

Witness Statement of

HKO

Support person present: No

1. My name is ^{HKO} [REDACTED]. My date of birth is [REDACTED] 1962 and I am presently 57 years of age. My contact details are known to the Inquiry.

Life before going into care

2. I believe I was born in Maryhill, although I'm not certain. My father was [REDACTED] [REDACTED] and my mother was called [REDACTED]. They had seven children and I am the youngest. My eldest sister is [REDACTED] and then there's [REDACTED] who's dead now. After [REDACTED] there's [REDACTED], [REDACTED], my brother [REDACTED] and another brother [REDACTED], who died as an infant. I'm not sure what the difference in our ages is.
3. I believe I spent the majority of my childhood in care, in fact I think there were only two years that I was not in institutions. My understanding is that the reason my brother and sisters and I went into care was because my mother was ill. Prior to that I had lived with my family and while I was in care I would go home to them at weekends.
4. I think the first place I was in was Nazareth House somewhere, although I'm not sure. My brother and sisters were there with me. My understanding is that my sisters [REDACTED] and [REDACTED] and my brother [REDACTED] all spent time in care homes and all were in some way damaged by the experience. It is something none of us will talk about. I only have very vague recollections of Nazareth House and of most of the other places I was sent to. The only one I do remember well is St Ninian's, Gartmore.

Initial life in care

5. After Nazareth House, I was in a place called Orchardton House in Dumfries from 1967 to 1969. Secondary Institutions - to be published later
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6. In 1969 I got transferred to a place called Ladyfield West, which was also in Dumfries. Around 1970 I was transferred to Ladyfield East. Between the two Ladyfield buildings was a place called Hannahfield and once a week we were put in there so that the staff could have a break.
7. Secondary Institutions - to be published later
8. Secondary Institutions - to be published later I was placed into Larchgrove Remand Centre in Glasgow for a short time.
9. I believe I was the youngest person ever placed in Larchgrove, which was quite a tough place in comparison to anywhere else I had ever been.
10. I recall a Mr Tindo, a mixed-race guy who was a boxer, who enjoyed sparring with the kids. I also remember a large gymnasium that the staff would tell the boys to run around. As the boys did the staff remained in the middle kicking balls to knock us over like skittles. The staff could be rough, a slap or a punch was not unusual.
11. In 1972, at the age of ten, I was moved to St Ninian's House, Gartmore, Stirlingshire. St Ninian's was very different to everywhere else I had experienced.

St Ninian's House, Gartmore

12. St Ninian's is off the road towards Callander. It is on the left as you drive towards Aberfoyle and there is a farm on the right. When you turn off the road there is a gatehouse and from there the driveway leads up a tree lined hill. Halfway up the drive, on the left-hand side, is the ruin of a castle turret. Just before the turret is the garden where Brother MJO kept his horses.

13. When you get to the top of the drive there is a modern building on the right, which was the school. Within the school and on the right was the gymnasium. Straight ahead was the headmaster's office. On the left were the classrooms. I think there were five. There was also access from the school to a courtyard at the back where the art classes were held. I think the buildings in the courtyard were old stables.

14. In the middle at the top of the drive was Gartmore House, which had two wings jutting out on either side. The main entrance door was in the middle of the building and there was a sundial right in front of it. As you walk through that door you enter a vestibule where a barometer hung. As you go through the second door from the vestibule you enter the main hallway, which had a wooden floor.

15. On the left hand side of the main hallway was my houseroom, St George's. Next to St George's was St Patrick's houseroom. There were four houserooms in all, St Andrews and I think the other was De La Salle but I am not sure. They were on the other side of the main hallway.

16. In my houseroom was a snooker table, a table tennis table and a partition wall, on the other side of which was the TV room. Next to the TV room, on the left-hand side, was a crochet room.

17. Also to the left off the main hallway was a wooden staircase that was about five feet wide which took you up to the first floor where the bedrooms were.

18. At the top of the stairs, on the first floor, was a landing which led onto another hallway. The dormitories were off this hallway. St George's had a number of dormitories.
19. At first I slept in a small dorm at the back of the house, which I think had three beds in it. In the room was a boarded up fireplace and mantelpiece. The kids used to say it was haunted by the green lady.
20. Shortly after, for reasons unbeknown to me, I was moved to another dorm closer to the night-watchman's office which had about eight or ten beds in it. Next to that was another dorm with about four beds. The windows of that dormitory looked out over a stepped lawn bordered by a fence. Beyond the fence were fields towards the road and three chestnut trees that were known as the "Three Sisters".
21. As you came out of my dormitory and turned left, first on the right were the toilets. Past the toilets on the right were some more dormitories including the one I stayed in when I first arrived.
22. Downstairs in the basement and on the left as you faced the kitchen was the nurse's office. The kitchen and the boys' dining room were right ahead. The staff dining room was over to the right. The showers, toilets and the boys' lockers, where we kept our shoes and things, were down there as well.
23. St Ninian's was run by the De La Salle Brothers and I think there were probably about sixty to eighty boys there. SNR [REDACTED] was Brother MJP [REDACTED] and Brother HFT [REDACTED] was SNR [REDACTED]. Brother MJO [REDACTED] was in charge of my house, St George's. There was also Brother GZQ [REDACTED], my religious knowledge teacher, who had grey hair and often looked like he had a bit of a suntan, and Brother Benedict.
24. There were some lay members of staff as well, the music teacher, the woodwork teacher, the art teacher and a night watchman whose name was Jimmy McKinstrey. McKinstrey was employed as a gardener and groundsman but was allowed into the dormitories at night by the monks.

25. The people who ran the school were the brothers. They were also the ones who meted out the punishments. There was never any tenderness or caring shown by the monks. It just seemed like never ending hell from which there was no escape.

Routine at St Ninian's House, Gartmore

Mornings and bedtime

26. I used to get up at six o'clock in the mornings because I was an altar boy. I went to mass every morning and I wanted to be a priest. Breakfast was probably about seven-thirty to eight o'clock and then we would go to school or work in the gardens.
27. At night you had to go and brush your teeth and use the toilet while the monks stood there, watching.

Mealtimes/Food

28. Everybody ate all meals in the canteen in the basement. Four or five boys would sit at each table and a pot of tea would be put in the middle.
29. The food was the same every week, it hardly changed although I don't remember it very well. I do remember it was always processed foods and that we used to get fish or Fridays, but that was about it. One other thing I do remember getting was macaroni cheese, which I hated.
30. You had to eat your food. If you didn't it was physically forced into you. The monks would hold your nose or rub your face in your plate and you would get beaten up. If you were sick you were made to eat your sick.

Washing/bathing

31. In the basement was a shower area, baths and toilets. I can still remember the smell of the place. I think there were ten showers so twenty boys would all shower at the same time every day. One boy would be waiting while another was showering. The monks would always stand and watch.
32. There was a bath too and I remember one guy, whose name I think was [REDACTED], used to take baths all the time. He was older than the other boys, past puberty.

Clothing/uniform

33. We wore a uniform of sorts at St Ninian's. We had shorts in the summer and jeans in the winter. All the boys wore the same, except that the different houses had different colour sweaters. I think St George's wore red and St Patrick's wore green, St Andrews blue and De La Salle brown although I couldn't be exact on that.
34. At night we had to wear nightshirts in the style of "Wee Willy Winkie" and were not allowed to wear underwear. The monks would check that the boys were not wearing underwear by either instructing you to lift your shirt or placing their hands under the nightshirt. At the time, I never thought this unusual.
35. The only time we could wear our own clothes was at the weekends when we could go home. My clothes were stolen every now and again. Whether that was by other boys or by the monks, I don't know.
36. Thinking about it now, it is strange to think the monks might have stolen items of children's clothing, what possible use could an adult have for children's clothing? At the time, for a combination of reasons, I was convinced it was the monks. They never seemed surprised, quite the opposite they appeared to be amused.

School

37. There were five classes at school. Music and PE were taught by lay members of staff and the rest were taught by the monks. Religious knowledge and music were the only

two classes I ever went to. I learned nothing else. There was no maths, no English and there were no languages. I did, however, remember much of a Mass in Latin for many years.

Leisure Time

38. For leisure we could play table tennis and snooker, I was actually second best in the school at table tennis. There was also knitting, crochet and football, I could crochet a scarf but was rubbish at football.
39. We never were allowed out of the grounds. There were no trips to the cinema or swimming or anything like that, as there had been at the schools in Dumfries for example. In Dumfries children were taken to the cinema and even allowed to go into town alone to spend pocket money. The monks at St Ninian's exerted control over every aspect of life and there was no questioning their rule.

Religious Instruction

40. My concession to the monks was to be an altar boy. I wanted to be a priest. As an altar boy, I had to attend mass every morning and I participated in benediction on Thursday evenings.
41. Sometimes I was selected as the head altar boy and would walk behind the priest carrying the cross with six other altar boys following behind me. At benediction I would swing a brass ball on a chain that had incense burning inside it. One time I recall walking past a boy called [REDACTED] who made some derogatory remark to me. I swung that brass ball and hit him with it. All the monks rushed forward from the back of the church and tore [REDACTED] and I apart when we started fighting.

Personal Possessions

42. I had a stamp collection until I discovered it had been flushed down the toilet. Looking back on it now, it's difficult to know how any boy could have had access to that

collection because it was locked in my bedside cabinet. It would have been easily accessed by the monks though.

Chores

43. As well as working in the kitchen, in the gardens and on the farm, we had to clean the school. There were no lay staff employed as cleaners, it all had to be done by the boys. I remember buffing the hallways, putting wax down on the wooden floor and shining them up with a big heavy thing that you swung back and forth. I can still remember the smell of the waxed wooden floors. We also vacuumed the dormitories, cleaned the toilets and other chores.
44. Laundry had to be taken down into the basement and then I think it was taken away and done elsewhere.

Trips/Holidays

45. There weren't many holidays or trips. I remember once being taken somewhere for about a week and staying in a big scout hut. There was a beach there and I remember we had spam for lunch every day. Another trip I recall was being taken to Ettrick Bay for the day.
46. We would meet in the TV Room on a Thursday night and Brother MJO would read out from the punishment book who was getting home that weekend. The punishment books were basically A4-size black diaries. Often I was not allowed home, sometimes for months on end.
47. The school had a big blue single-decker bus, which was used to drive the boys who were getting home to Buchanan Street station on a Friday. The boys would get dropped off and make their way to their respective homes and then on a Sunday the bus would pick us up again.

