

THE TRIBUNAL OF INQUIRY INTO CERTAIN MATTERS RELATING TO
THE COMPLAINTS PROCESSES IN THE DEFENCE FORCES AND THE
CULTURE SURROUNDING THE MAKING OF COMPLAINTS AS
ESTABLISHED ON 20TH DAY OF JUNE 2024 BY S.I. 304/2024

PUBLIC HEARING OF THE TRIBUNAL OF INQUIRY BEFORE
THE SOLE MEMBER, MS. JUSTICE ANN POWER,
AT THE INFINITY BUILDING, THIRD FLOOR,
GEORGE'S COURT, GEORGE'S LANE, SMITHFIELD, DUBLIN 7
ON WEDNESDAY, 10TH JUNE 2026 - DAY 5

5

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1 THE TRIBUNAL RESUMED ON WEDNESDAY, 10TH JUNE 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. As the parties
5 will be aware, this morning's witness will give 10:32
6 evidence otherwise than fully in public. I want to
7 reiterate that the Tribunal has made an order in
8 respect of the evidence of this witness. No report
9 that contains material or information likely to lead
10 members of the public to identify the witness, who's 10:32
11 referred to by the pseudonym Ms. Y, shall be published
12 in a written publication available to the public or
13 shall be broadcast in any format by members of the
14 media, by any media organisation, or by any other
15 person or persons. 10:32

16
17 The order which the Tribunal has made will be available
18 on the Tribunal's website.

19
20 Good morning. 10:32

21 THE WITNESS: Good morning.

22 SOLE MEMBER: Very good. Ms. Pillay, please.

23 1 Q. MS. PILLAY: Thank you, Judge. The first witness this
24 morning is Ms. Y, and Ms. Y will be giving her evidence
25 from behind the screen and is to be addressed at all 10:33
26 times by "Ms. Y".

27
28 Ms. Y, as you are aware, the Tribunal is investigating
29 the effectiveness of the complaints processes and the

1 cultures within the Defence Forces in relation to
2 complaints of abuse. So it was not permitted...
3 Apologies. Go ahead.
4 SOLE MEMBER: Yes, the witness will take an oath or
5 make an affirmation. 10:33

6
7 MS. Y, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY
8 MS. PILLAY, AS FOLLOWS:

9
10 SOLE MEMBER: Now, Ms. Pillay. 10:33

11 2 Q. MS. PILLAY: Thank you, Judge. Ms. Y, as I was saying,
12 you are aware that the Tribunal is investigating the
13 effectiveness of the complaints processes and the
14 culture within the Defence Forces in relation to
15 complaints of abuse. It is not permitted to make 10:34
16 findings in relation to the well-foundedness of
17 complaints of abuse and, for that reason, you are
18 required to refrain from disclosing the names of any
19 alleged permanent traitors in your evidence today.
20 where it is necessary to refer to any such individual, 10:34
21 you must do so by using their rank only, do you
22 understand that?

23 A. I understand.

24 SOLE MEMBER: Ms. Y, could I ask you to move the
25 microphone slightly closer to you? 10:34

26 THE WITNESS: Yeah.

27 SOLE MEMBER: Thank you very much.

28 3 Q. MS. PILLAY: Ms. Y, you provided a statement to the
29 Tribunal in September 2024 and I think you also

1 attended for two interviews, is that correct?

2 A. That's correct.

3 MS. PILLAY: And, Judge, those documents can be found
4 at Booklet 2 on pages 1059 to 1143.

5 SOLE MEMBER: Thank you. 10:34

6 4 Q. MS. PILLAY: Ms. Y, I think you were a member of
7 Reserve Defence Forces in around 1995, is that correct?

8 A. Yes, in or around late '95/maybe early '96, yes.

9 5 Q. And you served for about two and a half years in the
10 Reserve -- 10:35

11 A. That's correct.

12 6 Q. And I think you joined the Permanent Defence Forces in
13 1997 and served until 2008, is that correct?

14 A. 2018.

15 7 Q. 2018, apologies. And that's 21 years of service? 10:35

16 A. That's correct.

17 8 Q. Okay. And you say in your statement that you passed
18 out the same year that you joined the Defence Forces in
19 1997, is that right?

20 A. That's correct. 10:35

21 9 Q. Okay. And that means that you successfully completed
22 your training and you qualified as a Two Star Private
23 that year?

24 A. That's correct.

25 10 Q. I think you then commenced your 12 weeks training 10:35
26 course in the hope of progressing to what's called a
27 Three Star Private?

28 A. That's correct, in January '98.

29 11 Q. Okay. When a person becomes a Three Star Private, I

1 think that means they're a fully qualified soldier; is
2 that right?

3 A. That's correct.

4 12 Q. But that, however, did not go according to plan, I
5 think, and you remained as a Two Star Private -- 10:36

6 A. Yes.

7 13 Q. -- for a further period of time?

8 A. That's correct.

9 14 Q. And during that time, I think you remained in the
10 training camp? 10:36

11 A. In the barracks, yes.

12 15 Q. In the barracks. And you worked in an office in the
13 barracks?

14 A. That's correct, yeah.

15 16 Q. In the barracks, I think there was a building with
16 accommodation and bedroom quarters, is that correct? 10:36

17 A. Yes.

18 17 Q. Okay. And can you explain the layout of the building
19 in terms of the male and female accommodation? I think
20 they were separated? 10:36

21 A. They were separated. So, it a was two-storey building,
22 so you had full male accommodation on the top, and then
23 on the ground floor you had male accommodation to the
24 left as you went in the door and female accommodation
25 to the right, and there was a partition up with another 10:36
26 door leading into the accommodation, into the female
27 accommodation.

28 18 Q. So the male and female accommodation were separated by
29 a partition, just one door?

1 A. Yeah, that's correct.

2 19 Q. At this stage, how many females were in this building?

3 A. From the type I was in training or --

4 20 Q. Well, from the time you were in training, firstly?

5 A. So, there was maybe six or seven females in the female 10:37
6 accommodation. All the rooms would have had females in
7 them at the time.

8 21 Q. And then if we move on to February 1998, how many
9 females were in the building at this stage?

10 A. I was the sole female in the building. 10:37

11 22 Q. You were the only female in the building?

12 A. Yes.

13 23 Q. And there were a number of males still occupying the?

14 A. Yes, that's correct.

15 24 Q. Okay, Ms. Y, you have described in your statement and 10:37
16 your interviews a significant and traumatic event that
17 occurred in February 1998?

18 A. Yes.

19 25 Q. I think you were in the Army Camp when this happened,
20 is that right? 10:38

21 A. That's correct.

22 26 Q. Okay. And can you tell the Tribunal whereabouts in the
23 building you were at the time?

24 A. I was in my bedroom in the female accommodation part of
25 the accommodation block. There's five rooms, there was 10:38
26 five females rooms in the accommodation block at the
27 time, and I was in my room, which was a two -- there
28 was two people able to stay in the room. So, that's...

29 27 Q. And you were the only occupant?

1 A. I was the only occupant at the time, yeah.

2 28 Q. Okay. And I think something happened late one night?

3 A. That's correct. We didn't lock doors, I suppose, back
4 then, especially when we would have all been there,
5 we'd be in and out of each other's rooms all the time, 10:38
6 but -- so, therefore, I didn't -- there was never any
7 issues so, therefore, I never had a reason to lock
8 either of the doors, either the door entering into the
9 female accommodation or my own bedroom.

10 10:39

11 So that night, I was asleep in the bed, woke -- half
12 woke up thinking I might have heard something, but
13 wasn't sure so kind of ignored it. The next thing then
14 was the door opened and a number of individuals came
15 in. As I said, to this day, I can't remember if it was 10:39
16 two or three individuals came in -- pinned me down to
17 the bed, face down, removed the bed covers and removed
18 my underwear and proceeded to have sex with me. So
19 they took turns. Ehm... Sorry now...

20 29 Q. Just take your time. 10:40

21 A. They took turns having sex with me that night and, when
22 they were finished, one of them said that 'If you ever
23 say anything, you will be kicked out of the Army.' It
24 wasn't known as the Defence Forces back then, we all
25 called it the Army. So they said 'You'll be kicked out 10:40
26 of the Army.'

27

28 So they left when they were finished and I stayed where
29 I was for a while and I then got up, went to the

1 bathroom, had a shower, stayed there for quite a while
2 -- how long, I can't tell you. Went back down to my
3 room and stripped the bed and lay in the bed then until
4 it was time for work the next morning.

10:41

5
6 So I went into the work the next morning, carried on as
7 if nothing had happened. Carried out my day's work,
8 and repeated it every day ever since.

9 30 Q. Okay. Just to be very clear to the Tribunal, Ms. Y,
10 what you're saying is these men broke into your room
11 and each man raped you?

10:41

12 A. That's correct.

13 31 Q. And they threatened you that if you reported the
14 matter, you would be thrown out of the Army?

15 A. Yes, that's correct.

10:41

16 32 Q. And what did you think about that threat? How did it
17 make you feel?

18 A. Well, I was 19 years old. It was all I ever dreamed of
19 doing and to hear something like that, that they could
20 take your dream away, your dream job away from you,
21 yeah, it's -- to me, it was keep your mouth shut and
22 you'll still have your job, you know. It was all I
23 ever wanted. So --

10:42

24 33 Q. Did you believe what they were saying in that threat?

25 A. Yes. Yes. I was afraid. As I said, like, I'm only
26 out of school. I'm totally somewhere, yes, I'd be
27 familiar with, but not overly familiar with. The
28 people around me, I wouldn't have had that many friends
29 or acquaintances, whatever, you know, because you're

10:42

1 still -- I won't say I was restricted, but you don't --
2 your platoon was your family and they were now gone, so
3 I was left. So, you do try to make friends and stuff
4 like that, but it's not the same, you know.

10:43

5
6 And then you go to work, you do your job, and you come
7 back, I come back to my room every evening. That was
8 my day-to-day after I was put off the Two to Three Star
9 course, you know, until I redid the Two to Three Star
10 course in September.

10:43

11 34 Q. I think you did say there you were of a very young age
12 -- you were 19, is that right?

13 A. Yes, that's correct.

14 35 Q. I think we might move on to number of weeks later when
15 I think you became aware of a fact that urged you to
16 contact your mother. Can you tell the Tribunal about
17 that?

10:43

18 A. Yes. I missed my period and I said to myself, 'Oh,
19 please God, no.' So I went and I got a pregnancy test
20 and I did that and it came back positive. And, of
21 course, I was devastated and cried my eyes out. What I
22 was going to do? I was 19, in the Army, that's all I
23 ever wanted to do. If I say anything, am I going to be
24 gone? Is this the end of my Army career?

10:44

25
26 So it took me a week or so, maybe, before I told anyone
27 at home. So I rang, I rang home and I can still see
28 myself sitting on the step on the phone and I rang my
29 Mum and I said 'Mum, I've something to say', and she

10:44

1 says 'what?' And I said 'I'm pregnant' and she started
2 squealing and screeching down the phone so I just hung
3 up. And then she rang me back and she says, 'Okay',
4 she says, 'how did it happen?', and I just said, 'Oh,
5 it was just -- it just happened.' I couldn't tell her 10:45
6 what was after happening because (1) she'd probably
7 come up and take me out, and I didn't want my Army
8 career gone. That was -- to me, that was my priority.
9 It might sound selfish or whatever, but that's all I
10 ever wanted to do. So she said, 'Okay, what do you 10:45
11 want to do?' -- 'well', I said, 'I can't have a baby.'
12 I said 'I'm not ready.' So she said 'Okay'. So she
13 made a few phone calls and organised that I went away
14 and had a termination.

15 36 Q. I think then you returned home and you very quickly 10:46
16 returned to work in the Army?

17 A. That's correct, yeah.

18 37 Q. Okay. And you did go on to complete your Three Star
19 training and become a qualified soldier, of course?

20 A. I did, indeed, yes, yeah. 10:46

21 38 Q. And you describe in your statement about the affects on
22 your psychological wellbeing. Do you want to tell the
23 Tribunal a bit about that?

24 A. I would close myself off. There'd be -- I suppose,
25 coming up to my due date, I got kind of very emotional, 10:46
26 saying to myself, 'well, I should be, I should have a
27 baby now', or that. Yeah, so I would have kind of gone
28 in in myself -- ehm, withdrawn, things like that.

29 39 Q. Okay. And you mentioned in your statement that you

1 suffered flashbacks and low mood and it affected your
2 relationships and that was an ongoing issue?

3 A. Yes. I never really settled down with one partner. I
4 just, I don't know, I just -- I couldn't deal with, I
5 suppose, maybe, it was responsibility or the fear -- 10:47
6 it's hard to describe. I suppose, at the end of the
7 day, I never met the right person, you know, that I was
8 willing to settle down with. But I would kind of go
9 out with a guy for a while and then say, 'No, no, this
10 is not for me' type of thing. And then until I met my 10:48
11 husband, and that's really it.

12 40 Q. Thank you. I'm just going to bring you back then to
13 your thoughts about reporting the rapes. So, the next
14 day, did you consider reporting the rapes to anyone at
15 the barracks? 10:48

16 A. Absolutely not.

17 41 Q. And in the weeks thereafter, did you consider reporting
18 it?

19 A. No. Never.

20 42 Q. And why did you not report it? 10:48

21 A. (1) I didn't know who to go to. I suppose, that could
22 have been the second thing. My priority was or my main
23 problem was, if I report it, will I be kicked out? So
24 that was constantly turning in my head: If I say
25 anything, is that me gone? And then, secondly, it 10:49
26 would have been: who do I report it to? I wasn't
27 close to anybody to report it to within the unit. So
28 for something like this, you have to be -- you'd kind
29 of have to feel comfortable in accusing somebody, but

1 who do you accuse when you don't know who it was? So
2 are they going to say, 'Oh, she's making this up'? You
3 just -- there was a lot of things there going around in
4 my head, 'Do I or don't I?', but my main thing was 'Who
5 do I report it to?', if I was ever to report it. 10:49

6 43 Q. And you mentioned your fear there that you could be
7 thrown out of the Army?

8 A. Mm-hmm.

9 44 Q. And I think you said previously that the threat made by
10 your assailants did influence you and that was part of 10:50
11 that fear?

12 A. Yes.

13 45 Q. Was there anything else that contributed to the fear
14 that you would be thrown out of the Army?

15 A. Not that I can think of offhand, but, like, there was 10:50
16 no female NCOs in my unit until later. So, therefore,
17 if I was to report it, would I have reported it to a
18 female NCO? I honestly don't know.

19 46 Q. Just "NCO", that would be someone senior in rank to
20 you? 10:50

21 A. Yes, they'd be above me.

22 47 Q. Okay. And was there other female senior in rank to you
23 on the barracks?

