait until the end of the
22 inquiry and my hope would be that there will be
23 a redress scheme perhaps would be the route to take.

24 LADY SMITH: It's important that you understand that comment
25 in the context of the overall terms of reference. I'm

1 not asked to recommend whether or not to institute
2 a redress scheme. Indeed, as you know, in Scotland the
3 government has moved in that matter since then and early
4 payments are now being made with a view to a scheme
5 being in place later on.

6 But the subject of redress is something that we
7 recognised at the outset may be relevant when
8 considering the impact of abuse and the responses to
9 abuse, which we do have to look at in a broad way.

10 A. Yes.

11 LADY SMITH: So it's not up to us to come up with the best
12 scheme, doing a separate investigation into redress
13 schemes, but very broadly to look at it in the context
14 of responses.

15 A. Thank you for that information.

16 I think what I'd like to say, my Lady, is when
17 I read your letter, it gave me a lot of hope as a way
18 forward.

19 LADY SMITH: Thank you.

20 MR MacAULAY: You go on to consider the Scottish Government
21 proposals --

22 A. Yes.

23 Q. -- and we know that there is a consultation paper dated
24 2 September 2019.

25 A. Yes.

1 Q. You quote a proposal that you take -- you give
2 consideration to. That is:

3 "For example, children who attended fee-paying
4 boarding schools and were sent there by their parents
5 for the primary purpose of education were not the
6 long-term responsibilities of the institution in place
7 of the parent and therefore would not be eligible under
8 this financial redress scheme."

9 A. Yes.

10 Q. Could I understand from you what your reaction to that
11 proposal is?

12 A. I have stated it there, I think, very simply and
13 clearly. The Marist Brothers do not support this
14 proposal and believe that all children who were abused
15 in residential care should be eligible for financial
16 redress.

17 Q. I think underlying that is abuse is abuse is abuse,
18 whether it's in a fee-paying school or
19 a children's home?

20 A. Exactly.

21 Q. The point you make in the following paragraph about
22 removing technical barriers, that's quite pertinent
23 I think to particular evidence that we heard in this
24 inquiry.

25 A. That's right.

1 Q. Can you develop that for me?

2 A. I didn't follow all the details of what John said, but
3 I was saddened and concerned that there would be
4 a technical barrier to him receiving compensation due to
5 something about the manner in which payment was made for
6 his stay at St Joseph's College and I want to make it
7 very clear, we, the Marist Brothers, do not support that
8 kind of technical barrier.

9 Q. I think his technical barrier related to whether or not
10 he could identify the bursary scheme that he had been
11 sent to St Joseph's on.

12 A. Yes.

13 Q. You then, under the heading "Additional information",
14 set out in quite some detail correspondence that you had
15 with Edward.

16 A. Yes.

17 Q. As you mentioned earlier, that began in quite a positive
18 way.

19 A. That's right.

20 Q. You devote a number of pages quoting the correspondence.
21 Of course, this has been covered by Brother Ronnie
22 earlier this morning.

23 A. That's correct.

24 Q. But did that, as it were, come to a relatively
25 unfriendly end?

1 A. Yes.

2 Q. Are you able to explain why that was from your
3 perspective?

4 A. I think Brother Ronnie dealt with it earlier today.

5 From my point of view, the beginning of the
6 relationship, I think, was very respectful, very
7 cordial, which is what I'd want, and at the point when
8 Brother Ronnie explained the policy of compensation,
9 which we've gone into in some detail, as Brother Ronnie
10 did, that caused difficulties in the relationship, and
11 I deeply, deeply regret that, but that's what happened.

12 Q. If we turn to page 3028 -- it's page 3045 of the hard
13 copy -- you deal there with the issue about informing
14 the police. Again, Brother Ronnie has covered this, but
15 there was an oversight on the part of the order in
16 connection with the undertaking given to Edward that the
17 police would be informed.

18 A. As Brother Ronnie said this morning, that was not done
19 properly. We failed to report to the police, despite
20 the fact we were committed to doing so.

21 As I explain there, I discovered an email on
22 15 October that helped me to understand part of how that
23 happened. From my point of view, I was exercising some
24 oversight, but I was also involved in four other
25 countries, being provincial and other things. I made an

1 assumption that that had been done and it hadn't. So
2 there was a failure of oversight and in that sense it
3 was my responsibility.