Birthdays and Christmas

48. To the best of my recollection, birthdays were not celebrated at St Ninian's and most boys went home for Christmas. I was there for one Christmas and I think there were two or three other boys there as well, but I don't remember there being any celebration other than an extended mass and turkey breast for dinner.

Visits/inspections

49. I have read a statement by a brother [REDACTED] in which he states that families came to visit on Sundays. I understand Brother [REDACTED] worked at St Ninian's in the 1960's, it may have been true then but there certainly were no Sunday family visits when I was there. Brother [REDACTED] assertion does not make sense as most of the children went home on Friday and returned on Sunday. I don't believe my family were denied visits, I just don't think they were invited. My parents visited me once when the school held a sports day. On another occasion also a sports day, my sister came and gave me a present of a pair of multi-coloured platform shoes. Like my stamp collection, they were also stolen.
50. There was a group of local do-gooders who would come to the school once a year. We would practice to sing a hymn for them and play the recorder but we were warned never to speak with them or to only say "yes", "please" and "thank you".
51. I seem to recall one particular boy, whose name I think was [REDACTED] and who was close to brother [REDACTED], was allowed to mingle with them.
52. I understand now that these people were supposed to be managers, but that is nonsense. Their involvement in the running of the school was that visit once a year. They certainly did not exert any control over the monks, quite the opposite. They were deferential to the monks as were the lay members of staff.
53. I have no idea what the purpose of those people coming was but I can say with certainty that they had no involvement whatsoever in the running of the school and they carried out no inspections. I know from the case of *M v Hendron* [2007] S.L.T. 467

Lords Osborne , Clarke and Marnoch ruled "it was plain that the responsibility for the management of the school lay with those who occupied the office of managers."

54. It is said that the managers would conduct monthly inspections and that they were the employers of De La Salle monks and the lay members of staff. As I say, I was aware of a visit by the managers once a year and they were deferential to the monks. The managers didn't have a clue about what went on at that school. ¹
55. They say justice is blind, I would add that in the case of Lords Osborne, Clarke and Marnoch, it is also wilfully ignorant. This ruling is indicative of the inherent bias against victims in favour of institutions, which is prevalent throughout the entire Scottish justice system.
56. It is my belief that the managers were in fact managed by a lawyer a Mr McCormick who was in the employ of De La Salle and acted on their behalf. This is evidenced in the minutes of a meeting which took place on April 30th 1964 at which Mr F McCormick attended as 'interim correspondent' ² Mr McCormick and his son have been employed by De La Salle since as far back as 1964 and still advise and are still paid advisers and litigators for De La Salle to this day.
57. In every statement by any De La Salle monk I have ever read they all display astute legal awareness of the concept of liability they always stress that the school was run by a Board of Managers, that they were employed by the Board of Managers, That there were inspections by the Board of Managers. The 92 year old Brother MBU in a recent statement stresses "It is very important that I emphasise that at no point did the De La Salle Brothers run or manage the School. They were not the owner, sponsor or employer and were not responsible for the running of the School. That was the job of the Board of Managers, which was answerable to the Diocese"

¹ Newspaper reports of managers

² St Ninian's Gartmore - Ref to Admin & Management

58. In response I would say to Brother **MBU** that no one from the board of managers has ever been accused of abusing children and to the best of my knowledge no one from De La Salle ever reported any abuse to the Board of Managers

Healthcare

59. The nurse at St Ninian's was called Beatrice. She would have been around her mid to late forties and wore a nurse's hat and a white coat.
60. There were no regular health checks, other than by Beatrice. I think it was fairly common for boys to go and see her for minor injuries, but that was it. She told me I suffered from migraines because I used to get really bad pains in my head and when I had headaches it was painful to be in the light.
61. I was sent to see Beatrice on many occasions with various injuries incurred through the violence of the monks. One time was when Brother **GZQ** broke my nose and another time was when he punched me and smashed my teeth. She used to be professional, although sometimes she was clearly shocked. I was never able to tell her what had actually happened because one of the brothers would always be there. She would ask in a perfunctory way what had happened and would just be told I had been fighting again or I had fallen.
62. A doctor was called in when my nose was broken. I don't know who he was. Before he arrived I was cleaned up and put in a bed. The doctor then came into the dormitory and examined me in front of the monks. He examined me but he never really spoke to me. For weeks afterwards I had black eyes and was not allowed home at weekends until the bruising had cleared.
63. On the occasion my teeth were smashed by Brother **GZQ** I was taken to a dentist in Stirling. The dentist asked how it had happened and he was told I fell over. I started shouting and bawling about Brother **GZQ** Brother **HFT**, who had accompanied Beatrice and I to the dentist, called me a liar and the dentist told me to shut up. The

dentist put his fingers and dental equipment in my mouth and touched a nerve in my broken teeth. I bit his fingers and that was the end of the dental visit.

Relations with other boys

64. The monks would turn the boys against me and encourage them to fight with me. The monks would call me an ugly bastard and would get the other boys to do so as well. Recently a boy who was at the same school as me has given a statement to my solicitor which sheds new light on what was really going on, I don't remember the boy but he most certainly remembers me.³ Constantly being told I was an ugly bastard had an effect on me for many years, I was in my mid-twenties before I realised I was not painful to look at. Even to this day I do not think the aesthetic beauty of people is important. I do not admire beautiful girls in the same way most others do.
65. On a daily basis the monks would encourage the other boys to hit me. On one occasion I remember well, I don't know how it kicked off, a boy threw a bar of soap at me while we were showering. Suddenly everybody was throwing bars of soap at me. The monk that was watching just disappeared. Things like that were encouraged.

Running away

66. I tried running away from St Ninian's, but I never actually made it. It was twelve miles into Glasgow and I used to run alongside the road until the police came along. I remember they would try and chase me, but they couldn't catch me. One time they sent a dog after me on me I gave the dog my sock and it returned.
67. Another time a policeman pulled up and changed into a tracksuit before chasing me. I was a very good runner and the officer couldn't catch me so he offered me five bob to give myself up. That was quite a lot of money to me then. The police usually caught me a bit nearer Glasgow when I had to cross the road. The police would ask me why I kept running away, but I would just say I didn't like the place.

³ Statement of [REDACTED]

68. I don't remember anyone else trying to run away and I never told the police why I was running away.

Bed Wetting

69. If anyone wet the bed they were embarrassed by the monks. It happened all the time. The routine was that you would get slapped and made a fool of and then you had to strip the bed and take the sheets down to the laundry in the basement.

Abuse at St Ninian's House, Gartmore

70. The monks were evil, vile bastards with explosive tempers and a petty minded manner towards children. Every monk had their favourite children.
71. The monks constantly perpetuated violence against children, it was a daily occurrence. By today's standards they would never be considered fit to look after children. I think I was particularly singled out and I don't think it was as bad for everybody as it was for me. I was singled out because I didn't comply.
72. It is difficult to describe the horror of an adult male brutally assaulting a ten-year-old child. Sometimes that adult male would have his fist clenched or would be holding a weapon. It could be a horsewhip, other times a stick, sometimes a riding crop.
73. I'm not sure how long I'd been there, but I was ten at the time when Brother MJP, as a punishment for having a pillow fight, ordered me to take my mattress and sleep outside the dormitory. On either the first or second night after that, I woke up and the night watchman Jimmy McKinstrey was doing things to me. My nightshirt was rolled up around me and my body was wet. At the time I thought my body had been licked, looking back now I think it was probably semen.

74. There was somebody else there too, standing in the background. It was dark and the monks wore black robes so I'm not certain who it was, but I have always believed it was Brother ^{MJP} [REDACTED].
75. I didn't quite know what was going on, but it was strange and I panicked a bit. I asked what was happening and McKinstrey just acted like things were normal and started talking to me. This happened the following night and then the night after that. It happened to me pretty much every night. After the first few times I didn't say anything. I didn't object.
76. After a while I got back into the dormitory and it stopped for a bit, perhaps a week, but then it continued. I would wake up in the middle of the night with McKinstrey performing oral sex on me. My biggest fear was that somebody else would wake up. This happened regularly. McKinstrey would take every opportunity to abuse me.
77. One Friday, instead of being dropped off at Buchanan Street station by the school bus, I was dropped at Milngavie roundabout which was nearer Drumchapel where my family lived. Almost as soon as the bus pulled away McKinstrey turned up in a little orange Volkswagen and asked me if I wanted a lift
78. I got into the car and he suggested we go to bed together. I told him I would rather be in bed with a woman and he went absolutely nuts and started to hit me as he was driving. I tried to open the door and when he slammed the brakes on I rolled out of the car. I made my way home and then on the Sunday, when I got back to the school, I went to see Brother ^{MJP} [REDACTED] in his room.
79. When speaking to Brother ^{MJP} [REDACTED] I was expected to sit on his knee. It took me about two hours to tell him because he kept on asking me to repeat things. I was only wanting to tell him about McKinstrey beating me up, but Brother ^{MJP} [REDACTED] knew there was more to it and kept asking me questions. Gradually I told him in detail everything he wanted to know. He kept asking me to repeat intimate details. When I look back on it now I think he was masturbating under his cassock.

80. He asked me if I had told my mum or anybody else. When I said I hadn't he told me not to and that he would take care of it. The next morning when all the boys and monks were assembled in the hallway, Brother [MJP] made an announcement that I had made a very serious allegation about a popular member of staff. He told all the boys that no one was to speak to me and that if I spoke to anyone, they should report it to him.
81. From that moment forward my life became a living hell. Monks would hit me for no apparent reason and they would encourage other boys to call me names and provoke fights. It seemed the monks, Brother [MJP] and Brother [MJO] in particular, worked in tandem to keep me ostracised, alone and vulnerable to McKinstrey.
82. The abuse in the dormitory became rapidly more violent. It was like McKinstrey had Cart Blanch to do whatever he liked. He did unspeakable things, I do not want to go into detail, what happened was some of the worst things one can imagine an adult man doing forcefully, violently to a 10 year old child.
83. As this was going on McKinstrey became more violent. He would constantly threaten me that if I said anything no one would believe me and that he would get me. He would say that I wouldn't be allowed home. There was no escaping, I was too afraid to make a noise in the dormitory, the shame of the other boys knowing would be unbearable.
84. With the benefit of hindsight thinking about these events as a rational adult it is clear to me that there must have been collusion between the monks and McKinstrey. How else would McKinstrey know I would be dropped off alone at Milngavie roundabout. I was not told about this in advance, my parents were not told so I was completely alone. It is too much of a stretch of imagination to think that it was just coincidence McKinstrey just happened to be following the bus on that occasion. He had to have been given foreknowledge by the monks.
85. There was always a feeling of something malign about the monks, especially Brother [MJO]. On reflection now as an adult I would say Brother [MJO] was mentally

unstable. He was a strange character who was very vicious and prone to extreme outbursts of temper and violence. He showed favouritism to certain boys and treated others with disdain. He would, for example, make hurtful remarks to them in the house room, intending to cause shame and provoke other children to taunt that child, I was always a target of his viciousness.