24 A. No.

25 48 Q. No. So that had an influence on your decision -- 10:50

26 A. It would have, yes. I suppose it would have a slight
27 influence, not dramatically. Again, I wouldn't have
28 known -- because I was only in so long, I didn't know
29 the runnings of things, as such, because you're

1 cocooned when you're in training. You're kept away
2 from the rest of the unit, so you're cocooned and you
3 have your training staff, but you don't know your
4 training staff. They're only there to train you. You
5 don't know anything personal about them, it's all -- 10:51
6 they do keep -- or we would keep your personal life or
7 your personal details separate from working.

8 49 Q. Okay. And I think you said again there you didn't know
9 who you could go to because you didn't know who to
10 trust? 10:51

11 A. Yeah.

12 50 Q. So that was all part of it?

13 A. Yeah.

14 51 Q. Okay. I think you were previously asked and I'll just
15 ask you again; why didn't you go to the Guards or the 10:51
16 Military Police about the rapes?

17 A. My main thing was I didn't know who attacked me,
18 basically. So, to me, what was the point? I had no
19 evidence, I had no one to accuse. So when you're
20 sitting back and you're thinking, 'well, I don't have 10:52
21 anything I can show either the Military Police or An
22 Garda Síochána, what's..." -- don't take this the
23 wrong way, but what's the point when there's nothing
24 there, you know, when I don't have any evidence? I
25 didn't see a point in going to either. 10:52

26 52 Q. And you did say that in your second interview. And I
27 think you also suggested at page 1114 that you were
28 afraid that if you went to the Guards, that they could
29 go to your unit and investigate. Do you recall talking

1 about that?

2 A. So, if I went to the Guards, they'd interview me,
3 obviously, and then they would more than likely look to
4 see where the incident happened. For them to come in
5 to an Army barracks, they have to let somebody know 10:53
6 that they're coming in and a reason why you're coming
7 in. So, therefore, it's going to be made public then,
8 'well, there was an incident at such-and-such a date;
9 this is the individual who's making the complaint or
10 allegations', so it's going to get out there anyhow 10:53
11 so...

12 53 Q. And what was your fear about it getting out there with
13 people in your unit?

14 A. The way they'd look at you. The way they'd treat you.
15 You don't -- again, I was only a young soldier. I had 10:53
16 the rest of my career to go. I didn't want that
17 following me. I didn't want to be the one, 'Oh, look
18 at her, she's the one that accused the couple of lads
19 of raping her.' I didn't want that on my back, do you
20 know what I mean? It's not a nice thing to have people 10:54
21 talk about you. They'll talk about you anyhow, but in
22 that respect, you don't want that. You don't want to
23 be tainted or tarnished to having that, do you know,
24 accusing people of something.

25 54 Q. And was there any reason that you can think of that you 10:54
26 might have had the view that you might be tarnished if
27 you accused people of this?

28 A. No, not really. I suppose I tend to keep to myself
29 and, back home, they'd always say I'd always -- if I

1 had a problem, I'd keep it in, I'd never tell anybody
2 what's going on. And maybe that's a fault of my own
3 nature, like, that I don't talk about my problems or my
4 feelings or anything like that.

5 55 Q. And as a recruit, did you know who to go to if you had 10:55
6 a complaint of abuse?

7 A. No.

8 56 Q. Were you given training as a recruit on the complaints
9 systems?

10 A. No. 10:55

11 57 Q. And just in relation to your knowledge and training of
12 the complaints process, you said you weren't given any
13 training on the complaints system, so does that mean
14 your Two Star course and your Three Star course, you
15 didn't receive training? 10:55

16 A. That's correct.

17 58 Q. And do you remember the first time that you learned
18 about the Redress of Wrongs system?

19 A. Yes, you'd have heard about that when you went into the
20 barracks when you were among the senior soldiers. So, 10:56
21 the guys that would have passed out before you or lads
22 that were there a couple of years, or many years, you'd
23 hear them talk about this and that, and, yes, Redress
24 of wrongs would have been brought up and that kind of
25 thing, but what is Redress of wrongs? To me, if you 10:56
26 have an issue with somebody, there's a chain of command
27 there. So if I have an issue with somebody, I go to
28 the next person up, and the person that I could have
29 the problem with could be a rank higher than them and

1 it has to go through them to get to the top. So
2 there's no -- to me, there was no fair system in
3 reporting anything, especially if it's within a unit
4 because the unit -- you've to go through the
5 individuals who you might have the issue with, or they 10:57
6 could be best buddies with the individual that you have
7 the issue with.

8 59 Q. And I know you were in the Defence Forces for 21 years,
9 so did you learn at any stage about Section 114 and
10 that you must go to your Company Commander, firstly, if 10:57
11 you have a problem with someone, unless it's the
12 Company Commander? Did you learn about that at any
13 stage?

14 A. No, I wouldn't even know what Section 144 or whatever
15 says -- 114. I don't know even know what that section 10:57
16 is.

17 60 Q. And have you heard about the Chapter 1 and
18 Administrative Instruction in relation to interpersonal
19 relationships and complaints?

20 A. We would have got, I suppose, a brief on A7 when they 10:58
21 introduced that. It would have been a quick brief in
22 one of the lecture rooms and, basically, made reference
23 to the interpersonal relationships; you were told
24 you're not supposed to have interpersonal relationships
25 with individuals in the unit. 10:58

26 61 Q. Okay.

27 A. That's, basically, it.

28 62 Q. And did they tell you who you should go to if you had a
29 complaint of bullying or any other abuse during that?

1 A. No.

2 63 Q. And did you learn about the Personal Support Service in
3 the '90s or 2000s? When was the first time you heard
4 about them?

5 A. I knew the PSS, which is the Personal Support Service, 10:58
6 were there. When I knew they were there, I can't
7 recall. Would I have ever used them? Absolutely no --
8 reasons being the individuals that are in the PSS are
9 coming from your units. So I know they're trained --
10 or later on in years, they were trained and things like 10:59
11 that, but when you see certain individuals in it,
12 you're going to say, 'No, I'm definitely not going down
13 there to tell him my problems because it'll be around
14 the camp in five minutes', do you know? Now, I'm not
15 saying it would, but it's just the individuals - well, 10:59
16 some individuals - would be kind of like that, you
17 know.

18 64 Q. So you had a fear of confidentiality?

19 A. Yes, absolutely. Yes.

20 65 Q. And do you know why you might have thought that, where 10:59
21 that perception came from?

22 A. I would have known some of the individuals in the PSS
23 in later years and that's the reason, that's where I'd
24 get my perception, because I'd know them.

25 66 Q. And in 1998, did you consider going to the PSS? 11:00
26 A. No.

27 67 Q. And can you explain to the Judge why?

28 A. I didn't know the PSS would have been there at that
29 stage.

1 68 Q. Okay. I'm just going to move on, Ms. Y, to discuss --
2 the next part of your statement, you talk about your
3 continuing Army career and I think you undertook a
4 specialised armoured vehicle driving course?
5 A. That's correct. 11:00
6 69 Q. And do you recall approximately what year that was?
7 A. It could have been 2001. I'm not -- I'd have to look
8 it up, I'm not 100% sure.
9 70 Q. That's fine. Around that time. And I think there was
10 a male Sergeant overseeing that course? 11:01
11 A. Sorry, that was 2000.
12 71 Q. That was 2000?
13 A. Yeah, sorry, I do apologise, yeah, 2000.
14 72 Q. And do you recall the male Sergeant that you discussed
15 in your interviews? 11:01
16 A. Yes.
17 73 Q. And can you tell the Tribunal any issues you had?
18 A. Yes, at the end of each week, you'd be brought into the
19 back of the armoured car and you would be given your
20 weekly report of how you were progressing within the 11:01
21 driving. And the first week was a Thursday, I went in
22 and I was basically told by the Sergeant, 'How do you
23 think you're getting on?' and I said 'Ah, yeah, I
24 think I'm getting on okay', and he said 'well, you have
25 three disadvantages going against ya' and I looked at 11:01
26 him and I said 'what's that?' And he says: '(1) You're
27 a woman, (2) women can't drive and (3) you're the only
28 woman on the course.' And I just said 'Oh, is that
29 right, Sergeant?', and he says 'Yeah'. So he proceeded

1 on then with his usual how I was getting on and that
2 was all okay.

3
4 And then I had a night shoot the following week and I
5 just -- at the end of the night shoot, we were after 11:02
6 handing in our weapons and I said to the 2IC, I said
7 'Sir, can I see you for a minute?' and he just says
8 'What's wrong with you?' and I told him what was after
9 happening and he says, 'Right, leave that with me, I'll
10 sort it.' And I said 'Don't do anything until I'm 11:02
11 finished the course, I don't want it to be influenced
12 or whatever', and he says 'Right, okay.' I said 'I
13 don't want anything to happen.' And he said, 'Okay,
14 come back to me Friday evening and tell me how the week
15 went' and I said 'Okay'. 11:02

16
17 So Friday evening came and I went up to him and knocked
18 the door and I said to him -- I said 'Sir', and he
19 said, 'Yeah, how did you get on?', and I said 'He never
20 opened his mouth.' And he said 'That's grand, I sent 11:03
21 the Sergeant down after him.' I said 'Okay', I said,
22 'that's fine.' So he says 'I'll see you at the end of
23 next week' and I said 'Okay', and that was it and I
24 never had another issue on that course.

25 74 Q. And the 2IC, that's the Second-in-Command? 11:03

26 A. That's correct.

27 75 Q. And the comments that you just told the Judge about,
28 did you view them as him considering you unfavourable,
29 in an unfavourable light based on your gender?

1 A. Yes.

2 76 Q. And were you happy with how that issue was resolved by
3 your Second-in-Command?

4 A. Yeah, he dealt with it, I suppose. So I went to him
5 with the problem and he dealt with it. To me, it 11:03
6 favoured me. Was it the right way to go? I don't
7 know, because I don't know what was said or how he went
8 about sorting the issue. So...

9 77 Q. I think you were able to continue with your driving
10 course. You passed, you said? 11:04

11 A. Yeah.

12 78 Q. And you were involved in driving armoured vehicles,
13 fighting vehicles?

14 A. Yes.

15 79 Q. And I think you had overseas missions and continued 21 11:04
16 years in the Army?

17 A. Yes.

18 80 Q. And over the 21 years, I think we have addressed this
19 to some degree, but just to be very clear for the
20 Tribunal, can you tell the Tribunal about any other 11:04
21 training you might have received in the complaints
22 processes over your 21 years, or any training you may
23 have given that may have related to that?

24 A. I did another armoured course and I was asked to put a
25 wheel back on to the armoured vehicle and I turned 11:04
26 around to the instructor and said 'No', I said, 'that's
27 a two-man job' and he said 'I'm telling you to do it.'
28 I said 'I'm not doing it, it's a two-man job, you know
29 it's a two-man job.' I said 'When Private so-and-so is

1 finished doing what he's doing, we'll put the tyre on
2 together.' And he says 'I'm telling you to put the
3 tyre on' and I said, 'well', says I, 'I won't be doing
4 it.' Simple as, I said 'No'. At that stage, I was
5 after getting more confidence in myself that I didn't 11:05
6 need to report, as such, because I dealt with it. I
7 wasn't going to do what I wasn't supposed to do, you
8 know, so I wasn't going to injure myself for the sake
9 of him, you know?

10 81 Q. And at this stage you were older, you had been in the 11:05
11 Army for a longer period of time?

12 A. Yes, that's correct.

13 82 Q. And, at this stage, do you know who you would have gone
14 to report this issue to?

15 A. Yes, I would have gone to the course Sergeant and I 11:05
16 would have said it to him, but I dealt with it myself
17 at that stage.

18 83 Q. And I think you've been very clear that you felt you
19 couldn't complain about the traumatic event. You also
20 said that you never, in the immediate aftermath or a 11:06
21 number of years thereafter, you didn't seek any help
22 from any mental health professionals or psychologists?

23 A. No. No.

24 84 Q. Can you explain to the Tribunal why you didn't seek any
25 help from the Army, from counselling people? 11:06

26 A. I wouldn't have gone through the Army counselling
27 system or that because, again, I'd have felt it would
28 have gone against me. Medically-wise, they could
29 downgrade you if they think there's a psychological

1 issue, which would reduce you in certain duties. You
2 wouldn't be able to perform your full duties if there
3 was any kind of a concern, which is understandable.
4 But, no, I definitely wouldn't have gone to anybody.

5 85 Q. Ms. Y, you did mention in your interview, you mentioned 11:07
6 the fear of if you went to counselling, that they would
7 report it to the Defence Forces?

8 A. Yes.

9 86 Q. And you mentioned that you were concerned it could
10 affect your career? 11:07

11 A. Yes.

12 87 Q. And can you explain to the Tribunal why you thought
13 that could happen?

14 A. I suppose, there's always the unknown. So when you're
15 not a hundred percent sure of something, you kind of, 11:07
16 you tend to hold back. But there was a fear that if
17 you did look for help, if I'd have gone sick at home,
18 I'd -- they'd send a sick cert into my unit, or I'd
19 have to give in a sick cert, and there is a place to
20 state what's the issue. So you have to -- they have to 11:08
21 say what's the problem. So if I went for psychiatric
22 or counselling, it would have to go on the cert or be
23 made public, published to the Defence Forces. I wasn't
24 willing to take a chance that I would be downgraded or
25 anything else for something that I was able to manage. 11:08

26 88 Q. And why did you think you'd be downgraded for seeing a
27 psychiatrist or a counsellor?

28 A. It's hard to explain. It depends on what comes back in
29 a report. So if you're depressed, well, there's a risk

1 factor there of, well, you're carrying loaded weapons
2 -- could you be very vulnerable to hurt yourself or
3 hurt somebody else? So, therefore, it's just -- and
4 then, by you not being able to carry out duties, you do
5 get restricted, if they find there's an issue. So, 11:09
6 therefore, you just keep your mouth shut and just put
7 your head down and just keep going.

8 89 Q. And do you think this sort of downgrading holds people
9 back in the Army from seeking psychological help?

10 A. Yes. Yes. 11:09

11 90 Q. You do say in your statement that you think it's
12 important that you share your story with the Tribunal?

13 A. Yeah.

14 91 Q. Can you tell the Tribunal why you want to do that?

15 A. What happened to me should never have happened, but it 11:09
16 did. I should have been safe in a place that, at the
17 end of the day, you call your home for the length of
18 time that you're there. I wasn't safe. It should
19 never, ever have happened, so it shouldn't. I don't
20 know what... Ehm, so, yes, it shouldn't have happened 11:10
21 to me, but it did. I --

22 92 Q. Okay. And you --

23 A. I --

24 93 Q. Sorry, go ahead.

25 A. I put it behind me and I moved on and I had an amazing 11:10
26 21 years in the Defence Forces. I cannot say I didn't.
27 I did everything I possibly could, I enjoyed it, but
28 not reporting it was... It was hard, I suppose, not to
29 report it, but I didn't know who to report it to, you

1 know, so it should never have happened. I should have
2 been safe.

