

COMMISSION TO INQUIRE INTO CHILD ABUSE

HELD AT 145-151 CHURCH STREET, DUBLIN  
ON FRIDAY, 2ND JULY 2004 - DAY 8

BEFORE

MR. JUSTICE SEÁN RYAN

CHAIRPERSON OF THE INQUIRY

ORDINARY MEMBERS:

DR. IMELDA RYAN, Consultant Child and Adolescent  
Psychiatrist  
MR. FRED LOWE, Principal Child Psychologist

I hereby certify the  
following to be a true  
and accurate transcript  
of my shorthand notes in  
the above hearing.

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MEMBERS OF THE COMMISSION PRESENT

REGISTRAR TO INVESTIGATION COMMITTEE: MR. BRENDAN REEDY

COUNSEL FOR THE COMMISSION: MR. NOEL McMAHON SC  
MR. FRANK CLARKE SC  
MS. KAREN FERGUS BL

Instructed by: MS. FEENA ROBINSON

FOR THE RELIGIOUS SISTERS  
OF CHARITY: NICHOLAS MOORE  
ARTHUR COX SOLICITORS

FOR THE CHRISTIAN BROTHERS: MS. MARY IRVINE SC  
MS. SARA MOORHEAD SC

FOR OUR LADY OF CHARITY: MR. P. GARDINER SC

Instructed by: MILLET & MATTHEWS  
MAIN STREET  
BALTINGLASS  
CO. WICKLOW

FOR THE DAUGHTERS OF CHARITY: MR. RORY MULCAHY BL  
Instructed by: GARY McCANN  
McCANN FITZGERALD

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THE HEARING COMMENCED AS FOLLOWS ON FRIDAY, 2 JULY 2004.

CHAIRMAN: Good morning. Yes, Ms. Fergus.

MS. FERGUS: This morning we will be hearing from Sr. Úna O'Neill who is the Superior General of the Religious Sisters of Charity. Sr. O'Neill.

SR. ÚNA O'NEILL HAVING BEEN SWORN, WAS EXAMINED BY, MS. FERGUS AS FOLLOWS

- 1 Q. MS. FERGUS: Good morning, Sr. Úna.
- A. Good morning.
- 2 Q. You are the Superior General of the Religious Sisters of Charity?
- A. That's right, yes.
- 3 Q. I think you were elected to that position in 1995 for a term of six years?
- A. Yes.
- 4 Q. You still hold that post?
- A. Yes, I was re-elected.
- 5 Q. In 2001; is that correct?
- A. Yes.
- 6 Q. Before you go into dealing with the replies to the questions that the Committee put in the letter of 20 May, I think you might like to give a brief



1 background of the Order?  
2 A. Yes. We were founded in Ireland in 1815 by Mary  
3 Aikenhead and her first mission was really to visit  
4 the sick poor in their own homes, but as we grew we  
5 became involved in health and education, pastoral and  
6 social work, care of the handicapped and various  
7 other ministries. We are a small congregation. We  
8 have never been more than 800 or so and at the  
9 present time we are just over 500, serving in  
10 Nigeria, Zambia, Venezuela, California, Ireland,  
11 England and Scotland.

12  
13 I would just like to say why I am the person who is  
14 sitting here today. From the time that I was elected  
15 and even prior to it I became involved in these  
16 issues and have directly involved myself in the  
17 issues on behalf of the congregation. I myself did  
18 not work in any of the industrial schools or  
19 orphanages and so in a sense I had a great deal to  
20 learn. I did this with others by some of the ways in  
21 which I became familiar with the issue by attending  
22 the criminal cases of some of our employees and we  
23 defended two civil cases and I attended all of those.  
24 I have met on a number of times with past residents,  
25 both in groups and individually and listened to their  
26 different interpretations of experience. Then I have  
27 met with individual sisters and with groups of  
28 sisters on many occasions trying to understand their  
29 interpretation of what went on and their



1 understanding of what way they contributed to child  
2 care.

3  
4 I have also tried to read through most of the  
5 documentation, the archival documentation and I have  
6 read through all of the statements that have come in  
7 to us from our children.

8 7 Q. How many institutions were under your care in the  
9 State?

10 A. The institutions that we are dealing with here, we  
11 had six. We had five industrial schools cum  
12 orphanages which are the subject of the Commission  
13 and I will just name those if that's all right. We  
14 had St. Joseph's, Kilkenny was the first and was  
15 opened on 11 September in 1873 and it was certified  
16 for 100 girls, though indeed often the number was  
17 greater.

18  
19 That service was transferred to the Eastern Health  
20 Board on 6 April 1999. Lakelands in Dublin was  
21 opened and I noticed actually that most of these we  
22 opened at the request of the local bishop so  
23 Lakelands was opened at the request of the local  
24 bishop who actually was a Cardinal Cullen. We took  
25 it over actually from the Carmelite Sisters in 1877,  
26 they had been returning it. That was certified for  
27 70, but at one stage went up to 123 and that was  
28 transferred to the Eastern Health Board in 1998 and  
29 is still in existence. Banada in Sligo was certified



1 in 1882 for 50 children, again that went up sometimes  
2 to 120. That was phased out and closed in 1982.  
3 Ballaghaderreen was a school set up to cater for 75  
4 children. That was certified on 8 June 1886 and it  
5 and closed in July 1969. There were some children  
6 remaining there and they went to other schools and to  
7 Banada. Then St. Patrick's, Kilkenny was opened on  
8 23 December 1879 at the request of the Bishop of  
9 Ossory and it was certified for 150 children. It was  
10 closed rather suddenly in July 1966 and 32 of the  
11 younger children were transferred to St. Joseph's,  
12 Kilkenny in spite of the objections of the sisters  
13 who felt they did not have the space or the recourses  
14 but they put down mattresses in the playroom until  
15 they could sort things out and those children came.

16  
17 The older children then went to Artane and to other  
18 institutions. Then different from all of those is  
19 Madonna House which was opened in 1955 at the request  
20 of the archbishop to provide a centre for the  
21 temporary care of children whose mothers were ill or  
22 undergoing hospital treatment and that closed on  
23 31 May 1994.

24  
25 If I could say one other thing about those  
26 institutions. Reading through their history it  
27 became clear to me that the large institutional  
28 grouping was broken down in the 50's into other kinds  
29 of grouping, usually 30 children with one sister, one



1 staff and then in the 70's they went into the family  
2 system in all of those.

3 8 Q. Moving on then to the questions that the  
4 Investigation Committee requested your response to?

5 A. Yes.

6 9 Q. The first one was insofar as the body concerned has  
7 ever issued a public apology, I think you are going  
8 to deal with that aspect now?

9 A. Yes.

10 10 Q. The Religious Sisters of Charity have never issued a  
11 public apology in respect of child abuse?

12 A. That's right. We issued three different apologies  
13 relating to the criminal convictions of three of our  
14 staff, one in Madonna House and two in St. Joseph's,  
15 Kilkenny. If you like I can read them or ...

16 11 Q. Yes, if you wish.

17 A. In regard to Madonna House a programme was broadcast  
18 on RTE and we were asked for a statement and this is  
19 what we sent in. We say:

20 "The Religious Sisters of Charity are  
21 deeply concerned and saddened by what  
22 has happened to the children at Madonna  
23 House. We offer our heartfelt apology  
24 to each and every person who has  
25 suffered in a situation where we tried  
26 to ensure that they would experience  
27 warmth, care and support."

25

26 Then it goes on just to say that we have been caring  
27 for the children since 1956 and the significant  
28 contribution of the professionally good staff.

29





1

2 12 Q. What date was that? I think it might have been the  
3 early 90' s?

4 A. I don't have that date, '94.

5 13 Q. 1994?

6 A. 1994. Then the second apology was issued at the  
7 sentencing of a male child care worker in 1998. Can  
8 I just say that for us as a congregation that was a  
9 very significant -- have I the wrong date.

10 14 Q. I think you might have, it was 1997?

11 A. 1997, sorry. I am just saying that a very  
12 significant moment of understanding for us as a  
13 congregation was the conviction of a male child care  
14 worker from St. Joseph's, Kilkenny. While other  
15 Orders might have found that the States of Fear  
16 programme or other publications or broadcasts was  
17 their moment of realisation, I think it was the  
18 criminal conviction of that child care worker that  
19 was a very significant moment certainly for me and  
20 those other sisters who attended and for the  
21 congregation subsequently. For us it was a brutal  
22 initiation into the reality of sexual abuse of the  
23 most depraved kind. While I would have read the  
24 Garda statements that the children made against this  
25 child care worker, it became very real when the boys  
26 were asked to speak in Court and they described a  
27 most horrific litany of terror and hurt and  
28 humiliation and pain and powerlessness. It was at  
29 that moment I think for us as a congregation it



1 became real. I am not saying we accepted it or  
2 understood it, but it became real for us then.

3  
4 We then issued a third statement when another child  
5 care worker from St. Joseph's, Kilkenny was  
6 convicted. I will just read:

7  
8 "We are appalled that a care worker  
9 employed at St. Joseph's for 9 months  
10 from '76 to '77 abused children in his  
11 care and we are offering counselling  
12 services etc..

13 He came to St. Joseph's as a qualified  
14 care worker, had excellent references  
15 from his former employees in the UK,  
16 and was interviewed by representatives  
17 from St. Joseph's and from the  
18 Department of Education."

19 Then she goes on to describe why it happened. In the  
20 end she says, Sr. Eugene, she was the provincial at  
21 the time:

22 "Miles Brady's abuse of the children at  
23 St. Joseph's has called caused untold  
24 misery for the men involved. Nothing  
25 can make up for what happened to them  
26 and we deeply regret their suffering."

27 They were the three apologies we issued.

28 15 Q. I think the Order then has had further responses in  
29 terms of -- I think at the time the Order offered the  
30 help line, but I think you want to give an account of  
31 other matters that the Order has set in place?

32 A. Yes, if I may. As these revelations of child abuse,  
33 particularly the sexual abuse of our children, came  
34 out we were profoundly shocked. I couldn't



1 overestimate the degree of the shock which was,  
2 I suppose, mingled with disbelief. It was just an  
3 appalling experience for us as a congregation and us  
4 for the sisters particularly those who had worked in  
5 St. Joseph's. The only comparison I can make is  
6 where a family discovers that one of their members  
7 has been abusing one of their children over a period  
8 of time. It had the same effect I think on us  
9 because the collective memory of the congregation  
10 would have been a positive one in terms of our child  
11 care homes and the annals down through the years  
12 would testify to us as indeed did our relationships  
13 with out past pupils, not to say there weren't  
14 problems and difficulties and hurt at the same time.

15  
16 The issue of making a public apology didn't really  
17 arise for us. Our response to the emergence of the  
18 allegations was twofold. When we received the  
19 allegations through legal means we responded to them  
20 legally through our solicitors. At the same time we  
21 were trying to respond pastorally and that pastoral  
22 response was a continuation of what had been  
23 happening on the ground with the sisters who had  
24 actually been in these child care homes. Many of our  
25 past residents have maintained their contact with the  
26 sisters who were their carers and that continued and  
27 I think some of the Orders have expressed the way in  
28 which that continued.

29



1 One of the sad experiences for us has been when some  
2 of those relationships were ruptured by the advice of  
3 solicitors to our children not to have contact, but  
4 many of them ignored it. The relationships have  
5 continued. They were always there but then we tried  
6 to formalise what had been happening so we had  
7 reunions of our past residents. We had three of them  
8 in the year 2000 for Banada, Lakelands and  
9 St. Joseph's and 720 attended those. Last year  
10 I attended one in St. Joseph's, Kilkenny at which 300  
11 attended. Those attending included the children who  
12 have cases against us. It didn't seem to affect  
13 their relationship with us particularly with the  
14 sisters who were their carers and we were delighted  
15 to maintain, are delighted to maintain that  
16 relationship. It doesn't apply to all. There are  
17 some who have no contact with us at all.

18  
19 We also put in place support systems which were there  
20 informally for many years. For instance we did have  
21 one aftercare house in Dublin and now we have set up  
22 a second aftercare house where any of our past  
23 residents can meet and relax and study, get help with  
24 jobs, accommodation, computers, there is a computer  
25 room, literacy classes, counselling services, a  
26 playroom for the children. That house is in Dublin  
27 and is very well used and they have some reunions  
28 there too.

29



1 We also set up a substantial fund. Now the sisters  
2 had always helped in some ways to respond to the  
3 needs of our past residents but we set up a formal  
4 fund which is being managed by an independent  
5 committee to which the past residents of our schools  
6 can apply for help for ongoing education, for  
7 counselling for themselves or their families, grants  
8 for those who are experiencing particular problems,  
9 with regard to family health, employment,  
10 accommodation, contributions towards funerals and  
11 burials for those who may not have immediate family,  
12 grants for those who may want to set up a little  
13 business or whatever, for those who are searching for  
14 parents or siblings, and for reunions and holidays.  
15 That fund is being presently being administered.

16  
17 We have also met, I certainly have met on a number of  
18 occasions with past residents especially those who  
19 have requested it and I have listened to their  
20 stories and I have responded to them by acknowledging  
21 the hurt they had experienced and expressing my  
22 sorrow that that was their experience.

23  
24 I have met with a significant number of past  
25 residents for whom the experience of care in our  
26 institutions and particularly in St. Joseph's was  
27 positive and loving within the regime of child care  
28 at the time. I have met with those, they are mostly  
29 women, I have met with them a number of times and



1 they are very frank about the reality of the  
2 experience and the difficulties that were there but  
3 their overall relationship to St. Joseph's is one of  
4 a place where they found love and security and  
5 happiness. It's very hard to hold the two extremes  
6 there.

7  
8 I would also say that we have tried to gather all of  
9 our archival material into one place now and it is  
10 almost complete and we have sisters in place in three  
11 locations who handle enquiries. We have an open  
12 policy system with regard to our records for our  
13 children. They also meet with the children and talk  
14 with them and do whatever is necessary there. They  
15 are some of the things we have tried to do.

16 Q. I think you have already touched on the timing and  
17 manner in which the allegations of child abuse  
18 emerged particularly for your Order. Perhaps you  
19 might want to just deal chronologically with the  
20 various items that brought this into focus for  
21 members of your Order?

22 A. Yes, the first knowledge we had of abuse was in  
23 Madonna House. It emerged in April 1993 when a carer  
24 of one of the residents at Madonna House notified the  
25 manager of an allegation of sexual abuse of that  
26 resident by a male staff member. When that was made  
27 known steps were taken to notify the Health Board  
28 personnel, members of the congregation, the  
29 congregation solicitor and representatives of the



1 board of management of Madonna House.

2 17 Q. What year was this?

3 A. Sorry, 1993. We then set up an investigation, an  
4 inquiry, almost immediately we set up an inquiry and  
5 I think you may have a copy of that, not from us but  
6 somebody else mentioned they had given it to you but  
7 it's available, that report.

8 18 Q. Was that an internal inquiry?

9 A. It was, an inquiry into the operation of Madonna  
10 House. We set it up in cooperation with the  
11 Department of Health. If I can just read, it says:

12 "This inquiry was established by the  
13 Sisters of Charity with the assistance  
14 of the Department of Health to review  
15 the operation of Madonna House in the  
16 light of allegations of misconduct made  
17 against certain members of staff."

18 It was published by the Department of Health  
19 subsequently.

20 19 Q. It was published in May, I think, of 1996; is that  
21 correct?

22 A. It was 1996, yes. We set up that inquiry and a very  
23 detailed investigation took place and the results are  
24 contained in the report.

25 20 Q. Then I think in 1995 a further matter emerged?