86. Brother **MJO** used to whip me with a horsewhip. He had two horsewhips, one that we would call a bullwhip, which was actually a training whip that he carried with him outside. I could be walking along and suddenly there would be a crack on the back of my legs for absolutely no reason. He also had a short riding crop that he carried with him indoors.
87. There were no horses in the building, this was Brother **MJO**'s weapon for hitting boys. I remember one time trying to hide under a table in the houseroom as Brother **MJO** was flaying at me with his riding crop. I remember his face so well, it was purple, his eyes were bulging, and he was foaming at the mouth. When I say foaming at the mouth, it was actually like a line of Coronation milk cream.
88. Brother **MJO** would also flay into me with his fists and kick me when I fell to the ground. He would go absolutely berserk and spit on me as he did so. Other boys and staff would have seen this happening, no one ever done anything to help me, Brother **MJO** was never reprimanded.
89. Again in a statement by Brother **MBU** he insists the was a very comprehensive process when punishment was necessary, the number of strokes had to be recorded in a punishment book which was then signed by an administrator and reported to the Board of Governors. This fantasy version is not borne out by the reality the sheer number of allegations of child abuse against the institute of De La Salle is astounding yet nowhere is there any evidence of any abuse ever being reported to any Board of Governors.
90. My religious knowledge teacher, Brother **GZQ**, used to sit me on his knee and read stories to me. I used to quite like Brother **GZQ** and I remember him sitting me on his

knee while he read me a book called "The privy builder", a story about a man who built toilets.

91. Brother **GZQ** also had a mean streak and an explosive temper. As we would walk to the main building from the school and past the sundial, Brother **GZQ** was always standing there. He often had a smile on his face and as we walked past he would stand there with his hands in the pockets of his cassock. Every now and again he would produce an apple and an apple was such a great thing. Every now and again his hand would come out in a fist and he would punch me square in the face. He did that to me several times. That was how my teeth were broken and, although I didn't know it at the time, that was also how my nose was also broken.
92. I would occasionally be dragged into **SNR** office within the school if I'd done something wrong, or had run away. A couple of times I was dragged in after I had tried to fight off Brother **MJO**. When I was, all the brothers were there along with Jimmy McKinstrey and they would tear my trousers off me. I would be held down across a desk and they would take it in turns to whip my backside with what used to be called a "teacher's belt", which was a leather strap with a split at the end. They would all have a couple of goes.
93. On several occasions I dislocated one or both of my shoulders because I was struggling so much. If that happened I was taken to the nurse and with the assistance of Brother **HFT** and Brother **GZQ** she would relocate them. I remember the pain and I remember not being able to sit down due to the welts on my flesh.
94. I was aware other boys were being abused as well, but I didn't witness anything. In hindsight it is clear something had been going on, but I didn't realise it at the time.

Reporting of abuse at St Ninian's House, Gartmore

95. I couldn't tell anybody about the abuse I was being subjected to. I was afraid to do so and at the time it felt like I would have been confessing I was gay if I was to say what

Jimmy McKinstrey was doing. After I left St. Ninian's I tried to forget about what had happened, as I grew older the memories would sometimes haunt me, I went to extraordinary lengths to try to forget, I always felt like I was running away I could never tell anyone. Eventually I settled down and got married in 1996, I had managed to put it behind me. Then in 1998 it was brought back when the police unexpectedly arrived at my home. It's only since then have I begun to contemplate the extraordinary level of violence and abuse.

96. One weekend while I was at home, my mother noticed whip marks on my legs, I told her Brother **MJO** had hit me. I can't remember the details but my mother phoned the school and Brother **MJP** and Brother **GZQ** came to my home. They spoke with my mother and spoke with me and persuaded my mother I was a liar. They took me back to school immediately and I was physically beaten by a number of the brothers.
97. Another time when I was at Milngavie roundabout, a truck went past that had an extending arm for changing streetlight bulbs. The driver hadn't put the arm down and it snapped the overhead cables. One of the cables whipped me across the legs and I was taken by somebody to a nearby doctor's surgery and then home.
98. I wasn't really hurt badly, but when my mother saw my legs she phoned up the school and said there were whip marks on them. I think the school panicked and Brother **MJP** and Brother **GZQ** came out again. My mother put me in her bedroom and Brother **MJP** came in and interrogated me as to what I had said to my mum. He took some convincing that I hadn't told my mum I'd been whipped, but then he decided that I could stay.
99. After I reported the incident at Milngavie roundabout it was clear to me that if I ever said anything I would be punished. The monks knew what was happening, Brother **MJP** definitely knew. I told him many times but the more I told him the more I was punished until eventually I retracted what I had told him. It seemed to me that McKinstrey was encouraged by the monks and this belief was reinforced by the monks coming to my home when my mother complained to them.

100. I can't speak for the other boys nor what went on at other schools run by De La Salle, but it was crystal clear to me that the monks colluded with each other and with McKinstrey and perhaps others to groom children. If the children resisted, other tactics would be tried including punishments, stopping home visits, encouraging bullying and sexual advances made whilst asleep.

Leaving St Ninian's House, Gartmore

101. I left St Ninian's in 1974 and went back to live with my parents in Glasgow. While I stayed with them I went to a normal school, St Pius in Drumchapel, for about a year.
102. Drumchapel is a rough area, but given what I had been through at St Ninian's, the sheer volume of violence, the ferocity, the number of fights not just with children but also with adults, the violence in Drumchapel didn't faze me.
103. I was able to bring violence to a completely new level. My experience of St Ninian's instilled in me a knee jerk reaction to any form of bullying or intimidation, not just of myself but of others. If I saw someone being assaulted, I would, without hesitation, step in to defend them. Naturally I didn't fit in so I was sent to St Mary's in Bishopbriggs.
104. My housemaster at St Mary's was a guy called Peter Tilley. He was a good guy. One of those people who spoke straight to you and told you exactly what was going on. I was almost treated like a member of staff at St Mary's. I was asked to sort out problems between the kids, anyone who was being bullied or whatever. There were little gangs in St Mary's, but I would never take sides. I was never interested in the gang culture and if someone was being bullied I would put myself in the middle.
105. I was a day boy at St Mary's and I used to run away all the time. I pretty much did what I wanted. I would go away camping and I would stay away for weeks on end.

Life after being in care

106. On one of the occasions I ran away I came across a guy selling Moulinex Mouli Graters from a market stall in the Kelvin Hall Glasgow. I watched him demonstrating what he was selling and he asked me to look after his stall for ten minutes. While I did, a lady asked me for a demonstration and I ended up getting a job from the guy. I was making more money in a day than my dad made in a week.

107. I ran away from Glasgow when I was fifteen and went to London. My very first job was in a furriers in the east end and then I got a job as a pageboy in the [REDACTED] in Knightsbridge. At the same time I got another job in the evening as a coffee boy in [REDACTED] restaurant in Green Park.

108. I saved enough money to start my own market stand in Soho. I would get up at six o'clock in the morning and get everything on sale or return from the wholesalers in the east end. I changed the stock every day, my biggest sellers were "Starsky & Hutch" cardigans and leather coats along with jeans, tee shirts and other items of clothing.

109. By the time I was seventeen I had my first shop. I was taking holidays in the Caribbean and I had money. After the shop I started what I believe may have been the first cavity wall insulation company in the country and later I started up an interior decoration company.

110. I never wanted to speak about St Ninian's or any of the children's homes. To friends, I made up a completely fictitious life. Every now and then though something from my past would come back to haunt me. I met a former pupil once. Other times it was obvious my fictitious life was fictitious.

111. I wanted to completely change my life and so, around 1982, I changed my name, got a false passport and I changed my background. My life was meaningless and so, on the spur of the moment, I went off and joined the French Foreign Legion. I got on well, I enjoyed the camaraderie and the violence was funny compared with St Ninian's.

112. I was cashiered from the French Foreign Legion as my shoulders dislocated during training also I was tougher than most and would fight any other recruit who tried to hit me I ended up in the south of France. I got a job as a cook on a sailing yacht and started sailing around the Mediterranean and the Caribbean in rich people's yachts. I got to know some extremely wealthy people.
113. I got my yacht masters certificate in 1985 and spent four years touring the world as a yacht captain. One of my biggest regrets is that I passed my Royal Yachting Association (RYA) Yacht Masters on [REDACTED] 1985 under the assumed name. It is the only real qualification I have. In recent years I have spoken to the RYA, explained the circumstances, but they say my licence is cancelled because I gave them a false name. I feel that is unfair, I took and passed the test.
114. In 1989 I finished a job in New York and took a flight to Japan. Japan was a culture shock. It was the first time in my life that I was somewhere where I felt I didn't have to defend myself. People don't start trouble there. I started a trading company importing mainly British products and became quite successful.
115. In 1991 I returned to London where I met my first wife. Together we returned to Japan and expanded the trading company representing British companies in Japan. We married in 1996 and I ditched my assumed identity as by then I felt confident enough to be myself.
116. In 1998 my doorbell rang and there was a policeman and a policewoman there. They confirmed who I was and asked me if I had gone to a school called St Ninian's. To this day I cannot find the words to describe the emotions I felt at that moment. I don't believe I was treated as a victim of crime it felt more like I was being accused.
117. At the time I was in the process of establishing a social business which I called [REDACTED] [REDACTED] and tied up with other charities including the Prince's Trust, Business in the Community and National Children's Homes. The idea was to establish a media company which would employ youngsters who had been raised in care homes.