3 94 Q. You referred in your statement to changes that you
4 would like to see in the Defence Forces and how it
5 handles complaints? 11:11

6 A. Yeah.

7 95 Q. Can you tell the Tribunal the changes you would like to
8 see, any ideas you have?

9 A. I would love to see an independent body for complaints
10 within the Defence Forces, which means no ex-members of 11:11
11 the Force within the independent body. Just like An
12 Garda Síochána, they have their independent body for
13 investigations. You can't have an organisation looking
14 into their problems. It just doesn't work, so it
15 doesn't. That's like the Guards investigating a 11:12
16 robbery that they carried out. It just doesn't work,
17 so it doesn't. So, that's one big thing I would love
18 to see happen out of this, is an independent complaints
19 body for the Defence Forces.

20 96 Q. And we talked about this in your interview and we 11:12
21 referenced the Defence Forces Ombudsman --

22 A. Yeah.

23 97 Q. And you were aware of that, but I think you were more
24 specific with an independent person?

25 A. Yeah. 11:12

26 98 Q. And did you think that an independent person should be
27 in all barracks or do you have more ideas on that?

28 A. No, I would say a separate, a separate building
29 completely because they could influence, you know. So

1 if you have an individual in a barracks, well, to me,
2 you can influence that individual, so they're now no
3 longer impartial. So, if you have an independent body,
4 say in the likes of Dublin, Cork, Galway, wherever, but
5 leave it outside the barracks.

11:13

6 99 Q. And did you notice any positive development in the
7 Defence Forces processes for dealing with complaints of
8 abuse over your 21 years? I know there's been
9 developments on paper, but I mean any actual practical
10 positive developments?

11:13

11 A. No. Again, if I had any problems, I'd deal with them
12 myself. I would -- as years went by, I grew
13 confidence, that I wasn't afraid of saying something to
14 someone and it didn't matter what rank. I'd be polite,
15 but to the point. So, as I said, if I had an issue, I
16 would address the matter myself so I didn't have to go
17 through a chain of command or anything like that, you
18 know.

11:14

19 100 Q. You've mentioned in one of the interviews also that it
20 may not be the answer for a Defence Forces member to be
21 so comfortable with a superior to turn around and ask
22 the superior to explain why they're giving an order.
23 So you did think that distinctions should be drawn; do
24 you recall that?

11:14

25 A. Yes. Like, you must obey an order, that's the nature
26 of the game. So, if you're told to walk a hundred
27 miles, well, you walk a hundred miles. You don't
28 question the hundred miles, you just go. It's -- it's
29 just the way the Army is. So if you're given a direct

11:14

1 order, well, it must be carried out. It's said for a
2 reason. Where the reason is in that, it could be...
3 And it doesn't just -- like, it comes from somebody,
4 right, so, like, you could be told today, 'Right, I
5 need five fences painted, get out there and do it', and 11:15
6 you say, 'No, I'm not doing that' -- 'well, I'm
7 ordering you', or 'It's a direct order, you have five
8 fences to paint', well then you say, 'Okay, I'll go
9 paint the five fences', do you know? So, once it's an
10 order, that's it. 11:15

11 101 Q. Is that why you believe somebody outside of the Defence
12 Forces would be preferable that you could approach to
13 deal with these complaints of abuse?

14 A. Yes. Yes.

15 102 Q. And, Ms. Y, you suffered a terrible trauma that you 11:16
16 told the Tribunal about today and you still served 21
17 years. I think you said in your interview that you've
18 no regrets about your service in --

19 A. No.

20 103 Q. -- the Defence Services? 11:16

21 A. No, I have not, no.

22 104 Q. And Ms. Heavey might put up page 1090, the statement
23 that you made in that interview. It will just take a
24 moment. And you said:

25 11:16

26 "I have no regrets. I loved my time in the Defence
27 Forces. Yeah, there was the incident that happened.
28 It happened, I parked it, and I got on with my life.
29 The Defence Forces was always what I wanted to do and,

1 to me, nothing was going to change that. If it had or
2 I think it would have had, the people that raped me
3 would have got their way, but I did this for me."
4

5 A. Mm-hmm. 11:17

6 105 Q. Is that still how you feel? Is that something that you
7 stand over?

8 A. Yeah.

9 106 Q. Is there anything else you want to say to the Tribunal?

10 A. I really would like to see change in the way it works. 11:17
11 Like, the Defence Forces is not all bad, and every
12 individual are not bad. You have a handful, that's it,
13 do you know what I mean? It is not a bad place. And
14 as you've read out, I loved my time within the Defence
15 Forces, but it needs to change. There needs to be that 11:17
16 outside body. And if that was the only thing that came
17 out of this Tribunal, that would be amazing -- not just
18 for me, but for everybody else, you know. So, yeah,
19 that's... That would be my biggest achievement ever if
20 that was to happen, you know. 11:17

21
22 And I'd like to thank ye for listening to me today and
23 giving me the opportunity to tell my side of things.

24 MS. PILLAY: Thank you, Ms. Y. There may be some
25 further questions, if you can just remain there for a 11:18
26 short while?

27 THE WITNESS: Yeah, that's no problem.

28 SOLE MEMBER: would anybody like to put any questions
29 to Ms. Y? Is there an application from any party?

1 MR. LEHANE: Yes, Judge, I have some questions on
2 behalf of the Defence Forces.

3 SOLE MEMBER: Mr. Lehane would like to put some
4 questions to you on behalf of the Defence Forces, Ms.
5 Y. 11:18

6 THE WITNESS: No problem.

7

8 MS. Y WAS CROSS-EXAMINED BY MR. LEHANE, AS FOLLOWS:

9

10 107 Q. MR. LEHANE: Good morning, Ms. Y. 11:18

11 A. Good morning.

12 108 Q. My name is Darren Lehane and I'm a barrister and I'm
13 here representing the Defence Forces and I'm going to
14 ask you some questions.

15 A. No problem. 11:18

16 109 Q. Before I do, I want, firstly, to acknowledge that I
17 understand that this is a very stressful process, that
18 it's not pleasant to talk to strangers about past
19 events in your life. And if at any point during my
20 questioning you don't understand something that I'm 11:19
21 saying or you'd like me to repeat myself or to clarify
22 what I'm saying, I won't be in the least bit put out if
23 you ask me to do so.

24 A. I appreciate that. Thank you.

25 110 Q. Now, what I'm going to do, firstly, is I'm just going 11:19
26 to explain the sequence of questions that I'm going to
27 ask you --

28 A. Okay.

29 111 Q. -- so that you know what's happening.

1 A. Yeah, okay.

2 112 Q. Firstly, I'm going to just explain what my role is as
3 counsel for the Defence Forces, what your role is here
4 today, and the context of the Tribunal's role.
5 Secondly, I'm going to ask you some questions about the 11:20
6 processes that you referred to during your 21 years in
7 the Defence Forces. And then, finally, I'm going to
8 ask you some questions arising out of the incident --

9 A. Okay.

10 113 Q. And probably a better way of putting it is I'm going to 11:20
11 ask you some questions arising out of the incident.

12 A. Okay.

13 114 Q. So just in relation to my role, okay, as I said, I'm
14 here on behalf of the Defence Forces, which is why I'm
15 asking you these questions. In terms of your role, I 11:20
16 think you'd agree with me all you can tell the Judge is
17 what happened to you?

18 A. Mm-hmm.

19 115 Q. And how you felt?

20 A. Yeah. 11:20

21 116 Q. And I think you'd agree with me that how you felt
22 arising out of your evidence to the Tribunal would
23 inform your overall experiences with the Defence Forces
24 subsequently in relation to complaints?

25 A. Yeah. 11:21

26 117 Q. Okay. And you're agreeing with me in relation to that.
27
28 In terms of the Tribunal, and you'll be aware of this,
29 but it just helps me if I can keep myself straight --

1 A. That's no problem.

2 118 Q. What the Tribunal is concerned with in this module is
3 whether complaints were actively deterred or whether
4 there was a culture that discouraged the making of
5 complaints of abuse. So that's why we're here today 11:21
6 and the context in which you're giving evidence. And
7 again, just in terms of your role, you've told the
8 Tribunal in a very compelling way, if I may say --

9 A. Thank you.

10 119 Q. -- of the very positive experience that you had in the 11:21
11 Defence Forces over your 21 years. You described it, I
12 think, as an amazing 21 years?

13 A. Yes.

14 120 Q. -- in the Defence Forces. And, again, I'm very
15 conscious of the circumstances in which you're giving 11:22
16 evidence anonymously, so I can't go into what you were
17 doing at any particular time, but I think you would
18 agree with me that you had quite a successful career in
19 the Defence Forces and became -- I won't specify the
20 rank, but you became an NCO? 11:22

21 A. Yes, that's correct.

22 121 Q. And you served with distinction overseas?

23 A. Yes.

24 122 Q. And you were awarded a number of decorations for your
25 domestic and your overseas service? 11:22

26 A. That's correct.

27 123 Q. And, again, you described your happiness with your life
28 in the Army, which is what you always wanted to do, bar
29 this incident?

1 A. Yes.

2 124 Q. In terms of the next topic that I want to deal with, I
3 think you've -- I've listened carefully to you and
4 you've described your experience both as a recruit, as
5 an enlisted person, and then, I suppose, latterly in 11:23
6 your career, without specifying the rank, but when you
7 achieved that rank?

8 A. Yeah.

9 125 Q. And in terms of your recruit training, I think you had
10 come in from the Reserve? 11:23

11 A. Yeah.

12 126 Q. -- what used to be called the FCA?

13 A. That's correct.

14 127 Q. And you described, I think, in your interview with the
15 Tribunal that when you went into recruit training, 11:23
16 having completed your time in the NCA, there was
17 somebody called a Barrack Duty Officer?

18 A. That's correct.

19 128 Q. -- who would have been an NCO?

20 A. Yes. 11:23

21 129 Q. Who would have been an instructor?

22 A. Yes.

23 130 Q. And I think you told the Tribunal in your interview
24 that if you had an issue, you could go to them during
25 your recruit training? 11:24

26 A. Yes.

27 131 Q. I'm not going to ask it to be put up on the screen, but
28 just from the Judge's perspective, that's at page 1101,
29 Judge, of the booklet of papers.

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I think then if we move out of your recruit training into your life in the Army, I think you've told the Tribunal of your awareness of the Redress of Wrongs system?

11:24

A. Mm-hmm, yes.

132 Q. And that you were aware of it?

A. Yes.

133 Q. And that your awareness was largely informed by your interactions with others talking about the process?

11:24

A. Yeah.

134 Q. So you were aware of it and you were aware of other people's experiences of the Redress of Wrongs process.

You've also told the Tribunal about the A7 process, Administrative Instruction A7, and again am I fairly describing that, you know, when you join the Army and you really want to be in the Army, you want to be doing what could be colloquially described as soldier stuff, as opposed to being in lecture rooms being lectured on things?

11:24

A. Yes.

135 Q. But, again, in relation to Administrative Instruction A7, you told the Tribunal you're aware of it?

A. Yes.

11:25

136 Q. That it came in, I think, in 1996 -- you joined as a recruit in 1997?

A. That's correct.

137 Q. And, again, you've told the Tribunal that you're aware

1 of it and that it dealt with -- and again I'm conscious
2 that, you know, I'm a lawyer, I deal with these things
3 all the time, so it seems like, you know, regular me,
4 to me. But, again, this document, you said yourself,
5 dealt with interpersonal relations in the Defence 11:25
6 Forces?
7 A. Mm-hmm.
8 138 Q. And, again, Chapter 1, Section 3 dealt with sexual
9 behaviour --
10 A. Mm-hmm. 11:26
11 139 Q. -- of members of the Defence Forces. And --
12 MR. BRADLEY: I'm very loath to intervene with my
13 Friend, but maybe if the document could be provided to
14 the witness if it's going to be referred to?
15 MR. LEHANE: I'm -- 11:26
16 SOLE MEMBER: Yes, I think she indicated she was aware
17 of Administrative Instruction, Chapter 1.
18 MR. LEHANE: I'm not going to be quizzing -- again as I
19 went back to it --
20 THE WITNESS: Can I just ask you one question -- or 11:26
21 just you just referenced the A7 documentation there.
22 You said it came in in 1996. We weren't made aware of
23 that until in or around 2000. It's not that we were
24 told in recruit training or after recruit or Two to
25 Three Star training that A7 existed. Unless the 11:26
26 paperwork was updated in or around 2000, I have no
27 idea, but we weren't informed of A7 until in or around
28 that period.
29 140 Q. MR. LEHANE: And you've jumped ahead!

1 A. Sorry.

2 141 Q. No, no, that's what I said at the start, if you're not
3 following me or you want to do, please do, but what I'm
4 doing first is, like, you know, just dealing with your
5 awareness of Administrative A7 and I've told you when 11:27
6 it came in, I'm reading from it. Mr. Bradley, in his
7 interjection, has enabled you to short circuit matters
8 in terms of your awareness of it. But, again, in terms
9 of that, and it doesn't need to go up because you've
10 told us you're aware of it, again that deals with 11:27
11 sexual behaviour of members of the Defence Forces and
12 states that certain things are --

13 A. Yeah.

14 142 Q. -- again I'm going to use a colloquialism -- not
15 permitted? 11:27

16 A. Yeah.

17 143 Q. So, again, you've described to the Tribunal lectures
18 you've received in terms of the complaints processes
19 and you described it there. And, I think, you know,
20 I'm fairly summarising that as you were progressing up 11:27
21 the chain --

22 A. Mm-hmm.

23 144 Q. -- within the Defence Forces, you would have gone from
24 being the recipient of lectures to being the
25 communicator of information, is that right, to recruits 11:28
26 or people you were training?

27 A. Yes. Training would have been -- so what I would have
28 communicated with recruits would have been out of
29 manuals such as your weapons training, your drill

1 training, all that kind of stuff. Each individual NCO
2 would have had different lectures. So, the lectures on
3 A7 or the complaints system wasn't one of mine. So --
4 do you know what I mean? So there would --

5 145 Q. Again, I fully understand it. It's your -- because I 11:28
6 think, if I understand the information that you
7 imparted to the Tribunal legal team during the
8 interviews and to the Tribunal as a whole in terms of
9 your statement --

10 A. Yeah. 11:29

11 146 Q. -- training was something you were really interested
12 in?

13 A. Yeah.

14 147 Q. And it was something you looked forward to being
15 involved in? 11:29

16 A. Mm-hmm.

17 148 Q. And I think you enjoyed doing it?

18 A. Yes.

19 149 Q. And, of course, while you were providing training
20 within the areas of your competence, other people would 11:29
21 have given training in terms of, as you said, the PSS
22 process?