26 A. That's right. In 1995 it was made known to us that a  
27 Garda investigation was taking place into allegations  
28 of abuse at St. Joseph's, Kilkenny, and it was  
29 through that investigation that we came to know of  
the allegations of abuse there. We, together with



1 the South Eastern Health Board, released an agreed  
2 press statement in November of 1995. This confirmed  
3 that the investigation was taking place and confirmed  
4 that the abuse came to light in mid-1994 but in fact  
5 it referred back to abuse that took place in the  
6 70's. I will go back to that maybe subsequently.

7 21 Q. Then I think sometime in early 2001 a further matter  
8 emerged?

9 A. That's right. It was in the course of the work of  
10 this Commission we became aware of a prior allegation  
11 of sexual abuse of our children in St. Joseph's,  
12 Kilkenny in 1954. It was the our solicitor who ...

13 22 Q. I think your solicitor is just confirming that it was  
14 actually St. Patrick's maybe?

15 A. No, it was St. Joseph's, I am sorry, in 1954.  
16 I attended at the Commission's office with Mr. Moore  
17 and the purpose of it was to review the originals and  
18 the copies of Department of Education documentation  
19 which was held by the Department and the Commission  
20 had obtained. It was the first time that I and we  
21 became aware that an allegation of sexual abuse had  
22 been made in 1954. This was an allegation in  
23 relation to a male worker, he was a painter as far as  
24 I know. Now, how that was handled at the time really  
25 was, it was handled by the Department of Education,  
26 by a representative of the Bishop of Ossory and by  
27 the Superior General at that time of the Sisters of  
28 Charity.

29 23 Q. This is in 1954?





1 A. In 1954 it was handled.

2 24 Q. Have any of your own internal records assisted?

3 A. No, we have no record whatsoever of this ever having  
4 happened, it was the first that we heard of it.  
5 I even went through the minutes of the council  
6 meetings, of the general council at that time and  
7 there is no reference to it whatsoever. All of the  
8 sisters concerned have now died who would have been,  
9 I should say, at the time have died except one and  
10 she is suffering from senile dementia in England.

11 25 Q. Then I think in 1986 you became aware?

12 A. In 1986 a complaint was made by a former employee of  
13 St. Joseph's, Kilkenny. She wrote to the South  
14 Eastern Health Board and made allegations regarding  
15 the quality of care being afforded to the residents  
16 at that institution. We also received correspondence  
17 at that time from the Irish Association of Care  
18 Workers in relation to this. The Health Board  
19 carried out an investigation in relation to these  
20 allegations and we got a letter on 2 February 1987,  
21 and I will just read the concluding paragraph from  
22 the Health Board, it says:

23 "In all of the circumstances -- this is  
24 the person who carried out the review  
25 from the Health Board -- I am satisfied  
26 that the letter from the former  
employee appears to have been written  
as a result of an isolated incident."

27

28

29 26 Q. CHAIRMAN: Was that a complaint of



1 violence, Sister?

2 A. No, it was a complaint not of violence, it was a  
3 complaint of the quality of care about food as far as  
4 I can remember. We can make that available to you.

5 27 Q. CHAIRMAN: It seems unlikely if it is  
6 an isolated incident that  
7 it's food; however, that's no problem, if you happen  
8 to know it well and good?

9 A. I did read it, I should know it.

10 CHAIRMAN: Don't worry, it doesn't  
11 matter because this isn't a  
12 detailed occasion, I just wondered.

13 A. If I remember now it might have been perhaps about  
14 the management of the area and that the particular  
15 person was parsimonious with food, but we can  
16 certainly provide that for you.

17 CHAIRMAN: I am sure at a later stage  
18 if it's necessary

19 ... (INTERJECTION)

20 MS. FERGUS: I am advised that have  
21 already disclosed it.

22 A. We have disclosed it.

23 CHAIRMAN: It's just that the quality  
24 of care seemed a little  
25 vague and if you were able to clear it up well and  
26 good and if you are not it doesn't matter.

27 A. Sorry.

28 CHAIRMAN: That's no problem

29 A. Shall I?



1 MS. FERGUS: Yes, proceed.

2 A. When we reviewed our files of St. Joseph's, Kilkenny  
3 during the Garda investigation, to which I referred  
4 in the beginning, we became aware that there were  
5 alleges of physical abuse against a care worker in  
6 St. Joseph's, Kilkenny. They surfaced in April 1990  
7 and the care worker resigned at the end of that month  
8 and the allegations were of severe corporal  
9 punishment in relation to 3 named children who were  
10 residents in St. Joseph's.

11 28 Q. I think on further investigation, there was some kind  
12 of connection?

13 A. There was. That was the same person who had been  
14 referred to in the complaints of the former employee  
15 in 1986.

16 29 Q. I think there was a further review of your files  
17 after the 1995 --

18 A. That's right.

19 30 Q. -- investigation?

20 A. Yes, this was when the 1995 investigation was in  
21 course. In the course of our review of all our  
22 documentation at that time we became aware that the  
23 manager of St. Joseph's had dismissed the male child  
24 care worker who had been employed in St. Joseph's,  
25 Kilkenny on the foot of complaints from the boys that  
26 the care worker was at them. She terminated his  
27 employment, understanding from that that he was  
28 abusive or hard on the boys. That was the same child  
29 care worker whose sentencing I think became a very



1           pivotal moment for us.

2

3           Can I just say there that that same child care  
4           worker, if you understand in the early 70's the  
5           manager was not trained, the sisters were beginning  
6           to get training and this child care worker was the  
7           first trained male child care worker in Ireland and  
8           it was considered a great thing that we employed him  
9           in St. Joseph's and put him in charge of the teenage  
10          boys as a father figure. There was a tremendous  
11          betrayal of trust there because this was considered  
12          to be the best thing we could have done and to  
13          subsequently discover what he had done to the  
14          children I think was -- well, it speaks for itself.

15   31   Q.   Then I think there were other sources that you have  
16          identified that contributed to the manner in which  
17          the congregation found out about allegations of child  
18          abuse?

19          A.   Yes, there was. When the second child care worker  
20          was sentenced for St. Joseph's we became aware of  
21          investigations being carried out by the Garda  
22          Síochána in 1995.

23          CHAIRMAN:                            Ms. Fergus, sorry to  
24    interrupt. I would prefer  
25          not to get into individual cases.

26          MS. FERGUS:                            Yes.

27          CHAIRMAN:                            No, I appreciate there will  
28    come a time when we have to  
29          deal with those.



1 MS. FERGUS: Actually what I was trying  
2 to elicit was the matters  
3 like requests for information.

4 32 Q. CHAIRMAN: I suppose, Ms. Fergus, what  
5 we are really wondering  
6 about, Sister, is this, when did the congregation  
7 become aware of complaints against the congregation?  
8 A. All of those complaints came in to us through the  
9 solicitor's letters. I am not aware of any child who  
10 came to us directly prior to receiving the complaints  
11 through the legal sources other than what I have  
12 mentioned.

13 33 Q. MS. FERGUS: Moving on then to the  
14 reasons why the body or in  
15 your case the Sisters of Charity contributed to the  
16 Redress Fund?  
17 A. Yes, well, the Government invited us to do so and we  
18 had a number of civil cases before the Court at that  
19 time.

20 34 Q. Which you have already?  
21 A. Which I have already dealt with. We had had the  
22 experience, I had the experience of attending these  
23 court cases and I had seen what that process had done  
24 particularly to the men who had taken the cases  
25 against us. I had spoken to them about the  
26 experience with both of them. I saw what it did with  
27 both the volunteers and the staff who had to testify.  
28 There was a strong pastoral reason for us not  
29 subjecting anybody to that kind of process if we



1           could avoid it.

2

3           We also felt the definition of abuse was so broad  
4           that it would invite many more cases against us and  
5           in fact that has proved to be the case. There has  
6           been a very, very significant increase in the number  
7           of cases that have come in from 2000 up to today,  
8           very significant increase for those that had come in  
9           beforehand.

10

11          We also felt that if we didn't contribute to the  
12          scheme, maybe we were wrong in this, we felt that  
13          perhaps the Redress scheme would give a partial  
14          payment to the children and then they would seek the  
15          rest from us through legal means and that would have  
16          been the same reason as I have given beforehand.

17

18          The same thing again I suppose the cases before the  
19          courts take a very long length of time as we had  
20          experienced and we felt that if the Redress scheme to  
21          which we could contribute could be up and running it  
22          would mean that those cases would be heard much more  
23          swiftly than in the courts. It was our view that  
24          this process would be preferable to our past  
25          residents and to the staff and sisters than going  
26          through the difficulties of the court system and also  
27          of course that the substantial amount of money that  
28          would be expended in legal fees could be avoided if  
29          we did contribute. We felt it would bring finality



1 to all of that.

2 35 Q. There were the main reasons?

3 A. They were the main reasons, yes.

4 36 Q. Moving on then, what protocols and procedures, if  
5 any, were in place that were designed to prevent or  
6 investigate or deal with allegations of child abuse  
7 for your -- were there any there before any of this  
8 emerged?

9 A. No more than would have been there in any  
10 institution, child care institution in the country.  
11 The Sisters would have been aware of the various  
12 reports that would have come out, the Kennedy Report,  
13 but all of the systems that we would have operated  
14 would have been in conformity with similar systems  
15 and protocols operated within other agencies. Once  
16 training became available they availed of the  
17 training that was there for them and they attended  
18 child care courses and meetings of child care workers  
19 when these became available but that was very late in  
20 the late in the day, it was in the 70's and prior to  
21 that there would have been very little.

22

23 I think the Sisters would have looked on the  
24 Institutions as homes rather than as professional  
25 services which is what the Kennedy Report would have  
26 advised that it was a professional service and they  
27 would have operated within that understanding.

28 37 Q. Then finally did you have any dealings with other  
29 Orders or other institutions, similar institutions



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abroad or in Ireland as a result of any of this  
emergence?

A. As a result of the emergence of -- no, not in terms  
of ... (INTERJECTION)

38 Q. Or even to do with child care in general?

A. Child care, no. Obviously within Ireland whatever  
kind of interaction took place in the normal course  
of events, but we did have two child care homes in  
England and sometimes sisters were changed back and  
forth but that would have been the only connection we  
would have had.

MS. FERGUS: Thank you very much,  
Sister. I think the  
Committee members might like to ask you some  
questions.





1 SR. ÚNA O' NEILL WAS THEN QUESTIONED, AS FOLLOWS, BY  
2 THE INVESTIGATION COMMITTEE

3  
4 MR. LOWE: Just one question. You  
5 have written in the  
6 statements:

7  
8 "Having regard to the general  
9 conditions in industrial schools in  
10 Ireland we were concerned that any  
11 child who was sent to an industrial  
12 school might apply for compensation."

13 What kind of general conditions did you have in mind  
14 there?

- 15 A. We had in mind the fact that at any given time what  
16 was happening in the institutions would have  
17 reflected what was happening in terms of the care of  
18 the children, the food they would have received, the  
19 régime which would have maybe emphasised order and  
20 discipline rather than emotional care of the children  
21 and looked back in hindsight at those things. One  
22 could consider that the regimes were harsh and that  
23 therefore there was a basis for a claim, that was the  
24 way. I suppose sexual abuse is always wrong and  
25 always horrific, but to measure other forms of abuse  
26 particular deprivation or neglect is always a  
27 difficult thing because one is always doing it in  
28 hindsight. I have myself tried to situate myself  
29 back in my imagination in those days and it is a very  
difficult to do. That would have been what would  
have been behind that.



1 MR. LOWE: Thank you.

2 39 Q. CHAIRMAN: Sister, I wonder could  
3 I just ask you one or two  
4 questions. Please bear in mind there is no  
5 obligation on you to answer anything, no inference  
6 will be drawn if you prefer not to and if there comes  
7 a time when we want to ask you questions when we are  
8 entitled to require an answer, that's not this  
9 occasion, if you understand?

10 A. Sure.

11 40 Q. CHAIRMAN: Looking at the position  
12 generally I take it that  
13 like other institutions yours would like to avoid  
14 confrontation and conflict where possible?

15 A. Indeed, yes.

16 41 Q. It certainly seems to be clear that that's part of  
17 your thinking in relation to contributing to the  
18 Redress Fund?

19 A. Yes.

20 42 Q. CHAIRMAN: I suppose people are going  
21 to say they have made  
22 complaints here to us and I am just wondering how you  
23 have approached those, do you understand?

24 A. I do.

25 43 Q. CHAIRMAN: People have said to us,  
26 look, there is a  
27 difficulty, we have often aged members of our  
28 community, we have to be fair to them, we have to  
29 look at them; on the other hand they have said they



1 accept as broadly true what's been said in the  
2 complaints, do you have a position on that or would  
3 you prefer not to get into that?  
4 A. Maybe what I can say is that the form or the road  
5 that the Commission is travelling at the moment might  
6 lead us to revisit our responses not in terms of  
7 objective factor, truth obviously, but in terms of  
8 legal approach where that is possible in the future.  
9 CHAIRMAN: Yes.  
10 A. I think that's all I could say at the moment.  
11 CHAIRMAN: Thanks very much. I am not  
12 trying to ...  
13 A. No, I appreciate that.  
14 CHAIRMAN: Well, I suppose I am  
15 slightly trying to put you  
16 on the spot, but I think I understand what you are  
17 saying, thank you very much.  
18 A. I would also feel, you see we worked quite hard  
19 I would say as a congregation to effect some form of  
20 reconciliation. Now we can't do that until our  
21 children come to us. That's one of the pains, you  
22 have to wait until the children come to you. I would  
23 hope that perhaps there would be more hope of that in  
24 the form that the Commission is taking at the moment.  
25 That would be our job in relation to the children,  
26 I don't expect you to, but I feel there might be some  
27 hope there.  
28 CHAIRMAN: Thank you very much.  
29 A. Thank you.



1 CHAIRMAN: Thanks, Ms. Fergus. Thanks  
2 very much, Sister.

3 A. Thank you.

4

5 THE WITNESS THEN WITHDREW

6

7 CHAIRMAN: Mr. McMahon, how do you  
8 want us to proceed, do you  
9 think we should break at this stage?

10 MR. McMAHON: Perhaps a short break,  
11 perhaps a 15 minute break  
12 and then we will be in a position to deal with the  
13 next witness.

14 CHAIRMAN: Very good, thanks very  
15 much.

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17

18 (SHORT ADJOURNMENT)

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THE HEARING RESUMED AFTER A SHORT ADJOURNMENT AS  
FOLLOWS.

CHAIRMAN: Good morning again. Yes,  
Mr. McMahon.

MR. McMAHON: Brother David Gibson.

BROTHER DAVID GIBSON, HAVING BEEN SWORN, WAS EXAMINED  
BY MR. McMAHON, AS FOLLOWS

CHAIRMAN: Good morning, Br. Gibson.

44 Q. MR. McMAHON: Br. Gibson, you are a  
member of the congregation  
of the Christian Brothers in Ireland and I think that  
you might indicate to the Committee what position you  
hold in that congregation?

A. I am the province leader of St. Mary's Province,  
Ireland. There are two provinces in Ireland and I am  
the province leader of the northern province.

45 Q. I think that you are here to speak to the Committee  
in response to its letter of 20 May 2004 in relation  
to the emergence of child abuse as an issue facing  
your congregation?