118. I targeted companies who spent more than £10,000,000 a year on community projects. I succeeded in getting around a dozen signed up to produce a series of documentaries over three years about the work the companies were doing in the community. The working title was '██████████' and business was very enthusiastic about the concept. I funded the entire project myself and still have the receipts to show for it, my legal bill alone was over £16,000. ⁽⁴⁾ It then became clear that the charities were more interested in promoting themselves than they were at helping people, so I resigned.
119. Without pausing I set up a business in the media industry providing communications solutions to large multinational companies. My company invented and deployed internet services that were very far ahead of the time. ⁽⁵⁾ I was doing extremely well and on paper I became a multi-millionaire. Until 2003, business was my life. It was all I ever thought about. I had a knack for speaking to people, sorting out problems and making deals. The success of my company is well documented by my clients, accountant and my lawyers. The Board of Directors included Sir ██████████ as Chairman, ██████████ as Finance Director and ██████████ OBE, handling PR. They and other Directors were also shareholding investors and I was majority shareholder with 76% ⁽⁶⁾
120. Between 1999 and 2002 I grew ██████████ from a standing start-up to a company with 13 staff and a turnover in year 1 of £250,000 reaching £1,000,000 in year 3. ⁽⁷⁾ However by the end of 2001 my attention was distracted by events in Scotland to such an extent I paid a head hunter £50,000 to find a Managing Director.
121. In 2003 I was a witness in a trial at Edinburgh High Court, which followed on from my speaking to the police in 1998 and a subsequent telephone interview by Police Scotland in 2000 ⁽⁸⁾. The trial was against three of the former staff at St Ninian's, including Jimmy McKinstrey and Brother Benedict, who is also known as Michael

⁴ Legal Bill 1988

⁵ Statement of ██████████

⁶ ██████████ Allotted Shares

⁷ ██████████ Report Y-E 31 March 2001

⁸ Central Scotland Police Statement

Murphy. It was not clear to me in 1998 although it became apparent when the police called in 2000 that the police were pursuing just 3 individuals, Murphy, McKinstrey and McKenna. After I had given evidence, I walked out of the courtroom and the next thing I remember is being stopped by the police on the A9 because I had apparently been driving at 126 mph. I had tears streaming down my face.

122. Something snapped, although I didn't realise it at the time. I couldn't speak to people on the phone, I couldn't think about business and I couldn't put together deals. I wrote off all of my business contacts. I now know I had a nervous breakdown, I couldn't discuss it with anyone so no one other than my lawyer knew anything of what was going on.
123. I paid off all the company creditors, ceased trading and made the staff redundant, although I did not go bankrupt as most media companies would have. Having done so, with no income, I could no longer afford to keep my children in private education. I later found out from [REDACTED] that my wife had spoken with him seeking his help as she thought I was "cracking up". ⁽⁹⁾ My wife and I decided for the sake of our children's education that she would return to Japan and my children would be educated there.
124. We divorced but have maintained a good relationship. I have a close relationship with my children, especially close with my eldest son [REDACTED]. I have since remarried and have another two small children. My current wife knows a bit about what happened, not everything. It is not something I find easy to talk about. She knows I experience moments of severe depression, post-traumatic stress disorder (PTSD) and sometimes suicidal thoughts. ⁽¹⁰⁾ I could never explain anything to my ex-wife because I couldn't speak about it, but I've told my current wife a rough outline of pretty much what went on.
125. In 2010 I had a complete mental breakdown and made an attempt to take my own life. With the help of friends I got psychiatric help and was heavily sedated. In 2012 I began to get my mind back but the spark was gone, the fire extinguished. I couldn't focus on

⁹ Statement of [REDACTED]

¹⁰ Psychiatric Analysis

business and so, in order to try and get my head thinking straight, I decided to study law to exercise my brain. I did three years of a four year course until 2015 when I had to be interviewed by a psychiatrist because I was in the process of pursuing civil action against the institute of De La Salle Brothers. I instructed solicitors to commence legal proceedings against them in 2014.

126. For the psychiatrist it was quite perfunctory, but he didn't seem to realise I was falling apart. I left that meeting and I couldn't go back to study.
127. A year later De La Salle insisted I meet their psychiatrist, Professor Tony Maden. Like a fool I went along and spoke to him openly and honestly. His report was, I believe, biased. It felt like he was using his psychiatric knowledge of me to push me over the edge and possibly to commit suicide.
128. Professor Maden appears to have usurped his position, his reports set out to discredit victims in the most inappropriate manner. Professor Maden begins his attempt at character assassination by suggesting he thought he could smell alcohol and his secretary thought likewise. This is a blatant lie as can be proven by two witnesses an independent psychologist whom I had asked to accompany me due to the difficulty I had in the previous examination and a retired police officer who is now a black cab driver whom I sometimes ask to do small jobs for me ⁽¹¹⁾ ⁽¹²⁾ I have since discovered it is not only myself who feels Professor Maden's reports are biased, adversarial and written to support the defence. Professor Maden is a tool regularly deployed by De La Salle to discredit any victims. ⁽¹³⁾ It is another form of abuse and in my opinion further evidence that De La Salle are a cult of institutional child abusers. This is further evidenced by the somewhat disingenuous testimony of Brother Laurence Hughes to the Inquiry.

¹¹ Statement of [REDACTED]

¹² Statement of [REDACTED]

¹³ [REDACTED] email

Impact

129. At the meeting with the Inquiry team on June 22nd before the meeting began I was informed in a perfunctory manner, as part of the pre-amble, that if I said anything which indicated I was a sexual predator, a danger to children, the Inquiry team would be obliged to report this to the police. I felt this was an incredibly insensitive statement.
130. It so infuriated me I was on the verge of walking out of the meeting and had to take a moment to compose myself. When I had calmed down I explained that I could understand that there persists a belief that if a person is abused as a child, they may go on to be abusers. I can sort of understand that. However I felt like I was being cautioned when no such caution has ever been made to a of De La Salle Brother. Indeed the Inquiry is quite deferential towards these alleged child abusers.
131. After the trial in 2003 I lost everything. I lost my wife. I lost a rapidly growing business worth millions of pounds, in which I owned 76% of the shares. I lost the potential that was in my business and I lost the will to live. I've felt completely worthless and questioned if my life was worth living.
132. It may be that De La Salle monks have suffered in similar ways with pangs of guilt. If so, they have never publicly expressed it. On the contrary, they attack any victim coming forward ferociously. They do not practice what they preach, there is no confession, no compassion, no contrition. As for "kindness, encouragement and stability", I saw none of that.
133. I've been travelling abroad much of my life, running away, trying to get away from my past, trying to forget about what happened and put it behind me. Anything just to get away from what happened at St Ninian's.
134. I'm quite close to my sister [REDACTED], but not to my other siblings. [REDACTED] and I talk to each other and I try to help her but we have never discussed the abuse. I live two doors away from my brother, but I don't speak to him he has been very damaged by his experience in care.

135. I find it very difficult to talk about what happened to me. Anytime I do, I wander all over the place and I find it very difficult to focus on one thing. What Jimmy McKinstrey did to me initially was a depraved criminal offence, which had Brother ^{MJP} [REDACTED] intervened correctly, McKinstrey would have been arrested removed and banned from any further contact with me or other children. Had the abuse ceased at that point, it might have been something which could have been put in the past. However, the opposite happened, Brother ^{MJP} [REDACTED] sided with McKinstrey, he ostracised me, made me a victim for every bully and a target for the frustrated monks to vent their anger and frustration. That a 10 year old child is abused by an adult is a horrific unforgivable crime. That the child is then attacked by those who were supposed to protect the child, not just once, not just a single adult, but repeatedly, daily by a group of grown men charged with the care of children. Add to that these men call themselves men of God and what you have is something which can only be described as evil.
136. The head of the Roman Catholic Church Pope Francis recently begged forgiveness, apologised for those who kept quiet, for those who covered up abuse of children. Allegations of child abuse by De La Salle monks are rampant, one would struggle to find a single school where De La Salle were charged with the care of children where abuse allegations do not exist. Yet Brother Laurence Hughes would have us believe there was only a single errant monk in Scotland. Brother Laurence Hughes defies the Pope. The psychological abuse, the torment, the physical violence and the sheer hatred displayed towards a child. The violence is the worst, but in many ways it's made me what I am now. They forced me to fight and that fighting spirit made me successful in business.
137. The De La Salle Order when defending against any civil action brought by victims in Scotland cynically claim that no charges were brought against the alleged monks. The fact is that the Procurator Fiscal granted immunity to 7 monks from St Ninian's Gartmore alone. ⁽¹⁴⁾

¹⁴ 7 monks granted immunity

138. The fear that the monks instilled in me lasted until 1998, when the police came to speak to me, prior to that I had never spoken to anyone about the events of St. Ninian's.
139. I can't stand bullying. Even to this day if I see someone hitting someone else I will step in, I can't walk past. That has come from St Ninian's. I had to fight for my life and I'm still the same. Even in business there are people who will try to intimidate you.
140. People don't tend to get on with me terribly well. I'm not a "yes" man, I just tell people exactly what I think. I have zero respect for authority. My treatment by the Scottish justice system causes me to question the motives of those in powerful positions. I have difficulty getting on with people. Whilst I am perfectly comfortable and get along well with people who are secure in themselves, people who are not so confident about themselves find me to be a bit aggressive. The truth is that yes, there is the potential for aggression, but my the path which has been chosen for me in life is to protect those less able to look after themselves. I am a peacekeeper, not an aggressor, I never seek to start trouble.
141. In 2010 I tried to kill myself and some friends got me some psychiatric help. There was a period of two years when I was apparently having meetings with people, but I have no recollection. After years of sedation I began to recover and as I did I began to think about my life, what had gone wrong, how had I fallen from being such a confident business person to this? I came to the realisation that if it had not been for the abuse I suffered at the hands of De La Salle, I would not have had to go through the trial in 2003. It destroyed my life and I am told I am never likely to recover or work again.
142. I suffer really severe PTSD and I getting treatment for that at the moment. I had been self-medicating with alcohol and had to give that up before I started the treatment. I have now given up alcohol and am receiving treatment but I have yet to feel any real effects.