23 A. Mm-hmm.

24 150 Q. And other people would have given training in terms of
25 the various complaints processes while you were 11:29
26 providing your training?

27 A. Yeah.

28 151 Q. And, again, just moving on from that aspect to the next
29 matter was I think you've very compellingly again

1 described a positive experience you had during one of
2 your training courses of making -- raising an issue, a
3 complaint, with the Second-in-Command?

4 A. Mm-hmm.

5 152 Q. -- and that complaint being dealt with satisfactorily 11:30
6 from your perspective?

7 A. Yeah.

8 153 Q. Again, I know you said you were happy with how it
9 resolved, because it resolved to your benefit --

10 A. My favour, yeah. 11:30

11 154 Q. Again, you know, there was a process -- you went, it
12 was dealt with --

13 A. Yes.

14 155 Q. -- and it was dealt with satisfactorily?

15 A. Yes. 11:30

16 156 Q. Okay. Thank you for that. I now want to deal with the
17 final matter and that is in relation to the incident.
18 And, again, I said it at the start, but just I want to
19 repeat it now. Because of the role of the Tribunal in
20 not making findings about whether an allegation of 11:30
21 abuse is true or not, I do not have to ask you any
22 questions in relation to the incident --

23 A. Okay.

24 157 Q. I know the Judge said it at the start and I know said 11:31
25 it at the start, but just as we move into this
26 territory, I just wanted to say that when I'm asking
27 you questions now, I'm not going to be asking you any
28 questions about the incident itself.

29 A. Okay.

1 158 Q. But I think if my understanding of your evidence is
2 correct - and I hope it is because I read it in your
3 statement, as such, in your interviews and I heard you
4 tell the Judge this in your evidence earlier on - you
5 were threatened by one of the alleged perpetrators that 11:31
6 if you - and this is my note - if you ever said
7 anything, you'd be kicked out of the Army?
8 A. Yes.
9 159 Q. And, again, compelling evidence, you described your age
10 at the time, 19, when you received this threat -- that 11:32
11 was, if I'm understanding, the primary reason why you
12 didn't -- and I'm not going to use the word "complain"
13 because complain is... But the primary reason why you
14 didn't go to a third party about this incident?
15 A. Mm-hmm. 11:32
16 160 Q. Is that correct?
17 A. Yes, and then I didn't know who to go to.
18 161 Q. That's the next bit.
19 A. Yeah.
20 162 Q. But the primary reason is the statement that you, as a 11:32
21 19-year-old who only had ever wanted to be in the Army,
22 was threatened with having that removed from you?
23 A. Yeah.
24 163 Q. And you told the Judge that you believed the threat?
25 A. Yes. 11:33
26 164 Q. That you were afraid on receipt of the threat, and,
27 again, that you didn't want your Army career over. So,
28 in terms of, again, do you remember I said at the
29 start, your role, telling the Judge what happened to

1 you, but also how you felt --

2 A. Yes.

3 165 Q. -- the feeling that you had on receipt of this threat
4 from the alleged perpetrator was one of fear and you'd
5 better comply with it? 11:33

6 A. Yes.

7 166 Q. Now, a secondary reason you've said was that you felt
8 you didn't know who to go to. And you've described to
9 the Tribunal why you didn't go to the Guards, and
10 you've also described to the Tribunal how you felt 11:34
11 internally about, you know, the fact - and again I'm
12 trying to choose my words very carefully here - but how
13 you felt that because of the manner in which the
14 incident occurred as you relayed it, that you might in
15 some way be disbelieved? 11:34

16 A. Yes.

17 167 Q. Or your account challenged by people in authority?

18 A. Mm-hmm.

19 168 Q. -- be they in An Garda Síochána or in the Army as a
20 whole. And, again, all occurring in the context of 11:34
21 that very visceral threat from the alleged perpetrator
22 of yours?

23 A. Yes.

24 169 Q. Just bear with me for one second. I just have to
25 communicate via hand signals with the other members of 11:34
26 my team! Thank you very much for dealing with my
27 questions.

28 A. Thank you.

29 SOLE MEMBER: Thank you, Mr. Lehane. Is there any

1 other application on behalf of any other person or
2 party?

3 MS. McGRATH: Yes, Judge.

4 SOLE MEMBER: Ms. McGrath.

5

11:35

6 MS. Y WAS CROSS-EXAMINED BY MS. McGRATH, AS FOLLOWS:

7

8 170 Q. MS. McGRATH: Good morning, Ms. Y.

9 A. Good morning.

10 171 Q. My name is Sinead McGrath and I'm just counsel for the
11 Minister for Defence.

11:35

12 A. Okay.

13 172 Q. I just really want to deal with the very closure of
14 your evidence with Ms. Pillay when it was -- you very
15 candidly put forward that what you really want to see
16 is change, and that this was a fantastic opportunity
17 for you to communicate that. And you said that change,
18 you said, would be amazing?

11:35

19 A. Mm-hmm.

20 173 Q. Now, I don't know -- I know you finished in 2018, isn't
21 that right?

11:35

22 A. That's correct, yes.

23 174 Q. And at the close of your second interview when you did
24 your interview earlier last month, you were asked a
25 final question, whether would you do anything
26 differently now, and I think you said, 'I would handle
27 it differently now.' And I just want to ask you in
28 relation to -- now, I fully appreciate - and you can
29 stop me - you've left since 2018, but you strike me as

11:36

1 somebody who is continuously interested in the military
2 and the treatment of women; is that right?

3 A. Absolutely, yes.

4 175 Q. And you may or you may not be able to assist the Judge
5 in this, but we did hear, in particular, from a witness 11:36
6 last week - it was Cmdr. David Lyons and he's head of
7 the PSS service - and one of the things that he said in
8 his evidence and he repeated it to the Judge when he
9 was speaking to her directly, he said that there had
10 been fundamental change over the course of the years in 11:36
11 the Defence Forces internally. Now, I know you're
12 speaking about an external body here this morning, but
13 with regard to internally, he said there was
14 fundamental change. What would you have to say to
15 that? 11:37

16 A. Internally, the individuals in PSS, if that's what
17 you're talking about, they are all coming from your
18 units. So, they're not individuals that are brought
19 out, they're not counsellors or social workers or
20 anything like that from the outside coming in. They're 11:37
21 all internal. So, again, we'd say there's a
22 goody-goody system there within the Defence Forces,
23 okay. So if I had an issue with Joe Bloggs in my unit
24 and I go to the PSS and I say to an individual in the
25 PSS and they turn around and say, 'Okay, yeah, look, 11:37
26 I'll handle that' or 'We can go down this road or that
27 road' and then he goes back up after he's finished with
28 me, rings the individual that I have an issue with and
29 says, 'what are you playing at up there?', it's too --

1 the Defence Forces is too small a body to not know
2 everybody, to not have friends everywhere. You have
3 people overseas -- well, again, now, I can only speak
4 on my time within the Defence Forces where we had loads
5 -- I won't say loads of different places to go 11:38
6 overseas, but there was a bigger variety of places to
7 go. And people -- you get to know individuals, and
8 then these people are now coming in to -- they're
9 getting qualified, which is great, and they're going
10 into the PSS. But you know that the individual - I'm 11:38
11 trying to put this politely - can't hold their wee and
12 you go to them with an issue and it's around the
13 barracks in five minutes, or it's around the barracks
14 before you even leave the door, you know. I wouldn't
15 feel comfortable with going to somebody that's a 11:39
16 Defence Forces member with an issue, especially of
17 sexual harassment or bullying or anything like that.
18 It's too close a community.

19 176 Q. And, Ms. Y, when Mr. Lyons was giving his evidence
20 about the structure of the PSS, he told the Tribunal 11:39
21 and he placed particular emphasis on the fact that
22 there were 12 full-time senior occupational civilian
23 social workers now who work with the PSS. Now, he
24 didn't give the start date for their involvement in the
25 PSS, but they seem to have been in place for some time. 11:40
26 Was it the case that perhaps this wouldn't have been up
27 in lights or widely known that there was this civilian
28 aspect to the PSS?

29 A. In my time, as far as I can recall, there was only the

1 individual members of the Defence Forces within the
2 PSS.

3 177 Q. Okay. And, then, in relation to -- Cmdr. Lyons was
4 taken through developments over the years, such as, for
5 example, an external counselling and psychosocial 11:40
6 service that was put in place in March 2003 by the
7 Minister for Defence, which was -- -it's a 24/7 free
8 phone helpline, effectively --

9 A. Okay.

10 178 Q. So that came in -- you were still in the Defence Forces 11:40
11 at that time. Did you see that coming into effect?
12 Did you see -- would you have been aware of that in any
13 way?

14 A. That's the very first time I've heard of it.

15 179 Q. Okay, so would you say there was an element of 11:40
16 communication issues in relation to those services?

17 A. Definitely. Because, like, 2003, like, I wasn't long
18 -- I was only five/six years in the Defence Forces and
19 I served another 15 or 16 years and I never heard of
20 that system. 11:41

21 180 Q. And I think, also -- again, this is after your time and
22 I'm really just looking for your comment on it in
23 relation to there's a programme which is now in place
24 in the Defence Forces called the "Sexual Ethics and
25 Respective Relationships Programme" -- I don't know if 11:41
26 subsequently you've ever become aware of that?

27 A. I've seen comments on Facebook about -- I've seen the
28 Journal or one of those -- or the Army guys would put
29 certain things up and I've seen that on it. But what

1 it involves, I have no idea.

2 181 Q. I think he said there were 4,000 people trained in it?

3 A. That's what I read on -- yeah.

4 182 Q. Now, he really, he finished his evidence - and, really, 11:41
5 this is just looking for your own view of it today - he
6 said that, you know, generationally, the Defence Forces
7 looked different today and internally. would you
8 accept that?

9 A. No.

10 183 Q. No. 11:42

11 A. No.

12 184 Q. Okay. And just then with regard to the close of your
13 evidence there with regard to an external body, just to
14 be clear, you said a building separate to the barracks,
15 is that right? 11:42

16 A. Yes.

17 185 Q. But do you still see some merit in a sort of local
18 level existence of such a unit?

19 A. No, not unless they have a room that if an individual
20 wants to make a complaint, that they have a phone 11:42
21 number to, say, this building here and say 'Look, I
22 want to make a complaint, can you come down to me
23 instead of me having to travel to Dublin or me having
24 to travel to Cork?' Have a room separate to make a
25 complaint, but then you're going to have, this room, 11:43
26 where would it be located within the barracks is
27 another thing because everyone will know your business
28 if it's in a busy area, you know. So there's -- I
29 suppose, there would be pros and cons to having it in

1 the barracks, but my view would be not in the barracks.
2 MS. McGRATH: Thank you so much, Ms. Y.
3 THE WITNESS: Thank you.
4 SOLE MEMBER: Thank you, Ms. McGrath. Is there anybody
5 else you wishes to make an application to put questions 11:43
6 to the witness? No.
7
8 MS. Y WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS:
9
10 186 Q. SOLE MEMBER: Ms. Y, I have just a couple of questions 11:43
11 to ask you. I understood your evidence to be that when
12 you were a recruit, you weren't advised about the
13 complaints processes, that Regulations were not read
14 out to you or you weren't told about them, is that
15 correct? 11:44
16 A. That's correct.
17 187 Q. And then I understood your evidence to be that later on
18 when you became the person responsible for training
19 recruits, there was someone else who had that
20 responsibility of dealing with A7 and that? 11:44
21 A. Yes.
22 188 Q. So, is it your evidence that, to that extent, you've
23 seen some change in that there is this classroom
24 instruction, or at least there was by the time you came
25 to be in charge of recruits? 11:44
26 A. A7 would be mentioned, okay. You wouldn't get -- I
27 don't know how big or how thick this A7 document is,
28 okay, I've never seen it. What is -- you're basically
29 given very little information about what you can and

1 can't do. So there would be - A7 - so, no
2 interpersonal relationships would be one. They kind of
3 pinpointed that quite a lot. I suppose it was because
4 women were starting -- the amount of women coming into
5 the Defence Forces was after growing at that stage, so 11:45
6 they were pinpointing this one. This was the main one,
7 there was no interpersonal relationships.
8
9 As I said, reference to document, I've never seen an A7
10 document. 11:45
11 189 Q. But can I be clear that you were aware, I understand,
12 that other people in charge of training recruits had
13 this responsibility. It wasn't your area, but that --
14 A. It wasn't my area, no.
15 190 Q. And did you know what these other colleagues were 11:45
16 dealing with in the classroom?
17 A. No. No.
18 191 Q. You weren't aware?
19 A. No.
20 192 Q. But is it your evidence you accept that that was their 11:45
21 responsibility to deal with A7?
22 A. There would have been a 45-minute lesson, but what was
23 told within that 45 minutes or what was covered from
24 the A7 document, I have no idea.
25 193 Q. You're talking about your colleague now? 11:46
26 A. Yes.
27 194 Q. Just one 45-minute lesson to the recruits?
28 A. Yes, yes.
29 195 Q. And then would you know what other lessons that

1 colleague would be dealing with?

2 A. It would be just your normal instruction, like your
3 weapons training, your drilling. So they weren't --
4 the individual that will be giving that lesson wouldn't
5 be -- that wouldn't be their main subject. 11:46

6 196 Q. I see.

7 A. -- as such. You might be told, 'Right, you're giving
8 the lesson on A7 today -- there it is.' That's it, you
9 know.

10 197 Q. But you were never told to do that? 11:46

11 A. No. No. But I only ever trained one recruit platoon.
12 I never trained another. I went into other
13 Administrative Instruction, which would have dealt with
14 NCOs, Senior NCOs and Officers, but that was it.

15 198 Q. I see. And I'm interested in some comments that you 11:47
16 made in your statement and your interview in relation
17 to your perception of new recruits. I think at one
18 point, you said you wanted to train new recruits?

19 A. Yes.

20 199 Q. And then you got an opportunity to do so? 11:47

21 A. Yes.

22 200 Q. And that was enough.

23 A. Yes.

24 201 Q. I think it was 2007?

25 A. That's correct. 11:47

26 202 Q. You describe new recruits as having a lack of respect?

27 A. Yes.

28 203 Q. That's on page 1082.

29 A. Mm-hmm.

1 204 Q. It wasn't great, you said. Can you just explain to me
2 a little bit why you formed that perception? That's
3 the first question I want to ask you --

4 A. Yeah, okay.

5 205 Q. And I want to explain the context in which I'm asking 11:47
6 you that question because if you thought they had no
7 respect and that they weren't as, you know, perhaps
8 obedient as in your day, would they be -- it's your
9 perception, but would they be afraid to come forward
10 and say 'I want to make a complaint about this person 11:48
11 who's training me'?