A. Yes, I would like to respond to that letter and to  
the questions that were posed in that letter.



1 46 Q. Yes.  
2 A. In particular why we issued an apology and also why  
3 we entered the redress scheme.  
4 47 Q. Yes.  
5 A. I would also like to give a brief account of the  
6 response of the Brothers when the allegations of  
7 abuse began to surface and what response we had, and  
8 also the protocols and variance procedures we put in  
9 place so I would like to go through that if I could.  
10 48 Q. If you would.  
11 A. Maybe just to say that in the early 1980's the  
12 Christian Brothers in Canada faced an inquiry into  
13 the allegations of abuse in Mount Cashel and at our  
14 general chapter of 1990, something that happens every  
15 six years, the leadership in Canada highlighted the  
16 awareness that the Brothers had of the whole question  
17 of child abuse and really pointed out the need for  
18 looking at institutions and looking at protocols that  
19 should be in place. When we returned from that  
20 general chapter to Ireland, the congregation leader  
21 at the time urged provinces throughout the world to  
22 initiate guidelines. So I was involved in the  
23 drawing up of those guidelines, researching  
24 guidelines that existed throughout the world really,  
25 looking at what sort of protocols were available in  
26 Ireland and other congregations and gradually we drew  
27 up a set of guidelines on child protection and we  
28 wanted to emphasise the question that was child  
29 protection rather than child abuse. We wanted to be



1 proactive and to really focus on the needs of people  
2 who could be in danger. We worked on those and we  
3 would have sent them to our various institutions, our  
4 schools our boards of management and sought feedback  
5 from them until eventually in November of '93 we  
6 would have had those in place.

7  
8 Now, one of the reasons for that too around that time  
9 we began to get complaints. Prior to that when  
10 I came on the province leadership team in 1990  
11 I think there were maybe three or four complaints  
12 that had come in.

13 49 Q. Yes.

14 A. Mainly historical complaints, but around that time in  
15 1990 complaints started coming and I would say in the  
16 first, say, six years between 1996.

17 50 Q. Yes.

18 A. I suppose about 30 complaints arrived at our desk.  
19 We could see that there was need for protocols, we  
20 could see that there was need for a response to those  
21 complaints. At the time all the institutions that we  
22 had, we had 8 institutions, we add Artane, we had  
23 Carrickglee, we had Glasnevin, St. Vincent's  
24 Glasnevin, we had Letterfrack, we had the O'Brien  
25 Institute, we had Tralee, we had Glin and Salthill.  
26 All of those had been closed for between 20 and 30  
27 years so in a sense we had very little knowledge of  
28 what had happened in those institutions and they  
29 weren't to the fore of our concerns at the time, but



1 complaints started coming.

2 51 Q. Yes.

3 A. Because those complaints started coming and because

4 in the media and the psyche really of Ireland at the

5 time where there were scandals, if you like, of child

6 abuse emerging, we felt that it was very important to

7 have an independent advisory group who would view

8 each complaint as it came so we established an

9 independent advisory body in April of 1995.

10 52 Q. Yes.

11 A. So we had on that experts from psychology,

12 psychotherapy, the legal profession, the helping

13 professions and what we decided to do was present any

14 case that came to us before them and to seek their

15 advice as to how to respond to that complaint.

16 53 Q. Yes.

17 A. We then realised, because these complaints were

18 coming, we had a difficulty ourselves in coming to

19 terms with the fact that brothers could have abused

20 children.

21 54 Q. Yes.

22 A. It was something totally contrary to the whole

23 vocation of a brother and yet we were getting

24 detailed accounts of how brothers had abused children

25 so we decided to inform ourselves and inform our

26 membership about the whole nature of child abuse so

27 we organised seminars throughout the country.

28 55 Q. Yes.

29 A. In 1995 we had Dr. Art O'Connor and Ms. Kate Keery,





1 social worker, from Temple Street.

2 56 Q. I think Dr. Art O'Connor is a consultant forensic  
3 psychiatrist in the Central Mental Hospital?

4 A. That's right. In the northern province, we had these  
5 in a number of venues in St. Mary's Province for all  
6 our membership. They, if you like, explained the  
7 nature of child abuse, the whole trauma of child  
8 abuse, the pathology of child abuse and at those  
9 meetings we had our brothers who were hearing this  
10 probably for the first time. A similar thing  
11 happened in the southern province where the director  
12 of community care, the local director of community  
13 care met brothers in the various regions and a  
14 Fr. Frank Buckley and a Sr. Mary Keenan who were  
15 involved in the Cork region in the whole question of  
16 child protection, they gave equally effective  
17 information and formation on the whole question of  
18 child abuse.

19 57 Q. Yes.

20 A. We continued with that in June 1995.

21 58 Q. If I may ask you then to indicate what topics, what  
22 kind of topics did they deal with in those seminars?

23 A. I think I have them somewhere here, but basically it  
24 would be dealing with the pathology of child abuse.

25 59 Q. Yes.

26 A. Paedophilia, its radical sort of and compulsive  
27 nature, the fact that a lot of complaints of child  
28 abuse need to be taken seriously, need to be  
29 believed, need to be responded to. They also



1 emphasised the fact that a complaint of child abuse  
2 when it's made you must presume that there is  
3 something in the complaint.

4 60 Q. Yes.

5 A. That you must take it as true. We found that quite  
6 difficult to initially accept because it was so  
7 contrary to what we were about but that's why we felt  
8 we needed these sort of seminars to impress upon  
9 ourselves as leadership about really taking these  
10 complaints seriously and through those seminars and  
11 subsequent seminars that I will mention later on what  
12 we saw was that every complaint that comes needs to  
13 be listened to very carefully and needs to be  
14 responded to very justly and fairly. At that time in  
15 1996 with the advice of the independent advisory  
16 panel it was felt that we needed a director of child  
17 protection services full-time and so in January of  
18 1997 we appointed a full-time director with a  
19 psychotherapist and secretary and set up an office  
20 called the Westcourt Child Protection Services.

21 61 Q. Yes.

22 A. Their role really was to receive complaints against a  
23 brother or staff member, to conduct an appropriate  
24 inquiry, to comply with the civil requirements for  
25 reporting, and to communicate these allegations to  
26 the leadership team. His role also was to assist the  
27 advisory panel in bringing forward these complaints  
28 and then to look at various programmes that would  
29 help both the survivors of abuse and also accused



1 brothers of abuse.

2 62 Q. Yes.

3 A. Just incidentally at that time the bishops framework  
4 document and the report of the Irish Catholic bishops  
5 advisory Committee on child sexual abuse by priests  
6 and religious was published.

7 63 Q. Yes.

8 A. That document, we obviously looked at that in the  
9 light of the protocols that we had set in place in  
10 November of 1993 to see that they were in tune one  
11 with the other.

12 64 Q. I think the Bishop's Committee had been looking at  
13 the situation since 1994 in that report?

14 A. Yes, it had. In 1994 they CORI, the Bishop's  
15 Committee on child sexual abuse in collaboration with  
16 CORI had organised a series of seminars. I think it  
17 was a Dr. Rosetti was involved in that. They were  
18 emphasising the need for drawing up of guidelines of  
19 good practice. So all of this, if you like, emphasis  
20 on the need for protocols and good practice, we felt  
21 that we had begun that in 1993 and were affirmed in  
22 that through the framework document of the bishops  
23 and in the work of CORI at the same time.

24 65 Q. Yes.

25 A. At our chapter then, the chapters take place, that's  
26 the gathering of the Christian Brothers worldwide,  
27 happens every six years, so the first one was in 1990  
28 when the Canadian story first came to our notice. In  
29 1996 we discussed the whole question of child abuse



1 at that chapter.

2 66 Q. Yes.

3 A. In the document *New Beginnings With Edmond* of 1996  
4 there is a phrase there which said that:

5 "We were being made painfully aware of  
6 our sinful history."  
7

8 67 Q. Yes.

9 A. That was a painful thing to come to terms with, that  
10 there was a shadow side, there was, if you like, a  
11 light side to our history but there was also a shadow  
12 side.

13 68 Q. Yes.

14 A. The RTE programme on Goldenbridge highlighted and  
15 other similar programmes highlighted the fact that  
16 there were allegations of abuse in various  
17 institutions and they needed to be looked at very  
18 carefully.

19  
20 Now, it was gradually coming to us. Again we were  
21 struggling with the whole question of accepting child  
22 abuse as a reality within the brotherhood.

23 69 Q. Yes.

24 A. Even though leadership at the time had done a lot of  
25 work on that and had come to terms through their work  
26 with the advisory panel with the appointment of the  
27 director, we felt in the membership that further work  
28 was needed so we asked in October of 1997 Dr. Robert  
29 Grant to Ireland and he gave a series of 13 seminars



1 on the question of child abuse.

2 70 Q. Yes.

3 A. At that time we would have expanded then the pool of  
4 people receiving those to not only our brothers but  
5 the principals of our schools, the Conference of  
6 Religious of Ireland themselves and other  
7 congregations availed of his expertise and again he  
8 would have been emphasising, if you like, the  
9 pathology of child abuse, the effects on children of  
10 child abuse, the nature of the person who would  
11 perpetrate child abuse and what sort of hope was  
12 there of any form of cure for a person who would be  
13 termed paedophile or a child abuser.

14 71 Q. Yes.

15 A. It was during the period with Dr. Grant, he had a lot  
16 of meetings with ourselves as leadership as well as  
17 working with the various members of the congregation  
18 and with our colleagues. He was emphasising the need  
19 to really take this on board, that child abuse had  
20 taken place in our institutions. Through his help  
21 but also from our own realisation of this, we felt  
22 the time had come to make some form of apology.

23 72 Q. Yes.

24 A. We decided to do that because we wanted to express  
25 the regret for those who had suffered in our schools  
26 and institutions and it wasn't at this stage only  
27 child abuse but it was also physical abuse and the  
28 perception that was there that Christian Brothers  
29 were harsh and had been particularly harsh with



1 regard to punishment, corporal punishment.

2 73 Q. Was there a realisation at that stage that abuse  
3 might refer to different grades of abuse or different  
4 types of abuse in relation to children?

5 A. I think particularly it was even though in our child  
6 protection documents we go through the various levels  
7 of abuse from sexual abuse to physical abuse to  
8 neglect --

9 74 Q. Yes.

10 A. -- and to other forms of abuse, it would be fair to  
11 say that the main concern that we were working at was  
12 with regard to child sexual abuse.

13 75 Q. Yes, indeed.

14 A. It was particularly child sexual abuse that was to  
15 the fore that was creating the greatest problem and  
16 difficulty for us to come to terms with. We wanted  
17 to make an apology because we felt that there was  
18 need for healing and we felt that no healing would be  
19 possible unless we were prepared to accept the fact  
20 that it happened, No. 1, and to say that we know it  
21 happened, we are sorry it happened and to be open and  
22 honest with that.

23 76 Q. Yes.

24 A. So we prepared for that. It took from November of  
25 '97 we met and during that meeting of 1997 we had an  
26 Australian brother with us who was on the  
27 congregation leadership team, a Brother Paul Noonan,  
28 and he talked about the situation in Australia and  
29 how there had been investigation into child abuse in



1           Australia and how the brothers in Australia in 1993  
2           had issued an apology.

3       77   Q.    Yes.

4           A.    Everything was pointing to the need to issue an  
5           apology. Now, there was a lot of hesitation about  
6           doing it, but we really felt that we were going to do  
7           it and we made that decision.

8       78   Q.    Yes.

9           A.    So in making that apology we decided to publish it on  
10          29 March 1995 or 1998 I should say.

11       79   Q.    Yes.

12          A.    Maybe I will read it out if that's ...

13          CHAIRMAN:                    Of course certainly please  
14   do.

15          A.

16                                        "Over the past number of years we have  
17                                        received from some former pupils  
18                                        serious complaints of ill-treatment and  
19                                        abuse by some Christian Brothers in  
20                                        schools and residential centres. We  
21                                        the Christian Brothers in Ireland wish  
22                                        to express our deep regret to anyone  
23                                        who suffered ill-treatment while in our  
24                                        care and we say to you who have  
25                                        experienced physical or sexual abuse by  
26                                        a Christian Brother and to you who  
27                                        complained of abuse and were not  
28                                        listened to we are deeply sorry.

29                                        We want to do much more than say we are  
30                                        sorry. As an initial step we have  
31                                        already put in place a range of  
32                                        services to offer a practical response  
33                                        and further services will be provided  
34                                        as the needs become clearer."

35                                        Now just to say that between 1996 and 1998, I had  
36                                        talked about 30 complaints up to 1996, but between



1            1996 and 1998 prior to the message we had already  
2            received a total of 80 complaints which was a huge  
3            number of complaints.

4    80    Q.    Yes.

5            A.    We were taken aback by the seriousness of them and it  
6            was because of that we decided to make the apology.

7    81    Q.    Yes.

8            A.    Sorry.

9    82    Q.    Brother, you have mentioned the apology, if I can  
10           bring you back a little bit prior to the making of  
11           the apology and perhaps in preparation for doing so,  
12           were there other steps which you took between  
13           November 1997 and March 1998 when the apology was  
14           published?

15           A.    Well, maybe just before I respond to that, I would  
16           have to say that in April of 1997 our congregation  
17           leader on the occasion of receiving the freedom of  
18           Drogheda apologised on behalf of the Christian  
19           Brothers and asked for forgiveness from former pupils  
20           of Christian Brothers so in a sense there was an  
21           apology done by a representative of the congregation  
22           but not by the Christian Brothers in Ireland  
23           themselves so that's why we wanted to do that.

24

25           Now, in preparation for that apology we consulted  
26           with the brothers of our province and we explained  
27           why we wanted to give that apology.

28    83    Q.    Yes.

29           A.    It went through various drafts, we haven't submitted





1 the drafts, I am not sure if we have all the drafts  
2 even, but initially I would say the initial part of  
3 it was emphasising the good we had done and then we  
4 sort of introduced the shadow side, if you like.

5 84 Q. Yes.

6 A. I would say 95% of the brothers at the meeting said  
7 get rid of the positive thing at the moment, that's  
8 not what we are talking about, we want to say we are  
9 sorry for the bad that was done, for the harm that  
10 was done so we did that. Naturally enough we were  
11 aware that by putting this in all the daily papers we  
12 would have an avalanche of complaints. We felt that  
13 that was lancing the wound really and bringing out  
14 into the open complaints that were there and we  
15 wanted them to come out and we felt that we would try  
16 and respond to those. We were involved, we had  
17 approached CORI with regard to the setting up of a  
18 helpline. Already the Mercy Sisters had worked with  
19 CORI and had set up their own so in collaboration  
20 with a lot of congregations in CORI we set up  
21 Foiseamh or CORI set up Foiseamh.

22 85 Q. Yes.

23 A. We also planned, if you like, a pastoral response to  
24 the many people who we felt would come before us.  
25 I will go into detail too about a whole question of  
26 mediation that we felt that an necessary element of  
27 healing for people who had suffered abuse in  
28 institutions was some form of redress and we felt  
29 that we could set up or we were exploring the whole



1           idea of maybe setting up that but I will go into that  
2           later on.

3    86   Q.    Yes.

4           A.    Following that publication on the 29 March 1998 260  
5           complaints arrived fairly quickly.

6    87   Q.    Yes.

7           A.    These complaints ranged from allegations of a harsh  
8           regime or of inadequate schooling to very serious  
9           allegations of abuse.

10   88   Q.    CHAIRMAN:                 Sorry, to interrupt you.  
11   Is this an additional 260?

12           A.    That's right.

13   89   Q.    CHAIRMAN:                 On top of the 80 that we  
14   already had?

15           A.    On top of the 80 so we are now at 340.

16           CHAIRMAN:                 Okay.

17           A.    Now, I haven't a breakdown of the level of sexual  
18           abuse and physical abuse, I mean we can supply that  
19           subsequently, but I would say certainly a significant  
20           number of those complaints were sexual abuse  
21           complaints.