143. I hope the treatment will stop me thinking about my abuse so much. It's strange because it just hits you like a wave, especially at night. Suddenly I become depressed my life feels worthless, I feel like a failure, I have contemplated suicide, but I love my children, I love my wife and I am determined that the truth about De La Salle will come out.
144. Physically, my entire life I have suffered from my arms dislocating and I have had many operations on my shoulders. I try to exercise and keep fit and I practice martial arts, but I always need to be careful of my shoulders.
145. Over the years I have spent many thousands of pounds getting my teeth fixed, first with crowns, then with a bridge and now I require extensive surgery to have implants inserted into my jaw bone.
146. Since St Ninian's I have always had trouble breathing. A few years ago I had to see an Ear Nose and Throat (ENT) specialist, because initially it was suspected that the break had caused a cancer to form, but it not is malignant. I require nasal drops to breath but even that it is often uncomfortable and is becoming more so with age. The ENT specialists have told me I can have my nose broken and reset to ease my nasal passages. That would be a major operation which I am hesitant about, but increasingly it appears I have no choice.

Police Investigation

147. When the police came to my door in 1998 they asked me a series of questions and the one thing I could focus on was the night watchman. I think I spoke to the police for about forty-five minutes before they left. All I remember feeling was shock and revulsion. The whole thing was a bit of a haze.
148. I tried to compose myself before my ex-wife returned home and said nothing about it to anybody. Two years later, on 2 June 2000, I got a 'phone call from Police Scotland, who wanted me to identify the night watchman. I remember the officer even suggested

names to me. Also, the officer made it very clear the police had no interest in anything to do with the monks.

149. I had spent so many years trying to bury things I couldn't even remember his name. I had almost eradicated it from my life, although there was always something in the back of my mind which on occasion cause me sleepless nights or nightmares.
150. Now it has become a major part of my life. It has taken over my life, destroyed what I had created and the more I get dragged in, the more angry I become at the hypocrisy and injustice of it all.
151. After the call in 2000 I took my solicitor [REDACTED] out to lunch and for the first time in my life I spoke to someone about what had happened. Other than the police and of course Brother ^{MJP} [REDACTED] I had never spoken to anybody before. It was a little embarrassing. [REDACTED] who is a senior partner at Boodle Hatfield and by that point had been my lawyer for about 4 years, was also the company secretary a board member and shareholder started crying. We were in a restaurant I frequented at least a couple of times a week, [REDACTED]. [REDACTED] introduced me to a private investigator, Terry, who tracked the night watchman down. I learned then that his name was Jimmy McKinstrey.
152. Throughout the following three years I received early morning visits from the police. These visits were often quite intimidating. Threats of arrest were occasionally made and I was made to feel like a criminal. I was embarrassed in front of my neighbours and family. I could not explain to my wife or neighbours why the police kept turning up at my door.
153. At no time had I been properly interviewed. At no time had I been offered any victim support. At no time did any police officer treat me as a victim of crime, let alone a victim of child abuse. Frankly, the attitude of the police and the entire legislative authority in Scotland towards victims of historic child abuse is as though they are dealing with liars and the dregs of society.

154. I understand Police Scotland have since lost the supposed statements they took from me in 1998 and 2000. Fortunately, I have copies and have provided the Inquiry with electronic copies of those. ⁽¹⁵⁾ I believe the statements show that the police consistently sought to steer the conversation away from anything to do with the monks, other than Brother Benedict, I was never properly interviewed, never treated as a victim of crime and never offered any kind of victim support.
155. These two statements are the sum total of the interviews conducted by the police with me and support my subsequent complaint to the Procurator Fiscal and Lord Advocate concerning the lack of preparation for prosecution in the 2003 trial.

Crown Office and Procurator Fiscal Service

156. In 2001 some monks from the De La Salle brothers were given letters of immunity from prosecution by the Lord Advocate. I was informed of this by the Lord Advocates Office.
157. On or about 29 October 2001 a company called McSparran McCormick wrote to me stating they were acting on behalf of Michael John Murphy in connection with criminal proceedings raised at Stirling Sheriff Court. The letter was threatening in tone and stated that a precognition agent would be calling at my home for the purpose of obtaining a statement. It went on that if I failed to attend or provide a statement I could be arrested and brought before the sheriff in Stirling. I have provided an electronic copy of this letter to the Inquiry. ⁽¹⁶⁾
158. Who gave this company my address or my name? I, as a victim of child abuse, was being threatened with arrest by the lawyers representing those accused of my abuse. How is that possible? There was clear inequality of arms. Personal and private information was being disclosed to the defence. ⁽¹⁷⁾ Victims were being harassed and intimidated and were offered no support.

¹⁵ Police Statement

¹⁶ McSparran McCormick 2001 letter

¹⁷ Character Assassination

159. I feel that I was never properly interviewed by the police and I began to correspond either directly or through my solicitors with the Procurators Fiscal in Stirling, Valerie Barber-Fleming and Geri Watt. I also wrote to Lord Advocate Colin Boyd, the Crown Office, the Law Society of Scotland and the Scottish Executive. ⁽¹⁸⁾
160. Most importantly, there was a complete lack of preparation by the prosecution. At no time did anyone from the prosecution speak to me or interview me. Valerie Barber-Fleming actually informed me in a dismissive manner that she did not have time to take statements from all of these people making allegations. She wasn't interested. She was never available.
161. On 21 October 2002, I received a letter from Valerie Barber-Fleming. Unfortunately I no longer have the letter she wrote, however she stated that it was common practice for defence lawyers to want to speak to witnesses.
162. On 28 October 2002 I wrote to Ms Barber-Fleming to draw her attention to a number of matters. I also copied the letter to William Gilchrist, Ian Bradley and Colin Boyd, Lord Advocate, at the Crown Office in Edinburgh. I have provided an electronic copy of this letter to the Inquiry. ⁽¹⁹⁾
163. I advised that I had never been notified that the trial had been postponed. I complained about the police coming to my door first thing in the morning, harassing me and instructing me to appear at court, only for the case to be subsequently adjourned. I complained about the intimidatory letter I had received from McSparran McCormick. I pointed out that very few of the several hundred former pupils that had made allegations against the schools were asked to give statements. I also asked who Michael John Murphy was and what he had to do with my case.
164. I emphasised the reservations I had about the lack of effort being put into the prosecution of the case. I queried the fact that those accused are afforded legal

¹⁸ PF Letter

¹⁹ PF 2002 Letter

counsel and yet I had received no legal advice whatsoever. I had never received any offer of counselling and nobody had even told me the facts of the case.

165. At the end of the copy of the letter I provided to the Inquiry are some notes I made at the time following a phone call I had with Ian Bradley of the Lord Advocate's office. He advised me that he had no intention of seeking extradition orders from Ireland for the monks alleged to have abused children. I asked him whether any attempts had been made to get any reports the monks had made and he said there had not. These would be the same reports which Geri Watt of the Procurator Fiscal's office had previously informed me were destroyed.
166. I had no intention of becoming involved with this Inquiry. I have no faith in the Scottish Justice System, but I did read the testimony of Brother Laurence Hughes. There is so much he says which is demonstrably false.
167. I have served a Freedom of Information request on the Crown Office and Procurator Fiscal Service (COPFS), asking if they could give me the details of the monks that were given immunity.
168. COPFS wrote back refusing to do so because it could cause embarrassment to the monks' families. I wrote to them again asking for the statistics, but they replied saying that it would be too expensive. I wrote again asking how many monks from St Ninian's had been given immunity, but they said that would be too expensive as well. I wrote again suggesting I gave some names and asking COPFS to confirm whether they had been given immunity but they refused that too.
169. These refusals are another indication of the bias, prejudice and contempt shown by COPFS. They do not deny immunities were granted to the monks, they simply refuse to disclose the fact on the basis of cost. Surely the public interest far outweighs any cost involved. COPFS cannot simply be allowed to withhold important information.
170. Again I wrote to COPFS and asked them if they would confirm that sometime between 2001 and 2003 the Procurator Fiscal had been challenged in Court about the granting

of immunity to monks from the De La Salle Order? On the 27th of June 2019 I received a reply “ COPFS does hold information in relation to the case you refer to under reference ST01500419 however information in answer to your request will not be provided.” (20) (21) (22) (23) (24)

171. I wrote a formal complaint to the Scottish Information Commissioner’s Office, however that went nowhere either. They responded that the information could not be disclosed under Section 48 of the Freedom of Information (Scotland) Act.
172. This leads me to the conclusion that the entire Scottish legal system was and remains inherently biased against victims of historic abuse and continue to provide cover for institutions alleged to have abused children. Instead it favours the institutions who committed heinous crimes against children. This is compounded by the fact that Professor Michael Lamb and Ms Susan O’Brian QC resigned their positions on the Scottish Child Abuse Inquiry and made public statements about Scottish Government interference. In addition Ms O’Brian QC made a formal complaint that her Article 8 rights had been infringed. She claimed £500,000 in compensation.
173. Records show that Mrs O’Brian QC made statements such as “a friend of hers was abused at school and says it was the best thing which ever happened to him.” One can only imagine her friend must have attended Eton. Although I know she didn’t get the compensation she claimed, what does that mean the victims are worth?

Edinburgh High Court Trial, 2003


174. In 2001 the De La Salle Brothers put out a statement in the press calling the victims “Nothing but a bunch of money-grabbing attention seekers.”