4 Q. Can I then take you on to the section on 3029 that is
5 focusing on allegations in connection with the death of
6 Aldo Moroni.

7 A. Yes.

8 Q. I think the position is that, so far as you were
9 concerned, in relation to your dealings with the police,
10 you were assured that there was nothing to indicate
11 criminality.

12 A. I didn't personally deal with the police; that was done
13 through our lawyers --

14 Q. Yes.

15 A. -- but there is the communication, which I think is
16 copied on page ...

17 Q. I think it's --

18 A. 57.

19 Q. That's 3033.

20 A. From DCI John Hogg, which says:

21 "Regarding the death of Aldo Moroni, I have
22 conducted the review of the known circumstances
23 surrounding the death and recorded circumstances around
24 the death and at this time there is nothing to indicate
25 criminality."

1 Q. And I understand you did listen today to the evidence
2 that has been led and clearly that's evidence that the
3 inquiry will have to give serious consideration to.

4 A. Yes, thank you.

5 Q. Clearly, the discovery of the daybooks was an important
6 discovery.

7 A. Yes.

8 Q. In other inquiries, the documents that have been of
9 particular assistance to the inquiry have been
10 registration books --

11 A. Yes.

12 Q. -- which would indicate when a child went to a school
13 and when a child left. We don't have anything of that
14 kind for St Columba's.

15 A. Mr MacAulay (sic) discussed that with Brother Douglas,
16 I think yesterday, and I think there was a considerable
17 confusion of terminology. Annals became the daybook.
18 Somebody put daybook in front of that book, but it'd be
19 normally what we'd call the annals.

20 Q. So the document we've looked at with descriptions,
21 virtually on a daily basis, that's the equivalent of the
22 annals?

23 A. Yes. As you can imagine, I was sitting rather
24 frustratedly listening to the interaction when I could
25 have come and clarified it very quickly.

1 Then at one point Brother Douglas was asked about
2 what you are asking, registers, et cetera, and I think
3 he said that that was the annals. It wasn't the annals.
4 The annals was the book you have in three volumes.

5 Q. When I talk about registration, I would imagine, as
6 we've seen in other case studies, there to be a register
7 with an index indicating ABCD, children with different
8 names and then indicating when that child came to the
9 school and when the child left.

10 A. Yes, at a point when I was discussing this with
11 Brother Douglas, some time ago, he said to me that he
12 remembers there being very, very careful records about
13 each pupil. So those did exist. What I have no
14 knowledge of is what happened to them. I wish I did,
15 but I don't.

16 Q. Another aspect of what's been happening that you cover
17 in quite a bit of detail in your statement is what you
18 call the [REDACTED].

19 A. Yes.

20 Q. You look at that on page 3034 or 3059.

21 A. Yes.

22 Q. I think we know about this, that there has been a [REDACTED]
23 [REDACTED] that has involved the order and also
24 persons associated with the Kinharvie Institute; is that
25 correct?

1 A. And I think some family members of people.

2 Q. That of course is one of the problems with [REDACTED]:
3 it provides [REDACTED] people to express views,
4 whatever these views may be.

5 A. Yes.

6 Q. Really, from the point of view of the inquiry, I don't
7 imagine you're expecting the inquiry to be able to do
8 very much about that.

9 A. I'd be delighted if you could.

10 LADY SMITH: I have no power to silence [REDACTED]
11 Brendan.

12 A. I think I might be grateful if there was some
13 acknowledgement that this is a problem.

14 LADY SMITH: What I can assure you of is I do not look to
15 [REDACTED] to find relevant evidence for my purposes
16 in this inquiry. Does that help?

17 A. It helps in that it's what I would expect, but the
18 concern I have pastorally is a number of people are
19 being implicated in this who are being significantly
20 affected and it's very difficult for us to know how to
21 respond it.

22 LADY SMITH: It's very difficult. It's the dark side of
23 [REDACTED] in particular, I dare say, the dark side
24 of [REDACTED] which is used responsibly for all sorts of
25 good purposes but can also be used quite vindictively,

1 particularly when people start [REDACTED]
2 on the basis of actually no knowledge or understanding
3 at all.

4 A. I'm very grateful for your comment, my Lady. As it
5 happens, I don't have a [REDACTED], I don't have
6 a [REDACTED] so I'm not particularly involved
7 personally, and we made a decision not to respond or
8 engage.