22   90   Q.    MR. McMAHON:             Yes.

23           A.    Those numbers, 340, were huge. We looked at the fact  
24           that between 1930 and 1995 you would have had  
25           something like 650,000 boys in our schools and also  
26           in our institutions there would have been in that  
27           period about 10,000.

28   91   Q.    Yes.

29           A.    Nevertheless I mean proportionately it's a tiny



1 fraction, but one complaint we felt was hugely  
2 serious and 340 complaints was colossal. It was at  
3 this time too that brothers against whom there were  
4 allegations we felt needed, as well as those coming  
5 forward with allegations, the people who were being  
6 accused of abuse needed help so we established also a  
7 system of support, psychological support, for people  
8 who had allegations against them. We had the  
9 Granada Institute involved in supporting those people  
10 who had complaints against them

11 92 Q. Yes.

12 A. I would also say that at that time we had asked about  
13 18 brothers to withdraw from ministry who had  
14 complaints against them so while the cases were being  
15 investigated we had asked quite a sizeable number of  
16 brothers who were engaged in ministry to stand aside  
17 while these investigations were going on.

18 CHAIRMAN: Just pause there for a  
19 moment, Brother, while we  
20 change stenographers.

21 93 Q. MR. McMAHON: These were Brothers who,  
22 obviously, were still in  
23 the ministry?

24 A. Yes, these were Brothers -- a fair number of them  
25 were quite towards the time of retirement, but they  
26 were still in ministry and we asked them to stand  
27 aside.

28 94 Q. Yes.

29 A. Of those eighteen, three returned to ministry



1           subsequently. The Brothers asked to withdraw from  
2           ministry, this was done on the advice of the  
3           independent advisory panel, and that would have been  
4           monitored by them.

5       95   Q.    Yes.

6           A.    I mentioned earlier the whole question of mediation.  
7           Now, we felt that that was an integral part of some  
8           form of closure or healing for people who had  
9           suffered in our institutions, and we were aware that  
10          in Australia the Christian Brothers had set up a  
11          process of mediation. So we contacted our Brothers  
12          in Australia and they hadn't a lot of written  
13          material, but they had a long experience over a  
14          number of years of a process of mediation.

15       96   Q.    Yes?

16          A.    They indicated that in any mediation, they would need  
17          to check on the truthfulness of the complaint, and  
18          then there would need to be some form of psychiatric  
19          report. There was also the question of insurance and  
20          the dialogue between the Brothers and their insurers,  
21          and then a judgment whether to pay compensation and  
22          the amount and so on, and then a final sort of  
23          signing off of the -- now, that was going quite  
24          actively in Australia at the time.

25       97   Q.    Yes?

26          A.    So we wondered would this be a way of not dragging  
27          people through the Courts and making them prove that  
28          they had a justifiable case. So we brought it to  
29          legal advice in the High Court. I mean, this would



1 be legal people who were working in the High Court;  
2 it wasn't that we brought it to the High Court. We  
3 got legal advice and we were really informed that  
4 setting up mediation could encourage a type of  
5 avalanche of complaints. It would also, maybe,  
6 prejudice the present cases that we had. We could  
7 also be accused of obstructing the judicial system,  
8 that this was trying to subvert, if you like, the  
9 judicial system. In other words, that the Christian  
10 Brothers were seeking to avoid the Courts. Then the  
11 question was could you, in fact, settle, make final  
12 settlements and could we be undermining the  
13 justifiable or legitimate defences of those who were  
14 accused. So there were lots of difficulties involved  
15 in it. We would have met with the Taoiseach and the  
16 Minister for Justice and, again, the whole question  
17 of even taxation of amounts given, you know. So it  
18 was obvious that this was not possible.

19  
20 So as an alternative to that, we set up a pastoral  
21 service, where in 1998 we set up an independent group  
22 who would have a certain amount of funding, who could  
23 respond to needs of our former residents.

24 98 Q. Yes?

25 A. And could give them some form of support. We  
26 emphasised particularly that it wasn't compensation.  
27 We didn't want them to feel that by availing of the  
28 pastoral services they in any way affected their  
29 statutory rights. They could still bring a claim or



1 still have solicitors -- and many of them would have  
2 had solicitors' letters to us.

3 99 Q. Yes?

4 A. But we said, look, we are creating a wall between  
5 ourselves and this and you go ahead and seek the sort  
6 of pastoral help that you need. So, in a sense, they  
7 were the structures that we put in place to respond  
8 to the growing level of complaints that were with us.

9 100 Q. Yes?

10 A. The pastoral services, the independent advisory  
11 panel, and the whole question of mediation.

12 101 Q. If I may ask you then from the congregation's point  
13 of view or from the congregational leadership's point  
14 of view at that stage, what was the thinking in  
15 relation to the reality of these complaints which had  
16 come to the fore by then?

17 A. Well, I would say that due to the level of seminars  
18 that we had had, we took every complaint very  
19 seriously.

20 102 Q. Yes.

21 A. But our independent advisory panel said, look, it's  
22 not up to you to judge; you have to hear both sides.  
23 It was particularly painful for leadership because a  
24 lot of the complaints came directly to us. They  
25 weren't through solicitors' letters, initially. So I  
26 would have met quite a lot of complainants.

27 103 Q. You had spoken to many of them?

28 A. Spoken to them, met them.

29 104 Q. Yes.



1           A.    I would have listened to their stories and that was a  
2                very moving, a very difficult thing to hear and,  
3                probably more difficult than was going to the Brother  
4                accused and telling the complaint that was against  
5                them. Our view, really, was that our job was to  
6                listen to the complainant and to give that complaint  
7                to the person accused. Our role wasn't to judge and  
8                we just followed the protocols that we had laid down  
9                in our November 1993 document and we also drew up a  
10              subsequent one on the advice of the advisory panel  
11              for Westcourt Child Protection Services.

12  105  Q.    Now, we haven't really dealt with it in anyway -- I  
13                think passing reference may have been made to it, but  
14                you have said that the complaints were investigated  
15                and you have told us just now that many of the  
16                complainants were spoken to and you spoke to many of  
17                them yourself?

18           A.    Yes.

19  106  Q.    Were there records which were available to be  
20                accessed and were they accessed in relation to  
21                complaints? Perhaps, you could talk to us about the  
22                records which were available and the approach taken  
23                towards those records?

24           A.    Okay. Well, initially, when a complaint came to us,  
25                the first thing we would obviously do was to check  
26                that the person making the complaint was, in fact, in  
27                the institution that they said they were. So we went  
28                to our archives and examined the register books of  
29                our institutions and so on. We also began looking at



1 the file of the individual Brother complained to see  
2 was there anything on their file that would indicate  
3 that there was a concern. In some cases, there was,  
4 but it is only recently that -- well, within the last  
5 year we hired a professional archivist and one of the  
6 jobs we asked them to do was to go to Rome and to  
7 visit our archives in Rome. Now, up to the early  
8 1960's, the headquarters of the Christian Brothers  
9 was in Dublin.

10 107 Q. Yes.

11 A. In the early 60's, the headquarters moved to Rome, as  
12 a lot of congregations s did.

13 108 Q. Yes?

14 A. They brought with them the relevant archives for  
15 their own work on a congregation level and they left  
16 in Ireland the files and records that dealt with the  
17 Christian Brothers in Ireland.

18 109 Q. Yes?

19 A. However, when our archivist went to Rome, she came  
20 across their minute books of their Council decisions,  
21 the General Council decisions. In those, she came  
22 across details of allegations of abuse in the  
23 institutions in Ireland that did not exist in our  
24 files.

25 110 Q. These Council decisions, were these pre 1990's?

26 A. Yes, all of these dealt with incidents of child abuse  
27 in our institutions between, say, 1930 and when they  
28 closed. We came across -- and we haven't yet  
29 submitted to the Commission but will be submitting





1 these to the Commission -- we came across details of  
2 incidents of abuse in our institutions in Ireland.  
3 We came across eleven incidents of child abuse in  
4 Artane, ten in our day schools, three in Letterfrack,  
5 two in Tralee, two in the OBI, and two in Glin. Now,  
6 what we came across was that there had been  
7 information given to the leadership team at the time  
8 when they occurred. These allegations had been  
9 investigated. The investigation included getting the  
10 boys to write out what had happened to them and the  
11 boys had done that in some cases -- well, in one case  
12 at the moment we have one incident of that. Then  
13 they had at the end of what they called a trial, they  
14 had a decision made, and the decision was either to  
15 give a canonical warning to the person, they were  
16 dismissed from the congregation or they were rejected  
17 for the application for vows that year. Now, we  
18 wouldn't have the details of all the allegations, but  
19 a lot of material has emerged there which we didn't  
20 know about?

21 111 Q. Yes?

22 A. It shows that there were individual cases of abuse.  
23 It wasn't, in a sense, systematic or widespread, but  
24 over 30 years in Artane there were eleven cases that  
25 had been discovered at the time they had occurred.

26 112 Q. Yes?

27 A. And they had been investigated. Now, in 1990, we  
28 wouldn't have been aware of that. In fact, up to  
29 recently, we weren't aware of that at all.



1 113 Q. Just for the sake of clarity, Brother, these cases to  
2 which you refer, are they cases which had gone as far  
3 as investigation?  
4 A. I am not sure I understand.  
5 114 Q. These cases that you had referred to, are these cases  
6 where a complaint had been made and that complaint  
7 had proceeded to an investigative stage?  
8 A. Yes, yes.  
9 115 Q. You have mentioned a trial?  
10 A. Yes, all of these people would have been dismissed  
11 from the congregation or would have been refused vows  
12 or were at this stage dead.  
13 116 Q. And can you help us in relation to whether there  
14 were, perhaps, other complaints which, perhaps, did  
15 not result in the sanctions which you have described  
16 but in respect of which other enquiries may have been  
17 conducted?  
18 A. No, I am not aware of those, of any of those. In  
19 other words, at the time all we have got is the  
20 information that our archivist went to the Council  
21 files and discovered a series of named people and it  
22 is these named people that we have information on  
23 now. There are no other names.  
24 117 Q. I see.  
25 A. But it was quite significant when we came across that  
26 because it obviously underlined the fact that there  
27 were incidents from 1930 of child abuse and that they  
28 were dealt with in a way that was effective at the  
29 time.



1 118 Q. Yes?

2 A. Now, I think, judging by today's standards, they may  
3 not have been as effective, but that's another issue.

4 119 Q. Can you assist the Committee, Brother, in relation to  
5 how the children who made those complaints, how were  
6 their needs dealt with or looked after at that time  
7 contemporaneously?

8 A. I would have to say we have no knowledge of that and,  
9 looking back, I would say that very little help was  
10 given to young people who were abused.

11 120 Q. Yes?

12 A. The focus was on the culpability of the person who  
13 did it and I am not sure how much was done for the  
14 children who suffered. Now, the only thing that I  
15 would say is that coming across these allegations  
16 explains some of the comments that we would have in  
17 our constitutions and acts of chapter about care of  
18 children, things like emphasising that a Brother  
19 should never be alone with a child, that they should  
20 be able to treat all children equally and not have  
21 favourites and so on. That makes sense in the light  
22 of this discovery of complaints where children were  
23 abused in the institutions.

24 121 Q. MR. LOWE: Br. Gibson, may I ask if  
25 your archivist also  
26 discovered whether this method of recording things  
27 was a systematic one or whether it was just simply  
28 incidental notings, jottings?

29 A. Oh, no, these were formal trials.



1 122 Q. MR. LOWE: It was a formal way of  
2 noting it down?  
3 A. Yes, it was formal trials, and we have the copies of  
4 those trials which is available to the Commission.  
5 123 Q. DR. RYAN: Could I just ask additional  
6 to that is there any  
7 information as to whether those complaints at the  
8 time were reported to the statutory authorities, such  
9 as the police?  
10 A. No, there is no information about that. I couldn't  
11 say whether they were or not.  
12 124 Q. DR. RYAN: So they refer to internal  
13 investigation?  
14 A. Internal investigation, yes. There may be one or two  
15 cases, just from memory now, where, maybe, the  
16 complaint had been brought by someone to the Gardaí  
17 and then to us, but I wouldn't be sure of that.  
18 125 Q. MR. McMAHON: Brother, the complaints  
19 that you have just referred  
20 to which resulted in decisions which you have spoken  
21 about, were those complaints brought by individuals?  
22 A. Well, there was a system in the Christian Brothers  
23 and it is still today that every year a member of the  
24 leadership team visits every community and, in a  
25 sense, meets every member of the community and asks  
26 how things are going within the community.  
27 126 Q. Yes?  
28 A. Very detailed reports of those visits exist and are  
29 available to the Commission in the various



1 institutions that we had. Now, some of those would  
2 indicate that there were difficulties in institutions  
3 and some of them then show how there were  
4 improvements because of those visitation reports.

5 127 Q. Yes. Well, prior to the discovery of these records  
6 in Rome, what approach was taken by the community in  
7 investigating complaints as they came in? Did the  
8 community confine itself to looking at the records  
9 applicable to the now grown-up child who made that  
10 complaint and, perhaps, the member of staff or member  
11 of the community referred to in that complaint, or  
12 did the enquiries through the records go wider than  
13 that?

14 A. Well, in preparation or in response to the  
15 Commission's request for disclosure and in response  
16 to the allegations from the Commission supplied to  
17 us, we would have gone through the records of every  
18 Brother in our province or in our provinces to see  
19 were there any details or concerns that we had and,  
20 in some cases, we would have come across some  
21 details, but nothing in comparison to what we came  
22 across in Rome. So in some of the cases, there would  
23 be information in the general files which we now have  
24 which were not hinted at at all in our own files.

25 128 Q. Yes.

26 A. In others, it would just be more detail of a concern  
27 that was there in our own files. I am not sure if  
28 that's clear.

29 129 Q. Well, it is. You have indicated that the Rome files



1 will now be available to the Commission?

2 A. They will.

3 130 Q. They haven't yet been provided to the Commission?

4 A. Yes.

5 131 Q. In respect of those files where your scrutiny of them

6 indicated that there may have been some concern --

7 perhaps, a lesser concern than disclosed by the Rome

8 files -- are those files available to the Commission?

9 A. They are, everything is available.

10 132 Q. THE CHAIRMAN: Sorry, Brother, if it's

11 convenient, could I just

12 ask you these files are now back here; is that right?

13 A. They are, copies thereof.

14 133 Q. THE CHAIRMAN: And you have seen them?

15 A. I have.

16 134 Q. THE CHAIRMAN: The records of these

17 matters, are they in books

18 or files or what are we talking about?

19 A. We are talking about -- I mean, we have brought back

20 photocopies of these.

21 THE CHAIRMAN: Of course, I understand.

22 A. These would be minute books or books that would have

23 details, a trial book that would have the name of the

24 person and the details of the complaint and what was

25 done and the voting that took place as to whether the

26 person should be sent away or given a canonical

27 warning or whatever.

28 135 Q. THE CHAIRMAN: There was a form of inquiry

29 in the form of a trial.





1 140 Q. THE CHAIRMAN: One last thing -- as far as  
2 you know and, again, you  
3 may not know, the children who made those  
4 allegations, are any of those included in the  
5 complainants whose statements have been sent to you?  
6 A. I am not sure.  
7 THE CHAIRMAN: Well, again, I wouldn't  
8 expect you to know that if  
9 you -- you might or you might not.  
10 A. Okay.  
11 THE CHAIRMAN: Thank you very much.  
12 141 Q. MR. McMAHON: Sorry, we took a little  
13 diversion there. I think  
14 you had reached the stage in 1998 where a various  
15 approach had been put together by the community?  
16 A. Yes, that was in 1998 and in 1999 we had the  
17 three-part programme, the States of Fear, and then  
18 the response to that programme, which led to the  
19 Taoiseach's issuing of an apology on 11th May 1999  
20 where he apologised on behalf of the Government, the  
21 State and statutory bodies to those who had suffered  
22 abuse.  
23 142 Q. Yes?  
24 A. He established then the Commission of Inquiry into  
25 Child Abuse by Laffoy J. Then subsequent to the  
26 three-part programme, there was the publication by  
27 Dr. Eoin O'sullivan and Mary Raftery of Suffer Little  
28 Children.  
29 143 Q. Yes?