²⁰ COPFS Sept 2017

²¹ COPFS 8 November 2017

²² COPFS Dec 2017

²³ COPFS FOI June 2019

²⁴ FOI response 25 July 19  Review Response

175. I'm not a person that courts publicity, but I was so furious about this statement that I made a statement to the press on the condition of anonymity. I explained to them that I was a multi-millionaire, I was not looking for any money and I certainly was not looking for attention.
176. I was first approached by the Police in 1998 when they unexpectedly turned up on my doorstep. I heard nothing more until a telephone call which the Police report was a statement. Then I began to receive threatening letters from McSparran McCormick, I began communicating with the Procurator Fiscals Office and was told that I should collaborate with the Defence. I was astonished at the complete lack of any meaningful investigation by the prosecuting authorities, whereas Counsel for the Defence were threatening me with arrest, also the Procurator Fiscal was encouraging me to collaborate with the Defence Counsel, also informing me that I could be arrested. Through a series of communications throughout 2002 it became increasingly clear that the Scottish Procurator Fiscal was not investigating the alleged abusers. ⁽²⁵⁾
177. The trial in 2003 was a complete whitewash. They weren't getting at the truth. Other than Brother Benedict, the monks had all gone to Ireland and they were never brought to face justice. A common thief would be extradited to face trial for their crimes. In open Court I was cross examined by Counsel for the Defence who appeared to be suggesting that as a 10 year old child I had consented to sexual relations with an adult male. Counsel for the Defence sought to insinuate that I had accosted his client the previous day which was untrue. Counsel for Defence went on to suggest that I hated his client referring to Mr McKinstrey. That fact was my hatred was of his real client the Institute of De La Salle, I pointed out that I felt sorry for the man in the dock and was asked to explain why I felt sorry. I understood that he had admitted his guilt but that his Counsel had persuaded him to plead not guilty in order to protect his real client the Institute of De La Salle.
178. Whilst the victims were offered no support by the Scottish legal system or the Scottish Executive, no such reticence was shown by any of these authorities when asked to disclose every record of every victim granted by the Lord Justice General, the Lord

²⁵ Pre Trial Communication

Justice Clerk and the Lord Commissioner of Judiciary. This information was to be used to attack the credibility of the victims in open court. It was used to intimidate the victims and to cause maximum hurt and mental distress. ⁽²⁶⁾

179. Pre Trial Communication When I was called to give evidence I had to go and wait in a room with all the other witnesses. There were twenty or thirty guys there and they all looked like they had suffered greatly in life and were reduced to alcoholics and drug addicts. Every one of them looked like people who had endured abuse and brutality. I was shocked because I didn't know any of them.
180. All my suspicions and concerns were confirmed, the Procurator Fiscal had chosen twenty-nine of the least credible people he could possibly find from the hundreds that came forward. This was not a prosecution of the abusers, the majority of whom were not even in the dock, the only monk brought to trial was Brother Benedict AKA Michael Murphey, I believe he had left the institute of De La Salle at that point and whilst the Procurator Fiscal and Lord Advocate
181. I was called as the second witness on the first day and they tried to bury me. They didn't want me speaking. They couldn't get me off the witness stand quick enough and it is my reasonable belief that the whole intention was to try and hide my evidence. Despite my protestations to the judge, the honourable Lord Carlway, I was silenced. I was not allowed to address the court and the jury were prevented from hearing my evidence.
182. When I was giving evidence, the prosecution refused to ask me any questions and the defence barrister sought to undermine my credibility. He tried to imply that I consented to the sexual abuse I suffered because I hadn't said anything or objected. I wanted to retaliate to what the barrister was implying.
183. The barrister stated that I hated his client. I asked why he should think that, the barrister replied, because you have had a difficult life and now you want to take revenge on my client. I stated that in fact I felt sorry for Mr McKinstrey. The barrister

²⁶ McKinstrey Docs

asked if I would be so kind as to explain to the Court why I felt sorry for his client. I replied that my understanding was that his client had confessed but he had persuaded him to plead not guilty and not to take the stand in order to protect the institute of De La Salle.

184. Lord Carloway interrupted and asked if this was true, the barrister replied that his client may have confessed to some minor offences. At that point I interrupted and asked if he would be so kind as to explain to the Court the difference between minor and major paedophilia. Lord Carloway ordered me to stand down from the dock. ⁽²⁷⁾
185. The three accused were found guilty and were sentenced to two years (out in one). What sort of sentence is that to give to child abusers? ⁽²⁸⁾
186. I am firmly of the opinion that the pre-trial actions of the Procurator Fiscal and the prosecution in not taking evidence from the victims, failing to properly investigate the case, failing to seek extradition, failing to properly prosecute the case and failing to support the victims, whilst furnishing the defence counsel with any information requested, constituted a breach of the victims' rights under Article 6 of the Human Rights Act. They were not given a fair trial and therefore the Scottish Government is guilty of breaching their human rights.
187. The Human Rights Act did not exist in 1973, but the United Nations Convention came into existence in 1953 and cruel and inhumane treatment was banned. The Institute of De La Salle is therefore guilty of cruel and inhumane treatment of children on an industrial scale.

Incident at [REDACTED] Hotel, Callander

188. That there had been collusion between the Procurator Fiscal and the counsel for the defence, in breach of the victims' Article 6 rights, was confirmed on the [REDACTED]

²⁷ Transcript HKO 2003

²⁸ Certificate of Conviction

2005. I was holidaying with my family at [REDACTED] Hotel in Callander and ended up drinking with a gentleman who introduced himself as working with the Procurator Fiscals Office.

189. We drank a lot, well after the bar closed, when the gentleman was quite drunk I asked him what he knew of the trial in 2003 and he used exactly the same statement as the De La Salle Brothers, that the victims were "Nothing but a bunch of money-grabbing attention seekers." For me he just summarised what the mind-set of the Scottish legal system, when asked about a heinous crime of child abuse the automatic reply was not against the abusers but against the victims.
190. The problem with the Scottish legal system is that it is a very small, tight-knit community. Most of those in it tend to be middle-class and have a certain way of thinking. There is a snobbery about children who were brought up in children's homes. They are all thought of as bad children.

Court of Session ruling 11 April 2007

191. On the tenth day of the Scottish Child Abuse Inquiry Hearings, evidence was heard from Brother Laurence Hughes on behalf of De La Salle. Brother Hughes made a number of statements which I have reason to believe are deliberately intended to mislead. Those statements were regarding the day-to-day responsibility and management of schools run by De La Salle monks.
192. He said that the brothers would have the day-to-day involvement with students, but the actual overall care would not have been in the brothers' hands. He also said that by agreeing to undertake this work, the brothers became employees of the managers of the schools. He is saying that responsibility for overall care and for appointing the brothers lay with the managers and that is absurd. The reality is that the so called "Managers" had nothing to do with the running of the school other than a visit once a year. The "Managers" were in fact managed by Mr Francis McCormick a Glasgow

Lawyer who was instructed and acted on behalf of and was paid by The Institute of De La Salle

193. In addition, he said that De La Salle have no knowledge of abuse having taken place at any time and that they certainly had no records.
194. On 11 April 2007 Lords Osborne, Clarke and Marnoch issued a Court of Session ruling in the case of Hendron. The ruling related to an action for damages raised by a former pupil in respect of sadistic, humiliating and degrading abuse allegedly suffered by that pupil between 1963 and 1966. The defenders included seven named individuals who were members of the order of the De La Salle brothers. I have provided an electronic copy of this ruling to the Inquiry.
195. The Lords held that the case sought was irrelevant and lacking in specification and that there was no material in the averments that could give rise to either direct or vicarious liability on the part of the order of the De La Salle brothers. They held that it was clear that the responsibility for the management of the school lay with those who occupied the office of managers.
196. I know from personal experience and later media reports that the board of governors at St Ninian's, Gartmore was a sham managed by McCormick senior and still to this day by his son and partner McSparran McCormick. The "Managers" was a legal instrument used to avoid liability.
197. The fact is, the managers were local do-gooders who came to school once a year for tea and biscuits. Children were specifically prohibited from any communication with those managers. The managers themselves were interviewed by the media and stated they had absolutely no idea what was going on in the school.
198. Brother Laurence Hughes gives the impression that Brother MJP would have been under an obligation to report my disclosure of the abuse I was suffering from Jimmy McKinstrey to the managers. No report was ever made. Instead Brother MJP dealt with it himself by making an announcement at the morning assembly

that nobody was to speak to me. That announcement can easily be evidenced by any person who was at St Ninian's at the time.

199. I suggest that De La Salle and no-one else had the ability to employ, dismiss, admonish and instruct the monks. Can Brother Hughes cite a single example of a monk being admonished by the managers?
200. In the case of Hendron it was declared that responsibility lay with the managers. This ruling of 2007 was made despite a plethora of evidence to the contrary. What this ruling means is that in order for anybody to pursue civil proceedings for vicarious liability, they have to fail in the lower courts, appeal in the upper courts and persuade the law lords that they themselves had erred. ⁽²⁹⁾
201. In 2012 the Supreme Court overruled Lords Osborne, Clarke and Marnoch, but their ruling still applies in the Scottish Courts. The Inquiry should look at this ruling and declare it to be ultra vires. ⁽³⁰⁾

Testimony of Brother Laurence Hughes

202. The institute were not aware of the allegations until 2000, how could that be if the police came to my door in 1998?
203. The monks were employed by and reported to the managers of the school. If that were the case, when I made my complaint to SNR [REDACTED] Brother MJP [REDACTED], surely Brother MJP [REDACTED] would have been obliged to report the matter to the *M v Hendron*
204. That after school, day care of the children was handed over to house mistresses or house masters. My housemaster was Brother MJO [REDACTED] and to the best of my knowledge all the housemasters were monks.

²⁹ *M v Hendron* [2007] SLT 487

³⁰ *CCWS v De La Salle* [2012] UKSC 56

205. Brother Laurence speaks of his MA in Medieval Manuscripts. I think it is generally accepted monks were invented to keep records, yet not only in Scotland but in the other 80 or so countries around the world where De La Salle have been accused of child abuse, mysteriously no records exist.
206. The congregation was not responsible for managing the care of the children. No they were completely irresponsible. The so-called managers had nothing to do with the running of the school. The managers may have appointed James McKinstrey as a gardener, but it was the monks who allowed him access to children as they slept. I made SNR [REDACTED] aware of the abuse, SNR [REDACTED] broadcast this to the entire school as a way of ostracising me, the managers were nothing to do with that.
207. Brother Laurence Hughes informs the Inquiry that it was “hyped up” that there were thousands of monks. Who did this hyping up? For what reason? Is Brother Laurence Hughes suggesting he was misled by his superiors?
208. Brother Laurence Hughes appears to suggest that there was no movement of pupils between the schools run by De La Salle. I met many of the same children from St Ninian’s in St Mary’s, including [REDACTED].
209. Brother Laurence Hughes claims there are no records, surely the Institute must be aware of those monks against whom allegations of abuse were made? Do they not have records of those who were given letters of immunity by the Scottish Lord Advocate Colin Boyd? ⁽³¹⁾
210. Poverty, chastity, obedience and to go wherever they were sent. The last being the hardest. It was certainly the hardest for the children. As for Poverty, De La Salle have assets near £100 million in the UK. Obedience to whom? Obedience to keep the secrecy of the Order of De La Salle. Chastity, well, they certainly took the Chastity and innocence of children and as for being sent to care for young boys, my understanding is that was often the motivation.