12 A. Okay, the answer to your first question is they had no
13 problem back-answering you. They would have no problem
14 saying 'I'm not doing that' --

15 206 Q. This was 2007? 11:48

16 A. Yes. Like, my issue with that is, well, if you're
17 stuck in the middle of a war like the present day in
18 Lebanon, where we have the Irish Troops and it's just a
19 nightmare out there at the moment, if they're not
20 willing to take an order or listen to what you're 11:48
21 telling them to do, how are they going to listen to you
22 or do what you ask them in the middle of a combat
23 situation? Therefore, you need to have that respect,
24 as I said, that they -- not afraid, but they need to
25 look up to you to know that, 'well, if I am in a 11:49
26 situation, I know that the NCO or the Sergeant or
27 whatever has my back.' Can I turn around and say that
28 they have my back, the recruits have my back? I
29 would -- I'd be 50/50. I can't say they're not trained

1 the same as when we were. I suppose, maybe, things
2 were tougher when I was in recruit training and the
3 rules and regulations changed, that you couldn't be
4 with them after a certain hour at night, you couldn't
5 give them certain, I'll say -- I won't -- yeah, I will, 11:49
6 I'll say punishments. Their punishment if they did
7 something wrong was a five-page essay. What do you
8 learn from a five-page essay if you're dealing with a
9 weapon or whatever? It's pointless.

10
11 When we were in training, if you did something wrong,
12 you either were running around the square or you were
13 put in a horrible position, but that all went with
14 health and safety and, again, A7, with -- A7 kind of
15 covers a lot of areas, to a degree. 11:50

16
17 Also, I had a weapon thrown at me from a recruit, which
18 wasn't a nice thing, but they'd need to -- to me, that
19 was a lack of respect, a lack of -- they weren't
20 listening to what I was instructing them to do. And I 11:51
21 even got another instructor to come down in case I was
22 doing something wrong, and that instructor gave an
23 instruction the same as me, and they got back up, did
24 what they were doing, and same issue happened again and
25 they turned around and a rifle came flying at me. So, 11:51
26 no -- I know I'm babbling now --

27 207 Q. Not, you're not. It's important that I understand your
28 perception of the change and I think you've said that
29 all went out with A7. You've described how you had to

1 run around the yard or whatever your form and it seems
2 like it was a strict regime --

3 A. Yes.

4 208 Q. And then you said that all went out with A7?

5 A. Yes. 11:51

6 209 Q. And I still want you to answer my second question?!

7 A. Yes. How would I describe it? I know I harp on about
8 respect, and that would have been drilled into us as
9 recruits, that you respected the ranks, right. You
10 never called them by their first name. You always 11:52
11 addressed them by their rank. You always saluted an
12 officer, without fail. You always had your head dress
13 on if you were outside. That all disappeared in --
14 when I trained that platoon. It's as if they didn't
15 have pride in themselves, maybe that's a better word I 11:52
16 should have used. They would go around with hands in
17 their pockets. To me, that's a big no-no. You respect
18 yourself, you respect your unit. You look (inaudible).
19 You always look like -- Defence Forces, to me, is I'm
20 very proud of what I did and who I was, and I suppose I 11:52
21 want everybody to, I won't say be like me, but have my
22 pride, have pride in yourself, have pride in your
23 uniform. That is, that would be a big thing for me --
24 and I know I'm still not answering your question!

25 210 Q. No, it's important that I hear what you have to say. 11:53
26 The recruits you describe in 2007, in your view would
27 any of those recruits have been fearful of making a
28 complaint?

29 A. No. No.

1 211 Q. No.

2 A. There was one evening they had quite a few essays to do
3 and one recruit came to me and he said to me, 'Blah de
4 blah, I have a problem.' And I said 'what's the
5 problem?' and he said 'I have five essays to write' 11:53
6 and he says 'Can I ring home to get my laptop brought
7 up to me, I'm dyslexic?' And I said 'Okay, where are
8 you wanting to bring your Mammy from?' and he told me
9 where and I said 'Leave her there', I said, 'you write
10 me one essay' -- 'You won't read it.' I said 'Write me 11:54
11 one essay, five pages, I'll come around in the morning
12 and I'll collect everybody's essays' and I said 'You
13 give me one essay and I'll read it.' But he said 'My
14 writing will be backwards and it'll be...' -- I said
15 'I just want to see you attempt do it, that's all I'm 11:54
16 after', and he said 'Okay'.
17

18 So he collected all the essays for me the next morning
19 and had them ready for me the next morning and he said
20 'Here's mine' and I said 'That's fine.' And I said 11:54
21 'I'll read them all now later on' and he kind of looked
22 at me and says, 'You're going to read them?', and I
23 said, 'Yes, I always read the essays', I said. And he
24 said, 'Okay' and -- now, I mean, I had a stack this
25 high (indicating), but I always make it -- at some 11:55
26 stage of the day or during the weeks, I'd read through
27 the essays. To me, that was him coming to me with a
28 problem, so I felt as if he wasn't afraid to come if
29 there was a bigger problem. To me, that was a small

1 but there needs to be an outside body.' Could I ask
2 you to elaborate on that sense that, in your view,
3 having served admirably for 21 years, that the Defence
4 Forces is not all bad, could you elaborate a little on
5 that for me, please? 11:57

6 A. I made good friends. I had some amazing work
7 colleagues. We look after each other, so we do. I
8 have to say that's one thing, when you're in a nice
9 unit, you do look after each other. I had great
10 opportunities. Like, the Defence Forces gave me plenty 11:57
11 of courses that I enjoyed doing. I'd many different
12 courses done, from admin to driving to everything that
13 I didn't think I could ever do. But, overseas -- I
14 enjoyed overseas. Like, it was an enjoyable time.
15 Yes, it's like every job, it has its ups and downs, you 11:58
16 know, and that's not going to change. But... What am
17 I trying to say? I only had the one bad incident and
18 after that it was, I won't say it was a dream -- well,
19 it was my dream, but, again, as years went by, I got
20 more confidence in myself, so I was no longer afraid to 11:58
21 speak out.

22 219 Q. Was that, in your view, solely because of your own
23 personal development or had there been any cultural
24 shift?

25 A. No, I think it was just myself, yeah. I wouldn't say a 11:59
26 cultural shift, no. No, I just... I wasn't afraid
27 anymore.

28 220 Q. You weren't afraid?

29 A. No. No.

1 SOLE MEMBER: Ms. Y, thank you for coming forward today
2 to give your evidence to the Tribunal. By responding
3 to our call for information, you have obviously made a
4 significant contribution to the public interest
5 because, without people like you coming forward to 11:59
6 share your experience, the Tribunal would be deprived
7 of the information that it requires to carry out its
8 mandate. So I want to thank you very much for coming
9 to us today and to share your experience.

10
11 I'm going to rise. We're going to take a ten-minute
12 break, but I would ask all parties, please, to remain
13 in the room to give the witness an opportunity to
14 return to her room, and we will meet again at ten past
15 twelve. Thank you very much. 12:00

16
17 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

18
19 SOLE MEMBER: Good afternoon again. Now, before the
20 next witness is sworn in, I want to remind everybody 12:13
21 that this witness will also give evidence otherwise
22 than fully in public. I want to reiterate that the
23 Tribunal has made an order in respect of the evidence
24 of this witness and that no report that contains
25 material or information likely to lead members of the 12:13
26 public to identify the next witness, who is referred to
27 by the pseudonym Mr. R, shall be published in a written
28 publication available to the public or broadcast in any
29 format by members of the media, by any media

1 organisation, or by any other person. And the order
2 which the Tribunal has made in respect of this witness
3 will be available on the Tribunal's website.

4
5 So, Ms. Heavey, you might swear in the evidence. 12:14

6
7 MR. R, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY
8 MR. MCGOVERN, AS FOLLOWS:

9
10 221 Q. MR. MCGOVERN: Good afternoon, Judge. The next 12:14
11 witness, Judge, is Mr. R and he's giving evidence from
12 behind a screen and he will be addressed and referred
13 to as "Mr. R".

14
15 Good afternoon, Mr. R. 12:14

16 A. Good afternoon.

17 222 Q. Thank you very much for your engagement with the
18 Tribunal.

19 A. Thank you.

20 223 Q. Can I just, at the outset, say that, as you are aware, 12:14
21 the Tribunal is investigating the effectiveness of
22 complaints processes and the culture within the Defence
23 Forces in relation to complaints of abuse. The
24 Tribunal is not permitted to make findings in relation
25 to the well-foundedness of complaints of abuse. For 12:15
26 that reason, you're required to refrain from disclosing
27 the names of any alleged perpetrator in your evidence
28 today. Whether it is necessary to refer to such
29 individuals, you must do so by using their rank or the

1 pseudonym which is given to them by the Tribunal; do
2 you understand that?

3 A. Perfect, yeah.

4 224 Q. Thank you very much. I think that you originally
5 enlisted in the Defence Forces on 29th May of 1998? 12:15

6 A. That's correct, yeah.

7 225 Q. And that was as a recruit?

8 A. That's correct, yeah.

9 226 Q. And that was at a barracks in the Midlands?

10 A. In Clonmel, Kickham Barracks. 12:15

11 227 Q. How long was the basic training, Mr. R?

12 A. Usually, the basic training could last about, maybe,
13 five to six months, in general, in total training, for
14 a recruit.

15 228 Q. For a recruit? 12:15

16 A. For a recruit.

17 229 Q. And the initial recruit training would be how long?

18 A. It's two different stages, so it'd be --

19 230 Q. Yes, a Two Star and a Three Star?

20 A. Yeah, so about 16 to 18 weeks. 12:16

21 231 Q. For the first section, which is the Two Star?

22 A. Yeah. And then the second semester then is another
23 maybe two months, maybe.

24 232 Q. The training, was that provided by Officers or
25 Non-Commissioned Officers, NCOs? 12:16

26 A. Yeah, so you'd have a select selection of NCOs that
27 would be assigned to your recruit training, as such, in
28 that sense, that there could be, maybe, eight to ten -
29 yeah, eight to ten - of between Sergeants, NCOs, and

1 maybe an officer as well as a recruit platoon.

2 233 Q. Before we get into the training, can I ask you during
3 your initial recruiting process and training, did you
4 receive any instruction in relation to the complaints
5 processes that existed at that time within the Defence 12:16
6 Forces?

7 A. No. God, definitely not. That was something that we
8 were never told, if you wanted to make a complaint or
9 if you had an issue, that there is somewhere to go. Or
10 the PSS, you know, there was no guidance, as such, if 12:17
11 you had a problem, that that's where you could go to.

12 234 Q. And at any stage during your training, did you receive
13 information in terms of booklets or instructions about
14 the complaints process?

15 A. They would say that there was a PSS available, 12:17
16 obviously, like, you know, but we never availed of one.
17 We never got into the nitty-gritty of showing, like,
18 that's where you go or...

19 235 Q. You've referred specifically, Mr. R, to the PSS
20 service, but can I ask you about the complaints process 12:17
21 itself, the formal process --

22 A. No.

23 236 Q. -- under A7, were you aware of that?

24 A. No.

25 237 Q. Did you have any knowledge of it? 12:17

26 A. No, not as a recruit, no, or any -- no, definitely not.

27 238 Q. Now, I think that during your initial recruit training,
28 you had a difficulty with a particular training NCO, is
29 that correct?

1 A. That's right, yeah.

2 239 Q. Will you give us an example of the difficulties that
3 you experienced?

4 A. Yeah. So, I would have been picked on by a certain NCO
5 on a number of different occasions and at certain times 12:18
6 when the NCO would hurt me - and I'd often get hurt at
7 times if I was in a certain part of the ranks at the
8 back --

9 240 Q. Sorry, just explain. If you're lined up in parade, is
10 that right? 12:18

11 A. Yeah.

12 241 Q. If you were at the rear of the group --

13 A. Yeah. So, basically --

14 242 Q. Would you tell the Judge what would happen?

15 A. So if we were doing sit-ups at the time for all the 12:18
16 world, and if I was in the back of the rank, I would
17 get a kick into the ribs. This happened on a few
18 occasions, and this certain NCO was terribly hard on
19 me. And this was the norm in Clonmel in that era, I
20 suppose, for all the world. For some reason, it was 12:19
21 normal to do that. And for an 18-year-old recruit, I
22 suppose, very hard to take that in, I suppose. But we
23 were told, like, 'Get on with it' and, you know, 'This
24 is part of what you do', and obviously it wasn't, you
25 know, looking at it now, it wasn't part of it, like, 12:19
26 you know.

27 243 Q. Now, was your difficulty always with the one NCO?

28 A. Ah, no, like, there was a few NCOs there. They were
29 rough, like, they were tough. They were mechanically

1 tough, like, down in Clonmel. Once you passed those
2 gates in Clonmel Barracks, you were heading into quite
3 -- not a nice place to be, you know. They had their
4 own mechanism of dealing with people. They had their
5 own mechanism of sorting out things. You were just a 12:19
6 young boy.

7 244 Q. Did you ever make a complaint in relation to what was
8 happening to you?

9 A. There was one occasion I passed it by an NCO that I was
10 getting kicked and he said, 'Go on, keep going', 'Get 12:20
11 on with it, that's -- you're not to do that again', you
12 know.

13 245 Q. I think in your statement you said that when you spoke
14 to the NCO, he laughed?

15 A. Yeah, yeah -- 12:20

16 246 Q. Is that correct?

17 A. They'd just blow it off, like, yeah, as if it was
18 nothing, like.

19 247 Q. But you never made a formal complaint?

20 A. No. 12:20

21 248 Q. And would you have known how to do so?

22 A. Not a clue.

23 249 Q. Now, I think that you, later on, in your recruit
24 training in the same barracks, you were about three
25 weeks in, is that correct? 12:20

26 A. That's right.

27 250 Q. And there were two incidents?

28 A. Yes.

29 251 Q. I'm going to ask you about them separately, if I may?

1 A. You can.

2 252 Q. The first one, as I understand, happened in or about
3 19th June 1998?

4 A. Yes.

5 253 Q. Where were you at that time, Mr. R? 12:20

6 A. So I would have been in my billet and asleep at
7 night-time when the first occurrence happened.

8 254 Q. Can I ask you about the billet? How many people were
9 sleeping in the billet?

10 A. There could have been eight to nine, maybe, per billet 12:21
11 at the time, yeah.

12 255 Q. Was the billet divided up in any way?

13 A. They would have been, yeah. There would have been a
14 space of maybe two beds per bed, like, yeah -- per
15 space, like. 12:21

16 256 Q. But were there partitions?

17 A. No. No.

18 257 Q. So during the night of 19th June, can you tell us what
19 happened?

20 A. Yes, so, look, basically, I was obviously asleep and I 12:21
21 woke up to something just pushing my head against a
22 pillow like that (indicating) and the person was
23 touching my anal regions of my body and my privates in
24 general, like. And when I tried to just overcome it,
25 like, a bit, I suppose, for all the world, the person 12:21
26 ran down the hallway then when they realised, you know,
27 what was happening and I was coming around to the
28 situation that was happening at the time. And it was
29 quite dark so I didn't see, I didn't see what happened,

1 like.