1 A. Now, we would have taken issue with some parts of  
2 those programmes in the book, but it had a huge  
3 effect on, I'd say, the dealing with child abuse  
4 issues in Ireland at the time.

5 144 Q. Yes.

6 A. I think what we were working at always was receiving  
7 complaints, listening to the complainant, listening  
8 to the accused, not making a judgment ourselves, but  
9 putting in place a protocol that would ensure  
10 children were protected.

11 145 Q. Yes?

12 A. We felt that both sides needed to be heard, the  
13 complainants and the accused. So when the  
14 legislation came about the Laffoy Commission, we  
15 welcomed it because we saw it as a way of bringing  
16 the truth out and letting both sides talk about the  
17 experience of childcare in the past. We had already  
18 acknowledged the failures and we had also shown other  
19 aspects of our care of children in the past which we  
20 hoped would be seen as very positive. So our hope  
21 for the Commission was that childcare and the history  
22 of childcare would be seen to be a response to a need  
23 at the time that in many ways was very positive but  
24 that, unfortunately, had incidents of abuse and  
25 neglect and failure. The Residential Institutions  
26 Redress Scheme then established in 2002. Again, we  
27 would have welcomed that.

28 146 Q. Yes?

29 A. We would have welcomed it because, I suppose,



1           fundamentally we, ourselves, had tried to set up a  
2           mediation process and when the Government approached  
3           CORI and asked CORI would they be prepared to donate  
4           a sum to that fund, we were happy to be involved in  
5           doing that.

6   147   Q.   We felt that we wanted to be involved in that because  
7           it afforded, if you like, a large number of residents  
8           the opportunity to get redress. It would be less  
9           adversarial. We felt that the money would go  
10          directly to the former residents?

11   148   Q.   Yes?

12          A.   It would be faster than the civil actions and that  
13          the allocation of money might bring some healing and  
14          closure.

15   149   Q.   Yes?

16          A.   And, of course, the most important thing, I suppose,  
17          was it was going to be set up on a statutory basis,  
18          which we hadn't been able to do. Maybe, just to say  
19          also we were aware that because of the serious nature  
20          of the complaints that had come, it was very  
21          difficult to make a judgment about these. The  
22          Redress Scheme was not going to make a judgment on  
23          those. We found particularly ourselves that a lot of  
24          the people being accused were dead.

25   150   Q.   Yes?

26          A.   Were untraceable.

27   151   Q.   Yes?

28          A.   And a lot of people that had complaints against them  
29          were denying them vigorously, Brothers were denying



1           them vigorously. We were in the middle with an  
2           allegation and a person who was saying this did not  
3           happen. We had many Brothers who had spent, say,  
4           three or four years in institutions and then  
5           subsequently had spent, maybe, 30 to 40 years  
6           teaching outside the institutions. During their time  
7           in the schools, there had been no complaints against  
8           them, but subsequent to the apologies, allegations  
9           had come. So we felt that long drawn-out process of  
10          legal litigation would not help anyone. So because  
11          of that, we were quite happy to join with the  
12          congregations in supporting the Government scheme.  
13          When the Taoiseach in October of 2000 announced in  
14          principle anyway that he was going to establish a  
15          body to compensate people, quite quickly we got an  
16          additional 380 complaints. By the time the Agreement  
17          was signed, we had roughly about 800 complaints, 791  
18          potential complaints.

19   152   Q.    Yes?

20           A.    So we felt that the Redress Scheme was an opportunity  
21           to assist those who had been in institutions to come  
22           to closure in a difficult experience that they had  
23           had.

24   153   Q.    Yes?

25           A.    Also, that it wasn't making a judgment because  
26           judging something that took place 40, 50, 60 years  
27           ago was very difficult to judge. So, in a sense,  
28           what we would feel is that from the very beginning of  
29           child abuse coming to our attention in 1990, we have



1           tried to be proactive in setting in place structures  
2           that would assist people to come forward and would  
3           help them to come to terms with the experience of  
4           abuse that they have suffered. We also put in place  
5           supports for people who were accused of abuse, who  
6           were traumatised by the allegations of abuse and the  
7           fact of setting up independent advisory panels and  
8           child protection services helped us in doing that.

9   154   Q.    Yes?

10           A.    I think what we would say now is that institutions  
11           that helped children, judged by today's standards,  
12           were not perfect. We would say a lot of Brothers  
13           working in them did heroic work. It is tragic that  
14           that good work has been somehow overshadowed by the  
15           incidents of abuse by some Brothers, and we would  
16           want to reiterate our deep regret to anyone who  
17           suffered in our institutions.

18   155   Q.    You mentioned that there was an increase in numbers  
19           following the Taoiseach's apology?

20           A.    Yes.

21   156   Q.    I think you mentioned a figure of almost 800 claims;  
22           was that by the time the Redress Agreement was  
23           finalised?

24           A.    Yes.

25   157   Q.    To what extent or did that increase at all vary the  
26           view of the congregation in relation to the  
27           allegations which were being made?

28           A.    I think it would be fair to say it did. From our  
29           early days in 1990 when we began to struggle with the



1 whole question of child abuse and through the  
2 seminars that we had had, we took very seriously the  
3 allegations of abuse. We were very sympathetic  
4 towards them and responded in a fashion, I think,  
5 that reflected that care and compassion. I think  
6 subsequent to States of Fear and to the Taoiseach's  
7 apology, the quality or the type of complaints were  
8 of such a nature that we became very nervous about  
9 accepting them fully as they came to us.

10 158 Q. Yes?

11 A. Some of the reasons for that would be that we saw  
12 quite a number of them couldn't have happened because  
13 the person accused wasn't there at the time. The  
14 quality or the seriousness of the complaint was such  
15 that it didn't sound as true as the normal types of  
16 complaints that we would have had, and we were  
17 worried about that. However, we have always  
18 maintained that it is not up to us to judge, and that  
19 is why we treat each complaint and respond to it  
20 clearly and, we hope, compassionately. But we would  
21 have incidents where we wonder very seriously about  
22 the truth of those complaints. We did say that a  
23 huge number of Brothers against whom there are  
24 allegations would vigorously deny the complaint.  
25 Now, what we would say is often we have been told,  
26 well, denial is a natural thing to do.

27 159 Q. Yes?

28 A. However, that is not a justification for not taking  
29 very seriously both sides of the evidence, and so



1                   that is what we have done and we hope that the truth  
2                   will out eventually.

3   160   Q.        You have mentioned Canada and you have mentioned  
4                   Australia and the experience which had been seen in  
5                   both of those jurisdictions and the fact that you had  
6                   consultations with those involved in Mount Cashel and  
7                   also with, I think, Br. Noonan from Australia?

8                   A.        Correct.

9   161   Q.        Was the picture which was now emerging, albeit after  
10                  the apology and with the increase in numbers, was it  
11                  very different to the picture that was emerging  
12                  elsewhere or was it the same picture?

13                A.        Well, I think the inquiry into Mount Cashel was one  
14                  place, so it was dealing with allegations in one  
15                  institution.

16   162   Q.        I understand that, yes.

17                A.        So it showed that in that institution there were  
18                  incidents of child abuse there. In Australia, in  
19                  some of the institutions it showed similar things and  
20                  we were seeing that in Ireland there were incidents  
21                  of child abuse in the institutions. So, yes, it is  
22                  showing that in our institutions, there were  
23                  incidents of child abuse.

24                MR. McMAHON:                                Thank you very much,  
25    Brother. I have no further  
26                questions.  
27

28                END OF EXAMINATION OF BR. GIBSON BY MR. McMAHON  
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THE CHAIRMAN:

Thank you very much.

Maybe, we could ask you a few questions. Again, please bear in mind, of course, and Ms. Irvine and Ms. Moorhead will know this, that it is purely exploratory. If anybody wants to say I'd prefer not to answer that or I'll come back to it or I won't, we are not drawing any inferences from that decision; you are completely free to say that, all right.



1 BR. GIBSON WAS THEN EXAMINED BY THE COMMITTEE, AS  
2 FOLLOWS

3

4 163 Q. MR. LOWE: I understood that all the  
5 cases in Rome referred to  
6 sexual abuse; am I correct in making that assumption?

7 A. Yes.

8 164 Q. MR. LOWE: Is there any record of any  
9 person being disciplined  
10 for excessive violence?

11 A. In our own files on the visitation reports, there are  
12 certainly mention of Brothers who were too severe,  
13 yes.

14 MR. LOWE: Okay.

15 165 Q. DR. RYAN: Just something to clarify,  
16 Br. Gibson, please, if I  
17 may. In terms of the range of measures you put in  
18 place to deal with the emerging issue of child abuse,  
19 you made reference to that those Brothers that had  
20 been accused of abuse received I think "support" was  
21 the word you used from the Granada Institute. Could  
22 I just clarify, given that the Granada Institute  
23 specifically treats sexual offenders, were they being  
24 treated in the Granada Institute for sexually  
25 offending behaviour?

26 A. Well, I think the Granada Institute has two sides to  
27 it. The first one is an assessment.

28 DR. RYAN: Yes.

29 A. So if there was a Brother against whom there were











1 A. Yes.

2 176 Q. THE CHAIRMAN: But apart from those  
3 reports, I think there is a  
4 whole series of reports dealing with other  
5 institutions which were not run by the Christian  
6 Brothers?

7 A. Yes, that's right.

8 177 Q. THE CHAIRMAN: Run by different religious  
9 institutions, so it is not  
10 just the Christian Brothers we are talking about;  
11 isn't that right?

12 A. That's right, yes.

13 178 Q. THE CHAIRMAN: I take it you were aware of  
14 the findings of those?

15 A. Yes, I mean, in drawing up our guidelines, we would  
16 have looked, say, at the whole Chicago and the  
17 diocese of Chicago and how they were handling it. We  
18 would have looked at, say, other congregations. We  
19 were aware of reports in England about childcare and  
20 I have forgotten the North Wales one, but we would  
21 have been aware of that.

22 179 Q. THE CHAIRMAN: And the Canadians have done  
23 a whole series of them,  
24 isn't that right?

25 A. Yes.

26 180 Q. THE CHAIRMAN: Dozens of them, indeed.

27 A. Yes, I wouldn't know all of those.

28 181 Q. THE CHAIRMAN: I am sure you wouldn't.  
29 I'm sure very few people



1 would. But was there something about the nature of  
2 closed institutions, would you say, that was  
3 conducive to some forms of abuse?

4 A. Well, I'm not sure, really, because I am just looking  
5 at the level of complaints from the time of the  
6 Christian Brothers' apology to the Taoiseach's  
7 apology and I was just doing an analysis of those and  
8 of the 263 complainants, 200 of them dealt with day  
9 schools.

10 THE CHAIRMAN: Yes.

11 A. So I think it is everywhere, unfortunately.

12 THE CHAIRMAN: Yes.

13 A. Homes -- I think the College of Surgeons' Report on  
14 child abuse is emphasising greatly the fact that a  
15 huge percentage of abuse takes place in the home,  
16 unfortunately.

17 THE CHAIRMAN: Yes.

18 A. But, I mean, I think was it Goldman or someone did  
19 the whole question of the study of  
20 institutionalisation and, yes, obviously,  
21 institutions are unusual animals, really.

22 182 Q. THE CHAIRMAN: Would you go along with  
23 what other congregation  
24 leaders have told us, which is that they would see it  
25 as desirable, where possible, to avoid confrontation?

26 A. Well, what we would believe, and we would stress this  
27 very much, we believe that truth and justice are at  
28 the heart of any inquiry and once that is honoured,  
29 we believe that healing and reconciliation will take



1 place. I think it is natural that people who feel  
2 aggrieved could be adversarial and I think people who  
3 would be defending themselves and their own rights  
4 could be seen as adversarial. I find your own wish  
5 for reconciliation in your own document is something  
6 that we would really wish for and we would hope that  
7 we could move towards that because, in the end of the  
8 day, it is healing and it is reconciliation that can  
9 only bring closure to this.

10 THE CHAIRMAN: Very good, thank you very  
11 much, Brother. That is  
12 most helpful.

13  
14 END OF EXAMINATION OF BR. GIBSON BY THE COMMITTEE

15  
16 THE CHAIRMAN: We should say, Mr. McMahon,  
17 that we had hoped to begin  
18 specific hearings on an institutional basis into  
19 Ferryhouse. Now, we would only have got them begun  
20 during this month because we have such a list of  
21 witnesses to come into this. In fact, it has proved  
22 impossible, so we are going to do that in September.

23 MR. McMAHON: Yes.

24 THE CHAIRMAN: So the idea is certainly to  
25 get the whole thing started  
26 and to proceed continuously with it in September,  
27 rather than try to bite off a tiny bit next week.

28 MR. McMAHON: Yes.

29 THE CHAIRMAN: So we are not going to have





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THE HEARING RESUMED AS FOLLOWS AFTER THE LUNCHEON  
ADJOURNMENT.

CHAIRMAN: Good afternoon everybody.  
Yes, Mr. McMahon.

MR. McMAHON: I wish now to call  
Sr. Lucy Bruton on behalf  
of the Sisters of Our Lady of Charity of Refuge.

CHAIRMAN: Yes, good afternoon,  
Sister.

A. Good afternoon.

SR. LUCY BRUTON, HAVING BEEN SWORN, WAS EXAMINED BY  
MR. McMAHON, AS FOLLOWS

A. Good afternoon.

CHAIRMAN: Hello, Sister.

183 Q. MR. McMAHON: Good afternoon, Sister?

A. Good afternoon.

184 Q. I think, Sister, you are a member of the Sisters of  
Our Lady of Charity of Refuge?

A. I am, yes.

185 Q. I think you are here this afternoon to assist the  
Committee in response to the questions raised in a  
letter which it wrote on 20 May 2004?

A. That's right, yes.

186 Q. I think you wish to give a very brief account of the



1 Sisters of Our Lady of Charity of Refuge and their  
2 involvement in the child care picture in Ireland?

3 A. That's right, yes.

4  
5 This Sisters of Our Lady of Charity were founded in  
6 France in 1641. We were founded specifically to care  
7 for women in difficulties who were on the fringes of  
8 society. However, as time progressed we moved into  
9 preventative work with younger children and it was  
10 the same when we came to Ireland. We opened our  
11 first foundation in Ireland in 1853 in Drumcondra.

12 187 Q. Yes.

13 A. We came over to an established home for women but as  
14 early as 1859 we were asked to establish a  
15 reformatory school for girls. In 1927 this  
16 reformatory school was certified as an industrial  
17 school under the appropriate legislation and until  
18 1944 this was the only child care facility we ran in  
19 Ireland.

20 188 Q. What school was this?

21 A. This was St. Joseph's in Whitehall, Drumcondra.

22 189 Q. Yes.

23 A. In 1944 we were asked to establish a house in  
24 St. Anne's in Kilmacud which was intended for  
25 children who had had unfortunate experiences and were  
26 not readily accepted into the industrial schools and  
27 we had just one school in St. Anne's.

28 190 Q. You said you were asked to establish a house in  
29 St. Anne's, Kilmacud?