³¹ 2004 Newspaper report Lord Advocate Right to grant immunity to monks challenged

211. Canon Law. In 1680 there was a Master-Servant or Master-Tradesman relationship. Today, we have employers and employees. They may not pay taxes or National Insurance but the relationship between De La Salle Monks and their superiors is akin to employment. They go where they are told to go, they are hired, dismissed and reprimanded by their superiors.
212. School Inspections? Local Do-Gooders who came by once a year, they were deferential to the monks although I also recall a visit from a senior member of the clergy, perhaps a bishop to whom the monks were deferential. There were no inspections.
213. The day to day care of children, the day to day punishment of children and the day to day abuse of children at least as far as St Ninian's is concerned was managed, orchestrated, meted out and overseen by the monks. No one else.
214. Is there any evidence of the headmaster of St Ninian's ever reporting child abuse to the board? If this is what De La Salle claim then they must have some evidence to back it up. There is much evidence to the contrary.
215. How many children who were raised in schools run by De La Salle left school with academic qualifications? How many children went on to have normal lives? How many in comparison with the general population went on to become drug addicts, alcoholics or suicide victims?
216. There was no atmosphere of kindness, encouragement and stability at St Ninian's. There was a foreboding atmosphere of punishment, abuse and unstable housemasters, deputy headmaster, religious knowledge teachers and headmasters. Fear and violence was the order.
217. My understanding is that as far as St Ninian's was concerned, the board of managers were patsy's managed by the father of John McCormick of McSparran McCormick. There is also an allegation that in the run of the trial in 2003 John McCormick was seen burning piles of school records.

218. No attempt was made by the Scottish authorities to interview any of the De La Salle monks when the allegations were made and when contemporaneous evidence could have been obtained. Instead the institute itself waited until they were dead. Now De La Salle, like the Roman Catholic Church, simply wish to drag matters out until the victims are dead.

Records

219. I thought monks were invented to keep records, but they all seem to have been lost.
220. If, as Brother Hughes says, the brothers were obliged to report to the managers, where are the managers' records? Are they all lost as well as the brothers' records?
221. Brother Hughes states that the institute of De La Salle has no knowledge or awareness of any abuse having taken place. He does concede that there was a single errant monk, Brother Benedict, also known as Michael Murphy, and that there may have been others of which the institute are not aware. Brother Hughes should inform the Inquiry if the institute of De La Salle is aware of allegations made by other victims and how many victims made allegations. If so, how many monks were alleged to have abused children? Perhaps most significantly, he should inform the Inquiry why the institute has kept no records of monks who were granted immunity from prosecution?
222. Brother Hughes' statement appears to be at odds with previous statements made by De La Salle that all the records were destroyed. Conveniently, Brother Hughes appears to have access to some records but not others. I believe the Inquiry and the victims deserve an explanation.
223. The Inquiry should ask Brother Laurence Hughes to disclose the number of allegations of abuse made against the De La Salle Order World-Wide. Surely they must have a

record of that? The Royal Commission in Australia reported that 74% of clerical abuse was carried out by De La Salle ⁽³²⁾

224. Brother Laurence Hughes appears to be less familiar with recent history than he claims to be with ancient manuscripts when he implies that the Institute of De La Salle are aware of only a single errant monk in Scotland he omits to mention Brother Maurice who after being caught bugging boys was transferred to Scotland by the Institute of De La Salle ³³

Hopes for the Inquiry

225. I want the truth to come out. That is the most important thing to me.
226. I know the monks responsible for my abuse are dead, but that is not the point, the institute is lying about it to this day. The institute of De La Salle must be held to account. I am pursuing them in the Courts in England because I want to hold them to account for the actions of their Brethren. One need only "Google" De La Salle child abuse to find there are thousands of cases world-wide. Is Brother Laurence Hughes seriously suggesting that paedophilia and rampant child abuse does not exist within the institute of De La Salle? The abusers make the victims out to be fantasists. Brother Laurence Hughes would like the Inquiry to believe that hundreds of victims in Scotland are liars. There is another possibility, that Brother Laurence Hughes is being somewhat economical with the truth.
227. The reputation of De La Salle for abusing children is global and undeniable. Indeed they have apologised for abuse carried out by De La Salle monks in a number of countries. These apologies are too little too late, they are meaningless and hollow to victims who have suffered all their lives whilst the abusers called them liars, "money grabbing attention seekers". What does the Institute of De La Salle propose to do to make reparations to the victims and families of those who were abused by members of their institution?

³² Australian Royal Commission Report on Monks

³³ 2014 BBC Report into historic Child Abuse

228. If they or the Catholic Church were any normal education institution they wouldn't be allowed to operate. They would be closed down, their assets seized, the directors struck off and imprisoned. They should be banned from Scotland and shunned from society. That's what this Inquiry ought to do.
229. Why are De La Salle not treated as any other heinous criminal organisation with a reputation for abusing children? Why has Scotland the worst reputation in the world for tackling this problem? It would appear that Scotland is one of few countries in the world where Government are deferential to the Roman Catholic Church and its offshoots.
230. I wasn't going to get involved in the Scottish Child Abuse Inquiry until I read Brother Laurence Hughes' report. He was lying through his teeth when he said that there was only one errant monk in Scotland. It made me really angry, this is the tactic they deploy, deny everything, blame the victims, appoint expensive legal counsel and eminent psychiatrists to attack and destroy the credibility of their victims.
231. Brother Hughes has given false and misleading information to the Inquiry. I put it to the Inquiry that had so many allegations of paedophile abuse been made against any other person or organisation as have been made against De La Salle, they would be arrested. Their homes and offices would be raided and thoroughly searched by the police.
232. I would like the Inquiry to provide an explanation as to why none of this has happened to De La Salle.
233. The Inquiry should help the monks adhere to their vows of poverty and to live modestly. I have identified that De La Salle have sixty-two million pounds worth of assets. Those assets should be seized and the monks should be stripped of any wealth that they have. That wealth should then be distributed amongst their victims. De La Salle should never again be let anywhere near children.

234. I am unsure if it is within the remit of the Inquiry to order that the monks take a vow of silence. In light, however, of the slanderous allegations they have made regarding victims and the misrepresentations Brother Hughes made, that would be an excellent addendum. A “put up and shut up” order would be appreciated not just by the general public, but by the victims as well. We are sick and tired of the constant lies, slander and attempts to blame the victims.
235. Also of importance are the failings of the Scottish government and not just its failure in its duty of care towards children. It is arguable whether the abuse was foreseeable. To allow celibate monks and nuns to look after children was akin to giving the foxes access to the chicken coup. They certainly gobbled all the cocks.
236. The treatment I have had from the Scottish Government, the Scottish police, the Crown Office and Procurator Fiscal’s office, the judge in the 2003 trial and the Lord Advocate, is appalling and a clear breach of my Article 6 rights.
237. I understand it is within the remit of the Inquiry to investigate the actions of Police Scotland, the Procurator Fiscal Office, the Scottish Court service, the prosecution counsel and the judiciary. I put it to the Inquiry that the victims’ Article 6 rights were breached, the entire manner in which the abuse of children in Scotland was investigated by Police Scotland, handled by the Procurator Fiscal and Lord Advocate then prosecuted in the Courts was worse than criminal it was morally repugnant and a stain of shame on Scotland which if the Inquiry does not fully and truthfully expose then I shall make it my life’s expose the corruption of the Scottish Legislators, Judiciary and Government. It is incumbent on the Inquiry that this is fully investigated and reported honestly. One need only read the statements taken by the police to see there was no real intention of any serious prosecution. I understand Police Scotland have mysteriously lost all the statements. I have not. ⁽³⁴⁾ ⁽³⁵⁾

³⁴ 1998 Police Statement

³⁵ 2000 Telephone Statement

Other information

238. I believe the gentleman at [REDACTED] Hotel paid with a Procurator Fiscal Office credit card, so he should be easy to find. Alternatively, I know the proprietors Mr and Mrs [REDACTED] still have the information. [REDACTED]
[REDACTED]
239. Since confiding in my solicitor [REDACTED] of Boodle Hatfield, he has assisted and represented me in my pursuit of justice. I am sure he would be happy to assist the Inquiry and provide copies of any correspondence he may have and to give evidence if requested.
240. I believe an awful lot of people won't come forward because a lot of children were manipulated by the monks, they were groomed. For many if not most, life was simply easier if one went along with the monks and many victims may feel they were compliant. They went along with the abuse by the monks because life was much easier. You got sweeties and people were nice to you. If you weren't compliant your life was hell.
241. I know from personal experience, Counsel for the defence in the criminal trial of 2003 suggested that I had not been raped. One cannot imagine that an educated highly trained legal advocate would be so repugnant and stoop so low as to suggest that a 10 year old child was sexually compliant or in some way consented. Only in Scotland could such an accusation be made in open Court without it causing an uproar.
242. A whole historic abuse industry has sprung up in Scotland where even lawyers who have previously failed victims and who have been declared bankrupt and struck off are offering their services to victims wishing to bring civil claims for a fee of 20%. Cameron Fyfe advertises his services on "Google". The Scottish Child Abuse Inquiry itself, the "Talk to us" team and others appear to be getting paid handsomely, whilst victims cling to hope and in many cases die.