2 258 Q. were you able to recognise the culprit?

3 A. No, no. I couldn't.

4 259 Q. Did you make any complaint about what had happened on
5 that occasion? 12:22

6 A. No, at this stage, no.

7 260 Q. Now, I think about two weeks later, on or about 3rd
8 June 1998, again something happened. Could you tell us
9 about that, please, Mr. R?

10 A. Yeah, so a similar thing happened again. I was asleep, 12:22
11 obviously, again and the same, the very same situation
12 happened again. And the perpetrator obviously
13 absconded down the corridor again. I was touched in
14 the same areas as I stated already. Not a nice thing
15 to come up against as a young soldier, like, you know. 12:22
16 And it was quite upsetting and, I suppose, how do you
17 deal with something like that at a young age like that?
18 And that's why I'm here today.

19 261 Q. Did you complain about or did you complain after the
20 second incident -- 12:23

21 A. Yeah, so after --

22 262 Q. -- about both of them?

23 A. Just after the second incident, I decided to try and
24 get this sorted, you know. And I was brought up to a
25 room from another NCO or a Sergeant -- 12:23

26 263 Q. Just to preface that, did you ask to be brought to
27 somebody?

28 A. Yeah, it would have been -- yeah, so it would have
29 fairly, you know, 'Can I see someone important in an

1 office?', and he said, 'Okay, come on, let's go.' And
2 I got marched up to the office door and I went in and
3 that's where I had a very brief discussion with this
4 man.

5 264 Q. Can I stop you there now. The man who brought you up, 12:23
6 did he remain --

7 A. No.

8 265 Q. He left. So it was just you and this other person?
9 A. Yeah.

10 266 Q. Can you give us the rank of the other person? 12:23
11 A. A Sergeant.

12 267 Q. Am I right that in the barracks at the time, there
13 were, as I understand it, 12 sergeants, would that be
14 correct?

15 A. Ah, sure, there was a lot of number of sergeants and a 12:24
16 lot of number of NCOs in the barracks at the time, so
17 --

18 268 Q. There were two companies, I think?
19 A. There would have been, yeah.

20 269 Q. The sergeant that you spoke to, did you tell him about 12:24
21 the nature of your complaint?

22 A. Yes, I did, yeah, and I made it fully aware at the time
23 and I brought it to his attention that untoward things
24 happened to me and that I was messed with, and I made
25 it fairly clear of what happened. 12:24

26 270 Q. And what was the response that you got from the
27 Sergeant?

28 A. So, the response was 'You're not to bring this up
29 again' and 'You'll lose your job in the Defence Forces

1 if you bring it up again' and 'I don't want to hear
2 about it again.' And it was brief and I was told to
3 get out of the office and get on with things.

4 271 Q. And was that the end of the conversation?
5 A. That was it. 12:24

6 272 Q. And was the issue ever discussed again?
7 A. No.

8 273 Q. Either with that Sergeant or with anybody else?
9 A. No, never again.

10 274 Q. Did it ever occur to you to go somewhere else other 12:25
11 than the Sergeant?
12 A. At times, it did, yeah, but at a young age like that,
13 you're totally lost when you go to someone for help and
14 you're stricken down. Obviously, you're going to, you
15 know, lead off of that and, no, I didn't go anywhere 12:25
16 after that, no, I didn't.

17 275 Q. I think am I correct that nothing further untold
18 happened to you?
19 A. No.

20 276 Q. Do you believe that was related in any way to your 12:25
21 conversation with the Sergeant?
22 A. It never happened again anyway. I don't know who that
23 Sergeant was talking to after that. I don't know did
24 he consult anybody, but that was the last time it
25 happened. It never occurred again. 12:25

26 277 Q. Now, I think did you leave the Defence Forces briefly?
27 A. I did, yeah, yeah.

28 278 Q. Was that -- how soon or how long after this incident
29 was that?

1 A. Yes, I would have left fairly quick enough after that.
2 I would have had picked up a bit of an injury from
3 Clonmel as well as that, so I left then.

4 279 Q. And why did you leave, Mr. R?
5 A. Because I had an injury at the time. 12:26

6 280 Q. There was an injury?
7 A. Yeah.

8 281 Q. Am I correct and do I understand that you left for
9 reasons unrelated to the assault?
10 A. Well, it would have been both, yeah. That would have 12:26
11 been playing very heavily on my mind and, you know, we
12 were getting strict, rigorous training at the time and
13 I was getting extra training as well, you know, and
14 then I picked up that injury and then I decided to go,
15 you know. 12:26

16 282 Q. So, how long were you out of the Defence Force for?
17 A. I would have been out maybe a couple of year, maybe,
18 yeah, yeah.

19 283 Q. I think you left in about August of '98, is that right?
20 A. Yeah. 12:26

21 284 Q. And I think you rejoined some time in '99?
22 A. That's right, yeah. I apologise about the dates end of
23 it, it's so long away and --

24 285 Q. Don't worry so much about the dates. I think the
25 sequence is perhaps more important, Mr. R. 12:27
26 A. Yeah.

27 286 Q. But in or about 1999, you reentered or reenlisted, is
28 that correct?
29 A. That's right, yeah.

1 287 Q. And, this time, was that in a different barracks?
2 A. Yeah, it would have been in Cork.

3 288 Q. And how did you get on in Cork?
4 A. Yeah, I had a bit of a niggle with the knee again in
5 Cork again and -- 12:27

6 289 Q. The knee being the injury that you picked up?
7 A. Yeah.

8 290 Q. But in terms of treatment by Officers and NCOs, any
9 difficulties there?
10 A. Totally different. 12:27

11 291 Q. Totally different?
12 A. Yes.

13 292 Q. And I think you enjoyed your time in Cork?
14 A. I did, yeah. I did.

15 293 Q. And I think you were also -- were you stationed for a
16 while in McKee Barracks in Dublin? 12:27
17 A. Yeah.

18 294 Q. And, again, how did you get on there?
19 A. Yeah, everybody was nice. Everyone was good.

20 295 Q. No difficulties with NCOs or anybody else? 12:27
21 A. No. No.

22 296 Q. And, in 2000, I think you spent a time in the
23 Equestrian School in Dublin?
24 A. That's right, yeah.

25 297 Q. And after that then you were transferred back to
26 Limerick? 12:27
27 A. Yeah.

28 298 Q. How was Limerick?
29 A. Yeah, so Limerick, it's a fine barracks. It's a good

1 barracks, yeah. Unfortunately then, I was told I had
2 to go back to Clonmel Barracks.

3 299 Q. Is Clonmel a sub-division of Limerick?
4 A. Yeah.

5 300 Q. And when you were told that you were being sent back to 12:28
6 Clonmel, what was your reaction?
7 A. I said it to the CS of the company, I said, 'I don't
8 want to go back to Clonmel Barracks.' I didn't go into
9 detail. I said 'I just don't want to go back there.'
10 I pleaded not to go back there, but he insisted I go 12:28
11 back.

12 301 Q. Now, the person you pleaded with not to go back to
13 Clonmel, can you give us the rank of that person?
14 A. He was the Company Sergeant.

15 302 Q. The Company Sergeant. But despite your objection, you 12:28
16 were posted back to Clonmel?
17 A. Yeah, and I pleaded heavily not to go back, I really
18 did. I -- I did, yeah.

19 303 Q. Now, when you got back to Clonmel, Mr. R, who was there
20 in terms of personnel and particular NCOs? 12:28
21 A. Well, everyone, that -- all the people that I would
22 have met before would have been there, yeah.

23 304 Q. When you say met before, are they the people you met
24 and encountered during your initial training --
25 A. Yes. 12:29

26 305 Q. -- in May '98?
27 A. Definitely, yeah. Now, I can't guarantee they were all
28 there, but the most of them were there, yeah.

29 306 Q. And what was their attitude to you?

1 A. I got every dirty detail of a job that could be
2 possibly given to me.

3 307 Q. Can you give us an example of that?

4 A. I used to do the Wednesday duties for the FCA every
5 Wednesday night, I was getting Saturday duties every 12:29
6 Saturday night. I was getting just dirty jobs --
7 cleaning weapons when I'm supposed to be on lunch
8 breaks. Getting it hard to get time off. Just
9 constant, constant, constant pressure.

10 308 Q. And who was assigning you to these tasks? 12:29

11 A. Well, it would have been the NCOs in the company at the
12 time.

13 309 Q. Now, I think you also, as a result of what you
14 encountered in Clonmel at that time, that you left the
15 Defence Forces again, is that correct? 12:30

16 A. I actually -- I had got to a stage now, when I was sent
17 back there against my will, I just got to a stage I
18 couldn't, I just couldn't be in that environment
19 anymore. I had to go. It wasn't a suitable
20 environment for me. It was bringing back too much 12:30
21 demons from what happened in recruit training. And I
22 got into my car one day and I said to myself, 'I'm
23 getting out of this hell hole.'

24 310 Q. Before you took that step of physically leaving, did it
25 occur to you to make a complaint about what was 12:30
26 happening to you?

27 A. No, because I had that complaint originally made as a
28 recruit and it fell on deaf ears. So how I was going
29 to change it, like?

1 311 Q. So your reaction or answer --
2 A. Yeah, how was I going to change it? They didn't sort
3 it when I approached them that time to sort it. When
4 they didn't do it then, who was ever going to do it for
5 me? 12:31
6 312 Q. So you got into your car and you left?
7 A. I got into the car that day, I didn't know where my
8 next wages was going to be. I was quite upset that
9 day. I was suffering probably more than likely from
10 what they call anxiety, I don't know. But it was a 12:31
11 good move for me at the time not to be in that
12 barracks.
13 313 Q. Now, when you left, did the Defence Forces know where
14 you were gone to?
15 A. Well, I would have been striked [sic] down as being 12:31
16 absent on a board, so they would have known, yeah,
17 yeah.
18 314 Q. They had your address?
19 A. Oh, yeah.
20 315 Q. You hadn't moved? 12:31
21 A. Of course, yeah. 100%.
22 316 Q. You could have been found or located if anyone was
23 interested?
24 A. 100%, no problem.
25 317 Q. Did anyone ever approach you? 12:31
26 A. They went looking for me on one occasion. It would
27 have been the Military Police and maybe another
28 Sergeant would have went out looking for me, they did
29 come out the once, and the once only.

1 318 Q. And did anyone speak to you?
2 A. No.
3 319 Q. Right.
4 A. No.
5 320 Q. And you left in '03, 2003? 12:32
6 A. '04, I think.
7 321 Q. '04. And how long were you absent for?
8 A. Yeah, sure, it was the guts of 20 year, I suppose,
9 yeah.
10 322 Q. So you were absent for 20 years? 12:32
11 A. That's it, yeah.
12 323 Q. And in that time, one person came out looking for you,
13 but you never spoke with anyone?
14 A. It would have been a Military Policeman and another
15 Sergeant would have come looking for me, yeah, and they 12:32
16 did, but they didn't -- we didn't meet.
17 324 Q. I think in 2024, you made contact with the Defence
18 Forces again?
19 A. Yes, yes, a year and a half and just under -- just
20 under two year, I sat down with my family at home. 12:32
21 Now, at this stage, they didn't know a thing. They
22 still didn't know at the time. But my -- an uncle of
23 mine actually sat me down and he said, 'Look, [REDACTED]
24 will we try and sort this out?' and I said 'I'm not
25 ready to sort it', because they didn't know what 12:33
26 happened. And he said, 'Look, will we try and make a
27 phone call and see will they come back for you?' and I
28 said, 'Look, okay.' So we made a phone call and we got
29 through to the switch and I asked for someone --

1 325 Q. Can you tell us where the contact was made now?
2 A. Yeah, Clonmel Barracks.
3 326 Q. And was that by you or by your uncle?
4 A. By me, but my uncle was beside me.
5 327 Q. He was helping you, okay. 12:33
6 SOLE MEMBER: Just before you continue, Mr. McGovern, I
7 just want to interrupt for a moment. I think the
8 witness may have inadvertently disclosed his name, so I
9 would ask the stenographer to make sure that it is
10 struck from the record, and again remind all parties 12:33
11 concerned about the restriction on reporting. Thank
12 you.
13 THE WITNESS: Sorry, I apologise.
14 SOLE MEMBER: That's okay, Mr. R.
15 328 Q. MR. MCGOVERN: So you telephoned Clonmel? 12:33
16 A. That's right, yeah.
17 329 Q. Do you know who you spoke with?
18 A. At the time, you were just put through to a switch at
19 the time first, okay? So then I looked for someone of
20 high authority and I asked them for their number and 12:34
21 rank, and it wasn't given, and the answer we got off of
22 them in Clonmel is, 'You're not coming back here, we
23 don't want you coming back here and that's the end of
24 it.'
25 330 Q. So the person you spoke to on the phone, they knew who 12:34
26 you were?
27 A. Yeah.
28 331 Q. They knew your circumstances --
29 A. They knew my rank.

1 332 Q. -- and they said 'we don't want you back here'?
2 A. Yes, that's exactly what happened.

3 333 Q. Right. Now, you made a second attempt to contact the
4 Defence Forces -- this time, I think, at Limerick?
5 A. Yes, yeah. I made a phone call and -- 12:34

6 334 Q. Was that another phone call or did you call into see
7 someone?
8 A. Oh, it would have been after the 20 years was when I
9 contacted Limerick.

10 335 Q. Yes. 12:34
11 A. And I made a phone call to Limerick Barracks and I
12 looked for a Senior Officer and I got a Senior Officer
13 on the phone. I didn't go into detail of any
14 description of what happened in any shape or form. I
15 basically asked them 'I'm gone 20 year, am I eligible 12:35
16 to come back?', and he said 'Give me --

17 336 Q. So you wanted to come back?
18 A. Well, there was a lot of unfinished business on my end
19 of it. So I needed to find out was I eligible to come
20 back or did I have to sort it outside or in private or 12:35
21 what way. So I was actually still on the system.

22 337 Q. So you were -- do I understand you were still
23 technically a member of the Defence Forces?
24 A. Yes, but absent.

25 338 Q. All right. And if you were still a member of the 12:35
26 Defence Forces and you hadn't been active for the
27 previous 20 years --
28 A. Yeah.

29 339 Q. -- were you paid during that period?

1 A. No, no.

2 340 Q. No.

3 A. No.

4 341 Q. So, do you know the rank of the person to whom you
5 spoke? 12:35

6 A. I don't, because I didn't see him now, you know. I
7 didn't see him.

8 342 Q. You did meet subsequently, I understand, someone -- a
9 Captain?

10 A. I would have met Captain ██████████ in Limerick, yeah. 12:36

11 343 Q. And can you recall the conversation you had with the
12 Captain, what you were told?

13 A. Yes, yeah.

14 344 Q. -- or what was suggested to you?