1 A. My understanding was it was the from the Department  
2 of Education.

3 191 Q. Yes.

4 A. In 1856 a house was opened in Kill of the Grange  
5 which eventually started as a voluntary home and was  
6 absorbed into the child care system in the 1960's.  
7 If I may I would like to talk now about the  
8 industrial school?

9 192 Q. Yes, if you would.

10 A. The industrial school in Highpark was an institution  
11 for about 80 children at any one time.

12 193 Q. Yes.

13 A. There were four sisters working in the school and one  
14 part-time lay staff. Until 1951 the children had  
15 their schooling in the orphanage but after that they  
16 attended the local parish school and continued there  
17 until secondary level where they were able to do so.  
18 The sisters worked very hard. It was a 24 hour day,  
19 7 day a week and the only break they got from this  
20 was their annual retreat because at that time we had  
21 no holidays, we were an enclosed Order at the time.  
22 As you have already heard from the other  
23 presentations there was no child care training in  
24 Ireland until 1971 --

25 194 Q. Yes.

26 A. -- but as soon as the Kilkenny course started every  
27 sister who worked in child care was trained, but as  
28 far as back as 1959 one sister was sent to England to  
29 train in child care in an office, it was the Home



1 Office course and we did this because we had heard of  
2 the course from our sisters in England.

3 195 Q. Yes.

4 A. From the time of the Kennedy Report we became very  
5 aware and it was a growing awareness which continued  
6 on that institutions were not a suitable place to  
7 bring up children. Institutions mean regulations,  
8 regimentation, a lack of personal contact. The  
9 numbers would militate against the ordinary nurturing  
10 of children that can really only be given in a family  
11 home.

12 196 Q. Yes.

13 A. We accept now, and as I say it was a growing  
14 knowledge, we accept that such a way of rearing  
15 children brought pain and suffering to many children  
16 who were already suffering the loss of parents and  
17 family. Their human needs were not being met and  
18 they suffer the results of this today. In the 1960's  
19 when this sister returned from England visits were  
20 made to other institutions in the country to find out  
21 how best to proceed to change the institutional  
22 setting. As a result the large number of children  
23 was broken down into two groups to facilitate a more  
24 humane regime and in the 1980's the industrial school  
25 in Highpark and the voluntary home in the Grange were  
26 further broken down into smaller group homes at our  
27 own expense.

28 197 Q. Yes.

29 A. From the 1990's then because of the decreasing number



1 of sisters, and we were a small order to begin with,  
2 because of the decreasing number of sisters and the  
3 desire to establish a more coordinated service  
4 between all our units, we commissioned a professional  
5 survey of our child care service by Kieran McKeon  
6 Services and a copy of this can be made available to  
7 the Commission.

8  
9 From this we proposed a new structure of running our  
10 homes so as to make maximum use of the small number  
11 of sisters and staff and with a view to keeping alive  
12 the good relationships we had between staff, children  
13 and the congregation and the Health Boards and  
14 provide a more comprehensive service --

15 198 Q. Yes.

16 A. -- but the Eastern Health Board at that time was  
17 unable to agree to the proposals. We were unable to  
18 continue as we were and so in 1996 we made the very  
19 difficult decision for us to hand over the care of  
20 the children's homes to the Health Board.

21 199 Q. Yes.

22 A. One of the questions was about protocols and  
23 procedures. Up to this time the only protocols and  
24 procedures that we know about or that we were bound  
25 by were the rules and regulations for industrial  
26 schools and the reformatory school. Later on, and  
27 this will become obviously when we talk about the  
28 matters of litigation we had because the litigation  
29 that I am talking about in the 1980's, we had the



1 procedures which were laid down at that time and they  
2 were modern procedures.

3 200 Q. Yes.

4 A. I would like to talk then about the allegations and  
5 litigation for us.

6 201 Q. Yes.

7 A. Ours can rough exactly be divided into two parts:  
8 You have the first early allegations and they were  
9 from about 1930 to 1980 and then the second part  
10 which were very specific ones in the 1980's.

11 202 Q. Yes.

12 A. The allegations from 1930 to 1980 are about harsh  
13 regime and general physical and emotional neglect and  
14 that seems to be endemic in all large institutions  
15 and I have already spoken about the effects of those  
16 earlier in my presentation.

17 203 Q. Yes.

18 A. Except for four allegations received about 1998 all  
19 the others were received after the Taoiseach's  
20 apology and after the Commission was established. Up  
21 to this we had just those very four.

22 204 Q. There are really three categories that you speak  
23 about, the period 1930 to 1980 which you have  
24 characterised as being times of physical neglect?

25 A. Yes, the general allegations.

26 205 Q. Then you have mentioned four episodes?

27 A. No, I was just saying there that they were the only  
28 four we had before the Commission was established and  
29 as it happened of those four three of them were not



1                   ours at all.

2   206   Q.    Between the 1980's and the establishment of the  
3                   Commission there were four of which you will go on to  
4                   deal with now?

5                   A.    That's right, yes.

6   207   Q.    I am sorry to interrupt you.

7                   A.    No, that's fine. It is very hard for us to establish  
8                   what happened during these times because every sister  
9                   who is involved but one and who is named as a  
10                  respondent to the Commission's reports is dead. As  
11                  it happened they died between 1999 and 2000, they  
12                  were old sisters.

13   208   Q.    Yes.

14                  A.    No allegations about them had been made before this.  
15                  Therefore, when we had allegations we could not ask  
16                  them to respond and we could not ask them to explain.  
17                  We accept the integrity and the hurt of those who  
18                  have made allegations; however, we feel that in  
19                  common justice we cannot judge those who have not  
20                  been able to be heard and whom we cannot ask for  
21                  comments.

22

23                  I would like to come now to the second type of  
24                  allegation and these were allegations of sexual abuse  
25                  which occurred in one of our group homes in 1989.  
26                  They are very specific and there are no general  
27                  allegations made against the home otherwise.

28   209   Q.    Yes.

29                  A.    By this time there were procedures in how to deal



1 with such allegations from the Health Board and they  
2 were followed to the letter. In 1989 in one of our  
3 group homes an allegation of sexual abuse was made  
4 against a layperson employed as a house father.

5 210 Q. Yes.

6 A. This allegation was investigated by the Gardaí and  
7 the Health Board.

8 211 Q. Yes.

9 A. However, the man involved disappeared and it is  
10 believed that he left the country and he has not yet  
11 been able to answer for those allegations.

12 212 Q. Yes.

13 A. As a result of the investigations, we arranged for a  
14 number of the children to be seen by St. Louise's  
15 unit in Crumlin and they were afterwards given  
16 therapy and counselling by the child guidance clinic  
17 in the area in which the children's home was. The  
18 staff was also given help to cope with the situation.

19 213 Q. Yes.

20 A. It was decided to close this home in 1990.

21 214 Q. Why was that decision made?

22 A. As a result of the allegations there was a very sad  
23 feeling about the home. We felt we could not really  
24 bring it together again to open it up as a children's  
25 home and the decision between the Health Board and  
26 ourselves was that we would close the home.

27 215 Q. Yes.

28 A. Later in 1989 an allegation was made by another  
29 resident in another of our group homes that he had





1           been abused by a visiting priest who did voluntary  
2           work with the home. The allegation was reported to  
3           the Gardaí and investigated but there was no  
4           prosecution.

5   216   Q.   Yes. Can you assist us in relation to whether there  
6           was any follow-up for the complainant in that  
7           instance?

8           A.   Yes, there was and later on I think he brought other  
9           complaints. At that time he was helped by the staff  
10          in the house centre. Again, the child guidance  
11          clinic in that home had a great relationship with him  
12          and he was involved there.

13   217   Q.   I see.

14          A.   In February 1995 a complaint was made by a former  
15          resident of another group home that she had been  
16          sexually abused by a visiting clerical student  
17          actually while she was in our care during the 70' s  
18          and the 80' s. This matter was also investigated by  
19          the Gardaí and is the subject of complaint before the  
20          Commission to Inquire Into Child Abuse.

21   218   Q.   Yes.

22          A.   As a result of the investigations made at this time,  
23          we accept that our four residents were sexually  
24          interfered with by the alleged perpetrator who has  
25          still not been brought to answer for his behaviour.  
26          The above incidents were devastating to the sisters  
27          involved in these homes as every precaution had been  
28          taken when employing staff to ascertain that they  
29          were suitable.



1 219 Q. Yes.

2 A. I would like to talk then about our relationship with  
3 past pupils, past residents. Our sisters have and  
4 have always had good relations with past residents  
5 and this is still the case. Sisters are meeting  
6 quite often with past pupils who have made  
7 allegations and they still continue to welcome them,  
8 but it is hard for the sisters when they meet these  
9 pupils to know how to cope with the situation. This  
10 is one of the reasons why we very definitely would  
11 welcome the Commission's suggestion to deal with  
12 reconciliation and that area.

13 220 Q. Yes.

14 A. When Highpark was closing down because we moved out  
15 of the Highpark premises to another building, a  
16 purpose-built building, and when it was closed we had  
17 a reunion of past residents really just to say  
18 good-bye to people who had lived in a place for a  
19 certain time. About 100 girls accepted the  
20 invitation. Afterwards we had letters from about 3  
21 or 4 saying that they had found it hard because it  
22 brought memories to them that they weren't really all  
23 that happy to bring back, but in fact the general  
24 response had been very good.

25

26 We find the whole question of relations between past  
27 students and ourselves a real balancing act and it's  
28 one that we have to hold very delicately because it  
29 is very complex and it's not easily resolved. One of



1 the sad things is that sometimes relations between  
2 former residents has been shattered by them taking  
3 different sides or whatever and it is very difficult  
4 for us to see this.

5  
6 Sisters who worked in child care in the past feel  
7 deeply saddened by the sufferings and pain of  
8 children whom they had tried to serve to the best of  
9 the ability that they knew at the time and this is  
10 also a sadness that we hold. We have had help from  
11 historians, sociologists to help us to understand the  
12 attitudes and climates of the time and how this  
13 developed. Sisters have also been able to share  
14 together their own pain and help was offered them if  
15 it were needed.

16  
17 I would come next to the question of the Redress  
18 Scheme because the question we were asked is why we  
19 went into the Redress Scheme.

20 221 Q. Before you do that, I think you may have already  
21 dealt with it, but in terms of knowledge of  
22 complaints, you did say that the time of the  
23 Taoiseach's apology?

24 A. It was then -- they were the only complaints we had.  
25 We knew of nothing before that and it was only when  
26 the complaints came to the Commission that we began  
27 to hear the allegations.

28 222 Q. Can you talk to us about that, how did your knowledge  
29 change at that stage?



1 A. Well, as we would receive letters of complaints we  
2 obviously had to look into the matter and it began to  
3 change our minds about what had been our previous  
4 hope and knowledge that we knew of what had happened  
5 in St. Joseph's School.

6 223 Q. Prior to the Taoiseach's apology you had --  
7 A. -- no complaints.

8 224 Q. -- a number of complaints which you have referred to?  
9 A. Yes.

10 225 Q. It was a relatively small number?  
11 A. Very small.

12 226 Q. I think it remained at quite a small number  
13 relatively speaking --  
14 A. Yes.

15 227 Q. -- even after the Taoiseach's apologies in fairness?  
16 A. It did, yes.

17 228 Q. Is it the case that there was an increasing body of  
18 new complaints of which you had not previously known?  
19 A. Yes. There was a complete body that we had not known  
20 that began to come in in dribs and drabs.

21 229 Q. What steps did you take to look at those complaints  
22 and to investigate them, and what attitude as a  
23 community did you take towards them?  
24 A. As I say we took the attitude that up to this we had  
25 had no complaints and in the beginning it was  
26 devastating because we thought we had done quite  
27 well. If you keep on hearing the same things you  
28 must take account of them, but we couldn't make  
29 investigations because the people who were actually



1           involved were dead.

2   230   Q.    Yes.

3           A.    Any person who was named was dead.

4   231   Q.    I see.

5           A.    We did ask sisters who had been employed in the

6           school afterwards but theirs was a different

7           experience, it was in a different time, it was after

8           1970/1980 so the times that most of the

9           complaints were about there was nobody there to ask.

10   232   Q.    The complaints were about older times?

11          A.    About older times.

12   233   Q.    Were there records which you could consult in

13          relation to the complainants whose complaints were

14          now coming in or what was the position as regards

15          records?

16          A.    We had records on everybody who had entered the

17          school but they were very meager.

18   234   Q.    What kind of records?

19          A.    We would have for example the committal forms,

20          medical forms, birth certs and if there was anything

21          else, sometimes there would be a specific event and

22          that would be there. There would be school reports

23          and --

24   235   Q.    Yes.

25          A.    -- obviously incident reports but there were no

26          records.

27   236   Q.    No records of?

28          A.    Any abuse --

29   237   Q.    I see.



1 A. -- at all that I could find and I have all the  
2 records in the same place.

3 238 Q. Yes. I think the records are available to the  
4 Investigation Committee?

5 A. They are, indeed, yes.

6 239 Q. You were then going to go on, Sister, and speak about  
7 the reasons why your community contributed to the  
8 Redress Fund?

9 A. Yes, we decided to be part of the Redress Funds,  
10 there were almost three reasons. First of all, CORI  
11 invited us to be part of the group of 18 religious  
12 Orders who were involved in child care and the  
13 Government invited that group to participate and  
14 contribute to the Redress Fund and in solidarity we  
15 decided to participate in the scheme.

16 240 Q. Yes.

17 A. We were conscious of the five litigation cases that  
18 were pending against us at that time and obviously we  
19 felt I suppose because there were some that we might  
20 hear of others. We felt that it would be easier and  
21 quicker and less adversarial than the court process.  
22 We would have indemnity following on the litigation  
23 which would mean that funds that would be contributed  
24 would be directed towards former residents rather  
25 than in legal costs and in long trials. We felt that  
26 it would give a measure of closure and that we would  
27 be enabled to move forward without the long process  
28 of legal trials which are hard to prove either way  
29 and particularly with so many of the people involved



1 not actually being there.

2 241 Q. When you say you felt it would lead to closure,  
3 closure for whom?

4 A. I think closure for us both. We felt we would be  
5 doing somebody, we felt that people who would be  
6 compensated or whatever by the Redress Fund would  
7 feel that they had a measure of closure, that it  
8 would close things for them as well.

9 242 Q. Yes. Are you in a position to deal with whatever  
10 protocols or procedures were in existence during the  
11 times we have spoken?

12 A. During the time of the?

13 243 Q. Time in question?

14 A. What time is that?

15 244 Q. During the ... (INTERJECTION)

16 A. At the time of the Redress thing?

17 245 Q. Well, up to then.

18 A. You see once we left the school in 1966 we really  
19 knew nothing about protocols because all those papers  
20 would have been left behind in the children's homes.  
21 Once the legislation started to come out in the  
22 1980's we were led by that and we used those  
23 procedures in dealing with the cases which came up in  
24 the 1980's.

25 246 Q. You have described the steps you took in relation to  
26 the five cases?

27 A. Yes, that's right.

28 247 Q. Sorry, I should have dealt with this at the time, but  
29 when you were dealing with the question of the



1 records that were available, can you tell the  
2 Committee what the current position is in relation to  
3 all of the records, are they all available within  
4 your community --

5 A. Yes.

6 248 Q. -- archives or are there some which are not?

7 A. They are available except children who continued on  
8 in the children's homes when they were handed over to  
9 the Health Board.

10 249 Q. Yes, where do those records now exist as far as you  
11 are aware?

12 A. Which, the records we have or the records that were  
13 left behind?

14 250 Q. Both.

