

judgement, this is another incident that markedly points to D1 having a sexual interest in boys. It is therefore properly to be regarded as being probative of X's allegations.

80. Lord Nicholls said in *Re H (minors) (Sexual Abuse: Standard of Proof)* [1996] AC 563 at 586 E-F:

When assessing the probabilities the court will have in mind as a factor, to whatever extent is appropriate in a particular case, that the more serious the allegation the less likely it is that the event occurred, and hence, the stronger should be the evidence before the court concludes that the allegation is established on the balance of probability.

81. X's disputed first hand hearsay allegations are of a serious nature and I bear carefully in mind Lord Nicholls's words. In the result, even though X was not called as a witness and notwithstanding that D1 is a priest and denied the disputed allegations on oath, I find on the balance of probabilities that X's disputed allegations are true. The disputed matters were clearly alleged. D1 accepted that much of what X alleged had happened. The allegations are supported by the incident with Z, the admitted incident in [DPA] and the video incident for the reasons I have given. Further, as I have said, X had no discernible motive for making false allegations against D1.
82. The incident involving Z, the incidents alleged by X which I have found proved and the video incident ("the similar fact incidents") are probative of the acts alleged by C against D1 because those acts show a sexual interest in boys as do the similar fact incidents. The similar fact incidents therefore come into the evidential scales but I give them much less weight than I propose to give to my evaluation of C and D1 as witnesses a topic to which I now turn.

C and D1 as witnesses in the witness box -- who was telling the truth?

83. I found C to be an entirely convincing, reliable and credible witness. It was difficult for him to talk about what he said D1 did to him, but his evidence was clear and unmistakably had the "ring of truth". Professor Maden thought that he had exaggerated his behaviour when he was seen by both the psychiatrists. I am of a different view. In my judgement, C did not seek to exaggerate or colour his evidence to any material extent. He was prepared to admit discreditable actions such as the [DPA] that financed his trip to [DPA] to learn [DPA]. He also made reasonable concessions when cross-examined. For example, he accepted that it was appropriate that D1 should be present in the swimming baths changing room and that D1 may only have filmed him in the showers for a few seconds and that D1 told the boys that he was only filming their top parts and was making a "documentary".
84. I have given careful consideration to the fact that C told DC Hudson that D1 never dried him after swimming, whereas his evidence to me was that not only did D1 dry him but he on these occasions D1 deliberately touched his genitals. I accept C's evidence that he did not tell the officer the full extent of what happened for the reasons he gave. He lied to the officer, but I am quite satisfied that he was not lying to me.