15 A. Fierce nice, he was very nice to me. I explained that 12:36
16 I wanted to come back and he said 'Give me ten minutes
17 and I'll find out exactly the process that we have to
18 go through.' 'I'll find out, for starters, are you
19 still on the system and, if you're on the system', he
20 said, 'you're quite entitled to come back, but I have 12:36
21 to find out a bit more.'

22

23 So, the Captain got back to me within ten minutes, like
24 he said he would, and he was very professional and he
25 said, 'You are eligible to come back.' 12:36

26 345 Q. At some stage, did someone suggest to you that you
27 should sign documents to formally leave the Defence
28 Forces?

29 A. Yes, so that's another Chapter. I can talk about that

1 if you want to?

2 346 Q. Yes, please, if you'd tell us who suggested to you that
3 you should formally resign from the Defence Forces?

4 A. Yeah, so it would have been another higher up rank
5 person involved as well. So I would have been in their 12:37
6 office over the next period of about two days and they
7 were quite strict/firm, more than likely doing their
8 job. They were probably told what they had to do. I
9 was a thorn in their side, which obviously someone
10 after 20 year, that's their thinking. 12:37
11

12 So I was, basically, what happened -- what the process
13 -- what they wanted to do then was get me out. Now, I
14 mean they wanted me out. So, basically, I was given a
15 piece of paper in this side to look at and if I had of 12:37
16 signed it, I could have walked scot-free and walk out
17 the gate and there'll be never an issue again. And I
18 found that really --

19 347 Q. Sorry, can I stop you there?

20 A. Yeah. 12:38

21 348 Q. Is that what was said to you -

22 A. Oh, yes.

23 349 Q. -- that if you signed the document --

24 A. Yes.

25 350 Q. -- that would be the end of it? 12:38

26 A. 100%, that you can leave the Defence Forces and you can
27 go out the gate and there'll be no more problems.

28 351 Q. Yes. And is that what you decided to do?

29 A. No. I had a think about it. I was quite close, but I

1 A. No.

2 359 Q. You signed nothing?

3 A. Well, I would have had to sign forms for court-martial
4 which that was coming next in process.

5 360 Q. We'll come to that later in a moment. But at that time 12:40
6 you were given two forms, one to leave and one to stay
7 in?

8 A. Yeah.

9 361 Q. Did you sign that?

10 A. I had to signed one form, it will be going forward for 12:40
11 court-martial.

12 362 Q. Now, you mentioned the court-martial. We'll come to
13 that in a moment. First of all, you're still in --

14 A. Yes.

15 363 Q. -- the Defence Forces? 12:40

16 A. Yeah.

17 364 Q. And you're still in Limerick?

18 A. I'm getting on really well.

19 365 Q. In Sarsfield Barracks?

20 A. Yes. 12:40

21 366 Q. Did you seek assistance from the PSS?

22 A. I did, of course. I would have seeked [sic] assistance
23 within a week, maybe 10 days into my returning back to
24 Sarsfield Barracks, and that was very helpful, and it
25 was a process which is good, a process that should have 12:40
26 been there 20 year ago.

27 367 Q. Can you recall who you dealt with, I'm not asking for a
28 name?

29 A. I do, yeah.

1 368 Q. Was the person you dealt with in the PSS, was that a
2 Defence Force member or a civilian?
3 A. A Defence Force member, yeah.
4 369 Q. And their rank, if you recall?
5 A. Well, Private. 12:41
6 370 Q. A private?
7 A. Yeah.
8 371 Q. And did you find that helpful or beneficial?
9 A. Very, yeah, because, you know, like, the process is
10 there now, like, that wasn't there before and you can 12:41
11 talk to someone, like, of your problems and, you know,
12 what direction to go and you had a bit of stability
13 from the get-go.
14 372 Q. So, if you went back 20 years, when your problems first
15 started, Mr. R, was there a PSS service at that stage? 12:41
16 A. Not for me there wasn't anyway. Not that I was aware
17 of for me as a recruit.
18 373 Q. But when you availed of the service post-'24 you found
19 that beneficial?
20 A. Oh, it was amazing, like, the transfer, it's hard to 12:41
21 explain how good it was really, as such, to actually go
22 to somebody and say, 'Look, I have some problems here.'
23 It's quite emotional, like, when I start thinking about
24 it, you know. The Defence Forces is moving in the
25 right direction now, I feel, from what I can see on a 12:42
26 daily basis. It's well welcomed like, you know.
27 374 Q. You mentioned earlier, Mr. R, anxiety symptoms?
28 A. Ah, yeah, look --
29 375 Q. Have you sought some medical treatment?

1 A. Look, I did get some tablets off the doctor there when
2 I went back at the start and they did help with some
3 sleep. It's not something in the Defence Forces where
4 you can actually go and say, 'Look, I need tablets
5 tomorrow.' It's not that type of a job, you know. 12:42
6 whether you need them or whether you don't, it's not
7 something that you can delve into easily. It's always
8 looked upon with contracts. It's also looked upon by
9 the doctors, you know. You know, I fight a lot of my
10 problems without tablets as well, like you know. It's 12:43
11 not all tablets, like.

12 376 Q. Can I be clear, Mr. R, the treatment that you're
13 receiving is that from a civilian doctor or a Defence
14 Force doctor?

15 A. Defence Forces. 12:43

16 377 Q. And I correct that that started since you returned to
17 Sarsfield in '24?

18 A. Yes, 100%, yeah.

19 378 Q. Had you ever got medical treatment prior to that?

20 A. No. I could have done with it now for a long time but 12:43
21 I didn't.

22 379 Q. And you're continuing to receive medical treatment?

23 A. Yeah, I get counselling every Monday evening with
24 another organisation and I see another person that
25 comes in from outside into the Defence Forces as well, 12:43
26 and they're just amazing, like, they've really turned
27 me inside out.

28 380 Q. And that's an ongoing process?

29 A. Oh, it will be probably for a good while yet, like, it

1 could be for the foreseeable future. For a few year
2 anyway I'd say.

3 381 Q. Can we go back, if we may to the absent without leave,
4 the AWOL charge. Have you been formally charged?

5 A. Not as yet, it's in process at the minute and I have a 12:44
6 solicitor dealing with that and it's going to come up
7 again soon enough.

8 382 Q. So when you say you haven't been formally charged, have
9 you been notified that you are being charged?

10 A. Well, I don't know the outcome of the case just yet. 12:44

11 383 Q. Yeah.

12 A. But it's ongoing at the minute.

13 384 Q. All right.

14 A. I don't know what the result is.

15 385 Q. I don't want you to say anything that will prejudice 12:44
16 proceedings that might be in being.

17 A. I don't know the outcome.

18 386 Q. Did you ever make a complaint, during the time you were
19 in the Defence Forces --

20 A. No. 12:44

21 387 Q. -- from '98 up to date, Mr. R?

22 A. Never, never.

23 388 Q. Why was that?

24 A. I suppose, like, when I was growing up in my family I
25 was always the big man of the family and I was always 12:44
26 the manly person to go to. I suppose, I felt ashamed,
27 I suppose, if I did come out and say it, you know.
28 It's a manly thing. It's not something that you can
29 just click a button and say, 'That happened me.' I

1 lived in silence and I lived in turmoil for a long,
2 long time and, you know, it's tough like, you know.

3 389 Q. If you had been minded to make a complaint, would you
4 have known how to go about that?

5 A. In Clonmel, was it? 12:45

6 390 Q. At any stage. Back in '98 or when you returned in
7 2024?

8 A. The just something I buried, like, it's not something I
9 even -- I learnt to live with it from a young age of
10 18, like. 12:45

11 391 Q. Yes. So I understand that you decided not to make a
12 complaint but if you had wanted to do that, would you
13 have known how to go about it?

14 A. Not really, at the time, no, because I never really
15 went to doctors as such for that end of things. No, I 12:46
16 wouldn't have known much about it, you know. Never
17 did.

18 392 Q. Looking back over the years from your original
19 enlistment and recruit training in '98 up to where you
20 are now, have you noticed a change in the Defence 12:46
21 Forces?

22 A. Definitely, yeah. Definitely in the last few year, you
23 like, know. I think the more people that speak out
24 about the way things that happened and, you know, the
25 way things are running and do you know people's 12:46
26 mentality, it is changing in the Defence Forces for the
27 better. And that's one reason probably why -- it's
28 only a small part of why I'm here today, there's a
29 massive other part why I'm here today. But, you know,

1 there's definitely better ways of dealing with stuff
2 nowadays, like you know.

3 393 Q. what you would you like to see happen or change, Mr. R?
4 A. I'd like to think that, you know, 20 or 30 recruits
5 come into a recruit platoon, I'd like to think that any 12:47
6 recruit at any stage can turn to their peers and just
7 say, 'Look, I've a problem,' you know, and that person
8 that has that rank needs to stand up and say, 'Look,
9 I'm going to look after you,' you know. That wasn't
10 there back then. It's coming around now. It's getting 12:47
11 there, we're not there yet. But I'd like to think
12 that, you know, maybe the Sergeants, NCOs, you know,
13 need to do more courses and stuff how to deal with
14 problems and stuff. Now, maybe they're doing that now
15 at the minute, I don't know. But there just needs to 12:47
16 be -- at the end of the day we're all go be soldiers
17 together we don't know where we're going to end up.
18 And if you can't talk to someone or you talk to your
19 peers, wether you're a private or a sergeant or an
20 officer, the Officer needs to be able to talk to the 12:47
21 Private the same way as he talks to them. When there's
22 a breakdown of communication in the Defence Forces,
23 this is where young people fall into traps. I see it
24 on a daily basis.

25 394 Q. So, do you believe that there was a culture there that 12:48
26 prevented people or discouraged people?
27 A. I'm not saying that there's ranks there to prevent
28 someone to get help or anything, but some people, look,
29 do think that at the end of the day I'm a sergeant, I

1 can do what I like. It's not as severe as it was in
2 Clonmel, you know, they do curtail it a certain amount,
3 but it does go on. It does go on. As a young recruit,
4 maybe what, 18, 20 years of age - I'm not talking about
5 me now at this specific time - but for a young person 12:48
6 to come in that's living at home with Mammy and Daddy
7 and to suddenly realise where the hell am I now? You
8 need to trust those peers around you. You need to
9 trust your sergeant. You need to be able to go to him
10 about anything. If you to broke your toe you need to 12:48
11 go, 'Look, I broke my toe training, can you get it
12 sorted? I'm having a bit of problems at home at the
13 weekend with a member of the family, can we talk about
14 it?' You can't bottle that stuff away anymore. That
15 day is completely over now, in my eyes. 12:49

16 395 Q. So would you ever have had the confidence to go to a
17 Senior Officer, I'm not just talking about high up the
18 ranks but your immediate superior to talk about a
19 problem or make a complaint?

20 A. At the present time now? 12:49

21 396 Q. Well, originally?

22 A. Originally, no, I would have been too weak I was
23 broken. I just didn't know how to make the process to
24 go about it. I bottled it away, tucked it away. I
25 didn't no, 100%. 12:49

26 397 Q. If something similar happened now would you handle it
27 any differently?

28 A. Yeah, look, after the experience I'm after having with
29 the PSS Officers in the Defence Forces, yeah, I think I

1 could approach it in a different manner, like, yeah,
2 100%. Yeah.

3 MR. McGOVERN: Thank you very much. My colleagues may
4 have some questions for you.

5 SOLE MEMBER: Thank you, Mr. McGovern. Would anyone 12:50
6 like to ask questions? Yes, Mr. Lehane.

7

8 MR. R, WAS CROSS-EXAMINED BY MR. LEHANE AS FOLLOWS:

9

10 398 Q. MR. LEHANE: Good afternoon, Mr. R. My name is 12:50
11 Darren Lehane, I'm a barrister who's representing the
12 Defence Forces and a number of current and former
13 members of the Defence Forces. Okay? So I want to do
14 is I'm going to ask you some questions?

15 A. That's fine, yeah. 12:50

16 399 Q. And I'm going to tell you at the start the consequence
17 of the questions just so that we're all clear.

18 A. Yeah.

19 400 Q. But I'll preface my questions by just saying, sometimes
20 I speak a little bit quickly, if I'm speaking a little 12:50
21 bit quickly don't hesitate to ask me to slow down. If
22 you don't understand something I'm saying, or if you
23 want me to clarify it, just ask me to repeat the
24 question, can you explain to me what you mean. It's
25 very important that you understand me. 12:50

26 A. 100%.

27 401 Q. And be able to answer my questions, okay? Okay. So
28 just in terms of the first thing I'm going to ask you
29 about is my role, the Tribunal's role and your role.

1 The second thing I'm going to ask you are some
2 questions on behalf of an individual client and then,
3 thirdly, some questions on behalf of the Defence
4 Forces. Are you with me?

5 A. Yeah. 12:51

6 402 Q. Just in terms of my role first. I'm going to ask you
7 some questions on behalf of the Defence Forces --

8 A. That's fine, yeah --

9 403 Q. -- a named individuals?

10 A. That's fine. 12:51

11 404 Q. Your role, obviously you can only speak to what
12 happened to you?

13 A. Mmm.

14 405 Q. You can only speak to how you felt in the past and how
15 you feel now? 12:51

16 A. Yeah.

17 406 Q. You can't speak to how other people feel, either in the
18 past or present, or in relation to things you didn't
19 see or witness yourself, fair enough?

20 A. Yeah. 12:51

21 407 Q. In relation to the Tribunal's role, the Tribunal is
22 looking into how complaints of abuse were handled, it's
23 not looking into whether the allegations of abuse are
24 true or not, it's simply looking at the processes?

25 A. Okay, yeah. 12:52

26 408 Q. Are you we me?

27 A. Yeah.

28 409 Q. Okay. So, therefore, I'm not going to ask you any
29 questions about individual incidents --

1 A. Yeah.

2 410 Q. -- because the Judge doesn't have to decide that.

3 A. Okay, yeah.

4 411 Q. Rather, I'm going to confine myself to asking you some
5 questions about how you say they were dealt with? 12:52

6 A. Yeah.

7 412 Q. Okay. And related to that, the Tribunal, because it's
8 looking at complaints processes within its Terms of
9 Reference, while you might have spoken about matters
10 that impacted on you in your life -- 12:52

11 A. Mmm.

12 413 Q. -- okay. If I feel that they're not matters that fall
13 within the Tribunal's Terms of Reference, rather than
14 saying to you that's not something that's within the
15 Terms of Reference, I'm simply not going to deal with 12:52
16 it, okay?

17

18 So, for example, in relation to the matters you've
19 spoken about in respect of the court-martial --

20 A. Mmm. 12:53

21 414 Q. -- which you've mentioned, that's not a matter that the
22 Judge needs to concern herself with --

23 A. Okay, yeah.

24 415 Q. -- so I'm not going to ask you any questions about it.
25 I know this is a introductory bit but I just think it's 12:53
26 important that we're all on the same page.