9 Part of the consequence of that is it seems to
10 inflame it, but I think you can understand why we don't
11 want to engage with these sort of things on [REDACTED]
12 [REDACTED]

13 LADY SMITH: Absolutely. I'm sure you have better things to
14 do with your time.

15 A. Thank you, my Lady.

16 MR MacAULAY: All the inquiry can do, as you'll appreciate,
17 is try to get to the truth of matters.

18 A. Thank you.

19 Q. The other area you talk about in your statement is at
20 pages 3038 and 3069 for your purposes. This relates to
21 the evidence that was given by [REDACTED] on [REDACTED] October 2019
22 and, in particular, in relation to the visit by
23 Marist Brothers to St Columba's in Largs.

24 A. Yes.

25 Q. That's what you address in this particular section of

1 your statement.

2 A. Yes.

3 Q. Indeed, we also heard evidence from Brother Ronnie on
4 this same topic.

5 What you've put forward here is evidence,
6 propositions, to contradict the evidence that [REDACTED] has
7 given; is that correct?

8 A. What I tried to do was to ascertain as accurate
9 information as I could provide regarding some of the
10 allegations that were made. A consequence of that
11 contradicts what he said.

12 Q. That's entirely right for you to do that. If there is
13 contradictory evidence, then it's important that the
14 inquiry is made aware of that.

15 A. Yes.

16 Q. For example, you provide, just below halfway, reference
17 to a particular brother who may have been mentioned by
18 [REDACTED] who never visited Largs.

19 A. That's right.

20 Q. It might be helpful to the inquiry if you or your agent
21 solicitors were able to provide us with a statement from
22 this brother.

23 A. I think I can do that.

24 Q. Because he is still alive?

25 A. Yes.

1 Q. The next brother, Brother MKA [REDACTED] has died?

2 A. Yes.

3 Q. Yourself, of course, you were never there?

4 A. No, that's not true. If you look at the daybook -- and
5 I discovered this in the [REDACTED] when I had it in
6 front of me -- there were at least a couple of entries
7 where it said:

8 "Brother Brendan and another brother came down."

9 My guess is we came down for an afternoon and then
10 left.

11 Q. But not in the context in which [REDACTED] was giving his
12 evidence?

13 A. No, no.

14 Q. We've heard from Brother McEwan already.

15 If we turn over to the next page, 3039, there was
16 a mention of someone by the name of Cummings --

17 A. Yes.

18 Q. -- and you provide information about him. Again, if
19 he's prepared to provide a statement to the inquiry on
20 this issue, that would be helpful.

21 A. I'm open to asking him, but I hope you can understand,
22 I have a certain reluctance to involve more people in
23 the inquiry than is absolutely necessary. But if that's
24 necessary, I will try to do that.

25 Q. I'm not saying it's necessary; I'm simply suggesting it

1 may be appropriate in order to deal with this chapter of
2 the evidence.

3 A. I'll do my best to provide that. I hope you can
4 understand my reasons or reservations s about some of
5 the implications for other people.

6 Q. You then tell us a little bit about someone you did know
7 and that's AKV [REDACTED]

8 A. Yes.

9 Q. This is on page 3042, I think, and 3077 for you.

10 A. Yes.

11 Q. Can you just tell me about this? What insight do you
12 want to provide to the inquiry about AKV [REDACTED]

13 A. I think it's partly an insight about me as much as

14 AKV [REDACTED]

15 When I spent a very short period in St Joseph's,
16 just helping out when I finished my theological studies
17 in Ireland, I finished them and I wrote to the
18 provincial and said, "I'd like to come back and help
19 somewhere if I can." He asked me to go to Dumfries.

20 During the period of that six weeks, gradually I got
21 to know some of the senior students who were only one or
22 two years younger than me. On one occasion a group of
23 them told me that Brother AKV [REDACTED] had gone into the room
24 of one of the senior students, had shown him male
25 pornographic magazines, and asked him to masturbate him.

1 I was told the boy told him to get out of his room and
2 that AKV did. So that was what happened.

3 As I have said in my note there: did I believe the
4 students? Yes, I did. Had I ever heard anything about
5 AKV before that? No, I didn't.

6 Q. How well did you know him?

7 A. Not very well. He was one of a group of brothers.

8 I wasn't particularly close to him. His particular
9 political views and other views were different from
10 mine. I suspect when I was with him, I was pleasant,
11 but I didn't seek his company and I didn't socialise
12 with him.