15 A. The records that were left behind would be obviously  
16 in the care of the Health Board because the  
17 children's homes were taken over by the Health Board.  
18 The rest of the records are held in Beechlawn in  
19 Gracepark Road.

20 251 Q. I see. Is there anything further which you wish to  
21 say, Sister?

22 A. I would like to say that we would like to associate  
23 ourselves with the statement which had been made by  
24 the 18 Orders who were involved in the Redress Scheme  
25 and when the press statement was made in January 2002  
26 on the occasion of the announcement of our  
27 contribution to that scheme this statement was made  
28 and we associated ourselves with it now and we would  
29 like to reiterate it now.





1 252 Q. Yes.

2 A. I just say:

3  
4 "We accept that some children in  
5 residential institutions managed by our  
6 members suffered deprivation, physical  
7 and sexual abuse. We regret that, we  
8 apologise for it. We can never take  
9 away the pain experienced at the time  
10 by these children nor the shadow left  
11 over their adult lives. Today the  
12 congregations with the State are giving  
13 a concrete expression of their genuine  
14 desire to foster healing and  
15 reconciliation in the lives of former  
16 residents."

17 At that time this expressed for us the feeling we had  
18 for people, complainants, and for people who felt  
19 they had been abused or badly treated and we  
20 associate ourselves positively with that statement  
21 today. We also welcome the reconciliation aspect of  
22 the Commission and we hope that this would help us to  
23 move forward and move on.

24 MR. McMAHON: Thank you very much,  
25 Sister, there may be some  
26 questions which the Committee have for you.

27 CHAIRMAN: No, thank you very much  
28 indeed, Sister, thank you  
29 for coming to see us.

30 END OF EXAMINATION OF SR. BRUTON BY

31 MR. McMAHON

32 What's the position now, Mr. McMahon?

33 MR. McMAHON: We do have a further



1 witness, Sir. I think a  
2 short break might be appropriate before we begin.  
3 CHAIRMAN: I think you anticipated  
4 that we might be a bit  
5 longer before we got to them.  
6 MR. McMAHON: We did and we had made  
7 certain arrangements in  
8 relation to the attendance of that witness. She is  
9 now here though, but I would like to consult with her  
10 first.  
11 CHAIRMAN: 3:00.

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(SHORT ADJOURNMENT)

17 THE HEARING RESUMED AFTER THE SHORT ADJOURNMENT, AS  
18 FOLLOWS

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THE CHAIRMAN: Now, Mr. McMahon.  
MR. McMAHON: Sr. Catherine Mulligan,  
please.

24 SR. CATHERINE MULLIGAN, HAVING BEEN SWORN, WAS  
25 EXAMINED BY MR. McMAHON, AS FOLLOWS

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THE CHAIRMAN: Good afternoon,  
Sr. Mulligan.

29 253 Q. MR. McMAHON: Sister, I think you are a



1 member of the community  
2 known as the Daughters of Charity?  
3 A. Yes.  
4 254 Q. I think, more correctly, Daughters of Charity of  
5 St. Vincent de Paul?  
6 A. Yes.  
7 255 Q. What position have you held and do you hold in that  
8 community?  
9 A. I was the provincial leader of our own community up  
10 until April of this year and, since then, I have been  
11 replaced by another Sister. But I chose to come down  
12 here today because I am the person who has been  
13 dealing with all of these issues and with the  
14 Commission since its inception, and I am probably the  
15 person who has most information to be able to help  
16 the Commission with, as the person who has taken over  
17 from me hasn't been involved in this at all -- she  
18 only took over in April.  
19 256 Q. You had been provincial... (INTERJECTION)  
20 A. From 1995 until April this year.  
21 257 Q. I think you wish to say a short few words in relation  
22 to your congregation and its involvement in childcare  
23 in Ireland?  
24 A. Okay. Well, we are an international congregation.  
25 We were founded in Paris in France in 1633. We  
26 number about 25,000 Sisters in 80 different countries  
27 around the world and we came to Ireland in 1855. Our  
28 first work in Ireland was, in fact, childcare. There  
29 are 256 Irish Sisters, some of whom work in Nigeria,



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Kenya and the Fiji Islands.

As it developed in Ireland, the congregation became involved in a wide variety of social work, health and educational services. Today, we are one of the State's largest voluntary providers of services for children and their families, and this service is provided in partnership with the health boards in Dublin and receives 98% of its statutory funding. It's located in 18 different areas of Dublin and last year gave a service to 1,788 children, and as many or more parents or significant family members.

We are also one of the State's largest voluntary providers of services for persons with intellectual disability and this service is provided in five large centres and 69 community-based houses, a large range of day services, sheltered employment and primary schools. It caters for 1,500 clients and employs the same amount of staff, 1,500.

258 Q. Yes.

A. It receives its revenue funding and some capital funding from the Department of Health and from the health authorities and we have a fundraising committee who raise funds for other capital projects to replace inappropriate buildings, mostly.

In addition to those services, we manage and teach in a number of primary and secondary schools, in nursery



1 and preschool and in alternative education for people  
2 who have dropped out of mainstream education. We  
3 have services for the elderly, a lot of day centres  
4 and meals services and family resource centres in  
5 some of the disadvantaged areas in Dublin. We manage  
6 social housing for people out of home, a day service  
7 for refugees and asylum seekers, and we work in a  
8 number of parishes in adult education and pastoral  
9 work. In addition to the Sisters and our own work  
10 and our employ of staff, we have over a thousand  
11 volunteers who work with us in our various services. /

12 259 Q. Yes.

13 A. So in the area of childcare and during the time  
14 that's under investigation by this Commission, the  
15 congregation managed one industrial school, four  
16 orphanages, five centres for people with intellectual  
17 disability, one childrens' orthopaedic hospital, one  
18 mother and baby home, and we also worked in Our Lady  
19 Hospital in Crumlin. Of the institutions we have  
20 managed, only the five institutions for persons with  
21 intellectual disability remain open. All the  
22 childcare services are new services over the last  
23 twenty years, so none of the institutions are any  
24 longer in use as childcare institutions.

25

26 So I'll say a bit about our awareness of abuse and  
27 when we... (INTERJECTION)

28 260 Q. Yes, you might, perhaps, like to speak about what the  
29 position was in 1995 when you became provincial of



1 the congregation?

2 A. In relation to our knowledge of abuse?

3 261 Q. Yes?

4 A. The only allegation of abuse that had been brought to

5 our attention before 1995 was an isolated incident,

6 which my predecessor investigated and found that it

7 had no substance. It was just a conversation with a

8 foster mother who said that the foster child had told

9 her something years before. But we were not able to

10 substantiate that, and that was the only allegation

11 of abuse that we had prior to 1995. In fact, the

12 first allegation of abuse was an allegation of

13 physical abuse and it came to our attention in 1996,

14 just immediately after the screening of the film

15 "Dear Daughter", and a lady who had been in care with

16 us in one of our orphanages rang up and said she

17 wanted to make a complaint. I met with her and

18 listened to her complaint. She had been physically

19 beaten on one occasion by a particular sister. I met

20 with the Sister, who has since died, but at that time

21 was alive. She agreed it had happened and the

22 circumstances. I went back to the person concerned

23 and told her that, tried to set up a meeting. She

24 didn't want a meeting with the Sister. We paid some

25 money towards counseling for her and subsequently

26 when the Commissions were set up, we wrote to her

27 advising her that she did have a case to go to the

28 Redress Board or to the Commission. I know she

29 hasn't gone to this particular commission and it's up



1 to her whether she goes to the Redress Board or not.  
2 So they were the early cases.  
3  
4 In September 1988... (INTERJECTION)  
5 262 Q. 19?  
6 A. Sorry?  
7 263 Q. In September 19... (INTERJECTION)  
8 A. 1998, sorry.  
9 264 Q. Yes.  
10 A. Three court proceedings were issued against us by  
11 three people who alleged having been abused in our  
12 institutions. To date, one of those proceedings has  
13 been discontinued and the other two have proceeded no  
14 further. We have heard nothing more since 1998 and I  
15 know that neither of the three of them have gone to  
16 the Commission. So all other allegations that we had  
17 came after RTE broadcast States of Fear and after the  
18 Taoiseach's apology and at that time then we had an  
19 increase of people looking for their records, of  
20 solicitors' letters looking for records and, at the  
21 same time, alleging abuse and threatening to issue  
22 proceedings or, in some cases, issuing proceedings.  
23 265 Q. Yes?  
24 A. None of the proceedings have moved beyond that, but  
25 some of those cases simultaneously went to this  
26 Commission and we got information from the Commission  
27 then or statements for us to respond to and we have  
28 been doing that since then.  
29 266 Q. Yes?



1           A.    I suppose, once we started getting requests from  
2                   solicitors against various institutions, I then began  
3                   to try to put together a body of knowledge in  
4                   relation to those institutions. We already had the  
5                   database for most of those institutions. We would  
6                   have the admission records, which, you know, are very  
7                   scanty, really, because what they would have taken in  
8                   those years, in the 30's, 40's, 50's and even in the  
9                   60's would have been the name and address of the  
10                  child, parents, date of birth, date of admission and  
11                  if they had come through the Courts or whatever the  
12                  referral agent was. After that, the only records  
13                  that would be built up would be school records or if  
14                  the child was sick and there were medical records  
15                  built up. But any more than any other children,  
16                  there would be no other reason to be building up  
17                  records.

18   267   Q.    Have the records which came into the hands of the  
19                   community, are they still in existence?

20           A.    Yes, they are all there.

21   268   Q.    Such as they are?

22           A.    Yes, such as they are and we have freely given the  
23                   records to anybody who has looked for them -- to  
24                   their solicitors, to the individuals themselves or to  
25                   counselors or people, if we felt there was material  
26                   in the records, that they should have somebody else  
27                   with them when they would get the material.

28   269   Q.    During the period up to, I suppose, the time of the  
29                   Taoiseach's apology in early 1999, although your





1 community appeared to be relatively unscathed to that  
2 time, what sort of knowledge were you gaining of the  
3 issue generally and through what channels?

4 A. Well, I suppose, through the media was the first  
5 thing that impacted on us, the screening of those  
6 documentary films. Certainly, States of Fear to me  
7 was beyond belief. And then asking questions could  
8 this have happened, could it have happened on this  
9 scale, could it have been so pervasive and nobody  
10 know anything about it or do anything about it? We  
11 began then to meet with the Sisters. Of course, many  
12 sisters, particularly related to the 30's and 40's,  
13 will now have died. Many of the Sisters have died or  
14 would be very old and incapacitated and not able to  
15 give very clear memories. The memories they would  
16 have would have filtered out a lot of any kind of  
17 negative memories of the past and they would have  
18 seen themselves and possibly did, in most instances,  
19 give the best service they could, and that is what  
20 they would talk about, what it was like in a very  
21 positive way.

22  
23 But we began to bring together Sisters who are now in  
24 their 50's and would have worked together in  
25 childcare in their 20's and early 30's and they  
26 painted a picture that was not abusive, that was  
27 certainly stark in terms of large numbers of children  
28 in an institution, very regimented, everybody coming  
29 to breakfast at the same time, everybody getting up,



1           everybody going to school, people being dressed alike  
2           for the most part in particular groups, and just  
3           very regimented, as being the only way of coping with  
4           large numbers of people. In looking back, they would  
5           regret that they weren't able to give more individual  
6           care, but they certainly did not paint a picture of  
7           abusive situations.

8  
9           So then we also got our legal team to interview those  
10          Sisters and to take independent statements from them  
11          and to, you know, ask the appropriate questions that,  
12          maybe, I wouldn't have been able to elicit the  
13          information from. So we gathered a body of knowledge  
14          that way. We interviewed many past residents that  
15          were not just the people who complained, but others  
16          who were in the institution at the same time and  
17          tried to build up a picture from them. We talked to  
18          some parents who had children in our institutions and  
19          to some teachers who had taught in the institutions.  
20          So we did our best to try and get a body of knowledge  
21          and some sense of what it was like in those days and  
22          whether or not there was a feeling that the  
23          institution was an abusive place to be.

24   270   Q.   In the context of having spoken to those people and  
25           having made the enquiries such as you could, what was  
26           the emerging picture so far as the community was  
27           concerned?

28           A.   Well, the emerging picture was of, I suppose, first  
29           of all, large numbers of children going into the



1 institutions, the sources of referral of those  
2 children, the way they were cared for in the  
3 institution, the schooling they got and, overall,  
4 most of the Sisters would say that life was harsh in  
5 the sense that food would have been very plain and  
6 ordinary, clothes would have been the same for  
7 everybody. There would have been a certain  
8 regimentation. Children were expected to help with  
9 the chores. There were very few staff. Sisters  
10 themselves weren't trained prior to 1970. They,  
11 themselves, were young, many of them in their 20's,  
12 when they started this work. One sister told me she  
13 had thirty children under five years of age, six of  
14 them under one year of age and she had one staff.  
15 She said within that context it was impossible to  
16 give individual attention, but she said they weren't  
17 abused in the sense of physical abuse or being kept  
18 hungry or whatever like that. But all of them would  
19 say that corporal punishment was used in those days,  
20 particularly in school and for the school going  
21 children. But they would also say it wasn't  
22 excessive and they would deny any allegations that  
23 there was excessive abuse. One of the things I  
24 wasn't able to establish because, maybe, I didn't  
25 know how to establish it, but some people, you know,  
26 say about verbal abuse and -- well, just verbal  
27 abuse, I suppose -- it's hard to quantify what it's  
28 like to be either belittled or humiliated or  
29 something for a child and, maybe, an adult not even



1           aware that that is what they are doing or  
2           consistently doing. But I tried to investigate that  
3           and found it difficult to get any handle on that  
4           because they would say, well, so and so was very  
5           strict and very stern and she could say things to  
6           people that would put them down or whatever, but how  
7           much of it was abusive or how you term abuse in that  
8           instance, I was not able. But other Sisters would  
9           say, yes, that could have happened because that  
10          person was like that -- she could be sarcastic or she  
11          could put somebody down or whatever. So that type of  
12          abuse certainly is referred to many times in the  
13          statements that have come into us.

14   271   Q.   Yes?

15          A.   And, of course, to be belittled or humiliated in that  
16          way for a child is as serious an abuse as any other  
17          kind of abuse. So people would regret that, looking  
18          back. So there is an acceptance that corporal  
19          punishment was used. In 1998, we also appointed a  
20          Sister as a delegate, somebody to be there to meet  
21          people who would come directly to us to make  
22          complaints that weren't going through solicitors or  
23          going through the Commission and that we might be  
24          able to, in those instances, allow the person who was  
25          making the complaint to meet the Sister if that  
26          Sister was still alive or if it was a staff member  
27          and try and set up some sort of reconciliation that  
28          way. In fact, since 1988 only five people have come  
29          to us in that way making complaints, and two of those



1           subsequently went to the Commission. Two have done  
2           nothing further in terms of bringing the case any  
3           further, and one is threatening legal proceedings but  
4           hasn't done that. Now, in some of those instances we  
5           got them to meet the person because the Sister, even  
6           though she is elderly, was still there and was  
7           willing to meet, and I think that helped. Also, in  
8           one particular instance and by inference in another  
9           instance because it was the same person, we were able  
10          to say this physical abuse did happen and we  
11          encouraged those people to go to the Redress Board  
12          and we gave them all the information and help and  
13          wrote to the Redress Board corroborating and saying  
14          what they said was true.

15 272 Q.   Insofar as complaints which have been made to the  
16           Investigation Committee are concerned, I think you  
17           have taken a particular approach in relation to  
18           dealing with them?