243. John Swinney recently offered elderly victims £10,000 compensation, enough to pay for their funeral. CELCIS paid themselves more in annual salaries than their report suggests should be paid to victims. If the Scottish Government is going to compensate victims then the starting point should be the Judicial College Guidelines, loss of earnings, psychological harm, suffering, and so on. Even allowing for a 50% discount for contributing factors using the Judicial College Guidelines each victim would be entitled to in the region of £350,000.
244. Any victim bringing a civil claim is subjected to similar abuse as happened in the Scottish Courts in the trial in 2003 and in 2007. Victims are now forced to submit to the added indignation of a psychiatric examination by a highly paid psychiatrist employed by their abusers who write reports designed to insult, anger, and make their symptoms worse. There is mounting evidence that at least one psychiatrist employed by De La Salle and other Institutions accused and often convicted of abuse is simply not interested in talking about the abuse rather wanting to talk about all other possible influences upon the victims life in much more detail. Bearing in mind what the psychiatrists role is, he have veered away from it in most biased and unprofessional way, in the process, recklessly making more severe, the victim's existing damaged psychological condition. The Psychiatrist will write a report suggesting that the victim came from a difficult background and would have ended up damaged goods in any event. They will suggest that the alleged abuse had no lasting effect.
245. I am speaking about one psychiatrist in particular, professor Tony Maden, I was interviewed by him on the instructions of the Law firm representing De La Salle, when I read his report it appeared to me that he had used all of skills and experience to cause me further psychological harm. This astonished me and so I made contact with people who represent other victims who have been interviewed by professor Maden and found that this is his standard operating practice. Indeed in one instance I know of, a solicitor representing a group of people who have been subjected to professor Maden has had to write to the Court to ask that measures be put in place to keep the "Expert Witness" and the Claimants apart for fear of violence. ⁽³⁶⁾

³⁶ [REDACTED] Email concerning professor Maden

246. I hope the Scottish Inquiry will take a cue from the Australian Royal Commission in its determination to investigate and report the truth about Roman Catholic child abuse. But I do not expect that to be the case. It is noticeable that in Scotland there is a lack of media/public interest in abused children which is a peculiar trait which having travelled the world I can say is unique to Scotland where abuse survivors are regarded as “nothing but a bunch of money seekers” by the Procurator Fiscal.
247. De La Salle are able to claim in Court when any civil complaint is made that Brother **MJP**, Brother **HFT**, Brother **GZQ**, Brother **MJO** and others have never been charged with any crimes. This is true, because the police taking witness statements did not want to hear anything about the monks and our Lord Advocate granted them immunity from prosecution.³⁷
248. I am living proof to the contrary. I got on and had a reasonably successful life. My eldest son has gained entry into a leading university and at the tender age of just twenty one is already making a success of his life. The only difference between my eldest son and myself is that he was never physically, sexually or psychologically abused.
249. When you have three fights a day on average, when you are being beaten across your bare backside until it bleeds while six adults hold you down, when your shoulder has been dislocated and when your nose is broken and your teeth smashed, somebody showing you affection, sexually abusing you, isn't necessarily the worst thing that has happened that day. Although the wounds heal, the mental scars stay with you forever. That's what is unforgiveable. It appears that condones child abuse robbing the innocence of children, particularly when the child comes from a poor background. Compare what has happened to us to the attention given the case of Maddie McCann.
250. I have read the CELCIS report and listened to MSP John Sweeney both of whom add injury to those already psychologically harmed with their proposals for compensation. I put it to all of you involved in CELCIS, Future Pathways, COPFS, the Judiciary and the Inquiry that if it were your child who was abused at a minimum you would seek full

³⁷ Newspaper report 7 Monks from St Ninians granted immunity

prosecution and compensation at least in line with the Judicial College Guidelines. Indeed Suzanne O'Brian QC rather proved that point already.

251. The Australian Royal Commission Inquiry they pulled no punches. George Pell Claimed his "Melbourne Response" to child abuse was a "world first" he claimed it was independent and established to help victims and their families however investigative reporters uncovered evidence that it was in fact a cynical duplicitous organisation According to Peter Saunders an abuse survivor appointed by Pope Francis to sit on the Vatican's own child abuse commission, Cardinal Pell's "Melbourne Response" true mission " was and is a cynical attempt to denigrate, silence and intimidate victims". The Royal Commission in Australia uncovered that Pell's Melbourne Response was anything but independent and was in fact; in the pay of the church, reported to the church and acted in the interests of the church. One of Pell's key appointees was psychiatrist Richard Ball. His job was to assess victims but Ball was also the go to psychiatrist used by the church to defend paedophile priests. In the case of Father Kevin O'Donnell professor Ball was found to have written a secret letter to O'Donnell's lawyer Ball stated that O'Donnell had abused children for over 50 years up to 3 years previous to his examination by Ball. Yet in another letter written the same day to the Judge sentencing O'Donnell Ball misled the Court by failing to inform the Judge that O'Donnell had admitted abusing children as recently as three years previously, knowing that O'Donnell had lied to the Court claiming to have ceased 18 years previously. This led to the Judge in his sentencing statement to record "It is of great significance in your favour that you have not offended against the law over the past 18 years". Ball's omission allowed Father O'Donnell to get off with a sentence of 3 years and 9 months whereas he could have been sentenced to up to 86 years. Pell's 2nd appointment to Melbourne Response was Peter O'Callaghan QC. O'Callaghan was instructed by and reported to the Church's long standing lawyer Richard Leader
252. The Australian commission proved beyond any reasonable doubt that the Roman Catholic Church is rife with corrupt paedophiles from top to bottom (no pun intended) and that even the highest ranking Cardinals are deceitful liars.

253. In Australia the largest number of complaints were made against De La Salle monks. I guess brother Laurence Hughes would have us believe that the De La Salle monks who worked at schools in Scotland were somehow different from those in Australia, England, Ireland and the many other countries where it has been proven De La Salle is an institute of paedophile child abusers. The alternative would be that Brother Laurence Hughes is a liar which would suggest he himself has something to hide.

PERSONAL IMPACT

254. Unlike many victims of de La Salle I went on to lead a reasonably successful life having run away from Scotland to London aged 15 I took two jobs, then started a market stand, then a shop, a painting and decorating company and a cavity wall insulation company. By the age of 17 I was wealthy enough to take my girlfriend to the Caribbean on holiday. I have travelled the world, I can communicate in 4 languages and have founded a number of successful companies.

255. By 1998 I had founded a media company [REDACTED] we provided communications solutions to the world's largest communications company by 2000 I employed 13 full time staff and had a roster of freelancers. By 2001 We had paid up share capital of £2 million and our turnover was doubling every year. I was founder and CEO, [REDACTED] was Chairman, [REDACTED], [REDACTED] and others were shareholders and advisers. From 2000 the stress of the case, police turning up on my door to serve summons for cases that were cancelled, the stress of corresponding with the Procurator Fiscal and Lord Advocate was taking a toll on my health ⁽³⁸⁾

256. Culminating in the Farce Whitewash before the Honourable Lord Carloway in June 2003 caused me to suffer a mental breakdown. I didn't realise this at the time but I could not focus on business, I paid off all my creditors and made the staff redundant and moped around shell shocked. I had to remove my children from private school,

³⁸ 7 St Ninians Gartmore monks granted immunity by the Lord Advocate

my wife and I divorced and she returned to Japan for the sake of our children's education.

- 257. My life span out of control and crashed in 2010 when I tried to take my own life. Since I have been under psychiatric care and heavily sedated. I have gone from being a successful wealthy person with a rapidly expanding business to a life on benefits.

- 258. I hold the Scottish Government responsible for placing me into the clutches of evil child abusers, I hold The Institute of De La Salle responsible for failing in the actions of their monks and McKinstrey. Police Scotland for failing to properly investigate the case, the then Lord Advocate Colin Boyd for granting immunity to the monks, The Prosecutor Fiscal and Lord Carloway for failing to properly prosecute and participating in a whitewash.

- 259. This Inquiry does not appear to be doing much better, the Inquiry has not sought the transcripts of the June 2003 case which was the seminal case of historic child abuse the Inquiry does not want to uncover the truth of how victims of historic child abuse in Scotland are treated like with disdain by the Police, Legislator and Judiciary. Even using s.17 of the Inquiries Act 2005 to grant anonymity to those conducting the Inquiry shows contempt for the victims. Being asked to recall and speak about horrors from your childhood to people who refuse to identify themselves was not only unsettling but downright embarrassing when three people arrive at my lawyers office and refuse to identify themselves. There are many ennobled people who pass through the doors of Boodle Hatfield the three people from the Inquiry were joking referred to as the Left Honourable Tom, Dick and Harry for whom special arrangements had to be made as security in this building is among the highest, most discrete of any building.

- 260. I have attached three statements from people who have known me since as far back as the early 90's they all knew me as an astute negotiator and businessman ⁽³⁹⁾ ⁽⁴⁰⁾ ⁽⁴¹⁾

³⁹ Statement of [REDACTED]
⁴⁰ Statement of [REDACTED]
⁴¹ Statement of [REDACTED]

261. These are people of integrity who are shocked at how I and other victims have been treated by the Scottish Government and De La Salle, they have witnessed first hand the impact of the injustice I have suffered. [REDACTED] and [REDACTED] are quite influential connected people and will be watching the findings of the Inquiry closely.

Restorative Justice

262. Restorative Justice is a concept in which offenders take responsibility for the consequences of their actions. Scotland is perhaps in a unique position of never being able to offer any restorative justice, when the automatic response of the Procurator Fiscal is to attack the victims and defend the abusers echoing their words, the Lord Advocate grants immunity from prosecution to child abusers, the Inquiry does not question the assertions of a monk whom the Inquiry knows or ought to know is not being honest, in such an atmosphere restorative justice will never be achieved.

Redress

263. Remedy or compensation for a wrong. The wrongs committed to abuse victims are too numerous, living life as a child in permanent fear affects each child differently, as Susan O'Brian QC said; for her friend "it was the best experience of his life" for others it leads to a life of substance abuse, as evidenced above, in my own case I managed to move on with my life only for the real psychological harm to be caused by the Police Scotland, The Legislative Authorities, The Procurator Fiscal, Lord Advocate and the Courts, all of whom are expected to prosecute child abusers but in fact from the outset not only sought to defend them but actually granted them immunity from criminal prosecution and the highest Court in the country found them not responsible for their actions.
264. So who is responsible if not the abusers themselves? John Swinney MSP recently proposed £10,000 to those who are terminally ill, enough to pay for my funeral one victim replied.

- 265. I read the four reports from CELCIS a total of 230 pages and asked the author how much she believed survivors should be entitled to? I still didn't get a clear answer or understand so I put it another way, I asked her if she thought any survivor would receive more than 1 year of her annual salary? Oh no. At last, a clear answer.

- 266. I say victims of child abuse should be entitled to the same measure of compensation as any other victim of criminal Tort or Delict as they say in Scottish Law calculated in the same way as the losses are calculated using the Judicial College Rules. To do otherwise merely confirms the contempt with which Scotland views the victims of historic child abuse.

Declaration of Truth

- 267. As I said at the outset, given my treatment and past experience of the Scottish judicial system of injustice I have come to the conclusion is the only way the truth will ever be told is if I tell it myself hence I have taken the time to compose this statement and shall commission a documentary into Scottish victims of abuse and everything covered in this statement indeed one might regard my statement and attached citations and evidence as a treatment for the story board.

- 268. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed..... 

Dated..... 04 August 2021