

Introduction

38.1 Fr John Kinsella was born in 1948. He was ordained in Dublin in 1973 for a diocese in the UK. From September 1973 to December 1973 he served as a temporary replacement for the parish priest in Enniskerry who was ill. The arrangement for this temporary replacement was made by the Dublin Archdiocese. All the complaints of child sexual against Fr Kinsella abuse which are known to the Commission arose during this period. He moved to work in his UK diocese in January 1974. He had various problems which resulted in his spending some time in Stroud and he was suspended from priestly duties for a period in 1993/1994. The Commission has no evidence that these problems were connected to child sexual abuse.

38.2 There are a number of complaints of child sexual abuse against Fr Kinsella. He has been convicted in respect of two boys and has served a term of imprisonment. His present whereabouts are unknown.

Complaint, 1995

38.3 The first complaint to the Archdiocese of Dublin concerning child sexual abuse by Fr Kinsella was made in March 1995. This followed revelations by the complainant in late 1994 and early 1995 in an RTE radio programme and a Channel 4 programme.

38.4 Monsignor Alex Stenson met the complainant in March 1995. Monsignor Stenson suggested that the complainant make a formal complaint to the Gardaí and that he take advice from his own solicitor. However, the complainant recalls that the manner in which those suggestions were made was aggressive and that he left the meeting feeling considerably annoyed.

38.5 Following that meeting the complainant did make a complaint to the Gardaí.

38.6 The complainant alleged that he and his brother had both been abused by Fr Kinsella while Fr Kinsella was attached to Enniskerry parish. Fr Kinsella had met the complainant's brother on a Dublin diocesan pilgrimage to Lourdes shortly after he was ordained. After his return, Fr Kinsella visited

the boy's home on the north side of Dublin and befriended his family. He offered to take the boy to Enniskerry. On the first such occasion in Enniskerry, the boy was required to sleep in the priest's bed and was then sexually assaulted by him. Two weeks later, he again called to the boy's home, collected him and brought him to Enniskerry, where he again sexually assaulted him, this time forcing him to have oral sex.

38.7 A short while later, Fr Kinsella took the two brothers to Enniskerry and on the first available opportunity, had the complainant sleep in his bed and sexually assaulted him. He also abused the complainant on another occasion in the presence of a third boy.

Church inquiries

38.8 Monsignor Stenson commenced an immediate inquiry into the allegations made by the complainant. He attempted to obtain an address for Fr Kinsella. As a result of various efforts on Monsignor Stenson's part, a priest in the UK telephoned Monsignor Stenson and informed him that Fr Kinsella was staying with him and that he and the local parish priest were aware of certain "*goings on*" with regard to Fr Kinsella. Eventually Fr Kinsella contacted Monsignor Stenson by telephone in June 1995. Monsignor Stenson suggested that he come to Dublin and meet him and the diocesan solicitor. He also suggested that Fr Kinsella bring along his own solicitor. The specific complaints made by the complainant were not discussed during this conversation. Fr Kinsella did confirm that he had acted as a relief priest in Enniskerry and knew of the complainant.

38.9 It appears that Monsignor Stenson did not meet Fr Kinsella.

Garda investigation and conviction

38.10 The Garda investigation was in progress. A number of other complainants made similar allegations to those made by the two brothers. A comprehensive investigation was carried out.

38.11 In February 1999, Fr Kinsella was convicted on two counts of sexual assault on each of the brothers. He was sentenced to a term of eight years in prison; five of these were suspended. He was released from prison in May 2001.

Civil claims

38.12 The first complainant sought help from the Archdiocese to meet the cost of counselling fees. The Archdiocese offered a victim support representative to the complainant. Negotiations did not resolve the areas under discussion and legal proceedings were issued in October 1997. The proceedings were settled in February 1999. The complainant's brother also settled his civil claim with the Archdiocese in September 1999.

Disappearance

38.13 Prior to Fr Kinsella's release from prison in May 2001, his brother wrote to Archbishop Connell regarding his plans for Fr Kinsella on his release. The Archbishop replied that he had raised the matter with his bishop in the UK diocese. The UK bishop signalled that he intended sending a representative to see Fr Kinsella before his discharge. The note contained the views of the bishop, namely that Fr Kinsella should voluntarily seek laicisation, in default of which the diocese would request that Rome deal with the matter. The bishop did not consider that he had an obligation to assist Fr Kinsella financially. The Archdiocese of Dublin, at this stage, had no authority over, and no responsibility for, Fr Kinsella.

38.14 Fr Kinsella seems to have disappeared after his release from prison. He did not contact his own bishop. He was not required to report to the Gardaí as the *Sex Offenders Act 2001* (see Appendix 2) was not yet in effect.

38.15 His UK diocese told the Commission in 2007 that they had no address for him.

The Commission's assessment

38.16 This was a difficult case for the Archdiocese because it involved a priest over whom it had no jurisdiction at the time the complaints were made nor did it have any easy way to contact him. Monsignor Stenson did make considerable efforts to contact him and did succeed. The Gardaí carried out a thorough investigation which resulted in his conviction and imprisonment.

38.17 It is a cause of concern that his current whereabouts are unknown but this is the case for many sex offenders.