13 Q. What did you do?

14 A. I remember reflecting about it and thinking should I go
15 and tell the headteacher. As I say there, as
16 a 19-year-old, my reflection was: would I get into
17 trouble because I had been too familiar with some of the
18 senior students. You may remember one of the witnesses
19 talked about avoiding familiarity with students. So
20 I don't remember a document saying that, I knew it, so
21 I had a bit of concern. It was one week before the end
22 of term and I didn't say anything about it, then it was
23 the end of term, and I left to go to university.

24 Q. I think you tell us this was in 1977?

25 A. Yes. I'm guessing, if you want a more precise date,

1 probably the second-last week of June.

2 Q. Very well.

3 Then you set out your conclusions from page 3042
4 through to the following page. Can you summarise what
5 you want to say to the inquiry?

6 A. I think what I want to say to the inquiry is, first of
7 all, that I apologise profoundly to anyone who suffered
8 abuse at the hands of any Marist Brother.

9 Indeed, beyond that, anyone whose educational
10 experience wasn't what it should have been in terms of
11 what we should have provided -- and that's leaving aside
12 sexual abuse.

13 I really want this inquiry to be of good service to
14 our country. I'm a citizen of this country as well as
15 a Marist Brother and I want the best to come out of this
16 in terms of what we can learn. It's really important to
17 me that the victims had a chance to have their stories
18 heard, especially people who have held this for so long.
19 I want that to be different.

20 I'm profoundly committed to a society where people
21 are not abused -- and I include adults in that because
22 I'm concerned about that as well.

23 I would like us to get to a point where we can get
24 out of the impasse I experienced in terms of
25 compensation and how to be compassionate in our

1 response.

2 I fully understand that people who were victims are
3 angry. I completely understand that. I think I have
4 probably shifted in my appreciation of how we might be
5 any agents of healing. I think for some that might be
6 impossible, but I think we should try.

7 I'm hopeful of a redress scheme and I hope it is not
8 bound down with so many technical difficulties that it
9 causes more hurt.

10 I have also said if there are any victims or members
11 of their families who would be open to meeting with me,
12 I would be happy to do that, to hear anything that they
13 want to say, and to listen and to offer that apology.

14 If that would be important to them, I will do that.

15 MR MacAULAY: Well, very well, thank you for that, Brendan.

16 As I have said to many witnesses, thank you for engaging
17 with the inquiry, producing the detailed statement that
18 you have produced, and for answering my questions today.

19 My Lady, I can confirm that I have not been sent any
20 additional questions for Brendan.

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

23 Brendan, that completes all the questions we have
24 for you. Thank you very much for all the attention
25 you've given to our work, for being here and listening

1 and providing your up-to-date statement. It's not lost
2 on me that you brought this up-to-date as well as you
3 could for our purposes this week. I'm sorry we've given
4 you a bit more homework. I hope it doesn't take too
5 long for that to be done.

6 Thank you. I'm very grateful for the final comments
7 that you've given. I'm sure they've been noted and
8 I hope that they are of benefit to many people.

9 A. Thank you, my Lady.

10 (The witness withdrew)

11 MR MacAULAY: My Lady, that concludes the evidence for these
12 few weeks. The plan was to adjourn until 5 November,
13 but can I say that there is a possibility that one more
14 witness will require to be led and that leaves open the
15 possibility that we may require to do that on Monday,
16 4 November. The parties will be informed as to what the
17 position will be.

18 Notwithstanding that, the parties should start
19 preparing their written submissions in order to have
20 them ready for 5 November.

21 LADY SMITH: Yes, absolutely.

22 Just to echo that, I am aware of the position with
23 the possibility of one more witness. It couldn't be
24 avoided. It's come to our notice quite late in the day.
25 We don't know whether we will have this witness or not,

1 but it is somebody who has relevant evidence, we think,
2 and if possible we'll get that evidence in before the
3 final submissions. But we'll keep everybody informed.

4 Could I ask people to keep troubling the solicitors
5 to ask them what news? I promise you, you'll be told as
6 soon as we have any definite news.

7 Otherwise, please all have a good weekend and
8 thank you very much for your time, trouble and attention
9 in the evidence in relation to this case study so far.

10 Thank you.

11 (3.55 pm)

12 (The inquiry adjourned until
13 a time and date to be determined)

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