27 A. That's fine, yeah.

28 416 Q. What I want to now deal with is the second thing, which
29 is some questions on behalf of an individual. I

1 represent a former Sergeant who was stationed in
2 Kickham Barracks and very simply he says he doesn't
3 remember the incident that you relate and he says he
4 doesn't remember you.

5 A. Fine, yeah.

12:53

6 417 Q. That's just in relation to that incident. Now, putting
7 on my Defence Forces hat, I'm going to do the third
8 thing I said I was going to do and ask you some
9 questions about the evidence you've told the Judge?

10 A. Yeah.

12:53

11 418 Q. Firstly, in respect of your training, you described
12 your recruit training and you told the Judge initially
13 that during your training there was reference to the
14 PSS service, you said that there would be a PSS service
15 available during training?

12:54

16 A. It's not something that we were made aware of in
17 general, like. Okay, there might have been a PS
18 somewhere in the barracks. They never went out of
19 their way to actually show us where or that's who you
20 go to or that's their number. It wasn't something that
21 was done. They might have it.

12:54

22 419 Q. And, again, I just think -- we'll break that down
23 because, you know, initially you said that you were
24 aware of the PSS service during your training and then
25 later on in your evidence you said the PSS service was
26 something you became aware of later on. Just to help
27 the Judge and, I suppose, to help me understand your
28 evidence, which is it?

12:54

29 A. Look, at the time we were recruits we were young guys

1 of 18 years of age, it wasn't something -- it probably
2 was passed by us that there was a PSS. It was probably
3 said really quickly. It wasn't something that went on
4 for an hour, okay? Just let me get that straight here.
5 When we come in as a recruit it's not one thing that 12:55
6 they do, 'Okay, lads, sit down for an hour there now,
7 there's going to be a massive course here now for an
8 hour. There's the PSS there's his name, he's going to
9 be there for you.' That didn't happen. Whether there
10 was a sign up for a PSS or whether we were aware of 12:55
11 whether there was or not, there could have been a PSS,
12 I do believe there might have been one there, okay?
13 But I didn't see him.

14 420 Q. That's very helpful because I think if I can summarise
15 just what you're saying. 12:55

16 A. Yeah. I can't guarantee.

17 421 Q. Just listen to me. What you're saying is, there was a
18 PSS service?

19 A. Yeah.

20 422 Q. But as in relation to the practical application of that 12:55
21 you've given your evidence to the Judge about how you
22 might have felt about using it?

23 A. Probably was, yeah.

24 423 Q. The second thing I want to just deal with during your
25 recruit training is your awareness of the Redress of 12:56
26 Wrongs process. If you just tell the Judge, during
27 your recruit training what your awareness of that was.
28 (a) were you aware that there was a thing called
29 Redress of Wrongs?

1 A. So look, Redress of Wrongs, I suppose you could call a
2 NCO, Sergeant, or a Sergeant an NCO. They'd pull you
3 up on it fairly quick, like, you know. And they were
4 proud of their ranks, like, you know. And you could
5 end up in a bit of bother over it, like. But Redress 12:56
6 of wrongs or ranks, that's all we knew, like you know;
7 Sergeant, Corporal, you know, that's...

8 424 Q. Again, just to help the Judge, to help me, you were
9 aware during your recruit training that there was a
10 thing called Redress of Wrongs? 12:56

11 A. No, I'll have to pick you up on that now. The Redress
12 of wrongs, we didn't get any leaflets going into the
13 Defence Forces in that gate, so it wasn't something
14 that was overly pushed upon you to know all these. We
15 were only in the gate couple of hours and we were 12:56
16 running 10, 12K, like. Redress of wrongs didn't come
17 into it.

18 425 Q. I know, but again there's a distinction between
19 something being --

20 A. I wouldn't have known Redress of Wrongs. 12:57

21 426 Q. You're saying you weren't aware of Redress of Wrongs?

22 A. Sorry.

23 427 Q. Were you aware that, during your recruit training, that
24 if you had a problem you could speak to somebody in
25 authority? 12:57

26 A. No, I wasn't aware of that.

27 428 Q. Okay. In relation to your complaint, you describe on
28 one occasion speaking to an NCO?

29 A. That would have been over getting kicked in the ribs.

1 I would have passed it by an NCO, yeah.

2 429 Q. So you complained that up the chain.

3 A. It would have been very brief, it was quick. It wasn't
4 as such a complaint that you signed a form, you went to
5 the office, it would have been briefly said really 12:57
6 quick that this is happened to me, and it was pushed to
7 one side and it was brushed off. As I said earlier on,
8 it wasn't something that you would be looked after.

9 430 Q. Leaving aside the technicalities of it, what I just
10 want to understand is if you felt that something 12:57
11 happened to you, that shouldn't have happened to you,
12 you would feel comfortable going to somebody about it?

13 A. No, I didn't feel comfortable going to anybody about
14 anything.

15 431 Q. But you've just described to me that you complained 12:58
16 about being kicked in the ribs during training to an
17 NCO?

18 A. It was passing by somebody, it wasn't a complaint. I
19 was passing it by to an NCO. So whatever way he wanted
20 to pick up on it, whether it was a complaint or whether 12:58
21 he felt I was complaining, I don't know. But I passed
22 it by him briefly and nothing was done about it.

23 432 Q. In fairness to you, when you say how he would feel, as
24 you said to me at the start, you accepted you don't
25 know how anyone else feels? 12:58

26 A. I don't know. That's exactly what I'm trying to get
27 across. I don't know. But they obviously didn't pick
28 up enough on it to help me, you know, that's
29 basically -- I know where you're coming and I know the

1 question you're asking, but I was in that situation
2 where I was looking for a bit of help and didn't get
3 it, basically.

4 433 Q. I think I have it, you passed it on?
5 A. Briefly, yeah. 12:59

6 434 Q. Briefly, to that NCO?
7 A. Yeah.

8 435 Q. The second incident, and, again, I'm not going to ask
9 you any questions about whether it did or it didn't
10 happen, okay, so I'm just concerned with what you did 12:59
11 on foot of it. You described, in a compelling way, I
12 will tell you that, two incidents that happened --
13 A. That's right, yeah.

14 436 Q. -- while you were in your bed --
15 A. That's right. 12:59

16 437 Q. -- in the billet. You say that afterwards you spoke to
17 somebody in authority about that?
18 A. Yes.

19 438 Q. Okay. And can I just probe you on that a little bit.
20 A. Yeah, no problem. 12:59

21 439 Q. You know, this was an awful thing that had happened to
22 you.
23 A. It was brutal, to be honest with you, like, how does
24 anybody deal with that?

25 440 Q. And you're a young man? 12:59
26 A. Yeah. You're supposed to be in someone's care.
27 Irrelevant who you tell and who you don't tell.

28 441 Q. And you felt able to talk to a third party about it?
29 A. Well, I passed it by a NCO at the time when I made the

1 complaint but it was brief. I didn't get time to talk
2 to anybody about it, to be honest with you, because it
3 was brief. It wasn't something, as I discussed
4 already, it wasn't discussed in a major manner.

5 442 Q. But to use your language, you passed it by, that's what 13:00
6 you said in relation to the other?

7 A. Yeah, it fell on deaf ears. Look, they knew what
8 happened, it fell on deaf ears. I was told to get out
9 and move on with it. If I didn't cop myself on I'd
10 lose my job in the Defence Forces and, you know, that 13:00
11 was...

12 443 Q. Again, I think you described -- because you described
13 the two incidents of this happening to you, you go to
14 somebody in authority and I think you said to the Judge
15 it didn't happen again, is that right? 13:00

16 A. Sorry, repeat that?

17 444 Q. That it didn't happen again, is that right?

18 A. It happened twice. After I made the complaint, it
19 didn't happen again after that. I explained that
20 earlier on. And I had no problems after that then. 13:01

21 445 Q. Okay. And, again, just bear with me for a second.
22 Sorry, just to explain what I was doing there because,
23 again, I'm just communicating with other members of my
24 team --

25 A. It's fine, yeah. 13:01

26 446 Q. -- to see if there was anything else they wanted to
27 ask. But thank you very much, sir, for dealing with my
28 questions.

29 A. Okay. Thank you.

1 SOLE MEMBER: Thank you, Mr. Lehane. Is there an
2 application on behalf of any other person to put any
3 questions to the witness?
4

5 I have two questions that I would like to ask, two or 13:01
6 three, and then I might just ask your indulgence and we
7 won't have to return then at two o'clock if we continue
8 is that okay, Mr. R?

9 THE WITNESS: Yeah.

10 13:02

11 MR. R WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS:

12

13 447 Q. SOLE MEMBER: Can I take you back to the time when you
14 said you reported it to the higher officer and a
15 sergeant brought you up and you explained to him what 13:02
16 had happened and I think you said you were told not to
17 raise it and to leave it again?

18 A. Yeah.

19 448 Q. When you left that room, how did you feel in terms of
20 what had happened? Did you feel - and I'm asking you 13:02
21 this deliberately because it's within our Terms of
22 Reference - did you feel you were being deterred or
23 prevented from going further, or would you describe it
24 as discouragement?

25 A. I would, yeah. 13:02

26 449 Q. There's a distinction, obviously, how did you perceive
27 that?

28 A. I felt all of what you said, exactly in those
29 sequences. First of all, I felt just torn asunder

1 inside at the fact that I couldn't get my point across
2 enough in general. I did get my point across but I was
3 disappointed at the fact that someone wouldn't try and
4 deal with it and, you know, sit me down and say, 'Look,
5 help me out, and stuff like that.' But that didn't 13:03
6 happen, you know. That didn't -- and I felt very hurt.
7 I thought of my parents then at that stage, what would
8 my parents do and I was very -- I was let down. I
9 thought, you know, going into this the Defence Forces
10 was a place where they'd stand up for you, and they'd 13:03
11 fight for you and they'd be there for you. And at that
12 minute, at that time, it just didn't happen for me, you
13 know, it was, obviously, a mechanism that they used in
14 that barracks down there in Clonmel. They were very
15 abrupt, very strict. And that's the way they dealt 13:04
16 with stuff back then, out, continue on.

17 450 Q. Can you repeat what you said was the consequence or
18 what you were told would be the consequence?

19 A. Yeah, so look, I was told to stay quiet about it and
20 that I wouldn't be in the job any much longer if I 13:04
21 brought it up again.

22 451 Q. I see. Can I ask you what kind of training you
23 received as a young, new recruit? What training, if
24 any, or what education, if any, were you told about
25 what membership of the Defence Forces entails? What 13:04
26 honour means, what loyalty means, what duty means?

27 A. No, I can honestly say none. From the get-go we
28 arrived in the barracks, into Clonmel Barracks, you
29 were handed your kit. It was just -- from the get-go

1 it was brutal, as you know. There wasn't much time for
2 them to start mollycoddling you and telling you what
3 you can do and what you can't do and, you know, 'Your
4 break is at ten o'clock, there, we'll get you a cup of
5 tea and Mars bar.' That didn't happen. 13:04

6 452 Q. Okay. That's, as you describe, mollycoddling on the
7 one hand, 'There's your cup of tea.' I'm talking more
8 about the training you received, the information you
9 were given. You're now a recruit in the Irish Defence
10 Forces? 13:05

11 A. Yeah.

12 453 Q. What, if anything, were you told about honour,
13 loyalty --

14 A. None whatsoever.

15 454 Q. -- duty? 13:05

16 A. We got an army number and that was it. That was
17 basically it. You were under rigorous training from
18 there on and you had your army number and that was it.
19 There was no coaching of what you described, to me
20 anyway, of any description. 13:05

21 455 Q. I think you told the Tribunal earlier that when you
22 went to Cork it was a totally different barracks, that
23 you enjoyed your time there?

24 A. I did, yeah.

25 456 Q. You described your time in McKee Barracks, you said 13:05
26 that was nice as well?

27 A. Yeah.

28 457 Q. And then you went, I think, to the Equestrian School in
29 Dublin in 2000?

1 A. Yeah.

2 458 Q. During those times in those barracks, did you pick up a
3 sense of what honour and duty meant?

4 A. Of course, yeah.

5 459 Q. What was the difference, what were you told there? 13:05

6 A. We weren't told anything as such in any barracks but
7 you got the feeling off of the people in the barracks
8 that this is a nice place to be. When you worked with
9 them on a daily basis that you got to know them and
10 they were there for you. And it was just -- it was a 13:06
11 different environment, like, in those barracks.
12 Different to Clonmel. And that's the best way I can
13 explain. The people were more honourable. If you had
14 a problem you could talk to them about it. It was just
15 a different barracks now, to be honest. I'm glad it's 13:06
16 closed in Clonmel.

17 460 Q. When you said the people, you felt you could talk to
18 them, did you know that there were avenues of --

19 A. No, I still didn't know there was avenues as such to
20 talk about my problems as such. 13:06

21 461 Q. Did you know there were complaints processes you could
22 follow?

23 A. No. I didn't even know there was a process that you
24 could even go about this, you know.

25 462 Q. But when you returned then I think, some 20 years 13:06
26 later, were you told about these things?

27 A. Yeah. I realised that there was a process that we
28 could now try and sort this out and mill it out and
29 have a chat about it and sit down as adults and talk

1 about what happened. And, yeah, it has changed, like.

2 463 Q. And, finally, you said you pleaded not to be sent
3 back --

4 A. Yeah.

5 464 Q. -- and you pleaded heavily not to go back to Clonmel? 13:07

6 A. I did, yeah.

7 465 Q. Did the person to whom you were making these pleas, did
8 that person ever ask you why you didn't want to go
9 back?

10 A. Not an iota. 13:07

11 466 Q. Did you tell them why you didn't go back?

12 A. No.

13 467 Q. Or did give them any ideas as to why?

14 A. No. I pleaded with them really heavily just I don't
15 want to go back. I said, 'Look, I just don't want to 13:07
16 go. It won't suit me.' And that was it.

17 468 Q. And can I ask you, was the person you complained to
18 there when you returned?

19 A. I think they were. I'm not 100%. They could have
20 been. I can't guarantee. I think I said it earlier on 13:07
21 in the day that all those people that were there in
22 recruit training, I don't know if they were all there
23 then. It's possible they could have been, yeah. Yeah.

24 SOLE MEMBER: Thank you very much, Mr. R.

25 13:08

26 I would ask everybody to remain in the room for a
27 couple of moments while Mr. R is taken from the room.
28 I think everybody is aware of the reporting
29 restrictions and that of any inadvertent slips that

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might have been made and I just reiterate that that order is in place.

with that in mind, we'll return tomorrow at 10:30. Thank you.

13:08

THE TRIBUNAL WAS THEN ADJOURNED UNTIL THURSDAY, 11TH JUNE 2026 AT 10:30 A.M.

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