19          A.   Yes, well, I mean, the ones that go to the  
20           Commission, if we have information and we are able to  
21           take statements from the Sisters who are working  
22           there -- or some of the cases that have gone to the  
23           Commission have been about two lay people, one whom  
24           we know is dead, the other who worked with us for a  
25           short period of time and is now serving a prison  
26           sentence because of having been involved in abuse in  
27           another institution. He is not named specifically in  
28           the cases that have come to us, but the description  
29           given of the person fits his description and the



1 child, now an adult, said they couldn't remember his  
2 name. So that may have happened. So they are there,  
3 but we haven't been able to follow up on those.

4  
5 The Sisters ones that we have been able to follow up  
6 on, again, we have given the information as honestly  
7 as we can. We have taken statements from those  
8 Sisters. The Sisters deny any, what will I say,  
9 excessive abuse, even though they would admit to  
10 corporal punishment. But they deny anything  
11 excessive beyond that. We haven't been able to  
12 establish, even in talking to other children, and I  
13 suppose, from my own point of view, I mean, I accept  
14 that one child can be victimised within a group, even  
15 if nobody else is, and that everybody doesn't have to  
16 have the same memory of that.

17 273 Q. Yes.

18 A. But we did our best to get the information and to  
19 furnish the Commission with the information and we  
20 haven't contested that information, except where it  
21 was obvious that there was a huge discrepancy between  
22 what the claimant was saying and what the people  
23 involved in the institution at the time were saying  
24 could or could not have happened.

25 274 Q. Yes?

26 A. I mean, some things appear to us and appear to the  
27 people who were working there at the time to have  
28 been impossible to have happened in terms of the way  
29 it is described or the geography of the house or



1 anything like that or the time of day or night in  
2 which these incidents would happen. When there is a  
3 discrepancy like that, we point it out to the  
4 Commission, but we don't ask to cross-examine or to  
5 take it any further, to try to keep it as  
6 non-adversarial as possible, but just to highlight  
7 that these discrepancies exist.

8 275 Q. I think you are concerned that the Committee would  
9 bear in mind the distinctions of the different types  
10 of abuse and the extent to which your community may  
11 be involved in allegations of those different types  
12 of abuse?

13 A. Yes, most of the allegations coming to us are about  
14 physical abuse, corporal punishment, not being given  
15 enough food, being cold, not getting adequate  
16 education -- just being, I suppose, belittled or  
17 humiliated by the name they might have been called or  
18 just some attitude of a Sister to them. The specific  
19 allegations of sexual abuse are mostly against these  
20 two people I have said, but there are, I'd say, seven  
21 or eight other cases where there is an allegation of  
22 sexual abuse and, of course, even though it hasn't  
23 always come through from the Commission's reports, a  
24 lot of them simultaneously had served Notice of  
25 Proceedings on us and while the same letter seems to  
26 come from the solicitors all alleging gross physical,  
27 sexual, emotional and every kind of abuse, and it is  
28 said in the same way for each one that has come, and  
29 because of that we have tried to ascertain whether



1           that could have happened or not, but it is not  
2           specific to a particular sister. But there are ones  
3           then where there is physical abuse and an intimation  
4           of sexual abuse and emotional abuse as well.

5   276   Q.    Yes.

6           A.    But the vast majority are about physical abuse or  
7           emotional neglect or neglect from a point of view of  
8           food and education and facilities.

9   277   Q.    What would you say in respect of the capacity of the  
10          congregation to look after the emotional and  
11          psychological needs of the children  
12          withi n . . . (INTERJECTION)

13          A.    At the time?

14   278   Q.    Yes.

15          A.    I would say that depended very much on the individual  
16          sister. Prior to 1970, they would have had no  
17          specific training. Again, depending on their  
18          personalities -- I suppose, some people were more  
19          suited to looking after children than others. Sorry,  
20          I have lost track of the question you asked me now.

21   279   Q.    It was in relation to the capacity of the individual  
22          of the community to look after the  
23          psychological . . . (INTERJECTION)

24          A.    Yes, I mean, when I have talked to the Sisters about  
25          that, I suppose some of the older sisters now  
26          wouldn't have even now a huge sort of understanding  
27          of what the emotional needs of children in those days  
28          were. They would answer you in terms of their  
29          physical care and how hard they worked and what they





1 did for them and how they tried to take them on  
2 holidays, or something like that, or the parties or,  
3 you know, that kind of thing. But they wouldn't have  
4 an understanding, even now maybe, of what we would  
5 mean by the emotional needs of children. The younger  
6 people within our congregation would say, well,  
7 looking back on it now, I don't know how I looked  
8 after 30 children round the chock and got up at  
9 nighttime to them and all of that and I know that I  
10 wasn't looking after their emotional needs, although  
11 we would have played with them and we would have  
12 taken them on outings and we would have taken them,  
13 you know, out at Christmas and we would have  
14 remembered their birthdays and Christmas and all of  
15 that. But certainly in the context of today it was  
16 very inadequate care.

17 280 Q. Yes.

18 A. I suppose too a thing that haunts the sisters -- we  
19 only had one industrial school, but their memory of  
20 that is that the day the Childrens Court sat in  
21 Dublin -- our industrial school was in Drogheda --  
22 that the children were brought down by two welfare  
23 people and they gave minimum data, which was written  
24 into a register, and then the children were taken  
25 away. They never knew how many they were going to  
26 get until after the court had finished. So it might  
27 be three, it might be five or whatever. Then they  
28 would take those children away and they said they  
29 would be screaming and crying and looking for their



1 parents because they would have been separated maybe  
2 that day from their parents. Now, to give them the  
3 psychological help without psychologists or social  
4 workers and with just their own human tendencies or  
5 whatever, you know, to try and cope with those  
6 children, to integrate them into a group and to go on  
7 with the big group. So that is what they remember.  
8 So I would have to say, no, their emotional needs and  
9 their psychological needs were not met adequately at  
10 all, either by us or by the people bringing them or  
11 in the way that they were sent there.

12 281 Q. I think you were asked to deal with the question of  
13 insofar as the community had issued a public apology  
14 or may have issued a public apology, what was the  
15 position in relation to that?

16 A. Yes.

17

18 282 Q. I think you wished to speak to the Committee in  
19 relation to your approach to that?

20 A. Well, we didn't give a public apology and that was a  
21 considered stance on our part, again because of what  
22 we considered to be the lower number of cases against  
23 any particular institution and for the years that  
24 they were -- like, in the 40's, 50's and 60's -- and  
25 having gathered the information that we gathered, we  
26 could not say that we ran an abusive system. We do  
27 acknowledge that children were abused by the system  
28 in itself, just the kind of things I have related,  
29 that their emotional and psychological needs were not



1 being met, that they were physically punished, that  
2 some Sisters were more harsh than others. But there  
3 wasn't a systematic, to my way of looking at it, but,  
4 I mean, obviously that is a job for the Commission.  
5 But from what we could gather, and we also have an  
6 obligation to our own congregation and to the  
7 members, all of whom deny that there was excessive  
8 abuse of any kind. So we took a decision that  
9 insofar as we could, we would meet with individuals,  
10 and I have met with individuals. We would link them  
11 up with Sisters. That, maybe, when the Commission  
12 has finished and the whole legal situation changes,  
13 that we might be able to meet with more. We have  
14 always had an aftercare system for the children who  
15 have gone through our institutions and Sisters have  
16 met with them. Every year they would have reunions  
17 for some groups and Christmas parties. Children have  
18 kept in contact with us as adults, and sisters have  
19 kept in contact -- but not with everybody. And, I  
20 suppose, the concern is that the ones that don't keep  
21 in contact may be the ones who have bad memories of  
22 having been there and just couldn't face back, and  
23 that the ones who come back are the ones who have  
24 good memories. So while we have the aftercare system  
25 there and we increased the number of people working  
26 in that in 1998 and put in three extra people, one  
27 lay person and two Sisters, to try and reach out to  
28 more people. But the unfortunate thing from our  
29 point of view is that many of the cases either come



1 to us and have come to us, in the first instance,  
2 through the Commission or through solicitors and we  
3 are not sure to what extent we can then try to get at  
4 the person behind that without being seen to, maybe  
5 interfere with the process. So there is a sense in  
6 which we are saying well, maybe, if the process was  
7 over, we could put a different pastoral approach in  
8 there. But to people who come to us directly and  
9 certainly in any letter we write to anybody directly,  
10 we apologise to them for any hurt they may have  
11 experienced and acknowledge that childrens'  
12 experience of that is real and valid, irrespective of  
13 what the individual Sister or Sisters working in it  
14 may remember about it. If they remember it as having  
15 been hurt, then they have been hurt. So we have  
16 apologised for that. We have put some claimants and  
17 the Sisters in contact, and they have apologised to  
18 them, even though they mightn't have remembered the  
19 particular incident, and that has been a good  
20 experience for those who have done that.

21 283 Q. Can you speak to the Committee in relation to your  
22 involvement in the Redress Scheme?

23 A. Yes, well, I was only here for the previous speaker  
24 to myself, so it's something similar to that. CORI  
25 had invited the 18 religious congregations in Ireland  
26 to come together in the aftermath of States of Fear.  
27 I think we were all so shocked by States of Fear and  
28 so disbelieving of the level of abuse that that  
29 claimed was present in the organisations and we came



1 together to talk about that and primarily to try and  
2 reach out to the past residents and try and make some  
3 sort of pastoral response to that. That was even  
4 prior to the Taoiseach making the apology or setting  
5 up the Commission. So we had already begun to meet  
6 and we had had many meetings just seeing what we  
7 could do about that before ever the Redress Board was  
8 announced. But once it was announced, I think there  
9 was a general feeling that we should become part of  
10 that insofar as we could. We were invited by the  
11 Government to become part of it and I don't think  
12 there was ever any sort of hesitancy about becoming  
13 part of it. There were lots of discussions about  
14 what we should contribute and what would be seen as a  
15 meaningful contribution and at the  
16 time... (INTERJECTION)

17 284 Q. Well, we are not going to go into that, as you know,  
18 at this phase.

19 A. Yes, we won't go into that but, like, they were the  
20 meetings. But, I mean, our reasons for doing it was  
21 that, as I said, the cases before us at that time  
22 were very small, but all of them had simultaneously  
23 issued legal proceedings, as well as, you know, going  
24 to the Commission subsequently. Now, if all of those  
25 were to be taken through the Courts, it would take  
26 years, cost a lot of money and the general sense was  
27 would this money not be better put into a redress  
28 scheme and let the people benefit from it and, maybe,  
29 bring closure to this quicker for everybody



1 concerned. I mean, it is a period in the history of  
2 childcare that, I suppose, everybody is worried about  
3 in terms of what has been brought to light by the  
4 media, by the various reports and all of that and  
5 could it have been this bad and, if it is, we have a  
6 collective responsibility, even if we don't have an  
7 individual responsibility, towards this. In many  
8 cases, we have both. But certainly we have a  
9 collective responsibility because by offering  
10 childcare services, we are somehow implicit in all of  
11 that with the State in terms of not evening  
12 questioning the system -- you know, like, we provided  
13 the best we could at the time with the best knowledge  
14 we had, but I think today we would question is this  
15 the best thing to do, even in the services we are  
16 given now and have much more of a dialogue around it.  
17 So there was that sense of collective responsibility  
18 for what happened in the past and that we owed it to  
19 the clients, if they wished to go for redress, that  
20 we would be in there and be part of that and that our  
21 money would be best spent in that way.

22 285 Q. You mentioned as part of your pastoral response your  
23 involvement in Faoiseamh. Now, Faoiseamh is an  
24 organisation which has come up in the course of the  
25 hearings that we have had. I think you wish to say a  
26 few things about that?

27 A. Again, that was a response that came through CORI at  
28 that time and probably some of the religious  
29 congregations that were involved in the very early



1 initial stages and it was prior to any other  
2 counseling service being set up for the past  
3 residents of institutions. It came shortly after the  
4 screening of Dear Daughter that CORI set up these  
5 help lines for people to ring in because people were  
6 phoning in anyhow to individual congregations about  
7 their -- like, it brought back a lot of memories, a  
8 lot of experiences for children who had been in care.  
9 So it was decided to set up a dedicated help line  
10 with several phones being manned day and night for  
11 the first number of weeks -- I do not know how long  
12 that went on -- but that the religious congregations  
13 generally, not just the 18 congregations who were  
14 involved in childcare, but all of the religious  
15 congregations, insofar as they could, would  
16 contribute to this Scheme.

17 286 Q. Is that still in existence?

18 A. It is still in existence and will continue. It was  
19 set up in... (INTERJECTION)

20 287 Q. 1997?

21 A. 1997, yes, and up to the end of 2003 it had cost  
22 6.8 million to run and it had provided counseling for  
23 2,309 individuals. Now, that 6.8 million and, I  
24 mean, there is another number of months added on to  
25 that now, but at that time that money has been  
26 contributed by the religious congregations according  
27 to what they can afford and the agreement is that if  
28 the funding is still coming, that that will run  
29 certainly for the time of this Commission and, maybe,



1 for a little bit of time beyond.

2 288 Q. I think is there funding also provided by the State  
3 towards that organisation?

4 A. Not that I know of.

5 289 Q. Simply, it's exclusively... (INTERJECTION)

6 A. It's set up as a limited company. It's independent  
7 of the religious congregations, other than that we  
8 pay the funding into that limited company. But it's  
9 a limited company. It has a board of lay people.  
10 The religious congregations are not furnished with  
11 the information -- names or people that go to it.  
12 It's totally confidential. They have a list of, I  
13 think, up to 80 counselors here in Ireland that they  
14 refer people to. They also have a list of counselors  
15 in Britain and in the States if people happen to be  
16 resident outside of here, that they will be able to  
17 access counseling and they pay for the counseling.  
18 The religious pay into the fund to keep that service  
19 going. But the only information that we would be  
20 given if we asked for it, if we were trying to  
21 determine how much money would be an adequate amount  
22 for us to pay to that 6.8 million, we could say to  
23 them, look, could you give us some idea and they  
24 would say, well, X number of clients who pass through  
25 your institutions have availed of counseling and  
26 they are paying €70 or €80 per session of counseling.  
27 So that would give us a baseline, and then if we can  
28 afford to give more, we give more.

29





1 MR. McMAHON: Thank you very much,  
2 Sister.

3  
4 END OF EXAMINATION OF SR. MULLIGAN BY MR. McMAHON

5  
6  
7 SR. MULLIGAN WAS THEN EXAMINED BY THE COMMITTEE, AS  
8 FOLLOWS

9  
10 290 Q. MR. LOWE: Just one question -- was  
11 there a standard kind of  
12 corporal punishment which was administered across the  
13 board?

14 A. There is no record of corporal punishment or that.  
15 When I asked the Sisters that, they said a cane or a  
16 ruler would have been used. But there is no written  
17 record of it or no protocol around it or no advice as  
18 to what should have been done.

19 291 Q. MR. LOWE: Was there an awareness of  
20 the departmental guidelines  
21 on corporal punishment?

22 A. In the years we are talking about, 40's, 50's or  
23 60's, I don't think so.

24 THE CHAIRMAN: Okay, thank you very much  
25 indeed, sister.

26 A. Thank you.

27 THE CHAIRMAN: Now, Mr. McMahon?

28 MR. McMAHON: That concludes the evidence  
29 today, Chairman.



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THE CHAIRMAN:                   Very good.   So we have  
Monday at ten o'clock, I  
think -- earlier than 10:30.  
MR. McMAHON:                   Ten o'clock.  
THE CHAIRMAN:                   Very good.

PROCEEDINGS WERE THEN ADJOURNED UNTIL MONDAY, 5TH  
JULY 2004, AT 10:00A. M.



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